

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
OCTOBER 14, 2008

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

CALL TO ORDER

Chairman Donald Siegfried called the meeting to order at 7:53 p.m., and announced the reading of the minutes of the regular meeting of September 23, 2008, 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 meeting of September 23, 2008; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Steve Wyka made a **motion** to accept the current Accounts Receivable Status Monthly Report; Maryann Lantz seconded the motion. All in favor.

ANNOUNCEMENTS

An Executive Session of the Board of Supervisors was held from 7:30 to 7:50 p.m. to discuss zoning amendments and possible litigation.

Donald Seigfried announced that Friend, Inc. Community Services is seeking volunteer assistance for their social service agency servicing families in Berks County who are in crisis.

Brochure hand-outs were made available from Albright College Center for Community Leadership's new program – Berks County Citizen's Academy being held for four sessions starting November 5 and continuing each Wednesday evening from 7:00 to 9:30 p.m. thru December 3, 2008. Donald Seigfried encouraged anyone interested in learning more about county government operations should attend.

PUBLIC COMMENTS

Don Hoegg, Director of Valley Stair and Rail at 23 Park Avenue, addressed the Board of Supervisors with concerns regarding the number of vehicles, including trucks, which travel on Lumber Street, particularly since Lumber Street is a dead end alley. Mr. Hoegg said that Valley Stair and Rail owns the self-storage units but they have instructed their customers to use their entrance off of North Park Avenue. He also noted that the self storage facility is closed at night so the vehicles using Lumber Street at night should not be his customers. Mr. Hoegg is concerned about the traffic creating excessive dust and dirt as well as creating a nuisance to the area from people dumping garbage there as well. He noted that he will be putting chains across his property in order to alleviate cut through traffic and that this was discussed with the Fire Company and they had no objections. Mr. Hoegg is requesting the Township post signage, "No Outlet" signs, etc., at the intersection with Chestnut Street to deter vehicle traffic from coming through the southern end of Lumber Street. Ed Bender also noted the safety of children needs to be considered as there are families living in that area. The Board of Supervisors requested the Township Engineer to discuss the issue with the Township Roadmaster and provide a recommendation as to appropriate signage for the area, including possibly, "Children At Play" signs.

ENGINEERING AND PLANNING COMMISSION REPORT

T-Mobile Conditional Use – Public Hearing

It was noted that the Public Hearing for the T-Mobile Conditional Use Application for additional tele-communications facilities at Bear Creek was held in the Meeting Room of the Municipal Building from 6:30 p.m. to 7:30 p.m. prior to the regular scheduled Board of Supervisors Meeting.

Gross School Bus Land Development – Time Extension

Maryann Lantz made a **motion** to grant a third time extension to December 31, 2008 for the Gross School Bus Land Development Final Plan; Steve Wyka seconded the motion. All in favor.

Kupar/Reilly and Ohl Lot Line Adjustment – Time Extension

Maryann Lantz made a **motion** to grant the first time extension (90 days) to December 2, 2008, for the Kupar/Reilly and Ohl Lot Line Adjustment Final Plan; Steve Wyka seconded the motion. All in favor.

Lower Macungie Township Act 209 – Draft Land Use Assumption Report

Jill Smith announced she has reviewed the Draft Land Use Assumption Report which was prepared and forwarded for comment by Lower Macungie Township. The Township Engineer explained the Act 209 Study is being prepared to enable Lower Macungie Township to collect traffic impact fees for developments. Hanover Engineering issued a letter dated October 8, 2008 to Lower Macungie Township noting that their land use appears to be consistent with current and proposed land use within Longswamp Township.

Perkiomen Creek Watershed Act 167 Plan

Jill Smith announced Hanover Engineering has responded to the Berks County Planning

Commission recent request regarding any problem areas in Longswamp Township within the Perkiomen Creek Watershed for use in completing the Act 167 Plan. After consulting with the Township Road Foreman, Hanover Engineering issued a response to the Berks County Planning Commission stating there are no known problem areas in Longswamp Township to report at this time.

Golden Meadows Phase II – Security Release Request #3

Golden Meadows submitted a request for Escrow Release #3 for approval. The Board of Supervisors authorized Hanover Engineering to review Golden Meadows' request. A **motion** to accept the request for release of escrow and authorize Hanover Engineering to review and provide a recommendation was made by Steve Wyka; Maryann Lantz seconded the motion. All in favor.

