

Wednesday, January 11, 2006
New Tripoli PA 18066

The special meeting was called to order by Thomas Creighton, Chairman at 7:00 p.m in the Municipal Building. Present were Thomas C. Creighton, Chr., David Najarian, VChr., Charles E Lenhart III, Member, Solicitor Edmund Healy, Engineer Roy Stewart, Administrator Kenneth Bleiler & Secretary Tina M. Everett, Debi Palmari, Northwestern Press, Clifford L. Lathrop, Stenographer for Lathrop Reporting Agency and approximately 55 citizens.

The pledge of allegiance was conducted.

Public Comment – Marvin Charles was curious why stenographer was present at meeting and who he represented. He represented the Olde Homestead Golf Course. This is allowed under the Sunshine Act.

Marvin Charles asked who the stenographer was – Developer, ‘equitable owner’ of Olde Homestead Golf Course, said stenographer was brought by them.

Marvin Charles also asked Atty. Healy about whose notes would prevail if there was a difference between the approved township minutes and the stenographer’s record.

Solicitor, Edmund Healy responded that the township would use its own minutes for its own purposes. Marvin Charles was also concerned in the case of litigation. Ed’s response was that each side would present its record and the judge would have to decide.

Marvin Charles made a comment about how the stenographer being present was a “somewhat less than friendly act.”

Mel Charles said for the secretary’s record, it should be noted that the stenographer does not take complete notes, such as he did at the prior meeting, and is very selective about what notes are being recorded.

Dave Najarian discussed the way the minutes were taken at the previous reorganizational meeting. He was acting secretary and he took the minutes to the best of his ability. The minutes for the first ½ of meeting were taken by Dawn Straughn.

A motion was made by Charles Lenhart, seconded by Thomas Creighton to accept the minutes from the meeting of Jan. 3, 2006. Motion carried.

Discussion on the workshop meetings for 2006. The workshop that was previously scheduled for 1/31/06 should have been 1/30/06. The supervisors had discussed changing the time of workshop meetings also due to a conflict with our Engineer, Roy Stewart attending Heidelberg Twp. planning commission meetings.

A motion was made by David Najarian, seconded by Charles Lenhart to change the times of the workshop meetings from 7:30 p.m. to 5:30 p.m., and to keep the dates of workshop meetings for the year 2006 to stay unchanged except Jan. 31 to be Mon., Jan. 30, 2006. Motion carried.

Tom Creighton congratulated Dennis Snyder as new auditor for township.

Dennis Snyder discussed his concerns with our Worker’s Comp. Insurance with Lynn Twp. for the New Tripoli Fire Co. Upper Macungie and Weisenberg Township are in a dispute. Weisenberg Twp. asked our fire company, New Tripoli to take over for their township as of April 1, 2006. Weisenberg Twp. is in the process of starting up their own fire company in their township. If New Tripoli Fire Company is going to take over for Weisenberg Township then we will need to pick up more Worker’s Compensation insurance due to them picking up approx. 3,035 residents in Weisenberg Township. Our Worker’s Comp. insurance will double. Weisenberg Twp. is willing to pay the extra cost/difference of Worker’s Comp or we could bill them as per Dennis Snyder. We need to decide what to do in the next month or so. Weisenberg and Upper Macungie will be having some upcoming meetings on this matter.

Dave Najarian questioned if this agreement that would take effect with New Tripoli serving another area was contingent on Upper Macungie and Fogelsville not

reaching an agreement. If they don't agree, New Tripoli will have to take over the calls for Weis. Twp. Dave asked Dennis if he had a preference.

Dennis Snyder of the New Tripoli Fire Co. would prefer the Township picking up the extra worker's comp. insurance under Lynn Twp. and getting reimbursed from Weisenberg Twp. Dave Najarian will speak to our treasurer, Robert P. Sadler about this matter. This would be temporary since Weisenberg is in the process of building and starting their own fire company.

Solicitor Edmund Healy asked if more garage space or equipment would be needed. Dennis Snyder did not feel any would be needed at this time.

A motion was made by David Najarian to exonerate the Tax Collector from collecting certain per capita taxes. After discussion it was revealed that the Board of Supervisors did not have the list of exonerations, so Dave Najarian withdrew the motion. The list was given to Treasurer Rob Sadler.

David Najarian had discussion that the county was in the process of outsourcing the tax bills.

A motion was made by David Najarian, seconded by Charles Lenhart to notify Linda Tyson, Tax Collector to direct the county to print-out and mail our tax bills for the year 2006. Motion Carried.

A Bond is in place for our current treasurer, Robert Sadler with CM Stauffer Ins. Co. for \$1 million dollars, effective Jan. 1, 2006. Per Monica Brown from CM Stauffer she did not feel that Secy., Tina Everett needed to be bonded. A copy of Robert Sadler's bond was given to Auditor, Irwin Hamm.

A discussion was held on our open 45 escrow accounts at New Tripoli Bank. We will try to close out accounts that don't need to be open anymore. Roy Stewart, Engineer had concerns on open escrow accounts on subdivision plan accounts, due to inspections that might still need to be done. He will take some time to review the accounts with Robert Sadler, Treasurer.

A motion was made by David Najarian, seconded by Charles Lenhart to adopt **RESOLUTION 2006-4 OPEN AND MAINTAIN SAFETY DEPOSIT BOX AND ESCROW ACCOUNTS AT THE NEW TRIPOLI BANK** as amended by Solicitor Edmund Healy and to direct the Treasurer to review the open escrow accounts with the township engineer, Roy Stewart. Motion carried.

Discussion was made about the Oath of Office is on file at Township building for Robert Sadler, Treas., Tina Everett, Secy. and Linda Tyson, Tax Collector

A motion was made by David Najarian, seconded by Charles Lenhart to reappoint Gregory Snyder to the UCC Appeals Board for a 5 yr. term, which would expire First Monday 2011. Motion carried.

Discussion of Administrative/Zoning Officer Ken Bleiler's retirement at the end of May, 2006 was made about how to advertise his position with the qualifications for his position.

David Najarian asked if the Zoning Officer and Administrator should be the same person. Kenneth Bleiler felt it should be.

David Najarian asked Zoning Officer, Kenneth Bleiler what type of qualifications are most important with his current job. Ken Bleiler's response was "getting along with people and the public."

David Najarian also asked Kenneth Bleiler how the Administrator and Township Manager differ? Ken's response to this question was that managers hire and fire and managers can do more such as grants, etc.

Atty. Ed Healy felt a good starting place for his retirement would be to look over and update his job description. Kenneth Bleiler was asked to have this by next

workshop meeting on Jan. 30, 2006. Ken feels we need to keep on this to keep things moving along, since May will be here before we know it.

Tom Creighton would like to look into the possibilities of possibly hiring a Township Manager/ Zoning Officer. There are many possibilities.

Ken Bleiler commented on that “ The more you add onto title the more they will want.” He also commented that we need to act on this quickly.

Thomas Creighton spoke about the AARC Ordinance, basically how the ordinance was created. Tom felt it was rushed through and more time should have been spent on creating this ordinance from our planning commission, LV Planning Commission, Solicitor, Zoning Officer and Engineer.

Thomas Creighton shared an e-mail he received, in reference to appealing an ordinance, which read as follows; “Repealing the ordinance is in effect enacting another ordinance amending the current one to remove the unwanted parts. Thus, the new “amendment” will have to be submitted to the county PC and township PC for review, then advertised and followed by public hearing – all in accordance with the MPC.” Since this all takes time, the sooner we start the better. Tom informed the Board that he directed the solicitor to come up with a resolution to repeal the AARC Ordinance.

Solicitor Ed Healy discussed the process of appealing the ordinance on how this needs to be done.

Dave Najarian asked if adjacent property owners could band together to meet the minimum aggregate 60 acre requirement? Solicitor Edmund Healy was not sure of the answer.

Dave Najarian made a comment, assuming current plan will be before the planning commission and goes through and is not challenged in repealing this ordinance there will be no language in the remaining ordinance that addresses the age restriction other than the restriction having been grandfathered from the use that was permitted when the plan was filed. Solicitor Ed Healy agreed with Dave.

Dave Najarian commented that he just thinks we should cross our T's and dot our I's with their decision on the AARC.

Board decided to hold off until next meeting on which way to proceed with this recently enacted active adult residential community ordinance.

Dave would like to explore this repealer ordinance with the Board before making a motion.

Thomas Creighton commented that he feels an Active Adult Residential Community can be a good thing for our community if we take everyone's input. He stated that he's not against the AARC.

The Board convened to an executive session at 7:55 p.m. about legal issues about the AARC. The Board reconvened at 8:00 p.m. Discussion was regarding the Township's legal rights and options. Solicitor Healy felt this was an authorized executive session.

Public Comment- Jayson Boushell asked the board to explain what the benefit to the public would be in repealing the ordinance for the only project that is grandfathered in. What's the benefit to the Twp. to spend time and money to repeal an ordinance that seems not to have an actual effect on the community as far as stopping what Tom seems to want to stop or limit the AARC?

Solicitor Edmund Healy explained that the Board is considering whether it wants to consider appealing it down the road. They have to decide if they want to start the process of appealing.

A motion was made by David Najarian and seconded by Thomas Creighton to adopt **RESOLUTION 2006-5, DECLARING THE ATTACHED DRAFT ORDINANCE**

REPEALING ORDINANCE 2005-2 to be a pending ordinance of the Township, as well as directing the solicitor to forward a copy of the draft ordinance and resolution to the Lehigh Valley Planning Commission & the Township Planning Commission. Motion carried 2-1 with Lenhart voting against.

A discussion was then held pertaining to the timelines with the AARC. Tom Creighton asked Kenneth Bleiler about the timelines for the plan for the AARC. The Planning Commission recommendation for approval or disapproval is 60 days from submission date. If they can't do it by then, they could ask developer for extension of time to review plan. The submission date of plan was 12-21-2005.

A discussion was held on the transition planning of Lynn Township and supervision of matters concerning township employees and officials. David Najarian commented that he was feeling a lot less ill since the reorg. Meeting. He also commented that he was pleased with the way things are moving along and are going as well as can be expected. Actually better than he hoped.

Roy Stewart, Engineer discussed that the contracts were ready for signatures for the garage addition to the maintenance building.

Robert Sadler, Treasurer commented that he's making progress. He made the federal withholding payment. He's making sure the bills are getting paid and the employees are being taken care of, by getting paid.

Thomas Creighton reminded Tina Everett, Secy. that if she needed help, she should just speak up and the Board will get the help that is needed.

A discussion on the backroom documents from the previous Secy./ Treasurer, Dawn Straughn on who and how these documents should be filed. David Najarian and Kenneth Bleiler agreed to help with the cleanup and filing of these documents along with organizing the upstairs storage area of the Twp. building. David Najarian discussed the many items upstairs in file room, such as a tv, couch, old printers, etc. He would like to have these items removed. If Tina Everett, Secy., feels we need extra help or personnel she should let the Board know. Atty. Edmund Healy had some concerns with us being familiar with the records retention policy before throwing anything away.

A discussion on the Ontelaunee Park was brought up. A letter was received from Bob Nagle in regards to asking if the supervisors were going to make the park available to the community, and if so, who will be in charge for the residents to contact. He also asked about the policies and procedures for the park, which would include the band pavilion. Donald Christ informed the Board that he has the Recreation Advisory Committee working on this presently to coincide with the NYAA policies and procedures.

Discussion was brought up by Donald Christ regarding the reappointment of the Recreation Advisory Committee . This reappointment is done every year at reorganization meeting. This will get put on our next scheduled meeting, 2-2-06 to reappoint the committee.

Tom Creighton informed the board and public that May 20th, 2006 will be the dedication of the pavilion, by the Allentown West Rotary Club at Ontelaunee Park and June 25th, 2006 will be the Historical Society Picnic.

A motion was made by David Najarian, seconded by Charles Lenhart to appoint Robert P. Sadler as temporary chief administrative officer of the Pension Plan for Lynn Twp. Motion carried.

Discussion was brought up on the Act 537 Sewage Facilities Plan. Comments were received back from DEP and as per DEP the plan needs work.

David Najarian made a comment that we got slammed pretty hard from Dep and is not prepared to take action at this time.

Roy Stewart, Engineer will request an extension of time from DEP, maybe 3 months, which would be the middle of April 2006.

Public Comment-

Donald Christ commented to Engineer, Roy Stewart that three months seems like an awful long time.

Jayson Boushell asked about their one comment about newspaper notices were deficient and how they were advertised. Would we have to start over again?

Jayson Boushell commented that out of the 21 comments from DEP, eleven of them were conflicting information or missing information on the plan. David Najarian was in agreement with Jayson Boushell.

Donald Christ commented that this project started in 1997 and took until 2005 to get done. So he feels it wasn't rushed by any means.

Marv Charles made a comment he agrees with the Board that this 537 Plan is taking a long time, but we need to dot our I's and cross our T's.

Mel Charles informed the Board that she is working on a grant with the Lehigh County Greenway Plan. She gave each supervisor papers describing the grant.

Misc.-

Ken Bleiler reminded the Board to start thinking about replacing Sherry Selig while she's out on maternity leave later this year. Sherry Selig requested 6 months off for maternity leave, with maternity leave starting July 3 and returning in January.

Edmund Healy, Solicitor wants authorization from the Board to continue with the re-codification of the zoning ordinance. He would like to have a draft session to review the changes.

Thomas Creighton requested a clean copy of updated zoning ordinance to be given to the Board prior to the next workshop meeting.

Roy Stewart, Engineer commented about someone we could contact for a free proposal on doing our township zoning ordinance. This would be a professional presentation and the proposal would be free.

Discussion was brought up about the stop sign ordinance. Edmund Healy, Solicitor needs some direction from the Board on this.

Roy Stewart commented about Ken Bleiler's replacement. He wanted to remind the Board that his firm, Keystone Consulting Engineers could be the acting zoning officer / administrator temporarily for Lynn Township if we ran into some trouble with hiring someone new.

Roy Stewart informed the Board that he brought in his review of the Ovation @ Olde Homestead Plan. He also informed the board that he brought in the final copies of the contract for the addition to maintenance bldg. to be signed by the Chairman, Thomas Creighton and Secretary, Tina Everett of Township.

Dues are due to Berks County Public Works Association by Jan. 31, 2006. The amount of dues owed is \$ 75.00.

Charles Lenhart reminded the Board that the next EIT meeting is scheduled for Monday, Jan. 16th, 2006 @ 4:30 p.m. @ the Heid. Twp. Municipal Bldg.

Thomas Creighton wanted to check with the other Board members about posting the minutes on the website. David Najarian was ok with this.

Matt Nemeth discussed the appointment of a deputy to the emergency management. He'd like to have someone appointed from both Lynn and Heidelberg Township.

A motion was made by Thomas Creighton, seconded by Charles Lenhart to appoint Donald Christ as Assistant Deputy for the Emergency Management Plan. Motion carried.

Mary Jane Cole advised the Board that she had many years of experience in accounting and felt that AD Computer might be a way the township would want to go in doing the payroll and tax filing for township employees. They are inexpensive and can even do direct deposits for employees.

Richard Snyder feels it's time the Board looks into Littering signs for the township in various locations, such as Decatur St. (\$1,000 fine for Littering) Since we are proud of our township, he feels we should show it.

Misc.-Richard Snyder advised the board that 24' roads don't work. We should look into making our roads 50' wide, so the fire trucks/emergency personnel can get into our developments, such as Penn's View development.

Public Comment- Annie Martin wanted to remind the Board that when they make future decisions, to remember, it's for the good of the township.

David Najarian made a motion, seconded by Charles Lenhart to adjourn the meeting. Motion carried. Meeting adjourned 8:55 p.m.

Minutes1-11-06