# LOWER NAZARETH TOWNSHIP BOARD OF SUPERVISORS MINUTES

### November 5, 2008

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday November 5, 2008. The Vice Chairman called the meeting to order at 7:34 PM.

#### Present were:

Manager, Secretary/Treasurer Chairman Timm A. Tenges Dr. Alan Dilsaver -Eric E. Nagle Vice Chairman Lori B. Seese Zoning Administrator Supervisor Kelly J. Sullivan - Office Clerk Robert S. Kucsan -Albert Kortze, P.E. Ricky T. Johnson -Supervisor Engineer Gary Asteak Solicitor

#### Absent was:

Patrick J. Murphy, Supervisor Tammi Dravecz, Assistant Secretary/Treasurer

#### Approval of Minutes

A motion was moved by Mr. Kucsan and seconded by Mr. Johnson to approve the meeting minutes for September 24, 2008. The motion carried.

#### Reports

The record should reflect that the October 22, 2008 Board of Supervisors Meeting was duly advertised, however due to a lack of a quorum was cancelled.

Mr. Nagle acknowledged the receipt of the Lower Nazareth Township Financial Statement for September 2008, Zoning Administrator's Report for September 2008, Lower Nazareth Township 2007 Financial Statement, and the Hecktown Volunteer Fire Company Incident Report for September 2008. All reports are available for review at the Township Office.

#### Correspondence

There were no items to discuss under Correspondence.

# Subdivision and Land Development

<u>Logisticenter East - Final Subdivision & Lot Consolidation Plan - Resolution #LNT-32-08</u> - Attorney James Kratz attended the meeting on behalf of ProLogis to present the Board with a letter requesting discussion on this issue be tabled until the first meeting in December. A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to table discussion until the first meeting in December. The motion carried unanimously.

<u>Dick Milham Land Development - Improvements Agreement - Authorization to Execute</u> - A motion was moved by Mr. Kucsan and seconded by Mr. Johnson to authorize execution of this agreement upon the satisfaction Solicitor Asteak and Mr. Tenges. The motion carried unanimously.

Opus East - Sewage Facilities Planning Module Operation & Maintenance Agreement - Authorization to Execute - Mr. Tenges would like the agreement, which was developed by our SEO Christopher Noll, modified. A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to authorize the execution of this agreement upon the satisfaction of DEP, our SEO and Mr. Tenges.

**Board of Supervisors Minutes November 5, 2008**  The following items were tabled until the arrival of Solicitor Asteak and Mr. Kortze.

Greenfield Industrial Park - Traffic Impact Fee Reduction Request - Resolution #LNT-33-08 Phillips Feed Truck Building - Preliminary/Final Land Development - Resolution #LNT-34-08

Dr. Dilsaver arrived

#### **Supervisor's Comments**

Mr. Kucsan stated that the Lions Club previously planted 5 memorial trees in the park for members who had passed away. A sixth member has passed away and the Lions Club would like to plant another tree; a flowering cherry with no fruit. Mr. Tenges stated that the township would assist in the planting of the tree. A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to authorize the planting of this tree in the park. The motion carried unanimously.

Mr. Nagle attended the Colonial Regional Police Commission (CRPC) meeting last Monday night; at which the 2009 budget was passed. There was a 7.5% increase, which amounts to \$196,000.00. Lower Nazareth Township's share increases by 9.6% or \$82,000.00. Hanover Township's share increased by 12% and Bath Borough's decreased by 3.8%. A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to accept the budget as presented. The motion carried unanimously. Mr. Nagle asked that a letter be sent to CRPC communicating the Board's approval.

Dr. Dilsaver had no comments.

Mr. Johnson attended the County Convention last month.

Solicitor Asteak and Mr. Kortze arrived.

### Subdivision and Land Development ... continued

Greenfield Industrial Park - Traffic Impact Fee Reduction Request - Resolution #LNT-33-08 - After a brief discussion, a motion was moved by Mr. Nagle and seconded by Mr. Johnson to adopt Resolution #LNT-33-08 reducing the traffic impact fee to \$498.49 per PM peak hour trip. The motion carried unanimously.

<u>Phillips Feed Truck Building - Preliminary/Final Land Development - Resolution #LNT-34-08</u> - Mr. Kortze reviewed his letter dated October 30, 2008 and recommended preliminary/final approval. Mr. Tenges noted that we have not yet received the official order from the zoning hearing board. Once received, the document will become Exhibit 'B' of the resolution. The action took place and the executed document is due on Friday November 7, 2008. A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to adopt Resolution #LNT-34-08. The motion carried unanimously.

#### Manager's Report

<u>Time Extension Report</u> - The time extension report includes extensions granted from September 25, 2008 through November 5, 2008. A motion was moved by Mr. Johnson and seconded by Mr. Nagle to accept the time extension report as presented. The motion carried unanimously.

<u>Draft 2009 Budget</u> - Mr. Tenges reported that the Township is fortunate enough to be able to maintain a 4.15 millage rate for 2009. In spite of the increase in police expenses, the township's overall expenses only increased by \$42,520 and we are still able to decrease the carry forward amount by \$14,000.

Mr. Tenges is proposing the construction of two salt storage facilities at a cost of \$15,000. Both salt and equipment can be stored in these structures. They can be dismantled and relocated to another site at any time. Mr. Tenges is also proposing hiring an additional full-time highway department position.

Mr. Tenges would also like to make some improvements to the municipal building such as repairing the front stairs and replace the air conditioning units.

There was a discussion on the library's budget and how costs are allocated.

Mr. Tenges thought is was noteworthy to mention that the Hecktown Volunteer Fire Company requested \$365,000.00 and the Township was able to provide them with \$265.000.00.

Mr. Tenges requested authorization to advertise the 2009 draft budget. The budget must be available to review for 20 days prior to adoption. Therefore it could be adopted at the December 3<sup>rd</sup> meeting; giving us an extra meeting if the budget wasn't adopted at the first meeting.

A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to authorize the advertisement of the 2009 draft budget. The motion carried unanimously.

CPA Advertising - A motion was moved by Mr. Nagle and seconded by Mr. Kucsan to authorize the advertisement to use a CPA to perform the Township's 2008 Audit. The motion carried unanimously.

Contractor Licensing Ordinance - Solicitor Asteak looked into this ordinance as it does not look like it will yield the results Mr. Tenges had hoped. Therefore, he is not sure it is worth moving forward and implementing this ordinance. Solicitor Asteak stated that he just learned that the legislator has adopted an act that supersedes municipality contractor licensing ordinances as of July 1, 2009.

Open Records/New Copier - A new open records law effective January 1, 2009. Mr. Tenges would like to purchase a wide format copier; giving us the ability to copy large maps. The copier would be a black and white copier; plotters are required for color. This copier can also scan and archive documents. Mr. Tenges has a proposal from Ricoh, which is on the state contract. The proposal is \$12,178.00 and would be paid from the Municipal Capital Reserve Account. Mr. Tenges would like to lease this equipment; a 36 month lease with a \$1 buy-out. A motion was moved by Mr. Nagle and seconded by Mr. Johnson to The motion carried unanimously.

Smoke-free Workplace Law - In conjunction with the law, Mr. Tenges stated that the township has adopted a policy that makes all work place areas smoke-free, including any of the enclosed vehicles.

Outdoor Wood Burning Furnaces - At the request of Mr. Kucsan, Mr. Tenges looked into ordinances relative to outdoor wood burning furnaces. Mr. Kucsan stated that these outdoor furnaces are small therefore the chimney isn't channeling the smoke high enough so the smoke comes through the neighborhoods. Mr. Kucsan would like the township to look into an ordinance to control these items.

Mr. Kucsan also spoke of sign blight. He stated that he talked to Mrs. Seese and she wasn't sure it is legal for the township to remove them. Mrs. Seese stated that the township was told we had to send letter asking them to remove signs. There was a brief discussion and Solicitor Asteak stated he would think about it - perhaps it could be considered littering.

#### **Engineer's Report**

Rondel Development - Colt's Ridge - Letter of Credit Reduction - Mr. Kortze reviewed his letter dated October 20, 2008 recommending the letter of credit to be reduced from \$216,539.47 to \$187,888.33. A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to reduce the letter of credit in the amount of \$28,651.14. The motion carried unanimously.

ProLogis Park 33 - Major Subdivision - Letter of Credit Reduction - Mr. Kortze reviewed his letter dated October 20, 2008 recommending the letter of credit to be reduced from \$2,582,707.20 to \$545,242.10. A motion was moved by Mr. Kucsan and seconded by Mr. Johnson to reduce the letter of credit in the amount of \$2,037,465.10. The motion carried unanimously.

ProLogis Park 33 - Building #1 - Letter of Credit Reduction - Mr. Kortze reviewed his letter dated October 21, 2008 recommending the letter of credit to be reduced from \$196,288.80 to \$66,379.90. A

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motion was moved by Mr. Johnson and seconded by Mr. Nagle to reduce the letter of credit in the amount of \$129,908.90. The motion carried unanimously.

Hidden Oaks II Phase IV - Letter of Credit Reduction - Mr. Kortze reviewed his letter dated October 21, 2008 recommending the letter of credit to be reduced from \$136,603.37 to \$76,566.20. A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to reduce the letter of credit in the amount of \$60,037.17. The motion carried unanimously.

Northampton County AAA - Release of Security - The Country Club Road widening work was completed in May 2006; however the applicant never requested a reduction in security. Given that sufficient time has passed to monitor the quality of the work completed, Mr. Kortze recommended the release of the security, in the amount of \$5,236.21. A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to release the security. The motion carried unanimously.

<u>Foxwood Farms - Maintenance Period</u> - Mr. Kortze reviewed his letter dated November 5, 2008. The maintenance period is set to expire on November 14, 2008. However due to sinkhole issues, Mr. Kortze recommended the maintenance period be extended until all public improvements are in a condition acceptable to the Township. A motion was moved by Mr. Kucsan and seconded by Mr. Nagle to extend the maintenance period until at least the expiration date of the security. The motion carried unanimously.

# 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. Kucsan to approve the bills dated October 22, 2008. The motion carried unanimously.

A motion was made by Mr. Nagle and seconded by Mr. Kucsan to approve the bills dated November 5, 2008. The motion carried unanimously.

# **Courtesy of the Floor**

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

#### Adjournment

A motion was moved by Mr. Johnson and seconded by Mr. Dilsaver to adjourn the meeting at 9:03PM.

Transcribed by,

Commits

Tammi M. Dravecz (

Asst. Secretary/Treasurer