**Amity Township Board of Supervisors**

**Meeting Minutes**

## November 6, 2013

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

The November 6, 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, Chair

Robert Yanos, Vice-Chair

Paul Weller

Terry Jones

Richard Gokey

### STAFF

 Manager, Charles Lyon

Pamela Kisch, Secretary

Brian Boland, Solicitor/Kozloff Stoudt

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Yanos made a motion to approve the October 16, 2013 minutes as presented, seconded by

Mr. Weller. Motion carried 5-0.

**FINANCE**

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

 Disbursements: $ 49,620.48 General Fund

 $ 14,406.96 Sewer Fund

 $ 50,743.11 EDU Fund

 $ 9,847.33 Fire Fund

 $ 11,125.45 Liquid Fuels

 $ 135,743.33 Total

Motion passed 5-0. Mr. Gokey questioned the disbursement of $427.24 for repairs to Truck 64.

Mr. Howell-Clarke stated the cost was high due to electrical work completed. Mrs. McGrath questioned if checks for petty cash are “made payable” to cash. Mr. Lyon stated the $10 petty cash payment was for admittance to a municipal secretary’s meeting which the Board approved, noting that no more than $100 of cash is on hand to reimburse small expenses.

**REPORTS**

***Code Enforcement***

Mr. Loomis reported the tenant at 623 Benjamin Franklin Highway West had a total of 5 (five) horses. Dimensions of the current fenced-in grazing area is slightly over 2 (two) acres. Having this many horses constitutes a violation of the Zoning Ordinance 905 (a) (2) which stipulates only 1 (one) horse, cattle, and/or livestock shall be allowed on lots containing less than 3 (three) contiguous grazeable acres. A Notice of Violation was sent to the tenant, Danielle Fisher, and owner of the property, who is located in Green Lane, PA. The owner of the property assured compliance by the date given, December 23, 2013. Mr. Loomis received a tip that a tenant at 625 Benjamin Franklin Highway West is using the property for motorcross riding and training. Mr. Loomis previously notified the tenant that using the property as such would be a violation, and such use required a Conditional Use and is not permitted by right. He noted that the tenant’s website currently lists pricing and registration for the riding and training at this location. Mr. Gokey asked if the new home permits were for Woods Edge Development. Mr. Loomis stated one was built in Woods Edge, the other was a custom home located elsewhere. Mr. Loomis reported work was progressing at The Keystone Villa with a goal of receiving the Certificate of Occupancy by Christmas. Mr. Loomis received a continuance for the Cooper hearing. After Mr. Cooper, of 1611 Old Swede Rd, plead guilty and received a fine for discharging untreated sewage onto the surface of the ground, he appealed the court’s decision. Mr. Cooper has indicated he will comply with the Township’s requests for repairs. Mr. Lyon said the Township will work with Cooper to try and avoid further court proceedings.

***Road Department***

Mr. Howell-Clarke presented the Board with a quote from Fisher Landscaping for $4,027.26, for planting of 16 (sixteen) trees in High Meadows as part of completion of improvements using the escrow that the Township has seized. Mr. Lyon stated properties that were identified on the plan to have trees, and who did not currently have trees, were sent letters. The letters requested residents to return the letters indicating if they wanted the Township to plant the tree(s) on their property according to the plan. Residents who did not respond by 10/18 were sent certified letters. Mr. Howell-Clarke respectfully requested the Board’s approval to allow Mr. Fisher to begin planting trees before Winter. Mr. Gokey moved, seconded by Mr. Yanos to approve the planting as quoted by Fisher Landscaping. Motion passed, 5-0. Mr. Howell-Clarke requested approval to purchase 4 (four) tires for Truck 64, which is used for plowing. Bradley Tire is a member of COSTARS and quoted $1,854.00. Mr. Gokey made a motion to purchase the tires as quoted, seconded by Mr. Weller. Motion carried, 5-0. Manager Lyon asked Mr. Howell-Clarke to research a replacement vehicle for one of two vehicles in disrepair at the WWTP. New Holland Auto Group, a COSTARS dealer, provided a quote for a Ford F350XL 4x4 truck, including a plow, for a final purchase price, after trade-in, of $30K. Mr. Howell-Clarke stated this vehicle is in-stock, and would replace the 1997

Ford F350. Mr. Gokey stated with the applied discount, $30K was a fair price. Manager Lyon stated funds are available in the WWTP budget for this purchase. Mr. Gokey moved to approve the purchase of the truck from WWTP funds, seconded by Mr. Jones. Motion passed, 5-0. Mr. Weller explained the other WWTP vehicle would not pass inspection due to rust of the frame. In consideration of recent costly repairs and investment in that truck, Mr. Weller offered to provide contact information for Grim’s Repair, stating it would be worth researching if repairing the truck would be an option. Mr. Jones agreed, stating he would also provide contact information for D&D Collision.

Mrs. McGrath requested Mr. Howell-Clarke get a second opinion on the truck that failed inspection and bring recommendations to the Board at the next BOS meeting. Mrs. McGrath asked about dumping of cooking oil on Spotts Mill Road. Mr. Lyon stated PADEP had mentioned the possibility of installing a camera; however, the amount dumped may not reach the threshold for PADEP involvement.

**UNFINISHED BUSINESS**

None

**SOLICITOR’S REPORT**

Mr. Boland reported the Grievance hearing for Corporal Glenn Oesterling had been postponed. Attorneys for Corporal Oesterling indicated they would be waiving the hearing in front of the Board and will go directly to arbitration. The Unemployment Compensation Hearing Appeal will be held November 12th, 2013 at the Unemployment Building on Cherry Street in Reading. Manager Lyon, Chief Shuebrook, Joan London, and a representative from Giant Loss Prevention will attend the hearing. For the Grievance Hearing, if the two parties can’t agree on an arbitrator, Mr. Boland stated AAA will be responsible to choose an arbitrator and reschedule the hearing. Furthermore, the arbitrator could decide to postpone the hearing until the criminal case is concluded.

 **NEW BUSINESS**

***Approval of Resolution 13-19 Monocacy Hill Hunting Resolution*** Mr. Gokey moved, seconded by Mr. Weller to close Monocacy Hill to the public during hunting season. Motion passed, 5-0.

***Approval of Runwell Agreement for WWTP Server*** Mr. Yanos moved to approve the agreement by Runwell in the amount of $699.00, seconded by Mr. Weller. Motion passed, 5-0.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** Larry Ward, of the Historic Preservation Trust, extended an invitation for a representative of the Township to attend an award presentation on 11/8/13 at 9:30AM, at the Steel River Place House in Pottstown. Mr. Lyon stated he would attend, if Board members were unable to attend. The Manager presented the Board, as requested, with additional quotes to repair the signal controller at Old Airport Road and SR422. Mr. Howell-Clarke discussed the project with the Township vendors, and the work will be labor intensive, and will involve shutting down the intersection, signals, traffic control, and flaggers. One vendor refused to provide a quote, while the other quote was $5.00 more than TELCO. Mr. Lyon stated TELCO has been more than satisfactory as a vendor during his tenure. Mr. Yanos moved, seconded by Mr. Weller to approve repairs proposed by TELCO, not to exceed $1,395.00. Motion passed, 5-0. James Munda submitted his letter of resignation as Fire Marshall of Amity Township. Mr. Lyon commended Fire Marshall Munda for his years of dedicated service to the Township. Mr. Loomis stated the Fire Marshall conducted much training and was instrumental in evacuation plans and drills for The Keystone Villa. Brian Hunsberger (Greenbriar Development) approached Mr. Lyon about open space adjacent to the S-bend on Old Airport Road, which remains property of the Greenbriar Corporation. The property is listed in the tax duplicate as a street, road, or part thereof, and therefore if sold, could bring unwanted use due to the lot’s configuration and lack of conformity. Mr. Boland stated the current assessment of the land is approximately $200.00 (two-hundred dollars). Mr. Boland advised the Board, if the Township accepts the open parcel, it would also accept the burden of maintaining it. Mrs. McGrath stated the homeowner next to the space has been maintaining it beautifully. It was the Board’s direction for Mr. Hunsberger to offer the property to the homeowner before further consideration of the Township. Manager Lyon presented the Board with his recommendation for appointment of a 10 (ten) member Act 209 Transportation Advisory Committee. His recommendation called for the first meeting in January, and be held coincident with Planning Commission meetings. Mr. Jones asked Mr. Boland how many Board members should be on this committee. Mr. Boland stated one member should be sufficient, since Act 209 approvals will be brought to the BOS. Mr. Yanos moved, seconded by Mr. Gokey to appoint the proposed members, plus one Board member, and hold meetings on the 2nd Wednesday of each month. Motion passed, 5-0. Staff met with Benecon representatives to discuss renewal of the Township’s plan. Mr. Lyon expressed dissatisfaction with the fact that Benecon is not working on a cost sensitive program that would comply with the Cadillac Tax, when and if it is actually applied; or if the PPACA would be changed to cover less than 50 (fifty) employees. While maintaining coverage through Benecon, the Township can reduce the number of plan participants, however changing participation by ten percent or more, would trigger a re-evaluation of the premium. Mr. Lyon received a letter from The Berks County Commissioners explaining the significantly rising cost of dispatch services. The letter explained that in 2012 the County began passing along the increased costs to municipalities instead of the costs being borne by the County. The County began phasing the costs over to the municipalities in 2013. It will continue to be phased in over a 5-year period, with the bill in 2014 being the second year. An update to projects at the WWTP: The aerators that were installed in manual mode were changed over into automatic mode earlier today. The contractor was unable to provide the pricing for the Doppler meters in time for this meeting. The reed beds require clearing and sludge needs to be removed from the drying beds. Funds have been allocated for this project in the 2014 budget. Mr. Lyon requested the Board’s approval to advertise and receive bids to have work done sometime between December and February. Mr. Yanos moved, seconded by Mr. Gokey to approve advertising. Motion passed, 5-0. Mr. Jones stated if engineering costs are too high, the Board should be consulted. Mr. Lyon stated he will review the old specs to determine if work could be done in-house. Douglass Township installed the sampler at a location adjacent to the Goodwest property, ignoring the Township’s letter rescinding the location. Mr. Lyon shared concern about the responsibilities and licensees, and that Douglass doesn’t seem to share those concerns. Mr. Lyon recommended that the Board consider terminating the Township’s intermunicipal agreement with Douglass Township. This can be done with a one-year’s notice at any time that Douglass Township has extinguished its debt, which it has already done. Mr. Jones agreed with Mr. Lyon. Mr. Boland was directed to make contact with Douglass Township’s solicitor regarding the agreement and report back to the Board at the next BOS meeting. Forino contacted the Manager requesting the Township provide winter maintenance on Pleasantview, Rodale, and Woods Edge Drive by an agreement with the Township. Mr. Howell-Clarke reviewed the streets. He stated they were winterized well and, there doesn’t appear to be any safety impediments to perform the requested maintenance. Mr. Lyon presented the Board with a one-page agreement that is currently used by a neighboring municipality, complete with recommended updates by Mr. Boland. Mr. Yanos suggested the Manager determine if services would be needed to also sweep up cinders and maintain these roads in other seasons until dedication. Mr. Yanos moved, seconded by Mr. Gokey to approve signing the winter maintenance agreement for the proposed streets at the rates in the Township fee schedule, which are adjusted periodically. Motion passed, 5-0. The Manager reported he and Mr. Howell-Clarke discussed the tree tops from the Main Street property. One suggestion was to cut and relocate the tree tops to line trails on Monocacy Hill; another was to cut them and stack them in place. The GPS volunteer had an accident that rendered him unable to predict when work could begin. Mr. Lyon met with Mr. Clouser and Mr. McAfee. The Manager explained the Hillview Drive project to Mr. Clouser, who seemed receptive and agreed to consider the project. To date, Mr. Clouser has not made contact. Mr. Yanos stated he doesn’t see where the money will come from to complete these improvements that were proposed to divert the stormwater; which he considers to be a civil issue. Mr. Gokey stated the vote to approve the proposed work would require 3 out of 5 Supervisors, and he would not vote for approval. Mr. Jones agreed, considering the cost of the proposed solution, he stated the runoff is problematic from one property to the other, making this a civil issue. Mrs. Cooper, of Limekiln Road, stated her property is lower than neighbors and she also has runoff. Mr. Gokey explained Mrs. Cooper’s comment proves that if work is done for one property owner, it sets a precedent. After lengthy discussion, it was the Board’s direction to take the Clouser right-of-way, if he offers it, for possible future improvements. Although the EIT for October came in lower, by almost 50% than last year, the Manager still forecasts ending 2013 with a surplus of $100K. The Fire Fund continues to be problematic when trying to balance the budget. With rising costs of Workman’s Compensation insurance due to the Heart and Lung Act and the on-going radio purchases, the Township is contributing funds in excess of Fire Tax collections. Mr. Jones reported speaking with both fire companies who stated they would they would not be able to continue operating if funding is reduced, and stated that decreasing donations couldn’t be done without risking public safety. Mr. Jones stated the Fire Tax hasn’t been increased since it was established, 7-years ago, adding that both fire companies will be supplying the Township with a proposed budget for 2014, which they haven’t done in the past. The Manager stated an increase of .00015 mills, which would generate an additional $90K annually, will eliminate the current $58K shortfall. After lengthy discussion, Mr. Gokey moved to increase the Fire Tax from .0005 mills to .00065 and to encumber $72K to balance the 2014 General Fund budget, seconded by Mr. Jones. Motion passed, 4-1. Mr. Yanos voted against the motion. Mr. Cooper, of Limekiln Road, stated Union Township and Birdsboro Fire Companies merged to alleviate some of their financial burden to taxpayers. Mr. Jones stated the point is well taken, however a merger of that magnitude is very involved, and takes much consideration, including the possibility of losing volunteers. Mr. Gavin, representing Hess Corporation, requested the Board give consideration to possible safety issues, regarding the conditional variance granted by the Zoning Hearing Board for installing a barrier to buffer light from diesel trucks. After lengthy discussion, it was the decision of the Board that the barrier could be installed on the Hess property, as proposed on the plan. The barrier would not hinder police patrol nor constitute a safety hazard. Mr. Gavin respectfully requested the Board authorize the Manager to draft a letter advising the ZHB of the Board’s decision. Mr. Jones moved, seconded by Mr. Weller to authorize the letter. Motion passed, 4-1. Mr. Yanos objected. Mr. Gokey left the room at 9:34PM, and returned at 9:36PM. Mr. Lyon forwarded a letter to Mr. Boland that he received from the Reading Hospital, requesting the release of the Irrevocable Standby Letter of Credit. Mr. Boland stated the plan was already recorded and the letter of credit should not be released. Mr. Boland’s call to the Reading Hospital was not returned. Long time police officer, Teddy Golowski passed away. Mr. Lyon stated a representation from the Township’s police force attended those services. The quote, of $29,840.00 for the new police vehicle provided at the last meeting was incorrect. The Manager and Chief provided the Board with an updated quote of $31,569.66, for the unmarked Ford Interceptor, complete with outfitting. It was confirmed the vehicle would be available this year. Mr. Yanos moved, seconded by Mr. Gokey to approve the purchase of the new police vehicle based upon the new quote. Motion passed, 5-0. Mr. Lyon provided the Board with an informational memo regarding delinquent sewer account collection processes.

**Chief of Police:** Chief Shuebrook requested the Board’s permission to attend the 35th Annual Hostage Negotiation Seminar from February 11th to February 12th, 2014 in Baltimore, MD, noting costs are paid by BCERT. Chief Shuebrook currently serves as the BCERT Deputy Commander supervising the BCERT negotiators. Mr. Yanos moved, seconded by Mr. Weller to approve attending the seminar. The Chief worked with Mr. Boland to review the Ride-Along policy.

Mr. Lyon stated the insurance carrier approved of the policy.

###### SUPERVISORS

None

**PUBLIC COMMENT**

Mr. Sheeler, Old Airport Road, commented that although the Township has unexpected increases in expenditures, such as gas and insurance, he wanted to remind the Board that residents also see these same types of increases.

At 9:46PM, Mr. Gokey moved, seconded by Mr. Jones, to recess to an Executive Session to discuss two personnel items, one being a police issue and one being an administrative issue. The contractual item involved 429 contract negotiations.

Mrs. McGrath reconvened the meeting at 9:58PM. Chief Shuebrook requested approval to offer employment to John Dzurek as a Part-Time Police Officer, at the rate of $28.00/per hour.

Mr. Jones moved, seconded by Mr. Weller, to authorize the offer of employment.

Motion carried, 5-0.

There being no further business, and upon a motion by Mrs. McGrath and seconded by Mr. Weller, the meeting was adjourned to Executive Session, without intent to return, to address executive session issues. Motion passed, 5-0.

Respectfully submitted,

Pamela Kisch

Secretary