

**Maidencreek Township Board of Supervisors**  
**March 11, 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., Terry Manmiller – Operations Director, Diane Hollenbach – Recording Secretary

Guests: J. Schoellkopf, Russ Niederhauser, Rick Verst, Harold S. Burgert, Glenn Hetrick, Glenn Hetrick, Jr., Cindy Stump, Tony Camilli, Jason Belovich, John Belovich, Craig Bonenberger, Fay Isamoyer, Ron Kemmerer, Sr.

Roy Timpe called the March 11, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors to order at 7:02 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 February 2004. There were 723 patrol hours covering 5709 miles, 236 assignments, 84 citations issued and a total of \$3,138.00 in fines from the District Justice. Officer Drazenovich 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**

Roy Timpe announced that a hearing will be held for the DiGiorgio Rezoning request on April 15, 2004 at 7 P.M.

**Public Comment**

**Harold Burgert of 331 East Wesner Road, Blandon** stated that he would like to see 10 feet of curb removed and a drop off lane installed along Park Road at the intersection of Golden Drive and Park Road. Mr. Burgert stated that the area is dangerous for motorists making a right turn into the Golden Manor Development. Tom Unger of Systems Design will contact Penn DOT and review the situation since Park Road is a state road. It may be possible to make changes with Penn DOT's approval.

**Russ Niederhauser of James Hardie, Inc. 318 June Avenue, Blandon** requested the Board grant permission for issuance of a building permit for a 1500 square foot addition to the James Hardie plant. Mr. Niederhauser stated that James Hardie, Inc. has hired Spotts, Stevens and McCoy to complete the final as built plans for the previous expansion. This new addition is not part of that expansion but would be an addition on existing impervious surface to house tanks. Terry Manmiller stated that he had done the final inspection of the James Hardie expansion and all that was needed were two stop signs.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant a waiver from Section 104 of the Maidencreek Township Subdivision and Land Development Ordinance to James Hardie, Inc. and authorize issuance of a permit for installation of the concrete pad and installation of tanks on the concrete pad before the submission and completion of their final as built land development plan, for which they currently have preliminary plan approval, with the understanding that the James Hardie Final Land Development Plan submitted for review at the March 24, 2004 Planning Commission meeting will include the proposed 1500 square foot addition. All members voted, "Aye." Motion carried.

**Colonial Court Tick Problem**

A poster was received from Priscilla Costello of Colonial Court requesting assistance from the Board of Supervisors in dealing with a tick problem she believes is coming from the wooded property adjacent to her home. The Board reached a consensus that there was nothing that they could do for her because no

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ordinance was being violated. Mr. Kopfer stated that ticks aren't just found in woods but also in the grass and are worse during a wet year.

**Approval of the Minutes**

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the minutes from the February 12, 2004, February 19, 2004 regularly scheduled Board of Supervisor meeting and the February 26, 2004 special meeting of the Board of Supervisors with the following corrections: page 2 of the February 12, 2004 minutes - change Richmaiden Subdivision 90 day time extension to a 60 day time extension, and page 1 of the February 19, 2004 minutes - under the heading Resolution 9-2004, the Resolution number should be 9-2004 instead of 8-2004 in the motion. All members voted, "Aye." Motion carried.

**Engineer's Report  
Subdivision**

Tom Unger of Systems Design Engineering, Inc. reported that all plans were current.

TreeTops Phase III – Tom Unger stated that the Maidencreek Township Planning Commission recommended Preliminary Plan approval with conditions to the TreeTops Phase III Subdivision and Land Development Plan. Mr. Unger recommended that the Board of Supervisors grant preliminary plan approval with contingencies to the TreeTops Phase III Preliminary Plan.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant preliminary plan approval to the TreeTops Phase III Preliminary Plan subject to compliance with the conditions set forth in System Design Engineering, Inc's review letter dated March 11, 2004. The conditions are:

1) the name and seal of the professional responsible for the subdivision should be placed on the plan, 2) the overflow path from the emergency spillway should be evaluated and the swale checked for adequate capacity, 3) the applicant should decide if land or fee in lieu of open space should be donated to the Township for this development, 4) the developer should submit cost estimates for Township review, 5) the developer shall enter into improvements agreements, and 6) provide financial security in an amount and form acceptable to the Township. All members voted, "Aye." Motion carried.

Hearthstone Healthcare Final Plan - Tom Unger stated that the Maidencreek Township Planning Commission recommended granting six waivers to the Hearthstone Healthcare Final Land Development Plan from the Maidencreek Township Subdivision and Land Development Ordinance.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant the following waivers to the Hearthstone Healthcare Final Land Development Plan from the Maidencreek Township Subdivision and Land Development Ordinance: 1) a waiver from Article III, Section 304.A to allow a plan scale of 1" = 30', 2) a waiver from Article III, Section 303.J, which requires a Water Resource Study, 3) a waiver from Article III, Section 303.F, which requires a Site Analysis Plan, 4) a waiver from Article V, Section 503.B.g, which requires the widening of roadways to 24 feet, 5) a waiver from Article V, Section 505.B, which requires sidewalks, but to note on the plan that in the future, if the Board of Supervisors decides that sidewalks need to be installed along Dries Road, the lot owner, their heirs and assigns shall be responsible for the construction of the sidewalk in accordance with Township specifications, 6) a waiver from Article V, Section 512, which requires an Erosion and Sediment Control Plan. All members voted, "Aye." Motion carried.

Eugene Orlando, Jr. of Orlando and Strahn stated that a note should be placed on the plans to clearly show that the detention basin on Lot 4 of the Heffner Tract is for the benefit of the entire subdivision and that when Lot 4 is conveyed, the deed specifies that the Lot 4 drainage easement is in favor of all lots in the Heffner Tract Subdivision. Tom Unger stated that the Maidencreek Township Planning Commission

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recommended conditional final plan approval for the Hearthstone Healthcare Final Land Development Plan. Gloria Kemmerer questioned if the developer would be allowed to use his existing Letter of Credit and Improvements Agreement from the Heffner Tract for the improvements on Lot 4. Tom Unger will review the remaining improvements that need to be done to the Heffner Tract and the cost of the improvements for Lot 4 (Hearthstone Healthcare) and see if the current Letter of Credit will cover both costs. If it does, Gene Orlando will create an amendment to the Improvements Agreement and Letter of Credit, otherwise new Improvements Agreements and financial security will be required.

A motion was made by Roy Timpe, seconded by Robert Kopfer, to grant final plan approval to the Hearthstone Health Care Final Land Development Plan contingent upon (1) adding the following note to the plan: Upon conveyance of this parcel, the deed of conveyance shall specifically state that this property is subject to a drainage easement in favor of all lots shown on the "Heffner Tract" Subdivision recorded at Berks County Recorder plan volume and page, (2)amending the existing improvements agreements and Letter of Credit if after review of the Heffner Tract improvements agreement and Letter of Credit, Systems Design Engineering feels that there is enough financial security to cover the cost of the improvements for Lot 4 of the Heffner Tract or if there is not enough financial security, entering into new improvements agreements and providing financial security in a form acceptable to the Township, and (3) the plan must be signed and sealed by the person responsible for the subdivision. All members voted, "Aye." Motion carried.

**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 \$143,613.92. All members voted, "Aye." Motion carried.

**Subdivision (continued)**

Rich Maiden Subdivision - Tom Unger stated that the Maidencreek Township Planning Commission recommended that the four waivers for the Richmaiden Subdivision be granted.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant the following waivers to the Rich Maiden Subdivision Plan from the Maidencreek Township Subdivision and Land Development Ordinance: 1) a waiver from 302.R, which requires wetland delineation, 2) a waiver from 303.F, which requires a Site Analysis Plan, 3) a waiver from 508.A.1, which requires side lines to be perpendicular to the street, 4) a waiver from 508.A.3 for the lot depth to width ratio. All members voted, "Aye." Motion carried.

Letters of Credit

All Letters of Credit are current.

**Projects**

TreeTops Tot Lot - Mr. Unger reported that a letter with a punchlist has been sent to the contractor of the TreeTops Tot Lot. Items outstanding are manuals and final inspection. The Township is still holding five percent retainage.

Comprehensive Plan – Gloria Kemmerer stated that the Planning Commission had questioned at their February 25, 2004 meeting why the Supervisors were providing input on the Comprehensive Plan after it was complete. Mrs. Kemmerer stated that she thought, as the Planning Commission had, that the Comprehensive Plan would be adopted, then the Zoning Ordinance and Subdivision and Land Ordinance would be revised. Gene Orlando stated that the process can be completed in this manner or each ordinance can be revised and held until all are revised and then adopted together. That way if any revisions on one ordinance creates changes to the other two, the changes can be made without going through the process of

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adopting an ordinance. All three, the Comprehensive Plan, Zoning Ordinance and Subdivision and Land Ordinance must be consistent with each other. The Supervisors recommended that the Planning Commission begin their revisions to the Zoning Ordinance and that a joint meeting between the Board of Supervisors and Planning Commission be scheduled. The Board authorized the secretary to contact the Planning Commission regarding dates for a joint meeting and advertise the meeting once a date is agreed upon.

Act 537 Plan – Mr. Unger stated that Maidencreek Township's Act 537 Plan has been submitted to the Berks County Planning Commission and the surrounding municipalities.

SEO – A hearing date has been scheduled for the Ray Martin citation for sewage violations. Mr. Orlando stated that the Board will discuss this further in executive session.

Farvardin Planning Modules – Tom Unger stated that a letter has been received from the Pennsylvania Department of Environmental Protection rejecting the Farvardin Planning Modules. The Board stated that they wanted to make it clear to Mr. Farvardin that it is his responsibility to appeal the DEP decision.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the solicitor to write a letter to Mr. Farvardin explaining that he has 30 days to appeal the PA DEP decision to reject his planning modules. All members voted, "Aye." Motion carried. Mr. Orlando will also include a copy of the PA DEP rejection letter.

Statewide Building Code – Tom Unger stated that Act 45, which creates the Uniform Construction Code, has been advertised and becomes effective on April 9, 2004. Municipalities must make a decision by July 8, 2004 to opt in or opt out of administering and enforcing the UCC and their decision must be received by the Department of Labor and Industry by August 7, 2004. Tom Unger explained to the Board that the code will be in effect whether the Township decides to opt in to the UCC or not. If the Township opts in, they will issue permits and do inspections. If the Township opts out, the builder will be required to go to a third party for permits to be issued and the inspections done. If the Township opts in, an appeals board must be formed. If the Township opts out, there is no appeals process for the builder.

Mr. Unger stated that there are four ways to administer and enforce the UCC when opting in: 1) hire an employee, 2) have a third party agency do the work for the Township, 3) act jointly with another municipality, or 4) contract another municipality to administer and enforce the UCC for Maidencreek Township. There are 10 codes that need to be adopted by ordinance. Agricultural Buildings, 500 square foot accessory structures and wallpapering, painting and tile work are not covered under the UCC. Terry Manmiller stated that he will be the code administrator and handle the permit paper work. Systems Design Engineering will do the inspections.

The Board agreed that they are leaning towards opting in to administration and enforcement of the UCC. Gene Orlando stated that he has received one verbal response to his letter requesting information on other local municipalities decision regarding the UCC. Diane Hollenbach asked the Board if they would like to get three quotes from firms for performing the plan review and inspections for Maidencreek Township. The Board agreed that it would be a good idea to get three quotes for the plan administration and inspections.

Estimate to Hook up to Public Sewer – Tom Unger presented three options for hooking the municipal building into public sewer.

Option 1 would require the Township to run 340 foot of pipe and pump to Route 73. The cost is estimated at \$26,220.00. The cost would be higher if rock was encountered.

Option 2 would connect to a manhole on the Redner's property. The cost to connect using option 2 without a pump is \$12,200.00 and with a pump is \$20,275.00. Mr. Unger felt that a pump would be needed.

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Option 3 would connect to manhole 107 along Route 222. Easements would need to be secured from Redners and Rozzi Brothers. The estimated cost for option 3 is \$11,400.00. Mr. Unger felt that a pump would not be needed. The Board authorized Terry Manmiller and the Solicitor to begin negotiating sewer easements for option 3 and tabled their decision on whether or not the municipal building should be hooked into the public sewer.

Lehigh Cement – Tom Unger discussed the Lehigh Cement DEP permit application with Roger Kittering from the PA DEP. Lehigh Cement is installing a secondary air system to improve their combustion efficiency and decrease emissions. The Board had no comments on the application.

Burgert Subdivision – Tom Unger stated that 90 days have passed since the final plan approval without recording and the plan needed to be reapproved.

A motion was made by Gloria Kemmerer, seconded by Roy Timpe, to re-approve the Final Burgert Subdivision Plan conditional upon changing the signature block for ownership to the Maidencreek Township Authority and the items set forth in Systems Design Engineering, Inc's October 30, 2003 review letter, which are as follows: 1) acceptance that the newly created lot will access onto a private street per section 1302D of the Zoning Ordinance, 2) the access easement agreements are acceptable to the Township and MTA solicitor, 3) receipt of the Berks County Planning Commission review, 4) all plan certifications are completed. All members voted, "Aye." Motion carried.

Gloria Kemmerer asked if the easement has been obtained across the proposed Lot 37 in Meadowbrook. Mr. Unger stated that he was unsure if it was obtained.

## **Operations Report**

### Unit #1

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of a new plow cylinder for Unit#1 at a cost of \$679.00 from EM Kutz. All members voted, "Aye." Motion carried.

### Ordinances

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Operations Director and Solicitor to work together on updating Ordinance 188 – Traffic Ordinance. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Operations Director, Engineer and Solicitor to work together on updating Ordinance 125 - Street and Road Paving to include Super Pave. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Operations Director, Engineer and Solicitor to work together on updating Ordinance 154 to include requiring hardener on sidewalks and colored, patterned concrete for handicap ramps. All members voted, "Aye." Motion carried.

### Snow Fence

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Operation Director and Solicitor to work together on procedure for the installation of snow fence along roadways to help with drifting problems in certain areas of the Township with monetary compensation for the property owner. All members voted, "Aye." Motion carried.

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Emergency Generator Hook Up for Traffic Lights – Terry Manmiller presented a quote from Telco for the installation of emergency generator hook ups for each traffic light in the Township. The cost of each hook up is \$930.00 or \$760.00 if the Township provides the traffic flaggers.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize expenditure for the installation of the emergency generator hook up at the intersection of Route 73 and Route 222 per the quote from Telco, and budget for the cost of the other two traffic light hook ups in 2005. All members voted, “Aye.” Motion carried.

Sooner Lane and Cassidy Court Headwall – Terry Manmiller stated that he would like to extend the current headwall with the 50 block he has remaining from a previous project. Gloria Kemmerer questioned if this was not the property owner's responsibility as previously stated when this problem was brought up last year. Mr. Manmiller did not recall the issue previously but indicated that he had checked and the Township is responsible for the swales in Blandon Meadows IV.

Heating Oil Tank – Mr. Manmiller stated that the tank is not currently leaking. The cost to test the tank will be \$400.00. The average life expectancy of an oil tank is 17 years and the current one was installed in 1976. Robert Kopfer suggested that the Township fill the tank with sand according to current DEP regulations and install an aboveground tank. Mr. Timpe suggested that the bottom of the old tank could be seeded with microbes that eat oil. Mr. Manmiller was directed to get a cost for installation of an aboveground oil tank.

Old Township Equipment – Mr. Manmiller stated that the following items are being stored and the Township has no use for them: LaserJet hp 1000 printer, Brother Word Processor, Okidata OL 400 printer, 75 Mhz Pentium Packard Bell Computer, SE 250 Mid Tower 5-1/4 floppy, 3 keyboards, ditto drive. The Board authorized Mr. Manmiller to see if the library, Hope Rescue Mission or Salvation Army were interested in a donation of any of the items by the Township.

Dimitri Zaharidis Property – Mr. Manmiller reported that the property owned by Dimitri Zaharidis on Blandon Road (Route 73) is experiencing erosion problems. His water line and electric line for his well have become exposed. The water is coming from Glen Mar. Roy Timpe questioned if this was a civil matter between Mr. Zaharidis and the owner of the Glen Mar detention pond. Tom Unger indicated that the pond was not in the correct location and three quarters of the storm water from Glen Mar did not flow into the detention pond. Brian Herber of Berks County Soil and Erosion will be in the area checking on one of the lots that is under construction in Glen Mar and will look at the problem and contact Dan Levensgood, Ruscombmanor engineer. The Board instructed Mr. Manmiller to wait to hear from Mr. Herber or Mr. Levensgood.

**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.

**Executive Session 9:57 pm to 10:41 pm to discuss labor issues and litigation**

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize Solicitor to take action on the Ray Martin hearing as discussed in executive session. All members voted, “Aye.” Motion carried.

A motion was made by Gloria Kemmerer, to adjourn the March 11, 2004 regularly scheduled meeting of the Maidencreek Township Board of Supervisors. Robert Kopfer objected. Roy Timpe adjourned the meeting at 10:42 P.M.

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Diane Hollenbach, Recording Secretary – March 18, 2004

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