

Maidencreek Township Board of Supervisor Meeting
January 3, 2005, 7:00 PM

Present: Roy Timpe, Gloria Kemmerer, Robert Kopfer, Eugene Orlando, Jr. – Orlando and Strahn, Mark Kitzmiller – Systems Design Engineering, Inc., Keith Shuman – Public Works Foreman, Diane Hollenbach – Recording Secretary

Guests: Keith Weidner, Nancy Werner, Jeff Lipton, Cindy Stump, Paula Taylor, Michael Andrews, Marty Buck, Jim Levengood, Dick Thren, Peter Costello, Priscilla Costello, James Wright, Gus Medina, Fay Isamoyer, Paul Martin, J. Schoellkopf

Roy Timpe called the January 3, 2005 meeting of the Maidencreek Township Board of Supervisors to order at 8:10 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

POLICE REPORT

In December for Maidencreek Township there were 802.05 total patrol hours, 240 assignments, 55 citations were written. The Northern Berks Regional Police covered 6,739.97 miles in the Township for the month.

PUBLIC COMMENT

Peter Costello of 408 Colonial Court, Blandon stated that he is concerned about the lack of separation between the homes in Creekside Manor and the businesses along Route 222. His house was broken into and he felt it was because cars parked on the Super Duper parking lot and look down into his yard and house. Mr. Costello stated that a fence needs to be put up and this should have been done when the subdivision was approved. Gloria Kemmerer stated that the Township can not install a fence on private property.

Gus Medina of Colonial Court stated that the fish store (Super Duper) expanded their parking and brought attention to the houses in Colonial Court. Mr. Medina's neighbor had to get a \$1,000.00 variance in order to erect a fence. The builder of Creekside Manor promised Mr. Medina a line of trees to divide the residential development from the businesses. Mr. Medina stated that people cut across his property and a police officer observed cars parked in the Dunkin Donuts parking lot.

James Wright of Colonial Court stated that he had obtained a variance because there is a sewer easement and drainage easement along the rear of his and his neighbors' properties.

Mark Kitzmiller of Systems Design Engineering, Inc., after reviewing the approved plan for Creekside Manor informed the Supervisors that there is no screening shown on the plan. Gene Orlando of Orlando and Strahn asked if the homeowners have gone back to the builder with their requests. Gus Medina stated that in September, the builder was still asserting that he would put in the screening. James Wright suggested that the Township prohibit employees from going to work for developers and alluded to Gary Reeser leaving SDE to work for Corrado Homes. Gene Orlando stated that employees of SDE are not employees of the Township but rather the appointed official is the corporation. Any contract prohibiting employees to work for developers would not apply to SDE. Mr. Orlando suggested that if there are complaints that the principals of SDE should be contacted regarding their employees. Mr. Orlando stated that the State Ethics Commission oversees Township officials and there is nothing in the Second Class

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Township Code that allows such a restriction on Township employees. James Wright stated that he is not saying that anything underhanded is going on.

Gene Orlando stated that the Township has no authority to place public improvements on private property. Doing so would be a concern for the Township auditors. Roy Timpe suggested that the residents all apply for individual variances and request that the hearing be held at the same time to save money. James Wright asked if this occurs if he can get reimbursed for the money he spent on his variance.

Gus Medina stated that the residents are bearing the burden for the businesses. Gloria Kemmerer pointed out that the businesses were there before Creekside Manor was built and the businesses can not be held responsible for the burglaries because she lives in a residential neighborhood where a burglary had occurred. James Wright asked if patrols can be added. Roy Timpe stated that the police dynamically change where they go based on what happens in the Township. Paula Taylor of Meadowood Music asked if the homeowners could plant trees. Mark Kitzmiller stated that trees could not be planted in the Authority's easement.

Nancy Werner of Troxel Road, Shoemakersville asked if she could purchase a parcel of land whose natural boundary is a road without subdividing it from the parent tract. The parcel has been a separate parcel since 1906. Gene Orlando stated that there is nothing in the municipal code to prevent this as long as the parcel predates the Maidencreek Township Zoning Ordinance and does not violate section 1402 B of the Maidencreek Township Zoning Ordinance.

Jim Levengood of Hollenbach Construction stated that he was present to introduce the plans for a 56,260 square foot expansion at the James Hardie plant in the Excelsior Industrial Park. Mr. Levengood stated that they will be going through land development and wanted to first introduce the project to the Board of Supervisors. The existing building will be squared off. The office will be eliminated and the employee and truck traffic entrances will be moved to change the flow of traffic.

APPROVAL OF THE MINUTES

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the December 9, 2004 minutes of the Maidencreek Township Board of Supervisors with the addition of the word "initial" in front of the word volume on page 3, third paragraph. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist

Melrose Place – Mark Kitzmiller reported that the Planning Commission recommended to reject the Melrose Place final plan. Gloria Kemmerer questioned if two plans were being rejected, since the most recent plan differed significantly from the previous submittal. Gene Orlando explained that only one application for final plan review has been submitted, therefore the Board will be rejecting one plan.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to reject the Melrose Place Final Plan for the reasons stated in the December 21, 2004 Planning Commission letter. All members voted, "Aye." Motion carried.

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Hain Subdivision – Mark Kitzmiller reported that the Planning Commission recommended an extension to the review period for the Hain Subdivision as requested by the owner.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a 90 day time extension to the Hain Subdivision. All members voted, “Aye.” Motion carried. Mark Kitzmiller reported that all Letters of Credit are current.

Plan Review

Meadowood Music Final Plan – Mark Kitzmiller reported that all conditions in the Planning Commission recommendation have been addressed. All that remains to be done on the plan are improvements agreements and financial security provided to the Township. Paula Taylor explained that because they are a small business, it will be difficult for them to provide the Township with the \$24,700.00 requested and then pay for the improvements. Michael Andrews stated that the Township should consider the small business owner when it begins to make revisions to the Subdivision and Land Development Ordinance. Mark Kitzmiller reviewed the submitted cost estimate and stated that Ms. Taylor and Mr. Andrews would not need to escrow money for the parking and driveway improvements because they are not public improvements. Eliminating this cost would reduce the needed financial security by nearly half.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant final plan approval to the Meadowood Music Land Development Plan conditional upon entering into Improvements Agreements with the Township and providing financial security in a form acceptable to the Township. All members voted, “Aye.” Motion carried.

Projects

Zoning and SALDO Revisions – Mark Kitzmiller reported that Systems Design Engineering was proceeding with the revisions to the Zoning and Subdivision and Land Development Ordinances. Roy Timpe stated that the Lighting Ordinance irritates him and asked if it was possible to make the ordinance reactive to a problem like the noise ordinance. Gene Orlando stated that this would increase the cost of enforcement. Mr. Timpe stated that this was something for the Board to contemplate.

Route 222 Sinkholes, Traffic Study and Connecting the Township Building to the Public Sewer – All these projects are in process.

Melrose Place – Gloria Kemmerer asked if the dirt piles on the Melrose Place tract had been investigated. Mark Kitzmiller stated that there is no erosion control plan. Systems will continue to look into this and the secretary will contact Berks County Soil and Erosion.

Ruscombmanor Trailers – Mark Kitzmiller stated that SDE is coordinating a meeting with Dan Levengood of LTL, Ruscombmanor Township’s engineer.

Escrow Release - There were no escrow release letters.

Farm 4 Easement – Mark Kitzmiller reported that SDE reviewed the drawing for the easement and feels that the easement at the Park Road entrance should be widened to accommodate the turning radius. Gene Orlando stated that the question before the Board is if the Board will accept the alternative access. Gloria Kemmerer asked if the tracts can not be combined because there

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are different principals for each tract, is the developer developing land that belongs to someone else. Mark Kitzmiller stated that SDE will double check the source of title.

Your Children First Daycare – Gloria Kemmerer asked if the permit for Your Children First Daycare for temporary classrooms complied with their land development plan. Diane Hollenbach stated that the permit was reviewed against the land development plan and the additional structure falls within the building envelope on the approved plan.

Marty Buck of Troxel Road, Shoemakersville asked if the revision to the zoning ordinance had been touched on yet. Roy Timpe stated that this would be discussed under the Solicitor's report.

OPERATIONS REPORT

Cornerstone Bridge Project – The project can be done but there are access problems. The Township plans on waiting until the ground freezes and will talk with the homeowners to see if they will grant a construction easement to access the stream that runs behind their homes on Blandon Meadows Parkway. Mark Kitzmiller stated that he will be discussing leaving some of the material along the stream with Jack Hill of the PA DEP. Roy Timpe asked if the resident removing the brush along the stream contributed to the problem of the stream leaving its bed.

Purchase of Tools

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of two insulated garage doors and the tools on the tool list in the 2005 budget. All members voted, "Aye." Motion carried.

Priscilla Costello stated that she looked forward to the road crew plowing Colonial Court this winter.

Truck Purchase – Keith Shuman will obtain a more recent quote for the purchase of a 2005 crew cab truck with a spreader and D plow.

Sign Class

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize Gene Rothermel and David Saint to attend the roadside signage and safety class at the Bern Township Building on January 5, 2005. All members voted, "Aye." Motion carried.

Sign Reflectivity Class

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Keith Shuman to attend a class on new MUTCD regulations for sign reflectivity on January 13, 2005. All members voted, "Aye." Motion carried.

SOLICITOR'S REPORT

Parking Ordinance –Gloria Kemmerer proposed the following changes:

- The definition for roadway uses the word roadway to define a roadway. The word street will be used in the definition of roadway.

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- Section C – Violations should allow the Northern Berks Regional Police “and/or” the Code Enforcement Officer to enforce the ordinance.
- Section D – Signage should be deleted.

Traffic Ordinance – Gene Orlando stated that he will check to make sure that the numbering of the streets continues where the previous traffic ordinance left off. Gloria Kemmerer asked if a truck needs to be defined on the third page under Traffic Restrictions. Mr. Orlando stated that truck was defined in the previous Traffic Ordinance. Mrs. Kemmerer asked for the following changes to the ordinance:

- Under Streets, Hill Road should be “between Park Road and Guldin Road.
- Section 4 should include 10 to 15 minute parking in front of the Township Building.

Zoning Ordinance – There were no changes to the amendment to the Zoning Ordinance which removes Section from the Agriculture Zoning.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to allow the Solicitor to advertise the Public Hearing Traffic Ordinance, Parking Ordinance and Revision to the Zoning Ordinance for February 10, 2005 beginning at 6:45 PM. All members voted, “Aye.” Motion carried.

Letter from Jeff Lipton – Mr. Orlando stated that Mr. Lipton had sent a letter asking an opinion on selling a tract of land that is separately described and whose one boundary is a road. Mr. Lipton was present this evening with Ms. Werner and his question was answered during the public comment period.

Union Contract Memorandum – Gloria Kemmerer asked the Bargaining Unit to provide a letter as discussed in executive session previously.

TREASURER’S REPORT

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the December 2004 Treasurer’s Report and approve the December 2004 Prepaid Bill List. All members voted, “Aye.” Motion carried.

RESOLUTIONS

Colonial Court Deed of Dedication

Gus Medina stated that he was not please that the street trees were installed three years after he purchased his house and does not feel that he should have been dictated to regarding the street trees.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to accept the deed of dedication for Colonial Court contingent upon Systems Design Engineering, Inc. making sure that all improvements have been completed to the satisfaction of the Township. All members voted, “Aye.” Motion carried.

Pension Plan Amendment – tabled

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NEW BUSINESS

Berks County Tax Bill

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the form allowing the Township Real Estate Tax Bill to be included on the County Real Estate Tax Bill at an estimated cost of twenty cents per bill. All members voted, "Aye." Motion carried.

PSATS Membership

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, authorizing the Secretary to renew the annual Township membership to the Pennsylvania State Association of Township Supervisors at a cost of \$1,492.00. All members voted, "Aye." Motion carried.

Health Insurance Broker

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Chairman to sign the change of broker form for health insurance. All members voted, "Aye." Motion carried.

PA Economy League

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Diane Hollenbach to attend the PA Economic League meeting on January 25, 2005 at 7:30 AM. All members voted, "Aye." Motion carried.

Emergency Management Training

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Keith Shuman and Diane Hollenbach to attend the January 26, 2005 Emergency Management Training. All members voted, "Aye." Motion carried.

Executive Session

Roy Timpe announced that an Executive Session was held on Thursday, December 30, 2004 to discuss personnel issues.

Temporary Help

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to hire John Reichlein as temporary help at the seasonal help wage. All members voted, "Aye." Motion carried.

Since there was no further business, a motion was made by Robert Kopfer to adjourn the January 3, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:55 PM.

Transcribing Secretary

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Cc: Board of Supervisors
Eugene Orlando, Orlando & Strahn, 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 Hobaugh, 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