

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
January 14, 2009**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday January 14, 2009. The Chairman called the meeting to order at 7:48 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
Ricky T. Johnson	-	Supervisor	Albert Kortze, P.E.	-	Engineer
Gary N. Asteak, Esq.	-	Solicitor			

Absent was:

Patrick J. Murphy, Supervisor

Dr. Dilsaver announced that the Board had a brief executive session prior to tonight's meeting to discuss a personnel matter.

Approval of Minutes

Mr. Kucsan commented that he withdrew his motion to send a letter to County Council, but Mr. Nagle stated that the motion was not withdrawn, however no action was taken. A motion was moved by Mr. Johnson and seconded by Mr. Nagle to approve the meeting minutes, as amended, for December 17, 2008. The motion carried.

A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to approve the Reorganization meeting minutes for January 5, 2009. The motion carried.

Reports

Dr. Dilsaver acknowledged the receipt of the Hecktown Volunteer Fire Company Incident Report for December and 2008 Comprehensive Report. These reports are available for review at the Township Office.

Correspondence

There were no items to discuss under Correspondence.

Subdivision and Land Development

Logisticenter East – ProLogis/Jaindl Subdivision – Resolution #LNT-04-08

Mr. Kortze reviewed his January 9th letter. After a brief discussion the Board agreed to defer the requirement for placement of property corner pins until the commencement of land development. A motion was moved by Mr. Johnson and seconded by Mr. Nagle to approve Resolution #LNT-04-09 with this deferment. The motion carried.

Dr. Manja – Land Development Improvements Agreement – Authorization to Execute

A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to authorize execution of this document upon the satisfaction of the Township Manager, Solicitor and Engineer. The motion carried.

Phillips Feed – Land Development Improvements Agreement – Authorization to Execute

A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to authorize execution of this document upon the satisfaction of the Township Manager, Solicitor and Engineer. The motion carried.

Supervisor’s Comments

Mr. Nagle and Mr. Kucsan attended the CRPC Meeting on January 6th at which they reorganized. Mr. Nagle was appointed as Chair; Glenn Walbert, Vice-Chair; and Bill Heckman, Secretary-Treasurer.

Mr. Johnson and Dr. Dilsaver had no comments.

Manager’s Report

Project Time Extension Report

Mr. Tenges presented a report on the following time extensions to the Board.

Application	Project Review Period End (Original)	Project Review Period End (Old)	Date of Developer’s Letter Granting Extension	Date of Acceptance of Time Extension by LNT	Project Review Period End (New)
Haltzman Farm (small parcel) Preliminary Major Subdivision	10/15/06	12/31/08	12/18/08	12/19/08	07/31/09
Logisticenter East Subdivision – ProLogis/Jaindl Subdivision Plan	01/05/09	01/05/09	12/19/08	12/29/08	01/22/09

2009 Animal Contract

Discussion on this topic was tabled.

First Regional Compost Authority – (FRCA)

Originally called the Allen-5, FRCA consists of Moore, Lehigh, Bushkill, Allen, and East Allen Townships. They run a composting/recycling center for yard waste. We will be able to drop off yard waste and pick up the compost (mulch). Mr. Tenges gave a brief description of the operation and requested the Board’s approval to join the program. Participation in this program does not give us membership in the authority. The township received funds for an East Penn Sanitation fine in the amount of \$30,157.00. This money was earmarked for this program. The cost to participate is \$3.30/resident based on most recent census data by LVPC, which for us is 5,654 residents. This amounts to \$18,658.00 annually for Lower Nazareth Township. The total cost for the term of this agreement is \$55,974.00, minus the \$30,157.00, leaves an out of pocket cost of \$25,817.00 or \$8,605/annually. A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to enter into a three-year agreement with the First Regional Compost Authority at a cost of \$18,658.00 annually. The motion carried.

2009 Fee Schedule – Amendment

Mr. Tenges reported that the Township did not receive CodeMaster’s fee schedule in time for the reorganization meeting. Therefore we need to amend the township’s fee schedule that was approved at

reorganization. A motion was moved by Mr. Johnson and seconded by Mr. Nagle to amend the 2009 fee schedule. The motion carried.

Toll Brothers Acceptance of Roads – Mr. Tenges proposed accepting the roads, despite a sinkhole issue, similar to the situation with the Colt's Run Subdivision. Not accepting the roads, he believes, is unfair to our constituents because they are not receiving the same level of service of winter maintenance. Mr. Tenges asked Mr. Kortze to prepare a report on sinkhole activity versus roadways, so we can reduce letter of credit and accept the roads at a future meeting. The Board was in favor of taking this action.

Burns Tree Service – Mr. Tenges shared his gratitude with the Board over the "service in kind" to the township provided by Burns Tree & Landscaping. Mr. Burns donated his tree pruning services at Surrey Glen Park. This "young tree pruning" helps the tree grow stronger.

Open Records - Mr. Greene was the first user of the new open records program. Mr. Tenges will speak with him after the meeting to get his opinion and possibly ways to improve the process.

Engineer's Report

Colt's Run Subdivision – Mr. Kortze gave a brief report on the status of the sinkhole remediation; which will be completed in spring.

Solicitor's Report

Colt's Run Acceptance of Roads – Resolution #LNT-05-09

The township is prepared to accept the following roads via resolution #LNT-05-09: Eisenhower Drive, Saddle Drive, and Bridle Path. A motion was moved by Mr. Nagle and seconded by Mr. Johnson to approve resolution #LNT-05-09. Mr. Tenges inquired Solicitor Asteak on when the roads are actually ours because there is snow in the forecast for tonight. Solicitor Asteak stated they are the township's responsibility as of this moment.

Realty Transfer Tax – Jaindl Realty / DP Industrial / ProLogis

A request was received in May 2008 for a refund of realty transfer tax paid to the township in February 2007. Since the township adopted an ordinance that authorizes the Department of Revenue to determine and enforce the collection of this tax, Solicitor Asteak was waiting direction from them of this matter. They have since authorized the refund of the \$25,570.02 payment. A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to return the funds that were paid to the Township in error. The motion carried. Mr. Tenges directed Solicitor Asteak to find out who the check should be made payable to.

Old Business

There were no items to discuss under Old Business.

New 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 January 14, 2009. The motion carried unanimously.

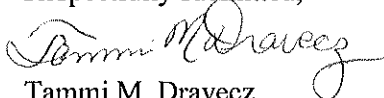
Courtesy of the Floor

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

Adjournment

A motion was moved by Mr. Johnson and seconded by Mr. Nagle to adjourn the meeting at 8:45PM.

Respectfully submitted,



Tammi M. Dravecz
Asst. Secretary/Treasurer