

**LOWER NAZARETH TOWNSHIP  
BOARD OF SUPERVISORS  
MINUTES  
July 16, 2008**

The Lower Nazareth Township Board of Supervisors held a regularly scheduled meeting in the Township Municipal Building on Wednesday July 16, 2008. The Vice-Chairman called the meeting to order at 7:30 PM.

Present were:

Eric E. Nagle	- Vice Chairman	Timm A. Tenges	- Manager, Secretary/Treasurer
Robert S. Kucsan	- Supervisor	Lori B. Seese	- Zoning Administrator
Ricky T. Johnson	- Supervisor	Tammi Dravec	- Assistant Secretary/Treasurer
Gary Asteak	- Solicitor		

Absent was:

Dr. Alan Dilsaver, Chairman  
Patrick J. Murphy, Supervisor

Arrived late:

Albert Kortze, P.E. - Engineer

**Approval of Minutes**

A motion was made by Mr. Johnson and seconded by Mr. Kucsan to approve the minutes from the May 28, 2008 meeting. The motion carried.

Approval of the June 25, 2008 meeting minutes were tabled due to lack of a quorum.

**Reports**

Mr. Nagle acknowledged the receipt of the Hecktown Volunteer Fire Company's Incident Report for June 2008 and the Lower Nazareth Township Financial Statement for May 2008. Both reports are available for review at the Township Office.

**Correspondence**

There were no comments under Correspondence.

**Subdivision/Land Development**

Lower Nazareth Realty Partners – Revised Final Land Development – Resolution #LNT-16-08 – (Present were John Mahoney & James Beste) Attorney Mahoney reviewed the draft resolution and commented that correspondence agreeing to those terms would be sent within the required five-day period. Solicitor Asteak stated that he had reviewed the Declaration of Condominium Documents and found them to be acceptable. He requested a copy of the final draft of the document once it was completed.

The revised plan before the Board depicts a retail building in place of the restaurant that was depicted on the previously approved plan.

Mr. Kucsan inquired about parking and Mr. Beste commented that there would be more than enough under the Township's code since they are keeping the same number of spaces that were allotted for the restaurant and a restaurant requires more spaces than a retail building requires less.

In Mr. Kortze's absence, his letter was reviewed by Mr. Tenges. One item of discussion was the difference in sanitary requirements for a retail building versus a restaurant. Mr. Beste reported they only have two tenants so far, so they are not sure whether they will have a total of 4 or as many as 6 tenants, but that even if the retail building requires more than the restaurant they would have more than enough because they have reserved 30,000 gallons. Mr. Tenges stated that he would mention the change to the

**Board of Supervisors Minutes  
July 16, 2008**

Nazareth Borough Municipal Authority at tomorrow night's meeting. Solicitor Asteak added that he sent correspondence to Al Pierce regarding this matter and received no response.

There was a short discussion on which sheets should be recorded. Solicitor Asteak stated that the condo sheet should be part of the plan of record; therefore both sheets 3 and 3A will be recorded.

A motion was moved by Mr. Johnson and seconded by Mr. Kucsan to adopt Resolution #LNT-16-08. The motion carried.

### **Supervisor's Comments**

There were no comments under Supervisor's Comments.

### **Manager's Report**

Project Time Extension Report – Mr. Tenges told the Board that the report in their folders was a list of time extensions that were accepted since the last meeting.

Official Map of Hanover Township – Mr. Tenges requested that if the Board has any comments or concerns on the map to report to him prior to the August 6<sup>th</sup> meeting. The Planning Commission would be reviewing the plan at their Monday July 21<sup>st</sup> meeting.

Hecktown Volunteer Fire Company – Mr. Tenges commented that he met with the fire company to discuss various issues. One item, which will be coming in the near future, is the replacement of one of their older vehicles, which will cost around \$750,000.00.

Recently there was a situation in Hanover Township where a sinkhole opened on a private property. This was a health, safety, and welfare issue which required residents to be evacuated from the building. No representative from the apartment complex was present at the scene. In a fire, the fire company typically secures the building; but in this case the responsibility of who was to secure the situation was questioned. Mr. Tenges stated that Attorney Broughal is looking into guidelines for situations such as this.

Township Road Projects – The Township is almost done with the preparation for micro surfacing. The actual project will take place before the end of August. For the roads in Newburg Manor, Mr. Tenges is working with a consultant to ensure we get what we ask for. It is doubtful that the work will be completed prior to winter, so interim repairs will be made to get through the winter. The Township will continue moving forward and put the project out for bid so work can begin in early spring.

Enforcement on Private Property (follow-up) – A few months ago, Chief Seiple sent a letter regarding traffic enforcement on private property and undedicated roads. Solicitor Asteak followed up with a letter requesting suggestions from Chief Seiple or what he may know about how other municipalities handle the situation, however he received no response. Mr. Nagle stated that he would follow up at the CRPC meeting and requested copies of both of those letters for his reference.

Hecktown Road and Truck Traffic – Mr. Tenges commented on the email that he sent to Chief Seiple regarding truck traffic on Hecktown Road. Recently there has been a rash of trucks traveling down Hecktown Road which led to property damage. Mr. Tenges asked Mr. Nagle to get an update from Chief Seiple at the CRPC meeting. Mr. Tenges also stated that the Township will be getting larger signs and will improve the location of those signs to make them more visible to truck drivers.

Summer Park Program – Mr. Tenges read a letter sent from a parent of a participant in the Summer Park Program who is very happy with the program and the friendliness of the leaders. Mr. Tenges said it is a shame that the press doesn't print stories on the positive actions of the Township, such as this.

Everson Tesla – Traffic Impact Fee Amendment – Mr. Tenges commented that the Traffic Impact Fee for the Everson Tesla project had been amended due to a reduction in the square footage of a building. The trip count was reduced from 15 trips to 13 trips; therefore the new amount to be collected is \$8,892.00. Mr. Kortze's amended letter should be attached to the Improvements Agreement.

### **Engineer's Report**

Tractor Supply - Mr. Kortze stated he was working with their engineer and provided them with the language related to the responsibility of the extension of South Broad Street and the future connector road to Lot 9; which they are in the process of digesting that language.

### **Solicitor's Report**

Traffic Restriction Ordinance - #195-07-08 – Mr. Kortze's review letters dated June 11, 2008 for Truck Restrictions on Hollo Road, Georgetown Road, Hanoverville Road and Steuben Road; as well as a July 7, 2008 review letter for Parking Restrictions on Keystone Drive support this ordinance; therefore they should be attached to the ordinance. In addition, the penalty is now a \$50 fine for all posted restrictions.

Solicitor Asteak added that although the ordinance goes into effect immediately, it is not enforceable until the appropriate traffic control devices are erected.

A motion was moved by Mr. Kucsan and seconded by Mr. Johnson to adopt Ordinance #195-07-08. The motion carried.

Phillips Feed – Solicitor Asteak stated that in regard to the fire suppression system and their Use and Occupancy of the premises, the applicant has signed a contract to bring that system into compliance. Solicitor Asteak also commented that he is satisfied with the hold harmless language.

Mr. Tenges stated that after reviewing the plan, the buildings for this project would not be more than 250 feet from the nearest residential property line. Mr. Tenges believes that there is no need for them to be on the Planning Commission agenda on Monday until this situation is corrected.

### **Old Business**

There were no comments under Old Business.

### **New Business**

There were no comments under New Business.

### **Payment of the Bills**

A motion was made by Mr. Johnson and seconded by Mr. Kucsan to approve the bills dated July 16, 2008. The motion carried unanimously.

### **Courtesy of the Floor**

*Jack Herbst*, from the Borough of Nazareth, discussed the skate park in Nazareth Borough and its aim to keep kids off the street. He named the municipalities that have already made donations. Mr. Herbst was requesting an answer for the Board on whether Lower Nazareth would be willing to make a contribution.

Mr. Herbst commented that there is no liability on the donating party and that the Borough of Nazareth assumes all responsibility. Solicitor Asteak was satisfied that there would be no liability to Lower Nazareth Township, it would be owned and operated by the Borough and the Township would just be a donating party.

Mr. Herbst said they are about to bid out the project. They have enough money for the smaller sized equipment but believe the larger size would be a better choice. Mr. Kucsan asked what the dollar difference was between two; to which Mr. Herbst commented was about \$7,000.00.

After a brief discussion, the Board decided that they would make a decision at their next meeting on August 6<sup>th</sup> when hopefully all Board members would be present. Mr. Herbst was satisfied with a letter of intent from the Township after that meeting.

**Adjournment**

A motion to adjourn was moved by Mr. Johnson and seconded by Mr. Kucsan. The meeting was adjourned at 8:38 PM.

Respectfully submitted,

Tammi M. Dravec  
Asst. Secretary/Treasurer

UNAPPROVED