

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
November 14, 2007**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting on Wednesday November 14, 2007. The Vice-Chairman called the meeting to order at 6:04 PM.

Present were:

*Dr. Alan Dilsaver	-	Chairman	Timm A. Tenges	-	Manager, Secretary/Treasurer
Eric E. Nagle	-	Vice Chairman	Tammi Dravec	-	Assistant Secretary/Treasurer
Ricky T. Johnson	-	Supervisor	Lori B. Seese	-	Zoning Administrator
Patrick J. Murphy	-	Supervisor	Gary Asteak	-	Solicitor
			Albert Kortze, P.E.	-	Engineer

* Dr. Dilsaver arrived late (7:35 PM)

Absent were: Robert S. Kucsan - Supervisor
Kelly J. Sullivan - Office Clerk

Approval of Minutes

Motion to amend the meeting minutes from September 26, 2007 was moved by Mr. Johnson and was seconded by Mr. Murphy. The motion carried.

Motion to approve the meeting minutes from October 10, 2007 was moved by Mr. Johnson and was seconded by Murphy. The motion carried.

Reports

Mr. Nagle acknowledged the receipt of the Zoning Administrator's Report for October 2007, the Financial Statement for September 2007 and the Hecktown Vol. Fire Company October 2007 Incident Report.

Correspondence

There was no discussion under correspondence.

Subdivision/Land Development

Brown-Daub Suzuki – Conditional Use Order and Opinion – Motion to approve the order and opinion was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Brown-Daub Suzuki – Preliminary/Final Land Development – Resolution #LNT-29-07 – Present were Brian Dillman, engineer from The Pidcock Company and the applicant, Andy Daub. Mr. Kortze reviewed his letter dated November 13th, recommending preliminary/final approval. Motion to approve Resolution #LNT-29-07 was moved by Mr. Murphy and seconded by Mr. Johnson. Mr. Tenges noted that language stating the applicant must comply with Nazareth Borough Municipal Authority rules and regulations should be made part of the resolution. Motion to approve the amended resolution was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried.

Eastgate Subdivision – Preliminary/Final Lot Line Adjustment – Resolution #LNT-30-07 – This is only a lot line adjustment, no development is proposed. Mr. Kortze reviewed his letter dated November 13th, recommending preliminary/final approval. Motion to approve Resolution #LNT-30-07 was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Regency Realty Group, Inc. – Conditional Use Order and Opinion – Motion to approve the order and opinion was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

**Board of Supervisors Minutes
November 14, 2007**

Regency Realty Group, Inc. – Final Land Development – Resolution #LNT-31-07 – Present was Tamer Ahmed, Attorney from Fitzpatrick, Lentz, and Bubba. Mr. Kortze review his letter dated November 13th, recommending final approval. Attorney Ahmed said neither he nor the applicant had any issues with Mr. Kortze’s comments. Mr. Tenges stated that there are still internal traffic issues to be resolved and a statement is still needed from Wegmans regarding the realignment of Avenue “A”. Motion to approve Resolution #LNT-31-07 was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Trio Farms Clubhouse – Final Land Development – Resolution #LNT-32-07 – Present were Tracey McCormick of VanCleaf Engineering and Richard Brooks of Ashley Development. Mr. Kortze reviewed his letter dated November 13th recommending final approval. Mr. Tenges noted that written confirmation from Upper Nazareth Township is needed. In addition, a preconstruction meeting will be required. Motion to approve Resolution #LNT-32-07 was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried.

Trio Farms – Recreation Fee Request – Mr. Tenges stated that there are no provisions in the Township’s Ordinance to prevent this nor does it matter to the Township when the money is received. The Township should institute a policy that a developer who was constructing a building with 10 or more units could defer payment until the time the certificate of occupancy is issued. Motion to grant deferment of payment until the time the certificate of occupancy is issued was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried. Motion to authorize Mr. Tenges to draft a policy was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Trio Farms – Holding Tank / Pump & Haul Security

Reduction Request – If approved, this reduction would amend the Holding Tank Agreement previously approved. Mr. Kortze approved the reduction amount. Authorization to amend the agreement and reduce the security amount to \$167,523.00 versus \$223,533.00 was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Form of Security – Bond versus Letter of Credit – Mr. Asteak stated that our ordinance requires security to be in the form of a letter of credit. However, Mr. Tenges noted that when the ordinance was drafted it was not meant for 50 units. After some discussion, the Board declined the request and required the security to be in the form of a letter of credit.

