

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

March 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, Lori Hershberger, Cindy Stump, Harold Burgert, Michael DeLong, Larry Kunkel, Ronald Kemmerer, Wilson Heffner, Paul Martin, Nancy Werner, Keith Weidner, Fay Isamoyer, Tina Poole, I. Richard Wick, Donna Mountain, Tim Krall, Rick Scholten, Mark Taylor, Bill Wiedemann.

Roy Timpe called the meeting to order at 7:00 PM and asked everyone to rise for the pledge to the flag.

POLICE REPORT

The Board of Supervisors received the Northern Berks Regional Police Report as follows:

	MAIDENCREEK TWP.	ONTELAUNEE TWP.	LEESPORT BOROUGH	TOTAL
Patrol Hours	735.68	592.86	421.96	1750.50
Assignments	215	157	84	Admin. 28 484
Fines	\$2,148.90	\$3,617.83	\$ 762.96	\$6,527.69

PUBLIC COMMENT

Tina Poole, 19 Lee Spring Road, Blandon, PA, asked the Board the status of the Martin Retirement Village on-lot sewage problems. She is concerned that the malfunctioning system will begin leaching because the Board ceased pumping the Martin Retirement Village on-lot sewage system.

Cindy Stump, 140 Evansville Road, Fleetwood, PA, stated that a Martin property along Pleasant Hill Road was recently sold. She informed the Board that during a recent Maiden creek Township Planning Commission meeting, the Commission provided their views on rezoning the former Martin property. She and several other surrounding property owners are concerned about future development in the Township and for the record she asked the Board members their feelings towards rezoning the former Martin property if a request to rezone was presented.

Roy Timpe – “My understanding of the purchase price for the former Martin property seems doubtful that the land could support it as agriculture, however it is surrounded by agriculture. It can’t be rezoned and be consistent with avoiding the claim of being spot zoning. I would not vote yes to rezoning the former Martin property if I knew that there would be enough evidence to support it and the decision could be over ruled in the Court of Common Pleas.” He advised concerned residents to be conscientious of future land purchases and/or rezoning applications in this same area.

Robert Kopfer – “If the new property owner would present a request to rezone the Martin property along Pleasant Hill Road, I would vote no because this would be considered spot zoning.”

Gloria Kemmerer – “If the new property owner would present a request to rezone the Martin property along Pleasant Hill Road, I would vote no at this time because the surrounding land is zoned agriculture, access to provide public water and public sewer would be an issue, and existing R-2 (residential) zoned areas are not fully developed.”

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Harold Burgert, 331 East Wesner Road, Blandon, PA, stated that it would be a sin to allow the large portion of the agricultural land in Maiden Creek Township to be taken for residential use. He stressed the need to hold on to agriculture land for future generations.

Nancy Werner, 261 Troxel Road, Shoemakersville, PA, commended and thanked Terry Manmiller and the Maiden Creek Township Road Crew for the snow removal in 2002/2003.

CORRECTIONS/ADDITIONS TO THE MINUTES

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to approve the February 13, 2002 and the February 20, 2003 Board of Supervisors minutes with the following additions and/or corrections:

February 13, 2002 Board of Supervisors Meeting

Page 1 ADOPTION OF MINUTES

1/6/03 Board of Supervisors Meeting

- 2. Page 4-Agriculture Security Hearing , Correction reads-“change to **Board of Supervisors**”
Add words in italics-“*Line 1- change Agriculture Security Board to **Board of Supervisors***”

Page 2 ADOPTION OF MINUTES (cont.)

1/9/03 Board of Supervisors Continued Meeting

- 6. Page 5 Reads-“add **and filing fees**” Add words in italics-“*Sandritter/TreeTops: add **and filing fees** after conduct the searches*”

Page 3 BLANDON MEADOW, Phase 2, Change to BLANDON MEADOWS V, Phase 2

Page 7, 7 e. **Should read:** If conditions to maintain (pumping) the malfunctioning on –lot sewage system are not met, the Township will file an injunction to close the existing modular home park.

February 20, 2003 Recycling Public Hearing and February 20, 2003 Board of Supervisors Meeting

Present: Eugene Orlando-Township, Add “Solicitor”

Page 2, e. **Should read:** If conditions to maintain (pumping) the malfunctioning on –lot sewage system are not met, the Township will file an injunction to close the existing modular home park.

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

ENGINEER’S REPORT

VILLAGES AT MAIDENCREEK, Final Plan

Robert Kopfer made a motion, and seconded by Roy Timpe, to reject the Villages at Maiden Creek Final Plan unless a time extension for review is received by 4/8/03. Robert Kopfer voted, “Aye.” Roy Timpe voted, “Aye.” Gloria Kemmerer abstained. Motion carried.

WILLOW GARDENS, Phase II – LOC

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, that upon the Township receiving a letter from the Township Engineer that the as built plans for Willow Garden, Phase II are received, the Township Secretary may return the Letter of Credit to the developer. All Board members voted, “Aye.” Motion carried.

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SHADOW RIDGE, Phase I

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, that upon the Township receiving a letter from the Township Engineer that the as built plans for Shadow Ridge, Phase I, the Township Secretary may return the remaining funds in their escrow account to the developer. All Board members voted, “Aye.” Motion carried.

JAMES HARDIE-CHEMPLANK DIVISION, Land Development Plan

Tim Krall of Spotts, Steven and McCoy Engineering, and Mark Taylor and Rick Scholten of James Hardie Building Products – Chemplank Division presented a four phase plan to upgrade the current equipment and install new process equipment to bring the plant located in the Excelsior Industrial Park, Blandon up to the standards of James Hardie Building Products. A new raw material process is slated to be installed on the east end of the plant that will require access from June Ave. James Hardie Building Products purchased the property know as Emil Street. Emil Street is a paper street that appears on the Excelsior Industrial Park subdivision plan between June Ave. and the paper street of Girard Ave. James Hardie Building Products want to develop Emil Street to be utilized by the company for unloading and an employee parking areas. There is no intent to dedicate Emil Street. The developer requested the Board’s permission to proceed with phase one of their plan while the land development plan is in review. They proceed to explain all phases of the development and the installation of raw material system near the end of Emil Street. A lengthy discussion ensued pertaining to the installation of underground storm water piping with a portion of the storm water piping being located under one of their buildings.

The Township Solicitor suggested that James Hardie submit an application for a building permit to install the raw material conveyor system and provide the Township with an Indemnity Agreement and Hold Harmless Agreement with regards to Township exposure from other Excelsior Industrial Park property owners, until the property owners’ rights to Emil Street are conveyed. The Board and Solicitor agreed that plan review and a recommendation from the Planning Commission should occur prior to the installation of the underground storm water piping with a portion of the storm water piping being located under one of their buildings.

Legal representation for James Hardie Building Products will contact the Township Solicitor for specific instructions on procedures to legally utilize Emil Street for their project.

TREE TOPS TOT LOT, Phase I

Tree Tops Tot Lot is completed, the Township will retain 5% funding for possible maintenance in the Spring.

MAIDENCREEK COMMUNITY PARK

The Maiden creek Community Park excavation phase is complete. The Township will hold funding for seeding and possible maintenance in the Spring.

HOCH ROAD CULVERT, EAST WESNER ROAD CULVERT, & PEDESTRIAN BRIDGE

Park and Recreation Board are working on plans for installation of pedestrian bridge in conjunction with walking paths.

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STORMWATER INVESTIGATION

The Engineer reported that due to the snow, he could not complete the survey work required for the LOMA application. Systems Design Engineering, Inc. will try to have all the calculations and LOMA application completed for approval at the April 2003 Board of Supervisors meeting.

LIGHTING ORDINACE

The Maidenecreek Township Planning Commission is discussing preparation of an ordinance based on the joint field meeting.

AGRICULTURE SECURITY MAP

The Maidenecreek Township amended Agriculture Security Map is completed.

NPDES II Permit

The Engineer reported that the NPDES II Permit is complete and was submitted to the County for submittal to DEP.

SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$1,190.68. All Board members voted, "Aye." Motion carried.

SEWAGE ENFORCEMENT ACTIVITY REPORT

A Sewage Enforcement Activity Report was provided to the Board for review. Gloria Kemmerer inquired about the following:

1. Citation issued in December 2002 to Raymond Martin – The Engineer reported that the SEO issued a citation to Raymond Martin for his mal-functioning on-lot sewage system, the paperwork was forwarded to the District Justice.
2. Results of the on-lot sewage testing completed on 3/6/03 at the Martin Retirement Village – The Engineer reported that the testing results were negative.
3. Clarification for installation of a cistern at the Martin Retirement Village – The Engineer reported that a cistern is being installed for fire protection. Terry Manmiller added that he met with Blandon Fire Chief Danny Miller and Kenneth Schnader of Systems Design Engineering, Inc. to discuss the proper installation of a cistern at the Martin Retirement Village.

DEVELOPMENT/CONSTRUCTION STATUS REPORT

A Development and Construction Status Report was provided for the Board to review.

SOLICITOR'S REPORT

RECYCLING

The Solicitor will clarify and complete the recycling regulations per the Board's instructions. The Solicitor will forward the completed recycling regulations to the Township Secretary for advertisement for adoption at the April 2003 Board of Supervisors meeting. The Board agreed on the items to be collected for recycling and specifications for the recycling container to be included in the bid proposal for a recycling collector/hauler. The Solicitor estimated that after the recycling hauler is chosen, and collection bins arrive and are distributed, that the recycling program could begin in June 2003.

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The Operations Director, Terry Manmiller provided an example of a recycling brochure distributed by another municipality to explain the recycling procedures for all property owners and stressed to the Board that this type of informative brochure should be provided to all property owners in Maiden Creek Township. The informative brochure includes a list of acceptable recyclables, collection dates throughout the community, and drop off locations for certain composting materials.

JAMES MALEDA – COMPLAINT

The Solicitor, the Board of Supervisors, and the Code Enforcement Officer discussed Mr. & Mrs. Malenda's complaint. The Solicitor suggested that Mr. & Mrs. James Malenda attend a meeting relative to their complaint. The Township Secretary was instructed to send a copy of Resolution 28-2002, Policy to Access Public Records to Mr. & Mrs. James Malenda. Gloria Kemmerer will contact Mr. & Mrs. James Malenda to relay the Board's discussion on this matter.

TIGH HOLDING – SUIT

The Township Solicitor reported that the Tigh Holding Law Suit is pending and active. The Solicitor has made requests in writing to the plaintive for his discovery of facts.

ALTON BOYER – SUIT

The Township Solicitor re-calculated Alton Boyer's COLA and forwarded his findings to Alton Boyer's attorney and requested the current amount of his pension payment.

SHENK SUBDIVISION

The Township Solicitor received information relative to the Shenk property. There are a number of open issues that the Board must address prior making a decision for the interested parties. At some point the Township will be faced with the decision for the public access, specifically 1302 (d) zoning access to a public street.

ROAD REPORT

Copies of the February 2003 Operations Manager's Report are available for review. Action was required for the following:

1. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to replace the faded pedestrian signs along Park Road and Main Street near the Andrew Maier Elementary School with high intensity yellow pedestrian signs, (4) signs will cost \$304.00, plus poles. All Board members voted, "Aye." Motion carried.
2. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to make emergency road repairs on Quarry Road, Chipmunk Drive, June Ave., and Rte. 73. as per quote not to exceed \$4,000.00 per road repair and payment to be made out of the emergency fund. Maiden Creek Township Authority will pay for repairs to Rte. 73 and June Ave. because damage to the roadway is a result of water repair digs. All Board members voted, "Aye." Motion carried. The Operations Director will obtain separate quotes for each location.
3. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to purchase a skid of crack sealant, using State Liquid Fuel Funds, at a cost of approximately \$800.00. All Board members voted, "Aye." Motion carried.

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CONNIE HOPPE, 62 Mt. Spring Road, Blandon, PA

The Operations Director informed the Board that Connie Hoppe accepted his certified letter relative to the condition of the property at 62 Mt. Spring Road, Blandon, PA. He occasionally he does see activity at this property however; the debris has not been cleared. If the property was turned over to a bank, location of that particular bank has been unsuccessful. The Solicitor requested a copy of the tax duplicate that has the pin number to research at the assessment office.

GOLDEN DRIVE STORM DRAIN

The Operation Director must wait for dry weather to test the flow of water through the storm drains.

TREASURER’S REPORT

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the February 2003 Treasurer’s report All Board members voted, “Aye.” Motion carried.

General Checking	\$ 48,328.35
Payroll	\$ 1,626.38
General Fund Money Market	\$ 35,669.25
On Lot Sewage	\$ 5,148.08
Petty Cash	\$ 36.50

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

OLD BUSINESS

Golden Manor III, Annexation

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Board to sign the deed for the Golden Manor III Annexation. All Board members voted, “Aye.” Motion carried.

Agriculture Security Resolution and Fact & Findings

Gloria Kemmerer and Robert Kopfer signed the Agriculture Security Resolution and Fact & Findings of Law.

NEW BUSINESS

Federal Surplus Property Agreement

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the Federal Surplus Property Agreement. All Board members voted, “Aye.” Motion carried.

Planning Commission Recording Secretary

The Maiden creek Township Planning Commission would like the Planning Commission Recording Secretary to take minutes at their Comprehensive Plan workshops. Rather than paying the required \$110.00 per meeting, Diane Hollenbach requested compensation in the form of one-hour vacation time for each hour she attends a Planning Commission Comprehensive Plan Workshop. Roy Timpe made a motion, and seconded by Robert Kopfer, to reimburse Diane Hollenbach- Planning Commission Recording Secretary, one hour of vacation time for each hour she attends a Planning Commission Comprehensive Plan Workshop, contingent upon the agreement of the union members. Robert Kopfer voted, “Aye.” Roy Timpe voted, “Aye.” Gloria Kemmerer abstained. Motion carried.

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Isimac Machine Shop

Roy Timpe made a motion, and seconded by Gloria Kemmerer, that in view of the fact that the County based on the documentation provided is refunding their portion of overpayment of taxes, that Maidencreek Township follow suit by authorizing the Township Secretary to refund \$475.48 for excess Township property taxes paid by Isimac Machine Shop due to their initial assessment on their building being incorrect since 1997. All Board members voted, "Aye." Motion carried.

Park & Recreation Board

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, appointing Julie Guistwite as the new Park and Recreation Board Recording Secretary. All Board members voted, "Aye." Motion carried.

PARK & RECRATION BOARD requests:

1. Will the Board of Supervisors consider a motion on a policy regarding motorized recreational vehicles using the parks and the open space? The Board tabled their decision, until more information is obtained to prepare regulations regarding motorized recreational vehicles using the parks and the open space. Terry Manmiller will contact PSATS.
2. Will the Board of Supervisors sponsor "Keep Pennsylvania Beautiful Day" and advertise for public participation in cleaning the streams and Township Open Space? The Board tabled their decision, until insurance coverage for this type of event would be confirmed.
3. Will the Board of Supervisors authorize the Township Engineer to investigate what would be necessary to straighten a portion of the stream between Faith Drive and Cornerstone Drive, to make it a stocking stream? The Board of Supervisors will not authorize the Township Engineer to investigate straightening a portion of the stream between Faith Drive and Cornerstone Drive, to make it a stocking stream because of numerous permits and regulations.

Blandon Fire Company Annual Fish Rodeo

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, approving the annual donation of \$250.00 towards the Blandon Fire Company Fish Rodeo. All Board members voted, "Aye." Motion carried.

Earth Day - Tire Drop off

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, designating April 19, 2003 as Earth Day in Maidencreek Township, that will allow residents to drop off used/old tires at the Township building. Allentown Cement will assist the Township in the removal of the collected tires. All Board members voted, "Aye." Motion carried.

Georgetown Village Homeowner's Association

The Georgetown Village Homeowner's Association sent a letter to the Board of Supervisors explaining an issue concerning a few residents on Colonial Court. Some of the Colonial Court residents are concerned about the rock wall that exists in their back yard. The Board felt this is not an issue for the Township because it is on private property and the rock wall existed when the property was purchased. No action required.

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Maidencreek Township Newsletter

The Blandon Lions Club requested permission to insert a flyer in the next Township Newsletter. The Board's opinion was that the Township Secretary may provide a summary of the information provided by the Lyons Club or any non-profit organization but may not include separate inserts from non-profit organizations.

Representative David Argall will host a program at the Fleetwood Area High School relative to the Route 222 Corridor on 4/15/03 with an Open House 5:00 PM –7:00 PM, Presentation 7:00 PM –7:30 PM, Question/Answer 7:30 PM – 9:00 PM.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to cancel the advertised Board of Supervisors Meeting on March 20, 2003 at 7:00 PM. The Township Secretary was instructed to advertise the cancellation of the March 20, 2003 Board of Supervisors meeting. All Board members voted, "Aye." Motion carried.

The Board of Supervisors will conduct an Emergency Management Meeting on March 19, 2003, at 7:30 PM upon confirmation of time and availability of all Supervisors. The Township Secretary was instructed to advertise the Emergency Management Meeting on March 19, 2003, at 7:30 PM upon confirmation from all Supervisors.

Gloria made a motion, and seconded by Robert Kopfer, to adjourn the Board of Supervisors meeting at 10:20 PM.

Respectfully submitted,

Ruth M. Manmiller
Recording Secretary

CC: Board of Supervisors

Diane Hollenbach, Maidencreek 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
Maidencreek Township Authority
Robert Hobaugh, Esq., Maidencreek Township Authority Solicitor
Joann Schaeffer, Maidencreek Township Authority Secretary
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Co. Chief
Chief Scott W. Eaken, Northern Berks Regional Police