

Maidencreek Township Board of Supervisor  
May 12, 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: Kristopher and Vicki Kipp, Donna and Gary Fuerst, Jeff and Ruth Gallagher, Paul Martin, J. Schoellkopf, Bill Wiedemann, Randi Brandt, Larry Kunkel, Fay Isamoyer, Cindy Stump, John Wetzel, Rudy Folino, Louis Lauer, Susan Leibman, Veronica Virgo, Kathy Coughlin, Doug Kramer, Jeff Lipton, Pete Cortazzo, Pat McCammit, David Carroll- Reading Eagle

Roy Timpe called the regular meeting of the Maidencreek Township Board of Supervisors to order at 7:01 p.m. at the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge to the Flag.

**POLICE REPORT**

Officer Drazenovich presented the April 2005 Northern Berks Regional Police Report. There were 850.62 patrol hours in Maidencreek, covering 6525.43 miles with 229 assignments resulting in 152 citations for a total of \$3039.24 in fines.

Bill Wiedemann of 239 Spirit Court, asked what the device was on Spirit Court. Officer Drazenovich stated that the device counted cars and recorded speed and time of day for one week on Spirit Court. Officer Moll will download the information and determine the best time to do a speed detail on Spirit Court.

Vicki Kip and Randi Brandt of Faith Drive both expressed their gratitude to the Police Department for being more visible on Faith Drive to deter speeding.

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

**PUBLIC COMMENT**

**FLEETWOOD AREA BASEBALL ASSOCIATION(FABA)**

Pete Cortazzo representing FABA stated that he was in charge of the capital expenditure committee. Mr. Cortazzo felt that there was some adversity in the relationship between the Township and FABA. Gloria Kemmerer asked what problem the gentlemen were at the meeting to address. Pat McCammit stated that the benches that were purchased and given to Maidencreek Township for the Community Park were an issue, since FABA's field use has been severely limited. The organization has limited funds and if they aren't going to get the field use that they believed they were going to get, FABA needed the benches back to allocate them to other fields. Roy Timpe stated that the fields are funded through tax payer money and the Township should not show favoritism. Gloria Kemmerer stated that the park is not an extension of the Fleetwood athletic fields. Mr. Timpe stated that the other baseball organization started by a member or few members of Park and Rec did not carry the endorsement of the Township.

Diane Hollenbach stated that FABA has exclusive use of the Ontelaunee Hts. ball field but can not use it two days per week in order to give the neighbor relief. The Blandon Fire Company Ball Field is being shared by three different organizations with no problems. FABA has use of the field at the Community Park three weeknights and all day Saturday. Mrs.

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Hollenbach pointed out that FABA has rights to fields at Andrew Maier, Walnuttown, Fleetwood Park, Richmond Elementary and owns Smith Field and added she has tried to be as fair and accommodate as many groups as possible and would continue to assign the fields in the same way unless instructed differently. Roy Timpe stated that he has been toying with assigning the fields using a lottery where field requests are turned in and the request that is picked gets to use the field.

Gloria Kemmerer stated that the Board of Supervisors needs a policy governing donations, so that this does not happen in the future.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to return the benches donated to the Township by FABA to FABA. All members voted, "Aye." Motion carried.

Gloria Kemmerer asked what FABA intends to do about the concession shed, which is in bad repair, that they put in the Community Park. A letter had been sent asking FABA to either repair the shed or remove it. Pat McCammit asked if the Township is aware that the shed has been vandalized. Keith Shuman stated that the shed was delivered to the site in bad repair. Pat McCammit stated he would get back to Mr. Shuman and email the Board.

Pete Cortazzo stated that FABA had proposed building dugouts, equipping the concession stand, purchasing a tractor, installing batting cages, installing a Tball field and making annual contributions to the Community Park before their field use was limited. Mr. Cortazzo asked if the same rules apply to soccer as to them. Diane Hollenbach answered that soccer uses the grass area Wednesday, Thursday and Sunday afternoon. Mr. Cortazzo asked if they have to leave one field open. Mrs. Hollenbach responded that soccer has brought in 4 of their own nets and set two small fields up and that there is plenty of grass area left if anyone wants to play in the park.

Pat McCammit commented that the baseball fields have lots of rocks in them that need to be removed and baseball has marked them with paint.

## **ANNOUNCEMENTS**

Roy Timpe announced that a public hearing was conducted on May 10, 2005 during which an executive session was held and the Supervisors appointed Terry Parrish as attorney for the Township at the hearing.

Gene Orlando of Roland Schlegel stated that the Township initiated proceedings to consider a permit and if it needed to be revoked. After initial investigation, the permit was not properly issued but the Gallaghers were not at fault. The Gallaghers proposed resolution of the situation by agreeing to the revocation of the permit with the Township repaying all fees that the Gallaghers already spent. An agreement was written up to resolve the matter permanently which reimburses \$1,975.25 to the Gallaghers.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to adopt the agreement to revoke the Gallagher garage permit and reimburse the Gallagher's for expenses incurred in the amount of \$1975.25 with the understanding that this agreement permanently resolves the matter. All members voted, "Aye." Motion carried.

## **MINUTES**

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A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the April 14, 2005 special meeting minutes as presented. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to adopt the April 14, 2005 meeting minutes with a correction to page 6 adding the words "Township Municipal Building" to the heading **Public Water and Sewer**. All members voted, "Aye." Motion carried.

**BID OPENING**

Roy Timpe opened 6 sealed bids for various Township Equipment. Only 5 of 9 lots received bids.

	Lot 1	Lot 2	Lot 5	Lot 6	Lot 9
	assorted balls	Tool Box and tools	Roller	wooden desk	four file cabinets
Bid 1	\$4	\$11	\$26		
Sunrise Exteriors					
Bid 2			\$125		
Robert Shuman					
Bid 3			\$500		
Fleetwood Area School District					
Bid 4				\$316	
Krista Timpe					
Bid 5			\$350		
Dean Shuman					
Bid 6					\$125 a piece
Systems Design Engineering Inc.					

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to award Lots 1, 2, 5, 6, and 9 to the highest bidders. Robert Kopfer and Gloria Kemmerer voted, "Aye." Roy Timpe abstained. Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the secretary to contact non profit organizations to see if they would like the items that were not bid on as a donation. All members voted, "Aye." Motion carried.

**ENGINEER REPORT**

**FAITH DRIVE STORMWATER**

Tom Unger explained that the recorded Maidencreek Estates, Phase IV plan shows the limit of the wetlands and the limit of the area that can be filled. The floodway is still 50 feet away from the top of the stream bank. The problem is that the wetlands were delineated in 1988

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and this may not be accurate. The floodplain can be filled within the limits of the Township's ordinances. Wetlands can not be disturbed.

Various residents approached the table to view the plan and discuss the situation. Among them were Louis Lauer, Kris and Vicki Kipp, Randi Brandt, Susan Leibman, Veronica Virgo, Kathy Coughlin, Gary and Donna Fuerst. The residents stated that they understood that the current board did not create their situation, but they needed help. The residents felt that the meadow was being used as a storm sewer for Meadowbrook. The residents had pictures showing flooding and stream bank erosion. Groundwater is coming up in basements. Residents asked the Supervisors for help.

Tom Unger stated that the groundwater was at a 7 year high and fixing the stream bank erosion would not help the groundwater seeping into their basements. The stream bank rehabilitation could be done under a general permit and would contain small storms. Gloria Kemmerer stated that the Willow Creek is fed by many tributaries and that the new stormwater ordinance enforcing Act 167 that all the municipalities must adopt should make the situation better. One resident stated that she has 4 sump pumps running for up to one week after a rain fall. For her the stream is not the issue, but groundwater is. Another resident stated that the stream is no longer meandering but running rougher and higher. Tom Unger showed the group an aerial picture of the stream in 1993. Tom Unger explained that the first floor elevations of the homes along the stream were not in the floodplain but the basements were and will flood.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the engineer at his discretion to meet with residents to permit fill for properties bordering wetlands. All members voted, "Aye." Motion carried. Various residents gave their names and addresses to the secretary for the engineer.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the engineer to obtain estimates on stream bank remediation. All members voted, "Aye." Motion carried. The Board agreed that the secretary should look for grants to pay for the work.

## SUBDIVISIONS

### Melrose Place

Tom Unger stated that the preliminary plan has been revised and the Planning Commission recommended approval, since the plan was superior and benefitted the applicant and the Township. There are some minor issues to clear up but there is a lot of over retention. Bob Kopfer indicated that he has seen 50 foot wide paths flattened by flood water in that field when he farmed it.

John Wetzel of McCarthy Engineering stated that the commercial lots were planned and the maximum impervious coverage planned for. Penn DOT has plans for review. The Township's previous comments have been addressed and the plans have been revised for the Authority.

A motion was made by Gloria Kemmerer, seconded by Roy Timpe, to grant preliminary plan approval based on the Planning Commission recommendation and conditional upon the items in the Systems Design Engineering Review Letter dated March 23, 2005. Roy Timpe and Gloria Kemmerer voted, "Aye." Robert Kopfer voted, "Nay." Motion carried.

Zwicky Land Development Plan

Diane Hollenbach explained that she had received a phone call from Tom McKeon from Berks County Community Development. Mr. McKeon stated that the County Commissioners were concerned about the alternate fuel that will be made at W.D. Zwicky for Corrstack in Reading. Mr. McKeon asserted that this will put 100 more trucks per day on the roads into Maidencreek Township. Since, the Township does not have a traffic impact ordinance, there is no regulation that would affect the W.D. Zwicky plan. Gene Orlando stated that impact fee ordinances are expensive to adopt and better serve communities that are not as extensively developed as Maidencreek Township because the amount that will be received will be relatively small as compared to the cost of creating the ordinance. Mr. Orlando stated that he was under the impression from the testimony at the United Corrstack's Zoning Hearing in the City of Reading, where he was counsel for United Corrstacks, that Zwicky would be using wood or wood chips in the process. Diane Hollenbach stated that the description of uses submitted to the Township with the plans included making alternate fuels with materials that include plastic and textiles.

Roy Timpe stated that since the state mandated recycling for the community generated recyclable materials, it was advantageous to have someplace to use the material. Gloria Kemmerer asked if this would be considered similar to Berks Transfer. Tom Unger stated that it is not like Berks Transfer. Cindy Stump stated that the hump at the intersection of Pleasant Hill Road and Maidencreek Road was dangerous, trucks flew over it and asked what part of the roads Zwicky was changing in his plan. Tom Unger answered that Mr. Zwicky is relocating his driveway on Buena Vista Road. The Board asked that more information be brought to the June meeting from DEP, and Penn DOT.

Troxel Hill

Jeff Lipton, developer of the Troxel Hill Subdivision stated that the twenty foot wide strip for the driveway easement on lot 3 was delineated on the plan. Mr. Orlando stated that the easement agreement must be recorded with the plan.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant preliminary plan approval to the Troxel Hill Subdivision and Land Development Plan conditional upon a note being placed on Lot 3 stating that no further subdivision of Lot 3 will be allowed, add the title "Site Analysis" to the plan, addition of monuments, DEP Planning Module Exemption, completion of the source of the title on the plan, adding the word "proposed" to the storm water easement along the front of the lots, adding a signature block for the annexation recipient, adding an easement for the driveway on Lot 3, adding a note to the plan that the annexation recipient shall record a combined deed at time of plan recording, and the developer shall pay \$750.00 fee in lieu of open space per lot. All members voted, "Aye." Motion carried.

St. Matthews Greek Orthodox Church – tabled

PROJECTS  
Act 537 Plan

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PA DEP has sent a letter stating that they require a 60 day time extension to review the Township's second phase of the Act 537 Plan, which is a required study of the areas of the Township not served by public water and sewer.

Road Bids

Tom Unger recommended that the Board award the following items in the 2005 road bid to EJB Paving in the amount of \$217,574.28:

3. West Shore Drive from Township line to Township line
4. Blandon Avenue from Park Road to joint past Midway Avenue
8. Genesis Drive from Faith Drive to joint 150 feet from intersection with Rt. 222
9. Genesis Drive from Hope Drive to Faith Drive
10. Faith Drive from Schaeffer Road to Genesis Drive
12. Cornerstone Drive from Schaeffer to Spirit Ct.
13. Via Dolorosa from Cornerstone to before Titus at mailbox 103
14. Callery Drive from Sycamore Lane to Acer Drive
18. East Wesner Road (recycling alternative) from Hoch Road to just before Guldin

Road

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to award the 2005 Road Bid in the amount of \$217,574.28 to EJB Paving. All members voted, "Aye."

