

Maidencreek Township Board of Supervisors

April 13, 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, Eileen Gordner, Anthony Spero, Jarrett Gibboney, Charles Voorhies, Richard Wick, Debra Solivar, Mike Schittler, Donna Culp, Dennis Fink, Robin Fink, Mr. Snyder, Jr., Aaron Rogers, Lee Turner, Robert Wood, John McCebe, Brian Dixon, Joann Chabrel, Heather Schoeng, Todd Tanic, Jonathan Gruber, Eric Luckenbill, Al Dallas, and Kristin Smith, and other guests.

Attending the Zoom: Brooke Meck, Scott Zimmer, Karen Wolfson, Keith Dmochowski, Dawn Geshwindt, David Wolfson, John Ruck, 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 amend the agenda to reflect an addition to the Street Parking Ordinance. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Dave Franke stated the Board had an Executive Session that followed the Conditional Use Hearing on April 26, 2023, for personnel and litigation issues.

Mr. Franke announced the Fire Chief asked for a no-burn request in effect until this Saturday. He also said street sweeping begins next week and continues through April.

A motion was made by Heidi Fiedler to accept the March 9, 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 approve the March 2023 Treasurer's Report and approve the Check Request List for March 2023 bills. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

PUBLIC COMMENT

Eileen Gordner, 338 Main Street.

Ms. Gordner said she would like to talk about the low-head dams.

Eric Frey made a statement on behalf of the Board of Supervisors. In the fall of 2022, the Township undertook repairs to a low-head dam on the property adjacent to East Wesner Road and private properties. The Township undertook the work to clear away the buildup of silt and sediment and to correct structural undermining that was caused by stream flow and flooding. The staff also placed stones to prevent further buildup or erosion. This work, as we now understand, required a permit from the Berks County Conservation District, which was not acquired. An

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investigation is underway by the Berks County Conservation District under the guidance of the Environmental Protection Agency. The current understanding of the investigation is for determining whether the work was proper and whether a permit should have been issued. The Township will obtain the permit which should resolve the matter. In addition, the work was scheduled, and its preparation was not appropriately communicated to the Board of Supervisors. With these two findings, the township is awaiting these investigations to conclude by the Berks County Conservation District and will conduct a review of its procedures to ensure the Board of Supervisors is appropriately consulted on future projects. At this time, Mr. Frey advised the Board of Supervisors and staff not to comment on this matter due to it being investigated by a regulatory agency, and the Township internal review is a personal matter.

Mr. Frey stated the public could comment, but asked the Board not to comment on this matter.

Ms. Gordner stated the Conservation District and Environmentalist are pushing to have the low-head dams removed, with Pennsylvania leading in removing these types of dams. She stated the only dams being kept are for drinking water or providing flood relief. She also stated if they are going to be removed, why are we spending money to restore them if they are to be dismantled?

John Adams asked the Board if they were in favor of building one million square foot warehouses on the Route 222 corridor.

Mr. Frey asked the Board not to answer that question, due to the Board of Supervisors being judges in the Conditional Use Hearings and needing to remain neutral.

Mr. Adams directed his statement to two of the Board members that they voted no on a motion to exclude warehouses from zoning. Franke stated that was not correct. Ms. Fiedler stated she wanted to clarify that she made a motion to start the legal procedure to remove warehouses from the commercial zoning on Route 222 and her colleagues did not second her motion.

Doug, a resident of Lancaster County asked Mr. Meck if he was employed. Mr. Meck asked Doug if he was a resident of Maidencreek Township. Doug stated Mr. Meck left part of the financial interest form blank and said he was in violation of the PA Ethics Act. Dave Franke stated Doug was out of order.

Jarrett Gibbony, 267 Longleaf Dr.

Mr. Gibbony asked if the Board had an update on UGI and Comcast. Mr. Ahrens stated they have a meeting with UGI at the end of the month and made it clear to all parties that the work in Ontelaunee Heights is the Township's priority and will not permit work under the ordinance to any areas that have been newly paved.

Richard Wick, 509 E Wesner Rd.

Mr. Wick said there was a motorcycle passing by fast on E. Wesner Rd. He described the bike. He stated that it was speeding several times and would like someone to check on this. Mr. Franke asked if he would notify the police.

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Debbie Solivan, 203 Sandhurst Blvd.

Ms. Solivan asked if the gag order would be lifted before the primary election, so there could be questions answered about the warehouse. Mr. Franke stated they could not comment about the warehouse until a decision is made.

Albert Dallao, 119 Ponderosa Dr.

Mr. Dallao stated he would be part of the parking ordinance discussion.

Charles Voochies, 284 W. Walnut Tree Dr.

Mr. Voochies stated he had county documents about the dam being on Township property. He also stated Mr. Meck and Mr. Franke should apologize. The discussion continued between Mr. Voochies and the Board. Mr. Franke and Mr. Meck stated they did not say the dam was on Ms. Fiedler's property. Ms. Fiedler stated she was accosted by an individual who followed her and repeated what was on Mr. Bauman's Facebook with false information, accusing Ms. Fiedler of owning the low-head dam. Mr. Franke stated we are not to discuss the low-head dam or the warehouse, which are both under legal action.

Lee Turner, Fleetwood Area Public Library.

Ms. Turner went over the difficulties and upgrades the library had made in the past few years. She explained what the library does for the community with programs for all ages. She said that she hoped the funding for the library would continue for 2023. She stated if we don't keep up with the programs, the library will lose funding and any contribution would help the library including individuals could also help fund the library. Mr. Franke said to request funding in September.

REPORTS

Police Report

Chief Keiser communicated the March 2023 activity report including calls for service, citations, traffic warnings, vehicle contact, arrests, crashes, and vehicle services with the numbers for each municipality. He also spoke about vehicle maintenance, fuel, and hours of service. Chief Keiser stated they are approved to hire new officers and brought up National Night Out on August 1, 2023. He said there were incidents in Ontelaunee Township and Leesport, the officers are dealing with investigations. Chief Keiser spoke about the qualifications for applying for a full-time officer. Mr. Franke thanked Chief Keiser and all the officers, stating they are doing a good job.

Engineer Report

Accept Jojaz Properties LDP Time Extension until April 14, 2024.

A motion was made by Heidi Fiedler to accept the Jojaz Properties LDP Time Extension until April 14, 2023. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

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Accept Maiden Creek Associates LDP Time Extension until May 11, 2023.

A motion was made by Heidi Fiedler to accept Maiden Creek Associates LDP Time Extension until May 11, 2023. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Comments on Zoning Hearing Board Hearings.

107/109 W. Wesner Road developers are requesting a variance to subdivide the property into separate lots. The Board did not take any action on the variance, letting it continue to the Zoning Hearing Board.

504 Main St. is requesting a variance to allow it to be a restaurant. The Board did not take any action on the variance, letting it continue to the Zoning Hearing Board.

Eric Luckenbill, Fleetwood Baseball Scoreboard. Mr. Luckenbill asked if the Board would support them on a scoreboard on the upper field. He stated there is funding this year and asked the Board for help with the electric line to the scoreboard. Mr. Luckenbill also stated they would take care of the scoreboard and others could also use it, as long as they let Fleetwood Baseball know. They plan to have it installed in June/July 2023. Mr. Unger said they should apply for a permit for the electrical work.

A motion was made by Joshua Meck to approve the placement and electrical cost for the installation of the scoreboard. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Solicitor

Public Comment and Consideration of Ordinance Governing Street Parking and Fines - AMENDED.

Albert Dallao, 119 Ponderosa Dr. Mr. Dallao asked the Board to include the Ontelaunee Heights section on truck traffic. Mr. Frey said we could add it to the Truck Brake Ordinance. Mr. Dallao also commented about parking on the shoulder of the roads and no truck parking on residential streets.

A motion was made by Heidi Fiedler to adopt Ordinance 254-23 for Street Parking and Fines. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Discussion and Potential Approval of Amendment to Tree Tops Trust Agreement.

A motion was made by Heidi Fiedler to authorize consent for Tree Tops to amend the Agreement. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Mr. Frey stated the warehouse developer advertised a deemed approval which was not warranted. He said the public can file an appeal by May 4, 2023, then the Board and Solicitor could intervene. The audience asked questions about the legality of Conditional Use Hearings. Mr. Frey explained to the audience what to expect going forward.

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Mr. Frey announced the upcoming Conditional Use Hearings at Willow Creek Elementary School on April 26th, May 30th, June 6th, July 11th, and August 8th.

Manager/Public Works

Presentation on Road Plan.

Mr. Ahrens presented the Road Plan for the upcoming years, stating it would be a 15-year plan. He had five items on the plan including conditions of the roads, the intensity of use, previous work, location, and cost of improvement. He spoke about how to extend the life span of the roads. Mr. Ahrens said the presentation will be posted on the website. He also spoke about how to budget for the future, including other Township infrastructures. The audience and the Board discussed further the roads and how the plan could work and issues that could arise.

Business

Appoint Manager to Berks Tax Committee, per Resolution 2023-20.

A motion was made by Heidi Fiedler to appoint the Township Manager as the alternate to the Berks County Tax Committee, per Resolution 2023-20. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Award Fuel Bid Contract via BCIU.

A motion was made by Heidi Fiedler to award the Fuel Bid Contract to BCIU. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Consider Road Openings in Streets Ordinance Draft.

A motion was made by Heidi Fiedler approving to move forward and advertise the Road Openings in the Streets Ordinance draft. Joshua Meck seconded the motion. Hearing no questions on the motion, all members voted, “Aye.” Motion passed.

Discussion and Potential Approval of Pickleball Courts Installation at Community Park.

A motion was made by Joshua Meck to approve the installation of the Pickleball Courts at the Community Park. Dave Franke seconded the motion. Heidi Fiedler opposed the motion. The motion passed 2 to 1.

Executive Session after adjournment.

A motion to adjourn the meeting was made by Joshua Meck and seconded by Heidi Fiedler. The meeting was adjourned at 9:02 p.m.

Respectfully Submitted,

Christina Hafer
Township Secretary