

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
APRIL 12, 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; and Jennifer Wassell-Bonser, Secretary. Joni McPike, Treasurer was absent from the meeting.

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 March 8, 2011 would not take place. Draft copies of those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Mike Sacks made a **motion** to approve the Minutes of the regular meeting of March 8, 2011; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

ANNOUNCEMENTS

Chairman Wyka announced there was an Executive Session of the Board of Supervisors held from approximately 6:00 p.m. to 7:00 p.m. prior to the Board Meeting that evening to discuss personnel issues.

Chairman Wyka informed the audience in attendance of the Township Historical Society's plans to host the 2011 Longswamp Community Days Function beginning at 11:00 a.m. at the Township Park, which is being held in conjunction with the annual fireworks display later that same evening, Saturday, July 2, 2011. Steve also announced there will be various safety exhibits, as well as a Blood Drive, at the Topton Volunteer Fire Company as part of the Celebration that same day. Steve stated there is a need for volunteers to serve on the Society, as well as to volunteer their time toward the various functions scheduled at both locations the day of the celebration.

Chairman Wyka announced there are Berks County Solid Waste Authority 2011 Electronic Waste Recycling Center Schedules available at the podium.

Chairman Wyka also announced the Township EAC is sponsoring a rain barrel Workshop, which is free to the first thirty registrants. The Workshop is scheduled to be held at the Township Building Meeting Room on Saturday, May 7, 2011 at 9:00 a.m. Steve stated hand-outs with contact information are available at the podium to anyone interested in registering for the Workshop.

PUBLIC COMMENTS

Dr. Martin Handler, Board Member of Topton American Legion Community Ambulance Service, raised concerns to the Board of Supervisors relative to misinformation that was recently spread throughout the community regarding the closing of the Ambulance Service on April 1, 2011. Dr. Martin Handler, along with the President of the Ambulance Service, Reverend Jeremiah Sassaman, requested that any questions or concerns regarding the status or operation of the Ambulance Service be directed to personnel at the Ambulance Service who can provide accurate information. Representatives of the Ambulance Service asked for the Township's future assistance in dispelling any rumors of this nature, and confirmed that the Ambulance Service is fully-operational to the community.

Chairman Wyka thanked the representatives of Ambulance Service for their attendance at the Board Meeting and for sharing their concerns. Steve reviewed a series of events that could have possibly lead to the misinformation. Chairman Wyka stated his regrets for any misunderstanding and any inconvenience to the Ambulance Service. Steve Wyka assured the representatives of the Ambulance Service that no one from the Township, or its affiliates, had any part in portraying any type of information that may have indicated the business strength and integrity of the Ambulance Service.

Dr. Handler relayed his appreciation on behalf of the Topton Ambulance Service for the Board's concerns regarding the matter. Reverend Sassaman also thanked the Board of Supervisors for their attention to this matter and stated he is looking forward to the Ambulance Service's continuation of working with the Township.

The Township Solicitor also expressed her regrets to the representatives of the Ambulance Service concerning the series of events.

ENGINEERING AND PLANNING COMMISSION REPORT

FEMA National Flood Insurance Program Update – Floodplain Ordinance

The Township Engineer informed the Board that FEMA is in the process of revising and updating the Flood Insurance Rate Maps (FIRMs) for Berks County. Jill Smith stated once the maps have been finalized, FEMA will issue a Letter of Final Determination and that the Township will then have six months to adopt the new maps by Ordinance. Jill explained the maps will affect a number of properties within the Township, with some properties being added into a Special Flood Hazard Area, and some being removed from the Special Flood Hazard Area. Jill noted copies of the revised plans, mapping, and other related information is available for public review at the Township Office. Jill confirmed that letters are being mailed by the Township to property owners who will be affected by the mapping changes.

Topton Ambulance Facility Plan and Deed of Dedication

The Township Engineer noted the Final Plans for the Topton Ambulance Facility have been submitted to the Township for recording. Jill Smith stated there are still outstanding issues that need to be addressed prior to the Board of Supervisors signing and releasing the plans. Jill reviewed the outstanding issues which include Topton Ambulance signing the DIA and securing the required escrow for the improvements, payment of recreation fees, and execution of the Stormwater Agreement, and the Resolution for the Right-of-Way to be dedication along Home Road.

Mike Sacks made a **motion** accepting the Deed of Dedication for the Topton American Legion

Community Ambulance Service and adopting Resolution No. 2011-11, Accepting the Offer of Dedication to be used for an Ultimate Right-of-Way located along Home Road in the Topton Ambulance Subdivision; Maryann Lantz seconded the motion. All in favor.

Maryann Lantz made a **motion** to waive the payment of recreation fees by the Topton American Legion Community Ambulance Service; Mike Sacks seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for February 24, 2011 to March 29, 2011

Chairman Wyka reviewed the activities as noted in the Township Zoning and Codes Enforcement Officer's Report for the period of February 24, 2011 to March 29, 2011 to the audience in attendance.

SOLICITOR'S REPORT

Topton Swimming Pool

The Township Solicitor reviewed the decision to provide a year-to-year donation to the Borough of Topton Pool as directed at the previous Board of Supervisors Meeting. Jill Nagy stated there is no provisions for breach of contract with the Topton Borough Pool, and that it is the Board's discretion to do a similar action as was done for last year's donation.

Mike Sacks made a **motion** to discontinue the Pool Agreement with the Borough of Topton this year and not make a payment of a pool donation for discounted pool tickets due to current economics; Maryann Lantz seconded the motion. All in favor.

Topton Sewer Agreement

The Township Solicitor reviewed the revised draft Master Sewage Service Agreement as recently received from the Borough of Topton. Jill Nagy reviewed the Board's options which include discontinuing further negotiations with the Borough, turn line ownership back to the Brandywine Heights Area School District by executing and recording the proper necessary documentation to ensure the School, not the Township, has ownership of the lines at the School complex, or to accept the revisions to the Agreement as presented.

The Township Solicitor confirmed the Township is not the bulk holder service provider and would not be under any obligation to negotiate with any potential future developer. Any such developer would need to negotiate directly with the Borough of Topton for their sewer service. Jill Nagy also confirmed that any such agreements would stipulate that no one from Longswamp Township would be forced to hook-up to any developer-owned lines in order to finance the sewer project. It was noted that the Township would continue pursuing the option with Lehigh County Authority in order to help address the Township's existing immediate needs for sewer. It was also noted that the collection of current surcharges would continue for existing service to certain property owners on Township-owned lines.

Maryann Lantz made a **motion** authorizing the Township Solicitor to notify the Borough of Topton of the Board of Supervisors decision to discontinue further negotiations with the Borough relative to the Master Sewage Service Agreement, that Mr. Grande would need to negotiate directly with the Borough of Topton for sewer service, and that the Board of Supervisors is not willing to adopt a mandatory connection ordinance for the Township's residents for any resulting agreement between Topton and any developer; Mike Sacks seconded the motion. All in favor.

Collection of Subdivision Fees - Hills of Shalom

The Township Solicitor informed the Board of Supervisors that her office has tried contacting the new realtor of the Hills of Shalom Subdivision, and has not gotten a response regarding the outstanding debt owed to the Township for plan review fees. Jill suggested the Board's final consideration of enforcing recovery of the monies owed to the Township through legal proceedings of a municipal lien.

Mike Sacks made a **motion** authorizing the Township Solicitor to proceed with necessary formal legal action and place a municipal lien against the property owner of the Hills of Shalom Subdivision in order to recover the outstanding fees owed to the Township; Maryann Lantz seconded the motion. All in favor.

RECREATION REPORT

Chairman Wyka announced the date of the April Park & Recreation Commission Meeting as scheduled for Tuesday, April 19, 2011 at 7:00 p.m.

Steve announced to the audience in attendance the rain date of the Annual Easter Egg Hunt as scheduled for Saturday, April 16, 2011 at 11:00 a.m. in the Township Park.

Re-Surfacing Hockey Court Bid Award

It was noted that three quotes for resurfacing the Township Hockey Court were received by the Township Park and Recreation Director, MaryBeth Hendley.

Chairman Wyka announced the quotes received were from The Breneman Company, Brooklawn Paving, and Wiggins Asphalt Paving Inc., and that it is the Township Park and Recreation Director's recommendation to award the bid to The Breneman Company at a total bid award totaling \$9,950.00.

The Breneman Company	\$9,950.00
Brooklawn Paving	\$12,278.00
Wiggins Asphalt Paving, Inc.	\$10,800.00

Mike Sacks made a **motion** to accept bids for resurfacing the Township hockey court from The Breneman Company, Brooklawn Paving, and Wiggins Asphalt Paving, Inc., and award the contract to The Breneman Company based on their quote received totaling \$9,950.00; Maryann Lantz seconded the motion. All in favor.

ROADMASTER REPORT

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

Road Materials Bids

It was noted that two bids for Township Road Materials were received and opened by the Township Roadmaster, Scott Miller at a previously advertised public meeting held on Friday, April 8, 2011, which was attended by Scott Miller, Supervisor Maryann Lantz and Jennifer Wassell-Bonser, Township Secretary.

Chairman Wyka announced bids were received from Eastern Industries, Inc. and EJB Paving & Materials Company, and it is the Township Roadmaster's recommendation to award the contract

to Eastern Industries in the amount of \$488,900.00.

Paving Materials:

Eastern Industries	\$402,625.00
EJB Paving	\$396,500.00

Quarry/Other Materials

Eastern Industries	\$86,275.00
EJB Paving	No Bid

Mike Sacks made a **motion** to accept bids for road materials from Eastern Industries, Inc., and EJB Paving & Materials Company and award the 2011 Road Materials to Eastern Industries, Inc. based on their bid submitted totaling \$488,900.00; Maryann Lantz seconded the motion. All in favor.

OLD BUSINESS

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

This Township Solicitor reviewed the details of the Resolution as presented for the Board's consideration and ensured there is no obligation on behalf of the Township.

Maryann Lantz made a **motion** accepting Resolution No. 2011-10, Adopting Written Procedures in How Professional Services Are Chosen for its Pension Plans in Order to Comply with Act 44 of 2009 and the Auditor General's Recommendation, as presented; Maryann Lantz seconded the motion. All in favor.

Update of 2011 Rental Registration Anomalies

The Township Solicitor confirmed with the Board of Supervisors that the 2011 rental registration anomalies and questions raised by property owners relative to fees related to registering boarding houses, registering unoccupied rental units, as well as occupied rental units within the Township have been resolved by the Township Staff.

Brandywine Community Library 4-Mile Fun Run and Pet Walk – Route Revision

Chairman Wyka reviewed revisions to the route of the upcoming 4-mile Fun Run and Pet Walk being sponsored by the Brandywine Community Library which is scheduled for Saturday, May 28, 2011 beginning at 9:00 a.m., noting that a small portion of the route will be within the Township.

Mike Sacks made a **motion** authorizing and approving the route revision as presented by the Brandywine Community Library for the upcoming 4-Mile Fun Run and Pet Walk scheduled to be held on May 28, 2011 at 9:00 a.m.; Maryann Lantz seconded the motion. All in favor.

Appointment of Sewage Management Program Hearing Officers

The Township Sewage Enforcement Officer, Carl Wolfe, explained the informal process established by the Township of contacting property owners who haven't complied with the

Township Sewage Management Program and pumping their septic systems within their assigned cycle. Carl explained that Sewage Management Program Hearing Officers are necessary in order to mediate and initiate over proceedings when warranted due to specific instances which are determined on a case-by-case basis. Carl suggested the Board appoint two representatives from LTL Consultants, MaryBeth Hendley, as well as himself as Sewage Management Program Hearing Officers. The Township Solicitor confirmed the procedure used by the Township and stated her office will review any outstanding issues with the Township Staff prior to the next Board of Supervisors Meeting.

Maryann Lantz made a **motion** appointing Carl Wolfe and MaryBeth Hendley, as well as two representatives from LTL Consultants as Sewage Management Program Hearing Officers; Mike Sacks seconded the motion. All in favor.

NEW BUSINESS

Letters of Interest for Residents to Serve on Sewage Management Hearing Board

The Township Sewage Enforcement Officer explained the intent of the Township establishing a board for residents of the community to serve on the Sewage Management Hearing Board and asked for the Board's consideration to advertise that letters of interest to serve on the board are being accepted by the Township.

The Board of Supervisors directed the Township Secretary to advertise on the Township website that letters of interest for residents of the community to serve on the Sewage Management Hearing Board are being accepted at the Township Office as appropriate.

Request for Approval to Exonerate Tax Collector to Collect Taxes – Per Capita 2006 (\$10.00)

Mike Sacks made a **motion** to authorize the Tax Collector's request for exoneration to collect 2006 Per Capita Taxes totaling \$10.00; Maryann Lantz seconded the motion. All in favor.

Approval of Payment Remittance Agreement for Longswamp UCC Major Subdivision Project Final Account Balance

Chairman Wyka discussed a request recently made by the Longswamp UCC Church for the Board's consideration to accept a payment remittance agreement for a final account balance totaling \$6,000.00 due to the Township for plan review fees on their Minor Subdivision Project.

Mike Sacks made a **motion** approving the Board's acceptance of signing a Payment Remittance Agreement with the Longswamp UCC Church for a final account balance totaling \$6,000.00 due to the Township for plan review fees on their Minor Subdivision Project; Maryann Lantz seconded the motion. All in favor.

Miller Keystone Blood Center Blood Drive Request on behalf of Township... Tuesday, April 19, 2011 from 8:30 a.m. to 9:50 a.m. in Township Parking Lot

Maryann Lantz made a **motion** authorizing Miller Keystone Blood Center to hold a blood drive on behalf of the Township in a Bloodmobile to be stationed in the Township Parking Lot on Tuesday, April 19, 2011 from 8:30 a.m. to 9:50 a.m.; Mike Sacks seconded the motion. All in favor.

Miller Keystone Blood Center Blood Drive Request on behalf of St. Paul's Church... Friday, May 6, 2011 from 12:30 p.m. to 8:00 p.m. in the Township Meeting Room

Maryann Lantz made a **motion** authorizing Miller Keystone Blood Center to hold a blood drive to be sponsored by St. Paul's Church in the Township Meeting Room on Friday, May 6, 2011

from 12:30 p.m. to 8:00 p.m.; Mike Sacks seconded the motion. All in favor.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$189,258.20 for the period of March 9, 2011 to April 12, 2011 and transfers totaling \$45,520.72 for the same period; Maryann Lantz seconded that motion. All in favor.

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

Neil Conrad updated the Board of Supervisors on the status of the mandated county-wide radio system project, and noted that further information is available for the Board's review with Joshua Donnely, who Chairman Wyka then agreed to meet with. Chairman Wyka stated the Board hasn't received any new updated information to date on the radio project.

Neil Conrad also informed the Board of Supervisors that the Topton Volunteer Fire Company has received monetary donations from approximately ten local business to help toward offsetting the cost of the new radios. Neil stated the donations should be forwarded to the Township since the municipalities are responsible for the purchase of the new radios.

ADJOURNMENT

Chairman Wyka announced the cancellation of the Board of Supervisors Meeting scheduled for April 26, 2011 and meeting again the second week of May, which is May 10, 2011 at 7:00 p.m.

Maryann Lantz made a **motion** to adjourn the meeting at 8:30 p.m.; Mike Sacks seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary