

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
June 22, 2016**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting at the Lower Nazareth Municipal Building on Wednesday June 22, 2016. 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
Eric E. Nagle	-	Supervisor	Timm A. Tenges	-	Manager, Secretary/Treasurer
Robert S. Kucsan	-	Supervisor	Tammi Dravec	-	Assistant Secretary/Treasurer
Martin J. Boucher	-	Supervisor	Lori B. Seese	-	Zoning Administrator

Approval of Minutes

A motion was moved by Mr. Boucher and was seconded by Mr. Green to approve the minutes from the June 8th 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 Financial Report for May 2016.

Old Business

Request for Zoning Map and Text Amendment - Lehigh Valley Hospital (LVH) – Mr. Pennington reported Township Staff has met several times with the applicant as well as with the school district. The supervisors have reviewed all of the information. Solicitor Asteak added that the Township Planning Commission and the Lehigh Valley Planning Commission reviewed the information as well.

Attorney Tim Siegfried, council to Lehigh Valley Health Network (LVHN) was present and requested to speak. He noted that it is important that the Board understand why LVH wants this site. He asked Ed Dougherty, LVHN, to provide additional details. Mr. Dougherty noted that many of their current patients are Northampton County residents. The hospital has received feedback from its patients asking for additional services closer to home. Mr. Dougherty noted that they need to plan for the future because demographics depict that by 2040, 50% of population in Lehigh and Northampton Counties will be 65 or older. They are also predicting a baby boom in the coming years.

LVHN is looking to develop both non-profit and for profit companies as part of the health campus. Services will be high-tech, green, and include special services. They want to be good neighbors and understand the tax impacts. In exchange, LVHN is willing to offer cash, in kind services, and improvements to infrastructure. In closing, the LVHN will save lives, improve lives, offer great good paying jobs, and educational opportunities.

Attorney Tim Siegfried stated that he took note how the Township allocates funds and asked the Board to consider the quality of life for township residents.

Mr. Green made a motion that the Board to consider changing the zoning north of Newburg Road. There was no second to the motion.

Mr. Pennington stated that they don't want to rush into any decisions. The Board reviews all of the information and makes tough decisions. They need to look at all of the effects, including financial. The school district and the county stands to lose millions every year, costing taxpayers money. Municipalities need to provide for all uses and look at the whole picture. With this additional information, Mr. Pennington thinks maybe the Board should take more time to review before making a decision.

Mr. Nagle agreed that the Board needs more time to make a decision. Mr. Boucher also agreed. A decision was tabled until another evening.

Pat Denny, 2718 Cresmont Avenue, stated he was surprised that this information was new to the Board. He noted that the benefits of a hospital far out way the lost tax revenue.

Ron Musselman, 3766 Newburg Road, believes the Board can and should approve this zoning overlay. The hospital would be a welcome neighbor. He stated that he has spoken to School Board members and they are in support of this project, despite the lost tax revenue.

Dick Maurer, 4259 Eisenhower Drive, stated that a hospital would bring much more to this township than a warehouse.

Ginger Bucsher, 2731 Newburg Road, stated that everyone that she has spoken with wants LVH in the community. The Board's job is to protect residents. This is a beautiful option for the development of this land.

Marc Richter, 710 Lexington Road, had concerns about the future for his and other kids'; including job opportunities. These are things to take into consideration when deciding whether his family stays or leaves the area.

Robert Hoyer, 365 Country Club Road, inquired about the IDI & Greek development plans. Mr. Pennington noted that it is not for us to say. If the Board were to approve the overlay the hospital would have to buy out Greek and IDI.

Travis Gerould, 463 School House Road, asked if the Board approves the overlay whether it changes the current zoning. Mr. Pennington answered that is only adds to the possibilities.

Correspondence

Cell Tower – Township Property – Mr. Pennington asked residents to their raise hand, identify themselves, and speak clearly.

Steven DeRoxtra, 651 Mulberry Drive, stated he, his family, and his neighbors are opposed to the installation of the cell tower. He read a prepared statement included a chronology of events, distance from existing towers, and health concerns. Mr. DeRoxtra asked that the Board stop the installation immediately and spoke of other municipalities that listened to their residents and halted or denied applications for communications towers. He stated that the carriers must prove there is a gap in coverage in order to justify the need for this tower. Mr. DeRoxtra believes, through his experience and research, that there is no gap in coverage; thus no need for the tower. He spoke of loss of property value totaling millions of dollars. He again asked the Board to do the right thing and halt the installation immediately.

Mr. Bajwa, 4496 Whitetail Drive, stated that an email from the Township never mentioned about the health disaster from this tower. He reviewed an article and listed the numerous effects of living near a cell tower that

include health problems and lower property prices in a neighborhood. He closed by saying he is opposed to the installation of this tower.

Renae Shepherd, 4485 Whitetail Drive, noted that there are 374 homes in the neighborhood and asked the Board to think if they are doing the right thing? She also questioned with 90 acres, why is the tower placed on the very edge causing the least amount of impact to the Township's property, but affecting the Trio Fields neighborhood.

Craig Kohuth, 4504 Whitetail Drive, spoke of lost revenue from homes that won't sell in this development because of the tower.

Rita Bergstrom, 4488 Whitetail Drive, stated a hospital is a good thing, but asked why this?

Tammy Kenny, 641 Mulberry Drive, stated that there is a law on transparency and this never appeared on an agenda, only in the minutes after the fact, and a short article in the newspaper. Ms. Kenny stated that she would not have bought her home had she known about the tower. She noted that there is another cell tower 190 feet east of the neighborhood. A zoning variance was required and the zoning board approved it. The Lower Nazareth Township Board is appealing that decision. She closed by saying that the residents are not going away; we'll get the FCC involved to prove it is not needed and legal counsel for the lack of transparency on this issue.

Solicitor Asteak read law regulating placement of a cell tower. The Telecommunications Act of 1996 states that "no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio-frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions."

Mr. Pennington stated that the Township and the Board need to look into what we do and do not have control over. The Board hears the residents' comments so we may need to pause the construction in order to review our options. Mr. Boucher made a motion to pause construction so we can review our options. Kucsan seconded the motion.

Solicitor Asteak noted that a permit has been issued and, although we may not want it, he is not sure if we have the legal authority to revoke the permit. He reiterated that the permit was lawfully issued according to the zoning ordinance.

Mr. Green noted that we have a contract with Verizon and is not sure what that means for stopping construction.

Jason Losagio, 4447 Whitetail Drive, mentioned the proposed tower under 3 miles away and questioned how this came to be.

Rachel Lilly, 4502 Whitetail Drive, commented that there are many children in the neighborhood and is concerned about effects of this tower.

Kathy Fisher, 4481 Whitetail Drive, asked if their properties be reassessed due to lower values and so they can pay fewer taxes?

Justine Spath, 627 Mulberry Drive, commented on finding a way to get out of the contract and stated concern about them catching on fire especially with being so close to homes.

When asked who can revoke the permit, Mr. Pennington and Solicitor Asteak reported the zoning officer.

Tammy Kenny, 641 Mulberry Drive, asked about the 3 mile limit and if the interpretation of the zoning ordinance to mean within the Township's borders is actually what was intended.

Steve DeRoxtra, 651 Mulberry Drive, reiterated that the provider needs to proof a lapse in coverage in order to warrant a tower.

John Donofrio, 647 Mulberry Drive, stated that the Board has the power, has heard the residents, so let's do it.

Mr. Green asked Mr. Boucher what he meant by his motion. Mr. Boucher said to pause to see if there is a better location on the 90 acres.

Mr. Pennington noted that a number of issues to be addressed.

Mr. Nagle stated that we have processes to follow and everyone needs to be treated equally.

Solicitor Asteak noted that if we take action there should be a legal reason.

Mr. Pennington stated that the staff will get answers and address the questions and issues and report back. Ms. Seese stated she is aware that the home owners association (HOA) has a blast to get the info out to residents. Updates will be sent to the HOA.

The Board voted 4-1. Mr. Nagle opposed. The motion carried. Solicitor Asteak noted that the Board is vulnerable to breach of contract.

Subdivision and Land Development

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

Supervisors' Comments

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

Mr. Nagle asked how Senator Casey is now involved with the Northampton Crossings issue with retail theft and the time CRPC spends in that shopping center. Mr. Tenges commented that there was an article in the paper about WalMart's impact on communities which most likely prompted this action.

Manager's Report

Time Extension Report – Mr. Tenges reported that the Township accepted a time extension for the Route 33 Logistics / IDI Land Development Plan through September 15, 2016.

Insurance Requirement per New Traffic Regulations Ordinance – This new insurance requirement includes local block parties. The staff believes that is not appropriate to require that from them but is requesting guidance from the Board. There was a brief discussion. Mr. Green made a motion and it was seconded by Mr. Nagle to waive the insurance requirement for neighborhood block parties. The motion carried.

Cell Tower – Mr. Tenges notes that neither Ms. Seese himself will follow the directive to revoke the permit. Mr. Tenges wants Solicitor Asteak to be involved. Mr. Kucsan noted that the residents made good points and asked if they are right. Solicitor Asteak replied that there are files of information that they are wrong on the health issues. He also commented that the distance is our interpretation of the zoning ordinance.

Engineer's Report

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

Solicitor's Report

ProLogis Tax Assessment Appeals – K8 10 7 & L6 17 4 – Solicitor Asteak reported that the Township previously agreed to follow the school district's lead on this appeal. A motion was moved by Mr. Nagle and was seconded by Mr. Kucsan to execute decision. The motion carried.

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 June 22, 2016. The motion carried.

Courtesy of the Floor

Robert Hoyer, 365 Country Club Road, commended Mr. Pennington for handling tonight's meeting. Others still in attendance agreed with Mr. Hoyer's comments.

