

BOARD OF SUPERVISORS
PERRY TOWNSHIP
July 9, 2019

The regular monthly meeting of the Board of Supervisors of Perry Township was called to order by Chairman Dean A. Adam at 7:30 p.m. on July 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:

Eden Bucher, Esq. and Rosanne R. Adam, Secretary/Treasurer

Comments:

Cleon Swartzentruber, Brown Road, thought the Board should be aware of the fee that Northern Berks Ambulance is charging families (\$65.00) because of the money they receive from the township.

Rusty Wagner, Shoemakersville Fire Company, stated the engine tanker will be out of service for two more months. Mr. Wagner stated an updated newsletter was posted to the townships' website concerning Bulk Chemical. Mohrsville Road should be open by the end of the week.

Bryan Althouse, Township employee, asked if a refrigerator could be purchased for the mowing crew at the Recreation Park. Chairman Adam suggested packing lunch and water in a cooler as he has done for years.

Approval of Minutes:

Dean A. Adam made a motion, seconded by Lance N. Adam to approve the June 4th Committee Meeting, and the June 11th Supervisors Meeting. 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 July 1, 2019. Motion carried with all Supervisors voting yes.

Bills for Payment:

(See attached list)

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

Reports:

Zoning and Engineering reports were received and reviewed by the Board at last week's meeting, July 2, 2019. Mr. Body attended the July 2, 2019 meeting due to a scheduling conflict.

David Lindenmuth, Recreation Board, stated an estimate was received from Young Paving to repair and seal the basketball court. Chairman Adam said they need to get more than one quote. Mr. Lindenmuth stated Dennis Huey will get the material for the privacy wall at the bathrooms

this week. The painting to finish the sliding board and the swings still needs to get done and they would like to add sand to the sandbox. Mr. Lindenmuth talked about changing the structure of the bobbles to make them easier to remove in the winter months. Quotes will be needed. The Board reviewed notes taken by Lance N. Adam from the Recreation Board meeting from June 25, 2019. The Secretary didn't attend the meeting and no formal minutes were done.

Jeff Fiant, Kraft Code Services, reviewed the permit activity report for May 26 thru June 22, 2019 with the Board and the Inspection Activity Report dated May 26 thru June 22, 2019. Mr. Fiant stated he would check out the path to the dugouts in the next day or two.

Gene Buck, Planning Commission Chairman, stated the Board met on July 3, 2019 and one member was absent. Mr. Buck stated notification was received from McCarthy Engineering stating the project manager has changed from Christopher Muldoon to Christopher Falencki. A letter requesting a ninety-day (90) time extension was received for the Bell Tract. A motion was made and approved by the Planning Commission. The meeting adjourned at 7:45 pm. The minutes from the June 5, 2019 were reviewed by the Board. Dean A. Adam made a motion, seconded by Mark Wm. Stitzel to extend the review period to October 9, 2019 for the Bell Tract. Motion carried with all Supervisors voting yes.

Donald Mast, Municipal Authority, stated the wells will be dug near the tower and they would be doing a drawdown on both wells. The Authority received notification from DEP for the booster station and they are hoping for approval possibly tomorrow. Mr. Mast stated everything is in place for the dedication of the booster station we're just waiting for the permit. The Board reviewed the meeting minutes from May 8, 2019.

Ron Corl, EMC, stated he attended a training session last month but had nothing for this month.

Mark Wm. Stitzel, Roadmaster, stated the roadcrew has been working on drainage, pipe repair, and patching potholes.

JB Environmental Services report dated June 30, 2019 was reviewed by the Board.

Eden Bucher, Solicitor, stated Allen Shollenberger reviewed Shoemakersville Borough's Code Red contract and found a few things that weren't acceptable to him. Mr. Shollenberger would suggest a one (1) year contract would be better with no automatic renewal clause. The cost for this service was questionable. Eden Bucher will contact the company and discuss the issues. Eden Bucher stated a default hearing for Sandridge has been scheduled and they will keep the Board updated. Ms. Bucher stated Allen Shollenberger was in contact with Attorney Cala regarding the Albright property and the Berks County Blighted Property committee. It is felt this would be the best way to proceed considering the circumstances. The Board will be updated. Ms. Bucher stated the Joint Comprehensive Plan has seven municipalities plus the school district. Joe Body should receive an updated agreement soon. The next meeting is in August. There is no meeting in July. The Developers meeting was on June 25, 2019. Donald Mast, Municipal Authority stated an acceptable compromise was reached on both sides however he thinks the timing still needs to be worked out. We are making progress and moving forward.

Brad Migdal - HCP:

Brad Migdal, Senior Managing Director Cushman & Wakefield was present to ask the Board to consider a tax incentive (Lerta) for a proposed project at Hamburg Commerce Park. Mr. Migdal distributed handouts to the Board. The project is confidential and Perry Township is on the short list of three possible sites. Pete, proposed project representative, was present and talked about the company he represents and the commitment to the community. Pete talked about the one thousand plus jobs that his company would bring to Perry Township. Chairman Adam asked at a tax rate of a quarter mil (0.25) what reduction in tax could be give you. The breakdown of

how the tax reduction would work was discussed. Chairman Adam stated we have no guarantee, after the warehouses become occupied, that our school taxes will decrease. Lance N. Adam stated he doesn't support Lerta. Chairman Adam said he made the comment years back that no business will ever be given Lerta in Perry Township unless the school district gives every resident in Perry Township the same tax break. The school isn't going to do this. Many residents began asking many questions to Mr. Migdal and Pete. Every resident present at the meeting was against giving a tax break. Dean A. Adam made a motion seconded by Lance N. Adam to not give Lerta to the proposed project. Motion carried with all Supervisors voting yes.

Heat Pump Quotes:

The Board discussed how many quotes have been received and decided to wait to make a decision. Lance N. Adam asked Secretary Adam for confirmation that the units are working but should get replaced.

Employee Handbook:

Lance N. Adam stated we should wait to discuss this until next month.

Rac Geo II Sign K:

Lance N. Adam spoke with a few municipalities and stated Tilden uses this one and loves it. The secretary was asked to get a current price.

Outside Flag Pole:

Mark Wm. Stitzel stated he didn't have an opportunity to talk with the company and would try to contact them till next month's meeting.

Virginville Fire Company Reports:

The Board reviewed the reports submitted by Virginville Fire Company.

HLP Line of Credit Reduction:

The Board reviewed the correspondence Mr. Body emailed. The Hamburg Logistics Park Progress Report #2 was reviewed. Dean A. Adam made a motion seconded by Lance N. Adam to reduce the line of credit for Hamburg Logistics Park by One Million Three Hundred Ninety-Four Thousand Seven Hundred Thirty-One Dollars and Fifty Cents (\$1,394,731.50), which represents completed and acceptable work, leaving the remaining security at Four Million Seven Hundred Sixty-Six Thousand Nine Hundred Thirty Dollars and Fifty Cents (\$4,766,930.50). Motion carried with all Supervisors voting yes.

Windsor Castle Road NOV:

Chairman Adam stated since Jill Nagy and Joe Body were not present, we will need to recess the meeting to discuss.

Vacancy Board Letters of Intent:

The Board discussed how many letters have been received and decided to wait till next month to make any decisions.

Comments:

Nancy James, Ridge Road, asked for clarification about the statement from last month's meeting about the cost of repairing and maintaining the roads. Chairman Adam stated the township

receives Liquid Fuels money but that disbursement usually doesn't cover all the costs for the year. The General Fund is then used to paid the excess. Mrs. James said the roadcrews missed some potholes on Ridge Road. Mr. Huey, roadcrew employee, stated we ran out of patching and that's why we didn't get them all. Mrs. James said at Alpine Road stones are washing into the road. Dean A. Adam said we did some of the roads today (Allendale, Forest and Skyline) however with the heavy and frequent rain it's an ongoing problem. Mrs. James asked if something could be posted on the website for people to be aware of the loose stones. Nancy James is concerned that a locked gate on the junk yard and how will the fire company be able to access the property if a fire occurs. Many people present stated, if the fire company needs to access the property, they have the equipment and tools to do so. Rusty Wagner stated he would contact them.

Stan Snyder, Grandview Avenue, asked about the letter of intent. He missed the discussion. Chairman Adam stated it's waiting for another month.

Bryan Althouse, Adams Hotel Road, thanked Lance N. Adam for his comment about Lerta along with the rest of the Board.

Troy Heckman, Skyline Drive, also thanked the Board for their decision on Lerta.

Marshall Miller, Pottsville Pike, stated when we get a tax break, they can get one.

Dean A. Adam, Windsor Castle Road, stated he would only agree to Lerta after every taxpayer in Perry Township receives the same tax break from the school district that they would give to these businesses. Chairman Adam asked Mark Wm. Stitzel to share the conversation with the residents that he and Chad Kamp had with the school district.

Mark Wm. Stitzel stated the Superintendent was asked if the township gives Lerta and the warehouses are occupied will the school district lower the tax rate. The Superintendent stated the taxes will be raised a half mil every year. He stated after a five- or six-year period, if the money rolls in the way it's supposed too, they might reduce the tax rate a quarter mill. Mr. Stitzel stated after hearing these comments his mind was made up, no Lerta.

Correspondence:

The Board reviewed the correspondence.

Recess:

Dean A. Adam made a motion, seconded by Mark Wm. Stitzel to recess the meeting until July 16, 2019 at 5:00 pm to discuss the Windsor Castle Road NOV. Jill Nagy and Joe Body were unable to attend tonight's meeting. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON
August 13, 2019

RECORDED BY

Rosanne R. Adam, Secretary/Treasurer

Dean A. Adam, Chairman

BOARD OF SUPERVISORS
PERRY TOWNSHIP
July 16, 2019

The recessed meeting from July 9, 2019 of the Board of Supervisors of Perry Township was called to order by Chairman Dean A. Adam at 5:00 p.m. on July 16, 2016 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:

Eden Bucher, Esq., Joseph H. Body, Zoning Officer and Rosanne R. Adam,
Secretary/Treasurer

Chairman Adam stated since he would need to abstain from any vote that might be made, he would not remain at the board room table.

Windsor Castle Road – NOV:

Vice Chairman Adam stated the Windsor Castle Road Notice of Violation is on the agenda to discuss. Attorney Mark Koch stated he was present on behalf of Dean and Rosanne Adam to bring closure to the NOV. An appeal was filed with the township and in that appeal, it was requested to have an audience with the Board of Supervisors. Mr. Koch stated from what he understands, Allen Shollenberger discussed with Lance Adam and Mark Stitzel that the use was permitted but Jill Nagy, Special Counsel, was to look at the zoning ordinance for a second opinion. Mr. Koch said he was aware the Board received a letter from Ms. Nagy with her review but hasn't been given a copy. Vice Chairman Adam stated her letter states she agrees with your opinion but Lance N. Adam feels the township would be setting a precedent if we allow the permit. Mr. Koch stated we have done perks and probes that are acceptable. Lance stated he finds it hard to believe that in 2009 a septic system was denied and now it passes. Dean A. Adam stated the plot wasn't looked at in 2009 for a system. Lance N. Adam read meeting minutes from July 2009 that stated a system was denied. Dean A. Adam stated we never submitted the plan for a separate system and appealed that decision. Larson granted a permit to allow a separate tank and use the adjoining drain field. Mr. Koch stated the concept is sound however you don't agree with anyone. Vice Chairman Adam stated by approving this permit the township would be setting a precedent. Mr. Koch stated the house isn't violating the zoning ordinance. You have a zoning ordinance with provisions that are not unusual. Many municipalities in Berks County have the same provisions in their zoning ordinance. Mr. Body stated he agrees with Mr. Koch. This is a common ordinance used by most municipalities primarily to solve issues that might arise when adding buildings. Mr. Koch stated the Adam's hired Devon Henne, one of the most competent engineers in the county, to demonstrate that the property meets all of the township's requirements. Mr. Koch said frankly if Mr. Henne is comfortable with the zoning exhibit plans, I'm comfortable. Mr. Koch showed the zoning exhibit plan to Lance Adam and Mark Stitzel. Mr. Koch stated this plan is a concept and is not designed to subdivide just to show the setbacks for the modular home. The perks and probes along with the secondary system is also shown on the plan. Vice Chairman Adam asked has this been done in the township before. Mr. Body stated it's in the ordinance book but a comprehensive revision can be done for the new zoning books. A quick adjustment to the zoning could be voted on at any time. Problems come up and that provision exists in every township zoning ordinance. Lance N. Adam stated he feels the Zoning Hearing Board should make the decision. Mr. Koch

said your interpretation is wrong. It's in black and white. When everyone is telling you your wrong. It's in the ordinance, it's legal, it's allowed, there is nothing wrong with it. You're not doing anything wrong by repealing the NOV. The second opinion given by Jill Nagy says so with all due respect. Lance N. Adam would like to commission the Zoning Hearing Board.

Eden Bucher took comments from the residents.

Stan Snyder, Farview Road, asked why the meeting was recessed to 5 pm and not the regular meeting time. He stated that it bothers him that everyone that wanted to attend could not be present because they were still working. Ms. Bucher stated it is perfectly legal. The date and time were announced at last week's meeting and no objections were made. Mr. Snyder said other people were denied. Ms. Bucher stated these applications are done case by case. The Ordinance is in place and has been for many years. You need to look at the specific requirements and the lot needs to meet the requirements of the ordinance. Two structures are allowed on one property. In this particular case, all of the requirements have been met. Ms. Bucher stated what they want to do is legal under the ordinance. It's been verified twice. Lance N. Adam stated he feels the township would be setting a precedent.

Nancy James, Ridge Road, asked if the residents are paying for this extra meeting. Mark Koch responded to Mrs. James. The township's costing the taxpayer's money and have costed the Adam's to spend money. If they precede it will cost the taxpayers thousands more. Mrs. James stated the newspaper will hear about this and she would write a letter to the editor. Mr. Koch said Dean and Rosanne are following the ordinance and there is no precedent because it's in the ordinance.

Lance N. Adam asked Mr. Body how this is different from the Lombardi property. Mr. Body stated Mr. Lombardi wants to attach both residences and he can't meet the requirements of the ordinance (setbacks or road frontage).

Nancy James asked Mark Wm. Stitzel, since you've been around the longest, you know that the house on Adams Hotel Road was denied. Mr. Stitzel stated that's a bad statement because to his knowledge no one has ever been denied. Someone may have been asked to move the trailer because it couldn't meet the zoning ordinance requirements. Mrs. James said Tom McKinney wanted to be here but couldn't because he remembers the Adams Hotel Road request being denied. Ms. Bucher stated, as she said before, the requirements of the ordinance might not have been met.

Mark Wm. Stitzel made a motion, seconded by Lance N. Adam to withdraw the Notice of Violation and have Mr. Body issue a zoning permit after the sewer permit has been issued. Motion carried with two Supervisors voting yes. Dean A. Adam abstained earlier before the discussion began.

Adjourn:

Dean A. Adam made a motion, seconded by Mark Wm. Stitzel to adjourn the meeting at 5:28 pm. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON
August 13, 2019

RECORDED BY

Rosanne R. Adam, Secretary/Treasurer

Dean A. Adam, Chairman