Maidencreek Township Board of Supervisors Meeting Minutes
December 8, 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: Ken Fleming, Gary Rollman, Ron & Gloria Kemmerer, J. Schoellkopf, Gloria Kline, Tina Poole, Mary Dymeck, Paul Martin, Tina Stewart, Brian Focht, Penny Hummel, William Reidel, James Adams, Joe Rudderow III, Faith Reidel

Roy Timpe called the December 8, 2005 meeting of the Maidencreek Township Board of Supervisors to order at 7:00 p.m. at the Maidencreek Township Municipal Building. The Board agreed to change the agenda in order to hold an executive session and go over the operation report after public comment. Roy Timpe asked everyone to rise for the Pledge of Allegiance to the Flag.

Police Report

Officer Drazenovich of the Northern Berks Regional Police read the November Police Report. In November of 2005, the police department had 913.51 patrol hours in Maidencreek Township covering 7112.25 miles resulting in 315 assignments and generating $2,482.04 in citations. The officer reported that vehicles are still being broken into in Maidencreek and the police department asks that residents lock their car doors and report any suspicious activity.

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

Public Comment

Gloria Kemmerer of East Wesner Road, Blandon, asked for a total cost for the public hearing to remove Randy Wolfe from the Planning Commission. Diane Hollenbach responded that the hearing cost the Township approximately $1,000.00. Mrs. Kemmerer asked when the Board would review the Township Personnel Rules and Regulations. Mr. Timpe stated that people in the public thought the Board would jump on it (revisions to Rules and Regulations), but the rule regarding serving on a Township Board and running for election will not affect anyone until 2007. Mrs. Kemmerer stated that she was surprised that Paul Martin was reappointed to the Agricultural Security Board at the last meeting but no decision was made regarding Randy Wolfe's position on the Planning Commission. Mr. Timpe responded that the Board would probably discuss the position later in the meeting.

Mary Dymeck of Longleaf Drive, Blandon asked the Board if they had considered a five member board of supervisors since the November meeting. Robert Kopfer stated that he is not in favor of a five member board because it isn't necessary. The three members can handle everything now. Claude Beaver stated that he is still considering it and Roy Timpe stated that he was not in favor of it but was reserving comment.

Mrs. Dymeck thanked the Supervisors that attended the Route 222 meeting and asked that the Board request that Penn DOT reduce the speed on Route 222 from 45 M.P.H. in the area of Schaeffer Road and Tamarack Blvd. Mrs. Dymeck has witnessed trucks speeding in the

southbound lane and going through the red light at the intersection of Tamarack and Route 222. The other issue Mrs. Dymeck asked the Board to address was the parking of trucks along Route 222 across the street from Dunkin Donuts. Penn DOT had installed poles to inhibit parking along the road. They have all been driven over and flattened and the trucks are parking in this area again.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the secretary to send a letter to Penn DOT requesting that the speed limit be reduced in the southbound lane of Route 222 beginning at Schaeffer Road and "Reduced Speed Ahead" warning signs installed and to request that Penn DOT look at the parking situation on Route 222 across from Dunkin Donuts. All members voted, "Aye." Motion carried.

Tina Stewart of South View Road, Fleetwood asked if the police chief had expressed an opinion on the request by a resident last month to revamp the sports equipment ordinance. Roy Timpe answered that the Chief felt revamping the ordinance would be problematic.

Ken Fleming of Hope Drive, Blandon, asked the status of the township clearing the apron of the driveway and in front of mailboxes for residents in the township that can not do it for themselves. Diane Hollenbach explained that the Board had descriptions of two types of services provided by municipalities in the midwest and northwest. Mrs. Hollenbach did not find any snow removal policies in Pennsylvania. Some municipalities have a program where residents apply for snow removal of the driveway apron by municipal road crews. Official signs are placed in their yards by the road crew in October and removed in April. While plowing the snow, plow drivers would clear the driveway apron of those homes with the signs in their yards. Gene Orlando stated that he has concerns anytime Township employees enter onto private property and also had concerns over the balance between public money being used for the private individual. Another option would be a program that matched people in need of the service with volunteers. Both parties would need to sign waivers of damage.

After some discussion the Board agreed that this was a policy decision and no ordinance was needed. Roy Timpe stated that the secretary should try to find volunteers in the short term. Objective criteria will need to be determined for residents participating in the program.

Executive Session 7:32 p.m. to 7:40 p.m.

Minutes

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the November 10, 2005 minutes of the Maidencreek Township Board of Supervisor's meeting with a correction to the spelling of Ken Fleming's last name. All members voted, "Aye." Motion carried.

Operation's Report

Stop Bars

Keith Shuman reported that with the Board's okay, stop bars will be painted in the spring.

By waiting until after the snow and ice, the paint should last longer.

Truck Radio for 2006 GMC

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the purchase of a 2 way radio for the 2006 GMC with the cost not to exceed $400.00. All members voted, "Aye." Motion carried.

Reidel-Deichman Rezoning Route 222, Blandon

Tom Unger stated that he is reviewing all the information and requested more time in order to retrieve the files from the last time the property was rezoned from his companies off site storage facility. Bill Reidel stated that he is seeking a remedy to clarify what the zoning was previously and to bring the current zoning into conformance with the properties beside and across the street from his property. Mr. Reidel believed that his property and Mr. Deichman's property were inadvertently included in the Commercial Residential zoning area the last time a zoning change occurred in this area along Route 222. Gene Orlando stated that the rezoning process will need to be gone through whether there was a mistake made or not. Tom Unger added that looking back at the information from the last rezoning will give the board the reasons from the past why the area was zoned in the manner that it was. Mr. Reidel argued that a compelling reason for rezoning in 1993 may no longer be a compelling reason for rezoning in 2005. Mr. Reidel stated that he has contacted Terry Manmiller and that Mr. Manmiller recollects the zoning map being misdrawn. Mr. Reidel did not remember having his property posted during the previous rezoning. The Board of Supervisors tabled further discussion until the January meeting.

Engineer's Report

Tom Unger of Systems Design Engineering reviewed the subdivisions' status with the Board. The Esbenshades Land Development Plan will expire 12/27/05 if no action is taken. All Letters of Credit are current.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to reject the Esbenshades Land Development Plan for failure of the plan to comply with the requirements of the following sections of the Maidencreek Township Subdivision and Land Development Ordinance: section 303.F – site analysis plan, section 303.J – water resource study, section 505.M.3 – curbs and sidewalks, section 503.M.5 – street lights and section 505.B – sidewalks, if a letter granting a time extension is not received by the Township secretary by 4:00 P.M. December 27, 2005. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the letter granting a time extension until February 19, 2006 for the review of the Melrose Place Final Subdivision and Land Development Plan. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the letter granting a time extension until February 19, 2006 for the review of the Mid Atlantic Energy

Concepts Preliminary Subdivision and Land Development Plan. All members voted, "Aye." Motion carried.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to accept the letter granting a time extension until March 24, 2006 for the review of the Hess Final Subdivision Plan. All members voted, "Aye." Motion carried.

Gene Orlando stated that he needs the financial security information in order to complete the Lords and Ladies and David Small Improvement Agreements.

Mid Atlantic Land Development Plan – Action tabled. no representatives were present.

Maidencreek Shopping Center Final Land Development Plan

Tom Unger reported that the Planning Commission recommended approval of the final plan for the Maidencreek Shopping Center, which is a two building shopping center located at the corner of Golden Drive and Park Road. Approval should be conditional upon lighting plan approval, planning module approval, review of the drainage easement maintenance documents by the township solicitor, and receipt of the Penn DOT Highway Occupancy Permit.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the Maidencreek Shopping Center Final Land Development Plan conditional upon compliance with the sections of the Maidencreek Township Subdivision and Land Development Ordinance outlined in the December 2, 2005 Systems Design Engineering review letter which are: section 1310.F - lighting plan approval, section 302.o.6 – Authority review and approval, Section 509.J – DEP Planning Module approval, receipt of a Penn DOT Highway Occupancy Permit, satisfactory review of the drainage easement maintenance agreement by the township solicitor, entering into improvements agreement with the township and posting financial security in a form acceptable to the township. All members voted, "Aye." Motion carried.

PROJECTS

Hoch Road Culvert – Tom Unger stated that the permit , which expires 12/31/05, allows for the removal of the Hoch Road culvert and the installation of a 6' by 11' box culvert capable of passing the storm water of a 100 year storm event without topping Hoch Road. DEP does not require a culvert for the 100 year storm and the culvert could be decreased in size to handle a 25 year or 50 year storm. Baffles are required and the culvert will be depressed 1 foot below the stream bed, so that a natural stream bed is allowed to build up. Robert Kopfer felt that the culvert should be downsized to protect the people down stream. Tom Unger informed the Board that anything over 8 foot is looked at as a bridge by Penn DOT and extra work would need to be done. The renewal for the current DEP permit is being submitted. If the Board changes the culvert size, the calculations are already completed and it will be a matter of filing the proper paperwork. Construction drawings can be done when the permit is received.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the engineer to proceed with drawings and permit application for a culvert at Hoch Road that will

carry a 25 year storm.