Adjournment

The meeting adjourned at 8:45 PM.

Respectfully submitted by,



Tammi Dravec
Assistant Secretary/Treasurer

**Lower Nazareth Township
Bills To Be Approved
June 22, 2016**

GENERAL FUND CHECKING ACCOUNT

Num	Name	Memo	Amount
16354	Pizza Joe's Italian Restaurant	Summer Park Program	\$ 170.00
16355	Angela Doone	Summer Park Program	\$ 20.00
16356	Verizon Wireless	Municipal/Public Works Wireless	\$ 395.68
16357	The Morning Call	Subscription Renewal	\$ 79.92
16358	ReadyRefresh by Nestle	Municipal Bottled Water	\$ 36.95
16359	France Anderson Basile and Company, P.C	Auditing Services	\$ 1,640.00
16360	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 2,342.38
16361	Diana Wallbillich	Summer Park Program	\$ 44.15
16362	Integra One	Computer Services	\$ 625.00
16363	SiteOne Landscape Supply	Facilities Maintenance	\$ 108.18
16364	Cumberland Truck Parts	Public Works Tools/Equipment/Supplies	\$ 34.08
16365	Master Supply Line	Parks/Public Works/Municipal Building Suppli	\$ 433.48
16366	Giles & Ransome, Inc.	Public Works Equipment Parts/Supplies	\$ 90.00
16367	Deer Country Farm & Lawn, Inc.	Public Works Equipment Parts/Supplies/Repai	\$ 479.22
16368	Tommy's Small Engine Repair	Public Works Tools/Equipment Repairs	\$ 84.00
16369	Valley Industrial Rubber Products	Public Works Equipment Parts/Supplies	\$ 75.30
16370	Bath Supply Co., Inc.	Facilities Maintenance / Shop Tools	\$ 182.89
16371	New Enterprise Stone & Lime Co., Inc.	Paving and Patching Material	\$ 112.34
16372	PAPCO	Equipment Motor Fuel	\$ 355.70
16373	Integra One	Software Maintenance	\$ 209.34
16374	Martin Stone Quarries, Inc	Park Supplies	\$ 662.83
16375	Whitehall Turf Equipment	Equipment Parts/Supplies	\$ 507.76
16376	Advanced Auto Parts Professional	Public Works Equipment/Parts/Supplies	\$ 300.62
16377	Sam's Club	Public Works/Municipal/Park Supplies	\$ 538.84
16378	PetroChoice	Equipment Parts/Supplies	\$ 447.08

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GENERAL FUND CHECKING ACCOUNT

Num	Name	Memo	Amount
16379	Northampton County Seed Company, Inc.	Park Maintenance	\$ 370.00
16380	J. Smith's Automotive, Inc.	Equipment Repairs	\$ 32.40
16381	Service Electric Cable TV Inc	Fire Company Internet	\$ 44.35
16382	Service Electric Telephone Co.	Fire Company Telephone	\$ 42.96
16383	Verizon Wireless	Fire Company Wireless	\$ 473.66
16384	Asteak Law Offices	Legal Services	\$ 6,664.55
16385	Safeguard Business Systems	Office Supplies	\$ 138.30
16386	Eastern Telephone & Telecommunications	Telephone Maintenance	\$ 1,809.50
16387	Hicks Portable Toilets	Temporary Restrooms	\$ 215.00
<i>Total General Fund Checking...</i>			\$ 19,766.46

MASTER ESCROW CHECKING (LAB)

Num	Name	Memo	Amount
1603	Met-Ed	Traffic Signal Electricity	\$ 99.59
1604	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 2,295.00
1605	Gilmore & Associates, Inc.	Engineering & Consulting Services	\$ 1,709.02
1606	Premier Land Company	Escrow Refund	\$ 2,240.00
1607	Sterling Crossing, LLC	Escrow Refund	\$ 4,023.00
1608	Kay Builders, Inc.	Escrow Refund	\$ 9,000.00
<i>Total Master Escrow Checking...</i>			\$ 19,366.61

LOWER NAZARETH SEWER DEPARTMENT ACCOUNT

Num	Name	Memo	Amount
903	PPL Electric Utilities	Meter Electricity	\$ 22.52

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OPEN SPACE ACCOUNT

Num	Name	Memo	Amount
638	All-Phase Electric Supply Co.	Capital Construction	\$ 700.37

REFUSE/RECYCLING ACCOUNT

Num	Name	Memo	Amount
1231	Hicks Portable Toilets	Temporary Restrooms	\$ 75.00

DEVELOPMENT & INSPECTION ACCOUNT

Num	Name	Memo	Amount
1829	CodeMaster Inspection Services, Inc.	Building Inspection Services	\$ 15,997.50

PAYROLL ACCOUNT

June 24, 2016

\$ 38,615.11

CAPITAL RESERVE EQUIPMENT REPLACEMENT ACCOUNT

Num	Name	Memo	Amount
Cert Check	BestLine Equipment	Capital Purchase	\$ 21,750.00