

Amity Township Board of Supervisors
Meeting Minutes

March 18, 2015

Call to Order/Pledge to the Flag

The March 18, 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
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
John Weber, Engineer, LTL

ANNOUNCEMENTS

Mrs. McGrath made the following announcements: The Planning Commission will hold a workshop meeting on Wednesday, March 25, 2015 at 7:00pm at the Township building to review plans for the Leaf Creek Development. Monocacy Hill Conservation Association plans on completing a pollinating project in early April. Girl Scout Grace J. Cote, 112 Avimore Lane, Douglassville, completed requirements and will be receiving the Girl Scout Gold Award, the highest award in Girl Scouting at a ceremony on April 26, 2015.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

None

MINUTES

Mr. Jones moved, seconded by Mr. Hackett to approve the March 4, 2015 minutes, as presented. Motion passed 4-0.

FINANCE

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

\$	29,151.19	General Fund
\$	27,837.83	Sewer Fund
\$	8,127.95	Fire Fund
\$	10,486.27	EDU Fund
\$	<u>12,548.34</u>	<u>Liquid Fuels Fund</u>
\$	88,151.58	Total

Mr. Weller questioned the invoice for \$1,139.43 paid to Center Point. Mr. Howell-Clarke stated the gas pump broke and was replaced. Motion passed 4-0.

The Treasurer's Report was presented for the Board's review. There were no questions.

REPORTS

FIRE COMPANIES- Monarch Fire Company Report was presented for the Board's review. Chief Keith Gabel stated there was a fire call prior to the meeting. Chief Gabel reported Monarch will hold its first Chicken BBQ on Saturday, April 18, 2015 in the Redner's parking lot.

PLANNING COMMISSION-

Chieffo Land Development - Sketch Mr. Boland reported he was counsel to Steven Chieffo in this matter. Any issues with the plan would need to be addressed through the Conflict Attorney. Mr. Brian Boyer, Boyer Engineering, presented a copy of the sketch plan for Lot 6 Riga Lane. Mr. Chieffo proposes to build a pole building on the lot with less than an acre of disturbance. Mr. Chieffo may consider additional building at a later time. At the March 11, 2015 meeting the Planning Commission recommended the BOS forgive the full land development review and allow an in-house review of the plan. Mr. Weller moved, seconded by Mr. Hackett to waive full land development and allow an in-house review of the Chieffo Land Development plan. Motion passed 4-0. Mr. Chieffo paid escrow and the application fee for the full land development review. Mr. Boland stated the plan does not need to be submitted to the County. Manager Lyon stated Mr. Chieffo should pay for fees for the in-house review. Mr. Boland requested the Township refund the application fee paid by Mr. Chieffo. Manager Lyon reported the ZHB granted the variances requested on the Kirlin application during their March 16, 2015 meeting.

UNFINISHED BUISINESS

Resolution 15-11 Mailbox Placement The Manager stated the mailbox policy has changed over the years and encouraged residents to comply with the United States Postal Service regulations for installation of mailboxes, whereas Resolution 15-11 requires compliance. Mailboxes are permitted to be placed in the Township's right-of-ways provided they do not interfere with the safety of the public or maintenance or operation of the Township road or right-of-way. Mr. Jones moved, seconded by Mr. Hackett to adopt Resolution 15-11, formalizing the mailbox policy. Motion passed 4-0.

SOLICITOR

Ordinance 287 - General Obligations Note of 2015 Mr. Boland stated that Ordinance 287 sets forth the intent to issue its General Obligations Note, Series of 2015, of the Township in the aggregate principal amount of one million, two hundred fifty thousand dollars (\$1,250,000.00), pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania, known as the Local Government Unit Debt Act (LUDA) to be incurred to provide funding of capital projects, including sewer projects, and paying the costs and expenses of issuing the Note. Issuance of such note shall constitute a general obligation of the Township designating the Note as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986. The Township authorizes the issuance of the Note, including without limitation, the preparation of a Debt Statement and Borrowing Base Certificate and the filing of other specified documents with the Department of Community and Economic Development (DCED); sets forth certain covenants precluding the Township from taking actions which would cause the note to become an "arbitrage bond". Mr. Boland anticipates receiving approval of the filing within twenty days. Settlement will take place in early April. The Township can draw down funds from this Note for eighteen months. Mr. Weller moved, seconded by Mr. Jones to adopt Ordinance 287. Mr. Jones asked how the fees for issuance of the Note would be handled. Mr. Boland stated they would go into the debt service. There was no public comment. Motion passed 4-0.

Inter Governmental Agreement - Mr. Boland requested authorization for the Board to execute the Intergovernmental Agreement for the Joint Comprehensive Plan between St. Lawrence, Exeter, and Amity Townships. St. Lawrence has signed, and it's anticipated Exeter Township will sign at their next Board of Supervisors meeting. Once the Intergovernmental Agreement is signed, Mr. Boland will prepare the Ordinance and place the necessary advertisement. Mr. Weller moved, seconded by Mr. Hackett to authorize execution of the Intergovernmental Agreement. Mr. Weller asked if there would be

separate Ordinances for each municipality. Mr. Boland confirmed there would be separate Ordinances. Motion passed 4-0.

ENGINEER

Woods Edge Phase 3C Escrow Release #2 - Mr. Weber received a request from Forino requesting a total of \$77,085.22 for Woods Edge 3C, dated March 5, 2015. A few items have not been completed. Mr. Weber recommended releasing \$75,354.44. Mr. Jones moved, seconded by Mr., Weller to authorize Woods Edge 3C Escrow Release #2 in the amount of \$75,354.44, as per LTL's letter dated March 13, 2015. Mr. Weber stated the detention basin was installed and blasting is being done for the sanitary sewer installation. Neighboring property owners were notified prior to blasting. Motion passed 4-0.

Highmeadows Phase 3 Section 1 - Final Plan Reapproval - Dean Rittenhouse attended, representing TH Properties. Highmeadows Phase 3 was an approved plan, previously submitted by Heritage. TH Properties resubmitted that plan; dividing it into two sections; Phase 3, Section 1 and Phase 3, Section 2. Lots 193 and 194 were eliminated for stormwater management purposes, per new NPDES regulations. The BOS granted conditional approval to TH Properties for Highmeadows Phase 3 Section 1 on September 17, 2014; conditioned upon all clerical items being corrected as per the LTL Consultants letter dated September 5, 2014, as well as execution of the Financial Securities Agreement and Municipal Improvements agreement, and all NPDES and Erosion and Sediment Control approvals. Phase 3, Section 2 was not part of the BOS conditional approval. TH Properties has since obtained all necessary agency approvals, however 90 days has lapsed since conditional approval was granted. Mr. Weber's letter dated March 13, 2015 identified outstanding items that needed consideration before reapproval should be granted. Mr. Weber stated that everything identified in his letter dated March 13, 2015 has since been completed. Mr. Boland required that covenants be added to the plan, stating the rain gardens, lots 152 and 195 are to be maintained. When Heritage went bankrupt, the County assigned each lot a parcel number. Lot 152 can easily be noted; however Lot 195 was actually Lot 193, 194, and 195 under the previously approved Heritage plan; meaning Lot 195 has three parcels. The County hasn't determined if Lot 195 will have all three parcel numbers or have only one parcel number. If Lot 195 has three separate parcel numbers, then all three associated parcel numbers must have recorded covenants. Mr. Boland reported the cash Letter of Credit, in the amount of \$1,071,281.35 cash was wired into a Township account at Fulton Bank earlier in the day. The Township must return the Heritage LOC back to Santander. TH Properties has agreed to sign a release verifying that they have received the Irrevocable Letter of Credit. Improvements are now valued at more than the LOC. There will be no draw down from the cash LOC until Phase 3 Section 1 has been completed and municipal improvements are less than the amount of the LOC. Mr. Weber stated the Recreation fees were paid previously by Heritage and Traffic Impact Fees, in effect at the time of Heritage's approval apply to TH Properties. Mr. Weller questioned what happens if issues arise with Phase 3 Section 2. Mr. Weber stated that plan is subject to additional approvals. Manager Lyon questioned if there would be encroachment outside Section 1 for sanitary sewer. Mr. Jones stated plugs could be installed at the manholes. Mr. Boland stated Phase 3 Section 1 has thirteen lots. Manager Lyon asked about requirements for escrow for the BMP of the rain gardens. Mr. Weber stated that the plan was processed as a revised plan of record and not a new submission; therefore there are no BMP fees, as the ordinances in place at the time did not require such. Mr. Jones asked what size homes were being proposed. Mr. Rittenhouse stated they will be toward the low end of 2,000 square feet, priced around \$240K. Mr. Boland stated the Financial Securities and Municipal Improvement Agreements were ready for execution. Mr. Jones moved, seconded by Mr. Hackett to grant conditional approval of the TH Properties plan for Highmeadows Phase 3 Section 1, conditioned upon recording of covenants on Lots 152 and 195 and the execution of the Financial Securities Agreement and Municipal Improvements Agreement. Motion passed 4-0.

NEW BUSINESS

DBYS Request for Infield Mix Eric Detwiler, DBYS, requested two loads of infield mix; to be used at Lake Drive and Hill Road fields. Mr. Jones moved, seconded by Mr. Weller to approve the purchase of two loads of infield mix. Motion passed 4-0

Reaffirmation of Terms Mrs. Kisch requested reaffirmation of the following terms:

Planning Commission - Dwight Buckwalter and Steven Chieffo January 6, 2014 to December 31, 2017

Terry Jones - January 5, 2015 to December 31, 2018

Zoning Hearing Board - Neil Pestcoe - January 3, 2012 to December 31, 2016

Mr. Jones moved, seconded by Mr. Weller to reaffirm the Planning Commission and ZHB terms as presented. Motion passed 4-0.

Street Sweeping Mr. Howell-Clarke obtained three quotes for street sweeping: R&S Sweeping, Stanley Sweeping, and Reilly Sweeping. The lowest bid was from R&S Sweeping, at a rate of \$100.00/per hour. Mr. Weller moved, seconded by Mr. Jones to accept the quote from R&S Sweeping, dated March 12, 2015. Mr. Weller asked what is done with the gravel. Mr. Howell-Clarke said it's used at Lake Drive Park for the stone parking lot. Mr. Jones asked gravel could be made available to residents and if it's possible to put something in the newsletter. Mr. Howell-Clarke will determine if that's a feasible option. Motion passed 4-0.

Municipal Official's Dinner The Center for Excellence in Local Government will host the 9th annual Municipal Official's Dinner, on March 26, 2015 at a cost of \$15.00 per dinner. Mrs. McGrath moved, seconded by Mr. Hackett to authorize payment for attendees of the dinner. Motion passed 4-0.

EMPLOYEE/OFFICIAL REPORTS

Manager: Manager Lyon requested a brief executive session to discuss Police Department personnel matters. When closing out the 2014 Paving Project, a Municipal Services Representative concluded that \$9,900.00 for crack sealing was incorrectly paid out of the Liquid Fuels Fund. Manager Lyon requested authorization to transfer \$9,900.00 from the General Fund to the Liquid Fuels Fund. That money will be used in this year's Liquid Fuels Projects. Mr. Weller moved, seconded by Mr. Hackett to authorize a transfer of \$9,900.00 from the General Fund to the Liquid Fuels Fund. Motion passed 4-0. A WWTP vehicle sustained \$2700.0 in damage, in an accident that occurred during a recent winter storm. The claim was submitted through the insurance carrier. A review of the incident did not reveal any irregularities. Staff continues to work through issues involving the cell phone change from Verizon to Sprint. Staff attended a webinar training which seemed to help. Mr. Boland said after the meeting with Mr. Almquist, he anticipated receiving the easement from the developer to begin checking for rock and begin construction. The developer will be submitting the plans to the Planning Commission on Wednesday, March 25, 2015. Mr. Boland stated he would like authorization to proceed with condemnation processes to ensure entry to the property, due to time constraints. Mr. Jones moved, seconded by Mr. Weller to authorize the solicitor to proceed with the process of condemnation. Mr. Weller asked what happens if the condemnation is not needed. Mr. Boland stated if amicable acquisition is possible, the condemnation would be withdrawn. Motion passed 4-0. PENNDOT rejected the Highway Occupancy Permit (HOP), and proposed a different design to minimize the amount of disturbance to SR662. Ebert Engineering prepared a quote for a change order in the amount of \$18,300.00 for re-engineering of the permit. The Manager sent a letter to Mr. Baar about the delay by the Corps of Engineers. Mr. Baar seemed supportive of the new design and stated there was still plenty of time to comply with deadlines. Mr. Jones moved, seconded by Mr. Weller to authorize Ebert Engineering to proceed with the change order at a cost of \$18,300.00 per the quote dated March 16, 2015. Motion passed 4-0. ARRO continues to work on the PS2, PS4, and PS7 projects and expects to have reports finalized soon. The Manager stated he will need an executive session to discuss a potential settlement with Windstream regarding damages to the sewer line in the summer of 2014. Benecon released figures for 2015 surpluses. The Township will receive the largest surplus to date, \$260K. The first check, in excess of \$100K, should be received within 45 to 60 days. Mr. Lyon requested permission for Kathie Benson to attend the County's Shredding Event on April 18, 2015 from 7:30AM-2:30PM. Mr.

Weller moved, seconded by Mr. Hackett to approve Kathie Benson to attend as requested. Motion passed 4-0. Manager Lyon reminded Mr. Jones and Mr. Hackett that a meeting will be held with the Police on April 1, 2015 at 6:00PM. Manager Lyon stated he'd like to look at getting quotes for an electronic sign for the Township building. The current sign is manually updated and space is limited. The Board supported obtaining quotes. Mr. Jones asked that staff pursue larger bins, with attached lids and wheels to help keep recycling from blowing around and make it easier for residents and the haulers. Manager will have staff investigate. Mr. Jones stated he would consider covering additional costs not covered by the recycling grant. The Manager stated Supervisors were given a copy of the audit report for Monarch Fire Company and should direct any questions they may have to him.

Chief of Police: Chief Shuebrook presented the 2014 Annual Police Report for the Board's review. The Chief requested authorization for the following training expenses:

(1) PA Law Enforcement Training Conference 03/30/2015 - 04/01/2015 for himself and Corporal Milesosky; at no cost. (2) Officer O'Rourke and Officer Coe to attend Hate Groups and Sovereign Citizen training on April 30, 2015 at no cost, cost for meals \$30.00. (3) Corporal Milesosky to attend Internal Affairs Conference and Certification seminar at Rutgers University; total cost of the training \$1,215.00. Mrs. McGrath moved, seconded by Mr. Hackett to authorize the training expenditures in the amount of \$1,245.00, as requested. Motion passed 4-0. Corporal Milesosky researched disposal of old radios that are no longer of use. A company that outfits the police vehicles, TRM, offered \$100.00 credit for each Kenwood mobile radio and \$50.00 credit for every complete Motorola set (radio, battery, and charger) of Motorola portables. With (1) complete Kenwood radio and (11) complete Motorola portable radio sets the Chief requested approval to turn over the equipment to TRM to obtain \$650.00 of store credit which could be used for maintenance fees, new equipment, installations, etc. Mr. Weller moved, seconded by Mr. Jones to approve the disposal of the old radios, as proposed. Mr. Jones asked if the radios had any use to any other departments, such as Roads. Mr. Howell-Clarke stated the two-way phones from Sprint are used for that purpose. Motion passed 4-0. The Chief reported Corporal Milesosky has the Police Department's Facebook up to date and uses the site to keep residents informed. The Chief asked for approval to have Berks Career and Technical Center in Oley remove decals and paint the police interceptor, the old 26-5, for approximately \$500.00. After discussion, Mr. Jones requested the Police Annual Report include detail on the vehicle, such as year, make, and model. Motion passed 4-0.

SUPERVISORS

Mr. Jones stated he would like to discuss a question regarding personnel in executive session. Mr. Weller stated he would like to discuss possible land acquisition in executive session.

PUBLIC COMMENT

None

EXECUTIVE SESSION

At 8:25PM, with there being no further business, Mr. Weller made a motion, seconded by Mr. Hackett, to adjourn to Executive Session. The purpose of the executive Session was to discuss Police personnel matters, a potential Windstream settlement proposal, possible land acquisition, and a question regarding personnel. There was no intent to return. Motion passed 4-0. Meeting Adjourned.

Respectfully submitted,

Pamela Kisch
Township Secretary