

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

MONDAY JUNE 10, 2002 7:00 PM

PRESENT: Roy Timpe - Supervisor, Robert Kopfer – Supervisor, Gloria Kemmerer – Supervisor Thomas Unger – Township Engineer, Eugene Orlando and John Fielding – Township Solicitors, Terry Manmiller - Operations Director, and Ruth Manmiller - Recording Secretary.

GUESTS: Hether Quillman, Anthony Ho, Marion Smith, David Smith, Patrick Harkin, Daniel Miller – Blandon Fire Co. Chief, Gary Walters, Richard Thren, Joe Scalse, Yvonne Scalse, Gabrielle Scalse, Diane Hollenbach, Gloria Kline, Randy Martin, Jody Martin, Randy Wolfe, Tina Poole, Ann Santiago, Larry Kunkel, Joesph Rudderow, David Prezyjemski, Lillian Prezyjemski, Officer Robert Wood, Claude Beaver, James Schoellkopf, Diane Robinson - Reporter

Chairman Roy Timpe called the June 10, 2002, Board of Supervisors meeting to order at 7:00 PM. Everyone was asked to rise for the pledge to the flag.

COMMUNITY PARK, PHASE I - OPEN BIDS

The Township Engineer opened the following bids for Phase I of the Community Park:

- | | |
|-----------------------------|--------------|
| 1. Reading Site Contractors | \$132,402.03 |
| 2. LSR Enterprises | \$122,329.00 |
| 3. E. Kuser, Inc. | \$180,838.00 |
| 4. Fisher Site Development | \$186,550.00 |

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to accept the bids for Phase I of the Community Park and authorized the Township Engineer to review and recommend action at the July meeting. All Board members voted, “Aye.” Motion carried.

PUBLIC COMMENT

Gary Walters, 272 Faith Drive, Blandon, PA, reminded the Board that construction of a storage building was included in the 2002 Budget. He asked the Board when construction of this building would begin.

Terry Manmiller, Operations Director, informed the Board and Gary Walters that he is not ready to begin another project.

David and Lillian Prezyjemski, 240 Longleaf Drive, Blandon, PA, enlightened the Board on the numerous disturbances they are subjected to because of the little league ball field adjacent to their property. They do not appreciate “outsiders” in the development that are causing noise, traffic congestion, and litter. They want the games to stop.

Terry Manmiller, Operations Director, informed David and Lillian Prezyjemski that the section where the ball field is located was designated as open space for recreational use when the plan was submitted.

Hether Quillman, a member of the Park and Recreation Board, stated that the Ontelaunee Heights field was designated for T-Ball however; the need for additional fields has increased the demand to utilize the this field for games. The Park and Recreation Board could possibly limit the amount of games, but not the practices at the Ontelaunee Ball Field.

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Patrick Harkin, a member of the Park and Recreation Board, stated that there are approximately 400 children involved in the Little League Association.

Richard Thren, 207 Longleaf Drive, Blandon, PA, invited the Board to travel through Ontelaunee Heights on a Saturday. He is sure the Board would be surprised at the amount of traffic in the development. The little league fans and parents bringing their children to the ball games are traveling too fast for the development and choose to park anywhere blocking driveways and mailboxes. It is a safety concern for everyone.

Roy Timpe asked the Park and Recreation Board to address this issue and provide a recommendation for the Board of Supervisors.

Tina Poole, 19 Lee Spring Road, Blandon, PA, asked the Board the status of the Martin Retirement Village.

The Township Solicitor informed Tina Poole that the Martin Retirement Village Final Plans were released for recording and all outstanding fees have been paid. An agreement between the Maiden creek Township Authority and Raymond Martin prohibits any type of construction or building permits to be issued until Certificates of Insurance are provided. The Martin Retirement Village Final Plan is recorded, and no changes will occur. Construction should begin July 31, 2002.

Gloria Kline, 30 Lee Spring Road, Blandon, PA, asked that Raymond Martin be notified to cut his weeds.

The Operations Director agreed that the weeds were high and they should be cut. He delayed notifying Raymond Martin about his weeds because of his concerns for the surrounding neighbors who could experience flooding should the vegetation be cut. When construction begins and the proper soil and erosion measures are implemented flooding should not be a problem when the vegetation is removed.

David Smith, 108 Hill Road, Blandon, PA, asked the Board to do something about the un-kept property behind his home at 221 Callery Drive, Blandon, PA. The property owner moved and has not continued to maintain the property. The home is in disrepair and the grass has not been cut at all this year.

Roy Timpe made a motion, seconded by Gloria Kemmerer, authorizing the Solicitor to proceed with Civil Enforcement of the Weed Ordinance and stressed that mowing expenses and Solicitor fees must be included as part of the fine. All Board Members voted, "Aye." Motion carried. The Operations Director was instructed to take the appropriate action to have the grass cut at 221 Callery Drive, Blandon, PA.

Ann Santiago, 217 Spirit Court, Blandon, PA, asked the Board for the status of her swale complaint and she wanted to include her concerns about a sickly tree that is located in the same swale. She asked why her home was built in a 100-year flood plane, and might the neighbor's fence have something to do with the recent flooding.

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Yvonne Scalese, 213 Spirit Court, Blandon, PA, who is Ann Santiago's neighbor, added that she is concerned about the swale flooding their properties this year, just as it has in the past. She submitted a bill to the Township for clean up and repair of her flooded home and is waiting for a reimbursement. The Operations Director stated he spoke with Sharman Builders about the swale between the homes at Maiden Creek Estates and Hidden Meadows. Sharman Builders will ask Ludgate Engineering to review the approved plans. The Operations Director will inspect the fence on the neighbor's property to see if it impedes storm water flow.

Randy Martin is interested in purchasing the farmhouse and barn located along Park Road across from the Andrew Maier Elementary School. Tentative plans are for his family to live in the house and use the barn as a gift shop. The property is zoned Commercial and allows for the use. He asked the Board if he must go through Land Development since nothing will change. If he must go through Land Development that will require him to possibly connect to municipal water and sewer. The estimated cost to connect to municipal water and sewer could force him to forgo the purchase of this property.

The Township Solicitor suggested to Randy Martin to file for a Variance or a Special Exception. DEP controls decisions for on-lot septic systems. He advised Randy Martin to file a simple Land Development Plan and allow the Planning Commission and Board of Supervisors to review and explore the possibility of a holding tank.

Kenneth Shrom spoke on behalf of his aunt, **Mildred Eddinger, who lives at 58 Mt. Spring Road, Blandon, PA**, relative to her neighbor's porch with steps. On November 11, 1988, the Board allowed a modular home to be installed with questionable property set backs due to a hardship suffered by the owner after his existing modular home burned. Recently, the modular home in question was sold. The new owners have installed a porch with steps that extend onto his aunt's property. Her desire to install a fence to prevent the new neighbors from walking on her property is impossible because the neighbor's porch encroaches on her property. He asked the Solicitor if this was a Township issue or a civil matter.

The Township Solicitor admitted that he was unfamiliar with this issue. He agreed to review all the information and provide a recommendation at the July Board of Supervisors meeting.

Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA, thanked the Operations Director for convincing Tom's to install shields on their exterior lights. He still is disturbed by the noise of Tom's delivery trucks before 6:00 AM.

MAY 9, 2002 MINUTES

Corrections:

Page 1: Guests; Roland Kemmerer should be Ronald Kemmerer.

Page 2: Add title "Park Place Homeowners Association."

Page 5: "Eugene Orlando and Eric Strahn" should read "Eugene Orlando and John Fielding."

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to adopt the May 9, 2002 Board of Supervisors minutes as corrected. All Board members voted, "Aye." Motion carried.

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POLICE REPORT

Roy Timpe made a motion, seconded by Gloria Kemmerer, to accept Robert Kopfer’s resignation as Police Commission Alternate for the Northern Berks Regional Police and appoint Gloria Kemmerer as the new Police Commission Alternate for the Northern Berks Regional Police. All Board members voted, “Aye.” Roy Timpe reminded the guests that a monthly Police Commission meeting is conducted at the Northern Berks Regional Police Headquarters. The public is invited to attend.

Officer Robert Wood read the May 2002 Activity Report for the Northern Berks Regional Police.

	MAIDENCREEK	ONTELAUNEE	LEESPORT	TOTAL
PATROL HOURS	639.5	475.25	272.75	1387.50
ADMIN. HOURS PATROL	117.72	87.34	66.19	271.25
TOTAL PATROL HOURS	757.22	562.59	338.94	1658.75
MILAGE	7715.8	5037.35	1983.85	14737
ASSIGNMENTS	276	194	89	ADMIN. 25 584
TOTAL FINES COLLECTED	\$1,986.97	\$2,694.39	\$1,058.19	\$5,739.55

Officer Wood reminded the meeting guests to contact the police when they see suspicious activity or vehicle in their neighborhood.

ROAD REPORT

Robert Kopfer read the Operations Director’s report for May 2002:

Equipment Report

1. Unit # 2 is at Bregey Truck Center for inspection and service.
2. Parts have been ordered to repair the broken overflow container on the John Deere 1055.
3. Kantner Tire repaired the flat tires on the Howard mower.
4. The 2002 truck should be ready for service by the end of the month.

Completed Projects

1. Roadside mowing was completed the first week of May 2002.
2. Open Space and play lots are being maintained on a regular basis.
3. Shoulders along newly paved roads were filled with 2RC and topsoil.
4. Stop bars were repainted on Township roadways.
5. Every Monday morning trash is collected at all play areas.

222 CORRIDOR MEETINGS

5/23/02 Allentown – Information to begin a study on all state highways in the Commonwealth. The study will review directing traffic off of Route 222 onto Route 12, attempting to get truck traffic onto the rail system, and investigate the Park & Ride System for Route 222.

6/6/02 Maxatawny Township Building – Information provided to Township officials informing them that the public would be made aware of the Route 222 Corridor project and receive input.

6/17/02 Kutztown University – future meeting.

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DRIES ROAD

A bridge inspection was performed on Dries Road between Allentown Pike (Rt. 222) and Snyder Road resulted in necessary repairs. The Operations Director estimated the cost to complete the necessary repair work should be between \$2,000.00 and \$2,500.00. Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Operations Director to complete the necessary repairs to the bridge on Dries Road between Allentown Pike (Rt. 222) and Snyder Road per the inspection report for an estimated cost of \$2,000.00 to \$2,500.00. All Board members voted, "Aye." Motion carried.

ANDREW MAIER ELEMENTARY SCHOOL

The Fleetwood School District informed the Township that they plan to install two temporary portable classrooms on an existing macadam area at the Andrew Maier Elementary School. The Operations Director was instructed to inform the Fleetwood School District to submit a simple Land Development Plan for the placement of the temporary portable classrooms.

ROAD WORK 2002

E.J. Breneman has completed the roadwork per the contract, along with emergency repairs to West Shore Drive.

SUMMER PART TIME EMPLOYMENT

Roy Timpe made a motion, seconded by Robert Kopfer, authorizing the Operations Director to hire Michael Doubert for 2002 Summer part time employment. All Board members voted, "Aye." Motion carried.

BERKS COUNTY COOPERATIVE PURCHASING COUNCIL

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to enter into to the Berks County Cooperative Purchasing Council at a cost of \$150.00 to join and \$50.00 per year thereafter. All Board members voted, "Aye." Motion carried.

BERKS COUNTY COOPERATIVE PURCHASING REPRESENTATIVE

Gloria Kemmerer made a motion, seconded by Robert Kopfer, appointing Terry Manmiller as the Maiden creek Township representative for the Berks County Cooperative Purchasing Council. All Board members voted, "Aye." Motion carried.

TREASURER'S REPORT

Ruth Manmiller read the May 2002 Treasurer's Report and requested payments from the following

accounts:	General Fund Checking	\$134,107.74
	General Fund Money Market	\$159,331.64
	Payroll	\$ 27,831.64
	Recreation Tax Checking	\$ 10,975.50
	Golden Manor III Improvements	\$ 1,000.00
	State Liquid Fuels Checking	\$ 60,822.32
	State Liquid Fuels Money Market	\$ 60,822.32
	Recreation Tax Holding II	\$ 8,000.00

Robert Kopfer made a motion, seconded by Gloria Kemmerer, approving the May 2002 Treasurer's Report and approved payments as presented. All Board members voted, "Aye." Motion carried. Gloria Kemmerer commented that the discrepancies in previous treasurer's report have been explained and corrected.

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ENGINEER'S REPORT

SHADOW RIDGE, Phase I – Final Plan

Roy Timpe made a motion, seconded by Gloria Kemmerer, to approve the Shadow Ridge, Phase III -Final Plan contingent upon, Maidencreek Township Authority approval, receipt of Improvements Agreements, proof of Financial Security, items outlined in System Design Engineer, Inc., May 15, 2002 Planning Commission review letter being completed, and request that the detention pond be included in the Improvements Agreements. All Board members voted, "Aye." Motion carried. The Township Solicitor will contact the attorney for Shadow Ridge developer to prepare an easement for the detention pond.

HEFFNER TRACT (Greth) - Final Plan

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to approve the Heffner Tract (Greth) Final Plan contingent upon Maidencreek Authority approval, 30 days to convey the annexation of adjoining properties, receipt of Improvement Agreements, and proof of Financial Security. All Board members voted, "Aye." Motion carried. The Operations Director suggested that "No Right Turn" signs be installed at exits along Dries Road due to the weight restrictions on Snyder Road.

THE FIRST NATIONAL BANK OF FLEETWOOD

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to return the Letter of Credit because all improvements are completed. All Board members voted, "Aye." Motion carried.

CLOUSER SUBDIVISION

The Board received a signed extension letter for review of the Clouser Plan until 9/27/02.

TRAILS, INC.

No response to the Engineer's certified letter.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Solicitor to review Trails, Inc. Improvement Agreements and take the appropriate action to insure the proper screening has been installed. All Board members voted, "Aye." Motion carried.

BENNICOFF

No response to the Engineer's certified letter.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Solicitor to inform the property owner/developer to remove and replace dead trees and remove the filter fabric. All Board members voted, "Aye." Motion carried.

WILLOW GARDENS

Action was tabled to allow the Solicitor to further investigate this issue.

PENN BIOMEDICAL

The Engineer reported that the improvements are complete except for the rear yard screening. It has been suggested that the installation of the screening be delayed until adjoining the park property is completed.

BYRNE SUBDIVISION

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to approve the Byrne Subdivision Final Plan. All Board members voted, "Aye." Motion carried.

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GOLDEN MANOR, PHASE I AND PHASE II – Storm Water Control

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Operations Director to proceed with the installation of storm water controls in Golden Manor Phase I and Phase II, and negotiate with Berks Construction to assist the Township since the storm water controls will benefit the new home owners in their development. All Board members voted, "Aye." Motion carried.

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 \$21,442.50. 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.

MARTIN RETIRMENT VILLAGE – ON-LOT SEWAGE

Once again, inspections of the Martin Retirement Village have proved that the system is malfunctioning. Roy Timpe made a motion, seconded by Gloria Kemmerer, authorizing the Solicitor to cite Raymond Martin for non-compliance of maintaining his on-lot sewage system. Gloria Kemmerer voted, "Aye." Roy Time voted, "Aye." Robert Kopfer abstained. Motion carried.

VILLAGES AT MAIDENCREEK

The Township Engineer will notify the developer for Villages at Maiden creek that the Preliminary Plan submitted 7/12/01 will expire 7/12/02 and a new preliminary plan must be submitted.

SHADOW RIDGE/BLANDON MEADOWS DRAINAGE

Revised plan for the storm water retention pond has been forwarded to Grande Construction.

HOCH ROAD CULVERT REPLACEMENT/E. WESNER ROAD CULVERT REMOVAL

The Engineer informed the Board that Berks County Engineering rejected funding for this project at this time. The Board of Supervisors signed the DEP Permit Application.

COMPREHENSIVE PLAN

A lengthy discussion ensued pertaining to revising the current Comprehensive Plan for Maiden creek Township. The Township Engineer will contact Berks County Planning Commission to arrange a workshop meeting in August 2002. A workshop meeting will allow for the Board of Supervisors and the Planning Commission to become aquatinted with all the aspects of a Comprehensive Plan revision.

SOLICITOR'S REPORT

MARTIN RETIRMENT VILLAGE

The Solicitor stated that the Martin Retirement Village Plans have been released and all outstanding expenses have been paid. An agreement between the Maiden creek Township Authority and Raymond Martin prohibits any type of construction or building permits to be issued until Certificates of Insurance are provided. Gloria Kemmerer made a motion, seconded by Robert Kopfer, to accept the agreement between Raymond Martin and the Maiden creek Township Authority. All Board members voted, "Aye." Motion carried.

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TIGH HOLDINGS

Andrew Belawar, of Integrated Risk Management will represent Maiden creek Township in the suit filed by Tigh Holdings.

BURNING CITATION

The Township Solicitor attended a hearing for two non-traffic citations that were issued for a burning ordinance violation. The District Justice merged the citations and a fine of \$500.00 was imposed.

BEDROCK STONE AND STUFF, INC.

Roy Timpe made a motion, seconded by Gloria Kemmerer, to reject the Bedrock Stone and Stuff, Inc. Preliminary Plan per Systems Design Engineering, Inc. review letter of April 19, 2002, which outlined the following:

1. Section 504.B - Grades on private driveways shall not exceed 7%. The proposed driveway exceeds 12%.
2. Receipt of a "Water Resource Study" from Maiden creek Township Authority.
3. Section 512 – Approval from the Berks County Conservation District prior to final plan approval.
4. Section 513 – Storm Water Management, Section 512.A- E & S approval for work to be performed on the eastern parcel.
5. Retaining Wall Note 11 on drawing C1-01 should be added or referenced on the wall detail and Note 5 on drawing C4-01.
6. Satisfactory responses from each utility company shall be provided.

All Board members voted, "Aye." Motion carried. The Solicitor was instructed to inform the developer of Bedrock Stone and Stuff that the Maiden creek Board of Supervisors rejected the Bedrock Stone and Stuff, Inc. Preliminary Plan.

RESOLUTION 14-2002 – MAIDENCREEK TOWNSHIP SOLICITOR

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to appoint the law firm of Orlando & Strahn to serve at the pleasure of the Board in the capacity as Solicitor for Maiden creek Township from May 9, 2002 through the Maiden creek Township Reorganization Meeting held in January 2003. All Board members voted, "Aye." Motion carried.

RESOLUTION 15 - BLANDON MEADOWS V, PHASE II – ENERGIZE 15 STREET LIGHTS

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to energize (15) fifteen streetlights in Blandon Meadow V, Phase II. All Board members voted, "Aye." Motion carried.

RESOLUTION 16-2002 – BERKS COUNTY COOPERATIVE PURCHASING COUNCIL

Roy Timpe made a motion, seconded by Robert Kopfer, to adopt Resolution 16-2002 to enter into to the Berks County Cooperative Purchasing Council at a cost of \$150.00 to join and \$50.00 per year thereafter. All Board members voted, "Aye." Motion carried.

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**RESOLUTION 17-2002 - BERKS COUNTY COOPERATIVE
PURCHASING REPRESENTATIVE**

Roy Timpe made a motion, seconded by Robert Kopfer, to adopt Resolution 17-2002 appointing Terry Manmiller as the Maiden creek Township representative for the Berks County Cooperative Purchasing Council. All Board members voted, "Aye." Motion carried.

SECRETARY'S QUESTIONS

Will the Board grant permission for the Snyder family and people attending their family sale on June 22, 2002 to park on the Municipal Parking Lot? Gloria Kemmerer made a motion, seconded by Robert Kopfer, to allow the Snyder family and people attending their family sale on June 22, 2002 to utilize the municipal parking lot provided the family presents a hold harmless insurance certificate. All Board members voted, "Aye." Motion carried.

Will the Board authorize the Chairman to sign an application to pursue requesting tax exemption for Lot 8? Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Chairman to sign the application to pursue requesting a tax exemption for Lot 8. All Board members voted, "Aye." Motion carried.

Will the Board consider donating to the Center of Community Leadership at the "Friends" level – cost \$100.00 per year? Gloria Kemmerer made a motion, seconded by Robert Kopfer, to donate \$100.00 to the Center of Community Leadership at the "Friends" level. All Board members voted, "Aye." Motion carried.

PARK AND RECREATION

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the purchase on one spring toy for the Blandon Fire Company Neighborhood Park utilizing funds received from juveniles that broke the spring toy. All Board members voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing Court Masters, Inc. of Bloomsburg, PA, to resurface and paint lines for basketball and street hockey for quoted price of \$6,200.00 at the Blandon Fire Company Neighborhood Park. The road crew will remove the volleyball posts. All Board members voted, "Aye." Motion carried.

EXECUTIVE SESSION 6/11/02 -12:30 AM – 1:25 AM - Litigation

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Operations Director to purchase trees for Golden Manor III as described. All Board members voted, "Aye." Motion carried.

EXECUTIVE SESSION 6/11/02 –1:25 AM – 1:30 AM - Personnel

Meeting was adjourned at 6/11/02 1:30 AM.

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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
Maidencreek Township Authority
Robert Hobaugh, Esq., Maidencreek Township Authority Solicitor
Barbara Hassler, Tax Collector
Daniel Miller, Fire Chief
Northern Berks Regional Police