

GENERAL BUSINESS MEETING  
AUGUST 23, 2011

A general business meeting of the Palmer Township Board of Supervisors was held on Tuesday, August 23, 2011 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 Ann-Marie Panella. Robert Smith was absent. Also in attendance were the Township Manager, Police Chief and Township Solicitor. Dino Ciliberti from Patch Internet News, Colin McEvoy from The Express Times and Charles Malinchak from the Morning Call represented the news media. Chairman Colver convened the meeting and led those present in the Pledge to the Flag.

2. APPROVAL OF DISBURSEMENT OF FUNDS – AUGUST 8, 2011, AUGUST 15, 2011, AND AUGUST 23, 2011

INFORMATION

The report will be provided at the meeting.

DISCUSSION

On motion by Mitchell, seconded by Panella, and agreed by four, the Board approved the disbursement of funds for August 8, 2011.

On motion by Panella, seconded by Mitchell, and agreed by four, the Board approved the disbursement of funds for August 15, 2011.

On motion by Mitchell, seconded by Panella, and agreed by four, the Board approved the disbursement of funds for August 23, 2011.

3. APPROVAL OF MINUTES – JULY 26, 2011

DISCUSSION

On motion by Lammi, seconded by Panella, and agreed by all, the Board approved the minutes of July 26, 2011.

4. EMERGENCY OPERATIONS PLAN AND RESOLUTION APPROVAL

INFORMATION

The Board needs to approve/disapprove the Emergency Operations Plan and Resolution.

DISCUSSION

Delmar Grube was in attendance and explained there is a new format from FEMA and the document states we will review the operation plan every two years. This is only a partial

document; there will also be a web based plan that is called "Knowledge Center" that will include all community documents. Colver asked if there were any major changes. Grube said no - he updated the individual's names and their information. Lammi said in the Fall he would like to have the Board of Supervisors hold a workshop with Delmar to go through all the things that involve the elected officials in this plan. We need to be aware and know how to deal with things should something happen. Panella said that is referenced on page 13 of the plan. Colver suggested they use the first meeting in October to go through the plan since the meeting was advertised and a lot of times the first meeting of the month gets cancelled.

On motion by Lammi, seconded by Mitchell, and agreed by four, the Board approved the Emergency Operations Plan resolution.

5. COMPASSIONATE FRIENDS GARDEN PRESENTATION

INFORMATION

Jamie Collins will be making a presentation on behalf of the Compassionate Friends Garden group.

DISCUSSION

Jamie Collins, Landscape Architect, said she was employed by the Easton and Lehigh Valley Chapter of Compassionate Friends. Collins said their President, John Szabo, is also in attendance tonight. Szabo said they are a self help group for families that have lost a child. Szabo said one of their members has a relative employed by Palmer Township and that is how they found out about the Pierce Memorial Garden. Szabo said our group thought our proposal would be a perfect match for where the Pierce Garden is located. Szabo said they have funds in place that they received through contributions toward a garden. Szabo said the Lehigh Valley is blessed to have an organization like ours and it is a very large chapter. Szabo said his hope is that all Chapters in the area would be invited to participate in this garden. It would be the Greater Lehigh Valley Compassionate Friends garden. There would be no cost whatsoever to Palmer Township. Szabo said he is retired and would be honored to be able to weed and maintain the garden. Szabo said he is open for any questions from the Board before Jamie Collins makes her presentation on the layout of the garden. Colver suggested Jamie make her presentation before we open it up for questions.

Collins said one of the things John liked about the Pierce Garden is the circular patio and seating concept. The fact that we have the walking path through the garden was also a nice feature. They are proposing a circular garden that would include their chapter logo in the center and they would like to possibly raise funds for bricks to include their children's names. Collins said John had the opportunity to take this to Bethlehem Township, but he prefers the Charles Chrin Community Center site. Collins said she is incorporating the walking path into their design and using the existing entrance of the Pierce Garden to enter their garden. Collins said she spoke with Vangie Sweitzer, the Executrix of the Pierce Estate today, and Vangie reminded her that Pat and Ted Pierce had also lost a young child. Vangie believes they would be very happy to see this adjoining garden. Collins said it will include butterfly bushes and other

perennials. Collins said she talked to Tom Adams about the site triangle for the building and that is included in her plans. Collins reviewed the plan in detail with the Board. Collins said the garden will be entirely donated and built by the Compassionate Friends organization. Palmer Township will not incur any fees. Collins said she is very satisfied with all the support from the organization related to maintenance and upkeep.

Colver said you talked about the upkeep and maintenance costs; what kind of costs are you talking about. Colver said the Pierce Garden was about \$120,000 to install and another \$100,000+ has been set aside for perpetual maintenance. Collins said this is less than a third of the size of the Pierce Garden. Colver asked what they envision to use as their pavers. Collins said it will be very similar to what we used in the Pierce Garden. Szabo said the only difference he sees is the addition of the logo of the Chapter. Colver asked if anyone was aware of any conflict with the Pierce Garden and their family. Collins said the Pierce's have some distant relatives and we haven't talked to them about this, but they weren't involved in the Pierce Garden being designed either. Collins said Vangie Sweitzer was very happy about it and she was the one responsible for implementing the Pierce's wish and building the garden. Colver asked who will construct it and whose equipment will be used. Collins said we haven't gotten that far yet, but we do know we will not be asking for any assistance from Palmer Township. Colver asked if they envision any of the group doing the work. Szabo said years ago there was a flower club in Northampton County that wanted to be involved with the planting of flowers. They will look into seeing if that is still an option but they will not be doing any of the construction work. Colver said there will need to be the basic insurance requirements provided to the township by whomever does the work. Colver said when we did the Pierce Garden, two months later we received a call from the billboard company stating there was a sight obstruction with their billboard and they now want 23 of the 35 trees moved. Colver asked if there is anything on this project that will mess with the billboard. Collins said she needs to talk to Tom Adams a bit more about the building site triangle before she can say yes. Collins said they are going to have to use smaller trees than pines because of the building site triangle. Colver said there would have to be some kind of formal agreement between the club and the township so insurance liability is covered. Colver said the question remains how we are going to deal with the long term maintenance. Szabo asked what the township would be looking for as far as maintenance. Mitchell said if plants die they will need to be replaced, etc. Colver said he would hate to tie up funds of a group like yours for maintenance. Colver said he likes the general concept. Lammi said he likes the idea and it fits well with the concept of the Miracle League field that is projected for the northeast corner of the tract. Colver said this tract is 90% tailored to kids and he believes the garden just fits with everything else going on with the complex. Colver said he believes the general consensus of the Board is we like the concept. You will need to work on the details and get back to us with an agreement between your group and the township.

Lammi made a motion, it was seconded by Panella, and agreed by four, the Board approved the concept of the Compassionate Friends Garden with final details to be brought back to the Board for final approval.

Szabo said there is a worldwide candle lighting ceremony held the second Sunday in December. Szabo said if the garden is built we may come back and request to use the garden for this annual event.

6. REQUEST TO ENTERTAIN ZONING ORDINANCE AMENDMENTS

INFORMATION

Gary Strausser, Strausser Enterprises, is requesting that the Board entertain an amendment to the zoning ordinance to list convenience store as a permitted use in the General Commercial (GC) and to increase the size limitation on convenience stores from 4,000 square feet to 7,000 square feet. The Board needs to approve/disapprove the request.

DISCUSSION

Bruno said the CVS project was previously approved and now there is a pending Sheetz project that is going before the township planning commission. Bruno said the convenience store requirements in our ordinance states 4,000 square feet as the maximum size and this project needs to get to 7,000 square feet. The developer is asking the ordinance be amended to be consistent with the current times. Bruno said he recommended that the developer make his request to this Board to see if you would entertain the request. Bruno said if you think the request is appropriate, he would recommend the request run concurrently with the developers land development plan, and if you make a motion to entertain the request, that you require sufficient escrow, and it be conditioned upon his land development plan moving forward. Bruno said it will have to go to the Lehigh Valley Planning Commission and also the Palmer Township Planning Commission and then back to this Board at a public hearing. Lammi asked if the Wawa in the township is less than 4,000 square feet. Bruno said his recollection is that whole Palmer Town Center site was brought forward as one project and the Wawa tract came later. Colver said the convenience store being allowed in a GC district is obvious, I don't know why that isn't already in the ordinance. Colver said this is a request to entertain the idea and he believes it's a legitimate request.

On motion by Lammi, seconded by Mitchell, and agreed by four, the Board approved the request to entertain the rezoning amendments presented by Strausser Enterprises, Inc., conditioned upon escrow being established in the amount of \$5,000 for professional review, and replenished as necessary, and the land development plan run in concurrence with the request, and conditioned upon the land development plan moving forward.

7. NEW TRAFFIC CONTROL SIGNAL LIGHT ORDINANCE

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Bruno said the ordinance shows all control devices in the township with the new ones in italic print.

On motion by Mitchell, seconded by Panella, and agreed by four, the Board approved the new traffic control signal light ordinance.

8. NEW STOP AND YIELD SIGN ORDINANCE

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Lammi made a motion to approve the new stop and yield sign ordinance. Mitchell seconded the motion.

Dave Carr, 294 Blenheim Drive, asked if there were any stop signs that say “no right on red” in the township. Chief Fretz said yes, at Park Avenue and Route 248.

The motion was voted on, and agreed by four.

9. EASTON AREA JOINT SEWER AUTHORITY PRETREATMENT PROGRAM POLICY ORDINANCE

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Lammi said this is done per the EPA by the authority. They change their limits at times and we have to follow suit. Lammi said the limits are included on the attachment to the ordinance, some went up and some went down.

On motion by Lammi, seconded by Panella, and agreed by four, the Board approved the Easton Area Joint Sewer Authority Pretreatment Program Policy Ordinance.

10. RESOLUTION OF SUPPORT FOR THE TWO RIVERS COUNCIL OF GOVERNMENTS REGIONAL SKATE PARK

INFORMATION

The Board needs to approve/disapprove the ordinance.

DISCUSSION

Lammi said we previously approved this concept and this is the actual resolution.

On motion by Lammi, seconded by Mitchell, and agreed by all, the Board authorized the Chairman to sign the skate park ordinance of support.

11. APPROVAL OF THE POLICE PENSION PLAN MINIMUM MUNICIPAL OBLIGATION AND AMORTIZATION RESOLUTION

INFORMATION

The Board needs to approve/disapprove using regular amortization or Act 44 optional 75% amortization for the 2012 police pension minimum municipal obligation and the 2012 police pension plan minimum municipal obligation amount. If the Board approves the 75% amortization method a resolution will also need to be approved.

DISCUSSION

On motion by Panella, seconded by Mitchell, and agreed by all, the Board approved the resolution adopting the reduced amortization option according to Chapter 6 of Act 205 of 1984, as amended by Act 44 of 2009, for calculating the 2012 minimum municipal obligation for the Palmer Township Police Pension Plan in the amount of \$517,279.

12. DRAFT DIGITAL SIGN/BILLBOARD ORDINANCE DISCUSSION

INFORMATION

The Board needs to review and discuss the option of implementing a digital sign ordinance. Should the Board agree to implement the draft ordinance, approval to advertise the ordinance should be granted to the Solicitor.

DISCUSSION

Colver said with digital signs showing up on Route 22 throughout the Lehigh Valley we thought we should address this issue. Bruno said currently it is not addressed in the ordinance. Bruno said being consistent with the times and current changes it is important to restrict where these signs can be located. Bruno said restricting areas facing residential areas, etc., is important. Bruno said the draft has been put together by the township staff and it would need to go to the Lehigh Valley Planning Commission and the township planning commission and back to this Board at a public hearing before final approval. Lammi said there is no question we need to look at this. Colver noted under "1", the physical size of structure isn't listed. Bruno said the existing ordinance he believes covers the sizes. Bruno said this ordinance is to add things that aren't already in the existing ordinance. Colver said under "H" it talks about the illumination and glare not to exceed .5 foot candles. Township Manager, Chris Christman said all of those standards are based on the industry standards and the federal highway regulations. Colver said "C" states messages must remain unchanged for a minimum of 20 seconds. Christman said the Board could

allow messages to appear more frequently and still fall within standards. Colver said his last comment is related to "K", inspecting the billboards. Colver asked who does the inspections. Christman said the code office inspects them with a light meter and there would be a fee associated with the inspections. Panella said "4b", related to twinkling lights outlining doors, windows, etc., makes me nervous. Lammi said he believes it is prohibited in the existing ordinance. Bruno said the heading of that portion of the ordinance says items prohibited by the ordinance.

On motion by Lammi, seconded by Mitchell, and agreed by four, the Board authorized the Solicitor to revise the draft of the digital sign/billboard ordinance with the items discussed tonight for final review by the Board.

13. MUNICIPAL LIEN ORDINANCE DISCUSSION

INFORMATION

The Board needs to review and discuss the option of implementing an ordinance for the collection of attorney's fees associated with municipal liens. If the Board agrees to implement this ordinance, the Board should grant the Solicitor approval to draft the ordinance.

DISCUSSION

Bruno said there are several things in the township we have a right to collect. Our current ordinance does not include the attorney fees as collectable fees when issuing a lien.

On motion by Mitchell, seconded by Panella, and agreed by four, the Board authorized the Solicitor to draft a municipal lien ordinance for the township.

14. MARC LANE STOP SIGN REQUEST

INFORMATION

A resident has requested the township install a third stop sign at the intersection of Bridlepath Road and Marc Lane. The Traffic Safety Committee reviewed the request and is recommending this stop sign be added. The Board needs to approve/disapprove the stop sign request.

DISCUSSION

Mitchell made a motion, it was seconded by Lammi, to approve adding a stop sign on Marc Lane where it intersects with Bridlepath Road. Bruno recommended the Board amend the motion to approve the new stop sign and yield sign ordinance to include this new sign, conditioned on there being no issues with the current advertising. Mitchell and Lammi amended their motion, it was agreed by three, Panella abstained.

15. IRS MILEAGE RATE INCREASE FOR SECOND HALF OF 2011

INFORMATION

The IRS has increased the mileage rate for the second half of 2011. The Board needs to approve/disapprove the increase from the current mileage rate of 51cents to 55.5 cents.

DISCUSSION

On motion by Panella, seconded by Mitchell, and agreed by all, the Board approved the township mileage reimbursement rate at 55.5 cents per mile, effective July 1, 2011, as per IRS regulations.

16. PUBLIC COMMENT

None

17. REPORTSTownship Solicitor

- Bruno had an extension request from Strausser Enterprises asking for an extension of time to enter into their improvements agreement and recording their plan related to the Northwood Project. Bruno said they have no specific time period requested so the Board can determine a reasonable extension related to the Sheetz project. Bruno recommended a four to six month extension. On motion by Mitchell, seconded by Panella, and agreed by four, the Board authorized the Chairman to sign the extension request for a six month extension until January 31, 2012.
- Bruno said Strausser Enterprises, Inc., the CVS developer, wishes to move forward with earthmoving on that site. Bruno said if we haven't entered into an improvements agreement, typically an indemnification agreement needs to be signed with security posted and proper insurance coverage needs to be provided. Bruno said Stausser has signed the agreement and posted adequate security but we are still awaiting proper insurance certification. Bruno recommended the Board authorize the Chairman to sign the indemnification agreement at the time the proper insurance documents are in place and acceptable to the solicitor. Mitchell made the motion authorizing the Chairman to sign the indemnification agreement at the time the proper insurance documents are in place and acceptable to the solicitor. The motion was seconded by Panella, and agreed by four.
- Bruno said the Kharecha project is ready to enter into their maintenance period. On motion by Lammi, seconded by Panella, and agreed by four, the Board authorized the Chairman to sign the maintenance agreement.
- Bruno said Joseph I Limited is looking for an extension on their land development improvements agreement. It was recommend by Pidcock for a one year extension. On motion by Mitchell, seconded by Panella, and agreed by four, the Board authorized the Chairman to sign the extension agreement authorizing the extension until August 31, 2012.

- Bruno said he had an Agreement of Sale from the Borough of Wilson related to the property in West Easton that was conveyed for \$1, which was acquired through the rails to trails project. Bruno stated Wilson has agreed to the terms of the agreement. On motion by Lammi, seconded by Mitchell, and agreed by four, the Board authorized the Chairman to sign the Agreement of Sale.
- Bruno had an extension request from Cabot, Palmer North Industrial, requesting an extension on their maintenance agreement until December 31, 2011. On motion by Mitchell, seconded by Panella, and agreed by four, the Board authorized the Chairman to sign the extension request.

#### Township Manager

- Christman said the Board is aware of the issues we've had with the HVAC system at the community center related to rising humidity levels. Christman said he has met with representatives from Brinjac, and they are preparing a proposal to look at the current system to help us identify how to fix the system.
- Christman said the Chemtrol Unit at the pool was struck a second time by lightning. The unit has been repaired and will be installed tomorrow.
- Christman said after the National Plastics fire it became clear that the township should consider a fire inspection program. Christman said he had some meetings with the staff and he will be bringing something back to the Board for consideration in the future.
- Christman said the 2012 budget memo to the department heads has been distributed with a copy to each Board member. Christman said the meeting with the Board members and the department heads is scheduled for 9:00 a.m. on September 8<sup>th</sup>.
- Christman said we received an invitation for an update to the Lehigh Valley Hazardous Mitigation Plan and he and Delmar Grube will be participating and updating the plan. Christman said if we don't participate we would not qualify for federal funding in an emergency.
- Christman had three personnel and one real estate item for executive session.

#### Police Chief

- Chief Fretz said the grant for aggressive driving has been approved for the last quarter of the year. Fretz said he just wished they could move out on Route 22 with all the recent incidents on the highway.
- Chief Fretz said with all the build-up on Route 22 and now he's heard they plan to build next to the existing Acopian complex; trucks come around that bend and their Jake brakes engage. Fretz said he will be looking into a possible Jake brake ordinance. He said the ordinance would need to be submitted to Penndot.

#### Supervisors

- Colver said he attended the TIF hearing at the School District last Thursday night and he said it received approval from the School Board. Colver said now it will go to the Northampton County Finance Committee on September 14 and in October it will go before a public hearing at the county.
- Colver said he would like to give a huge thank you to everyone involved with community weekend; Diane Grube, the Public Works Department, Parks Department,

Police, Fire, Jeff Young and Diane's sister Janice and her daughter Nikki. Colver said there were minor incidents with thousands of people attending. Colver said all-in-all it is a good wholesome community event offering a lot of family fun. Again, special thanks to all.

- Colver said he receives all kinds of Eagle Scout requests over the course of a year. Colver said he's done them in the past for mostly Palmer residents and he attends their celebration and presents them with a proclamation. Colver said recently we've been receiving requests from individuals from all over the area, not just Palmer residents. Colver said for some of these in the past we will give them a proclamation but he didn't attend the celebration event. Colver said he's looking for guidance on how we should handle these requests in the future. Colver said he doesn't mind going to them when they are Palmer residents. Colver said he wished he could go to all of them but it's just not doable. Panella said we should alternate who attends the celebrations. The Board agreed they should be either Palmer residents or from a Palmer Township Troop.
- Panella informed Chief Fretz that when she comes home at 4:30 or 5:00 p.m. the traffic at Park Avenue and Route 248 is horrendous. Panella said more and more people are using the left turning lane at Park Avenue Market and then cutting off the people in the lane to go straight. Fretz said it also happens around noon too.

On motion by Panella, seconded by Mitchell, and agreed by all, the meeting was adjourned at 8:30 p.m. with three personnel and one real estate item for executive session.

Respectfully submitted,

Christopher S. Christman  
Township Manager