

**BOARD OF SUPERVISORS**  
**MINUTES OF MONTHLY MEETING**  
**JUNE 9, 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; Jill Nagy, 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 7:05 p.m., and announced the reading of the minutes of the regular meeting of May 12, 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 May 12, 2009; Steve Wyka seconded that motion. All in favor.

**APPROVAL OF TREASURER'S REPORT**

Steve Wyka made a **motion** to accept the Treasurer's Report for May, 2009 in addition to accepting the current Accounts Receivable Status Report; Maryann Lantz seconded the motion. All in favor.

**ANNOUNCEMENTS**

Chairman Donald Siegfried announced there was an Executive Session of the Board of Supervisors held from approximately 1:00 p.m. to 3:30 p.m. on Monday, May 11, 2009 to discuss real estate issues.

Chairman Siegfried also announced an Executive Session was held prior to the regular scheduled Board of Supervisors meeting from approximately 6:05 p.m. to 6:50 p.m. to discuss real estate issues and there is another Executive Session of the Board of Supervisors scheduled to be held  
on  
Friday, June 12, 2009 beginning at 10:00 a.m. in order to discuss real estate issues.

**PUBLIC COMMENTS**

**Sally Geist**, a resident of 753 Woodside Avenue, brought a problem to the Board's attention regarding the condition of her neighbor's property. Sally informed the Board of the poor conditions at her neighbor's property due to excessive garbage which is now attracting rats. Sally also informed the Board of caged animals on the property including small horses, a peacock, a bob cat, and a mountain lion. She stated she has brought the problem to the Township Zoning Officer's attention in the past. Ed stated he brought this situation to the

Board's attention last year confirming the resident has all the appropriate permits for wildlife. The Township Solicitor suggested the Zoning Officer could enforce the issue by inspecting the property for the excessive trash. Chairman Siegfried and the Board agreed that Ed should inspect the property in order to observe the conditions of the property that are conducive of rat harboring, as well as manure management issues caused by the excessive wildlife on the property.

**Joan London**, the Solicitor for Topton Borough, addressed the Board regarding discontinuation of the Pool Agreement as stated in a letter addressed to the Borough from the Township dated April 21, 2009. Joan stated the agreement made in 2007 was for the Township to donate \$3,000.00 annually over the course of ten years in order for Township residents who purchase passes to the Topton Pool to receive a discounted rate. Joan stated the cancellation of the Agreement by the Township will prove to be a financial hardship to the Borough. Chairman Siegfried explained the original intent of the gentlemen's agreement was for the full \$3,000.00 to be used for discounting Township resident pool passes and based on the information received regarding resident attendance at the pool, only approximately \$1,500.00 was actually off-setting the rates for Township residents. Chairman Siegfried also reminded Joan that a condition of the agreement was for the Board to receive timely reports indicating the results of Township resident attendance at the pool and this condition was not being met.

**Marcus Dolny**, of the Topton Borough, also addressed the Board and stated the majority of attendees at the pool are Township residents. Marcus explained the Township's donation has also been used to help off-set the costs incurred for maintaining the pool as well as various activities within the community, improved landscaping, and movies at the park. Marcus stated the Borough is simply looking for closure regarding the issue because the sale of pool passes started on April 1, 2009 and Township residents are being charged the full amount. Marcus also stated it is not conducive for older residents who purchase passes to have to come to the Township Building in order to receive re-imbusement for their pass. Marcus presented information to the Board regarding the discounts and passes which have been purchased since 2007 in order for the Board to review and re-consider their donation. Marcus stated four Township residents have purchased passes to date and he will forward the information to the Township Treasurer so the residents can be re-imbursed for the discounted amount.

Chairman Siegfried questioned Topton's Solicitor, Joan London regarding the progress and timeframe of the proposed water and sewer agreements between Topton Borough and Longswamp Township and stated he would like to see the situation resolved prior to the end of his term which expires at the end of 2009. Joan stated she is aware of the situation and is working toward resolving this issue.

## **ENGINEERING AND PLANNING COMMISSION REPORT**

### **Keystone Pet Cemetery – Final Plan Approval**

The Township Engineer informed the Board of Supervisors that at their April Meeting, the Planning Commission reviewed the plans for the Keystone Pet Cemetery Project and recommended Conditional Final Plan approval be granted for the Keystone Pet Cemetery.

Darrin Heckman, of Lehigh Engineering, addressed the outstanding issues as listed in Hanover Engineering's review letter dated June 8, 2009. Darrin also provided comments to the Township Solicitor's letter dated June 9, 2009 regarding the lease agreement between Mr. James Yezik and Keystone Pet Cemetery.

Jeff Dimmich, representing Keystone Pet Cemetery, agreed to meeting the conditions of the plan as outlined in Hanover's review letter and expressed his opinion of the plans being within compliance of the SALDO. A discussion was held regarding the issue of perpetual care as outlined in the Township Solicitor's letter regarding the lease agreement as well as on-site well testing concerns raised by the Planning Commission. It was agreed that the Township Solicitor's concerns noted in her review of the lease agreement would be addressed as notes on the plan, as applicable. In addition, it was agreed that test results for the existing on-lot well shall be submitted, at minimum, but if test results for wells located on adjacent lots were available it would be in everyone's best interest to have them on file at the Township. The Board agreed for the Developer to add covenants notes on the plan as necessary regarding terms of the lease.

The Township Engineer referred to a deferral request letter dated June 9, 2009 from Lehigh Engineering requesting a deferral of SALDO Section 619.B for the Developer to set concrete monuments along the ultimate right-of way until such a time the Township accepts the dedication of the ultimate right-of-way of Old Topton Road, S.R. 1031.

The Township Engineer informed the Board at a previous meeting, the Planning Commission passed a motion recommending this deferral be granted.

Jill Smith referred to a waiver request as referenced in Hanover Engineering's review letter dated June 8, 2009 and as recommended by the Planning Commission regarding a waiver from SALDO Section 402.D and Section 403.D relating to the requirement for the Existing Resources and Site Analysis Plan to show existing conditions and features within 50 feet rather than within 200 feet of the property as outlined in Lehigh Engineering's letter dated April 6, 2009. It was noted if the waiver is granted, it should be noted on the plan with the appropriate date.

Jill Smith also referred to a waiver request as referenced in Hanover Engineering's review letter dated June 8, 2009 and as recommended by the Planning Commission regarding a waiver from SALDO Section 402.C and Section 403.C requiring a Context Map to be submitted showing the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. It was noted if the waiver is granted, it should be noted on the plan with the appropriate date.

Maryann Lantz made a **motion** granting a waiver to Keystone Pet Cemetery for SALDO Section 402.D and Section 403.D allowing features to be shown within 50 feet on the Existing Resources and Site Analysis Plan as well as a waiver for SALDO Section 402.C and Section 403.C requiring a Context Map to be submitted as recommended by the Planning Commission; Steve Wyka seconded the motion. All in favor.

Steve Wyka made a **motion** granting a deferral request made by the Developer for Keystone Pet Cemetery for SALDO Section 619.B for the Developer to set concrete monuments along the ultimate right-of way until such a time the Township accepts the dedication of the ultimate right-of-way of Old Topton Road, S.R. 1031 as outlined in Lehigh Engineering's letter dated June 9, 2009, and as recommended by the Planning Commission; Maryann Lantz seconded the motion. All in favor.

Maryann Lantz made a **motion** granting Conditional Final Plan approval for the Keystone Pet Cemetery Plan per the completion of outstanding items as per the Township Engineer's letter dated June 8, 2009 and the Township Solicitor's letter dated June 9, 2009 regarding the review and approval of the additional plan notes and approval as well as the lease agreement to be finalized and recorded between Mr. James Yezik and Keystone Pet Cemetery; Steve Wyka seconded the motion. All in favor.

### **East Penn Manufacturing**

The Township Engineer informed the Board of a request made by East Penn Manufacturing for the release of the existing balance of escrow being withheld by the Township for their building expansion project.

Maryann Lantz made a **motion** authorizing Hanover Engineering to perform a site review of the East Penn Manufacturing site and provide a recommendation on the final release of escrow per East Penn Manufacturing's request; Steve Wyka seconded the motion. All in favor.

### **ZONING AND CODES ENFORCEMENT**

The Township Zoning Officer informed the Board of Supervisors of four upcoming zoning hearings, three of which have been scheduled for June 24, 2009 and one which is the process of being scheduled. Ed stated the three zoning hearings scheduled for June 24<sup>th</sup> are for Mr. Bailey who is seeking a variance for putting a large pole building on his property, the second hearing is for Mr. Weller who is seeking a simple dimensional variance for a front porch, and the final hearing scheduled for June 24<sup>th</sup> is for Mr. Berryman's challenge of Ed's interpretation of the Zoning Ordinance for tractor trailers being parked in a residential area. The final hearing, which is in the process of being scheduled, is for a Mr. Kulick who built a front porch at his home on State Street without any permits.

Ed Bender stated he posted the property owned by the late Mr. Bowers at 217 State Street for uninhabitable conditions which include a collapsing roof in a home with no electricity.

Ed reminded the Board that a Consent Agreement still needs to be signed for Mr. Defiore of 115 Haas Road in order to resolve the outstanding zoning violation in lieu of proceeding before the District Justice.

Mr. Bender made an offer to the Board for presenting information to educate Township residents regarding the new Home Improvement Act. The Board agreed to Ed's idea of an educational presentation to be scheduled for Township residents.

Ed informed the Board of the cost to purchase the ICC in either a c.d. format or as a hardcopy at

a cost of \$392.75 for the hardcopy version. Chairman Siegfried approved the purchase of the ICC.

Ed updated the Board that Cycle 1 of the Sewage Management Program is scheduled to start the first week in July and reminders are being sent to those residents who did not pump from Cycle 3.

### **Final Violations of SMP Cycles 1 and 2**

Ed informed the Board of six violators of the Sewage Management Program from Cycle 1 and 2. The Township Solicitor suggested the Board should proceed toward the lien process.

Steve Wyka addressed the Zoning Officer in order for him to enforce weed control within the Township, especially at the property owned by Golden Meadows.

### **SOLICITOR'S REPORT**

The Township Solicitor addressed the Board regarding setting forth an e-mail policy for the Township Office. Jill stated the Open Records Officer could draft an e-mail management policy, which is referenced in the Open Records Resolution, for the Board's review so the previously adopted Resolution would not need to be revised. Chairman Siegfried suggested that Ed Bender, who is working with the Open Records Officer in drafting an office e-mail policy, forward a draft copy of the e-mail management policy to the Township Engineer and Solicitor for their review prior to the Board's review.

### **Amendment to Resolution No. 2002-16**

The Township Solicitor presented Resolution No. 2009-13 for the Board's consideration and approval for adoption due to a change in the name of the third party collection agency for Topton Fire Company

Steve Wyka made a **motion** adopting Resolution No. 2009-13 to supersede Resolution No. 2002-16, Recognizing the Authority of the Topton-Longswamp Volunteer Fire Company to Seek Reimbursement for Hazardous Material, Environmental Incidents, and Fire, Safety and Rescue Responses noting the name change of the collection company.

### **RECREATION REPORT**

Donald Siegfried announced the next Park & Recreation Meeting is scheduled for Tuesday, June 16, 2009 at 7:00 p.m.

Donald Siegfried also announced the Community Yard Sale which was held at the Township Park on Saturday, June 6, 2009 was very successful with a good turn-out.

### **Review/Approve Quote for Re-Keying Township Door Locks**

Steve Wyka made a **motion** to award the bid for re-keying Township door locks at a cost of \$1,268.00 and to purchase 50 key blanks at a cost of \$129.32; Maryann Lantz seconded the motion. All in favor.

### **ROADMASTER REPORT**

Report for May, 2009.

### **Review/Approve Quote for ADS In-Line Bell Pipe**

Maryann Lantz made a **motion** authorizing the purchase of ADS In-Line Bell Pipe, based on the only quote received, from Chemung Supply at a total cost of \$3,785.00; Steve Wyka seconded the motion. All in favor.

### **OLD BUSINESS**

None at this time.

### **NEW BUSINESS**

#### **Topton Volunteer Fire Company #1 New Fire Company Agreement**

Steve Wyka made a **motion** to sign the new three-year Agreement between Longswamp Township and Topton Volunteer Fire Company #1 effective October 1, 2009; Maryann Lantz seconded the motion. All in favor.

#### **Approval of Township Trash Pick-Up Agreement with Allied Waste Services**

Steve Wyka made a **motion** granting approval to accept the Trash Pick-Up Agreement with Allied Waste Services at a cost of \$2,631.84 and for the Township Treasurer to sign the required documents on behalf of the Township for the Trash Pick-Up Agreement; Steve Wyka seconded the motion. All in favor.

#### **Approval of Engagement Letter for Annual Tax Collector Audit Services for Year Ending 2008**

Maryann Lantz made a **motion** accepting and authorizing the Township Treasurer to sign the required documents on behalf of the Township for the Auditor's Engagement Letter from Long and Barrell for the Annual Township Tax Collector Audit, at a cost of \$3,203.00; Steve Wyka seconded the motion. All in favor.

#### **Township Employee Educational Training Request**

Maryann Lantz made a **motion** to approve a training request made by Township Employee, Joni McPike, Township Treasurer, to attend "Human Resources for Professionals" on July 23, 2009 at Four Points Lehigh Valley Airport with a total registration fee of \$199.00 plus travel and mileage expenses; Steve Wyka seconded the motion. All in favor.

#### **EAC Meeting**

The Township Engineer announced Jared Hermany of Hanover Engineering will be attending the upcoming EAC Meeting which is scheduled for June 15, 2009 in order to set-up their laptop and present information on the GIS ArcView Program as well as available mapping for the EAC members.

### **RECORD NOTES**

None at this time.

### **APPROVAL OF BILLS**

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$129,668.86 and transfers totaling \$120,267.42; Steve Wyka seconded that motion. All in favor.

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

**BOARD COMMENTS**

None at this time.

**ADJOURNMENT**

Steve Wyka made a **motion** to adjourn the meeting at 8:59 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser  
Township Secretary