

Board of Supervisors
February 8, 2007 @ 5:30 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 Thomas Creighton III, at 5:30 p.m. in the Municipal Building. Present were Chairman Thomas C. Creighton III, Vice Chairman Dave Najarian, Charles E. Lenhart III, Zoning Officer Kevin N. Deppe, Solicitor Edmund J. Healy, Assistant Secretary Tina Everett, Northwestern Press Reporter Elsa Kerschner and approximately 6 citizens.

Moment of Silence:

A moment of silence was held prior to the Pledge of Allegiance for the recent loss of a Lynn Township marine, Lance Corporal Brandon Van Parys, who was struck and killed by a grenade in Iraq on Monday, Feb. 5th, 2007.

Pledge of Allegiance:

The Pledge of Allegiance was conducted.

Public Comment:

None

Accept the Minutes and Direct the Assistant Treasurer to pay the bills:

A motion was made by David Najarian, seconded by Charles Lenhart to accept the minutes of the public meeting on 12/27/06 and the regular meeting of 1/29/07 and to direct the Assistant Treasurer to pay the bills. Motion carried unanimously.

CPA Tax Collector's Accounts & Township Audit:

Discussion was held on the issue of auditing the tax collector, Linda Tyson. David Najarian tried to contact Auditor Mr. Robert Hamm to let him know where the township stands with the auditing of tax collector and he also tried to contact Linda Tyson herself on this matter. A letter dated Feb. 3rd was received by Thomas Creighton from Reinsel Kuntz Leshner in regards to the procedures related to real estate tax collections of the Township along with a copy of the tax collector law. A letter dated February 5th, 2007 was sent to Larry Shaub of Reinsel Kuntz Leshner LLP asking them to quote pricing on doing the audit on our tax collector and asked them as to what the extent of doing their review of this type of audit. In prior years the tax collector had been audited by Lehigh County Controller. Presently the Board is not certain whether the County audit will occur given that our tax collector no longer collects County funds. In the letter dated Feb. 5th to Reinsel Kuntz Leshner he had asked if they could articulate this matter at an upcoming public meeting for the community. The Board received a letter dated Feb. 6th, 2007 from Reinsel Kuntz Leshner in regards to auditing the tax collector. They could perform an audit of Linda Tyson, as of and for the year ended Dec. 31st, 2006 for the collection of taxes under the Local Tax Collection Law, Act of 1945, P.L. 1050, No. 394 as amended. The cost for the services described in this letter will not exceed \$2,000 unless the scope of the engagement is changed, the assistance which the Tax Collector has agreed to furnish is not provided, or unexpected conditions are encountered, in which case they will discuss the situation with the Board before proceeding. At this point the Board concluded this discussion and thought they would wait until later in the meeting to see if Robert Hamm showed up so they could discuss it further with him and decide what to do.

Recreation Advisory Committee Appointment of Members (Ben & Susan Giralico):

There was discussion on the oversight of the appointments of Ben & Susan Giralico to the Recreation Advisory Committee for the year 2007.

A motion was then made by David Najarian, seconded by Charles Lenhart to appoint Ben & Susan Giralico to Recreation Advisory Committee with their term ending December 2007. Motion carried unanimously.

Bassett Engineering Letter/Act 537 Plan:

Bassett Engineering, Britt Bassett analyzed our sewage plant approximately one to two months ago and the township received a report, which basically was a good report card of the Township's sewage plant. Chairman Creighton felt this was a non-bias recommendation of our sewage treatment plant. There was then discussion on the letter received from DEP dated Feb. 5th, 2007 in regards to their concerns with the hydraulic overload condition of our Lynn Twp. Waste Water Treatment Plant. Their

letter requires that (1) no new connections to the plant be permitted (2) planning and construction for additional capacity be immediately undertaken and (3) a Corrective Action Plan be submitted within 90 days from the receipt of their letter. After receiving this letter, Vice Chairman Najarian wrote a letter to Bassett Engineering dated Feb. 7th, 2007 informing them of the DEP letter received. In this letter, Bassett Engineering was asked to provide a firm time line as to the steps to and including the completion of our Act 537 Plan Amendment, which will best support the Sewer Authority with their response to DEP's notice. This will assist the Authority as it completes its Corrective Action Plan, and further will be responsive to DEP's directive regarding the need for additional capacity. A copy of this letter was sent to our township Engineer, Roy Stewart and Donald Christ of the Sewage Treatment Plant.

There was then a brief discussion on I & I flows being high and die testing needing to be done to determine where the excess inflow is coming from. Chairman Creighton feels the sewer authority should do this die testing ASAP since the I&I is high. This could help to determine where the extra flow is coming from, then the problem could be corrected right away.

Chairman Creighton questioned Peg Dissenger of Omega in regards to Penn's View I Development as to the community water system's number of gallons of water which are being used. These reports are given out monthly. Peg Dissenger will get a copy of this report to Chairman Creighton as he requested. Mel Charles, member of sewer authority also felt this report would be very useful if they would share it with them as well. Mr. Charles also feels it's important that they plan a constructive corrective action plan that will convince a professional that the plan will happen and solve the problem due to the 2006 Chapter 94 report, which will show hydraulic and organic overload. It would be free of charge to have Lehigh County Water Authority (LCA) to televise this for I&I which is infiltration.

Blake C. Marles, who is the attorney representing Penn's View II development, does not feel the Township nor the Sewer Authority are dragging their feet, but now they have a problem, since they can't even pull permit #1 and the sewer authority has to put a CAP plan in place, since the CAP plan requires public comment, they are now dead in the water. Mr. Marles is very appreciative of the letter written to Bassett Engineering to keep this process moving. Omega Homes could have asked DEP last January for a private revision which they did not. A private revision is a provision in DEP's regulations that allows any property owner that accesses the sewer system is able to ask DEP to move forward of the review independent so a particular development can be served. They did not feel they were going to do this.

At this time Thomas Creighton questioned if the Board would like him to post the Bassett Report on the Township website. After further discussion the Board felt it was ok to post just as long as it was marked as preliminary.

Resident Marvin Charles suggested that some words of clarification be posted on the website stating that it's not a draft 537 plan.

Despite the overloads the Sewer Plant is still meeting permit.

Penn's View II Subdivision & Maint. Agreement:

Discussion on Penn's View II Subdivision Improvements & Maintenance Agreement. Mr. Marles would like to address the two principal policy issues with the first being if the Township will take over the roads after all improvements have been completed. This is important for them to know this due to their disclosures to their buyers. It's important that Penn's View/Omega Homes know today if the Board will take over roads once all specifications have been met. After further discussion the Board agreed to the fact that once all specifications have been met the Township will take over the roads in the development. The second issue Mr. Marles was concerned about is the recreation fees being paid when the sewer permits become available. This

is how it was done in the past and they would like to see it stay this way. Once the capacity is there for our sewer system he does not feel this will be a problem anymore.

The Board did remind Mr. Marles and Ms. Dissenger that the recreation fee may be at a higher cost if they increase it in the future. This was not a problem for them.

There was then an extended discussion on Penn's View's extension request. They would like to request an extension of time due to the Act 537 upgrade. A motion was then made by David Najarian, seconded by Charles Lenhart to approve their written extension request through February 8th, 2008. Motion carried unanimously.

At this time David Najarian addressed Mr. Robert Hamm on the CPA auditing information update since he had arrived at the meeting late.

PA Statewide Building Code (letter dated 12/22/06):

Discussion on the PA Statewide Building code by Solicitor Healy. As per a letter he sent to the township dated December 22nd, 2006, there was a decision that was announced on Dec. 6th, 2006 . Due to the statewide impact of this decision, certain adjustments to your municipality's building inspection program may be advisable. There are hints in the decision that suggest the Court would frown on efforts of a municipality to limit the identity of persons who could conduct plan reviews and any other aspects of administration, including the issuance of a certificate of occupancy. If Mr. Healy learns of any material developments on this matter, he will try to keep the Township informed.

Northern Lehigh Multi-Municipal Park & Open Space Plan:

Discussed an email they received today from Jan Creedon of Lehigh County regarding the Northern Lehigh Multi-Municipal Park & Open Space Plan. The RFP's have been received and evaluated for the Northern Lehigh Multi-municipal park and open space plan. After further discussion on this matter, David Najarian offered to look into this further and report back to the Board at a later date.

COG (Congress of Governments)- Res. 2007-11:

A brief discussion concerning our participation in the Lehigh Valley COG (Congress of Governments). A motion was made by David Najarian, seconded by Charles Lenhart to adopt RESOLUTION 2007-11- A CERTIFIED RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LYNN, LEHIGH COUNTY, PENNSYLVANIA TO ESTABLISH A LEHIGH COUNTY CONGRESS OF GOVERNMENTS (COG). Motion carried unanimously. A second motion was then made by Thomas Creighton, seconded by Charles Lenhart to appoint David Najarian as COG representative and Kevin Deppe as alternate COG representative. Motion carried unanimously.

Lehigh County Grant Workshops:

The COG is offering grant workshops which are the ABC's of Grant Writing. They will be held February 22nd and again March 20th from 8:30 to 4:00 in the Public Hearing Room of the Lehigh County Government Center. This is a one day seminar which will present basic grant writing techniques and provide hands-on exercise. They will assist you in your grant writing skills, participants will draft sample proposal components in class as part of the workshop. Sources of grant funds will also be included. These seminars are first come first serve, so anyone signing up should do so immediately. Kevin Deppe informed the Board that he has already signed up for a seminar. There will also be a 3-day seminar on Polishing Your Grant Writing Skills, which will be held on April 18, 25 and May 2, 2007 or May 10, 17 and 24th from 9:00 to 3:00 in the Public Hearing Room of the Lehigh County Government Center. This three-day electronic course with in-and out-of class work spread out over 3 weeks. Participants will be expected to attend 3 workshops for discussion, assignments and check-up, and spend out-of-class time preparing an actual grant proposal.

Memory Plaque:

Thomas Creighton felt that maybe we could look into grant money to get a memory plaque to be put in Ontelaunee Park in honor of a recent resident whom was killed in Iraq. Vice Chairman Najarian felt we could do that by asking for donations. Kevin Deppe informed the Board that he had already been in contact with Womer Memorial as to the cost of such a memorial. He seems it shouldn't be a bronze plaque due to the cost and they seem to be getting stolen out of cemeteries. He recommended that if the Township would decide to do something, that they should do the memorial in granite. Depending on the size it could cost up to \$800. Mr. Womer also suggested that it not be a specific name, just make it a general memorial for the individuals whom served from Lynn Township. David Najarian would like to follow-up on this matter with Donald Christ, since there is something already at the Ontelaunee Park. After further discussion the Board agreed to table this until the next meeting and talk about it more.

Chairman Creighton also suggested maybe looking into getting grant money for a basketball court in the Ontelaunee Park where the pool use to be.

Resident Peter Crabb had some concerns about this due to an environmental impact on the creek. He did not like the idea of asphalt next to the stream. He felt this was not a good idea.

Chairman Creighton felt that these free seminars being offered would be a good source for all committee members including the EAC Committee, Recreation Committee, BookLenders, etc.

PMHIC/LVIC- Res. 2007-12:

This resolution is to satisfy all the requirements of our new health insurance by signing the PMHIC (PA Municipal Health Insurance Cooperative) and LVIC (Lehigh Valley Insurance Cooperative) agreements.

A motion as made by David Najarian, seconded by Charles Lenhart to adopt RESOLUTION 2007-12 – A RESOLUTION AUTHORIZING LYNN TOWNSHIP TO JOIN WITH OTHER POLITICAL SUBDIVISIONS AS A MEMBER OF THE PENNSYLVANIA MUNICIPAL HEALTH INSURANCE (PMHIC) AND LEHIGH VALLEY INSURANCE (LVIC) COOPERATIVES . Motion carried unanimously.

Letter to Blue Ridge Communications:

The residents of Lynn Township are charged a franchise fee, which is 5% of their cable bill. We currently have about 1000 customers in Lynn Township that are Blue Ridge Communications customers. The Board has written a letter requesting a list of all the current users in Lynn Township whom are customers of Blue Ridge Communications. They are requesting this list in electronic format along with their addresses. The Board would like to compare this information with our current census data base. Another reason for the request is so we can send a newsletter out in the near future to all customers explaining the franchise fee. The main reason the Board wants to do this, is to clear up this matter with many residents whom have been questioning this franchise fee.

Vice Chairman Najarian felt that we should invite a Blue Ridge Representative to an upcoming meeting to discuss some of these issues, such as franchise fee, free internet service for the township, etc. The Township's franchise agreement expires in 2008.

After further discussing sending out this letter, Solicitor Healy suggested having all the 3 supervisors sign the letter before sending it out. Assistant Secretary will make that correction before sending it out.

CPA Tax Collector's Accounts & Township Audit:

At this time the Board continued to discuss the CPA audit issues with Mr. Robert Hamm. Chairman Creighton questioned Mr. Hamm if the list they received from the CPA firm, if it was the same procedures that they did on the tax collector when they did their audit. Mr. Hamm replied that it was the same.

Vice Chairman Najarian informed Mr. Hamm that Reinsel Leshner Kuntz could do a detailed audit of our tax collector, Linda Tyson. He was wondering what the School District was going to do, since they also use a CPA firm to do their audit. Chairman Creighton contacted Mike Maleigh from the Northwestern School District, and he did not feel an extensive audit was necessary on the tax collector, since they do this through their audit done by their CPA firm.

Vice Chairman Najarian questioned Solicitor Healy if they would do the extensive audit of the tax collector, would they need to re-advertise to do so?

After further discussion on this matter, Solicitor Healy suggested the Board talk to the School to split the cost relative to mileage. Chairman Creighton suggested that Dave Najarian speak to Mike Maleigh.

Miscellaneous:

Discussion on the need to replace Tina Everett's old computer since she was experiencing many problems with it. Chairman Creighton suggested they purchase a Dell computer and he was willing spec. a new one out. A motion was then made by David Najarian, seconded by Charles Lenhart to approve the purchase of a replacement computer for Tina, but not to exceed \$1,000. Motion carried unanimously.

Executive Session- (New Secy./Treas. Position/Office Mgr./Solicitor):

An executive session convened at 6:58 p.m. with Chairman Creighton, Vice Chairman Najarian, Member Lenhart and Solicitor Healy were present. The executive session reconvened at 7:20 p.m.

Solicitor Healy gave a brief description as to what the purpose of the executive session was for. This executive session was concerning legal issues and attorney client privilege related issues. No action is required by the Board, but Solicitor Healy appreciated the time they took and he has a great understanding. There was also some discussion on the Secretary Treasurer position.

Public Comment:

None

Adjournment:

A motion was made by Charles Lenhart, seconded by David Najarian to adjourn meeting. Motion carried unanimously. Meeting adjourned 7:22 p.m.

Accounts Payable as of January 31, 2007

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
Blue Mountain Beverages	0.00	153.15	0.00	0.00	0.00	153.15
Call of Nature	70.00	0.00	0.00	0.00	0.00	70.00
County of Lehigh, PA	160.00	0.00	0.00	0.00	0.00	160.00
Horwith Fuel Oil	1,259.71	0.00	0.00	0.00	0.00	1,259.71
IKON Office Solutions	239.35	0.00	0.00	0.00	0.00	239.35
Steckel & Stopp Law Offices	2,121.77	0.00	0.00	0.00	0.00	2,121.77
Waste Management	0.00	531.31	0.00	0.00	0.00	531.31
TOTAL	<u>3,850.83</u>	<u>684.46</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>4,535.29</u>

Balance Sheet as of January 31, 2007

Jan 30, 07

ASSETS

Current Assets

Checking/Savings

01.100 · General Fund	302,571.30
02.100 · Electric Light Fund	2,060.75
30.106 · Capital Reserve	426,026.47
35.100 · State Highway Fund	47,860.11
94.100 · Shadetree Escrow	2,154.81
96.106 · HLLW Co-op	31,058.38
97.100 · Recreation Fund	2,651.22
98.100 · Subdivision/Zoning Fund	123,102.01
99.100 · Park Fund	<u>3,690.54</u>
Total Checking/Savings	<u>941,175.59</u>

Total Current Assets 941,175.59

TOTAL ASSETS **941,175.59**

LIABILITIES & EQUITY

Equity

30000 · Opening Bal Equity	947,150.18
32000 · Retained Earnings	-33,314.79
Net Income	<u>27,340.20</u>
Total Equity	<u>941,175.59</u>

TOTAL LIABILITIES & EQUITY **941,175.59**

Respectfully Submitted,



Tina M. Everett

Assistant Secretary

Lynn Township Board of Supervisors