

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
OCTOBER 27, 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; Jill Smith, 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 7:01 p.m., and announced the reading of the minutes of the regular meetings of October 13, 2009 would not take place. Draft copies of those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Maryann Lantz made a **motion** to approve the Minutes of the regular meetings of October 13, 2009; Steve Wyka seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

ANNOUNCEMENTS

Donald Siegfried announced a reminder regarding the date of the upcoming 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 due to Election Day which is on Tuesday, November 3, 2009.

Chairman Siegfried also announced the 2010 Budget Workshop scheduled to be held upon adjournment of the evening's Board Meeting would need to be re-scheduled and advertised accordingly due to the Agenda items set forth for this Board Meeting.

PUBLIC COMMENTS

Mike Sacks presented a request to the Board which was raised at a recent Environmental Advisory Committee Meeting to conduct an energy audit on the Township Building. Mike stated the EAC was interested in paying for an energy audit at a cost of \$1,200.00 with the residual balance from the EAC's 2009 Budget. Mike also requested the Board's consideration of any repairs that would be recommended in order to improve energy efficiency in the building based on the results of the study. Chairman Siegfried informed Mike that the Township Building was renovated and reconstructed in 2004 with "green building" requirements taken into consideration and accomplished at that time. Donald suggested the EAC may want to consider conducting the energy audit at the Township's Maintenance Building in order to get a more worthy study due to the size and age of that building. Mike agreed to get measurements of the Maintenance Building in order to reflect a new cost estimate for the larger building. The Township Treasurer stated the associated costs would need to be requested by the EAC and set up in a special project fund and include the reserves from the EAC's 2009 budget.

Mike Sacks stated he has researched costs of the recently approved dump truck purchase.

Mike offered examples of used trucks for sale he found on the internet. Chairman Siegfried thanked Mr. Sacks for his research and explained the purchase needs to be put out for bid through the appropriate bidding process with Co-Stars.

Mr. Roy Dolly, a resident of 5 Kurt Drive, addressed the Board regarding the status of the pet cemetery proposed on Old Topton Road. The Township Engineer explained the review process that was conducted by the Township Planning Commission and Board of Supervisors over the course of the past year. Jill stated the Commission reviewed the plans several times prior to their recommendation of final approval to the Board. Jill stated the Developer met all the Township's requirements for the proposed land use. Mr. Dolly stated his biggest concern was that his neighborhood wasn't made aware of the project that would be next to his development. Mr. Dolly also stated his concerns about the effect it would have on property values in the area. Jill stated the issue was on both the Planning Commission and Board of Supervisor's Agendas several times over the course of the past year and since the project was a permitted use by right, there is no requirement for individual residents to be notified. Chairman Siegfried confirmed there's no requirement or statute to notify residents in this situation and even if the Township did, the Board has to approve the plan since the Developer met all the specific technical conditions which were required in order for final approval to be granted for the project. Steve Wyka also added the Township's concern was to verify and approve everything from a legality standpoint on behalf of the Township. The Township Engineer lastly stated the next step is for the Developer to apply for a change in use permit and any permits for construction and/or renovation proposed to be completed to the existing structures.

Mike Sacks questioned the status of re-positioning the speed restriction signs at the Longswamp Township Elementary School on State Street. The Township Engineer stated Hanover Engineering is in the process of contacting Penn DOT to discuss the situation further.

ENGINEERING AND PLANNING COMMISSION REPORT

Topton Wastewater Treatment Plant – Water Meter Installation Letter

The Township Engineer noted the Borough of Topton has requested a letter from the Township acknowledging the water meter installation project proposed by the Borough. Jill stated the Township provided the Borough with a similar "land use sign-off letter" for their proposed wastewater treatment plant upgrade project located in the Township. Jill stated based on the information received, she believes some water meters proposed to be replaced are within Longswamp Township. The Township Solicitor stated the Board would need more information since Longswamp Township is the only authority that can require water meters to be replaced within the Township. Chairman Siegfried suggested a letter to be sent to Topton requesting further information detailing the intent and extent of the water meter replacement project.

Steve Wyka made a **motion** authorizing the Township Secretary to send a letter to the Borough of Topton requesting further information regarding the water meter replacement project; Maryann Lantz seconded the motion. All in favor.

Application Received by Lower Macungie Township for Conditional Use Permit

The Township Engineer discussed with the Board the information collected regarding Lower Macungie Township's proposed Zoning Ordinance amendments as well as and the Conditional Use Application they received for a stone and gravel quarry proposed on 579 acres near the municipal boundary with Longswamp Township and the potential impacts on the Township. Jill explained the proposed changes to the Zoning Ordinance include re-naming the existing Agricultural/Rural Zoning District to Agricultural Protection (AP) District, revising or eliminating some of the uses allowed within that district, and the addition of new requirements

for designing residential subdivisions within the proposed zoning district. Jill stated Lower Macungie Township will be holding a public hearing on Thursday, October 29, 2009 in order to consider adopting the proposed zoning amendments.

Jill continued to explain that the proposed zoning amendments include eliminating quarrying operations as a Conditional Use in the proposed Agricultural Protection District. As a result Lower Macungie Township received a Conditional Use Permit for a quarry with processing facilities in the northwestern portion of the Township near the municipal boundary with Longswamp. Jill provided to the Board a map showing the parcels being proposed for a quarry in Lower Macungie in relation to the boundary with Longswamp. The Supervisors requested Hanover Engineering to keep the Board abreast of the issue. Jill stated it appears the Conditional Use Application will be on the Agenda of Lower Macungie's Planning Commission Meeting to be held on November 10, 2009, unless the Township decides to schedule a special meeting to discuss this specific topic.

Berks Sand Pit Superfund Site

The Township Engineer reviewed and discussed with the Board information submitted to the Township from the EPA and PADEP regarding the continued remediation of the Berks Sand Pit Superfund Site located in the vicinity of Walker and Benfield Roads. Jill Smith stated the EPA and PADEP have opened a public comment period during which time the Township can submit any comments or concerns they may have regarding EPA's proposal. Jill added the public comment period opened on October 13, 2009 and is scheduled to close on November 12, 2009.

Steve Wyka made a **motion** authorizing the Township Engineer to submit the comments contained in her memo dated October 27, 2009 to the EPA and PADEP on behalf of the Township and to keep the Board of Supervisors updated on the issue; Maryann Lantz seconded the motion. All in favor.

Township LED Sign

Chairman Siegfried discussed the Township's desire to install an LED sign in front of the Township Municipal Building. The Board of Supervisors authorized the Township Engineer to assist in preparing bid specifications for the sign for the Board's review.

ZONING AND CODES ENFORCEMENT

Burning Problems in Shamrock

The Township Zoning Officer informed the Board of complaints he's been receiving regarding residents burning in the area of Shamrock. Ed stated the complaint calls are reporting plastic containers as well as diapers being burned which are dangers to the environment. Ed asked the Board for permission to distribute copies of the Township's Burning Ordinance with a cover letter explaining the issue to those households living in the area. The Board authorized Ed to distribute information to residents in the area.

Topton Lutheran Home Zoning Hearing

Ed informed the Board of an application he received from Calvin Hess to construct an enclosed porch on one of the existing dwelling units located at the Topton Lutheran Home. Ed stated he has denied the permit since the proposed addition did not meet the required setbacks and informed Mr. Hess that he can consider applying for a variance of the Township Zoning Ordinance.

Residential Sprinkler Update

Mr. Bender gave the Board a brief update regarding the mandatory residential sprinkler legislation and informed the Board that there may not be any changes to the UCC.

Notices of Violations for SMP Program

The Township Zoning Officer informed the Board that Notices of Violation have been sent to the property owners in Cycle 3 of the SMP Program who have not submitted a record of pumping. The Zoning Officer noted he has already received a few complaint calls regarding the notices.

SOLICITOR'S REPORT

Solicitor's Review & Recommendation of Township Employee Manual & Job Descriptions

The Township Solicitor stated she is in the process of reviewing the Township Employee Manual and Job Descriptions and will provide the Board with comments of her review at the November Board Meeting.

Golden Meadows – Inspection Fees

The Township Solicitor addressed the Board regarding Orwig Law Offices' letter to the developer of Golden Meadows dated October 26, 2009. Jill stated the Developers' Improvements Agreement executed between the Developer and the Township states the developer is responsible for paying inspection fees or other township fees regardless of any escrow releases. Jill stated the Board could consider pursuing further litigation, or the Board could also consider having the money owed to the Township released from the Letter of Credit directly to the Township as allowed by the MPC and Developers' Improvement Agreement. Jill recommended that the Board also consider requesting the developer to provide an updated improvements cost estimate to cover additional costs due increased construction costs since the estimate was originally submitted and to cover improvements completed at the site which have now become over-grown and will require additional work to complete.

Steve Wyka made a **motion** authorizing the Township Solicitor to write a letter to the Developer of the Golden Meadows Project notifying them that the Township will consider releasing the money owed to them from the Letter of Credit, but in turn the Township will be requiring an updated cost estimate to be submitted for review and approval by the Township and the corresponding additional money to be secured; Maryann Lantz seconded the motion. All in favor.

Steve Wyka questioned the Township Solicitor as to what would be done if the project would be completely abandoned. Jill Nagy stated an evaluation of the work site would be conducted and the Township would need to decide whether to complete the improvements using the funds from the Letter of Credit or withdraw the plan and return the site to its previous condition.

Chairman Siegfried also addressed Accounts Receivable issues which have not had any recent activity. The Township Solicitor stated the Board could issue a letter to any Developers who are in the planning process with accounts receivables totaling over \$10,000.00 and have had no activity over the past three months. The letter should include the total amount owed to the Township and request that the Developer provide a response to the Township regarding their intentions on bringing their accounts up to date, otherwise the Township could proceed with filing a lien on the property if their account isn't brought up to date by the end of the year.

RECREATION REPORT

Chairman Siegfried announced the date of the November Park & Recreation Meeting as scheduled for Tuesday, November 17, 2009 at 7:00 p.m.

Donald also announced Trick-or-Treat Night is scheduled for Saturday, October 31, 2009 from 6:00 p.m. to 9:00 p.m. in the Township.

ROADMASTER REPORT

None at this time.

Mrs. Strunk questioned the Board regarding the approved purchase of a dump truck for the Township. The Township Treasurer explained the costs are being off-set by self-funding with liquid fuels allocation. Chairman Siegfried also added the Board's intentions of keeping a reserve for the township and to finance the purchase based on self-funding.

OLD BUSINESS

Resolution for Creation of a Historical Society for Longswamp Township

The Township Secretary presented Resolution No. 2009-22 to the Board for their review and consideration for adoption. Steve Wyka recommended the Township require criminal background checks to be conducted for members of the group due the potential value of items donated to the Township. The Township Solicitor stated specifications of criminal background checks would need to be incorporated in the Historical Society's By-Laws.

Maryann Lantz made a **motion** to establish the Historical Committee by signing and adopting Resolution No. 2009-22, Establishment of a Historical Committee for Longswamp Township; Steve Wyka seconded the motion. All in favor.

Resolution for Participation in PSAT's Township 457 Pension Plan for Township Employees Effective January 1, 2010 and Appointment of a Plan Administrator

Chairman Siegfried explained the new PSAT's 457 Pension Plan and compared it to that of a corporate sponsored 401K Plan with the difference being that it is specifically designed for governing bodies and their employees. Donald stated the Plan allows Township Employees to contribute to the pension plan and permits the Township to provide contributions to each employee's plan as well, but noted that the Township will not be doing so at this time. Donald added there is a minimal cost for administering the plan and that the Township Treasurer, Joni McPike would be the Plan Administrator.

The Township Secretary presented Resolution No. 2009-23 to the Board for their review and consideration for adoption. Maryann Lantz made a **motion** to provide the 457 Plan to Township Employees by signing and adopting Resolution No. 2009-23, Providing the PSAT's Township Plan to All Regular Full and Part-Time Township Employees of Longswamp Township and to Appoint a Plan Administrator; Steve Wyka seconded the motion. All in favor.

NEW BUSINESS

Request by Topton Volunteer Fire Company for Use of Township Conference Room

Chairman Siegfried explained a recent request made by the Topton Fire Company Staff to reserve the Township Conference Room on Tuesday, November 3, 2009 to conduct business.

Steve Wyka made a **motion** to authorize the Topton Volunteer Fire Company Staff to reserve the Township Meeting Room on Tuesday, November 3, 2009 for fire company business; Maryann Lantz seconded the motion. All in favor.

Township EAC Members Educational Seminar Request

Steve Wyka made a **motion** to approve a request for three Township Environmental Advisory Council Members to attend the "Municipal Environmental Resource Protection Certificate Program" to be held on November 10 and November 17, 2009. The program includes on-site workshops, on-line courses, and an on-site wrap-up session at a total registration cost of \$225.00

plus travel and mileage expenses; Maryann Lantz seconded the motion. All in favor.

Township Employees Educational Seminar Requests

Steve Wyka made a **motion** to approve the following educational webinar and seminar training requests made by Township Employees; Maryann Lantz seconded the motion. All in favor.

Joni McPike, Township Treasurer and Jennifer Wassell-Bonser, Township Secretary, to attend a webinar, "Municipal Secretaries Training", being offered by PSAB to be held on November 5, 12, and 19, 2009 at a total cost of \$30.00.

Joni McPike, Township Treasurer, to attend and host a webinar, "EIT Tax Collector Selection Appointment and Contract" to be held on November 19, 2009 at a cost of \$95.00 plus miscellaneous office supplies and copy expenses to be split among other participating Townships in attendance if applicable.

Gena Strzelecki, Township Open Records Officer and Kristi Chase, Township Office Assistant to attend a workshop, "Municipal Records Management" to be held on November 19, 2009 at Albright College with a total registration cost of \$90.00 plus travel and mileage expenses.

Gena Strzelecki, Township Open Records Officer and Joni McPike, Township Treasurer, to attend a seminar, "Open Records One Year Later", being offered by PSAT's to be held on November 24, 2009 at a total cost of \$100.00 plus travel and mileage expenses.

APPROVAL OF BILLS

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$140,346.77 and transfers totaling \$89,267.08; Steve Wyka 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 8:58 p.m.; Steve Wyka seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary