**Amity Township Board of Supervisors**

**Meeting Minutes**

## November 20, 2013

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

The November 20, 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

John Weber, Engineer/LTL Consultants

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Weller made a motion to approve the November 6, 2013 minutes as presented, seconded by

Mr. Gokey. Motion carried 5-0.

**FINANCE**

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

Disbursements: $ 68,682.82 General Fund

$ 3,840.00 High Meadows

$ 41,007.96 Sewer Fund

$ 11,430.79 EDU Fund

$ 11,719.33 Fire Fund

$ 1,750.86 Liquid Fuels

$ 138,431.76 Total

**REPORTS**

***Fire Companies*** Mr. Jones reported the Limerick Generating Station Exercise took place Tuesday, 11/19/2013, noting fire company personnel showed up in full-force. He spoke with FEMA and PEMA evaluators who indicated staff performed well. Mr. Jones thanked all involved for a successful exercise. Monarch Fire Department reported they will continue to offer cashews and peanuts for sale through the end of the year, adding they can be purchased at the fire house as well as local stores. Mr. Gokey asked what percentage of Amity Fire Company’s calls occurred in Douglass Township, and how much they contributed in donations. Mr. Lyon stated the percentage of calls that occurred in Douglass Township are approximately eleven percent. Chief Zomolsky stated Douglass Township donates approximately $16K total, of which approximately $8K is allocated to Workman’s Compensation premiums. Mr. Gokey stated was interested that all townships pay their fair share.

***Planning Commission*** Mr. Weber reported that upon review of the Berks County Planning Commission’s letter dated10/23/13 regarding the Rural Village Ordinance, the Planning Commission recommended editing the description of “schools” to be consistent with the Township’s MDR District language to specifically state “ PERMITTED USES: State licensed nursery school, elementary school, middle school, junior high school, senior high school, or day care center”. Mr. Yanos suggested articulating further, to include adult educational facilities such as trade schools or technical schools. Mr. Weber explained technical or trade schools would not be included without amending the language further. Resident Chris Gross, of 1383 Old Swede Road, stated his property has approximately 50-75 feet of frontage that he claimed the map didn’t show. Mr. Weber stated the yellow areas of the final map detail the MDR district that is being changed to LDR, with lines that followed shapes of properties, properties were not split. Mr. Gross indicated he is not currently interested in changing the use of his property, as it is now a multi-unit rental, however he respectfully requested the Board consider adding his property to be included in the Rural Village District. Although Board members agreed it made sense to add the Gross property, Mr. Yanos questioned if these changes could be made during this meeting. Mr. Boland responded that changes could be made, however letters have already been mailed to affected property owners. Maps included with those letters would not have included the Gross property, and further, the letters detailed the hearing to be held December 18th. Any changes made at this point would not allow sufficient time to notify residents of the change before the hearing. Mr. Boland recommended modifying the map to include 1383 Old Swede Road and sending additional notification out to residents, to include the Gross property, as well as the additional wording changes regarding schools. Doing so would require a new hearing date. Mr. Jones moved, seconded by Mr. Weller to re-send letters, and cancel the hearing previously scheduled for 12/18/2013. Motion passed 4-1, Mr. Gokey opposed. Mr. Jones moved to amend the language for schools, as proposed by the Planning Commission and to include trade and technical schools seconded by Mr. Weller. Motion passed, 5-0. Mr. Weller moved, seconded by Mr. Jones, to revise the proposed Rural Village Ordinance to include the Gross property at 1383 Old Swede Road. Motion passed 4-1, Mr. Gokey opposed.

**UNFINISHED BUSINESS**

None

**SOLICITOR’S REPORT**

None

**ENGINEER’S REPORT**

None

**NEW BUSINESS**

***Approval of Change Order from DESCCO*** Mrs. McGrath questioned why the expenditure wasn’t foreseeable. Mr. Lyon stated the as-built drawings done by Motley Engineering were incorrect. Mr. Yanos moved, seconded by Mr. Gokey to approve the DESCCO change order to spend an additional $1275.00 for pipe fittings. Motion passed, 5-0.

***Approval to Appoint Pamela Kisch as e-filer for DCED Reports, Replacing JoAnne Sowers-Smith*** Mr. Weller motioned, seconded by Mr. Gokey to appoint Pamela Kisch as the e-filer for DCED reports. Motion passed, 5-0.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** Jefrrey Sommer submitted his resignation as the ZHB Solicitor, effective December 31, 2013, due to winning the election in Chester County for judgeship. Mr. Boland stated he will prepare a list of recommended replacements and request rates for services. Mr. Lyon requested approval to purchase the 2014 infield mix for the Hill Drive Park, as was done in the past, and have it applied as soon as weather permits, with the invoice to be paid in 2014. Mr. Gokey moved, seconded by

Mr. Weller to approve the purchase of the infield mix to be paid in 2014. Motion passed, 5-0.

An update to WWTP projects, ARRO’s recommendation is to keep the Mag Meter that was advertised for PS5 and install the Doppler Meter as a separate project on PS 1, at a later date. Mr. Gokey motioned, seconded by Mr. Jones, to proceed with the Mag meter for PS5 as specified in the bid package and install the Doppler Meter for PS 1 at a later date. Motion carried, 5-0. The aerator project at the Lagoon is nearly complete. Electrical work needs completed, but (3) aerators are operational. Mr. Lyon stated the sludge removal project was determined to be subject to prevailing wages, and presented the Board with a draft bid package. Mr. Boland claimed the State exempts work classified as maintenance, and with minor revisions the project should not be subjected to prevailing wage. Mr. Lyon will review these recommended changes with the solicitor. Mr. Lyon explained that Sludge has a disposal or tipping fee of about $63/per ton at the Pioneer Crossing Landfill. 1500 tons is the estimated total to be removed. Estimated cost for tipping fees only is estimated to be approximately $100K. Pioneer Crossing Landfill in Birdsboro committed to being able to receive 750 tons of sludge. The remaining 750 ton would be taken to Commonwealth Environmental Systems in Hegins, PA. Tipping fees would be additional to the removal and hauling costs. With the added distance to Hegins, PA the cost per ton increases substantially. Pioneer Crossing Landfill agreed to accepting more tonnage if sludge could be delivered on a Saturday versus a weekday. Mr. Yanos questioned if this project could be done as a 2-part project, with half of the project being done now and half being done at a later date. Mr. Lyon explained that’s not an option, because access to the reed beds during warmer weather is more difficult, adding the project needs to be done with as little inconvenience to daily WWTP processes And Mr. Wheeler wants to see the sludge removal done in 4 (four) days. Mr. Lyon agreed to look at the bid package and revise wording, incorporating Mr. Boland’s changes. He will also consider modifying the timing, if more sludge can be disposed of at Pioneer Crossing landfill. Mr. Gokey moved, seconded by Mr. Weller to approve advertising for the Excavation and Hauling of Dewatered Sludge from Sludge Drying Beds, with recommended language changes by the solicitor. Motion passed, 5-0. Mr. Lyon asked for authorization to send out an RFP to a short list of firms that will bid on the Act 209 Project. RFP’s are anticipated to be received prior to the December 18th Supervisor’s meeting and a recommendation will be made to select a consultant at the December 18th meeting, with the expectation of beginning that project in January. The Manager recommended using LTL to complete the Future Land Use Assumptions Report (LUAR) and Map. Mr. Gokey made a motion, seconded by Mr. Yanos to allow the Manager to proceed as requested, including award of the LUAR to LTL Consultants at the proposed cost of $1,500.00. Motion passed, 5-0. The Township utilizes Energy Curtailment Specialists, Inc (ECS) to bid for the best possible electric pricing. Amity Township is currently locked into a two-year deal with Direct Energy for electric service, with the period expiring at the end of 2014. Mr. Lyon recommended locking in for an additional two-year contract with Direct Energy at the rate of .05780/per kilowatt. Mr. Jones moved, seconded by Mr. Weller to lock into the two-year agreement with Direct Energy for the years 2015 & 2016. Motion passed, 5-0. River Bridge Road Railroad Bridge should be opening before Thanksgiving, 11/27/2013, barring interference of inclement weather. Mr. Lyon received an inquiry from residents unhappy with the alternate school being located at the Amity Primary Center (APC). A meeting is scheduled for Friday, 11/22/2013, at which the residents want to discuss their concerns. The use is valid, and therefore there would be no grounds for the Township to halt occupancy. Service Electric Cablevision (SECTV) filed a Petition to Waive Proof and Testing Requirements of their technical services. After conferring with Mr. Boland, the Manager recommends that Mr. Cohen, the Consortium Attorney, should be consulted. The Board concurred with that recommendation. As directed by the Board, the Manager shared costs associated to the most recent ZHB hearings. Analysis of fees the Township is allowed to recover was shared with the Supervisors. The Manager recommended increasing the application for a ZHB hearing from $500.00 to $550.00. Mr. Jones made the motion to adopt the increased fee, seconded by Mr. Weller. Motion passed, 5-0. The fee increase will be incorporated into the fee schedule in conjunction with reorganization and the annual fee schedule adoption. Staff obtained 3 (three) quotes to strip and re-wax the Vinyl Composition Tile (VCT) surface for the municipal building. The Manager explained the police squad area is the area in most need, and the expenditure could be paid out of the remaining surplus for 2013. He recommended accepting the lowest bid of $2,075.00 and having the cleaning performed before end of year. Mr. Gokey moved, seconded by Mr. Weller to approve the expenditure. Motion passed, 5-0. Mr. Lyon reported Brian Hunsberger, of Greenbriar Development, agreed to assume all costs associated disposition of the open space adjacent to the S-bend on Old Airport Road, discussed at the November 6th meeting. Mr. Hunsberger requested the Manager contact property ad-joiners, to which he agreed. Mr. Howell-Clarke had Lichty Brothers in East Earl review the condition of the WWTP truck frame, as requested by the Board at the November 6th meeting. The Manager shared the letter detailing, that it is their “professional opinion that the repairs on this vehicle are neither practical nor safe”. Mr. Weller agreed with Lichty Brothers’ opinion, further stating the integrity of the frame is weak and rust is unpredictable. Mr. Gokey asked Mr. Howell-Clarke if it was necessary to replace the truck this year, explaining one truck was already replaced. Mr. Howell-Clarke stated that truck is needed to plow corners and development roads which larger trucks are unable to access. Mr. Howell-Clarke agreed to obtain a quote from COSTARS for a truck that is in-stock, and attempt to get a trade-in value for the old truck. The Board asked Mr. Howell-Clarke to bring that quote to the next meeting for approval. The Manager received a request from Reading Area Transportation Study (RATS) on 11/18/2013 that must be returned by 12/05/2013, regarding updates to the Transportation Improvements Project (TIP). RATS is updating the County’s requests for inclusion of highway and bridge projects in the State’s 12-year program. They are requesting townships submit any new, as well as previously recommended projects, with no guarantee that any project in particular will be added to the program. Mr. Gokey suggested adding the intersections at Old Airport and Weavertown Roads. Mrs. McGrath asked if the Chief may have accident information that may be helpful to share for this report for areas on SR422 and Monocacy Creek Road. Chief Shuebrook stated, after the changing of the light sequence there have been no real issues. The Board recommended adding the suggested new project in addition to those previously requested. The Manager requested an Executive Session after the meeting, without intent to return, to discuss one WWTP employee issue and the 429 bargaining agreement.

**Chief of Police:** After presenting his report, the Chief requested the Board’s approval of the updated Ride-Along Policy. Mr. Weller moved, seconded by Mr. Gokey to approve the updated policy. Motion passed, 5-0.

###### SUPERVISORS

Mr. Yanos discussed his contention with the vote for increasing the fire tax from .5 mills to .65 mills and made a motion to rethink the tax increase. After lengthy discussion, Mr. Gokey explained his points were well taken, however, on a home assessed at $100K that taxpayer would realize an increase of $15.00, on a $200K assessment that taxpayer would realize an increase of $30.00, respectively. Mr. Gokey also pointed out that Amity Township continues to have the lowest Property Tax in Berks County for any municipality that has a full-time Police Department. The motion died for lack of a second.

**PUBLIC COMMENT**

Mr. Cooper, of Limekiln Road, responded to the RATS projects, suggesting closing down the small section of Weavertown Road that intersects SR662. Mrs. McGrath stated this was considered in the past. Mr. Yanos stated creating a left hand turning lane, would most probably cause traffic back ups.

Mrs. Heather Ramsey, of Heather Court, expressed concerns regarding lighting, noise, and general safety due to hours changing at the Hess Gas Station. Mrs. Ramsey stated the music at the gas pumps until 11PM is extremely loud, and this would be worse if they were allowed to be open 24-hours. Mr. Jones stated the Board has no jurisdiction to dictate hours of operation, and had previously supported the recommendation Hess presented, reminding Mrs. Ramsey that the area is zoned Commercial. Mr. Boland stated Hess is subject to the Noise Ordinance. Mr. Gokey advised Mrs. Ramsey to call if she felt the noise needed to be addressed. The Board agreed obtaining a noise reading may be difficult due to the constant traffic in that area. Mrs. Ramsey expressed opposition to Hess installing a fence on the business property, citing concerns for public safety. Mr. Gokey reiterated the Board’s support for placement of the fence, and explained the Chief previously agreed there would be no adverse affect to public safety. Mrs. McGrath added that hours being extended would produce lighting in that area at all times, which would most likely deter criminal activity. Mr. Yanos stated while he did not want to discourage her from appealing the decision, he reminded her the Board of Supervisors might support the Zoning Hearing Board’s decision should the Ramseys appeal. Mrs. Ramsey stated she understood.

Mrs. Susan Davis, a resident living on Valley Road and the Township’s representative on the Boone Area Library, stated she will try to attend meetings more regularly. She is employed full-time and is a Librarian, but will make a concentrated effort to report to the Supervisors more frequently. As requested, she reported Amity Township residents borrowed 21,000 items from January to October 2013. Union Township residents borrowed 6,500 items, and Exeter 4,600 items, respectively. She explained the “loss” reported at a prior meeting was one she believed was over-stated. Mrs. Davis reported the library now offers digital magazines for i-pads, mobile applications, and personal computers, which is a free service to anyone who is a member of the library. Mr. Yanos urged Mrs. Davis to get the Mom’s Club of Douglassville involved on the Board. Mrs. Davis reported receiving interest from 2 (two) new Board members, one from Union Township, the other from Birdsboro Borough.

At 8:44PM, with there being no further business, and upon a motion by Mr. Jones, and seconded by Mr. Weller, the meeting was adjourned to Executive Session, without intent to return, to address WWTP personnel matters and 429 Collective Bargaining Agreement. Motion passed, 5-0.

Respectfully submitted,

Pamela Kisch

Secretary