

MINUTES OF THE OLEY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD DECEMBER 12, 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.

Atty. Picardi announced that the Supervisors met in executive session this evening at 6:15 p.m. relative to personnel and they also met in executive session on December 5, 2022 at 6:00 p.m. relative to personnel.

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 November 5, 2022 and November 14, 2022 minutes, a motion was made by Mark Hoch and seconded by Edwin Pollock to approve the minutes of the November 5, 2022 and November 14, 2022 meetings as presented. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

The police department report for the month of November 2022 was read indicating 190 calls for the month. Atty. Picardi reviewed the Police Services Agreement for 2023 – 2027 with Central Berks Regional Police Commission and everything is essentially the same with the exception of the time period and the cost increase. A motion was made by Mark Hoch and seconded by Edwin Pollock to authorize the Chairman and Secretary to execute the Police Services Agreement for 2023 – 2027 with Central Berks Regional Police Commission. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried. Chief Ray Serafin said there were a high number of disorderly conduct arrests but some of them were at the school. The radar feedback sign data was provided to the police for their review.

The road department report for the month of November 2022 was read. Duane Howard said he was notified by Berks County that there is a large tree on Spangsville Road near the covered bridge that the County will be removing on December 19 or 20, 2022 and will need to close the roadway for a few hours. Mr. Howard said he attended a winter maintenance meeting with the Meadowview Farms Homeowners Association and their subcontractor that performs snow removal from sidewalks and driveways.

The Fire Chief's report for the month of November 2022 was reading indicating a total of forty-six calls for the month.

The Ambulance Chief's report for the month of November 2022 was read indicating a total of ninety-six calls for the month. They also conducted a Coach Purse Bingo and a Comedy Night as fundraisers during the month.

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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 Tyler Spier property located at 353 Water Street is in violation of rubbish, sanitation, accumulation of rubbish or garbage and disposal of rubbish, the owner contacted the Zoning Officer to work on compliance and clarification about items on the property.

Received letter dated December 6, 2022 from HARB recommending that the Board of Supervisors of Oley Township issue a Certificate of Appropriateness to Stellar Homes, LLC for property located at 2693 West Philadelphia Avenue to install seven second story Anderson vinyl windows with the details matching the previously approved windows. This application was reviewed and discussed. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to issue a Certificate of Appropriateness to Stellar Homes, LLC for property located at 2693 West Philadelphia Avenue to install seven second story Anderson vinyl windows with the details matching the previously approved windows. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated December 6, 2022 from HARB recommending that the Board of Supervisors of Oley Township issue a Certificate of Appropriateness to Brandy Brigman for property located at 8 Rose Virginia Road to install wooden fence as per information submitted, endeavor to keep the height of the fence at five foot or under if possible, and include decorative post finials or post caps. This application was reviewed and discussed. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to issue a Certificate of Appropriateness to Brandy Brigman for property located at 8 Rose Virginia Road to install wooden fence as per information submitted, endeavor to keep the height of the fence at five foot or under if possible, and include decorative post finials or post caps. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated December 6, 2022 from HARB recommending that the Board of Supervisors of Oley Township issue a Certificate of Appropriateness to Berks Career and Technology Center for property located at 19 Career Court to construct new home to include stone veneer, brick porches and walkway, standing seam metal roof on porches, board and batten clapboard vinyl siding, as shown on submitted plan. This application was reviewed and discussed. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to issue a Certificate of Appropriateness to Berks Career and Technology Center for property located at 19 Career Court to construct new home to include stone veneer, brick porches and walkway, standing seam metal roof on porches, board and batten clapboard vinyl siding, as shown on submitted plan, with the stone veneer to be laid up in accordance with sound masonry techniques. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

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Received letter dated December 6, 2022 from HARB recommending that the Board of Supervisors of Oley Township issue a Certificate of Appropriateness to VAE, LLC for property located at 6048 Oley Turnpike Road to install any or all of the signs as submitted exclusive of any zoning requirements. This application was reviewed and discussed. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to issue a Certificate of Appropriateness to VAE, LLC for property located at 6048 Oley Turnpike Road to install any or all of the signs as submitted exclusive of any zoning requirements. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated December 6, 2022 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township conditionally approve the Friedens UCC Subdivision Preliminary Plan, plan number 2021-006, dated October 6, 2022, subject to receiving for the Final Plan the parking area access easement in a recordable fashion and a letter requesting a waiver of Section 22-808.4.I of the Subdivision and Land Development Ordinance. This plan was reviewed and discussed. A motion was made by Mark Hoch and seconded by Edwin Pollock to adopt resolution #624-22 to approve the Friedens UCC Subdivision Preliminary Plan, plan number 2021-006, dated October 6, 2022, subject to receiving for the Final Plan the parking area access easement in a recordable fashion and a letter requesting a waiver of Section 22-808.4.I of the Subdivision and Land Development Ordinance. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Received November 29, 2022 from Kerwin N. Mast an Escrow Agreement for the Christ Evangelical Lutheran Church of Oley Township Annexation Subdivision review fees being held in escrow. This plan was briefly reviewed and discussed. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to authorize the Chairman and Secretary to execute the Christ Evangelical Lutheran Church of Oley Township Annexation Subdivision Escrow Agreement. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried. Received letter dated December 6, 2022 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township conditionally approve the Christ Evangelical Lutheran Church of Oley Township Annexation Subdivision Sketch Plan of Record, plan number D-22-86, dated December 5, 2022, subject to receipt of the Berks County Planning Commission review letter; iron pins to be set at the proposed Annexation Parcel A property corners, all existing property monumentation for the existing Other Lands of Church property shall be noted on the plan, monumentation shall be provided for corners of the Other Lands of Church property (Section 22-902.H(1)); and review of corrected plan by Township Engineer to confirm the addition of notes and the property monumentation. Received letter dated December 7, 2022 from Berks County Planning Commission providing us their comments on this plan and these were reviewed this evening. Received letter dated December 9, 2022 from LTL Consultants providing us their comments on the corrected plan dated December 5, 2022 and these were reviewed this evening. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to adopt Resolution #625-22 to approve the Christ Evangelical Lutheran Church of Oley Township Annexation Subdivision Sketch Plan of Record, plan number D-22-86, dated December 7, 2022. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

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Received the Zoning Hearing Board decision for Kerwin N. & Corrie D. Mast granting a variance to permit the creation of an undersized lot of approximately 0.860 acres in size subject to securing final subdivision approval from Oley Township within one year and the use of the property conforms to the testimony and exhibits presented at the hearing.

Zoning hearing to be held December 19, 2022 at 6:30 p.m. for the Oley Township Municipal Authority and Donna & Steven Lorah variance applications. Alison Paules-Rettew was in attendance and has a concern with the noise that may be generated from the Oley Township Municipal Authority water storage tank, she would like more trees planted to shield the noise and view from her property. Mr. Spatz recommended that she attend the hearing to express her concerns since this is a relevant concern, the Zoning Hearing Board could grant a variance with certain conditions such as planting additional trees and sound installation for pumps that may be running.

The tax collector submitted individuals to be exonerated for the 2022 per capita taxes. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to exonerate the tax collector from collecting the 2022 per capita taxes for the individuals as listed. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Incoming communications:

1. Email received October 25, 2022 from Todd M. Kegerise informing us he will not seek reappointment to the positions of Emergency Management Coordinator and Fire Marshal for 2023. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to send a letter to Todd M. Kegerise thanking him for his years of service in positions of Emergency Management Coordinator and Fire Marshal. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

2. Letter received November 14, 2022 from Joshua M. DePietro resigning from the position of Deputy Emergency Management Coordinator effective December 31, 2022. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to accept the resignation of Joshua M. DePietro as Deputy Emergency Management Coordinator effective December 31, 2022. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

3. Letter dated November 22, 2022 from Oley Valley Community Education Foundation requesting to conduct a 5K Run/Walk on April 15, 2023 at 9:00 a.m. beginning on Jefferson Street onto Main Street, Oley Furnace Road, Lake Road, Water Street, Main Street, and back to Jefferson Street. We have received a certificate of insurance naming Oley Township as additional insured on the policy. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to permit the Oley Valley Community Education Foundation to hold a 5K Run/Walk on April 15, 2023 at 9:00 a.m. beginning and ending at the Oley Valley High School. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

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4. Letter dated November 29, 2022 from DEP informing us we qualify for a waiver from NPDES MS4 permitting requirements and our request is approved, the waiver has an effective date of April 1, 2023 and will expire March 31, 2028.

5. Letter dated December 2, 2022 from Damon L. Kowolewski requesting to install a "Stop Ahead" or "School Bus Stop Ahead" sign on Oley Furnace Road roughly five hundred feet from the corner of Reider Road. Duane Howard will check where the bus stop is along Oley Furnace Road, this area would warrant a "School Bus Stop Ahead" sign. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to install a "School Bus Stop Ahead" sign at the correct location on Oley Furnace Road near the corner of Reider Road. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Atty. Picardi said the Agritainment and Agritourism draft ordinance amendment has been advertised for adoption this evening. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to adopt Ordinance #387 amending Chapter 27 (Zoning) of the Code of Ordinances of the Township of Oley to provide certain definitions, permitted uses, and accessory uses for Agritainment and Agritourism. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

Atty. Picardi said the Small Wireless draft ordinance amendment has been advertised for adoption this evening. Atty. Picardi said the Planning Commission and HARB is still reviewing the draft design manual but we can adopt this draft amendment without the design manual, he would recommend we adopt this draft amendment as advertised to best protect the residents of Oley Township. A motion was made by Jeffrey Spatz and seconded by Mark Hoch to adopt Ordinance #388 amending Chapter 27 (Zoning) of the Code of Ordinances of the Township of Oley to provide new definitions and regulations regarding small wireless facilities and amending the existing definitions and regulations for wireless communications facilities. Donna Ott said she has sent several emails that were not acknowledged in the minutes, there is some language that needs to be revised in this draft. Mr. Spatz feels we need to enact something since we are vulnerable and we can make future amendments to this ordinance. Atty. Picardi said the opportunity to make suggestions on this draft was at the public hearing, he read the memorandum from Odette Wilkens recently and he does not feel this recommended change is fatal to the ordinance as a whole, the ordinance has been advertised for adoption already and we cannot continue to make changes, he does not see a meaningful difference between "reasonable and non-discriminatory" to "reasonably non-discriminatory", we could consider this change when future amendments are made to this ordinance, he feels the Supervisors should move forward with this amendment without making this change. Susan Gage asked why accommodations are not made for ADA. Atty. Picardi said that matter would need to be taken up with the State Legislature. Roll call was called for on the previous motion made. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

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The Brendon & Celine Field request to sell the 54.13 acre parcel located off of Reiff Road was discussed. Mr. Hoch feels the Land Preservation Board would not allow them to split the two tracts. Atty. Picardi said there is a method to modify or remove the deed restriction to allow for the sale of this parcel. Mr. Spatz said it was made clear to all potential bidders that Tracts 1 and 2 were never to be subdivided and he does not feel we should remove that deed restriction. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to authorize the Solicitor to send a letter to the Field's attorney that the Supervisors at this point are not inclined to remove the deed restriction and also that the Agricultural Conservation Easement also imposes restrictions on any separation of Tracts 1 and 2. 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 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. Michael Cofalka – Had requested several months ago to close a portion of Bieber Mill Road in the area of 200 Bieber Mill Road and would like to know the status of this request. Mr. Spatz said one of the best bridges is located on this roadway which was paid for by the township taxpayers and there are concerns with the costs associated with the creation of a cul-de-sac. Mr. Hoch said he spoke with some of the neighbors in the area that do not want to see this roadway closed. Mr. Cofalka asked if there would be another way to close the roadway without constructing a cul-de-sac.

2. Bert Savory – He owns the property located at 2693 West Philadelphia Avenue, he would like to demolish the summer kitchen located in the rear of this property, he said it is rotted to the ground. Mr. Spatz said there are very few bake ovens in existence anymore in the Oley Valley, he could secure and lock the building to deter illegal entry, an ag tin roof could be put on for now to prevent any further damage to the structure. Ricky Watt said he inspected this structure and said it is salvageable and could be saved. Mr. Spatz said there is a potential of grants to save such structures. Mr. Hoch asked about the septic system for that property. Mr. Savory said he is in the process of obtaining approval for a small flow treatment facility, the current septic system could not handle five apartment units, the new system would just be tanks and there will be no field, the sewage will be treated and go down the road to the creek. Mr. Hoch asked if items of this summer kitchen could be salvaged and used at another location. Mr. Watt said this would be an option. Benjamin Raker said he admires Mr. Savory for renovating and preserving the main building on this property but he is against the demolition of the summer kitchen. Mr. Hoch said Mr. Savory is working hard to preserve the main building but the summer kitchen is from a different era than this main building, he feels that what could be salvaged from the summer kitchen should be if the structure is demolished. Gene Bertolet said he would hate to see this summer kitchen demolished since it is a piece of the Oley Valley. Mr. Hoch suggested to Mr. Savory to find some used tin and close up the summer kitchen.

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3. Tyler Spier – Suggested sending a letter to State Representative David Maloney urging him to support the use of radar for speed enforcement by local police departments. Mr. Spatz said he has spoke with Representative Maloney several times about this matter. It was also suggested to send a letter to State Senator Judith Schwank. Chief Ray Serafin said the State Police lobby against the passage of this Act, they do not want local police departments to have the ability to use radar. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to authorize sending letters to State Representative David Maloney and State Senator Judith Schwank urging them to support SB 419/HB 606 which would permit local and regional police departments to use radar for speed enforcement. Jeffrey Spatz – yes; Mark Hoch – yes; Edwin Pollock – yes. All in favor....motion carried.

4. Benjamin Raker – Speeding on all of the roadways is out of control, he feels speed bumps would be good on Main Street. Mr. Spatz said speed tables are a good way to control speeds. Duane Howard said a LTAP representative had performed a traffic calming study on Main Street and they recommended dividers, they feel that speed bumps/humps would be a problem coming down the hill.

5. Daniel E. Levensgood – He said in the last several weeks he has seen vehicles passing in front of his barn on Main Street.

6. Gene Bertolet – He said no one stops anymore at stop signs.

The next regular meeting will be held Monday, January 9, 2023 at 7:00 P.M. Budget adoption and financial closeout meeting to be held Thursday, December 29, 2022 at 8:00 A.M. Reorganization meeting to be held Tuesday, January 3, 2023 at 6:00 P.M.

A motion was made by Jeffrey Spatz and seconded by Mark Hoch to adjourn the meeting at 9:16 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
K. Picardi
D. Allebach
N. Ulrich