

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
October 10, 2007**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting on Wednesday October 10, 2007. The Vice-Chairman called the meeting to order at 6:04 PM.

Present were:

*Dr. Alan Dilsaver - Chairman	Timm A. Tenges - Manager, Secretary/Treasurer
Robert S. Kucsan - Supervisor	Tammi Dravec - Assistant Secretary/Treasurer
Eric E. Nagle - Vice Chairman	Lori B. Seese - Zoning Administrator
Ricky T. Johnson - Supervisor	Kelly J. Sullivan - Office Clerk
Patrick J. Murphy - Supervisor	Gary Asteak - Solicitor
	Albert Kortze, P.E. - Engineer

* Dr. Dilsaver arrived late (7:48 PM)

Approval of Minutes

Motion to approve the meeting minutes from September 26, 2007 was moved by Mr. Kucsan and was seconded by Mr. Johnson. The motion carried.

Reports

Mr. Nagle acknowledged the receipt of the Zoning Administrator's Report for September 2007 and the Hecktown Vol. Fire Company September 2007 Incident Report.

Correspondence

There was no discussion under correspondence.

Subdivision/Land Development

Everson Tesla Revised Final Plan - Motion to adopt Resolution LNT-26-07 was moved by Mr. Kucsan and was seconded by Mr. Johnson noting that conditions as outlined in Mr. Kortze's letter dated September 24, 2007 are met along with Mr. Tenges comments that curbing and roadway improvements are to occur during Phase 1.

Trio Farms Clubhouse Time Extension - Motion to grant the time extension was moved by Mr. Kucsan and seconded by Mr. Johnson.

Supervisor's Comments

Mr. Kucsan offered his congratulations to the Hecktown Volunteer Fire Company on receiving an award from the Burn Prevention Foundation and the Regional Burn Center of Lehigh Valley Hospital for their efforts in burn and fire prevention.

Dr. Dilsaver, Mr. Murphy, Mr. Johnson and Mr. Nagle had no comments.

Manager's Report

AG Security Program – Mr. Tenges updated on the progress of the move to place a parcel of land owned by Henry Yeska into the AG Security Program. Mr. Yeska and Upper Nazareth have met certain requirements and we will move forward with this.

The Ag Security Committee was mentioned in that there is a need to fill a vacancy on the committee however the fulfillment of that vacancy is not a requirement to move forward.

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Mr. Kuscan stated that he had spoken to Beverly Hoyer and she stated that she had someone in mind to fill the seat. Mr. Kuscan will follow up on the status in that regard.

Firemen's Relief - Mr. Tenges stated that back in 1994 the Board authorized the split of these funds to be distributed between Hecktown Volunteer Fire Company and Hecktown Volunteer Ambulance Corps. The funds have been split 2/3 and 1/3 respectively. Mr. Tenges stated he was contacted by Jeff Seip with a request to return all of the funds back to the Fire Company. Mr. Tenges feels that in light of recent events at the Hecktown Volunteer Ambulance Corps and the fact they are self sustaining, now is the time to rightfully return the money back to the Fire Company. Mr. Tenges stated he had contacted the Auditor General's office and they concurred there would be nothing to prevent this action.

A motion was moved by Mr. Kuscan to cease funding the Hecktown Volunteer Ambulance Corps with Firemen's Relief Funds and to provide all of those funds directly to the Hecktown Volunteer Fire Company. This motion was seconded by Mr. Murphy.

Local Services Tax (LST) – Mr. Tenges reminded the Board that Mr. Asteak was authorized to advertise the new Ordinance at the September 26, 2007 BOS meeting. Mr. Asteak said that he would require an estimate on the anticipated funds this Ordinance would generate. Mr. Asteak stated the he is required to advertise for 3 weeks.

Burn Prevention Foundation and the Regional Burn Center of Lehigh Valley Hospital Award - Mr. Tenges acknowledged he attended the ceremony wherein the Hecktown Volunteer Fire Company received an award for their efforts in burn and fire prevention. He offered his congratulations to Jeff Seip and the entire Fire Company.

2008 Budget - Mr. Tenges advised the Board that he is preparing to provide the Board with a draft budget between now and the next meeting and anticipates asking for authorization to advertise in November.

Lehigh Valley Planning Commission Council Of Governments - Mr. Tenges stated he attended, along with Lori Seese, the Lehigh Valley Planning Commission Council of Governments Comprehensive Plan meeting.

Northampton County Association of Township Officials Convention - Mr. Tenges commented on the great success of the Northampton County Association of Township Official's convention held on Friday October 5, 2007. Mr. Tenges thanked everyone for their help and participation.

Engineer's Report

Sterling Oaks (Hidden Oaks II, Phase V) Letter of Credit Reduction - Mr. Kortze reviewed his letter dated October 9, 2007 recommending a reduction from \$308,800.96 to \$136,603.37. Motion to approve the \$172,197.59 reduction was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

Mr. Tenges asked Mr. Kortze whether he had taken into consideration the letter from the Conservation District in developing his evaluation. Mr. Kortze acknowledged that "yes" he had.

Carpenter's Church Letter of Credit Reduction - Mr. Tenges addressed the fact that the action taken at the last Board meeting of September 26, 2007 will require a reversal of said action taken to accept Mr. Kortze's Letter of Credit Reduction. Mr. Kortze will review and report back with an updated Letter of Credit reduction for the November 14, 2007 meeting.

Solicitor's Report

Realty Transfer Tax Ordinance #191-10-07 - Mr. Asteak reviewed the Realty Transfer Tax Ordinance. A motion to adopt said ordinance was moved by Mr. Johnson and seconded by Mr. Kuscan. The motion carried.

Intergovernmental Cooperation Agreement Ordinance #193-10-07 - Mr. Asteak reviewed the Intergovernmental Cooperation Agreement regarding the purchase, ownership and management of the property located at 248 Brodhead Road. A motion to adopt said ordinance was moved by Mr. Kuscan and seconded by Mr. Johnson.

Trio Farms Reimbursement Agreement - Mr. Asteak reviewed the Reimbursement Agreement. A motion to approve execution was moved by Mr. Johnson and seconded by Mr. Murphy.

Ashley Development Sewer Easement – Mr. Asteak read aloud a response letter from Mr. Pierce wherein it stated that satisfactory easements to the Authority have not yet been received. After further discussion with Mr. Broughal, Mr. Asteak was confident that it should proceed and with that Mr. Murphy motioned to adopt Resolution LNT-27-07 and seconded by Mr. Kuscan.

Uniform Construction Code Appeals Board - Mr. Asteak advised they received their first Nazareth Council of Governments Uniform Construction Code Appeal. The Appeal was submitted for the business known as “Redheadz.” Both Mr. Tenges and Lori Seese were under the impression that this was a non-issue as a Building Permit was issued.

Emergency Services Mutual Aid Agreement – Mr. Asteak expressed he reviewed the Agreement and a motion to advertise was moved by Mr. Johnson and seconded by Mr. Murphy.

Old Business

There were no comments under Old Business.

New Business

There were no comments under New Business.

Payment of the Bills

Motion to approve the bills dated October 10, 2007 was moved by Mr. Johnson and seconded by Mr. Johnson. The motion carried.

Courtesy of the Floor

There were no comments under Courtesy of the Floor.

THE BOARD TOOK A 10 MINUTE RECESS AT 6:40 PM

Conditional Use Hearings

Green Acres – CU2007-04 – Continuation – The hearing opened at 6:40 PM. Mr. Asteak referred to a letter from Carl Swartzentruber dated October 8, 2007 wherein a continuation through November 30, 2007 was requested. A motion to continue the hearing until the November 30, 2007 meeting was moved by Mr. Johnson and seconded by Mr. Kuscan.

At this time it was brought to the attention of the Board by Mr. Tenges that Green Acres requested a continuation “through” November 30 but not necessarily needing that length of time to proceed and with acknowledged that Green Acres would be carried over to the November 14, 2007 meeting.

After an amendment to Mr. Johnson’s original motion, the motion carried. The hearing will be held at the Nazareth Area Middle School.

Brown-Daub Suzuki – CU2007-05 – The hearing was opened at 7 PM.

Present were: Applicant Andy Daub, Attorney Graham Simons and Engineer Brian Dillman.

Mr. Asteak noted that the property in question was duly posted, advertised and adjoining property owners within 200 feet were notified of the hearing.

Attorney Simons questioned Mr. Daub regarding the specifics related to the site and its intended use.

Mr. Tenges provided some commentary regarding the potential for site obstruction at the intersection of Jandy Blvd. and S. Broad Street and recommended to the Board that they request further evaluation be done to decide whether a multi-directional stop be placed at that intersection.

Mr. Kuscan questioned whether entry and exit signs would contain radioactive gases.

Mr. Daub asked whether the Board though the monument sign designated at the intersection of Jandy Blvd. and S. Broad Street would be better replaced with a pillar type sign to help alleviate any site distance obstructions.

Mr. Kuscan motioned to approve the application with conditions as they relate to the SALDO and the need for additional studies on traffic and the site line obstruction referred to by Mr. Tenges earlier. Mr. Johnson seconded the motion.

The hearing closed at 7:30 PM.

THE BOARD TOOK A 15 MINUTE RECESS AT 7:33 PM

Dr. Dilsaver arrives at 7:48 PM.

Industrial Developments International (IDI) – CU2007-02 – Continuation – The hearing was reopened at 8:02 PM.

Present were: Attorney Blake Marles, Fidel Gonzalez, a representative from IDI, Michael Szura of Langen Environmental Services, Attorney Charles Bruno, Engineer Brian Dillman, and Attorney Renee Feretti for Palmer Township.

The hearing started with a continuation of cross from Attorney Renee Feretti of Mr. Gonzalez questioning such items as berms, landscaping elements, elevations, site lines, the PP&L easement, the potential for the property to be fenced, building roof pitch, queing of tractor trailers and whether there were any geotechnical studies done due to the fact that the area is prone to sink holes.

Mr. Gonzalez noted that much of the concern which is being expressed will be addressed if and when Conditional Use approval is given, that many of the issues that are being questioned now are not required to be addressed during this phases but will be addressed when they are able to move to the Land Development Phase of the project.

Attorney Feretti questioned Mr. Gonzalez regarding the concern for air quality from all the queing tractor trailers.

In redirect of Mr. Gonzalez by Mr. Marles, Mr. Gonzalez was asked whether he had any personal air quality expertise and Mr. Gonzalez responded “no.”

Mr. Marles provided Exhibits #25A-G which reflected aerial views of other warehouse facilities comparable to the proposed IDI facility and Exhibit#26 which was a Memorandum from Rettew which provided for additional crash data and Exhibit #27 titled HRG, Inc. Noise Monitoring Activities.

Attorney Bruno interjected that the Board should not review the new exhibits provided by Attorney Marles until the experts were available to substantiate the Exhibits and be accessible for cross. At this time Mr. Asteak commented that Exhibits #25A-G and #26 would not be provided to the Board until such

time the experts become available to cross. Attorney Marles said he would have the experts return in November.

THE BOARD TOOK A 5 MINUTE BREAK AT 9:00 PM

At 9:16 PM the floor was open to questions:

Ginger Buchser, 2731 Newburg Road, inquired on the height of the berm and the evergreens to be planted on top of the berm. Ms. Bucher also questioned whether there would be a berm between the resident living on Newburg Road and the buildings. Mr. Gonzalez responded that the berms are between 5'-6' high and the trees would be a minimum of 5'.

Ron Musselman, 3766 Newburg Road, inquired about the septic for the buildings and whether that would affect those residents with wells on their properties. Mr. Gonzalez responded that a Geotechnical Study would be completed by DEP.

Sherry Zimmermann, 220 Brentwood Avenue, inquired on whether there was a bladder provided for sewage. Mr. Gonzalez answered explaining that there would be an on-lot septic system and what that would include. Ms. Zimmermann also spoke of the flooding that occurs on Brentwood and asked what would happen at that location once the buildings were up. Mr. Gonzalez explained a drainage analysis is not required during the Conditional Use process but would be addressed in the Land Development Phase. Ms. Zimmermann also questioned sound barrier walls for sound and light protection. Mr. Gonzalez stated he could not comment as he was not a sound expert.

Frank Ferraina, 1 Brentwood Avenue, inquired on what is being done for noise abatement. Mr. Gonzalez stated that he is not a sound expert and cannot comment.

Sandra Levisay, 2701 Auburn Avenue, questioned the purpose of the berms. Mr. Gonzalez stated they act as a buffer between properties. Ms. Levisay questioned why there was no berm located by the children's park. Mr. Gonzalez stated that that area is a low area and may hinder drainage. Ms. Levisay also asked what was reflected on the plans where it was colored gray. Mr. Gonzalez stated the gray areas were designated parking areas.

Lynn Brumfield, 207 Oxford Drive, Ms. Brumfield questioned how underground detention works and where would it be located. Mr. Gonzalez explained that there is a series of pipes which retain the water and are designed to allow the water to drain more slowly. The underground detention is located East of Building A under the parking lot.

Frank Vinson, 210 Oxford Drive, questioned what is going to be done regarding the drainage on Oxford Street when it already floods and now will be accepting more water from the project. Mr. Gonzalez stated when they reach the Land Development Phase those issues will be fully addressed.

Gena Fortner, 222 Brentwood Drive, questioned what improvements are planned to allow the drain on Oxford Street to accept more water since it can't handle the existing water. Mr. Gonzalez stated that they will work with Palmer Township once they get to the Land Development Phase to improve the drainage at that location and that at that time full plans will be developed regarding drainage

Richard Bath, 204 Oxford Drive, questioned Mr. Gonzalez of his understanding of the flooding issue on Oxford Street. Mr. Gonzalez stated he is aware there is a flooding concern in the low lying areas.

Pat McPherson, 214 Oxford Drive, offered to supply blown-up photographs of Oxford Street if Mr. Gonzalez thought that would help.

Attorney Marles called Expert Witness Michael Szura of Langen Environmental Services to testify regarding issues related to Lighting and entered into record the following additional Exhibits:

Exhibit#28: IDI Lighting Plan, Drawing No. 9149700, dated 10/10/07

Exhibit#29: Lighting Details for IDI – Merritt Brown - Cut-Off Terminology Diagram

Exhibit#30: Lighting Details for IDI – Merritt Brown - McGraw Edison Dark Sky Compliant Lighting Fixture Diagram.

Exhibit#31: Lighting Details for IDI – Merritt Brown - Gardco Lighting 140 Line performance Super Sconce Fixture Diagram.

Exhibit#32: Lighting Details for IDI – Merritt Brown - Glare Shield Diagram.

Exhibit#33: Lighting Details for IDI – Merritt Brown – Approximate Limits of Glare Diagram.

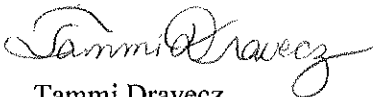
Exhibit#34: Palmer Township Ordinance – Sections 190-161 Light and Glare Control through 190-164 Tree Preservation and Section 190-168 F. Nighttime Illumination

The hearing ended at 10:30 and will be continued on November 14th at the Nazareth Area Middle School. The Township meeting will begin at 6 PM and conclude with the continuance of the IDI Hearing.

Adjournment

Motion to adjourn the meeting was moved by Mr. Johnson and seconded by Mr. Nagle. The meeting was adjourned at 10:30 PM.

Respectfully submitted,



Tammi Dravec
Assistant Secretary/Treasurer

TD/kjs