

**MAIDENCREEK TOWNSHIP BOARD OF SUPERVISORS**

**OCTOBER 12, 2000**

**7:00 PM**

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

**PRESENT:** Beth Pflueger, Russell Conrad, Dianne Conrad, David Bascelli, Robert Fies, Joseph DeSantis, Robert Hanna, Kurt Bredbenner, Harold Burgert, Robert Ludgate, Paul Martin, Arlene Smith, Jim Chudnovsky, Gloria Kemmerer, Ronald Kemmerer, Kent Weidner, Larry Kunkel, Nancy Werner, Keith Weidner, Brian Fleck, David Morelli, Jeffrey Whaling, Claude Beaver, James Schoellkopf, Mohamad Farvardin, Christopher Hinz – Reporter.

Karl Bolognese called the October 12, 2000 Board of Supervisors meeting to order at 7:00 PM and asked everyone to rise for the pledge to the flag. A moment of silence was observed for the seventeen sailors who lost their lives at the hands of suspected terrorists in Aden Yemen Port.

Terry Rarick made a motion, seconded by Roy Temp, approving the September 14, 2000 Board of Supervisors meeting minutes. Motion carried.

**EXECUTIVE SESSION:** An executive session was conducted September 27, 2000 for discussion of the pending Noise Ordinance and the Andretti Request for Rezoning. The Board’s decision will be announced later in this meeting.

**ALBERT SCHAEFFER PROPERTY:** Due to a scheduling conflict Attorney Joseph DeSantis requested to be heard prior to the reports and the public comments. Attorney Joseph DeSantis presented a concept plan for the former Albert Schaeffer property, which is located at the intersection of Allentown Pike and Schaeffer Road. His client recently purchased the property and would like to develop the area. His plans for the 145-acre tract of land include a 270-lot residential subdivision and commercial development of property fronting along Allentown Pike. Joseph DeSantis presented a petition for rezoning of the Schaeffer property. Zoning changes requested are “A” Agriculture to “C-1” Commercial and “A” Agriculture to “R-2a” Residential.

Terry Rarick made a motion, seconded by Roy Temp, accepting the petition for rezoning the Schaeffer property from Agriculture to “C-1” Commercial and “R-2a” Residential. The Secretary was directed to forward the petition to Berks County Planning Commission and Maiden creek Township Planning Commission upon the receipt of \$2000.00 for hearing proceedings. Joseph DeSantis promised to submit payment on 10/13/00. Motion carried.

**POLICE REPORT**

Ruth Manmiller read the Northern Berks Regional Police report for the month of September 2000:

	TOTAL CALLS: 588		
	MAIDENCREEK	ONTELAUNEE	LEESPORT
ASSIGNMENTS	263	199	126
UNITS OF PATROL	687.75	584.5	385
CITATIONS	\$1640.72	\$3332.68	\$914.38

Karl Bolognese made a motion, seconded by Roy Timpe, designating Trick-or-Treat night as October 31, 2000 until 9:30 PM. Motion carried. Terry Rarick asked that a letter be sent to Fleetwood Schools so the children know which night they may Trick-or-Treat in Maiden creek Township. Fleetwood Borough has designated two nights and this could be confusing to the children.

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**ROAD REPORT**

Terry Rarick presented the Operations Director's report for September 2000:

**EQUIPMENT REPORT**

1. Unit # 4 – brake problem corrected. Entire brake system was replaced.
2. Unit # 5 - will have the front end aligned and tire rotation.
3. Unit # 4 – sandblasting has been completed.
4. Unit # 3 – correct tailgate is being installed, painting will be completed in the Spring.
5. Unit # 8 and Rousseau Mower are off the books.

**ROAD CREW COMPLETED THE FOLLOWING:**

1. All roads have been mowed along the shoulder. Township is currently mowing brush with test equipment from Erb and Henry at no cost.
2. Remaining street index signs have arrived and are being installed.
3. Patching completed: Hoch Road, Hill Road, and East Wesner Road Bridge
4. Stop bars were completed. Berks Traffic repainted the Rail Road Crossing markings
5. Mowing of all Township Open Space has been completed.

**WEST WESNER ROAD RELOCATION:** 95% completed.

**DRIES ROAD:** The Board asked Terry Manmiller to contact Ontelaunee Township regarding their intentions on repair of Dries Road. Tom Unger stated the storm water plan and application to tie into Penn Dot drains is currently in review by Penn Dot.

**GOLDEN MANOR III:** Schlouch Excavation will address the drainage problem in the detention pond.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Operations Director to obtain quotes for the purchase of a Line Painting Sprayer. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe, to approve the following emergency part time snow removal personnel for 2000-2001:

Part Time Regulars – Vernon Hecker and Gary Walters.

Emergency Part Time – Russell Stoudt, Gary Reeser, Jr. Patrick Donovan and Michael DeLong. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing TELCO to install/replace a streetlight at the intersection of Golden Drive and Park Road for the quoted price of \$1495.00. Motion carried. The Secretary was instructed to contact the insurance company for possible loss coverage for the replacement of the streetlight.

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

GENERAL FUND CHECKING	\$241,236.94
PAYROLL	\$ 14,882.82
GOLDEN MANOR III IMPROVEMENTS	\$ 19,926.50
RECREATION TAX CHECKING	\$ 21,755.64
MARTIN RETIREMENT VILLAGE – INSPECTIONS	\$ 552.12

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The Secretary/Treasurer noted the large amount for General Fund Checking is due to:

1. Donation – Blandon Ambulance \$35,000.00
2. Donation – Blandon Fire Co. \$35,000.00
3. Donation – N.E. Advanced Life Support \$10,000.00
4. St. Aid - (Foreign Fire) Blandon Fire Co. \$30,262.99
5. St. Aid – Northern Berks Regional Police \$27,754.59

Roy Timpe made a motion, seconded by Terry Rarick, approving the Secretary/Treasurer’s report and payments from the listed accounts. Motion carried.

**PUBLIC COMMENT**

**Brian Fleck, Cassidy Court** questioned the Board on the following:

1. Installation of a Stop Sign at Cassidy Court and Wales Way. Residents are concerned for their safety due to excessive speeding on Cassidy Court.
2. Would like to see more police in his development.
3. Jagged remnants from a demolished house are a safety issue for the neighborhood children.
4. The house, which sustained damage due to the heat of the neighboring house fire, has not been repaired and is a deplorable sight in his neighborhood.

The Board advised Mr. Fleck:

1. A Stop Sign is not always the answer to a speeding problem however; they will advise the police to monitor the area.
2. The remnants from the demolished house are on private property and children should not be trespassing
3. The house, which sustained damage due to the heat of the neighboring house fire, may have other issues delaying the repair. Again, this is private property and the Board has no authority to force some one to repair his or her home. Roy Timpe made a motion, seconded by Terry Rarick, authorizing the Operations Director to send a letter to the property owner advising him or her of the need to repair the home. Motion carried

**David Morelli of the Richmond Township Park and Recreation Board** invited the Maiden creek Township Board of Supervisors to attend their meetings in preparation for their comprehensive Park and Recreation Plan. He asked the Board to reconsider “giving in” to developers, begin saving the agriculture areas, and consider using the land wisely. More developments will have an impact on our highways and schools.

Terry Rarick thanked David Morelli for the invitation and made the following comment on the development in Maiden creek Township: Maiden creek Township has utilized the land wisely by putting more homes in an area and provided the residents with sewage and water. Richmond Township has approved a development between Mine Road, Rich Maiden Road, and Maiden creek Road that has allowed the construction of homes with on-lot sewage and water on large lots. That is poor management of land. The congested highways are not caused by the development of Maiden creek Township; it’s caused by the traffic passing through the area on a daily basis.

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**Harold Burgert, 331 East Wesner Road**, is concerned the proposed tree planting on the adjacent property where a berm will be constructed in the development of Villages at Maidencreek. He feels the tree planting will block his view of any neighborhood emergencies and be detrimental to his property in the event of a snowstorm.

The Board agreed to review his request and forward his drawing to the engineer for review.

**Beth Pflueger, 28 Mt. Spring Road**, voiced her concerns about her neighbor who has allowed their home to fall into total disrepair. In addition to the necessary maintenance, the house is a haven for 26 or more cats, and has no running water and no heat. She stated the resident is heating the house with a portable kerosene heater and since trash and newspapers are stacked through out the house, this is a potential fire hazard. She thanked the Solicitor and Terry Manmiller for their efforts to have her neighbor clean up the outside property, which has taken place in the past week. For her safety and other neighbor's safety, more must be done.

**Russell Conrad, 24 Mt. Spring Road**, stated he was told the water would be turned on in the near future. He knows there is a leak and this will cause additional water damage to his home, as it has in the past.

**Dianne Conrad, 24 Mt. Spring Road**, stated the cats are nasty and hungry. When she opens her door the cats try to enter her house for food or attack visitors and neighbors.

\* Faye Lorah owns the house referred to in the previous comments. Her son presently occupies the house. The home is one of four units in a town house complex.

Solicitor, Chad Lupas, informed the Board he has been in contact with Beth Pflueger numerous times to update her on the progress of this problem. Terry Manmiller and he have made attempts to inspect the Lorah property. He is glad the owners have complied by cleaning the outside of the property and stated they have promised to replace the roof before the winter.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Solicitor and Terry Manmiller to take the proper procedures, as they have in the pass, to inspect the Lorah home one more time. If an inspection is denied, the Solicitor shall file an injunction. These actions will take place prior to the November Board of Supervisors meeting. Motion carried.

Jeffrey Whaling questioned if the township had any type of ordinance regulating the number of pets allowed in a residential area.

The Board stated there is a pet ordinance but it does not regulate the number of pets allowed in a residential area. The Humane Society usually handles this type of problem.

**Keith Bredbenner, 146 South View Road** complained about the restrictions the Board has imposed on the residents of this township. He stated due to an ordinance restricting boats, trailers, campers and/or large vehicles being parked on public streets he had to move his boat into his driveway. Recently he was notified that he must remove his son's portable basketball net from the township right-of-way, or have it removed by the township and/or be fined. He questioned what he should do to provide recreation for his son since the township has not provided recreation for the youth of the community.

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The Board informed Keith Bredbenner there are numerous places in the township his son can safely play basketball and the planned Community Park directly behind his home will provide additional recreational areas for the youth of the community. All the Board is asking, when the net is not in use to remove it from the township right-of-way.

**Gail Brockman, 322 Cornerstone Drive**, complained about the speeding on Cornerstone Drive. She is sure the vehicles are traveling in an excess of 40–45 miles per hour in a 25 mile per hour zone. Speeding is common on any day of the week. Wednesday seems to be the worst day for speeding since it is auction day. She complimented the Board on the mowing and maintenance of the Maiden creek Estates Open Space.

**Nancy Werner, Troxel Road** stated she is upset with noise she is subjected to from Rovin Hollow Kennels. She claims dogs are forced out of their kennels with no food or water and cannot gain entrance for shelter, so they are constantly barking. She is upset with the township for not restricting this type of activity in an agricultural zone and the police department for not enforcing an obvious disturbance of the peace.

Karl Bolognese stated the Board has inspected all her complaints and the Police Department issued a citation to the owner of Rovin Hollow Kennels. The owner of Rovin Hollow Kennels requested a hearing to contest the citation, but you did not attend the hearing.

**Larry Kunkel, 5 Lake Shore Drive**, complained about the light he is subjected to from Tom's Convenience Store, which is adjacent to his property. He is confused about the recent address changes.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Engineer to inspect Tom's Convenience Store for any violation of the lighting ordinance. Motion carried.

Ruth Manmiller explained address changes have been in the process for the past three years. All planning has been in conjunction with Berks County Communications, the Post Office, and the township. Maiden creek Township residents receive mail service through six different post offices. Starting January 2000 each postal area has been notified of the new addresses. The area of his confusion is in the Blandon postal delivery area, which will be targeted during November and December of this year. Address corrections and/or adjustments should be completed by December 31, 2000.

**ANDRETTI REZONING REQUEST:** The Solicitor stated the Board received a request from Andretti International, Inc. to re-zone existing "A" Agriculture to "C-1" Commercial, approximately 9.2 acres located on the north side of Route 222 south of Pleasant Hill Road. A public hearing was conducted on September 14, 2000 to hear public comment and an executive session was conducted September 27, 2000 for discussion of this matter. Terry Rarick made a motion, seconded by Roy Timpe, to reject the rezoning request from Andretti International, Inc. to re-zone existing "A" Agriculture to "C-1" Commercial approximately 9.2 acres located on the north side of Route 222 south of Pleasant Hill Road. **QUESTION/COMMENTS:** Karl Bolognese and Terry Rarick stated they felt if they approved this rezoning request it would be against the recommendations of the Berks County Planning Commission, Maiden creek Township Planning Commission, public concerns and they would be guilty of "spot zoning." Roy Timpe stated he understands the property owner's point of view when they can not do what they would like to do with their property, however, he too agrees with the other Board members that approving this request would not be in the best interest of the township. Motion carried.

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**Jeffrey Whaling, 313 Pleasant Hill Road**, questioned the Board, since you have turned down the rezoning request for Andretti International, Inc., will you turn down the earlier request for rezoning submitted for the Schaeffer property?

Terry Rarick stated the application submitted earlier in the meeting for the Schaeffer property must go through the same review and public hearing process as Andretti International, Inc. This was the first the Board was aware of this new rezoning request.

\*Letters of concern relative to the Board's rezoning decision were received from Mr. & Mrs. Christopher Mountain and Mr. & Mrs. David Stump.

**NOISE ORDINANCE:** The Solicitor presented a draft ordinance for controlling noise in Maiden Creek Township. He advised the Board to review the entire draft before commenting. He is sure everything discussed in the past for noise control has been addressed. The Board will review the draft ordinance to adopt in the near future.

## **ENGINEER'S REPORT**

**BLANDON MEADOWS V, Phase II:** Terry Rarick made a motion, seconded by Roy Timpe, approving the review time extension to 12/14/00. Motion carried.

**MAIDENCREEK CAR WASH:** Terry Rarick made a motion, seconded by Roy Timpe approving a 120 day extension for review of Maiden Creek Car Wash. Motion carried.

**WALNUT MANOR III & WALNUT MANOR, LOT 5:** Terry Rarick made a motion, seconded by Roy Timpe to approve the review time extensions to 1/10/01. Motion carried. Maiden Creek Township Planning Commission recommended the Board of Supervisors reject Walnut Manor III and Walnut Manor, Lot 5 due to lack of activity. The Board chose to extend both plans.

**DUTCH KETTLE ANNEXATION:** Terry Rarick made a motion, seconded by Roy Timpe approving the review time extension to 1/12/01. Motion carried. Clarification for Dutch Kettle Foods to complete the annexation of the adjoining property owned by Ed Blank was discussed. The Board suggested Dutch Kettle Foods seek a variance because the annexation of the Blank property to Dutch Kettle Foods would make the Blank property non-conforming. Roy Timpe made a motion, seconded by Terry Rarick, authorizing a letter stating the Board's agreement with Berks County Planning Commission for the annexation to be included with the variance application for Dutch Kettle Foods. Motion carried.

**SHADOW RIDGE, Phase II:** Terry Rarick made a motion, seconded by Roy Timpe, authorizing the Solicitor to notify the developer to renew his Improvement Letter of Credit that will expire October 21, 2000. If the renewal is not received the Board will draw down on the Letter of Credit. Motion carried.

**BEDROCK STONE, INC.:** Terry Rarick made a motion, seconded by Roy Timpe, to release the agreement between Bedrock Stone, Inc. and Maiden Creek Township to Howard Young. Motion carried. The Board delayed the release of the agreement until Bedrock Stone provided adequate fire protection measures for the surrounding neighbors' safety and the safety of Bedrock Stone.

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**PENN BIOMEDICAL, Land Development Plan:** The facility will be located on Ingot Drive. Medical equipment will be repaired in the facility. Robert Fies, representing the developer, asked the Board for waivers on the width of the driveway, submitting their plan as a final plan, and approval of an existing screen planting.

The Board informed Robert Fies he should present his waiver requests to the Maiden Creek Township Planning Commission. The Planning Commission will make recommendations to the Board of Supervisors. A letter outlining the developer's requests will be forwarded to the Planning Commission.

**EAST WESSNER ROAD – Stream Relocation:** The Engineer is in the process of putting the contracts together and is waiting for the contractor's bonds and insurance.

**PARK ROAD COMMERCIAL, LOT 8:** The Board has received an appraisal for Park Road Commercial property adjacent to the proposed Community Park. The Board will examine several options prior to any decisions to purchase the property.

**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 for payment of \$6,742.34. Motion carried.

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

## **OLD BUSINESS**

**BLANDON MEADOWS V, Phase II –** Terry Rarick made a motion, seconded by Roy Timpe, per the recommendations of the Maiden Creek Township Planning Commission, for alley design standards to be:

1. Right-of-way width of the (20) feet
2. Cartway width of (16) feet
3. No curbs and sidewalks
4. Alley to be built per public road specifications

Motion carried.

The Board took no action on the street index signs or restrictions for use of the alley.

Terry Rarick made a motion, seconded by Roy Timpe, requiring the placement of (1) street tree behind the right-of-way set back on each lot utilizing the tree provisions set forth on the plan. Motion carried.

Terry Rarick made a motion, seconded by Roy Timpe, authorizing improvements to the storm water pipes in Blandon Meadow V, Phase I, while construction and installation of storm water piping is being completed in Phase II. The developer was advised to obtain a permit from Berks County Soil and Erosion prior of any Phase I improvements. Motion carried.

Robert Ludgate will pursue the idea of a footbridge and extending the existing sidewalk in order to tie in the bank property utilizing, if possible, the \$21,000.00 dedicated for Park and Recreation.

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**EMERGENCY GENERATOR:** A quote for constructing a concrete slab for the generator should be received in the near future. Installing a concrete slab vs. a block building could cut installation costs of the emergency generator.

**FEE-IN-LIEU OF OPEN SPACE:** Board tabled discussion to increase the fee-in-lieu of open space.

**NEW BUSINESS**

**PRELIMINARY BUDGET MEETING:** 10/18/00, 7:30PM

**BUDGET MEETING:** 11/13/00, 7:00 PM

**RESOLUTION 21-2000:** Terry Rarick made a motion, seconded by Roy Timpe, adopting revisions to the Maiden creek Township Emergency Management Plan. Motion carried.

**MOHAMAD FARVARDIN:** Mr. Farvardin asked the Board to consider forgiving or levying the fee imposed upon him for non-compliance of township rules and regulations. The Board will review costs incurred by the Township, Engineer, and Solicitor prior to any decisions. The Board asked if he had obtained the proper permits to continue his project. He has not obtained any permits or proceeded in the proper manner to complete his project.

Roy Timpe made a motion, seconded by Terry Rarick, to adjourn the meeting at 10:26 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  
Maiden creek Township Authority  
Robert Hobaugh, Esq., Maiden creek Township Authority Solicitor  
Tax Collector  
Fred Giorgi



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