

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

Attending: Roy Timpe, Robert Kopfer, Eugene Orlando, Jr. – Roland & Schlegel, Tom Unger – Systems Design Engineering, Inc., Keith Shuman – Public Works Foreman, Diane Hollenbach – Recording Secretary

Guest: J. Schoellkopf, Joe Rudderow III, Stan and Karen Deeds, John Wetzel, Doug Kramer, Tina Poole, Gloria Kline, Larry Kunkel, Fay Isamoyer, Rick Kline, Cindy Stump, Paul Martin, Dick Thren, Claude Beaver

Roy Timpe called the regular meeting of the Maidencreek Township Board of Supervisors to order at 7:03 p.m. at the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

**POLICE REPORT**

Officer Hobart presented the May 2005 Northern Berks Regional Police Report. There were 851.75 patrol hours in Maidencreek, covering 6610.75 miles with 311 assignments resulting in 136 citations for a total of \$3064.30 in fines.

Officer Hobart reminded everyone of the "Click it or Ticket" campaign going on now and advised everyone to wear their seat belts.

Receiving no other comment from the public or the Board, Mr. Timpe dismissed Officer Hobart to return to his duties.

**PUBLIC COMMENT**

**CONDEMNED HOME AT 385 WEST WALNUT TREE DRIVE, BLANDON**

Stanley Deeds, West Walnut Tree Drive, asked what is being done about the condemned property at 385 West Walnut Tree Drive. The grass is high and the air conditioner is falling in a hole. Mr. Deeds also asked if the house is torn down, will the Township enforce the 1800 square foot requirement that he had to meet when building his house. The Supervisors deferred action on the property maintenance issues until the solicitor arrived and told Mr. Deeds that the Township does not have any requirements that would make any future home built on that lot be 1800 square feet.

Mr. Deeds stated that the street light on his street has been out for 6 months and asked what was being done about it. Diane Hollenbach stated that as the office has told Mr. Deeds numerous times, the street light has a bad underground wire that will require digging up two driveways. The electrician has the job on his schedule.

Mr. Deeds asked if the Township regulates how many people live in a home. Roy Timpe stated that he believed that the Township regulates nonrelated people but was uncertain of the number allowed.

**PRESSURE WASHER**

Larry Kunkel, 5 Lake Shore Drive, Fleetwood, stated that the Township should have a pressure washer and can't imagine why they don't. Roy Timpe stated that if Mr. Shuman thinks one will be useful, to get quotes or continue to borrow the Authority's as needed.

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

**ANNOUNCEMENTS**

**RESIGNATION**

The following was read into the minutes:

Roy and Bob, This letter is to inform you that I am resigning my position as a Maidencreek Township Supervisor, effective immediately. My reasons are both varied and personal. I have returned all keys and notebooks to the Township Secretary. If there is anything else outstanding, please let me know and it will be returned as soon as possible. I truly consider it one of my life's greatest honors to have been able to serve the residents of Maidencreek Township as one of their Supervisors. Respectfully, Gloria Kemmerer

A motion was made by Robert Kopfer, seconded by Roy Timpe, to accept Gloria Kemmerer's resignation and send her a letter of thanks. All members voted, "Aye." Motion carried.

Roy Timpe stated that he and Mr. Kopfer will contemplate an appointment to fill out the rest of Mrs. Kemmerer's term. If they can not agree, the Vacancy Board Chairman will be called in to help decide.

**MINUTES**

A motion was made by Robert Kopfer, seconded by Roy Timpe, to approve the May 12, 2005 meeting minutes as presented. All members voted, "Aye." Motion carried.

**EMERGENCY MANAGEMENT**

The Board gave permission for the Emergency Management Coordinator to take the required classes for the Emergency Management position without Board permission.

**ENGINEER REPORT**

**SUBDIVISIONS**

Zwicky Land Development – Tom Unger stated that the 90 day recording period for this plan has expired and he is following up on new developments with the PA DEP.

David Small Self Storage Units

A motion was made by Robert Kopfer, seconded by Roy Timpe, to accept the request for a time extension until December 21, 2005 for the David Small Self Storage Land Development Plan. All members voted, "Aye." Motion carried.

St. Matthews Greek Orthodox Church

Tom Unger stated that there are some outstanding issues but the Planning Commission has recommended conditional final plan approval of St. Matthews Greek Orthodox Church. The review period for this plan expires on June 20, 2005.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to reject the St. Matthews Greek Orthodox Subdivision and Land Development Plan unless a request for a time extension is received by June 20, 2005. All members voted, "Aye." Motion carried.

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

Troxel Hill Subdivision

Tom Unger stated that the Troxel Hill Plan is a 3 lot residential subdivision. The developer is planning on demolishing the dwelling on Lot 3. An easement has been provided for a neighbor's driveway. Notes have been added and modified. The Planning Commission recommended final plan approval conditional upon Systems Design Engineering review letter.

A motion was made by Roy Timpe, seconded by Robert Kopfer, to grant final plan approval to the Troxel Hill Subdivision conditional upon DEP Planning Module Exemption approval and recording a driveway easement access agreement and the combined deed for the annexation parcel with the final plan. All members voted, "Aye." Motion carried.

Lords and Ladies Land Development

Tom Unger stated that the Planning Commission recommended conditional preliminary plan approval to the Lords and Ladies Land Development Plan, which proposes building a hair salon on Ingot Drive. Bob Kopfer asked if they had adequate parking. The plan has 36 spaces, which exceeds the required parking. The owners are still discussing granting access easement to the Township open space.

A motion was made by Robert Kopfer, seconded by Roy Timpe, granting preliminary plan approval conditional upon the items outlined in the Systems Design Engineering May 20, 2005 review letter, which were: review and approval of a lighting plan, addition of the standard sidewalk note to the plan, Erosion and Sedimentation Plan approval, showing roof leaders and downspouts on the plan, and Maidencreek Township Authority approval. All members voted, "Aye." Motion carried.

Hess Subdivision Waiver Requests – tabled

**PROJECTS**

Road Bids

Tom Unger recommended that the Board authorize the Chairman to sign a change order to the 2005 road bids to change East Wesner Road application to cold in place recycling and wearing course and authorize the chairman to sign the 2005 road work contracts and give the notice to proceed.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize the chairman to sign EJB Paving change order for East Wesner Road. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize the chairman to sign the 2005 Road Work Contracts and give the notice to proceed. All members voted, "Aye." Motion carried.

Maidencreek Estates Flooding Issues

Tom Unger stated that he is corresponding with the PA Fish and Boat Commission. There is interest in making the stream in the meadow in Maidencreek Estates a stocked trout stream. There may be grant money available for restoration projects. Roy Timpe questioned why Mr. Unger didn't have an estimate for restoration when the Board authorized it last month.

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

Mr. Unger explained that if grants are available, any money spent now on the project may not be reimbursable by grant money. Mr. Unger will try to set up a meeting with the Fish and Boat Commission.

Subdivision Improvements Agreements and Letter of Credit Reductions

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$8,315.06. All members voted, "Aye." Motion carried.

**SOLICITOR'S REPORT**

385 West Walnut Tree Drive

Roy Timpe asked Mr. Orlando if the Township could enter onto private property and mow grass and make an air conditioning unit safe. The current owner of the property is in question, the house has been condemned and the property is becoming a safety hazard. Mr. Orlando stated that the Township is well within it's rights to take care of the situation and advised that the time and money spent on this property be recorded.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize the solicitor to retain a searcher to search for the owner of the property at 385 West Walnut Tree Drive. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize the engineer to serve the home owner of 385 West Walnut Tree Drive with notice of violation, determine if the air conditioner is a hazard and have the freon removed if needed and authorize the roadcrew to cut the grass for the general health, safety and welfare of the Township residents. All members voted, "Aye." Motion carried.

**OPERATION'S REPORT**

Pedestrian Bridge

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize the secretary to send a letter of thanks to R & C Heavy Mechanical for donating their time and equipment when helping install the pedestrian bridge in the Community Park. All members voted, "Aye." Motion carried.

Street Sweeping

Keith Shuman asked if the police could ticket cars next year that park on the street during street sweeping. This becomes a problem for people whose neighbors park in front of their homes and then do not get their section of street swept. Roy Timpe stated that he did not think that the roads were posted as heavily as other years. The road crew should just get out the broom to sweep up the roadway when cars park on the street during street sweeping.

Summer Help

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize Keith Shuman to offer summer employment positions to Cory McNabb, Morgan McGlinsey, and Sean Connors. All members voted, "Aye." Motion carried.

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize Keith Shuman to offer summer employment positions to Brett VonBergen and Zachary Loder. All members voted, "Aye." Motion carried.

**SOLICITOR'S REPORT**

Gene Orlando stated that he reviewed the easement documents for Troxel Hill and gave them to Tom Unger to track the legal description of the land. Mr. Orlando also commented that he received a phone call from John Mausnee, who represents W.D. Zwicky. Zwicky is anticipating PA DEP permit approval shortly. Improvements Agreements need to be completed.

**TREASURER'S REPORT**

A motion was made by Robert Kopfer, seconded by Roy Timpe, to approve the May 2005 Treasurer's Report and the May 2005 Prepaid Bill List. All members voted, "Aye." Motion carried.

**RESOLUTIONS**

A motion was made by Robert Kopfer, seconded by Roy Timpe, to adopt Resolution 15-2005 amending the hours required to be eligible to participate in the Maidencreek Non Uniform Pension from 1000 hours to 1750 hours. All members voted, "Aye." Motion carried.

**NEW BUSINESS**

Railroad Quiet Zone – New legislation has been passed which allows a municipality to declare a section of track at least ½ mile long a quiet zone if the proper safety features such as gates are installed at all railroad crossings. Trains would be prohibited from blowing their horns in quiet zones. Roy Timpe asked the audience what they thought of the idea. Tina Poole, Lee Spring Road stated that years ago the gates on Hill Road malfunctioned all the time and she wouldn't feel comfortable if the trains did not blow their whistle. Claude Beaver, Lee Spring Road stated that he tells when he should leave for work by the train whistle. The Board decided not to create a Quiet Zone in Maidencreek Township.

Quotes on Street Lights

Diane Hollenbach explained that when Blandon Meadows III was developed, no street lights were planned for White Birch Lane. Forino Co. installed at no cost to the Township the electric line and base that is needed to install two street lights on White Birch Lane.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to authorize quotes be obtained for the purchase and installation of two sodium vapor street lights and poles for White Birch Lane. All members voted, "Aye." Motion carried.

**OLD BUSINESS**

Maidencreek Township Newsletter Content

Roy Timpe stated that he did not feel that it would be appropriate to put candidate information in the township newsletter because it was paid for by the taxpayers. The candidates

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

could argue over what page their information appeared on and the Township could be accused of favoring one candidate over the other.

Joint Meeting with The Maidencreek Township Authority on the Township Master Plan

Neither Mr. Timpe nor Robert Kopfer would be able to attend the previously scheduled June 6 meeting with the Authority and asked the secretary to contact the Authority to cancel the meeting. Mr. Timpe stated that he had met with Elaine Berish, the Authority chairperson and John Watkins of Watkins Architects to discuss adding the property the Authority recently purchased to the Township master plan. Mr. Timpe advocated attaching the Township offices to the new office the Authority is proposing to build on the newly acquired site. Mr. Timpe stated that the buildings would be able to share an elevator, which would be an added expense. Robert Kopfer stated that he does not want to raise taxes and the Township should see how much money is left at the end of the year. Gene Orlando, solicitor, suggested that it would be cheaper to build the Township office when the Authority builds theirs, and the Township may be able to get Block Grant and low interest loans to pay for the new building. Roy Timpe agreed. Diane Hollenbach questioned if the Township would want to rent from the Authority since they own the land and if it wouldn't be better to plan on putting the Township offices in the Rec Center in the future, so that the staff could monitor that facility's use without hiring extra personnel. Mr. Orlando responded that just because the Authority owns the property now does not mean that they have to keep on owning it and other Townships keep their community centers locked and hand out a key to the people that come to use it. Stanley Deeds stated that a community center would better on the other side of Route 222. Roy Timpe answered that this is where the Township owns land.

**COMMENTS FROM THE FLOOR**

Supervisor Position

Joe Rudderow expressed an interest in being appointed to Gloria Kemmerer's unfinished term. Mr. Rudderow stated that he did run in the primary for the position of Supervisor and is willing and interested. Roy Timpe thanked Mr. Rudderow for his interest and added that the Vacancy Board will have to think about the position. Mr. Timpe stated that he did not know anything about Mrs. Kemmerer's resignation and had to sleep on it.

An Executive Session was called from 8:30 to 9 P.M. to discuss personnel issues and potential litigation.

Complaint about the Northern Berks Regional Police

A motion was made by Robert Kopfer, seconded by Roy Timpe, to refer the complaint about the Northern Berks Regional Police to the Northern Berks Regional Police Commission. All members voted, "Aye." Motion carried. The Board instructed the secretary to inform the person making the complaint of the Board's action in the form of a letter on Township letterhead.

Supervisor Position

Roy Timpe stated that the remaining supervisors have 30 days to appoint a new supervisor. The Board authorized the secretary to advertise a special meeting for June 30<sup>th</sup> beginning at 8:00 P.M. The emergency management meeting will be held the night before. Mr.

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

Kopfer stated that he will be unable to attend the emergency management meeting scheduled for June 29<sup>th</sup> at 7:00 P.M. Mr. Timpe stated that the meeting will only be held to exchange and update phone lists.

Sewage Sludge Spread on Local Fields

Roy Timpe stated that he had an email from a resident regarding spreading sewage sludge on Township fields. Mr. Timpe stated that he did not know what he thought on the issue because Harold Burgert has sensitized him to not doing anything stupid that would stop farmers from making a living. Mr. Timpe asked if this was something best regulated by the PA DEP. Rick Kline made the following statement: right now a local farm applies sewage sludge to frozen ground that sits on a hill and the runoff flows into a tributary that empties into Lake Ontelaunee. 20 to 30 loads of sludge are placed in the holding bunks which lie about 280 feet from his well. The material can sit in the holding bunks for 2 months and the smell is bad. There are different classes of sludge – treated and sludge straight from the plant. We are becoming a dumping ground for sewage from Valley Forge and Allentown. There are DEP standards but not every truck is checked. Ed Rendell wants to take control away from Townships in regulating agriculture. Mr. Kline stated that he has never seen a DEP representative check the sludge application and he has never received notice when it is to be applied. Notification of neighbors is part of the DEP regulations for sludge application. Mr. Kline warned that this issue is a bomb waiting to explode. Because the State stopped funding, the person at the Berks Ag Center no longer regulates sludge application in Berks County.

Bob Kopfer stated that he does not use sludge on his fields. Roy Timpe stated that the Township should develop regulations on sewage sludge to put in the zoning ordinance and asked if David Brown can assemble the group of farmers to create regulations. Diane Hollenbach stated that as far as she knows PA DEP regulates the application of sewage sludge and the Township is not allowed to have more restrictive regulations than DEP. Would placing this in the zoning ordinance nullify the zoning ordinance when the first sludge company takes the Township to court? Gene Orlando stated that any regulation done to sewage sludge should be in a separate regulatory ordinance. It is a fact that DEP preempts the field in environmental issues. The Board asked Dick Thren to have the Planning Commission start looking at creating such a regulatory ordinance.

Lehigh Cement

Diane Hollenbach reminded the Board that Lehigh Cement was beginning a trial to burn pellets of sludge in their kiln and had offered to take the Board on a tour. The Board decided to independently schedule tours if they had time.

Since there was no further business, a motion was made by Robert Kopfer to adjourn the June 2, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 9:20 PM.

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Transcribing Secretary

Maidencreek Township Board of Supervisor  
June 2, 2005, 7:00 PM

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