

BOARD OF SUPERVISORS
PERRY TOWNSHIP
February 9, 2021

The regular monthly meeting of the Board of Supervisors of Perry Township was called to order by Vice- Chairman Patrick J. Daly at 7:40 p.m. on February 9, 2021 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.

There was a hearing before the Board meeting at 7:00 for the Conditional Use of Ronald Adams 268 Birch Hill Road, Perry Township. The next hearing will be March 17, 2021 at 7:30.

Pledge of Allegiance

Roll call was held and the following Supervisors were present:

Lance N. Adam- ZOOM
Patrick J. Daly
Dean A. Adam- ABSENT

Also present at the board meeting were:

Allen R. Shollenberger, Esq.
Sandra Madara, Secretary/Treasurer

Vice Chairman Daly turned the meeting over to Chairman Adam who was on Zoom.

Chairman Adam stated the Supervisors and the Solicitor will be going into Executive Session after the meeting for discussion on the Conditional Use plans application.

Solicitor Shollenberger asked if the Supervisors would hear Attorney Gregory J. Davis from Saul Ewing Arnstein & Lehr. He was there representing Ronald W. Adam, 268 Birch Hill Road. What is being proposed is a 413,000 square foot warehouse/distribution center with parking. It is about 49 acres.

Justin A. Geonnotti, PE from Dynamic Engineering went into detail about the property at 268 Birch Hill Road. PENN DOT does not want access on Pottsville Pike. We will be improving the intersection with a traffic signal, right turn lane off Pottsville Pike and designated left turn lane off Pottsville Pike. This is really a concept application, looking for suggestions before they go any further.

Supervisor Adam asked what the intentions for water are. Are you connecting to the municipal sewer? Geonnotti stated, “at this moment, the plan calls for a well not sewer hookup.” This is still in concept form.

Supervisor Daly questioned coming off 61N, going uphill, will there be an acceleration lane? Geonnoti explained that PENN DOT does not want any traffic coming off 61, so that signal will allow for acceleration and deceleration. Traffic will function better.

Loretta Watkins asked where will the trucks be coming in off Birch Hill Road to enter the warehouses? Justin answered they will be coming past the cemetery. Justin stated there will be traffic studies done.

Joe Body said they had calls on the intersection and concerned that it won't be easy to work out. The Solicitor stated this is a "temperature taking" meeting tonight. Nothing is final. This is not a formal plan. Geonnotti stated they will work with PENN DOT and the township on this.

The Solicitor said this is not a formal plan. This is just to let you know what they are interested in doing.

Chairman Adam asked about the height of the other warehouses. Joe Body said they are all 50 foot high. There was a proposal that someone wanted to go to 90 foot but it never happened.

Public Comment

Kathy DeCarlo- Cathy thanked the road crew on the plowing of the snow, great job! Cathy also said thank you for the archiving of the Bills for Payment, which she thanked Supervisor Daly for doing. Cathy asked if they advertised for the secretary's position. Chairman Adam said they have not done anything to advertise for the position. Supervisor Daly explained that Sandy handed in her resignation to the township because of some issues that were going on. After some dialogue, she has rescinded her resignation and will be helping us out part-time till we can decide which is the best way for the township to proceed. Sandy will be with us for as long as she can help us get thru till we find a permanent solution. She will still be helping to keep the township moving in the right direction, until we find someone to take over. Chairman Adam thanked Sandy.

Chuck DeCarlo- Thanked Sandy for itemizing the bills for payment, so that the residents can see what is being purchased and what is going on. In reviewing the Bills for Payment, something really jumped out on this bill for Leisawitz and Heller, \$2665, RTK Dean and Sandy issue.

Supervisor Daly stated that when a Right to Know request is submitted to the township, the law says we have 5 days to respond to that request, with either the documents that have been requested or to ask for an extension of time to gather the documents that have been requested. These particular documents that were requested in this matter, were denied, and it is the right of the Requester to file an appeal with the Office of Open Records. Had we arbitrarily approved the RTK request from this individual, it would have cost the township tens of thousands of dollars in legal fees to have each individual email reviewed to ascertain whether or not privilege is attached to it. So, we engaged Leisawitz and Heller, Allen, to represent the township on the denial of the records that were requested. These documents were broad in nature, lacked specificity and we believe encroached on attorney/township privileges in communication. Quite frankly, if you sent something in, you would not want your personal information released. If we release an email that had personal information in it, about you, your personal finances etc., you would not want that. We asked Allen to represent us on this, and these are the costs so far for Allen to represent us so far to fight this.

Kathy DeCarlo said, “so a Supervisor is costing us this money for his own personal gain?” **Supervisor Daly** explained that the fact he is a Supervisor, the request came in as a named individual not in the capacity of a Supervisor. We have to treat every request that comes in by law with due diligence. Yes, this individual is a Supervisor and a resident of the township and we are required by law to respond to any request that comes in.

Stanley Snyder- Can we recover this money? **Supervisor Daly** answered no, there is no way for us to recover the money. The only outlet we have for any type of action is, we are now going into mediation.

The Solicitor explained that this is a second request, the first request was resolved. This is the second request and it is going into mediation and unfortunately there is nothing we can do. **Supervisor Daly** stated there is nothing we can really do, other than protect the interest of the township. Supervisor Daly said he went thru his emails alone and it would be thousands of dollars to review his alone to see if privilege is attached. I have had correspondence with Attorney Shollenberger and I don't think that is public information. That is my take on it. There is no provision to punish someone who files a RTK request, however, the Ethics Commission, that, may be another story. He must pay for the copies that are made. The cost is \$.25, but that does not take into consideration the time it took our Secretary/Treasurer was forced to engage with these documents and the research. In addition to all of this, the normal work, people coming in the office, and the phones calls. I have been sitting in this office the last week and I have been trying to assist people coming in, the phone calls, entering the bills for payment. This is incredible to ask one person to do all this.

The Solicitor asked that we have no further questions on this litigation.

Stanley Snyder – complimented the road crew on the great job they did with the snow removal. Stanley also said if the Secretary needs any help, they would be happy to offer help.

Tom Radcliff- Tom asked if there was a conflict of interest between Dean and Allen, did Allen have dealings with Dean on other issues?

The Solicitor asked, are you asking me if I have represented Dean Adam personally? Tom said “yes.” The Solicitor, said “no I don't.” Tom asked, you never have in the past? The Solicitor said, no I didn't, never. The Solicitor said “for what it is worth, if I have a conflict of interest with the township, I would use conflict counsel and I would point out the conflict.”

Stanley Snyder asked if the township will know the end results? The Solicitor stated, “absolutely”. I informed you the first request was resolved.

Nancy James- I would like to commend the Secretary for her minute keeping as they are legal and historical documents. I also appreciate reading the Minutes and the Bills for Payment on the website for all to see. This is transparency. I would like to thank Supervisor Daly for archiving the Bills for Payment on the website, this is more transparency. I had other comments to make regarding the person who is missing tonight, Dean Adam and will hold till next month. He was bullying the Secretary and now we have to find another Secretary. I wish the people that are here will spread the word about his ignorance, arrogance. This is a disgrace to the township.

Larry Martin- Compliments the plow drivers. Question is, why are there 2 individuals in a plow truck? Why are we paying 2 people to be in a plow truck?

Supervisor Adam answered that he was in the blinding snow from the last storm and has never witnessed anything like that. The perception between day and night is totally different. The snow was blowing so hard, you had no idea where you were. The second person is the “spotter”. Supervisor Daly stated he has a lot of respect for the road crew. I also questioned why there were 2 people in the truck, I will never question that again. It is definitely needed and is all about safety.

Deane Hamm- Thank you to all the residents that have thanked the road crew for the job we did. We put many, many hours in on that last storm from Monday – Friday. I think I had 10 hours of sleep.

Deane pointed out there are times when we need to use speed to get the snow off the road.

Motion was made by Chairman Adam to accept the Bills for Payment dated February 9, 2021, seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Motion was made by Supervisor Adam to accept the Treasurer’s Report for February 9, 2021. Motion was seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Motion was made by Supervisor Daly to accept the minutes of the Re-Organization meeting dated January 2, 2021, the Committee meeting dated January 5, 2020 and the Supervisors meeting dated January 12, 2021. Motion was seconded by Chairman Adam. Motion carried with all Supervisors present voting yes.

Independent Account Audit- report from the private auditors will be discussed later. They offered some areas we can improve on. Supervisor Daly will post this on the website.

SOS Agreement- Motion was made by Supervisor Daly to pay the Maintenance Agreement of \$285.00, seconded by Chairman Adam. Motion carried with all Supervisors present voting yes.

Motion was made by Chairman Adam to appoint Vice-Chairman Daly to the position of Front Office Administrator, to oversee the operation of the office and personnel. These people will report to the Office Administrator. Motion seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Reports:

The following reports were given to the Board of Supervisors:

Jeff Fiant, Kraft Codes Services- Report submitted.

Gene Buck, Planning Commission – The Planning Commission had a meeting on 2/3/21. Ray Hepner and Russell King were absent. David Ellis was present representing Met Ed, and he applied for a three (3) acre lot. The plans were submitted to the Planning Commission.

Birch Hill property- Same presentation that was presented here tonight.

Mary Rinehart was present with Gene Bell’s ex wife on the estate settlement. Mary is looking at purchasing some of the land.

Motion to approve the conditional use project.

Donald Mast, Municipal Authority- Not present.

Joe Body, Zoning- In the month of January there were three (3) permits issued. They were all accessory structures. There is a Zoning Hearing Board meeting scheduled for 3/11/21 at 6:30 PM for the resident on Birch Hill Road. He is requesting a variance for a garage.

Township Engineer- No report.

Chairman Adam said he had a complaint today that the trucks are stacking up on Logistics Drive to get into Bldg 200. This is creating a traffic issue and people can't get around them and they are going the wrong way. The other issue is the truck drivers and their trash. It has been blowing throughout the neighborhood.

Supervisor Daly asked the Engineer if they could notify the resident when they are going to blast.

Solicitor- Motion was made by Chairman Adam to formally recognize the sub-division process from the Bell Estate, seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Motion was made by Chairman Adam to amend the Ordinance for the mandatory on lot sewer pumping system will occur every three (3) years for every system in the township, instead of the sliding scale. Motion was seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Motion was made by Supervisor Daly to adopt the Resolution to set the speed limit to 35 mph on Logistics Drive. Motion was seconded by Chairman Adam. Motion carried with all Supervisors present voting yes.

EMC- Motion was made by Chairman Adam to adopt the NMS Resolution recommended by Jarrod Emes, the EMC Director, seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Roadmaster- The salt contract is up for renewal. Chairman Adam reached out to Mark Stitzel. We will again ask for 500 tons of road salt. We are required to take 60% of the salt. Motion was made by Chairman Adam that we commit to 500 tons of road salt for the 2021-2022 winter. Motion was seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Chairman Adam continued with the Roadmaster Report- One of the trucks, 2000 International was towed out to Five Star after the last snow storm. The truck went in for numerous complaints, one of which it left the crew sit in the middle of the road. A big thank you to the Zweizig family, they came and rescued us. They got us out and towed us back to their farm and left the truck there for a day when it could be towed away safely.

Chairman Adam thanked the road crew for the number of hours they have put in. The road crew went out and was pushing snow drifts back, in case there is another storm that comes in. Everyone put a lot of hours in and we got a lot of positive feedback in our packets tonight.

Chairman Adam stated that the only negative comments he saw or heard, are all connected to the guy who is not here tonight.

J B Environmental- Nothing to report.

Rec Park- They held their re-organization meeting in January. The Secretary said she has received two requests for rental in May. Supervisor Daly is working on a grant from DCED for a walking trail

Correspondence- Mike Berger motorcycle ride was contacted by Joe Body. He will follow up with them.

Motion was made by Chairman Adam to bring Tom Radcliffe on as a township employee at the rate of \$18.50 He has building and property knowledge and can assist the road crew. We have improvements to be made and Tom is very qualified to do this. Motion was seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Tom Radcliffe stood and told everyone about his background.

Motion was made by Chairman Adam to hire Joseph Dalton, who has a CDL license and part time road crew. Motion was seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

Comments:

Kathy DeCarlo- Asked the question – have you thought about only holding one meeting a month as opposed to the two? Supervisor Daly explained that the first meeting is a work shop meeting and the second is for voting and approving items. Supervisor Daly is an advocate for two meetings. Chairman Adam also likes the two meetings.

Chuck DeCarlo- Wanted everyone to be careful at the stop sign at Main Street and Zweizig. People coming from 61 are just blowing thru. Joe Body asked if there was a time of day when it was happening and Chuck said no special time, but it is happening. Most of it is warehouse traffic.

Mason Moyer- Mason said it is his first year on the road crew and he thanked everyone for the safety measures and he feels it is important to have 2 people in the truck. Its two sets of eyes and two sets of hands. Safety first!

Joe Body- To Mrs. Watkins, she was correct, the land used to be 2 acres but the township made an amendment in 2014 which changed the minimum to 1 acre.

Nancy James, Ridge Road- Nancy said its so easy for everyone to be home and very comfortable and complain about what is going on outside. Kudos to the road crew, who are so very careful and do a great job.

Deane Hamm “ Hamster “- Deane said “ we have a heck of a road crew, we work together, we stick together and the game of tag we had gong on... one got stuck, another got stuck, but I love it ! I love it !

Adjourn

Motion was made by Chairman Adam to adjourn at 9:05 PM. Motion was seconded by Supervisor Daly. Motion carried with all Supervisors present voting yes.

MINUTES APPROVED ON:
March 9, 2021

Lance N. Adam, Chairman

RECORDED BY:

Sandra J. Madara
Secretary/Treasurer