**Amity Township Board of Supervisors**

**Meeting Minutes**

## April 2, 2014

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

The April 2, 2014 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

Paul Weller

Terry Jones

David Hackett (arrived at 7:02PM)

### STAFF

Charles Lyon, Manager

Pamela Kisch, Township Secretary

Kent Shuebrook, Chief of Police

Brian Boland, Solicitor, Kozloff/Stoudt

**ANNOUNCEMENTS**

Mrs. McGrath announced DBYS would hold open day ceremonies at Hill Road Park on Saturday, April 12th, beginning at 8:45AM. Ceremonies will conclude circa 6:15 PM with the presentation of the first annual Butch Boyer Award, which will be given to a selected outstanding volunteer of the year.

**ORDINANCE 284 – CABLE (COMCAST) FRANCHISE AGREEMENT**

Pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, and applicable Federal Communications Commission and Pennsylvania State Laws, it was advertised that the Township would vote on authorizing the execution of a Cable Franchise Agreement between the Township and Comcast of Southeastern Pennsylvania, LLC at the April 2, 2014 Board of Supervisor’s meeting. Mr. Boland stated that although Comcast has no subscribers in Amity Township, they conduct a place of operation within the Township, necessitating the execution of this agreement. Mr. Jones moved, seconded by Mr. Weller to approve execution of the Comcast Cable Franchise Agreement and approve Ordinance 284. Motion passed, 4-0.

Mrs. McGrath announced that Joseph Stephany, of Letort Lane, Douglassville, was elevated to the rank of Eagle Scout. An Eagle Court of Honor will be held for Joseph at St. Paul’s UCC on June 21st. Mrs. McGrath asked that staff mail a certificate as recognition of Joseph’s accomplishment.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones made a motion to accept the March 19, 2014 Board of Supervisors minutes and the

March 20, 2014 Conditional Use minutes as presented, seconded by Mr. Weller. Motion passed, 4-0.

**FINANCE**

Mr. Weller moved, seconded by Mr. Hackett to approve disbursements as follows:

Disbursements $ 28,530.75 General Fund

$ 8,844.83 Sewer Fund

$ 1,655.00 EDU Fund

$ 506.36 Liquid Fuels

$ 39,536.94 Total

Motion passed, 4-0.

**REPORTS**

***Code Department*** Manager Lyon reported the Hess permit was issued. Mr. Jones reported that the new owner of the Dech property is using a bulldozer to cut down trees and is burning them, sometimes into the evening. The Manager stated he believed the fire companies were notified and that no written complaints had been received. Mr Jones stated that the minutes should record his complaint as bonafide and act on it. Mr. Lyon made the Board aware that the new owner has indicated he intends to file for a Conditional Use for “intensive agriculture” and added that staff would act on the complaint.

***Road Department*** The Road Department report was presented to the Board for their review. Mrs. McGrath asked if the road crew was able to haul fill for the new Boyer Memorial Pavilion at Amity Community Park. Mr. Howell-Clarke stated they would begin hauling fill on Thursday.

**UNFINISHED BUSINESS**

None

**SOLICITOR’S REPORT**

Mr. Boland reviewed the PMHIC (Pennsylvania Municipal Health Insurance Cooperative) Business Associate’s Agreement (BAA). The agreement essentially amends the general agreement asserting that the Township, a partner of Benecon, agrees to protect Private Health Information (PHI) and electronic PHI; and that the Township has adopted a privacy policy, which it has done. Mr. Boland stated all of the mentioned policies appear to be in place, and by signing the BAA, the Township acknowledges that it has complied. Mrs. McGrath asked if the Township has employees sign a form making them aware that their PHI is sent electronically. Mr. Boland stated he did not believe so, but that it would not be a bad idea. Mr. Weller moved, seconded by Mrs. McGrath to authorize signing the BAA. Motion passed, 4-0. Mr. Boland asked the Board for a motion to accept the Findings of Fact, if they agreed they were an accurate account of the evidence presented and decision of the Conditional Use for Pineapple Lane, LLC on March 20, 2014. Mr. Jones moved, seconded by Mr. Hackett to approve the Findings of Fact, as presented. Motion passed, 4-0. Revisions were sent to the County regarding the Radio End User Agreements. The County agreed to make the recommended changes to provide more defined terms, but would not agree to the addition that the County would be in default of the agreement if radios didn’t function properly. The County contends there will be areas, such as x-ray departments, where radios may not properly function, and they will not be held in default for poor performance. Mr. Boland stated the County recognized that some municipalities have already returned the executed documents. Only those municipalities who haven’t signed will receive updated End User Agreements. Manager Lyon said he sent a letter to the accounting department of the County asking why the Township should pay the bill for the police MCT’s. Chief Shuebrook explained the when the County upgraded to Windows XP County-wide, they wiped out the CODY and JNET applications. MCT’s can only be utilized for County dispatch. Mr. Weller asked the Manager to send a copy of the letter to the County Commissioners. Mr. Boland confirmed that without signing the Radio End User Agreements, the County will not allow the radios agreements. Mr. Weller moved, seconded by Mr. Jones to authorize proper authorities to sign the Radio End User Agreement. Motion passed, 4-0.

**NEW BUSINESS**

***Reimburse License Fees/Expenses for Paul Darrah III*** Mr. Weller moved to reimburse Paul Darrah III a total of $215.00 for license fees and expenses. The motion was seconded by Mr. Jones, and duly passed, 4-0.

