

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
MARCH 8, 2011

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 C. Wyka, Chairman; Maryann Lantz, Vice Chairman; Michael Sacks, Supervisor; Jill Nagy, Esquire, representing the Solicitor; Jill Smith, representing the Engineer; Joni McPike, Treasurer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Steven C. Wyka called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of February 8, 2011 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 February 8, 2011; Mike Sacks seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Chairman Wyka reviewed the Treasurer's Report for the months of January, 2011 and February, 2011 as presented to the Board.

Mike Sacks made a **motion** accepting the Treasurer's Report for the months of January, 2011 and February, 2011 subject to further review; Maryann Lantz seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Wyka announced details to the audience in attendance in relation to the Township Historical Society's plans of hosting the 2011 Longswamp Community Days Function at the Township Park which would be held in conjunction with the annual fireworks display scheduled to be held on Saturday, July 2, 2011. Steve also announced there will be various safety exhibits, as well as a Blood Drive, on display at the Topton Volunteer Fire Company as part of the Celebration that day. Steve stated there is a need for volunteers to serve on the Society, as well as to volunteer their time toward the function at both locations.

Chairman Wyka announced that the Berks County Solid Waste Authority 2011 Special Waste Collections Schedules are available as hand-outs at the podium to those in attendance.

PUBLIC COMMENTS

Mr. Steven Parks addressed the Board of Supervisors, as well as the audience in attendance, with regard to the Brandywine Heights Area School Board's potential decision to close the Longswamp Elementary School. Mr. Parks thanked the Board and stated he is circulating a petition opposing the closure of the Longswamp Elementary School for anyone that may interested in signing it and offered himself as a point of contact.

ENGINEERING AND PLANNING COMMISSION REPORT

Perkiomen Creek Act 167 Plan Update

The Township Engineer informed the Board of Supervisors that Berks County is holding a Public Hearing for potentially adopting the Act 167 Stormwater Watershed Management Plan for the Perkiomen Creek Headwaters this same evening of the Board of Supervisors Meeting. Jill Smith stated the township lies within the watershed but the Plan only affects a small portion of the Township and has minimal impact on the municipality. Jill noted Act 167 requires the County, upon adopting the Plan, notify the Department of Environmental Protection who will then notify the Township that the Board will have six months to adopt an Ordinance that is compliant with the adopted plan.

National Flood Insurance Program Update

The Township Engineer updated the Board in relation to a meeting she attended on February 24, 2011 regarding the FEMA's process of revising and updating the Flood Insurance Rate Maps (FIRMs) for Berks County. Jill explained the details of the review and Map Modernization Revision Project and outlined the impact of the changes to the floodplain areas. Jill Smith stated once the maps have been finalized, FEMA will issue a Letter of Final Determination and the Township will then have six months to adopt the new maps by Ordinance. Jill explained the maps will affect a number of properties in the Township, with some being added into a Special Flood Hazard Area, and some properties being removed from the Special Flood Hazard Area. Jill stated copies of the plans, mapping, and other related information would be available for public review at the Township Office.

Maryann Lantz made a **motion** for Hanover Engineering to investigate the results of FEMA's revisions of the Flood Insurance Rate Maps for the Township; Mike Sacks seconded the motion. All in favor.

Supervisor Mike Sacks also stated that he attended the meeting held by FEMA and added that because of grandfathering, residents who are now in a floodplain may be entitled to lower insurance rates if the purchase flood insurance before the change of effective date of the new Flood Insurance Rate Maps (FIRM's).

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for January 24 to February 24, 2011

Chairman Wyka reviewed the activities as noted in the Township Zoning and Codes Enforcement Office's Report for the period of January 24 to February 24, 2011 to the audience in attendance.

SOLICITOR'S REPORT

Topton Sewer Agreement

It was noted that Township Treasurer, Joni McPike, reclused herself from discussion and sat in the audience as the Board reviewed details of the draft Master Sewage Service Agreement with the Township Solicitor.

The Township Solicitor reviewed key points for continued discussion of the draft Master Sewage Service Agreement between the Borough of Topton and the Township as presented for the Board's review.

It was noted that the Township Solicitor recently met with Vice Chairman Maryann Lantz and the Borough of Topton's Solicitor as previously directed. Jill Nagy reviewed the

outstanding issues and revisions to the draft Master Sewage Service Agreement as received from the Borough of Topton in relation to the collection of sewer surcharges from the areas of service as defined in the Master Sewage Service Agreement.

Jill Nagy stated her preliminary review indicated specific areas of concern for continued discussion between the Township and Borough include gallon capacity levels, and indications of future development and as well as Topton Lutheran Home Agreement changes. Jill also reviewed her concerns related to ownership of lines and related issues involving maintenance, inspection, and insurance responsibilities of the lines.

Jill specified concerns relative to line ownership at to the Brandywine High School. She indicated that the Township can resolve line ownership by executing and recording the proper necessary agreements to ensure the School, not the Township, has responsibility/ownership of the lines.

Jill Nagy lastly confirmed the Township will need to adopt the Borough Parties' Standards and Specifications upon fully-executing the Master Sewer Agreement with the Borough of Topton.

Chairman Wyka explained his concerns related to the concept of the Township accepting full responsibility for lines the Township does not own and expressed concerns relative to any type of future planning of lines on Jefferson Street, North Main Street, and any portion of the Mertztown area of the Township. Steve concluded that the responsibilities should be between the provider (Topton Sewer Authority) and the user and stated he is not in favor of the Township incurring the costs and liability involved in future sewer planning with Topton. Steve stated he would like to see the Township continue pursuing possible endeavors with the Lehigh County Authority and finalize any agreements for existing service with the Borough of Topton.

Maryann Lantz noted her specific concern for continued discussion between the Township Solicitor and Borough Solicitor are the Mertztown area. Jill Nagy assured the Board she feels including the Mertztown area is un-necessary at this time.

Mike Sacks made a **motion** authorizing the Township Solicitor to continue working with the Borough of Topton Solicitor on the Master Sewage Service Agreement between the Borough of Topton and the Township and strike future planning from the Mertztown Area of the Township, Jefferson Street, and North Main Street from the Agreement and note service only the existing areas of service. Maryann Lantz seconded the motion. All in favor.

Maryann Lantz made a **motion** authorizing the Township Solicitor to contact the Solicitor for the Brandywine Heights Area School District in order to prepare the necessary agreements required for execution and recording in order for the Township to give up any indication of line ownership at the School complex; Mike Sacks seconded the motion. All in favor.

Hills of Shalom Mortgage

The Township Solicitor updated the Board of Supervisors regarding feedback received from the property owner of the Hills of Shalom Subdivision relative to the Mortgage Agreement

documents that were sent for enabling the property owner to satisfy the outstanding debt owed to the Township for plan review fees. Jill Nagy stated she has concerns due to lots of the subdivision being listed for sale with a new realtor's office. Jill suggested the Board's consideration of enforcing recovery of the monies owed to the Township through legal proceedings. Jill also suggested the Board's consideration of notifying the new realtor regarding the issue and provide a deadline of the next Board of Supervisors Meeting for resolve to the issue.

Maryann Lantz made a **motion** authorizing the Township Solicitor to send notification to the new realtor of the Hills of Shalom Subdivision with a deadline for return of the fully-executed mortgage agreement documents by the property owner, otherwise the Board would deem it necessary to seek formal legal action to recover the outstanding fees owed to the Township; Mike Sacks seconded the motion. All in favor.

RECREATION REPORT

Chairman Wyka announced the date of the March Park & Recreation Commission Meeting as scheduled for Tuesday, March 15, 2011 at 7:00 p.m.

Steve also announced the date of the third Jigsaw Puzzle Tournament as scheduled for Friday, March 18, 2011 in the downstairs Meeting Room of the Township Building. Steve added that the doors for the event will open at 6:30 p.m. with the tournament scheduled to begin at 7:00 p.m. Chairman Wyka thanked Ron Devlin, of the Reading Eagle, for the recent article in the newspaper featuring the Township's Jigsaw Puzzle Tournament held last month.

Steve announced to the audience in attendance the date of the Annual Easter Egg Hunt as scheduled for Saturday, April 9, 2011 at 11:00 a.m. in the Township Park with a raindate of Saturday, April 16, 2011 at 11:00 a.m. Steve encouraged anyone interested in volunteering to help stuff Easter eggs to attend the upcoming Park and Recreation Meeting on March 15, 2011.

Mike Sacks made a **motion** accepting and adopting the revised By-Laws for the Park and Recreation Commission as presented to the Board; Steve Wyka second the motion. All in favor.

Maryann Lantz made a **motion** approving the 2011 Field Utilization Agreements for BYBA and BGSL; Mike Sacks seconded the motion. All in favor.

The Board approved the advertisement of Seasonal Summer Playground Counselors to be displayed on the Township website, as well as in the Reading Eagle and Kutztown Patriot newspapers as requested.

ROADMASTER REPORT

Chairman Wyka reviewed the Township Roadmaster's Report for January, 2011 to the audience in attendance.

OLD BUSINESS

Resolution, Adopting Township Employee Handbook

Mike Sacks made a **motion** accepting Resolution No. 2011-9, Adopting the Township Employee Handbook for Township Employees, as presented; Maryann Lantz seconded the motion. All in

favor.

NEW BUSINESS

Authorize Codes Officer and Treasurer to Formulate Fee Schedule Covering Administrative and Inspection Costs for Boarding Houses

Maryann Lantz made a **motion** authorizing the Township Codes Officer and Treasurer to follow-through on formulating a Fee Schedule which will cover administrative and inspection costs for boarding houses within the Township as previously directed at a Board Meeting; Mike Sacks seconded the motion. All in favor.

Resolution, Establishing Procedure How Professional Services Are Chosen for Township Pension Plan for Act 44 of 2009 Compliance

This item was tabled in order for the Township Solicitor to research the issue further in order to ensure there is no obligation on behalf of the Township.

Mike Sacks made a **motion** to table the Board's consideration of adopting a Resolution Establishing a Procedure In How Professional Services Are Chosen for the Township Pension Plans In Order to Comply With Act 44 of 2009 and the Auditor General's Recommendation until the next Board of Supervisors Meeting scheduled to be held on April 12, 2011 so that the Township Solicitor can research details of the issue further; Maryann Lantz seconded the motion. All in favor.

Township Building Use

Chairman Wyka informed the Board about a recent mis-understanding that arose regarding use of the Meeting Room in the Township Building. Steve recommended the building should only be used by the Township and its affiliates, including emergency service providers, for purposeful Township functions. Steve explained the Township should remain politically-neutral and restrict political parties from use of the Township Building for any purpose.

Maryann Lantz agreed with Chairman Wyka's explanation and stated political groups will not be able to congregate at the 2011 Longswamp Community Days Function at the Township Park on July 2, 2011 so that the celebration remains politically neutral as well.

Maryann Lantz made a **motion** authorizing limited access of the Township Building to Township affiliate-use, including emergency service purposes, and for the Township to remain politically neutral; Steve Wyka seconded the motion. Mike Sacks opposed the motion.

2011 Rental Registration Anomalies

Maryann Lantz informed the Board of anomalies and questions raised by properties owners relative to fees related to registering boarding houses, registering unoccupied rental units, as well as occupied rental units within the Township.

The Township Solicitor stated that the Township's current Rental Registration Policy should be adhered to.

Maryann Lantz made a **motion** that a review of the 2011 Rental Registration anomalies be conducted with LTL with herself as the Township Office Administrator; Mike Sacks seconded the motion. All in favor.

Letter of Support – Berks-Lehigh Regional Police Commission

Mike Sacks made a **motion** authorizing a Letter of Support be sent to the Berks County Commissioners opposing the implementation of the new mandated radio program; Maryann Lantz seconded the motion. All in favor.

Brandywine Community Library 4-Mile Fun Run and Pet Walk

Chairman Wyka announced that there is a 4-mile Fun Run and Pet Walk being sponsored by the Brandywine Community Library scheduled for Saturday, May 28, 2011 beginning at 9:00 a.m. that will route through a small portion of the Township.

Mike Sacks made a **motion** authorizing the Brandywine Community Library's plans as presented for the 4-mile Fun Run and Pet Walk as scheduled for Saturday, May 28, 2011; Maryann Lantz seconded the motion. All in favor.

Receipt of Grant Money for Participation in the 2008 Act 101 Recycling Performance Grant Program

Chairman Wyka informed the Board, as well as the audience in attendance, that the Township has received grant money totaling \$1,663.00 for participating in the 2008 Act 101 Recycling Program Performance Grant and recommended that the money be applied to the general fund for the possible future purchase of recycling containers to be used through-out the Township Park.

Approve Purchase of Tractor Mower

Mike Sacks made a **motion** approving the purchase of a John Deere Tractor Mower for the Township Public Works in the amount of \$68,550.15 with financing through an approved financial vendor for the purpose of paying the funds through the Township's State Liquid Fuels Fund Account which will be paid in one payment every year over the course of five years; Maryann Lantz seconded the motion. All in favor.

Voucher Letter on Behalf of Township Historical Society for Potential Funding from First Niagra

Maryann Lantz explained a request on behalf of the Township Historical Society for the Board's consideration of authorizing a voucher letter vouching for the creation of the Township Historical Society which will be submitted to First Niagra Bank for securing potential funding from the bank and help to enable offsetting costs involved with the newly-created Township Historical Society.

Mike Sacks made a **motion** approving the Board's support in preparing a voucher letter on behalf of the Township Historical Society in order to help secure potential funding from First Niagra Bank; Maryann Lantz seconded the motion. All in favor.

Overflow Parking Request from Tough Mudder Group for Event to be Held at Bear Creek

Mike Sacks made a **motion** denying a request made by the Tough Mudder Group for use of the Township parking lot for overflow parking for an event to be held at the Bear Creek on the week-end of April 9 and 10, 2011 due to a previously-scheduled Township event being held at the Township Park; Maryann Lantz seconded the motion. All in favor.

APPROVAL OF BILLS

Chairman Wyka raised a question related to the \$3,000.00 donation to the Borough of Topton Pool as scheduled to be processed for payment indicated in the Bill Review as presented to the Board. Steve stated the pool donation was to be determined on a year-by-year basis and recommended the Board's continued consideration of making the donation as financially-feasible and previously directed by the Board of Supervisors.

The Board of Supervisors directed the Township Solicitor to research the determination related to a year-to-year donation to the Borough of Topton Pool as approved at a previous Board of Supervisors Meeting.

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$164,789.82 with the \$3,000.00 payment scheduled for the Borough of Topton Pool Donation to be withheld as discussed by the Board allowing total disbursements of \$161,789.82 for the period of February 8, 2011 to March 8, 2011 and transfers totaling \$29,391.86 for the same period; Mike Sacks seconded that motion. All in favor.

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

ADJOURNMENT

Chairman Wyka announced the cancellation of the Board of Supervisors Meeting scheduled for March 22, 2011 and meeting again the second week of April, which is April 12, 2011 at 7:00 p.m.

Mike Sacks made a **motion** to adjourn the meeting at 8:18 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary