Maidencreek Township Board of Supervisors
December 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: Paula Taylor and Michael Andrews-Meadowood Music, Brian Boyer – Zwicky Recycling, Rebecca Tirrell – Reading Eagle, Tina Poole, Gloria Kline, Larry Kunkel, Fay Isamoyer, Joe Rudderow III, Ron Kemmerer, Sr.

Roy Timpe called the December 9, 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

Chief Scott Eaken stated that the Friday after Thanksgiving, an officer was on the lot of the Coliseum Restaurant and Club at 11:45 P.M. There were a number of people waiting in line. He departed and was sitting in the lot at Tom's Mini Market when one to two minutes later he was dispatched to the Coliseum for a shooting. The officer arrived in less then a minute. One person was shot 3 times and medivaced to the hospital, another person was shot and taken by ambulance to Reading Hospital and released the next morning. The ongoing investigation has revealed that there was one shooter and three people in the car the shooter escaped in. The car was not driven erratically, since the the officer did not spot anything out of the ordinary on his way to the Club Coliseum from Tom's Mini Market. Northern Berks Regional Police are working with Reading and Muhlenberg Police, the Liquor Control Board, and the Berks County District Attorney on this case. One person in the vehicle has been identified and there is some progress being made. There are some witnesses. This case involves police departments from New York, Philadelphia, Lancaster, Lebanon, Allentown and Reading. Chief Eaken asked that anyone living near the Coliseum that has problems with trash or noise please come forward and voice those complaints to the Police Department. Please keep in mind that they may need to testify. The shooting at the Club Coliseum occurred on Under 21 Night. Northern Berks Regional Police have had a car on the lot of the Club Coliseum from 1:30 A.M. until closing for the last 2-1/2 years due to noise complaints. There were no questions for the Chief from the public.

Officer Drazenovich reported that the Northern Berks Police had 290 assignments in November. There were 100 citations written for a total of $3,058.00 in fines. There were 771 patrol hours for November in the Township. There was a car stolen from the parking lot at Andrew Maier Elementary and Officer Drazenovich cautioned residents to be careful this time of year and make sure not to leave the keys in the car when parking and leaving your vehicle.

Roy Timpe dismissed the officer to return to his duties.

PUBLIC COMMENT

Larry Kunkel, 5 Lake Shore Drive, Fleetwood

Mr. Kunkel stated that he was awakened by deliveries at Tom's Mini Market on November 22 at 4:17 A.M. and 4:26 A.M., November 23 at 3:40 A.M. and on November 25 but was not sure about the time. Mr. Kunkle asked if the Secretary had notified the police and Tom's Mini Market as instructed

previously. The secretary confirmed that Tom's had picked up the letter and the police were made aware of the problem.

APPROVAL OF THE MINUTES

A motion was made by Bob Kopfer, seconded by Gloria Kemmerer, to approve the November 11, 2004 minutes of the Maidencreek Township Board of Supervisors with the following corrections: page 2 the minutes should read "page 5 the last line of 2004 Street Paving 2005 should be changed to 2004", and on page 5 under Treasurer's Report change "November" to "October". All members voted, "Aye." Motion carried.

ENGINEER'S REPORT

Subdivision Status Checklist – Tom Unger reported that all plans are current. The Melrose Place Plan expires on January 5, 2005 and the Zwicky Plan expires December 21, 2004. Gloria Kemmerer questioned why dirt was being piled on the land where Melrose Place is proposed. Tom Unger stated that he will get that answer to the Board via email after checking with Erich Nagle from his office.

All letters of credit were current.

Release of Escrow Your Children First, Inc. – Tom Unger recommended that the Letter of Credit and Escrow Account for Your Children First Inc. be released, since the punchlist items were completed and the maintenance period is finished.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, upon the recommendation of the engineer, to release the Letter of Credit and Escrow Account for Your Children First, Inc., since all improvements are complete and the maintenance period is finished. All members voted, "Aye." Motion carried.

Release of Escrow Trails, Inc. – Tom Unger recommended that the Letter of Credit and Escrow Account for Trails, Inc. be released, since the punchlist items were completed and the maintenance period is finished.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the engineer, to release the Letter of Credit and Escrow Account for Trails, Inc., since all improvements are complete and the maintenance period is finished. All members voted, "Aye." Motion carried.

Zwicky Land Development Plan – Tom Unger stated that Planning Commission recommended granting waivers to the Subdivision and Land Development Ordinance for Section 513.5.2 dewatering the detention basins because of the way that the detention basins are being used to water down the mulch piles, Section 513.F.4.f providing one foot of freeboard since more is being provided in all other ponds and the pond in question overflows into another retention pond, and Section 513.F.4 detention basin height limit, since the retention pond is a previously permitted pond.

A motion was made by Gloria Kemmerer, seconded by Bob Kopfer, granting waivers from the Maidencreek Township Subdivision and Land Development Ordinance to the Zwicky Processing and Recycling Land Development Plan for sections 513.52 Dewatering of detention basins, Section 513.F.4 Detention basin height limit, and Section 513.F.4.f 1 foot of freeboard on basins. All members voted, "Aye." Motion carried.

Tom Unger continued that the Planning Commission also recommended preliminary plan approval conditional upon clarification with DEP regarding who regulates stormwater, storm water calculations based on 25% volume in basins, improving the clear site triangle at the entrance and clarification of the substances stored and used on site.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant preliminary plan approval to the Zwicky Processing and Recycling Land Development Plan conditional upon clarification with DEP regarding who regulates storm water, storm water calculations based on 25% volume in basins, improving the clear site triangle at the entrance and clarification of the substances stored and used on site. All members voted, "Aye." Motion carried.

Meadowood Land Development Plan – Mr. Unger stated that the Planning Commission recommended approval of the following waivers from the Subdivision and Land Development Ordinance for the Meadowood Plan: Section 503.H Clear site triangle to be reduced to 75 feet, since the structure is existing, Section 504.A.5 25 foot wide driveway, since PennDOT is permitting a 20 foot wide driveway and Section 505.B Sidewalks as there are no other sidewalks in the neighborhood.

Paula Taylor explained that she and Michael Andrews were the equitable owners of the property contingent upon Township approvals. The plan was reviewed by Labor and Industry for accessibility and PennDOT.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to grant the following waivers from the Subdivision and Land Development Ordinance to the Meadowood Land Development Plan: Section 503.H Clear site triangle to be reduced to 75 feet, since the structure is existing, Section 504.A.5 25 foot wide driveway, since PennDOT is permitting a 20 foot wide driveway and Section 505.B Sidewalks as there are no other sidewalks in the neighborhood with a note being placed on the plan making sidewalk installation the property owners responsibility should the Board of Supervisors decide in the future that sidewalks need to be installed. All members voted, "Aye." Motion carried.

Planning Commission also asked for a note to be placed on the plan stating that a change in use requires a land development review. Tom Unger stated that the Planning Commission recommended preliminary plan review of the Meadowood Land Development Plan conditional upon waivers being granted, adding a note for the trash area in be installed should there be a future change of use, adding "Site Analysis Plan" to the title block, and PennDOT Highway Occupancy Permit.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the engineer, to grant preliminary plan approval to the Meadowood Land Development Plan conditional upon waivers being granted, adding a note for the trash area to be installed should there be a future change of use, adding "Site Analysis Plan" to the title block, and PennDOT Highway Occupancy Permit.

Robert Kopfer amended his motion to remove the condition of the waivers being granted, since the Board just took that action.

All members voted, "Aye." The amended motion passed.

Village at Summit Crest – Mr. Unger stated that there were still outstanding conditions. Eugene Orlando, Township Solicitor stated that the final revisions are being made to the Joint Venture Agreement for the two parcels of land owned by two separate entities. The Board tabled action on this plan.

Projects

Pedestrian Bridge – There is a preconstruction for the pedestrian bridge installation in the Community Park on Friday, December 10th.

Sink Hole along Eagle Drive – The Eagle Drive sinkhole repair is complete.

Sink Holes along Route 222 – Tom Unger reported that he met with representatives from PennDOT and the property owner, Rudy Folino about the sinkholes developing along Route 222 and the detention pond in front of the Coliseum Strip Mall containing National Cleaners. PennDOT does not wish to pursue any repairs at this time. The outlet pipe across Route 222 is closed and the detention pond is working backwards. This causes the sinkholes.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Engineer to investigate where the storm water will go if the outlet pipe is opened that drains the detention pond in front of the Coliseum Strip Mall and determine what the impact will be on neighboring properties. Mr. Timpe asked for questions from the floor.

Larry Kunkel commented that the detention area and outlet pipe at Tom's Mini Market was building up with stone, dirt and debris. Mr. Kunkel stated that if there is nothing in writing to make the property owner take care of the outlet, then it behooves the Township to get something in writing.

All members voted, "Aye." Motion carried.

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 $49,638.37. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, upon the recommendation of the Engineer, to release $5,103.60 from the J.O.D.L. escrow account for completion of improvements. All members voted, "Aye." Motion carried.

Ruscombmanor Trailers – Tom Unger will follow up on scheduling a site visit with the Ruscombmanor Engineer to the trailers on Lee Spring Road just past the Maidencreek Township Line.

OPERATION REPORT

Tree Trimming

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to approve the tree trimming list as presented by Keith Shuman. All members voted, "Aye." Motion carried.

Bridge Inspection– The Calcium Road Bridge and West Shore Drive Bridge were inspected by the County. The County recommends that the vegetation and brush at the West Shore Drive Bridge be cleared and minor masonry work done on the bridge.

SOLICITOR'S REPORT

Traffic Ordinance – Mr. Orlando distributed drafts of the traffic ordinance. Roy Timpe asked that the Parking Ordinance be reviewed at the same public hearing as the traffic ordinance. The Board agreed to make the following change to Section 4 – eliminate all weight restrictions and make the roads restricted to "No trucks except local deliveries." East Wesner Road, Guldin Road from Route 73 to East Wesner and Schaeffer Road from East Wesner to Route 222 were added to the list of roads with the limit of "No trucks except local deliveries." Tom Unger will update his traffic study to include these roadways. Diane Hollenbach asked how the police will enforce this portion of the ordinance. Roy Timpe suggested and the Board agreed that the officer would need to follow a truck as he turned on to one of these roads until he left it and if he did not make a delivery, the truck could be stopped. Gene Orlando stated that the bills of lading would prove where the truck was going. Diane Hollenbach asked what the definition of truck would be if the weight limits were removed. The Solicitor suggested using the PA Vehicle Code definition of a truck. Joe Rudderow asked what condition the Board was trying to alleviate with this section of the ordinance. Roy Timpe responded that the Board was trying to stop trucks from cutting through the developments to avoid the traffic lights on Route 222 in order to reduce future damage to Township roadways.

Schmura Bookstore – Mr. Orlando stated that he has created an agreement that could be recorded with the Schmura Plan that would make the plan and improvement agreement null and void and allow the return of the escrow to the developer. Mr. Orlando submitted the agreement for the Board's review.

Park Place Homeowners Litigation – Mr. Orlando stated that the complaint for the Park Place Homeowners Association is finished but the Park Place Homeowners Attorney has requested additional items. Mr. Orlando will email the complaint to the Supervisors and discuss the situation further in executive session as litigation.

Farm 4 Land Development Plan – Mr. Orlando reported that a condition of final plan approval for Farm 4 Land Development Plan was the combination of the two lots on a common deed. The developer has discovered that the two properties are owned by different corporations with different shareholders. The developer has requested an access approved by the Supervisors. Tom Unger will review the drawing and have comments for the next meeting. Gloria Kemmerer asked what the consequences would be if the plan could not meet the conditions set forth with final plan approval. Gene Orlando stated that this was an example of needing to be more circumspect in approving plans with conditions.

Revision of Zoning Ordinance – Mr. Orlando stated that the Planning Commission has expressed displeasure at the slow pace of the revision to the Zoning Ordinance. Mr. Orlando thought that he could do a better job and save the Township money by participating in writing the ordinance but probably does not have time to do this until the end of January. Mr. Orlando suggested that the secretary get quotes. Diane Hollenbach stated that she had received some pricing and felt that Systems Design Engineering

could make the revisions at a much lower cost because they are already familiar with our ordinances. Tom Unger agreed that SDE could do the work and give the revisions to Mr. Orlando to review after they are written.

Joint Comprehensive Plan – The Board authorized the secretary to send the letter requesting a joint comprehensive plan to Richmond Township.

Agricultural Bulk Regulations – Gloria Kemmerer stated that she had been contacted with concerns regarding the way the calculation of how many permitted homes were allowed on a tract divided by a roadway in the Agricultural District. Diane Hollenbach stated that the Planning Commission will be discussing this at their meeting next week and possibly have a recommendation for the Supervisors January meeting.

TREASURER'S REPORT

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

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to approve the release of the Meadowbrook Phase III and IV Review Fee Escrow in the amount of $7,151.63. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the payment to LSR in the amount of $18,105.50 for the emergency repair of the Eagle Drive Storm Sewer. All members voted, "Aye." Motion carried.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the payment to LSR in the amount of $16,891.00 for the emergency repair of the Community Park stream. All members voted, "Aye." Motion carried.

Public Comment

Fay Isamoyer asked if the pasture at the old Schaeffer farm should always stay wet like it has been this year. Tom Unger stated that this is because we have had two years where the rainfall is 10 inches above normal. Robert Kopfer stated that the pasture was always wet at that end.

Memorializing Resolution – Gloria Kemmerer asked if the memorializing resolution passed last meeting for the Berks EIT was sent. Diane Hollenbach stated that she created the resolution and had it here this evening for the Board's signatures.

RESOLUTIONS

Colonial Court Dedication - Tabled until improvements are completed.

Pension Change – Tabled but to be discussed in executive session as personnel issues.

2005 Tax Rate

A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to adopt Resolution 26-2004, setting the tax rate for real estate at 1.25 mills. All members voted, "Aye." Motion carried.

2005 Budget

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to adopt Resolution 27-2004, adopting the 2005 Budget for Maidencreek Township. All members voted, "Aye." Motion carried.

OLD BUSINESS

Union Contract – The Board agreed to discuss the union contract in executive session as personnel issues.

Change of Insurance Broker - Tabled until the broker gave a presentation to the Police Department.

NEW BUSINESS

Reorganization

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the secretary to advertise the 2005 Reorganization meeting for January 3, 2005 at 7:00 P.M. with the regular business meeting to immediately follow reorganization. All members voted, "Aye." Motion carried.

Christmas Bonus

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the payment of a Christmas Bonus to full time employees in the amount of $100.00 and part time employees in the amount of $50.00. All members voted, "Aye." Motion carried.

Office Renovation

Diane Hollenbach presented plans and quotes for the installation of a reception window, 36" door, and office furniture in order to increase security in the office. The office furniture will be purchased under state contract at about half price.

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the office renovations and approve the contracts with Ken Adam in the amount of $2,500.00 and Office Service Company in the amount of $7,940.06. All members voted, "Aye." Motion carried.

Amusement Permit – The Board agreed to discuss the amusement permit issue in executive session as potential litigation.

Office Training

A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to authorize the Township Office to be closed on Wednesday, December 15, 2004 for the office staff to attend training on creating a Township Website on the County Website. All members voted, "Aye." Motion carried.

Executive Session
An executive session was called from 9:30 to 10:52 PM for personnel issues, the union contract and potential litigation.

Union Contract
A motion was made by Gloria Kemmerer, seconded by Robert Kopfer, to adopt the Maidencreek Township Non-uniform Union Contract for 2005 through 2007.

Larry Kunkel asked if it was a good contract. Roy Timpe stated that he thought it was fair. All members voted, "Aye." Motion carried.

Full-time Position – Roy Timpe stated that it is the Board's intention to offer a full time equipment operator position to Keith Guistwite at the Reorganization meeting.

CORRESPONDANCE
Agricultural Security Enrollment – Diane Hollenbach informed the Board that an application for enrollment into the Agricultural Security Area was received in December. The open enrollment period is the month of August. Bob Kopfer stated that he will check if the farm asking for enrollment is also applying for Agricultural Preservation. The Board reached a consensus that if the farm was applying for Agricultural Preservation with the County, they would open the enrollment period of the Maidencreek Agricultural Security Area, since land can not be preserved until it is first in it's municipal ag security program. If the farm is not applying for Agricultural Preservation with the County, then the Board authorized the Secretary to return the application and ask the land owner to apply in August of 2005 when the open enrollment period occurs.

Agriculture Application of Waste Residue From Sunsweet – Robert Kopfer reported that he had been contacted by a businessman that was interested in storing the slurry from Sunsweet and land applying it. The waste contains apple peels and other fruits that are used in their process to make juice. Mr. Kopfer told the gentleman to get an analysis of the material, which is currently being spread in Richmond Township. Mr. Kopfer stated that the material has no odor. Gene Orlando advised that the Board receive in writing a description of the proposed activity from start to finish and the Township will be able to tell him what zoning district the activity is allowed in. The Board also needs to know what the waste is, if it can be used in agriculture and what agency regulates it.

December 16, 2004 Meeting
A motion was made by Robert Kopfer, seconded by Gloria Kemmerer, to authorize the Secretary to cancel the December 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 December 9, 2004 meeting of the Maidencreek Township Board of Supervisors. Meeting adjourned at 11:04 PM.

Diane Hollenbach, Recording Secretary – December 20, 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