

MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS

JUNE 14, 2001

7:00 PM

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

GUESTS: Ronald Kemmerer, Gloria Kemmerer, Charles Voorhies, Cindy Stump, Harold Burgert, Robert Kopfer, Carroll Kopfer, Paul Martin, Nancy Werner, Ed Ulrich, Larry Kunkel, Brian Boyer-Vitillo Corp., Peter Giorgi, Robert Hanna, Bill Ulrich-Rajah Shrine, Kenneth Schrom, Claude Beaver, James Schoellkopf, Madelyn Fudeman and Chris Heinz – Reporter.

Karl Bolognese opened the June 14, 2001 Board of Supervisors Meeting at 7:00 PM and asked everyone to rise for the Pledge to the Flag.

Karl Bolognese, on behalf of the Board of Supervisors, offered condolences to the families of Attorney Joseph DeSantis and Developer Robert Sharman.

EXECUTIVE SESSION: Karl Bolognese announced an executive session was held 6/13/01 to discuss real estate and pending litigation.

Roy Timpe made motion, seconded by Terry Rarick, to adopt the May 14, 2001 Board of Supervisors Meeting minutes. Motion carried.

POLICE REPORT: Sergeant Michael Schmittinger of the Northern Berks Regional Police read the Police Activity Report for May 2001.

	MAIDENCREEK	ONTELAUNEE	LEESPORT
TOTAL ASSIGNMENTS: 585	325	163	97
TRAFFIC CITATIONS: 250	73	113	64
FINES COLLECTED: \$5778.48	\$1943.33	\$2462.49	\$1372.66

Karl Bolognese announced that Sergeant Scott W. Eaken accepted the Northern Berks Regional Police Department Chief’s position on June 12, 2001.

Karl Bolognese presented a letter drafted by Chief Eaken requesting signs that would prohibit “U-turns” at three different locations in Ontelaunee Township and one in Maiden creek Township. His letter will be forwarded to Penn DOT with a cover letter from Maiden creek Township. Locations are as follows:

1. Allentown Pike, near Shady Glenn – Maiden creek Township
2. Allentown Pike and Dries Road Intersection – Ontelaunee Township
3. Allentown Pike, near Park Road – Ontelaunee Township
4. Pottsville Pike and Snyder Road intersection – Ontelaunee Township

ROAD REPORT: Terry Rarick read the Operation Director’s Report for May 2001.

Equipment Report

1. Unit 6, John Deer 1155, arm mower is being installed at Stevenson Equipment.
2. Unit 1, 1995 Top Kick, should have the auger and dump body sand blasted. Bids will be presented at the July Board of Supervisors Meeting.
3. Unit 4, 1992 GMC still has a brake problem.

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Road Crew completed the following

1. All roadway shoulders have been mowed with a rental unit from Stevenson Equipment.
2. Mowing of all open space and play areas will continue through out the summer.
3. Patching was completed on West Shore Drive. Shoulders along West Shore Drive should be graded.
4. New mulch was distributed at the township building and play lots.
5. Low branches were trimmed along roadways behind Lake Ontelaunee, Buena Vista Road and Guldin Road.
6. Additional safety mulch was installed at Kid's Cove and the Cornerstone play lot.

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Operations Director to obtain quotes to repaint the centerline on township roadways. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Operations Director to proceed with the necessary repairs to the township fuel tank pump and meter for \$1165.00. Motion carried.

The Board will make a decision to resurface the Blandon Fire Company multi-use play area and the tennis court at the township building upon review of the Park and Recreation Budget.

Terry Rarick made a motion, seconded by Roy Timpe authorizing Terry Manmiller to attend a one-day, snow removal conference. Cost of seminar is \$150.00. Motion carried.

WEED PROBLEMS

Harold Burgert, 331 E. Wesner Road, Blandon, PA asked the Supervisors why property owners have not been forced to cut their weeds and grass near his farm.

Terry Manmiller informed Harold Burgert that due to regulations in the weed ordinance, notification dates and the waiting period for property owners to comply, delay township action. The Board should proceed to amend sections of the weed ordinance or consider adopting the International Property Maintenance Code for improved enforcement procedures and guidelines.

Terry Manmiller informed the Board civil complaints and/or citations will be issued to violators' fifteen days after they accept the certified notification letter from the township.

The Board authorized the Operations Director to proceed with arrangements to cut two overgrown properties on Lindbergh Ave. Expenses incurred to cut the overgrown properties on Lindbergh Ave. will be included with the fine/citation.

MT. SPRING ROAD – PORCH PROBLEM

Terry Manmiller informed the Board he inspected the property at 62 Mt. Spring Road, Blandon and it appears the porch is over the property line. A letter has been sent to the property owner to informing them of the zoning violation caused by the installation of a porch. He is waiting for a response.

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TREASURER’S REPORT

Ruth Manmiller read the Treasurer’s report for May 2001. A request for the following payments was made:

General Checking	\$122,443.56
Payroll	\$ 25,843.15
Recreation Tax Checking	\$ 24,460.67
Parks and Recreation CD	\$ 517.72
Martin Retirement Village	\$ 10.00
Golden Manor III Improvements	\$ 3,446.65
Blandon Meadows V, Ph II	\$ 28,395.61
Shadow Ridge Ph II	\$ 10.71

Terry Rarick made a motion, seconded by Roy Timpe to accept the Treasurer’s report as presented and listed payments. Motion carried.

ITEMS REQUIRING ACTION

1. The Board of Supervisors received a petition to rezone the Schaeffer tract on 6/13/01.
Terry Rarick made a motion, seconded by Roy Timpe, to accept the rezoning petition for the Schaeffer Tract submitted by Maiden creek Plaza Company. Motion carried.
2. Terry Rarick made a motion, seconded by Roy Timpe, to conduct a Special Meeting on 7/26/01 at 5:00 PM, in the Maiden creek Township Municipal Garage for the purpose of conducting a Public Hearing to consider for adoption a proposed ordinance to amend the Maiden creek Township Zoning Map and authorized the Solicitor to advertise the Special Meeting. Motion carried.
3. Terry Rarick made a motion, seconded by Roy Timpe, to conduct a Public Hearing during the Special Meeting of the Board of Supervisors on 7/26/01 at 5:00 PM, in the Maiden creek Township Municipal Garage for the purpose of taking public comment on the proposed ordinance to amend the Maiden creek Township Zoning Map and authorized the Solicitor to advertise the Public Hearing Motion carried.
4. Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Solicitor to advertise a “Notice of Intent” to consider for adoption the proposed ordinance to amend the Maiden creek Township Zoning Map during the Special Meeting 7/26/01 in the Maiden creek Township Municipal Garage. Motion carried.
5. Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Solicitor to file an appeal on the the Maiden creek Township Zoning Hearing Board’s 5/14/01 decision. The Solicitor agreed to file the appeal at his expense. Maiden creek Township Board of Supervisors would incur minimal filing fees. Motion carried.
6. Roy Timpe made a motion, seconded by Terry Rarick authorizing the Secretary to forward Maiden creek Plaza Company’s petition to rezone the Schaeffer Tract to Berks County Planning Commission and Maiden creek Township Planning Commission for their review and comment. Motion carried.

Madelyn Fudeman, on behalf of Maiden creek Plaza Company submitted plans to the Board of Supervisors that pertain to the rezoning petition filed on 6/13/01 for the Schaeffer Tract.

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Terry Manmiller asked the Board if another rezoning petition could be recognized at the same Public Hearing. The Board suggested the applicant file his petition; however they asked that the applicant consider a separate Public Hearing. Terry Manmiller will inform the developer of the Board's suggestion.

7:30 PM - ROAD BIDS

Solicitor Chad Lubas open the sealed 2001 Road Work bids:

	Schaeffer Road	Grove Road	Hoch Road	Blandon Meadows Parkway	Total Bid
E J Brennaman	\$27,005.25	\$21,085.50	\$35,986.10	\$15,336.75	\$ 99,4013.60
Windsor Service	\$30,697.82	\$24,278.89	\$39,288.34	\$15,550.96	\$109,821.01

Terry Rarick made a motion, seconded by Roy Timpe to accept the 2001 Road Work Bids as presented and to forward the bids to the Engineer for his review and recommendation at the July 12, 2001 Board of Supervisors Meeting. Motion carried.

Harold Burgert, 331 E. Wesner Road, Blandon, PA, questioned who was responsible to notify people of road construction and/or repairs on Pleasant Hill Road.

The Board informed Harold Burgert notification of a detour and/or road closings on Penn DOT roads are the State's responsibility, township roads would be the township's responsibility.

PUBLIC COMMENT

Casimir Malys, 418 Cassidy Court, Blandon, PA, asked the Board what their solution for traffic control will be when the Schaeffer Tract is developed. In his opinion, traffic problems in Maiden creek are attributed to the Board of Supervisors poor planning.

Terry Rarick insisted a major portion of traffic on the Allentown Pike, Route 73, Schaeffer Road and Park Road is through traffic, not traffic generated by the developments.

Roy Timpe agreed the through traffic causes most of the congestion and feels it will get worse as the 222 extension nears completion.

Nancy Werner, 261 Troxel Road, Shoemakersville, PA, thanked the Board for adopting the Noise Ordinance. It has helped her situation.

Ed Ulrich, 59 W. Bertolet Place, Reading, PA, informed the Board he has concerns about the water pollution, noise pollution, road destruction, environmental stress, bugs, and odor caused by Bedrock Stone and Stuff. He inquired if the Board had received a petition from residents living near this area.

Terry Manmiller stated he had received several complaints pertaining Bedrock Stone and Stuff.

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Engineer, Thomas Unger informed the Board that Bedrock Stone and Stuff, per the agreement, has two months to submit a plan for review. If a plan is not submitted within the next two months, he will be forced to cease all operations.

Terry Rarick made a motion, seconded by Roy Timpe authorizing the Engineer to inspect the property for any violations. If violations exist, the Engineer is authorized to contact the Solicitor and/or Berks County Soil and Erosion for necessary action. Motion carried.

Gloria Kemmerer, 323 East Wesner Road, Blandon, PA, addressed the comments made earlier by Casimir Malys. Living along East Wesner Road since 1952, prior to any developments, traffic was minimal allowing her cats to sunbathe on the roadway. She agrees traffic has increased on East Wesner Road mainly because of the Blandon Meadows development where Casimir Malys resides.

Kenneth Schrom, inquired if progress had been made to remove Mildred Eddinger's neighbor's porch that was constructed over the property line at 58 Mt. Spring Road, Blandon.

Terry Manmiller informed Kenneth Schrom that he inspected the property and it appears the porch is over the property line. A letter has been sent to the property owner to inform her of zoning violations caused by the installation of a porch. He is waiting for a response.

Robert Kopfer, 1142 Pleasant Hill Road, Fleetwood, PA, informed Terry Manmiller he would cut weeds and overgrown grass along the Schaeffer property as soon as the hay is dry. He informed the Board he has not received recent newsletters and would appreciate being included in the next mailing.

The Board agreed to inform the Secretary of the situation.

Faye Isamoyer, 8717 Allentown Pike, Fleetwood, PA, insists the traffic has not improved and is still concerned about the center lane traffic on the Allentown Pike near her home. She feels the police could sit in the center lane of the Allentown Pike and "pick off" numerous violators. She urged the Board to stop development in order to improve traffic conditions.

Roy Timpe stated, that in the future if Route 222 connects to the Kutztown Bypass, it would open additional areas for development.

Terry Rarick agreed and stressed that existing roadways need improvements and additional roadways should be constructed to handle traffic efficiently.

Harold Burgert, 331 E. Wesner Road, Blandon, PA, feels the 25-mile speed limit on East Wesner Road should be increased to allow traffic attempting to escape Allentown Pike traffic congestion to move through the area more efficiently.

Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA, stated he is grateful Route 73 and Allentown Pike Intersection improvements are completed. He wanted to make the Board aware there are enough traffic violations that occur on a daily basis to keep a full time officer busy all day.

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Robert Kopfer, 1142 Pleasant Hill Road, Fleetwood, PA, asked why fencing had been installed on the vacant lot next to Tom's Convenience Store and Gas Station.

The Board informed Robert Kopfer that tractor-trailer trucks were parking on the vacant lot for extended periods of time. Noise generated from their motors resulted in noise complaints. The fencing was installed to curtail the use of the vacant lot.

BERKS MEMORIAL GARDENS: Terry Manmiller informed the Board that Berks Memorial Gardens plan to construct a 980 square foot mausoleum. They are questioning their requirements. Must they submit a Land Development Plan or apply for a Building Permit? Terry Rarick made a motion, seconded by Roy Timpe authorizing the Engineer to work with Berks Memorial Gardens to submit a Land Development Plan for the construction of the 980 square foot mausoleum. Motion carried.

ENGINEER'S REPORT

VILLAGE AT MAIDENCREEK: Terry Rarick made a motion, seconded by Roy Timpe to accept the review time extension for Villages at Maiden creek. The review period has been extended to 9/13/01. Motion carried.

ONTELAUNEE HEIGHTS – SIDEWALKS: Terry Rarick made a motion, seconded by Roy Timpe authorizing the Secretary to release escrow funds for the installation of sidewalks in Ontelaunee Heights to the developer. Motion carried. It was agreed that the Zoning Officer would inspect the remaining sidewalks prior to an occupancy permit being issued.

DUTCH KETTLE, Final Plan: Roy Timpe made a motion, seconded by Terry Rarick to re-approve the Dutch Kettle, Final Plan. Motion carried.

RAJAH COMPLEX, LDP, Final Plan: Terry Rarick made a motion, seconded by Roy Timpe to approve the Rajah Complex Land Development, Final Plan contingent upon approved planning modules, Penn DOT permit and Improvement Agreement w/Financial guarantee. Motion carried.

GOLDEN MANOR, Revision to a Plan of Record: Terry Rarick made a motion, seconded by Roy Timpe approving the revision to the Plan of Record for Golden Manor III. The developer will install new property pins and provide new deeds for the properties owners of lots 222, 223, 224, 225, and 226. Motion carried.

EAST WESSNER ROAD STREAM RE-LOCATION: Stream relocation, seeding and mulching completed. Pedestrian bridges and approved plant material is ordered. The contract revised start date was 4/19/01 with 120 days to complete. The project is on schedule.

TOM'S CONVENIENCE STORE: The Engineer reported the meeting with Steve Wolfe of Tom's Convenience Store, Mr. Kunkel and Terry Manmiller was successful. Steve Wolf agreed to install additional material near Mr. Kunkel's fence/property line to prevent further erosion.

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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 \$154,869.96. Motion carried.

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

MARTIN RETIRMENT VILLAGE, ON-LOT SEWAGE PROBLEM:

Numerous citations have been issued. If Mr. Martin does not comply or acknowledge the citations a warrant may be issued. The failing system must be address immediately.

Roy Timpe made a motion, seconded by Terry Rarick authorizing the Solicitor to draft a letter informing Mr. Martin if compliance is not met, the township will be forced to cease all sewer operations with a carbon copy of the letter sent to all his tenants. Motion carried.

Roy Time made a motion, seconded by Terry Rarick authorizing the Engineer and Solicitor to prepare an ordinance establishing fees for the township to maintain on-lot-sewage malfunctions, should the property owner be in violation, and advertise for consideration to adopt at the July 12, 2001 Board of Supervisors meeting. Motion carried.

RESOLUTION 11-2001: Blandon Ambulance: Terry Rarick made a motion, seconded by Roy Timpe to adopt Resolution 11-2001 which designates Blandon Ambulance as the primary ambulance service provider for Maiden creek Township. Motion carried.

RESOLUTION 12-2001: County-Wide Mutual Aid Agreement: Terry Rarick made a motion, seconded by Roy Timpe to adopt Resolution 12-2001 County-Wide Mutual Aid Agreement that allows Maiden creek Township to apply for reimbursement of manpower and equipment hours incurred dealing with a disaster. Motion carried

NOISE ORDINACE, Amendment: Terry Rarick made a motion, seconded by Karl Bolognese authorizing the Solicitor to advertise an amendment to the Noise Ordinance, to be adopted at the July 12, 2001 Board of Supervisors meeting. **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. Roy Timpe voted "No". Motion carried.

Cindy Stump, 140 Evansville Road, Fleetwood, PA, asked the Board how they could inform more residents about the noise ordinance.

The Board agreed sections of the Noise Ordinance could be included in newsletters. The Ordinance is too lengthy to be published at one time.

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SUMMONS: Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor to defend Maiden creek Township Board of Supervisors in pending litigation with Tigh Holding/Morgan Brother Builders. Motion carried.

OLD BUSINESS

INTERNATIONAL PROPERTY MAINTENANCE CODE: Terry Rarick made a motion, seconded by Roy Timpe authorizing the Solicitor to review and advertise the International Property Maintenance Code for consideration to adopt at the July 12,2001 Board of Supervisors meeting. Motion carried. The Board of Supervisors is designated as the Appeal Board. The Zoning Officer/Operations Director will issue the citations.

SECRETARY’S QUESTIONS AND INFORMATION

Roy Timpe made a motion, seconded by Terry Rarick authorizing the Regina Sanders to attend a meeting at Penn State Campus, June 20, 2001 to obtain 2001 census results. Motion carried.

TREE TOPS TOT LOT: The Maiden creek Township Park and Recreation Board presented a recreational equipment plan for the Tree Tops Tot Lot. Completion of the entire project as presented would cost \$113,254.00. The Board did not want to commit to anything, without knowing the current status of the Park and Recreation Budget. Roy Timpe made a motion, seconded by Terry Rarick advising the Park and Recreation Board to review the Tree Tops project and present a plan that will remain within their budget. Motion carried.

HOUSE BILL 866: Terry Rarick made a motion, seconded by Karl Bolognese authorizing the Secretary to contact our state representatives regarding the proposed Amusement Tax decrease. The Chairman instructed the Recording Secretary to poll the Board: Mr. Timpe “No”, Mr. Rarick “Yes”, Mr. Bolgnese”Yes”.

TAX COLLECTOR: Roy Timpe made a motion, seconded by Terry Rarick authorizing the Tax Collector to submit a request in writing for Tax Certification fee increase. Motion carried.

COMMUNICATIONS TOWER: Roy Timpe made a motion, seconded by Terry Rarick authorizing the Chairman to sign the necessary documents for the Conestoga Wireless - Mountain Union Telecom LLC transaction. Motion carried.

RECYCLING FOR THE TOWNSHIP: The Board agreed they must begin discussions to effectively provide recycling for the township. Several options are being considered.

Karl Bolognese made a motion, seconded by Terry Rarick, to adjourn the meeting at 9:40 PM. Motion carried.

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EXECUTIVE SESSION: 9:40 PM – 9:46 PM: Pending litigation. No action.

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
Daniel Miller, Fire Chief