Maidencreek Township Board of Supervisors
October 14, 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, Ben Stark, Timothy Long, Rob Anderson, Kevin Pollhoff, Larry Kunkel, Joe Rudderow, Mike Delong, Joni Leh, Paul Grady, Bill Hardman, Robert Hanna, CJ Levan, Margie McForry, Eziz Kamel, Tim Flynn, Roxanne Flynn, Michaele Scott, Freda Scott, Donna Fuerst, Kristopher Kipp, Kathy Stanley, Steph Askey, Karen Gieringer, Kurt Gieringer, Alan Weaver, Nannette Weaver, Alberto Wolfe, Brian Yulewicz, Brent Miller, Seth Mitten

Roy Timpe called the October 14, 2004 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 PM in the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

POLICE REPORT

Officer Hobart reported that the Northern Berks Police had 279 assignments in September. There were 93 citations written for a total of $3,022.22 in fines. There were 811 patrol hours for September in the Township.

Donna Fuerst thanked Officer Hobert for setting up the speed timing device on Faith Drive. Officer Hobart stated that N.B.R.P. will be doing spot checks on speed throughout the Township.

Officer Hobart asked that during Trick or Treating, parents stay with your kids, stay in familiar neighborhoods, and try to have reflective costumes. If you do not have reflective costumes, the department has reflective trick or treat bags. Officer Hobart stated that there will be extra patrols on Halloween.

Mike Delong of Hill Road, Blandon asked if there was something that can be done about cars that don't stop behind the white lines at intersections. Officer Hobart stated that at some intersections, you can not see to pull out if you do not pull across the white line.

Roy Timpe announced that Trick or Treating in Maidencreek Township would be on October 31st from 5 to 9 PM and then dismissed the officer to return to his duties.

PUBLIC COMMENT – note that many members of the public did not state their name prior to speaking. In the interest time and space, the public comment is summarized below.

Meadowbrook Subdivision

Several residents of Meadowbrook do not agree with the No Parking signs on the east side of all the streets in their development. The residents asked the Board to remove the no parking restriction from their development and presented a petition with 22 signatures. The residents stated that they were never told that this development was parking on one side of the street when they purchased their homes. They asked why this was mandated and who is responsible for doing it. They felt that other developments like Limestone Village were more dangerous and the other developments in the Township should also be made to have no parking on one side of the street. The residents felt that it was their choice if they parked in their driveway or not and did not want to have to walk a block because they

could not park in front of their own homes. The residents were opposed to having their development connect to Route 222 and asked how they could stop this from happening.

Roy Timpe, chairman of the Board of Supervisors explained that the Township Zoning Ordinance defines how wide a street needs to be to have parking on both sides of the street. Currently, 42 feet is needed to park on both sides of a street. Since the streets in Meadowbrook are 33 feet wide, the Planning Commission and Board of Supervisors felt that parking could only be allowed on one side in the interest of public safety, the ability for emergency vehicles to navigate the roads and the snowplows to effectively plow the roadways. Gloria Kemmerer stated that Limestone Village has smaller road frontage and one car garages and that the people would have no where to park if it was no parking on one side. Shadow Ridge is a self contained development that does not have cut through traffic. The homes in Meadowbrook have two car garages, wide driveways and wider lots, which gives them ample space to park and will experience cut through traffic to Route 222 and the Walnut Manor Subdivision, which will make their roadways more frequently traveled. Roy Timpe stated that the Board does not have any plans to implement no parking in any existing developments. Gene Orlando stated that the only way to change the no parking in Meadowbrook would be to perform a traffic study and if the traffic study came to a conclusion that justified the change to the no parking provision, the traffic ordinance would have to be amended. Mr. Orlando advised that the design of developments is set by ordinance and if the residents want to change the law, they should attend the Planning Commission meetings where the Subdivision and Zoning Ordinances are currently being revised. Roy Timpe acknowledge that the Board had received the homeowners petition and is aware of their view on the matter.

Faith Drive Flooding

Chris Kipp of Faith Drive asked for the Board's cooperation in trying to correct the serious flooding problem in the meadow behind his and Donna Fuerst's homes. The state has a stream remediation program. The creek is breaking its banks and Mr. Kipp has three foot of water in his backyard after a storm. He has been in contact with the Army Corp of Engineers and they have stated that there may be ways to fix the problem like digging the silt out, building the banks up or digging a branch alongside the stream. Roy Timpe was skeptical that Mr. Kipp will get anywhere with the Army Corp of Engineers from past experience in the Township. Mr. Kipp stated that there may be money available from the state. Mr. Kipp also asked if the low spot on the Township property could be corrected now. Tom Unger of Systems Design Engineering, Inc. stated that a permit is needed anytime you work in the stream. If it is a true erosion problem, Berks County Soil and Erosion can look at it. Donna Fuerst stated that Terry Manmiller told her that Berks County Conservation District said the area is wetlands. Tom Unger took Mr. Kipp's number and promised to give him some contacts.

Creekside Manor

Paul Grady of 406 Colonial Court, Blandon stated that he is having a stormwater problem between his and his neighbor's homes. The water is running over the sidewalk. This will be hazardous in the winter and as a property owner, he knows he is responsible for keeping the sidewalk clear of ice and snow. Tom Unger stated that the plan does not show anything specific in this area. General grading around the lots are not covered under the Improvements Agreement. Mr. Unger will follow up with Mr. Corrado again on this situation.

Bill Hardman, Mr. Grady's neighbor, stated that he wrote a letter to Terry Manmiller in April. Mr. Hardman requested help from the Township because there is seven inches from the windowsill in his basement to the swale and he feels that he will have water going into his basement. Roy Timpe stated that this is a civil issue between Mr. Hardman and Mr. Corrado. Mr. Orlando stated that the Township can try to help but can not get involved if the development has been built per the approved plan. Mr. Unger stated that the Township has not yet taken dedication of the street in Creekside Manor.

Ben Starks, 413 Colonial Court, Blandon, asked when the streets will be dedicated because the school buses won't enter the development and his 9 year old daughter must walk ½ a mile in the cold to the bus stop. Tom Unger stated that the Board had been planning on accepting the streets this evening but the descriptions did not come in from the developer's engineer. The punchlist for the development includes street trees, lot pins, paving, street monuments, water boxes, and fixing a streetlight. Most of these items have been completed.

Brent Miller of 411 Colonial Court, Blandon, asked what the street trees are. Tom Unger stated that Empire Builders must install street trees on the lots. Mr. Miller stated that he has been told that the money for street trees has been used up. Mr. Unger stated that this is not the case.

Hill Road

Mike Delong of Hill Road, Blandon, asked if the stormwater drain could be fixed at the corner of Hill Road and Lee Spring. Terry Manmiller had put an orange cone on it. This area is a bus stop. Tom Unger stated that the Township plans on fixing this soon.

Tina Poole of Lee Spring Road, Blandon, asked if the macadam in front of Gloria Kline's house will be fixed. Tom Unger stated that he is working with the developer of the Village at Summit Crest to fix this area when he does his paving.

Guldin Road

Alan Weaver stated that there was a stormwater problem from the Village at Maidencreek and he is comfortable with Systems Designs suggestions on fixing the stormwater problem but he questioned the Villa Circle retention pond. Tom Unger stated that he will meet with the homeowners and continue to work with them.

APPROVAL OF THE MINUTES

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the September 9, 2004 minutes of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist – Tom Unger reported that all plans are current. Farm 4 Final Plan was approved on June 10, 2004 and needs to be reapproved because the 90 day time period to record the plan has expired.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to reapprove Farm 4 Final Plan with the same conditions as in the approval on June 10, 2004. All members voted, "Aye." Motion carried.

All letters of credit are current.

Freight Terminal Final Plan – Tom Unger stated that the Planning Commission recommended final plan approval of the Freight Terminal Final plan with the following conditions: endorsements placed on the plan, removal of note 3, light model number placed on the plan, resolution of language on the plan involving lighting requirements and enforcement, and resolution of the two indemnification agreements – one holding the Township harmless of any flood damage that occurs to the property due to the retaining wall and one holding the Township harmless against claims made due to not completing Adele Avenue as shown on prior plans. Gene Orlando of Orlando & Strahn stated that he had reviewed both agreements. Both agreements must be delivered in recordable form and recorded with the plan.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, granting final plan approval to the F & P Holding Company's Freight Terminal Land Development Plan conditional upon Systems Design Engineering, Inc's October 8, 2004 review letter, completion of plan endorsements, removal of Note 3 from the lighting plan, the lighting model number placed on the plan, resolution of language on the plan involving lighting requirements and enforcement, and resolution of the two indemnification agreements – one holding the Township harmless of any flood damage that occurs to the property due to the retaining wall and one holding the Township harmless against claims made due to not completing Adele Avenue as shown on prior plans with the indemnification agreements delivered in recordable form to the Township and recorded with the plan. All members voted, "Aye." Motion carried.

Village at Summit Crest – Tom Unger stated that the Planning Commission voted to recommend preliminary plan approval conditional upon plan endorsements, adjoiner deed reference placed on the plan, Maidencreek Township Authority approval, and resolution of the two properties combined onto one deed or any other resolution satisfactory to the Township.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant preliminary plan approval to the Village at Summit Crest Land Development Plan conditional upon Systems Design Engineering Inc.'s October 8, 2004 review letter, plan endorsements, adjoiner deed reference placed on the plan, Maidencreek Township Authority approval, and resolution of the two properties combined onto one deed or any other resolution satisfactory to the Township. All members voted, "Aye." Motion carried.

Projects

Pedestrian Bridge – Tom Unger reported that three quotes for the installation of the remaining pedestrian bridge in the Community Park were received: Perrotto Builders - $9,925.00, DESCCO - $11,905.00 and E. Kuser, Inc. - $39,233.00.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to award the installation of the pedestrian bridge in the Community Park to Perrotto Builders conditional upon satisfactory proof of insurance with the work to be completed for the amount of $9,925.00. All members voted, "Aye." Motion carried.

Act 537 – A public hearing was scheduled for this meeting. Mr. Orlando apologized for not having the resolution prepared. The Act 537 hearing will be readvertised for the November 11, 2004 meeting.

Route 222 Sinkholes – Two sinkholes occurred adjacent to Route 222. PennDot placed cold patch in the one and considers it fixed. Mr. Lamanna, attorney for the owner of the Coliseum has requested the Township's help in finding a solution to the constant development of sinkholes. Mr. Unger will arrange a meeting with PennDOT.

Eagle Drive Sinkhole – Tom Unger stated that prices had been obtained from three local excavators. The sinkhole at Eagle Drive must be addressed. Mr. Unger recommended that LSR do the excavation and Phil Golinsky, P.E. will determine the best method to fix the sinkhole. A total price can not be determined until the work begins and everyone sees the size of the sinkhole.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve hiring LSR Enterprises and Phil Golinsky for the repair of the sinkhole on Eagle Drive. All members vote, "Aye." Motion carried.

Lehigh Cement Air Quality Permit – Lehigh Cement would like to install another blower to recirculate air and decrease emissions. Mr. Unger reported that this is like the previous request. There was no comment from the Township on the permit application.

2004 Street Paving

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the engineer, to approve the payment from the State Liquid Fuels Account of EJB Paving application #1 for the 2005 roadwork in the amount of $60,819.49. All members voted, "Aye." Motion carried.

Basketball Court Community Park

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the engineer, to pay $9,015.60 for the paving done on the Community Park Basketball Courts. All members voted, "Aye." Motion carried.

Traffic Study – Tom Unger stated that SDE did a traffic study on Guldin Road, Grove Road, East Wesner Road, West Wesner Road and Spirit Court to determine if truck traffic should be restricted to local deliveries only. Gloria Kemmerer corrected one error in the study: Spirit Court intersects with Cornerstone Drive, not Spirit Court. The Board agreed to add truck restrictions in the traffic ordinance to the above roadways.

Subdivision Improvement Agreement and Letter of Credit/Escrow Release Letters

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, upon the recommendation of the engineer, to authorize the Chairman to sign the Letter of Credit and Escrow Release Letters in the amount of $155,239.80. All members voted, "Aye." Motion carried.

Ruscombmanor Township – The Board agreed to wait until the leaves fall from the trees and contact the Ruscombmanor Township Board of Supervisors about looking at the septic system on Lee Spring Road at the Ruscombmanor/Maidencreek line.

OPERATION REPORT

Tires for Truck #5

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of four tires for truck #5 at a cost of $100.56 each. All members voted, "Aye." Motion carried.

Drug Testing Facility

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Maidencreek Township drug testing to be performed by Novacare. All members voted, "Aye." Motion carried.

Painter Property, Far View Circle

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the chairman to sign the temporary construction easement for 5 Far View Circle in order to repair storm damage to the swale. All members voted, "Aye." Motion carried. Tom Unger will coordinate the cleaning of the railroad culvert with Norfolk Southern.

Township Building Maintenance – Diane Hollenbach stated that she would call B & F Petroleum to see if they had scheduled the installation of the new oil tank. Keith Shuman reported that a light pole in the municipal parking lot was replaced. The pole was rusted through.

Truck #4

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve repairs to be made to Truck #4 by Shuman's Automotive in the amount of $2,995.00. All members voted, "Aye." Motion carried.

Snowplow List – The Board agreed to discuss the snow plow operator list in executive session.

Repairs to the Stream in Community Park

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to hire LSR to repair the stream in the Community Park. All members voted, "Aye." Motion carried.

Harold Burgert of East Wesner Road commented that no water ever came from the Gaspari Farm, (now Limestone Village) onto his farm, which is now owned by Mr. Kopfer. Now the farm gets water.

SOLICITOR'S REPORT

J.O.D.L. – Gene Orlando stated that the easement for the J.O.D.L. doctor's office is complete and the secretary has it for the chairman to sign this evening before mailing it to the owners of the property.

Shadow Ridge Phase II Renewal and Reduction

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the chairman to sign the Shadow Ridge Phase II Letter of Credit renewal and reduction. All members voted, "Aye." Motion carried. The letter of credit is reduced to $48,427.00 and valid until March 21, 2005.

Property Maintenance – Gene Orlando reported that he represented the Township in regards to property maintenance enforcement. One was a default judgment, one was withdrawn and one judgment was entered to cover the Township's fees.

Berks County Assessment – Mr. Orlando represented the Township before the Berks County Board of Assessment appeals in regards to tax exemption for the detention basin in Shadow Ridge. A decision will be rendered within the next 45 days.

Traffic Ordinance – A draft of the traffic ordinance was forwarded to the Township for additional information.

Corrado Request – The Township must determine how the land became Township property. If it was provided for a specific purpose, the Second Class Township Code requires an order by the Court of Common Pleas in order for the Township to sell it. Mrs. Hollenbach stated that the parcel was part of the open space dedicated from Blandon Meadows V. Mr. Orlando asked to see the plan and the deed of dedication. The Board felt that conditions should be set so that the property sold could not be subdivided. The cost for a hearing in the Court of Common Pleas would be between $300.00 and $500.00.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the solicitor to further investigate the sale of open space to Angelo Corrado, determine what price Mr. Corrado is willing to pay if the stipulation is made that the property can not be used singly or in conjunction with another property to create a building lot and ascertain if Mr. Corrado will cover the Township's legal fees. All members voted, "Aye." Motion carried.

Pension Amendment – Personnel matters in regard to the pension will be discussed in executive session.

TREASURER'S REPORT

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

Meadowbrook Improvement Agreement

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, authorizing the signing of the Meadowbrook Phases III and IV Improvements Agreements. All members voted, "Aye." Motion carried.

Schmura Plan – The secretary asked Mr. Orlando to review the process that must occur in order for the Schmura's to have their escrow refunded and not make the required improvements. The Schmura's no longer plan on changing their property on Route 222 into a Christian Bookstore.

Henry's Lots

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the secretary to refund the review fee escrow for Henry's Lots in the amount of $480.96. All members voted, "Aye." Motion carried.

PARK & RECREATION

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of a used advertising sign in the amount of $100.00 with the cost to be split evenly between the General Fund and Park and Recreation Account. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the purchase of two picnic tables, one concrete and one powder coated metal at a cost of $1378.00. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the engineer to prepare a bid, with two separate contracts, for a 50 foot by 100 foot pavilion at the Community Park. All members voted, "Aye." Motion carried.

Diane Hollenbach asked if the Supervisors approved of a contest to name the Community Park. Harold Burgert suggested naming the park Lost Cause because when a rain comes like the ones the Township saw in Hazel and Agnes, two thirds of the park will be gone. Roy Timpe suggested naming the park for the people that donated the land or the farmers that previously owned the land. The matter was tabled.

NEW BUSINESS

Website

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, approving the transfer of the Township website to the County website. All members voted, "Aye." Motion carried.

Faith Drive Alternative Halloween Party

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to allow Dawn Stern to set up a moon bounce on Halloween night on the Faith Drive Basketball Courts provided that the

Township is named as additional insured on the liability insurance. All members voted, "Aye." Motion carried.

Agricultural Security

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the secretary to advertise a public hearing on the addition of land to the Maidencreek Township Agricultural Security Area for November 11, 2004 at 7:00 PM. All members voted, "Aye." Motion carried. The engineer will revise the Agricultural Security Map for the hearing.

Union Contract – The Board will discuss the proposed union contract in executive session.

Building Security – The Board authorized the secretary to research cameras and telephone recording devices for the Township Building.

Budget Meeting – The Board agreed to review the budget at the November 11, 2004 regularly scheduled meeting.

Part Time Light Equipment Operator

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to hire Keith Guistwite as a part time light equipment operator with a hire date of October 6, 2004. All members voted, "Aye." Motion carried.

Recycling Contract

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the chairman to sign the recycling contract for service provided by Waste Management from 1/1/05 to 12/31/06. All members voted, "Aye." Motion carried.

Regional Police Force Liaison – Roy Timpe reported that he had received a letter from the County Commissioners requesting a liaison from the Township to the County Commissioners to answer questions. Roy Timpe asked if the secretary was willing to act as liaison. Diane Hollenbach said that she would if the Board requested it but asked if someone from Northern Berks Regional Police should be the liaison.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize Diane Hollenbach to be the liaison for Maidencreek Township for the County Regional Police Study. All members voted, "Aye." Motion carried.

Public Comment

Harold Burgert of East Wesner Road asked again if the Board would do something about moving the curb along Park Road at Hoch Road back to create a larger drop off lane. The Engineer stated that it is a PennDot road and needs a permit from PennDot. Mr. Burgert also asked if something could be done about the weeds behind his home on his neighbor's property. Mrs. Kemmerer stated that she had informed the Township office of the violation that morning and a letter will be sent to the property owner.

Maidencreek Township Board of Supervisors
October 14, 2004

An executive session was called from 9:45 to 11:01PM for personnel issues.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize training for all Township personnel. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to accept the snowplow list as amended. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to require all snowplow operators to submit to drug testing. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the secretary to cancel the October 21, 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 October 14, 2004 meeting of the Maidencreek Township Board of Supervisors. Meeting adjourned at 11:10 PM.

Diane Hollenbach, Recording Secretary – October 21, 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