BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
OCTOBER 10, 2006

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, 7:30 p.m., prevailing time as previously advertised and posted.

PLEDGE TO THE FLAG. ROLL CALL.
Officials Present: Bruce E. Hall, Acting Chairman; Steven C. Wyka, Supervisor; Jill Smith, representing the Engineer; Rich Orwig, Esquire, representing the Solicitor; Joni McPike, Treasurer and Barbara Ebert, Secretary. (Chairman Siegfried is attending the Fall 2006 PSATS Committee Meeting)

CALL TO ORDER
Acting Chairman Hall called the meeting to order at 7:31 p.m., and announced the reading of the minutes of the regular meeting of September 12, 2006, would not take place. Draft copies of those minutes were available in the meeting hall.

APPROVAL OF MINUTES
Steve Wyka made a **motion** to approve the minutes of the regular meeting of September 12, 2006; Bruce Hall seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT
Steve Wyka made a motion to accept the Treasurer's Report for August 2006; Bruce Hall seconded that motion. All in favor.

ANNOUNCEMENTS
Presentation: Well Construction & Groundwater Resources, Wed. October 25th @ 7:00 p.m.
51st Annual Topton Jaycees Halloween Parade -- October 14, 2006, 7:00 p.m.
(Rain date – October 15, 2006 @ 2:00 p.m.)
An Executive Session of the Board of Supervisors was held this evening from 6:30 p.m. to 7:20 p.m. to discuss personnel issues.

PUBLIC COMMENT
Mike Sacks reported that the Brandywine Heights Area School Board, at their meeting on October 2, 2006, discussed several letters received by the Township from Frederick Reigle, Esquire, solicitor for Grande Land, L.P. The Solicitor responded by stating that after a decision was made to make one of the developments a 55+ community and thus alleviate the impact of additional students, the offer of monies to the school district was withdrawn and converted to advance payment for hookup costs on the sewer system. He also noted that this offer was suggested in the form of a gift on the part of the developer and that there was no agreement offered. **Winfield Lease** expressed some dissatisfaction with the developer's actions.

A resident requested an update on the Act 537 proposal which has been submitted to the DEP. The Supervisors noted that the Township has received an initial response from the DEP to which Hanover Engineering is responding with information as requested. It is anticipated that several more rounds of requests and responses will be necessary before the process is completed.

Mary Ann Lentz requested an update on Grande Land L.P.'s request to buy water from Topton Borough. The Solicitor noted that the Borough is currently providing service on Freehold and Woodside and the Township is working with the Borough to execute the agreement for the High School and to possibly consolidate the three agreements. The Township is also discussing the possibility of obtaining water as a bulk service from the Borough to serve designated areas in the Township. Several options are being reviewed including use of existing wells, upgrading and tapping a well that is currently not in use, or drilling a new well. The Solicitor reinforced the fact that these discussions are between the Township and the Borough; the Developer would become a customer of the Township and is not directly involved in these discussions.

ENGINEERING, ZONING AND PLANNING COMMISSION REPORT – Jill Smith

East Penn Manufacturing Building Expansion

The Planning Commission has recommended granting Final Plan Approval.
The Engineer gave an overview of her review letter of August 29, 2006, and noted that most items have been met.

A waiver has been requested for SALDO Section 4.35202 - showing all features within fifty feet (50') of Tract #1 and for the existing on-site storm sewers that will not be utilized in the proposed storm sewer design.
Steve Wyka made a **motion** granting a waiver of Section 4.35202 for showing all features within fifty feet (50') of Tract #1 and for showing the existing on-site storm sewers that will not be utilized in the proposed storm sewer design; Bruce Hall seconded the motion. All in favor.

Borough of Topton Council has granted Final Plan approval in their letter dated October 10, 2006.

A note shall be added to the plan stating that the Traffic Impact Study was deferred to Topton Borough.

A Stormwater Management Agreement shall be executed with Longswamp Township before recording of final plans.

Stormwater Maintenance Fund fees will be paid when the amount of the required fees has been established by the Township Supervisors.

Improvements costs shall be submitted to the Township Engineer for the Longswamp Township portion of the project only. Upon receipt, the Engineer will review and forward to the Township Solicitor if acceptable.

Building inspections will be deferred to Topton Borough as they are being done by American Inspection Agency, Inc. which is also the inspection agency of record for Longswamp Township.

Steve Wyka made a **motion** granting **Conditional Final Approval** to the East Penn Manufacturing Building Expansion project subject to the Engineer's letter of August 29, 2006, Bruce Hall seconded the motion. All in favor.

Hills of Shalom 3

The Planning Commission has recommended granting Preliminary Plan Approval.

Steve Wyka made a **motion** granting **Conditional Preliminary Approval** to Hills of Shalom-3 subject to the Engineer's letter of September 26, 2006; Bruce Hall seconded the motion. All in favor.

Steve Wyka made a **motion** granting deferral of waivers to Final Plan Approval; Bruce Hall seconded.

All in favor.

Time Extension: Clarence Rohrbach (Rohrbach Valley)
The Planning Commission has recommended granting a time extension to December 31, 2006.

Steve Wyka made a **motion** granting a time extension to December 31, 2006, to Clarence Rohrbach (Rohrbach Valley) Subdivision; Bruce Hall seconded the motion. All in favor.

The Solicitor noted that the plan submitted for the Clarence Rohrbach Subdivision included a field survey of Lot #1 which is proposed to be conveyed to an adjacent property owner, but did not provide bearing and distances for the residual tract (Lot #2). The Solicitor suggested that in order to expedite the approval of the plan, and in order for Lot #1 to be conveyed, the Township could consider allowing the Developer to use the surrounding property deeds to provide bearings and distances, which may not close, for the residual lot (Lot #2) with the agreement from the property owner that the tract will be surveyed and a deed recorded within a certain time period.

Construction Standards and Specifications Ordinance
The Engineer reported that a draft ordinance is almost complete and should be available for discussion at the next BOS meeting.

DEP Letter Regarding Oreville Quarry Site
The DEP reported that they have found wells in the area which have PCE (perchloroethylene) levels above the maximum contamination level. The Longswamp Township Ordinance 200 currently does not require testing for PCE. The DEP suggests that we revise the Ordinance in one of the following manners:

- Require testing for PCE
- Require testing for PCE and breakdown byproducts
- Require testing for all VOC's (Volatile Organic Chemicals) – Recommended

The Engineer will survey area laboratories for costs associated with testing for all VOC's.

Speed Limit Signs – Brandywine High School
Bruce Hall reported that a resident has requested a review of the speed limit allowed in the area of the Brandywine High School on Old Topton Road. The Supervisors recommended that the resident discuss this issue with the School District and, if the School District is interested in reviewing the speed limit, they should contact PennDOT since Old Topton Road is a State Road. The Supervisors noted that they would support a reduced speed limit if approved by PennDOT.

SOLICITOR'S REPORT
Joint Appeals Board (w/Hereford Township)
An Ordinance is required for the establishment of an Intergovernmental Agreement between Longswamp and Hereford Townships.
Steve Wyka made a **motion** authorizing the Solicitor to advertise the adoption of an Ordinance enacting an Intergovernmental Cooperation Agreement establishing a Joint Building Code Board of Appeals between the Township of Hereford and the Township of Longswamp; Bruce Hall seconded the motion. All in favor.

Topton Ambulance
The Solicitor reviewed Topton Ambulance Service's request that the Township guarantee debt for the loan and purchase of a new ambulance. He noted that as a guarantor, the Township will be a co-borrower and will incur responsibility for the debt. An Agreement has been prepared setting forth parameters which will protect the Township.
Steve Wyka made a **motion** authorizing the Solicitor to send the Agreement of Understanding to the

Topton Ambulance Service; Bruce Hall seconded the motion. All in favor.

Topton Sewer - Biundo Agreement
Two agreements will be required for the three (3) residential lot subdivision:

- Agreement between the Topton Borough Authority and Longswamp Township to allow the Borough Authority to serve the three homes in Longswamp Township with public sewer.
- Agreement between the Developer and the Topton Borough Authority providing for connection and extension of the sewer lines to provide service to the homes.

Steve Wyka made a **motion** authorizing the Solicitor to send the Sewer Extension Agreement to the Topton Borough Authority; Bruce Hall seconded the motion. All in favor.

Bear Creek Hotel Expansion - Developer's Agreement
The Developer has issued a Letter of Credit for $696,915 to cover cost of the site improvements. As the site improvements are completed and approved by the Engineer, invoices will be provided to the Township reducing the amount of the Letter of Credit. After completion of site improvements, fifteen percent (15%) of the Letter of Credit will be retained by the Township for 18 months to ensure proper maintenance.
Steve Wyka made a **motion** to adopt and sign the Developer's Improvements Agreement for Bear Creek Ski Lodge Hotel Expansion; Bruce Hall seconded the motion. All in favor.

Bear Creek - Holding Tank Agreement
Fifth One Year Renewal Permit
Steve Wyka made a motion to adopt and sign the Fifth One Year Renewal Permit and Agreement for Commercial Temporary Holding Tank Facility for the Bear Creek Management Company; Bruce Hall seconded the motion. All in favor.

Barclay Street Condemnation
The Solicitor reviewed procedures for condemnation of 0.0371 acres along Barclay Street for the southern turnaround at the crossing of the East Penn Branch of the Norfolk Southern Railroad. The Declaration of Taking and Notice of Condemnation have been filed with Berks County on October 5, 2006. The Township must now wait a 30-day period and advertise for any objections to the Taking.

RECREATION REPORT – Bruce E. Hall
Mr. Hall reported that a meeting of the Regional Park and Recreation Programs was held on Sepember 27, 2006. The next meeting has been tentatively planned for January 31, 2007.

ROADMASTER REPORT
Report for September, 2006.

OLD BUSINESS

NEW BUSINESS
Animal Rescue League of Berks County – Annual Agreement
Steve Wyka made a **motion** authorizing the signing of the Annual Agreement with the Animal Rescue League of Berks County; Bruce Hall seconded the motion. All in favor.

Annual Contributions and Donations – Board Approval
Steve Wyka made a **motion** authorizing the payment of Annual Contributions and Donations in the amount of $50,700.00; Bruce Hall seconded the motion. All in favor.

Township Pension Plan Payment Obligation -- Board Approval
Steve Wyka made a **motion** authorizing the payment of the Township Pension Plan Obligation in the

amount of $33,333.00; Bruce Hall seconded the motion. All in favor. Roll Call: Steve Wyka, Yes; Bruce Hall, Yes.

MS Access Class ($109/person) – J. McPike and G. Strzelecki – Board Approval
Steve Wyka made a **motion** authorizing the payment of registration fees for J. McPike and G. Strzelecki to attend and MS Access Class at Lehigh Carbon Community College in the amount of $218.00; Bruce Hall seconded the motion. All in favor.

RECORD NOTES
None at this time.

APPROVAL OF BILLS
Steve Wyka made a **motion** to approve processing for payment, bills totaling $154,159.45; Bruce Hall seconded that motion. Roll Call Vote: Bruce Hall, Yes; Steve Wyka, Yes.

BOARD COMMENTS
None.

ADJOURNMENT
Steve Wyka made a **motion** to adjourn the meeting at 8:52 p.m.; Bruce Hall seconded. All in favor.

Respectfully submitted,

Barbara K. Ebert
Township Secretary