MAIDENCREEK TOWNSHIP SOLICITOR'S REPORT

Orlando Law Office
Eugene Orlando, Jr.
2901 St. Lawrence Avenue
Reading, PA 19606

FEBRUARY
ITEMS AUTHORIZED BY SUPERVISORS

- Deputy Tax Collector Appointment
- Authorize Supervisors to sign Custom Milling Improvement Agreement
- Revise Peddler's Permit Ordinance
- Jane's Spa – Begin process to revoke permit
- Zoning and SALDO Revisions – discuss adopting

Waiting for 3rd Party Input:

- Resolve issue of Crossing at Maidencreek lots being sold at Sept. 17 Upset Sale. Lots were previously combined by Township in 2013. **Waiting on response from School District.**

- Agreement outline items agreed upon July 11, 2013 Supervisor's meeting for the Crossing at Maidencreek – sidewalks along Hill Road, other sidewalks to be installed upon development of rest of property, no streetlights or street trees along Hill Road. **Revised Agreement mailed to Dan Becker November 14, 2014.**

Tabled

- 12 Chestnut Street Easement – James Fox Easement Agreement

APPOINTMENT OF A DEPUTY TAX COLLECTOR

Tax Collector should obtain signatures from the taxing district and return completed form to your Surety Company (keep a copy for your records.) Surety should acknowledge the appointment by signing and returning the signed document to the Tax Collector.

I, Barbara A. Hassler, Tax Collector for Maidencreek Twsp.

_____, County of Berks do hereby

appoint as Deputy Tax Collector: THOMAS W. HASSLER
Name of appointee (printed/typed)

16 Adele Ave. Blandon PA 19510
Address

Thomas W. Hassler 1/15/2015
Signature Date

This is an appointment of a Deputy Tax Collector to collect and settle taxes during any Incapacitation of the Tax Collector (as defined in Local Tax Collection Law, Section 22 (B) [72 P.S. § 5511.22]).

Approved by:

Signature: Title: Date:

Municipality of Maidencreek Phone: 610 9264920

Signature: Title: Date:

County of Phone:

Signature: Title: Board Secretary Date: 1/20/15

School District Fleetwood School District Phone: 6109447658

Surety Company Travelers Date:

Signature: Title: Phone: 717-565-3104

Address: 470 Friendship Road, Suite 140, Harrisburg, PA 17111

Naming a Deputy Tax Collector does not relieve the bonded Tax Collector of Liability. Local Tax Collection Law makes the Tax Collector responsible for all taxes collected and received by any Deputies appointed. (Local Tax Collection Law, Section 22 [72 P.S. § 5511.22]).

The signing of this appointment does not alter the terms or conditions of the Indemnity Agreement signed by the Tax Collector in favor of the Surety Company, or any indemnification available at law.

In the event of Incapacitation, the Taxing Entity must notify the Surety Company as soon as practicable in the event the Deputy is called to act.

Engle-Hambright & Davies, Inc.
2001 State Hill Road
Suite 200
Wyomissing, PA 19610-1607

610/374-4893 or 800/438-2525
FAX: 610/374-5612
ehd-ins.com

EHD
An Assurex Global Partner

January 2015

BARBARA A. HASSLER
MAIDENCREEK TOWNSHIP
FLEETWOOD AREA SCHOOL DISTRICT
16 ADELE AVENUE
BLANDON, PA 19510

RE: Recent Tax Collection Law pertaining to Appointing Deputies

Dear BARBARA A. HASSLER:

Effective immediately, the Local Tax Collection Law now requires the appointment of a deputy tax collector. This requirement was part of House Bill 1590 which was signed into law by Governor Corbett on October 22, 2014.

All tax collectors are now required to appoint a deputy tax collector who "...shall collect and settle taxes during any incapacitation of the tax collector." Incapacitation means "temporarily or permanently impaired by reason of physical illness, physical disability, mental illness, mental deficiency or other cause to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the collection and settlement of taxes."

With that being said, our office has put together a set of procedures to make this appointment as easy as possible for all those involved. We are asking you to do the following:

> Complete the enclosed Deputy Tax Collector Form and obtain the proper signatures of the municipality and school district. EHD will take care of obtaining the county signature. Please return this form to our office by January 31, 2015.

We understand that appointing a deputy may be difficult and the State Organization has suggested placing agreements between municipalities where a tax collector from one municipality serve as the deputy for another municipality and vice-versa.

We appreciate your cooperation during this process and please do not hesitate to contact me if you have any questions.

Sincerely,

Michael Malinowski

Michael Malinowski
Vice President and Branch Manager

Assurex GLOBAL

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PA AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) OF THE TOWNSHIP BY MODIFYING THE SCOPE AND TERMS OF PERMISSIBLE PEDDLING AND SOLICITING IN MAIDENCREEK TOWNSHIP

WHEREAS, Section 1601(a) of the Pennsylvania Second Class Township Code (53 P.S. §66301) authorizes the Board of Supervisors (the "Board") to enact an Ordinance amending an existing Ordinance; and

WHEREAS, the Board of Supervisors of the Township of Maidencreek, by Ordinance No. 48, Adopted Part II General Legislation, Chapter 151: Peddling and Soliciting; and

WHEREAS, the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania (the "Township") deems it in the best interest of the residents of the Township to amend the Peddling and Soliciting provisions of the Township Code; and

NOW THEREFORE, in consideration of the above recitals which are hereby incorporated by reference and made part hereof, the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania hereby ENACTS and ORDAINS as follows:

SECTION 1. <u>Amending Provisions</u>

Part II General Legislation, Chapter 151: Peddling and Soliciting, of the Code of the Township of Maidencreek, Berks County, Pennsylvania (Ordinance 223) is hereby amended in the following manner:

A) § 151-1 (A) "Peddling" is hereby amended to delete Paragraph (3).

B) § 151-2 "Permit Required" is hereby amended by deleting existing language and replacing it with the following:

> No person shall engage in peddling or soliciting, or assist an individual engaged in peddling or soliciting, in the Township of Maidencreek without first having taken out a permit as hereinafter provided.

C) § 151-3 "Application for Permit" is hereby amended to read as follows:

> In order to protect the public against fraud and imposition, every person desiring to engage in peddling or soliciting in the Township of Maidencreek shall first submit a completed Application for Soliciting Permit to the Secretary of the Board of Supervisors of the Township of Maidencreek. Upon such application, such person shall give his name, address, the name of the person for whom he

works, if any; the type of goods, wares, merchandise or work he wishes to peddle, or the nature and activities of the organization, cause, or purpose for which he is soliciting, as the case may be; the length of time for which he desires a permit; identification of the vehicle he uses, the number of assistants he has, and his criminal history, if any. Where a person makes application for himself and one or more assistants, all applicable personal information specified above shall be given for each assistant, and an individual permit shall be required for each assistant. No permit issued under this chapter shall be transferable from one person to another.

D) § 151-4 "Issuance of Permit" is hereby amended to read as follows:

Upon making application therefor, as herein specified, and subject to the approval of the Secretary of the Board of Supervisors of the Township of Maidencreek, a permit shall be issued to any peddler or solicitor. Such permit shall contain the information required to be given upon the application therefor. Every peddler or solicitor shall, at all times when engaged in peddling in the Township of Maidencreek, carry such permit upon his person and shall exhibit such permit upon request to all police officers, Township officials, and citizens. No peddler or solicitor shall engage in any activity not specifically authorized herein.

E) § 151-10 "Permitted Hours of Peddling/Soliciting" is hereby added to the Ordinance to read as follows:

No person licensed as a peddler/solicitor under this Ordinance shall engage in peddling at any time other than the approved days/times as follows:

Monday – Friday 9:30am – 6:00pm
Saturday – 9:30am – 5:00pm

Peddling/Soliciting on Sundays and all Federal Holidays is strictly prohibited

F) § 151-11 "Insurance Required" is hereby added to the Ordinance to read as follows:

All persons seeking a permit for peddling/solicitation, as specified herein, must submit a certificate of insurance, in the amount of $500,000 with Maidencreek Township as the named insured, to the Secretary of the Board of Supervisors of the Township of Maidencreek along with a completed application.

SECTION 2. <u>Ratification and Repeal</u>

The provisions of Maidencreek Township Ordinance No. 223, as amended, and all actions taken pursuant thereto are hereby ratified and confirmed with regard to all matters prior to the date of enactment of this Ordinance. Upon enactment of this Ordinance, Ordinance No. 223 is and will be repealed to the extent but only to the extent inconsistent with the terms, conditions and provisions of this Ordinance.

SECTION 3. Severability

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

SECTION 4. Effective Date

This Ordinance shall become effective upon enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Maidencreek, Berks County, Pennsylvania in lawful session duly assembled this ___ day of _____, 2015.

BOARD OF SUPERVISORS OF
MAIDENCREEK TOWNSHIP

_____
Joseph E. Rudderow, III, Chairman

_____
David Franke, Supervisor

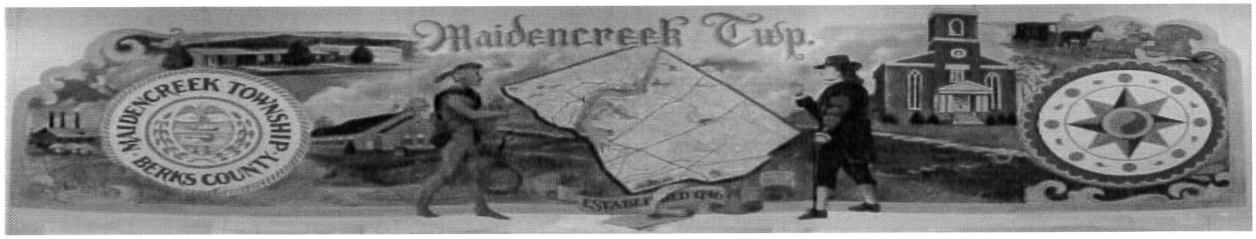
Attest:

_____
Diane Hollenbach, Township Manager

_____
Claude Beaver, Supervisor

Application for Soliciting Permit - Maidencreek Township

In accordance with the Maidencreek Township Code



Name: _____

Address: _____

Employer: _____

Description of Goods/Wares/Merchandise: _____

_____

Nature of Organization/Cause/Purpose for Solicitation: _____

_____

Desired Length of Time for Permit: _____

Vehicle Identification (make/model/license plate #): _____

_____

Number of Assistants: _____

Criminal History (if any) - with description of offense(s): _____

_____

Signature of Applicant: _____

Hours of Solicitation: Monday-Friday 9:30am – 6:00pm, Saturday 9:30am – 5:00pm

SPACE BELOW FOR TOWNSHIP USE ONLY – DO NOT WRITE BELOW THIS LINE

Permit Number: _____

Date Issued: _____ Expiration Date: _____

Certificate of Insurance on File: Yes [ ] No [ ]

Fee Paid: _____

APPROVAL OF TOWNSHIP MANAGER: _____

Maidencreek Township
1 Quarry Road
Blandon, PA 19510

From: Christopher Garrell <cgarrell@orlandolawoffices.com>
To: Diane Hollenbach <maidentwp@aol.com>
Cc: Eugene Orlando <EOrlando@orlandolawoffices.com>
Subject: RE: Amendments to Peddler's Ordinance
Date: Mon, Feb 2, 2015 9:44 am

Diane,

Yes, I will amend the draft of revisions to the Peddler's Ordinance to include a requirement for itinerant sellers to both obtain a permit and additionally, submit a plan detailing the requested information. A time limitation is both legal and appropriate, so I will include that as well.

Very truly yours,

Christopher M. Garrell, Esquire
Orlando Law Offices, P.C.
2901 St. Lawrence Ave. - Suite 202
Reading, Pa. 19606
(610) 779-3830 - Phone
(610) 370-1527 - Fax
CGarrell@orlandolawoffices.com
www.orlandolawoffices.com

From: Diane Hollenbach [mailto:maidentwp@aol.com]
Sent: Friday, January 30, 2015 11:02 AM
To: Christopher Garrell
Cc: Eugene Orlando
Subject: Re: Amendments to Peddler's Ordinance

We want the itinerant sales to come in so we know they are in town. Can we add a section for them and require all the same as peddler as well as a plan showing ingress, egress, parking and sign locations? We also should limit the time frame to be no more than two weeks per calendar year - otherwise we could have a flea market or two. Is this legal or appropriate?

Diane Hollenbach
Manager

From: Christopher Garrell <cgarrell@orlandolawoffices.com>
To: Diane Hollenbach <maidentwp@aol.com>
Subject: Amendments to Peddler's Ordinance
Date: Wed, Jan 21, 2015 4:39 pm
Attachments: Amendments to Peddlers Ordinance (draft).pdf (122K), Current Peddler's Ordinance (Codified).pdf (142K), Maidencreek Application for Soliciting Permit.pdf (231K)

Diane,

Please find attached a draft of the Amendments to the Peddler's Ordinance, the current Peddler's Ordinance, and an Application for Soliciting Permit. Let me know if you want to add anything else to the Ordinance or Application.

After a discussion with Attorney Orlando, he believes the Board may want to delete the exclusion of "Any manufacturer or producer in the sale of bread or bakery products, meat or meat products, or milk and milk products" from the definition of Peddling.

Added requirement that Peddler's assistants need to have a permit.

Minor changes to language "submit a completed Application for Soliciting Permit" and replaces helper/helpers with assistant/assistants

Added "and subject to the approval of the Secretary of the Board of Supervisors of the Township of Maidencreek"

Added new section

> No person licensed as a peddler/solicitor under this Ordinance shall engage in peddling at any time other than the approved days/times as follows:
> Monday – Friday 9:30am – 6:00pm
> Saturday – 9:30am – 5:00pm
> Peddling/Soliciting on Sundays and all Federal Holidays is strictly prohibited

Added new section

All persons seeking a permit for peddling/solicitation, as specified herein, must submit a certificate of insurance, in the amount of $500,000 with Maidencreek Township as the named insured, to the Secretary of the Board of Supervisors of the Township of Maidencreek along with a completed application.

Very truly yours,

Christopher M. Garrell, Esquire
Orlando Law Offices, P.C.
2901 St. Lawrence Ave. - Suite 202
Reading, Pa. 19606
(610) 779-3830 - Phone
(610) 370-1527 - Fax
CGarrell@orlandolawoffices.com
www.orlandolawoffices.com

Certificate of Occupancy

Maidencreek Township Department of Building Inspection

This Certificate is issued pursuant to the requirements of the Uniform Construction Code certifying that at the time of issuance, this structure was in compliance with the various ordinances of Maidencreek Township.

Use Classification A2

Zoning District C1

Building Permit Exsisting
Sprinkled Building
Type of Construction II B

Folino Properties
Owner of Building

Jizhen Fan
Occupant's Name

545 West Chocolate Avenue
Hershey, PA 17033
Owner's Address

8468 Allentown Pike Suite 5
Blandon, PA 19510
Building Address

Maidencreek Township
09/11/2014

Building Code Official and/or Inspector

Certificate of Occupancy for Oriental Massage

FILE

$50
CHK #131

MAIDENCREEK TOWNSHIP

CERTIFICATE OF OCCUPANCY FORM

Date: 9/4/14 Fee:

Owner: Rodolfo Folino (Folino Properties) Phone: 484.575.8352

Property Address: 8468 Allentown Pike (Rte 222) Blandon, unit#: 5 PA. 19510

Mailing Address: Same

cell (917) 250-8228 Lessee: JIZHEN FAN, 545 W Chocolate Ave, Hershey PA 17033

Existing or Former Use: Retail Strip Unit

Proposed Use:

Subdivision(if applicable): N/A

Description of Use: Body works, Therapeutic Massage Foot Reflexology Treatment

NOTE: Application shall include plot plans showing dimensions of lots, location of buildings or structures on lots, dimensions of front, side, rear yards, courts and floor plans.

* If required, evidence of approval by the Commonwealth of Pennsylvania shall also be submitted.

* Misrepresentation of facts and conditions, approvals granted through malice or negligence shall not be deemed a legal permit.

I hereby certify that the information supplied and herewith is true and correct to the best of my knowledge.

Applicants Signature

9/04/2014
Date

JIZHEN FAN Matt Davenport
6109168500

Commonwealth of Pennsylvania Department of State
Bureau of Professional and Occupational Affairs
Massage Therapist

License Number
MSG000325

Expiration Date
01/31/2015

Registration Code
qMzCFvuu

License Status
Active

JIZHEN FAN
545 OLD W CHOCOLATE AVENUE
HERSHEY PA 17033

OFFICIAL DOCUMENT

READ THE FOLLOWING INFORMATION CAREFULLY CONCERNING YOUR LICENSE:

1. SIGN THE WALLET CARD AND CERTIFICATE WHERE INDICATED.
2. DETACH THE WALLET CARD AND CERTIFICATE AT PERFORATION.

JIZHEN FAN
545 OLD W CHOCOLATE AVENUE
HERSHEY PA 17033

Registration Code

Your **registration code** is found on the attached wallet card.

Use this **registration code** online to: renew your license, change your personal or license address, or order duplicate licenses.

Visit our website at: www.mylicense.state.pa.us

First time users will be required to use this **registration code** to create a user ID and password.

DISPLAY THIS CERTIFICATE PROMINENTLY • NOTIFY AGENCY WITHIN 10 DAYS OF ANY CHANGE

11 0285150

Commonwealth of Pennsylvania
Department of State
Bureau of Professional and Occupational Affairs
PO Box 2649 Harrisburg PA 17105-2649

License Type

Massage Therapist

License Status

Active

Initial License Date

01/27/2011

JIZHEN FAN
545 OLD W CHOCOLATE AVENUE
HERSHEY PA 17033

License Number

MSG000325

Expiration Date

01/31/2015

Katie True

Commissioner of Professional and Occupational Affairs

Signature

ALTERATION OF THIS DOCUMENT IS A CRIMINAL OFFENSE UNDER 18 PA.C.S.§. 4911