

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
DECEMBER 11, 2013**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday December 11, 2013. The Chairman called the meeting to order at 6:48 PM.

Present were:

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

**Approval of Minutes**

A motion was moved by Mr. Kucsan and was seconded by Mr. Green to approve the meeting minutes for November 13, 2013. The motion carried.

**Reports** *(Reports are available to review at the Township Office and on our website.)*

Mr. Nagle acknowledged the receipt of the Zoning Administrator's Report for November 2013 and the Financial Report for October 2013.

**Correspondence**

There were no items to discuss under Correspondence.

**Subdivision and Land Development**

Stone Post Meadows – Zoning Ordinance Amendment / Tentative Site Plan – Attorney James Preston, Wayne Doyle and numerous other members for this project were present.

Mr. Preston commented that they were here for authorization for a public hearing on this zoning ordinance amendment. Mr. Kortze reviewed his December 11<sup>th</sup> letter.

Solicitor Asteak explained the process. The first action is to decide whether or not to proceed and forward this ordinance to LVPC and our own Planning Commission for comments. The developer then proceeds with a Land Development Plan. The Ordinance and Land Development plan would be approved concurrently.

Mr. Boucher had numerous questions including information about the developer and the similar project in Hellertown along Route 78. He also suggested the developer they should speak with the school district about the impacts from this development.

Mr. Green stated that he visited the Hellertown site and it is nice; however the three-story buildings were not as appealing. He does have concerns about this proposed project; particularly traffic.

Donald Miles, Attorney for Robert and Beverly Hoyer stated that his clients urge the Board to not approve the zoning amendment and approve a plan that is solely an office park. Mr. Miles made comments on sewer availability, traffic, and open space issues and hoped the Board would consider these items prior to voting to move forward with this project.

Thomas Stitt stated that he was not there as an Attorney, but as the Chairman of AAA. They are concerned about the increased traffic and how that will affect access to the parking lot for customers and employees. Mr. Stitt requested that AAA be copied on all correspondence related to traffic and storm water management.

Robert Hoyer, 365 Country Club Road, believes that traffic will be a big problem. For example, new residents going to Wegmans will travel Country Club Road. He fears traffic will back up and block access to his parking lot which will affect the family business.

Tara Capecci, 3964 Mikol Lane, Township resident and Planning Commission member, stated that she is concerned about this project, along with the proposed IDI project. She reported that in speaking with residents, no one is in favor of these apartments and she has heard no good arguments in favor of the apartments either. Ms. Capecci asked that the Board not to waste the developer's time by not voting to move forward with this project.

A motion was moved by Mr. Kucsan and was seconded by Mr. Pennington to authorize Solicitor Asteak to forward the ordinance to LVPC and Lower Nazareth's Planning Commission for comments. Mr. Nagle, Mr. Pennington, and Mr. Kucsan voted "yes" and Mr. Boucher and Mr. Green voted "no." The motion carried.

Saratoga Farms – Attorney Joseph Piperato and Engineer Darrin Heckman were present.

Zoning Map Amendment – Ordinance #209-12-13 – A motion was moved by Mr. Kucsan and was seconded by Mr. Green to approve Ordinance #209-12-13. The motion carried.

SALDO Waiver Request – A motion was moved by Mr. Green and was seconded by Mr. Boucher to approve the waiver request. The motion carried.

Final Subdivision – Resolution #LNT-24-13 – Mr. Kortze reviewed his December 10<sup>th</sup> letter recommending approval. A motion was moved by Mr. Kucsan and was seconded by Mr. Green to approve Resolution #LNT-24-13. The motion carried.

Keith Kleintop – Attorney Joseph Piperato and Engineer Darrin Heckman were present.

SALDO Waiver Request & Deferral – A motion was moved by Mr. Boucher and was seconded by Mr. Kucsan to grant the waiver request. The motion carried. A motion was moved by Mr. Green and was seconded by Mr. Pennington to grant the deferral. The motion carried.

Preliminary/Final Subdivision – Resolution #LNT-25-13 – Mr. Kortze reviewed his December 6<sup>th</sup> letter recommending approval. Mr. Pennington inquired on the violations in Ms. Seese's November 26, 2012 letter. Ms. Seese commented that they were still outstanding. Mr. Piperato answered they were waiting to comply until they received this approval. Resources will be set aside from settlement to comply; however Mr. Kleintop lacks the resources to do so prior to settlement. Solicitor Asteak suggested conditions be included in the resolution and that an escrow be required. The resolution should be amended to include the following requirements: "The applicant must satisfy the violations of the Zoning Administrator's letter of November 26, 2012. The applicant's attorney shall be responsible for providing a cost estimate for the work and the applicant shall deposit a sum sufficient to satisfy the violation in an escrow account to be held by Lower Nazareth Township. In addition, clean-up of the violation shall occur 60 days, weather permitting from the time of settlement."

A motion was moved by Mr. Kucsan and was seconded by Mr. Pennington to approve Resolution #LNT-25-13, as amended. The motion carried.

Keystone Real Estate Management – Attorney Tim Siegfried and Engineer Brian Evans were present.

SALDO Waiver Requests – A motion was moved by Mr. Boucher and was seconded by Mr. Pennington to approve the waiver requests. The motion carried.

Final Subdivision Plan – Resolution #LNT-26-13 – Mr. Kortze reviewed his December 6<sup>th</sup> letter. A motion was moved by Mr. Kucsan and was seconded by Mr. Boucher to approve Resolution #LNT-26-13. The motion carried.

Final Land Development – Resolution #LNT-27-13 – A motion was moved by Mr. Kucsan and was seconded by Mr. Boucher to approve Resolution #LNT-27-13. The motion carried.

### **Supervisors' Comments**

Mr. Boucher, Mr. Green, and Mr. Kucsan had no comments. Mr. Pennington attended the COG and the CRPC meetings.

2014 Colonial Regional Police Budget – Mr. Nagle reported that the proposed 2014 police budget includes an additional officer. Lower Nazareth's portion would be \$1,122,450.88. Lower Nazareth lost 2-1 on the vote to move the budget on to the Township's for approval.

Now Lower Nazareth needs to decide whether or not to approve the budget. Mr. Nagle did an analysis of the budget and Lower Nazareth pays more per resident than Hanover Township or Bath Borough. The Board discussed the need for an additional officer but wondered if the budget could be tightened to keep costs down.

A motion was moved by Mr. Nagle and was seconded by Mr. Pennington to ratify the “no” vote to the budget. Mr. Nagle, Mr. Pennington, and Mr. Kucsan voted “yes,” Mr. Boucher voted “no,” and Mr. Green abstained due to having a relative on the police force. The motion carried.

A motion was moved by Mr. Nagle and was seconded by Mr. Kucsan to authorize the Township Manager to analyze costs to determine if it would be more cost effective to form, our own police department. The motion carried.

Solicitor Asteak explained the implications of a “no” vote and the timeline to rescind our notice of departure.

Mr. Tenges reported that every real estate tax dollar we collect goes out for police services.

Chris Templeton, Colonial Regional Officer and Lower Nazareth resident, was present along with other officers. He commented that he enjoys living in and serving Lower Nazareth Township. Mr. Templeton commented that there are more incidents in Lower Nazareth.

Mr. Nagle did not disagree but stated that incidents are already a component of the formula. He commented the vote against adopting the budget is no reflection on the Colonial Regional Police Department.

Mr. Pennington added that we owe it to the residents to see if we can get police service more cost effectively.

### **Manager's Report**

Time Extension Report – Mr. Tenges reported that the Township accepted time extensions from, Estates at Deer Crossing through May 31, 2014; Sam's Club through March 15, 2014; and Fields at Trio Farms Phase III through June 30, 2014.

Authorization to transmit FEMA Ordinance to DCED – A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to authorize the ordinance be transmitted to DCED. The motion carried.

2014 Millage Rate – Resolution #LNT-28-13 – A motion was moved by Mr. Kucsan and was seconded by Mr. Boucher to the approve Resolution #LNT-28-13. The motion carried.

2014 General Fund Budget – A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to approve the 2014 General Fund Budget. The motion carried.

2013 Unencumbered Funds – Resolution #LNT-30-13 – Mr. Tenges reported that we had a better year than anticipated therefore proposed that excess revenue be placed in various reserve funds including a new Fiscal Stability fund. Mr. Tenges also stated that a resolution will need to be adopted containing the rules for spending funds from the Fiscal Stability Fund. He noted that we need to remain frugal and never anticipate the additional revenue. A motion was moved by Mr. Green and was seconded by Mr. Pennington to approve Resolution #LNT-30-13. The motion carried.

Halteman Farms Plan Withdrawal – Mr. Tenges reported that the Township received a letter from Mr. Halteman formally withdrawing this plan.

248 Brodhead Building Committee – Mr. Tenges reported that Lower Nazareth received a distribution in the amount of \$142,384.79. Those funds were deposited into the General Fund and Sewer Signals, to replace funds used to purchase the building.

Mr. Tenges wished everyone a Merry Christmas and a Happy New Year.

### **Engineer's Report**

Gremar Road – Extend Maintenance Period – Mr. Kortze reported that there are some outstanding issues to be resolved prior to acceptance of Gremar Road. The road may be ready for acceptance for our January meeting.

Everson Tesla – Maintenance Period Expiration / Security Release – Mr. Kortze reviewed his letter and recommended the release of the remaining \$2,500.00 in security. A motion was moved by Mr. Boucher and was seconded by Mr. Pennington to authorize the release. The motion carried.

Panera Bread – Maintenance Period Expiration / Security Release – Mr. Kortze reviewed his letter and recommended the release of the remaining \$1,551.00 in security. A motion was moved by Mr. Pennington and was seconded by Mr. Green to authorize the release. The motion carried.

Hidden Oaks Phase V – Letter of Credit Reduction & Commence Maintenance – Mr. Kortze reviewed his letter and recommended to reduce the letter of credit to its maintenance level and commence the 18-month maintenance period. A motion was moved by Mr. Green and was seconded by Mr. Pennington to authorize the reduction and commence the maintenance period. The motion carried.

Mr. Boucher questioned about the pond from Phase I of this development. He stated that it is not being maintained and has trees growing in it. Mrs. Seese commented that the residents were notified that it was their responsibility to maintain the pond; but they take exception because it is still an active construction site. In addition, the Conservation District offered no assistance because they said the ground was stable and shouldn't be disturbed. Mr. Kortze commented that the pond is part of all the phases therefore any issues will need to be resolved prior to the end of this maintenance period.

Traditions of America – Letter of Credit Reduction & Commence Maintenance – Mr. Kortze reviewed his letter and recommended to reduce the letter of credit to its maintenance level and commence the 18-month maintenance period. A motion was moved by Mr. Pennington and was seconded by Mr. Boucher to authorize the reduction and commence the maintenance period. The motion carried.

Mr. Kortze thanked everyone for a good year and wished everyone Happy Holidays.

Dryland Way & Wegmans Drive – Road Acceptance – Resolution #LNT-29-13 – A motion was moved by Mr. Kucsan and was seconded by Mr. Pennington to approve Resolution #LNT-29-13. The motion carried.

Cable Franchise Agreements – Solicitor Asteak reported that the RCN and Service Electric agreements are coming together and should be ready by January or February.

Solicitor Asteak thanked everyone for a good year and wished everyone Happy Holidays.

**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 moved by Mr. Boucher and was seconded by Mr. Kucsan to approve payment of the bills dated December 11, 2013. The motion carried.

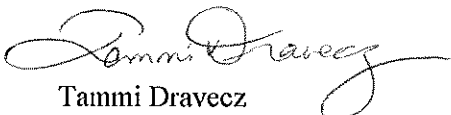
**Courtesy of the Floor**

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

**Adjournment**

A motion was moved by Mr. Boucher and was seconded by Mr. Green to adjourn the meeting. The meeting adjourned at 9:00pm.

Respectfully submitted by,



Tammi Dravec  
Assistant Secretary/Treasurer

**Lower Nazareth Township  
Bills To Be Approved  
December 11, 2013**

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b><u>GENERAL FUND CHECKING ACCOUNT</u></b>			
13926	Deer Park	Municipal Bottled Water	\$ 11.13
13927	Suburban Propane	Public Works Fuel	\$ 782.06
13928	Verizon Wireless	Fire Company Wireless	\$ 459.37
13929	Service Electric Cable TV Inc	Fire Company Internet	\$ 48.79
13930	Service Electric Telephone Co.	Fire Company Telephone	\$ 41.51
13931	AT&T	Municipal/Public Works Long Distance	\$ 64.37
13932	The Express Times	Subscription Renewal	\$ 130.00
13933	Verizon Wireless	Municipal/Public Works Wireless	\$ 369.15
13934	Edwards Business Systems	Copier Maintenance	\$ 88.00
13935	Valley Industrial Rubber Products	Equipment Parts/Supplies	\$ 39.53
13936	Staples Business Advantage	Office Supplies	\$ 86.65
13937	Easton Suburban Water Authority	Municipal Bldg Water	\$ 423.24
13938	Edwards Business Systems	Copier Maintenance & Supplies	\$ 447.12
13939	Faust Heating & A/C Co., Inc.	Municipal Building Maintenance	\$ 89.00
13940	State Worker's Insurance Fund	Workers Compensation	\$ 1,272.00
13941	The Express Times	Advertisement	\$ 198.35
13942	Mansfield Oil Company	Equipment Motor Fuel	\$ 191.18
13943	Commonwealth of PA	Pesticide License Renewal	\$ 35.00
13944	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 1,740.38
13945	Met-Ed	Traffic Signal Electricity	\$ 248.98
13946	Hendershot Door Systems, Inc.	Facility Maintenance	\$ 130.00
13947	PAPCO	Equipment Motor Fuel	\$ 1,406.27
13948	Valley Industrial Rubber Products	Equipment Parts/Supplies	\$ 59.18
13949	Highway Materials, Inc.	Construction/Rebuilding	\$ 17,397.11
13950	Verizon	Municipal / Public Works Telephone	\$ 587.81

**Lower Nazareth Township  
Bills To Be Approved  
December 11, 2013**

**GENERAL FUND CHECKING ACCOUNT CONTINUED**

13951	Shop One Fire Apparatus	Fire Company Equipment Maintenance	\$ 3,408.81
13952	Bruce's Mower Service	Fire Company Equipment Maintenance	\$ 99.73
13953	ExxonMobil	Fire Company Fuel	\$ 249.95
13954	The Morning Call	Subscription Renewal	\$ 59.92
13955	Edwards Business Systems	Copier/Equipment Maintenance	\$ 737.15
13956	Easton Suburban Water Authority	Municipal Bldg Water	\$ 30.75
13957	Advanced Auto Parts Professional	Equipment Parts/Supplies	\$ 29.84
13958	Krause Enterprises	Aggregate Supplies	\$ 212.50
13959	Old Dominion Brush	Equipment Parts/Supplies	\$ 1,899.47
13960	J Smiths Automotive, Inc.	Equipment Repairs	\$ 64.80
13961	Tractor Supply Credit Plan	Public Works Supplies	\$ 50.40
13962	Home Depot	Facilities Maintenance/Equipment Purchase	\$ 955.53
13963	Chase Card Services	Public Relations Printing/Software/Meetings/D	\$ 1,288.61
13964	Liberty Propane Inc.	Municipal Building Propane	\$ 750.16
13965	PPL, Inc.	Traffic Signal/St Light/Municipal/PW/Park Ele	\$ 1,039.00
13966	PPL, Inc.	Municipal Drive Electricity	\$ 532.03
13967	Security Service Company, Inc.	Security System Monitoring	\$ 219.00
13968	Suburban Propane	Park Fuel	\$ 456.01
13969	PA One Call System, Inc.	Monthly Fax Activity	\$ 41.60
13970	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 142.00
13971	Mansfield Oil Company	Equipment Motor Fuel	\$ 788.39
13972	Nazareth Area Council of Government	2014 Membership Dues	\$ 250.00
13973	Hecktown Volunteer Fire Company	Fire Company Loan	\$ 965.26
13974	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
13975	Colonial Regional Police Department	Police Contract Payment	\$ 89,830.78
13976	PA Municipal Health Insurance Cooperati	Employee Health Insurance	\$ 18,518.08

**Lower Nazareth Township  
Bills To Be Approved  
December 11, 2013**

**GENERAL FUND CHECKING ACCOUNT CONTINUED**

13977	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
13978	Easton Suburban Water Authority	Fire Company Water	\$ 57.16
13979	PPL, Inc.	Fire Company Electricity	\$ 703.46
13980	Nazareth Key	Fire Company Advertisement	\$ 136.92
13981	AT&T	Municipal/Public Works Long Distance	\$ 48.97
13982	Mr. John	Temporary Restrooms	\$ 199.80
13983	CodeMaster Inspections Services, Inc.	Building Inspection Services	\$ 120.00
13984	CCC Heavy Duty Truck Parts Company	Equipment Parts/Supplies	\$ 109.98
13985	All-Phase Electric Supply Co	Equipment Parts/Supplies	\$ 13.63
13986	Sam's Club	Municipal/Public Works Supplies	\$ 1,147.65
13987	Lower Nazareth Township	2013 LNRA Budget Allocation	\$ 15,308.00
13988	Fire Capital Reserve	2013 Budget Allocations	\$ 39,572.83
13989	Lower Nazareth Township	Replenish Petty Cash	\$ 35.48
			<b><u>\$ 208,396.86</u></b>

**REFUSE/RECYCLING ACCOUNT**

1189	Mr. John	Temporary Restrooms	<b><u>\$ 151.20</u></b>
------	----------	---------------------	-------------------------

**MASTER ESCROW CHECKING (LAB)**

1224	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 24,114.50
1225	Met-Ed	Traffic Signal Electricity	\$ 170.11
1226	Lower Nazareth township General Fund	Conditional Use Fee	\$ 1,500.00
1227	Nazareth Area School District	Facility Use	\$ 150.00
1228	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 9,501.25
1229	Kenny Hildebrant	Key Returns	\$ 50.00



**Lower Nazareth Township  
Bills To Be Approved  
December 11, 2013**

**MASTER ESCROW CHECKING (LAB) CONTINUED**

1230	Asteak Law Offices	Legal Services	\$ 612.50
1231	Met-Ed	Traffic Signal Electricity	\$ 176.25
1232	Hidden Oaks IV, LLP	Escrow Refunds	\$ 6,615.00
1233	Tom Manos	Key Returns	\$ 75.00
<i>Total Master Escrow Checking Account...</i>			<u><u>\$ 42,964.61</u></u>

**DEVELOPMENT & INSPECTION ACCOUNT**

1756	Barry Isett & Associates, Inc.	Building Inspection Services	\$ 450.00
1757	CodeMaster Inspection Services, Inc.	Building Inspection Services	\$ 5,039.00
1758	Mark Emery	Building Permit Refund	\$ 404.00
<i>Total Development &amp; Inspection Account...</i>			<u><u>\$ 5,893.00</u></u>

**PAYROLL ACCOUNT**

November 29, 2013	\$ 30,330.32
December 13, 2013	\$ 27,854.23
<i>Total Payroll Account...</i>	
<u><u>\$ 58,184.55</u></u>	

**CAPITAL RESERVE ACCOUNT**

807	Artefact, Inc.	Municipal Building Maintenance	\$ 1,745.00
808	Lafayette Ambassador Bank-Lease Dept	Lease Payment	\$ 29,216.84
809	Building Specialties	Capital Construction	\$ 2,129.60
810	Security Service Co., Inc.	Municipal Building Maintenance	\$ 2,442.00
811	Chase Card Services	Capital Construction	\$ 427.75
<i>Total Capital Reserve Account...</i>			<u><u>\$ 35,961.19</u></u>