

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
February 10, 2021**

The Lower Nazareth Township Board of Supervisors held a virtual meeting on Wednesday February 10, 2021. The Chairman called the meeting to order at 7:00PM.

Present were:

James S. Pennington	-	Chairman	Gary Asteak, Esq.	-	Solicitor
Martin Boucher	-	Vice Chairman	Albert 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 Board held an executive session prior to this evening's meeting to discuss legal matters.\*\*\**

**Approval of Minutes**

A motion was moved by Mr. Brown and was seconded by Mr. Boucher to approve the January 27<sup>th</sup> 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 Volunteer Fire Department Incident Report for January 2021.

**Supervisor's Comments**

Mr. Pennington attended the NAZCOG meeting Monday Feb 8<sup>th</sup>. He reported they are moving along with the plan update with the projected completion this summer.

Mr. Brown noted he received compliments on the Public Works Staff work on the Township roads during the blizzard especially compared to neighboring areas.

Mr. Boucher echoed Mr. Brown's comments. He thanked residents for clearing hydrants.

Mr. Hoyer reported that the EAC met Monday February 8<sup>th</sup>. The EAC is hoping to have a County Farmland Preservation Representative attend the next meeting. They want to work with Township Park Staff to discuss ideas. Mr. Pennington reminded Mr. Hoyer to include Ms. Templeton, Ms. Stauffer, and Mr. Smalley as they are on the Park Committee.

Ms. Templeton had no comments.

**New Business**

**AT&T Presentation – AJ Tegler** – Mr. Tegler attended via Zoom to discuss the proposal and answer questions. AT&T would like to install a small cell antenna along Georgetown Road in the Park. Mr. Tegler explained that the existing PPL poles are not a useable option. The new pole would be a 40' 6'' wooden pole with a 4G antenna. He explained the appearance and function of pole. Mr. Hoyer wanted to know the exact location. Mr. Tegler stated that AT&T likes the pole as close to road as possible for best performance; about 10 foot from edge of road. Mr. Hoyer wanted to know if there are any similar in the area? Mr. Tegler stated he will send information and photos. Mr. Hoyer wanted to know why that location and why now? Mr. Tegler noted that AT&T had

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identified this area is lacking or has limited coverage in this stretch of road. Mr. Hoyer asked if they did not install the pole in the park what other areas would they look? Mr. Tegler stated that AT&T will continue to look within this area. Solicitor Asteak asked why 4G if 5G is available? Mr. Tegler stated there are no 5G plans to use the service and they are only deploying 5G in city of Philadelphia right now. Ms. Templeton inquired on other poles in the area and the diameter of the pole. Mr. Pennington asked more information to be provided for the Board's review.

### **Conditional Use Hearing**

Central PA Equities 26, LLC (CU2020-06) – Opinion & Order – A motion was moved by Mr. Brown and was seconded by Mr. Boucher to approve the opinion and order. The motion carried unanimously.

Franklin BioScience-NE, LLC (CU2020-07) – 7:28pm – Solicitor Asteak opened the hearing for the proposed medical marijuana dispensary. Attorney Erich Schoch made a preliminary statement and called his witness, Justin Carey who works for Franklin BioScience Penn. They intend to lease the location from Lower Nazareth Realty Partners; 3812 E/N Hwy. They discussed the site plan depicting intended improvements which is in an existing retail space. Attorney Schoch discussed the use and the Township's ordinance for this type of use. Security of the facility and delivery of product was also discussed. Improvements to the facility includes a gated area for the delivery vehicle. The hours of operation are expected to be 10am-6pm Monday-Thursday, 10am-8pm Friday and Saturday, and 12pm-6pm Sunday. This facility will create 20-25 jobs but only 6-8 employees per shift. The Department of Health will regulate the facility. A State issued medical marijuana card and a second form of ID will be required for entry. Upon entry people then meet with staff to discuss their condition and treatment options. Finally, outdoor lighting, traffic, and parking were discussed. The Planning Commission had no concerns and recommended approval. Chief Seip recommended a Knox Box.

Mr. Pennington inquired if patients' caregivers were permitted entry with the patient. Mr. Carey said yes. Mr. Pennington inquired how long they have been operating their business. Mr. Carey said their Bristol location has been open for two years. He noted their management team's previous experience dates to 2014.

Mr. Brown inquired how often people show up without cards and if police are ever required. Mr. Carey stated it does happen, but not often, maybe 1-2 times a week but police have not been needed. He noted they are provided information of acquiring a card.

Mr. Hoyer wanted more information on Franklin BioScience. Mr. Carey provided a brief history. Mr. Hoyer inquired what form the marijuana is dispensed. Mr. Carey stated there is a variety of forms with different benefits; oils, tinctures, capsules, lotions, or the whole flower; edibles not allowed. Mr. Hoyer asked the area the patients would be coming from. Mr. Carey believes about a JC 10–15-mile radius because there are not many dispensaries around. Mr. Hoyer asked in security would be armed. Mr. Carey said security makes that decision based on location and input from local law enforcement.

There were no public comments. Solicitor Asteak closed the record 8:01pm. The Board will have their Opinion at their next meeting on February 24th.

### **Subdivision & Land Development**

Liberty Properties – Preliminary/Final Land Development – Resolution #LNT-09-21 – Attorney Joseph Fitzpatrick and numerous other members for the applicant were present on location.

The proposal is for a single 387,000 square-foot warehouse building located at 557 Nazareth Pike. The location is a 51.26-acre tract located between and frontages on Daniels Road (SR 946) and Nazareth Pike (SR 191).

Mr. Kortze reviewed his February 5<sup>th</sup> letter. There were five waiver requests and he recommended approval of all: SALDO Sections 401 & 501, 774.32b, 774.32g, and 794.44.

Mr. Hoyer inquired about mosquito control in the pond. Mr. Wilson noted there will be a pump to move water. Planning Commission (PC) Member Travis Gerould inquired about traffic leaving site and turning restrictions. He recalled the PC making recommendations for no right turns on to Route 191. Mr. Wilchner believes most of the traffic will turn left to travel north on Route 191 towards Jandy Boulevard to access to Route 33. Mr. Pennington would like to see onsite signage to encourage, no right turns onto Route 191, not enforcement. The applicant has no issues.

Attorney Jim Milot attended on behalf of Thomas Stitt whose office is located on Nazareth Pike, had no objections to current layout.

A motion was moved by Mr. Boucher and was seconded by Ms. Templeton to approve the five waivers as requested. The motion carried unanimously.

A motion was moved by Mr. Hoyer and was seconded by Ms. Templeton to approve Resolution #LNT-09-21. The motion carried unanimously.

Mr. Hoyer inquired on a start date. The applicant believes in about 6 months.

#### **Solicitor's Report**

Solicitor Asteak had nothing to report.

Mr. Pennington requested authorization for the Attorney to attend the Adam Pooler Zoning Appeal on behalf of the Board of Supervisors. A motion was moved by Mr. Hoyer and was seconded by Mr. Boucher to authorize representation at the zoning appeal. The motion carried unanimously.

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

Newburg Park Restroom Facility – Payments #5 & #6 – A motion was moved by Mr. Boucher and was seconded by Ms. Templeton to authorize payments #5 and #6. The motion carried unanimously. Mr. Kortze reported the interior fit-out remains. They are working on bringing the electric in from street. The latest plan is to bring it in from Newburg Road so they can hopefully service the whole park. The recycling facility will have separate power.

#### **Manager's Report**

Thank you from Library – Ms. Stauffer noted we received a note from the library for storm clean up. They were very pleased.

Appointment of Assistant Zoning Officer – Justin Stottlar – Ms. Stauffer noted Mr. Stottlar would be working 12-15 hours per week at \$70/hour. A motion was moved by Mr. Boucher and was seconded by Mr. Hoyer to appoint Mr. Stottlar as Assistant Zoning Officer. The motion carried unanimously.

Septic Repair – 306 Butztown Road – Ms. Stauffer reported the quote from Kratzer for the replacement of the tank is \$10,890.70. The repair would be paid from Capital Reserve Fund. Ms. Stauffer will get 2 additional quotes. She asked for authorization for this expenditure, not to exceed this amount. A motion was moved by Mr. Hoyer and was seconded by Ms. Templeton to authorize the replacement of the tank not to exceed \$10,890.70. the motion carried unanimously.

Authorization for Security Cameras – 195 Butztown Road – Ms. Stauffer requested authorization for Security Service quote option #1 at a cost of \$3,803.00. Option #1 requires us to provide a scissor lift. We do not own one, but we do have our bucket truck. If we cannot use the bucket truck, we would have to go with option #2 at \$4,803.00. A motion was moved by Ms. Templeton and was seconded by Mr. Boucher to authorize up to \$4,803.00. The motion carried unanimously.

Nazareth Baseball Request for Spring 2021 – Present via Zoom was Adam Anthony, President of LN Baseball and Softball. Ms. Stauffer discussed the request for reduced fees and priority on reserving fields. Mr. Pennington proposed, like football, to charge an annual fee of \$500 for use of facilities. He does not feel they should get priority; there are just too many sports to give priority. Mr. Pennington feels they should work together on scheduling. Mr. Hoyer felt this was fair.

Mr. Anthony noted that they, unlike other organizations, take care of parts of the park including the fields and painting dugouts. He said that the merger is a trial merger with the Borough for this season.

Mr. Pennington appreciated the feedback. He stated that the Township invests substantial amounts of money on improvements to the park and feels that \$500 is de minimis for use of the fields. We will keep an eye on the merger and can revisit next year.

Mr. Anthony noted they have spent \$6,000 on maintenance. They replaced the roof on the dugouts, painting, etc. Mr. Pennington noted that the other sports do not require those items only the fields.

A motion was moved by Mr. Hoyer and was seconded by Ms. Templeton to charge an annual fee of \$500 with no priority scheduling of fields. The motion carried unanimously.

#### **Payment of the Bills**

A motion was moved by Mr. Boucher and was seconded by Ms. Templeton to approve payment of the bills dated February 10<sup>th</sup>. The motion carried unanimously.

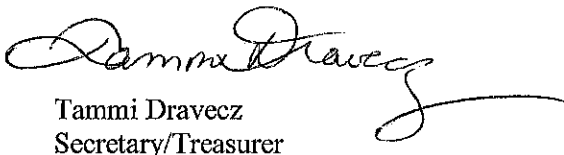
#### **Courtesy of the Floor**

There were no comments under Courtesy of the Floor.

#### **Adjournment**

The meeting adjourned at 8:43PM.

Respectfully submitted by,

  
Tammi Dravec  
Secretary/Treasurer

**Lower Nazareth Township  
Bills To Be Approved  
February 10, 2021**

**GENERAL FUND CHECKING ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>	
20846	State Worker's Insurance Fund	Workers Compensation - #05039711	\$ 4,497.00	5
20847	Keystone Cement Company	Winter Maintenance Supplies	\$ 775.11	5
20848	PAPCO	Equipment Motor Fuel	\$ 181.48	5
20849	East Lawn Supply Co., Inc.	Public Works Supplies	\$ 7.68	5
20850	Hecktown Volunteer Fire Company	Fire Company Loan	\$ 1,011.77	5
20851	Volunteer Companies Loan Fund	Fire Company Loan	\$ 965.26	1
20852	Colonial Regional Police Department	Police Contract Payment	\$ 146,123.42	4
20853	PA Municipal Health Insurance Cooperati	Employee Health Insurance	\$ 33,124.96	5
20854	Volunteer Companies Loan Fund	Fire Company Loan	\$ 1,011.77	5
20855	Barry Issett & Associates, Inc.	Zoning Officer Services	\$ 3,390.00	0
20856	Karen A. Mengel, RPR, CSR	Stenographer	\$ 95.00	1
20857	Fraser Advanced Info Systems	Copier Supplies	\$ 17.97	
20858	Fogels Fuel Service	Fire Company Fuel	\$ 1,919.48	5
20859	Easton Suburban Water Authority	Fire Company Water	\$ 65.57	5
20860	Liberty Propane Inc.	Municipal Building Propane	\$ 2,590.54	
20861	Met-Ed	Traffic Signal / Street Light Electricity	\$ 316.43	
20862	Keystone Consulting Engineers, Inc.	Engineering & Inspection Services	\$ 788.00	5
20863	Home Depot	Public Works Supplies	\$ 103.84	6
20864	Cumberland Truck Parts	Public Works Equipment Parts/Supplies	\$ 444.55	0
20865	Structural Metal Fabricators, Inc.	Public Works Parts/Supplies	\$ 75.00	5
20866	Safeguard Business Systems	Office Supplies	\$ 93.98	6
20867	Easton Suburban Water Authority	Municipal Bldg Water	\$ 83.03	5
20868	Williamson Law Book Company	Minutes Books	\$ 322.02	
20869	Larry Kline	Equipment Motor Fuel	\$ 60.00	
20870	Edgar Geiger	Equipment Motor Fuel	\$ 126.00	0
20871	VOIDED			0
20872	Chase Card Services	Supplies/Software Maintenance/Training	\$ 7,816.31	

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**RECYCLING / REFUSE ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1620	AllState Septic Systems, LLP	Temporary Restroom	<u>\$ 115.00</u>

**OPEN SPACE ACCOUNT**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
1536	Tri-Boro Fencing Contractors Inc	Park Facilities Maintenance	<u>\$ 6,670.00</u>