

UNOFFICIAL

BOARD OF SUPERVISORS  
PERRY TOWNSHIP  
August 11, 2020

The regular monthly meeting of the Board of Supervisors of Perry Township was called to order by Chairman Lance N. Adam at 7:30 p.m. on August 11, 2020 from the Perry Township Municipal Building, 680 Moselem Springs Road, Shoemakersville, PA. The meeting was also being held via zoom conferencing to allow residents to attend due to limited social distancing seating in the meeting room. The format for tonight's meeting is in compliance with PSATS.

Roll call was held and the following Supervisors were present:

Lance N. Adam  
Dean A. Adam - Absent  
Patrick Daly

Also present at the board meeting were:

Allen Shollenberger, Esq.  
Sandra Madara, Secretary/Treasurer

**Comments:**

Tom McKinney, 303 Mohrsville Road- Asked what the cost is to run mowing equipment. Why are there 2 trucks- 10 ft apart? One truck has a sign out that says Mowing Ahead. Allen Shollenberger suggested the Supervisors consult with the Road Master and this will be addressed. Patrick Daly said the township will also check with insurance to be sure that we are compliant.

Charles DeCarlo, 97 Zweizig Road- noted that he was not questioning the social distancing rule, he was questioning why the Supervisor Dean Adam and his wife the Secretary/Treasurer Rosanne Adam were sitting together and did not have to social distance. When he and his wife came in to the meeting, they asked if they could sit together and they were told no. He has no issue with the rule. If you are a Supervisor you should lead by example.

Kathy DeCarlo-The other week when the power was out, and the traffic signal at Rt 61 and Zweizig Road was not working and the generator was used, why is the Township responsible for this? Lance N. Adam said Perry Township is responsible and has the obligation to keep that light operating.

Sue Lutz, 327 Perry Road-asked if the township is going to have an audit done? And inquired if the township can have an independent audit company come in to the township and do an audit. Lance Adam stated that will be discussed later.

**Rusty Wagner- Fire Chief Shoemakersville Fire Company-** Questioned if Kraft is going to adopt a fire ordinance to cover fires/fire pits and burning trash and the so called nuisance fires. The fire company feels very strongly would like to appoint a Fire Marshall. Discussed with Borough of Shoemakersville solicitor for input. The appointed Fire Marshall will do a report and take photos and send to the state.

The fire company did not open. They are following the rules set forth and had a Special Executive Board meeting and will remain closed till the next board meeting. They plan to get a budget together and look at monthly costs, and try to determine if they can stay closed for another 2-3 months. The fire company hired an accounting firm and a bookkeeper.

The flood that came thru, there wasn't a lot of damage, mostly trees down.

The permit issued for Mohrsville Boat ramp came up, and will be discussed later in the meeting.

Patrick Daly commented on the correction to the minutes on the social distancing statement.

“ I was away on vacation in NC and was attending via Zoom. I heard some very disparaging remarks made to you ( Chuck DeCarlo ) and another resident of this township. I apologize to you on behalf of this Perry Township Board of Supervisors that is not the opinion of the rest of this Board and if that individual was here this evening I would tell him, that if you are that comfortable and complacent in your position to tell a resident of the township, “ to shut the hell up”, and another one on the phone “ Jesus Christ someone shut her up”. When you are that complacent and comfortable to do that, you need to find another line of business, it is not the interest of our township. So on behalf of Perry Township, I apologize that you were subjected to that behavior by a member of this board.”

### **Approval of Minutes:**

Lance N. Adam made a motion to approve the July 7, 2020 and the July 14, 2020 minutes with the correction noted on the social distancing seating with Chuck DeCarlo, motion was seconded by Patrick Daly . Motion carried with all Supervisors voting yes.

### **Treasurers Report:**

Lance N. Adam advised with the limited amount of time with Lori Seidel to prepare for the meeting, the Treasurer’s report was not finalized. It was be on the Agenda for next month to be approved.

### **Bills for Payment:**

(See attached list)

Tom McKinney asked how can you approve bills for payment, when you don’t have a Treasurer’s report ? Lance N. Adam stated “ We know we have enough money in the account and if we don’t pay these bills, we will end up being late on our accounts. The Sage accounting program is very intensive in different reports and we ran out of time. Patrick Daly explained we only had less than 16 hours notice and we were left holding the bag and we are fortunate enough to get the previous Secretary to help Sandy prepare for this meeting. Its not that simplistic. Tom McKinney stated that the township needs certified auditors. Lance N. Adam stated that the township auditors are elected by the residents of Perry Township. Tom McKinney agreed, the auditors are elected.

Lance N. Adam made a motion to approve the bills for payment, seconded by Patrick Daly . Motion carried with all Supervisors voting yes.

### **Reports:**

The following reports were given to the Board of Supervisors:

**Jeff Fiant,( via zoom ) Kraft Code Services** reported that things are slowing down a little bit with the warehouses, he did 24 inspections in the municipality, issued 4 permits with a combined value of \$105,000. One for an alarm system, Perry Plaza unit due to fire damage needing extensive renovations, a house on Mohrsville Road needing extensive renovations. There were 3 CO’s were issued for the month -1 for a residential swimming pool and 2 warehouses. Things are progressing at Kimberly-Clark building and doing inspections finals for the Amazon office that is in the corner of the building. They started back this week. The issues are with programming a fire alarm system.

Lance N. Adam said he would be reaching out in the next day or so about the conversation with Rusty on the International Fire Code.

**Gene Buck, Planning Commission**-The planning commission met on 8/5/20-one party there from Department of Engineering- looking for final approval on the Gene Bell Estate. However, there is some paper work wasn't taken care of yet. He needed additional final approval based on the paperwork being completed.

Allen Shollenberger Esq. stated he had a conversation very late in the day with their attorney, John Roland and there is some issue with an easement that shows up on the plan and some concern about what that easement and right of way is, and it has nothing to do with the Municipal Authority. They are asking that we not take any action tonight. If the issue is resolved, they will be here next month.

**Donald Mast, Municipal Authority**- The COVID-19 has slowed some things down, however, we did get approval from DEP for the water system construction. DEP also approved for aqua test.

**Joe Body, Zoning and Engineering –**

Paradise Avenue-There was no water in the basin after the heavy rain. Joe Body suggested we talk to the owners about removing the berm and re-grading the area.

Premier Fleet – Waiting on a line of credit.

Hanna Planning Module-finalized and sent to SEP.

Kurtz Annexation- The concern about what is clean and green. Problems with creating a residue lot that doesn't have any road frontage.

The roadwork is essentially done. The road crew did a nice job. Joe Body stated another item is the shoulder work. The day after the rain, he and the road crew were out getting water off the road and were just ahead of the oil and chip crew. We need to maintain the shoulder areas.

Lance N. Adam asked the question, "do we need to look at renting a grader for a week?" Joe Body said the grader that we had was from the era when we still had dirt roads and was used to do the shoulder work. Joe Body said maybe we should look into this in the Spring and maybe a smaller grader than what we had.

Lance N. Adam stated that he put the grader on an on-line auction, starting bid was \$500 and we ended up getting \$ 2161.00 for it. They will be coming for it in the next few days.

Allen Shollenberger, Solicitor- **Birch Hill property**, there was no pump out that took place. D J action has been filed, and date has been set for a hearing sometime in September.

**Moselem Springs Road Collection**-They were told that they were not compliant, they did not comply, the file was then sent to me, which is standard protocol, we did an initial letter and there is a pump out and because it's a company there were fees involved. Protocol is, there are fees involved and I billed. I spoke to the owner Shark Investment, Mr. David Lugo, and his reply was that he made arrangements with the Secretary and he did comply. We can pursue collection, its \$400. I am not sure that it is worth it at this time, it is outside of protocol . I have no reason to disbelieve that the Secretary did what she always did and at this time we are not in a good position to go to court.

**Premier Fleet**- This is about a time extension. Allen suggested that Joe Body contact John Hoffert, Surveyor. The land owner was doing best he could, but did not get legal advice. Need to get status.

**JB Enviromental**- Same property 617 Moselem Springs Road, has the septic tank in garage and based on the owner Jeremy Bentz and the information he could find in terms of records, he could not come to a conclusion that the septic tank was placed there in violation of existing codes. Its complete speculation on his part but to say it was placed there many years ago ,and if it was placed

there many years ago, its simply its “grandfathered” and existing and non-conforming and we don’t have the real answer and don’t have enough to say that you must comply. Jeremy and I followed up on this and Jeremy drafted a letter and the land owner agreed to sign the hold harmless letter to Perry Township. Jeremy cannot force the modifications to the existing on lot sewer disposal service but it is his recommendations that the property be brought into compliance. We have a document now signed by the land owner that tells him what he should do and what is the right thing to do and why we can’t do anything but he agrees to hold harmless Perry Township. The letter also says that Jeremy cannot force the modifications. But it is his recommendation that the property be brought into compliance. It was a very smooth process and I will see that the Board gets a copy of the letter.

**Mohrsville Road River Access:** Copies made to be signed and executed and then sent to Schuylkill River Greenways.

Joe Body advised on the 105 Waterfront. Perry Twp is the Applicant. Perry Township owns the land. Motion was made by Lance N. Adam to sign the permits to move forward with the project and execute the general permit registration and submerged land license agreement. Motion was seconded by Patrick Daly. Motion was approved unanimously with all Supervisors voting yes.

**EMC-** Jarrod Emes, was not present.

**Roadmaster** – was not present.

**Rec Park-** Playground sand. There has been discussion with the Chairman and his wife about playground sand and they did not feel that is was necessary and it was not used. Lance N. Adam said it does get used and he would like to replace the sand in the boxes. We always kept sand on hand in case of chemical spills and we could supply Rusty with sand. Originally, we were getting quotes for just 10 tons, but after some research, I found that it is better to get a tri-axle load of sand and keep the extra here at the township building. The last quote I got was for \$26.50/ton for the tri-axle but if I bought it in smaller quantities from Keystone Supply, it was \$33.50/ton. So we will save some money by getting it bulk. Motion was made by Lance N. Adam to purchase from the lowest bidder a tri-axle load of sand, not exceeding \$800.00 for the playground and to keep on hand at the township building. Motion was seconded by Patrick Daly. Motion was unanimous with all Supervisors voting yes.

**Pumping Compliance:**

Birch Hill Road and Moselem Springs Road will receive letters today.

**Municibid:**

The grader was listed for sale on line with a starting bid of \$500.00. Grader was sold for \$2,161. We had 15 bidders. It was sold to John Hoffert from Hazleton, Pa. The check should be here in the next few days.

**Auditing-** Patrick Daly suggested it is time for the township to engage the services of an independent auditors. We have a total transformation of operations here in the township now, we have Sandy here now as the Secretary/Treasurer and I think it is only prudent to give her a fresh start, clean books from the beginning, being the fiscal steward to the taxpayers dollars, it’s the best interest for the township. Patrick Daly made a motion to seek RFP’s for an independent forensic

style audit for the township books for a period of the past seven (7) years. This is a one time project to set the books straight and we can re-visit this going forward because we don't know what we are going to find, due to the circumstances on how this position was vacated and the fact we have new people on board and they can start with a clean slate. Right now it's a one time deal, that may change depending on what is found. If it is appropriate, we can go with an annual audit and we will relieve the auditors of that function and just have them set the salary at the reorganization meeting. Lance N. Adam seconded the motion. The motion was unanimous with all Supervisors voting yes.

Tom McKinney commented that we can see what the benefits will be for the Secretary. It is amazing the help they can give to the Secretary. Patrick Daly replied, that this is the first step toward providing a lot of sunshine to things that have been going on. Let's take this initial step and see where it leads. After this is over, let's take a look at the data and it could be a valuable product to add to the township. This is to be sure that Sandy and the township have a clean slate going forward.

Allen Shollenberger stated that it may also be a validation that your elected auditors are doing a great job.

**Comments:**

Tom McKinney questioned why Lance N. Adam did not abstain from voting when he was put on the Sewer Authority? When Mr. McKinney was on the Sewer Authority he had to abstain from voting. Lance N. Adam said he followed the guidance and advice of the Solicitor who said he could vote.

Allen Shollenberger said they followed the Roberts Rule of Order and that it was legal. This is my legal opinion, if you find out I am wrong, then I am wrong.

Nancy James – Ridge Road- via Zoom: Mrs. James requested that the people in the board room who are speaking, please speak louder, they are going in and out and very hard to hear. Mrs. James thanked Patrick Daly for his apology. It shows the lack of character on the absent Supervisor.

My question to Allen, compensation... is that against the code of ethics, to do things like that?

Is there a way to remove a person/Supervisor from office other than a felony? His term of office according to the website, expires in 2021 ...so he cannot show up for any meetings and he will still receive payment? Allen commented that yes, he cannot be terminated, there is no recourse to remove any elected official from that position because they don't show up.

**Correspondence:**

The Board reviewed the correspondence.

**Adjourn:**

Lance N. Adam made a motion, seconded by Dean A. Adam to adjourn the meeting at 9:55 pm. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON:  
September 8, 2020

RECORDED BY:

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Sandra J. Madara, Secretary/Treasurer

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Lance N. Adam, Chairman