

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
FEBRUARY 14, 2012

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: Michael Sacks, Chairman; Maryann Lantz, Vice Chairman; Steven Wyka, Supervisor; Jill Nagy, Esquire, representing the Solicitor; Jill Smith, representing the Engineer David Fatzinger, Treasurer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Michael Sacks called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meetings of December 13, 2011 and January 10, 2012 in addition to the Re-Organization Meetings of January 3 and January 19, 2012 would not take place. Draft copies of all those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Chairman Michael Sacks made a **motion** to amend the Minutes of the regular meeting of January 10, 2012 and noted his opposition of the adoption of the Township Tax Resolution for 2012; the motion failed because there was not a second.

Steve Wyka made a **motion** approving the Minutes of the regular meetings of December 13, 2011 and January 10, 2012 in addition to the Minutes of the Re-Organization Meetings of January 3 and January 19, 2012 as presented without any amendment; Maryann Lantz seconded the motion. Mike Sacks opposed that motion.

Supervisor Steve Wyka stated there was no objection to the Township Tax Resolution for 2012 noted by any member of the Board at any of the 2012 Township Budget Workshops that were held. Steve Wyka acknowledged the objections that were noted by Chairman Sacks were to specific budget line items. Steve questioned Chairman Sacks regarding his opposition to the Township Tax Resolution for 2012 for his input and suggestions on alternatives for funding specific projects within the Township Budget, specifically the county-wide mandated radio project in addition to the Mertz Road bridge replacement project. Chairman Sacks suggested it was his belief that co-payment of healthcare benefits by Township employees would have off-set both the radio and bridge project.

APPROVAL OF TREASURER'S REPORT

The Township Treasurer reviewed the Treasurer's Report for the month of January, 2012 as presented for the Board of Supervisor's further review.

Steve Wyka made a **motion** accepting the Treasurer's Report for the month of January, 2012 subject to further review; Maryann Lantz seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Sacks presented a plaque as received by the Township Environmental Advisory Council in recognition of the Township's participation in the Bird Town Audubon Program.

Chairman Sacks informed the audience in attendance that the Township Historical Society is progressing toward non-profit 501(C)3 status.

Chairman Sacks also announced that an Executive Session was held from approximately 10:00 a.m. to 11:20 a.m. on Saturday, February 11, 2012 in order to discuss threatened litigation.

Chairman Sacks lastly informed the audience that the Township Environmental Advisory Council is hosting a Bats, Bees, and Birds Workshop at Tek Park in Breinigsville on February 18, 2012 from 9:00 a.m. to 1:00 p.m. and encouraged anyone interested in attending to register with the EAC.

PUBLIC COMMENTS

None at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

Lower Macungie Greenway Project

Planning Commission Member, **Frank Karoly**, provided details and progress to date as discussed at the February Planning Commission Meeting regarding the Greenway Project being undertaken by Lower Macungie. Frank shared information regarding boundary details and the process involved with financing the master design in order for Longswamp Township to tie into the project which will potentially extend greenways/trails from Lower Macungie Township into the eastern portion of the Township with possible destinations including Hunsicker's Grove and/or Bear Creek Ski Resort. Frank provided the Board of Supervisors with information related to possible funding opportunities for the planning and preparation of a Greenways/Trail Plan within the Township by grants available through DCNR. Frank also provided the procedures and processes involved in order to lay the groundwork for an Official Recreation/Open Space Map Ordinance for the Township which includes creating a coherent plan for how open space across the Township may be able to be connected in the future, coordinating the planning of open space with what bordering communities are doing, and conversing with adjacent municipalities, in addition to Berks County, regarding the Township's planning activities for open space.

Frank Karoly answered questions regarding a proposed Township greenway plan and clarified concerns of the intent of the project expressed by residents in attendance at the Board Meeting and explained the overall concept of agricultural preservation/land protection for future land use.

Frank and Dick Meier also encouraged residents to attend upcoming Township Planning Commission Meetings in order to follow the process as it continues.

Maryann Lantz made a **motion** authorizing the Township Planning Commission to continue forward with the necessary research and fact-finding involved in order to lay the groundwork for an Official Recreation/Open Space Map Ordinance for the Township and planning activities for open space by further discussions with adjacent municipalities, Berks County the Township Historical Society, Township Environmental Advisory Council and the local farming community; Steve Wyka seconded the motion. All in favor.

East Penn Manufacturing Parking Expansion Project – Plan Review Time Extension Request

The Township Engineer informed the Board that the developer for the East Penn Manufacturing Parking Expansion Project has granted a time extension to June 6, 2012 for the Board's consideration. Jill Smith confirmed this was the first time extension request for the project and suggested the extension be approved for the East Penn Manufacturing Parking Expansion Project until June 6, 2012.

Maryann Lantz made a **motion** accepting the time extension to expire on June 6, 2012 for review of the plans of the East Penn Manufacturing Topton Facility Parking Expansion Project; Steve Wyka seconded the motion. All in favor.

Topton Ambulance Facility Land Development – Conditions of Approval Time Extension Request

The Township Engineer informed the Board that the developer for the Topton Ambulance Facility Land Development has submitted a time extension request for review of the plan to July 10, 2012 for the Board's consideration. Jill Smith recommended the Board approve the time extension to July 10, 2012 as requested.

Maryann Lantz made a **motion** granting the time extension for conditional Final Plan approval to July 10, 2012 for the Topton Ambulance Facility Land Development Plan; Steve Wyka seconded the motion. All in favor.

Reverend Jeremiah Sassaman, addressed the Board of Supervisors and provided background history as related to the Topton Ambulance Service's attendance at the Board of Supervisors Meeting held in April, 2011. Reverend Sassaman stated it was his understanding at that time that the Ambulance Service would not incur any further billing after their attendance at the April, 2011 Board Meeting. Reverend Sassaman reviewed items outlined on a Township bill recently received by the Topton Ambulance Service totaling approximately \$2,000.00. Reverend Sassaman indicated there were two specific items on the bill which were for issues after April, 2011. Reverend Sassaman also questioned why it had taken so long to receive the bill and stated payment for anything beyond the April, 2011 Board's Meeting would not be authorized by the Ambulance Service.

The Board of Supervisors explained the delay for the bill was caused by staff changes at the Township Office.

Steve Wyka made a **motion** to authorize a waiver of fees incurred after the April, 2011 Board of Supervisors Meeting totaling \$123.00 to the Topton Ambulance Facility Land Development Plan; Maryann Lantz seconded the motion. All in favor.

Berks County Communication Tower

The Township Engineer reviewed details as related to Berks County's communications tower proposal as received at the Township Office. Jill Smith explained her review of the proposal includes requiring the County to apply for a variance with the Zoning Hearing Board prior to consideration of a Conditional Use. Jill explained the parcel where the Communication Tower is located is within the Conservation Zoning District and that a Communication Tower is a use permitted by Conditional Use within that District in accordance with the Township Zoning Ordinance.

The Township Solicitor informed the Board that her Office has notified Berks County that they are required to submit a Notice of Appeal and/or Zoning Variance Application. The

Zoning Hearing Board process should occur prior to the submission of a Conditional Use Application, as well as, the applicable fees, as required by the Township Ordinances and Fee Resolutions for the Communication Tower proposal. Jill Nagy noted both applications can be submitted at the same time, but both hearings could not be held on the same time.

SEO REPORT

Sewage Management Report Update

The Township Engineer provided the Board of Supervisors with details regarding the status of the Township Sewage Management Program. Jill Smith noted that based upon the Township Sewage Enforcement Officer's report, that second Notices of Violations with fines assessed were sent in November to three property owners from Cycle 1 of the SMP Program with a recommendation by the Township SEO to place liens on each of the properties since no contact has been made by the property owners at this time. The Township SEO Report also noted five N.O.V.'s were sent in November with fines and costs assessed to property owners from Cycle 2 of the SMP Program and that second N.O.V.'s would be sent if required.

Maryann Lantz made a **motion** authorizing the placement of liens totaling \$3,000.00 plus costs on 20 Clearview Drive and 27 Barclay Street properties in addition to verifying the record of pumping with the Executor of the Estate of the property located at 1142 Valley Road, as well as revisiting prior liens; Steve Wyka seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for December 22, 2011 to January 25, 2012

Chairman Sacks reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of December 22, 2011 to January 25, 2012.

Sisco Lane/Sisco Court – Name Change Consideration

The Township Solicitor provided the Board of Supervisors with details regarding issues encountered by Berks County 911 Services about the street signage at Sisco Lane which is located across from the carwash on North Main Street. Jill Nagy explained residents along the lane have their addresses listed as Sisco Court which poses a problem when emergency personnel are called to the scene of an emergency.

Jill suggested further research should be conducted with the property owners in that area prior to the Board's consideration of changing the name of Sisco Lane to Sisco Court in order to be the accommodating and to prevent causing a hardship to property owners' mortgage companies, driver's licenses, etc. Jill concluded by noting the name change would need to be established via Ordinance.

Maryann Lantz made a **motion** authorizing the Township Solicitor and Township Zoning Officer to gather further information by sending letters to residents in the area of Sisco Lane for their feedback; Steve Wyka seconded the motion. All in favor.

Sewer Inspection Fee

A resident of Butcher Lane addressed the Board in relation to concerns and his understanding of

the fee associated with the required sewer inspection per the recent notice he received from the Township. The resident provided history related to the purchase of his home in 1983 and explained that his sewer system has been hooked up to the Borough of Tipton sewer facility since that time.

