

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
November 19, 2008**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday November 19, 2008. The Chairman called the meeting to order at 7:33 PM.

Present were:

Dr. Alan V. Dilsaver	-	Chairman	Timm A. Tenges	-	Manager, Secretary/Treasurer
Eric E. Nagle	-	Vice Chairman	Lori B. Seese	-	Zoning Administrator
Robert S. Kucsan	-	Supervisor	Tammi Dravec	-	Assistant Secretary/Treasurer
Gary N. Asteak, Esq.	-	Solicitor	Albert Kortze, P.E.	-	Engineer

Absent was:

Patrick J. Murphy, Supervisor
Ricky T. Johnson, Supervisor

Approval of Minutes

A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to approve the meeting minutes for November 5, 2008. The motion carried.

New Business

Hecktown Volunteer Fire Company (HVFC) - New Truck

Chief Seip stated that the HVFC is looking for replace their 1977 unit. This unit, Engine #5311, has given them 32 years of service, but it is time to replace it due to mechanical and body issues. Chief Seip noted that most stations replace trucks every 10-15 years.

The unit they are looking at would be multi-functional but its main use would be a pumper apparatus. This would be their primary unit at structure and vehicles fires. The unit has 1,500 gallon pump, a 1,000 water tank, and a 300 gallon Class A foam tank for combustibles, Unit #5312 has Class B foam for liquid fuels.

The unit has a Spartan cab which can hold 7 personnel, is fully enclosed and is NFPA compliant. The unit has a 65 foot boom with an elevated waterway which is capable of flowing 1,250 gallons per minutes. The boom articulates and telescopes; this unique feature allows it to go below grade. It also has a piercing nozzle which can pump 250 gallons per minute. It could pierce a roof to fight an attic fire where it would be too dangerous to send in personnel. There is also a thermal imaging device and a video display so personnel on the ground can see where they are applying water.

These functions make this unit better than ladder truck. Chief Seip believes the 1,000 gallon tank is necessary because there are still many rural areas in the township. In addition the fire company is well served with their mutual aid companies. Those companies have aerial devices of varying types; including ladder towers to the north, south and west and straight ladders to the east and west.

The contract is still being finalized but the cost will be roughly \$780,000. The financing has been arranged but nothing signed or approved. They will use \$350,000 cash that the township has budgeted and set aside for past few years, \$150,000 from a state low interest loan, \$280,000 from a bank loan. The payments would \$50,000 -\$60,000 annually which would not require an increase in funding; currently the township budgets about \$80,000 annually for truck replacement.

Chief Seip stated that they will advertise that the fire company will be taking on debt to purchase the new truck.

A motion was moved by Mr. Kucsan and was seconded by Mr. Nagle to support the purchase and authorize the execution of any documents necessary for financing of the new truck. The motion carried unanimously.

Mr. Tenges commended the truck committee for all of their work in the purchase of this unit and stated the community will benefit from their hard work.

Reports

Dr. Dilsaver acknowledged the receipt of the Zoning Administrator's Report for October 2008, the Hecktown Volunteer Fire Company Incident Report for October 2008, the Lower Nazareth Township Financial Statement for October 2008, and the State Liquid Fuels Examination Report for 2006. All reports are available for review at the Township Office.

Correspondence

There were no items to discuss under Correspondence.

Subdivision and Land Development

Lower Nazareth Commercial Park - Final Land Development Plan - Resolution #LNT-35-08

Attorney Lisa Pereira and Lewis Ronca were present.

Attorney Pereira stated her and her client have reviewed Mr. Kortze's letter dated November 19th and find the conditions acceptable. Mr. Kortze reviewed his November 19th letter and recommended final approval.

Mr. Kucsan commented on a dirt pile on the edge of the property and asked the applicant to apply grass seed and make it look nicer. Mr. Ronca responded and had no problem in complying with Mr. Kucsan's request.

A motion was moved by Mr. Nagle and was seconded by Mr. Kucsan to adopt Resolution #LNT-35-08. The motion carried unanimously.

Douglas Flurer - Preliminary/Final Minor Subdivision Plan - Resolution #LNT-36-08

Mr. Kortze reviewed his November 18th letter and recommended preliminary/final approval.

A motion was moved by Mr. Kucsan and was seconded by Mr. Nagle to adopt Resolution #LNT-36-08. The motion carried unanimously.

Supervisor's Comments

There were no items to discuss under Supervisor's Comments.

Manager's Report

Nazareth Area Council of Government - Regional Zoning - Resolution #LNT-37-08

In order to apply for a grant the NAZCOG needs the township to adopt a resolution supporting the project. A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to adopt Resolution #LNT-37-08. The motion carried unanimously.

Lower Nazareth Commons - Traffic Impact Fee Reduction Request

Attorney Tim Charlesworth and James DeNave were present.

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Mr. Tenges stated that the township is justified in collecting most of the anticipated traffic impact fees; however some relief is do to Lower Nazareth Commons due to costs incurred.

Attorney Charlesworth and Mr. DeNave discussed the improvements Lower Nazareth Commons intends to make and distributed information on those improvements which include \$3.5 million on site and \$2.7 million off site.

After some discussion, a motion was moved by Mr. Kucsan and seconded by Mr. Nagle to table the discussion until the December 3rd meeting. The motion carried unanimously.

Nazareth Borough Municipal Authority (NBMA) Act 537 Update

A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to authorize Mr. Tenges to send a letter to NBMA stating the township's request for 500,000 gallons/day of treatment and conveyance capacity. The motion carried unanimously.

Lower Nazareth Recreation Association (Football)

Mr. Tenges reviewed an email sent by Bob Hicks, Football Commissioner, complementing the township staff on their role in making this a successful season.

Lower Nazareth Citizens Website Issues

Mr. Tenges expressed his displeasure with the tactics employed by Mr. Green regarding his website. He stated he felt that it is extremely unfair of Mr. Greene to sit through a presentation or discussion of the Board, not ask a single question regarding a particular topic and then proceed to post the subject on his website along with conjecture and innuendo about the topic. Mr. Tenges indicated that if Mr. Greene would simply asked a question regarding any subject he would be provided with a thorough explanation. Mr. Tenges mentioned that the Board provides ample time throughout every meeting for the public to comment or question them or the Manager regarding any subject being discussed. The point was made that Mr. Greene apparently chooses not to be thoroughly informed about the subject matter of the Board so that he can then pose the questions on his website and paint a negative picture of the Township. The theory presented by Mr. Tenges was that there would be very little to discuss on the website if in-fact Mr. Greene did have interactive discussions with the Board and Manager regarding the subject matter. He feels Mr. Greene twists things to imply the township is doing something underhanded. Mr. Tenges commented that he has tolerated these tactics long enough and felt is was time to speak out about them. Mr. Tenges indicated he felt Mr. Greene was doing a disservice to the Board and Township constituents by utilizing this divisive tactic. Mr. Tenges did acknowledge that it clearly is Mr. Greene's right to do what he is doing. Mr. Tenges mentioned how very disappointing it is that an individual who claims to be a friend of the community will conduct themselves in this manner.

Mr. Tenges acknowledged that for the sake of expediency during meetings that he only elaborates on those topics that need to be elaborated on. Obviously, if queried, he will provide as much information as is necessary to satisfy the question. He also mentioned that it is customary for reporters from the local print media to query both him and the Board at the end of a meeting to make sure they have a thorough understanding of the subject matter and that this is done so that they can provide fair and accurate reporting. He indicated that Mr. Greene never has done that.

Mr. Greene stated that he volunteered to send in advance anything put on his site so that Mr. Tenges can screen prior to it being posted; however Mr. Tenges never took him up on the offer. Mr. Tenges said that he doesn't have time to edit and screen everything Mr. Greene posts on his site. Mr. Tenges said that he has no qualms whatsoever and that it is clearly Mr. Greene's prerogative to disagree with an action of the Board or him and that he can report and comment accordingly. That is not a problem. The problem is the conjecture and hypothesis promoted without a thorough understanding of a matter and no effort to gain that information.

Mr. Greene wanted to know what happened to the website that was funded last year and reiterated the importance of it for the citizens. Mr. Tenges recognizes the importance on the website and stated that it is close to being done, but is not quite completed. The fact that it is incomplete, Mr. Tenges admitted is his fault, but stated that unfortunately other issues take priority; such as matters that had just been dealt with by the Board and the Manager.

Mr. Greene also stated that he told Mr. Tenges that if anything on the site is untrue he will remove it immediately. Mr. Kucsan remarked that his statements are not necessarily untrue; it's the innuendos behind the statements.

Mr. Greene discussed the difference between a website and a blog. He said the blog was created in order to move the conjecture and opinions off the website and allow the website to focus on facts. Mr. Tenges questioned why, if Mr. Greene is working for the good of the residents, he doesn't ask for items such as the Fire Company Report. To which Mr. Greene stated that funds limit what he requests from the township.

Engineer's Report

Colt's Run Maintenance Period

The maintenance period is scheduled to expire on December 5th however there are outstanding issues to be resolved. Mr. Kortze reviewed his letter dated October 31st and Attorney Piperatio's letter dated November 13th. The parties have agreed to meet to discuss, however a resolution may not be reached prior to December 5th so Mr. Kortze recommended the maintenance period be extended. A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to extend the maintenance period until December 24th in order to resolve outstanding sinkhole issues. The motion carried.

Green Acres - Letter of Credit Reduction

Mr. Kortze reviewed his letter dated November 14, 2008 recommending the letter of credit to be reduced from \$97,352.41 to \$18,156.24. A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to reduce the letter of credit in the amount of \$79,196.17. The motion carried unanimously.

Country Club Road Business Park - Letter of Credit Reduction

Mr. Kortze reviewed his letter dated November 17, 2008 recommending the letter of credit to be reduced from \$690,747.00 to \$649,833.88. A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to reduce the letter of credit in the amount of \$40,913.12. The motion carried unanimously.

Solicitor's Report

Colonial Regional Police Commission (CRPC) Appeal Update

The appeal was held last week at the Commonwealth Court in Doylestown, Bucks County. A decision is expected within 60 days.

IDI Appeal Update

The appeal will be heard next Wednesday in Common Pleas Court. Solicitor Asteak stated that the brief was filed.

East Allen Zoning Hearing

Solicitor Asteak stated that there will be a hearing at East Allen to allow IDI to open a facility in East Allen Township. Solicitor Asteak and Mr. Tenges will attend to show support for the residents of Lower Nazareth Township. Mr. Tenges stated that this is not a conditional use hearing, as was held in our township, but a straight up zoning change.

Old Business

There were no items to discuss under Old Business.

Payment of the Bills

A motion was made by Mr. Nagle and seconded by Mr. Kucsan to approve the bills dated November 19, 2008. The motion carried unanimously.

Courtesy of the Floor

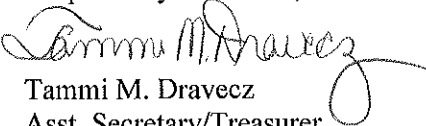
Attorney Tim Charlesworth asked the Board to reconsider their decision to table the discussion on reducing the traffic impact fee for Lower Nazareth Commons. A motion was made by Mr. Kucsan and was seconded by Mr. Nagle to reconsider and discuss the issue. The motion carried

After a brief discussion Mr. Tenges suggested a credit of \$100,000.00. Attorney Charlesworth discussed that offer with Mr. DeNave and stated that if the Board would be willing to offer \$150,000.00 they would settle. To which Solicitor Asteak stated the Board does not negotiate and the issue should be tabled until the next meeting. A motion was moved by Mr. Kucsan and was seconded by Mr. Nagle to once again table this discussion until the next meeting. The motion carried.

Adjournment

A motion was moved by Mr. Kucsan and seconded by Dr. Dilsaver to adjourn the meeting at 9:18PM.

Respectfully submitted,


Tammi M. Dravec
Asst. Secretary/Treasurer