

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
JUNE 23, 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; James Birdsall, representing Hanover Engineering; Rich Orwig, Esquire, representing the Solicitor; Joni McPike, Treasurer; Ed Bender, Zoning/Codes Enforcement Officer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Donald Siegfried called the meeting to order at 7:03 p.m., and announced the reading of the minutes of the regular meeting of June 9, 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 June 9, 2009; Steve Wyka seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$283,917.38 and transfers totaling \$292,912.69; Maryann Lantz seconded that motion. All in favor.
Roll Call Vote: Maryann Lantz, Yes; Don Siegfried, Yes; Steve Wyka, Yes.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENTS

Joe Kunkle, a resident of 327 Five Points Road, brought an issue to the Board's attention regarding his recent visit to the Township Park with his daughter and her friend. Mr. Kunkle stated he did not realize there was a private function going on that day and was told by a Township Staff member that he was not allowed to use the area due to the function. Mr. Kunkle stated he questioned what was going on and why there were no signs listing any restricted dates for use of the playground. He expressed his dissatisfaction of how he felt he was treated in comparison to previous visits to the Township Office. Chairman Siegfried stated there were no Township Supervisors at the Township Building at the time of this occurrence and explained the responsibilities of the Township Park & Recreation Director and her duty to organize the activity going on in order to safeguard the children of the Summer Playground Program. Chairman Siegfried apologized to Mr. Kunkle and explained the issue would be dealt with as a

private personnel matter. He also offered other areas of the Park that can be used when there are previously-scheduled functions such as fireworks or the Summer Playground Program or when the ball fields are in use. Mr. Kunkle questioned if he would be notified of any corrective action taken with the employee. The Township Solicitor stated the Board would meet in Executive Session and notify the public if deemed necessary.

A resident of 450 Freehall Street expressed his concerns of a drainage problem on Freehall Street due to lack of storm drains. He requested the Township have someone evaluate the area that is washing out on the left side of the street near his home. He stated he is also concerned of the potential for ice build-up in the winter from the additional water in the area if the problem isn't corrected before that time. Chairman Siegfried stated he will inform the Township Roadmaster of the area so he can evaluate the conditions of the area. Chairman Siegfried also informed the resident of a recent purchase of piping that may possibly be for this area of concern but he would need to check with the Township Roadmaster.

Manley Victory, a resident of 55 Haas Street questioned the Board about what could be done to regulate noise caused by his neighbors driving go-karts. He specifically noted his concerns are hearing the excessive noise inside his home at all times of the day and night. Mr. Victory stated he has brought this problem to the Township Zoning Officer's attention in the past and was told nothing could be done since the Township does not have an ordinance regulating noise issues. Chairman Siegfried explained the difficulties involved with regulating and enforcing a noise ordinance and offered an explanation of a similar situation in North Whitehall Township where a noise ordinance was been passed and is now causing residents to complain about the stipulations of the ordinance as much as the noise itself. The Township Solicitor also stated the difficulties involved with regulating noise issues especially if neighbors aren't getting along. **Willard Strunk** stated he has experienced situations in the past on Clay Road regarding noise caused by atvs and contacted the State Police who helped relieve the problem temporarily by warning the offenders. **Mr. Kunkle** also shared a problem he's experienced as well from neighbors playing loud music. He stated when he contacted the police, they issued the offenders a warning as well. Chairman Siegfried concluded that the Board will investigate the issue in order to see how the situation should be addressed. Steve Wyka also offered contact information for Lt. McDaniels, of the State Police Barracks in Reading, for anyone interested and suggested they contact the Township Secretary for specific details.

David Moore, a resident of 707 State Street, expressed his concern regarding grading problems at the front of his driveway since the paving work was completed on State Street. Chairman Siegfried informed Mr. Moore that PennDOT completed the paving project on State Street, and therefore he would need to contact PennDOT regarding any problems or issues with the work completed. The Township Zoning Officer offered to provide contact information for PennDOT to Mr. Moore.

Joe Kunkle questioned the procedure for getting re-imbursed for his recently purchased pool pass. Steve Wyka explained the situation regarding the Township's donation to the pool this

year. Steve stated township residents will get re-imbursed, but the details are still pending. Due to the proposed change in the township's donation to the pool, the Township may be re-imbursing residents directly for a discounted amount. Chairman Siegfried confirmed residents will be re-imbursed and they should submit the necessary documentation to the Township Treasurer so they can be re-imbursed for a discounted amount once the issue has been resolved with Topton.

ENGINEERING AND PLANNING COMMISSION REPORT

Topton Wastewater Treatment Plant – Land Use Letter

The Township Engineer informed the Board that the Borough of Topton is applying for a grant to help finance a dewatering renovation project at their wastewater treatment plant located in the Township. Jill stated the Borough is required to provide a "land use sign-off letter" from the Township in order for the grant application to be considered complete. Jill referenced Hanover Engineering's letter dated June 23, 2009 outlining their review of information submitted by the Borough of Topton for the project and explained the details which include conversion of two existing reed beds into dewatering and drying stations as well as constructing a building so dewatering can be done year round. Jill also explained the plant is a permitted use in the Township's Industrial Zoning District and the building is also a permitted use by right due to it being considered an accessory structure. Jill noted that in her opinion, a land development plan would not be required per the Township's SALDO since the building would be used as an accessory structure to the wastewater treatment plant. Jill added the Borough would be required to apply for a Zoning/Building Permit for the construction of the building.

Maryann Lantz made a **motion** authorizing Hanover Engineering to provide a "land use sign-off letter" on behalf of the Township in order to fulfill the grant application criteria for the Borough of Topton; Steve Wyka seconded the motion. All in favor.

East Penn Manufacturing – Request for Release of Security

Jill Smith noted that Hanover Engineering has reviewed the Security Release Request #2 dated June 8, 2009 submitted by East Penn Manufacturing for improvements completed for the Topton Facility Expansion Project located in the Township. Jill stated based on a site visit conducted at the facility, Hanover Engineering is recommending that the Board of Supervisors authorize the release of security in the amount of \$46,386.42 for their building expansion project. Jill noted the majority of the site improvements are completed, with the exception of removal of some of the erosion and sedimentation control facilities as well as a large stockpile of material on-site. The erosion control facilities in the detention basin need to be removed for the basin to function properly in its permanent state. These facilities should be removed upon approval of the Berks County Conservation District.

A **motion** authorizing approval of the request for release of security in the amount of \$46,386.42, with a remaining balance of \$6,500.00 for East Penn Manufacturing was made by Steve Wyka; Maryann Lantz seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

The Township Zoning Officer informed the Board of Supervisors of an additional zoning hearing to be scheduled for a resident at 275 Sally Ann Furnace Road who is seeking relief from the

setback requirement in order to construct an in-ground pool at her residence.

Ed Bender also informed the Board of a compliment he received on behalf of the Township Staff from the applicant of the zoning hearing appeal who stated the staff is extremely professional and personable.

SOLICITOR'S REPORT

None at this time.

RECREATION REPORT

Donald Siegfried announced the next Park & Recreation Meeting is scheduled for Tuesday, July 21, 2009 at 7:00 p.m.

Chairman Siegfried also announced the Summer Playground Program started this week with approximately 110 children in attendance, as well as counselors and noted there is a very good turn-out this year.

Issue Township Fireworks Permit

The Township Secretary presented the Township Fireworks Permit for the Board's review and approval prior to the Township Zoning Officer's signature for issuance.

Approval of Junior Counselor Applications

The Board confirmed the Park and Recreation Commission's approved Junior Counselor applications for Summer Playground Program, all of whom were counselors returning from last year's program.

Status/Progress of Members of Multi-Regional Park & Recreation Commission

Chairman Siegfried stated a letter was sent to the Multi-Regional Park & Recreation Commission on March 4, 2009 requesting an update of the organization and noted no response has been received to-date. This subject matter was tabled pending future correspondence inviting the members of Multi-Regional Park & Recreation Commission to meet with the Township.

ROADMASTER REPORT

None at this time.

Traffic Paint and Beads – Open Bids

Bids for Traffic Paint and Beads were opened by the BOS.

	<u>E.J. Breneman</u>	<u>Sherwin-Williams</u>	<u>DOBCO</u>	<u>Potters Ind.</u>
39 Drums White Paint	\$15,229.50	\$14,586.00	\$12,805.65	No Bid
36 Drums Yellow Paint	\$14,048.00	\$13,464.00	\$11,820.60	No Bid
480 Bags Traffic Beads	\$ 7,560.00	\$ 8,160.00	\$ 8,160.00	\$ 7,176.00

Steve Wyka made a **motion** to accept bids for traffic paint and beads from E.J. Breneman, Sherwin-Williams, DOBCO, and Potters Industries for review; Maryann Lantz seconded the motion. All in favor.

Maryann Lantz made a **motion** to award the traffic paint bid to DOBCO at a cost of \$12,805.65 for 39 drums of white paint and a cost of \$11,820.60 for 36 drums of yellow paint based on the quotes received; Steve Wyka seconded the motion. All in favor.

Steve Wyka made a **motion** awarding the traffic beads bid to Potters Industries at a cost of \$7,176.00 for 480 bags of traffic beads based on the quotes received; Maryann Lantz seconded the motion. All in favor.

OLD BUSINESS

Request for Release of Escrow Funds for M/M Sutliff

Steve Wyka made a **motion** authorizing the closing of escrow funds in the amount of \$2,000.00 for Mr. and Mrs. Mark Sutliff for a temporary mobile home replacement escrow agreement; Maryann Lantz seconded the motion. All in favor.

The Township Zoning Officer verified the inspection was approved and the terms of the escrow agreement have been met.

Painting of Pedestrian Crosswalk Markings at Longswamp Learning Center

The Board approved a recent request made by the Longswamp Learning Center for the Township to paint crosswalk markings on Hidden Valley Road for children crossing at the learning center.

Signature of the Pre-Authorization Resolution #2009-14 for Electricity Contract

The Township Secretary presented Resolution No. 2009-14 for the Board's consideration and approval for adoption which included appointing a representative, as well as an alternate representative, as an authorized signatory for entering into the service contract for electric supply. Chairman Siegfried offered himself as the initial authorized signatory and the Township Treasurer, Joni McPike, as the alternate representative.

Maryann Lantz made a **motion** appointing Donald Siegfried as an authorized signatory and Joni McPike as an alternate representative for entering into Resolution #2009-14 for Pre-Authorization of Entering into an Electricity Supply Contract; Steve Wyka seconded the motion. All in favor.

NEW BUSINESS

Appoint Township Voting Delegate for Act 32 EIT Committee

Donald Siegfried made a **motion** appointing the Township Treasurer, Joni McPike, as Voting Delegate to the Act 32 EIT County-Wide Collection Committee; Steve Wyka seconded the motion. All in favor.

The Board also authorized the Township Treasurer to send a letter to the entities within the school district offering to act as a voting delegate in order to cast votes for each municipalities as they wish.

Request for Approval to Exonerate Tax Collector to Collect Taxes

Steve Wyka made a **motion** to authorize the Tax Collector's request for exoneration for

per Capita 2006 (\$5.00); per Capita 2005 (\$5.00); per Capita 2004 (\$10.00); per Capita 2003 (\$5.00) totaling \$25.00; Maryann Lantz seconded the motion. All in favor.

Act 537

Jim Birdsall, of Hanover Engineering, provided the Township with an over-view of the sewer planning and the Act 537 Plan. He updated the Board and the audience in attendance on the status of the project as well as possible financing that may be available at this time through grants and low interest loans. Mr. Birdsall summarized the public comments which were received by the Township and provided general responses to the comments. A lengthy discussion was held regarding the proposed public sewer project with many people in the audience asking questions and providing their comments objecting to the project. The Board of Supervisors and

James Birdsall responded to the questions and also addressed many of the comments received by the audience regarding their concerns for the necessity of a public sewer system. The Board and Mr. Birdsall concluded by stating now is the time to re-submit the plan to DEP in order to take advantage of funding programs that currently may be available to off-set project costs as much as possible.

Steve Wyka made a **motion** authorizing the Township Engineer to re-submit the Act 537 Sewage Facilities Plan to DEP for their review; Donald Seigfried seconded the motion. Maryann Lantz opposed the motion.

Maryann Lantz thanked Mr. Birdsall for his attendance at the meeting as well as his thorough explanations of the plan to the audience. She also thanked the audience for their attendance as well as their questions and comments. In addition, Chairman Siegfried commended the staff at Hanover Engineering, as well as the Township Solicitor, for dealing with the various issues which have been set forth by DEP.

RECORD NOTES

None at this time.

BOARD COMMENTS

None at this time.

ADJOURNMENT

Steve Wyka made a **motion** to adjourn the meeting at 9:23 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary