

BOARD OF SUPERVISORS
PERRY TOWNSHIP
April 9, 2019

The regular monthly meeting of the Board of Supervisors of Perry Township was called to order by Chairman Dean A. Adam at 7:40 p.m. on April 9, 2019 in the Perry Township Municipal Building, 680 Moselem Springs Road, Shoemakersville, PA.

A roll call was held and the following Supervisors were present:

Dean A. Adam, Mark Wm. Stitzel and Lance N. Adam

Also present at the board meeting were:

Allen R. Shollenberger, Esq. and Lori E. Seidel, Secretary/Treasurer

CHAIRMAN ADAM ANNOUCED THE BOARD AND ALLEN SHOLLENBERGER WERE IN EXECUTIVE SESSION BEFORE MEETING REGARDING THE NOTICE OF VIOLATION FOR HAMBURG LOGISTICS PARK.

Allen Shollenberger stopped the meeting and requested acknowledgement if anyone was recording the meeting. Nancy James, Ridge Road, stated she will be recording tonight's meeting. Mr. Shollenberger informed everyone according to the Pennsylvania Wire Tap Law, no one can be recorded without their knowledge. The room was poled as a show of hands that do not want to be recorded. Three hands were raised. Nancy James questioned if a majority can rule. Allen Shollenberger stated no; it is the law.

Comments:

Bill Shirey, Zion's Church Road, questioned what can be done about the construction noise from the warehouses. He doubted whether or not they would be considered grandfathered in from the noise ordinance.

Nancy James, Ridge Road, wanted a motion made to acknowledge that a petition was handed in at the last meeting with 155 signatures.

Charles DeCarlo, Zweizig Road, stated he called the office multiple times regarding the dust from the construction site. Mr. Body went out and the construction sites did start using water trucks to keep the dust down but they went back to creating more dust and no water trucks. Mr. DeCarlo wanted to know if they can be fined or shut down the construction. He wanted to know if the Township will power wash all the dust off his house. Mr. Shollenberger stated there is no legal recourse for the Township but maybe as a private citizen.

Rosanne Adam, Windsor Castle Road, spoke about the direct and indirect harassment and character attack on herself and husband, Dean Adam, from other residents in the Township. She explained how their knowledge and experience as self-employers is being used to help the township and she informed residents that her and Mr. Adam have never used their positions at the Township for personal gain.

Rusty Wagner, Shoemakersville Fire Chief, wanted to know when him and Mark would meet to learn how to hook up the generator. Mark Stitzel, Roadmaster, stated the generator was recalled and once it was fixed, they would both learn how to operate it.

Approval of Minutes:

Dean A. Adam made a motion, seconded by Lance N. Adam to approve the March 5th Committee Meeting and the March 12th Supervisors Meetings. Motion carried with all Supervisors voting yes.

Treasurers Report:

(See attached report)

Mark Wm. Stitzel made a motion, seconded by Dean A. Adam to approve the Treasurer's Report dated April 1, 2019. Motion carried with all Supervisors voting yes.

Bills for Payment:

(See attached list)

Mark Wm. Stitzel made a motion, seconded by Lance N. Adam to approve the Bills for Payment. Motion carried with all Supervisors voting yes.

Reports:

Recreation Board had no representation.

Zoning Officer, Joseph Body, reviewed the zoning report for March 2019 with the Board. Mr. Body stated there were multiple permits issued for sheds, sign, and pools. Fleetwood Fixtures received a permit for storage and shipping crates. Mr. Body questioned if there were any liens for the property at 760 Water Street. Allen Shollenberger stated no but Municipal Authority does and Mark Koch, Municipal Authority Solicitor, has been in contact. Mr. Body stated the property on Mohrsville Road was sent an NOV in January to clean up. He went passed the property today and it looks worse. Allen Shollenberger will review the property. Mr. Body spoke about the Albright property on Mohrsville Road and how it looks like they are trying to clean up since piles seem to be moved.

Jeff Fiant, Kraft Code Services, reviewed the permit activity report for February 24, 2019 thru March 23, 2019 with the Board. Mr. Fiant stated there have been many inspections including the generator here at the Township. Lance N. Adam questioned if Baseball Association could use compacted millings on a 4-foot-wide path at the park. Jeff Fiant stated yes and would clarify later the dimensions.

Gene Buck, Planning Commission Chairman, stated at the April 3, 2019 meeting all members were present. They discussed the warehouses and plans but no approvals were made. The meeting was then adjourned.

Donald Mast, Municipal Authority, had nothing to report but stated the Joint Meeting was productive and informative. He feels these meetings give positive results for residents. Allen Shollenberger added it was good Mark Koch, Municipal Authority Solicitor, attended because he learned a lot.

EMC, Ron Corl, stated there was nothing to report at this time.

Mark Wm. Stitzel, Roadmaster, stated the roadcrew is working on patching potholes, brush cutting and drainage repair.

JB Environmental Services no activity for the month.

Joseph H. Body, Township Engineer submitted progress reports to the Board for Valley West Logistics. The progress reports were discussed for the development and construction. He did talk to Core5 since fencing is not on the plans but should be along the Weidner property. Mr. Body stated based upon his findings he recommends to reduce the line of credit since the construction appears to be 65% complete. Lance N. Adam made a motion, seconded by Mark Wm. Stitzel to reduce the Line of Credit for Core5 Industrial Partners by Eight Hundred Seventy-

Three Thousand Five Hundred Forty-Nine Dollars and Fifty-Seven Cents (\$873,549.57) and retain the security at Eight Hundred Seventeen Thousand One Hundred Sixty Dollars and Forty-Three Cents (\$817,160.43). Motion carried with all Supervisors voting yes. Mr. Body informed the Board about the comprehensive plan update. Lance N. Adam stated the board should consider looking at updating our plan and sending a letter to Chris Spoon notifying him the township is interested in joining the other Townships at the group price. Lance N. Adam made a motion seconded by Dean A. Adam to send a letter that the Township is interested in viewing the proposal. Mr. Body questioned if anything needed to be done with the letter regarding the Bell Property. Allen Shollenberger suggested Joe Body should send a letter of response.

Allen Shollenberger, Solicitor, stated he was contacted by Corner Stone Law Firm, Larry Krick's Attorney regarding the rezoning of his properties from mixed residential to Commercial. Mr. Shollenberger asked the Board and Joe Body to review the property's and see if this is something that makes sense for the Board to consider changing. Mr. Shollenberger spoke about the property for Tax Sale and it is not the Junk Yard that was in question. Mr. Shollenberger also contacted Arthur Hilt for pump out and the office will be getting a card from him soon. Allen Shollenberger stated the vacancy board is used to fill elected vacancy positions. Having Rosanne Adam on the vacancy board does not create impropriety. She can be on the Vacancy Board and if a vote would need to be made Mr. Shollenberger would guide the Board through proper protocol. He noted Miriam Kline served on the vacancy board with her husband as a supervisor and it was not an issue. The Board is following suit as what has been done in the past. Over the years that Mr. Shollenberger has been the Solicitor there has only been one issue with the Board, no issues for the Auditor and Tax Collector. Lance Adam stated Dave Lindenmuth is not here to state whether he is still interested in the vacancy Board. Allen Shollenberger stated the position needs to be open and since Rosanne has filled the position for this year she would need to resign. Mark Wm. Stitzel stated since were almost half way through the year we should leave it as is and take him into consideration for next year.

BCCPC 2019-2020 Rock Salt

The board discussed the requirements for salt rock. Dean A. Adam made a motion seconded by Lance N. Adam for 500 tons of salt rock with BCCPC 2019-2020 contract. Motion carried with all supervisors voting yes.

Mr. ad Mrs. Adam Modular Home:

Chairman Adam stated he wanted clarification the modular home is not owned by him but by his daughter, April, and her husband, Dean Krumanocker. Rosanne Adam, Windsor Castle Road, submitted a letter and read out loud about the home. Mrs. Adam stated they properly followed the process and were approved but unfortunately, the approval does not seem to be in the minutes. Mrs. Adam stated they will be proceeding by subdividing the property and ask the board for more time to subdivide the property. Allen Shollenberger stated he reviewed his responsibilities as an attorney for the Township and recommended that since the Board was dead locked on the decision, he would have to make a legal decision. He informed Joe Body a Notice of Violation would need to be served to Dean and Rosanne Adam.

Audio Quotes:

Lance N. Adam stated he would be getting quotes but questioned if there was a requirement on how long recordings needed to be held. Mr. Shollenberger stated typically recordings are destroyed after the minutes are approved. The purpose of minutes is not to record exact words but

summarize and record official action. All the voice recording is for is to assist the secretary with minutes.

Ambulance and Fire Marshall:

Stephen Bobella, Northern Berks EMS, gave a presentation on statistics of Emergency Services and the financials of Northern Berks. Dean A. Adam questioned how Hamburg subscription worked if Northern Berks were called out. Mr. Bobella stated they would honor the subscription. Lance N. Adam questioned how the fund drive worked. Mr. Bobella gave an example if the insurance pays \$500 of \$1000 bill then the fund drive would pay the rest if you are a member. Northern Berks 100% is paid and Hamburg EMS 50% is paid for members. Lance N. Adam questioned if there is a response time limit to an emergency. Mr. Bobella stated the response time goes by the emergency.

Letter of Appeal for Hamburg Logistics Park:

The Board reviewed in executive session.

Virginville Fire Company Report:

The Board reviewed the report.

Nancy James Email to "correct" Minutes not Amend:

Nancy James, Ridge Road, requested adding to the minutes from last month, that a petition for the vacancy board was submitted with 155 signatures. Allen Shollenberger questioned what was in the minutes. Dean A. Adam stated he has his petition with him that he received and it only had 57 names on it. Nancy James stated she split the petition up between the supervisors and gave each of them a portion of the 6 pages. Mark Wm. Stitzel and Lance N. Adam both stated they did not have their pages with them. Mrs. James questioned why the Board didn't meet to discuss the petition. She also offered to have her full 6 pages copied. Mrs. James also disagreed with the minutes regarding Dean's knowledge of Dave Lindenmuth wanting to be on the vacancy board. Dean A. Adam stated he was unaware of Mr. Lindenmuth wanting to be on the Board until the motion for the vacancy Board was brought up at the organizational meeting. Lance N. Adam questioned if Mr. Lindenmuth is still interested. Nancy James stated yes. Mark Wm. Stitzel stated he heard different. Dean A. Adam stated until Rosanne Adam would want to resign from the position there is no open position. Nancy James stated she called 8 townships in the area and they record their meetings and don't allow family members to be on the Board.

Comments:

Lavon Martin, Virginville Fire Company, questioned if they were going to be getting a check or should they submit a request. Dean A. Adam stated they were going to need to send a request on the township's payment request form. Mr. Adam directed Secretary Seidel to email the payment request draft form to Virginville Fire Company for their review. Rusty Wagner, stated he has his copy of the draft and is reviewing it.

Larry Krick, stated he would like a microphone at Township Meetings since he can't understand what is being said and then everyone is outside after meeting talking about it.

Stephen Bobella, Northern Berks EMS, informed the Board on the Treasurers Report it states EMS Tax and would suggest changing it since the tax is a fire and ambulance tax. It can be confusing for residents.

Rusty Wagner, questioned if the roadway was going to be put in for access on Mohrsville Road. Dean A. Adam stated they would look at it.

John Ide stated there was work done near his house and a lot of dirt was left on the road. He questioned about the videotaping in the meeting room if it is used for transcribing minutes and adding the minutes on the Township website. Allen Shollenberger stated you're not going to know everything that was said at the meeting the minutes are to record official actions. The cameras are for security. Dean A. Adam added the cameras are for security due to items missing at the township. It will only start recording when there is movement.

Correspondence:

The Board reviewed the correspondence.

Continued:

Dean A. Adam made a motion, seconded by Lance N. Adam, to continue the meeting to April 23rd at 7pm. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON
May 14, 2019

RECORDED BY

Lori E. Seidel, Secretary/Treasurer

Dean A. Adam, Chairman

BOARD OF SUPERVISORS
PERRY TOWNSHIP
April 23, 2019

The recessed meeting from April 9, 2019 of the Board of Supervisors of Perry Township was called to order by Chairman Dean A. Adam at 7:00 p.m. on April 23, 2019 in the Perry Township Municipal Building, 680 Moselem Springs Road, Shoemakersville, PA.

A roll call was held and the following Supervisors were present:

Dean A. Adam, Mark Wm. Stitzel and Lance N. Adam.

Also present at the board meeting were:

Allen R. Shollenberger, Esq. and Lori E. Seidel, Secretary/Treasurer.

Hamburg Logistics Park:

Allen Shollenberger, Township Solicitor, announced this is a continued meeting for the Developer to appeal a notice of violation. This meeting is to work through the issues. No action will be taken and no public participation.

Charles Suhr from Stevens and Lee, is representing the landowners of HLP. He started the discussion with letting everyone know they were here to start dialogue and be a good neighbor in the community. In October of 2017 the buildings were started in the conformity of the approved plans. Attorney Suhr stated when the project started, they were subject to the existing Township Ordinance but since then there have been complaints of night time work. An ordinance was then later acted by the Township restricting night time work. Matt Clymer, HLP, spoke about how the night time hours are used for pouring concrete and using the hours at night to stay away from school and regular traffic. Lance N. Adam stated from Zion's Church Road you could hear a saw running and concrete being cut on March 20th at 11:30 pm. Also, the work lights were on and shining into neighboring houses. Lance N. Adam stated when he talked to the crew the lights were moved away from the houses but were put right back at a later date. He spoke with dayshift about all the problems but there is a communication lapse from dayshift to nightshift and nothing was done. Lance N. Adam stated there is also debris everywhere laying in farm fields, trees, creeks and people's backyards. Mr. Clymer stated he was unaware of all the problems. Attorney Suhr stated this was useful information and will follow through. Attorney Suhr talked about the existing township ordinance for decimal limitation being followed but the new ordinance won't be applied. Both ordinances are similar in regards to sound but they feel they are grandfathered in since the plans have been signed. However, they would like to keep the communication lines open with the Township.

Dean A. Adam questioned what they would do to work with the Township. Matt Clymer listed items such as the beepers on the trucks can't be turned off due to OSHA regulations, the berm is there to protect from sound and when the 3rd building is being constructed it will be worked on from inside out so the only noise would be the beginning construction but then it will minimize. Mr. Clymer will look into the sound of saw cutting late at night. It could be work was delayed due to cold weather and they were trying to finish. Lance N. Adam stated he has pictures of the debris in the fields to show Mr. Clymer after meeting.

Allen Shollenberger stated tonight's meeting was in regards of noise and questioned what nights of the week will the work be done. Mr. Clymer stated weather permitting it would be three nights a week. Monday, Wednesday and Friday in the early morning hours. They can also notify

the township when the work is being done. It will be about 10 weeks to complete. Building 200 should be done in the next few weeks with permits. For building 300 the first week of July is the construction of the steel and roof but by August or September they will be pouring concrete and it will take 8-9 pours to complete. Mr. Clymer stated building 300 should be different to litigate noise for residents.

Allen Shollenberger thanked Attorney Suhr and Matt Clymer for addressing all the issues here today besides the noise. Lance N. Adam questioned if the berm could be made higher to block the construction lights. Allen Shollenberger stated they are regulated and we don't want them to be out of regulation. Joe Body added there are standard height requirements and HLP is following what is in the approved plans.

Adjourn:

Dean A. Adam made a motion, seconded by Mark Wm. Stitzel, to adjourn the meeting at 7:32 p.m. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON
May 14, 2019

RECORDED BY

Lori E. Seidel, Secretary/Treasurer

Dean A. Adam, Chairman