

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**  
**JULY 18, 2002 7:00 PM**

**PRESENT:** Roy Timpe - Supervisor, Robert Kopfer – Supervisor, Gloria Kemmerer – Supervisor, Ed Kopicki – Township Engineer, Eugene Orlando, Esq. – Township Solicitor, Terry Manmiller - Operations Director, and Ruth Manmiller - Recording Secretary.

**GUESTS:** Robert Hanna, J.D. Krafchek, David Anspach, Craig Momose, Brian Boyer, Cindy Stump, Fay Isamoyer, Krista Timpe, Bill Ulrich, Dean Focht, Pat Harkin, Keith Weidner, Nancy Werner, Mark Qualio, Darlene Qualio, Frank Wheeler, William Krauter, Joseph Rudderow, III, Larry Kunkel, Donna Fuerst, Mitchell Fuerst, Lauren Fuerst, Randy Wolfe, Claude Beaver, James Schoellkopf.

Roy Timpe called the July 18, 2002, Board of Supervisors meeting to order at 7:00 PM. Everyone was asked to rise for the pledge to the flag.

Roy Timpe informed the guests that the Board of Supervisors in an effort to reduce the length of the monthly meetings has rearranged the agenda. He asked the guests to be patient during this trial and error period. A clipboard was passed through out the meeting room allowing guests to sign-in and list their topic of discussion or concerns. Per the agenda, their topics/concerns will be addressed later in the meeting.

**POLICE REPORT**

Sgt. Michael Schmittinger read the Northern Berks Regional Police activity report for June 2002.

	<b>MAIDENCREEK</b>	<b>ONTELAUNEE</b>	<b>LEESPORT</b>	<b>TOTAL</b>
PATROL HOURS	626.75	400	286	1312.75
ADMIN. HOURS PATROL	120.33	89.27	67.65	277.25
TOTAL PATROL HOURS	747.08	489.27	353.65	1590.00
MILAGE	6840.49	4642.29	1893.22	13376
ASSIGNMENTS	319	178	116	ADMIN. 31 644
TOTAL FINES COLLECTED	\$4,797.31	\$2,122.54	\$ 738.22	\$7,658.07

**ANNOUNCEMENTS**

- 6/17/02 – 7:30 PM Recycling Workshop
- 7/11/02 – 8:30 PM Executive Session – Billboard Hearing, Storm damage reimbursement, Bedrock Litigation
- 7/15/02 – 7:00 PM Lipton Special Exception
- 7/30/02 – 7:00 PM Lamar Advertising Hearing and Shubeck Variance

**APPROVAL OF MINUTES**

Robert Kopfer made a motion, seconded by Roy Timpe, to approve the minutes of the May 20, 2002 Special Meeting. All Board members voted, “Aye.” Motion carried.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to approve the minutes of the June 16, 2002 Workshop Meeting. All Board members voted, “Aye.” Motion carried.

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Robert Kopfer made a motion, seconded by Gloria Kemmerer, to approve the June 10, 2002 Board of Supervisors with the following additions/corrections:

Page 3: Yvonne Scalese-Addition: Include a note that a meeting is to be scheduled including the Scaleses and Santiagos, Maiden creek Township Engineer and Zoning Officer/Operations Manager and John Sharman and his professionals.

Page 5: Dries Road-second line-delete words "resulted in" and replace with "indicating need for"

Page 5: Treasurer's Report-Two additions

1. Add note in reference to Recreation Tax Checking- May Report previous balance reflects correction of error of \$1869.63 on April Report.
2. As per request by Gloria Kemmerer, in the future no changes are to be made to previously submitted Treasurer's Reports.

Page 6: Shadow Ridge-Addition: The Board of Supervisors wishes to thank Mr. Grande for his generosity in providing the detention pond.

Page 6: Willow Gardens-Clarification: delete the second last word "this", replace with "the" and add the words "of Lot 133" to the end of the sentence so that it reads: "investigate the issue of Lot 133."

Page 7: Martin Retirement Village-Addition: wherever the parties are listed who were part of the agreement, also add "Maiden creek Township"

Page 8: Bedrock Stone and Stuff-Clarification: add words "submitted March 21, 2002" after "Preliminary Plan" since two plans were open at the same time

Page 9: Secretary's Questions-Tax Exemption for Lot 8

Addition to motion: add words after "Lot 8": "and prosecution of application through Board of Assessment"

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

**TREASURER'S REPORT**

General Fund Checking	\$137,821.68
General Fund Money Market	\$104,400.57
Payroll	\$ 18,400.57
Recreation Tax Checking	\$ 16,619.57
Golden Manor III Improvements	\$ 1,645.00
Martin Retirement Village Insp.	\$ 23,965.11
Skyline Realty, LLC	\$ 96.96
Blandon Meadows V Ph. II	\$ 21,000.00
Treetops II Improvements	\$ 456.00

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

**ENGINEER'S REPORT**

**CLOUSER SUBDIVISION/ANNEXATION**

The Solicitor instructed the developer to include an additional reference note on the Clouser Subdivision/Annexation Final Plan as follows; Lot # 3 is for annexation purpose only and is not a separate building lot and may not be conveyed other than to the adjoining property owner. Note to be placed near Lot # 3 on the plan. Approval was tabled until all contingencies are met. Planning Modules have been approved.

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**MEADOWBROOK, Final Plan**

A lengthy discussion ensued relative to water and sewer stub line and/or a water and sewer easement on Lot 37 of the Meadowbrook Subdivision:

1. **Gloria Kemmerer** stated that she was in favor of the installation of a water and sewer stub line being installed on Lot 37 of the Meadowbrook Subdivision. Installing the line does not indicate that the Board is encouraging additional growth for the township but rather a practice of good planning for the future.
2. **Roy Timpe** was undecided. He was of the opinion that if future development of the adjoining property did occur that developer would find an option to provide municipal water and sewer to that development regardless of whether or not an easement or stub lines had been provided.
3. **Robert Kopfer** stated that he was against installation of a water and sewer stub line or providing a water and sewer easement on Lot 37 of the Meadowbrook Subdivision.

The Board decided that since this issue was merely a recommendation of the Maidencreek Authority and not a contingency to approve the final plan, they would not require the Meadowbrook developer to provide an easement or stub lines on Lot 37 of the Meadowbrook Subdivision.

Terry Manmiller was asked to contact Stan Stubby – Lighting Engineer for a recommendation on the amount of streetlights in Meadowbrook. The developer followed the subdivision regulations; however, this has resulted in excessive lighting for the development.

The developer confirmed that the hold harmless agreement for Walnut Manor residents had been revised as per the Township Solicitor and is completed.

Gloria Kemmerer made a motion, seconded by Roy Timpe, to grant final approval of the Meadowbrook Subdivision, Final Plan contingent upon

1. MTA approval.
2. Common Stormwater Trust Agreement – review and approval.
3. Construction Costs estimates.
4. Improvement Agreements.
5. Financial responsibility.

Gloria Kemmerer voted, “Aye.” Roy Timpe voted, “Aye.” Robert Kopfer voted, “No”. Motion carried.

**ANDREW MAIER ELEMENTARY, Modular Classrooms**

The Fleetwood School District presented a plan for the Board to review the placement of the modular classrooms. The plan was not acceptable. The Engineer wanted a detailed plan displaying the modular classroom placement in reference to the existing buildings. Roy Timpe made a motion, seconded by Robert Kopfer, to allow the Fleetwood School District to proceed at their own risk in the placement of the modular classrooms at the Andrew Maier Elementary School and then provide the Board with a detailed as-built plan. All Board members voted, “Aye.” Motion carried.

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**MAIDENCREEK COMMUNITY PARK**

At the June 13, 2002 Board of Supervisors meeting, bids were opened for Site Development Work at the Community Park. The lowest responsible bidder is LSR Enterprises, Inc., completing the required work for the amount of \$122,329.00. Gloria Kemmerer made a motion, seconded by Robert Kopfer, to give "Notice of Intent to Award", "Notice of Award", and the "Notice to Proceed" respectively for the total bid of \$122,329.00 to LSR Enterprises. All Board members voted, "Aye." Motion carried. Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Solicitor to prepare an ordinance to abandon a portion of East Wesner Road in the Community Park. All Board members voted, "Aye." Motion carried. Original conception of the Community Park intended for the abandonment of a portion of East Wesner Road. Preparation and adoption of an ordinance to abandon a portion of East Wesner Road will allow the public to comment at a public hearing prior to adoption.

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

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

**SHADOW RIDGE/BLANDON MEADOWS DRAINAGE**

Revised plan was sent to Grande Construction.

**STORMWATER INVESTIGATION – Spirit Court**

The Engineer stated that an on sight inspection has determined that the property owners should move sheds and fences to allow the storm water to flow. The Operations Director and the Engineer will obtain permission from the property owners to measure the flood way to determine if any relocation of sheds and fences is necessary.

**RAJAH**

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to approve a six-month extension of the Penn Dot Highway Permit to complete the intersection at Orchard Road and Lake Shore Drive (SR73). All Board members voted, "Aye." Motion carried. Robert Kopfer made a motion, seconded by Gloria Kemmerer, to accept the revised Landscaping Plan for the Rajah Complex. All Board members voted, "Aye." Motion carried. The Solicitor will contact Attorney Hoffert to coordinate a public hearing to abandon a portion of Slater Road with the public hearing for the abandonment of a portion of East Wesner Road.

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

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$532.49. All Board members voted, "Aye." Motion carried.

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**SEO REPORTS AND CONSTRUCTION STATUS REPORTS:** The Engineer distributed SEO reports and development/construction status reports to the Board. Gloria Kemmerer stressed her concern that several items listed in previous development status reports are still unresolved and she does not want these issues to “slip through the cracks”. She pointed out that Trails, Inc., Your Children Day Care, and the TreeTops Development has been notified several times to comply and still have not shown any effort to proceed with the designated improvements. The Solicitor and Engineer agreed to research the outstanding items.

### **GOLDEN MANOR III, Trees**

The Operations Director reported that utilities interfere the placement of trees in Golden Manor III as per the recorded plan. He asked the Board to re-evaluate the placement of trees in Golden Manor III. Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Township Engineer to prepare a landscaping plan for installation of trees in GM III. All Board members voted, “Aye.” Motion carried.

### **PARK ROAD (SR 1010) AND MAIN STREET (SR 73) INTERSECTION**

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Township Engineer to continue working on the stop line placement for the Park Road/Main Street intersection. All Board members voted, “Aye.” Motion carried.

## **PARK AND RECREATION**

### **FENCE REPAIR, Blandon Ball Filed**

The Board tabled this discussion.

### **ONTELAUNEE HEIGHTS, Parking**

The Engineer reported that games have been reduced at Ontelaunee Heights ball field and currently practices are being conducted. Off street parking is being considered.

## **SOLICITOR’S REPORT**

### **LARMAR ADVERTISING**

The public hearing for Lamar Advertising relative to billboard placement in Maiden Creek Township will be conducted, July 30, 2002 in the municipal building.

### **MARTIN RETIREMENT VILLAGE**

Per the SEO, two citations have been filed against Raymond Martin for a malfunctioning on-lot sewage system. Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Township Solicitor to represent Maiden Creek Township at the Martin hearing. All Board members voted, “Aye.” Motion carried.

### **BEDROCK STONE AND STUFF**

The Solicitor advised the Board of Supervisors that the developer will submit revised plans for Bedrock Stone and Stuff. After meeting with the developer, several misunderstandings about the development have been addressed and will be reflected in the revised plan. The Engineer stated that the plan would be reviewed for the July Planning Commission meeting.

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**ROAD REPORT**

Robert Kopfer informed the guests that copies of the June 2002 Operations Director's report were available for the public to review. He proceeded to address issues that required action from the Board.

**TRAFFIC ORDINANCE**

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Solicitor to prepare an amendment to the traffic ordinance to reflect a 35-mile speed limit for Schaeffer Road from the Allentown Pike (SR 222) to East Wesner Road. All Board members voted, "Aye." Motion carried.

**MAIDENCREEK CHURCH ("Red Church" at Main Street and Park Road)**

A representative from the Maiden creek Church has requested permission to install a modular unit for use as an office for the minister. The Operations Director was advised to obtain additional information and report to the Board at a later time.

**CHIPPER, LEAF VAC AND LEAF BOX**

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Operations Director to purchase the Chipper for a cost of \$23,252.00, the Leaf Vac for a cost of \$16,605.00, and Leaf Box for the cost of \$2,984.00 as per quotes submitted through the state contract. No bidding is required for this purchase. All Board members voted, "Aye." Motion carried. Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Township Secretary to advertise for bids to sell the "old" chipper, bids will be opened at the August 8, 2002 Board of Supervisors meeting. All Board members voted, "Aye." Motion carried.

**PUBLIC COMMENT**

Public comment was designated to be conducted at a different time in the meeting. Due to the length of other reports, Public Comment was delayed. The following individuals signed the register to discuss their issues:

1. Donna Fuerst, 309 Faith Drive, Blandon, PA – Speeding on Faith Drive
2. Cindy Stump 140 Evansville Road, Fleetwood, PA – Mildred Eddinger/property set back (for Kenneth Shrom)
3. Joseph and Yvonne Scalse, 213 Spirit Court, Blandon – Storm water damage reimbursement
4. Frank Wheeler, 130 Hill Road, Blandon, PA – Development in the township and concern for water supply
5. William Krauter, 122 Hill Road, Blandon, PA – When will Sandritter complete the TreeTops Subdivision?

**Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA,** asked the Board to request permission from Penn Dot to install "No Parking" signs along the east bound lane of Lake Shore Drive (SR 73). The practice of vehicles parking along the eastbound lane of Lake Shore Drive (SR 73) to go into Tom's Convenience Store causes a traffic hazard. The Board instructed Chief Eaken to send a letter to Penn Dot to request installation of "No Parking" signs along the eastbound lane of Lake Shore Drive (SR 73).

**Nancy Werner, 261 Troxel Road, Shoemakersville, PA,** informed the Board that conditions of her neighbor's property (Roving Kennels, 353 Troxel Road, Shoemakersville, PA) and barking dogs are causing unnecessary stress in her life. This is not the first time she has brought this stressful condition to the Board of Supervisors. The Solicitor advised Nancy Werner to document everything for future citations. The Board advised Nancy Werner to call the Police in the future rather than attempting to handle the problem herself..

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**Randy Wolfe, 342 West Walnut Tree Drive, Blandon, PA**, - Planning Commission member suggested that the Board consider a traffic impact study for the township. The Board advised Randy Wolfe to discuss the traffic impact at Planning Commission meeting.

**Cindy Stump, 140 Evansville Road, Fleetwood, PA** advised the Board to reconsider adjustments to the Agenda. She informed the Board that several guests were upset that they could not stay longer and have an opportunity to discuss their issues.

The Board apologized and reminded everyone that this was a trial and error attempt to shorten the meeting and still address pending issues/business.

Gloria Kemmerer suggested that the Board consider conducting two meetings a month in order to get all the business and public concerns properly accomplished. Robert Kopfer disagreed.

**PEDDLER'S PERMIT**

An individual was interested in obtaining a Peddler's Permit to sell books in Maiden Creek Township. They objected to the amount of liability insurance required to obtain a permit. The Board stated they must abide with the existing ordinance. The Board and the Solicitor agreed that this is another ordinance that requires review and possible revisions.

**SECRETARY'S QUESTIONS**

**MILDRED EDDINGER, 58 MT. SPRING ROAD, BLANDON, PA**

The Board was informed that Mildred Eddinger's property was surveyed. The Board has not received any type of plot plan indicating Mildred Eddinger's property lines in relationship to the neighbor's porch with steps. Prior to the Board taking action, they requested a letter from Mildred Eddinger's surveyor confirming that the neighbor's porch is encroaching her property.

**RICHARD ORWIG**

**Shall the Treasurer pay Richard Orwig's final statement in the amount of \$1,575.00?** Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Township Treasurer to pay Richard Orwig's final statement in the amount of \$1,575.00. All Board members voted, "Aye." Motion carried.

**HEFFNER SUBDIVISION**

**Greth Construction proceeded to move earth and to create a detention pond per Berks County Conservation District. During this construction, electric lines were damaged. Per the Municipal Planning Code, developers are allowed to move earth after a plan is approved and prior to recording. Greth Construction did more than move earth. What does the Board wish to do?**

Roy Timpe made a motion, seconded by Robert Kopfer, authorizing the Township Engineer to identify items that must be accomplished for Soil and Erosion compliance and then forward information to the Township Solicitor to issue a "Cease and Desist" work order for the Heffner Subdivision. All Board members voted, "Aye." Motion carried.

**MEMORANDUM OF UNDERSTANDING**

**MAIDENCREEK TOWNSHIP AND BERKS COUNTY CONSERVATION DISTRICT**

The Solicitor will review the Memorandum of Understanding from the Berks County Conservation District. This subject was tabled until the August 2002 Board of Supervisors meeting.

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**GARGAGE COLLECTION AND RECEYCLING**

Results of the survey:

119 voted to keep the trash pick-up as is

37 voted in favor of municipal trash pick-up

Due to the numerous issues that must be addressed to implement a Township Trash and Recycling Program, the Board planned a Workshop meeting. The Board authorized the Township Secretary to advertise a Trash and Recycling Workshop meeting for August 6, 2002 at 7:00 PM.

**EXECUTIVE SESSION 11:00 PM – 11:55 PM – Personnel issues**

Roy Timpe made a motion, seconded by Gloria Kemmerer, authorizing payment of 16 overtime hours to Regina Sanders to compensate her for additional hours required to prepare for the July Board of Supervisors meeting. All Board members voted, “Aye.” Motion carried.

Gloria Kemmerer made a motion, seconded by Roy Timpe, authorizing additional payment to Ruth Manmiller as compensation for the lengthy meetings and the additional time required to complete minutes. All Board members voted, “Aye.” Motion carried.

The Operations Director reported that there is nothing wrong with the tree that is located in the swale near **Ann Santiago, 217 Spirit Court, Blandon, PA**. He did suggest that the tree be trimmed to remove dead limbs. The Operations Director will prepare a letter informing Ann Santiago of the findings.

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  
Park and Recreation Board  
Zoning Hearing Board and Alternates  
Paul Herbein, Zoning Hearing Board Solicitor  
Maidencreek Township Authority  
Robert Hobaugh, Esq., Maidencreek Township Authority Solicitor  
Barbara Hassler, Tax Collector  
Daniel Miller, Fire Chief  
Northern Berks Regional Police



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