

Maidencreek Township Board of Supervisor Meeting  
November 9, 2006 7:00 PM

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

Guests: Robert Stone, Tony Falotico, Harold Burgert, Jim Schoellkopf, Davin Snyder, Bill Moore, Lynn Eckert, Mary Dymeck, Chris Kline, Cody Moyer, Cindy Stump, Ron Kemmerer, Gloria Kemmerer, Tina Poole, Gloria Kline, Richard Wick, Rebecca Vandermeulen, Dick Thren, Mark Daniels, Kathy Daniels, David Tranquillo, Paul Martin, Stanley Deeds, Barbara Delcamp, Warren Delcamp, John Walters, Tina Stewart, Daniel Miller, Terry Manmiller, Angelo Corrado, Lon Seitz, Bridget Bossler, Fay Isamoyer, Robert Clouser, Mike Delong, Irwin Clouser, Krista Timpe, Charlie Rothermel, Brenda Rothermel, Tony DeAngelis, Randi Brandt, Vicki Kipp, Kristopher Kipp, Kim Rossetti, Rick Kline

Roy Timpe called the November 9, 2006 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 to the Flag.

**PUBLIC COMMENT**

**Can Corporation** – Terry Manmiller and Tony Falotico of Can Corporation approached the Supervisors regarding an installation of a traffic signal at the intersection of Park Road and Excelsior Drive. Mr. Robert Stone of Traffic Planning and Design informed the Supervisors that his company had conducted a preliminary traffic study for a period of 12 hours to see if a traffic signal would be warranted. The preliminary study showed that the traffic volume is met, but that additional studies need to be done. Mr. Stone informed the Supervisors that before Penn Dot will proceed with a review and issue a traffic signal permit they require that they have a signed application from the Township.

Diane Hollenbach informed the Supervisors that she had contacted Penn Dot regarding the permit application. Penn Dot informed her that they will review the traffic study without an application. Penn Dot also advised that the Township review the traffic study and Penn DOT's comments before the Township signs the traffic signal permit application.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to forward Traffic Planning and Design's preliminary study for a traffic signal at Park Road and Excelsior Drive to the Planning Commission. All members voted "Aye". Motion carried. The Board asked that Traffic Planning and Design send the preliminary study to Penn DOT for their review.

**David Tranquillo**, representing the homeowners of Buena Vista Road, brought to the Board's attention that a second dusting from Lehigh Cement occurred on November 4, 2006. He and his neighbors, who were in attendance, had their properties covered in a layer of ash on both September 24, 2006 (3/4") and November 4, 2006 (1/8"). Mr. Tranquillo asked the question again that had been asked by Mr. Delcamp at the October Meeting, as to why the Cement Mill is not being monitored for air quality? Mr. Tranquillo asked the Board to require the Cement Mill to test the soil at his home and his neighbors. All the homes have wells. Mr. Tranquillo asked that the "dust" be referred to as "dust containing toxic elements" in the minutes. A meeting was

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held between the Cement Mill and the homeowners regarding the most recent dust emission. Mr. Tranquillo sent a letter to the following: Congressman Holden, State Representative Mr. Argall and to Senator Rhodes regarding the situation with Lehigh Cement. The Senator's and State Representative's office did send a representative to Mr. Tranquillo's home.

Mr. Tranquillo wanted to know why the minutes of last month's meeting weren't in the Reading Eagle. Mr. Timpe told Mr. Tranquillo that the Supervisors can not control what is in the Reading Eagle that they do not have editorial privileges. Mr. Timpe told Mr. Tranquillo that to date this Board is using the Zoning Ordinances to cite Lehigh Cement for the dust emission and have sent a letter to Federal EPA and apart from these things we have already done; what action do you want from Maidencreek Township that we can do? Mr. Tranquillo's asked if they are entitled to receive a copy of the letter sent to EPA, and to Lehigh Cement. Mr. Orlando did not see a problem that they receive a copy of the letter sent to Lehigh Cement and their response. However, the letter sent to the EPA, the Solicitor would like to review to see if it can be sent out to the public. Mr. Tranquillo than responded with if they can not receive a copy of the letter he would like to know why.

Mr. Tranquillo said that he and Mr. Delcamp have called DEP and Southeast Region DEP, neither organization has responded and if DEP is not doing their job he wanted them abolished. Mr. Timpe told Mr. Tranquillo that the Township does not have the authority to abolish DEP. Mr. Tranquillo asked the Township to stay on top of DEP.

**John Walters** of Buena Vista Drive asked the Supervisors if they have been notified of the spillage on November 4, 2006 by Lehigh Cement. Mr. Timpe said that it was reported to Maidencreek Township via email. Mr. Walters was also concerned about the traffic that is coming out from the Lehigh Cement around 3:00 pm. Mr. Timpe said that they will ask the police for additional enforcement during the time when the employees let out. The police officer attending the meeting said that they did run a speed blitz on Wednesday November 1, 2006 on Maidencreek Road. Mr. Walters asked for the police to conduct a speed blitz on Evansville Road, The police officer said that he will bring this issue up to the Police Chief.

**Mark Daniels** – property at the corner of Faith Drive and Schaffer Road, stated that he was concerned with the traffic on Schaeffer Road. Mr. Timpe said that the Police Officer is aware of the issue. Mr. Daniels added that a lot of water runoff from the farmer's field behind him is going in his basement. The the low point of the farmer's field is their back yard. Mr. Daniels said that it has been okay with the crops up but is not sure what will happen now that the crops are removed. Mr. Kopfer said that with the crops cut down and shredded it should hold the water. Mr. Daniels said that he spoke with the Township Engineer after the June storm. He was told that the Township has no authority over the water run off from the farmer's field. Mr. Daniels found this very hard to believe. There has to be some responsibility for the water run off. Mr. Timpe said that this is not a Township issue, but most likely a Court of Commons Pleas issue.

**Randi Brandt** – 301 Faith Drive. Mrs. Brandt wanted to know why white lines were marked on her property and 2 little flags mark water line and sewer line on her property. Mrs. Hollenbach said that it was from a Pa One Call, possibly by Comcast, who is going to be replacing all the

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underground wires in all of the Developments that are more than 5 years old. The Township has not received a permit application yet.

**Mary Dymeck** – 196 Long Leaf Drive. Mrs. Dymeck said that last December she approached the Board about checking into getting the speed limit reduced on 222 north of the Tamarack and Genesis intersection. Penn Dot responded to a letter sent to them, it stated that they would do a traffic study and the Township would maintain the signs and they would possibly reduce the speed limit. Mrs. Dymeck brought this up again at the October meeting, and Mr. Beaver asked if anyone was interested. Mr. Kopfer stated he was not interested, Mr. Timpe made no comment and the item was table. Mrs. Dymeck is curious as to why last year when this came up Mr. Kopfer seconded the motion to send the letter to Penn Dot and this year he is not interested.

Mrs. Dymeck asked the following questions:

- 1.) Mr. Kopfer and Mr. Timpe how often do you access Route 222 at the Tamarack and Genesis intersection? Mr. Kopfer said he does not access that intersection, but he does access the one at Pleasant Hill Road which is twice as bad as this one. Mr. Timpe said he does access that intersection sometimes but not often because he knows the people on Faith Drive do not like cut through traffic. However, the light is timed with the one on Route 73 such that it will turn red. Mrs. Dymeck stated that whether the light is there or not, turning doesn't always make an issue the same as up at Pleasant Hill Road. That is why she is asking to have the speed limit reduced further up on 222. Mrs. Hollenbach said that Penn Dot needs the Township to respond if there is a possibility they could drop the speed limit to 35 instead of 45 on 222. A traffic study would need to be done by Penn Dot and we would have to live with the out come.
- 2.) Mr. Kopfer, why you are not interested this year when you seconded the motion last year? Mr. Kopfer said the he thought it was 55 and reduced to 45.
- 3.) Mr. Timpe, why do you have no comment? And why would you not second a motion that to me is for safety of the residents of Maidencreek who travel that highway and the businesses that are located at the intersection when tractor trailers come flying through there at 55 with no intention of slowing down to 45 unless something backs them up farther?
- 4.) Mr. Beaver, I want to thank you for bringing up the possibility of sending a letter to the police to find out how they think this would affect that area. Mr. Beaver said the letter had been sent out, but no response was received yet.

