Maidencreek Township Board of Supervisors
November 11, 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: David Zwicky, Gary Rollman, Tom Donkin, Bill Hardman, James Schoellkopf, Steve Sowers, Ben Stark, John O'Neill, Cindy Stump, Sheila Bernings, Bill Wiedemann, Larry Kunkel, Fay Isamoyer, Paul Martin

Roy Timpe called the November 11, 2004 meeting of the Maidencreek Township Board of Supervisors to order at 7:06 PM in the Maidencreek Township Municipal Building at the conclusion of the Ag Security Hearing and asked everyone to rise for the Pledge of Allegiance to the Flag.

POLICE REPORT

Officer Wood reported that the Northern Berks Police had 285 assignments in October. There were 107 citations written for a total of $2,152.64 in fines. There were 810.34 patrol hours for October in the Township.

Bob Kopfer stated that people should wear a color other then black when jogging at night. Officer Wood added that it wasn't illegal to wear black when jogging at night but people should use common sense.

Roy Timpe dismissed the officer to return to his duties.

PUBLIC COMMENT

Gary Rollman and Tom Donkin

Mr. Rollman requested to conduct bicycle time trials as in previous years on roads behind the lake. The dates requested are March 26, April 2, April 9, and October 15. The bike club will provide a certificate of insurance.

A motion was made by Bob Kopfer, seconded by Gloria Kemmerer, to allow bicycle time trials to be conducted on township roadways on March 26, April 2, April 9, and October 15 conditional upon receipt of a certificate of insurance. All members voted, "Aye."

Bill Hardman, Colonial Court Blandon

Bill Hardman stated that the engineer did meet with Mr. Corrado and himself regarding the drainage issues on his lot and reached an agreement. Mr. Hardman asked permission to install a 43"x 33"x27" emergency generator that will self test for 20 minutes once a month. The generator when running will violate the Township noise ordinance. Bob Kopfer suggested putting the exhaust into a barrel to muffle the sound. The Board agreed that Mr. Hardman should look into muffling devises for the generator. If he finds that this cannot be done, the Board will look at amending the noise ordinance to allow emergency generators.

Larry Kunkel, Lake Shore Drive, Fleetwood

Mr. Kunkel thanked Mr. Orlando about the clarification on the noise ordinance. Mr. Kunkel stated that one morning he was awoken at 3:53 am and 4:32 am by deliveries at Tom's Mini Market. Mr. Kunkel asked that the police sit in the parking lot of Tom's and write citations. Mr. Timpe will talk

to the Chief of Police. The Board agreed that a registered letter should be sent to the owner of Tom's and the manager.

APPROVAL OF THE MINUTES

A motion was made by Bob Kopfer, seconded by Gloria Kemmerer, to approve the October 14, 2004 minutes of the Maidencreek Township Board of Supervisors with the following corrections: page 5 the last line "2004" should be changed to "2005" and the road list studied by SDE for truck weight limits should include Cornerstone Drive. All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Agricultural Security Area Resolution 24-2004

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to adopt Resolution 24-2004, which adds the Gloria Gerhard property and Sherry Buck property to the Maidencreek Township Agricultural Security Area. All members voted, "Aye." Motion carried.

Act 537 Plan, Phase II – Tom Unger of Systems Design Engineering, Inc. stated that Phase II of the Township's Act 537 plan deals with the two thirds of the Township that is unsewered. The plan does not require any sewer projects. The Township will continue to enforce its current on site management ordinance. Berks County Planning Commission commented on the plan and wants the Township to require proof of pumping from one third of the Township each year. The Supervisors felt that Township residents should be responsible for their own systems and did not include this in the plan. Mr. Unger stated that no public comment was received during the 30 day advertised public comment period.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to adopt Resolution 25-2004, the Act 537 Plan, Phase II. All members voted, "Aye." Motion carried.

Subdivision Status Checklist – Tom Unger reported that all plans are current. All letters of credit are current.

Hain Subdivision – Tom Unger stated that the Planning Commission recommended approval of the waivers requested for this three lot subdivision on Troxel Road. Tom Unger confirmed that the plan does fit the criteria of a final plan. Berks County Planning Commission review letter was not favorable, but as long as the plan follows the Township's subdivision and zoning ordinance, the Township can not reject the plan. Gene Orlando of Orlando & Strahn stated that the roll back taxes should be looked at by the owners, since the property is in Clean and Green. Mr. Unger recommended the Board approve the waivers requested.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, granting waivers from the Maidencreek Township Subdivision and Land Development Plan for the Hain Subdivision to Sections 302.L establishing benchmarks, since no USGS benchmarks are close by and there will be no improvements, 302.M not showing existing features, 303.F site analysis plan and 508.A.3 lot width to depth ratio All members voted, "Aye." Motion carried.

Village at Summit Crest – Tom Unger stated that the Planning Commission voted to recommend final plan approval conditional upon plan endorsements, adjoiner deed reference placed on the plan, monuments and markers being placed, right of way and resolution of the two properties combined onto one deed or any other resolution satisfactory to the Township. Ed Kopicki did not get a chance to look at the revised plans. Gene Orlando stated that he reviewed the draft from Merv Heller regarding resolving the joining of the two properties and the draft does not meet several items that the Board should require.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to table the Village at Summit Crest Final Plan. Larry Kunkel commented that if he was a Supervisor , he wouldn't sign that plan because it is a problem waiting to happen. All members voted, "Aye." Motion carried.

Willow Creek Manor – Tom Unger stated that the Willow Creek Manor plan was a revision to a plan of record. The Planning Commission is recommending granting three waivers to the Subdivision and Land Development Ordinance to sections 302.M, 508.3 and 507. Gene Orlando stated that one of the neighbors at the Zoning Hearing had concerns about the existing curb cut location. Tom Unger stated that the driveway location would be addressed by the driveway ordinance.

A motion was made by Gloria Kemmerer, seconded by Bob Kopfer, granting waivers from the Maidencreek Township Subdivision and Land Development Ordinance to the Willow Creek Manor Final Plan for sections 302.M placing significant physical features on the plan, 508.3 lot width to depth ratio, and 507 placement of monuments and markers as this is a lot in an existing subdivision not a new subdivision. All members voted, "Aye." Motion carried.

Tom Unger continued that the Planning Commission also recommended final plan approval conditional upon Note 7 being placed on the plot, a design for storm water infiltration shown on the plan, and endorsements placed on the plan. Mr. Unger suggested that any approval be conditional upon these items, since Ed. Kopicki did not get a chance to review the revised plans.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to grant final plan approval conditional upon Note 7 being placed on the plot, a design for storm water infiltration shown on the plan, and endorsements placed on the plan. All members voted, "Aye." Motion carried.

Projects

Basketball Court – Mr. Unger reminded the Board that they had reduced the amount paid of the quote based on Windsor Service paving less area then they quoted. Mr. Unger recommended paying an additional $121.20 for stonework that was completed.

A motion was made by Gloria Kemmerer, seconded by Bob Kopfer, to pay Windsor Service $121.20 for stone work performed at the Community Park Basketball Courts. All members voted, "Aye." Motion carried.

Sink Holes along Route 222 – Mr. Unger reported that he has received a response from Penn DOT and has requested a meeting with them at the site of the sinkholes along Route 222.

Creekside Manor – Tom Unger stated that the deed of dedication has been received for Colonial Court. There are a few minor punch list items left such as street trees and curb repair. Gene Orlando advised the Board not to accept the streets until the punch list items are completed. The Secretary was instructed to obtain signatures from O'Neill Financial on the deed of dedication for Colonial Court and encourage Mr. O'Neill to complete the punch list. Ben Stark and Steve Sowers, residents of Creekside Manor asked the Board to accept the street because last year the developer did not plow the streets after two snowstorms and was slow in doing plowing and salting after the rest of the storms.

