**Amity Township Board of Supervisors**

**Meeting Minutes**

## September 18, 2013

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

The September 18, 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 7:01 PM by Chairperson Kim McGrath. The following were in attendance:

### SUPERVISORS

Kim McGrath

Robert Yanos

Paul Weller

Terry Jones

### STAFF

Manager, Charles Lyon

Pamela Kisch, Secretary

Brian Boland, Solicitor/Kozloff Stoudt

John Weber, Engineer/LTL Consultants

**ANNOUNCEMENTS**

Mrs. McGrath read the PennDot announcement aloud, stating the work being completed would result in traffic delays on SR 422 from 9AM until 3PM on Thursday, September 19th, as well as delays on SR 724 from 9AM and 3PM on Friday, September 20th.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Yanos requested the minutes be changed to reflect that he completely recused himself from the New Rhoads Zoning Board Hearing discussion and vote. Mr. Boland also asked for minutes to be revised to more clearly reflect comments in regard to the Executive Session. Mr. Weller moved, seconded by Mr. Yanos to approve the minutes of August 21, 2013 with changes requested. Motion carried 4-0.

**FINANCE**

Mr. Yanos questioned if the payment made to Buckley, Brion, McGuire in the amount of $788.00 was strictly for Zoning Hearing Board for Cuccaro, as noted in disbursements. Mrs. McGrath asked that each Board member receive a copy of the invoice. Mr. Yanos questioned the payment of $567.92 for tires. Mr. Lyon stated the payment was made for tires on a police vehicle. Mr. Yanos questioned payment of $847.50 made to the County of Berks for clean up on Monocacy Hill Road. Mr. Lyon stated this was due to an accident, in which there was no identified responsible party. Therefore, it was billed to the Township.

Mr. Yanos moved, seconded by Mrs. McGrath to approve the following disbursements:

1. Disbursements: $ 80,639.27 General Fund

$ 28,830.80 Sewer Fund

$ 5,309.66 EDU Fund

$ 11,742.21 Fire Fund

$ 7,750.47 Liquid Fuels

$ 134,272.41 Total

Motion passed 4-0.

**REPORTS**

***Fire Companies***

Amity Fire Company will host an Open House on Saturday, October 12th from 10AM until 2PM. Chief Zomolsky clarified that the lease between Amity Fire Company and Lower Frederick Fire Company was commenced, for the term of one year, at the rate of $1 per day with the stipulation Lower Frederick and Amity Township would maintain simultaneous insurance coverage. He further stated the truck Amity purchased from Lower Frederick was used for approximately 60 calls within a 2 ½ month timeframe. Mr. Yanos requested the Board be notified if the use of the leased truck was to change.

Monarch Fire Company will hold a chicken barbeque on September 28th, as well as a steak and shrimp night on October 5th.

***Planning Commission***

Mr. Brian Boyer stated they had received PennDot HOP Permit approval for the Blacksmith Subdivision Preliminary Plan. The Planning Commission recommended preliminary plan approval, conditioned upon items being satisfied that were set forth in the letter from Mr. Boland on 09/14/2012. Mr. Boland stated he drafted a more recent version of this letter, mailed 09/17/2013, which removed 3 of those items from the 2012 letter. Mr. Boland shared his copy of the more recent letter with Board members. Mr. Jones moved to grant conditional preliminary plan approval, seconded by Mr. Weller. The motion passed, 4-0. Mr. Yanos made mention that there is an excessive amount of trash at one of the bungalows. Mr. Boyer will ask Mr. Yocum to address the issue.

Mr. Jones left the meeting at 7:24PM, returning at 7:26PM.

Mr. John O’Neill and Terrance Hafer requested the Board grant a waiver to Section 508(a), which states concrete monuments shall be placed at all proposed property corners. The plan submitted provides one concrete monument and iron pins at the remaining corners. Mr. Weller moved to approve the waiver request as stated, seconded by Mr. Jones. Motion passed, 4-0. Mr. O’Neill also requested the Board to approve the plan, and authorize the signature of the Planning Module Waiver & Non-Building Declaration which must be sent to PADEP. Mr. O’Neill explained this plan was presented in 1982 and approved, however it was not recorded. The original plan was for a 2 acre parcel to subdivide the farm and erect a house. The house was erected in 1982, and he is seeking final plan approval in order to record the plan. Mr. Jones moved, seconded by Mr. Weller to approve the plan and sign the Planning Module Waiver & Non-Building Declaration, seconded by Mr. Jones. Motion passed 4-0.

Mr. Gavin, representing Hess Corporation, requested the Board allow an in house review of their plans, waiving a formal land development review. They are proposing review of Section 405(d), regarding placement of a canopy over new diesel pumps. Mr. Gavin corrected his prior review, there are (2) two diesel fueling stations in the proposed plan, not (3) three as he had presented at the 09/04/13 BOS meeting.

Mr. Weller asked if Hess had received a ruling on Monday. Mr. Gavin stated they had not, due to concerns of a neighbor who cited lights and noise would restrict them from enjoying their 2nd story patio, which faces the new diesel canopy site. Mr. Gavin shared plans of landscaping, which would mitigate the resident’s concerns. The proposed plan detailed installation of a 6 foot vinyl fence, as well as a row of trees. The trees proposed to be used are a variety of pine known to grow approximately 2 feet each year. Mr. Yanos commented that while he commends Hess for being a good neighbor, he is concerned that buffering could also become an opportunity for crime. Mr. Jones agreed with Mr. Yanos. However, Mr. Jones stated if the ZHB and Hess are comfortable with the proposal, he had no objections. Mr. Gavin explained Hess has no problem with the added expense. Mr. Weber stated the house is in Medium Density Residential (MDR). Manager Lyon stated the Code Enforcement Officer has not had an opportunity to review the amended plan. However, the Manager stated Staff is in favor of the in house review. Mr. Weller moved, seconded by Mr. Jones to waive the formal land development review and allow the review to remain in house. Motion passed, 4-0.

**UNFINISHED BUSINESS**

Mr. McAfee was not present at the meeting. Mrs. McGrath stated she talked with Mr. Cory Roberts, a neighbor on Hillview Road, who stated he felt the water issue is simply natural runoff. Mrs. McGrath also attempted to reach Mr. Larry Clauser, however he did not return her message. Mr. Yanos felt the issue should be discussed with Mr. McAfee present. Mr. Weber stated both phases would need to be completed for Mr. McAfee to see the level of improvement he anticipates. Considering the cost of completing the work, Mrs. McGrath asked to table this issue until further review of the 2014 budget. Mr. Jones left the meeting at 7:52PM, returning at 7:55PM.

Mr. Lyon requested the Board’s approval of Arro’s Professional Services Agreement, in which the engineering firm proposes amending the Township’s approved 2010 Act 537 Plan with the PADEP. The proposal stated Arro would bill for updating the plan on a time and expenses basis, not to exceed the fee of $16,850.00. Mr. Yanos moved, seconded by Mr. Jones to approve the agreement, not to exceed $16,850.00. Motion passed, 4-0.

**SOLICITOR’S REPORT**

Bids were opened for Diesel and 87 Octane Gasoline Fuels on 09/04/2013 at noon. PAPCO was the only bid received. The bid was given to Mr. Boland at the 09/04/2013 meeting. Mr. Lyon is seeking Mr. Boland’s and the Board’s approval to sign and seal the contract, stating he felt it was a valid and fair bid. Mr. Boland’s direction was to sign the contract. Mr. Yanos moved, seconded by Mr. Weller to sign the PAPCO contract for both fuel items. Motion passed, 4-0.

In regard to the Luckenbach Pond citation, Mr. Boland stated he was in contact with Mr. Loomis. Mr. Boland will construct a non-criminal citation and forward it to Mr. Loomis. Mr. Yanos moved, seconded by Mr. Jones, to issue the citation. Motion passed, 4-0.

Mr. Boland stated Forino will be purchasing the lots in Woods Edge, Phase 3B and 3C, from Greth Construction. Settlement is scheduled on 09/26/2013. Forino requested an updated statement of financial and securities agreement and improvements for phase 3B.

**ENGINEER’S REPORT**

Mr. Weber stated Woods Edge Phase 3B has 48 lots, 17 of which have houses already built.

Phase 3A has a non-standard maintenance agreement for possible damage to roads, which expires 11/17/2013. Roads seem to be in good condition. Mr. Weber stated the retention basin in Phase 3A needs to be converted to a permanent detention basin. This is along Timberline Drive, near the open space owned by Grande. Mrs. McGrath stated Grande needs to be made aware. Mr. Weber stated he has sent correspondence.

**NEW BUSINESS**

***Approval to Send Employees to Required MS4 Training***

Mr. Lyon stated the training is a required part of the permit requirements. Mr. Yanos moved to approve sending whomever the Manager deems necessary, seconded by Mr. Jones. Motion passed, 4-0.

***Approval or Resolution 13-17***

Mrs. McGrath questioned the reason for the resolution. Mr. Lyon explained the Township has a valid Emergency Operations Plan in place, which is reviewed annually by our Emergency Management Coordinator, Mr. Jones. This resolution must be signed to update the Radiological Emergency Response Plan (RERP) with signatures of the current Board of Supervisors. Mr. Yanos moved, seconded by Mr. Jones approving the resolution. Motion passed, 4-0.

**EXECUTIVE SESSION**

Mr. Boland mentioned he also created Resolution 13-18, pertaining to the Police Tenure Act Hearing.

Mr. Yanos suggested this resolution be discussed in an Executive Session. Mr. Boland agreed. At 8:20PM, Mr. Jones moved, seconded by Mr. Yanos to recess to an Executive Session, with intent to return.

Mrs. McGrath reconvened from Executive Session at 8:24PM. Mr. Boland read aloud the Resolution 13-18, which spoke specifically to the due process and termination of Corporal Glenn Oesterling, effective with the date of this resolution, 09/18/2013. The Board of Supervisors found the Statement of Charges issued by Chief Ken Shuebrook were met and proved credible with convincing evidence. Mr. Weller moved, seconded by Mr. Yanos to approve Resolution 13-18. Motion passed, 4-0.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** Mr. Lyon stated the two trees at the entrance to the Township Municipal building are dirty and cause significant maintenance and safety issues. He asked for the Board’s permission to remove the trees and replace them with some less obtrusive landscaping. Mr. Lyon stated the work would be done by Township employees. Mr. Yanos moved, seconded by Mr. Jones to replace the trees. Motion passed, 4-0. Mr. Lyon reported Community Days was a success. The Lion’s Club expressed their appreciation for the Township’s assistance. Mr. Lyon made special thanks to Ali Howell-Clarke for his assistance. Mr. Lyon expressed concern regarding Douglass Township’s failure to progress with the installation of a sampling device, in respect to Goodwest Industries and the slug load incidents at the wastewater treatment plant. It is Mr. Lyon’s recommendation since Douglass Township has been unable to provide a specific date for installation, Amity Township should require Douglass Township to install a sampling device at the pump station. When Mr. Lyon questioned doing so, Mr. Boland stated there isn’t any legality precluding the Township from changing its earlier decision. Mrs. McGrath moved, seconded by Mr. Weller to send mentioned communications to Douglass Township. Motion passed 4-0. Mr. Lyon stated the 3 new aerators were set in the lagoon at the equalization tank. DESSCO is filling the lagoon in order to remove the old aerators. He expects the project will move quickly. Mr. Lyon reported receiving a noise complaint at the subject property on Weavertown Road, discussed at the BOS meeting a few weeks ago. The police responded and found the noise to be in excess of the noise ordinance. The property owner was presented a copy of the noise ordinance and notified that subsequent occurrences could be handled by citation. No further complaints have been received about that property. Mr. Lyon recommended constituting an Act 209 Committee of 10 members. The Act requires a board of 7 to 15 members, of which 40% must be real estate representatives, developers, and planners. Mr. Weller suggested reviewing who was on the board in the past and work from that list. Mrs. McGrath moved, seconded by Mr. Yanos to approve forming the committee of 10 members. Motion passed, 4-0. Mr. Lyon and Mr. Howell-Clarke met with representatives from Union, Robeson, Birdsboro, and Brecknock Township to discuss joint projects and cooperation. Equipment sharing was one of the alternatives discussed. After evaluation, Mr. Howell-Clarke stated the idea is not logistically advantageous to the Township. Mr. Lyon shared estimates for improvements to be made to address the McAfeee complaint of water issues on Hillview Road. The engineer felt the 2-phase plan would alleviate approximately 80% of the water problem. As stated earlier, this was tabled until after the 2014 Budget is finalized. Mr. Lyon explained that after Mrs. Benson attends the MS4 training, she will conduct training for the remainder of the staff. That training must be documented as a part of the permit. Mr. Lyon received a letter from Southern Berks Regional Emergency Medical Services (SBREMS) regarding management changes. Mrs. McGrath stated if SBREMS wishes to meet to discuss ambulatory services, she will gladly meet with them. All members of the Board felt there would be no harm in Mrs. McGrath attending an informal meeting to gather information. Mr. Lyon met with Mr. Schlegel regarding the Shirey permit request, to inform him of new developments. The Manager continues to evaluate Inductive and LED Light programs. One estimate Mr. Lyon received showed a projected 47.47% savings in electric, which would be almost $35,000 per year. That same estimate gave an average of $140K for installation of the lights, but maintenance was not part of that estimate, which means lights would be maintained by the Township. Mr. Weller asked if the Township owned a truck that would be suitable for such maintenance. Mr. Lyon agreed purchasing the Inductive Lights would require discussion to consider purchasing a truck, subcontracting or some other method for maintenance. Mr. Lyon stated he is researching possible grant money that may be made available to make the purchase more feasible. Data about Inductive Lights indicate less maintenance and more longevity. Mr. Lyon asked Mr. Howell-Clarke what tires needed to be replaced. Mr. Howell-Clarke stated the tires on the large mower had a slit on the side, and were worn and cracked on the sides. He mentioned there is still a lot of mowing to be done for the season. The quote he received was for $900/per tire for Radial tires, which will provide 3,000 hours of use. Mr. Jones moved to approve the tire purchase, seconded by Mr. Weller. The motion passed, 4-0. Mr. Lyon suggested holding sessions after the regular BOS meetings, to discuss the 2014 budget and adjustments for balancing. The BOS agreed. Mr. Boland confirmed the budget meetings do not need to be advertised if included as part of the regular meeting.

**Chief of Police:** Chief Shuebrook was not present at the meeting. Quotes were provided for purchasing police vehicles in the Chief’s report, for the Board’s consideration. Mr. Jones suggested the Board table the discussion until the Chief could be present. Mr. Yanos and Mrs. McGrath agreed, more information is necessary about needs. This matter will be tabled until the Chief returns from vacation.

###### SUPERVISORS

None

**PUBLIC COMMENT**

None

There being no further business, the meeting was adjourned at 8:50PM on a motion by Mr. Jones, and seconded by Mr. Weller.

Respectfully submitted,

Pamela Kisch

Secretary