

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**JULY 12, 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:** Ronald Kemmerer, Gloria Kemmerer, Cindy Stump, Harold Burgert, Tony DiBenedetto, Steven Schappell, Howard Young, David Snyder, Daniel Miller – Fire Chief, Donna Mountain, Mary Harper, Russell Drumheller, Beth Pflueger, Paul Martin, Nancy Werner, Keith Weidner, David Schumacher, Elsie Cuccanti, Francis Zeller, Grace Lucarelli, David Lucarelli, Bill Smith, Karen Smith, Debra Schafer, Paul Schafer, Stanley Care, David Wade, Larry Kunkel, Robert Hanna, Claude Beaver, and James Schoellkopf.

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

**POLICE REPORT:** Officer Hobart of the Northern Berks Regional Police read the Police Activity Report for June 2001.

	<b>MAIDENCREEK</b>	<b>ONTELAUNEE</b>	<b>LEESPORT</b>
<b>TOTAL ASSIGNMENTS:</b> 551	280	177	94
<b>TRAFFIC CITATIONS:</b> 297	116	113	68
<b>FINES COLLECTED:</b> \$7416.97	\$2486.75	\$3118.36	\$1811.86

**POLICE QUESTIONS/COMMENTS**

**Donna Mountain, 59 Good Place, Fleetwood, PA, and Cindy Stump, 140 Evansville Road, Fleetwood, PA,** thanked the Police Department for their efforts to control traffic that travels in the center lane of the Allentown Pike between Schaeffer Road and Pleasant Hill Road. They are aware that the unsafe driving condition still exists, but have seen improvement.

**Steven Schappell, 688 Walnut Tree Drive, Blandon, PA,** requested speed enforcement on Walnut Tree Drive and Hoch Road, Blandon, PA.

**Gary Brown, 305 Titus Road, Blandon, PA** voiced his concerns about the Titus Road and Spirit Court intersection. He reminded the Board of a petition requesting a Stop Sign at Titus Road that was submitted by residents earlier in the year. He asked the Board if they had any intentions of honoring the petition by installing a Stop Sign on Titus Road.

Terry Rarick stated the intersection at Titus Road and Spirit Court did not warrant a three-way stop. He is aware of the unsafe condition that exists when a vehicle goes through the Stop Sign on Spirit Court. The only way to control a Stop Sign violation is with police protection.

**David Snyder, 224 Genesis Drive, Blandon, PA,** asked the Board if an improved traffic pattern could be established with posted speed limits to move some of the through traffic away from the developments and on to other roadways.

Terry Rarick felt widening and other improvements to Schaeffer Road might improve traffic patterns. He anticipates improvements and widening of Schaeffer Road as development in this area progresses.

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**ROAD REPORT:** Terry Rarick read the Operation Director's Report for June 2001.

***Equipment Report***

1. Unit 4, 1992 GMC still has a brake problem. Drums were turned, however, there is a problem with the rotors. Estimate to replace all parts \$800.00.
2. Unit 6, arm mower was installed.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing replacement of all brake parts for \$800.00 for Unit 4. Motion carried.

***Road Crew completed the following***

1. All play lots were maintained.
2. Low branches and brush trimmed along township roadways.
3. Community service workers have been assigned to clear the weeds from the Genesis Drive Island and to paint fire hydrants throughout the township.
4. Open Space was maintained.

**WEED PROBLEMS**

Most property owners have complied. A lawn cutting service hired by the township cut grass and weeds on two Lindbergh Ave. properties. Costs incurred to cut weeds and grass on these properties in addition to their fine for non-compliance will be assessed to the property owners.

**FAITH DRIVE BASKETBALL COURT/PLAYLOT**

An adjacent property owner to the Faith Drive Play Lot asked the Board to remove a huge sycamore tree from the play lot. The tree trunk is hollow and could cause considerable damage to their home and sections of the playlot if it fell. Terry Manmiller has contacted two tree services for estimates to remove this tree. One estimate of \$1,200.00 has been received.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing David Barth to remove the sycamore tree from the Faith Drive Playlot for a cost of \$1,200.00. Motion carried.

**2001 ROAD BIDS**

Terry Rarick made a motion, seconded by Roy Timpe, awarding the 2001 Road Work to E J Brennaman Materials and Paving Co. for \$99,413.60. Motion carried. Roads to be improved are Grove Road, Hoch Road, Blandon Meadows Parkway and a portion of Schaeffer Road.

Terry Manmiller informed the Board of the following issues:

1. "Curb Your Dog" signs have offended several residents. Since the situation has improved, two signs will be removed in Ontelaunee Heights.
2. The undeveloped Tot Lot in Golden Manor III requires extensive maintenance. A drainage problem and lack of fill require immediate attention. He asked the Board for their suggestions for the future of this lot.

**Steven Schappell, 688 Walnut Tree Drive, Blandon, PA**, on behalf of the Golden Manor Homeowners Association, asked the Board if the Improvement Agreement Funds they acquired from Morgan Brothers Builders are being used to complete planned projects in this development.



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Township Solicitor, Richard Orwig informed Dale Miller and concerned residents of Martin's Retirement Village that the Board did not delay Martin's development in any way. The Board has been very patient with Raymond S. Martin, Jr. allowing him every opportunity to correct or maintain his on sight septic system problem. The on sight septic problem must be corrected or properly maintained before he may proceed with development of Phase II. The Board and/or Solicitor have instructed Raymond S. Martin, Jr. on procedures to correct or maintain his on sight septic system and on requirements to obtain plan approval. To date, Raymond S. Martin, Jr. has received citations for non-compliance of his on sight septic system violations. A hearing will be held July 26, 2001 at the District Justice.

**Francis Zeller, 14 Mt. View Road, Martin's Retirement Village, Blandon, PA**, is concerned she will have to move her home and is concerned about the relocation expenses.

**Elsie Ciccanti, 14 Mt. View Road, Martin's Retirement Village, Blandon, PA**, stated she has the same concerns about moving. She questioned why the Board is taking this type of action.

The Board informed the concerned residents of Martin's Retirement Village that it is not their intention to move anyone. Should Raymond S. Martin, Jr. continue to delay repair or maintenance of his on sight septic system equipment, then relocation would be necessary. If the township does not take precautionary measures, DEP will hold the township liable for the health and welfare of Martin Retirement Village residents and surrounding property owners. Raymond S. Martin, Jr. must obtain a permit from the railroad company to bore under the railroad tracks and has been instructed the permit should be issued to the Maiden creek Authority.

Township Solicitor, Richard Orwig stated he had received correspondence from Attorney Alfred W. Crump, Jr. dated July 11, 2001, informing the Board that Raymond S. Martin, Jr. is proceeding with the proper permits and should have the problem under control within two weeks.

**David Snyder, 224 Genesis Drive, Blandon, PA**, inquired about the following:

1. Would the Board consider replacing the stones with ivy on the Genesis Drive Island?
2. When will the plants be installed in conjunction with the stream relocation?
3. Have the bridges for the Community Park been ordered?
4. When is the Board going to provide the proper amount of funding to provide recreational areas in Maiden creek Township? Our proposal for improvements to the TreeTops Tot Lot was refused.
5. Would the Board consider applying for Grants to supplement construction of recreational areas in Maiden creek Township?
6. Would a five-member Board be a consideration of the current Board?

Terry Manmiller informed David Snyder he has requested proposals to install ivy on the Genesis Drive Island. The community service workers could be assigned to remove the stones.

Township Engineer, Thomas Unger, informed David Snyder the plantings were ordered and should be installed within the next two weeks. The bridges have been ordered.

The Board informed David Snyder the Tree Tops Tot Lot proposal was out of line. The Board wants to provide recreation for township residents, but it must be done in a manner, which does not deprive other commitments the Board is required to provide. The Board expected a proposal of \$30,000.00 to \$40,000.00 for the Tree Tops Tot Lot.

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**Cindy Stump, 140 Evansville Road, Fleetwood, PA,** asked the Board:

1. How can a zoning map displaying the proposed zoning amendment be posted prior to its approval?
2. Will there be enough time for everyone who desires to make a comment at the July 26, 2001 public hearing? There is a concern that some residents cannot arrive by 5:00 PM.
3. Has a soil study been conducted on the Schaeffer property?
4. Has the Solicitor filed the appeal submitted by Larry Kunkel?

The Board was not aware that an amended zoning map was on display.

The Board informed Cindy Stump everyone will have an opportunity to make a comment and ample seating will be provided. The Board attempted to accommodate the public for the first zoning amendment hearing and that resulted in an appeal and a second hearing. The time and/or location for the zoning amendment hearing will not change.

The Board informed Cindy Stump they are not responsible to conduct a soil study.

