

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

February 13, 2003 7:00 PM

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

GUESTS: James Schoellkopf, David Anspach, Doug Hayward, Lori Hershberger, Cindy Stump, Harold Burgert, Jacob Hayward, Michael DeLong, Sally Kramer, Lynda Shank, Glenn Burgunou, Larry Kunkel, Ronald Kemmerer,

Roy Timpe called the meeting to order at 7:00 PM and asked everyone to rise for the pledge to the flag and to observe a moment of silence for the crew of the Columbia Space Shuttle, and pray for the Supervisors’ guidance.

POLICE REPORT

Officer David Drazenovich read the January 2003 Northern Berks Regional Police Department activity report as follows:

	MAIDENCREEK TWP.	ONTELAUNEE TWP.	LEESPORT BOROUGH	TOTAL
Patrol Hours	812.56	615.46	413.49	1841.51
Assignments	198	157	78	469
Fines	\$2,330.35	\$2,595.30	\$ 990.33	\$5,915.98

PUBLIC COMMENT

Lynda Shenk, Steiner Place, Blandon, PA informed the Board that she wants to give a per-part of her property to her daughter. She stated that she has been told that it is impossible. She feels other property owners subdivided their land to construct homes and she should be allowed to do the same.

Zoning Officer, Terry Manmiller informed the Board that a legal right-of-way does not exist making a subdivision impossible. He will investigate and discuss the issue with the Township Solicitor to provide more information for the Board pertaining to the Shenk property.

ADOPTION OF MINUTES

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, approving the 1/6/03 Reorganization minutes, 1/6/03 Board of Supervisors Meeting minutes, 1/9/03 Board of Supervisors Continued Meeting minutes, and the 1/15/03 Recycling Meeting minutes with the following correction/additions:

1/6/03 Reorganization Meeting

- 1. Page 5 – Rates for equipment usage –add- The following **hourly** rate

1/6/03 Board of Supervisors Meeting

- 1. Page 4 – Memorandum of Understanding – add – **Berks County Conservation District** Memorandum of Understanding.
- 2. Page 4 – Agriculture Security Hearing – change to – **Board of Supervisors**

1/9/03 Board of Supervisors Continued Meeting

- 1. Page 1 – make every attempt to locate the property owner – change to – **make every attempt to get the address of Bank 1 National Association**
- 2. Page 2 – MTA requesting permission to pressure test – change to – **MTA requesting that they pressure test**
- 3. Page 2 – a \$30.00 adjustment to an account balance in the previous month - change to – **adjustments totaling \$180.00 to two account balances on previously approved Treasurer’s Reports.** Final sentence in 2002 Treasurer’s Report - add – **December.**

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

February 13, 2003 7:00 PM

1/9/03 Board of Supervisors Continued Meeting, continued:

4. Page 3 – Recreation Grant – add – **after review by Solicitor Gene Orlando.**
5. Page 4 – Resolution 7-2003 – add – **Note: Cashiers check will not be cashed until language in LOC corresponds with agreement.**
6. Page 5 – add – **and filing fees.**
7. Page 6 – Delete- Agriculture Security Hearing – replace with - **Recycling Special Meeting.**

1/15/03 Recycling Meeting

1. Clarification of apartment building – add – **and small businesses for collection.**

All Board members voted, “Aye.” Motion carried.

REORGANIZATION MEETING – Additional appointment

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, appointing Daniel Miller as the PEMA- Pennsylvania Emergency Management Agent for 2003. All Board members voted, “Aye.” Motion carried.

ENGINEER’S REPORT

MELROSE PLACE, Final Plan

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to reject the Melrose Place Final Plan. Plan due to the fact that a request for a time extension for the review of the final plan was not received. The following items have not been completed on the latest final plan submittal as per Systems Design Engineering, Inc. 11/15/2002 review letter:

- **Section 304.A.11** PaDOT HOP permit for the intersection of Marcela Boulevard and Park Road. The PaDOT HOP plans must be made part of the final plan set as listed on the record sheet.
- **Section 304.13** The certified certificate of ownership must be executed on the final plans.
- **Section 407.E.6 and 409.B** An improvement agreement is required to be approved and executed prior to final plan approval with Maiden creek Board of Supervisors and the Maiden creek Township Authority.
- **Section 503.M.5** Fixture selection and pole detail is needed on the final plan for street lighting. Placement of the light photometrics as shown on the plan need to be revised. Additional light locations appear to be necessary and a formal lighting review must be received from Stanley Stubbe.
- **Section 509.J** Approval from the Maiden creek Township Authority for the sanitary sewer and water systems is required prior to final plan approval.
- **Section 509.J** PaDEP planning module approval is required prior to final plan approval.
- **Section 515.F.2.a** A landscape buffer screen is required between the commercial and residential lots.
- **Section 515.D** Street trees in the clear sight triangle should be removed from the plan and the clear sight triangle should be included on the landscape plan.
- **Section 512** ESCP plans have been submitted to the Berks County Conservation District. Approval of these plans is required prior to final plan approval.
- Evidence of Penn Dot Approval of the drainage facilities is required prior to final plan approval.

All Board members voted, “Aye.” Motion carried.

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

February 13, 2003 7:00 PM

MET MANAGEMENT GROUP – Park Place Apartment Complex

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, granting the MET Management Group review extension to 5/31/03. All Board members voted, “Aye.” Motion carried.

BLANDON MEADOWS, Phase 2

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Blandon Meadows Improvement Agreement Escrow account to be reduced to 10% of the initial amount designated for the maintenance of said improvements for an 18 month period in accordance with the 4/12/2001 Developer’s Improvement Agreement. The maintenance financial security should be \$48,736.80 and 9/18/2002 will be the commencement date for the 18-month maintenance period.

All Board members voted, “Aye.” Motion carried.

PENN BIO MEDICAL

Landscaping along the property line between Penn Bio Medical and the Community Park has not been completed. The Engineer was advised to inform Penn Bio Medical that if they wish to delay the installation of the required landscaping, the Letter of Credit remains active with Township. If they are not satisfied with the Engineer’s advisement, they may proceed installing the landscaping as per their Improvements Agreement.

MET MANAGEMENT, Park Place Apartment Complex, Land Development Plan

Met Management was not represented; therefore, the Board tabled any discussions or action pertaining to Met Management’s Park Place apartment complex land development plan.

TREE TOPS, Phase III

The existing Tree Tops Phase III final subdivision plans have exceeded the allowable improvement and/or construction time period of five years. The Board of Supervisors, the Township Solicitor, and the Township Engineer agreed that Jacob D. Hayward, the new owner of Tree Tops Phase III, will be required to submit new final subdivision plans for Tree Tops Phase III. The new Tree Tops, Phase III subdivision plan must abide by all current zoning and subdivision regulations.

TREE TOPS TOT LOT, Phase I

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, approving payment of Application #3 in the amount of \$2,643.55 for the completion of Tree Tops Tot Lot, Phase I and holding 5% retainage until Spring. All Board members voted, “Aye.” Motion carried.

AGRICULTURE SECURITY MAP

Amended Agriculture Security Map will be completed for 2/18/03 recording.

NPDES II PERMIT

The Engineer proceeded to inform the Supervisors that the NPDES II Permit application is moving forward to completion with assistance from the County. He explained that the Berks County Planning Commission will act as a liaison with DEP and requested that all Notice of Intent to proceed with the General Permit be signed, with a cover letter and submit by 3/5/2003. At that time all municipalities of Berks County will be submitted to DEP as one package. The assistance offered by the County will also prove cost effective for the municipality. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the Notice of Intent to proceed with the General Permit. All Board members voted, “Aye.” Motion carried.

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

February 13, 2003 7:00 PM

SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$453.77. All Board members voted, "Aye." Motion carried.

SEWAGE ENFORCEMENT OFFICER'S ACTIVITY REPORT

The Engineer distributed the Sewage Officer's 1/6/03 – 2/10/03 report for review.

Michael Delong, 772 Hill Road, Blandon, PA, asked the Supervisors the status of the Martin Retirement Village On-Lot Sewage problem. He along with his neighbors is concerned that Martin's On-Lot Sewage leakage will contaminate their wells. He stated that he had to drill a new well because his original well is contaminated.

The Board explained that extensive guidelines will be outlined later in the meeting and if Raymond Martin does not to comply, the Board is prepared to serve an injunction to close the existing modular home park.

DEVELOPMENT/CONSTRUCTION REPORT

The Engineer distributed copies of the Development Construction Reports for review.

SOLICITOR'S REPORT

MEADOWBROOK, Final Plan

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Chairman to sign the Meadowbrook agreement and the Township Secretary to attest. The Solicitor assured the Board that all conditions set forth per approval on 10/10/2002 have been met. The Solicitor instructed the Board to sign the Meadowbrook Final Plan with instructions that the developer must record the agreement and the Meadowbrook Final Plan together. Robert Kopfer voted, "No." Gloria Kemmerer voted, "Aye." Roy Timpe voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to ratify the approval of the Meadowbrook Final Plan that was originally approved 10/10/02. Robert Kopfer voted, "No." Gloria Kemmerer voted, "Aye." Roy Timpe voted, "Aye." Motion carried.

LOT 366, GOLDEN MANOR III

The Solicitor informed the Board that Dean Focht and Jeffrey Weitzel are prepared to meet the financial requirements set forth in the auction of Golden Manor Lot 366. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Chairman to execute the deeds of dedication as per agreement of sale for Golden Manor Lot 366. All Board members voted, "Aye." Motion carried.

AGRICULTURE SECURITY HEARING, 2/7/03

The Solicitor thanked Harold Burgert for his contributions to the 2/7/03 Agriculture Security Hearing. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the execution of the written report of the hearing and confirming the conclusion of the hearing to be included with the recording of the amended Agriculture Security Map. The Solicitor will record. All Board members voted, "Aye." Motion carried.

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

February 13, 2003 7:00 PM

LOT 133, WILLOW GARDENS

The Solicitor reported that if Greth Construction is successful in proving ownership of Willow Gardens Lot 133, he would consider providing a portion of Willow Gardens Lot 133 to the municipality for access to the open space; however clarification of the deed of dedication and ownership of the property must be researched.

ALTON BOYER

The Solicitor will discuss the recent (Cost of Living Allotment) COLA Act enacted for existing retired police officers. Alton Boyer has requested reimbursement of previous COLA as outline in Act 64.

BEDROCK STONE AND STUFF

The Solicitor has the complaint prepared and is ready to file if the developer does not comply with the issues outlined in the Zoning Officer's letter. This issue will be discussed further in executive session.

TREE TOPS – SANDRITTER

The Solicitor informed the Board that Sandritter has filed for Chapter 11 – Bankruptcy and the funds in Tree Tops Letter of Credit are included in the bankruptcy documents. This issue will be discussed further in executive session.

RECYCLING BINS

The Solicitor informed the Board that finalization of the Recycling Ordinance should be ready to be advertised for adoption and the Board should consider the manner in which they plan to purchase the recycling bins.

ROAD REPORT

Copies of the January 2003 Road Report are available for review. Action was required for the following:

1. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to install a new transmission in truck 3. All Board members voted, "Aye." Motion carried.
2. Larry Kunkel razed the former Maiden creek Township Building. He discovered the original Maiden creek Township sign and is offering to restore and present it to the township. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to accept Larry Kunkel's gracious donation to restore and present the township with the original Maiden creek Township building sign. All Board members voted, "Aye." Motion carried.
3. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Operations Director to install 6" pipes and catch basins on the municipal parking lot near the salt building to control storm water at a cost of approximately \$3,000.00. The Operations Director stated that the work would be completed prior to the resurfacing of the parking lot planned for later in the year. All Board members voted, "Aye." Motion carried.
4. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the use of 9.5m super paving and a base of 12.5m on township roadways instead of the 1½ " ID2 paving. All Board members voted, "Aye." Motion carried. The Operations Director attended a Penn Dot seminar where the advantages of super paving was explained. The Engineer was advised to prepare specification to amend the paving ordinance and forward to the Planning Commission for their recommendation.

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

February 13, 2003 7:00 PM

5. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to repair the diesel fuel tank as proposed by B & F Petroleum, not to exceed \$500.00. All Board members voted, "Aye." Motion carried.
6. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to contact Commonwealth Property Services, Inc., to complete the spring street sweeping for the quoted amount of \$1100.00. All Board members voted, "Aye." Motion carried.

TREASURER’S REPORT

Roy Timpe made a motion, and seconded by Robert Kopfer, to accept the January 2003 Treasurer’s report All Board members voted, "Aye." Motion carried.

General Checking	\$ 1,119.82
Payroll	\$ 1,621.36
General Fund Money Market	\$110,686.32
On Lot Sewage	\$ 5,143.34
Petty Cash	\$ 100.00

The Treasurer’s Report was not read, copies of the January 2003 Treasurer’s report are available for inspection at the front desk.

EXECUTIVE SESSION – 9:40 PM 10:40 PM

The following action is the result of the executive session:

1. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to waive the collection of \$7,596.50 fine imposed by the District Justice on the MET Management for non-compliance of the Maiden creek Township Weed Ordinance. MET Management agreed to reimburse the Township \$172.20 for fees incurred to enforce the weed ordinance. After an explanation from MET Management of miscommunication between them and a sub-contractor assigned to mow the weeds, the fine is not necessary. The weeds were mowed between the time the citation was issued and the fine imposed. All Board members voted, "Aye." Motion carried.
2. Gloria Kemmerer made a motion, and seconded Robert Kopfer, authorizing the Chairman to sign the Land Display stipulation. All Board members voted, "Aye." Motion carried.
3. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Chairman to sign the necessary agreement documents to allow the Rajah Land Development to enter into an agreement with Morgan Stanley Investments in place of posting a Letter of Credit to be held by the Township. All Board members voted, "Aye." Motion carried.
4. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing a reimbursement retroactive payments for unpaid COLA increases since the Act 64 was enacted in 7/2002 for Alton Boyer from the General Fund and continue to make COLA payments to Alton Boyer until further investigation may determine who will be responsible for continued COLA payments. All Board members voted, "Aye." Motion carried.
5. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the verification to the complaint for Bedrock Stone and Stuff. All Board members voted, "Aye." Motion carried.

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

February 13, 2003 7:00 PM

7. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Solicitor to inform Raymond Martin owner and developer of Martin Retirement Village of the following:
 - a. The last date the Township will pump his system.
 - b. He must make payment of all outstanding charges with in the next thirty days.
 - c. He will be responsible for future pumping of his system.
 - d. Upon regular inspections by the SEO, should leakage of the system be observed, a citation will be issued and the Solicitor/Board of Supervisors will be notified.
 - e. Upon notification that conditions are not being met, the Township will file an injunction to close the existing modular home park.
 - f. Residents of the modular home park will receive a copy of the Solicitor's letter to Raymond Martin.

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

Roy Timpe made a motion, seconded by Robert Kopfer, authorizing the Township Secretary to begin processing the payroll utilizing the new accounting system. All Board members voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the AG-385 form. This form is completed for the state to calculate pension funding, All Board members voted, "Aye." Motion carried.

Roy Timpe made a motion, and seconded by Gloria Kemmerer, to close the February 13, 2003 Board of Supervisors meeting at 11:00 PM and announced that the meeting will be continued to February 20, 2003 at 7:00 PM.

Respectfully submitted,

Ruth M. Manmiller
Recording Secretary

CC: Board of Supervisors
Diane Hollenbach, Maiden creek Township Board of Supervisors, Secretary
Terry Manmiller, Operations Director
Eugene Orlando, Orlando and Strahn Law Firm, Solicitor
Thomas Unger, Systems Design Engineering, Inc., Township Engineer
Ed Kopicki, Systems Design Engineering, Inc., Township Planning Commission Engineer
Planning Commission
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
Joann Schaeffer, Maiden creek Township Authority Secretary
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Co. Chief
Chief Scott W. Eaken, Northern Berks Regional Police

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS
February 13, 2003 7:00 PM