

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

MAY 8, 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, Jr., Chris Falencki, Tim Krall, Robert Fies, Gloria Kline, Tina Poole, Fay Isamoyer, Cindy Stump, JoAnn Schmura, Barry Schmura, Nancy Werner, Keith Weidner, Harold Burgert, Krista Timpe, Larry Kunkel, Barbara Hassler, Diane Hollenbach.

Roy Timpe called the meeting to order at 7:09 PM and asked everyone to rise for the pledge to the flag.

POLICE REPORT

The Board received the April 2003 Northern Berks Regional Police Report as follows:

	MAIDENCREEK TWP.	ONTELAUNEE TWP.	LEESPORT BOROUGH		TOTAL
Patrol Hours	772.65	564.07	460.28		1797
Assignments	257	170	97	Admin. 35	559
Fines	\$2,733.86	\$3,723.00	\$1,680.66		\$8,137.52

PUBLIC COMMENT

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.

APPROVAL OF THE MINUTES

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to approve the 4/10/03 and 4/17/03 Board of Supervisors minutes with the following corrections:

- **4/10/03 – Page 4** – Ray Martin’s liability insurance has been canceled, should read Ray Martin’s liability insurance will be canceled April 22, 2003 unless reinstated.
- **4/17/03 – Page 4 PLAYGROUND EQUIPMENT** – The last sentence should read: The Township Secretary will investigate replacement coverage for playground equipment to be include in the Township Insurance Policy.
- **4/17/03 – Page 7 EXECUTIVE SESSION** – Change dry lot farming to concentrated poultry farming

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

ENGINEER’S REPORT

MET MANAGEMENT GROUP, Land Development Plan

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the review extension for the MET Management Group, Land Development Plan until 6/13/03. All Board members voted, “Aye.” Motion carried.

WILLOW GARDENS, Phase I

The Engineer advised the Board that the Willow Garden, Phase I, construction/maintenance period is complete and the Letter of Credit may be returned. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to return Willow Gardens, Phase I, Letter of Credit upon verification from the Township Secretary/Treasurer that all invoices are paid. All Board members voted, “Aye.” Motion carried.

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SHADOW RIDGE, Phase I

The Engineer advised the Board that the Shadow Ridge, Phase I, construction/maintenance period is complete and the cash escrow may be returned. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to return Shadow Ridge, Phase I, cash escrow upon verification from the Township Secretary/Treasurer that all invoices are paid. All Board members voted, "Aye."
Motion carried.

7:15 PM – RECYCLING HAULER BIDS OPENED

	ALTERNATIVE # 1 BI-WEEKLY	ALTERNATIVE # 2 WEEKLY
Bid #1 WASTE MANAGEMENT		
6/1/03-12/31/03	\$ 44,415.00	\$ 78,435.00
1/1/04-12/31/04	<u>\$ 78,424.00</u>	<u>\$138,494.00</u>
TOTAL	\$122,839.00	\$216,929.00
Bid #2 SOLID WASTE SERVICES, INC. (J.P. Mascaro & Sons)		
6/1/03-12/31/03	\$ 63,612.00	\$109,121.00
1/1/04-12/31/04	<u>\$ 87,816.00</u>	<u>\$150,829.00</u>
TOTAL	\$172,733.00	\$238,645.00

The Solicitor agreed to review the bid packages and provide a recommendation to the Board later in the meeting.

ENGINEER’S REPORT, continued

PENN BIO MEDICAL

The Engineer reported that all but \$3,100.00 of the Penn Bio Medical Letter of Credit may be released. The remaining funds will be held until landscaping is completed and for any required inspections. Approval to release the remaining funds will be included with Improvement Agreement/Letter of Credit approval.

LAKE SIDE MANOR, Phase 1 & II

The Engineer informed the Board that he is waiting for addition information that Mr. Farvardin must provide.

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SCHMURA, Land Development Plan

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to grant waivers for the following sections of the Subdivision Ordinance for the Schmura, Land Development Plan

1. Section 503. H., requiring a 150 foot clear sight triangle to be waived to allow a 75 foot clear sight triangle, since Allentown Pike is a state highway and under the jurisdiction of Penn DOT.
2. Section 504. A. 1. Requiring a 25 foot wide driveway for commercial use be waived to allow installation of a 24 foot wide driveway.
3. Section 505. B requiring sidewalks be waived with a note on the plan to read, "Should the Township Supervisors decide that sidewalks are required along Allentown Pike (SR 222) at anytime in the future, the lot owner, their heirs and assigns shall be responsible for the construction of the sidewalks in accordance with Township specifications."

All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to grant Preliminary Plan approval with the following contingencies to be met by final plan approval:

1. A lighting plan is approved by Maiden creek Township.
2. A landscape plan is approved by Maiden creek Township.
3. Improvement Agreement prepared and recorded.
4. An escrow account established.

All Board members voted, "Aye." Motion carried.

CEMPLANK/JAMES HARDIE, INC., Land Development Plan

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to grant Preliminary Plan approval for the James Hardie/Chemplank Land Development Plan with the following contingencies to be met for final plan approval:

1. Section 302.C. The license number of the professional responsibility for the plan and signatures are affixed to the plan.
2. Section 513 Stormwater Calculations and/or information must be provided to address the concerns in the SDE review letter dated April 16,2003.
3. Section 407 E.6. Construction cost estimates will be required and approved for all proposed Erosion Control features, landscaping, inspection costs, administrative costs, and stormwater management facilities with establishment on an Improvement Agreement. The Engineer asked that a \$10,500 escrow account to be established for inspection fees between preliminary plan and final plan approval.
4. Note must be added to the plan referring to the Indemnity Agreement between James Hardy Building Products and Maiden creek Township that indemnifies the Township of any claims that may arise from the vacation of Emil Street.
5. Signature of the property owner or representative of James Hardie, Inc.

All Board members voted, "Aye." Motion carried.

The Engineer mentioned that he received Maiden creek Township Authority approval and Berks County Conservation – Soil & Erosion approval.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the Indemnity Agreement between James Hardy Building Products and Maiden creek Township that indemnifies the Township of any claims that may arise from the vacation of Emil Street. All Board members voted, "Aye." Motion carried.

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MET MANAGEMENT - PARK PLACE APARTMENTS

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to grant a waiver from the Maiden Creek Township Lighting Ordinance Section B, (2) that requires all-night safety or security lighting not to exceed 25% after 11:00 PM of the levels normally permitted by the ordinance, to allow lighting to remain at full intensity for the night safety and security reasons. All Board members voted, "Aye." Motion carried.

MEADOWBROOK

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to review the amount of street lights to decrease in the approved for the Meadowbrook subdivision. All Board members voted, "Aye." Motion carried.

TREE TOPS TOT LOT, Phase I

Tree Tops Tot Lot is completed. The Township will retain 5% funding for possible maintenance in the Spring. Kenneth Schnader of Systems Design Engineering, Inc. is working on a punch list. No action taken during this meeting

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. No action taken during this meeting

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

DEP Permit received and Township may proceed. No action taken during this meeting.

SHENK SUBDIVISION

The Engineer reported that he inspected Bertolet Place, a private access for the proposed Shenk Subdivision. He found that the access would be adequate and there are no horizontal curves or vertical grades that would restrict its use for an additional single-family residential dwelling or for emergency response. He added that Bertolet Place should be maintained with minimum compacted rolled in place gravel.

STORMWATER INVESTIGATION

Systems Design Engineering, Inc. received a response from Federal Emergency Management Agency (FEMA) relative to the Letter of Map Revision (LOMR) application. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Engineer and the Township Secretary to work together to prepare a public notice for the Letter of Map Revision for the Federal Emergency Management Agency Flood Map. All Board members voted, "Aye." Motion carried.

EAST WESNER ROAD

The Engineer reported that he conducted several field studies per Penn Dot regulations to help the Board determine if the speed limit should be reduced on a section of East Wesner Road. He requested additional time to study the roadway further. Robert Kopfer commented that he feels the entire section of East Wesner Road should be posted at 35 mph because it is a through road.

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SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$5,905.26. (Penn Bio Medical Letter of Credit reduction is included in the total amount listed) All Board members voted, "Aye." Motion carried.

DEVELOPMENT/CONSTRUCTION STATUS REPORT

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

SEWAGE ENFORCEMENT ACTIVITY REPORT

A Sewage Enforcement Activity Report was provided to the Board for review.

Tina Poole 19 Lee Spring Road, Blandon, PA, asked the Engineer why the Sewage Enforcement Officer (SEO) takes samples from different areas surrounding Martin's on-lot sewage system. The Engineer stated that the SEO takes samples from different locations to determine if the system is leaking into other areas that are not as obvious.

SOLICITOR'S REPORT

RECYCLING HAULER BIDS

The Solicitor reported that both bids were submitted in compliance of all regulation set forth in the bid package. Gloria Kemmerer made a motion, and seconded by Roy Timpe, to award the recycling bid to Waste Management, Alternative # 1 – Bi-Weekly @ \$ 122,839.00. The Recording Secretary was asked to poll the Board: Mr. Kopfer, "No." Mrs. Kemmerer, "Yes." Mr. Timpe, "Yes." Motion carried. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to authorize the Township Secretary to notify Waste Management to proceed. All Board members voted, "Aye." Motion carried.

Ellis Kauffman, 934 Maiden creek Road, Fleetwood, PA, expressed his displeasure with the Board's decision to assess a \$55.00 recycling fee to all Maiden creek Township property owners. He stated that it is not fair to assess property owners where a lot is vacant and will not be generating any recycling products, or as in his case – minimal, if any recycling products are generated.

Barbara Hassler, Tax Collector, 16 Adele Ave., Blandon, PA, presented the Board with a plaque for contributing to the Berks County 250th Celebration. After the presentation, she proceeded to provide information she discovered while investigating recycling programs in other municipalities. She stated that tax payers are complaining about the additional \$55.00 recycling fee they will be required to pay and that the Board of Supervisors letter requesting opinions about recycling and trash collection was confusing.

The Solicitor stated that all recycling questions and concerns have been heard and addressed during numerous meetings, hearings, and workshops for the past year. The Board has worked diligently to complete all requirements to adopt the state mandated recycling program and they must continue to move forward to remain in compliance.

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MALENDIA COMPLAINT

Terry Manmiller reported that he visited the Jacobson's (Maidencreek Road and Pleasant Hill Road) to discuss the noise complaints that the Township received from the Melinda's. He prepared a response letter for the Malenda's explaining that the Jacobson's agreed to abide by the zoning regulations that will reduce the amount of noise that the surrounding neighbors will endure.

AMENDMENTS TO THE SUBDIVISION ORDINANCE

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Solicitor to prepare and advertise a notice of the Board intent to amend sections of the Maidencreek Township Subdivision Ordinance. A public hearing is scheduled for 6/19/03 at 8:00 PM.

EXECUTIVE SESSION 8:55 PM – 10:19 PM

Items of discussion planned for executive session:

1. Bedrock Stone & Stuff – litigation – injunction filed
2. Martin Retirement Village – litigation – insurance issue to proceed
3. Pension – Decision to transfer Maidencreek Township Pension Funds to another management firm.
4. Morgan – Tigh Holdings – litigation

As a result of the executive session the following action was taken:

MAIDENCREEK TOWNSHIP PENSION PLAN

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to transfer Maidencreek Township Pension Funds from The Principal Group to Standard Insurance. All Board members voted, "Aye." Motion carried.

ROAD REPORT

The Operations Director's report is available for review, the following items required action:

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing additional street sweeping in several areas of the township for a cost of \$600.00. All Board members voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to hire Michael Daubert as a seasonal part time employee to work 24 hours a week. All Board members voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Operations Director to review applications to hire an additional seasonal part time employee to work 24 hours a week. All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to allow Roy Timpe – Supervisor, to mow sections of the Township Open Space on a part time basis. Robert Kopfer and Gloria Kemmerer voted, "Aye." Roy Timpe abstained. Motion carried.

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Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Operations Director to prepare blueprints for the Molltown Building. All Board members voted, "Aye." Motion carried.

NEW BUSINESS

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Solicitor to prepare a draft recreational ordinance that would restrict the use of portable basketball nets and hockey nets on Township roads and restrict the use of motorized recreational sport vehicles in the Opens Space. All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Engineer to stake out a swale to be installed off of Tamarack Blvd. to aid in the prevention of sinkholes. All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to prepare and advertise the 2003 Road Bids as outlined. All Board members voted, "Aye." Motion carried. Stop bars will be painted in June and September.

The Operations Director will patch the Township Building roof until time will allow for the roof to be replaced.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the agreement between the Township and Morgan/Stanley for the Rajah Complex as an escrow account for remaining improvements. All Board members voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the April 2003 Treasurer's report All Board members voted, "Aye." Motion carried.

General Checking	\$ 70,187.40
Payroll	\$ 11,366.33
General Fund Money Market	\$ 205,457.05
On Lot Sewage	\$ 6,429.40
Petty Cash	\$ 60.37

The Treasurer's Report was not read, copies of the April 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 May 8, 2003 Board of Supervisors meeting at 10:53 PM and to conduct the remainder of this meeting on May 15, 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 May 15th.

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