

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

JULY 10, 2003

7:00 PM

PRESENT: Roy Timpe - Supervisor, Gloria Kemmerer - Supervisor, Robert Kopfer – Supervisor, Eugene Orlando – Township Solicitor, Thomas Unger – Township Engineer, Terry Manmiller – Operations Director, Ruth Manmiller – Recording Secretary

GUESTS: James Schoellkopf, Jr., David Zwicky, Daniel Miller- Blandon Fire Chief, Cindy Stump, Diane Hollenbach, Margaret Schear, Judith Oxenreider, Denise Stubitz, Gladys Schearer, Harold Burgert.

Roy Timpe called the July 2003 Board of Supervisors meeting to order at 7:00 PM.

ANNOUNCEMENTS

EXECUTIVE SESSION

Roy Timpe announced that an executive session was conducted July 1, 2003, to authorize the Chairman to sign the injunction document for the Martin Retirement Village owned by Raymond Martin.

AGRICULTURE SECURITY LAND PRESERVATION

Roy Timpe announced that the Maiden creek Township Agriculture Security Area will open for the purpose of accepting new applications between August 1, 2003 and August 31, 2003. Property owners that are interested in joining the Agriculture Security Area for Land Preservations should contact the Township Secretary.

TIRE DROP OFF

Roy Timpe announced that August 2, 2003 has been designated as TIRE DROP OFF DAY. Tires may be dropped off at the Municipal Building August 2, 2003 between 8:00 AM and 12 Noon.

PUBLIC COMMENT

Judith Oxenrieder, 7 Grove Road, Blandon, PA presented the Board with a petition signed by residents that live along Grove Road and Wyatt Drive asking the Board to reconsider designating no parking on Grove Road and designating Grove Road and Wyatt Drive as snow emergency routes.

The Board advised Judith Oxenreider that they have not considered any changes at this time for Grove Road and/or Wyatt Drive as requested during another meeting. The Board did advise if any changes to Grove Road and/or Wyatt Drive would be considered, the changes would be adopted in the form of an ordinance. That process would require a public hearing at which time the residents could voice their concerns pertaining to proposed changes. The Board will ask the Chief of Police for his recommendations in this matter.

POLICE REPORT

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

	MAIDENCREEK TWP.	ONTELAUNEE TWP.	LEESPORT BOROUGH	TOTAL
Patrol Hours	767.29	486.51	411.95	1665.75
Assignments	284	190	132	627
Fines	\$1,989.03	\$4,024.02	\$1,710.74	\$7,723.79

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APPROVAL OF THE MINUTES

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to accept the May 27, 2003 Emergency Planning Meeting Minutes, the June 12, 2003 Board of Supervisors Meeting Minutes, and the June 19, 2003 Board of Supervisors Meeting Minutes with the following corrections:

June 12, 2003

1. Page 1 – PUBLIC COMMENT - The Solicitor’s response to Robert Owen’s questions **should be in quotations.**
2. Page 1 – PUBLIC COMMENT-**The Board wanted the following statement added to the Engineer’s response to Tina Pool’s questions** – “It should be noted that Mr. Martin worked on the system without a permit.”
3. Page 2 - PUBLIC COMMENT - Jacqueline Moyer’s comment, (“If I’m paying for five deeds, I should get five containers.”) **should be in quotations.**
4. Page 2 - PUBLIC COMMENT - **The Board wanted the following statement added to their response to Jacqueline Moyer’s recycling comments** – The Board stated that they are looking into collecting the recycling fee next year through the assessed Township Tax. Even though recycling may be billed via the Township assessed millage, it will not necessarily result in a millage increase.
5. Page 3 – ROAD BIDS – **EJB Paving correct bid should be \$16,760.50**, not \$16,750.00.
6. Page 5 EAST WESNER ROAD SPEED REDUCTION – Currently a portion of (Park Road to Schaeffer Road) is posted for a 25-mile speed limit with the remainder of the roadway being posted as a 35 mile-speed limit. **Change to:** Currently a portion of East Wesner Road (Park Road past Walnut Tree Drive) is posted for a 25-mile speed limit with the remainder of the roadway being posted as a 35 mile-speed limit.
7. Page 6 ZIMMERMAN CONCENTRATED POULTRY FARMING
First paragraph the Board wanted the following added to read: Gloria Kemmerer asked if the Township had received the information as requested by the Planning Commission from Mr. Zimmerman relative to his planned concentrated poultry-farming project. Terry Manmiller stated that Mr. Zimmerman had submitted all information requested and provided the Board...

June 19, 2003

1. Page 1 – **Add:** ABSENT: Robert Kopfer, Supervisor
2. Page 2 – **Change** Robert Kopfer made a motion **to** Roy Timpe made a motion
3. Page 5 – **Add:** MARTIN RETIREMENT VILLAGE

All Board members voted, “Aye.”

TREASURER’S REPORT

The Treasurer’s Report was not read, copies of the June 2003 Treasurer’s report are available for inspection at the front desk. The Board mentioned that the interest for the Bandon Meadows V Account was not included in the reports that were distributed because the statement arrived late.

General Checking	\$ 87,401.38
Payroll	\$ 1,639.95
General Fund Money Market	\$ 273,464.37
On Lot Sewage	\$ 6,444.30
Petty Cash	\$ 55.00

Treasurer’s Report Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to accept the June 2003 Treasurer’s report. All Board members voted, “Aye.” Motion carried.

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W.D. ZWICKY – PRESENTATION

David Zwicky owner of the WD Zwicky provided a sketch plan and a detailed explanation of his recycling operations. He outlined his present operations and explained his future plans for the expansion of his business. He currently is in the DEP Permit process for organic recycling material. The current operation is in DEP compliance. Future plans outlined on the sketch plan will not commence until the official land development plan is approved and his DEP permit is received.

Terry Manmiller asked:

“When will you submit a land development plan?”

“What is a Transfer Station?”

“Does that Transfer Station have regulations?”

“How long does it take to make topsoil from grass clippings, vegetable matter, and cardboard?”

Mr. Zwicky responded:

“August or September 2003.”

“An area where material is inspected and separated for further recycling.”

“Yes. DEP sets a “code of acceptable materials” for the transfer station. A new DEP application process transpires for any changes are requested for the transfer station.”

“ 7 months.”

ENGINEER’S REPORT

MET MANAGEMENT

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to reject the MET Management Group Land Development Plan unless a time extension is received by 8/12/03. All Board members voted, “Aye.” Motion carried. The Solicitor informed the Board that Met Management Group might be ready for final plan approval at the continued Board of Supervisors Meeting scheduled for July 17, 2003.

MELROSE PLACE

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, granting the time extension for Melrose Place to 7/22/03. All Board members voted, “Aye.” Motion carried.

LAKESIDE MANOR, PHASE I & II – PLANNING MODULES

The Township Engineer reported that he received a package from Mr. Farvardin in response to DEP’s letter informing him of deficiencies in his information for the his planning module application.

HOCH ROAD CULVERT, EAST WESNER ROAD CULVERT, & PEDESTRIAN BRIDGE

The Township Engineer is preparing the bid documents for the pedestrian trails. No action taken during this meeting.

COMMUNITY PARK BALL FIELDS

The Township Engineer is preparing the bid documents for the Community Park Ball Fields. No action taken during this meeting.

LIGHTING ORDINANCE

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No action taken during this meeting.

COMPREHENSIVE PLAN REVISIONS

The Township Engineer reported that the Maiden creek Township Planning Commission expects to have the Comprehensive Plan ready to recommend and adoption by the Maiden creek Township Board of Supervisors within the next month or two, pending all drafting being completed for the mapping portion. The next scheduled meeting is July 23, 2003.

STORMWATER INVESTIGATION, Letter of Map Revision (LOMR)

The Engineer reported that the Township completed the 30-day waiting period for public notification for the Letter of Map Revision. When Board of Supervisors receives the map amendment it will be adopted.

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 \$209,985.62. All Board members voted, "Aye." Motion carried.

SEWAGE ENFORCMENT OFFICER'S REPORT

The Sewage Enforcement Officer's (SEO) report was provided for the Board to review.

DEVELOPMENT/CONSTRUCTION STATUS REPORT

A Development and Construction Status Report was provided for the Board to review.

VILLAGES AT MAIDENCREEK

The Township Engineer reviewed the construction cost estimates submitted for The Village at Maiden creek. After some adjustments and additional miscellaneous costs included, the total amount of the estimate (minus the sewer and water) for The Village at Maiden creek is \$1,070,193.47. The developer has been advised to obtain financial security acceptable to the Township in this amount and enter into an Improvements Agreement for the construction of the project.

TREE TOPS, PHASE II - BID PACKAGE

Gloria Kemmerer asked if the bid package for Tree Tops II is completed. The Engineer and the Solicitor are still working on the project and will provide a bid package for the Board to approve at the August or September Board of Supervisors meeting.

SOLICITOR'S REPORT

MARTIN RETIRMENT VILLAGE

The Township Solicitor reported that the Martin Retirement Village injunction order was entered with no argument. Mr. Martin signed an agreement with the following provisions:

1. That work to install public sewage commences within the 20 days and must be completed within 60 days.
2. Payment of all Township fees and Council fees to be made within 30 days.
3. Penalty provisions to allow the Township to enforce other requirements of the injunction.

The Solicitor advised the Board that the project has begun.

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BEDROCK STONE AND STUFF, INC.

The Solicitor advised the Board that the owner of Bedrock Stone and Stuff, Inc. has requested to convert from Chapter 11 to Chapter 7 in his bankruptcy proceedings. There is no activity at the business and the front gate is pad locked.

INTERNET AND NETWORK POLICY

Chairman Roy Timpe and the Township Solicitor prepared a draft resolution that sets regulations for the use of the Township Internet and Computer Network by Township Employees. The Board decided to table any action on the Township Internet and Computer Network Policy for Township Employees until the Township Employees are given an opportunity to review the regulations and provide comment.

ELECTRONIC RECORDINGS OF TOWNSHIP MEETINGS

The Township Solicitor presented the Board with a draft ordinance that would set regulations for electronic recording of Township Meetings. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Solicitor to advertise the Electronic Recording Regulations Ordinance for Township Meetings for adoption on August 21, 2003 at 8:00 PM. All Board members voted, "Aye." Motion carried.

RECREATIONAL ORDINANCE

The Township Solicitor presented the Board with a draft Recreational Ordinance that will regulate the use of sports equipment on public thoroughfares, motorized vehicles on public thoroughfares, Open Space, the Community Park, and setting regulations for hours of operation in the Open Space and the Community Park. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Solicitor to advertise the Recreational Ordinance for adoption on August 21, 2003 at 8:00 PM. All Board members voted, "Aye." Motion carried.

RECYCLING ASSESSMENT

The Township Solicitor researched regulations for taxation due to the growing concern that property owners that have more than one deed will be paying unnecessary recycling fees. He reviewed Article I, Section 8 of the Constitution requiring "Uniformity of Taxation and Assessment." He felt it might be a way to remove additional recycling fees for property owners that have more than one deed or on vacant properties. The Solicitor and the Board agreed that duplicated recycling assessment letters could be removed prior to mailing. The Solicitor did advise that the Township Secretary should consider the financial impact to the Recycling Program when removing duplicate recycling assessment letters.

WEST NILE VIRUS ORDINANCE

No action was taken at this meeting, however information provided by Berks County was reviewed by the Solicitor.

COMP TIME FOR TOWNSHIP EMPLOYEES

The Board agreed that Comp Time for Township employees require additional review prior to implementing.

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OPERATIONS MANAGER’S REPORT

The Operations Manager’s Report was not read however; copies were available for review. The following action was taken and announcements were made:

1. TAMPER – Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Manager to purchase a BS500 Tamper from Total Rental for a cost of \$2,139.00. (Andrew Hess quoted \$2,144.00) All Board members voted, “Aye.” Motion carried. Payment for the Tamper will be deducted from the “Equipment Fund.”
2. Being dissatisfied with truck performance and new truck packages, the Operations Director informed the Board that he will be changing to another brand of truck for the Township.
3. The Township received \$8,644.00 for expenses incurred during the President’s Day Snow Storm.

OLD BUSINESS

CODIFICATION

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Solicitor and the Engineer to proceed to design the specifications for codification for Maidencreek Township. The Board specified that Maidencreek Township would have complete ownership of the codification data. All Board members voted, “Aye.” Motion carried.

NEW BUSINESS

BERKS COUNTY CONSERVATION

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing a Terry Manmiller to meet with Berks County Conservation District to review our Floodplain Management Plan. All Board members voted, “Aye.” Motion carried.

PENN DOT 12- YEAR PLAN

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Township Secretary to inform Penn DOT in writing, to include the Schaeffer Road Bridge, West Shore Drive Bridge, the Park Road/Rt. 73, and the Rt. 222 & Rt. 73 intersection on the State’s 12 Year Program. All Board members voted, “Aye.” Motion carried.

INLET STICKERS

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Engineer to order sticker labels for stormwater inlets as required by the NPDES Phase II requirements. All Board members voted, “Aye.” Motion carried.

RECYCLING

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Township Secretary to order 12 wheel kits for the recycling bins @ \$8.00 per kit. The elderly and disabled may purchase the wheel kits at the Township office to minimize the stress of moving the recycling bins to curbside. All Board members voted, “Aye.” Motion carried.

The Lyons Club and the three churches in the Township have requested consideration to be exempt from recycling. The Solicitor advised the Board that the Lyons Club and the three churches in the Township must abide by the recycling Ordinance same as everyone else.

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EXECUTIVE SESSION 10:10 PM – 10:51 PM

Township Litigation was discussed during executive session.

Gloria Kemmerer made a motion, and seconded by Roy Timpe, authorizing the Solicitor to settle Lot 55 in Walnut Manor. All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Solicitor to proceed with litigation that involved Bedrock Stone and Stuff, Inc. All Board members voted, "Aye." Motion carried.

Meeting was adjourned at 11:05 PM. The Board announced that the second Board of Supervisors meeting scheduled for 7/17/03 has been canceled however; a workshop meeting is scheduled for 7/15/03 at 8:00 PM to discuss and obtain information pertaining to the Statewide Universal Construction Code for Pennsylvania.

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 Hobough, 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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