

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
DECEMBER 8, 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: Steven Wyka, Vice Chairman; Maryann Lantz, Supervisor; Jill Smith, representing the Engineer; Jill Nagy, Esquire, representing the Solicitor; Joni McPike, Treasurer; Jennifer Wassell-Bonser, Secretary; and Ed Bender, Zoning/Codes Enforcement Officer. Vice Chairman Wyka presided over the Board Meeting in the absence of Chairman Donald Siegfried.

CALL TO ORDER

Vice Chairman Steven Wyka called the meeting to order at 7:00 p.m., and announced the reading of the minutes of the regular meetings of November 10, 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 November 10, 2009; Steve Wyka 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 November, 2009 in addition to accepting the current Accounts Receivable Status Report; Steve Wyka seconded the motion. All in favor.

ANNOUNCEMENTS

Vice Chairman Wyka announced the Public Safety Committee Meeting originally scheduled for October 21, 2009 has been postponed to be held on Wednesday, December 16, 2009 at 7:00 p.m. in the Township Meeting Room.

Vice Chairman Wyka announced that the Township Office will be closed the week of Monday, December 21 through December 25, 2009 in observance of the Holidays. Steve also announced the Township Office will be closed on Friday, January 1, 2010 for the New Year's Day Holiday.

Steve reminded the audience that the Township Staff would begin accepting reservations for pavilion rentals in the park for the year 2010 on February 1, 2010 rather than January 1, 2010.

Steve lastly stated that the Berks County Department of Emergency Services has an on-line survey for individuals with special-needs who may need assistance in the event of an emergency. Steve offered the Township Staff's help to anyone who may be interested in completing the survey for submission to Berks County.

PUBLIC COMMENTS

None at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

Atlas Minerals & Chemicals, Inc. – Extension of Conditional Final Plan Approval

The Township Engineer informed the Board that Atlas Minerals & Chemicals has not met all of the conditions required for their Conditional Final Plan approval and that they are requesting another 6-month extension to May 29, 2010 due to current market conditions.

Maryann Lantz made a **motion** authorizing the six-month time extension to expire on May 29, 2010, for Conditional Final Plan approval for the Atlas Minerals & Chemicals Expansion Project; Steve Wyka seconded the motion. All in favor.

Gross School Bus – Extension of Conditional Final Plan Approval

The Township Engineer informed the Board that Gross School Bus has not met all of the conditions required for their Conditional Final Plan approval and that they are continuing to work with Topton with regard to the outstanding sewer agreement for the site and are in the process of addressing all other outstanding issues as well. Jill informed the Board that the Developer for Gross School Bus has submitted a time extension request to expire April 14, 2010.

Maryann Lantz made a **motion** granting a time extension to April 14, 2010 as requested by the Developer for the Gross School Bus Project; Steve Wyka seconded the motion. All in favor.

Jill Smith updated the Board of compliance by Gross School Bus for the Temporary Use and Occupancy Permit and suggested that the Township Zoning Officer also provide an extension of the Temporary Use and Occupancy Permit for the Gross School Bus site to April 14, 2010 as well.

Maryann Lantz made a **motion** supporting the Township Zoning Officer extending the temporary occupancy permit for the Gross School Bus Project; Steve Wyka seconded the motion. All in favor.

Township LED Sign

The Township Engineer informed the Board that Hanover Engineering has reviewed the Township's zoning regulations to ensure the design information and specifications for the Township LED sign co-incide with the Township's current Zoning Ordinance. Jill stated based on their review, the only discrepancy would be the size of the message sign which is not allowed to exceed twelve square feet according to the Township's zoning regulations. Jill noted the Township's two options are to continue with the bidding process with a sign size that complies with the Township's current Zoning Ordinance or the Township could consider applying for a variance in order to construct a larger size LED message sign.

Maryann Lantz made a **motion** for the Township to proceed with applying for a variance to allow a larger size LED sign at the Township Municipal Building and authorizing the Township Solicitor, with assistance from the Township Engineer, to proceed in preparing the application for a variance on behalf of the Township; Steve Wyka seconded the motion. All in favor.

Township SEO Sewer Rates

The Township Engineer informed the Board that DEP can no longer guarantee that they will be re-imbursing municipalities for sewage facility enforcement costs. In previous years, DEP had typically re-imbursed 50% of costs incurred to municipalities but, to date, many municipalities still have not received their re-imbusement for 2008 due to limited funding for the program. Jill stated DEP is encouraging municipalities to re-structure their Fee Schedules to recover additional costs for the upcoming year of 2010. Jill stated Hanover Engineering has prepared two different drafts of the On-Lot Sewage Disposal Fee Resolution for 2010 for the Township's consideration. One draft provides fees to be charged to residents for specific tasks requiring to be completed, which is the process used in previous years. The second draft requires property owners to establish an escrow account for the proposed work to be completed. If the escrow account option were used, the applicant would be required to pay any additional charges or would be refunded any excess funds in the escrow account. The Board directed Hanover Engineering to proceed in finalizing the Sewage Disposal Fee Resolution based on the escrow option for consideration of adoption at the first Board of Supervisors Meeting to be held in January, 2010.

It was noted that many municipalities recently received some re-imbusement for 2008, but Longswamp was not included in this round of re-imbusement.

Maryann Lantz made a **motion** for the Township Secretary and Solicitor to prepare a letter to be sent to state representatives regarding DEP's re-imbusement program and inquiring as to the status of Longswamp; Steve Wyka seconded the motion. All in favor.

Fredericksville Farms – Revision to Plan of Record

The Township Engineer updated the Board on the recent approval from DEP for the revised Sewage Planning Module for Lot 2 for the Fredericksville Farms Subdivision. Jill stated the Sewage Planning Module for Lot 2 had to be revised since the proposed on-lot septic system for Lot 2 was being relocated into Longswamp Township rather than District Township as originally shown on the recorded plans for the subdivision. Jill stated it was her understanding that District Township was requiring the plans to be re-recorded since the locations of the onlot septic systems for Lots 2, 5, and 8 were being revised. Jill suggested the Board could again defer review of the Revised Record of Plan for the Fredericksville Farms Subdivision to District Township, since Longswamp previously deferred review of the original subdivision plan. It was noted that Longswamp has not received any correspondence from District Township confirming their review and approval of the plans dated August 5, 2009 with a revision date of November 1, 2009 as prepared by Applied Surveying Technologies. Jill also stated the Township needed to ensure payment has been received for any outstanding fees owed to the Township prior to the Township releasing the plans for recording.

The Board directed the Township Secretary to send a letter to District Township notifying them that Longswamp Township is requesting notification from District Township confirming their review and approval of the plans prior to Longswamp Township signing the Revised Record of Plan for the Fredericksville Farms Subdivisions.

Longswamp Township Elementary School Signs

The Township Engineer informed the Board that Hanover Engineering has spoken with representatives from PennDOT regarding the placement of the “School Zone Speed Limit” signs installed earlier in the year at the Longswamp Township Elementary School. Jill stated that PennDOT has verbally informed her they have reviewed the issue and determined that the signs are properly located due to the location of the school’s property line, which is the standard procedure followed by PennDOT. Jill added that PennDOT will send a letter to the Township and/or the school district, confirming their opinion that the signs are properly placed.

ZONING AND CODES ENFORCEMENT

The Township Zoning Officer updated the Board, as well as audience members in attendance, of the Township’s policy for enforcing uniformity of numerical addresses when they are out of order in an attempt to bring consistency and alignment of addresses through-out the Township specifically for the benefit of emergency responders. **Kate Himmelberger**, of Berks County 9-1-1 Services stated her office is made aware upon the findings of inconsistent numerations so changes can be made for 9-1-1 as well.

Scott Swackhammer stated he has been at the same address for the past 16 years and has just been notified by the Township Zoning Officer that he will need to change the number of his address in order to be in the proper numerical order on his road. Mr. Swackhammer stated he has been in contact the post office and stated they are not in favor of changing his address. Mr. Swackhammer discussed his reasons for not wanting to change his address including the potential for problems receiving his mail if his address is changed and the inconvenience of having to change his address on all documents including passports and driver’s licenses for himself as well as his family members.

Vice Chairman Wyka questioned the Township Solicitor regarding the potential liability that the Township, as well as Berks County 9-1-1 and emergency responders could be exposed to if residents did not change their address after being requested by the Township and an incident occurred where the property could not be quickly located by emergency personnel. Jill Nagy stated residents could sign a waiver of understanding acknowledging that the Township is not liable in the event of an emergency situation if they opt not to change their address. Property owners would be required to properly mark and post their address.

Calvin Hess agreed with the Township Solicitor’s suggestion and confirmed emergency responders would need to have properties clearly marked with their address in order to provide sufficient response time in the event of an emergency. Kate Himmelberger also agreed to the suggestion and Jill Nagy confirmed that her office will forward the necessary paperwork for residents to sign in order to waive their rights to any liability.

Maryann Lantz made a **motion** authorizing the Township Zoning Officer not to enforce a change of address to residents pending the properly signed waivers to be supplied by the Township Solicitor; Steve Wyka seconded the motion. All in favor.

Upcoming Zoning Hearings

The Township Zoning Officer informed the Board of three upcoming Zoning Hearings to be held on Wednesday, December 23, 2009 for Diakon Lutheran Social Ministries, Mr. and Mrs. Xiques, and Mr. and Mrs. Berrios.

Turchi Sign Proliferation

Ed Bender stated the commercial signage at the property of the Alpaca Farms is in violation of the Township Zoning Ordinance due to the size and quantity of signs. Ed inquired if the Board wanted him to proceed with enforcement of the apparent violation of the Zoning Ordinance. The Board directed the Township Zoning Officer to pursue the violation.

Approval from the Board Regarding N.O.V.'s

Mr. Bender informed the Board that there are outstanding rental registrations which have not been submitted and asked for the Board's further direction regarding the violators. The Township Solicitor stated the Board can simply acknowledge the N.O.V.'s at this time and can make a motion when it's necessary to go to the District Justice's Office.

SOLICITOR'S REPORT

Authorization for Solicitor to Prepare Private Wastewater Ordinance

Maryann Lantz made a **motion** authorizing the Township Solicitor to work with the Township Engineer in order to prepare a private wastewater facility ordinance; Steve Wyka seconded the motion. All in favor.

Golden Meadows

The Township Solicitor informed the Board that the revised Improvements Cost Estimate for the Golden Meadows Project has not been submitted by the Developer in accordance with the Township's previous correspondence to them. The Board stated that they would defer discussion on the topic until an Executive Session is held at the end of the regular meeting. After discussion in Executive Session later in the meeting, the Board stated since Golden Meadows has not taken any action to comply with the requirements previously set forth, the Township Solicitor shall proceed with the necessary actions to facilitate the withdrawal of the record plan, or the action determined to be appropriate, in order to proceed with enforcement of the conditions contained in Nagy Law Office's letter dated November 10, 2009.

Maryann Lantz made a **motion** for the Township Solicitor to proceed with the enforcement of the Solicitor's letter regarding the construction escrow and for the Golden Meadows Project unpaid fees outlined in Nagy Law Office's letter dated November 10, 2009; Steve Wyka seconded the motion. All in favor.

RECREATION REPORT

Vice Chairman Wyka announced the date of the December Park & Recreation Meeting as scheduled for Tuesday, December 15, 2009 at 7:00 p.m.

Steve also thanked everyone who attended the Annual Township Tree Lighting and stated there was a good turn-out for the Township Open House which was held on Friday, December 4, 2009.

Approval for Park & Recreation's 2009 Residual Transfer into Escrow Project Fund

Maryann Lantz made a **motion** approving the transfer of 2009 residual funds totaling \$13,000 currently held in the Park & Recreation's bank account to be escrowed for future community projects and park improvements project fund; Steve Wyka seconded the motion. All in favor.

ROADMASTER REPORT

Report for November, 2009.

Approve Purchase of Elliptical Concrete Pipe for Greiss Street

The Township Engineer updated the Board regarding the necessity of ordering elliptical concrete pipe for a culvert on Greiss Street which needed to be replaced.

Maryann Lantz made a **motion** to approve the purchase of elliptical concrete pipe at a total cost of \$3,833.60; Steve Wyka seconded the motion. All in favor.

S.T.V. Inc. Bridge Safety Inspection Reports Submitted to PennDOT

The Township Engineer and Vice Chairman Wyka explained to those in attendance that S.T.V. Incorporated has recently inspected the two county bridges within Longswamp Township located on North Park Avenue and Longsdale and submitted the necessary reports to PennDOT in accordance with their contract with PennDOT.

OLD BUSINESS

Resolution No. 2009-24, Authorizing Second Signer for Tax Collector Account

The Township Solicitor submitted the Resolution for Authorizing a Second Signer for the Tax Collector Account for the Board's review and consideration for adoption. Jill Nagy reviewed the terms of the agreement in relation to the Township Treasurer as a second signer on the Township Tax Collector's bank account in order to carry on her duties on an "as-needed" basis for the account.

Maryann Lantz made a **motion** adopting Resolution No. 2009-24, Authorizing a Second Signer for the Tax Collector Account; Steve Wyka seconded the motion. All in favor.

Formal Approval/Adoption of 2010 Township Budget

Vice Chairman Wyka announced that the final 2010 Township Budget is complete.

Maryann Lantz made a **motion** accepting and adopting the 2010 Longswamp Township Budget; Steve Wyka seconded the motion. All in favor.

Formal Adoption of Environmental Advisory Council By-Laws

Maryann Lantz made a **motion** accepting and adopting the By-Laws for the Environmental Advisory Council; Steve Wyka second the motion. All in favor.

Approve Participation in 2009 Recycling Performance Grant Program

Maryann Lantz made a **motion** authorizing approval for the Township to continue their participation in the 2009 Municipal Recycling Performance Grant Program.

NEW BUSINESS

Approval for EAC's 2009 Residual Fund Transfer into Escrow Project Fund

Maryann Lantz made a **motion** authorizing the transfer of 2009 residual funds currently held in the Environmental Advisory Council's bank account to be escrowed for future special projects after the Council's year-end expenses have been calculated by the Township Treasurer; Steve Wyka seconded the motion. All in favor.

Topton Ambulance Service – Land Development & Soils Testing

Vice Chairman Wyka updated the Board on a recent question raised by the Topton Ambulance Service in relation to review and permit fees due for their current project and commented that the Board will review and consider future donations or waiver of fees for the Topton Ambulance Project if resources are available, but at this time, they would need to pay the applicable fees to the Township for their land development review and soil testing.

Maryann Lantz agreed with Steve Wyka's comments.

Approval/Adoption of Tax Resolution for 2010

Vice Chairman Steve Wyka reviewed the Tax Resolution for 2010 to those in attendance and stated the tax rates for everything for the year 2010 will remain the same.

Maryann Lantz made a **motion** to adopt the Tax Resolution for 2010 as No. 2009-25, Fixing the Rate of Tax for the Year 2010; Maryann Lantz seconded the motion. All in favor.

Employee Request to Carryover 2009 Comp Time Hours into 2010

Maryann Lantz made a **motion** approving a request made by Township Employee, Robert Kressley, to carryover accumulated 2009 comp time in 2010; Steve Wyka seconded the motion. All in favor.

Approval for Payment/Registration of Perkiomen Watershed Conservancy MS4 Partnership Proposed Year 7 Program

Maryann Lantz made a **motion** approving the Agreement and registration fee for Year 7 Perkiomen MS4 Partnership Proposal; Steve Wyka seconded the motion. All in favor.

Approval for Signature of 9-1-1 Records Agreement with Berks County Department of Emergency Services

The Township Solicitor stated the Board is not obligated to sign the 9-1-1 Records Agreement with Berks County Department of Emergency Services and explained the potential personal liability onto the Township Open Records Officer if a request was received by the Township for release of 9-1-1 records. Jill suggested as an alternative, the Board may want to consider passing a Resolution dictating the response procedure to be used for the release of a 9-1-1 record upon receipt of an Open Records Request.

Maryann Lantz made a **motion** authorizing the Township Solicitor to send a letter to Berks County Department of Emergency Services stating the reasons the Township would not be signing the 9-1-1 Records Agreement; Steve Wyka seconded the motion. All in favor.

Name Temporary Township Chairman and Secretary for 2010 Re-Organization Meeting

Maryann Lantz made a **motion** approving the appointment of Jennifer Wassell-Bonser as the Temporary Township Secretary and Steven Wyka as the Temporary Township Chairman for the 2010 Re-Organization Meeting; Steve Wyka seconded the motion. All in favor.

Township Building Repair (basement walls)

Vice Chairman Wyka read estimates submitted by two contractors to remediate surface walls in the Township Municipal Building basement which have a moisture build-up problem. Steve reviewed the two estimates which were submitted from Gross Painting totaling \$965.00 as well as an estimate from Roy B. Kline & Son totaling \$1,045.00.

Maryann Lantz made a **motion** for Township Staff Member, Gena Strzelecki, to contact the bidder of choice upon meeting with the Township Roadmaster for repair work to be done on the basement walls due to a moisture build-up problem; Steve Wyka seconded the motion. All in favor.

Request for Approval to Exonerate Tax Collector to Collect Taxes – Real Estate 2009

Maryann Lantz made a **motion** to authorize the Tax Collector’s request for exoneration to collect 2009 Real Estate Taxes totaling \$11.37; Steve Wyka seconded the motion. All in favor.

Approve New Township Board Elect Official’s Educational Training Request

Maryann Lantz made a **motion** to approve a request made by new Township Board Elect Official, Michael Sacks, to attend an educational training seminar, “Newly Elected Township Officials”, being offered by PSAT’s on February 13 and 20, 2010 at Albright College in Reading with a registration fee totaling \$175.00 plus travel expenses; Steve Wyka seconded the motion. All in favor.

APPROVAL OF BILLS

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$102,212.76 and transfers totaling \$113,907.64; Steve Wyka seconded that motion. All in favor.

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

The Board of Supervisors met in Executive Session from approximately 8:20 p.m. to 8:25 p.m. to discuss potential litigation.

ADJOURNMENT

Steve Wyka made a **motion** to adjourn the meeting at 8:27 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary