

MINUTES APRIL 1, 2020
UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS

Meeting called to order at 7:05 p.m. by Chairman Mike Rinker.

Pledge of Allegiance

Board members present were: Mike Rinker, Rob Disbrow, Scott Sylvainus, Donna Hirst and Kristin Mullen.

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

APPROVALS

Motion was made by Mr. Disbrow and seconded by Ms. Mullen to approve the agenda. Motion carried by a vote of 4 – 0 with Ms. Hirst abstaining as she was not present at the February 19, 2020 meeting.

Motion was made by Ms. Mullen and seconded by Mr. Disbrow to approve the meeting minutes of February 19, 2020. Motion carried by a vote of 4-0 with Ms. Hirst abstaining as she was not present for the February 19, 2020 meeting.

Motion was made by Mr. Sylvainus and seconded by Mrs. Hirst to approve payment of the bills. Motion carried by all voting aye. (5-0)

Motion was made by Mr. Disbrow and seconded by Ms. Mullen to approve the February, 2020 Financial and Treasurer’s Report. Motion carried by all voting aye. (5-0)

SUPERVISORS’ COMMENTS

Mr. Disbrow extended his appreciation to all the departments that continue to work as well as the Fire Department, Police, and Nazareth EMS.

Ms. Mullen thanked the Emergency Management Team for their dedication and hard work during these difficult times. Ms. Mullen stated it is very comforting having Mr. Rinker and Mr. Disbrow at the helm. Mr. Sylvainus and Mrs. Hirst concurred.

Mr. Rinker and Mr. Disbrow thanked everyone for their kind words.

TOWNSHIP ENGINEER

Nothing at this time.

TOWNSHIP SOLICITOR

Attorney Asteak complimented the staff and supervisors for their efforts during this emergency and for the staff continuing to come to work.

TOWNSHIP MANAGER/ADMINISTRATION

Mrs. Klem requested ratification of the Declaration of Disaster – Resolution No. 20-11.

Motion was made by Mrs. Hirst and seconded by Ms. Mullen to approve the Declaration of Disaster – Resolution No. 20-11. Motion carried by all voting aye. (5-0)

Mrs. Klem requested approval of the Declaration of Disaster Extension – Resolution No. 20-12. Mrs. Klem explained a Declaration of Disaster allows the municipality to submit requests for reimbursement from the State for any direct costs associated with a statewide/national disaster declaration.

Motion was made by Mr. Sylvainus and seconded by Mrs. Hirst to approve the Declaration of Disaster Extension – Resolution No. 20-12. Motion carried by all voting aye. (5-0)

Mrs. Klem requested approval of Resolution No. 20-09 appointing Barry Isett & Associates as Upper Nazareth Township 3rd Party UCC Plan Reviewers and Inspectors and Daniel Demeno as Alternate Zoning Officer.

Motion was made by Ms. Mullen and seconded by Mr. Sylvainus to approve of Resolution No. 20-09 appointing Barry Isett & Associates as Upper Nazareth Township 3rd Party UCC Plan Reviewers and Inspectors and Daniel Demeno as Alternate Zoning Office. Motion carried by all voting aye. (5-0)

APPROVAL OF DEPARTMENT REPORTS

Motion was made by Mrs. Hirst and seconded by Ms. Mullen to approve the February Fire, Police, Public Works and Zoning reports as submitted. Motion carried by all voting aye. (5-0)

PLANNING & ZONING

Mrs. Klem stated an extension of time to review the Schoeneberger Minor Subdivision Plan has been granted by John Schoeneberger until June 30, 2020.

Motion was made by Ms. Mullen and seconded by Mrs. Hirst to accept the extension of time to review the Schoeneberger Minor Subdivision Plan granted by John Schoeneberger until June 30, 2020. Motion carried by all voting aye. (5-0)

Mrs. Klem stated an extension of time to review Project Tadmor Plans until May 29, 2020, has been granted.

Motion was made by Mr. Sylvainus and seconded by Mrs. Hirst to accept the extension of time to review plans submitted for Project Tadmor until May 29, 2020. Motion carried by all voting aye. (5-0)

Mr. Jim Vozar, of JVI Inc. expressed his sincere thanks and appreciation to the Township for their patience and understanding as well as the great service the Township is doing for the citizenship in the area. During these tough times they appreciate the time allotted tonight. At this time, Mr. Jim

Vozar gave a brief presentation about the proposed Gun Club Road warehouse stating JVI has been at the Planning Commission for about the last 9 months working with Keystone Consulting Engineers along with the Planning Commission to review the plan. JVI is currently complying with Mr. Dooley's review letters and were recommended to the Board of Supervisors by the Planning Commission. Mr. Vozar stated a separate plan for improvements to Gun Club Road and the intersection of Gun Club Road and Route 248 has also been submitted. The plan includes an increase the number of berms, buffers and plantings along Gun Club Road at the southern portion of the boundary across from the residential area on Gun Club Road. Signage issues for truck drivers and the general public have also been addressed. Plans have been submitted to LVPC, DEP and Northampton County Conservation District. Plans for the proposed improvements to the intersection of Gun Club Road and Route 248 will be submitted to PennDOT shortly.

Mr. Disbrow stated the only issue the Board has discussed on this project is the improvements to Gun Club Road. This is the first Board Meeting after the Planning Commission gave their recommendation. At tonight's meeting, the Board will not be taking any action on the project.

Several residents voiced their concerns pertaining to the technical difficulties encountered during this meeting and voiced their opposition to another virtual meeting when discussing the Tadmor project. Several comments to the Board included a request to have a public forum larger than the Township Building and longer than 3 minutes. Mr. Rinker responded this process should be done at a Township Building where everyone can see each other and speak and do a proper presentation. Tonight's meeting is limited.

Attorney Asteak reiterated the only issue the Board has discussed about this project was the Gun Club Road improvements. For the first time the Planning Commission has taken action and made a recommendation to the Board of Supervisors on the Preliminary Plan. This is the first public meeting that the Board has had after the Preliminary Plan was released by the Planning Commission with their recommendation.

A resident asked if the Board had received outside agency letters from the LVPC or for the consistency letter to the Act 167 stormwater act. Mr. Dooley stated a letter was in process prior to the current State of Emergency being issued.

Mr. Rinker suggested continuing the discussion on this project when a live meeting can be held and discuss things in person. The other Supervisors concurred with this suggestion.

Ms. Kate Durso stated for the record if the Governor's Order allows for these virtual meetings to occur that it may have to occur virtually depending on how long the order to stay in place is in effect. It may be a case where this discussion will happen virtually. Attorney Asteak stated no clear guidance has been received from the Supreme Court on what the implications of this emergency are. Attorney Asteak received today an order from the Supreme Court closing courts through the end of this month, giving president judges certain discretion regarding the closure of the courts through the end of May. There is an authorization and encouragement by the Supreme Court to use modern electronic technology communications equipment in managing judicial proceedings in a way that it does not violate constitutional rights of the parties. As of today, it is premature as to how the Supreme Court would view continued virtual meetings of this sort or actions on applications of this sort and how that interfaces with the Pennsylvania Municipalities Code. The Board appears to wish to have discussions of this matter done in a public forum that is personal rather virtual and I respect that. Only time will tell how that develops and what guidance we get from the Supreme Court. It appears now we have the

time constraints imposed by the MPC versus the disaster emergency that our community is experiencing and the need to get the government's business done. Needs of the community and client will be taken into consideration as things are changing day by day. As things develop, I will provide the Board with more legal guidance.

PUBLIC WORKS

Mr. Shupe requested approval to advertise for seasonal help.

Motion was made by Mr. Disbrow and seconded by Ms. Mullen to approve advertising for Public Works Seasonal Help. Motion carried by all voting aye. (5-0)

RECREATION

Nothing at this time.

POLICE DEPARTMENT

Police Chief William Cope requested ratification of Joint Resolution No. 20-10 authorizing Emergency Intermunicipal Mutual Aid for Police Services during the COVID-19 pandemic. Attorney Asteak complimented Chief Cope and Bushkill Chief for implementing this agreement between Bushkill Township, Tatamy Borough, and Upper Nazareth Township allowing for a continuation of services should any of the departments be left with a shortage due to the COVID-19 crisis.

Motion was made by Mr. Rinker and seconded by Mrs. Hirst to approve the Joint Resolution No. 20-10 Authorizing Emergency Intermunicipal Mutual Aid for Police Services between Bushkill Township, Tatamy Borough and Upper Nazareth Township during the COVID-19 Pandemic. Motion carried by all voting aye. (5-0)

EMERGENCY MANAGEMENT

Mr. Disbrow stated the Emergency Management Team has been extremely busy dealing with issues arising from the current pandemic and coordinating the needs of our Police, Public Works, Fire Department and EMS, funneling them up the chain of command in trying to fulfill their needs. Mr. Rinker is extremely involved with this crisis, as in his role he is able to secure and keep our employees safe so they can continue serving us in the fashion they have always done in the past.

SAFETY COMMITTEE

Nothing at this time.

FIRE DEPARTMENT

Mr. Jeff Fassl, Upper Nazareth Fire Department Chief, stated a plea went out for donations of PPE supplies the Fire Department desperately needed. Mr. Fassl wanted to publicly thank the residents of Upper Nazareth Township for the donations.

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

PUBLIC COMMENT

Resident Vlad Potiyevsky questioned again why the residents were not notified regarding the changes to the plan for Heritage Village and asked if there was evidence of such notification. Blasting has occurred and residents were not notified. Mr. Potiyevsky stated Heritage Village is currently continuing work and asked if they were exempt. Mr. Rinker stated the Board is looking into this matter. Attorney Asteak stated if the residents had a complaint about their working, the resident should contact the developer directly. Attorney Asteak stated the Township has been in touch with Heritage Village but they have not provided the Township with a waiver. Mr. Potiyevsky also questioned the work for the water line taking place on Porter Street, asking if a permit was pulled, and what the procedure should be for notifying the residents as only a three day notice was given for work that is to last three weeks. Mr. Potiyevsky would like clarification on subsequent notifications for plan changes because the residents would be willing to sign an affidavit saying they have not been notified of any subsequent meetings other than the very first meeting for the Planning Commission.

Mr. James Cunningham, Upper Nazareth Township liaison to the Memorial Library of Nazareth is working very hard to extend their services to the community and make their services available virtually.

ADJOURNMENT

Motion was made by Ms. Mullen and seconded by Mrs. Hirst to adjourn at 8:09 p.m. Motion carried by all voting aye. (5-0)

Respectfully submitted,

*Betty Parrish
Recording Secretary*