**Amity Township Board of Supervisors**

**Meeting Minutes**

## October 2, 2013

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

The October 2, 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

Paul Weller

Terry Jones

### STAFF

Manager, Charles Lyon

Pamela Kisch, Secretary

Brian Boland, Solicitor/Kozloff Stoudt

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones made a motion to approve the September 18, 2013 minutes as presented, seconded by

Mrs. McGrath. Motion carried 4-0.

**FINANCE**

After reviewing the excessive cost of the Cuccaro ZHB hearing invoice, Mr. Jones asked if the Board would like to discuss fees that the Township bills for ZHB requests. Mrs. McGrath stated fee structures may be changed at the end of the year. Manager Lyon reminded the Board, while the Township can evaluate the fee, specific charges, such as legal fees, cannot be used to substantiate an increase. Mr. Boland concurred. Mr. Jones asked Mr. Boland to research the maximum dollar amount allowable for this fee.

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

1. Disbursements: $ 412,537.20 General Fund

$ 14,519.87 Sewer Fund

$ 150,951.99 EDU Fund

$ 155,918.46 Fire Fund

$ 1,765.51 Liquid Fuels

$ 85,510.83 Recreation

$ 821,203.86 Total

Motion passed 4-0.

**REPORTS**

***Code Enforcement Department***

Manager Lyon stated the Luckenbach Pond Citation was filed today, 09/04/13. Mr. Yanos mentioned the rubbish issue that was discussed at the September 18th meeting, regarding Blacksmith Subdivision has been resolved.

***Road Department***

Mr. Howell-Clarke requested the Board’s approval to repaint intersection pavement markings at various locations. He presented the Board with a quote for repainting pavement markings, for the amount of $4,975.00. Mr. Yanos moved, seconded by Mr. Jones to approve the aforementioned work, with a cost not to exceed $4,975.00. Motion carried, 4-0.

**UNFINISHED BUSINESS**

None

**SOLICITOR’S REPORT**

Mr. Boland conducted a TEFRA hearing, in compliance with Section 147(f) of the Internal Revenue Code, with respect to the tax exempt debt of $313,267.00 incurred by Monarch Fire Company to purchase a 2014 Peterbilt Fire Truck. He stated although the Township did not incur the debt, the Fire Company provides fire and other services within the Township. The purpose of this hearing was to allow public comment. There being no comment from members of the public present, Mr. Boland closed the TEFRA hearing.

Mr. Boland delivered the Letter of Credit to Forino for the sale of Woods Edge Phase 3C. The sale was finalized on 9/26/13, and the property is now owned by Forino.

Mr. Boland reported the Amity Rural Village plans were sent to the County Planning Commission. The County received the Zoning Ordinance earlier in the week, and has 45 days to review and forward with comments. Mr. Boland stated there is a considerable number of residents whose properties are in and adjoining the proposed area for the Rural Village, that would require being notified by mail.

**NEW BUSINESS**

***Approval to appoint Pamela Kisch as an EMC Deputy for the Emergency Operations Plan (EOP)***

Mr. Weller moved, seconded by Mr. Jones. Motion passed, 4-0.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** Mr. Lyon stated the Limerick Generating Station Exercise will be held on 11/19/2013. He stated there will be a rehearsal of the drill, and proposed dates to the Board for their consideration in attending. Mr. Lyon stated the Consolidated Plan for Berks County and the City of Reading is located in the library for anyone choosing to review it. Mr. Lyon informed the Board that WWTP employees must take 15 (fifteen) additional credits over a 3 (three) year period to maintain certifications. While the Township hasn’t specifically paid for training to obtain certifications, it has in the past paid for employees’ training to maintain those certifications. Mr. Lyon requested the Board’s approval to send these employees to required training sessions. Mr. Weller moved, seconded by Mr. Jones to send WWTP employees to required trainings, as deemed necessary by the Manager and Wastewater Superintendent. Mr. Lyon informed the Board of a training held by Berks County, in relation to the authority of Municipalities over their respective Fire Police. He obtained a copy of the handout, which detailed the process used to have Fire Police take their oath in the Commonwealth. Mr. Lyon stated he would provide them with a copy of this handout, for their review. Mr. Lyon shared copies of the SR 422 & SR 662 revised signal permit from PennDOT, showing directional lines that were requested. Mr. Lyon stated PennDOT also proposed “One Way” signs, which after installation the Township must maintain. Mr. Lyon advised he is requesting a review by Mr. Weber prior to execution of the permit. Mr. Lyon shared a list of possible member replacements for the Act 209 Committee. He was contacted by Blair Gilbert and Pete Wanner, expressing interest based upon information in the news media. Mr. Lyon and Mr. Boland reviewed several problematic sewer accounts that are past due more than 8 (eight) payments. The Township is unable to disconnect water to these accounts, because they have well water, not public water. Prior policy was to lien the properties, which in these instances did not compel the owners to pay the bills. Mr. Boland’s direction was to continue to lien properties, however, for those who fail to respond, the Township should determine if the properties are vacant or not. Properties owned by banks or other agents should be contacted for payment. Mr. Boland suggested for those properties found to be vacant, the Township provide notice to disconnect the sewer and forfeiture of the EDU. Upon expiration of the notice, he further suggests excavating and severing the sewer connection, capping it on both ends. The Township would post the property as uninhabitable, requiring sewer capacity to be acquired before reconnection and occupancy could be gained. Mr. Lyon requested the Board’s consideration of this option and to provide direction for staff to proceed. Mr. Yanos stated he had concerns about incurring additional costs to dig up sewer connections. Mrs. McGrath agreed. It was the Board’s decision to allow staff to investigate ownership of these properties, after which time this could be discussed further. Mr. Lyon requested the Board’s approval to send Pamela Kisch to training at the Center for Excellence in Local Government. He suggested resuming membership, which would require paying for training at a reduced rate. Mr. Lyon stated he also would also be interested in attending a training session for an update on the Heart & Lung Act. Mr. Lyon requested approval to pay for annual dues and allow attendance of training deemed important for staff development and current updates. Mrs. McGrath made a motion to have Mr. Lyon research the dues to resume membership, seconded by Mr. Jones. Motion passed, 4-0. Mr. Lyon received a letter from TELCO identifying a defective controller at SR 422 East and Old Airport Road. The letter stated “wires are exposed and LB not functioning”. Mr. Jones and Mr. Yanos stated they drove by this intersection and did not see a malfunction. Mr. Howell-Clarke mentioned he was aware of one reported back in Spring 2013, but unaware if that one was fixed. Mr. Lyon stated he wanted to ensure it wasn’t one that was already fixed. More investigation is needed. Mr. Lyon received communication from the 429 group requesting meeting dates, with note that the arbitrator would be out of the area from October 16th through October 28th. Mr. Lyon presented a financial review of the 3rd Quarter of 2013. Revenues have shown modest increases in the past month, and he fully expects to exceed the Township’s Revenue Forecast for 2013. Mr. Lyon shared his concerns on Expenditures. The year began with a planned deficit of approximately $48K in the General Fund (G/F). The Ambulance Radios were identified after the adoption of the 2013 G/F budget adding, another $20K that wasn’t budgeted. The Fire Fund had a planned shortfall of approximately $60K. Legal Costs continue to be a large expenditure. Mr. Lyon forecasted a G/F surplus of approximately $100K, barring any major changes in the economy, which could depend partly on real estate transfers in the next 3 (three) months. Mr. Lyon stated that surplus could be used as a stop gap to cover the Fire Fund deficit for this year, but would need to be paid back into the G/F. The remaining balance could also be used to pre-purchase something from next year’s budget to help reduce the projected deficit. Mr. Lyon cited revenue estimates can be increased which will lessen the variance between Revenues and Expenses for 2014, making the deficit more manageable. Mr. Lyon recommends balancing the 2014 budget using funds from the fund balance, noting one factor unaccounted for, being the 429 contract and the non-uniform employees. In relation to the Fire Fund, Mr. Lyon offered three alternatives, spend less, buy less, or raise taxes to cover the deficit. An increase in millage of .00015 would generate $90,000 annually, covering the current $60,000 deficit, while providing a surplus to be used to pay back the G/F coverage for 2013. Once paid, funds could be accumulated until the radios are paid in full. At that time, the tax could be terminated or transferred to the Township.

**Chief of Police:** Chief Shuebrook presented his report. The Chief mentioned an incident on September 9, 2013 at which Officers Ken Moyer and Shawn O’Rourke responded to a burglary call. The resident returned home to find a woman in their home. The actor spoke to the homeowner, not appearing to be someone who would be dangerous or committing a crime. When the actor left the home, the homeowner realized items were missing and contacted police immediately, and was able to identify the actor in a photo line-up. Detective Jeff Smith was contacted by PA State Police (Embreeville), advising they have been investigating several similar incidents. He obtained an arrest warrant for the actor. With assistance from the Pottstown Police Department, the actor was apprehended on September 12, 2013. Evidence taken into custody was recorded and displayed to several police departments. Several pieces of evidence were able to be identified and linked to burglaries in Berks, Montgomery, Chester, and Lancaster Counties. Chief Shuebrook commended the immediate response of the homeowner in this incident. The Chief urges residents to trust their good judgment and report things that appear suspicious immediately. The Chief requested adjourning to an Executive Session, following adjournment of the meeting. Manager Lyon mentioned in respect to the fatal accident on SR 422, a PennDOT official contacted him about being included in a pilot corridor program, stating the Township should hear something in 4 (four) to 6 (six) weeks regarding signage.

###### SUPERVISORS

Mr. Weller stated the speed limit sign at Pine Forge has not been replaced. Mr. Lyon stated he will contact PennDOT. Mr. Yanos asked Mrs. McGrath if she had anything to share regarding her meeting about ambulatory services. Mrs. McGrath stated she is still investigating options. Mr. Yanos mentioned stop signs at Redner’s parking lot are not bright, and residents are going through the signs. Chief Shuebrook said he will look into the issue.

**PUBLIC COMMENT**

Mr. Cooper, of Limekiln Rd, requested clarification of walking paths being open during games at Amity Community Park. Mr. Lyon stated that during Saturday football games, signs are posted for a section of the walking paths to be closed from 10 AM until 2PM. Mrs. McGrath stated the areas are marked for residents’ safety; however, it is obvious everyone does not abide by the signs.

Mr. Lyon recognized that Mr. McAfee, of Hillview Road, was in attendance. Mr. Lyon explained it was the Board’s decision to table the discussion until the 2014 Budget was finalized. Mrs. McGrath mentioned she spoke one of Mr. McAfee’s neighbors, on the other side of the road, who is unwilling to relinquish right-of-way. Mrs. McGrath stated it was her understanding that without this neighbor’s consent, the proposed work wouldn’t be as effective in alleviating the storm water issues. She suggested Mr. McAfee return to the next meeting, when Mr. Weber would be available to comment further.

At 7:59PM, Mrs. McGrath turned the meeting over to Mr. Lyon to review the 2014 Budget. Mr. Jim Arms, representing the Boone Area Library was present. Mr. Arms stated he appointed Board members and they were in attendance as well. Mr. Lyon stated it was his understanding the Board of Supervisors appoints the members. Mr. Arms stated Michelle Keho left the position, but it was his understanding, that if they needed representation then the Board could fill the positions if the municipalities hadn’t.

Mr. Arms and his colleagues were in attendance to follow up on Ms. Keho’s request for funding. Mr. Arms is concerned if the Township pulls funding, the matching dollars from the State will also be pulled. Mrs McGrath stated budget discussion has just begun. Mr. Lyon stated that staff is charged with presenting a balanced budget. The initial budget had nearly a $200K deficit, so cuts were made. Mr. Lyon mentioned that 2013 was the last of the agreed upon 5 (five) year donations. Mr. Lyon commented further that the library wasn’t the only expense cut, as he called attention to the Road Department. Mr. Lyon reduced the street project by more than a $125K. Mr. Jones recommended putting the library into the budget with the requested $15,000 donation, at least tentatively. Mr. Lyon stated he will supply a revised 2014 Budget, including third quarter numbers, at the next BOS meeting. There being no further business, at 9:00PM Mr. Jones moved, seconded by Mr. Weller to continue budget talks at the next BOS meeting, and adjourn to the Executive Session requested by the Chief, with no intent to return.

Respectfully submitted,

Pamela Kisch

Secretary