

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
November 12, 2014**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting at the Lower Nazareth Municipal Building on Wednesday November 12, 2014. 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
Martin J. Boucher	- Supervisor	Eric Albert	- Municipal Office Coordinator
Eric E. Nagle	- Supervisor	Lori B. Seese	- Zoning Administrator

Absent was:

Tammi Dravec - Asst. Secretary/Treasurer

**Approval of Minutes**

A motion was moved by Mr. Nagle and was seconded by Mr. Green to approve the minutes from the October 22<sup>nd</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 Financial Report for September 2014.

**Correspondence**

PennEast Pipeline Project – Jeffrey Hotz submitted a letter dated November 3<sup>rd</sup> raising concerns over the proposed pipe line slated to run thru Lower Nazareth Township and felt that a public meeting should be held to discuss residents concerns. Mr. Pennington stated that the Township would be open to letting the residents have a meeting at a Township facility, but wanted to let the public know that Lower Nazareth Township would be participating in an open forum that will be held on November 19, 2014 at the Klecknersville Rangers Fire Co. This will be an open forum for residents of multiple municipalities to attend and discuss their concerns. Mr. Tenges stated that depending on the opinion of the Board he could start drafting a resolution itemizing Lower Nazareth Township's concerns, and that he had already started researching draft resolutions that have been submitted in New Jersey. Mr. Kucsan stated that he had attended a pipeline meeting early that evening that was put on by PennEast and was able to meet with individuals on a one on one basis, and was able to voice his concerns with the pipeline and was given detailed answers to his questions. Mr. Kucsan stated that after he finished speaking with the representatives his worries were satisfied. Solicitor Asteak stated that the Board of Supervisors has the right to provide public input to the FERC.

**Subdivision and Land Development**

Milham Ford – Revised Final Land Development – Resolution #~~LNT-16-14~~ #LNT-17-14 – A motion was made by Mr. Nagle and seconded by Mr. Kucsan to approve Resolution #~~LNT-16-14~~ #LNT-17-14. The motion passed.

Trio Fields – Zoning Text Amendment – Authorization to Advertise – A motion was made by Mr. Boucher and seconded by Mr. Green to authorization the advertisement. The motion passed.

## **Supervisors' Comments**

There were no Supervisors Comments

## **Manager's Report**

Authorization to Advertise for the use of a CPA for 2014 Audit – Mr. Tenges asked for the authorization to advertise for the use of a CPA to perform the 2014 audit. A motion was made by Mr. Nagle and seconded by Mr. Kucsan to authorize the advertisement. The motion carried.

Colonial Regional Police Budget for 2015 – Mr. Tenges asked for the approval to accept the Colonial Regional Police Budget for 2015. A motion to accept the Colonial Regional Police Budget was made by Mr. Green and seconded by Mr. Boucher. The motion carried with a 3 to 2 vote with Mr. Boucher, Mr. Green, and Mr. Pennington voting “yes” while Mr. Nagle and Mr. Kucsan voted “no”.

Mr. Nagle made a motion to hire an outside auditor to audit the Colonial Regional Police Department to see what is driving the numbers that results in how exactly incidents are being defined, and what is driving up the Township's portion of the budget. Mr. Nagle said he doesn't understand how Lower Nazareth Township's contributions continually go up while the other two municipalities have gone down on a per resident basis. Mr. Nagle said he was doing some research and shows that the per incident for Lower Nazareth Township has stayed almost the same for the past three years and would like clarity on how the Township is being charged. A motion to use an outside auditor to audit Colonial Regional Police Department was made by Mr. Nagle and seconded by Mr. Kucsan. The motion carried 4 to 1 with Mr. Green voting “no”.

2015 General Fund Budget – Mr. Tenges asked for authorization to advertise the 2015 General Fund Budget. Mr. Tenges stated that the budget will be increasing 1.03% and would not require a tax increase for the upcoming year. Mr. Pennington thanked Mr. Tenges for his hard work over the past several years in keeping the budget in check but fears that there is only so much that can be done before a raise in taxes will be needed. A motion to authorize the advertisement of the 2015 General Fund Budget was made by Mr. Kucsan and seconded by Mr. Boucher. The motion carried.

Time Extensions – Mr. Tenges also reported that the Township was granted three time extensions: Mocha Abe Preliminary/Final Land Development has been extended October 31<sup>st</sup> 2015, Fields at Trio Farms Phase III has been extended February 28<sup>th</sup> 2015, and Liberty Property Trust Conditional Use Application has been extended to January 14<sup>th</sup> 2015.

Township Clean Up Day – Mr. Tenges stated that the Township Clean Up Day was another great success and that the final cost to the Township was \$1,009.00 and was a significant reduction in cost since we started handling the waste disposal in house.

## **Engineer's Report**

Trio Fields – Phase I – Letter of Credit Reduction & Commence Maintenance – Mr. Kortze stated that based on inspection of the work completed to date, he recommended that the Letter of Credit be reduced from \$215,092.50 to \$98,828.00. A motion was moved by Mr. Nagel and was seconded by Mr. Green to authorize the reduction in the Letter of Credit. The motion carried. A separate motion was made by Mr. Kucsan and seconded by Mr. Boucher to allow Trio Fields – Phase I to commence their maintenance period. The motion carried.

Trio Fields – Phase IV – Letter of Credit Reduction – Mr. Kortze stated that based on their inspection of the work completed to date, he recommended that the Letter of Credit be reduced from \$838,122.52 to \$683,827.72. A motion was made to reduce the Letter of Credit by Mr. Green and seconded by Mr. Boucher. The motion carried.

### **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 moved by Mr. Boucher and was seconded by Mr. Green to approve payment of the bills dated November 12, 2014. The motion carried.

### **Courtesy of the Floor**

Janelle Hock, 4560 Ash Drive, stated that she was in opposition of the proposed pipeline and the proximity to the elementary school. Mr. Pennington stated that the Township will be participating in an open forum on November 19<sup>th</sup>, at the Klecknersville Rangers Fire Co. Mr. Tenges also stated that he wanted to make it known that there already is a gas line in close proximity to the school, so that people are aware of that.

Mr. Pennington called for a brief recess to begin at 7:19pm and that they will resume at 7:30pm for the next phase of the Curative Amendment Hearing for Stone Post Meadows.

### **Curative Amendment Hearing- Stone Post Meadows – K&S Development Curative Amendment**

Solicitor Asteak re-opened the hearing and gave a brief recap of the previous meeting. Solicitor Asteak stated that Council will make every effort to finish all testimony tonight, but if it doesn't wrap up tonight it will be revisited at the next Board of Supervisors meeting being held on December 10<sup>th</sup>.

Recall that James Preston represents K&S Development; Karl Kline represents AAA; Donald Miles, represents Robert and Beverly Hoyer (Buzas Greenhouse) and Ronca (Wind-Drift); and Kate Durso represents Woodmont Properties.

Mr. Preston continued to question Terry DeGroot, and to discuss various exhibits discussing zoning and permitted land uses. Mr. Preston wanted to know how Mr. DeGroot came up with the amount of land available to develop apartments on. Mr. DeGroot stated that he used a similar method to Mr. Gilchrest and felt it was an appropriate way to amass the information. Mr. Kline then questioned Mr. DeGroot to clarify why he used Mr. Gilchrest's methods to figure out available land and not use a different means. Mr. DeGroot stated that he felt that Mr. Gilchrest's methods were not flawed and that when he ran his numbers they were extremely close. Mr. Miles then questioned Mr. DeGroot and asked if it was possible to place apartments on more areas of the township if you work within the existing zoning. Mr. DeGroot said it was definitely possible to have apartments through the township.

Mr. Miles then asked if the Objectors exhibits numbered 1 – 43 could be accepted into evidence. No attorneys had any objections, and the request passed.

Ms. Durso then called Steve Santola to testify. Ms. Durso first asked Mr. Santola to state who he worked for. Mr. Santola stated that he was Executive Vice President for Woodmont Properties. Ms. Durso then asked why he was here tonight speaking on behalf of Woodmont. Mr. Santola stated that his company had come before the

board about eight months earlier in hopes of developing a different track of land for luxury apartments but found that the current zoning was very restrictive and wasn't feasible for them to develop on the track that they looked at with the restrictions that were in place. Mr. Santola stated that they had made a presentation to the Board of Supervisors but didn't feel like they got a warm reception so they were waiting to see what they wanted to do next, but when they heard of this curative amendment being submitted to the township they wanted to get involved and show their support towards changing the existing zoning with regards to apartments. Mr. Miles then questioned Mr. Santola and asked why Woodmont did not pursue filing a curative amendment of their own or join on to the already filed curative amendment. Mr. Santola said that when they don't get a warm reception to a new project they tend to move on but in this instance they feel that Lower Nazareth Township would be a great place for a luxury apartment and were still very interested in developing here, he also stated that in Pennsylvania you cannot join onto an existing curative amendment. Mr. Miles then asked about the current apartment complex that they developed in Bethlehem and why they were able to do that one with a smaller footprint. Mr. Santola stated that was their first attempt in the Lehigh Valley and it was a learning experience. He said that the apartments were well received and he believed they are about 99% rented since opening. He even went on to say they feel they could have made the Bethlehem apartment complex even bigger and still maintained the high rental rates. Mr. Santola finished by stating that they feel the zoning for apartments is very restrictive in Lower Nazareth and offered an ordinance amending the current zoning for apartments in Lower Nazareth.

Kollen Casey, 4663 Eisenhower Drive, asked if this curative amendment is approved is there a good possibility that the Township will be seeing a push to develop apartments for Woodmont. Solicitor Asteak said that there is a good possibility that would happen.

Mr. Preston then asked if they could discuss the potential for a subpoena for Lou Pektor with regards to what he was quoted as saying in the Morning Call. Mr. Preston has no problem with using the quote from the paper but does find fault with stating that Mr. Pektor is a Principal in K & S Developers. Mr. Preston said that Mr. Pektor is not an owner and doesn't have a controlling interest in K & S Developers. Mr. Miles stated that he was fine with that request.

Solicitor Asteak stated that as much as they didn't want to do it the Board would be forced to resume this testimony at our next meeting on December 10<sup>th</sup>, and has every confidence that this will be the final hearing on this matter.

#### Adjournment

The meeting adjourned at 9:15 PM.

Respectfully submitted by,



Eric Albert  
Municipal Office Coordinator

**Lower Nazareth Township  
Bills To Be Approved  
November 12, 2014**

**GENERAL FUND CHECKING ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
14794	State Worker's Insurance Fund	Workers Compensation	\$ 1,476.00
14795	Verizon Wireless	Fire Company Wireless	\$ 459.82
14796	Service Electric Cable TV Inc	Fire Company Internet	\$ 43.24
14797	Service Electric Telephone Co.	Fire Company Telephone	\$ 39.21
14798	IAFC Membership	Fire Company Membership Renewal	\$ 234.00
14799	Home Depot	Fire Company Supplies	\$ 121.32
14800	Easton Suburban Water Authority	Fire Company Water	\$ 63.55
14801	McGee Uniform	Fire Police Supplies	\$ 8.00
14802	Easton Suburban Water Authority	Municipal Bldg Water	\$ 32.06
14803	Verizon	Public Works Telephone	\$ 159.35
14804	Verizon	Municipal Office Telephone	\$ 463.05
14805	Edwards Business Systems	Copier Maintenance	\$ 461.75
14806	Integra One	Software Maintenance	\$ 300.00
14807	Lehigh Valley Media Group	Advertisement	\$ 301.00
14808	ESRI, Inc.	Arcview Maintenance Agreement	\$ 700.00
14809	Met-Ed	Traffic Signal Electricity	\$ 240.00
14810	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 804.00
14811	Suburban Propane	Park Fuel	\$ 177.03
14812	Lori Peck, OCR	Stenographer	\$ 140.00
14813	Mr. John	Temporary Restrooms	\$ 430.85
14814	Gyarmaty, Lorie	Postage	\$ 9.12
14815	Hecktown Volunteer Ambulance Corps	Local Services Tax Refund	\$ 114.00
PAID ONLINE	Chase Card Services	Office Supplies/Training	\$ 135.32
14816	Advanced Auto Parts Professional	Public Works Parts/Supplies	\$ 209.98
14817	Grainger Parts	Equipment Parts/Supplies	\$ 67.56

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**GENERAL FUND CHECKING ACCOUNT CONTINUED**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
14818	TransEdge Truck Centers	Equipment Parts/Supplies	\$ 92.08
14819	Staples Business Advantage	Office/Public Works Suplies	\$ 198.51
14820	Mansfield Oil Company	Equipment Motor Fuel	\$ 1,344.17
14821	PAPCO	Equipment Motor Fuel	\$ 971.15
14822	Eastern Industries, Inc.	Paving & Patching Supplies	\$ 62.83
14823	Home Depot	Shop Tools/Equipment/Supplies/Facilities Mai	\$ 356.42
14824	Sherwin-Williams	Park Supplies	\$ 422.70
14825	Highway Materials, Inc.	Paving & Patching Material	\$ 119.41
14826	Colonial Regional Police Department	Police Contract Payment	\$ 93,537.58
14827	Hecktown Volunteer Fire Company	Fire Company Loan	\$ 965.26
14828	PA Municipal Health Insurance Cooperati	Employee Health Insurance	\$ 17,842.41
14829	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
14830	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
14831	Amity Fire & Safety, Inc.	Fire Company Maintenance	\$ 345.00
14832	PPL, Inc.	Fire Company Electricity	\$ 509.58
14833	AT&T	Municipal/Public Works Long Distance	\$ 60.05
14834	Verizon Wireless	Municipal/Public Works Wireless	\$ 385.48
14835	Commonwealth of Pennsylvania	MS4 Permit	\$ 500.00
14836	Liberty Propane Inc.	Municipal Building Propane	\$ 374.07
14837	Toshiba Business Solutions	Copier Maintenance	\$ 97.03
14838	Commonwealth of PA	Pesticide License Renewal	\$ 35.00
14839	Lori Peck, OCR	Stenographer	\$ 400.00
14840	The Express Times	Subscription Renewal	\$ 130.00
14841	Nazareth Key	Advertisements	\$ 284.76
14842	Lehigh Valley Media Group	Advertisement	\$ 325.30

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**GENERAL FUND CHECKING ACCOUNT CONTINUED**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
14843	PPL, Inc.	Municipal Drive Electricity	\$ 623.03
14844	PPL, Inc.	Traffic Signal/St Light/Municipal/PW/Park Ele	\$ 1,498.93
14845	Nazareth Key	Fire Company Advertisement	\$ 422.73
14846	ExxonMobil	Fire Company Fuel	\$ 603.50
14847	Deborah L Statler	Local Services Tax Refund	\$ 52.00
14848	PA One Call System, Inc.	Monthly Fax Activity	\$ 71.50
14849	Brown- Daub Solt Chevrolet-Oldsmobile	Equipment Parts/Supplies	\$ 54.06
14850	Stotz & Fatzinger Office Supply	Office/Zoning Supplies	\$ 144.53
14851	Tractor Supply Credit Plan	Public Works Supplies/Parts	\$ 126.92
14852	Service Tire Truck Centers	Public Works Equipment Parts/Supplies	\$ 1,112.00
14853	Triad Truck Equipment, Inc.	Public Works Parts/Supplies	\$ 173.00
14854	Keystone Consulting Engineers, Inc.	Engineering & Inpsection Services	\$ 1,812.00
<b><i>Total General Fund Checking...</i></b>			<b>\$ 135,220.23</b>

**CAPITAL RESERVE - EQUIPMENT REPLACEMENT ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
<small>Merchant's Bank Check</small>	Lafayette Ambassador Bank-Lease Dept	Lease Payment	\$ 42,885.12

**HIGHWAY RECONSTRUCTION/REHABILITATION ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1005	Crafco, Inc.	Paving Maintenance Supplies	\$ 1,192.50
1006	Home Depot Credit Services	Construction/Rebuilding	\$ 99.46
<b><i>Total Highway Recon/Rehab Account...</i></b>			<b>\$ 1,291.96</b>

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**CAPITAL RESERVE ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
863	Home Depot Credit Services	Capital Construction	\$ 145.59
864	Sherwin-Williams	Capital Construction	\$ 457.51
865	Design Floors, Inc.	Capital Construction	\$ 49.00
866	Bath Supply Co., Inc.	Capital Construction	\$ 294.36
<i>Total Capital Reserve Account...</i>			<b>\$ 946.46</b>

**PAYROLL ACCOUNT**

October 31 , 2014	\$ 31,072.42
November 12, 2014	\$ 31,210.73
<i>Total Payroll Account...</i>	
	<b>\$ 62,283.15</b>

**RECYCLING/REFUSE ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1207	East Penn Sanitation	Fall Clean-Up	\$ 1,445.00
1208	Mr. John	Temporary Restroom	\$ 140.00
<i>Total Refuse/Recycling Account...</i>			<b>\$ 1,585.00</b>

**STATE LIQUID FUELS ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
531	Mt. Carmel Stabilization Group, Inc.	2014 FDR Project	\$ 71,535.22
532	Traffic & Safety Signs, Inc.	2014 Line Striping	\$ 16,620.00
<i>Total State Liquid Fuels Account...</i>			<b>\$ 88,155.22</b>



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**DEVELOPMENT & INSPECTION ACCOUNT**

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
1785	CodeMaster Inspection Services, Inc.	Building Inspection Services	\$ 18,825.00

**MASTER ESCROW CHECKING (LAB)**

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
1371	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 5,351.25
1372	Met-Ed	Traffic Signal Electricity	\$ 199.09
1373	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 552.50
1374	Lower Nazareth Recreation Association	Key Refunds	\$ 250.00
1375	Gilmore & Associates, Inc.	Engineering & Consulting Services	\$ 155.48
1376	Asteak Law Offices	Legal Services	\$ 393.75
		<i>Total Master Escrow Account...</i>	\$ 6,902.07