Maidencreek Township Board of Supervisors
September 9, 2004

Present: Roy Timpe, Gloria Kemmerer, Robert Kopfer, Eugene Orlando, Jr. – Orlando and Strahn, Tom Unger – Systems Design Engineering, Inc., Keith Shuman – Roadcrew Leadman, Diane Hollenbach – Recording Secretary

Guests: Fay Isamoyer, Paul Martin, J. Schoellkopf, Cindy Stump, Mary Ann Wechezak

Roy Timpe called the September 9, 2004 meeting of the Maidencreek Township Board of Supervisors to order at 7:02 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

POLICE REPORT

Officer Drazenovich reported that the Northern Berks Police had 290 assignments in August. There were 108 citations written for a total of $4,522.00 in fines. There were 760 patrol hours for August in the Township.

Officer Drazenovich reminded everyone that school is back in session and asked that they use caution when driving.

Fay Isamoyer of Evansville Road asked how far in advance should a car get in the turning lane on Route 222 to turn onto Schaeffer Road. Vehicles are in the center turn lane coming over the crest of Route 222 at Evansville Road to make the left turn onto Schaeffer Road. When trying to turn onto Evansville Road, cars have to battle those that are turning onto Schaeffer Road. Gloria Kemmerer suggested contacting the State Senator and Representative. Mrs. Isamoyer asked if it was legal when the traffic is stopped and backed up on Route 222 to get into the center lane when pulling out from Evansville Road onto Route 222 heading in the direction of Kutztown. Officer Drazenovich would not recommend this because it is not safe.

Kip Bowers of Grove Road asked that the police check the first block of Grove Road off of Route 73 at 8:55 AM because cars are parked over the white line and this is not a safe situation with the school bus driving between the parked cars.

Roy Timpe dismissed the officer to return to his duties.

PUBLIC COMMENT

Mary Ann Wechezak of 155 Koffee Lane, Kutztown stated that she is moving into Meadowbrook in December and requested that Kensington Blvd, in front of her home be made handicap parking. The road is marked no parking on the opposite side and a BARTA bus 33 to 35 feet long must pick up her handicap daughter to take her to work. It takes 10 to 15 minutes to load her daughter into the bus and Mrs. Wechezak is concerned that neighbors will park in front of her home and block access for the bus. Roy Timpe explained that the Township does not own the streets in Meadowbrook and until the streets are dedicated, the handicap parking would not be enforceable by the police department.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to request that the developer erect a sign along Kensington Blvd. that the Township will provide, which designates the area in front of Lot 15 in the Meadowbrook Subdivision as handicap parking when the certificate of occupancy is issued for the home. All members voted, "Aye." Motion carried.

APPROVAL OF THE MINUTES

Roy Timpe announced that the Board of Supervisors held an executive session on September 7, 2004 to discuss the union contract.

Gloria Kemmerer questioned if two items, one on page 8 and page 11, were made in the form of a motion. Diane Hollenbach stated that she typed what she had written in her notes and that questions like that should be asked in advance so that the tape can be checked.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the August 12 2004 minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the August 30, 2004 minutes of the Maidencreek Township Board of Supervisors as presented. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist – Tom Unger reported that the review period on Melrose Place expires before the next meeting.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to reject the Melrose Place Final Plan for the reasons cited in the June 22, 2004 Systems Design Engineering, Inc.'s review letter unless a request for a time extension is received by October 6, 2004. All members voted, "Aye." Motion carried.

All letters of credit are current.

Richmaiden Subdivision Final Plan – Tom Unger stated that the Planning Commission recommended final plan approval of the Richmaiden Subdivision plan with the following conditions: DEP planning module approval, plan endorsements, recording of the septic easement agreement with the plan. Gene Orlando reported that he has made comments on the septic easement agreement to the developer's attorney.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, granting final plan approval to the Richmaiden Subdivision and Annexation Plan conditional upon DEP Planning Module approval, final plan endorsements, and the septic easement agreement executed, acknowledged and delivered to the Township and recorded with the final plan.

Gloria Kemmerer asked if the recording of the annexations should be a condition of approval.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to rescind the previous motion. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, granting final plan approval to the Richmaiden Subdivision and Annexation Plan conditional upon DEP Planning Module

approval, final plan endorsements, the septic easement agreement executed, acknowledged and delivered to the Township and recorded with the final plan, and receipt of the legal description and the deeds conveying the annexation property to the owner and their deeds combining the annexation with their properties. All members voted, "Aye." Motion carried.

