

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

JANUARY 11, 2001

7:00 PM

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

GUESTS: Anna Mae Kershner, Paul W. Sanders, Norman Readinger, Wilson R. Heffner, Raymond E. Straile, Dolores E. Straile, Harry Heckman, Erma Heckman, George Young, Gladys Young, Alice Rothermel, Beth Pflueger, Ron Rapp, Joan Shiner, Tom Shiner, Robert Hanna, Robert Kline, Kathy Heffner, Cindy Stump, Carl R. Bossler, Ron Morean, Sue Morean, Kent Morey, David DeAngelo, Daniel Miller, David Snyder, Michael Kimpland, Lillian Kimpland, Tina Poole, George Bailey, Michael Lella, Charles L. Voorhies, R. Grundonski, Jim Harper, Larry R. Kunkel, Randy Wolfe, David Gehart, Gregory Przyjemski, Donald Griest, Denise Griest, Lynford Weber, Paul Martin, Robert Chopper, Frank Wheeler, Gloria Kemmerer, Tracy Geer, Ruth Malenda, Ronald Citron, Todd Beaton, David Kopfer, Harold Burgert, Donna Mountain, David Stump, Fay Isamoyer, Diane Driebelbis, and Christopher Hinz - Reporter.

Karl Bolognese called the January 11, 2001 Board of Supervisors meeting to order at 7:00 PM and asked everyone to rise for the Pledge to the Flag.

CORRECTION TO 12/14/00 MINUTES: Roy Timpe – Supervisor was omitted from list of township officials present.

Terry Rarick made a motion, seconded by Roy Timpe, to approve the December 14, 2000 Board of Supervisors minutes with the correction listed above. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe, to approve the January 2, 2001 Board of Supervisors Reorganization minutes. Motion carried.

Karl Bolognese announced an executive session was held on January 4, 2001 to discuss potential litigation arising from the rezoning decision for the former Schaeffer property.

Solicitor, Richard Orwig, stated this meeting is being held to conduct regular township business and not to make a formal decision on the rezoning of the former Schaeffer property. The only decision the Board should make at this meeting is to advertise for action to be taken on an ordinance to rezone the former Schaeffer property at the February 8, 2001 Board of Supervisors meeting, and a location for the meeting. He stated the transcript from the November 30, 2000 public hearing had been received and has become part of the official documentation of the proceedings. The Board wishes to thank everyone who took the time to express their concerns in the form of a letter for rezoning the former Schaeffer property. All letters have become part of the official record. He stressed to the public, should anyone wish to send a letter to the Board of Supervisors, they should do so within the next two weeks.

PUBLIC COMMENT

Raymond Straile, 403 E. Wesner Road, Blandon, stated he was under the impression an additional 800 vehicles that would be generated due to the proposed development of the former Scheaffer property. This amount of added traffic would cause adverse conditions to the already heavily traveled East Wesner Road and Schaeffer Road. He noted the majority of vehicles, including school buses currently traveling on East Wesner Road and Schaeffer Road, far exceed the posted speed limit. He hoped the Board would take the traffic impact into consideration when they make their decision.

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The Board explained to Mr. Burgert that comments and/or concerns from this meeting would be included in the January 11, 2001 meeting minutes, but would not become part the official record of the former Schaeffer property rezoning hearing. This is why they have stressed numerous times to forward any comments or concerns about the rezoning issue to the Board of Supervisors in the form of a letter.

Charles Voorhies, 284 West Walnut Tree Drive, Blandon, questioned the Board on the proper procedures and time restrictions to present a petition in favor of the rezoning of the former Schaeffer property. He stated in 1993 when he purchased his property he was aware that some day the access road behind his home would be used by the public and he accepts that.

The Board thanked Charles Voorhies for his comment and made a deadline of January 25, 2001 to present a petition. This deadline was made for anyone who might want to send a letter or present a petition to this Board, allowing the Board ample time to review all information received prior to their decision.

Tina Poole, 59 Lee Spring Road, Blandon, stated DEP required the installation of an alarm on the failing septic system at Martin Retirement Village. She wanted to know why the township engineer said an alarm was not necessary.

Thomas Unger, Engineer stated DEP must have thought the septic system at Martin Retirement Village was a holding tank. Holding tanks require alarms. The malfunction of the septic system at the Martin Retirement Village is not the tank; it's leakage from the sand mound. Mr. Martin has been notified as directed during December 14, 2000 Board of Supervisors meeting. Mr. Martin has agreed to provide receipts of work completed on the septic system. Samples of anything on the ground in the area of the septic system are being tested.

Solicitor, Richard Orwig, stated he had been in contact with the SEO officer relative to the inspections of the septic system problems at the Martin Retirement Village. The malfunction, which caused the leakage from the sand mound, was due to excavation. He has been informed the leakage had been repaired. The SEO is inspecting the septic systems at the Martin Retirement Village on a weekly basis. As of today there has been no leakage. Should any leakage occur, he will be cited.

David Snyder, 224 Genesis Drive, Blandon, thanked the Board for increasing the fee-in-lieu of open space. He was interested in the timetable to adopt a recreation fee for new industrial and commercial properties. In regards to the rezoning issue, he questioned if the motion the Board would be making later in the meeting would allude to their pending decision.

Solicitor, Richard Orwig, stated that in approximately two to three months the Board would consider adopting a new ordinance to impose recreation fees on new industrial or commercial properties. The motion to advertise the rezoning ordinance for the former Schaeffer property must be done in order to prepare the rezoning issue for a formal vote/decision.

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Ron Citron, 106 Hope Drive, Blandon, stated he is still concerned about the drop in water pressure he has experienced in his home, and questioned why he was directed to talk with the Authority. If the Board of Supervisors make the final decision on plans, the Board should know the answer to his water pressure question. He stated the Authority informed him they must provide water and sewer to developments approved by the Board of Supervisors. He advised the Board to consider a referendum to limit land use in Maiden Creek Township. This referendum would limit the number of semi-detached homes and eliminate apartments and townhouses, and limit the size of residential building lots to one or two acres.

Terry Rarick stated that a variety of dwellings is necessary to provide different living accommodations for individual needs and limiting the size of residential building lots to one or two acres is poor use of land. Richmond Township has developments with one home on a one to two acre lot with on-lot sewage. This is poor use of land compared to Maiden Creek Township where two to three homes are on that same size lot and have sewage treated off sight.

Solicitor, Richard Orwig, advised Ron Citron to discuss his thoughts on land planning with the Planning Commission. He assured everyone that prior to any plan being approved by the Board of Supervisors, an extensive review and approval from Maiden Creek Authority, the Maiden Creek Planning Commission, the Berks County Planning, and the Berks County Conservation District must be completed.

Roy Time stated the Pennsylvania Second Class Township Code only allows a referendum to be placed on the ballot dealing with taxes, not land planning or land use.

Terry Rarick commented on rumors that have been discussed on the radio, at previous meetings, and what he has heard in the opening moments of this meeting concerning his residency in Maiden Creek Township. For the record, he has lived in this community for 53 years and has no thoughts of making a rash decision on the rezoning issue and then leaving town. For nearly 25 to 30 years he has volunteered to serve Maiden Creek Township as an Authority Board member or as a Township Supervisor. He resents comments from individuals that have lived here on the average of 5 to 10 years making comments on choices that he is making in his personal life. At this time he has no intentions of moving and any decision he makes on the pending rezoning issue or any other township issue will always be made with the best interest of Maiden Creek Township in mind.

Andrew Cebello, 234 Cornerstone Drive, Blandon, presented pictures he had taken of recent flooding in Maiden Creek Estates open space to the Board.

Ruth Malenda, Maiden Creek Road, Fleetwood, questioned the appeal process and the time constraint to file an appeal once a decision is rendered.

Solicitor, Richard Orwig, stated there is an appeal period; however, anyone wishing to appeal a decision on an ordinance should seek legal counsel to file an appropriate appeal.

Nancy Werner, 261 Troxel Road, Shoemakersville, questioned where the notice to adopt an ordinance would be found.

The Board informed Nancy Werner the notice is published in the Reading Eagle/Times.

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Frank Wheeler, 130 Hill Road, Blandon, questioned the sewer capacity for Maidencreek Township.

Terry Rarick informed Frank Wheeler that years ago the Blandon area was required for health reasons, to furnish a sewage treatment plant for the community. Due to regulations, similar to the regulations of public school construction, the treatment plant was built to provide for the existing community and limited growth. The treatment plant has effectively served the community and it’s growth. However, since the township growth has exceeded prior estimates, Ontelaunee Township has requested capacity, and the existing plant is outdated, improvements must be implemented under Act 537.

Beth Pflueger, 28 Mt. Spring Road, Blandon, questioned when the Board was going to address the living conditions at 26 Mt. Spring Road. She thought the Solicitor was going to file the appropriate papers to allow entrance to this home for inspection. She reminded the Board this house is still infested with cats, is being heated by kerosene (she can smell the fumes), and is a health and safety concern for all the neighbors.

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor to take legal action to obtain permission to enter the home at 26 Mt. Spring Road as soon as possible. Motion carried. The Solicitor was confident he could file to gain permission within ten days to two weeks

REZONING: Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Solicitor to advertise for action to be taken on the ordinance to rezone the former Schaeffer property at the February 8, 2001 Board of Supervisors meeting, with the exception of the zoning change to include R2, rather than R2-a as requested and to include the location of the meeting. Motion carried.

POLICE REPORT

Officer Charles Hobart presented the December 2000 activities report for the Northern Berks Regional Police Department.

	TOTAL CALLS 440		
	MAIDENCREEK	ONTELAUNEE	LEESPORT
CALLS	212	160	68
CRIMES/OFFENSES	11	14	4
FINES COLLECTED	\$1,439.64	\$2,131.80	\$ 914.79

PUBLIC COMMENT/CONCERNS ON POLICE MATTERS

Todd Beaton, 104 Tamarack Blvd. Blandon, questioned why the owner of the Coliseum has not been cited for the excessive noise. He has called the police on several occasions and nothing seems to be done. He wants a citation for excessive noise, disturbance of the peace, or disorderly conduct issued.

Officer Hobart stated he has read the incident reports pertaining to this matter and an officer has responded every time. The police can not cite the owner for excessive noise or disturbance of the peace since a noise ordinance has not been adopted by Maidencreek Township. A disorderly conduct citation can not be issued to an establishment; only an individual.

Roy Timpe stated the draft noise ordinance the Board is currently reviewing is leaning toward a curfew, rather than the use of an instrument to measure the noise level. This past summer an independent engineer, township official and the police monitored a party at Shady Glenn with a decibel meter, only to discover the passing traffic and insects were registering higher on the meter than the DJ.

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problem with the owners. The Engineer feels there is an inexpensive answer to this problem. The soil erosion problem will be inspected when the weather allows.

SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS:

Roy Timpe made a motion, seconded by Terry Rarick, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$1457.37. Motion carried.

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

Information on Dry Lot Farming was distributed to the Board members

SOLICITOR' REPORT

The Board agreed there are several areas of concern in the draft of the noise ordinance. The Board decided to review the draft ordinance and possibly proceed with the motion to advertise at the February 8, 2001 Board of Supervisors meeting.

SECRETARY'S QUESTIONS

Terry Rarick made a motion, seconded by Karl Bolognese authorizing the Solicitor to move forward on researching the increase of the fee-in-lieu of open space for new Commercial and Industrial development. Terry Rarick and Karl Bolognese vote, "Aye." Roy Timpe voted, "No."

Terry Rarick made a motion, seconded by Roy Timpe to contribute \$770.00 towards the Berks County 250 Anniversary Celebration. Motion carried. Payment will be made from the General Fund.

EXECUTIVE SESSION: 8:45 PM – 8:58 PM: Pending land acquisition

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
Paul Herbein, Zoning Hearing Board Solicitor
Maidencreek Township Authority
Robert Hobaugh, Esq., Maidencreek Township Authority Solicitor
Tax Collector

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Fred Giorgi