

Maidencreek Township Board of Supervisors
January 12, 2023
7 P.M.

Attending: David Franke, Heidi Fiedler, Joshua Meck, Hunter Ahrens, Christina Hafer, Eric Frey, Esq. of E. Kenneth Nyce, Tom Unger of Systems Design Engineering, Inc., Jim Keiser, NBRPD, Police Chief.

Guests: Charles L. Voorhies, Anthony Spero, Eric Bauman, Jarrett Gibboney, Donna Culp, Ken Miller, Cliff Panneton, Tim Wales, Mary Wales, Vickie Solberg, Thomas Bonelli, Edward C. Dehozier, Jr., Dennis Fink, Robin Fink, Rose Mitchell, Bob Mitchell, Richard Wick, Kyle Burnett, Karen Zerr, Craig Zerr, Logan Gerould, Todd Tamis, Kyle Hawver, Ryan Crampsie, Terry Derr and Ben Grande

Special Guests: Sal Folino, Brennan, and Assoc. and Rob Hain, Berks Surveying & Engineering

Attending on Zoom: Bob Wood, Brooke Meck, Hal Miller, Karen Wolfson, Joe Palmertree, and Erica Rutherford.

David Franke called the regular meeting to order at 7:01 p.m. and asked everyone to rise for the Pledge to the Flag.

A motion was made by Joshua Meck to amend the January 12, 2023 agenda adding the 2023 Road Work Bid. Heidi Fiedler seconded the motion. Hearing no question on the motion, all members voted, "Aye." Motion passed.

MINUTES AND TREASURER'S REPORT

A motion was made by Heidi Fiedler to approve the December 27, 2022, agenda. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

A motion was made by Heidi Fiedler to accept the minutes for November 10, 2022. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

A motion was made by Heidi Fiedler to approve the December 2022 Treasurer's Report and approve the Check Request List for December 2022 bills. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

PUBLIC COMMENT

Charles Voorhies, 284 W. Walnut Tree Dr. Mr. Voorhies asked if the Supervisors were aware of 300 home development going on in Ontelaunee Township. He stated that they applied for an application to utilize Maidencreek Township's water and sewer. Dave Franke and Joshua Meck stated they were not aware of this plan. Heidi Fiedler stated she did hear about it. Mr. Voorhies stated it would be low-income housing. Ms. Fiedler stated it is Ontelaunee Township and is out of our jurisdiction. Mr. Voorhies stated the sewer line runs right through the farmland and wanted to know if this would affect our township water and sewer. Ms. Fiedler said she

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appreciated his comment and stated there was another township that was looking to purchase water from Maidencreek Township Authority. She said she is aware of some discussions pending and will be following up with them. Mr. Voorhies asked if the Supervisors appoint the Maidencreek Township Authority Board members. Ms. Fiedler stated they did appoint the Authority's board members. Mr. Voorhies asked if the Board of Supervisors oversees the Authority's Board members. Dave Franke stated they did not oversee them; they are a stand-alone board and have every right to make their own decisions. Ms. Fiedler stated they are a separate legal entity.

Cliff Panneton, 2 Genesis Dr. Mr. Panneton asked if the development in Ontelaunee Township could tap into Maidencreek Township water and sewer. Mr. Frey stated they would have to have some type of 537, which is the sewer service area and would come through the Board of Supervisors. Then DEP would determine if it is appropriate, and we would have some control over who uses the sewer. It could be approved after going through that process. Mr. Unger stated the Maidencreek Township Authority is a separate board and holds its own meetings. Questions should be directed to Maidencreek Authority. Mr. Frey said that after MTA, it would come to the Board of Supervisors.

Unidentified Resident, He asked if we still had a police force in the area. Mr. Franke stated that we do. The unidentified resident stated that Schaeffer Road turned into a major highway, coming through Cornerstone Drive speeding right around school time and he had not seen any police in that area. Mr. Franke said the NBRPD is short on officers and has other calls to answer, dealing with issues at the roundabout. Chief Keiser stated you probably do not see me because I am in an unmarked car, and have been at Cornerstone about four times a day and have never seen a car speeding at 70 miles per hour in that area. We had speed signs put there and had never seen speeds that high. The public main concern now is the roundabouts, so when there is extra manpower, they sit in the roundabout. We do not have enough officers to sit in a one-block area and just write tickets. Chief Keiser also said that some of the faster cars could be kids trying to get to their after-school jobs. He also noted that when there are accidents, emergency calls, or court that would take precedence. Mr. Meck stated that it happens in other areas in the township, and at the end of the day, most of the time is our neighbors. He said to have a conversation with your neighbors. He irradiated that NBRPD is spread between three townships and cannot be everywhere at once and they have been out in the area in question.

Mr. Voorhies agrees with Chief Keiser that NBRPD is two or three officers shy and there are applications to get more police officers. He agrees about the speeding but this has become a major thoroughfare from Allentown down through Maidencreek, adding Leesport and with Ontelaunee development the traffic is going to be out of hand at some point. He understands that we don't have the resources but what are you going to do? Mr. Franke stated we are working on it and can't extend what we don't have. He also stated that when we grow, we will have a lot more needs that need to be addressed, which will also entail paying for it with tax increases. Mr. Voorhies said he called the state police barracks and the lieutenant told him because of Northern Berks jurisdiction they don't think about putting anyone on Route 222 even though it is a state highway and is in the same predicament as NBRPD. Mr. Franke said that if we start addressing the issues at the state level it would start to trickle down but unfortunately, we are stuck with

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what we have presently but we are working on it. Chief Keiser commented and agreed with what Mr. Meck brought up that it is our neighbors mostly speeding on the neighborhood roads, not the people from out of town.

REPORTS

Police Report

Chief Keiser gave the Northern Berks Regional Police Department 2022 yearly report. Chief Keiser said 7646 calls for service were answered in 2022. It is the 25th Anniversary of the Northern Berks Regional Police Department established on January 1, 1998. He discussed the call for service for December including citations, traffic warnings, vehicle contacts, arrests, crashes, and vehicle service for preventative maintenance. He also reviewed the fuel, mileage, hours of service, and fines. Chief Keiser discussed what was done in 2022, by implementing the body one camera along with the in-car camera video system which syncs together. Chief Keiser said the Department was awarded a grant PCCD written by Sergeant Showalter for \$116,273.00 that will pay for the cameras. There will be an implementation of an inventory program for evidence and property room, everything is barcoded and computerized which will be more efficient.

Engineer Report

Accept Maiden Creek Associates LDP Time Extension until March 3, 2023

A motion was made by Heidi Fiedler to accept the Maiden Creek Associates LDP Time Extension until March 3, 2023. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Business

Consider Overlay District Zoning Ordinance Draft

Tom Unger spoke about Melrose Commercial Property on Park Road, plans for lots approved approximately 15 years ago, and have been unable to develop the land. They came before the Planning Commission to look at re-zoning the land; there was a solution to have an Overlay District that would allow additional development rights to the property owners. The Planning Commission has been working on the Overlay District for almost a year and has now forwarded it to the Board of Supervisors. The applicant is here tonight with a plan they feel would meet the ordinance and what they are proposing for the lots.

Rob Hain, Berks Surveying & Engineering stated they were here with a conceptual plan for discussion purposes to present to the Board what the plans might look like.

Sal Folino, Brennan, and Assoc. stated the reason they were there was to show support for the Overlay District and answer any questions about their specific site.

Cliff Panneton, 2 Genesis Dr. Mr. Panneton asked what is the difference between Overlay and Spot Zoning. Mr. Folino explains an Overlay District consists of not just one area and the zoning stays in place and is imposed over the commercial, this gives the landowners additional potential uses which are conditional uses that the township has a say in how they are implemented. Mr. Panneton then asked if this was implemented could it start an overlay district on other residential districts? Mr. Folino said that it would be up to the Planning Commission to decide, usually, in

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certain areas when the zoning has been implemented the ordinance was pertaining to a different time, things changed in that area. Joshua Meck stated they could also take it away; it could work both ways.

Mr. Folino stated he represents Grigoli and Folino, who have vacant lots on part of the Overlay District. Currently, they are C-1 commercial, and the properties have been on and off the market for 14 years and cannot sell as commercial. The 222 corridor has a lot of vacant commercial land which was implemented in 2017 when things were different, pre-COVID, pre-inflation but now areas are in desperate need of housing. Mr. Folino said his clients would like to see the overlay district implemented for mixed development which could permit housing units with outside access. He also stated that much of the surrounding area is residential which would be less traffic, more green areas, and better control of runoff with mixed dwellings over commercial. He stated there would be less light, less traffic, fewer water issues, more tax base, and more green space and it is conditional use so the township could implement certain conditions regarding buffers and other things that might be of concern depending on the development.

Mr. Unger read the definition of a multiplex dwelling, which is a group of attached single-family dwelling units with independent outside access, arranged in a variety of configurations. Mr. Frey added step one was with the Planning Commission, step two Board of Supervisors if moved forward, then to the county for a 30-day review, the public would have access to review also. If anything changes it would then go back to the Planning Commission and back to the county for another 30-day review, then to a Conditional Use Hearing. Mr. Frey suggested the public compile questions due to this being the first time it has been on the agenda for the Board of Supervisors.

The Unidentified Resident. He said they were confused about the mixed-use at the Planning Commission meeting for a 36-unit apartment building on the east side of Sofia Blvd. and a 24-unit apartment building on the west side of Sofia Blvd., and there was no hint of single-family dwellings. Mr. Folino answered it would be multiplex, not mixed-use dwellings, and that he misspoke.

Edward Delozier, 213 Anna Ave. Mr. Delozier talked about the concerns for the community, and how it gradually developed over the years. He said we need a commonsense approach and take into consideration that what is proposed will double the traffic in a short period, taking well over 15 years to develop this community. Heidi Fiedler commented she agrees there is a traffic issue. Ms. Fiedler asked if the conceptual drawings were commercial on the first floor and apartments on the second floor. Mr. Folino said the parking would be on the ground floor. Rob Hain explained the layout of the apartments. Ms. Fiedler asked about the 10 units per acre and mixed-use. Mr. Hain apologized and said to be clear it is a multiplex dwelling, not mixed-use. Joshua Meck wanted clarification that it would be apartments with parking on the ground floor. Mr. Hain explained that Mr. Meck was correct and there would also be additional exterior parking lots. Mr. Meck also asked about green space. Mr. Hain said because we are planning on parking on the ground floor that we would need less space for the additional exterior parking lots, commenting that 50 percent would be open green space and would be less than commercial parking lots. He also added that the Planning Commission suggested that such use on overlay districts that were approved for 80 percent of coverage with existing regional stormwater basins managing additional stormwater issues in the area could be an improvement. Ms. Fiedler asked

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that it would strictly be intended for high-density housing, 10 units per acre. Mr. Hain stated the Planning Commission did not want high-density housing. Ms. Fielder added you are also proposing in the ordinance consistent commercial use on the first floor in residential and the second floor permitted under conditional use. Mr. Hain said that is the language the Planning Commission and the engineer developed based on their concerns. Ms. Fiedler said if this would be adopted anyone could apply for that. She also added that 15 years ago owners thought commercial development would be great but for whatever reason, they couldn't be sold. She said she understands the world changes, but at the same time somebody could say we don't want to do that anymore, now we want mixed-use because it was adopted.

Tom Unger stated this is an overlay district that is to encompass the north side of Park Road from Andrew Maier school to the Richmond Township boundary line. Heidi said some businesses used to be homes in the overlay district.

Karen Zerr, 208 Anna Ave. Mrs. Zerr asked if Mr. Folino had data on our school population depleting. Mr. Folino answered that he had conversations with members of the school and would get answers. Dave Franke added he believed the superintendent had said that, and they closed some schools and have grown others. Mrs. Zerr asked if Mr. Folino had come up with the plan. Mr. Unger explained that the Planning Commission worked on the ordinance and Mr. Folino had some input. Hunter Ahrens also explained the process is called re-zoning required under the municipality planning code, the applicant pays a fee for escrow and the cost of the reviews requesting re-zoning an area. Mrs. Zerr asked how many overlays we have in the township. Ms. Fiedler stated there was a re-zoning in 2017 but we have no other overlays. Mrs. Zerr asked if we were the guinea pigs. Mr. Unger stated there are overlays in other areas in Berks County. Mr. Folino said there is a map on a website for zoning in other areas and he would get the name of the website for Mrs. Zerr. Mrs. Zerr then asked why we would go with apartments other than single-family homes. Mr. Folino said it would not make sense to put a few single-family homes on Park Road. The discussion continued with Mrs. Zerr about the apartments and why not single-family homes and wanted answers to her questions Heidi Fiedler commented that she would like an answer to the question. Mr. Unger reads the ordinance, the purpose of Overlay District is to provide a greater variety of residential uses within the township, with combinations of uses permitted in the underlined district, explaining the highlights of the ordinance including landscaping, parking, vehicle access, accessing public street and two parking spaces for each unit. Mrs. Zerr asked if they could structure it differently and wanted to know how much taxes would the township get from the apartment and will they have a company overseeing the apartments. Mr. Franke said this is an Overlay District and we are looking at it as an encompassing Overlay District and we are zoning. Mrs. Zerr stated the homeowners have questions and thoughts that need to be heard and answered because the board members are supposed to represent them. Mr. Franke stated we are only looking at the Overlay District, explaining the Planning Commission is looking at alternatives to the Commercial District, and cannot address Folino property issues because that is not what is before us tonight. Ms. Fiedler stated she recognizes the issues with the property owners who bought homes in a development called Melrose Place with the understanding that the front section of the development was commercial. She also stated that she knows that there are traffic issues already and has concerns about traffic will be generated if this is approved which opens the door to other concerns that people are addressing today.

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Unidentified Resident. He asked if the board can stop this before it goes to Berks County and a hearing. Ms. Fiedler said we can end it tonight and just say we don't agree and are not in favor of this due to existing zoning, and higher levels of traffic. The unidentified Resident then asked what the process is to get the board to that point to stop this. Ms. Fiedler stated we could take a vote tonight. Mr. Franke stated we will not do that tonight. The unidentified resident asked Mr. Franke why he wouldn't take a vote tonight. Mr. Franke said he wants to go over everything that is in the ordinance before he makes a decision also stated that before all the houses were there it was farmland and had to be re-zoned for residential and has to be neutral in this process, looking at it as a developmental zoning process. The discussion continued with the board and the audience.

Charles Voorhies, 284 W. Walnut Tree Dr. Mr. Voorhies said that he understands the people who bought homes in Melrose Place knowing it was commercial up front and now the gentleman said they haven't been able to sell the land and now the intention is to create revenue. He suggested giving it to Maidencreek to develop a playground and use it as a write-off. He also stated there has not been a traffic study on Park Road in the particular area in the morning and afternoon. Ms. Fiedler added we had a zoning ordinance adopted in 2017 and the proposed Overlay had been in discussion and review for well over a year with a lot of comments and a lot of time to talk about it. She stated the developer has the right to come before the board, but she does not think there is value to the township.

A motion was made by Heidi Fiedler to end the discussion today and stop all efforts to continue developing an Overlay District. Motion died for lack of a second.

Tim Wales, 216 Sofia Blvd. Mr. Wales asked if there was a compelling reason for any change in the Overlay for zoning along Park Road. Mr. Franke said they are always open to making changes to our zoning when someone requests it. Mr. Wales asked Mr. Unger if he recalled in September 2021 Planning Commission Meeting, a motion for SDE to investigate and propose a residential Overlay District. Mr. Unger stated he did not know what was said. Mr. Wales then stated Chuck Hess did the investigation and responded with a letter and wanted to know what that letter was about. Mr. Wales stated the letter concluded, that the configuration of the existing C-1 district along the Park Road corridor does not lend itself to a multi-family High-Density development. He thought it would be beneficial for the board to see the letter. Mr. Folino commented on the letter and stated that it was done in 2021 when there was a different plan in place and that commercial traffic would be more than residential apartments. Ms. Fiedler asked if you have data for traffic. Mr. Unger explains the difference between traffic for residential and commercial. The discussion continued back and forth with the Board about the agenda, the Planning Commission, and parking. Mr. Ahrens said he would look at having a future agenda item at a larger event meeting room and post it on the website so people can see what the regulations are and clarify that's only a draft and not final. Mr. Frey said it could not be voted on tonight, only to move to the county. Mr. Frey also stated that the public can come to Planning Commission meetings.

Mr. Franke tabled the Overlay District until next month.

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Ms. Fielder asked about paper copies vs. PDFs for SEO activity, and keeping reports for more than five years. Mr. Unger stated SEO permits are kept in property files. Mr. Ahrens made comments about moving those records to PDF copies in a way that complies with state standards.

Manager/Public Works Report

Road Work

Mr. Unger discussed looking at finishing road work behind the lake, West Shore Drive. Leveling scratch course and then double application of oil and chip, identical to the bid last year. Then pave East Wesner Road from Park Road to the corner and then to the hard corner of Hoch Road. He said they were looking at bidding it two different ways, overlay and flexible base material than having oil and chip with a fog coat on top. Ms. Fiedler stated she thinks the overlay would be better due to the volume of traffic. Mr. Unger explains that there would be an epoxy emulsifier that locks down the oil and chip. Mr. Unger said the cost is less than an overlay. The board discussed the budget of \$691,000.00 for all the road work that is slated. Mr. Unger said that the overlay was about \$100,000.00 different than the oil and chip with the epoxy emulsifier. He also spoke about Ontelaunee Heights, Tree Tops, and two different options there as well.

Anthony Spero asked about the rolled curbs being replaced. Mr. Unger stated that the township would replace the curb.

A motion was made by Joshua Meck to authorize two bids for the paving project. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Update on Brake Retarder Ordinance Consideration. Mr. Unger and Mr. Ahrens will have the ordinance by the February meeting.

Update on UGI Work in Township. No update.

Update on Comcast Work in Township. No update.

Discussion of Fuel Inventory System and Fuel Tank Upgrade. Mr. Ahrens explained about the five agencies using the tanks and how to track the use and get quotes. He will provide more information about costs, larger tanks, and software. The Board continued to discuss the information with Mr. Ahrens.

Bob Wood, On Zoom. Mr. Wood said Redner's is getting diesel pumps at Route 73 and Route 222 and stated they get special pricing on fuel from Redner's. Redner's also has inground diesel tanks at corporate.

The discussion continued with the board on what to do about the tanks and alternatives to new tanks. Tabled until February.

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Engineer

Discuss Permitting for Willow Creek Restoration Work. Mr. Unger stated the application has been submitted and waiting for review and approval. Cliff Panneton stated he was hoping that the plan was to absorb some of the water before it came to Schaeffer Road Bridge. Mr. Meck explained what the township can and cannot do, and the work will help the problems. Heidi Fiedler also commented about the erosion that contributed to the problem, looking for grants to help with the project. Mr. Unger said they applied for the grant and had a letter from DEP but were not able to share it with the public until the governor makes his decision or a public statement. The discussion continued about erosion, flooding, and the grants.

A motion was made by Heidi Fiedler to authorize Tom Unger, Township Engineer to start the permitting process for Willow Creek going from East Wesner Road towards the West Walnut Tree for stormwater and stream erosion issues and pursue additional grants for other projects. Motion died for lack of a second. Tabled

Solicitor

Review and Approval of Workplace Harassment Policy (manager Update on Behalf of Siana law). Mr. Ahrens made a few changes making it retaliation related to harassment and the addition of other acts prohibited including berating.

Consider Resolution 15-2022 Adopting a Workplace Harassment Policy.

A motion was made by Joshua Meck to adopt Resolution 15-2022 Workplace Harassment Policy with said changes. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Business

Accept Planning Commission Annual Report.

A motion was made by Heidi Fiedler to accept the Planning Commission Annual Report. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Mr. Frey stated the Conditional Use Hearing is moved to the Willow Creek Elementary School.

The Board recessed into an Executive Session at 9:39 pm for potential litigation and real estate matters.

The Board returned to the meeting room at 10:28 pm.

Discussion of Special Counsel Appointment.

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A motion was made by Heidi Fiedler to appoint Georgeadis Setley as special counsel for the Maiden Creek Associates hearings. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

A motion was made by Joshua Meck to authorize Tom Unger, Township Engineer to design grant applications for permits. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye," Motion passed.

A motion to adjourn the meeting was made by Joshua Meck and seconded by Heidi Fiedler. The meeting was adjourned at 10:33 p.m.

Respectfully Submitted,

Christina Hafer
Township Secretary