

Maidencreek Township Board of Supervisor Meeting  
December 14, 2006 7:00 PM

Present: Roy Timpe, Robert Kopfer, Claude Beaver, Gene Orlando and Stephanie Dake – Roland & Schlegel, Tom Unger– Systems Design Engineering, Inc., Keith Shuman – Public Works Director, Diane Hollenbach - Secretary, Johanna Lella – Recording Secretary

Guests: David W. Anspach, Gary Rollman, Stanley Deeds, Jim Schoellkopf, Dan Miller, Patricia Zawaly, Lester Moore, Richard Wick, Vicki Kline, Rick Kline, Gloria Kemmerer, Ronald Kemmerer, David Dearholt, Irvin Snyder, Warren Delcamp, Gloria Kline, Tina Poole, Chris Kline, David Tranquillo, Carl M. Weston, Harold Burgert, Fay Isamoyer, Cindy Stump, Krista Timpe

Roy Timpe called the December 14, 2006 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

**PUBLIC COMMENT**

**Gary Rollman for the Berks County Bicycle Club**

A motion was made by Claude Beaver, seconded by Robert Kopfer, allowing the Berks County Bicycle Club to conduct time trials series on March 17, 31 and April 7 and with the race to be held on April 24, 2007 subject to the following conditions: posting of a Certificate of Insurance, use of the Blandon Fire Police and providing a map of the route to the Township. All members voted “Aye”. Motion carried.

**David Tranquillo, Buena Vista Road, Fleetwood** asked if Lehigh Cement was granted permission to increase production. The Supervisors stated that permission had been granted based on the land development plan presented to them.

Mr. Tranquillo asked if anyone has heard from DEP. Mr. Orlando stated that he had received no response from DEP. Mr. Orlando stated that a hearing will be held on Thursday, December 21, 2006 at 10:30 a.m. in District Justice Gauby’s chambers regarding the Township citation against Lehigh Cement for violating section 1310B1 of the Zoning Ordinance. Mr. Orlando informed Mr. Tranquillo that if he wished to give testimony, to attend the hearing.

Carl Weston, South View Road, Fleetwood made a recommendation to have a stereo speaker system installed so residents attending may hear what is being discussed.

Lester Moore, Cassidy Court, Blandon stated that during a heavy rain fall his property floods. He said that he has two sump pumps running and they can not keep up with the water. Mr. Moore’s neighbor stated that she has also had trouble on her property. Mr. Moore asked the Township to come out during a heavy rain fall to monitor the water flow, to see what may be causing the flooding.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to have Tom Unger of SDE check the water flow during a heavy rain fall at 334 thru 351 Cassidy Court to determine the cause of flooding in that area. All members voted “Aye”. Motion carried.

David Anspach, Schaeffer Road, Blandon stated that Giorgio Foods is interested in the Sludge Ordinance.

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**POLICE REPORT**

Officer Toro reported that Northern Berks Regional Police responded to 288 assignments in Maidencreek Township in the month of November. This resulted in 119 citations. The Police Chief is asking everyone to be more cautious during the holiday season. There tends to be a higher incidence of theft and to please drive safely. Mr. Deeds asked the police to monitor the traffic coming from the driveway near Giorgio Foods. Mr. Anspach from Giorgio Foods will also look into this problem.

**APPROVAL OF THE MINUTES**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the November 9, 2006 regular meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye". Motion carried.

**ENGINEER'S REPORT**

**Subdivision Status Checklist**

**Villages at Summit Crest Annexation Plan**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the 90 day time extension that has been received by the Township for Villages at Summit Crest Annexation Plan. All members voted, "Aye". Motion carried.

**Projects**

**Community Park Parking Lot** – The paving has been completed. No further action required at this time.

**Traffic Calming** - Tabled.

**Mandatory Water Connection Ordinance** - Tabled.

**Subdivision Improvements Agreements and Letter of Credit Reductions**

A motion was made by Robert Kopfer, seconded by Claude Beaver, releasing the JODL Improvement Escrow. All members voted, "Aye". Motion carried.

A motion was made by Robert Kopfer, seconded by Claude Beaver, releasing the Schmura Christian Book Store Improvement Escrow. All members voted, "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$319,750.31 for the month of November, 2006. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$339,416.01 for the month of December, 2006. All members voted, "Aye." Motion carried.

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Subdivisions/Zoning

Maidencreek Crossing (Corrado) Subdivision Final Plan - Tabled

Maidencreek Shopping Center letter from Penn DOT – No action required at this time.

Traffic Signal at Excelsior Drive and Park Road- Tabled.

OPERATION'S REPORTS

**Approval of Snow Plow List**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt the snow plow list for 2006-2007. All members voted "Aye". Motion carried.

TREASURER'S REPORT

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the November 2006 Treasurer's Report and approve the November 2006 Prepaid Bill List. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Roy Timpe, to increase the standard business mileage rate to \$0.485 per mile per the Internal Revenue Service increase effective January 1, 2007. All members voted "Aye". Motion carried.

Township Audit - The Supervisors authorized Mrs. Hollenbach to get 3 new quotes from the auditing firms with an addition of a penalty clause in the contract.

SOLICITOR'S REPORT

**Bridget Bossler, 187 W. Wesner Road, Blandon** and David Dearholt approached the Supervisors regarding a letter that they received from the Mr. Bainbridge (code enforcement officer) about a trailer and house that are located on one property. Mr. Orlando advised Ms. Bossler and Mr. Dearholt that they will need to go to the Zoning Office to get an occupancy permit. At that time, they should have something stating when the trailer and house were placed on the property prior to the Township adopting a zoning ordinance. If for some reason they are not satisfied with the outcome with the Zoning Officer, they should then go to the Zoning Hearing Board and ask for a variance.

**Sludge Ordinance** – Stephanie Dake and Gene Orlando of Roland & Schlegel law offices reviewed with the Supervisors the proposed changes to the draft of the Biosolids Ordinance. Mr. & Mrs. Kline expressed their issues regarding the biosolids ordinance. Mr. Orlando stated that his office is looking for additional input from the Supervisors and voluntary input from interested parties. Mr. Timpe suggested once all corrections have been made to the proposed drafted ordinance that it be put in pdf form, so that it may be placed on the Township website for those parties interested.

Mrs. Hollenbach asked what the Township's duties will be regarding the enforcement of the possible ordinance. The Supervisors stated it will be done as complaints are generated.

**Traffic Ordinance** – Tabled.

**Draft Ordinance on Exemptions to Mandatory Water Connection** – Tabled.

**Cable Franchise Renewal for Comcast** – Tabled.

**Draft Noise Ordinance Revisions** - Tabled

#### RESOLUTIONS

A motion was made by Claude Beaver, seconded by Robert Kopfer, to pass the 2007 Real Estate Tax Levy Resolution 38-2006. All members voted “Aye”. Motion carried.

Mr. Timpe would like the Supervisors to begin thinking about how the resources of the concession stand that is to be built in the park will be handled. Mrs. Hollenbach said that she has requested a 5 year plan from the Park and Recreation Committee as to what they would like to accomplish and part of that plan will include the concession stand.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt Budget Resolution 39-2006. All members voted “Aye”. Motion carried.

#### BUSINESS

##### **Planning Commission Appointment**

A motion was made by Claude Beaver, seconded by Robert Kopfer, appointing Clarence Emerson Moore, Sr. to the Planning Commission for the remainder of Donald Glass’s term expiring on 12/31/2008 with the understanding that Mr. Moore attend the master planner classes offered by the Center for Community Development. All members voted “Aye”. Motion carried.

##### **Intergovernmental Agreement with County for UCC Appeals Board**

A motion made by Claude Beaver, seconded by Robert Kopfer, authorizing the chairman to sign the UCC Appeals Board Intergovernmental Agreement. All members voted “Aye”. Motion carried.

**Intersection of Rt. 222 and Tamarack Blvd.** – A letter was received from the Police Chief regarding Route 222. The Police Chief is anticipating a light at either Evansville Road or Schaeffer Road. He is suggesting that the speed limit be lowered further back from that so that the traffic will have time to slow down before cresting the hill. Mr. Beaver would like the Supervisors to receive some direction from PennDOT as to what they are planning to do with Route 222.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to have the Secretary send a letter to PennDOT asking them to conduct a study to add left turn signal arrows in all four directions at Routes 73 and 222 and the costs involved. All members voted “Aye”. Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to have the Secretary add to the letter to PennDOT, a study increasing the length of the yellow light at Tamarack Blvd. and Route 222 and an increased green light at Routes 73 and 222. All members voted “Aye”. Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to have the Secretary send a letter to PennDOT to conduct a study regarding signs to be placed at Tamarack Blvd. and

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Route 222, and Genesis Dr. and Route 222 stating “Do Not Block Intersection”. All members voted “Aye”. Motion carried.

Letter regarding ordinance brake retarders – Tabled.

### **Pine Trees Genesis Drive**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to receive estimates to top 9 trees on Genesis Drive (Mr. Adam’s property) and separate estimates for the 7 trees on Constitution Blvd. (adjacent to Mr. Panneton’s property). All members voted “Aye”. Motion carried.

### **Humane Society Contract**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to sign the 2007 Animal Control Agreement. All members voted “Aye”. Motion carried.

### **Public Access Computer – The system will be CD ROM based.**

The Supervisors reviewed the following list of questions:

1. User must register/sign in before using and show a valid proof of residence. Parents must sign for minors. Should there be a minimum age? Minors should be supervised. *Minors under the age of 16 should be supervised.*
2. Length of use – 30 minutes if others are waiting; 1 hour otherwise. *Agree.*
3. First Come First Serve Basis. *Agree.* Can users call ahead. *No.*
4. What is the purpose of the computer – research, household tasks (banking, school reports), games, email, surfing for entertainment? *Anything legal.*
5. Will this system allow document downloads? *Yes they can download an attachment; however, if they did not save it to a disc or USB key chain drive, it will be lost.*
6. Will users be allowed to save their work to disc/CD ROM? *Yes they can save to a disc or USB key chain drive. It was suggested to sell USB key chain drives.*
7. Will users be able to bring a program/game from home and load it to use, or load data from a disc to finish, for example, a research paper? *Yes as long as it is on a disc or USB key chain drive.*
8. Will we block objectionable sites? Minors may be using the computer. *The Supervisors advised Mrs. Hollenbach to call the cable company to see if sites can be blocked. Also, a sign will be posted stating that Township Employees will be monitoring computer usage.*
9. Will we allow the user to enter chat rooms? *The Supervisors advised Mrs. Hollenbach to call the cable company to see if chat rooms can be blocked.*
10. Penalty for tampering/destruction of computers. *Yes, cost of replacement and any other punitive charges.*
11. Will we have a printer? *No.*
12. Is the Township staff expected to spend time with users that require assistance? *Place a poster with frequently asked questions.*
13. What are the employees responsibilities for monitoring users? *The only responsibility will be the sign in for the use of the computer and CD ROM.*
14. User must be a taxpayer to the Township.

**Reorganization Meeting**

The Reorganization meeting will be held on January 2, 2007 at 8:00 PM. The regular business meetings will be held on the 2<sup>nd</sup> Thursday of the month at 7:00 PM.

**No Parking on Spirit Court**

Officer Houptley asked for clarification on the No Parking signs posted on Spirit Court. The Supervisors advised Mrs. Hollenbach to let the officer know that the signs are not enforceable because it is not in the traffic ordinance.

**Lehigh Cement**

Richmond Township had a Zoning Hearing on December 12, 2006. At the hearing, Lehigh Cement requested to open up the quarry that already exists. Mrs. Hollenbach suggested to the Supervisors that Lehigh Cement should be contacted to discuss any increase in truck traffic.

A motion to reapprove the Lehigh Cement Plan was made by Robert Kopfer, seconded by Claude Beaver. All members voted "Aye". Motion carried.

**Service Electric**

Service Electric submitted applications to replace cable lines that are older than 5 years to the township, beginning in Maidencreek Estates. They are asking to not post a bond and that the Township waive the 10% administration fee on the permits. Mr. Unger said that this will be a very extensive and evasive project. His recommendation is to not allow the waiver of the bond posting. Service Electric did inform Mrs. Hollenbach that they will advise households via a letter on their door. Service Electric is also asking if they can place an article in the Township Newsletter. Mr. Beaver said that would be a good idea. Mr. Unger also stated the Service Electric will be sending letters out to the homeowners requesting permission to replace the drop from the curb to the house. The Supervisors stated that there will be no waiver of the 10% administrative fee or bond requirement.

**Grant Application**

A motion was made authorizing Mrs. Hollenbach to sign as the representative for the Grant Application by Claude Beaver, seconded by Robert Kopfer. All members voted "Aye". Motion carried.

**High Band Radio Frequency for the Fire Department –**

The Fire Chief would like to apply with the FCC for a high band radio frequency. The fire department needs a letter from the Township stating that they are the fire company for the Township.

A motion was made by Claude Beaver, seconded Robert Kopfer, authorizing the Secretary to send a letter to the FCC stating that the Blandon Fire Company is the fire company for the Township and that the Township approves of the application. All members voted "Aye". Motion carried.

**Executive Session was held from 9:55 p.m. to 11:20 to discuss litigation and personnel issues.**

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A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Solicitor to begin work on an Ordinance to create the position of Township Manager. All members voted "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing SDE to enforce the installation of parking stops at Mr. Young's Bingo Hall. All members voted "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing a letter be sent to Giorgio Foods regarding the proposed traffic light at Excelsior Dr. and Park Road, and that they submit everything to the Supervisors 15 days prior to the meeting for review along with a \$1,000.00 escrow to cover the review costs. All members voted "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, that a copy of Richmond Township transcript regarding Lehigh Cement quarry be sent to Mr. Tranquillo. All members voted "Aye". Motion carried.

Since there was no further business, a motion was made by Claude Beaver, to adjourn the December 14, 2006 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 11:45 P.M.

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Transcribing Secretary

Cc: Board of Supervisors  
Eugene Orlando, Roland & Schlegel, Solicitor  
Thomas Unger, Systems Design Engineering, Inc., Township Engineer  
Ed Kopicki, Systems Design Engineering, Inc., Planning Commission Engineer  
Planning Commission  
Park & Recreation Board  
Zoning Hearing Board and Alternates  
Paul Herbein, Zoning Hearing Board Solicitor  
Maidencreek Township Authority  
Patrick Donovan, Maidencreek Township Authority General Manager  
JoAnn Schaeffer, Maidencreek Township Authority Secretary  
Robert Hobaugh, Jr. Esq., Stevens & Lee, Authority Solicitor  
Greg Unger, Systems Design Engineering, Inc., Authority Engineer  
Barbara Hassler, Tax Collector  
Daniel Miller, Blandon Fire Company Chief  
Chief Scott W. Eaken, Northern Berks Regional Police