Chairman Wyka explained DEP's recent requirement establishing rules and regulations for those residents within the Township who are connected to the Borough of Tipton's sanitary sewer facility be inspected for illegal connections. Steve noted there are 52 Longswamp Township residents who have been notified to have the sewer inspection performed by the Longswamp Township Zoning Officer. Steve also explained that the Borough of Tipton does not have the authority to perform the Township's inspections, only those of Borough residents with no associated fee. Chairman Wyka explained the fees paid by Township residents for the mandated sewer inspection fees are to offset the cost to the Township for performing the inspection.

Chairman Wyka concluded by suggesting the resident may wish to file a complaint to DEP regarding the sewer inspection requirement.

SOLICITOR'S REPORT

Amusement Tax Ordinance

The Township Solicitor reviewed the history of the amusement tax that the Township imposed in the past, which established rules and regulations for the Township to collect amusement tax fees. Jill Nagy commented that the Ordinance was advertised and met all other procedural requirements for amusement fees. Jill reviewed applicable exemptions, stating charitable organizations are exempt and that one-time exempts can be submitted to the Amusement Tax Collector. Jill explained the permit procedure, administration of the approval process, and the responsibility of determination of exemptions by the Tax Collector.

The Township Solicitor provided the Amusement Tax Ordinance for the Board's review and consideration of adoption as advertised. Jill Nagy suggested a revision to Section 7.D noting a tax of 10% with the tax base not to exceed 40% of lift ticket which corrected a typo in the Board's draft. The Solicitor explained the base amount includes verbatim language from the Pennsylvania Tax Code.

Steve Wyka made a **motion** authorizing the adoption of the Amusement Tax Ordinance Authorizing, Levying, and Assessing a 10% Tax Upon the Admission Fee or Upon the Privilege of Attending or Participating in Amusements; Provided for the Administration and Enforcement of the Ordinance; and Imposing Penalties for Violations with an amendment revising Section 7.D to state the tax base shall not exceed 40% of the lift tickets for skiing facilities; Maryann Lantz seconded the motion. All in favor.

Steve Wyka made a **motion** to adopting the Resolution Appointing David Fatzinger Tax Collector of the Amusement Tax and Approving an Application Form for tax collection calculation in Accordance with the Amusement Tax Ordinance; Maryann Lantz seconded the motion. All in favor.

Mark Schroetel, representing Bear Creek Ski Resort addressed the Board of Supervisors and provided a spreadsheet outlining total tax dollars paid to the Township. Mr. Schroetel's report also outlined benefits of the ski resort to Township residents in addition to the burdens of the ski

resort on the Township, as well as the impacts that the Amusement Tax will have on Bear Creek Ski Resort. Mr. Schroetel expressed his concerns related to the legality of the Ordinance and requested the Board's consideration to repeal their decision adopting the Amusement Tax Ordinance. The Board reviewed the material provided by Bear Creek as to taxes. The Board engaged in further discussion as to the benefit of the tax to the Township.

It was noted the Board of Supervisors had an opportunity to revise their decision as related to the adoption of the Amusement Tax Ordinance upon the conclusion of public input. Chairman Sacks concluded by stating the Township would be re-implementing what was in place in the past. It was noted that the motion carried.

Floodplain Ordinance – Authorization to Advertise

The Township Solicitor informed the Board of Supervisors that the Floodplain Ordinance adoption deadline is in June. Jill Nagy informed the Board that comments have been received from FEMA regarding revisions to the Flood Zone Determinations as a result of the process to finalize the new FIRM Maps for Berks County. It was noted that two properties are now located within FEMA's flood zones and are required to have flood insurance and that twelve properties have now been determined to be removed from the flood zones.

The Board of Supervisors directed the Township Secretary to notify the property owners whose properties have been determined to be located within FEMA's flood zones and required to have flood insurance in addition to the twelve property owners who have now been determined to be removed from the flood zones.

Maryann Lantz made a **motion** authorizing the Township Solicitor to advertise the Floodplain Ordinance for adoption at the Board of Supervisors Meeting to be held on March 13, 2012; Steve Wyka seconded the motion. All in favor.

Township Act 537 – DEP Request for Mediation

The Township Solicitor explained a request as received by the DEP. Jill Nagy explained the request is for the Township's consideration to participate in mediation with the Borough of Topton. Jill Nagy requested authorization from the Board of Supervisors to pursue the intent of the request for mediation and the process involved.

Maryann Lantz made a **motion** authorizing the Township Solicitor and Township Engineer to pursue the intent of the mediation requested by DEP and the process involved; Steve Wyka seconded the motion. All in favor.

Water Conservation/Well Ordinance – Notification to Property Owners

The Township Solicitor informed the Board of Supervisors that notifications are in the process of being sent to property owners informing them that a permit shall be required for the installation and operation of any well, requiring notification under the ordinance are being processed including private, a community well, or commercial well, within the Township. Jill Nagy explained that applications for a well construction permit and well operation license will be made available at the Township Office for the Township Code Enforcement Officer's and/or the Township Engineer's approval as per provisions outlined within the Water Conservation/Well Ordinance.

RECREATION REPORT

Chairman Sacks announced the date of the February Park & Recreation Commission Meeting as scheduled for Tuesday, February 21, 2012 at 7:00 p.m. in the upstairs Conference Room of

the Township Municipal Building.

Chairman Sacks also announced there is a second Jigsaw Puzzle Tournament scheduled for Friday, February 24, 2012 in the downstairs Meeting Room of the Township Building. Mike added that doors for the event will open at 6:30 p.m. with the tournament scheduled to begin at 7:00 p.m.

Chairman Sacks reviewed the Township Park & Recreation Commission Meeting Minutes for November and December, 2011 as presented to the Board.

ROADMASTER REPORT

Chairman Sacks reviewed the Township Roadmaster's Report for the months of December, 2011 and January, 2012 to the audience in attendance.

OLD BUSINESS

Request for Approval to Exonerate Tax Collector to Collect Real Estate Capita 2011 Taxes

Steve Wyka made a **motion** authorizing the Tax Collector's request for exoneration to collect 2011 Real Estate Taxes totaling \$1,438.40; Maryann Lantz seconded the motion. All in favor.

NEW BUSINESS

Township Public Works Roadcrew Members – Perfect Attendance Awards for Year End 2011

Chairman Sacks recognized Township Public Works Road Crew Members, Lloyd Weller and Scott Miller, for their perfect attendance to work through-out the year ending 2011. Chairman Sacks signed a Perfect Attendance Award in recognition of both Lloyd Weller's and Scott Miller's achievement which entitles them both to receive one additional day off with pay in accordance with the Township's Employee Manual Policy.

St. Luke's Hospice 2nd Annual Charity Bike Ride Benefit – Route Approval

Chairman Sacks announced that St. Luke's Hospice is sponsoring their 2nd Annual "Let Me Go" Charity Bike Ride Benefit on Saturday, May 12, 2012 beginning at 9:00 a.m. that will route through a small portion of the Township.

Maryann Lantz made a **motion** authorizing St. Luke's Hospice's plans as presented for the Charity Bike Ride Benefit as scheduled for Saturday, May 12, 2012 contingent upon receipt of adequate insurance coverage; Steve Wyka seconded the motion. All in favor.

Brandywine Community Library Race & Fun Run/Walk – Route Approval

Chairman Sacks announced that there is a 5K Race and Fun Run/Walk being sponsored by the Brandywine Community Library scheduled for Saturday, May 19, 2012 beginning at 9:00 a.m. that will route through a small portion of the Township.

Maryann Lantz made a **motion** authorizing the Brandywine Community Library's plans as presented for the 5K Race and Fun Run/Walk as scheduled for Saturday, May 19, 2012 contingent upon receipt of adequate insurance coverage; Steve Wyka seconded the motion. All in favor.

Appoint Township Notary

The appointment of a Township Notary was tabled until such a time that Township Staff Member, MaryBeth Hendley, is officially certified for the position.

Berks County Cooperative Purchasing Council Resolution

Maryann Lantz made a **motion** authorizing the adoption of the Resolution Appointing the Representative to the Berks County Cooperative Purchasing Council and Authorizing Payment to the BCCPC of \$150.00 Membership; Steve Wyka seconded the motion. All in favor.

PUBLIC COMMENTS

Bruce Latshaw, Supervisor from District Township, informed the Board of Supervisors that District Township will be holding hearings on Thursday, February 16, 2012 at 6:00 p.m. to review Agricultural Security Applications. Mr. Latshaw noted that two applications which have been submitted are for parcels that cross into Longswamp Township and invited the Longswamp Township Supervisors to participate in the hearings if they are available.

Neil Conrad, Township Emergency Management Co-ordinator, addressed the Board of Supervisors with a suggestion of sending letters to surrounding municipalities for feedback on their potential interest in the WENS System.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$144,073.88 for the period of January 7, 2012 through February 10, 2012; Maryann Lantz seconded that motion. All in favor.

Vote: Maryann Lantz, Yes; Mike Sacks, Yes; Steve Wyka, Yes.

ADJOURNMENT

Chairman Sacks recommended cancelling the Board of Supervisors Meeting scheduled for February 28, 2012 and meeting again the second week of March, which is March 13, 2012 at 7:00 p.m.

Steve Wyka made a **motion** to adjourn the meeting at 9:07 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary