

Amity Township Board of Supervisors  
**Meeting Minutes**

February 4, 2015

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

The February 4, 2015 meeting of the Amity Township Board of Supervisors, held at the Township Municipal Building, 2004 Weavertown Road, 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 L. Gokey, Vice Chair  
Paul Weller  
Terry Jones  
David Hackett

**STAFF**

Charles E. Lyon, Manager  
Kent Shuebrook, Chief of Police  
Pamela Kisch, Township Secretary  
Brian Boland, Solicitor, Kozloff/Stoudt

**ANNOUNCEMENTS**

Mrs. McGrath read an announcement from Service Electric Cablevision notifying residents that cable service will be encrypting its Basic Service Tier on or about February 24, 2015.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones moved, seconded by Mr. Weller to approve the January 5, 2015 minutes, as presented. Motion passed, 3-0-2. Mr. Gokey and Mr. Hackett abstained, because they did not attend that meeting. Mr. Gokey moved, seconded by Mr. Hackett to approve the January 21, 2015 minutes, as presented. Motion passed unanimously.

**FINANCE**

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

\$ 105,644.38	General Fund
\$ 32,541.30	Sewer Fund
<u>\$ 21,321.15</u>	<u>Liquid Fuels Fund</u>
\$ 159,506.83	Total

Mr. Jones moved, seconded by Mr. Gokey to reaffirm a \$20,504.46 lease payment made January 28, 2015, made payable to Wells Fargo for the new street department truck. Motion passed 5-0.

**REPORTS**

**CODE DEPARTMENT** - The Board did not have any questions regarding the Code Report. The Manager reported Scott Cooper, Old Swede Road, plead guilty and agreed to pay costs associated to an SMO violation. The agreement was fully executed earlier in the day.

**ROAD DEPARTMENT** - Mr. Gokey asked how the trucks were running. Mr. Howell-Clarke reported having only one issue. A serpentine belt was replaced on one of the trucks.

### **UNFINISHED BUSINESS**

Mr. Gokey moved, seconded by Mr. Hackett to purchase a Tandem Vibratory Roller at a cost of \$16,380.00 from Plasterer Equipment Company. Manager Lyon stated \$15,000.00 will be paid through the liquid fuels budget. The remaining balance will be paid from the fund balance. Motion passed 5-0.

**SOLICITOR-** Exeter Township contacted Mr. Boland, requesting the Township look at entering into an Intergovernmental Agreement for the Joint Comprehensive Plan with Exeter Township and Saint Lawrence Borough. Mr. Jones moved, seconded by Mr. Weller to authorize the advertisement for adoption of the Ordinance and Intergovernmental Agreement. Mr. Gokey asked if the proposed ordinance or agreement would require zoning changes. Mr. Boland said it would not. The Intergovernmental Agreement is the next step after the adoption of the Joint Comprehensive Plan. Motion passed 5-0. Community Banks (now Susquehanna Bank) has a Municipal Improvements Agreement, Financial Securities Agreement and Letter of Credit (LOC) for a previously submitted and approved plan for a property still owned by Lee Mauger, et, al. The bank has made contact requesting the LOC be returned. Bank representatives have offered to pay any fees to hold a meeting with the Township and Mr. Mauger to discuss the possibility of filing a withdrawal of the plan which would allow the LOC to be released. Mr. Boland stressed that by withdrawing the plan, future development under that plan would not be approved. Any plan submitted for that property would be subjected to different regulatory requirements. Mr. Loomis asked if there was any variances or exceptions granted with the old approved plan. Mr. Boland confirmed there were not; only waivers. Mr. Boland said the LOC was not significant, as there were only minor municipal improvements required, such as curb and driveway aprons. The Board had no objections to staff meeting with the bank and Mr. Mauger, provided our professionals are compensated by the requesting party (s). Manager Lyon provided an estimate of approximately one million dollars necessary to complete upcoming WWTP improvements, including the installation of the Leaf Creek Interceptor and the Corrective Action Plans at Pump Station 2, Pump Station 4 & Pump Station 7. Mr. Boland requested authorization for Concord Public Finance to seek proposals for a Line of Credit, not to exceed \$1.25 million dollars. Funds could be drawn down over a twenty month period, so the amount financed would not exceed the necessary funding. Manager Lyon noted that staff does not have the ability to complete the preliminary financial statement which must be formatted for those proposals. Mr. Gokey moved, seconded by Mr. Hackett to authorize Concord to seek proposals for a tax exempt 20-month line of credit, not to exceed \$1.25 million dollars, and authorize the completion of the preliminary financial statement for the proposals, as necessary. Motion passed, 5-0. Mr. Boland stated he needed an Executive Session to discuss litigation regarding the Windstream claim.

### **NEW BUSINESS**

**EAC Project** - Marlin Zechman contacted the Manager requesting direction on a roadside cleanup project within the Township. The Manager will work with Marlin about potential areas of consideration. Authorization is required to ensure participants are covered under the insurance policy. Mr. Gokey moved, seconded by Mr. Jones to authorize the roadside cleanup project. Motion passed 5-0.

**Shirey - ZHB Recommendation** - Katelyn and Kenneth Shirey, 1501 Old Swede Rd, submitted a ZHB application. Currently, two single-family dwellings exist on the property, as a "nonconforming use". The application proposes to replace one 3-bedroom manufactured home with a new 3-bedroom manufactured home. The new manufactured home would exceed the allowable 25% floor and/or use area as stated in Section 1005(a)(1) of the Zoning Ordinance. Mr. Shirey explained his family is growing and the current home is in disrepair. Mr. Weller stated he considered the application a positive, conditioned upon removal of the old manufactured home. Mr. Weller moved, seconded by Mr. Jones to send a letter of recommendation for approval of the variance(s) requested. Motion passed, 4-1. Mr. Gokey opposed, stating he did not wish to make a recommendation or influence the Zoning Hearing Board.

***Kirlin Conditional Use Application*** - Mr. Boland's review of the application determined the application does not fit the definition of a home occupation and actually seeks variances from the Zoning Ordinance. Mr. Boland spoke with Mark Koch, counsel for the applicant, and it was agreed that the Kirlin application does not qualify for a Conditional Use. It's a use variance which would need to be placed before the Zoning Hearing Board for their consideration. The Supervisors directed that the fee paid for the Conditional Use would be applied instead to the ZHB application.

***Resolution 15-09 and Resolution 15-10*** - Mr. Jones moved, seconded by Mr. Weller to adopt Resolution 15-09, permitting MB Investments to connect sewer to 331 Ben Franklin Highway, and Resolution 15-10, amendment of the Fee schedule to include the revised Traffic Impact Fees. Motion passed 5-0.

### **EMPLOYEE/OFFICIAL REPORTS**

**Manager:** Some residents are paying for infractions of not removing vehicles from the street during snow storms and illegally parking of recreational vehicles (RV's). Violators of these ordinances seem to be content paying the nominal cost of the violation and are becoming repeat offenders. Mr. Weller suggested that instead of raising fees, an escalation of fees could be established for those residents who repeatedly ignore the ordinances. Towing vehicles was also a suggested option for recidivists. Berks DES director, Brian Gottschall sent a communication regarding the Exeter EMS changes coming in March. Another communication will be sent out to promulgate any procedural change. The Township received a Recycling Grant in the amount of \$32,293.00 to purchase new containers with lids, purchase (3) thirty-yard dumpsters, and provide better service to residents who drop off materials at the Township. Within the past month, several issues have surfaced after residents made repairs to their own sewer laterals. Currently, regulations do not require permits when owners repair their property's laterals. Without a permit, Township personnel are not able to inspect the problem or ensure the repairs are done properly and that Township owned lines remain clear. The Manager brought to the Board's attention that certain municipalities are requiring inspections of laterals to be performed for properties that transfer. Inflow and Infiltration (I&I) problems continue to be an issue and will escalate if not addressed. Televising laterals at the time of property transfers would ensure problems are identified. The cost for televising the lateral would be absorbed by the homeowner. Manager Lyon shared that municipalities that began televising laterals experienced up to 40% (forty percent) reduction in I&I after implementation. The Manager will gather examples of Township Ordinances. Mike Sassaman, ARRO Engineering, discussed capacity issues for PS2, PS4, and PS7. Results of ice pigging on January 26th showed a very minimal increase in pump capacity at PS7. Some dirt was observed during the pigging, however it is unknown if air is trapped or if the pigging removed it. Since this procedure did not significantly increase the pumping capacity, the PADEP Corrective Action Plan requires a study to be performed, within 30 days, to determine the most cost effective alternative for increasing the capacity. The study must be completed within 90 days. Mr. Sassaman estimated the maximum cost of the study would be \$7K. Mr. Gokey moved, seconded by Mr. Hackett to authorize ARRO to proceed with a Capacity Study of PS7 at a cost not to exceed \$7K. Motion passed 5-0. The Capacity Study conducted for PS2 and PS4 revealed they are hydraulically overloaded. Mr. Sassaman recommended installation of a third pump for both PS2 to increase capacity by 33%; installation of a third pump at PS4 to increase capacity by 40% at a total project cost of \$135K plus design and engineering costs. Mr. Gokey asked what happens when businesses begin to connect and additional capacity is needed. Mr. Sassaman said at that point there may be additional work to be done and should be evaluated with their plans. Mr. Sassaman recommended ARRO inform the PADEP of the design and specification and prepare bidding package for repairs to PS2 and PS4 at a cost of \$15K per pump station. Mr. Jones said he would like to see a lower rate, since they are preparing both pump stations at the same time. Mr. Sassaman was confident he could bring the cost lower. Mr. Lyon will provide PADEP with an progress update. Mr. Gokey moved, seconded by Mr. Weller to authorize submission of the Part II Permit to PADEP and the \$500.00 payment to Ebert Engineering. Mr. Gokey asked Mr. Loomis for an update on the Boyer

Memorial Pavilion countertop. Mr. Loomis reported the Boyer Memorial Fund had raised the funds to purchase the remaining materials for a granite countertop and the Construction Committee will complete the installation. Mr. Ron Chieffo contacted Mr. Wheeler regarding stream erosion that may impact the Leaf Creek Interceptor between Monocacy Hill Road and SR422. The erosion is approximately 20 (twenty) feet away from the line. Mr. Loomis, Mr. Wheeler, and Mr. Lyon agreed this is not an immediate concern. Pennsylvania American Water Company (PAWC) clarified that the hydrant agreements need to be signed for new hydrants only. The Township pays for the hydrant rentals/repairs. Mr. Jones stated the Board will consider this issue when it arises again. The owner of B&S Storage, 604 Ben Franklin Highway, failed to respond to a Stop Work Order was issued on October 14, 2014. Manager Lyon sent a reminder that the issue would be addressed at this evening's meeting. Mr. Brian Boyer and Mr. Alan Berman attended the meeting. Mr. Berman explained he has been adding gravel to utilize more space on the property and apologized for the oversight; explaining he didn't think it was urgent, because of the cold weather. Mr. Boyer provided a proposed plan for the Board's review and explained Mr. Berman was installing gravel to increase the storage. Mr. Boland stated they need to do the proper land development to get the impervious surface to 50% or go before the Zoning Hearing Board. Mr. Boyer stated they appeared before the Planning Commission in December 2014 and planned on installing a rain garden which will reduce peak flows to some drains. Mr. Boland stated that several residents have complained to the Township about water runoff in the area. Mr. Boyer said they will attend a Planning Commission meeting and will be applying for a grading permit application. Mr. Gokey emphasized there is to be no further construction until all requirements are met. Supervisors Jones and Weller, and the Manager met with SBREMS to discuss issues surrounding recalling of units and response times. SBREMS representatives agreed to revise their policy to work toward providing the best response time. The Manager provided a synopsis of 2014 financials. Due to service issues with phones and recent communication issues with Verizon, Mrs. Benson worked with Sprint on a proposal for Township cell phones. Staff was given several prototype phones from Sprint which performed as well, and in many cases better than the current Verizon cell phones. Mr. Jones moved, seconded by Mr. Gokey to switch to Sprint for cell phone service. Motion passed 5-0. Careplex, the Township's workmens compensation provider holds monthly training sessions. Manager Lyon asked for blanket authorization for staff to attend Careplex trainings at his discretion. Careplex is the Township's workmen's compensation vehicle for testing and monitoring. Mrs. McGrath moved, seconded by Mr. Weller to authorize attendance at Careplex training as determined by the Manager. Motion passed 5-0. Manager Lyon sent notice to PENNDOT regarding the icing of Limekiln Road and is awaiting a response. Ebert Engineering's scope of work on the Leaf Creek Project ends with notice of award. The Manager recommended accepting proposals for construction administration/observation for the balance of the project. The Board was in agreement.

**Chief of Police:** Chief Shuebrook requested authorization for Detective Smith to attend Fire and Arson Investigator training April 19-April 21, 2015 at a total cost of \$340.00. The Chief requested authorization to send Corporal Milesosky to Instructor Development training in Hershey from March 23 -March 27, 2015. Total cost of \$75.00 for meals, as the training is held at no charge. Once completed, this training will provide Officer Milesosky credentials to teach courses. Mr. Jones moved, seconded by Mr. Hackett to authorize the training expenditures, not to exceed \$415.00. Motion passed 5-0. Chief Shuebrook requested permission to send Officer High, who is certified as an Explosive Breacher, to a two-day BCERT training in Virginia. BCERT pays for everything except meals; which would be a cost of \$125.00. Mr. Gokey moved, seconded by Mr. Jones to authorize the training, as requested, at a cost of \$125.00 for meals. Motion passed 5-0. Police Car 26-2 has over 140K miles and has been in the shop for over a month with a bad transmission. Chief Shuebrook obtained a COSTARS quote to replace 26-2 with an AWD Ford Taurus (police interceptor) without outfitting, at a cost of \$24,713.00 or an SUV replacement at a cost of \$26,930.00. Police officers have reported the Taurus handles well in the snow. Mr. Jones moved, seconded by Mr. Weller to authorize the purchase of an AWD Taurus police interceptor, price not to include outfitting, at a cost not to exceed \$26K. Mr. Weller

asked if 26-2 could be listed on Municibid. Chief agreed it could be listed. Motion passed 5-0. Chief Shuebrook requested an executive session to discuss police personnel matters.

**SUPERVISORS**

None

**PUBLIC COMMENT**

Mr. Jim Wentzel, Hill Road, read aloud a letter regarding a recent ALS (advanced life support) call for his mother who was suffering from respiratory difficulties. Mr. Wentzel noted that all fire truck drivers are not mandated to obtain ALS training. Monarch Fire Company arrived at the scene of the call, however the driver wasn't trained to administer oxygen or use the AED to help his mother. A fellow firefighter, who was trained, arrived on the scene and administered oxygen until Boyertown Ambulance arrived (5 minute ETA). Mr. Weller explained that although the drivers may not all be trained, there are at least five to six firefighters at each fire company who are trained to use this equipment. Mr. Jones stated that these are volunteers who will not administer advanced life support if they are not trained; as it creates liability. Mr. Jones also stated that the drivers are "paid drivers" contracted by the fire companies not Emergency Medical Technicians. Mrs. McGrath thanked Mr. Wentzel for sharing his concerns. Mr. Cooper, Limekiln Road, asked if new homes are given a guideline for materials to be used for driveways. Mr. Gokey stated there are guidelines requiring a certain surface of paving. A neighbor's stones are coming out of their driveway. Mr. Gokey advised the Coopers to speak with Steve Loomis. Manager Lyon explained that this is a State Road and the issue could be addressed with Representative Maloney or Senator Rafferty.

**EXECUTIVE SESSION**

At 9:14 PM, with there being no further business, Mr. Jones made a motion, seconded by Mr. Hackett, to adjourn to Executive Session. The purpose of the executive Session was to discuss a Police Personnel matter, litigation, and land acquisition. There was no intent to return. Motion passed 5-0. Meeting Adjourned.

Respectfully submitted,

Pamela Kisch  
Township Secretary