

MINUTES OF THE OLEY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD OCTOBER 9, 2023

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 Richard Almquist was also in attendance. The Pledge of Allegiance to the American Flag was observed.

The meeting agenda was posted in the meeting room but due to a technical error there was a delay in posting the agenda on the township website so no deliberation or action can be taken on any matters at this meeting, a special meeting will be held on October 13, 2023 at 5:30 p.m. to address any action items that are listed on this evenings agenda. The following public comment was heard:

1. Robert Heckman – Provided an update on the student built homes in Oley Township by the Berks Career and Technology Center students. Announced an open house at both the west and east campuses of the Berks Career and Technology Center on November 1, 2023 from 5:00 p.m. to 8:00 p.m.

The approval of the September 11, 2023 regular and workshop minutes will be tabled until the October 13, 2023 meeting.

The police department report for the month of September 2023 was read indicating 269 calls for the month. Benjamin Raker asked if a community watch group could be formed. Mr. Spatz said this would be up to the residents to form this group but it should be coordinated with the police. Chief Ray Serafin said there have been several crime watch groups over the years and what he has experienced is that the members lose interest and it then becomes difficult to fill all the time slots, these groups are beneficial since it is a set of eyes that can report incidents to the police but they can have no interaction with any individuals.

The road department report for the month of September 2023 was read. The approval of Pay Application #1 for Construction Masters Services, LLC for the Main Street Overlay Project and the approval of payment to Asphalt Maintenance Solutions, LLC for the Moravian School Road Project will be tabled until the October 13, 2023 meeting. Received a priority 1 notification for Yoder Road bridge regarding deterioration of the four fascia steel beams which will need to be repaired within six months, LTL Consultants is working on specification plans for the repairs to present to the Supervisors. Also received new load posting to lower the Yoder Road bridge posting to fourteen tons and combination of twenty-two tons, this new posting was performed.

There was no Fire Chief's report for the month of September 2023.

The Ambulance Chief's report for the month of August 2023 was reading indicating a total of 81 calls and for September 2023 a total of 100 calls. Kevin Bieber presented a 2022 status report and asked that the Supervisors keep the ambulance in mind when preparing the 2024 township budget.

MINUTES OF THE OCTOBER 9, 2023 MEETING CONTINUED

Stop work order issued to Brian M. Miller, II & Kaylee A. Wallace for property located at 2876 West Philadelphia Avenue for building a detached garage without any permits, citation issued and judge found them guilty for building without permits. The Allen & Susan Standhardt property located at 15 Rose Virginia Road is in violation of unsafe structures and equipment, sanitation, and weeds, owner had major surgery and will inspect property at end of October 2023. A final notice of violation was issued to Kevin S. Mitchell for property located at 3339A Friedensburg Road for unsafe structures and equipment, temporary safeguards, sanitation, accumulation and disposal of rubbish or garbage, electrical facilities, and electrical equipment, citations issued and DEP given all information regarding outdoor storage of chemicals. The Matthew & Marisa Horne property located at 711 Main Street is in violation of weeds, citation issued and court date should be set next month. Notice of violation issued to BSRE Holdings, LLC for property located at 41 Moravian School Road for sanitation, motor vehicles, accumulation of rubbish or garbage and disposal of rubbish. Stephen Levan asked what is happening with the property at 336 Main Street. Ryan Wessner said they are taking the owner of 336 Main Street to court since he will not let them in to perform an inspection.

Received letter dated September 7, 2023 from LTL Consultants, Ltd. informing us Zachary Mennig of 146 Water Street has submitted a sewage holding tank application, he is proposing to replace the malfunctioning sewage drainfield in his front yard with two 2,000 gallon holding tanks, they are recommending that a thirty foot well isolation distance be approved for this property. Zachary Mennig was in attendance regarding this matter and explained the need for this well isolation distance exemption. Action on this request will be tabled until the October 13, 2023 meeting. Mr. Mennig said there are many failing sewage systems along this section of Water Street, is there consideration to provide public sewer in this area. Mr. Spatz asked if the township could demand that the Municipal Authority provide public sewer to this section of Water Street. Atty. Almquist said the Supervisors are the ones that determine through the 537 Sewage Plan which areas of the township are designated for public sewer. Mr. Spatz suggested to Mr. Mennig to attend a Municipal Authority meeting to express his concerns to have this area provided with public sewer. Daniel Levensgood suggested to Mr. Mennig to send a letter of his concerns to DEP.

Received the Land Development Agreement and Financial Security Agreement for the Berks Career and Technology Center Subdivision Phase III, action will be tabled until the October 13, 2023 meeting to authorize the Chairman and Secretary to execute these agreements.

Received letter dated October 5, 2023 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township approve the Berks Career and Technology Center Subdivision Phase III Final Plan, plan number E-03-0485-0010, dated September 1, 2023, subject to the Solicitors approval of the required deed restrictions for Lots 13 through 15 are properly incorporated in the deed descriptions for these lots and the Financial Security Agreement is in place for the improvements. Action on this recommendation will be tabled until the October 13, 2023 meeting.

MINUTES OF THE OCTOBER 9, 2023 MEETING CONTINUED

Received request to re-approve the Boone – Lot Annexation of 2023 Sketch Plan of Record since the township approved this plan on June 12, 2023 and it is now ninety days past that approval date and the county will not record the plan. Action on this request will be tabled until the October 13, 2023 meeting.

Received variance application from Scott & Jean Degler for property located at 170 Water Street from Section 27-1606.A to permit construction of a new forty-six foot by twenty-six foot garage not less than three feet from the property line where a side yard setback of ten feet is required. The zoning hearing for this application is scheduled for October 30, 2023 at 6:30 p.m.

Received letter dated October 3, 2023 from Carmen Italia resigning effective immediately as a member of the Oley Township Municipal Authority for personal reasons. Action on this resignation will be tabled until the October 13, 2023 meeting.

Kim Mazur of Entech Engineering was in attendance representing Oley Township Municipal Authority relative to an electric pole relocation for the new water storage tank project on Old State Road. Mr. Mazur said the electric pole is presently located on the property of Matthew & Laurel Walker at 601 Old State Road and the Walker's indicated they would provide an easement to the pole for the Municipal Authority at a cost of \$160,000 or the Municipal Authority could approach the township to have them remove the deed restrictions from his property. Mr. Mazur said the cost to relocate this electric pole into the road right-of-way would be between \$5,000 to \$10,000. Mr. Mazur is seeking authorization from the township to move this electric pole from the Walker property into the road right-of-way along Old State Road. Matthew Walker said he gave the \$160,000 cost for the easement since that would be the cost to put a certain type of siding on his proposed home or the Municipal Authority could possibly speak to the township about amending some of the deed restrictions on his property, he said it is not a common practice for Met-Ed to put a pole in the road right-of-way. Mr. Mazur said typically poles are located in road right-of-ways. Atty. Almquist explained there are statutes that govern public utilities and regulate the placement of poles and lines, public utilities are given a right to place their facilities within the right-of-way of state and local public roads, the municipalities can provide certain restrictions on permitting and requirements within reason.

Incoming communications:

1. Letter dated September 25, 2023 from Michael Cofalka requesting a temporary road closure of Bieber Mill Road on October 28, 2023 for a gathering of family and friends and he provided a check in the amount of \$100 to cover the costs associated with this. Action on this request will be tabled until the October 13, 2023 meeting.

MINUTES OF THE OCTOBER 9, 2023 MEETING CONTINUED

2. Letters dated October 5, 2023 from Maillie, LLP providing arrangement letters to perform the audit for Oley Township for the year ending December 31, 2023 at a cost not to exceed \$8,750 plus any confirmation fees and for the Oley Township Tax Collector for the year ending December 31, 2023 at a cost not to exceed \$3,000 plus any confirmation fees. Action on these letters will be tabled until the October 13, 2023 meeting.

The adoption of the Oley Township Traffic Calming Policy will be tabled until the October 13, 2023 meeting.

Action will be tabled until the October 13, 2023 meeting on the employee healthcare insurance renewal.

Our Solicitor has notified Alsace Township and Exeter Township that we are in receipt of applications from property owners in their townships requesting a modification of the Oley Township Agricultural Security Area and awaiting a response as to whether they would cover the costs associated with this process.

Request from Ross Stiver & Amanda O'Driscoll to post "No Fishing, No Diving, No Loitering" signs on Fisher Mill Road bridge. Atty. Almquist said a local municipality can post such signs but we should check with the county prior to posting any signage since they own the bridge.

The routes for the Breakthrough Bike Challenge held September 10, 2023 and the Shoo-Fly Classic Bike Ride held September 30, 2023 were inspected and were satisfactorily cleaned up. Action on refunding each the \$1,000 security deposits will be tabled until the October 13, 2023 meeting.

The scheduling of the budget meeting will be tabled until the October 13, 2023 meeting.

The financial report was called for and read. Action on accepting the financial report and paying all the bills and salaries will be tabled until the October 13, 2023 meeting.

Public comment:

1. Amanda O'Driscoll – What do we need to do to get bridge posting approved by the county. Atty. Almquist said we will need to contact the county engineering department. Mr. Spatz asked Chief Ray Serafin what his officers would do if someone was fishing from the bridge. Chief Serafin said there would need to be an ordinance in place in order to enforce these signs and make arrests.

MINUTES OF THE OCTOBER 9, 2023 MEETING CONTINUED

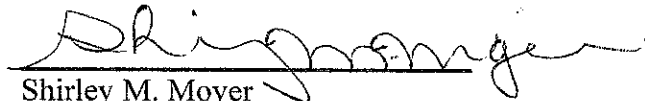
2. Benjamin Raker – He has heard about some concerns of the Sacred Oak funding. Mr. Spatz said there is volunteer effort by the Supervisors and several citizens on the visitation day of the Sacred Oak, all funds spent on the preservation of the tree comes from voluntary donations and no tax dollars are used, there is an agreement in place between the township and the property owners that allows for public access to the Sacred Oak on the first Saturday of June.

3. Kevin Bieber – Thanked the police and road crew for all their assistance provided during the Oley Fair.

The next regular meeting will be held Monday, November 13, 2023 at 7:00 P.M.

A motion was made by Jeffrey Spatz and seconded by Mark Hoch to adjourn the meeting at 8:05 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

MINUTES OF THE OLEY TOWNSHIP BOARD OF SUPERVISORS  
SPECIAL MEETING HELD OCTOBER 13, 2023

The special meeting was called to order at 5:30 p.m. in the Oley Township Municipal Building by Jeffrey Spatz with Supervisor Edwin Pollock in attendance. Solicitor Richard Almquist 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 twenty-four hours 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 11, 2023 regular and workshop minutes, a motion was made by Jeffrey Spatz and seconded by Edwin Pollock to approve the minutes of the September 11, 2023 regular and workshop meetings as presented. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to approve Pay Application #1 for Construction Masters Services, LLC for the Main Street Overlay Project in amount of \$106,665.92 to be paid from American Rescue Plan Fund. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to approve the payment to Asphalt Maintenance Solutions, LLC for the Moravian School Road Project in amount of \$277,510.50 to be paid from Liquid Fuels Fund. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried. A motion was made by Edwin Pollock and seconded by Jeffrey Spatz to authorize LTL Consultants to prepare specification plans for the repairs to Yoder Road bridge for the deterioration of the four fascia steel beams. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated September 7, 2023 from LTL Consultants, Ltd. informing us Zachary Mennig of 146 Water Street has submitted a sewage holding tank application, he is proposing to replace the malfunctioning sewage drainfield in his front yard with two 2,000 gallon holding tanks, they are recommending that a thirty foot well isolation distance be approved for this property. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to grant a well isolation distance exemption per Chapter 72.33 of the Pennsylvania Code to replace the malfunctioning sewage drainfield in the front yard with two – two thousand gallon holding tanks as shown on the submitted drawing for the property located at 146 Water Street which will be thirty feet from the existing well. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to authorize the Chairman and Secretary to execute the Land Development Agreement and Financial Security Agreement for the Berks Career and Technology Center Subdivision Phase III, subject to Township Solicitors review of legal deed descriptions and receiving the appropriate Letter of Credit. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried. Received letter dated October 5, 2023 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township approve the Berks Career and Technology Center Subdivision Phase III Final Plan, plan number E-03-0485-0010, dated September 1, 2023, subject to the

MINUTES OF THE OCTOBER 13, 2023 MEETING CONTINUED

Solicitors approval of the required deed restrictions for Lots 13 through 15 are properly incorporated in the deed descriptions for these lots and the Financial Security Agreement is in place for the improvements. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to adopt Resolution #638-23 to approve Berks Career and Technology Center Subdivision Phase III Final Plan, plan #E-03-0485-0010, dated September 1, 2023, subject to the Township Solicitors approval of the required deed restrictions for Lots 13 through 15 are properly incorporated in the deed descriptions for these lots and receive the appropriate Letter of Credit. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

Received request to re-approve the Boone – Lot Annexation of 2023 Sketch Plan of Record since the township approved this plan on June 12, 2023 and it is now ninety days past that approval date and the county will not record the plan. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to re-approve the Boone – Lot Annexation of 2023 Sketch Plan of Record, plan number GOTWAL0024, dated July 4, 2023. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

Received letter dated October 3, 2023 from Carmen Italia resigning effective immediately as a member of the Oley Township Municipal Authority for personal reasons. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to accept the resignation of Carmen Italia effective immediately as a member of the Oley Township Municipal Authority. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried. Mr. Spatz said there was an individual that expressed an interest in serving on the Municipal Authority and this appointment may be made at the next meeting to fill this vacancy.

Incoming communications:

1. Letter dated September 25, 2023 from Michael Cofalka requesting a temporary road closure of Bieber Mill Road on October 28, 2023 for a gathering of family and friends and he provided a check in the amount of \$100 to cover the costs associated with this. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to grant permission to Michael Cofalka to temporarily close a portion of Bieber Mill Road between Quarry Road and Wiest School Road on October 28, 2023 for a gathering of family and friends and authorize the use of township signage and equipment for this road closure. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

2. Letters dated October 5, 2023 from Maillie, LLP providing arrangement letters to perform the audit for Oley Township for the year ending December 31, 2023 at a cost not to exceed \$8,750 plus any confirmation fees and for the Oley Township Tax Collector for the year ending December 31, 2023 at a cost not to exceed \$3,000 plus any confirmation fees. Mr. Spatz asked what confirmation fees are for. It was explained that now most banks and other entities will charge a fee when requested for account balances as of the end of a fiscal year, since we have online banking available for our accounts most of this information could be obtained

MINUTES OF THE OCTOBER 13, 2023 MEETING CONTINUED

through this method rather than the banks providing confirmations. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to execute the arrangement letters to perform the audits of the Township and Tax Collector for the year ending December 31, 2023 at a cost not to exceed \$11,750.00 but not approve the payment of any confirmation fees. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

Atty. Almquist said he can have the resolution completed for the next regular meeting to adopt the Oley Township Traffic Calming Policy. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to authorize the Solicitor to prepare the resolution to adopt the Oley Township Traffic Calming Policy at the November 13, 2023 meeting. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to postpone the traffic calming workshop meeting that was scheduled for November 13, 2023 at 6:00 p.m. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

The renewal options for our employee healthcare program were reviewed and discussed. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to change the employee healthcare program to Aetna AFA CPOSII 2500 100-50. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried. Action will be taken at our next regular meeting as to the amount of the deductible that employees would be responsible to pay.

The routes for the Breakthrough Bike Challenge held September 10, 2023 and the Shoo-Fly Classic Bike Ride held September 30, 2023 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; Edwin Pollock – yes. All in favor....motion carried.

Request from Ross Stiver & Amanda O’Driscoll to post “No Fishing, No Diving, No Loitering” signs on Fisher Mill Road bridge. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to table discussion on the sign request for Fisher Mill Road bridge until our next regular meeting. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.

A motion was made by Edwin Pollock and seconded by Jeffrey Spatz to schedule a budget workshop meeting for Saturday, November 11, 2023 at 8:00 a.m. Jeffrey Spatz – 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 Edwin Pollock to accept the financial report and pay all the bills and salaries. Jeffrey Spatz – yes; Edwin Pollock – yes. All in favor....motion carried.



MINUTES OF THE OCTOBER 13, 2023 MEETING CONTINUED

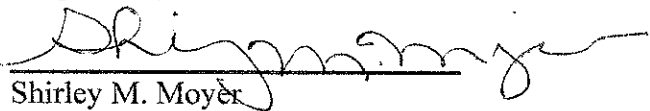
Public comment:

1. Matthew Walker - Indicated that it is a rare exception to place utility poles in a road right-of-way, all poles along Old State Road are outside of the road right-of-way. The Municipal Authority did not give him an easement to access the pole on his property for the electric service to their proposed water storage tank. Atty. Almquist said utility poles can be placed in a road right-of-way per a statute subject to any type of permits. Mr. Spatz said he is not sure whether the township can give permission to install this pole in the road right-of-way and we never received a formal request from the Municipal Authority seeking the township's permission to install this pole. Mr. Spatz suggested we look to see what we did for right-of-way for the 5G issue, we need to be consistent.

2. Zachary Mennig – He has contacted DEP about providing public sewer to a section on Water Street. Mr. Spatz advised Mr. Mennig to attend the next Oley Township Municipal Authority meeting to bring up his concerns of why public sewer is needed on Water Street.

A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to adjourn the meeting at 6:45 p.m. Jeffrey Spatz – 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