

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
December 10, 2014**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting at the Lower Nazareth Municipal Building on Wednesday December 10, 2014. The Chairman called the meeting to order at 6:40 PM.

Present were:

James S. Pennington	- Chairman	Albert Kortze	- Engineer
Gerald R. Green	- Vice Chairman	Gary Asteak	- Solicitor
Robert S. Kucsan	- Supervisor	Timm A. Tenges	- Manager, Secretary/Treasurer
Martin J. Boucher	- Supervisor	Tammi Dravec	- Asst. Secretary/Treasurer
Eric E. Nagle	- Supervisor	Lori B. Seese	- Zoning Administrator

Mr. Pennington indicated that, prior to tonight's meeting, the Board held an Executive Session to discuss litigation matters.

Approval of Minutes

A motion was moved by Mr. Green and was seconded by Mr. Boucher to approve the minutes from the November 12th Board of Supervisors meeting. The motion carried.

Reports (*Reports are available to review at the Township Office and on our website.*)

Mr. Pennington acknowledged the receipt of the Hecktown Volunteer Fire Company Incident Reports for October and November 2014 and the Financial Report for October 2014.

Correspondence

PennEast Pipeline Project – Jeffrey Hotz submitted a letter dated December 5th raising concerns over the proposed pipe line slated to run thru Lower Nazareth Township. He felt that the Board should authorize Solicitor Asteak to prepare a resolution stating the Township's opposition to the PennEast pipeline. In addition, Mr. Hotz has concerns about sinkholes. Mr. Pennington told Board to consider whether want to adopt a resolution opposing the pipeline and be prepared to discuss in January.

Subdivision and Land Development

ProLogis Parkway – Authorization to Accept Roadway – Resolution #LNT-18-14 – A motion was moved by Mr. Kucsan and was seconded by Mr. Boucher to approve Resolution #LNT-18-14. The motion carried.

Fields at Trio Farms – Zoning Text Amendment – Ordinance #213-12-14 – A motion was moved by Mr. Green and was seconded by Mr. Boucher to approve Ordinance #213-12-14. The motion carried.

Fields at Trio Farms – Phase III – Waiver Request – The applicant requested a waiver from SLDO Section 784 Easement Maintenance. After a brief discussion the applicant found it acceptable to secure trees for installation after utilizing the easement as a construction access. Zach Cobrinik, 4467 Briarwood Drive, wanted to ensure stone would be placed on the path to prevent mud from tracking on to the road. When asked when construction on this Phase would begin, Richard Brooks stated February 2015. A motion was moved by Mr. Green and was seconded by Mr. Boucher to approve the waiver request. The motion carried.

Fields at Trio Farms – Phase III – Final Subdivision Plan – Resolution #LNT-19-14 – Mr. Kortze reviewed his December 9th letter. A motion was moved by Mr. Kucsan and was seconded by Mr. Green to approve Resolution #LNT-19-14. The motion carried.

Hanoverville Road / Keystone Drive Improvements Agreement – Authorization to Execute – A motion was moved by Mr. Green and was seconded by Mr. Kucsan to authorize execution of this agreement. The motion carried.

Supervisors' Comments

Mr. Kucsan, Mr. Green, and Mr. Boucher had no comments.

Mr. Nagle stated that he attended the November 19th Pipeline Meeting.

Mr. Pennington stated that he attended the Gaming Authority meeting last week.

Manager's Report

2015 Millage Rate – Resolution #LNT-20-14 – A motion was moved by Mr. Green and was seconded by Mr. Kucsan to approve Resolution #LNT-20-14. The motion carried.

2015 General Fund Budget – A motion was moved by Mr. Green and was seconded by Mr. Kucsan to approve the 2015 General Fund Budget. The motion carried.

2014 Unencumbered Funds – Resolution #LNT-21-14 – A motion was moved by Mr. Boucher and was seconded by Mr. Green to approve Resolution #LNT-21-14. The motion carried.

Time Extensions – Mr. Tenges reported that we accepted time extensions for Louise Moore Park through June 17, 2015 and Keystone Shed Company through March 14, 2015.

Standing Committee Meeting, Penn East Meeting, Meeting EPA MS4

Merry Christmas – Happy Holidays!

Engineer's Report

Trio Fields – Phase IV – Letter of Credit Reduction – Mr. Kortze stated that based on their inspection of the work completed to date, he recommended that the Letter of Credit be reduced from \$683,827.72 to \$376,049.92. A motion was made by Mr. Green and seconded by Mr. Kucsan to reduce the Letter of Credit. The motion carried.

Mr. Kortze wished everyone Happy Holidays. He thanked the Board and Township Staff for allowing KCE to be Township Engineer.

Solicitor's Report

Barnhardt/Rasmussen Lawsuit – Solicitor Asteak reported that the court found Lower Nazareth had no involvement in the dispute and is out of the case.

Lengyl Zoning Appeal – The Zoning Hearing Board (ZHB) recently granted a variance allowing the placement of cell tower within 3 miles of an existing cell tower. Solicitor Asteak stated that the Board can appeal the ZHB decision. A motion was moved by Mr. Green and was seconded by Mr. Kucsan to appeal the ZHB's decision. The motion carried. Solicitor Asteak will file necessary paperwork.

**Board of Supervisors Minutes
December 10, 2014**

Solicitor Asteak wish everyone Happy Holidays. He stated that it has been an exciting year with more meetings this year than can ever remember.

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 moved by Mr. Boucher and was seconded by Mr. Green to approve payment of the bills dated December 10, 2014. The motion carried.

Courtesy of the Floor

Brian Cottone, ProLogis, apologized for arriving late and requested clarification on the acceptance of ProLogis Parkway including when the Township would be responsible for snow removal. Solicitor Asteak stated that the Township will assume responsibility once the document has been recorded. He indicated that Mr. Cottone will be notified at that time.

Mr. Pennington called for a brief recess to begin at 7:16pm and that the meeting will resume at 7:30pm for the next phase of the Curative Amendment Hearing for Stone Post Meadows.

Curative Amendment Hearing- Stone Post Meadows – K&S Development Curative Amendment

Solicitor Asteak re-opened the hearing and gave a brief recap of the previous meetings. Solicitor Asteak stated that we will finish all testimony tonight. Next, the public will have an opportunity to comment; however redundancy will not be tolerated. Finally, Council will then have an opportunity to provide brief summaries.

Recall that James Preston represents K&S Development; Karl Kline represents AAA; Donald Miles, represents Robert and Beverly Hoyer (Buzas Greenhouse) and Ronca (Wind-Drift); and Kate Durso represents Woodmont Properties.

Ms. Durso called Dan Disario of Langan Engineering. Mr. Disario discussed his October 29th letter regarding a traffic evaluation for Woodmont Place. He stated there is a stark difference between traffic counts for a by-right office space use versus apartments. For example, 333 trips vs. 135 weekday morning peak hour trips & 302 trips vs. 164 weekday evening peak hour trips.

Mr. Preston had no questions for Mr. Disario. He was questioned by Mr. Kline, Mr. Miles, and Mr. Pennington.

Mr. Miles called his next witness, Irene Woodward, a Certified City Planner. Mr. Miles questioned Ms. Woodward on her land use planning experiences throughout the Lehigh Valley and the Township's Zoning Ordinance.

Mr. Preston, Ms. Durso, and Mr. Kline questioned Ms. Woodward. Mr. Miles and Ms. Durso had follow up questions.

Solicitor Asteak asked Ms. Woodward, if apartment uses are not compatible, what would be? Ms. Woodward thought low density would be better for blending. Solicitor Asteak also asked if the Township is required to provide all types of apartments.

Kolleen Casey, 4363 Eisenhower Drive, thought the Board should be partial and didn't feel as if they were.

Solicitor Asteak stated that we are ready for public comments...

Cathy Nonnemacher, 185 Country Club Road, presented a petition with 1000+ signatures; individuals who are all against this proposed development. Ms. Nonnemacher also told the Board to be careful before they open the door to apartments because once you open that door it cannot be closed and they will all want in.

Mr. Green wanted to know who exactly K&S Development is. Mr. Preston didn't believe it was relevant, but introduced Anthony Scarcia, sole member of K&S Development. Mr. Scarcia stated K&S was developed for the development & ownership of these apartments.

Bette Lou Holstein, 4280 Eisenhower Drive, asked what exactly Mr. Scarcia's plans are. Mr. Preston believed that was covered during this hearing. Solicitor Asteak agreed that Mr. Scarcia has made that clear. In addition, this is not the time for questions, only comments. Ms. Holstein stated that she would like to hear his plans because she doesn't believe she has heard that.

Solicitor Asteak stated that we are ready for closing statements...

Mr. Miles, Mr. Kline, Ms. Durso, and Mr. Preston gave their closing statements.

Solicitor Asteak thanked everyone. He reported that the Board has 45 days to make a decision and closed the proceedings.

The Board went into Executive Session to discuss litigation issues at 9:10pm.

The meeting reconvened at 9:53pm.

The Board discussed proposed settlement agreement terms as proposed by IDI in conjunction with their appeal of the Board of Supervisors Conditional Use Order and Opinion. Settlement terms are:

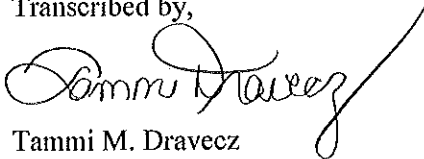
1. Berm – Sound panels on northern and eastern side based on the recommendation by a sound engineer that will be hired by the Township and paid for by the developer.
2. 8' evergreen trees 10'-12' centers at the recommendation by arborist.
3. Agree to two driveways onto Hecktown Road. Access drive on the eastern side will be for employees only. The complete reconstruction of Hecktown Road to western side drive (truck) with reasonable improvements
4. IDI withdraws their appeal

A motion was moved by Mr. Green and was seconded by Mr. Kucsan to accept the stipulation and settlement agreement with IDI. Mr. Kucsan, Mr. Nagle, Mr. Pennington, and Mr. Green voted in favor, Mr. Boucher was opposed. The motion carried.

Adjournment

A motion was moved by Mr. Boucher and was seconded by Mr. Green to adjourn the meeting at 10:00PM.

Transcribed by,

A handwritten signature in cursive script, appearing to read "Tammi Dravec", with a long, sweeping flourish extending to the right.

Tammi M. Dravec
Assistant Secretary/Treasurer

**Lower Nazareth Township
Bills To Be Approved
December 10, 2014**

GENERAL FUND CHECKING ACCOUNT

Num	Name	Memo	Amount
14855	Nazareth Area Council of Government	LVPC Implementation Report	\$ 1,759.00
14856	Brown & Brown of Lehigh Valley	Tax Collector Bond	\$ 250.00
14857	Edwards Business Systems	Copier Maintenance	\$ 88.00
14858	TuWay Communications	Fire Police Equipment	\$ 4,415.00
14859	Suburban Propane	Park Fuel	\$ 62.61
14860	Easton Suburban Water Authority	Municipal Bldg Water	\$ 121.73
14861	Deer Park	Municipal Bottled Water	\$ 36.08
14862	Service Electric Telephone Co.	Fire Company Telephone	\$ 39.91
14863	Service Electric Cable TV Inc	Fire Company Internet	\$ 43.24
14864	Verizon Wireless	Fire Company Wireless	\$ 459.50
14865	Keystone Consulting Engineers, Inc.	Engineering & Inpsection Services	\$ 1,110.00
14866	Liberty Propane Inc.	Municipal Building Propane	\$ 540.00
14867	Old Dominion Brush	Equipment Parts/Supplies	\$ 110.12
14868	Huston's Radiator & Auto Repair	Public Works Tool/Equipment Repair	\$ 125.00
14869	Five Star International LLC	Public Works Equipment Parts/Supplies	\$ 108.88
14870	Advanced Auto Parts Professional	Public Works Parts/Supplies	\$ 81.53
14871	Kimball Midwest	Public Works Shop Tools/Equipment	\$ 378.00
14872	Interstate Battery of Allentown	Equipment Parts/Supplies	\$ 403.90
14873	State Worker's Insurance Fund	Workers Compensation	\$ 1,469.00
14874	Nazareth Area Chamber of Commerce	Meeting	\$ 15.00
PAID ONLINE	Pay.gov	Employee Health Insurance	\$ 1,764.00
14875	Marvin Stettler	Real EstateTax Refund	\$ 26.97
14876	Met-Ed	Traffic Signal Electricity	\$ 229.27
14877	Keystone Consulting Engineers, Inc.	Engineering & Inpsection Services	\$ 1,184.13
14878	Edwards Business Systems	<i>VOIDED</i>	\$ -

**Lower Nazareth Township
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GENERAL FUND CHECKING ACCOUNT CONTINUED

Num	Name	Memo	Amount
14879	Verizon	Municipal Office Telephone	\$ 466.07
14880	Verizon	Public Works Telephone	\$ 160.08
14881	Stotz & Fatzinger Office Supply	Municipal Building Supplies	\$ 150.96
14882	PAPCO	Equipment Motor Fuel	\$ 1,449.84
14883	Easton Suburban Water Authority	Municipal Bldg Water	\$ 32.06
14884	Grainger Parts	Public Works Facilities Maintenance	\$ 197.86
14885	Beth-Allen Ladder Company	Public Works Shop Tools & Equipment	\$ 624.00
14886	Master Supply Line	Municipal Building Supplies	\$ 33.99
14887	Mr. John	Temporary Restrooms	\$ 330.30
14888	Lori Peck, OCR	Stenographer	\$ 480.00
14889	Structural Metal Fabricators, Inc.	Equipment Parts/Supplies	\$ 265.72
14890	Suburban Propane	Public Works Fuel	\$ 744.66
14891	Suburban Propane	Park Fuel	\$ 157.64
14892	Hecktown Volunteer Fire Company	Fire Company Loan	\$ 965.26
14893	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
14894	Colonial Regional Police Department	Police Contract Payment	\$ 93,537.58
14895	PA Municipal Health Insurance Cooperati	Employee Health Insurance	\$ 17,842.41
14896	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
14897	LNT Capital Reserve	Real Estate Tax Refund	\$ 9,628.13
14898	Certified Laboratories	Public Works Equipment Parts/Supplies	\$ 440.56
14899	Home Depot	Facilities Maintenance	\$ 11.77
14900	PA One Call System, Inc.	Monthly Fax Activity	\$ 32.50
14901	PA Department of Labor & Industry - B	Boiler Inspection	\$ 44.00
14902	Chase Card Services	Office Supplies/Training	\$ 1,050.00
14903	Asteak Law Offices	Legal Services	\$ 2,212.50

**Lower Nazareth Township
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GENERAL FUND CHECKING ACCOUNT CONTINUED

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
14904	McGee Uniform	Fire Police Supplies	\$ 8.00
14905	Fogels Fuel Service	Fire Company Fuel	\$ 722.84
14906	Easton Suburban Water Authority	Fire Company Water	\$ 56.75
14907	ExxonMobil	Fire Company Fuel	\$ 379.63
14908	Nazareth Key	Fire Company Advertisement	\$ 136.92
14909	PPL, Inc.	Fire Company Electricity	\$ 594.09
14910	April Cordts	ZHB Legal Services	\$ 3,500.00
14911	Edwards Business Systems	Copier & Equipment Maintenance/Supplies	\$ 1,529.55
14912	PPL, Inc.	Municipal Drive Electricity	\$ 643.51
14913	PPL, Inc.	Traffic Signal/St Light/Municipal/PW/Park Ele	\$ 901.31
14914	The Morning Call	Subscription Renewal	\$ 79.92
14915	Security Service Company, Inc.	Security System Monitoring	\$ 225.57
14916	Liberty Propane Inc.	Municipal Building Propane	\$ 1,030.07
14917	Asteak Law Offices	Legal Services	\$ 1,544.63
14918	Lower Nazareth Township	2014 LNRA Budget Allocation	\$ 17,098.53
14919	Fire Capital Reserve	2014 Budget Allocations	\$ 37,968.46
14920	Reliable Sign & Striping	Traffic Sign Supplies	\$ 110.40
<i>Total General Fund Checking...</i>			<u><u>\$ 214,185.97</u></u>

HIGHWAY RECONSTRUCTION/REHABILITATION ACCOUNT

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
1007	Highway Materials, Inc.	Construction/Rebuilding	\$ 8,143.05
1008	Geo-Technology Associates	Engineering Services	\$ 1,362.68
<i>Total Highway Recon/Rehab Account...</i>			<u><u>\$ 9,505.73</u></u>

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CAPITAL RESERVE ACCOUNT

Num	Name	Memo	Amount
867	Artefact, Inc.	Municipal Building Maintenance	\$ 1,860.00
868	All Phase Electric Supply Co	Capital Construction	\$ 254.20
869	A&S Fence	Capital Construction	\$ 2,400.00
870	All Phase Electric Supply Co	Capital Construction	\$ 52.10
871	Sherwin-Williams	Capital Construction	\$ 473.47
872	Home Depot Credit Services	Capital Construction	\$ 2,649.31
<i>Total Capital Reserve Account...</i>			<u>\$ 7,689.08</u>

CAPITAL RESERVE EQUIPMENT REPLACEMENT ACCOUNT

Num	Name	Memo	Amount
Bank Check	Lafayette Ambassador Bank - Lease Dept Lease Payment		\$ 29,216.60
Bank Check	ACR Products, Inc.	Capital Purchase	\$ 5,500.00
<i>Total Capital Reserve Equipment Replacement Account...</i>			<u>\$ 34,716.60</u>

PAYROLL ACCOUNT

November 28, 2014	\$ 31,323.95
December 12, 2014	\$ 29,754.39
<i>Total Payroll Account...</i>	<u>\$ 61,078.34</u>

RECYCLING/REFUSE ACCOUNT

Num	Name	Memo	Amount
1209	Mr. John	Temporary Restroom	<u>\$ 140.00</u>

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DEVELOPMENT & INSPECTION ACCOUNT

Num	Name	Memo	Amount
1786	DCED	Training Contribution - 2nd Quarter 2014	\$ 128.00
1787	DCED	Training Contribution - 3rd Quarter 2014	\$ 68.00
1788	Barry Isett & Associates, Inc.	Building Inspection Services	\$ 210.00
1789	Barry Isett & Associates, Inc.	Building Inspection Services	\$ 200.00
<i>Total Development & Inspection Account...</i>			\$ 606.00

MASTER ESCROW CHECKING (LAB)

Num	Name	Memo	Amount
1377	County of Northampton	Parcel ID	\$ 5.00
1378	County of Northampton	Parcel ID	\$ 30.00
1379	County of Northampton	Parcel ID	\$ 5.00
1380	County of Northampton	Parcel ID	\$ 15.00
1381	County of Northampton	Parcel ID	\$ 5.00
1382	Northampton County Recorder of Deeds	Plan Recording	\$ 65.00
1383	Northampton County Recorder of Deeds	Plan Recording	\$ 95.00
1384	Northampton County Recorder of Deeds	Plan Recording	\$ 35.00
1385	Northampton County Recorder of Deeds	Plan Recording	\$ 65.00
1386	Northampton County Recorder of Deeds	Plan Recording	\$ 65.00
1387	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 1,276.50
1388	Kay Builders, Inc.	Escrow Refund	\$ 8,000.00
1389	Gilmore & Associates, Inc.	Engineering & Consulting Services	\$ 1,452.12
1390	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 16,651.41
1391	Met-Ed	Traffic Signal Electricity	\$ 84.63
1392	Gilmore & Associates, Inc.	Engineering & Consulting Services	\$ 1,023.75
1393	Met-Ed	Traffic Signal Electricity	\$ 86.41

**Lower Nazareth Township
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MASTER ESCROW CHECKING (LAB) CONTINUED

Num	Name	Memo	Amount
1394	Asteak Law Offices	Legal Services	\$ 4,462.50
1395	Recreational Concepts	Escrow Refund	\$ 150.41
1396	George Manja	Escrow Refund	\$ 743.15
1397	Judith Stevens	Escrow Refund	\$ 451.12
1398	Snyder's-Lance	Security Refund	\$ 1,262.44
1399	Charles Hammel	Escrow Refund	\$ 121.55
1400	Robert Winkler	Escrow Refund	\$ 0.03
1401	Andy Keys	Escrow Refund	\$ 271.41
1402	Shirley Krock	Escrow Refund	\$ 426.24
1403	Clare Marie Vadala	Escrow Refund	\$ 415.11
1404	William Undercuffler	Escrow Refund	\$ 2.61
1405	William Huber	Escrow Refund	\$ 0.05
1406	Robert Pitsko	Escrow Refund	\$ 134.54
1407	Joseph Cheszar	Escrow Refund	\$ 197.61
1408	1126 Ventures, LLC	Escrow Refund	\$ 0.05
1409	Ernest Strechay	Escrow Refund	\$ 510.03
<i>Total LAB Master Escrow Account...</i>			\$ 38,108.67

MASTER ESCROW CHECKING (KNBT)

Num	Name	Memo	Amount
1974	Keith & Roberta Herman	Escrow Refund	\$ 0.08
1975	Melissa Mutarelli	Escrow Refund	\$ 1.61
1976	Banko Beverage	Escrow Refund	\$ 6,989.84
1977	Regency Realty	Escrow Refund	\$ 48.04
<i>Total KNBT Master Escrow Account...</i>			\$ 7,039.57