

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
JUNE 11, 2013

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: Maryann Lantz, Chairman; Steve Wyka, Vice Chairman; Michael Sacks, Supervisor; Sean Summers, Esquire, representing the Solicitor; Jill Smith, representing the Engineer; David Fatzinger, Treasurer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Maryann Lantz called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of May 14, 2013 would not take place. Draft copies of those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Mike Sacks made a **motion** approving the Minutes of the regular meeting of May 14, 2013 as presented; Steve Wyka seconded the motion. All in favor.

APPROVAL OF TREASURER'S REPORT

The Board of Supervisors reviewed the Treasurer's Report for the month of May, 2013 as presented for their further review.

Mike Sacks made a **motion** accepting the Treasurer's Report for the month of May, 2013 subject to further review; Steve Wyka seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Lantz informed the audience in attendance that Topton Volunteer Fire Company has offered to present the new fire truck for public viewing. Fire Chief Randy Sicher stated he would be available in the Township Municipal Parking Lot upon adjournment of the Board of Supervisors Meeting to answer questions by those interested in viewing the new piece of equipment.

Chairman Lantz announced the Environmental Advisory Council Meeting scheduled for Monday, June 17, 2013 as cancelled.

Chairman Lantz noted that the June Planning Commission Meeting held on Tuesday, May 28, 2013 was recessed and will reconvene at 7:00 p.m. on Tuesday, June 25, 2013 in the Township Municipal Building Meeting Room.

Chairman Lantz announced the Historical Society will be hosting a photographic tour of the Historical Village of Longsdale at 7:00 p.m. on Wednesday, June 19, 2013 following the previously advertised Historical Society Meeting scheduled for that evening in the Township Municipal Building Meeting Room.

Chairman Lantz also announced the Board of Supervisors Meeting scheduled to be held on July 9, 2013 will be cancelled and noted the second meeting in July will be held as previously advertised as scheduled on Tuesday, July 23, 2013 at 7:00 p.m. in the Township Municipal Building Meeting Room.

PUBLIC COMMENTS

Mark Schroetel, representative from Bear Creek, addressed the Board of Supervisors regarding litigation related to the payment of amusement taxes by Bear Creek to the Township. Mark stated that the Township is welcome to review sales records anytime and also noted the burden of legal expenses which are being incurred to Bear Creek as well as to the Township.

ENGINEERING AND PLANNING COMMISSION REPORT

East Penn Manufacturing – Time Extension

Mike Sacks made a **motion** accepting the three-month time extension for the East Penn Manufacturing Tipton Facility Parking Lot Expansion Project to September 6, 2013, as requested by the Developer and recommended by the Planning Commission; Steve Wyka seconded the motion. All in favor.

SEO REPORT

New Sewage Enforcement Officer Appointment Request

Steve Wyka made a **motion** to appoint Austin Young as an additional Township Sewage Enforcement Officer; Mike Sacks seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for April 29, 2013 to May 30, 2013

Chairman Lantz reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of April 29, 2013 to May 30, 2013.

SOLICITOR'S REPORT

Act 537 Plan

The Township Solicitor informed the Board of Supervisors of the approaching deadline which is June 24, 2013 for DEP's response to the Township's request for Discovery of Documents for the Township's appeal of DEP's rejection of the Act 537 Plan. It was noted the Township Solicitor's Office will advise the Board of Supervisors upon response from the Pennsylvania Department of Environmental Protection.

Bear Creek Amusement Tax

The Township Solicitor provided details relative to litigation with Bear Creek in order to collect amusement taxes which entailed filing a complaint against Bear Creek as well as filing a motion indicating that as a matter of law, the taxes should be paid. Sean explained the Court considered the motion and felt more information was necessary to determine what taxes should actually be paid. Sean also informed the Board that June 14, 2013 is the deadline of the General Discovery that was issued to Bear Creek to comply with presenting the Township with records in order to find out more about their operations, specifically related to non-ski activities. Sean stated the tax revenue should be relinquished to the Township by Bear Creek regardless of the amount as a matter of principle. Sean suggested the Board may wish to consider offering Bear Creek the opportunity to settle the matter with the Township with the condition that compliance is required to pay all amusement taxes due to the Township.

RECREATION REPORT

Vice Chairman/Park and Recreation Director, Steve Wyka announced the June Park & Recreation Commission Meeting is cancelled.

Steve informed the audience of the date for the Annual 4th of July Fireworks Celebration at the Township Park as scheduled for Saturday, June 29, 2013 at dark and noted the raindate as Sunday, June 30, 2013.

Steve announced the 2013 Summer Playground Program will be open to children ages six to eleven, weekdays from 9:00 a.m. to 1:00 p.m. beginning on June 17, 2013 through August 9, 2013.

Estimate for Proposed Soccer Fields

The Township Engineer provided the Board of Supervisors with details relative to permit requirements, estimated costs for Professional Engineering services, and the scope of work for the proposed Township Park Soccer Field Project. Jill Smith explained the area of disturbance would require the Township to apply for an Individual NPDES Permit Application to the Berks County Conservation District and DEP for review and approval since the project site is within the Little Lehigh Creek Watershed, which is a High Quality Watershed. Jill explained that her office also completed a PNDI search for the project area which confirmed a hit by the Pennsylvania Fish and Boat Commission which is assumed for spadefoot toads. Jill confirmed that the Township would be non-exempt from the required E&S and NPDES permit review fees and estimates fees to be in the range of \$4,450.00 - \$5,000.00. Jill also provided the Board with an estimate for professional services for design costs to be in the range of \$12,000.00 - \$15,000.00. Jill noted that the engineering estimate does not include the cost of an excavating machine and operator for infiltration testing, conducting a detailed clearance survey(s) for endangered species as a result of the PNDI search, or preparing project and bid specifications or construction stake-out and observation. Jill noted that Hanover Engineering would do everything possible to keep the project costs to a minimum throughout the design process of the project while maintaining compliance with all regulations.

The Board of Supervisors thanked Jill Smith and her office for providing the information and noted that the Township is in the process of applying for a grant for the project and also seeking monetary donations by various local organizations in order to help off-set the costs of the proposed project. The Board also added that construction activities would be performed by the Township Road Crew as well in order to keep the costs to the Township to a minimum.

ROADMASTER REPORT

Road Materials Bids

It was noted that two Bids for Township Road Materials were received and opened by Township Roadmaster, Scott Miller at a previously advertised public meeting held on Thursday, May 30, 2013 at 12:00 p.m. The Bid Opening Meeting was attended by Scott Miller, Township Roadmaster; Steve Wyka, Supervisor; and Jennifer Wassell-Bonser, Township Secretary.

Township Secretary, Jennifer Wassell-Bonser announced the bids received were from Eastern Industries, Inc. and EJB Paving & Materials Co. and after review of the bids, based on the Township Roadmaster, Scott Miller's recommendation is to award the contract to Eastern Industries, Inc. at a bid award totalling \$477,050.00.

Paving Materials:	
Eastern Industries	\$383,700
EJB Paving	\$372,500
Quarry/Other Materials	
Eastern Industries	\$93,350
EJB Paving	No Bid

Mike Sacks made a **motion** to accept bids for road materials from Eastern Industries, Inc. and EJB Paving & Materials Co. and award the 2013 Road Materials Bid to Eastern Industries, Inc. based on the quote received totaling \$477,050.00; Steve Wyka seconded the motion. All in favor.

OLD BUSINESS

Topton American Legion Community Ambulance Service – 2013 Real Estate Tax Forgiveness Request

Steve Wyka made a **motion** granting tax forgiveness for a 2013 Real Estate Tax Bill for the new Topton American Legion Community Ambulance Service facility located at 205 Home Road with the condition that the Township will modify their decision on future Real Estate Tax Bills accordingly based upon the determination of the Exemption of Real Estate Application submitted to the Berks County Assessment Office; Mike Sacks seconded the motion. All in favor.

Sewer Surcharges

Steve Wyka made a **motion** to authorize instituting a \$20.00 quarterly sewer surcharge starting the third quarter of 2013 to Longswamp Township properties connected to the Borough of Topton’s Sewer system in order to offset the insurance expense incurred by the Township for coverage of the public sewage system located within the Township; Mike Sacks seconded the motion. All in favor.

NEW BUSINESS

None at this time.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$116,026.46 and transfers totaling \$36,710.26 for the period of May 15, 2013 through June 11, 2013; Steve Wyka seconded that motion. All in favor.

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

ADJOURNMENT

Mike Sacks made a **motion** to adjourn the meeting at 7:45 p.m.; Steve Wyka seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser

Township Secretary