

Amity Township Board of Supervisors
Meeting Minutes

December 16, 2015

Call to Order/Pledge to the Flag

The December 16, 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 Chairperson
Paul Weller
Terry Jones
David Hackett

STAFF

Charles E. Lyon, Manager
Troy Bingaman, Manager
Kent Shuebrook, Chief of Police
Andrew Kensey, Chief of Police
Pamela Kisch, Township Secretary
Brian Boland, Solicitor, Kozloff/Stoudt
John Weber, LTL Consultants

ANNOUNCEMENTS

PENNDOT has received their Programmatic General Permit (GP4) to construct a temporary road crossing near the intersection of Weavertown and Indian Run Roads.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

None

MINUTES

Mr. Jones moved, seconded by Mr. Hackett to approve the December 2, 2015 minutes, as presented. Motion passed 5-0.

FINANCE

JPS Contracting issued a change order to adjust the final quantities for the Lake Drive Deck Repair Project. There were only Type 2 repairs. The Change Order resulted in an overall increase of \$13,800.00. The total cost of the project was \$57,800.00 and close to the State's estimate for repairs. Mr. Jones moved, seconded by Mr. Weller to approve disbursements as follows:

\$ 113,547.90	General Fund
\$ 64,484.00	Fire Fund
\$ 3,827.75	EDU Fund
\$ 30,221.57	Sewer Fund
\$ 5,304.85	Liquid Fuels Fund
\$ 217,386.07	Total

Motion passed 5-0.

REPORTS

FIRE COMPANIES- Amity Fire Chief Zomolsky stated fire company representatives will be traveling to Wisconsin in February or March to review construction drawings for their new truck. The new truck is expected to be delivered in September 2016. Chief Zomolsky will be placing an order to purchase the air packs, which are being funded by a FEMA grant. Amity Fire Company will be sending a letter asking West Pottsgrove to limit dispatching Amity FC on run cards within their township, due to being recalled when enroute to their calls.

PLANNING COMMISSION- The December 9, 2015 Planning Commission meeting was canceled due to lack of agenda items.

UNFINISHED BUSINESS

None

SOLICITOR

The Unfair Labor Practice hearing has been rescheduled for January 27, 2015. Mr. Boland will be meeting with the Manager and Chief Kensey to review the matter and prepare for the hearing.

ENGINEER

Mr. Weber presented his report and sketch for modifications to the property located at 888 Old Airport Road. The maximum use of the property included three little league baseball fields. There were two driveway alternatives discussed; both of which will require a low volume driveway HOP from PENNDOT. The baseball fields are bigger than Wheeler fields, but smaller than the ACP fields. Mr. Gokey stated it seems as though the driveway location is limited due to the location of the house, and recommended demolishing the house. Township staff could demolish the house. Mrs. McGrath asked if there was an estimated cost of the project. Mr. Weber stated he prepared the conceptual plan and did not look at associated costs. Mr. Weller stated PENNDOT should be consulted to determine if demolishing the house would facilitate obtaining the low volume driveway HOP before taking action to remove the house. Mr. Bingaman will ask the Recreation Board to review Mr. Weber's report and sketch at their January meeting and provide comments or concerns relative to the fields, dimensions, locations, etc., as well as discuss with the local sports teams to see if they would be interested in paying to build the fields after the ground is leveled.

NEW BUSINESS

2016 Budget Mr. Jones moved, seconded by Mr. Weller to adopt the Amity Township 2016 budget. Mr. Lyon stated there have been no comments or requests for copies of the proposed budget. Mr. Gokey asked what was used from the reserves to balance the budget. Manager Bingaman stated it was approximately \$113K. Mr. Gokey stated he was comfortable with that amount of an encumbrance. Motion passed 5-0.

Basin Repairs at High Meadows Mr. Howell-Clarke said the stormwater basin is holding too much water and requires repair. Hopewell Trucking provided an estimate of \$7,615.00, dated 12/3/2015. Mr. Jones asked if this would be coming out of the escrow. Mr. Lyon confirmed it would. Mr. Jones moved, seconded by Mr. Weller to authorize repair of the basin, to be paid out of the escrow account and at a cost not to exceed \$7,615.00. Motion passed 5-0.

EMPLOYEE/OFFICIAL REPORTS

Manager: The Manager has a draft of revisions to be submitted to the PADEP for all ***CAP*** items discussed at the November 19, 2015 meeting in Harrisburg, with the exception of the 662 CAP. The Managers are awaiting a revised timeline from Ebert Engineering. The timeline needs to integrate the 662 CAP and permit process, and be conditioned upon timely issuance of Federal Permits. LRM has provided pricing for the ***pump station primary and lag switch*** work to be done. LRM should be finished by the end of January 2016. Manager Lyon has been assisting at the WWTP and had no wastewater issues to report. ***Glenwood Estates*** sold the remaining lots to Keystone Homes. Maine Drill and Blasting

(MDB) obtained State and Township permits to blast on the remaining lots. State regulations require "proof" of notification made to property owners within 200 feet. Amity Township Ordinance requires notification to property owners within 1,000 feet. A group of property owners from Glenwood met with Steve Loomis and Manager Bingaman earlier this week. It was determined proper notifications were not made to all property owners. The previous builder went bankrupt and the public improvements have been completed, therefore there is no escrow fund to pull from for damages. Mr. Jones asked if any blasting has actually occurred and what agency enforces the permit. Manager Bingaman stated there has not been any blasting. The PADEP issues the permit and should be contacted with any complaints. Current Zoning Ordinances do not require applicants to supply copies of the PADEP permit or property owner notifications. The Township Zoning Ordinance requires blasting applicants to supply their Certificate of Insurance and sign off that they have obtained a blasting permit from the PADEP and complied with all State requirements and Township requirements to obtain permits. **Vinitha Moskal, 144 Fair Meadow Drive** stated other townships have tougher requirements for blasting. Mr. Boland stated changing Township Zoning Ordinances take time, and the possibility of pre-exemption may exist. Mr. Weller asked if the Manager would reach out to Keystone Homes to make them aware of the situation. The Board directed staff to determine if permit requirements or Zoning Ordinance changes should be done to change blasting requirements. Manager Lyon stated **EIT revenue** was \$174K, approximately \$60K lower than he expected. It appears there will be enough of a surplus in the sewer operating fund to make a six-digit **transfer from the Sewer Fund to the EDU Fund**. The **No Turn on Red signs** on the permit for SR662 and SR422 were determined to be missing. PENNDOT requested the Township replace the signs, as shown on the permit. PENNDOT's justification for the No Turn on Red signs is the driveway access for the house that sits on the corner. Mr. Boland stated the Township is responsible for the signs after they have signed off on the PENNDOT permit. Mr. Jones asked staff to contact PENNDOT to review the permit and have it modified to remove the signs. Mr. Lyon recommended **purchasing the new code updates** and media resources to implement the same, to comply with the International Construction Code. Mr. Weller moved, seconded by Mr. Hackett to authorize purchasing updated code regulations and media, at a cost not to exceed \$1,268.50. Motion passed 5-0. The Manager requested a brief executive session to discuss WWTP personnel matters and closing out of Chief Shuebrook's contract. ARRO has prepared specifications for the **Equalization Basin (Lagoon) cleaning and relining** projects. The opinion of cost is \$250K for cleaning contract and \$110K for the lining contract. Douglass, Union, and Earl Townships will share in the cost of the projects, as per their respective Intermunicipal Agreements. Mr. Bingaman requested permission for ARRO to advertise the projects, with a projected bid-opening of February 4, 2016. A recommendation of award will be presented at the February 17th meeting. Mr. Weller moved, seconded by Mr. Gokey to authorize ARRO to move forward and advertise the project as requested. Motion passed 5-0.

PUBLIC COMMENT

Todd Newman, 301 Applewood Drive, asked why blasting would be used, when there are 29 occupied lots in Glenwood. Mr. Gokey offered his opinion, as a builder who has built homes in the gardens and dealt with red shale, which he said is a fissured rock. Mr. Gokey explained he had a 30K pound piece of equipment stand straight up in the air trying to dig into red shale. Blasting is considerably more cost-effective than digging basements by hand. Mr. Newman asked who is responsible if there is damage. Mr. Gokey stated that the blasting company must have a Certificate of Insurance (COI). Mrs. Moskal stated the owners and Township were not listed as additionally insured on the COI. Residents were concerned the holes dug were twenty-five feet deep, for sewer lines. Mrs. Moskal stated residents were not all notified, and those that were received different versions of letters; some received an offer for a pre-blast survey, while others did not. Mrs. Moskal stated she was informed by Tom Flannery, PADEP, that the blaster and builder were notified that drilling cannot begin until their investigation has been completed. **Brian Devine, 129 Fair Meadow Drive**, said Keystone Homes refused to speak with residents about their concerns. Mr. Devine said he was the first lot sold in Glenwood, and he watched the developer dig all of the holes without blasting. **Ragan Newman** said her home sits next to five of the

lots marked for blasting, but her letter stated they would be blasting December 28th, and it did not offer the pre-blast survey. Other residents further from the blast site were offered the inspections. Mr. Weller asked the residents to forward their letters onto the secretary. Staff will contact Keystone Homes. **Eric Thompson, 312 Applewood Drive**, questioned how the Township issued the permit without all proper notifications. Manager Lyon stated the Township requires the applicant sign off stating they have obtained all necessary state permits and they will comply with the Township Zoning Ordinance. Manager Bingaman stated after it was determined that everyone within the 1000 foot proximity had not been notified, Mr. Loomis notified the blaster that they could not proceed. Mr. Jones asked if it was illegal for them to blast. Mr. Boland stated only if we rescind our permit, however the blaster has until 24 hours before the blasting to notify those in proximity. Mr. Gokey stated the Solicitor should send written notification to the blaster and builder. Manager Lyon stated he agreed; and notification should be faxed, sent overnight, or certified, stating that if they blast before proper notifications have been made the Township will take all legal remedies. Mr. Gokey made a motion to authorize Mr. Boland to send the notification. The motion was seconded by Mr. Jones, and passed 5-0. Mrs. McGrath asked if pre-blasting surveys are required. Manager Bingaman said the PADEP doesn't mandate the pre-blast surveys be done. Specifically, the verbiage is "may be done". **John Moskal** asked who should be contacted if the blaster proceeds without approval? Mr. Gokey told them not to call 9-1-1. Residents who observe someone blasting can contact the local police, roadmaster, or code enforcement officer. Mr. Jones encouraged residents to contact the PADEP with their complaints. Residents wanted to know if they could video tape or take pictures of their property before blasting begins. Mr. Jones recommended they have a witness present and in the video, as well.

Chief of Police: Kensey asked for permission to activate "**beacon lights**" on the light bars of all police vehicles. Light bars are already equipped, and can be activated at a cost of \$65.00 per vehicle. Mr. Weller moved, seconded by Mr. Gokey to authorize activating beacon lights on all police vehicles, at a cost not to exceed \$65.00 per vehicle. Motion passed 5-0. Chief Kensey asked to **replace taser units**, using forfeiture funds. Mr. Weller moved, seconded by Mr. Jones to authorize using Federal forfeiture funds to replace thirteen tasers, at a cost not to exceed \$14,914.55. Old tasers would be turned in for credits that can be used to purchase accessories. Motion passed 5-0. Chief Kensey asked to **purchase a 2016 Ford Interceptor SUV** at a cost of \$37,536.00 from Hondru, using money from reserves. After discussion, Mr. Jones moved seconded by Mr. Weller to authorize purchasing the police interceptor SUV from Hondru, using funds from the 2016 budget, at a cost not to exceed \$37,600.00. Motion passed 5-0. Chief Kensey stated two of his **computers** need to be upgraded or replaced, because the software won't allow officers to run criminal history on individuals. Mr. Gokey moved, seconded by Mr. Hackett to authorize spending \$2,842.00 to replace two computers, using funds from the 2016 budget. Motion passed 5-0. Chief Kensey asked for a brief executive session, with no intent to return, to discuss matters related to personnel.

SUPERVISORS

Mr. Gokey stated the Township hasn't raised real estate taxes in almost twelve years, largely due to Manager Lyon's ability to effectively balance a budget. Mr. Gokey thanked Chazz for everything he's done for the Township. Chief Shuebrook stated Chazz was the best boss he's ever had.

Uncle Chazz Lyon Day Chairperson McGrath read aloud Resolution 15-25, in honor of Manager Lyon's honesty, integrity, hard work, and unwavering commitment to Amity Township; who has been a trusted advisor to staff and many Board members who have served, the Amity Township Board of Supervisors declared December 18th will be celebrated as "Uncle Chazz Lyon Day". Mr. Weller made a motion to adopt Resolution 15-25. The motion was seconded by Mr. Hackett and the passed unanimously.

PUBLIC COMMENT

Denise Larive, 222 Ashford Drive, stated her neighborhood recycling pick-up has not been consistent. Some weeks it is picked up on Saturday, while other times they are calling the office. Supervisors instructed Ms. Larive to contact the Township whenever recycling is not picked up, or she can contact JP Mascaro directly.

EXECUTIVE SESSION

At 9:18 PM, with there being no further business, Mr. Jones made a motion, seconded by Mr. Gokey to adjourn to executive session with no intent to return. The purpose of the executive session was to discuss WWTP personnel matters, final matters to close out Chief Shuebrook's contract, and a police personnel matter. Motion passed 5-0. Meeting adjourned.

Respectfully Submitted,

Pamela L. Kisch
Township Secretary