

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
MARCH 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; Jill Nagy, Esquire, representing the Solicitor; Joni McPike, Treasurer; Ed Bender, Zoning/Codes Enforcement Officer; Jennifer Wassell-Bonser, Secretary; Gena Strzelecki, Open Records Officer; MaryBeth Hendley, Director – Park & Recreation Commission; and Scott Miller, Roadmaster.

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 February 10, 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 meeting of February 10, 2009; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENTS

Mr. Mike Sacks commented that a sludge seminar he attended on March 10, 2009 was greeted with a large, receptive group and the information presented was very informative.

ENGINEERING AND PLANNING COMMISSION REPORT

Bear Creek Hotel Expansion Request for Release of Security

Jill Smith referred to Hanover's review letter dated March 10, 2009 which included a brief review of Erosion and Sediment Control Plans and Report for Bear Creek Ski and Recreation Area noting they do not appear to show or provide erosion control provisions for the construction of the additional parking lot. Hanover's letter also included a review of the stormwater drainage calculations which address only the addition of the new tennis courts and upstream drainage area. Jill informed the Board that an underground infiltration basin was designed to accommodate the new impervious runoff from the tennis courts and that since the facility was already constructed, Hanover could not confirm it was properly constructed. Jill further stated that the stormwater drainage calculations do not address the additional runoff created by the new paved parking lot. The Township Engineer referred to the Board for determination on how they would like to proceed regarding this issue.

The Township Solicitor informed the Board of her recent communication with Bear Creek's attorney and their desire to work with the Township in order to resolve the issue to the Township's satisfaction. The Board authorized the Township Solicitor to proceed with scheduling a meeting with representatives from Bear Creek to discuss what will need to be done to comply with the Township Ordinances.

Gross School Bus – Time Extension

The Township Engineer announced that Gross School Bus is working with Topton with regard to water and sewer service for the site and is in the process of addressing all outstanding issues. The project and the subject will be discussed again at the April Planning Commission Meeting. A request for a time extension to June 30, 2009 was submitted by the Developer. Maryann Lantz made a **motion** granting a time extension to June 30, 2009 as requested by the Developer and recommended by the Planning Commission for the Gross School Bus Land Development Final Plan; Steve Wyka seconded the motion. All in favor.

Locust Street Speed Limit Study

The Township Engineer submitted an Engineering and Traffic Study prepared by Hanover Engineering which reviewed the area for speed limit restrictions on a segment of Locust Street, T-896 for the Board's review and comment. Jill reviewed the study area which consists of the East/West segment of the roadway beginning at the intersection of Trexler Road stating the area is approximately .45 miles and has no speed limit signs. Jill informed the Board that the study was prepared in accordance with the PA DOT Publication 212, Official Traffic Control Devices. Jill noted that five test runs were conducted in each direction between Trexler Road and the terminus of Locust Road and the data concluded from the tests show that Locust Street has an average safe-running speed of 26 mph in the easterly direction and 25 mph in the westerly direction, therefore meeting the criteria for a speed limit posting between 25 mph and 30 mph. Jill also noted that test runs were performed on Locust Street thru the series of curves. Based on their review, Hanover Engineering recommends a 10 mph advisory speed limit be posted for the "S" curves on Locust Street. Jill Smith requested that the Board of Supervisors authorize the Township Solicitor to prepare an Ordinance for a 25 mph speed limit on Locust Street and a 10 mph advisory speed limit for the "S" curves located toward the easterly terminus of the roadway.

Maryann Lantz made a **motion** authorizing the Township Solicitor to prepare an Ordinance for the area recommended for 25 mph on Locust Street at T-896 and a 10 mph advisory speed limit for the "S" curves; Steve Wyka seconded the motion. All in favor.

Longswamp Elementary School Speed Limit Signs

The Township Engineer referred to Hanover Engineering's letter dated March 10, 2009 which included a review of the placement of the recently installed "School Zone Speed Limit" signs at the Longswamp Township Elementary School. Jill stated that Hanover's review concluded the placement of the signs may not give drivers adequate time to slow down and comply with the reduced speed limit during the posted times. Jill indicated that Hanover Engineering recommends advance reduce speed ahead signs be installed which would warn drivers of the reduced speed limit ahead. Jill also recommended that the Township may want to discuss the placement of the existing signs with Penn DOT and request the current signage be placed further back from the school's driveway based on the 85th percentile speed on State Street rather than the currently posted speed. The Township Engineer also made several other suggestions for

consideration in order to promote community awareness for safety in the area of the school which included adding information in the Township and School newsletters, as well as request increased State Police presence in the area, or the possibility of installing flashing warning signs over the current signs which would operate during the restricted time frames.

Chairman Siegfried suggested the Township Engineer forward Hanover Engineering's letter to Dr. Handler at Brandywine Heights Area School District, which lists the options and suggestions, in order to further discussion to remedy the situation.

Walker Road and Gap Road Turnarounds

The Township Engineer distributed maps to the Board of Supervisors showing a revised layout for the Gap Road turnaround and reviewed the revisions necessary for dedication in order to continue consideration of constructing the proposed turnaround. Jill clarified that by doing so, the Hensingers would need to dedicate approximately 344 square feet of land to the Township and Mr. Morton would need to sign a revised Deed of Dedication reflecting the changes. The Township Engineer also confirmed that she has met with the Township Road Master and Fire Chief in order to confirm that these revisions to the proposed turn-around would satisfy their required criteria and noted that everyone was in agreement. The Fire Chief submitted a letter of support on behalf of the Topton Volunteer Fire Company as confirmation. Jill suggested the Township send a letter to the Hensingers and Mr. Morton with an explanation of this updated information and the plan as well as sending a new Deed of Dedication for signature to both property owners.

The Township Engineer further confirmed that the current design of Walker Road could not be altered since the proposed design offered the minimum dimensions necessary in order for snow plows, as well as emergency responders, to turn around. The Fire Chief submitted a letter of encouragement as confirmation that a turnaround is necessary to provide adequate ingress and egress for emergency vehicles servicing the area.

The Township Solicitor informed the Board of Supervisors that she has checked the Second Class Township Code and noted that for purposes of roads, and she recommends that the Township obtain the property in fee and not through an easement. It was discussed if property owners are not willing to dedicate the property required for the turnaround to the Township, the Township could condemn the property for public use or the Township could consist vacating that portion of Walker Road.

The Township Solicitor noted that if a portion of Walker Road is vacated, then the residents along that area would be responsible for snow removal/plowing as well as the upkeep and maintenance of the road, since the Township would no longer be required to perform those services.

Maryann Lantz made a **motion** authorizing the Township Solicitor and Township Engineer to prepare and send a letter to all property owners in that area of Walker Road informing them of the Township's options with regard to pursuing a turnaround at the terminus of Walker Road; Steve Wyka seconded the motion. All in favor.

Funderburk Annexation Plan – Final Plans for Recording

The Township Engineer referenced Hanover Engineering's review letter dated March 9, 2009

and stated the revised plans submitted for recording for the Funderburk Annexation did not meet all the necessary conditions outlined in the conditions of final plan approval. The Developer has been notified of the required plan changes and will need to re-submit revised plans for recording.

Perkiomen Creek Watershed

Jill Smith informed the Board of Supervisors that the final draft of the Act 167 Plan, Stormwater Management Ordinance is in the process of being prepared and requested approval from the Board to review the document on behalf of the Township. A discussion was held regarding possible comments the Township may want to provide regarding the new exemption criteria, which no longer provides exemptions for agricultural use. Steve Wyka made a **motion** authorizing the Township Engineer to attend a meeting on March 26, 2009 on the Township's behalf in order to discuss the proposed plan; Steve Wyka seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

The Township Zoning Officer informed the Board of Supervisors that he recently issued a Demolition Permit to demolish the cottage at the Topton Luther Home in order to build a model cottage in preparation of the proposed expansion on the south side of Home Avenue.

Ed Bender also informed the Board of a request for a Building Permit for Gross School Bus and questioned the Township Engineer if it was too early for issuance. Jill Smith advised that the Developer for Gross School Bus may not have fulfilled all of their outstanding issues regarding water and sewer service at this time.

The Zoning Officer announced that there are six outstanding sewage management issues and asked the Board for advisement on how they would like him to proceed with the violators. The Township Solicitor made recommendation of sending the violators notice with liens as has been done in the past. Maryann Lantz made a **motion** authorizing the Township Zoning Officer to send the six property owners certified letters with a deadline of ten days to respond or a second violation would be sent; Steve Wyka seconded them motion. All in favor.

Ed announced there is a Zoning Hearing in the process of being scheduled for Virginia Barrett, of 731 State Street, who is seeking a variance in order to build a pole barn on her property.

SOLICITOR'S REPORT

Lot #13 – The Meadows Lot Line Adjustment Plan: Final Plans for Recording, Resolution for Deed of Dedication

The Township Solicitor submitted the Resolution for the Deed of Dedication for accepting the offer of dedication for certain land to be used for an ultimate right-of-way located along Haas Road in the Lot #2 of the Minor Final Subdivision Plan of Lot #13, Phase 2, of The Plan of The Meadows for the Board's final review and consideration for adoption.

Maryann Lantz made a **motion** to accept and sign the Final Plans for recording for Lot #13 of The Meadows Phase 2 (Kupar/Reilly and Ohl Lot Line Adjustment) and to adopt Resolution No. 2009-9, accepting the dedication of right-of-way along Haas Road in front of the Ohl property; Steve Wyka seconded the motion. All in favor.

Right-To-Know Resolution

The Township Solicitor submitted the Resolution for Establishing an Open Records Policy and Providing for the Appointment of an Open Records Officer for the Board's final review and

consideration for adoption. The Solicitor reviewed key points questioned by Gena Strzelecki, Open Records Officer, and made a recommendation to solely keep the previously-appointed Township's Open Records Officer with no assistant and further reviewed the differences between deposits versus pre-payments by someone requesting an open record.

Steve Wyka made a **motion** adopting Resolution No. 2009-7, Establishing an Open Records Policy and Providing for the Appointment of an Open Records Officer; Maryann Lantz seconded the motion. All in favor.

Retention Resolution

The Township Solicitor submitted the Resolution to Set the Procedure for Record Retention and Record Destruction for Consistency with the Township's Open Records Resolution for the Board's final review and consideration for adoption. Jill Nagy explained the Resolution is consistent with the regulations set forth by the Museum Commission Procedures relative to incorporating timeframes and procedures for record retention. Jill reviewed Sections 3 and 4 of the Resolution and explained that she has researched different options on how to deal with e-mails and open records requests via e-mail in order to be in compliance with the Open Records Act. Jill made a recommendation to the Board of Supervisors of the necessity to set forth an e-mailing policy. Gena Strzelecki, the Open Records Officer, made a request to amend Section 2 to include the Township Staff, as well as the Open Records Officer, with being charged with the management of the documentation retention and document destruction policy. Gena also made a request to revise Section 4 upon the finalization of the Township's e-mailing policy.

Maryann Lantz made a **motion** adopting Resolution No. 2009-8, to Set the Procedure for Record Retention and Record Destruction for Consistency with the Township's Open Records Resolution with the exception of Section 2 to be amended as "and staff" as well the revisions necessary to Section 4 upon finalizing the Township's e-mailing policy for consistency with the Act; Steve Wyka seconded the motion. All in favor.

RECREATION REPORT

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

Hunsicker's Grove

Jill Nagy informed the Board of Supervisors of her recent meeting with Commissioner Barnhardt to continue discussion on the Township's behalf regarding the potential future plans for Hunsicker's Grove. The Solicitor added that she has also spoken with Deka who confirmed that there was no offer of land for sports fields. Also, it appears the Borough of Topton may have stormwater management issues with a tract of land they were considering for use.

Multi-Regional Park & Recreation Commission

A **motion** authorizing approval to send a letter to the Multi-Regional Park & Recreation Commission requesting an update of the organization was made by Steve Wyka; Maryann Lantz seconded the motion. All in favor.

Discussion of Topton Pool Donation

This subject matter was tabled until the next Board of Supervisors meeting which is scheduled for April 14, 2009.

Approve 2009 Field Utilization Agreements for BYBA and BGS

MaryBeth Hendley, Director – Parks & Recreation Commission informed the Board of Supervisors that she has not received any signed agreements for Topton Soccer or Baseball to-date. Chairman Siegfried stated that in addition to receiving the signed agreements, the Township will also require proof of insurance as well as the applicable fees that are due or the sports groups would not be allowed to use the Township Park fields. Donald directed MaryBeth and the Township Secretary to send certified letters to the BYBA and BGS informing them to follow-up at the Township Office with their appropriate Sports Agreements prior to the next scheduled Board of Supervisors Meeting which is scheduled to be held on April 14, 2009 or the sports groups would not be allowed to use the fields until the agreements are signed with the proper proof of insurance and fees paid in full.

Approve Contract with Celebration Fireworks, Inc. (\$7,430) for Independence Day

Steve Wyka made a **motion** accepting the contract with Celebration Fireworks totaling \$7,430 for Independence Day fireworks; Maryann Lantz seconded the motion. All in favor.

ROADMASTER REPORT

Report for February, 2009.

Chairman Siegfried commented that the cost of salt through-out this winter season has gone up over 30%.

Approve 5-Year Agility Agreement, Penn DOT

Chairman Siegfried explained the purpose of the 5-Year Agility Agreement that is offered through Penn DOT in comparison to a bartering-type system.

Maryann Lantz made a **motion** to accept and adopt the Penn DOT 5-Year Agility Agreement as Resolution No. 2009-10; Steve Wyka seconded the motion. All in favor.

Approve Request for 48 Hours of Community Service – Michael Kressley

Maryann Lantz made a **motion** allowing Michael Kressley to perform 48 hours of community service by June 29, 2009 as requested by the Township Roadmaster; Steve Wyka seconded the motion. All in favor.

OLD BUSINESS

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

Chairman Siegfried confirmed with Scott Miller, Township Roadmaster, that he reviewed the new Mowing Contract offered by Penn DOT. Steve Wyka made a **motion** accepting and adopting Resolution No. 2009-11, Authorizing Penn DOT Maintenance Service Agreement #051062/39000 for Mowing Services; Maryann Lantz seconded the motion. All in favor.

Approval of Resolution to Prior-Approved Agreement Authorizing Township Treasurer Electronic Access to Penn DOT Systems

The Township Treasurer submitted Resolution No. 2009-12 for the Board of Supervisor's review and consideration for adoption as required by Penn DOT Bureau of Municipal Services due to rejection since no resolution was returned with the original prior-approved agreement

authorizing
Township Treasurer electronic access to Penn DOT Systems.

Steve Wyka made a **motion** adopting Resolution No. 2009-12, Authorizing Township Treasurer Electronic Access Licensing Agreement to Penn DOT Systems on behalf of Longswamp Township; Maryann Lantz seconded the motion. All in favor.

The Township Roadmaster announced that he is having problems with the township grader and raised concerns to the Board of Supervisors of the possibility of needing a replacement.

NEW BUSINESS

Approval to Pursue Cost of Additional Bookshelves for Township's Library Area Via Off-Site If Necessary

The Board of Supervisors approved a request made by the Township's Open Records Officer for pursuing the costs of additional bookshelves for the Township's Library.

Thoroughfare Designation Changes

The Board of Supervisors clarified a question posed by Gena Strzelecki in relation to existing street names using "Lane". The Township's current policy is to use "lane" in the names of several existing roads within the Township, such as Winchester Lane and Lori Lane, were named in conjunction with recorded subdivision plans. The Board of Supervisors confirmed that the existing roads in the Township that include "lane" should remain as such, but only private roads will be approved with the use of "lane" from now on.

Discuss Feasibility of Township Organization of Informational Workshop for E-Mail Management & Solicit Presenters/Invite Surrounding Municipalities to Cost Share

Maryann Lantz made a **motion** to approve a request made by Gena Strzelecki, Township Open Records Officer, to solicit presenters and invite surrounding municipalities to cost share in informational workshops for e-mail management; Steve Wyka seconded the motion. All in favor.

Initiate Funding Study for Emergency Services for 2010

Chairman Siegfried explained the Township's interest in conducting a funding study and stated a letter would be sent to surrounding municipal emergency service providers requesting information from them in order to find out how they are funded.

Steve Wyka made a **motion** authorizing the funding study to find out how other municipalities are funding their emergency services; Maryann Lantz seconded the motion. All in favor.

Acceptance of Resignation from Emory Meck on Township Board of Auditors and Announcement to Appoint a Replacement

Donald Siegfried announced Emory Meck has submitted a Letter of Resignation from his position on the Township Board of Auditors due to the fact that the County has told Emory that he cannot hold a position of another office that he currently services on the Election Board. A **motion** was made by Maryann Lantz accepting Emory Meck's resignation; seconded by Steve Wyka. All in favor. Donald Siegfried directed the Township Secretary to send Emory Meck a thank you letter from the Board of Supervisors accepting his resignation. Donald also offered anyone in the public to submit a Letter of Interest if they have an interest in being appointed as Emory's replacement on the Township Board of Auditors.

Board of Trustees of Brandywine Community Library Request to Appoint Additional Board Representatives

Donald Siegfried announced the Township received a letter from the Brandywine Community Library confirming the Board of Supervisors recent appointments of Board Representatives for the Library and requested a letter appointing Jerri Burket to the Board as well. Maryann Lantz made a **motion** authorizing a letter to be sent to the Brandywine Community Library appointing Jerri Burket to the Library Board; seconded by Steve Wyka. All in favor.

Approval for Township Secretary to Sign Acceptance of Exoneration for Taxes Classified “Uncollectible”

Steve Wyka made a **motion** authorizing approval for the Township Secretary to sign an Acceptance of Exoneration for Taxes Classified “Uncollectible”; Maryann Lantz seconded the motion. All in favor.

Approval to Purchase Two Meeting Minute Books (\$300)

Maryann Lantz made a **motion** authorizing the purchase of two Board of Supervisors Meeting Minute Books totaling \$300.00; Steve Wyka seconded the motion. All in favor.

Discuss Re-Keying Exterior Township Office Building Doors

Chairman Siegfried explained the situation of many keys being handed out through the years for the Township Building and raised concerns that some may have been lost and/or simply not returned to the Township and finds it necessary to consider re-keying the exterior doors of the Township Building. Steve Wyka made a **motion** for getting quotes for re-keying the exterior doors of the Township Office Building as well as the pavilion bathrooms and the pole building in the park; Maryann Lantz seconded the motion. All in favor.

Approval for Topton Ambulance to Reserve Township Meeting Room

Chairman Siegfried explained a recent request made by the Topton Ambulance Staff to reserve the Township Meeting Room on Saturday, March 14, 2009 for ambulance business.

Steve Wyka made a **motion** to authorize the Topton Ambulance Staff to reserve the Township Meeting Room on Saturday, March 14, 2009 for ambulance business; Maryann Lantz seconded the motion. All in favor.

Township Employees’ Educational Training Request

Maryann Lantz made a **motion** to approve a training request made by Joni McPike, Township Treasurer and Jennifer A. Wassell-Bonser, Township Secretary/Administrator, to attend “Basic Training for Municipal Secretaries & Administrators” to be held on Sunday, April 19, 2009 at the Hershey Travel Lodge in Hershey, PA with a total registration cost of \$120.00 plus travel expenses; Steve Wyka seconded the motion. All in favor.

RECORD NOTES

None at this time.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$114,464.67 and transfers totaling \$106,848.15; Maryann Lantz seconded that motion. All in favor.

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

BOARD COMMENTS

None at this time.

ADJOURNMENT

Steve Wyka made a **motion** to adjourn the meeting at 9:50 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary