

REGULAR MEETING MINUTES
JANUARY 19, 2022
UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS

Meeting called to order at 7:00 p.m. by Chairman Scott Sylvainus. The meeting was live streamed for anyone wishing to hear.

Pledge of Allegiance

Board members present were Robert Disbrow, Kristin Mullen, Brian Sayago, and Scott Sylvainus. Also present were Township Solicitor, Gary Asteak, Township Engineer, Sean Dooley, Township Manager, Lisa Klem, Police Chief, William Cope, Road Superintendent, Shawn Shupe, and Treasurer/ Recording Secretary, Deanne Werkheiser. Board member Michael Rinker was absent.

COURTESY OF THE FLOOR

Township resident Kristina Toth stated she had questions regarding the Faust paper Street issue. Will he get enough land to do what he wants to do? Solicitor Gary Asteak responded that no plans have been submitted. We cannot comment until we know what the project is and then it must comply with our ordinances. Kristina stated that they are concerned about potential water issues. Scott Sylvainus questioned requirements due to changes in the SALDO and Zoning Ordinances. Engineer Sean Dooley responded that depends on earth disturbance, impervious coverage, and use of existing basin.

Resident Richard Bickert asked how the paper street would be split. Solicitor Gary Asteak responded that it would be split equally with both owners. He stated they need to consult with their own counsel.

Resident Becky Bartlett asked how long do they have to get a lawyer? Gary Asteak responded twenty days.

Resident Aileen Suarez stated that she has been maintaining the paper street area, having swale repaired, etc., fixing other property owners' issues due to their lack of care for their property.

Resident Modesto Sanchez asked why there is a lien on our properties? Gary Asteak responded it is not a lien.

Kristina Toth stated that they have received notice via certified mail, but everyone is getting them at a different time so when does the twenty-day period start? A brief discussion ensued regarding legal counsel. Gary stated he would like to speak with any attorney representing the residents.

APPROVALS

Motion was made by Kristin Mullen, seconded Brian Sayago by to approve the agenda. Motion approved unanimously.

Motion was made by Kristin Mullen, seconded by Scott Sylvainus to approve the minutes of the January 3, 2022, re-organization and regular meeting. Motion approved unanimously.

Motion was made by Scott Sylvainus, seconded by Kristin Mullen to approve payment of the bills. Motion approved unanimously.

Motion was made by Brian Sayago, seconded by Kristin Mullen to approve the December 2021 Financial and Treasurer's Report. Motion approved unanimously.

SUPERVISORS COMMENTS

Scott Sylvainus stated that information was included in everyone's packets regarding consolidating the Real Estate Tax and Library Tax bills. A discussion ensued over consolidating the bills for 2022. Brian Sayago questioned the tax collector's salary due to the separate bills. Lisa Klem stated the tax collector salary is set by resolution for the term. Gary Asteak will investigate the resolutions. His recollection is that an additional resolution was done since the Library Tax bill was added.

Scott asked for the Supervisors thought. Brian stated we should send one bill this year. Kristin Mullen was concerned about costs due to the bill printing already in progress and timing. Scott stated the timing may not be good for this year. Robert Disbrow questioned if there would be issues caused by delays in printing if done this year. Gary Asteak responded would cause issues with discount, base, and penalty periods. Scott stated that waiting until 2023 would allow for notification to the residents and allow for getting Gary's feedback on the resolutions.

Motion was made by Brian Sayago to have the Tax Collector send one tax bill (Real Estate Tax and Library Tax) this year. No Second, motion fails.

Motion was made by Scott Sylvainus, seconded by Kristin Mullen to have the Tax Collector send one tax bill (Real Estate Tax and Library Tax) for 2023. Motion approved by a 3-1 vote with Robert Disbrow opposed.

Scott Sylvainus stated per discussion at the January 3, 2022, meeting regarding the Vacancy Board, that a letter of interest was received from Tadd Williams, who is present. Chris Dudinyak was asked to attend this meeting but is not present. Tadd introduced himself and gave a brief background. Kristin Mullen stated in full disclosure that Tadd is her brother-in-law. Brian Sayago stated that in the same vein, his wife Terri Sayago is the appointed representative to the Memorial Library.

Motion was made by Kristin Mullen, seconded by Brian Sayago to appoint Tadd Williams to the Vacancy Board. Motion approved by a 3-1 vote with Robert Disbrow opposed.

Code Enforcement was tabled from the January 3, 2022, meeting. Brian Sayago stated he brought up the issue to have a Code Enforcement Officer. He has received a proposal. Lisa Klem stated she has not seen the proposal. Robert Disbrow stated this is managed in house. Gary Asteak expanded that the Zoning Officer manages Zoning and SALDO, commercial inspections are done by outside agency, and our Engineer does building. A brief discussion ensued. A motion was made by Brian Sayago to create Assistant Zoning Officer position to do code enforcement. Gary Asteak stated you will need to create a job description, will they be full or part time, costs, pay, location, etc. You need to speak to John Soloe. Lisa Klem stated that Barry Isett is our alternate Zoning Officer. We work off complaints received. Gary Asteak explained the Zoning enforcement process. Lisa Klem stated that we would need to review this

further and come up with a structure. Brian Sayago withdrew his motion. A question was raised from the floor. What would the cost be to the taxpayers? Brian Sayago responded it may not be much depending on how it is structured. Scott Sylvainus responded there would be a cost, but quality of life would be worth the cost. After a brief discussion, Brian Sayago asked Lisa Klem to assess the unmet need for an Assistant Zoning Officer/ Code enforcement Officer. Lisa stated she will form a committee and investigate it further.

Brian Sayago stated we need our current Zoning Ordinance reviewed, assessed, and changes suggested. The (Nazareth Area COG) Multi-municipal (Comprehensive) Plan is nearing completion. Our Zoning Ordinance needs to be updated. We should not wait for the Multi-municipal plan. Gary Asteak explained the process of the Multi-municipal Comprehensive Plan. The Zoning Ordinance review would start after the Comprehensive Plan is adopted. Coordinated zoning between municipalities is being suggested. Brian Sayago proposed that the manager put out an RFP to have the Zoning Ordinance updated. Gary Asteak and Lisa Klem responded it should be consistent with the Multi-municipal Comprehensive Plan. Scott Sylvainus stated we need to conform to the Comprehensive Plan. Gary Asteak stated we need to work in conjunction with surrounding municipalities on a coordinated zoning. A meeting regarding the Multi-municipal Comprehensive Plan is being held at the end of the month. Lisa Klem stated she will send the invitation to everyone. An RFP will be put together for review.

TOWNSHIP ENGINEER

Sean Dooley stated he had one item for the Board- Gun Club Road Railroad crossing. Sean Dooley explained that the road is being widened. The crossing needs to be updated. He is suggesting a concrete apron instead of the asphalt which is the standard used by Norfolk Southern. The concrete is a better option for longevity and performance. The township would be responsible for perpetual maintenance. The builder will be responsible for initial installation. Lisa Klem clarified that if we required the concrete the maintenance responsibility would lie on the Township, if asphalt the responsibility would lie with Norfolk Southern. Sean stated the Township would be responsible for perpetual maintenance. He suggests putting \$13,000.00 to \$22,000.00 in a fund yearly to cover replacement in approximately twenty-five years. Total cost would be \$350,000.00 to \$500,000.00. A brief discussion ensued. Scott Sylvainus summarized the discussion- The developer has the initial cost of installation. If an asphalt apron is used, Norfolk Southern is responsible for replacement every five years. If concrete apron, the Township will be responsible for replacement approximately every twenty-five years at a cost of \$350,000.00+. Resident Jay Benfield asked if there are grants that could be used for repairs. Lisa Klem responded it is hard to say if there would be any available at that time but would apply for one if there was. A brief discussion ensued.

Motion was made by Robert Disbrow, seconded by Kristin Mullen to approve the use of the precast concrete option for Gun Club Road Norfolk Railroad crossing if JVI does the installation and covers the costs. Motion approved by a 3-1 vote with Brian Sayago opposed.

TOWNSHIP SOLICITOR

Gary Asteak stated he had two items for the Board- The appeal to the Zoning Hearing Board decision has been submitted and the Lonestar appeal is scheduled for April. He is trying to work the issue out with the County per the agreement from decades ago.

ADMINISTRATION

Lisa Klem stated the COVID-19 policy has been updated and distributed. Lisa Klem is suggesting a Building Renovation Fund be set up with funds from the General Fund MM account for future renovations. It would be a new account, like a Capital Improvements account. She is suggesting \$150,000.00. A brief discussion ensued.

Motion was made by Robert Disbrow, seconded by Kristin Mullen to approve the creation of a Building Renovation Fund in the amount of \$150,000.00. Motion approved by a 3-1 vote with Brian Sayago opposed.

DEPARTMENT REPORTS

Motion was made by Kristin Mullen, seconded by Robert Disbrow to approve the December 2021 Fire, Police, and Zoning Reports and The November and December Public Works Reports. Motion approved unanimously.

PLANNING & ZONING

Scott Sylvainus stated that the Multi-municipal Comprehensive Plan was discussed at the January meeting. Comments on the plan are needed by Friday. Gary Asteak stated the plan is a guide. The LVPC will be doing a presentation of the plan in March.

PUBLIC WORKS

Shawn Shupe requested approval of the promotion for Dan Sipel to Laborer 2 at \$24.96, which is 85% of the top rate.

Motion was made by Robert Disbrow, seconded by Kristin Mullen to approve the promotion for Dan Sipel to Laborer 2 at \$24.96, which is 85% of the top rate. Motion approved unanimously.

Shawn Shupe requested approval of the promotion for Steve Markley to Laborer 1 at \$27.89, which is 95% of the top rate.

Motion was made by Brian Sayago, seconded by Kristin Mullen to approve the promotion for Steve Markley to Laborer 1 at \$27.89, which is 95% of the top rate. Motion approved unanimously.

MS4

Shawn Shupe informed the Board the of a surprise spill containment response he conducted for his staff at the Daniels garage. Tree clean up has started, yearly inspections will be done of the forty-two outfalls, and baffles to be installed in 2022.

Lisa Klem stated that American Rescue Plan monies can be used to cover MS4 costs. Sean Dooley suggested a workshop to go over items and needed updates. A brief discussion ensued regarding projects, costs, funding, and who will be doing the necessary work. Brian Sayago

stated the work should be outsourced. Robert Disbrow stated our Public Works Department is capable and able to do many of the projects. A Workshop will be held prior to the February 16, 2022, meeting.

RECREATION

Jean Morgano gave the report. They discussed Sycamore Park, which is also part of the MS4 plan. The playground structure is outdated. Shawn Shupe responded the swale must be repaired at the park. A brief discussion ensued on possible park upgrades. Jean stated they discussed a possible Movie Night in the Park at Tuskes Park. We are looking into it. Will give a presentation once costs are compiled. Discussed a pickleball booth at Community Days for demonstrations. Pickleball courts are being suggested for Tuskes Park. Possible to have the builder help with costs. They also discussed Bike and Walking Trails. Creekside Park was suggested. Shawn Shupe responded he was for that. Sean Dooley responded that he thought that area was where the County would like to see trails. Suggests reaching out to the County for partnership and possible grants. A brief discussion ensued.

EAC

Nathan Pritchard gave the report. He stated they were looking at the official map, Open Space Plan, and set up of the committee. They reached out to the County and other municipalities. They liked Bushkill Townships plan. Jason Smith reviewed it with the committee. Reaching out to large property owners.

Scott Sylvainus stated that all committee minutes need to be sent to the Municipal Secretary.

PUBLIC SAFETY

POLICE DEPARTMENT

Chief William Cope stated the lease for the Police printer/ copier/ fax machine will be up in February. He does not want to stay with this machine. He needs a color printer. The Board has a copy of the options he has received through CoStar. He is suggesting the Ecosys M5526cdw with the purchase price of \$795.00 and a yearly maintenance contract of \$495.00.

Motion was made by Robert Disbrow, seconded by Kristin Mullen to approve the purchase of the Ecosys M5526cdw with the purchase price of \$795.00 and a yearly maintenance contract of \$495.00. Motion approved unanimously.

Chief William Cope stated he was contacted by a resident regarding issues at Lehigh Lane. The issue is large trucks turning around in the area because they missed the turn into the facility. A discussion ensued regarding where the trucks need to go to properly turn around, better signage at the entrance to facility, and posting of additional signage. An engineering study would need to be done for posting of any signage. Shawn Shupe offered to speak with the facility manager regarding this issue.

Motion was made by Brian Sayago, seconded by Scott Sylvainus to have an engineering study done of Lehigh Lane and New England Drive. Motion approved by a 3-1 vote with Robert Disbrow opposed.

A brief discussion ensued on the railroad easement and contacting the facility owner.

EMERGENCY MANAGEMENT

Nothing at this time. Michael Rinker was not present

SAFETY COMMITTEE

Lisa Klem stated she had nothing to report at this time.

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

ADJOURNMENT

Motion made by Robert Disbrow, seconded by Brian Sayago to adjourn the meeting at 9:22 p.m. Motion approved unanimously.

Respectfully Submitted,

Deanne Werkheiser
Recording Secretary