***Approve Escrow Release No. 1 Keystone Villa Phase IV*** Mrs. McGrath moved, seconded by Mr. Weller to approve the requested escrow release in the amount of $402,499.01 for Keystone Villa, Phase IV. Motion passed, 4-0.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** The Manager requested a brief Executive Session, without intent to return, to discuss a police grievance, disciplinary action of a police employee, and potential land acquisition updates. Joseph Hayik passed away on Sunday, March 30th. Mr. Lyon provided an updated organizational chart to address the organizational chain of command and a revised decision making policy in his absence and asked the Board for their approval of the process. Mr. Jones moved, seconded by Mr. Weller to approve use of the presented organizational chart. Motion passed, 4-0. Pump Station 1 and Pump Station 5 upgrade is progressing. Bypass pumping began today and will continue through May. The Manager spoke to both property owners regarding access for the Corrective Action Plan along 662 and is currently awaiting their responses. Additional details will be discussed regarding these acquisitions during Executive Session. The LUAR (Land Use Assumptions Report) will be finalized at the next Planning Commission meeting on April 9th. Brian Hassinger and Jim Reynolds of Pennsylvania American Water (PAWC) contacted the Manager to be placed on the agenda for the April 16th meeting to address concerns and answer questions about hydrants, maintenance and other related issues. The Chief will be presenting a software upgrade request with his report. The Manager stated the upgrade must be done and recommended that the Supervisors approve the request. The telephone service contract needs to be renewed. Heritage Communications, LLC has provided good service at a reasonable price. Heritage submitted a proposal to renew the contract, at the same price as the previous contract. The Manager recommended the Board approve the renewal. Mr. Jones moved, seconded by Mr. Weller to renew the contract at a cost not to exceed $480.00 per quarter. Motion passed, 4-0.

**Chief of Police:** Chief Shuebrook worked with Mr. Boland in creating a Light Duty Policy, which is loose ended and would allow the Chief to assign light duty work to officers who have been put on restricted duty by a physician. The policy doesn’t mandate the light duty work be available, but that if available allows the Chief to assign at his discretion. Mr. Weller moved, seconded by Mrs. McGrath to approve the Light Duty Policy. Motion passed, 4-0. The three vehicles sold on Municibid, for a grand total of $3,293.00. Monies have been received; vehicles have been transferred and picked up by the buyers. There were no charges to list the vehicles and it was a smooth process. Chief Shuebrook reported he had an advisory issue for the Executive Session. Mrs. McGrath requested an inventory of the maximum number of officers in any given year. The Chief provided the information, sharing that the maximum number of police officers during any given year from 2001 through 2014 was thirteen officers, including the Chief. Currently the department has twelve officers, including one who is deployed. CODY, the police records management system, will not be supported as of May 2014. The software would continue to work but there would be no support or security patches, making the department susceptible to a security breach. The County removed the version of CODY and JNET from the MCT’s police have been using. Quotes were obtained and analyzed, providing two options for email. The less expensive option was chosen, was utilizing “cloud” email, instead of “Exchange”, based on the fact that police do not share calendars or other functions that Exchange supports. Manager Lyon stated he supports the cloud system, as it appears technology is moving in that direction. Chief Shuebrook stated some of the items within the quotes weren’t necessary; the cost to around $31, 091.00, which includes any training necessary for personnel. The software upgrade was not a budgeted item. The annual fee billed by CODY is $2,581.00 and is budgeted. Mr. Jones made a motion to approve the purchase of the upgrade at a cost not to exceed $32K, paid out of the carry-over balance as a supplement to the 2014 budget effectively. Mr. Weller seconded the motion, which carried 4-0.

###### SUPERVISORS

Mr. Jones asked if SBREMS stopped housing an ambulance in the Township. The Manager confirmed they no longer have the ambulance stationed full-time within the Township. Mr. Jones questioned if they should be given radios funded by the Township. Mr. Boland stated when radios were issued to SBREMS, there would be a signed an agreement indicating they would return the radios if they no longer housed ambulances within the Township. Mrs. McGrath stated she and the Manager met with SBREMS who shared information about relocations, response times, and dropped calls. Mr. Jones questioned the accuracy of the documents provided to the Township. Mr. Weller stated he was aware of SBREMS out of the Township for over eight hours on a date not noted as a re-location on their report. The Manager hasn’t received a response to his letter sent to Eastern PA Ambulance services. Mr. Weller stated none of the providers are centrally located.

**PUBLIC COMMENT**

Risa Marmontello, President of Moncacy Hill Preservation Association, voiced opposition to the decision the BOS made last year for providing an access road on The Hill. Mrs. Marmontello stated that the twelve foot wide access road would severely alter the naturalistic feel of the Hill. After lengthy discussion, Chairperson McGrath offered to walk the access road path with Mrs. Marmontello and Alistair Howell-Clarke to see if a comprise could be reached. Chief Shuebrook offered to walk along with the group, to provide an Emergency Responder’s perspective. The Board noted that there is a motion on record to proceed that has not been withdrawn.

**EXECUTIVE SESSION**

At 8:47PM, with there being no further business, and upon a motion by Mr. Weller, and seconded by Mr. Jones, the meeting was adjourned to an Executive Session without intent to return to discuss a police grievance, disciplinary action of a police employee, potential land acquisition, and a police advisory item. Motion passed, 4-0.

Respectfully submitted,

Pamela Kisch

Secretary