

## MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

October 9, 2003 7:00 PM

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

**GUESTS:** Ronald Kemmerer, Diane Hollenbach, James Schoellkopf, Joseph Rudderow III, William Wiedemann, Diane McAllister, William McAllister, Raymond Schwenig, Reading Eagle Reporter.

Roy Timpe called October 9, 2003 Board of Supervisors meeting to order at 7:04 PM and asked everyone to rise for the Pledge of Allegiance to the Flag.

### ANNOUNCEMENTS

David Argall will hold a circuit rider meeting at the Maiden creek Township Municipal Building on November 14, 2003 from 12:00 PM to 1:00 PM; the public is welcome to attend. Original scheduled date was November 7, 2003.

The regularly scheduled Board of Supervisor's meeting for October 16, 2003 has been canceled. The Board will conduct a Special Meeting to discuss any outstanding business and the 2004 Budget on October 30, 2003 at 7:00 PM.

### PUBLIC COMMENT

**Diane McAllister, 324 Galean Drive, Fleetwood, PA** expressed her displeasure with the recently adopted Recreational Ordinance. She felt that the residents in Limestone Village had not received proper notification of this new ordinance and is very displeased that her portable basketball net was in danger of being removed because of its location. There are no sidewalks or parks for the children in Limestone to play basketball.

**William McAllister, 324 Galen Drive, Fleetwood, PA** asked the Board the procedure to repeal the ordinance because the Recreational Ordinance is too restrictive.

**Raymond Schwenig, 247 North View Road, Fleetwood, PA** suggested the use of a stub street in Limestone Village as a basketball play area for Limestone children. He suggested some type of barrier or bollards be installed to prevent any vehicles from mistakenly turning on to the stub street. He was willing to donate his portable basketball net for the area.

The Board and the Solicitor advised the residents of the procedures to repeal the Recreational Ordinance or at least amend a certain section they should present a petition. The process would then follow the same procedures as the adoption for any other Ordinance however; the majority the Board of Supervisors would have agree to the procedure. The Solicitor stated that the property owners with portable basketball net violations should have been cited rather than having their portable basketball nets removed. The residents interested in making the stub street in Limestone Village were advised to attend the next Maiden creek Park and Recreation meeting.

**Tina Stewart, 134 South View Road, Fleetwood, PA,** stated that she was in favor of the Recreational Ordinance. She stated that children playing in the street did not show consideration to vehicles attempting to travel through the neighborhood and that balls are always in the street and/or hitting parked vehicles.

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**POLICE REPORT**

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

	<b>Maidencreek</b>	<b>Ontelaunee</b>	<b>Leesport</b>		<b>Totals</b>
<b>Patrol Hours</b>	630	427	308.25		1365.25
<b>Administration Hours</b>	119.93	92.98	56.6		269.51
<b>Total Patrol Hours</b>	749.93	519.98	364.85		<u>1634.76</u>
<b>Fuel</b>					1081.1
<b>Mileage</b>	6366.96	4187.16	2018.88		12573
				Admin.	
<b>Assignments</b>	311	191	110	39	651
<b>Citations</b>	72	95	44		211
<b>Fines Collected</b>	\$2,180.00	\$2,751.44	\$1,394.75		\$6,326.19

Officer Drazenovich reported that the Northern Berks Regional Police distributed informative brochures and Halloween Trick or Treat Bags at the first Maiden creek Township Community Days.

**APPROVAL OF THE MINUTES**

Roy Timpe made a motion, and seconded by Robert Kopfer, to approve the **September 11, 2003** Board of Supervisors Meeting minutes. All Board members present voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Roy Timpe, to approve the **September 25, 2003** Board of Supervisors Meeting minutes. All Board members present voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Roy Timpe, to approve the **October 1, 2003** Board of Supervisors Special Meeting minutes. All Board members present voted, "Aye." Motion carried.

**TREASURER'S REPORT**

Robert Kopfer made a motion, and seconded by Roy Timpe, to approve the September 2003 Treasurer's report. All Board members present voted, "Aye." Motion carried.

Checking Account	\$ 42,651.94
Payroll Checking	\$ 1,231.40
Money Market	\$387,730.20
On Lot Sewage	\$ 6,459.75
Petty Cash	\$ 78.27

Copies of the Treasurer's report are on the receptionist's counter for review.

Robert Kopfer made a motion, and seconded by Roy Timpe, authorizing the Township Treasurer to return the escrowed review fees in the amount of \$1,500.00 to Rajah Shrine. The plans are recorded and all bills are paid. All Board members present voted, "Aye." Motion carried.

**ENGINEER'S REPORT**

**MELROSE PLACE SUBDIVISION, FINAL PLAN**

Robert Kopfer made a motion, and seconded by Roy Timpe, to reject the Melrose Place Subdivision, Final Plan if a time extension letter is not received by November 10, 2003 and conditions are not met per the last review letter. All Board members present voted, "Aye." Motion carried.

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### VILLAGES AT MAIDENCREEK

The Board of Supervisors approved the Villages at Maidenecreek Final Plan on 4/10/03 and then reaffirmed approval on 8/14/03 with contingencies, some of which still have not been met. The following contingencies must be met:

1. A note shall be added to the plan identifying a Homeowners Association and listing ownership and maintenance responsibilities of that Homeowners Association. *Completed.*
2. The wording in the Ownership Certificate on the plan must reflect that road right-of-way will not be offered to Maidenecreek Township for dedication. *Wording has been changed.*
3. Approval from the Maidenecreek Township Authority. *MTA approved 10/8/03.*
4. A trust agreement or community association agreement must be forwarded to the Township Solicitor for review in order to protect Maidenecreek Township in the event that the developer goes out of business. *Agreement received.*
5. A document specifying that no land within this development will be dedicated to the Township as open-space and requiring the developer to pay fee-in-lieu-of money. *Payment will be made 10/10/03 or 10/13/03.*
6. Documentation for private deed restrictions must be submitted to the Township Solicitor. *Received and must be recorded with the plan.*
7. Documentation regarding streets not intended for dedication from the developer to the Township must be submitted to the Township Solicitor to review. All roads must be constructed to Township specifications. *Completed.*
8. All agreements for control of off-site stormwater must be in place and recorded.
9. A constructions agreement between the developer of Village at Maidenecreek, the developer for Shadow Ridge, and Maidenecreek Township regarding installation of stormwater piping and swales involved in the Shadow Ridge development shall be forwarded to the Township Solicitor for review. *Must be recorded with the plan.*
10. The developer must provide financial security in the amount of \$1,070,193.47 for Improvement Agreements. *Letter of Credit has been received.*
11. Plan must be recorded by 10/31/03.

After conversations between the Board, the Solicitor, the Engineer, and the Developer it was agreed that contingencies were met and the only action required by the Board of Supervisors was to sign the plans and agreements.

### MET MANAGEMENT –PARK PLACE APARTMENTS

The Met Management Plan – Park Place Apartments was approved on 7/15/03 with the following contingencies:

1. Satisfaction of Financial Security with establishment of the appropriate escrow and the execution of developers Improvement Agreement. *Cash deposit of \$159,207.34 received and proper documents submitted.*
2. The agreement between the homeowners association and the developer is satisfactory to Systems Design Engineering, Inc. and Township Solicitor with required notes on the plan. *Completed.*
3. Supply a signature block on the final plan for the Maidenecreek Authority and complete with required Maidenecreek Authority signatures. *Completed.*
4. A resolution satisfactory to the Township, Systems Design Engineering, Inc., and Township Solicitor and Township Board as to who will be responsible for maintenance of the stormwater facilities and detention pond. *Completed and must be recorded with the plan.*

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Robert Kopfer made a motion, and seconded by Roy Timpe, to re-approve the Met Management Plan – Park Place Apartments and with satisfaction that when all contingencies have been met, the plan may be released for recording. All Board members present voted, “Aye.” Motion carried.

**TREETOPS, PHASE II – REMAINING IMPROVEMENTS**

The Board of Supervisors received on bid, (Landis C. Deck & Sons, Division of Reading Materials, Inc. - \$86,519.53). The amount of the bid exceeds the remaining funds that the Board drew down from the Tree Tops Letter of Credit. The Engineer recommended to the Board that they reject the Landis C. Deck & Sons, Division of Reading Materials, Inc. bid of \$86,519.53 to complete the remaining Tree Tops, II improvements. The Engineer suggested separating the improvement projects when bidding. He included that Tree Tops, Phase III will be submitted in the near future and when this phase is constructed some of the improvements will be resolved. Robert Kopfer made a motion, and seconded by Roy Timpe, to reject the Landis C. Deck & Sons, Division of Reading Materials, Inc. bid of \$86,519.53 to complete the remaining Tree Tops, II improvements. All Board members present voted, “Aye.” Motion carried.

**SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS**

Robert Kopfer made a motion, and seconded by Roy Timpe, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$91,850.64. All Board members present 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. A lab report of 9/15/03 revealed that the Martin Retirement Village on-lot sewage system is malfunctioning – again. Roy Timpe made a motion, and seconded by Robert Kopfer, instructing the Sewage Enforcement Officer to issue Raymond Martin another citation for on-lot-sewage non-compliance because of a recent site testing. All Board members present voted, “Aye.” Motion carried.

**SOLICITOR’S REPORT**

**TOWNSHIP CODIFICATION**

The Solicitor reported that he is proceeding with his research of the firms that have submitted proposals for Maiden Creek Township Codification. He will provide a complete report by the November 13, 2003 meeting.

**WILLOW CREEK MANOR – INA AVE.**

The Solicitor received a letter requesting the completion of Ina Ave. near Lindberg Ave. on behalf of Mr. & Mrs. Ernest Solomon. This area of Ina Ave. is considered a “paper street” that would not be improved however; the interested party considers it the Township’s responsibility to complete. The Solicitor felt that depending on the Board’s decision on this matter, it could lead to future litigation.

**ONTELAUNEE HEIGHTS – TRESSPASSING ON OPEN SPACE PROPERTY**

The Solicitor questioned the status of the trespassing letters that property owners in Ontelaunee Heights received who placed personal property in the Township Open Space.

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### MEADOWBROOK SUBDIVISION

The Board received two letters from the developer of Meadowbrook Subdivision concerning the following:

1. **Streetlights** – The Engineer agreed that the ordinance that will outline street lighting regulations has been delayed. He will proceed with the ordinance to allow the developer of Meadowbrook to be in compliance when installing their streetlights.
2. **Driveway Slope & Radius** – The Meadowbrook Subdivision Plan was approved with a 7% driveway slope, and the developer would like to amend so driveways may be installed with a 10% slope. They also had a question about the driveway radius. The developer is requesting a waiver of the driveway slope and the driveway radius. The Township Engineer stated that the driveway radius concerns are not applicable because of the style curbing being installed. The Township Solicitor stated that since the Meadowbrook Subdivision Plan is approved and recorded, a waiver cannot be granted – a change of the recorded plan would require the developer/land owner to submit a plan for plan amendment. Robert Kopfer made a motion, and seconded by Roy Timpe, authorizing the Solicitor to notify the Meadowbrook developer/land owner in writing with directions to amend the Meadowbrook recorded plan for their requested changes. All Board members present voted, “Aye.” Motion carried.

### NEW BUSINESS

**Emory Wehr, 667 Walnut Tree Drive, Blandon, PA** asked the Board’s permission to provide a Hayride through out the Golden Manor development. The Board agreed that this was not within their jurisdiction and that this activity would be conducted at his own risk.

### PERSONNEL MEETING

A personnel meeting was scheduled for October 15, 2003 at 8:00 PM in the Municipal Building.

### MARDEN DRIVE

**Barry Hinkle, 45 Marden Drive, Blandon, PA** asked the Board to install some type of signage that would warn motorists, specifically large tractor trailer trucks that Marden Drive is a dead end street. He informed the Board that traffic turns onto Marden Drive from Rt. 73 thinking that it will lead to the Excelsior Industrial Park and when they realize that it is a dead end street, traffic problems result for the residents living along Marden Drive and other passing motorists. Robert Kopfer made a motion, and seconded by Roy Timpe, authorizing the Operations Director to install “No Outlet” signage on Marden Drive. All Board members present voted, “Aye.” Motion carried.

### AGRICULTURE SECURITY

Robert Kopfer made a motion, and seconded by Roy Timpe, authorizing the Township Secretary to advertise an Agriculture Security Public Hearing to be conducted on 11/13/03 at 7:00 PM. The purpose of this hearing is to hear any testimony or comments with regard to include Allyson Jones’s property into the Maiden creek Township Agriculture Security Area. All Board members present voted, “Aye.” Motion carried.

### GULDIN ROAD – HEAD WALL

The Operations Director reported that the recent flooding caused extensive erosion around the headwall near Guldin Road. He advised the Board that he will examine the area and provide them with a report.

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**EXECUTIVE SESSION 8:33 PM -9:37 PM**

The Solicitor stated that the following subjects would be discussed during executive session:

1. Martin Modular Home Subdivision – Litigation
2. Park Place – Michael Morgan – Litigation
3. Willow Creek Manor – Ina Ave. extension – Possible Litigation
4. Employee – Comp Time/Over Time

**EXECUTIVE SESSION ACTION**

Roy made a motion, and seconded by Robert Kopfer, authorizing the Solicitor to notify in writing the Board decision relative to the Ina Ave. extension. All Board members present voted, “Aye.” Motion carried.

The October 9, 2003 Board of Supervisors meeting was adjourned at 9:38 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 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