**Tina Pool** – Wanted the status on Summit Crest Development. Mr. Unger said that it is still in the review process.

**Bob Clouser** – Mr. Clouser stated that on Election Day he was handed literature stating that if he voted for a 5 member Board versus the current 3, his taxes would go up \$300 - \$400 per year. He wanted to know if the Supervisors were aware of this. He also wanted to know if that was right, would the taxes increase that much. Mr. Timpe said that if you average the 10 townships that have 5 member boards, their average mileage rate is 1.99, this is based on 2005 information obtained from the Reading Eagle website. The average for the townships with a 3 member board obtained from the same information would be 1.09 mills. If you look at the 5 member board and if Maidencreek went into the 5 member column there would be 3 townships with less tax than Maidencreek and 7 with more. The township that we are frequently compared to by the people pushing for the 5 member board is Muhlenberg, which is currently at 3.55 mils. Mr. Timpe said that this shows that there is a possibility for the taxes to increase by going to a 5 member board.

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Mr. Clouser felt like his vote was swayed by the person handing out the information at the voting booths.

**POLICE REPORT**

Officer Drazenovich reported that Northern Berks Regional Police responded to 346 assignments in Maidencreek Township in the month of October. This resulted in 75 citations. Officer Drazenovich said that he will inform the Chief of the streets of concern. They were out on Wednesday, November 1, 2006 doing speed blitzes on various roads. Officer Drazenovich asked if there are any other concerns. Several residents stated that there is a traffic problem at corner of Lee Spring and Hill Road and also on Hill Road itself.

**APPROVAL OF THE MINUTES**

A motion was made by Robert Kopfer, seconded by Claude Beaver, to approve the October 12, 2006 regular meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the October 26, 2006 budget meeting minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye". Motion carried.

**ENGINEER'S REPORT**

**Subdivision Status Checklist**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant a 90 day time extension for the Village of Summit Crest Phase III. All members voted, "Aye." Motion carried.

The following transpired under "Question on the motion"

Several residents are concerned regarding the water line hookup that is proposed for the Village of Summit Crest, Phases 1 and 2 and asked why was this not done when sewer was run to the old section of Summit Crest? The Ordinance states that if you are within 150 feet of a water line currently you're mandated to hookup. Mr. Martin was the owner of the project at the beginning. He was not within a 150 feet of a water line. It is landowner's prerogative to hookup to the public water. Mr. Timpe said that this Board was proactive in getting them hooked up to the sewer line.

**Projects**

**Maidencreek Crossings**— Tom Unger is requesting a planning module exemption from the PA DEP. The Authority has given the Township a letter stating that they have capacity for both water and sewer.

A motion was made by Claude Beaver, seconded by Roy Timpe, to sign the planning module exemption form for Maidencreek Crossings for DEP requesting that the sewer allocation be granted. Mr. Timpe and Mr. Beaver voted, "Aye." Mr. Kopfer voted, "Nay." Motion carried.

Hill Road improvements – Mr. Lon Seitz of Corrado Homes presented to the Supervisors the preliminary plans for approval based upon a letter dated October 5, 2006 by SDE. The plan calls for widening Hill Road by about three feet. The road will be posted no parking and all the homes that access this road directly will have turn around areas paved in their front yards. Mr.

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Unger informed the Supervisors that this plan will require the use of sewage grinder pumps on a few of the homes, because they sit too low. Mr. Beaver asked if the potential homeowner will be made aware that they will be responsible for the grinder pump and not the Authority. Diane Hollenbach stated that the homeowner will have to sign a Sewer Service agreement with the Authority and this information will be on there. There will be a shutoff on the grinder pump. Mr. Kopfer is concerned about the storm water run off and did not feel that the detention basin was big enough. Tom Unger stated that the basin is 10 to 15 percent larger than the Township's ordinance requires. Mr. Harold Burgert informed the Supervisors that he had farmed that field for approximately 30 years. And 85 % of that field along the top, the water just comes out of the ground at least 80 to 100 feet into the field and it comes out at far more different places in that field. Mr. Burgert suggested that those 7-8 acres not have any basements in the houses.

A motion was made by Claude Beaver, seconded by Roy Timpe to grant Preliminary Plan approval to the Maidencreek Crossings Subdivision and Land Development Plan conditional upon: reserving the right to require the installation of traffic calming devices if the township engineer determines that they are necessary, the developer posting additional financial security in the amount of \$50,000 or 10% of the improvements cost estimate, whichever is greater, as part of the Improvement Agreement and cost estimate to address any seeps and springs and unanticipated contingencies that are encountered during the construction phase of the improvements subject to release at the conclusion of construction and inspection of the Township Engineer, and completion of items outlined in the October 5, 2006 Systems Design Engineering review letter. Mr. Timpe and Mr. Beaver voted, "Aye." Mr. Kopfer voted, "Nay." Motion carried.

**Park and Recreation-** The contracts have been signed for the paving of the parking areas in the Community Park. A preconstruction meeting was held this morning with BJB. Paving should begin next week, weather permitting.

**Municipal Roof** – The EPM Membrane Roof Warranty original has been sign and given to the Township.

A motion made by Claude Beaver, seconded by Robert Kopfer to pay Rainbow Roofing for the completion of the roof in the amount of \$38,000.00. All members voted "Aye." Motion carried.

**222 drainage** - Mr. Beaver asked Mr. Unger if anything had been done at this time. Mr. Unger stated no.

**Subdivision Improvements Agreements and Letter of Credit Reductions**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to return the \$5,000 Melrose Place escrow to Folino Construction, which was replaced with a line of credit. All members voted, "Aye". Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to return the Letter of Credit to O'Neil Financial for the Creekside Manor Subdivision improvements now that the 18 month maintenance period has expired. All members voted, "Aye." Motion carried.

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A motion was made by Claude Beaver, seconded by Robert Kopfer, to return the improvements escrow to Metropolitan Management for the Park Place Apartment Land Development Plan now that the 18 month maintenance period has expired. All members voted, "Aye." Motion carried.

TREASURER'S REPORT

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

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve payment for reimbursement of work related mileage in the amount of \$13.80 to Keith Shuman. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the transfer of \$163,400 Operating Reserve Fund to a certificate of deposit or Treasury Bill, whichever has the highest interest rate. All members voted, "Aye". Motion carried.

SOLICITOR'S REPORT

**Mandatory Water Connection Ordinance Revisions** – Mr. Orlando stated that SDE is going to assist the solicitor's office in drafting the Mandatory Water Connection Revisions.

**Traffic Ordinance** – The solicitor said they are very close to revising the traffic ordinance.

**Comcast Franchise Letter** – Mr. Orlando stated that a letter responding to the one received from Comcast franchise had been sent. To date there has not been a response. The solicitor's office will sent a copy of the letter to the Diane Hollenbach.

**Noise Ordinance** – Mr. Orlando stated after reviewing the ordinance, he was unclear as to why there were exemptions in the ordinances and asked if anyone knew the history. Diane Hollenbach stated that there were some preexisting uses. Mr. Timpe said that there were some industries whose noise levels that were exceeded those limits. The exemption was by zoning district. The solicitor asked the Supervisors if they would consider revisions to the ordinance as a result of recent activities.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Solicitor to look at options for revisions that may be made to the noise ordinance for the next Township meeting. All members voted, "Aye". Motion carried.

**Lehigh Cement** - Mr. Orlando advised Diane Hollenbach to forward a copy of the letters sent to Lehigh Cement and EPA onto Mr. Tranquillo. Also, to send a copy of the letter received from Lehigh Cement dated October 25, 2006. Mr. Beaver stated that he would like a quicker response from Lehigh Cement when reporting "incidents".

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A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the release of the Lehigh Cement email dated November 9, 2006 to the Township to Mr. Tranquillo. All members voted, "Aye". Motion carried.

**Sludge Ordinance** – Mr. Orlando said that they are still reviewing other sludge ordinance's legal cases. Mr. Orlando indicated that his office will have a specific recommendation for the December 14, meeting.

**BUSINESS**

**Recycling Newsletter**

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the cost of printing the Recycling Newsletter using Heffner Printing at a cost of \$1,195.40. All members voted, "Aye." Motion carried.

**Public Access Computer** – Mr. Timpe asked Mr. Orlando if it is possible to have a public access computer placed in the lobby of the Township building. Mr. Orlando stated that a resolution would need to pass setting specific parameters. Mr. Orlando suggested that for the December meeting several options and ideas be brought in for discussion.

**Budget Proposal –**

The Fire Department was present requesting a donation from the Township to help defer costs for equipment. After a lengthy discussion regarding a fire tax versus a donation from the general fund, it was determined to go with a donation to the fire department from the general fund. The amount will be determined at the December meeting.

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Secretary to advertise the 2007 Budget with the following change: a 1/16 mil decrease in Recreation and 1/16 mil increase in General Fund to be adopted at the December 14, 2006 meeting. All members voted, "Aye." Motion carried.

**Executive Session was held from 9:50 p.m. to 10:45 to discuss litigation and personal issues.**

**Lehigh Cement**

A motion authorizing the Solicitor to ask Lehigh Cement what test data they have regarding emission from their facility was made by Claude Beaver, second by Robert Kopfer. All members voted, "Aye". Motion carried.

**Supervisor Compensation-** Mr. Orlando discovered that the increase in Supervisor compensation made 2003 from \$100 to \$150 was done with a motion. It should have been done with an ordinance.

A motion made by Mr. Timpe, seconded by Robert Kopfer, to have all Supervisors who received the \$150 monthly pay, reimburse the Township the extra \$50 per month as soon as possible. All members voted, "Aye". Motion carried.

**Elected Auditors Letter –**

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Solicitor to review and respond to the letter sent by the Elected Auditors. All members voted, "Aye". Motion carried.

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**Bridge Inspections** – Diane Hollenbach informed the Supervisors that the Township received a questioner asking what we want to do regarding bridge inspection. Mr. Unger recommended the Township use STV for the inspections.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to have the State perform the Bridge Inspections. All members voted, “Aye”. Motion carried.

**222 North Kick Off Reception at Kutztown University** – This is an invitation only event. Each Supervisor will respond individually.

**Holiday Luncheon** – SDE offered to participate in the cost of the luncheon. Mr. Timpe asked if this would be an issue of State Ethics. Mr. Orlando said he will have to look into the matter; however he believes it is not an issue.

**West Walnut Tree Drive Abandoned Home** – Stanley Deeds, W Walnut Tree Drive, informed the Supervisors that the original owner has been entering the condemned home. The Supervisors advised Mr. Deeds to contact the police if there is any activity at the property and to then contact the Township office.

Since there was no further business, a motion was made by Robert Kopfer to adjourn the November 9, 2006 meeting of the Maidencreek Township Board of Supervisors. All members voted, “Aye.” Motion carried. Meeting adjourned at 11:00 P.M.

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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 Hobough, Jr. Esq., Stevens & Lee, Authority Solicitor  
Greg Unger, Systems Design Engineering, Inc., Authority Engineer  
Barbara Hassler, Tax Collector  
Daniel Miller, Blandon Fire Company Chief  
Chief Scott W. Eaken, Northern Berks Regional Police