

**PALMER TOWNSHIP BOARD OF SUPERVISORS
GENERAL BUSINESS MEETING
APRIL 24, 2012**

A general business meeting of the Palmer Township Board of Supervisors was held on Tuesday, April 24, 2012 at 7:00 p.m. in the Community Room of the Palmer Library with four Supervisors in attendance: David Colver, Robert Lammi, Michael Mitchell and Robert Smith. Ann-Marie Panella was absent. Also in attendance were the Township Manager, Planning Director, Director of Public Services, Police Chief and Township Solicitor. Dino Ciliberti from Patch Internet News and Tony Nauroth from the Morning Call represented the news media. Chairman Colver convened the meeting and led those present in the Pledge to the Flag. Colver announced that the Board held an executive session regarding a legal matter prior to tonight's meeting with no action required tonight.

1. PLEDGE TO THE FLAG

2. OLD BUSINESS

A. APPROVAL OF DISBURSEMENT OF FUNDS – APRIL 9, 2012

INFORMATION

The report will be provided at the meeting.

DISCUSSION

On motion by Mitchell, seconded by Lammi, and agreed by four, the Board approved the disbursement of funds for April 9, 2012.

B. APPROVAL OF DISBURSEMENT OF FUNDS – APRIL 24, 2012

INFORMATION

The report will be provided at the meeting.

DISCUSSION

On motion by Lammi, seconded by Smith, and agreed by four, the Board approved the disbursement of funds for April 24, 2012.

C. APPROVAL OF MINUTES – APRIL 2, 2012

DISCUSSION

On motion by Mitchell, seconded by Smith, and agreed by four, the Board approved the minutes of April 2, 2012.

D. ROUTE 33 NEIGHBORHOOD IMPROVEMENT DISTRICT (NID) PUBLIC HEARING

INFORMATION

The first of a set of three public hearings was held at the April 2, 2012 Board of Supervisors meeting. This is the second required meeting in the process. No action is required from the Board at this meeting.

DISCUSSION

Keenan Rice, NID Consultant, said he is assisting with the creation of the NID. Rice said a bond is proposed to be issued for the Route 33 interchange. Rice reviewed the NID with the Board and reviewed the bond process and how the property taxes pay down the debt service on the bond. Rice said the developer puts up his property as security for the Tax Increment Financing (TIF) bonds. Rice said the property in the NID is the same property in the TIF district. Rice explained the property area and what properties are exempt in that area. Rice said we are required to come before this Board three times. We were here previously before you for the preliminary plan and today we are here for the final NID plan. No action is required tonight. Rice said the only change that was made to the plan is an update on the estimates on the debt service. We are here to provide information and to receive comments on the plan. Rice said after tonight there is a 45-day wait period that is required before our final meeting with the Board where you would be allowed to adopt an ordinance accepting the NID plan.

Colver asked if the 45 days are calendar days from this meeting. Rice said yes. Colver asked if someone builds a building on one of the parcels would they receive a credit. Rice said that they would and explained the process which is based on a parcel by parcel basis. Colver said the NID district is there to backstop the bonds. Colver said assuming there will be development built up there this may never be needed. If no one builds on the properties, responsibility falls back on the land owner in the TIF, with the exception of the few properties that are exempt. Colver said at no point the County, School District or Township will be required to pay bonds. Rice said that is correct.

Al Cressman, 2901 Northampton Street, asked who the lien holder is. Rice said the bond holder is assigned at special assessments.

Colver said there is no action required tonight on our behalf but we are here to answer any questions from the public tonight. Colver said we will calculate the 45-day period and schedule the next hearing for a meeting in June.

On motion by Lammi, seconded by Smith, and agreed by four, the Board authorized the advertising of the next public hearing at the applicant's expense for a June 2012 Board of Supervisors meeting agenda.

- E. ORDINANCE REPEALING CHAPTER 17, ARTICLE 1, OF THE PALMER TOWNSHIP CODE ENTITLED THE PALMER TOWNSHIP MUNICIPAL SEWER AUTHORITY AND DISSOLVING AND TERMINATING THE PALMER TOWNSHIP SEWER AUTHORITY

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Bruno said this item was advertised for a public hearing tonight. Bruno said from a logistical standpoint turning over of assets and bank accounts will not take place until June 30, 2012.

On motion by Lammi, seconded by Smith, and agreed by four, the Board approved the ordinance dissolving and terminating the Palmer Township Sewer Authority.

F. AUTHORIZATION TO EXECUTE THE TAX INCREMENT FINANCING (TIF) COOPERATION AGREEMENT

INFORMATION

Attorney Bruno has finalized the TIF Cooperation Agreement and is prepared to discuss its particulars with the Board. The Boards direction is requested.

DISCUSSION

Bruno said the TIF agreement is a cooperation agreement that outlines the operation of the TIF. Bruno said there are increments that are pledged as collateral under the agreement and the Northampton County Industrial Development Authority is the issuing authority. Bruno noted Paragraph 28 outlines limits and liability. Bruno said there are documents that are to be included with the agreement that are not finalized at this time. He recommended the approval be conditioned upon the satisfactory review of those financing agreements by the solicitor.

Mitchell made a motion authorizing the Chairman to sign the Tax Increment Financing Cooperation Agreement.

Al Cressman, 2901 Northampton Street, asked if tax payers have no liability. Bruno said that is correct.

Smith seconded the motion and it was approved by all four supervisors in attendance.

G. UPDATE AND DISCUSSION ON WASTE HAULER BIDS

INFORMATION

Cindy Oatis will be presenting an update on the Waste Hauler bid documents. Board action is required to approve/disapprove the bid specs and documents.

DISCUSSION

Oatis said the final revisions are now in front of the Board. Oatis said as you know in the past we used to bid everything out in one proposal. Now we plan to bid in three portions: recyclables, trash and hauling of materials. Oatis said we will get some money back for recyclables now instead of going to the provider. Oatis said it is being bid in the same manner with the exception of the compensation aspect. After we receive bids back we can move forward with the hauling bid portion. Lammi asked if we shouldn't be asking bidders who they've worked for so we can do reference calls on their customers. Oatis said yes we could add that. Bruno asked if that isn't covered under Page 16, Section 1.17.4 in the documents. Oatis said under item number six it asks for them to list similar contracts. Lammi asked related to the recycling and waste bids are we going to put fuel cost adjustments in there. Oatis said we will put that in the hauler portion only. The other two we will be bringing the items to them. Smith asked if the bid is broken down because the hauler can then hone in on their cost of pick up. Oatis said disposal will come back with per tonnage amounts. We will take it in - they will weigh it and charge per ton. With recyclables they are giving us information on how they can pay us. Those prices can change drastically based on current events. Smith said so whatever they are getting for materials will fluctuate and come back to us. Oatis said yes.

Lammi made a motion to approve the bid documents as presented and authorized going out to bid for recyclable materials.

Al Cressman, 2901 Northampton Street, asked if they will be variable or fixed rates. Oatis said the waste will be a fixed flat rate. Smith seconded the motion and it was approved by the four Supervisors in attendance.

Lammi made a motion approving the bid documents as presented and authorized going out to bid for solid waste disposal. Mitchell seconded the motion, and it was approved by the four Supervisors in attendance.

NEW BUSINESSA. DISCUSSION OF THE NEIGHBORHOOD IMPROVEMENT ZONE (NIZ)INFORMATION

Palmer Township should decide if it is going to take a public position on the NIZ issue and whether or not the township supports the litigation filed by Hanover and Bethlehem Township. If action is taken to join the litigation effort, a Petition to Intervene would be filed by Attorney Bruno. A Petition to Intervene should be filed prior to April 27, as this is the deadline to file.

DISCUSSION

Colver said this topic has been in the news lately and there has been some discussion lately to see if we would like to get engaged in the litigation going on regarding the NIZ. Bruno said what has been filed in court to date by Hanover and Bethlehem Township is a lawsuit in the Commonwealth of Pennsylvania challenging the constitutionality of the NIZ. Bruno said the Board needs to consider whether Palmer Township should intervene in this matter. Bruno said this week is the end of the 30-day period to intervene.

Township Manager Christopher Christman said the NIZ issue is the use of Earned Income Tax Revenue of Palmer residents that work inside the zone. That revenue would be used for the arena project and any type of development over the next 30 years in the 130 acre district would be included. Christman said we requested estimates but to date we do not have any idea what that value is. Christman said the second part of the lawsuit is whether the action was constitutional to take that revenue without our consent. Our decision tonight is whether or not we want to join the lawsuit. Christman said his recommendation to the Board would be to approve intervening in the lawsuit.

Lammi said he doesn't like the way this was written in the 2009 State Budget and feels the same thing could be written for any city in the Commonwealth. Lammi said the 130 acres includes the waterfront area and a lot of businesses could be moving there. Lammi said we will need to come up with that lost revenue somewhere and it will need to be through the residents. Lammi said the rent per square footage in the NIZ area will attract businesses to move into the area. Lammi said he would like to see the City develop the area because it is good for Allentown but the way it is being done will have a significant impact on the Lehigh Valley. Colver said it is not our intent to try and stop the arena project itself, we hear just the opposite; however, the way it was done and the impact it will have on the Lehigh Valley as a whole is not good. Palmer Township is a big player in that. Mitchell agreed and said it is ridiculous that they can take our tax dollars. Smith said those tax dollars are being taken from us without any discussion with us. Smith said he agrees to join in the lawsuit.

Bruno said the Law firm of Broughal and Devito is handling the lawsuit and would remain lead counsel.

Lammi made a motion to approve intervening in the lawsuit with expenses not to exceed \$10,000.

Al Cressman, 2901 Northampton Street, thanked the Board of Supervisors for taking action on the NIZ. Cressman said this is nothing more than corporate welfare. Cressman said developing the area is a good idea but it shouldn't be the taxpayers paying for it. The developers should go out and find stockholders to make the project happen. Cressman said he is also upset that our representatives didn't tell us anything about this in 2009, 2010 or 2011. They have a responsibility to let us know about this information and you as a Board should let them know you are dissatisfied with their actions. Cressman asked if we are owed money. Christman said we are up-to-date with the City of Allentown.

Mitchell seconded the motion and it was agreed by all four Supervisors in attendance.

B. DISCUSSION OF THE PURCHASE OF A PET CHIP READER

INFORMATION

Chief Palmer will be discussing the purchase of a pet chip reader to help the Police Department identify lost pets to return them to their owners. This would save annual Center for Animal Health and Welfare charges. Board direction requested.

DISCUSSION

Lammi said this was discussed at a COG meeting in January and it was the City of Easton that brought it up. Lammi said obviously Chief Palmer lived it because he was the Chief in the City at that time. It has become a problem with dogs found and the shelters capacities overflowing. Lammi said a veterinarian can place a small chip just under the dog's skin and it has information as to where the dog belongs. The police can use this reader and then return the animal to the proper owner versus putting the animal into the shelter where we are charged per animal. Lammi said we can promote it in our newsletter to recommend residents have chips put in their animals.

Chief Palmer said Easton spent over \$40,000 a year dealing with lost animals. Palmer said we set up our own shelter area and it was suggested we purchase the chip reader. Palmer said he had left the City by the time the reader was delivered but was told in the first three weeks they used the reader on three animals. Palmer said this will be a cost savings to the township because we won't have to house and feed the dogs until the owners come and claim them. We also won't have to pay the fees associated with transferring the animals to the Center for Animal Health and Welfare. Colver asked what the cost is for the reader. Palmer said it is under \$400. Palmer said they can also be used on cats. Bruno asked how you impose on owners to put a chip in their pet. Lammi said we can just suggest it, it won't be mandatory.

On motion by Lammi, seconded by Smith, and agreed by four, the Board authorized the Chief to purchase the pet chip reader, not to exceed the cost of \$500.

C. DISCUSSION OF USE OF TASERS – POLICE DEPARTMENT

INFORMATION

Chief Palmer will present information to the Board on the use of tasers in the Palmer Township Police Department. Board action is required.

DISCUSSION

Chief Palmer said he submitted a proposal to the Board to purchase tasers in the township. Palmer said before he started with the township he rode along with the officers in the township and it became apparent the officers didn't have the use of tasers. Palmer said all the conclusions show that use of tasers decrease injuries to officers and also suspects. Chief Parkansky from Wilson Borough said they have had them in their department since 2009 and have only used the tasers twice. Palmer said and one of the times was the naked gentlemen in Palmer Township that was on mushrooms. Palmer said Chief Dorney in Forks Township thinks it's a crime to not have officers carry tasers. Palmer said his experience in the city was they weren't used often but they often scare the suspects just from the noise it makes. Palmer said the cost is approximately \$25,000 and that is a high estimate. Palmer said they will train our own in-house instructors who will conduct rigid training for all of our officers. Palmer said there is a download component that we can monitor to see how the tasers were used. Palmer said it will be done correctly and he truly believes it to be a great tool. Palmer said there is less than a quarter of a percent that it can become lethal and typically that only occurs if the suspect had some kind of substances in their body. That risk is definitely worth the cost. Palmer said the total cost would be paid for with drug forfeiture funds from the task force.

Colver asked what the cost is after you get them. Palmer said he estimates the annual cost to be around \$2,800 for cartridge replacements per year. Palmer said that cost would be budgeted in the general fund or we could continue to use drug forfeiture funds for them. Christman said we did check on any insurance requirements and there will be no additional cost to our premium. Christman said we will have to document training and taser maintenance and make it available to the insurance company. Palmer said officers would be recertified each year. Palmer said his estimate is based on the highest costing equipment. We will meet with the representatives to review each model available to see which would be best for us to use. We do want the download ability.

Patrolman John Smoke said he has been with the department for nine years. He remembers an incident where he and Officer Steckel were chasing a suspect and when they told the suspect they would shoot him with a taser, the pursuit ended immediately.

Officer Unangst said he has been with the department for six years and an officer for a total of 13 years. Unangst said this pertains to officer safety as well as public safety. We try to avoid catastrophes and with this tool it gives us the upper hand. With the mere presence of a taser, you get more respect from the suspects. Unangst also said when you look at departments that don't have tasers; there are more injuries to the officers.

Palmer said every officer will have a holster on their belt and we will rotate the tasers on duty.

Officer Steckel said he's been with the department 11 years, and prior to that he was in Bushkill Township. In Bushkill Township we had tasers and we utilized them on two occasions. Steckel said the feeling of being shot – all officers have

to go through it – the suspect has no movement. Steckel said we had a man that was out of control cutting his whole body. He was positive for hepatitis. Instead of going hands on with the suspect – we utilized the taser – he complied and we apprehended him. Another incident was an aggravated assault, he had weapons on him. We used the taser and he was brought under control. After that incident the suspect had total respect for the officers.

Sergeant Glenn Sipel said he's been an officer for 21 years and with our other resources like pepper spray, you can use a full can on a suspect and it isn't effective. We had another incident where we used the bean bag guns and we were just lucky we had someone from another department there that could use their taser.

Lammi said he totally agrees that this is one of the tools of the trade today and he totally supports it. Lammi said to be totally honest he wasn't aware that our officers didn't have tasers.

On motion by Mitchell, seconded by Smith, and agreed by four, the Board approved spending up to \$25,000 from drug forfeiture funds to purchase tasers.

D. DISCUSSION REGARDING PALMER TOWNSHIP SOCCER PROGRAM

INFORMATION

A representative from the Athletic Association will be present to discuss allowing four and five year olds into the township soccer program. The Board needs to approve/disapprove the request.

DISCUSSION

Supervisor Smith said this was discussed at the Recreation Board meeting and the Athletic Association would like to lower the age requirement for Palmer Soccer from six to four years old.

Chuck Romfo representing the Palmer Soccer program said they received approval from the Athletic Association and also the Recreation Board. Romfo said Palmer Soccer plays in the Blue Mountain League and as of today there is only one other program that does not have a four and five year old program in the league. Romfo said there is an increasing desire and need. Romfo said he is asked weekly from residents of children in this age group if they can play soccer. Romfo said he has two kids and they had to wait until they were six years old to play in Palmer. We anticipate 30 to 40 kids. It will be in-house with no competitive games. It will be held on Saturday mornings in conjunction with Forks Township. Coach Tim Hall, Coach at Easton High School, and his players will be the instructors. It will consist of 45 minutes to one hour of training and scrimmages. It will be a benefit for us that we can keep these kids in our program. The cost will be the normal \$50 fee for the season and will include eight to ten weeks of training. We will alternate one week at Forks and the next week at Palmer.

Colver asked what kind of cost was involved. Romfo said the only cost will be \$5 for each players t-shirt. We have enough pinnies, cones and goals. Colver said we recently added Lacrosse and Field Hockey, where is this going with other sports. Smith said first you have to look at what the league requires. Smith said football we could start one year earlier but we elected not to. Most leagues we are at the age requirement the league allows. Smith said Dan McKinney the Community Center Director, said they can help with the program. Colver asked if it is for Palmer residents only. Romfo said that is correct. Colver said these are all good things for the kids but we have to remember the numbers all creep up in the budget every year.

On motion by Smith, seconded by Lammi, and agreed by four, the Board approved allowing four and five year olds into an instructional soccer program in the fall.

4. PUBLIC COMMENT

None

5. REPORTS

Solicitor

- Bruno had an extension agreement from Charles Chrin for the Chrin Commerce Center requesting an extension of time until July 31, 2013, to complete their public improvements. On motion by Smith, seconded by Mitchell, and agreed by four, the Board authorized the Chairman to sign the agreement.

Township Manager

- Christman announced the May 7, 2012 Board of Supervisors meeting will be cancelled because the Board will be attending the annual PSATS Conference.
- Christman had six real estate and two personnel items for executive session.

Planning Director

- Carman reviewed the upcoming Zoning Hearing Board agenda with the Board.
- Carman said we received an application from Frank Oieni for the Planning Commission meeting for the rezoning of his property and the two adjoining properties on Nicholas Street. Carman said she knows the Board will be at the PSATS Conference for the next Planning Commission meeting and asked if the agenda should include an update on the north end. Colver advised Cyndie Carman she should give the update on the north end at that meeting.
- Carman had one real estate item for executive session.

Public Services Director

- Adams said the shooting range fence at Riverview Park will be complete by the end of the month along with lights and receptacles in the Riverview Pavilion.

Police Chief

- Chief Palmer said he still had two filing cabinets to get through but progress is being made. Palmer said he and Sergeant Sipel have nearly completed a K9 policy and we feel it should be enforced. I'm also working with Officer Unangst and Officer Smoke on the field training program for new officers. Palmer said the officers are stepping up and responding to these projects and have been supportive and a great help.

Supervisors

- Lammi said last Wednesday we held a COG meeting and this year's recycling event at the high school is scheduled for May 19, from 9 a.m. to 2 p.m. In the past there was a fee associated with the items you dropped off. This year the fees will be waived except for batteries and light bulbs. We will continue to accept air conditioners and refrigerators that have freon in them.
- Lammi said we were also hoping at the COG meeting to have another discussion on the Lower Hackett Skate Park. Lammi said Mayor Panto has new numbers for the area municipalities. Unfortunately, Mayor Panto couldn't attend the meeting and the item was tabled to the next scheduled meeting. We also discussed the NIZ issues at that meeting.
- Colver said the new Fire Department vehicle that was purchased with Relief Association money is in service. The department also added another new member to the department last night. It is an individual that moved into the area that was a chief in another department. Colver also asked the Board members if they haven't responded to their invitation to the Banquet, to please do so.

On motion by Mitchell, seconded by Smith, and agreed by four, the meeting was adjourned at 8:30 p.m. with seven real estate and two personnel items for executive session.

Respectfully submitted,

Christopher S. Christman
Township Manager