Jill Smith also announced that she has posted the Golden Meadows work site with the Stop Work Order and has sent copies to both the Developer and Contractor. In addition, she noted that a Zoning Violation Notice was also sent to the Developer and Property Owner of Lot 12.

Planning Commission Meeting Date Change

The Township Engineer and Township Solicitor discussed with the Board of Supervisors changing the date of the next month's Planning Commission meeting. This request has already been discussed with the Planning Commission and they have approved the change. Donald Siegfried authorized the Township Secretary to advertise the Planning Commission Meeting to be on Thursday, November 6, 2008 as opposed to Wednesday, November 5, 2008.

Township Zoning Amendment Ordinance

The Board of Supervisors received the Planning Commission's recommendation to proceed with the Zoning Amendment Ordinance without including Mountain Village Mobile Home Park's request for re-zoning parcels on the east side of State Street and adding additional commercial uses to the Mobile Home Zoning District. The Planning Commission and the Board of Supervisors agreed to consider this request in the future if/when more specific information regarding the potential use is provided. A **motion** was made by Maryann Lantz to advise the applicant that the Board of Supervisors will take action to consider agreeing to zoning amendment changes to be sent out for adjacent municipalities; seconded by Steve Wyka. All in favor.

The Township Solicitor discussed the request to increase the WECS maximum of 6 kw for a Use Permit by Right. Donald Siegfried clarified that the Board's main concern is regarding the height of the tower as it relates to the safety of set-backs and that they are open to reasonable levels of kilowatts. The Township Engineer shared her findings regarding the direct relationship of kilowatts generated to the height of the tower. The Township Solicitor noted that area municipalities instituting similar ordinances are generally using 10 kw as a cut-off. Steve Wyka made a **motion** to revise the ordinance using 10 kw as a maximum for Use Permitted by Right,

send the revised draft of the Township Zoning Amendment Ordinance to surrounding municipalities and Berks County, and to schedule a public hearing for the first Board of Supervisors Meeting in December (December 9, 2008) at 6:30 p.m.; Maryann Lantz seconded

the motion. All in favor.

Wind Turbine Soil Testing Requirements

Jill Smith noted that her office has reviewed the issue regarding soil testing requirements for wind turbines. Jill expressed her concern of not having the soil testing performed unless the Township could enter into a "Hold Harmless" Agreement with the property owner and therefore not be liable. She suggested getting the opinions of a third party inspection agency and the Township Solicitor. Donald Siegfried suggested the Township Engineer speak with someone at Lehigh Valley Inspection as well as having the Township Solicitor research a Hold Harmless Release.

ZONING AND CODES ENFORCEMENT

Lick Trucking

Ed Bender announced that an agreement was made with Lick Trucking prior to the zoning violation hearing on Friday, September 12, 2008 in District Court. The settlement was in the amount of \$2,400.00 which included a fine as well as Township expenses.

Carol Shuey Citation

Ed Bender asked the Board of Supervisors for continuance, pending compliance for the hearing which is scheduled for November 6, 2008 for a citation violation issued to Carol Shuey, of 2514 State Street, for a collapsing garage as she is in the process of fixing the garage.

Zoning Hearing

Ed Bender announced that there is a Zoning Hearing scheduled for Mr. and Mrs. Kovalchick who are seeking a variance for the required side yard set-backs for installing a hot tub. The hearing is scheduled for November 5, 2008.

Sewer Management Program Cycle 2 Hearings

Ed Bender reported the Sewer Management Program Cycle 2 hearings for those residents who haven't submitted a record of pumping are scheduled for next week in the Meeting Room of the Municipal Building.

SOLICITOR'S REPORT

AT&T Mobility Conditional Use Application

The Township Solicitor announced the hearing for AT&T Mobility Conditional Use Application is scheduled for October 28, 2008 at 6:30 p.m. for the installation of antennas at Bear Creek Ski Lodge Building and an equipment cabinet to be installed within a room at the Ski Lodge.

Right-To-Know Proposal

The Township Solicitor announced that they will be scheduling a workshop in conjunction with Maxatawny Township and Longswamp Township staff members in order to be in compliance with the Right-To-Know Resolutions which will become effective after the first of the new year.

Lick Hearing

The Township Solicitor reported that Mr. Lick has filed an appeal with the Township regarding the Zoning Officer's determination of expansion of a non-conforming use. The Lick Zoning Board Appeal Hearing has not yet been scheduled but will be within the next 30 – 45 days.

Steve Wyka made a **motion** to authorize the Township Solicitor's Office to attend the Lick Zoning Board Appeal Hearing in representation of the Township when it is scheduled; Maryann Lantz seconded the motion. All in favor.

The Township Solicitor explained that compliance with the Zoning Officer's previous determination is required by Lick Trucking up to the hearing date, otherwise they'll be found in violation.

RECREATION REPORT

Donald Siegfried announced the date of the next Parks and Recreation Meeting to be held on Wednesday, October 22, 2008 at 7:00 p.m. Donald also announced Halloween in the Park will be held Saturday, October 18, 2008 from 2:00 p.m. to 4:00 p.m. in the Township Park.

Hedgerow Plantings Proposal

Donald Siegfried discussed awarding a proposal for planting a separation hedge between the Township Park property and the neighboring property in order to keep people from wandering onto the neighboring property. The only bid received was from PKF Industries, Inc. which included 200 feet of plantings totaling 47 plants to form a border between the two properties costing \$6,139.00. A **motion** was made by Steve Wyka to award the proposal to PKF Industries for 200 feet of plantings between the Township building and the neighboring property to PKF which includes maintenance at cost of \$6,193.00; Maryann Lantz seconded the motion. All in favor.

ROADMASTER REPORT

Report for September, 2008

OLD BUSINESS

Donald Siegfried announced the Board of Supervisors met with representatives of public safety providers in the community to discuss issues and are recommending establishment of a Public Safety Committee.

NEW BUSINESS

Resolution Establishing Township Public Safety Committee

Maryann Lantz made a **motion** authorizing a Public Safety Committee; Steve Wyka seconded the motion. All in favor. Donald Siegfried authorized the Township Secretary to draft a Resolution for the next Board of Supervisors Meeting.

Disposition of Used Surplus Laptop Computers

Donald Siegfried explained the Township has three used surplus laptop computers which would be useful to the Seisholtzville Fire Company as Bear Creek Ski Resort would be supplying the local fire companies with plans of the resort on compact disc. Steve Wyka made a **motion** authorizing the donation of three used surplus laptop computers to Seisholtzville Fire Company;

Maryann Lantz seconded the motion. All in favor.

Discuss Notary License for Township Secretary

Maryann Lantz made a **motion** authorizing the Township Secretary, Jennifer Wassell-Bonser, to receive Notary certification as a secondary Notary for the Township; Steve Wyka seconded the motion. All in favor.

Request for Approval to Exonerate Tax Collector to Collect Taxes

Steve Wyka made a **motion** approving the Tax Collector's request for exoneration for Real Estate (2007) in the amount of \$26.33; Steve Wyka seconded the motion. All in favor.

Steve Wyka made a **motion** approving the Tax Collector's request for exoneration for Real Estate (2008) in the amount of \$509.84; Steve Wyka seconded the motion. All in favor.

Approval of Co-Op Public Works Meeting Minutes

Maryann Lantz made a **motion** to approve the Co-Op Public Works Meeting Minutes of September 11, 2008; Steve Wyka seconded the motion. All in favor.

Approval to Authorize Township Treasurer Access to PennDOT Systems

Maryann Lantz made a **motion** to approve an agreement allowing the Township Treasurer, Joni McPike, Electronic Access to PennDOT Systems; Steve Wyka seconded the motion. All in favor.

Animal Rescue League 2009 Agreement and Donation

Maryann Lantz made a **motion** to approve the 2009 Annual Agreement and Donation Request for the Animal Rescue League of Berks County, Inc.; Steve Wyka seconded the motion. All in favor.

Approval of Temporary Office Help

Maryann Lantz made a **motion** authorizing approval for temporary office help at the Township Building; Steve Wyka seconded the motion. All in favor. Steve Wyka made a **motion** authorizing an hourly salary of \$10.00 to the temporary office help, Kristine Chase; Maryann Lantz seconded the motion. All in favor.

RECORD NOTES

None at this time.

APPROVAL OF BILLS

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$133,504.76 and transfers totaling \$65,272.29; Steve Wyka seconded that motion. All in favor. Roll Call Vote: Maryann Lantz, Yes; Don Siegfried, Yes; Steve Wyka, Yes.

BOARD COMMENTS

None at this time.

ADJOURNMENT

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

An Executive Session of the Board of Supervisors was held from 9:35 to 9:45 p.m. to discuss zoning appeal litigation.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary