

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
November 17, 2010**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday November 17, 2010. The Chairman called the meeting to order at 6:30 PM.

Present were:

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

**Approval of Minutes**

A motion was moved by Mr. Pennington and was seconded by Mr. Kucsan to approve the meeting minutes for October 27, 2010. Mr. Johnson abstained. The motion carried.

**Reports**

*Report is available for review at the Township Office and is posted on the Township's website.*

Mr. Nagle acknowledged the receipt of the Zoning Administrator's Report for October 2010.

**Correspondence**

Driveway Complaint – Mr. Tenges reported that this complaint was brought to the Board's attention because it was related to the FDR Road Project. Both Mr. Tenges and a Public Works employee inspected the driveway and have spoken with the resident. It was determined the damage was pre-existing and not a result of the road project; therefore no action will be taken.

**Subdivision and Land Development**

Griffin Land Development – Minor Subdivision & Revised Final Land Development – Resolution #LNT-23-10 – Greg Davis, Saul Ewing; Steve Pany, Pany & Lentz; and representatives from Griffin Land were present. Mr. Kortze reviewed his November 12<sup>th</sup> letter. A motion was moved by Mr. Boucher and was seconded by Mr. Kucsan to approve resolution #LNT-23-10. The motion carried.

Northwood Surgery – Mobile MRI – Chitu Patel was present. Mr. Tenges' issue was this was not mentioned during the Conditional Use (CU) process and believes it should have been. Mr. Patel did not think it was of the CU process because the MRI unit is a supplement to their existing services and will be added to their services regardless of the change of use. The Board concurred that it should have been part of the CU hearing.

Mr. Pennington's concern was that this is really a piece of the building; it doesn't matter that it is mobile. It still affects parking and access for emergency services.

Mr. Patel stated there was no ill-intent and requested the Board tell him what needs to be done. Solicitor Asteak stated that the applicant must submit an application first, then we will determine the next step.

## **Engineer's Report**

Green Acres – Maintenance Period Expiration – Letter of Credit Release – Mr. Kortze reviewed his November 11<sup>th</sup> letter recommending the release of all security. A motion was moved by Mr. Johnson and was seconded by Mr. Pennington to release the remaining security. The motion carried.

ProLogis Park 33 – Letter of Credit Reduction – Mr. Kortze reviewed his November 16<sup>th</sup> letter recommending a reduction in security and commencement of the 18-month maintenance period. His letter did, however, list various items to be addressed, #1 and #2 should be addressed as soon as possible. A motion was moved by Mr. Pennington and seconded by Mr. Kucsan to commence the maintenance period and reduce the letter of credit upon completion of #1 and #2 in Mr. Kortze's letter. The motion carried.

## **Supervisors' Comments**

Mr. Kucsan stated that the Lions Club would hold their tree lighting ceremony on December 5<sup>th</sup> at Lafayette Ambassador Bank. He requested the Township Manager or the Chairman attend. Mr. Kucsan would confirm the time and let them know.

Mr. Johnson and Mr. Pennington had no comments.

Mr. Boucher reported that he attended the WaWa Grand Opening and participated, along with other members of Hecktown Volunteer Fire Company (HVFC), in a hoagie making competition with the Colonial Regional Police Department; which HVFC won.

Mr. Nagle attended the Colonial Regional Police Commission (CRPC) special meeting regarding the 2011 budget. They were not receptive to the suggestion to hold the line on expenses for 2011 so the details of the formula can be work out. It will be discussed again at the next meeting on November 22, 2010.

Mr. Tenges will be meeting with Mr. Finnigan (Hanover Township Manager) tomorrow November 18<sup>th</sup>. Mr. Tenges feels the sides are too far apart to reach an agreement in time for this year's budget.

Mr. Nagle said there is a lack of control of costs and municipalities are hurting. The Board memorialized the position that (1) we go back to the 2010 formula and CRPC use capital reserve funds to balance the budget and (2) that a formula containing a population component be forthcoming. A motion was moved by Mr. Nagle and was seconded by Mr. Kucsan that the Board intends to stand fast on that position. The motion carried. Depending on the outcome on Monday's meeting of the CRPC, a motion was moved by Mr. Kucsan and was seconded by Mr. Pennington to implement the dispute mechanism.

A letter of intent to withdraw from CRPC is due by December 15<sup>th</sup>. Solicitor Asteak stated we can make that decision at our December 1<sup>st</sup> meeting.

## **Manager's Report**

Time Extension Report – Mr. Tenges reported that a time extension was accepted for the Trio Farms Revised Final Subdivision Plan and the Trio Farms Phase I Revised Final Subdivision Plan submission. The extensions were granted through February 28, 2011.

Draft 2011 Budget – Mr. Tenges requested the Board authorize the proposed budget for advertisement for adoption at our December 15<sup>th</sup> meeting. A motion was moved by Mr. Kucsan and was seconded by Mr. Boucher to authorize the proposed budget for advertisement. The motion carried. Mr. Tenges said it was important to note there is no tax increase.

2011 Animal Services Contract – Mr. Tenges will be attending the LVMMA meeting on Friday November 19<sup>th</sup> and will find out how other municipalities are planning to handle this year's contract. The Board tabled the topic until the December 1<sup>st</sup> meeting.

Proposed Solar Energy Ordinance – Mr. Tenges requested authorization to send the proposed ordinance to the Lehigh Valley Planning Commission (LVPC) and the Lower Nazareth Township Planning Commission for

comment. A motion was moved by Mr. Boucher and was seconded by Mr. Pennington to authorize the proposed ordinance be sent for comment. The motion carried.

Tobacco Use Restrictions – Solicitor Asteak briefly reviewed the Boards options to restrict tobacco use on township property. The Board was asked to think about the idea and be prepared to discuss at our December 1<sup>st</sup> meeting.

Library Fundraiser – Mr. Tenges explained the “Touch a Truck” fundraiser the library would like to have this spring. They have requested the use of our parking lot for the event. They have also asked us to carry the event on our insurance. The Board was not comfortable with that. Solicitor Asteak stated they should use their insurance and include us as an additional insured. Mr. Tenges commented that, in addition, he wants all participants to sign an agreement holding the township harmless for any damage to the vehicles.

DEP – Essroc finding – Mr. Tenges reported that Essroc received a \$50,000 fine for non-compliance and air pollution.

Zoup Grand Opening – Mr. Tenges will be attending the Grand Opening on Thursday November 18<sup>th</sup>.

### 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. Johnson and seconded by Mr. Boucher to approve the bills dated November 17, 2010. The motion carried.

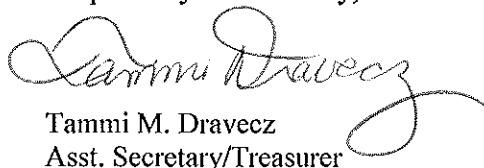
### Courtesy of the Floor

Mr. Bernaski inquired on the timeframe for approval of the proposed solar ordinance including when the hearing before the Board would be. Solicitor Asteak believed that until the Lehigh Valley Planning Commission and the Lower Nazareth Planning Commission had an opportunity to review and provide comment it would be at least January.

### Adjournment

A motion was moved by Mr. Pennington and seconded by Mr. Kucsan to adjourn the meeting at 7:50PM.

Respectfully submitted by,

  
Tammi M. Dravec  
Asst. Secretary/Treasurer

**Lower Nazareth Township**  
**Bills To Be Approved**  
November 17, 2010

Num	Name	Memo	Amount
<b><u>GENERAL FUND CHECKING ACCOUNT</u></b>			
11220	LNT Petty Cash	Replenish Petty Cash	\$ 61.34
11221	Met-Ed	Traffic Signal Electricity	\$ 141.04
11222	Lori Peck, OCR	Stenographer	\$ 50.00
11223	Thomas Amidon	Local Services Tax Refund	\$ 116.00
11224	Commonwealth of Pennsylvania	Pesticide License Renewal	\$ 35.00
11225	Keystone Consulting Engineers, Inc.	Engineering Services	\$ 313.13
11226	Integra One	Replenish Service Retainer	\$ 600.00
11227	Nazareth Key	Advertisements	\$ 198.99
PAID ONLINE	Chase Card Services	Equipment Motor Fuel/Webinar/Class/Softwar	\$ 868.60
11228	CodeMaster Inspection Services, Inc.	Building Inspection Services	\$ 10.00
11229	CCC Heavy Duty Truck Parts Company	Public Works Equipment Parts/Supplies	\$ 47.76
11230	All Phase Electric Supply Co	Public Works Equipment Parts/Supplies	\$ 116.92
11231	PrintConcepts	Fall Newsletter	\$ 2,033.96
11232	PPL, Inc.	Park/Traffic Signal/ Street Light/Office/Public	\$ 1,404.48
11233	Kristin R. Cinquino	Local Services Tax Refund	\$ 18.00
11234	Joe Fresco	Crime Watch Website	\$ 579.80
11235	PA One Call System, Inc.	Monthly Fax Activity	\$ 59.40
11236	BWP-Carquest Auto Parts	Public Works Equipment Parts/Supplies	\$ 276.53
11237	Staples Business Advantage	Municipal Office Supplies	\$ 73.10
11238	Staples Credit Plan	Municipal Office Supplies	\$ 8.97
11239	Flurer's Auto Body	Public Works Equipment Repair	\$ 50.00
11240	Home Depot	Public Works Equipment/Supplies	\$ 373.30
11241	Coughlin's Auto Electric Service	Public Works Equipment Parts/Supplies	\$ 85.00
11242	Crista A. Snyder	Local Services Tax Refund	\$ 52.00
11243	Richard R. Fogel	Local Services Tax Refund	\$ 7.00
11244	Hecktown Ambulance Corps	TEAMS Reimbursement	\$ 12,000.00
11245	AT&T	Municipal Office/Public Works Long Distance	\$ 51.87
11246	Mr. John	Temporary Restrooms	\$ 465.30
11247	The Center for Animal Health & Welfare	Animal Services Contract	\$ 75.00
11248	Suburban Propane	Park Heating Fuel	\$ 341.36
11249	Nextel Communications	Municipal Office/Public Works Wireless	\$ 233.42

**Lower Nazareth Township  
Bills To Be Approved  
November 17, 2010**

**GENERAL FUND CHECKING ACCOUNT CONTINUED**

11250	Nazareth Area Council of Government	2011 Membership Dues	\$ 250.00
11251	Brown & Brown of Lehigh Valley	Tax Collector Bonds	\$ 670.00
11252	Eastern Industries, Inc.	Aggregate Supplies	\$ 2,012.01
11253	E.M. Kutz, Inc.	Public Works Equipment Parts/Supplies	\$ 138.60
11254	Easton Suburban Water Authority	Municipal Water	\$ 129.02
11255	International Code Council	2011 Membership Dues	\$ 100.00
11256	Deer Park	Municipal Bottled Water	\$ 18.78
11257	Asteak Law Offices	Legal Services	\$ 15,437.50
11258	Selective Insurance Company of America	Liability & Workers Comp Insurance	\$ 14,860.00
		<i>Total General Fund Checking Account...</i>	<u><u>\$ 54,363.18</u></u>

**PAYROLL ACCOUNT**

	November 5, 2010	\$ 26,700.26
	November 19, 2010	\$ 23,996.88
		<i>Total Payroll Account...</i>
		<u><u>\$ 50,697.14</u></u>

**MASTER ESCROW CHECKING ACCOUNT**

1761	Lisa Silvius	Escrow Refund	\$ 2.07
1762	Department of Community & Economic Dev.	Grant Closeout - Interest Earned	\$ 63.92
1763	Met-Ed	Traffic Signal Electricity	\$ 282.20
1764	Keystone Consulting Engineers, Inc.	Engineering Services	\$ 8,136.82
1765	Asteak Law Offices	Legal Services	\$ 831.25
		<i>Total Master Escrow Account...</i>	<u><u>\$ 9,316.26</u></u>

**RECYCLING / REFUSE ACCOUNT**

1012	Mr. John	Temporary Restrooms	<u><u>\$ 150.00</u></u>
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**CAPITAL RESERVE ACCOUNT**

732	Banc of America Pub Captl Corp	2008 International Trucks	\$ 43,942.95
733	Virginia Business Systems	Copier Lease	\$ 394.95
		<i>Total Capital Reserve Account...</i>	<u><u>\$ 44,337.90</u></u>

**DEVELOPMENT & INSPECTION ACCOUNT**

1657	CodeMaster Inspection Services, Inc.	Building Inspection Services	<u><u>\$ 4,261.00</u></u>
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