

BOARD OF SUPERVISORS
PERRY TOWNSHIP
August 10, 2021

The regular monthly meeting of the Board of Supervisors of Perry Township was called to order by Chairman Lance N. Adam at 7:50 p.m. on August 10, 2021 from the Perry Township Municipal Building, 680 Moselem Springs Road, Shoemakersville, PA. Supervisor Daly apologized for the delay of the beginning of the meeting. An executive session was occurring regarding personnel matters in the township. 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 Daly- PRESENT
Dean A. Adam- ABSENT

Also present at the board meeting were:

Allen Shollenberger, Esq. - PRESENT
Rochelle Dreibelbis, Administrator - PRESENT

Public Comment:

Donald Mast- Donnie stated 3 years ago, Municipal Authority applied for a permit for a temporary shed to be placed on a MA board member's land until MA purchased the land for one of the wells. It was agreed upon this was a temporary shed. Donnie had 2 questions. One, why after 3 years did we (MA) get a permit shoved under the shed door? Two, why after 3 years was this filed with the assessment board? The property owner whom allowed the temporary shed now has an assessment for a 12x20 shed. The Supervisor Board knew this was a temporary shed and this was agreed upon. Chairman Adam stated he wished Joe Body was in attendance to answer for his actions. Chairman Adam stated that the Board was not aware of the permit being issued, nor of the assessment office being contacted. Chairman Adam recalls this was an agreed upon temporary structure. Chairman Adam recalls Dean Adam having an issue with the placement of the shed but that was due to personal reasons. Donnie stated MA now owns the land for the well and the shed will be moved to that land once electric is established. Supervisor Daly questioned what is the remedy? Jeff Fiant from Kraft Codes stated the only way this can be pulled off the assessment appeals is to do a demo permit to remove the shed from the property. The copy of the demo permit would be submitted to the assessment office. Chairman Adam stated what happened was not right since this was an agreed upon temporary structure. The Board will follow up on how to remedy this.

Steve Kreisher- Steve is the president of the Relief Association and is here on behalf of the Virginville Fire Company. Perry Township was sent a letter from the Auditor General in regards to the Relief Association's 2020 audit. This audit was shared at the August 3, 2021 Committee Meeting. Steve stated, of the 7 findings on the audit, all have been remedied. All the remedies were

addressed in the letter. One finding involved Perry Township. Steve reminded the group that Virginville Fire Company is 100% volunteer and it is hard to find a good book keeper. A member named Ivan has now been appointed to keep the relief books. Ivan is a previous bank manager. Chairman Adam stated he did download the report and will reach out to Steve with any further questions. Steve gave a sincere apology for concerns this may have raised. Steve acknowledges that Perry supplies funding to the fire company and is very appreciative. Greenwich, Richmond and Windsor Township also fund the fire company and were issued the report. Steve stated he has been a volunteer at Virginville for 27 years and volunteerism is at an all-time low.

Daniel Moyer- 467 Mohrsville Road- Questioned if this was where he can apply for permits? Chairman Adam said the gentleman he needs to contact is not here tonight. Joe Body is our zoning officer and issues the permits. Jeff Fiant clarified that Joe issues the zoning permits. Daniel was wondering if he could put his fire escape back up. Jeff said this would probably be a building issue, maybe a zoning. Daniel was instructed to contact Kraft Codes Services. Daniel is also interested in purchasing a carport shed. This would be a zoning permit and Daniel was instructed to contact Joe Body.

Nancy James- Thanked whomever cut the bank on 662 coming off of Skyline Drive. Chairman Adam commented that the roadcrew has really been pushing the intersections back further along 662 to help with visibility. The banks and trees at Dreibelbis Mill have been cut back as well.

Kathy DeCarlo- Commended Administrator Dreibelbis for her minutes.

Chuck DeCarlo- Referring back to last month's Supervisors Meeting and the discussion of the boat ramp, Chuck stated that he feels Rusty's anger was warranted. Chuck stated there were several discussions over the past few months concerning the weight of taking a fire engine down to the river. Never once did Joe or Allen raise the issue of the township owning the property but the Greenways Society controlling the use of the ramp. Chuck stated he understands Rusty's frustration. Chuck stated this has not been the first mis-step made by our engineer, solicitor, or zoning officer. Chuck listed specific events including: the initial action against the Sandridge property, the illegally parked trailer on Dean Adam's trailer property, the berm to no berm confusion at Valley West, noise issues between the hours of 9:00 pm to 6:00 am, and the pouring of the concrete at the warehouses. Chuck commented on the salary the solicitor and zoning officer/engineer are drawing. Chuck stated the township is not being represented very well and the township deserves better. Scott Sandridge interjected a comment about the machinery that was on his property. Scott commented they could have made a dry hydrant on an angled slant from the river to the road. Scott said they had some serious dirt movers and we could have had a fire hydrant down there and now we don't have one. Scott said they were not on top of it.

Dennis "Rusty Wagner- Rusty submitted a RTK request after Joe Body's outburst last month. Rusty stated he is not sure why the Perry Township Supervisors would allow him (Joe) to make the decisions he makes and act like an elected official. Rusty stated Joe made the comment that "if we get close enough and throw 2 sections of hose over the bank, that is good enough for him". From Rusty's RTK request, he learned that Joe makes an average of \$60,000.00 per year. Rusty stated that \$60,000.00 a year will probably buy 2 chiropractors. The volunteer firemen do not have chiropractors and the township if going to pay workmen's compensation when someone throws their back out. Rusty was very upset by Joe's comment last meeting. Rusty gave an apology for his volume at the last meeting. Rusty was also upset by Allen Shollenberger trying to "shut him

off" last meeting because he (Allen) is not an elected official. Rusty hoped that after last meeting, Allen would have pulled the agreement that the township went into on November 12, 2019 to back up Joe's statements. Allen answered that he did not pull up anything. Rusty felt he should have since they (township and Shoemakersville fire company) are trying to figure out a dry hydrant. Rusty assumed Allen would not let the township sign an agreement that would put the township residents at the Schuylkill River Authority's "beck and call". Allen stated he would never ask the board to sign or approve anything without reviewing it first. Rusty stated he is trying to get a hydrant in the lower end of Perry township for the residents and their safety. After doing his research on the agreement, Rusty learned the signed agreement is only to maintain the property as a "public access to the river" (clean up leaves, mowing, etc). Rusty referred to an email correspondence between Joe and Julia from Schuylkill Rivers Greenways. Rusty feels Joe misrepresented the township by telling the SRG the ramp was going to be utilized for driving fire trucks down it. In a meeting between Joe, Deane Hamm, Chairman Adam, and the Shoey Fire company's deputy, it was specifically agreed upon to not drive down the ramp with the trucks. During this meeting, Joe's comment was "just drive down it. If it gets destroyed, I guess we will deal with it". Rusty feels that would just be a waste of everyone's money. The poor engineering was realized when the weight of only one tire was tested at the top of the ramp. In an email with Julia, she (Julia) said there was a discussion where it was said "there was an agreement that there would be an access for the fire trucks to come in the drive lane utilizing the stones all the way to the parking area and it would possibly be close enough to throw a hose down". Rusty feels Joe did not share this discussion with the Board and it would not be close enough for a hose. In the email, Julia also stated "if there needed to be an alternative approach to the river, it could have been discussed at that time". Julia is willing to come out and look at the project again. Rusty stated he is not sure why Joe has been failing to do his job and is against fire protection for the rest of the township for \$60,000.00 a year. There is nothing in writing that states a stone lane cannot be placed next to the boat ramp for fire truck use. The signed agreement from November 12, 2019 and Julia's email both back that up. Rusty has been in contact with Julia. Chairman Adam questioned what Rusty's take is on the agreement. Rusty said it is "black and white". Supervisor Daly confirmed with Rusty that the signed agreement pre-dates the letter. Rusty reiterates the letter states the area is "a public access to the river bank" and it is very vague. The letter also states "if destroyed by any natural disaster, the township and the SRG are not responsible for rebuilding. Times can be set forth to close the area down for maintenance. Alterations may be done to the property, including the stone lane". Supervisor Daly confirmed with Rusty the date of the agreement was November 12, 2019. Supervisor Daly questioned what the letter says pertaining to fire truck use. Rusty stated the letter said "if purposely destroyed by somebody, we could fall back on the \$134,000.00" but that is incorrect according to the agreement. Rusty feels Joe fed Julia false information. Rusty said they do not want to drive down the ramp, they would like to utilize materials the township already has to create something next to the ramp. Rusty questions how Joe is separating his zoning fees and his engineer fees. Joe was the engineer first, and then took on zoning officer after the passing of the previous zoning officer. Rusty recommends a more detailed invoice separating zoning officer and engineer fees. Rusty stated Allen only makes roughly \$25,000.00 a year through the township. Rusty asked if the Board and Allen could look into getting this project back on schedule before the winter months. Chairman Adam stated we have the materials for the job. Allen does not see a problem with creating another access. Allen said the information conveyed says the ramp itself is not constructed for any kind of vehicle. Rusty interjected with a comment Julia made saying that a police officer could drive down there in a true emergency. Allen feels that anyone could drive down there in a true emergency. It is a public access that is controlled by a gate and can be shut down at any time deemed necessary. Allen feels if the area is used appropriately, he

sees no reason why we cannot move forward with the fire company's needs. Supervisor Daly questioned if we should make a motion now or have Allen review everything first. No motion was made. Allen stated the land is our land and was given to the township by FEMA. If something were to happen to the area, the township, nor the SRG, are not obligated to rebuild anything. Chairman Adam questioned why this was not brought up last month during the heated discussion? Allen feels one of his roles is to de-escalate things and not allow things to grow out of hand. Allen stated when he interjects and says 'we aren't getting anywhere', he is looking for more productive conversation. Allen felt the conversation was more productive this meeting versus last month. Chairman Adam felt Joe was out of line last meeting and he would tell him that to his face if he were here tonight. Rusty said the only thing that changed since last meeting is he (Rusty) got a RTK request and did his homework. Rusty feels Joe makes up his own rules. Rusty asked Allen if he (Allen) knew what was in the agreement, why didn't Allen correct Joe's comments? Allen questioned if Joe said the area could only be used for recreational purposes only. Chairman Adam and Supervisor Daly both agreed that, yes, Joe did make that statement. Allen stated his role is not to foster non-productiveness. Rusty commented that Allen speaks more at a meeting than any other solicitor he has come in contact with. Allen "runs a meeting more". Rusty does not understand why Joe and Allen attend certain meetings in-place of the Supervisors. Rusty feels it is a waste of Perry Township money. Rusty feels as a volunteer, he shouldn't have to spend the time submitting RTK requests just to get answers. Chairman Adam would like to move forward with the project for the fire truck access. Scott Sandridge interjected that no structural improvements can be done to a FEMA purchased property. Changing the property area is not structural.

Al Billig- 831 Mohrsville Road- On Zoom- Last meeting, Al expressed his concerns regarding the chunks of black top coming off the road into his yard. Al thanked the road crew for looking into the problem right away. He is pleased the safety of the community came before something of leisure like the boat ramp. Al's comment was directed towards Joe. Al commented that stones were put down to fix the problem, but now his lawn mower is shooting stones. Al asked if "there was any chance of getting it fixed the proper way instead of putting a band aid on the problem?" Chairman Adam clarified the target area was the built up shoulder. Chairman Adam said they will revisit the issue again. Unsure of what they can do to try and save the edge of the road. Al suggested cutting it out and black-topping. Al appreciates that the safety concern was addressed but is unhappy with shooing stones from his mower. Chairman Adam will re-evaluate the road.

Approval of Minutes:

Chairman Adam reverberated Kathy's comment on excellent minutes. Motion was made by Chairman Adam to accept the committee meeting minutes of July 6, 2021 and supervisor meeting minutes of July 13, 2021. Supervisor Daly seconded the motion. Motion passed with all Supervisors present voting yes.

Treasurers Report:

Chairman Adam questioned the amount of the EMS Tax account. Administrator Dreibelbis confirmed the statement did not capture the checks for Virginville Fire Company, Hamburg EMS, and Northern Berks EMS. Those checks will be accounted for on the next statement. Motion was made by Chairman Adam to accept the Treasurer's report dated July 31, 2021. Supervisor Daly seconded the motion. Motion passed with all Supervisors present voting yes.

Bills for Payment:

Motion was made by Supervisor Daly to approve the Bills for Payment dated August 10, 2021. Motion was seconded by Chairman Adam. Motion passed with all Supervisors present voting yes.

Right to Know Officer: Supervisor Patrick Daly submitted his letter of resignation as Right to Know officer effective immediately. Motion was made by Chairman Adam to accept Patrick Daly's resignation as Right to Know Officer. Supervisor Daly seconded the motion. Motion passed with all Supervisors present voting yes. Supervisor Daly nominated and motioned for Administrator Rochelle Dreibelbis to be the Perry Township Right to Know Officer. Chairman Adam seconded the motion. Motion was passed with all Supervisors present voting yes.

OSHA- Driver wins whistleblower case involving unsafe truck- Chairman Adam reviewed the article from PSATs. The article pertains to the safety of company owned vehicles and the liability that goes along with those vehicles. All Perry Township trucks have been going in for a full service, top to bottom, inside and out. The goal is to be above the standard for truck maintenance.

Reports:

The following reports were given to the Board of Supervisors:

Jeff Fiant, Kraft Code Services reported for the period of June 27 to July 24, 2021 there were 41 inspections, the majority of them being warehouse related. There were 7 new permits with an improvement value of \$975,801.00. Chairman Adam questioned the Bulk Chemical activity. Jeff confirmed it was a permit that was canceled. The applicant applied for the permit after an accident and never followed through. Rusty questioned if they were planning on using that area of chemical storage in the future. Who is going to cover the repairs? Jeff did not hear any new information except for the canceled permit. Scott Sandridge interjected that he thinks they are pulling out.

Gene Buck, Planning Commission – The Planning Commission had a meeting on August 4, 2021 and all members were present except for Dean Adam. One developer was present at the meeting, Perry Partners, LLC. Plans for “Perry Village” behind Rubright Construction, 22.6 acres with 154 townhouses were presented. Plans for “Dietrich Tract” behind Kuzans, 40.7 acres with 14 three-story buildings to make up 297 multi-family apartments were presented. Included with these homes are a club house, a pool, a dog park, and a basketball court. Water and sewage will be provided by Perry Township Municipal Authority. Motion was made and passed to accept the plans for review. Plans were also submitted for review by Bogia Engineering Inc. Plans are for an addition onto the Glen Gery Brick Plant for equipment storage. Motion was made and passed to accept the plans for review. Plans were discussed with Joe Body regarding the Birch Hill warehouse project. The main concern is changing the Route 61 entrance. Meeting was adjourned at 8:30 pm.

Donald Mast, Municipal Authority- MA had a meeting on Wednesday with DEP. The permitting process was started for the wetlands. 110 gallons per minute was tested. MA is waiting for approval from the DEP Stream Association. 1.25 million gallons of water used in the month of July for concrete pours at the warehouses. Allen Shollenberger presented a resolution from Mark Koch. The MA is requesting that the articles of incorporation be amended to reduce the number of board members from 7 members to 5 members. The current board members are Donald Mast,

Thomas McKinney, Joseph Dalton, David Smith, and one vacancy. Motion was made by Chairman Adam to adopt the resolution to lower the number of members on the Municipal Authority from 7 to 5 members. Supervisor Daly seconded the motion. Motion passed with all Supervisors present voting yes.

Chairman Adam discussed the concrete batch plant. Numerous complaints have been coming in regarding the batch plant. DEP was there today (August 10, 2021) because the concrete dust is traveling across the highway and affecting the houses on Hughes Hill Road. Residents are complaining of respiratory difficulty. The outcome of DEP's visit is still unknown. Resident is complaining the batch plant is too close to the houses on Hughes Hill Road. Jeff Fiant interjected that Joe Body handles most of the complaints as the zoning officer. Jeff did discuss 2 years ago the dust issue with the contractor. Jeff offered to look into this matter as well. Chairman Adam did relay the complaint to Joe Body. Chairman Adam does not feel it is Jeff's job to deal with a zoning complaint. The night time noise at the batch plant has also been complained about. A construction ordinance was adopted previously but Chairman Adam and Allen Shollenberger are both unsure if that was applied at the time of plan approval. This may be another situation like with the golf course, night time noise, and being grandfathered into the approval. Allen interjected that plan specifically referred the zoning ordinance provisions for noise and activity. A discussion needs to be had with Joe first. Donnie Mast interjected that the batch plant is only covering the floors. The walls are coming in pre-fabricated. Donnie thinks the batch plant will be finished in 2 weeks.

Joe Body, Zoning– Joe was not present at the meeting. Chairman Adam gave his report. Tim Rausch's concern with the weeds on the Bell properties have been addressed. The stagnant water pool on Waxwood Road has been addressed. The pool condition will be corrected and the pool closed.

Joe Body – Engineer- Joe was not present at the meeting. Chairman Adam give his report.

Solicitor- Allen Shollenberger – no reports for the meeting.

EMC- No report from Jarrod Emes.

Road Master-Deane Hamm, Assistant Roadmaster, gave the report. Deane made a correction to the July Report. The roller was for the diamond mower, not the tiger mower. The Peterbilt was inspected; new brakes and drums were put on. Chairman Adam confirmed the brakes were in very bad shape. Deane revisited the topic of the shoulder on Mohrsville Road. Do we bring Folk in to widen the road? Deane commented that Al does not have to mow the shoulder, the township can do that. Scott Sandridge interjected that the stones are being tossed into Al's yard. Deane said "it is not his yard, it is the shoulder". Scott said he knows how far stones are thrown from experience. Deane stated if we use cold patch to fix the road, it will cost a lot of money and people will drive further off the road. Deane opened the floor to any questions concerning the July Roadmaster Report. Deane commented mowing has been going slow due to some tractor repairs that were needed.

J B Environmental- Not present. Report given by Chairman Adam: 1 permit and 2 probes.

Rec Park- Did not have a July meeting. Did not have a quorum. There are 2 open positions. Chairman Adam asked to spread the word and please send a letter of interest to the township. Party rentals have slowed down. It has been a very successful year for park rentals.

Correspondence:

Chuck DeCarlo- Submitted an email regarding the status of an ordinance or resolution concerning the non-payment of supervisors when they do not attend meetings. Allen Shollenberger commented he needs direction on what the Board wants. Supervisor Daly asked Allen to please draft an ordinance defining the compensation of the supervisors that do not attend the meetings. Nancy James interjected Allen did know about this 2 or 3 months ago. Supervisor Daly stated there is a monthly rate divided into 2 meetings. Allen confirmed with the Board that there is a salary set, divided into 24 meetings, and for a person who doesn't attend one of those meetings, they lose that salary. Chairman Adam interjected there are 25 meetings which includes the Organizational Meeting in January. Allen reminds the Board this will only come into effect at the expiration of each of their terms, including Dean's. The first person effected by this will be the new supervisor who comes in January 2022.

Scott Sandridge- Scott wished to discuss a broad range of topics. First, Scott asked if the township adopted a dress code for township officials when they are publicly representing the township. Chairman Adam answered not that he knows of. Chairman Adam believed it to be common practice. Scott stated Joe Body showed up to Scott's first hearing wearing a faded Bermuda shirt, frayed khakis, and crocs with no socks. Scott said it was embarrassing. Scott asked if Allen and Joe gave back the money they charged to the township the first time they tried to prosecute him. Scott feels Allen and Joe knowingly didn't pursue it judicially correct. Scott feels they should have regrouped and did it right, instead of having 2 hearings and losing both. Scott stated a lot of tax payers' money was wasted. Scott's next discussion was directed towards Joe, whom was not present. Scott is unhappy that he is being talked about at meetings. In reference to his invitation to the June 8, 2021 meeting, Scott only received the invitation June 7, 2021. Scott already had prior commitments, including dealing with stolen items from his burned property. Scott left Joe a voicemail regarding not being able to attend the meeting and guidance on boarding up the burnt house. Scott then played a voicemail left by Joe Body. Scott claims he did start boarding up the damaged house. Scott claims he left Joe a message saying he will address Joe's concerns and will contact Joe when finished. Scott claims he called Joe on June 24, 2021 to update him on the progress. Scott said that was the only time he physically spoke with Joe and Joe said "it sounds like you are listening". Scott was upset that he read in the minutes Joe said he (Scott) was "choosing not to listen" and lied about the number of times they have spoken. Scott stated he has been a township resident all his life and is not trying to be malicious. Scott feels Joe was making fun of his situation. Scott asked if there was a way for Joe to be fired and taken out of his position? Scott feels Joe paints a very bad picture of him. Scott believes this stems from the time Joe and Allen "came after him". That time, he (Scott) received a \$10,750.00 fine without any prior notice. Scott is a bee keeper and is very busy spring through the summer. Chairman Adam interjected with discussion of a timeline for completion. Scott hopes to call Action Adams around Labor Day to demo the house. Scott brought Jeff Fiant into the conversation, stating Jeff stopped by "unexpected, unannounced, and uninvited". Scott claims he started working on Jeff's advice immediately. Scott was upset that Jeff went forward with recommending demolition and a lien on the house. Jeff replied it is a safety issue. Scott stated "he is trying to cooperate and gets shafted". Scott feels as a township resident, he deserves fair treatment and communication. Chairman Adam

proposed a completion date of September 10, 2021. Jeff Fiant had no objections. Allen Shollenberger recommended giving Scott until September 10, 2021. Scott is to keep in touch with Chairman Adam.

Public Comments:

Nancy James- Questioned if Joe Body gets paid for tonight since he is not present. Chairman Adam stated Joe is paid \$80 per meeting and he would not be paid for tonight. Allen Shollenberger stated there would be a fee agreement. Allen's fee agreement is if he does not attend the meeting, he does not bill for it. Supervisor Daly said no, Joe will not be paid for meetings not attended. Nancy also brought up that she has plants she would like to donate to the township. Nancy would be willing to plant some at the park but she needs help maintaining them. Nancy questioned if there is a water source at the park. Chairman Adam stated there is a hose hook-up but a key is needed to get inside the building. Nancy will transplant them for next year.

Scott Sandridge- Posed a question to Allen that if a township officer gets caught in a lie and is proven, there should be "a reduction of pay or something". For an officer of the township to blatantly lie is "ludacris". No comment by Allen.

Kathy DeCarlo- Asked if there were more CodeRed flyers. Administrator Dreibelbis answered yes. Nancy James asked if she was on the right CodeRed list. Chairman Adam will follow up with her.

Rusty Wagner – Asked the township to keep in mind the impact additional new structures will have on the fire company, EMS, road crew, etc. Maybe there is a possibility of supplements being donated towards those costs by the new land owners.

Deane Hamm- Reminded Chairman Adam to discuss with the Board the injectors on the 63-30. Questioned if Administrator Dreibelbis's father doing electrical work in pole building would be a conflict of interest. Allen said no it wouldn't. The township would need to acquire 3-4 different quotes and should vote on the best one.

Adjourn:

Chairman Adam made a motion to adjourn, seconded by Supervisor Daly to adjourn the meeting at 9:05 pm. Motion carried with all Supervisors present voting yes.

MINUTES APPROVED ON:
September 14, 2021

RECORDED BY:

Lance N. Adam, Chairman

Rochelle Dreibelbis
Administrator