

MINUTES DECEMBER 19, 2018
UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS

Meeting called to order at 7:00 p.m. by Vice Chair Donna Hirst.

Pledge of Allegiance

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

Also present were Township Engineer, Sean Dooley, Township Solicitor, Gary Asteak, Interim Township Manager, Deborah Seiple and Treasurer, Betty Parrish.

PUBLIC COMMENT

Mr. Sylvainus requested researching the steps required to institute an Open Space Plan for the Township. Attorney Asteak responded that an ordinance would need to be adopted placing a question on the ballot asking whether the residents of the Township would support the imposition of a dedicated ¼% tax on earned income. Attorney Asteak cautioned about putting this question on the ballot cold. Public education would need to take place to inform the public exactly what an Open Space Plan is and why a dedicated tax is needed. Attorney Asteak stated an Environmental Advisory Committee (EAC) needs to be established to develop an Open Space Plan and educate the public prior to a vote. Should the vote be approved, the Township would adopt another ordinance to enact the tax and develop a plan as to what land would be targeted for acquisition. Attorney Asteak said the County, Moore Township and Bushkill Township have Open Space Plans and have very well-defined criteria. Lower Nazareth Township is in the process of enacting an Open Space Plan. Attorney stated the vote can take place in any election and cautioned about putting an Open Space Plan on the ballot unless it has good public support. The Board referred the Open Space Plan research to the Planning Commission. Scott Sylvainus is to begin searching for qualified volunteers to participate in an EAC.

APPROVALS

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

Mr. Sylvainus asked to have the comment “Mr. Soloe stated that this is allowed” deleted from the minutes under Public Comment.

Motion was made by Mr. Sylvainus and seconded by Mr. Pulliam to approve the meeting minutes of December 5, 2018 with the correction noted above. Motion carried by all voting aye. (4-0)

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

Motion was made by Mr. Sylvainus and seconded by Mrs. Hirst to approve the November 2018 Financial and Treasurer’s Report. Motion carried by all voting aye. (4-0)

SUPERVISORS' COMMENTS

Mr. Sylvainus asked what steps are required to impose an open space tax. Attorney Asteak stated an ordinance needs to be adopted to place a question on the ballot as to whether or not residents are in agreement with the imposition of a dedicated tax of ¼% on earnings. Attorney Asteak recommended establishing a committee or EAC whose purpose is to develop an open space plan and educate the public as to what an open space plan is and why the tax is necessary prior to placing it on the ballot. If the vote is approved another ordinance is adopted to enact the tax. The committee would recommend what land should be acquired. Attorney Asteak suggested appointing a person to develop a committee and begin the preparation of placing this issue on the ballot. Mr. Sylvainus will be the individual developing this committee. Attorney Asteak suggested reaching out to Lower Nazareth Township, Bushkill Township, Moore Township or the County as they have very well-defined criteria. Attorney Asteak stated Bushkill Township has an EAC that has been very active for many years and has experienced people on the committee. The Board is requesting the Planning Commission research this issue and report back.

TOWNSHIP ENGINEER

Mr. Dooley presented a modified scope of work for the necessary repair to the Penn Dixie Road bridge. A full inspection report was received from PennDOT with additional work necessary that is outside the 6-month timeframe for completion of priority work established by PennDOT during a recent inspection of the bridge. The proposal to complete all necessary work during 2019 is \$101,359.00. Mr. Dooley stated the Township could elect to only correct the critical portion within the PennDOT directed 6-month time frame and delay the remainder until later in 2019. Choosing this option would increase the cost. Mr. Dooley recommended completing all the work at one time. Mr. Sylvainus asked if there were any grants available to cover the cost of this repair. Mr. Dooley and Mrs. Seiple both indicated not within a 6-month timeline.

Motion was made by Mr. Sylvainus and seconded by Mrs. Hirst to approve Keystone Consulting Engineer's proposal in the amount of \$101,359.00 for repairs to the Penn Dixie Road bridge using money from the Road Improvement account. Motion carried by all voting aye. (4-0)

Mr. Dooley stated Tuskes Homes has requested to be released from the 18-month maintenance period for Phase 3C of the Eagles Landing subdivision. This is the final phase, inspections have been done and Tuskes has been provided with a punch list of items which will take time to complete. Additionally Northampton County Conservation District has informed us that Tuskes is submitting a permit modification. With the newly established MS4 program, the Township has an interest in the approved PCSM facilities being complete and in place to the Conservation District and PA-DEP's satisfaction. Township SALDO requires a PA-DEP permit for stormwater and it is a requirement that facilities required by said permit be completed. Certain PCSM facilities have either been damaged or not completed at all, and since Tuskes has indicated an intent to modify the conditions of the approved PA-DEP permit, the work cannot be considered complete by the Township.

Attorney Asteak stated Tuskes attorney contacted him for the deeds of dedication. Attorney Asteak informed Tuskes attorney Upper Nazareth Township would not be accepting the deeds of dedication and there would be no reduction until all issues have been addressed. Attorney Asteak

suggested reaching out to see if Tuskes is going to ask for an extension to the 18-month maintenance period, table the issue, and take no further action at this time.

TOWNSHIP SOLICITOR

Attorney Asteak Ordinance No. 180 – Police Pension Tax Deferred Contributions has been duly advertised and is ready for adoption.

Motion was made by Mr. Disbrow and seconded by Mr. Pulliam to adopt Ordinance No. 180 – Police Pension Tax Deferred Contributions. Motion carried by all voting aye. (4-0)

ADMINISTRATION

Mrs. Parrish requested approval of Resolution No. 18-15 establishing the 2019 Real Estate Tax rate of 7.09 mills.

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to approve Resolution 18-15 establishing the 2019 Real Estate Tax rate of 7.09 mills. Motion carried by all voting aye. (4-0)

Mrs. Parrish requested approval of Resolution No. 18-16 establishing the Act 511 tax rates for 2019.

Motion was made by Mr. Disbrow and seconded by Mrs. Hirst to approve Resolution 18-16 establishing the Act 511 tax rates for 2019. Motion carried by all voting aye. (4-0)

Mrs. Parrish requested approval of Resolution No. 18-17 adopting the 2019 General Fund Budget.

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve Resolution No. 18-17 adopting the 2019 General Fund Budget. Motion carried by all voting aye. (4-0)

Mrs. Parrish requested adopting the 2019 Liquid Fuels Budget.

Motion was made by Mr. Sylvainus and seconded by Mrs. Hirst to adoption of the 2019 Liquid Fuels Budget. Motion carried by all voting aye. (4-0)

Mrs. Parrish requested approval to close the Township books as of December 27, 2018.

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to approve closing the Township books as of December 27, 2018. Motion carried by all voting aye. (4-0)

Mrs. Parrish requested approval to have vacation/PTO calculated on a calendar year basis as of 1/1/19.

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve vacation/PTO being calculated on a calendar year basis as of 1/1/19. Motion carried by all voting aye. (4-0)

Mrs. Seiple stated an invitation was received from the Trails and Conservation Assistant for the Delaware and Lehigh National Heritage Corridor, Patrick Hunt, for an individual from Upper Nazareth Township to give a 5-minute presentation on the Lehigh Valley Greenways mini-grant that the Township recently received. The presentation would take place on January 10, 2019, at the Lehigh Valley Greenways Partnership Retreat at the Catasauqua Borough Hall in Catasauqua. Mrs. Seiple and Mrs. Hirst will attend.

Mrs. Parrish reported that PSATS Conference materials have been received and distributed. Mrs. Parrish stated registration begins January 14, 2019. Hotel reservations can only be made after registering for the conference. The PSATS Conference attendance will be on the second meeting in January, 2019, agenda.

Mrs. Seiple stated LVPC will be holding a briefing on Tuesday, January 22, 2019, pertaining to the 2020 census and the impact of an accurate census count has on the region. Mrs. Seiple and Mrs. Hirst will attend.

APPROVAL OF DEPARTMENT REPORTS

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve the Zoning, Police, Public Works and Fire reports as submitted. Motion carried by all voting aye. (4-0)

PLANNING & ZONING

Mr. Soloe reported last week the court system gave Penn East Pipeline the ok to acquire property through eminent domain.

Mr. Sylvainus asked for an update on the Posting and Bonding of the roads as it pertains to the Penn East Pipeline. Mr. Dooley reported there was still some work to be done before the Posting and Bonding of the roads could occur. Mr. Sylvainus asked what is the expected completion time frame. Mr. Dooley responded about 6 months.

PUBLIC WORKS

Mr. Shupe stated a complaint was received about the potholes on Penn Allen Rd. and subsequent damage to a vehicle. Mrs. Seiple stated the person was instructed to send in the bill for the damage. Mrs. Seiple said bill received were several weeks apart. Attorney Asteak said to send the bills to the insurance company.

Mr. Shupe reported the Township was awarded the full amount of the 902 Recycling Grant in the amount of \$178,394.40 for a Hook Truck and Hoist and camera equipment for use at the yard waste site. Mr. Shupe will put this on the second meeting of January, 2019, agenda.

RECREATION

Nothing at this time.

POLICE DEPARTMENT

Nothing at this time.

EMERGENCY MANAGEMENT

Nothing at this time.

SAFETY COMMITTEE

Nothing at this time,

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

ADJOURNMENT

Motion was made by Mr. Disbrow and seconded by Ms. Hirst to adjourn at 8:40 p.m.
Motion carried by all voting aye. (4-0)

Respectfully submitted,

Betty Parrish
Recording Secretary