

Board of Supervisors
Thursday, November 13th, 2008 @ 6:30 PM
Lynn Twp.-7911 Kings Hgwy., New Tripoli

Call to Order: The regular meeting of the Lynn Township Board of Supervisors was called to order by Chairman Kermit E. DeLong Jr., at 6:30 pm in the Municipal Building. Present were Chairman Kermit E. DeLong Jr., Vice Chairman Thomas C. Creighton III, member David C. Najarian, Zoning Officer Kevin N. Deppe, Asst. Secretary Tina Everett, Solicitor Ed Healy, Engineer Alan Fornwalt, East Penn Press Reporter Ken Petrini and approximately 14 citizens.

Pledge of Allegiance: The Pledge of Allegiance was conducted.

Public Comment: (1) Resident Marvin Charles questioned if we received the letter from DEP on the Act 537 Plan being administratively complete. The letter had not been received yet. Secondly he questioned the status of joint engineering. (2) At this time Eric Schellhamer, Chairman, Lynn Township Sewer Authority, explained that they lined up some engineers for this months and some for next month's sewer meetings. He felt the Board should be present at this meeting if possible. Kermit DeLong said he'd be present. The engineers that will be attending the sewer meeting on Tuesday, Nov. 18th @ 4:30pm to give a brief presentation of what they can offer will be as follows: BCM Engineering, Keystone Consulting Engineers, Rettew Inc. & Spotts Stevens & McCoy. There will be a few more brief presentations at the meeting in December also. (3) Mr. Schellhamer also questioned Mr. Najarian on what was posted in the Northwestern Press paper, which seemed to be finger pointing. Mr. Najarian clarified that this was not the case and he just felt that if a common engineering firm was used for both the sewer authority and the township then we wouldn't have one engineer pointing the finger at another engineer. Once this is done and the sewer authority narrows down their decision of an engineer, there was discussion that it may be feasible to have a joint special meeting to make the selection. (4) Robert Sadler felt that going with a single engineering firm for both the sewer authority and township may solve some problems, but may also create some problems. (5) Kelly Follweiler addressed the Board in regards to the 5 acres of land she owns on Blue Mountain House Rd. The property is 7ft short of road frontage to meet our driveway ordinance #2002-1, so she was requesting a waiver from the Board on this issue. After further discussion on this, the Board agreed that she should submit a sketch plan of the property to the Zoning Officer and then they will discuss this matter at the next meeting on 12/11/08. Kevin will go over this plan with Solicitor Healy prior to the next meeting.

Accept the Minutes and Direct the Treasurer to pay the bills: A motion was made by David Najarian and seconded by Thomas Creighton to accept the minutes from the October 9, 2008 Public Hearing. Motion carried unanimously. After detailed discussion on the minutes from the regular meeting on October 9, 2008 and transcribing minutes, a motion was made by David Najarian and seconded by Thomas Creighton to accept the regular minutes from the October 9, 2008 meeting with the revisions as amended to the Policy Handbook paragraph. Motion carried unanimously. A motion was then made by David C. Najarian and seconded by Thomas C. Creighton to accept the October 29, 2008 Budget meeting. Motion carried unanimously. A motion was made by Thomas C. Creighton and seconded by Kermit E. DeLong to direct the treasurer to pay the bills. Dave Najarian abstained from the vote. Dave Najarian prepared a Conflict of Interest Memorandum of Abstention in January 2008 because he recused himself in the event a bill would need to be paid to the Lynnport Fire Company.

Subdivisions:

Wisser Extension-#07-08- This plan was represented by Shirley Wisser. Mrs. Wisser was requesting an extension due to the fact that she was still waiting on the HOP permit. She explained that it was in transit, but hadn't received it yet. She brought the mylars to the meeting and she was also willing to pay the rec. fees associated with the subdivision plan. David C. Najarian made a motion, seconded by Thomas C. Creighton to grant Shirley Wisser an extension through February 28, 2009. Motion carried unanimously.

Northwestern Self Storage Land Development Final Plan -#07-03- East side of Rte 309- This plan was represented by Beitler Surveying, Bill Beitler. On behalf of his clients Mr. Beitler was requesting a time extension of 18 months to complete the improvements agreement for this Land Development Plan. This extension is being requested due to the limited credit availability and the uncertain economic conditions the country is experiencing at this time. A motion was made by David C. Najarian, seconded by Thomas C. Creighton to grant their extension request through March 1, 2010. Motion carried unanimously.

Miller Rd. Farms, LLC #2 -2 lot Minor Subdivision/Final/3rd review -#08-05- This plan was also represented by Beitler Surveying, Bill Beitler. A motion was made by David C. Najarian, seconded by Thomas C. Creighton to grant final approval of this plan. Motion carried unanimously.

Park Report: *Richard Matthias, Park Manager, reported for the month of October:* **1-** Put small river rock pebbles around outside of monument. **2-** Helped David Wright dig trench and put conduit pipe from new pavilion to old pavilion. **3-** Planted 10 new trees around playground area. **4-** Planted 6 trees from band shell to creek. **5-** Put 2 handicap signs in front parking lot. **6-** Painted all sign poles in the park. **7-** Painted all the bottom poles on the picnic tables underneath the pavilion. **8-** Mowing, trimming (regular maintenance). **9-** Returned electric stove to Lesher's Appliances in Lenhartsville. Discussion on the damage done by skateboarders in Ontelaunee Park. The Board feels that the skateboards do not respect our park and are abusing township property by breaking the picnic tables and should be prosecuted if caught in

the future. Resident Russell Wambold informed the board that he saw many skateboards in the park Sun. Nov. 2nd. Resident Richard Metzger also informed the board that he's sat there in the park asked them to leave, but the kids don't leave. They just wait for him to leave. Thomas C. Creighton suggested that Richard Matthias put sand bags at the back of the soccer nets on the field in Ontelaunee Park due to liability reasons. Thomas Creighton also questioned when the soccer fields are getting mowed. Richard informed him that this is done at approximately 3". Engineer Alan Fornwalt informed the board that the plan for the tennis and basket ball courts was completed. He left the one copy with Kevin Deppe. David Najarian requested that Mr. Fornwalt get an estimated cost for this project to him. He was asked to email it to him. The Board will bid out this work in spring 2009.

Road Report: *Bruce Raber, Road Master, reported for the month of October:* 1- Boom mowed and tree trimmed all of the mountain roads. 2- Lehigh County came in and chipped at the recycling center. 3- Cleaned out shoulders and filled in and built up Blue Mountain House Rd. from Leaser Rd. to top with shale. 4- Built a walk and rail for the 544J Loader for safer tree trimming. 5- Took down the old shed at the recycling center and back filled with shale. We received \$112 in scrap metal for old shed. 6- Put chains and salt spreaders on trucks and the grader. 7- Roof coated the shed at the recycling center and painted the door and trim on it. 8- Cracked sealed Flint Hill Rd. and then helped Heidelberg Township. *Anticipated work for November:* 1 – Do some boom mowing. 2 – Start tree trimming.

Resolution to transfer \$\$ from Sub/Escrow to GFMM: A RESOLUTION OF THE BOARD OF SUPERVISORS OF LYNN TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA FOR THE TRANSFER OF UNENCOMBERED MONEYS FROM ONE TOWNSHIP ACCOUNT TO ANOTHER. A motion was made by David C. Najarian and seconded by Thomas C. Creighton to adopt **Resolution 2008-21**. Motion carried unanimously.

Resolution for the sale of telephone poles & floor buffer: A RESOLUTION OF THE BOARD OF SUPERVISORS OF LYNN TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA FOR THE SALE OF TELEPHONE POLES AND FLOOR BUFFER. A motion was made by Thomas C. Creighton and seconded by David C. Najarian to adopt **Resolution 2008-22**. Motion carried unanimously.

Tax Rate for Year 2009: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LYNN, LEHIGH COUNTY FIXING THE TAX RATE FOR THE YEAR 2009. This resolution was tabled at this time until later in the meeting. This was to give the Asst. Secretary time to pull the resolutions from previous years out of the file for their reference.

Budget Adoption: At this time the proposed budget was discussed. Kermit E. DeLong Jr. felt that Kevin Deppe, Zoning Officer/Administrator should be given a substantial pay increase and be named Township Manager. An ordinance would need to be written and advertised. There was also discussion on proposing a 4% increase to all full-time employees this year with no increase next year if the economy is bad. A motion was made by David C. Najarian, seconded by Kermit DeLong to authorize Ed Healy to draft an ordinance and circulate to the Board for the creation of a Township Manager. Motion carried unanimously. There was then discussion on the \$25,000 set aside for a truck and discussion continued on the donations received for the tennis/basketball courts. The Board agreed that a letter should be mailed to all people who donated money explaining the situation, and asking them if we have permission to retain their money. A motion was then made by David C. Najarian, seconded by Thomas C. Creighton, to direct Tammy White to write the letters to all people who donated money for the tennis/basketball courts. Motion carried unanimously. Bruce Raber, Road Master questioned the Board that if he could find a decent/used truck, maybe about 5 years old, for approx. \$35,000 would they consider allowing him to purchase it. The Board seemed to agree with this. A motion was made by David C. Najarian, seconded by Thomas C. Creighton to authorize the advertisement of the amended budget as discussed, which would consist of deleting the purchase of the SMP (Sewage Management Program) Software, which will in turn reflect the anticipated salary increase into the appropriate chart of accounts section as discussed. Motion carried unanimously. A motion was made by David C. Najarian, seconded by Kermit DeLong to allow the expenditure of \$136 to be paid out of the rec. fund for the swing sets for the Tot-Lot. Motion carried unanimously. At this time the discussion came up again on the Resolution for the tax rate for 2009. The Board agreed that Tammy White and Solicitor Healy should look over the resolution at this time and make any necessary corrections and resubmit this for adoption at the next meeting on Dec. 11th, 2008. The Board did agree to leave the tax rate the same as it was from last year.

Penndot Resolution: A RESOLUTION OF THE BOARD OF SUPERVISORS OF LYNN TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA AGREEING TO USE "DOT GRANTS" TO FILE LIQUID FUEL ANNUAL FORMS. A motion was made by David C. Najarian and seconded by Thomas C. Creighton to adopt **Resolution 2008-24**. Motion carried unanimously.

Fuel for Ambulance: Discussion as to whether or not they should allow the Ambulance Corps. to finish out the year refueling their vehicles. The Board agreed that they should be allowed to continue fueling up at the township building for the remainder of 2008, but will be invoiced for all their fuel used for the remainder of the year. They were also in agreement that for next year they would be able to receive \$5,000 free fuel and then would be allowed to continue fueling up at the township building, but would be invoiced for all fuel used over the \$5,000 agreed upon.

Vacation of Boyer Ct. & Portion of Hoffadeckel: An extended discussion was held at this time as to whether or not the Board wanted to vacate a portion of Hoffadeckel Court & Boyer Court. Kermit DeLong stated that he did not want to vacate these roads. After further discussion on this matter and what options they had, the Board then directed Kevin Deppe to send a letter to residents on Boyer Ct. and Hoffadeckel Ct. to ask them to remove the junk from our streets/right-of-way, giving those 15 days to respond to avoid the vacation of these roads. They also directed Mr. Deppe to contact Mr. Byler to ask if he would be willing to move his fence and fence posts back from the end of Hoffadeckel near the cow path. This would better help our road crew during winter storms, to be able to have a location to plow the snow. A motion was made by Thomas C. Creighton, seconded by David C. Najarian to authorize the advertisement for the ordinance to vacate Boyer Ct. & a portion of Hoffadeckel Ct. to the end of the cow path for the December 11th, 2008 meeting. Kermit DeLong opposed.

AARC: At this time there was discussion on having a joint meeting with Board and Planning Commission to discuss the AARC. This was a recommendation from the Planning Commission.

Act 537: This was discussed earlier in the meeting under public comment. The Board is waiting on a letter from DEP on the Act 537 Plan being administratively complete. The letter had not yet been received by the township.

Cable Franchise: Solicitor Ed Healy informed the Board that the agreement expires at the end of the year. He also informed them that he was still waiting for some of their responses to his list of comments. Chairman DeLong hadn't had time to review the questions due to being on vacation, but will do so and report back to Solicitor Healy.

Policy Handbook: David C. Najarian still needs to read the revisions.

Miscellaneous: (1) Kevin Deppe informed the Board that he spoke with Ed Healy since he had some concerns with the propane tanks for the new heating system and not being placed in the right-of-way for the cellular tower access. (2) There was also discussion on the brush growing up the chain link fence which is around the cell tower. Keeping the brush mowed down may be an obligation on the contract. (3) Mr. Deppe also informed the Board that the next step for Codification would be to review the draft of the zoning and SALDO together with the Engineer. (4) Solicitor Ed Healy reminded the Board that a resolution needed to be in place by the beginning of the year for the new Right-To-Know Law. PSATS may have a sample of this resolution. At this time there was also discussion on appointing an Open Records Officer for the township. (5) Solicitor Healy informed the Board that he and Kevin had good success in prosecuting someone who hadn't got a permit along with violating the township burning ordinance. (6) David C. Najarian voiced his concerns about keeping the litter ordinance moving forward. After further discussion on this matter a motion was made by Kermit DeLong Jr., seconded by David C. Najarian to advertise the litter ordinance for adoption at the Dec. 11th, 2008 meeting. Motion carried unanimously. (7) Discussion on the Township Manager needing to be bonded. The Board directed Tammy White to start the paperwork process. At this time the Board discussed their feelings on keeping the outside auditing firm or getting rid of the auditing firm for the next couple of years and using our township auditors. After further discussion, David C. Najarian felt that we should hear from the community on their feelings on this matter as to whether or not the township should keep hiring the auditing firm or just have the elected township auditors audit the books.

Public Comment: (1) Richard Metzger suggested that the Ambulance Corps. contact the other municipalities for fuel reimbursement. (2) Robert Sadler disagreed with Kermit DeLong on the matter of not hiring an auditing firm to audit the books due to the large amount of money that had been lost in escrow fees from development costs in previous years.

Adjournment: A motion was made by Thomas C. Creighton and seconded by David C. Najarian to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:50 pm.

As of November 30, 2008

Account	Balance
General Fund	359,000.17
Capital Reserve	452,970.54
Zoning/Subdivision	11,107.95
HLLW COG	38,830.96
State Road	7,649.90
Street Light	3,635.33
Park	1,989.89
Recreation	29,793.99
Total	904,978.73

Nov 08

Income-General Fund

301 - Real Property Taxes

301.10 - Real Estate Tax-Current	1,161.15
301.40 - Delinquent RE Tax-Tax Claim	233.58

Total 301 - Real Property Taxes	1,394.73
310 - Local Tax Enabling Act	
310.10 - Real Estate Transfer Tax	3,238.90
310.20 - Earned Income Tax	
310.21 - Earned Income Tax-Current	<u>48,149.18</u>
Total 310.20 - Earned Income Tax	<u>48,149.18</u>
Total 310 - Local Tax Enabling Act	51,388.08
331 - Fines	
331.10 - Court - Magistrate	155.83
331.12 - Violation of Ordinances, Statue	<u>60.34</u>
Total 331 - Fines	216.17
342 - Interest, Rents & Royalties	
342.53 - Royalties from Cell Tower Rent	<u>1,000.00</u>
Total 342 - Interest, Rents & Royalties	1,000.00
360 - Gen. Govt. Charges for Services	
361 - General Government	
361.100 - General Contractor Registration	75.00
361.30 - Zoning-Subdiv-Land Dev Fees	
361.32 - Fees for Eng., Insp, & Reviews	<u>2,119.59</u>
Total 361.30 - Zoning-Subdiv-Land Dev Fees	2,119.59
361.82 - Sale of surplus material	200.00
361.88 - Copy Fee	15.00
361.91 - Plumbing Registrations	25.00
361.92 - Electrical Registrations	25.00
361.94 - Misc. Billing	<u>75.00</u>
Total 361 - General Government	2,534.59
362 - Public Safety	
362.40 - Protective Inspection Fees	
362.41 - Building Permit	
362.41B - BLDG/Alter/Repair Permit	1,162.00
362.41D - Driveway Permit	75.00
362.41F - Building Permit Filed	600.00
362.41K - Deck, Patios, Patio Roof, Porch	179.00
362.41R - Renew BLDG, Zone, Plumb	<u>200.00</u>
Total 362.41 - Building Permit	2,216.00
362.42 - Electrical Permit	372.00
362.43 - Plumbing Permit	258.00
362.48 - Demolition Permit	<u>104.00</u>
Total 362.40 - Protective Inspection Fees	2,950.00
362.98 - Sign Permit	55.00
362.99 - Logging/Timber Harvest	<u>200.00</u>
Total 362 - Public Safety	3,205.00
364 - Sanitation	
364.30 - Solid Waste Collection/Disposal	<u>1,358.65</u>
Total 364 - Sanitation	<u>1,358.65</u>
Total 360 - Gen. Govt. Charges for Services	7,098.24
389 - Unclassified Income	30.00
392 - Interfund Operating Transfer	
392.98 - Transfer from SubD/Zoning	<u>40,883.67</u>
Total 392 - Interfund Operating Transfer	40,883.67
395 - Refunds of Prior Yr Expenditure	
395.99 - Refunds of Prior Year Exp.	<u>207.77</u>
Total 395 - Refunds of Prior Yr Expenditure	<u>207.77</u>

Total Income	102,218.66
Expense	
400 - General Government	
400.00 - Legislative (Governing) Body	
400.05 - Supervisor Salaries	408.36
Total 400.00 - Legislative (Governing) Body	<u>408.36</u>
403 - Tax Collection	
403.16 - Commission Paid as Compensation	1,505.33
Total 403 - Tax Collection	<u>1,505.33</u>
404 - Solicitor/Legal Services	6,295.56
405 - Secretary/Clerk	
405.12 - Salary Township Secretary	1,941.37
Total 405 - Secretary/Clerk	<u>1,941.37</u>
406 - Other General Govt. Admin	
406.12 - Salary Full Time Staff	3,658.39
406.21 - Office Supplies	285.75
406.32 - Communication - Phone/Wireless	640.38
406.34 - Advertising	103.66
406.38 - Rentals	202.49
406.99 - Payroll	116.02
Total 406 - Other General Govt. Admin	<u>5,006.69</u>
408 - Engineering Services	
408.31 - Engineering for 537	76.00
408.99 - Township engineer	2,685.50
Total 408 - Engineering Services	<u>2,761.50</u>
409 - General Government Bldg&Plants	
409.36 - Public Utility Services (TWP)	263.10
409.37 - Repairs and Maint.	187.80
409.44 - Laundry/Other Sanitary Services	502.55
409.99 - Heating - Oil/Propane	3,132.36
Total 409 - General Government Bldg&Plants	<u>4,085.81</u>
Total 400 - General Government	<u>22,004.62</u>
410 - Public Safety	
411 - Fire	
411.98 - New Tripoli FC Fuel	272.22
Total 411 - Fire	<u>272.22</u>
412 - Ambulance/Rescue	
412.98 - Fuel	306.99
Total 412 - Ambulance/Rescue	<u>306.99</u>
413 - Code Enforcement	
413.31 - Code enforcement pro. service	2,337.61
Total 413 - Code Enforcement	<u>2,337.61</u>
414 - Planning & Zoning	
414.15 - ZHB/PC Salaries	120.00
414.31 - Professional services	180.00
414.33 - Transportation Costs	394.29
414.98 - Zoning Recording/Transcription	170.00
414.99 - Salary Zoning Officer	3,136.80
Total 414 - Planning & Zoning	<u>4,001.09</u>
419 - Other Public Safety	
419.99 - PA One Call	12.75
Total 419 - Other Public Safety	<u>12.75</u>
Total 410 - Public Safety	<u>6,930.66</u>
420 - Health and Human Services	

422 - Vector (Animal) Control	
422.98 - Pesticide License Renewal	35.00
Total 422 - Vector (Animal) Control	35.00
426 - Gen Gov Recycling Col & Dis	
426.15 - Transfer/Recycle Salaries	631.92
426.44 - Sanitation Services	751.73
Total 426 - Gen Gov Recycling Col & Dis	1,383.65
Total 420 - Health and Human Services	1,418.65
430 - Public Works Hwy,Rds,Streets	
432 - Winter Maintenance	
432.14 - Salaries Winter Maintenance	3,066.41
432.15 - P/T Winter Salary	653.41
Total 432 - Winter Maintenance	3,719.82
437 - Repair of Tools & Machinery	
437.99 - Truck Repair	495.59
Total 437 - Repair of Tools & Machinery	495.59
438 - Road/Bridge Maint. and Repair	
438.14 - Salaries for Road Maint	4,311.13
438.15 - PT Salaries for Road Crew	616.79
438.25 - Repairs & Maint Supplies	862.39
438.98 - Twp. paid road maint mat.	323.12
438.99 - Truck Fuel	1,111.07
Total 438 - Road/Bridge Maint. and Repair	7,224.50
Total 430 - Public Works Hwy,Rds,Streets	11,439.91
450 - Culture-Recreation	
452 - Participant Recreation	
452.15 - Participant Recreation - P/T	7.05
Total 452 - Participant Recreation	7.05
454 - GF Parks	
454.12 - Parks full time staff (GF)	1,854.58
454.15 - Parks part time staff (GF)	969.58
454.28 - Park Equipment	1,747.00
454.33 - Travel Expense	124.79
454.52 - Pre-paid grants	5,500.00
Total 454 - GF Parks	10,195.95
Total 450 - Culture-Recreation	10,203.00
480 - Misc. Expense	
481 - Employer paid Taxes	
481.10 - Employer paid FICA	1,745.16
481.20 - Employer paid Medicare	408.14
481.30 - Employer paid Unemployment Comp	12.51
Total 481 - Employer paid Taxes	2,165.81
487 - Other Group Insurance Benefits	
487.01 - Health Insurance	9,077.53
487.02 - Life Insurance	32.50
Total 487 - Other Group Insurance Benefits	9,110.03
489 - All other unclassified Expenses	
489.98 - Clothing Allowance	357.37
489.99 - EE withholding taxes	6,560.14
Total 489 - All other unclassified Expenses	6,917.51
Total 480 - Misc. Expense	18,193.35
Total Expense	70,190.19
Net Income	32,028.47

	<u>Nov 08</u>
Income-Electric Light Fund	
383.11 · Street Lighting Tax	138.02
Total Income	138.02
Expense	
434 · Street Lighting	
434.36 · Street Lighting Electric	754.68
Total 434 · Street Lighting	754.68
Total Expense	754.68
Net Income	<u><u>-616.66</u></u>
	<u>Nov 08</u>
Income-COG Fund	
342.40 · Rent of Machinery and Equipment	0.00
Total Income	0.00
Expense	
437 · Repairs of tools and machinery	27.00
Total Expense	27.00
Net Income	<u><u>-27.00</u></u>
	<u>Nov 08</u>
Income-REC Fund	
341.01 · Interest on Checking	11.25
Total Income	11.25
Expense	0.00
Net Income	<u><u>11.25</u></u>
	<u>Nov 08</u>
Income-Escrow Fund	0.00
Expense	
492 · Interfund Operating Transfers	
492.02 · Transfer to GFMM	40,883.67
Total 492 · Interfund Operating Transfers	40,883.67
Total Expense	40,883.67
Net Income	<u><u>-40,883.67</u></u>
	<u>Nov 08</u>
Income-Park Fund	
387 · Contributions and Donations	825.00
Total Income	825.00
Expense	
454 · Parks	
454.24 · General Supplies	-150.00
454.25 · Repairs & Maintenance Supplies	1,347.21
454.36 · Public Utilities	72.29
454.99 · Signs	454.69
Total 454 · Parks	1,724.19
Total Expense	1,724.19
Net Income	<u><u>-899.19</u></u>
Total Income (all accounts)	103,192.93
Total Expense (all accounts)	113,579.73
Net Income(all accounts)	<u><u>-10,386.80</u></u>

Respectfully Submitted,

Tammy M. White
Secretary/Treasurer

Tina M. Everett
Asst. Secretary