

BOARD OF SUPERVISORS
PERRY TOWNSHIP
September 10, 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 September 10, 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:

Allen R. Shollenberger, Esq. and Rosanne R. Adam, Secretary/Treasurer

Comments:

Solomon Lausch and Stephanie Burkart from the Schuylkill Valley Library were present to thank the Board for their continued support and kindness. The Board received a handout outlining the services the library provides along with cookies and brownies. Stephanie shared an interesting story from her childhood. Contrary to some beliefs, the library isn't dead it is used often by many people.

Paul Clauser, Perry Road, asked what designates a kennel. Mr. Body stated we have nothing in our ordinance that particularly states how many dogs are needed before it is considered a kennel. Mr. Body stated he has checked the property several times and never saw any dogs. Lance N. Adam stated at the state level there are rules that govern kennel laws. Mr. Body will follow-up.

George Anthony, Paradise Avenue, gave the Board some background information about his property. He stated when someone comes to his door and speaks politely to him, he will try to answer their questions and concerns. He is trying to clear the area by taking down pine trees to make room for an apiary or bee yard. He has been working with the Rodale Institute. He is burning the branches and this causes smoke. He assured everyone he isn't burning pesticides or toxic material. Mr. Body was at his home and spoke with him about the complaints. Mr. Body stated this is allowed in the township.

Jeff Dreibelbis, Onyx Cave Road, informed the Board a Recreation Park sign is missing at Ontelaunee Trail and Onyx Cave Road.

Lee James, Dreibelbis Mill Road, wanted the Board to know he is getting feedback from residents that the township gave him topsoil. He thanked the roadcrew for the wonderful job they did near his residence. Chairman Adam stated we didn't give you topsoil and thanked him for the compliment.

Debbie Wahl, Ridge Road, reported a drop-off across from the pond. The roadcrew will check it this week.

Nancy James, Ridge Road, stated she uses the library and thanked the library for the job they do.

Charles DeCarlo, Zweizig Road, said thanks for getting the weeds mowed. Mr. Body stated they are in the process of getting a maintenance contract signed and it includes a map of the mowing areas and a schedule for mowing. They will also be getting rid of the compost filter sock that should enable everyone to mow easier. Things should improve. Mr. Body said he is working with the owners trying to solve the noise and light issues.

Helen Dunkle, Paradise Avenue, commented on the burning that is taking place in her neighborhood. The burning is impacting the lives of the neighbors and she feels the township has a responsibility to the residents.

Glen Roberts, Paradise Avenue, stated he has the same issue as Mr. Anthony with the number of trees. He has been chipping it and isn't burning out of respect to the neighbors. He stated the smell is bad and disagrees with what Mr. Anthony said. The smoke is thick and lingers and would like his neighbor to respect the other neighbors. Mr. Roberts stated the solicitor should research the 25 Pa Act, Code of Fire.

Marshall Miller, Pottsville Pike, stated his well water turned to mud. Chairman Adam asked Mr. Marshall what was the cause but he didn't know. UGI is working in the area but had no knowledge of the muddy well water. Allen Shollenberger, Solicitor, stated this is not a township issue but a private property issue.

Approval of Minutes:

Dean A. Adam made a motion, seconded by Lance N. Adam to approve the August 6th Committee Meeting, and the August 13th Supervisors Meeting minutes. Motion carried with all Supervisors voting yes.

Treasurers Report:

(See attached report)

Mark Wm. Stitzel made a motion, seconded by Dean A. Adam to approve the Treasurer's Report dated September 1, 2019. Motion carried with all Supervisors voting yes.

Payment Approvals:

Dean A. Adam made a motion, seconded by Lance N. Adam to approve a partial refund of Twenty-Five Dollars (\$25.00) to Bonnie Favinger due to a mix-up of her Recreation Park rental. Motion carried with all Supervisors voting yes.

Lance N. Adam made a motion, seconded by Dean A. Adam to approve the payment request from Virginville Fire Company for Six Thousand Five Hundred Fifteen Dollars and Seventy-Five Cents (\$6,515.75) to McNeil & Company. Motion carried with all Supervisors voting yes.

Lance N. Adam made a motion, seconded by Mark Wm. Stitzel to approve the Zoning Hearing Refund for Dean and Rosanne Adam for Seven Hundred Five Dollars to Koch and Koch. Motion carried with two Supervisors voting. Dean A. Adam abstained.

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:

David Lindenmuth, Recreation Board, stated the privacy wall is done and the basketball nets and painting will be completed this weekend. Mr. Lindenmuth asked if any new quotes were received for the basketball court. Nothing new has been received. Mr. Lindenmuth asked what the recommendation for the basketball court is? Chairman Adam stated it would be best to re-top the entire court instead of trying to patch and seal the cracks. Mr. Lindenmuth asked if we should make the court regulation size or fix what we have. The Board said to fix what we have. Mr. Lindenmuth shall get quotes for the re-topping.

Zoning Officer, Joseph H. Body reviewed the Zoning Report for August with the Board. Mr. Body introduced Julia Hurle from the Schuylkill River Greenways. Ms. Hurle talked about the concept plan for a kayak and canoe launch, parking area and a ramp to the river on two of the township owned properties along Mohrsville Road. Ms. Hurle said the deed restrictions allow for a recreational area. The Board reviewed a sketch of the plan. A memorandum of agreement was discussed and the obligations of the Schuylkill River Greenways and the Township. The Schuylkill River Greenways would pay for all the construction and design fees. The Township could contribute to the project as an in-kind contribution. After the project is complete the Township would be responsible for minor maintenance. Chairman Adam stated the Board would review the plan and have an answer in the next month or so. Mr. Body discussed the Bent Limb Farm project with the Board. Mr. Body stated a Conditional Use permit application has been received for a windmill along with a Land Development Plan. The Land Development Plan was presented to the Planning Commission. Mr. Body reviewed the plan with the Board. Mr. Shollenberger will review the plans and will need to schedule a hearing for the Conditional Use sometime in the future. Mr. Body stated a notice was received from Met-Ed concerning the transmission lines and replacing poles. Mr. Body stated two Zoning Hearing Board hearings have been set for September 30, 2019 for Brown and Bracy. Mr. Body reviewed the applications with the Board. Mr. Body stated the weeds at Valley West are under control however they are not at Charles Estates.

Jeff Fiant, Kraft Code Services, reviewed the Permit Activity Report and the Inspection Activity Report both from July 28, 2019 thru August 24, 2019. Mr. Fiant stated twenty-three total inspections were done during this timeframe.

Gene Buck, Planning Commission Chairman, stated the Board met on September 4, 2019. Julia Hurle from Schuylkill River Greenways was present to share a concept plan for the Mohrsville Road area. The overall reaction from the Planning Commission was positive and everyone thought it would be a good thing. Paul Stelmach and Pam Ellenberger from Bent Limb Farm presented plans for a windmill. The plan was reviewed and accepted. John Hoffert was present representing Premier Fleet. A twenty-nine thousand six hundred (29,600) square foot warehouse plan was reviewed and accepted. Joe Body presented planning modulars for Dean & Rosanne. The Board directed Mr. Body to file the plans. Mr. Buck stated the Planning Commission did not receive a time extension letter for Cedarbrook Estates before their meeting. The time extension letter dated September 5, 2019 has been received and the Board can make a motion. Dean A. Adam made a motion, seconded by Lance N. Adam to grant a time extension for the Cedarbrook Estates Subdivision until December 31, 2019. Motion carried with all Supervisors voting yes. Mr. Buck stated Mr. Shollenberger reviewed the Krick rezoning. Mr. Krick needs to notify the adjoining landowners.

Donald Mast, Municipal Authority, stated the sewer lines and booster station were checked. The Authority is looking at doing GPS mapping of the water and sewer lines. The Municipal Authority minutes dated July 10, 2019 were reviewed by the Board.

Ron Corl, EMC, had nothing new to report.

Mark Wm. Stitzel, Roadmaster, stated the roadcrew is working on shoulder work and sign repairs.

JB Environmental Services report dated August 31, 2019 was reviewed by the Board.

Joseph H. Body, Engineer, stated the signed dedication documents for Logistics Drive have been reviewed by myself and Solicitor, Allen Shollenberger. Representing the project were Charles Suhr and Matt Clymer. Chairman Adam asked for acknowledgement that money has been set aside. Mr. Shollenberger stated the money is included within the improvement's agreement. Chairman Adam asked if the manhole on Zions Church Road is going to get fixed. Hamburg

Commerce Park is responsible to fix the manhole and that portion of Zions Church Road. The manhole sits on the line of what is being dedicated. Mr. Body went over the plan with the Board. Dean Adam stated his concern is the residents that need to travel that road. Mr. Body stated HLP has done the best they could without it really being theirs to fix. The issue of plowing Zions Church Road in the present condition was discussed. Lance N Adam saw no problem with what has been done. Mark Wm. Stitzel asked for a timeline for closing the access to South Route 61 from Zions Church Road. Mr. Clymer stated they should have that closed in the next week or so. PennDot has an October 15 cut-off for roadwork. Dean A. Adam made a motion, seconded by Mark Wm. Stitzel to accept the Deed of Dedication for Logistics Drive. Motion carried with all Supervisors voting yes. Mr. Body stated the contractor for Valley West wants to have a meeting directly with the Board to discuss the widening of Zweizig Road. Chairman Adam asked the other Board members if tomorrow evening at 4:30 p.m. would work for them. The time was discussed and agreed to be 5:00 p.m. on September 11, 2019. Mr. Body stated the security reduction was not approved at the last meeting due to issues with the weeds and barriers. Dean A. Adam made a motion, seconded by Lance N. Adam to reduce the financial security by One Hundred Eighty-Six Thousand Two Hundred Thirty-One Dollars and Ninety-Four Cents (\$186,231.94) leaving a remaining security of Six Hundred Thirty Thousand Nine Hundred Twenty-Eight Dollars and Forty-Nine Cents (\$630,928.49). Motion carried with all Supervisors voting yes.

Allen Shollenberger, Solicitor, stated the Krick rezoning is moving forward. Mr. Krick has paid the required fees and notices will be sent to the affected landowners. The documents will be ready for the November meeting due to advertising requirements and review periods. The plan was formally submitted to the planning commission. The hearing will need to be scheduled fifteen (15) minutes prior to the November meeting unless there is opposition. Lance N. Adam made a motion, seconded by Dean A. Adam to authorize Allen R. Shollenberger to proceed with advertising the rezoning hearing. Motion carried with all Supervisors voting yes. Mr. Shollenberger updated the Board concerning the Albright property on Mohrsville Road. Mr. Shollenberger stated the Joint Comprehensive Plans need a bit of a rewrite to correct some of the language. Mr. Body is attending those meetings and will keep us informed. Mr. Shollenberger stated the District Justice was not satisfied that Mr. Sandridge received his Notice of Violation. A new notice was sent certified. Mr. Sandridge has the right to appeal. The violation is in accordance with Perry Township's property maintenance code and the BOCA code. Main Street road conditions were discussed and recommendations will need to be made to the street and road ordinance to maintain money to fix these problems. Mr. Shollenberger stated he would speak with Nancy after the meeting.

Outside Burning Household Trash:

The burning issue was discussed. Mr. Shollenberger stated DEP is the enforcement authority. At this point, it's the only thing that can be done.

Response to Nancy James:

Patrick Daly, Northview Avenue, stated Mr. Shollenberger should answer the concerns of Nancy since it is listed on the agenda.

Psats Unemployment Compensation Group Trust:

Dean A. Adam made a motion, seconded by Lance N. Adam not to join the PSATS Unemployment Compensation Group Trust Fund. Motion carried with all Supervisors voting yes.

Outside Flag Pole:

The Board discussed the quote from American Flag Shoppe for the flagpole and the installation. Mark Wm. Stitzel stated if the Board agrees to the 20' flagpole he would donate the price of the pole. Dean A. Adam made a motion, seconded by Lance N. Adam to purchase the 20' flagpole, light kit and installation from American Flag Shoppe for One Thousand Six Hundred Two Dollars (\$1602.00) with Mark Wm. Stitzel donating the price of the flagpole. Motion carried with all Supervisors voting yes. Dean and Lance both thanked Mark for his generosity.

Vacancy Board Letters of Intent:

Lance N. Adam suggested letting the Vacancy Board letter of intent go until next year since we're already in September. The Board agreed.

Emergency Notification System:

The Board decided to discuss this at next month's meeting.

Response to Nancy James:

Solicitor Shollenberger provided a response to e-mail questions that had been submitted to the Township by Nancy James. He informed the public that he was not involved in the scheduling of the Recessed Meeting so he could not comment on that issue, that with a great deal of reluctance, he alone was responsible for the issuance of the NOV by Joe Body to Supervisor Dean Adam and his wife, Rosanne Adam and that the NOV was issued so that a legal process would begin that might help resolve the issue. The subsequent appeal filed by Dean and Rosanne led to the appointment of conflict counsel for the Township who offered her opinion to the two (2) supervisors who would vote on the issue. Solicitor Shollenberger explained that in every instance that a temporary permit has been issued during his twenty-one (21) years as solicitor, the standard has always been that the applicant would qualify for a full permit if one was requested. He explained that the Board of Supervisors has then routinely granted those requests. Solicitor Shollenberger explained that the costs incurred by the Township to resolve the issue were necessary because of the situation with the deadlocked Board and a need to advance the issue and not allow it to linger without resolution of some kind.

Comments:

Tom McKinney, Mohrsville Road, doesn't agree about the way the Adam property was handled. Mr. McKinney said Dean Adam lined the pockets of special counsel, Jill Nagy so things would go his way. Dean Adam stated Lance is the one who wanted to hire special counsel. Mr. Shollenberger said to his recollection Mark Stitzel was the person who was instrumental in hiring Ms. Nagy years ago for conflict situations.

Stan Snyder, Grandview Road, is concerned about the retention ponds along Zions Church Road. Lance N. Adam stated the ponds are temporary and are being used during construction for sediment and silt trapping.

Kathy DeCarlo, Zweizig Road, expressed her displeasure with the handling of the Adam's property.

Charles DeCarlo, Zweizig Road, expressed his displeasure with Township counsel.

Larry Krick, Main Street, asked about the rezoning. Mr. Shollenberger stated we are working to get it done at the November meeting.

Bryan Althouse, Adams Hotel Road, stated Allen, Joe, Dean and Mark are doing a great job and they should hang in there.

Troy Heckman, Skyline Drive, suggested adding the river access the fire company's been talking about where the canoe and kayak launch is proposed. Chairman Adam stated Rusty keeps promising to get in touch but hasn't yet.

Correspondence:

The Board reviewed the correspondence.

Recess:

Dean A. Adam made a motion, seconded by Lance N. Adam to recess the meeting until September 11, 2019 at 5:00 pm to meet with the Core 5 Valley West contractor. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON
October 8, 2019

RECORDED BY

Rosanne R. Adam, Secretary/Treasurer

Dean A. Adam, Chairman

BOARD OF SUPERVISORS
PERRY TOWNSHIP
September 11, 2019

The recessed meeting from September 10, 2019 of the Board of Supervisors of Perry Township was called to order by Chairman Dean A. Adam at 5:00 p.m. on September 11 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:

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

Public Comments:

Chairman Adam for public comments, none were given.

Core 5 Valley West Construction:

Dustin Babcock from Muschlitz Excavating was present to ask the Board to consider allowing them to shut down Zweizig Road for approximately two (2) weeks to complete the acceleration lane and the widening of Zweizig Road. Mr. Babcock and the Board discussed several options for completing the roadwork. The concerns of the Board and neighbors were discussed. The start date of the construction project is slated for the first week of October. Mark Wm. Stitzel, Roadmaster, stated doing the work at night would have the least amount of impact on the residents and be the safest solution. The Board asked Mr. Babcock to ask the developer if night work would be considered. He will contact Mr. Body with an answer.

Adjourn:

Dean A. Adam made a motion, seconded by Lance N. Adam to adjourn the meeting at 5:23 pm. Motion carried with all Supervisors voting yes.

MINUTES APPROVED ON
October 8, 2019

RECORDED BY

Rosanne R. Adam, Secretary/Treasurer

Dean A. Adam, Chairman