

BOARD OF SUPERVISORS
PERRY TOWNSHIP
November 12, 2019

The regular monthly meeting of the Board of Supervisors of Perry Township was called to order by Chairman Dean A. Adam at 7:30 p.m. on November 12, 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 Rosanne R. Adam, Secretary/Treasurer

Public Hearing:

Chairman Adam turned the meeting over to Allen Shollenberger, Solicitor. A Public Hearing took place for a rezoning request petitioning to rezone lands of the Krick Family Trust and Terry L. Shaner Sr. and Susan A. Shaner to change the zoning from R-2 to C-1 Highway Commercial. A stenographer from Computerized Reported was present to record the advertised legal proceeding. The hearing closed at 7:37 pm.

Zoning Ordinance:

Dean A. Adam made a motion, seconded by Lance N. Adam to approve Ordinance 11-2019 amending Perry Township Zoning Ordinance 4-98 amending the zoning map to designate certain lands in the Township owned by the Krick Family Trust, Parcel UPI 70-4493-04-53-2898 (1.33 acres) and Terry L. Shaner Sr. and Susan A. Shaner, Parcel UPI 70-4493-04-54-4019 (0.93 acres) as C-1 Highway Commercial. Motion carried with all Supervisors voting yes.

Comments:

Charles DeCarlo, Zweizig Road, asked why the office staff didn't respond to his emails. Mr. Body stated he inspected the berm on Monday November 11, 2019. Mr. DeCarlo asked if the berm was finished. Mr. Body stated the part facing your house is done. Mr. DeCarlo expressed his displeasure with the berm construction.

Ed Lay and Nelson Oswald were present to get direction on their proposed plan to get clean fill to remove low areas at 150 Birch Hill Road. The property is presently being farmed. The Conservation District not the Township should be contacted to apply for an erosion control plan. Mr. Oswald will keep in contact with Mr. Body as the process progresses.

Jeff Dreibelbis, Onyx Cave Road, asked if any roads were resurfaced this year. Roadmaster Stitzel stated we were going to redo Main Street but due to the work UGI and PTMA were doing it was decided to wait until the work was completed. Mr. Dreibelbis wanted to know what the Plasterer Equipment bill was for (what did you break now). Mark Stitzel and Dean Adam both responded to Mr. Dreibelbis telling him the bill was for an oil cooler leak, replacement of filters and service caused by wear and tear.

Cathy DeCarlo, Zweizig Road, questioned why was the developer given a time limit of two weeks to close the road. Chairman Adam said the work didn't start on time and the developer only closed the road approximately two days. Mrs. DeCarlo asked why give a time limit.

Arthur Luft, Grandview Avenue, asked to have the restrictions lifted from his property to allow him to subdivide. Mr. Body stated the restrictions say he is not allowed to subdivide anything else. Mr. Luft requested the property restrictions to be lifted before and was turned down due to the recorded plan. Mr. Shollenberger stated the Board doesn't have the power to remove a condition, there is a process that needs to be followed. It was recommended that Mr. Luft seek legal counsel. Mr. Shollenberger will speak with Mr. Luft after the meeting.

Bryan Althouse, Adams Hotel Road, stated there are many papers the election officers need to hang up and requested purchasing two bulletin boards for them to display election materials. Chairman Adam stated we can do that.

Approval of Minutes:

Lance N. Adam stated some of the minutes from October 1st and October 3rd have his name as Lance A. and not Lance N. Secretary Adam stated the error was caught and the correction was made. Dean A. Adam made a motion, seconded by Mark Wm. Stitzel to approve the October 1st Committee Meeting, the October 3rd Joint Meeting and the October 8th Supervisors Meeting minutes. Motion carried with all Supervisors voting yes.

Treasurers Report:

(See attached report)

Dean A. Adam made a motion, seconded by Lance N. Adam to approve the Treasurer's Report dated November 1, 2019. Motion carried with all Supervisors voting yes.

Secretary Bond Renewal:

Mark Wm. Stitzel made a motion, seconded by Lance N. Adam to approve each of the Secretary Bonds issued by Ohio Casualty Insurance Company for 2020 in the penal sum of Two Million Two Hundred Fifty Dollars (\$2,250,000.00). Motion carried with all Supervisors voting yes for Lori E. Seidel and two (2) Supervisors voting yes for Rosanne R. Adam. Dean A. Adam abstained from voting for Rosanne R. Adam.

Bills for Payment:

(See attached list)

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

Reports:

Jeff Fiant, Kraft Code Services, reviewed the Permit Activity Report and the Inspection Activity Report both from September 22, 2019 thru October 26, 2019. A total of seven (7) permits were issued with a combined improvement value of Seven Hundred Sixty-Two Thousand Eight Hundred Seventy Dollars (\$762,870.00). A total of twenty-six (26) inspections were done. Bulk Chemical is moving forward with the required reconstruction permitting and hoping to be up and running soon.

Gene Buck, Planning Commission Chairman, stated the Board met on November 6, 2019. Luke Kamp from the Crossroads Group was present with plans for additional storage units on Mohrsville Road. The Board gave approval to present to the Supervisors.

Donald Mast, Municipal Authority, stated the water tank has been filled, a booster pump leak was detected at the HLP site, and the plant is ready to go after they receive an operational permit. The Municipal Authority minutes dated September 11, 2019 were reviewed by the Board.

Zoning Officer, Joseph H. Body reviewed the Zoning Report for October with the Board. The time extension for Perry Commercial expires and Mr. Body suggested the plans be rejected. Dean A. Adam made a motion, seconded by Lance N. Adam to reject the plans for the Perry Commercial Center because they failed to request a time extension within the allotted time. Mr. Shollenberger stated the rejection needs to state the basis for the rejection and the provision they violated. Mr. Body stated an attorney for Materion contacted him about occupying one building at HLP for a metal fabrication shop. The property is zoned CLI and light metal processing is a permitted use. Mr. Shollenberger suggested getting something in writing for the proposed use to allow a better review when advising the Board. Cleon Swartzentruber, Brown Road, stated the proposed use of the building is a great idea because hopefully they won't have so many trucks. Mr. Body will follow-up with Materion's attorney.

Joseph H. Body, Engineer, stated he is working along with Mr. Shollenberger on the Core 5 Improvements. The Line of Credit is being terminated by the bank at the end of the year. The improvements need to get done. The bank wants out. Mr. Shollenberger stated no action needs to be taken by the Board at this time. Mr. Body and Mr. Shollenberger have their eyes on it. The Board should be aware for the December meeting. The HLP Bldg 100 Release of Financial Security was discussed with the Board. The developer is not done and has many things to complete before years' end. Mr. Body suggested postponing any reduction of the financial security. RBJ Properties is the former Delta Truck Body. They are having issues with the water draining to the middle of the parking lot. They have a deal with New Enterprise to do the drain work. Mr. Body explained the method needed to change and improve the runoff. The HCP application withdrawal was amended with the conservation district's comments and a new plan is being submitted as to what is being built. There is nothing new with the quarry truck crossing. The Bike/Pedestrian Plan is asking us to prioritize uses and if the township is willing to support the concept. A letter of support will be sent to the Berks County Planning Commission.

Allen Shollenberger, Solicitor, stated the Class Action lawsuit the Township is named, *In re National Prescription Opiate Litigation*, requires action if the Township wants exclusion from the lawsuit. No reason why we were named and we can opt out if possible. There are no specific claims and Mr. Shollenberger suggested no action. No action was taken by the Board. Resolution 09-10-19 was adopted and included with the Deed of Dedication, recorded and filed with the Court of Clerks, a PennDot requirement, to allow Logistics Drive to become eligible for Liquid Fuels reimbursement. Mr. Sandridge and G. G. & F. Construction hearings have been set. At this time, neither has entered a Notice of Intent to Defend. If they do intend to defend a default hearing date will be set. Mr. Shollenberger discussed the concept plan for the kayak and canoe access along Mohrsville Road with Julia Hurle, Schuylkill River Greenway Association. The plan has been modified as discussed with the Board. Mr. Shollenberger stated this is a nice addition to the township. Mr. McKinney, Mohrsville Road, stated its going to become a dump like the Yarnell Park ramp they closed because of trash. Mr. Shollenberger informed Mr. McKinney the Yarnell Park ramp was closed due to the finding of battery casings and not trash. Dean A. Adam made a motion, seconded by Lance N. Adam to give Mr. Shollenberger permission to move forward with the concept plan for the kayak and canoe access along Mohrsville Road.. Motion carried with all Supervisors voting yes. Mr. Shollenberger spoke with Pam Cala regarding the Berks County Redevelopment Authority's intent to purchase the Albright property. There have been legal issues with the homeowners and a guardian, Deborah Berrigan, Elder Care, was appointed to handle this issue. The parties all agreed to a Forty Thousand Dollar (\$40,000.00) offer to sell the property. The guardian needs to get court approval of the sale and once transferred the property will be back on the tax rolls. The property at 617 Moselem Springs Road was discussed. The septic tank is located inside the home. Jeremy Bentz, SEO, has stated there is no evidence of the septic system

malfunctioning. David Lugo, the owner of the property was present and stated he had the tank pumped and a dye test was done. Mr. Lugo stated if the system malfunctions he will need to correct the system under the current regulations at an alternate site. Secretary Adam stated the Township has not received a copy of the completed pump card. The owner asked if he could get a pump card at the end of the meeting. A discussion about the legal repercussions that can come back on the township should anyone become sick were of concern to Chairman Adam. Mr. Shollenberger stated an indemnity agreement with no fault being on the township could be drawn up to protect the township's interests. Chairman Adam asked for confirmation that nothing will ever come back on the township. Lance N. Adam made a motion, seconded by Dean A. Adam to have Mr. Shollenberger draft an indemnity agreement solely holding the homeowner of 617 Moselem Springs Road responsible for any issues associated with the septic system. Motion carried with two (2) Supervisors voting yes. Mark Wm. Stitzel was opposed. Mr. Shollenberger stated the notice to adopt Ordinance 11-2019-A was advertised in accordance with the law. A list of roads supplied by Roadmaster Stitzel repels Section 12 of Ordinance 1-1995 establishing new speed limits on all Township roads. Dean A. Adam made a motion, seconded by Mark Wm. Stitzel to approve Ordinance 11-2019-A establishing new speed limits on all Township roads. Motion carried with all Supervisors voting yes. Mr. Shollenberger stated a letter was received from Logistics Park asking for reimbursement from other developers with approved development plans within the same traffic district. The Act 209 Study enables the developers to get reimbursed. Mr. Body will review the numbers and work together with Mr. Shollenberger on a solution. The Joint Comprehensive Plan is moving forward with the recommendations that have been made.

Ron Corl's, EMC, resignation was reviewed. Lance N. Adam made a motion, seconded by Dean A. Adam to accept the resignation of Ronald Corl as Perry Township's EMC coordinator. Motion carried with all Supervisors voting yes.

Mark Wm. Stitzel, Roadmaster, stated the roadcrew is doing gutter work, installing signs and patching.

JB Environmental Services report dated October 31, 2019 was reviewed by the Board.

David Lindenmuth, Recreation Board Chairman, was not in attendance and no minutes were received.

2020 Meeting Date Calendar:

Dean A. Adam made a motion, seconded by Lance N. Adam to approve and advertise the meeting dates for 2020. Motion carried with all Supervisors voting yes.

2020 Preliminary Budget:

Dean A. Adam shared with the other Supervisors a change he asked the secretaries to make on the Preliminary Budget. Line item #405 under expenditures General Government was split from line item #405.21. Dean A. Adam wanted the office supplies removed from the Secretary-Treasurer expense. No motion to approve the preliminary budget was made, Lance N. Adam stated he wanted more time to review it.

Employee Handbook:

The Board discussed the final copy of the Employee Handbook the secretaries transcribed. Lance N. Adam had issues with Page 6, exemptions. Allen R. Shollenberger said this section can't be removed because elected and appointed officials follow a different standard. A paid employee versus an elected or appointed person have a different process to remove. There are statutory provisions to remove someone that is elected or appointed. Page 10, work attire was asked to be defined by Lance N. Adam. Dean A. Adam stated the workers need to have safety shirts etc. on

when working in the roads. Lance N. Adam stated he went by when you were working on Stitzel Lane and no one had safety shirts on. Dean A. Adam stated the road was closed. Page 20, CDL experience of five (5) years in dump truck. The Board agreed to change this to five (5) years CDL experience. Page 36, Inspection license needs to be deleted. Lance N. Adam questioned the urgency to approve this handbook. There is no rush it's been on the agenda for months. Dean A. Adam made a motion. Nancy James asked for clarification of the meaning of at will employment. Mr. Shollenberger explained the process to terminate an employee and tried to answer Mrs. James questions. Dean A. Adam stated a motion is on the table. Chairman Adam's motion was seconded by Mark Wm. Stitzel to approve the employee handbook with changes to the CDL requirement on page 20 and the deletion of the inspection license on page 36. Motion carried with two (2) Supervisors voting yes. Lance N. Adam is opposed.

Fire Company Payment Procedure:

Lance N. Adam made a motion, seconded by Dean A. Adam to a payment procedure for reimbursement from the EMS account. The Companies must provide Perry Township with a copy of a statement or invoice along with a corresponding copy of a canceled check or a copy of an original check. A payment to reimburse the Company will be made at the next regular meeting of the Board of Supervisors of Perry Township. No payment will exceed the allotted disbursement for the year; however, credits will be rolled over to the following year if applicable. Motion carried with all Supervisors voting yes.

School Choice Week Proclamation:

Dean A. Adam made a motion, seconded by Lance N. Adam to recognize January 26, 2020 thru February 1, 2020 as School Choice Week. Motion carried with all Supervisors voting yes. All Supervisors signed the 2020 School Choice Week Proclamation.

State Fund CD Renewal:

The State Fund CD has matured and the Board discussed the current rates and terms provided by M & T Securities. Dean A. Adam made a motion, seconded by Lance N. Adam to renew the State Fund CD for six (6) months at the rate of one-point five percent (1.5%). Motion carried with all Supervisors voting yes.

CPT Preventative Maintenance Plan:

Lance N. Adam stated he has another quote but forgot it at work. Mr. Adam stated the quote was for less money and covered more things. Dean A. Adam made a motion for CPT Mechanical. Mr. Stitzel stated since it's the only quote on the table he will second Dean A. Adam's motion to sign the preventive maintenance agreement with CPT Mechanical for Seven Hundred Eighty Dollars (\$780.00). Motion carried with all Supervisors voting yes

Comments:

Nancy James, Ridge Road, asked if the shoulder can get fixed on Ridge Road at the guide rail coming off 61. Roadmaster Stitzel stated 61 is a state road. Mrs. James continued to explain where the issue was. Dean A. Adam told her they would check it out.

Charles DeCarlo, Zweizig Road, stated you said how making more copies for meetings costs the township money; why then do we need two (2) secretaries and why do we pay for both secretaries to attend conferences. Why can't one let the other know what was said?

Troy Heckman, Skyline Drive, questioned what ever happened to the vacancy board issue. Mr. Heckman stated we had letters of intent. Chairman Adam stated Lance wanted to let it go till next year.

Bryan Althouse, Adams Hotel Road, stated there are rumors flying around all across ~~Berks~~ ~~County~~ saying Perry Township will be having fulltime employees. Mr. Althouse said he doesn't have a newspaper report present but would ask the Board to be polled. Are you in favor of fulltime employment in Perry Township? Dean A. Adam - no, Lance N. Adam - no, Mark Wm. Stitzel – no, and Supervisor elect Patrick Daly – no. Mr. Althouse stated he witnessed a golf cart on the public roadway with children in it. Chairman Adam stated this is not allowed and suggested calling the State Police if it happens again.

Rusty Wagner, Shoemakersville Fire Company, asked about getting together with Dean A. Adam to consider putting a hydrant along Mohrsville Road near the proposed kayak and canoe access area. Chairman Adam told Mr. Wagner to get in touch with him. Roadmaster Stitzel stated this area might not be the best location for a hydrant.

Correspondence:

The Board reviewed the correspondence.

Adjourn:

Dean A. Adam made a motion, seconded by Lance N. Adam to adjourn the meeting at 9:11 pm. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON
Recessed December 10, 2019
Approved December 30, 2019

RECORDED BY

Rosanne R. Adam, Secretary/Treasurer

Lance N. Adam, Vice-Chairman