

**MAIDENCREEK TOWNSHP BOARD OF SUPERVISORS**

**SPECIAL MEETING**

**MARCH 1, 2002 7:30 PM**

**PRESENT:** Roy Timpe – Supervisor, Robert Kopfer- Supervisor, Gloria Kemmerer-Supervisor, Richard Orwig – Solicitor, Ruth Manmiller – Recording Secretary

**GUESTS:** Krista Timpe, Scott Eaken, Edwin Isamoyer, Raymond Ernst, Jenny Pursel, Melissa Nye, Larry Alati, Kerry Cavallomagno, Brian Horner, Charles Hobart, Michael Schmittinger, Pat Harkin, Ronald Kemmerer, and the Reading Eagle Reporter.

Roy Timpe called the Special Board of Supervisors meeting to order at 7:31 PM. He proceed to explain that the purpose of the Special Meeting is to discuss Maiden creek Township’s option to renew its contract for police coverage with the Northern Berks Regional Police Department and to discuss and consider an amendment to the Maiden creek Township Zoning Ordinance concerning outdoor advertising sign uses, regulations, and zoning district delineation.

Township Solicitor, Richard Orwig confirmed the Board’s reasoning for the Special Meeting and proceeded to inform the Board that (12) twelve building permits had been delivered to the Maiden creek Township office the same day that the notice appeared in the newspaper. Presently, regulations in the Maiden creek Township Zoning Ordinance of 1993 are invalid as it pertains to outdoor advertising. He advised the Board of the following options to be considered to cope with this issue in an appropriate manner:

1. Do nothing and allow the permits to be issued for the installation of the outdoor advertising signs.
2. Conduct a Special Meeting to address the issue and begin the process to amend the Maiden creek Township Zoning Ordinance of 1993 to control future outdoor advertising sign permits.
3. Wait till March 14, 2002 Board of Supervisors Meeting to discuss the outdoor advertising sign issue and begin the process to amend the Maiden creek Township Zoning Ordinance of 1993. If the Board would have chosen to wait until the March 14, 2002 Board of Supervisors Meeting, they took the chance of additional outdoor advertising sign permits being submitted.

The Board decided to conduct a Special Meeting.

Township Solicitor, Richard Orwig continued to explained that the Board’s next plan of action is to agree to take the following steps:

1. Consider amending the Maiden creek Township Ordinance of 1993, specifically Section 1309 - Sign Regulations and forward to the Maiden creek Township Planning Commission and the Berks County Planning Commission. The amendment to the Zoning Ordinance of 1993 should be advertised as “pending”.

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2. Consider action to proceed with a Municipal Curative Amendment, which challenges the Maiden Creek Township Ordinance of 1993 recognizing that a particular section, specifically Section 1309 – Sign Regulations is inadequate. This action would impose a 180-day moratorium on future outdoor advertising sign building permits. The Board is allowed to proceed with a Municipal Curative Amendment once every three years. He included that the entire process could take at least 180 days, allowing the Board to file its finding within thirty days, allowing the Maiden Creek Township Planning Commission to review the findings, allowing the Berks County Planning Commission to review the findings, conduct a Public Hearing and finally the Board of Supervisors vote on the amendment to the Zoning Ordinance of 1993, specifically Section 1309 – Sign Regulations.
  
3. Consider rejecting the twelve outdoor advertisement sign building permits, because there are enough outdoor advertisement signs in the township and wait for responsive action from the outdoor advertisement sign company.

Township Solicitor, Richard Orwig stated that he did not review the twelve outdoor advertisement sign building permits. He indicated that upon his review, it is possible that required information could have been omitted on the permit applications. Proof of property owner's permission and/or signed lease agreement for the outdoor advertisement signs to be installed will be a point to be considered.

**Scott Eaken, 62 Berk Road, Shoemakersville, PA** stated that another point to be considered is Penn Dot Sign Regulations.

**Kerry Cavallomagno, 217 Faith Drive, Blandon, PA** commented that the manner of construction of the outdoor advertisement signs should be considered. He was concerned who would inspect the outdoor advertisement sign fixtures.

The Solicitor and Board advised Kerry Cavallomagno that the Zoning Officer would inspect the outdoor advertisement fixtures.

Robert Kopfer made a motion, seconded by Gloria Kemmerer, instructing the Maiden Creek Township Planning Commission to review the Maiden Creek Township Zoning Ordinance of 1993, to consider amending Section 1309 - Sign Regulations to include outdoor advertisement, uses, regulations, and zoning placement. The Planning Commission is instructed to forward their recommendation to the Maiden Creek Township Board of Supervisors. Motion carried.

Gloria Kemmerer made a motion, seconded by Robert Kopfer, recognizing a substantial difference in the Maiden Creek Township Zoning Ordinance of 1993, Section 1309- Sign Regulations that omitted outdoor advertisement, uses, regulations, and zoning placement, and to proceed with a Municipal Curative Amendment to address the deficiencies. Motion carried.

**Scott Eaken, 62 Berk Road, Shoemakersville, PA** asked the Board if the Planning Commission was permitted to conduct Special Meeting similar to this meeting to possibly reduce the time to adopt the Municipal Curative Amendment.

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Richard Orwig, Township Solicitor stated the Planning Commission may conduct Special Meetings, however the time expended for the review process of the Berks County Planning Commission, conducting a Public Hearing, and advertisement requirements would require the estimated 180 days.

Roy Timpe directed the Zoning Officer to notify all property owners involved with the proposed installation of the outdoor advertisement signs and noted the following approximate locations:

US 222 (7 Billboards) Going from the South to North

1. On the left side just north of Dries Rd.
2. On the left side just after Snyder Road.
3. On the left side just north of Maria's Pizza.
4. On the right side just after Super Duper.
5. On the right side just before the light leading into Maiden creek Estates.
6. On the right side near the junction of Evansville Rd. and 222.
7. On the right several hundred yards after the Evansville intersection.

Route 73 (2 Billboards) Heading to Breezy Corners from 222

8. On the right side just after the Gas Station.
9. On the right side just before the intersection of Wesner Rd. and 73.

Park Road (3 Billboards) (Blandon Fleetwood Rd.) heading from 222 towards Fleetwood.

10. On the left side just after the West Wesner Rd. intersection.
11. On the left side a couple hundred yards after the West Wesner Rd. intersection.
12. On the left side just before Excelsior Drive.

Jenny Pursel, Lamar Advertising informed the Board about the following:

1. The notice to conduct a Special Meeting for the purpose of discussing outdoor advertisement signs did not have any connection to their submission of twelve outdoor advertisement sign (Billboards) building permits.
2. Lamar Advertising had planned to submit their twelve permits for outdoor advertisement sign (Billboards) building permits on February 28, 2002.
3. Lamar Advertising does not plan to submit additional building permits for outdoor advertising sign (Billboards).
4. Lamar Advertising has submitted twelve validity challenges to the Maiden creek Township Zoning Hearing Board, that match the twelve building permits for outdoor advertising sign (Billboards).

Gloria Kemmerer pointed out that in the definition section of the Maiden creek Township Zoning Ordinance of 1993, billboards are mentioned in the sentence, the term "Sign" includes billboard, but are not addressed in the section designated for signs. She asked the Solicitor if this had any relevance to issues before the Board.

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The Solicitor stated that Gloria Kemmerer made a good point but since it had been overlooked in the section designated to address sign regulations and placement it could not be considered.

**Kerry Cavallomagno, 217 Faith Drive, Blandon, PA** suggested that the Board members inquire with larger municipalities for growth issues they encountered and how they addressed them. This could help Maiden Creek Township Board of Supervisors prepare for future growth issues.

**POLICE**

Roy Timpe stated that he was not prepared to make a motion to withdraw the Maiden Creek Board of Supervisors letter of withdrawal from the Northern Berks Regional Police Commission. He stated there are pending issues to be addressed for the ratification of the 2002 Northern Berks Regional Police Employment Contract.

**EXECUTIVE SESSION: 8:37 PM – 8:47 PM** – Northern Berks Regional Police Contract.

Richard Orwig advised the Board not to discuss the Northern Berks Regional Police Contract at a public meeting.

Scott Eaken asked the Board members, specifically the two new Board members, their thoughts on the withdrawal letter that was submitted by Maiden Creek Township Board of Supervisors in November 2001. The decision made by the Board to submit a withdrawal letter to the Northern Berks Regional Police Commission was discussed in public. Therefore, the decision to rescind or retain the withdrawal letter to participate in the regional police department should be discussed in public.

Richard Orwig thought it would not be the appropriate time to announce the Board's intentions pertaining to the withdrawal letter presented to the Northern Berks Regional Police Commission.

Roy Timpe commented that the announcement would be forthcoming.

**Patrick Harkin, 311 Sycamore Lane, Blandon, PA** asked the Board how ratifying the 2002 Northern Berks Regional Police Contract would impact the 2002 Police Budget. He stated that Maiden Creek Township is getting a good deal for the amount they contribute to the operation of the regional police department. Calculating Maiden Creek Township's population by their designated contribution to the operation of the regional police department equals approximately \$80.00 per person. He commented, that the township is getting a good deal for the quality of service we are receiving. He advised the Board to consider that the township has doubled in size since the inception of the regional police department, and therefore will result in increased expenses to provide this necessary service to the township. He advised the Board to compare the cost and level of service provided by Northern Berks Police Department with police expenses of other communities equal to the size of Maiden Creek Township.

Scott Eaken stated the ratification of the Northern Berks Regional Police Contract would not impact the 2002 Budget. The 2002 Northern Berks Regional Police Budget calculations were derived from the contract proposal that is presently before the Commission for ratification.

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Roy Timpe adjourned the Special Board of Supervisors Meeting at 9:53 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., Township Engineer  
Ed Kopicki-Systems Design Engineering, Inc., Township Planning Commission Engineer  
Park and Recreation Board  
Zoning Hearing Board and Alternates  
Paul Herbein, Zoning Hearing Board Solicitor  
Maidencreek Township Authority  
Robert Hobaugh, Esq., Maidencreek Township Authority Solicitor  
Barbara Hassler, Tax Collector  
Daniel Miller, Fire Chief  
Northern Berks Regional Police