

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
August 4, 2010**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday August 4, 2010. The Vice Chairman called the meeting to order at 6:30 PM.

Present were:

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

Absent was:

Eric E. Nagle	- Chairman
Ricky T. Johnson	- Supervisor

### **Approval of Minutes**

A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to approve the meeting minutes for June 9, 2010. The motion carried.

Approval of the meeting minutes from June 21, 2010 and July 14, 2010 were deferred to the next meeting due to a lack of quorum from those meetings.

### **Reports**

*Reports are available for review at the Township Office and are posted on the Township's website.*

Mr. Kucsan acknowledged the receipt of the Financial Statement for June 2010, the Planning & Zoning Administrator's Report for April & July 2010, and the Hecktown Volunteer Fire Company Incident Report for July 2010.

### **Correspondence**

There were no items to discuss under Correspondence.

### **Conditional Use Hearings**

Northwood Surgery Center – Atul K. & Patrice Amin - #CU2010-02 – The hearing began at 6:33pm. Present for the hearing: Tim Charlesworth, Attorney; Amit Mukherjee, P.E., Base Engineering; Bob Wilke, CMG of Easton, and Chitu Patel. Mr. Charlesworth, Mr. Mukherjee, and Mr. Jeitner provided an overview of the project which will convert the existing surgery center into an 18-bed specialized hospital. The hospital would be open 24/7 and patients would be permitted to stay up to 3 days. The first floor of the building would be for emergency care and the third floor will remain as outpatient care. The second floor will be modified to accommodate the 18 bed for patients who are admitted to the hospital. Two elevators are required so an additional elevator will be installed outside the building. Installing the additional elevator inside the building would be financially unfeasible. The increase to the footprint of the building is about 22feet x 25feet. A large external oxygen tank will be installed on a concrete pad near the building. The tank will have a 2-hour wall and will connect to the building by a 2-inch line which will be buried underground.

Mr. Patel reviewed the services they intend to provide which include surgeries where patients may need to spend the night and a cath lab for heart patients. There will be no mental health services or trauma patients.

Mrs. Seese questioned why on the Hampton Inn's website the room capacity numbers were adjusted to meet their parking needs and if the occupancy loads for each room was posted. Mr. Patel stated they would provide the information.

The hearing closed at 7:34pm. A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to grant conditional use approval with conditions. The motion carried.

DHD Ventures Retail Center - #CU2010-01 – Present for the hearing was James Preston, Attorney; Ana Martins, P.E., VanCleaf Engineering; and Eric Gibson, DHD Director of Development. The proposed plan is for a large store and four (4) retail shops. The lot is located in both Lower Nazareth Township and Nazareth Borough; however the majority of the building is in Lower Nazareth. The entire building will be constructed at one time but the final retail store would be built in the future.

It was suggested that the applicant be mindful of the available parking when they rent the units to tenants. This includes limiting the number of restaurants.

Mr. Tenges commented on the need for an intermunicipal agreement with Nazareth Borough.

Public comments included questions about possible tenants and the tree line along route 248.

Mr. Kortze reviewed his July 13, 2010 letter. Mrs. Seese requested copies of approval letters from Nazareth Borough. Mr. Preston said he would see that the letters would be provided to the township.

The hearing closed at 8:22pm. A motion was moved by Mr. Boucher and was seconded by Mr. Pennington to grant condition use approval with conditions, including parking. The motion carried.

### **Subdivision and Land Development**

Premier Land Development – Zoning Map Amendment – Mr. Tenges reported that the applicant asked to be removed from tonight's agenda and placed on the agenda for our next meeting on September 22, 2010.

Buffalo Wild Wings – Revised Final Land Development – Resolution #LNT-14-10 – Michael Jeitner, Bohler Engineering, gave a brief presentation on the amended plan. The main difference is a change to the footprint of the building. Mr. Kortze reviewed his July 29, 2010 letter recommending revised final land development approval. A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to approved Resolution #LNT-14-10. The motion carried.

C & S Wholesale – Revised Final Land Development – Resolution #LNT-15-10 – Dennis Mead presented the proposed changes to C & S Wholesale. This plan will provide an additional stacking area and get the trucks off of Keystone Drive. Mr. Kortze reviewed his July 29, 2010 letter recommending revised final land development approval. A motion was moved by Mr. Boucher and was seconded by Mr. Pennington to approved Resolution #LNT-15-10. The motion carried.

### **Supervisors' Comments**

Mr. Pennington attended the Colonial Regional Police Commission (CRPC) meeting for Mr. Nagle.

Mr. Kucsan and Mr. Boucher had no comments.

### **Manager's Report**

Road Rehabilitation Project – LNT-02-10 – Mr. Tenges reported on the bids received for the project. E.J. Breneman came in with the lowest bid at \$465,353.00. This amount is approximate. A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to award the bid to E.J. Breneman. The motion carried.

Zoning Hearing Board Resignation / Vacancy – Mr. Clearie has resigned from the Zoning Hearing Board. A new appointment is needed. Interested parties should submit a letter of interest to the Board of Supervisors. A thank-you letter will be sent thanking Mr. Clearie for his time on the board.

MS4 Workgroup – Mr. Tenges reported that he has been asked to be part of a statewide PSATS group.

Proposal to Procure Used Equipment – Mr. Tenges reported that work is progressing on the township property. The road projects provide material for the road network and parking areas.

Mr. Kortze estimated that site work for the municipal complex, with labor and equipment, would be approximately \$300,000.00. Mr. Tenges proposed the Board consider acquiring the equipment to do the work in house, by our experienced staff. This would be a cost savings for the township. The site work can be completed at our own pace and we also would be able to construct the sports fields. The equipment would be stored at the property and would be under a cover that we would erect.

In order to procure used equipment, we would need to seek bids in the newspaper. A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to authorize Mr. Tenges to seek bids for the procurement of used equipment. The motion carried.

#### Engineer's Report

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

#### Solicitor's Report

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

#### 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 made by Mr. Boucher and seconded by Mr. Pennington to approve the bills dated August 4, 2010. The motion carried.

#### Courtesy of the Floor

Christy Vishnesky, 4267 Gradwohl Switch Road, complained about the propane bird cannon used by Faust Produce. She asked the Board for relief from the loud shotgun like blasts that are a nuisance and unbearable. Ms. Vishnesky claimed the cannon is going off twice every minute starting at 6:00am in the morning, 7 days a week; which she reported isn't even the appropriate use of the device. The neighbors have approached Mr. Faust, without any resolution.

There was a brief discussion on daytime noise parameters and normal agricultural use. Unless we can demonstrate that this is not a normal agricultural practice, Solicitor Asteak reported that the township's hands are tied and

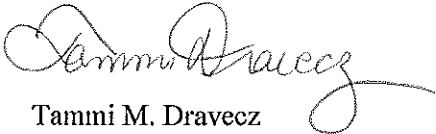
recommended Ms. Vishnesky and the neighbors handle it privately and hire a lawyer. She was also told to contact Penn State Ag Extension at Gracedale.

James Bernsaki, 521 Mountain View Road, spoke on behalf of the residents that live near Lower Nazareth Elementary School, when he thanked the Board of Supervisors for their support. He reported that he attended the School Board Meeting and they voted to hire an attorney to appeal the BOS decision. Solicitor Asteak stated that the case would be heard at the Court of Common Pleas at the Northampton County Courthouse.

**Adjournment**

A motion was moved by Mr. Pennington and seconded by Mr. Boucher to adjourn the meeting at 9:10PM.

Respectfully submitted by,



Tammi M. Dravec  
Asst. Secretary/Treasurer

**Lower Nazareth Township  
Bills To Be Approved  
August 4, 2010**

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b><u>GENERAL FUND CHECKING ACCOUNT</u></b>			
PAID ONLINE	Chase Card Services	Equipment Motor Fuel/Summer Park/ Public Works	\$ 1,201.33
10954	Metz Amusements & Concessions	Summer Park Program	\$ 325.00
10955	Eastern Industries, Inc.	Aggregate Supplies	\$ 334.24
10956	Safeguard Business Systems	Office Supplies	\$ 105.51
10957	Met-Ed	Street Light Electricity	\$ 118.25
10958	Mr. John	Temporary Restrooms	\$ 619.50
10959	Deer Park	Municipal Bottled Water	\$ 18.82
10960	Turf Equipment and Supply Co., LLC	Public Works Equipment Parts/Supplies	\$ 112.71
10961	Highway Materials, Inc.	Paving Maintenance	\$ 8,061.06
10962	Northampton County Seed Company, Inc.	Public Works /Park Maintenance	\$ 297.26
10963	Integra One	Software Maintenance	\$ 144.00
10964	Herceg Hauling	Trash Removal	\$ 250.00
10965	Easton Suburban Water Authority	Fire Company Water	\$ 394.08
10966	ExxonMobil	Fire Company Equipment Motor Fuel	\$ 833.08
10967	PPL, Inc.	Fire Company Electricity	\$ 642.48
10968	Witmer Public Safety Group	Fire Company Equipment Parts/Supplies	\$ 1,436.50
10969	Rush Uniform Inc.	Fire Police Uniform Supplies	\$ 60.50
10970	D&A Emergency Equipment	Fire Company Equipment Repairs	\$ 486.00
10971	BWP-Carquest Auto Parts	Fire Company Equipment Parts/Supplies	\$ 38.91
10972	Chief Supply, Inc.	Fire Company Equipment Parts/Supplies	\$ 52.07
10973	Kistler O'Brien	Fire Company Equipment Repair	\$ 122.30
10974	Horwith Freightliner	Fire Company Equipment Maintenance	\$ 221.93
10975	Micro Fleet Services, Inc.	Fire Company Parts/Supplies	\$ 399.22
10976	UPS Freight	Fire Company Postage	\$ 68.00
10977	Nextel Communications	Fire Company Wireless	\$ 330.60
10978	Micro Fleet Services, Inc.	Fire Police Supplies	\$ 27.50
10979	Selective Insurance Company of America	Workers Compensation	\$ 3,059.00
10980	The Express Times	Zoning Hearing / Bid Advertisements	\$ 804.80
10981	Verizon	Municipal Office/Public Works Telephone	\$ 526.37
10982	Tammi Dravec	Summer Park Supplies	\$ 41.59
10983	Verizon	Fire Company Telephone	\$ 389.41

**Lower Nazareth Township**  
**Bills To Be Approved**  
August 4, 2010

**GENERAL FUND CHECKING ACCOUNT CONTINUED**

10984	Staples Credit Plan	Fire Company Office Supplies	\$ 17.00
10985	Grainger Parts	Fire Company Equipment Parts/Supplies	\$ 543.53
10986	Edwards Business Systems	Copier Maintenance	\$ 362.24
10987	Staples Business Advantage	Office Supplies	\$ 167.10
10988	Pitney Bowes	Postage	\$ 233.02
10989	ISOBunkers, LLC	Equipment Motor Fuel	\$ 1,653.70
10990	April Cordts	Legal Fees	\$ 5,005.65
10991	Grainger Parts	Public Works Tools/Equipment	\$ 4.05
10992	LMS Designs and Signs	Park Maintenance	\$ 127.20
10993	Kimball Midwest	Public Works & Parks Equipment Parts/Suppli	\$ 193.55
10994	Ike's Equipment Repair	Public Works Equipment Parts/Supplies	\$ 1,827.00
10995	Service Tire Truck Centers	Public Works Equipment Parts/Supplies	\$ 2,043.58
10996	BWP-Carquest Auto Parts	Public Works Equipment Parts/Supplies	\$ 88.47
10997	Pavement Depot of Maryland	Pavement Marking Supplies	\$ 11,053.60
10998	LNT Petty Cash	Replenish Petty Cash	\$ 58.89
10999	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
11000	Capital Blue Cross	Employee Health Insurance	\$ 17,808.88
11001	Colonial Regional Police Department	Police Contract Payment	\$ 83,779.89
11002	Keystone Nazareth Bank & Trust	Land Loan Payment	\$ 1,095.15
11003	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
11004	Lori Peck, OCR	Stenographer	\$ 75.00
11005	Commonwealth of Pennsylvania	Pesticide License Renewal	\$ 10.00
11006	Keystone Consulting Engineers, Inc.	Engineering Services	\$ 467.50
11007	The Express Times	Advertisement	\$ 405.80
11008	Met-Ed	Traffic Signal Electric	\$ 114.46
11009	Witmer Public Safety Group	Fire Company Equipment Parts / Supplies	\$ 38.50
11010	Municipal Emergency Services	Fire Company Equipment Parts / Supplies	\$ 49.80
11011	Home Depot	Fire Company Supplies	\$ 242.34
11012	Edward Olenick, Jr.	Reimbursement Equipment Motor Fuel	\$ 50.00
11013	U.S. Municipal Supply, Inc.	Public Works Traffic Sign Equipment	\$ 225.42
11014	Home Depot	Public Works & Park Tools/Equipment/Supplie	\$ 415.08
		Equipment Motor Fuel/Summer Park/	
PAID ONLINE	Chase Card Services	Public Works	\$ 738.76

**Lower Nazareth Township  
Bills To Be Approved  
August 4, 2010**

**GENERAL FUND CHECKING ACCOUNT CONTINUED**

11015	Diana Wallbillich	Summer Park Reimbursements	
		<i>Total General Fund Checking Account...</i>	<b>\$ 152,394.21</b>

**PAYROLL ACCOUNT**

	July 30, 2010		<b>\$ 31,358.12</b>
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**MASTER ESCROW CHECKING ACCOUNT**

1715	Sterling Oaks, LLP	Escrow Refund	\$ 4,328.00
1716	RonDel Development Company	Escrow Refund	\$ 2,188.00
1717	Met-Ed	Traffic Signal Electricity	\$ 325.30
1718	Signal Service, Inc.	Traffic Signal Maintenance	\$ 348.75
1719	Peter Barra	Escrow Refund	\$ 265.23
1720	Keith Fabregas	Escrow Refund	\$ 473.07
1721	Lisa Kanyuk	Lighting Key Refund	\$ 25.00
1722	Daniel Welker	Lighting Key Refund	\$ 25.00
1723	Kevin Rhodes	Lighting Key Refund	\$ 25.00
1724	Ron Kline	Refreshment Stand Key Refund	\$ 25.00
1725	Keystone Consulting Engineers, Inc.	Sewage Enforcement Officer Services	\$ 919.00
1726	Lower Nazareth Recreation Association	Key Refund	\$ 50.00
1727	Brown-Daub Chev-Olds-Volvo	Escrow Refund	\$ 228.80
1728	Jaindl Land Company	Escrow Refund	\$ 1,794.99
1729	Met-Ed	Traffic Signal Electricity	\$ 114.83
1730	Rick Buss	Lighting Key Refund	\$ 25.00
1731	David Hensley	Lighting Key Refund	\$ 25.00
1732	Diana Wallbillich	Summer Park Reimbursements	\$ 528.39
1733	Kevin Parker	Building Key Refund	\$ 25.00
		<i>Total Master Escrow Account...</i>	<b>\$ 11,739.36</b>

**OPEN SPACE ACCOUNT**

592	Keystone Nazareth Bank & Trust	Land Loan Payment	<b>\$ 3,696.08</b>
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