

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
SEPTEMBER 11, 2012

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: Michael Sacks, Chairman; Maryann Lantz, Vice Chairman; Steven Wyka, Supervisor; Jill Nagy, Esquire, representing the Solicitor; Jill Smith, representing the Engineer; David Fatzinger, Treasurer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Chairman Michael Sacks called the meeting to order at 7:00 p.m. and announced the reading of the minutes of the regular meeting of August 14, 2012 would not take place.

APPROVAL OF MEETING MINUTES

None at this time.

APPROVAL OF TREASURER'S REPORT

The Township Treasurer reviewed the Treasurer's Report for the month of August, 2012 as presented for the Board of Supervisor's further review.

Maryann Lantz made a **motion** accepting the Treasurer's Report for the month of August, 2012 subject to further review; Steve Wyka seconded the motion. All in favor.

Dave Fatzinger reviewed results of the PA Department of Transportation Township's Liquid Fuels Tax Fund Audit. Dave noted the monitoring report indicated one minor finding related to a check drawn from the Liquid Fuels Tax Fund account with only one signature whereby the Township requires at least two signatures on all checks drawn from the account.

The Township Treasurer provided the Board with an update on the 2013 Minimum Municipal Obligation (MMO) Employee Pension Plan and noted an increase in the obligation amount from last year.

ANNOUNCEMENTS

Chairman Sacks announced the date of the 2012 Topton Halloween Parade as scheduled for Saturday, October 13, 2012 beginning at 6:00 p.m.

Maryann Lantz made a **motion** authorizing Mike Sacks to drive the Longswamp Township truck in the 2012 Topton Halloween Parade; Steve Wyka seconded the motion. All in favor.

Chairman Sacks outlined details related to an Agreement acknowledging that the Topton Volunteer Fire Company has entered into an agreement to finance a 2013 E-One Custom Pumper in the amount of \$473,178.00. Chairman Sacks confirmed the Agreement does not in any way constitute any financial involvement of the Township, it simply satisfies IRS requirements.

Steve Wyka made a **motion** executing and accepting the Acknowledgement and Written

Agreement with the Topton Fire Volunteer Fire Company to finance a 2013 E-One Custom Pumper in the amount of \$473,178.00; Maryann Lantz seconded the motion. All in favor.

PUBLIC COMMENTS

Eloise Long addressed the Board of Supervisors, reviewing several projects currently in production by the Historical Society in addition to expressing the Society's intent to continue the organization's pursuit of preserving the historical integrity of the Township. **Marie Maly** also expressed the Society's ultimate goal of opening a museum to host artifacts of the Township. Representatives of the Historical Society requested the Board of Supervisors re-consideration of allowing the Society use of the Township Meeting Room in order to continue their preservation efforts.

The Board of Supervisors thanked the members of the Historical Society for their continued efforts and goals of preserving Township history. The Board continued by reviewing the Township Building Use Policy as recorded in previous Meeting Minutes of the Supervisors which stipulates use of the Municipal Building only by organizations affiliated with the Township.

The Board reviewed the series of events which resulted in the determination of the discontinued use of the Township Building by the Historical Society. It was noted that upon the previous request by the Society to the Board for authorization to rescind the Resolution Establishing the Historical Committee, the Historical Society would no longer be associated with the Township. It was noted, and previously recorded, that the intention of the Historical Society is to be separate from the Township, so they can act on their own behalf as a non-profit organization with financial independence from the Township. The Board also clarified that at the time the Resolution was rescinded, it was the Historical Society's understanding that use of the Township Building for future meetings would be discontinued. It was further noted at that time as agreed and understood since the Historical Society would no longer be an established committee of the Township, the organization would meet at an alternative location due to their separation from the Township.

Historical Society member, **Mike Radcliffe** expressed his objection to the Township Building Use Policy and requested the Board's consideration of allowing a special exception to the Historical Society due to the organization's originating relationship with the Township.

The Township Solicitor explained various options for consideration in relation to defining how the Historical Society's finances are handled in addition to defining the Historical Society's relationship to the Township as that of an official recommendation board to the Township versus that of a non-profit organization.

Maryann Lantz made a **motion** authorizing the Township Solicitor to research the impact of 501(c)3 status in relation to how the Historical Society can function under the Township's umbrella and continue to collection donations as a non-profit organization; Steve Wyka seconded the motion. All in favor.

ENGINEERING AND PLANNING COMMISSION REPORT

East Penn Manufacturing Parking Lot Expansion Project – 3-Month Time Extension for

Preliminary/Final Plan Review Requested to December 6, 2012

Maryann Lantz made a **motion** accepting the three-month time extension for the East Penn Manufacturing Tipton Facility Parking Lot Expansion Project to December 6, 2012, as requested by the Developer and recommended by the Planning Commission; Steve Wyka seconded the motion. All in favor.

Frederick Annexations – Request for Deferral of Sketch Plan Review to Maxatawny Township

The Township Engineer informed the Board that the Developer for the Frederick Annexation Sketch Plan for Record has submitted a request for the Board's consideration to defer plan review to Maxatawny Township. Jill Smith recommended, as per the Planning Commission's review, that the Board defer full review of the plan to Maxatawny Township as requested by the Developer since only a small portion of the project site is located with the Township and no new improvements are being proposed that will affect the area in the Township.

Steve Wyka made a **motion** to defer review of the Frederick Annexation Plan to Maxatawny Township, as requested by the Owner and recommended by the Planning Commission conditioned upon the Developer satisfactorily addressing the comments as outlined in Hanover Engineering's letter dated August 28, 2012; Maryann Lantz seconded the motion. All in favor.

Act 537 Plan

The Township Engineer distributed and reviewed details related to the revised draft Act 537 Sewage Facilities Plan for the Township which proposes the continued utilization of onlot septic systems as the Township's Official Plan. The Township Solicitor provided a copy of the draft Resolution for the Board's consideration at an upcoming meeting.

Steve Wyka made a **motion** authorizing the Township Solicitor to advertise the draft plan for public comment and to distribute the draft plan to adjacent municipalities, the County, and the School District, as required; Maryann Lantz seconded the motion. All in favor.

Berks County Draft Comprehensive Plan Review/Comment

The Township Engineer reviewed Hanover Engineering's comment letter to the Berks County Planning Commission dated September 11, 2012 in response to the County's Draft Comprehensive Plan 2030. Comments included noting the Township's intention to continue to pursue the utilization of onlot sewage disposal systems in place of individual public sewers and recommending that the entire MRC Overlay District be considered a "Designated Growth" area in the Future Land Use Maps in the Plan.

State Street Safety Issue

The Township Engineer informed the Board about a safety concern on State Street that was recently brought to her attention. Jill Smith explained there have been several accidents in the area of State Street near Garden Bargains and the intersection of Mountain Road over the past year or so where vehicles traveling toward Maple Grove have lost control and veered off the road into a duplex just past the intersection. It was noted there has been significant damage to both the vehicles and the structure as a result of the accidents. Jill noted the incidents may be related to a drainage issue along State Street and suggested notifying the Township Roadmaster regarding the accidents in order to bring it to the attention of the Pennsylvania Department of Transportation.

Steve Wyka made a **motion** authorizing the Township Engineer to review the area at State Street near Garden Bargains and the intersection of Mountain Road with the Township Roadmaster in

order to research stormwater runoff and drainage issues that may be problematic in the area; Maryann Lantz seconded the motion. All in favor.

SEO REPORT

New Sewage Enforcement Officer Appointment Request

Maryann Lantz made a **motion** appointing Ian M. Huff as an additional Township Sewage Enforcement Officer; Steve Wyka seconded the motion. All in favor.

Jack Larkin (formerly Janet Banks) Sewage Facilities Planning Module for Small Flow Treatment Facility

The Township Engineer reviewed details related to an application for a permit to replace the existing sewage disposal system at 275 Pilgert Street. Jill Smith explained that the existing system was malfunctioning, causing discharge of partially treated sewage to the surface of the ground, therefore causing the property owner to pump the treatment tank frequently in order to prevent surface discharge. Jill informed the Board that based on soils evaluations which were conducted at the property, it was determined that the soils could not support a conventional or alternate onlot sewage disposal system and that a small flow stream discharge system is proposed to replace the existing malfunctioning system. Jill stated a Sewage Facilities Plan revision must be approved by the Township and DEP and once planning is approved, DEP will issue the permit for the installation of the system. Jill recommended the Board's approval of the required Planning Module in addition to executing the Installation and Maintenance Agreement for

Small Flow Treatment Facility Agreement for submission to DEP.

Steve Wyka made a **motion** authorizing the acceptance of the Resolution for Plan Revision for New Land Development, Resolution No. 2012-17; Maryann Lantz seconded the motion. All in favor.

Steve Wyka made a **motion** authorizing the Township Secretary's signature of the Larkin/Banks Sewage Facilities Planning Module on behalf of the Township for submission to DEP; Maryann Lantz seconded the motion. All in favor.

Steve Wyka made a **motion** authorizing the execution of the Installation and Maintenance Agreement for Small Flow Treatment Facility between Janet Banks c/o Jack Larkin and the Township for submission with the Planning Module submission to DEP; Maryann Lantz seconded the motion. All in favor.

Sewage Management Report Update

The Township Engineer provided the Board of Supervisors with an update relative to the Sewage Management Program. Jill Smith noted 27 property owners have not pumped from Cycle 3 and that notices have been sent and that second notices are in the process of being sent to those in violation.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for July 30, 2012 to August 28, 2012

Chairman Sacks reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of July 30, 2012 to August 28, 2012.

Timber Harvesting

Chairman Sacks reviewed concerns relative to damage being caused to Township roads during timber harvesting.

The Township Engineer suggested the Board's consideration of requiring an escrow account to be set up by the property owner at the time of applying for a Timber Harvest Permit in order to off-set the potential cost that may be incurred to the Township for damage to Township roads during timber harvest activities.

Maryann Lantz made a **motion** authorizing the Township Solicitor to research requirements related to setting up escrow accounts for the issuance of a Timber Harvest Permit; Steve Wyka seconded the motion. All in favor.

Township Sewer Lines

The Township Solicitor informed the Board that the Borough of Topton will be continuing discussions and further consideration regarding accepting dedication of the existing sanitary sewer lines within the Township. The issue will be discussed at the Borough's Council Meeting with the Borough Authority on September 24, 2012.

SOLICITOR'S REPORT

Ag Area Security District

The Township Solicitor noted that one Agricultural Security Area application was received by the Township for review and consideration. Jill Nagy reviewed the distribution procedure which includes sending the application to the Township Planning Commission and Agricultural Security Committee for review and comment. It was noted the public hearing will be held at the start of the Board of Supervisors Meeting in November.

Steve Wyka made a **motion** authorizing advertising the Agricultural Security Area public hearing to be held at the November Board of Supervisors Meeting; Maryann Lantz seconded the motion. All in favor.

MPC Update

The Township Solicitor reviewed details related to amendments made to the Pennsylvania Municipalities Planning Code (PA MPC) which now requires notification to school districts of final plan approvals for residential developments and planned residential developments.

Steve Wyka made a **motion** authorizing the Township Solicitor to proceed with drafting a Resolution for the Board's consideration of approval which outlines the necessary procedures required by the PA MPC for Township notification to the school district of receipt of final plan approvals; Maryann Lantz seconded the motion. All in favor.

RECREATION REPORT

Chairman Sacks announced the date of the September Park & Recreation Commission Meeting as scheduled for Tuesday, September 18, 2012 at 7:00 p.m. in the upstairs Conference Room of the Township Municipal Building.

Chairman Sacks reviewed the Township Park & Recreation Commission Meeting Minutes for May, 2012 as presented to the Board.

Chairman Sacks also announced Pennsylvania Dutch classes will be held on Thursday evenings

beginning September 6 through December 13, 2012 from 7:00 p.m. to 8:30 p.m. in the downstairs Meeting Room of the Township Building.

Steve Wyka explained details related to a proposal which was presented by Mr. Terry Lieb at the August Park and Recreation Commission Meeting for the Board's consideration. Steve reviewed details of the proposal which would allow Mr. Lieb to provide instruction and lessons to Township residents for a Pickleball Program. Steve also reviewed the associated expense that would be incurred to the Township for purchasing the necessary equipment for the Program.

Steve Wyka made a **motion** authorizing Terry Lieb to promote the Pickleball Program to Township residents as proposed; Maryann Lantz seconded the motion. All in favor.

ROADMASTER REPORT

Chairman Sacks reminded the Board and audience members of the temporary closure of the Chestnut Street railroad crossing starting September 24, 2012 through the afternoon of October 1, 2012 in order for necessary road crossing maintenance work to be completed.

OLD BUSINESS

Township Employee Medical Benefits Package

Chairman Sacks reviewed with the Board members various alternatives for medical benefit packages and associated cost estimates for providing Township Employee's healthcare benefits. Mike outlined the potential cost savings that may be available to the Township for the Board's consideration in addition to the associated costs that would be incurred to the Township employees.

Steve Wyka stated his intention is to provide comparable coverage currently offered to the Township Employees with the anticipation of a cost savings to the Township.

Steve Wyka made a **motion** authorizing Chairman Sacks to proceed with researching various cost options that may be available for providing Township Employee medical benefits; Maryann Lantz seconded the motion. All in favor.

NEW BUSINESS

Resolution Establishing Disposition for Destruction of Records

The Township Solicitor reviewed details of the Resolution Establishing Disposition for Destruction of Records as presented for the Board's consideration. Jill Nagy explained the guidelines of record destruction as set forth by the Pennsylvania Historical and Museum Commission and ensured the Township's compliance for destroying the records listed.

Steve Wyka made a **motion** accepting Resolution No. 2012-18, Establishing Disposition for Destruction of Records, as presented; Maryann Lantz seconded the motion. All in favor.

Signature for 2011 Municipal Recycling Program Performance Grant Application

Steve Wyka made a **motion** authorizing signature of the 2011 Municipal Recycling Program Performance Grant Application for submission to PA Department of Environmental Protection; Maryann Lantz seconded the motion. All in favor.

APPROVAL OF BILLS

Steve Wyka made a **motion** to approve processing for payment, bills totaling \$223,289.91 and transfers totaling \$12,167.86 for the period of August 15, 2012 through September 11, 2012; Steve Wyka seconded that motion. All in favor.

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

ADJOURNMENT

Chairman Sacks announced an Executive Session of the Board of Supervisors was held on Tuesday, August 14, 2012 upon adjournment of the Board of Supervisors Meeting in order to discuss personnel issues. Chairman Sacks also announced that an Executive Session of the Board of Supervisors would be held again upon adjournment of the Board of Supervisors Meeting in order to discuss personnel issues.

Steve Wyka made a **motion** to adjourn the meeting at 8:37 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary