

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

October 19, 2016

Call to Order/Pledge to the Flag

Supervisor Paul Weller called the October 19, 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**

Paul Weller  
Terry Jones  
David Hackett

**STAFF**

Brian Boland, Kozloff/Stoudt Attorneys  
John Weber, LTL Consultants  
Troy Bingaman, Manager  
Andrew Kensey, Chief of Police  
Tracy Nonamaker, Treasurer  
Pamela Kisch, Secretary

**ANNOUNCEMENTS**

Mr. Weller announced public meetings will be held on Wednesday, October 26<sup>th</sup> by representatives from the Federal Highway Administration, the Federal Transit Administration, PennDOT, and the Reading MPO concerning public views on the transportation planning process in Berks County. The meetings will be held at the Berks County Services Center, 14<sup>th</sup> Floor. A copy of the announcement will be posted in the vestibule.

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Jones moved, seconded by Mr. Hackett to approve the minutes of October 5, 2016.  
Motion passed, 3-0.

**FINANCE**

Mr. Weller stated an additional disbursement of \$28,608.11 was added to EDU fund. Mr. Bingaman explained the payment was for interest and principal for the repayment of the 2015 Obligation Note. Mr. Jones made a motion, seconded by Mr. Hackett to approve the amended balance of disbursements as follows:

\$ 133,516.78	General Fund
\$ 2,062.00	Fire Fund
\$ 22,184.65	Sewer Fund
\$ 136,512.13	EDU Fund
\$ 88,165.00	Recreation Fund
\$ 4,134.72	Liquid Fuels Fund
\$ 386,575.28	Total

Motion passed, 3-0.

The Board reviewed the Overtime by Department Report.

## **REPORTS**

**Fire Companies**– Amity Fire Co. Chief Mike Zomolsky reported the new rescue truck has arrived and personnel are working on the outfitting of equipment on the truck. Chief Zomolsky thanked the Board for their continued support and donations. Monarch Fire Company was not present.

**Planning Commission** – There were no actions requested by the Planning Commission.

## **UNFINISHED BUSINESS**

**Street Lights, Woods Edge 3C** – Mr. Bingaman stated that Forino is willing to have two street lights installed and energized, but would like the Township to pay the difference in pricing if they'd prefer LED lights to be installed; which is approximately \$550.00. Mr. Bingaman said the difference in cost was similar to the \$280.00 difference per fixture quoted by ECON earlier this year to retrofit street lights within in the Township from high pressure sodium to LED. Mr. Jones moved, seconded by Mr. Hackett to authorize paying the difference in price for two LED lights in Woods Edge Phase 3C. Motion passed, 3-0.

## **SOLICITOR'S REPORT**

Mr. Boland sent a response to ***Valley View Manufactured Home Community*** owner, Andrew Fifer regarding police enforcement of their property at 1 Valley View Road, Birdsboro. The letter outlined the process the owner must take in order for the Township to consider providing police enforcement within their community. Upon receipt of the request and conditions being met, the Board of Supervisors could consider the request. Mr. Boland will hold a meeting on Friday, October 21<sup>st</sup> with representatives from ***Rosewood Glen***, Mr. Weber, Mr. Howell-Clarke and the Manager to discuss the severe erosion and erosion of neighboring properties. The Board of Directors stated they were previously not made aware of the issues and would like to work toward resolution. Mr. Boland received a ***Police grievance*** pertaining to overtime wages for court appearances. Mr. Boland stated he believes the overtime is a managerial discretion of the Township. The Board agreed to request the meeting be scheduled for November 2<sup>nd</sup>.

## **ENGINEER'S REPORT**

Mr. Jones moved, seconded by Mr. Hackett to authorize ***Release #4 for Highmeadows Phase 3 Section II*** in the amount of \$193,594.00 per Mr. Weber's letter dated October 12, 2016.

Motion passed, 3-0. Mr. Jones moved, seconded by Mr. Weller to authorize Payment ***Application 1 for the Salt Storage Building***, in the amount of \$103,924.75 as recommended by Mr. Weber's letter dated October 14, 2016 and with confirmation by Mr. Howell-Clarke that he is satisfied with the work associated to payment and everything is in order. Motion passed, 3-0. Mr. Weber stated he was notified by Mr. Howell-Clarke that Agpoint intends to have the project complete by the end of the month.

## **NEW BUSINESS**

***Boone Area Library*** – Susan Fixx and Matt Lamm provided information on upcoming events at the library. Fundraising efforts increased last year and raised over 11% of the overall operating budget. The library will be refinancing their mortgage to fund necessary masonry repairs, as well as repairs to gutters, air conditioning, electrical system and the renovation of restrooms to become ADA compliant. Ms. Fixx distributed the library budget and treasurer's report and respectfully requested the Board consider increasing their annual donation from \$16,500.00 to \$18,875.00; which she

equated to \$1.50/per capita according to the latest census. Mr. Weller asked if other municipalities are increasing their donations. Ms. Fixx stated Union Township has increased their donation by 5% each year; Birdsboro couldn't commit to an increase at this time. The Board thanked Ms. Fixx and Mr. Lamm for their detailed presentation.

**Consideration of Recreation Fees** – Matt Doll, representing Barry Shirey, requested the Board consider either waiving or at the very least reducing the Recreation Fees for the Shirey Turkey Farm. Mr. Doll claimed the \$66,150.00 recreation fee is neither reasonable nor rational; based upon the fact that Mr. Shirey and his son will be the only people on the farm, along with turkeys; which would place no additional burden on the recreation areas. Mr. Boland stated Mr. Shirey had previously agreed to comply with all local Ordinances which includes the Recreation Fees when he was granted his Conditional Use; and asked if Mr. Doll had any case law which supports the request to waive or reduced fees. Mr. Doll replied he did not; but it was rather his interpretation of the MPC where it addresses “reasonably and rationally related to the use”; as they hadn't anticipated the fees would be applied for an agricultural use. Brian Hunsberger, on behalf of Arbour Green, argued it's unfair to charge recreation fees per acre instead of the impact the use would impose on recreation areas. Mr. Boland stated the fair market value for the recreation fees were calculated in 2008. Mr. Weller agreed the fees were established during the height of the housing market, in hopes of collecting fees from developers which could be used to pay down the debt for Amity Community Park. After discussion, Mr. Weller agreed it may be time to revisit how recreation fees are derived; but consideration of fees should be deliberated by a full Board. Mr. Jones requested Staff research recreation fees for neighboring municipalities. Mr. Boland stated he believes most are charging similar fees and basing them upon the same type of calculations. Mr. Hunsberger stated the fee should make sense with the current economy and should not be cost prohibitive to developers and thanked the Board for allowing him to comment.

**Additional Contract, Cleaning of Lagoon** – Mr. Bingaman stated P&H Senesac resumed dewatering sludge at the Waste Water Treatment Plant this week. Mr. Sassaman obtained three proposals for the cleaning of the liquid from under the liner; \$108,225.25 from P&H Senesac, \$2,720.00/per day from McGovern Environmental, and \$3,825.00/per day from US Environmental. The P&H Senesac quote assumed the material would be removed from the lagoon and dewatered through the Senesac Centrifuge but included a set minimum volume. Quotes from McGovern and US Environmental assumed the a

Hi Vac truck would be used and the liquid would be kept at the WWTP for further processing at the plant or dewatered through the Belt Filter Press. Mr. Jones moved, seconded by Mr. Hackett to authorize McGovern to proceed at a cost of \$2,720.00/daily, not to exceed \$19,400.00 with progress to be monitored by the Manager. Motion passed 3-0.

**Proposals for Auditing Services** – The RFP was issued in August. Staff reviewed the three proposals received. The Manager recommended the Board accept Reinsel Kuntz Leshner CPA's & Consultants (RKL) proposal for three years and consider the options beyond that. The RKL proposal would provide an annual savings of approximately \$2,000.00, as compared to what has been paid annually to the current auditing firm. Mr. Hackett moved, seconded by Mr. Jones to accept the RKL proposal for \$12,000.00 for 2016, \$12,300.00 for 2017, and \$12,700.00 for 2018. Motion passed, 3-0.

## **EMPLOYEE/OFFICIAL REPORTS**

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

**Wanner Landscaping Land Development Escrow** - Pete Wanner requested to close the Cash Escrow account which was established in 2006 after the majority of the improvements were completed.

Mr. Weber stated the Board gave a single approval, although the plan was submitted in two phases, with some of the securities for phase two. When the first phase was completed, \$15,185.00 was moved into escrow for phase two. Mr. Wanner stated the top coat of asphalt and one street lamp remain incomplete. Mr. Hackett moved, seconded by Mr. Jones to authorize the release of the cash escrow, in the amount of \$15,185.00 upon execution of a Release Agreement. Motion passed, 3-0. The Release Agreement will require financial securities be posted prior to issuance of building permits or development of phase two.

**Budget** – Mr. Bingaman distributed a draft of the 2017 budget and recommended the Board schedule a Budget Workshop. Mr. Jones asked if a date was advertised for Board of Supervisor workshops. Mrs. Kisch confirmed the meeting advertisement did not specify times for BOS workshops. As part of the budget process, department heads were requested to provide a schedule of all assets, their useful life, salvage value to replace and estimated costs. Mr. Bingaman distributed a draft for a Capital Reserve Fund. The fund would allow the Township to plan for the future rather than budgeting when equipment needs to be replaced. Mr. Bingaman indicated there is a shortfall for the 2017 budget and stated the budget needs to be in final form by the November 2<sup>nd</sup> BOS meeting. Mr. Jones moved, seconded by Mr. Hackett to authorize advertisement for a special budget workshop meeting to be held on Friday, October 28<sup>th</sup> at 1:00pm at the Township Building. Motion passed, 3-0.

**Veteran's Memorial** – Brian Duffie, a resident and executive with E.P. Henry Hardscapes, contacted Mr. Bingaman to see if the Township would be interested in creating a community gathering place to honor those who serve and have served. Mr. Duffie indicated he would provide the material and labor if the Township was willing to designate a 50-foot by 50-foot area for the project. The Board was receptive to the idea and requested Staff determine feasibility of Township owned properties for the project.

Mr. Bingaman stated he will contact the newly formed Daniel Boone Athletic Association (DBAA) to discuss their future needs for baseball fields. The organization doesn't seem to need all of the fields they are currently using and is having difficulty keeping the fields properly maintained, as required by the DBYS and DBCA contracts. DBAA's needs may not necessitate the erection of **additional baseball fields behind 888 Old Airport Road**. The **Haas Farm lease** expires on December 31, 2016. If the fields will not be constructed, staff should re-advertise for bids for the lease of the farmland.

### **CHIEF OF POLICE**

Chief Kensey reported he has directed all officers to **record Race/Ethnicity on the Commonwealth of Pennsylvania Traffic Citations**. Currently, all non-traffic citations include this category; traffic citations do not. This change was instituted to account for statistical data pertaining to all traffic stops within the Township. The Police are participating in the Berks County Chapter **Toys for Tots** Program. Unwrapped gifts can be dropped off at the Township building through December 9<sup>th</sup>. Chief Kensey ran in the **Aidan's Avengers Superhero 5K run** on Saturday, October 8<sup>th</sup> and donated \$25.00 to Pediatric Brain Cancer Research. The Chief spoke to the Optimist Club at the Villa regarding domestic abuse. Berks Women in Crisis speakers were also present to discuss a **lethality assessment** that could be applied by Police Officers when they respond to such incidents. The Chief is determining the feasibility of utilizing this assessment within the Township. The Chief requested an executive session for discussion of Police Personnel matters.

### **SUPERVISORS**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

At 8:19PM, Mr. Jones moved, seconded by Mr. Hackett to adjourn to executive session to discuss Police Personnel matters and potential litigation with no intent to return. Motion passed, 3-0.

Meeting Adjourned at 8:19PM.

Respectfully submitted,

Pamela L. Kisch  
Township Secretary