

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

FEBRUARY 14, 2002

7:00 PM

PRESENT: Roy Timpe - Supervisor, Robert Kopfer – Supervisor, Chad Lubas- Solicitor, Tom Unger - Engineer, Terry Manmiller - Operations Director, and Ruth Manmiller - Recording Secretary.

GUESTS: Dean Focht, Jeffrey Wentzel, David Anspach, Cindy Stump, Joseph Tomalonis, Robert Clouser, Irwin Clouser, Elmer Ringler, Randy Wolfe, Ronald Kemmerer, Gloria Kemmerer, Krista Timpe, Laurie Hague, Caroll Kopfer, Tina Poole, Gloria Kline, Joseph Rudderow, Diane Hollenbach, Keith Weidner, Thomas Evansky, Larry Kunkel, Fay Isamoyer, Hether Quillman, Carol Donohoe, Joseph Byrne, Nancy Werner, Joel Heffner, Robert Hanna, Claude Beaver, James Schoellkopf.

Roy Timpe called the meeting to order at 7:00 PM and asked everyone to rise for the Pledge to the Flag to be followed by a moment of silence for reflection and prayer in view of the unrest and conflict in the world.

PUBLIC COMMENT

Joseph Byrne, 701 Main Street, Blandon, PA explained to the Board that he would like to purchase adjoining property that consists of a dwelling on approximately 1.92 acres. His main objective behind purchasing the property was to prevent future development of semi-detached dwellings and to maintain the wooded buffer between his home and the other dwelling. Due to several conditions he must abide by to subdivide and/or annex to sell a portion of the property, he asked for information and suggestions.

The Board, the Engineer and the Solicitor provided several options to subdivide and/or annex to sell a portion of the property for Joseph Byrne to make his decision for the future of the adjoining property.

Joseph Tomalonis, 297 W. Walnut Tree Drive, Blandon, PA informed the Board that he would like to open a sandwich shop in the vacant building located at the intersection of Pleasant Hill Road and Allentown Pike, Fleetwood, PA. He asked the Board if he must submit a land development plan, or just move in.

Terry Manmiller, Zoning Officer reminded the Board that this property held a variance for Commercial use. The building housed several businesses in the past and never returned to an agriculture use. Joel Heffner currently owns the land and building.

The Board agreed that continued Commercial use of the property and building would be acceptable and there would be no reason for Joseph Tomalonis to submit a land development plan.

Cindy Stump, 140 Evansville Road, Fleetwood, PA asked the Board if the developer for Melrose Place located along Park Road in Blandon submitted plans for review.

The Board informed Cindy Stump that the developer for Melrose Place had not submitted plans for review.

Robert Clouser, 625 Barlet Road, Blandon, PA informed the Board he is the property owner of a large portion of farmland located along Barlet Road and Hill Road, Blandon, PA. Future plans for this property include the construction of a home, subdivision and annexation. Elmer Ringler has expressed interest in a portion of the property located along Barlet Road. Robert Clouser questioned if it was possible to annex the property along Barlet Road to Elmer Ringer prior to the subdivisions of the remaining property.

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The Board and Engineer agreed that an annexation would be possible for Elmer Ringler to obtain the portion of property located along Barlet Road mainly because it had been part of the Ringler property in the past. All Engineering work conducted to complete this annexation will be charged to the future Clouser subdivision review. The Board instructed the Engineer to contact Robert Clouser after looking at the plan.

Dean Focht, 393 Eagle Drive, Blandon, PA asked the Board the status of the tot lot that he and his neighbor expressed interest in purchasing from the township at 655 Walnut Tree Drive, Blandon, PA in the Golden Manor III subdivision.

The Board informed Dean Focht they have received a recommendation from the Park and Recreation Board to proceed with an appraisal for the future auction or sealed bid for the tot lot located at 655 Walnut Tree Drive, Blandon, PA in the Golden Manor III subdivision. Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Secretary/Treasure to obtain an appraisal for the future auction of the tot lot located at 655 Walnut Tree Drive, Blandon, PA in the Golden Manor III subdivision. Motion carried.

Tina Poole, 19 Lee Spring Road, Blandon, PA, asked the Board for a status report on the Martin Retirement Village Land Development Plan.

Roy Timpe informed Tina Poole that he attended the January 2002 Maiden creek Authority Meeting with intentions of explaining Mr. Martin's development dilemma and the accomplishments the Board had made to address final issues for the release of his plans. Final issues surrounding this development were delayed because Mr. Martin did not attend the January 2002 Maiden creek Authority Meeting. Roy Timpe suggested that the Board present Mr. Martin with an ultimatum addressing the outstanding issues for the release of the plans and preparations to commence with the project or a court injunction will be filed to close the existing mobile home park. He suggested that a construction schedule should be included as part of the Improvement Agreements. Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Engineer to prepare a construction schedule to be included in the Martin Retirement Village Improvement Agreements. Motion carried. Construction of Phase II may not begin until the Connecting to public sewage eliminates on-lot-sewage problems. The Township of will continue with inspections and a pumping schedule for Martin Retirement Village, Phase I until improvements are completed.

Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA asked the Engineer if the lights at Tom's Convenience Store had been measured.

The Engineer explained that light intensity at Tom's Convenience Store was measured on February 12, 2002. No appreciable difference was recorded, however the light intensity may fluctuate as much as 30% when a replacement bulb is installed which could be attributed to dirt and the age of existing bulbs. A suggestion to install shields on selected lamps near Mr. Kunkel's property might prevent the light glare on his property. Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Solicitor to send a letter to the owner of the Tom's Convenience Store requesting the installation of shields on several lamps to reduce or possible prevent light glare on Mr. Kunkel's property. Installation of shields on the lamps would be in compliance with the lighting regulations that were in effect when Tom's Convenience Store plans were approved. Motion carried. The Board agreed to pay for the light intensity measurement conducted at Tom's Convenience Store.

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Larry Kunkel commented that the stockpile of tires at the Lehigh Portland Cement Company along Maiden creek Road posed health and safety concerns for the general public. He wanted to know the length of time the tires are stock piled.

Terry Manmiller invited Larry Kunkel to accompany him to the Lehigh Portland Cement Company to observe their use of old tires as an alternative fuel to heat their kilns. He commented that their use of old tires as an alternative fuel to heat their kilns does not allow the stockpile of tires to remain in one area for an extended period of time.

CORRECTION TO 1/7/02 BOARD OF SUPERVISORS REORGANIZATION MINUTES:

1. Joseph Rudderow III was appointed to serve as Vacancy Board Chairman and on the Planning Commission. Joseph Rudderow’s name was misspelled.
2. Upon completion of the motion to appoint Joseph Rudderow III to the Planning Commission the Supervisors were polled. Mr. Kopfer voted, “No”.
3. Robert Kopfer nominated Richard Bergeman to serve as the township Solicitor for 2002. Richard Bergeman’s name was misspelled.
4. Maiden creek Township employees recently ratified a labor agreement and immediately became part of a union. Therefore, Maiden creek Township employees are no longer considered “at will” employees. Motions concerning the Maiden creek Township employees who serve at the pleasure of the Board should be omitted.

Robert Kopfer made a motion, seconded by Roy Timpe approving the January 7, 2002 Reorganization Meeting minutes with corrections and the January 7, 2002 Board of Supervisors Meeting minutes. Motion carried.

POLICE REPORT

Officer Charles Hobart of the Northern Berks Regional Police Department introduced Laurie Hague from the Berks County Juvenile Probation Office, who presented information about a Community Youth Aid Panel to be introduced in this area. She explained that this panel would consist of community volunteers and law enforcement representatives to administer an innovative diversionary program in juvenile justice. Informative brochures and applications to serve on the panel were provided for interested individuals.

Officer Charles Hobart read the Northern Berks Regional Police Activity Report for January 2002.

	MAIDENCREEK	ONTELAUNEE	LEESPORT	ADMIN. CALLS
TOTAL ASSIGNMENTS:	204	149	69	31
TRAFFIC CITATIONS:	42	36	14	
FINES COLLECTED:	\$1,467.36	\$2,564.15	\$1,192.00	

Officer Hobart reported:

1. An investigation is being conducted due to several incidents of vehicles and homes being “egged” in Maiden creek Township.
2. Speed Enforcement is constantly being enforced in various areas of Maiden creek Township.
3. Conditional employment with the Northern Berks Regional Police Department has been offered to David E. Drazenovich and David E. Witkowski.
4. The new police vehicle will be put into service as soon as the malfunctioning computer is repaired.

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Roy Timpe reported that the Northern Berks Regional Police Commission and Northern Berks Regional Police Association Bargaining Unit would meet to discuss contract options. He stressed that upon the appointment of the third Supervisor for Maiden creek Township, the withdrawal letter that was submitted to the Northern Berks Regional Police Commission must be discussed.

ROAD REPORT

Equipment Report

1. Units 1,2,3,and 4 are scheduled for inspection.
2. Minor repairs were completed on Units 4,3, and 1.
3. The trailer used to transport equipment was painted and new ramps were installed.
4. Specifications for a 2002, 4-wheel drive, dump truck was provided along with several purchase options to be considered.
5. The Board received notification of a one-time allocation of County Liquid Fuel funds to be distributed to municipalities. The allocation for Maiden creek Township is \$13,399.93. The Operations Director asked the Board to consider using the county aid to purchase the new roller.

Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Township Secretary to advertised an invitation to submit bids for (1) one, new 2002, 4x4 truck with a 9' aluminum dump body, tailgate spreader, central hydraulics, power angle plow with miscellaneous equipment. Motion carried. Bid pack and truck specifications may be obtained at the township office.

Road Crew Completed

1. A malfunctioning streetlight on Via Dolorosa was replaced for a cost of \$1,500.00.
2. Several potholes were filled with cold patch until spring, when they can be patched properly.
3. Spring maintenance was started on all the mowing equipment.
4. Numerous stop signs were replaced. Old stop signs will be refinished and reused.
5. The index sign at Excelsior Drive and June Avenue was replaced.

Winter Maintenance

January 6, 7, 8, 9, 19, 20 and 21, 2002 the road crew maintained township roadways by plowing snow, salting and/or treating icy patches.

Sidewalk Snow Removal

Presently, the township is responsible for maintaining approximately 1,018 feet of sidewalk and several recreational areas. The Operations Director and the Park and Recreation Board have recommended the purchase of an 8-horse power snow blower to maintain the sidewalks and the recreational areas. The cost of the snow blower would be shared between the Park and Recreation budget and Board of Supervisors General Fund. Robert Kopfer made a motion, seconded by Roy Timpe, to purchase an 8-horse power snow blower for the amount of \$789.00. The cost of the snow blower would be shared between the Park and Recreation budget and Board of Supervisors General Fund. Motion carried.

RESOLUTION 8-2002 COUNTY LIQUID FULES ALLOCATION

Robert Kopfer made a motion, seconded by Roy Timpe authorizing the Secretary to sign the County Liquid Fuels allocation application for Maiden creek Township to receive \$13,399.93. Motion carried.

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Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Operations Director to purchase (2) skids of crack sealant material at 33 cents per pound from Koch Materials. Two skids containing 48-50 boxes will cost \$1,500.00. Payment of this purchase will be made with remaining 2001 State Liquid Fuel funds. Motion carried.

2002 Road Bids

Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Secretary to advertise an invitation to submit bids for Maiden creek Township 2002 Road Work with notification that the Board has the right to reject any portion and/or all bids. Motion carried. Township roads being considered for 2002 maintenance are Wyatt Drive, White Birch Lane, a section of Lee Spring Road, Gulden Road and Villa Circle.

TREASURER’S REPORT

Ruth Manmiller read the Treasurer’s report:

December 2001		January 2002	
General Fund Checking	\$142,897.61	General Fund Checking	\$94,892.07
Payroll	\$ 17,327.56	Payroll	\$17,799.46
Recreation Tax Checking	\$ 16,217.44	Recreation Tax Checking	\$35,420.31
State Liquid Fuels Ch.	\$ 4,648.21	Martin Retirement Village	\$ 760.00
GM III Improvements	\$ 21.00	BM V Ph II	\$ 354.87
Martin Retirement Village	\$ 304.00	Recreation Tax Holding	\$ 5.50
BM V Ph II	\$ 30,150.73		
Shadow Ridge Ph I	\$ 83.75		
Rajah Checking	\$ 882.76		

Roy Timpe made a motion, seconded by Robert Kopfer, to accept the Treasurer’s report for December 2001 and January 2002 as presented and approve all listed payments. Motion carried. The Board requested clarification of the balance discrepancy for Martin Land Development in the Treasurer’s Report and the balance listed in the Secretary’s questions.

SOLICITOR’S REPORT

TREE TOPS SUBDIVISION

Township Solicitor, Chad Lubas reported that the developer for Tree Tops Subdivision had received notification to complete outstanding items on a punch list by February 15, 2002 or the Board of Supervisors would begin the process to draw down on his letter of credit. The process to draw down on the Tree Tops Letter of Credit in the amount of \$77,990.00 will begin on February 15, 2002.

MARTIN RETIRMENT VILLAGE – LAND DEVELOPEMENT

Roy Timpe made a motion, seconded by Robert Kopfer, authorizing the Solicitor to notify the developer of the Martin Retirement Village that the following ultimatum must be achieved by 3/14/02 or the Board will seek an injunction to cease and desist all operations in the Martin Retirement. The developer for the Martin Retirement Village must:

1. Provide Maiden creek Township Authority with a Letter of Credit by 3/14/02.
2. Provide payment of \$4,537.44 for review fees to Maiden creek Township Board of Supervisors, prior to the release of approved plans.
3. Provide payment of \$5,000.00 for pumping (current and future) of his on-lot-sewage system to Maiden creek Township Board of Supervisors prior to the release of approved plans.
4. Agree to sign the Martin Retirement Village Improvement Agreements that will include a Construction Schedule.

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MARTIN, Continued:

5. Agree to include in the Martin Retirement Village Improvement Agreement Construction Schedule, that upon construction commencing a (5) five-month time frame is imposed to connect existing units to the public sewage system.

Motion carried.

***MODIFICATION TO THE PREVIOUS MOTION WAS MADE LATER IN THE MEETING TO INCLUDE THE ADDITIONAL FOLLOWING DEMAND FOR THE DEVELOPER OF THE MARTIN RETIREMENT VILLAGE;** Roy Timpe made a motion, seconded by Robert Kopfer, to amend the Martin Retirement Village ultimatum to include 100% reimbursement of SEO costs incurred by Maiden Creek Township Board of Supervisors to be paid prior to release of recorded plans. Motion carried.

ENGINEER'S REPORT

BEDROCK STONE AND MULCH

Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Solicitor to inform the developer/owner of Bedrock Stone and Mulch that the review period for his Land Development Plan and the Memorandum of Understanding expired January 22, 2002 and he must cease and desist all operations located along West Wesner Road and Bertolet Place in Blandon, PA. Motion carried.

ISIMAC

Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the release of the Isimac Letter of credit because the maintenance period has expired. Motion carried.

HEFFNER SUBDIVISION AND LAND DEVELOPMENT – PRELIMINARY PLAN

Robert Kopfer made a motion, seconded by Roy Timpe, to grant the following waivers for the Heffner Subdivision and Land Development:

1. Relief from the Land Development and Subdivision Ordinance 302, which refers to Ordinance 301.A.3, which requires the plan to be at one (1) inch to twenty feet. Developer plan scale for the project is (1) inch equal to thirty feet. The reason for the request is to show the entire tract on one page for each of the various requirements.
2. Relief from the Land Development and Subdivision Ordinance Section 513.C.4a, which states the maximum height of the detention pond, is to be 6 feet. The developer is requesting this waiver for the height of the detention basin to be 7.25 feet high, which is 1.25 feet above the required height. This waiver request is keep the pond out of the flood plain. Noting that the pond is in an industrial area and will be out of eyesight from the residential properties that abut the site.

Motion carried.

Robert Kopfer made a motion, seconded by Roy Timpe, to approve the Heffner Subdivision and Land Development Preliminary plan contingent upon the Systems Design Engineer's 1/17/02 Review letter. Motion carried.

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Upon the recommendation of the Park and Recreation Board, will the Board authorize the annual fireworks display? Robert Kopfer made a motion, seconded by Roy Timpe, to approve the contract proposal of \$3000.00 with International Fireworks Manufacturing Company to provide the fireworks display on 6/8/02 on the Andrew Maier Elementary athletic field following the annual Fire Company Carnival. Motion carried.

Upon the recommendation of the Park and Recreation Board, will the Board accept the open-space with the two retention basins and accept fee in lieu of open-space for all building lots in Meadowbrook development? This subject was tabled until the Board has the full complement of three supervisors to make a decision.

Upon the recommendation of the Park and Recreation Board, will the Board consider appointing a 6th member to the Park and Recreation Board and if so, would the Board appoint David Anspach to fill that position? Robert Kopfer made a motion, seconded by Roy Timpe appointing David Anspach to the Park and Recreation Board, providing that he absolves himself from any voting pertaining to Meadowbrook Subdivision. Motion carried.

AGRICULTURE SECURITY

Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Solicitor to advertise the Agriculture Security Hearing to accept applications from property owners seeking to include their property in the Maiden creek Township Agriculture land preservation on March 14, 2002 at 7:00 PM, with the monthly Board of Supervisors meeting to follow immediately after the conclusion of the hearing. Motion carried.

TERRY L. RARICK – RESIGNATION

Roy Timpe made a motion, seconded by Robert Kopfer, to accept the resignation of Terry L. Rarick as a Maiden creek Township Supervisor effective 2/14/02 and instructed the Secretary to send a thank you letter to Terry. Motion carried.

Roy Timpe explained that the individual appointed to fill the vacancy as a result of Terry Rarick's resignation would complete his term and then would be required to run in the next election should that person wish to continue to hold the position.

Roy Timpe made a motion to appoint Gloria Kemmerer to fill the Maiden creek Township Board of Supervisors vacancy as a result of Terry Rarick's resignation. His motion did not receive a second.

Robert Kopfer made a motion to appoint Larry Kunkel to fill the Maiden creek Township Board of Supervisors vacancy as a result of Terry Rarick's resignation. His motion did not receive a second.

Due to the imminent impasse, Roy Timpe suggested that a public meeting be conducted for the Board of Supervisors, Joseph Rudderow – Vacancy Board Chairman, and the public to meet both appointees. Each appointee will be afforded five minutes to explain why they would be most suited for the supervisor position. Other interested individuals who wish to be considered for the position will be afforded the opportunity to do so at that time. Appointment of a new supervisor will be the only matter of business to be conducted during this meeting.

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Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Solicitor to advertise a Vacancy Board Meeting to be conducted 2/22/02 at 7:30 PM in the Maiden creek Township Municipal Building. Motion carried.

Terry Manmiller informed the Board of the excellent evacuation procedures enforced by the Blandon Fire Company personnel during a recent natural gas-line emergency.

A Certificate of Insurance has been received from Gary Rollman for the bike races that will be conducted 3/16/02,3/30/02 and 4/6/02 on several rural township roadways north of Lake Ontelaunee.

Robert Kopfer made a motion, seconded by Roy Timpe, to adjourn the meeting at 10:20 PM. Motion carried.

Respectfully submitted,

Ruth M. Manmiller
Recording Secretary

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