

**Amity Township Board of Supervisors**  
**Meeting Minutes**

June 1, 2016

Call to Order/Pledge to the Flag

Vice Chairperson Richard Gokey called the June 1, 2016 meeting of the Amity Township Board of Supervisors, held at the Township Municipal Building, 2004 Weavertown Road, Douglassville, Berks County, Pennsylvania, to order at 7:00PM. The following were in attendance:

**SUPERVISORS**

Richard Gokey, Vice Chair  
Paul Weller  
Terry Jones  
David Hackett

**STAFF**

Troy Bingaman, Manager  
Brian Boland, Kozloff/Stoudt Attorneys  
Alistair Howell-Clarke, Roadmaster  
Steve Loomis, Code Enforcement Officer  
Dave Wheeler, WWTP Superintendant  
Pamela Kisch, Secretary

**ANNOUNCEMENTS**

Mr. Gokey announced Mrs. McGrath was ill and was unable to attend the meeting.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones moved, seconded by Mr. Hackett to approve the minutes of May 18, 2016. Motion passed 3-0-1. Mr. Weller abstained, as he was not in attendance at that meeting.

**FINANCE**

Mr. Weller moved, seconded by Mr. Hackett to approve the following disbursements:

\$ 81,683.07	General Fund
\$ 26,034.19	Sewer Fund
\$ 400.00	EDU Fund
\$ 195.32	<u>Liquid Fuels Fund</u>
\$ 108,312.58	Total

Mr. Gokey noted an additional check for \$200.00 was made to the BCCD for General Permits for the Leaf Creek Interceptor Project.

The Board had no questions about the Overtime by Department.

**REPORTS**

**Code Report**- Mr. Gokey stated that the property along SR0662 and Postal Road needs to be baled. Mr. Loomis stated he would contact the property owner. Mr. Loomis arranged a meeting with the property owner of 8 Riga Lane for discussion on becoming compliant with cleanup of skids, etc.

B&S Storage has yet to submit plans, as directed by the Board. Mr. Weller stated the owner has not attended a Planning Commission meeting since the last directive to the owner and his engineer.

**Road Report** - Mr. Howell-Clarke stated the paving projects on Merritt and Richards Avenues will begin June 17th and should be completed within three days. Mr. Howell-Clarke requested tabling the tractor replacement; as he intends to gather more information on the manufacturers and quotes. Mr. Jones asked if the road crew would be hiring summer help. Mr. Howell-Clarke stated he expects to have summer help starting mid-June. Mr. Gokey asked for an update on the salt shed. Mr. Bingaman stated the Salt Shed Construction Project was advertised to accept bids through June 10th; consideration of award at the June 15th BOS meeting. Mr. Howell-Clarke stated the construction of the salt shed should begin the first week in August.

**Waste Water Treatment Plant Report** - On May 16th, Mr. Bingaman received a letter from the PADEP, responding to Mr. Boland's letter dated March 29, 2016 which provided a detailed account of the meeting held in Harrisburg on February 29, 2016. The PADEP's letter requested a response within seven days, addressing issues regarding the Part II Permit Application and upgrades to PS2, PS4, and PS7. Mr. Boland's response to the PADEP was emailed to Maria Bebenek on May 25, 2016. Mr. Gokey asked if the rubber roof was replaced. Mr. Wheeler stated it was replaced a few months ago, and he felt the job was done well.

### **UNFINISHED BUSINESS**

**Ordinance 293** - Mr. Boland stated the proposed ordinance would authorize the Berks County Tax Collection Commission (BCTCC), formerly Berks County EIT Collection Bureau, to retain a third party billing agency to pursue and collect delinquent EIT payments. Mr. Boland reviewed the proposed ordinance and recommended a few minor revisions; which were accepted by the BCTCC solicitor. Mr. Bingaman stated the proposed ordinance has been advertised for adoption. Mr. Jones moved, seconded by Mr. Hackett to adopt Ordinance 293, authorizing the BCTCC to retain a third party billing agency to pursue and collect delinquent EIT payments. Motion passed, 4-0.

**Tractor Replacement** - Mr. Howell-Clarke had the tractor evaluated and determined it is in great shape, stating it could have another 3,000 to 4,000 hours of use remaining. Mr. Howell-Clarke stated he would like to change from cables to hydraulics on the mower, because cable replacements can be costly. He will conduct more research and report back to the Board.

### **SOLICITOR'S REPORT**

Mr. Boland stated the Public Hearing to consider adoption the Sign Ordinance will be held on June 15th at 7:00PM. The Sign Ordinance also contains changes to the Zoning Ordinance and SALDO. Once adopted, the Codification of Ordinances can be finalized. The Codification will be dated June 30, 2016 and presented to the Board for approval in July. Mr. Boland reported receiving three Unfair Labor Practice filings from the police; two of which are relative to Counseling Memos. Mr. Boland requested a brief executive session, with no intent to return, to discuss the filings. Dialogue continues with Mr. Montague regarding the sewer easement for the Leaf Creek Interceptor. Mr. Boland stated Highmeadows Estates Phase 3 was approved and recorded with a note about compliance with the Woodland Extraction Ordinance. The Woodland Extraction Ordinance was repealed. THP split development of Phase 3 into Phase 3 Section 1 and Phase 3 Section 2; at which time the note was not removed from the plans. Mr. Gokey stated the note is on the plan, but since the Ordinance is no longer valid, it is not enforceable. Mr. Boland affirmed.

### **NEW BUSINESS**

**Permission to place shed on Greenbriar Open Space** - Mr. Kurt Cantamaglia, 212 Berkshire Drive, requested permission to place a new pre-built shed on the open space behind his home.

Mr. Cantamaglia explained in 2003 when he was issued a Zoning Permit, by Mark Fisher of LTL Consultants, the existing shed was placed on Township property, in Greenbriar Open Space. In 2003, Mr. Cantamaglia flattened the area of Open Space and has been maintaining the grass and weeds, since that time. The existing shed needs to be replaced due to damage from groundhogs and the weather. Mr. Gokey thanked Mr. Cantamaglia for maintaining the property; however, Mr. Gokey expressed concerns regarding potential liability. Mr. Boland agreed there would be potential liability, but if the Board agreed, a release form could be drafted. Mr. Jones asked how much of the shed was in the Open Space. Mr. Loomis explained the entire structure is in the Open Space and placed a GIS map overview, showing the shed to be located entirely on Township Property. Mr. Cantamaglia stated he is unable to place the building on his property, due to the steep slope. After discussion, the consensus of the Board was that the Township had no intentions of utilizing the Greenbriar Open Space, and did not have objections to Mr. Cantamaglia placing the new shed on Township Property, provided Mr. Cantamaglia pay all legal costs of drafting the release form. Mr. Cantamaglia affirmed he would do so. Mr. Boland will create the release form. Mr. Cantamaglia will have the shed delivered after execution of the release form and payment of the same.

**Rental Registration** - Mr. Bingaman provided a copy of Section XV, Section 1 under Housing, which was adopted in 1989. The Ordinance requires landlords to submit tenant information as well as changes in tenants; and requires the Township Manager or his/her designee to maintain the files, supply forms for landlords, and keep an inventory of rentals. The Ordinance also requires enforcement, including fines of not more than \$600.00 for violators. Currently, this record keeping is not being completed. Mr. Bingaman asked the Board if they believe this Ordinance should remain; and if so, he'd need direction on initiating the record management and who would enforce the Ordinance. Mr. Bingaman stated management and enforcement would be a huge undertaking for current staff. Mr. Loomis updates tenant information for businesses when he completes Change of Occupancy on properties; as well as when tenants pull permits. Mr. Loomis stated it would be difficult to enforce registration for rental units that rent to multiple tenants. Mr. Boland stated that an Ordinance could be drafted to repeal the current Ordinance, should the Board feel it necessary. Mr. Jones asked if anything in the Ordinance could be of benefit and would be salvageable. Mr. Loomis replied he did not feel there was anything that should be retained. The Board directed Mr. Boland to draft the Ordinance to repeal the current Ordinance for rental registration.

## **EMPLOYEE/OFFICIAL REPORTS**

### **MANAGER'S REPORT:**

**Leaf Creek Interceptor** - Mr. Bingaman stated the \$200.00 payment to the BCCD was for the General Permits for the Leaf Creek Interceptor.

**LERTA** - Mr. Bingaman displayed a map on the projector, depicting properties within the Township that are able to apply for LERTA consideration, based upon the existing County LERTA Ordinance. Additional properties recommended to be added and residential properties which are not allowed to be included in the LERTA Ordinance were displayed. Mr. Jones asked what term the Manager was recommending. Mr. Bingaman recommended ten years. Mr. Boland affirmed this was the standard. If the Board chooses to proceed, a Public Hearing is necessary, where School District Officials and other interested parties would have an opportunity to make comment regarding the adoption of the LERTA Ordinance. The school could establish the same term; or a different term. Mr. Boland distributed a draft of what the proposed Ordinance could look like; showing a phasing of tax relief from 100% in the first year to no relief in the eleventh year. Mr. Boland will work with the Manager to arrange time for the Public Hearing.

**Appointment of Township Actuary** - The Pension Committee interviewed the responding firms on May 20th to make their recommendation to the Board. The Committee has recommended Conrad Siegel Actuaries, conditioned upon them meeting with employees, at no additional cost, to review the plan benefits and how those benefits are actually calculated. Conrad Siegel's proposed costs are actually less than those of Redmond Consulting, resulting in a slight decrease in costs. Mr. Jones moved, seconded by Mr. Weller to appoint Conrad Siegel Actuaries as the Township actuary, effective immediately. Motion passed, 4-0.

**Act 101 Recycling Program Performance Grant 2014** - Mr. Bingaman received notification that the PADEP has received and approved the Recycling Program Performance Grant for 2014, in the amount of \$16,259.00.

### **CHIEF OF POLICE:**

***Hiring of Part-Time Police Officer*** - Detective Smith has concluded the background check on Part-Time Police applicant, Patrick Hedgepeth. Mr. Hedgepeth passed his physical examination and is scheduled for his psychological evaluation on June 9th. Chief Kensey asked the Board for authorization to make an offer of employment, conditioned upon passing the physical exam and psychological evaluation. Chief Kensey stated the part-time officer would be working up to 32 hours a week, filling in for staffing deficiencies due to vacations, etc. Mr. Jones questioned if the budget was still in good shape. Chief Kensey stated it was. Overtime costs have been cut in several areas, such as court appearances. Mr. Weller moved, seconded by Mr. Jones to make a conditional offer of employment, based upon successful physical exam and psychological evaluation. Motion passed, 4-0.

***Directive #4 - Drug and Alcohol Policy*** - Chief Kensey distributed a draft of a directive to establish a drug and alcohol policy for the Police. Random drug and alcohol testing will be established as part of this policy, which would be applicable to the Chief and all Officers. The policy would require random urinalysis, breathalyzer, and possible hair follicle testing. The Chief stated the policy would bring a level of accountability and structure that he feels is necessary.

### **SUPERVISORS**

Mr. Gokey shared a comment from a resident regarding Amity Community Park. The resident wished to thank everyone who contributed to the planning and construction of Amity Community Park. Many communities are not fortunate enough to have access to such a beautiful park. The resident said he often sees children from this community and other communities utilizing the fields. Mr. Gokey said he agreed that residents are very fortunate. The Township purchased and developed the park; and Daniel Boone School maintains the fields.

### **PUBLIC COMMENT**

Richard Cooper, Limekiln Road, questioned if the part-time officer would be given benefits. Chief Kensey explained he would not. The officer would be receiving an hourly wage only. Mr. Cooper asked if an arrest was made in the storage unit burglaries. The Chief stated the burglaries are still under investigation. Video obtained is not the best quality, and is being reviewed. Denise Larive, News of Southern Berks, asked if the Police have an Employee Assistance Program (EAP). The Chief answered an EAP is available, but he would like to see something that is more of an immediate resource. Ms. Larive asked what disciplinary actions would be taken regarding the drug and alcohol policy. The Chief stated the policy details specific violations and appropriate disciplinary actions; and would consider whether an officer requested help prior to the problem. Ms. Larive asked about current stages of disciplinary action. The Chief replied it varies, dependent upon the infraction.

**ADJOURNMENT**

At 8:26PM, with no further business, Mr. Jones moved, seconded by Mr. Hackett to adjourn to executive session, for discussion of Unfair Labor Practice filings, with no intent to return. Motion passed, 3-0. Meeting Adjourned at 8:26PM.

Respectfully submitted,

Pamela L. Kisch  
Township Secretary