

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
JANUARY 8, 2013

The monthly meeting of the Longswamp Township Board of Supervisors was held at the Longswamp Township Municipal Building, 1112 State Street, Longswamp Township, Mertztown, Pennsylvania, 7:00 p.m., prevailing time as previously advertised and posted.

PLEDGE TO THE FLAG/ROLL CALL

Officials Present: Maryann Lantz, Chairman; Steve Wyka, Vice Chairman; Michael Sacks, Supervisor; Jill Nagy, Esquire, representing the Solicitor; Jill Smith, representing the Engineer; David Fatzinger, Treasurer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Maryann Lantz called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of November 13, 2012 would not take place. Draft copies of those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Steve Wyka made a **motion** approving the Minutes of the regular meeting of November 13, 2012 as presented; Mike Sacks seconded the motion. All in favor.

APPROVAL OF TREASURER'S REPORT

The Board of Supervisors reviewed the Treasurer's Report for the month of December, 2012 as presented for their further review.

Steve Wyka made a **motion** accepting the Treasurer's Report for the month of December, 2012 subject to further review; Mike Sacks seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Lantz announced an Executive Session of the Board of Supervisors was held on Tuesday, December 11, 2012 from approximately 8:30 p.m. to 9:30 p.m. to discuss personnel issues.

Chairman Lantz also announced that an Executive Session of the Board of Supervisors was held prior to the Board Meeting, January 8, 2013, from approximately 6:45 p.m. to 7:00 p.m. in order to discuss personnel issues.

PUBLIC COMMENTS

Supervisor Sacks addressed the audience in attendance regarding the Board's appointment of Steve Wyka to the position of Township Operations Administrator. Public comments of concern, opposition, and encouragement of the position were received by the Board of Supervisors.

Chairman Lantz clarified that the appointment was made at the previously-advertised Board of Supervisors Re-Organization Meeting held on Monday, January 7, 2013 in response to a question raised by **Cathy Strunk**.

Bruce Godfriaux voiced his opposition to the appointment and questioned if a determination has been made regarding the salary. Supervisor Sacks stated the salary to be paid for the position will be \$52,000.00.

The various stances of each of the Board member was voiced. Supervisor Mike Sacks noted his opposition to the appointment, Chairman Lantz noted her support to the position.

The Township Solicitor recited the Article of the Second Class Township Code with regard to Boards of Supervisors which are designated as three-member Boards. Jill Nagy clarified the concise language of the Code which states any Supervisor who is considered by the Board for any appointed township position shall not be excluded from voting on the issue. Steve Wyka explained that he would not be prohibited from voting and it is his right to vote in order to break the tie. Steve explained that the Law is being exercised by the Board of Supervisors and suggested residents contact their State Representatives if they are dis-satisfied in the language of the law.

Dylan Weaknecht addressed the Board of Supervisors and questioned if there is a job description for the position and if any interviews were conducted. Steve Wyka stated that the Board of Supervisors agreed that he was qualified for the position, therefore the position was filled internally.

The Township Solicitor also explained legalities of the Second Class Township Code relative to the salary determination of a Supervisor in an appointed employee position. Jill stated that the Elected and Appointed Auditors determine the salary for a Supervisor position based on the Job Description which is being finalized at this time. Jill also explained that the position will be at-the-will of the Board and that the position will not have the capacity to hire and fire Township employees. Jill confirmed the Township Operations Administrator will oversee the daily operations of the Township but noted that the Township Roadmaster will continue to oversee the Township Public Works Department.

Chairman Lantz explained that it is not uncommon for townships to allow Board of Supervisors to fulfill a full-time employee paid position. Maryann also reminded the audience in attendance that the Township had appointed a Supervisor to a full-time position in the past. Steve Wyka also noted that several neighboring municipalities exercise the practice as well.

Former Township employee, **Gena Strzelecki**, also confirmed that the Township had appointed a Board of Supervisor member to an employee position in the past. Gena addressed Supervisor Wyka regarding his efforts on the Township's Act 537 Plan. Steve confirmed that he will continue to be pro-active with all aspects of the Act 537 Plan, in addition to providing administrative work in the Township Office, as well as hosting the various functions offered through the Park & Recreation Program.

Scott Uehlinger addressed the Board of Supervisors and questioned Supervisor Wyka relative to consideration of resigning from his position as a Board member. Steve explained it was his original intention to step down from the Board if an agreeable replacement was found. Supervisor Sacks explained the process of replacing a Board of Supervisor member and

confirmed that the Board did not come to an agreement for Steve's potential replacement. The Board members encouraged citizens of the Township to consider running for office in the upcoming election upon the end of Maryann Lantz's term.

Cathi Strunk addressed the Township Solicitor relative to the status of the collection of Amusement Taxes. Jill Nagy explained details of litigation with Bear Creek and noted that the Township is waiting for a Decision to be rendered from the County at this time. Jill also noted that the collection of the amount of taxes owed is undetermined at this time since revenues from Bear Creek have not been submitted.

ENGINEERING AND PLANNING COMMISSION REPORT

The Township Engineer thanked the Board of Supervisors for re-appointing Hanover Engineering Associates at the 2013 Re-Organization Meeting to the position of Township Engineer and Township Sewage Enforcement.

Steve Wyka addressed a concern as received at the Township Office from the property owner of 308 Kennedy Avenue. Steve explained that the property owner is experiencing a problem with excess stormwater run-off being diverted down the driveway and into their garage. The Board of Supervisors directed the Township Engineer to review the matter with the Township Roadmaster to determine if any improvements can be made to correct the situation.

SEO REPORT

The Township Engineer provided the Board of Supervisors with an update on the status of Cycle 3 of the Township Sewage Management Program. Jill Smith noted there are eight remaining property owners who are in non-compliance at this time. Jill informed the Board that second notices are in the process of being sent to those in violation requiring compliance within 30 days of that notification.

Mike Sacks addressed the Township Engineer and questioned the rate of the new Township Sewage Enforcement Officer. Jill Smith explained that since the job duties are the same for both a new SEO as that of staff in the same position, the rates would be the same. It was noted that there would not be any charges incurred to the Township if the new SEO is training on the job.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for November 27, 2012 to December 26, 2012

Chairman Lantz reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of November 27, 2012 to December 26, 2012.

SOLICITOR'S REPORT

Historical Ordinance

The Township Solicitor noted her Office is in the process of finalizing the Historical Overlay District Ordinance for their consideration for adoption at the Board of Supervisors Meeting scheduled to be held on March 12, 2013. The Solicitor noted the Ordinance must be advertised for public comment and copies sent to adjacent municipalities for the opportunity to comment.

Berks County Cell Tower Conditional Use Application Decision

The Township Solicitor informed the Board of Supervisors that the deadline to render a Decision

on the Berks County Cell Tower Conditional Use Application is February 1, 2013. Jill Nagy explained the requirements of rendering their Decision at an advertised meeting and suggested announcing the Decision at the previously-advertised Board Meeting scheduled to be held on January 22, 2013. Jill also noted the Township is then required to mail the Decision in writing within 24 hours after the verbal rendering. The Board agreed to consider the Decision on the Conditional Use Application for the Berks County Cell Tower Project at the next previously-advertised Board of Supervisors Meeting which is scheduled to be held on January 22, 2013.

RECREATION REPORT

Chairman Lantz announced the January Park & Recreation Commission Meeting will be held in the upstairs Conference Room of the Township Municipal Building on Tuesday, January 15, 2013 at 7:00 p.m. as previously advertised.

ROADMASTER REPORT

Approval for Heil Steel Dump Body

Supervisor Wyka and the Township Secretary explained details related to a proposal to purchase a steel dump body for the smaller Township dump truck. Jennifer explained the quote of \$4,150.00 is for a brand new, never used steel dump body which was ordered by someone else and never picked up at an original sale price of \$10,000.00.

Mike Sacks made a **motion** authorizing the purchase of a Heil steel dump body for the smaller Township dump truck based on the quote received from E. M. Kutz, Inc. at a cost of \$4,150.00; Steve Wyka seconded the motion. All in favor.

OLD BUSINESS

Pennsylvania DEP – Act 101 Recycling Program Performance Grant Award

The Township Secretary informed the Board of Supervisors, as well as the audience in attendance, that the Pennsylvania Department of Environmental Protection has awarded the Township grant money totaling \$1,428.00 for participating in the Act 101 Recycling Program Performance Grant. Jennifer thanked former Township employee, Gena Strzelecki, for laying the groundwork of the Grant Application prior to her retirement last year. Jennifer stated the grant award is calculated based on the tonnage of materials recycled in the Township in 2010.

NEW BUSINESS

Township Public Works Roadmaster, Perfect Attendance Award for Year Ending 2012

Chairman Lantz recognized the Township Public Works Roadmaster, Scott Miller, for his perfect attendance to work through-out the year ending 2012. Chairman Lantz signed a Perfect Attendance Award in recognition of Scott's achievement which entitles him to receive one additional day off with pay in accordance with the Township's Employee Manual Policy.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$98,397.59

and transfers totaling \$27,390.99 for the period of December 12, 2012 through January 8, 2013; Maryann Lantz seconded that motion. All in favor.

Vote: Mike Sacks, Yes; Steve Wyka, Yes; Maryann Lantz, Yes

ADJOURNMENT

Mike Sacks made a **motion** to adjourn the meeting at 7:50 p.m.; Steve Wyka seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary