Maidencreek Township Board of Supervisors
August 12, 2021
7 P.M.

Attending: Claude Beaver, Heidi Fiedler, David Franke, Tom Unger of Systems Design Engineering, Eugene Orlando, Jr. of Orlando Law Offices, and Diane Hollenbach

Guests: Kevin L. Manmiller, Donna Culp, Henry Koch, Richard Wick, Eric Bauman, Vickie Solberg, Kevin J, Schmidt, Joe Farley, Joe Rudderow, Karen Zerr, Kyle Hawver, Craig Zerr, Craig Momose, Scott Eaken, Jim Keiser, Robert Mitchell, Chelsa Gerould, Deanna Crampsie, Joel Fox, Eric Williams, Roseann Mitchell, Thomas Borrelli, Geoff Price, Dan Miller, Keith Shuman

Zoom Guests: Katelyn Gruber, Debbie Didyoung, Cody Rhoads, Jim Cecchini

Claude Beaver called the regular meeting to order at 7 p.m. and asked everyone to rise for the Pledge to the Flag.

MINUTES AND TREASURERS REPORT

A motion was made by Heidi Fiedler to waive the reading of the July 8, 2021 meeting minutes and approve them with the following changes: page 2 add "Larry Lloyd" to the sentence Heidi Fiedler stated ***Larry Lloyd*** said that the Garcia property could be made into a basin area and change "felt" to "said" in the sentence Mr. Shuman ***said*** it would be completed in August. David Franke seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

A motion was made by David Franke to approve the July 2021 Treasurer's Report and Bill List. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

PUBLIC COMMENT

Joe Farley, Republican candidate for supervisor, 144 South View Road, Fleetwood was strongly opposed to the proposed overlay district to the Commercial Zoning in the Melrose Place development. He stated if he gets to be supervisor that Maidencreek was not going to become a sanctuary or the hood. He believed apartments will increase taxes, cause more congestion and traffic accidents on Park Road, overcrowd the schools and lead to more drugs and crime. He asked the board to not support the overlay district for residential zoning. Mr. Farley added that he and his wife walk and pick up litter in the Community Park and does not think the park should be rented to people who are not residents of the township. He felt there should be more police surveillance because he hears people in the park at 9 and 10 o'clock at night. Heidi Fiedler asked if Mr. Farley had made a complaint to the township. He was unsure who he had talked to but he had told Supervisor Fiedler about it.

Chelsa Gerould, 101 Lidia Lane, Blandon commented on the Melrose Place Overlay District proposal being reviewed by the Planning Commission stating the she wants to keep her community small. She purchased her home based on the lots at the top of the development being commercial. There are drainage issues, high weeds, and things not being maintained. Heidi Fiedler asked if she had filed a complaint about the weeds and Chelsa stated she had not but had met several times with some of the people at the table about the storm water issues. Supervisor

Fiedler asked about sending the Code Enforcement Officer out, and Diane Hollenbach stated that undeveloped lots have until August 15th to be mowed and Mr. Folino has already been contacted about it.

Karen Zerr, 208 Anna Avenue, Blandon just moved into the Melrose Place development for the small community atmosphere. She attended the August Planning Commission meeting and believes the Planning Commission doesn't understand the impact apartments will have on schools such as bus runs, taxes, the children from the apartments not being supervised by their parents and standing at a bus stop near Park Road as well as bullying issues on the bus. She complimented the township receptionist, Katelyn Gruber for the help she provided in dealing with a trash issue in the development. Mrs. Zerr added that people that rent aren't invested in the property they rent and asked that the Board not let the matter get to a vote.

Deanna Crampsie, 312 Sofia Blvd, Blandon stated that the residents are here proactively and will continue to attend. She also informed the board that she had started an online petition that has over four hundred signatures. She offered to provide the comments to the Board from residents all over the township.

Vickie Solberg 317 Sofia Blvd, Blandon asked the solicitor to comment on why the Home Owners Association wasn't formed and asked if the Folinos can do whatever they want without asking the homeowners. Mr. Orlando had not reviewed the HOA documents but Christopher Garrell has been directed to review it and report on the HOA to the Planning Commission. Chelsa Gerould commented that the homeowners don't necessarily want to take the Homeowners Association due to the storm water issues that remain unresolved. Vickie Solberg also brought up that she has called twice that she must duck under the tree limb that hangs over the sidewalk across from the dentist office. She said the trees have never been trimmed.

Scott Eaken, 62 Berk Road, Shoemakersville stated that a lot of time and effort went into the zoning and planning what areas the township wanted to develop and the areas they didn't want to develop. He hoped that it is a lot harder to change zoning now than it was ten years ago. Mr. Orlando stated that there is a legislative process to change zoning regulated by the Municipalities Planning Code since 1968 that is fair, understandable, equally accessible and open to every citizen so no, it is not any easier or harder to change zoning. Mr. Eaken asked if the Board of Supervisors makes a decision, is there a way to word things to make the township's position better when it is appealed to Berks County Court. Mr. Orlando answered that while anyone can file in any court at any time, because this is a legislative change, it is not subject to review by any court. Chelsa Gerould asked how many times the Folinos can bring this change to the township. Mr. Orlando stated that they can come to the Supervisors as many times as they want.

Heidi Fiedler made a motion authorizing the township solicitor to provide a legal opinion on whether the Melrose Place Overlay District proposal complies with the Municipal Planning Code and if it is spot zoning. Eugene Orlando stated that was all part of the Planning Commission process. David Franke explained about the Folino's issues with not being able to sell the commercial properties and how that generated their proposal to allow multi-family housing in commercial zoning. Mr. Franke stated no promises were made. A township must

plan for every use, look at the big picture and be open minded. Heidi Fiedler stated that in 2017 the township spent time on a new zoning ordinance. The Board of Supervisors said no two years ago when the Folinos requested a rezoning of the land and she opposed pursuing it because she did not feel residential in C1 zoning was consistent with the homes behind it, the flooding issues and the traffic issues. Claude Beaver disagreed. The Folinos didn't ask for residential when they attended two months ago but now the application says it. Joe Farley commented the common-sense thing was not to put in the apartments and that no court of law has the right to overstep their bounds and legislate from the bench. Karen Zerr asked if the zoning ordinance is changed will the township be setting a precedence. Mr. Orlando stated no. Mr. Beaver continued on with public comment and the motion died for a lack of a second.

Geoff Price, 325 Sofia Blvd, Blandon asked if the township board really feels that they want high density housing, why there? Why not look at the whole township. If high density housing is appropriate for the township, where is it appropriate? Claude Beaver stated that no one on the Board is looking for more high-density housing.

Thomas Borrelli, 110 Village Drive, Blandon suggested that the Folinos donate the land to the township.

REPORTS

Engineer

Kopfer Subdivision

A motion was made by Heidi Fiedler to accept the developer's letter extending the review period for the Kopfer Subdivision Plan until December 1, 2021. David Franke seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Titan C Final Plan

A motion was made by David Franke to grant final plan approval to the Project Titan C Plan conditioned upon satisfaction of the August 4, 2021 Systems Design Engineering, Inc. review letter, which is incorporated by reference. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Street Project – The preconstruction meeting was held and paving will proceed in September.

W Walnut Tree Bridge and Willow Creek Project – Tom Unger stated that he met with Berks Nature and the Berks County Conservation District at the site and SDE is proceeding with the permitting process. Heidi Fiedler asked about Mr. Unger's GIS Mapping progress mentioned at the July meeting. Mr. Unger stated that it will take two to three days for SDE to convert the CAD files to a GIS format. SDE is also purchasing software and a GPS unit that can get the GIS coordinates for drains and signs in the field. Mr. Unger wanted to use the unit before making a recommendation.

Solicitor

Schwab Storm Water and Improvements Agreement

A motion was made by David Frank to authorize the Board of Supervisors to sign the Schwab Stormwater Agreement and Schwab Improvements Agreement once the Developer has complied with providing financial security and returning signed agreements to the township. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Yard Waste Drop Off Agreement – Mr. Orlando reported that he received comments on the agreement for the existing drop off site. The owner would like to end the agreement at the end of December 2021 and made some changes to the definition of yard waste and the township being responsible for clean-up. Claude Beaver stated that he remembered discussing the agreement lasting for one year.

Act 50 Small Cell Tower Provisions – Mr. Orlando stated that Act 50 amends small cell tower provisions. The township has looked at cell tower regulation numerous times, but the new act contains numerous definitions. Mr. Orlando recommended that SDE examine Act 50 and compare it to the township's existing provisions to see if we need amendments to conform to the new law.

A motion was made by David Frank to authorize Systems Design Engineering to review Act 50, compare it to the township's existing ordinance and recommend changes. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Act 65 Amending the Sunshine Law – Mr. Orlando updated the board on the changes to meeting agendas which take effect on August 29, 2021. Agendas must be posted on the township website and at the main office of the township and the meeting location twenty-four hours in advance of the meeting. The agenda must contain all matters that could be discussed. There are some exemptions. This Act takes effect in September.

Manager – The manager provided a written report and stated there has been a request to move the September meeting to September 16th because one board member could not meet on September 9th. No consensus was reached on a different date, and the meeting will be on September 9th as scheduled.

Heidi Fiedler asked if the storm drain report was complete. Claude Beaver stated that would be discussed later on the agenda.

BUSINESS

Fuel Tank Sandblasting

A motion was made by David Franke to approve the sandblasting of the fuel tanks by Onimus Welding and Fabrication LLC for $1,460. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

America 250 Resolution – Resolution 26-2021

A motion was made by David Franke to approve Resolution 26-2021 supporting the Pennsylvania Commission for the United States semi-quincentennial. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Purchase of C Top Drains for W Walnut Tree Drive – Keith Shuman, Public Works Foreman, reported that there are 717 drains in the township and provided the Board with pictures of the drains on W. Walnut Tree Drive and a report on all the drains. Mr. Shuman asked if the board wished to fix the worst drains first or fix all the drains in one development then move on to the next. Tom Unger suggested that the Road Crew continue to fix the drains ahead of the next year's paving and then switch to fixing the worst drains first. Cost and time to repair drains was discussed and both time and cost fluctuate depending on the condition of the drain being repaired. Mr. Shuman stated that he has a box full of pictures and in many grass is caked in the drain grates. Claude Beaver asked that the next newsletter contain information regarding not blowing grass and snow in the street.

A motion was made by David Franke to approve the purchase of ten C-top drains at a cost of $215 each. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Purchase of 672 Recycling Bins and Lids

A motion was made by Heidi Fiedler to purchase 672 recycling bins and lids from Orbis for $10,496.64. David Franke seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Line Striping of Township Roads

A motion was made by David Franke to approve hiring A1 Traffic and Line Painting under the Berks County Cooperative Purchasing Council bid for $15,232.51 to paint the yellow center lines and white fog lines on township roads. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

911 Dispatching Resolution

A motion was made by David Franke to approve Resolution 27-2021 to enter into an intergovernmental agreement with the County of Berks for consolidated 911 dispatching services with costs increasing annually by CPI-U. Heidi Fiedler seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Purchase of 324 Main Street

Jim Cecchini of 432 East Wesner Road, Blandon wanted to see the board purchase 324 Main Street for a veteran's memorial and to hide the junk yard behind it.

A motion was made by Heidi Fiedler to agree to purchase 324 Main Street from the Pennsylvania Department of Transportation for the appraised value of $14,000 for the purpose of using the property as a small park with a Veteran's Memorial. David Franke seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Police Budget and Percentages – Heidi Fiedler stated that Ron Smeal did not have accurate data for the report he did for the Commission. The report was based on calls. She did not think it was appropriate to change the percentages at this time because we do not have good data on what each municipality receives in services. Additionally, we also discussed reopening the Charter to address issues we have come across over the years. David Franke stated that we all met and agreed to change the percentages for 2022, and there will be a follow up study in with more accurate data. Several time tonight, the board heard residents state they want more police protection. Heidi Fiedler stated that also discussed in the March 1 meeting was if we pay more than 50%, we would get two votes, and the representative for Ontelaunee Township would step down from the Commission. That hasn't happened either. David Franke stated that we didn't agree to a second vote at the meeting and it wasn't part of the agreement. As for the agreement for Ontelaunee's representative to step down, there is no one to take his place because they are short a supervisor right now. Heidi Fiedler stated that a commissioner doesn't need to be a supervisor, and at the conclusion of the March 1 meeting, she remembers Ontelaunee' s solicitor stating that the agreement was non-binding.

David Franke asked if Supervisor Fiedler wanted to disband the police department. Heidi Fiedler said she did not. She supports the police commission and department, but she wanted to see data and an accurate report on the level of service to each municipality. David Franke stated the chief has evaluated much of that over the last two months and our level of service has increased. Chief Keiser commented that the department has been breaking out incidents versus calls since June. He is looking to have accurate data and a report for 2023 budget percentages after a year of collecting data.

David Franke added that two officers will be hired. The Commission is looking at the issues. We have a new chief with a lot of knowledge and experience. There are a lot of changes being looked at for the benefit of all three communities. The officers are working well together. There are no new grievances. We are looking at budgeting and returning money. Based on the treasurer's report and information Ms. Hollenbach provided, Heidi Fiedler stated that $200,000 should be returned to the municipalities. David Franke stated that a reserve is necessary. Claude Beaver stated that we have always asked for money to be returned and money was returned. Joe Rudderow stated the Commission returned money as long as there was a solid reserve. Scott Eaken stated that money wasn't returned in 2020 and 2021 because the budgets weren't approved and there were outstanding legal obligations. Heidi Fiedler stated that the monthly fee covers the monthly expenses, and we do not need the large reserve sitting there. It could be returned, and the municipalities could invest the money.

A motion was made by David Franke to approve an increase in the percentage Maidencreek Township will pay toward the costs of Northern Berks Regional Police in 2022 from 47.5% to 52% with the understanding that the numbers will be reviewed prior to the 2023 budget. Claude Beaver seconded the motion. David Franke and Claude Beaver voted, "Aye." Heidi Fiedler voted, "Nay" because of not having actual data to support the 52% and not reopening the charter to address other issues we have had in the past with the Commission. Motion passed. Joseph Rudderow asked what the annual cost would be. Diane Hollenbach

stated we are currently paying in 2021 $1,295,850.04 and in 2022 the cost will tentatively be $1,482,376.85.

Fuel Tracking

A motion was made by Heidi Fiedler to establish a gasoline fuel tracking procedure where all fuel picked up is recorded in a log and the fuel usage be reconciled every month. David Franke seconded the motion. Hearing no questions on the motion, all members voted, "Aye." Motion passed.

Having no further business, a motion was made by David Franke to adjourn the August 12, 2021 meeting of the Maidencreek Township Board of Supervisors. Heidi Fiedler seconded the motion. Meeting adjourned at 9:08 p.m. The Board went into executive session for building security from 9:08 p.m. to 9:45 p.m.

Respectfully submitted,
Diane Hollenbach