Mary Dymeck asked why the township requested a permit previously for a culvert to handle a 100 year storm and why the township was now changing their minds. Tom Unger answered that SDE looked at the amount of water that crosses under Park Road when they initially planned the culvert and now with the recent history of flooding downstream and the Penn DOT bridge regulations, SDE feels the smaller culvert size is the better choice.

All members voted, "Aye." Motion carried.

Act 537 Phase 2 – SDE will wrap up the response in January.

Countywide Appeals Board – Tom Unger will be attending the next meeting on creating the countywide appeals board.

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. Mr. Unger walked the property with Keith Shuman and reported that the only thing that could be done would be to create a small detention basin in the triangle of land adjacent to the property and limit the release of the water.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the engineer to find out the ownership of the property needed for the detention basin and the cost to construct a basin. All members voted, "Aye." Motion carried.

Community Park Play Structure – SDE is proceeding with bidding the installation of the play area and safety surface material, which has been ordered under state contract.

Community Park Parking Area – Tom Unger presented information on pavers that sit on a 6 to 8 inch stone base and are filled with topsoil and planted with grass. Geotextile material should be placed under the pavers. The cost would be about the same as paving the lot but with the benefit of absorbing water. Park and Recreation is not convinced that the block will not heave or be vandalized. The engineer did not recommend that the lot be plowed during the winter. Claude Beaver felt that the existing parking area would accommodate visitors in the winter. Mary Dymeck stated that the Park and Rec Board was looking at extending the walking trails and possibly removing some of the existing parking areas. The Board asked that Park and Recreation look at the pavers (an example is of an application is at the new Salvation Army Building) and get back to the Board with a recommendation.

Lehigh Cement – Lehigh Cement has submitted a noise study. SDE has reviewed the study and will go over some issues with Lehigh Cement. The engineer will provide the Township with a copy of the study.

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 $71,999.07. All members voted, "Aye." Motion carried.

Solicitor's Report

Improvements Agreement

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the Board to sign the St. Matthew's Improvements Agreements and hold them for recording until the letter of credit is received from the developer. All members voted, "Aye." Motion carried.

Gene Orlando stated that cost estimates are needed for the Dollar General plan in order to complete the improvements agreement and financial security information is needed for David Small and Lords and Ladies.

Sidewalks Golden Manor III

Mr. Orlando reported that this is a dead issue and the earlier motion to install sidewalks in the commercial area can not be enforced because the original plan doesn't not have any note on it to allow the Township to do so. The Township can request each property owner install sidewalks.

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the engineer and road crew to install sidewalk, obtaining bids if needed, along the Township open space on Golden Drive. All members voted, "Aye." Motion carried.

BioSolids

Mr. Orlando asked if there was any discussion on the biosolid draft ordinance distributed at the previous meeting. Claude Beaver asked:

- Section 2B under Intent – Is the intent to test every truckload of sludge brought into the township? Mr. Beaver felt that inserting the word "may" would allow the township to inspect the truckloads of sludge but not require the township to inspect every truckload.
- Section 8B – The word "soil" should be inserted so that the Township may test trucks and soil.
- Should the township also test for heavy metals? Mr. Orlando stated if DEP tests for heavy metals, the township may also.
- Did Reading Area Water Authority ever respond to the Township's letter? Mr. Orlando stated that they did not.
- Who would do the inspections on the sludge and would they need to be bonded? Mr. Orlando thought that they would need to bonded.
- The draft ordinance says that the sludge can not be spread until the test results are received by the township. How long does it take to receive test results? Mr. Unger stated that it could take 1 to 2 weeks at a lab.

Gene Orlando stated that the Township could establish permitting fees related directly to the costs the township incurs from enforcing the ordinance. Diane Hollenbach stated that the

township is not aware of the level of activity of sludge use in the township and asked if the ordinance would interfere with the Right to Farm Law, since land application of sludge is currently an accepted farm practice. Roy Timpe stated that he would get a rough idea of lab cost and the Board asked the secretary to find out how many farmers in Maidencreek Township applied sludge.

Park & Recreation Ordinance

Gene Orlando asked for input or comment on the Park and Recreation Ordinance. The Board agreed to remove the language about allowing Park and Rec Board members to only serve two consecutive terms and removed the Park & Rec Board's ability to spend $500.00 without Supervisors approval.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to make the changes to the draft Park and Recreation ordinance and authorize the solicitor to advertise the public hearing for the consideration of adopting an ordinance creating a park and recreation board in Maidencreek Township on January 3, 2006 beginning at 7:00 P.M. All members voted, "Aye." Motion carried.

Disabled Veteran Real Estate Tax Exemption – Stephanie Dake reported that the County Assessment Office takes action on all real estate tax exonerations for disabled veterans.

Treasurer's Report

A motion was made by Claude Beaver, seconded by Robert Kopfer, to approve the November 2005 Treasurer's Report and the November 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 pay the 2005 Northern Berks Regional Police Minimum Municipal Obligation in the amount of $17,759.17. All members voted, "Aye." Motion carried.

Park and Recreation

Fees for using Pavilion – Tabled

Emergency Management

National Incident Management System – Diane Hollenbach reported that the township must be NIMS compliant by September 2006 and should begin working on the education requirements. If the township is not compliant, it could effect the township, fire company, ambulance and police departments ability to obtain federal grants.

Motions

Resolution 21-2005 2006 Real Estate Tax Rate

A motion was made by Claude Beaver, seconded by Robert Kopfer, to pass resolution

21-2005 adopting the 2006 real estate tax rate of 1 ¼ mills. All members voted, "Aye." Motion carried.

Resolution 22-2005 2006 Budget

A motion was made by Claude Beaver, seconded by Robert Kopfer, to pass resolution 22-2005 adopting the 2006 budget. All members voted, "Aye." Motion carried. The solicitor will look at what is needed to repeal the per capita tax.

Spirit Court Street Lights – Roy Timpe stated that the issue of removing street lights from Spirit Court has been resolved.

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the removal and redeployment of three streetlights on Spirit Court. All members voted, "Aye." Motion carried.

A motion was made by Robert Kopfer, seconded by Claude Beaver to authorize the secretary to write a letter to Congressman Holden in response to his concern over the Spirit Court streetlight issue with the Board will sign it. All members voted, "Aye." Motion carried.

Brush Pick up Hurting Private Enterprise - Tabled

2005 Audit

A motion was made by Robert Kopfer, seconded by Claude Beaver, to authorize the secretary to advertise the Supervisors intentions to hire an outside firm to audit the 2005 financial records of the township. All members voted, "Aye." Motion carried.

Gas Mileage Reimbursement

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize employee reimbursement at the current Internal Revenue Service rate for mileage driven in township business each quarter upon submission of mileage in the IRS approved format and approval by the Board of Supervisors at the Supervisors meeting immediately following the end of each quarter. All members voted, "Aye." Motion carried.

Executive Session 9:52 p.m. to 11:00 p.m. for possible litigation

A motion was made by Claude Beaver, seconded by Robert Kopfer, to authorize the solicitor to pursue investigation and litigation if the result of the investigation regarding shortfall in the pension fund warrants it. All members voted, "Aye." Motion carried.

TreeTops III Snow Plowing – Diane Hollenbach reported that the developer of the TreeTops Phase III subdivision had offered to pay the township the state liquid fuel tax that it did not receive because the portion of Acer Drive was not dedicated to the township if the township would agree to plow and salt the undedicated portion of the road this winter.

A motion was made by Claude Beaver to authorize the solicitor to write up a plowing agreement between the Township and The Belovich Group. The motion died for lack of a

second. The Board decided not to set a precedent to plow any undedicated roads.

Elected Auditor Position – The Board declined to read the following letter but allowed it to be entered into the minutes.
Please be advised effective January 1, 2006, Bell Hardware and Supply, Inc. of Trexlertown and Mertztown will need to suspend our vendor relationship with Maidencreek Township. The reason for suspension is due to the fact that on November 8, 2005, I was elected to serve our community as Township Auditor. The term starts January 2006. Since I currently own 50.1% of the outstanding shares of stock in Bell Hardware and Supply, Inc., it would be in the best interest of both Maidencreek Township and Bell Hardware and Supply, Inc. to avoid any potential conflicts of interest during my elected 6-year term. if my ownership or elected status were to change in the future removing the potential for any conflicts of interest, Bell Hardware and Supply, Inc. would gladly resume its vendor relationship with the Township. Thank you for the opportunity to serve your hardware and industrial supply needs in the past. Sincerely Joseph E. Rudderow III President.

Planning Commission Vacancy – Gloria Kemmerer asked if the Board had made any decision on the vacant Planning Commission position. Roy Timpe stated that the time for public comment was over and that it was discussed.

Since there was no further business, a motion was made by Robert Kopfer, seconded by Claude Beaver to adjourn the December 8, 2005 meeting of the Maidencreek Township Board of Supervisors. All members voted, "Aye." Motion carried. Meeting adjourned at 11:08 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