Trio Farms / Nazareth Borough Municipal Authority Sewer Agreements:

Supplement to Sanitary Sewer Improvements Agreement – Authorization to Execute – Motion to authorize the agreement for execution was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Collection Systems Agreement – Authorization to Execute – Motion to authorize the agreement for execution was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried.

Holding Tank Agreement – Authorization to Execute – Motion to authorize the agreement for execution was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Marquis Realty (DayCare) – Land Developments Improvements Agreement – Authorization to Execute – Motion to authorize execution of the agreement upon receipt of the executed agreement and letter of credit was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

ProLogis Park 33-Lots EFG-Land Developments Improvements Agreement – Authorization to Execute – Motion to authorize execution of the agreement upon receipt of the executed agreement and letter of credit was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Greenfield Industrial Park – Land Developments Improvements Agreement – Authorization to Execute – Motion to authorize execution of the agreement upon receipt of the executed agreement and letter of credit was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried.

Carpenter's Church – Letter of Credit Reduction – Amendment – Mr. Kortze reviewed his letter dated October 29th recommending a \$44,586.30 reduction in security. This would leave a balance of \$27,022.20. Motion to amend the letter of credit reduction approved on September 26th was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Foxwood Farms – Commencement of Maintenance Period and Letter of Credit Reduction – Mr. Kortze reviewed his letter dated November 14th recommending the commencement of the 12-month maintenance period and the reduction in the letter of credit. Motion to commence the 12-month maintenance period was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried. Motion to reduce the letter of credit by \$192,117.98 from \$386,763.63 to a balance of \$194,645.65 was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Jandy Blvd. – Road Acceptance – Mr. Kortze reviewed his letter dated November 14th recommending the acceptance of Jandy Blvd and South Broad Street. In addition he recommended an \$89,094.09 reduction in maintenance security from \$145,942.30 to a balance of \$56,848.21. Motion to authorize Mr. Asteak to prepare a resolution for the November 28th meeting and for the reduction in security was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried. Mr. Asteak will inform Attorney Alfred Pierce that the resolution will be prepared for that date.

The Board took a brief recess from 7:00PM – 7:10PM

Conditional Use Hearings

Complete transcripts of tonight's conditional use hearings are available at the Township Office.

Green Acres – CU2007-04 – Continuation – The hearing began at 7:10PM. The applicant provided a revised plan with access from Newburg Road. They have received the Highway Occupancy Permit from PennDot. There will be no vehicle traffic across the swale. Only foot traffic will be permitted across that area. The hearing concluded at 7:22PM. Motion to grant Conditional Use was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

The Board took a brief recess from 7:22PM – 7:35PM

Industrial Developments International (IDI) – CU2007-02 – Continuation – The hearing began at 7:35PM. Present were: Attorney Blake Marles, Fidel Gonzalez, a representative from IDI, Michael Szura of Langen Environmental Services, Frank Pekunas Regional Development Officer of Industrial Developments International (IDI), Adam Holtzapple of RETTEW, Griffith Jones of Herber, Rowalnd & Grubic, Inc, Attorney Charles Bruno, Engineer Brian Dillman, and Attorney Renee Feretti for Palmer Township.

Attorney Marles called Expert Witness Michael Szura of Langen Environmental Services to the stand for cross-examination. Attorney Feretti inquired about the height, shielding and operation of lighting on the site.

Ginger Buchser, 2731 Newburg Road, asked what would keep the developer from makes changes to the light plan.

Pat McPherson, 214 Oxford Drive, asked what would be done to keep the trucks headlights from shining towards the homes as they were backing into the bays.

Attorney Bruno asked if Mr. Szura had been asked to study the traffic lighting.

Attorney Marles recalled Frank Pekunas to the stand. The Schedule of Covenants and Conditions was labeled Exhibit #35.

Ginger Buchser, 2731 Newburg Road, asked what they planned to do about boom boxes; the covenants and conditions only mention car radios. She also inquired if a sign would be sufficient enough to keep people from being loud.

Attorney Bruno inquired if the end users were known. He asked if the covenants and conditions would be enforceable by police. The question as to whether the Merritt Brown access road would be public or

private was posed by Attorney Bruno. If the road is private, he questioned the ability of police to patrol the road. Mr. Pekunas stated it doesn't matter because it is the existing public road they are attempting to keep the trucks from utilizing.

Palmer Township residents inquired about noise from public address systems, lights, and equipment. In addition they inquired about traffic issues such as whether truckers will obey the signs and traffic studies in the event traffic is diverted due to road closures.

Attorney Marles called Adam Holtzapple, Transportation Designer from RETTEW to the stand. He reviewed his resume, Exhibit #36. After reviewing his credentials, Mr. Holtzapple read his memo, Exhibit #26, aloud for the record.

Attorney Bruno questioned how the origination of the trucks could be determined without knowledge of who the tenants will be.

Attorney Feretti questioned the IDI traffic count being less than Easton Hospital's traffic count.

Mr. Nagle and Dr. Dilsaver discussed the article in the newspaper regarding a proposed apartment complex in Palmer Township right near the proposed IDI site. They commented how that would create more traffic on Route 248 than the proposed warehouse. In addition, they probably would not be making road improvements or building a new road to handle that traffic.

The Board took a brief recess from 9:25PM – 9:35PM

Griffith Jones read his report dated October 10, 2007.

The hearing ended at 9:55PM and will be continued on November 28th at the Nazareth Area Middle School. The Township meeting will begin at 6 PM and conclude with the continuance of the IDI Hearing.

The Board took a brief recess at 9:55PM

Supervisor's Comments

It was noted that Mr. Kucsan was re-elected to another term as Board of Supervisor.

Manager's Report

Authorization to Advertise use of CPA to perform Audit – Motion to authorize the advertisement of the intent to appoint a CPA to perform the 2007 audit was moved by Mr. Johnson and seconded by Mr. Nagle. The motion carried.

Emergency Traffic Signal Repair – Route 191 and Jandy Blvd – An October 21st motor vehicle accident at the intersection of Route 191 and Jandy Blvd. knocked down a traffic signal. An emergency repair was needed and the work has since been completed. The proposal from Telco, Inc. was for \$13,758.58; however no invoice has been received to date. A claim had been filed with the driver's insurance company.

PACC Participation – Resolution #LNT-28-07 – Motion to approve Resolution #LNT-28-07 was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried.

Equipment for new trucks – Equipment for the new plow trucks would be purchased through Structural Metal Fabricators, utilizing the PACC Contract. This equipment includes plows, cutting blades, mushroom shoes, salt spreaders, and tarp systems. The cost for this equipment is \$35,108.00. Motion to authorize the purchase of that equipment was moved by Mr. Johnson and seconded by Mr. Nagle. The motion carried.

In addition, tailgate mounted pre-wet systems also need to be purchased. These items would be purchased from U.S. Municipal Supply. The price is \$3,516.00 for two systems. This purchase price is the lowest of three bids and not from the PACC Contract. Motion to authorize the purchase of the pre-wet system was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried.

Mr. Tenges noted that this equipment will be purchased out of the Capital Reserve Equipment Replacement fund.

Draft 2008 Municipal Budget – Mr. Tenges presented the Board with the Draft 2008 Budget, holding taxes at 3.15 mils. He did however note that each year we have to carry more funds to balance the budget; this year's amount would be \$901,290.00. The proposed budget for 2008 is \$3,361,750.00 which is a 9% increase from last year. This increase is due, in part, to an expected decrease in revenue, from the change from EMST to LST and a slow housing market, and increased expenses; including \$900,000 for police services and an additional \$25,000.00 to the fire company. After some discussion, Dr. Dilsaver made a motion to authorize the Mr. Tenges to prepare the budget with a 1.0 mil increase and authorize the advertisement of the draft budget with that increase. The motion was seconded by Murphy. Mr. Murphy, Mr. Johnson, and Dr. Dilsaver voted in favor of the motion; Mr. Nagle voted against the motion. The motion carried.

Engineer's Report

There were no comments under Engineer's Report.

Solicitor's Report

Local Services Tax Ordinance – Ordinance #192-11-07 – Motion to approve Ordinance #192-11-07 was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried unanimously.

Emergency Services Mutual Aid Agreement – Ordinance #194-11-07 – Motion to approve Ordinance #194-11-07 was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried unanimously.

248 Brodhead Road – Addendum to Sale and Purchase Agreement – Motion to approve the Addendum to the Sale and Purchase Agreement was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried unanimously.

Old Business

There were no comments under Old Business.

New Business

There were no comments under New Business.

Payment of the Bills

Motion to approve the bills dated November 14, 2007 was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Courtesy of the Floor

There were no comments under Courtesy of the Floor.

Adjournment

Motion to adjourn the meeting was moved by Mr. Johnson and seconded by Mr. Murphy. The meeting was adjourned at 10:32PM.

Respectfully submitted,



Tammi Dravec
Assistant Secretary/Treasurer