

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
November 11, 2020**

The Lower Nazareth Township Board of Supervisors held a virtual meeting on Wednesday November 11, 2020. The Chairman called the meeting to order at 6:30PM.

Present were:

James S. Pennington	-	Chairman	Gary Asteak	-	Solicitor
Martin Boucher	-	Vice Chairman	Albert R. Kortze	-	Engineer
Stephen A. Brown	-	Supervisor	Lori A. Stauffer	-	Manager
Robert J. Hoyer	-	Supervisor	Tammi Dravec	-	Secretary/Treasurer
Amy L. Templeton	-	Supervisor	Lori Seese	-	Planning/Zoning Administrator

**** The Chairman indicated that the Board held executive sessions to discuss legal matters. ****

Approval of Minutes

A motion was moved by Mr. Boucher and was seconded by Mr. Brown to approve the October 28th meeting minutes. The motion carried unanimously.

Reports *(Reports are available to review at the Township Office and on our website.)*

Mr. Pennington acknowledged the receipt of the Hecktown Fire Company Incident Report for October 2020.

Subdivision & Land Development

Ceco Concrete Building Addition Plan Withdrawal – Ms. Stauffer explained the applicant has withdrawn the plan. A motion was moved by Mr. Boucher and was seconded by Mr. Brown to accept the plan withdrawal. The motion carried unanimously.

Supervisors' Comments

Mr. Pennington attended the COG meeting on Monday evening via Zoom. The multi municipal plan update is moving along. He commented that it took him a lot of time to vote on election date; he was in line for 90 minutes. Mr. Pennington commented that perhaps we need a third polling location as the Township grows and suggested we inquire with the County. Ms. Stauffer will send a letter.

Mr. Boucher and Ms. Templeton had no comments.

Mr. Hoyer reported that he was not in attendance at the November 9th EAC meeting, but council members reviewed the Colts Run plan. He gave compliments on Township Newsletter and noted that he received numerous comments. Mr. Hoyer stated on November 9th, he attended an event at HVFC for the demonstration of their new equipment. LaMont McClure was in attendance. Mr. Hoyer believes it was money well spent.

Mr. Hoyer proceeded to discuss President Trump's visit to Hanoverville Township and Vice-President Elect Kamala Harris's visit to Lower Nazareth Township. He expressed concern that these types of visits cost the Township money for police and public works services. The Township should be billing the campaign for reimbursement of these costs. He would like to adopt an ordinance to force the business hosting the event to post a deposit to offset the costs.

Mr. Brown saw the videos posted on Facebook from the event at Hecktown Fire on November 9th and said it looked like they enjoyed themselves. He agrees on the Township recouping money to cover services.

**Board of Supervisors Minutes
November 11, 2020**

Solicitor's Report

There were no comments under Solicitor's Report.

Engineer's Report

Koch 33 Letter of Credit Reduction and Commencement of Maintenance Period – Mr. Kortze reviewed his November 5th letter recommending the letter of credit be reduced from \$339,732.10 to \$173,409.90; a \$166,322.20 reduction and to commence the 18-month maintenance period. A motion was moved by Mr. Hoyer and was seconded by Mr. Boucher to reduce the security and commence the maintenance period. The motion carried unanimously.

Manager's Report

Time Extension Report – Ms. Stauffer reported the time extension accepted.

2021 Colonial Regional Police Budget – A motion was moved by Mr. Brown and was seconded by Mr. Boucher to approve the CRPD 2021 Budget. The motion carried unanimously.

2021 Township Budget – Authorization to Advertise – A motion was moved by Mr. Hoyer and was seconded by Boucher to advertise the 2021 budget for adoption at our December 9th meeting. The motion carried unanimously.

Ms. Stauffer reported that on November 5th, Northampton County Council passed a resolution granting Lower Nazareth Township \$11,371.00. The money will be used for AV enhancements to the meeting room and 2 new laptops.

Payment of the Bills

A motion was moved by Mr. Boucher and was seconded by Mr. Hoyer to approve payment of the bills dated November 11th. The motion carried unanimously.

Courtesy of the Floor

There were no comments under Courtesy of the Floor.

The Board took a brief recess at 6:53 to set up for hearings... reconvened at 6:57pm

Conditional Use Hearing

LVTC II Owner, LLC & LIT Acquisitions, LLC (CU2020-01) – Solicitor Asteak resumed the hearing with a brief presentation. Hanover Township Solicitor Anthony Giovannini, as well as Traditions of America residents Michael Berman (President of Association), and Frank D'Ascensio (Chairman of Community Relations Committee) were all present via Zoom.

Present in person were Attorney Catherine Durso, Matthew Nunn, Trammell Crow Company, John Wichner, McMahon Transportation Engineers and Planners (Traffic Engineer), and Mike Jeitner, Bohler Engineering (Civil Engineer) Hanoverville Roadhouse Owner Mark Dennis and Attorney Fries

Attorney Durso recalled Mr. Nunn for additional testimony. In response to Traditions of America they further discussed the berming and presented an exhibit depicting the berm. An additional exhibit shows two staging areas within the Hanoverville Road entrance, in response to BOS concerns about trucks staging on roadway.

Another exhibit depicts the Flora Lane access to the facility and additional staging areas. Attorney Durso noted the concerns about trucks turning left onto Flora Lane. Mr. Nunn stated this configuration will force ALL traffic

to turn right out of facility. He reiterated that two entrances are important in a multi-tenant scenario. In a single tenant scenario, they would be open to not using Flora Lane.

Attorney Fries inquired on the height of the concrete median to ensure truck could not just drive over it. Mr. Nunn noted they will make it high enough to prevent trucks from turning left. Attorney Fries asked about the tenants and the level of truck usage to which Mr. Nunn cannot say with certainty. Mr. Nunn did say it would not be more than two tenants because buildings do not divide well with more than 2 tenants. Attorney Fries asked if Flora Lane would be impacted during construction. Mr. Nunn was not sure it would need to be closed.

Mr. Pennington inquired if this would be warehousing or a combination of light manufacturing and warehousing. Mr. Nunn proposed both uses with possibly a 45/55 mix like next door. Mr. Pennington added that he really does not like trucks on turning onto Flora Lane. Mr. Nunn believes he can work with Mr. Kortze to design something safe.

Mr. Boucher echoed Mr. Pennington's thoughts on Flora Lane: all traffic should use the signalized intersection. He does like emergency access from Flora Lane.

Mr. Hoyer noted that the signalized intersection was placed there for a reason and they should utilize that. All tenants should use the same access point. Mr. Nunn noted that some tenants like to secure the truck ports, which with numerous tenants would cause access issues. Mr. Hoyer sees Flora Lane as a hazard but likes emergency access to Flora Lane. Mr. Nunn would like at least cars to be able to access Flora Lane.

Attorney Fries called his witness, Mark Dennis:

Mark Dennis is the owner of JENEX Properties and JENEX Enterprise which owns the Hanoverville Roadhouse at Hanoverville Road and Township Line Road. Mr. Dennis spoke of the location and the need for traffic to have access to the restaurant. He recently made numerous renovations to his property during the COVID-19 shutdown. During that time, he also observed the truck traffic. Mr. Dennis provided pictures showing the intersections and trucks on prohibited roads. He noted that truck traffic has negatively affected his business. His restaurant has a patio that is about 10 feet from the road and patrons are bothered by the noise and exhaust. Mr. Dennis commented that his parking lot has also been damaged from trucks coming down Hanoverville and Township Line Roads and then using his lot to turn around. Not long ago, he made \$50,000 in repairs and a truck recently damaged it again. He has reported this to CRPD, and they suggested barriers; however, he needs deliveries from box trucks and barriers would be a problem. This development will only increase these issues. Mr. Dennis is concerned a closing of Flora Lane during construction will be a lose of new customers which is vital to the survival of business. He is opposed to this development and would like to see conditions that would limit the use of Flora Lane for emergency use and signs directing people to the restaurant

Attorney Durso pointed out to Mr. Dennis that he chose to spend money on improvements all well knowing that a warehouse was proposed for that location. She asked if he researched the permitted uses or the fact that warehouses are permitted near the restaurant prior to purchasing. Attorney Durso clarified trucks Mr. Dennis's concern that truck using Flora Lane would block the view of his restaurant.

Solicitor Asteak noted the small sign on building and inquired if that was not the issue. Mr. Dennis noted that he is not permitted to have a larger sign.

Hanover Township:

Solicitor Anthony Giovannini, Broughal and DeVito, provided a statement on behalf of Hanover Township Board of Supervisors. He noted that additional traffic onto Jandl Boulevard and Route 512 will impact Hanover Township and Lower Nazareth should consider conditions to mitigate truck traffic.

Traditions of America:

Frank D'Ascensio discussed truck traffic traveling Hanoverville Road to Jandl Blvd unto Route 512 and 22. He noted the congestion and backed up traffic and feels Hanover Township, Bethlehem Township and Lower Nazareth Township should work together to improve the situation.

The record was closed.

Attorney Durso provided final thoughts including the fact that Traditions of America and the Hanoverville Roadhouse properties are located in an industrial area and buyers should have been aware.

Attorney Fries provided final thoughts including that in his opinion the developer has not met burden of proof on traffic and safety issues. It does not matter that the objectors are from Hanover Township, everyone is a part of community. The application should be denied OR strict conditions should be imposed, such as all truck traffic should be forced to use the Hanoverville signalized intersection

The Board will have a decision by next meeting or before end of year.

The Board took a brief recess at 8:03pm to set up for the next hearing... reconvened at 8:110pm

Faust Family Limited Partnership, No. 6 – (CU2020-05) – Solicitor Asteak opened the hearing at 8:11pm with a brief presentation. Attorney Tim Charlesworth, Jim Faust, Troy Faust, and Engineer Michael Preston, Ott Consulting were all present in person.

Attorney Charlesworth called his witness, Troy Faust:

Troy Faust: partner of Faust Family Limited Partnership, No 6. discussed the proposed development. He noted that the existing barn and steel building will remain. The outhouse will also stay. The house and shed will be removed. The development will be 55+ rental properties with parking beneath the buildings and elevator access to all three floors.

Mr. Hoyer inquired if the walking paths will be strictly for residents. Troy Faust stated they would be private. When Mr. Hoyer asked if the Township could access the trails Troy Faust said they would be open to discussion in the future.

Mr. Kortze asked for details on the required community center. Troy Faust explained that each building will have a community space. Mr. Kortze noted that with parking below residences proper insulation and ventilation needs to be considered. Troy Faust noted there are large openings for air ventilation.

Solicitor Asteak confirm with Troy Faust that these would be rental units. He noted that prior to final approval the applicant will need to submit legal arrangements and contracts that age restrictions will be abided. Solicitor Asteak confirmed with Troy Faust that they intend to abide by ordinance and provide a community space. There was discussion on the amount of space required for the community space.

Mr. Pennington followed up on the community center with concern that the applicant provide a meeting room large enough for residents to gather.

Attorney Charlesworth called his next witness, Engineer Michael Preston:

Michael Preston prepared the concept plan. He described the surrounding area which includes an insurance company office, Suburban Propane, and residences. He discussed traffic circulation which will bring traffic off Nazareth Pike onto Mary Court. Mr. Preston commented that once they are granted Conditional Use the application will go to ZHB for variances and then on to the PC and BOS for plan approval. He reviewed his

**Board of Supervisors Minutes
November 11, 2020**

October 13th letter with the anticipated variances. Discussion on traffic included the impact study provided to BOS today. The site will be served by public water and sewer. The HVFC report will be addressed during land development.

Mr. Brown asked if the sidewalks would be extended to the walking trail. Mr. Preston stated it is something to consider at land development.

Mr. Pennington agreed with Mr. Brown and noted that residents may have mobility issues and a sidewalk would be beneficial. Mr. Pennington stated that the traffic study does not warrant turn lanes but inquired if it is subject to PADOT interpretation. Mr. Preston stated he expects PADOT to come to same conclusion.

Mr. Boucher inquired on the material for walking path. Troy Faust commented it will be something impervious.

Mr. Hoyer inquired the plan for the large green areas. Jim Faust stated it will just be lawn. Mr. Hoyer inquired about pavilions and outdoor activities. He also asked about the parking depicted on plan. Troy Faust stated it is for residents and visitors. Mr. Hoyer inquired about drainage; Mr. Preston noted in the rear as depicted.

Mr. Preston answered "yes" to Mr. Kortze's inquiry about the driveway for the existing house and barn remaining. Mr. Kortze asked if the driveway would be used. Mr. Preston stated that it would be gated and used for maintenance operations only. Mr. Kortze inquired about the type of plantings to screen existing homes? Mr. Preston answered evergreens.

Mr. Hoyer asked about landscaping / screening for Suburban Propane. Mr. Preston stated the landscape plan will be presented at the land development stage.

Solicitor Asteak inquired on stormwater management. Mr. Preston stated there has been no in-depth studies; the depicted area is a representation of an option and only minor changes would possibly be needed. Solicitor Asteak inquired if there is an industry standard for a community center? Mr. Preston is not aware of any.

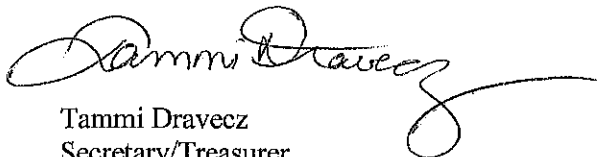
Troy Faust feels that community centers need to be a space for a resident's family to gathering; not a place for all residents to gather at one time.

Mr. Pennington noted that we need to continue the hearing at next meeting which will give Mr. Kortze time to review the documents. Mr. Pennington wants more insight into the community center. He thinks retirement communities have larger areas to gather.

Ms. Stauffer commented that we need a time extension from the applicant. Troy Faust commented that they will provide an extension through December 31st. In meantime he will investigate other senior communities and take pictures.

Adjournment -- The meeting adjourned at 9:10pm.

Respectfully submitted by,



Tammi Dravec
Secretary/Treasurer

**Lower Nazareth Township
Bills To Be Approved
November 11, 2020**

GENERAL FUND CHECKING ACCOUNT

Num	Name	Memo	Amount
20612	Service Electric Cable TV Inc.	Fire Company Internet	\$ 62.95
20613	State Worker's Insurance Fund	Workers Compensation	\$ 1,103.00
20614	PA One Call System, Inc.	Monthly Activity	\$ 38.50
20615	Flamm Walton PC	Personnel Legal Services	\$ 53.00
20616	All-Phase Electric Supply Co.	Public Works Supplies	\$ 136.80
20617	Cumberland Truck Parts	Public Works Equipment Parts/Supplies	\$ 219.08
20618	Old Dominion Brush	Equipment Parts/Supplies	\$ 379.30
20619	Star Buick GMC	Public Works Equipment Parts/Supplies	\$ 137.99
20620	Deer Country Farm & Lawn, Inc.	Public Works Equipment Parts/Supplies	\$ 22.02
20621	Valley Industrial Rubber Products	Public Works Equipment Parts/Supplies	\$ 120.46
20622	New Enterprise Stone & Lime Co., Inc.	Paving/Patching Material	\$ 66.65
20623	Karen A. Mengel, RPR, CSR	Stenographer	\$ 290.00
20624	Integra One	Computer Services/Software Maintenance	\$ 374.64
20625	<i>VOIDED</i>		\$ -
20626	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 5,453.75
20627	Migu	Spring Newsletter	\$ 3,787.00
20628	Met-Ed	Traffic Signal / Street Light Electricity	\$ 306.66
20629	The Key	Advertisements	\$ 201.60
20630	Hecktown Volunteer Fire Company	Fire Company Loan	\$ 1,011.77
20631	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26
20632	Colonial Regional Police Department	Police Contract Payment	\$ 137,947.75
20633	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77
20634	PA Municipal Health Insurance Cooperati	Employee Health Insurance	\$ 34,202.93
20635	NJ Advance Media	Advertisements	\$ 1,367.35
20636	PPL, Inc.	Municipal Drive Electricity	\$ 502.38
20637	PPL, Inc.	Traffic Signal/St Light/Municipal/PW/Park Ele	\$ 708.11
20638	PPL, Inc.	Newburg Inn Electricity	\$ 49.68

**Lower Nazareth Township
Bills To Be Approved
November 11, 2020**

GENERAL FUND CHECKING ACCOUNT

Num	Name	Memo	Amount
20639	RCN	Internet & Telephone Services	\$ 811.64
20640	The Morning Call	Subscription Renewal	\$ 126.00
20641	Tractor Supply Credit Plan	Public Works Tools/Equipment	\$ 21.17
20642	Home Depot	Public Works Supplies	\$ 176.29
20643	Crafco, Inc.	Pavement Maintenance Supplies	\$ 191.04
20644	Sam's Club	Municipal Building Supplies	\$ 392.20
20645	Chase Card Services	Supplies/Software Maintenance/Training	\$ 4,440.55
20646	Horwith Freightliner	Fire Company Equipment Maintenance	\$ 1.30
20647	Sparkle Car Wash on 248 LLC	Fire Company	\$ 4.00
20648	DACER Fire Protection	Fire Company Equipment Maintenance	\$ 74.50
20649	Engines, Inc.	Fire Company / Equipment Service	\$ 371.05
20650	Wex Bank	Fire Company	\$ 327.76
20651	Keystone Fire Protection Co.	Fire Company Maintenance	\$ 200.00
20652	Easton Suburban Water Authority	Fire Company Water	\$ 65.57
<i>Total General Fund Checking...</i>			<u><u>\$ 197,723.47</u></u>

PAYROLL ACCOUNT

November 6, 2020

\$ 45,008.73

CAPITAL RESERVE ACCOUNT

Num	Name	Memo	Amount
1182	Chase Card Services	Computer Services	\$ 5,937.00
1183	Chase Card Services	Capital Purchase	\$ 2,575.30
1184	Home Depot Credit Services	Capital Construction	\$ 420.75
<i>Total Capital Reserve Account...</i>			<u><u>\$ 8,933.05</u></u>

**Lower Nazareth Township
Bills To Be Approved
November 11, 2020**

RECYCLING / REFUSE ACCOUNT

Num	Name	Memo	Amount
1613	AllState Septic Systems, LLP	Temporary Restroom	\$ 115.00

OPEN SPACE ACCOUNT

Num	Name	Memo	Amount
1522	Kobalt Construction, LLC	Capital Construction	\$ 102,320.10
1523	Core & Main	Capital Construction	\$ 14,722.77
1524	Sharkan Supply	Capital Construction	\$ 494.75
1525	Foley, Inc	Equipment Rental	\$ 10,739.00
1526	Northampton County Seed Co, Inc	Capital Construction	\$ 564.00
1527	Foley, Inc	Equipment Rental	\$ 6,939.00
<i>Total Open Space Account...</i>			<u>\$ 135,779.62</u>

MASTER ESCROW ACCOUNT

Num	Name	Memo	Amount
2654	<i>VOIDED</i>		\$ -
2655	Keystone Construction Engineers	Engineering & Inspection Services	\$ 64,635.31
2656	Met-Ed	Traffic Signal Electricity	\$ 276.18
2657	PPL Electric Utilities	Traffic Signal Electricity	\$ 135.63
<i>Total Master Escrow Account...</i>			<u>\$ 65,047.12</u>

DEVELOPMENT & INSPECTION ACCOUNT

Num	Name	Memo	Amount
2012	Lower Nazareth Township	Septic Permit	\$ 190.00
2013	Lower Nazareth Township	Tapping Fee	\$ 115.00
<i>Total Development & Inspection Account...</i>			<u>\$ 305.00</u>

**Lower Nazareth Township
Bills To Be Approved
November 11, 2020**

SPECIAL REVENUE HOST FEE ACCOUNT

Num	Name	Memo	Amount
559	Garden State Highway Products, Inc.	Fire Company Equipment	<u><u>\$ 50,516.00</u></u>

SEWER ACCOUNT

Num	Name	Memo	Amount
1156	PPL Electric Utilities	Main Meter Electricity	<u><u>\$ 26.95</u></u>