

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
JUNE 12, 2012

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: Michael Sacks, Chairman; Maryann Lantz, Vice Chairman; Steven Wyka, Supervisor; Jill Nagy, Esquire, representing the Solicitor; Jeremie Schadler, representing the Engineer; David Fatzinger, Treasurer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Michael Sacks called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of May 8, 2012 would not take place. Draft copies of all those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Maryann Lantz made a **motion** approving the Minutes of the regular meeting of May 8, 2012 as presented; Steve Wyka seconded the motion. All in favor.

APPROVAL OF TREASURER'S REPORT

David Fatzinger reviewed the Treasurer's Report for the month of May, 2012 as presented for the Board of Supervisor's further review.

Steve Wyka made a **motion** accepting the Treasurer's Report for the month of May, 2012 subject to further review; Maryann Lantz seconded the motion. All in favor.

Long & Barrell's Tax Collector Audit for Year-End 2010/Letter to the Board of Supervisors

The Township Treasurer informed the Board of Supervisors that the financial audit report for the Tax Collector for the year ending 2010 has been complete. There were no concerns noted by the Township Auditing Firm as outlined in Long & Barrell's letter to the Board of Supervisors dated November 18, 2011.

Long & Barrell's Proposal – Audit Financial Records of Township Tax Collector for Year-End 2011

Maryann Lantz made a **motion** approving the Annual Township Tax Collector Auditing Services Proposal with the Township Appointed Auditors, Long & Barrell, for services to be performed for the year ending 2011 at a cost not to exceed \$3,415.00; Steve Wyka seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Sacks announced an Executive Session of the Board of Supervisors was held on Thursday, May 31, 2012 from approximately 4:00 p.m. to 5:00 p.m. to discuss personnel issues.

PUBLIC COMMENTS

Brandywine Community Library Presentation

Ms. Ann Lowry, Board President of Brandywine Community Library, addressed the Board of Supervisors and presented information relative to the library's current financial position. Ms. Lowry provided details of services offered by the library in addition to the costs associated with managing the library. Ms. Lowry outlined the library's funding sources and stated the library is operating close to State mandated minimums due to a decrease in State funding. Ms. Lowry explained the importance of bringing awareness of the budget shortfall to the public's attention in order to gain community support to aid in filling the financial gap. Ms. Lowry also reviewed funding-raising efforts undertaken by representatives of the library throughout the year in order to help sustain the operations of the library. Ms. Lowry concluded by requesting the Board's consideration for increased municipal support, potentially \$5.00 per capita for the 2013 budget year, in order to help make up lost state funding.

The Board of Supervisors thanked Ms. Lowry, as well as all the representatives of the library for their attendance and presentation and stated the request would be reviewed at the Township's 2013 Budget Workshops scheduled to be held later in the year.

Robert Diegel – Gap Road Project

Mr. Robert Diegel, property owner at 12 Gap Road, addressed the Board of Supervisors regarding the Gap Road Project. Mr. Diegel stated he did not receive any notification from the Township regarding the project. Mr. Diegel also noted there was damage done to his property during the construction of the storm sewer installed along his property frontage as part of the cul-de-sac project. Mr. Diegel stated his mailbox and fence were damaged, in addition to a portion of his driveway. Mr. Diegel informed the Board that the original construction of the driveway consisted of a stone base, which was damaged, as well as macadam. Mr. Diegel requested the Township repair the damages to his property and return it to the same condition it was in prior to the start of the project.

Chairman Sacks stated he conducted a site visit with the Township Roadmaster to review the area in question and noted his observations. After some discussion, the Board agreed that Mr. Diegel's driveway should be returned to the same condition prior to the start of the Gap Road Project. It was agreed that the driveway would be repaved, but the stone base of the driveway would remain as is.

ENGINEERING AND PLANNING COMMISSION REPORT

None at this time.

SEO REPORT

Sewage Management Report Update

None at this time.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for April 27, 2012 to May 30, 2012

Chairman Sacks reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of April 27, 2012 to May 30, 2012.

SOLICITOR'S REPORT

Township Act 537 – DEP Request for Mediation

The Township Solicitor informed the Board that the proposal for mediation between the Township and the Borough of Tipton initiated by DEP has been closed out. Jill requested the Board's consideration to hold an Executive Session upon adjournment of the Board of Supervisors Meeting in order to discuss litigation issues.

Amusement Tax Ordinance

The Township Solicitor provided the Board of Supervisors with an update regarding notices that have been sent to businesses that are liable for complying with the recently adopted Amusement Tax Ordinance. Jill Nagy informed the Board that no compliance has been received in accordance with the Amusement Tax Ordinance from three organizations who have been notified. Jill requested the Board's approval to proceed with enforcement action for entities found in non-compliance of the terms of the Amusement Tax Ordinance.

Maryann Lantz made a **motion** authorizing the Township Solicitor to proceed with enforcement action for organizations found in non-compliance of the Amusement Tax Ordinance; Steve Wyka seconded the motion. All in favor.

RECREATION REPORT

Chairman Sacks announced the June Park & Recreation Commission Meeting has been cancelled.

Chairman Sacks reviewed the Township Park & Recreation Commission Meeting Minutes for April and May, 2012 as presented to the Board.

Chairman Sacks announced the dates of the 2012 Summer Playground which will run weekdays from 9:00 a.m. to 1:00 p.m. beginning June 25, 2012 through August 10, 2012.

Chairman Sacks announced the Township's Annual Fireworks Celebration will begin at dark at the Township Park on Saturday, June 30, 2012 preceded by a performance at 7:00 p.m. by the Blue Mountain Gang.

STORM Fast Pitch Softball Proposal for Use of Softball Field

Mr. John Edwards, Manager of STORM Fast Pitch Softball, presented the Board of Supervisors with a proposal for use of the Township softball field. Mr. Edwards explained the purpose of their request is to allow their organization to have more field space for training. Mr. Edwards reviewed the terms of their proposal and stated in exchange for the use of the field, STORM Fast Pitch Softball will help maintain safe playing conditions of the field which would include weeding, raking, and mowing if necessary.

The Township Solicitor informed Mr. Edwards that the necessary insurance requirement would need to be included in an Agreement to be executed with the Township upon the Board's consideration for approval.

There was a discussion among the Board of Supervisors regarding the proposal and terms, as well as potential fees that may be incurred for use of the fields. The Board of Supervisors decided that the fields should remain solely for use by groups within the Township rather than for organizations outside the Township in order to safeguard the condition and integrity of the fields. The Board of Supervisors thanked Mr. Edwards for his presentation and declined use of

the softball field by the STORM Fast Pitch Softball Organization.

ROADMASTER REPORT

None at this time.

OLD BUSINESS

Emergency Services Agreements

The Township Solicitor reviewed terms of the Emergency Services Agreement to be executed between the Township and each of the Township's Emergency Services providers. Jill Nagy explained that a portion of the Emergency Services Tax collected each year will be disbursed to each of the Township Emergency Services providers for use in the operation and maintenance of equipment including offsetting the cost of the radios as required by Berks County Emergency Services. Jill Nagy reviewed a specific area of concern for the Board's consideration regarding ownership and maintenance responsibilities of the radios to be purchased for the Topton Ambulance. It was noted the cost of the emergency radios will be split between six surrounding municipalities serviced by Topton Ambulance. A recommendation was made by representatives from Topton Ambulance that ownership of the radios remain with the Topton Ambulance.

Maryann Lantz made a **motion** accepting the Emergency Services Agreement to be executed between the Township and Topton Ambulance with an amendment striking out Item 4 of the Agreement; Steve Wyka seconded the motion. All in favor.

Maryann Lantz made a **motion** accepting the Emergency Services Agreement to be executed between the Township and Topton Volunteer Fire Company and Seisholtzville Fire Company; Steve Wyka seconded the motion. All in favor.

Hunsicker's Grove Update

Chairman Sacks provided the Board of Supervisors with an update as received from Berks County regarding the cost associated with maintaining Hunsicker's Grove. Mike informed the Board that the cost is approximately \$70,000.00 to maintain the Grove, and noted there are several building maintenance issues that require attention at this time. The Board concluded by declining the County's offer to transfer responsibility of Hunsicker's Grove to the Township.

NEW BUSINESS

Rescind Resolution No. 2009-22, Establishment of a Historical Committee

Supervisor Maryann Lantz informed the Board that the Township Historical Society has fulfilled its goal of securing non-profit 501(c)3 status. It was noted that it was the intention of the Historical Society to be separated from the Township and be its own entity as a non-profit organization.

Steve Wyka questioned if the Historical Society planned on using the Township Building for future meetings and, if so, expressed his concern that it would set precedence for allowing a non-township committee to use the building for their meetings. Steve also expressed a concern of allowing the Historical Society to advertise functions and meetings through the Township if they are no longer an established committee of the Township.

The Township Solicitor noted there are regulations regarding non-profit 501(c)3 organizations being considered a recommendation committee to the Township. The Board directed the

Township Solicitor to research the specific details which may define a non-profit organization to be used as a recommending committee of the Township.

DEP Request for Use of Township Meeting Room on Thursday, August 2, 2012

The Township Secretary reviewed a request made by DEP for use of the Township Meeting Room. Jennifer explained the Department of Environmental Protection is in the process of planning an Interim Response of the clean-up efforts of the Oreville Quarry site. Jennifer stated as part of the Administrative Record justifying their response, DEP is required to hold a public meeting informing residents of the clean-up efforts in order to get public feedback. It was noted that the request for use of the meeting room in the Township Building is for Thursday, August 2, 2012 at 7:00 p.m. to approximately 8:30 p.m.

Steve Wyka made a **motion** authorizing use of the Township Meeting Room by the Department of Environmental Protection on Thursday, August 2, 2012 beginning at 7:00 p.m. for the purpose of a public meeting relative to the Oreville Quarry site clean-up efforts; Maryann Lantz seconded the motion. All in favor.

Township Tax Collector Request to Waive Tax Penalty Charges for 2012 Taxes

Steve Wyka made a **motion** approving the Township Tax Collector's request for exoneration from collecting the penalty rate and accepting the discount rate payment for 2012 Real Estate Taxes for Tax Bill #2353 and #1739 which were both verified as postmarked during the discount period; Maryann Lantz seconded the motion. All in favor.

Request for Approval to Exonerate Tax Collector to Collect Taxes – Per Capita 2002 - 2006

Steve Wyka made a **motion** authorizing the Tax Collector's request for exoneration to collect 2002 – 2006 Per Capita Taxes totaling \$35.00; Maryann Lantz seconded the motion. All in favor.

Zumbatronics Proposal

Steve Wyka questioned details of the Zumbatronics Proposal as outlined in the un-approved May Park & Recreation Meeting Minutes. The Township Secretary informed the Board that the proposal was withdrawn, and therefore not listed on the Board of Supervisors Meeting Agenda for approval.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$141,554.12 and transfers totaling \$53,863.03 for the period of May 9, 2012 through June 12, 2012; Maryann Lantz seconded that motion. All in favor.

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

ADJOURNMENT

Steve Wyka made a **motion** to adjourn the meeting at 8:01 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary