

BOARD OF SUPERVISORS
MINUTES OF MONTHLY MEETING
SEPTEMBER 8, 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; Jill Nagy, Esquire, representing the Solicitor; Joni McPike, Treasurer; Ed Bender, Zoning/Codes Enforcement Officer; and Jennifer Wassell-Bonser, Secretary.

CALL TO ORDER

Vice Chairman Steven Wyka called the meeting to order in Chairman Siegfried's absence at 7:00 p.m., and announced the reading of the minutes of the regular meeting of August 11, 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 August 11, 2009; Steve Wyka seconded that motion. All in favor.

APPROVAL OF TREASURER'S REPORT

Maryann Lantz made a **motion** to accept the Treasurer's Report for August, 2009 in addition to accepting the current Accounts Receivable Status Report; Steven Wyka seconded the motion. All in favor.

ANNOUNCEMENTS

Vice Chairman Wyka announced the 2009 Topton Halloween Parade is scheduled for Saturday, October 10, 2009 beginning at 6:00 p.m.

PUBLIC COMMENTS

None at this time.

ENGINEERING AND PLANNING COMMISSION REPORT

PennDOT HOP Application for New Driveway at 608 Old Topton Road

The Township Engineer updated the Board on an issue regarding Mr. Larry Decker who is in the process of applying for a Highway Occupancy Permit from PennDOT. Jill referenced Hanover Engineering's memo to the Board and Roadmaster dated August 21, 2009 and explained Mr. Decker's application is for a second driveway proposed to be located at his residential property located at 608 Old Topton Road (SR1031). Jill stated the proposed location of the driveway is on a State roadway and would primarily be utilized to access an existing garage on the property. Jill explained since the Township is on PennDOT's municipal review list, PennDOT requires a letter from the Township before they will issue the driveway permit.

Jill also referred to the Township's Driveway Ordinance Nos. 192 and 215 which detail the

number of driveway entrances serving a lot on which a single-family or two-family dwelling is located in relation to the frontage necessary. Jill stated based on her conversations with the Township Zoning Officer as well as the Township Roadmaster, both individuals had no objection to allowing a second driveway at this particular location. Also, the Zoning Officer confirmed

the property has approximately 150 feet of frontage along Old Tipton Road, which makes it compliant with the Township Ordinances which require the property have 100 feet of frontage in order for the Township to consider a request for a second driveway. The Board reviewed the driveway location proposed by Mr. Decker and decided that if the addition of the proposed second driveway to provide access to the property as depicted on the plan dated August 21, 2009 submitted by the property owner was acceptable to PennDOT, then the Board had no objection to PennDOT issuing a Highway Occupancy Permit. The Board's decision was also contingent upon compliance with the Township Ordinances, specifically Ordinance Nos. 192 and 215.

Maryann Lantz made a **motion** authorizing the Township Secretary to issue a letter to PennDOT stating there is no objection from the Township for issuing the Highway Occupancy Permit for the driveway proposal submitted by Mr. Larry Decker; Steve Wyka seconded the motion. All in favor.

Township HOP Fee Schedule and Resolution

The Township Engineer submitted the Resolution for Establishing a Fee Schedule for the Application and Issuance of a Township Highway Occupancy Permits for the Board's review and consideration for adoption. Jill Smith reviewed the Fee Schedule and stated the fees are in line as compared to those of other local municipalities and are fees which generally would be paid by utility companies doing work within the Township Right-Of-Way.

Maryann Lantz made a **motion** adopting Resolution No. 2009-17, Establishing a Fee Schedule for the Application and Issuance of a Township Highway Occupancy Permit for Work to be Completed Within Township Right-of-Way; Steve Wyka seconded the motion. All in favor.

Perkiomen Creek Headwaters Act 167 Stormwater Plan

The Township Engineer informed the Board that the Lehigh Valley Planning Commission has completed the final draft of the Perkiomen Creek Headwaters Act 167 Stormwater Management Plan. Jill noted the deadline for review and comment by local area municipalities is September 30, 2009. Jill stated based on the review by their office, Hanover Engineering, did not have any concerns or comments regarding the proposed plan. It was noted the plan will affect only a small portion of the Township, and that the requirements are generally consistent with the Township's existing Ordinances and DEP's current regulations. The Board authorized the Township Secretary to issue a letter to the Lehigh Valley Planning Commission stating that Longswamp Township has no comments after reviewing the draft plan noting the minimal impact upon the municipality.

Township's Review of PennDOT HOP Applications

The Township Engineer explained Hanover Engineering's recommendation to the Board on the procedure to be used for the receipt and review of PennDOT HOP Permit Application requests. Jill reviewed the details of the procedure as outlined in Hanover Engineering's memo to the Board dated August 25, 2009. Jill explained the procedure is particularly important in order for the Township to meet its obligations pertaining to the Act 167 Stormwater Management Ordinances. Jill explained for an adequate review of the proposed improvements to be completed, the basic information necessary to be submitted by the applicant should include three copies of all pertinent information to the Township Zoning Officer. Jill stated Ed Bender would then verify the information for completeness and distribute the information with his initial comments to the Township Engineer and Township Roadmaster. Information required to be submitted by the property owner/applicant shall generally include the following: the PennDOT HOP Application and Plan, the Township Application, a supplemental plan, if needed, and, copies of the recorded Access Easement Agreement executed between property owners (if applicable). The Township Roadmaster would then conduct a site visit to review existing conditions and provide comments or concerns regarding location and/or drainage issues. The Township Engineer would review the information and provide comments or concerns regarding Zoning, SALDO, and compliance with stormwater regulations. Steve Wyka questioned if the fees that would apply to the procedure should be a set fee or an hourly fee. Jill Smith recommended an initial flat fee be required to be paid by the applicant at the time the request is submitted to the Township with the understanding the applicant will be responsible for paying any additional fees incurred by the Township to complete the required review.

ZONING AND CODES ENFORCEMENT

The Township Zoning Officer informed the Board of a recent telephone call he received from Citizens Bank who may be securing financing for construction of in-law quarters to be built at a residence in the Township. Ed stated the bank is requesting a letter from him regarding zoning issues in relation to the work proposed to be done. Ed stated he has received similar calls such as this lately and he has been suggesting they refer to the Township's Zoning Ordinance Book for reference. The Township Solicitor stated Mr. Bender should suggest the inquirer apply for a Zoning Permit since it can be appealed with the Zoning Hearing Board.

The Township Zoning Officer informed the Board of Supervisors of a zoning hearing to be scheduled for Richard MacHose, property owner of 20 S. Park Avenue, who is seeking a variance of the Township Zoning Ordinance Sections 601.1 and 724.1 for multi-principal uses on the same lot and for construction vehicles to be parked outside. The regulations require construction vehicles and equipment to be stored within enclosed structures. Also being requested is a Special Exception for use of the property as a "Contractor's Shop".

Mr. Bender informed the Board of a notice he received from DEP regarding an additional well at the Berks Sandpit Site to capture and remove organic compounds.

Ed also informed the Board of a proposal from Mr. Albert Zimmerman for building a cattle barn on his parents' property which will mainly be constructed within Maxatawny Township. Ed

explained the proposal was submitted to Maxatawny for their review as well. Mr. Zimmerman is requesting a waiver for permit requirements of Longswamp Township.

Maryann Lantz made a **motion** to waive the permit requirements of the Township contingent on the Township Engineer's review to ensure all stormwater requirements are met. It was noted the Township Engineer will work with the Township Engineer from Maxatawny to ensure compliance; Steve Wyka seconded the motion. All in favor.

SOLICITOR'S REPORT

Opening of 2009 Agricultural Security District

During the month of October, the Agricultural Security District will be open for a 30-day period beginning October 1, 2009. Township residents who wish to enroll their property into the program or withdraw their property from the program need to submit a written request to the Township by the October 31, 2009 deadline.

Maryann Lantz made a **motion** to authorize the Township Solicitor to advertise the Agricultural Security Area open period during the month of October; Steve Wyka seconded the motion. All in favor.

Gross School Bus Inter-Municipal Sewer Agreement Ordinance

The Township Solicitor informed the Board of issues currently being resolved by the Borough of Tipton regarding the Inter-Municipal Agreement between the Borough and Longswamp Township in order for Tipton Borough to provide sewer to the Gross School Bus site. The Solicitor recommended the Township table signing of the Agreement until the next Board of Supervisors meeting to be held on October 13, 2009.

Feld-3 Improvements Escrow

The Township Solicitor updated the Board on her review of Mr. Fenstermacher's request at the previous Board of Supervisors Meeting to re-write his current Developer's Improvement Agreement with the Township and allow him to provide cash to be held in escrow by the Township in place of his current Letter of Credit. Jill Nagy stated Mr. Fenstermacher has been encouraged to submit a written request for the release of security for improvements completed in order reduce his Letter of Credit which is set to expire at the end of September. Jill Nagy suggested the Township not take the liability of holding a substantial amount of money in escrow for this type of project, but rather continue with the current procedure which allows the opportunity to review the Letter of Credit and reduce it as work is completed. Jill made several suggestions and explained the procedure necessary to set-up an escrow account versus keeping the Letter of Credit as is, and also explained the options available to developers as well as individuals such as Mr. Fenstermacher. The Board authorized the Township Secretary to send a letter to Mr. Fenstermacher regarding their decision to hold the Letter of Credit as is and to further encourage him to request a release of security from the Letter of Credit for work completed so the Township Engineer can conduct a formal review and inspection.

The Township Engineer also informed the Board of a recent request made by Mr. Fenstermacher for the Township to snow plow the cul-de-sac at the subdivision this upcoming Winter.

Jill stated the cul-de-sac has not been dedicated to the Township since work has not been fully completed for construction of the road, and that Townships do not typically plow areas such as these until they are dedicated to the Township due to the liability involved.

Topton Lutheran Home Request for Zoning Amendments

The Township Solicitor informed the Board of a request received from the Topton Lutheran Home (Diakon Lutheran Social Ministries) for the Township to consider text amendments to the Zoning Ordinance to allow a "Medical Residential Campus" as a use within the Conservation Zoning District. In addition, Diakon is requesting the Township to consider revising some of the specific criteria applicable to a medical residential campus as currently included in the Zoning Ordinance. Jill stated a pre-meeting has been held and suggested the Board could consider accepting their request for amendments to Zoning Ordinance. If the Board agrees to consider the request, Diakon would be required to submit the required escrow fee to cover the professional services. Jill also explained based on the current request, this change would be open to all of the Conservation District within the Township. Steve Wyka stated his main concern would be to limit it to just the area at the Topton Lutheran Home as he is not in favor of allowing that type of development in the entire Conservation District. Jill Nagy confirmed the Township could consider additional restrictions if the Board wishes to entertain the request.

Maryann Lantz made a **motion** authorizing acceptance of the request made by the Topton Lutheran Home to consider a change to the Township Zoning Ordinance and submittal of the required escrow fee; Steve Wyka seconded the motion. All in favor.

Jill Nagy also stated Topton received a request from the Topton Lutheran Home for water and sewer. Jill stated all requests for public sewer for property located in the Township should come through the Township. She will confirm with the Borough the procedures established by resolution. Maryann Lantz made a **motion** for the Township Solicitor to send a letter to the Borough confirming future requests should come through the Township; Steve Wyka seconded the motion. All in favor.

RECREATION REPORT

Vice Chairman Wyka announced the September Park & Recreation Meeting is scheduled for Tuesday, September 15, 2009 at 7:00 p.m.

Mr. Wyka announced the Pennsylvania Dutch Class which was announced at a previous Board Meeting has been cancelled for this year due to medical issues.

Steve also announced the upcoming 6th and 7th Grade Dance will be held at Pavilion No. 1 on Friday, September 25, 2009 from 7:00 p.m. to 9:00 p.m. and there will be a \$3.00 attendance fee charged.

Steve lastly announced the Township Yard Sale will be held at Pavilion No. 1 on Saturday, September 26, 2009 from 8:00 a.m. until 2:00 p.m. and explained there is a \$10.00 fee for anyone interested in renting a pavilion space with a table, and a \$5.00 fee for those interested

in reserving a space in the grass without a table.

ROADMASTER REPORT

Report for August, 2009

Willard Strunk stated his concern regarding the uneven paving at South Park Avenue and suggested it be paved. Steve Wyka stated he believe all the paving work has been scheduled for this year.

OLD BUSINESS

Nothing to report.

NEW BUSINESS

Update on Brandywine Community Library

Rick Mazich, a Member of the Board of Trustees of the Brandywine Community Library presented a hand-out to the Board as well as the audience in attendance at the meeting. Mr. Mazich gave an explanation of the services the library offers as well as details regarding the history and background of the library. Mr. Mazich explained the 2009 Report and updated the Board on the service growth and operational status which included finances and costs associated with managing the library. Mr. Mazich concluded by stating the importance of local support in order for community libraries to continue to operate. Vice Chairman thanked Mr. Mazich and the entire Board of Trustees for their attendance and presentation and stated the issue would be reviewed at the Budget Meetings.

Dylan Weaknecht – Request to Perform Community Volunteer Work for Senior Project

Steve Wyka announced a request has been received by the Township from Dylan Weaknecht for performing community volunteer work for his Senior Project during his Junior Year of High School. Maryann Lantz made a **motion** to approve a request made by Dylan Weaknecht to perform community volunteer work at the Township for his Senior Project; Steven Wyka seconded the motion. All in favor.

Discussion of Berks County Policing Study Regional Meetings

Vice Chairman Wyka updated the audience on House Bill 1500 that is currently being considered by legislation that would potentially charge municipalities for State Police protection. Steve stated the potential fee would not increase State Police coverage or improve any services, but could possibly result in a hefty annual service fee being imposed on the Township. Maryann Lantz encouraged residents to voice their opposition to the Bill in writing to the local representatives. The Township Solicitor suggested discussing the topic with the Regional Joint Co-Op. The Board agreed and approved the Township Secretary to write to other local municipalities for their interest in further discussion of the Berks County Policing Study.

Consideration of Payment of Any Uncovered Expense of Township Employee Flu Vaccine

The Board rejected consideration of payment of any uncovered expense of Township Employee flu vaccine.

Approve On-Site Training by Hanover Engineering of GIS Software for Township Zoning/Office Staff

Maryann Lantz made a **motion** to approve training for the Township Zoning/Office Staff by Hanover Engineering for the GIS System; Steve Wyka seconded the motion. All in favor.

Discussion/Approval for Transfer of Funds for Township Park Electronic Sign

Maryann Lantz made a **motion** to approve a request to transfer funds totaling \$5,329.00 from the General Fund into the Recreation Impact Fee fund toward the purchase of the Township Park Electronic Sign; Steve Wyka seconded the motion. All in favor.

Issue Deadline for Pursuit of Fines for Violators of SMP Program

The Township Zoning Officer updated the Board on Cycle 3 of the SMP Program and informed the Board there are 40 property owners who are in violation of the Program for not submitting a record of pumping. Ed requested permission from the Board to send each of those property owners a Notice of Violation. Steve Wyka questioned Ed if warning notices had been issued. Ed confirmed the warnings have been sent. Maryann Lantz made a **motion** for Notices of Violation be sent to the violators of the SMP Program; Steve Wyka seconded the motion. All in favor.

First Report on Act 32 – EIT – TCC

The Township Treasurer updated the Board on the outcome of her recent offer to surrounding municipalities within the school district to act as Primary and First Alternate Voting Delegate. Joni McPike stated she has received responses and copies of Resolutions from District, Rockland and Maxatawny Townships as well as from the Borough of Topton and explained she has been appointed the Primary Voting Delegate for District, Rockland and Longswamp Townships and has also been appointed by Resolution as the First Alternate Vote Delegate for the Borough of Topton and Maxatawny Township. Mrs. McPike lastly informed the Board that Longswamp Township would host future webinars and stated the surrounding municipalities have been invited to attend and share in the cost as part of preparing for the first Tax Collection Committee Meeting to be announced by Berks County.

Approve “Warning Notice” Letter to Golden Meadows Phase II – DIA Acct. No. 0802261

The Township Treasurer requested approval from the Board to issue a “Warning Notice” letter to the Developer of Golden Meadows for non-payment on their account. Joni stated the Township has not received any payments to the account since November of 2008. The Township Solicitor explained no releases of money can be done from the Developer’s security escrow account since the Township issued a Court Order Injunction ceasing work at the job site. Jill Nagy added the Developer does still have an obligation to continue to pay the Township and suggested the warning letter be sent to the Developer and then file with the District Justice if a timely payment is not received.

Maryann Lantz made a **motion** to approve a Warning Notice be sent to the Developer of Golden Meadows – Phase II due to non-payment of their account and then file with the District Justice if a timely payment is not received; Steve Wyka seconded the motion. All in favor.

Approve Payment Disbursement of 2009 Budget Approved Annual Township

Contributions & Donations

Maryann Lantz made a **motion** for payment disbursement of the 2009 budget approved annual township contributions and donations; Steve Wyka seconded the motion. All in favor.

The Township Solicitor explained the following items, as well as any future miscellaneous items, with quotes totaling less than \$5,000.00 would not need to be on the Board of Supervisors Agenda. Jill further explained miscellaneous expenses for items not included as a specific line item in the Township's approved Annual Budget, would be captured at Roll Call by the Board for bills paid at the end of each Board of Supervisors Meeting. Jill confirmed that this procedure provides protection from any audit issues, and that individual motions do not have to be made for each item through-out the meeting.

Approve Quote for Purchase of New Township Envelopes

The Board approved a quote from Office Service Company totaling \$237.19 for a quantity of 5,000 envelopes.

Approve IT Quote for Purchase/ Installation of Wireless Router System for Admin. Office

The Board approved a quote submitted by APD, Inc. totaling \$187.10 for the purchase and installation of a wireless router system for the Township Administration Office.

Approve Quote for Purchase of GIS – ArcView Annual Maintenance Agreement

The Board approved a quote from ESRI Inc. totaling \$1,345.00 for the purchase of the GIS – ArcView Annual Maintenance Agreement.

Approve Annual Township Pension Plan Payment Obligation

Board approval was requested for the Township Treasurer to process for payment after January 1, 2010, the Annual Township Pension Plan Payment transaction totaling \$52,834.00. Maryann Lantz made a **motion** to authorize and accept the payment plan obligation in the amount of \$52,834.00 for 2010; Steve Wyka seconded the motion. All in favor.

Approve Township Employee Educational Training/Expense Re-Imbursement Request

Maryann Lantz made a **motion** to approve re-imbursement costs totaling \$61.30 to Township Zoning and Codes Enforcement Officer, Ed Bender, for a course he recently attended at the Lancaster County Training Center; Steve Wyka seconded the motion. All in favor.

Approval of Hosting Two Webinars on Township Pension Plan Issues

Maryann Lantz made a **motion** to approve Longswamp Township as a host location for two upcoming Webinars pertaining to pension plan issues at a cost of \$50.00 each which will be shared between any other invited Township representatives from local municipalities in attendance; Steve Wyka seconded the motion. All in favor.

Township Employee Educational Seminar Request

Maryann Lantz made a **motion** to approve an educational seminar request made by MaryBeth Hendley, Township Park and Recreation Director, to attend "Municipal Networking for Conservation Luncheon" to be held on September 29, 2009 sponsored by the Berks County Conservancy Reading with no registration costs, just travel and mileage expenses; Steve Wyka seconded the motion. All in favor.

Township Employees Educational Training Request

Maryann Lantz made a **motion** to approve a training request made by Township Employees, Kristi Chase, Township Office Assistant, Joni McPike, Township Treasurer and Gena Strzelecki, Township Open Records Officer, to attend “Archives and Records Management Seminar” to be held on October 14, 2009 sponsored by the PA Historical Museum Commission in Harrisburg with a registration fee of \$40.00 each plus travel and mileage expenses; Steve Wyka seconded the motion. All in favor.

RECORD NOTES

None at this time.

APPROVAL OF BILLS

Maryann Lantz made a **motion** to approve processing for payment, bills totaling \$67,383.13 and transfers totaling \$96,963.09; Steve Wyka seconded that motion. All in favor.

Roll Call Vote: Maryann Lantz, Yes; Steve Wyka, Yes.

BOARD COMMENTS

None at this time.

ADJOURNMENT

Maryann Lantz made a **motion** to adjourn the meeting at 8:33 p.m.; Steve Wyka seconded the motion. All in favor.

Respectfully submitted,

Jennifer A. Wassell-Bonser
Township Secretary