

**LOWER NAZARETH TOWNSHIP
BOARD OF SUPERVISORS
MINUTES
August 28, 2024**

The Lower Nazareth Township Board of Supervisors held a public meeting on Wednesday, August 28, 2024, Chairman Pennington called the meeting to order at 7:23PM.

Present were:

James S. Pennington	-	Chairman	Gary Asteak	-	Solicitor
Stephen A. Brown	-	Supervisor	Justin Coyle	-	Engineer
Nancy A. Teague	-	Supervisor	Lori A. Stauffer	-	Manager
Amy L. Templeton	-	Supervisor	Tammi Dravec	-	Secretary/Treasurer
			Lori Seese	-	Planning/Zoning Officer

*** An executive session was held prior to the meeting to discuss legal matters. ***

Agenda Amendment and Approval

Ms. Stauffer asked to add Hecktown Business Park Lot 6 & 7 under Subdivision and Land Development. In addition, she requested to add the Personnel Policy Update and the Inn at Evergreen Farms under the Manager's Report. Supervisor Teague made a motion to approve the agenda as amended. Supervisor Brown seconded. Motion passed.

Approval of Minutes

The meeting minutes of July 24th were submitted for review and approval. Supervisor Templeton made a motion to approve the minutes as presented. Supervisor Teague seconded. Motion passed.

The meeting minutes of August 14th were submitted for review and approval. Supervisor Brown made a motion to approve the minutes as presented. Chairman Pennington seconded. Motion passed.

Reports

No reports.

Supervisor's Comments

Open Space Preservation – Supervisor Brown reported the EAC continues to review the various properties on the Township's official map to prioritize which properties would be most ideal for development rights acquisition.

Parks and Recreation – Supervisor Templeton reported that the Newburg Park Splash Park opened on Saturday. Supervisors Pennington, Brown, and Nancy Teague, as well as Township Manger Stauffer, and Bert Smalley were in attendance.

**Board of Supervisors Minutes
August 28, 2024**

Supervisor Templeton reminded everyone about Dog's Day on September 28th and other upcoming events including Trick or Treat and Christmas Tree Lighting.

Library News – Supervisor Teague reported that the Summer Reading has ended. She noted that the library is having a Lottery Calendar Fundraiser. Their other fundraiser, Touch a Truck is October 5th.

Subdivision and Land Development

Yeska Minor Subdivision – Resolution #LNT- -24 – Ms. Seese reported that no representatives for the applicant were in attendance. Ms. Seese and Engineer Coyle wanted to discuss the waiver requests. Engineer Coyle reviewed his August 23rd letter. He asked the Board's opinion on waivers so the applicant can clean up the plan and return for the September 25th meeting.

- Engineer Coyle had no issues for the waiver requesting to submit as a Preliminary/Final Plan
- Engineer Coyle recommended a deferral versus waiver for the cartway widening.
- Engineer Coyle recommended a waiver for the curbing requirement.

Chairman Pennington had no issue with Engineer Coyle's recommendations. The other Board members concurred. The resolution for plan approval was tabled until the applicant can clean up the plan and return at a future meeting.

Easton Suburban Water Authority Pumping Station – Resolution #LNT-31-24 – Craig Swinsburg from ESWA and Rachel Govelvich from Gannet Fleming were present. Mr. Swinsburg gave a brief presentation of the proposed project. Mr. Swinsburg stated they hope to commence construction in 2025 and should take about one year to complete.

Ms. Seese inquired about the existing station and tank as well as any proposed roadwork. Mr. Swinsburg stated they would demo the tank and decommission the building. He said roadwork would be required to relocate the waterlines. Supervisor Teague inquired and road closures? Mr. Swinsburg noted they would have traffic down to one lane with flaggers and should run 6-8 weeks.

Engineer Coyle reviewed his August 23rd letter.

- Engineer Coyle had no issues for the waiver requesting to submit as a Preliminary/Final Plan
- Engineer Coyle recommended a deferral versus waiver for the cartway widening.

Supervisor Teague made a motion to approve Resolution #LNT-31-24. Supervisor Brown seconded. Motion passed.

Lot 6 & 7 Hecktown Business Park – Solicitor Asteak stated upon receipt of a letter from the proposed tenant's legal counsel, questions arose from Zoning Officer as to whether the applicant has a legitimate extension of time due to the Board's contingency that the use is manufacturing. The information provided to the Township appears to indicate that the use will be a warehouse with the possibility of manufacturing in the future, if ever. Solicitor Asteak stated he invited Attorney Piperato to appear and address the discrepancies.

Maureen Carlton attorney for equity owner lot 6, Attorney Mcshea, Don Ayers and other representatives of Kervan Gida (equitable owners). Attorney Carlton stated there appears to be some confusion regarding the intended use of the proposed facility. It was her understanding that a presentation at the Planning Commission and a prior Board of Supervisors meeting. She represented the following:

- Kervan Gida is one of the top 5 soft candy, gummies and marshmallow manufacturers globally. The Group has production facilities in Turkey, Poland, and Egypt. It exports its products to more than 80 countries.
- Kervan USA LLC is a 100% subsidiary of Kervan Gida, and they have been active since 2011. They cover the sales and distribution in North America. They are headquartered in Whitehall, PA with a leased distribution center in Piscataway, NJ.
- Kervan USA sells and markets its own branded products of Yumy Yumy and Beбето, licensed products of Crayola and Sunkist as well as private label products. Key customers include but are not limited to Walmart, Dollar Tree, Family Dollar and Dollar General.
- As part of the expansion plan for Kervan Gida, it is the intent to buy and build on Lot 6 of Hecktown Road Business Park. The project is planned to be an owner-occupied facility where Kervan USA intends to consolidate its USA headquarters and storage facility as well as add packaging and manufacturing capabilities. This includes adding a marshmallow production line in the future).
- The facility will employ 30 blue-collar workers and 10 white-collar workers. Some storage facilities people will move from NJ to PA in addition to hiring new people in PA.

Solicitor Asteak inquired if Ms. Seese was satisfied with the explanation presented this evening. Ms. Seese stated she has concerns that the letter received is not what was stated back in January. In January, the Board was told this would be manufacturing and based their grant of a time extension on that presentation. The letter she received is contrary to the Board's extension approval. Solicitor Asteak stated the motion in January was to grant the extension on the condition the use is manufacturing and ancillary to reduction in the warehouse. According to the letter, the tenant is proposing to bring the product into the building in bulk and repackage it prior to distribution. Ms. Stauffer stated it is her recollection that the statement in the minutes pertaining to "ancillary to a reduction in size of warehouse" pertains to the presentation in January that the building being constructed is smaller than the one on the approved land development plan.

Supervisor Brown stated it is his recollection that the building size was being reduced. Supervisor Brown stated he was led to believe this would be primarily manufacturing at the facility with no warehousing. Supervisor Teague stated her reasoning behind agreeing with the extension being granted was based on the assumption the use would be manufacturing that would create jobs. Ms. Seese stated she received the letter from the prospective tenant because they were seeking her to certify the use as permitted. She stated since the described activities were in contrast to what was presented in January and contrary to the Board's motion, she was unable to produce a certification as requested as the letter

Chairman Pennington stated the Board is skeptical with what is presented by developers because they've been given presentations stating one thing and then the end result is not what the Board was told. Chairman Pennington stated he clearly remembers being told this would be a manufacturing use.

Attorney Carlton stated these are permitted uses. She is not able to guarantee the primary use will be manufacturing. She can only assert that it is the intent to be manufacturing at some point in the future. At this time, it will be storage and assembly and distribution.

Solicitor Asteak asked them to understand that the certificate of occupancy may be revoked if they deviate from this statement. He requested the attorney to submit her statement to the Township, specifically the zoning officer. The tenant's attorney agreed she would submit something in writing based on her statements this evening.

Supervisor Brown made a motion to amend the prior extension approval granted on January 10th, which was granted conditioned upon a facility that would be manufacturing and assembly to granting an extension for a facility that is proposed for storage, assembly, and distribution, with plans for manufacturing at some point in the future as described by the tenant's attorney. Supervisor Templeton seconded. Motion passed.

Solicitor's Report

Animal Ordinance – #252-08-24 – Solicitor Asteak presented the draft ordinance to the Board for adoption. Hanover Township will also adopt this ordinance. The purpose of the ordinance is to provide authorization to Colonial Regional Police Department to handle stray and lost dogs particularly since the loss of our prior animal control officer. Supervisor Templeton made a motion to adopt Ordinance #252-08-24. Supervisor Teague seconded. Motion passed.

Engineer's Report

Butztown Road Alignment – Engineer Coyle gave a presentation of the proposed improvements. He noted that along with Ms. Stauffer he met with PennDOT. The plan was updated following that meeting.

Chairman Pennington wanted to better align driveway from the park with the road. Supervisor Templeton would like to see a crosswalk from the parking lot.

Ms. Stauffer noted this will be a long-term project that will impact people using the road including residents, sports programs, and community college traffic. She plans a meeting well in advance of construction. The park may not be available to sports for safety reasons. The Senior Center will be affected as well.

She also noted that the remaining triangle area will become a proper parking lot with guiderail installed along Rt. 191 (outside PennDOT's right-of-way) and along Butztown Road to restrict ingress and egress from the parking area. This will also prohibit the pass through of traffic through the triangle.

Build All – Release Final Payment – Engineer Coyle reviewed his recommendation letter.

Supervisor Templeton made a motion to release the final payment in the amount of \$48,251.19. Supervisor Brown seconded. Motion passed.

Manager's Report

Troy Faust – Ms. Stauffer reported that Mr. Faust was not in attendance but asked if the Board had anything for her to relay to Mr. Faust on the detention pond issue. Solicitor Asteak stated that we have done all we can and that he can file suit against them if they are violating the agreement.

2025 MMO – Defined Benefit & Defined Contribution – Ms. Stauffer reported the amount for the 2025 MMO for Defined Benefit Contribution is \$91,690.44 and the 2025 MMO for Defined Contribution is \$2,916.86. Supervisor Teague made a motion to acknowledge receipt of the 2025 MMOs. Supervisor Brown seconded. Motion passed.

Personnel Policy – Ms. Stauffer stated she prepared an amendment to the Lower Nazareth Township Personnel Policy pertaining to how overtime is calculated. The proposed language to be replaced pertaining to overtime on pages 31 and 32 shall read as follows:

“Overtime. Overtime will be paid at a rate of time and a half for all time worked more than 40 hours per week. Calculations for time worked shall include hours of compensation for holiday, vacation, compensatory, and/or personal time. Sick time shall not be included in the calculation for the 40 hours worked. Time worked on Township holidays shall be compensated at double time. The employee may also elect to utilize overtime hours as compensatory time in lieu of payments as per the compensatory time policy found elsewhere in this manual.”

Supervisor Brown made a motion to adopt the amending language as part of the Lower Nazareth Township Personnel Policy with an effective date of August 28th, 2024. Supervisor Templeton seconded. Motion passed.

Inn at Evergreen Farms – Ms. Stauffer stated a land development plan was submitted on Monday, Aug 26th, 2024, by Andrew Miklos (Inn at Evergreen Farms) for 6 apartment buildings with 24 units each for a total of 144 apartments, a community center and swimming pool supported by on lot septic. This property appears on the Township's Official Map. It is at the Board's discretion if they choose to invoke their rights under the Official Map.

Supervisor Brown made a motion to invoke the Township's rights under the Lower Nazareth Township Official map, to authorize Township Manager Stauffer to forward the evaluation to the EAC for their recommendation, to authorize Township Manager Stauffer to obtain an appraisal for development rights, to authorize the Township Engineer to perform an open space review, and to direct the Township Solicitor to communicate with the applicant regarding these actions. Supervisor Templeton seconded. Motion passed.

Payment of the Bills

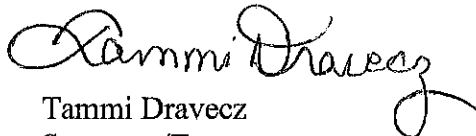
Supervisor Teague made a motion to pay the bills as presented. Supervisor Brown seconded. Motion passed.

Courtesy of the Floor

No comments.

Adjournment - The meeting adjourned at 8:25pm.

Respectfully submitted by,

A handwritten signature in black ink that reads "Tammi Dravecz". The signature is written in a cursive style with a large, looping initial 'T' and a long, sweeping tail on the 'z'.

Tammi Dravecz
Secretary/Treasurer

**Lower Nazareth Township
Bills To Be Approved
August 28, 2024**

GENERAL FUND CHECKING ACCOUNT

Num	Name	Memo	Amount
	LNT Highway Reconstruction	Grant Reimbursement	\$ 50,000.00
30960	New Enterprise Stone & Lime Co., Inc.	2024 Road Project	\$ 115,000.00
30961	Fraser Advanced Info Systems	Fire Company Copier Supplies	\$ 10.60
30962	Sparkle Car Wash on 248 LLC	Fire Company	\$ 1.88
30963	Horwith Trucks Inc.	Fire Company Equipment Repair	\$ 268.00
30964	Automated Home Generators	Fire Company Contributions	\$ 397.50
30965	PPL, Inc.	Fire Company Electricity	\$ 606.06
30966	PPL, Inc.	Fire Company Electricity	\$ 27.52
30967	Shop One Fire Apparatus	Fire Company Equipment Maintenance	\$ 6,370.35
30968	State Worker's Insurance Fund	Workers Compensation - #05039711	\$ 2,014.00
30969	ICC Community Development Solutions	Software Training	\$ 300.00
30970	Allstate Septic Systems	Temporary Restrooms	\$ 255.00
30971	Highmark Blue Shield	Employee Health Insurance	\$ 31,568.76
30972	Staples Business Advantage	Office Supplies	\$ 57.80
30973	NJ Advance Media	Advertisements	\$ 714.96
30974	RCN	Internet & Telephone Services	\$ 19.95
30975	Lehigh Valley Janitorial Supply	Public Works Supplies	\$ 57.50
30976	All-Phase Electric Supply Co.	Park Maintenance	\$ 10.78
30977	ORE Rentals	Equipment Rental	\$ 522.00
30978	ABE Laboratories, LLC	Park Maintenance	\$ 153.00
30979	Stephen Halldorson	Splash Park Refund	\$ 20.00
30980	Karen A. Mengel, RPR, CSR	Stenographer	\$ 1,020.00
30981	Allstate Septic Systems	Temporary Restrooms	\$ 120.00
30982	Security Service Company, Inc.	Splash Park Security System Monitoring	\$ 60.00
30983	Pitney Bowes	Postage Meter	\$ 210.99
30984	City of Bethlehem	Hydrant Assessment	\$ 156.54
30985	Verizon Wireless	Municipal/Public Works Wireless	\$ 556.07
		<i>Total General Fund Checking Account ...</i>	<u>\$ 210,499.26</u>

PAYROLL ACCOUNT

Num	Name	Memo	Amount
	August 23, 2024		<u>\$ 43,310.60</u>

LOWER NAZARETH SEWER ACCOUNT

Num	Name	Memo	Amount
2014	PPL Electric Utilities	Main Meter Electricity	<u>\$ 24.73</u>

**Lower Nazareth Township
Bills To Be Approved
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HIGHWAY RECONSTRUCTION / REAHBILITATION ACCOUNT

Num	Name	Memo	Amount
2005	New Enterprise Stone & Lime Co Inc	2024 Road Project	<u>\$ 196,172.94</u>

STATE LIQUID FUELS ACCOUNT

Num	Name	Memo	Amount
587	New Enterprise Stone & Lime Co Inc	2024 Road Project	<u>\$ 275,000.00</u>

SPECIAL REVENUE HOST FEE ACCOUNT

Num	Name	Memo	Amount
563	Turf Equipment & Supply Company	Capital Equipment	<u>\$ 46,992.31</u>

CAPITAL RESERVE EQUIPMENT REPLACEMENT ACCOUNT

Num	Name	Memo	Amount
2003	Turf Equipment & Supply Company	Capital Equipment	<u>\$ 46,992.31</u>

CAPITAL RESERVE FIRE ACCOUNT

Num	Name	Memo	Amount
150	Hecktown Volunteer Fire Co	Grant Match	<u>\$ 12,030.00</u>

CAPITAL RESERVE ACCOUNT

Num	Name	Memo	Amount
2004	CDW Government	CRPD Computers	<u>\$ 20,355.00</u>
2005	Brite	CRPD New Vehicle Equipment	<u>\$ 4,123.00</u>
		<i>Total Capital Reserve Account ...</i>	<u>\$ 24,478.00</u>

MASTER ESCROW ACCOUNT

Num	Name	Memo	Amount
4124	PPL Electric Utilities	Traffic Signal Electricity	<u>\$ 145.21</u>
4125	Gilmore & Associates, Inc.	Engineering & Consulting Services	<u>\$ 1,671.25</u>
4126	Carroll Engineering Corporation	Engineering Services	<u>\$ 2,717.00</u>
		<i>Total Master Escrow Account ...</i>	<u>\$ 4,533.46</u>