

Maidencreek Township Board of Supervisors

March 9, 2023

7:00 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: Nicole Manley, Esq. of E. Kenneth Nyce, Eric Bauman, Michael Meleta, Anthony Spero, Ed Newcomb, Jarrett Gibboney, Donna Culp, Richard Wick, Aaron Rogers, James R. Fegley, Esq., Steven Dimeck, Steve Wolfson, Mike Schittler, Kris Schittler, David Batz and Todd Tanis.

Attending on Zoom: Robert Wood, Brooke Meck, Karen Wolfson, Heather Schoener, David Batz, and other guests.

David Franke called the regular meeting to order at 7:00 p.m. with the Pledge to the Flag.

MINUTES AND TREASURER'S REPORT

A motion was made by Heidi Fiedler to accept January 12, 2023, regular meeting minutes. 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 February 9, 2023, regular meeting minutes with correction on page three. 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 February 2023 Treasurer's Report and approve the Check Request List for February 2023 bills. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

PUBLIC COMMENT

James Fegley, Esq. Mr. Fegley spoke about Tree Tops drainage basin and difficulties since the original development. He stated he has talked to the trustee John Jordan about an amendment to the actual trust docket, to cure the problem that was created when the original developer did not follow through and get the necessary language in all the deeds. The amendment would say 123 lots are subject to the trust and should be paying dues. He stated previously the Board of Supervisors wanted this presented to them before any amendment was finalized. He also said he has 5 sets of distribution letters and enclosures he will send to the solicitor. He will tentatively have a meeting in May. The Board continued to discuss the timeline of this issue and then thanked Mr. Fegley for coming and addressing the issue.

David Batz, Walnut Tree Drive. Mr. Batz spoke about election integrity. Mr. Franke said you would need to take it up with the Election Bureau because it is done on a county-wide basis. Ms. Fiedler addressed some of the issues with voting including voter ID, the integrity of the election process, and checking the signatures on mail-in ballots. Ms. Fiedler stated the Republican Committee filed petitions with the Berks County Court of Common Pleas asking for a manual recount because of numerous complaints. Ms. Fiedler stated as an individual you could pursue

Maidencreek Township Board of Supervisors

March 9, 2023

7:00 p.m.

with the county about verifying signatures on the ballots. The Board thanked Mr. Batz for his concerns with voting.

REPORTS

Police Report

Chief Keiser went over the January activity report including calls for service, citations, traffic warnings, vehicle contacts, and arrests. No service was done on vehicles, he continued with the fuel, hours, crashes hit and runs, and fines. The numbers for February will be out on Monday after the Northern Berks Regional Police Commission Meeting. He spoke about the National Night Out, stating that Schuylkill Valley School District permitted us to use the school again this year. Chief Keiser said it will be bigger than last year and if anyone would like to volunteer, please call the office to register at 610-926-2999. We are always appreciative of volunteers.

Engineer Report

Update on Brake Retarder Ordinance Consideration.

Tom Unger said he received and reviewed the crash results from Chief Keiser. Mr. Unger said we will be ready to move forward for the next meeting.

Accept Maiden Creek Associates LDP Time Extension until April 13, 2023.

A motion was made by Heidi Fiedler to accept Maiden Creek Associates LDP Time Extension until April 13, 2023. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Accept the Lowest Responsible Road Bid.

The Board discussed with Tom Unger, Hunter Ahrens, and Keith Shuman the condition of the roads to be paved with the 2023 Road Bid and for the coming years for road paving and staying within budget.

A motion was made by Heidi Fiedler to accept contracts with H & K for Part A in the amount of \$626,451.50 and Martin's Paving for Part B in the amount of \$55,324.85. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Discussion of Stream Infrastructure Improvements and Authorizations of Work Therein.

Tom Unger stated they had a meeting last Wednesday with Berks County Conservation District with funds available for the township. They toured the streams and infrastructure, looking at the West Walnut Tree box culvert, and erosion at Willow Creek and Cornerstone Drive culverts. Mr. Unger stated the grants would be for 2024. Mr. Unger said he also showed pictures of Blandon Meadows. The Board, Mr. Unger, Mr. Ahrens, and Mr. Shuman discussed the Vac Truck rental costs, hours, and multiple issues that need to be considered. Mr. Unger stated that you will have to continue to maintain the Stream Infrastructure. Mr. Franke stated there is a program working together with the state having work done within the township. The Board and Mr. Ahrens discussed further deciding which part of the stream to prioritize.

Maidencreek Township Board of Supervisors

March 9, 2023

7:00 p.m.

A motion was made by Heidi Fiedler to authorize the Township Manager to rent the Vac Truck, not exceeding \$10,000.00 for work at Cornerstone Bridge and West Walnut Tree Culverts. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Solicitor

Discuss Draft of Parking Ordinance Revisions (related to NBRPD).

Mr. Frey drafted and submitted to the Board about adding more streets to the Parking Ordinance. He stated it will be advertised seven days before the next meeting for adoption. Mr. Ahrens stated there are truck traffic issues at June Ave and Excelsior Drive, discussing adding there is no parking in that area. Mr. Franke asked if Route 222 could be added to the no parking and maintenance of signs.

Consider Approval of Inter-Municipal Agreement with Perry Township.

Mr. Frey stated they need signatures for the agreement with Perry Township.

Consider Approval of Development Agreement for Trinity Bible Fellowship.

A motion was made by Heidi Fiedler to approve the Development Agreement for Trinity Bible Fellowship. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye."

Mr. Frey reminded the public of the Maiden Creek Associates Conditional Use Hearing on Monday, March 27, 2023, at 6:30 pm and April 26, 2023, at 6:30 pm.; and working on dates for May and June.

Manager/Public Works

Review 15-Year Road Maintenance Plan Draft.

Mr. Ahrens stated the Board received a Plan Draft schedule for 2024 to 2036 with 15 years from the starting point of 2022. The draft covers all the roads in the township, with a total cost for 13 years of \$7,341,968.22. Ms. Fiedler thanked Mr. Ahrens for the work done on the project. Mr. Ahrens let the Board know that Mr. Shuman also participated in the project. He stated there will be another draft in April, building on this every year with condition ratings along with the budget.

Discuss Ordinance Changes to C-2 Zoning District.

Mr. Ahrens stated the Planning Commission will exclude reference to a warehouse, clarifying supplementary regulations in the C-2 Zoning Ordinance changes. Ms. Fiedler said she appreciates the Planning Commission doing this and agrees with the changes. Mr. Frey said it will have to wait until May to send it to Berks County.

A motion was made by Heidi Fiedler to authorize our solicitor to re-draft the proposed change to Maidencreek Township's C-2 Zoning Ordinance, removing the warehousing from the ordinance and sending it to the Planning Commission. There was no second for the motion.

Maidencreek Township Board of Supervisors

March 9, 2023

7:00 p.m.

Steve Wolfson discussed when he bought the property on Route 222 and timelines including the PennDOT project on Route 222 for the roundabouts. Mr. Wolfson stated he worked with the township against PennDOT and lost. He stated he called the township and met with staff, possibly one of the supervisors, to discuss what his proposal was about the property. The township did not want residential at that time. Mr. Wolfson then said he called the township last January 2022 to talk about a plan, he stated he called several times and said the township did not want to meet with him. He then stated he decided to submit his plans sometime in March 2022 to start the process. Mr. Wolfson went on to say, let us see what will be in the conditional use hearings. He stated it is unfair that he does not have a dialogue with the township.

Mr. Frey stated if they adopt this ordinance change it will not affect Mr. Wolfson's plan. Mr. Wolfson's plan would go forward under the old code.

Mr. Wolfson and the Board discussed receiving guidance from the township in 2021. Mr. Wolfson again stated he did not try talking to the township until January 2022, then submitted plans in March even though there was no response from the township. The Board and Mr. Wolfson continued the discussion. Ms. Fiedler stated there was no communication with her and she was unaware that Maiden Creek Associates had proposed a warehouse until the boxes of documents were dropped off at the township building in March 2022. Mr. Franke thanked Mr. Wolfson for coming and apologized for not having the dialogue that should have taken place. Mr. Wolfson said he is here to create jobs. Ms. Fiedler asked if there were any public comments from the audience.

Steven Dimeck, Longleaf Drive asked if guidelines should be met and considered but does it mean you must approve?

Mr. Frey said for conditional use there are set conditions that the developer must prove. Once the developer proves that the burden shifts to the neighborhood to prove general conditions of health, safety, and welfare of the community.

The Board went into executive session at 9:16 pm for litigation and returned at 9:33 pm

The C-2 Zoning District discussion to remove warehousing has been tabled.

Consider Draft for Streets and Sidewalks Ordinance.

Mr. Ahrens stated he is still working on the draft and waiting for feedback from Tom Unger. Mr. Ahrens said he is working with Keith Shuman and will have a completed draft for the next meeting.

Park and Recreation

Discuss Approval to Receive Quotes and Schedule Work for Pickleball Courts.

A motion was made by David Franke to approve receiving quotes and schedule work for Pickleball Courts. Joshua Meck seconded the motion. Heidi Fiedler opposed the motion and said that the \$80,000.00 should be spent on paving township roads. The motion passed 2 to 1.

Maidencreek Township Board of Supervisors

March 9, 2023

7:00 p.m.

Discuss Approval to Receive Quotes and Schedule work for Ontelaunee Heights Walking Trail.

A motion was made by David Franke to approve and receive quotes and schedule work for Ontelaunee Heights Walking Trail and costs, not to exceed \$18,000.00. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Discuss Approval to Apply for Open Space Plan Grants.

A motion was made by Heidi Fiedler to approve an application for Open Space Plan Grants. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Business

Discuss Approval to Upfit New Truck with Lights and Equipment.

A motion was made by Heidi Fiedler to approve the Upfit New Truck with Lights and Equipment. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Discuss Approval to Purchase Light Row at Blandon Fire Co. Ballfield.

A motion was made by Joshua Meck to approve the purchase of the Light Row at Blandon Fire Co. Ballfield. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Permission to List Vehicles on Municibid.

A motion was made by Heidi Fiedler to list vehicles on Municibid. Joshua Meck seconded the motion. Hearing no question on the motion, all members voted, "Aye." Motion passed.

A motion to adjourn the meeting was made by Heidi Fiedler and seconded by Joshua Meck. The meeting was adjourned at 10:11 p.m.

Respectfully Submitted,

Christina Hafer
Township Secretary