

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
AUGUST 12, 2014

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: Steve Wyka, Chairman; Vice Chairman Michael Sacks; Jill Smith, representing the Engineer; Jill Nagy, Esquire, representing the Solicitor; David Fatzinger, Treasurer; and Jennifer Wassell-Bonser, Secretary. Supervisor Randy Sicher was absent from the meeting.

CALL TO ORDER

Chairman Steve Wyka called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of July 8, 2014 would not take place. Draft copies of those minutes were available in the Meeting Hall.

APPROVAL OF MEETING MINUTES

Mike Sacks made a **motion** approving the Minutes of the regular meeting of July 8, 2014 as presented; Steve Wyka seconded the motion. All in favor.

APPROVAL OF TREASURER'S REPORT

The Township Treasurer reviewed the Treasurer's Report for the month of July, 2014 as presented for the Board of Supervisor's further review. The Treasurer's Report for the month of July, 2014 indicated \$669,816.57 total Township General Funds for the period, \$988,516.23 total Township Additional Funds for the period, for a total of \$1,658,332.80 in Total Account Funds for the period.

Mike Sacks made a **motion** accepting the Treasurer's Report for the month of July, 2014 subject to further audit; Steve Wyka seconded the motion. All in favor.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENTS

Mr. James Werst, 375 Longsdale Drive, addressed the Board of Supervisors relative to debris removal upon completion of mowing work performed by the Township Road Crew. Mr. Werst reported that tree branches and trimmings were left on his property after the Township Road Crew had mowed the roadside at his property located near Tower Road and Longsdale Drive.

The Board thanked Mr. Werst for sharing his concerns and bringing the issue to their attention. It was noted Chairman Wyka would address the situation with the Road Crew.

ENGINEERING AND PLANNING COMMISSION REPORT

Curtis Morton Minor Subdivision – Time Extension

Mike Sacks made a **motion** granting the three-month time extension for the Curtis Morton Minor Subdivision to December 2, 2014 as requested by the Developer; Steve Wyka seconded the motion. All in favor.

Topton Ambulance Facility – Request for Release of Security

The Township Engineer addressed the Board of Supervisors regarding a request from the Topton Community Ambulance Service for release of security for improvements completed at the Topton Ambulance Facility. Jill Smith confirmed that as of October 31, 2013, all required site improvements were completed and the As-Built Plans were submitted and reviewed by Hanover Engineering. It was noted that the remaining balance of security could be released upon Topton Ambulance Facility supplying a Maintenance Bond in the amount of 15% for the 18-month maintenance period. Jill noted since the improvements have been completed for almost a year, the Board may wish to consider waiving the Maintenance Period, if the Maintenance Bond was not submitted last year, since the improvements will not be dedicated to the Township. Jill explained the Board could authorize releasing the remaining escrow security contingent upon Hanover Engineering performing a final inspection of the site in order to ensure all site improvements, particularly the stormwater facilities, are still functioning properly.

Mike Sacks made a **motion** granting a waiver for the remainder of the Maintenance Period conditioned on Hanover Engineering performing a final stormwater inspection in lieu of securing a Maintenance Bond as required in accordance with the Developer's Improvement Agreement; Steve Wyka seconded the motion. All in favor.

Mike Sacks made a **motion** authorizing approval of the request for release of security in the amount of \$44,831.54 from the Letter of Credit being held by the Township for the Topton Community Ambulance Project; Steve Wyka seconded the motion. All in favor.

East Penn Manufacturing Parking Lot – PennDOT Issues

The Township Engineer reviewed details of the Conditional Final Plan approval previously granted by the Board of Supervisors for the East Penn Manufacturing Parking Lot Expansion Project. Jill Smith noted details related to outstanding items previously outlined by Hanover Engineering, which included obtaining a Highway Occupancy Permit from PennDOT for their existing driveway access off of Old Topton Road. Jill noted East Penn Manufacturing requested authorization to begin construction on the parking lot expansion project and the Township agreed to allow the start of construction of site improvements, with the condition that East Penn Manufacturing discuss with PennDOT whether a new HOP Permit was needed for the existing driveway and that the new lot/parking facilities could not be utilized until the issue was resolved with PennDOT, either by issuance of a new permit or written confirmation by PennDOT that a new permit was not required.

Representatives from East Penn Manufacturing addressed the Board of Supervisors and provided a summary of the site improvements completed to date and a status of their correspondence with PennDOT, including the submission of a HOP package for a low volume driveway permit.

Mike Sacks made a **motion** to allow East Penn Manufacturing to continue with construction of their approved site improvements with the condition that East Penn Manufacturing continue to proceed in resolving the driveway permit issue with PennDOT and that they provide Hanover Engineering with a copy of the Stormwater Management Plan and Report to be submitted to PennDOT for the Township Engineer's review and comment; Steve Wyka seconded the motion. All in favor.

SEO REPORT

LTL Consultants, Ltd. Report for Month of July 2014

Chairman Wyka reviewed the activities as noted in the Sewage Enforcement Officer's Report for the month of July 2014.

Well Isolation Distance Waiver Request – 1210 State Street

Chairman Wyka addressed a waiver request received from the property owner of 1210 State Street for the required isolation distance between the proposed onlot sewage disposal system and the existing onlot well. Chairman Wyka explained the new onlot sewage disposal system, to replace the failing system, will be located on the adjacent property at 15 Mabry Street and will require an Easement Agreement between the two (2) property owners. Steve confirmed the Township Sewage Enforcement Officer has recommended allowing the waiver and the neighbors are in agreement to the easement.

The Township Solicitor recommended the Board execute an Indemnification Agreement with property owner in order to indemnify the parties granting well isolation distance exemption, and the recorded Agreement will satisfy the necessary notification to future property owners, as well as neighboring property owners. This would ultimately provide protection to the Board of Supervisors, as well as the Township Sewage Enforcement Officer, from any liability associated with granting the exemption. Jill also recommended the Township require a copy of the Easement Agreement executed and recorded between the property owners to be submitted to the Township for the Township's file.

Mike Sacks made a **motion** granting the waiver requested for the well isolation distance at 1210 State Street and to enter into an Indemnification Agreement with the property owners, as well as require a copy of the executed Easement Agreement between the neighbors to be submitted to the Township for the Township's file; Steve Wyka seconded the motion. All in favor.

SMP Program Update

Chairman Wyka addressed the Board of Supervisors regarding the importance for property owners to pump their onlot septic system within the designated pumping cycle as outlined in the Township Sewage Management Program. Steve stressed the SMP Program was designed to enforce the Township's efforts in securing an Act 537 Plan. Steve expressed concerns that violators of the program could potentially subject the Township to be audited by the Pennsylvania Department of Environmental Protection. Steve suggested the Board consider bypassing the mailing reminder notices to those property owners who are in non-compliance of the pumping deadline and proceed directly to issuing a Notice of Violation due to the overall expense involved. It was noted the program has been in place for the fourth cycle and it is property owners' responsibility to be aware of the program and their specific pumping cycle. It was also noted the cycle designations are listed in the Township newsletter as a reminder to residents.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for June 25, 2014 to July 29, 2014

Chairman Wyka reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of June 25, 2014 to July 29, 2014.

SOLICITOR'S REPORT

Stone Avenue Minor Subdivision – Resolution for Deed of Dedication

The Township Solicitor provided the Board of Supervisors with the Resolutions for Deed of Dedications for the right-of-way being dedicated in conjunction with the Stone Avenue Minor Subdivision.

Mike Sacks made a **motion** accepting the Deeds of Dedication for the Stone Avenue Minor Subdivision and adopting Resolution Nos. 2014-13, 2014-14, and 2014-15, Accepting the Offers of Dedication to be used for an Ultimate Right-of-Way located along Greiss Street (Lot 1), Stone Avenue (Lot 1), and Stone Avenue (Lot 2), respectively; Steve Wyka seconded the motion. All in favor.

Locust Street Cul-de-sac/Right-of-Way Vacation

The Board of Supervisors discussed the status of the Township's vacation of a portion of public roadway in conjunction with the construction of a cul-de-sac at the end of Locust Street. Chairman Wyka noted the ownership and right-of-way concerns brought forth by the property owner who has not signed the Deed of Dedications previously prepared for her signature. The Township Engineer, Solicitor, and Board of Supervisors agreed due to the lapse of time and expense involved with the proposed project and the apparent inability for the Township to reach an understanding with the property owner, the Vacation Ordinance should be repealed and the project closed out. The Township Road Crew will therefore continue their snow plowing efforts in the same fashion as done in the past without the construction of the cul-de-sac.

