

**MINUTES SEPTEMBER 16, 2020
UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS**

Meeting called to order at 7:00 p.m. by Chairman Mike Rinker. The meeting was conducted in a Hybrid format, with the Board, Attorney, Engineer and Staff physically present. All others participated virtually.

Pledge of Allegiance

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

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

COURTESEY OF THE FLOOR

Mrs. Parrish entered into the record two complaints sent to the Board regarding the poor quality of the virtual meetings stating the Township was not in compliance with the Sunshine Law. Attorney Asteak stated the Township is in full compliance with the Sunshine Law.

APPROVALS

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to approve the agenda. Motion carried by all voting aye. (5-0)

Motion was made by Mr. Rinker and seconded by Ms. Mullen to approve the meeting minutes of August 5, 2020 with a correction on page 5, paragraph 5 as the vote was changed from 4-2 to 3-2. Motion carried by all voting aye. (5-0)

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

Motion was made by Mrs. Hirst and seconded by Ms. Mullen to approve the July, 2020 Financial and Treasurer's Report. Motion carried by all voting aye. (5-0)

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to approve the August, 2020 Financial and Treasurer's Report. Motion carried by all voting aye. (5-0)

SUPERVISORS' COMMENTS

Mr. Rinker announced an Executive Session was prior to the meeting for litigation purposes.

TOWNSHIP ENGINEER

Nothing at this time.

TOWNSHIP SOLICITOR

Nothing at this time.

TOWNSHIP MANAGER/ADMINISTRATION

Mrs. Klem reported the PennDOT bridge replacement project on Route 248 is set to open on September 24, 2020 as the paving has been completed.

Mrs. Klem stated phone calls are coming in asking about Trick or Treat night. Discussion took place with the consensus being to let it up to the parents if they want to allow their children to Trick or Treat. The Board stated there would be no rain date.

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to approve October 31, 2020, as Trick or Treat night from 6:00 to 8:00 pm. Motion carried by a vote of 4-1 with Ms. Mullen opposed.

Mrs. Klem stated a letter was received from Joyce Nabasko of Eagles Landing requesting to place a bench at Tuskes Park in memory of her husband as he walked in the park daily and truly loved the park and the public works department workers. Mrs. Hirst suggested a brick walkway whereby individuals can purchase a brick to be engraved and placed at the park, not just for memorial purposes. It was suggested that possibly the Recreation Committee could do this project as a fundraiser for Community Days. Attorney Asteak stated this project should be referred to the Recreation Committee to develop a plan to incorporate these ideas. Mr. Disbrow agreed with the Recreation Committee undertaking this suggestion. Mr. Rinker requested Mrs. Klem to reach out to Mrs. Nabasko and let he know what the Board's response is regarding her request.

Mrs. Klem stated she has spoken to Mrs. Hirst and Chief Cope regarding issues with the 4th St. gate to the NASD maintenance building being open creating a large volume of traffic on 4th St. at certain times. Chief Cope stated the gate has been broken and parts have been ordered. Mrs. Hirst stated Chief Cope has given her a remote so she can close the gate when she sees it is open.

Mrs. Klem stated a request has been received from the Nazareth Football Boosters for the use of Tuskes Park for The Haunt. The Board discussed this request and concurred that the Township needs to be consistent with the current restrictions at Tuskes Park. Therefore, the request has been denied.

Mrs. Klem received a request from Nazareth Borough and a sample of their feral cat ordinance, asking the Township to consider enacting a similar ordinance as the Borough and the Township share a common street, Liberty St. Attorney Asteak commented the subject of feral cats is a very sensitive subject and needs to be explored carefully. Attorney Asteak requested Mrs. Klem reach out to Lower Nazareth Township and Bushkill Township to see how they handle feral cats.

Mrs. Klem introduced a speed study conducted by Bushkill Township for the Bushkill portion of Schoeneck Ave. and asked Chief Cope to comment. Chief Cope stated Bushkill has done a speed study from Filetown Rd. to the end of the Bushkill Township portion of Schoeneck. The recommendation in their study is to lower the speed limit to 30 mph just above our jurisdiction. They

are asking for Upper Nazareth Township to consider dropping the speed limit to 30 mph on the remainder of Schoeneck Ave. for speed limit continuity. Mrs. Hirst commented it would make sense to reduce the 35 mph speed limit on the portion of Friedenstahl Ave. from Route 191 to 5th St. as well. Chief Cope will conduct a speed study and provide that data to Mr. Dooley and Mr. Dooley will issue a recommendation to Attorney Asteak with the recommendation to lower the speed limit on the Upper Nazareth Township portion of Schoeneck Ave. and the portion of Friedenstahl Ave. from Route 191 to 5th St. to 30 mph.

Mrs. Klem presented the 2021 Police Pension MMO.

Motion was made by Mr. Rinker and seconded by Ms. Mullen to approve the 2021 Police Pension MMO. Motion carried by all voting aye. (5-0)

Mrs. Klem presented the 2021 Non-Uniform Pension MMO.

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to approve the 2021 Non-Uniform Pension MMO. Motion carried by all voting aye. (5-0)

Mrs. Klem requested approval of Resolution No. 20-19 Non-Uniform Pension Plan Amendment. Pennsylvania Municipal Retirement System (PMRS) has informed the Township that IRS regulation require the Township to now contribute 4.5% of earnings to the plan instead of the \$500 per quarter that is currently being remitted.

Motion was made by Ms. Mullen and seconded by Mr. Sylvainus to approve Resolution No. 20-19 Non-Uniform Pension Plan Amendment. Motion carried by all voting aye. (5-0)

APPROVAL OF DEPARTMENT REPORTS

Motion was made Mr. Rinker by and seconded by Mr. Sylvainus to approve the July 2020 Fire Report and the July and August Police, Public Works and Zoning reports as submitted. Motion carried by all voting aye. (5-0)

PUBLIC WORKS

Nothing at this time.

POLICE DEPARTMENT

Police Chief Cope requested approval to promote Patrolman Jake Carrick to the position of Corporal. Chief Cope stated Officer Carrick will now be the night shift supervisor.

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to approve the promotion of Patrolman Jake Carrick to Corporal. Motion carried by all voting aye. (5-0)

Police Chief Cope requested approval to purchase a new police vehicle in the amount of \$37,3501. Chief Cope said delivery of the vehicle would not occur until approximately May of 2021 as there is a backlog in production. Chief Cope stated this is also included in the 2021 budget.

Motion was made by Mrs. Hirst and seconded by Ms. Mullen to approve the purchase of a new police vehicle in the amount of \$37,350. Motion carried by all voting aye. (5-0)

Police Chief Cope requested approval of Resolution 20-20 Local Share Grant. Chief Cope stated they are applying for the Monroe County Local Share Grant for the purchase of two new police vehicles, as the current fleet of vehicles has several cars with over 100,000 miles.

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to approve Resolution No. 20-20 Local Share Grant. Motion carried by all voting aye. (5-0)

Chief Cope asked the Board if they wanted to proceed with the Halloween Open House this year. Mr. Rinker stated not at the Township Building. Mr. Rinker stated an alternate location would be to use the firehouse, opening three bays placing tables in the opening of the bays and designating one table for hot dogs, one for candy and one for trinkets, ensuring that social distancing is maintained and the police are serving the refreshments.

Motion was made by Mr. Disbrow and seconded by Mrs. Hirst to approve a Halloween event to be conducted at the firehouse as stipulated above. Motion carried by a vote of 3 – 2 with Mr. Sylvainus and Ms. Mullen opposed.

RECREATION

Nothing at this time.

PLANNING & ZONING

Nothing at this time.

EMERGENCY MANAGEMENT

Nothing at this time.

SAFETY COMMITTEE

Nothing at this time

FIRE DEPARTMENT

Nothing at this time.

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

ADJOURNMENT

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to adjourn at 7:47 p.m.
Motion carried by all voting aye. (5-0)

Respectfully submitted,

Betty Parrish
Recording Secretary

September 16, 2020

RECEIVED SEP 16 2020

Jean Morgano
123 2nd Street
Nazareth, PA 18064
610-657-4506
jeaniemorgano@gmail.com

Board of Supervisors
Municipal Building
100 Newport Avenue
Nazareth, PA 18064

**RE: Failure of the Township to comply with the Sunshine Act -
PA ST 65 Pa.C.S.A. § 701**

Dear UNT Supervisors,

Please read the following statement into your official minutes at the September 16, 2020 Supervisors meeting.

I have attended several township meetings where I could not understand as the audio was unintelligible. I have communicated these complaints to the township manager, Lisa Klum several times, but have still not been able to understand the speakers at the meetings.

The most recent example was the Budget Meeting held online on September 23rd. Forty percent of what was said at this meeting was either inaudible or incomprehensible.

I attended the meeting in September to avoid the fiasco of last year's budgetary process, whereby funding to an important community service was cut by 50%, despite several meetings where residents strongly expressed their desire that the library be fully funded. In the final budget meeting, the cut was left in the budget because 'No one attended the budget workshop to express their concerns'. Luckily, the citizens of UNT made their desires known by voting yes on the referendum that required UNT to fully fund the library using a newly created .5 mill tax. It is impossible to participate in UNT meetings when the audio is unintelligible.

Under PA ST 65 Pa.C.S.A. § 701 Upper Nazareth Township is REQUIRED to allow the public to attend, participate and comment. The Sunshine Act applies any time a quorum deliberates business or takes official action no matter the physical location. The township is not allowed to repeatedly thwart the intent of the Sunshine Act due to 'technical difficulties.'

While the pandemic has imposed challenges, other governmental organizations are managing to host online meetings in which the public is able to hear what officials are saying, hear or see what other members of the public are saying and make themselves heard should they wish to make a comment or ask a question.

Upper Nazareth Township received a grant from Northampton County in the amount of \$4,205 in part to pay for technology upgrades for virtual meetings. If the township is not able to host a meeting online in which the public is allowed to participate, then I request you return to holding in-person meetings and find a public venue where people can gather safely.

Sincerely,

Jean Morgano

September 16, 2020

RECEIVED SEP 16 2020

Becky Bartlett
127 4th Street
Nazareth, PA 18064
610-746-3192
Rwombat32@gmail.com

Board of Supervisors
Municipal Building
100 Newport Avenue
Nazareth, PA 18064

**RE: Failure of the Township to comply with the Sunshine Act -
PA ST 65 Pa.C.S.A. § 701**

Dear UNT Supervisors,

Please read the following statement into your official minutes at the September 16, 2020 Supervisors meeting.

I have attended, or attempted to attend, several township meetings which were incomprehensible due to technical problems and did not allow the public to participate. I have communicated these complaints to the township office several times, but conditions have not improved.

The most recent example was the Budget Meeting held online on September 23rd. Forty percent of what was said at this meeting was either inaudible or incomprehensible. I attempted to notify the township manager but the Chat feature had been disabled. I used the 'raise your hand' function and was ignored for a full twenty minutes before I logged off in frustration.

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Sincerely,

A handwritten signature in black ink that reads "Becky Bartlett". The signature is written in a cursive style with a long horizontal stroke at the end.

Becky Bartlett