

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
OCTOBER 13, 2009

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: Donald Siegfried, Chairman; Steven Wyka, Vice Chairman; Maryann Lantz, Supervisor; Jeremy Schadler, representing the Engineer; Jill Nagy, Esquire, representing the Solicitor; Joni McPike, Treasurer; Ed Bender, Zoning/Codes Enforcement Officer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Siegfried called the meeting to order at 7:00 p.m., and announced the reading of the minutes of the regular meetings of September 8, 2009 as well as September 22, 2009 would not take place. Draft copies of those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Steve Wyka made a **motion** to approve the Minutes of the regular meetings of September 8, 2009 and September 22, 2009; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Maryann Lantz made a **motion** to accept the Treasurer's Report for September, 2009 in addition to accepting the current Accounts Receivable Status Report; Steven Wyka seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Donald Seigfried announced two upcoming dates for the 2009 Budget Workshops. The first Workshop is scheduled to be held in the Township Conference Room on Tuesday, October 20, 2009 beginning at 11:00 a.m. and a second Workshop will be held on Tuesday, October 27, 2009 at 7:00 p.m. as part of a condensed Board Meeting that same evening in the Township Meeting Room.

Donald Seigfried announced the Public Safety Committee Meeting previously advertised and scheduled for October 21, 2009 has been re-scheduled to be held on Wednesday, December 16, 2009 at 7:00 p.m. in the Township Meeting Room.

Donald Seigfried announced a reminder regarding the date of the November Planning Commission Meeting. The date of the meeting as advertised is scheduled for Wednesday, November 4, 2009 at 7:30 p.m. in the Township Meeting Room.

PUBLIC COMMENTS

Mike Sacks presented a question to the Board which was raised at a recent Environmental Advisory Committee Meeting regarding outdoor furnaces. Mike stated the EAC was interested in knowing if the Township had adopted any ordinances in relation to their use and what is allowed to be burned in them. The Township Solicitor stated the Township's general Burning Ordinance would cover any issues regarding what can be burned as well as the burning regulations. Chairman Siegfried suggested Mike Sacks get a copy of the Township's Burning Ordinance for the EAC to review. Jill Nagy also stated PSAT's has a model Burning Ordinance which can be added to the Township's Burning Ordinance in order to provide stricter regulations. Chairman Siegfried directed Jill to submit PSAT's version of the Burning Ordinance to the Board for their review.

Mr. Glen Cooper, a resident of 280 Dogwood Drive, brought a problem to the Board's attention regarding the condition of a neighboring property on Dogwood Drive. Mr. Cooper informed the Board of the poor conditions at his neighbor's property due to excessive debris from construction materials being dumped there. Mr. Cooper presented photographs to the Board as well as to the Township Zoning Officer and pointed out buckets, an old refrigerator, as well as construction debris all over the property as well as in the Township's Right-Of-Way. Chairman Siegfried stated no official complaints have been submitted at this time but directed the Township Zoning Officer to look into the situation on Dogwood Drive.

Mrs. Anne Berrios, a resident of 265 Winchester Lane, addressed the Board in order to clarify concerns and questions raised by the Township Zoning Officer regarding plans they recently submitted to the Township for constructing an in-law suite at their home. Mrs. Berrios explained to the Board the addition is necessary in order for her elderly mother and special needs sister to move in with her and her husband for care that she as a nurse can provide to both of them. Mrs. Berrios stated she was confused as to why they could not proceed with the plans as presented and explained they are only considering the addition to their home as an in-law suite due to their current situation. Mrs. Berrios informed the Board that they're in the process of financing the addition and have questions regarding the cost of \$2,000 required to be paid for submitting their plans to the Township.

Mr. Newman, the designer of the proposed plan, agreed to modifying the plans in order to be in compliance with the Township's Zoning Ordinance and not design the addition as a separate dwelling on the property. The Township Solicitor lastly suggested the Berrios Family could submit a demonstration of need due to the family member's medical situations so the Board could make a determination if they could move forward. Jill stated they should submit their revised plans to the Township Zoning Officer for his determination at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

Topton Wastewater Treatment Plant – Water Meter Installation Letter

The Board tabled this issue until further discussion with the Borough of Topton.

Price Minor Subdivision Sketch Plan: Consideration of Flag Lot

Jeremy Schadler informed the Board that a Sketch Plan has been submitted for the Price Minor

Subdivision. Jeremy stated the project is located on the west side of Longsdale Drive between Hidden Valley Road and Tower Road. Jeremy updated the Board on the discussion of the proposed plan at the October Planning Commission Meeting. Jeremy explained the request for consideration by the Prices is to consolidate an adjacent land-locked parcel owned by the Prices with their existing lot and then subdivide the existing lot which contains an existing dwelling in order to create a second building lot which would create a flag lot. Jeremy stated based on the review at the Planning Commission Meeting, it is their recommendation to the Board to allow the flag lot. Mr. Price who was in attendance at the meeting confirmed the details of the plan and explained the flag lot would allow a building lot for his son. The Township Solicitor explained the Prices will need to comply with the procedures set forth in the Township's SALDO but needed a preliminary motion by the Board prior to proceeding with plans with the flag lot design.

Steve Wyka made a **motion** to allow for the Price Minor Subdivision to proceed with their plan to create a flag lot and proceed with compliance of the requirements of the Township's SALDO. Maryann Lantz seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

The Township Zoning Officer re-addressed the Berrios' concerns and reminded the Board that the Township's Zoning Ordinance requires a lot to meet minimum acreage for an accessory apartment. The Township Solicitor stated the Berrios' could submit for a variance with the Zoning Hearing Board.

Mr. Bender reminded the Board of Supervisors of a zoning hearing which is scheduled for Wednesday, October 14, 2009 for Richard MacHose, who is seeking a variance of the Township Zoning Ordinance for multi-principal uses on the same lot and for construction vehicles to be parked outside.

Ed informed the Board of an issue with a township resident, Mr. Manerie, whose property borders Hereford Township. Ed explained Mr. Manerie has been paying taxes to Hereford Township but the property appears to actually be in Longswamp Township. The Township Solicitor suggested the Township could consider assessing an assessment appeal concerning Mr. Manerie's taxes or notify the School District so they're aware of the tax revenue they may be missing. The Board took no action as to this issue.

Ed informed the Board that Ron Fulton's Landscaping business has filed a Certificate of Intent to Continue in order to rent storage buildings to a contractor due to non-conforming use of the property.

SOLICITOR'S REPORT

Gross School Bus Inter-Municipal Sewer Agreement Ordinance, Deed of Dedication; 30-Day Extension for Temporary Occupancy Permit

The Township Solicitor informed the Board that the Borough of Topton is agreeable to the terms of the Inter-Municipal Agreement and Ordinance between the Borough and Longswamp Township in order for Topton Borough to provide sewer to the Gross School Bus site in Longswamp Township. The Solicitor presented the Inter-Municipal Sewer Agreement and Ordinance No. 258 for the Board's final review and signature.

Maryann Lantz made a **motion** adopting Ordinance 258, "Entering into an Agreement

with the Borough of Topton to Allow the Borough and Its Municipal Authority to Provide Sewer and Water Service to a Facility of Gross School Bus Service, Inc. Located in the Township”; Steve Wyka seconded the motion. All in favor.

Maryann Lantz made a **motion** authorizing the Inter-Municipal Agreement with the Borough of Topton for the Gross School Bus property located in Longswamp Township; Steve Wyka seconded the motion. All in favor.

The Township Solicitor updated the Board of compliance by Gross School Bus for the Temporary Use and Occupancy Permit. Jill stated submission of the signed the Deed of Dedication for the ultimate right-of-way along State Street for recording by the Township and payment of all outstanding fees and copies of the executed Sewer Agreement between the property owner and Borough as well as between the Borough and the Township is required at this time. Jill suggested to the Board authorizing a 30-day extension of the Temporary Use and Occupancy Permit for the Gross School Bus site.

Steve Wyka made a **motion** authorizing a 30-day extension for the Use and Occupancy Permit for the Gross School Bus site; Maryann Lantz seconded the motion. All in favor.

Maryann Lantz made a **motion** accepting and adopting Resolution 2009-20, Accepting the Offer of Dedication to be Used for an Ultimate Right-of-Way Located on State Street in the Gross School Bus Service, Inc.; Steve Wyka seconded the motion. All in favor.

Well Abandonment Ordinance

The Township Solicitor explained the terms to the Board that should be included in drafting a Well Abandonment Ordinance for the Township. Jill explained the details in relation to exemptions, procedures, and methods which need to be followed and verified by the Township Zoning Officer for capping wells. Jill added that Hanover Engineering is in the process of drafting specific procedures to be followed when wells within the township are capped.

Maryann Lantz made a **motion** authorizing the Township Engineer and Solicitor to proceed with drafting a Well Abandonment Ordinance; Steve Wyka seconded the motion. All in favor.

Jill Nagy informed the Board of Supervisors that the Longswamp Township Windmill Ordinance has been selected as a model for an upcoming presentation being held by the Land Use Institute.

RECREATION REPORT

MaryBeth Hendley announced the date of the October Park & Recreation Meeting as scheduled for Tuesday, October 20, 2009 at 7:00 p.m.

MaryBeth also announced Halloween in the Park will be held on Saturday, October 17, 2009 from 1:00 p.m. to 3:00 p.m. in the Township Park with a rain date of Saturday, October 24, 2009.

MaryBeth Hendley announced the date of Trick-or-Treat Night which is scheduled for Saturday, October 31, 2009 from 6:00 p.m. to 9:00 p.m. Maryann Lantz made a **motion** approving the Township Trick-or-Treat Night as scheduled for Saturday, October 31, 2009 from 6:00 p.m. to 9:00 p.m.; Steve Wyka seconded the motion. All in favor.

MaryBeth lastly requested the Board to consider establishing a policy for Summer Playground

Counselors to help supplement the lack of volunteers for different Park and Recreation functions through-out the year as necessary. MaryBeth asked for the Board's consideration to allow two Counselors to be utilized for approximately ten hours through-out the year for the various functions. The Board agreed to establishing a policy via Resolution for Summer Playground Counselors to be utilized through-out the year for functions as necessary at their regular summer wages.

Chairman Siegfried stated he and MaryBeth recently met with Patrick Fenstermacher of PKF Industries regarding park maintenance issues and grant money that is available for improving the detention areas of the Township Park.

ROADMASTER REPORT

Report for September, 2009.

Discussion of Purchase of Township Truck

Scott Miller updated the Board that the original cost estimate of \$180,000 for a new Township dump truck through Co-Stars may increase since the deadline for 2009 purchases has past, so the truck would need to be purchased after the first of the new year. The Township Treasurer explained different payment options and allocations for the truck purchase.

Steve Wyka made a **motion** to authorize proceeding with the purchase of a 2010 tri-axial dump truck and to finance the purchase based on self-funding with liquid fuels allocation over a ten-year period; Maryann Lantz seconded the motion. All in favor.

OLD BUSINESS

Clarification of Requirements of Report from Delaware River Basin Commission on Act 537 Sewage Facilities Plan

The Township Solicitor suggested the Board table discussion of this issue for the next Board of Supervisors Meeting to be held on October 27, 2009 until Jill Smith is in attendance.

Steve Wyka addressed a letter the Township recently received from the Borough of Topton regarding potential future capacity in their plant. Steve requested a meeting to be scheduled between the Township and the Borough, along with the Township Engineer and Solicitor in order to discuss the options of the plan and the potential for grant money that may be available.

Steve Wyka made a **motion** authorizing the Township Engineer and Solicitor to meet with the Borough of Topton for a workshop to discuss future plans of the Act 537 Sewage Plan; Maryann Lantz seconded the motion. All in favor.

Discussion of Berks County Policing Study Regional Meetings

Maryann Lantz informed the audience and updated the Board of the Berks County Policing Study Meeting she and Joni McPike recently attended regarding studies being conducted in relation to potential county-wide police forces and the costs that municipalities could potentially incur.

Maryann stated based on the studies being conducted, most would prefer regionalization of

police forces rather than a county-wide force. Chairman Siegfried added the meetings have mainly been attended by municipal officials in order to discuss the potential expenses involved and options on how the police forces would be funded by individual municipalities. Donald stated the funding would result in an increase to local taxes. Joni McPike shared examples of what the resulting tax increases could potentially be per person if the House Bill passes.

Issue Deadline for Pursuit of Fines for Violations of SMP Program

The Township Zoning Officer informed the Board that Notices of Violation are in the process of being sent to violators in Cycle 3 of the SMP Program for not submitting a record of pumping.

Funding/Purchase of Township LED Sign

Chairman Siegfried stated the design information and specifications for the Township LED sign have been forwarded to Hanover Engineering for their review. Donald also stated the Park and Recreation Commission have begun the bidding process.

Second Report on Act 32 – EIT – TCC

The Township Treasurer submitted an update to the Board regarding the Berks County Act 32 for their review. Joni stated an Inter-Governmental Agreement is in the process of being drawn up for approval by the participating surrounding municipalities which details the terms of cost sharing for any incurred expenses which include training, travel, and supplies.

2009 Topton Pool Pass Discount Re-Imbursements – Follow-Up Advisement of Balance

The Township Treasurer informed the Board that she has issued re-imburements totaling \$1,260 to Township residents for pool passes purchased this year as directed at a previous Board of Supervisors Meeting. Joni asked the Board for further instruction on the remaining balance which totaled \$1,740.00.

Maryann Lantz made a **motion** authorizing the remaining balance of the pool donation totaling \$1,740.00 be forwarded to the Borough of Topton Pool; Steve Wyka seconded the motion. All in favor.

Approve Locked-In Price for American PowerNet 2010 Contract and Agreement

Maryann Lantz made a **motion** approving the contract with American PowerNet for pre-purchase of electric rates and supply through the year 2011; Steve Wyka seconded the motion. All in favor.

NEW BUSINESS

Proposal to Create a Historical Group for Longswamp Township

Maryann Lantz reviewed and explained the intentions of the proposed Historical Group to the Board on behalf of Township Employee, Kristi Chase. Maryann stated the Township Staff would like to acquire historical information, as well as any documents or artifacts that would be an important part of the history to Longswamp Township, that Township residents would like to donate as part of establishing the Historical Group. Chairman Siegfried suggested a Resolution be drafted for establishment of the new Historical Group. Steve Wyka also suggested criminal background checks should be required for any members of the group due to the potential value of items that may be donated to the Township. The Board directed the Township Secretary to draft a Resolution Establishing a Historical Group for the next Board of Supervisors Meeting.

Presentation of Township Employee Manual and Job Descriptions to Township Solicitor

for Review and Direction

Steve Wyka made a **motion** for the Township Solicitor to review and comment on the revised Township Employee Manual and Job Descriptions; Maryann Lantz seconded the motion. All in favor.

Discussion/Consideration of Resolution Supporting Optional County Sales Tax for Revenue Sharing

The Township Secretary presented the Board with information she reviewed on the PSAT's website regarding the Optional County Sales Tax Plan. Jennifer explained the plan would allow counties to adopt a 1% sales tax and potentially provide property tax relief. Jennifer submitted Resolution No. 2009-21 to the Board for their review and consideration in order to participate in the plan. Donald Siegfried made a **motion** authorizing support by signing and adopting Resolution No. 2009-21, Endorsing Support of Optional County Sales Tax for Revenue Sharing; Steve Wyka seconded the motion. All in favor.

Permission for Township Office Staff to Take Obsolete/Non-Functional Electronic Items to Drop-Off Site for Recycling Sponsored by Berks County Solid Waste Authority

Maryann Lantz made a **motion** to approve a request made by the Township Office Staff to take non-functional electronic items to a drop-off site for recycling sponsored by Berks County Solid Waste Authority; Steven Wyka seconded the motion. All in favor.

Discussion of Berks County Conservation District Re-Organization

The Township Solicitor informed the Board that the Berks County Conservation District is undergoing re-organization due to budget issues and explained the Lehigh County Conservation District will be reviewing the Township's Erosion and Sediment Controls and NPDES Permit Applications for projects within Longswamp Township.

Discussion of Application Received by Lower Macungie Township for Conditional Use Permit

The Township Solicitor informed the Board that an application was received by Lower Macungie Township for a Conditional Use Permit for a quarry and that the surrounding municipalities can comment on the permit but it isn't necessary at this time. Chairman Siegfried suggested the tabling the issue until Hanover Engineering has an opportunity to review the information. Hanover will review and summarize for the Board of Supervisors Meeting scheduled to be held on October 27, 2009.

Discuss/Approve 2009 Audit Quote for Long, Barrell Totaling \$9,000

Maryann Lantz made a **motion** authorizing acceptance of the 2009 pre-audit engagement agreement in the amount of \$9,000 for the Township Auditors, Long and Barrell; Steve Wyka seconded the motion. All in favor.

2010 Annual Support and Maintenance Agreement and Fees for CS-Graphx – Permit Manager Program

Steve Wyka made a **motion** authorizing and accepting a quote in the amount of \$1,850.00 for the 2010 Annual Support and Maintenance Agreement and fees for the Permit Manager Software Program; seconded by Steve Wyka. All in favor.

Discuss/Approve Participation in PSAT's 457 Pension Plan for Township Employees Effective January 1, 2010

The Township Treasurer explained the new PSAT's 457 Pension Plan to the Board. Joni stated the Plan allows Township Employees to contribute to a pension plan similar to that of a 401K Plan and that the Township can contribute to each employee's plan as well. Joni referred to her memo to the Board which outlined six Township Employees that are interested in participating effective January 1, 2010. Joni added there is a minimal cost for administering the plan. The Township Solicitor suggested participation in the PSAT's 457 Pension Plan should be presented to the Board by Resolution. The Board directed the Township Secretary to draft a Resolution for the next Board of Supervisors Meeting.

Approval/Signature of Inter-Municipal Co-Operation Agreement

Maryann Lantz made a **motion** authorizing the Chairman to sign the Inter-Municipal Cooperation Agreement; Steve Wyka seconded the motion. All in favor.

Approval of Joint Township Co-Op Meeting Minutes of September 10, 2009

Steve Wyka made a **motion** approving signature of the Co-Op Public Works Meeting Minutes of September 10, 2009; Maryann Lantz seconded the motion. All in favor.

Approval to Transfer Funds from General Fund to Township Escrow Fund Account

Maryann Lantz made a **motion** to approve a request by the Township Treasurer to transfer funds totaling \$12,857.80 from the General Fund into the Township Escrow Fund for the 2008 Per Capita Tax fund until such time claims for the tax fund are requested; Steve Wyka seconded the motion. All in favor.

Request for Approval to Exonerate Tax Collector to Collect Taxes – Real Estate 2008 (\$489.63) and Real Estate 2009 (\$43.16)

Maryann Lantz made a **motion** to authorize the Tax Collector's request for exoneration to collect 2008 and 2009 Real Estate Taxes totaling \$489.63 and \$46.16 respectively; Steve Wyka seconded the motion. All in favor.

Township Employees Educational Seminar Request

Steve Wyka made a **motion** to approve a request for Township Employees to participate in the 2009 Berks County Convention to be held on October 15, 2009 sponsored by the Berks County Association of Township Officials with no registration costs, just travel time and mileage expenses; Maryann Lantz seconded the motion. All in favor.

Township Employees Educational Seminar Request

Steve Wyka made a **motion** to approve a training request made by Township Employees, Joni McPike, Township Treasurer and Jennifer Wassell-Bonser, Township Secretary, to attend "PLGIT Financial Seminar" to be held on November 4, 2009 with no registration fees, just travel time and mileage expenses; Maryann Lantz seconded the motion. All in favor.

Township Employees Educational Seminar Request

Steve Wyka made a **motion** to a training request made by Township Employees, Joni McPike, Township Treasurer and Jennifer Wassell-Bonser, Township Secretary, to attend a webinar being offered by PSAB on November 10, 2009 at the Township Office pertaining to Re-Organization Meetings at a cost of \$30.00; Maryann Lantz seconded the motion. All in favor.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$239,867.90

and transfers totaling \$162,834.73; Maryann Lantz seconded that motion. All in favor.
Vote: Maryann Lantz, Yes; Don Siegfried, Yes; Steve Wyka, Yes.

ADJOURNMENT

Maryann Lantz made a **motion** to adjourn the meeting at 9:25 p.m.; Steve Wyka seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary