

**REGULAR MEETING MINUTES
AUGUST 2, 2023
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, Mike Rinker, Brian Sayago, and Scott Sylvainus. Also present were Township Solicitor Gary Asteak, Township Engineer, Sean Dooley, Road Superintendent, Shawn Shupe, and Treasurer/ Recording Secretary, Deanne Werkheiser. Township Manager, Lisa Klem and Police Chief, William Cope attend virtually.

COURTESY OF THE FLOOR

Resident David Beaumont, Tatamy Road, stated they had gotten some feed back regarding the flooding. He stated there is a large washout at a driveway to a business on Industrial Drive at West and 1st Streets. This added a lot to the volume of water. The option to connect to the quarry will not help his property. They are the lowest elevation. He would like to know the 1 year, 5 year, 10 year, 20 year plan. He ended up with a sinkhole under his porch. This is being handled . Sean Dooley replied that they are looking multiple areas- 2nd through Mt. Vernon, West, 1st through Central. This is the study area. When an area is this flat, it is difficult to move water. That is why we are looking at taking the water to the quarry through the swale. We need to look at the costs. It is going to take some time, but we are working on this.

Resident Jordan Foose, Mitchell Avenue, handed information to Board members. He stated his problem is due to a neighbor's pool that was installed in 2019. The first incident happened in the summer of 2020 when we had a significant rain. He stated their pool overflowed and water went into his basement. It caused significant damage to his finished basement. During this last significant rain, their pool overflowed again, and he had water in his basement. He spoke with Lisa Klem. He does not know what to do at this point. He stated he did approach the neighbor. It was not a good conversation. He was trying to set up a meeting with John Soloe. John told him it could be inground springs. Mr. Foose stated he is concerned about the what ifs. What if the pool goes? May be a climate change. He stated that from 2009 to 2020 he never had water in his basement. He asked what the Board was going to do about this? The pool should have been addressed prior to being built for the what ifs. He is filling out the information from the State for the flooding. Michael Rinker responded that when ever you have had a flood, you need to contact and submit for PEMA / FEMA help. They are currently out inspecting now. It may be too late, but he suggested both residents should submit information. Do not wait for a Board meeting, contact the Municipal Office. Mr. Foose asked what the committee is going to do? He does not want to go through another flood. Scott Sylvainus replied that we cannot stop the rain from coming, we can only help after.

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APPROVALS

Motion was made by Kristin Mullen, seconded by Robert Disbrow to approve the agenda. Motion approved unanimously.

Motion was made by Kristin Mullen, seconded by Brian Sayago to approve the regular meeting minutes of July 19, 2023. Motion approved. Robert Disbrow and Michael Rinker abstained.

Motion was made by Michael Rinker, seconded by Brian Sayago to approve payment of the bills. Motion approved unanimously.

SUPERVISORS COMMENTS

Nothing at this time.

TOWNSHIP ENGINEER

Sean Dooley stated the board has copies of the proposed traffic study for Knauss Road and SR 946. There have been slight updates done. He asked if anyone had any questions. Brian Sayago asked what the status of the project is. Who is taking the lead? What is the time frame? Sean replied everything hinges on the study to see how to proceed. Gary Asteak replied that Bushkill Township knows there is a problem at this location. It is only getting worse. The study needs to be done so that they know what the options are. Sean stated the study also includes Penn Allen Road and Route 946 which affects us as well. All of the answers that you (Brian) are seeking depend upon the study. Scott Sylvainus stated that Bushkill Township asked us to be part of this due to the proximity to our boundary. Brian stated his concern is that this is not for a joint project. There will be other projects in addition to the study. They need to be looked at separately. Sean stated this is only to do the traffic study. This will go before Bushkill Township tomorrow night at their meeting.

Motion was made by Michael Rinker, seconded by Kristin Mullen to approve Keystone Consulting Engineers to perform a traffic safety study at State Route 946 and Knauss Road in conjunction with Bushkill Township not to exceed 50% of the \$18,780.00 cost. Motion approved unanimously.

Sean stated that he had a field meeting with NorFolk Southern, Penn DOT, Public Utilities Commission, the builder, and the township regarding the Tadmor railroad crossing on Gun Club Road. It was approved to have a cement apron for long term stability instead of the traditional asphalt. During the meeting, the Penn DOT representative cautioned Lisa Klem on taking on the obligation of maintenance. It would have issues much sooner than we anticipated. Sean contacted multiple municipalities regarding these types of crossings and issues they know of. He did additional research between the concrete and asphalt options, quality control, issues, and liability. He suggests that the Township go back to the asphalt crossing. NorFolk Southern would be responsible for the maintenance. Robert Disbrow asked if changing now will foul up what is currently being done. Sean replied no. Gary Asteak stated it would relieve the Township of the maintenance costs. Sean stated the PUC will be drafting an

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agreement for the crossing. Gary stated signals are another issue. Sean stated one of the signals has to be moved due to the road widening. We are not sure what the PUC is going to require. A negotiating group should be established to review and discuss what is going to be required. A brief discussion ensued regarding the crossing, signals, what may be required, equipment assessment, etc.

Motion was made by Scott Sylvainus, seconded by Michael Rinker to rescind the prior motion to approve a concrete crossing (01/19/2022) and to approve the use of the asphalt option for Gun Club Railroad crossing. Motion approved unanimously.

Jim Vozar stated any further improvements beyond what was done by us up to this point should be at Norfolk Southern's expense.

TOWNSHIP SOLICITOR

Gary Asteak stated he had several items.

Gary stated that Resolution 23-09 is the Nazareth Area Multi-municipal Comprehensive Plan Implementation Agreement. Gary gave a brief overview of what is in the agreement. This will give the rest of the COG a chance to review what other municipalities are doing regarding Zoning Ordinances, large developments (over 300 homes), large warehouses, etc. This allows us to work together. Brian Sayago stated approval was given already. Gary replied no. Just the Comprehensive Plan was approved. This resolution was being worked on for some time.

Motion was made by Michael Rinker, seconded by Kristin Mullen to approve Resolution No. 23-09, Nazareth Area Multi-municipal Comprehensive Plan Implementation Agreement. Motion approved unanimously.

Attorney Gary Asteak stated that the Board has copies of the Improvements Agreement between Upper Nazareth Township and Overlook at Nazareth, LLC. It itemizes required improvements and sets the letter of credit at \$384,000.00. Gary stated we always have these with developers.

Motion was made by Robert Disbrow, seconded by Brian Sayago to approve the Land Development Improvements Agreement between Upper Nazareth Township and Overlook at Nazareth, LLC. Motion approved unanimously.

Attorney Gary Asteak stated that the Board has copies of the Grant of Easement Agreement between Upper Nazareth Township and Overlook at Nazareth, LLC. Gary stated the cost is one dollar (\$1.00) for permanent easement for a trail. Scott asked if the area was sufficient. Sean responded yes.

Motion was made by Robert Disbrow, seconded by Brian Sayago to approve the Land Development Improvements Agreement between Upper Nazareth Township and Overlook at Nazareth, LLC. Motion approved unanimously.

Attorney Gary Asteak stated that the Board has copies of the Stormwater Operation and Maintenance Agreement between Upper Nazareth Township and Overlook at Nazareth, LLC. It obligates the developer to maintain the stormwater operations, one for each lot. Gary stated this allows us to do inspections.

Motion was made by Kristin Mullen, seconded by Michael Rinker to approve the Stormwater Operation and Maintenance Agreements for Lot #1, Lot #2, Lot #3, Lot #4. between Upper Nazareth Township and Overlook at Nazareth LLC. Motion approved unanimously.

Gary stated that we are in receipt of a zoning amendment request. This is for a small scale industrial development. A small section is in Palmer Township. Palmer has balked at this. Approval should be tabled to allow for discussion with Palmer.

Motion was made by Kristin Mullen, seconded by Robert Disbrow to acknowledge the receipt of a Zoning Amendment request. Motion approved unanimously.

ADMINISTRATION

Scott Sylvainus stated that Angela Strohl has been doing very well and has completed numerous trainings. Seeking approval to appoint her as Assistant Zoning Officer.

Motion was made by Robert Disbrow, seconded by Kristin Mullen to appoint Angela Strohl as Assistant Zoning Officer. Motion approved unanimously.

Scott stated the deadline to submit articles for the Fall/ Winter newsletter is August 18, 2023.

The second quarter Police Pension reports from Girard are available for review.

PLANNING & ZONING

Scott Sylvainus stated that the Board has copies of the draft meeting minutes from July 13, 2023.

PUBLIC WORKS

Shawn Shupe stated that they are currently doing general maintenance on storm drains currently. Scott Sylvainus stated there is a wash out along Tatamy Road close to the railroad crossing. Shawn stated he will check on it.

MS4

Sean Dooley stated he will have a draft of the annual report along with other findings for the next meeting.

RECREATION

Kristin Mullen stated they are seeking approval for the Upper Nazareth Fire Department to serve alcohol at Tuskes Park for Community Days.

Motion was made by Robert Disbrow, seconded by Kristin Mullen to approve the Upper Nazareth Fire Department to serve alcohol at Tuskes Park for Community Days. Motion approved unanimously.

Kristin Mullen stated they are seeking approval for Tuskes Park to remain open past dusk for Community Days.

Motion was made by Robert Disbrow, seconded by Scott Sylvainus to approve Tuskes Park to remain open past dusk for Community Days. Motion approved unanimously.

Community Days will be held September 7th through the 9th.

Kristin Mullen stated that the Movies in the Park will be held on August 26, 2023. Super Mario Brothers was the Movie picked via survey. Painting in the Park fundraiser will be held on August 27, 2023.

EAC

Brian Sayago stated they have a new applicant that needs to be reviewed. They are looking into ideas for the Newburg and Gun Club Road property.

The Board has copies of the draft meeting minutes from July 17, 2023.

PUBLIC SAFETY

POLICE DEPARTMENT

Det. Ben Rizzotto stated they are seeking approval to sell surplus seats from the F-150's. there are three seats. Collis has agreed to pay \$75.00 per seat.

Motion was made by Michael Rinker, seconded by Kristin Mullen to approve the sale of surplus equipment. Motion approved unanimously.

EMERGENCY MANAGEMENT

Michael Rinker stated he had nothing at this time.

SAFETY COMMITTEE

Michael Rinker stated he had nothing at this time.

FIRE DEPARTMENT

Rich Laurito stated that they have an agreement from Pierce for a new pumper truck for 1.6 million. Will take several years to receive.

OLD BUSINESS

Nothing at this time.

NEW BUSINESS

Deanne Werkheiser stated the 2022 Liquid Fuels Audit is scheduled August 8, 2023.

ADJOURNMENT

Motion made by Robert Disbrow, seconded by Kristin Mullen to adjourn the meeting at 8:20 p.m. Motion approved unanimously.

Respectfully Submitted,

Deanne Werkheiser,
Recording Secretary