

MINUTES MARCH 17, 2021
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, and Treasurer, Betty Parrish.

COURTESY OF THE FLOOR

No comments at this time.

APPROVALS

Mr. Rinker requested revising the agenda to add advertising for a full-time police officer and a request to use Tuskes Park by the library.

Motion was made by Mr. Rinker and seconded by Ms. Mullen to approve the revised agenda. Motion carried by all voting aye. (5-0)

Motion was made by Mr. Disbrow and seconded by Mrs. Hirst to approve the minutes of the February 3, 2021 meeting. Motion carried by all voting aye. (5-0)

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

Motion was made by Mr. Rinker and seconded by Mr. Disbrow to approve the February, 2021 Financial and Treasurer's Report. Motion carried by all voting aye. (5-0)

SUPERVISORS' COMMENTS

Mr. Disbrow started a discussion pertaining to the proposal pending at the State level to assess Pennsylvania municipalities approximately \$6.43 per person or about \$44,000 for State Police coverage. This fee would be assessed across the entire Commonwealth. Mr. Disbrow this is double taxation as Upper Nazareth Township has its own police force and does not rely on State Police. Upper Nazareth Township and surrounding municipalities assist each other when necessary. It was noted that Upper Nazareth Township assisted the State Police during a recent shooting on Route 33.

Mrs. Hirst suggested sending letters to Mr. Joe Emerick, PA State Representative, State Senator Mario Scavello and the Governor expressing Upper Nazareth Township's opposition to this

proposal citing examples as to why the township opposes such a fee. Mrs. Klem will write the letter and send a draft to the Board prior to sending.

Mr. Disbrow announced Upper Nazareth Township stands to receive approximately \$700,000 under the Federal COVID Relief Bill that was recently passed. Mr. Disbrow suggested a list of Township priorities be assembled to better utilize the funds to be received. Mrs. Klem stated the funds are expected to be distributed in two installments, one in June of 2021 and the remaining in June of 2022. How these funds can be spent are being limited to specific categories and further information regarding the spending of these funds is still being gathered. Mr. Sylvainus suggested Mrs. Klem compile a list of the categories for the Board before a decision is made as to the expensing of the anticipated funds.

The Board decided to bring all staff back to the office from working remotely effective April 5, 2021. The office area will continue to be available only to staff members. The Board decided the Board of Supervisors Meeting on April 21, 2021, will be a hybrid meeting with Board and professional staff in attendance, if they choose. All others will participate virtually.

TOWNSHIP ENGINEER

Mr. Dooley asked for approval of Kay Scenic View's request for Letter of Credit Reduction No. 5 from \$404,727.00 to \$242,686.55 for a total reduction of \$162,040.45.

Motion was made by Mr. Sylvainus and seconded by Ms. Mullen to approve Kay Scenic View's request for Letter of Credit Reduction No. 5 from \$404,727.00 to \$242,686.55 for a total reduction of \$162,040.45. Motion carried by all voting aye. (5-0)

TOWNSHIP SOLICITOR

Attorney Asteak presented a draft contract of a one-year Lease Agreement for Public Library Services between Upper Nazareth Township and Memorial Library of Nazareth and Vicinity in order to implement the provision of the Public Library Code along with the adoption of the referendum by the Township citizens last year to approve a special library tax for the purpose of funding library services for the Township. The Library Code provides that a municipality may contract with managers or owners of an existing local library for public library services for the residents of the municipality whether the library is located in the same or another municipality and the contract may be renewed as permitted by the terms of the contract. Two things are needed under the Public Library Code in order to implement the provision of the referendum. One is to enter into a contract and two is to designate a library for the purpose of providing public library services to the Township. The agreement would require approval by the Memorial Library of Nazareth and Vicinity Board which designates the Memorial Library and Vicinity as an existing local library to provide library services to the residents of Upper Nazareth Township and in consideration of the library providing library services to all Township residents at no cost, the Township agrees to transfer over to the library all library tax receipts as billed and collected by the Upper Nazareth Township Tax Collector for the year 2021 less administrative expenses. The Township shall provide the library with an accounting of tax receipts and itemization of all administrative expenses incident to the collection and administration of the tax including implementation of this agreement. The term of the agreement shall commence on January 1, 2021, and terminate December 31, 2021, subject to annual renewal by

resolution of both the Board of Supervisors of Upper Nazareth Township and the Board of Directors of the Memorial Library of Nazareth and Vicinity for the purposes of implementation of the referendum and providing the vehicle by which the Memorial Library of Nazareth will receive the funds authorized by the referendum.

Mrs. Hirst commented regrets that the friends of the library chose this route. A resolution could have been easily achieved if the library would have cooperated with Upper Nazareth Township. Mrs. Hirst explained the predicament the library has imposed on some of the citizens of the Township as some of the older residents who are on fixed incomes have actually cried about this tax. Mrs. Hirst wants it noted by the friends of the library that there are consequences to their actions and such actions are devastating to some people.

Mr. Disbrow stated the library reduced all the other municipalities contribution to the library by 15% and taxed the taxpayers of Upper Nazareth Township. Mrs. Hirst commented it is wrong the library lowered the contribution for everyone else and put the burden on Upper Nazareth Township taxpayers this will need to be addressed. Mrs. Hirst stated she will vote yes for the agreement.

Attorney Asteak stated this year the Township designates Nazareth Memorial Library and Vicinity as the library but the library code allows the Board of Supervisors to contract with another library and the Board of Supervisors can do so for 2022 if they so choose.

Motion was made by Ms. Mullen and seconded by Mr. Sylvainus to approve the one-year Agreement for Library Services between Upper Nazareth Township and Memorial Library of Nazareth. Motion carried by a vote of 3-2 with Mr. Rinker and Mr. Disbrow opposed.

Attorney Asteak presented a Lease Agreement between Upper Nazareth Township and Buzzi Unicem (RC Lonestar). Attorney Asteak and Mrs. Klem have had conversations with Buzzi pertaining to their requiring a lease agreement Buzzi for the current Public Works facility on Friedenstahl Ave. the Township has occupied for many years. Attorney Asteak and Mrs. Klem had conversations with Buzzi pertaining to this matter but were getting nowhere. Attorney Asteak stated Mrs. Hirst met with some corporate people from Buzzi pertaining to their requesting the Township pay rent on the Friedenstahl Ave. property. Mrs. Hirst was able to facilitate a 5-year lease with a 12-month cancellation clause by either party for the price of the taxes being paid by the Township on the approximately 3 acre parcel the Township occupies. One of the terms of the lease is the Township must maintain workers compensation, property casualty insurance as well as pollution protection insurance. The Township maintains workers compensation and property casualty insurance but not pollution protection insurance. Mrs. Klem is investigating the pollution protection insurance and costs with the Township Insurance Agent. Attorney Asteak will seek a tax exemption from the Assessment Appeals Board for this property. Mr. Rinker thanked Mrs. Hirst for handling this agreement with Buzzi.

Motion was made by Mrs. Hirst and seconded by Mr. Disbrow to approve the Lease Agreement for 155 Friedenstahl Ave. with Buzzi subject to obtaining cost effective Pollution Protection Insurance. Motion carried by all voting aye. (5-0)

TOWNSHIP MANAGER/ADMINISTRATION

Mrs. Klem requested approval to advertise the RFP to hire a Consultant for Zoning and SALDO upgrades consistent with the 2006 Multi-Municipal Plan. Mrs. Klem stated an updated Multi-Municipal Comprehensive Plan is currently being drafted and is expected to be available sometime this summer. Mrs. Klem suggested delaying advertising until the new Multi-Municipal Comprehensive Plan is available to avoid extra expenses by the Consultant in reviewing both the 2006 plan and the draft currently being drafted.

Motion was made by Mr. Sylvainus and seconded by Ms. Mullen to approve advertising an RFP to hire a Consultant for Zoning and SALDO upgrades. Motion failed with Mr. Sylvainus and Ms. Mullen voting aye and Mr. Rinker, Mr. Disbrow and Mrs. Hirst opposed.

APPROVAL OF DEPARTMENT REPORTS

Motion was made by Mr. Riker and seconded by Mr. Disbrow to approve the January, 2021 Fire, Police, and Zoning. Motion carried by all voting aye. (5-0)

PLANNING & ZONING

Nothing at this time.

PUBLIC WORKS

Mr. Shupe requested approval to purchase a 2022 Mack Cab and Stainless Dump truck from TransEdge in the amount of \$224,020.00. Mr. Shupe stated \$45,000 was budgeted out of Liquid Fuels for this purchase based on the prior lease payments for the 2017 Mack truck.

Motion was made by Mr. Sylvainus and seconded by Mrs. Hirst to approve the purchase of a 2022 Mack Cab and Stainless Dump truck from TransEdge in the amount of \$224,020.00 for a 5-year lease agreement in arrears. Motion carried by all voting aye. (5-0)

Mr. Shupe stated street cleaning take place beginning on March 29 through April 2. Curbside yard waste collection will take place from April 12 through April 16. The yard waste facility will open on April 24, 2021.

RECREATION

Motion was made by Mr. Rinker and seconded by Mr. Sylvainus to open the fields and pavilions keeping the restrooms and concession stand closed. Motion carried by all voting aye. (5-0)

Motion was made by Mr. Sylvainus and seconded by Mr. Disbrow to appoint Lisa Palochik to the Upper Nazareth Township Recreation Board to fill the recently vacated seat of William Austin with a term ending December 31, 2023. Motion carried by all voting aye. (5-0)

POLICE DEPARTMENT

Police Chief Cope requested the Board to accept the resignation of part-time officer Jake Hartzel.

Motion was made by Ms. Mullen and seconded by Mr. Disbrow to accept the resignation of part-time officer Jake Hartzel. Motion carried by all voting aye. (5-0)

Police Chief Cope requested approval for part-time conditional offer of employment.

Motion was made by Mr. Disbrow and seconded by Mr. Sylvainus to approve a conditional offer of employment for a part-time officer. Motion carried by all voting aye. (5-0)

Police Chief Cope requested approval to advertise for a full-time police officer through the PA Police Chief Association, Facebook and the Township website. Mr. Sylvainus added to open the position to current part-time officers as well.

Motion was made by Mr. Disbrow and seconded by Mrs. Hirst to approve advertising for a full-time police officer through the PA Police Chief Association, Facebook, the Township website and the current part-time officer. Motion carried by all voting aye. (5-0)

EMERGENCY MANAGEMENT

SAFETY COMMITTEE

Mr. Rinker will get dates to Mrs. Parrish for the next Safety Committee Meeting.

FIRE DEPARTMENT

Fire Chief Jeff Fassel reported the Fire Department expansion plans are moving forward. Keystone Engineering has supplied drawings for the expansion. The Fire Department is currently working on getting grading and construction plans for the expansion.

Fire Chief Jeff Fassel requested in the future, as a condition of requirements for the occupancy certificate, the Fire Department be given a tour of commercial facilities prior to an occupancy permit being issued. Fire Chief Fassel explained the Fire Department was called to the Northampton County Forensic Center where a garage door severed a sprinkler head. In responding, the Fire Department did not know the layout of the facility and where utilities were located. Attorney Asteak stated there is no reason the Zoning Officer could not make this as a condition of occupancy. Mrs. Klem requested Chief Fassel send something in writing to the Zoning Officer and her as to what he would like in this agreement.

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

ADJOURNMENT

Motion was made by Mr. Disbrow and seconded by Mrs. Hirst to adjourn at 8:01 p.m.
Motion carried by all voting aye. (5-0)

The Board Meeting was reopened at 8:02 for Old and New Business.

Mr. Rinker stated and Executive Session was held prior to the Board meeting for personnel reasons.

Hearing nothing further from the attendees, **motion** was made by Ms. Mullen and seconded by Mrs. Sylvainus to adjourn at 8:03 pm. Motion carried by all voting aye. (5-0)

Respectfully submitted,

Betty Parrish
Recording Secretary