

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
JULY 12, 2011

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; Erin Searer, representing the Solicitor; Jessica Adams, representing the Engineer; David Fatzinger, Treasurer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Steven C. Wyka called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of June 14, 2011 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 June 14, 2011; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

ANNOUNCEMENTS

Chairman Wyka relayed a message of thanks on behalf of the Township Board of Supervisors and the Township Historical Society, to all the contributing organizations and to those who volunteered time, including the Topton and Seisholtzville Fire Companies, in addition to the Park & Recreation Commission for their assistance in helping support the 2011 Longswamp Community Days Celebration and fireworks display that was held on Saturday, July 2, 2011.

Chairman Wyka announced there was an Executive Session of the Board of Supervisors held from approximately 5:30 p.m. to 6:00 p.m. on Tuesday, July 12, 2011 to discuss real estate and litigation issues.

PUBLIC COMMENTS

A resident of Longsdale Drive addressed the Board of Supervisors with concerns regarding disruptive action being caused by neighbors, including late-night parties accompanied by loud music and bon-fires. The resident stated she has reported these issues to the State Police who in turn told her they couldn't enforce the problem since the Township does not have an ordinance regulating noise issues. The resident requested the Board's consideration of adopting a Nuisance Noise Ordinance in order to help alleviate and regulate noise being caused within her neighborhood, as well as to help prevent this type of disruptive behavior from occurring elsewhere within the Township.

Chairman Wyka thanked the resident for bringing this matter to the attention of the Board.

Chairman Wyka explained the difficulties that are involved with regulating and enforcing a noise ordinance and asked the Township Solicitor for her suggestions.

Erin Searer also explained the difficulties of enforcing noise standards and citing noise violators, specifically since you need to be present at the site while the violation is occurring. Erin noted that the Solicitor's Office will take the information provided by the resident under advisement and research model ordinances. It was also confirmed that no formal complaint has been filed previously with the Township, and suggested the resident submit a formal complaint with the Township for follow-up.

ENGINEERING AND PLANNING COMMISSION REPORT

Wilson Minor Subdivision – Final Plan Approval

Jessica Adams informed the Board of Supervisors that the Planning Commission reviewed the plan for the Wilson Minor Subdivision at their July meeting, and has recommended conditional Final Plan approval be granted subject to satisfactory completion of outstanding items listed in Hanover Engineering's review letter dated June 29, 2011. Jessica referred to a waiver request provided by Arthur A. Swallow Associates dated June 3, 2011, and informed the Board that it was the Planning Commission's recommendation to approve the waivers as outlined in Hanover Engineering's review letter dated June 29, 2011.

Mike Sacks made a **motion** granting waivers as requested by the developer, as outlined in Hanover Engineering's review letter dated June 29, 2011, and as recommended by the Planning Commission, for the Wilson Minor Subdivision. The waivers requested include: SALDO Section 403.c requiring a Context Map to be submitted; SALDO Section 402.D.2.a related to the requirement of providing two foot contours and Section 402.D.2.b for designating steep slopes for Lot 3 and areas outside existing developed areas on Lots 1 and 2; SALDO Section 619.B to not set concrete monuments where existing monumentation or markers have been found and for providing coordinates in lieu of setting monuments at the agreed upon locations; Maryann Lantz seconded the motion. All in favor.

Maryann Lantz made a **motion** authorizing the Township Secretary to sign the Non-Building Planning Declaration for Lot 3 on behalf of the Township upon receipt from DEP; Mike Sacks seconded the motion. All in favor.

Mike Sacks made a **motion** granting conditional Final Plan approval conditioned on addressing the comments in Hanover Engineering's review letter dated June 29, 2011, and as recommended by the Planning Commission at their July Meeting, for the Wilson Minor Subdivision; Maryann Lantz seconded the motion. All in favor.

Mr. Arthur Swallow addressed the Board regarding the Right-of-Way Deeds of Dedication being offered by the property owner for the Wilson Minor Subdivision. Mr. Swallow requested the Board's consideration of the Township sharing the costs incurred for preparing and recording the Deeds of Dedication.

Chairman Wyka stated the Board will take Mr. Swallow's request under advisement after consulting with the Township Engineer and Solicitor.

Feld-3 Subdivision – Expiration of 18-Month Maintenance Bond Period for Improvements and Security Release No. 4

Jessica Adams noted a final inspection of the site improvements was conducted by Hanover Engineering and the Township Roadmaster for the Feld-3 Subdivision. Jessica explained the roadway and other improvements which are covered under the current 18-month maintenance period is set to expire at the end of July and that all improvements were found to be satisfactory.

Jessica also noted the As-Built Survey Plan for the detention pond located on Lot 3 was submitted by the Developer and reviewed by Hanover Engineering. Jessica stated that based on the review of the As-Built Plan and the site visit conducted the detention pond appears to have been properly constructed. Hanover Engineering is therefore recommending the Board of Supervisors authorize the release the remaining money (\$53,272.68) secured by the Township with the exception of ten percent to be retained as escrow (\$2,777.54) for the improvements recently completed.

Maryann Lantz made a **motion** authorizing approval of the release of security in the amount of \$53,272.68 for the Feld-3 Subdivision, provided the developer secures the required ten percent retainage totaling \$2,777.54 in lieu of a Maintenance Bond for the detention pond at the Feld-3 Subdivision; Mike Sacks seconded the motion. All in favor.

Topton Ambulance Conditional Final Plan Approval – Time Extension Request

Mike Sacks made a **motion** granting a six-month extension for conditional Final Plan approval to January 13, 2012 for the Topton Ambulance Facility Project; Maryann Lantz seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for May 25, 2011 to June 24, 2011

Chairman Wyka reviewed the activities as noted in the Township Zoning and Codes Enforcement Officer's Report for the period of May 25, 2011 to June 24, 2011 to the audience in attendance.

SOLICITOR'S REPORT

2011 Agriculture Security Area

Erin Searer noted the re-opening of the Agricultural Area Security District has been advertised and that any residents interested in having their property considered for admission or modification need to submit their written application to the Township by August 31, 2011.

Maryann Lantz made a **motion** to open the Agricultural Area Security District for 2011; Mike Sacks seconded the motion. All in favor.

Silbermann Conditional Use Hearing

It was noted the Conditional Use Hearing for the Silbermann property located at 275 Centennial Road was continued until August 9, 2011 at 6:00 p.m. since the Silbermanns were not able to attend the scheduled hearing. The Silbermanns are requesting approval to create an accessory apartment i.e., second dwelling unit within an existing residential structure.

Topton Water Line Break

Erin Searer provided the Board of Supervisors with an update related to the Solicitor's review of the Township's existing agreements with the Borough of Topton in order to answer a question

regarding financial responsibility of costs involved for repairing a water main line break on Main Street. Erin explained there is no implication that the Township has any financial obligation to the expenses incurred from the water main break that occurred.

Maryann Lantz made a **motion** authorizing the Township Solicitor to respond to the Borough of Tipton informing them that it is the Township's position that the Township does not have any financial responsibility for the repair and maintenance costs for Borough water mains used to serve Borough customers within the Township; Mike Sacks seconded the motion. All in favor.

RECREATION REPORT

Chairman Wyka announced the Park & Recreation Commission Meeting scheduled for July has been cancelled. The next meeting is scheduled for Tuesday, August 16, 2011 at 7:00 p.m.

Chairman Wyka addressed the Board concerning the issue of non-resident based sports organizations is hosting baseball tournaments on the Township Park's baseball fields. Steve stated that no fees are being paid to the Township for utilization of the fields for such tournaments as is done in other municipalities. Steve also expressed concerns that trash has been found on the fields and the responsibility of clean-up after tournaments needs to be addressed. Steve explained approval for the use of fields needs to be obtained directly from the Township, rather than the entities involved with the various baseball groups. The Board held a discussion regarding outstanding issues that would need to be addressed and considered if the Board would allow such tournaments in the future. The outstanding issues include, but is not be limited to, establishing a procedure for collecting fees for use of the fields, confirmation of adequate insurance coverage, and maintenance of the fields.

Mike Sacks made a **motion** that effective immediately, it is the Township's sole discretion to authorize utilization of the Township Park's baseball fields, and that such tournaments are no longer allowed to be held without the proper organization obtaining prior approval directly from the Board of Supervisors; Maryann Lantz seconded the motion. All in favor.

ROADMASTER REPORT

Chairman Wyka reviewed the Township Roadmaster's Report for May, 2011 to the audience in attendance.

Mertz Road Bridge Project

Chairman Wyka reviewed information submitted by the Township Solicitor related to her research on grant monies that may be available through the Community Development Block Grant Program for the Mertz Road Bridge Project in the future. Steve stated the same requirements as was required in the past would apply at this time, which would include submission of the necessary income surveys, in order to be eligible for the grant opportunity. Steve stated he has also spoken with the Township Roadmaster who is in agreement that the condition of the bridge is deteriorating. Chairman Wyka confirmed that Hanover Engineering will be providing a revised cost estimate for costs associated with replacing the Mertz Road Bridge as previously directed.

OLD BUSINESS

None at this time.

NEW BUSINESS

Acceptance of Resignation of Township Treasurer effective July 1, 2011

Chairman Wyka announced Joni McPike has submitted a Letter of Resignation from her position of the Township Treasurer effective July 1, 2011. A **motion** was made by Maryann Lantz to accept the resignation of Township Treasurer, Joni McPike effective July 1, 2011; seconded by Mike Sacks. All in favor.

Appointment of New Township Treasurer, David Fatzinger

The Board of Supervisors welcomed David Fatzinger as the Treasurer for Longswamp Township.

Maryann Lantz made a **motion** to appoint David Fatzinger as Township Treasurer; Mike Sacks seconded the motion. All in favor.

Acceptance of Consultation Agreement with Township Treasurer on an As-Needed Basis

Chairman Wyka reviewed details of a Consultation Agreement provided by Joni McPike for consultation services to be provided to the new Township Treasurer on an as-needed basis.

Maryann Lantz made a **motion** accepting a Consultation Agreement provided by Joni McPike for consultation services to be provided to the new Township Treasurer, David Fatzinger on an as-needed basis; Mike Sacks seconded the motion. All in favor.

Approval of Signature Cards for New Township Treasurer: First Niagra and PLIGIT Accounts

Maryann Lantz made a **motion** approving signature cards for First Niagra Bank and PLIGIT, as well as accepting Resolution No. 2011-13 for adoption, Organization Business Signature Card for First Niagra for the new Township Treasurer, David Fatzinger; Mike Sacks seconded the motion. All in favor.

Approval of Payment Remittance Agreement for Final Outstanding Account Balance Owed by Nicholas Blanck for Onlot Sewer Permit Escrow Fees

Maryann Lantz made a **motion** approving the Board's acceptance of signing a Payment Remittance Agreement with Nicholas Blanck for a final account balance totaling \$326.57 due to the Township for fees and charges incurred on behalf of the Onlot Sewer Permit Escrow Application submitted to the Township on November 1, 2010; Mike Sacks seconded the motion. All in favor.

Receipt of Grant Money for Participation in the 2009 Act 101 Recycling Performance Grant Program

Chairman Wyka informed the Board, as well as the audience in attendance, that the Township has received grant money totaling \$3,460.00 for participating in the 2009 Act 101 Recycling Program Performance Grant.

Topton Community Ambulance Service 5K Race – Sunday, October 2, 2011 at 9:00 a.m. Route Approval

Chairman Wyka announced there is a 5K Race sponsored by the Topton Community Ambulance Service scheduled for Sunday, October 2, 2011 beginning at 9:00 a.m. that will route through a

small portion of the Township. Topton Community Ambulance Service Operations Manager, **Steven Kline** reviewed the proposed route and details relative to the race and the anticipated level of participation.

Mike Sacks made a **motion** authorizing the Topton Community Ambulance Service's plans as presented for the 5K Race scheduled for Sunday, October 2, 2011; Maryann Lantz seconded the motion. All in favor.

Sewage Enforcement Officer's On-Lot Sewage Permit, Sewage Management Program, and Subdivision Report

Chairman Wyka reviewed the activities as noted in the Township Sewage Enforcement Officer's Report for the month of May, 2011.

Mike Sacks made a **motion** accepting the Township Sewage Enforcement Officer's Report for the month of May, 2011 as presented to the Board of Supervisors; Maryann Lantz seconded the motion. All in favor.

Request for Approval to Exonerate Tax Collector to Collect Taxes – Real Estate 2011 (\$34.34) and (\$421.32)

Maryann Lantz made a **motion** to authorize the Tax Collector's request for exoneration to collect 2011 Real Estate Taxes totaling \$34.34 and \$421.32 respectively; Mike Sacks seconded the motion. All in favor.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$2,243.03 for the period of July 1, 2011 to July 11, 2011; Maryann Lantz seconded that motion. All in favor.

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

Mike Sacks made a **motion** authorizing an Exit Audit be performed by the Township Auditing Firm, Long & Barrell, for the past six months worth of Township's records due to Joni McPike's resignation and the new Township Treasurer, David Fatzinger's appointment; Maryann Lantz seconded the motion. All in favor.

ADJOURNMENT

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

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary