

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS MEETING

September 11, 2003

7:00 PM

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

GUESTS: William Hardman, James Schoellkopf, Cindy Stump, Fay Isamoyer, Bryson Berish, Justin Bubbenmoyer, Joe Berish, Tina Poole, Gloria Kline, David Schumaker, Larry Gardner, Bob Feaster, John Schumaker, Harold Burgert, Larry Kunkel, Paul Martin, Ronald Kemmerer, Diane Hollenbach.

Roy Timpe called the September 11, 2003 Board of Supervisors meeting to order at 7:05 PM. Prior to the pledge to the flag, Roy Timpe asked everyone to observe a moment of silence to remember the victims of September 11, 2001 and for the loss of his father.

ANNOUNCEMENTS

David Argall will hold a circuit rider meeting at the Maiden creek Township Municipal Building on November 7, 2003 from 12:00 PM to 1:00 PM. Public is welcome to attend.

The October 16, 2003 Board of Supervisors meeting has been canceled.

PUBLIC COMMENT

Tina Stewart, 134 South View Road, Fleetwood, PA, was concerned about the provisions of the Recreational Ordinance and the closing of East Wesner Road for the Community Park. She was concerned that the police would not be able to gain access to the Community Park to patrol.

The Board informed Tina Stewart that the Recreation Ordinance was adopted last month and regulations set forth are enforceable. If regulations are violated, the Northern Berks Regional Police should be notified. When East Wesner Road was vacated for the construction of the Community Park, parking areas were installed at either end of the park and walking paths will soon be installed. Officer Drazenovich stated that the police currently patrol the Community Park without any access problems.

William Hardman, 404 Colonial Court, Blandon, PA, informed the Board that he recently moved to Maiden creek Township and would like to offer his services to the local government – preferably the Authority.

The Board thanked him for his interest and promised to keep him in mind for future government appointments.

Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA, voiced the following concerns:

1. Status of the dumpster ordinance – When Tom's Convenience Store dumpster lid is left open it results in odor, trash blowing in his yard, and cats and/or birds taking trash out of the dumpster.
2. Condition of Tom's Convenience Store roof – An accumulation of water pooling on the on the roof sets up the right environment for mosquitoes that breed West Nile Virus.
3. Purchase a Sprayer – The Board should consider purchasing a sprayer to spray the Township for mosquitoes that breed West Nile Virus.

The Board thanked Larry for his concerns. He was informed that he should contact the County Conservation District for West Nile Virus concerns and that the spray that the Township purchased to control mosquitoes warned that it could not be used near wetlands.

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POLICE REPORT

Officer David Drazenovich read the August 2003 Northern Berks Regional Police Activity Report:

	Maidencreek	Ontelaunee	Leesport	Totals
Patrol Hours	651.50	442.75	381.50	1475.75
Administration Hours	130.16	100.91	61.43	292.50
Total Patrol Hours	781.66	543.66	442.93	<u>1,768.25</u>
Fuel				1183.70
Mileage	6940.65	4381.55	2616.8	13,939
Assignments	284	146	106	Admin. 33 569
Citations	131	122	69	322
Fines Collected	\$2,622.73	\$2,733.95	\$1,992.96	\$7,349.64

Cindy Stump thanked the Northern Berks Regional Police for parking in the center lane near the intersection of the Allentown Pike and Evansville Road. She has grave safety concerns for individuals that are confronted with vehicles abusing the use of the center lane near this intersection.

APPROVAL OF THE MINUTES

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to approve the August 14, 2003 Board of Supervisors minutes and the August 21, 2003 minutes with the following corrections and additions:

August 14, 2003 - Correction

Sentence should read: Roy Timpe called the *August* 2003 Board of Supervisors meeting to order at 7:02 PM.

August 21, 2003 – Addition

The Operations Director plans to send a follow-up letter to thank Dean Shuman for his efforts and advise him to continue clearing the property *giving him an additional 30 days to complete the clean-up.*

MAIDENCREEK AUTHORITY

Pat Donovan presented the Maiden Creek Township Authority's refinancing proposal to reduce a bond debt of \$3,331,481.00. Pat Donovan on behalf of the Maiden Creek Township Authority asked the Board to consider making a motion to guarantee the Citizens Bank note in the amount of \$2,600,000.00 to reduce a bond debt of \$3,331,481.00. Pat Donovan informed the Board that the paperwork to begin the refinancing process must be signed by September 25, 2003 with a deadline of November 15, 2003 to complete the entire process using the current interest rate quoted.

The Township Solicitor informed the Board that a motion would not suffice for the Maiden Creek Township Authority's refinancing proposal. He stated that a resolution and an ordinance must be adopted as approval for the refinancing. The Board suggested shopping around in order to compare proposals. The Board of Supervisors and the Township Solicitor agreed to take the Maiden Creek Township Authority's proposal into consideration and make a recommendation by their September 18, 2003 meeting.

Pat Donovan informed the Board that the Authority did consider shopping around for "better" proposals but discovered that it would be very costly. He thanked the Board for their time and consideration in this matter.

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BIDS OPENED

1. TREETOPS – REMAINING IMPROVEMENTS

(Sidewalks, Plant Trees, Sewer/water–Lot 138, Grading–Lot 21, Paving/Cul-de-Sac)

BIDDER

BID

- | | |
|---|-------------|
| 1. Landis C. Deck & Sons, Division of Reading Materials, Inc. | \$86,519.53 |
|---|-------------|

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to receive the Treetops bid and authorized the Township Engineer to review. All Board members voted, "Aye." Motion carried.

2. WALKING TRAILS – COMMUNITY PARK

BIDDER

BID

- | | |
|---|-------------|
| 1. Windsor Service, Division of Reading Materials, Inc. | \$27,296.46 |
| 2. EJB Paving & Materials, Co. | \$24,972.00 |

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to receive the Community Park Walking Trail Bids and authorized the Township Engineer to review. All Board members voted, "Aye." Motion carried.

3. BALL FIELD – LITTLE LEAGUE, HIGH SCHOOL BALL FIELD - COMMUNITY PARK

BIDDER

BID

- | | |
|--|-------------|
| 1. Townscapes, Inc. | \$57,985.00 |
| 2. Landis C. Deck & Sons | \$53,564.72 |
| 3. Bertolet Construction | \$64,820.00 |
| 4. J. Margerison Landscaping, Inc. | \$39,200.00 |
| 5. Central Penn Sports Turf, Inc. Dwight Dauberman | \$49,350.00 |

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to receive the Community Park Ball Park Bids and authorized the Township Engineer to review. All Board members voted, "Aye." Motion carried.

TREASURER’S REPORT

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

Checking Account	\$ 20,529.42
Payroll Checking	\$ 1,227.01
Money Market	\$177,602.99
On Lot Sewage	\$ 6,454.37
Petty Cash	\$ 70.95

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the Act 205 questionnaire. All Board members voted, "Aye." Motion carried.

RESOLUTION 17-2003 – PENSION MMO for 2004

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to adopt Resolution 17-2003 for the Minimum Municipal Obligation for the Maiden Creek Township Non-Uniform Pension Contract #801266 in the amount of \$32,772.00 for 2004. All Board members voted, "Aye." Motion carried.

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ENGINEER'S REPORT

VILLAGES AT MAIDENCREEK

David Schumacher, developer for Villages at Maiden creek is prepared to sell the approved development to Larry Gardner. The tentative date for the sale is scheduled for next week. Larry Gardner questioned who would be the respective owner if the transaction occurred prior to the plans being signed and/or final contingencies being met. The Solicitor and the Engineer agreed that if all contingencies were met it would result in new plans being produced. The new set of plans would require the Engineer's final inspection and approval before the Board will sign. It was agreed David Schumacher and Larry Gardner may both consider signing the plan for complete coverage of ownership. David Schumacher was informed that the Park and Recreation fee-in-lieu of must be paid in full prior to the release of the plans for recording and that outstanding filing fees for Villages at Maiden creek weed citation must be paid.

COMPREHENSIVE PLAN

The Engineer expressed interest in making a presentation on the Comprehensive Plan for the Board of Supervisors. The Board agreed to a presentation at the October Board of Supervisors meeting.

ACT 537 PLAN, Phase 2

The Engineer informed the Board that the Act 537 Draft Plan, Phase 2 is being copied and prepared for distribution.

SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$7,263.86. 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 – OPEN SPACE CHANNEL

The Engineer displayed a sketch plan for the installation of a concrete channel in the Ontelaunee Heights Open Space. This measure is being taken to move storm water away from the area that is prone to sink holes. The channeled water will be distributed to an area that is approximately 250 feet from the township property line.

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SOLICITOR'S REPORT

MARTIN SUBDIVISION

The Solicitor informed the Board that a court order was approved on August 25, 2003 by Judge Schmehl authorizing the Township to draw down on Martin's Letter of Credit because he has not paid fees as agreed upon in the July 7, 2003 agreement.

RESOLUTION 18-2003 – DRAW DOWN ON MARTIN'S LETTER OF CREDIT

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Chairman to sign the documentation and letter to draw down on Raymond Martin's Letter of Credit as approved by Judge Schmehl on August 25, 2003. Martin's Letter of Credit is established at the Blue Ball National Bank, LOC 601050 dated December 7, 2001. The Township Secretary was instructed to complete the draw down procedure. All Board members voted, "Aye." Motion carried.

RESOLUTION 19-2003 – RECYCLING FEE MODIFICATION

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to approve Resolution 19-2003 that will modify Resolution 30-2002 to eliminate some of the inequities of the \$55.00 recycling assessment. All Board members voted, "Aye." Motion carried. The Township Secretary informed the Board that numerous property owners have not paid their recycling fee. The Township Secretary was advised to send second notices to the delinquent property owners.

WALNUT MANOR, LOT 55

The Solicitor and Berks Construction reached an agreement for Walnut Manor Lot 55. Maiden creek Township received \$3,500.00 from Berks Construction as Park and Recreation fee-in-lieu settlement.

AGRICULTURE SECURITY AREA

The Agriculture Security application period is closed. The Agriculture Security Board will meet to discuss and make a recommendation for new applications to be included in the Maiden creek Township Agriculture Security Area. The Maiden creek Township Planning Commission and the Berks County Planning Commission will be required to do the same.

MOLLTOWN BUILDING PROJECT

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to purchase the necessary building supplies to construct a storage building at the Molltown location from Berks Products per the quoted price of \$4,835.83. All Board members voted, "Aye." Motion carried.

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EXECUTIVE SESSION 9:15 PM – 10:37 PM

The following action is a result of the executive session:

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Solicitor to prepare a Trust Fund Agreement for the remaining Principal Group Stocks. The Trust Fund will support the COLA (Cost of Living Adjustments) for retiree Alton Boyer and upon his death the funds will be transferred to the Northern Berks Regional Police Pension Fund. All Board members voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Solicitor, that after further investigation and using his own discretion, should prepare and send a letter notifying the buyer and seller that the transfer of deeds is illegal. All Board members voted, "Aye." Motion carried.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Operations Director to proceed with hiring a Full-Time and Part-Time Road Crew Employee. All Board members voted, "Aye." Motion carried.

Roy Timpe made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to increase Vernon Hecker's hours to 31 hours a week. All Board members voted, "Aye." Motion carried.

The September 11, 2003 Board of Supervisors meeting was adjourned at 10:45 PM.

Respectfully Submitted,

Ruth M. Manmiller
Recording Secretary

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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