

Maidencreek Township Board of Supervisors
June 10, 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: J. Schoellkopf, Ron Kemmerer, Sr., J.D. Krafczek, Robert Hanna, Randy Wolfe, Rick Dietrich, Jana Eppihimer, Henry Koch, Joel Heffner, Fay Isamoyer, Paul Martin

Roy Timpe called the June 10, 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. A moment of silence was observed for the passing of former President Ronald Reagan.

Police Report

Officer Drazenovich presented the Northern Berks Regional Police report for Maidencreek Township for May 2004. There were 760 patrol hours covering 6936 miles, 322 assignments, 66 citations issued and a total of \$2093.41 in fines from the District Justice. Officer Drazenovich informed the Board that Detective Brian Horner recently completed an evidence technician course. Also, the Department has purchased two tasers. Sergeant Reichlein has finished training in their use and will be training the rest of the Police Department. Officer Drazenovich reminded residents to drive safely as the warm weather approaches and more children are outside since school has ended. Joel Heffner stated that he has been having trouble with drag racing on Evansville Road. Officer Drazenovich stated that the Department and the Township Road Crew would be setting up some speed zones soon and will suggest Evansville Road be added to the list.

Public Comment

Rick Dietrich stated that he is trying to lease the building on the corner of Pleasant Hill Road and Route 222 for a notary shop and used car lot. Mr. Dietrich is the former owner of Rick's Bait and Tackle and has worked in car sales at Bayliss Auto. Gene Orlando, Township Solicitor stated that the building is located in Agricultural Zoning and was a previous nonconforming use. Mr. Orlando suggested that a special exception application be filed with the Township by Mr. Dietrich in accordance with article 1403c in the Maidencreek Township Zoning Ordinance.

Approval of the Minutes

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the May 13, 2004 regularly scheduled Board of Supervisor meeting as presented. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the May 20, 2004 regularly scheduled Board of Supervisor meeting as presented. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the May 27, 2004 special Board of Supervisor meeting as presented. All members voted, "Aye." Motion carried.

Engineer's Report

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Subdivision Status Checklist

Tom Unger of Systems Design Engineering, Inc. reported that all Improvements Agreements and Letters of Credit were current.

Blandon Meadows V, Phase II – The maintenance period for Blandon Meadows V, Phase II has expired and the developer, John Sharman has requested that the escrow be released. Mr. Unger reported that the only two outstanding improvements needed are the lot pins and the as built plans. Mr. Sharman will send the as built plans to the Township on CD Rom. The lot pins can be installed now, but when construction occurs on each lot, the pins usually have to be put back in after the final grading. It costs approximately \$150.00 per lot to put in the pins.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the release of the escrow for Blandon Meadows V, Phase II except the amount of money needed to install the lot pins and conditional upon receipt of the as built plans and entering into an agreement for the placement of the lot pins that is acceptable to the Township, engineer, solicitor and developer. All members voted, "Aye." Motion carried. Tom Unger was directed to communicate this to Mr. Sharman.

Meadowbrook Phase III and IV Final Plan– Tom Unger stated that the Maidencreek Township Planning Commission recommended Final Plan approval with conditions to the Meadowbrook Phase III and IV Final Plan. Henry Koch, solicitor for the developer stated that there are No Parking signs that need to be installed and Scott Sweigart of Forino Company would like to meet with the Township Engineer to decide on which side of the streets in Meadowbrook that parking should be restricted. Mr. Koch stated that this is the same plan that was approved originally. Cost estimates have been submitted to the Township Engineer.

A motion was made by Gloria Kemmerer, seconded by Roy Timpe, to grant Final Plan approval to the Meadowbrook Phase III and IV Final Plan conditional upon final plan endorsements, the Developer entering into Improvements Agreement with the Township and posting financial security in a form acceptable to the Township, and Maidencreek Township Authority approval. All members voted, "Aye." Motion carried.

Willow Gardens Lot 133 Preliminary Plan - Tom Unger stated that the Maidencreek Township Planning Commission recommended final plan approval to the Willow Gardens Lot 133 Final Plan with conditions. The plan is for a two lot subdivision, annexation and donation of open space with a right of way to the Township. Jana Eppihimer of Bursich Engineering, engineer for the developer, stated that the Erosion and Sedimentation approval has been received. The developer is requesting that the removal of the bushes and trees from the right of way being donated to the Township be a condition of the land transfer so that the Shubeck's have a chance to remove any trees that they want to keep.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant final plan approval to the Willow Gardens Lot 133 Final Plan conditional upon Maidencreek Township Authority approval, final plan endorsements, the Developer entering into Improvements Agreement with the Township and posting financial security in a form acceptable to the Township, cost estimates for the removal of the shrubs, and the tree removal to be completed prior to the start of earth moving, or building permit issuance or September 30, 2004, whichever ever comes first. All members voted, "Aye." Motion carried.

Farm 4 Final Plan – Gloria Kemmerer stated that the Maidencreek Township Authority wants to review the Farm 4 plan. Tom Unger stated that SDE will review the plan with the Authority. Mr. Unger added that the Planning Commission recommended approval with conditions. The Berks County Conservation District approval has been received and notes 25 and 26 were reviewed and approved. Gene Orlando stated that the mechanics of how Note 25 is to be done needs to be set forth.

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant final plan approval to the DiGiorgio Mushroom Farm 4 Final Land Development Plan conditional upon approval of the lighting plan, Maidencreek Township Authority review and approval, final plan endorsements, the Developer entering into Improvements Agreement with the Township and posting financial security in a form acceptable to the Township, submission of a combined legal description and plotted meets and bounds to the Township engineer and the actual recordable deed of conveyance presented to the Township at the time the plan is released for recording. All members voted, "Aye." Motion carried.

Projects

Act 537 Plan – Mr. Unger stated that the Berks County Planning Commission is not recommending approval of the Maidencreek Township on lot sewage management system ordinance for the Act 537 Plan unless the Township adds a section requiring mandatory pumping of on-lot septic systems. Gene Orlando questioned if Berks County approval is necessary for PA DEP approval and if the DEP model ordinance is a required regulation or simply a suggestion. County approval is not needed and it is unknown if there are any regulations by the PA DEP that require mandatory pumping schedules. Mr. Unger will research this. All three Board members were in agreement that they did not support a three year mandatory septic system pumping schedule for Township residents and that individual home owners should be responsible for pumping their systems when they need it. The Board authorized the Township Engineer to advertise the thirty day public comment period for the Act 537 Plan.

MS4 – Tom Unger stated that the annual report was submitted for the Township's MS4.

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.

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.

Subdivision Improvement Agreement and Letter of Credit/Escrow Release Letters

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the engineer, to authorize the Chairman to sign the Letter of Credit and Escrow Release Letters in the amount of \$51,861.11. All members voted, "Aye." Motion carried.

Tom Unger informed the Board that Systems Design Engineering, Inc. had moved to new offices off of Route 183.

Villages at Summit Crest – Gloria Kemmerer asked if the letter from the Villages at Summit Crest had been reviewed in regard to putting in 4 inch pads for the modular units instead of 6 inch pads. Mr. Unger stated that he reviewed the manufacturers specifications and that 4 inch pads were standard. Gene Orlando stated that the solicitor for the Village at Summit Crest, Merv Heller has requested a meeting for Tuesday. Gloria Kemmerer asked if the change in the lighting plan was reviewed. Tom Unger stated that he will contact the developer to see if he still plans on going ahead with the new lighting plan.

Operations Report

Storm Water Pipe – Hoch Road – Keith Shuman reported that the pipe under Hoch Road is rusted through. Bob Kopfer suggested and the rest of the Board agreed that the road crew should put some fast drying cement in the bottom of the pipe for the time being. The permit for replacement of the pipe should continue

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to be renewed until the pipe can be replaced. Jim Schoellkopf suggested that Lehigh Cement be contacted on special products they might have that set up under water.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Keith Shuman to investigate other options and repair the Hoch Road storm water pipe with cement. All members voted, "Aye." Motion carried.

Catch Basin at Hill Road and Lee Spring Road - Keith Shuman reported that construction vehicles from the Village at Summit Crest have ruined the catch basin at Hill and Lee Spring Roads. Tom Unger will meet with the Developer regarding the repairs.

Weight Signs – The Board agreed to leave the weight limit signs up throughout the Township and address them in the traffic ordinance.

Parking and Traffic Ordinance – Tom Unger stated that he reviewed the regulations for three way stops and that the intersection of Blandon Meadows Parkway and Cornerstone Drive does not meet any of the criteria. The owner of the home on the corner should be asked to remove his shrubs that block the view and are in the Township right of way. The Board asked the Solicitor to improve the definitions in the Parking Ordinance. Keith Shuman was instructed to investigate if all residents on Grove Road had off street parking before the Board considered making Grove Road "No Parking" from Route 73 to Wyatt Drive. Diane Hollenbach will check on streets that have been dedicated to the Township over the last few years but have not been included in any traffic ordinances in regards to speed limit and stop intersections and forward the list to the Solicitor.

TreeTops Downspouts – Residents in TreeTops are running downspouts into catch basins and the soil is eroding. Mr. Unger and Mr. Shuman will meet to look at the problem and discuss a permanent solution.

Damaged Plows – Mr. Shuman asked the Board what they would like to do with the two damaged plows without frames that are behind the salt building.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the two damaged plows to be sold for scrap. All members voted, "Aye." Motion carried.

Painting of Yellow Lines – Keith Shuman stated that he and Chief Eaken discussed painting yellow lines on the curbs at stop signs so that residents know how far away to park from the signs. Chief Eaken is getting information on the distances and where to measure from. Mr. Kopfer asked when the stop bars will be painted. Mr. Shuman stated that this was previously done in September but could be moved up if the Board wished.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize painting yellow lines at stop signs where practical. All members voted, "Aye." Motion carried.

Tree Limbs – Keith Shuman asked if the road crew should trim tree limbs that are hanging over the road and if the Township has a policy on this. Roy Timpe stated that it would not hurt to ask the property owners if they wish to trim the tree limbs instead of having the Township do it.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize removal of limbs overhanging roadways and signs by either the property owners themselves or the Township Roadcrew. All members voted, "Aye."

Solicitor's Report

Gene Orlando presented the J.O.D.L. Improvements Agreements to the secretary for signature. Mr. Orlando reported that a joint meeting of the Supervisors and Planning Commission occurred in June to

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discuss revisions to the Zoning and Subdivision Ordinance. Another meeting was discussed for July. Mr. Unger, Mr. Kopicki and Mr. Orlando will meet to draft a revised Zoning ordinance.

Uniform Construction Code – Mr. Orlando stated that a hearing will be held on Thursday, June 17, 2004 at 6:30 PM for the adoption of the Uniform Construction Code. The Township was unable to publish the full ordinance because of length but a summary was advertised. Roy Timpe asked if the full ordinance could be advertised on the Township website. Mr. Orlando stated that isn't considered an acceptable form of advertising but is a good idea. The ordinance can be adopted after the hearing at the regularly scheduled Board of Supervisors meeting with an effective date of July 9, 2004.

Willow Creek Manor - Mr. Orlando stated that he received a document this evening regarding Willow Creek Manor. Revisions will be discussed with the opposing council.

Berks County Free and Clear Sale – This matter will be discussed in executive session.

Traffic Ordinance – Mr. Orlando stated that he will draft the ordinance once he has received information from the engineer and secretary.

404 Grandview Drive

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, for the Board of Supervisors to act as the Maidencreek Township Board of Health and authorize the Maidencreek Township Road Crew to cut the grass at 404 Grandview Drive, Fleetwood, keeping track of time required to perform the service to alleviate this public health issue. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the assistant code enforcement officer to cite the property owner of 404 Grandview Drive for violation of the Property Maintenance Code. All members voted, "Aye." Motion carried.

Treasurer's Report

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

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the April 2004 Treasurer's report. All members voted, "Aye." Motion carried.

Old Business

Cable Franchise – Mr. Orlando advised the Board that any franchise agreement should be done by resolution. The Board agreed to expand the scope of the franchise agreement and inquire what the cable company would be willing to do without raising the customer's rates.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Township Solicitor to negotiate free cable hook up for the Township, Ambulance and Fire Company and franchise fees on home shopping fees, equipment rental and advertising revenue. All members voted, "Aye." Motion carried.

Road Work

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the engineer to prepare the bids for the 2004 road work. All members voted, "Aye." Motion carried.

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Ron Kemmerer, 323 East Wesner Road, Bandon commented that Maidencreek Road was a mess and asked who was responsible for the road. Keith Shuman stated that this is a state road.

Correspondence

W.D. Zwicky PA DEP Permit Application

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to obtain and review the PA DEP permit application for W.D. Zwicky. All members voted, "Aye." Motion carried.

Angelo Corrado – A request was received from Angelo Corrado of 965 Park Road to purchase a parcel of Township land. The usual method for selling Township land is to obtain an appraisal and auction the parcel off. Gloria Kemmerer questioned why Mr. Corrado needed the land and what his intentions were.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, authorizing the Solicitor to contact Mr. Corrado and request more information on his request to purchase land from the Township. All members voted, "Aye." Motion carried.

Federal Holiday

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to close the Township office and operations on Friday, June 11, 2004 in honor of former President Ronald Reagan. All members voted, "Aye." Motion carried.

Oil Tank – Roy Timpe spoke with Steve Baer of B & F Petroleum regarding the removal of the old oil tank and installation of a new aboveground tank. Mr. Baer does not believe that removal will be expensive, did not think that the tank was leaking, and had ideas on where to place the new tank. The Board discussed bidding the project and putting a contingency into the bid for the tank leaking. The tank would be bid with a base bid and then with alternatives for per ton disposal rate and per hour for the removal of soil if it was discovered that the tank was leaking.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Township Engineer to contact B & F Petroleum to discuss the heating oil tank removal and to prepare the bid for the purchase and placement of the Township heating oil tank, and the removal of the old tank with contingencies of per ton disposal rate and per hour for the removal of soil.

Paul Martin of Pleasant Hill Road asked if the Township Road Crew could do some of the removal work. Tom Unger stated that although the oil has been removed from the tank, the residue will have to be disposed of and the road crew is not certified to do that type of work.

All members voted, "Aye." Motion carried.

Septic System Alarm – Keith Shuman reported that he discussed installation of an alarm on the septic system with Nathan Ohlinger. Mr. Ohlinger can install the alarm, depending on what underground wires he encounters for between \$800-\$1200.00. The other alternative is to mark a stick and take measurements in the tank periodically. Gloria Kemmerer stated that these were temporary measures. Roy Timpe agreed that since the Township Building is an emergency shelter, a permanent solution should be looked at.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the installation of an alarm on the Township septic system with the cost not to exceed \$1200.00. All members voted, "Aye." Motion carried.

The Township Secretary was instructed to include the cost of hooking into the public sewer system in the 2005 budget.

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Executive Session 9:35 pm to 9:58 pm to discuss litigation

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the solicitor to take action as discussed in executive session. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, to adjourn the June 10, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors. Roy Timpe adjourned the meeting at 9:59 P.M.

Diane Hollenbach, Recording Secretary – June 14, 2004

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