

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
November 28, 2007**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting on Wednesday November 28, 2007. The Vice-Chairman called the meeting to order at 6:05 PM.

Present were:

*Dr. Alan Dilsaver	-	Chairman	Timm A. Tenges	-	Manager, Secretary/Treasurer
Eric E. Nagle	-	Vice Chairman	Tammi Dravec	-	Assistant Secretary/Treasurer
*Ricky T. Johnson	-	Supervisor	Kelly J. Sullivan	-	Office Clerk
Patrick J. Murphy	-	Supervisor	Gary Asteak	-	Solicitor
Robert S. Kucsan	-	Supervisor	Albert Kortze, P.E.	-	Engineer

\* Dr. Dilsaver arrived at 7:50PM

\* Mr. Johnson arrive at 6:10PM

Absent was: Lori B. Seese - Zoning Administrator

**Approval of Minutes**

Motion to approve the meeting minutes from November 14, 2007 was moved by Mr. Murphy and was seconded by Nagle. Mr. Kucsan abstained. The motion carried.

**Reports**

Mr. Nagle acknowledged the receipt of the Financial Statement for October 2007.

**Correspondence**

There was no discussion under correspondence.

**Subdivision/Land Development**

Mocha Abe – Preliminary/Final Land Development – Time Extension – Motion to accept the time extension through March 31, 2008 was moved by Mr. Kucsan and seconded by Mr. Murphy. The motion carried.

**Supervisor's Comments**

Mr. Kucsan attended the COG meeting on Tuesday night. One item discussed was "211". "211 is the social service equivalent of "911". It is a regional / statewide network to assist the homeless, those with mental problems, or other health issues; non-emergency type issues. It is an information delivery service that refers people to the proper agency who can give the assistance needed.

Mr. Nagle also attended the COG meeting. In addition, he attended the CRPC meeting on Monday night. At the meeting Hanover Township rescinded their Notice to Withdrawal. In addition, the 2008 CRPD Budget was approved. Lower Nazareth Township's portion is \$858,797.68; a \$91,251.06 increase from 2007. Motion to accept the 2008 CRPD Budget with Lower Nazareth Township's allocation at \$858,797.68 and the Capital Reserve Budget at \$74,628.00 was moved by Mr. Kucsan and seconded by Mr. Murphy. The motion carried.

Mr. Johnson and Mr. Murphy had no comments.

**Manager's Report**

Jandy Blvd. – Road Dedication – Resolution #LNT-33-07 – Motion to approve Resolution #LNT-33-07 was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried.

Lease for New Dump Trucks – Mr. Tenges stated that the lease for the dump trucks would be a 5-year lease at 4.39% through Navistar. Authorization for Mr. Tenges to file the appropriate paperwork was moved by Mr. Murphy and seconded by Mr. Johnson. The motion carried.

### **Engineer’s Report**

Mr. Kortze reported that the maintenance periods for Jordan’s Place and Dutch Springs are about to expire. Jordan’s Place has a few outstanding issues which Mr. Kortze hopes are resolved in time for the December 5<sup>th</sup> meeting. Mr. Kortze stated that everything was fine with Dutch Springs; he was just waiting on a reduced plan. Dutch Springs should also be ready for December 5<sup>th</sup>.

### **Solicitor’s Report**

Green Acres – Conditional Use Order and Opinion – Motion to approve the Green Acres Conditional Use Order and Opinion was moved by Mr. Johnson and seconded by Mr. Kucsan. The motion carried.

*The Board took a brief recess from 6:28PM – 6:29PM*

CRPC – Bath Borough’s questions – The Board reviewed a memo dated October 31, 2007 and voted on answers to Bath’s questions.

(1) “Has the Commission violated the Agreement by failing to “approve” a proposed 2008 budget and remit it to the participating municipalities prior to September 1, 2007?” – Our representative voted “NO”. Motion to agree with that response was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried.

(2) “Until the governing bodies of Lower Nazareth, Bath, and Hanover vote whether Hanover may rescind its Notice of Withdrawal, is Hanover permitted to participate in and vote upon matters related to 2007 unbudgeted expenditures, the proposed 2008 budget, or any contracts or expenditures that relate to the 2008 fiscal year?” – Our representative voted “YES”. Motion to agree with that response was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried.

(3) “If Bath does not adopt a resolution authorizing a budget increase in excess of ten (10%) percent, may the 2008 annual budget be increased by more than ten (10%) percent over the prior year’s budget?” – Our representative voted “YES”. Motion to agree with that response was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried.

(4) “Can the Commission make unbudgeted expenditures in 2007 which push total annual spending more than 10% over the prior year’s budget, without unanimous consent of all parties to the Agreement?” – Our representative voted “YES”. Motion to agree with that response was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried.

(5) “Can the Commission make unbudgeted expenditures without unanimous consent of all parties to the Agreement?” – Our representative voted “YES” Motion to agree with that response was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried.

“May Hanover rescind its Notice of Withdrawal?” – Our representative voted “YES”. Motion to agree with that response was moved by Mr. Kucsan and seconded by Mr. Johnson. The motion carried.

Mr. Asteak will be forwarding the responses to Hanover Township and Bath Borough.

Mr. Asteak stated that there would be an executive session after tonight’s meeting to discuss pending litigation.

### **Old Business**

There were no comments under Old Business.

## New Business

There were no comments under New Business.

## Payment of the Bills

Motion to approve the bills dated November 28, 2007 was moved by Mr. Johnson and seconded by Mr. Murphy. The motion carried.

## Courtesy of the Floor

There were no comments under Courtesy of the Floor.

*The Board took a recess from 6:42PM – 7:00PM*

## Conditional Use Hearings

*A complete transcript of tonight's conditional use hearing will be available at the Township Office.*

Industrial Developments International (IDI) – CU2007-02 – Continuation – The hearing began at 7:08PM

Attorney Bruno stated he had two witnesses he would be calling to testify; a Geotechnical Engineer and a Civil Engineer. Attorney Ferretti stated she had a witness to discuss environmental health issues.

Those who wanted to speak printed their name and address on a legal pad that was being passed around per Mr. Asteak's request.

Ms. Ferretti cross-examined Mr. Jones on his October 10<sup>th</sup> letter.

*Ginger Buscher, 2731 Newburg Road*, questioned the timing of the study and thought that a study should have been performed at a later hour.

*James Wilbur, 212 Oxford Drive*, questioned the study because it was conducted on a much smaller facility than the one that is proposed.

*Patricia Walpole, 7 Brentwood Avenue*, inquired about noise levels and on the efficiency of the trees surrounding the property.

Mr. Marles submitted corrections to transcripts from previous hearings. That list was marked as exhibit 37.

Mr. Asteak called on the residents who signed the list to speak.

*David Behar, 18 Lower Way Road*, asked if the Board would look into having the applicant analyze a site similar to the one being proposed.

*Frank Ferraina, 1 Brentwood Avenue*, stated that he does not want to die from illness caused by the warehouses. He thinks we have enough warehouses and traffic is bad enough.

*Tom Frank, 3409 Bridlepath Road*, does not think truckers will follow the projected path, that air and noise pollution will impact Palmer Township, and that accidents will result from the heavy traffic.

Dr. Dilsaver arrived at 7:50PM

*Pat McPherson, 214 Oxford Drive*, submitted a petition from local businesses opposed to the proposed facility. This was marked exhibit 38. She read a letter about flooding that occurred in April 2005. Mrs. McPherson submitted before and after pictures depicting the flooding. She also submitted pictures of trucks parked near the Wal-Mart Shopping Center clearly ignoring the "No Parking" signs. All of the pictures were marked as exhibit 39. Mrs. McPherson submitted a newspaper article about a study from the Centers of Disease Control which was marked as exhibit 40. In closing she stated that if this project is approved she will hold Mr. Brown, IDI, and the Board liable for any damages to her property or her health.

*Sherry Zimmerman, 220 Brentwood Avenue*, asked the Board to put themselves in her position.

*Matthew Benol, 2519 Swanson Street*, stated concerns of truck traffic, flooding, sinkholes, and the health, safety, and welfare of the community.

*Leigh Nataro, 2701 Bedford Road*, read a statement and questioned IDI's statement on the website versus their actions.

*Hanki Blanchfield, 3136 Val Vista Drive*, agreed with all the comments presented so far. She stated she already deals with the effects of the car dealerships which are small compared to the proposed facility.

*Robert Sutton, 3712 Van Buren Road*, spoke of the changes in traffic patterns and the increased noise level from all of the traffic.

*Cheryl Marsh, 3010 Swanson Street*, was unable to speak due to illness, so Mr. Asteak accepted a written statement and marked it exhibit 41.

*Steve Ferretti, 110 Oxford Drive*, stated he feels they should have been notified years ago when the zoning was changed.

*Richard Vorholy, 202 Oxford Drive*, is concerned about the opening in the berm and feels it will allow the trucks headlights to shine through to the neighboring homes.

*Stephen Dobos, 3104 Val Vista Drive*, stated he lives about ¼ mile from a loading dock and already has to use earplugs if he wants to sit on his porch in peace.

*Bonita Jodz, 12 Brentwood Avenue*, submitted pictures of the current conditions and the playground that is located near the facility. Those pictures were marked as exhibit 42. She does not feel that the Board cares about the residents of Palmer Township.

*Meg Lane, 210 Brentwood Avenue*, read a statement to the Board.

*Ron Musselman, 3766 Newburg Road*, stated he will be surrounded on three sides by this facility and knows the value of his house will decrease. He is concerned about noise, traffic, crime, flooding, and his well.

*Ann Seibold, 3510 Rocky Lane*, wanted to go on record that she objects to the facility.

*Vince Cruver, 3516 Nazareth Road*, stated that when a farmer plows it is an all day event that create noise. This facility will be noisier and run longer hours. He also is concerned about trash from the facility and its workers.

*Charles Brown, 18 Beaver Lane*, cited concerns about air and noise pollution.

*Patricia Walpole, 7 Brentwood Avenue*, was concerned about sinkholes. She believes this facility will destroy the quality of life and that no amount of berming and trees will help.

*Earl Halt, 3136 Val Vista Drive*, was concerned about air and noise pollution. He said he already can hear the traffic from Route 33. Mr. Halt does not see this facility as progress and hopes the Board will think it through before making a decision.

*Carol Strouse, 2712 Kingston Road*, read a statement elaborating on the list of concerns she submitted to the Board. That list was marked as exhibit 43 and included decreased property value and pollution.

*Ginger Buchser, 2731 Newburg Road*, spoke about the tree line and the growth required to close the 4-foot gap between the trees. She said in ideal conditions a tree will grow about 6 inches a year; which means it will take about 5 years to close the gap. Ms. Buchser also feels the headlight issue needs to be addressed. She submitted pictures of houses on Oxford Drive that have few or no trees. This was marked as exhibit 44. Ms. Buchser noted the playground is near the opening in the berm. She requested that the Board take a walk through the neighborhood.

Mr. Marles requested copies of all exhibits and that if the Board visits the neighborhood that all parties are present. Mr. Asteak stated that the Board would not be planning to visit the site.

Ms. Buchser began to read a study on the affects of lung growth due to pollutants. Mr. Marles objected to the study. Mr. Asteak allowed Ms. Buchser to only give her opinion of the study; to which Mr. Marles objected. Mr. Asteak allowed Ms. Buchser to give her opinion subject to Mr. Marles objection.

*Sandra Levisay, 2701 Auburn Avenue*, submitted pictures from a power point presentation, which was marked as exhibit 45. She cited concerns about the opening in the berm and air and noise pollution.

*Gena Fortner, 222 Brentwood Avenue*, spoke about the flooding to her home from Hurricane Ivan. She said that she loves to sit in her back yard at night, but knows she will lose the peace and quiet once the facility is built. Ms. Fortner said the lights at the Hampton Inn are similar to the ones proposed by IDI and they are very bright. She is concerned about the noise at all hours and not knowing who the tenants will be. It addition she believes flooding will be an issue. She submitted pictured from the October 10<sup>th</sup> rain event. Mr. Asteak accepted them and marked them as exhibit 46 A, B, & C. In closing she said she will hold IDI and the Board liable for damages.

*Tony Soffera, 218 Brentwood Avenue*, read a statement citing concerns about traffic and flooding. He submitted pictures of flooded conditions which Mr. Asteak marked as exhibit 47.

*Public comment concluded and the Board took a recess from 9:07PM – 9:18PM*

Renee Ferretti called on Kevin Stewart from the American Lung Association. His resume was marked as exhibit 48. Ms. Ferretti reviewed his credentials; followed by Mr. Marles cross-examination.

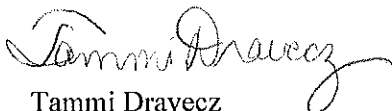
Mr. Stewart reviewed notes from a presentation regarding Diesel Exhaust. The packet was marked as exhibit 49. Mr. Stewart discussed diesel exhaust and its contribution to pollution.

The hearing ended at 10:00PM to be continued on December 5, 2007 at the Lower Nazareth Township Municipal Building at 306 Butztown Road, at 7:00PM.

### **Adjournment**

Motion to adjourn the meeting was moved by Mr. Nagle and seconded by Dr. Dilsaver. The meeting was adjourned at 10:00PM.

Respectfully submitted,



Tammi Dravec  
Assistant Secretary/Treasurer