

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
January 14, 2015**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting at the Lower Nazareth Municipal Building on Wednesday January 14, 2015. The Chairman called the meeting to order at 6:30 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

Curative Amendment Hearing – Stone Post – Solicitor Asteak gave a brief re-cap on the hearing. The Board deemed that the Ordinance is not defective; the petitioner’s request for a curative amendment was without merit and therefore, denied the application. A motion was moved by Mr. Green and was seconded by Mr. Kucsan to deny the application. The motion carried.

Approval of Minutes

A motion was moved by Mr. Boucher and was seconded by Mr. Kucsan to approve the minutes from the January 5th 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 December 2014 and 2014 Totals, the Financial Report for November 2014, and the State Liquid Fuels Audit for 2013.

Correspondence

A letter was received from Norma Shriver indicating an interest in the Library Board. A motion was moved by Mr. Nagle to appoint Norma to the Library Board.

Subdivision and Land Development

There were no items to discuss under Subdivision and Land Development.

Supervisors’ Comments

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

Manager’s Report

FRCA Renewal – Mr. Tenges review details of the 3-year agreement. A motion was moved by Mr. Kucsan and was seconded by Mr. Green to approve the agreement. The motion carried.

Engineer’s Report

ProLogis Letter of Credit Reduction – Mr. Kortze reviewed his letter and recommended a reduction in the letter of credit. A motion was moved by Mr. Green and was seconded by Mr. Nagle to reduce the letter of credit. The motion carried.

Saratoga Farms Letter of Credit Reduction – Mr. Kortze reviewed his letter and recommended a reduction in the letter of credit. A motion was moved by Mr. Boucher and was seconded by Mr. Nagle to reduce the letter of credit. The motion carried.

Solicitor's Report

Solicitor Asteak reported that according to Act 192 of 2014 – Prohibition of Municipalities Regulating Firearms, municipalities have no authority to regulate firearms. He was seeking authorization from the Board to begin working on repealing any ordinances that are not in compliance. A motion was moved by Mr. Kucsan and seconded by Mr. Nagle. The motion carried.

Solicitor Asteak stated that at the end of meeting the Board would discuss potential litigation.

Mr. Tenges reported that, just this evening, he received draft improvements agreement from Solicitor Asteak. Those agreements are for Greenfield and Fields of Trio Phase III. Since we do not meet until February, Mr. Tenges requested authorization to execute these agreements upon approving the language in the agreements. A motion was moved by Mr. Green and was seconded by Mr. Nagle to authorize these agreements for execution. The motion carried.

Old Business

PennEast Pipeline – Mr. Pennington stated that rather than adopt a resolution which wouldn't hold much weight; the Board would gather comments and concerns from Township residents over the next 30 days. A motion was moved by Mr. Kucsan and was seconded by Mr. Boucher to authorize the Township Manager to collect input from residents over the next 30 days.

Guy Wagner stated that the pipeline is proposed to bisect his property. He really wants to see the Board pass a resolution so everyone stands together. Mr. Pennington stated the Board's position is that a yes/no resolution does not do much; but our input will be more productive and helpful.

Lorraine Mineo stated that the pipeline is proposed to go through her property. She is thankful that the Board is doing something to help and she will provide her comments and concerns.

Mark Fenstemacher stated that he would like to see map of proposed path. Mr. Pennington reported that there is a link on the Township's website to a proposed map.

Mr. Tenges wanted to clarify that the Township will collect comments through Feb 28th.

New Business

There were no items to discuss under New Business.

Payment of the Bills

A motion was moved by Mr. Nagle and was seconded by Mr. Green to approve payment of the bills dated January 14, 2015. The motion carried.

Courtesy of the Floor

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

*** 7:00pm recess until 7:30pm ***

Conditional Use Hearing – Liberty Property Trust CU#2014-01

Solicitor Asteak opened the hearing with a brief presentation of the Conditional Use Application. He also read a list of exhibits Z-1 through Z-15.

Introduced were Frank Trovato, attorney for Bruno and Rachel Scipioni at 578 Nazareth Pike and Thomas Stitt who represents Cardinal LLC at 576 Nazareth Pike and the home just north of that location.

James Preston represents the applicant. Mark Buchvalt, Civil Engineer with T&M and John Wichner, Traffic Engineer with McMahon Associates were also present.

Mr. Preston's called his first witness, Mark Buchvalt, Civil Engineer with T&M. They discussed exhibit A-1 the ariel map depicting proposed development & exhibit A-2 the overall site improvement map. They also reviewed and commented on portions of Exhibit Z-9 Al Kortze's January 9th letter.

Mr. Trovato wanted Mr. Buchvalt to point out the Scipioni's property. He inquired about the types of vehicles in the parking lot adjacent to their property. Mr. Trovato also asked whether or not a noise or air quality studies will be done. Lastly, he questioned whether the proposed connector road would pass through Scipioni's property to Daniels Road.

Mr. Stitt had numerous traffic questions which Mr. Preston asked be deferred to the other witness.

Leonard Salvage's son, Jay Locher, owns the property at 575 Nazareth Pike. Mr. Salvage inquired about berming. He also stated that his son is selling the property and wonders if it could be rezoned.

Mark Fenstemacher, 619 Nazareth Pike, had questions on berming and light spillover.

Mr. Green inquired about the applicant's existing warehouses. Mark stated that most of their buildings are warehouses and noted that these proposed buildings are actually smaller than the ones Liberty has been building.

Mr. Pennington confirmed with Al that dark sky lighting is required.

Solicitor Asteak asked if they knew the lighting requirements and can they explain the lighting plan. Mark stated someone else may be better suited to address that. He also asked if they were aware of the noise requirements snf noted that the Scipioni's home is 100-150 feet from the building. Mark commented that they moved the truck lot to the other side of the building to decrease the noise.

Mr. Preston followed up with asking Mr. Buchvalt the use of the proposed warehouse. Mr. Buchvalt stated distribution/varehouse.

Mr. Preston called his next witness, John Wichner, McMahon Associates, Transportation Engineering. They reviewed exhibit A-3, Transportation Impact Study, Executive Summary dated November 2014. Mr. Wichner discussed the study including the intersections studied and future conditions both with and without development of this site. He continued with a discussion with the proposed improvements.

Mr. Preston reviewed and commented on the traffic portions of exhibit Z-9, Mr. Kortze's January 9th letter. Mr. Wichner commented that if the connector road cannot be completed other improvements would need to be made; possibly longer turn lanes or even a traffic signal, which currently is not warranted. He notes that the proposed truck count was based on industry standards and actual experience.

Mr. Trovato questioned whether, assuming connector road is able to be completed, there would there be a traffic signal. Mr. Wichner stated that they do not anticipate needing one. Mr. Trovato then asked the options if Liberty

is unable to install the connector road. Mr. Wichner stated that the road could continue straight and intersect with Daniels further down the road, an emergency access connection, or a loop road on the southern end. Mr. Trivato inquired if the later options would increase truck traffic near the Scipioni's property. Mr. Wichner stated that a 4-way is better than two T-intersections so the more northern option on Daniels could increase traffic congestion.

Solicitor Asteak stated will be breaking for the evening and the hearing will continue on February 11th at 7:30pm.

Solicitor Asteak briefly informed the Board about the issue with the occupancy of warehouse by NFI. He requested authorization to take legal action to enforce ordinances. A motion was moved by Mr. Nagle and was seconded by Mr. Boucher to authorize Solicitor Asteak to enforce the ordinance. The motion carried.

Adjournment

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

Respectfully submitted by,

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

Tammi M. Dravecz
Assistant Secretary/Treasurer

**Lower Nazareth Township
Bills To Be Approved
January 14, 2015**

GENERAL FUND CHECKING ACCOUNT

Num	Name	Memo	Amount
14974	United States Postal Service	Postage	\$ 2,000.00
14975	Lower Nazareth Township General Fund	Replenish Petty Cash	\$ 66.46
14976	Global Recycling Sales & Salvage	Equipment Purchase	\$ 4,200.00
14977	Nazareth Key	Advertisements	\$ 284.76
14978	Memorial Library of Nazareth & Vicinity	Library Service	\$ 22,758.75
14979	ExxonMobil	Fire Company Fuel	\$ 344.57
14980	Verizon Wireless	Fire Company Wireless	\$ 1,965.62
14981	Fire Apparatus Services	Fire Company Equipment Maintenance	\$ 705.00
14982	Advanced Auto Parts Professional	Fire Co Equipment Parts/Supplies	\$ 210.00
14983	Service Electric Telephone Co.	Fire Company Telephone	\$ 39.31
14984	Service Electric Cable TV Inc	Fire Company Internet	\$ 43.24
14985	Home Depot	Fire Company Supplies	\$ 66.06
14986	Easton Suburban Water Authority	Fire Company Water	\$ 60.15
14987	Fogels Fuel Service	Fire Company Fuel	\$ 1,195.44
14988	Jack Williams Tire Company, Inc.	Fire Company Vehicle Maintenance	\$ 97.90
14989	Nazareth Key	Fire Company Advertisement	\$ 136.92
14990	International Code Council	2015 Membership Dues	\$ 125.00
14991	Lori Peck, OCR	Stenographer	\$ 375.00
14992	The Express Times	Advertisement	\$ 86.60
14993	Sam's Club	Office/Public Works Supplies	\$ 47.14
14994	PPL, Inc.	Traffic Signal/St Light/Municipal/PW/Park Ele	\$ 841.21
14995	PPL, Inc.	Municipal Drive Electricity	\$ 711.54
14996	PA One Call System, Inc.	Monthly Fax Activity	\$ 54.60
14997	Easton Suburban Water Authority	Municipal Bldg Sprinkler	\$ 210.00
14998	Liberty Propane Inc.	Municipal Building Propane	\$ 1,966.23

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GENERAL FUND CHECKING ACCOUNT CONTINUED

Num	Name	Memo	Amount
14999	Easton Suburban Water Authority	Hydrant Assessment	\$ 16,260.00
15000	AT&T	Municipal/Public Works Long Distance	\$ 61.33
15001	Verizon Wireless	Municipal/Public Works Wireless	\$ 396.18
15002	Innovative Designs & Publishing, Inc.	Subscription Renewal	\$ 23.00
15003	Kimball Midwest	Public Works Supplies	\$ 326.02
15004	Staples Business Advantage	Office Supplies	\$ 236.33
15005	Wilson Products	Public Works Supplies	\$ 63.77
15006	Harold's R.V. Center	Public Works Equipment Parts/Supplies	\$ 61.09
15007	Morton Salt, Inc.	Winter Maintenance	\$ 6,827.23
15008	Ike's Equipment Repair	Public Works Equipment Parts	\$ 302.10
15009	PAPCO	Equipment Motor Fuel	\$ 282.36
15010	Stotz & Fatzinger Office Supply	OfficeTax Collection/Zoning Supplies	\$ 278.85
15011	Triad Truck Equipment, Inc.	Public Works Parts/Supplies	\$ 2,020.00
15012	Cumberland Truck Parts	Public Works Equipment Parts/Supplies	\$ 2,880.79
<i>Total General Fund Checking...</i>			\$ 68,610.55

STATE LIQUID FUELS (SLF) ACCOUNT

Num	Name	Memo	Amount
533	Long Fence	Maintenance / Repairs	\$ 2,805.00

RECYCLING/REFUSE ACCOUNT

Num	Name	Memo	Amount
1212	First Regional Compost Authority	1st Quarter 2015 Payment	\$ 4,681.05

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PAYROLL ACCOUNT

January 9, 2015

\$ 30,709.85

MASTER ESCROW CHECKING (LAB)

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
1414	Northampton County Recorder of Deeds	Plan Recording	\$ 35.00
1415	County of Northampton	Parcel ID	\$ 10.00
1416	Kay Builders, Inc.	Escrow Refunds	\$ 14,000.00
1417	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 45,829.41
1418	Asteak Law Offices	Legal Services	\$ 481.25
1419	Kenny Hildebrant	Key Deposit Refund	\$ 25.00
1420	Tom Manos	Key Deposit Refunds	\$ 100.00
1421	Gilmore & Associates, Inc.	Engineering & Consulting Services	\$ 845.99
1422	Met-Ed	Traffic Signal Electricity	\$ 112.91
		<i>Total LAB Master Escrow Account...</i>	<u>\$ 61,439.56</u>