

**CHAMBER OF BOROUGH COUNCIL**  
**Shoemakersville Borough**

**January 3, 2023**

President Kline called the monthly meeting of the Shoemakersville Borough Council to order in the Shoemakersville Borough Office, 846 Main St. Shoemakersville, PA at 7:05 p.m.

**In attendance:** Chris Kline – President, Amy Botwright – Vice President, Michael Grim, Tara Kennedy-Kline, Dana Smith, Joseph Wertz, Jr., Bradley Smith – Engineer – leaves at 8:27 p.m., Charles Haws – Solicitor – leaves at 8:27 p.m., Paul Gruber – Manager, Chad Zimmerman – Zoning/Public Works and Melissa Wagner – Secretary/Treasurer.

Absent from the meeting: Dana Randazzo and Dustin Remp – Mayor

**Public Hearing**

President Kline opens the public hearing for the proposed Zoning Ordinance. Solicitor Haws reports that the ad for the ordinance was run in the Reading Eagle on December 4 & 11, 2022. This is a comprehensive reformatting of the zoning ordinance. The hearing provides an opportunity for the public to comment on the ordinance.

Rusty Wagner feels that while large domestic animals are for 150 lbs., there is no description for other sized animals. President Kline notes pg. 13 of the ordinance, which defines domestic animals of up to 20 lbs. Animals from 20 lbs. to 150 lbs. would be considered domestic pets. Mr. Wagner notes that goats are not included under any category, with Mr. Wertz stating this would be deferred to the zoning officer to make a determination. Mr. Wagner and Mr. Wertz discuss how surrounding municipalities enforce the keeping of animals.

Mr. Wagner feels it would be wise to control the number of small domestic animals, chickens, etc., especially on smaller sized lots. Mr. Wertz states that during prior discussions, Council chose not to enforce either the number of animal or the weight of those animals. Ms. Kennedy-Kline notes that issues arising from those concerns, i.e., smell, noise, etc., would be covered under the nuisance ordinance or any state health regulation. Mr. Wertz is aware of a home in the borough keeping 2 dozen rabbits and has not heard of any smell or noise complaint from neighbors.

President Kline states that concerns from the 1992 ordinance are having larger impacts that needed to be addressed. Other issues could be focused on by amending the ordinance in the future. Council and Mr. Wagner debate the keeping of domestic animals, fencing for properties of animal owners, and enforcement of the ordinance.

Mr. Geschwindt asks if an audit was completed to determine what uses or properties need to be grandfathered. Mr. Geschwindt and Solicitor Haws discuss the definition of grandfathered. Mr. Geschwindt, Mr. Wertz, and Ms. Kennedy-Kline discuss Mr. Geschwindt's concerns on how the ordinance will be enforced.

Matt Tobias expresses concern on the possibility that farm animals could be placed on the lot that abuts his property. He and Mr. Wertz discuss Mr. Wertz's former keeping of chickens in the borough. Ms. Kennedy-Kline and Mr. Wertz feel that there are responsible animal owners in town that would keep the animals healthy and abide by the ordinances.

As there are no additional comments, President Kline closes the public hearing at 7:42 p.m.

## Code Enforcement – Mr. Zimmerman

- **Permits & Notices:** No permits were issued last month. There were 10 notices sent for violations. An extension for a vehicle was granted until January 20.
- **Rezoning of Property:** The owner of the vacant lot at 201 Main St. would like the R-3 property to be rezoned commercial, so that he could install storage unit rentals. Mr. Wertz states that the owner may attend a meeting with further details of his wishes, as there is a process that needs to be followed. The property may also be located in a different zone, once the new zoning ordinance/map is adopted.
- **Franklin St. Bridge Work:** Mr. Zimmerman is waiting for an updated timeline from the state for the resurfacing and stability check of the bridge.
- **Tractor Supply Company:** Scott Homel is present to summarize the plans for the Shoemakersville Shopping Center (TSC), which is different from the Perry Commercial Center. Mark Koch submitted a zoning hearing board application for the TSC project in the borough. There are no plans to close off Reber St. They will provide truck turning templates, so that delivery drivers are instructed to utilize Mocerri Dr. and the traffic light, and to not turn onto Main St. into the borough. The parking lot will be milled and paved and LED lights will be installed. The plan is to open TSC in September 2023, if all permits and processes are approved.

The Perry Commercial Center has received HOP approval and the NPDES permit. They will be meeting with the Perry Township Planning Committee on Wednesday, to potentially request conditional/preliminary/final approval. Wawa and CVS have been secured as tenants. A national dollar store has expressed interest in backfilling the current CVS location. They will soon be submitting the Chapter 105 wetlands permit application.

