

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

MARCH 8, 2001

6:30 PM

GUESTS: Joe Pendleton, Joann Pendleton, Bill Ulrich-Rajah Shrine, Robert Yeager, Jr.-Rajah Shrine, Gloria Kline, Tina Poole, Ronald Kemmerer, Gloria Kemmerer, Fay Isamoyer, Paul Martin, Brian Boyer-Vitillo Corporation, Robert Kopfer, Carroll Kopfer, Hether Quillman, Kent Morey, Cindy Stump, Harold Burgert, David Hunsberger, Gary Rollman, Claude Beaver, James Schoellkopf, Mohamad Farvardin, Christopher Hinz – Reporter.

PRESENT: Karl Bolognese-Supervisor, Roy Timpe-Supervisor, Terry Rarick-Supervisor, Richard Orwig-Solicitor, Thomas Unger-Engineer, Terry Manmiller-Operations Director and Ruth Manmiller-Recording Secretary.

Karl Bolognese opened the March 8,2001 Board of Supervisors Meeting at 7:00 PM and asked everyone to rise for the Pledge to the Flag.

Roy Timpe made a motion, seconded by Terry Rarick approving the February 8, 2001 Board of Supervisors minutes. Motion carried.

Karl Bolognese informed the public an Executive Session was conducted February 21, 2001 at 6:30 to discuss finances, prior to the scheduled Workshop Meeting advertised to commence at 7:00 PM. The Workshop Meeting was conducted mainly to address the pending Noise Ordinance.

POLICE REPORT: Charles Hobart, Officer for the Northern Berks Regional Police read the police activity report for February 2001.

	MAIDENCREEK	ONTELAUNEE	LEESORT
TOTAL ASSIGNMENTS: 429	208	140	81
TRAFFIC CITATIONS: 86	34	32	20
FINES COLLECTED: \$5,523.13	\$1,416.11	\$2,746.14	\$1360.88

ROAD REPORT: Terry Rarick read the Operation Manager’s Report for February 2001.

Equipment Report

1. Unit # 4 hydraulic line broke causing \$750.00 worth of damage.
2. Unit # 1 plow cylinders need to be repacked.
3. Unit # 5 will be inspect 3/15/01.
4. All plow units received maintenance.
5. Unit # 9 was serviced and vibration on mower deck was repaired.

Road Crew Completed

1. 5 assignments to plow, salt, clear ice, or general clean up after the snowstorms.
2. Numerous street index signs and Stop signs were replaced.
3. Nine bridge planks were replaced on the Calcium Road Bridge.
4. Trees in the open space will be removed.

The Operations Manager provided the Board with two quotes he obtained for 2001 Spring Street Sweeping.

Commonwealth Property Services, Inc. Not to exceed \$950.00
Industrial Grounds Maintenance \$1,700.00

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Operations Manager to contact Commonwealth Property Services, Inc. to complete Spring 2001 Street Sweeping, per quote of costs not to exceed \$950.00. Motion Carried.

A Thank You was extended to the Maiden creek Township Authority for the use of their pick-up truck to clean snow from intersections.

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The Operations Manager provided a quote to obtain McAsphalt Sealant for \$.31 per pound-delivered. The Board agreed the Operations Manager should purchase 2001 Asphalt Sealant at the quoted price of \$.31 per pound.

TREASURER'S REPORT

Ruth Manmiller read the Treasurer's report for February 2001. A request for the following payments

was made:	General Checking	\$71,118.10
	Payroll	\$19,043.83
	Golden Manor III	\$ 852.50
	Recreation Tax Checking	\$ 1,768.26
	State Liquid Fuels Checking	\$ 2,011.31
	Martin Retirement Village	\$ 942.60

Roy Timpe made a motion, seconded by Terry Rarick to approve the Treasurer's Report as presented and listed payments. Motion carried.

PUBLIC COMMENT

Robert Kopfer, 1142 Pleasant Hill Road, Fleetwood, asked Roy Timpe if he was still willing to contribute \$200.00 towards the Berks County Agricultural Land Preservation Board. He reminded Roy Timpe of the comment he made during the February Board of Supervisors meeting, stating he would contribute to the preservation of farmland. Robert Kopfer provided the Board with brochures outlining the intent of the Agricultural Land Preservation Board.

Gary Rollman, Berks County Bike Club, provided the Board with a Certificate of Insurance for their bike race and time trials to be conducted on 3/24/01, 3/31/01 and 4/14/01. The Bike Club made a \$25.00 donation to be utilized for Parks and Recreation in Maiden creek Township.

Kent Morey, 316 Galean Drive, Fleetwood, questioned the Board about the Conditional Use hearing for the Rajah Property. He has a concern about the proposed storm water control for this property. In his opinion, the end result would not be prudent to the health of Lake Ontelaunee.

The Board advised Kent Morey the Rajah Shrine Conditional Use Hearing was conducted at 6:30 PM prior to the Board of Supervisors meeting. A Sketch Plan was presented for a conceptual look at future plans for this property. Storm water concerns will be addressed when a Land Development Plan is presented. The Board advised him to attend the March 28, 2001 Maiden creek Township Planning Commission meeting to voice his concerns.

Gloria Kemmerer, Chairman of the Maiden creek Township Planning Commission questioned how a private resident could have reviewed the Rajah Land Development Plan prior to the Planning Commission.

Kent Morey stated he is employed by Spott, Steven's and McCoy, Inc., the engineering firm for Ontelaunee Township and they have received the Rajah Land Development Plan.

Harold Burgert, 331 East Wesner Road, Blandon questioned the Board and Engineer how the storm water is being controlled from Limestone Acres now that the huge detention pond has been removed. He is concerned his property will receive 50% additional storm water due to the removal of the detention pond.

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Thomas Unger, Township Engineer, stated the temporary sediment pond in Limestone Acres was constructed to control storm water during the construction of the development. As the Limestone Development nears completion the need for the temporary sediment pond has decreased. He stated storm water run off at post-development may not exceed pre-development. He agreed to inspect the property to insure storm water is being properly disbursed.

Kent Morey stated Harold Burgert's concern is just the point he is trying to convey to the Board. The storm water controls set forth in the ordinance were good at the time of adoption however, he feels there is room for improvements. He stated he has a more comprehensive storm water ordinance the Board should review.

Solicitor, Richard Orwig stated the storm water ordinance the township engineer utilizes for review of plans is reliable.

ENGINEERS REPORT

WALNUT MANOR III: Review period expires 4/12/01, Planning Commission recommended denying the extension since new material has not been presented. The Board will not take action on Walnut Manor III Plan until the 4/12/01 Board of Supervisors meeting.

WALNUT MANOR, LOT 5: Review period expires 4/12/01, Planning Commission recommended denying the extension since new material has not been presented. The Board will not take action on Walnut Manor Lot 5, Plan until the 4/12/01 Board of Supervisors meeting.

RAJAH, Land Development Plan: Roy Timpe made a motion, seconded by Roy Timpe accepting the Rajah, LDP review time extension to 6/14/01. Motion carried.

RESOLUTION 08-2001: Terry Rarick made a motion, seconded by Roy Timpe authorizing the Secretary to sign the Rajah Shrine Planning Module Application to be forwarded to DEP for review. Motion carried.

RAJAH SHRINE CONDITIONAL USE: Terry Rarick made a motion, seconded by Roy Timpe granting the Conditional Use Application for the Rajah Shrine property, located along Orchard Road and Slater Road in Maiden creek Township. Terry Rarick asked that the results of the Conditional Hearing and Decision be forwarded to the Planning Commission. Motion carried.

DUTCH KETTLE:

1. Terry Rarick made a motion, seconded by Roy Timpe granting a waiver of Section 507.A, and Section 507.C, monuments and markers are required per regulations, for the Dutch Kettle Annexation. Motion carried.
2. Terry Rarick made a motion, seconded by Roy Timpe granting a waiver of Section 509, Sanitary sewage disposal, use of non-building request, Form B to be forwarded to DEP for approval prior to final plan approval. Motion carried. The township will not receive an approval letter from DEP, after 30 days it is automatically approved.
3. Terry Rarick made a motion, seconded by Roy Timpe approving the Dutch Kettle Preliminary/Final Plan as recommended by the Planning Commission, contingent upon all items being addressed as outlined in Systems Design Engineering 2/22/01 Planning Commission review letter. Motion carried.

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LAKESIDE MANOR:

RESOLUTION 09-2000, Terry Rarick made a motion, seconded by Roy Timpe authorizing the Secretary to sign the Lakeside Manor Planning Module Application for review to be forwarded to DEP, contingent upon the improvement agreements being signed. Motion carried.

Terry Rarick questioned if Mr. Favardin is complying with township regulations. If Mr. Farvardin is complying a reasonable solution for the outstanding fines might be considered. It was not the Board's intention to cause hardship to the developer, just compliance with township rules and regulations.

Roy Timpe questioned if in addition to the fines, is Mr. Farvardin responsible for township costs incurred? From previous discussions he understood township costs are equal to or have exceeded the fine.

Solicitor, Richard Orwig stated this matter is in the appeal stage and is on file at the Court of Common Pleas. Mr. Favardin has complied with several issues however, other issues still have to be addressed before either side may begin to consider exoneration of fines.

MARTIN RETIRMENT VILLAGE

The Engineer and Solicitor confirmed results of a meeting with Mr. Martin and his legal council, Township Officials and Authority Officials as follows:

1. Mr. Martin will comply with weekly pumping and will provide documentation.
2. Mr. Martin has received approval from Norfolk Southern to proceed under the railroad.
3. Weekly unannounced inspections of the septic system will occur and any malfunctions will be address immediately.
4. The pumping of the septic tanks will be monitored.

Tina Poole questioned how many units are allowed for the existing mobile home park and the future mobile home park.

The Board was unclear of the total approved lots for the existing park or the additional lots approved by annexation. Both plans were approved prior to the Martin Mobile Home Park Plan that is currently in review. The Board agreed when public sewage is provided most of the problems surrounding this mobile home complex will be addressed.

EAST WESNER ROAD STREAM RELOCATION: The contractor has tentative plans to commence work on 3/13/01, weather permitting.

DRIES ROAD: Penn DOT will not approve the plans submitted for Dries Road storm water control because their system could not handle the excess water generated by the proposed improvements. Penn DOT suggested a retention pond be constructed on the Giorgi Foods property to aid in the control of storm water. If Giorgi Foods would agree to construction of a retention pond, Penn Dot would approve the plan. Additional engineering will be required to include the retention pond for storm water control surrounding Dries Road. Systems Design Engineering, Inc. proposed a cost of \$4000.00 to complete the storm water calculations in conjunction with the retention pond for Dries Road. The Solicitor stated if there were any legal fees incurred it should not exceed \$50.00. Terry Rarick made a motion, seconded by Roy Timpe, to authorize Systems Design Engineering, Inc. to proceed with the work necessary to complete the storm water calculations for Dries Road to include the retention pond for \$4,000.00 and to approve the Solicitor fees of \$50.00. Motion carried.

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ROUTE 222 STORM WATER PROBLEM: A letter was sent to DEP relative to the storm water problems along 222 in the area of the Coliseum Restaurant on 3/8/01.

TOM'S CONVIENCE STORE: The Engineer stated he could not follow up on the lighting investigation and erosion at the fence due to weather conditions.

SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS: Roy Timpe made a motion, seconded by Terry Rarick, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$53,705.36. Motion carried.

SEO REPORTS AND CONSTRUCTION STATUS REPORTS: The Engineer distributed SEO reports and development/construction status reports to the Board.

SOLICITOR'S REPORT

NOISE ORDINANCE: The Solicitor provided the Board with the original draft copy of the noise ordinance and a new draft copy reflecting the Board's recommendations from the February 21, 2001 Workshop Meeting. He advised the Board to review their recommendations in the new draft and advise him of any corrections prior to the April 12, 2001 Board of Supervisors Meeting. If the Board is in agreement with the contents of the new draft, a motion to advertise for adoption may be made at the April 12, 2001 Meeting.

FEE-IN-LIEU OF OPEN SPACE: Terry Rarick made a motion, seconded by Karl Bolognese, authorizing the Secretary to advertise a Public Hearing will be held April 12, 2001 at 6:00 PM for the purpose to hear public comment to amend the Subdivision Ordinance to include fee-in-lieu of open space for future Commercial and Industrial developments. Terry Rarick and Karl Bolognese voted, "Aye." Roy Timpe voted, "No."

Terry Rarick made a motion, seconded by Roy Timpe, to include in the prior fee-in-lieu of open space for Industrial and Commercial motion that the recommendations made by the Planning Commission during their February 28, 2001 meeting will be considered and addressed. Motion carried.

VIA DELOROSA DRIVE: Deed of Dedication will be forwarded to the developer. Dedication should be accepted at the April 12, 2001 Board of Supervisors Meeting.

OLD BUSINESS

MAIDENCREEK AUTHORITY: Pat Donovan, Maiden creek Township Authority Manager outlined the recent rate increase, as requested by the Board. The Board thanked Pat for attending this meeting to present the rate increase an additional time, as requested.

SECRETARY'S QUESTIONS

All funds collected for the construction, installation and future maintenance for the advertisement signs at the Blandon Fire Company Softball Complex will be forwarded to the Township Secretary.

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SECRETARY'S QUESTIONS, Continued

Julie Tomko located at the intersection of Snyder Road and Orchard Road asked the Board to consider reducing the speed to 25 miles per hour to be uniform with the remaining section of Snyder Road. The Board authorized the Secretary to send a letter to Penn DOT to address this issue. Snyder Road is a state road.

Mr. Doyle 632 Main St., Blandon, requested a "Watch Children Sign" because of a bus stop located near his home. The Board authorized the Secretary to include this request in the letter to Penn DOT.

The Board authorized the Chairman to sign a support letter for the formation of the Maiden Creek Watershed however they requested additional information on the project.

Due to numerous complaints regarding pet owners who do not clean up after their pets, they have asked the Board to install signs at several locations in the township. The Board will consider. A reminder will be put in the next newsletter pertaining to this issue. They hoped the Police would warn residents walking their pets to be more considerate of other property owners.

Terry Manmiller informed the Board:

1. The Road Crew and Blandon Fire Company contained and cleaned up a hazardous spill on Coronet Drive.
2. Two employees required medical attention due to injuries on the job. One Employee fell off a ladder and a dog bit another employee.

PARK AND RECREATION

1. Suggested the Board impose a new fee schedule for use of the Blandon Softball Field. Games prior to 8:00 PM = \$10.00, Games after 8:00 PM = \$30.00
2. Suggested to the Board consider utilizing volunteers to replace the bleachers at the Blandon Softball Field.

The Board of Supervisors suggested:

1. The fee for use of the softball field should be at the Park and Recreation Board's discretion. A resolution is not needed for a change or increase of fees for use of the softball field.
2. The Park and Recreation Board should send a letter to the Blandon Fire Company outlining their improvements.
3. Advised the Park and Recreation Board to consider accommodations for addition parking

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Operations Manager to make the necessary repairs to the old concession building that houses the electrical supply for the ballpark, by utilizing township employees to completed the necessary work for approximately \$1,000.00. Motion carried.

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EXECUTIVE SESSION 9:20 PM-9: 31 PM: RE: Real Estate

Terry Rarick made a motion, seconded by Roy Timpe to purchase Lot 8 – Park Road Commercial at the intersection of Park Road and East Wesner Road (near Seidel's Crossing) for the amount of \$103,000.00. Motion carried.

The Board explained this property would be an asset to the adjoining Community Park.

Ronald Kemmerer questioned the Board on manner in which this purchase would be paid.

The Board informed Ronald Kemmerer the following motion would explain. They intend to borrow necessary funds with the intention of reimbursement to the bank within five years.

Terry Rarick made a motion, seconded by Roy Timpe to enter into a General Obligation Loan with the First National Bank in Fleetwood for \$100,000.00 at 4.55% for 60 months. Motion carried.

Questions on the motion:

1. Would this land purchase result in higher taxes?
2. Was the Board's intentions by recently increasing the residential fee-in-lieu of open space and their plans to impose a fee-in-lieu of open space for future Commercial and Industrial developments done to help pay for this loan?
3. Will this purchase be used for leverage to adopt new fee-in-lieu of open space fees during the during the April 12, 2001 public hearing?

Answer to questions:

1. Terry Rarick stated one can never predict a need to increase taxes. At this time an increase is not being considered.
2. Increasing the fee-in-lieu of open space will be beneficial to all areas of recreation for the entire township. The funds generated by the recent tax increase are earmarked for the stream relocation and completion of the Community Park. The recent tax increase could eventually help towards the payment of the loan after the Community Park project is completed.

Tina Poole questioned the February Planning Commission relative to the withdrawal of Phase II of Martin Retirement Village.

Richard Orwig stated the Preliminary Plan would be revoked if the developer would not continue to move forward with all contingencies to allow public sewage to be installed for the existing development and Phase II.

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Ruth M. Manmiller
Recording Secretary

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CC: Board of Supervisors

Terry Manmiller, Operations Director

Richard Orwig, Solicitor

Thomas Unger - Systems Design Engineering, Inc., Township Engineer

Planning Commission

Park and Recreation Board

Zoning Hearing Board

Paul Herbein, Zoning Hearing Board Solicitor

Maidencreek Township Authority

Robert Hobough, Esq., Maidencreek Township Authority Solicitor

Tax Collector

Fred Giorgi

Daniel Miller, Fire Chief