

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
July 8, 2009**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday July 8, 2009. The Chairman called the meeting to order at 7:34 PM.

Present were:

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

Absent was:

Robert S. Kucsan, Supervisor
Patrick J. Murphy, Supervisor

Conditional Use Hearing

Brown Daub Chevy Volvo - #CU2009-01 -

The Conditional Use Hearing began at 7:35PM. Christian Brown, Brown Design Corp., and Bryan Gault, General Manager for Brown Daub, were present and testified at the hearing.

The applicant is proposing an automotive parts warehouse/sales use within an existing 12,117 square foot building located along Route 248. The property is zoned (LI) light industrial, and is owned by Venezia Transport. The property also contains an existing trucking terminal operation.

Mr. Brown stated that this facility would employ 9-10 people and would create about 30 peak hour trips a day. There would be roughly 11 total parking spaces for employee and customers. Traffic would be mostly small delivery trucks and vans with the occasional tractor trailer. This facility would not be for the typical consumer, but for garages and body shops. In addition, Mr. Brown noted that this proposed use is less intense than the previous use of the property.

Mr. Kortze reviewed his July 8th letter. Mr. Tenges stated that Brown Daub's landlord, Venezia Enterprises is also submitting plans for development. Both Brown Daub and Venezia's plan should work in concert. In addition, the common driveway should also be reviewed at the land development stage.

The Conditional Use Hearing ended around 8:05PM.

Solicitor Asteak stated that the Board should deliberate and vote tonight since the next scheduled meeting is more than 45 days after tonight. After a brief deliberation the Board voted. A motion was moved by Mr. Nagle and was seconded by Mr. Johnson to grant conditional use with three conditions.

- (1) Applicant must provide documentation to the sewage enforcement officer regarding past and present flows
- (2) Applicant must complete the improvements on the site plan submitted this evening.

- (3) Applicant and Venezia Enterprises must depict site improvements, development, and uses on a comprehensive site plan

The motion carried.

Solicitor Asteak left at 8:11PM for another meeting.

Subdivision and Land Development

Nazareth Borough Municipal Authority Plant Upgrade –

Preliminary/Final Land Development – Resolution #LNT-14-09 –

Present were Justin Keller and Thomas Itterly. Mr. Kortze reviewed his June 18th letter recommending preliminary/final approval. A motion was moved by Mr. Nagle and was seconded by Mr. Johnson to approve Resolution #LNT-14-09. The motion carried.

Manager's Report

Road Rehabilitation Project – LNT-01-09 –

The road project includes the following streets: portions of Manor Drive, Meadow Drive, and Graystone Drive; and Foxtail Drive, Limestone Drive, Heritage Lane, Lark Street, and Fieldstone Drive in their entirety. The bids were opened at an advertised meeting on July 7th at 10am.

A total of five bids were received and bids ranged from the \$811,306.50 to \$923,169.45. The lowest bid of \$811,306.50 came from Bracalente Construction, Inc. with Mt. Carmel Stabilization as their sub-contractor. The final price for the project could vary from this bid amount. The project will be paid for from the State Liquid Fuels Account which currently has a balance of amount \$931,000.00. The township's goal is to construct roads to last for many years to come.

This project could start in about three weeks. Once it commences, the project should take about three weeks to complete; however they have 30 days barring adverse weather conditions. The project must be completed no later than October 15th. Those residents affected by this project will receive personal letters informing them of the dates of construction. The township will make every effort to minimize and ease the disturbance to residents during this project.

A motion was moved by Mr. Nagle and was seconded by Mr. Johnson to award the bid to Bracalente Construction, Inc. at the bid price of \$811,306.50. The motion carried.

Palmer Intermunicipal Sewer Agreement Revisions – Authorization to Execute –

This amendment will allow for the development of a bank, by Mr. Joseph, near the Applebee's on Route 248. A motion was moved by Mr. Nagle and was seconded by Mr. Johnson to authorize the execution of this agreement upon final review by Mr. Tenges and Solicitor Asteak. The motion carried.

NAZCOG Planning Committee Zoning Update Cost Adjustment –

Due to Moore Township's withdrawal, fees for participation have been revised for the remaining municipalities. The new cost for Lower Nazareth Township is \$5,591.00, up from \$3,998.00. A motion was moved by Mr. Nagle and was seconded by Mr. Johnson to accept the revised cost for participation. The motion carried.

Final Payment – Front Porch –

In September 2008 the Board approved the repair of the front porch up to a cost of \$7,400.00. Once construction began, additional improvements were needed and the final cost was \$7,979.00. A motion was moved by Mr. Johnson and was seconded by Mr. Nagle to approve payment of \$7,979.00 for the

front porch repairs. The motion carried. Mr. Tenges noted that an electrical line will be installed for the future installation of a sign to identify the building.

Engineer's Report

Colt's Run – Expiration of Maintenance Period –

Mr. Kortze reviewed his July 6th letter and reported that all improvements related to the sinkhole repair are complete. He recommended the release of the \$1,800.00 security. A motion was moved by Mr. Nagle and seconded by Mr. Johnson to release the security. The motion carried.

Lower Nazareth Realty Partners – Letter of Credit Reduction & Commencement of Maintenance Period –

Mr. Kortze reviewed his July 6th letter and recommended the letter of credit be reduced from \$46,633.94 to \$36,975.94. In addition, he recommended commencing the 18-month maintenance period which would run through January 16, 2001. A motion was moved by Mr. Nagle and seconded by Mr. Johnson to reduce the letter of credit by \$9,658.00 and commence the 18-month maintenance period. The motion carried.

Solicitor's Report

There were no topics of discussion under Solicitor's Report.

Approval of Minutes

A motion was moved by Mr. Nagle and seconded by Mr. Johnson to approve the meeting minutes for June 24, 2009. The motion carried.

Reports

Reports are available for review at the Township Office and will be posted to the Township's website.

Dr. Dilsaver acknowledged the receipt of the Planning and Zoning Administrator's Report for June 2009, the State Liquid Fuels Tax Fund December 2007, and Hecktown Volunteer Fire Company Incident Report for June 2009.

Correspondence

There were no topics of discussion under Correspondence

Supervisor's Comments

Mr. Nagle and Mr. Johnson had no comments.

Dr. Dilsaver commented on a tractor auction on Steuben Road this coming weekend. He asked the zoning administrator if permits were needed and suggested the police be notified to deal with traffic issues should they arise.

Old Business

There were no items to discuss under Old Business.

New Business

There were no items to discuss under New Business.

Payment of the Bills

A motion was made by Mr. Nagle and seconded by Mr. Johnson to approve the bills dated July 8, 2009.
The motion carried.

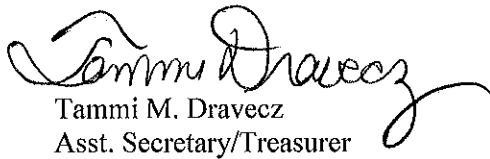
Courtesy of the Floor

There were no items to discuss under Courtesy of the Floor.

Adjournment

A motion was moved by Mr. Nagle and seconded by Mr. Johnson to adjourn the meeting at 9:00PM.

Respectfully submitted by,


Tammi M. Dravec
Asst. Secretary/Treasurer

LOWER NAZARETH TOWNSHIP

Board of Supervisors

RE: Nazareth Borough Municipal Authority Plant Upgrade – Preliminary/Final Land Development

WHEREAS, the Lower Nazareth Township Board of Supervisors is in receipt of a Preliminary/Final Land Development plan entitled “Preliminary/Final Land Development Plan for Waste Water Treatment Facility, Nazareth Borough Municipal Authority”, prepared by Keller Consulting Engineers, Inc., of Nazareth, Pennsylvania, consisting of (3) sheets, dated March 23, 2009 and last revised June 11, 2009; and

WHEREAS, the intent of the Preliminary/Final Plan is site improvements to the Nazareth Borough Municipal Authority Treatment Plant Facility consisting of two storage, settling and aeration basins and future expansion of the Administration Building with no proposed plant capacity or hydraulic discharge increase, on 24.64 acres, located on Tax Parcel #J8-26-1A, at 872 Tatamy Road; and

WHEREAS, the Lower Nazareth Township Planning Commission recommended approval of the plan at its April 27, 2009 meeting; and

WHEREAS, the Township Engineer has reviewed the Preliminary/Final Plan against the provisions of the 2005 Lower Nazareth Township Subdivision and Land Development Ordinance and has offered comments in his letter dated June 18, 2009; and

WHEREAS, the Township Zoning Administrator has reviewed the Revised Final Plan against the provisions of the 2001 Lower Nazareth Township Zoning Ordinance, amended March 23, 2005; and

WHEREAS, the Lower Nazareth Township Board of Supervisors desire to take final action on this plan.

NOW THEREFORE, BE IT RESOLVED that the Lower Nazareth Township Board of Supervisors approve the Preliminary/Final Plan as referenced above, subject to the following conditions:


1. Provided the comments in the Township Engineer’s letter dated June 18, 2009 are adequately addressed. Any reports or documentation requested by the Township Engineer must be provided to both the Township and Township Engineer prior to plan recording.
2. The Applicant understands that any changes to the proposed uses and/or the land development in general are subject to Township review and may require additional review and approval by the Board of Supervisors and/or outside agencies. Under no circumstances, shall any site work nor construction occur that is not depicted on the approved plan nor approved by Lower Nazareth Township and outside agencies.

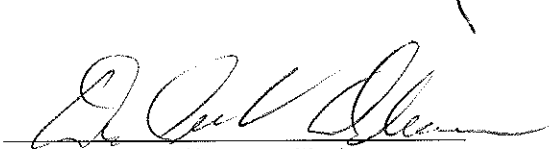
- 3. The applicant shall supply two (2) Mylar reproducible prints and (2) paper prints of Sheet 1 of 3 of the Preliminary/Final Plan, and four (4) full sets of paper prints. Per the Northampton County Uniform Parcel Identifier Ordinance, the applicant is responsible for placement of property addresses on the above plans. Upon satisfaction of all conditions of approval and placement of signatures on the Plans, the Township shall record, within ninety (90) days of said satisfaction, the approved Plan at the Northampton County Recorder of Deeds Office as required by Section 513(a) of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10513(a), as amended and Section 520 of the Lower Nazareth Township Subdivision and Land Development Ordinance.
- 4. The applicant is prohibited from commencing any construction activities on this project until a pre-construction conference is scheduled and conducted in compliance with Section 536 of the Subdivision and Subdivision Ordinance and a formal Notice to Proceed is issued by the Township. Said pre-construction conference shall not occur until Items 1-4 above have been satisfied to the Township's satisfaction.
- 5. The applicant shall accept these conditions in writing, within five days of receipt of the finalized Board of Supervisors resolution, otherwise the application is denied for failure to comply with the express conditions that are contained in this Resolution.

ADOPTED AND APPROVED this 8th day of July 2009, at a regular public meeting.
Motion made by Eric Nagle and seconded by Ricky Johnson. The motion carried unanimously.

ATTEST:

BOARD OF SUPERVISORS


Timm A. Tenges, Manager, Secretary/Treasurer


Dr. Alan V. Dilsaver, Chairman

**Lower Nazareth Township
Bills To Be Approved
July 8, 2009**

Num	Name	Memo	Amount
<u>GENERAL FUND CHECKING ACCOUNT</u>			
9992	Mivajo's Pizza	Summer Park Program	\$ 112.00
9993	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
9994	Capital Blue Cross	Employee Health Insurance	\$ 16,608.53
9995	Colonial Regional Police Department	Police Contract Payment	\$ 78,443.58
9996	Keystone Nazareth Bank & Trust	Land Loan Payment	\$ 1,095.15
9997	Volunteer Companies Loan Fund	Fire Company Loan	\$ 643.51
9998	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
9999	Staples Business Advantage	Office Supplies	\$ 47.32
10000	Pitney Bowes Purchase Power	Postage	\$ 518.99
10001	Northampton County Seed Company, Inc.	Park Facilities Maintenance	\$ 140.00
10002	Edwards Business Systems	Copier Maintenance	\$ 88.00
10003	Lehigh Valley Zoo	Summer Park Program	\$ 162.50
10004	Met-Ed	Traffic Signal / Street Light Electricity	\$ 171.31
10005	Verizon	Office / Public Works Local Telephone	\$ 511.07
10006	Associated Fire Equipment Co., Inc.	Park Facilities Maintenance	\$ 170.75
10007	Lori Peck, OCR	Stenographer	\$ 75.00
10008	Brown- Daub Chevrolet-Oldsmobile-Volv	Equipment Repair	\$ 21.05
10009	Memorial Library of Nazareth & Vicinity	3rd Quarter Library Service	\$ 20,132.25
10010	Keystone Consulting Engineers, Inc.	SEO Engineering & Inspection Services	\$ 1,060.63
10011	Easton Area Joint Sewer Authority	Capital & Operating Expenses	\$ 1,030.23
10012	Phyllis Goodhard	Postage	\$ 44.00
10013	Renee Berthoud	Summer Park Program	\$ 41.58
10014	Nextel Communications	Fire Company Wireless	\$ 413.01
10015	Verizon	Fire Company Telephone	\$ 275.64
10016	Easton Suburban Water Authority	Fire Company Water	\$ 50.01
10017	The Express Times	Fire Company Advertisement	\$ 123.60
10018	Staples Credit Plan	Fire Company	\$ 30.86
10019	PPL, Inc.	Fire Company Electricity	\$ 518.17
10020	MicroFire Apparatus Co.	Fire Company Equipment Supplies	\$ 59.86
10021	ExxonMobil	Fire Company Equipment Fuel	\$ 772.37
10022	April Cordts	ZHB Legal Services	\$ 3,290.00
10023	Rita's Water Ice	Summer Park Program	\$ 57.50
10024	Staples Business Advantage	Office/Zoning/Summer Park Supplies	\$ 56.68
10025	PPL, Inc.	Traffic Signal/St Light/Municipal/Road/Park E	\$ 1,408.77
10026	Home Depot	Public Works Facilities Maintenance	\$ 162.76
10027	Easton Suburban Water Authority	Hydrant Assessment	\$ 12,100.00
10028	PA One Call System, Inc.	Monthly Fax Activity	\$ 54.60
10029	The Express Times	Advertisement	\$ 480.60
10030	Lillian Zito	Local Services Tax Refund	\$ 51.00
10031	ITI Trailers & Truck Bodies, Inc.	Equipment Parts/Supplies	\$ 59.20

**Lower Nazareth Township
Bills To Be Approved
July 8, 2009**

GENERAL FUND CHECKING ACCOUNT

10032	Kimball Midwest	Equipment Parts/Supplies	\$ 198.58
10033	Tommy's Small Engine Repair	Equipment Parts/Supplies	\$ 59.90
10034	U.S. Municipal Supply, Inc.	Equipment Parts/Supplies	\$ 25.82
10035	Highway Materials, Inc.	Patching/Road Rebuilding Material	\$ 3,107.97
10036	Deer Country Farm & Lawn, Inc.	Equipment Parts & Supplies	\$ 62.77
10037	Fedio Construction	Municipal Building Front Porch	\$ 7,979.00
10038	Reliable Sign & Striping, LLC	Traffic Signs	\$ 228.00
10039	Northampton County Seed Company, Inc.	Public Works Supplies	\$ 273.39
<i>Total General Fund Checking Account...</i>			<u><u>\$ 154,994.54</u></u>

CAPITAL RESERVE ACCOUNT

698	Lafayette Ambassador Bank-Lease Dept	2005 Mack Truck	\$ 2,019.09
699	Virginia Business Systems	Copier Maintenance	\$ 379.95
<i>Total Capital Reserve Account...</i>			<u><u>\$ 2,399.04</u></u>

OPEN SPACE ACCOUNT

578	Keystone Nazareth Bank & Trust	Land Loan Payment	<u><u>\$ 3,696.08</u></u>
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DEVELOPMENT & INSPECTION ACCOUNT

1620	DCED	Training Contribution - 2nd Quarter	\$ 212.00
1621	Kenneth or Jennifer Foster	Building Permit Overpayment	\$ 279.00
1622	Lower Nazareth Township General Fund	Administrative Fee	\$ 4,703.00
<i>Total Development & Inspection Account...</i>			<u><u>\$ 5,194.00</u></u>

PAYROLL ACCOUNT

July 2, 2009			<u><u>\$ 31,569.49</u></u>
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MASTER ESCROW CHECKING ACCOUNT

1604	Keystone Consulting Engineers, Inc.	SEO Engineering & Inspection Services	\$ 9,719.15
1605	Asteak Law Offices	Legal Services	\$ 87.50
1606	Met-Ed	Traffic Signal Electricity	\$ 165.11
1607	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 4,692.25
<i>Total Master Escrow Account...</i>			<u><u>\$ 14,664.01</u></u>

FIRE CAPITAL RESERVE ACCOUNT

124	4 Guys	New Fire Truck Chassis	<u><u>\$ 212,433.00</u></u>
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