

Maidencreek Township Board of Supervisor Meeting
May 11, 2006, 7:00 PM

Present: Roy Timpe, Robert Kopfer, Claude Beaver, Eugene Orlando, Jr. and Stephanie Dake – Roland & Schlegel, Tom Unger – Systems Design Engineering, Inc., Keith Shuman – Public Works Director, Diane Hollenbach – Recording Secretary

Guests: Penny Hummel, Terry Esbensshade, Stan Bauman, Kim Rosetti, Keith Kauffman, W.Hess, Gloria Kline, Tina Poole, Cindy Stump, Tina Stewart, Susan Meyers, Mary Dymeck, Chad Dymeck, Jason Valick

Roy Timpe called the May 11, 2006 meeting of the Maidencreek Township Board of Supervisors to order at 7:25 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

PUBLIC COMMENT

Esbensshade's Greenhouse – Terry Esbensshade explained to the Board that he had been trying to work out a solution with the Authority to be allowed to use a well to irrigate his plants. Mr. Esbensshade felt that the Authority is not interested in hearing what he has to say and will not allow him to use the well. Mr. Esbensshade presented samples of other Township ordinances that exempt agricultural operations from hooking into the public water supply and stated that the law gives agricultural operations rights. The Riparian water rights, the Right to Farm Act, and Acre all protect agriculture from nuisance suits and ordinances. Mr. Esbensshade stated that he had advised the State Attorney General of his situation in Maidencreek Township.

Gene Orlando asked the following questions:

When was the well drilled? – January 2006.

Who drilled it? Sensenig and Weaver.

When was the plan approved? March 9, 2006.

Is the well in use now? Yes, the site began using it 1-1/2 weeks ago for irrigation.

Why did the plan represent that the facility was using public water? It was an oversight on the plan. No contact was made by the Authority when Esbensshade's Greenhouse moved into the Township two years ago. At final plan approval for the green house expansion in 2006, the Authority reassessed the greenhouses' water usage and sent a bill for \$45,000.00 in additional tapping fees. After receiving this letter and contacting Pat Donovan at the Authority, Mr. Donovan discussed options for getting off the public water system. Mr. Esbensshade stated that he then contacted Ed Kopicki of SDE to ask what was required for a water resource study. Mr. Esbensshade understood the information he received to indicate that he must do a pump test and scheduled a contractor and geologist, drilled the well, did the tests and gave the report to Mr. Donovan.

Roy Timpe stated that the plan does not reflect the reality of what is on the site. Mr. Esbensshade stated that the store uses public water for facilities. Mr. Orlando stated that the plan omits a physical feature, the well and a note is incorrect. The plans are not in accordance with the Subdivision Ordinance and no other law gives anyone the right to ignore a township's subdivision and land development. Mr. Orlando stated that the Board may have to revoke its previous approval. The Board tabled action until the May 17, 2006 meeting and asked the secretary to advertise that the Esbensshade Greenhouse Plan would be on the agenda for discussion and possible action.

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POLICE REPORT

Officer Drazenovich reported that Northern Berks Regional Police spent 923.23 patrol hours in Maidencreek, covered 6762.45 miles and covered 345 assignments while issuing 63 citations for a total of \$2,149.96 in fines. The officer informed residents that there will be enforcement activity at the traffic light at Route 73 and Park Road and speed timing in the residential areas. The officer also advised residents to lock their cars at night. Mary Dymeck of Longleaf Drive, Blandon asked if the police could do anything about the tractor trailer trucks parking along Rt. 222 between Top Star and the Coliseum. the trucks are there at 7:45 a.m. and 2:30 to 3:30 in the afternoon.

Officer Drazenovich was dismissed to his duties.

PUBLIC COMMENT (continued)

Keith Kauffman, Blandon House Property – Keith Kauffman explained that he has purchased the Blandon House and would like to put an 891 square foot addition on the building, extending into the yard and parking lot. The total building with the addition will be about 3,100 square feet. He is able to provide 12 parking spaces and off street parking. The liquor license is in safe keeping. He can not afford the time and cost of land development and asked for a waiver of land development. He is adding about 1/3 of the overall size to the building. Tom Unger stated that his concerns would be parking, lighting, landscaping and storm water and that all of these issues would be covered in land development. Township regulations would require 45 parking spaces for a restaurant that size and off street parking would not be included. Non conforming properties may only be enlarged 25 percent or 575 square feet. Mr. Orlando stated that since the operation has been closed since January, Mr. Kauffman should be aware that a non conforming use that sits idle for one year or more can not be resumed. The Board would not waive the land development process.

Carl Weston, Maidencreek Township Auditor – Mr. Weston made the Board aware that the outside auditor had not completed the Township audit by the deadline and the Township should consider another auditing firm. Mr. Weston also asked if the Board would install a speaker and microphone because he was having trouble hearing the meeting.

