

Regular Meeting
Thurs., July 6th, 2006- 7:30PM
LynnPort PA 18066

Call to Order: The regular meeting of the Lynn Township Board of Supervisors was called to order at 7:30pm on July 6, 2006. Present on the Board was Chairman Tom Creighton, supervisors David Najarian and Charlie Lenhart. Also present on behalf of the Township were Roy J. Stewart, Township Engineer; Edmund Healy, Township Solicitor; Kevin Deppe, Zoning Officer/Admin./Office Manager; Angelic Morales, Township Secretary/Assistant Treasurer; Bruce W. Raber, Road Master; Rob Sadler, Treasurer; Tina Everett, Admin. Secretary/Asst. Township Secretary.

In attendance in the audience were Mel and Marvin Charles; Glenn A. Smith; Gary Armstrong, Land Acquisition Manager, - Baker Co., Clifford Lathrop, Greg Adelman, Esquire for Baker Company (Ovations); Debi Palmieri, Northwestern Press; Blake Marles, Esquire; Bill Beitler and Margaret O. "Peg" Dissinger, Vice President, Land Development for "Penn's View, II"; John Scully and Jay Musselman for Scully Subdivision for "Scully Court"; Peter Crabb; Gary Armstrong; Douglas Heintzelman and Lawrence Heintzelman, Jr., for "Heintzelman Estates"; and (6) others in attendance that did not sign in.

Public Comment: In the period for public comment, no members of the public commented.

Minutes: A Motion was made by David Najarian, to accept the minutes of July 3, 2006 and June 1, 2006 and direct the treasurer to pay the bills. Charlie Lenhart seconded. Motion carried unanimously.

Road Report: Roadmaster Bruce Raber introduced Andy Whaling as a candidate for hire on the Road Crew. A motion was made by David Najarian, to extend an offer of part-time employment to Andy Whaling at the rate of 14 and a quarter and to be added to the part-time list as a member of the Road Crew subject to all the other terms and conditions of the personnel manual. Charlie Lenhart seconded. Motion carried unanimously.

Subdivisions:

John J Scully III-Revised Final Plan-Major-5 Lots (30 Acres)- Bausch Rd.

Jay E. Musselman of Musselman and Associates, for John J Scully, III, presented a Major-revised Preliminary Plan, (5) lots on 33.41 acres, and gave summary of the subdivision. Outstanding issues included an Improvement Agreement, the MPDES permit plus the Rec.-Fees.

David Najarian made a motion, seconded by Charles Lenhart, III, to grant conditional approval subject to the execution of an Improvements contract,

receipt of the MPDES permit, the ENS Plan and the payment of Rec.-Fees. Motion carried unanimously.

Penn's View, II, (79) lots on 16.3888 acres – Western Side of Madison Street. – Peg Dissinger provided a summary regarding outstanding issues, phasing and language for the plan notations. A discussion about rec. fees and various waivers unfolded. Charlie Lenhart observed that the plan included a second street named Falcon Street in Lynn Township. Kevin will check with EMS and assign house numbers so that the numbers correspond with each Falcon Street for the purpose of 911.

David made a motion, seconded by Charlie, to granted requested waivers of SALDO sections, 441, 442 and 493.4.2. Motion passed unanimously.

David made a motion, seconded by Charlie, to grant conditional final approval for Penns View II, with the following conditions.

The plan shall be noted: "No building permit shall be issued for any dwelling until the Lynn Township Sewer Authority, or its successor, shall have confirmed in writing that sufficient treatment capacity exists and has been reserved at the treatment plant for that particular dwelling."

Applicant shall indemnify and hold the Township, its elected officials and employees (the "Indemnities") harmless from any claims or causes of action brought against the Indemnities by any lot owner in the subdivision who asserts a right to a building permit or occupancy permit for any lot or structure for which sewer service is not then available." Further, Developer shall sell no lot in the subdivision for which sewer capacity is not yet available without inserting in the Agreement of Sale for that lot a provision that expressly advises the buyer that sewer capacity is not yet available, and no building or occupancy permit will be issued for the lot until such time as sewer service is available.

Applicant shall, upon final plan approval, pay recreation fees at the current rate for the number of lots for which sewer service is then available. As additional sewer allocations are granted to Applicant for lots in this project, additional recreation fees will be paid in full for all of the lots for which sewer service is allowed, whether or not Applicant seeks to then build. Thus, if sufficient allocation is made available to build out the entire project, all rec fees for the entire project will be paid out at once, whether or not Applicant has sought building permits or commenced building. The amount to be paid for each lot in Phase 1 will be \$1000/lot. Recognizing the Board's concern that future recreational improvement costs may increase, even as rec fees stay constant, the Applicant voluntarily agrees that fees to be paid for the lots in Phase 2 may be increased annually to the actual payment date, based upon the CPI (Philadelphia SMSA, Urban Consumers, all goods and services), based upon the CPI (Philadelphia SMSA, Urban Consumers, all goods and services), notwithstanding the legal prohibition found at Section 508(4)(i) of the MPC, but only if the Township has otherwise properly raised its recreation fees generally for all residential developers. Until all recreation fees are paid, payment shall be secured as part of the improvement security, as each phase is secured.

In addition, Applicant agrees to secure all improvements in the recreation area on site as part of the security for Phase One of the development."

A master subdivision improvements and maintenance agreement, along with the phased agreement for the initial phase to be constructed, shall be executed by the Applicant and the Township and shall be recorded, and the posting of the necessary security with the Township Treasurer shall be completed.

Likewise, an improvements agreement between the Applicant and the Lynn Township Sewer Authority shall be executed and recorded, and the necessary security shall be posted with the Authority Treasurer.

Update on Act 537 Plan: Eric Schellhamer asked the about the status of the pending 537 plan, specifically whether the timelines for the completion of various sub-tasks were observed. David noted that certain tasks had been delayed, specifically that the engineer had not yet provided his estimate on expected sewage demand and needed capacity. Eric questioned whether estimates and design concerning needed capacity was in the purview of the Township or whether such responsibility was more correctly laid to the Sewer Authority. David reminded Eric that the task list was set forth in a Joint Meeting between the Township Board and the Sewer Authority, and as to any delays, the Board had previously requested the participant's input so as to avoid delays and complete the plan in a timely fashion, to which each participant thought the process did not need revision. David suggested a special meeting be scheduled so as to receive estimates and design capacity requirements from the Township Engineer.

David made a motion, seconded by Charlie, to hold a special meeting on a mutually convenient date to be determined, and to direct the secretary to advertise the special meeting once the date of the meeting had been determined. Motion carried unanimously.

Multi-Municipal Comprehensive Plan: Discussion on this item to send it to the Township Planning Commission and to the Lehigh Valley Planning Commission.

Maintenance Building Addition: A motion was made by David, seconded by Charlie, to direct the Treasurer to pay the invoices of Hoffman and Kistler for the final completion of the garage addition. Motion carried unanimously.

Petty Cash: A motion was made by David, Seconded by Charlie, to appoint Tina Everett as Petty Cash Custodian. Motion carried unanimously.

Sam's Club Discount Card: Upon a previous request of Donald Christ, as Park Director, for Sam's Club membership, for the purpose of purchasing inexpensive park tables, a motion was made by Tom, seconded by Charlie to obtain a Sam's Club membership. Motion carried unanimously.

Treasurer Appointments: A discussion was held on whether Rob Sadler should remain as Treasurer or become Assistant Treasurer, given his stated desire to

leave office. Rob suggested no action be taken at this time, given needed pending resolutions concerning various escrow accounts.

NIMS: Resolution 2006-10 was made by David, seconded by Charlie, for implementing the National Incident Management System. Resolution carried unanimously.

Benefits Coordinators: David made a motion, seconded by Charlie, to appoint Kevin Deppe as Alternate Benefits Coordinator. Motion carried unanimously.

Donations/Contributions: As discussed in the previous workshop, Tom suggested rising the contribution for fuel funds to the emergency services vehicles due to the cost of current rise in the cost of fuel. David motioned, seconded by Charlie that donations be set as follows:

- LYNNPORT FIRE CO.-\$5,000+ fuel of \$1,600;
- NEW TRIPOLI FIRE CO.-\$5,000 +fuel of \$1,600
- NORTHWESTERN AMB. CORPS.-\$5,000;
- NORTHWESTERN RESCUE SQUAD -\$2,500;
- NORTHWESTERN REC. COMMISSION-\$5,000 + \$500.00-Nite in the Country;
- BOOKLENDERS- \$1,000

Motion carried unanimously.

Proposed Ordinance Amendments: Tom presented a proposed ordinance to Amend the Zoning Ordinance to Provide for a more Balanced Community Having Mixed Housing Types in the Rural Center (RC) Zoning District . Tom proffered that the ordinance would more balance between high density town-homes and other residences in the RC district and give the Township more control. David motioned, seconded by Charlie to send the ordinance to the Planning Commission and set for September's Public Hearing.

David presented a proposed ordinance to Amend the Zoning Ordinance to More Properly Define Animal Husbandry as including livestock and other traditional farm animals and to redefine Animal Husbandry, specifically to allow for the raising and boarding of horses; for the BOS consideration. No action was taken.

Ovations: Revised Preliminary Plan Major-Land Dev. 359 Units, Intersection of 143, 309 and Log Cabin Road. A lengthy discussion regarding the request by Ovations for an extension of time for before action be taken on their revised preliminary plan. On behalf of Baker Residential Greg Adelman argued that the planning commission had granted the extension request and that the plan was not properly before the Board. Citing the statutory authority regarding deemed approval; the BOS considered the plan, outlined its deficiencies and considered the Applicant's request for an extension of time. Mr. Adelman, responding to certain alleged deficiencies, said that some of the alleged deficiencies were not previously provided to him in writing. David responded that even where an

engineer might fail to point out a plan deficiency under SALDO, such does not excuse the applicant from conforming to SALDO.

The BOS recessed at 10:15 p.m. to hear legal advice from its solicitor. Upon its return at 10:37 p.m. the solicitor announced the reason for the executive session.

Motion was made by Tom Creighton directing the solicitor to write a letter outlining the identified deficiencies of the plan, and grant the extension request through September 7, 2006. Charlie seconded the motion. Motion passed unanimously.

Public Comment: A Resident questioned speed limit off of Allemaengel Road which goes by his farm.

A motion was made by David Najarian, seconded by Charles Lenhart to adjourn meeting. Motion carried unanimously. Meeting adjourned at 10:54 p.m.

Type	Date	Num	Name	Paid Amount
100 General Fund Checking				
Check	06/01/2006	2728	David C. Najarian	-223.51
Bill Pmt -Check	06/01/2006	2729	County of Lehigh	-972.93
Bill Pmt -Check	06/01/2006	2730	Office Depot	-1,068.71
Bill Pmt -Check	06/01/2006	2731	Waste Management	-378.26
Bill Pmt -Check	06/06/2006	2539	Barnes Distribution	-177.00
Bill Pmt -Check	06/06/2006	2540	Health Networks Laboratories	-41.60
Bill Pmt -Check	06/06/2006	2732	Heidelberg Township	-3,707.91
Bill Pmt -Check	06/06/2006	2733	Keystone Consulting Engineers	-1,764.00
Check	06/08/2006	2734	Kenneth A. Bleiler	-250.00
Check	06/08/2006	2735	Bruce W. Raber	-1,047.57
Bill Pmt -Check	06/08/2006	2736	Cogle's Recycling Inc.	-50.00
Bill Pmt -Check	06/08/2006	2737	Plaza Hardware	-2.98
Check	06/09/2006	EFT	A D Computer Corporation	-59.51
Check	06/09/2006	EFT	A D Computer Corporation	-37.50
Check	06/09/2006	149	Kenneth A. Bleiler	-774.02
Check	06/09/2006	150	Thomas C. Creighton III	-132.50
Check	06/09/2006	151	Kevin N Deppe	-489.46
Check	06/09/2006	152	Tina M. Everett	-1,251.66
Check	06/09/2006	153	Janet L. Henritz	-159.34
Check	06/09/2006	154	Charles E Lenhart III	-132.50
Check	06/09/2006	155	David C. Najarian	-137.93
Check	06/09/2006	156	Robert P. Sadler	-406.08
Check	06/09/2006	157	Sandra Acker	-86.42
Check	06/09/2006	158	Joseph D. Howard	-923.25
Check	06/09/2006	159	Richard Matthias	-1,059.96
Check	06/09/2006	160	Bruce W. Raber	0.00
Check	06/09/2006	161	Joseph H. Wisser	-1,046.03
Check	06/09/2006	162	Stanley W. Billig	-222.24
Check	06/09/2006	163	George Rauch	-259.73

Check	06/09/2006	164	Linda L. Tyson	-2,627.71
Check	06/09/2006	165	Sherry L. Selig	-850.63
Check	06/09/2006	EFT	A D Computer Corporation	-5,092.91
Check	06/09/2006	EFT	MET-ED	-289.08
Bill Pmt -Check	06/13/2006	2738	Horwith Fuel Oil	-1,149.17
Bill Pmt -Check	06/14/2006	2739	Gallagher Reporting and Video, LLC.	-150.00
Bill Pmt -Check	06/14/2006	2740	John M. Ashcraft, III	-882.00
Bill Pmt -Check	06/14/2006	2741	Matthew Nemeth	-160.20
Bill Pmt -Check	06/14/2006	2742	Steckel & Stopp Law Offices	-10,529.90
Check	06/16/2006	EFT	MET-ED	-24.30
Check	06/16/2006	EFT	MET-ED	-75.18
Check	06/16/2006	EFT	MET-ED	-54.85
Bill Pmt -Check	06/16/2006	2743	Blue Ridge Communications	-53.95
Bill Pmt -Check	06/16/2006	2744	Divine Springs	-40.68
Bill Pmt -Check	06/16/2006	2745	Heidelberg/Lynn EIT Bureau	-1,572.32
Bill Pmt -Check	06/16/2006	2746	John M. Ashcraft, III	-342.00
Bill Pmt -Check	06/16/2006	2747	Nextel Communications	-212.95
Bill Pmt -Check	06/16/2006	2748	Time News	-19.64
Bill Pmt -Check	06/16/2006	2749	Verizon	-297.18
Bill Pmt -Check	06/16/2006	2750	Keystone Mutual Insurance	-3,571.00
Bill Pmt -Check	06/16/2006	2751	PCI Insurance, Inc.	-9,287.05
Bill Pmt -Check	06/16/2006	2753	Trustee Insurance Fund	-635.34
Bill Pmt -Check	06/16/2006	2754	Worth, Magee & Fisher Law Offices	-220.50
Bill Pmt -Check	06/16/2006	2755	K & K Mechanical	-601.43
Bill Pmt -Check	06/16/2006	2752	Pennsylvania One Call System, Inc.	-19.55
Bill Pmt -Check	06/21/2006	2756	Time News	-130.80
Bill Pmt -Check	06/21/2006	2757	Trustee Insurance Fund	-1,048.85
Bill Pmt -Check	06/22/2006	2758	United States Postal Service	-160.00
Check	06/23/2006	166	Thomas C. Creighton III	-87.30
Check	06/23/2006	167	Kevin N Deppe	-1,420.39
Check	06/23/2006	168	Tina M. Everett	-1,117.70
Check	06/23/2006	169	Janet L. Henritz	-777.44
Check	06/23/2006	170	Angelic Morales	-714.76
Check	06/23/2006	171	Robert P. Sadler	-339.61
Check	06/23/2006	173	Sandra Acker	-86.42
Check	06/23/2006	174	Joseph D. Howard	-882.82
Check	06/23/2006	175	Richard Matthias	-725.07
Check	06/23/2006	176	Bruce W. Raber	-980.16
Check	06/23/2006	177	Joseph H. Wisser	-988.04
Check	06/23/2006	178	Stanley W. Billig	-148.15
Check	06/23/2006	179	Robert Eschbach	-1,273.47
Check	06/23/2006	180	George Rauch	-269.10
Check	06/23/2006	EFT	A D Computer Corporation	-4,088.00
Bill Pmt -Check	06/23/2006	EFT	A D Computer Corporation	-61.14
Bill Pmt -Check	06/26/2006	2759	Heidelberg Township	-4,082.24
Bill Pmt -Check	06/26/2006	2760	Northern Valley Auto Parts	-221.39
Bill Pmt -Check	06/26/2006	2761	Plasterer Equipment Co., Inc	-975.99
Check	06/27/2006	2762	Cash	-95.60
Check	06/27/2006	172	Sherry L. Selig	-186.97
Check	06/27/2006	2763	Kenneth A. Bleiler	-71.56

Bill Pmt -Check	06/29/2006	2764	Lehigh Valley Planning Commission	<u>0.00</u>
Total 100 General Fund Checking				-76,555.09

102 Lynn Ontelaunee Park

Bill Pmt -Check	06/02/2006	469	Call of Nature	-227.50
Check	06/07/2006	EFT	MET-ED	-28.66
Check	06/08/2006	EFT	MET-ED	-9.91
Bill Pmt -Check	06/08/2006	470	Plaza Hardware	-3.98
Bill Pmt -Check	06/12/2006	471	Gebhardts	-129.76
			Germansville Feed and Farm Supply, Inc.	-76.50
Bill Pmt -Check	06/12/2006	472		
Bill Pmt -Check	06/13/2006	473	Eastern Industries, Inc.	-499.85
Bill Pmt -Check	06/16/2006	474	Clark Mantz	-130.00
Bill Pmt -Check	06/16/2006	475	Growmark FS, LLC	-55.00
Bill Pmt -Check	06/16/2006	476	Kermit K. Kistler, Inc.	-17.09
Bill Pmt -Check	06/26/2006	477	East Penn Excavating	-175.00
Bill Pmt -Check	06/26/2006	478	Greg Snyder Contracting	-1,625.00
Bill Pmt -Check	06/26/2006	479	Lynn Township Sewer Authority	-550.00
Bill Pmt -Check	06/26/2006	480	Miller Bros. Construction	-10,000.00
Check	06/29/2006	481	Al Rex	<u>-655.53</u>
Total 102 Lynn Ontelaunee Park				-14,183.78

105 Lynn Subdivision/Zoning

Check	06/05/2006	174	Jayson & Jessica Boushell	<u>-225.00</u>
Total 105 Lynn Subdivision/Zoning				-225.00

107 Lynn Twnship Electric Light

Check	06/02/2006	EFT	MET-ED	-88.23
Check	06/16/2006	EFT	MET-ED	-161.10
Check	06/16/2006	EFT	MET-ED	<u>-329.89</u>
Total 107 Lynn Twnship Electric Light				-579.22

108 Lynn Twnshp Rd Bd St Fund

Bill Pmt -Check	06/13/2006	2048	Eastern Industries, Inc.	<u>-29,619.56</u>
Total 108 Lynn Twnshp Rd Bd St Fund				<u>-29,619.56</u>

TOTAL				<u><u>-121,162.65</u></u>
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