

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**AUGUST 8, 2002**

**7:00 PM**

**PRESENT:** Roy Timpe - Supervisor, Robert Kopfer – Supervisor, Gloria Kemmerer – Supervisor, Eugene Orlando - Solicitor, Tom Unger – Engineer, Terry Manmiller – Operations Director, Ruth Manmiller – Recording Secretary

**GUESTS:** Cindy Stump, David Anspach, Daniel Miller – Blandon Fire Chief, Michael Reinert, Robert Owen, Gloria Kline, Tina Poole, Jennifer Hertzog, Larry Kunkel, Cliff Panneton Claude Beaver, James Schoellkopf, and the Newspaper Reporter.

Roy Timpe called the meeting to order at 7:00 PM and asked everyone to rise for the pledge to the flag. After the pledge to the flag, Roy Timpe apologized to any guest that may not have gotten an opportunity to address their concerns at the July 2002 Board of Supervisors meeting. He promised to keep the public’s concerns in mind as the Board attempts to revise the meeting agenda. The Board is considering conducting two meetings a month in an effort to address important township issues effectively.

**EXECUTIVE SESSION:** Roy Timpe announced that an Executive Session was held August 6, 2002 following the Trash/Recycling meeting from 8:37 PM to 9:15 PM. Litigation and personnel issues were discussed.

**POLICE REPORT**

Officer Charles Hobart presented the Northern Berks Regional Police activity report for July 2002.

	<b>MAIDENCREEK</b>	<b>ONTELAUNEE</b>	<b>LEESPORT</b>		<b>TOTAL</b>
Patrol Hours	773.25	529.02	323.48	Admin.	1625.75
Assignments	309	218	118	31	676
Citations Issued	90	82	25		197
Fines Collected	\$3,204.06	\$2,977.72	\$1,078.99		\$7,260.77

In addition to the monthly statistics, Officer Hobart included the following

1. All recorded noise complaints received by the Police occurred prior to 11:00 PM.
2. Three burglaries occurred in Maiden creek Township.
3. Chief Eaken prepared a letter, with informative issues relative to the vandalism occurring at several of the play areas. His suggestion to the Board of Supervisors, the Operations Director and the Park & Recreation Board is to consider new rules for the play areas. He suggested that unlit park areas should close at dusk and allow only community oriented organized activities to play or operate in lighted areas.
4. Chief Eaken asked that the Board provide an outline of the Township’s efforts to modify the intersection of Park Road and Main Street (SR 73) for Freda Fox and a carbon copy to Senator Michael O’Pake. The Operations Director was instructed to proceed with the installation of the “no turn on red” signs.

**PUBLIC COMMENT**

The Board asked the guests to sign the comment sheet that was being passed around and list their items of concern:

- Michael Reinert, 157 Meadow Court Sinking Spring, PA – Flood Plain delineation – Golden Drive
- Jennifer Hertzog, 436 Riviera Drive, Blandon, PA - Flood Plain delineation – Golden Drive
- Tina Poole, 19 Lee Spring Road, Blandon, PA – Martin Retirement Village – weeds, sewage, and road
- Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA – Billboards
- Daniel Miller, Blandon Fire Co. – Burning Ban for the Township
- Harold Burgert, 331 E. Wesner Road, Blandon, PA – Will comment if necessary
- Cliff Panneton, 2 Genesis Drive, Blandon, PA – Trees on township right-of-way, near his home.

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**Michael Reinert, 157 Meadow Ct., Sinking Spring, PA, Spring Township** is in the process of purchasing a townhouse in the Golden Manor III development. The rear of his future property is adjacent to the Community Park stream. He inquired about the flood plain delineation because the flood plain information on the recorded plan compared to calculations that are in place due to the stream relocation is conflicting. He stated a confirmation of the correct flood plain line is necessary for flood insurance purposes.

**Cliff Penneton, 2 Genesis Drive, Blandon, PA** asked the Board to authorize the removal of several dead pine trees that are located in the township right-of-way and pose a treat to his home and property.

**Tina Poole, 19 Lee Spring Road, Blandon, PA** asked the Board to notify Raymond Martin to cut his weeds, and replace a detention pond that has washed out. She inquired about Raymond Martin's Retirement Village on-lot septic system problems, the system's pumping, and fines that have been issued to him.

**Daniel Miller, Blandon Fire Company Chief** asked the Board to impose a burning ban for all of Maiden creek Township. Gloria Kemmerer made a motion, seconded by Robert Kopfer, to impose a burning ban in Maiden creek Township except for the "A" Agriculture Zoned areas. All Board members voted, "Aye." Motion carried. The Board advised any property owner that is located in the Agriculture Zone, that burning at this time would be a very dangerous situation that could result in devastating losses.

**Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA** asked the Board how many billboards would be installed in the Township. He commented that the length of recent meetings was due to the developers, and that they should be the ones to attend the second meeting rather than the public.

The Board thanked the guests for the comments and questions. The Board stated that their questions would be answered or addressed as the Engineer and/or the Solicitor furnishes various reports.

## **MINUTES**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to accept the July 2002 minutes with the following corrections:

Page 1 bottom, date of Workshop meeting was June 17, not June 16

Page 4 under MAIDENCREEK COMMUNITY PARK  
At the June 13... should read June 10

Page 8 GARBAGE COLLECTION AND RECYCLING  
Wherever the words "Trash and Recycling" appear (two places), delete words "Trash and"

All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to amend the Chipper, Leaf Vac, and Leaf Box motion that was made during the July 18, 2002 Board of Supervisors meeting to reflect the cost of the Leaf Vac at \$19,104.00, not \$16,605.00 as presented. All Board members voted, "Aye." Motion carried. The Operations Director informed the Board that the Leaf Vac brochures/proposals presented at the July meeting was incorrect.

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**Cindy Stump, 140 Evansville Road, Fleetwood, PA** asked the Board if they included the installation of water and sewer stub lines or an easement in their approval of the Meadowbrook Final Plan at the July meeting. The Board and Solicitor informed Cindy Stump that the minutes reflect exactly what occurred at the July meeting and that the Board could not force the developer of Meadowbrook to install water and sewer stub lines or easements because it did not appear on the approved preliminary plan.

**ANNOUNCEMENTS**

- 7/30/02 Lamar Advertising Zoning Hearing Board  
Shubeck Variance
- 8/06/02 Recycling Workshop/Public Comment Meeting/Executive Session
- 8/15/02 PA State Senator Jim Rhoads 9:00AM at Municipal Bldg.
- 9/03/02 Zoning Hearing Board Decision-Lamar Advertising  
7:00pm at Municipal Bldg.

**TREASURER’S REPORT**

General Fund Checking	\$112,801.86
General Fund Money Market	\$187,665.66
Payroll	\$ 22,369.10
Recreation Tax Checking	\$ 6,989.90
State Liquid Fuels Checking	\$ 29,732.67
Kid’s Cove (transfer to P&R)	\$ 1,408.58
Recreation Tax Holding	\$ 5,000.00
State Liquid Fuels Money Mkt.	\$ 29,732.67

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to approve the listed expenditures and report as presented for July 2002. All Board members voted, “Aye.” Motion carried. Copies of the Treasurer’s Report were available for inspection.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing payment of 8 overtime hours to Regina Sanders to compensate her for additional hours required preparing for the August Board of Supervisors meeting. All Board members voted, “Aye.” Motion carried.

**ENGINEER’S REPORT**

**BEDROCK STONE AND STUFF**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to accept a request to extend the review of Bedrock Stone and Stuff, Final Plan review to 10/16/02. All Board members voted, “Aye.” Motion carried. Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Engineer to submit comments to DEP pertaining to a permit submitted by Bedrock Stone and Stuff. All Board members voted, “Aye.” Motion carried.

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**PENN BIOMEDICAL**

Improvements are complete except for the rear yard landscape buffer to the Community Park. The rear yard landscaping will be delayed until the completion of the Community Park near their property. The Engineer stressed that the Letter of Credit cannot be closed until all improvements are completed.

**CLAUSER SUBDIVISION**

The appropriate notes were added to the final plan as requested by the Solicitor. The Solicitor is satisfied with the placement of the additional note on lot 3 of the final plan and recommended that the Board grant final approval. Gloria Kemmerer made a motion, seconded by Robert Kopfer, to approve the Clauser Subdivision, final plan. All Board members voted, "Aye." Motion carried.

**TREE TOPS TOT LOT, Phase I**

Work is scheduled to begin 8/5/02.

**MAIDENCREEK COMMUNITY PARK**

The contract has been awarded to LSR.

**HOCH ROAD CULVERT REPLACEMENT /E. WESNER ROAD CULVERT REMOVAL**

The Board of Supervisors signed the DEP Permit Application. A letter was received from Berks County Engineering rejecting funding at this time.

**SHADOW RIDGE/BLANDON MEADOWS DRAINAGE**

The Engineer met with Fiorino Grande and an agreement has been reached on the stormwater pond per previous discussions. Grande will proceed to construct the pond per the plan.

**FEMA FLOOD MAPS – Community Park**

The Engineer informed the Board that there is conflicting information on FEMA Flood Maps between the 1989 and 1997, and that work completed to relocate the stream in the Community Park did not change the flood plain. The Engineer has contacted FEMA to conduct a study of the Community Park area with the relocated stream and should be prepared to amend the Flood Maps for this area. This study would confirm where the flood plain is located and would be helpful to new property owners in the area of the Community Park. The Engineer will research federal funding for this additional study.

**SHADOW RIDGE**

Letters of Credit and Improvement Agreements are not in place.

**LIGHTING ORDINANCE**

The Engineer would like to schedule a workshop with the Board of Supervisors and the Planning Commission to visit developments to inspect existing lighting. This mobile workshop will provide a direction for the Boards to consider the type of light fixture and amount of light desired in the developments.

**GM III**

The Engineer is working on the placement of trees for Golden Manor III.

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**TRAFFIC LIGHT – Route 73 & Allentown Pike (SR0222)**

Allentown Pike/Tamarack Blvd./Genesis Drive.

The Engineer will provide proposals investigating traffic light coordination between the Route 73 & Allentown Pike (SR0222) traffic light and the Allentown Pike/Tamarack Blvd./Genesis Drive traffic light. Further discussion was tabled until additional information is presented.

**SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$1,020.78. All Board members voted, “Aye.” Motion carried

**SEO REPORTS AND CONSTRUCTION STATUS REPORTS:** The Engineer distributed SEO reports and development/construction status reports to the Board. The Engineer stated that Martin Retirement Village on-lot sewage problems are being monitored. The Secretary was instructed to send another letter informing Raymond Martin of his outstanding fees and require a 10-day deadline for payment.

**AMEND ZONING ORDINANCE – Off Premise Advertising - Billboards**

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Solicitor to advertise a public hearing for the proposed amendment to the Maiden creek Township Zoning Ordinance as it pertains to off premise advertising - billboards. All Board members voted, “Aye.” Motion carried.

**SOLICITOR’S REPORT**

**PARK ROAD COMMERCIAL – BENNICOFF**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to return Park Road Commercial – Bennicoff’s Letter of Credit. All Board members voted, “Aye.” Motion carried. All required improvements have been made and were inspected by the Engineer.

**ROAD VACATION – A portion of Slater Road**

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to resolve a portion Slater Road. All Board members voted, “Aye.” Motion carried.

**ROAD VACATION – A portion of East Wesner Road**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to resolve a portion East Wesner Road in the area of the Community Park. All Board members voted, “Aye.” Motion carried. The Board is considering if they should follow through with the intended plan to remove a portion of East Wesner Road in the Community Park. The intended plan, since the inception of the Community Park, was to vacate a portion of East Wesner Road to stop through traffic and provide alternative roads for travel. Ronald Kemmerer informed the Board that removal of a portion of East Wesner Road in the Community Park was part of the permit to relocate the stream. The Board must consider the expense to rebuild East Wesner Road should it remain open. These issues will be addressed during the public hearing.

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**MEMORANDUM OF UNDERSTANDING – BERKS COUNTY CONSERVATION DISTRICT**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Solicitor to finalize a written agreement that will coordinate the plan approval process so that neither approving agency is put at a disadvantage. All Board members voted, “Aye.” Motion carried.

**TREE TOPS**

Several outstanding items that must be addressed in the Tree Tops development:

1. The Letter of Credit requires action.
2. Complete work.
3. Water and Sewer connected to Lot 138.
4. Cul-de-sac at the end of Acer Drive.

The Engineer will prepare a punch list and the Solicitor will notify the property owner of Lot 138 in TreeTops about the water and sewer connections.

**TRAILS, INC.**

The Engineer will forward a punch list to the Solicitor and the Board for their review. Completion of the property line screening has become an issue with adjoining property owners.

**BEDROCK**

The Solicitor commented that if the developer of Bedrock Stone and Stuff follows through with everything that is addressed on the plan, there would be no need for a stop work order.

**GRETH - HEFFNER SUBDIVISION**

The Solicitor received the Improvement Agreements and the Letter of Credit for the Heffner Subdivision. He will review and forward to the Walter Greth for approval. Gloria Kemmerer made a motion, seconded by Robert Kopfer, that if the township does not receive signed Improvement Agreements and a signed Letter of Credit within ten days, the Solicitor is authorized to file an injunction to stop all work at the Heffner Subdivision. All Board members voted, “Aye.” Motion carried. The property has been posted. Any activity on this property shall be documented.

**RAJAH COMPLEX**

The Rajah agreed to pay half of all the expenses to resolve a portion of Slater road. The Solicitor suggested that the Rajah deposit \$2,500.00 in an escrow account with the Township. When the road vacation process is completed, half of all the costs will be deducted from this escrow account. The Secretary will provide an itemized list of expenses.

**YOUTH AID PANEL**

The Solicitor will review the sample resolution provided and prepare a resolution to be adopted at the September Board of Supervisors meeting.

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**ROAD REPORT**

Robert Kopfer informed the guests that a copy of the July 2002 Operations Director's report was available for the public to review. He proceeded to address issues that required action from the Board.

***Winter Storage Building***

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to reallocate \$10,000 of the \$33,000.00 budgeted to construct a garage, to construct an addition to the salt building to store seasonal equipment. The Road Crew will construct the addition. All Board members voted, "Aye." Motion carried.

***Watch Children Sign***

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Operations Director to order and install a Watch Children sign approximately 600 feet from the intersection of Hecktown Road and Troxel Road. All Board members voted, "Aye." Motion carried.

***Tree Removal – Genesis Drive/Constitution Blvd.***

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Operations Director to obtain proposals not to exceed \$2,000.00 to remove the dead trees near the intersection of Genesis Drive/Constitution Blvd. that are located in the Township right-of-way. All Board members voted, "Aye." Motion carried.

***Tree Removal – Hoch Road/East Wesner Road***

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing Operations Director to investigate the status of the tree located at the intersection of Hoch Road and East Wesner Road and proceed with it's removal if necessary. All Board members voted, "Aye." Motion carried.

***MAIDENCREEK TWP./RUSCOMBMANOR TWP.***

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Engineer and the Operations Director to investigate and research the actual location of the Maiden creek Township/Ruscombmanor Township boundary line. All Board members voted, "Aye." Motion carried.

**NEW BUSINESS**

**FOX RUN PLACE**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to name a road that is used as an access to several properties off of West Wesner Road, as Fox Run Place. All roadways that are named "Place" are not maintained or owned by the Township, however are required to be named for emergency purposes. All Board members voted, "Aye." Motion carried.

**TRICK OR TREAT NIGHT**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to designate October 31, 2002, 5:00 PM to 9:00 PM as Trick or Treat Night in Maiden creek Township. All Board members voted, "Aye." Motion carried.

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**NOTICE - HEARING**

The Board instructed the Solicitor to advertise a public hearing for comment on **Off Premise Advertising - Billboards, Vacation of Slater Road, and Vacation of East Wesner Road** on September 5, 2002 at 7:00 PM.

**NOTICE – WORKSHOP**

The Board instructed the Secretary to advertise a **Recycling Workshop and Public Comment** for September 29, 2002 at 7:00 PM.

**EXECUTIVE SESSION 10:32 PM – 10:43 PM – Personnel**

Robert Kopfer made a motion, seconded by Roy Timpe, to change Diane Hollenbach’s status from a part time employee to a full time employee. Gloria Kemmerer abstained. Motion carried.

Roy Timpe will contact David Brown relative to his desire to remain on the Planning Commission.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to adjourn the meeting at 10:44 PM. All Board members voted, “Aye.” Motion carried.

Respectively submitted,

Ruth M. Manmiller  
Recording Secretary

CC: Board of Supervisors  
Terry Manmiller, Operations Director  
Orlando and Strahn Law Firm, Solicitor  
Thomas Unger-Systems Design Engineering, Inc., Township Engineer  
Ed Kopicki-Systems Design Engineering, Inc., Township Planning Commission Engineer  
Planning Commission  
Park and Recreation Board  
Zoning Hearing Board and Alternates  
Paul Herbein, Zoning Hearing Board Solicitor  
Maidencreek Township Authority  
Robert Hobough, Esq., Maidencreek Township Authority Solicitor  
Barbara Hassler, Tax Collector  
Daniel Miller, Fire Chief  
Northern Berks Regional Police



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