Tina Poole, Lee Spring Road, Blandon stated that she could not attend next week's meeting and reminded the Board that the traffic from Summit Crest is an issue. Mrs. Poole also was told by a Summit Crest resident that the development's water system is bad and the residents have been advised to boil their water before use.

APPROVAL OF THE MINUTES

A motion was made by Robert Kopfer, seconded by Claude Beaver, to approve the April 13, 2006 meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist

Mr. Unger informed the Board all letters of credits and plans are current.

Plan Review

Village at Summit Crest Annexation Final Plan – tabled at developer's request.

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Village at Summit Crest 3 – tabled until Wednesday, May 17, 2006 meeting, which begins at 8:00 pm.

Projects

Act 537 Phase II – Tom Unger reported that he phoned Paul Curry at the PA DEP and that he has not reviewed the Township's Act 537, Phase 2 plan yet but DEP has been "holding the line" and requiring on lot management with townships providing assurance via turning in pumping slips of on lot systems to the PA DEP. Roy Timpe stated that he for one is willing to "go to the mat" on this and does **not** want to mandate that property owners must pump their on lot systems every three years and provide proof to the Township. No action will be taken until a written response is received from the PA DEP.

Community Park Pavilion Concrete

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the chairman to sign the contracts for Diversified Products to complete the concrete for the pavilion at a cost of \$42,350.00. All members voted, "Aye." Motion carried. The engineer was authorized to send the notice of award and notice to proceed.

Roof Bid – The bids for the roof replacement of the Township building and garage were opened.

Rainbow Roofing Inc.	\$38,000
Wolfe Roofing and Sheet Metal	\$55,200
Smith & Smith	\$42,700
Bachman's Roofing	\$45,364

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the bids for the roof replacement and authorized the engineer to review them. All members voted, "Aye." Motion carried.

Road Bids - The bids for the annual road work were opened.

EJB Paving and Materials	\$425,425
Reading Site Contractors	\$462,235
Schlouch Inc.	\$354,226.50

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the bids for the annual road work and authorized the engineer to review them. All members voted, "Aye." Motion carried.

Alan Davis Storm water Issue – Mr. Unger reported that he has looked at the drawings for the Park Road Lock and Store self storage units across the street from Mr. Davis' farm and is trying to get in touch with the owner to access the property to check if a 6 inch orifice plate was installed in the detention basin. It may be possible to create a detention basin adjacent to the Davis farm if the Township can acquire the property needed.

Subdivision Improvements Agreements and Letter of Credit Reductions

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of \$158,817.03. All members voted, "Aye." Motion carried.

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Route 222 – Tom Unger reported that a meeting was held on the sinkholes forming in the Coliseum detention basin due to the blocked Penn DOT drainage pipe. A representative from Dave Argall's office and Penn DOT attended as well as Keith Shuman and Mr. Unger. Penn DOT maintained that they have received no complaints and that the water backs up and runs to the next inlet and does not create any problems on the roadway. Penn DOT does not want to open the pipe until the Township has a place to get rid of the water. Mr. Unger asked the Township secretary to forward all complaints on to Penn DOT.

OPERATIONS REPORT

Summer Help - The Board asked Keith Shuman to bring the top 6 candidates' resumes to the June meeting. The Township will hire for four summer positions.

SOLICITOR'S REPORT

Hess Subdivision

A motion was made by Robert Kopfer, seconded by Claude Beaver to reapprove the Hess Subdivision Final Plan. All members voted, "Aye." Motion carried.

Improvements Agreements – Mr. Orlando distributed Improvements Agreements for Mid Atlantic Energy Concepts and Melrose Place. Melrose Place agreements can not be signed until the solicitor receives bylaws and articles of incorporation for the homeowners' association.

Esbenshade's Greenhouse – Gene Orlando stated that it is unlikely that the plan or agreements will be able to be signed as approved.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to return the Esbenshade's Greenhouse financial security without prejudice. All members voted, "Aye." Motion carried.

Draft Ordinances –

A motion was made by Claude Beaver, seconded by Roy Timpe, to authorize the solicitor and the secretary to set up a public hearing for June 8, 2006 beginning at 6:30 P.M. for the proposed ordinance which would allow the Township to join the Countywide Appeals Board. Roy Timpe and Claude Beaver voted, "Aye." Robert Kopfer voted, "Nay." Motion carried.

TREASURER'S REPORT

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the April 2006 Treasurer's Report and approve the April 2006 Prepaid Bill List. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the transfer of \$31,700 from the State Liquid Fuels Account to the State Liquid Fuels Equipment Fund. All members Voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the 2006 donations as follows: Blandon Fire Company \$35,000, Blandon Ambulance Assoc. \$35,000, Northern Berks ALS \$10,000, Berks Visiting Nurses \$2,500, Fleetwood Library \$6,600. All members voted, "Aye." Motion carried.

PARK & RECREATION

Lawn and Outfield Treatment – tabled

Mary Dymeck Resignation

Upon the recommendation of the Park and Recreation Board, a motion was made by Robert Kopfer, seconded by Claude Beaver, to accept Mary Dymeck's resignation from the Park and Recreation Board. All members voted, "Aye." Motion carried. The Board asked that a thank you letter be sent to Mrs. Dymeck.

Park and Recreation Board Appointment

Upon the recommendation of the Park and Recreation Board, a motion was made by Claude Beaver, seconded by Robert Kopfer, to appoint Kim Rosetti to the Park and Recreation Board to fulfill the unexpired term of Mary Dymeck, which ends 12/31/2008. All members voted, "Aye." Motion carried.

Picnic Tables

Upon the recommendation of the Park and Recreation Board, a motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the purchase of 6 six foot picnic tables and 2 eight foot ADA picnic tables from EPS at a cost of \$4,970.00 without shipping. All members voted, "Aye." Motion carried.

YMCA Summer Program

Upon the recommendation of the Park and Recreation Board, a motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Chairman to sign the YMCA summer program contract at a cost of \$5,887.00. All members voted, "Aye." Motion carried.

Ontelaunee Heights Fence

Upon the recommendation of the Park and Recreation Board, a motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the installation of 203 feet of six foot high 9 gauge vinyl coated green fence with privacy slats at the Ontelaunee Heights Ball Field. All members voted, "Aye." Motion carried. The Board noted that this was being done to solve an ongoing problem with a property owner, and they do not intend to fence or screen all the Municipal Recreation Areas.

Community Park Parking Lot – Tom Unger reported that upon studying the water runoff from the park with a macadam parking lot and a parking lot done with pavers, the macadam parking lot will increase storm water 1/10 of 1 percent of the total flow of the stream.

Upon the recommendation of the Park and Recreation Board, a motion was made by Claude Beaver, seconded by Roy Timpe, to authorize the engineer to prepare the bid for a paved parking lot in the Community Park. All members voted, "Aye." Motion carried.

Community Days Events

Upon the recommendation of the Park and Recreation Board, a motion was made by Claude Beaver, seconded by Robert Kopfer, to approve square dancing and storytelling for Community Days subject to receiving a certificate of liability from the entertainer, and approving holding an old fashioned jam without liability certificates. All members voted, "Aye." Motion carried.

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Blues Festival

Upon the recommendation of the Park and Recreation Board, a motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the use of the Community Park on July 4, 2006 for a Blues Festival and to activate the fire police to direct traffic. All members voted, "Aye." Motion carried.

Soccer Field Parking – Claude Beaver raised concerns regarding parking along the entrance to the park at the soccer fields. Diane Hollenbach stated that Park and Rec looked at this during their park walk. Installation of the parking lot should help. It was suggested to plant trees or install bollards along the driveway.

RESOLUTIONS

Resolution 15-2006

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve Resolution 15-2006 authorizing the removal of 4 street lights from Spirit Court. All members voted, "Aye." Motion carried.

Resolution 16-2006

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve Resolution 16-2006 authorizing the installation of 2 street lights on White Birch Lane. All members voted, "Aye." Motion carried.

Resolution 17-2006

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve Resolution 17-2006 authorizing the installation of 1 street light on South View Road. All members voted, "Aye." Motion carried.

NEW AND OLD BUSINESS

Codification – Tabled

Route 222 Task Force

A motion was made by Claude Beaver, seconded by Robert Kopfer, to appoint Keith Shuman as the Township representative to the Route 222 Task Force and Rita Agnetti as the alternate. All members voted, "Aye." Motion carried.

Claude Beaver asked that someone attend the preconstruction meeting Penn DOT is holding next week on repairs to Rt. 73 and Maidencreek Road.

Wind Project

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the engineer to gather data on wind in our area. All members voted, "Aye." Motion carried.

Zoning Hearing Board

Jason Valick, Chairman of the Zoning Hearing Board, explained to the Board that at the Larken Variance hearing, the Zoning Hearing Board added a condition to the variance that the traffic island must be moved back and they have 6 months to do this.

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Diane Hollenbach stated that the Zoning Hearing Board has asked for an increase in meeting pay. Their solicitor, Paul Herbein, has indicated that other zoning hearing boards receive \$75 per meeting. Maidencreek's Board receives \$30 per meeting. Gene Orlando stated that \$60 is probably the typical amount he has seen.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to increase the Zoning Hearing Board salary per meeting to \$50.00 effective immediately. All members voted, "Aye." Motion carried.

Personnel Manual

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize Keith Shuman and/or Diane Hollenbach to attend a seminar on creating and updating a personnel manual. All members voted, "Aye." Motion carried.

Since there was no further business, a motion was made by Robert Kopfer, to adjourn the May 11 2006 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:15 P.M.

Transcribing Secretary

Cc: Board of Supervisors
Eugene Orlando, Roland & Schlegel, 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