

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

JUNE 8, 2000 7:00 PM

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

GUESTS: Ronald Kemmerer, Gloria Kemmerer, David Schumacker, Jack Schumacker, Patrick Harkin, Brian Boyer, Ron Rapp, Robert Yeager, Bill Ulrich, Diane Hollenbach, Claude Beaver, and Christopher Hinz – Newspaper Reporter.

Karl Bolognese called the meeting to order at 7:00 PM and asked everyone to rise for the pledge to the flag.

ZONING AMENDMENT HEARING

The Chairman turned the meeting over to the Solicitor to conduct a public hearing in order to receive public comment on the proposed zoning ordinance revisions. The Solicitor explained the proposed changes would amend Article IV “A” Agriculture, Section 402.A.3 to remove lodges and clubs as a use permitted by right: by adding a new subparagraph, Section 402.C.1 to include lodges and clubs for hunting, fishing, gunning and other similar recreational purposes and fraternal organizations: by adding new definitions to Article II, Section 205 for theater, club lodge, and fraternal organization; and further amending article XIII supplemental regulations to provide a new section 1324 – regulations for lodges and clubs; all other provisions of said ordinance and zoning map ordinance shall remain in full force and effect.

Gloria Kemmerer questioned if the issues expressed in the May 15, 2000 Berks County Planning Commission review letter had been addressed.

The Board and Solicitor assured Gloria Kemmerer that all the Berks County Planning issues had been addressed and corrected in the proposed ordinance, which will be adopted later in the meeting.

Hearing no other comments from the public, the Solicitor closed the hearing for the proposed zoning amendments.

The Chairman opened the regular Board of Supervisors meeting for June 2000.

Terry Rarick made a motion, seconded by Roy Timpe to approve the minutes from the May 11, 2000 and May 18, 2000 Board of Supervisors meeting. Hearing no comments or questions from the public on the May 11, 2000 or May 18, 2000 Board of Supervisors minutes - minutes stand approved. Motion carried.

PUBLIC COMMENT

Brian Madson, 93 Spirit Court expressed his concerns of the speeding vehicles on Spirit Court. He displayed a plan to change the location of the stop signs at the intersection of Titus Road and Spirit Court in order to force vehicles to stop on Spirit Court. This intersection is also a location of a bus stop that picks up and discharges students at least six times a day.

Terry Rarick stated it seemed like a good idea; however, the Board would review all aspects of his suggestion before making any type of decision.

Ronald Rapp, Faith Drive suggested painting crosswalks at the intersections to help stop the vehicles.

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Brian Madson asked the Board if they had arrived at a decision to sell a section of township property adjoining his property. He has no plans to build, just expand his yard.

The Board and Solicitor had researched the idea of selling township property to a private party and felt if they followed the proper procedures, it would be acceptable to the regulations stated in the Second Class Township Code Book. The Board felt they should proceed to appraisal of the land.

The Madson’s agreed to wait for an appraisal and then confer with their neighbor, before the Board would proceed to the next step of properly selling the land.

Keith Goodwin, Rick’s Bait and Tackle Shop, Rt. 222 asked the Board’s permission to proceed with the required steps per the Fish Commission to stock the Willow Creek with fish for young people to enjoy the experience of fishing. The fishing would be open to young people under the age of sixteen and they would not be required to have a license. Private donations would fund the project.

Terry Rarick thought his idea was great; however, he was concerned of the additional stream improvements Mr. Goodwin would have to make prior to stocking with fish.

The Board urged Mr. Goodwin to continue to pursue the idea but advised him to make a presentation to the Park and Recreation Board; so they may provide their recommendation to the Board.

Gloria Kemmerer voiced her concern about the large trashcans that were placed in the handicapped ramps/curb cuts in Shadow Ridge development.

The Board agreed to include a warning about where garbage cans are placed in the next newsletter.

Gloria Kemmerer questioned what the Board wanted from the Planning Commission relative to their request to locate an area that would be most suitable for Special Intensified Agriculture.

Terry Rarick stated it was the concern of all Board members to locate an area that would be acceptable for Special Intensified Agriculture activities that would not disrupt the general public. Having a designated area and regulations in place would prevent problems, should an operation attempt to conduct intensified agriculture. As proper procedure, even though one board member made the request, it was the entire Board’s decision to request a recommendation from the Planning Commission.

BUSINESS MEETING/REPORTS

POLICE REPORT: The May 2000 Northern Berks Regional Police activities report was read by Ruth Manmiller:

	TOTAL CALLS: 585		
	MAIDENCREEK	ONTELAUNEE	LEESPORT
ASSIGNMENTS	278	188	119
UNITS OF PATROL	740.75	497.25	422.25
CITATIONS	\$4644.91	\$2507.63	\$1417.62

ROAD REPORT: Terry Rarick read the Operations Manager’s Report for May 2000:

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EQUIPMENT REPORT:

1. Unit #1 has been taken to Diebert GMC to have the rear replaced
2. Mowing equipment is being serviced weekly
3. Tailgates for Units 3 & 4 have been ordered
4. Unit # 8 has broken. Total costs for repairs since the township has purchased the Russco mower was supplied to the Board. A decision must be made for further repairs and usage of the mower.

ROAD CREW HAS COMPLETED THE FOLLOWING:

1. Mowing sides of roadway for the Spring has been completed
2. Play lots and open space is being maintained
3. Concession Stand is ready for use. Final touches will be completed as weather permits
4. Phase II of index signs have been installed. Phase III will soon follow
5. Minor sink holes in Ontelaunee Heights were repaired in the play areas
6. Numerous acts of vandalism have been discovered on all play lots. The police have been advised to monitor the areas as much as possible
7. Low branches have been trimmed on Township roadways.

ROAD WORK for 2000: Roads have been marked for repairs and paving should begin in within the next two weeks.

PROPERTY OWNERS:

1. A registered letter was sent to the property owner of 26 Mt. Spring Road, Blandon – relative to the condition of the property.
2. Weed letters will be sent certified, June 15, 2000 to all property owners who have violated the Weed Ordinance.

The board agreed with the Operations Manager that the Weed Ordinance should be amended to reflect an earlier date for deadline to cut grass/weeds and direction for the township to proceed to maintain should the property owner not comply.

Roy Timpe, made a motion, seconded by Terry Rarick authorizing the Operations Manager to draft a letter informing property owners if their weeds/grass are not cut by the deadline date, it will result in Maiden creek Township cutting their weeds/grass at the prevailing wage set forth at the 2000 Reorganization Meeting and if the costs are not paid, a lean will be forthcoming on the property. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor to review the current weed ordinance and recommend changes at the next Board of Supervisors meeting. Motion carried.

Due to the weed/grass situation in Golden Manor III, the Operations Manager asked if township personnel could cut the weeds/grass and deduct payment from the letter of credit.

The solicitor advised the Operations manager not to cut the weeds/grass in Golden Manor III because reimbursement could not be obtained from the Letter of Credit.

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TREASURER’S REPORT: Ruth Manmiller read the Secretary/Treasurer’s report for May 2000 and requested permission for the following payouts:

GENERAL FUND CHECKING	\$141,630.23
PAYROLL	\$ 22,418.76
ST LIQUID FUELS SINKING	\$ 101.25
GOLDEN MANOR III IMPROVEMENTS	\$ 1,007.50
RECREATION TAX CHECKING	\$ 1,371.80
GENERAL FUND SINKING	\$ 142.03

Terry Rarick made a motion, seconded by Roy Timpe, approving the treasurer’s report and approval of payments from listed accounts. All Board members voted, “Aye.”

OLD BUSINESS

Roy Timpe made a motion to hire Dr. Givler to re-review the stream relocation plan submitted by Systems Design Engineering, Inc.

Terry Rarick informed the board he had reconsidered the request made by Mr. Timpe at the May 2000 Board of Supervisors meeting to have the stream relocation plan re-reviewed for any possible corrections or oversights. He felt if the plan is going to be re-reviewed it should be done by Systems Design Engineering, the same firm which has been paid to complete the work. Michael Phronezney has agreed to allow the Systems Design Engineering re-review the plan and will not charge the township for the extra work. Since Systems Design Engineering is familiar with the project, it should not delay the project. He felt this was a better option for a second review, at no cost and no delay to the project.

Roy Timpe’s motion failed for a lack of a second.

The Board agreed to allow Michael Phronezeny and/or Systems Design Engineering to re-review the stream relocation plan at no cost to the township.

Patrick Harkin asked if the second review for the stream relocation would be available for public comment. He felt the plan that is in the township is not correct because it did not have an engineer’s stamp affixed to the plan.

The Engineer assured him a stamped plan is on file, and the plan in the township is a true and correct copy. All plans submitted for permits had to be properly stamped.

Terry Rarick stated a plan would be in the township for public to review, however there would be no hearing held for public comment.

NEW BUSINESS

Roy Timpe made a motion, seconded by Terry Rarick to seek an appraisal, not to exceed \$150.00 for the sale of township property adjacent to 93 Spirit Court. Motion carried.

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ENGINEER'S REPORT

BLANDON MEADOWS V: Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor to notify the developer of Blandon Meadows V the plan will be rejected as of June 15, 2000 if an extension form is not received, the plan may be reinstated if a signed extension form for 90 days is received. Motion carried.

MAIDENCREEK CAR WASH: Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor to notify the developer of Maidencreek Car Wash the plan will be rejected as of June 9, 2000 if an extension form is not received, the plan may be reinstated if a signed extension form for 90 day is received. Motion carried.

All Letters of Credit are current.

VILLAGES AT MAIDENCREEK:

1. Terry Rarick made a motion, seconded by Roy Timpe granting a waiver request for relief from Section 503.J.1 of the Subdivision and Land Development Ordinance for the number of units on a single access road and the length of the single access road, with the condition the developer installs approved improvements to East Wesner Road. Motion carried.
2. Terry Rarick made a motion, seconded by Roy Timpe granting a waiver request for relief from Section 503.B.2.b. of the Subdivision and Land Development Ordinance for the required right-of-way width (53 feet) to allow a right-of-way width of 40 feet, with the condition the developer installs approved improvements to East Wesner Road. Motion carried.
3. Terry Rarick made a motion, seconded by Roy Timpe instructing the developer to install sidewalks on both sides of the street and allowing the sidewalk to be macadam, rather than concrete, with the condition the developer installs approved improvements to East Wesner Road. Motion carried.
4. Terry Rarick made a motion, seconded by Roy Timpe granting a waiver request for relief from request by the developer to install roll curbing on both sides of the street, rather than 8" curbing, with the condition the developer installs approved improvements to East Wesner Road. Motion carried.

WALNUT MANOR III: Terry Rarick made a motion, seconded by Roy Timpe granting the developers waiver request for relief from Section 508.A.1 of the Subdivision and Land Development Ordinance requiring lot lines to be radial to the cul-de-sac. Motion carried.

HILL ROAD: The survey has been completed, however any work for this roadway will remain on hold until Dries Road and the stream relocation have been completed.

GROWING GREENER GRANT: The Engineer reported he had received confirmation of our grant application being appropriately submitted in a timely fashion, however the grant review board felt that a stream relocation project did not meet the criteria of the Growing Greener Grant program.

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ACT 537 PLAN IMPLEMENTATION: Phase II area of the Township will be started upon Award of Phase I Construction Contracts. The Phase II will be submitted to the PA Department of Environmental Protection with in nine months of implementation. Plans are currently under review by PA DEP for the Phase I Water Quality Permit. Award of Phase I construction contracts are expected to be released in the fall of 2000.

SEO MONTHLY REPORT: Distributed to the Board for review

CONSTRUCTION STATUS REPORT: Distributed to the Board for review

WEST WESNER ROAD: The Engineer presented the completed plans for straightening West Wesner Road along with the approved E & S Plans. Terry Rarick made a motion, seconded by Roy Timpe authorizing the Engineer to advertise for bids for the straightening of West Wesner Road. Motion carried.

DRIES ROAD: The Engineer reported on a sight inspection with a Penn Dot representative and Terry Manmiller which took place relative to the direction of flow of storm water. There is a disagreement on the direction of storm water flow. The Penn Dot representative felt attaching municipal storm water piping to state storm water piping would not be in the best interest of Penn Dot.

SUBDIVISION IMPROVEMENT AGREEMENT LOC/ESCROW RELEASE LETTERS:

Roy Timpe made a motion, seconded by Terry Rarick, authorizing the Chairman to sign the Subdivision Improvement Letter of Credit letters for payment of \$451,337.76. Motion carried.

SOLICITOR'S REPORT:

ORDINANCE 171 - 2000: Zoning changes would amend Article IV "A" Agriculture, Section 402.A.3 to remove lodges and clubs as a use permitted by right: by adding a new subparagraph, Section 402.C.1 to include lodges and clubs for hunting, fishing, gunning and other similar recreational purposes and fraternal organizations; by adding new definitions to Article II, Section 205 for theater, club lodge, and fraternal organization; and further amending article XIII supplemental regulations to provide a new section 1324 – regulations for lodges and clubs; all other provisions of said ordinance and zoning map ordinance shall remain in full force and effect. Terry Rarick made a motion, seconded by Roy Timpe to adopt the proposed zoning ordinance changes as proposed for Ordinance 171 – 2000. Motion carried.

GOLDEN MANOR III: The Solicitor reported to the Board of a request he had received from Mr. Morgan, developer for GM III, to return the remaining funds from his letter of credit which is held by Maiden creek Township. Maiden creek Township has not completed all improvements set forth in the S4 for this development. Until all improvements are completed per the S4 and the Park and Recreation Fees are deposited in the appropriated account; no funds will be released to Mr. Morgan. The Board and Solicitor urged the Operations Manager to continue completing all required improvements by obtaining the appropriate quotes and then proceeding with improvements.

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SECRETARY’S QUESTIONS:

Terry Rarick made a motion, seconded by Roy Timpe delegating Diane Hollenbach to record the minutes for the Maiden creek Township Park and Recreation Board Meetings, at the same rate as the Township and Planning Commission recording secretaries receive - \$105.00 per meeting. Motion carried. Comments and discussion took place relative to cancellation and/or attendance at Park and Recreation Board meetings.

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor and Engineer to research the definition of “dry-lot livestock production”. Motion carried.

EXECUTIVE SESSION - 9:47 – 10:01: Pending litigation

Terry Rarick made a motion, seconded by Roy Timpe authorizing reimbursement of medical receipts up to \$1500.00 for Alton Boyer and \$1500.00 for reimbursement of medical receipts for his wife to be used for annually, not to be commingled. Motion carried.

MAIDENCREEK PLAZA, Phase II: Terry Rarick made a motion, seconded by Roy Timpe approving the modification of Maiden creek Plaza, Phase I - Improvement Agreements to include an additional \$3,000.00 to be utilized for improvement in Phase II of Maiden creek Plaza. Motion carried.

Karl Bolognese adjourned the meeting at 10:04 PM

Respectfully submitted,

Ruth M. Manmiller
Recording Secretary

CC: Board of Supervisors
Terry Manmiller, Operations Director
Richard Orwig, Solicitor
Thomas Unger - Systems Design Engineering, Inc.
Planning Commission
Park and Recreation Board
Zoning Hearing Board
Paul Herbein, Zoning Hearing Board Solicitor
Maiden creek Township Authority
Maiden creek Township Authority Solicitor
Tax Collector

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