

MINUTES OF THE OLEY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD OCTOBER 10, 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 Kenneth Picardi was also in attendance. The Pledge of Allegiance to the American Flag was observed.

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 September 7, 2022 minutes, a motion was made by Mark Hoch and seconded by Edwin Pollock to approve the minutes of the September 7, 2022 meeting as presented. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock - yes. All in favor....motion carried.

Mr. Spatz announced that the Supervisors met in executive session this evening at 6:00 p.m. relative to personnel.

The police department report for the month of September 2022 was read indicating 311 calls for the month. Chief Ray Serafin provided information on the various thefts and burglaries that occurred during the month. Kevin Bieber, President of Oley Valley Community Fair Association, thanked Chief Serafin for the police department's cooperation and assistance they provided during the Oley Fair last month.

The road department report for the month of September 2022 was read. A motion was made by Mark Hoch and seconded by Edwin Pollock to authorize the hiring of Kris E. Hoffman as a part-time as needed CDL road employee at the rate of \$22.00 per hour. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried. Atty. Picardi provided us with a draft of a Commercial Drivers License Payment Agreement for our review and use if needed. Received letter dated October 3, 2022 from Michael Cofalka requesting a temporary road closure of Bieber Mill Road on October 29, 2022 for a family gathering. Mr. Spatz feels Mr. Cofalka should pay something to cover the costs of dropping off the signage and equipment to close off this portion of the roadway, he would rather see Mr. Cofalka pull a vehicle or two across the roadway to block it off. Mr. Hoch feels it should be official signage used to close off the roadway. Duane Howard said he could set the signage and equipment outside of the township building for Mr. Cofalka to pick up. Atty. Picard said he could look into drafting some type of application and fee schedule for the use of township property to close off a roadway for private individuals. A motion was made by Mark Hoch and seconded by Edwin Pollock to grant permission to Michael Cofalka to temporarily close a portion of Bieber Mill Road on October 29, 2022 for a family gathering and authorize the use of township signage and equipment for this road closure subject to the payment of \$100 for the use of this equipment. Jeffrey Spatz – no, based on concern with setting a precedent; Mark Hoch – yes; Edwin Pollock – yes. Two in favor, one opposed....motion carried. Duane Howard said the pipe culvert crossing on Bertolet Mill Road has been completed, in accordance with the DEP permit the pipe needed to be placed six to eight inches below the previous existing pipe elevation and now there is standing water on

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the inlet side of the pipe and on the outfall side of the pipe, permitting only allowed us to go fifty feet upstream and downstream from the project right-of-way, if we want to clean out the downstream side of the pipe we would need to survey the property and obtain the necessary DEP permit and private property easement from the property owner, Mr. Howard said it does not present a hazard for the public roadway. It was agreed to not clean out the downstream side of the pipe. Received letter dated September 1, 2022 from PennDOT informing us they reviewed the intersection of Bertolet Mill Road and Hoch Road and they list the improvements they will implement to this intersection.

The Fire Chief's report for the month of September 2022 was read indicating a total of twenty-six calls for the month.

There was no Ambulance Chief's report for the month of September 2022 but there were approximately one hundred 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 and they will not take any responsibility of the property and the son who lives there is currently in jail. The Stuart M. Snyder property located at 118 Mill Road is in violation of sanitation, accumulation of rubbish or garbage, disposal of rubbish, and motor vehicles, performing a monthly inspection and owner complied with moving trailers out of the woods. The VAE, LP property located at 6048 Oley Turnpike Road is in violation of signs, permit application submitted but denied since they will need to submit for HARB review. The Mark & Diane Gehringer property located at 675 Old State Road is in violation of signs, cited for signs that are falling apart and no permits for these signs, the signs were removed and all that is left are the signs posted on an existing sign. The Bradley K. Auge, Jr. property located at 413 Main Street is in violation of shrub blocking portion of sidewalk. Stop work order issued to Mark Smolarski, Jr. for property located at 54 Carriage Circle for permit required for a lean-to structure. Ryan Wessner, Zoning Officer, said he currently has six to seven court cases dealing with signage violations.

Received letter dated September 30, 2022 from HARB indicating that the application of Eric Guelaff for property located at 208 Spangsville Road to install 17.28kW roof mounted solar PV system on the carriage house/accessory building with the solar being put on the roof opposite of the main residence as per submitted sketch with additional landscaping of local trees such as cedar or sassafras to be planted to soften the effect of the solar installation, this is being forwarded to the Board of Supervisors of Oley Township with no recommendation from HARB on issuing a Certificate of Appropriateness since it was a 2-1-1 vote. This application was reviewed and discussed. Eric Guelaff and Wes Checkeye were in attendance regarding this application. A motion was made by Mark Hoch and seconded by Edwin Pollock to issue a Certificate of Appropriateness to Eric Guelaff for property located at 208 Spangsville Road to install 17.28kW roof mounted solar PV system on the carriage house/accessory building with the

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solar being put on the roof opposite of the main residence as per submitted sketch with additional landscaping of local trees such as cedar or sassafras to be planted to soften the effect of the solar installation. Jeffrey Spatz – yes, only because the solar installation will be screened; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated September 30, 2022 from HARB recommending that the Board of Supervisors of Oley Township issue a Certificate of Appropriateness to Christopher Hartman & Elizabeth Magovern for property located at 3098 Friedensburg Road to construct a pool shed/pavilion using one inch by ten inch tongue and groove pine board, cedar posts to match house porch posts, windows to match barn windows, copper standing seam roof, all other details as shown on sketch that was provided by applicant, finding of fact is that the only visible portion of the building from a public roadway will be the rear of the structure. This application was reviewed and discussed. Mr. Spatz said he believes it was discussed at HARB meeting to have the pitch of the roof match the pitch of the house roof. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to issue a Certificate of Appropriateness to Christopher Hartman and Elizabeth Magovern for property located at 3098 Friedensburg Road to construct a pool shed/pavilion using one inch by ten inch tongue and groove pine board, cedar posts to match house porch posts, windows to match barn windows, copper standing seam roof with pitch of roof to match house roof, all other details as shown on sketch that was provided by applicant. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated October 4, 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 reasons 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 November 9, 2022 is received. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock 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 reasons 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 November 9, 2022 is received. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated October 4, 2022 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township reject the Friedens UCC Subdivision Preliminary Plan, plan number 2021-006, dated February 8, 2022, for all the reasons as listed in the September 29, 2022 review letter from LTL Consultants, Ltd., unless a request for waiver extending the review time period beyond the date of October 29, 2022 is received. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to reject the Friedens UCC Subdivision Preliminary Plan, plan number 2021-006, dated February 8, 2022, for all the reasons as listed in the September 29, 2022 review letter from LTL Consultants, Ltd., unless a request for waiver extending the review time period beyond the date of October 29, 2022 is received. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

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Received letter dated October 4, 2022 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township waive the following Subdivision and Stormwater Management Regulations for Oley Township Municipal Authority New Water Storage Tank Land Development Preliminary Plan: Sections 22-808.4.D; 22-902.L; 22-902.N(3)(a)(3); 22A-305.1.C(1) (will use NPDES methodology for calculation of the required size (volume) of the proposed infiltration facilities; 22A-305.7.H; 22A-308.1 and 22A-308.2 (waiver subject to calculations to be provided demonstrating the road side swale has capacity to convey the flow rate for the 1 and 2- yr predevelopment storm events); 22A-312.1.B; 22A-312.10.B; and 22A-313.1. This plan was reviewed and discussed this evening. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to waive the following Subdivision and Stormwater Management Regulations for Oley Township Municipal Authority New Water Storage Tank Land Development Preliminary Plan, plan number 0004656.008, dated September 16, 2022: Sections 22-808.4.D (driveway maximum grade); 22-902.L (street lights); 22-902.N(3)(a)(3) (street trees); 22A-305.1.C(1) (volume calculations, will use NPDES methodology for calculation of the required size (volume) of the proposed infiltration facilities; 22A-305.7.H (percentage of infiltration volume); 22A-308.1 and 22A-308.2 (2-year release rate, waiver subject to calculations to be provided demonstrating the road side swale has capacity to convey the flow rate for the 1 and 2- yr predevelopment storm events); 22A-312.1.B (basin fill slopes); 22A-312.10.B (basin setbacks); and 22A-313.1 (basin cut and fill slopes). Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated September 1, 2022 from Michael J. Schaeffer informing us he is resigning as a member of the Oley Township Municipal Authority effective December 31, 2022 due to personal issues. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to accept the resignation of Michael J. Schaeffer as a member of the Oley Township Municipal Authority effective December 31, 2022 and send a letter of thanks for his years of service to the Municipal Authority. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

The tax collector submitted individuals to be exonerated for the 2020, 2021, and 2022 per capita taxes. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to exonerate the tax collector from collecting the 2020, 2021, and 2022 per capita tax for the individuals as listed. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried. Atty. Picardi informed us of PA Act 57 of 2022 which allows taxpayers who fail to receive a tax notice during their first year of occupancy to apply for a waiver from penalties and additional costs from the tax collector, we will need to adopt a resolution requiring and directing the tax collector to implement and comply with the provisions of Pennsylvania Act 57 of 2022, he will prepare the necessary resolution for adoption at our next meeting.

We need to establish the amount of deductible the employees are to be responsible for on the health insurance program. It was decided to table action on this until our budget meeting.

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Received letter dated September 29, 2022 from Berks County Planning Commission providing us with their comments on the Small Wireless Ordinance draft amendment and these were reviewed this evening, Atty. Picardi said he reviewed their comments and he may incorporate some of their suggestions into the draft. Atty. Picardi said the public hearing on the proposed Small Wireless Ordinance amendment will be October 18, 2022 at 6:30 p.m.

Received letter dated September 27, 2022 from Berks County Planning Commission providing us with their comments on the Agritainment and Agritourism Ordinance draft amendment and these were reviewed this evening, Atty. Picardi said he reviewed their comments and will check if any changes will need to be made to our draft. Atty. Picardi said the public hearing on the proposed Agritainment and Agritourism Ordinance amendment will be October 18, 2022 at 6:00 p.m.

James MacArthur of New Life Bible Fellowship Church was in attendance and requested to hold off until February or March of 2023 to execute the Financial Security Escrow Agreement with the township for their parking lot project due to all contractors being busy and unable to perform the work until next Spring. Atty. Picardi said no permits can be issued for this project until this Agreement would be executed and the financial security is in place, also the cost estimates may increase until that time so we may need to evaluate this at that time.

The routes for the Breakthrough Bike Challenge held September 18, 2022 and the Shoo-Fly Classic Bike Ride held October 1, 2022 were inspected and were satisfactorily cleaned up. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to refund the \$1,000 security deposits to Breakthrough Bike Challenge and Berks County Bicycle Club for the Shoo-Fly Classic Bike Ride. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received quote from Essig Plumbing & Heating in amount of \$828.93 for repair and cleaning of the air conditioning system. It was agreed to service the air conditioning system but wait to have this service performed until Spring of 2023. Received quote from Essig Plumbing & Heating in amount of \$600.00 annually to service the heater, air conditioner, and garage heaters. A motion was made by Mark Hoch and seconded by Edwin Pollock to authorize Essig Plumbing & Heating to annually perform service to the heater, air conditioner, and garage heaters at a cost of \$600.00. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried. A suggestion was made by Essig Plumbing & Heating to consider replacing our air conditioning unit since it is seventeen years old.

Received September 10, 2022 from All County and Associates, Inc. the Component 3s Sewage Facilities Planning Module for the Bert Savory property at 2693 West Philadelphia Avenue for a small flow treatment facility. A motion was made by Mark Hoch and seconded by Jeffrey Spatz to adopt Resolution #621-22 to submit to DEP the Sewage Facilities Planning Module for the Bert Savory property at 2693 West Philadelphia Avenue for their approval as a revision to the Official Sewage Facilities Plan of Oley Township. Jeffrey Spatz – yes; Mark

Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

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Received September 16, 2022 from All County and Associates, Inc. the Component 3s Sewage Facilities Planning Module for the Kim Etheridge property at 265 Wiest School Road for a small flow treatment facility. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to adopt Resolution #622-22 to submit to DEP the Sewage Facilities Planning Module for the Kim Etheridge property at 265 Wiest School Road for their approval as a revision to the Official Sewage Facilities Plan of Oley Township. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Mr. Hoch spoke with a Comcast representative regarding the removal of the old poles along Main Street that are no longer being used, this representative informed him that Comcast is complete with their transition of lines to the new poles but Windstream Communications needs to complete their transition of lines to the new poles prior to the old poles being removed.

A motion was made by Mark Hoch and seconded by Edwin Pollock to schedule a budget workshop meeting for Saturday, November 5, 2022 at 10:00 a.m. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

The financial report was called for and read. A motion was made by Jeffrey Spatz and seconded by Mark Hoch 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. Kerwin Mast – He was in contact with Elizabeth Magovern regarding the Certificate of Appropriateness that we approved earlier in the meeting for the pool shed and Ms. Magovern thought that HARB had recommended that the pitch of the shed roof should match the pitch of the porch roof and not the house roof. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to amend the motion made previously in the meeting on the issuance of a Certificate of Appropriateness to Christopher Hartman and Elizabeth Magovern to add “or at minimum be consistent with the existing porch roof without causing excessive cost expense”. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

2. Daniel E. Levensgood – Asked what the requirements are for political signs, there are signs that are up all year long on Main Street. Atty. Picardi said according to our ordinance political signs can be posted thirty days prior to an election and must be removed no later than five days following the election. Mr. Spatz said there are political signs and political statements displayed on a porch along Main Street and we had our Solicitor check into this and it was determined that it is the location of these banners that put them outside of our jurisdiction.

3. Alan Marsdale – He indicated that the State can fine the candidate if the political signs are not removed after a certain length of time.

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4. William Stokes – Thanked the road crew for painting the curb yellow at the fire hydrant near his home.

The next regular meeting will be held Monday, November 14, 2022 at 7:00 P.M.

A motion was made by Mark Hoch and seconded by Edwin Pollock to adjourn the meeting at 9:10 p.m. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Respectfully submitted,

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Shirley M. Moyer  
Secretary/Treasurer

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