

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

MARCH 14, 2002

7:00 PM

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

GUESTS: Krista Timpe, Ray Martin, Jr., David Ansbauch, David Browman, Dean Focht, Robert Hanna, Joseph Byrne, Russell Bennicoff, Richard Miller, Frank Blatt, Richard Thren, Melissa Nye, Joseph Rudderow, Dan Becker, Nancy Werner, Peter Giorgi, Howard Young, Daniel Miller- Blandon Fire Co., Gloria Kline, Tina Poole, Frank Wheeler, Cindy Stump, Larry Kunkel, Randy Wolfe, Claude Beaver, James Schoellkopf.

AGRICULTURE SECURITY HEARING

Roy Timpe called the Agriculture Security Hearing to order at 7:00 PM.

Township Solicitor Richard Orwig explained that the Board of Supervisors is conducting a Public Hearing for the purpose to consider public input and comment concerning the proposed additional acreage to the existing Maiden creek Township Agriculture Security Area. The proposed areas to be considered for inclusion in the existing Maiden creek Township Agriculture Security Area for the purpose of preserving and protecting agriculture lands are as follows:

Stephen Richart
Cynthia Richart
432 E. Wesner Road
Blandon, PA 19510
11.66 acres

Trisha Hessinger
Geoff Whaling
1303 Pleasant Hill Road
Fleetwood, PA 19522
41.23 acres

RESOLUTION 8–2002, 8TH MODIFICATION TO THE MAIDENCREEK TOWNSHIP AGRICULTURE SECURITY AREA

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to amend the Maiden creek Township Agriculture Security Area to include 11.66 acres owned by Stephen Richart and Cynthia Richart, and 41.23 acres owned by Trisha Hessinger and Geoff Whaling. Motion carried.

The Public Hearing to consider public input and comment for the 8th Modification to the Maiden creek Township Agriculture Security Area was adjourned at 7:06 PM.

BOARD OF SUPERVISORS MEETING

Roy Timpe called the Board of Supervisors March meeting to order at 7:06 PM and asked everyone to rise for the pledge to the flag.

PUBLIC COMMENT

Joseph Byrne, 701 Main Street, Blandon, PA asked the Board about the \$750.00 recreation assessment for a minor one-lot subdivision. He feels the recreation fee is excessive and he should not be required to pay it. He hoped the Board of Supervisors would consider waiving this fee.

Solicitor, Richard Orwig explained to Joseph Byrne that the \$750.00 per lot recreation fee is a Subdivision regulation and can not be waived. Roy Timpe added that it would not be fair to allow an exemption when other individual property owners and/or developers have abided by the Subdivision regulations and paid the required assessment.

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Russell Bennicoff – Park Road Lock & Store, 4272 Walnuttown Road, Fleetwood, PA asked the Board about the status of his escrow account. He stated that his macadam work was completed in April 2001 and requested release of the remaining escrow funds.

The Township Engineer will review the status of the Park Road Lock & Store, Land Development Plan and provide a report for the Board at the April 11, 2002 Board of Supervisors meeting.

Richard Miller, 320 Evansville Road, Fleetwood, PA asked the Board why he or surrounding property owners had not been informed about the Tatanus Subdivision. He advised the Board to review the 1974 and 1975 Maiden creek Township Planning Commission minutes pertaining to Maiden creek Manor. He knows there are regulations that would not allow the Tatanus Subdivision to approved.

Township Solicitor Richard Orwig informed Richard Miller that the Township is not required to provide notification for subdivisions. Adjoining property owners are notified when a zoning change is being considered. The Tatanus Subdivision will consist of two lots that meet all subdivision requirements for that zoning district.

Frank Wheeler, 130 Hill Road, Blandon, PA advised the Board that the Lehigh Portland Cement Company will accept tires to supplement their fuel requirements if an agreement is in place. He asked Terry Manmiller to write a letter requesting permission for Maiden creek Township residents to take their used tires to Lehigh Portland Cement Company.

Terry Manmiller informed Frank Wheeler that an agreement with Lehigh Portland Cement Company and the Township is in place. Used tires are taken to the Lehigh Portland Cement Company when tires are replaced on the Township equipment or tires are found along the roadways.

Don Becker, representing Melrose Place (former Randazzo property) asked the Board to consider a zoning change for a section of this property. Future plans for this property includes 66 semi-detached houses, which the developer believes can not be accomplished according to the zoning regulations.

The Board advised Don Becker to proceed with the plans for Melrose Place in any manner that he wishes. The Planning Commission and the Board of Supervisors will not comment on the Melrose Development Plan until it is submitted for review.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to adopt the February 14, 2002 Board of Supervisors Meeting minutes. Motion carried.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to adopt the February 22, 2002 Vacancy Board Meeting minutes. Motion carried.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to adopt the March 1, 2002 Board of Supervisors Special Meeting minutes. Motion carried.

EXECUTIVE SESSION – March 1, 2002 – 8:37 PM - 8:47 PM – Northern Berks Regional Police Contract.

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7:30 PM – 2002 ROAD BIDS

The following sealed bids for the 2002 Roadwork were opened and presented to the Board for consideration:

	Wyatt Dr. White Birch La.	Villa Circle	Guldin Road	Buena Vista Road	Lee Spring Road	TOTAL
EJ Brennaman	\$12,822.15	\$4,558.80	\$11372.00	\$8,954.50	\$17,216.25	\$54,923.70
Windsor Service	\$12,865.60	\$4,459.20	\$12,090.05	\$9,074.75	\$17,298.25	\$55,787.85

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to accept the 2002 Road Bids as presented. Motion carried.

POLICE REPORT

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

	MAIDENCREEK	ONTELAUNEE	LEESPORT	ADMIN. CALLS
TOTAL ASSIGNMENTS:	186	144	83	19
TRAFFIC CITATIONS:	43	113	14	
FINES COLLECTED:	\$1,842.65	\$3,019.25	\$582.86	

Officer Hobart advised the public to keep their vehicles locked. Several Township residents have lost money and personal items because they left their vehicles unlocked.

Officer Hobart informed the Board that the Chief completed the report for the Route 73 (Main Street) and Park Road intersection. He will be forwarding a report to the Township and Senator Michael O’Pake in the near future.

ROAD REPORT

Robert Kopfer read the Operation Director’s February 2002 activity report:

Equipment Report

1. All units are inspected.
2. All mowing and summer maintenance equipment has been serviced.
3. The trailer has been painted.

Equipment Use for Winter Maintenance in February

2/4/02	Four Trucks
2/5/02	Three Trucks
2/7/02	Two Trucks

Road Maintenance

1. Shoulders have been filled along roadways.
2. Miscellaneous roads have been crack sealed.

Salt Building

The salt building was stained and refinished.

Street Light Maintenance

Two streetlights were repaired: one light along Via Dolorosa Dr. and one light along Lindbergh Ave.

Street Cleaning

Two bids were obtained for 2002 Spring street sweeping:

Commonwealth Property Services, Inc.	\$1,100.00
Industrial Grounds Maintenance	\$1,600.00

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to accept Commonwealth Property Services, Inc. bid of \$1,100.00 to complete the 2002 Spring street sweeping. Motion carried.

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Robert Kopfer made a motion, seconded by Gloria Kemmerer, to award the lowest bid in the amount of \$ 54,923.70 submitted by EJ Brennaman for the 2002 Roadwork, contingent upon review and recommendation from the Township Engineer and Operations Director. Motion carried.

TREASURER’S REPORT

Ruth Manmiller read the February 2002 Treasurer’s report and requested approval of payments listed:

February 2002

General Fund Checking	\$89,044.60
Payroll	\$18,621.19
Recreation Tax Checking	\$ 5,249.61
Martin Retirement Village	\$ 883.81

Roy Timpe made a motion, seconded by Robert Kopfer, to accept the Treasurer’s report for February 2002 as presented and approve all listed payments. Motion carried.

SOLICITOR’S REPORT

MARTIN RETIREMENT VILLAGE

The Solicitor reported that he was informed that Blue Ball Bank would vote on final approval for the Letters of Credit for the Martin Retirement Village on March 15, 2002. There are two Letters of Credit to be issued for the Martin Retirement Village: one for Maiden creek Township Authority Improvements and one for Maiden creek Township Authority tap-in fees.

Gloria Kemmerer mentioned that additional charges to be included in Martin’s outstanding balance were discussed at a recent Maiden creek Authority meeting. She cautioned the Board to be sure the correct amount of revenue is collected from Mr. Martin.

The Board issued an ultimatum to Mr. Martin during the February 14, 2002 Board of Supervisors meeting to complete several requirements by the March 14, 2002 Board of Supervisors meeting or the Township Solicitor would proceed with an injunction to close the existing mobile home park. Notification of bank approval in writing and a construction schedule must be received by March 19, 2002 or the Solicitor will proceed with an injunction to close the existing mobile home park. The Township Solicitor was directed to contact Mr. Martin’s attorney as soon as possible to advise him of the Board’s intentions.

8:00 PM – TRUCK BIDS

The following sealed bids for a 2002 Truck w/Aluminum Body, were opened and presented to the Board for consideration:

Manheim Chrysler Plymouth	\$53,948.00
Pacifico Marple Ford	\$55,990.00
Manderbach Ford	\$52,889.00

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to accept the 2002 Truck w/Aluminum Body bids as presented. Motion carried.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to award the 2002 Truck w/Aluminum Body lowest bid of \$52,889.00 submitted by Manderbach Ford contingent upon review and recommendation by the Township Engineer and Operations Director. Motion carried.

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ENGINEER'S REPORT

RAJAH SHRINE COMPLEX – Land Development Plan

The Township Engineer reported that the Rajah Shrine Complex contains improvements that are not outlined on the plan. The improvements occurred in the portion of the complex that is located in Ontelaunee Township. The Rajah Shrine Complex final plan must include all improvements to the property in both municipalities. A holding tank and a sewage treatment plant were installed in a portion of the complex located in Ontelaunee Township.

WILLOW GARDENS II – Letter of Credit

Gloria Kemmerer made a motion, seconded by Robert Kopfer authorizing the Solicitor to notify the developer of Willow Gardens that the Board will draw down on the Willow Gardens II-Letter of Credit if it is not renewed, or if all improvements have been completed. If all improvements are completed and approved by the Township Engineer, the Willow Gardens II Letter of Credit may be released. Motion carried.

TATANUS SUBDIVISION

Correspondence was received and read from Christopher Hartman who represents the interests of Patricia A. Hessinger and Geoffrey W. Whaling. His clients have a serious concern about the pending Tatanus Subdivision and requested all decisions to be tabled.

Richard Miller, 320 Evansville Road, Fleetwood, PA advised the Board to review the 1974 and 1975 Maidencreek Township Planning Commission minutes regarding Maidencreek Manor. He knows there are regulations that would not allow the Tatanus Subdivision to be approved and he is concerned about a right-of-way to a portion of his property.

The Board informed Richard Miller that the Tatanus Subdivision has gone through extensive review by the Planning Commission and the Board of Supervisors and has met all Subdivision requirements. The Board suggested Richard Miller provide a right-of-way on his property to obtain access to other areas of his property.

RESOLUTION 9-2002, TATANUS PLANNING MODULE

Gloria Kemmerer made a motion, seconded by Roy Timpe, authorizing the Secretary to sign the Tatanus Planning Modules to be forwarded to DEP for review. The Recording Secretary was instructed to poll the Board: Mr. Kopfer, "No" - Mrs. Kemmerer, "Yes" - Mr. Timpe, "Yes"

MEADOWBROOK SUBDIVISION, Preliminary Plan

Richard Thren, 207 Longleaf Drive, Blandon, PA a member of Maidencreek Township Planning Commission commented that he could not attend the February Planning Commission meeting. He is appalled that the Meadowbrook Subdivision received preliminary plan approval so quickly in the review process.

On February 27, 2002 the Planning Commission recommended Preliminary Plan approval for the Meadowbrook Subdivision contingent upon items outlined in the Systems Design Engineering< Inc. March 14, 2002 review letter. An extensive discussion occurred relating to the designated open space in the Meadowbrook Subdivision. The developer has agreed to pay the Park and Recreation fee and has offered the open space to the Township. The Board agreed that maintenance, berm height, and storm water control in this particular open space must be considered before they will accept the developers offer.

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MEADOWBROOK SUBDIVISION, Preliminary Plan – continued:

The Board took the following action:

1. Gloria Kemmerer made a motion, seconded by Robert Kopfer, to allow construction of deceleration lanes along Schaeffer Road at the entrance to the Meadowbrook development. Motion carried.
2. Gloria Kemmerer made a motion, seconded by Roy Timpe, granting a waiver of Section 503.M.3 Curbs and Sidewalks, to allow slant curbs in the Meadowbrook development. Robert Kopfer abstained. Motion carried.
3. Gloria Kemmerer made a motion, seconded by Roy Timpe, granting a waiver of Section 508.A.3. Lots and Parcels, for lots 59, 71, 88, 89, 169, 186, 20, 168, 187, 21, 95, 96, 107, 108, 162, 47, 113, 124, 123, 140, 153, (lot width exceeds depth) and lot 58 (exceeds the depth requirement) in the Meadowbrook development. Robert Kopfer abstained.
4. Gloria Kemmerer made a motion, seconded by Robert Kopfer, granting a waiver of Section 508.A.1. Lots and Parcels, for lot 205 (side lot lines are not at right angles to straight street lines) in the Meadowbrook development. Motion carried.
5. Gloria Kemmerer made a motion, seconded by Robert Kopfer, granting an extension of the review period to 4/18/02. Motion carried.

The developer was advised to provide additional calculations for the berm heights for both basins.

TREETOPS RECREATION AREA

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Engineer to advertise to receive bids for playground equipment for the TreeTops Recreation Area. Bids will be opened at the April 11, 2002 Board of Supervisors meeting. Motion carried.

MAIDENCREEK COMMUNITY PARK

Engineer is preparing plans/spec for Phase I bidding.

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.

BEDROCK STONE AND MULCH

Correspondence was received and read from Stanley and Stephanie McCarro citing their concerns about the Bedrock Stone and Mulch operation located behind their property. They feel Bedrock has significantly decreased their quality of life and greatly reduced the value of their property.

The Township Solicitor was instructed to notify the developer to cease operations at the Bedrock Stone and Mulch located off of West Wesner Road, Blandon. The Board informed the developer that his review period had expired, new plans had not been submitted for review, and the Memorandum of Understanding had expired. The developer was advised to submit plans for review by March 18, 2002 for Planning Commission to review on March 27, 2002.

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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 \$226.02. Motion carried.

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

BILL BOARD – 3/1/02 SPECIAL MEETING

Township Solicitor, Richard Orwig reviewed the twelve (12) billboard building permit applications submitted to the Township and the twelve zoning applications submitted on 3/1/02 for the Zoning Hearing Board.

Richard Orwig reported that through consultations with the Township Engineer and the Township Code Enforcement Officer it has been determined that:

1. The building permit applications for the twelve billboards (12) are improper. The Code Enforcement Officer will notify Lamar Advertising in writing that their building permits for the twelve billboards have been denied.
2. The Zoning Ordinance is not deficient in the matter of billboards. There are two zoning districts in the Township that under certain circumstances, billboards could be permitted. The two zoning districts are I-Industrial and C2-Commercial.
3. In the I-Industrial Zone, billboards are allowed by a Special Exception. The applicant may choose to obtain a Special Exception from the Zoning Hearing Board. There are four (4) billboard locations being considered for the I-Industrial Zone. Lamar Advertising may revise or prepare new zoning applications.
4. In the C2-Commercial Zone, a billboard size may not exceed 250 sq. feet, therefore the applicant may choose to obtain a Special Exception for the billboard size from the Zoning Hearing Board. One (1) billboard location is being considered for the C2- Commercial Zone. Lamar Advertising may revise or prepare a new zoning application.
5. At the 3/1/02 Board of Supervisors Special Meeting the Solicitor was directed to proceed with a Municipal Curative Amendment. The Solicitor informed the Board it would not be necessary to proceed with a Municipal Curative Amendment, Variance, or a Zoning Validity Change in the matter of the twelve (12) billboard building permits.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Township Solicitor to appear at the Billboard Zoning Hearing should Lamar Advertising revise or prepare and submit new zoning applications. Motion carried.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, to rescind the Board of Supervisors motion made on 3/1/02 to proceed with a Municipal Curative Amendment in the matter of the twelve (12) billboard permit applications. Motion carried.

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NORTHERN BERKS REGIONAL POLICE

Roy Timpe reported that the Northern Berks Regional Police Officers and Police Commission have ratified the employment contract for 2002 and 2003 with an opener for wage negotiations in 2003. He mentioned that miscommunication and an important pension issue delayed ratification. He feels the entire pension system for the state of Pennsylvania should be reorganized. This would allow all police departments in the state to participate in one pension plan, rather than multiple pension plans across the state.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, to withdraw Maiden Creek Township Board of Supervisor's letter of intent to withdraw from the Northern Berks Regional Police Commission. The Township Secretary was instructed to send a letter to the Northern Berks Regional Police Commission notifying them of the Board's decision. Motion carried.

SECRETARY'S QUESTIONS

Will the Board authorize Terry Manmiller and Regina Sanders to attend Yard Waste/Recycling Round Table, 4/5/02, 7:30 AM – 9:00 AM, at a cost of \$15.00 per person? Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing Terry Manmiller and Regina Sanders to attend the Yard Waste/Recycling Round Table, 4/5/02, 7:30 AM – 9:00 AM, at a cost of \$15.00 per person. Motion carried.

Will the Board authorize the Secretary to contact Gary Rollman, Berks County Bike Club Coordinator to post signs to warn motorists that bike time trials are being conducted? Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Secretary to contact Gary Rollman, Berks County Bike Club Coordinator, to post signs to warn motorists that bike time trials are being conducted. Motion carried.

Does the Board wish to post minutes of Township meetings on the Township Website? Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing Diane Hollenbach to post adopted minutes on the Maiden Creek Township Website. Motion carried.

Due to recent law changes, will the Board authorize the Solicitor to review the Maiden Creek Township Municipal Pension Plan with the Principal Financial Group for plan compliance? Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Solicitor to review the Maiden Creek Township Municipal Pension Plan with the Principal Financial Group for plan compliance. Motion carried.

The Board instructed the Township Secretary to send a thank-you letter to the volunteers of the Blandon Fire Police who donated 301.75 hours in 2001. The Blandon Fire Police volunteer their time to assist the Blandon Fire Company, Blandon Ambulance and the Northern Berks Regional Police Department.

The Board instructed the Township Secretary to send a thank-you letter to the volunteers of the Blandon Ambulance Crew who have donated 600 hours of service in 2001. Numerous residents and accident victims are grateful for the services provided by the volunteers of the Blandon Ambulance.

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Will the Board authorize the Solicitor to prepare the proper paperwork to abandon the 20' wide storm water easement on Lot 98 in Blandon Meadows IV, Phase IV? The lot owned by Diane and Kevin Hollenbach contain two 20' wide storm water easements. The Township Engineer has recommended the abandonment of one of the easements. Robert Kopfer made a motion, seconded by Roy Timpe, authorizing the Solicitor to prepare the proper paperwork to abandon one of the 20' storm water easements on lot 98 in Blandon Meadow IV, Phase IV. Roy Timpe voted, "Aye". Robert Kopfer voted, "Aye". Gloria Kemmerer abstained.

Would the Board consider an alternative for the distribution of the \$35,000.00 contribution designated in the 2002 Budget for the Blandon Ambulance? Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the Township Secretary to immediately forward \$5,000.00 to the Blandon Ambulance and deposit the remaining \$30,000.00 in a separate fund for future ambulance expenses. Motion carried.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Township Secretary to contribute \$250.00 towards the Blandon Fire Company 2002 Fish Rodeo. Motion carried.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, authorizing the use of the Maiden creek Township Municipal Building and driveway by the Boy Scouts for their soapbox competition on May 5, 2002. Motion carried.

Robert Kopfer made a motion seconded by Gloria Kemmerer, authorizing the Operation Director to purchase a skid of crack sealant at a cost of \$800.00. Motion carried.

PARK AND RECREATION

LOT 366 GOLDEN MANOR - 655 Walnut Tree Drive, Blandon, PA

Lot 366 has been appraised at \$3,500.00. Robert Kopfer made a motion, seconded by Gloria Kemmerer, authorizing the Solicitor to advertise to receive sealed bids for the purchase of Lot 366 Golden Manor – 655 Walnut Tree Drive, Blandon, PA to be opened at the April 11, 2002 Board of Supervisors Meeting. The Board will not accept any bids lower than the appraised value. Motion carried

PLANNING COMMISSION

Roy Timpe made a motion, seconded by Robert Kopfer, accepting Gloria Kemmerer's letter of resignation from the Maiden creek Township Planning Commission. Motion carried.

Robert Kopfer requested the Board's consideration to change the Board of Supervisors meeting time to 7:30 PM. Discussion was tabled due to the late hour.

The meeting was adjourned at 12:04 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

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

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