

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS MEETING

AUGUST 14, 2003 7:00 PM

PRESENT: Roy Timpe - Supervisor, Gloria Kemmerer - Supervisor, Robert Kopfer – Supervisor, Eric L. B. Strahn – Alternate Township Solicitor, Thomas Unger – Township Engineer, Terry Manmiller – Operations Director, Ruth Manmiller – Recording Secretary

GUESTS: James Schoellkopf, Jr., Cindy Stump, Diane Hollenbach, Harold Burgert, Fay Isamoyer, Joseph Rudderow,III, Matthew Midouhas – Your Children First Day Care, Kyle Kapetzuskie – Kutztown Patriot, Reading Eagle Newspaper Reporter.

Roy Timpe called the July 2003 Board of Supervisors meeting to order at 7:02 PM.

ANNOUNCEMENTS

The Maiden creek Township Agricultural Security Area will be opened for enrollment from August 1, 2003 to August 31, 2003. Please contact the Township office for enrollment forms. One application has been received.

A hearing for ordinances pertaining to the Recording of Public Meetings and Regulating Activity in the Open Space and Sports Equipment on Public Roadways will be held August 21, 2003 at 8 P.M.

Tire Drop Off Day was held August 2, 2003 from 8:00 AM to 12:00 PM at the Municipal Building. 439 tires were dropped off and taken to Lehigh Cement by the Township Road Crew.

PUBLIC COMMENT

Matthew Madouhas of Your Children First Day Care, Inc. Chipmunk Drive, Blandon, PA informed the Board that Your Children First Day Care, Inc is planning an expansion of 1056 sq. feet to their existing building along Chipmunk Drive. He asked if he could proceed with the expansion by applying for a building permit or be required to go through the land development review process.

The Board informed Matthew Madouhas that they would require a land development plan and review for his intended expansion. The Board and Township Engineer did suggest that he could submit his land development plan as a final plan in order to allow his project to proceed in a timely manner.

APPROVAL OF MINUTES

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to approve the 7/10/03 Board of Supervisors Meeting minutes, and the 7/17/03 Board of Supervisors Special Meeting minutes with the following correction:

July 10 Meeting Correction

Page 3 ENGINEER'S REPORT Melrose Place time extension was for 90 days **from** July 22, 2003.

All Board members voted, "Aye." Motion carried.

POLICE REPORT

Officer Robert Wood presented the July 2003 Northern Berks Regional Police Report as follows:

	MAIDENCREEK TWP.	ONTELAUNEE TWP.	LEESPORT BOROUGH	TOTAL
Patrol Hours	747.21	504.94	398.35	1650.50
Assignments	274	198	129	621
Fines	\$2,439.85	\$3,069.87	\$ 731.65	\$ 6,241.37

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TREASURER'S REPORT

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the July 2003 Treasurer's report. All Board members voted, "Aye." Motion carried.

General Checking	\$ 42,491.09
Payroll	\$ 1,542.39
General Fund Money Market	\$252,355.11
On Lot Sewage	\$ 6,449.50
Petty Cash	\$ 58.99

The Treasurer's Report was not read. Copies of the July 2003 Treasurer's report are available for inspection at the front desk.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Board to sign the signature card for the Recycling Fund-Savings Account. All Board members voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Secretary-Treasurer to return \$388.68 to Barry Schmura from the Schmura Land Development Plan Escrow because the plan has been recorded. All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing Township Secretary-Treasurer to return \$1,019.13 to the Walnuttown Mennonite Church for the Walnuttown Mennonite Church Annexation Plan Escrow because the plan has been recorded. All Board members voted, "Aye." Motion carried.

ENGINEER'S REPORT

VILLAGES AT MAIDENCREEK

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, reaffirming the Maidencreek Township Board of Supervisors approval of the Villages at Maidencreek Final Plan with the same conditions as the previous 4/10/03 approval. All Board members voted, "Aye." Motion carried.

RESOLUTION 15-2003 LAKESIDE MANOR PHASE I & II PLANNING MODULE

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Maidencreek Township Board of Supervisors to re-approve the DEP Resolution and Transmittal letter for Lakeside Manor, Phase I & II Planning Modules and authorized the Township Secretary to sign the transmittal letter. All Board members voted, "Aye." Motion carried.

PEDESTRIAN TRAILS

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Engineer to advertise for bids to install the pedestrian trails in the Community Park. Bids will be opened during the September 11, 2003 Board of Supervisors meeting. All Board members voted, "Aye." Motion carried. The Township Road Crew has prepared the designated areas for the pedestrian trails to be installed.

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COMMUNITY PARK BALL FIELDS

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Engineer to advertise for bids to install the infields, backstops, and bases as required for a little league field and a softball field in the Community Park. Bids will be opened during the September 11, 2003 Board of Supervisors meeting. All Board members voted, "Aye." Motion carried. The Operations Director asked the Board and/or the Park and Recreation Board to consider a portable pitchers mound to allow for additional use of the softball field.

COMPREHENSIVE PLAN

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Township Engineer to prepare paper copies of the Maidencreek Township Comprehensive Plan to be forwarded to the Township Solicitor, adjacent municipalities, and the Berks County Planning Commission. All Board members voted, "Aye." Motion carried. As instructed, the Township Engineer prepared the Maidencreek Township Comprehensive Plan on a CD and provided several copies for the Board of Supervisors.

ACT 537, Phase 2

The Township Engineer informed the Board that a draft of Act 537-Phase 2 would be completed by the next Board of Supervisors meeting. The Board of Supervisors and the Planning Commission will be provided copies for review.

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 \$201,909.60. All Board members voted, "Aye." Motion carried.

DEVELOPMENT/CONSTRUCTION STATUS REPORT

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

SEWAGE ENFORCEMENT ACTIVITY REPORT

A Sewage Enforcement Activity Report was provided to the Board for review.

ONTELAUNEE HEIGHTS – SPILL WAY

The Operations Director asked the Engineer if calculations had been obtained for the installation of the spillway in Ontelaunee Height Open Space. The Engineer suggested that the Operations Director and an engineer from Systems Design Engineer, Inc. conduct an on sight meeting to obtain the correct location for the spill way.

ONTELAUNEE HEIGHTS - SIDEWALKS

The Operations Director suggested to the Engineer that future specifications for the installation of sidewalks should include a sealant.

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TREE TOPS SUBDIVISION – OUTSTANDING IMPROVEMENTS

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Engineer to advertise for bids to complete outstanding improvements in the Tree Tops subdivision as noted on the Engineer’s punch list. Bids will be opened during the September 11, 2003 Board of Supervisors meeting. All Board members voted, “Aye.” Motion carried.

SOLICITOR’S REPORT

Attorney Eric L.B. Strahn, substituting for Township Solicitor Eugene Orlando reported on the following:

RECYCLING RESOLUTION

The Township Solicitor prepared a resolution amending Resolution 30-2002 that assessed \$55.00 recycling fee for every property owner in Maiden creek Township in 2003. The amendment will modify Resolution 30-2002 to eliminate some of the inequities of the \$55.00 recycling assessment. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Solicitor to advertise the amendment to modify Resolution 30-2002 to eliminate some of the inequities of the \$55.00 recycling assessment for adoption at the September 11, 2003 Board of Supervisors meeting. All Board members voted, “Aye.” Motion carried.

VILLAGES AT MAIDENCREEK

The Township Solicitor is waiting for the developer of Villages at Maiden creek to return the draft improvement agreements. The Board was informed that the stormwater easement would not be as invasive to the designated Shadow Ridge property owners as anticipated. The Solicitor recommended that the Board of Supervisors sign the Villages at Maiden creek storm water agreement. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Maiden creek Township Board of Supervisors to sign the Villages at Maiden creek stormwater agreement. All Board members voted, “Aye.” Motion carried.

RECREATIONAL ORDINANCE

The Board will conduct a public hearing on 8/21/03 at 8:00 PM for testimony and public comment relative to the Recreational Ordinance.

RECORDING OF PUBLIC MEETINGS ORDINANCE

The Board will conduct a public hearing on 8/21/03 at 8:00 PM for testimony and public comment relative to the Recording of Public Meetings Ordinance.

MARTIN RETIREMENT VILLAGE

Raymond Martin has not forwarded outstanding fees as agreed, which will result in the Board of Supervisors taking action relative to the 7/7/03 agreement.

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BEDROCK STONE AND STUFF, INC.

The Solicitor stated that the owner of Bedrock Stone and Stuff, Inc. is currently in Chapter 7 Bankruptcy and that the Chapter 7 Bankruptcy Judge must approve any activity on the property. On 8/2/03 the Northern Berks Regional Police notified the Operations Manager that there was a report of activity at the Bedrock Stone and Stuff, Inc. property. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Solicitor to notify the Northern Berks Regional Police in writing of the specific action that should be taken should they witness any activity on the Bedrock Stone and Stuff, Inc. property. All Board members voted, "Aye." Motion carried. Joseph Rudderow, III asked if posting the property would help to deter activity. Attorney Strahn stated that would be a decision for the trustees, not the Board of Supervisors.

ORDINANCE CODIFICATION

The Board directed the Solicitor to obtain additional information and character references for the firms that have submitted proposals to codify Maiden Creek Township Ordinances in order to provide a recommendation at the September 11, 2003 meeting.

OPERATIONS MANAGER'S REPORT

The Operations Manager's Report was not read; however copies were available for review. The following items required action:

1. YEARLY ROAD PAINTING

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, approving the yearly road painting for the RR Crossings and the School Zone markings to Berks Traffic for a cost of \$1,930.00 as quoted. All Board members voted, "Aye." Motion carried.

2. CORNERSTONE PLAY LOT & BLANDON BALL FIELD FENCING

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to accept the (2) quotes submitted by Amity Fence for fence installation at the Cornerstone Play Lot and the Blandon Ball Field (left field section) for a cost of \$2,150.00. All Board members voted, "Aye." Motion carried. The Board of Supervisors previously approved the fence installation; however, not to exceed \$1,800.00. Additional fencing was required for safety at the Cornerstone Play Lot, this resulted in the increased cost.

3. INA AVE.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Operations Director to notify Mr. & Mrs. Mohl in writing that it is the property owners responsibility to remove an existing tree that is in the Township right-of-way. All Board members voted, "Aye." Motion carried.

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4. OXENREIDER/BOWERS – GROVE ROAD

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Operations Director to notify the Oxenreiders and the Bowers in writing that their property line issues are a civil matter and not a Township concern. All Board members voted, “Aye.” Motion carried.

5. CORNERSTONE DRIVE CULVERT

The Operations Director asked the Board to consider alterations to the Cornerstone Drive culvert that could reduce time and expense of removing the accumulation of silt. The Operations Director was advised to obtain proposals for alterations to the Cornerstone Drive culvert.

6. TIRE COLLECTION

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Secretary to send a Thank You letter to Lehigh Cement Company for their cooperation with the 8/2/03 tire recycling. All Board members voted, “Aye.” Motion carried.

7. MAIDENCREEK CEMETERY

The caretaker of the Maiden creek Cemetery inquired if Township equipment could be used to mow a section of grass near the stone fence at the rear of the cemetery. Low branches along the stone fence hinder his mowing. The Board stated that rates are established for the use of Township equipment and operator and if the Maiden creek Cemetery caretaker pays the hourly rate for Township equipment and operator they will allow the mowing.

OLD BUSINESS

DRIES ROAD – NO RIGHT TURN

If the Township wishes to pursue the “No Right Turn” proposal at the intersection of Dries Road and the Allentown Pike, Penn Dot has advised that a traffic study must be conducted for the area in question, pass an ordinance, and then post the roadway. The Board took no action.

TIMING OF TRAFFIC LIGHTS

Penn Dot will review the timing and a possible revision to the traffic lights on Allentown Pike in Maiden creek Township using existing equipment and prepare a plan. Implementation of timing the traffic lights would be the Township’s responsibility. Roy Timpe made a motion, and seconded by Robert Kopfer, authorizing the Township Secretary to notify Penn Dot to proceed with review of timing and possible revisions to the traffic lights on Allentown Pike in Maiden creek Township. All Board members voted, “Aye.” Motion carried.

WELL CONTAMINATION

Brian Hafer, 842 Maiden creek Road, Fleetwood, Pa has requested help from the Township since his well is contaminated for the 3rd time since 1995. The Engineer stated that the completion of Act 537-Phase 2 would address this issue.

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PLUMBING INSPECTOR

The Board will not pay \$75.00 for Roy Driebelbis to take his Plumbing Inspector's test.

STATEWIDE BUILDING CODE.

Roy Timpe presented a Memorializing Resolution pertaining to the 1999 Pennsylvania State Legislature passing Senate Bill No. 647 into law creating **The Pennsylvania Uniform Construction Code (UCC)**. The details of the implementation of the UCC have been under development and are just now becoming available in 2003. The Supervisors of Maiden Creek Township are deeply concerned that this implementation of the statewide UCC will stifle economic recovery by increasing inspection fees by a factor of ten, while adding little or no value to the end result. The Supervisors of Maiden Creek Township agree that the concept of a statewide UCC can be beneficial to Pennsylvania, however they urge the Governor and the Legislature to look at a cost benefit analysis of this implementation of the UCC, with the goal of keeping the inspection costs at the same level as the current BOCA codes. Roy Timpe made a motion and seconded by Robert Kopfer, to sign and send this Memorializing Resolution pertaining to the 1999 Pennsylvania State Legislature passing Senate Bill No. 647 into law creating The Pennsylvania Uniform Construction Code (UCC) to the Governor and the Legislators. All Board members voted, "Aye." Motion carried.

NEW BUSINESS

EAGLE DRIVE – BLOCK PARTY

Roy Timpe made a motion, and seconded by Gloria Kemmerer, to allow Eagle Drive to be closed on September 6, 2003 from Noon to 10 PM for a block party. The residents may borrow the Township barricades to block each end of the street, and they are responsible for notifying the emergency services. All Board members voted, "Aye." Motion carried.

HEALTH COVERAGE – BLUE SHEILD

The Township was notified that the Blue Shield health coverage will be increasing for the next 12-month period. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept by signing the Blue Shield benefit increase for the next 12-month period proposal. All Board members voted, "Aye." Motion carried.

MUHLENBERG TOWNSHIP COMPREHENSIVE PLAN

The Board agreed to respond to the Muhlenburg Township relative to their Comprehensive Plan by 9/15/2003.

LOCAL GOVERNMENT SPONSORSHIP

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to continue Maiden Creek Township's sponsorship of the Local Government Program within the Center for Community Leadership by contributing \$100.00. All Board members voted, "Aye." Motion carried.

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PARK & RECREATION

The Park and Recreation Board recommended that a phrase “No overnight parking on Township Open Space” to be included in the proposed recreation ordinance. Attorney Strahn reviewed the draft recreational ordinance and felt that unauthorized parking was already covered in the ordinance.

CORRESPONDENCE

The annual Berks County Association of Township Officials convention will be held on Thursday, October 16 from 5 to 9:30 pm at the Riveredge. This is the same date as our 2nd meeting of the month of October. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to cancel the second Board of Supervisors meeting scheduled for 10/16/03 so the Board members may attend the annual Berks County Association of Township Officials convention. All Board members voted, “Aye.” Motion carried.

The meeting was adjourned at 9:14 PM. The Board announced that the second Board of Supervisors meeting scheduled for 8/21/03 will begin immediately following the 8:00 PM hearing for the Recreational Ordinance and the Recording of Public Meetings Ordinance.

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 Hobaugh, 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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