

MINUTES OF THE OLEY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD MAY 9, 2022

The regular meeting was called to order at 7:00 p.m. in the Oley Township Municipal Building by Jeffrey Spatz with Supervisors Mark Hoch and Edwin Pollock in attendance. Solicitor David Allebach was also in attendance. The Pledge of Allegiance to the American Flag was observed. A moment of silence was observed on the passing of Assistant Road Superintendent Gary A. Stufflet, Sr. who served our community from 1994 to present.

The meeting agenda was posted in the meeting room and the township website prior to the start of the meeting. No public comment was heard on any of the listed agenda items.

There being no changes to the April 11, 2022 minutes, a motion was made by Edwin Pollock and seconded by Mark Hoch to approve the minutes of the April 11, 2022 meeting as presented. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock - yes. All in favor....motion carried.

The police department report for the month of April 2022 was read indicating 152 calls for the month.

The road department report for the month of April 2022 was read. The re-scheduled road inspection will be conducted by the Township Supervisors and Road Superintendent on May 28, 2022 at 8:00 a.m. Received priority one notification for the Tollhouse Road bridge, we have six months to make the necessary repairs. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to authorize LTL Consultants, Ltd. to develop a plan of action for the repairs to the Tollhouse Road bridge. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried. Duane Howard said he is looking to purchase a used skid loader, we would need to put this out for bid. A motion was made by Mark Hoch and seconded by Edwin Pollock to prepare specifications for a used skid loader. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Mr. Spatz announced that the Supervisors met in executive session on May 2, 2022 at 6:15 p.m. and this evening at 6:00 p.m. relative to real estate and personnel.

The Fire Chief's report for the month of April 2022 was read indicating a total of twenty-eight calls for the month. They are up to six new members, four of them are registered in the firefighting class, the new tank truck should be delivered on May 27, 2022.

The Ambulance Chief's report for the month of April 2022 was read indicating a total of eighty-six calls for the month.

The Scott Lutz property located at 41 Moravian School Road is in violation of accumulation of rubbish or garbage and disposal of rubbish, the owner is in a nursing home, the son resides at the property, been to court two times and Mr. Lutz has not shown up, several bench warrants have been issued for his arrest. The Stuart M. Snyder property located at 118 Mill Road is in violation of sanitation, accumulation of rubbish or garbage, disposal of rubbish,

MINUTES OF THE MAY 9, 2022 MEETING CONTINUED

and motor vehicles, wood moved out of right-of-way but only one trailer was removed from the woods, more items need to be removed from the woods or another citation will be issued. Notice of violation issued to Lenore Raynock for property located at 2036 Memorial Highway for no fence surrounding a pool. The Perry Good, Jr. property located at 71 Carriage Circle is in violation of sanitation, motor vehicles, accessory structure maintenance, citation issued and court date set for later this month.

Received letter dated May 3, 2022 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township reject the Berks Career and Technology Center Subdivision – Phase III Final Plan, plan number E-03-0485-0010, dated October 26, 2021, for all the reason as listed in the December 2, 2021 review letter from LTL Consultants, Ltd., unless a request for waiver extending the review time period beyond the date of June 3, 2022 is received. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to reject the Berks Career and Technology Center Subdivision – Phase III Final Plan, plan number E-03-0485-0010, dated October 26, 2021, for all the reason as listed in the December 2, 2021 review letter from LTL Consultants, Ltd., unless a request for waiver extending the review time period beyond the date of June 3, 2022 is received. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated May 3, 2022 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township not waive land development requirements for Berks County Nonprofit Development Corporation for property located at 574 Oley Road for a commercial office for magisterial district judge court, existing bingo hall, existing catering business, and existing residential use, also approximately half of the existing building is proposed to be removed with additions being added resulting in an 11,992 square foot building footprint equating to a net decrease of approximately 1,000 square foot in building area, also modifications to the existing sidewalk footprint and parking areas are proposed. Christopher Falencki and Nick Perilli of McCarthy Engineering Associates and Joshua Lewis (applicant) were in attendance regarding this plan. Mr. Falencki showed the plan of this property that was recently purchased by Berks County Nonprofit Development Corporation and they are looking to renovate the property and relocate the District Justice office to this location, they propose to tear down the rear portion of the bingo hall and move the District Justice office into the front with the bingo hall being moved to the right, the catering business and the residential use will remain at their present locations, they will be reducing impervious and water runoff. Atty. Allebach would have a concern if there is no recorded land development plan there would be nothing in place to judge if the improvements as being completed as proposed. Mr. Falencki said he could submit a plan of the proposed improvements with the permit application. Atty. Allebach said we should have an escrow to cover the inspection costs. Mr. Spatz said the applicant can voluntarily put an escrow in place to cover these inspection costs. Kathy Updegrave feels a land development plan should be completed to deal with the stormwater runoff. Mr. Falencki said he will prepare a final plan to submit to LTL Consultants along with the permit application and provide them with a cost estimate. Atty. Allebach said we could require that all improvements are completed as per

MINUTES OF THE MAY 9, 2022 MEETING CONTINUED

the plan prior to the issuance of an occupancy permit. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to waive land development requirements for Berks County Nonprofit Development Corporation for property located at 574 Oley Road for a commercial office for magisterial district judge court, existing bingo hall, existing catering business, and existing residential use with modifications to existing sidewalk footprint and parking areas based on the filing of a final plan submission with the permit application and enter into an agreement with an appropriate escrow fund to cover inspection costs to ensure that the final plan is built in accordance with the plan as submitted and the issuance of an occupancy permit will be withheld until the property is in compliance with the final plan as submitted. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Incoming communications:

1. Email received April 20, 2022 from Jullien Searfoss requesting that we post signs on Route 73 in the area of Weis Markets to restrict the use of brake retarders. Dr. Searfoss was in attendance asking for any assistance we could give to restrict trucks on the use of brake retarders coming down the incline on Route 73 toward the traffic light. Atty. Allebach said this would be a PennDOT issue since Route 73 is a State highway, the request for such signage would need to be made to PennDOT, if they would approve the signage it would then be up to the township to post and maintain these signs as well as the enforcement. Mr. Spatz suggested that by posting such signage it may challenge people to use brake retarders. Duane Howard was instructed to obtain the cost of such signage until our next meeting.

2. Letter received May 3, 2022 from Stephen R. Levan questioning why he and other citizens have received a \$52.00 bill for a local services tax from Berks Earned Income Tax Bureau and also requesting how many revenues were forwarded to Oley Township this year from Berks Earned Income Tax Bureau. Dr. Levan is concerned that if he pays this tax he is admitting that he has a veterinary medical practice in his residence which then opens it up to all kinds of federal, state, and local inspections, he does not practice his business at this location. Dr. Levan indicated that the numbers do not add up as the number of residents and the amount collected annually, he questioned if every township resident is paying this tax. The township contacted Berks Earned Income Tax regarding Dr. Levan's concerns addressed in his letter and they informed us that the Local Services Tax is levied on any individual working in/from Oley Township, self-employed individuals are required to pay their Local Services Tax directly as they do not have an employer who will be withholding it for them, any self-employed individual without a permanent work location but starting/ending their day in Oley Township is taxable to Oley Township and they use the local earned income tax returns filed with their office by residents to determine who may be self-employed and they bill those individuals accordingly. Dr. Levan will check into this matter further with the Berks Earned Income Tax Bureau.

MINUTES OF THE MAY 9, 2022 MEETING CONTINUED

3. Letter received May 4, 2022 from Berks County Conservation District requesting that we sign a revised Memorandum of Understanding with the Berks County Conservation District. Atty. Allebach had reviewed this document and is satisfied with it as drafted. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to authorize the Chairman and Secretary to execute the revised Memorandum of Understanding with Berks County Conservation District. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

4. Letter dated May 2, 2022 from Friend, Inc. requesting permission to hold the Brake the Cycle Poverty bicycle event on August 13, 2022 from 9:00 a.m. to 2:00 p.m. beginning and ending at Kutztown University. The proposed route in our township was reviewed and they will be on Bertolet Mill Road, Hoch Road, Cleaver Road, Oysterdale Road, Manatawny Road, Spangsville Road, Church Road, Covered Bridge Road, Walker Road, Jefferson Street, Stitzer Road, Mill Road, Reider Road, and Oley Furnace Road. They expect to have less than 100 participants that will travel the course through Oley Township so they would not be required to submit an application for a permit. The certificate of insurance is only listing Oley Township as additional insured on the policy. A motion was made by Mark Hoch and seconded by Edwin Pollock to allow the Brake the Cycle of Poverty bicycle event on August 13, 2022 as per the designated route in our township subject to all participants complying with the provisions of the Pennsylvania Motor Vehicle Code, no markings permitted on any township roadways without prior authorization, and receiving an appropriate certificate of insurance naming Oley Township as additional insured on the policy. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Atty. Allebach said we had the Trails End Lane property listed with a realtor but that listing agreement expired in March 2022, we do have two interested parties in the property and he would suggest that we advertise for sealed bids to sell this property. Cheryl Takach, RE/MAX realtor, asked how we can advertise for bids for the property when we have it listed with a realtor. Atty. Allebach said the listing agreement with Kurfiss Sotheby's International Realty expired in March 2022. A motion was made by Edwin Pollock and seconded by Mark Hoch to accept sealed bids for the purchase of approximately 59.036 acres of vacant land located on Trails End Lane with sealed bids being received by the Township no later than 4:00 p.m. on May 23, 2022 with bids being opened at a special meeting to be held May 23, 2022 at 6:00 p.m. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Duane Howard said he and Ryan Wessner reviewed the information received on the construction of a new salt shed and they felt these prices were too high for the scope of work, Mr. Wessner had some suggestions as to how we could renovate our existing salt shed. A motion was made by Mark Hoch and seconded by Edwin Pollock to authorize LTL Consultants to prepare specifications for a new salt shed construction and also for the renovation of the existing salt shed. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

MINUTES OF THE MAY 9, 2022 MEETING CONTINUED

Mr. Spatz said the cost of a seventy inch monitor screen with a mounting bracket to hang on the meeting room wall would cost approximately \$900, he will continue to work on this.

Atty. Allebach said the Rota-Mill Land Development improvements bond has been increased from \$539,803.68 to \$593,784.05. Christopher Falencki of McCarthy Engineering Associates was in attendance and informed us that Rota-Mill would like to make adjustments to the stormwater basin that was previously approved on the land development plan, he was informed by LTL Consultants that they would need to go back through the land development process in order to make this change to the plan, they are in the process of revising stormwater calculations and the NPDES permit and will then be submitting a revised land development plan for review and approval, the approved plan called for an aboveground and underground basin and they are only installing an underground basin but making it larger. Mr. Spatz said he feels that timbering is being done on this property without the required permits. Ryan Wessner said a wide road was created going up the hill, they are clearing out dead ash trees.

Atty. Allebach prepared a draft ordinance to provide new definitions and regulations regarding small wireless facilities and amending the existing definitions and regulations for wireless communications facilities which will bring our controls into compliance. Our Planning Commission and HARB are still in the process of reviewing this draft ordinance amendment. Atty. Allebach said he has passed all the information received on this matter to his intern that is working on making revisions to our proposed draft, he has nothing yet at this point. Donna Ott had submitted updated information on the health effects of 5G technology to the township via email and it is acknowledged that this information was received. Atty. Allebach asked if there are any municipalities in Pennsylvania that have adopted an ordinance that addresses all of her concerns that we could look at. Mrs. Ott said some municipalities are close to adopting an ordinance, she will check if there would be someone that could draft an ordinance that we could look at. Mr. Spatz said we are going to amend our ordinance because what we currently have in place is not sufficient for 5G technology, we do not need more information on the health effects but what we need is a model ordinance from a municipality in Pennsylvania that we can review. Atty. Allebach said the State Legislature enacted Act 50 that we have to allow for 5G technology so the argument should be with the State, they would need to challenge the State Act. Mrs. Ott said they have already spoke to State legislators and they cannot find an attorney that will challenge the State Act. Mr. Spatz asked Mrs. Ott if she could find out if Andrew Campanelli could provide us with some type of a draft ordinance with language that we could fill in the blanks specific to our municipality.

With the passing of employee Gary A. Stufflet, Sr., he had two and one-half days of unused personal days and nineteen days of unused vacation time for the remainder of 2022. A motion was made by Mark Hoch and seconded by Edwin Pollock to pay Gary A. Stufflet, Sr.'s widow for two and one-half days of unused personal days and nineteen days of unused vacation time for the remainder of 2022. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

MINUTES OF THE MAY 9, 2022 MEETING CONTINUED

The financial report was called for and read. A motion was made by Mark Hoch and seconded by Edwin Pollock to accept the financial report and pay all the bills and salaries. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock - yes. All in favor....motion carried.

Public comment:

1. Joshua Lewis – He works for the County of Berks and the county does have a blighted property program which he can provide information to us on this program.

2. Terry Lash – The property next to him, 3324 Friedensburg Road, has been upgrading the barn located on their property and there is a rumor that this is being turned into an event center. Ryan Wessner said this property is not zoned for an event center, they would need to apply for a change of use permit and it would then need to go before the Zoning Hearing Board since this use would not be permitted, at this point he has not received any applications.

It was announced that the Sacred Oak Tree visitation will be held Saturday, June 4, 2022 from 9:00 a.m. to 2:00 p.m., weather permitting.

The next regular meeting will be held Monday, June 13, 2022 at 7:00 P.M.

A motion was made by Mark Hoch and seconded by Edwin Pollock to adjourn the meeting at 8:52 p.m. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Respectfully submitted,

Shirley M. Moyer
Secretary/Treasurer

Cc: J. Spatz
M. Hoch
E. Pollock
D. Allebach
N. Ulrich