

Board of Supervisors
Thursday, August 12th, 2010 @ 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 David C. Najarian, at 6:30 pm in the Municipal Building. Present were Chairman David C. Najarian, Vice Chairman Brian C. Dietrich, Member Kermit E. DeLong Jr., Zoning Officer Kevin N. Deppe, Secretary/Treasurer Tammy M. White, Solicitor Marc Fisher, Engineer Ed Koehler, NW Press Reporter Ken Petrini, and approximately 16 citizens.

Pledge of Allegiance: The Pledge of Allegiance was conducted.

Public Comment: (1) *Resident, Richard Snyder* and president of the ZHB, stated that there is an issue coming up and he wanted to bring it before the BOS. The issue concerns articles that are in zoning pertaining to impervious cover on property. Mr. Snyder explained to the BOS, that roof water can be put into a recharging system in the ground which can be subtracted off of impervious cover. Mr. Snyder expressed concerns that this issue puts burdens on citizens who have to come before the ZHB for no reason, when the issue can be corrected by the Zoning Officer if the BOS would allow for this decision to be at his discretion. The Delaware Water Basin Commission and the Lehigh County Conservation Authority suggest the process of this recharging system. (2) *Resident, Brian Hardy* stated that his garage located off of Cardinal Rd. was just repaired and he feels he did not need a demolition permit. Kevin Deppe stated that because the garage was already up, he did not require the demolition permit, but did require the building permit. Mr. Hardy did complete the building permit, but it was denied because it was determined a non conforming structure. Mr. Hardy was then informed that he needed to complete a zoning application and go before the ZHB. Mr. Hardy stated he does not feel he needs to go before the ZHB. Mr. Hardy received two enforcement notices and the 20 days to respond to the enforcements have both expired. Marc Fisher did in fact confirm that all notices sent to Mr. Hardy were adequate. Marc Fisher suggested to Mr. Hardy that in order to straighten this out he needs to do the following: 1st - Apply and complete another building permit, which will be denied by Kevin Deppe right on the spot. 2nd - Apply and complete a zoning application and pay the fee, turn it in within a week. 3rd - Go in front of the ZHB, the ZHB has to determine if in fact Mr. Hardy is in violation and if so ask for a variance and make his argument. If the ZHB determines that Mr. Hardy is not in violation, then the issue ends. Dave Najarian suggested that Mr. Hardy consult an attorney on the legal rights of property because right now Mr. Hardy has an un-appealed determination and is in violation and the Township could go to the District Judge to levy Fines.

Accept the Minutes and Direct the Treasurer to pay the bills: A motion was made by Brian C. Dietrich and seconded by Kermit E. DeLong to accept the minutes from 07/08/10. Motion carried unanimously. A motion was made by Kermit E. DeLong and seconded by Brian C. Dietrich to direct the treasurer to pay the bills. David C. Najarian abstained from the vote due to the payment of the Horwith Fuel Oil bill. 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. Motion carried.

Road Report: Bruce Raber, Roadmaster, reported for the month of July: (1) Finished Lynn Township's oil & chipping as well as the other 3 Township's. (2) Hauled shale up to REC fields. (3) Installed new pipe. (4) Worked on dirt roads. (5) Repaired guide rail on Dresher Rd. (6) Completed line painting. (7) On second round of shoulder mowing. (8) Cut grass and boom mowed and weed whacked at the recycling center. Anticipated work for August: (1) Finish up dirt roads. (2) Continue should mowing.

Mixed Uses: Lengthy discussion was held on permit and inspection issues pertaining to the installation of solar panels on Robert and Kay Greenawalt's property; 8333 Kings Hwy., New Tripoli PA. Dave Backenstoos stated that a formal written denial letter was written to the applicant which was the installer of the panels. At the time of the meeting the Greenawalt's had not receive a copy of the letter from the contractor. Input from other residents injecting their opinions over the issue was also heard by the BOS. The issue revolved around code Masters interpretation of the code and alternatives to the issues pertaining to the disagreements as to the codes interpretation. After lengthy discussion on the topic with the BOS, and offering an explanation of the process currently in place, the BOS along with the solicitor came to the conclusion that the process of going to the Building Code of Appeals is the only method to resolve the issues concerning the interpretation of Codemaster.

Burn Ban: A motion was made by Brian C. Dietrich and seconded by Kermit E. DeLong lifting the burn ban that was issued on 07/08/10 during the BOS meeting. Motion carried unanimously. Marc Fisher was directed to review the Township Ordinance to see if Kevin Deppe, as Township Manager, has the authority to issue and retract a burn ban.

Mixed Uses GCGI: Discussion was held concerning mix use in the GCGI district. It was agreed that Ed Koehler was to work with Marc Fisher to create an overlay district for mixed uses. This will be an ongoing agenda item.

Resolution: A motion was made by Brian C. Dietrich and seconded by Kermit E. DeLong approving Resolution 2010-16; **A RESOLUTION OF THE BOARD OF SUPERVISORS OF LYNN TOWNSHIP, LEHIGH COUNTY, PA FOR THE TRANSFER OF UNEMCOMBERED MONEYS FROM ONE TOWNSHIP ACCOUNT TO ANOTHER.** Motion carried unanimously.

Agreement for printing real estate tax bills: A motion was made by Kermit E. DeLong and seconded by Brian C. Dietrich approving the agreement with BCIU for the printing of the real estate tax bills. Motion carried unanimously.

2011 MMO: A motion was made by David C. Najarian and seconded by Brian C. Dietrich approving the 2011 MMO. Motion carried unanimously.

Nuisance & Junk Car Ordinance: Marc Fisher clarified that the two ordinances be separated out because the Junk Car ordinance is a licensing ordinance and the Nuisance ordinance pertains to zoning related issues. Dave Najarian asked if there is permitted use anywhere, or any classification for Junk car/yards. Kevin Deppe stated only as a special exception. Dave Najarian added that he felt the Nuisance ordinance would be easier. Kermit DeLong stated that he felt that when someone calls with a complaint, they should have to give their name. Kevin Deppe added that if they had to give their name there would be a lot less complaints. Kevin Deppe stated that he acts upon anonymous calls and always takes responsibility in the event the issue should go to the Magistrate. Dave Najarian had questions on the Nuisance ordinance but did not have the latest draft at the meeting. Marc Fisher confirmed that his questions were corrected in the 2nd draft. The BOS tabled both ordinances.

Ordinance for additional costs for fire co.: Kermit DeLong met with Lynnport fire chief Troy Christman to discuss concerns with the ordinance. Troy Christman relayed his questions to Kevin Deppe which were forwarded to Marc Fisher for review. Marc Fisher stated that the purpose of this ordinance is to recoup costs on false alarm calls, but asked for clarification on the process of recouping the costs which included how the amounts will be determined, what and who will enter into a contract and how the invoicing will be done. Troy Christman stated that the Township will not be involved at all and that there is a contract between the fire companies and the 3rd party. The fire companies will provide the 3rd party with costs and reports will be submitted to the 3rd party and then they take care of all the paperwork including the invoicing. The 3rd party will send 3 notices for collection of monies. Marc Fisher clarified that the ordinance should include authorization enabling the ordinance to allow for the fire companies to contract with the 3rd party and for the two of them to establish fees and for the 3rd party to act on behalf of the fire companies and that there will be no involvement from the township. Marc Fisher will finish the draft ordinance for review at the next BOS meeting on 09/09/10. Resident Richard Snyder had concerns with who the 3rd party was going to bill. Troy Christman stated that it would be taken up with the insurance companies. Richard Snyder stated that he called Harrisburg and they said that neither the township nor the fire companies have any right to file charges and that payment does not have to be made by the homeowner. Troy Christman stated that the ordinance is mainly for all of the false alarm calls they get and that hopefully in the end would encourage the establishments to correct the issue of the on going calls.

Ordinance for SMP: Kevin Deppe stated that Dave Walbert from DEP has reviewed the ordinance and does not problem with it. Kevin Deppe spoke with Jim Ridgik from DEP and he stated that the ordinance, once complete, should be submitted to DEP in Wilkes Barre along with a letter stating that the copy is being submitted and is to be filed with the Act 537 as our SMP Ordinance and do not send it as a review. Kevin Deppe stated that a task activity report needs to be done if we want to get any reimbursement and that if the township is to submit a task activity report now the likely hood of any reimbursement is very slim due to the fact that they do not have any money. However the task activity report needs to be done. Kevin Deppe stated that there is a potential issue involving alternate sites on lots of 30,000 sq. ft., one being primary and one being alternate. This would require a change in zoning. Dave Najarian stated he wanted to table the ordinance because he did not want to be the first to adopt the ordinance.

Managers Report: Kevin Deppe, Township Manager, reported **UPDATES:** (1) **Storage building-** The storage building in Ontelaunee Park has been constructed and the floor has been prepared for concrete. The stone was donated by Stanley German. Quotes for the concrete floor were received this week. (2) **Picnic Pavilion-** Several quotes were received and construction will move forward with the lowest quote. (3) **SMP-** (See separate agenda item). (4) **Leaser Lake-** The project is moving forward and equipment is to arrive the week of the 16th. The game commission has requested posting road closed and temporary speed limit signs on the roads in question. A motion was made by David C. Najarian and seconded by Brian C. Dietrich directing Roadmaster, Bruce Raber to help in the game commission's request. (5) **Waiver-** A waiver, from Pat Mazziotta, was received requesting well isolation distance for the installation of a sewage system. A motion was made by David C. Najarian and seconded by Kermit E. DeLong accepting the waiver request from Pat Mazziotta on the conditions that a scale drawing to be submitted on costs and fees of any reviews of any studies upon the applicant and upon written notice of the waiver with the diagram recorded with the recorder of deeds at the recorder of deeds office Lehigh County and for the applicant to provide a copy of the receipt of the recording to the Township within 90 days of completion of the system or as may be extended by the BOS. Motion carried unanimously. (6) **PSATS Resolution-** A motion was made by David C. Najarian and seconded by Brian C. Dietrich approving Resolution 2010-17; **A RESOLUTION OF THE TOWNSHIP OF LYNN, COUNTY OF LEHIGH, PA FOR REGARDING OPPOSITION TO FORCE LOCAL GOVERNMENT TO MERGE AND CONSOLIDATE.** Motion carried unanimously. (7) **Permit & Inspection Issues** (see separate agenda item, "Mixed Uses"). (8) **Park water system-** Proposal to fix problem properly before next season, already compiling quotes.

Miscellaneous: (1) Kermit DeLong stated that DEP has been around the Township. Dave Najarian added that a anonymous phone call must have been made. (2) Brian Dietrich stated the Northwestern Lehigh School District Superintendent, MaryAnn Wright expressed concerns on all new commercial buildings requiring that they install a (KNOX

BOX) for rapid entry. This would enable fire companies (either with keys or with a code) to enter without breaking down doors or windows. The BOS directed Kevin Deppe to coordinate with Heidelberg Township to put this into affect by resolutions. (3) Engineer, Ed Koehler gave his comments to be forwarded to the PC regarding the Greg Snyder (Best Building) subdivision and the NES Family Trust subdivision.

Public Comment: None

Announcements: (1) Household Hazardous Waste Collection Program: Saturday, September 25, 2010 8am-12pm @Lehigh County Authority Wastewater Plant. For more info see flyer located in Township office. (2) First annual Fireman's Carnival; Tues. 8/10/10 thru Fri. 08/13/10 6pm to 10pm and Sat. 8/14/10 3pm to 10pm; sponsored by Lynnport Fire Company.

Adjournment: A motion was made by Kermit E. DeLong and seconded by Brian C. Dietrich to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:45 pm.

As of August 31, 2010

Account	Balance
General Fund	493,776.68
Capital Reserve	466,966.15
Zoning/Subdivision	12,852.39
HLLW COG	45,324.98
State Road	19,435.52
Street Light	4,530.97
Park	32,457.72
Recreation	28,369.31
Total	1,103,713.72

Income-GENERAL FUND

	<u>Aug 10</u>
301 · Real Property Taxes	
301.10 · Real Estate Tax-Current	2,310.05
301.40 · Delinquent RE Tax-Tax Claim	318.69
301.60 · Real Estate Tax-Interim-Current	3.85
Total 301 · Real Property Taxes	<u>2,632.59</u>
310 · Local Tax Enabling Act	
310.10 · Real Estate Transfer Tax	5,465.16
310.20 · Earned Income Tax	
310.21 · Earned Income Tax-Current	<u>44,649.61</u>
Total 310.20 · Earned Income Tax	<u>44,649.61</u>
Total 310 · Local Tax Enabling Act	<u>50,114.77</u>
321 · Business Licenses and Permits	
321.80 · Cable Television Francise	<u>11,371.26</u>
Total 321 · Business Licenses and Permits	<u>11,371.26</u>
331 · Fines	
331.10 · Court - Magistrate	<u>223.55</u>
Total 331 · Fines	<u>223.55</u>
342 · Interest, Rents & Royalties	
342.53 · Royalties from Cell Tower Rent	<u>1,100.00</u>
Total 342 · Interest, Rents & Royalties	<u>1,100.00</u>
355 · Shared Revenue & Entitlements	
355.04 · Alcoholic Beverage Licenses	<u>600.00</u>
Total 355 · Shared Revenue & Entitlements	<u>600.00</u>
356 · State Payments in Lieu of Taxes	
356.10 · Fish & Boat 2006 In-Lieu of Tax	<u>222.00</u>
Total 356 · State Payments in Lieu of Taxes	<u>222.00</u>
360 · Gen. Govt. Charges for Services	
361 · General Government	
361.81 · Business Permit	125.00
361.88 · Copy Fee	3.25

361.90 · Mechanical/HVAC Permit	104.00
361.94 · Misc. Billing	205.00
361.97 · Zoning Board Appeal Fee	<u>1,750.00</u>
Total 361 · General Government	2,187.25
362 · Public Safety	
362.40 · Protective Inspection Fees	
362.41 · Building Permit	
362.41A · Permit for Ag. Bldg.	100.00
362.41B · BLDG/Alter/Repair Permit	1,161.00
362.41D · Driveway Permit	150.00
362.41F · Building Permit Filed	575.00
362.41K · Deck, Patios, Patio Roof, Porch	104.00
362.41N · Re-inspection	571.00
362.41P · Pool/Hot Tub/Spa Permit	100.00
362.41S · Accessory Struc < 1000 ft	260.00
362.41 · Building Permit - Other	<u>71.00</u>
Total 362.41 · Building Permit	3,092.00
362.42 · Electrical Permit	1,118.00
362.44 · Sewage Permits (SEO Fees)	<u>1,310.00</u>
Total 362.40 · Protective Inspection Fees	5,520.00
362.98 · Sign Permit	<u>120.00</u>
Total 362 · Public Safety	5,640.00
364 · Sanitation	
364.30 · Solid Waste Collection/Disposal	<u>1,860.20</u>
Total 364 · Sanitation	<u>1,860.20</u>
Total 360 · Gen. Govt. Charges for Services	9,687.45
392 · Interfund Operating Transfer	
392.98 · Transfer from SubD/Zoning	<u>615.00</u>
Total 392 · Interfund Operating Transfer	<u>615.00</u>
Total Income	76,566.62

Expense

400 · General Government	
400.00 · Legislative (Governing) Body	
400.05 · Supervisor Salaries	<u>413.66</u>
Total 400.00 · Legislative (Governing) Body	413.66
403 · Tax Collection	
403.16 · Commission Paid as Compensation	<u>1,476.06</u>
Total 403 · Tax Collection	1,476.06
404 · Solicitor/Legal Services	620.78
405 · Secretary/Clerk	
405.12 · Salary Township Secretary	<u>2,021.73</u>
Total 405 · Secretary/Clerk	2,021.73
406 · Other General Govt. Admin	
406.12 · Salary Full Time Staff	1,964.12
406.21 · Office Supplies	62.10
406.32 · Communication - Phone/Wireless	284.81
406.38 · Rentals	495.65
406.99 · Payroll	<u>120.25</u>
Total 406 · Other General Govt. Admin	2,926.93
408 · Engineering Services	
408.99 · Township engineer	<u>1,084.25</u>
Total 408 · Engineering Services	1,084.25
409 · General Government Bldg&Plants	
409.36 · Public Utility Services (TWP)	327.56

409.44 · Laundry/Other Sanitary Services	311.63
Total 409 · General Government Bldg&Plants	639.19
Total 400 · General Government	9,182.60
410 · Public Safety	
413 · Code Enforcement	
413.31 · Code enforcement pro. service	1,830.00
413.45 · Contracted Services	124.00
Total 413 · Code Enforcement	1,954.00
414 · Planning & Zoning	
414.15 · ZHB/PC Salaries	120.00
414.31 · Professional services	260.00
414.33 · Transportation Costs	384.00
414.34 · ZB Advertising, Print, & Bind	69.94
414.98 · Zoning Recording/Transcription	175.00
414.99 · Salary Zoning Officer	3,443.36
Total 414 · Planning & Zoning	4,452.30
419 · Other Public Safety	
419.99 · PA One Call	25.80
Total 419 · Other Public Safety	25.80
Total 410 · Public Safety	6,432.10
420 · Health and Human Services	
426 · Gen Gov Recycling Col & Dis	
426.15 · Transfer/Recycle Salaries	518.39
426.44 · Sanitation Services	892.18
Total 426 · Gen Gov Recycling Col & Dis	1,410.57
Total 420 · Health and Human Services	1,410.57
430 · Public Works Hwy,Rds,Streets	
437 · Repair of Tools & Machinery	
437.99 · Truck Repair	1,405.65
Total 437 · Repair of Tools & Machinery	1,405.65
438 · Road/Bridge Maint. and Repair	
438.14 · Salaries for Road Maint	8,508.82
438.25 · Repairs & Maint Supplies	3,341.22
438.98 · Twp. paid road maint mat.	747.82
438.99 · Truck Fuel	3,669.80
Total 438 · Road/Bridge Maint. and Repair	16,267.66
Total 430 · Public Works Hwy,Rds,Streets	17,673.31
450 · Culture-Recreation	
452 · Participant Recreation	
452.15 · Participant Recreation - P/T	740.85
Total 452 · Participant Recreation	740.85
454 · GF Parks	
454.15 · Parks part time staff (GF)	1,134.10
454.31 · Parks Professional services	805.00
454.34 · Advertising	92.40
Total 454 · GF Parks	2,031.50
Total 450 · Culture-Recreation	2,772.35
480 · Misc. Expense	
481 · Employer paid Taxes	
481.10 · Employer paid FICA	1,522.39
481.20 · Employer paid Medicare	356.05
481.30 · Employer paid Unemployment Comp	160.44
Total 481 · Employer paid Taxes	2,038.88

487 · Other Group Insurance Benefits	
487.01 · Health Insurance	9,451.89
487.02 · Life Insurance	37.50
Total 487 · Other Group Insurance Benefits	9,489.39
489 · All other unclassified Expenses	
489.98 · Clothing Allowance	51.03
489.99 · EE withholding taxes	5,327.78
Total 489 · All other unclassified Expenses	5,378.81
Total 480 · Misc. Expense	16,907.08
490 · Other Financing Uses-exp	
492 · Interfund Operating Transfer	
492.96 · Transfer to HLLW COG	1,517.49
Total 492 · Interfund Operating Transfer	1,517.49
Total 490 · Other Financing Uses-exp	1,517.49

Total Expense	55,895.50
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Net Income	20,671.12
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Aug 10

Income-LIGHT FUND

383.11 · Street Lighting Tax	246.96
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Total Income	246.96
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Expense

434 · Street Lighting	
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434.36 · Street Lighting Electric	833.90
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Total 434 · Street Lighting	833.90
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Total Expense	833.90
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Net Income	-586.94
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Aug 10

Income-LIQUID FUEL FUND

0.00

Expense

430 · LFF Public Works	
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438 · Maint./Repair Roads & Bridges	9,768.74
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439 · HW Construction/Rebuilding Proj	2,696.24
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Total 430 · LFF Public Works	12,464.98
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Total Expense	12,464.98
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Net Income	12,464.98
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Aug 10

Income-HLLW COG

342.40 · Rent of Machinery and Equipment	943.44
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392.01 · Transfer from General Fund	1,517.49
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Total Income	2,460.93
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Expense	0.00
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Net Income	2,460.93
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Aug 10

Income-ESCROW FUND

361 · General Government	
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361.96 · Subdivision Escrow Deposit	400.00
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Total 361 · General Government	400.00
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Total Income	400.00
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Expense

492 · Interfund Operating Transfers	
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492.02 · Transfer to GFMM	615.00
Total 492 · Interfund Operating Transfers	615.00
Total Expense	615.00
Net Income	-215.00
	<u>Aug 10</u>
Income-PARK FUND	
342.59 · Rental of Park Facilities	675.00
351 · Fed Capital & Operating Grants	
351.07 · Culture-Recreation	-500.00
Total 351 · Fed Capital & Operating Grants	-500.00
387 · Contributions and Donations	257.25
Total Income	432.25
Expense	
454 · Parks	
454.24 · General Supplies	300.00
454.36 · Public Utilities	110.39
454.37 · Equipment Repair	274.22
454.38 · Rental	95.00
Total 454 · Parks	779.61
Total Expense	779.61
Net Income	-347.36
Total Income (all accounts)	80,106.76
Total Expense (all accounts)	70,588.99
Net Income(all accounts)	<u>9,517.77</u>

Respectfully Submitted,

Tammy M. White
 Tammy M. White
 Secretary/Treasurer