

Board of Supervisors
Thursday, December 11th, 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, Secretary/Treasurer Tammy M. White, Solicitor Ed Healy, Engineer Alan Fornwalt and Roy Stewart, East Penn Press Reporter Ken Petrini and approximately 19 citizens.

Pledge of Allegiance: The Pledge of Allegiance was conducted.

Public Comment: (1) Kelly Follweiler presented the BOS with a sketch plan 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. The BOS requested that Kelly Follweiler submit her letter of request, with a current date, to Kevin Deppe, and the BOS will then be able to accept and grant the waiver at the close out meeting on 12/29/08. The BOS stated that Kelly Follweiler does not have to be present.

Accept the Minutes and Direct the Treasurer to pay the bills: A motion was made by David C. Najarian and seconded by Thomas C. Creighton to accept the minutes from 11/13/08. Motion carried unanimously. A motion was made by David C. Najarian and seconded by Thomas C. Creighton to pay all the bills with the exception of the Horwith bill. Motion carried unanimously. A motion was made by Thomas C. Creighton and seconded by Kermit E. DeLong to pay the Horwith bill. David C. 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. A motion was made by David C. Najarian and seconded by Thomas C. Creighton to pay the Divine Spring bill. Kermit E. DeLong abstained from the vote.

Subdivisions: *Marian Follweiler-Sewage Facilities Planning Module Review:* A motion was made by David C. Najarian and seconded by Thomas C. Creighton to grant approval of the sewage planning module for on lot septic for Marian Follweiler and to submit it to DEP. Motion carried unanimously. *Derek Bailey No. 2 #08-09 Lot Minor Subdivision Final/1st review:* A motion was made by David C. Najarian and seconded by Thomas C. Creighton to grant final approval. Motion carried unanimously. Kevin Deppe noted that REC fees were due and that they exist from a lot created from a previous submission of this subdivision that were not paid. The BOS were in agreement not to collect these fees due to an error.

Act 537: Kermit E. DeLong had concerns as to where we stand on the 537 and that according to the time of the meeting with DEP (08/07/08), next week, (12/16/08) is the deadline. Mr. Bill Erdman from KCE stated that his firm submitted a proposal to the Sewer Authority and in conjunction with that have done some research on the 537 and have spoken with Mr. Ridgik on numerous occasions concerning other projects, but most recently spoke with Mr. Ridgik concerning the update of the 537. Mr. Erdman noted that Mr. Ridgik stated that there is a letter in circulation, that we should receive in the next day or two, stating that DEP will not complete the technical review within the normal time period of 120 days and will require a 60 day extension in its review time totaling 180 days. Mr. Erdman also added that the 180 days is rock solid and cannot be extended by DEP or the BOS. However, Mr. Erdman stated that Mr. Ridgik was confused as to whom he should be dealing with. Dave Najarian stated that he spoke with Mr. Ridgik and was led to believe that the review was proceeding well and that we should be receiving their comments soon. Dave Najarian added in speaking with Mr. Ridgik, our authorities' engineer, Britt Bassett was recognized and that there was no question. However, Mr. Ridgik stated to Dave Najarian that he had heard Britt Bassett had been fired and the BOS and the authority were considering replacing the engineer. Dave Najarian replied that it was understood that we would retain the current engineer until final completion or rejection of this plan so that if there were any comments that would need to be addressed there would be no change or transition in the addressing of the comments. Dave Najarian also added that DEP, Mr. Ridgik, have been receiving numerous calls from engineer firms as well as numerous anonymous calls concerning the 537 which are not helping the process and are adding to the confusion. Dave Najarian also stated that when Britt Bassett was hired, KCE was to have no more involvement in the 537 and to turn everything over to Britt Bassett. Dave Najarian noted that he was very concerned to hear that KCE has been calling DEP without the BOS authority and representing themselves as the sewer authority engineer. Mr. Erdman clearly stated to the BOS that he was on the phone with Mr. Ridgik concerning a matter with Lower Macungie around the time they were putting their proposal together and simply wanted to get the status of the 537. The BOS were in agreement that the lack of communication between engineering firms needs to stop. Kermit DeLong added that he is not happy with Britt Bassett. Tom Creighton added that it wouldn't make sense to have anyone else other than Britt Bassett answer questions. Dave Najarian stated that at this time there is nothing for us to do and that once we receive our comments back the decision could be made not to have Britt Bassett review them. The BOS stated that at this time Britt Bassett is the engineering firm that DEP, Mr. Ridgik, needs to meet with. The BOS agreed that a conference call will be made to Mr. Ridgik on 12/12/08, by Dave Najarian and Kevin Deppe.

Bike-A-Thon: Bob Von Holt presented the BOS with information on having a Bike-A-Thon in the spring of 2009. They presented the BOS with 4 different route maps. Dave Najarian noted that some of the routes involve state roads in Lynn Township. The BOS were in favor of the event but requested that Lynn Township be named as additional insured and

that they will need special event insurance and need to provide the township with copies. Dave Najarian stated that they will also have to contact the state due to state roads being involved. Kevin Deppe stated that Tom Haskins is the contact for the state. Bob Von Holt stated that Saucon Valley Bike Shop located in Hellertown is organizing the event in memory of Mark Guench.

Park Report: *Richard Matthias, Park Manager, reported for the month of November:* 1- Painted back side of the monument. 2- Painted railings for band shell with primer and finishing coats. 3- Filled potholes in driveway. 4- Put up two signs for grants at monument and trees. 5- Picked up branches that came down from wind. 6- Weeded flower beds and cleaned up leaves. 7- Cleaned leaves inside and outside of fort. 8- Spread fertilizer over most of park. 9- Burned a pile of branches. 10- Rubber mulch came in. (a) Richard Matthias reported that the swing set is in and will be installed in spring of 2009. The BOS agreed to pay \$136 additional fees incurred with the Madison Park Tot-Lot, above the 3K that was set aside, during the 11/13/08 meeting. The bills came to an additional \$268. The BOS were in agreement to pay them. (b) Engineer Alan Fornwalt presented the BOS with plans/specifications and cost estimate for the Tennis/BB courts on 12/08/08. Alan Fornwalt stated that a rough estimate would be 35k per court and that the basketball court could be up to 2k less and that the tennis courts may be slightly higher by about 2k. Once the BOS confirms when exactly to bid and what configuration should be bid, KCE will add the boilerplate general conditions, invitation to bid with dates, agreements, etc. Alan Fornwalt recommended advertising mid January 2009 for bids due mid February 2009. Ed Healy added that this will involve prevailing wages and that he would like to see the contract before it would be advertised. Dave Najarian added that we would need to speak to the major contributors to come up with an agreeable time frame and then write a plan. (c) Kevin Deppe stated that the 2 HOP permits for the entrances at the park will be running out 02/05/09 and are up for renewal and that the paperwork will be sent by the state and filled out by KCE and sent to us to be signed. Alan Fornwalt confirmed receipt of the paper work. The cost to renew is very minimal. Dave Najarian stated that until we come up with a use for the entrance at the old pool or the economic conditions improve, the entrance located at the old pool area isn't top priority. Roadmaster, Bruce Raber stated that they could possible do the main entrance but they would have to borrow Weisenberg's spreader. (d) Kevin Deppe reported that the security system is being installed. Richard Matthias added that he has insulated a cabinet to house the security system. (e) Kermit DeLong noted that Dale Everett from Everett Plumbing has passed away and that Lynn Township has lost a good contributor to the park and township. Dave Najarian added that Jacob Lutz Jr., the step son to the previous Zoning Officer, Kenny Bleiler has also passed away as the result of a traffic accident.

Road Report: *Bruce Raber, Road Master, reported for the month of November:* 1- Braced rear of salt shed. 2- Crack sealed Flint Hill Rd. 3- Dug ditches for new propane lines and back filled. 4- Filled pot holes on dirt roads. 5- Replaced some road name signs. 6- Salted, cindered and plowed roads. 7- Tree trimming. *Anticipated work for December:* 1 – Do Tree trimming. 2 – Boom Mowing. (a) Bruce Raber stated that Washington Township recently purchased an industrial leaf and debris collector for approximately 27k and has given us their old collector to use. If the road crew finds it to be sufficient and in good working condition the township would be able to purchase it from them for \$2,500.00. The road crew would also be able to return it to Washington Township if they are not satisfied. The BOS would be in agreement to make the purchase. There is no bidding process when something is purchased or sold between two townships. Bruce Raber will keep the BOS informed on its usage and whether he feels it should be purchased. (b) Dave Najarian stated that the old mower will be sold and that the sale of the mower was included in the budget. (c) Kermit DeLong commented that the road crew is doing a great job. (d) Tom Creighton inquired about the buried oil tank. Kevin Deppe stated that we need to exhaust the remaining oil in the tank, which may be approximately 3 more weeks, and then the tank can be filled. Kevin Deppe also added that the 2 new propane tanks have been installed and lines are in. Kevin Deppe noted that there was a substantial savings. The township was originally paying an average of \$3.44/gallon for propane. The propane costs are \$1.14/gallon. The heating issue in the office building has already been taken care of and the return ducts will not pull air from the attached garage. (e) Mel Charles stated that heavy winds may also be a factor in the damage of the road signs.

Budget Adoption: A motion was made by David C. Najarian and seconded by Thomas C. Creighton to adopt the 2009 Budget. Motion carried unanimously.

Tax Rate for Year 2009: A motion was made by Thomas C. Creighton and seconded by David C. Najarian to adopt resolution 2008-23; **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LYNN, LEHIGH COUNTY FIXING THE TAX RATE FOR THE YEAR 2009.** Motion carried unanimously.

Appointment of a CPA firm: Kermit DeLong felt that we should use the elected auditors for 1 or 2 years. The BOS agreed to use the elected auditors for the audit of the 2008 books. Tom Creighton was also in favor of using our elected auditors. It was decided to use our elected auditors but Dave Najarian noted he was in favor of using appointed auditors. Dave Najarian stated that he would like to give a checklist to the elected auditors for them to follow as well as supplying them with the past recommendations from RKL.

Right-to-Know: Ed Healy supplied the BOS with a draft Resolution; **A RESOLUTION OF THE LYNN TOWNSHIP BOARD OF SUPERVISORS ADOPTING RULES, REGULATIONS AND INTERNAL OPERATING PROCEDURES FOR REQUESTS MADE UNDER THE PA RIGHT TO KNOW LAW, AS AMENDED, IN RESPONSE TO REQUEST FOR PUBLIC RECORDS RECEIVED ON/AFTER JANUARY 1, 2009.** In the draft (Section 6 Production of records not

required) #11 states "The draft of a resolution, regulation, statement of policy, management directive, ordinance or amendment thereto;" The issue was discussed as to when a draft is no longer a draft; up to enactment or dismissing of the draft. Ken Petrini stated that a draft is a draft until introduced or official presentation to any body within the government of the township. The BOS directed Ed Healy to revise #11 under section 6 to reflect Ken Petrini's statement.

Litter Ordinance: A motion was made by Kermit E. DeLong Jr. and seconded by David C. Najarian to accept Ordinance 2008-8; **AN ORDINANCE OF THE TOWNSHIP OF LYNN, COUNTY OF LEHIGH, COMMONWEALTH OF PA, PROHIBITING LITTERING AND ESTABLISHING FINES FOR FAILURE TO COMPLY.** Motion carried unanimously.

Vacation of Boyer Ct. & Portion of Hoffadeckel: Kevin Deppe sent letters and called the two parties involved with the vacating of Boyer Ct. & portion of Hoffadeckel. Kevin Deppe reported that Charles Lenhart is in the process of cleaning up and is committed to complete the clean up if Hoffadeckel isn't vacated. Kevin Deppe reported that he has not heard back from the party involved on Boyer Ct. There were concerns about emergency vehicles getting down to the end of Hoffadeckel due to the fact that residents are parking on both sides of the street, not leaving enough room to get through. Hoffadeckel resident, Russell Wambold added that the farmer has the road block frequently with farm equipment. Dave Najarian stated he was in favor of not vacating if Charlie is committed to cleaning up. Kevin Utt asked the BOS if Hoffadeckel Ct. was up to code & specs. Kevin Deppe stated that there is an open trench on the left side to assist in drainage. The BOS agreed to commence action to unblock road right away.

Tax Appeal Procedures under Taxpayer Bill of Rights: Keith Strohl, Solicitor for Heidelberg Township, has been preparing an ordinance; **ORDINANCE IMPLEMENTING THE REQUIREMENTS OF THE LOCAL TAXPAYERS BILL OF RIGHTS BY ADOPTING RULES AND REGULATIONS, ADOPTING A DISCLOSURE STATEMENT, ADOPTING A FORM OF TAXPAYER PETITION AND ADOPTING ADMINISTRATIVE APPEAL PROCEDURES.** Currently Lynn Township does not have such an ordinance in place. Keith Strohl forwarded the information for Lynn Township's review. A motion was made by David C. Najarian and seconded by Thomas C. Creighton to authorize advertisement of the ordinance by Ed Healy's office. Motion carried unanimously.

REC Fees: There are no changes or increases to the REC fees for 2009.

Re-Org Dinner: A motion was made by Kermit E. DeLong and seconded by Thomas C. Creighton to hold the annual re-org dinner on Saturday, January 17, 2008 at the New Tripoli Fire Co. Dave Najarian stated that he will pay for his dinner.

Regionalization of Emergency services: Daniel Stonehouse, Township Administrator of Heidelberg Township, submitted a letter Lynn, Lowhill and Weisenberg Townships in regards to regionalization of emergency services. New Tripoli Fire Chief, Dennis Snyder noted that discussion on regionalization of emergency services has been on going for some time. Dennis Snyder added that eventually there may be 1 central station with sub stations located throughout the county. Kevin Utt stated that they were not aware of the letter from Dan Stonehouse. Kermit DeLong suggested to Kevin Utt that it's vital that Lynnport Fire Co. talk about it.

Cable Franchise: Solicitor Ed Healy informed the Board that the finalized agreement draft was sent to the Blue Ridge contact. Ed Healy noted that he will have it back for enactment at the close out meeting on 12/29/08.

Policy Handbook: The question arose as to whether or not the BOS wants to extend benefits to domestic partners, common law marriages regardless of ceremony recognition. The BOS decided to table the issue for further review on it. The BOS noted that even if the policy handbook has been adopted, it can always be amended to add a change. The BOS were ok with the handbook but directed that Kevin Deppe include the section for Township Manager before it is adopted. Dave Najarian suggested that the section on Township Manager require a 2 year degree, 2 years municipal experience in a 2nd Class Township or a 4 year degree in public administration. Dave Najarian will forward his comments to Kevin Deppe.

Miscellaneous: (1) The BOS authorized the 2009 meeting dates as follows: 01/15, 02/12, 03/12, 04/09, 05/14, 06/11, 07/09, 08/13, 09/10, 10/08, 11/12, 12/10, 12/28/2008 (Close-Out Meeting), All will be held at 6:30 p.m. The advertisement will be sent to the NW Press for advertisement the week of 12/22/08. (2) The BOS were in favor of having waivers in all the township vehicles in the event the road crew needs to assist any stranded persons who may need help. (3) The BOS agreed to have Kevin Deppe check into an agility agreement with the state concerning the drainage issue on Decatur Street. (4) Kevin Deppe asked the BOS if they would be in favor of closing the office on Friday, January 2, 2009, because all office staff would like to use a vacation day or personal day for the 2nd. Kermit DeLong and Tom Creighton were in favor but Dave Najarian felt that the office should be open. (5) The BOS directed Kevin Deppe to review the Codification of Ordinances with Roy Stewart, KCE, as he sees fit. (6) The BOS directed Kevin Deppe to check with the current copier lease to see what kind of agreement we could upgrade to so that we wouldn't be charges overages due to the fact that the copier in Tammy White's office will cost \$500 + in repairs. (7) Dave Najarian noted that there has been a long standing policy that any employee, former, current or anyone affiliated with the township was able to use the transfer station at no cost. A motion was made by David Najarian and seconded by Thomas C. Creighton to rescind the privilege of free usage of the transfer station to those of which the prior policy may have applied to and to change the locks on the gate and to distribute keys to those who require them. Motion carried unanimously. Rate increases for 2009 at the transfer station will still go into affect. (8) Dave Najarian brought up the on going issue of the amount of fatalities on Holbens & Kistler Valley Road. Dave Najarian noted that previous BOS tried to contact the state in regards to the number

of fatalities and also added that some of the accidents do involve high rates of speed. Dave Najarian suggested that we could possibly get our new representative, Gary Day involved and that maybe we could get permission from the state allowing us to paint lines at the intersection or possibly have the speed limit lowered. Dave Najarian would like to arrange a formal meeting to discuss what possible measures could be taken. **(9)** Ed Healy stated that approximately a month ago the BOS granted final conditional approval for Miller Rd. Farms. All conditions were to be met by 12/10/08, which were complied to. However, in review, Ed Healy discovered that under the improvements agreement, liability protection, Miller Rd. Farms must provide naming the township as additional insured. Ed Healy addressed the issue and received a form with a list of coverage's but it does not state liability protection. Ed Healy did state that they are trying to meet the qualification in good faith and that they have a good engineer, attorney and developer. Ed Healy feels there is no need to draft a denial letter, providing they give us the proper request. The BOS agreed to a deadline of January 30, 2009 for Miller Rd. Farms to submit the proper liability protection. **(11)** Dave Najarian noted to the BOS that the Agricultural Secretary granted an extension till 12/29/08 for state grants for farmers markets run by township organizations. Kermit DeLong stated he would look into it.

Public Comment: **(1)** Dennis Snyder stated that the meeting that was held at Heidelberg was not just to discuss the reorganization of emergency services. The fire companies that are given money were called and asked for their suggestions and Lynnport wasn't contacted because they do not receive money from Heidelberg. Dennis Snyder had suggested having the 4 townships discuss and get back to them with their ideas.

Announcements: Lynn/Heidelberg Historical Society is having a "Christmas Open House" on Sunday, December 14, 2008.

Adjournment: A motion was made by David C. Najarian and seconded by Thomas C. Creighton to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:03 pm.

As of December 31, 2008

Respectfully Submitted,

Tammy M. White
Secretary/Treasurer