

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

April 10, 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: Bill Wiedemann, Todd Beaton, Brittany Beaton, Derek Beaton, Tiffany Webb, Missy Wilson, Racshell Bean, Carol Werner, Linda Glass, Carl Weston, William Milyo, Wendy Milyo, Donna Mountain, Dominic Caccese, Tina Poole, Gloria Kline, Harold Burgert Gary Rollman, Faye Isamoyer, Paul Martin, Victor Kroninger, Ronald Kemmerer, Diane Hollenbach, Lori Hershberger, Mark Zettlemyer.

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

POLICE REPORT

Officer Sean Showalter presented the March 2003 Northern Berks Regional Police Report as follows:

	MAIDENCREEK TWP.	ONTELAUNEE TWP.	LEESPORT BOROUGH	TOTAL
Patrol Hours	756.57	618.39	434.04	1809
Assignments	256	154	90	Admin. 37 537
Fines	\$2,668.65	\$3,370.55	\$1,600.44	\$7,639.64

Todd Beaten 103 Tamarack Blvd., Blandon, PA asked Officer Showalter:

1. For information surrounding the recent drive-by shooting that happened at the Coliseum.
2. Where did the alleged victim come from and why doesn't he remember being shot at?
3. Will there be additional patrols in this area now that this type of activity is occurring?
4. What type enforcement will be forthcoming to control the activities at the Club Coliseum?
5. What time of day did this shooting event occur?
6. How many officers are on duty at 2:30 AM?

He stated that noise, lighting, and parking conditions at the Coliseum Restaurant and Club are still a problem. He feels that the noise ordinance is not effective or being enforced, club patrons are parking on the street and then use near by residents' private yards as a pathway to the club or as a bathroom, and litter the neighborhood. He still can't understand why the Coliseum was allowed to expand because there is a definite parking problem, which he views a zoning violation. He stated the owners of Coliseum' had their attorney send him a letter informing him that his complaints were unfounded and he should cease future complaints pertaining to the Coliseum. He stated that this letter did cause him to stop complaining. He hoped that his concerns would be addressed. He questioned the use of the "noise meter" for the noise problem.

Missy Wilson 102 Tamarack Blvd., Blandon, PA and Tiffany Webb, 100 Tamarack Blvd., Blandon, PA asked the number of casings the officers discovered along the Allentown Pike in the vicinity of the shooting. They agreed that this type of establishment is not acceptable for this area.

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Officer Sean Showalter informed the guests:

1. That the recent drive-by shooting on the Allentown Pike (SR222) had nothing to do with the Coliseum. The incident occurred on the Allentown Pike between the Tamarack Blvd. and Route 73. The Coliseum was used as a landmark to describe the vicinity where the event occurred.
2. All investigations to this point do not implicate the Coliseum in any way.
3. The alleged victim was not aware of any shooting while he was walking along the Allentown Pike.
4. The alleged victim did originate from the Coliseum and was later cited for public drunkenness.
5. The shooting call was reported at 2:30 AM.
6. Five casings were recovered along the Allentown Pike south of the Coliseum.
7. Police Officers are instructed to be in the area of the Coliseum every Friday and Saturday evenings between 2:30 AM – 3:00 AM for security purposes.
8. At 2:30 AM three officers are on duty.
9. Residents should not to delay in reporting any parking, littering, and/or noise problems to the police. However, if the vehicles are legally parked on the street there isn't too much that the Police can do unless the parked vehicle is blocking a private drive.

The Board informed Todd Beaton that his concerns are more zoning issues than police problems and would be addressed under new business and any additional security measures that the Police Department are taking should remain confidential. Roy Timpe informed Todd Beaton that Terry Manmiller is trained to use the decibel meter and should be contacted by the Police if the incident/complaint warrants a reading. He informed Todd Beaton to attend a Northern Berks Regional Police meeting so that the Chief can answer the specific questions he was asking. He thought that no parking on Tamarack Blvd. might be considered.

Faye Isamoyer, 8717 Allentown Pike, Fleetwood, PA asked Officer Showalter why the Police park in the center lane of the Allentown Pike near Maria's Pizza to control center lane traffic and nothing is being done to control the center lane traffic on the Allentown Pike near Evansville Road. She stated the center lane traffic still remains to be a traffic safety issue.

Officer Showalter stated that the Police Department parks in the area of Maria's Pizza to watch for passing in the no passing zone. He assured Faye Isamoyer that as the weather improves the Police Department will step up their traffic controls.

APPROVAL OF THE MINUTES

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to approve the March 13, 2003 Board of Supervisors minutes. All Board members voted, "Aye." Motion carried.

2002 AUDIT REPORT

Mark Zettlemyer, of Reinsel & Company presented the Maiden creek Township 2002 Audit Report that was submitted to the state. He explained that Reinsel & Company conducted the audit with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. He outlined several notable expenditures, revenues, and findings to assure the Board that Maiden creek Township's finances are being effectively managed.

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Carl Weston, Chairman of the Maiden Creek Township Audit Committee informed the Board that the Audit Committee felt that the 2002 Audit was in order. He asked why the Maiden Creek Authority was mentioned in a Maiden Creek Township 2002 Audit in relation to Act 537.

Tom Unger Township Engineer, explained that Act 537 is a state mandated study of public and non-public sewer for the entire Township. In 1999 the Maiden Creek Township Authority completed Phase I of Act 537 examining the public sewer system in Maiden Creek Township. Maiden Creek Township Board of Supervisors is currently working on Phase II of Act 537 that examines the non-sewered areas of Maiden Creek Township. Each entity shares a portion of the cost to prepare the Act 537 report resulting in the Maiden Creek Authority appearing in the Township Audit Report.

The Board accepted Reinsel & Company's Audit Report for Maiden Creek Township and thanked the Audit Committee for their input. Copies of the Maiden Creek Township 2002 Audit Report may be obtained for a minimal copy fee from the Township Secretary.

PUBLIC COMMENT

Gary Rollman, representing the Berks County Bike Club thanked the Board for their consideration for their annual bike time trial races that were conducted on Township roadways on the Northwestern side of Lake Ontelaunee. He presented the Board with a \$25.00 check from the Berks County Bike Club to be utilized for Park & Recreation in the Township. The Board thanked Gary Rollman for his contribution to the Township.

Racshell Bean and Carol Werner, 419 E. Wesner Road, Blandon, PA asked the Board to consider changing the speed limit to 25 mph for the entire section of East Wesner Road from Park Road to Hoch Road. They can not understand why the 300 block of East Wesner Road posted speed is 25mph and the 400 block of East Wesner Road is posted 35mph. They feel that the residential growth in the 400 block of East Wesner Road and the completion of the Community Park will result in additional traffic traveling at 35mph or higher will result in unsafe conditions on this section of the roadway. They asked the Board if sidewalk and curbing would be mandated due to the installation of the Community Park.

Harold Burgert stated that the 400 block of East Wesner Road is not part of the development and is considered a connector road that should remain at 35mph.

The Board stated at this time sidewalk and curbing is not being considered however, they can't predict improvements that may become necessary in the future. The Board will address their concerns under New Business later in the meeting. They invited Raschelle Bean and Carol Werner to wait until New Business segment of the meeting.

Scott Adams, of Willow Creek Fuels, Inc. wishes to purchase the Agway property located on the corner of Guldin Road and Park Road in Blandon. Prior to purchasing the property, they requested a zoning clarification. They plan to increase their service to provide small propane sales that would require a propane-pumping tank. This type of activity is not outlined in the Maiden Creek Township Zoning Regulations.

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Gene Orlando Township Solicitor, asked Scott Adams to express in writing the type of business activities Willow Creek Fuels, Inc. want to conduct at the former Agway Station located at the corner of Guldin Road and Park Road. A clearer understanding of the type business they have planned for the property will allow him to research the zoning regulations pertaining to the property.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Township Solicitor and the Township Engineer to review the business description planned for the Willow Creek Fuel, Inc. for the property at the corner of Guldin Road and Park Road, Blandon, PA. All Board members voted, "Aye. Motion carried.

Tina Poole, 19 Lee Spring Road, Blandon, PA, asked the Board about the status of the Martin Retirement Village on-lot sewage problems and the pending construction of the modular home park.

Tom Unger Township Engineer, stated that the SEO is making regular inspections (10 inspections in March) of the property and is waiting for his report. He is not aware of any pumping of the malfunctioning system at this time. The construction of the modular home park is pending, and he is not aware of anything that might be delaying the project at this time.

The Board was advised that Ray Martin's liability insurance required under his Improvement Agreements for Maiden Creek Authority has been canceled.

ENGINEER'S REPORT

The Engineer reviewed the subdivision status and the letter of credits noting that all plans are current and do not require any action at this meeting.

LAKESIDE MANOR, Phase I & II – Planning Modules

Pennsylvania Department of Environmental Protection (DEP) submitted their Lakeside Manor non-municipal sewage system review letter outlining portions of the Planning Module that are incomplete. The Township Engineer and Mr. Farvardin discussed the outstanding issues of the Lakeside Planning Module and Mr. Farvardin promised to complete and/or correct the outstanding issues.

VILLAGES AT MAIDENCREEK

The Villages at Maiden Creek development will be a gated, age restricted community with privately owned roadways. Public sewer and public water will be supplied by Maiden Creek Township.

Robert Kopfer made a motion, and seconded by Roy Timpe, to grant final approval for the Villages at Maiden Creek contingent upon the following:

1. The final plan is sealed and contains proof of ownership.
2. Off sight stormwater easements must be signed and deeds of dedications executed.
3. Park and Recreation fee-in-lieu of must be paid prior to releasing the plan for recording.
4. Improvement Agreements and Letter of Credit must be signed and in place.
5. Delivery of an executed declaration of condominium – one set must be recorded with the plan one set will remain in the Township office. * The condominium association has been activated and the by-laws implemented.
6. Maiden Creek Township Authority approval conditions must be met.
7. Mr. Grande/Shadow Ridge and Mr. & Mrs. Mills must sign the plan because the storm water easements will encroach on their properties.

Robert Kopfer voted, "Aye." Roy Timpe voted, "Aye." Gloria Kemmerer abstained. Motion carried.

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The Board, the Solicitor, and the Engineer researched and read the note on the Villages at Maidencreek final plan that relates to the retention pond berm and landscaping. The developer must plant landscaping on the berm of the retention pond per the wishes of the adjoining property owners. The Solicitor advised Harold Burgert to contact the developer in writing stressing his concerns surrounding the placement of trees along the retention pond berm.

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 Maidencreek 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

The Engineer provided a rough draft depicting the placement of the walking paths for the Community Park. The draft plan revealed Phase I of the walking paths will surround the area near the creek and Phase II of the walking paths will surround the large sports fields. When the walking paths are completed they will be connected to the existing paths that are installed in the Limestone Development. Installation of lights may be considered along the walking paths. Golden Manor III townhouse property owners near the creek can not locate their property pins. The Zoning Officer stated that the property pins were installed for the sale of the individual properties in Golden Manor III. The Board felt that it is not the Township's responsibility to replace the property pins.

STORMWATER INVESTIGATION

Systems Design Engineering, Inc. completed the Letter of Map Revision (LOMR) application for the Federal Emergency Management Agency (FEMA) flood plan. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the LOMR application for the FEMA flood plan revision. All Board members voted, "Aye." Motion carried.

LIGHTING ORDINANCE

The Maidencreek Township Planning Commission is discussing preparation of an ordinance based on the joint field meeting that will include 25 feet height requirement, and 250 feet spacing between fixtures.

COMPREHENSIVE PLAN REVISION/UPDATE

The Engineer provided a draft of suggested revisions and updates for Maidencreek Township Comprehensive Plan for sections 1-6.

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 \$891.31. All Board members voted, "Aye." Motion carried.

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DEVELOPMENT/CONSTRUCTION STATUS REPORT

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

Gloria Kemmerer stated that she would like to see outstanding items on the development construction status report completed and removed from the report. The Engineer felt that as the weather clears several of the outstanding items would be addressed.

SEWAGE ENFORCEMENT ACTIVITY REPORT

A Sewage Enforcement Activity Report was provided to the Board for review. The Engineer reported the following on Martin on-lot sewage issue:

1. Samples are being collected and tested.
2. Sewage Enforcement Officer (SEO) issued a citation in December 2002 and because Raymond Martin does not accept his mail, the citation remains at the District Justice office. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing Township personnel to contact the District Justice to have a constable hand deliver the citation to Raymond Martin. All Board members voted, "Aye." Motion carried.
3. The cistern planned for the modular home park – phase II portion has not been started.
4. If Raymond Martin decides to obtain funding through Penn Vest, 6/1/03 is the first date that Penn Vest may consider advancement of funds.
5. 4/22/03 Raymond Martin's liability insurance for the Maiden creek Authority expires.

FULMER, Subdivision

The Fulmer subdivision is mainly located in Richmond Township with only the residue of the lot being located in Maiden creek Township. As a courtesy the plan was forwarded to the Maiden creek Planning Commission for review. The Planning Commission authorized their Engineer to inform the Richmond Township Planning Commission of their decision to decline review of Fulmer Plan. The Board of Supervisors is in agreement that they are the governing body that should have forwarded the Planning Commission recommendations to Richmond Township pertaining to the Fulmer Subdivision.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Township Secretary to notify Richmond Township in writing affirming the Maiden creek Township Planning Commission recommendation to decline any review pertaining to the Fulmer Subdivision. All Board members voted, "Aye." Motion carried.

SOLICITOR'S REPORT

FOCHT/WEITZEL ANNEXATION PLAN

The Solicitor asked the Engineer if the property owners paid all the charges incurred for the Focht/Weitzel Annexation. The Engineer promised to check their invoice status so the Solicitor may complete this project.

RESOLUTION 9-2003 – RECYCLING REGULATIONS

Gloria Kemmerer made a motion, seconded by Roy Timpe, to adopt the Maiden creek Township Recycling Regulations as prepared. All Board members voted, "Aye." Motion carried.

The Solicitor reported that the bid documents for a recycling hauler are completed and the bids for the recycling containers will be opened at the April 17, 2003 Board of Supervisors meeting.

EXECUTIVE SESSION 9:10 PM – 10:35 PM

The Board of Supervisors and the Solicitor discussed Bedrock litigation, Tigh Holding litigation, and Township personnel during this executive session. No action was taken.

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SHENK/MILYO PROPERTY

The Solicitor thanked Mr. & Mrs. Milyo for forwarding the necessary documents for his review. He still has concerns that the Milyo property does not front on a township roadway and that the only access to the property is Steiner Place. Steiner Place is a dirt lane that is not maintained by the Township. The Solicitor stated that he would prefer an opinion from the Blandon Fire Chief and the Township Engineer prior to making a decision. He promised to make a decision by April 17, 2003 Board of Supervisors meeting.

ROAD REPORT

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

RESOLUTION 10-2003- REIMBURSEMENT FOR SNOW REMOVAL

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Manager as a designated agent for the Township to apply for state reimbursement for costs incurred for snow removal February 16 – 18, 2003. All Board members voted, “Aye.” Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Manager to provide barricades to close Calcium Road, June 7, 2003, 3:00 PM-11:00 PM for the wedding celebration of Mr. Penndelton’s daughter. The Penndelton’s are the only residents that live along the section of Calcium Road that will be closed. All Board members voted, “Aye.” Motion carried.

TREASURER’S REPORT

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

General Checking	\$ 65,519.53
Payroll	\$ 1,622.20
General Fund Money Market	\$ 154,161.99
On Lot Sewage	\$ 5,152.96
Petty Cash	\$ 82.92

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

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to adjourn the April 10, 2003 Board of Supervisors meeting at 10:52 PM and to conduct the remainder of this meeting on April 17, 2003. Robert Kopfer stated that he did not want to close the meeting because he felt the remaining business could be completed rather than conduct another meeting on April 17th.

Respectfully submitted,

Ruth M. Manmiller
Recording Secretary

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CC: Board of Supervisors

Diane Hollenbach, Maiden creek Township Board of Supervisors, Secretary

Terry Manmiller, Operations Director

Eugene Orlando, Orlando and Strahn Law Firm, Solicitor

Thomas Unger, Systems Design Engineering, Inc., Township Engineer

Ed Kopicki, Systems Design Engineering, Inc., Township Planning Commission Engineer

Planning Commission

Park and Recreation Board

Zoning Hearing Board and Alternates

Paul Herbein, Zoning Hearing Board Solicitor

Maiden creek Township Authority

Robert Hobaugh, Esq., Maiden creek Township Authority Solicitor

Joann Schaeffer, Maiden creek Township Authority Secretary

Barbara Hassler, Tax Collector

Daniel Miller, Blandon Fire Co. Chief

Chief Scott W. Eaken, Northern Berks Regional Police