Mike Sacks made a **motion** to authorize repealing Ordinance No. 276, Locust Street Right-of-Way Vacation Ordinance, in its entirety, by accepting Ordinance No. 277 for adoption; Steve Wyka seconded the motion. All in favor.

Special Events Ordinance

The Township Solicitor provided the Board of Supervisors with a draft Special Events Ordinance for further review and consideration for adoption at a future Board meeting. Jill Nagy explained the draft Ordinance presented contains components of various types of events that may or may not be applicable within the Township, noting the Board can determine various exceptions in order to keep the Ordinance coherent with the culture of the Township. Jill suggested the Board may also wish to consult with the Township Zoning Officer in order to provide enforcement provisions for inclusion in the Ordinance.

Supplement Narrative to Frederickville Farms Planning Modules

The Township Solicitor stated no action is necessary by the Township at this time since an extension was previously granted by the Board to the Department of Environmental Protection for reviewing the proposed Frederickville Farms Act 537 Planning Module.

Service Electric Cable Franchise Fee Payments Agreement

Mike Sacks made a **motion** authorizing the Township Solicitor to continue further negotiations with Service Electric regarding cable franchise fee payments and terms of the Cable Franchise Agreement; Steve Wyka seconded the motion. All in favor.

Hunsicker's Grove

The Township Solicitor provided the Board of Supervisors with an update regarding a meeting she recently attended on behalf of the Township with the Berks County Solicitor relative to securing Hunsicker's Grove. Jill Nagy explained terms and stipulations for inclusion in the final Agreement for consideration for execution between the Township and the County were discussed and the Agreement will ultimately include terms defining Deed and Licensing details.

Mike Sacks made a **motion** authorizing the Township Solicitor to proceed with negotiations with Berks County on behalf of the Township in order to secure the acquisition of Hunsicker's Grove; Steve Wyka seconded the motion. All in favor.

Outstanding Sewer Fees

Mike Sacks made a **motion** authorizing the Township Solicitor to draft a Resolution providing enforcement measures for collecting outstanding sewer surcharges owed to the Township by property owners who are connected to the Borough of Topton sewer system; Steve Wyka seconded the motion. All in favor.

Zoning Hearing Appeal

The Board authorized the Township Solicitor to ratify the appeal for the Shah/Smith Zoning Hearing application.

Update on Lick Settlement Agreement

The Township Solicitor informed the Board of Supervisors she has completed her review of the Consent and Settlement Agreement between the Township and Lick Trucking and all the outstanding items have been satisfied.

Mike Sacks made a **motion** approving the Consent and Settlement Agreement to be executed between the Township and Lick Trucking; Steve Wyka seconded the motion. All in favor.

RECREATION REPORT

Chairman/Park and Recreation Director, Steve Wyka announced the August Park & Recreation Commission Meeting has been cancelled.

Approve 2014 Field Utilization Agreements for Topton Soccer Club

Mike Sacks made a **motion** approving and signing the 2014 Field Utilization Agreements between the Township and Topton Soccer Club; Steve Wyka seconded the motion. All in favor.

ROADMASTER REPORT

Watch Children/Reduce Speed Sign Request – South Park Avenue

Chairman Wyka addressed the Board regarding a request made by a resident of South Park Avenue for the Board's consideration of posting "Watch Children" and/or "Reduce Speed" signs in the area near 147 South Park Avenue. The property owner is concerned about vehicle traffic going too fast in the area. It was noted South Park Avenue is already posted with speed limit signs and watch children sign(s).

Mike Sacks made a **motion** authorizing Hanover Engineering to review the issue and provide recommendations for additional signage or other options to help reduce the speed of cars traveling on South Park Avenue; Steve Wyka seconded the motion. All in favor.

OLD BUSINESS

None at this time.

NEW BUSINESS

None at this time.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$509,403.35 and transfers totaling \$37,066.98 for the period of July 9, 2014 through August 12, 2014; Steve Wyka seconded that motion. All in favor.

Vote: Mike Sacks, Yes; Steve Wyka, Yes

ADJOURNMENT

It was noted the August 26, 2014 Board of Supervisors Meeting would be cancelled and the Board would plan on meeting again the second week of September, which is September 9, 2014 at 7:00 p.m.

Mike Sacks made a **motion** to adjourn the meeting at 8:04 p.m.; Steve Wyka seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary