

MINUTES FEBRUARY 19, 2020
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, Rob Disbrow, Scott Sylvainus, and Kristin Mullen. Donna Hirst was absent.

Also present were Township Solicitor, Gary Asteak, Township Engineer, Sean Dooley, Township Manager, Lisa Klem, and Treasurer, Betty Parrish.

PUBLIC COMMENT

Township resident Jason Mohap inquired of Attorney Asteak as to when he was going to meet with the citizens group pertaining to Project Tadmor. Attorney Asteak responded he has not been authorized by the Board to do so. Mr. Mohap asked if Project Tadmor had come before the Board. Mr. Rinker responded no. Mr. Mohap questions how the waivers are coming before the Board before the Board has seen the plan. Attorney Asteak explained the process stating the waivers have been recommended by the Planning Commission.

Township business owner, Jeff Wack, questioned why the sidewalks would be disallowed as this is a safety concern for the area. Mr. Dooley responded the statement is not accurate.

Township resident Liz Summers expressed her disappointment in the cuts to the library.

Township resident Vlad Potiyevsky raised some concerns that Heritage Village as currently built is not in conformance with the original plans submitted. Mr. Sylvainus responded changes have been made to the original plan. Mr. Potiyevsky questioned Porter Street being open all the time versus the plan showing Porter Street being an emergency entrance. Mr. Potiyevsky stated residents are not stopping at the stop signs. The police made a note of this concern.

BARRY ISETT & ASSOCIATES/CODEMASTER

Karen Duerholz of Codemaster Inspection Services informed the Board that Barry Isett & Associates has acquired Codemaster as of April 1, 2020. All fees and services will remain the same with some improvement to turn around time. The Board will need to appoint Barry Isett & Associates prior to April 1, 2020. Ms. Kuerholz will forward a sample resolution for this appointment.

APPROVALS

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

Motion was made by Ms. Mullen and seconded by Mr. Sylvainus to approve the meeting minutes of February 5, 2020. Motion carried by all voting aye. (4-0)

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

Motion was made by Mr. Sylvainus and seconded by Mr. Rinker to approve the January, 2020 Financial and Treasurer's Report. Motion carried by all voting aye. (4-0)

SUPERVISORS' COMMENTS

Mr. Rinker announced an Executive Session was held prior to the meeting for personnel reasons.

TOWNSHIP ENGINEER

Mr. Dooley stated Duke Realty – Chrin Lots 2 & 3 has requested a reduction in the Letter of Credit from \$446,277.40 to \$45,208.95 which is sufficient for the remaining items that need to be completed.

Motion was made by Mr. Sylvainus and seconded by Ms. Mullen to approve Duke Realty – Chrin Lots 2 & 3 request for a reduction in the letter from \$446,277.40 to \$45,208.95. Motion carried by all voting aye. (4-0)

Mr. Dooley stated Duke Realty – Chrin Lots 2 & 3 has requested to enter the 18 month maintenance period.

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to approve Duke Realty – Chrin Lots 2 & 3 entering the 18 month maintenance period ending August 19, 2021. Motion carried by all voting aye. (4-0)

Mr. Dooley stated the Engineer's Project Status Report has been submitted to the Board.

Mr. Sylvainus asked how the Northampton County project was going. Mr. Dooley responded it is going well.

TOWNSHIP SOLICITOR

Attorney Asteak spoke about Heritage Village Phases 3 & 4 Indemnification Agreement that was entered into last year pertaining to construction of improvement prior to the completion of the Subdivision Improvements Agreement and calculation of improvements costs. Heritage Village is seeking to extend that Indemnification Agreement from October 16, 2019 through March 30, 2020.

Motion was made by Mr. Rinker and seconded by Mr. Disbrow to approve the extension to the Heritage Village Indemnification Agreement through March 30, 2020. Motion carried by all voting aye. (4-0)

Attorney Asteak stated regarding the Subdivision and Land Development Improvements Agreement for Heritage Village Phases 3 & 4, there were some issues involving the calculations of the improvements costs, public versus private improvements, and some issues with regard to maintenance. The numbers have been worked out but there are some additional language changes that have to be

made to the agreement itself. Attorney Lewis suggested some language changes. Attorney Asteak requested the Board authorize approval and execution of the Improvements Agreement subject to approval of the Solicitor and receipt of the Letters of Credit totaling the amount that has been agreed to by the engineers.

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to approve the execution of the Heritage Village Improvements Agreement subject to the approval of the Solicitor and receipt of the Letters of Credit totaling the amount that has been agreed to by the engineers. Motion carried by all voting aye. (4-0)

Attorney Asteak stated on February 13, 2020, the Board of Supervisors, pursuant to the Library Code received a petition signed by residents of the Township seeking that a referendum be placed on the next municipal election ballot to impose a library tax to support a local library. The petition contained 394 signatures that were verified and represents more than 3% of the individuals that voted in the last election, and therefore, the staff has deemed it in conformity with the library code. The code requires the municipality to submit to the qualified voters the question of a library tax. Based upon our analysis of the library code specifying that a library tax may not be used for any purpose other than the establishment of, maintenance of, and aid to a local library and a municipality may contract with the managers or owners of an existing local library for public library service for the residents in a municipality whether the library is located in the same or another municipality and gives the power to the municipality to enter into contracts for the provision of library services. It is my recommendation that the Board approve a motion directing the Solicitor to notify the Northampton County Board of Elections to pose the following question on the ballot: "Shall Upper Nazareth Township establish a Special Library Tax to provide for the operation and maintenance of a local library at the rate of 0.6 mills on the dollar of assessed value of all taxable real estate within Upper Nazareth Township. It would contain the explanation that a "YES" vote means the Upper Nazareth Township Board of Supervisors will increase the real estate property tax rate of Upper Nazareth Township by 0.6 mills to provide funding for the operation and maintenance of a local library. A "NO" vote means the Board of Supervisors of Upper Nazareth Township will not increase the real estate property tax of Upper Nazareth Township to provide funding for a local library. Essentially we are asking the Election Board to place on the ballot that question as requested by the requisite number of citizens of the Township.

Motion was made by Mr. Disbrow and seconded by Ms. Mullen to direct the Solicitor to notify the Northampton County Board of Elections to pose the following question on the ballot: "Shall Upper Nazareth Township establish a Special Library Tax to provide for the operation and maintenance of a local library at the rate of 0.6 mills on the dollar of assessed value of all taxable real estate within Upper Nazareth Township. It would contain the explanation that a "YES" vote means the Upper Nazareth Township Board of Supervisors will increase the real estate property tax rate of Upper Nazareth Township by 0.6 mills to provide funding for the operation and maintenance of a local library. A "NO" vote means the Board of Supervisors of Upper Nazareth Township will not increase the real estate property tax of Upper Nazareth Township to provide funding for a local library. Motion carried by all voting aye. (4-0)

TOWNSHIP MANAGER/ADMINISTRATION

Nothing at this time.

APPROVAL OF DEPARTMENT REPORTS

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

PLANNING & ZONING

Attorney Asteak observed that no one was present from Tadmor and recommended the waiver requests of SALDO Section 741.10; 749.1; 749.3; 749.4 and 785 be tabled until such time as a full report is received from the Planning Commission and Tadmor is not here to answer questions.

Motion was made by Mr. Rinker and seconded by Ms. Mullen to table Tadmor's waiver requests until a full report is received from the Planning Commission and Tadmor is present. Motion carried by all voting aye. (4-0)

Attorney requested the Board accept the granting of an extension of time for the Planning Commission to review Project Tadmor Preliminary Land Development and Subdivision Plans until March 31, 2020.

Motion was made by Ms. Mullen and seconded by Mr. Sylvainus to approve the extension of time for the Planning Commission to review Project Tadmor's Preliminary Land Development and Subdivision Plans for the property located at 3363 Gun Club Rd. until March 31, 2020. Motion carried by all voting aye. (4-0)

PUBLIC WORKS

Mr. Shupe requested approval to purchase a Scag Zero turn mower at a cost of \$9,933.60 as was budgeted in 2020.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve the purchase of a Scag Zero turn mower from Whitehall Turf Equipment at a cost not to exceed \$9,033.60. Motion carried by all voting aye. (4-0)

RECREATION

Nothing at this time.

POLICE DEPARTMENT

Nothing at this time.

EMERGENCY MANAGEMENT

Nothing at this time.

SAFETY COMMITTEE

Safety Committee Meeting February 27, 2020, at 3:30 pm.

FIRE DEPARTMENT

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. Mullen to adjourn at 7:44 p.m.
Motion carried by all voting aye. (4-0)

Respectfully submitted,

Betty Parrish
Recording Secretary