

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
OCTOBER 28, 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 7:31 p.m., and announced the reading of the minutes of the regular meeting of October 14, 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 October 14, 2008; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Steve Wyka made a **motion** to accept the Treasurer's Report for September, 2008; Maryann Lantz seconded the motion. All in favor.

ANNOUNCEMENTS

Donald Siegfried announced the November Planning Commission Meeting scheduled for Wednesday, November 5, 2008 has been re-scheduled and advertised to be held on November 6, 2008 at 7:30 p.m. in the Township Meeting Hall.

Donald Siegfried also announced the next Board of Supervisors Meeting is scheduled for Wednesday, November 12, 2008 at 7:30 p.m. in the Township Meeting Hall due to the Veteran's Day Holiday on Tuesday, November 11, 2008.

Brochure hand-outs were made available from Boy Scout Troop 575 regarding their annual food drive. Donald Siegfried announced the Boy Scout Troop will be participating in the 2008 Scouting for Food Drive and distributing bags to local residents on Saturday, November 8, 2008 and then picking them up the following week-end on Saturday, November 15, 2008.

PUBLIC COMMENTS

None at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

AT&T Mobility Conditional Use – Public Hearing

It was noted that the Public Hearing for the AT&T Mobility Conditional Use Application 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 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. A decision will be made at the next Board of Supervisors Meeting to be held on November 12, 2008.

TowerCo Conditional Use Approval – Time Extension

Maryann Lantz made a **motion** to grant a 12-month time extension to TowerCo for the cell tower at Bear Creek Ski Lodge Conditional Use Approval, Conditional Use Approval will expire 12 months from the date of this meeting; Steve Wyka seconded the motion. All in favor.

T-Mobile Northeast – Consideration of Conditional Use Approval

The Township Solicitor distributed to the Supervisors for review and consideration, a draft Decision for the Conditional Use Hearing held on October 14, 2008 for T-Mobile Northeast Public Hearing. The conditions of approval were reviewed and discussed with the Board. A **motion** granting the Conditional Use Approval to T-Mobile Northeast based on the conditions outlined in the Decision was made by Steve Wyka; Maryann Lantz seconded the motion. All in favor.

Golden Meadows Phase II – Security Release Request #3

Jill Smith announced Hanover Engineering has reviewed the Security Release Request #3 dated October 14, 2008 submitted by the Developer for Golden Meadows. Based on a site visit conducted on October 23, 2008, Hanover Engineering is recommending that the Board of Supervisors authorize the release of security in the amount of \$16,709.50 for improvements completed and approved by their office. A **motion** authorizing approval of the third request for release of security in the amount of \$16,709.50 was made by Steve Wyka; Maryann Lantz seconded the motion. All in favor.

The Township Treasurer, Joni McPike, noted that there are past due invoices as of the end of September, 2008 which have not been paid by the Developer. Donald Siegfried stated the invoicing issues would be addressed as a separate issue.

An Executive Session of the Board of Supervisors was held from 8:05 to 8:15 p.m. to discuss pending litigation.

Funderburk Annexation Plan – Proposed Access

The Township Engineer noted a revised plan for the Funderburk Annexation has been submitted for review and consideration at the November Planning Commission Meeting. Jill Smith reviewed the access issue to the residue parcel (Lot 1) owned by Mr. Jones with the Board of Supervisors. Jill Smith referred to a letter which was prepared by the Township Solicitor dated July 18, 2008, providing the property owners (Dax Funderburk and Mr. Jones) three options that would satisfy the Township's requirement for providing appropriate ingress/egress to Lot 1 to be retained by Mr. Jones.

The Township Engineer also noted the submitted plans contain notes to be considered as covenants running with the residue parcel owned by Mr. Jones include restrictions. The Township Engineer noted the revised plan requires the driveway to be constructed according to Township specifications prior to a building permit being issued for construction of a single-family home. The Board of Supervisors will need to determine if this is acceptable or if the Township will require the driveway to be constructed in conjunction with and as a condition of the plan approval. A recommendation was made by Hanover Engineering that the Township require the Developer to submit a complete driveway design as part of the annexation plan review and approval. No decision was made at this time; the Board will wait until the results of the November Planning Commission Meeting.

Keystone Pet Cemetery

The Township Engineer informed the Board of Supervisors that Keystone Pet Mortuary Services is proposing to buy the parcel located at 537 Old Topton Road, previously used as a residential property and utilize the property as a pet cemetery. Hanover Engineering received a copy of a Highway Occupancy Permit (HOP) Plan for proposed driveways at the Keystone Pet Cemetery which were prepared and forwarded by Lehigh Engineering, as well as a PennDOT review letter dated October 8, 2008 for the proposed driveway HOP application. PennDOT is requiring a letter from the Township acknowledging that they have reviewed the proposed driveway and providing any concerns the Township may have, as Longswamp is on the PennDOT Municipal Review List. The Township Engineer explained since the project is on Old Topton Road, which is a state road, the property owner will need to obtain a driveway permit from PennDOT. The Developer is proposing to create a "horseshoe" driveway with a one-way in/out entrance/exit. The plan proposes to use the existing driveway as the exit and construct a second driveway to be used as the entrance to the property. Darrin Heckman, representing Lehigh Engineering, explained the reason for requesting the second driveway is to provide circulation on the site and provide vehicle access to the other buildings located on the property. Jill Smith explained the Township Driveway Ordinance provides restrictions on the number of driveways permitted for a single-family or two-family dwelling but does not address commercial properties. A **motion** was made by Maryann Lantz authorizing the issuance of a letter to PennDOT stating the Township has no objection to the second proposed driveway access to the property at 537 Old Topton Road as long as it was acceptable to PennDOT; seconded by Steve Wyka. All in favor.

Jill Smith also noted that per the definition of Land Development in the SALDO, this proposed change in use would require a Land Development Plan to be submitted in accordance with the Township SALDO and be subject to Township Supervisor's approval. Darrin Heckman requested the possibility of a waiver of the Land Development Plan since improvements on the site would be minimal and zoning issues were being reviewed by the Zoning Officer. The Township Solicitor explained the SALDO requirements are significant in relation to any neighboring properties being impacted via stormwater management, erosion and parking, etc. No decision was made by the Board of Supervisors regarding the submission of a Land Development Plan. This issue will be discussed when a formal submission and/or request is submitted to the Township.

Perkiomen Creek Watershed Act 167 Plan

The Board of Supervisors authorized the Township Engineer to attend the Perkiomen Creek Watershed Advisory Committee Meeting to be held at 10:00 a.m. at the Lower Milford Township Building. Jill Smith noted that Jeremie Schadler from Hanover Engineering would be attending the meeting on behalf of the Township.

Act 537 Meeting with the PA Fish and Boat Commission

The Township Engineer informed the Board that Chris Urban from the Pennsylvania Fish and Boat Commission would be coming to the Township on Thursday, October 30, 2008 to review the area proposed for the construction of the public sewer system with regard to the Spadefoot Toad habitat clearance. The meeting is scheduled to start at 11:00 a.m. at the Township Building and then continue on-site to review potential conflict areas. Jill Smith and Jason Smith from Hanover Engineering are planning to attend the meetings as well as the subcontractor from Aqua-Terra Environmental Ltd.

MS4 NPDES Permit Renewal

The Township Engineer stated DEP has notified the Township that the MS4 Individual Storm-water NPDES Permit will expire on March 9, 2009 and DEP is recommending all MS4 systems with an individual permit complete a one-year extension request form. Jill Smith announced the Township currently has a waiver of the MS4 Permit requirements and Hanover Engineering has already submitted a letter to DEP requesting a one-year extension of the waiver and will confirm receipt of our letter with DEP.

ZONING AND CODES ENFORCEMENT

Lick Trucking Zoning Hearing

Ed Bender announced the zoning hearing date for Lick Trucking is scheduled for December 3, 2008 at 7:30 p.m. Maryann Lantz made a **motion** authorizing the Township Engineer and Township Solicitor to represent the Township for the Lick Zoning Hearing on December 3, 2008; Steve Wyka seconded the motion. All in favor.

SOLICITOR'S REPORT

Hillegass Request for Temporary Housing

The Township Solicitor informed the Board a proposal was submitted by Dale and Andrea Hillegass to place a temporary trailer on their property located at 275 Greiss Street in order to care for their parents due to medical necessities. The Hillegass's are requesting a permit for the temporary placement of a mobile home on their 10-acre farm. The Township Solicitor noted that the Township has allowed this in the past where there are immediate medical concerns and read the requirements of the proposed Agreement prepared by the Solicitor. Maryann Lantz made a **motion** entering into an agreement with Dale and Andrea Hillegass for a temporary housing arrangement at 275 Greiss Street.

Golden Meadows Lawsuit

The Township Solicitor announced that the Township has received and reviewed a Complaint for Suit by STMA (the Developer) whereby they claim there is an Agreement with the Township regarding stormwater management easements. The Township Solicitor advised the Board of Supervisors to consider filing a motion for sanctions and be authorized to defend the Township

in the lawsuit as there has not been an executed easement submitted to the Township and, per correspondence from the Attorneys for the involved parties, no agreement has been reached. The Township Solicitor also advised the Board to file an emergency injunction to enforce the Stop Work Order that was issued for the construction of the swales on Lot 12.

An Executive Session of the Board of Supervisors was held from 8:36 to 8:46 p.m.

A **motion** was made by Steve Wyka authorizing the Township Solicitor and Township Engineer to defend the Township in the Golden Meadows lawsuit and issue a response including an injunction to enforce the Stop Work Order that was issued for construction of the swales on Lot 12; Maryann Lantz seconded the motion. All in favor.

Right-To-Know

The Township Solicitor announced there will be a new procedure required to be implemented regarding the Right-To-Know. A workshop will be scheduled by the Township Solicitor for the Township Staff in conjunction with Maxatawny Township. The Township Solicitor also announced there is already a workshop scheduled in Scranton with the State Public Transportation Association at the Scranton Lackawanna Hotel on November 5, 2008.

RECREATION REPORT

Donald Siegfried announced the local Girl and Boy Scout Troops will be making natural friendly holiday ornaments to decorate the trees in the Township Park on Saturday, November 22, 2008 from 2:30 to 4:30 p.m. and will be having a pizza party afterwards.

ROADMASTER REPORT

None at this time.

OLD BUSINESS

Acceptance of Resignation of Michael Radcliffe

Donald Siegfried announced Michael Radcliffe has submitted a Letter of Resignation from his position on the Township Planning Commission effective December 31, 2008. A **motion** was made by Maryann Lantz to accept the resignation of Michael Radcliffe; seconded by Steve Wyka. All in favor. Donald Siegfried added the Board of Supervisors is accepting the resignation with regret and thanked Mr. Radcliffe for a job well done. Donald also offered anyone in the public to submit a Letter of Interest if they have an interest in being appointed as Michael's replacement on the Township Planning Commission.

Gap Road and Walker Road Cul-De-Sacs

Donald Siegfried noted that there are still property owners on Gap Road and Walker Road who have not signed the Deed of Dedications prepared by the Township that would allow the Township Road Foreman to begin the required improvements. Mr. Siegfried inquired as to the next step the Township can take to proceed with the construction of the cul-de-sacs, noting the Township has put a lot of time and effort into this project. The Township Solicitor suggested the Township issue one last letter to the residents involved before taking any steps toward condemnation of the required property. The Solicitor also suggested requesting feedback from those residents and including in the letter that construction of cul-de-sacs will allow for proper

snow removal and as well as allowing clear access for emergency vehicles. A **motion** was made by Steve Wyka initiating a final letter to the residents who will be affected with future action; Maryann Lantz seconded the motion. All in favor. The Township Solicitor suggested Condemnation Proceedings against the property owners would be considered after the first of the year if there was no compliance by the residents at that time.

Accounts Receivable Collection Activities

Donald Siegfried announced there are extensive on-going Accounts Receivable issues within the Township which include development projects. The Township Treasurer was directed to consult with the Township Solicitor as to these issues and will follow-up at a future meeting.

Public Safety Committee Formation – Draft Resolution

Donald Siegfried announced that a Draft Resolution has been submitted by the Township Secretary for formation of the Public Safety Committee for review by the Township Solicitor, as well as by the Township Staff. Donald also reminded everyone that the next Public Safety Committee Meeting is scheduled for January 21, 2009 and would like the Resolution adopted prior to the next meeting date for distribution with by-laws to be set-up at that time.

NEW BUSINESS

Township Employee Educational Training Request

Maryann Lantz made a **motion** to approve a training request made by the Township Treasurer and Township Open Records Administrator to participate in “Trends in Tax Collection” Program on December 10, 2008 costing \$150.00 plus travel time and expenses; Steve Wyka seconded the motion. All in favor.

Approval for Township Secretary to Sign Acceptance of Service

Maryann Lantz made a **motion** authorizing approval for the Township Secretary to sign an Acceptance of Service for 2008 Judicial Free and Clear Tax Sale; Steve Wyka seconded the motion. All in favor.

Discuss Cost Sharing of Fuel for Emergency Services

Donald Siegfried explained that Longswamp Township has been supplying all of the fuel in the diesel tanks for emergency services equipment with receipt of record from the fire and ambulance emergency services toward response of emergencies. Donald further explained consideration should be given by Topton and Maxatawny to share a minimal in fuel cost allocation to the local emergency service providers via a letter from the Board of Supervisors. Steve Wyka made a **motion** authorizing a letter be sent from the Board of Supervisors notifying the local municipalities of sharing a minimal in fuel cost allocation to the local emergency service providers; Maryann Lantz seconded the motion. All in favor.

Act 7 of 2008

The Township Solicitor has been directed to research what information the Township is required to submit to Emergency Services Provider as required by Act 7 of 2008.

RECORD NOTES

None at this time.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$89,328.34 and transfers totaling \$93,502.12; Maryann Lantz 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 9:22 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary