

**Amity Township Board of Supervisors  
Meeting Minutes**

**May 3, 2017**

Call to Order/Pledge to the Flag

Chairperson Kim McGrath called the May 3, 2017 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
- David Hackett, Vice Chair
- Richard Gokey
- Terry Jones
- Paul Weller

**STAFF**

- Brian Boland, Kozloff/Stoudt Attorneys
- Troy Bingaman, Township Manager
- Andrew Kensey, Chief of Police
- Alistair Howell-Clarke, Roadmaster
- Steve Loomis, Building Code Official
- Dave Wheeler, Waste Water Treatment Plant Superintendent
- Pamela Kisch, Township Secretary

**ANNOUNCEMENTS**

None

**PUBLIC COMMENT (AGENDA ITEMS ONLY)**

None

**MINUTES**

Mr. Gokey moved, seconded by Mr. Hackett to approve the minutes of April 19, 2017.  
Motion passed 5-0.

**FINANCE**

Mr. Weller made a motion, seconded by Mr. Jones to approve the disbursements as follows:

\$ 123,719.00	General Fund
\$ 47,415.21	Sewer Fund
\$ 107,306.30	EDU Fund
<u>\$ 237.00</u>	<u>Liquid Fuels Fund</u>
\$ 278,677.51	Total

Mrs. McGrath stated a correction was made to the disbursements, making the amount to be approved \$618.00 less than what was shown on the agenda. Motion passed 5-0.

The Board reviewed the Overtime by Department report and had no questions.

## **REPORTS**

**Code Department** – Mr. Gokey questioned whether bamboo was considered an invasive.

Mr. Loomis stated it is considered grass and can't be over ten inches in height. Mr. Gokey stated the Sacks property in Indian Run has a large amount of bamboo growing. Mr. Weller questioned if the remaining 2016 SMO violations have been resolved. Mr. Loomis replied that one remains in violation.

**Road Department** – Mr. Howell-Clarke reported the listing for the **2002 Ford F250** has almost reached the reserve. The **new mower and new Ford F250** are scheduled to arrive next week.

Mr. Weller asked if PennDOT notified the Township before placing the yellow arrow and sharp turn signs in front of his residence. Mr. Howell-Clarke stated they do not notify the Township. Mr. Gokey questioned if street sweeping was completed. Mr. Howell-Clarke replied it was finished on April 27<sup>th</sup>. In regards to the request from a resident for a **“no outlet” sign on Queen Anne Circle**, Mr. Jones asked if other Township cul-de-sacs have “no outlet” signs. Mr. Howell-Clarke stated they do not. Mr. Loomis stated there is signage on Agata Drive as a result of a request from a resident. The resident requested the signage citing concerns of traffic enters the cul-de-sac as a result of accidents occurring at the intersection of SR422 and Monocacy Creek Road. After discussion on types and sizes of signs, the Board agreed the need for the sign was warranted. Mr. Bingaman asked if the Board would like signs placed in all cul-de-sacs. Mr. Weller stated he didn't feel it was necessary if drivers can clearly see the cul-de-sac before entering it.

**Waste Water Treatment Plant** – Mr. Weller asked if the recent **rain** caused any issues at the plant. Mr. Wheeler replied that there were no issues. Mr. Jones questioned if the **I&I project** was completed. Mr. Wheeler reported it was completed and there were no issues.

**UNFINISHED BUSINESS** – None

## **SOLICITOR'S REPORT**

Mr. Boland requested a brief executive session to discuss developments related to the **Montague Easement** for the Leaf Creek Interceptor. Mr. Boland reported the **DTE Energy** has filed for the Federal Energy Regulatory Commission filing and requested a Municipal Land Use letter as the project for the **gas pipeline** to feed the power plant in Birdsboro proceeds. **D. Keith Dixon**, 639 Old Airport Road, was given notice that the **civil action lawsuit** against the Amity Township Board of Supervisors was being terminated. Mr. Dixon filed an appeal, which was denied by the Courts of Common Pleas. Mr. Boland stated he will be submitting Summary Judgement Motion to have the case dismissed and anticipates the hearing will be scheduled within the next 60 days.

## **NEW BUSINESS**

**ZHB Recommendation, David O. Fisher** – Christopher Mullaney, Mullaney Law Offices, appeared representing Mr. Fisher. Mr. Mullaney stated the property located at 1392 East Ben Franklin Highway has been operating as non-conforming uses for years as a gas station, auto repair shop, storage and fuel tank location. Mr. Mullaney stated his applicant applied for variances for an enlargement of the pre-existing non-conforming use, uses permitted by right, change of uses for non-conforming structures, and side and rear yard setbacks. Mr. Fisher gave this account for uses at the property: the gas station is vacant; two men rent one modular for storage of contents from bank repossessed homes; a second modular has overflow storage from the block building on the premises and has a desk and chair that is used at times by the tenant; and the box truck is used buy Shred One to store shredded paper. Mr. Loomis stated the structures were added without application of zoning

and building permits. Mr. Mullaney confirmed the same. Mrs. McGrath stated permits couldn't be issued with the unresolved use and setback issues identified. Mr. Loomis stated the applicant applied for the ZHB hearing after being notified of violations as a result of a complaint from a resident that a building encroached on an adjacent property and was using bathroom facilities without proper connection and certificates of occupancy. After lengthy discussion, Mrs. McGrath recommended the applicant be prepared to provide specifics of proposed setbacks and future uses are planned for this site when they appear before the ZHB. The Board chose not to make a formal recommendation in support or against the variances requested, due to the ambiguity of the application.

***Fund Balance Policy Amendments*** – Mr. Bingaman recommended adopting an amended Fund Balance Policy to clarify that the Budget Stabilization Balance is part of the General Fund and the Capital Reserve Fund is a stand-alone fund to satisfy concerns raised by the Auditors. Mr. Weller moved, seconded by Mr. Jones to adopt the Fund Policy Amendments. Motion passed 5-0.

## **EMPLOYEE/OFFICIAL REPORTS**

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

***Proposed Elimination of the Per Capita Tax*** – Daniel Boone School District President notified Amity and Union Townships and Birdsboro Borough about the District Finance Committee's proposal to eliminate the Per Capita Tax. Mr. Bingaman stated the Township receives approximately \$40K from this tax, and those revenues would need to be generated elsewhere and asked for comments. After discussion, Mr. Jones moved, seconded by Mr. Weller to authorize the Manager to send a letter expressing the Board of Supervisors' opposition to the elimination of the Per Capita Tax. Motion passed 5-0.

***Cable Franchise Renewal Meeting*** – Municipalities participating in the Cable Franchise Consortium met on April 20<sup>th</sup>. It was discussed that a public hearing with a stenographic record will be required. A joint meeting could be held with Amity, Birdsboro and Exeter, saving on advertising costs. The Board had no objections to the Manager reaching out to determine if there would be interest in holding a joint meeting.

***Parks and Recreation Meeting*** – The Parks & Recreation meeting held on Sunday, April 30<sup>th</sup> began at Amity Community Park (ACP), followed by Lake Drive. While at ACP, the Optimist Club proposed holding the second Annual Tree Lighting at the park. They would like to plant a tree to the left of the macadam path off Weavertown Road. Barry Leier stated electric would be installed to a pole and paid for by PA American Water. Groth Tree Farm will be donating a 12 to 14 foot Norway Spruce. Groth agreed to deliver and place the tree in the hole. Mr. Howell-Clarke stated the road crew could dig the hole and use their 250-gallon tank to water the tree as needed. Curt Clifford stated last year's event went very well, filling Redner's parking lot. Mr. Clifford stated there is a sickly Maple tree where they want to plant the new tree. Mr. Jones moved, seconded by Mr. Hackett to authorize the Optimist Club to coordinate the project with the Manager. Motion passed 5-0. Phyllis Cooper, Limekiln Road, asked if parking would be a concern, considering the event filled the Redner's parking lot last year. Mr. Leier stated parking spaces at the park, school, church and Township building could be utilized.

***Shirey Turkey Farm*** – Mr. Bingaman received the Letter of Credit, and the Financial Security, Stormwater Maintenance and Municipal Improvements Agreements. The documents are ready for the Chairperson and Secretary to execute and plans could be released with Mr. Boland's consent. Mr. Boland had no objections.

***Sale of Truck #66*** – Mr. Bingman stated the auction for Truck #66 will end on Friday and requested permission to accept the highest bid for the 2002 Ford F250. Mr. Gokey moved, seconded by Mr. Jones to authorize the Manager to accept the highest bid on Municibid. Motion passed 5-0.

***Draft of Ordinance Amendments*** – Mr. Bingaman distributed a draft of an Ordinance amending sections of the code related to restoration for street openings, unregistered vehicles in front and rear yards, and penalties for sewer payments. Penalties for sewer billing will be more clearly defined with this amendment, as well as an additional 90-day penalty that will be applied to the entire principal of the balance. Mr. Loomis stated the current code allows for one unregistered vehicle on a property. Mr. Gokey stated the change was to prevent residents from placing a vehicle in a front yard and leaving it there. Mrs. McGrath asked if the Ordinance could be amended to prohibit storage of vehicles that are registered to non-residents. Mr. Boland agreed the amendment could address that issue. Mr. Jones asked if this amendment would address the concerns of a resident on Blacksmith Road who is storing multiple vehicles while repairing them on his property. Mr. Loomis stated this amendment would not, stating his recommendation would be to deal separately with that issue. After further discussion, Mr. Boland will provide a revision of the draft for the next meeting. Mr. Bingaman stated he will be asking for permission to advertise for adoption of the amendments at the May 17<sup>th</sup> meeting.

Mr. Bingaman requested an executive session for personnel matters.

**CHIEF OF POLICE:**

Chief Kensey stated he'd like to replace 26-4, a Dodge Charger with 101,150 miles. The Dodge has a larger motor, using more gas and is not all-wheel-drive. The Chief obtained a quote for a ***2017 Ford Taurus Police Interceptor*** from Hondru Ford and asked the Board for their consideration of using funds from the Capital Fund to purchase the vehicle in 2017 instead of waiting until 2018. Chief Kensey allocated \$10K for cell upgrades and \$25K for floor repairs in his budget for the Capital Fund and was willing to wait for those renovations in lieu of purchasing a vehicle. The complete cost of the vehicle with paint, upfitting and decal was \$34,780.00. Mr. Jones stated Ford has indicated they will be increasing purchase prices by approximately \$2K. Mr. Bingaman confirmed the Capital Fund has money to cover the cost of the vehicle; and \$35K was set aside for the renovations. The Board was not opposed to purchasing the vehicle in 2017 from the Capital Fund. A motion was not made to authorize the purchase. Mrs. McGrath asked how many days were represented in the Law Enforcement and Service Issues part of the Chief's report. Chief Kensey stated it's the timeframe between BOS meetings; approximately 14 days. Mrs. McGrath questioned if the number of ***parking violations and traffic citations*** were indicative of other 14-day periods. Chief Kensey stated the parking violations were a result of vehicles not moving for street sweeping; typically, there are very few parking violations and traffic citations issued. Mrs. McGrath suggested with the number of officers on duty each day there could be a potential for additional enforcement. Chief Kensey stated he has obtained two window tint meters from a company at no charge, in exchange for 60-days' worth of data for vehicles stopped and tested with the meters. Mrs. McGrath questioned how many vehicles needed to be stopped. The Chief said there was no specific criteria given.

Chief Kensey requested a brief executive session to discuss personnel matters.

**SUPERVISORS**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

At 8:36PM, with no further business, Mr. Gokey moved, seconded by Mr. Hackett to adjourn the meeting and hold an executive session to discuss personnel matters, Police personnel matters, and the Montague Easement with possible return. Motion passed 5-0.

The meeting was not reconvened. Meeting adjourned at 8:36PM.

Respectfully submitted,

Pamela Kisch  
Township Secretary