

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
JULY 14, 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: Steven Wyka, Vice Chairman; Maryann Lantz, Supervisor; Jill Smith, representing the Engineer; Rich Orwig, Esquire, representing the Solicitor; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Vice Chairman Steven Wyka called the meeting to order at 7:00 p.m., and announced the reading of the minutes of the regular meeting of June 23, 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 23, 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 June, 2009 in addition to accepting the current Accounts Receivable Status Report; Maryann Lantz seconded the motion. All in favor.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENTS

Alan Kulick and Justin Walker stated they are in the process of trying to sell the property they own located at 816 State Street. Mr. Kulick and Mr. Walker informed the Board of FHA's requirement to have a letter from the Township if the minimum distance between the on-lot well and on-lot sewage disposal area is less than 50 feet. They stated the distance between the well and sewage disposal area at this property is 45 feet. Mr. Kulick and Mr. Walker explained they are attempting to request a waiver from the requirement and requested a letter from the Township stating the distance of less than 50 feet between on-lot wells and sewer systems is not unusual within Longswamp Township due to the small lot sizes in the Township. The Township Engineer recommended they contact the Township Sewage Enforcement Officer who will verify the distance and provide the necessary document if the existing conditions are deemed satisfactory, or provide a recommendation to the Board of Supervisors if additional measures are required to be taken.

ENGINEERING AND PLANNING COMMISSION REPORT

Keystone Pet Cemetery – Final Plans for Signature

The Township Engineer referenced Hanover Engineering's review letter dated July 8, 2009 and stated all the required conditions have been met as outlined for Conditional Final Plan approval which was granted for the Keystone Pet Cemetery Project. Jill added that the Developer has been notified that they will need to pay the Township their final fees prior to the Township releasing the Final Plan for recording.

A **motion** was made by Maryann Lantz accepting the final plans for signature for the Keystone Pet Cemetery Project so the plans can be released for recording; Steve Wyka seconded the motion. All in favor.

Karom Driveway

The Township Engineer updated the Board on an issue regarding Mr. and Mrs. Karom who are in the process of applying for a highway occupancy permit from PennDOT. The application is for a new driveway to be located on State Street to access their property on the west side of Field Lane. Jill Smith explained the property owners have been using Field Lane, which is a private lane, for access but were denied further use of it via a recent court order and therefore need to provide an alternate access for the property. Jill stated since the Township is on PennDOT's municipal review list, PennDOT requires a letter from the Township before they will issue the driveway permit. The Board reviewed the driveway location proposed by Mr. and Mrs. Karom and decided that if the driveway configuration was acceptable to PennDOT, then the Board had no objection to PennDOT issuing a highway occupancy permit for the proposed driveway as depicted on the plan dated July 13, 2009 submitted by the property owners.

Maryann Lantz made a **motion** for the Township to issue a letter to PennDOT stating there is no objection from the Township for issuing the Highway Occupancy Permit; Steven Wyka seconded the motion. All in favor.

Jill Smith also discussed with the Board the issue regarding the proposed shared use and maintenance of the driveway proposed to be used to access two properties owned by Mr. and Mrs. Karom located on the east side of Field Lane. The Township Engineer recommended the Township require an access easement agreement to be executed for the two parcels since the two parcels will be using a shared driveway. Additionally a portion of the driveway for the rear property would continue across the front property. Jill stated the access easement agreement will need to specifically reference both situations – the shared driveway (who will be responsible for construction and continued maintenance) and the portion that only the rear property would appear to use.

Maryann Lantz made a **motion** requiring Mr. and Mrs. Karom to submit the proposed access easement agreement within 30 days for the Township Solicitor's review prior to recording.

Allentown's Source Water Protection Plan Meeting

Jill Smith informed the Board of her recent attendance, along with Diana Erney, of the

Township's Environmental Advisory Committee, at the Allentown's Source Water Protection Plan Meeting. Jill distributed copies of notes from the presentation to the Board and explained the voluntary program has been designed to help ensure the quality of the local surface and groundwater draining to the Little Lehigh Creek. Jill explained the different zones in relation to groundwater protection with Zone 1 being the area immediately around the source requiring the most protection and is the highest priority. Jill noted the program encouraged further education and a powerpoint of the presentation is available to interested municipalities. Jill also added the Lehigh and Berks County Conservation Districts will be looking for volunteers to assist with water quality monitoring for the Little Lehigh Creek, including the Toad Creek, within the next year.

ZONING AND CODES ENFORCEMENT

Vice Chairman Steven Wyka read the following report issued by the Township Zoning Officer in Mr. Bender's absence at the meeting.

The Township Zoning Officer passed a recent follow-up L & I Audit of the Township's UCC files with no negative comments.

The Township Zoning Office reported there have been no permit applications for a new single family home this year other than the two replacement "cottages" at the Topton Lutheran Home.

Ed's report also included a statement that legislation has been introduced in both house of the state legislature to strip out the mandatory residential sprinklers from the 2009 ICC Codes for use in the UCC.

The Zoning Officer reported that the Township Zoning Hearing Board denied Mr. and Mrs. Berryman's appeal regarding Ed's interpretation of Section 614 of the Township's Zoning Ordinance as it pertains to parking their tractor trailer in the Conservation Zoning District. The Zoning Hearing Board also denied the Berryman's request for a variance. Ed requested that the Board review and decide if Mr. Berryman's request to occasionally park his truck at his home for routine maintenance work would be permitted. The Township Solicitor stated since the Zoning Hearing Board sustained the Township's decision, sporadic parking of any type is prohibited as a result of their decision. Rich concluded that the Zoning Officer should not suggest the applicant park his truck casually at anytime or offer any further comments to the Berryman's in reference to this matter.

Lastly, Ed's report noted recent investigations he completed over the past few weeks into complaints of septic system malfunctions, which he subsequently forwarded to the Township's Sewage Enforcement Officer.

SOLICITOR'S REPORT

Bear Creek Consent Agreement

The Township Solicitor distributed copies of a Consent Agreement prepared for Bear Creek

for the Board's review and approval for signature at a later time. Rich informed the Board that Bear Creek agrees to their recent violation of the Township's Subdivision and Land Development Ordinance with regards to the construction of tennis courts and a parking lot without an approved plan, and consents to it.

Maryann Lantz made a **motion** accepting the Consent Agreement for Bear Creek to be signed at a later date upon further review by the Board and signing of the document by Bear Creek; Steven Wyka seconded the motion. All in favor.

DiFiore Agreement

The Township Solicitor submitted a Consent Agreement for Jeremy DiFiore for the Board's review and approval for signature. Rich informed the Board that Mr. DiFiore agrees to enter into the Consent Agreement and to resolve the outstanding violation. He will pay a \$250.00 fine and abide by the Township's Zoning Ordinance in the future and not bring the tractor trailer onto the property in accordance with the ordinance.

Maryann Lantz made a **motion** approving the execution of the Consent Agreement for Jeremy DiFiore; Steven Wyka seconded the motion. All in favor.

RECREATION REPORT

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

Vice Chairman Wyka also announced Swampstock is scheduled for Saturday, August 1, 2009 from 2:00 p.m. until 9:00 p.m.

Boy Scout Request to Perform Volunteer Work for Achieving Merit Badge

Wade Warmkessel informed the Board that he is currently working toward achieving the Eagle Scout Rank in his Boy Scout Troop. Wade explained as a pre-requisite to completing the "Citizen in the Community" Merit Badge, he would need to volunteer at least eight hours of time to a community organization. Wade requested the Board's approval to volunteer his time to work at the Township Summer Playground Program for a minimum of eight hours free of charge in order to achieve the merit badge.

Maryann Lantz made a **motion** granting permission for Wade Warmkessel to volunteer a minimum of eight hours free of charge at the Township Summer Playground Program in order to achieve the merit badge; Steven Wyka seconded the motion. All in favor.

ROADMASTER REPORT

Report for June, 2009

OLD BUSINESS

Appointments of Township Voting Alternate Delegates and Approval of Resolution for the Appointments for Act 32 EIT – Berks County TCC

Maryann Lantz made a **motion** approving Resolution 2009-15 for the appointment of

Donald Siegfried as the First Alternate Voting Delegate and Steven Wyka as the Second Alternate Voting Delegate to the Act 32 EIT County-Wide Collection Committee; Steve Wyka seconded the motion. All in favor.

NEW BUSINESS

Tax Collector's Request for One-Time Payment Exception of Flat Rate

Maryann Lantz made a **motion** to approve a request made by the Township Tax Collector, Lorraine Meck, to accept a flat rate payment rather than the penalty rate as a one-time exception for Carol Loomis due to a recent medical emergency which caused the payment to be postmarked during the penalty period; Steven Wyka seconded the motion. All in favor.

Approval to Accept Annual Service Agreement for 2010 for Maintenance and Service of Township Back-Up Standby Kohler Generator

Maryann Lantz made a **motion** approving the annual service agreement for 2010 for the maintenance and service of the Township's back-up standby Kohler generator at a quoted price of \$205.00 as well as authorizing the Township Treasurer to sign the required documents for the agreement on behalf of the Township; Steven Wyka seconded the motion. All in favor.

Township Employees Educational Training Requests

Maryann Lantz made a **motion** to approve a training request made by Township Employees, Joni McPike, Township Treasurer and Scott Miller, Township Roadmaster to attend "CDL Drug and Alcohol Testing and Supervisory and CDL Records Management Training" to be held on August 19, 2009 at Albright College in Reading with a total registration fee of \$200.00 plus travel and mileage expenses; Steve Wyka seconded the motion. All in favor.

Republican Club – Request for Use of Meeting Room

Approval was granted for the Longswamp Republican Club to use the Longswamp Township Meeting Room every third Friday night of the month from 7:30 to 10:00 p.m. starting September 18, 2009. Maryann Lantz made a **motion** to grant approval for use of the Township Meeting Room to the Longswamp Republican Club; seconded by Steve Wyka. All in favor.

Louis Bobbyn, of **Representative Gary Day's** office, introduced himself as a contact to the Township Board of Supervisors and township residents for any questions or concerns they may have relative to state issues.

RECORD NOTES

None at this time.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$72,670.67 and transfers totaling \$287,739.48; Maryann Lantz seconded that motion. All in favor.
Roll Call Vote: Maryann Lantz, Yes; Steve Wyka, Yes.

BOARD COMMENTS

Vice Chairman Wyka recommended cancelling the Board of Supervisors Meeting scheduled for July 28, 2009 and meeting again the second week of August, which is August 11, 2009 at 7:00 p.m.

ADJOURNMENT

Maryann Lantz made a **motion** to adjourn the meeting at 7:44 p.m.; Steve Wyka seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary