

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
AUGUST 9, 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; Jill Nagy, Esquire, representing the Solicitor; Jill Smith, 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 July 12, 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 July 12, 2011; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

None at this time.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENTS

None at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

Wilson Minor Subdivision Deed of Dedication Cost-Sharing Request

The Township Engineer discussed with the Board the request by the property owner's representative made at the July 12, 2011 Board of Supervisors Meeting for the Township to consider sharing the cost for preparing the documents for the dedication of Right-of-Way. Jill Nagy stated it was her recommendation that the property owner of the Wilson Minor Subdivision pay the full costs of preparing and recording the Deeds of Dedication being offered as has been normal practice.

Mike Sacks made a **motion** authorizing the Township Secretary to notify the property owner of the Wilson Minor Subdivision that the full costs incurred for preparing and recording the Right-of-Way Deeds of Dedication are the responsibility of the property owner based on normal Township procedure; Maryann Lantz seconded the motion. All in favor.

Mertz Road Bridge Project – Revised Cost Estimate

The Township Engineer provided the Board of Supervisors with an updated cost estimate for replacing the existing Mertz Road Bridge over the Toad Creek with a similar single span precast concrete bridge. Jill Smith reviewed the details of Hanover Engineering's update which would include only minor changes in hydraulic capacity and alignment of the stream. Jill noted the estimated cost with contingencies at this time is \$175,605.00 as compared to \$156,975.00 in 2006.

Chairman Wyka also reviewed the revised cost estimate for the Mertz Road Bridge Project and expressed the Board's uncertainty of replacing the bridge at this time due to the cost factor. Steve expressed concerns due to specific mandates expected to be passed in the future which may affect the Township budget. Steve noted that Liquid Fuels monies may be used in the future if it is determined that the bridge replacement becomes a priority, and if there is no funding available through the Community Development Block Grant Program or other grant program.

Lower Macungie Greenway Project

The Township Engineer reviewed information as received by the Township from KMS Design Group, McLane Associates and Wildlands Conservancy, who are working with Lower Macungie Township in order to develop a Greenways and Open Space Plan. Jill Smith explained the details of Lower Macungie Township's proposal to connect the parks and green spaces in order to protect natural resources. Jill stated Longswamp Township was identified as a key resource which could influence the regional recommendations of Lower Macungie's plans. It was noted Lower Macungie requested that a representative of Longswamp Township respond to a list of questions which might have an impact on Lower Macungie's proposal. Jill reviewed the areas describing the focus of the plan and what role Longswamp Township could play in the planning and development of the proposed greenway network. Jill noted the Planning Commission reviewed the questions as received, and that the Chairman of the Planning Commission provided draft responses on behalf of the Township.

Chairman Wyka recommended consideration also be given to the Township's agricultural community and suggested allowing property owners an opportunity for their input as to the impact on farms and their farming practices so that greenways and agricultural uses can co-exist.

Mike Sacks made a **motion** authorizing the responses as prepared by the Chairman of the Township Planning Commission be forwarded to Lower Macungie Township's consultant regarding their proposed Greenway Project; Maryann Lantz seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for June 24, 2011 to July 26, 2011

The Township Zoning and Codes Enforcement Officer, John Yoder, reviewed the activities as noted in his report for the period of June 24, 2011 to July 26, 2011. John outlined the details of specific zoning issues, as well as the issuance of Notices of Violation by the Township Zoning Office, and asked for the Board's consideration to move forward with the issuance of citations.

Mike Sacks made a **motion** authorizing the Township Zoning and Codes Enforcement Officer to issue citations to 3 Barclay Street, 360 Longsdale Drive, and to the property owner of the Golden Meadows Subdivision; Maryann Lantz seconded the motion. All in favor.

The Township Zoning and Codes Enforcement Officer also informed the Board of Supervisors

that a concerned resident of the Township brought several properties harboring maintenance issues to his attention recently.

Maryann Lantz made a **motion** authorizing the Township Zoning and Codes Enforcement Officer to send letters to property owners notifying them that they are in violation of Township Maintenance Codes; Mike Sacks seconded the motion. All in favor.

Amos Gross Lot Consolidation Waiver Request

Mr. Amos Gross addressed the Board of Supervisors in order to request a waiver for providing a plan in accordance with SALDO to combine three small adjacent parcels that he owns into one parcel. Mr. Gross explained that he is in the process of submitting a permit application to construct a carport that will be located on the lot line between two of his parcels, and that combining the lots is the only way he will be able to achieve his goal.

The Township Engineer noted that typically a plan is required to be submitted, approved, and recorded in order to consolidate lots.

The Township Solicitor suggested the Board's consideration of tabling Mr. Gross's request in order to allow for further research into the specific circumstances of this matter.

Mike Sacks made a **motion** to table a request made by Amos Gross in order for the Township Engineer and Township Zoning and Codes Enforcement Officer to make a recommendation based on further research due to the technical aspects involved; Maryann Lantz seconded the motion. All in favor.

Mertztown Rod & Gun Club Land Development Plan Waiver Request

The Township Zoning and Codes Enforcement Officer, as well as a representative from the Mertztown Rod & Gun Club, addressed the Board of Supervisors regarding the submission of an application by the Gun Club to construct a small bathroom addition to their clubhouse, as well as a paved walkway to the rear of the building. John Yoder noted the proposal for the addition meets the definition of a Land Development Plan according to the Township Subdivision and Land Development Ordinance and that a waiver request has been submitted by the Mertztown Rod & Gun Club.

Maryann Lantz made a **motion** granting a waiver from the Land Development Plan as defined in the Township Subdivision and Land Development Ordinance as requested by the Mertztown Rod & Gun Club; Mike Sacks seconded the motion. All in favor.

Lick Trucking

The Township Zoning and Codes Enforcement Officer asked for the Board of Supervisors guidance regarding Lick Trucking due to concerns of tractor trailers parked on the property without the proper permits.

Mike Sacks made a **motion** authorizing the Township Solicitor and Engineer to provide guidance to the Township Zoning and Codes Enforcement Officer as necessary for enforcement of an on-going parking violation issue at Lick Trucking; Maryann Lantz seconded the motion. All in favor.

SOLICITOR'S REPORT

Silbermann Conditional Use Application Public Hearing

The Township Solicitor explained options available to the Board at this time in order to render a Decision based on the Public Hearing for the Silbermann Conditional Use Application.

Mike Sacks made a **motion** to table the Board's Decision until the next Board of Supervisors Meeting scheduled to be held in September relative to the Conditional Use Public Hearing for Mr. and Mrs. Silbermann's request to create an accessory apartment within their existing residential structure located at 275 Centennial Road; Maryann Lantz seconded the motion. All in favor.

Floodplain Ordinance

The Township Engineer and Solicitor reviewed a draft Floodplain Ordinance as provided for the Board of Supervisors consideration. Jill Nagy outlined the details of the intent and applicability of the Ordinance, as well as prohibited activities as listed in the Ordinance. Jill explained FEMA's requirement that all municipalities must adopt a new Floodplain Ordinance that meets the National Flood Insurance Program (NFIP) and the County's request that all municipalities submit their draft Floodplain Ordinance for initial review by the Federal Emergency Management Agency (FEMA).

Maryann Lantz made a **motion** authorizing the Township Solicitor to submit the draft Floodplain Ordinance, as reviewed by the Board of Supervisors, to FEMA for initial review as required; Mike Sacks seconded the motion. All in favor.

Nuisance Noise Ordinance

The Township Solicitor reviewed details of various Ordinances used to control nuisance noise issues in other Townships that have State Police coverage. Jill Nagy suggested the Board's consideration of drafting a Nuisance Noise Ordinance in order to assist the State Police with enforcement of noise violations within the Township. Jill explained the difficulties of enforcing noise standards and citing noise violators and suggested including restrictions without being subjective for the Board's consideration of including in a Nuisance Noise Ordinance.

The Board of Supervisors authorized the Township Solicitor to provide a listing of activities for possible inclusion in drafting a Nuisance Noise Ordinance for the Board's consideration.

Lieutenant Craig Stine, Pennsylvania State Police – Reading Barracks, addressed the Board of Supervisors, as well as the audience in attendance, and provided a history of the State Police Department in addition to reviewing statistics of year-to-date State Police dispatches within Longswamp Township. Lt. Stine offered guidance and key points for the Board to consider including within a Nuisance Noise Ordinance in order to help alleviate disruptive action within the Township. Lt. Stine also explained the necessity of police presence at the location when a violation is occurring so the Troopers have power to enforce and cite the issue appropriately. Lt. Stine also suggested consideration be given to include a time of night within the Ordinance defining when noise would be considered offensive so State Police can further enforce such a citation.

Chairman Wyka thanked Lt. Stine for attending the Board of Supervisors Meeting, as well as for his support along with that of the entire State Police Barracks, and their efforts toward helping resolve nuisance noise issues within the Township.

2011 Agriculture Security Area

It was noted that no new Ag Security Proposals were submitted to date for inclusion in the Agriculture Security Area during the open month of August.

Maryann Lantz made a **motion** for preliminary authorization for the Township Solicitor to advertise and process any submitted Ag Security Request applications upon receipt by August 31, 2011 if necessary; Mike Sacks seconded the motion. All in favor.

Topton Water Meter Inspections

The Township Solicitor updated the Board on procedures necessary in order to comply with the Pennsylvania Department of Environmental Protection's requirement to conduct inspections of all properties located within Longswamp Township which are connected to the Borough's sewer system. Jill Nagy outlined details related to working with the Borough of Topton in order to determine if there are any improper or illegal connections. Jill Nagy reviewed the process and procedures that should be followed via Resolution, as well as the protocol involved in the event an inspection discloses an illegal connection or other non-compliance.

Mike Sacks made a **motion** authorizing the Township Solicitor to proceed with drafting the necessary Resolution outlining the procedures and processes which need to be adhered to so the water meter inspection process can proceed with the Borough of Topton; Maryann Lantz seconded the motion. All in favor.

Mike Sacks made a **motion** to prepare the required Deed of Dedication in order for Longswamp Township to dedicate the water lines within the Township located on Freehall Street to the Borough of Topton; Maryann Lantz seconded the motion. All in favor.

RECREATION REPORT

Chairman Wyka announced the date of the August Park & Recreation Commission Meeting as scheduled for Tuesday, August 16, 2011 at 7:00 p.m.

Chairman Wyka also the Reading Philharmonic will be performing in the Township Park on Wednesday, August 10, 2011 from 7:00 p.m. until 9:00 p.m. and invited anyone interested to attend.

Chairman Wyka reviewed the Township Park and Recreation Meeting Minutes for April 19, 2011 and May 17, 2011 as presented to the Board.

ROADMASTER REPORT

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

OLD BUSINESS

Resolution No. 2011-3, Establishing On-Lot Sewage Disposal System Permit Application Fees for 2011

Maryann Lantz made a **motion** accepting Resolution No. 2011-3 for adoption, Establishing Escrow Accounts for On-Lot Sewage Disposal System Permit Application and Establishing Fees Related To Soil Evaluation During Subdivision and Land Development Planning for On-Lot Sewage Disposal Systems; Mike Sacks seconded the motion. All in favor.

NEW BUSINESS

Sewage Enforcement Officer's On-Lot Sewage Permit, Sewage Management Program, and Subdivision Report – July, 2011

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

Electricity Procurement for 2012

The Township Secretary provided the Board of Supervisors with preliminary up-to-date information related to the County's efforts and potential direction of options for electricity service for 2012 and beyond since the current electricity contract is set to expire in December, 2011.

Approval of The Lutheran Home at Topton Agreement for Emergency Services

The Township Solicitor reviewed details of an Agreement for Emergency Services as received from The Lutheran Home at Topton. Jill Nagy explained the Township's obligation to provide the Township Municipal Building to The Lutheran Home in the event of an emergency since the building is designated a fall-out shelter.

The Board of Supervisors raised concerns related to the Agreement as presented specific to a requirement stating the Township shall provide any staff and equipment needed for emergency repairs or evacuation of The Lutheran Home at Topton.

Jill Nagy suggested negotiating with representatives from The Lutheran Home to exclude Township Staff and equipment from the Agreement as written and suggested specifying the Township Municipal Building is available as capacity allows at the discretion of the Township Emergency Management Co-Ordinator, Neil Conrad.

The Board of Supervisors directed Neil Conrad negotiate and review the details of the Agreement for Emergency Services with Paul Moriarty, Director of Plant Operations of The Lutheran Home at Topton, on behalf of the Township. It was also noted that Supervisor Mike Sacks would review the Agreement at the upcoming Public Safety Committee Meeting.

Appointment of Township Human Resources Director

Mike Sacks made a **motion** to appoint Vice Chairman Maryann Lantz as Township Human Resources Director; Steve Wyka seconded the motion. Maryann Lantz abstained. Mike Sacks and Steve Wyka in favor.

Discussion of Out-Sourcing Payroll

Chairman Wyka reviewed details of a proposal from AD Computer for providing payroll services. It was noted that the quote, as received, was preliminary and may increase due to outstanding details which will need to be addressed regarding the specific employment status of each staff member and various pay cycles.

Mike Sacks made a **motion** authorizing the Township Treasurer to proceed with finalizing the necessary Agreements with AD Computer for out-sourcing payroll services in order for Board's final consideration of approval at the September 13, 2011 Board of Supervisors Meeting; Maryann Lantz seconded the motion. All in favor.

Appointment of Township Voting Delegate for Act 32 EIT – Berks County Tax Collection

Committee

The appointment of Township Voting Delegate for Act 32 EIT – Berks County Tax Collection Committee was tabled until the next Board of Supervisors Meeting scheduled to be held in September in order for the appropriate Resolution to be prepared by the Township Solicitor. It was noted that Rosemary Lamaestra has offered herself for the appointment.

Township Staff Request to Participate in Off-Site Event

Maryann Lantz made a **motion** approving the Township Staff's request for attending an off-site event being hosted, with no fee, at the Township's office supplier, Office Service Company on Wednesday, October 5, 2011; Mike Sacks seconded the motion. All in favor.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$60,172.10 for the period of July 8, 2011 to August 9, 2011; Maryann Lantz seconded that motion. All in favor.

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

ADJOURNMENT

Chairman Wyka recommended cancelling the Board of Supervisors Meeting scheduled for August 23, 2011 and meeting again the second week of September, which is September 13, 2011 at 7:00 p.m.

Mike Sacks made a **motion** to adjourn the meeting at 8:45 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary