

**BOARD OF SUPERVISORS**  
**MINUTES OF MONTHLY MEETING**  
**NOVEMBER 10, 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; and Jennifer Wassell-Bonser, Secretary. Ed Bender, Zoning/Codes Enforcement Officer was absent from the meeting.

**CALL TO ORDER**

Chairman Siegfried called the meeting to order at 7:03 p.m., and announced the reading of the minutes of the regular meetings of October 27, 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 October 27, 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 the month of October, 2009; Steven Wyka seconded the motion. All in favor.

**ANNOUNCEMENTS**

Chairman Donald Siegfried announced that the Township Office will be closed on Wednesday, November 11, 2009 in observance of the Veteran's Day Holiday.

Donald also announced the Township Office will be closed on Thursday, November 26, 2009 as well as Friday, November 27, 2009 in observance of the Thanksgiving Day Holiday.

Chairman Siegfried announced that a final 2010 Budget Workshop was held at the Township Conference Room on Friday, November 6, 2009 from 11:18 a.m. until 12:30 p.m. and the draft 2010 Budget is complete.

**PUBLIC COMMENTS**

**Mr. Royal Furor** raised a question to the Board regarding a survey in the recent Township Newsletter related to the per capita tax issue. Mr. Furor questioned why the tax paid by residents couldn't simply be returned to the tax payers. Chairman Siegfried explained the procedure that's followed for collecting the tax and the mistake that was inadvertently made when the Township Tax Collector collected it. Donald stated the Tax Collector collected the per capita tax on behalf of the Township in error and it would need to be returned to individual residents who had paid it or they could have the option of donating it rather than receiving a refund for the amount paid. The Township Treasurer stated she has a listing of the residents who paid the tax and as the

surveys are returned, the amount paid will be verified in order to honor residents' requests to either a refund or a donation as indicated on their survey. The Township Solicitor stated the Tax Enabling Act prohibits the Township from simply keeping the monies that were collected and continued to explain the procedure that needs to be followed in order for the Township not to violate the Act. Jill stated the option made available to residents to donate the amount paid would be permissible. Donald also added that notifying residents of the issue in the newsletter was the most economical way to notify residents due to the costs involved for mailing refunds to everyone, especially if their choice would be to donate the amount they had paid to one of the options available.

**Mr. Furor** also raised a question regarding the sale of discounted ski tickets as advertised in the recent edition of the Township Newsletter. Chairman Siegfried explained the discounted ski ticket program is offered through the Pennsylvania Recreation and Park Society. Joni McPike also added there is a small profit made by the Township from the sale of the tickets through the program.

**Mrs. Strunk** questioned the proposal for the Township LED sign. The Township Engineer stated her office is in the process of working on the bid specifications. Chairman Siegfried explained Hanover Engineering has been directed by the Board to review all the information submitted from vendors in order to prepare the bid packages. Mrs. Strunk questioned what funds have been allocated to finance the purchase. Donald stated 85% of the funding has already been made available.

## **ENGINEERING AND PLANNING COMMISSION REPORT**

### **Turchi Driveway**

The Township Engineer updated the Board on an issue regarding Mr. and Mrs. Joseph Turchi who are in the process of applying for a Highway Occupancy Permit from PennDOT. Jill explained the application is for a proposed shared driveway to be located on State Street in order to access their property. Jill stated since the Township is on PennDOT's municipal review list, PennDOT requires a letter from the Township before they will issue the driveway permit. Jill referenced Hanover Engineering's memo to the Board dated November 10, 2009 and explained the Turchi's propose to construct a 12-foot wide shared driveway to provide access for their two existing lots (MAP Pin #5482-02-87-7292 and -9283) as depicted on the attached plan #1168-33-09 dated November 4, 2009, prepared by Berks Surveying & Engineering, Inc. **Mr. Marlin Seyler**, of Berks Surveying & Engineering referenced the wetlands as shown on the plan and stated the shared driveway is being proposed in order to minimize the disturbance of the wetlands. The Board reviewed the driveway location proposed by Mr. Turchi and decided that if the driveway configuration to provide access for the two existing lots west of Lot 3 was acceptable to PennDOT, then the Board had no objection to the proposed driveway configuration or to PennDOT issuing a Highway Occupancy Permit for the proposed driveway contingent upon PennDOT ensuring the proper sight distance is available at the proposed location. The Board's decision was based on the fact that State Street is a State road and that PennDOT would be reviewing all other aspects of the design for permitting purposes and that the property owner will be obtaining all the required DEP permits and recording the required access agreements with copies to be submitted to the Township prior to construction of the driveway. Maryann Lantz made a **motion** for the Township to issue a letter to PennDOT stating there is no

objection from the Township for issuing the Highway Occupancy Permit for the Turchi driveway based on the required permits and recorded easements to be submitted to the Township prior to construction; Steven Wyka seconded the motion. All in favor.

### **Feld-3 Security Release Request #3**

Jill Smith updated the Board on Hanover Engineering's review of the Security Release Request #3 submitted by Frederick Fenstermacher for improvements completed which include a cul-de-sac at the Feld-3 Subdivision located in the Township. The Township Engineer stated based on a site visit she conducted with the Township Roadmaster, Hanover Engineering is recommending the Board of Supervisors authorize the release of security in the amount of \$86,788.51 for improvements completed. Jill stated the remaining balance of \$53,272.68 includes a ten percent retainage for the items completed and would be withheld by the Township until the required Maintenance Bond is posted by the Developer.

A **motion** authorizing approval of the request for release of security in the amount of \$53,272.68, with a remaining balance of \$86,788.51 for Feld-3 Subdivision was made by Steve Wyka; Maryann Lantz seconded the motion. All in favor.

### **Berks Sand Pit Superfund Site**

The Township Engineer informed the Board that Hanover Engineering has submitted their comments on behalf of the Township as referenced in Hanover Engineering's letter dated November 10, 2009 to the EPA and PADEP as directed at the previous Board of Supervisors Meeting.

## **ZONING AND CODES ENFORCEMENT**

### **Lehigh Valley Inspection Service Inspection Fee Schedule Change**

**Mr. John Brezan** addressed the Board regarding an updated Fee Schedule for Lehigh Valley Inspection Service and answered questions which were raised by the Board related to some Of the increases in their fee schedule. Mr. Brezan reviewed the increases and explained the necessity of some of the increases is due to more stringent regulations during the inspection process. Mr. Brezan stated this was the first increase to Lehigh Valley Inspection Service's Fee Schedule in the past two years. Mr. Brezan also stated that several of the residential fees have gone down in order to reflect actual costs associated for inspections within Longswamp Township due to the downturn in new construction and the lack of commercial building within the Township.

## **SOLICITOR'S REPORT**

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

The Township Solicitor distributed her review comments of the Township Employee Manual and Job Descriptions to the Board. Jill stated she will review her comments and questions with Maryann Lantz at her availability.

### **Borough of Topton Sewer Agreement**

The Township Solicitor informed the Board that the Sewer Agreement is in the process of being

reviewed for technical issues. Jill stated the review involves three different agreements which are in the process of being combined in order to execute one Sewer Agreement. Jill stated one of the concerns at this time is if the Borough will have the authority to regulate customers within Longswamp Township and added that the Solicitor's Offices for both the Borough and the Township are in the process of reviewing Ordinances for consideration so Longswamp can enforce and regulate sewer and billing issues of the Township's customers.

### **2009 Agriculture Security Area**

It was noted that no new Ag Security Proposals were submitted for inclusion in the Agriculture Security Area during the open month of October. Jill Nagy stated no Agricultural Security Applications will be processed this year.

### **Golden Meadows – Inspection Fees**

The Township Solicitor addressed the Board regarding Orwig Law Offices' letter to the developer of Golden Meadows dated November 10, 2009. Jill stated the letter references a revised Improvements Costs Estimate which must be submitted for the project for the purpose of increasing the amount of security being withheld by the Township in order to guarantee completion of all site improvements due to the length of time the project is taking to complete and the lack of activity at the site. Jill stated her office has not received a response from the Developer regarding the Township's offer to resolve the outstanding balance owed to the Township and stated the Developer has been given a deadline of November 24, 2009, otherwise the Board could authorize having the balance owed to the Township to be taken from the escrow fund in accordance with the Developer's Improvements Agreement.

Steve Wyka made a **motion** authorizing the Township Treasurer to contact the Developer's financial institution if the balance owed to the Township is not received by November 24, 2009; Maryann Lantz seconded the motion. All in favor.

### **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 the Township Open House, Tree Lighting, and Caroling is scheduled for Friday, December 4, 2009 starting at 7:00 p.m.

### **ROADMASTER REPORT**

Report for October, 2009.

### **OLD BUSINESS**

#### **Concept Meeting with Borough of Topton**

Supervisor Steven Wyka updated the Board on a "Concept Meeting" he hosted on November 6, 2009 with representatives of Longswamp Township and the Borough of Topton in order to discuss the comment letter issued by the Borough regarding the Township's Act 537 Sewage Facilities Plan. Steve stated the conversation focused on further evaluating the possible option of expanding the Topton Sewage Plant at the Township's cost and the potential joint submission of the Act 537 Plan to PA DEP. Steve stated the alternative option was well received at the meeting and requested the Board's authorization to continue discussion with the Borough in

order to continue moving the idea forward as he would like to arrange further meetings for a joint treatment plant.

Donald Siegfried made a **motion** authorizing the Township Engineer to contact the Borough's Engineer to further discuss the feasibility of expanding the Borough's treatment plant as part of the Act 537 Plan; Maryann Lantz seconded the motion. All in favor.

### **NEW BUSINESS**

#### **Request Further Action for Second Signature on Bank Account of Township Tax Collector**

The Township Treasurer requested the Board's direction in order to resolve an outstanding issue regarding her signature as a second signature on the Township Tax Collector's bank account in order for Joni to carry on her duties on an as-needed basis for the account. The Township Solicitor suggested Joni prepare a resolution which will mandate a notice for the Tax Collector's action for resolving the outstanding issue.

Maryann Lantz made a **motion** authorizing the preparation of a resolution as to the signatories on the Tax Collector's accounts; Steve Wyka seconded the motion. All in favor.

#### **2010 Annual Agreement for Animal Rescue League of Berks County, Inc.**

Maryann Lantz made a **motion** to approve the 2010 Annual Agreement and Donation totaling \$1,000.00 for the Berks County Animal Rescue League.; Steve Wyka seconded the motion. All in favor.

#### **Approve 2010 Township Holiday Schedule/Office Closings and Township Meetings Schedule for Advertising**

Maryann Lantz made a **motion** approving the 2010 Township Holiday/Office Closings Schedule as well as the 2010 Township Meetings Schedule for advertising; Steve Wyka seconded the motion. All in favor.

#### **Approve Year-Ending 2009 Township Auditor Engagement Letter**

Maryann Lantz made a **motion** approving the acceptance of the proposed engagement letter agreement for the year ending December 31, 2009 at a quoted price of \$9,000.00 with the Township Auditors, Long and Barrell; Steve Wyka seconded the motion. All in favor.

#### **Approve Quote for IT Services**

Maryann Lantz made a **motion** accepting a proposal by APD, Inc. totaling \$2,184.00 for the 2010 proposal/agreement for repairs and maintenance to the Township computers, laptops, and server; seconded by Steve Wyka. All in favor.

#### **Approve Township Employees' Educational Training Request**

Steve Wyka made a **motion** to a request made by Township Employees, Joni McPike, Township Treasurer, Jennifer Wassell-Bonser, Township Secretary, Dwight Romig, Township Roadcrew, and Mike Salvadge, Township Park Maintenance to attend an educational seminar being offered

by PSAT's on December 3, 2009 at the Township Downstairs Meeting Room pertaining to the PSATS's 457 Plan with no registration fee; Maryann Lantz seconded the motion. All in favor.

**Acceptance of the 2010 Draft Longswamp Township Budget**

Joni McPike stated there would be no tax increase and reviewed the draft budget to those in attendance as follows:

Draft Budget Summary:

Projected Revenues	\$1,432,446.00
Residual Contribution	\$ 183,002.00
Total Anticipated Revenues	\$1,615,448.00
Total Anticipated Expenses	<u>\$1,615,448.00</u>
Budget Balance	\$ 0.00
Deficit	\$ 0.00

2010 Real Estate Tax Rates:

General Fund Tax	1.51 mil
Fire Protection Services Tax	0.21 mil
Emergency Services Tax	0.16 mil
Debt Services Tax	0.44 mil

Steve Wyka made a **motion** accepting the 2010 Draft Longswamp Township Budget and announced that will be made available for public viewing during normal Township Office hours beginning Thursday, November 12, 2009 for the required period; Maryann Lantz seconded the motion. All in favor.

**APPROVAL OF BILLS**

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$141,466.45 and transfers totaling \$58,440.69; Steve Wyka seconded that motion. All in favor.

Vote: Maryann Lantz, Yes; Don Siegfried, Yes; Steve Wyka, Yes.

**ADJOURNMENT**

Steve Wyka made a **motion** to cancel the next Board of Supervisors Meeting and to meet again the second week of December, that is December 8, 2009; Maryann Lantz seconded the motion. All in favor.

Steve Wyka made a **motion** to adjourn the meeting at 8:10 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser  
Township Secretary