Maidencreek Township Board of Supervisors Meeting Minutes
November 10, 2005, 6:58 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: Ken Fleming, Mark Halteman, Lorraine Kopinetz, Mary Zuniga, Bill Wiedemann, Ted Oman, Ron & Gloria Kemmerer, J. Schoellkopf, Gloria Kline, Tina Poole, Mary Dymeck, Larry Kunkel, Paul Martin, Tina Stewart, Fay Isamoyer, Cindy Stump, Mike Easton

Roy Timpe called the November 10, 2005 meeting of the Maidencreek Township Board of Supervisors to order at 6:58 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 October Police Report. In October of 2005, the police department had 887.05 patrol hours in Maidencreek Township covering 6477.95 miles resulting in 314 assignments and generating $3,005.90 in citations. The officer reported that the suspect in the Leesport Bank robbery was found dead in Baltimore of apparent suicide. There have been a lot of vehicles broken into in Maidencreek and the police department asks that residents lock their car doors and report any suspicious activity. Bob Kopfer asked if the police found out who was running their truck through the fields off of Pleasant Hill Road. The police department has not solved that case yet.

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

Public Comment

Ken Flemming of Hope Drive, Blandon, asked the Board if the road crew would clear the driveway apron where the plows push large quantities of snow and mailbox area of the elderly and infirmed in the township after the road crew is finished plowing the roads. Mr. Flemming stated that other communities issue window decals and provide this service. The Board asked the secretary to check into this with PSATS.

Mary Dymeck, Longleaf Drive, Blandon asked if the Supervisors have considered going to a 5 member board instead of 3 members. Mrs. Dymeck stated that other townships with 6,000 people and greater have 5 members on their Board of Supervisor. There seems to be enough interest in the township, since at least 8 people showed interest in being appointed to the board earlier this year and 4 people ran for 2 open positions in the November election. Mrs. Dymeck pointed out that the Park and Recreation Board had 7 members and the MTA and Planning Commission had 5 members. The Board should consider adding more people, which would add more ideas. Roy Timpe stated that the idea hasn't come up. Mrs. Dymeck asked if the Board would look into this. Mr. Timpe stated that the Board would contemplate it.

Lorraine Kopinetz, South View Road, Fleetwood asked the Board to modify or repeal the recreation law that did not allow her son to skateboard in the street. Her neighbor calls the police everytime anyone steps a foot on her property and Mrs. Kopinetz children can not play in their

own driveway and yard for fear of accidentally stepping onto the neighbors property. The Board agreed to think about the recreation ordinance and get input from the Chief of Police. Claude Beaver commented that he was concerned that if the ordinance was changed, the basketball nets would be back on the streets.

Minutes

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the October 13, 2005 minutes of the Maidencreek Township Board of Supervisor's meeting with a correction to page 5, last paragraph changing "laude" to "Claude" and the November 1, 2005 special meeting minutes as presented. All members voted, "Aye." Motion carried.

Engineer's Report

Tom Unger of Systems Design Engineering reviewed the subdivisions' status with the Board. The Melrose Place Subdivision and Land Development Plan and the Mid Atlantic Energy Concepts Land Development Plan will expire 11/21/05 if no action is taken. The Village at Summit Crest has submitted a letter extending the review time of their preliminary plan until 2/21/06. All Letters of Credit are current.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to reject the Melrose Place Final Subdivision and Land Development Plan for failure to comply with the items in the Systems Design Engineering, Inc.'s November 1, 2005 review letter if a letter granting a time extension is not received by November 21, 2005. All members voted, "Aye." Motion carried.

A motion was made by Roy Timpe, seconded by Robert Kopfer, to accept the letter granting a time extension until February 21, 2006 for the review of the Village at Summit Crest Preliminary Subdivision and Land Development Plan. Tina Poole asked if the engineer had researched the improvements agreement time schedule for the development. Mr. Unger stated that he discussed the outstanding paving with Mr. Bradley and it is his intent to have Allison Place paved by the end of November. The installation of the improvement is past the time allowed in the agreement. Roy Timpe and Robert Kopfer voted, "Aye." Claude Beaver abstained. Motion carried.

<u>Esbenshades Land Development – tabled.</u>

<u>Mid Atlantic Land Development Plan</u>

Tom Unger stated that the plan is for an office and warehouse in the Excelsior Industrial Park. Waivers are being requested for sidewalks, curbs and streetlights. The Planning Commission has recommended the waivers as long as the standard township note is placed on the plan obligating the developer to install the sidewalks, streetlights and curb in the future.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to reject the Mid Atlantic Subdivision and Land Development Plan, based on the plans failure to comply with the items in the Systems Design Engineering, Inc.'s October 26, 2005 and November 1, 2005 review letters if a letter granting a time extension is not received by November 21, 2005. All members voted, "Aye." Motion carried.

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Dollar General

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the Dollar General Final Land Development Plan conditional upon lighting plan approval, entering into improvements agreement with the township and posting financial security in a form acceptable to the township. All members voted, "Aye." Motion carried. Tom Unger promised to forward the approved cost estimates to the solicitor for the improvements agreement.

PROJECTS

Act 537 Phase 2 – SDE is in contact with Paul Curry of the PA DEP.

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 $16,532.83. All members voted, "Aye." Motion carried.

Alan Davis Property – Robert Kopfer asked the engineer to look at the water problems occurring on Alan Davis' farm to see if the storm water from the Park Road Lock and Store detention pond could be diverted along the Limestone Village side of the treeline instead of washing out the field.

Hoch Road Culvert – Mark Kitzmiller is working on getting the DEP permits renewed to work on the Hoch Road culvert. Mr. Unger will bring the plans for replacing the existing culvert with a box culvert to the December meeting. DEP requires the culvert to be large enough to allow a 50 year storm to flow through the culvert and a 100 year storm to flow over the road. Keith Shuman reported that the bottom of the pipe in the culvert is gone and the wall is deteriorating.

Lehigh Cement

Mike Easton from Lehigh Cement requested that the Board allow the company to obtain a building permit for changes and additions to an electrical building. The materials are sitting outside and need to get out of the weather. Lehigh Cement was unaware that a land development plan was needed. Tom Unger stated that the project will disturb less then 5000 square feet. Lehigh Cement has other projects planned for the future and will bring a plan through land development showing this latest project in addition to the future project for a silo.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to grant a building permit to Lehigh Cement for changes and addition to an existing electric building provided that they submit a land development plan with changes to this structure on it as well as any other future changes or additions to the site and immediate submittal of a letter guaranteeing that a land development plan will be submitted. Roy Timpe commented that if the Planning Commission hadn't gone on strike that the township would have a changed the subdivision ordinance by now that would address this situation. Claude Beaver and Robert Kopfer voted, "Aye." Roy Timpe voted, "Nay."

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Operation's Report – no action needed

A motion was made by Roy Timpe, seconded by Robert Kopfer, to close the Blandon Fire Company bathrooms in the future, the day after the November Supervisors' meeting. All members voted, "Aye." Motion carried. Note: This motion was made due to candidates for reelection standing at the polling place at the Blandon Fire Company.

Solicitor's Report

Agricultural Security

A motion was made by Robert Kopfer, seconded by Claude Beaver, to adopt Resolution 17-2005 accepting 3 properties into the Maidencreek Township Agricultural Security Area. All members voted, "Aye."

Pension

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt Resolution 18-2005 formalizing the Maidencreek Township Non Uniform Pension with Standard Insurance. All members voted, "Aye." Motion carried.

Uniform Construction Code Fees

A motion was made by Claude Beaver, seconded by Robert Kopfer, to adopt Resolution 19-2005 establishing permit fees for enforcing the Uniform Construction Code. All members voted, "Aye." Motion carried. This resolution replaces Resolution 15-2004.

BioSolids

Mr. Orlando distributed a sludge ordinance to the Board for input that attorney Dake drafted. The ordinance mirrors the DEP regulations. No word has been received from the Reading Area Water Authority if they are concerned and want to act with the Township regarding sludge being spread near Lake Ontelaunee.

Zwicky Land Development

A motion was made by Robert Kopfer, seconded by Claude Beaver, to sign the Zwicky Improvements Agreement and to authorize the secretary to deliver the agreements to W.D. Zwicky for signature once she has received the Letter of Credit. All members voted, "Aye." Motion carried.

Saint Matthews Greek Orthodox Church

The improvements agreement is complete except for the street address of the church and delivery of a satisfactory letter of credit. The recorded easement agreement must be revised and rerecorded.

Lords and Ladies

The improvements agreement is drafted but the solicitor needs to know if the developer will post a letter of credit or cash escrow.

Sidewalks Golden Manor III

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor and secretary to research the minutes for mention of sidewalk waivers in the Golden Manor III development. Claude Beaver amended his motion to also authorize the engineer to do a "quick and dirty" cost estimate for installation of sidewalks in the commercial section of the development. All members voted, "Aye." Motion carried.

Park & Recreation – Mr. Orlando stated that he will email the draft Park and Recreation ordinance to the Supervisors and secretary for review. The Board asked for input from the Park and Recreation Board before the next meeting. The idea of adopting the ordinances to comply with the Second Class Township Code, which requires the Park and Recreation Board be established through an ordinance.

Executive Sessions – Roy Timpe announced that the Board held two executive sessions to discuss personnel issues.

Treasurer's Report

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

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to refund the Rajah Shrine review fee escrow in the amount of $1,276.70. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to purchase a certificate of deposit from Leesport Bank in the amount of $80,000.00 to establish an operating reserve fund. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to write a resolution establishing an operating reserve fund. All members voted, "Aye." Motion carried.

A motion was made by Bob Kopfer, seconded by Claude Beaver, to authorize the solicitor to review the Township's Per Capita Tax Ordinance and draft an ordinance repealing the tax and authorize the solicitor to review the Occupational Privilege Tax Ordinance. All members voted, "Aye." Motion carried.

A motion was made Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to write a letter of thanks to herself for observing the cost of collecting the per capita tax. All members voted, "Aye." Motion carried.

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Codification

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the secretary to add $15,000 to the 2006 budget for codification and increase the Earned Income Tax revenue for 2006 to $909,000.00 per the letter from the Berks EIT Bureau. All members voted, "Aye." Motion carried.

Park and Recreation

Fireworks

Mary Dymeck asked why there was a problem using Park and Rec money for the annual fireworks. Roy Timpe stated that the Board wanted someone to go out and get businesses to sponsor the fireworks because the Supervisors prefer that the fireworks are paid for through seduction, (offering to advertise the businesses in the township newsletter for a contributions) rather then coercion (forcing home owners at gun point to pay for the fireworks through their taxes). Mrs. Dymeck stated that her tax dollars are used for brush pickup and she does not use that service. Mr. Timpe stated that the Board's philosophy is to make the events self funding. Why should someone on a fixed income be forced to pay for fireworks. Mr. Timpe could envision a time when the millage goes down and the Park and Recreation budget is reduced. Mary Dymeck stated that she would like to see a community center and additional events. The Board agreed to put the $4,000 for fireworks in the budget to make up any shortfall in contributions.

Fee In Lieu Of Open Space Village at Summit Crest 3 – Claude Beaver asked if this would be a private community and if the township residents would be allowed to use the facilities. Would the residents from Summit Crest use the Township recreation facilities. Roy Timpe stated that he had a tendency to agree with the Park and Recreation Board and require the full fee in lieu of open space for the project. The Board tabled action on this item.

Rails to Trails – Will be discussed in executive session.

Fees for using Pavilion – The secretary will get the Board fees from other townships. Tabled

Motions

Street Lights

A motion was made by Claude Beaver, seconded by Robert Kopfer, to pass resolution 20-2005 for switching the street light at 1182 Pleasant Hill Road from mercury vapor to sodium vapor. All members voted, "Aye." Motion carried.

Recycling Surety Bond

A motion was made by Claude Beaver, seconded by Robert Kopfer, authorizing the Chairman to sign the 2006 recycling surety bond from Waste Management. All members voted, "Aye." Motion carried.

Modification of Personnel Rules and Regulations – The Board felt that the rules and regulations will not come into play until the 2007 election. Action tabled.

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Property Tax Exemption for Disabled Veterans

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to review if the township has the authority to give tax exemption and if so how to do it. All members voted, "Aye." Motion carried.

Anonymous Letter from Colonial Court – No action will be taken because the letter is not signed and the Board can not be sure that it was sent by a resident of that street.

Cornerstone Drive No Parking – A request was received from a resident to make Cornerstone Drive no parking on the curve. The Board did not wish to do this. Richard Wick of East Wesner Road asked why some of the roads were painted with double yellow lines. Mr. Timpe stated that Terry Manmiller had indicated in the past that this slows cars down.

Cable Television – A resident on Bewley Lane has asked the township to switch cable companies. The Board agreed to keep this in mind the next time that the franchise needs to be renewed.

2006 Budget

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the 2006 budget with the modifications discussed in the meeting(increase Earned Income Tax revenue, adding cost of codification of ordinances and the cost of fireworks) to be advertised for adoption at the December 8, 2005 meeting. All members voted, "Aye." Motion carried.

Executive Session 9:26 p.m. to 10:35 p.m.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to fill the vacant receptionist position with Rita Agnetti. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to appoint Paul Martin to the Maidencreek Township Agricultural Security Board. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitors to examine options with the Principal Financial Group. All members voted, "Aye," Motion carried.

Brush Pick Up

Larry Kunkel, Lake Shore Drive, Fleetwood stated that the municipal brush pick up is taking away business from him because residents are taking down large trees and the Township takes them away for free instead of the homeowner calling a business like his to take it away. The municipality is competing with private business unfairly. Mr. Orlando stated that the recycling pick up is regulated by ordinance and there is nothing the Board may do immediately except review the ordinance. The Board asked that the issue be kept on the agenda.

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Thank You Letter

A motion was made by Claude Beaver, seconded by Robert Kopfer, to send a letter of thanks to the three other candidates for the receptionist position letting them know it was a hard decision and it took a lot of thought. All members voted, "Aye." Motion carried.

Planning Commission Vacancy – Diane Hollenbach asked when the Board would appoint someone to fill Randy Wolfe's vacancy. The Board did not know.

Since there was no further business, a motion was made by Robert Kopfer, seconded by Claude Beaver to adjourn the November 10, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 10:45 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