

Maidencreek Township Board of Supervisors
July 8, 2004, 7:00 P.M.

Attending: Roy Timpe, Robert Kopfer, Gloria Kemmerer, Eugene Orlando, Jr. - Solicitor, Orlando & Strahn, Tom Unger – Engineer, Systems Design Engineering, Inc., Diane Hollenbach – Recording Secretary, Keith Shuman – Road Crew Leadman

Guests: Larry Kunkel, Ron Kemmerer, Sr., Paul Martin, Cindy Stump, David Carroll-Reading Eagle

Roy Timpe called the July 8, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors to order at 7:00 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

Police Report

Officer Drazenovich presented the Northern Berks Regional Police report for Maidencreek Township for June 2004. There were 748 patrol hours covering 6846 miles, 312 assignments, 116 citations issued and a total of \$3,419.00 in fines from the District Justice. Officer Drazenovich stated that it has come to the police departments attention that juveniles are hanging out at the Blandon Fire Company after dark. Please call the police if anyone sees kids out after 11 PM. Patrols will be picked up in this area.

Public Comment

Larry Kunkel, 5 Lake Shore Drive, Fleetwood brought the following concerns to the Board's attention:

- ⊗Tom's Mini Market is receiving deliveries at 4 AM. There are back up alarms, and the milk man drops the crates.
- ⊗The Tom's dumpster was left open five times in the last seven days.
- ⊗Redner's Quik Mart swept their parking lot between 11 PM and 12 AM. The dust cloud was as big as the building.
- ⊗A recent story on the news reported there was a high cancer rate in the area of incinerators that tested within the emission limits set by the Government. Mr. Kunkel suggested putting the question of whether or not to allow Allentown Cement to burn new fuels on the next ballot.

Roy Timpe cautioned Mr. Kunkel not to believe everything he hears about cancer rates on television. Allentown Cement's permit to burn alternate fuels is not under the Township's jurisdiction but the PA DEP jurisdiction. The Board sent a letter to the Department of Environmental Protection regarding the concerns of the Township. The Board suggested that Mr. Kunkel write a letter to the DEP outlining his concerns.

Gloria Kemmerer requested that the solicitor look at the noise ordinance to see if there was anything that could be done about Mr. Kunkel's noise complaint.

Approval of the Minutes

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the minutes from the June 10, 2004 regularly scheduled Board of Supervisor meeting with the following corrections: Page 2 *Willow Gardens Preliminary Plan* should be *Willow Gardens Final Plan*, and *A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to increase the amount of money Keith Shuman and Diane Hollenbach can spend from \$100.00 per day to \$250.00 per day. All members voted, "Aye." Motion carried* should be inserted under the Operations Report on page 3. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the June 17, 2004 Special Board of Supervisor meeting as presented. All members voted, "Aye." Motion carried.

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the June 17, 2004 regularly scheduled Board of Supervisor meeting as presented. All members voted, "Aye." Motion carried.

Cindy Stump of Evansville Road, Fleetwood stated that she thought the meeting on July 17th was cancelled. Mr. Timpe stated that there was no business to discuss once the UCC hearing was concluded, but residents showed up with issues, and the Board allowed some public comment.

**Engineer's Report
Subdivision Status Checklist**

Tom Unger of Systems Design Engineering, Inc. reported that time extensions are needed for Melrose Place Final Plan and the Richmaiden Annexation and Subdivision Plan before the Board's August meeting.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to reject the Melrose Place Final Plan for not complying with Systems Design Engineering review letter dated June 22, 2004, and reject the Richmaiden Subdivision and Annexation Plan for not complying with Systems Design Engineering review letter dated February 19, 2004, unless a request for a time extension is received before the review period expires for each plan. All members voted, "Aye." Motion carried.

Eugene Orlando, Jr. of Orlando and Strahn, asked why the second detention basin was removed from the revised Melrose Place Plan. Gloria Kemmerer stated that she understood that this was revised because of Penn DOT requiring three lanes on Park Road. Robert Kopfer stated that the pipe the developer wants to put the overflow water in can not handle the stormwater now. Tom Unger will have Mark Kitzmiller address the issue in a memo. Gene Orlando asked that the secretary review the Planning Commission minutes and search for the agreement between the Township and the developer on having two detention basins in Melrose Place.

Letters of Credit – All letters of credit are current.

Freight Terminal Preliminary Plan – Tom Unger reported that the Planning Commission approved the Freight Terminal Preliminary Plan with conditions. The Board of Supervisors tabled action on the plan until the conditions of the approval were met.

Dietrich Special Exception – Tom Unger reported that the Planning Commission recommended to the Zoning Hearing Board that a special exception be granted to Richard Dietrich to use the property located at the corner of Route 222 and Pleasant Hill Road as a used car dealership and notary shop conditional upon the applicant being appraised of safety concerns at the intersection, the boundaries of the lease parcel should be marked by a physical barrier such as fencing, curbing or railroad ties, and the applicant must demonstrate compliance with all license requirements for such an establishment. Robert Kopfer stated that the property should be grandfathered and shouldn't need to go before the Zoning Hearing Board. Gene Orlando suggested that the Board consider changes to the zoning ordinance regarding nonconforming uses. Gloria Kemmerer stated that she is concerned about hazardous materials like oil on the site from working on the cars. Mr. Orlando stated that Pennsylvania regulations require the owner that does repairs on site to meet certain regulations or allows them to contract with a third party for repairs and maintenance. Mrs. Kemmerer questioned if the lot must meet the setback requirements. Mr. Orlando stated that this can't be applied to an existing nonconforming lot. Mrs. Kemmerer asked if the Supervisors could require a lighting plan. Mr. Orlando stated that the Board can require additional lights be shown on the application for occupancy before occupancy is approved. The Special Exception hearing will be held July 27th at 7:00 PM.

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A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to send a letter to the Zoning Hearing Board in support of Rich Dietrich's request for a special exception to use the property located at the corner of Route 222 and Pleasant Hill Road as a used car dealership and notary shop conditional upon submission of a lighting plan with the zoning permit application if the lighting on the lot will be changed, the applicant being appraised of safety concerns at the intersection, the boundaries of the lease parcel should be marked by a physical barrier such as fencing, curbing or railroad ties, and the applicant must demonstrate compliance with all license requirements for such an establishment. All members voted, "Aye." Motion carried.

Projects

TreeTops – Mr. Unger stated that Keith Shuman and himself inspected the totlot. SDE will follow up with Smith and Smith on the outstanding issues.

Community Park Trails – The paving is complete and SDE is reviewing the invoice.

Act 537 Plan – The thirty day public comment period for the Act 537 Plan has been advertised.

Revision to the Zoning Ordinance – SDE and Mr. Orlando need to meet to discuss revisions to the Zoning Ordinance.

MS4 – Tom Unger stated that the annual report was submitted for the Township's MS4. 25 percent of the outlets must be inspected for illegal discharge in August after three days of dry weather.

Uniform Construction Code – Mr. Unger included a legislative alert in the Board's packet regarding legislation that is being voted on to make changes to the UCC. The Township must follow Act 45 as it currently exists. The form to opt in to the UCC has been sent to Labor and Industry.

Lehigh Cement – Mr. Unger stated that a letter addressing the Township's concerns with the Lehigh Cement permit had been sent to the PA DEP. No response has been received.

Ruscombmanor Township Trailers – Mr. Unger stated that he had sent a letter to Ruscombmanor Township as requested by the Board of Supervisors regarding the trailers on Lee Spring Road in Ruscombmanor Township.

WD Zwicky PA DEP Permit – A copy of the W.D. Zwicky permit was received without plans. Plans were dropped off today before the meeting. The use issues for the property have been discussed and were decided in the past. It is possible that a land development plan is needed for the changes Mr. Zwicky proposes. Mr. Unger stated that SDE will review the plan and the PA DEP application and make a recommendation to the Board.

2004 Road Bid – Bids will be received until 4:00 PM on July 15th and opened at the July 15th meeting.

Subdivision Improvement Agreement and Letter of Credit/Escrow Release Letters

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, upon the recommendation of the engineer, to authorize the Chairman to sign the Letter of Credit and Escrow Release Letters in the amount of \$155,299.77. All members voted, "Aye." Motion carried.

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SEO Report – A report was given to the Board to review at their convenience.

Questions from Supervisor Kemmerer -

Should action be taken on the waiver requests for the Blandon Meadows V/Corrado Plan? Tom Unger stated that the Supervisors should not do anything until the Planning Commission makes a recommendation.

Is there any action on Berks Construction Lot 55? Tom Unger stated that he had not been out to the site but Berks Construction has stopped working until some issues are worked out with the Authority. Mr. Unger has not been in contact with the residents.

Since the Subdivision and Land Development Ordinance specifies 6 inch slabs for manufactured homes, should a waiver be requested by the Village at Summit Crest for this change instead of receiving the engineers approval before the meeting? Gene Orlando stated that this was an additional request to be part of an agreement that is to be entered into between the Township and Chris Bradley, developer of the subdivision. The agreement also contains changes to the landscaping plan, lighting plan, curb style, change of street name from Retirement Drive to Allison Place and specifies that the changes must be disclosed to each person buying a home in the Village at Summit Crest. Once the improvements for the development are completed, Mr. Bradley will submit as built plans for review. Mr. Orlando expressed concern that the conditions were agreed upon verbally and the agreement has not yet been signed and recorded.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the agreement allowing changes to be made to the Martin Retirement Village Plan including 4 inch slabs and changing Allison Drive to Allison Place. All members voted, "Aye." Motion carried.

Oil Tank Replacement – Tom Unger stated that he has received one quote from B & F Petroleum for the oil tank removal and one quote for the oil tank installation. Two more quotes will be obtained by the next meeting.

Village at Summit Crest Special Exception – Gloria Kemmerer stated that she had some concerns with the special exception request received today for the Village at Summit Crest to install additional units. Tom Unger suggested that the Board wait to give a recommendation after the Planning Commission gives a recommendation.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to request that the Zoning Hearing Board schedule the Special Exception Hearing for the Village at Summit Crest after the next meetings of the Planning Commission and Board of Supervisors. All members voted, "Aye." Motion carried.

Cindy Stump asked what the special exception was requesting. Tom Unger explained that the developer acquired an adjoining piece of property and would like to place three units on it and two additional units in the old park. One is already in place without a permit from the previous owner and one is proposed to be placed on the old seepage bed.

House Bill 2668 – A motion was made by Gloria Kemmerer, to send a letter to the State Senator asking him to oppose House Bill 2668, which would exempt residential construction from the Uniform Construction Code. The motion died for lack of a second.

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Slot Machines – Gloria Kemmerer asked if the other Board members would authorize a letter to be sent to the Townships State Representative and Senator expressing the Board's displeasure at their voting yes on the slot machine legislation. Robert Kopfer stated that the legislation will create jobs and lower taxes. Cindy Stump asked Mrs. Kemmerer if she had filled out the questionnaire that came in the mail regarding the legislation. Mrs. Kemmerer stated that she did not.

Uniform Construction Code Appeals Board – Roy Timpe stated that he would like to appoint more than three people to the appeals Board. Mr. Orlando stated that appointees must have general construction knowledge, and can not be a member of the Board of Supervisors or the code administrator. There is no other criteria on how they operate. They are entitled to be paid and can retain their own solicitor. Discussion on the appeals board was tabled until the Solicitor's Report.

Operation's Report

Robert Kopfer stated that no motions were needed. Keith Shuman reported that since the report was put together, the Tiger Arm Mower had two bearings seize and would need to be repaired.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the repair of the Tiger Arm Mower with the cost not to exceed \$750.00. All members voted, "Aye." Motion carried.

Heating Oil Prepayment – Gloria Kemmerer stated that she reviewed the information provided on the last two years of heating oil use and the cost of prepaying heating oil in 2004-2005. Mrs. Kemmerer questioned why the Board was told in the past that the oil tank was leaking when oil usage in 2002-2003 was 1000 gallons higher than usage in 2003-2004. Roy Timpe stated that when he discussed the situation with the gentleman from B & F Petroleum, he did not believe that the oil tank was leaking, but the tank is old and should be replaced.

Bob Kopfer stated that the secretary should check with Elite Oil for their prepay price. Larry Kunkel suggested that the secretary should check with Reddi Oil on their prepayment plan.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Township to prepay up to \$3,500.00 for heating oil with the cost per gallon not to exceed \$1.19 per gallon.

Solicitor's Report

Village at Summit Crest – A revised agreement will be sent to the secretary for the Chairman to sign.

Uniform Construction Code – Mr. Orlando stated that the Board must appoint a building code official, set the fee schedule and set up a board of appeals at tonight's meeting. Tom Unger provided Mr. Orlando with a fee schedule where 1/3 of the permit fees and an administrative fee goes to the Township and 2/3 of the permit fees goes to Systems Design Engineering for plan review, inspections and code administration.

Resolution 14-2004

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to adopt Resolution 14-2004 appointing Systems Design Engineering, Inc. as Maidencreek Township's building code official. All members voted, "Aye." Motion carried.

Resolution 15-2004

A motion was made by Robert Kopfer, seconded Gloria Kemmerer, to adopt Resolution 15-2004 setting the building permit fee schedule with the addition to the fee schedule of a Zoning Permit Fee for residential and agricultural zones at \$25.00 and a Zoning Permit Fee for Commercial, Industrial and Institutional at \$50.00. All members voted, "Aye." Motion carried.

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Resolution 16-2004

A motion was made by Roy Timpe, seconded by Robert Kopfer, to adopt Resolution 16-2004 appointing the Maidencreek Township Appeals Board consisting of Keith Shuman, Ronald Kemmerer Sr., Larry Kunkel and Paul Martin as an alternate. Compensation will be set at \$30.00 per meeting. Roy Timpe and Robert Kopfer voted, "Aye." Gloria Kemmerer abstained. Motion carried. The Appeals Board will be appointed every year at reorganization.

Willow Creek Manor – A stipulation has been created to resolve issues with the Willow Creek Manor Subdivision and will be discussed in executive session, since it is ongoing litigation. Personnel matters, sale of Township top soil, and real estate issues will also be discussed in executive session.

Treasurer's Report

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the June 2004 Treasurer's report and authorize payment of the prepaid bill and transfer list for June 2004. All members voted, "Aye." Motion carried.

Park and Recreation

Stop sign at Park Entrance – Bob Kopfer suggested placing a stop sign on East Wesner Road where it comes out of the Community Park and intersects with Hoch Road.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the engineer to review placement of a stop sign on East Wesner at the Community Park Exit and make a recommendation consistent with PennDOT guidelines. All members voted, "Aye." Motion carried. This should be included in the traffic ordinance.

Surveying and Pinning Park Property

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize that the property line between Golden Manor Lots 343 to 346 and the Community Park be surveyed. All members voted, "Aye." Motion carried.

Purchase of a Cub Cadet Mower with Snow Blower Attachment

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the purchase of a 2186 Cub Cadet Mower and Snow Blower Attachment in the amount of \$3789.00. All members voted, "Aye." Motion carried. The mower and snow blower will be used at the Community Park for mowing, dragging the fields and clearing the trails of snow.

Lot 8 Loan – The Board agreed that they would be open to suggestions from the Park and Recreation Board regarding paying off the loan for Lot 8 in the Community Park.

Old Business

Traffic Ordinance – Gloria Kemmerer stated that Quarry Road is currently marked No Parking, and she would like to see a section in front of the Township Building where parking is allowed for elderly customers to park when paying their water and sewer bills. Keith Shuman stated that the tractor trailers for Redners are constantly parking in front of the garage, salt building and Township building and blocking access. After discussion it was agreed that 10 minute customer parking should be allowed for 40 feet in front of the building and no parking the rest of Quarry Road on both sides. This should be included in the traffic ordinance.

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Recycling Contract

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to renew the recycling contract for residential curbside pickup with Waste Management for two more years. All members voted, "Aye." Motion carried.

Agricultural Security Area

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to open the Agricultural Security Area enrollment from August 1, 2004 to August 31, 2004. All members voted, "Aye." Motion carried.

New Business

Notary Training – Julie Guistwite and Diane Hollenbach requested that the Township reimburse them for their notary training and notary application fee. Robert Kopfer stated that he has a problem with this even though they notarize all the Township documents, they could also notarize things for other people on the side and charge them. Diane Hollenbach stated that the charge for notary service is \$2.00 per document and that she does not charge the fee. The law requires that all fees are posted in the notary's office in order for a notary to charge for service.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize reimbursement for notary training in the amount of \$45.00 and notary application fee in the amount of \$40.00 for Julie Guistwite and Diane Hollenbach. Roy Timpe and Robert Kopfer voted, "Aye." Gloria Kemmerer abstained. Motion carried.

Quickbooks Training

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize Julie Guistwite to attend Quickbooks Training on September 10, 2004 at a cost of \$75.00. All members voted, "Aye." Motion carried.

Roy Timpe asked that Keith Shuman communicate with the road crew and let them know that they may take advantage of education opportunities also.

Municipal Sewer

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the solicitor and engineer to investigate and negotiate an easement for access to the public sewer. All members voted, "Aye." Motion carried. Diane Hollenbach stated that Nathan Ohlinger is gathering supplies and will begin working on the septic system alarm next week.

Correspondence

Ontelaunee TDML – A meeting was held by the Environmental Protection Agency regarding the excessive nutrients and sediment problems in Lake Ontelaunee. Township representatives could not attend, and information from the meeting has not been forwarded to date.

Letter Regarding Conduct of the Tax Collector – a letter was received by the Board regarding the conduct of the Tax Collector. Mr. Orlando stated that the Board has no jurisdiction over the Tax Collector, since she is an elected official. The Board authorized the secretary to write a letter in response thanking the Township resident for bringing the matter to the Board's attention and informing him that the Board cannot take any action in this situation.

Executive Session 9:35 PM to 10:10 PM to discuss litigation, real estate and personnel issues

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The engineer was dismissed for the evening.

Willow Creek Manor – Gene Orlando explained that the Township and the Solomons had a dispute over a lot owned by the Solomons. The Solomons believed that the Township was responsible for completing Ina Avenue from the end of Lindbergh Avenue to Girard Avenue, a paper street, in order to give access to a building lot. The Township maintained that the building lot was illegally created. As a result of negotiations, a settlement was reached that eliminates the Township's responsibility to complete Ina Avenue, the Solomons will go through the land development process for the building lot and pay the Township's legal fees for resolving this issue.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the Willow Creek Manor stipulation. All members voted, "Aye." Motion carried.

Resolution 17-2004 – Mr. Orlando explained that he is concerned about his limited labor law experience and recommended that the Board appoint John Roland as co council for labor matters.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve Resolution 17-2004 appointing John Roland special council for labor matters for 2004 to serve at the pleasure of the Board at a rate of \$155.00. All members voted, "Aye." Motion carried.

Fill from Basketball Court Excavation – Roy Timpe asked Keith Shuman what type of ground was being dug from the basketball court site. Keith Shuman stated that there was a lot of rock, some as large as the table. It would only be good for filling a big hole. Mr. Timpe asked if the Township has a place to put it. Mr. Shuman responded that people will take it and we truck it to them. Mr. Orlando stated that if the Board wishes to sell the fill, they must bid it or the Township can dispose of it at no cost without bidding as long as the Board authorizes it.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Keith Shuman to dispose of fill generated by construction of the basketball courts at no cost if possible. All members voted, "Aye." Motion carried.

July 15, 2004 Meeting – Roy Timpe stated that the Road bids would be opened at the next meeting and labor negotiations will be discussed in executive session.

A motion was made by Robert Kopfer, to adjourn the July 8, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors. Roy Timpe adjourned the meeting at 10:25 P.M.

Diane Hollenbach, Recording Secretary – July 12, 2004

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Cc: Board of Supervisors
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