

MINUTES OF THE OLEY TOWNSHIP BOARD OF SUPERVISORS  
MEETING HELD JULY 8, 2024

The regular meeting was called to order at 7:00 p.m. in the Oley Township Municipal Building by Jeffrey Spatz with Supervisors Lisa Schaeffer and Edwin Pollock in attendance. Solicitor Kenneth Picardi and Engineer Jessica Adams 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.

There being no changes to the April 8, 2024 minutes, a motion was made by Lisa Schaeffer and seconded by Edwin Pollock to approve the minutes of the April 8, 2024 meeting as presented. Jeffrey Spatz – abstained; Lisa Schaeffer – yes; Edwin Pollock – yes. Two in favor, one abstained....motion carried. There being no changes to the June 10, 2024 minutes, a motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to approve the minutes of the June 10, 2024 meeting as presented. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock - abstained. Two in favor, one abstained....motion carried.

The police department report for the month of June 2024 was read indicating 205 calls for the month. Chief Ray Serafin said there are a lot of vehicle break-in thefts in surrounding municipalities so he asks that people be sure to lock their vehicles.

The road department report for the month of June 2024 was read. Our Engineer has sent the notice to proceed to the contractor to begin the Reider Road Culvert/Mill Road Bank Stabilization Project. Atty. Picardi has modified the construction/grading/drainage easement for Kymberly Beyer to sign since David Beyer is now deceased.

The Fire Chief's report for the month of June 2024 was reading indicating a total of 34 calls. Katelyn Oxenreider received her emergency medical technician certification. Michael Kline is requesting another workshop to continue the discussion of a funding model for emergency services. It was agreed to schedule a workshop session on Monday, August 12, 2024 at 6:00 p.m. to discuss a funding model for emergency services.

The Ambulance Chief's report for the month of June 2024 was read indicating a total of 82 calls. Atty. Picardi has prepared the loan document for the Oley Fire Company Ambulance in the amount of \$282,083.35 for fifteen years at an interest rate of two percent per annum with annual principal payments in amount of \$18,805.56 beginning December 1, 2024. The loan is for the purchase of a 2023 Ford-450 ambulance and \$225,000 will be loaned from the Oley Township Land Fund and the remaining portion of the previous loan in the amount of \$57,083.35 will be included in this new note for a grand total of the new note of \$282,083.35. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to authorize the Chairman and Secretary to execute the loan agreement with Oley Fire Company for the ambulance fund in the amount of \$282,083.35 for fifteen years at an interest rate of two percent per annum. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

MINUTES OF THE JULY 8, 2024 MEETING CONTINUED

Matthew Schaeffer expressed an interest in the position of Deputy Emergency Management Coordinator. It was noted that at our reorganization meeting the position of Emergency Management Coordinator was left vacant since at that time Todd Kegerise did not wish to be reappointed but he has since decided to accept this position. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to appoint Todd M. Kegerise as Emergency Management Coordinator for the remainder of 2024 and appoint Matthew Schaeffer as Deputy Emergency Management Coordinator for the remainder of 2024. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

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. Pollock said the chimney repairs will be made within one to two weeks. 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, second hearing was held today but Mr. Mitchell did not show up and Judge gave an extension of two weeks to have property cleaned up, most of property cleaned up but there are rusty trailers and vegetation that needs to be addressed, Atty. Picardi said he will contact Mr. Mitchell to ask his intent for the trailers and schedule a time for an inspection of the property, Mr. Spatz said the containers stored next to the creek should be checked for contamination, Michael Kline said Berks County Emergency Management was notified of these chemicals last year when the flooding occurred. 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, the property is now compliant and the citations will be withdrawn. The Gary R. Gift properties located at 3282 Friedensburg Road is in violation of sanitation, accumulation of rubbish or garbage, disposal of rubbish. The Corey Williamson property located at 104 Main Street is in violation of sanitation, unsafe conditions, weeds, vegetation has been cut at front porch, Ms. Adams will check if garbage has been cleaned up. The BSRE Holdings, LLC property located at 41 Moravian School Road is in violation of sanitation, weeds, accumulation of rubbish or garbage, disposal of rubbish, the yard area of the property is now being maintained and the citations were withdrawn. Notice of violation issued to Stuart M. Snyder for property located at 118 Mill Road for sanitation, motor vehicles, accumulation of rubbish or garbage, disposal of rubbish, if citations are filed on this property Atty. Picardi should attend the hearing, Mrs. Schaeffer said there is now a cement truck at the lean-to shed that should be checked. Notice of violation issued to Kenneth Zimmerman for property located at 12 Water Street for sanitation, accumulation of rubbish or garbage, disposal of rubbish, the rubbish and garbage on the front of the property was removed and the violation has been cleared.

Received letter dated June 30, 2024 from HARB recommending that the Board of Supervisors of Oley Township issue a Certificate of Appropriateness to Ethan & Katelyn Shane for property located at 490 Oley Furnace Road to construct two story single family residence with vinyl siding, stone, vinyl shutters, and asphalt roof and refer to all plans for specific details.

MINUTES OF THE JULY 8, 2024 MEETING CONTINUED

This application was reviewed and discussed. A motion was made by Lisa Schaeffer and seconded by Edwin Pollock to issue a Certificate of Appropriateness to Ethan & Katelyn Shane for property located at 490 Oley Furnace Road to construct two story single family residence with vinyl siding, stone, vinyl shutters, and asphalt roof and refer to all plans for specific details. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock - yes. All in favor....motion carried.

Received letter dated June 30, 2024 from HARB recommending that the Board of Supervisors of Oley Township deny the issuance of a Certificate of Appropriateness to Michael J. & Laurie J. Kemmerer for property located at 27 Rose Virginia Road for the removal of existing composite/wood fence and reconstruction of new metal panel fence in same location. This application was reviewed and discussed. Michael Kemmerer was in attendance regarding this application and said that he was told by the zoning officer three or four years ago that he did not need any type of permits or approvals to replace this fence with the metal panel fence. Mrs. Schaeffer asked if the metal is sharp at the top. Mr. Kemmerer will install capping at the top so there will be no sharp edges. Mrs. Schaeffer would suggest that landscaping be planted to screen the fence from view. Mr. Spatz said that this type of fence material looks like something that would surround a salvage yard, it is unfortunate that he was misinformed by the zoning officer, he does not feel this type of fencing material is appropriate but the other alternative could be vinyl which is an approved fencing material. A motion was made reluctantly by Lisa Schaeffer and seconded by Edwin Pollock is issue a Certificate of Appropriateness to Michael J. & Laurie J. Kemmerer for property located at 27 Rose Virginia Road for removal of existing composite/wood fence and reconstruction of new metal panel fence in same location subject to the fence being capped. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried. Mrs. Schaeffer said LTL Consultants should be advised that in the future correct information is offered to anyone inquiring about a fence in our township. Ms. Adams suggests that the code enforcement officers from LTL Consultants should meet with HARB regarding guidelines for fences and other types of repairs/construction that would need to be reviewed by HARB.

Received letter dated July 2, 2024 from Oley Township Planning Commission recommending that the Board of Supervisors of Oley Township approve the David W. & Ruth E. Mast Annexation/Subdivision Sketch Plan of Record, plan number 240034-AX-01, dated June 27, 2024, subject to placing the approval date of June 10, 2024 on the waiver note of the plan, placing the revision date of June 27, 2024 on the plan, the owner certification blocks shall be signed and notarized, and the plan preparer certification block shall be signed and sealed. Rea Gehret presented this evening a corrected plan dated June 27, 2024 and this plan was reviewed. A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to adopt Resolution #652-24 to approve the David W. & Ruth E. Mast Annexation/Subdivision Sketch Plan of Record, plan number 240034-AX-01, dated June 27, 2024. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

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Received June 13, 2024 from Nathaniel Gift an Escrow Agreement for the Lot Annexation Plan (Gift) review fees being held in escrow. This plan was briefly reviewed and discussed. A motion was made by Lisa Schaeffer and seconded by Jeffrey Spatz to authorize the Chairman and Secretary to execute the Lot Annexation Plan (Gift) Escrow Agreement. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

Incoming communications:

1. Letter dated June 20, 2024 from Randall & Melissa Bortz requesting to modify or eliminate some of the deed restriction or language on their Reiff Road and Old State Road parcels. Atty. Picardi asked what deed restrictions do they want modified. Randall Bortz was in attendance and explained that prior to the township selling this property the two parcels were joined by deed, he would like to separate the two parcels and sell one of the parcels. Mr. Spatz said we will need to explore what we can legally do to accomplish separating the two parcels.

2. Letter received July 2, 2024 from Friedens Cemetery Company regarding concerns of Zachary & Jessica Ernst firing arrows and damaging tombstones and the safety of visitors to the cemetery, dog and chickens left to roam through the cemetery, and food waste thrown onto graves in the cemetery. Harold Hoch, President of Friedens Cemetery Company, was in attendance and explained all their concerns and asked what can be done about these issues. Chief Ray Serafin said bow and arrow does not fall under the same law as firearms, but if damage is done to tombstones they would be responsible to pay for repairs.

3. Email dated June 25, 2024 from Lisa Sutter regarding her neighbors at 62 School Lane installing smaller stormwater piping. Ms. Adams said this stormwater piping does not require a permit on private property since it is not a regulated waterway. Lisa Sutter said it is making a catch basin on her property because with her neighbor downsizing the pipe it puts more water on her property, the neighbor did remove some of this piping. Ms. Adams said the PennDOT inlet is raised, some maintenance should be performed on this inlet by PennDOT. Ms. Adams said Mrs. Sutter could contact the Berks County Conservation District to see if they could investigate to determine if there are any type of violations. Mrs. Sutter said she did contact them already but nothing came out of that. Mr. Spatz said he will contact PennDOT to look at this inlet for possible maintenance.

Received letter dated July 2, 2024 from Oley Township Agricultural Security Area Advisory Council recommending to accept the Kimberly Kline property into the Agricultural Security Area of Oley Township. Received letter dated July 2, 2024 from Oley Township Planning Commission recommending to accept the Kimberly Kline property into the Agricultural Security Area of Oley Township. The public hearing on this application will be August 12, 2024 at 7:30 p.m.

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It was agreed that the township will not pursue selling the Volunteer Park due to the legal hurdles involved with this. Mr. Spatz said we could put in a walking trail. It was suggested to check with the Boy Scouts about doing this as an Eagle Scout Project.

Mrs. Schaeffer is almost complete with the personnel policy amendment.

The Matthew & Laurel Walker request to amend/remove restrictions on the Reiff Road property was discussed. Mr. Spatz said due to this being a real estate and legal matter the Supervisors were able to meet in executive session to discuss this issue and the Supervisors are in agreement with amending the deed restrictions as requested, we are satisfied that the Rettew deed restriction has no impact on our deed restrictions and whatever we do will not effect the Rettew deed restriction, we will need to draft the amendment to our deed restriction. Atty. Picardi said the one amendment will be to eliminate the language that adjoining property owners could enforce restrictions. The second amendment would be for the type of siding on structures. Mr. Spatz suggested that the language be amended that the siding material would need to be approved by the Supervisors. Mr. Walker does not like that idea. Atty. Picardi said originally the thought was to remove the language that there shall be no vinyl or aluminum siding placed on any structures. Mr. Walker said he would like to see language that the approved siding material for structures would be vinyl, aluminum, or metal. Atty. Picardi will draft an amendment for review next month based on the discussion this evening.

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 Refugio for property located at 5813 Oley Turnpike Road since they now installed three one-thousand gallon holding tanks to provide sanitary wastewater collection and we have now received the signed document from the property owners. A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to authorize the Chairman and Secretary to execute the revised Installation, Operation and Maintenance Agreement for Commercial (Church) Sewage Disposal Holding Tank Agreement for the Iglesia Pentecostal Arca De Refugio property located at 5813 Oley Turnpike Road. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

A motion was made by Jeffrey Spatz and seconded by Lisa Schaeffer to adopt Ordinance #392 amending Part 4 of Chapter 15, Motor Vehicles and Traffic, of the Oley Township Code of Ordinances, to change the prohibited parking hours on certain portions of Main Street. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

Received proposal from Cohen Law Group in the amount of \$7,120 to negotiate our cable franchise agreement with Comcast. Atty. Picardi said we had used this firm previously and he would recommend that we join the Berks County Cable Consortium. Mr. Spatz would like to incorporate into this agreement that they replace/remove their broken poles in the township. A motion was made by Lisa Schaeffer and seconded by Edwin Pollock to join the Berks County

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Cable Consortium with Cohen Law Group at a cost of \$7,120 to negotiate our cable franchise agreement with Comcast. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

A draft of a standard complaint form for Oley Township was reviewed and discussed. It was agreed to have complainants complete this form and submit to the township, it will then be distributed to the appropriate entity for investigation.

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; Lisa Schaeffer – yes; Edwin Pollock – yes. All in favor....motion carried.

Public comment:

1. It was asked whether the Comcast agreement would prohibit Service Electric from providing service. Atty. Picardi said it would not prohibit another company from providing service.

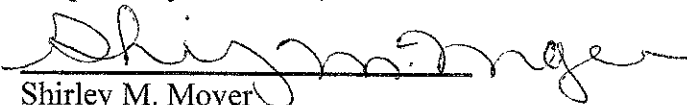
2. Lisa Schaeffer – The weeds are high at Old State Road and Friedensburg Road and it is hard to see when pulling out. Duane Howard said he will have these weeds cut.

3. Randall Bortz – Asked when he would hear something on his requested deed restriction changes. Mr. Spatz said we may have something by our next meeting or definitely by the September meeting.

The next regular meeting will be held Monday, August 12, 2024 at 7:00 P.M.

A motion was made by Jeffrey Spatz and seconded by Edwin Pollock to adjourn the meeting at 9:12 p.m. Jeffrey Spatz – yes; Lisa Schaeffer – yes; Edwin Pollock - yes. All in favor....motion carried.

Respectfully submitted,

  
Shirley M. Moyer  
Secretary/Treasurer

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