

BOARD OF SUPERVISORS  
PERRY TOWNSHIP  
October 13, 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 September 8, 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. The meeting was also being recorded.

Roll call was held and the following Supervisors were present:

Lance N. Adam  
Patrick J. Daly  
Dean A. Adam

Also present at the board meeting were:

Allen Shollenberger, Esq.  
Sandra Madara, Secretary/Treasurer

### **Public Comments**

**James Hoch-** 476 Adams Hotel Road, Shoemakersville- discussed the septic tank pumping which mandates it must be done every 3 years. He presented the form off the internet/website that has a chart on it. James states there is nothing in that document that states it must be done every 3 years. James informed the board he called the state and they told him it is not mandated. Solicitor Shollenberger informed him that this township cannot do anything without the state saying you can do this. Solicitor Shollenberger said we would turn this over to the SEO and let him investigate this and get back to James with the mandates. The Solicitor stated he thinks we will find that the township is in compliance with what DEP is requiring. Mr. Hoch stated that we are being told this must be done every 3 years, he is a single person with a 15,000-gallon septic. Chairman Lance N. Adam said he will hand deliver this to Jeremy the SEO.

**Fire Chief Shoemakersville Fire Company-** Rusty Wagner said the fire company opened up, we are still restricted in the banquet hall. We had some dinner specials and sold 380 steak dinners and 310 shrimp dinners, and gambling is down. Talked to Joe about the access lane to get a truck into new River Access ramp.

### **Approval of Minutes:**

Chairman Lance N. Adam made a correction to the September 8 minutes, it was not Supervisor Dean A. Adam it was Gene (Buck)not Dean who attended with Joe Body. Supervisor Dean A. Adam, page 2 second page Dean Adam not Adams. Down below it should read asphalt content not contact and the patch will freeze, not froze. Supervisor Dean A. Adam said he was in the office this week to listen to the tape recording, why isn't everything that I said to you (Lance N. Adam) you talked about my motor home and the lowest price and everything, remember that? It was not transcribed in the minutes? Chairman Lance N. Adam responded, "why would that need to be in the minutes? That was just a conversation?" "Supervisor Patrick J. Daly said " the minutes are being recorded for the convenience of the

Secretary to instill the accuracy of the meeting flow of dialogue we have here, not back and forth banter and I think that the Solicitor will agree with me, that the recording of the minutes are not for a verbatim action by the township, but for the Secretary. Supervisor Dean A. Adam said, "it wasn't always that way?" The Solicitor said that certainly is, and we had a discussion a number of months ago." Supervisor Dean A. Adam stated he had a guy, Patrick Daly come up with his tape recorder because there was a word missing in the minutes. Supervisor Dean A. Adam then said "and we are going to change it now". and the Solicitor said "we had a discussion a few months ago and I thought I was pretty clear, and I believe it was Nancy James, requested that there be some changes, and I thought I was pretty clear here, the minutes of the meeting are not a verbatim transcript of what occurred. "Supervisor Patrick J. Daly stated for the record, that his correction with Rosanne's, your wife's minutes was because her statement was not accurate reflection of what I (Patrick J. Daly) had said. There was an individual in the back, Brian Althouse and he made a comment that I was going to hire full time employees, when I became a township Supervisor. It was all around Berks County. That is not what he said, he said it was a few townships and your wife put in the minutes all around Berks County, that is a far cry from 50 townships from all around Berks County, Bern, Maiden creek and Tilden, not all-around Berks County, not from Washington, not from Brecknock.

Motion was made by Supervisor Lance N. Adam to accept the minutes, seconded by Supervisor Patrick J. Daly. Motion carried with all Supervisors voting yes.

**Treasurers Report:** Motion was made by Lance N. Adam to accept the Treasurer's Report dated September 1, 2020. Motion was seconded by Supervisor Patrick J. Daly. Motion was unanimous with all Supervisors voting yes.

**Bills for Payment:**

(See attached list)

Chairman Lance N. Adam made a motion to accept the bills for payment dated October 13, 2020, seconded by Supervisor Patrick J. Daly. Motion carried with all Supervisors voting yes.

Stephanie from the Schuylkill Valley Library was present to thank the Board of Supervisors for their support of the library. The library printed mesh straps for the first responders. Chairman Lance N. Adam thanked Stephanie for all she has done with the library and the children.

The following reports were given to the Board of Supervisors:

**Reports:**

**Jeff Fiant- Kraft Code Services** reported they did 23 Inspections from 8/23/20-9/29/20. He did 5 CO's (certificate of Occupancy), 2 were warehouses, 2 accessory structures, a manufactured home on Birch Hill Road, for a total of improvements of \$271,268.00. Jeff stated that things are slowing down with the warehouses as he stated last month.

**EMC-Jarrold Emes- Nothing to report.**

**Gene Buck, Planning Commission**-The planning commission met on 10/7/20 and all members were present. The evening started out with Ronald Adams, 268 Birch Hill Road. He is a retired

farmer. He wants to cut three (3) lots off his property. He showed a map that actually takes a subdivision plan which will eventually require conditional use. Either next month or the following month he will give additional details.

David Birch and his brother were there. They have met all the requirements. Motion was made for final plan approval and passed.

Arthur Lutz- He wants to cut a piece off his property again. Last time he did this, it was stated right in the final agreement, that he could not do this again. He is asking for relief. Nothing was settled. He will come back next month with his lawyer.

Gene asked if there is a name for the boat ramp. Motion was made by Chairman Lance N. Adam to name it the Perry Township Water Recreation area, seconded by Supervisor

Patrick J. Daly. Motion passed with all Supervisors voting yes.

**Donald Mast, Municipal Authority-** Last month I told you about the water issue we had at Hoch's Mobile Homes. We raised a manhole where the storm drain is behind Rubright Construction. We raised that 2 feet to get that out of the storm drain water. We telescoped from Candy's all the way to Logistic Drive. We did not find anything. So, it was just an excess amount of water we had over those 2 days. The biggest problem we found was baby wipes. On the flat part from Zion's Church Road to the Mainland Marine, the baby wipes are in balls and it could be coming from the Animal Hospital. Maybe once the warehouses have more water flow, they may flow away. If not, we may have to flush them out.

**Joe Body, Zoning and Engineering** – Addresses have been assigned to 50 and 52 Ludwig Court. 50 is the Water Tower and 52 is the Water Treatment Building. 2 permits were issued one (1) for a shed and one (1) for an in-ground pool.

**Paradise Ave-** Joe met with Mr. Nester. Discussed re-grading the pond to fill in low field area. Mr. Nester was not interested. The township needs to cut the brush and weeds in the pond first. The swale needs to be re-graded so that run off gets into the pond. Dennis Huey said they will be going there next week to mow the weeds and brush.

The **Stop Signs** on Main Street and Zweizig need to be rearranged to be in conformance with HOP. (Highway Occupancy Permit) for the Core 5 project.

Motion was made by Chairman Lance N. Adam to authorize the Solicitor to draft an ordinance for Stop Signs to be placed on Main Street and the Stop Sign on Zweizig Road to be removed. Motion was seconded by Supervisor Dean A. Adam. Motion carried with all Supervisors voting yes.

The **Joint Comprehensive Plan Committee meeting** went over transportation issues section. There is a big emphasis to support human powered (non-motorized) transportation i.e.: the walking, bicycling, river activities, especially the Schuylkill River Trail.

**Glen Gery** – New brick manufacturing facility includes improvements to Route 61 and Shoemakersville Road intersection. PennDOT form M950AA authorizing Bogia Engineering to act on behalf of Perry Township. Motion was made by Chairman Lance N. Adam to authorize Bogia Engineering to act on behalf of Perry Township, seconded by Supervisor Patrick J. Daly. Motion was approved with all Supervisors voting yes.

**Jeb Humma** sewage planning modules were approved by the DEP.

**FEMA Grant-** discussion about Maidencreek flooding. Joe will discuss with Jarrod Emes.

**Premier Fleet-** Plans have been recorded and the letter of credit has been received. They will also be subject to a traffic impact fee.

**Hamburg Commerce Park- Lot 5 -** Security reduction requested. Joe submitted progress report #1. Improvements on this lot are mostly complete. A few minor items to complete including two (2) filter baskets and more underdrain. Motion was made by Chairman Lance N. Adam to accept and reduce Hamburg Commerce Plan Lot 5 to \$351,823.49 leaving \$83,340.88, still required for security. After discovering a discrepancy in the spreadsheet, this motion was withdrawn by Chairman Lance N. Adam. Joe will review and bring up later in the meeting.

**Valley West Logistics Park-** basically finished. Motion was made by Chairman Lance N. Adam to reduce the Valley West Logistics Park Core 5 to \$232,050.08 amount of security. Motion was seconded by Supervisor Patrick J. Daly. Motion passed with all Supervisors voting yes.

**Valley West Logistics Park-** Security reduction requested. Joe submitted progress report # 3. Project is basically finished. Buffer trees still needed at the Harron residence. Motion was made by Chairman Lance N. Adam to reduce the Valley West Logistics Park, Core 5 security to \$232,050.08. (This reduces the existing security by \$398,878.40) Motion was seconded by Supervisor Patrick J. Daly. Motion passed with all Supervisors voting yes.

**Kurtz Plan-** This will be essentially two (2) lots. Motion was made by Supervisor Dean A. Adam to accept. Supervisor Patrick J. Daly seconded. Motion passed with all Supervisors voting yes.

**Hamburg Logistics Park Bldg 300-** Security reduction requested. Joe submitted progress report # 2. The portion of the Hamburg Logistics Park project is 100% complete. Motion was made by Supervisor Patrick J. Daly to reduce the security by \$ 8,528.70 leaving an amount to secure of \$165,916.50 (which is the 15% maintenance amount). Motion was seconded by Supervisor Dean A. Adam. Motion carried with all Supervisors voting yes.

**Hamburg Logistics Park- “Must Build “-** Security reduction requested. Joe submitted progress report #4. Joe went over the punch list of items yet to be completed that include a swale from the Rubright property, filter berms in the basins, and buffer trees. The spreadsheets indicate that the two remote trailer storage areas are 100% complete. This could be misleading since only one half of one of the storage areas was developed, paved, and fenced, but are noted as fully complete for spreadsheet accounting purposes. These were optional areas in the developer’s agreement depending on the needs of the tenant.

Joe mentioned that he had a recent conversation with the developer who requested that the 15% maintenance amount be applied to the improvements dedicated to the township, that being the Logistics Drive construction. Allen noted that Jill Nagy represented the township when this improvement’s agreement was drafted. Allen recommended proceeding with the dollar amounts on Joe’s progress report 4 and if the developers raise an issue, we can deal with it at that time. Motion was made by Supervisor Patrick J. Daly to reduce the amount of security required by \$56,855.50 leaving a total security to be retained of \$1,364,618.00. Motion was seconded by Chairman Lance N. Adam. Motion carried with all Supervisors voting yes.

**Kurtz Annexation Plan-** Two lots will be annexed to Douglass Kurtz (in consecutive years) and the residue will be annexed to the main farm of David Kurtz. Motion was made by Supervisor Dean A. Adam to accept the plan. Supervisor Patrick J. Daly seconded. Motion carried with all Supervisors voting yes.

**Folk Paving Invoice Balance-** The issue with PennDOT concerning using liquid fuels to pay for the base repair was successfully resolved. Liquid fuels can be used. The balance of the Folk invoice was included in the approved bills for payment.

**Perry Commercial Center-**Solicitor Shollenberger stated in 2010 a resolution was passed that The Board of Supervisors executed a Highway Occupancy permit condition statement, and the essence of the condition statement was, if and when a traffic light was placed there for the commercial center near the Old Thriftway, at some point in time, when the East side of 61 is developed, then the township agrees that the barrier will go across 61 and Bellevue Avenue, and there will be no more cross traffic at that location. There will be a traffic light, but the condition statement says that does not occur until the East side is developed so the intersection is open. Right now, that is a T intersection. This was back in 2010, so you know long this project has lingered. Mark Koch the Attorney asked that the township would execute a new highway occupancy permit condition statement and it will say exactly what the other one said. Just changes some addresses. Obviously because it was done in the past, there is no reason to not do it now and it is consistent with our 209 Plan, my recommendation is that the Board approve that. Solicitor Shollenberger prepared Resolution 3-110 back in 2010 and I will prepare a new one exactly as the other one is stated and the Board can execute the new one. It will be ready to go in November.

**Ronald Adams-** Solicitor Shollenberger stated that this is a conditional use application. Mr. Adams is proposing two (2) subdivisions, one to be considered a defacto subdivision because there is a lot on the other side of road and so its subdivided by law. They want to create another lot that exceeds the maximum two (2) acres. But you have within the conditional use conditions, the power to allow a lot to be bigger, as long as there are conditions (steep slopes, wetlands etc.) the power exists for you to increase the size of the lot. We asked them to come back, we need to advertise for the conditional use. This would happen 15 mins before a meeting. There is no time restraint on this.

**Shooting on private property-** The Solicitor stated there are no noise ordinances. Supervisor Dean A. Adam asked what this is about? Chairman Lance N. Adam stated there was a complaint that came in last weekend over at Shoemakersville and Brown Road of four (4) hours of continuous shooting, rapid fire and fully automatic shots. Target practice over at the farm. Supervisor Dean A. Adam said “it’s been going on for years.” There have been numerous complaints from 617 Moselem Springs Road, and Stone Hill Road people. The Solicitor discussed ordinance options and the enforcement possibilities. Supervisor Dean A. Adam stated “we live in the country.”

**JB Environmental-** Nothing to report.

**Roadmaster** – Chairman Lance N. Adam said, he has brought it up numerous times about warning lights on the truck that used basically to direct traffic is very minimal. “In my opinion, you can’t put a price on people’s lives when they are out there working.” I have taken the initiative to call Levan Machine shop and got a price on a 54-inch LED light bar with take down spot light on the

front and the rear Alley lights, all aluminum, install price is \$1,873.00. Motion was made by Chairman Lance N. Adam that we go to Levan Machine shop and have the light bar installed for a total of \$1,873.00, seconded by Supervisor Patrick J. Daly. Motion passed with all Supervisors voting yes.

Chairman Lance N. Adam stated the hand power tools that the road crew guys use have seen their better day. Almost all the batteries are shot. Chairman Lance N. Adam got a price from Home Depot, a big box store for \$999 for 7-piece tool kit. This includes impact driver, drill, Saw-zall, charger and circular saw, flashlight, grinder. Another price from

Sid-Harvey's. They were \$50.00 cheaper, \$943.33 employee pricing. Supervisor Dean A. Adam asked "did you get a price on a 20 volt." Chairman Lance N. Adam stated that N-18 is the biggest that Milwaukee makes right now." Supervisor Dean A. Adam stated that "20 volts will hold up a lot better. That is what I have." Chairman Lance N. Adam asked what brand? Supervisor Dean A. Adam said Craftsman. Chairman Lance N. Adam said, "here again, same discussion as with the trucks, you get what you pay for." Motion was made by Supervisor Patrick J. Daly to purchase the tool kits from Sid-Harvey at a price of \$943.00. There was no second to the motion, so the motion died.

Rusty Wagner stated that in his personal busines and the fire company the Craftsman N20 did not hold up. The Milwaukee was better and you get the 5-year warranty no matter what. Supervisor Dean A. Adam stated "I would check them both out."

**Rec Park-** Nothing to report.

**Purchase of a 2021 Dump Truck-** Chairman Lance N. Adam stated they are still waiting on a quote.

#### **Comments:**

**Marshall Miller, 955 Pottsville Pike-**This is the first time in 55 years that I had water in the basement from this last storm. The creek is so full of scrap and it keeps backing up, it's all coming downhill from the warehouses. Is someone checking those basins? Joe Body responded "I was there after the big storm and they were doing what they were supposed to do." Marshall asked if anyone is responsible for the cleaning out of the creek? Marshall said that they cut down the brush and left it lay there and it washes in the creek. Chairman

Lance N. Adam asked Joe Body to check things out.

**Donald Mast -** Asked if the Perry Commercial Center, will impact the creek? Joe Body stated the Commercial Center project includes detention basins, rain gardens and other things to control runoff. Also building a culvert over the creek for the proposed street at a location with the least impact to wetlands. We haven't seen any outside agency permits as of yet.

**Larry Martin-** 161 Forest Lane- Stated that on Stone Hill Road and 662, there is a buildup of chips on Stone Hill. This is a safety concern, stopping and trying to get off 662.

**Rusty Wagner-** We talked about complaints about fire pits and burning ordinances. Solicitor Shollenberger stated there is a real good ordinance in Ontelaunee Township and he wants to get that for Rusty to look at.

We received the Federal PEMA grant for over \$100,000. We must cover 20% of it. We plan to use for new cascade system and for the rescue truck and to fill up the cylinders.

No comments from Zoom.

Joe Body made correction to sheet on Lot 5 Hamburg Commerce Center- The front cover letter is correct. The spread sheet was missing the construction cost balance to complete number. Motion was made by Chairman Lance N. Adam to reduce Hamburg Commerce Center Lot 5 security and retain \$87,074.96. Motion was seconded by Supervisor Patrick J. Daly. Motion carried with all supervisors voting yes.

Chairman Lance N. Adam stated that before they Adjourn, the Supervisors and the Solicitor will be going into an Executive session for employee issues.

Supervisor Dean A. Adam asked who is viewing the cameras at the Rec Park? Chairman Lance N. Adam stated that everything is going into a DVR box right now. I am going to ask Sandy to hold on to the check for B K Computers. I need to bury the conduit and put the third camera up. So, upon completion we will mail the check. When it's all said and done, there will be a monitor there, and I can show everyone how it works. Supervisor Dean Adam asked if this was the price for the 4 cameras installed? Chairman Lance N. Adam stated "yes". It covers the playground equipment, the driveway, the front of building the back of the building, and one outside the handicap door.

**Correspondence:**

The Board reviewed the correspondence.

**Adjourn:**

Chairman Lance Adam made a motion to adjourn, seconded by Supervisor Patrick Daly to adjourn the meeting at 9:00 pm. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON:

November 10, 2020

RECORDED BY:

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Sandra J. Madara, Secretary/Treasurer

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Lance N. Adam, Chairman