

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**MAY 10, 2001 7:00 PM**

**GUESTS:** Ronald Kemmerer, Gloria Kemmerer, Larry Kunkel, Fay Isamoyer, Cindy Stump, Keith Weidner, Nancy Werner, Harold Burgert, Curt Bottorf, Kelly Moughalian, Robert Moughalian, Jeffrey Herbert, Tim Pfennig, Debbie Pfennig, Donna Martin, Brian Boyer-Vitillo Group, Bill Ulrich-Rajah Shrine, Donna Fuerst, Kenneth Shrom, Claude Beaver, James Schoellkopf and Chris Heinz – Reporter.

**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.

Karl Bolognese opened the May 10, 2001 Board of Supervisors Meeting at 7:00 PM and asked everyone to rise for the Pledge to the Flag.

Terry Rarick made motion, seconded by Karl Bolognese, to adopt the April 12, 2001 Fee-In-Lieu of Open Space Hearing minutes. Motion carried.

Karl Bolognese made motion, seconded by Terry Rarick, to adopt the April 12, 2001 Board of Supervisors Meeting minutes. Motion carried.

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

	<b>MAIDENCREEK</b>	<b>ONTELAUNEE</b>	<b>LEESPORT</b>
<b>TOTAL ASSIGNMENTS:</b> 469	212	169	88
<b>TRAFFIC CITATIONS:</b> 217	60	95	62
<b>FINES COLLECTED:</b> \$4862.40	\$1613.64	\$1855.66	\$1393.10

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

***Equipment Report***

1. Trucks used for plowing and winter maintenance have been serviced and cleaned.
2. Unit # 6 will be sent to Stevenson Equip. to install new boom mower.
3. Unit # 17 – macadam roller is worn out. Operations Manager would like to find a heavier roller.
4. All mowing equipment and summer maintenance equipment will be maintained on a regular basis.

***Road Crew completed the following***

1. LSR and road crew completed the culvert cleaning on East Wesner Road for the quoted amount.
2. All open space was maintained on a 10-day schedule.
3. Miscellaneous repairs were made to the play areas due to vandalism:
  - Basketball backboard and rim at Fire Company was welded.
  - The graffiti was removed from all play areas.
  - The ball diamonds were drug and weeds removed
4. The fence at Blandon Softball Field should be replaced from the center to right field because the poles are rusted.
5. Street sweeping has been completed, per quote.
6. Sinkhole located on Ponderosa Drive has been repaired. Project completed by LSR and the road crew.
7. Another 50 yards of mulch was distributed at several play areas.

\* Participated throughout the meeting via a phone/microphone system from California.

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**WEED LETTERS AND PROPERTY MAINTENANCE**

Weed letters will be sent in the near future. The Operations Director suggested the International Property Maintenance Code be adopted to aid the township to enforce property maintenance.

**GENESIS DRIVE LANDSCAPED ISLAND**

The Operations Director requested permission to remove two pine trees located on the Genesis Drive Island. There is an ongoing maintenance problem. Suggestions to reduce maintenance were provided to the Board. The Board advised the Operations Director to obtain quotes for removing two pine trees from the Genesis Drive Landscaped Island.

Terry Rarick made a motion, seconded by Karl Bolognese, to hire Daniel Brown on a part time basis. Motion carried.

**NOISE ORDINANCE**

Due to employment commitments Supervisor Roy Timpe could not attend the May 10, 2001 Board of Supervisor's meeting. Roy Timpe was contacted by phone to participate in the discussion and adoption of the Noise Ordinance. Roy Timpe identified himself by phone to the guests in attendance. The Board then opened the meeting to public comment concerning the proposed noise ordinance.

**Jeffrey Herbert, Bewley Lane, Reading, PA**, expressed his concerns pertaining to the activities at Shady Glenn. A recent party lasted 10 to 12 hours, resulting in his family and friends being subjected to noise and profanity. He feels this type of activity must be controlled or stopped.

**Tim Pfennig, Allentown Pike, Reading, PA**, stated the tractor-trailer trucks are parking along the shoulder of Allentown Pike. The noise is annoying and at times they block his mailbox which results in no mail delivery. He added, that he also is tired of hearing the noise from Shady Glenn.

**Kelly and Richard Moughalian, Bewley Lane, Reading, PA**, expressed their concerns about the level of noise and profanity heard from the activities at Shady Glenn.

Supervisor Roy Time stated the quiet time hours needed to be corrected in order to be uniform through out the ordinance. Quiet time begins at 11:00 PM and ends at 6:00 AM.

**ORDINANCE 176 – NOISE ORDINANCE:** Terry Rarick made a motion, seconded by Karl Bolognese, to adopt the Noise Ordinance with the noted corrections -uniform times and correct the name of the police department. The Recording Secretary was asked to poll the Board: Mr. Timpe: "No", Mr. Rarick: "Yes", Mr. Bolognese: "Yes"

Supervisor Karl Bolognese stated the Board had worked on this ordinance for the past seven or eight months. This was not a quick decision or a decision to appease certain individuals. This ordinance will be a benefit for the entire community.

Supervisor Terry Rarick felt the adoption of the Noise Ordinance would be a benefit to the entire community and would stop the numerous complaints received pertaining to noise. With this ordinance in place noise limits can be enforced.

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Sgt. Scott Eaken provided the Board with a sample ordinance to review and possibly adopt in order to control noise and activities within the township.

Supervisor Roy Timpe expressed his displeasure with certain sections of the Noise Ordinance and is frustrated that this is the only avenue taken in order to control disturbing noise within the township.

Officer Charles Hobart provided statistics on noise complaints received by the Northern Berks Regional Police Department from 5/10/00 to 5/10/01:

Shady Glenn	46 calls
Tom's	13 calls
Coliseum	10 calls
Miscellaneous	27 calls (neighbors, snow blowers, vehicles, fireworks and radios)

**Nancy Werner, 261 Troxel Road, Shoemakersville, PA**, exhibited Noise Ordinances she obtained from surrounding municipalities. She wanted to make the Board aware that other municipalities have adopted Noise Ordinances. She thanked the Board for their efforts to adopt this Noise Ordinance

**FEE-IN-LIEU OF OPEN SPACE**

**ORDINANCE 177 – FEE-IN-LIEU OF OPEN SPACE:** Terry Rarick made a motion, seconded by Roy Timpe, to modify the Subdivision and Land Development Ordinance, Section 514 pertaining to Fee-In-Lieu of Open Space Fees, allowing the Board to determine the manner in which Open Space is accepted. The Board may choose 1.) Fee-In-Lieu of Open Space, 2.) Accept Open Space, or 3.) determine calculations for Open Space. Industrial and Commercial developments are excluded from any recreation fees. Motion carried.

**SOLICITOR'S REPORT**

**MARTIN RETIRMENT VILLAGE**

Solicitor Richard Orwig has been in contact with the township SEO relative to the on-lot sewage problems. He has been informed there are violations that require immediate improvements. Correspondence has been received from Attorney Crump, Jr., Mr. Martin's attorney requesting additional time for repair work to be completed.

The Board instructed the Solicitor to follow through with filing citations for Martin's Retirement Village on-lot sewage violations.

Engineer, Thomas Unger informed the Board that Mr. Martin is still working on permits to install municipal sewage for the existing modular home park and phase two of the modular home park.

**LOT 17 WILLOW GARDENS:** Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Solicitor to advertise a public auction to be held June 14, 2001 at 6:45 PM for the sale of Lot 17 Willow Gardens. A bid price will be set prior to the auction. Motion carried.

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**TREASURER'S REPORT**

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

General Checking	\$126,854.33
Payroll	\$ 17,392.89
Recreation Tax Checking	\$122,275.11
Parks and Recreation CD	\$ 1,323.55
Martin Retirement Village	\$ 10.00
Blandon Meadows V, Ph II	\$ 13.25

Terry Rarick made a motion, seconded by Karl Bolognese to approve the Treasurer's Report as presented and listed payments. Motion carried.

**PUBLIC COMMENT**

**Kenneth Schrom**, spoke for his Aunt, Mildred Eddinger who lives at 58 Mt. Spring Road, Blandon, PA relative to her neighbor's porch with steps. On November 11, 1988, the Board allowed a modular home to be installed with questionable property set backs due to a hardship suffered by the owner after his existing modular home burned. Recently, the modular home in question, was sold. The new owners have installed a porch with steps that extend onto his aunt's property. She would like to install a fence to prevent the new owners from walking on her property but can't due to the porch. Kenneth Schrom's phone number is 610-929-5121.

The Board and Operations Director agreed to investigate the property in question on Mt. Spring Road, Blandon, PA and provide an answer at the June 2001 Board of Supervisors meeting.

**Cindy Stump, 140 Evansville Road, Fleetwood, PA**, asked the Board if the neighboring Cement Company was burning medical waste. She expressed her concern about the "constant" yard sale being conducted at a home two doors away from the township building and the un-kept property at the corner of Chestnut Street and Lindbergh Avenue.

The Board and Operations Manager informed Cindy Stump:

1. A plan to address the untidy properties in the township is being addressed.
2. The property with the "constant" yard sale has been notified by the township to cease conducting yard sales and to clean up their property.
3. No permits have been filed by the Cement Company to burn any medical waste. The Cement Company must and has always included the township in any of their operation changes that might effect the environment.

**Harold Burger, 331 E. Wesner Road, Blandon, PA**, asked the Board if the creek relocation is complete. He is sure that Penn Biomedical will encounter flooding conditions.

Engineers Thomas Unger stated that for the most part the stream relocation is complete, plantings must be installed.

The Board stated they are not responsible for Penn Biomedical. Their Land Development Plan was approved per Subdivision and Land Development regulations. Penn Biomedical's building was constructed by their engineer's specifications, and all township zoning regulations have been met.

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**Donna Fuerst, 309 Faith Drive, Blandon, PA**, commented on the excessive speeding on Faith Drive, Maiden Creek Estates particularly between 2:30PM-3:00PM and 4:00PM – 5:00PM.

Supervisor Terry Rarick stated the intersection construction has caused frustrated motorists to use different routes. The Board will notify Northern Berks Regional Police of the speeding complaint on Faith Drive. Terry Rarick stated he hoped the issue of the local police using radar would be approved. Radar use would allow the police to effectively monitor speeding.

**Ronald Kemmerer, 323 East Wesner Road, Blandon, PA**, stated there is an increase of large truck traffic on East Wesner Road. He is sure the trucks are over-weight.

Supervisor Terry Rarick stated he is sure East Wesner Road and Schaeffer Road have become an alternate route due to the intersection construction.

**Larry Kunkel, 5 Lake Shore Drive, Fleetwood, PA** thanked the Board for their quick replacement of the fence and installation of signs along Allentown Pike near Tom's Convenience Store.

**Tim Pfennig, Allentown Pike, Reading, PA**, stated the fence has resulted in trucks parking on the shoulder of Allentown Pike near his home. Not only is the noise annoying, at times the trucks block his mailbox resulting in no mail delivery.

**Fay Isamoyer, Allentown Pike, Fleetwood, PA**, stated a dangerous situation still exists at the intersection of Evansville Road and Allentown Pike. She stated the distance south bound traffic travels in the center lane to make a left turn on to Schaeffer Road is hazardous to the motorist stopped in the center lane attempting to make a left turn on to Evansville Road. She is sure a head on collision will occur.

The Board informed Fay Isamoyer that a letter had been sent to PADOT questioning the markings on Allentown Pike in the area of Evansville Road when she had previously commented on the situation. PADOT responded stating the highway markings were in compliance.

**Keith Weidner, 261 Troxel Road, Shoemakersville, PA**, asked the Board when a new Chief of Police would be appointed or hired.

Supervisor Karl Bolognese stated a decision would be made in June.

## **ENGINEER'S REPORT**

**MARTIN RETIREMENT VILLAGE:** Terry Rarick made a motion, seconded by Karl Bolognese authorizing the Solicitor to notify the developer to sign an extension letter for continued review prior May 12, 2001, or his plan will be rejected. Motion carried.

**GOLDEN MANOR, Revision to a Plan of Record:** Terry Rarick made a motion, seconded by Karl Bolognese authorizing the Solicitor to notify the developer to sign an extension letter for continued review prior May 28, 2001, or their plan will be rejected. Motion carried.

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**RAJAH COMPLEX, LDP, Preliminary Plan:** Terry Rarick made a motion, seconded by Karl Bolognese, granting Preliminary Plan approval for the Rajah Complex, contingent upon:

1. Lighting issue resolved
2. Parking Lot completion compliance noted on plan – Note 13
3. Soil and Erosion review received – no earth moving until review received

Motion carried. Terry Rarick made a motion, seconded by Karl Bolognese, waiving the requirement to install sidewalks along Orchard Road at this time, however the Board has the option to force the Rajah Complex to install sidewalks at a later date. This waiver will appear on the recorded plan and include the Supervisor's option for installation of sidewalks. Motion carried.

**EAST WESNER ROAD – STREAM RELOCATION:** Per Township Engineer Thomas Unger, stream channel relocation work was completed, and Pedestrian Bridges and plant material are approved and ordered.

**DRIES ROAD:** Giorgi, Inc. has submitted revised options on 5/9/01 with preliminary flow added to PADOT system. The Board does not want to delay the repair of Dries Road any longer. If an alternative control for storm water is not agreed upon in the near future, the Board will follow the original plan. The Board asked Operations Director Terry Manmiller to contact the Ontelaunee Township Board of Supervisors to consider paying for half of a black top skim coat since the other option is not working out.

**ROUTE 222 STORMWATER PROBLEM:** A letter was sent to DEP on 3/8/01 relative to PADOT drainage facilities in the area of the Tamarack Blvd. and Allentown Pike.

**TOM'S CONVENIENCE STORE:** Investigation of lighting complaints and erosion near the fence along the property line between the store and Larry Kunkel is being conducted. A meeting with Steve Wolf has been scheduled for May 14, 2001 at 10:00 AM.

**SUBDIVISION IMPROVEMENTS AGREEMENTS LOC/ESCROW RELEASE LETTERS:** Terry Rarick made a motion, seconded by Karl Bolognese, authorizing the Chairman to sign the Subdivision Improvement Letters of Credit in the amount of \$29,132.30. Motion carried.

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

**ONTELAUNEE HEIGHTS – SIDEWALKS:** Terry Manmiller reminded the Board and the Engineer of a request from Berks Construction to release funds in escrow for the installation of sidewalks in Ontelaunee Heights. The Engineer will inspect and the Board may take action at the June 14, 2001 Broad of Supervisors meeting.

**CREEKSIDE MANOR – STREETLIGHTS:** Terry Manmiller urged the Engineer to proceed with approval for the installation of streetlights. Homes under construction have been vandalized numerous times.

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**SECRETARY'S QUESTIONS**

Correspondence from **Mr. & Mrs. Richard Hernandez, 102 Cassidy Court, Blandon, PA**, was received by the Board relative to the intersection of Blandon Meadows Parkway and Cassidy Court. They have requested three-way stop signs at this intersection to curtail speeding on Blandon Meadows Parkway.

The Board agreed to look into the matter and also refer the complaint to the police department.

Karl Bolognese made a motion, seconded by Terry Rarick, to adjourn the meeting at 9:00 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  
Paul Herbein, Zoning Hearing Board Solicitor  
Maidencreek Township Authority  
Robert Hobaugh, Esq., Maidencreek Township Authority Solicitor  
Tax Collector  
Fred Giorgi  
Daniel Miller, Fire Chief