

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
June 9, 2010**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday June 9, 2010. The Vice-Chairman called the meeting to order at 6:30 PM.

Present were:

Robert S. Kucsan	- Vice Chairman	Keith Lawler, P.E.	- Engineer, on behalf of Albert Kortze
James S. Pennington	- Supervisor	Lori B. Seese	- Zoning Administrator
Martin J. Boucher	- Supervisor	Timm A. Tenges	- Manager, Secretary/Treasurer
Gary Asteak	- Solicitor	Kelly Sullivan	- Office Clerk

Absent was:

Eric E. Nagle	- Chairman
Ricky T. Johnson	- Supervisor
Tammi Dravec	- Assistant Secretary/Treasurer

Approval of Minutes

Approval of the meeting minutes from May 12, 2010 was deferred to the next meeting due to a lack of quorum from that meeting.

Reports

Reports are available for review at the Township Office and are posted on the Township's website.

Mr. Kucsan acknowledged the receipt of the Financial Statement for April 2010, the Hecktown Volunteer Fire Company Incident Report for May 2010, and the Hecktown Volunteer Ambulance Corps Incident Report for May 2010.

Correspondence

There were no items to discuss under Correspondence.

Subdivision and Land Development

Lower Nazareth Elementary School – Final Site Plan – Resolution #LNT-11-10 –

Present were Lewis Lengyel, Nazareth Area School District's Director of Facilities; Justin Coyle, engineer for applicant; Chris Grohman, Cross-River Solar; and Michael Dykstra, Kenyon Energy.

Mr. Coyle presented the proposed plan which calls for an estimated 1,000 to 1,100 solar panels on 3 acres to the rear of the school's property. There will be an area adjacent to the building for the converters, which convert energy from DC to AC. Two rows of 6-foot high arborvitaes, staggered and spaced 5 feet apart will be installed on the northern and eastern sides to screen the area. The area will be completely enclosed in a 6-foot chain link fence with a gate for access. Mr. Coyle also stated that installation requires minimal earth disturbance.

Mr. Dykstra, Kenyon Energy reported that the panels are installed at a 30%-35% angle and are a darker blue/black material. There is some reflection but the panels are set to reflect light up, not out. Mr. Dykstra noted that they have received no complaints from other schools that have installed solar fields.

Mr. Kucsan asked if a child could be harmed by touching or looking at the panels. It was explained that the panels are designed to absorb heat so there is no heat on the surface and there is no harm to a child if he/she were to enter the area. Mr. Kucsan also voiced concern because there is a nearby playground area. He asked if a child could be hurt if he/she were to climb the fence and enter the area to retrieve a ball. He was reassured that there is no danger to a child if he/she were to enter the area.

Adding to Mr. Kucsan's inquiry, Mr. Boucher asked if a ball could break the glass panels. The response was, probably not; especially in light of the fact that recent hail storms have not ruined existing panels.

Solicitor Asteak asked about noise and electromagnetic fields. Mr. Dykstra reported that a low level hum came be heard from the inverter, but not beyond 20 feet from the field. He also stated that he is not aware of any electromagnetic field

Mr. Pennington asked about the panels' materials and was told they consist of glass and wires. He also inquired if other schools have installed solar fields. Solar fields do exist at other schools, but not until just recently in Pennsylvania. Mr. Pennington also was concerned about safety or environmental problems. The only reported issues they have experienced were monitoring systems not operating correctly and theft.

Solicitor Asteak asked where the materials were manufactured. The inverters and racking for this project are made in the USA, however the panels are made in China.

Mr. Lawler reviewed Mr. Kortze's letter dated May 31, 2010.

John Molchan, 513 Mountain View Road, voiced safety concerns because children like to climb. He wanted to know if there was any danger, other than falling off, if a child were to would climb on the panels.

James Bernaski, 521 Mountain View Road, stated that this would be devastating to his community. He bought his home, 20 years ago, because it abuts the school property and the grass area is a park setting. Mr. Bernaski agrees with the need for alternative energy but, in this situation, 3 acres of trees and walking areas would be replaced with black solar panels. From Mr. Bernaski's research on solar panels, it seems that municipalities are behind on regulating these systems. Zoning ordinances only consider roof top systems that help to supplement energy, not a project of this magnitude. Municipalities need to consider where these types of facilities should be allowed and require buffers. This, in Mr. Bernaski's opinion, is a commercial electrical generating facility in middle of residential area.

Mr. Bernaski asked about the energy savings to the school, which are estimated to be about 62%. He also inquired if the panels would be tied directly to the school or to the power grid. It was explained that the system is tied directly to school; anything the school does not use will go into the grid.

Mr. Bernaski stated that the zoning ordinance defines an accessory use as incidental to the principle use of the building but he does not believe this is an incidental accessory use.

John Elston, 519 Mountain View Road, has 3 small children and is concerned about safety. He lives in a low density neighborhood and thinks this would be devastating to property values.

Mr. Elston explained that Bushkill Township has guidelines and allows for a maximum area of 500 square feet. In comparison, the school district is proposing a 3 acre solar field which is 130,000 square feet.

Mr. Elston believes that there must be more than just glass and sand in the panels because glass does not cost millions of dollars and create electricity. He questioned whether a cracked panel would leak toxic elements into the air.

Mr. Elston also felt that since the excess power goes back to the grid this seems like a co-generation facility, which doesn't fall under an appropriate use for a residential area.

Finally, Mr. Elston commented on Upper Nazareth Township's approval of a solar field at the middle school. That solar field will be against a quarry which is great and feels it is an appropriate use of the land.

In closing, Mr. Elston appealed to the board to either delay approval or deny it so residents have a chance to review the information.

Elizabeth Bernaski's Mountain View home is in full view of this proposed project. She showed the Board a picture of existing solar farms. Mrs. Burnaski worries about her property value, quality of life, and safety. She asked that the Board, before making their decision, consider the effect a solar farm would have on the neighborhood.

Mrs. Bernaski's concern was addressed and told that the arrays are monitored around the clock so it can immediately determine if there is a breakage. There are no liquids inside the panels and none of the exposed materials contain toxic chemicals so there are no safety concerns.

Mr. Pennington asked if there have been other solar farms installed with the same proximity to homes. It was reported that not as of yet, but there would likely be in the future.

Mr. Kucsan asked for an explanation of net metering. Net metering is when the school over produces power they receive a credit in their "bank"; in months that they under produce this credit offsets the electric bill.

Mr. Boucher asked the amount of the school's electric bill; which was answered to be \$20,000/month. This system will cost roughly \$3,000,000 to build and the school received \$1,000,000 in grants. Kenyon Energy is paying the balance.

Mr. Boucher thinks it is a lot of money to save \$50,000 a year. Solicitor Asteak asked how this is benefiting the school district. The school district will lease the land to Kenyon Energy and lock in a rate for 20 years. After 20 years they have 3 options: they can buy the system from Kenyon Energy, have them remove the system, or upgrade and renegotiate a contract. The useful life of a panel is 25-30 years.

Robert Stocklas, 539 Mountain View Road, wanted to know if this use was approved by zoning. Solicitor Asteak stated it has been approved by the zoning officer. Mrs. Seese read Section 1503 Item C, Item K Solar Energy System. Mr. Stocklas asked if a solar energy system's original intent was for home solar panels. He thinks that this sounds more like a solar generating facility. Mr. Stocklas feels this will change the character of the neighborhood and requested this be deferred until the residents have time to get more information – they only had one week notice for this meeting. He is very concerned of run-off from the glass panels and possible lead paint in the panels.

James Burnaski inquired about the maintenance of and access to the facility. The glass panels are cleaned twice a year and the grass is cut once a week.

Elizabeth Burnaski asked about placing the panels on the roof. The response was that it is not cost effective to do a system of this size of the roof. In addition, the roof is many different levels and it would be difficult and costly to wire the system in that situation.

Residents only received notice from the township; they did not receive notice from the school. Mr. Pennington stated that given the short notice to neighbors he believes the Board should ask the developer for a time extension. Mr. Lengyl asked for a special meeting because time is of the essence and their school

board meeting is prior to the next Board of Supervisors meeting. Mr. Pennington stated that this will allow residents to speak to the district and allow them to get more information of these systems.

The Board requested information about Sun-tech.

A motion was moved by Mr. Boucher and was seconded by Mr. Pennington to accept the school board's time extension until July 14, 2010.

A resident asked is the township would be developing a solar ordinance? The Board said they are in the process of developing an ordinance

Supervisors' Comments

Mr. Boucher had no comments.

Mr. Pennington attended the COG meeting.

Mr. Kucsan attended the Library Budget Committee Meeting. The next meeting will be next month.

Manager's Report

Disposition of Municipal Records – Resolution #LNT-12-10 – A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to approve resolution #LNT-12-10. The motion carried.

Equipment Purchase – Mower for Public Works – Mr. Tenges requested the purchase, under state contract, of a mower to be predominantly used on shoulders and rough terrain. The purchase price is \$10,516.00. A motion was moved by Mr. Boucher and was seconded by Mr. Pennington to purchase this piece of equipment. The motion carried.

Special Meeting – Mr. Tenges reported that we need to hold a special meeting to award the Micro surfacing bid and suggested Monday June 21st at 6:30pm. Mr. Kucsan and Mr. Boucher are able to attend, Mr. Pennington cannot. A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to authorize the advertisement of this special meeting. The motion carried.

Meeting Schedule Change – Mr. Tenges reported that there needs to be a meeting change. He requested that the August 11th meeting be moved to August 4th.

Railroad Crossings on Georgetown and Hanoverville Roads – The Township has received complaints about condition of the crossings at Georgetown Road and Hanoverville Road. We are in contact with Norfolk Southern and attempting to have these crossings repaired however they are slow to respond.

Recreation Association – Mr. Tenges reported that the Recreation Association is not paying their bills to Dorward Wholesale and called it an embarrassment. Dorward Wholesale calls the Township Office for assistance in getting help receiving payment.

Engineer's Report

There were no items to discuss under Engineer's Report.

Solicitor's Report

Solicitor Asteak reported that Trio Farms has filed an appeal to the Zoning Hearing Opinion. He asked for authorization to enter his appearance and intervene if staff deems that it is appropriate. A motion was

moved by Mr. Pennington and was seconded by Mr. Boucher to authorize Solicitor Asteak to intervene if required.

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. Boucher and seconded by Mr. Pennington to approve the bills dated June 9, 2010. The motion carried.

Courtesy of the Floor

Fred Heckman, 4135 Gradwohl Switch Road, inquired when road repairs would be addressed. The section between Newburg Road and Setzer Lane is the worst. Mr. Tenges reported that it is not on the schedule for anything other than maintenance because other roads are worse and the Township needs to prioritize.

A resident inquired about zoning ordinance changes.

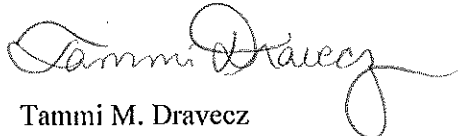
John Elston, asked Mrs. Seese and Solicitor Asteak to explain the intent of accessory use.

There was a brief conversation with the public in regards to solar panels and attending the School Board Meeting.

Adjournment

A motion was moved by Mr. Pennington and seconded by Mr. Boucher to adjourn the meeting at 8:07PM.

Respectfully transcribed by,



Tammi M. Dravec
Asst. Secretary/Treasurer

Lower Nazareth Township
Bills To Be Approved
June 9, 2010

Num	Name	Memo	Amount
<u>GENERAL FUND CHECKING ACCOUNT</u>			
10787	Lehigh Valley Zoo	Summer Park Program	\$ 325.00
10788	PPL, Inc.	Fire Company Electricity	\$ 668.62
10789	ExxonMobil	Fire Company Equipment Motor Fuel	\$ 374.45
10790	Danz Lettering	Fire Company - New Truck Lettering	\$ 5,950.00
10791	Micro Fleet Services, Inc.	Fire Company Parts/Supplies	\$ 344.00
10792	Performance Advantage Company, Inc.	Fire Company Supplies/Parts	\$ 387.13
10793	Fire Engineering	Fire Company Subscription Renewal	\$ 29.95
10794	Chief Supply, Inc.	Fire Company Equipment Parts/Supplies	\$ 186.96
10795	BWP-Carquest Auto Parts	Fire Company Equipment Parts/Supplies	\$ 83.95
10796	American Trade Mark Co.	Fire Company Supplies	\$ 142.43
10797	Kistler O'Brien	Fire Company Equipment	\$ 408.45
10798	Stengel Bros. Inc.	Fire Company Equipment Maintenance	\$ 135.00
10799	Staples Credit Plan	Fire Company Supplies	\$ 17.00
10800	Municipal Emergency Services	Fire Company Equipment Maintenance	\$ 782.44
10801	Nextel Communications	Fire Company Wireless	\$ 399.15
10802	Eastern Industries, Inc.	Paving/Patching Equipment	\$ 229.77
10803	The Express Times	Advertisements	\$ 30.00
10804	Sam's Club	Membership Renewal	\$ 35.00
10805	Pitney Bowes	Postage Machine Supplies	\$ 25.48
10806	Colonial Regional Police Department	Police Contract Payment	\$ 83,779.89
10807	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
10808	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
10809	Capital Blue Cross	Employee Health Insurance	\$ 17,808.88
10810	Keystone Nazareth Bank & Trust	Land Loan Payment	\$ 1,095.15
10811	Lori Peck, OCR	Stenographer	\$ 130.00
10812	Met-Ed	Street Light/Traffic Signal Electricity	\$ 216.10
10813	Fogels Fuel Service	Municipal Bldg Heating Fuel	\$ 3,124.76
10814	Schwab's Screenprinting	Summer Park Shirts	\$ 154.90
10815	Printex	EIT Supplies	\$ 187.15
10816	Verizon	Municipal/Public Works Local Telephone	\$ 536.67
10817	The Express Times	ZHB Advertisement	\$ 310.60
10818	Phyllis Goodhard	Postage	\$ 44.00

**Lower Nazareth Township
Bills To Be Approved
June 9, 2010**

GENERAL FUND CHECKING ACCOUNT CONTINUED

10819	PrintConcepts	Newsletter	\$	2,164.94
10820	Highway Materials, Inc.	Paving/Patching Materials	\$	225.38
10821	Edwards Business Systems	Copier Maintenance	\$	746.43
10822	Qqest Software Systems	Maintenance Agreement	\$	379.00
10823	George J. Kratzer, Inc.	Park Septic Tank Maintenance	\$	390.00
10824	Herceg Hauling	Trash Removal	\$	250.00
10825	Pitney Bowes Purchase Power	Postage	\$	206.99
10826	Neeta Bhatia	Local Services Tax Refund	\$	7.00
10827	Jacob Criscuolo	Local Services Refund	\$	19.00
10828	Kyle Criscuolo	Local Services Refund	\$	17.00
10829	William Deemer	Local Services Refund	\$	51.00
10830	Carol Griffith	Local Service Tax Refund	\$	8.00
10831	Kevin Hester	Local Services Tax Refund	\$	43.00
10832	Kevin Holup	Local Services Tax Refund	\$	36.00
10833	Stella Misero	Local Services Tax Refund	\$	36.00
10834	Jenna L. Murante	Local Services Tax Refund	\$	52.00
10835	Cassandra Siebler	Local Services Tax Refund	\$	21.60
10836	Margaret Yetter	Local Services Tax Refund	\$	3.00
10837	Mr. John	Temporary Restrooms	\$	540.84
10838	Keystone Consulting Engineers, Inc.	Engineering & SEO Services	\$	9,863.71
10839	Northampton County Seed Company, Inc.	Public Works Maintenance	\$	177.00
10840	Selective Insurance Company of America	Workers Com / Liability Insurance	\$	22,825.00
10841	Municipal Emergency Services	Fire Company Equipment Parts/Supplies	\$	842.63
10842	FirePrograms	Fire Company Maintenance Renewal	\$	455.00
10843	PenTeleData	Fire Company Equipment	\$	5.98
10844	Staples Business Advantage	EIT / Office Supplies	\$	254.25
10845	Mega Software Services, Inc.	EIT Software Maintenance	\$	840.00
10846	Easton Suburban Water Authority	Municipal Water	\$	164.46
10847	First Regional Compost Authority	Membership Fee	\$	4,664.55
10848	Nazareth Key	Advertisement	\$	70.11
10849	Rush Uniform Inc.	Fire Police / Fire Company Uniforms	\$	3,634.25
10850	Micro Fleet Services, Inc.	Fire Police Supplies	\$	62.00
10851	John's Automotive Service	Fire Police Vehicle Maintenance	\$	124.50

Lower Nazareth Township
Bills To Be Approved
June 9, 2010

GENERAL FUND CHECKING ACCOUNT CONTINUED

10852	ExxonMobil	Fire Company Equipment Motor Fuel	\$ 307.18
10853	Guardian Fire Equipment	Fire Company Equipment Parts/Supplies	\$ 143.65
10854	Witmer Public Safety Group	Fire Company Equipment Parts/Supplies	\$ 4,226.00
10855	Easton Suburban Water Authority	Fire Company Water	\$ 50.01
10856	Verizon	Fire Company Local Telephone	\$ 185.88
10857	Ikon Office Solutions	Copier Maintenance	\$ 462.49
10858	PPL, Inc.	Street Light/Traffic SignalPW/Office/Park Elec	\$ 1,428.26
10859	PA One Call System, Inc.	Monthly Fax Activity	\$ 32.40
10860	The Center for Animal Health & Welfare	Animal Services Contract	\$ 150.00
10861	Patriot Workwear	Public Works Supplies	\$ 1,073.00
10862	Associated Fasteners, Inc.	Public Works Supplies/Parts	\$ 52.61
10863	Walmart Community BRC	Public Works Shop Tools/Equipment	\$ 35.96
10864	Whitehall Turf Equipment	Public Works Shop Tools/Equipment	\$ 290.99
10865	Turf Equipment and Supply Co., LLC	Public Works Equipment Parts/Supplies	\$ 663.37
10866	Schall's Brakes & Repairs, Inc.	Public Works Equipment Maintenance	\$ 440.00
10867	ISOBunkers, LLC	Public Works Equipment Motor Fuel	\$ 1,368.02
10868	Eastern Industries, Inc.	Aggregate Supplies	\$ 1,189.81
10869	PPL, Inc.	Fire Company Electricity	\$ 555.34
10870	Emergency Services Marketing Corp., Inc.	Fire Company Subscription Renewal	\$ 3,087.00
10871	Chase Card Services	Equipment Motor Fuel/Cont. Education/Summ	\$ 647.49
10872	Nextel Communications	Public Works / Municipal Office Wireless	\$ 426.66
10873	Signal Service, Inc.	Traffic Signal Maintenance	\$ 868.00
10874	Hecktown Glass & Window	Park Facilities Maintenance	\$ 21.01
10875	Lisa Stanton	Summer Park Program Refund	\$ 65.00
10876	Home Depot	Public Works Supplies	\$ 241.26
10877	Sam's Club	Public Works Supplies	\$ 294.78
10878	BWP-Carquest Auto Parts	Public Works Equipment Parts/Supplies	\$ 81.30
10879	Tractor Supply Credit Plan	Public Works Equipment/Parts/Supplies	\$ 1,743.75
10880	E.J. Breneman, L.P.	Traffic Control Supplies	\$ 1,399.50
10881	LNT Petty Cash	Replenish Petty Cash	\$ 69.03
10882	United States Postal Service	Postage	\$ 500.00
		<i>Total General Fund Checking Account...</i>	<u>\$ 191,200.28</u>

**Lower Nazareth Township
Bills To Be Approved
June 9, 2010**

GENERAL FUND PLGIT ACCOUNT

580	Hecktown Ambulance Corps	TEAMS Reimbursement	<u>\$ 18,000.00</u>
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HOST FEE ACCOUNT

538	East Penn Sanitation	Spring Clean-Up	<u>\$ 12,412.50</u>
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PAYROLL ACCOUNT

	May 21, 2010		\$ 26,771.08
	June 4, 2010		\$ 30,867.76
		<i>Total Payroll Account...</i>	<u>\$ 57,638.84</u>

MASTER ESCROW CHECKING ACCOUNT

1702	Christine Blair	Escrow Refund	\$ 1.11
1703	Thomas DeLuca	Escrow Refund	\$ 473.02
1704	Met-Ed	Traffic Signal Electricity	\$ 105.78
1705	Asteak Law Offices	Legal Services	\$ 3,850.00
1706	Met-Ed	Traffic Signal Electricity	\$ 68.29
1707	Keystone Consulting Engineers, Inc.	Engineering & SEO Services	\$ 22,517.36
1708	Signal Service, Inc.	Traffic Signal Maintenance	\$ 941.06
1709	Solar Energy Initiatives Inc.	Escrow Refund	\$ 2,815.61
1710	Douglass Parmenter	Escrow Refund	\$ 473.05
1711	John Elston	Escrow Refund	\$ 473.02
		<i>Total Master Escrow Account...</i>	<u>\$ 31,245.28</u>

RECYCLING/REFUSE ACCOUNT

1005	Lori Catanzaro	Recycling Distribution Reimbursement	\$ 27.54
1006	T.M. Fitzgerald & Associates	Recycling Container Lids	\$ 4,950.00
1007	Chase Card Services	Recycling Distribution Supplies	\$ 104.00
1008	Sam's Club	Recycling Distribution Equipment	\$ 271.02
			<u>\$ 5,352.56</u>

**Lower Nazareth Township
Bills To Be Approved
June 9, 2010**

DEVELOPMENT & INSPECTION ACCOUNT

1647	CodeMaster Inspection Services, Inc.	Building Inspection Services	<u>\$ 6,119.00</u>
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CAPITAL RESERVE ACCOUNT

724	Virginia Business Systems	Copier Lease	<u>\$ 379.95</u>
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OPEN SPACE ACCOUNT

590	Keystone Nazareth Bank & Trust	Land Loan Payment	<u>\$ 3,696.08</u>
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