

**MINUTES DECEMBER 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 virtual format.

Pledge of Allegiance

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

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

**COURTESEY OF THE FLOOR**

Township resident Jason Mohap stated recently Mr. Soloe issued a report for the use of Project Tadmor and I would like the explanation of the difference between a report and a determination. Attorney Asteak responded since that issue is the subject of litigation that was commenced by you, you should consult with your attorney on that rather than asking the Board to provide you with a legal opinion.

Mr. Mohap asked why Mr. Rinker voted no against plans submitted previously. Attorney Asteak responded that Mr. Rinker is under no obligation to provide you with an answer to that question, as again the subject of litigation initiated by you.

Mr. Mohap stated he recently had a right to know request filled where it appeared to show an off the record discussion between Boards regarding Project Tadmor and holding of a vote on Project Tadmor on July 1. It appears to show an off the record discussion which was hard to follow as it was screen shots of text messages. I am asking for clarification as to what this was about. Attorney Asteak responded he does not know the answer to that question and will have to refer to the documents that were provided to Mr. Mohap. Since the Board nor I have copies of what you are referring to in front of us, I will reserve the right to answer that question at a later time when we have had time to review what you are referring to. Mrs. Klem stated the Board does not get copies of the right to know requests or the answers.

Township resident Becky Bartlett stated she received an email earlier from Mrs. Klem stating the Agenda, Draft Minutes and Financial Report would be provided and they were not included. Mrs. Klem responded they are handouts to the meeting. Mrs. Bartlett was directed to where the handouts are located on the meeting screen.

**APPROVALS**

**Motion** was made by Ms. Mullen 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 Mr. Disbrow to approve the meeting minutes of November 18, 2020. Motion carried by a vote of 4-0 with Mrs. Hirst abstaining as she was not present for the November 18, 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. Sylvainus and seconded by Mr. Rinker to approve the November, 2020 Financial and Treasurer's Report. Motion carried by all voting aye. (5-0)

### **POLLUTANT REDUCTION PLAN PRESENTATION**

Mr. Mike Schallock of KCE stated a submission was made to DEP previously for the use 3 Vortex units instead of filter bags as had been done by another municipality. DEP rejected this request. KCE is now requesting to add a basin and vegetative swale, basin to be located on Farmview along Tatamy Road and the swale will be part of Sycamore Park by removing a piece of pipe and making a vegetative swale into the creek. Mr. Schallock spoke with DEP and DEP seems content with this proposal. Mr. Disbrow asked what the cost difference is compared to the Vortex units which were about \$135,000. The basin will be more expensive, costing anywhere from \$131,000 for the Farmview basis and approximately \$207,000 for the Tewksbury basin. These costs are based on contracting the work out, therefore, the figures are high but realistic. If work can be done by Township staff, the costs will be much less. Speaking with Mr. Shupe, Mr. Shupe feels his department is capable of doing some of work. Mr. Rinker asked when the work needed to be completed. Mr. Schallock responded the work is to be completed up to 5 years after the PRP is approved. Mr. Rinker suggested we should start budgeting for MS4 for the next 5 years. Mr. Schallock stated if we send it all out to bid, we are looking at about \$750,000, adding the swale into that equation. Mr. Rinker asked if that would be cut in about half if some work is performed by staff. Mr. Schallock responded there is a good chance as these costs are based on what it would cost to pay someone else to do the work. Mr. Sylvainus asked if Mr. Schallock knew what just material costs would be. Mr. Schallock stated he would get those figures to the Board. Mr. Dooley stated DEP only cares that we meet the reduction targets they have set. If something comes to our attention that can achieve the reduction at a reduced cost to the Township, we can go back to DEP and change it in mid-stream during this 5-year cycle. Nothing we have in this PRP will be set in stone.

### **SUPERVISORS' COMMENTS**

Mr. Sylvainus requested a revisit to the procedure for billing of the Library Tax. Mr. Sylvainus would like to have the Library Tax billed on the regular RE tax bill rather than a separate bill.

**Motion** was made by Mr. Sylvainus and seconded by Ms. Mullen to include the Library Tax as a separate line item on the regular Real Estate Tax bill. The vote was 2-3 with Mr. Sylvainus and Ms. Mullen voting aye and Mr. Rinker, Mr. Disbrow and Mrs. Hirst voting nay. The vote failed.

### **TOWNSHIP ENGINEER**

Nothing at this time.

## **TOWNSHIP SOLICITOR**

Attorney Asteak extended his wishes for a Happy Holiday Season and prayers for getting back together next year.

## **TOWNSHIP MANAGER/ADMINISTRATION**

Mrs. Klem requested the Board's approval to close the books for payables and receivables on December 30, 2020.

**Motion** was made by Ms. Rinker and seconded by Ms. Mullen to approve closing the books for payables and receivables on December 30, 2020. Motion carried by all voting aye. (5-0)

## **APPROVAL OF DEPARTMENT REPORTS**

**Motion** was made by Mrs. Hirst and seconded by Mr. Disbrow to approve the November 2020 Police and Zoning reports and the October and November Fire and Public Works reports as submitted. Motion carried by all voting aye. (5-0)

## **PUBLIC WORKS**

Nothing at this time.

## **POLICE DEPARTMENT**

Nothing at this time.

## **RECREATION**

Nothing at this time.

## **PLANNING & ZONING**

Mr. Dooley stated as opposed to what was voted on in August, 2020, had a two building layout and the current proposed plan is for a slightly larger single building but overall less square footage. The building will be farther away from Gun Club Rd.

Nicole Galio of Maser Engineering presented a list of waivers to the SALDO for Board approval.

Ms. Galio requested approval of a waiver to SALDO Section 22A-705.1.J – Curbing requirements along a collector/arterial road. Project Tadmor is requesting a waiver to curbing requirements along a collector/arterial road, requesting to not install curbing along approximately 55 feet of frontage along SR946 (Daniels Road).

**Motion** was made by Mr. Disbrow and seconded by Mrs. Hirst to approve Project Tadmor request to a waiver of SALDO Section 22A-705.1.J curbing requirements along a collector/arterial road to not install curbing along the approximately 55 feet of frontage along SR946 (Daniels Road). Motion carried by all voting aye. (5-0)

Ms. Galio requested approval of a waiver of SALDO Section 22A-705.9.A.(1) Curbing requirements along Private Streets. Project Tadmor is requesting relief to not install curbing along the south side of Driveway 1 that is classified as a private road where it fronts the n/f Hildebrand and/f Beatty properties.

**Motion** was made by Mr. Disbrow and seconded by Mrs. Hirst to approve Project Tadmor request to a waiver of SALDO Section 22A-705.9.A.(1) for curbing requirements along private streets to not install curbing along the south side of Driveway 1 that is classified as a Private Road where it fronts the n/f Hildebrand and n/f Beatty properties maintaining existing conditions. Motion carried by all voting aye. (5-0)

Ms. Galio requested approval of a waiver of SALDO Section 22A-705.9.A.(3) Curbing construction standards. Project Tadmor is requesting relief on the overall height and reveal height of the curbing proposed along the north side of Driveway 1 that is classified as a Private Road where it fronts the n/f Hildebrand and n/f Beatty properties.

**Motion** was made by Mr. Disbrow and seconded by Mr. Rinker to approve Project Tadmor request to a waiver of SALDO Section 22A-705.9.A.(3) for curbing construction standards on the overall height and reveal height of the curbing along the north side of Driveway 1 that is classified as a Private Road where it front the n/f Hildebrand and n/f Beatty properties installing a 6" curb as opposed to a 7" curb. Motion carried by a vote of 4-1 with Ms. Mullen opposed.

Ms. Galio requested approval of a waiver of SALDO Section 22A-705.9.B.(1) Sidewalks within the street right-of-way. Project Tadmor is requesting relief of the provision of sidewalk along the south side of Driveway 1 that is classified as a Private Road where it fronts the n/f Hildebrand and n/f Beatty properties. SALDO requires sidewalk on both sides of the street.

**Motion** was made by Mr. Disbrow and seconded by Mrs. Hirst to approve Project Tadmor request to a waiver of SALDO Section 22A-705.9.B.(1) of sidewalk along the south side of Driveway 1 that is classified as a Private Road where it fronts the n/f Hildebrand and n/f Beatty properties. Motion carried by all voting aye. (5-0)

Ms. Galio requested approval of a waiver of SALDO Section 22A-709.5 Keep surface and subsurface weasements clear. Project Tadmor is requesting relief of the requirements of this section as they pertain to the gas pipeline easement along the southern boundary of the property from the eastern extent of Lot A in order to comply with buffer berm and landscaping requirements.

**Motion** was made by Mrs. Hirst and seconded by Mr. Disbrow to approve Project Tadmor request to a waiver of SALDO Section 22A-709.5 as they pertain to the gas pipeline easement along the southern boundary of the property from the eastern extent of Lot A in order to comply with buffer berm and landscaping requirements. Motion carried by all voting aye. (5-0)

Ms. Galio requested approval of a waiver of SALDO Section 22A-708.4.B.(2)(e) Minimum 1% slope on basin bottom. Project Tadmor is requesting relief of the requirement to permit 0% slope for the bottom of Basin A as this is a spray irrigation system and needs a flat bottom.

**Motion** was made by Mr. Rinker and seconded by Mr. Disbrow to approve Project Tadmor request to a waiver of SALDO Section 22A-708.4.B.(2)(e) to permit a 0% slope for the bottom of Basin A as designed. Motion carried by all voting aye. (5-0)

Ms. Galio requested approval of a waiver of SALDO Section 22A-705.9B.(1) Sidewalks within the street right-of-way. Project Tadmor is requesting a deferral on the provision of a sidewalk along the north side of Driveway 1 that is classified as a Private Road where it fronts the n/f Hildebrand and n/f Beatty properties conditioned upon the obligation of the now or future property owner to install sidewalk along the north side of Driveway 1 should a bus stop be established within ½ mile of the facility and the sidewalk must be accommodated without narrowing the proposed 24-foot wide road width.

**Motion** was made by Mr. Sylvainus and seconded by Mrs. Hirst to approve Project Tadmor request of a deferral on the provision of a sidewalk along the north side of Driveway 1 that is classified as a Private Road where it fronts the n/f Hildebrand and n/f Beatty properties conditioned upon the obligation of the now or future property owner to install sidewalk along the north side of Driveway 1 should a bus stop be established within ½ mile of the facility and the sidewalk must be accommodated without narrowing the proposed 24-foot wide road width. Motion carried by all voting aye. (5-0)

**Motion** was made by Mr. Disbrow and seconded by Mr. Rinker to approve Resolution 20-26 Conditional Preliminary Plan approval for Project Tadmor 2 subject to KCE letter of December 20, 2020. Motion carried by a vote of 4-1 with Ms. Mullen opposed.

Mr. Sylvainus stated Planning Commission is requesting Board approval for an RFP for hiring a consultant to re-do the current Comprehensive Plan, Zoning Map, SALDO, and Zoning Ordinance.

**Motion** was made by Mr. Sylvainus and seconded by Ms. Mullen to approve an RFP for hiring a consultant to re-do the current Comprehensive Plan, Zoning Map, SALDO, and Zoning Ordinance. Motion carried by all voting aye. (5-0)

### **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**

**ADJOURNMENT**

**Motion** was made by Mr. Disbrow and seconded by Mrs. Hirst to adjourn at 8:15 p.m.  
Motion carried by all voting aye. (5-0)

*Respectfully submitted,*

*Betty Parrish*  
*Recording Secretary*