

**UNOFFICIAL**

BOARD OF SUPERVISORS  
PERRY TOWNSHIP  
May 10, 2022

The regular monthly meeting of the Board of Supervisors of Perry Township was called to order by Chairman Lance N. Adam at 7:10 p.m. on May 10, 2022 from the Perry Township Municipal Building, 680 Moselem Springs Road, Shoemakersville, PA. The meeting was also being held via zoom conferencing. The format for tonight's meeting is in compliance with PSATS. The meeting was also being recorded.

**Pledge of Allegiance**

Roll call was held and the following Supervisors were present:

Lance N. Adam- PRESENT

Patrick J. Daly- PRESENT

Joseph Dalton- PRESENT

Also present at the board meeting were:

Allen Shollenberger, Esq. – PRESENT

Rochelle Dreibelbis, Administrator – PRESENT

\*Chairman Adam made a motion to amend the agenda to add discussion of the Northern Berks Joint Comprehensive Plan. There will also be an executive session after the meeting to deliberate on the Arthur G. Luft Conditional Use Application, as well as the Mobile 8 Realty litigation settlement proposal. Supervisor Daly seconded the motion. Motion carried with all Supervisors voting yes. \*

**Public Comment:**

**Tom McKinney-** Tom had concerns with the speed limit postings of Mohrsville Road. He questioned why 8 to 10 signs were taken down and only replaced with 2. Chairman Adam stated the previous signs were not compliant with current guidelines. Tom said "read it again" and feels the signage is illegal. Chairman Adam and Ryan Rhode will work with LTAP to clarify what signage is required. Tom also questioned why there is a deer crossing sign at "Ally Blackwell's" house when all the deer are killed on the Brush Wellman stretch? The previous zoning officer/engineer evaluated that area and deemed a sign necessary.

**Vasilia Hinkle-** 16 Grandview Road- Vas provided an agreement from 1980 indicating the shift in Grandview Road closer to their property line. The roadcrew cut back her Weeping Japanese Cherry Tree. The tree was hanging to the white line and was trimmed within the township right of way. Vasilia was upset with the use of the brush hog to trim the tree. Chairman Adam confirmed pruners will be used from now on to trim their tree.

**Leroy Hinkle-** Leroy elaborated on how Grandview Road was widened, which resulted in the agreement in 1980. Leroy checked the area with a metal detector and the property line pin is still

in place. The pin is marked on the ground with a white "X". Allen Shollenberger confirmed it is important to determine where exactly the right-of way is.

**Gerald Haag-** Gerald questioned when Main Street will be fixed? Ryan Rhode confirmed Main Street is slated for this year. It may take 2 years to fully address Main Street, but the worst areas will be done this year.

**Nancy James-** "Minutes are a historical record. I am requesting amendments be made on comments made May 3<sup>rd</sup> at the meeting. After doing my homework, there were several comments made that were misleading and false. Karen Hoagland said that Sicilian donkeys are under 100 lbs, when Google states they can weigh between 250-450lbs. So, her statement is false. As far as why I put up a fence and what I put in it is none of her concern, but obviously she is making it her concern. She also stated that 'everything seems to matter to you Nancy. No matter what anyone does in the neighborhood, you have an issue with'. I spoke with Barb Putt, who boards her horses, Jeff Seaman, and Stephanie Martin. They all stated there has never been any issues with us, contrary to Karen's statement. This is falsifying information to create conflict. To accuse the Supervisors that last year's issue was kicked under the rug and done behind closed doors, shows the lack of character and respectability of Mrs. Hoagland. Slander is the act of defamation that one uses against you through speech that is false and tries to bring harm to your reputation. Verbally maligning another person without any truth and with bad intention is an act of defamation that is called slander and is liable for punishment. If this harassment continues, I may consider taking action. FYI, I have security cameras on the property! Lastly, I was taken by surprise at the attack and misspoke the weight of the cows. I meant to say 1,000 lbs not 100 lbs. If that can be amended as well. Thank you."

**Marvin and Nancy Burkert-** 698 Onyx Cave Road- Asked to view the Arthur Luft Sub-division map. Allen provided them a copy to view.

**Approval of Minutes:** Motion was made by Chairman Adam to approve the Committee meeting minutes of April 5, 2022 and Supervisor meeting minutes of April 12 2022. Supervisor Dalton seconded the motion. Motion carried with all Supervisors voting yes.

**Treasurers Report:** Motion was made by Chairman Adam to approve the Treasurer's report dated April 30, 2022. Supervisor Daly seconded the motion. Motion carried with all Supervisors voting yes.

**Bills for Payment:** Chairman Adam mentioned the invoice for the new playground equipment is less than quoted. The manufacturer shipped the equipment even though we agreed upon picking the equipment up. Administrator Dreibelbis made them remove the shipping cost, saving \$3,400.00. Motion was made by Chairman Adam to approve the Bills for Payment dated May 10, 2022. Motion was seconded by Supervisor Dalton. Motion carried with all Supervisors voting yes.

**Reports:**

The following reports were given to the Board of Supervisors:

**Rusty Wager, Fire Chief-** Not present

**Kraft Code Services/ Kraft Codes Zoning-** Under Jeff Fiant's guidance, Ryan Rhode gave the Zoning and UCC report. Property maintenance issues: progress being made at 6 Kerr Lane, 311 Logistics will be using either a trash compactor or dumpster with lid to keep the trash from blowing out, 311 Logistics is also working towards putting up a sign. For the period, 3 zoning permits were issued and 12 building permits with an overall improvement value of \$2.895 million. These permits included alterations at 1510 Main Street, a detached garage, and the addition at Glen Gery Brick. Chairman Adam commended Kraft for the outstanding work they have been doing.

**Gene Buck, Planning Commission** – The Planning Commission had a meeting on May 4, 2022: all members present. The agenda was amended to include the Glen Gery Brick addition and the Arthur G. Luft Sub-division. Glen Gery Addition submitted the final plans for approval. The addition includes a plant with office areas and parking. The plans were accepted for review. The Arthur G. Luft Sub-division was discussed. The PC recommended the Supervisors approve the sub-division. Ryan presented a solar farm ordinance from Upper Tulpehocken. The PC is going to review the Upper Tulpehocken ordinance before making a decision on the Solar Farm ordinance for Perry Township. Adjourned around 8:15pm.

**Donald Mast, Municipal Authority-** All systems worked well this month. DEP asked for the booster pumps to be run once a month. MA coordinated with Shoemakersville Borough, and one cycle will be run every 2<sup>nd</sup> Tuesday of the month.

**Ryan Rhode, Kraft Engineering-** Ryan included the current draft of the Solar Farm Ordinance for Perry Township in the engineering report, along with a copy of Upper Tulpehocken's ordinance. Final draft should be ready for next months meeting. Glen Gery Addition Final Plan review will be ready for next months meeting. For the 2022 Street Work, Ryan fully anticipates having bids ready for approval at next months meeting. The plan is to open the advertising on the date of the workshop meeting, if not earlier. In regards to the Paradise Ave. complaint received from the Nester's; Ryan submitted a draft response for the Supervisors' review. Ryan gave an overview of the response. Allen Shollenberger also reviewed the response letter and feels it is sufficient. Deane Hamm asked if the township's only obligation is to maintain the retention pond? Deane also mentioned the possibility of the tile line the township installed being crushed, making the ground soft. Ryan will look into this for clarification. Ryan was contacted by HCP to look into street work on Logistics Drive. HCP would like to discuss what improvements the township would like to see addressed. Ryan has already submitted a list of items he would like to see addressed from an engineering standpoint. Deane Hamm asked if the township would be responsible for plowing the turn lanes on Logistics Drive? Ryan believes yes, but recommends obtaining clarity.

**Allen Shollenberger, Solicitor** – Received an application from Howard and Jill Stark for inclusion of their property at 130 Farview Road in agricultural security. Perry Township has over 6,000 acres in agricultural security. Allen provided the statute the township will follow during the application process. Mobile 8 Reality is a tax assessment appeal litigation regarding a mobile home park in the township. An executive session will take place after the meeting regarding Mobile 8; no action will be taken. Allen reached out to Matt McGough regarding the adoption of the Northern Berks Joint Comprehensive Plan. Allen is looking for a motion to approve the advertisement for a public hearing on June 14, 2022 for public comments on the plan. The resolution for plan adoption will be ready for the Supervisors meeting. Chairman Adam made a motion to approve the advertisement for a public hearing regarding the adoption of the Northern Berks Joint Comprehensive Plan. Supervisor Daly seconded the motion. Motion carried with all Supervisors

voting yes. An executive session will also take place after the meeting to deliberate on the Arthur G. Luft Sub-division application; no action will be taken. A decision will be rendered at next month's meeting. Chairman Adam had questioned previously if a mutual aid agreement was ever made between the township and Shoemakersville Borough. Allen confirmed no agreement was ever adopted.

**EMC-** No report.

**Road Master-** Report provided.

**J B Environmental-** No activity.

**Recreation Park-** The new playground equipment is here. The process of removing the old equipment and installing the new will begin. The park rental contract was revised and approved. Revisions include increased rental fee with correlation to amount of guests, baseball field availability, and an added security deposit for all rentals. The revised contract is uploaded on the township website.

**Public Comments:**

**Vasilia Hinkle-** Questioned the upcoming plant swap. The swap is at the recreation park on Saturday May 14 at 11:00 AM. Questions can be directed to the organizer, Nancy James.

**Gerald Haag-** Gerald was happy to see the sewer bills go quarterly. He asked if he may pay a month early for when he is on vacation? Gerald was informed he has the entire quarter to pay so he may pay it after his vacation.

**Jeff Dreibelbis-** Question for Allen concerning the Luft subdivision. How long is a right-of-way good for? Allen said it depends on the terms of the right-of-way. Allen suggests looking for a written agreement first. Jeff asked how would the property be accessed if the deadline to the right-of-way has surpassed? Allen explained if there is no written agreement, then the access is through a "permissive use license". There are different types of easements which can be argued. Allen confirmed "any interest of land conveyed in PA has to be in writing. This doesn't mean you cannot acquire a prescriptive easement, but you have to show historically you have used that piece of land over an extended period of time."

**Nancy James-** Nancy asked if that would be considered "grandfathered"? Allen said not necessarily "grandfathered", but the law considers prescriptive easements for access to property. Typical time length is 21 years of use, but not always. Nancy asked if a motion had to be made for her request to amend the May 3<sup>rd</sup> minutes? Allen confirmed the minutes stay the same since you cannot change what was already said. Nancy's statement in regards to the May 3<sup>rd</sup> minutes would be included in tonight's minutes.

**Jeff Dreibelbis-** Asked if the owner prior to Luft didn't use that right-of-way for maybe 35 years, how does that effect the prescriptive easement? Allen said the main thing to find is something in writing giving permission to use the right-of-way, perhaps on the deed to the property.

**Adjourn:**

Chairman Adam made a motion to adjourn the meeting at 8:00pm followed by executive session where no actions will be taken. Supervisor Dalton seconded the motion. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON:

June 14, 2022

RECORDED BY:

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Lance N. Adam, Chairman

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Rochelle Dreibelbis, Administrator