

Amity Township Board of Supervisors  
**Meeting Minutes**

April 15, 2015

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

The April 15, 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 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
- John Weber, Engineer, LTL Consultants

**ANNOUNCEMENTS**

Mrs. McGrath announced that the PADEP issued a declaration of drought watch, and requested residents conserve water where possible.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Weller moved, seconded by Mr. Hackett to approve the April 1, 2015 minutes, as presented. Motion passed, 4-0-1. Mr. Gokey abstained from the vote because he was not present at the April 1st meeting.

**FINANCE**

Mrs. McGrath announced four additional checks issued, which totaled \$10,445.95. Mr. Jones moved, seconded by Mr. Weller to approve disbursements as follows:

\$ 61,635.14	General Fund
\$ 8,136.55	Fire Fund
\$ 49,301.25	Sewer Fund
\$ 8,902.48	EDU Fund
<u>\$ 21,066.42</u>	<u>Liquid Fuels Fund</u>
\$ 149,041.84	Total

Mr. Weller asked why there was two payments for the invoice to the DRBC. Manager Lyon explained the payments were for the Docket Renewal Application; payment was a combination of the \$500.00 renewal and a \$2,000.00 penalty for late filing. ARRO received a letter stating the docket renewal application was not received by the deadline, so the original fee was still required to be submitted. Motion passed, 5-0. The Treasurer's Report was presented for the Board's review. The Manager stated a review of the first quarter financials appeared similar to last year. Revenues are down and expenditures are up due to winter maintenance of roads and vehicles along with overtime for staff. Mr. Lyon expects to receive a dividend check from Benecon within the next 30-60 days for approximately \$130K. Richard Hart will be attending the May 6, 2015 BOS meeting to present a dividend check, which is expected to be larger than last year's check.

## **REPORTS**

***FIRE COMPANIES-*** Assistant Chief Robert Kline stated Monarch Fire Company will hold its first Chicken BBQ of the season on Saturday, April 18th in the Redner's parking lot from 10AM until sold out. Chief Mike Zomolsky stated Amity Fire Company will hold its annual carnival from April 28th through May 2nd. Chief Zomolsky stated he plans on making a presentation for the purchase of a new truck in the next month or so. Manager Lyon stated the Safety Committee discussed having the Police Department extinguish small brush fires if they are called out. There was concern about appointment of a Fire Marshal. Mr. Jones stated the County declared a burn ban so there shouldn't be any burning. Mr. Gokey moved seconded by Mr. Weller to appoint Detective Jeff Smith to the position of Fire Marshal. Motion passed 5-0. Staff met with representatives from PA American Water Company (PAWC). PAWC requires notification whenever a hydrant is used by the fire companies or Township personnel. Chief Zomolsky stated the fire companies had requested the County notify the utilities. Manager Lyon explained that the problem arises when the County isn't able to determine if it's necessary to contact PAWC, because they do not know which properties are serviced by public water and which properties are served by on-site wells; and whether or not public water might be available. Mrs. McGrath stated it's a tough call; if only two people respond, they will be dedicated to extinguishing the fire and may not think to contact PAWC. Mrs. McGrath asked the fire companies to designate someone who will be responsible to contact PAWC when a fire hydrant is accessed at a fire.

## ***PLANNING COMMISSION-***

***In-House Review for About All Floors*** - At their April 8, 2015 meeting, the Planning Commission reviewed the development sketch plan to erect a 5400 square foot pole barn for storage and recommended waiving the full land development review, allowing the plan to be reviewed by staff only. Mr. Heffner paid the required escrow amount. Mr. Jones moved, seconded by Mr. Gokey to allow the in-house review of the plan. Motion passed 5-0.

***CCRC Ordinance Draft*** - The Board reviewed the final revision of the CCRC. The Planning Commission had reviewed this draft at the April 8, 2015 meeting and recommended presenting the Ordinance to the BOS for consideration of adoption. Mr. Boland noted a proposed change to the setbacks for single-family detached; single-family semi-detached and townhouses are 20 (twenty) feet. A special note states that where the use contains garages and driveways in the front yard, the setback to face of the garage shall be 30 (thirty) feet from the face of the curb. Mr. Boland also noted the proposed change to Section 924(c)(21) which addresses off-street parking spaces. Mr. Weber stated that some on-street parking spaces could be considered when determining spaces needed. Mr. Koch stated this offers some flexibility and would be addressed when plans are submitted. Mr. Gokey moved, seconded by Mr. Jones to authorize the solicitor to proceed with the enactment of the Ordinance, including submission to the Berks County Planning Commission. Mr. Gokey asked if the revisions to the CCRC would be site specific. Mr. Weber stated that currently the CCRC is only allowed in HC zone. The recommended changes would allow CCRC in the PBOI zone as well; combining uses of singles, doubles, and assisted living quarters. Mr. Gokey asked if the change would be age restricted. Mr. Koch stated it would be age 55 (fifty-five) and older. Mrs. McGrath noted that 30% (thirty percent) open space is required. Motion passed 5-0.

## **UNFINISHED BUSINESS**

***Execution of Recycling Grant*** - The Township received official notice of award in the amount of \$32,302.80. The grant requires the Township purchase items and apply for reimbursement. Mr. Jones moved, seconded by Mr. Weller to authorize staff to proceed with execution of the grant as required. Motion passed 5-0.

## **SOLICITOR**

Mr. Boland reported the required DCED submission for the Obligation Note 2015 for \$1.25 Million Dollars was approved and closing was held on Monday, April 13, 2015. The Township can borrow or draw down as they see fit, once monthly for up to two years. Upon last draw of funds, the Township will

close out the line of credit and the loan will be amortized. Mrs. McGrath noted that the Township can draw down approximately \$1.2 Million, since the difference was used in fees and closing costs.

### **SOLICITOR**

***Escrow Release #3 - Woods Edge Phase 3C*** - Forino Company sent a request to release \$90,869.25 on March 31, 2015. Based upon on-site inspections by LTL and ARRO, Mr. Weber and Mr. Sassaman recommended release of \$90,426.39. Mr. Weller moved seconded by Mr. Hackett to authorize release of \$90,426.39 for Woods Edge 3C Release #3, as recommended by the LTL letter dated April 10, 2015. Motion passed 5-0. Mr. Weber stated the NPDES permitting process for Highmeadows Phase 3 Section 1 was completed. Building is expected to begin in May or June for those thirteen lots.

### **NEW BUSINESS**

None

### **EMPLOYEE/OFFICIAL REPORTS**

**Manager:** The Manager stated he would need a brief executive session to discuss a conversation he had with the Association's representative, Detective Smith, regarding police department policy. Ed Boito, Local Government Liaison, will be investigating the why the Township's request for an extension of the 662 Corrective Action Plan based upon delays caused by the PADOT, PADEP and Corps of Engineers for the Leaf Creek Interceptor was not granted by PADEP. The delays are being caused by both State and Federal agencies which are beyond the control of the Township. The Manager presented quotes for renewal of liability insurance through the Hart Agency. The Manager recommended renewing with the same agency and package as quoted, allowing the Township to continue participation in the dividend program. Mr. Weller moved seconded by Mr. Gokey to authorize renewal with the Hart Agency, continuing with the providers quoted in the package. Motion passed 5-0. The Manager held a meeting with Pennsylvania American Water Company representatives Brian Hassinger and Jim Reynolds. The hydrant agreement issue remains unresolved. PAWC requires the hydrant agreement be signed for only new hydrants. The Township uses the hydrants for street sweeping and filling the vactor. Mr. Boland stated he has issues with indemnifying PAWC for instances outside of the Township's control. In light of planned development in Woods Edge and Highmeadows, Mr. Hassinger reminded the Manager that if the hydrant agreement isn't signed for a new hydrant when offered for dedication, PAWC won't accept the hydrants and permit their connection to PAWC's system. After discussion, Mr. Weller moved, seconded by Mr. Jones to authorize the Solicitor to rewrite the hydrant agreement in a manner as to represent the best interests of the Township and meet with PAWC representatives. Motion passed 5-0. LTL submitted a proposal for design, seal, design and inspection for a new salt facility. The Manager requested a second proposal, and is still awaiting receipt from Kraft Engineering. Steve Loomis denied a building permit for opening an antique store inside the building and a chicken coop at 107 Monocacy Hill Road, because the tenant failed to provide the required information to meet the code. The owner of the property was notified that the tenant was denied to permission to operate sales inside any structure. The tenant continues to sell antiques outside and states they use the coop as storage. Mr. Loomis determined the only violation he may be committing is outdoor storage, which is a Zoning Ordinance violation, and that the ordinance states it is a violation only if a neighboring property owner complains that it is unsightly. Additionally, the owner was notified that the grading permit he had pulled for the filling and grading is considered complete and no more filling is permitted under this permit. Mr. Boland recommended looking a cease and desist order being filed. After discussion, Mr. Jones moved, seconded by Mr. Gokey to have Kozloff Stoudt determine legal steps necessary and shut the business down if warranted. Motion passed 5-0. During the design work for PS4, ARRO determined a wet well vent and outdoor disconnect switches were located within the required offset distances of the wet well explosive range. Additional work will be needed to disconnect switches when adding the third pump and are required to meet current electrical code for safety reasons. ARRO prepared a change order for the PS2 and PS4 Design, at an increase of \$7,000.00. Mr. Weller asked if installation was done correctly. The Manager explained it was, but he speculated the code had changed since installation. Mr. Gokey moved,

seconded by Mr. Weller to authorize execution of the change order. Motion passed 5-0. Flanges for PS7 have been received and will be installed next week. The hope is the flanges will help decrease the amount of blow by at PS7. WWTP personnel and the Manager attended an Infiltration & Inflow (I & I) demonstration, in hopes this technology would aid in televising certain sections of the system that staff has been unable to reach due to restricted access by the trucks. Communication was sent to Neil Pestcoe, ZHB member, by US Mail and Certified Mail, regarding the intent to remove him from the Board. If Mr. Pestcoe wants to request a hearing, he must submit the request in writing before the date of the hearing set for May 6<sup>th</sup>, 2015. The BOS will consider removing him at the May 6, 2015 meeting. PENNDOT has begun preliminary engineering on the proposed culvert replacement at the location near 207 Monocacy Creek Road. Utility information, locating the Township's sewer line and manholes were provided to PENNDOT. Advertisements were placed in the Reading Eagle and Morning Call to find a replacement for Chief of Police. The Manager requested a brief executive session to discuss land acquisition and to update the Supervisors regarding discussions about police department policy. Mr. Gokey asked what progress has been made on reviewing the language in the Ordinance regarding parking of RVs. Mrs. McGrath stated she has not received any recommendations. Mr. Gokey requested LTL review the existing Ordinance and make recommended revisions that would allow the Township to address the issues and enforce violations. Mrs. McGrath stated there should be clarification for outside storage, such as Pods. Manager Lyon distributed a memo regarding a change to the Zoning Ordinance regarding temporary real estate sign to facilitate new commercial and industrial development in the Township. Six square feet is the limit for a sign advertising the sale of commercial or industrial property in the Township. The ordinance permits thirty-two square foot signs for a residential development. The Manager suggested the size be reviewed. Mr. Jones requested the Engineer review what other Townships have in their Ordinances and report findings to the Board.

**Chief of Police:** Chief Shuebrook reported the new police interceptor was delivered. The Chief said he will be picking up the old 26-2, which had decals removed and was painted on Thursday. This vehicle can be used by Township employees to attend training or be used, if needed, as an undercover car. The Chief asked for authorization to hire Michael T. Kopil as an intern. Mr. Kopil is a senior at Alvernia University, majoring in Criminal Justice. Mr. Gokey asked if the Chief had parameters for an intern. Mrs. McGrath asked if the Chief talked to Rich Hart about the intern. The Chief stated parameters were established, and Mr. Hart was contacted when they hired the last intern. Mr. Gokey moved, seconded by Mr. Hackett to authorize hiring Michael T. Kopil as an intern for the police department. Motion passed 5-0.

### **SUPERVISORS**

Mr. Weller asked about the anonymous complaint received from a resident located in Locust Grove. Mrs. McGrath read the letter aloud. The resident did not identify themselves, but stated the neighborhood went downhill; citing property owners are not taking care of their properties. The anonymous resident asked the Township to inspect and enforce violations in Locust Grove, specifically identifying several properties. A copy of the complaint was given to the Code Officer, but the outcome was not known at the time of the meeting. Manager Lyon stated the Board's direction in the past was to act on signed written complaints. Mr. Jones stated he would like all complaints investigated, including anonymous complaints. There was no motion or majority direction from the Supervisors.

### **PUBLIC COMMENT**

Mrs. Cooper, Limekiln Road, said she had concerns of buying lids for recycling containers since the recycling crews currently throw bins around. Mr. Gokey stated he was sorry to see the Daniel Boone School Board lost their Superintendent. Mr. Gokey said she was one of the best Superintendents the Board has had.

### **EXECUTIVE SESSION**

At 8:55PM, with there being no further business, Mr. Gokey made a motion, seconded by Mr. Weller to adjourn to Executive Session. The purpose of the executive Session was to discuss matters pertaining to:

personnel, police department policy, land acquisition. The Board wasn't certain they would need to return. Motion passed 5-0. Meeting Adjourned.

Respectfully submitted,

Pamela Kisch  
Township Secretary