

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
May 28, 2008**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday May 28, 2008. The Vice Chairman called the meeting to order at 7:30PM.

Present were:

Eric E. Nagle	- Vice Chairman	Timm A. Tenges	- Manager, Secretary/Treasurer
Ricky T. Johnson	- Supervisor	Lori B. Seese	- Zoning Administrator
Robert S. Kucsan	- Supervisor	Tammi Dravec	- Assistant Secretary/Treasurer
Gary Asteak	- Solicitor	Albert Kortze, P.E.	- Engineer

Absent was:

Dr. Alan Dilsaver, Chairman
Patrick J. Murphy, Supervisor

Approval of Minutes

Approval of the May 7, 2008 meeting minutes was tabled do to the lack of a quorum from that meeting.

Reports

There were no comments under Reports.

Correspondence

Mr. Nagle reviewed a letter sent the Memorial Library regarding the 2008-2009 Proposed State Appropriation to Public Libraries.

Subdivision/Land Development

Tractor Supply – Preliminary/Final Subdivision – Time Extension – A motion was made by Mr. Johnson and seconded by Mr. Kucsan to accept the time extension through August 13, 2008. The motion carried unanimously.

Tractor Supply – Preliminary/Final Land Development – Time Extension – A motion was made by Mr. Kucsan and seconded by Mr. Johnson to accept the time extension through August 13, 2008. The motion carried unanimously.

Mocha Abe – Preliminary/Final Land Development – Time Extension – A motion was made by Mr. Johnson and seconded by Mr. Kucsan to accept the time extension through July 31, 2008. The motion carried unanimously.

Dick Milham Auto Building Addition – Preliminary/Final Land Development – Resolution #LNT-15-08– The plan depicts a 2,700 square foot addition and site improvements. The addition is intended as new services bays for larger vehicles. Also proposed is the elimination of five parking spaces, the creation of six new parking spaces and the construction of a retention wall. Mr. Kortze reviewed his letter dated May 27, 2008 recommending preliminary/final approval. A motion was made by Mr. Kucsan and seconded by Mr. Johnson to approve Resolution #LNT-15-08. The motion carried unanimously.

Tractor Supply – Preliminary/Final Subdivision – Resolution #LNT-17-08 & Preliminary/Final Land Development – Resolution #LNT-18-08 – The project is located on the south side of Jandy Boulevard.

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The proposed plan depicts the subdivision on Lot 9 and development of a retail sales use. Lot 9 would be subdivided in to four parcels; then two of those parcels would be joined with Lots 7 and 8. The third parcel would be about 3.698 acres and is the intended site for the 19,097 square foot retail store. Included in this plan would be a 96 space parking lot and a 20,000 square foot outdoor display area. Access to the site will be from two new driveways onto Jandy Boulevard. One of those driveways will be constructed within an access easement located on Lots 7 & 8.

Mr. Kortze reviewed his letter dated May 27, 2008 recommending preliminary/final subdivision and preliminary/final land development approval.

The submission was presented to the Planning Commission in April and they recommended the future extension of Broad Street to the south property line of Lot 9 and the addition of a future access road behind the Tractor Supply property. A condition of approval of the subdivision should be that a note be included on the plan that holds the primary landowner of the parent track, lot 9, responsible for the future access road development.

A motion was made by Mr. Johnson and seconded by Mr. Kucsan to approve Resolution #LNT-17-08 with the condition that the applicant include language on the plan to hold the primary landowner of the parent track, lot 9, responsible for the future access road development. The motion carried unanimously. A motion was made by Mr. Kucsan and seconded by Mr. Johnson to approve Resolution #LNT-18-08. The motion carried unanimously.

Greenfield Industrial Park – Operating and Maintenance Agreement – This agreement, once recorded, will become a component of the Sewage Facilities Planning Module. Item number 12 on page 5 requires the property owner to provide security in the form of a bond or escrow account. Security in bond form was approved by Solicitor Asteak and that security shall be established at the time the permit is issued. The amount of that bond will need to be approved by Mr. Kortze and accepted by the Township. A motion was made by Mr. Johnson and seconded by Mr. Kucsan to approve the Operating and Maintenance Agreement. The motion carried unanimously.

Greenfield Industrial Park – Sewage Facilities Planning Module – Resolution #LNT-19-08 – A motion was made by Mr. Johnson and seconded by Mr. Kucsan to approve Resolution #LNT-19-08. The motion carried unanimously.

Conditional Use Hearing – CU2008-02 Phillips & Phillips

Solicitor Asteak reviewed the Phillips and Phillips Opinion and Order. A motion was made by Mr. Johnson and seconded by Mr. Kucsan to approve the Opinion and Order. The motion carried unanimously.

Supervisor's Comments

Mr. Kucsan, along with Mr. Nagle attended the May 19th CRPD meeting. Mr. Johnson had no comments.

Manager's Report

CRPD Letter – Traffic Control Device Enforcement on Private Property – Chief Seiple sent a letter dated May 19th to Mr. Tenges in regards to enforcement on private property. Solicitor Asteak believes that we could establish an ordinance that would allow for this. The ordinance would need to be amended each time a new road is “opened”. A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to authorize Solicitor Asteak to look further into this with Chief Seiple and Mr. Tenges.

248 Brodhead – Building Operating and Maintenance Committee Representatives – Mr. Tenges and Mrs. Dravec attended the first 248 Brodhead Building Committee meeting last week. Mr. Tenges asked the Board to appoint two representatives to the committee. A motion was moved by Mr. Johnson and

seconded by Mr. Kucsan to appoint Mr. Tenges and Mr. Kucsan to the 248 Brodhead Building Committee. The motion carried unanimously.

A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to authorize the representatives to utilize Solicitor Asteak to discuss matters relative to the rules regulating the committee. The motion carried unanimously.

Equipment Purchase – 1987 JD Tractor Replacement – Mr. Tenges stated that the 1987 Tractor needs to be replaced. He recommended the purchase of a JD6430 Tractor for \$58,178.08 and a 20' boom mower for \$38,460.00 from US Municipal Supply. Both items would be lease purchased over a four-year period with four payments of \$26,089.38/year. The lease would be paid out of the Municipal Capital Reserve Equipment Replacement Fund. Mr. Tenges stated that the 1987 tractor still works; however it does not work well. They've made some repairs and will continue to run it until it quits. A motion was moved by Mr. Kucsan and was seconded by Mr. Johnson to authorize Mr. Tenges to lease-purchase the John Deere 6430 Tractor for \$58,178.08 and the 20' Boom mower for \$38,460.00 out of the Municipal Capital Reserve Equipment Replacement Fund. The motion carried unanimously.

Daniels Road Water Problem/Neighbor Dispute – Donald and Marianne Leshner, 523 Daniels Road, contacted the Township in April to request help when their neighbors (Mr./Mrs. Wade) built a berm which caused water to be diverted onto their property. Mr. Tenges brought the issue before the Board at a previous meeting and the Board decided, by recommendation of the Township Solicitor, that it was a private matter that should be resolved between neighbors. Subsequently, the Leshners attempted to resolve the matter through other means but were unsuccessful. Mr. Tenges discussed this matter with them and decided to allow them to present this matter to the Board directly. Mr. and Mrs. Leshner presented the Board with pictures and asked for their assistance in resolving this matter. Solicitor Asteak stated that the Township could try to assist them, but emphasized that the Township has no authority to take action of their behalf against the neighbors. Solicitor Asteak stated, with the Board's approval, him and Mr. Kortze could look into this and at the very least write a letter to the neighbors advising them to rectify the situation. If the problem is not resolved by a letter, the Leshner's next step would be to pursue legal action against their neighbor, on their own.

A motion was moved by Mr. Nagle and was seconded by Mr. Kucsan to authorize Mr. Kortze to review the situation and report to Solicitor Asteak in order for him to write a letter to Mr. and Mrs. Wade to request they correct the situation. The motion carried unanimously.

Engineer's Report

There were no comments under Engineer's Report.

Solicitor's Report

Solicitor Asteak reported that numerous residents and Palmer Township have petitioned the court to intervene in IDI's Conditional Use Appeal. Action is still pending.

Old Business

There were no comments under Old Business.

New Business

There were no comments under New Business.

Payment of the Bills

A motion was made by Mr. Kucsan and seconded by Mr. Johnson to approve the bills dated May 28, 2008. The motion carried unanimously.

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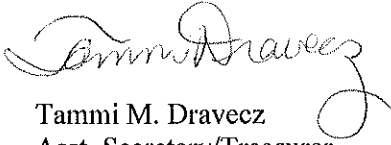
Courtesy of the Floor

There were no comments under Courtesy of the Floor.

Adjournment

A motion to adjourn was moved by Mr. Kucsan and seconded by Mr. Johnson. The meeting was adjourned at 8:44PM.

Respectfully submitted,



Tammi M. Dravecz
Asst. Secretary/Treasurer