**Amity Township Board of Supervisors**

**Meeting Minutes**

## June 4, 2014

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

The June 4, 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, Chairperson

Richard Gokey, Vice Chair

David Hackett (arrived at 7:40PM)

Paul Weller

Terry Jones

### STAFF

Charles Lyon, Manager

Pamela Kisch, Township Secretary

Kent Shuebrook, Chief of Police

Joan London, Solicitor, Kozloff/Stoudt

**ANNOUNCEMENTS**

Mr. Gokey announced the passing of Bruce Ketterer, a neighbor’s son. Mr. Ketterer graduated in 2012 from Daniel Boone High School. He was an accomplished musician who attended The University of Michigan. A scholarship will be created in his remembrance. Donations can be made to the scholarship fund at the Daniel Boone High School Guidance Office.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones moved, seconded by Mr. Weller to approve the May 21, 2014 minutes, as presented. Motion carried, 4-0.

**FINANCE**

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

$ 53,332.52 General Fund

$ 32,244.99 Sewer Fund

$ 430.03 Traffic Impact Fees (North)

$ 430.02 Traffic Impact Fees (South)

$ 6,526.83 Liquid Fuels

$ 52,168.09 EDU Fund

$145,132.48 Total

Mr. Jones asked the Manager if the invoices for the Reed Bed Project were accurate to projected expenses. The Manager concurred they were, adding the tonnage was actually less than the projected 1,000 tons. Motion passed, 4-0.

**REPORTS**

***Code Department*** Mr. Weller questioned if the one resident who was in violation for SMO inspection complied. Staff will follow up with Mr. Loomis.

***Road Department*** The Manager received a complaint for over $1,000.00 in damages to a Mercedes-Benz as a result of large pot holes on Pine Forge Road near Woodbrooke Drive. This is a State Road. Prior incidents have occurred in this area and were reported to PENNDOT. The Manager provided PENNDOT information for the complainant to seek resolution. Mr. Gokey inquired what the pressure was on the water line at Lake Drive where the Road crew installed a pressure reducer. Mr. Howell-Clarke replied it was at 100 PSI prior to installation of the pressure reducer; pressure dropped to 50 PSI after installation. Mr. Gokey stated he was getting 115 PSI in the water line at the home he’s constructing. Mr. Jones stated his employer installs a pressure reducer on anything above 65 PSI. Mr. Gokey stated anything in excess of 100 PSI is not safe. The Manager agreed to contact Jim Reynolds at PA American Water to research.

**UNFINISHED BUSINESS**

***Hillview Road / Larry Clouser Right of Way*** Mr. McAfee was in attendance. Mr. Weller stated this was tabled at the May 21st meeting, until all five Supervisors were present to discuss further. Mr. McAfee provided photos of his back yard after the area had five inches of rain in May. Mrs. McGrath stated the roadway flooding would be a safety concern; however back yard flooding is not. The Manager explained two quotes were provided earlier. One quote was for materials only, the other included materials and contracted services. After some discussion, Mr. Gokey reaffirmed he cannot support spending the public’s tax dollars to alleviate water runoff on someone’s private property. Mr. Jones agreed, stating the Township’s roads did not create the problem. Ms. London stated that the permission given in the letter written by Larry Clouser appeared to be specifically granting permission to construct a catch basin on the property. Mrs. McGrath thanked Mr. McAfee for attending and providing pictures; however, only four Supervisors were present, and at this time no decision would be made. Mr. McAfee left the meeting.

**SOLICITOR’S REPORT**

Ms. London reported that Mr. Boland was working on the draft agreement to be sent to SBREMS regarding use of the radios purchased by the Township. She anticipated this would be completed and sent to the Township within a few days. Ms. London requested authorization for Doug Haring to make an appraisal of the Montague property. Mr. Weller moved, seconded by Mr. Gokey to authorize Doug Haring to provide an appraisal of the Montague property, at a cost not to exceed $4,000.00. Motion passed, 4-0. Ms. London reported PENNDOT is requiring municipalities to have a policy in place regarding Roadside Reflectivity. The program seeks to ensure monitoring and periodic replacement of signs to ensure high visibility. Mr. Jones stated all signs purchased are High Intensity Reflective, and nothing indicates a written policy is mandated. Ms. London agreed, the mandate is to have a policy in place by 2018, it does not state “in writing”. Ms. London requested permission to enter an appearance at the hearing for the police bargaining unit recertification before the National Labor Relations Board. Mr. Weller moved, seconded by Mr. Jones to authorize Ms. London to enter their appearance. Motion passed, 4-0.

**NEW BUSINESS**

***Resolution 14-07 Amendment of the Fee Schedule*** Manager Lyon stated the $1,000.00 sewer reconnection fee would be applicable to those addresses that do not have public water and are disconnected for non-payment. If owners refuse to pay, the Township will dig up the sewer connection, the owner will forfeit the EDU, which would make the home uninhabitable. To reestablish residency, an EDU would be repurchased, and the owner would be subject to the $1,000.00 sewer reconnection fee. Mr. Jones moved, seconded by Mr. Weller to adopt Resolution 14-07 to amend the fee schedule as proposed. Motion passed, 4-0.

***ZHB Recommendation – Conlon / 1003 N Monocacy Creek Rd*** Mrs. Stephanie Conlon was present and explained she is installing a pool, requiring her to relocate her 12’x24’ shed within her fenced yard. By relocating the shed, it would be within five feet of the adjoining property line of Greg and Natalie Hallman at 1101 N. Monocacy Creek Road. Mrs. Conlon provided a copy of the letter from the Hallman’s showing they were not opposed to the proposed relocation of the shed. Mr. Gokey moved to authorize a letter of recommendation be sent to the ZHB in favor of granting the variance as requested. The motion was seconded by Mr. Weller, and passed, 4-0. Mr. Jones stated Supervisors are receiving copies of ZHB applications, which is unnecessary. Mrs. Kisch stated administrative staff also receives separate notifications. Mr. Jones asked that the letter indicate the Board would like this process streamlined, and handled as it was in the past by our previous ZHB attorneys.

EMPLOYEE/OFFICIAL REPORTS

**Manager:** The Manager requested an extensive Executive Session to discuss five police items, an administrative staff item, and a WWTP personnel item. Mr. Lyon asked for permission to appoint JoAnne Sowers-Smith to the position of 2nd Assistant Open Records Officer, to which he would further explain in Executive Session. Mr. Weller moved, seconded by Mr. Gokey to appoint JoAnne as requested. Motion passed, 4-0. Mr. Hackett entered the meeting at 7:40PM. Service Electric’s closest cable is well in excess of 250’ of the Lake Drive Park where the security cameras are to be installed. It appears the most cost effective solution will be to establish a telephone connection to the facility to output video. Installation is underway. Update to WWTP projects: PS1 & PS5 – This project seems to be plagued with many issues. Most recently the VFD’s purchased for PS5 were the wrong voltage. The pumps could be rewired, however the VFD’s were opened and the manufacturer will not take them back. This error was a result of either engineers at ARRO or their electrical subcontractor. ARRO recognizes this and will take the necessary action to rectify it. The Township will not be held responsible for the cost of the wrong VDS’s. 662 Intercepter and CAP – The Manager provided a timeline. Fred Ebert Engineering reviewed the items they retained from the Heritage 662 Interceptor. They offered to sell the engineering work for $15,419.00; this includes CAD drawings, survey work, ROW details, PADEP Planning approval, permits for wetlands, fish and game, PENNDOT, and E&S. Permits will need to be modified and renewed, but time saved by utilizing this information could be substantial. Mr. Jones asked if the cost was payable through the EDU Fund. The Manager agreed it would be, or through bond money that was borrowed; it would not be paid out of the operational budget. Mr. Weller moved, seconded by Mr. Jones to authorize purchase of the engineering design and data, as prepared for Heritage Building Group, for a cost not to exceed $15,419.00. Motion passed, 5-0. ARRO provided a scope of work for the Leaf Creek Interceptor design and permitting. Mrs. McGrath asked if studies were done for Bog Turtles. The Manager replied that he believed studies were conducted indicating Bog Turtles were present. A wetland survey needs to be done for the Montague property only. The Manager would like to obtain estimates from other engineering firms who have worked on this design. Mr. Lyon asked for permission to move forward with bid and specification design, not to exceed the ARRO estimate. Mr. Gokey moved, seconded by Mr. Jones to authorize the Manager to proceed at a cost not to exceed $48K as shown in the scope of work by ARRO. Motion carried, 5-0. PADEP Chapter 94 Response Letter – The Manager received a letter from the PADEP placing a moratorium on certain new sewer connections at three, possibly four, pump stations. They based their findings on the fact that secondary pumps were running simultaneously with primary pumps. This happens during heavy flow times. The Manager is not sure why Amity was singled out, but he believes most WWTPs built in the past twenty years are designed this way, and the pumps will run simultaneously at times. Clarification is needed as to whether this affects PS 2, 3, 4, & 7 or if it only affects three, and if only three, further identify which three pump stations. A response letter must be sent to the PADEP within 30 days. Mr. Jones stated the letter detailed items that he would identify as being ARRO’s errors, and therefore questions the cost of ARRO correcting the issues. Mr. Weller agreed with Mr. Jones, stating ARRO seems to be lax in other areas as well. Mr. Gokey moved, seconded by Mr. Hackett to authorize ARRO to prepare a response to the PADEP letter. Motion passed, 5-0. Delaware River Basin Commission (DRBC) Docket Renewal Application – The Manager requested authorization to submit a renewal of the Township’s NPDES permit to the DRBC. Mr. Gokey moved, seconded by Mr. Hackett to authorize submission of the renewal of the NPDES permit to the DRBC at a cost not to exceed $500.00. Motion passed, 5-0. Gary Lucas donated $50.00 to the Township for its support of the tennis program. The Parks and Recreation Board recommended giving this donation to the Butch Boyer Memorial. Mr. Gokey moved, seconded by Mr. Jones to donate $50.00 to the Butch Boyer Memorial. Motion passed, 5-0. The property owners and business owners have signed the Consent Order and Agreement for Amity Square. Ms. London asked the Board for authorization to sign the Consent Order and Agreement for repairs and costs. Mr. Jones moved, seconded by Mr. Weller to sign the agreement. Motion carried, 5-0. The Manager has been working with Mr. Boland on the draft letter to be sent to the severely delinquent sewer accounts, which are all vacant properties. There is a 4-unit rental property on Ben Franklin Highway that has a delinquency of over $6K. This rental property does not have public water; therefore staff has been unable to incent the owner to pay the sewer bills. The property is fully occupied. Mrs. McGrath stated she has been in touch with a contractor who said the roof of that property is also in disrepair. Ms. London stated if the sewer connection is disconnected, the entire property becomes uninhabitable, and anyone residing at that address would be doing so illegally. Mr. Weller asked if the property owner understood the steps being taken and consequences of not paying. The Manager stated they have received numerous past due notices. He will work with the Treasurer and Mr. Boland to ensure they are fully aware prior to action being taken. The Board authorized the Manager to include the occupied rental property in the process of handling these delinquent sewer accounts. The Manager asked for an Executive Session to discuss police issues, administrative personnel matters, and WWTP personnel matters, with intent to return.

**Chief of Police:** Chief Shuebrook reported an incident on 5/24/14, where Officer Gauby used extreme skill and tact to safely apprehend a suicidal gun-yielding subject from vehicle at the Amity Garden Apartments. Once apprehended, the subject was taken into custody for a mental health evaluation. The Chief asked the Board for to authorize signing a Resolution in support of local police using radar for speed detection. Currently, Pennsylvania is the only state that does not allow local police to utilize radar. Mr. Jones moved, seconded by Mr. Gokey to execute Resolution 14-08. Mr. Gokey asked what the financial impact would be if the Township police needed to obtain radar equipment. The Chief explained radar isn’t expensive, with some handheld units being around $1,000.00, and there is no need to calibrate radar. More expensive models cost approximately $2,500.00 to $2,600.00. Use of radar allows police to sit anywhere and obtain accurate speed of approaching vehicles. If a vehicle is in the line of sight, police accurately detect their speed. Motion passed, 5-0. Chief Shuebrook asked for authorization for Corporal Brown and Corporal Scherer to a 3-day Internal Affairs Course at the cost of $680.00. Sending the Corporals would necessitate a 12-hour overtime shift. Mrs. McGrath questioned if sending just one would still require overtime. The Chief stated it would not, and requested permission to send Corporal Brown to the Internal Affairs

Course at a cost of $340.00. Mr. Gokey moved, seconded by Mr. Hackett to authorize Corporal Brown to attend the training, at cost not to exceed $340.00.

**PUBLIC COMMENT**

None

###### SUPERVISORS

Mr. Gokey stated he’d like to see the Township adopt an Ordinance requiring periodic inspections of rental properties. Ms. London suggested permits or licenses could be issued annually or every two to three years. Mr. Gokey stated it could resemble the SMO process, and requiring inspections of these properties would help the BOS ensure residents aren’t living in substandard housing, which is their responsibility as elected officials. The Manager mentioned this inspection could also be used to identify illegal sump pumps illegally discharging into the sewer system. Mr. Jones suggested contacting Terry Styer of Lower Alsace and research how other Townships handle inspections of rental properties.

**EXECUTIVE SESSION**

At 8:34PM, upon a motion by Mr. Jones, and seconded by Mr. Hackett, the meeting was adjourned to an Executive Session, with intent to return to discuss police matters, an administrative personnel issue, and a WWTP personnel issue. Motion passed, 5-0.

Mrs. McGrath moved to reconvene from Executive Session at 9:18PM, seconded by Mr. Weller. Motion passed, 5-0. Mr. Jones made a motion to hire Michael DiMaria as a Full-Time probationary “Step 4” Police Officer, based upon his nine years of law enforcement experience; with the probationary period being retroactive to December 23, 2013 when he was hired temporary to supplement hours. The motion was seconded by Mrs. McGrath and passed, 5-0.

At 9:20PM, with there being no further business and Mr. Jones moved to adjourn. The motion was seconded by Mrs. McGrath, and passed, 5-0.

Respectfully submitted,

Pamela Kisch

Secretary