

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
APRIL 28, 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, 7:00 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; Richard Orwig, Esquire, representing the Solicitor; Joni McPike, Treasurer; Ed Bender, Zoning/Codes Enforcement Officer; Jennifer Wassell-Bonser, Secretary; and Scott Miller, Roadmaster.

CALL TO ORDER

Chairman Donald Siegfried called the meeting to order at 7:04 p.m., and announced the reading of the minutes of the regular meeting of April 14, 2009, 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 April 14, 2009; Steve Wyka seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

ANNOUNCEMENTS

Chairman Siegfried announced there is a wedding at St. Paul's Church on Saturday, May 2nd and a request has been received from the church asking the Board of Supervisors to announce anyone using the Township Park to please refrain from parking in the church parking lot that day.

PUBLIC COMMENTS

Susan and Warren Brown addressed the Board in order to clarify what they are doing with property they currently own on State Street as follow-up to a telephone call they recently received from the Township Zoning Officer regarding a stone driveway at their property. Mrs. Brown informed the Board that they're in the process of maintaining the property in order to sell it and that the stone has been put down temporarily to allow access for deliveries as well as for vehicles to get in and out of the property. Chairman Siegfried and the Township Solicitor explained the importance of informing the new owners of the necessity to contact PennDOT in order for a driveway permit to be issued since State Street is a state road. Donald clarified that the Township's concern is they do not want the new owners to be misled in thinking that the property has an approved permanent driveway now that stone has been placed to access the property. Donald recommended Mr. and Mrs. Brown contact the Township Zoning Officer if they had any other questions regarding this issue.

Preston Boyer questioned the Township Engineer as follow-up to his concerns expressed at the

previous Board Meeting regarding the drainage along Barclay Street. The Township Engineer explained that she and the Township Roadmaster are continuing to look into the situation and that Hanover Engineering will issue a formal report to the Township Supervisors upon completing her review of the subdivisions plans and the conditions of the area. Mr. Boyer restated his opinion that more water appears to be directed to his property due to the improvements completed by the Township Road Department. Jill stated in her opinion the water being conveyed is to the proper location per the information she has found. Chairman Siegfried noted they will wait for Hanover Engineering's report and attempt to work with Mr. Boyer to resolve his concerns.

Valerie Jenkins informed the Board of her plans to host a dance for her 8th grade class on May 30, 2009 at the Topton Fire Company. Valerie stated her decision to plan the dance is due to lack of support from the Brandywine Heights Area School District. Valerie stated that her class would be selling tickets for the dance at a cost of \$10.00 each in order to help pay for a D.J. for the party. Valerie is also requesting a monetary donation from Longswamp Township. Valerie added that her proposal to the Board of Supervisors would include a refund to the Township from her class for the difference after paying for the D.J. if ticket sales would allow. Steve Wyka indicated that Valerie would need to present her idea at the next Parks and Recreation Commission Meeting as they have a budget constraint of approximately \$100.00 to work with. Chairman Siegfried commended Valerie for her idea but confirmed it would need to be presented to the Parks and Recreation Commission for their decision. The Township Solicitor stated while it was a noble idea, it is not something the Board or Township generally would be involved with due to the potential liability and since it is not a Township function.

ENGINEERING AND PLANNING COMMISSION REPORT

Review Request by Norfolk Southern to Close North Park Avenue

The Township Engineer reviewed with the Board of Supervisors Norfolk Southern's request to temporarily close North Park Avenue for approximately one week beginning June 8, 2009 in order to perform track work and resurfacing at the railroad crossing. Norfolk Southern provided a proposed detour plan which has approved by PennDOT. Jill Smith also confirmed with the Township Roadmaster that the project would not interfere with any township road projects.

Steve Wyka made a motion approving Norfolk Southern's request to close North Park Avenue for the period requested conditioned on proper implementation of the approved detour plan; Maryann Lantz seconded the motion. All in favor.

Act 537

The Township Engineer updated the Board on the status of the Act 537 as outlined in Hanover Engineering's letter dated April 28, 2009. Jill Smith reviewed the outstanding items necessary in order to provide a complete response to DEP including the signed Sewer Agreement between Topton Borough and Longswamp Township and the Spadefoot Toad clearance from the Pennsylvania Fish and Boat Commission. Jill also explained the timeline of required tasks and anticipated submission dates which included the required advertisement period and public comment period. It is recommended that the Township proceed with the submission to DEP despite the outstanding items in order to try to take advantage of current grants that may be available through DEP and PennVEST.

Perkiomen Creek Watershed

Jill Smith informed the Board of her attendance at last Thursday's watershed meeting. Jill noted

that the issue regarding regulating exemptions no longer being applicable for timber harvesting and agricultural (except plowing and tilling) was discussed. Jill also noted the committee decided to schedule another meeting with the group prior to distributing the draft ordinance for the municipalities review and comment.

ZONING AND CODES ENFORCEMENT

The Township Zoning Officer informed the Board that **Mr. Christian Barbu** is requesting a review of his plans for expanding the number of apartments in the Shamrock Hotel in order to see if a land development plan is necessary for the improvements he plans to make to the building. The Township Solicitor questioned Ed if he has made a determination that the use of the structure is a non-conforming use and what the expansion of the non-conforming use is based on. Ed stated the existing structure currently has four apartments and Mr. Barbu's intentions are to convert the remaining unused space into additional apartments, possibly two at this time if allowed and two additional apartments in the future. The Township Solicitor noted that the Zoning Officer has to issue an official determination. The Township Engineer stated Mr. Barbu's plan should be reviewed to see if it meets the definition of land development in the SALDO. If it does, then a land development plan is required to be submitted for review by the Township. Donald Siegfried asked Mr. Barbu if any of the mobile homes on the property are rented and if so, how they are accessed. Mr. Barbu indicated that one of the homes is currently rented with access gained behind the main building by way of a stone road. The Township Solicitor also questioned Mr. Barbu in reference to the square footage of apartments within the Hotel and explained the appropriate procedure for filing for a variance if necessary. The Zoning Officer confirmed that the necessary rental inspections have been conducted and that there are rental permits for four of the units. The Township Solicitor instructed that any future submittals by Mr. Barbu should be reviewed by the Zoning Officer and that if the Township Zoning Officer has concluded the expansion is acceptable then the plan should be reviewed in order to determine if it satisfies the necessary criteria as set forth in the Zoning Ordinance and if a land development plan is required, Mr. Barbu may need to file for a variance for additional expansion and/or zoning issues.

Mr. Bender announced that he testified recently at a hearing in Harrisburg for the Department of Labor and Industry for proposed mandated sprinkler regulations. Ed stated his testimony included his recent submission of a letter on behalf of the Board reflecting their view of the proposed code change. Ed concluded that the UCC voted in favor of the International Codes Council.

Ed Bender informed the Board of Notices of Violations that he has issued for tractor trailers being parked in residential areas of Mine Road and Haas Road. Ed also noted the appeal deadline for the NOV's is May 7, 2009.

The Township Zoning Officer stated the garage owned by **Carol Shuey** on State Street still remains only partially finished and asked the Board if they would like him to pursue the issue. Steve Wyka suggested Ed conduct a visit to the property to inquire about the property owner's timeframe in finishing the project within a reasonable amount of time.

Ed Bender stated he has revoked a permit issued to **Mr. Defrain** with no response. Ed also stated he reminded Mr. Defrain that the Township's Ordinance does not allow burning on Sundays. The Township Solicitor suggested revoking the Certificate of Occupancy for

Mr. Defrain.

Ed Bender noted the new Pennsylvania Home Improvement Consumer Act which is designed to protect property owners for any work in, or around a residence, will take effect on July 1, 2009 and will require a signed contract by the contractor with the property owner listing the contractor's registration number of the state.

Ed informed the Board of a recent question raised by **Calvin Hess, Jr.** regarding the Topton Ambulance Corp's proposal to build their new headquarters on Home Road and if the Township would require the building to be an emergency assembly area for natural disasters or terrorists attacks. Ed stated he has contacted Lehigh Valley Inspection Services who confirmed they aren't aware of any mandatory codes. Neil Conrad and Donald Siegfried both agreed that the Township would not require the building be regarded as an emergency assembly area.

The Township Zoning Officer informed the Board of a request made by **Tony Branco** for the Township to consider waiving the permit fee for a large pole building being proposed at the Topton sewage plant facility. Chairman Siegfried suggested Ed have Topton Borough submit their request in writing.

SOLICITOR'S REPORT

None at this time.

RECREATION REPORT

Donald Siegfried announced the next Park & Recreation Meeting is scheduled for Tuesday, May 19, 2009 at 7:00 p.m.

Chairman Siegfried announced the upcoming 6th/7th Grade Dance will be held at Pavilion No. 1 on Friday, May 8, 2009 from 7:00 p.m. until 9:00 p.m. and there will be a \$3.00 attendance fee.

Donald also announced the 2009 Playground Registration would be held at the Township Office on Friday, May 1, 2009 from 6:00 p.m. until 8:00 p.m.

Maryann Lantz made a **motion** to approve the recommendation made by the Park & Recreation Commission for hiring Remington Kauffman and Daniel Hendley as Summer Playground Counselors as well as the other counselors who are returning from last year; Steve Wyka seconded the motion. All in favor.

ROADMASTER REPORT

Approval for Purchase of Crack Sealant

Maryann Lantz made a **motion** to approve the purchase of two pallets of crack seal from Sem Materials costing \$3,120.00; Steve Wyka seconded the motion. All in favor.

OLD BUSINESS

Discussion of Topton Pool Donation

Maryann Lantz informed the Board of a phone call she received from Topton Borough in reference to a letter issued by the Board of Supervisors regarding their decision to discontinue

the pool donation agreement. Chairman Siegfried stated there was no binding agreement for any length of time and the Township is not under any obligation. Maryann stated Topton wanted to convey their opinion that there is a binding agreement signed by both the Chairman of the Longswamp Township Board of Supervisors as well as the President of the Topton Borough. The Board of Supervisors authorized the Township Solicitor to review the Agreement and take it under advisement.

NEW BUSINESS

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 Thursday, April 30, 2009 between 4:00 p.m. and 5:00 p.m. for ambulance business.

Steve Wyka made a **motion** to authorize the Topton Ambulance Staff to reserve the Township Meeting Room on Thursday, April 30, 2009 for ambulance business; Maryann Lantz seconded the motion. All in favor.

Road Material Bids

Bids for Road Materials, received from Haines & Kibblehouse, Inc. (Bechtelsville Asphalt), Eastern Industries, Inc., and EJB Paving & Materials Co., were opened by the BOS.

Paving Materials:

Haines & Kibblehouse	\$336,000.00 (FOB Plant)
Eastern Industries	\$334,700.00 (FOB Plant)
EJB Paving	\$349,800.00 (FOB Plant)

Quarry/Other Materials

Haines & Kibblehouse	No Bid
Eastern Industries	\$83,035.00
EJB Paving	No Bid

Steve Wyka made a **motion** to accept bids for road materials from EJB Paving & Materials Co., Eastern Industries, Inc., Haines & Kibblehouse for review; Maryann Lantz seconded the motion. All in favor.

Steve Wyka made a **motion** to award the road materials bid to Eastern Industries based on quotes received; Maryann Lantz seconded the motion. All in favor.

Approval to Purchase Computer Hardware from APD for Township Office

Steve Wyka made a **motion** to approve a request made by the Township Treasurer to purchase computer hardware for the Township Office at a total estimated cost of \$215.00; Maryann Lantz seconded the motion. All in favor.

Chairman Siegfried announced his attendance at the Berks County Joint Purchasing Council Meeting as follow up to an authorization letter sent to Met-Ed last year for releasing usage data to American Power Net due to the proposed major increases in electric rates. Donald explained the procedure for putting out bids for purchasing electric uses and noted he plans to attend another meeting which will be scheduled within the upcoming weeks. Donald also stated the

Joint Purchasing Council is looking for one municipality to be the model on this project and explained to the Board that it would not put a burden on the township other than the required advertising for meetings with joint municipalities.

RECORD NOTES

None at this time.

APPROVAL OF BILLS

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$67,846.23 and transfers totaling \$66,310.96; Steve Wyka seconded that motion. All in favor.

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

BOARD COMMENTS

Donald Siegfried announced the May Planning Commission Meeting is cancelled due to no Agenda items.

ADJOURNMENT

Steve Wyka made a **motion** to adjourn the meeting at 8:58 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary