

LOWER MILFORD TOWNSHIP of LEHIGH COUNTY
BOARD OF SUPERVISORS
Thursday, December 17, 2009 at 7:30 p.m.
MINUTES

Chairman Richard Harris called the meeting to order at 7:30 p.m. Present were Supervisors Arland Schantz and Donna Wright. Also present were Township Manager Ellen Koplin; Township Solicitor Emil Kantra; Public Works Director Richard Kinsey; Treasurer Maureen Kinney; Police Chief John Dondero and approximately 14 others.

The Pledge of Allegiance was said by all.

Public comments were accepted throughout the meeting.

Harris awarded certificates to Denise Holub, Christine Kinney and Cara Kinney for their volunteer services to Lower Milford Township during 2009.

Regular Business:

MOTION was made by Schantz to approve the minutes of the November 19, 2009 Board of Supervisors Meeting with the addition of items discussed regarding Advertisement of the 2010 Budget as follows: *Future consideration of creating a comp time policy, payment of the insurance deductible for non-union employees and looking into other health insurance programs were discussed.* Wright seconded the motion. **Unanimous**

MOTION was made by Wright to approve the minutes of the December 3, 2009 Board of Supervisors Workshop, striking the comment attributed to Lloyd Ohl on page 2. Schantz seconded the motion. **Unanimous**

Harris announced an Executive Session that was held on December 9, 2009 regarding litigation.

MOTION was made by Wright to accept the Treasurers Report as of November 30, 2009 as follows:

• General Fund	\$395,169.00
• Sewer Fund	39.00
• Fire Fund	97,127.00
• Capital Reserve Fund	177,690.00
• Road Projects Fund	351,863.00
• State Liquid Fuels Tax Account	48,914.00
• Developer Escrows (Non Twp. Funds)	41,205.00

Schantz seconded the motion.

Unanimous

MOTION was made by Wright to pay the December 2009 bills. Schantz seconded the motion.

Unanimous

Police Business:

The Police Reports were made available to the public.

Public Works Business:

The Public Works Report was made available to the public.

Zoning Business:

The Zoning Report was made available to the public.

Manager's Business:

Manager's report was made available to the public.

Library Report:

The Library report was made available to the public.

Subdivisions/Land Developments:

There were no new Subdivisions or Land Developments. There was no action due.

Fire Co. Report:

There was no report available.

Old Business:

MOTION was made by Wright to accept Resolution 2009-22 adopting Inter-Municipal Park, Recreation & Open Space Plan. Schantz seconded the motion. Schantz asked if it needed attorney approval. Attorney Kantra and Harris both agreed it would not be necessary. **Unanimous**

MOTION was made by Wright to adopt Resolution 2009-23 establishing the General Fund Real Estate Millage for 2010 at 2 Mills. Schantz seconded the motion. **Unanimous**

MOTION was made by Schantz to adopt Resolution 2009-24 establishing Fire Tax Real Estate Millage for 2010 at 1 Mill. Wright seconded the motion. **Unanimous**

MOTION was made by Wright to accept Resolution 2009-25 adopting the 2010 Budget. Schantz seconded the motion. Schantz mentioned overspending solicitors fees for 2009 and asked if it should be corrected. Maureen said if the overspending is within 10% of the total budget no revising of the budget is necessary as long as the overage is stated. Reassigning of funds is allowed. **Unanimous**

MOTION was made by Wright to accept Resolution 2009-26 appointing CPA for audit of year 2009. Harris seconded the motion. Schantz said the elected auditors should do the 2009 audit. Harris and Wright said the PENNVEST loan requires an audit by a CPA. 2 - Aye, 1 - Nay (Schantz) **Motion Carried**

Pension percentages were discussed.

MOTION was made by Schantz to accept Resolution 2009-27 amending Non-Uniformed Employee Pension Plan, setting the rate at 6%. Wright seconded the motion. **Unanimous**

MOTION was made by Schantz to accept Resolution 2009-28 amending the Uniform Employee Pension Plan, setting the rate at 12%. Wright seconded the motion. **Unanimous**

Park Contract (Wessner) Change Order & Payment Request – The contract which expired October 15, 2009 needs to be extended for work to be completed in Spring. The existing Performance

Bond is assurance that the remaining items will be completed should the contractor default on the contract.

MOTION was made by Wright to extend the Wessner Park Contract to May 15, 2010. Schantz seconded the motion. **Unanimous**

MOTION was made by Wright to make payment of \$15, 120.75 to Wessner's. Harris seconded the motion. **Unanimous**

There was discussion concerning the flooding problem caused by the park excavation. Wright explained that she looked at the flooding problem during the last rain and discussed it with Richard Kinsey. The township can use dirt along a 35' stretch as a temporary solution to the missing upper swale.

Schantz questioned the absence of the As Built Property Survey from the agenda. Harris asked Koplín if there has been any word on the ambulance situation. She responded the Eastern Regional Council is moving on a license renewal application. Fire Co. President Lloyd Ohl said they are ready for inspection after correction of a minor problem.

MOTION was made by Schantz to authorize the expenditure to have an As Built Property Survey done for the construction of a new Fire Co. building. Wright seconded the motion. **Unanimous**

The survey will determine what can be done with the property available on the grounds of the existing Township Building.

New Business:

Southern Lehigh School District Tax Appeal Process Change Request – The School District would like to appoint a Hearing Officer to hear Earned Income Tax appeals because of the low volume of appeals in past years rather than an Appeals Board composed of a representative from each of four municipalities. Attorney Kantra will find out if the Township will be notified of an appeal prior to the hearing. Action will be considered at the January 4, 2009 meeting.

Harris announced receipt of a \$1,000 grant to the Police Department from the Office of Attorney General. The grant was for equipment which has since been installed in each police vehicle.

MOTION was made by Wright to set the bond for Treasurer at \$600,000. Schantz seconded the motion. **Unanimous**

MOTION was made by Wright to set the bond for Manager at \$500,000. Schantz seconded the motion. **Unanimous**

MOTION was made by Wright to set the pay rate for temporary Plow Operator at \$15.00/hr. Schantz seconded the motion. **Unanimous**

MOTION was made by Wright to authorize advertisement of January meeting dates as on the calendar attached to the agenda. Schantz seconded the motion. **Unanimous**

Correspondence (placed on table at back of meeting room):

- Southern Lehigh Public Library minutes
- Upper Milford Zoning Hearing Notice

Announcements:

- Accepting Letters of Interest for Planning Commission, Zoning Hearing Board, Recreation and Open Space Board Positions to be appointed in January 2010.
- Township Offices Closed Thursday & Friday, December 24 & 25 for Christmas and Friday, January 1 for New Year.

Citizens Comments:

Alexander Tamerler read a letter concerning a pre-construction meeting December 8, 2009. He thanked Harris for attending that meeting. He attempted to discuss subdivision issues with the Board which Harris said should be addressed by the Planning Commission.

John Stagg of Leh Street had concerns with the swale at the front of his property. Koplin reminded the Board of Supervisors that they reviewed this matter in the spring when the developer requested release of his maintenance agreement. It was explained that the Developer has to address the issue since the Developer has not been released from the Maintenance Agreement. The Township will contact the Developer to have the swale issue resolved. Stagg was concerned that this would hold up his pending building addition. Kinsey said he would call him when he has an answer.

Harris adjourned the meeting at 9:35 pm.

Respectfully submitted,

Ellen L. Koplin
Township Secretary