

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**April 17, 2003**

**7:00 PM**

**PRESENT:** Roy Timpe - Supervisor, Gloria Kemmerer - Supervisor, Eugene Orlando – Township Solicitor, Ruth Manmiller – Recording Secretary, Terry Manmiller – Operations Director.

**GUESTS:** Lori Hershberger, James Schoellkopf, William Milyo, Wendy Milyo, Fay Isamoyer, Gloria Kline, Russell Kline, Cindy Stump, Tiffany Webb, Missy Wilson, Berny Buhosky, Dominic Caccese, Joseph Rudderow, III, Racshelle Bean, Carol Werner, JD Krafchzek, Harold Burgert, Diane Hollenbach.

Roy Timpe called the April 17, 2003 Board of Supervisors continued meeting to order at 7:03 PM in the Maidencreek Township Building and asked everyone to rise for the pledge to the flag. This advertised continued meeting is being conducted to complete the Board of Supervisors unfinished business from the April 10, 2003 meeting.

**OLD BUSINESS**

**JAMES MALEDA – COMPLAINT**

Gloria Kemmerer commented on the recent letter she received from James Malenda pertaining to his complaint. No action taken at this time.

**SHENK/MILYO PROPERTY**

The Blandon Fire Company Chief and Assistant Chief inspected the Shank property and Steiner Place for emergency vehicle response concerns for a proposed dwelling. A recommendation from the Township Engineer was not provided – he did not attend this continued meeting. Gloria Kemmerer made a motion, and seconded by Roy Timpe, that per Maidencreek Township Zoning Ordinance, Section 1302D, and the information provided by the property owners, and the recommendations from the Blandon Fire Chief that Steiner Place would be suitable access for emergency vehicle should an additional home to be constructed on the Shenk property. All Board members voted, “Aye.” Motion carried.

**RAYMOND MARTIN**

The Sewage Enforcement Officer (SEO) cited Raymond Martin in December 2002. The District Justice’s attempt to deliver this citation to Raymond Martin has failed, which has resulted in a warrant being issued. Cindy Stump requested clarification on this issue. The Solicitor proceed to outline the procedures/action that was taken for this citation:

1. The Sewage Enforcement Officer (SEO) issued a non-traffic citation to Raymond Martin for his malfunctioning on-lot sewage system.
2. District Justice received the citation and attempted to serve Raymond Martin by mailing the non traffic citation certified. Raymond Martin has not accepted his certified mail.
3. Because the District Justice’s attempts to serve Raymond Martin his non traffic citation have failed, a warrant has been issued.
4. The Township Secretary was instructed to contact the District Justice Office to utilize a constable to hand deliver the citation. She was told that the Township may not engage and/or pay for a constable to hand deliver the citation.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Township Solicitor to take the appropriate measures to have the SEO’s non-traffic citation served on Raymond Martin. All Board members voted, “Aye.” Motion carried.

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**LAND DISPLAYS**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Secretary to refund Land Displays escrow funds because the case was settled by a stipulation. All Board members voted, "Aye." Motion carried.

**PEDDLER'S PERMIT**

Chief Eaken and the Township Secretary reviewed the existing Peddler's Permit because several regulations that are currently in effect are out-dated. Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Solicitor to review the Peddler's Permit for outdated regulations and legal requirements. All Board members voted, "Aye." Motion carried.

**RECORDING MEETINGS**

The Solicitor has not been successful in obtaining parameters that pertaining to the method in which the public may record public meetings. The Township Secretary will attempt to contact the Pennsylvania Township Association for additional information on this matter.

**JOINT RESOLUTION**

The Solicitor is reviewing the matter pertaining to the Board of Supervisors and Authority recommendation to prepare a joint resolution for reviewing plans. No Action taken.

**WILLOW GARDENS LOT # 133**

No action.

**62 MT. SPRING ROAD, BLANDON, PA**

The Zoning Officer reported that the property is being cleared of all debris.

**MOWER**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Operations Director to purchase (1) 6 foot – 27 horsepower Exmark mower for \$11,050.00, minus a \$2,800.00 trade-in as quoted by Kunkel's Saw & Mower. All Board members voted, "Aye." Motion carried. Gloria Kemmerer made a motion, and seconded by Roy Timpe, stipulating that (1) 6 foot – 27 horsepower Exmark mower for a cost of \$11,050.00, minus a trade-in of \$2,800.00 resulting in a total cost of \$8,250.00 to be paid out of the Park and Recreation Budget. All Board members voted, "Aye." Motion carried.

**2002 AUDIT**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Chairman to sign the 2002 Maiden creek Township Audit closure letter from Reinsel & Company. All Board members voted, "Aye." Motion carried.

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**7:30 PM – BIDS OPENED FOR RECYCLING BINS and LIDS**

The requests to submit a bid for recycling bins and lids was advertised in the Reading Eagle on 3/31/03 and 4/4/03. Two bids were received and opened for recycling bins and lids as follows:

1. Tulip Corporation                    \$5.26 – per 18 gallon can  
  + \$2.75 - per lid for an 18 gallon can
  
2. Bell Hardware\*                    \$4.95 – per 20 gallon can  
  + \$2.13 – per lid for an 20 gallon can

\*Bid package included the appropriate bid bond as requested and the following statement from the Vice President of Commercial and Industrial Sales:

Although this is a Public Bidding Process, Bell Hardware and Industrial Supply, Inc. located at 1051 S. Route 100, Trexlertown, PA wishes to discuss for public record that Joseph E. Rudderow, III, a member of the Maiden Creek Township Planning Commission and Vacancy Board Chairman, is a 50.1% shareholder in Bell Hardware and Industrial Supply, Inc.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to award the bid for recycling bins and lids to Bell Hardware as follows- \$4.95 per 20 gallon can and \$2.13 per lid for a 20 gallon can. All Board members voted, “Aye.” Motion carried. The Township will purchase a total of 3000 recycling cans and 3000 recycling lids for the cans.

**RESOLUTION 11-2003 – ESTABLISH BUILDING PERMIT FEES**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to adopt Resolution 11-2003 to establish new building permit fees. All Board members voted, “Aye.” Motion carried.

**PORTABLE SPORTS EQUIPMENT**

Gloria Kemmerer commented on the amount of children utilizing portable sports equipment while playing in the street. She feels this is a safety issue and should be controlled. Gloria Kemmerer proposed an ordinance be adopted that would restrict the use of portable sports equipment on township roadways. Several guests in attendance voiced their concerns about the Board’s thoughts to restrict the use of portable sports equipment or defining types of play that would be allowed on township roadways.

**EMERGENCY PROCEDURES MEETING**

An emergency procedures meeting is being planned. The Operations Director will contact the Chief of Police and the Fire Chief for available dates they can attend.

**NEW BUSINESS**

**QUARRY ROAD**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to allow the Cub Scouts to conduct their annual Cubmobile on May 4, 2003 at 4:00 PM on Quarry Road in front of the Township Building. The Cub Scouts will provide a certificate of insurance and contact the Fire Police for traffic control. The Township will contact Redner’s. All Board members voted, “Aye.” Motion carried.

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**FIRE POLICE**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Township Secretary to send a letter to the Bandon Fire Police thanking them for the 412.5 hours of volunteer service they provided to the community in 2002. All Board members voted, "Aye." Motion carried.

**STATE LIQUID FUELS**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Township Secretary to transfer \$28,308.88 of 2003 State Liquid Fuels funds, which is 20% allowable expenditure for equipment, and deposit it in a separate account or purchase a CD, that will be saved and later combined with 2004 State Liquid Fuels funds to purchase a new truck in 2004. All Board members voted, "Aye." Motion carried. The Operations Director informed the Board that he will provide an amended road work schedule for 2003. The increased price for oil has resulted in an increase in blacktop.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Township Secretary to close the State Liquid Fuels Checking Account and transfer any remaining funds to the State Liquid Fuels Money Market. The Township Secretary was advised that payments may be made from the State Liquid Fuels Money Market therefore, no need to maintain a checking account. All Board members voted, "Aye." Motion carried.

**TOWNSHIP TRUCK FLEET**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Operations Director to prepare the specifications for a truck purchase in 2004. All Board members voted, "Aye." Motion carried. This will begin the rotation and possible up-grade process for the Township truck fleet.

**WORKMAN'S COMPENSATION**

HA Thomson reviewed the Township's procedures as they relate to Workman's Compensation and provided several recommendations for the Board of Supervisors to consider. The Board will take their recommendations into consideration and then take the appropriate action.

**PENSION**

The Township Secretary reminded the Board of Supervisors they must make a decision on a management firm for the employees' pension fund.

**PLAYGROUND EQUIPMENT**

The Township Secretary brought to the Board's attention that the Township Insurance Policies do not include the playground equipment. She asked the Board if they wanted to add the playground equipment that is installed at the Bandon Fire Company Playground, the Tree Tops Play Lot, and the Cornerstone Play Lot. The Board will investigate the addition of playground equipment to the Township Insurance Policy.

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### **EAST WESNER ROAD – SPEED LIMIT**

**Racshell Bean and Carol Werner, 419 E. Wesner Road, Blandon, PA** had asked the Board at the April 10, 2003 Board of Supervisors meeting to consider changing the speed limit on the entire section of East Wesner Road from Park Road to Hoch Road to 25 mph. They have safety concerns for the residents on this section of roadway as the residential area expands and the Community Park nears completion.

**Cindy Stump, 140 Evansville Road, Fleetwood, PA** commented that every road in the Township at some time has a speeding issue and other streets should be studied before any decisions are made just for East Wesner Road.

**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.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Township Engineer to review the criteria for a traffic study to change the speed limit on a particular roadway in the Township. All Board members voted, "Aye." Motion carried.

### **COLISEUM**

**Tiffany Webb, 100 Tamarack Blvd. Blandon, PA and Missy Wilson 102 Tamarack Blvd., Blandon, PA**, voiced their concerns at the April 10, 2003 Board of Supervisors Meeting pertaining to the activities that are escalating due to Club Coliseum. Their concerns included parking, trash noise, and their properties being used as a path to the Club Coliseum by their patrons.

The Zoning Officer provided an explanation pertaining to the establishment and parking for their patrons. Establishing a no parking zone on the section of Tamarack Blvd. and Longleaf Drive that is effected by Club patrons would result in another inconvenience for residents of Ontelaunee Heights. He added that the Police are aware of the problems surrounding the Club Coliseum and make it a regular assignment on the weekend. He assured the residents that their complaints would be thoroughly investigated.

### **DOMINIC CACCESE**

Dominic Caccese asked the Board how he should pursue utilizing a non-conforming lot between Power Styling and Conestoga Title Company along the Allentown Pike (SR222), Blandon, PA. The Township Solicitor suggested to Mr. Caccese that he obtain legal council to evaluate the Zoning Ordinance and a surveyor to calculate an allowable building envelope for the property.

### **JAMES HARDY BUIDLING PRODUCTS**

JD Krafchzek prepared and presented an Indemnity Agreement between James Hardy Building Products and Maiden creek Township that would indemnify the Township of any claims that may arise from the vacation of Emil Street. The Township Solicitor had reviewed the agreement and requested an additional statement to be added. He felt that after the additional statement was added that everything was in order for the Board to sign the agreement and stipulated that upon the execution of the Agreement a building permit may be obtained to install the conveyor and that a note should be added to the final plan pertaining to the Indemnity Agreement.

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**Scott Adams, Willow Creek Fuels, Inc.** submitted a letter as instructed detailing their business operations as a full service heating – air conditioning, fuel oil and propane supplier. The Township Solicitor informed the Board that the business operations described by Willow Creek Fuels, Inc. are a permitted use at the corner of Guldin Road and Park Road in Blandon.

**ACTION LETTERS – VILLAGES OF MAIDENCREEK LAND DEVELOPMENT PLAN and FULMER SUBDIVISION PLAN**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Chairman to sign the Villages at Maiden Creek Action letter and the Fulmer Subdivision Action Letter. All Board members voted, "Aye." Motion carried.

**MISSING PROPERTY PINS**

The Township Secretary informed the Board of a resident on Golden Drive that cannot locate his property pins. The Board was made aware that the pins had been installed and it is not their responsibility to find or replace.

**RECYCLING – BILLING**

The Board instructed the Township Secretary to send a letter to Elaine Berish- Maiden Creek Authority Chairman with a carbon copy to the Authority Solicitor, requesting the Authority's reconsideration to include Township recycling fees on their water and sewer bills.

**ROAD CREW COMPUTER**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Operations Director to spend up to \$500.00 to purchase a new computer for the road crew. All Board members voted, "Aye." Motion carried.

**LIMESTONE SUBDIVISION – BARKING DOG COMPLAINT**

The Operations Director will notify in writing and include a copy of the "Pet Ordinance" and "Noise Ordinance" to the owner of the barking dog. The Board took this action in answer to a complaint letter they received pertaining to a barking dog.

**PARK AND RECREATION**

**ONTELAUNEE HEIGHTS BALL FIELD**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Operations Director to repair the sinkhole at the Ontelaunee Heights Ball Field. All Board members voted, "Aye." Motion carried.

**OPEN SPACE – GROVE ROAD**

The Board tabled their decision pertaining to a no parking sign that has a time restriction at the entrance to the Grove Road Open Space.

**BLANDON FIRE COMPANY PLAY GROUND**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Operations Director to replace (2) broken swings at the Blandon Fire Company Play Ground. All Board members voted, "Aye." Motion carried.

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**WYATT DRIVE PLAY LOT**

The Board requested the additional information pertaining to rubber tire mulch because of their reasearch of the product. The Park and Recreation Board provided the Board of Supervisors with additional information pertaining to the installation of rubber tire mulch for the Wyatt Drive play lot. Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Operations Director to install rubber tire mulch at the Wyatt Drive Play Lot as recommended by the Park and Recreation Board. All Board members voted, "Aye." Motion carried.

**EXECUTIVE SESSION 9:58 PM 10:25 PM**

The Board of Supervisors and the Solicitor discussed personnel during this executive session.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to remove Julie Guistwite from probation effective 4/22/03. All Board members voted, "Aye. Motion carried.

The Board acknowledged the receipt of a \$50.00 contribution from Harold Burgert in appreciation for removing his tree trimmings.

The Board noted that Eli Zimmerman applied for a variance to allow dry-lot farming on his property that is zoned Agriculture and located along Pleasant Hill Road.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to adjourn the meeting at 10:33PM.

Respectfully submitted,

Ruth M. Manmiller  
Recording Secretary

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

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