

**MINUTES MARCH 6, 2018  
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, Scott Sylvainus, Robert Disbrow and Brian Pulliam. Donna Hirst 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. George Polak handed Attorney Asteak documentation pertaining to the fence bordering his property located behind 2202 Eagles Landing Dr. that has been removed. Mr. Polak would appreciate getting a response by next week.

Mrs. Terri Sayago of 3070 Newburg Rd. handed Mr. Rinker and Mr. Sylvainus a copy of the library's annual report. Mrs. Sayago stated she is very happy with the library's progress this past year.

Mr. Rob Berger of 496 S. Cottonwood Rd., Lehigh Twp, and Berger Sanitation, questioned why one of his drivers was stopped when picking up trash in the Township at 3 am. Mr. Berger said one or two years ago they were given permission to collect at this hour. Attorney Asteak informed Mr. Berger this issue was mentioned in the minutes on several occasions, however, there was no resolution to this issue. The Board of Supervisors were polled and there is no decision to change the ordinance from the 6 am time stated in the ordinance.

**APPROVALS**

Mr. Rinker requested revising the agenda to include the appointment of an Emergency Management Coordinator Deputy.

**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. Pulliam to approve meeting minutes of February 6, 2019. Motion carried by all voting aye. (4-0)

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

**Motion** was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve the January 2019 Financial and Treasurer's Report. Motion carried by all voting aye. (4-0)

## **SUPERVISORS' COMMENTS**

Mr. Rinker announced that an executive session was held prior to the Board meeting for personnel matters.

Mr. Disbrow thanked the Public Works Department for their work during the recent three storms.

## **TOWNSHIP ENGINEER**

Mr. Dooley reported the Penn Dixie Rd. bid opening was held on February 19, 2019. Five bids were received with E.F. Possinger submitting the lowest bid at \$69,696 plus alternate 1 and alternate 2 for a total of \$80,626. Mr. Dooley stated this was below what originally was estimated. Mr. Dooley stated there needs to be language inserted into the contract establishing their qualifications and that of their sub-contractors. E.F. Possinger had no objection to the addition of that language. Mr. Dooley requested approval to award the Scour Repair at the Penn Dixie Road Bridge to E.F. Possinger and Sons, Inc. Base plus A1 and A2 for a total contract amount of \$80,626.

**Motion** was made by Mr. Disbrow and seconded by Mr. Sylvainus to award the Scour Repair at the Penn Dixie Road Bridge to E.F. Possinger and Sons, Inc. the Base plus A1 and A2 for a total contract amount of \$80,626. Motion carried by all voting aye. (4-0)

The Posting and Bonding of the Roads conversation began with Mr. Dooley saying he hoped all had had the chance to peruse the information he sent, explaining that prior to passing the ordinance and physically signing the roads, a process needs to be established as to the administration side of this issue. Mr. Dooley stated a fee schedule needs to be established, an inspection protocol, enforcement protocol, permitting process, etc., all needs to be established. This all needs to be done in the event our roads are damaged.

Mr. Rinker questioned why Mr. Dooley had addressed all the roads within the Township and not just those affected by the Penn East Pipeline as was instructed. Mr. Dooley responded he was only suggesting the Township might want to consider other roads to be included in this process.

Mrs. Deborah Seiple indicated there was no cost benefit analysis indicating where the Township would be at the end of this process. Mrs. Seiple suggested a workshop to outline the steps to implement this process. Mrs. Seiple asked if we really know what Penn East is going to do when they come through the Township. Mr. Rinker suggested reaching out to Penn East to find out what they are planning to do. Attorney Asteak stated Lower Nazareth Township was going to meet with Penn East for those reasons stated. Mrs. Seiple asked if Upper Nazareth Township wanted to reach out to Lower Nazareth Township to see if we could join that meeting. The Board concurred this was a good idea.

Mr. Sylvainus asked how long it would take to get this in place. Attorney Asteak responded that the basic ordinance was ready with just a few blanks left to fill in. Attorney Asteak reiterated the administrative process outlined by Mr. Dooley as identifying the damage done to the roads by the trucks, enforcement procedures to collect the fines, costs associated with establishing this process and who would be doing all of this. Who on your staff is going to be issuing the permits and who is going to monitor the permits. Attorney Asteak stated it's easy to adopt the ordinance, but the hard part is establishing all the protocols. Mr. Sylvainus stated once the fines are in place

the costs can be offset by the fee schedule. Mr. Dooley suggested working with the engineer to come up with a cost, which he should have at the 2<sup>nd</sup> meeting in April.

## **TOWNSHIP SOLICITOR**

Attorney Asteak stated the Township is in receipt of the completed codification of the ordinances. Attorney Asteak requested adoption of Ordinance No. 181 – Adopting the Codification.

**Motion** was made by Mr. Rinker and seconded by Mr. Sylvainus to adopt Ordinance No. 181 – Adopting the Codification. Motion carried by all voting aye. (4-0)

Attorney Asteak informed the Board that a letter was received from the County stating they are not able to find another location for the May primary election due to the short time constraints. They are working to identify other places in order to remove the polling from the Township Municipal Building, but there would be no change in May.

Attorney Asteak said a letter was received from Mr. Robert C. Oswald regarding placing his property into an agricultural security area. Mr. Oswald has made application to place his 60 acre parcel, 57 acres which are located in Upper Nazareth Township, into the Bushkill Township Agricultural Security Area. Attorney Asteak recommended we approve Mr. Oswald's request.

**Motion** was made by Mr. Rinker and seconded by Mr. Disbrow to approve Mr. Oswald's request for application into the Bushkill Township Agricultural Security Area. Motion carried by all voting aye. (4-0)

## **ADMINISTRATION**

Mrs. Parrish informed the Board that a letter was received from Pennsylvania Department of Environmental Protection explaining a civil penalty was assessed against Lehigh Cement located in Lower Nazareth Township whereby Upper Nazareth Township is able to share in a percentage of that penalty in the amount of \$9,209.68. Mrs. Parrish stated a project proposal needs to be submitted in order to receive these funds. Mrs. Parrish said she contacted PA DEP as to what type of projects would be considered and what paperwork was needed to apply for the available funds. An example of the allowed projects are recreation projects, trails, open space, among others. DEP stated the Township can submit multiple projects. Mrs. Seiple suggested submitting a request to partner with the DCNR Grant for the Parks and Recreation Plan, and also submit to partner with the grant the Township has for electric in Tuskes Park. The Board concurred with Mrs. Seiple's suggestion and Mrs. Parrish and Mrs. Seiple will work on submitting these project proposals.

Mrs. Seiple introduced the recently prepared Escrow Agreements for Board approval. Attorney Asteak has reviewed the agreements. Mrs. Seiple said these agreements will help with securing reimbursements as it is a signed document with penalties. Attorney Asteak informed the Board that these agreements should be sent to all existing escrow account holders as well as any new escrow accounts set up in the future.

**Motion** was made by Mr. Sylvainus and seconded by Mr. Disbrow to approve the Escrow Agreements. Motion carried by all voting aye. (4-0)

Mrs. Seiple addressed the Brake Retarder issue that has been brought before the Board on numerous occasions. Mr. Dooley received an email from Mr. Chade T. Sankari, Signing Manager, District Traffic Studies, PennDOT District 5 indicating a brake retarder prohibition is not warranted on SR 248. Mr. Dooley requested the Township contact PennDot regarding this matter. Mrs. Seiple contacted Mr. Sankari and he confirmed the brake retarder prohibition is not warranted on SR 248. Mrs. Seiple asked Mr. Sankari to please send a formal letter to that effect to put into our records. On 2/26/19 the Township received Mr. Sankari's letter dated 2/21/19 to officially confirm PennDOT's decision.

Mrs. Parrish requested approval to attend the GFOA PA Conference April 28 to May 1.

**Motion** was made by Mr. Rinker and seconded by Mr. Sylvainus to approve the Treasurer attending the GFOA PA Conference April 28 to May 1, 2019. Motion carried by all voting aye.

### **APPROVAL OF DEPARTMENT REPORTS**

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

### **PLANNING & ZONING**

Mr. John Soloe informed the Board that Northampton County has submitted a sketch plan to the Planning Commission for review at their March 14, 2019, meeting. The sketch is for a Regional Forensic Center at Gracedale. The center would be approximately 2,700 square feet positioned in front of the 911 building extending to the helipad which is no longer in use.

### **PUBLIC WORKS**

Mr. Shupe requested approval of the dates and to advertise the Street Sweeping (April 1 – 5, 2019), Spring Curbside Yard Waste Collection (April 22 – 26, 2019) and Yard Waste Facility (opening April 27, 2019) dates.

**Motion** was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve and advertise the Street Sweeping, Spring Curbside Yard Waste Collections and Yard Waste Facility Dates. Motion carried by all voting aye. (4-0)

Mr. Shupe requested approval to advertise in the Key and the Home News for seasonal help.

**Motion** was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve advertising in the Key and Home News for Public Works Seasonal employees. Motion carried by all voting aye. (4-0)

### **RECREATION**

Mr. Disbrow introduced a Key FOB agreement that coincides with the security upgrades made at Tuskes Park.

**Motion** was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve the UNT Key FOB Agreement. Motion carried by all voting aye. (4-0)

Mr. Disbrow stated the Recreation Committee minutes for last month have been submitted.

Mr. Disbrow informed the Board that the Recreation Committee is exploring the possibility of a day camp at Tuskes Park. Mr. Disbrow introduced Mr. James Pilla and Ms. Amy Pidgeon explaining they are the individuals who have put together the Summer Camp Proposal. Mr. Pilla addressed the Board and turned the floor over to Ms. Pidgeon. Ms. Pidgeon stated the Summer Camp would be a 6-week program from June into early August for children Kindergarten through sixth grade staffed by a combination of educators, college students, high school students and volunteers. The program would run from 9:00 am to 12:00 noon Monday through Friday with approximately 150 attendees. There would be a different theme each week. Ms. Pidgeon stated they had been in touch with Lower Nazareth Township and Palmer Township as they also run summer programs. A rough budget has been submitted to the Board for their approval.

Mr. Disbrow asked what kind of hurdles did Lower Nazareth Township encounter with their program. Attorney Asteak responded that he was not involved with Lower Nazareth Township's summer program.

Attorney Asteak said this should be fleshed out more so that everything is well thought out and in place and implement this next year. Right now, who is going to do this.

Mrs. Seiple explained that East Allen Township has a summer program with a staff of about 13 counselors per year. East Allen did not find it advantageous to staff with high school students. Mrs. Seiple stated she attended the Lehigh Valley Greenways Grant seminar and made contact with several individuals that would be willing to partner and/or help get this started. There is a possibility of some grant money being available for implementation. The Recreation Director for South Whitehall Township offered to come to a Recreation Committee meeting to discuss and help with the process. The program must also comply with state regulation pertaining to the staff/child ratio.

Mrs. Parrish explained the hiring process, and additional costs associated with such an endeavor. Mrs. Parrish suggested Mr. Pilla and Ms. Pidgeon set up a time to come in and discuss this process further with the staff. The Board concurred with this conclusion.

## **POLICE DEPARTMENT**

Police Chief Cope requested permission to forward the Police SOP to Attorney Asteak and the insurance company for vetting. Police Chief Cope stated the SOP had been reviewed by the officers and the Police Association.

**Motion** was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve forwarding the Police SOP to Attorney Asteak and the insurance company for vetting. Motion carried by all voting aye. (4-0)

Police Chief Cope requested approval to place speed limit signs on the eastbound lane of Township Line Road. Police Chief Cope said currently there are no speed limit signs on the road, and although the unposted speed limit is 35 mph, the District Magistrate is reluctant to fine

individuals because of the lack of signage. The Board requested Mrs. Seiple to send a letter to East Allen Township regarding the posting of speed limit signs on Township Line Road as this road crosses into East Allen Township.

Police Chief Cope informed the Board that a truck training class would be held in the Township Municipal Building Conference Room on May 20, 2019. A seminar called "Stop the Bleed" will also be conducted in the near future on training how to apply a tourniquet.

### **EMERGENCY MANAGEMENT**

**Motion** was made by Mr. Sylvainus and seconded by Mr. Pulliam to appoint Mr. Disbrow as Deputy Emergency Management Coordinator. Motion carried with Mr. Rinker, Mr. Sylvainus and Mr. Pulliam voting aye and Mr. Disbrow abstaining. (3-0)

### **SAFETY COMMITTEE**

Mrs. Parrish presented a proposal from Royal Security for additional cameras and replacement of one camera on the exterior of the municipal building. Mrs. Parrish also presented a proposal from Bangor Glass for a pass-through door to be placed in the reception area of the municipal side of the Township building.

**Motion** was made by Mr. Rinker and seconded by Mr. Disbrow to approve the purchase of 2 additional cameras and replacement of 1 camera for the UNT Municipal Building at a cost of \$979.00. Motion carried by all voting aye. (4-0)

**Motion** was made by Mr. Rinker and seconded by Mr. Disbrow to approve the purchase and installation of a pass-through window for the municipal office reception area at a cost of \$3,717.00. Motion carried by Mr. Rinker, Mr. Disbrow and Mr. Pulliam voting aye and Mr. Sylvainus voting no. Motion carried by a vote of 3 to 1. (3-1)

### **OLD BUSINESS**

Nothing at this time.

### **NEW BUSINESS**

Mrs. Seiple handed the Board a letter received at the end of the day Wednesday from the Memorial Library of Nazareth. This letter serves as notification that 2019 Touch A Truck will not be held at Tuskes Park. The Library thanked the Township for hosting this event in the past several years.

### **ADJOURNMENT**

**Motion** was made by Mr. Rinker and seconded by Mr. Disbrow to adjourn at 8:25 p.m. Motion carried by all voting aye. (4-0)

*Respectfully submitted,*

*Betty Parrish*  
*Recording Secretary*