

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
March 11, 2015**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting at the Lower Nazareth Municipal Building on Wednesday March 11, 2015. 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
Robert S. Kucsan	- Supervisor	Timm A. Tenges	- Manager, Secretary/Treasurer
		Tammi Dravec	- Assistant Secretary/Treasurer
		Lori B. Seese	- Zoning Administrator

**Absent were**

Eric E. Nagle - Supervisor  
Martin J. Boucher - Supervisor

**Approval of Minutes**

A motion was moved by Mr. Green and was seconded by Mr. Kucsan to approve the minutes from the February 11<sup>th</sup> 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 Hecktown Volunteer Fire Company Incident Reports for February 2015, the Financial Report for January 2015.

**Correspondence**

There were no items to discuss under Correspondence.

**Subdivision and Land Development**

Keystone Real Estate (Milham Ford) – Improvements Agreement – Authorization to Execute – A motion was moved by Mr. Kucsan and was seconded by Mr. Green to authorize execution of the agreement. The motion carried.

Fields at Trio Farms Phase III – Supplement to Sanitary Sewer Improvements Agreement – A motion was moved by Mr. Green and was seconded by Mr. Kucsan to authorize execution of the agreement. The motion carried.

**Supervisors' Comments**

Mr. Kucsan and Mr. Green had no comments.

Mr. Pennington wished the Public Works Department good luck with road repairs. The winter was rough on roads and there will be lots of work to do getting them repaired.

**Manager's Report**

Time Extension Report – Mr. Tenges stated that the Township accepted a time extension from the Keystone Shed Company, for their land development project, through June 14, 2015.

**Board of Supervisors Minutes  
March 11, 2015**

County COG Meeting – Mr. Tenges attended a recent meeting along with Mr. Pennington.

Township Roads – Mr. Tenges reported that the roads took a beating this winter. As far as damage to roads is concerned, the winter was even worse than last year. The Township has two crews out daily making repairs.

**Engineer's Report**

Fields at Trio Farms Phase IV Letter of Credit Reduction – A motion was made by Mr. Kucsan and seconded by Mr. Green to reduce the letter of credit by \$34,108.80. The motion carried.

**Solicitor's Report**

Firearms Ordinance Repeal – Ordinance #214-03-15 – A motion was made by Mr. Kucsan and seconded by Mr. Green for authorization to adopt the ordinance. The motion carried.

City of Bethlehem/Lower Nazareth Sewer Agreement – Ordinance #215-03-15 – A motion was made by Mr. Green and seconded by Mr. Kucsan for authorization to adopt the ordinance. The motion carried.

Solicitor Asteak also noted that the Township has received an appeal from K&S in regards to the Curative Amendment.

**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. Kucsan and was seconded by Mr. Green to approve payment of the bills dated March 11, 2015. The motion carried.

**Courtesy of the Floor**

Kathy Nonnemacher, 185 Country Club Road, inquired on how the residents would be notified about the K&S appeal. Solicitor Asteak stated that the case is in the hands of the court and she will probably see something in the newspaper or updates will certainly be reported on at a future Board meeting.

*\*\*\*The Board took a brief recess from 6:45pm until 7:00pm \*\*\**

**Conditional Use Hearing** – Liberty Property Trust CU#2014-01

Solicitor Asteak opened the hearing with a brief recap of the previous Conditional Use hearing. He also read a list of exhibits Z-1 through Z-15 and A-1 through A-3, and Objector (Cardinal #1).

Solicitor Asteak noted that we hope to conclude this evening, but if we do not we will resume April 8<sup>th</sup>, at 7pm.

Mr. Preston called Tracey Stroschein, Environmental Consultant for TPD Traffic Planning and Design. Mr. Stitt had no questions for the witness. Mr. Trovato questioned the height of the proposed berm on his client's property line. He also questioned the vegetation proposed.

Mark Fenstemacher, 619 Nazareth Pike, questioned details of the sound study Ms. Stroschein refers to in her testimony.

Bert Smalley, 4335 King George Drive, asked for tangible examples of decibel levels. Ms. Stroschein stated that in this room would be 40-50, as would be the average nighttime noise, and sound near her home (which is near the Turnpike) is 70. She stated that damage occurs around 90.

Solicitor Asteak asked Ms. Stroschein for factual foundation for her opinion and exhibits proving her testimony. He asked numerous questions that she stated that could only answer if she completed a study. Solicitor Asteak inquired how they know they can meet the terms of our ordinance if they have not completed a study.

Mr. Pennington is concerned that a mitigation plan won't be prepared prior to construction. Each location is different so one study doesn't necessarily accurately depict actual outcomes for all locations. Location can affect how sound travels. He would rather see a site specific study.

Mr. Green asked about landscaping. Ms. Stroschein stated that trees, under 300 feet in width, won't affect sound and just provide visual screening.

Mr. Kortze inquired if she was aware of alternatives to back up beepers for yard jockeys.

Mr. Preston followed up with by stating that it is possible a sound study could predict that it would be within the limits of the ordinance but, once built, actual numbers could be higher. The only way to truly get actual numbers is after a facility is built. The ordinance only requires that they prove the ability to comply in the future; which they can.

Mr. Preston recalled Mark Buchvalt. Mr. Preston indicated they have a lighting plan, labeled exhibit #A-5. Lighting requirements were discussed and indicated that the lighting plan meets or exceeds those requirements.

Mr. Preston indicated that the Chairman requested a larger drawing on the intersection and they have one available this evening, labeled exhibit #A-6. The Board reviewed the larger scale drawing.

Solicitor Asteak stated we will cross Mr. Buchvalt starting with lighting and then traffic. Mr. Stitt had no lighting questions. Mr. Trovato was concerned about the lighting and its effects on his client's property. Mr. Buchvalt indicated that the property sits higher than the road and parking lots therefore the headlights would be lower and not shine onto the property.

Mark Fenstemacher, 619 Nazareth Pike, asked if there was any provision to prevent headlights from traveling across field onto his property. Mr. Buchvalt stated that the property would be lined with trees. But, Mr. Fenstemacher indicated the lights shining against the building will cause the building to glow at night.

Jane Biechy, 215 Daniels Road, questioned who will maintain the berm years from now. Mr. Buchvalt stated property owner is responsible.

Solicitor Asteak progressed to the traffic questions. Mr. Stitt questioned that Mr. Wichner was the only one to answer traffic questions at the last hearing so how can Mr. Buchvalt answer this evening? Mr. Preston stated that this traffic plan was only submitted in larger size and was not new information; it is the same as #A-2, just larger. Mr. Stitt and Mr. Trovato had no questions.

Mr. Tenges inquired on the internal circulation and two points of access. Mr. Tenges asked if Mr. Buchvalt recalled discussions about the Daniels Road access and if any efforts have been made to obtain that access. He then pointed the question to Mr. Preston. Mr. Trovato indicated that no one has reached out to his client. Option "B", a less desirable option, would be the connection to Daniels Road above Greinar.

Mr. Kortze stated that the south bound right turn lane looks to require purchase of property from neighboring land owner. Solicitor Asteak asked what they do if they can't get the access. Mr. Preston stated that PennDot won't issue an HOP with unsafe conditions

Mr. Pennington indicated that the turning lane is short and looks to only have room for one truck. Chances are more than one truck would be cueing there at any given time. He is also concerned about left turns onto 191NB. In regard to a secondary access onto 946/Daniels, Mr. Pennington says the other options the applicant was providing would not be thoroughfares for the public, only emergency access points.

Mr. Preston stated that the applicant is attempting to get condition use at this point. Mr. Tenges stated that the Board should dictate a valid option "B", not just an emergency access point.

Mr. Green believes they are creating a safety hazard and inquired about a traffic signal. Mr. Buchvalt stated that Mr. Wichner indicated a signal was not warranted.

\*\*\*The Board took a brief recess 8:15pm-8:20pm\*\*\*

Mr. Preston has no additional witnesses but wished to make his exhibits part of the record. Mr. Stitt also wished to make his exhibit part of the record. Mr. Trovato had no witnesses or evidence.

PUBLIC COMMENT PERIOD...all interested parties were to stand and be sworn in.

Mark Fenstemacher, 619 Nazareth Pike, requested higher berms on north side to block headlights, that there be no reflective building lighting, sound studies for traffic-specifically trucks, vibration studies 20 feet from road for his foundation which is already being affected by current conditions, and asked where invoices go for the repair of his foundation. He also suggested back up cameras instead of beepers, a truck limit for the facility, traffic speeds on Route 191, and had simple solutions to moving driveways/access points. Lastly he said to just move it to Route 33.

Jane Biechy, 215 Daniels, questioned who would enforce the emergency access and prevent others from using it. She wants more information about traffic, including employees. Ms. Biechy also believes that the Township could dictate shift times to ease traffic concerns and require a traffic light at Lonat Drive.

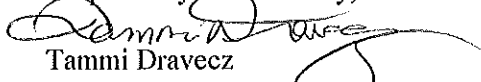
Len Salvage, 4355 King George, represents his son who owns property on 575 Nazareth Pike. He wants to ensure driveway access for the property and to ensure that his letter is made part of the record. Solicitor Asteak stated it will be marked Locher Exhibit #1.

Solicitor Asteak stated will be breaking for the evening and the hearing will continue on April 8<sup>th</sup> at 7:00pm. Council should submit findings and conclusions due 10 days prior. Board members can review transcripts as well.

### **Adjournment**

A motion was moved by Mr. Green and was seconded by Mr. Kucsan to adjourn the meeting at 8:35PM.

Respectfully submitted by,

  
Tammi Dravec  
Assistant Secretary/Treasurer

Board of Supervisors Minutes  
March 11, 2015

**Lower Nazareth Township  
Bills To Be Approved  
March 11, 2015**

**GENERAL FUND CHECKING ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
15097	Kurt Landes	Mailbox Reimbursement	\$ 25.00
15098	State Worker's Insurance Fund	Workers Compensation	\$ 1,284.00
15099	Commonwealth of Pennsylvania	UCC Certification Renewal	\$ 50.00
15100	Service Tire Truck Centers	Public Works Equipment Parts/Supplies	\$ 500.48
15101	PetroChoice	Equipment Motor Fuel	\$ 1,325.23
15102	Cumberland Truck Parts	Public Works Equipment Parts/Supplies	\$ 206.75
15103	Hecktown Volunteer Fire Company	Fire Company Equipment	\$ 1,387.46
15104	Keystone Volunteer Insurance Group	Fire Company Insurance	\$ 5,794.00
15105	Home Depot	Fire Company Supplies	\$ 221.22
15106	Verizon Wireless	Fire Company Wireless	\$ 459.97
15107	Emergency Services Marketing Corp., Inc.	Fire Company Services	\$ 9.30
15108	Service Electric Cable TV Inc	Fire Company Internet	\$ 44.35
15109	Service Electric Telephone Co.	Fire Company Telephone	\$ 40.41
15110	Keystone Municipal Insurance	Workers Comp Insurance	\$ 1,450.00
15111	Verizon Wireless	Municipal/Public Works Wireless	\$ 386.18
15112	Suburban Propane	Public Works Fuel	\$ 961.97
15113	Suburban Propane	Park Fuel	\$ 251.34
15114	Deer Park	Municipal Bottled Water	\$ 35.96
15115	Safeguard Business Systems	Office Supplies	\$ 1,770.81
15116	Easton Suburban Water Authority	Municipal Bldg Water	\$ 89.04
15117	Tommy's Small Engine Repair	Public Works Equipment Repairs	\$ 138.00
15118	Stotz & Fatzinger Office Supply	Office Supplies	\$ 371.95
15119	Associated Fasteners, Inc.	Public Works Supplies	\$ 19.30
15120	Five Star International LLC	Public Works Equipment Parts/Supplies	\$ 209.50
15121	Edwards Business Systems	Copier Maintenance	\$ 101.20

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**GENERAL FUND CHECKING ACCOUNT CONTINUED**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
15122	Integra One	Data Processing Equipment	\$ 258.00
15123	Morton Salt, Inc.	Winter Maintenance	\$ 7,482.23
15124	Asteak Law Offices	Legal Services	\$ 4,356.25
15126	PAPCO	Equipment Motor Fuel	\$ 464.62
15127	Verizon	Municipal Office Telephone	\$ 463.24
15128	Verizon	Public Works Telephone	\$ 166.53
15129	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 3,563.38
15130	Advanced Auto Parts Professional	Public Works Equipment Parts/Supplies	\$ 266.87
15131	Eastern Industries, Inc.	Winter Maintenance	\$ 4,085.88
15132	Service Tire Truck Centers	Public Works Equipment Parts/Supplies	\$ 504.26
15133	Triad Truck Equipment, Inc.	Public Works Parts/Supplies	\$ 1,355.00
15134	Williamson Law Book Company	Minutes Books	\$ 293.86
15135	Chase Card Services	Public Works Shop Tools/Equipment	\$ 432.88
15136	Sam's Club	Public Works/Municipal Bldg Supplies	\$ 448.42
15137	Tractor Supply Credit Plan	Public Works Supplies/Parts	\$ 22.99
15138	Mansfield Oil Company	Equipment Motor Fuel	\$ 285.20
15139	Staples Credit Plan	Public Works Supplies	\$ 29.99
15140	Environmental Energy Solutions, LLC	Winter Maintenance Materials	\$ 3,850.00
15141	Security Service Company, Inc.	Security System Monitoring	\$ 225.57
15142	PA One Call System, Inc.	Monthly Fax Activity	\$ 27.94
15143	PPL, Inc.	Municipal Drive Electricity	\$ 709.07
15144	PPL, Inc.	Traffic Signal/St Light/Municipal/PW/Park Ele	\$ 887.72
15145	PPL, Inc.	Fire Company Electricity	\$ 787.77
15146	ExxonMobil	Fire Company Fuel	\$ 177.75
15147	Easton Suburban Water Authority	Fire Company Water	\$ 60.09

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**GENERAL FUND CHECKING ACCOUNT CONTINUED**

15148	Fogels Fuel Service	Fire Company Fuel	\$ 1,696.09
15149	L&D Automotive	Fire Company Equipment Maintenance	\$ 90.05
15150	R.S. Security & Communications	Fire Company Service Contract	\$ 420.00
15151	F.A.S.P. Fin. Sec	Fire Company Membership Renewal	\$ 20.00
15152	The Express Times	Advertisements	\$ 442.70
15153	PAPCO	Equipment Motor Fuel	\$ 2,123.09
15154	Edwards Business Systems	Copier Maintenance	\$ 417.87
15155	France Anderson Basile and Company, P.C	Auditing Services	\$ 2,840.00
15156	Easton Suburban Water Authority	Municipal Bldg Water	\$ 34.12
15157	Suburban Propane	Public Works Fuel	\$ 1,062.04
15158	Suburban Propane	Park Fuel	\$ 318.59
15159	Lori Peck, OCR	Stenographer	\$ 465.00
15160	Met-Ed	Traffic Signal Electricity	\$ 242.01
15161	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 261.25
15162	Asteak Law Offices	Legal Services	\$ 5,719.50
15163	Hecktown Volunteer Fire Company	Fire Company Loan	\$ 965.26
15164	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
15165	Colonial Regional Police Department	Police Contract Payment	\$ 98,566.50
15166	PA Municipal Health Insurance Cooperati	Employee Health Insurance	\$ 18,037.91
15167	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
<i>Total General Fund Checking...</i>			<b><u>\$ 184,037.94</u></b>

**CAPITAL RESERVE ACCOUNT**

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
878	Sherwin-Williams	Capital Construction	<b><u>\$ 297.34</u></b>

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**DEVELOPMENT & INSPECTION ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1795	Lower Nazareth Recreation Association	VOID: 2014 Basketball Safety Reimbursement	
1796	Lower Nazareth Recreation Association	VOID: 2014 Football Safety Reimbursement	
1797	Lower Nazareth Recreation Association	VOID: 2014 Baseball Safety Reimbursement	
1798	Lower Nazareth Township	Field Maintenance/Lost Key	\$ 847.67
1799	Blue Eagles Basketball	2014 Basketball Safety Reimbursement	\$ 7,666.66
1800	Lower Nazareth Recreation Association	2014 Football Safety Reimbursement	\$ 5,563.57
1801	Lower Nazareth Baseball	2014 Baseball Safety Reimbursement	\$ 3,020.63
1802	DCED	Training Contribution - 4th Quarter 2014	\$ 248.00
<b><i>Total Development &amp; Inspection Account...</i></b>			<b><u><u>\$ 17,346.53</u></u></b>

**PAYROLL ACCOUNT**

February 20, 2015	\$ 34,674.36
March 6, 2015	\$ 38,835.94
<b><i>Total Payroll Account...</i></b>	<b><u><u>\$ 73,510.30</u></u></b>

**MASTER ESCROW CHECKING (LAB)**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1428	Asteak Law Offices	Legal Services	\$ 6,430.75
1429	Keystone Consulting Engineers	Engineering & Inspection Services	\$ 15,143.40
1430	PENNDOT	Construction Inspections	\$ 1,024.62
1431	Gilmore & Associates, Inc.	Engineering & Inspection Services	\$ 1,242.51
1432	Northampton County Record of Deeds	Plan Recording	\$ 65.00
1433	County of Northampton	Parcel ID	\$ 200.00



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**MASTER ESCROW CHECKING (LAB) CONTINUED**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1434	Met-Ed	Traffic Signal Electricity	\$ 99.08
1435	John Byra	Escrow Refund	\$ 426.11
		<i>Total LAB Master Escrow Account...</i>	<b>\$ 24,631.47</b>