

MINUTES OF THE OLEY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD JUNE 10, 2024

The regular meeting was called to order at 7:00 p.m. in the Oley Township Municipal Building by Jeffrey Spatz with Supervisor Lisa Schaeffer (via Teams Meeting) in attendance. Solicitor Kenneth Picardi and Code Officer Ryan Wessner were 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.

Action will be tabled on the April 8, 2024 minutes due to not enough members being present from this meeting to act on them. There being no changes to the May 13, 2024 regular minutes and the May 30, 2024 joint workshop minutes, a motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to approve the minutes of the May 13, 2024 regular and May 30, 2024 joint workshop as presented. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

The police department report for the month of May 2024 was read indicating 263 calls for the month.

The road department report for the month of May 2024 was read. The following bids were received for the Reider Road Culvert/Mill Road Bank Stabilization Project:

Sacks and Sons - \$249,578.00

Construction Masters Services, LLC - \$259,970.00

A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to award the Reider Road Culvert/Mill Road Bank Stabilization Project to Sacks and Sons in the amount of \$249,578.00 and issue an apparent low bidder notification letter provided that the low bid is responsible/responsive and issue the notice to proceed letter provided information required by apparent low bidder notification letter is received and correct. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried. Atty. Picardi said he will revise the drainage easement agreement with the Beyer's that Kymberly Beyer is the sole trustee of the revocable living family trust since David Beyer is deceased. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to authorize the execution of the drainage easement agreement with Kymberly Beyer for the Reider Road Culvert/Mill Road Bank Stabilization Project. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried. We have received \$51,565.03 which is half of the Dirt and Gravel Low Volume Grant from the Berks County Conservation District for this culvert/bank stabilization project. The road work project for Jefferson Street and Walker Road is scheduled to be completed June 19 and 20, 2024. The pipe replacement on Jefferson Street is to be completed the week of July 10, 2024. Experienced some mechanical issues with the 2003 Chevy, received an invoice in amount of \$6,633.72 from Shane Diesel Service for these repairs. Earl Township has a 2013 Peterbuilt with 18,000 miles and would be willing to sell this truck to Oley Township for \$75,000. The budget numbers were reviewed and discussed, between the amounts budgeted in the General Fund, Liquid Fuels Fund and the reserve balance in the Capital Improvements Fund for vehicles we would have the \$75,000 for

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this purchase. A motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to purchase the 2013 Peterbuilt from Earl Township in the amount of \$75,000. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried. Mr. Spatz asked if it has yet been determined what portion of roadway the township owns and maintains at the County owned Fisher Mill Road bridge. Atty. Picardi said he has not yet researched this matter.

There was no Fire Chief's report for the month of May 2024.

The Ambulance Chief's report for the month of May 2024 was read indicating a total of 85 calls. Atty. Picardi will have the loan document for the ambulance completed for the next meeting.

The Allen & Susan Standhardt property located at 15 Rose Virginia Road is in violation of unsafe structures and equipment, sanitation, weeds, and chimney repairs, Mr. Wessner said he received another six month extension request from the property owner, Ms. Schaeffer would be against giving another six month extension on this property. A motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to reject the six month extension for violations at the Allen & Susan Standhardt property located at 15 Rose Virginia Road. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried. The Kevin S. Mitchell property located at 3339A Friedensburg Road is in violation of unsafe structures and equipment, temporary safeguards, sanitation, accumulation and disposal of rubbish or garbage, electrical facilities, and electrical equipment, citations issued, hearing held and Judge levied a \$500 fine on the property owner and he was given thirty days to have the property cleaned up and then another hearing will be scheduled to determine the compliance of the property, Mr. Spatz said this business has been abandoned since July 2023 and the business could not resume since this area is not zoned for that type of use. The Perry R. Good, Jr. property located at 71 Carriage Circle is in violation of unsafe structure and equipment, sanitation, accumulation of rubbish or garbage, disposal of rubbish, citations filed and waiting for a court date to be scheduled. The Edward & Catherine Zadvydas property located at 62 School Lane is in violation of nuisance glare and inadequate lighting, Mr. Wessner determined that one light does not constitute a violation and this case has now been closed. The Gary R. Gift properties located at 3282 Friedensburg Road is in violation of sanitation, accumulation of rubbish or garbage, disposal of rubbish, Mr. Spatz suggested to look into obtaining a price from a junk removal service to cleanup the property. Notice of violation issued to Corey Williamson for property located at 104 Main Street for sanitation, unsafe conditions, weeds, Mr. Spatz said the growth has been cut down but it is now lying on the ground, Mr. Wessner will inspect the property to assure that it has been cleaned up. Notice of violation issued to BSRE Holdings, LLC for property located at 41 Moravian School Road for sanitation, weeds, accumulation of rubbish or garbage, disposal of rubbish, citations filed and waiting for a court date, Mr. Spatz feels that our Solicitor should attend this hearing. Mr. Wessner said the Stuart Snyder property located at 118 Mill Road tried burning one of his trailers illegally, he sent a notice of violation for burning. Mr. Spatz asked if the trash has been removed from 12 Water Street, Mr. Wessner said he spoke to the owner of the property and the trash has been removed and the owner will advise the tenants to not accumulate trash in front of the residence.

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Received letter dated May 31, 2024 from HARB recommending that the Board of Supervisors of Oley Township issue a Certificate of Appropriateness to Adam Roberts (Bob Mader, owner) for property located at 616 Main Street to install hardie plank cement siding with a wood finish on southwest facing exterior wall with a three and one-half inch reveal as submitted. This application was reviewed and discussed. A motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to issue a Certificate of Appropriateness to Adam Roberts (Bob Mader, owner) for property located at 616 Main Street to install hardie plank cement siding with a wood finish on southwest facing exterior wall with a three and one-half inch reveal as submitted. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

Received letter dated June 4, 2024 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township approve the Yoder Subdivision Sketch Plan of Record, plan number L23-1015, dated April 5, 2024 subject to the monumentation being field verified by the Township Engineer. This plan was reviewed and discussed and we received notification from the Township Engineer that they verified the monument installation on May 31, 2024. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to adopt Resolution #651-24 to approve the Yoder Subdivision Sketch Plan of Record, plan number L23-1015, dated April 5, 2024. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

Received letter dated June 4, 2024 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township waive Sections 22-404.3.D (boundary monuments – partial waiver to not install monuments in Manatawny Creek, a proposed offset location is shown on the plan in lieu of installation in the creek) and 22-902.H.(1) (monuments – partial waiver to not install monuments in Manatawny Creek, a proposed offset location is shown on the plan in lieu of installation in the creek) of the Subdivision and Land Development Ordinance for David W. & Ruth E. Mast Annexation/Subdivision Sketch Plan of Record, plan number 240034-AX-01, dated May 10, 2024. This plan was reviewed and discussed. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to waive Sections 22-404.3.D (boundary monuments – partial waiver to not install monuments in Manatawny Creek, a proposed offset location is shown on the plan in lieu of installation in the creek) and 22-902.H.(1) (monuments – partial waiver to not install monuments in Manatawny Creek, a proposed offset location is shown on the plan in lieu of installation in the creek) of the Subdivision and Land Development Ordinance for David W. & Ruth E. Mast Annexation/Subdivision Sketch Plan of Record, plan number 240034-AX-01, dated May 10, 2024. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried. Mrs. Schaeffer said LTL Consultants needs to keep on top of this property so they do not breach what is on this plan.

A zoning hearing for variance application of Paula DeLaRosa & Olga Rodriguez for property located at 65 Clay Slate Road from Section 27-602 to allow three dwelling units on one parcel has been scheduled for June 19, 2024 at 6:30 p.m.

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The tax collector submitted individuals to be exonerated for the 2022 and 2023 per capita taxes. A motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to exonerate the tax collector from collecting the 2022 and 2023 per capita taxes for the individuals as listed. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

Incoming communications:

1. Request from Randall S. Bortz requesting a refund of the Pennsylvania Realty Transfer Tax for the Reiff Road parcel he purchased June 20, 2023 since a transfer of an agricultural conservation easement to a qualified beginner farmer is exempt due to Act 13 of 2019 and the Department of Agriculture certifies that Randall Bortz meets the qualified beginning farmer status. Mr. Spatz said that Mr. Bortz has been farming at another location for approximately ten years. Atty. Picardi said he reviewed all the documents provided with this request and Mr. Bortz does meet these requirements and he would be entitled to a refund in the amount of \$4,650. A motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to refund the Pennsylvania Realty Transfer Tax to Randall S. & Melissa M. Bortz in the amount of \$4,650 for their Reiff Road parcel purchased June 20, 2023 due to Act 13 of 2019 which exempts a qualified beginner farmer from paying this tax. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

2. Letter dated June 3, 2024 from Candice Smith requesting a handicap parking spot in front of her residence at 614 Main Street. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to amend the Master Traffic Ordinance authorizing a handicap parking spot in front of 614 Main Street. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

3. Request from Beverly Keim of 340 Main Street to change the time on the No Parking signs at the mailboxes across from her residence from the current time of 11AM-1PM to 9AM-1PM, mail delivery on most days is earlier than 11AM and people at the library/church are parked along the street and she does not receive her mail. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to amend the Master Traffic Ordinance authorizing the time change for No Parking in the area across from 340 Main Street from 11AM-1PM to 9AM-1PM. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

4. Letter received June 5, 2024 from Service Electric Cablevision informing us the underground portion of the cablevision fiber to the homes project is complete and all final restorations are complete, they are requesting a final inspection to close out these permits and release the security bond. A motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to authorize the final inspection of the Service Electric Cablevision fiber optic cable installation and release of the security bond after a satisfactory inspection and the payment of all outstanding bills associated with this project. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

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The Kimberly Kline Agricultural Security Area application has been sent to Berks County Planning Commission, Oley Township Planning Commission, the Agricultural Security Area Advisory Board, and Exeter Township for their review and recommendation, hearing on this application to be held August 12, 2024.

Atty. Picardi said he did some research on selling the Volunteer Park property. He said when someone donates land to a township it falls under the Donated and Dedicated Property Act and it makes the township a trustee of the property and the township has a high duty to maintain it as it was intended, there is an exemption in the law for property that is no longer suitable for its intended purpose and the township can then go to the Orphan's Court of Berks County and ask the judge to waive that condition but before we can file a petition we would need to notify the Pennsylvania Attorney General's Office and we would need to come up with a convincing idea as to why the township cannot take steps to fulfill the original intended purpose and then we would need to replace this intended purpose at another location in the township. Mr. Spatz said he is not favorable to trading this location for another location.

Mrs. Schaeffer is about seventy-five percent complete with the amendments to the Personnel Policy, she is working on the paid time off section.

The Matthew & Laurel Walker request to amend/remove restrictions on the Reiff Road property was discussed. Received letter dated June 7, 2024 from Kelly & Eric Haines providing comments/concerns with amending or removing deed restrictions on the Walker property on Reiff Road. Received email dated June 10, 2024 from Alison Paules-Rettew providing comments/concerns with amending or removing deed restrictions on the Walker property on Reiff Road. Mr. Spatz sees a potential legal issue and the Supervisors should meet in executive session prior to our next meeting to discuss this matter, we should not take any action until we receive legal guidance from our Solicitor. Mrs. Schaeffer said she does not believe either party has an issue with the siding on the residence but the bigger issue is the language of the adjoining property owner relief. Atty. Picardi would recommend to table any action on this request until our next meeting. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to table action on the Walker request to amend/remove restrictions on the Reiff Road property until our next meeting after this matter is discussed with our Solicitor. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to authorize the Chairman and Secretary to execute a Stormwater Controls and Best Management Practices Operations and Maintenance Agreement with Jeffrey A. & Kathleen A. Updegrave for property located at 21 Trails End Lane. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

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Atty. Picardi said he had to revise the Installation, Operation and Maintenance Agreement for Commercial (Church) Sewage Disposal Holding Tank Agreement with Iglesia Pentecostal Arca De Rfugie for property located at 5813 Oley Turnpike Road since they now installed three one-thousand gallon holding tanks to provide sanitary wastewater collection. We have not yet received the signed agreement from the property owners. Atty. Picardi recommends that we table action on the execution of this agreement until we receive the signed document, he said they will also need to attach a plan showing where the tanks are located.

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

Public comment:

1. Matthew Walker – Has concerns with the comments in the Kelly & Eric Haines letter we received regarding the amendment or removing deed restrictions on the Walker property.

2. Lisa Sutter – Thanked Central Berks Regional Police Department for painting the lines on Friedensburg Road in order to make traffic stops.

The next regular meeting will be held Monday, July 8, 2024 at 7:00 P.M.

A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to adjourn the meeting at 8:45 p.m. Jeffrey Spatz – yes; Lisa Schaeffer – yes. All in favor....motion carried.

Respectfully submitted,

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Shirley M. Moyer  
Secretary/Treasurer

Cc: J. Spatz  
L. Schaeffer  
E. Pollock  
K. Picardi  
D. Allebach  
N. Ulrich