**Amity Township Board of Supervisors**

## **Meeting Minutes**

## November 2nd, 2011

## **Call to Order/Pledge to the Flag**

The November 2nd, 2011 meeting of the Amity Township Board of Supervisors, held at the Municipal Township Building, 2004 Weavertown Rd., Douglassville, Berks County, Pennsylvania, was called to order at 7:00 PM by Chairperson Robert Yanos. The following were in attendance:

### SUPERVISORS

Robert R. Yanos, Chair

Kim McGrath, Vice Chair

Terry Jones

Scott Stepp

Paul Weller

### STAFF

JoAnne Sowers-Smith, Secretary/Treasurer

Charles E. Lyon, Township Manager

Brian Boland, Solicitor/Kozloff Stoudt

**LIQUOR LICENSE HEARING**

A transfer of a liquor license into the Township was requested by Vincenzo’s Restaurant owned by Paolo and Dominico Brutto. Mr. Boland stated the municipality can hold a hearing to determine if it is appropriate to transfer the license from Jefferson Township into Amity. Kenneth Picardi, attorney for Maruicio Zuazua asked to be entered as parties of interest. Mr. Boland entered into the record ten exhibits, and then turned the hearing over to Dominico Brutto. Mr. Brutto explained that the restaurant is a family restaurant, open till 10pm during the week and 11pm on the weekends. There is no sit down bar and no future plans to add a bar. There will be no entertainment. The Brutto’s have entered into an agreement to transfer the license and the property has been properly posted. Mr. Brutto stated that they have owned several restaurants in the past and have never had any violations. They will comply with all regulations and would agree to a restriction to have only a service bar. Mr. Brutto understood that no noise can emanate from the restaurant. There are no zoning violations and they have an occupancy permit from the Township. Mr. Picardi questioned Mr. Dominico Brutto about their previous restaurants and any violations with the PLCB. The attorney questioned Mr. Brutto about the landscaping on the land development plan at length. Mr. Boland explained that the land development plan was not yet finished and escrow money was being held until all improvements have been completed. Mr. Zuazua testified as to his concerns regarding his privacy. Mr. Picardi moved to introduce four photographs and take judicial notice of the landscaping plan on page 6 of the land development plan into the record. The hearing was closed at 8:58pm. Mr. Yanos read a memo from John Weber regarding the plantings along the property line. He felt any concerns the neighbor has can be handled as part of the land development plan. Mr. Jones moved to approve the license transfer with the agreement that there will be no sit down bar, no outdoor activities and no entertainment. Mrs. McGrath seconded. Motion passed 5-0. Mr. Boland will prepare the decision.

A stenographer recorded the public hearing.

**ANNOUNCEMENTS**

Mrs. McGrath reported that she had attended a meeting with the Manager and PennDOT regarding the local bridge construction projects. The River Bridge Road bridges will be closed for two to three years. The Rt. 345 Bridge over the Hay Creek will be the first project. Construction is slated to start in 2012 on River Bridge Road and on the 345 Bridge over the Schuylkill River in Birdsboro/Exeter. The River Bridge project will not be permitted to start until the 345 Hay Creek bridge is open. The 345 Bridge over the Schuylkill in Birdsboro/Exeter will be built in parallel with the existing bridge which will remain open (but load posted) during the construction of the new bridge. Main Street in monocacy will be the primary detour route until all projects are finished in 2014 according to PennDOT estimates. When questioned about the condition of the Schuylkill River bridge in Monocacy, PennDOT reported that the bridge (Main Street) in Monocacy is in fair condition.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones moved, seconded by Mr. Weller to approve the minutes of October 19, 2011. Motion passed 5-0.

**FINANCE**

Moved by Mr. Jones, seconded by Mr. Weller and duly passed to approve the following disbursements:  $ 213,246.01 General Fund (1)

$ 13,670.19 Sewer Fund (8)

$ 151.10 EDU Fund (9)

$ 42,058.99 Rec Fund (13)

$ 6,039.25 Liquid Fuels (35)

$ 275,165.54 Total

**REPORTS**

***Code Enforcement***

The October report was presented to the Board for review.

***Road Department***

Mr. Howell-Clarke stated that he needed to bring in employees and the subcontractor for snow removal over the weekend. He also needed to order more salt.

**UNFINISHED BUSINESS**

***Larry Ward- Historic Preservation Trust***  Mr. Ward stated that an additional grant source may be possible for the Morlatton Village parking project. He stated that all materials may be available for an in kind contribution. He asked the Board to dedicate the use of the land and Township labor to haul and install materials. No additional cash would be required. He asked for the right to use the spaces for parking for 100 days a year for 25 years. He stated that the project could be contingent upon completion of a satisfactory agreement between all parties. The Manager asked about maintenance of the facility. Mr. Ward stated that the Trust would be willing to maintain the reserved areas, but the Township would be responsible for the remainder. They would ask that the Township snow plow the facility. Mr. Stepp moved, seconded by Mr. Jones to adopt a resolution indicating the intent of the Township to support the Morlatton Village parking project for the use of 100 spaces for a minimum of 25 years and to supply materials to the site subject to negotiation and execution of a satisfactory agreement between the Trust, the Township and the grant sources. Motion passed 5-0.

**SOLICITOR’S REPORT**

Richard McNeal has been appointed as arbitrator for the police negotiations.

**NEW BUSINESS**

***Yanin EDU Refund*** Mr. Yanin asked the Board to refund some or his entire EDU reservation fee. Mr. Yanos stated he was not prepared to buy back the EDUs. Mr. Jones stated that if the Township buys back his EDUs than every other failed developer in the Township would want their EDU fee back. It was the consensus of the Board to not refund the fee supporting the initial recommendation of the manager.

***Engagement Letter with Long and Barrell***  Mr. Yanos moved, seconded by Mr. Jones execute the engagement letter for the Township audit for 2011. Motion passed 5-0.

***Tires for Sewer Crane Truck***  Mr. Jones moved, seconded by Mr. Yanos to approve the expenditure for tires for the sewer crane truck. Motion passed 5-0.

EMPLOYEE/OFFICIAL REPORTS

***Manager.*** Mr. Lyon stated that it is gerally accepted accounting principle not to use the same auditors for more than (3) three consecutive years. Because of the budget this year he is comfortable with using the same auditor, however, next year the Board should consider a different auditing firm for one year’s audit. The Manager stated that the County’s hazardous waste collection event will be held on Saturday, November 5. Mr. Yanos moved, seconded by Mr. Jones to authorize Kathie Benson to help at the event. Motion passed 5-0. Mr. Lyon reported that he had received a communication from PennDOT regarding a deficiency at Brown’s Mill Road Bridge. Mr. Yanos moved, seconded by Mr. Jones to execute an agreement with Gary Kraft to inspect the bridge and prepare a GP-11 permit application and prepare bid documents and specifications to repair the bridge. Motion passed 5-0. Mr. Lyon stated he was preparing a 20 year traffic plan. He had uncovered two unnamed roads; the stub road off Monocacy Creek Road and the private access road to the Morlatton Village named in Bob Barton’s Morlatton Village Plan as Swede Lane. He would like the Board to consider officially naming these two roads. The Manager reported that the Township had received a response and plan to regrade the detention basin at 223 Ashford Drive. In response to that plan, Mr. Weber and Mr. Boland suggested an annual or semi-annual inspection of Township properties near the detention basin to address anything that may directly contribute to his problem, i.e. a tree that fell down and rolled into his pond causing a blockage. Otherwise the owner of the detention basin is responsible for clearing debris which washed into the basin as part of the normal cycle of nature (leaves, twigs, grass, etc.) Mrs. McGrath moved, seconded by Mr. Jones to award the sediment removal at Valley Road Bridge to Barrasso Excavating for $6200. Motion passed 5-0. The Woods Edge utility lot assessment appeal was granted. It was the consensus of the Board to not sign the mylars for the new ADA ramps recently installed in the Township. Mr. Lyon reported on a FEMA flood mitigation program available to the Township. It would be a voluntary program to purchase flood prone properties and demolish them. The Board was not in favor. The Lion’s club would like to place a flagpole in the Community Park at their cost and they agreed to maintain it in perpituity. Mr. Weller moved, seconded by Mr. Jones to discuss this with the license committee. Motion passed 5-0. Mr. Lyon reported that he had received letters of confirmation that the Heritage and Pondview developments will be plowed. their contacts are on file.

***Entech Proposal*** Brian Killian of Entech Engineering presented their findings and recommendations for the WWTP. They suggested pump station draw down testing at the pump stations to identify I & I problem areas; installation of flow meters at the pump stations; manhole inspections; a televising inspection priority program and acquiring additional data from partnering municipalities. At the plant, they identified hydraulic bottlenecks. They made recommendations for the dewatering facilities. They recommended inspecting the digesters and made no recommendations regarding the lagoon at this time. The Manager asked what the $25,000 fee for the inspection of the digesters included. Mr. Killian stated that it included removing the lid, inspection and pressure washing the tank. No sludge removal costs were included. Mr. Jones suggested using the money to convert the tanks to aerobic digesters. Mr. Killian estimated the cost to convert would be $1,200,000. Mr. Jones agreed with the Manager’s suggestion to put out an RFP to convert the digesters. Mr. Jones moved, seconded by Mrs. McGrath to proceed with the I & I manhole inspection, the flow diversion box and three pump stations flow meters. Motion passed 5-0.

***Chief of Police*** Corporal Mileshosky, standing in for the Chief, reported that five AED’s are available for redistribution. Mr. Jones moved, seconded by Mr. Weller to authorize the redistribution of the AED’s to the township building, the sewer plant, and two to the Villa at Morlatton and one to Hearthstone. Motion passed 5-0. Mr. Jones moved, seconded by Mr. Weller to authorize Cpl. Oesterling’s attendance at Police Executive Development training for $1390.00. Motion passed 5-0. Corporal Mileshosky reported that there had been 7 weather related accidents from the recent storm. Met Ed has yet to repair two broken poles.

###### SUPERVISORS

Mr. Jones stated that he did not want to entertain closing Bieber Lane as long as there was a residential objection and that Bieber Lane should not be used as a detour.

**PUBLIC COMMENT**

None

**EXECUTIVE SESSION**

Mr. Jones moved, seconded by Mrs. McGrath to recess to executive session for labor negotiations update at 10:42pm. Motion passed 5-0. The meeting reconvened at 10:58.

**BUDGET DISCUSSION**

Michele Kehoe from the Boone Area Library was present to discuss the library funding. Mrs. McGrath stated that the library donation was the same because of the Mascaro match, however the Board would look at the funding when the match expires in two years. Mrs. McGrath suggested taking out the $230.00 for the basketball program. The Board agreed. Mr. Jones stated that if one department was cut then all departments should be cut. Mr. Yanos stated his concern about the condition of the Township roads.

**ADJOURNMENT**

Upon a motion by Mrs. McGrath and seconded by Mr. Weller and duly passed, the meeting was adjourned at 11:27pm.

Respectfully submitted,

JoAnne Sowers-Smith

Secretary/Treasurer