

**BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
FEBRUARY 28, 2006**

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 C. Siegfried, Chairman; Bruce E. Hall, Vice-Chairman; Steven C. Wyka, Supervisor; Jill L. Smith, representing the Engineer; Jill E. Nagy, Esquire, representing the Solicitor; and Barbara Ebert, Secretary.

CALL TO ORDER

Chairman Siegfried called the meeting to order at 7:37 p.m., and announced the reading of the minutes of the regular meeting of February 14, 2006, would not take place. He announced draft copies of those minutes were available in the meeting hall, if anyone wanted to read them prior to approval.

APPROVAL OF MINUTES

Bruce Hall made a motion to approve the minutes of the regular meeting of February 14, 2006; Steve Wyka seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Steve Wyka made a motion to approve the Treasurer's Report of January 2006; Bruce Hall seconded that motion. All in favor.

ANNOUNCEMENTS

Board of Supervisors Meeting Change – April 25, 2006 to April 26, 2006

A PA Environmental Council presentation on forming a local Environment Advisory Board will be held on Monday, April 3, 2006, at 7:00 p.m. in the Longswamp Township Municipal Building, Lower Level meeting room.

The Board of Supervisors held a joint Executive Session with the Longswamp Township Planning Commission on Saturday, February 18, 2006, from approximately 9:00 a.m. to 11:00 a.m. to discuss possible litigation issues related to the new Longswamp Township Zoning Ordinance.

PUBLIC COMMENT

Ms. Melanie Kerber inquired about the publishing of the Municipal Map. She referenced problems with a previous map publication planned for 2005, but never completed. Mr. Siegfried explained that the company which solicited advertising for that map, CMC Communications, Inc., was acting without official approval of the Board of Supervisors. CMC was closed down by the State Attorney General's Office when it was learned that communities in counties all over the State never received maps as promised. Any member of the Township who paid an advertising fee to CMS is encouraged to contact the State Attorney General's Office with complaints.

In January, 2006, the Township contracted a map to be published by Municipal Publishing, Inc., who has published maps for surrounding communities such as Whitehall and Northampton. References were checked and verified before a contract was signed by the Board of Supervisors.

ENGINEERING, ZONING AND PLANNING COMMISSION REPORT – Jill L. Smith
Radcliffe Subdivision Planning Module Resolution

Bruce Hall made a motion authorizing the signing of Resolution 2006-9 for the Radcliffe Subdivision Planning Module; Steve Wyka seconded that motion. All in favor.

Traffic Impact Fee Study

A Traffic Advisory Committee Meeting was held January 26, 2006. Representatives of Topton Borough attended that meeting, although they have not officially agreed to participate in the project. Upon the request of a representative from Topton Borough, Ms. Smith and Ms. Nagy (as approved by the BOS on February 14, 2006) attended the Borough Council meeting on February 27, 2006, to explain the Traffic Impact Study Project. Topton Borough will be required to make a decision as to participation in the project in the near future.

The next meeting of the Traffic Impact Fee Committee meeting will be held at the end of March.

Appointment of additional certified Sewage Enforcement Officer

Bruce Hall made a **motion** to appoint Jacob A. Schray, Hanover Engineering Associates, Inc., as assistant Sewage Enforcement Officer for Longswamp Township; Steve Wyka seconded the motion. All in favor.

Notice of Violation – Clarence and Althea Rohrbach

Violation notice was received from Berks County stating that a deed subdividing a parcel of land had been recorded without a subdivision plan. Mr. & Mrs. Rohrbach did record a deed separating the two parcels and recorded another deed to consolidate the same parcels. They are now meeting the requirements of the Zoning Code and are no longer in violation.

New Zoning Ordinance

The Planning Commission, at their meeting on February 20, 2006, made a recommendation to the Board of the Supervisors to accept the draft Zoning Ordinance dated January 20, 2006, with proposed amendments dated February 20, 2006.

Additional revisions were made after the Planning Commission recommendation to resolve several outstanding issues and are summarized in an addendum.

- At the Board's request, the professionals have studied the issue of reducing the Conservation district from 1 dwelling unit per 4 acres down to 1 dwelling unit per 2 acres, and agree that 1 dwelling unit per 4 acres is more appropriate based upon the recommendations in the Comprehensive Plan. Consequently, changes must be made to the Ordinance in regard to the constitution of a minor subdivision in the Conservation District (from 6 lots to 4 lots); some setbacks would also be changed.
- Issue concerning potential taking if the slope criteria is a factor of .75. The professional review, considering the 1 dwelling unit per 4 acres, concludes that the better multiplier would be .5 to accommodate the land owners in the conservation district who have a lot of natural constraints on their property. This would potentially ease their burden while making sure that as much potential land as possible is conserved within that area.
- Some other adjusted tract area issues would go from 70% to 60% and 60% to 55%.
- All references to 40,000 square feet minimum lot areas for on-lot sewer will be changed to "1 acre" (Section 5.05)

- All Detached Garage/Accessory Structures, will be referred to as “residential detached accessory structures”. Length will be increased to 40’ to accommodate standard kit size.
- Storage of vehicles within a residential zone will include the Conservation District.
- Typographic errors as detailed in the addendum.

At this time, the Chairman asked for any discussion.

Mr. Robert Tercha asked if the new Ordinance allows an agricultural district for agricultural preserved farms. Mr. Siegfried responded that there was a public hearing held Monday, February 20, 2006, for review of the new Zoning Ordinance and comments by residents prior to the Planning Commission’s recommendation. It was noted that additional provisions concerning buffering for preserved farms were added to the Ordinance, and the Planning Commission chose to remain consistent with the Joint Comprehensive Plan and not include agricultural zoning at this time. Ms. Smith added that agriculture is a permitted use in all of the zoning districts in the new ordinance. Zoning districts included in the new Ordinance are Conservation Zoning to conserve natural features and Rural Zoning to preserve rural features of the Township. Single family homes, municipal usage and a variety of other uses, including agricultural, are allowed within those zoning areas.

Clarification was made that the Agricultural Security Committee meets only to approve/disapprove addition or removal of lands from the Agricultural Security Area. An unadvertised meeting was held recently to introduce Mr. Wyka to the Committee, no official business was conducted at that meeting.

In further explaining the process, Ms. Nagy added that the Planning Commission’s recommendation is based on the Joint Comprehensive Plan. A resident, or group of residents, may request that the Planning Commission re-evaluate the Joint Comprehensive Plan. In order to add or change zoning not included in the Joint Comprehensive Plan, the Joint Comprehensive Plan must be revised. Ms. Nagy suggested that Mr. Tercha write a letter to the Planning Commission asking them to consider changing the Comprehensive Plan. At this time, the Joint Comprehensive Plan does not designate any type of agricultural zoning except in Rockland and District Townships.

Bruce Hall made a **motion** to accept the Planning Commission’s recommendation of the proposed Zoning Ordinance with amendment dated February 20, 2006, and changes in memo dated February 28, 2006; Steve Wyka seconded that motion. All in favor.

Bruce Hall made a **motion** to authorize distribution of the Zoning Ordinance with amendment dated February 20, 2006, and changes in memo dated February 28, 2006, to be distributed to County, Municipality and School District authorities as detailed in the Joint Comprehensive Plan; Steve Wyka seconded that motion. All in favor.

Bruce Hall made a **motion** to authorize the Solicitor to draft a letter to accompany the zoning ordinance indicating that it is in general compliance with the Joint Comprehensive Plan; Steve Wyka seconded that motion. All in favor.

Bruce Hall made a **motion** to set April 18th or, if needed, 19th, as the tentative dates for a Public Hearing on the Zoning Ordinance, and authorizing the Solicitor to advertise those dates; Steve Wyka seconded that motion. All in favor.

Request to add an additional structure to lot - Sciamanna, 20 Bush Court

The Engineer requires a new plan which shows the existing features on the property and the location of the proposed dwelling. The plan must show that if another principal structure is added to the property, zoning ordinance requirements must be met including minimum lot sizes, minimum setbacks, and that each structure must be located such that if it was subdivided in the future it could stand alone as two separate lots and meet all the requirements of the zoning district. If the plan does not meet the requirements of the zoning ordinance, an appeal for a variance may be made to the Zoning Hearing Board.

The Solicitor added that a “Granny Flat” situation such as this which involves a family member, approval of the plot plan will be made by the zoning officer. However, if the purpose of the additional structure is changed in the future, an entire land development plan would be required; and if the SALDO in place at the time of change is not met, the landowner may have to move the structure or cease and desist that use.

Bruce Hall made a **motion** to authorize the Zoning Officer to review the new plan for compliance under Section 6.01 of the Zoning Ordinance; Steve Wyka seconded that motion. All in favor.

When review has been finalized, the Board of Supervisors will be issuing a **letter of conditions** which will require that the second structure will be allowed only if a family member is living in the structure.

Ms. Smith also noted that an additional onlot septic system will be required on the property. Mr. Sciamanna shall contact the Township SEO for further information concerning testing and a possible plan module.

SOLICITOR’S REPORT

Plan Review Procedure Agreement – Grande Land, L.P.

Bruce Hall made a **motion** to authorize signing of the Plan Review Procedure Agreement with Grande Land, L.P.; Steve Wyka seconded that motion. All in favor.

Sewer Capacity Reservation Agreement – Grande Land, L.P.

Agreement for Prepayment of Monies for Design, Construction and Hook-Up Fees and Additional O&M Expenses – Grande Land, L.P.

Bruce Hall made a **motion** to authorize signing of the Sewer Capacity Reservation Agreement with Grande Land, L.P.; Steve Wyka seconded that motion. All in favor.

Radcliffe Farm Subdivision Plan

Solicitor recommends that the Board of Supervisors reject the outstanding plan containing subdivision layouts under the old R-2 Ordinance for the Radcliffe Farm Subdivision.

Bruce Hall made a **motion** to reject the Radcliffe Farm Subdivision plan; Steve Wyka seconded that motion. All in favor.

Bruce Hall made a **motion** to authorize the Solicitor to draft and send a letter to Grande Land, L.P. rejecting the Radcliffe Farm Subdivision; Steve Wyka seconded that motion. All in favor.

Civil/Criminal Ordinance - Revised

Steve Wyka made a **motion** to authorize the Solicitor to advertise the revised Civil/Criminal Ordinance; Bruce Hall seconded that motion. All in favor.

RECREATION REPORT – Bruce E. Hall

Easter Egg Hunt – April 8, 2006

Swampstock – July 29, 2006

Fireworks – July 2 (July 3 raindate)

Meeting to be held March 21, 2006 at 7:00 p.m. in the Township Building.

ROADMASTER REPORT

None.

OLD BUSINESS

Approve Intergovernmental Cooperation Agreement for sale of the 2000 Lee Boy Paver

Bruce Hall made a **motion** to authorize signing of the Intergovernmental Cooperation Agreement for Sale of the 2000 Lee Boy Paver; Steve Wyka seconded that motion. All in favor.

Discuss resolution of the outstanding fees for Golden Meadows Subdivision (Submission #1)

Subdivision Submission #1 – Township Treasurer will further investigate charges of \$366.00 from Berks EnviroTech.

Re-Zoning Hearing Appeal - Mr. Siegfried stated that an offer was made and accepted to split balance due after waiving charges for transcript, copying and finance charges (See memo from Treasurer dated February 28, 2006).

A bill will be issued to Golden Meadows in the amount of \$222.60 for advertising costs. Ms. Nagy will draft and send a letter explaining requirements for advertising.

Bruce Hall made a **motion** to settle outstanding Golden Meadows Subdivision (Submission #1) in regard to the Re-Zoning Hearing Appeal in the amount of \$1,011.66; Steve Wyka seconded that motion. All in favor.

NEW BUSINESS

Discuss/Approve payment of fee and 2-night's hotel lodging for Zoning Officer to attend UCC Certification Seminar, PSATS, Enola, PA, March 1-2, 2006

Bruce Hall made a **motion** to approve payment of fee and 2-night's hotel lodging for Zoning Officer to attend UCC Certification Seminar, PSATS, Enola, PA, March 1-2, 2006; Steve Wyka seconded that motion. All in favor.

Agricultural Conservation Easements Letter from Office of Berks County Solicitor

Letters available for public viewing.

Review/Approve Quotations for purchase of ADS Plastic Pipe for 2006 Road Projects

Bruce Hall made a **motion** to approve the purchase of ADS Plastic Pipe from Chemung Supply in the amount of \$7,957.40; Steve Wyka seconded that motion. All in favor.

Approve Resolution Fixing the Rate of Tax for the Year 2006 – Resolution 2005-14

Bruce Hall made a **motion** to approve Resolution 2005-14 Fixing the Rate of Tax for the Year 2006; Don Siegfried seconded that motion. All in favor.

Approve Resolution Authorizing Workman's Compensation Coverage to Topton Volunteer Fire Company No. 1 During Fire Company Functions – Resolution 2006-5

Bruce Hall made a **motion** to approve Resolution 2006-5 Authorizing Workman's Compensation Coverage to Tipton Volunteer Fire Company No. 1 During Fire Company Functions; Steve Wyka seconded that motion. All in favor.

Appoint Scott Miller, Representative, and Donald Siegfried, Alternate, to the Berks County Cooperative Purchasing Council – Resolution 2006-10

Bruce Hall made a **motion** to approve Resolution 2006-10 Appointing Scott Miller, Representative, and Donald Siegfried, Alternate, to Berks County Cooperative Purchasing Council; Steve Wyka seconded that motion. All in favor.

Approve Resolution Authorizing Compensation of Members of the Township Planning Commission – Resolution 2006-11

Bruce Hall made a **motion** to approve Resolution 2006-11 Approving Resolution Authorizing Compensation of Members of the Township Planning Commission; Steve Wyka seconded that motion. All in favor.

RECORD NOTES

None at this time.

APPROVAL OF BILLS

Bruce Hall made a motion to approve processing for payment, bills totaling \$29,773.81; Steve Wyka seconded that motion. Roll Call Vote: Bruce Hall, Yes; Donald Siegfried, Yes; Steve Wyka, Yes.

BOARD COMMENTS

ADJOURNMENT

Bruce Hall made a **motion** to adjourn the meeting at 9:35 p.m.; Steve Wyka seconded that motion. All in favor.

Respectfully submitted,

Barbara K. Ebert
Township Secretary