

# MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

NOVEMBER 13, 2003

7:00 PM

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

**GUESTS:** Ronald Kemmerer, Diane Hollenbach, James Schoellkopf, Cindy Stump, Fay Isamoyer, Harold Burgert, Richard Thren, James Smith, Dale Heffner, Allyson Jones, Bryan Olpp, Steven Schappell, Diana Benino, Jack Benino, Edward Doerrman, Justin Brickbichler, Brian Brickbichler, Jason Cronrath, Eric Veronikis-Patriot, Gary Rollman, David Larken, Byron Yatron, Steven Lutz, Keith Bredbenner, Mary Zuniga, Pamela Otruba, Catharine Reidnauer, David Bolton, Tony Camilli, Reading Eagle Reporter.

## **AGRICULTURE SECURITY HEARING**

At 7:05 PM a hearing was conducted to present testimony and hear public comment for the inclusion of a 18-acre parcel owned by Allyson Jones, 5 Jones Lane, Fleetwood, PA into the Maiden creek Township Agriculture Security area. After testimony by the Township Solicitor and hearing no comment the hearing was closed at 7:11 PM. The Board agreed to take action at the Board of Supervisors meeting.

## **BOARD OF SUPERVISORS MEETING**

Roy Timpe called November 13, 2003 Board of Supervisors meeting to order at 7:12 PM and asked everyone to rise for the Pledge of Allegiance to the Flag.

## **ANNOUNCEMENTS**

12,140 lbs. of tires and 100 lead acid batteries were collected at the Township Building on October 25, 2003. The tires were delivered to the Allentown Cement Company and the East Penn Manufacturing Company collected the batteries at the Township Building.

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. Public is welcome to attend.

The Maiden creek Township Planning Commission Meeting will be held on November 19, 2003 at 7:30 PM.

## **PUBLIC COMMENT**

**Justin Brickbichler, Blandon Cub Pack 183**, requested the Board's permission for Cub Pack 183 to utilize the Maiden creek Township Building, the parking area, and a portion of Quarry Road for the "Cub Mobile" that is scheduled for 5/23/04.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, granting permission for Cub Pack 183 to utilize the Maiden creek Township Building, the parking area, and a portion of Quarry Road for the "Cub Mobile" that is scheduled for 5/23/04. All Board members voted, "Aye." Motion carried.

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**Gary Rollman, representing the Berks County Bike Club** requested the Board's permission to conduct their annual bike time trials on the Township roadways on the Northwestern side of Lake Ontelaunee during March and April of 2004. He promised to inform the Board and the Police Department of the specific dates closer to the event.

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, expressed their willingness to accommodate the Berks County Bike Club request to conduct their annual bike time trials on the Township roadways on the Northwestern side of Lake Ontelaunee. All Board members voted, "Aye." Motion carried.

**David Larken, developer of Villages of Maiden creek, East Wesner Road, Blandon, PA,** presented brochures, floor plans, and an artist's rendition of the future senior townhouses to be constructed in this development.

**Harold Burgert, 331 East Wesner Road, Blandon, PA,** expressed his displeasure that the new owner of the Villages at Maiden creek had not contacted him prior to the earth moving.

The Board thanked David Larken for the information and assured Harold Burgert that the new owner is following the guidelines of the recorded plan.

**Byron Yatron representing Steven Lutz, 628 East Wesner Road, Blandon, PA,** provided pictures and a proposal to correct the flooding conditions that occur near his client's new home.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Township Engineer to investigate the storm water/flooding issue near the Lutz property on East Wesner Road, Blandon, PA. All Board members voted, "Aye." Motion carried.

**Keith Bredbenner, 146 South View Road, Fleetwood, PA,** asked the Board about the recent adoption of the Recreation Ordinance. He along with several of his neighbors feel that the ordinance is too restricting for their children, leaving them no place to play. They are concerned that their children are going to be cited for chasing a ball that might roll into the street while they are playing in their yards. They agreed that the Township is not adequately providing recreation areas for their children and wondered why it is taking so long for the Community Park to be completed.

**Officer Draznovich** informed the guests and the Board that the Northern Berks Regional Police would enforce the Recreation Ordinance in the same manner as the Noise Ordinance and the Pet Ordinance. When the Police receive a complaint and/or see a violation, they will hand deliver a copy of the ordinance and discuss the problem with the individual, which will result in an incident report being filed. Should the same complaint and/or the violation occur again, the Police will be aware if the individual had received a warning and if so, then a citation will be issued. As far as a ball rolling into the street, there will be no citations issued. When the Recreation Ordinance was originally passed, the message passed onto the Police Department was to enforce the ordinance to the letter. Since then, the method I just explained will be used.

**Mary Zuniga, 137 South View Road, Fleetwood, PA,** stated that some of the provisions of the ordinance were misunderstood and has since been clarified; however a particular resident in the neighborhood is pushing the ordinance issue beyond its limits. She feels that it is not fair that the neighborhood has to be afraid to breathe the wrong way or she will be on the phone complaining.

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Roy Timpe stated that the spirit of the Recreation Ordinance was to remove sports equipment from the Township roadways. He stated that skateboard ramps, hockey nets, and basketball nets in the road resulted in children playing in the streets and in some areas this was impeding traffic flow. We did not want to prohibit people from riding bikes in the streets or using roller blades in the streets, it was the equipment that we wanted removed. It was not the Board's intent to have someone cited because his or her ball rolled into the street. The Board stressed again, that residents should obtain a copy of the ordinance to be aware of the guidelines and that notification of the Recreation Ordinance appeared in the newsletter.

**Lawrence Reidnauer, 219 North View Road, Fleetwood, PA**, attempted to clarify the misunderstanding between the Board and Mr. Bredbenner in regards to his basketball net. Nets that are positioned at the end of a driveway (still on your property) resulting in the children playing in the street – that is what the Board does not want. A net that is positioned in the driveway that results in the children playing on the driveway is the ideal situation and should a ball roll into the street that would not become a problem. The Police travel through our development all the time, stop one and ask questions about a particular situation, they are more than willing to help you. They are very helpful, they really are!

**Statements:** Various statements throughout the audience of:

1. Where are my kids suppose to play till you finish the park and will the park have basketball nets?
2. Shouldn't this ordinance be stopped until basketball courts are available?

**Gloria Kemmerer**, stated that the conversation and complaints she is hearing this evening is a welfare mentality. It is not the responsibility of the Township of Maidencreek to provide recreation to its residents, the fact that we do is a privilege. No one forced you to purchase the property where you are living. The streets are meant for the connivance of vehicles, they are not a taxpayer-funded playground for our children. The Park and Recreation Board are moving along very nicely with the park. One of the reasons that they are not further along then they are is because of tax revenue. Now, if you want your taxes raised, they can get that park done in a year.

**Statements:** Various statements throughout the audience of:

1. I pay taxes now, why can't I play in front of my house? I pay taxes now, I pay your salaries.

**Gloria Kemmerer** stated that the ordinance is to prohibit children from playing in the streets; the street is not a playground. I can't believe that parents would fight to allow their children to play in the street!

**Roy Timpe** stated that the Park and Recreation Board would include (2) basketball courts w/ (4) nets surrounded by fencing in the Community Park. He could not confirm when it would be built.

**Pamela Otruba, Limestone Village, Fleetwood, PA**, understands that children playing in the street is not safe. She stated that if people are aware that children in a particular development will be playing in the street, they will go slow and that's great! If there are no children in that area (playing in the street, riding a bike, or whatever) a car would be traveling faster and would not be able to stop for the child that runs out in the street to retrieve a ball. She wanted the Board to know that she did not appreciate that tax dollars were used to remove her net and then two weeks later to have it returned.

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**Roy Timpe** stated that the Police Chief was under the impression that nets would be used as evidence however; at the last meeting the Solicitor stated that was not the way they wanted things handled and that was not part of the ordinance. He felt that the basketball net issue in the Limestone area at its best was handled less than optimum. This ordinance went through the same process as any other ordinance, with public discussion, published notices, and a public hearing. He added that the Board does not consider the use of allowing children to play in the street as a speed deterrent.

**Catherine Reidnauer, 219 North View Road, Fleetwood, PA,** stated that she does not have any kids to be concerned about with the Recreation issued however; she did notice that there are no signs in the Limestone development to warn motorists that children are playing. She thinks signs should be installed and when future developments are approved, the Board should consider sidewalks because even when adults want to walk their dogs they must walk in the street. She stated that she felt that Mrs. Kemmerer's statement about welfare mentality was a little cruel. "I don't think that is the case, these are parents looking for a safe place for their children to play. They are looking to you to provide that. I have watched that grassy field for three years, that's a shame, for what we pay in taxes that's a shame – shame on you!"

**David Bolton, of Hearthstone Health Company,** explained that the Hearthstone Health Company is an assisted living facility that would like to locate to the Maiden Creek area. The property that is being considered is located along Dries Road between the Allentown Pike and Snyder Road and is currently zoned light industrial. They have obtained L& I approval for their plans however; when attempting to secure a building permit, it was discovered that assisted living was not included in light industrial or recognized anywhere in the Township Zoning Ordinance. They feel as though this project will be a nice transition with little impact on the existing residential and industrial areas.

The Township Solicitor advised David Bolton and his associates if existing use is not provided anywhere else, it is provided for in the Industrial Section 1102.B4 - Special Exception and to proceed with the application process and to seek approval from the Zoning Hearing Board.

**James Smith, 485 Hoch Road, Blandon, PA, representing the Park Place Homeowners Association** asked the Solicitor the status of the second notification to the remaining Park Place residents. To date there are approximately 40 residents that have not signed the civil complaint waiver and the Association cannot move forward until everyone has signed. He asked that the notification letter include a firm date to sign and return. After some consideration between the Solicitor and James Smith, it was agreed that James Smith would prepare a letter and forward to the Solicitor for approval so notification could continue to move forward.

**Diana Benino, 400 Troy Drive, Blandon, PA,** informed the Board that her new neighbor at 401 Troy Drive, Blandon, PA provided a carnival type atmosphere on Halloween and prepared flyers informing everyone that this celebration was an alternative to Halloween. Her new neighbor's religious belief does not approve of Halloween as it is considered to be a pagan celebration. She stated that religious information was distributed and it interfered with the normal neighborhood trick-or-treating. She asked the Board if they were aware of this activity and how could this type of activity be allowed to continue. "If we allow this type of activity to continue, they will soon outlaw Christmas!"

The Board was not aware of the Halloween activities at 401 Troy Drive, Blandon, Pa, however; if they abided by the Halloween curfew (stopping the activity by 9:00 PM) and it was conducted on their property, there was nothing that can be done. It's a free country!

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**POLICE REPORT**

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

	<b>Maidencreek</b>	<b>Ontelaunee</b>	<b>Leesport</b>	<b>Totals</b>
<b>Patrol Hours</b>	702.5	406	318	1426.5
<b>Administration Patrol Hours</b>	108.47	84.09	51.19	243.75
<b>Total Patrol Hours</b>	810.97	490.09	369.19	<u>1670.25</u>
<b>Fuel</b>				1037.7
<b>Mileage</b>	6584.69	4397.49	2168.82	13151
				Admin.
<b>Assignments</b>	338	183	109	26
<b>Citations</b>	118	97	35	
<b>Fines Collected</b>	\$2,353.62	\$2,229.90	\$2,060.90	\$6,644.42

**APPROVAL OF THE MINUTES**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to approve the **October 9, 2003** Board of Supervisors Meeting minutes. All Board members present voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to approve the **October 17, 2003** Board of Supervisors Special Meeting minutes. All Board members present voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to approve the **October 30, 2003** Board of Supervisors Special Meeting minutes. All Board members present voted, "Aye." Motion carried.

**RESOLUTION 23-2003 – AGRICULTURE SECURITY ADDITION**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to include an 18-acre parcel owned by Allyson Jones, 5 Jones Lane, Fleetwood, PA into the Maiden creek Township Agriculture Security area. All Board members present voted, "Aye." Motion carried.

**TREASURER’S REPORT**

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

Checking Account	\$ 48,252.21
Payroll Checking	\$ 911.31
Money Market	\$257,716.38
On Lot Sewage	\$ 6,464.96
Petty Cash	\$ 119.63

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

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Secretary to advertise the 2004 Budget for adoption at the 12/18/03 Board of Supervisors meeting. All Board members present voted, "Aye." Motion carried.

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing a \$100.00 Christmas bonus for the full time Township employees and \$50.00 Christmas bonus for the part time Township employees. All Board members present voted, "Aye." Motion carried.

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Roy Timpe made a motion, and seconded by Robert Kopfer, to increase the monthly pay for a Supervisor to \$150.00. Roy Timpe voted, "Aye, Robert Kopfer voted, "Aye." Gloria Kemmerer abstained.

No action was taken on an increase in the 2004 monthly pay for the Planning Commission.

**ENGINEER'S REPORT**

**COMMUNITY PARK – BALL FIELD**

The area of the Community Park that was designated for a "high school" ball field is not suitable for installation. The Engineer recommended installing a diamond league field that would be more accommodating to the designated area and could be adjusted for other age groups. Construction would be very similar to the field at the Richmond Township Elementary School. Funds that will be saved due to the field adjustments could be utilized to purchase (4) foul line poles (two for each field). Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Engineer to proceed with the modifications to the ball field in the Community Park and utilize the excess funds as a result of the downsizing to purchase (4) foul line poles for each ball field. All Board members present voted, "Aye." Motion carried.

**PEDESTRIAN BRIDGE**

The DEP Permit was approved for the installation of the second bridge in the Community Park. The Engineer advised the Board that grant funds might be utilized to install the bridge, provided that the Township Road Crew completes some of the work.

**COMPREHENSIVE PLAN**

Comprehensive Plan is moving forward and should be completed for adoption by December 2003.

**ACT 537 PLANS, Phase 2**

The Engineer will make a presentation of the Act 537 Plan, Phase 2 at the 11/20/03 Board of Supervisors meeting.

**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 \$5,594.33. 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. The Engineer advised the Board that Raymond Martin was cited for the most recent violation of his malfunctioning on-lot sewage system and that the Martin Retirement Village is in the process of being sold. The prospective buyer has assumed the outstanding sewage line installation and should be prepared to connect the existing modular home development to public sewage system in approximately two weeks. When the sale of the property is completed, the Martin Retirement Village will be called The Village at Summit Crest.

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**TRAFFIC LIGHT TIMING**

The Township received approval from Penn Dot to readjust the traffic light timing to mirror each other on the Allentown Pike in Maiden creek Township. The Township is required to pay for the adjustments. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to contact TELCO to adjust the timing of the traffic lights at the Allentown Pike and Rt. 73 intersection and at the Allentown Pike, Tamarack Blvd. and Genesis Drive intersection, not to exceed \$4,000.00. All Board members voted, "Aye." Motion carried.

**COMMUNITY PARK - BASKETBALL COURTS & CONCESSION STAND**

Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Engineer to pursue the plans for the basketball courts and a concession stand in the Community Park. All Board members voted, "Aye." Motion carried.

**SOLICITOR'S REPORT**

**MARTIN RETIREMENT VILLAGE**

The Township Solicitor confirmed the pending sale of the Martin Retirement Village and completion of the outstanding public sewage lines. All avenues of justice have been expended to attempt to have Mr. Martin comply by maintaining his on-lot sewage system until public sewage lines could be installed. There are still outstanding citations that need to be addressed at the District Justice.

**RESOLUTION 24-2003 – RIVIERA DRIVE, SHADOW RIDGE, Phase II**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the deed of dedication for Township acceptance of Riviera Drive in Shadow Ridge, Phase II. All Board members voted, "Aye." Motion carried.

**RESOLUTION 25-2003 – MONACO DRIVE, SHADOW RIDGE, Phase II**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the deed of dedication for Township acceptance of Monaco Drive in Shadow Ridge, Phase II. All Board members voted, "Aye." Motion carried.

**RESOLUTION 26-2003 – VENICE DRIVE, SHADOW RIDGE, Phase II**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the deed of dedication for Township acceptance of Venice Drive in Shadow Ridge, Phase II. All Board members voted, "Aye." Motion carried.

**RESOLUTION 27-2003 – CAPRI LANE, SHADOW RIDGE, Phase II**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the deed of dedication for Township acceptance of Capri Lane in Shadow Ridge, Phase II. All Board members voted, "Aye." Motion carried.

**RESOLUTION 28-2003 – CALABRIA DRIVE, SHADOW RIDGE, Phase II**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to accept the deed of dedication for Township acceptance of Calabria Drive in Shadow Ridge, Phase II. All Board members voted, "Aye." Motion carried.

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**RESOLUTION 29-2003 – DRAINAGE AND STORM SEWER EASEMENT, SHADOW RIDGE, Phase II.** Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to accept the agreement for the drainage and storm sewer easement on lots 111–123 in Shadow Ridge. All Board members voted, “Aye.” Motion carried.

**DEP APPLICATIONS – ZWICKY & SONS and THE VILLAGES AT SUMMIT CREST**

Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Township Engineer to notify DEP of the errors in the “Land Use Review for a Small Non-coal Surface Mining Permit” application and obtain additional pertaining to the Act 14 application for expansion of the water system that was filed for the Village at Summit Crest (Martin Retirement Village). Corrections and information pertaining to both applications must be completed by 11/15/03. All Board members voted, “Aye.” Motion carried.

**OPERATION DIRECTOR’S REPORT**

Copies of the Operation Director’s Report are available on the receptionist’s counter. The following action was taken as per requested by the Operations Director:

1. **SNYDER ROAD** – Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director (with the Township Engineer and/or Robert Kopfer) to investigate and negotiate with Penn Dot for future plans to turn back a portion of Snyder Road in Maidencreek Township. All Board members voted, “Aye.” Motion carried.
2. **COMMUNITY PARK AND RECREATION AREAS** – Gloria Kemmerer made a motion, and seconded by Robert Kopfer, authorizing the Operations Director to proceed with the annual fertilization to the Community Park and the other recreational areas in Maidencreek Township as proposed. The fertilization of the Community Park will be completed in late spring to accommodate the installation of the two ball fields. All Board members voted, “Aye.” Motion carried.
3. **EMERGENCY REPAIRS DUE TO FLOOD DAMAGES** - Robert Kopfer made a motion, and seconded by Gloria Kemmerer, to ratify the total amount expended for emergency repairs due to flooding damages, in the amount of \$5,751.00. All Board members voted, “Aye.” Motion carried.
4. **GULDEN CREEK**– The Operations Director will contact DEP relative to clearing debris from the Gulden Creek, a tributary of the Willow Creek between Spirit Court and Blandon Meadow Parkway. He will report to the Board prior to any work being completed.
5. **AUSTRIAN DRIVE – STREET LIGHT** – The Operations Director informed the Board that the street light on Austrian Drive will be installed 11/18/03.

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**EXECUTIVE SESSION 10:25 PM – 11:11 PM - Litigation and personnel**

The following action was taken as a result of the executive session:

1. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to hire one person for (2) days (only) to assist with setting trusses at the Molltown Building. All Board members voted, "Aye." Motion carried.
2. Gloria Kemmerer made a motion, and seconded by Robert Kopfer, to offer full time employment to David Saint effective 12/1/03. All Board members voted, "Aye." Motion carried.
3. Robert Kopfer made a motion, and seconded by Gloria Kemmerer, authorizing the Operations Director to advertise for a part time road crew position in Maiden creek Township. All Board members voted, "Aye." Motion carried

Robert Kopfer made a motion, and seconded by Gloria Kemmerer to adjourn the November 13, 2003 Board of Supervisors meeting at 11:28 PM. A second Board of Supervisors meeting will be conduct on November 20, 2003 to complete any un-finished business. All Board members present voted, "Aye." Motion carried.

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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