

MINUTES JUNE 21, 2017
UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS

Meeting called to order at 7:00 p.m. by Chairman, Mike Rinker.

Pledge of Allegiance

Board members present were: Mike Rinker, Robert Disbrow, Donna Hirst, and Scott Sylvainus. Richard Mann was absent.

Also present were Township Manager, E.J. Mentry, for Township Solicitor, Steven Mills, and Township Engineer, Al Kortze.

PUBLIC COMMENT

Joanne Messenlehner of 40 Schoeneck Ave. stated that she had been approached by several residents about the building of the prison in the Township and asked the Zoning Officer he had received any permit applications for a prison at Gracedale. Mr. Soloe responded no. Ms. Messenlehner asked if the Board was in favor of having the prison in the Township. Mr. Rinker responded that the Board was approached and an informal fact finding meeting was held where no comments or decisions were made, as the County has not submitted anything on this matter. Mr. Rinker went on to say that, personally, he is not in favor of it. Mr. Sylvainus commented that he feels the Township is not the place for it. Mrs. Hirst stated that she felt the same way.

Ms. Becky Bartlett of 127 4th St. asked again when the Township was going to vote on moving to a single trash/recycling hauler. Ms. Bartlett stated that an in-person survey was going to be conducted at Community Day and wanted to know if, in fact, that was really going to happen. Mr. Mentry replied that the Recycling Committee is still planning on conducting that survey at Community Day. Ms. Bartlett then asked if the Board was planning on voting on this issue at some point. Mrs. Hirst requested that a date be set for the vote. The Board decided on setting the date of November 15, 2017, as the date to vote on the single hauler issue.

APPROVALS

Mr. Mentry stated that he would like to remove the Fire Department report from the agenda and add the Metz Contract under Community Day to the agenda.

Motion was made by Mr. Rinker and seconded by Mr. Disbrow to approve the revised agenda. Motion carried by all voting aye. (4-0)

Motion was made by Mr. Sylvainus and seconded by Mr. Hirst to approve the meeting minutes of June 7, 2017. Motion carried by a vote of 4-0.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve payment of the bills. Motion carried by all voting aye. (4-0)

The Financial Report was presented.

Motion was made by Mr. Sylvainus and seconded by Mr. Rinker to approve the Financial Report and the Treasurer's Report. Motion carried by all voting aye. (4-0)

SUPERVISORS COMMENTS

Mr. Rinker announced that an Executive Session had been held prior to the meeting for personnel reasons.

Mrs. Hirst reported that she, Mr. Disbrow, and some staff attended a Cybersecurity webinar geared toward municipal cybersecurity. Mrs. Hirst went on to say that the attorney presenting the webinar was adamant that external back-up was critical. This supported what Chief Cope is doing and what E.J. presented to the Board at the last meeting. Mr. Disbrow stated that one important factor is business continuity and what can we do in the event that our computer system goes down. Mr. Mentry reported that the Board requested he get information on an alternate proposal from what he presented at the last meeting. Mr. Mentry stated that our IT person was today installing a lesser back-up system, but hesitated to recommend it, until he would see how this was going to work for his other client. Mr. Mentry stated that he would follow up tomorrow with our IT person. Mr. Mentry went on to say that this is a cheaper version and it is not a true virtualization as discussed at the last meeting. With the cheaper option the Township would incur considerable hours to reinstall the back-up. Mr. Sylvainus asked that we list what programs would be necessary to back-up and reinstall.

TOWNSHIP SOLICITOR

Attorney Mills reported that Eagles Landing Phase 3A deeds of dedication have been prepared, however, they are incomplete because the developer has not provided all of the street Right of Way sketches.

TOWNSHIP ENGINEER

Mr. Kortze presented a request from Stone Creek Development for acceptance of Eagles Landing Phase 3C into the 18-month maintenance period, along with a reduction of the Letter of Credit reduction to \$48,512.80. Mr. Kortze stated that the money remaining in the Letter of Credit contains sufficient funds to complete the punch list items remaining, as most items pertain to fencing around detention basins. Mr. Kortze further commented that during the next 18 months, should any other issues arise, it is still the responsibility of the developer to fix any necessary items, otherwise, at the end of the 18 months, they would not be released from maintenance.

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to accept Eagles Landing Phase 3C into the 18 month maintenance period ending 12/7/18. Motion carried by all voting aye. (4-0)

Motion was made by Mr. Sylvainus and seconded by Mr. Rinker to approve Eagles Landing Phase 3C request for reduction to the Letter of Credit to \$48,512.80. Motion carried by all voting aye. (4-0)

Mr. Kortze presented an overview of the requirements of the MS4 permit program that are being mandated by the State, as outlined in the "Municipal Separate Storm Sewer System (MS4),

General Program Overview and Requirements in Upper Nazareth Township”. Mr. Kortze stated that this is a federal program that is administered in Pennsylvania by DEP, and the Township has been participating in the MS4 program since 2003-2004.

Mr. Kortze stated that the Township is required to implement six minimum control measures (MCMs) for its MS4 program. The six MCMs are: Public Education and Outreach; Public Participation and Involvement; Illicit Discharge Detection and Elimination; Construction Site Stormwater Runoff Control; Post-Construction Stormwater Management in New Development and Redevelopment; and Pollution Prevention/Good housekeeping. Within each of these MCMs, the Township is required to implement a minimum number of Best Management Practices (BMPs), as prescribed by DEP. Mr. Kortze explained that the public outreach aspect would involve providing literature to residents, newsletters, etc., about soil erosion controls and what the Public Works Department is doing as far as creating a safe environment when performing their duties. Mr. Kortze explained that the Township already has some BMPs in place that satisfy some of the MCMs, but that we are going to be required to implement more in the next year or so prior to our current permit expiring. He explained that the DEP wants every storm drain and outlet in the municipality mapped. Mr. Kortze stated that the DEP is increasing their number of audits as well, which often times result in very steep fines for municipalities.

Mr. Mentry stated that our current permit expires in February of 2019 and the renewal is due 6 months prior. In order to meet some of these requirements, it will require us to purchase additional GPS as the one we currently own is not adequate to do this work. Mr. Mentry stated that this is probably the largest unfunded mandate with which the Township has to comply. Mr. Mentry stated that during the budget process we will need to budget a significant amount just to meet the requirements for our permit renewal.

Mr. Disbrow stated that he and Mr. Mentry attended a workshop at the PSATS Convention regarding the MS4 permitting requirements and it was standing room only for all the sessions being offered.

Mr. Kortze stated that earlier this year Senator Scavello held a presentation in Monroe County and it was said that the only funding available for implementing these requirements would be through PennVest, but this is a loan that requires full payback.

Mr. Kortze said that KCE can offer their assistance in helping to locate structures and mapping, however, the municipality will have to go out and inspect, during dry weather, as to illicit discharge detection, stormwater runoff, outfalls, erosion controls, etc., which will require more recordkeeping. There will need to be some vigilance on the part of the Township insuring that these requirements are being met. Mr. Kortze stated that some public involvement could be utilized in marking inlets, etc.

Mr. Sylvainus asked why the Pollution Control Measures is not required. Mr. Kortze responded that this is only being required of municipalities in the Chesapeake Bay Watershed area.

Mr. Sylvainus asked how the requirement for the Pollution Reduction Plan of 10% reduction in suspended solids was to be measured. Mr. Kortze stated that DEP has a formula and they will assign allowed sediment based on the impervious coverage in the Township. Mr. Kortze stated that

this could be in the way of retrofitting all storm basins to have a better water quality runoff. Mr. Sylvainus stated that these measurements are theoretical. Mr. Kortze concurred.

MANAGER

Mr. Mentry stated that the Township had received the reimbursement from Northampton County for the rubberized mulch project in the amount of \$75,922.43, as part of the County's Municipal Park Grant Program. Mr. Mentry stated that there is still approximately \$28,000.00 remaining in the Upper Nazareth Township allocation pertaining to this grant, and that we have until the end of September to apply for the balance of this funding. Mr. Mentry stated that the Recreation Committee discussed this at their meeting on Tuesday, June 20, 2017.

Mr. Mentry informed the Board the Library had to postpone the Lehigh Valley Zoo presentation on Monday, June 19, 2017, due to bad weather. This event has been rescheduled for August 7, 2017.

Mr. Mentry mentioned that the approved minutes of May 3, 2017, needed to be corrected to reflect two motions that were inadvertently omitted:

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to award the 2017 Road Surface Treatment Project to Asphalt Maintenance Solutions for a total contract cost of \$131,883.50. Motion carried by all voting aye. (4-0)

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to pre-authorize Keystone Consulting Engineers, Inc. a contingency of up to \$13,000.00 for the 2017 Road Surface Treatment Project in accordance with Keystone's letter of April 26, 2017. Motion carried by all voting aye. (4-0)

Mr. Mentry stated that he has received confirmation from Will Austin, Tammy Bacak, Tim Schantz, Brian Witmer, Donna Hirst, Robert Williams, Scott Sylvainus, and Steve Mills of their willingness to serve on the DCNR Grant Study Committee. Mr. Mentry said that the Committee should consist of approximately 9 members, possibly an employee from the Public Works Department and Police Department as well as a member at large, possibly a business.

Motion was made by Mrs. Hirst and seconded by Mr. Sylvainus to approve the DCNR Grant Study Committee list as submitted. Motion carried by all voting aye. (4-0)

Mr. Mentry reported that the Lower Nazareth Township Board of Supervisors voted to accept the bid of \$127,550.00 for the joint rehabilitation of Georgetown Road. This is only for the FDR portion of this project as the paving will be done in-house. Mr. Mentry stated that the cost to Upper Nazareth Township for their portion of this aspect of the project will be about \$19,000.00.

Mr. Mentry requested authorization to advertise the proposed budget workshop dates of July 31, September 18, October 9, and October 23, 2017 at 6:30 pm.

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to authorize advertising the budget workshop dates of July 31, September 18, October 9, and October 23, 2017. Motion carried by all voting aye. (4-0)

APPROVAL OF DEPARTMENT REPORTS

Motion was made by Mr. Rinker and seconded by Mrs. Hirst to approve the Zoning, Police, and Public Works Department Reports as submitted. Motion carried by all voting aye. (4-0)

Jeff Fassl, President of the Upper Nazareth Fire Department, informed the Board that he had received a personal call from Congressman Cartwright informing him that the Fire Department was being awarded an AFG Grant in the amount of \$102,000 for air packs. The Fire Department will have to provide a match of only about \$5,000.

PLANNING & ZONING

Mr. Sylvainus informed the Board that Moravian Hall Square/Heritage Village presented a sketch plan to the Planning Commission at the meeting of June 15. Mr. Sylvainus stated that they are considering a new design plan for phasing the rest of the development that is different from what was originally approved. Mr. Sylvainus stated that there was no decision made regarding this sketch plan since there was no official submission, and should MHS decide to proceed with this plan, they would need to come before the Board for their approval. Mr. Mentry stated that this would likely be on the next agenda for the Board's feedback, but there wouldn't be a decision at that time since it's only a sketch plan.

Mr. Sylvainus stated that Duke Realty/Chrin were present to request permission for deed consolidation of the Chrin Development Lots 2 & 3. The Planning Commission recommended the Board approve the requested consolidation of the Chrin Development Lots 2 & 3 as stated in their minutes of June 15, 2017. Mr. Mentry stated that this would be on the July 5th Board of Supervisors agenda for approval.

PUBLIC WORKS

Nothing at this time

RECREATION

Mr. Mentry stated that the Community Day Committee held a meeting the previous evening.

Mr. Mentry requested conditional approval of the Nonweiler Amusement Contract pending receipt of their certificate of insurance.

Motion was made by Mr. Rinker and seconded by Mrs. Hirst to grant conditional approval of the Nonweiler Amusement contract pending receipt of their certificate of insurance. Motion carried by all voting aye. (4-0)

Mr. Mentry requested approval of the Point O-Eight contract.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve the Point O-Eight contract not to exceed \$600.00. Motion carried by a vote of 3-0 with Mr. Rinker abstaining.

Mr. Mentry requested conditional approval of the Kickbacks Contract pending receipt of their business registration application.

Motion was made by Mr. Rinker and seconded by Mr. Disbrow to grant conditional approval of the Kickbacks contract not to exceed \$600.00 pending receipt of their business registration application. Motion carried by all voting aye. (4-0)

Mr. Mentry requested approval of the Metz Amusements & Concession, LLC contract in the amount of \$2,160.00 for one large tent, tables and chairs for Community Day.

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve the Metz Amusements & Concession, LLC contract in the amount of \$2,160.00 for one large tent, tables and chairs for Community Day. Motion carried by all voting aye. (4-0)

Mr. Jeff Fassl stated that the Fire Department is again going to have a dunk tank at Community Day and Mrs. Hirst has volunteered to be “dunked.” Mrs. Hirst challenged other Supervisors to volunteer as well.

PUBLIC SAFETY

POLICE DEPARTMENT

Nothing at this time.

EMERGENCY MANAGEMENT

Mr. Rinker stated that the trailer that was purchased for Emergency Management was not large enough to transport the ATV owned by the Fire Department and was looking into the possibility of selling the trailer that the Township owns and possibly purchasing a larger trailer to accommodate the Fire Department ATV. Mr. Mentry interjected that, when the purchase of this trailer was proposed during budget talks, the trailer was to be for the EMC use and not a joint trailer as is currently being proposed. The insurance requirements will have to be explored prior to any action being taken on this matter.

SAFETY COMMITTEE

Mr. Mentry stated that the Safety Committee met on Friday, June 9, 2017, and that Chief Cope was scheduling the CPR training and the Active Shooter Workshop. Mr. Mentry stated that Mr. Shupe was in the process of getting quotes for replacement of the window at the Police reception area and the Township reception area with a shatterproof glass as well as a pass through door for plans. Mr. Mentry also stated that Tuskes Park Key/Access was also discussed.

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Mr. Rinker stated that he would like to recognize Boy Scout Troop 74. Mr. Mason Rinker stated that the Troop was present at the meeting because they are working on their Communication Merit Badge.

ADJOURNMENT

Motion was made by Mr. Disbrow and seconded by Mr. Rinker to adjourn the meeting at 8:02 p.m. Motion carried by all voting aye. (4-0)

Next meeting will be July 5, 2017, 7:00 p.m.

Respectfully Submitted,

*Edward M. Mentry Jr.
Township Manager/Assistant Secretary*