Dumpsters

Tom Unger stated that the Township has an ordinance in place, Ordinance 162 that will cover Mr. Kunkel's previous complaints in regards to open dumpsters. Section 1, Item a, requires that garbage must be placed in a tightly covered container. The Property Maintenance Code also addresses containers and lids. Violation of Ordinance 162 would be enforced under Township Ordinance 153 Civil/Criminal Enforcement.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, authorizing the secretary send a letter to Top Star and 73 Storage stating that several complaints have been received regarding open dumpsters and trash blowing around the neighborhood. If this is true, this is a violation of Township Ordinance 162 and the landowner is on notice that future complaints will be prosecuted. All members voted, "Aye." Motion carried.

Larry Kunkel asked that the Chief of Northern Berks Regional Police receive a copy of the ordinance and the letters.

Buy Rite Liquidators

Tom Unger stated that Buy Rite Liquidators on Park Road would like to do a few projects like add a new entry, expand their retail space, renovate, add parking, change and/or relocate the detention pond. The building does not currently have sprinklers and sprinklers are required in the new code. The Supervisors agreed with the engineers recommendation that to do these improvements, land development would be required.

Subdivision Improvements Agreements and Letter of Credit Reductions

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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 \$251,788.80. All members voted, "Aye." Motion carried.

Letter from Ruscombmanor Regarding Trailers Sewage System

Carl Wolfe is contacting Dan Levensgood regarding the content of the letter on his findings on the trailers bordering Maidencreek Township and if their sewage system is being discharged incorrectly.

**OPERATION'S REPORT**

Summer Help

Keith Shuman asked what the Board would like to do for summer help this year.

A motion was made by Robert Kopfer, seconded Gloria Kemmerer, to authorize Keith Shuman to offer summer help positions to two previous summer employees and to advertise for three additional summer help positions. All members voted, "Aye." Motion carried.

**SOLICITOR'S REPORT**

Gene Orlando stated that he would like a copy of the Larken Variance decision and added that the Township is always a party to the proceedings and has the right to appeal any decision. Mr. Orlando also asked that he be given notice of Zoning Hearing dates and times.

**TREASURER'S REPORT**

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

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to remove all funds from the First National Bank in Fleetwood due to a letter stating that the bank will no longer be checking that checks are signed by two authorized signers and to move the funds to Leesport Bank. All members voted, "Aye." Motion carried.

Gloria Kemmerer questioned the outstanding fees owed by variance applicants. Diane Hollenbach asked the solicitor if legal fees and engineering fees were to be charged to the applicants. Mr. Orlando stated that they were not.

**PARK AND RECREATION**

YMCA Summer Playground

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the YMCA Summer Playground contract provided that the cost of the program to the Township did not rise more than 10 percent. All members voted, "Aye." Motion carried.

Mrs. Kemmerer commented that she had attended a breakfast recently sponsored by the YMCA and a group of students involved in serving the community and promoting tobacco free life styles. Mrs. Kemmerer was impressed with the kids, their parents and the YMCA. Mrs. Kemmerer stated that the question had been broached to her at the breakfast if there was anyway to get Richmond Township involved in supporting these programs.

**EMERGENCY MANAGEMENT**

The Supervisors agreed to set up an Emergency Management meeting for June 29, 2005 at 7:00 pm and authorized the secretary to advertise the meeting.

**NEW BUSINESS**

David Small Special Exception

A motion was made by Gloria Kemmerer, seconded Robert Kopfer, to recommend to the Zoning Hearing that they render the same decision they had previously for this property. All members voted, "Aye." Motion carried.

**OLD BUSINESS**

Maidencreek Township Newsletter Content – tabled

Request for "No Brake Retarders" Sign on Route 222

After reading the minutes, the Chief of Police informed the Secretary that brake retarders are safety devices on fully loaded tractor trailer trucks and therefore, signs not allowing their use would not be enforceable.

Township Audit – The secretary informed the Board that the Township audit would be done soon, but a member of the auditing firm's staff had lost their 11 year old son to cancer and the firm is backlogged at the moment.

An executive session was called to discuss personnel issues 10:03 pm to 10:25 pm.

Street Light on Route 222 and Route 73

Larry Kunkel reported that the street light in front of Top Star is on again but the other side of Route 222 on Route 73 is very dark.

Since there was no further business, a motion was made by Robert Kopfer to adjourn the May 12, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:25 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

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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