

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

Present: Roy Timpe, Robert Kopfer, Claude Beaver, Eugene Orlando, Jr. – Roland & Schlegel, Tom Unger – Systems Design Engineering, Inc., Keith Shuman – Public Works Director, Diane Hollenbach – Recording Secretary

Guests: J. Schoellkopf, Fay Isamoyer, Cindy Stump, Paul Martin, Tina Poole, Harold Burgert, Peter Costello, Faith and Bill Reidel, Rick Kline, Robert and Manice Peace, Mr. Lee, Rebecca VanderMeulen, Scott Miller, Craig Momose, Stanley Deeds, Michael Stauffer, Michael DiPaolo, Merv Heller, Herbert and Dorothy Hoffman, Al Anderson, Dean Hoffman

Roy Timpe called the February 9, 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.

POLICE REPORT

Officer Dillman read the January police totals for Maidencreek Township: 874.9 patrol hours, 6836.73 miles, 281 assignments, and 90 citations. Officer Dillman reminded everyone about the vehicle break ins and urged residents to lock their vehicles.

The Northern Berks Regional Police offered thanks to all the fire companies and fire police from the entire county, V & M Towing, KMK Towing, Penn DOT, Berks County Emergency Management, EMS units, the Salvation Army and the Fleetwood, Muhlenburg, Exeter and Cumru police departments for their assistance with the fatal accident on Route 222. The Northern Berks Regional Police are grateful for all the assistance they received from organizations across the county.

Cindy Stump of Evansville Road asked if it would be beneficial for signs to be installed from the Road to Nowhere to Kutztown that read "Beware of Slow Moving Traffic." Officer Dillman stated that the chief could look at that and make a recommendation to the Supervisors.

Roy Timpe announced that the Police Commission meeting has been moved to the second Monday of each month.

Robert Kopfer complained that the "No Turn On Red" signs at Route 73 and Park Road could not be seen and asked if the state was responsible for the signs.

PUBLIC COMMENT

Al Anderson stated that he was concerned about debris clogging the bridge on Route 73 before the intersection of Route 222 and asked if the Township would inspect and clean under the bridge, since Penn DOT only inspects it once a year. Tom Unger, township engineer stated that the township is allowed to work within 50 feet from the right of way. Roy Timpe stated that if the township notices that it is clogged, we will clean it and if Mr. Anderson notices that it is clogged, he should call the township office. Mr. Anderson stated that there are trees down now. The Board asked that the road crew look at the situation.

Peter Costello, Colonial Court stated that he had a comment on the Reidel Rezoning. Mr. Timpe stated that the hearing had been cancelled and would be rescheduled.

Stanley Deeds, West Walnut Tree Drive asked if the Board was considering municipal garbage pick up. Mr. Timpe stated that the Board looked at that when recycling was set up and a survey showed that residents did not want it. Mr. Deeds stated that there is garbage being picked up 5 days a week in his development and what are all those trucks doing to the streets. Mr. Timpe stated that the residents enjoy the flexibility of

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

choosing their own trash program. Mr. Deeds requested that the survey be put out again. No one on the Board was inclined to do that. Mr. Deeds asked if the ownership of the condemned home on West Walnut Tree was determined. Mr. Timpe stated that this issue would be discussed later in the meeting.

Cindy Stump of Evansville Road asked who this recreation survey was through that she received in the mail. Roy Timpe responded that a United Methodist Church put out the questionnaire independently.

Robert Peace of Leos Den requested a special meeting with the Board to discuss the group home on their street. Mr. Peace stated that these are the people previously in Muhlenburg and he has about 50 questions. Mr. Timpe stated that this issue will be discussed during the solicitor's report.

Rick Kline of West Shore Drive asked where the Board was on the sludge ordinance. Mr. Timpe stated that this will be discussed in the solicitor's report.

Mike Stauffer representing Mid Atlantic Energy Concepts asked where the plan was on the agenda as it wasn't listed. Mr. Timpe replied that it would be covered in the engineer's report.

APPROVAL OF THE MINUTES

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the January 3, 2006 reorganization minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the January 3, 2006 regular meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist

Mr. Unger informed the Board that time extensions would be needed on the following plans if no action was taken this evening: Melrose Place, Village at Maidencreek Resubdivision, Village at Summit Crest Annexation, Village at Summit Crest, Phase III and Mid Atlantic Energy Concepts. Time extensions were received from Village at Maidencreek Resubdivision, and the Village at Summit Crest Annexation.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant a time extension until May 12, 2006 to the Village at Maidencreek Resubdivision Plan. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to grant a time extension until May 15, 2006 to the Village at Summit Crest Annexation Plan. Robert Kopfer and Roy Timpe voted, "Aye." Claude Beaver abstained. Motion carried. The developer's engineer requested that the Board take no further action on the annexation plan at this meeting.

Plan Review

Esbenshade Land Development Final Plan - No one was present to discuss the final plan. The plan was tabled.

Village at Summit Crest Annexation Final Plan – tabled at developer's request
Mid Atlantic Energy Concepts Preliminary Plan

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant a waiver for the Mid Atlantic Energy Concepts Land Development Plan to sections 503.M.3 and 505.B, installation of curbs and sidewalks, of the Maidencreek Township Subdivision and Land Development Ordinance with the condition that the standard township note be added to the plan requiring sidewalks and curbs to be installed upon the Board of Supervisors request. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant a waiver for the Mid Atlantic Energy Concepts Land Development Plan to section 503.M.5, installation of streetlights, of the Maidencreek Township Subdivision and Land Development Ordinance with the condition that the standard township note be added to the plan requiring streetlights to be installed upon the Board of Supervisors request. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Claude Beaver, granting preliminary plan approval to the Mid Atlantic Energy Concepts Land Development Plan conditional upon completion of the items outlined in the Systems Design Engineering, Inc.'s November 1, 2005 review letter: Lighting Plan approval, Maidencreek Township Authority approval, Berks County Conservation District approval, and correction to the stormwater – notes and drafting items. All members voted, "Aye." Motion carried.

Melrose Place Subdivision and Land Development Final Plan – Michael Wetzel of McCarthy Engineering explained that the Melrose Place Plan contains 54 residential lots and 8 commercial lots. The detention basins over retain storm water to meet the capacity of the downstream pipe. A left turn lane and a right turn lane will be installed on Park Road. The entrance to the development is a boulevard style. Robert Kopfer commented that he does not think the plan does enough to take care of the storm water. Mr. Unger stated that the plan over retains 20 percent more then the ordinance requires and the developer made sure that the water leaving the site meets the 18 inch pipe diameter.

A motion was made by Claude Beaver, seconded by Roy Timpe, to approve the Melrose Place Final Plan conditional upon meeting the items outlined in the February 3, 2006 Systems Design review letter: Maidencreek Township Authority approval, plan signatures and notarization, final Penn DOT Highway Occupancy Permit, Homeowners Association Documents acceptable to the township solicitor, notes placed on the plan and in each individual lot that the homeowner will be assessed for the maintenance of the detention basin, fee in lieu of open space in the amount of \$750.00 per lot, entering into improvements agreements and posting financial security in a form acceptable to the Township. Roy Timpe and Claude Beaver voted, "Aye." Robert Kopfer voted, "Nay." Motion carried.

Village at Summit Crest Phase III Preliminary Plan – Tom Unger stated that Systems Design Engineering did not recommend approval of this preliminary plan because the issues outstanding are significant and need to be addressed first. Scott Miller listed the waivers requested from the Subdivision and Land Development Ordinance but not yet approved by the Supervisors: section 505.M.5 streetlights, sections 603.B, 505.D.1, 503.M.3 to allow macadam sidewalks, sections 603.A.1 & 503.M.3 to allow slant curb instead of vertical curb, section 513.A.5 roof leaders, section 513.F.2.d to allow storage in detention basin longer then 24 hours and section 513.F.4.a to allow berm height greater than 6 feet. Also, the previous

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

waiver granted for driveway grade needs to be changed to allow a driveway grade of 11 percent. Robert Kopfer stated that the storm water should go underground, the sidewalk should be concrete, and driveway grades should be at 10 percent. Mr. Wick of East Wesner Road asked if the engineer has done any large scale profiles on the driveways to make sure the larger cars like Cadillacs do not bottom out. Mr. Miller stated that none have been done but the worst case scenario can be looked at and a waiver requested on only certain lots.

Mr. Unger had concerns in regards to the significant cuts of over 30 feet being proposed for the mountain. The developer's geotechnical report stated that after the 30 foot cut, infiltration is not possible and the mountain is solid rock after the first few feet. Currently, there is some infiltration occurring. There are concerns that springs and seeps will be uncovered and concern about the overall grade and cuts being proposed. Scott Miller responded that they won't know until they do the actual earth moving what will be encountered. Gene Orlando asked if the storm water calculations were done assuming that there was no infiltration in the cut areas. Craig Momose stated that the calculations in the steep cuts assumed them to be in lawn cover. Mr. Orlando asked if the existing storm water facilities were adequate. Mr. Miller stated that originally the basins were over designed on peak flow reduction. Mr. Orlando suggested an additional bond for possible and yet unidentified problems.

Mr. Wick asked if probes have been done of the rock line and if the rock location was shown on the plan profile. Mr. Wick also questioned the street width. Mr. Unger stated that the streets are private and no parking will be allowed along the roadway. The Board agreed to take no action on the plan, at which time Mr. Miller presented the Board with a request for a time extension.

A motion was made by Roy Timpe, seconded by Robert Kopfer, to grant the request for a time extension until May 21, 2006 for the Village at Summit Crest III.

Harold Burgert commented that he did not think the developer will be able to control the water when they cut into the mountain.

Roy Timpe and Robert Kopfer, voted, "Aye." Claude Beaver abstained. Motion carried.

Projects

Hoch Road Culvert – Tom Unger reported that the GPII permit was approved and asked if the Board was ready to proceed with the project.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the engineer to prepare the bid documents for the Hoch Road culvert replacement. All members voted, "Aye." Motion carried.

Act 537 Plan, Phase 2 – Mr. Unger reviewed with the Board the response to the PA DEP's letter on the Township's second phase of the Act 537 Plan.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the engineer to send the township's response to the PA DEP in regard to the second phase of the Act 537 Plan. All members voted, "Aye." Motion carried.

A motion was made by Roy Timpe, seconded by Claude Beaver, to authorize Systems Design Engineering to provide the maps of where high test results for nitrates and fecal coliform were found in the

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

township for posting on the website with mention of the posting in the township newsletter. All members voted, "Aye." Motion carried.

Lehigh Cement Noise Study – Tom Unger reported that a meeting was held with representatives of Lehigh Cement regarding their noise study. According to the study, Lehigh Cement is in compliance with the township's noise ordinance even though they are grandfathered out of it. They have agreed to look further and identify point sources of noise, evaluate possible ways to remediate the noise and meet with the township again to discuss their ideas. Mr. Unger also discussed with Lehigh Cement representatives, participating in paying for repair of Evansville Road. They seem willing to participate at some level.

Lehigh Cement is proposing adding a clinker silo that will be 11 feet taller than the existing 213 ft high kiln emission tower. A variance from the zoning district's 45 foot height limit is being requested for that and other new storage bins and transfer towers. Gene Orlando asked the Board if they want to take any position on the Lehigh Cement variance request. All three Board members stated that they were in support of industry.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize a letter to be written and entered into evidence expressing the supervisors approval of the expansion of the Lehigh Cement business. All members voted, "Aye." Motion carried.

Subdivision Improvements Agreements and Letter of Credit Reductions

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 \$1096.41. All members voted, "Aye." Motion carried.

Accessory Structure Interpretation – Mr. Unger requested direction from the Board regarding decks. SDE does not wish to cause undo zoning hearings. The previous zoning officer treated decks as accessory structures, applying the 8 foot rear yard setback. Decks may be considered part of the building and as such, the rear yard setback of 40 feet could be applied. Gene Orlando commented that the definition of a deck in the Zoning Book supports the prior zoning officer's interpretation.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to continue to treat decks as accessory structures. All members voted, "Aye." Motion carried.

Hoffman Farm – Tom Unger reported that the Hoffmans, who own a 71 acre farm on Snyder Road, which is zoned R2- medium density residential, are requesting to start a grazing and dairy operation on the farm. The farm is currently non conforming in the R2 district with the land being used as open fields. The Hoffman's dairy operation is being displaced because of development in Ontelaunee Township. Mr. Unger wanted to make the Board aware of the change of use from open fields to dairy operation. If the Board had concerns about this change of use, it could be viewed as a nonconforming use becoming more nonconforming and the land owner sent to the Zoning Hearing Board for a variance. The Board agreed that they were fine with allowing a dairy operation in the R2 zoning district.

385 West Walnut Tree Drive – Tom Unger reported that no action has been taken by the homeowner on the building. The home has been condemned for occupancy. With the warm weather approaching, the township will start to receive calls from neighbors concerned about the abandoned dwelling. Mr. Unger asked the Board if they wished to take any action. The code enforcement officer could inspect and condemn

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

the dwelling. The solicitor would need to find out what else needs to be done to have the Township make the property safe.

A motion was made by Claude Beaver, seconded by Roy Timpe, to authorize the code enforcement officer and solicitor to take whatever action is necessary to make the property located at 385 West Walnut Tree Drive, Blandon safe. All members voted, "Aye." Motion carried.

Bingo Hall – Tom Unger explained that the Union Hall on Park Road, in the Industrial District, has been purchased by Jeff Young. Mr. Young would like to put a Bingo Hall and banquet facility in the building. The Board was concerned that there would not be enough parking. Mr. Unger stated that the Township does not regulate a Bingo Hall and all uses not regulated are allowed in the Industrial Zoning District by special exception. Diane Hollenbach stated that when Mr. Young was in the office, he stated that he felt the Union Hall use was the same as the banquet facility/bingo hall because they were both meeting places. The Board of Supervisors agreed that Mr. Young would have to go to the zoning hearing board if he wished to have a bingo hall in the building and if a special exception is approved, the township would then look at the land development issues.

OPERATIONS REPORT

Road Bids

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the engineer to prepare the documents and bid the 2006 road work, which will include widening the intersection and paving Ina Avenue, paving Chestnut Street from West Wesner Road to the Railroad, repairing the edge of Kemmerer Road, patching Buena Vista Road, Calcium Road, Koller Road, and Hill Road. All members voted, "Aye." Motion carried.

Crack Seal

A motion as made by Claude Beaver, seconded by Robert Kopfer, to authorize the previous purchase of two skids of crack seal. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the purchase of three skids of crack seal and to allow for the rest of 2006, the public works director to purchase up to 5 skid of crack seal per month from the state contract and to include the total crack seal purchased in the operation's report every month so that it gets in the minutes. All members voted, "Aye." Motion carried.

SOLICITOR'S REPORT

Sludge Ordinance – Stephanie Dake reported that the changes had been made to the sludge ordinance as requested by the Board and distributed draft copies to the Board members. Gene Orlando took the copies of the Cornell University information on sludge that was provided by Rick Kline and promised to forward copies to the township for their file. The Board will decide next month if they are ready to advertise the ordinance or make more revisions.

Reidel Rezoning – The Board decided to offer three dates to the Reidel's solicitor for the rescheduled hearing: March 7, March 8 and March 16.

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

Group Home – Mr. and Mrs. Peace expressed concern that a group home, that recently occupied a home in their development was a business and questioned who (what type of person) would go in the home next. Currently, the home houses three adults with developmental handicaps who are under supervision by three shifts of care givers. Mr. Orlando stated that a group home is permitted per section 602, High Density Residential Zoning and section 204, definition of a family. Mr. Peace asked if the organization running the home was nonprofit and if they would pay taxes. Mrs. Peace asked if Muhlenberg Township found this group home not to be acceptable, why would Maidencreek allow it. Mr. Orlando asked if Mrs. Peace knew what occurred in Muhlenberg Township because he did not. The Peaces promised to continue looking into the situation.

Per Capita Tax and OPT Tax Ordinance Changes and Other Outstanding Items– Mr. Orlando had nothing on the ordinance revisions and commented that if perhaps the secretary sent the agenda over more than the day before the meeting, he would have better answers for the Board.

County Appeals Board – tabled

TREASURER'S REPORT

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

PARK AND RECREATION

Community Park Parking Lot – The Board asked the engineer to provide information on linked pavers. They did not feel that porous paving as a parking lot surface would remain porous.

FABA USE OF BALL FIELDS

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant the Fleetwood Area Association of Baseball field use at the Ontelaunee Heights Ball Field on Monday, Wednesday, Friday from 4 to 7:30 PM and Saturday from 8 AM to 1 PM and the small Community Park Ball Field on Monday, Wednesday and Friday from 4 to 9 PM. All members voted, "Aye." Motion carried.

Park and Recreation Plan

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to prepare an ordinance readopting the Park and Recreation Comprehensive Plan. All members voted, "Aye." Motion carried.

Adopt a Stream

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to file the Adopt a Stream application with the volunteers for this program acting as a subcommittee of Park and Recreation making recommendations for projects to the Board of Supervisors. All members voted, "Aye." Motion carried.

RECYCLING

A proposal was submitted to have a computer and electronic waste recycling day. The recycling company would charge residents a dollar to take computer monitors, and other electronic devices. They ask

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

that the township contribute to the cost of advertising signs and advertise in the newsletter. The Board asked the secretary to get feedback from other municipalities and find out the cost of the signs.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the solicitor to investigate the electronic recycling contract. All members voted, "Aye." Motion carried.

NEW BUSINESS

Resolution 11-2006

A motion was made to adopt Resolution 11-2006 appointing Kosmerl & Company as Township Auditor for 2006. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Claude Beaver, authorizing the chairman to sign the letter of acceptance from Kosmerl & Company. All members voted, "Aye." Motion carried.

The appointed auditor has been asked to meet with the elected auditors and requested the Supervisors to advise if this was okay. Roy Timpe stated that he could see no value added by paying the appointed auditor to meet with the elected auditors and that the elected auditors could read the audit report when it was completed.

Codification – The Board asked for clarification of ownership of the electronic format and also what format the code will be in.

State Pension Aid

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the chairman to sign the State Pension Aid application. All members voted, "Aye." Motion carried.

Fireman's Carnival Fireworks

A motion was made to accept the proposal from Fireworks Production Inc. for the 2006 Fireman's Carnival Fireworks in the amount of \$4000.00. All members voted, "Aye." Motion carried.

Postage Meter – The Board authorized the secretary to look for a postage meter for the Township Office.

Federal Surplus Property Agreement

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the chairman to sign the Federal Surplus Program application. All members voted, "Aye." Motion carried.

Rajah Shrine Liquor License Hearing – Gene Orlando stated that he will need more information from the applicant and will contact the Shrine's attorney. Notice of the hearing will need to be given to the surrounding property owners and a \$1,000 deposit. The Board suggested that the hearing be held the same time as the rezoning hearing.

Township Building Roof

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the engineer to spec and bid the installation of a rubber roof for the township building. All members voted, "Aye." Motion carried.

Maidencreek Township Board of Supervisor Meeting
February 9, 2006, 7:00 PM

Street Sweeping

Keith Shuman presented two quotes for street sweeping. One proposal quoted a per day price, the other a set price to do the entire township regardless of the number of days it took. Mr. Shuman estimated that the sweeping would take about 3 days. Reilly - \$720.00 per 8 hour day and Industrial Ground Maintenance - \$1650.00 to sweep all roads that were quoted in 2005 and \$2250.00 to do all the roads quoted in 2005 plus 7 additional miles of roadway. Reilly would be able to perform the work in April and Industrial Grounds Maintenance would be able to perform the work in May.

A motion was made to accept the street sweeping proposal from Industrial Grounds Maintenance in the amount of \$1,650.00. All members voted, "Aye." Motion carried.

Executive Session – 11:00 P.M. to 11:15 P.M.

Since there was no further business, a motion was made by Robert Kopfer, seconded by Claude Beaver, to adjourn the February 9, 2006 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 11:15 P.M.

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 Hobough, 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