Mr. Smith asks about the plan to stop truck traffic on Main St. in the borough. Mr. Homel notes that while he cannot correct the traffic layout mistakes made when the warehouses were build, he does not believe there will be any increase in delivery truck traffic, as they plan to install the PennDOT maximum allowable number of truck traffic signs. Mr. Homel can speak with their engineer to determine if they could place a sign at the Route 61 & Route 662 traffic light to direct the trucks, even though it would not be their light.

Vice President Botwright notes of concerns with fire truck access if Reber St. is blocked. Mr. Homel states that there is a 10'8" area around the building that could be utilized. Chief Wagner states that size would be large enough for a fire lane, which is required to be 10'. The property could not be occupied until final fire approval is given.

Mr. Homel discusses Access Drives A & B, which would provide access through the shopping centers. Lance Adam discusses the sidewalks along Mocerri Dr. and the access roads, which would run behind the 3 pad sites, but notes there is no sidewalk planned for along Main St. Mr. Homel states there will be proper lighting along the roads. Due to the wetlands and grading issues, he feels it would not be feasible to install a sidewalk along Main St., but would be willing to provide a fee in lieu, in the event there would be future development across the street. Mr. Adam and Vice President Botwright express concern for the safe travel of the park program children that typically visit CVS and now potentially Wawa. After further discussion on sidewalks, Mr. Homel states that perhaps a macadam walking path could run along Access Drive A to the grassy area by the borough park.

There are no intentions of fencing in the area along the gravel parking lot that is used for ball field parking. The macadam area will be milled and paved. The modified stone area will not be touched.

Barriers will be installed so that Bellevue Ave. traffic will be unable to cross Route 61.

The developer has submitted a zoning hearing application to the borough and will be shortly forwarding subdivision plans as well. Solicitor Haws notes that the zoning hearing application predates adoption of the proposed zoning ordinance. He and Council discuss zoning variances. Mr. Homel notes that the existing signage will be utilized.

### **Solicitor's Report – Solicitor Haws**

- **Small Cell Wireless Ordinance:** Solicitor Mooney has a few minor suggestions to the draft ordinance, if requested.
- **Proposed Zoning Ordinance:** Mr. Wertz confirms Council's options for the ordinance; table for further review, adoption, or table altogether. Solicitor Haws reports that the ordinance would need to be readvertised if adoption were considered at a future date.

### **Engineer's Report – Engineer Smith**

- **Headworks & Solids Handling, Bidding & Construction:** ARRO recommends payment of application #6 for \$183,299.40.

\*A motion is made by Mr. Wertz to authorize payment of payment application #6 to Eastern Environmental Contractors, Inc. for \$183,299.40. Seconded by Mr. Grim. Motion carried unanimously.

Engineer Smith discusses Change Order #3 for the 91-day time extension, due to delays in material acquisition.

\*A motion is made by Mr. Wertz to approve Change Order #3, with no price change. Seconded by Vice President Botwright. Engineer Smith confirms there is no price change, as the net change of \$8,030 noted was for Change Orders #1 & #2. Motion carried unanimously.

- **MS4 Program and Waiver:** While the 5-year wavier was approved, a report must still be filed for the period June 2022 to January 2023.

\*A motion is made by Mr. Wertz to authorize ARRO to complete the final MS4 report for 2022. Seconded by Ms. Kennedy-Kline. Motion carried unanimously.

### **Secretary's Report/Correspondence – Ms. Wagner**

The borough office will be closing at noon on January 30, 2023.

### **Mayor's Report – Mayor Remp** – nothing to report

### **Operator/Manager's Report - Mr. Gruber**

On January 17, the Special Projects Supervisor for the Berks County Election Services office has a scheduled walk through of the borough office, to determine if the building could be used as the borough's election polling site.

Mr. Gruber reports that Eagle Disposal is no longer servicing Strausstown, so their trucks should be in the borough earlier and not be too full to remove all of the borough's trash.

Axiom has not yet been out to the sewer plant.

### **Property/Streets/Sanitation – Mr. Smith**

President Kline discusses the pool property escrow request that was made, stating that the buyer would like to set the payment for the property into an escrow account, potentially with Barley Snyder. Once all approvals are completed, the funds would then be released to the borough. Council discusses the 180-day extension that was filed, with Ms. Kennedy-Kline stating that the escrow funds would negate the extension.

### **Sewer – Mr. Wertz**

Staff was working on a repair to clarifier #1. Axiom will be at the plant to perform additional troubleshooting.

### **Water – President Kline**

Mr. Gruber reports that he is photographing and logging the valves and washers as they arrive for the project. All product is to arrive by February. All equipment must be received before grant funds may be accessed.

### **Parks & Recreation – Ms. Kennedy-Kline**

The Santa in the Park event was well attended. Ms. Kennedy-Kline thanks the Perry Recreation Board for their support.

There were numerous contestants in the Holiday Lights competition. Five prizes were awarded.

Vice President Botwright submitted the revised RFP for the park grant to the state.

\*A motion is made by Ms. Kennedy-Kline to start the process to advertise for summer staff. Seconded by Mr. Grim. Motion carried unanimously.

Ms. Kennedy-Kline and Vice President Botwright discuss options to draw more lifeguards to the pool.

### **Law/Planning/Zoning – Mr. Wertz**

\*A motion is made by Mr. Wertz to adopt Zoning Ordinance 462-2023 with two corrections; the date on pg. 28 and the blank line in Section 301 are to both state "January 3, 2023." Seconded by Ms. Kennedy-Kline. Motion carried unanimously.

### **Employee Relations – President Kline** – nothing to report

### **Approvals/Finance/Pension – Vice President Botwright**

\*A motion is made by Vice President Botwright to approve the minutes for December 6, 2022. Seconded by Mr. Wertz. Motion carried unanimously.

\*A motion is made by Vice President Botwright to approve the bills for ratification for December 20, 2022. Seconded by Mr. Wertz. Vice President Botwright and Mr. Grim discuss the process for the bills for

ratification, which are routine bills paid for between meetings, then ratified at the next meeting. Motion carried unanimously.

\*A motion is made by Vice President Botwright to approve the bills payable for January 3, 2023. Seconded by Mr. Wertz. Motion carried unanimously.

Vice President Botwright discusses the conversion from Desktop QuickBooks to QuickBooks Online. Payroll is still being transferred. She will set up reports that Mr. Gruber and the Finance Committee will be able to access.

Vice President Botwright discusses the PTMA reconciliations. The 2021 reconciliation is complete and will be compared to what was paid in 2022 for 2021, to determine if a credit is to be issued. The reconciliation is based on the audited financials, which are to be completed by March. The 2022 reconciliation and the proposed 2023 amounts can also be calculated at that time. Mr. Wertz feels PTMA should continue to be billed on a quarterly basis for 2023.

Vice President Botwright reports on the Berks EIT/Count Tax Committee, stating that due to several changes, the receipt of delinquency payments has increased, from previously uncollected accounts.

\*A motion is made by Vice President Botwright to appoint James Hepner to a 5-year term on the SMA. Seconded by Mr. Wertz. Motion carried unanimously.

**Community Outreach – Ms. Randazzo** – nothing to report

### **New Business**

#### **Public Comment**

**Mark Paine (25 Main St.):** Notes of a commercial tractor trailer truck that was parked in the 300 block of Main St., making it extremely difficult for traffic to safely pass. Mr. Zimmerman notes that the truck may be on the roadway if it is legally parked and not present long term. Ms. Kennedy-Kline saw the truck in question and concurs with Mr. Paine. In this case, President Kline feels it would be a motor vehicle code issue on a state-owned road.

**Richard Geschwindt (603 Reber St.):** Mr. Geschwindt asks for the water report, with Ms. Wagner stating that she does not have the information.

Mr. Geschwindt would like Council to revisit the drainage issue at Reber & 7<sup>th</sup> Sts. This is becoming a safety issue, as now ice is collecting on the roadway. After discussion, **Mr. Gruber notes that he and Mr. Zimmerman will investigate and report back at the next meeting.**

**Chief Wagner (Shoemakersville Fire Co):** There were 710 logged calls for 2022. He will provide a breakdown of the calls and their municipalities to the borough office.

Approximately \$10,000 was raised at the shrimp dinner benefit for the widows of the fallen New Tripoli firefighters. Approximately 500 lbs. of shrimp were served in 1 ½ hrs.

Only 2 spaces remain available in the top parking lot storage rental area. While shipping containers and PODS were researched, it was determined to be more feasible to install fencing and cameras at the site.

A sportsman bingo is being considered for a future fundraiser.

**Old Business**

Vice President Botwright can assist anyone needing help with access on SharePoint. She will be creating a public information SharePoint site as well.

A motion is made by Vice President Botwright to adjourn the meeting. Seconded by Ms. Kennedy-Kline. Motion carried unanimously. Meeting adjourned at 9:01 p.m.

Respectfully Submitted,

Melissa Wagner - Secretary/Treasurer