Maidencreek Township Board of Supervisors Meeting Minutes
October 13, 2005, 7:00 P.M.

Attending: Roy Timpe, Robert Kopfer, Claude Beaver, Tom Unger of Systems Design Engineering, Inc., Gene Orlando of Roland & Schlegel, Keith Shuman – Public Works Foreman, Diane Hollenbach – Recording Secretary

Guests: Bill Wiedemann, Ted Oman, Michael Ferrell, Tanya Kozlowski, Gloria Kline, Tina Poole, Rebecca VanderMuelen, Dick Thren, Paul Martin, Joe Rudderow III, Penny Hummel, Jeff Biehn, Johann DeCesar, Kyle Kemp, Cindy Stump, Fay Isamoyer, Dean and Connie Witman, Robert Shuman,

Roy Timpe called the October 13, 2005 meeting of the Maidencreek Township Board of Supervisors to order at 7:02 p.m. at the Maidencreek Township Municipal Building and asked everyone to rise for the Pledge of Allegiance to the Flag.

Police Report

Officer Drazenovich of the Northern Berks Regional Police read the September Police Report. In September of 2005, the police department had 672.5 patrol hours in Maidencreek Township covering 5941.25 miles resulting in 301 assignments and generating $3,353.01 in citations. Officer Drazenovich asked that everyone take care with the trick or treaters on the roadway and asked homeowners to keep their porch lights lit for safety.

Fay Isamoyer of Evansville Road, Fleetwood asked that Officer Hobart be thanked for stopping motorists that were passing in the turning lane on Route 222 in the vicinity of Evansville Road.

Robert Kopfer of Pleasant Hill Road, Fleetwood asked if the police were aware of the broken down car on Hoch Road with the windows smashed.

Residents from West Wesner Road were concerned with the speed of motorists on West Wesner. Officer Drazenovich stated that they did catch some speeders in that area when they set up on West Wesner about a month ago.

There was no further comment from the Board or the Public. The officer was dismissed to return to his duties.

Public Comment

Village at Summit Crest Phase III

Tina Poole, Lee Spring Road, Blandon asked the Board of Supervisors to put a recommendation in writing to the Zoning Hearing Board, so they do not get the wrong idea, and explain why the Supervisors granted the waivers with outstanding conditions for the Village at Summit Crest 3. Mr. Kopfer didn't think that the Board granted waivers. After checking the minutes, Mr. Orlando stated that the waivers were granted with conditions: preliminary plan approval, zoning hearing board approval and without prejudice to do a full review.

Johann DeCesar, Lee Spring Road, Fleetwood asked if it was usual for a development that size to have its own wells. Tina Poole added that she is concerned about her well. Gene Orlando stated that the current land development ordinance requires a water resource study as part of the preliminary plan review. Mrs. DeCesar asked if the wells could be drilled without the water study being done. Tom Unger of Systems Design Engineering, Inc. stated that the

Township does not issue permits because the project falls under the PA Department of Environmental Protections (PA DEP) jurisdiction. The Township will get notification from the DEP when the permit is submitted.

Tina Poole asked if the Fire Company report was received. Diane Hollenbach stated that it has not been received by the Township. Mrs. Poole added that she still has stones washing down the road and into her driveway and grass.

Gloria Kline, Lee Spring Road, Fleetwood stated that the developer stated that he would pave Lee Spring Road and it has not been done

Tina Poole commented that she is really afraid because the first development is not where it should be and what else will come down with more houses on the mountain? Tom Unger agreed to check the Village at Summit Crest Phase II Improvement Agreement to see if they were following the time schedule.

Rails to Trails

Connie Witman of West Wesner Road, Blandon asked where the Board stood on purchasing the abandon railroad bed that ran behind their properties. Roy Timpe stated that the bid had been rejected by Norfolk Southern.

Dean Witman, West Wesner Road, Blandon asked if the Board was going to make a path and indicated that he had been trying to buy the property himself for years.

An unidentified resident stated that a trail will cause four wheelers to be run behind the houses and create problems. People will walk through their backyards and if someone gets hurt, the Township will be liable.

Gene Orlando stated that the Township does not have a plan for the land and only made an offer in accordance with the Public Utility Commission rules. That offer has been rejected. If and when the Township gets the land, it will be incumbent upon the Park and Recreation Board to determine a plan for it. Mr. Witman asked if it gets to the point where the Township purchases the land, is there any chance that the Township will sell it to the homeowners. Roy Timpe stated that in the past the Board sold land with the bidding process if it doesn't fall into the Park & Rec Comprehensive Plan.

Budget

Joe Rudderow III of Longleaf Drive, Blandon asked when the budget workshop is scheduled. Mr. Timpe stated that the workshop has not been scheduled. Mr. Rudderow asked if there would be a tax increase. Mr. Timpe stated there would not be a tax increase at this time. Mr. Rudderow asked if the vacant office position had been filled. Mr. Timpe stated that this would be discussed in executive session. Mr. Rudderow asked if a temp service had been called. Mr. Timpe stated that Diane assured him that she is on top of everything.

Minutes

A motion was made by Robert Kopfer, seconded by Claude Beaver, to approve the September 8, 2005 minutes of the Maidencreek Township Board of Supervisor's meeting as presented and to add the Fall newsletter article from the chairman.

Joe Rudderow asked the Board to explain this further. Mr. Timpe stated that a critique was presented of his newsletter article and he felt to make the minutes complete and less

confusing that a copy of the article should be in the minute book also. All members voted, "Aye." Motion carried.

NEWSLETTER ARTICLE A Word From the Chairman

Gloria Kemmerer served the township well on the Planning Commission and the Board of Supervisors. Her resignation required the other two Supervisors to come to an agreement with a replacement. Had Bob Kopfer and I failed to agree on a replacement, another meeting with the two Supervisors and the Vacancy Board Chairman would have been scheduled. As it was, Bob and I were able to come to agreement on Claude Beaver to fill Gloria's seat for the balance of the year. We as a township were fortunate to have many people willing to serve. There were a total of eight people willing to serve: Claude Beaver, Marty Buck, Jack Faust, Larry Kunkel, Paul Martin, Joe Rudderow III, Cindy Stump and Carl Weston.

Here in Maidencreek, we are governed by the Second Class Township Code. This code is a creation of the Pennsylvania State Legislature, and provides for a Board of Supervisors along with various commissions and boards to govern the township. The Supervisors also can create various authorities as they see fit to assist in providing services to the taxpayers.

In Maidencreek, we have the three person Board of Supervisors, consisting of myself, Bob Kopfer, and most recently Claude Beaver. The Supervisors pass the ordinances, appoint members of the Planning Commission, Zoning Hearing Board and Water Authority. The Water Authority is responsible for managing the municipal sewer and water. The Planning Commission reviews all plans for building to assure that they comply with the existing ordinances of the township. The Planning Commission also drafts copies and updates of the Zoning Ordinance and makes recommendations to the Board of Supervisors. The Zoning Hearing Board is more judicial. If a resident feels a Zoning Ordinance is too restrictive, and wants a variance, the resident will go before the Zoning Hearing Board. The Zoning Hearing Board may receive opinions from the Planning Commission and Supervisors concerning the request for a variance, but the Zoning Hearing Board is completely autonomous. There is also a Park and Recreation Board that is involved in planning the parks and recreational activities like Community Days.

This is the way the Second Class Township Code divides power and responsibilities in an effort to protect the liberty of the residents. For the most part, it works, but not always. I heard of a rural Berks County Township (District Township I believe) that passed an ordinance that required residents to obtain a permit for any activity that affected more than 500 square feet of the township. This included felling trees and planting a garden. Such an ordinance is allowed under the Second Class Township Code. The residents got the ordinance overturned on a technicality by their Zoning Hearing Board, and later defeated the Supervisors in elections such that it was never passed again in any form.

This incident illustrates a point, government can usurp control of areas best left to the private sector (i.e. families, churches, charities, businesses, etc.) George Washington observed that, "Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a fearful master." What do you see people do when they are camping and build a fire? They place a

ring of rocks around that fire. They do this because the fire is good as long as it stays in its proper sphere of influence. If the fire is allowed out of its proper place, into the area of the family or other private sector, everyone suffers. The best way to assure the fire of local government stays in the ring of rocks is to make sure those rocks are people willing to keep the fire a servant of the community and willing to contain it in its proper place.

Maidencreek is fortunate that we had so many qualified volunteers for Gloria's position. Many of these people are serving already, and some are new to the township. There will, undoubtedly, be other opportunities to serve in the future. The Board thanks them for their willingness to serve.

Roy Timpe, Chairman of the Maidencreek Township Board of Supervisors

Engineer's Report

Tom Unger of Systems Design Engineering reviewed the subdivisions' status with the Board. The Esbenshade Land Development Plan will expire at this meeting if no action is taken. All Letters of Credit are current.

David Small Self Storage Land Development Plan

Mr. Unger stated that the final plan for self storage units on Hoch Road is before the Board for approval. The only outstanding issues are financial security and an improvements agreement.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to grant final plan approval to the David Small Self Storage Facility Land Development Plan conditional upon the developer entering into an improvements agreement with the Township and providing financial security in a form acceptable to the Township. All members voted, "Aye." Motion carried.

Maidencreek Township Master Plan – Roy Timpe stated that the Township would like to see whatever Watkins Architects has drawn up for a master plan. The Supervisors are anxious to get the Township building hooked up to the public sewer.

Esbenshades Land Development Plan

Ed Nordahl, representing Esbenshades Greenhouse stated that everything on the plan was cleaned up except the water resources study. There is no anticipated additional usage of water but the Authority has notified Esbenshades that they are already using more then their allotted EDUs for water and sewer. The Authority wants $50,000 in additional tapping fees. The property owner is talking about drilling a well and installing a cistern to catch rain water.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to grant a waiver to sections 503.M.3 and 505.B of the Maidencreek Township Subdivision and Land Development Ordinance to allow the developer not to install curb and sidewalk as long as the standard Township note is placed on the recorded plan indicating that the property owner will install curb and sidewalk should the Board of Supervisors feel it is needed in the future. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant a waiver to

section 503.M.5 of the Maidencreek Township Subdivision and Land Development Ordinance to allow the developer not to install street lights as long as the standard Township note is placed on the recorded plan indicating that the property owner will install street lights should the Board of Supervisors feel it is needed in the future. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant preliminary plan approval to the Esbenshades Land Development Plan conditional upon the completion of items outlined in the September 2, 2005 Systems Design Engineering review letter, which are: Section 1003 Landscaping, Section 1310.F. Glare & Heat, Section 303.J Water Resource Study, Section 513.D.5 End Sections/Walls and Maidencreek Township Authority approval.

Robert Kopfer asked about the storm water exemption. Tom Unger stated that the impervious surface at the site is not increasing and the detention basin was designed to catch water from more impervious surface then the Esbenshade property now has. All members voted, "Aye." Motion carried.

Dollar General Land Development Plan

Tom Unger explained that the Dollar General Preliminary Plan was recommended for approval by the Planning Commission. The plan is for a single story retail store on the corner of Ingot Drive and Golden Drive. The storm water was planned with the Golden Manor III Subdivision and goes to the detention basin behind the apartments.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to grant preliminary plan approval to the Dollar General Land Development Plan conditional upon the completion of items in the September 27, 2005 Systems Design Engineering, Inc. review letter, which are: elevation datum being added to the plan, clarification of ownership, Maidencreek Township Authority review and approval, and resolution of all storm water issues. All members voted, "Aye." Motion carried.

PROJECTS

Fish & Boat Commission Meeting

Tom Unger informed the Board that a meeting with Fish and Boat Commission had taken place. There is an application in the Board's packet if they would like to become cooperators in the Adopt a Stream Program. This program is not for flood control but there are some improvements that will stop stream bank erosion in order to improve the habitat for the fish. Mr. Lutz of the Fish and Boat Commission did not feel that the stream was badly eroded. Roy Timpe stated that he thought a private group would head up the project. Mr. Unger stated that the Township may find that interest from residents will diminish when they find out that the improvement will do nothing to help the flooding. Roy Timpe stated that he was concerned that the program would fall between the cracks if it is run through the Township. Mr. Timpe suggested a subcommittee of Park and Recreation. There is no deadline for enrollment in the program.

A motion was made by laude Beaver, seconded by Robert Kopfer, to authorize the secretary to send letters to all property owners along the stream between Route 73 and Schaeffer Road asking for volunteers to be on a subcommittee called the Friends of the Willow Creek or to

act as a point of contact for this sub committee and to attend the next Park and Recreation meeting if interested to discuss with the Park and Rec Board. All members voted, "Aye." Motion carried.

Gene Orlando asked if Park and Recreation had a set of by laws. Diane Hollenbach indicated that they did not. Joe Rudderow suggested that Fish and Boat might be able to give a presentation at Park and Rec.

Subdivision Improvements Agreements and Letter of Credit Reductions

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Chairman to sign the Subdivision Improvements Agreements and Letter of Credit reduction letters in the amount of $21,381.86. All members voted, "Aye." Motion carried.

Hoch Road Culvert Replacement

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the engineer to extend the PA DEP permit to replace the Hoch Road Culvert. All members voted, "Aye." Motion carried.

100 Block of Colonial Court

Claude Beaver asked the engineer his opinion on the request to make the curve no parking in the 100 block of Colonial Court. Mr. Unger stated that this area in the old cul de sac was left in intentionally to provide overflow and visitor parking for the townhouses and did not recommend making this area no parking.

TreeTops Detention

Robert Kopfer asked Tom Unger to look at the TreeTops detention basin because it is not catching the water.

Operation's Report

Guard Rail – The School District and bus company had no complaints about the location of the guard rail on the curve in Ridge Road. The Board decided to do nothing on this matter.

Tire Recycling – Keith Shuman reported that it was difficult to get rid of the tires this year and the Township may have to limit the amount that each resident may drop off. Roy Timpe asked that the Township Secretary set up a web page with the recycling information on it, specifically the tires. A note should be put in the Recycling Newsletter telling residents to check the webpage for up to date information.

Solicitor's Report

Acquisition of Railroad Property – Mr. Orlando stated that he will discuss this further with the Board in executive session.

BioSolids

Mr. Orlando reported that he is working on a sludge ordinance. There has been no contact from the City of Reading or the Reading Area Water Authority.

Park & Recreation – Mr. Orlando reported that the Township does not have an ordinance creating the Park and Recreation Board. It's creation was by resolution. The 2nd Class Township Code requires that it be created by ordinance.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to create an ordinance which establishes a Park and Recreation Board in Maidencreek Township. All members voted, "Aye." Motion carried.

Treasurer's Report

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the September 2005 Treasurer's Report and the September 2005 Prepaid Bill List. All members voted, "Aye." Motion carried.

Pension – The solicitor will create a resolution adopting the Standard Pension Plan as required by the 2005 pension audit. The solicitor asked the secretary when the recycling contract runs out. The secretary responded that it was renewed until December 31, 2006.

2006 MMO

Joe Rudderow asked who was eligible for the pension. Diane Hollenbach stated that any employee with over 1750 hours of service per year is eligible for the pension. The Board of Supervisors is not included in the pension. Roy Timpe asked the secretary to ask the actuary what percent the asset allocation is and what are they assuming for the return.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt Resolution 16-2005, the 2006 Maidencreek Township Minimum Municipal Obligation in the amount of $31,742.00 for the pension plan. All members voted, "Aye." Motion carried.

Park and Recreation

Parking Lot Community Park - The Park and Recreation Board has planned a 230 foot by 65 foot parking lot in the Community Park. They are recommending that the Supervisors authorize Systems Design Engineering prepare a bid for the installation of the parking area with two options: 1. Stone parking area or 2. Paved parking area. The Board asked the Township engineer to research permeable options such as pavers or geo textile grids and report back to the Board in November.

Pavilion and Play Structure

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the engineer to prepare the bid for the installation of concrete in the pavilion and the installation of the play structure and safety surface material in the Community Park. All members voted, "Aye." Motion carried.

YMCA Tiger Rec Nights

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the chairman to sign the contract for sponsoring the YMCA Tiger Rec Nights in conjunction with Fleetwood Borough. All members voted, "Aye." Motion carried.

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Part Time Employee for Park & Rec – Tabled for Executive Session

Recycling

Claude Beaver asked how the Village at Summit Crest will recycle. Since it is a private road system, Diane Hollenbach did not think that Waste Management would go in and the slope of the roads may be too steep for their trucks. The Board asked that Waste Management be contacted and asked about their truck's capabilities. Dick Thren asked how the Villages at Maidencreek recycle. Diane Hollenbach answered that they will be required to collect their own and report the totals at the end of the year. The Board felt that the Village at Summit Crest also should contract for their own hauler and report their totals at the year end.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the printing of the 2006 Recycling Schedule. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, that no commercial landscaper shall dump brush at the recycling drop off center regardless of where the brush was trimmed. All members voted, "Aye." Motion carried.

Motions

Agricultural Security Area

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to advertise a public hearing for additions to the Agricultural Security Area for November 10, 2005 beginning at 6:50 P.M. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept Paul Martin's letter of resignation from the Agricultural Security Board and to send a letter of thanks for his service. All members voted, "Aye." Motion carried.

Blandon Meadows V Street Lights

A petition and letter were received from people on Spirit Court who were concerned about the street light removal from Spirit Court and requested that the Board not take down any lights. Tom Unger stated that there is a cost advantage to removing the lights and the lights on one side of the street should be adequate because this street is doubled up on lights.