Subdivision Improvement Agreement and Letter of Credit/Escrow Release Letters

A motion was made by Bob 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 $928,409.71. All members voted, "Aye." Motion carried.

Ruscombmanor Township – Roy Timpe reported that the Ruscombmanor engineer believes that the trailers across the Ruscombmanor Township line have a proper septic. With the receipt of a sketch plan for the Village of Summit Crest Phase III moving development up the hill, it is important to get the matter resolved.

Berks Transfer - Gloria Kemmerer stated that a letter was received regarding a meeting to be held in the Ontelaunee Township Building on November 16th regarding Berks Transfer's request to modify their DEP permit and increase their daily volume. Tom Unger stated that someone from SDE will attend.

A motion was made by Gloria Kemmerer, seconded by Bob Kopfer, authorizing Systems Design Engineering to attend the November 16, 2004 meeting on Berks Transfer's permit modification on Maidencreek Township's behalf. All members voted, "Aye." Motion carried.

OPERATION REPORT

Fuel Pump for Truck #5

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase of a fuel pump for truck #5 at a cost of $286.00. All members voted, "Aye." Motion carried.

Buena Vista Road Smell – Two residents were present to question the smell emanating from a field off of Buena Vista Road owned by W.D. Zwicky. Mr. Zwicky provided a copy of the manure analysis to the Township and a copy was given to the residents. The manure was not human waste.

SOLICITOR'S REPORT

Farm 4 – Gene Orlando reported that the initial resolution of combining all the parcels of the Farm 4 project into one common deed will not work because the parcels are owned by three different companies, each with different shareholders. The developer is requesting a dedicated right of way to the land locked parcel and has supplied the area description last week. Mr. Orlando stated that there is another problem because a building is placed across a boundary on the plan.

Corrado Annexation - Mr. Orlando stated that this will be discussed in executive session as it pertains to acquisition of real estate.

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

Traffic Ordinance – Mr. Orlando reported that he had received a fax today on the ordinance and did not have time to prepare the document.

Planning Commission Meeting – Mr. Orlando reported that he would be unable to attend the November Planning Commission meeting.

TREASURER'S REPORT

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

Berks EIT

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, adopting a memorializing resolution to keep the control, collection and distribution of the Earned Income Tax local. All members voted, "Aye." Motion carried.

PARK & RECREATION

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the purchase of a pavilion under state contract for the Community Park at a cost of $51,500.00 with the road crew to install the structure. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the installation of fence at the basketball court in the Community Park by Fehl's Agway at a cost of $4,250.00. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the purchase and installation of PennDOT park signs along Park Road, and application for a Penn DOT permit for $100.00. All members voted, "Aye." Motion carried.

OLD BUSINESS

Union Contract – The Board tabled discussion on the Union Contract, since John Roland has not contacted the Board with comments after reviewing the document.

Change of Insurance Broker - Chris Sterious of Health First has provided information in order to become the Township's health care insurance broker. He would provide the service of cutting checks to employees for the $1400.00 medical reimbursement fund at no charge. His firm also provides online doctor service. Roy Timpe suggested that Mr. Sterious give a presentation to the Police Commission at their next meeting.

NEW BUSINESS

Closing Township Building the Day after Thanksgiving

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to close the Township building on November 26, 2004, the day after the Thanksgiving Holiday. All members voted, "Aye." Motion carried.

High Frequency Band

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to allow the Blandon Volunteer Fire Company to be put on the Township's high frequency band in order to improve communication for the Fire Company. All members voted, "Aye." Motion carried.

Executive Session

An executive session was called from 9:05 to 9:30 PM for personnel issues and acquisition of real estate.

Township Auditor – A request was made by a Township auditor to be compensated for time spent at the Berks County Convention. Mr. Orlando advised the Board that auditors are paid for service rendered or reimbursed for expenses incurred while rendering service. The Board did not authorize payment for the time spent at the County Convention.

CORRESPONDANCE

PennDOT – Diane Hollenbach informed the Board that PennDOT has changed the timing on the light at Route 222 and issued a new permit. They took this action on their own without any prior notification to the Township of the change.

Joint Comprehensive Plan – Diane Hollenbach reported that the Maidencreek Township Planning Commission recommends looking at entering into a joint Comprehensive Plan with Richmond Township. The Board of Supervisors authorized the secretary to write a letter expressing interest on a joint Comprehensive Plan to the Richmond Township Board of Supervisors and copy the Berks County Planning Commission on the letter.

Budget

Diane Hollenbach reviewed the proposed 2005 budget with the Board. A budget of $2,962,609.00 is proposed for 2005. No tax increase is proposed. $913,380.00 will be carried over from 2004. Earned Income Tax and Real Estate Tax remain the two highest sources of income for the Township. The Township will make donations to the Blandon Fire Company, Blandon Ambulance, N. B. ALS, the Fleetwood Community Library, the Blandon Fish Rodeo and The Berks County Visiting Nurses. The Township plans to fix the Township Building roof, pave the parking lot, connect the building to public sewer. The Park and Recreation Board will install a pavilion, a playground and parking area at the Community Park. Also, planned is the purchase of a truck for plowing and a mower for park maintenance. The Township will look at buying a Honda Generator for the traffic light at Route 222 and Route 73 as back up power to the traffic light in a power outage. Contracted services for the police, recycling, and building inspections remain large expenses. Also, among the higher expenses are street light electric, health insurance, which increased 31 percent and pension costs. The Township

has budgeted over $200,000.00 for road maintenance this year. The Board agreed that a capital expense fund should be started to help the Township put money aside when large renovations or repairs are needed. $515,000.00 is proposed to start this fund.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the 2005 budget to be advertised for public inspection with the Board intending to adopt the budget at the December 9, 2004 meeting. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the advertisement of the Township's intention to use an outside auditing firm to audit the 2004 Township accounts. All members voted, "Aye." Motion carried.

Building Master Plan

Diane Hollenbach reported that the Township staff is outgrowing the office. The files and plans are stored in any open space and there are problems with the building itself : heating system, sewage system and storm water drainage. The Authority is in the process of creating an additional office space for a new employee but is also running out of storage space. The Authority is looking at constructing it's own offices. Mrs. Hollenbach suggested that the Board use the service proposed by Watkins Architect to create a master plan for the future expansion and/or improvement of the Township Building. The plan could incorporate any changes needed to office space as well as addition of a Community Center, Emergency Shelter and space for the Northern Berks Regional Police. This plan could serve as a road map for the future and portions completed in phases as money was available. Mr. Timpe believed that the police had resolved their office space situation. Gloria Kemmerer questioned if the Board wanted to get 2 other quotes. Mrs. Kemmerer was very concerned that security measures should be taken to get the receptionist in a closed area. Several options were discussed. The secretary promised to review the situation and come up with a solution to make the reception area more secure.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, authorizing the Chairman to sign the Watkins Architect proposal for Task 1- Accurate field measure and document existing building for $4,900.00 and Task #2 – Masterplan for $4,890.00. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the secretary to cancel the November 18, 2004 Board of Supervisors meeting due to the fact that there was no outstanding business. All members voted, "Aye." Motion carried.

Public Comment – Larry Kunkel asked if using the engineer to do the zoning is cost effective compared to hiring someone for the position. The secretary did not remember the cost of benefits for a Township employee, but the past zoning officer's hourly rate was $20.26 and the engineer charge $43.15 per hour. The secretary will get the cost of benefits for Mr. Kunkel.

A motion was made by Robert Kopfer to adjourn the November 11, 2004 meeting of the Maidencreek Township Board of Supervisors. Meeting adjourned at 10:20 PM.

Diane Hollenbach, Recording Secretary – November 17, 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