Village at Summit Crest – Tom Unger stated that there are waiver requests before the Board tonight. The Planning Commission has recommended granting waivers.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant the following waivers to the Maidencreek Township Subdivision and Land Development Ordinance for the Village at Summit Crest Land Development Plan: 503J.1 single access street limited to 20 units, 505.M.5 streetlights, 603.A.1 and 503.M.3 street design standards, 603.B, 505.A, 503.M.3 sidewalks. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to allow the developer of the Village at Summit Crest to pay $750.00 per lot for fee in lieu of open space for the five lot revision to the existing land development plan. All members voted, "Aye." Motion carried.

Projects

Pedestrian Bridge – Tom Unger reported that the Park and Recreation Board has requested that SDE obtain three quotes for the installation of the remaining pedestrian bridge in the Community Park.

Act 537 – The 30 day comment period is over and no comments were received. The next step is to advertise a public hearing.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to advertise a public hearing for October 14, 2004 beginning at 7:00 PM with the regular business meeting to follow immediately after the hearing. All members voted, "Aye." Motion carried.

Zoning Ordinance Revisions – Gloria Kemmerer asked if there was any movement on the revisions to the zoning ordinance. Gene Orlando answered that there was.

Allentown Cement Alternate Fuels – The Township has not received a response for the DEP. Mr. Unger will follow up with a phone call.

Ruscombmanor Township Trailers on Lee Spring Road – Roy Timpe had contacted the Ruscombmanor Township Chairman in regard to this issue. Mr. Timpe and LTL, Ruscombmanor Township's engineering firm have exchanged phone calls but have not connected.

WD Zwicky Permit – Tom Unger stated that Mr. Zwicky was notified that he will need a land development plan. He has obtained a building permit to replace an existing building.

2004 Street Paving – Mr. Unger reported that the 2004 street paving has been completed.

Agricultural Security Area – The Planning Commission and Agricultural Security Board have two applications to review for admittance into the Agricultural Security Area.

Sewer Easement – Tom Unger reported that no work has been done on the sewer easement for the Township Building.

Heating Oil Tank – Work on the Township heating oil tank has not begun yet.

Fleetwood Bank Parking Request – Tom Unger reported that Fleetwood Bank has requested that they be allowed to add 8 parking spaces and asked for a determination in the scope of land development. The project will disturb 2.5 acres and looks to have no negative impact on the stormwater facilities. Mr. Unger would like documentation on where the stormwater is flowing and the existing swale drainage problem corrected.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to waive the land development process for the addition of 8 parking spaces to the First National Bank in Fleetwood property conditional upon them demonstrating storm water flow and correcting the existing swale problem. Gloria Kemmerer and Robert Kopfer voted, "Aye." Roy Timpe voted, "Nay." Motion passes.

Roy Timpe commented that the Township needs to get the Subdivision and Land Development Ordinance squared away.

Subdivision Improvement Agreement and Letter of Credit/Escrow Release Letters

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the engineer, to authorize the Chairman to sign the Letter of Credit and Escrow Release Letters in the amount of $55,390.91. All members voted, "Aye." Motion carried.

Mr. Unger added that the Sewage Enforcement Officer's report and Zoning Officer's report are attached for the Board's review. Diane Hollenbach states that the new Code Official, Mark Chowela, is doing well and responds immediately to calls.

Creekside Manor – Tom Unger reported that the paving in Creekside Manor is completed and only a few minor items remain such as street trees need to be installed. There is money in the Letter of Credit to cover the installation.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the solicitor to prepare the deeds of dedications. All members voted, "Aye." Motion carried.

OPERATION REPORT

Rental of Crack Seal Machine – Keith Shuman explained that the crack seal machine that the Township owns is too small for what the Roadcrew uses it for and it started on fire during the road work this season. Mr. Shuman requested permission to rent a crack seal machine for one week at a cost of $1500.00 and purchase two skids of crack seal at a cost of $1600.00. Robert Kopfer asked Mr. Shuman

to check to see if the Township can have the machine additional days if it rains during the week it is rented.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Keith Shuman to rent a crack seal machine from Crafco and purchase two skids of crack seal for a cost not to exceed $3,100.00. All members voted, "Aye." Motion carried.

Spraying of Grubs – Keith Shuman reported that several areas on Township property have grubs. Grubs eat away the grass roots and turn into Japanese beetles.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the treatment of the Ontelaunee Height Ball Field, Blandon Fire Company Ball Field and Township Building for grubs by TruGreen Chemlawn as quoted and authorize the Community Park treatment at Mr. Shuman's discretion. All members voted, "Aye." Motion carried.

Tree Trimming – Keith Shuman asked the Board for clarification on trimming trees along the roadways. Roy Timpe stated that Section 2325 of the Second Class Township Code allows the Township to remove branches and trees that pose a hazard.

SOLICITOR'S REPORT

Noise Ordinance – Gene Orlando stated that he reviewed the Noise Ordinance to address Larry Kunkel's concerns with Tom's Mini Market. Section 4.101E prohibits noise from loading and unloading from 11PM to 6AM and can be enforced by the Code Enforcement Officer and Police.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, authorizing the secretary to compose a letter to Tom's Mini Market and Larry Kunkel outlining Section 4.101E of the Noise Ordinance. All members voted, "Aye." Motion carried.

J.O.D.L. Easement – Mr. Orlando prepared an easement to allow the doctor's office on Ingot Drive to use the Township's sewer lateral. The legal description prepared by the owner and the owner's legal name that was provided is incorrect. Tom Unger will address correcting the legal description. Mr. Orlando suggested that the Board on the Resolution strike the incorrect name, insert the correct one and initial the change. The Resolution authorizes the Chairman to sign the easement agreement.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to adopt Resolution 22-2004 authorizing the Chairman to sign the J.O.D.L. sewer lateral easement agreement. All members voted, "Aye." Motion carried.

Exoneration of Taxes – Mr. Orlando reviewed the statutes if Townships are allowed to exonerate taxes. Mr. Orlando stated that the County Board of Assessment can exonerate taxes but Townships can not. The Board authorized the secretary to contact Mr. Zimmerman and explain that the Township does not have any authority to exonerate taxes.

Arthur Rothermel – Gloria Kemmerer asked the solicitor if he had reviewed the Rothermel plan to see if the alley was a Township right of way and if speed limit signs could be posted. Mr. Orlando stated that a road title search will run between $500 and $1500. The police should be able to cite individuals for reckless driving. The secretary will search for the Rothermel Subdivision plan for the solicitor to review.

UCC Amendment – Gloria Kemmerer asked if progress was made on the ordinance to regulate accessory structures under 1000 square feet. Tom Unger is working on this for several municipalities.

TreeTops Detention Basin – Gloria Kemmerer asked if the solicitor had an opportunity to review the homeowners document in regards to the maintenance of the detention basin. Mr. Orlando has not.

Traffic Ordinance – Gloria Kemmerer asked for the status of the traffic ordinance. Gene Orlando stated that he thought that he is waiting for things from the engineer. He will be drafting an amending ordinance.

Rajah Shrine – Gloria Kemmerer asked if the letter from the Rajah Shrine requesting a reduction in street lights had been addressed. The solicitor received the letter from the Shrine and forwarded it to the Board. The issue was not on the agenda because the secretary was not aware of the letter. Tom Unger stated that he would review the plan while the Board was in executive session.

An executive session was called from 9:03 to 9:20PM to discuss personnel issues.

Truck #4 – Roy Timpe stated that Keith Shuman will obtain 3 quotes for the repair of truck #4.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the repair of the snowplows for a cost not to exceed $2,000.00. All members voted, "Aye." Motion carried.

Rajah Shrine – Tom Unger reported that the Shrine is requesting to not install the 5 lights along Orchard Road and Slater Road as depicted in their land development plan.

A motion was made by Robert Kopfer, seconded by Roy Timpe, to allow the Rajah Shrine to defer the installation of the five lights along Orchard and Slater Roads. Robert Kopfer and Roy Timpe voted, "Aye." Gloria Kemmerer voted, "Nay." Motion carried.

TREASURER'S REPORT

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the September 2004 Treasurer's Report and authorize the payment of the bills. All members voted, "Aye." Motion carried.

PARK & RECREATION

Letter of Resignation - A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, accepting Martha Heydt's letter of resignation from the Park and Recreation Board and authorized the secretary to send Ms. Heydt a thank you letter. All members voted, "Aye." Motion carried.

Community Days Ride Contracts

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Chairman to sign the contracts for Ozzy's, Noah's World and Bounce to the Moon for rides provided for Community Days. All members voted, "Aye." Motion carried.

Gloria Kemmerer commended the Park and Recreation Board on the work they did on Community Days. Diane Hollenbach stated that the Park and Recreation Board came up with a lot of the ideas but Julie Guistwite has been almost single handedly organizing the event and doing the day to day work on it.

Sign at Community Park

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize Keith Shuman to order and have installed a sign at the entrance to the Community Park that states Park Entrance No Outlet and remove the Road Closed Permanently signs. All members voted, "Aye." Motion carried.

NEW BUSINESS

Non Uniform Pension

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, approving Resolution 23-2004 the 2005 Maidencreek Township Pension Minimum Municipal Obligation. All members voted, "Aye." Motion carried.

School Crossing Guard

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to formally accept Daniel Keller's resignation as school crossing guard. All members voted, "Aye." Motion carried. The secretary indicated that she had sent a card and fruit basket on behalf of the Supervisors and Township employees.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to hire Jolyn Dearholt to the position of part time Crossing Guard with a 60 day probationary position. Al members voted, "Aye." Motion carried.

Gloria Kemmerer asked if Mrs. Dearholt would be opening and closing the bathrooms at the Fire Company playground. Keith Shuman stated that the roadcrew will do this, since the bathrooms will be closed after the frolic in October. The Board may look at hiring someone in the spring.

Letter from Resident at 108 Millennium Drive – A request was received from Millennium Drive to remove all the no parking signs from the Meadowbrook development. Tom Unger stated that the street is only 28 feet wide and can only accommodate parking on one side. The street width was waived during the planning phase and no parking on one side adopted as a compromise. The homes have two car garages and can fit two cars in the driveway. The Board took no action on the request. Roy Timpe will contact the resident by phone.

Part Time Light Equipment Operator – The Board will look at making this position full time during reorganization if there is a need. The Board agreed to interview the five candidates and asked Keith Shuman to set up interviews for Saturday, September 25th.

Roy Dreibelbis – The Board instructed the secretary to send a letter to Roy Dreibelbis stating that the Board regrets that they can no longer retain his services.

Angelo Corrado – The Board instructed the solicitor to review the Second Class Township Code in regards to the sale of Township property, and secretary to contact Mr. Corrado and communicate that the Board is interested in selling him the portion of Township owned land that abuts his property.

Trick or Treat Night

A motion was made by Robert Kopfer, seconded by Roy Timpe, to hold Trick or Treat night on October 31, 2004 from 5PM to 9PM. All members voted, "Aye." Motion carried.

Block Parties

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to allow Hoch Road and Eagle Drive closed from Golden Drive to Walnut Tree Drive for block parties on September 18, 2004 from noon to 9PM. All members voted, "Aye." Motion carried.

Dawn Stern requested closing Faith Drive between Hope Drive on Trick or Treat Night for a party. The Board tabled a decision and asked the secretary to ask the Chief of Police's opinion.

Summer Help

An executive session was called from 10:04 to 10:05PM for personnel issues.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize thank you notes be sent to the summer help and to invite them to the annual Township Christmas Party. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the secretary to cancel the September 16, 2004 Board of Supervisors meeting due to the fact that there was no outstanding business. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer to adjourn the September 9, 2004 meeting of the Maidencreek Township Board of Supervisors. Meeting adjourned at 10:05 PM.

Diane Hollenbach, Recording Secretary – September 15, 2004

Cc: Board of Supervisors
Eugene Orlando, Orlando & Strahn, Solicitor
Thomas Unger, Systems Design Engineering, Inc., Township Engineer
Ed Kopicki, Systems Design Engineering, Inc., Planning Commission Engineer
Planning Commission
Park & Recreation Board
Zoning Hearing Board and Alternates
Paul Herbein, Zoning Hearing Board Solicitor
Maidencreek Township Authority
Patrick Donovan, Maidencreek Township Authority General Manager
JoAnn Schaeffer, Maidencreek Township Authority Secretary
Robert Hobaugh, Jr. Esq., Stevens & Lee, Maidencreek Township Authority Solicitor
Greg Unger, Systems Design Engineering, Inc., Maidencreek Township Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police