Manager's Report - May 2020

Office Activity.

- Permit applications, bills, deposits and bank reconciliations were handled in a timely manner. Review fee letters were emailed.
- Attended Planning Commission (May 6), Board of Supervisors meeting (May 14), Authority (May 21) and Park & Rec (May 28)
- May 7 – Webex Meeting with PEMA on Covid 19 relief
- May 12 road bid opening.
- May 20 – Site meeting at GSP Properties. All units are ready for tenant occupancy.
- May 28 – Met with employee union to begin negotiations.
- Berks County Conservation District grant payment received.
- Processed three Planning Commission plan submittals and met with Mike Shirk of Stoney Creek Rentals on parking lot expansion.
- Coronovirus updates – all month, various email, webinars, Zoom meetings
- 3-hour Notary Training on May 1st.
- Completed virtual Workers Compensation audit with no findings.
- I am still manning the office alone.

Road Crew Activity.

- Install walkway at dog park.
- Road mowing.
- Install drainage at small dog area in dog park.
- Topsoil to Blandon Playground and seed.
- Assist Authority with sink hole repair on East Wesner Road.
- Assist Authority with flagging on Route 73 to repair curb stops.
- Haul fill for Authority from Well #1 to WD Zwicky.
- Maintained grass in all parks and weekly picked up trash.
- Began annual drain inspection for MS4 permit.

Park and Recreation.

- There were no requests for purchases.
- Minutes attached.

Zoning Report.

- The Zoning Officer's report is attached.

From the Public.

- An email was received asking that the Board consider changing the Burning Ordinance to clearly allow the different types of recreational fire pits, chimineas, fire tables, etc. closer than fifty feet from a structure or property line and modify our definitions of open and contained burning.

General Information.

- The owner of 224 W Walnut Tree Drive no longer wishes to sell 2.25 acres to the Township.
- The Township building was cleaned twice by the County of Berks, before and after the election.
- We need to discuss the union proposal in executive session and schedule the next negotiation meeting.
- Road Closure for railroad work on Chestnut and W Wesner from Monday June 15th through Friday June 19th. Detour map attached.

Respectfully Submitted,

Diane Hollenbach

Diane Hollenbach, Manager

MAIDENCREEK TOWNSHIP
PARK AND RECREATION BOARD MEETING
Regular Meeting May 28, 2020

Attending: **By Zoom -** Anthony Spero, Brad Congelio, **In Person -** Cody Rhoads, Tim Mills, Stephanie Davenport, Diane Hollenbach – Recording Secretary

Guests: Keith Shuman

Anthony Spero called the Regular Meeting to order at 7:00PM. The meeting was conducted via Zoom online video conference and in the Maidencreek Township meeting room.

APPROVAL OF PRIOR MEETING MINUTES:

Cody Rhoads made a motion to approve the April 23, 2020 regular meeting minutes, seconded by Tim Mills. All present voted in favor; the motion passed.

APPROVAL OF TREASURER'S REPORT AND BILL LIST:

Stephanie Davenport made a motion to approve the Treasurer's Report and Bill List, seconded by Tim Mills. All present voted in favor; the motion passed.

PUBLIC COMMENTS - None

BUSINESS

Willow Creek Dog Park Sign – Keith Shuman explained that the sign is our standard three foot by four-foot green reflective park sign that will be mounted between posts with brick at the bottom.

Tim Mills made a motion to place the sign left center of the vehicular entrance toward the large dog park side of the facility, seconded by Anthony Spero. All present voted in favor; the motion passed.

Community Park Shed – The Maidencreek Township Authority is donating a shed to the Park and Recreation Board. The shed was used on the new well site during testing and is no longer needed. The Board decided that the shed should go along the entrance drive where we had one previously. The Board discussed allowing the YMCA Summer Program to use the shed instead of the concession stand for storage.

Tim Mills asked if prices could be obtained to apply weed control to the fenced in baseball field. There is a dandelion problem.

Fee Schedule

The Board looked at other municipal fee schedules for renting recreation facilities and discussed fees for seasonal rental of fields. The Board wants to keep a healthy balance of use so that every resident that wants to, has an opportunity to use the parks. Black out days were suggested for one weekend a month. The Board asked the Manager to talk to the Solicitor about use of taxpayer funded facilities by groups that are making a profit by being there. Stephanie Davenport asked that the rules be updated to include some of the items from other municipalities, a policy on when rental fees are due and a refund policy. The Board will continue to work on the fee schedule.

Decisions made:

- Pavilion rental Resident $50, Non-Resident $100
- Concession rental Resident/Non-Resident $50 with $100 security deposit
- Seasonal Athletic Field Usage – no decision made except to keep $25 per game for using ballfield lights
- Township Meeting Room $50 per day, Nonprofits no charge
- Township Equipment (tables, tents, chairs, hotdog roller) $50

Comments from the Board

Tim Mills asked everyone to look at the Blandon Fire Company Tot Lot. The parking area may not be feasible that was discussed prior and everyone should look at it for themselves.

Stephanie Davenport reported a tree in the Community Park had split and fell across the stream. The signs posted at the playgrounds are difficult to read from the weather. Cody Rhoads added that one of the signs is on West Walnut Tree in someone's yard.

ADJOURNMENT

Having no further business, Cody Rhoads made a motion to adjourn the meeting, seconded by Anthony Spero. Hearing no questions, all voted in favor. The motion passed. The meeting adjourned at 8:09PM.

The next regular meeting will be Thursday, June 25, 2020 at 7p.m.

Respectfully Submitted,

Diane E. Hollenbach
Township Manager/Secretary/Treasurer

Township of Maidencreek 06/03/2020
Zoning and UCC Services
Great Valley Consultants – GVC #3026-007 and 3026-008

ZONING AND UNIFORM CONSTRUCTION CODE SERVICES
Monthly Report – May 1, 2020 through May 31, 2020:

The following permits / plans were reviewed and processed:

20-058	05/01/2020 -	436 Eagle Drive – Patio for Amanda Dierolf
20-059	05/05/2020 -	428 Acer Drive – Shed for Glenn Herbert
20-060	05/05/2020 -	39 Kemmerer Road – Above-ground pool for Elizabeth Brittenburg
20-061	05/07/2020 -	343 Cactus Road – Deck for pool for Arkadiusz Blicharz
20-062	05/11/2020 -	101 Lidia Lane – Fence for Logan Gerould
20-063	05/11/2020 -	248 Faith Drive – Deck replacement for Michael Smeltzer
20-064	05/11/2020 -	608 Walnut Tree Drive – Deck replacement for Stephen Hoare
20-065	05/12/2020 -	444 Riviera Drive – Fence for Brian Fellechner
20-066	05/12/2020 -	444 Riviera Drive – Shed for Brian Fellechner
20-067	05/13/2020 -	301 White Birch Lane – Shed for Kevin Jameson
20-068	05/14/2020 -	154 West Wesner Road – Detached garage for Karin Long
20-069	05/18/2020 -	413 Grandview Drive – Fence for Joseph Gracobello
20-070	05/18/2020 -	314 Faith Drive – Renovations for fire restoration for Derlin Phillips
20-071	05/26/2020 -	195 Sandhurst Blvd. – Shed for Michael McLaughlin
20-072	05/27/2020 -	129 Cedrick Avenue – Solar system for Victor Rodriguez
20-073	05/27/2020 -	325 Cornerstone Drive- Solar system for Stefany Dresh
20-074	05/27/2020 -	399 Main Street – Fence for Gregory Young

The following were meetings or discussions for Zoning and Building Code services:

05/04/2020	-	Prepared monthly report for April.
05/08/2020	-	Discussion with Karin Long of 154 West Wesner Road regarding permits for installation of a detached garage.
05/08/2020	-	Discussion with Logan Gerauld of 101 Lidia Lane regarding a permit for a fence.

05/11/2020	-	Discussion with Karin Long regarding questions on permit application for demolition of existing garage and construction of new garage on same footprint.
05/12/2020	-	Discussion with Karen Hoagland regarding 26 acre property for sale along West Shore Drive and relocations on one of the two existing homes.
05/13/2020	-	Discussion with Tom of D&B Construction regarding questions on pavilions at mailboxes.
05/13/2020	-	Discussion with Sherri Giacobello regarding permit for fence in rear yard between neighbors fences.
05/14/2020	-	Discussion with Evan Fahs regarding a possible commercial solar system installation at Snyder & Orchard Roads. Prepared and issued a zoning determination letter regarding this proposed use.
05/15/2020	-	Discussion with Pat Detweiler of Berks Fire & Water regarding permits for reconstruction from fire at 314 Faith Drive.
05/15/2020	-	Discussion with Michael Helfer of Meadowbrook regarding questions on permit for a fence.
05/18/2020	-	Discussions with Tom Rinaldo of D&B Construction regarding final inspections and U&O Certificates for building at 8520 Allentown Pike.
05/19/2020	-	Discussion with Ken Neihart regarding permits for an above-ground pool or a hot tub.
05/21/2020	-	Discussion with Frank Grigol regarding property at 100 Sofia Blvd. and allowable uses.
05/21/2020	-	Discussion with Richard Tracy of 338 Cornerstone Drive regarding proposed addition to existing deck.
05/21/2020	-	Discussion with John Scully of martin Construction regarding questions on porch footings at 367 West Shore Drive.
05/22/2020	-	Responded to emails from Gary Trythall of CMC Milling regarding proposed flammable liquid storage building at 1246 Maidencreek Road.
05/27/2020	-	Discussions with Jody McCaffery regarding permit for shed on Austrian Drive.
05/27/2020	-	Discussion with Steve Moser regarding construction of a deck at rear of hose that would be over top of a basement egress window.
05/28/2020	-	Discussion with Zack Lambert regarding shed permit for 200 White Birch Lane.

The following UCC inspections were performed:

05/04/2020	-	219 Schaeffer Road – Footing inspection for pole barn – PASSED
05/04/2020	-	724 Golden Drive – Footings for deck – FAILED
05/04/2020	-	833 Park Road – Occupancy inspection – PASSED
05/05/2020	-	724 Golden Drive – Footing re-inspection - PASSED

05/07/2020	-	724 Golden Drive – Framing inspection – FAILED
05/07/2020	-	219 Schaeffer Road – Framing inspection of pole barn – PASSED
05/08/2020	-	221 Cornerstone Drive – Final inspection - PASSED
05/11/2020	-	248 Faith Drive – Deck Footing inspection - FAILED
05/11/2020	-	248 Faith Drive – Site meeting regarding footing and framing issues
05/13/2020	-	219 Schaeffer Road – Framing re-inspection of pole barn - PASSED
05/13/2020	-	8520 Allentown Pike – Framing inspection of pavilion at mailboxes – PASSED
05/14/2020	-	169 Orchard Road – Final building and electrical inspections for detached garage – PASSED
05/15/2020	-	724 Golden Drive – Final inspection for deck - PASSED
05/22/2020	-	276 Faith Drive – Final inspection for porch and ramp – PASSED
05/22/2020	-	8520 Allentown Pike – Units 1 through 22 – Final accessibility inspections – PASSED

The following were meetings, discussions, inspections or processing of documents / correspondence regarding enforcement of the Property Maintenance and/or Zoning Ordinances:

05/04/2020	-	Discussion with Hector Leiva of 151 Austrian Drive regarding status of the NOV issues on abandoned vehicles and property maintenance.
05/06/2020	-	Site visit to 12 Adele Avenue regarding complaint.
05/07/2020	-	Prepared and issued NOV letter regarding abandoned vehicles at 201 West Walnut Tree Drive.
05/08/2020	-	Prepared and issued NOV letter to 728 Golden Drive regarding discharge of pool water onto a neighbor's property.
05/14/2020	-	Site visit to 130 Hill Road regarding complaint on property maintenance issues.
05/15/2020	-	Site visit to 12 Adele Avenue regarding complaint.
05/19/2020	-	Prepared and issued NOV letter to 130 Hill Road regarding zoning and property maintenance issues.
05/19/2020	-	Prepared and issued NOV letter to 12 Adele Avenue regarding zoning issues with pool.
05/19/2020	-	Site visit to 104 Hill Road regarding grass complaint. Prepared and issued NOV letter regarding high grass / weeds.

Diane Hollenbach

From: rjgriff@ptd.net
Sent: Thursday, May 28, 2020 9:04 AM
To: Diane Hollenbach
Cc: 'Bob Griffin'
Subject: Clarification of Township ordinances regarding open and contained fires

Hello,

I have been attempting to review the township's polices and ordinances regarding open and contained fires. I have reviewed chapter 88 section 2 in the township ordinances that reside on the Maidencreek web site. I was wondering if you could provide a clarification. In Chapter 88-2 there are a series of definitions. Two that I am interested in are presented below. These pertain to contained and open fires.

§ 88-2. Definitions.

CONTAINED FIRE — Any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure designed for outdoor cooking or a fireproof container.

OPEN FIRE — A fire in which any material is burned in the open or in a furnace or incinerator, including uncontained fires.

The classification is critical in determining whether a fire can occur within the township with respect to the zone in which a residence is located.

I am assuming that a standard propane or charcoal grill used for cooking is definitely considered a contained fire and is acceptable. The key to compliance with the township ordinances is determining whether a fire is classified as "contained" or "open".

My query is what type of fire are the following are considered:

1) Propane fire table used for ambiance and some heat at outdoor social gatherings on a deck or patio. These are very common and readily available with patio furniture. Generally these contain a metal tub with a propane burner. These are essentially very similar to a propane barbecue grill without a lid.
2) A fire ring or pit constructed from brick or block that is circular, sits on the ground, has a wall height of approximately 2 feet and has an open top. Burns wood and is used for heat and ambiance during social gatherings. These are similar to a campfire but with the short masonry ring around the fire. Many people build these in their yards for entertainment, and recreation.
3) A portable metal fire pit with mesh on the sides and lid that is used for ambiance and warmth during social gatherings. Again it is similar to a campfire in a metal tub but is either typically on wheels or legs. These are popular to purchase commercially and can be used without the lid or with the mesh and lid.
4) Ceramic or metal Chiminea with legs or a stand generally with a short chimney with wire mesh on top of the chimney to prevent embers from escape. Used again for ambiance and warmth at social gatherings.

Classification of these needs to be placed within the definitions section of chapter 88-2. These examples would generally be placed under "contained" or "open". It would be useful to amend chapter 88 and provide specific examples within the definition. Including the 4 examples listed above in the appropriate definition category within chapter 88-2 would be helpful and serve to eliminate ambiguity. I suspect that the four examples above constitute most of the situations that a

standard residential homeowner in the township would be considering. An example of ambiguity is the mention of the word "incinerator" in both definitions of Open and Contained fires.

Further confusion occurs within chapter 88 section 6 part D under the heading of hours. Bullet 1 states that open fires cannot be burned between sunset and sunrise. Bullet 2 states that contained fires cannot be burned between sunset and sunrise. A propane cooking grill is considered "contained" from the definitions in chapter 88-2. Does that mean that there is no grilling of food after sunset? I believe that this is an oversight in the regulations. Bullet 3 states that "recreational" fires using natural untreated wood can burn at any time as long as they comply with all other provisions of the chapter. There is no definition of a recreational fire under definitions. Is this an outdoor fire ring? Is it an indoor fireplace? If outdoor fire ring does it need to be 50 feet from property line and buildings in zoning district R-2?

Can you return this email with examples 1 through 4 from the above list classified in the table below for zoning district R-2?

Item from above	Description	Open/ Contained or other?	Legal in zoning district R-2? Yes/No	Subject to 50 foot from property line and building rule in zone district R-2? Yes/No	Can it burn after sunset? Yes/No	Comment
1	Propane fire table that is sold with patio furniture					
2	Wood burning recreational fire ring or pit with short masonry or brick wall					
3	Recreational portable fire pit with legs					
4	Chiminea					

Thanks,

Bob Griffin

Chapter 88. Burning, Open

§ 88-1. Purpose; title.

A. It is against public policy to permit uncontrolled and unrestricted outdoor burning, including burning of leaf waste. The purpose of this chapter is to prevent needless public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or careless set and maintained.

B. This chapter shall be known as the "Maidencreek Township Outdoor Burning Ordinance."

§ 88-2. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them herein:

CONTAINED FIRE
Any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure designed for outdoor cooking or a fireproof container.

ENFORCEMENT OFFICER
The Maidencreek Township Code Enforcement Officer shall be designated Enforcement Officer under this chapter.

FURNACE
Any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE
All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GOVERNING BODY
The Maidencreek Township Board of Supervisors.

INCINERATOR
Any device specifically designed for the destruction by burning of refuse, sewage, sludge, or any other combustible material.

LEAF WASTE
Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

OPEN FIRE
A fire in which any material is burned in the open or in a furnace or incinerator, including uncontained fires.

OUTDOOR FURNACE

(7) It shall be unlawful to ignite, launch, or otherwise release any sky lantern within the Township of Maidencreek.
[Added 5-10-2018 by Ord. No. 245]

B. Exceptions. Subject to the following exceptions:

(1) Open fires may be set in the performance of an official duty of any public officer if the fire is necessary:

(a) The prevention of a fire hazard which cannot be abated by other means.

(b) The protection of public health.

(c) The purpose of fire-fighting training by the Township-designated fire-fighting organizations.

(2) All open fires, except outdoor cooking, are strictly prohibited in Maidencreek Township Zoning Districts R2-a, R-3 and R-4, except properties currently in agricultural usage as of January 1, 2002.

(3) The Maidencreek Township Zoning Districts A, R-1, R-2, CR, C-1, C-2, I and SIA may have controlled outdoor burning (open fires) subject to the following regulations:
[Amended 3-11-2010 by Ord. No. 223]

(a) It shall be unlawful to allow any open fire within 50 feet from any building or property line.

(b) No open fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any structure, building or other property.

(c) Nothing herein shall be deemed to prohibit outdoor cooking activities, providing that reasonable safeguards are maintained.

(d) All open fires must be maintained and supervised by an adult.

(e) No open fire shall be permitted to burn or smolder anywhere within the Township of Maidencreek between sunset and sunrise.

§ 88-4. Outdoor furnaces prohibited.

[Amended 5-10-2018 by Ord. No. 245]
Subject to the exception for the Agricultural Preservation Zoning District and R-1 Low-Density Residential Zoning District, any and all outdoor furnace devices utilized for providing heat shall be prohibited in all Maidencreek Township zoning districts. Such heating facilities include, but are not limited to, outdoor wood-burning stoves and/or furnaces. All outdoor furnaces permitted and used in the Agricultural Preservation District and the R-1 Low-Density Residential District shall comply with all applicable federal and state statutes and regulations for designs and emissions.

§ 88-5. Limitations on burning.

A. Public roads and public properties. No person shall set start, feed, permit to burn or maintain any open fire upon any of the streets, sidewalks, alleys or public grounds in Maidencreek Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

§ 88-6. Limitations on burning on private properties.

(2) Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent body.

(3) No garbage or offal may be burned at any time either indoors or out-of-doors.

(4) Fires shall be used only to burn readily combustible materials.

F. Special circumstances. In the event that it is necessary to have an uncontained fire of a size and/or at times other than permitted under this chapter, special permission must be obtained in advance from the Fire Chief of Maidencreek Township Volunteer Fire Company or his designee. In the event any Fire Company is required to respond to a fire which violates the provisions of this chapter, a service fee may be levied by the responding Fire Company.

G. Enforcement Officer. The Maidencreek Township Code Enforcement Officer shall be designated to have all power necessary to enforce the provisions of this chapter on behalf of the Township.

H. Criminal enforcement penalties.[1]

(1) Any person or entity who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or any other authorized employee of the municipality shall be subject to the criminal enforcement procedures, fines, and schedule of fines as set forth in Chapter **1**, General Provisions, Article **I**, General Penalty.

(2) In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated of any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this chapter may be declared by the Township to be public nuisance and abatable as such.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. **1**, General Provisions, Art. **II**).*

I. Equitable and other remedies. No penalty herein shall prevent the Township from enforcing this chapter by equitable, injunctive and other remedies.

J. Liability. The Maidencreek Township and its agents, officials, and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this chapter, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this chapter. The individual person or party responsible of any such fire shall bear sole liability for any damages caused as a result thereof.


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