

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
OCTOBER 11, 2011

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: Steven C. Wyka, Chairman; Maryann Lantz, 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 Steven C. Wyka called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of September 13, 2011 nor the Special Meeting Minutes of September 22, 2011 would not take place. Draft copies of both those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Maryann Lantz made a **motion** to approve the Minutes of the regular meeting of September 13, 2011; Mike Sacks seconded that motion. All in favor.

Maryann Lantz made a **motion** to approve the Minutes of the Special Meeting held on September 22, 2011 adopting the Perkiomen Creek Headwaters Act 167 Stormwater Management Ordinance; Mike Sacks seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

ANNOUNCEMENTS

Chairman Wyka announced that a 2012 Budget Meeting Workshop was held in the Township Conference Room on Tuesday, October 11, 2011 at 11:00 a.m. and a second Workshop is scheduled to be held on Tuesday, October 25, 2011 at 7:00 p.m. as part of an abbreviated Board Meeting that same evening in the Township Meeting Room.

Chairman Wyka announced a reminder regarding the date of the November Board of Supervisors Meeting. The date of the meeting as advertised is scheduled for Wednesday, November 9, 2011 at 7:00 p.m. in the Township Meeting Room due to Election Day on Tuesday.

Chairman Wyka announced a One-Room School House Reunion is scheduled to be held in the Township Meeting Room on Sunday, October 16, 2011 from 2:00 p.m. to 4:00 p.m. for anyone interested in attending.

PUBLIC COMMENTS

Mr. Wayne Weaver addressed the Board of Supervisors to express his concerns regarding the private lane posted at Shamrock Lane, since it is his understanding that Shamrock Lane is actually a public roadway. Mr. Weaver requested that the Township remove the private lane sign to allow it for “public” use. Mr. Weaver also raised concerns of tenants from the Shamrock Hotel utilizing Railroad Lane, which is a private lane on property owned by his mother-in-law. Mr. Weaver confirmed that he has called the police due to the on-going problem.

The Township Solicitor and Board of Supervisors thanked Mr. Weaver for bringing his concerns to their attention. The Board directed the Township Roadmaster and Township Engineer to research the issue regarding the status of Shamrock Lane and the installation of the private lane sign. The Township Solicitor noted if Shamrock Lane is determined to be a public lane, the Board should consider installing a No Outlet sign and other appropriate signage prior to removing the “private lane” sign. Jill Nagy noted the Township is required to pass a Resolution to install a No Outlet sign.

Mr. Weaver also questioned building permits that have been issued in the past for construction of various dwellings on Shamrock Lane due to concerns of possible zoning violations.

Mike Sacks made a **motion** authorizing the Township Engineer and Township Roadmaster to conduct a site visit to review the Shamrock Lane issue and provide information to the Board of Supervisors as to whether Shamrock Lane is a public lane versus a private lane; Maryann Lantz seconded the motion. All in favor.

Mike Sacks made a **motion** authorizing the Township Solicitor and Township Zoning Officer to research building permits that have been issued for the Shamrock Hotel in the past in order to confirm if there are any possible zoning violations; Maryann Lantz seconded the motion. All in favor.

ENGINEERING AND PLANNING COMMISSION REPORT

Mertz Road Bridge Replacement Project Update

Chairman Wyka discussed with the Board the three options provided by Hanover Engineering for replacing the Mertz Road Bridge. Steve confirmed the replacement options and costs have been discussed with the Township Roadmaster.

Jill Smith reviewed details of the three options and the associated cost estimate for each option. It was noted the estimates ranged from \$90,000.00 to \$157,000.00, with the range dependant on the amount of work that could be completed in-house by the Township Road Crew and the source of financing for the project. Jill Smith suggested the Board’s consideration of Option 3 at a total estimated cost of \$90,000.00 which would be paid by the Township General Fund, as opposed to PennDOT Liquid Fuels funding. The costs derived from an estimated \$60,000.00 in construction costs and \$30,000.00 in estimated engineering costs. Jill provided a description of work which would entail the Township Road Crew completing all the work including placement of the structure with the exception of the guiderail, installation of an aluminum three-sided culvert with cast in place foundations and aluminum endwalls. Jill confirmed that DEP permitting is required, but that PennDOT approval would not be required for the work. Jill also reviewed the proposed project timeline and tasks involved for the bridge replacement project. Chairman Wyka confirmed the \$90,000.00 estimate would be incorporated in the 2012 Township Budget and that if any grant monies are received, it could be used to re-imburse the General

Fund and off-set the costs of the project.

Mike Sacks made a **motion** authorizing Hanover Engineering to proceed working with the Township Roadmaster on the necessary steps of Option 3 as outlined in Hanover's Estimated Project Costs Summary at a total estimate cost of \$90,000.00 to be paid for from the Township General Fund for replacing the Mertz Road Bridge; Maryann Lantz seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for August 29, 2011 to September 28, 2011

Chairman Wyka reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of August 29, 2011 to September 28, 2011.

Approval of Well Application – 960 Valley Road

The Board of Supervisors reviewed a request from the Township Zoning Officer regarding the Board's approval for the issuance of a Well Permit.

Maryann Lantz made a **motion** approving the Township Zoning Officer's request to issue a Well Permit for an application to drill a new well at a property located at 960 Valley Road that meets the 100 foot well isolation distance requirement; Mike Sacks seconded the motion. All in favor.

Golden Meadows

The Township Solicitor informed the Board of Supervisors of an upcoming hearing scheduled to be held at the Magistrate's Office related to weed issues at the Golden Meadows Subdivision.

Maryann Lantz made a **motion** authorizing the Township Solicitor's attendance with the Township Zoning Officer at a hearing scheduled to be held at the Magistrate's Office as related to on-going weed issues and Notices of Violations at the Golden Meadows Subdivision; Mike Sacks seconded the motion. All in favor.

SOLICITOR'S REPORT

Nuisance Noise Ordinance

The Township Solicitor reviewed specific time restraints, in addition to potential activities for regulation of noise nuisances for the Board's consideration as instructed at a previous Board of Supervisors Meeting. Jill Nagy offered guidance to the Board with respect to defining adequate times of day and night when noise would be considered offensive for inclusion in the Nuisance Ordinance. The Board agreed to include the hours of 7:00 a.m. to 10:00 p.m. as appropriate hours which would not be considered in violation of the Nuisance Ordinance, and noted that anything outside those hours would be considered a violation. Exceptions would include noise caused by emergency responders, school and municipal activities, as well as agricultural activities. Jill Nagy noted that she will review the time restraints and confirm the activities considered in violation of the Ordinance with the Township Zoning Officer in order for enforcement action to be taken as deemed appropriate.

Maryann Lantz made a **motion** authorizing the Township Solicitor to advertise the Nuisance Ordinance for establishing standards for noise and providing enforcement and establishing penalties for violations for the Board's consideration for adoption at the

November 9, 2011 Board of Supervisors Meeting; Mike Sacks seconded the motion. All in favor.

EIT Ordinance

The Township Solicitor updated the Board regarding notification that had been received to amend the Township's Earned Income Tax Ordinance based upon various changes involving the Berks Consortium and legal issues. Jill Nagy explained the purpose of the amendment is to update the current levy of an earned income tax, in addition to updating filing requirements for declarations and returns, as well as for updating collection duties and prescribing penalties for violations. Jill concluded by stating that the Township must adopt this Ordinance prior to the end of the year and with enough time for tax advertisement, which requires additional advertisement time.

Maryann Lantz made a **motion** authorizing the Township Solicitor to advertise the Township's Earned Income Tax Ordinance Amendment for the Board's consideration for adoption at the November 9, 2011 Board of Supervisors Meeting; Mike Sacks seconded the motion. All in favor.

Zoning Hearing Application

The Township Solicitor reviewed details of a Zoning Hearing Notice of Appeal Application received by the Township requesting relief of the Township Zoning Ordinance from the required minimum lot size for establishing an accessory building apartment through an addition to an existing residential property. The Township Solicitor suggested the Board may want to consider providing a letter to the Zoning Hearing Board stating their objection to the variance request due to the Board's desire to maintain the integrity of the Township Zoning Ordinance as related to the minimum lot size requirements and since the variance request is not due to a hardship.

Maryann Lantz made a **motion** authorizing the Township Solicitor to send a letter to the Zoning Hearing Board on behalf of the Board of Supervisors to be registered for the record stating the Board's objection to the request in order to maintain the integrity of the Township Zoning Ordinance and noting that there is no evidence of a hardship to substantiate the request for the variance; Mike Sacks seconded the motion. All in favor.

Well Ordinance

The Township Solicitor discussed details of the Township Well Ordinance and recommended the Board's consideration of amendments to the Ordinance which would help protect the Township's water supply.

Maryann Lantz made a **motion** authorizing the drafting of amendments to the Township Well Ordinance to help protect the Township's water supply; Mike Sacks seconded the motion. All in favor.

RECREATION REPORT

Chairman Wyka announced the date of the October Park & Recreation Commission Meeting as scheduled for Tuesday, October 18, 2011 at 7:00 p.m. in the upstairs Conference Room of the Township Municipal Building.

Chairman Wyka reviewed the Township Park & Recreation Commission Meeting Minutes for August 16, 2011 as presented to the Board.

Chairman Wyka also announced Halloween in the Park is scheduled for Saturday, October 22,

2011 from 1:00 p.m. to 3:00 p.m. with a rain date of Saturday, October 29, 2011 at the same aforementioned time.

Chairman Wyka announced the Township is observing Trick-or-Treat Night as scheduled for Monday, October 31, 2011 from 6:00 p.m. to 8:00 p.m.

ROADMASTER REPORT

Chairman Wyka reviewed the Township Roadmaster's Report for September, 2011 to the audience in attendance.

Approval for Township Road Crew to Remove BHASD-Purchased Speed Limit Signage

Maryann Lantz made a **motion** approving a request made by the Brandywine Heights Area School District for the Township Road Crew to remove the Reduced Speed Limit signs in front of the Longswamp Elementary School; Mike Sacks seconded the motion. All in favor.

OLD BUSINESS

Topton American Legion Community Ambulance – Radio Project Pricing

Steven Kline, of the Topton American Legion Community Ambulance, addressed the Board of Supervisors with an update on costs associated with supplying Ambulance Personnel with radios as part of the mandated emergency services radio upgrade project. Steven stated the total purchase price for the radios is \$32,015.32 but is anticipated to be off-set by 20% in county support, therefore resulting in a total purchase price of \$25,164.42 to the municipalities which are serviced by the Topton Ambulance Service.

Steven reviewed the call volumes for the territories served by the Topton American Legion Community Ambulance Service and stated their request is based on the per call volume. Steven confirmed that Longswamp Township represents 69% of the calls. Steven explained the request of \$2,486.76 per year over the course of seven years is for the anticipated purchase of two mobile radios, four portable radios, and one for installation at the Ambulance Station Office.

Chairman Wyka thanked Steven Kline for the updated information and confirmed that the costs are being factored into the 2012 Township Budget.

NEW BUSINESS

Sewage Enforcement Officer's On-Lot Sewage Permit Report – September 30, 2011

Chairman Wyka reviewed the activities as noted in the Township Sewage Enforcement Officer's Report dated September 30, 2011.

Sewage Management Program Report - Notices of Violation Updates – September 29, 2011

Chairman Wyka reviewed an update of the Sewage Management Program provided by the Township Sewage Enforcement Officer which indicated 28 outstanding violators of the program at this time and confirmation that Notices of Violations are in the process of being sent out.

Township Employees Convention Request to Attend 2011 Berks County Convention

The Board of Supervisors authorized a request made by Township Employees to attend the Berks County Annual Convention in Oley.

Supervisor Mike Sacks discussed with the Board his interest in pursuing the districting of

portions of the Township with historical value with assistance of the Township Historical Society's. Mike explained his posture of preserving historical landmarks of significance through-out the Township.

The Township Solicitor provided guidance regarding the sequence of events, including the adoption of a Historical District Ordinance, that would need to take place in order to address consideration of identifying structures, landmarks, and cemeteries of historical value within Historical Districts of the Township.

The Board of Supervisors agreed to support the concept and suggested further discussion of the details at an upcoming Historical Society Meeting and recommendation to the Board.

Chairman Wyka provided the Board, as well as the audience in attendance, with an update to a request that was made to Lower Macungie Township for extending the Lehigh County Authority sewer inceptor lines through Lower Macungie into Longswamp Township in order to serve properties within the Township with failing septic systems. Steve stated the sewer extension request was rejected by Lower Macungie due to concerns with the difficulty of restricting capacity to serve only those properties that are out of compliance and not provide for future growth in Berks County in addition to the potential loss of capacity needed to serve existing properties and future development within the Township.

Chairman Wyka reviewed the various options and alternatives that the Board of Supervisors has actively pursued in the past in order to provide the Township with an approved Act 537 Plan. Steve stated that due to Lower Macungie's rejection, he has decided to continue actively pursuing alternatives that accommodate the Township's needs. Steve confirmed that he is planning to run for re-election of his term, since he did not want to leave his seat on the Board at this point in time due to this recent development.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$217,635.79 for the period of September 14, 2011 to October 11, 2011; Maryann Lantz seconded that motion. All in favor.

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

ADJOURNMENT

Mike Sacks made a **motion** to adjourn the meeting at 8:07 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary