

MAIDENCREEK TOWNSHIP BOAD OF SUPERVISORS MEETING

APRIL 12, 2001

7:00 PM

GUESTS: David Snyder, Hether Quillman, Joseph DeSantis, Robert Hanna, David Hunsberger, Gloria Kline, Tina Poole, Randy Wolfe, Ronald Kemmerer, Gloria Kemmerer, Larry Kunkel, Fay Isamoyer, Cindy Stump, Paul Moyer, Curt Frantz, Paul LaPlante, Samatha Wesner, MaryAnn Wesner, Mr. & Mrs. Brian Madson Keith Weidner, Nancy Werner, Harold Burgert and Chris Heinz – Reporter.

PRESENT: Karl Bolognese-Supervisor, Roy Timpe-Supervisor, Terry Rarick-Supervisor, Chad Lubas-Solicitor, Thomas Unger-Engineer, Terry Manmiller-Operations Director and Ruth Manmiller-Recording Secretary.

Karl Bolognese opened the April 12, 2001 Board of Supervisors Meeting at 7:00 PM and asked everyone to rise for the Pledge to the Flag.

Roy Timpe made motion, seconded by Terry Rarick, to adopt the March 8, 2001 Rajah Shrine Conditional Use Hearing minutes. Motion Carried.

Roy Timpe made motion, seconded by Terry Rarick, to adopt the March 8, 2001 Board of Supervisors Meeting minutes. Motion Carried.

AUDIT REPORT

A brief presentation of the 2000 Audit conducted on Maiden creek Township Financial Records was given by Diane Lucchese of Reinsel and Company. All revenues and expenditures have been properly administered.

POLICE REPORT: Officer Charles Hobart of the Northern Berks Regional Police read the police activity report for March 2001.

	MAIDENCREEK	ONTELAUNEE	LEESORT
TOTAL ASSIGNMENTS: 491	226	173	92
TRAFFIC CITATIONS: 247	88	97	62
FINES COLLECTED: \$7032.42	\$2275.67	\$3339.34	\$1417.41

ROAD REPORT: Terry Rarick read the Operation Manager’s Report for March 2001.

Equipment Report

1. The new 9’-0” plow has arrived and has been installed on Unit # 3.
2. The water pump on Unit# 3 was replaced.
3. All winter equipment has been serviced and stored.
4. Quotes will be presented at a future meeting to sand blast and paint Unit # 1 dump bed and auger/salt spreader.
5. Summer equipment is being serviced and prepared for use.

Road Crew completed the following

1. Winter maintenance completed on 3/4/01, 3/5/01, 3/6/01, and 3/7/01.
2. Numerous potholes were filled on different roads through out the township.
3. Intersections and roads on the other side of Lake Ontelaunee were cleaned.
4. Basketball pole at the Faith Drive playground was repaired.
5. New wiring from a streetlight on Golden Drive to the transformer was repaired and GPU was notified to reenergize the line.
6. 50 yards of mulch was placed at the play area at the Blandon Fire Company.

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A list of future projects and township roadways requiring repairs was presented to the Board for their review.

TREASURER'S REPORT

Roy Timpe made a motion, seconded by Terry Rarick, to pay the bills as presented. Motion carried. Jury Duty three days prior to the meeting did not allow the Treasurer to prepare a report for this meeting.

PUBLIC COMMENT

Brian Madson, 93 Spirit Court, Blandon reminded the Board he is still interested in purchasing township land adjoining his property. He was concerned if the Board had determined the proper manner to complete this sale. He hoped the matter would be addressed in the near future because he will no longer maintain the land and the township should put this area on their mowing list.

The Board and the Solicitor discussed two legal options (auction or sealed bids) to complete the sale of this land. Roy Timpe asked the Solicitor to send a letter to the Board explaining the proper manner in which the Board should proceed to sell the land to Mr. & Mrs. Brain Madson.

Cindy Stump, 140 Evansville Road, Fleetwood, announced the Maiden creek Citizens Action Committee will conduct an "All Candidates Forum" on May 2, 2001 at 7:00 PM in the Andrew Maier Elementary School Gym. All candidates running for Township Supervisor as well as Fleetwood School Board will be invited to attend. The group hopes to have media coverage. A fund-raiser is being planned for later in May.

Larry Kunkel, 5 Lake Shore Drive, Fleetwood complained to the Board about:

1. Lights at Tom's Convenience Store.
2. Erosion of his property due to Tom's Convenience Store.
3. Tractor-trailer truck noise from truck parking on the vacant lot next to Tom's Convenience Store.

Larry Kunkel feels all these problems are a result of the Tom's development that was approved by the Board of Supervisors, therefore the Board should be responsible for correcting these problems. He feels this is not an issue between neighbors.

Terry Rarick stated the Engineer and Operations Manager would inform the owner of Tom's Convenience Store of Larry Kunkel's concerns. The Engineer will measure the amount of light that leaves Tom's Convenience Store property. The owner of the vacant lot adjacent to Tom's Convenience Store has been notified of the trucks parking on his property. To date the township has not received a response. The orange plastic fence will be reinstalled and new larger "No Parking" signs will be erected.

Paul Moyer, Allentown Pike, Reading, stated he had the same concerns about tractor-trailer noise from the vacant lot adjacent to Tom's Convenience Store.

Ronald Kemmerer, East Wesner Road, Blandon questioned the recent work that had been completed at the Community Park.

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The Board informed Ronald Kemmerer the road crew had cleared the rocks and sediment from under the bridge.

Gloria Kemmerer, East Wesner Road, Blandon stated she agreed with Larry Kunkel about the bright lights at Tom's. She stated it caused her vehicle lights to dim while traveling through the intersection.

Nancy Werner, 261 Troxel Road, Shoemakersville questioned if the Board would take action at this meeting to advertise the pending "Noise Ordinance" for adoption at the May 2001 Board of Supervisors Meeting. She questioned if a police officer could be considered the second party as witness to noise violation and if the new ordinance would "grandfather" her existing noise problems.

The Board informed Nancy Werner there would be discussion and action taken on the pending "Noise Ordinance" later in the meeting. The Board stated a police officer could be the second party to hearing a noise problem. The new ordinance can not "grandfather" any existing conditions.

David Snyder, 224 Genesis Drive, Blandon asked the Board if they would consider including paving for the tennis court and basketball court in their 2001 Road Work bid. He hoped that by including the paving for the tennis court and basketball court with the Roadwork bids, the Park and Recreation Board could secure a better price.

Terry Rarick stated it could be included but would have to be singled out and paid for with township funds, not State Liquid Fuel Funds.

ITEMS REQUIRING ACTION

ORDINACE 175 – Borrow \$100,000.00: Terry Rarick made a motion, seconded by Roy Timpe, to borrow \$100,000.00 at 4.55% for 5 years from The First National Bank in Fleetwood for the land acquisition of Park Road Commercial, Lot 8. The General Obligation Note will state the land will be used for Park and Recreation. Park Road Commercial, Lot 8 adjoins the future Community Park. Motion carried.

Ronald Kemmerer, East Wesner Road, Blandon asked the Board, again, how they would repay this loan.

The Board stated the loan would be paid by Fee-In-Lieu of Open Space and the recent tax increase for recreation.

Randy Wolfe, West Walnut Tree Drive, Blandon, questioned if the present property owners of Park Road Commercial, Lot 8 will be responsible for past due taxes.

The Board informed Randy Wolfe that payment of past due taxes was a condition of the sale. The property owners will pay the past due taxes.

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ORDINANCE 176 – Fee-In-Lieu of Open Space: Terry Rarick made a motion to modify Ordinance 176 removing stipulations for Fee-In-Lieu of Open Space for Commercial and Industrial Developments and to clarify the manner in which recreation fees and/or recreational land is acquired. A lengthy discussion ensued. Roy Timpe made a motion, seconded by Terry Rarick to table any decisions on this ordinance until the May 2001 Board of Supervisors meeting. Motion carried.

ENGINEER’S REPORT

WALNUT MANOR III: The review period for this plan expires today, April 12, 2001. Curt Frantz, Engineer for the project, presented the Board with a 90-day time extension for Walnut Manor III. Terry Rarick made a motion, seconded by Roy Timpe, to reject the 90 day time extension for Walnut Manor III. Motion carried. Terry Rarick made a motion, seconded by Roy Timpe reject the Walnut Manor III Plans and authorize the Solicitor to notify the developer of the Board’s action. Motion carried. The Recording Secretary was asked to poll the Board: Mr. Timpe “Aye”, Mr. Rarick, “Aye”, Mr. Bolognese, “Aye”.

WALNUT MANOR, Lot 5: The review period for this plan expires today, April 12, 2001. Curt Frantz, Engineer for the project presented the Board with a 90-day time extension for Walnut Manor, Lot 5. Terry Rarick made a motion, seconded by Roy Timpe, to reject the 90 day time extension for Walnut Manor Lot 5. Motion carried. Terry Rarick made a motion, seconded by Roy Timpe reject the Walnut Manor, Lot 5 Plans and authorize the Solicitor to notify the developer of the Board’s action. Motion carried. The Recording Secretary was asked to poll the Board: Mr. Timpe “Aye”, Mr. Rarick, “Aye”, Mr. Bolognese, “Aye”.

Should the developer wish to begin the review process of Walnut Manor III and/or Walnut Manor, Lot 5 a new application, review fees and new plans would be required.

BLANDON MEADOWS V, PHASE 2

Terry Rarick made a motion, seconded by Roy Timpe to re-approve Blandon Meadows V, Phase 2 subdivision with the same contingencies as the first adoption. Motion carried.

This plan was approved on 11/9/00, however the 90-day recording time period expired before all contingencies were met. David Snyder voiced his is concern about the design of the proposed pedestrian footbridge the developer plans to install. He feels the Park and Recreation Board should review the developer's intentions for the footbridge. The Board assured him that a design of the bridge would be presented prior to installation. The installation of this bridge and the additional sidewalks provided by the developer and The First National Bank in Fleetwood will provide safe access to the school, bank, and post office.

Harold Burgert suggested the Park Road and East Wesner Road intersection should be enlarged to provide for turning lanes to enable motorists to see oncoming traffic.

MAIDENCREEK CARWASH: Shipley Stores has formally withdrawn the Maidencreek Car Wash Plan.

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MARTIN RETIRMENT VILLAGE: The Engineer informed the Board that Mr. Martin's septic system is not in compliance and he has not continued to pump the failing system, as agreed. A new plan has not been submitted for review. Roy Timpe made a motion, seconded by Terry Rarick, authorizing the SEO to cite Mr. Martin for a failing septic system that he refused to maintain. Motion carried.

Tina Poole questioned why the Board would not allow him to install a new on-lot system until the he would be able to provide sewer to the existing modular homes and expansion of the retirement village. If a new on-lot system was installed the problem would be temporally corrected and would stop the contamination.

The Board insisted a new system is not the solution. Mr. Martin needs municipal sewage for the entire retirement village. He can not proceed with any additional improvements until the sewage problem is resolved.

EAST WESNER ROAD

1. LSR, Inc. cleaned out the culvert 4/2/01 and 4/3/01.
2. Contractor to begin the stream relocation project 4/16/01.

DRIES ROAD

1. Submitted new and additional plans to PADOT.
2. Possible solution agreed upon with PADOT involving a detention pond on the Giorgio Property.

ROUTE 222 – STORMWATER PROBLEM

1. Letter sent to DEP 3/8/01 concerning the PADOT drainage facilities near the intersection of Allentown Pike and Tamarack Blvd., Blandon.

SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS:

Roy Timpe made a motion, seconded by Karl Bolognese, authorizing the Chairman to sign the Subdivision Improvement Letters in the amount of \$516.56. Motion carried.

SEO REPORTS AND CONSTRUCTION STATUS REPORTS: The Engineer distributed SEO reports and development/construction status reports to the Board.

SOLICITOR'S REPORT

LORAH PROPERTY, 26 Mountain Spring Road, Blandon: Solicitor Chad Lubas informed the Board a payment plan to pay past due water bills had been agreed upon between Maiden creek Authority and Faye Lorah. Paying past due water bills allowed the Maiden creek Authority to turn on the water. Since water service was restored to the property, the owner may heat the home with the existing furnace, rather than a kerosene heater. Heating the home with a kerosene heater was a concern for the neighbors living in adjoining dwellings. The numerous cats and the garbage still remain on the property.

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RESOLUTION 10-2001: Via Dolorosa Drive: Terry Rarick made a motion, seconded by Roy Timpe to accept dedication of Via Dolorosa Drive, contingent upon receiving the signed deed from the property owner. Motion carried.

NOISE ORDINANCE: A lengthy debate ensued regarding several sections of the proposed ordinance. The use of power tools, time of garbage collection, dogs barking, quiet time, loud bands, and numerous other noise issues were discussed. Roy Timpe questioned if there was a real need to adopt the noise ordinance, since it seems as though the entire Township is being subjected to restrictions to solve a few problems. Terry Rarick felt the noise ordinance should be adopted as soon as possible so the Township will be ready for anticipated noise problems. Terry Rarick made a motion, seconded by Karl Bolognese, to advertise the Noise Ordinance for adoption at the May 10, 2001 Board of Supervisors meeting with the following contingencies – include power tools, garbage collection and quiet time between 11:00 PM – 6:00 AM. The Recording Secretary was asked to poll the Board: Mr. Timpe “No”, Mr. Rarick, “Aye”, Mr. Bolognese, “Aye”.

Cindy Stump questioned how Township residents would be informed about the noise ordinance.

Karl Bolognese stated the residents would be notified of the adoption of the noise ordinance in the next newsletter.

The Solicitor stated he would provide a copy of the noise ordinance on a disk for Diane Hollenbach to download onto the Maiden Creek Township Web Page.

OLD BUSINESS

Hether Quillman, Fleetwood, questioned if the Solicitor had prepared the agreements/contracts for the business advertisement boards to be purchased and installed at the Blandon Fire Company Softball Field. She reminded the Board he had agreed to prepare the agreements/contracts at no cost to the township.

NEW BUSINESS

Terry Rarick made a motion, seconded by Roy Timpe granting permission to the cub scouts to conduct a soapbox race on Quarry Road and would unlock the Municipal Building for rest room use on 5/20/01. Motion carried.

PARK AND RECREATION

YMCA Summer Playground Program: Terry Rarick made a motion, seconded by Roy Timpe accepting the tuition rates and program costs of \$5,887.00 for 2001 Summer Playground Program. Motion carried.

Roy Timpe made a motion, seconded by Terry Rarick authorizing the Operations Manager to repair the pavilion roof at the Blandon Fire Company Ball Field. Motion carried.

Parking at the Blandon Fire Company was discussed. Extra parking could be provided behind the outfield by installing modified stone.

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SECRETARY QUESTIONS

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor to investigate and present to the Supervisors the best option to sell a portion of Lot 17 on Spirit to the Madson's. Motion carried.

MOUNTAIN SPRING ROAD – EXTENSION: Due to 911 regulations the unpaved and undedicated portion of roadway branching off of Mountain Spring Road Extension must be named. Terry Rarick made a motion, seconded by Roy Timpe to name the roadway branching off of Mountain Spring Road Extension as “**Critter Place**”. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe authorizing Terry Manmiller and Regina Sanders to attend a 5-hour Excel course at BCIU on May 15, 2001. Tuition fee: \$75.00 per student. Motion carried.

Jeffrey Peterson, 105 Damascus Road, Blandon, requested the Board consider installing a grate over a drainage pipe near his property to prevent children from entering the pipe.

The Board will investigate Jeffrey Peterson's request. Installing grates could cause flooding conditions and constant maintenance.

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Operations Manager to advertise for bids to complete the 2001 Road Work using ID2, and includes paving for the tennis and the basketball courts. Bidders should be instructed to line itemize each road and/or additional projects so any quotes may be rejected. Only the 2001 Road Work will be paid for with State Liquid Fuels Funds. The tennis court and basketball court expenses would be paid with budgeted funds for park and recreation. Motion carried.

Karl Bolognese made a motion, seconded by Roy Timpe, to adjourn the meeting at 9:51 PM. Motion carried.

Respectfully submitted,

Ruth M. Manmiller
Recording Secretary

CC: Board of Supervisors
Terry Manmiller, Operations Director
Richard Orwig, Solicitor
Thomas Unger - Systems Design Engineering, Inc., Township Engineer
Planning Commission
Park and Recreation Board
Zoning Hearing Board

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Paul Herbein, Zoning Hearing Board Solicitor
Maidencreek Township Authority
Robert Hobough, Esq., Maidencreek Township Authority Solicitor
Tax Collector
Fred Giorgi
Daniel Miller, Fire Chief