A motion was made by Claude Beaver, seconded by Robert Kopfer to authorize the removal of up to 5 street light fixtures on Spirit Court as designated by the Township Engineer.

Gloria Kemmerer asked if the approved plan shows the lights. Gene Orlando stated that the Township has taken dedication of the lights and legally we can remove them. Mr. Orlando preferred that the plan showed what is actually there but it is not necessary. Ownership and responsibility have power under the Second Class Township Code. All members voted, "Aye." Motion carried.

Request for a Traffic Light at Pleasant Hill Road and Route 222

The Board agreed to communicate their concerns to Penn DOT about the safety of the intersection at Pleasant Hill Road and Route 222 and ask Penn Dot for suggestions and include the letter from the resident requesting the traffic light. The Board also asked that Penn Dot look at the sinking of the roadway at Route 73 and Park Road.

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Animal Rescue League Contract – tabled

Forino Street Light Request

A letter from Forino Co., the builder in the Meadowbrook Subdivision, was received. The letter requests that the street lights be turned on in the subdivision even though the streets are not dedicated because equipment and tools are being stolen.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to contact Scott Sweigart at Forino Co. and tell him that the street lights may be turned on if Forino directly pays for the electric. All members voted, "Aye." Motion carried.

Personnel Rules and Regulations – Dick Thren of Longleaf Drive, Blandon stated that the Board of Supervisors should start thinking about removing the language in the Personnel Rules and Regulations that does not allow appointed officials to run for office. Roy Timpe stated that the language predates the current board and he did not put the rule in the regulations. Mr. Thren pointed out that Mr. Timpe signed the revision, so he should know what is in it. Mr. Thren also stated that he felt Mr. Timpe should resign from the Police Commission, since he was running for office and served as an appointee to that Board.

Executive Session 9:30 p.m. to 10:30 p.m.

Public Hearing

A motion was made by Robert Kopfer, seconded by Claude Beaver, per Section 206 of the Municipal Planning Code to authorize the solicitor to write a letter to Randy Wolfe giving him 15 days notice of a meeting or a public hearing if he requests one to be held on November 1, 2005 at 7:00 P.M., which will be followed by a vote.

Gloria Kemmerer asked why the Board was holding a hearing. Roy Timpe stated that Randy Wolfe appears to be in violation of the personnel policy because the Board has not received his resignation. Mrs. Kemmerer asked how that is a violation. Mr. Timpe stated that the policy includes appointed people to various committees. One person has resigned to put themselves in compliance. Mrs. Kemmerer asked if it ever occurred to the Board that the regulation needs to be changed instead of ruining a good public official. Diane Hollenbach asked if she was to transcribe the minutes or if there would be a stenographer. The solicitor stated that the secretary would take minutes unless Mr. Wolfe requested a hearing. If he did and stenographer would be hired. Gloria Kemmerer stated that it was shameful that the Township had to pay for advertising and a stenographer for something like this.

All members voted, "Aye." Motion carried.

Public Works Director

A motion was made by Claude Beaver, seconded by Robert Kopfer, to promote Keith Shuman to Public Works Director effective immediately. All members voted, "Aye." Motion carried. Cindy Stump asked if this changes his job description. Mr. Timpe answered that it changes his job description and his pay rate.

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Receptionist Position

The Board authorized the secretary to schedule interviews for the receptionist position on October 29, 2005 in ½ hour increments beginning at 11 A.M. The secretary asked if the Board wanted her and Mr. Shuman present. Mr. Timpe stated that they had been in the past and could sit in on the interview.

Budget Workshop

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorize the secretary to advertise the budget workshop for October 27, 2005 beginning at 7:00 P.M. Diane Hollenbach asked how far in advance the Board wanted the budget, since she only received the Police Budget yesterday. The Board asked for the budget prior to the meeting. All members voted, "Aye." Motion carried.

Railroad Property

Keith Shuman asked if there was any decision on the railroad property. Mr. Timpe stated that the Board was waiting to see what happened next.

Since there was no further business, a motion was made by Robert Kopfer, seconded by Claude Beaver to adjourn the October 13, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:40 PM.

Transcribing Secretary

Cc: Board of Supervisors
Eugene Orlando, Roland & Schlegel, 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 Twp Authority Engineer
Barbara Hassler, Tax Collector
Daniel Miller, Blandon Fire Company Chief
Chief Scott W. Eaken, Northern Berks Regional Police