

APPENDIX 0-5

WRITTEN COMMENTS AND RESPONSES

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WRITTEN COMMENTS AND RESPONSES

The following written comments were received:

Requested by	Date	Request	Township Response
Neil Dreslin	July 28	Requesting inclusion of "Rodnoc" and Chambers properties in Sewer Service Area	Added property to Sewer Service Area, 10/21/03
Robert M. Romain, Esq.	August 18	Requesting inclusion of Daub property in Sewer Service Area	Request denied, 11/03/03
Henry M. Koch, Esq.	Oct. 2 Oct. 31	Requesting inclusion of Flatley property in Sewer Service Area	Added property to Sewer Service Area, 11/03/03
Oley Township	Oct. 27	Requesting future sewer service to Oley Twp. properties in Yellow House	Amity will respond, advise that they will consider service in the future, subject to "special study"
Exeter Twp. Sewer Auth.	Oct. 27	Requesting future sewer service to "Paradise Park" development	Amity will respond, advise that they will consider service in the future, subject to "special study"
Henry M. Koch, Esq.	Oct. 30	Requesting inclusion of his property along Limekiln Rd. in Sewer Service Area	Request denied, 11/03/03
Bursich Associates	Oct. 27	Requesting inclusion of Rodnoc and Chambers properties in Sewer Service Area, on behalf of Neil Dreslin	Added property to Sewer Service Area, 10/21/03

Amity Township Board of Supervisors
Meeting Minutes
November 3, 2003

Call to Order/Pledge to the Flag

The November 3, 2003, meeting of the Amity Township Board of Supervisors, held at the Municipal Building, 2004 Weavertown Road, Douglassville, Berks County, Pennsylvania, was called to order at 7:03 PM by Chairman F. Eric Sills. The following were in attendance:

SUPERVISORS

F. Eric Sills, Chairman
Robert R. Yanos, Vice Chairman
Leslie Sacks
Richard Gokey
Kathleen Greenawalt

STAFF

Charles E. Lyon, Township Manager
Marsha Shimp, Secretary/Treasurer
Noel A. Roy, Chief of Police
Brian Boland, Esq., Solicitor

The meeting was opened with a salute to the flag.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

Mark Kaplan, Heritage Building Group informed the Board that they were not on the agenda, but part of the Solicitor's report. They have delivered final plans for Amity Lea and Highmeadow with the engineer's letter and the signed settlement agreement. There are still some issues with Denicco, Body, Kutz that the Boards needs to comment on. Another plan was submitted for the Monocacy Tract in an effort to provide a compromise to the Board's concerns. They are anxious to bring this to a conclusion.

Mr. Marple responded to the prior meetings minutes in regards to returning his \$500.00 fee for his zoning hearing. He has a problem with the direction the Solicitor is taking this case. His understanding is that the Township withdrew the case, therefore his money should be refunded.

APPROVAL OF MINUTES

Mr. Yanos moved, seconded by Mrs. Greenawalt, to approve the October 21, 2003 minutes with changes. Motion passed with a vote of four (4) to zero (0) to one (1), with Dr. Sills abstaining.

Mrs. Sacks moved, seconded by Mrs. Greenawalt, to approve the October 27, 2003 minutes as presented. Motion passed with all in favor.

FINANCE

Moved by Mr. Gokey, seconded by Mr. Yanos, and duly passed to approve the following disbursements:

General Fund	\$ 51,897.33
Sewer Fund	\$ 36,102.77
Liquid Fuels	\$ 3,142.78
Building Fund	\$ 1,371.62
Recreation Fund	\$ 1,642.50
Total	\$ 94,157.00

UNFINISHED BUSINESS

Act 537 Plan. Dr. Sills moved, seconded by Mr. Yanos, to discuss this topic upon arrival of the Solicitor. Motion passed unanimously.

Authorize Wexcon payment. Mr. Yanos moved, seconded by Mrs. Sacks, to authorize payment of \$2,000.00 that was previously withheld. Motion passed with all in favor.

Hill Road Concession – sanitary sewer line. The proposal from DESSCO is \$3,781.00. A contractor has offered to dig for \$52.00 per hour. The Township would have to do the connection and haul stone. Mr. Gokey moved, seconded by Mr. Yanos, to use Forino Company to dig for the sanitary sewer main at Hill Road concession for \$52.00 per hour provided all safety measures are met. Motion passed unanimously.

NEW BUSINESS

Escrow Release - Rosecliff Pointe Phase 4. Mr. Yanos moved, seconded by Mrs. Greenawalt, to approve escrow release no. 3 in the amount of \$73,951.32. Motion passed with all in favor.

ISCO Composite Sampler. Mrs. Sacks moved, seconded by Mrs. Greenawalt, and duly passed, to approve the purchase of an ISCO Composite Sampler at a cost of \$4,800.00.

Manatawny Hill – 90 day time extension. Mrs. Sacks moved, seconded by Mr. Yanos, and duly passed, to grant a 90-day time extension for the Manatawny Hill preliminary plan.

Zoning Hearing Recommendation – Conrad. The Conrad's want to convert the barn on their property into a residence and use the farmhouse and carriage house as rentals. Mr. Gokey moved to table this topic until the November 18th meeting. Motion carried with all in favor.

Stopbar painting. Mrs. Sacks moved, seconded by Mr. Yanos, to approve stopbar painting at a cost of \$1,595.00 to be performed by Berks Traffic & Line Painting, Inc. Motion passed with all in favor.

Rain gutters on maintenance building. Mrs. Sacks moved, seconded by Mr. Gokey, to approve replacement of the rain gutters on the maintenance building at a cost of \$1,200.00 to be performed by American Aluminum & Installation. Motion passed with all in favor.

TRAINING

None

EMPLOYEE/OFFICIAL REPORTS

Township Manager. Mr. Lyon distributed preliminary design specifications for Amity Community Park prepared by Steve Loomis. The Supervisors should refer any individual comments to Mr. Lyon or Mr. Loomis by November 10, 2003. The Planning Commission will also be asked to comment on the specifications. Representatives from the Park & Recreation Board will be at the November 18, 2003 meeting to discuss the comments that were received. The Board continued to discuss various issues regarding the park plan.

Secretary/Treasurer. Mrs. Sacks moved, seconded by Mr. Yanos, and duly passed, to have the Chairman execute the application for online filing of the DCED annual reports.

Mr. Gokey moved, seconded by Mrs. Sacks, and duly passed, to approve online payment of the credit cards pending Board action as needed.

Mrs. Greenawalt asked if the new software has safeguards against duplicate payments. The software will prompt the user if the same invoice number is entered.

Chief of Police. Mrs. Sacks moved, seconded by Mrs. Greenawalt, to approve a police uniform change. Motion passed with all in favor. The change will be implemented over the next two years using monies from the officers yearly clothing allowance. Mrs. Sacks asked the Chief about the new Nextel cellular phone purchased for the Sergeant.

Mrs. Greenawalt. Mrs. Greenawalt moved, seconded by Dr. Sills, to accept the 2002 audit report for the tax collector. Motion passed unanimously.

Mrs. Greenawalt would like to discuss the "street closings" policy at the November 18th meeting. The Solicitor provided language on "play streets" and she would like to amend it to include block parties.

Mrs. Greenawalt would also like to discuss the sewer contracts for Douglass and Union Townships. She feels their rates need to be increased. It will be on the November 18th agenda.

Mrs. Greenawalt is interested in starting an environmental advisory board/historic commission/watershed. Mrs. Sacks moved, seconded by Mrs. Greenawalt, to have the PA Environmental Council attend one of our upcoming meetings to give a presentation to the Board. Motion passed unanimously. The earliest meeting available would be in January.

Mr. Boland arrived at 9:30 PM.

EXECUTIVE SESSION

Dr. Sills moved, seconded by Mr. Yanos, to recess to executive session at 9:45 PM to discuss the lawsuits with Heritage Building Group. Motion passed with all in favor.

The regular meeting reconvened at 10:24 PM.

Act 537 Plan. Paul Schwartz was present to discuss several outstanding issues with the plan. DEP recommends pumping intervals of three (3) years. The Board concurs. Letters were received from Oley and Exeter Townships. Mr. Schwartz will note in the plan that the Board of Supervisors is open to listening to anything those two municipalities have to say. A response should be sent to those Townships to acknowledge that we will sit down and talk with them. The other issue is the sewer service area. The Board looked at a map of the sewer service area from the 1989 plan. The green areas are all out of the plan. The general locations are: north of Weavertown Road, along Limekiln Road, the eastside of Monocacy Hill Road, the Yellowhouse Subdivision, and Stevens Way. Mr. Yanos moved, seconded by Mr. Gokey, to include the

Flatley property in its entirety and the Monocacy tract in its entirety based upon information received from the Flatley's and upon development according to the new Zoning Ordinance. A roll call vote was called. The motion passed with a vote of three (3) to two (2), with Mrs. Sacks and Mrs. Greenawalt opposed. Mr. Gokey asked if the Board could be forced to change the zoning because the property is in the Act 537. Mr. Boland replied that no they can not. There was a request received from Limekiln Properties, Inc. The Board discussed the reasons for the inclusion request, however decided to keep things as is.

SOLICITOR'S REPORT

Mr. Boland distributed a proposed easement agreement with St. Paul's relative to the detention pond. The Board should review and be ready for approval at the November 18th meeting. Mr. Yanos moved, seconded by Mr. Gokey, to approve Resolution No. 03-27, easement agreement with Daniel Boone School District for the driveway arc. Motion passed unanimously. Mr. Boland will prepare an easement agreement, if the Board desires, from Daniel Boone School District to the Township to use the driveway and the parking lot. The Board is in favor. Mr. Boland will amend the agreement of sale with Daniel Boone School District to let the school design, construct and install the improvements for the detention pond. The Solicitor will finalize the license agreement with Daniel Boone School District for the little driveway arc.

Mrs. Sacks. Mrs. Sacks would like to work on a way to get developers to start installing wet basins instead of dry basins. There are grants available and she would like to make the basin at the park a wet basin and use it for educational purposes. The Board feels that it is too late at this point to change the plans. Also, the school will now be building the detention basin and they have already gone out for bid.

PUBLIC COMMENT

Mrs. Sacks moved, seconded by Mrs. Greenawalt, to refund Mr. Marple's \$500.00 fee for his zoning hearing. Motion **FAILED** with a vote of two (2) to three (3), with Dr. Sills, Mr. Yanos and Mr. Gokey opposed. Mr. Marple recited section 908 1.1 of the MPC where it states that legal fees may not be charged for a zoning hearing. Mr. Marple is prepared to do whatever it takes to get back his money. Dr. Sills moved, seconded by Mrs. Greenawalt, to refund \$379.70 to Mr. Marple for his zoning hearing fees that were not spent on advertising and photocopying. Motion passed with a vote of four (4) to one (1), with Mrs. Sacks opposed.

Terry Jones of 163 Worman Road wants to get the speed limit changed and more enforcement on Worman Road. Mr. Boland stated that the speed limit can be posted at 25 mph, but anything else requires a traffic study. Currently, the speed limit is 40 mph. Mr. Jones should speak to the Chief of Police.

ADJOURNMENT

Mr. Yanos moved, seconded by Mr. Gokey, and duly passed, to adjourn the meeting at 12:05 PM. The next meeting of the Board of Supervisors will be held on November 18, 2003 at 7:00 PM.

Respectfully submitted,

Marsha L. Shimp

Amity Township Board of Supervisors
Meeting Minutes
October 21, 2003

Call to Order/Pledge to the Flag

The October 21, 2003, meeting of the Amity Township Board of Supervisors, held at the Municipal Building, 2004 Weavertown Road, Douglassville, Berks County, Pennsylvania, was called to order at 7:03 PM by Vice Chairman Robert Yanos. The following were in attendance:

SUPERVISORS

Robert R. Yanos, Vice Chairman
Leslie Sacks
Richard Gokey
Kathleen Greenawalt

STAFF

Charles E. Lyon, Township Manager
Marsha Shimp, Secretary/Treasurer
Noel A. Roy, Chief of Police
Brian Boland, Esq., Solicitor
John Weber, Engineer

The meeting was opened with a salute to the flag.

PUBLIC COMMENT (AGENDA ITEMS ONLY)

None

APPROVAL OF MINUTES

Mr. Gokey moved, seconded by Mrs. Sacks, to approve the October 7, 2003 minutes with one change. Motion passed with a vote of four (4) to zero (0).

FINANCE

Moved by Mr. Gokey, seconded by Mr. Yanos, and duly passed to approve the following disbursements:

General Fund	\$112,262.51
Sewer Fund	\$132,868.24
Liquid Fuels	\$ 4,121.88
Building Fund	<u>\$ 44.00</u>
Total	\$249,296.63

Mr. Gokey questioned the replacement cell phone for the Sergeant. Mr. Gokey also commented on the charge from Buckley Nagle for Mr. Marple's zoning hearing. Mrs. Greenawalt stated that Section 908 1.1 of the MPC does not allow for Solicitor fees to be collected for the Zoning Hearing Board. Solicitor Boland replied that the MPC states that a filing fee paid to appeal an enforcement notice shall be returned if the zoning hearing board or any court rules in the appellant's favor. There is also a case with the decision that you must be a prevailing party. Settling the case is not considered a prevailing party. Mr. Gokey questioned the charge from

LTL Consultants regarding McDonald's. Mr. Weber replied that the charge was for review of a report regarding rephrasing of the traffic light.

UNFINISHED BUSINESS

Act 537 Plan. Paul Schwartz was in attendance to address several issues regarding the Plan. There were three (3) requests received regarding inclusion into the sewer service area. In the current Act 537 Plan, the Rodnoc and Chambers properties are partly in the current area and partly in the projected area. The Daub property is probably in the projected area. The Flatley property is partly in the projected area and partly in the no sewer service area. Mr. Gokey wanted to know why certain properties that were in ultimate, projected and potential sewer service areas were removed from this proposed Plan? Mr. Schwartz replied because they were following zoning districts and lot lines. Mr. Yanos wondered why soil capability was not a factor. Mr. Schwartz replied that it is not cost effective to run sewer to lower density areas. If you run sewer to those areas, they will become higher-density and the County will want the area rezoned to reflect higher density. The State may not approve the Plan if sewer is run into low-density areas. Mrs. Greenawalt would like to have a meeting with DEP to have some questions answered. The Board addressed the requests as follows: the Daub property will stay as is, not in the sewer service area. The Rodnoc/Chambers properties are to be put in the sewer service area. Wise, Davidheiser, Beitz, Schaeffer and Sutherland are to be put in the sewer service area. Mohr will not be in the sewer service area. The Flatley property will be decided at the November 3rd meeting. The Flatley's attorney will provide requested information to the Township before that meeting. Paul Schwartz received a letter from the Joint Planning Commission with suggestions. Mr. Schwartz wrote some simple language to Section 61.4 in the Plan to satisfy the suggestion. Mr. Schwartz spoke to Exeter Township about a development within both Townships. They will contact Amity Township to have some informal discussions. Mr. Yanos said that Oley Township wants to tag onto sewer when it comes into Yellowhouse. Mr. Koch was not aware that his property was taken out of the sewer service area. He should make a request in writing. Mr. Koch is not asking to redesign the system that is currently in place. He would have to put in his own main at his cost. Mr. Koch will provide the same information as the Flatley's without getting a letter requesting such. In order to entertain Mr. Koch's request, the Board would have to open the public comment period. The Board will make a determination at the next meeting as to whether they will reopen the public comment period. The Board spent roughly an hour and a half discussing the sewer service area and the requests submitted during the public comment period. Serious consideration to each written comment was provided by the Board.

Permit and inspection fees. Mrs. Sacks moved, seconded by Mrs. Greenawalt, to approve Resolution No. 03-24, setting permit and inspection fees. Motion passed with a vote of three (3) to zero (0) to one (1), with Mr. Gokey abstaining.

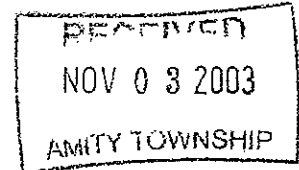
Lake Drive Restroom Payments. Mr. Yanos moved, seconded by Mr. Gokey to authorize payment No. 3 from Perotto Builders in the amount of \$1,026.90, final payment to Burkhardt Mechanical in the amount of \$900.00, final payment to Pagoda Electric in the amount of \$365.00, and final payment to Perotto Builders in the amount of \$3,025.00. Payment will be made from the general fund. Motion passed with all in favor.

Capacity Issues – Pump Station No. 2. No action is needed on this item.

KOCH & KOCH
ATTORNEYS AT LAW
217 NORTH SIXTH STREET
P. O. Box 8514
READING, PENNSYLVANIA 19603

TELEPHONE 610 - 378-9002
FAX NO. 610 - 378-9005

HENRY M. KOCH, JR.
TIMOTHY C. BITTING
PHILIP J. EDWARDS



HENRY M. KOCH, SR.
1994-1994

MARK H. KOCH

October 30, 2003

Charles E. Lyon, Manager
Amity Township Board of Supervisors
2004 Weavertown Road
Douglassville, PA 19518-8971

DISTRIBUTION:
~~COMMUNICATIONS (ORIG)~~
~~BOARD OF SUPERVISORS~~
~~A MGR/SEC~~ SOLICITOR
~~POLICE~~ PARKS DEPT
~~HWY~~ WTP
~~CODE ENFORCEMENT~~
~~PLANNING COMMISSION/SEC~~
~~PERSONNEL FILE~~
~~FIRE COMPANIES~~

Re: Limekiln Properties, Ltd.

Dear Mr. Lyon:

We are writing to you on behalf of Limekiln Properties, Ltd., the record owner of the 200 acre + property located along both sides of Limekiln Road in the area of the mobile home park and along Amity Park Road across from the swimming pool and athletic fields and adjacent to the former Drey Farm. Our purpose in writing is to respectfully request that the entire property of Limekiln Properties, Ltd. be included in the public sewer service area proposed by your pending revisions to your Act 537 plan. Our reasons for this request are as follows:

1. The subject property was previously included in the Act 537 sewer service area. We are not aware of any rational reason for its exclusion at this time. We have been informed that the subject property is being excluded because it is not in the proper zoning district. We believe it has been clearly established that zoning lines are not the factors to be legally evaluated for deciding what land is in and what land is out of the proposed sewer service area. There have been no change of circumstances which from a legal basis justify the property's exclusion from the service district.

2. A portion of the property adjoining the one side of the mobile home park is included within the proposed service district. As the mobile home park is now to be included in the service district, what rationale exists for excluding that portion of the property which adjoins the other side of the mobile home park?

3. The balance of the subject property shares extensive common boundaries with the former Drey Farm which is proposed for development. Assuming that the development of the Drey Farm progresses, as we believe it will, the subject property will again border an area serviced by the Township's sanitary sewer system. If the Township does not permit the development of the Drey Farm, the area of the subject property which is adjacent to the Drey Farm could still be serviced by a sewer system servicing the mobile home park.

KOCH & KOCH

Charles E. Lyon, Manager

October 30, 2003

Page Two


4. If one were to consider the soils of the subject property, one would quickly conclude that the majority of the same are not suitable for on-lot systems. The soils are of the red clay-shale type which have severe limitations.

Accordingly, we believe the subject property's prior inclusion in the sewer service area, the soil types and the subject property's proximity to sewer mains to be installed dictate that the entire subject property should remain in the sewer service district proposed by your revised Act 537 Plan. We would respectfully request your consideration of this request.

Lastly, some may question that this request is beyond the scope of the public comment period. Initially it should be noted that no notice was specifically given to the property owner that its property which previously was included in the service area, was now to be excluded. That factor coupled with the fact that the Township should strive to have an Act 537 Plan that accurately reflects current and proposed conditions, should be of prime importance to the Township officials, who in our opinion are always at liberty to make changes to a proposed service area if the timing for the same is outside the public comment period. As a matter of fact, I believe I have attended Township sessions after the public comment period when corrections and modifications were made with regard to properties not mentioned during the public comment period.

We thank you for your consideration of this request and trust your decision will be predicated upon sound justifications rather than reasons which are not supported by the facts or the law.

Sincerely,



Henry M. Koch, Jr.

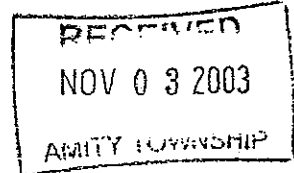
HMK:jls

Bursich Associates INC.

ENGINEERS • PLANNERS • SURVEYORS

Schoolside Plaza • Suite 105 • Rt. 61 & Wall Street • P.O. Box 779 • Leesport, PA 19533 • 610-916-7175 • Fax 610-916-7188

October 27, 2003



Amity Township Board of Supervisors
2004 Weavertown Road
Douglassville, PA 19518-8971
Attention: Mr. Charles E. Lyon, Manager

~~COMMUNICATIONS (ORIG)~~
~~BOARD OF SUPERVISORS~~
~~A MGR/SEC~~ SOLICITOR
~~POLICE~~ PARKS DEPT
~~HWY~~ ENG WTP
~~CODE ENFORCEMENT~~
~~PLANNING COMMISSION/SEC~~
~~PERSONNEL FILE~~
~~FIRE COMPANIES~~
Dear Mr. Lyon:

RE: Neil Dreslin Properties
Manatawny Hill Subdivision
Amity Township, Berks County
Bai File No. 034060

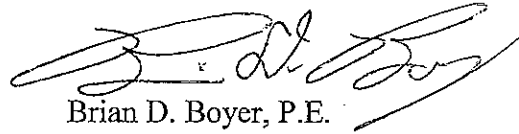
We have received your letter dated October 17, 2003 and offer the following responses on behalf of Neil Dreslin.

1. The October 8, 2003 review letter from LTL Consultants, Ltd. concerning the Manatawny Hill Subdivision contains the following comment under item 16.a. "The area of this property to be developed is located in the existing and projected sanitary sewer service area in accordance with the currently adopted Act 537 Plan (Section 514(b)(1))." As indicated, this property is currently located in the Act 537 Plan. The township has no basis to remove the property from the existing and proposed sewer service area. The properties located to the north, west and south are all currently being served by public sewer including the Celia property that is surrounded by the Dreslin properties.
2. The existing sewer conveyance system is located along Blacksmith Road. The sewer system is also located in the Blacksmith Pointe Subdivision located to the south, across Levensgood Road.
3. The property is able to get gravity sewer service for 20 of the 22 proposed lots to convey the sewer to the intersection of Blacksmith and Levensgood Roads. The two other lots require pumps to convey the sewer to the proposed gravity sewer line. All of the lots could get gravity sewer service as part of the development but due to the location of the existing road into the Blacksmith Pointe Subdivision, the roads were aligned rather than offset.
Gravity sewer service could be obtained into the Blacksmith Pointe Subdivision but they have a private pump station that was only sized for their development. The fact that both developments have Homeowner's Associations further complicates the issue.

4. The site contains KID2, PeB2, PeC2 and Ro soils. According to Table 7 – *Estimated degree and kinds of limitations for community developments* contained in the *Soil Survey Berks County Pennsylvania* prepared by the USDA, it lists all of the soils limitations as severe for onsite disposal of sewage effluent. The KID2 soil has limitations of slopes and depth to bedrock. The PeB2 and PeC2 soils have limitations of depth to bedrock. The Ro soil has limitations of flooding and seasonal high water table.

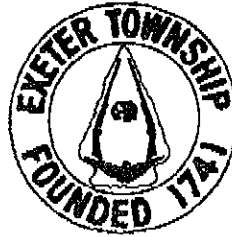
If you have any questions or require additional information please contact me.

Very truly yours,
BURSICH ASSOCIATES, INC.



Brian D. Boyer, P.E.
Project Manager

CC: Neil Dreslin



Gibraltar and DeMoss Roads
P.O. Box 4068
Reading, PA 19606
Exeter Township, Berks County
Pennsylvania

Solicitor:
Frederick L. Reigle, Esq.
3506 Perkiomen Avenue
Suite A
Reading, PA 19606
Phone: 610-779-4550
Fax: 610-779-9141

EXETER TOWNSHIP

Berks County, Authority
October 27, 2003

RECEIVED
OCT 28 2003
AMITY TOWNSHIP

Amity Township Board of Supervisors
2004 Weavertown Road
Douglassville, PA 19518

DISTRIBUTION:
 COMMUNICATIONS (ORIG)
 BOARD OF SUPERVISORS
 AMGR/SEC SOLICITOR
 POLICE PARKS DEPT
 HWY ENG WTP
 CODE ENFORCEMENT
 PLANNING COMMISSION/SEC
 PERSONNEL FILE
 FIRE COMPANIES

RE: Exeter Township, Berks County, Authority
Possible Service by Amity Township to
Evangeline Drive Area Malfunctioning Systems

Dear Ladies and Gentlemen:

I have been authorized as Solicitor of the Exeter Township, Berks County, Authority to contact you to determine if there would be any interest on the part of Amity Township to sit down and discuss the possibility of having Amity Township provide sanitary sewer service to approximately forty dwelling units in the Evangeline Drive area of Exeter Township. The Exeter Authority and Supervisors have received notice that you are revising your Act 537 Plan and I thought that this would be an opportune time to commence discussions. Please review this and contact either me or the Authority and/or Supervisors directly.

We look forward to hearing from you.

Very truly yours,

Frederick L. Reigle

FLR/mm

cc: Brian F. Boland, Esq.
John A. Hoffert, Jr., Esq.
Mr. Paul Herb
Mr. Larry Drogo
Mr. William Smyers
Mr. Charles Volk
Chairman, Exeter Township Board of Supervisors
Members, Exeter Township, Berks County, Authority

Oley Township Board of Supervisors



THE TREE IN THE MIDDLE OF THE ROAD

RECEIVED
OCT 28 2003
AMITY TOWNSHIP



P.O. Box 19
Oley, Pennsylvania 19547
(610) 987-3423 • Fax (610) 987-9010

October 27, 2003

Amity Township
2004 Weavertown Road
Douglassville, PA 19518

RE: Act 537 Sewage Facilities Plan

<input checked="" type="checkbox"/>	DISTRIBUTION:
<input checked="" type="checkbox"/>	COMMUNICATIONS (ORIG)
<input checked="" type="checkbox"/>	BOARD OF SUPERVISORS
<input checked="" type="checkbox"/>	A MGR/SEC
<input checked="" type="checkbox"/>	SOLICITOR
<input checked="" type="checkbox"/>	POLICE
<input checked="" type="checkbox"/>	PARKS DEPT
<input checked="" type="checkbox"/>	HWY
<input checked="" type="checkbox"/>	ENG
<input checked="" type="checkbox"/>	WTP
<input checked="" type="checkbox"/>	CODE ENFORCEMENT
<input checked="" type="checkbox"/>	PLANNING COMMISSION/SEC
<input checked="" type="checkbox"/>	PERSONNEL FILE
<input checked="" type="checkbox"/>	FIRE COMPANIES

Dear Supervisors:


We received a letter from a property owner in Oley Township located on Route 562 in the Yellow House area requesting that we amend the Township's Act 537 Plan to include public sewer service in this area of our Township.

After some discussion at our October 13, 2003 meeting, the Supervisors of Oley Township agreed to send a letter to Amity Township informing you that our Township is interested in exploring an agreement with your Township to provide public sewer service in our portion of the Yellow House area.

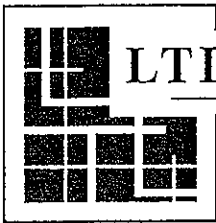
Please let us know if there is any interest to explore such an agreement. Should you feel a need to meet to discuss this matter, please contact us so that we can schedule a meeting for this purpose.

Very truly yours,

OLEY TOWNSHIP BOARD OF SUPERVISORS


Shirley M. Moyer
Secretary/Treasurer

SMM



LTL CONSULTANTS, LTD. • ENGINEERS & CODE OFFICIALS

PO BOX 241 • ONE TOWN CENTRE DRIVE • OLEY, PA 19547
(610) 987-9290 • FAX: (610) 987-9288

September 15, 2003

Mr. David Kessler, Chairman
Oley Township Board of Supervisors
P.O. Box 19
Oley, PA 19547

Dear Mr. Kessler:

John Yoder from our staff informed me that there was discussion at last week's Board meeting concerning extending sewer from Amity Township to serve properties in the Yellow House area. I wanted to bring you up to date on what's happening in that area.

LTL is completing an update of Amity Township's Act 537 Sewage Facilities Plan. Our expectation is that the plan will be submitted to DEP in mid October. One of the elements of the plan is to extend the "sewer service area" to include the Yellow House area. There is a large residential development (Dennico-Body-Kutz) on Route 662 that will be sewerred, and when that development is built, extending sewer to Yellow House may be feasible. The plans for that development are undergoing review, and have not received final plan approval. Also, the exact location and path for the sewer connection is still undergoing refinement. It's unlikely that the sewer for that development will be in place before 2005.

The Amity 537 plan showed three malfunctioning on-lot septic systems in Yellow House, but did not identify it as a high priority area in need of immediate action. At this time Amity has not done anything beyond identify Yellow House as a future sewer service area.

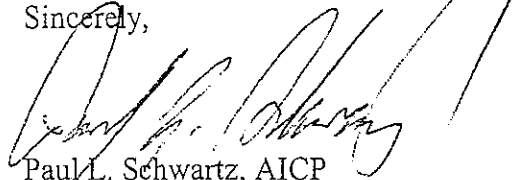
In order to actually extend sewer to Yellow House, both Amity and Oley Townships will have to do a "special study" that will quantify the need for sewer in that area, determine the actual number of properties to be served, and identify specific costs and options. That study could be done sometime next year so that everything is in place once sewer is extended for Dennico-Body-Kutz.

Amity is working on the Act 537 Plan revision in parallel with plans to upgrade their sewage treatment plant. Bids for that project were opened last week, so the project is moving along rapidly. The intent of the Township is to apply to DEP to re-rate the plant once those upgrades are complete, but the Act 537 Plan must be approved before that can be done. Therefore, it is critical that the plan approval process moves forward as quickly as possible so as not to delay re-rating the plant.

Although the public comment period is over for the Amity plan, we can still include comments from municipalities. If Oley Township is interested in exploring an agreement with Amity for sewer service in Yellow House, I think a letter to that effect for inclusion in the Act 537 Plan would be appropriate and welcome.

If you have any questions, or would like to see a copy of the Amity plan, please feel free to call me.

Sincerely,



Paul L. Schwartz, AICP
LTL Consultants, Ltd.
Senior Planner

Enclosure: Proposed "Sewer Service Area," Amity Township

cc: C. Lyon, Amity Township Manager
File: F:\oley\engineer\2003\D Kessler Yllw Hse swr 091603.wpd

KOCH & KOCH
ATTORNEYS AT LAW
217 NORTH SIXTH STREET
P. O. BOX 8514
READING, PENNSYLVANIA 19602

RECEIVED
OCT 31 2003
AMITY TOWNSHIP

TELEPHONE 610 - 378-9002
FAX NO. 610 - 378-9005

HENRY M. KOCH, JR.
TIMOTHY C. BITTING
PHILIP J. EDWARDS

HENRY M. KOCH, SR.
1984-1984

October 31, 2003

MARK H. KOCH

Charles E. Lyon, Manager
Amity Township Board of Supervisors
2004 Weavertown Road
Douglassville, PA 19518-8971

Re: Thomas and Nancy Flatley
Golf Estates Subdivision
Amity Township, Berks County

Dear Mr. Lyon:

We have received your letter dated October 17, 2003 and offer the following responses on behalf of Mr. and Mrs. Flatley:

1. The currently adopted Act 537 Plan indicates that approximately one-half of the Flatley property is included in the projected sewer service area. Please see April 9, 2002 review letter prepared by John W. Weber, P.E., comment (b) under sanitary sewer facilities. The Township has no rational basis for removing the Flatley property from the proposed sewer service area especially if public sewer service will be available to the Drey/Monocacy Creek Associates/Heritage tract ("Heritage Tract") which is immediately adjacent to a significant portion of the Flatley property. It would appear contrary to common sense to remove the Flatley property from the proposed sewer service area and then sewer the Heritage Tract as we assume will ultimately happen.

2. Assuming, as we have, that the Heritage Tract will be developed, it is apparent that public sewer service will be extended to said tract. This tract is immediately adjacent to and borders the Flatley property, therefore it is presumed that connection to the system on the Heritage property will be possible. As you may recall the Golf Estates subdivision Plan proposed that a sewer line be extended along Amity Park Road to Weavertown Road / Weavertown Lane and the tie in would be made at that point. A pump station was proposed for this scenario. However the locations most likely will change due to the development of the Dennico/Boady/Kutz properties, Heritage Tract and the construction of the sewer line proposed for the trailer park, creating more options and increasing the possibility of gravity feed.

KOCH & KOCH

Charles E. Lyon, Manager
October 31, 2003
Page Two

3. We are unable to determine at this time whether gravity feed is possible or whether a pump station will be necessary. This will ultimately depend on the development of the above referenced lands and extension of the proposed sewer line to the trailer park.

4. The soils are generally unsuitable for on-lot disposal as set forth in the Sewage Disposal Feasibility Evaluation prepared by DeVal Soil & Environmental Consultants. As you are aware, thirty-four (34) soil test excavation sites were prepared and evaluated. The Board was provided with two (2) copies of said evaluation on August 26, 2002. The report contains specific information relative to the soils in the subdivision in each test site, as well as the limiting zones and also addresses other sensitive areas of the Flatley property including steep slopes and stream channels.

5. We have included herewith affidavits by Michael Sowers and Andrew Martin indicating that the test was indeed conducted. We have also provided information on DeVal Soil & Environmental Consultants, Inc. We fail to understand the removal of the Flatley property from the existing Act 537 plan. We have clearly demonstrated that the Flatley property is unsuitable for on-lot disposal and is a perfect candidate for complete inclusion in the revised plan and request that the entire property be included in the revised plan.

We also respectfully suggest that if the Rodnoc, Chambers, Celia and Dennico/Boady/Kutz properties are included in the revised plan, so too should the Flatley property be included.

Sincerely,



Mark H. Koch

MHK/jb

Enclosures

cc: Thomas and Nancy Flatley

COMMONWEALTH OF PENNSYLVANIA :
 :SS
COUNTY OF BERKS :

AFFIDAVIT

Andrew Martin does depose and say as follows:

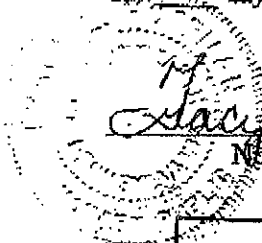
1. I am the President/Owner of M&A Excavating.
2. I personally excavated thirty-four soil test excavation sites on the property of Thomas and Nancy Flatley known as the Golf Estates Subdivision in Amity Township, Berks County, Pennsylvania, on August 21, 2003, a copy of my invoice therefor being attached hereto as Exhibit "A".
3. I excavated said sites in the presence of Michael S. Sowers, a soil scientist with DelVal Soil and Environmental Consultants, Inc.

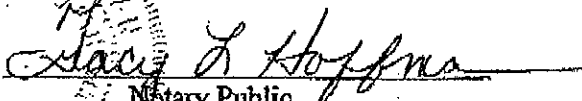
Further Affiant Sayeth Naught.


Andrew Martin

SWORN TO and subscribed before me

this 27th day of October, 2003




Notary Public

Notarial Seal
Tracy L. Hoffman, Notary Public
Olney Twp., Berks County
My Commission Expires Apr. 18, 2005
Member, Pennsylvania Association of Notaries

M&A Excavating LLC

1523 Memorial Highway
Oley, PA 19547
PH:610-987-3573 FAX:610-987-9594

Invoice

PAID

Invoice Date: 8/25/2003

Due Date: 8/25/2003

Customer:
Tom Flatley
20 Dunleavy Circle
Schwenksville, PA 19473-1647

Invoice # 2003-798

Project Name:

Terms:

Date	Item	Description	Hrs/Qty	Rate	Amount
8/21/2003	312	Move In / Deep Probes	10	85.00	850.00
<i>Thank you for your business.</i>			Total		\$850.00

COMMONWEALTH OF PENNSYLVANIA :
:SS
COUNTY OF BERKS :

AFFIDAVIT

Michael S. Sowers does depose and say as follows:


1. That I am a Soil Scientist, CPSSC, employed by DeVal Soil and Environmental Consultants, Inc., and my resume is attached hereto as Exhibit "A".
2. That I was physically present on the property of Thomas and Nancy Flatley known as the Golf Estates Subdivision on August 21, 2003, and personally inspected all thirty-four of the soil test excavation sites which were excavated by M&A Excavating.
3. M&A Excavating did actually excavate thirty-four soil test excavation sites in my presence and I personally inspected each site.

Further Affiant Sayeth Not.



Michael S. Sowers

SWORN TO and subscribed before me
this 27th day of October, 2003


Notary Public Notarial Seal
Ruthanne Dietrich, Notary Public
Buckingham Twp., Bucks County
My Commission Expires Aug. 14, 2004
Member, Pennsylvania Association of Notaries

Michael Scott Sowers
Professional Soil Scientist

SKILLS:

Experience in environmental consulting, site evaluation and remediation, requiring technical, communication and writing skills.

PROFESSIONAL EXPERIENCE:

10/93 to Present **Soil Scientist CPSSc**
DeVal Soil and Environmental Consultants, Inc.
Doylestown, PA

Current responsibilities include:

- * Interpreting soils for their drainage classes and construction capabilities.
- * Coordinating site evaluations pursuant to regulatory permit issuance for installation of community and individual wastewater disposal systems.
- * Scheduling and conducting appropriate testing and operating TROXLER 3440 nuclear moisture-density gauge for basin, berm and building foundation applications.
- * Conducting Proctor Analysis for proposed construction in accordance with ASTM Practices D-1557 and D-698
- * Conducting Atterburg Limits in accordance with ASTM Practice D-4318 for engineering purposes
- * Conducting particle size analysis for construction and agricultural purposes in accordance with ASTM D-422.

ACADEMIC TRAINING:

B.S. in Agronomy and Environmental Science, May 1993, Delaware Valley College,
Doylestown, PA.

CERTIFICATIONS AND TRAINING:

ARCPACS Certified Professional Soil Scientist #25091
Pennsylvania Sewage Enforcement Officer #02673
Extensive experience with PA Act 537 (PA Sewage Facilities Act)
Certified Troxler Technician

PROFESSIONAL ORGANIZATIONS:

Pennsylvania Association Professional Soil Scientists: PAPS

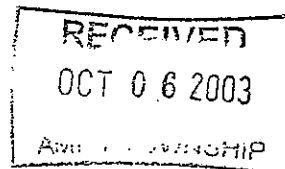


Sky Run II • Suite A1 • 4050 Skyron Drive • Doylestown, PA 18901 • Phone (215) 845-5545 • Fax (215) 345-8138

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ATTORNEYS AT LAW
217 NORTH SIXTH STREET
P. O. BOX 8514
READING, PENNSYLVANIA 19603

TELEPHONE 610 - 378-9002
FAX No. 610 - 378-9005

HENRY M. KOCH, JR.
TIMOTHY C. BITTING
PHILIP J. EDWARDS



HENRY M. KOCH, SR.
1934-1994

October 2, 2003

MARK H. KOCH

Amity Board of Supervisors
2004 Weavertown Road
Douglassville, PA 19518

Re: Act 537 Plan Revisions

DISTRIBUTION:
~~COMMUNICATIONS (ORIG)~~
~~BOARD OF SUPERVISORS~~
~~A MGR/SEC~~ ~~SOLICITOR~~
~~POLICE~~ ~~PARKS DEPT~~
~~HWY~~ ~~ENG~~ ~~WT~~
~~CODE ENFORCEMENT~~
~~PLANNING COMMISSION/SEC~~
~~PERSONNEL FILE~~
~~FIRE COMPANIES~~

Dear Members of the Board:

As you know, this firm represents Thomas and Nancy Flatley who own the property along Amity Park Road, for which a subdivision plan entitled Golf Estates Subdivision was filed. We appeared at the Public Comment hearing on August 26, 2003 and presented testimony from Michael Sowers of DelVal Soil & Environmental Consultants, Inc. and asked certain questions of your consultant Mr. Schwartz, which remain largely unanswered.

We respectfully request that you respond to the items mentioned below at your October 7, 2003 meeting.

1. Approximately one-half of the Flatley property was included in the previous Act 537 Plan sewer service area, however the property has been entirely removed from the proposed Act 537 Plan sewer service area and we question why that has been done.

2. Mr. Schwartz indicates that the Rodnoc, Chambers and Celia properties should be added "as there are plans for the Rodnoc and Chambers properties..." We question why Golf Estates was not included based on the same reasoning. Mr. Schwartz advised at the meeting that Dennico, Boady Kutz was also included in the proposed sewer service area for the same reason.

3. A previous draft of the proposed sewer service plan showed different areas to be included, and we question why these areas were removed.

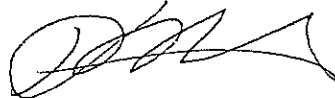
4. We provided to the Board a report prepared by DelVal Soils as well as testimony of Mr. Sowers indicating that the Golf Estates Subdivision property is unsuitable for on-lot septic disposal and therefore is a prime area to be included in the sewer service area. We request that the Board respond to the report and testimony.

KOCH & KOCH

Amity Board of Supervisors
October 2, 2003
Page Two

It is and has been our position that the Golf Estates Subdivision should be included in the revised Act 537 Plan sewer service area. Please consider this letter and provide your responses.

Sincerely,



Henry M. Koch, Jr.

HMK:jls
Sent Via Facsimile and Regular Mail
cc: Thomas and Nancy Flatley
Brian Boyer, P.E.

DISTRIBUTION:
COMMUNICATIONS (OLIG.)
BOARD OF SUPERVISORS
A MGR/SBC SOLICITOR
POLICE - PARKS DEPT
HWY - ENG - WTP
JANIS - SEER - INS CC
CODE ENFORCEMENT
PLANNING COMMISSION
PERSONNEL FILE
FILE COMPANER

BAER, ROMAIN & ABRAMSON, LLP

ATTORNEYS AT LAW
1288 VALLEY FORGE ROAD
SUITE 63
P.O. BOX 952
VALLEY FORGE, PENNSYLVANIA 19482-0952

RECEIVED
AUG 19 2003
AMITY TOWNSHIP

STEPHEN J. BAER
ROBERT M. ROMAIN
JEFFREY R. ABRAMSON
JOANNE B. PESKOFF
ANDREW M. CALVELLI
OF COUNSEL

TELEPHONE: (610) 933-9444
FAX: (610) 933-3616
www.baer-romain-abramson.com

WEST CHESTER OFFICE:
310 NORTH HIGH STREET
WEST CHESTER, PENNSYLVANIA 19380
TELEPHONE (610) 696-8066
FAX (610) 696-6440

PLEASE REPLY TO VALLEY FORGE

August 18, 2003

Amity Township
Attention: Board of Supervisors
2004 Weavertown Road
Douglassville, PA 19518

RE: Amendments to Act 537 Plan

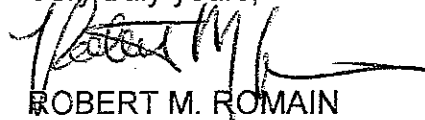
Dear Board of Supervisors:

I represent Walter Daub and Tricia Daub, owners of approximately 48 acres identified as 143 Levengood Road in Amity Township. This property is not currently located within the service area under your existing Act 537 Plan. It is, however, located relatively close to the sewer line which runs along Route 662 and also to a pump station located on or near Blacksmith Road. I and my clients have reviewed the proposed amendments to the current 537 Plan and are concerned that their property is not included in the proposed service area. Although the Daubs have no immediate plans to develop this property, they are exploring options for the near future. This property is in the LDR District, which does not distinguish between the availability of public sewer and onsite systems when determining density. However, if the Daubs move forward with their plans to develop this property, the availability of public sewers creates more options for developing this property which will be more beneficial to the Township as well as my clients.

Therefore, please consider this letter as a request to include this property in the new service area for the amended 537 Plan. My client intends to be present at the hearing on August 26, 2003, and will be happy to discuss this matter further at that time.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



ROBERT M. ROMAIN

cc: Walter Daub
RMR/bap

July 28, 2003

Amity Township Board of Supervisors
Attn Dr. Eric Sills
2004 Weavertown Road
Douglassville, PA 19518

Dear Dr. Sills,

It has come to my attention that the Township is currently reviewing the sewer needs in the area and preparing an Act 537 Plan. Would you kindly consider and including adding all properties, (currently Rednock and Chambers properties), in the area between Blacksmith Road and Levengood Road to the Sewer Service Map.

If you have questions please do not hesitate to contact me.

Sincerely,



Neil Dreslin
Box 53
Limekiln, PA 19535