

Board of Supervisors
Thursday, January 15th, 2009 @ 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 David C. Najarian, Member Thomas C. Creighton III, Zoning Officer Kevin N. Deppe, Secretary/Treasurer Tammy M. White, Solicitor Marc Fisher, and approximately 24 citizens.

Pledge of Allegiance: The Pledge of Allegiance was conducted.

Public Comment: None

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 12/29/08 (close-out) meeting. Motion carried unanimously. A motion was made by David C. Najarian and seconded by Thomas C. Creighton to accept the minutes from 01/05/09 (re-org) 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. 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.

Subdivisions: (1) John Scully extension letter: the issue was tabled from the 1/05/09 BOS meeting. The BOS agreed that in order to grant the extension, we require an updated letter of credit that is dated for another 2 years; for as long as the extension letter request date. A motion was made by David C. Najarian and seconded by Kermit E. DeLong to grant an extension of the improvements agreements thru the end date of the original letter of credit, from Mid-Atlantic Farm Credit dated July 01, 2007. Motion carried unanimously. The file indicated the original letter of credit expires on July 1, 2008 and automatically renewed for a period of 1 year to July 1, 2009 unless 60 days prior to such expiration date the bank notifies Lynn Township that it elects not to consider this letter of credit extended for such an additional period. It has been verified that the original letter of credit has been extended to July 1, 2009. The BOS directed Kevin Deppe to forward a letter to Mr. Scully indicating their BOS decision and to send a letter 60 days prior to the expiration date of July 1, 2009, reminding him to submit another extension letter if needed.

Act 537: Kevin Deppe stated that he spoke with Jim Ridgik from DEP today and he informed Kevin that the comment letter would be sent today, 01/15/09. Kevin Deppe added that this letter memorializes the previous conversations and correspondence over the last 3 weeks for DEP purposes of keeping a paper trail. Mr. Ridgik also informed Kevin that the approval letter will follow as soon as he reviews it with his boss. The review is scheduled for Tuesday, January 20, 2009. Kevin Deppe also added that DEP has the TAR, (Task Activity Report) for the 2001 submission of KCE, but still needs to submit the TAR for the current 537. The TAR was previously submitted in 2001 but was not submitted in 2005 for the 2005 plan. Kermit DeLong stated that the entire BOS and Kevin Deppe make a trip to Nelson Township, to tour their VIP plant. Marvin Charles stated that he has spoken with Nelson Township and they reported to him that the process is working well. The BOS directed Kevin Deppe to call Nelson Township and get a list of dates that are available for Lynn Township to pay them a visit.

Park Report: *Richard Matthias, Park Manager, reported for the month of December:* (1) Installed railings across back of band shell. (2) Filled in pot holes. (3) Mounted cabinet to wall in kitchen for security, recorder and monitor. (4) Put up pole at front entrance. (5) Cleaned up tree that fell at back side of pond. (6) Cleaned brush along back side of pond. (7) Cleaned snow around monument at entrance. (8) Plowed snow on drive ways. (9) Helped road crew plow snow. Richard Matthias stated that people do use the park in the winter. The BOS directed Richard Matthias to check into posting signs in the location of the pond that state, "NO SKATING".

Road Report: *Bruce Raber, Roadmaster, reported for the month of December:* (1) Cleaned leaves & branches from pipes due to heavy rains. (2) Erected new road name signs. (3) Made repairs to plow hitches and trucks. (4) Plowed, salted and cindered roads. (5) Cut up trees in the township that had fallen from high winds. (6) Filled in pot holes on dirt roads. *Anticipated work for January:* (1) Boom mowing. (2) Tree Trimming. (3) Hope to have no more snow and ice removal. (a) Bruce Raber reported that Washington Twp. stated that Lynn Twp. does not have to pay for the Leaf collector until the road crew has had a chance to use it, and that they are in no hurry for the money. Bruce Raber will inform the BOS when they get a chance to use it. (b) Bruce Raber informed the BOS that he has been finding objects such as hammers, lug wrenches, bottles etc... in the salt pile. These objects are not in when the delivery is made, which leads him and the BOS to believe that these items are being buried in the salt pile intentionally. The BOS suggested that the road to the salt shed be block off. Bruce Raber also added that residents drop off their coal ashes near the salt shed. Bruce Raber suggested that those individuals who drop off their ashes at the township could drop them off at the transfer station. The issue of blocking off the road to the salt shed will be revisited.

Bid Specs for Park: The issue was tabled until the 02/12/09 meeting.

Ordinance Township Manager: A motion was made by David C. Najarian and seconded by Thomas C. Creighton to approve the Ordinance creating a Township Manager; **AN ORDINANCE OF LYNN TOWNSHIP, LEHIGH COUNTY,**

PENNSYLVANIA CREATING THE OFFICE OF TOWNSHIP MANAGER, THE POWERS AND DUTIES OF SUCH OFFICE, AND RELEVANT QUALIFICATIONS THEREFOR. Motion carried unanimously.

Resolution; Township Manager Salary: A motion was made by Kermit E. DeLong and seconded by David C. Najarian, appointing Kevin N. Deppe as Township Manager and approving resolution, 2009-09; **A RESOLUTION OF LYNN TOWNSHIP, LEHIGH COUNTY, PA ESTABLISHING THE COMPENSATION FOR THE OFFICE OF TOWNSHIP MANAGER;** setting the Township Manager's Salary at \$55,000.00 for year 2009. Thomas C. Creighton voted not in favor. Note below: Item ****(#4)** under Misc. for further information pertaining to the township manager's salary. A motion was made by Thomas C. Creighton and seconded by David C. Najarian to accept the prepaid 4 year bond; cost of \$6,656.00, for Kevin N. Deppe. Motion carried unanimously.

Sewer Authority Appointment: Resolution 2009-09 Sewer Authority - Term Ends 01/01/2014 (1 Vacancy) (5 Year Term) after a lengthy discussion the BOS tabled the sewer authority appointment until an applicant can be found who meets the qualifications of the BOS. The main qualification of the BOS is that they would like to appoint someone who is a current rate payer on the sewer. Later in the meeting, Solicitor Marc Fisher researched the Articles of Incorporation and found that the BOS is under no time frame to appoint a suitable applicant. Tom Creighton stated that he had a few applicants in mind and would be in contact with them before the next BOS meeting on 02/12/09. Kermit DeLong also stated that he would call Willard Snyder to confirm whether or not he is interested in filling the position.

Tax Certification Fee: Resolution amending Ordinance 1991-2; increasing the Tax Certification Fee from \$10 to \$15 and an increase request of \$3.00, for the tax collector, for requests of duplicate copies. The BOS agreed to table this amendment for fee increases until the 02/12/09 BOS meeting.

Fee Schedule: A motion was made by David C. Najarian and seconded by Thomas C. Creighton to adopt Resolution 2009-10 amending Resolution 2009-03; **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LYNN, COUNTY OF LEHIGH, COMMONWEALTH OF PA TO ESTABLISH A USER FEE SCHEDULE. LYNN TOWNSHIP BUILDING, ZONING AND SEWAGE.** Motion carried unanimously. Added were The Permit Fee - Electrical Service Upgrade, \$50.00 and Permit Fee - All other electrical permits, \$120.00.

PSATS employee designated to convention: No employee's showed an interest in attending.

Weed Ordinance: The BOS agreed to table the weed ordinance for further discussion with the EAC. Dave Najarian questioned why the proposed weed ordinance is above and beyond the original weed ordinance. Mel Charles stated that the original ordinance is arbitrary. Kevin Deppe felt that the list of exceptions is lengthy.

Engineer Firm: The following Engineering firms were in attendance to present their proposal for the potential appointment to the position of Engineer Firm for Lynn Township: **Remington Vernick & Beach Engineers;** Ed Koehler, Ph.D., P.E.; Leonard A. Faiola, P.E.; Christopher J. Fazio, P.E., C.M.E. **BCM Engineers;** James S. Griesemer, Client Development. **Rettew Engineering;** Clayton Bubeck, George White. **Gannett Fleming;** Roger A. Phillips, P.E. Senior Project Manager Water/Wastewater Department; Anthony G. Elberti, P.E. Project Engineer Water/Wastewater Department. Each individual engineering firm's proposal is on record with the township.

Miscellaneous: (1) Solicitor, Marc Fisher stated that he spoke with former Solicitor, Ed Healy and noted that Ed Healy submitted to him, all of the active files he was currently working on for the township. Marc Fisher also stated that the Ed Healy was very corporative with the transition. 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 was complied to. However, in review, Ed Healy had discovered that under the improvements agreement, liability protection, Miller Rd. Farms must provide a policy 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. The BOS had agreed to a deadline of January 30, 2009 for Miller Rd. Farms to submit the proper liability protection. This issue has been turned over to Marc Fisher for completion. A motion was made by David C. Najarian and seconded by Kermit E. DeLong to grant an additional 30 day extension from 01/30/09 thru 03/02/09. (2) Kevin Deppe brought to the attention of the BOS, that Richard Matthias was interested in purchasing a plow for the Park. The BOS unanimously agreed that it was not in the budget and that Richard Matthias should include it in the budget for next year. The BOS felt that the road crew should plow the park when necessary and that if the weather is that bad the park should be closed to thru traffic. (3) Kevin Deppe discussed a letter that Roy Stewart, Keystone Engineering, forwarded to Gregory Paxson of Schnabel Engineering concerning the ACT 167 Plan and Municipal Ordinance Consistency, Proposed Upgrading of Leaser Dam, Lynn Township - Lehigh County, PA. Kevin Deppe stated that the proposed modifications and post construction Storm Water Management Plan are in accordance with the Maiden Creek Act 167 Storm Water Management Plan and the Storm Water ordinance of Lynn Township. ****(#4)** Kevin Deppe proposed to the BOS that they consider an additional .45 cent hourly increase in Janet Henritz pay for 2009. Kevin Deppe stated that the .45 cents will be the only merit pay above the 4% already given to any employee. The additional .45 cent raise comes to an additional \$936.00 per year for Janet Henritz on top of the .55 cent (4%) given at the re-org meeting. The 2009 budget included a total of \$14,800.00 (SMP software that was budgeted for 2008, that will not be purchased in the near future due to the economy). The \$14,800.00 was split by budgeting 4% for 7 Full Time employees and the remainder was budgeted for Kevin Deppe at the total of \$5,648.00 added to his 2008 salary of \$49,742.42 equals \$55,390.42 as Kevin Deppe's salary for 2009. A higher percentage rate was proposed in the budget to be given to Kevin Deppe because of all the additional duties he will be taken on as Township Manager. However, Kevin Deppe relinquished \$390.42 from his budgeted salary for 2009 to be given to Janet Henritz making her additional merit raise of .45 cents

(\$936.00) actually (\$545.58). A motion was made by Kermit E. DeLong approving the .45 cent merit raise to Janet Henritz, stipulating that \$390.42 is taken from Kevin Deppe's 2009 budgeted salary of \$55,390.42 making Kevin Deppe's 2009 salary an even \$55,000.00. Thomas C. Creighton opposed the motion. (5) Kevin Deppe is working on grants to provide money for the construction of the sewer plant. One of the programs in place by the state is the H2O program providing funding for Storm Water and Sewer.

Public Comment: (1) Robert Sadler suggested that the township check with our pension provider concerning funding.

Announcements: None

Adjournment: A motion was made by David C. Najarian and seconded by Kermit E. DeLong to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:40 pm.

As of January 31, 2009

Account	Balance
General Fund	310,166.78
Capital Reserve	455,020.66
Zoning/Subdivision	11,738.39
HLLW COG	39,601.17
State Road	7,665.72
Street Light	2,305.17
Park	1,113.62
Recreation	26,818.67
Total	854,430.18

	<u>Jan 09</u>
Income- GENERAL FUND	
301 · Real Property Taxes	
301.10 · Real Estate Tax-Current	2,093.60
301.40 · Delinquent RE Tax-Tax Claim	73.32
301.60 · Real Estate Tax-Interim-Current	39.90
Total 301 · Real Property Taxes	<u>2,206.82</u>
310 · Local Tax Enabling Act	
310.10 · Real Estate Transfer Tax	9,078.84
310.20 · Earned Income Tax	
310.21 · Earned Income Tax-Current	39,747.97
Total 310.20 · Earned Income Tax	<u>39,747.97</u>
Total 310 · Local Tax Enabling Act	48,826.81
331 · Fines	
331.10 · Court - Magistrate	1,233.15
331.12 · Violation of Ordinances, Statue	19.80
Total 331 · Fines	<u>1,252.95</u>
341 · Interest	
341.98 · Interest form EIT Office	1,660.78
341.99 · Interest income from tax col.	27.18
Total 341 · Interest	<u>1,687.96</u>
342 · Interest, Rents & Royalties	
342.53 · Royalties from Cell Tower Rent	1,100.00
Total 342 · Interest, Rents & Royalties	<u>1,100.00</u>
360 · Gen. Govt. Charges for Services	
361 · General Government	
361.100 · General Contractor Registration	25.00
361.30 · Zoning-Subdiv-Land Dev Fees	
361.32 · Fees for Eng., Insp, & Reviews	258.74
Total 361.30 · Zoning-Subdiv-Land Dev Fees	<u>258.74</u>
361.87 · Sale of Maps & Publications	43.00
361.88 · Copy Fee	2.75
361.91 · Plumbing Registrations	25.00
361.92 · Electrical Registrations	25.00

361.94 · Misc. Billing	140.00
Total 361 · General Government	519.49
362 · Public Safety	
362.40 · Protective Inspection Fees	
362.41 · Building Permit	
362.41B · BLDG/Alter/Repair Permit	304.00
362.41F · Building Permit Filed	250.00
362.41N · Re-inspection	100.00
362.41R · Renew BLDG, Zone, Plumb	150.00
362.41 · Building Permit - Other	<u>50.00</u>
Total 362.41 · Building Permit	854.00
362.42 · Electrical Permit	332.00
362.43 · Plumbing Permit	129.00
362.44 · Sewage Permits (SEO Fees)	90.00
362.48 · Demolition Permit	<u>129.00</u>
Total 362.40 · Protective Inspection Fees	1,534.00
362.99 · Logging/Timber Harvest	<u>100.00</u>
Total 362 · Public Safety	1,634.00
364 · Sanitation	
364.30 · Solid Waste Collection/Disposal	<u>1,160.00</u>
Total 364 · Sanitation	1,160.00
Total 360 · Gen. Govt. Charges for Services	3,313.49
389 · Unclassified Income	10.00
394.000 · Short-Term Debt	
394.200 · Reimbursement to Township	<u>58.00</u>
Total 394.000 · Short-Term Debt	58.00
395 · Refunds of Prior Yr Expenditure	
395.99 · Refunds of Prior Year Exp.	<u>23,148.60</u>
Total 395 · Refunds of Prior Yr Expenditure	23,148.60
Total Income	81,604.63
Expense	
400 · General Government	
400.00 · Legislative (Governing) Body	
400.05 · Supervisor Salaries	<u>378.36</u>
Total 400.00 · Legislative (Governing) Body	378.36
403 · Tax Collection	
403.16 · Commission Paid as Compensation	8,327.98
403.21 · Office Supplies	<u>249.31</u>
Total 403 · Tax Collection	8,577.29
404 · Solicitor/Legal Services	2,224.53
405 · Secretary/Clerk	
405.12 · Salary Township Secretary	2,081.00
405.35 · Insurance and Bonding	<u>6,656.00</u>
Total 405 · Secretary/Clerk	8,737.00
406 · Other General Govt. Admin	
406.12 · Salary Full Time Staff	3,730.81
406.21 · Office Supplies	184.61
406.23 · Postage	380.00
406.32 · Communication - Phone/Wireless	480.49
406.33 · Travel Expense	12.24
406.34 · Advertising	99.84
406.38 · Rentals	325.49
406.46 · Mtg., Conf., Cont.Ed.	1,048.00
406.99 · Payroll	<u>111.17</u>

Total 406 · Other General Govt. Admin	6,372.65
408 · Engineering Services	
408.31 · Engineering for 537	1,463.00
408.99 · Township engineer	1,151.25
Total 408 · Engineering Services	2,614.25
409 · General Government Bldg&Plants	
409.36 · Public Utility Services (TWP)	309.84
409.37 · Repairs and Maint.	3,768.84
409.44 · Laundry/Other Sanitary Services	186.22
409.99 · Heating - Oil/Propane	336.84
Total 409 · General Government Bldg&Plants	4,601.74
Total 400 · General Government	33,505.82
410 · Public Safety	
411 · Fire	
411.97 · Lynnport FC Fuel	83.71
411.98 · New Tripoli FC Fuel	131.78
Total 411 · Fire	215.49
412 · Ambulance/Rescue	
412.98 · Fuel	381.89
Total 412 · Ambulance/Rescue	381.89
413 · Code Enforcement	
413.31 · Code enforcement pro. service	1,301.85
Total 413 · Code Enforcement	1,301.85
414 · Planning & Zoning	
414.33 · Transportation Costs	0.00
414.99 · Salary Zoning Officer	3,213.20
Total 414 · Planning & Zoning	3,213.20
419 · Other Public Safety	
419.99 · PA One Call	11.05
Total 419 · Other Public Safety	11.05
Total 410 · Public Safety	5,123.48
420 · Health and Human Services	
426 · Gen Gov Recycling Col & Dis	
426.15 · Transfer/Recycle Salaries	554.86
426.44 · Sanitation Services	1,060.36
Total 426 · Gen Gov Recycling Col & Dis	1,615.22
Total 420 · Health and Human Services	1,615.22
430 · Public Works Hwy,Rds,Streets	
432 · Winter Maintenance	
432.14 · Salaries Winter Maintenance	8,588.62
432.15 · P/T Winter Salary	1,725.39
432.98 · Twp paid winter maint. mats.	20,908.61
Total 432 · Winter Maintenance	31,222.62
437 · Repair of Tools & Machinery	
437.98 · Repair of Machinery	236.82
437.99 · Truck Repair	1,354.66
Total 437 · Repair of Tools & Machinery	1,591.48
438 · Road/Bridge Maint. and Repair	
438.25 · Repairs & Maint Supplies	1,156.25
438.98 · Twp. paid road maint mat.	3,820.98
438.99 · Truck Fuel	2,460.07
Total 438 · Road/Bridge Maint. and Repair	7,437.30
Total 430 · Public Works Hwy,Rds,Streets	40,251.40

450 · Culture-Recreation	
454 · GF Parks	
454.12 · Parks full time staff (GF)	1,831.36
454.33 · Travel Expense	<u>72.33</u>
Total 454 · GF Parks	<u>1,903.69</u>
Total 450 · Culture-Recreation	1,903.69
480 · Misc. Expense	
481 · Employer paid Taxes	
481.10 · Employer paid FICA	1,848.52
481.20 · Employer paid Medicare	432.31
481.30 · Employer paid Unemployment Comp	<u>1,461.53</u>
Total 481 · Employer paid Taxes	3,742.36
487 · Other Group Insurance Benefits	
487.01 · Health Insurance	9,900.76
487.02 · Life Insurance	<u>37.50</u>
Total 487 · Other Group Insurance Benefits	9,938.26
489 · All other unclassified Expenses	
489.99 · EE withholding taxes	<u>7,352.74</u>
Total 489 · All other unclassified Expenses	<u>7,352.74</u>
Total 480 · Misc. Expense	<u>21,033.36</u>
Total Expense	<u>103,432.97</u>
Net Income	<u>-21,828.34</u>
	<u>Jan 09</u>
Income-LIGHT FUND	
383.11 · Street Lighting Tax	<u>179.20</u>
Total Income	179.20
Expense	
434 · Street Lighting	
434.36 · Street Lighting Electric	<u>754.68</u>
Total 434 · Street Lighting	<u>754.68</u>
Total Expense	<u>754.68</u>
Net Income	<u>-575.48</u>
	<u>Jan 09</u>
Income-REC FUND	0.00
Expense	
492.99 · Transfer to Ontelaunne Park	<u>4,000.00</u>
Total Expense	<u>4,000.00</u>
Net Income	<u>-4,000.00</u>
	<u>Jan 09</u>
Income-ESCROW ACCT.	
361 · General Government	
361.96 · Subdivision Escrow Deposit	<u>600.00</u>
Total 361 · General Government	<u>600.00</u>
Total Income	600.00
Expense	<u>0.00</u>
Net Income	<u>600.00</u>
	<u>Jan 09</u>
Income-PARK FUND	
392 · Interfund Operating Transfer	
392.97 · Transfer from Recreation Fund	<u>4,000.00</u>

Total 392 · Interfund Operating Transfer	<u>4,000.00</u>
Total Income	4,000.00
Expense	
454 · Parks	
454.25 · Repairs & Maintenance Supplies	5,050.42
454.36 · Public Utilities	467.56
454.37 · Equipment Repair	415.82
454.38 · Rental	95.00
454.98 · Fuel for equipment	<u>36.86</u>
Total 454 · Parks	<u>6,065.66</u>
Total Expense	<u>6,065.66</u>
Net Income	<u><u>-2,065.66</u></u>
Total Income (all accounts)	<u>86,383.83</u>
Total Expense (all accounts)	<u>114,253.31</u>
Net Income(all accounts)	<u><u>-27,869.48</u></u>

Respectfully Submitted,



Tammy M. White
Secretary/Treasurer