

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
SEPTEMBER 13, 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 August 9, 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 August 9, 2011; Maryann Lantz seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Chairman Wyka reviewed the Treasurer's Report for the month of August, 2011 as presented to the Board.

Mike Sacks made a **motion** accepting the Treasurer's Report for the months of August, 2011 subject to further review; Maryann Lantz seconded the motion. All in favor.

ANNOUNCEMENTS

Chairman Wyka announced the date of the 2011 Topton Halloween Parade as scheduled for Saturday, October 8, 2011 beginning at 6:00 p.m.

PUBLIC COMMENTS

Update on Brandywine Community Library

Tony Langston, Member of the Board of Trustees of the Brandywine Community Library, addressed the Board and presented the library's 2011 Executive Summary. Mr. Langston provided a detailed explanation of services offered by the library in addition to outlining the facility's objectives. Mr. Langston updated the Board on the library's service growth and operational performance and indicated the financial costs associated with managing the library. Mr. Langston requested the Board's consideration for municipal support of \$2.00 per capita for the 2012 budget year. In addition, Mr. Langston also offered alternatives for the Board's consideration in lieu of the per capita increase which included support purchase of new PC hardware, professional cleaning services of the library facility, furniture repair/replacement, and book or materials "block" purchase.

Library Board member, Michele Herman noted the request of increased municipal support has

also been introduced to surrounding municipalities serviced by the Brandywine Community Library. Michele also noted revenue generated from various fundraisers that have been held through-out the year. Mr. Langston concluded by stating the importance of local support in order for the continued of operation of community libraries.

Chairman Wyka thanked Tony Langston and Michele Herman for their attendance and presentation. In addition, Chairman Wyka suggested the library's consideration of a nominal increase to late fees in order to generate funds for the library in conjunction with municipal support. Steve concluded by stating their request would be reviewed at the Township's upcoming 2012 Budget Workshops.

Snyder & Barley – Golden Meadows

The Township Solicitor informed the Board that a request was made at the Township Office by the Offices of Snyder & Barley to meet with the Board of Supervisors regarding the Golden Meadows Minor Subdivision. It was noted that there was no representation on behalf of the Golden Meadows Minor Subdivision in attendance at the Board of Supervisors Meeting. Jill Nagy noted the request for a meeting should include all property owners involved with the Golden Meadows Subdivision due to ongoing litigation between the parties and should be addressed at a future public meeting. Jill Nagy confirmed that her office would contact all parties involved in order to place this item on the agenda for a future public meeting.

ENGINEERING AND PLANNING COMMISSION REPORT

Wilson Minor Subdivision – Final Plans for Recording, Deeds of Dedication

The Township Engineer noted the Final Plans and Deeds of Dedication for the Wilson Minor Subdivision are available for the Board of Supervisor's signature for recording. Jill Smith stated it is her recommendation, based on Hanover's review, that the Final Plans be signed by the Board and released for recording contingent upon payment of all outstanding fees to the Township.

Maryann Lantz made a **motion** to accept the Final Plans for signature and recording for the Wilson Minor Street Subdivision contingent upon payment of all outstanding fees to the Township; Mike Sacks seconded the motion. All in favor.

Mike Sacks made a **motion** accepting the Deed of Dedication for the Wilson Minor Subdivision and adopting Resolution No. 2011-14, Accepting the Offer of Dedications to be used for an Ultimate Right-of-Way located along Longsdale Drive, Hidden Valley Road, and Tower Road in the Wilson Minor Subdivision; Maryann Lantz seconded the motion. All in favor.

Perkiomen Creek Headwaters Act 167 Stormwater Management Ordinance

The Township Engineer provided the Board with a copy of the draft Act 167 Stormwater Management Plan Ordinance for the Perkiomen Creek Headwaters, based on the model ordinance prepared by the Lehigh Valley Planning Commission. Jill Smith noted that this Ordinance applies only to the small area of the Perkiomen Creek Headwaters located within Longswamp Township that drains to Lehigh County as shown on the Release Rate Map. Jill informed the Board the deadline for Township to adopt an ordinance is October 1, 2011. Jill Smith suggested the Board's consideration of authorizing the Township Solicitor to advertise the adoption of the Perkiomen Creek Headwaters Act 167 Stormwater Management Ordinance at a Special Meeting, so the Township can adopt it by the required deadline and be in compliance with the County and DEP's requirement.

Mike Sacks made a **motion** authorizing the Township Solicitor to advertise a Special Meeting to consider the adoption of the Perkiomen Creek Headwaters Act 167 Stormwater Management Ordinance to be held on Thursday, September 22, 2011 at 2:00 p.m. at the Township Municipal Building; Maryann Lantz seconded the motion. All in favor.

Mertz Road Bridge Project

The Township Engineer requested the Board's approval to conduct a site visit with the Township Roadmaster to review and discuss the Mertz Road Bridge Project due to its deteriorating condition.

The Township Solicitor recommended the Board may want to consider sending a letter to Senator Judy Schwank for possible flood relief funding due to additional damages to the bridge caused by the recent storms. It was noted that the Township Emergency Management Administrator, Neil Conrad, would also include the costs of bridge repairs on the disaster assistance reports for submission to FEMA.

Mike Sacks made a **motion** authorizing Hanover Engineer to continue working with the Township Roadmaster on possible options for replacing the Mertz Road Bridge; Maryann Lantz seconded the motion. All in favor.

Amos Gross Lot Consolidation

The Township Engineer discussed with the Board of Supervisors the waiver requested by Amos Gross for providing a lot consolidation plan in accordance with SALDO to combine his three small non-conforming adjacent parcels on two separate deeds into one parcel on one deed. Jill Smith noted that typically a plan is required to be submitted, approved, and recorded in order to consolidate lots. Jill reviewed options available for the Board's consideration to allow Mr. Gross to construct a carport on his property. The options reviewed included the following:

1. Deny the waiver request and require a minor subdivision plan to be submitted in accordance with the Township SALDO.
2. Grant the waiver for providing a subdivision plan, and allow the property owner to simply record a deed consolidating the properties and provide proof of the recording for the issuance of a building permit.
3. Grant a waiver for certain sections of the Township SALDO to allow for an expedited review of the plan and approval process due to the specific nature of the subdivision .

Maryann Lantz made a **motion** requiring Mr. Gross to provide a lot consolidation plan meeting the general drafting requirements of the Township SALDO, Sections 402.A, 402.B, and 402.D.3, as determined by the Township Engineer, and granting waivers for the remaining sections of the Township SALDO including the requirement for the plan to be recorded; Mike Sacks seconded the motion. All in favor.

ZONING AND CODES ENFORCEMENT

LTL Consultants, Ltd. Report for July 26, 2011 to August 29, 2011

Chairman Wyka reviewed the activities as noted in the Zoning and Codes Enforcement Report for the period of July 26, 2011 to August 29, 2011.

SOLICITOR'S REPORT

Silbermann Conditional Use

The Township Solicitor outlined the draft Decision of the Silbermann Conditional Use Application based on the Public Hearing held on August 9, 2011, and noted that no further deliberations or discussions have taken place since that time. Jill Nagy explained the details and options available to the Board at this time in order to render a final Decision relative to Mr. and Mrs. Silbermann's request to create an accessory apartment within their existing residential structure.

Mike Sacks made a **motion** accepting the Findings of Fact and Conclusions of Law and Decision, as written based on the Public Hearing, denying the Conditional Use Application for creating an accessory apartment within the residential structure located at 275 Centennial Road; Maryann Lantz seconded the motion. All in favor.

It was noted that the applicant accepted the final Decision as reviewed and approved by the Board of Supervisors.

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. Jill Nagy confirmed no Agricultural Security Applications will be processed this year.

Mike Sacks made a **motion** to close the 2011 Ag Security proceedings since no new applications were submitted for consideration; Maryann Lantz seconded the motion. All in favor.

Nuisance Ordinance

The Township Solicitor reviewed an outline of potential activities for regulation of noise nuisances for the Board's consideration. Jill Nagy offered guidance and key points for the Board to consider in order to help control disruptive issues through-out the Township. Jill Nagy noted that she has also reviewed the list with the Township Zoning Officer who is in agreement that the items noted are enforceable.

Chairman Wyka suggested specific consideration be given to including time restraints within the Ordinance defining when noise would be considered offensive in order to assist the State Police with enforcement of such a citation. The Board agreed to include 11:00 p.m. to 8:00 a.m. as hours deemed in violation of the Nuisance Ordinance, with the exception of noise caused by emergency responders, school and municipal activities, as well as agricultural activities.

Mike Sacks made a **motion** authorizing the Township Solicitor to finalize the Nuisance Ordinance establishing standards for noise and providing enforcement for the Board's consideration for adoption at the next Board of Supervisors Meeting; Maryann Lantz seconded the motion. All in favor.

Gap Road Cul-de-Sac

The Township Solicitor informed the Board that the Township still has not received the signed Deed of Dedication from Mrs. Hensinger despite the Township representatives efforts to address her concerns regarding the possibility of additional runoff onto her property due to the construction of the cul-de-sac on Gap Road. Jill Nagy noted her concerns of resolving this issue prior to the approaching snow plowing season.

Topton Sewer Inspection Resolution

The Township Solicitor reviewed the procedures necessary in order to comply with the requirement set forth by the Pennsylvania Department of Environmental Protection to conduct inspections of all properties located within Longswamp Township which are connected to the Borough of Topton sewer system. Jill Nagy outlined details of the process the Township needs to adhere to for the inspections to begin and explained the Township's involvement related to working with the Borough of Topton in order to make a determination of an improper or illegal connection. Jill also explained the protocol in the event an inspection discloses an illegal connection or other non-compliance.

Jill Nagy also noted the letters that were previously sent out by the Borough of Topton indicated that the municipality will be paying for the inspections, but that the draft Resolution is worded such that the residents will be billed for the inspections. The Board of Supervisors agreed that the property owners should be required to pay the costs for the inspections.

The Board of Supervisors also directed LTL Consultants to perform the inspections of all properties located within Longswamp Township that are connected to the Borough of Topton sewer system.

Maryann Lantz made a **motion** authorizing the adoption of the Resolution for Regulations Concerning Sewer Connection to the Borough of Topton Sewer Lines and Providing Requirements for Connection Inspection with an amendment to Section 3, Paragraph A stating the property owner will be required have to pay for the inspection; Mike Sacks seconded the motion. All in favor.

The Township Solicitor also suggested the Board's consideration in adopting a second Resolution which would give the Board the right to determine who can connect to the Borough's public sanitary sewer system within the Township.

Maryann Lantz made a **motion** authorizing the Township Solicitor to proceed with drafting the necessary Resolution in order to authorize Longswamp Township to determine who can connect to the Borough of Topton sewer lines located within the Township; Mike Sacks seconded the motion. All in favor.

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

Mike Sacks made a **motion** adopting Resolution No. 2011-15, Appointing Rosemary Lamaestra Primary Voting Delegate Representative to the Berks County Tax Collection Committee; Maryann Lantz seconded the motion. All in favor.

Pension Policy Program

The Township Solicitor reviewed a Memorandum of Correction received by the Township in relation to Act 44, Municipal Pensions. Jill Nagy explained the notification provided a corrected copy of the Sample Policy to be placed within the Policy & Procedure for Administration, Processing, and Procurement of Professional Services Contracts Handbook. The Board authorized the necessary changes to be made to the current policy Handbook indicated in Memorandum of Correction.

RECREATION REPORT

Chairman Wyka announced the date of the September Park & Recreation Commission Meeting as scheduled for Tuesday, September 20, 2011 at 7:00 p.m.

Chairman Wyka also announced that Pennsylvania Dutch Class is being held on Thursday evenings beginning on September 1, 2011 from 7:00 p.m. to 8:00 p.m. in the Township Municipal Meeting Room.

Eagle Scout, **Ian Huyett**, addressed the Board of Supervisors and provided a proposal for his Eagle Scout Project to construct bat houses in the Township Park. Ian expressed the benefits of installing bat houses in two proposed locations within the Park. Ian also described the type of construction materials he plans to use at no cost to the Township. Ian outlined the installation timeframe and stated he anticipates the project to be completed by the end of the Fall upon the Board's approval.

Mike Sacks made a **motion** approving Eagle Scout, Ian Huyett's project to construct and install bat houses in two locations in the Township Park; Maryann Lantz seconded the motion. All in favor.

Approval of Bonuses for Summer Playground Counselors

Mike Sacks made a **motion** declining approval of bonuses for Summer Playground Counselors for the 2011 Season; Steve Wyka seconded the motion. Maryann Lantz opposed the motion.

ROADMASTER REPORT

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

Maryann Lantz made a **motion** approving a vacation time-off request made by Township Public Works employee, Robert Kressley; Mike Sacks seconded the motion. All in favor.

OLD BUSINESS

Update on Out-Sourcing Payroll

The Township Treasurer provided the Board with an update and final details of the Agreement to be executed with AD Computer for out-sourcing payroll services. Dave noted the approximate cost to the Township is anticipated to be \$1,300.00 per year. Dave noted the first pay cycle that would be handled by AD Computer will be the October 13, 2011 paydate.

NEW BUSINESS

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

Subdivision Report – September 1, 2011

Chairman Wyka reviewed the activities as noted in the Township Sewage Enforcement Officer's Report dated September 1, 2011.

M. Nowotarski – Well Isolation Distance Waiver Request/Indemnity Agreement

The Township Sewage Enforcement Officer addressed the Board of Supervisors regarding a waiver request received from the property owner of 409 Klines Corner Road for the required isolation distance between the proposed onlot sewage disposal system and the existing onlot well. Carl Wolfe explained the property owner is in the process of repairing the malfunctioning on-lot septic system due to the pending sale of the property. The property owner is applying for a sewage permit to install a new onlot sewage disposal system and is requesting an exemption for the well isolation distance. Carl confirmed that he has made the required inspection and that it is his recommendation to allow the waiver and confirmed that he does not foresee any problems.

The Township Solicitor explained the Board has discretion to grant the waiver since DEP permits an exemption for isolation distances to the property's well in the event of repair to a malfunctioning system upon the required approval of all necessary DEP permits. Jill Nagy stated the property owners can enter into an Indemnification Agreement with the Township 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.

Maryann Lantz made a **motion** granting the waiver requested for the well isolation distance at 409 Klines Corner Road and to enter into an Indemnification Agreement with the property owners; Mike Sacks seconded the motion. All in favor.

Sewage Management Program Notices of Violation Updates

The Township Sewage Enforcement Officer provided the Board of Supervisors with an update of the Sewage Management Program and indicated there are 20 outstanding violators at this time and that Notices of Violations are in the process of being sent out.

Discussion of Non-Responsive Rental Inquiries

The Township Solicitor provided the Board with guidance on how to proceed with non-responsive rental inquiries made by the Township or in the event the Township Staff becomes aware of a possible rental property that is not registered with the Township. Jill Nagy reviewed options for the Board's consideration in order to bring property owners who have rental units in compliance with the Township Rental Registration Ordinance. Jill also added that the inspection process will provide a level of safety for residents in a rental property within the Township.

Mike Sacks made a **motion** authorizing the Township Codes Enforcement Officer to send letters to confirmed and suspected rental property owners within the township, who have not complied with the Township registration requirements notifying them that rental inspections need to be conducted in accordance the Township Rental Registration Ordinance; Maryann Lantz seconded the motion. All in favor.

Township Tax Collector Request to Waive Tax Penalty Charge for 2011 Taxes

Chairman Wyka reviewed a request made by the Township Tax Collector to waive the tax penalty charge for 2011 taxes for Mr. Richard Goodman. Steve stated the request indicated Mr. Goodman did not receive his County and Township tax bill for 2011 with an explanation that he has always paid the bill during the discount period, therefore he is requesting to pay the flat rate amount. Chairman Wyka stated the Township Tax Collector's records confirm that Mr. Goodman has paid his taxes during the discount timeframe from 2005 through 2010.

Mike Sacks made a **motion** approving the Township Tax Collector's request to waive the tax penalty charge for Mr. Richard Goodman's County and Township tax bill for 2011; Maryann Lantz seconded the motion. All in favor.

Approval of Township Software Purchase for Computer System Back-Up

Chairman Wyka reviewed the approximate cost of \$980.00 associated with purchasing computer software which will provide the necessary upgrade for backing-up the Township computers. It was noted there are funds available in the 2011 Township Budget for the upgraded software.

Mike Sacks made a **motion** approving the purchase of computer software for upgrading the current Township back-up system at an approximate cost of \$980.00; Maryann Lantz seconded the motion. All in favor.

Berks County Cooperative Purchasing Council Meeting

Supervisor Mike Sacks provided an update on the mandated radio program as discussed at the recent Berks County Cooperative Purchasing Council Meeting. Mike reviewed up-to-date information that was discussed at the Co-Op Meeting including loan options available to municipalities, in addition to details of the preliminary agreement and potential grant funding that may be available.

APPROVAL OF BILLS

Mike Sacks made a **motion** to approve processing for payment, bills totaling \$215,744.77 for the period of August 9, 2011 to September 13, 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 September 27, 2011 and meeting again the second week of October, which is October 11, 2011 at 7:00 p.m.

Mike Sacks made a **motion** to adjourn the meeting at 8:41 p.m.; Maryann Lantz seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary