**Amity Township Board of Supervisors**

**Meeting Minutes**

## December 4, 2013

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

The December 4, 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 (arrived at 7:04PM)

Richard Gokey

### STAFF

Pamela Kisch, Secretary

Brian Boland, Solicitor/Kozloff Stoudt

Mrs. McGrath commended Chief Shuebrook, the Officers, and Amity Crime Watch for their part in making Amity Township number 31 (thirty-one) in a list of 50 (fifty) safest municipalities in Pennsylvania, as reported by the Reading Eagle.

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Weller made a motion to approve the November 20, 2013 minutes as presented, seconded by

Mr. Gokey. Motion carried 4-0.

**FINANCE**

Secretary Kisch reported 2 (two) additional disbursements were made on 12/03/13 payable to

Met-Ed, totaling $5,774.78 which were paid out of the General Fund. Mr. Yanos moved, seconded by Mr. Weller to approve the following disbursements:

Disbursements: $ 35,669.93 General Fund

$ 41,495.63 Sewer Fund

$ 79,772.46 EDU Fund

$ 2,369.39 Liquid Fuels

$ 159,307.41 Total

Mr. Jones arrived at 7:04PM.

**REPORTS**

***Code Department*** Mr. Gokey stated it was just his observation, the number of remaining inspections of on-lot systems that must be completed by end of the year 2013 seems considerably high. Mr. Loomis agreed, but stated this year is typical, explaining some residents wait until the end of the year, while others have paid for inspections by haulers who haven’t returned the respective hauler’s report cards. Mrs. McGrath asked about state guidelines on when the report cards must be returned by haulers. Mr. Loomis replied there is no state mandated timeline, explaining the Township is able to remind the resident, they are not permitted to contact the haulers. Mr. Loomis reported a possible appeal of a Zoning Hearing Board decision, and expressed his concern about time involved in choosing a replacement for ZHB solicitor Jeffrey Sommers. Mr. Boland stated he provided the Manager with names presumably for the Manager to obtain RFP’s from the firms. Mr. Yanos stated he recalled the ZHB appointed their own solicitor. Mr. Boland disagreed, stating the BOS is the governing body which appoints the ZHB Solicitor at the reorganization meeting. Mr. Loomis had a conversation earlier in the day about a possible special exception for the Carter Reese property. Mr. Boland stated his recollection of the special exceptions process was that a hearing must be scheduled within a predetermined number of days. Mr. Loomis stated the property owner expressed concern about wanting the hearing to take place in January. Mr. Boland advised Mr. Loomis to make him aware if he receives anything official regarding this special exception. Mrs. McGrath asked Mrs. Kisch to verify whether the Manager will be requesting RFP’s from the recommended list of solicitors for replacing Mr. Sommers, and what response or direction he is seeking from the Board.

***Road Department*** Mr. Yanos asked what percentage of leaf collection has been completed. Mr. Howell-Clarke responded that approximately 75% (seventy-five percent) of leaf collection has been completed, pointing out that the crew has been in Amity Gardens twice, and will need to return because leaves are still falling. Mr. Howell-Clarke said crews have been working extra hours, even collecting during rainy periods, if it’s productive.

**UNFINISHED BUSINESS**

***WWTP Truck Quote*** Mr. Howell-Clarke presented a quote from New Holland Ford for a 2014 Ford F-350XL Regular Cab with a plow package for $29,390.00. Mr. Jones replied that he objected to some of the options, such as power windows and power locks, stating these are unnecessary upgrades. Mr. Yanos challenged that power windows and locks aren’t a luxury, citing some insurance companies highly recommend the options because if a bee enters a vehicle, the driver isn’t forced to be distracted from driving to open windows. Mr. Jones suggested he could obtain better pricing for this vehicle from his contacts; and if so, stated it wouldn’t matter where the Township purchased the truck. It was the Board’s discretion to allow Mr. Jones to try to obtain a quote, however, it must be done within 3 (three) days. Mr. Yanos moved, seconded by Mr. Jones to purchase a new truck at a cost not to exceed $29,390.00. Motion passed, 5-0. Mr. Yanos, citing concerns over rusting of the trucks, asked if there was consideration to purchase a pull behind Rubbermaid salt spreader. Mr. Jones explained his employer owns this type of equipment, which can cost upwards of $3K to purchase, and during storms it is not used because it’s awkward and not worth the damage it can cause to trucks when used.

**SOLICITOR’S REPORT**

Mr. Boland reported the Public Hearing for the Rural Village Zoning Ordinance is scheduled for January 15th, 2013. Letters were sent to approximately 180 affected residents on 12/3/2013. He felt that provided sufficient timing to ensure there is no confusion about the previously scheduled December 18th hearing. Mr. Yanos asked about the outcome of the Referee Hearing for Corporal Oesterling. Mr. Boland stated the hearing went well, however his office has not yet received a notice of an official decision. Mrs. McGrath asked when a response will be received. Mr. Boland replied there is no definitive time in which they must respond. Mr. Gokey asked what the next step would be if the decision favored the Officer. Mr. Boland stated the Township would have the right to appeal the decision.

**NEW BUSINESS**

***Approval of 2014 Budget*** Mr. Yanos questioned why the Resolution was numbered 14-01. He felt because the Resolution was being passed in 2013 it should follow suit, and be numbered 13-20 respectively. Mr. Boland agreed the Resolution should be changed to 13-20. Mr. Jones moved, seconded by Mr. Gokey to approve the 2014 Budget, as proposed. Mr. Yanos questioned the fact that the Township has $2.2 million, which is approximately fifty-five to sixty percent, in reserves. He argued there weren’t any residents, including the self-employed members of the Board, who have that percentage of income in reserves (savings). Mrs. McGrath asked Mr. Boland what he’s seen other municipalities keep in their reserves. Mr. Boland stated it varies, based upon the individual Board’s members and discretions. Mr. Jones stated the “standard” is approximately 25% (twenty-five percent), but agreed the percentage is also determined by the direction of the municipality’s respective Board of Supervisors. Mrs. McGrath mentioned the debt-to-income ratio also determines interest rates. She stated this has been a proven benefit recently when the Township received a better rate when bonding employees, as well as obtaining the lowest interest rate when refinancing the Amity Community Park last year. Mrs. McGrath stated the Manager made this recommendation, and had reasons for such, suggesting Mr. Yanos questions should have been addressed directly to the Manager prior to approving the budget. Mrs. McGrath called for a vote to approve the 2014 Budget as proposed, motion passed, 4-1. Mr. Yanos opposed.

***Approval of DESCCO Change Order No. 2 – Equalization Lagoon*** Mrs. McGrath read over a letter from Arro Engineering which recommended approval of a submitted Change Order to adjust out the contract price for quantity adjustment of items used and not used on the project. Additional excavation was required to find and unearth the existing 6” recirculation pipe which also required additional aggregate backfill. There was a credit to retain the existing exhaust fan in the Electric Room. The overall change order resulted in a contract price decrease in the amount of $5,215.00. Mr. Boland stated the change order also indicated a time extension from November 21st, 2013 to December 6th, 2013, which the letter indicated was necessary to properly complete the job. Mr. Yanos moved to accept the change order as presented, seconded by Mr. Gokey. Motion passed, 5-0.

Mr. Gokey left the meeting at 7:45PM, returning at 7:50PM.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** Mrs. McGrath reviewed the Manager’s report, in his absence. The adjustment in the Fire Fund Budget was reflection of the tax increase amounting to .00015 mills, adding an additional $99K to the revenue budget. Advertisement for the proposed 2014 Budget was placed in the Reading Eagle on November 8th, 2013. The report indicated there were no requests to review or for copies to be made of the proposed Budget. A copy of the 5-year Budget was included, but the report showed the Manager recommended reviewing it after the final figures for 2013 are realized. Mrs. McGrath stated the Manager submitted the 4 (four) prioritized RATS Transportation Improvement Projects, in this order: Old Airport Road & SR422 East and West, Old Airport Road & Weavertown/Old Swede Roads, Weavertown Road & Meeting House/Old Tulpehocken Roads, and Schuylkill River Bridge in Monocacy. Update on WWTP projects: #1 REED BED PROJECT – 2 (two) issues will delay bidding of the project. A bid package can be formatted to deposit all of the sludge in the Pioneer Crossing Landfill, however that prolongs completion of that project to a total of fifteen to twenty days, instead of the projected four to five days. The other remaining issue is the “air agreement” the Solicitor indicated is necessary to meet bid exemption requirements (for Prevailing Wages).

#2 EQUALIZATION TANK – An issue was reported that motors are tripping the breaker. The supplier indicated the Township needs to replace the 100-amp breaker with a 150-amp breaker. The Manager and Engineer are researching what impact this will have to pricing. Fisher Landscaping finished planting the remaining trees in High Meadows. The Township will conduct a final inspection before making a recommendation of moving into an 18-month maintenance period for the High Meadows Development. Mrs. McGrath reported she, Mr. Loomis, and Mr. Lyon met with concerned residents regarding the alternative school, River Rock Academy, which will be leasing the Amity Primary Center building. The residents were concerned that discontented students may flee the school and trespass on their properties. Mrs. McGrath stated she made a suggestion that they visit another site for River Rock Academy, and make their own observations. Mr. Jones stated he was on the website for River Rock Academy, which was very informative. The school provides educational assistance to students that their home school districts cannot. Mr. Jones stated Daniel Boone School District has referred students to River Rock Academy. Mr. Yanos stated the building use was presumed for non-profit use, and if River Rock is a for-profit school, this needs to be addressed. Mrs. McGrath explained the Manager has already begun addressing that point. Mrs. McGrath stated the Manager did an excellent job compiling the residents’ concerns and sent them to Dr. Otto, Daniel Boone School District Superintendent. It was also recommended the residents meet with the newly elected School Board officials. Manager Lyon’s report indicated both he and Pamela Kisch have attended HIPAA training offered by Benecon to qualify them as alternates, who are able to access and distribute health information should the Office Administrator, Kathie Benson be unavailable. Mrs. McGrath asked for a motion to approve adding Pam Kisch and Charles Lyon as alternate HIPAA Security Officers. Mr. Yanos moved, seconded by Mr. Weller to approve alternates as requested. Motion passed, 5-0.

**Chief of Police:** The Chief presented his report and requested a brief Executive Session to discuss a personnel matter.

###### SUPERVISORS

Mr. Jones mentioned due to obligations at his place of employment, he may be a few minutes late to the next BOS meeting. Mr. Yanos asked the Board to review the minutes under the Manager’s Report where it states “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. Yanos asked then asked the Board to review page 2 of Disbursements, which indicates the infield mix was paid in the amount of $1,862.60. Mrs. McGrath asked Secretary Kisch to verify whether the minutes were correct, or if the payment was made out of the 2013 budget in error. Mr. Yanos recalled a request from Mrs. Cooper, of Limekiln Road, who wanted more detailed information on the content of the meeting, stating it was difficult to follow along with the agenda alone. Mrs. Cooper was in attendance, and agreed with Mr. Yanos. Mrs. Cooper stated an effort was made at the first few meetings after her suggestion; however there seems to be less explanation offered in the past few meetings. Mrs. McGrath explained the public is free to question any item or request clarification if there is any confusion on what is being covered. After lengthy discussion regarding ways to better inform the public about meeting items, Mrs. McGrath stated it is the Board’s direction that a “master” book should be made available to the public prior to the meeting. Mr. Boland stated there would be exceptions, from time to time, for anything not considered public records such as confidential records. Mr. Weller interjected that residents elect the BOS to represent and conduct business for the people of the Township; and that BOS meetings are the Township’s business meeting, not a meeting to pick apart content of the books.

**PUBLIC COMMENT**

None

**EXECUTIVE SESSION**

At 8:15PM, with there being no further business, and upon a motion by Mr. Jones, and seconded by Mr. Weller, the meeting was adjourned to a brief Executive Session, with intent to return, to address one police personnel matter and 429 Collective Bargaining Agreement. Motion passed, 5-0.

Mr. Yanos motioned, seconded by Mr. Weller to reconvene from Executive Session at 8:24PM. Motion passed, 5-0. Mr. Gokey moved, seconded by Mr. Yanos, authorizing Chief Shuebrook to make an offer of part-time employment to John Dzurek, at the rate of $28.00/per hour, without benefits, on an as-needed basis; with such needs being determined by Chief Shuebrook.

Motion passed, 5-0.

Upon a motion by Mr. Jones at 8:25PM, seconded by Mr. Gokey, the meeting was adjourned. Motion passed, 5-0.

Respectfully submitted,

Pamela Kisch

Secretary