

Maidencreek Township Board of Supervisors
January 15, 2004, 7:00 P.M.

Attending: Roy Timpe, Robert Kopfer, Gloria Kemmerer, Eugene Orlando, Jr. - solicitor, Orlando & Strahn, Terry Manmiller – Operations Director, Diane Hollenbach – Recording Secretary

Guests: Bill Wiedemann, Scott T. Miller, Ronald C. Kemmerer, J. Schoellkopf, Barbara A. Hassler, Christopher Bradley, Arthur Strouse

Roy Timpe called the January 15, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors to order at 7:05 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

Police Report

Officer Cardona presented the police report for December. There were 235 assignments, 85 traffic citations and total income of \$2,026.06 in fines for Maidencreek Township. Officer Cardona stated that the totals for 2003 for Maidencreek were 3,210 assignments, 1,255 traffic citations and \$29,755.84 in fines. The Northern Berks Regional Police answered a total of 6,560 calls, made 201 criminal arrests and issued 3,115 citations for the Maidencreek-Ontelaunee-Leesport area in 2003. Officer Cardona asked if there were any questions. As there were none, Chairman Timpe thanked the officer for taking time to present the report and dismissed him from the meeting.

Announcements – A hearing has been set for the DiGiorgio Rezoning request for February 12, 2004. Gene Orlando, solicitor for the Township informed the Board that a request to postpone the hearing until April 15, 2004 has been received from the applicant’s attorney. The postponement was requested due to the fact that many of the principals will be unavailable in February and March.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to postpone the Giorgio Rezoning Hearing scheduled for February 12, 2004 and reschedule the hearing for April 15, 2004 at 7 P.M. at the request of the applicant. All members voted, “Aye.” Motion carried.

Public Comment

Arthur Strouse of Larken Associates requested that the Board grant permission for building permits to be issued for another set of six townhouses in the Villages at Maidencreek before the roads, storm water and water and sewer improvements are completed. Mr. Strouse explained that the company was trying to put up a model of each configuration and the first building that they received a permit for did not have the one type of model. The Board tabled a decision and put the items “Larken Associates request” under New Business.

Scott Miller of Stackhouse and Bensinger requested on behalf of Chris Bradley and the Villages at Summit Crest that the Villages at Summit Crest be placed under New Business so that he could give the Board an update on the previously requested waivers.

Barbara Hassler, Maidencreek Township Tax Collector stated that she had gone to school and was now a Qualified PA State Tax Collector. To maintain her certification, she must take 10 hours of continuing education. Mrs. Hassler requested that the Board amend the Tax Collector Certification Fee Resolution and increase the amount that she charges for a certification of taxes on properties in Maidencreek Township. Mrs. Hassler showed the Board three bills that she pays herself and stated that her costs to operate her printer and fax machine have increased. Mr. Timpe suggested that the Township could pay the bills and continuing education costs if Mrs. Hassler submitted them. Further discussion was tabled until New Business.

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Approval of the Treasurer's Report

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the Treasurer's Report as presented. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the 2003 State Liquid Fuels Reports. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Letters in the amount of \$8,663.33. All members voted, "Aye." Motion carried.

Old Business

Emergency Management

The Board authorized the Secretary to advertise a meeting of the Board of Supervisors to discuss the Maidencreek Township Emergency Management Plan on February 26, 2004 at 8 P.M.

Richmond Township Zoning Amendment

The Board authorized the Secretary to send a letter to the Richmond Township Board of Supervisors thanking them for the opportunity to review the proposed amendments to their zoning ordinance, and after review, the Maidencreek Township Board of Supervisors had no comments.

Fire Company Letter

Gene Orlando explained that the Bandon Fire Company was being sued by a woman who was injured on one of the rides at the carnival. The attorney for the Fire Company's insurance carrier has asked for a letter from the Township stating that the Bandon Volunteer Fire Company is the only fire company in the Township, that the Township contributes an annual donation and carries the Fire Company on the Township Workman's Compensation Insurance. Mr. Orlando disclosed that he also does legal work for the Bandon Volunteer Fire Company but has not done any on this case. Mr. Orlando felt that since the Township leases the Fire Company property, that the Township might eventually be involved in the lawsuit. Barbara Hassler questioned why the Fire Company does not get an Amusement Permit for the carnival. Mrs. Hassler added that the permit requires liability insurance.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the letter to the Bandon Volunteer Fire Company stating that the Bandon Volunteer Fire Company is the only fire company in the Township, that the Township contributes an annual donation and carries the Fire Company on the Township Workman's Compensation Insurance. All members voted, "Aye." Motion carried.

Ad Hoc Personnel Committee

Mr. Timpe explained that the Board of Supervisors was considering creating a committee to study the organizational structure of the Township that would make recommendations for any improvements to the current structure. Mr. Orlando stated that if more than one Supervisor attended such a meeting, he felt the meeting should be an advertised public meeting due to the Sunshine Law. After some discussion, Gloria Kemmerer volunteered to be the Supervisor's representative to the committee.

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A motion was made by Gloria Kemmerer, seconded by Roy Timpe, to send a letter to the Planning Commission asking if any of the members wish to be on the Ad Hoc Personnel Committee. All members voted, "Aye." Motion carried.

Diane Hollenbach, Township Secretary, asked if the Sunshine Law would also apply to the Planning Commission Members. Mr. Orlando answered that in his opinion, since the meeting would not be about Planning matters, any number of Planning Commission Members could be in attendance and not violate the Sunshine Law.

Resolutions 7-2004 and 8-2004

The Board and Solicitor reviewed and marked for editing Resolution 7-2004, which recognizes the Blandon Ambulance as the ambulance service provider for Maidencreek Township and Resolution 8-2004, which recognizes the Blandon Volunteer Fire Company as the emergency services provider for Maidencreek Township. The Secretary was instructed to make the changes and bring the Resolutions to the February meeting for adoption.

Proposed Revision to the Maidencreek Township Comprehensive Plan

Mr. Orlando stated that the Board needs to schedule a public hearing for the Proposed Revision to the Maidencreek Township Comprehensive Plan and suggested that the Secretary ask Bruce Heilman and Tom Unger of Systems Design Engineering, Inc., Township Engineers, if the DiGiorgio rezoning request was granted would this be significant enough to change the Comprehensive Plan so that the Draft would need to be amended. The Secretary should have feedback for the February Board of Supervisors meeting.

New Business

Village at Maidencreek

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to allow building permits to be issued for one set of six townhouses in the Villages at Maidencreek with the same restrictions as the first set of permits. All members voted, "Aye." Motion carried. The Board cautioned Mr. Strouse not to come back a third time for another permit.

Village at Summit Crest

Chris Bradley, owner of the Villages at Summit Crest, formally Martin Retirement Village, stated that he had asked for waivers from four items on the current recorded plan. The items were: a change of the street name to Allison Drive, installation of slant curbing, installing the modulars on piers instead of concrete slabs and changing the landscaping plan to add more varieties of plants for a more pleasing visual effect. Mr. Bradley stated that he has a meeting with the adjoining property owners planned for next week to discuss the landscaping. A letter was sent to the Township late in the day stating that due to Mr. Bradley using different engineers than Mr. Martin and the larger expense of preparing new plans to make the changes to the recorded plan, Mr. Bradley requested completing the project and presenting "as-built" drawings at the end of the improvement phase of construction and recording the "as-builts". Gene Orlando suggested that a written agreement be in place disclosing the changes and establishing a time limit for the project and the "as-built" to be completed. With an agreement in place, if potential purchasers of homes in the Village of Summit Crest view the current recorded plan, the changes on the agreement will also be disclosed to them.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the solicitor to prepare an agreement that allows the Martin Retirement Village Final recorded plan to be amended with as built plans under the terms to be negotiated with the developer. All members voted, "Aye." Motion carried.

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Tax Certification Fee

A motion was made by Gloria Kemmerer to increase the Maidencreek Township Tax Collector's certification fee for third parties to \$15.00. The motion died for lack of a second.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to increase the Maidencreek Township Tax Collector's certification fee for third parties to \$20.00. All members voted, "Aye." Motion carried.

Robert Kopfer amended his motion to add, "to authorize preparation of a resolution" The amended motion reads as follows:

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize preparation of a resolution to increase the Maidencreek Township Tax Collector's certification fee for third parties to \$20.00. All members voted, "Aye." Motion carried.

Solicitor's Report

Village at Summit Crest formerly Martin Retirement Village

Gene Orlando reported that the Township had been reimbursed for 100 percent of outstanding fees for Martin Retirement Village. Mr. Orlando had an Assignment Agreement and new Improvement Agreements for the Board to sign. The developer has verbally agreed to modify the Improvements Agreement further, since the cost of the improvements has increased over the two years that the project has not been started. The developer has agreed to allow more money to be retained by the Township in the Letter of Credit and allow the Township to release the funds at a slower rate than normal.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the Assignment of Interest and Assumption of Responsibilities Agreement for the Villages at Summit Crest. All members voted, "Aye." Motion carried

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Board to sign the Improvements Agreements for the Villages at Summit Crest. All members voted, "Aye." Motion carried.

Trust for Principle Financial Stock

Mr. Orlando distributed a trust agreement draft for the creation of a trust for the funds in the Principle Financial Stock. The trust will require an assignment of a trustee who will receive and maintain, invest and pay out funds from the trust.

Shadow Ridge Detention Basin

Mr. Orlando distributed an application for an exemption to be filed with the assessment office. This will give the detention basin in Shadow Ridge that the Township took ownership of last month, tax-exempt status.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the Application for Exemption of Real Estate for the detention basin on Lots 121 and 122 in Shadow Ridge. All members voted, "Aye." Motion carried.

Parking Ordinance

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Mr. Orlando asked the Board to look over the comments provided by Chief Eaken of the Northern Berks Regional Police in regards to amending the Maidencreek Township Ordinance that regulates parking oversized vehicles on public streets.

Operations Director's Comments

Iris Corporation

Terry Manmiller, Maidencreek Township Operation Director, asked the Board for direction concerning a request from Iris Corporation to move a sanitary sewer easement. The owner of Iris Corporation, Ned Gehris, owns the vacant lot beside his current building and would like to put on an addition. The sanitary sewer easement runs alongside his current building and he would like to move it to the other side of the vacant lot. Mr. Manmiller stated that the Township might want to use this easement for running the sewer to the concession stand in the park. Regardless if it is moved or if it stays the same, the Township can utilize the easement. The Board instructed Mr. Manmiller to write a letter asking the Maidencreek Township Authority's opinion on relocating the easement and to write a letter to Mr. Gehris telling him that his request has been sent to the Authority. The Board saw no problem with the request from the Township's perspective although such a change should be made as a revision to a final plan and could be addressed when the addition goes through land development. There is the possibility that the concession stand/bathrooms will be ready to be constructed before this issue is resolved.

Classes

Mr. Manmiller requested permission for the Road Crew and himself to attend the Spring Road Maintenance Conference at a cost of \$35.00 each.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant permission for the Operation Director and Maidencreek Township Road crew to attend the Spring Road Maintenance Conference in February at a cost of \$35.00 per person. All members voted, "Aye." Motion carried.

Mr. Manmiller also informed the Board that he would be attending a Penn State class for credit toward his recycling coordinator certification and a seminar sponsored by EJB Paving and Marking on Superpave.

Since there was no further business, a motion was made by Robert Kopfer, to adjourn the January 15, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 8:43 P.M.

Recording Secretary

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Cc: Board of Supervisors
Terry Manmiller, Operations Director
Eugene Orlando, Orlando & Strahn, Solicitor
Thomas Unger, Systems Design Engineering, Inc., Township Engineer
Ed Kopicki, Systems Design Engineering, Inc., Planning Commission Engineer
Planning Commission
Park & Recreation Board
Zoning Hearing Board and Alternates
Paul Herbein, Zoning Hearing Board Solicitor
Maidencreek Township Authority
Patrick Donovan, Maidencreek Township Authority General Manager
JoAnn Schaeffer, Maidencreek Township Authority Secretary
Robert Hobaugh, Jr. Esq., Stevens & Lee, Maidencreek Township Authority Solicitor
Greg Unger, Systems Design Engineering, Inc., Maidencreek Township Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police