

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
January 23, 2008**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday January 23, 2008. The Chairman called the meeting to order at 7:30PM.

Present were:

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

Absent was: Lori B. Seese, Zoning Administrator  
Patrick J. Murphy, Supervisor

**Approval of Minutes**

A motion was moved by Mr. Nagle and seconded by Mr. Johnson to approve the meeting minutes from January 9, 2008. The motion carried.

**Conditional Use Hearing – Continuation**

Gary Asteak stated that the evidence and comment portions of the hearing are over and tonight the Board will be hearing oral arguments from the attorneys.

Renee Feretti thanked the Board for their attention during the hearing. She stated that this is a unique situation in that it is bounded by residences. This land is farmland and is an unforeseen use to those who have been living there for the last 20-30 years. This project would cause a negative impact and change the desirable character of the neighborhood. Ms. Feretti said that although IDI states that they have existing warehouses near homes, they did not bring any of those residents in to testify to the conditions. Maybe if they had done so, she may have been convinced that it won't be as bad as the Palmer residents fear.

Ms. Feretti also commented on the air quality. She does not understand why IDI is not concerned and why they fought so hard against the testimony to the negative impact on air quality. If they think it will not be harmful they should have brought experts to prove that.

In closing she asked that if the Board does decide to approve this project, that they give careful consideration to the conditions suggested.

Charles Bruno also commented that this is out of the ordinary. This property is right next to a residential neighborhood. Those residents went to their Board and in response to their concerns, the Palmer Township Board of Supervisors sent their solicitor to the IDI hearings.

In closing, he asked if the Board does approve this project, to consider the conditions proposed by Palmer Township and IDI, in addition to any conditions that address Lower Nazareth Township's concerns.

Blake Marles stated that whether residents thought to check or not, they had 20 years to check on the zoning of that property. Residents were delusional to think it would never be developed, especially with the property being located near a highway. Mr. Marles reviewed the various approved uses for the property and stated that this is as benign as it gets. IDI has attempted to minimize the impact by designing the buildings to look more like office buildings.

In closing, Mr. Marles stated that this project is considered a warehouse & distribution center, not a truck terminal. He stated that Mrs. Seese, the Planning and Zoning Administrator made this determination in

her August 16, 2007 letter. A notice of this determination was advertised in the Morning Call on August 27<sup>th</sup> and September 9<sup>th</sup>; thus the 30-day appeal period has expired. Mr. Marles provided the Board with that letter and proof of publication for the advertisement.

Mr. Asteak complimented council on their representation. The Board now has 45 days to render an opinion. They can deliberate this evening or defer that decision until the next Board meeting on February 27, 2008. Motion to defer deliberation until February 27<sup>th</sup> was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried unanimously.

### **Reports**

Dr. Dilsaver acknowledged the receipt of the 2005-2006 Audit Report for the Hecktown Vol. Firefighter's Relief Association.

### **Correspondence**

There were no comments under Correspondence.

### **Subdivision/Land Development**

Brown-Daub Chevy Volvo – Conditional Use Application – Time Extension – The applicant granted the Township a time extension through March 31, 2008. Motion to accept the time extension was moved by Mr. Nagle and seconded by Mr. Johnson. The motion carried unanimously.

### **Supervisor's Comments**

Mr. Kucsan attended a meeting with representatives from Bath Borough and Hanover Township to discuss pending litigation related to the Colonial Regional Police Department. Mr. Nagle also attended that meeting. Mr. Asteak stated there would be an executive session after the meeting to discuss that matter.

Dr. Dilsaver attended the baseball meeting and stated that people were unhappy about the additional fee for non-residents.

Mr. Johnson had no comments.

### **Manager's Report**

Emergency Management Plan - Adoption – Mr. Tenges stated that there will be a few modifications made to the plan, but it needs to get to the county. The implementation date will be January 1<sup>st</sup>. A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to adopt the plan. The motion carried unanimously.

Masonry Mailbox Agreement – This mailbox agreement is for Frank Tarantino. A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to approve the agreement. The motion carried unanimously.

Easton Hospital – Subdivision Improvements Agreement – Authorization to Execute – Mr. Tenges commented that a few minor changes need to be made to the agreement; mainly that Regency is putting up the security. A motion was moved by Mr. Nagle and seconded by Mr. Johnson to authorize execution of the agreement, upon the satisfaction of Mr. Tenges and Mr. Asteak. The motion carried unanimously.

### **Engineer's Report**

There were no comments under Engineer's Report.

### **Solicitor's Report**

There were no comments under Solicitor's Report.

### **Old Business**

There were no comments under Old Business.

**New Business**

There were no comments under New Business.

**Payment of the Bills**

A motion was made by Mr. Nagle and seconded by Mr. Kucsan to approve the bills dated January 23, 2008. The motion carried unanimously.

**Courtesy of the Floor**

Mr. Nagle commented that he received a letter from The Board of Directors of the Lower Nazareth Township Baseball Program. The letter was mailed to his home and addressed Mr. Nagle as Chairman. The letter should have been mailed to Lower Nazareth Township and addressed to all Board members.


*At 8:30PM, a motion was moved by Mr. Nagle and seconded by Mr. Johnson to adjourn to executive session to discuss current litigation. The motion carried.*

The Board returned from executive session at 9:28PM. A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to authorize Solicitor Asteak to communicate with Attorney Kratz from Bath Borough the thoughts of the Board regarding the Colonial Regional Police Commission litigation. The motion carried.

**Adjournment**

A motion to adjourn was moved by Mr. Nagle and seconded by Mr. Johnson. The meeting was adjourned at 9:33PM.

Respectfully submitted,

  
Tammi M. Dravec  
Asst. Secretary/Treasurer