**Amity Township Board of Supervisors**

**Meeting Minutes**

## August 21, 2013

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

The August 21, 2013 meeting of the Amity Township Board of Supervisors, held at the Township Municipal Building, 2004 Weavertown Rd., Douglassville, Berks County, Pennsylvania, was called to order at 7:00 PM by Chairperson Kim McGrath. The following were in attendance:

### SUPERVISORS

Kim McGrath

Robert Yanos (arrived approximately 7:20 p.m.)

Richard Gokey

Paul Weller

Terry Jones

### STAFF

Manager, Charles Lyon

Pamela Kisch, Secretary

Brian Boland, Solicitor/Kozloff Stoudt

John Weber, LTL Consultants

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Weller motioned, seconded by Mr. Jones to approve the minutes of July 17, 2013 as presented. Motion carried 4-0. Mr. Jones motioned, seconded by Mr. Gokey to approve the minutes of

August 7, 2013 as presented. Motion approved 3-0. Mr. Weller abstained.

**FINANCE**

Mr. Gokey moved, seconded by Mr. Jones to approve the following disbursements:

1. Disbursements: $ 60,536.20 General Fund

$ 37,137.22 Sewer Fund

$ 7,215.21 Fire Fund

$ 1,289.89 Liquid Fuels

$106,178.52 Total

The motion passed 4-0.

**REPORTS**

***Fire Companies*** Monarch Fire Company reported the new tanker truck is in service. The chicken barbecue on 8/17/13 was successful, selling 300 meals.

Amity Fire Company reported new rescue tools are in service. In reference to the Order to Show Cause, Chief Zomolsky explained the Fire Company is audited every 3 years. When the auditor didn’t see the receipt in question, the Order to Show Cause was requested. Upon receiving that notification, the required documents were provided by the Fire Company. Mr. Lyon confirmed receiving a withdrawal for the Order to Show Cause from the Auditor General. Mrs. McGrath read aloud both fire companies’ reports to the audience, detailing number and types of calls, and explaining financials are also a part of their reports.

***Planning Commission*** Approval was requested by the Planning Commission to approve the Village Center Concept map and ordinance. Mrs. McGrath asked if the map has been changed. Mr. Weller stated no changes have been made to the map. Mrs. McGrath stated she thought the map was already approved. Mr. Gokey stated there wasn’t a formal vote to approve it. Mr. Gokey does not agree with the proposed district, stating it is not concise. Mrs. McGrath asked if the approval is for the ordinance and the map. Mr. Boland’s reply was yes, the ordinance and map still need to be sent to the County for their review. Mrs. McGrath asked for a motion to approve the documents be sent to the County for review. Mr. Jones motioned, seconded by Mr. Weller. Motion passed 4-0.

**UNFINISHED BUSINESS**

None

**SOLICITOR’S REPORT**

Mr. Boland requested an executive session at the end of the meeting to discuss possible litigation.

**ENGINEERS REPORT**

Mr. Weber reported building is progressing at both American Crane and The Keystone Villa. Mr. Weber explained Forino is taking over Woods Edge phase 3B and 3C. Forino has requested to review the financial security agreements. Mr. Weber stated the escrow account needs to be evaluated. The last release for phase 3B was in 2009. Mr. Weber reported meeting with Mr. John O’Neill and Mr. Lyon regarding the Hafer Subdivision Plan. Mr. Lyon asked Mr. Weber about the Planning Waiver and Non-Building Declaration. Mr. Weber said it will be looked at next month when the plan is approved by the PADEP. Mrs. McGrath asked if the resident understands the ball is in their court, and Mr. Weber stated the resident is aware.

**Mike Sassaman – ARRO**

Mr. Sassaman appeared at the meeting with documentation and information regarding issues and resolutions to WWTP issues. The PADEP approved the Corrective Action Plan requiring Route 662 capacity issues to be corrected before the end of December of 2014. However, the request Mr. Sassaman originally sent to the PADEP for approval was for an extension through the end of December 2015. Mr. Sassaman sent a letter to the PADEP regarding this and is awaiting a response. Bids for rehabilitation of PS1 and PS5 were opened on Monday, 08/19/13. Included in the bid were two alternatives. Alternative A included an “above ground” valve, and Alternative B included consideration to add flow metering at PS5, as required by the PADEP and CAP. It was ARRO’s recommendation that the Board approve lowest base bid. Mr. Yanos asked about recovering costs from Earl Township toward the project. Mr. Lyon explained that a provision in the contract would allow the Township to assess fees for PS1 improvements; however the impact wouldn’t be a significant contribution. Mr. Jones asked if looking at results from testing done by Mr. Wheeler would help. Mr. Sassaman stated that the ISCO equipment is not an option for PS5 due to the inclusion of variable speed pumps. Mr. Lyon questioned Mr. Boland about accepting the lowest bid, and parceling out the Alternative using a different specification, due to the high cost. Mr. Boland affirmed that he didn’t see a problem in doing so. Mr. Yanos motioned to approve, seconded by Mr. Jones to accept the lowest bid from Blooming Glen Contractors, for costs not to exceed $375,941.00. Motion passed 4-0. Mr. Sassaman provided a Cost Opinion to prepare an update to the 2010 Act 537 Plan, which was previously approved by the PADEP. The original plan approved, included expansion of the WWTP based upon the planned development in place at that point in time. The plan included a schedule approved by the PADEP to begin the WWTP Expansion by March 2012 at a cost of $9.688 Million. ARRO contacted the PADEP, who agreed to review a revision to the Plan. ARRO has prepared a Professional Services Agreement for review and discussion. The engineering cost of the Plan update would be $16,850.00 and be completed in 60 days. Mr. Lyon stated this plan should be updated every ten years and refreshed in five-year intervals. He stated the issue arose as a result of capacity overloads that were based on developments that have disappeared. The capacity level at this time is not reflective of development projects that remain unfinished. Mr. Lyon stated he believed the Township received grant monies equal to approximately half the cost of the previous refresh. Mr. Sassaman stated he is not aware of grant money being available for any new projects at this time. Mr. Sassaman stated the intention of preparing this document was not to ask for approval this evening. It was merely to make the Board aware this issue needs to be addressed. The purpose was to have the Board review the document and provide discussion. Mrs. McGrath would like to know what was paid in 2010 for the last update. Mrs. Kisch will investigate the cost, and this item will be on the next agenda under “old business”.

**NEW BUSINESS**

***Approval to Bid Diesel and Fuel Gasoline*** Mr. Weller motioned, seconded by Mr. Gokey, to approve advertising. Motion passed 4-0.

***Approval for Planned Generator Maintenance Agreement with Cummins Power Systems, LLC***

Mr. Weller asked for clarification if Cummins Power Systems also services the WWTP’s generator. Mr. Yanos stated he believes the Township services the WWTP’s generator. Mr. Lyon clarified this is the agreement for the generator at the Township Municipal Building. Mr. Yanos moved to accept, followed by Mr. Gokey to approve the Planned Maintenance Agreement with Cummins Power Systems, LLC at a cost not to exceed $983.44. Motion passed 4-0.

***Approval of 457 Proxy Votes*** Mr. Lyon stated this is a 100% employee funded contributions account. Lincoln Investments sent the Township the Executive Proxies, and it is Mr. Lyon’s recommendation to authorize execution of the Proxy as suggested by the Board of Directors. Mr. Gokey moved, seconded by Mr. Yanos to authorize execution of the proxy. Motion passed 4-0.

***Approval of LTL Consultants to Prepare As-Builts for High Meadows*** Mr. Lyon received bids for preparation of the as-builts, one from Bursich Associates and the other from LTL Consultants. LTL’s bid was substantially less. Mr. Jones asked if the fees to prepare the as-builts would be paid of the remaining escrow. Mr. Lyon stated it would be paid from that remaining balance. Mr. Weller moved, seconded by Mr. Jones to approve LTL to prepare the as-builts at a cost not to exceed $7500.00. Motion passed 4-0.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** Mr. Lyon received a request to provide information to one of the Act 209 contributors, concerning contributions they had made to the fund. Mr. Lyon, with the assistance of Mr. Boland, responded. Mr. Lyon recommends reconvening the Act 209 Committee and updating the completion dates per the Municipalities Planning Code. Mr. Lyon suggests extending dates for completion, revisiting the traffic zones, and perhaps expand the study to do a deficiency analysis before doing the sufficiency analysis. Mr. Gokey agreed the Act 209 Committee needs to be reconvened, provided the cost of the study would be paid out of existing impact fees. Mr. Boland stated that is correct. Fees would be paid from impact fees. Mr. Boland stated if the Committee is not reconvened there could be problems with monies in that account, meaning contributors may need to be reimbursed. It is Mr. Boland’s recommendation, as well to proceed with reconvening the Act 209 Committee. Mr. Gokey mentioned the fees associated to the South Zone of the 422 Corridor are unrealistic. Mr. Jones felt the formulas for that zone need to be revisited, to make it more advantageous to businesses to open along that area. Mr. Lyon stated he recommends preparing an RFP and scope with involvement of the Engineer and Solicitor. Mr. Gokey motioned, seconded by Mr. Yanos to approve preparation of the RFP and scope. Mr. Lyon stated a resident asked him if the Board of Supervisors had considered purchasing the Dech Property, on Worman Road, to develop a Township Park. Mr. Lyon advised the resident it was not considered, and due to current financial conditions, it was unlikely it would be. However Mr. Lyon advised he would take the suggestion to the Board of Supervisors for consideration. Mr. Gokey stated that the Township already has a beautiful, centrally-located community park (Amity Community Park), of which he is quite proud of and the Township is still paying for fees associated to erecting that park. Mrs. McGrath agreed the Township would not be interested in considering the purchase of the Dech property. Mr. Lyon stated the Township received a response from PADEP regarding the Wasteload Management Report (Chapter 94 Report). The Township has until 12/31/2017 to install the required peak flow monitoring equipment. With respect to the Corrective Action Plan, which addresses the potential hydraulic overloads along Route 662, the Township was granted until 12/31/2014 to complete the improvements necessary to end any potential overloads. Beginning March 31st, 2014, there is a requirement to provide PADEP with 6-month progress reports. Mr. Lyon mentioned the Township received payment from all partners, Douglass, Earl, and Union Townships, respectively. Mr. Lyon mentioned he met with Leaf Creek Developers, who will be submitting an outline of items for consideration to start moving forward on the interceptor. Mr. Lyon stated that LTL Consultants prepared a report for NPDES Requirements for MS4 Years 2013-2018, about 3 pages long. One such requirement is to implement 24-hour hotline for stormwater use. He mentioned completion of this, as well as other requirements, will be both time consuming and costly, in terms of manpower and technical specialization needed to complete the work that it is necessary. Mrs. McGrath advised Berks Radio could possibly be utilized to comply with the 24-hour hotline for stormwater. Mr. Lyon discussed his concerns regarding compliance with Congressman Meehan’s Representative at the Municipal Office. She said she would advise the Congressman. Mr. Lyon received a new signal drawing for the intersection of 662, Church Lane, and 422 West. Before executing, he requested permission to ask PADOT to revise the drawing to include pavement markings for turning, along with paint signage on the asphalt lanes to clarify further, the Do Not Enter areas. Mr. Yanos asked Mr. Lyon if the Township would pay for painting of the lines, and every year later. Mr. Lyon stated yes, once a signal permit is issued, the Township is responsible for this maintenance. Mr. Weber agreed with Mr. Lyon. Mr. Lyon stated he has been working with staff, and the draft for the 2014 budget is nearly complete. An analysis of the Township’s EIT shows that the take back occurred in 2012 and in 2013. $60,000 was taken back in each of these years. This being the last of the “Take Back”, the Manger concluded the Township will have an additional $60,000 coming in 2014, provided the economic status quo continues. The finalized draft of the 2014 budget, a version with actual figures for the first ¾ of 2013, will provide a more reliable first draft, which Mr. Lyon will have this ready for the upcoming Labor Day weekend. Mr. Yanos asked where the take back went. Mr. Lyon stated the take back went to Philadelphia. Mr. Lyon stated the Order to Show Cause for Amity Fire Company was withdrawn by the Auditor General’s Office. He thanked Chief Zomolsky, Mr. Weller, and Senator Rafferty, who took a personal interest in helping resolve the issue. Mr. Lyon also made Douglass Township aware of the change in this status. After Mr. Lyon spoke with Dwight Herrmann of the Department of General Services (DGS) regarding the status of their project, the Valley Road connection remains an issue of cost. DGS responded that they will consider the gravity access the best alternative, but asked if the Township would reconsider that connection route, if street access was provided to Daniel Boone Road that would contain the sewer easement. Mascaro has acquired the old Boyer (Buoni) Farm, as well as the Boisson Tract on the west side of Valley Road. If this property is ever developed, this solution would provide traffic access to Daniel Boone Road, keeping more of the traffic off Valley Road. Mascaro is interested in the concept, but the Pennsylvania Historic Museum Commission (PHMC) has not endorsed it. If it is endorsed by PHMC, then the Supervisors would need to consider working with the concept for the sewer connection. Mrs. McGrath asked if Mascaro would be dealing directly with PHMC, and Mr. Lyon stated that is correct. Mr. Lyon stated there will be a public meeting to discuss the Weavertown Road Bridge Replacement Project at the Board of Supervisor’s September 4th, 2013 meeting. Cherry Weber is the engineering firm, and they will be the first item on the agenda. Mr. Lyon stated it is a requirement of the project for Cherry Weber to hold a public meeting, take comment, and provide a detour route. Mr. Yanos stated this will likely cause people to go through Browns Mill. Mrs. McGrath stated the Supervisors may want to think about discussing this with the Cherry Weber associates.

**Chief of Police:**

None

###### SUPERVISORS

None

**PUBLIC COMMENT**

Kimberly Weaver, of Weavertown Road, requested assistance from the Board of Supervisors to address a noise complaint. The property in back of Ms. Weaver’s home was recently sold. The new owner has been utilizing generators to pump water and supply electric to their property. Ms. Weaver stated she returns from work at 6:15PM, and the generator is on, and is not turned off until 9:30PM. Ms. Weaver stated at times there are up to 3 generators running, ranging from small to larger units. She further stated the generator(s) runs from morning until evening during weekends. Mr. Gokey asked if the noise ordinance addresses this. Mr. Lyon stated the ordinance addresses noise by decibels. Mr. Lyon explained the Code Enforcement Officer does have a meter, however, he is in during the day, and according to the noise ordinance a Police Officer must be dispatched, as this ordinance is enforceable by police. Mr. Yanos stated the best way to handle issues between neighbors often is by discussing it, suggesting maybe the new neighbor isn’t aware of the inconvenience he is causing. Mr. Lyon stated if Ms. Weaver would rather, she should call 610-689-6002 (non-emergency Police number) when it’s occurring, ask to speak to the Officer in charge, explain it’s an on-going issue, and they need to bring the meter to gauge the decibel level. Mr. Lyon explained he will provide advance notice to the police, and ensure Police have access to and are trained to use the meter. When Ms. Weaver questioned where the meter is read, Mr. Gokey stated testing is done at the property line. Ms. Weaver also mentioned that her neighbor has been building a race track in back of their property, for motor bikes. Mr. Jones felt the issue of the dirt track could be a Code Enforcement issue. Mr. Yanos said he believes that property has approximately 20 acres, and is zoned Low Density Residential, and restrictions aren’t as strict in the more rural areas.

**EXECUTIVE SESSION& ADJOURNMENT**

Mr. Boland had requested adjourning to an executive session to discuss possible litigation, without intent of returning.

There being no further business, the meeting was adjourned at 8:45PM on a motion by Mr. Jones, and seconded by Mr. Weller.

Respectfully submitted,

Pamela Kisch

Secretary