

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 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:** Robert Owen, Tina Stewart, Rick Althouse, Bill Wiedemann, Daniel Miller- Blandon Fire Chief, James Schoellkopf, Jr., Chris Falencki, Gloria Kline, Tina Poole, Fay Isamoyer, Cindy Stump, Harold Burgert, Diane Hollenbach, Randy Wolfe, Joseph Rudderow, III, Jacqueline Moyer, Kathleen Weidenhammer.

**PUBLIC COMMENT**

**Robert Owen, 428 Rivera Drive, Blandon, PA** stated that he has a signed agreement with Villages at Maiden creek/Mr. Schumacker that pertains to the stormwater easement that will be installed on his property. He asked the Board about the time frame for the installation of the storm water easement because he is concerned about his landscaping that is currently installed, a tree line that exists, and future landscaping. He asked the Board, “How do I stay on top of the events of the Villages at Maiden creek?”

The Solicitor stated that he was aware of a possible sale of the Villages at Maiden creek, however he could not provide a time frame for the transfer/sale and/or the start of the project. He informed Mr. Owen that the signed stormwater easement agreement that he has with Villages at Maiden creek/Mr. Schumacker would as they say, “Go with the land.” He advised Mr. Owen to contact Mr. Schumacher for information on his agreement and a construction schedule for the project. The Township currently has approval of the plan and once we nail down the easements for Shadow Ridge with Grande Construction, I will prepare Improvement Agreements with the developer and they may post their money. At that time the plans may be released for recording and the developer may proceed.

**Tina Poole, 19 Lee Spring Road, Blandon, PA** stated, “I guess I just want to know about the status of the Martin property. There is no go head with the project? Did you hear that there might be a new owner for the property? Is the Board going to stay on top of things, should there be new ownership? I can’t understand why we were constantly pumping the system and now all of a sudden it doesn’t need to be pumped.” She provided pictures of the existing silt fence and asked Terry Manmiller if the silt fence must remain.

The Solicitor informed Tina Poole that he prepared a complaint for the suit to recoup \$10,000.00 owed to the Township, which will be reviewed in executive session.

The Engineer stated that he is of the understanding that Mr. Martin is trying to get funding through Penn Vest. In mid June he should know if he was approved for the Penn Vest loan. When and if he gets the funding the project should commence. The Engineer informed Tina Poole that Mr. Martin has completed some of the on-lot sewage requirements that he was cited for and that could be the reason for the reduction of surface leakage that was observed in the past.

Terry Manmiller reported that he and the Township Secretary met with the prospective buyer of Martin Retirement Village to discuss issues with the existing development. Terry Manmiller feels that an agreement between the prospective buyer and Mr. Martin will result in Mr. Martin gradually being phased out. Terry Manmiller informed Tina Poole that the silt fencing and the soil and erosion regulations would be the first thing the prospective buyer will address.

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 2003**

**7:00 PM**

**Jacqueline Moyer, 617 Guldin Road, Blandon, PA** asked the Board how they could charge an apartment building that has more than one family a \$55.00 recycling fee and charge her a \$275.00 recycling fee because her property consists of five deeds. The ordinance doesn't seem fair. Her property will contribute one family's recycling and pay so much and the apartment buildings that will contribute recycling from more than one family pays so little. If I'm paying for five deeds, I should get five containers.

The Board stated that she was not the first property owner concerned about the recycling fee that is being assessed on all property owners in Maiden creek Township. Through numerous workshops, regular meetings, and public hearings the recycling fee and the manner in which it would be collected was discussed. The Board pondered over several collection alternatives discovering that each one had its downfalls. The Board is considering an alternative manner to collect the recycling fees in the future but, for now the Board will follow through it's plan to collect \$55.00 from each property owner in Maiden creek Township.

Harold Burgert asked the Board how they could levee a tax on a property that was not contributing to the program. If you live in a house – that's understandable but, if you have farmland or a vacant lot – you should not have to pay.

Robert Kopfer asked if property owners with more than one deed would get more than one recycling bin. "You mean farmland is going to get a bin to recycle?"

Terry Manmiller stated that in addition to the curb side recycling, property owners will receive other recycling services that will include the collection of yard waste, leaves, and brush pick up and in the future grass clippings will be recycled.

Cindy Stump asked the Board if they were looking into changing the manner of collection for the recycling fees.

The Board stated that they are looking into the collecting the recycling fee through a millage increase.

**POLICE REPORT**

Officer David Drazenovich presented the May 2003 Northern Berks Regional Police Report as follows:

	<b>MAIDENCREEK TWP.</b>	<b>ONTELAUNEE TWP.</b>	<b>LEESPORT BOROUGH</b>		<b>TOTAL</b>
<b>Patrol Hours</b>	778.91	622.94	422.4		1824.25
<b>Assignments</b>	257	186	92	Admin. 36	571
<b>Fines</b>	\$2,963.37	\$7,351.23	\$1,458.22		\$11,772.82

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

JUNE 12, 2003

7:00 PM

7:30 PM OPEN ROAD BIDS

	<u>Bewley La /Lakeview Ct.</u>	<u>Hill Road</u>	<u>Hope Drive</u>	<u>Lindbergh Ave.</u>	<u>Orchard Road</u>	<u>Total Bid</u>
<b>EJB Paving &amp; Materials Company</b>	\$18,512.00	\$14,812.40	\$38,872.45	\$16,760.00	\$23,323.50	\$112,280.85
<b>Windsor Service, Division of Reading Materials, Inc.</b>	\$18,763.50	\$16,615.00	\$42,937.50	\$19,200.00	\$25,320.00	\$122,836.00

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to award the 2003 Road Bid to EJB Paving and Materials Co. for the amount of \$112,280.85, contingent upon the review and approval of the Solicitor and the Engineer. All Board members voted, "Aye." Motion carried.

**CORRECTIONS TO THE MINUTES**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the May 8, 2003 Board of Supervisors minutes and the May 15, 2003 Board of Supervisors minutes with the following corrections and or additions:

May 8, 2003 – Recycling Hauler bid should be as follows:

**Bid #2 SOLID WASTE SERVICES, INC. (J.P. Mascaro & Sons)**

6/1/03-12/31/03	\$ 63,612.00	\$ 87,816.00
1/1/04-12/31/04	<u>\$109,121.00</u>	<u>\$150,829.00</u>
TOTAL	\$172,733.00	\$238,645.00

**Bids numbers did not appear in the correct columns**

May 15, 2003

**ZIMMERMAN CONCENTRATED POULTRY FARMING**

*First sentence* – change the word "buildings" to "operation"

*Add:* She is concerned about the construction of a proposed stormwater swale and storm pipe"

*Change:* She merely wants to be assured that he has the appropriate permits and that construction of additional buildings on his property will not result in contamination of a nearby creek. *Change to:* She merely wants appropriate permits and that the concentrated poultry operation on his property will not result in contamination of a nearby creek.

**TOWNSHIP EXPENDITURES**

*First sentence should read:* "No-fee credit card for use by authorized Maidencreek Township personnel with a balance limit of \$1,000.00.

Tina Poole asked that her question about the Martin Retirement Village be reviewed because she felt that the summary of her statement was not correct. The Recording Secretary agreed to listen to the tape.

Robert Kopfer stated that he felt "operations" was an acceptable description for the Zimmerman concentrated poultry operation but, did not object to Gloria's correction.

Harold Burgert asked the Board why the Planning Commission requested information from Mr. Zimmerman relative to his concentrated poultry farming that he had provided earlier.

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

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 2003**

**7:00 PM**

**ENGINEER'S REPORT  
MET MANAGEMENT**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the review time extension for Met Management to 8/12/03. All Board members voted, "Aye." Motion carried.

**LAKESIDE MANOR**

Mr. Farvardin provided documentation for the DEP letter for his planning modules at Lakeside Manor to the Township Engineer. The Engineer will review the documentation and include it with the planning modules for the Boards approval at the July Board of Supervisors meeting.

**SCHUMURA, Land Development Plan**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to grant final plan approval for the Schumura Land Development Plan contingent upon Section 407.E.6. Establishment of Improvement Agreements and posting of financial security in a form acceptable to the Township being completed. The Schumura's will submit \$9,480.00 to the Township to be held in escrow and as the improvements are completed, payment will be made from their escrow account. The Solicitor will complete Improvements Agreements tomorrow (Friday) or next week (Monday). All Board members voted, "Aye." Motion carried.

**WALNUTTOWN MENNONITE CHURCH, Annexation Plan**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to grant final plan approval of the Walnuttown Mennonite Church Annexation Plan contingent upon the recording of the common deed to combine the two parcels into one parcel being recorded within 30 days from the recording of the plan at the Recorder of Deeds Office. All Board members voted, "Aye." Motion carried.

**BEDROCK STONE AND STUFF**

The Engineer and Terry Manmiller conducted an inspection of the Bedrock Stone and Stuff property. The Engineer would like to comment on the inspection in executive session.

**MAIDENCREEK COMMUNITY PARK**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to make final payment of \$7,446.00 to LSR Enterprises for the completion of their contracted work in the Maiden creek Community Park. All Board members voted, "Aye." Motion carried.

**HOCH ROAD CULVERT REPLACEMENT/E. WESNER ROAD CULVERT  
REMOVAL/PEDESTRIAN WALKWAY/PEDESTRIAN BRIDGE**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Chairman to sign the Department of Environment Protection (DEP) permit application to install a pedestrian bridge in the Maiden creek Community Park. All Board members voted, "Aye." Motion carried. The Engineer reported that the walking trails are being staked out.

**COMMUNITY PARK BALL FIELDS**

Systems Design Engineering is in the process of preparing bid documents for the ball fields in the Community Park.

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 2003**

**7:00 PM**

**COMPREHENSIVE PLAN**

The Engineer reported that the Planning Commission is working diligently to complete this project. They have reviewed and prepared revisions up to and including Chapter 9.

**STORMWATER INVESTIGATION, Letter of Map Revision (LOMR)**

The Engineer reported that the Township completed public notification for the Letter of Map Revision and that we are currently in the 30-day waiting period before any further action may occur.

**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 \$119,353.76. 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.

**The Engineer completed his report, however the Board asked for a progress report and/or action on the following:**

**TREE TOPS, Phase II**

There are several outstanding improvements that must be completed in Tree Tops, II. The Board drew down on the Tree Tops Letter of Credit and therefore is responsible for the outstanding improvements to be completed. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Solicitor and the Engineer to work together to prepare a bid package for outstanding improvements for Tree Tops, II, keeping specific items for each phase separate. All Board members voted, "Aye." Motion carried. Should a revised Tree Tops, III plan be submitted for review the improvements that were designated for phase III may be eliminated.

**EAST WESNER ROAD SPEED REDUCTION INVESTIGATION**

The Engineer investigated the speed differences that are posted on East Wesner Road due to a recent complaint about speeding and a request for speed limit reduction. Currently a portion (Park Road to Schaeffer Road) of the East Wesner Road is posted for a 25-mile speed limit with the remainder of the roadway being posted at a 35-mile speed limit. He determined that the road meets the criteria for three different options that the Board may consider for setting the speed limit on East Wesner Road.

1. Make the entire section of East Wesner Road a 25-mile speed limit.
2. Make the entire section of East Wesner Road a 35-mile speed limit.
3. Make the entire section of East Wesner Road a 35-mile speed limit with a reduction to 25-mile speed limit at the curve.

Gloria Kemmerer made a motion to establish a 25-mile speed limit on the entire section of East Wesner Road (Park Road to Hoch Road) because of the additional homes along the roadway and future use of the Community Park.

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 2003**

**7:00 PM**

Robert Kopfer made a motion to establish a 35-mile speed limit on the entire section of East Wesner Road (Park Road to Hoch Road) because the road is a through road and should not be considered part of any development.

Gloria Kemmerer stated that if East Wesner Road is considered a through road, then so is Rt. 73 a through road for Blandon and that is posted with a 35 mile speed limit. So, if Rt. 73 can be reduced to a 35-mile speed limit through Blandon, then a country road can be reduced to 25-mile speed limit.

Harold Burgert asked why this section of the development does not have sidewalks. Since the speeding complaint, he has witnessed only one child out in the street. He is concerned that the milk trucks will not be able to reduce their speeds when hauling a full load.

Roy Timpe was undecided and suggested 30-mile speed limit as a compromise.

Gloria Kemmerer's motion died for a lack of a second.

Robert Kopfer's motion died for a lack of a second.

**Joseph Rudderow, III, 283 Longleaf Drive, Blandon, PA** stated that he is aware of a sliding grace scale for the amount of speed one may operate over the speed limit before the DJ will honor the speeding violation.

**Jacqueline Moyer, 617 Guldin Road, Blandon, PA** agreed, stating that an officer told her about a sliding grace scale for a speed violation when she complained about the speeding on Guldin Road.

The Township Solicitor stated that he is not aware of any sliding speed limit scale and that is not for this Board to discuss. It may be a policy of an individual officer, department, or the District Justice to allow a grace period. The only grace period in the law is in section 3362 of the Pennsylvania Vehicle Code for State Police use of radar.

**ZIMMERMAN CONCENTRATED POULTRY FARMING**

Gloria Kemmerer asked if the Township had received the requested information from Mr. Zimmerman relative to his planned concentrated poultry-farming project. Terry Manmiller provided the Board with all the necessary information pertaining to the Zimmerman concentrated poultry farming that he had obtained from Mr. Zimmerman. Noting that all this information had been provided to the Township during the Variance phase of the project and for the building permit process

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Secretary to send a thank you letter to Mr. Zimmerman for obliging the Board's request for information pertaining to his concentrated poultry-farming project. All Board members voted, "Aye." Motion carried.

**NPDES II PERMIT**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Township Engineer to provide the County with the necessary information pertaining to storm water controls and problems in the urban areas of Maiden creek Township to complete one of the six requirements of the permit process. All Board members voted, "Aye." Motion carried. There is a 10/31/03 deadline to complete this project.

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 2003**

**7:00 PM**

**ONTELAUNEE HEIGHTS, Open Space**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Engineer to survey sections of the Ontelaunee Height Open Space to determine elevations for the Road Crew to install a concrete spillway to prevent future sinkholes. All Board members voted, "Aye." Motion carried.

**902 RECYCLING GRANT APPLICATION**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Township Secretary/Treasurer to sign the 902 Recycling Grant Application. Secretary was instructed to poll the Board. Mr. Kopfer, "Aye." Mrs. Kemmerer, "Aye." Mr. Timpe, "Aye." Motion carried.

**WASTE MANAGEMENT**

The Township received a letter from Waste Management agreeing to the Township's request to delay the recycling program until 7/11/03. The recycling start date had to be delayed because the recycling bins will not arrive until 6/18/03.

**TIRE DROP OFF**

The Operations Manager is still working on the details for the tire drop off.

**SOLICITOR'S REPORT**

**RESOLUTION 12-2003**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to adopt Resolution 12-2003, with regard to priority of the Supervisors in the declaration of emergencies on a temporary basis in accordance with the Pennsylvania Emergency Management Act. All Board members voted, "Aye." Motion carried.

**RESOLUTION 13-2003**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to adopt Resolution 13-2003 to prepare, maintain and keep current an Emergency Operations Plan (EOP) for the prevention and minimization of injury and damage caused by a major emergency or disaster in Maiden creek Township. The EOP will be reviewed every two years. All Board members voted, "Aye." Motion carried

**RESOLUTION 14-2003**

Gloria Kemmerer made a motion, and seconded by Roy Timpe, to adopt Resolution 14-2003 memorializing that Representative David Argall and Senator James Rhoads exert whatever influence necessary to assist in the passage of the Radar Bill that will be introduced in Harrisburg by Representative Dennis Leh." Secretary was instructed to poll the Board. Mr. Kopfer, "No." Mrs. Kemmerer, "Aye." Mr. Timpe, "Aye." Motion carried. The Township Secretary prepared a letter reflecting the same as directed at the May 15, 2003 meeting.

Harold Burgert agreed with Robert Kopfer that the use of radar by the local police would be abused.

The Solicitor provided a DRAFT Ordinance for the Board to review:

1. Ordinance for sports equipment, hours of operations at the park and open space.
2. Ordinance for regulations for recording public meetings

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 2003**

**7:00 PM**

**BEDROCK STONE AND STUFF**

Randy Wolfe and Joseph Rudderow, III, Maidencreek Township Planning Commission Board members stated they would accommodate the representatives of Bedrock Stone and Stuff to review a new plan during a special meeting they are planning for July 8, 2003.

**MARTIN RETIREMENT VILLAGE**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Chairman to sign the verification for the collection of outstanding fees for the Martin Retirement Village. All Board members voted, "Aye." Motion carried.

**TREASURER'S REPORT**

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

General Checking	\$ 52,976.74
Payroll	\$ 1,633.74
General Fund Money Market	\$139,773.70
On Lot Sewage	\$ 6,438.58
Petty Cash	\$ 51.07

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

**EXECUTIVE SESSION 9:15 PM – 10:23 PM**

The following subjects were discussed during executive session:

- 1.Martin Retirement Village
- 2.Bedrock Stone and Stuff
- 3.Park Place Homeowners Association

**EXECUTIVE SESSION ACTION**

**MARTIN RETIREMENT VILLAGE**

The Engineer provided the Board with a Certificate of Analysis pertaining to a 5/27/03 collection at Martin Retirement Village. Results of the testing proved that there is an excessive amount of fecal coliform in the runoff.

1. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the SEO to issue another citation because recent testing proved that there are dangerous levels of fecal coliform in the runoff. All Board members voted, "Aye." Motion carried.
2. Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Solicitor to file an injunction against the Martin Retirement Village. Secretary was instructed to poll the Board. Mr. Kopfer, "No." Mrs. Kemmerer, "Aye." Mr. Timpe, "Aye." Motion carried.

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JUNE 12, 2003**

**7:00 PM**

**PART TIME SUMMER EMPLOYEE**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to hire Michael Kelly as a part time summer employee that will be scheduled to work each week on a Wednesday, Thursday, and Friday for a total of 24 hours. All Board members voted, "Aye." Motion carried.

Meeting was adjourned at 10:37 PM. The next Board of Supervisors meeting is scheduled for June 19, 2002 at 7:00 and at 8:00 PM a Public Hearing will be conducted to amend the Subdivision and Land Development Ordinance # 153.

Respectfully submitted,

Ruth M. Manmiller

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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**JUNE 12, 2003** **7:00 PM**