

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
MAY 25, 2010

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; Edmund Bender, Zoning/Codes Enforcement Officer; Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Steven Wyka called the meeting to order at 7:06 p.m. and announced the reading of the minutes of the regular meeting of May 11, 2010 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 May 11, 2010; 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 of Supervisors Meeting that night to discuss property acquisition.

Chairman Wyka announced there will be information posted on the Township's website regarding a contest that is being hosted by Liberty Mutual. The Township Secretary provided details about the "Bring Back the 4th" Contest and explained towns across the country can compete in the questionnaire contest for \$10,000 in grant money that is available toward 4th of July fireworks for their town. Jennifer explained the winning town will be chosen based on the total residents who participated in the contest on their town's behalf.

PUBLIC COMMENTS

None at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

Price Minor Subdivision

The Township Engineer informed the Board of Supervisors that at their May Meeting, the Planning Commission reviewed the plan for the Price Minor Subdivision and recommended conditional Final Plan approval be granted for the Price Minor Subdivision Plan subject to satisfactory completion of the outstanding items as listed in Hanover Engineering's review letter dated April 28, 2010. Jill Smith confirmed that the majority of outstanding issues have been addressed since the review letter was sent.

Jill Smith referred to a waiver request provided by Applied Surveying Technologies, Inc. dated February 1, 2010 with a revision date of March 23, 2010. Jill informed the Board that it was the Planning Commission's recommendation to approve waivers from SALDO Sections 403.C, Section 403.D, and Section 405.

Jill Smith referenced the waiver request from SALDO Section 403.C requiring a Context Map to be submitted. Jill also referenced the waiver request from SALDO Section 403.D relating to the requirement for the Existing Resources and Site Analysis Plan to show existing conditions and features within 200 feet of the property as outlined in Applied Surveying's letter dated February 1, 2010 with a revision date of March 23, 2010. Jill also referenced the waiver request from SALDO Section 405 requiring submission of a wetland study for the entire tract.

Mike Sacks made a **motion** granting waivers from SALDO Sections 403.C, 403.D, and 405 as requested by the developer, as outlined in Hanover Engineering's review letter dated April 28, 2010, and as recommended by the Planning Commission, for the Price Minor Subdivision; Maryann Lantz seconded the motion. All in favor.

Mike Sacks made a **motion** granting conditional Final Plan approval of the Price Minor Subdivision Plan contingent on completion of the outstanding items as outlined in Hanover Engineering's review letter dated April 28, 2010; Maryann Lantz seconded the motion. All in favor.

Stop Sign Request for North Park Avenue and Linden Road

The Township Engineer provided the Board with additional information regarding a recent letter submitted to the Township by a resident of North Park Avenue requesting the Board's consideration for a stop sign to be installed at the intersection of North Park Avenue and Linden Road. Jill Smith explained Hanover Engineering's review of the issue and determined that, at this time, it appears the intersection does not meet PennDOT's requirements for a stop sign. Jill Smith presented the Board with two options for warning signs that could be posted as an alternative to a stop sign at the intersection. Jill explained that a "Watch Children" sign is authorized for use along roads where there are no sidewalks and where a number of children normally play or walk beside the roadway. Jill also explained a second option would be an "Impaired Child" sign which may be used to warn drivers of the possible presence of an impaired (typically deaf/hearing impaired or visionally impaired) child residing in the vicinity of the roadway. Jill Smith suggested the Board's consideration of the "Watch Children" sign to be installed in that area based on the Township Roadmaster's discretion of the exact location.

Mike Sacks made a **motion** authorizing the Township Roadmaster to order and install "Watch Children" signs in the area of North Park Avenue and Linden Road in lieu of a stop sign

at that intersection; Maryann Lantz the motion. All in favor.

Perkiomen Creek Act 167 – Berks County

The Township Engineer informed the Board that the Berks County Planning Commission has finalized the Phase I process of the Perkiomen Creek Headwaters Act 167 Stormwater Management Plan. Jill noted that Jeremie Schadler of Hanover Engineering attended the final meeting for Phase I of the Act 167 Plan and explained due to a lack of funding for Phase II, BCPC is not intending, at this time, to continue with the next phase. Jill stated the County will notify municipalities if and when municipalities have to proceed with passing their own stormwater ordinance, if one has not been adopted. Jill confirmed that Longswamp Township has already passed a Stormwater Management Ordinance for this watershed area, but revisions to it may be required.

ZONING AND CODES ENFORCEMENT

Clarence Rohrbach/Barbara Bates Violation

The Township Zoning Officer updated the Board regarding a violation involving neighbors Barbara Bates and Clarence Rohrbach. Ed Bender informed the Board there has been an on-going dispute between Ms. Bates and Mr. Rohrbach regarding a shed that Mr. Rohrbach claims is too close to his property. The Zoning Officer informed the Board he has conducted a site visit to the property which is located at 22 Poplar Street and confirmed there have been some structures belonging to Ms. Bates that have been removed from Mr. Rohrbach's property in the past, but there is still a shed in dispute that is too close to the Rohrbach property. Ed informed the Board he notified Ms. Bates of her right to submit a Notice of Appeal to the Zoning Hearing Board but she did not file an appeal due to the cost involved. The Township Solicitor suggested the Board can consider making a policy decision not to enforce the issue, otherwise the violation would need to be further enforced by the District Magistrate.

Maryann Lantz made a **motion** authorizing enforcement of the Township Zoning Ordinance for the violation through the District Magistrate with the Township Zoning Officer's testimony; Mike Sacks seconded the motion. All in favor.

Chairman Wyka requested the Township Zoning Officer's continual enforcement of the Township Weed Ordinance throughout the Summer. Maryann Lantz thanked Ed Bender for his recent enforcement specific to a weed issue in her neighborhood.

SOLICITOR'S REPORT

Solar Ordinance

The Township Solicitor presented the Board of Supervisors with the Solar Ordinance for their review for consideration of adoption.

Jill Nagy confirmed the Ordinance is compliant with the MPC and is modeled from DEP's Solar Ordinance. Jill reviewed and answered questions asked by Supervisor Mike Sacks in relation to Section 5.C, Section 6.C.2, Section 6.C.4, and Section 6.E.3 of the Solar Ordinance. Jill explained the different provisions and specific details within the Ordinance for protecting the Township, as well as the homeowners, from any liability involved with the installation of solar energy systems within the Township.

Maryann Lantz made a **motion** adopting Ordinance No. 2010-260 for Regulating Solar Energy within the Township as recommended by the Township Planning Commission at their May

Planning Commission Meeting; Steve Wyka seconded the motion. Mike Sacks opposed the motion.

Wastewater Treatment Ordinance

The Township Solicitor presented the Board of Supervisors with the Wastewater Treatment Ordinance for their review and consideration for adoption. Jill explained specific procedures of the Ordinance and explained the different procedures and standards for the application, permitting process, maintenance and management of both individual non-standard on-lot sewage systems and as well as for community sewage systems. Jill also explained the different types of systems and the design protocol and permit processes that are necessary for each type of system, as well as the operation and maintenance requirements, and regulations for replacement and repair.

Maryann Lantz made a **motion** adopting Ordinance No. 2010-261 for providing procedures and standards for the application, permitting, maintenance, and management of certain individual non-standard on-lot and community sewage system and facilities, establishing definitions, criteria and repair methods and standards, establishing penalties and other enforcement remedies for violation; Mike Sacks seconded the motion. All in favor.

Hills of Shalom 3

The Township Solicitor updated the Board on her review of the outstanding fees owed to the Township for the Hills of Shalom 3 Subdivision. Jill Nagy explained the Board could consider entering into an agreement with the property owner of the Hills of Shalom 3 Subdivision agreeing to record a mortgage on the entire tract for the amounts due to the Township, plus the costs of preparing the mortgage.

Mike Sacks made a **motion** authorizing the Township Solicitor to proceed with the mortgage recommendation for the entire property; Maryann Lantz seconded the motion. All in favor.

Gap Road Cul-de-Sac Deed of Dedication and Right-of-Entry Agreements

The Township Solicitor noted additional correspondence has been sent to Mrs. Hensinger in regard to the Deed of Dedication and Right-of-Entry Agreements necessary for the turnaround project on Gap Road. Jill Nagy stated there has been no response from Mrs. Hensinger to any of the correspondence sent by her office and suggested the Board's consideration to pursue condemnation action at this time.

Maryann Lantz made a **motion** authorizing the Township Solicitor to pursue condemnation action for the land owned by Mrs. Hensinger needed as right-of-way by the Township to proceed with the construction of the cul-de-sac on Gap Road for road maintenance and snowplowing purposes; Mike Sacks seconded the motion. All in favor.

Chairman Wyka stated it was with the Board's deep regret to pursue condemnation of the land necessary on Gap Road by eminent domain, but the Township has to continue maintaining and snow plowing that area on Gap Road.

AT&T Conditional Use Application

The Township Solicitor noted that a Conditional Use Application has been received from AT&T Mobility for modifications to their existing cell site located at 96 Steel Tower Lane,

including installation of two new panel antennas and three new equipment cabinets. The Conditional Use Application will be reviewed by the Township Planning Commission at the June Planning Commission Meeting with comments and recommendations provided to the Board of Supervisors.

Maryann Lantz made a **motion** accepting the Conditional Use Application received from AT&T Mobility and authorizing the Township Solicitor to schedule and advertise a Public Hearing for the Conditional Use Application to be held on July 13, 2010 at 6:00 p.m. prior to the Board of Supervisors Meeting scheduled for that evening; Mike Sacks seconded the motion. All in favor.

RECREATION REPORT

Chairman Wyka announced that the June Park & Recreation Meeting has been cancelled. The next meeting is scheduled for Tuesday, July 20, 2010 at 7:00 p.m.

Chairman Wyka announced the 6th and 7th Grade Spring Luau Dance will be held at Pavilion No. 1 on Friday, May 28, 2010 from 7:00 p.m. to 9:00 p.m. with a \$3.00 cover charge. Chairman Wyka stated volunteer chaperones were needed to help at the upcoming dance.

Chairman Wyka also announced the final date for the 2010 Summer Playground Registration to be held at the Township Office on Saturday, June 5, 2010 from 10:00 a.m. to Noon.

ROADMASTER REPORT

None at this time.

OLD BUSINESS

2010 EAC Budget Line Item Funds Transfer Totaling \$58.25 from Township Solicitor or Engineer Budgeted Amount of EAC Fund

Supervisor Mike Sacks explained the EAC's request for a funds transfer totaling \$58.25 in order to re-imburse him for a recent purchased of three shirts for new EAC members.

Maryann Lantz made a **motion** to approve the transfer of \$58.25 from the 2010 EAC Budget Township Engineer Line Item to Township EAC Supplies Line Item; Mike Sacks seconded the motion. All in favor.

NEW BUSINESS

The Township Solicitor and the Board of Supervisors discussed the possibility of establishing a Township Committee to review the Regional Comprehensive Plan and provide recommendations on the possible expansion of the Highway Commercial Zoning District and uses. Chairman Wyka stated the appointment of members that will comprise the Township Committee would consist of the Township Engineer and Solicitor, possibly three Planning Commission members, a member of the EAC, as well as a member of the Board of Supervisors.

Mike Sacks made a **motion** authorizing the establishment of a Township Committee to review the Regional Comprehensive Plan and the Highway Commercial (HC) Zoning District; Maryann Lantz seconded the motion. All in favor.

Mr. Willard Strunk updated the Board of Supervisors on last night's School Board Meeting.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$65,443.74 and transfers totaling \$73,565.36; Maryann Lantz seconded that motion. All in favor.

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

ADJOURNMENT

Mike Sacks made a **motion** to adjourn the meeting at 8:20 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary