

Maidencreek Township Board of Supervisor Meeting  
March 10, 2005, 7:00 PM

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

Guests: J. Schoellkopf, Gloria Kline, Tina Poole, Chris Bradley, Cindy Stump, Fay L. Isamoyer, Dawn Schankweiler, Gale Moyer, Robert Hanna, Peter Giorgi, Penny Hummel, Larry Kunkel, Sue Hain, Cindy Harne, Hether Quillman, Ron Kemmerer

Roy Timpe called the March 10, 2005 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

#### POLICE REPORT

Officer Hobart read the activity for Northern Berks Regional Police in February. There were 754.53 patrol hours in Maidencreek covering 6101.35 miles for 265 assignments totaling in \$3163.02 in fines. Due to Detective Sergeant Horner's hard work, three suspects have been arrested for the November shooting at the Club Coliseum. Officer Hobart introduced Officer Toro. Officer Toro stated that he previously worked one year at the Berks County Sheriff Department and seven years at CarTech.

#### PUBLIC COMMENT

**Chris Bradley**, owner of the Village at Summit Crest, asked if the Solicitor had the joint venture agreement for the Village at Summit Crest Expansion and if the Engineer had a release of escrow for the Village at Summit Crest. Both items would be taken care of later in the agenda.

**Larry Kunkel**, 5 Lake Shore, Fleetwood, asked if any work was being done on a dumpster ordinance. Gloria Kemmerer stated that if trash is blowing out, the property owner may be cited under the Property Maintenance Code. Mr. Kunkel also asked that the street light be turned on at the corner of Route 73 and Route 222 because now that TopStar, formerly Tom's Mini Market, closes at midnight, the intersection is dark. Mr. Kunkel was concerned that children from the developments walking along Route 222 would not be visible to traffic at night. The Board instructed the Secretary to have the street light turned back on at the corner of Route 73 and Route 222.

#### **Bell Hardware Letter**

Roy Timpe read the following into the record: Dear Board Members, I wanted to officially announce my candidacy for Township Supervisor for Maidencreek Township. Being a member of the Maidencreek Township Planning Commission has been very challenging as well as equally rewarding to me. I am very interested in continuing to serve our community in a greater capacity. I have successfully circulated a petition to have my name added to the spring 2005 primary as a registered republican candidate. While it is certainly unknown at this time if the voters of Maidencreek Township will choose me to represent the Republican Party in the General Election held in the Fall of 2005, I feel that it would be in the best interest of both the Township and myself to suspend the current Business relationship that exist between Bell Hardware and Supply, Inc. and Maidencreek Township. I own 50.1% of the outstanding stock of the company at this time. The Township's two accounts with Bell Hardware and Supply, Inc.

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will be temporarily suspended from today to the day after the primary in May 2005. Depending on the outcome of the Primary Election or some unforeseen change in my ownership with Bell Hardware and Supply, Inc., will determine when the accounts will be activated again. Please read this letter into the public minutes of your next scheduled Board Meetings. Thank you for your understanding. Sincerely, Joseph E. Rudderow III

Roy Timpe commented that he filed a petition for reelection to the Board of Supervisors.

APPROVAL OF THE MINUTES

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the February 10, 2005 regular meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist – All plans are current and all Letters of Credit are current.

Subdivision and Rezoning

**Hain Subdivision** – Tom Unger stated that the Planning Commission recommended final plan approval for the Hain Subdivision conditional upon signatures being placed on the plan and DEP Planning Module approval. Gloria Kemmerer stated that she had reservations in regards to the requirement of the individual lot owners submitting their own erosion and sedimentation plans to the County before filing for a building permit. Mrs. Kemmerer asked who would remember this and make sure that each lot owner filed an E & S Plan. Tom Unger stated that an E & S Plan is looked at by the code official before issuing a permit. Since these lots will not have one, the code official will require the applicant to get one before issuing the building permit. Mrs. Kemmerer asked if there was any chance that DEP would reject the Planning Module. Mr. Unger answered that he could not guarantee that the DEP would approve it, but the Planning Module meets the isolation distances and setbacks and follows all DEP regulations.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the Hain Subdivision Final Plan conditional upon the items set forth in Systems Design Engineering, Inc.'s March 2, 2005 review letter, which are DEP Planning Module approval and completion of plan certifications. All members voted, "Aye." Motion carried.

**St. Matthew's Greek Orthodox Church** – The St. Matthew's Greek Orthodox Church project is located along Route 222 in the commercial section in front of the Meadowbrook Subdivision. There is one access to Route 222 and the plan allows for a connection to the other commercial property. The church and social hall will be built in phases. Water and sewer will be brought to the church property through Meadowbrook. Tom Unger stated that the Planning Commission recommends granting the four waivers to the Subdivision and Land Development Ordinance that are being requested. Gene Orlando, Township Solicitor, stated that the temporary storm water detention basin on adjacent lots has been done in other developments and he is comfortable with this if the Township Engineer is satisfied that the detention basin has adequate area and location. There should be easement language on the plan and in the plan notes. Mr. Orlando explained that the storm water basin on Lot 2 may be moved depending on the plan submitted in the future

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for Lot 2 and that the developer does not want to put permanent pipe in the ground until the final location of the storm water is determined on Lot 2.

Mr. Orlando asked that Note 3 be removed from the plan stating that the survey was done without benefit of a title search. In Note 35, the word temporary should be removed from the part of the note referring to the easement because the location of the basin may be moved but the easement can not be moved.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 504.5 of the Maidencreek Township Subdivision and Land Development Ordinance requiring a 25 foot driveway width. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 513.F.1.e of the Maidencreek Township Subdivision and Land Development Ordinance requiring a geological study. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 513.F.2.b of the Maidencreek Township Subdivision and Land Development Ordinance requiring low flow channels. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant a waiver to section 513.F.4.d of the Maidencreek Township Subdivision and Land Development Ordinance requiring a liner in the basin berms. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Roy Timpe, to grant preliminary plan approval to the St. Matthews Greek Orthodox Church plan conditional upon the items in Systems Design Engineering March 2, 2005 review letter, removal of Note 3 from the plan, and removal of the word "temporary" from Note 35 on the plan where it pertains to the easement. All members voted, "Aye." Motion carried.

Zoning Ordinance Revisions

Tom Unger stated that the Zoning Ordinance revision is proceeding.

Act 167 Storm Water Management

The model ordinance regarding the Maidencreek Watershed and storm water management and maps have been received and reviewed. Maidencreek Township has been changed to reduced discharge area, the most restrictive discharge area. The ordinance is ready for the Supervisors to consider for adoption. Gloria Kemmerer asked if surrounding municipalities have to adopt a storm water ordinance. Mr. Unger stated that they will have to adopt and follow a storm water ordinance the same as Maidencreek. Roy Timpe asked if it will negate our current floodplain ordinance. Mr. Unger stated that the new ordinance repeals sections of all other ordinances that are in conflict, but the rest of the ordinances will stay in effect. This new ordinance addresses quantity and quality of storm water.

A motion was made by Gloria Kemmerer, seconded by Roy Timpe, to authorize the solicitor to advertise a hearing on April 14, 2005 at 6:30 pm for the proposed storm water management ordinance. All members voted, "Aye." Motion carried.

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Subdivision Improvements Agreements and Letter of Credit Reductions

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$30,945.88. All members voted, "Aye." Motion carried.

Dimitri Zaharidis – Mr. Zaharidis has filed a complaint that storm water from Glen Mar Subdivision in Ruscombmanor Township is eroding his property and exposing the electric lines to his well. The storm water flows from the pond through an existing swale. Mr. Orlando stated that Maidencreek Township does not have jurisdiction over this matter and the land owner has recourse through the courts against the landowners upstream that are causing the problem.

OPERATIONS REPORT

Roy Timpe commented that people seem happy with the snow plowing. Gloria Kemmerer commended the Road Crew on their work on the building.

Barricades

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the purchase of 3, eight foot high intensity barricades and 2, six foot high intensity barricades from Miller Municipal. All members voted, "Aye." Motion carried.

Line Painting – The Board felt that they would try thermoplastic striping to see how long it held up. Only the intersection at Route 73 and Park Road will be painted, since the State is planning on bidding the demolition of the Frieda Fox house and associated road work at Rt. 73 and Park road in July.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the quote from Berks Traffic for thermoplastic line painting of stop bars, arrows and crosswalks except the intersection of Route 73 and Park Road, which shall be painted with the work not to exceed \$6,125.00. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the quote from Berks Traffic for painting of Railroad Crossings, school zones and crosswalks not to exceed \$1,930.00. All members voted, "Aye." Motion carried.

Eyewash Station

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the purchase of an emergency eyewash in an effort to continuously improve the Township work area in the amount of \$346.00. All members voted, "Aye." Motion carried.

SOLICITOR'S REPORT

Resolution 13-2005 Appointing a Solicitor

Gene Orlando announced that he has changed affiliations and is now a member of the law firm of Roland & Schlegel. The hourly rate charged the Township will remain the same (\$150.00 per hour).

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, approving Resolution 13-2005, which appoints Roland & Schlegel as Township Solicitor from March 1, 2005 to the 2006 Reorganization meeting. All members voted, "Aye." Motion carried.

Municipal Planning Code

Mr. Orlando stated that on November 30, 2005 the legislature amended the Municipal Planning Code in regards to review fees. Mr. Orlando distributed a letter reviewing the changes and asked Mr. Unger to make a recommendation next month to the Board on whether to adopt an amendment to the Subdivision and Land Development Ordinance now or to incorporate the changes when the ordinance is revised.

Summit Crest Expansion

Mr. Orlando presented the Joint Venture Agreement for the Village at Summit Crest. The agreement is effective for three years after which time the two properties must be legally combined, thus fixing the ownership issues. If this does not occur, the plan will be null and void. Mr. Orlando struck out the sentence in paragraph 11 that reference attached exhibits, since there were no exhibits, and the Board and Mr. Bradley initialed the change. The agreement must be recorded with the plan. Gloria Kemmerer asked who will monitor when the three years is over. Mr. Orlando will put a note in the docket of Roland & Schlegel.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant final plan approval to the Village at Summit Crest Expansion with the following conditions: A note being placed on the plan requiring the joint venture agreement be recorded with the land development, adjoining information being placed on the plan with the Deed Book reference, right of way functions being placed on the plan for Lee Spring Road, monuments and markers to be set per the ordinance, and all plan certifications are complete. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to enter into the joint venture agreement for the Village at Summit Crest Expansion Land Development Plan conditional upon the final plan approval conditions being met and the agreement and plan being recorded simultaneously. All members voted, "Aye." Motion carried.

EXECUTIVE SESSION to discuss personnel issues from 8:30 pm to 8:50 pm.

Pension Plan

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Solicitor to prepare a resolution to amend the required hours from 1000 to 1750 that an employee must work per year to become a member of the Maidencreek Township Non Uniform Pension. All members voted, "Aye." Motion carried.

Crossing Guard

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to hire Colleen Donohough as the Andrew Maier Crossing guard for the remainder of the 2004-2005 school year at a rate of \$12.00 per hour. All members voted, "Aye." Motion carried.

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A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Secretary to contact the School to find out why the Township hires the crossing guard. All members voted, "Aye." Motion carried.

TREASURER'S REPORT

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

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the Municipal Pension Fire Relief Program form. All members voted, "Aye." Motion carried.

PARK AND RECREATION

Park and Recreation Checking

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to close the Park and Recreation Checking Account. All members voted, "Aye." Motion carried.

Trash Cans for Community Park

Three quotes for twelve, 22 gallon trash cans with lids and posts to concrete them in the ground. The lowest quote was \$259.90 a piece. Mr. Kopfer suggested painting and chaining 55 gallon drums to posts. Mr. Timpe suggested getting one can, so that Keith Shuman can look at it and see if the Township can make the thing for less.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of one trash can, lid and post from Furniture Leisure. All members voted, "Aye." Motion carried.

Mulch

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the purchase of playground mulch as needed but not to exceed \$3,900.00. All members voted, "Aye." Motion carried.

Pool Party

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Park and Rec Board to rent the Fleetwood Pool on July 23, 2005 and August 27, 2005 from 7:30pm to 10:00 pm for a "Maidencreek Resident Pool Party" at a total cost of \$450.00 to be paid from the Community Event Account. All members voted, "Aye." Motion carried.

Purchase of Xmark Mower – tabled.

Steel Picnic Table

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the purchase of a steel picnic table from Miracle Equipment at a cost of \$760.00 for the Wyatt Drive Tot Lot. All members voted, "Aye." Motion carried.

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Little Tykes Play Equipment and Safety Surface Material

The Board tabled a decision on purchasing play equipment from Boyce Associates for a loop in the walking trail. The Board was concerned as to who would install the equipment and asked that the Park and Rec Board contact Boyce Associates to see if they have any companies that do installation. The Board was concerned about the safety surface tile: how well it would hold up to flood water, if children could rip pieces off and how it was installed. The Board of Supervisors asked that the Park and Rec Board ask the sales rep for references where the safety surface material is used and to look at this material and it's installation.

State Grant

Hether Quillman asked if the Board of Supervisors would apply for a grant for acquisition of land. The grant deadline is April 13, 2005. Ms. Quillman stated that more groups are coming to use the facilities that Maidencreek has. Mr. Timpe asked if the Park and Rec Board had budgeted anything for land acquisition. Ms. Quillman stated that they had not.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Secretary to apply for grants with the the condition that the Township does not have to commit to accepting the grant should it be awarded to them. All members voted, "Aye." Motion carried.

Little League of America

Hether Quillman asked if the Board of Supervisors would be required to sign a charter to form a Maidencreek branch of Little League of America if the Park and Rec Board or Recreation Committee wanted to start one. Mr. Timpe felt that the Township would not get involved and this should be done through a separate organization.

**EMERGENCY MANAGEMENT**

Roy Timpe stated that the contact cards need to be updated and asked that an Emergency Management Meeting be set up for late March.

**NEW BUSINESS**

Five Member Board of Supervisors

Roy Timpe stated that he did not personally think that a five member Board of Supervisors was needed because it was not clear that the two additional seats would be able to be filled. Mr. Orlando stated that if the public wants a five member board, they may present a petition with signatures from 5 percent of the population. Robert Kopfer suggested putting a survey in the next newsletter.

Filing System and Office

A quote in the amount of \$6,158.02 from Office Service Company for five medical style sliding file cabinets, a plan cart and office furniture for Keith Shuman was presented to the Board. The furniture is under State Contract. The Township will utilize existing space better by placing all files and plans in one room. The vacant offices may be used for the Zoning Officer or extra meeting space.

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the purchase of the filing system, plan cart and desk area as quoted by Office Service Company. All members voted, "Aye." Motion carried.

Master Plan

The Township is looking at planning for the future use of the Quarry Road facility. Watkins Architect was hired to develop a Master Plan. The Board looked at all four plans and felt that they liked Option D, which proposes a garage, recreation center and an addition to the Authority Building. Larry Kunkel commented that he was worried about storm water run off. Roy Timpe stated that the plans should be posted at the building for the residents to look at. Diane Hollenbach suggested that the Authority would like to build a new building and build it to the size that they believe they will need in the future. The Board felt that the Authority Building should remain on the same property as the Township Building. Mrs. Hollenbach reminded the Board that they need to make the long term planning decision on building placement because this effects where the Township would connect the existing building to the public sewer.

The Board agreed that the Secretary should contact the Authority to see where they wanted to place their building. The engineer should investigate the best way to connect all corners of the property to the public sewer.

2004 Vacation

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to allow Keith Shuman to carry over his two remaining vacation days from 2004 for use in 2005. All members voted, "Aye." Motion carried.

Since there was no further business, a motion was made by Robert Kopfer to adjourn the March 10, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:00 PM.

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Transcribing Secretary

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 Hobough, 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