

Maidencreek Township Board of Supervisor Meeting
February 10, 2005, 7:00 PM

Present: Roy Timpe, Gloria Kemmerer, Robert Kopfer, Eugene Orlando, Jr. – Orlando and Strahn, Tom Unger – Systems Design Engineering, Inc., Keith Shuman – Public Works Foreman, Diane Hollenbach – Recording Secretary

Guests: Paul Martin, Craig Momose, I. Richard Wick, Larry Kunkel, J Schoellkopf, Hether Quillman, Fay Isamoyer, Rich Tracy, Todd Bubbenmoyer, Ron Kemmerer

Roy Timpe called the February 10, 2005 meeting of the Maidencreek Township Board of Supervisors to order at 7:02 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

POLICE REPORT – The report was not read, since the officer on duty was on a call.

EMERGENCY MANAGEMENT

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to recommend that the Governor appoint Todd Bubbenmoyer as the Maidencreek Township Emergency Management Coordinator. All members voted, "Aye." Motion carried.

PUBLIC COMMENT

Richard Wick of East Wesner Road, Blandon advised the Board of Supervisors that Township Resolution 15-2004 – Fees for Permits, set excessive fees and that the Board should be aware that people will try to sneak more construction in because of the high costs. Mr. Wick cut a hole in his daughter's basement wall and installed a Bilco door. The project cost \$1500 and the permit cost \$221.00. Two houses down from his daughter's home, the owner put up a garage and the permit cost next to nothing because the structure was under 1000 square feet UCC exemption. Roy Timpe commented that this is a result of adopting the Uniform Construction Code.

Mr. Wick also wanted the Board to know that the trailer parked in front of the farm at the hard incline on East Wesner Road is an accident waiting to happen. Because of the incline, approaching motorists can not see if anyone is parked on the road to drop off newspapers. When cars stop, they do not always pull off the road because of the mud conditions. Roy Timpe discussed options of relocating the truck. Bob Kopfer suggested that stone could be put down to control the mud or the trailer moved nearer to the driveway.

Craig Momose of Stackhouse Bensinger representing Maidencreek Plaza stated that a resolution for a traffic signal on Route 222 at Evansville Road had been given to the Secretary some time ago and asked if the Board would adopt the Resolution. The signal would be at the extension of Prescott Road and Route 222. The secretary pointed out that land development plans have not been submitted for the Township to review showing the location of the road or the light. Tom Unger of Systems Design Engineering, Inc. stated that the resolution commits the Board of Supervisors to taking over the maintenance and electric of the traffic signal. Gene Orlando asked how the Township can agree to a light for a road that hasn't been approved and advised the Board not to sign the resolution until a land development plan has been submitted and receives preliminary plan approval. Tom Unger agreed, stating that the area must be looked at and studied as a whole. Bob Kopfer stated that a traffic signal is needed at Pleasant Hill Road.

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The Board agreed with the solicitor's recommendation and tabled action on the traffic signal resolution presented by Maidencreek Plaza Company until a land development plan is submitted and has preliminary plan approval.

Penn DOT Review List

Diane Hollenbach asked the Board if they would authorize her to send a letter to PennDOT requesting that the Township be placed on the PennDOT review list. This will include the Township on distribution for all plans submitted to PennDOT for work in Maidencreek Township.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, authorizing the secretary to write a letter to PennDOT District 5 requesting that Maidencreek Township be placed on the PennDOT review list. All members voted, "Aye." Motion carried.

Larry Kunkel of Lake Shore Drive, Fleetwood asked if anything has been done in regards to a dumpster ordinance. The rat holes in the property across from his home on Route 73 are still there and the rats are eating the trash from the dumpsters. Gloria Kemmerer asked if there was not a Pennsylvania Law requiring dumpsters be kept closed. Mr. Kunkel also commented on Mr. Wick's previous comment regarding the cost of building permits, stating that considering how many desks the permits must now cross, the permit fee is not a lot of money.

APPROVAL OF THE MINUTES

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the January 3, 2005 reorganization minutes of the Maidencreek Township Board of Supervisors with the following corrections: First page Chairman Protem-year 2004 should be 2005 and Resolution 1-2004 should be 1-2005. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the January 3, 2005 regular meeting minutes of the Maidencreek Township Board of Supervisors with the following corrections: Page 5 add section 403.A.1.b behind Zoning Ordinance and Page 6 between Berks County Tax bill and PSATS Membership insert a motion authorizing the Chairman to sign the Survey of Financial Condition. All members voted, "Aye." Motion carried.

AUDITOR'S REPORT – tabled

ENGINEER'S REPORT

Subdivision Status Checklist – All plans are current and all Letters of Credit are current.

Subdivision and Rezoning

Zwicky Recycling and Processing Final Plan – Tom Unger stated that the Planning Commission recommended final plan approval conditional upon the plan being signed and sealed by the professional responsible, the storm water report being signed by the professional responsible, Pennsylvania Department of Environmental Protection permits shall be given to the Township for all new processes requiring DEP permits before the processes begin, submittal of cost estimates for the improvements and entering into an improvements agreement with the Township, the width of the new entrance shall be dimensioned on the plan and a clear site

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triangle shall be provided at the entrance of Buena Vista Road. Janet Eppiheimer of Bursich Engineering asked if the improvement agreement and financial security could be broken into stages, since Mr. Zwicky is not going to do all the improvements at once and does not want to tie up all the money with the Township. Mr. Orlando stated that this could be done if the plan is phased.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant final plan approval to the Zwicky Recycling and Processing Final Plan conditional upon the plan being signed and sealed by the professional responsible, the storm water report being signed by the professional responsible, Pennsylvania Department of Environmental Protection permits shall be given to the Township for all new processes requiring DEP permits before the processes begin, submittal of cost estimates for the improvements and entering into an Improvement Agreement with the Township, supplying financial security in a form acceptable to the Township, the width of the new entrance shall be dimensioned on the plan and a clear site triangle shall be provided at the entrance of Buena Vista Road. All members voted, "Aye." Motion carried.

Hain Subdivision Planning Modules – Tom Unger stated that the Planning Commission had recommended that the Supervisors sign the DEP Planning Module for the Hain Subdivision. This project has onsite sewer and water. Gloria Kemmerer asked if the Planning Commission's issue with the perk holes being in the road right of way had been addressed. Tom Unger stated that the Township Sewage Enforcement Officer had reviewed the plan again and everything was in order. Roy Timpe asked how the one lots' septic can be uphill from the home. Mr. Unger stated that the home on the property will have to pump their sewage. Gloria Kemmerer asked if DEP will review the planning module. Mr. Unger responded that they will because the applicant is not asking for an exemption.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the Hain Subdivision Planning Module. All members voted, "Aye." Motion carried.

Larken Variance and Special Exception – Mr. Unger stated that Larken Associates is proposing a strip mall along Park Road in front of Golden Manor. Gloria Kemmerer stated that she agreed with the Planning Commission recommendation of granting the Special Exception for the shopping center, allowing 100 foot front yard setbacks, 80 foot rear yard setbacks, allowing 65% impervious surface as long as the stormwater generated by the percentage of impervious surface in excess of the allowable is retained on site and taken care of with best management practices, and interpreting the zoning ordinance as allowing a maximum building size of 25,000 square feet. Roy Timpe asked if there was a danger of limestone on the site and if this posed a problem for the stormwater detention on site. Tom Unger answered that this is a limestone prone area.

Gene Orlando stated that he believes that in the Zoning Ordinance, the section on Shopping Centers does not have a limitation on size and feels if the Supervisors interpret the ordinance the same way as the Planning Commission and restrict the size of the shopping center to 25,000 square feet, the ordinance could be challenged in court.

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to recommend to the Zoning Hearing Board to grant the Special Exception to the proposed shopping center, allow 100 foot front yard and 80 foot rear yard setbacks, allow 65% impervious surface as long as the stormwater generated by the percentage of impervious surface in excess of the allowable is retained on site and taken care of with best management practices, and to interpret the Zoning Ordinance that the 25,000 square foot maximum building size does not apply to shopping centers.

Roy Timpe asked for questions from the floor. Larry Kunkel asked who would pay for the two extra lanes (of roadway) that will be needed. Mr. Timpe answered that planning issues would be taken care of when the land development plan was submitted to the Township. Richard Wick clarified that he understood the discussion on the stormwater that any stormwater generated from impervious surface over 55% coverage would be retained on site. Larry Kunkel stated where does the current detention basin drained into...the creek...another thing from the 1955 Planning Commission.

Hearing no further question, all members voted, "Aye." Motion carried.

Cacesse Quick Lube – Tom Unger stated that the Planning Commission is not recommending granting the variance to allow a Quick Lube along Route 222 between Route 73 and Genesis Drive in the Commercial-Residential Zoning District. Roy Timpe and Robert Kopfer agreed that they thought the variance should be granted.

A motion was made by Gloria Kemmerer to recommend that the Zoning Hearing Board reject the request for a variance to allow a vehicle service station on the Dominic Cacesse property along Route 222, since this would be spot zoning. The motion died for the lack of second.

Zoning Ordinance Revisions

Tom Unger stated that SDE is working on the Zoning Ordinance revision with the Planning Commission.

Act 167 Stormwater Management

The model ordinance regarding the Maidencreek Watershed and stormwater management and maps have been received for Act 167. Mark Kitzmiller of SDE is reviewing the ordinance. Mr. Kitzmiller has been in contact with the County because when the maps first were published, Maidencreek Township was an unconditional direct discharge area. Due to flooding history and Mr. Kitzmiller's follow up with the County, Maidencreek Township has been changed to reduced discharge, the most restrictive discharge area. The Township should adopt the ordinance before June 1, 2005, so that it can be included in the annual report.

Larken Variance Ammended Motion

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to amend their previous motion for the Larken variance to include the condition that stormwater management for the lot should comply with the new Act 167 stormwater management that is proposed for Maidencreek Township. All members voted, "Aye." Motion carried.

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Code Enforcement

Mr. Unger made the Board aware that a letter had been written in regards to the use of 71A Dries Road, which is owned by Ray Martin. SDE denied an occupancy permit for auto sales at this address, since the nonconforming use has been discontinued for more than one year.

Subdivision Improvements Agreements and Letter of Credit Reductions

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$139,095.14. All members voted, "Aye." Motion carried.

Farm 4

The Board requested that Farm 4 revised plan be placed on the Subdivision Status Check List. The secretary was instructed to obtain a final plan application for this plan. Gene Orlando stated that Diane Hollenbach and Julie Guistwite should be more careful when accepting plans to make sure that they have all the paperwork. Diane Hollenbach stated that the plan in question was submitted as a revision to an existing final plan and did not need an application. It was not until the Planning Commission meeting that the Solicitor and Engineer decided that this plan should be considered a new submission because of a significant change in the plan from the previous submission. Mrs. Hollenbach added that it is not her responsibility to act as an engineer and review plans before accepting them.

Richmaiden Subdivision

A motion was made by Gloria Kemmerer, seconded Robert Kopfer, to reapprove the Richmaiden Subdivision Final Plan. All members voted, "Aye." Motion carried.

OPERATIONS REPORT

New Truck

Keith Shuman presented a proposal to purchase a 2005 GMC Sierra 3500 crew cab pick up with a v plow and stainless steel v spreader for a cost of \$49,069.09 through the PACC Program. The v plow would be better for cleaning intersections. Mr. Shuman stated that he would eventually like to get rid of the 1995 truck and plow. Mr. Wick asked why buy a new plow if we have one on a truck we will be selling. Mr. Shuman stated that he would like to switch to the v plow.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of the 2005 GMC Sierra 3500 crew cab pick up with v plow and v spreader at a cost of \$49069.09. All members voted, "Aye." Motion carried.

MUTCD Requirements

Mr. Shuman stated that the Township has seven years to switch all stop signs, street index signs and speed limit signs to high intensity reflective signs. The Board asked that an

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inventory of signs posted in the Township be created and a proposal for gradual replacement proposed in the 2006 budget.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of high intensity reflective signs whenever signs need to be replaced in the Township. All members voted, "Aye." Motion carried.

Barricades and Road Safety

Keith Shuman informed the Board that the State recommends getting rid of wood barricades, wearing class 2 safety vests and having reflective tape around cones for liability reasons. The Board recommended that Mr. Shuman purchase tape and try wrapping our existing cones and to come up with a proposal with the quantity and cost of each size barricade needed.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of 10 Class 2 safety vests from Grainger at a cost of \$17.58 each. All members voted, "Aye." Motion carried.

Street Sweeping

A motion was made by Robert Kopfer, seconded Gloria Kemmerer, to authorize the annual Maidencreek Township street sweeping to be performed by Industrial Grounds Maintenance at a cost of \$1450.00. All members voted, "Aye." Motion carried.

Line Painting

The Board discussed the quote from Berks Traffic for line painting and/or thermoplastic pavement markings of railroad crossings, Route 73 and Route 222 stop bars, school zone stencils and the cross walk at the red brick church in Blandon. Thermoplastic marking is more expensive but lasts 3 times as long. Gloria Kemmerer asked if the two railroad crossings, Seidels and the Post Office, were included in the quote and not listed. The Board asked Mr. Shuman to nail down a proposal for a combination of painting and thermoplastic for their consideration at the next meeting.

Window in Garage

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the installation of a window in the wall between the garage office and the garage at a cost not to exceed \$400.00. All members voted, "Aye." Motion carried.

2005 Road Bids

Gloria Kemmerer asked how long the work Larken Associates did on East Wesner Road would last. Tom Unger stated that it should hold up 7 to 10 years but drainage problems will decrease the life of a project. Ron Kemmerer asked if UGI hadn't cut East Wesner Road for the gas line installation for the Villages at Maidencreek, would the Township be looking at paving East Wesner Road now. Keith Shuman stated that the road was in terrible shape and it would have been on the road repair list even if UGI hadn't cut the road.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Systems Design Engineering to prepare the 2005 Road Bid to include the following roadways: Whitestar Road, Ina Avenue, Blandon Avenue, Chestnut Street, Lindbergh Avenue, West Shore Drive, East Wesner Road, Genesis Drive, Faith Drive, West Walnut Tree Drive, Cornerstone

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Drive, Via Dolorosa Drive, Callery Drive, Timber Drive, Longleaf Drive, and Austrian Drive and to bid Faith Drive, West Walnut Tree, Cornerstone Drive, and Via Dolorosa as either Rolumac or milling and overlay.

Roy Timpe asked for questions from the floor. Hether Quillman, South View Road, Fleetwood asked if the Board considered cold in place recycling material. Keith Shuman stated that this was expensive. Tom Unger stated that depending on the shape of East Wesner Road, this may be an option to look at.

All members voted, "Aye." Motion carried. Tom Unger assured the Board that they could delete up to 25% of the project once bid. Usually, the earlier the road project goes to bid, the better the price.

SOLICITOR'S REPORT

Zoning Ordinance 197

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to adopt Ordinance 197 – Zoning Amendment. All members voted, "Aye." Motion carried.

Parking Ordinance 198

A motion was made by Robert Kopfer, seconded by Roy Timpe, to adopt Ordinance 198 – Parking Ordinance. Robert Kopfer and Roy Timpe voted, "Aye." Gloria Kemmerer voted, "Nay." Motion carried.

Traffic Ordinance 199

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to adopt Ordinance 199 – Traffic Ordinance. All members voted, "Aye." Motion carried.

Christopher Klenk Fence

The Solicitor stated that the Board does not have the authority to approve a deed of correction for Chris Klenk. Mr. Klenk has installed his fence partially on another property owned by John Sharman. Mr. Orlando stated that the only way to correct the situation legally per the Municipal Planning Code is to file a subdivision plan.

Verizon FTTP

Gene Orlando advised that if a company like Verizon wanted to attach itself to an existing utility's lines, it could with the permission of that utility. If they wanted to lay new line in the Township, they would need a permit from the Township. If they wanted to sell cable, they would need a franchise agreement with the Township. The Board decided not to pursue any new ordinances at this time.

Diane Hollenbach stated that a resident had called and wanted to choose their local telephone provider and Commonwealth Telephone did not allow it. There is no franchise for phone service and no one knew how the service areas for phone service had been set up in the Township. Gene Orlando advised that the resident should contact the Public Utility Commission.

TREASURER'S REPORT

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A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the January 2005 Treasurer's Report and approve the January 2005 Prepaid Bill List. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to purchase 4 replacement windows at a cost of \$750.00 each, installed, for the Township Building. All members voted, "Aye." Motion carried.

Mr. Timpe recommended that the Township look at purchasing a humidifier for the office.

PARK AND RECREATION

Tiger Rec Night

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the YMCA contract for Tiger Rec Nights at a cost of \$1,000.00. All members voted, "Aye." Motion carried.

Fireworks

Gloria Kemmerer stated that she did not have a problem with fireworks for the carnival but thought that fireworks for the 4th of July would be too soon after the carnival.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve \$4,000.00 of fireworks from Fireworks Productions Inc. for the finale to the Fire Company Carnival. All members voted, "Aye." Motion carried.

Rec Board Appointments

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to appoint Vicki Folk to the Park and Recreation Board with a term ending 12/31/05. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to appoint Robert Ramsey to the Park and Recreation Board with a term ending 12/31/07. All members voted, "Aye." Motion carried.

Fleetwood Pool

Hether Quillman asked if the Board would be interested in paying the amount charged to Township residents that is over what a Fleetwood resident pays for pool membership. The Fleetwood Pool memberships have been steadily declining and they are trying to generate interest in the pool. Roy Timpe stated that no tax payer money will be used to subsidize the Fleetwood Pool but the pool could advertise in the Township newsletter.

Township Sponsored Activities

Hether Quillman asked if the Board would allow the Park and Recreation Board to plan activities like baseball leagues or hockey leagues for the adults and children of the Township. Roy Timpe stated that there were existing organizations and he heard that the Muhlenberg Athletic Association was used in a political way. People who were out of favor with the Board, their kids did not get to play. Hether stated that she wanted to offer activities at a reasonable

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price to residents as the cost to participate in some organizations was going up. Gloria Kemmerer was in favor of the Township running some activities because she did not want the Maidencreek Park to become an annexation of the School District facilities. Roy Timpe stated that the activities should be self funding because he does not want to spend tax money from an 80 year old resident on a baseball league because it does not benefit that 80 year old taxpayer.

RESOLUTIONS

Resolution 12-2005

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, adopting Resolution 12-2005 permission to participate in Commonwealth of PA Department of General Services Cooperative Purchasing Program. All members voted, "Aye." Motion carried.

Amend Pension Plan - tabled

NEW BUSINESS

Meadowbrook Phase I and II StreetLights

The Board tabled action on adopting the street light resolutions for Meadowbrook Phase 1 and 2, since there are 13 lights total with 6 of the lights in an area where no houses have been built. The Board felt that it was not economical to pay for electric for lights where no one resided.

New Harvest Church

New Harvest Church requested the use of the Township meeting room for Sunday Services. The Board agreed to allow them the use of the meeting room as long as they agreed to pay for extra pumping of the Township septic if the extra use of the building causes it to fill up faster.

Mohler Property West Wesner Road

The Board received a letter from Mrs. Mohler, whose garage burned down. The garage did not conform to the zoning ordinance, and Mrs. Mohler requested that she be allowed to rebuild it exactly where it was before the fire. The Solicitor advised the Board that Mrs. Mohler needed to apply for a variance, and the Supervisors could not give her permission to rebuild.

Executive Session 10:22 to 10:30

A motion was made in executive session to authorize the secretary to write a letter in respect to the personnel issue discussed in executive session.

Since there was no further business, a motion was made by Robert Kopfer to adjourn the February 10, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:30 PM.

Transcribing Secretary

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Cc: Board of Supervisors
Eugene Orlando, Orlando & Strahn, 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, Maidencreek Township Authority Solicitor
Greg Unger, Systems Design Engineering, Inc., Maidencreek Twp Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police