Richard Orwig informed Cindy Stump he will be filing Larry Kunkle's appeal in the near future and he will provide copies to her.

**David Wade, West Wesner Road, Blandon, PA,** stated he recently moved into a home on West Wesner Road and is concerned about the dirt, stones, and possible well contamination caused by Bedrock Stone and Stuff.

Howard Young, owner of Bedrock Stone and Stuff stated, he sweeps West Wesner Road daily and wants to be a good neighbor. He will attempt to correct any problems caused by the relocation of his company.

Terry Manmiller informed David Wade there is another driveway that is used extensively and could be causing some of the dirt and stones on the roadway. He will ask the property owner to clean the roadway.

**Steven Schappell, 688 Walnut Tree Drive, Blandon, PA** asked the Board who maintains the overgrown grass and weeds on the commercial property fronting on Park Road and the retention pond behind the townhouses in Golden Manor III.

Terry Manmiller informed Steven Schappell the overgrown grass and weeds on the commercial property will be cut in the near future. The owners received notification and if they do not comply, they will receive the same citation and fine as other property owners who chose not to comply. The retention pond behind the townhouses is part of the Golden Manor III Development.

**Beth Pflueger, 28 Mt. Spring Road, Blandon, PA,** asked the Board and Solicitor if any progress was made to correct the terrible living conditions at 26 Mt. Spring Road, Blandon, PA. She informed the Board and Solicitor that the water was never turned on and the stench and numerous cats still exist. She is disappointed that nothing has been accomplished since February when she brought her concerns to the Board. She wants an inspection of the home as soon as possible. She feels this home is a health and safety hazard to the neighborhood.

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The Township Solicitor, Richard Orwig stated he though this problem had been addressed. He was told an agreement had been reached between the Maiden creek Township Authority and the property owner to turn on the water. Everyone agreed that if the water service was turned on the property owner could clean the home. The solicitor will research the status of this matter.

**Tom Crow, 770 Hill Road, Blandon, PA**, stated he has concerns about the run off from the Martin Retirement Village. He feels Raymond S. Martin, Jr. does not care about his tenants or the surrounding property owners and the Board should force him to connect to public sewer.

The Board stated several options have been given to Raymond S. Martin, Jr. to proceed with maintenance or replacement of his on sight septic system equipment.

**Dixie Crow, 770 Hill Road, Blandon, PA**, expressed her concerns of possible well contamination due to Martin's Retirement Village on sight septic system malfunction. Who will pay for or conduct well testing?

The Board felt if there is a need to have surrounding wells tested, DEP would conduct the testing.

**Paul Schafer, 744 Hill Road, Blandon, PA**, stated he has lived with the problems caused by Martin's Retirement Village for 18 years and the Board cannot delay action any more.

**Blandon Fire Company Chief, Daniel Miller**, expressed his concerns relative to the recent decision made by the Berks County Commissioners to discontinue the County Haz-Mat Team. He feels this decision is very detrimental to everyone. If a hazardous condition arises, local emergency response personnel would have to wait two or more hours for an out of state Haz-Mat Team to arrive.

**ITEMS REQUIRING ACTION**

**ORDINANCE 178 – NOISE ORDINANCE, Amendment:** Terry Rarick made a motion, seconded by Karl Bolognese, to adopt the Noise Ordinance Amendment. **Section III, 3.01** should read as follows: Within in jurisdictional boundary lines of Maiden creek Township, no person shall make, continue or cause to be made or continue any noise disturbance, nor shall any person suffer, allow or permit any noise disturbance to be made or continued from or at any property, whether real or personal, that is subject to such person's right to control. This prohibition shall not be applicable to permitted uses in the Industrial (I) zoning district, Special Intensified Agricultural (SIA) zoning district, or applicable to any pre-existing, non-conforming industrial use within Maiden creek Township. **Section 8.01 (1)** should read as follows: Any and all permitted or pre-existing non-conforming Industrial and Special Intensified Agricultural uses as defined by the Maiden creek Township Zoning Ordinance that are conducted within the municipal boundary lines of Maiden creek Township Any other uses conducted within the Industrial (I) and Special Intensified Agriculture (SIA) zoning district are not exempt for this ordinance. The Secretary was asked to poll the Board. Mr. Timpe, "No", Mr. Rarick, "Yes", Mr. Bolognese, "Yes".

**ORDINANCE 179 - INTERNATIONAL PROPERTY MAINTENANCE CODE, 2000 EDITION**

Terry Rarick made a motion, seconded by Roy Timpe, to institute the use of the International Property Maintenance Code, 2000 Edition for use in Maiden creek Township. The Board of Supervisors will be the appeal board. The Secretary was asked to poll the Board. Mr. Timpe, "Yes", Mr. Rarick, "Yes", Mr. Bolognese, "Yes".

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**ORDINANCE 180- COUNTY WIDE MUTUAL AID AGREEMENT**

Terry Rarick made a motion, seconded by Roy Timpe, to enter into a County Wide Mutual Aid Agreement. The Secretary was asked to poll the Board. Mr. Timpe, "Yes", Mr. Rarick, "Yes", Mr. Bolognese, "Yes".

**ORDINANCE 181 – TAX COLLECTOR TAX CERTIFICATION INCREASE**

Terry Rarick made a motion, seconded by Roy Timpe, authorizing an increase for tax certifications to \$10.00. The Secretary was asked to poll the Board. Mr. Timpe, "Yes", Mr. Rarick, "Yes", Mr. Bolognese, "Yes".

**ENGINEER'S REPORT**

**MARTIN RETIREMENT VILLAGE**

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Solicitor to inform the developer submit a review time extension prior to August 8, 2001. Motion carried.

**VILLAGES AT MAIDENCREEK, Preliminary Plan**

Terry Rarick made a motion, seconded by Roy Timpe, approving Villages at Maidencreek, Preliminary Plan contingent upon completion of items outlined in the Systems Design Engineering 6/27/01 review letter. Motion carried.

**EAST WESNER ROAD STREAM RELOCATION**

The Contractor is prepared to install required plantings in the area of the stream relocation. The contractor requested a letter of understanding stating that he would maintain plantings in the early stages, but will not be responsible for total replacement due destruction by nature. Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Engineer to prepare a letter of understanding for the contractor pertaining to the maintenance of the stream relocation plantings. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the first payment for the stream relocation in the amount of \$38,070.00. Motion carried.

**ROUTE 222 – INLET PIPE**

The Engineer has received a verbal response from Penn Dot confirming the receipt of his letter and an agreement to inspect the inlet pipe problem on Allentown Pike near the Coliseum.

**BEDROCK STONE AND STUFF**

The Engineer completed the inspection of Bedrock Stone and Stuff. A report of sight conditions is reported in Systems Design letter dated July 11, 2001.

**SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS:**

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$8,445.16. Motion carried.

**SEO REPORTS AND CONSTRUCTION STATUS REPORTS:**

The Engineer distributed SEO reports and development/construction status reports to the Board.

**RAJAH SHRINE COMPLEX**

Terry Manmiller reported the condition of Orchard Road has deteriorated due to the large construction and earth moving equipment from the Rajah complex constantly traveling across the road way.

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**SOLICITOR'S REPORT  
PETITION FOR REZONING**

Terry Rarick made a motion, seconded by Roy Timpe, accepting the rezoning petition for an 11.949-acre property currently zoned (R-2) Moderate Density Residential to be reclassified as (I) Industrial near Dries Road and Snyder Road and authorized the Secretary to forward all information to the Berks County Planning Commission and Maiden creek Township Planning Commission. Motion carried.

**TOWER LEASE AGREEMENT**

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Chairman to sign the lease agreement for the communications tower located on the municipal property, recently purchased by Mountain Union Telecom, LLC. Motion carried.

**ON-LOT SEWAGE REGULATIONS**

Roy Timpe made a motion, seconded by Terry Rarick, authorizing the Solicitor to advertise for consideration to adoption at the August 9, 2001 Board of Supervisors meeting, the On-Lot Sewage Maintenance Regulations for Maiden creek Township, and to delete Section 7 and Section 5D. Motion carried.

**HAZ-MAT TEAM**

Roy Timpe made a motion, seconded by Terry Rarick, authorizing the Secretary to prepare a letter encouraging the County Commissioners to re-evaluate their decision to dissolve the County Wide Haz-Mat Team. All Board members agreed to sign the letter. Motion carried.

Karl Bolognese adjourned the meeting at 9:56 PM.

**EXECUTIVE SESSION:** An executive session was conducted following the meeting to discuss current police contract negotiations. No action was taken.

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  
Maiden creek Township Authority  
Robert Hobaugh, Esq., Maiden creek Township Authority Solicitor  
Tax Collector  
Daniel Miller, Fire Chief  
Northern Berks Regional Police

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