

Amity Township Board of Supervisors
Meeting Minutes

July 20, 2016

Call to Order/Pledge to the Flag

Chairperson Kim McGrath called the July 20, 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

Kim McGrath, Chairperson
Richard Gokey, Vice Chair
Paul Weller
David Hackett

STAFF

Troy Bingaman, Manager
Brian Boland, Kozloff/Stoudt Attorneys
John Weber, LTL Consultants
Pamela Kisch, Secretary

ANNOUNCEMENTS

Mrs. McGrath announced delivery of the Pottstown/Boyertown Yellowbook will begin in late September and continue through late October. Residents can recycle unwanted directories and now have an option to opt-out of receiving future directories by visiting www.yellowpagesoptout.com.

Matthew Hennessey, Troop 597, was elevated to the rank of Eagle Scout. Matthew's Eagle Court of Honor was held on June 11, 2016. A congratulatory certificate will be delivered by Supervisor Hackett.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

None

MINUTES

Mr. Gokey moved, seconded by Mr. Hackett to approve the minutes of July 6, 2016. Motion passed, 4-0.

FINANCE

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

\$ 11,280.50 General Fund
\$ 70,461.16 Fire Fund
\$ 16,765.11 Sewer Fund
\$ 14,212.50 EDU Fund
\$ 4,627.55 Liquid Fuels Fund
\$ 117,346.82 Total

The Board reviewed the Overtime by Department Report and Treasurer Reports.

REPORTS

Fire Companies- Amity Fire Company Chief Zomolsky reported the truck body is being built and they expect delivery in early September. Financing for the truck will be completed on August 19th. Monarch Fire Company Chief Keith Gabel reported they had a good turnout for the Chicken BBQ. The next Chicken BBQ is scheduled for the end of August.

Planning Commission - Mr. Weber shared the **Elliott Annexation Plan** and reported it is ready for approval. Land was annexed from the front lot to the rear lot to allow more room for horses. Mr. Weller moved, seconded by Mr. Hackett to approve the Elliott Annexation Plan as presented. Motion passed, 4-0.

B&S Storage - Mr. Boland stated the owner of B&S Storage submitted a plan in November 2015. Mr. Weber reviewed the submitted plan and made comments in a letter dated December 14, 2015. The Township has not received a response or revised plans from the owner. Mr. Boland recommended suspending the plan. If the owner wishes to proceed in the future he would need to resubmit plans to the Township. Mr. Gokey moved, seconded by Mr. Weller to suspend the plan and authorize Kozloff/Stoudt to send a letter of advisement. Motion passed, 4-0.

The Planning Commission discussed consideration of an Ordinance change regarding Cul-de-Sac streets at their July 13, 2016 meeting. There was no direction given. Mr. Weller stated the Planning Commission was not prepared to discuss the matter and was unaware of their options. The Board agreed they do not want to promote "dead-end" streets. Mrs. McGrath asked the Planning Commission to further discuss the pros and cons of disallowing Cul-de-Sacs.

UNFINISHED BUSINESS

Woods Edge 3B Streets Dedication - Forino requested dedication of the streets in Woods Edge Phase 3B. Mr. Weber's letter dated July 13, 2016 required certain repairs, additions to the subdivision improvements and a list of administrative items which must be completed before dedication will be accepted by the Township. Mr. Sweigart requested clarity on the requested Letter of Credit (LOC), adding that Forino acquired this phase from the bank, after the streets and driveway aprons were already in place for several years. Mr. Weber agreed that the roads were in good shape for their age. Mr. Weber's letter requested Forino provide a Financial Security in the amount of \$284,764.00 be posted for a term of 18-months. Mr. Weber stated the amount requested represents 15% of the total construction costs. Mr. Sweigart stated the original LOC provided was based upon future improvements by Forino, not existing improvements prior to Forino's acquisition of the subdivision. Mr. Sweigart stated there are only two lots to be built in Phase 3B. Mr. Weber stated he's concerned that traffic must go through all the other phases; possibly causing damage like that of the box culvert on Timberline. Mr. Sweigart stated Forino didn't cause the damages but would agree to making repairs. Mrs. McGrath questioned how long it would take Forino to complete the items listed in Mr. Weber's letter. Mr. Forino anticipated the list to be complete by the end of September. Mr. Forino stated he has never had any maintenance costs paid out of a Letter of Credit. After discussion, Mr. Gokey moved, seconded by Mrs. McGrath to lower the Financial Security requirement to \$100,000.00 and accept dedication of the streets in Woods Edge Phase 3B conditioned upon completion of all items identified in Mr. Weber's letter dated July 13, 2016. Motion passed, 4-0. Mr. Forino thanked the Board for their consideration.

Rejection of Repository Tax Sale (Parcel 24-534519601006) - Berks County Tax Claim Bureau's letter dated June 15, 2016 requested a response to consent to accept or reject the bid by July 15, 2016. The Board of Supervisors would not meet until after the requested response date, therefore

Mr. Bingaman submitted a rejection of the bid and asked the Board to ratify the same. Mrs. McGrath moved, seconded by Mr. Gokey to ratify rejection of the bid. Motion passed, 4-0. Mr. Bingaman requested to be contacted by the County when the property is re-listed for sale and stated he will contact the adjoining land owners to advise the property will be available for purchase.

SOLICITOR'S REPORT

Mr. Boland stated he reviewed the *Greenways, Trails & Recreation Grant Agreement* and had no concerns, should the Board decide to execute the agreement. Mr. Boland reported he is working with the contractor who was awarded the *Salt Shed Construction Project* to resolve discrepancies in the paperwork submitted.

Mr. Boland requested an executive session to discuss the Unfair Labor Practice filing.

ENGINEER'S REPORT

Mr. Weber stated a notice to proceed will not be issued to *Paul Risk Associates t/b/d/a Agpoint* until such time that all paperwork is in order. The site has been staked out, and additional stake out for final grade will be done on Friday. Mr. Boland stated the BOS awarded the Salt Shed Construction Project to the lowest bidder; who submitted the contract, Certificate of Insurance, Performance and Payment Bonds using officers of the fictitious name Agpoint. Mr. Boland contacted the company and advised they needed to resubmit all paperwork using the name Paul Risk Associates, t/b/d/a Agpoint. Highmeadows Phase 3 is under construction. Entech is scheduled to conduct the sanitary system inspection and LTL will conduct storm water inspections next week. Mr. Weber received a request from Dean Rittenhouse, THP, to remove topsoil from Highmeadows Phase 3. Part of the BMP measures to comply with new NPDES Permits require using amended soils.

NEW BUSINESS

THP Request to Remove Topsoil- Dean Rittenhouse, THP, said Highmeadows Phase 3 was heavy with topsoil before they began construction. Mr. Rittenhouse requested permission to remove 5,000 cubic yards; which would be approximately 250 truck loads. THP will request removal of additional topsoil at a later time. Mr. Gokey asked what would be done with the topsoil once it's removed. Mr. Rittenhouse stated they would like to sell but wanted to first check what the Township would allow. Mr. Gokey moved, seconded by Mr. Weller to authorize removing 5,000 cubic yards of topsoil from Highmeadows Phase 3. Motion passed, 4-0.

Greenways, Trails & Recreation Grant Agreement - Mr. Weller moved, seconded by Mr. Hackett to authorize the execution of the Greenways, Trails & Recreation Grant Agreement and permit the Manager to request modifications to the scope of the project. Motion passed, 4-0.

EMPLOYEE/OFFICIAL REPORTS

MANAGER'S REPORT:

Extension of Recycling Contract - Discussions with Jane Meeks from the County indicated municipalities who solicited bids for recycling collection did not receive good bids. Mr. Bingaman recommended extending the recycling collection agreement. This would be the final extension of the current contract. The contract for recycling collection would be bid in 2017. Mr. Gokey moved, seconded by Mr. Weller to authorize the final extension of the recycling collection contract. Motion passed, 4-0.

BMF request for lights and scoreboard - Blazer Midget Football (BMF) intends to use portable lights this season, powered by a generator. Staff will test lights to ensure they are compliant with the

ordinance and positioned in a way as to prohibit pollution for the neighbors. BMF requested use of a portable scoreboard. The scoreboard will be approximately 4'x4', six feet off the ground and installed via two PVC pipes in the ground with 4x4's for the posts. A cap will be placed over the holes created for the PVC pipe whenever the scoreboard is not in use. The Recreation Board had no objections to their requests. Ali reviewed the location for the scoreboard and did not have any safety concerns for other field users.

Chieffo EDU Billing - There are twenty-five commercial customers being billed for sewer based upon multiple EDU's. Some of them make sense, others do not. Chieffo Properties on Riga Lane has two people working in the office and are billed \$360.00 each quarter for sewer. Mr. Bingaman stated this seems unfair based upon his usage. The only way to determine actual usage is to meter the flow. Mr. Bingaman asked the Board if they would prefer to have properties with wells install meters or handle the requests on a case-by-case basis. Steve Chieffo stated he would be willing to install an inline meter in the future if there would be any additional development of the property. Mr. Weller moved, seconded by Mr. Hackett to bill \$90.00 quarterly, for one EDU, based upon current use. Motion passed, 4-0. The Board may consider requiring installation of inline meters on properties where owners have wells.

Line painting - Line painting began on Tuesday, July 19th and should be completed by end of July.

EDU Refund Request - Richard Almquist informed Mr. Bingaman he has two potential interested buyers. One potential buyer would be interested using the approved plan; the other would prefer twelve larger lots (six to fourteen acres). Mr. Almquist asked if the BOS would possibly consider a refund of the pre-paid EDU fees for any EDUs that would not be needed. Mr. Weller stated the request is premature if there is not a definite buyer. Mr. Bingaman stated the \$875,037.00 paid was being used to finance the Leaf Creek Interceptor, the Lagoon Project, and the I&I Improvements. Mr. Bingaman stated the Leaf Creek Interceptor was being constructed for the purpose of servicing this subdivision and if refunded could cause a significant financial burden. Mrs. McGrath asked if the subdivision could get onlot tanks. Mr. Weber stated the Township would need to amend the Act 537, and buyers would most likely prefer to have public sewer. Mrs. McGrath stated Mr. Almquist should be notified to pay any outstanding in-house review fees prior to requesting a refund.

Troy Battistoni successfully completed his probationary period at the Waste Water Treatment Plant. Mr. Wheeler recommended changing Troy Battistoni to a permanent, full-time employee. Mr. Weller moved, seconded by Mr. Hackett to make Troy Battistoni a permanent, full-time employee. Motion passed, 4-0.

Mr. Bingaman requested an executive session to discuss personnel matters.

CHIEF OF POLICE

Chief Kensey requested an executive session to discuss personnel matters. The Manager and Chief provided copies of ***Directive #4 Drug and Alcohol Policy*** to the Collective Bargaining Unit for comments. The Solicitor also reviewed these policies. Chief Kensey asked the Board to consider adopting the Drug and Alcohol Policy. Mrs. McGrath asked if the policy provides opportunity for random testing. The Chief affirmed it does; for officers and himself. Testing would be breathalyzer, blood test, and possibly hair follicle testing. No notice is given to the employee who is being randomly tested. The professional would come out to test on site at the Police Department. Mr. Gokey moved, seconded by Mr. Weller to adopt Directive #4 Drug and Alcohol Policy for the Police Department. Motion passed, 4-0. The ***Police Department Disciplinary Code*** was provided to the Collective Bargaining Unit for their comments. Jeff Smith had expressed concerns about the "unspecified category". Mr. Boland will meet with the Chief and Jeff Smith to find a compromise and

satisfy the concern while maintaining the integrity of the policy. The Police received \$2,700.00 for an *Aggressive Driving Grant* for their work from July 6th through August 28th. The Chief will be providing a draft of Directive #5, the Off-Duty Police Actions Policy in the near future for consideration. Chief Kensey attended FBI-Leeda training earlier this month, which focused on command leadership.

SUPERVISORS

None

PUBLIC COMMENT

Steve Chieffo asked if the Township could use some of the topsoil being moved from Highmeadows. Mr. Weber replied that the Township isn't in a position to accept the topsoil at this time, but certainly could be a consideration when construction of the ball fields begins.

Kristin Deal, 1219 Weavertown Road, questioned Mr. Weller about the newspaper article that indicated two Supervisors were present at the Shirey property on Boyertown Pike. Mr. Boland stated he was made aware the Deals may be present and notified Attorneys Doll, Koch, and Buck. Mr. Boland stated the Conditional Use Hearings have been concluded. The Board is still deliberating and cannot take ex parte questions. Discussion outside of the hearing could provide grounds for appeal of the Applicant, should they be denied the Conditional Use. If anyone was present other than the Supervisors, all Parties of Interest would have been notified to allow them to be present. Mark Deal stated he would agree to remain in his home if any Supervisors would like to walk his property.

ADJOURNMENT

At 8:35PM, with no further business, Mr. Gokey moved, seconded by Mrs. McGrath to adjourn to executive session for discussion of Unfair Labor Practice and two personnel matters, with no intent to return. Motion passed, 4-0. Meeting Adjourned at 8:35PM.

Respectfully submitted,

Pamela L. Kisch
Township Secretary