

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
FEBRUARY 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, 7:30 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; Rich 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 7:32 p.m., and announced the reading of the minutes of the regular meeting of January 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 meeting of January 13, 2009; Steve Wyka seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Steve Wyka made a **motion** to accept the Treasurer's Report for December, 2008 as well as the January, 2009 Treasurer's Report; Maryann Lantz seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Donald Siegfried announced there was an Executive Session held from 9:10 a.m. to 10:10 a.m. on Saturday, January 31, 2009 to discuss personnel issues.

Chairman Siegfried also announced an Executive Session held on Monday, February 9, 2009 from 4:00 p.m. to approximately 5:15 p.m. to discuss personnel issues.

PUBLIC COMMENTS

None at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

Walker Road and Gap Road Turnarounds

The Township Engineer updated the Board of Supervisors on the status of the turnaround projects, noting that only one property out of the six property owners involved have returned the signed Deed of Dedication documents to the Township. The Township Secretary noted that a letter was received from **Mr. Heacock** regarding their decision to decline the Township's request of dedicating a portion of their property on Walker Road to be used as a turnaround area for snow plows. Jill Smith reviewed the parcels and the size of each parcel necessary for dedication in order to continue with consideration of construction of the turnarounds. Donald Siegfried questioned the Township Engineer if re-alignment could be done to connect

the right-of-way in order to prevent the option of condemnation proceedings against the remaining property owners who weren't complying with the Township's request. The Township Engineer stated some revisions may be possible on Gap Road to eliminate the involvement of one property owner, but noted that there was not much that could be done on Walker Road since the proposed design was the minimum needed for snow plows and emergency vehicles to turn around.

Scott Swackhamer of Walker Road announced he hasn't returned his paperwork due to concerns of possible associated fees from his mortgage company as well as the potential of not being part of "Clean and Green" as he believes he is only in the program by a small margin. Mr. Swackhamer stated that he doesn't have a problem with the Township Public Works using the area for a turn-around and questioned why the Township feels they need to own the land in question since it is already being used as a turnaround as long as he's lived there. Scott further offered that he is willing to sign an agreement allowing the continuance of the area to be used as a turnaround but just does not want to sign a Deed of Dedication for his parcel of land. Chairman Siegfried, as well as the Township Solicitor, clarified that the reasoning for the Deed of Dedication would be from a liability stand-point. Donald Siegfried recommended the Board to continue researching any further options.

Bear Creek Hotel Expansion Release of Security

Jill Smith announced Hanover Engineering has reviewed the Security Release Request dated January 13, 2009 submitted by the Director of Development for Bear Creek Mountain Resort. The request is in the amount of \$696,915.00 which Bear Creek secured with the Township for the Hotel Expansion Project. Jill indicated that Hanover Engineering had been conducting periodic site visits during the course of the site work, with their last inspection being in November, 2007, in order to ensure improvements were being completed in accordance with the approved plans. Based on a site visit conducted on January 27, 2009, Hanover Engineering noted the majority of improvements appear to have been completed in accordance with the approved plans except for some additional storm sewer and changes to the landscaping and lighting.

Jill Smith informed the Board that during their last site visit, Hanover found that tennis courts and an additional parking lot had been constructed. Jill noted that substantial improvements were completed for the construction of these facilities, including tree removal, earth disturbance, and additional impervious surfaces which require an approved stormwater management plan. Jill indicated that construction of those improvements without an approved land development plan is a violation of the Township SALDO and suggested that the Board of Supervisors will need to determine how they want to address this issue.

Jill Smith then referred to two other agreements between the Township and Bear Creek. The first agreement, for the temporary holding tanks, required Bear Creek to escrow \$5,000 with the Township. The Engineer advised the sixth one-year renewal for the use of the holding tanks expired on October 31, 2008. Jill informed the Board that Bear Creek is no longer using the holding tanks due to construction of a permanent wastewater treatment plant which has been in operation since November, 2007 and that the temporary holding tank agreement is no longer required. The Township Engineer recommended the Board of Supervisors review the original holding tank agreement to determine the conditions of the release of the escrow.

The second agreement is the “Permanent Sewage System Agreement” in which Bear Creek has secured \$340,000 with the Township through a bond. Jill Smith explained that the security was required to ensure the proper installation and operation of the sewage treatment facility and that the full amount of the bond is to remain in place for two years after successful start-up and operation of the facility, after which the security may be reduced to 10%. Jill Smith clarified that this means in November, 2009, the Township can consider reducing the security to 10% or \$34,000 upon Bear Creek submitting proof that the facility is operating properly and in accordance with all DEP permit requirements.

Ed Bender questioned the Township Engineer if the holding tanks would be required to be backfilled. Jill Smith stated the holding tanks should be properly emptied but it is her understanding that Bear Creek intends to keep the tanks in-place for emergency use. Donald Siegfried suggested the Township execute a revised agreement with Bear Creek with provisions for the use and inspection of the holding tanks and require the existing escrow to be held by the Township to cover the cost of yearly inspections until such time the escrow runs out. Chairman Siegfried also added that the agreement should require Bear Creek to notify the Township within 24 hours of any such emergency, which would require them to place the holding tanks back in operation.

Jill Smith requested that the Board of Supervisors authorize a response from the Township Engineer and Township Solicitor to Bear Creek’s request for release of the Letter of Credit in addition to responding to the findings of Hanover’s last site visit.

A **motion** authorizing a response by the Township Engineer and Township Solicitor to the request to release the Letter of Credit as well as addressing the additional work completed by Bear Creek was made by Maryann Lantz; Steve Wyka seconded the motion. All in favor.

Keystone Pet Cemetary

The Township Engineer addressed a letter the Township received from Lehigh Engineering Associates dated January 26, 2009 requesting the Township’s consideration of waiving the Township SALDO Section 300 Submission and Review Requirements. Jill Smith stated the waiver was discussed at the February Planning Commission Meeting and that the Planning Commission recommended a Land Development Plan be submitted. The Board of Supervisors determined that a Land Development Plan is required to be submitted for review and approval by the Township, but agreed that the plan could be submitted as a Preliminary/Final Plan.

Steve Wyka made a **motion** to allow a Preliminary/Final Plan to be submitted for the Keystone Pet Cemetery and to grant a waiver for SALDO Section 302.C.; Maryann Lantz seconded the motion. All in favor.

Re-Organization Meeting

The Township Engineer requested a change on an appointment made by the Board of Supervisors at the Annual Re-Organization Meeting held on January 5, 2009 due to a change in staff at Hanover Engineering. Jill Smith announced that Jason Peters, who was appointed the Township SMP Hearing Officer, no longer works for Hanover, so someone else would need to be considered.

Maryann Lantz made a **motion** naming Janice Buskirk, representing Hanover Engineering,

as the Township SMP Hearing Officer; Steve Wyka seconded that motion. All in favor.

ZONING AND CODES ENFORCEMENT

None at this time.

SOLICITOR'S REPORT

Rental Permit Fee Resolution

The Township Solicitor submitted the Resolution for Establishing Rental Permit Fees and Regulations for Rental Permit Administration for the Board's final review and consideration for adoption. The Solicitor reviewed the schedule of costs for permits and noted the Resolution requires landlords to apply for a rental permit and inspection every three years at a cost of \$75 for up to two units and \$50 for three or more units.

Maryann Lantz made a **motion** adopting Resolution No. 2009-6, Establishing Rental Permit Fees and Regulations for Rental Permit Administration; Steve Wyka seconded the motion. All in favor.

Tax Collector Fee Ordinance

The Township Solicitor submitted the Ordinance for Revising the Tax Collector's Compensation and Reimbursement for the Board's final review and consideration for adoption. The Solicitor reviewed the changes of the Tax Collector's rate of payment for the year effective January 1, 2010 as well as noting the necessary reimbursement regulations.

Steve Wyka made a **motion** adopting Ordinance No. 2009-256, Revising the Tax Collector's Compensation and Reimbursement; Maryann Lantz seconded the motion. All in favor.

Hunsicker's Grove

Rich Orwig informed the Board of Supervisors of Jill Nagy's meeting with Christine Sadler to discuss future plans for Hunsicker's Grove. This subject matter was tabled until the next Park and Recreation Commission Meeting which is scheduled for February 17, 2009 in order to discuss the possible acquisition of Hunsicker's Grove with the Topton Soccer Club.

RECREATION REPORT

Donald Siegfried announced the next Park & Recreation Meeting is scheduled for Tuesday, February 17, 2009 at 7:00 p.m.

ROADMASTER REPORT

Report for January, 2009.

OLD BUSINESS

None at this time.

NEW BUSINESS

Discuss/Appoint Municipal Publications for Creation/Publication of 2009 Township

Municipal Guide & Map

Chairman Siegfried announced a proposal received from Municipal Publications for updating the Township Municipal Guide and Map at no cost to the township. Donald stated they are simply requesting Township office and phone use in order to approach local businesses for sponsorship in the production of the guide.

Maryann Lantz made a **motion** authorizing Municipal Publications to proceed with updating the Longswamp Township Municipal Map and Guide; Steve Wyka seconded that motion. All in favor.

Approve Mowing Contract, Agreement #051062/39000, Commonwealth of PA, DOT

Chairman Siegfried announced receipt of the new Mowing Contract from PA DOT for approval as the current contract expired as of December 31, 2008. Donald suggested Scott Miller, Township Roadmaster, review the new Mowing Contract prior to the next scheduled Board of Supervisors Meeting.

Approval to Mail Correspondence to Township Businesses & Municipal Recycling Haulers Requesting Recycling Data from 2008 for Participation in Berks County Solid Waste Authority Recycling State Performance Grant Program

Chairman Siegfried stated the Township Office Staff had a meeting with Berks County Solid Waste Authority who explained a procedure of mailing correspondence to township businesses that recycle, as well as mailing trash haulers that are operating within the township and request recycling data reports they forward to DEP. The Township would compile the reports received and then be eligible to participate in the Berks County Solid Waste Authority Recycling State Performance Grant Program for grant money that is available based on recycled tonnage in the Township.

Maryann Lantz made a **motion** to participate in the Berks County Solid Waste Authority Performance Grant Program; Steve Wyka seconded the motion. All in favor.

Request Permission for Township Administrative Staff for Off-Site Workshop Visitations for Continued Educational Purposes Plus Travel Expenses on As-Needed Basis for 2009

Maryann Lantz explained a request made by the Township Office Staff at last month's Staff Meeting for permission to visit surrounding local township offices in order to network and share different office procedures.

Steve Wyka made a **motion** to authorize Township Office Staff to visit surrounding local township offices for networking purposes.

Township Employee Educational Training Request

Maryann Lantz made a **motion** to approve a training request made by a Township Zoning Hearing Board Member, Preston Boyer, to participate in a "SALDO Review Course" to be held

on three evenings at the Center for Community Leadership at Albright College costing \$110.00 plus travel time and expenses as well as “The Community Planning Course to be held on three evenings at the Center for Community Leadership at Albright College costing \$110.00 plus travel time and expenses; Steve Wyka seconded the motion. All in favor.

Approval for Township Employee Attendance at Annual PRPS Convention

Steve Wyka made a **motion** to approve a request made by the Township Park & Recreation Director, MaryBeth Hendley, to attend the annual PRPS Convention in Hershey, PA to be held two days in March at a total registration cost of \$255.00 plus travel expenses; Maryann Lantz seconded the motion. All in favor.

Township Employees’ Educational Training Requests

Maryann Lantz made a **motion** to approve a training request made by Joni McPike, Township Treasurer and MaryBeth Hendley, Township Park and Recreation Director, to attend the “2009 DCNR Grant Workshop” to be held on February 24, 2009 at the Holiday Inn Conference Center in Breinigsville with no registration cost, just travel expenses; Steve Wyka 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 \$149,647.90 and transfers totaling \$150,551.27; Steve Wyka seconded that motion. All in favor. Roll Call Vote: Maryann Lantz, Yes; Don Siegfried, Yes; Steve Wyka, Yes.

BOARD COMMENTS

Chairman Siegfried announced the cancellation of the Board of Supervisors Meeting scheduled for February 24, 2009 and meeting again the second week of March. Steve Wyka made a **motion** to cancel the next Board of Supervisors Meeting and to meet again the second week of March, that is March 10, 2009; Maryann Lantz seconded the motion. All in favor.

ADJOURNMENT

Steve Wyka made a **motion** to adjourn the meeting at 8:47 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary