

Amity Township Board of Supervisors  
**Meeting Minutes**

May 20, 2015

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

The May 20, 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  
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**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Gokey moved, seconded by Mr. Hackett to approve the May 6, 2015 minutes, as presented. Motion passed, 4-0.

**FINANCE**

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

\$ 198,562.05	General Fund
\$ 68,109.10	Fire Fund
\$ 52,283.37	Sewer Fund
\$ 1,200.00	EDU Fund
<u>\$ 5,249.78</u>	<u>Liquid Fuels Fund</u>
\$ 325,404.30	Total

Motion passed, 4-0. The Treasurer's Report was provided to the Board for their review.

**REPORTS**

***FIRE COMPANIES-*** Chief Zomolsky provided the Amity Fire Company report, which included information for financing of the truck they will be purchasing. Mr. Boland stated a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing would be necessary. A resolution needs to be prepared, and the TEFRA hearing date must be properly advertised prior to execution of the PEMA loan. Chief Zomolsky stated they would like to sign the documents by the end of June, and agreed to forward the necessary documents to Mr. Boland's office. Chief Zomolsky reported the annual carnival was a success. Exact profits have not been determined.

***PLANNING COMMISSION-*** The Planning Commission Report was provided to the Board for their review. The Planning Commission made a recommendation to the Board of Supervisors to approve the American Crane Annexation plan, conditioned upon compliance with all issues listed in the LTL

Consultants letter dated April 29, 2015. Mrs. McGrath asked that this item be tabled until representatives from American Crane can be present for further discussion. The Planning Commission voted 3-0-1, at their May 13, 2015 meeting, to recommend the ZHB approve the use as per the proposed plan by Barry Shirey for the address of 6359 Boyertown Pike. Mr. Jones abstained from this vote.

**UNFINISHED BUSINESS**

None

**SOLICITOR**

Mr. Boland sent an email to Mr. Loomis and the Manager setting forth a method of issuing a Cease and Desist Order for 107 Monocacy Hill Road. He recommended using the Zoning Ordinance or International Property Maintenance Code regulations to justify the order. Staff will review this information and determine what steps will be taken. Mr. Boland reviewed the Fraser copier agreement, and found that while the document was adequate, it would be more certain if it contained the non-appropriation language used by the Township. Further analysis of the Fraser agreement revealed the fixed rate remains the same through the term of the lease. Mr. Boland requested an Executive Session to discuss personnel matters. Mr. Boland sent a letter to Brian Hassinger, PA American Water Company, regarding the hydrant agreement language and upcoming dedication of hydrants in Woods Edge, Phase 3C. Mr. Boland expects to receive the access agreements for Leaf Creek (Schmale) Farm by end of the week. Mr. Mauger contacted Mr. Boland regarding Susquehanna Bank requesting to withdraw the LOC on the recorded plan for their plan, which is on the Mauger property located at the intersection of 662 and Postal Road. All parties involved agreed to allow the bank to withdraw the LOC, provided everyone signs the agreement: the bank, the Township, and Mr. Mauger, agreeing development will not take place until a new LOC is in place, based upon comments by the Township Engineer. The bank has agreed to pay all expenses for the meetings and execution of documents. Future development would be subject to any changes in regulations, such as NPDES, etc. The Board directed Mr. Boland to proceed with preparation of the agreement, which will be done at the bank's expense.

**ENGINEER**

***On-Street Parking*** Mr. Weber emailed Mr. Boland and the Manager with his on-street parking review, as requested by the Board at their April 15, 2015 meeting. Mr. Weber recommended adding a new parking regulation to Chapter XIX, which would place enforcement under the PA Motor Vehicle Code. Effectively, enforcement would be by Police, not the Code Officials. If the Board chooses to add that parking regulation to Chapter XIX, Section 924 (17) of the Zoning Ordinance would need to be amended. After discussion and review of Mr. Weber's draft of the Ordinance, members of the Board agreed to review specifics, such as size of vehicles, times on the road, permits, fees, etc. and bring recommendations to the June 17, 2015 meeting for further discussion with the Engineer.

***Woods Edge Phase 3C, Escrow Release #4*** Forino requested a release in the amount of \$276,997.48. Mr. Weber recommended release of \$157,266.01. Forino requested release for various water line facilities, which Mr. Weber stated will not be released until documentation is received from PAWC stating they are satisfied with the installation of the water lines. Mr. Gokey moved, seconded by Mr. Weller to authorize the escrow release in the amount of \$157,266.01, per the LTL letter dated May 14, 2015. Motion passed 4-0.

***Temporary Real Estate Signs*** Mr. Weber referred to a memo from the Manager distributed at the April 15, 2015 BOS meeting to discuss permitted size of signage. After discussion, the Mr. Weber agreed the next step should be to provide the recommendations to the Planning Commission for comment. Mr. Weller asked staff to have this item added to the Planning Commission meeting agenda for the June 10, 2015.

**NEW BUSINESS**

***Award Supplemental Paving Contract*** - Mr. Gokey moved, seconded by Mr. Weller to award the 2015 Supplemental Paving Contract to EJB Paving & Materials Co. for \$128,703.25. Mr. Gokey asked if

Russell Avenue is being paved in this project. Mr. Howell-Clarke stated the project is for milling off and paving of Laurelwood Drive. Motion passed 4-0.

**Donation to Boone Area Library** - Manager Lyon stated the library is seeking \$950.00 in additional funds, for a third of the cost to have sealcoating and related work done to the library parking lot and building. Although this was discussed during the budget meetings, it was not included as a budgeted item. Mr. Weller moved, seconded by Mr. Hackett to make a \$950.00 donation to the Boone Area Library. Motion passed 4-0.

**Traffic Light Repair** - Mr. Howell-Clarke submitted a quote from Telco to repair the traffic light at SR422 West and River Bridge Road. A portion of the curb and loop wires were sheared off this past winter, damaging the signal. The controller was put on recall and no longer meets the terms of its PENNDOT permit. There was no accident report; this was found by Telco during routine inspection involving another signal inspection. Mr. Gokey moved, seconded by Mr. Hackett to authorize repairs at a cost of \$1,818.70. Motion passed 4-0.

**Permission to Apply for Laptop Program** Mrs. Kisch requested permission to pursue a laptop donation program offered by Met Ed. Savings could be realized by using less paper, less wear and tear on copiers, and staff time. The Board was agreeable to staff applying for consideration to receive laptops for use at public meetings.

**Floor Cleaning** Quotes were obtained from three companies for professional cleaning of the VCT flooring and carpets in the Administration and Police offices and meeting rooms. Stanley Steemer submitted the lowest quote of \$2,801.00. Mr. Gokey moved, seconded by Mr. Hackett to authorize floor cleaning by Stanley Steemer, at the quoted rate of \$2,801.00. Motion passed, 4-0.

### **EMPLOYEE/OFFICIAL REPORTS**

**Manager:** Manager Lyon was notified he must report for jury duty the week of June 16th. The Centers for Excellence in Local Government (CELG) sent a reminder that the annual contribution had not been received. The \$1,000.00 contribution was budgeted. Mr. Weller moved, seconded by Mr. Hackett to authorize contribution of \$1,000.00 to CELG. Motion passed 4-0. The Manager executed the contract with Master Locators to profile the force main from PS7. There was an additional \$400.00 fee for sending an additional technician. Locating is scheduled for Wednesday, May 27th, and the Manager anticipated this will be a one day project with the additional technician. Dave Wheeler has been researching different meter options to comply with PADEP's demand to install flow meters on all PS's by the end of 2017. LRM visited the site and suggested a Mag Meter at a lesser cost than the Doppler Meter. Staff is moving forward with installation and calibration of the Mag Meter. If installation of the Mag Meter is successful, these meters could be installed at other PS's. The Part II Permit for PS2 and PS4 was resubmitted to the PADEP. The review and/or approval has not been received. There has been no response from the Corps of Engineers. PADEP denied the second request for a time extension for the 662 Leaf Creek Interceptor. The Manager stated he will discuss the Montague easement in Executive Session. The Berks County Planning Commission (BCPC) reviewed the proposed CCRC Ordinance, and provided comments. BCPC commented that the proposed ordinance is inconsistent with the Berks County Comprehensive Plan, which makes the project ineligible for grant funding including DCED, CFA, certain TIP and other State grants. The Manager spoke with representatives from BCPC, explaining that the proposed ordinance will help create a buffer between farmland and businesses and the Board views this change as positive economic development; one which will help bring valuable infrastructure to the PBOI. The Manager awaits a response from the BCPC in follow up to this contact. The 2015 Muster Day permit was issued for June 27, 2015, from 10AM until 4PM. There has been no progress with the electronic sign. The Manager hasn't received vendor information from Mr. Jones. Mr. Weller asked if anyone contacted Daktronics. The Manager said Steve Loomis had contacted them, and found their pricing to be higher than previously obtained quotes. Mr. Lyon requested Executive Session to discuss land acquisitions.

**Chief of Police:** Chief Shuebrook requested permission to sell old portables radios for store credit to TRM. Store credit will be used toward upfitting of police vehicles. Mr. Weller moved, seconded by Mr. Hackett to authorize selling the old equipment to TRM, for \$665.00 credit. Motion passed 4-0. Chief commended Detective Jeff Smith for work related to a robbery at the Cottages. Chief Shuebrook requested an Executive Session to discuss Police personnel matters.

**SUPERVISORS**

Mrs. McGrath asked to have Neil Pestcoe's name removed from the ZHB section of the Township's website. Residents interested in serving on the ZHB would only be required to serve the remainder of Mr. Pestcoe's term, which expires 12/31/2016. Mrs. McGrath asked that staff update the website to indicate the term that would be served.

**PUBLIC COMMENT**

Mr. Jake Shanley and Mr. Aaron Linsenbigler, of Boy Scout Troop #597, were in attendance working on their Citizenship awards. Mr. Martino, Daniel Boone School Board President, thanked Mr. Gokey and Mr. Weller for attending the School Board's Recognition for Law Enforcement last week. Ms. Heather Brown, 207 W. Morlatton Road, stated she was attending the meeting in support of Greg and Linda Kleinert who received notices of violation asking them to remove chickens and bamboo from their property at 112 Letort Lane. Ms. Brown read a letter asking for compassion to not make them remove the animals, stating they are rescue animals. Mr. Weber stated the Ordinance does not differentiate rescue animals; a minimum of one acre is required for raising poultry. Mr. Gokey asked about the size of the property. Mr. Kleinert replied it is .32 acres. Mrs. McGrath read the notice of violation for the bamboo, which stated it must be cut to 10 (ten) inches. Mrs. Kleinert asked that the Board not make her cut down the bamboo, stating it will not kill the plant it will continue to grow. Mr. Sem, 200 block of Antietam Drive, shared pictures showing the bamboo chutes that have grown into his yard. The chutes are small and sharp and cause safety issues for their dog. Mr. Sem explained the hens and turkeys jump the Kleinert's fence, and come into his yard, ruining landscaping and defecating on their property. After lengthy discussion, Mr. Weller advised the public that the Board is not responsible to mitigate neighbor disputes. The notices of violation need to be addressed. Mr. Gokey stated he agreed; the Board is not to act as arbitrators between neighbors; adding that the Board must act if/when they receive written complaints. Mrs. Kleinert stated they will get rid of the poultry, but want to keep the bamboo. Mr. Boland offered to research what must be done with the bamboo and advise staff on Thursday. Mrs. McGrath stated staff will then verbally contact both parties. Manager Lyon recommended following up with written correspondence.

**EXECUTIVE SESSION**

At 8:37PM, 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 matters pertaining to personnel matters, Police personnel matters, and land acquisitions. The Board wasn't certain they would need to return. Motion passed 4-0. Meeting was recessed.

Meeting Reconvened at 9:50:

Chairwoman McGrath recalled the meeting to order and asked if there was any more business to come before the Board tonight. Paul Weller moved and Richard Gokey seconded to create the position of Administrative Police Lieutenant along approval of the Job Description presented by Chief Shuebrook for the position. On a roll call vote, the motion was approved unanimously:

Paul Weller	Aye
Dave Hackett	Aye
Richard Gokey	Aye
Kim McGrath	Aye

Richard Gokey moved to fill the position of Administrative Police Lieutenant appointing Jamie Milesoskey. The appointment is to be effective June 1<sup>st</sup>, 2015. The motion was seconded by David Hackett. On a roll call vote, the motion was approved unanimously:

Paul Weller	Aye
Dave Hackett	Aye
Richard Gokey	Aye
Kim McGrath	Aye

There being no further business, Richard Gokey moved to adjourn and Paul Weller seconded the motion. It was unanimously approved to close the meeting.

Paul Weller	Aye
Dave Hackett	Aye
Richard Gokey	Aye
Kim McGrath	Aye

Respectfully Submitted,

Pamela Kisch  
Township Secretary