

PALMER TOWNSHIP BOARD OF SUPERVISORS
NOVEMBER 18, 2024
7:00 PM
BOARD OF SUPERVISORS GENERAL BUSINESS MEETING

1. PLEDGE TO THE FLAG

2. APPROVALS OF MINUTES AND FUNDS

- A. Approval of Minutes - October 21, 2024
- B. Approval of Minutes - October 23, 2024
- C. Approval of Minutes - October 28, 2024
- D. Disbursement of Funds - November 4
- E. Disbursement of Funds - November 18, 2024

3. REPORTS

Solicitor - Township Manager - Township Engineer - Deputy Director of Planning - Finance Director - Public Services Director - Public Works, Parks and Utilities Director - MS4 Coordinator/Environmental Administrator - Police Chief - Fire Commissioner

- A. Solicitor Oetinger Report - Tax Assessment Appeal 3519 Nazareth Road
- B. November Township Engineer Report

4. OLD BUSINESS

- A. Shade Tree Discussion
- B. MS4 Annual Report Presentation

5. NEW BUSINESS

- A. Maintenance Agreement - St. Jane's Church
- B. Department of Labor and Industry 2025 Solvency Fee Discussion
- C. 2025 No Nonsense Neutering Contract
- D. Suburban EMS Local Share Account (LSA) Grant Request
- E. Supervisor Healthcare Notification Letter

6. PUBLIC COMMENT - Please be considerate and keep your comments to five minutes or less.

7. SUPERVISORS REPORTS

8. ADJOURNMENT

Approval of Minutes - October 21, 2024

INFORMATION

The Board needs to approve/disapprove the minutes of October 21,2024.

ATTACHMENTS:

[BOS Minutes 102124.pdf](#)

PALMER TOWNSHIP BOARD OF SUPERVISORS
GENERAL BUSINESS MEETING
October 21, 2024
7:00 PM

1) PLEDGE TO THE FLAG

The Palmer Township Board of Supervisors held a general business meeting on Monday, October 21, 2024, at 7:00 p.m. in the municipal meeting room. In attendance were: Chair Michael Brett, Supervisors K. Michael Mitchell, Jeffrey Young, and Charles Bellis. Vice Chair Joseph Armato was absent. Also in attendance were: Township Manager, Planning Director, Deputy Planning Director, Finance Director, Project Manager, Director of Public Works/Parks/Utilities, Assistant Zoning/Code Administrator, Police Chief, Fire Commissioner, and the Assistant Township Manager.

2) APPROVALS OF MINUTES AND FUNDS

2.A) Approval of Minutes - October 7, 2024

INFORMATION

The Board needs to approve/disapprove the minutes of October 7, 2024.

Motion: Approve, Moved by Supervisor K. Michael Mitchell, Seconded by Jeffrey Young.
Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

2.B) Disbursement of Funds - October 21, 2024

INFORMATION

The Board needs to approve/disapprove the Disbursement of Funds - October 21, 2024.

Motion: Approve, Moved by Supervisor Charles Bellis III, Seconded by K. Michael Mitchell.
Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

3) REPORTS

3.A) Township Engineer Report

3.B) November Zoning Hearing Board Agenda

INFORMATION

Danny Nicolo will be present to review the November 6th Zoning Hearing Board Agenda.

Williams reported this past Saturday the township experienced a very tragic event. I want to thank all our first responders, police, fire, Suburban EMS, and our partners in Northampton County. Teamwork was very apparent and we got through a very difficult day together. I'd like to extend a heartfelt thank you to Chief Smith, Commissioner Gallagher and Suburban EMS who were there all day. Thank you to everyone involved. It was a tragic event that required professionalism by our first responders and they responded. Chairman Brett said, I was out of town, but I believe you are being humble. The leadership and the staff provided great community support at a horrific incident. Your professionalism makes us proud and we are glad you are serving us.

Kent Baird, Director of Planning, said for the November 12 Planning Commission meeting we have a sketch plan for a care facility, the car wash on Kingston Road, a bank on William Penn Highway, the Brown and Lynch project on Corriere Road, and the Main Street convenience store known as Rutters. The Planning Commission met and discussed revisions to the zoning ordinance and the update to SALDO. Williams said, thank you Kent and Craig. I want to remind you, the Rutters application noting the multi-use trail isn't part of the application, is a no go. Our residents walk Main Street today and it will be an attraction from the businesses in the area. It will link to Sheetz and Wendy's. I want to be clear, deferrals will not work because we are still catching up on deferrals from the past. Our residents like walking and biking and the sidewalks are part of the development and they should go in on day one.

Tyler Lapham, introduced himself to the public as the township's new Project Manager. Lapham reported the tub grinding project started last Thursday. The bridge repair project on the bike path started today. Tub grinding is half way done as of today and there is plenty of mulch available for residents. Bridge A was torn down and Bridge B is halfway. The rail ties under Bridge A were a little more faulty than expected and will need some further consideration on what is needed. Myself and Phil will continue to monitor. Bridge C demo will take place tomorrow.

Strasko said she is here tonight with an issue from a resident on Central Drive. They want to fix a driveway apron and sidewalk. They have a healthy street tree and their contractor wants to remove the tree. I'm looking for direction from the Board. Young asked how do we know cutting the roots on one side of the tree will kill it? Strasko said, it is more than half of the tree. Mitchell said, cut the tree down. Young said then everyone will cut them down. Mitchell suggested our arborist look at it. Brett asked for Strasko's opinion. Strasko said without visiting the site directly, my first recommendation would be to cut the roots on the side of the driveway apron and possibly doing a bump out of the sidewalk. Strasko said, the Shade Tree Commission made recommendations in the past about the bump out of a sidewalk. Brett said, what we do here could set a precedent and I think Paige's recommendation would work well in other communities and I think it's a reasonable solution. Mitchell said what about making them replace the tree further into their yard or with a species that won't uproot the sidewalk. Bellis said, if we let them take it out we should make the resident replace it with an appropriate species. The Board agreed the resident should remove the tree and replace it with an acceptable tree from our list.

Dan Wilusz said Kent already went through the Planning Commission items. We also have another plan on the books for our December meeting. Wilusz then reviewed the construction items that will continue through the winter and the ones that will wrap up for the season. I heard paving is scheduled for the Trolley Line hotel parking lot. Williams said, we need to make sure the Welcome to Palmer Sign on Main Street where you enter from Nazareth gets done right. Their first application was insufficient. It will welcome a lot of people to Palmer Township and it should look nice. We have a bike path, the lines are painted on the parking lot, but I still don't see that welcome sign. Young asked about the Palmer Animal Hospital project. Wilusz said, we haven't received anything yet. Young asked, won't they have to go to Zoning? Beavers said, we have to see what they submit.

Danny Nicolo, Assistant Zoning/Code Administrator reviewed the upcoming November Zoning

Hearing Board agenda that includes a front porch at 1412 Jeffrey Lane. The front porch will be in the setback. There is also 2025 Edgewood Avenue where they are proposing 94 apartments for residential use of a property in a Light Industrial/Mixed Use zoning district. The building is also below the floodway and floodplain and the Fire Commissioner has an issue with not having a fire access road behind the building. Solicitor Oetinger said this Board has already instructed me to oppose the application. Unless you changed your mind, that is my marching order to carry on. The Board agreed.

4) NEW BUSINESS

4.A) 2024 Palmer Township Fire Department Utility Truck Upfitting

INFORMATION

Palmer Township solicited bids from September 24th to October 15th, 2024, for the Palmer Township Fire Department Utility Truck Upfitting. One(1) bid was received.

It is the Public Services Departments recommendation to award the project to the lowest responsive and responsible bidder, 10-75 Emergency Vehicles, for the amount of \$92,393.22.

DISCUSSION

Project Manager, Tyler Lapham, said the utility truck project was approved in the 2021 budget. It took a long time to get manufactured and we took ownership in August. Young asked what it's used for? Lapham said for gear needed at accident scenes. Brett asked about the cost? Lapham said, it is what we expected and what was budgeted. Williams added that this was budgeted during COVID. We waited for over a year for the truck cab and chassis and then it went for the utility upfitting. It will primarily be used for rescue. Williams added, each step was delayed due to COVID due to manufacturing facilities being shut down and then when the federal funding was sent out, many municipalities ordered trucks with their money.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Charles Bellis III. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

4.B) Appointment to the Shade Tree Commission

INFORMATION

Supervisors Bellis and Mitchell interviewed Andrew Melhem and are recommending him for the vacancy on the Shade Tree Commission. Andrew's term will expire December 31, 2025.

Board action is requested.

DISCUSSION

Andrew Melhem introduced himself and said he's lived in Palmer for 25 years and he is excited to be on the Commission and to meet everyone.

Motion: Approve, Moved by Supervisor Michael Brett, Seconded by Charles Bellis III.

Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

4.C) Discussion Regarding Appointment to the Zoning Hearing Board

INFORMATION

Supervisors Mitchell and Bellis have interviewed Brian Cahill and are recommending he be appointed to the Alternate vacancy on the Zoning Hearing Board in a term that will expire December 31, 2026.

Board action is requested.

Motion: Approve, Moved by Supervisor K. Michael Mitchell, Seconded by Jeffrey Young. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

4.D) 2024 Municibid Items for Bidding/Sale

INFORMATION

The staff is recommending the Board move to approve the listing of items for sale on Municibid in accordance with Township policies for surplus asset disposal. Items include: two 2018 Ford Explorer Police Cruisers, 2008 Ford Expedition, Canon Printer K10487, 2007 VT650 Series Vacuum Sweeper, Vista WIFI Body cameras and accessories.

DISCUSSION

Lapham said that we had a backlog of items that needed to go out on Municibid. This is approval of the sales and he reviewed the items to be sold.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by K. Michael Mitchell. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

4.E) St. Janes Church-Improvement Security Reduction

INFORMATION

St. Jane's Church requests a reduction of improvements security associated with the gymnasium and sidewalk land development project on Hartley Avenue. The municipal engineer, Carroll Engineering, conducted inspections and in a letter dated October 17, 2024, recommends the project move into an 18-month maintenance period and that the Board

release \$203,168.50. After the release, \$35,853.26 will remain.

DISCUSSION

Baird reported that the security release was evaluated and approved by the Township Engineer.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Charles Bellis III. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

4.F) Northwood Farms Phase 1 - Maintenance Security Release

INFORMATION

CMC Development Corp. and Tuskes Homes request release from the Northwood Farms Phase 1 Maintenance Period obligations and the remaining improvements security. Carroll Engineering conducted final inspections, reviewed outstanding conditions of street tree maintenance, and now report that Phase 1 is complete. Carroll recommends the release of the final maintenance funds of \$8,640.00.

DISCUSSION

Baird said, as you remember, Tuskes and Northwood Farms agreed to additional time to take care of the trees.

Motion: Approve, Moved by Supervisor Charles Bellis III, Seconded by K. Michael Mitchell. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

4.G) Northwood Farms Phase 2-Maintenance Security Release

INFORMATION

CMC Development Corp. and Tuskes Homes request release from the Northwood Farms Phase 2 Maintenance Period obligations and the remaining improvements security. Carroll Engineering conducted final inspections, reviewed outstanding conditions of street tree maintenance, and now report that Phase 2 is complete. Carroll recommends the release of the final maintenance funds of \$4,410.00.

Motion: Approve, Moved by Supervisor Charles Bellis III, Seconded by Jeffrey Young. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

6) PUBLIC COMMENT - Please be considerate and keep your comments to five minutes or less.

Brett said I'd like to move public comment up before we get into old business, since we have a lengthy hearing. Please know this is the time for public comment, we won't be doing this at the end of the remaining agenda items.

Harry Graack, 1380 Van Buren Road, said traffic is a nightmare between the Corriere Road splits and we are getting garbage dumped. Palmer View now has sidewalks and the trees were ripped out for the sidewalk project. Will they be replaced. Assistant Planning Director, Craig Beavers, said it is deferred and still outstanding. Graack said it leaves things wide open to get to my sewer easement. My other question is related to the Tuskes Wolf's Run project. November 9 was the date where road improvements or a bridge should have been done. Oetinger said, this is in litigation. You can speak to it, but the Board can't answer questions. Graack said, my concern is I see large deposits of top soil and rocks. It's a floodplain. There is a construction road and I don't know when the Phase 1 and 2 townhouse project will be completed. It is my understanding that the area will be returned to farmland. It behooves us to return it to farmland and there is a sales office there now that can be there until everything is sold and that wasn't on the original plan. I have these concerns about the Tuskes project. I hear the tree stuff being discussed. There are a lot of trees that were ripped out for Wolf's Run Phase 1 and 2. Are enough trees being put back to offset what was taken out. I'm concerned when they get cut down and don't get replaced. My pet peeve on Van Buren Road is the speed. When are we going to come to grips with the speeding? I don't think the engineering is right on south Corriere. The intersection remains a problem.

5) OLD BUSINESS

5.A) 2025 Revised Police Pension Minimum Municipal Obligation (MMO)

INFORMATION

The Board was presented the 2025 Police MMO on September 16, 2024. An error was found in the calculation and has been revised. This agenda item is notification of the 2025 MMO amount of \$754,091, and no action is required.

DISCUSSION

Brett read the information provided and noted it was for information purposes only. No action is required.

5.B) 1492 Van Buren Rd - Manufactured Home Park (Villages at Palmer) - Curative Amendment

INFORMATION

Exchange 12 LLC challenges the substantive validity of the Palmer Township Zoning Ordinance with a proposed curative amendment to address an alleged deficiency for the allowance of mobile home parks. The challenge and curative amendment were filed by Exchange 12, LLC pursuant to Section 609.1 and 916.1(a)(2) of the Municipalities Planning Code. The subject property of the application is 1492 Van Buren Road.

At their March 12, 2024 meeting, the Palmer Township Planning Commission recommended denial of the proposed curative amendment.

At their March 28, 2024 meeting, the Lehigh Valley Planning Commission found that the substantial challenge lacks merit, and the curative amendment is technically deficient.

This is a continuation of the June 17, July 15, and August 19 hearings.

DISCUSSION

Solicitor Oetinger said we will continue the hearing for 1492 Van Buren Road. I believe we are in the middle of cross-examination of Mr. Schmehl and the hearing will be stenographically recorded.

Bagley said in looking at the exhibits versus what is listed in the transcripts, there is not an A-7 or A-8. VanLuvanee said they have not been introduced yet. Bagley continued questioning Mr. Schmehl regarding Section 190-922 and 190-302H. Bagley read sections of the ordinance aloud and asked if it isn't the power of the township to make a decision whether a mobile home park is a similar and compatible use in a zoning district. VanLuvanee objected and Oetinger agreed with the objection. Schmehl then read a section of the ordinance noting when it is required to go before the Zoning Hearing Board and he stated it is subjective. Bagley went on to talk about uses in other areas in the township and asked questions about different districts. VanLuvanee said these questions are not planning questions. He noted it states the township but it doesn't tell you whether the township is the Board of Supervisors or the Zoning Hearing Board. There was discussion whether there is a more appropriate district for mobile home parks. Bagley went on to ask if the challenger ever requested a zoning amendment for the subject property. Schmehl said he submitted a letter for changes to the draft zoning ordinance. Bagley asked if the draft zoning ordinance was pending when you attended a meeting at the township? Schmehl said he believes he attended a regular supervisors meeting in 2022. Bagley asked, did you ask for the zoning to remain the same for 1492 Van Buren Road? Schmehl said we submitted a letter asking to allow a four story apartment building. I don't remember anything about a district discussion. Bagley asked, did you discuss mobile home parks prior to adoption of the new ordinance? Schmehl said, no. At that time my client wasn't thinking of a mobile home park. Bagley said, previously you said you drafted the 1994 township ordinance. Schmehl said, our firm was the consultant and I was writing the text, as well as for the ordinance that preceded that. Bagley reviewed the 1994 ordinance and questioned Schmehl on variance sections about what was allowed and not allowed. Bagley entered Exhibit 0-16 – Section 190-47 thru 190-51 of 1994 zoning ordinance. Bagley went on to reviewed various sections of the 1994 zoning ordinance with Mr. Schmehl to include the section covering special exceptions that was in Exhibit A-5. There were no further questions and Attorney VanLuvanee had no further witnesses.

Bagley read his opening argument to the Board and referenced previous court cases regarding uses. Bagley said, ordinarily I would ask you to dismiss this case now but I will ask you to wait patiently for Mr. Babbitt and a couple other witnesses that I may be calling. He asked the Board to keep your minds open and remain patient.

David Babbitt was sworn in by the Court Stenographer and after reviewing his Curriculum Vitae and discussion he was accepted as an expert witness in land use and planning. His CV was entered as Exhibit O-17. Bagley asked Babbitt what a substantive validity challenge was. Babbitt said, a challenge of the zoning ordinance and he explained it is permitted in the Municipal Planning Code for landowners to file these challenges. Babbitt said, it is similar to a curative amendment. A validity challenge goes before the Zoning Hearing Board and a Curative goes before the Board of Supervisors. He went on to discuss further differences. Bagley entered Exhibit O-18 - a list of curative amendments and validity challenges Mr. Babbitt has worked on. Babbitt went on to discuss the difference between de jure and de facto cases. Babbitt said that he is familiar with the ordinance, parcel and that he drove by the property. Babbitt went on to define mobile home parks in the township as noted in Exhibit O-8 . He reviewed Exhibit O-5 - section 405 of the ordinance regarding high density residential districts. Babbitt talked about section 922 and said it does not note it is impossible to have a mobile home park. There was discussion regarding arterial streets and then they went on to discuss traffic and environmental impacts. Babbitt said there would be

no impact with a mobile home park. Bagley asked who would decide the impact of these. Babbitt said, the Zoning Hearing Board. Babbitt said that his interpretation is they would be permitted by this ordinance and he referenced sections 190-403, 190-404, and 190-406, all regarding special exception uses in different zoning districts. Babbitt said, in his opinion mobile home parks are permitted in Palmer Township and he referenced sections 190-922 and 190-302. He stated this is a catchall provision and they are put into ordinances to protect from a charge of excusatory challenges. Babbitt added, it is his opinion that mobile homes are single family homes, detached on individual lots and they are residential uses like all others in residential districts. Babbitt said he disagrees with Mr. Schmehl's opinion. He believes they are permitted. It is a residential use, a detached dwelling type, and is a medium density or slightly less dwelling type similar to small lot singles. It is not as if the ordinance would be permitting an oil refinery in a residential district.

Bagley asked if Mr. Babbitt was familiar with the Highlands of Glenmoor that has twin units and some single family homes along with two community centers. Babbitt said he was. Bagley went on to reference the similarities between this community and the proposed mobile home parks. He reviewed Exhibit A-3 that shows the community sign proposed for the mobile home park, stating it is similar to the signage at the Highlands.

Babbitt went on to explain a document he prepared, Exhibit O-19, that show properties he believes are developable for mobile home parks in Palmer Township. He went on to explain the properties lot sizes, access to public sewers, and access to roads and he talked about the Eastern Overlay District. Babbitt said, when you do a word search in the eCode 360 on the Township Website there are three references for the term mobile home park and 21 references to mobile homes that come up. He went on to review the Municipal Planning Code Mr. Schmehl referenced and he said it is his opinion the township ordinance permits mobile home parks.

VanLuvanee deferred cross examination tonight to allow him to research sections of the ordinance. Oetinger confirmed with everyone that the next hearing date could be November 18. VanLuvanee said he would agree to November 18 and if necessary he would agree to allow until the end of January for the Memorandum of Law.

Supervisor Young made a motion to close the hearing and to continue on November 18, 2024.

Motion: Table, Moved by Supervisor Jeffrey Young, Seconded by Michael Brett. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

7) SUPERVISORS REPORTS

Bellis said that he attended the Recreation Board meeting the other night and there was concern that the Athletic Association (AA) now has a township liaison and the Recreation Board doesn't. Brett said that he discussed with Cheryl Nielson that she should come to a Board of Supervisors meeting monthly to report to us collectively. Young said, we don't have a liaison to the Athletic Association. They are their own entity. Brett said he will send out an invitation to Cheryl for here to come to us next month prior to their meeting. Bellis said to Chairman Brett, the Athletic Association and the Recreation Board think you are liaison to both. Brett said there is no liaison to the AA.

Bellis said, the Memorandum of Understanding (MOU) came up at the Recreation Board meeting as well. They tabled it. Bellis said he recommended they contact Chairman Brett and get a workshop meeting together with two Board of Supervisors members, two Recreation Board members and two Athletic Association members. They can iron out the items and get it moving. Brett said, the MOU is pretty tight now, but a few things need to be tightened up.

8) ADJOURNMENT

Motion: Adjourn, Moved by Supervisor Jeffrey Young, Seconded by Michael Brett. Passed. 4-0.

Supervisors voting Ayes: Michael Brett, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Supervisors Absent: Joseph Armato

Approval of Minutes - October 23, 2024

INFORMATION

The Board needs to approve/disapprove the minutes of October 23, 2024.

ATTACHMENTS:

[BOS Minutes 102324.pdf](#)

PALMER TOWNSHIP BOARD OF SUPERVISORS
GENERAL BUSINESS MEETING
October 23, 2024
8:45 AM

1) PLEDGE TO THE FLAG

The Palmer Township Board of Supervisors held a budget hearing on Wednesday, October 23, 2024, at 12:00 p.m. at the Palmer Township Municipal Training Room. In attendance were: Chair Michael Brett, Supervisors K. Michael Mitchell, Jeffrey Young and Charles Bellis. Vice-Chair Joseph Armato was absent. The following were in attendance from the township staff: Township Manager, Finance Director, Deputy Director of Human Resources, Deputy Director of Finance, Director of Public Works/Parks/Utilities, Director of Public Services, Project Manager, Building Code Official, Planning Director, Deputy Director of Planning, Fire Administrator, Fire Battalion Chief, Police Captains, Director of Parks and Recreation, and the Assistant Township Manager.

2) NEW BUSINESS

2.A) 2025 Budget Discussion

Township Manager, Bob Williams, reviewed the 2025 budget schedule and upcoming budget dates. He went on to review last year's budget meeting agenda and noted, as you will see, most of the items listed have been checked off as accomplished items. We continue to complete infrastructure bond projects and work on completing grant funded projects. Looking forward to 2025 and further, we need funding for the two approved fire trucks. The north end bonds will be completed in January and we will begin to get the other 80% revenue from the north end. We've been deficit spending for the past couple of years. We need to get our funding restored to operational levels and fund development for the Police Department. In 2024 we nearly completed the Youth Center building. We need to address a COLA request from retirees. Mitchell said, when the pension plan is fully funded to accommodate a COLA increase, we can consider it. Brett said, we talked about possibly extending the NIDMA for the north end but found out we can't do that with the existing NIDMA. We may need to create a new one and then they can support their own entity. Setting it up can take a lot of time and can be expensive to get going. Young asked, would it be effective for the current owners or only apply to future property owners? Brett said, it would be for current and future property owners. Brett said, it is another tax overlay.

Williams noted the millage rate in Palmer hasn't increased since 2017. Since that time the COLA increased 25.8%. Farley said, the 2024 budget continues deficit spending. We are spending our reserve cash to meet our budget. We've been doing this for the past six or seven years. Farley gave an overview of the beginning balances and ending balances over the past five years and stated we are still trending downwards. He explained the township has about \$2 million in our restricted funds and that money can't be used for general fund items. We will be receiving \$1.8 million from the Stormwater Authority for costs we incurred in 2023. Some of Scott's expenses are also being charged to the Stormwater Authority. As Bob mentioned, going into 2025 the NIDMA will be done and we will receive the additional 80% which equals about \$800,000. Young said, I thought it was going to be over \$1 million coming in once the bond was paid off. DeGerolamo said, that was the projected number at total buildout of the north end. Farley said, there will be some interim billing as things get developed. Farley said those are the pluses. On a negative side, when I first started here we weren't aggressively enforcing our codes and today they are out there

managing issues every day. We've stepped up sign enforcement and that all costs money. We also added our tree initiatives. These are all newer things that cost extra. As I said, this year we are continuing to deficit spend. We need to look at increasing revenues. We went for eight years with no tax increase and none of our expenses have gone down. Young said, we should be raising taxes with the inflation rate. I understand we have one of the highest millage rates in the valley and we also have an older population. The township loses earned income revenue from the retired residents. Young asked Farley, what do you project we will lose by the end of this year? Farley predicted another \$1.5 to \$2 million of deficit spending this year. Farley said, 1 mill is about \$800,000. We've done a great job in completing a lot of successful projects like the tree program, increased code enforcement; but as we see over time, it's costing us.

DeGerolamo added, the last budget I prepared back in 2021 we ate into the deficit to the tune of \$2 million. We still haven't increased our revenue stream to stop spending our deficit. We were fortunate to have a reserve to keep us afloat to date, but as Jim predicted, we anticipate another \$2 million deficit spending this year. That will leave us at a critical level of reserves. DeGerolamo also noted, we have a lot of new employees that have joined us over the past few years. It's important that everyone think about their spending as the year goes on. If each department overspends line items, those numbers add up quickly across the township budget and it is contributing to our deficit spending.

Director of Public Works/Parks/Utilities, Scott Kistler, said Bob Williams has given me direction to take all Liquid Fuels money moving forward and put it towards asphalt. Kistler said, it is big ask. We need to put together a paving program that accomplishes 1/20th of our roads each year. We have 100 miles of township road with a life span of 20 years. That tells us we should be paving five miles of road annually. The township had this program in place until 2008. It was a combination of liquid fuels funding and general funds for a total of \$1.2 million. Then we had the fall in the market and the township suffered as the entire country did. We had a huge deficit in the budget so we took some general fund expenses and shifted them to liquid fuels for salt, blacktop, equipment, and paying electric bills. They are all items allowed to be paid by liquid fuels. That system was successful, but after the gradual market recovery we never made a change. We never found a way to bring that \$1.2 million back to the general fund. We didn't pave a street for 12 years. Bob has now tasked me with taking all that out of the liquid fuels budget. We now need \$2.4 million a year to be able to pave those five miles. We have a road equipment fund that was part of the the successful plan for the roll over of equipment. This takes the road equipment fund into deficit spending. All has been moved back to the general fund for 2025.

Kistler added public works didn't request any new equipment in 2024. In 2025 we are asking to replace a 21 year old service truck. We also now have to take into consideration, if we order a truck in 2025, it no longer arrives that year, so we have to approve items that we won't need to budget until the following year. We are now having to think out two to three years. I need the Board to make a dollar commitment for two to three years ahead.

The parks department is requesting a mower for \$175,000 and there is an 18-month wait on that delivery. That is difficult to do. I am requesting \$184,000 for parks capital equipment replacement. It includes park mowers and trucks that are 20 to 23 years old. In addition to the new items I have \$180,000 needed in previously committed leases and loans. Improvements are going to be needed to the surface of the football field. If we don't do anything in a year or two it will be back to dirt. That repair costs \$232,000. Kistler went on to explain options available to fix the well pump for the field at the community center.

Kistler said, on the sewer side there are no new requests, but we do have obligations to pay previous loans and leases. Kistler said, moving forward in our sewer department, the DEP

mandated we take a deep dive into our sewer system. Their requirements are costing us more because we are now finding issues in the system. We are lining eight miles of pipe a year and that equals \$2 million. Mitchell said, we have to look at raising sewer fees. Kistler said, we are working on a rate study now that will take all that into consideration. We are also looking to eliminate some pump stations and extending sewer services where we don't have public sewer. We have an obligation to get those residents sewers. Brett asked, do you approach the sewers like the roads? Kistler said, DEP sets the mandates that require us to do 1/7th of the sewers each year. I'm hoping once we get through the entire township and catchup it should balance out. Mitchell said, we should raise the rates before it's too late. Kistler said that he can't predict an increase without doing a rate study. I will know the study results by mid 2025. Bellis asked how many residents aren't hooked up to public sewer? Kistler said about eight properties. The Norma Street project has 26 properties that we are getting underway. Kistler went on to explain the process of eliminating some pump stations.

Police Captain, Vasa Faasuamalie, said we are asking for three new officers and two vehicles in next years budget. We haven't increased our staff since 2012. I know you've heard previously we should have 2.4 officers per 1,000 residents. We currently have 35 officers and our 2022 population was over 22,000. That equates to needing about 50 officers. Bethlehem Township has 38 officers and are adding four more. The FBI statistics are based on crimes reported to them and they provide the rates per population. That rate is nationwide, but also broken out for the northeast which is at 3.6 officers, which would mean we need 80 officers. Bellis asked if the three officers bring us to minimal staffing? Vasa said, no. Mitchell asked if it will put more cars on the roads. Police Captain, Jeff Karp, said we are looking at shift adjustments and looking at possibly adding a shift from noon to midnight. If we have two on the road and tag shift with a noon to midnight shift, it would give us seven officers on the road during our busiest hours. For comparison, Bethlehem Township had 13,000 calls last year and we are at 12,500.

Fire Commissioner, Steve Gallagher, said the rescue truck will be coming in the end of next year at a cost of \$1.9 million. We signed that contract in 2022. In 2026 or earlier 2027 the ladder truck will be delivered. We also need to replace our radio systems. County will allow us time to move over to the new radios, but they cost \$10,000 a piece. I'm looking to purchase six a year. We did apply for a grant in 2024, but it wasn't approved. Young said, we used Dave Schwartz with Firehouse Grants at Suburban for a grant and he got us 51 radios. Gallagher added it is an 80% / 20% grant. Gallagher said we scheduled to replace the 2013 utility truck next year and we need to increase the incentive program. The incentive program was started in 2008 and has never increased. Other departments are paying up to \$14 per hour. East Allen pays per call and gets tax reductions. We will start losing firefighters if we don't change. Young said, that is a paid department and why Emmaus got into trouble. Gallagher said, Emmaus got into trouble because they were scheduling shifts. He went on to explain the current incentive program for Supervisor Bellis. Young said, if that is the route we are going to take, we won't be able to afford getting \$2 million fire trucks and the replacement schedule will need to slow down. I think Palmer puts a lot into our Fire Department. Gallagher said he agrees. Young said, you are providing mutual aid and getting nothing in return for it. It's not mandatory for Fire Departments to provide mutual aid. Mitchell asked about delivery of the new trucks? Gallagher said, the warranties don't go into effect until date of delivery. Bellis said, I think we need to try to figure out a way to compensate these guys. I am concerned about a paid fire department because that would cost us \$6 million that we don't have. Gallagher said, as long as we don't pay them 20% more than the cost of a full time firefighter, the volunteer status remains if they are not receiving \$20,000 or more.

Director of Recreation, Dan McKinney, said they are asking to replace one floor in the community center for \$25,000 and \$10,000 to replace soccer goals. McKinney asked the

Board, how you want us to handle the youth center? We've included a part time hire but the rest is a moving target. Bellis asked if the community center roof was solid. McKinney said, Phil did a tremendous job and he rectified the roof issues. Godbout said, a replacement is necessary in the future, but it isn't as critical now. We can wait possibly two to three years. McKinney said that the people Phil brought in improved the situation 100%. Godbout said, we were able to stop the leaking that was occurring since 2009. There is cumulative damages and we won't be replacing it with a single membrane. The estimated is \$560,000. Bellis asked if McKinney had any suggestions for the youth center. McKinney said the youth center is being used now and it will mostly be used by the Athletic Association (AA). This building created other rental rooms that we already have at the community center. If the Board sees us allowing beer and wine in the building, there may be a bigger use there. Program possibilities are based on what the Board wants to allow in the building. McKinney said I don't think you need to make a decision today. Bellis said, I'd like to see bingo in there and they won't need wine. Bellis said, the AA uses the down stairs now. Can we ask them to clean the building instead of the township? Young said, that building has to be accessible for LVHN to use on a quarterly basis, per contract. McKinney said, as Administrator, I don't know the details of the LVHN contract.

Planning Director, Kent Baird, said the planning department loves helping fire, public works and police in any way we can in helping with grant writing. The Board asked me to look at our SALDO and we would like to earmark \$30,000 to hire a consultant for that process in 2025. We also have \$40,000 budgeted to go toward the Northwood Avenue building. We need site analysis and environmental studies. We have \$20,000 for grant writing services if we get to that point for the police station.

Public Services Director, Phil Godbout, said security camera network migration is budgeted at \$125,000. We currently have 12 sites that don't talk to each other. We interviewed several companies to bring us into a unified system. Mitchell asked where is it going to be monitored? Godbout said at the police department. Godbout said, the pool building needs windows and doors updated to keep it secured at a cost of \$45,000 and radar speed signs have been added for \$35,000.

Assistant Township Manager, Brenda DeGerolamo said there are no capital items budgeted under administration for 2025.

Williams said, we need to discuss funding for the fire trucks. Mitchell asked about the cost. Williams said payment would be around \$200,000 a year. Mitchell asked about a fire tax. Williams said a half mill would cover it. Young said you keep talking bonding but you should also consider loans. Williams said, we aren't doing a bond for the fire trucks. If the Board approves, we can collect a fire tax and we will research financial opportunities. We've already met with bond counsel and we have their numbers and Jim has met with Embassy and Fulton Banks and he has those numbers. In the meantime, we need a funding source. Mitchell said he believes the fire tax is the way to go. Bellis said, that funding will just be for fire trucks. Williams said, the township can do whatever it wants within the fire budget. Bellis said, the EMS tax went over with little resistance, because I think when they see where it is going it isn't as bad. Brett said, one thing we did well with the EMS tax, we did public outreach and I believe that is why it was accepted. The stormwater fee we may have been able to do differently. Young said, when the bills went out per household for the fire tax, the numbers weren't that bad. Williams said that he doesn't believe a real estate tax is needed. Gallagher added, the maximum allowed for a fire tax is 3 mills. Farley said .25 is equal to \$180,000. Bellis said I think we take a tax increase now at half a mill and the trucks won't land until the end of 2025. Then in 2026 we add the fire tax. Sitting here for seven years without a tax increase was ridiculous. Inflation always goes up. Bellis recommended we do a real estate tax increase of .25 mill and then in 2026 add the fire tax. Farley said, if

the truck doesn't show up to the end of 2025, I can work with the bank to have our first loan payment due in early 2026. Young said if we take the 25.8 inflation increase it would be less than .25 mils. It will be a very small amount. Young suggested a .25 tax increase for the general fund and a .25 fire tax. Kistler said, Bellis suggested 1 mill. Why not put .75 in the general fund and .25 for the fire tax. After a brief discussion, the Board agreed to .75 real estate tax and .25 fire tax and Williams confirmed and stated it will be added to the budget presented to the Board.

The meeting was adjourned at 1:48 p.m.

Respectfully submitted,

Brenda DeGerolamo
Assistant Township Manager

Approval of Minutes - October 28, 2024

INFORMATION

The Board needs to approve/disapprove the minutes of October 28, 2024.

ATTACHMENTS:

[BOS Minutes 102824.pdf](#)

PALMER TOWNSHIP BOARD OF SUPERVISORS
GENERAL BUSINESS MEETING
October 28, 2024
9:45 AM

1) PLEDGE TO THE FLAG

The Palmer Township Board of Supervisors held a general business meeting on Monday, October 28, 2024, at 7:00 p.m. in the municipal meeting room. The following were in attendance: Chair Michael Brett, Vice Chair Joseph Armato, Supervisors K. Michael Mitchell, Jeffrey Young and Charles Bellis. Also in attendance were: Township Manager, Township Solicitor, Township Engineer, Planning Director, Deputy Planning Director, Finance Director, Director of Public Works/Parks/Utilities, Police Chief, Fire Commissioner and the Assistant Township Manager.

2) APPROVALS OF MINUTES AND FUNDS

2.A) Disbursement of Funds

INFORMATION

The Board needs to approve/disapprove the Disbursement of Funds - October 28, 2024.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by K. Michael Mitchell. Passed. 5-0.

Supervisors voting Ayes: Michael Brett, Joseph Armato, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

3) REPORTS

Williams said we had a busy weekend and Palmer Pride was on full display. I will let Supervisor Bellis report on the events during his report. Williams said, we currently have three scheduled Board of Supervisors meetings a month. As we prepare for 2025 and getting our legal notices prepared, we want to ask the Board for authorization to advertise our 2025 meetings for the first and third Mondays of the month to conduct township business. When we would have a conditional use hearing or any other Planning related hearings, we could schedule them for either the second or fourth Monday. We could include it as part of the planning application process. I individually spoke to most of the Board members individually, and am asking for your input tonight. Young said, I'm planning on not being around for the second Monday of the month. Williams said, then our option would be the fourth Monday. Oetinger confirmed those dates work. Bellis confirmed, you are saying developers could pick either the second or fourth Monday to hold their meetings and then that would be the only thing on the agenda. Williams said, the developers don't have the option, you as the Board of Supervisors have the option of when to schedule a meeting. Bellis said, but it would be the only thing on that agenda? Williams said, absolutely. It would give the applicant more time without other general business being conducted. The Board agreed to advertise the Board of Supervisor meetings for 2025 for the first and third Monday of the month.

Wilusz said, we've been very busy with the SALDO review and construction projects are still rocking and rolling. Young asked for an update on the Kingwood Street project. Baird said, that is a stormwater project. Williams said, the low bidder was reviewed by HRG and we didn't know at the time they had minimum manning equipment. The first issue we had they closed the bike path. Then

they hit rock and needed a new drill bit. It's been a challenging small project with a low bid contractor. It's an example of government being inefficient and not effective. Bob Blanchfield, Scott Kistler and his team are checking the project every day. They will be coming back in the spring to complete the top coat. I can assure you, we will not see this contractor back in Palmer Township. Kistler said, the issue with the contractor is their quality of work and they don't have enough people on the job. I've had my staff inspecting and HRG has had one on a daily basis. We have four men trying to keep this contractor in line. Their workmanship is poor. Young asked about the paving? Kistler said, everything behind the curbs, sidewalk, driveways and yards will be completed and the township will have a base course on the road this fall. Then the utilities will be winterized so nothing is damaged during winter snow plowing and in the spring they will do any touch-up work in the yards and then put the top course on. Next May it should be 100% wrapped up. Bellis said I see curbing going in and there are areas where the curb isn't flat. Kistler said, HRG designed this project and it was not within our normal township curbing requirements. The inlets had to be set high and the curbing had to be raised. I raised that question a month ago and asked to have it changed and they said it was too late to change. Williams added, HRG said the standards used are what most townships use within the Commonwealth. Scott and I discussed this and we met with HRG. It will turn out okay, but it will not be to Palmer Township standards. We let George White know what our standards are for future projects. Young asked about our next project? Kistler said it will be Old Nazareth Road. Kistler said, he has a meeting schedule tomorrow with Bob Blanchfield and we meet with HRG mid-month. Internally we are talking about having a conversation with Carroll Engineering to handle construction observation on these projects. We have some concern with HRG on-site for physical construction. We are not seeing the level of expertise we expect. Mitchell said, if they only put in a four inch curb now you won't be able to resurface the road next time. Kistler explained how they intend to correct it. Young said that he was here when the houses were built going up Nazareth Road and there was a huge stormwater problem for them in their yards. We need to accommodate them so that they don't get washed out in their backyards. Kistler said, the project is only work being done in the street. Young said, the curbs can't be built to put water in their yards. Young asked about the length of time of that project. Kistler said it will start the summer of 2025 and will be done in the fall of 2025. It is a phased project.

Kistler informed the Board they have another emergency sanitary sewer repair on Tatamy Road. During our video inspection we found two breaks in a different area on Tatamy Road. All residents have been notified and the township staff was made aware in the municipal building in case they get calls from residents. Williams said, we are aggressively going after our sanitation infrastructure. We are a little surprised of the breaks we are finding, but we had years where we weren't doing routine maintenance. Kistler said this process was put in motion by DEP. We have to inspect 100% of our system every seven years and we have areas that haven't been looked at. We had to step up our game. Kistler said, years ago we didn't look at maintenance only if an issue showed up in the sewers. Williams said, we've changed our philosophy over the past six years.

Baird said, thank you to Bob and Scott. Planning attends stormwater meetings but we stay in our lane. It is nice to hear about Carroll Engineering maybe getting pulled in. I talked about Justin Stottlar for six months about how he pays attention to detail. Our next Planning Commission meeting is November 12th and we might be talking about Rutters, banks, and car washes. The agenda is not set yet. Baird said, later on tonight's agenda Craig will talk about a grant for updating our SALDO. That's our initiative in 2025.

Farley said, we are full steam ahead on preparing the 2025 budget. I'd like to thank the Board for your guidance at our previous budget meeting.

4) OLD BUSINESS

4.A) Authorize Resolution Accepting Deed of Dedication from 2925 William Penn Highway Associates (Greenwood/Hartley Intersection)

INFORMATION

2925 William Penn Highway Associates has offered dedication of right-of-way to Palmer Township to be used in the construction of the signalized intersection at Greenwood and Hartley Avenues. The offer of dedication comes as the result of negotiations between Metropolitan Group and Chrin Real Estate Trust. If accepted, the Township will then convey the right-of-way to the Pennsylvania Department of Transportation.

DISCUSSION

Brett said the next three items can be reviewed as one with one motion. Oetinger said, the Liiro property also includes a traffic signal easement. Supervisor Mitchell made motion to approve the three deeds and resolutions and traffic signal easement.

Motion: Approve, Moved by Supervisor K. Michael Mitchell, Seconded by Charles Bellis III. Passed. 5-0.

Supervisors voting Ayes: Michael Brett, Joseph Armato, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

- 4.B) Authorize Resolution Accepting Deed of Dedication from Chrin Greenwood Realty, LLC (Greenwood/Hartley Intersection)

INFORMATION

Chrin Greenwood Realty, LLC has offered dedication of right-of-way to Palmer Township to be used in the construction of the signalized intersection at Greenwood and Hartley Avenues. Again, this offer of dedication comes as the result of negotiations between Metropolitan Group and Chrin Real Estate Trust. If accepted, the Township will then convey the right-of-way to the Pennsylvania Department of Transportation.

Motion included under item 4A.

- 4.C) Authorize Resolution Accepting Deed of Dedication from Robert Liiro and Tammy Liiro (Greenwood/Hartley Intersection)

INFORMATION

Robert and Tammy Liiro have offered dedication of right-of-way and a traffic signal easement to Palmer Township to be used in the construction of the signalized intersection at Greenwood and Hartley Avenues. The offer of dedication comes as the result of negotiations between Metropolitan Group and the Liiros. If accepted, the Township will then convey the right-of-way to the Pennsylvania Department of Transportation.

Motion included under item 4A.

5) NEW BUSINESS

- 5.A) MAP Grant Application Resolution - SALDO Update

INFORMATION

Palmer Township seeks additional funding to complete a comprehensive rewrite of the Subdivision and Land Development Ordinance, last updated in 1994.

Board action is requested.

DISCUSSION

Beavers said this is a resolution for an application to DCED to apply for grant funding to assist with our SALDO update. Young asked, when will the funds arrive? Beavers said, around March 2025. Beavers said, whatever funding we get in the budget we would use to start the process. He added it is a revolving application so as soon as it is submitted, they will review. It has been 30 years since a total SALDO rewrite.

Motion: Approve, Moved by Supervisor Michael Brett, Seconded by K. Michael Mitchell. Passed. 5-0.

Supervisors voting Ayes: Michael Brett, Joseph Armato, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

6) PUBLIC COMMENT - Please be considerate and keep your comments to five minutes or less.

Ruthann Cardell, 379 Stones Crossing Road, said with the dedication of the land on Hartley, did they decide where the traffic light is going? Brett said it is consistent with the plans that were approved. Williams said, the traffic light will be on the corner. Cardell said, there was an issue with what side of Hartley. Young said, the west side.

Oetinger said, Gia Raffaelli, Attorney for Metropolitan, is in attendance. Raffaelli said that they entered into a contract with Chrin of Delaware who will be doing the construction. The placement is at the intersection and we have easements on both sides. It will be where it was shown on the plan. Raffaelli said none of the PennDOT plans have changed. Mitchell asked when they will be starting. Raffaelli said, as soon as possible. We needed these resolutions. She said, tomorrow we will record these deeds and get it over to Langan Engineering. There will be a right-of-way review with PennDOT and we anticipate that taking up to 60 days. Vertek Construction cleared the trees and Chrin is working on electrical pole relocations with the utility companies. We are eager to get it done, as well as Chrin.

Shannon Wisniewski, Vice Chair of the Township Shade Tree Commission, said she wanted to congratulate and thank all involved in the mass effort of planting trees over the past week. They look great. With larger trees planted they will grow quicker and in five to six years they will be substantial. Brett added, they do look great and he thanked Scott Kistler.

7) SUPERVISORS REPORTS

Bellis said, Palmer Township, as usual, did a number one job with the yard sale and craft show two weeks ago at the community center. It was outstanding and very well organized. The Open House at the Fire Department was a wonderful event. This past weekend we had two days of Trick-or-Treat events. The trail at the community center on Saturday was an excellent event and yesterday the Trick-or-Treat at the Miracle League was excellent. The attention to detail at the Miracle League amazes me. Kudos to everyone involved. I'd like to thank Chief Smith and Sgt. Unangst who were at all of those events and Sgt. Unangst represented Palmer Township well. Thank you to everyone involved.

Armato thanked everyone for the notes, texts, and emails while he was out. It was very much appreciated.

8) ADJOURNMENT

The meeting was adjourned at 7:38 p.m.

Motion: Adjourn, Moved by Supervisor K. Michael Mitchell, Seconded by Joseph Armato. Passed. 5-0.

Supervisors voting Ayes: Michael Brett, Joseph Armato, K. Michael Mitchell, Jeffrey Young, Charles Bellis III

Disbursement of Funds - November 4

INFORMATION

The Board needs to approve/disapprove the Disbursement of Funds - November 4, 2024.

ATTACHMENTS:

[Check Register - November 4, 2024.pdf](#)

Report Criteria:

Report type: Summary

Vendor.Name = {<-} "BMO Harris MasterCard"

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount
11/24	11/04/2024	2216	3953	American Rock Salt Company LLC	40,266.95
11/24	11/04/2024	2217	347	Highway Materials Inc	476.31
11/24	11/04/2024	50324	4578	Allstate Septic Systems LLP	85.00
11/24	11/04/2024	50325	4116	Amazon	64.55
11/24	11/04/2024	50326	4363	Automotive Lift Specialist Inc	580.00
11/24	11/04/2024	50327	2365	Brown Daub Chevrolet	135.57
11/24	11/04/2024	50328	203	Chrin Hauling	310.37
11/24	11/04/2024	50329	4879	Christine Buttillo	480.00
11/24	11/04/2024	50330	207	Cintas	847.18
11/24	11/04/2024	50331	208	Cintas Corp	560.56
11/24	11/04/2024	50332	3750	CMT Services Group	7,452.50
11/24	11/04/2024	50333	240	Dallas Data Systems Inc	39,468.00
11/24	11/04/2024	50334	6097	David C Babbitt & Associates LLC	4,860.00
11/24	11/04/2024	50335	252	Delaware Electric Inc	1,201.23
11/24	11/04/2024	50336	278	Easton Suburban Water Authority	855.72
11/24	11/04/2024	50337	4100	Fitness By August	589.00
11/24	11/04/2024	50338	115	Fraser Advanced Information Systems	244.89
11/24	11/04/2024	50339	4453	Golden Equipment Co Inc	1,179.13
11/24	11/04/2024	50340	991	Green Acres	5,969.99
11/24	11/04/2024	50341	330	Green Pond Nursery Inc	2,021.00
11/24	11/04/2024	50342	4636	H&K Group Inc	36,626.86
11/24	11/04/2024	50343	5931	Jules Miknyoczki	48.25
11/24	11/04/2024	50344	4163	Lisa Gudzinias	288.00
11/24	11/04/2024	50345	6000	McCrometer Inc	30,500.00
11/24	11/04/2024	50346	420	Met-Ed	3,209.01
11/24	11/04/2024	50347	4779	Northampton County Seed Co Inc	658.02
11/24	11/04/2024	50348	451	Northern Nurseries Inc	5,148.00
11/24	11/04/2024	50349	3230	ORE Inc	398.48
11/24	11/04/2024	50350	484	PA American Water Co	118.04
11/24	11/04/2024	50351	5998	PA Turnpike Toll By Plate	23.40
11/24	11/04/2024	50352	468	Palmer Municipal Fire Dept	5,200.00
11/24	11/04/2024	50353	2236	PC Solutions Inc	1,420.92
11/24	11/04/2024	50354	4586	PowerDMS Inc	3,000.00
11/24	11/04/2024	50355	510	PPL Electric Utilities	54.03
11/24	11/04/2024	50356	6168	Purchase Power	9.50
11/24	11/04/2024	50357	4986	Quest Termite and Pest Management	838.00
11/24	11/04/2024	50358	524	RCN	2,031.11
11/24	11/04/2024	50359	4360	Sharkan Supply	1,636.80
11/24	11/04/2024	50360	3686	Snowscapes LLC	4,168.00
11/24	11/04/2024	50361	6011	Steve Shannon Tire Co	1,408.00
11/24	11/04/2024	50362	585	Stokes Electrical Supply Co Inc	838.02
11/24	11/04/2024	50363	586	Stotz & Fatzinger	125.39
11/24	11/04/2024	50364	532	Ted Rewak	419.65
11/24	11/04/2024	50365	5001	Toshiba Financial Services	349.83
11/24	11/04/2024	50366	3253	Turf Equipment and Supply Co	1,713.17
11/24	11/04/2024	50367	616	UGI Utilities Inc	768.38
11/24	11/04/2024	50368	1723	Verizon Wireless	1,904.41
11/24	11/04/2024	50369	650	Wilson Products Compressed Gas Co In	50.97
Grand Totals:					210,602.19

Dated: _____

Board of Supervisors:

Twp Manager: _____

Report Criteria:

Report type: Summary

Vendor.Name = {<>} "BMO Harris MasterCard"

Disbursement of Funds - November 18, 2024

INFORMATION

The Board needs to approve/disapprove the Disbursement of Funds for November 18, 2024.

ATTACHMENTS:

[Check Register - November 18, 2024.pdf](#)

Report Criteria:

Report type: Summary

Vendor.Name = {<-> "BMO Harris MasterCard"

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount
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11/24	11/18/2024	2219	510	PPL Electric Utilities	168.10
11/24	11/18/2024	50370	2116	ABE Area Glass LLC	2,650.00
11/24	11/18/2024	50371	3308	Adam Emsweller	937.44
11/24	11/18/2024	50372	5256	Alex Keenhold	633.28
11/24	11/18/2024	50373	4951	Alex's Tire Center Inc	221.98
11/24	11/18/2024	50374	4578	Allstate Septic Systems LLP	405.00
11/24	11/18/2024	50375	4116	Amazon	1,310.19
11/24	11/18/2024	50376	3552	American Water	182.74
11/24	11/18/2024	50377	1180	And The Sign Says LLC	931.07
11/24	11/18/2024	50378	193	Andrew Carr	595.00
11/24	11/18/2024	50379	5437	Andrew Hess	347.06
11/24	11/18/2024	50380	1848	Andrew Rossi	1,250.00
11/24	11/18/2024	50381	6166	Ann Grube	99.16
11/24	11/18/2024	50382	6189	Ann Marie Deangelis	74.50
11/24	11/18/2024	50383	4850	Aqua-Mist Irrigation of NJ LLC	600.00
11/24	11/18/2024	50384	139	Associated Fasteners Inc	36.62
11/24	11/18/2024	50385	143	AutoZone Inc	90.86
11/24	11/18/2024	50386	6008	Bagley Law LLC	6,450.00
11/24	11/18/2024	50387	3764	Brassknuckle Automotive	543.62
11/24	11/18/2024	50388	2365	Brown Daub Chevrolet	81.00
11/24	11/18/2024	50389	5642	Carl Beers	396.64
11/24	11/18/2024	50390	931	Certified Laboratories	438.83
11/24	11/18/2024	50391	208	Cintas Corp	1,277.62
11/24	11/18/2024	50392	5550	Clean Earth	6,511.56
11/24	11/18/2024	50393	6185	Colin Fagan	99.16
11/24	11/18/2024	50394	216	Commonwealth of PA	10.00
11/24	11/18/2024	50395	216	Commonwealth of PA	10.00
11/24	11/18/2024	50396	6030	Creative Displays Inc	1,961.51
11/24	11/18/2024	50397	3746	Daigle Law Group LLC	895.00
11/24	11/18/2024	50398	240	Dallas Data Systems Inc	6,235.73
11/24	11/18/2024	50399	243	Davidheisers Inc	60.00
11/24	11/18/2024	50400	6183	Doug Cochran	49.58
11/24	11/18/2024	50401	272	Easton Area Joint Sewer Authority	374,169.62
11/24	11/18/2024	50402	278	Easton Suburban Water Authority	1,394.86
11/24	11/18/2024	50403	6187	Edward Natale	148.74
11/24	11/18/2024	50404	5332	Embassy Bank	24,332.86
11/24	11/18/2024	50405	1955	Emilio DeNisi	99.16
11/24	11/18/2024	50406	5436	Enildo Coronado	446.22
11/24	11/18/2024	50407	5242	Entech Engineering Inc	9,140.00
11/24	11/18/2024	50408	953	Exeter Supply Co Inc	1,844.60
11/24	11/18/2024	50409	5243	Fascella Construction Corporation	26,815.00
11/24	11/18/2024	50410	4100	Fitness By August	589.00
11/24	11/18/2024	50411	4530	Foley Incorporated	1,279.96
11/24	11/18/2024	50412	4159	Frank Lambert	148.74
11/24	11/18/2024	50413	4812	Fraser Advanced Info Systems	650.47
11/24	11/18/2024	50414	5719	Gilmore & Associates Inc	927.36
11/24	11/18/2024	50415	323	Glick Fire Equipment Co	3,283.90
11/24	11/18/2024	50416	4453	Golden Equipment Co Inc	2,030.60
11/24	11/18/2024	50417	327	Gray Connective Inc	9,514.00
11/24	11/18/2024	50418	330	Green Pond Nursery Inc	580.00
11/24	11/18/2024	50419	503	Groff Tractor	1,407.42
11/24	11/18/2024	50420	4636	H&K Group Inc	30,919.09

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount
11/24	11/18/2024	50421	1760	Herbert Rowland & Grubic Inc	9,215.00
11/24	11/18/2024	50422	348	Hilltop Sales & Service Inc	752.48
11/24	11/18/2024	50423	353	Horwith Trucks Inc	81.22
11/24	11/18/2024	50424	6179	Howard and Catherine White	120.00
11/24	11/18/2024	50425	3175	Hummer Turfgrass Systems Inc	5,295.00
11/24	11/18/2024	50426	1774	Industrial Communications Co	4,560.00
11/24	11/18/2024	50427	3559	John Zwally	595.00
11/24	11/18/2024	50428	3703	Jordan Purdy	446.22
11/24	11/18/2024	50429	2211	Joseph Fulse	247.90
11/24	11/18/2024	50430	5258	Justin Purdy	247.90
11/24	11/18/2024	50431	5644	Justin Siegfried	99.16
11/24	11/18/2024	50432	6141	K. Moorea Co LLC	3,851.34
11/24	11/18/2024	50433	2120	Keith Soltis	545.38
11/24	11/18/2024	50434	4667	Kelly Beers	247.90
11/24	11/18/2024	50435	3002	Kenneth J McPherson	1,500.00
11/24	11/18/2024	50436	572	Kenneth Sobieski	1,750.00
11/24	11/18/2024	50437	6186	Kris Horton	347.06
11/24	11/18/2024	50438	5932	Lee Stem	595.00
11/24	11/18/2024	50439	5362	Lehigh Valley Recycling	7,130.17
11/24	11/18/2024	50440	394	LexisNexis Risk Data MGT LLC	350.49
11/24	11/18/2024	50441	1165	LMS Designs & Signs	1,985.00
11/24	11/18/2024	50442	6184	Mason Diehl	49.58
11/24	11/18/2024	50443	3773	Matthew Astfalk	628.61
11/24	11/18/2024	50444	4884	Matthew Fredericks	247.90
11/24	11/18/2024	50445	982	Matthew Lambert	950.00
11/24	11/18/2024	50446	1471	Matthew M DeBiasi	247.90
11/24	11/18/2024	50447	5259	Matthew Vangeli	426.22
11/24	11/18/2024	50448	420	Met-Ed	12,909.43
11/24	11/18/2024	50449	3310	Michael August	1,500.00
11/24	11/18/2024	50450	3049	Michael Mesco	247.90
11/24	11/18/2024	50451	3951	Mt Bethel Auto Supply	1,599.00
11/24	11/18/2024	50452	1596	NAPA of Ottsville LLC	252.66
11/24	11/18/2024	50453	5626	NEPA Polygraphs LLC	350.00
11/24	11/18/2024	50454	4006	NJ Advance Media	469.92
11/24	11/18/2024	50455	4497	No Nonsense Neutering	200.00
11/24	11/18/2024	50456	451	Northern Nurseries Inc	3,404.16
11/24	11/18/2024	50457	3679	NRG Business Marketing LLC	195.25
11/24	11/18/2024	50458	3230	ORE Inc	1,194.50
11/24	11/18/2024	50459	484	PA American Water Co	2,034.54
11/24	11/18/2024	50460	468	Palmer Municipal Fire Dept	149.58
11/24	11/18/2024	50461	1121	Patriot Workwear	746.00
11/24	11/18/2024	50462	2236	PC Solutions Inc	5,342.44
11/24	11/18/2024	50463	462	Pennsylvania Municipal Health Insurance	231,596.39
11/24	11/18/2024	50464	493	Pennsylvania One Call System Inc	322.80
11/24	11/18/2024	50465	3043	Philip Swass	595.00
11/24	11/18/2024	50466	510	PPL Electric Utilities	478.07
11/24	11/18/2024	50467	5037	Reading Fire Equipment Inc	2,887.50
11/24	11/18/2024	50468	522	Richard Rau	545.38
11/24	11/18/2024	50469	5887	Robert Bock	49.58
11/24	11/18/2024	50470	5257	Robert Lewullis	198.32
11/24	11/18/2024	50471	5643	Ryan Gerrity	347.06
11/24	11/18/2024	50472	665	Scott A LaBar	791.60
11/24	11/18/2024	50473	557	Servicemaster by Rnd the Clock	6,007.00
11/24	11/18/2024	50474	3686	Snowscapes LLC	8,482.00
11/24	11/18/2024	50475	6011	Steve Shannon Tire Co	3,985.12
11/24	11/18/2024	50476	5967	Sunoco LLC	20,163.58
11/24	11/18/2024	50477	4419	Technology Reflections Inc	1,349.40

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount
11/24	11/18/2024	50478	3539	Terrence P Brennan MA	800.00
11/24	11/18/2024	50479	6098	The Garland Company Inc	1,625.00
11/24	11/18/2024	50480	284	Todd Emsweller	870.76
11/24	11/18/2024	50481	5255	Tom DeGenaro	495.80
11/24	11/18/2024	50482	3959	Troy Osmun	99.16
11/24	11/18/2024	50483	3253	Turf Equipment and Supply Co	212.46
11/24	11/18/2024	50484	616	UGI Utilities Inc	164.86
11/24	11/18/2024	50485	6182	Veritext LLC	698.13
11/24	11/18/2024	50486	637	Verizon	65.11
11/24	11/18/2024	50487	637	Verizon	41.01
11/24	11/18/2024	50488	5300	Verizon	169.24
11/24	11/18/2024	50489	1723	Verizon Wireless	305.85
11/24	11/18/2024	50490	6181	Victory Gardens Inc	31,388.00
11/24	11/18/2024	50491	5891	Walgreen Co	750.00
11/24	11/18/2024	50492	6188	Warren Jorgenson	15.00
11/24	11/18/2024	50493	643	Waste Management	108,135.71
11/24	11/18/2024	50494	3485	Waste Management	30,900.20
11/24	11/18/2024	50495	5413	William Hughes	244.90
11/24	11/18/2024	50496	6178	WinterSpring LLC	71,348.00
11/24	11/18/2024	50497	4820	Wyatt Davidson	260.00
Grand Totals:					<u>1,136,887.73</u>

Dated: _____

Board of Supervisors:

Twp Manager: _____

Report Criteria:
Report type: Summary
Vendor.Name = {<->} "BMO Harris MasterCard"

Solicitor Oetinger Report - Tax Assessment Appeal 3519 Nazareth Road

INFORMATION

Solicitor Oetinger will review tax assessment appeal documents with the Board.

ATTACHMENTS:

[CVS Assessment Appeal 111824.pdf](#)

[CVS Assessment Appeal 111824.pdf](#)

November 8, 2024

PALMER TOWNSHIP

NOV 12 2024

RECEIVED

Via Email and Federal Express

Jonathan M. Huerta, Esquire
Solicitor for School District
King Spry Herman Freund & Faul LLC
One West Broad Street
Suite 700
Bethlehem, PA 18018

Re: Dunn Noble Palmer LLC by Walgreen Eastern Co., Inc, Appellant vs.
Northampton County Board of Assessment Appeals, et al., Appellees.
Case No. C-48-CV-2019-10658

Dear Solicitor Huerta:

Enclosed please find a Petition for Rule to Show Cause and Order setting argument date in the above-captioned matter.

Very truly yours,

SIEGEL JENNINGS CO., L.P.A.

Sharon F. DiPaolo

SFD/im
15689-B-2020
Enclosure
Cc via U.S. Mail:
Michael C. Deschler, Esq.
Solicitor for Northampton
County Solicitor for Palmer

COPY

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA

Easton Area School District,

CIVIL ACTION – LAW

Appellant,

No. C48-CV-2019-10658

v.

Board of Revenue Appeals of Northampton County, Dunn Noble Palmer LLC (by Walgreen Eastern Co., Inc, tenant as agent) (by Sleepy's Inc., tenant as agent)

FILED
2024 NOV - 8 AM 11:53
COURT OF COMMON PLEAS
NORTHAMPTON COUNTY, PA

Appellee.

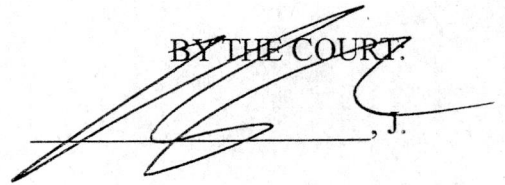
Parcel No.: L9-44-1-0324
Property Address: 2535 William Penn Highway, Palmer Township, Northampton County

ORDER OF COURT

AND NOW, this 8 day of November, 2024, upon consideration of the foregoing Petition, it is hereby ORDERED that:

1. A rule is issued upon Respondent to show cause as to why Petitioner is not entitled to the relief requested;
2. The Respondent shall file an answer to the petition within twenty (20) days of service upon the Respondent;
3. The Petition shall be decided pursuant to Pa.R.C.P. 206.7;
4. An evidentiary hearing on disputed issues of material fact shall be held on Dec 11, 2024 at 9:00 am/pm in Courtroom 1517 of the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania;
5. Notice of the entry of this order shall be provided to all parties by the Petitioner and proof of service filed of record.

BY THE COURT:



AND NOW THIS 8th DAY OF November, 20 24
RULE ISSUED AS ABOVE
HOLLY RUGGIERO, PROTHONOTARY
PER [Signature], DEPUTY

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA

Easton Area School District,

Appellant,

v.

Board of Revenue Appeals of
Northampton County, Dunn Noble
Palmer LLC (by Walgreen Eastern
Co., Inc, tenant as agent) (by
Sleepy's Inc., tenant as agent)

Appellee.

Parcel No.: L9-44-1-0324
Property Address: 2535 William
Penn Highway, Palmer Township,
Northampton County

CIVIL ACTION – LAW

No. C48-CV-2019-10658

**TAXPAYER'S PETITION FOR RULE TO SHOW CAUSE AS TO WHY A JUDGMENT
OF NON PROS SHOULD NOT BE ENTERED**

AND NOW COMES the Property Owner, Dunn Noble Palmer LLC (by Walgreen Eastern Co., Inc., tenant as agent) (by Sleepy's Inc., tenant as agent) ("Taxpayer"), by and through its attorneys, Siegel Jennings, Co., L.P.A., and files this Petition for a Rule to Show Cause as to why a judgment of *non pros* should not be entered and in support thereof states as follows:

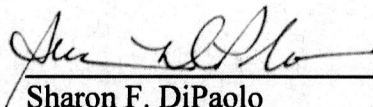
1. This assessment appeal concerns property located at 2535 William Penn Highway, Palmer Township, Northampton County, Pennsylvania and assessed on the records of Northampton County as Parcel Number L9-44-1-0324 ("Property"). The 1.54-acre Property is improved with two (2) commercial buildings occupied by a Walgreens pharmacy and retail store and a Mattress Firm store.

2. On or about July 31, 2019, School District filed a property tax assessment appeal on the Property.
3. A hearing was held on October 11, 2019 before the Revenue Appeals Board wherein the School District did not present an expert appraisal and/or any opinion of value.
4. The Board issued a “no change” decision sustaining Property’s assessment and finding the “assessment is fair and justified”. See Taxpayer’s Exhibit “A”.
5. School District thereafter appealed to the Court of Common Pleas on or about November 11, 2019. See Taxpayer’s Exhibit “B”.
6. Thereafter, Taxpayer filed an Answer and New Matter on or about January 8, 2020.
7. School District has taken no subsequent action to advance their appeal as per the docket in this action. See Taxpayer’s Exhibit “C”.
8. School District has not provided any expert opinion of value in the nearly five (5) years that have elapsed since its appeal to the Court of Common Pleas.
9. Taxpayer is unaware of why School District selected its Property for appeal.
10. Six (6) tax years are now at issue (2020-2025).
11. The Pennsylvania Supreme Court in James Brothers v. Union Banking, 247 A.2d 587, 589 (Pa. 1968) established a three-part test that determined when *non pros* judgments are an appropriate remedy: (1) There must be a lack of due diligence on the part of the plaintiff in failing to proceed with reasonable promptitude; (2) The plaintiff must have no compelling reason for the delay; and (3) The delay must cause actual prejudice to the defendant.
12. Taxpayer avers that School District’s five (5) years of inaction reflect a lack of due diligence.

13. It also asserts that it is not aware of any compelling reason for such a delay.
14. Last, School District's lack of due diligence has prejudiced Taxpayer.
15. Taxpayer is in a state of limbo regarding their tax liability, resulting in an inability to run its operations with a reasonable degree of certainty.
16. Fiscal years for five (5) of the six (6) tax years at issue have since closed.
17. If this case proceeds, Taxpayer will potentially face extremely burdensome tax increases for six (6) tax years.
18. Taxpayer will also be forced to cover the exorbitantly high costs of an appraisal covering six (6) tax years.
19. As each year has passed, it has become increasingly more difficult to accurately appraise Property for these prior tax years.
20. Taxpayer avers that an Order entering a judgment for *non pros* for Plaintiff's inactivity is appropriate and would support the underpinnings of justice and fairness.

WHEREFORE, Taxpayer respectfully requests that this Honorable Court issue a Rule to Show Cause upon the School District as to why a judgment of *non pros* should not be entered.

Respectfully submitted,



Sharon F. DiPaolo
PA I.D. No. 74520
Ryan J. Kammerer
PA I.D. No. 80260
Brendan B. Kelly
PA I.D. No. 200455
Christina N. Gongaware
PA I.D. 320611
430 Freeport Road
Pittsburgh, Pennsylvania 15238
412-486-2848

Counsel for Property Owner



COUNTY OF NORTHAMPTON

REVENUE APPEALS BOARD

NORTHAMPTON COUNTY COURTHOUSE
669 WASHINGTON STREET
EASTON, PENNSYLVANIA 18042-7475

NORTHAMPTON COUNTY, PENNSYLVANIA - REVENUE BOARD OF APPEALS

Notice of Decision of Formal Appeal for 2020

TO: Owner of Record/Mailing Address:

DUNN NOBLE PALMER LLC
3400 BATH PIKE
STE 307
BETHLEHEM PA 18017

Date Mailed: 10/14/2019

Parcel Identification: L9 44 1 0324

Property Location: 2535 WILLIAM PENN HWY

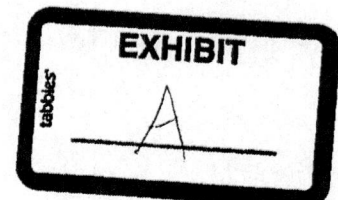
Dear Property Owner:

After taking into consideration all factors brought to our attention, carefully considering the evidence presented, and a sincere effort to be fair to you and all other property owners, the Revenue Board of Appeals feels that your assessment is fair and justified and cannot agree with a change in value for this property.

There will be no change in the assessment.

If you do not agree with your assessment, you have 30 days from 10/14/2019 to file an appeal to the Court of Common Pleas at: Northampton County Government Center, 669 Washington Street, Easton, PA 18042.

CC: JONATHAN HUERTA
ONE WEST BROAD ST
STE 700
BETHLEHEM PA 18018

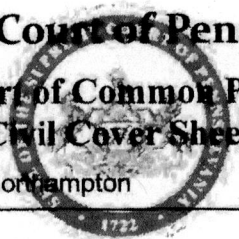


Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Northampton

County



For Prothonotary Use Only:

Docket No:

C-18-CV-2019-10658

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint
- Writ of Summons
- Petition
- Transfer from Another Jurisdiction
- Declaration of Taking

Lead Plaintiff's Name:
Easton Area School District

Lead Defendant's Name:
The Board of Revenue Appeals of Northampton County

Are money damages requested? Yes No

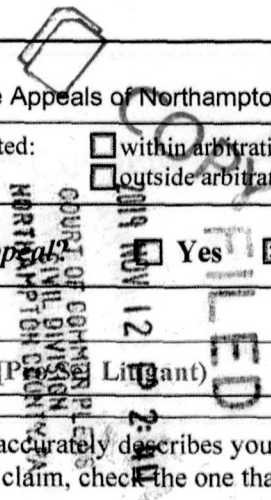
Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a Class Action Suit? Yes No

Is this an MDJ Appeal? Yes No

Name of Plaintiff/Appellant's Attorney: Jonathan M. Huerta, Esquire

Check here if you have no attorney (are a Self-Represented Plaintiff)



SECTION B

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
- Malicious Prosecution
- Motor Vehicle
- Nuisance
- Premises Liability
- Product Liability (does not include mass tort)
- Slander/Libel/ Defamation
- Other:

CONTRACT (do not include Judgments)

- Buyer Plaintiff
- Debt Collection: Credit Card
- Debt Collection: Other
- Employment Dispute: Discrimination
- Employment Dispute: Other
- Other:

CIVIL APPEALS

- Administrative Agencies
- Board of Assessment
- Board of Elections
- Dept. of Transportation
- Statutory Appeal: Other
- Zoning Board
- Other:

MASS TORT

- Asbestos
- Tobacco
- Toxic Tort - DES
- Toxic Tort - Implant
- Toxic Waste
- Other:

REAL PROPERTY

- Ejectment
- Eminent Domain/Condemnation
- Ground Rent
- Landlord/Tenant Dispute
- Mortgage Foreclosure: Residential
- Mortgage Foreclosure: Commercial
- Partition
- Quiet Title
- Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
- Declaratory Judgment
- Mandamus
- Non-Domestic Relations Restraining Order
- Quo Warranto
- Replevin
- Other:

PROFESSIONAL LIABILITY

- Dental
- Legal
- Medical
- Other Professional:

EXHIBIT
B

Updated 1/1/2011

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION - LAW

<p>EASTON AREA SCHOOL DISTRICT Petitioner,</p> <p>v.</p> <p>THE BOARD OF REVENUE APPEAL OF NORTHAMPTON COUNTY and DUNN NOBLE PALMER, LLC Respondent.</p>	<p>No. C-18-CV-2019-10568</p> <p>CIVIL ACTION</p> <p>2019 NOV 12 P 2:44</p> <p>FILED</p> <p>COURT OF COMMON PLEAS CIVIL DIVISION NORTHAMPTON COUNTY, PA</p>
--	---

**PETITION FOR APPEAL FROM THE DECISION OF THE
REVENUE APPEALS BOARD OF NORTHAMPTON COUNTY**

Petitioner, Easton Area School District, by and through its attorneys, King, Spry, Herman, Freund & Faul LLC, respectfully appeals, pursuant to 53 Pa. C.S.A. § 8854, and other applicable provisions of the Commonwealth of Pennsylvania tax assessment laws, from the refusal of the Revenue Appeals Board to adjust the assessment to which reference is herein made and in support thereof asserts that:

1. Petitioner is Easton Area School District (“School District”), having offices located at 1801 Bushkill Drive, Easton, Northampton County, Pennsylvania 18040-8186.
2. Respondent, Revenue Appeals Board of Northampton County (hereinafter “Board”) is a board of assessment and revision of taxes within the general assessment law of Pennsylvania and is located at 669 Washington Street, Easton, Northampton County, Pennsylvania 18042; and

3. Respondent, Dunn Noble Palmer, LLC (“Property Owner”) is the owner of the premises located at 2535 William Penn Highway, Easton, Pennsylvania. The subject property is identified as Tax Parcel L9 44 1 0324 (“Property”). The Property is located within the boundaries of Northampton County, Township of Palmer and the Easton Area School District.

4. For the purposes of the 2020 tax year, the Board assessed the Property in the amount of \$559,500 for the tax year.

5. The tax assessment laws of the Commonwealth of Pennsylvania provide in the pertinent part that school districts who feel aggrieved by an assessment may file appeals on any property. Such appeals shall proceed in the same manner and subject to the same procedure and with like effect if such appeal were taken by a taxable with respect to their assessment.

6. On or about July 31, 2019, Petitioner filed an Assessment Appeal with the Board.

7. On October 11, 2019, a hearing was held before the Board.

8. On October 14, 2019, Petitioner was notified that the Board decided not to change the assessed value for the Property. A copy of Board’s Notice is attached hereto as Exhibit “A” and incorporated herein by reference.

9. Petitioner alleges that the decision is improper, unsatisfactory and unlawful for one or more of the following reasons:

a. The assessment on Property Owner’s property is substantially lower than assessments of comparable properties in the taxing district.

b. The assessment is based upon an erroneous determination of the fair market value particularly as it concerns Property Owner’s property.

c. When related to assessments of similarly situated property owners, the assessment of the Property is arbitrary and capricious.

d. The assessment violates the Uniformity Clause of the Pennsylvania Constitution.

e. The assessment is based in whole or in part upon appraisals that do not represent the actual value of said property.

f. The assessment as determined by the Board does not reflect the current market value of the property as multiplied by the state mandated ratio and determined by the State Tax Equalization Board.

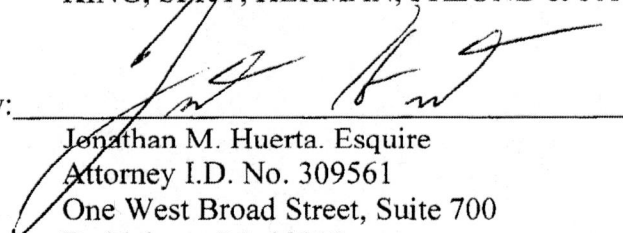
g. The assessment is otherwise unjust and inequitable.

WHEREFORE, Petitioner believes that the assessment of \$559,500 is inadequate and not representative of the actual value of the Property and brings this Appeal in accordance with the Acts of Assembly of the Commonwealth of Pennsylvania, respectively asking this Honorable Court to increase the assessed value of the Property, and for such other and further relief as this Honorable Court shall deem equitable and as the circumstances of the case may require.

Respectfully submitted,

KING, SPRY, HERMAN, FREUND & FAUL, LLC.

By: _____


Jonathan M. Huerta, Esquire
Attorney I.D. No. 309561
One West Broad Street, Suite 700
Bethlehem, PA 18018
610-332-0390
Attorneys for Petitioner

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: /s/Jonathan M. Huerta

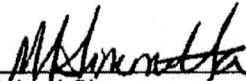
Name: Jonathan M. Huerta, Esquire

Attorney ID No.: 309561

VERIFICATION

I, MICHAEL SIMONETTA, in my capacity as Chief Operating Officer of Easton Area School District, aver that I am authorized to execute and do make this verification in its behalf, and do hereby verify that the facts set forth in the foregoing Petition for Appeal of Assessment are true and correct to the best of my knowledge, information, and belief. The averments contained in the foregoing are true based upon the signer's personal knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, the signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

11/11/19
DATE



Michael Simonetta
Title: Chief Operating Officer
Easton Area School District



COUNTY OF NORTHAMPTON

REVENUE APPEALS BOARD

NORTHAMPTON COUNTY COURTHOUSE
669 WASHINGTON STREET
EASTON, PENNSYLVANIA 18042-7475

NORTHAMPTON COUNTY, PENNSYLVANIA - REVENUE BOARD OF APPEALS

Notice of Decision of Formal Appeal for 2020

TO: Owner of Record/Mailing Address:

DUNN NOBLE PALMER LLC
3400 BATH PIKE
STE 307
BETHLEHEM PA 18017

Date Mailed: 10/14/2019

Parcel Identification: L9 44 1 0324

Property Location: 2535 WILLIAM PENN HWY

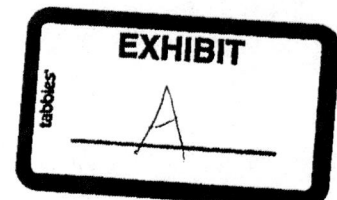
Dear Property Owner:

After taking into consideration all factors brought to our attention, carefully considering the evidence presented, and a sincere effort to be fair to you and all other property owners, the Revenue Board of Appeals feels that your assessment is fair and justified and cannot agree with a change in value for this property.

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CC: JONATHAN HUERTA
ONE WEST BROAD ST
STE 700
BETHLEHEM PA 18018



CERTIFICATE OF SERVICE

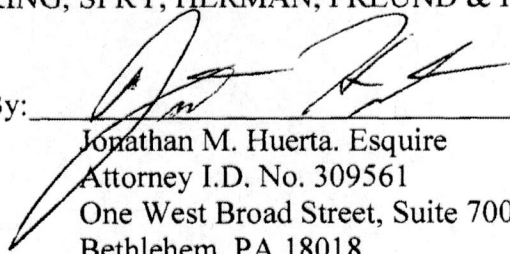
I hereby certify that I have served a true and correct copy of the Petition for Appeal of Assessment filed in the above-captioned matter via the following on the 12th day of November, 2019 upon:

Lisa A. Pereira, Esquire
Broughal & DeVito, LLP
38 West Market Street
Bethlehem, PA 18018-5703
Via email lpereira@broughal-devito.com

Michael C. Deschler, Esquire
Solicitor for Northampton County Board of Assessment
512 North New Street
Bethlehem, PA 18018
Via email mdeschler@littdeschlaw.com

Charles Bruno, Palmer Township Solicitor
Pfeiffer Bruno
44 N. 2nd Street
Easton, PA 18042
Via email pbmdlaw.com

KING, SPRY, HERMAN, FREUND & FAUL, LLC.

By: 
Jonathan M. Huerta, Esquire
Attorney I.D. No. 309561
One West Broad Street, Suite 700
Bethlehem, PA 18018
610-332-0390
Attorneys for Petitioner



Northampton County Prothonotary Online Portal

Search > Case Details

Case Details

EASTON AREA SCHOOL DISTRICT VS. BOARD OF REVENUE APPEAL OF NORTHAMPTON COUNTY

Open

C-48-CV-2019-10658

Civil: Appeals - Board of Assessment

▼

CASE PARTICIPANTS

🔍 Participants

<p>Plaintiff (1 of 1)</p> <hr/> <p>EASTON AREA SCHOOL DISTRICT (Primary) 1801 BUSHKILL DRIVE EASTON, PA 18040</p>	VS	<p>Defendant (2 of 2)</p> <hr/> <p>DUNN NOBLE PALMER LLC 3400 BATH PIKE STE 307 BETHLEHEM, PA 18017</p>
<p>Attorney (1 of 2)</p> <hr/> <p>JONATHAN M HUERTA, ESQ (Primary) ONE WEST BROAD STREET SUITE 700 BETHLEHEM, PA 18018</p>		<p>Attorney (1 of 1)</p> <hr/> <p>BRENDAN B KELLY, ESQ (Primary) 430 FREEPORT RD PITTSBURGH, PA 15238</p>

▼

ADDITIONAL INFORMATION

DETAILS

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EXHIBIT

C



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<p>Plaintiff (1 of 1)</p> <hr/> <p>EASTON AREA SCHOOL DISTRICT (Primary) < 1801 BUSHKILL DRIVE EASTON, PA 18040 ></p> <hr/> <p>Attorney (1 of 2)</p> <hr/> <p>JONATHAN M HUERTA, ESQ (Primary) < ONE WEST BROAD STREET SUITE 700 BETHLEHEM, PA 18018 ></p>	VS	<p>Defendant (1 of 2)</p> <hr/> <p>BOARD OF REVENUE APPEAL OF NORTHAMPTON COUNTY (Primary) < 669 WASHINGTON STREET EASTON, PA 18042 ></p> <hr/> <p>Attorney (0 of 0)</p> <hr/> <p style="text-align: center;">No Attorney</p>
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▼
ADDITIONAL INFORMATION

DETAILS

DATE FILED: 11/12/2019 **STATUS:** Open

DATE CLOSED:

DAYS OPEN: 1777

REFERENCE NUMBERS: L9 44 1 0324

COMMENCEMENT: Petition

NOTES:



CASE DISPOSITIONS

Date	Category	Result
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No Dispositions



CASE DOCKET ENTRIES

Documents are available to be purchased, please log in to add these items to the cart.

+ Expand All Dockets

Date	Category	Description	Attachments
> 01/08/2020	ANSWER AND NEW MATTER	ANSWER AND NEW ...	1 View
> 12/23/2019	ENTRY OF APPEARANCE	ENTRY OF APPEARA...	1 View
> 12/23/2019	ENTRY OF APPEARANCE	ENTRY OF APPEARA...	1 View
11/12/2019	FILE ONLY	FILE ONLY	0 View
> 11/12/2019	ASSESSMENT APPEAL	PETITION FOR APPEA...	1 View



ADDITIONAL CASE DOCUMENTS

Documents are available to be purchased, please log in to add these items to the cart.

Date	Description	Date Added
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No Case Documents



CASE JUDGMENTS

Date	Creditor	Debtor	Description	Amount
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No Judgments

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA

Easton Area School District,

Appellant,

v.

Board of Revenue Appeals of
Northampton County, Dunn Noble
Palmer LLC (by Walgreen Eastern
Co., Inc, tenant as agent) (by
Sleepy's Inc., tenant as agent)

Appellee.

Parcel No.: L9-44-1-0324
Property Address: 2535 William
Penn Highway, Palmer Township,
Northampton County

CIVIL ACTION – LAW

No. C48-CV-2019-10658

ORDER OF COURT

AND NOW, this _____ day of _____, 2024, upon consideration of the foregoing Petition, it is hereby ORDERED that:

1. A rule is issued upon Respondent to show cause as to why Petitioner is not entitled to the relief requested;
2. The Respondent shall file an answer to the petition within twenty (20) days of service upon the Respondent;
3. The Petition shall be decided pursuant to Pa.R.C.P. 206.7;
4. An evidentiary hearing on disputed issues of material fact shall be held on _____ at _____ am/pm in Courtroom ___ of the Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania;
5. Notice of the entry of this order shall be provided to all parties by the Petitioner and proof of service filed of record.

BY THE COURT:

_____, J.

CERTIFICATE OF SERVICE

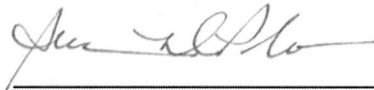
I, the undersigned, do hereby certify that the Brief in Support of the Petition for Rule to Show Cause was served via U.S. First Class Mail postage pre-paid as follows:

Jonathan M. Huerta, Esq.
Solicitor for School District
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Bethlehem, PA 18018

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Easton, PA 18042-7463

Michael C. Deschler, Esq.
Solicitor for the Board of Assessment
Shay, Santee, Kelhart & Deschler, LLC
44 East Broad Street, Suite 210
Bethlehem, PA 18018

Solicitor for Easton
123 S. Third Street
Easton, PA 18042



Sharon DiPaolo

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Siegel Jennings Co., LPA

Signature: 

Name: Sharon DiPaolo

Attorney Number: 74520

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY, PENNSYLVANIA

Easton Area School District,

CIVIL ACTION – LAW

Appellant,

COPY

No. C48-CV-2019-10658

v.

Board of Revenue Appeals of
Northampton County, Dunn Noble
Palmer LLC (by Walgreen Eastern
Co., Inc, tenant as agent) (by
Sleepy's Inc., tenant as agent)

Appellee.

Parcel No.: L9-44-1-0324
Property Address: 2535 William
Penn Highway, Palmer Township,
Northampton County

FILED
2021 NOV - 8 A 10: 53
COURT OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA

TAXPAYER'S BRIEF IN SUPPORT OF PETITION FOR RULE TO SHOW CAUSE AS TO WHY A JUDGEMENT OF NON PROS SHOULD NOT BE ENTERED

AND NOW COMES the Taxpayer, Dunn Noble Palmer LLC (by Walgreen Eastern Co., Inc, tenant as agent) (by Sleepy's Inc., tenant as agent), by and through its attorneys, Siegel Jennings, Co., L.P.A., and files this Brief in Support of its Petition for Rule to Show Cause for property situated at 2535 William Penn Highway, Palmer Township, Northampton County, Pennsylvania as follows:

I. FACTUAL HISTORY

This assessment appeal concerns property located at 2535 William Penn Highway, palmer Township, Northampton County, Pennsylvania and assessed on the records of Northampton County as Parcel Number L9-44-1-0324. The 1.54-acre Property is improved with two (2) commercial building occupied by a Walgreens pharmacy and retail store and a Mattress Firm Store.

On or about July 31, 2019, the Bethlehem Area School District (hereinafter “School District”) filed a property tax assessment appeal on the Property. A hearing was held on October 11, 2019 before the Revenue Appeals Board wherein the School District did not present an expert appraisal and/or any opinion of value.

The Board issued a “no-change” decision on or about October 14, 2019, indicating it “feels that your assessment is fair and justified and cannot agree with a change in value.” School District appealed the Board’s decision to the Court of Common Pleas on or about November 11, 2019.

Since that date, School District has taken **no** docket action to resolve the case. Six (6) tax issues are now at issue (2020-2025). It has yet to provide any expert opinion of value and Taxpayer is unaware of why its Property was initially chosen for appeal.

For those reasons, Taxpayer avers that a judgment of *non pros* would be a fair and equitable result of School District’s five (5) years of inaction and that such a judgment would fit squarely within Pennsylvania’s *non pros* jurisprudence.

II. QUESTION PRESENTED

Should this Honorable Court enter a judgment of *non pros* where School District, by lack of due diligence and without compelling reason, did not take any action to advance its case for five (5) years, and where School District’s delay has prejudiced Taxpayer as it now faces significant financial uncertainty for six (6) tax years at issue and immensely high costs related to an appraisal report and/or continued litigation while School District has yet to provide any expert opinion of value?

Suggested Answer: Yes.

III. LEGAL ARGUMENT

Taxpayer avers that School District has abandoned its case, and that it “cannot be expected to wait indefinitely for the Plaintiff to proceed with [its] case.” Petermann v. Kettering, 270 A.3d 1134, 2021 Pa.Sup.Unpub. LEXIS 3241. Pennsylvania Courts “have long recognized the existence of the power of the court to enter a judgment of *non pros* in consequence of long delay in prosecution of a cause.” Jacobs v. Halloran, 710 A.2d 1098, 1101 (Pa. 1997). The question of granting a *non pros* due to the failure of plaintiff to prosecute his action within a reasonable time rests within the sound discretion of the trial court and will not be disturbed absent an abuse of discretion. Id., citing Gallagher v. Jewish Hospital Ass’n, 228 A.2d 732 (Pa. 1967). Thus, “the trial court’s [entry of a *non pros* judgment] will be overturned only if it reflects manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support as to be clearly erroneous.” Banks v. Cooper, 171 A.3d 798, 801 (Pa.Super. 2017).

The Court’s power to dismiss a case for *non pros* is based on the principle of laches, which arises “when a defendant’s position or rights are so prejudiced by the length of time and inexcusable delay, plus attendant facts and circumstances, that it would be an injustice to permit presently the assertion of a claim against him.” Id. at 1102.

The Pennsylvania Supreme Court in James Brothers v. Union Banking, 247 A.2d 587, 589 (Pa. 1968) established a three-part test regarding *non pros* judgments: (1) There must be a lack of due diligence on the part of the plaintiff in failing to proceed with reasonable promptitude; (2) The plaintiff must have no compelling reason for the delay; and (3) The delay must cause actual prejudice to the defendant.

Failure to provide a satisfactory explanation for a prolonged period of inactivity supports a finding of lack of due diligence. Id. at 590.

Pennsylvania's appellate courts have defined prejudice as "any substantial diminution of a party's ability to properly present its case at trial." Metz Contracting, Inc. v. Riverwood Builders, Inc., 520 A.2d 891, 894 (Pa. Super. 1987). Moreover, the Superior Court in Somerset Cmty. Hosp. v. Allan B. Mitchell & Assoc., Inc., 685 A.2d 141, 150 (Pa.Sup. 1996), held that "courts have the discretion to dismiss a case when a plaintiff has failed to diligently prosecute an action, and, as a result, *caused a defendant prejudice, unfairness and anxiety.*" (emphasis added).

Courts have used the three-prong test established in James Brothers to dismiss an inactive case under several different circumstances. In Intech Metals, Inc., v. Meyer, 153 A.3d 406 (Pa.Super. 2016), the trial court's judgment of *non pros* was upheld where there was a six-year delay in proceedings and prejudice was established by the deaths of material witnesses. While Plaintiff highlighted non-docket activity that occurred during that six-year period, including a deposition, an expert report that was sent to opposing counsel, and a letter to defense counsel, the Superior Court agreed with the trial court that "the non-docket activity of these activities were inconsequential to the progress of the case" and were "not events beyond [Plaintiff's] control." Id. at 412-13.

The Pennsylvania Superior Court also very recently upheld an Erie County trial's court's judgment of *non pros* in August 2024 where there was a delay of eleven (11) years with minimal activity on behalf of Plaintiff. Moraski v. Thermo-Twin Indus., Inc., 9 WDA 2024 (Pa.Sup. Unpub. LEXIS 1994). There, Plaintiff filed an action on July 2, 2012 and Defendant filed an answer on August 23, 2013. Plaintiff thereafter filed a reply. Id. at 3. The trial court established that the docket reflected minimal activity in the following years. Id. at 4. The county prothonotary issued a notice

of proposed termination of the case on June 25, 2021, eight (8) years after the initial filing of the action. Id. Plaintiff then filed a request for arbitration, though it did not pursue this course of action. Id. On October 16, 2023, the trial court issued a second proposed notice of termination, and Plaintiff filed a statement of intention to proceed in response. Id.

On November 22, 2023, Defendant filed a motion for entry of *non pros* judgement and averred that Plaintiff had failed to diligently proceed with the action and that they had been prejudiced as memories had faded and that some witnesses had moved or were no longer available. Id. In response, Plaintiff filed a response blaming cited settlement discussions and the Board of Arbitrator's failure to schedule the case for an arbitration hearing. Id.

The Superior Court determined that although Defendant participated in some discovery matters, it did not participate in any actual arbitration or seek to overturn an unfavorable arbitration award: therefore, Defendant "did not waive its right to seek entry of a judgement of non pros." Id. at 9. Based on Plaintiff's inactivity, lack of excuse, and Defendant's assertions of prejudice, Superior Court held that trial court appropriately issued a judgement of *non pros*. Id. at 11-12.

In Londergan v. Asamura, 48 A.3d 489 (Pa.Super. 2012), the Superior Court affirmed without an opinion a trial court's judgment of *non pros* against Plaintiff after she failed to take any action in a twenty (20) year-old case for over ten (10) years except for filing certificates that the case was active. The trial court opined:

The present action was initiated in 1992 and was last listed for trial in 2001. In the nearly 10 years since the last trial listing, [Plaintiff] has done nothing more than file certificates of active status and has taken no action to move this case forward. Upon the filing of Motions for Judgment of *Non Pros* with the Court, [Plaintiff] claims that suddenly she is ready, willing and prepared to file a praecipe listing this matter for trial."

Londergan v. Asamura, 25 Pa. D&C 5th (Ct. Common Pl. Bucks County, PA 2011).

Plaintiff asserted several reasons for the delay, including that counsel was simultaneously participating in complex and time-consuming class-action litigation and counsel's emotionally-taxing pending divorce. Id. The trial court held that the class-action litigation "does not excuse an attorney from performing due diligence on other cases he has willingly undertaken." Id. Moreover, it averred "although [her] divorce action may have taken precedence in her personal life, it is not sufficient reason to excuse the lengthy delay that has resulted in years of inactivity on the present case." Id.

Plaintiff also attempted to shift the blame to Defendant's counsel, indicating that he was assigned the responsibility by the Court Administrator to file a trial praecipe in 2001. Id. The trial court similarly did not find this argument persuasive, as it averred that "the law in Pennsylvania is well-settled that a Plaintiff has a duty to move her case of action forward." Id. It also held that "even if [plaintiff's] counsel believed that [defense counsel] should have filed a new trial praecipe, when [it] failed to do so, it became the duty of [Plaintiff] to move forward." Id., see also Penridge Elec. v. Souderton School, 615 A.2d 95, 99 (Pa.Super. 1992) (holding in a *non pros* action that "if plaintiff's counsel finds [herself] faced with delays created by others, [she] must take action to move the case forward, such as filing praecipes for argument or undecided motions, moving to compel [her] opponent to file a certificate of readiness, or requesting a conference with the judge . . ."). The trial court also agreed that Defendant was prejudiced by the likely-weakened memories of material witnesses, and entered a judgement of *non pros*. Id.

Even when the parties participated in a "fury of litigation" for the first two (2) years after an action involving a land dispute was filed, the Superior Court upheld a trial court's judgment of

non pros where there was a dearth of action on behalf of the Plaintiff for the next eight (8) subsequent years. Petermann v. Kettering, 270 A.3d 1134, 2021 Pa.Sup.Unpub. LEXIS 3241.

Defendant in Petermann averred that they were prejudiced by the lengthy delay as they were unable to sell the property while the action was pending. Id. The trial court agreed that Defendants were prejudiced, stating “to allow the properties to remain encumbered longer and have the Defendants miss out on what is commonly understood as a seller’s market is extreme prejudice.” Id., citing Trial Court Opinion, 4/29/21, at 3-4. The trial court also stated that “the Defendants cannot be expected to wait indefinitely for the Plaintiff to proceed with her case.” Id. The Superior Court avoided sticking to a narrow definition of prejudice, opining that “were Plaintiff’s position correct, a *non pros* could never be entered no matter how great the period of inactivity and unconvincing its reason, so long as the ‘witnesses remain available and all evidence is intact and accounted for. Such a view is contrary to the equitable principles upon which *non pros* is or is not entered.” Id. at 5-6.

In the present case, Taxpayer avers that (1) School District lacked due diligence in the nearly five (5) years that have elapsed; (2) there is no reason for such a delay; and (3) Taxpayer has suffered prejudice as a result.

After School District filed its initial appeal to the Court of Common Pleas on or about November 12, 2019, there is no further activity reflected in the docket. See Petition for Rule to Show Cause, Taxpayer’s Exhibit “C”. Taxpayer avers that this five (5) year delay represents a lack of due diligence on the part of School District. Moreover, the Revenue Appeals Board originally dismissed School District’s case specifically because of the School District’s failure to timely submit any evidence or opinion of value; to date, School District still does not have any expert opinion of value.

Taxpayer also asserts that it is not aware of any compelling reason for School District's five (5) year delay.

Last, Taxpayer avers it has suffered prejudice due to School District's lack of action between 2020 and November 2024. Real estate taxes represent Taxpayer's largest operating expense and those fiscal years for five (5) of the six (6) tax years at issue have since closed. Taxpayer is now in the difficult and untenable position of being unable to estimate its real estate taxes for six (6) tax years. If School District were to be successful, Taxpayer would immediately become responsible for six (6) years of property taxes at once. It asserts that it should have the ability to run its operations with a reasonable degree of certainty.

Moreover, as each year passed, it has become increasingly more difficult to accurately appraise the Property for those prior tax years. As the trial court in Petermann recognized, Taxpayer cannot be expected to wait indefinitely for the School District to proceed with its case.


Moreover, Taxpayer notes that while Taxpayer has been and will continue to be prejudiced should this case proceed, School District would face no prejudice upon dismissal. School District retains the annual right to file an appeal as a remedy, and their failure to pursue this appeal does not equate to any loss of rights in future tax years if they believe Property is underassessed. See 53 Pa.C.S.A. § 8855.

Moreover, as the Court in Somerset Cmty. Hosp., supra at 4, recognized, prejudice is also encapsulated by the unfairness and anxiety that results from a filing party's inaction. Like the defendants in Petermann, any attempt to sell or transfer Property's rights are hindered by this action which invariably creates uncertainty for any successive property owner.

IV. CONCLUSION

WHEREFORE, Taxpayer asks this Honorable Court to issue a *non pros* judgment against School District's tax assessment appeal, as School District's flagrant and longstanding five (5) year-delay has prejudiced Taxpayer in contravention of established Pennsylvania jurisprudence.

Respectfully submitted,



Sharon F. DiPaolo
PA I.D. No. 74520
Ryan J. Kammerer
PA I.D. No. 80260
Brendan B. Kelly
PA I.D. No. 200455
Christina N. Gongaware
PA I.D. 320611
430 Freeport Road
Pittsburgh, Pennsylvania 15238
412-486-2848

Counsel for Property Owner

CERTIFICATE OF SERVICE

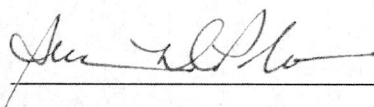
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Jonathan M. Huerta, Esq.
Solicitor for School District
King Spry Herman Freund & Faul LLC
One West Broad Street Suite 700
Bethlehem, PA 18018

Solicitor for County
Northampton County Courthouse
669 Washington Street
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44 East Broad Street, Suite 210
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Solicitor for Easton
123 S. Third Street
Easton, PA 18042

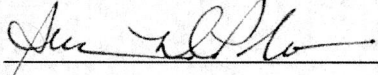


Sharon DiPaolo

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Siegel Jennings Co., LPA

Signature: 

Name: Sharon DiPaolo

Attorney Number: 74520

From: [William D. Oetinger](#)
To: [Robert Williams](#); [Brenda DeGerolamo](#)
Cc: [Shayna Horowitz](#); [James Farley](#)
Subject: CVS Assessment Appeal
Date: Wednesday, November 13, 2024 8:15:46 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.png](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.png](#)

Caution! This message was sent from outside your organization.

[Report](#)

Hi Bob,

Last night, Brenda gave me a copy of a filing submitted under a property tax assessment appeal filed by Easton School District against Gary Strausser and CVS for the property located at 3519 Nazareth Road (near Sheetz).

The background of the case is as follows: the School District flagged this property as undervalued under the county's tax assessment values. In 2019, the School District filed an appeal, seeking to increase the assessed value of the property. The Northampton County Board of Revenue denied the appeal and the School District appealed to the Court of Common Pleas. After filing the appeal, the School District has let the case sit for the last five years or so. The property owner filed, effectively, a motion to dismiss the case for lack of prosecution by the School District.

Although Palmer Township did not get involved in this case in 2019, our tax revenue from the property could be impacted by this case. However, we stand to see a much smaller impact on a tax assessment appeal than the School District would given the discrepancy in millage between the Township and the School District. The current assessed value of the property with improvements is \$389,300 (Fair Market Value listed as \$778,500). I think the property is probably undervalued, but given the relatively small amount of money the Township stands to gain, I recommend that we not participate. If this case matters to the School District, they can pursue it and it will benefit us as well. I don't see the sense in spending taxpayer money on an appeal where the best outcome does not benefit the Township in a substantial way. However, before I take an official "no position" in the case, I wanted to run it by you and the Board.

Brenda, could you put this under my report as "Tax Assessment Appeal 3519 Nazareth Road" and include my email and the document you gave me last night in the Board's packet?

Thanks,

Will



William D. Oetinger, Esq.
Office: (215) 257-6811 / Fax: (215) 257-5374
104 S. 6th Street, P.O. Box 215, Perkasie, PA 18944
www.grimlaw.com



<!--[if !vml]--><!--[endif]-->

November Township Engineer Report

INFORMATION

Township Engineer, Dan Wilusz, will review the November engineering report with the Board.

ATTACHMENTS:

[November2024-Palmer-EngineersReport.pdf](#)



**PALMER TOWNSHIP
TOWNSHIP ENGINEER's REPORT**

November 18, 2024

1. Project Reviews –

- 3601 Corriere (Joseph I Group) Assisted Living- Sketch plan, Reviewed with PC 11/12, no action.
- 1280 Main Street (Rutters)- Land Dev. Review, PC tabled 11/12
- 2260 Corriere Rd- Member Club- (VFW) Addition, Land Dev., PC tabled 11/12
- Easton Commerce Park (154 Wood Ave Warehouse, Wilson) - Traffic Review (Complete to BOS, 11/5)
- 2620 Kingston Ave (Shammy Shine), Land Dev., PC recommended Preliminary Conditional Approval (11/12)
- 2463 Nazareth Rd- Restaurant (25th St Plaza), Land Dev., PC tabled (10/8)
- 2210 Corriere Rd- Recycling Ctr, Land Dev. review complete, PC to review (12/10)
- Palmer Point Apts.(Hartley Ave.), PennDOT HOP nearly obtained, offsite improvements about to commence
- 48 Kunkle Dr (Car Wash), Conditionally Approved, all Twp approval obtained, LVPC Adequacy received, only sewer approval, Twp fees & Agreements remain
- 2215 Newlins Mill (Werner), review complete, Tabled (8/29), Extension to 12/17
- 537 Milford Ave (Palmer Manor), Conditionally Approved (8/26), awaiting items to satisfy conditions

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
Warrington, PA 18976
215.343.5700

101 Larry Holmes Drive
2nd Floor – Suite 201
Easton, PA 18042
610.989.4940

101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

Upcoming Reviews (On the radar)-

- 2025 Edgewood (Binney/Smith), Zoning Application underway, support Township Staff, sketch plan reviewed with PC(8/13), discussion with Code staff about floodplan regulations and the application.
- Palmer Animal Hospital, Freemansburg Ave/Stones Crossing
- Chrin SE Quad, Lot 2, submitted request to PennDOT for project scoping mtg

2. Construction Observation items

- Carson 100-200, Contractor continuing to install base course and wearing course around buildings 2 and 3.
- First Park 33, Contractor continuing to install storm sewer, water and sewer utilities. Contractor to start cutting roadway for water main installation on Newlins Mill Road starting 11/12/24 with traffic pattern being set to allow two way traffic.
- MRP Industrial, Completed in-field review of completion of punchlist work items. CEC to provide a recommendation letter to the Township.
- 300 Trolley Drive, Wearing course paving and line striping completed. Punchlist inspection and recommendation letter underway.
- Wolfs Run, Ryan Homes continues building units. (Ryan Homes has 8-10 buildings remaining.) Constructing approx. one building a month. Tuskes is not on site currently, as only their last two units remain.
- Parkview Estates, Kay Builders has not completed any further work after the street trees were installed.
- Northwood Farms, PH3, Punchlist work items completed and verified. CEC to provide a recommendation letter to the Township.

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- Palmer View Deferred Sidewalk, Sidewalk installation is complete. Need to coordinate discussion with Township regarding remaining lighting and landscaping work. Working on closeout/maintenance agreement documents.
- St. Jane's Sidewalk, Hartley Ave. & Nulton Ave. sidewalk installation is complete. Security reduction approved by BOS. Recommended for 18-month maintenance period (10/17/24).

Upcoming construction events:

- 530 Milford Ave (Apts), ready for signature 7/19, awaiting construction permit request
- Greenwood Ave/Hartley Ave, Intersection/Widening, awaiting action from Developer, Applicant has indicated that PennDOT HOP nearly obtained.

3. Stormwater Management Plan reviews:

- 2040 and 2844 Norton Ave are underway. Township to provide Designer's stormwater calculations to review.
- 92 Crest Boulevard- 1st review complete 11/5. Resubmission 11/12

4. Letter of Credit / Escrow Reductions

- Werner Enterprises- End of Maintenance Punchlist under review.
- MRP, Letter of Credit Recommendation, Under review.
- Northwood Ph3, End of Maintenance, Under review.
- Rau Lane, End of Maintenance, Under review.
- Carson NW Quad, Phase 4E & Phase 4W, LOC Release recommend forthcoming.
- Chrin Commerce Centre (Duke Lots 2 & 3)- Project Closeout Process forthcoming.

Today's Commitment to Tomorrow's Challenges

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908.874.7500

- Palmer View Apartments, Sidewalk Construction. Final inspection and LOC. Board of Supervisors recommendation provided.
- MCS Expansion-Request for LOC Reduction, no action, requested clarification of issues from the Township, prior to providing a recommendation.

5. Capital Projects

- New/Updated Township Roadway & Trails Map
- Township Trails Repair/Replacement Cost Assessment

6. Grant Projects (On the Radar)

- GTRP, Northwood/Fox Run, Trail Gap
- CDBG, Street Improvements Project (Rte22/25st Area)
- GrowNORCO, Northwood, Site Reuse Study
- GrowNORCO, Riverview Park, Range/Final Phase

-THANK YOU-

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
Warrington, PA 18976
215.343.5700

101 Larry Holmes Drive
2nd Floor – Suite 201
Easton, PA 18042
610.989.4940

101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

Shade Tree Discussion

INFORMATION

Paige Strasko will be updating the Board on the shade tree re-planting process taking place in township right-of-ways.

MS4 Annual Report Presentation

INFORMATION

The MS4 Coordinator will present the 2023-2024 Annual Report Summary for the Township's MS4 permit. She will discuss the standard, required activities completed throughout the reporting period of July 1, 2023, to June 30, 2024. The Annual Report was submitted to DEP on September 27, 2024.

ATTACHMENTS:

[23-24 MS4PowerPointPresentation.pdf](#)



MS4 Annual Report Highlights

July 1, 2023, to June 30, 2024

PowerPoint Presentation

Palmer Township
Northampton County
Pennsylvania
PAI: 132206

MS4 Annual Report Information

- The MS4 (Municipal Separate Storm Sewer Systems) reporting year is July 1, 2023, to June 30, 2024
- Report is due September 30, 2024
- WATERSHED NAMES: Lehigh River HUC # 02040106, Bushkill Creek (Delaware River) HUC # 02040105, and Schoeneck Creek HUC # 020401050303.
- CONTACT PERSON: Palmer Township MS4 Coordinator, Phone No. (610) 253-7191 ext 1130
- WEBSITE: www.palmertwp.com/stormwater.html
- The Annual Report is divided into 6 Minimum Control Measures (MCM's) listed on the next slide. The Highlights of the 2023-2024 Report are summarized in this PowerPoint Presentation.

MCM

(Minimum Control Measures)

- ◇ MCM #1 – Public Education and Outreach on Stormwater Impacts
- ◇ MCM #2 – Public Involvement/Participation
- ◇ MCM #3 – Illicit Discharge Detection and Elimination
- ◇ MCM #4 – Construction Site Storm Water Runoff Control (Northampton County Conservation District Responsibility)
- ◇ MCM #5 – Post-Construction Storm Water Management in New Development and Redevelopment.
- ◇ MCM #6 – Pollution Prevention/Good Housekeeping for Municipal Operations

MCM 1



PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS



MCM #1 Information



- ◆ Articles on storm water were provided in the Palmer Township Newsletter editions dated August 2023, November 2023, February 2024, and May 2024.
- ◆ Storm water pamphlets are available for residents and visitors at the Palmer Township Municipal Building near the receptionist's desk.
- ◆ Storm water information is available on Palmer Township's website: www.palmertwp.com/stormwater.html
- ◆ A display board detailing key points of the MS4 program was at Palmer Community Weekend August 15, 16, 17, and 18th, 2024. The display board included Pollutant Reduction Plan projects, illicit discharges and green infrastructure.
- ◆ An Express-Times newspaper notice (done in conjunction with Lower Nazareth Township, West Easton Borough and Wilson Borough) was published in the February 9, 2024, newspaper.
- ◆ Stormwater pamphlets and information were also available at the ESC Earth Day event on April 20, 2024, and the STC Arbor Day event on April 26, 2024.

MS4- History and Requirements

Most would agree that they want clean water, clean air, and a healthier planet for the next generation, but what are we doing to improve our quality of life in the long-term? While there are many different laws and regulations surrounding pollution and use of environmental resources, one federal program that is actively working to make a difference on the local level is the Municipal Separate Storm Sewer System (MS4) permit program. Although this permit program is an important step towards working together to keep our environment clean and healthy, the MS4 permit program is an unfunded state and federal mandate with increasing regulations every permit cycle, which is every five years. An unfunded mandate means that municipalities like Palmer Township are required to meet the permit regulations without any funding assistance, otherwise the Environmental Protection Agency (EPA) will issue a fine for non-compliance.



The US EPA regulates stormwater management through the National Pollutant Discharge Elimination System (NPDES) program to comply with the Clean Water Act originally passed in 1948. Each individual state administers permits to their municipalities to comply with state-specific requirements for water quality standards. In Pennsylvania, Palmer Township must follow the standards for surface waters described in Chapter 93 of the Pennsylvania Code. The focus of the permit is for municipalities to develop and implement a stormwater management program to educate residents about stormwater issues and reduce pollutants entering the streams and rivers in each municipality. Palmer Township recently renewed its MS4 permit for another five-year term to remain compliant with the MS4 program and avoid federal fines.

The permit requirements stipulate the minimum control measures, or MCMs, that must be met in each municipalities stormwater program to be compliant with the MS4 permit. These MCMs include public education and outreach, illicit discharge detection and elimination, construction stormwater management, and municipal operations. These MCMs set standards for minimum education requirements, details for erosion control on construction sites, stormwater



infrastructure inspections and maintenance, and record keeping for annual reports and any illicit discharges that may occur in the Township. Through the MS4 program, Palmer Township has been tasked with reducing water pollution within the Township and educating residents on stormwater management, and steps Palmer has taken to improve the MS4 program. Without any additional funds to pay employees, purchase equipment, or perform necessary maintenance, Palmer decided to form a stormwater authority to fund these mandated projects and pollutant reduction measures. For more

information on specific measures that Palmer Township takes to be MS4 compliant, and our stormwater authority, please visit the Township website: <https://palmertwp.com/stormwater.html>.

MS4 Article in the Palmer Newsletter (November 2023)

MS4 Article in the Palmer Newsletter (May 2022)

MS4 BMPs- Street Sweeping

Street sweeping is an important Best Management Practice (BMP) in Palmer Township because of how many benefits there are to using a street sweeper. Not only does street sweeping aesthetically make the neighborhood look better, but it also helps significantly reduce pollution from entering the storm sewer system. You will learn about how a sweeping machine works and why they are important to the MS4 program, not only in Palmer Township, but across the country.

There are two different types of street sweepers, one uses mechanical brooms and sprays water onto the road to dislodge any dirt or debris off the streets. Then the rotating brooms sweep it together to be removed on a conveyor belt so any material can be properly disposed of. The other type of street sweeper relies on air jets to remove stuck on dirt or grime from the street, then the truck picks it up with a vacuum system on the underside of the vehicle. Studies have shown that more advanced sweeping technology like the air jet sweepers works more efficiently than typical mechanical broom sweepers to clean roadways. This may be because air jet street sweepers do not require water, which may cause some particles or contaminants to be stuck on the road.

The impacts of street sweeping reach far beyond the street that is cleaned. When townships like Palmer use street sweepers to clean debris off the roads it reduces hazardous materials from reaching the storm drain or being left on the street to eventually wash into the storm sewer. This is one of the reasons why the EPA has determined street sweeping to be a Best Management Practice for MS4 programs across the country. Street sweeping also reduces contaminants like motor oil from poisoning aquatic life. Not to mention, a clean street gives the right impression to visitors, and to longtime residents as well! For more information on Palmer Township's MS4 program and how you can reduce stormwater pollution at home, please visit www.palmertwp.com/stormwater.html.



Pictures above and to the left closely resemble the models of street sweepers Palmer Township currently uses.

MS4 - Public Works Site BMPs- Infiltration Basins



Palmer Township utilizes many different Best Management Practices, or BMPs, in locations and sites across the Township. You have learned about the Charles Chrin Community Center Site in another article, as well as wash bays at the Public Works building and the ecological filter at Mill Race Park. The BMP of focus for this article are the three infiltration basins at the Public Works/Public Utilities (PW/PU) site.

These infiltration basins are important to the MS4 program and stormwater management system because the design of the basin allows water from the PW/PU site to be filtered naturally through the soil and ultimately recharge the groundwater supply. This plays a huge role in reducing the amount of pollution discharged from the stormwater system into our creeks and rivers. There are other functions of the infiltration basins that also benefit the stormwater system of Palmer.

One of the other functions that helps maintain a healthy ecosystem is the permanent rip-rap outlet protection at three discharge pipes from the infiltration basins. Large rocks act as outlet protection as well as energy dissipators to reduce flow velocity and prevent any erosion or scouring caused by water flowing out of the basins. One of the main goals is to prevent any erosion of embankments or berms to ensure that the infiltration basins work properly for as long as possible to improve water quality and safety. These infiltration basins also have water quality inlets and manholes in strategic locations across the site to allow debris in water, like sand or silt, to settle out of the flow and give township employees access to remove any floating debris or sediment that may have found its way into the stormwater system.

Lastly, one of the safety features of the infiltration basins that most basins are required to have are emergency spillways. If you recall the ecological filter article, the spillway at Mill Race was rock lined to filter water before reaching Bushkill Creek. While these emergency spillways for the infiltration basins are not lined with a layer of rock, they still have an important function. If there is ever too much water for the infiltration basins to collect, water would flow out of the emergency spillway before flowing anywhere else and causing bank erosion. This allows Palmer Township to somewhat control where the stormwater ends up ensuring not only employee safety at the PW/PU site but also ensuring resident safety. To keep any unwanted animals or visitors out of the basins, there is a fence around the perimeter of the three basins with a gate.



To learn more about what you can do at home to help Palmer Township keep its stormwater clean, visit palmertwp.com/stormwater.html for more information.

MS4 Article in the Palmer Newsletter (February 2024)

Palmer Township Website on Stormwater

- Stormwater
- Stormwater Fee
- Stormwater FAQs
- Stormwater Projects
- MS4 Updates**
- Resources
- Flood Zone Map
- Stormwater Authority (PTSA)
- Forms & Documents
- Departments

MS4 Updates

- [MS4 Annual Report](#)
- [MS4 Resource Guide](#)

The Municipal Separate Storm Sewer System (MS4) program was developed in response to the adoption of the Federal Clean Water Act and is administered through the Environmental Protection Agency (EPA). In Pennsylvania, the state Department of Environmental Protection (PA DEP) manages municipalities with MS4 permits and those with waivers. These agencies oversee overall MS4 compliance through the National Pollutant Discharge Elimination System (NPDES) permitting program. Palmer Township successfully renewed its' MS4 permit in 2023 which is valid for the next five (5) years.

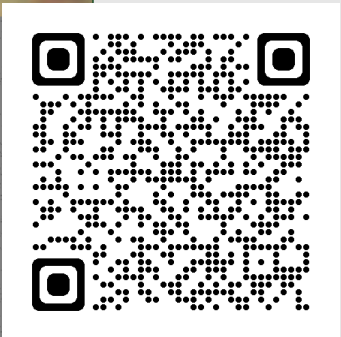
The MS4 permit is a federal and state mandated permit that



Updated Stormwater Department pages on the Township website

MCM 1: Public Education and Outreach on Stormwater Impacts.

Palmer Township must create a stormwater education program to distribute educational materials and conduct outreach activities related to the impacts of stormwater discharges and how the public can aid in the process of pollutant reduction. Required Best Management Practices (BMPs) include developing and maintaining an education program, developing, and maintaining a target audience group list for education in the Township, publish educational articles in Township newsletters, local newspapers, and Township websites, and flyers and other display boards at community events to educate residents on stormwater impacts.



Palmer Community Days Display 2024

Palmer Township - MS4



PRP Projects

The Pollutant Reduction Plan for Palmer requires the Township to reduce sediment entering waterways by 195,000 pounds. These projects must be completed by May 2028 to comply with the MS4 permit.



Green Infrastructure

These are nature-based solutions for stormwater runoff in urban areas. Rain gardens, bio-retention, and green roofs are a few examples. Picture above from Mill Race Park basin.



Illicit Discharge

Any runoff that is not composed entirely of stormwater.



Inlets

Storm inlets can be the first entry point for pollution, both intentional and unintentional.



Get Involved

Find out how you can help improve stormwater in your neighborhood!

MCM 2



PUBLIC INVOLVEMENT/PARTICIPATION (PIP)

MCM #2 Information

- ◆ The Palmer Township Environmental Steering Committee (ESC) held an Earth Day event on April 20th, 2024. Residents came to learn more about stormwater, participate in a cleanup in Fairview Park, and purchase native plants through Penn State Extension.
- ◆ Efforts were underway by Palmer ESC to involve students, scouts and residents with a volunteer program to attach emblems to storm sewer inlets. These efforts are following a township-wide inlet survey.
- ◆ Bushkill Stream Conservancy (BSC) continues to be a partner for Township projects including riparian buffer planting and Earth Day participation.
- ◆ Information about storm water runoff is available at the receptionist's desk at the Palmer Township Municipal Building.
- ◆ Website information and links are provided on the Palmer Township webpage. (www.palmertwp.com/stormwater.html)

Palmer ESC Earth Day 2023

Celebrate
Palmer Township
Earth Day 2024

with the Palmer Township
Environmental Steering Committee

Saturday April 20th, 2024

10 AM - 2 PM

Fairview Park - 3501 Fairview Ave, Easton

Join your neighbors to see how you can help preserve
our township, our state and our planet.

Presentations

10 AM: Bee Nice

Pollinators help farmers produce our food
and make our gardens richer and more
beautiful.

11 AM: Stash the Trash

Plastics are entering our food and water.
Reducing our waste stream can prolong
the life of our landfills; avoiding the
questions of where to place new ones and
how to pay for them.

Noon: Slow the Flow

Stormwater is causing pain and expense
to Palmer residents. Find out about ways
to minimize both while improving your
property and budget.

Ongoing Events

Native Plant Sale

Local plants will be available to beautify
your yard and garden. Master Gardeners
from the Penn State Extension will offer
advice and answer questions.

EVs and Owners

Battery Electric Vehicles are in our future.
Discuss expense, charging and range with
people who have lived with them for years.

Preservation Groups

Find out about hikes, nature walks and
opportunities for volunteering.

Trail, Road and Park Clean-up

Fairview Park and other spaces will be
cleaned by volunteers. Come early to help.
For more information, contact:
earthstewardsofpalmer@gmail.com.



Palmer STC Arbor Day



ARBOR DAY
April 26, 2024

The graphic features a central logo for Palmer Township's Shade Tree Commission. It includes a large green tree with roots, a shovel with a green blade, and a small sapling being planted in a hole. The text "PALMER TOWNSHIP" is arched over the tree, and "SHADE TREE COMMISSION" is arched below it. To the right, "ARBOR DAY" is written in large green letters. Below the main logo are two smaller circular logos: "TREE CITY USA An Arbor Day Foundation Program" and "PALMER TOWNSHIP PENNSYLVANIA". At the bottom, the event details "ARBOR DAY" and "April 26, 2024" are displayed in blue text.

Bushkill Stream Conservancy (BSC)



- ◇ Bushkill Stream Conservancy's mission is to advance the conservation and enhancement of the Bushkill Creek watershed.
- ◇ BSC does this by sponsoring education programs, public outreach, environmental research and restoration of streams.
- ◇ They also partner with Jacobsburg Environmental Education Center to educate the public and protect biodiversity of the Bushkill Creek.



- BSC's recent project is focused on 1.9 miles of the Bushkill Creek between Tatamy and Palmer. Goals are to increase public access and awareness as well as mitigate effects of development in the area. Maintenance for tree and meadow planting is ongoing with BSC members and volunteers.



Inlet Emblem Program

- ◆ Township employees conducted a township wide survey last permit year to determine how many inlets need to be relabeled. Palmer ESC is still working with volunteers to reattach emblems in phases across the township.
- ◆ Metal fish plates were installed in pre-cast inlet tops by the Palmer Township Public Works Department on previous storm sewer projects.
- ◆ Future Palmer Township Storm Sewer Projects are required to install metal fish plates on all new inlets as shown in the Palmer Township Standard Specifications and Construction Details.



Duracast Emblem for Inlet



Metal Emblem for Inlet ("Fish Plate")

Palmer Township Inlet Emblems



MCM 3

ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDD&E)

MCM #3 Information

- ◆ Storm sewer outfalls/swales were inspected for illicit discharges within Palmer Township during the reporting year. No illicit discharges were found. There are 82 known storm sewer outfalls/swales within Palmer Township.
- ◆ Typically, approximately 25% of storm sewer outfalls/swales are inspected each year, about 20-30 outfalls.
- ◆ Inspections are performed, recorded on an inspection sheet, photographed and catalogued by the MS4 Coordinator. Pictures of a few typical outfalls are included in this PowerPoint.
- ◆ A spreadsheet is attached to this presentation and lists when the outfalls/swales were inspected and known remaining outfalls/swales.
- ◆ A note was added to the Township's webpage describing what an illicit discharge is and what to do when one is found.
- ◆ The locations of the storm sewer outfalls and swales are provided on a Palmer Township topographic map. The map is available for review upon request at the Palmer Township Municipal Building.

◆ Pictures of storm sewer outfalls from inspections for illicit discharges





MS4 OUTFALL FIELD SCREENING REPORT



BACKGROUND INFORMATION				
Permittee Name: Palmer Township		NPDES Permit No.: PAI-132206		
Date of Inspection: <input type="text"/>		Outfall ID No.: B-1		
Land Uses in Outfall Drainage Area (Select All):		Latitude: 40° <input type="text"/> <input type="text"/>		
<input type="checkbox"/> Industrial <input type="checkbox"/> Urban Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Open Space <input type="checkbox"/> Other: <input type="text"/>		Longitude: 75° <input type="text"/> <input type="text"/>		
		Dry Weather Inspection? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
		Date of Previous Precipitation: <input type="text"/>		
		Amount of Previous Precipitation: <input type="text"/> in		
Inspector Name(s): <input type="text"/>		Were Photographs Taken? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
		Are Photographs Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No		
OUTFALL DESCRIPTION				
TYPE	MATERIAL	SHAPE	DIMENSIONS	SUBMERGED
<input checked="" type="checkbox"/> Closed Pipe	<input type="checkbox"/> RCP <input checked="" type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> Steel <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Circular <input checked="" type="checkbox"/> Single <input type="checkbox"/> Elliptical <input type="checkbox"/> Double <input type="checkbox"/> Box <input type="checkbox"/> Triple <input type="checkbox"/> Other <input type="checkbox"/> Other	Diameter: 16 in	<input type="checkbox"/> In Water <input type="checkbox"/> With Sediment
<input type="checkbox"/> Open Channel	<input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> Rip-Rap <input type="checkbox"/> Other	<input type="checkbox"/> Trapezoid <input type="checkbox"/> Parabolic <input type="checkbox"/> Other	Depth: <input type="text"/> in Top Width: <input type="text"/> in Bottom Width: <input type="text"/>	
Dry Weather Flow Present at Outfall During Inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(If No, skip to Certification Section)</i>				
Description of Flow Rate: <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Significant <input checked="" type="checkbox"/> N/A				
DRY WEATHER FLOW EVALUATION				
Does the dry weather flow contain color? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide a description below.				

Outfall/
Swale
Inspection
Form
Example

Notice added to Palmer Township's storm water website.



- ◆ **Protect Palmer Township and Downstream Environment From Illicit Discharges To Storm Sewer System**
- ◆ Illicit discharges include dry weather flows from storm water outfalls and swales along stream banks or a significant volume of an unusual looking or odorous discharge from a storm water outfall during wet weather.
- ◆ If an illicit discharge is found, do not investigate further; this material may be harmful to your health and safety. Immediately notify the Palmer Township Public Services Department at 610-253-7191 from 8:30 a.m. to 4:30 p.m. weekdays; and, after hours, a message can be left at the Northampton County non-emergency phone number 610-330-2200.
- ◆ Some examples of illicit discharges are automotive fluids (antifreeze, used motor oil, brake fluid, fuel, etc.), concrete slurry, paint products and solvents.



MCM 4



CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

MCM #4 Information

- ◆ The Northampton County Conservation District (NCCD) performs reviews and approvals of Erosion & Sediment Control Plans and NPDES Plans within Palmer Township.
- ◆ Pre-construction meetings and field inspections are performed by the NCCD.
- ◆ Notice of Violations (NOV) and other compliance letters are also sent by the NCCD.
- ◆ NOVs are sent to the Developer/Contractor/Permit Holder and a copy is sent to Palmer Township for tracking and inclusion in the Annual Report.
- ◆ The pamphlet “Don’t Let Storm Water Run Off With Your Time and Money!” is given to Developers, Contractors and Builders by the Palmer Township Planning and Permitting Offices.
- ◆ Other construction stormwater information can be found using the links on the Township’s webpage.

Notice of Violations List Maintained by Palmer Township

**NORTHAMPTON COUNTY CONSERVATION DISTRICT
EROSION AND SEDIMENT CONTROL PLAN
NOTICE OF VIOLATIONS
PALMER TOWNSHIP, PA
2023-2024**

NUMBER	PROJECT NAME/ RESPONSIBLE PARTY	NCCD # NPDES#	DATE SENT OUT	RECEIVING STREAM	COMMENTS
1	Palmer Elementary School David Piperato, Superintendent Skepton Construction Inc. (Co-permittee)	Cty-24-17-1-86 PAD480042	7/11/2023	Bushkill Creek	Site still under construction, failure to maintain E&S controls, damaged storm sewer pipe carrying runoff
2	Chrin Commerce Center Charles Chrin Real Estate Trust	Cty-30-03-1-32 PAD480095	7/27/2023	Bushkill Creek Schoeneck Creek	Failure to maintain E&S BMPs
3	Palmer Point Apartments Palmer Point OE, LLC Grace Industries (co-permittee)	Cty-24-18-1-74 PAD480081	8/24/2023	Bushkill Creek	Previous violation not satisfactorily addressed.
4	ECB-Land Recycling File Michael S. Fleck	Facility ID-870123 Remediation-56656	10/18/2023	Bushkill Creek	PA DEP letter to homeowner for heating oil spill violating 402 of Clean Stream Law
5	Palmer Elementary School Tracy Piazza, Superintendent Skepton Construction, Inc. (co-permittee)	Cty-24-20-1-29 Cty-24-23-1-64 PAD480042	12/13/2023	Bushkill Creek	Failure to implement/maintain BMPs Failure to temp. stabilize and control runoff
6	Carson Lot 100/200 Carson Van Buren LLC Livengood Excavators Inc. and ARCO Design Build	Cty-24-22-1-120 PAC480164	12/29/2023	Schoeneck Creek	Continued violation, cannot find record of first inspection, follow up scheduled for 12-Jan-24
7	Lot L8SE3 14 6 034 Pattersen Renssealer LP	N/A	5/17/2024	Bushkill Creek	No NPDES permit, builders constructing homes on individual lots

Don't Let Storm Water Run Off With Your Time and Money!

What the Construction Industry Should Know About Storm Water In Our Community

The construction industry plays an important role in improving our community's quality of life by not only providing new development, but also protecting our streams and rivers through smart business practices that prevent pollution from leaving construction sites.

Storm water runoff leaving construction sites can carry pollutants such as dirt, construction debris, oil, and paint off-site and into storm drains. In our community, storm drains carry storm water runoff directly to local creeks, streams, and rivers with no treatment. Developers, contractors, and homebuilders can help to prevent storm water pollution by taking the following steps:

1. Comply with storm water permit requirements.
2. Practice erosion control and pollution prevention practices to keep construction sites "clean."
3. Conduct advanced planning and training to ensure proper implementation on-site.

The remainder of this fact sheet addresses these three steps.

Storm Water Permit Requirements for Construction Activity

Planning and permitting requirements exist for construction activities. These requirements are intended to minimize storm water pollutants leaving construction sites.

- Pennsylvania's Erosion and Sediment Pollution Control Program (25 Pa. Code, Chapter 102) requires Erosion and Sediment Control Plans for all earth disturbing activities.
- The National Pollutant Discharge Elimination System (NPDES) Permit Program (25 Pa. Code, Chapter 92) requires that construction activities disturbing greater than one acre submit a Notice of Intent for coverage under a general NPDES permit.

Knowing your requirements before starting a project and following them during construction can save you time and money, and demonstrate that you are a partner in improving our community's quality of life. For more information about these programs, contact your local county conservation district office or the Department of Environmental Protection.

Erosion Control Practices:

- Perimeter controls (e.g. silt fence)
- Sediment traps
- Immediate revegetation
- Phased, minimized grading
- Construction entrance
- Protection of streams and drainage ways
- Inlet protection



What is Storm Water?

Storm water is water from precipitation that flows across the ground and pavement when it rains or when snow and ice melt. The water seeps into the ground or drains into what are commonly called storm sewers. These are the drains you see at street corners or at low points on the sides of streets. Collectively, the draining water is called **storm water runoff**.



An Ounce of Prevention

Rain that falls onto construction sites is likely to carry away soil particles and other toxic chemicals present on construction sites (oil, grease, hazardous wastes, fuel). Storm water, if not properly managed, carries these pollutants to streams, rivers, and lakes. Erosion and sediment control practices can serve as a first line of defense,

Pollution Prevention Practices:

- Designated fueling and vehicle maintenance area away from streams.
- Remove trash and litter.
- Clean up leaks immediately.
- Never wash down dirty pavement.
- Place dumpsters under cover.
- Dispose of all wastes properly.

minimizing clean up and maintenance costs, and the impacts to water resources caused by soil erosion during active construction. Erosion controls can reduce the volume of soil going into a sediment control device, such as a sediment trap, therefore, "clean out" frequencies are lower and maintenance costs are less. When possible, divert water around the construction site using berms or drainage ditches.

In addition, use pollution prevention and "good housekeeping measures" to reduce the pollution leaving construction sites as well. This can be as simple as minimizing the pollution source's contact with rainwater by covering it, maintaining a "clean site" by reducing trash and waste, and keeping vehicles well maintained.

The Best Laid Plans

Plans such as erosion and sediment control plans and storm water pollution prevention plans are important tools for outlining the erosion control and pollution prevention practices that you will use to manage storm water runoff prior to breaking ground. Developing good plans allows for proper budgeting and planning for the life of the project. Proper installation and maintenance of erosion and storm water controls is essential to a plan that works. Training for on-site staff helps to ensure the proper installation and maintenance of erosion controls and pollution prevention practices. Inspect controls and management techniques regularly to ensure they are working, especially after storm events. If polluted storm water is leaving the site, you may need to repair or add additional storm water controls.



The Bigger Storm Water Picture

Your community is preventing storm water pollution through a comprehensive storm water management program. This program addresses storm water pollution from construction, but it also deals with new development, illegal dumping to the storm sewer system, and municipal operations. It will also continue to educate the community and get everyone involved in making sure the only thing that storm water contributes to our streams is . . . water! Contact your community or the Pennsylvania Department of Environmental Protection for more information about storm water management.

Available in the Municipal Lobby for permit applicants, residents, and developers.

Pennsylvania Association of Conservation District's:
<http://www.pacd.org/default.html>

Pennsylvania Handbook of Best Management Practices for Developing Areas:
http://www.pacd.org/products/bmp/bmp_handbook.html

Storm Water Manager's Resource Center:
<http://www.stormwatercenter.net>

Pennsylvania Department of Environmental Protection:
<http://www.dep.state.pa.us>



Northampton County Conservation District (NCCD)

More Questions?

If you have more questions regarding how erosion control is enforced, or questions about stormwater management during the construction phase, please reach out to NCCD for more information.

Contact

- ◇ 14 Gracedale Ave, Nazareth, PA 18064-9211
- ◇ Open Monday thru Friday 8am-4pm
- ◇ (610) 829-6279
- ◇ northamptoncd@northamptoncd.org
- ◇ www.northamptoncounty.org/CTYADMN/CONSVCP/ages/default.aspx





MCM 5

POST CONSTRUCTION STORM WATER MANAGEMENT IN
NEW DEVELOPMENT AND REDEVELOPMENT

MCM #5 Information

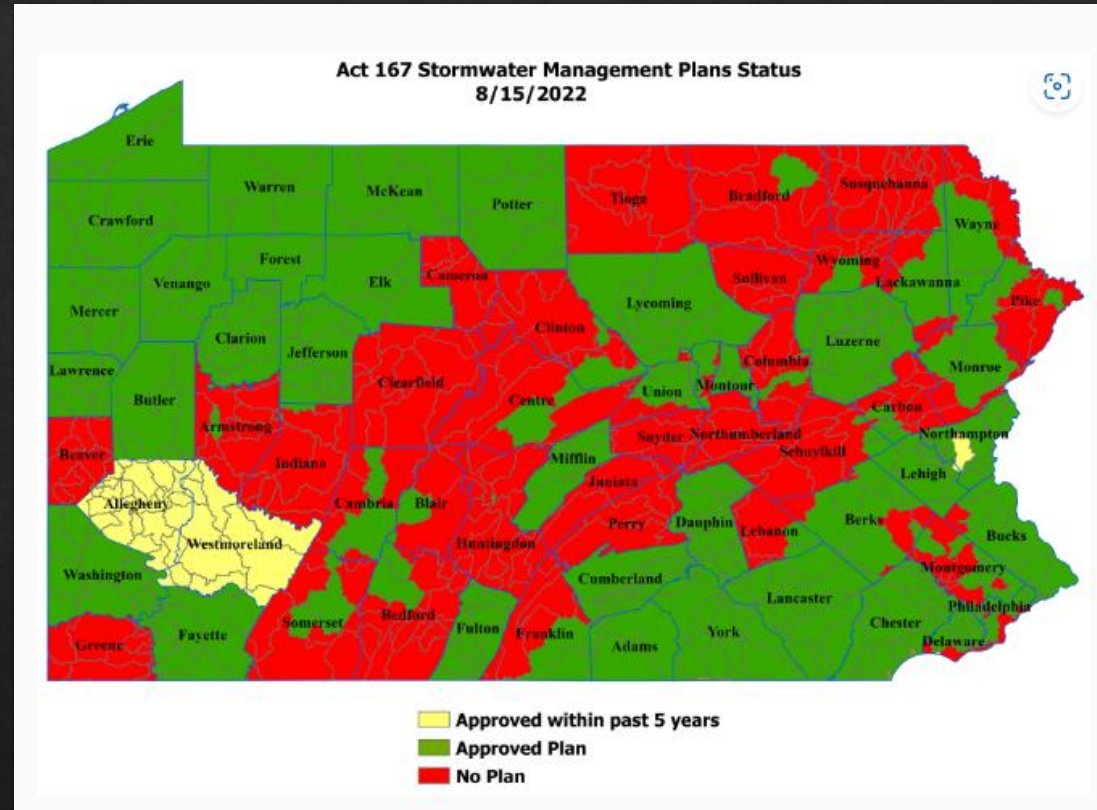
- ◆ Prior to the construction of any subdivision or land development improvements the design requirements for post-development storm water controls are reviewed and approved by the Lehigh Valley Planning Commission and the Township Engineer pursuant to Township Ordinances 158 and 165, and the DEP approved Act 167 Plan.
- ◆ Final inspection of the constructed storm water conveyance and detention facilities is done by the Township Engineer to ensure compliance with the approved storm water management reports and plans.
- ◆ A Township topographic map with inlet numbers and locations is available at the Palmer Township Public Services Department.
- ◆ The Palmer Township Public Works Department provides maintenance and repairs to the existing Township owned storm water collection and conveyance facilities within Township street rights-of-way.
- ◆ The Palmer Township Parks Department provides maintenance and repairs to the existing storm water detention facilities located on properties owned by the Township.

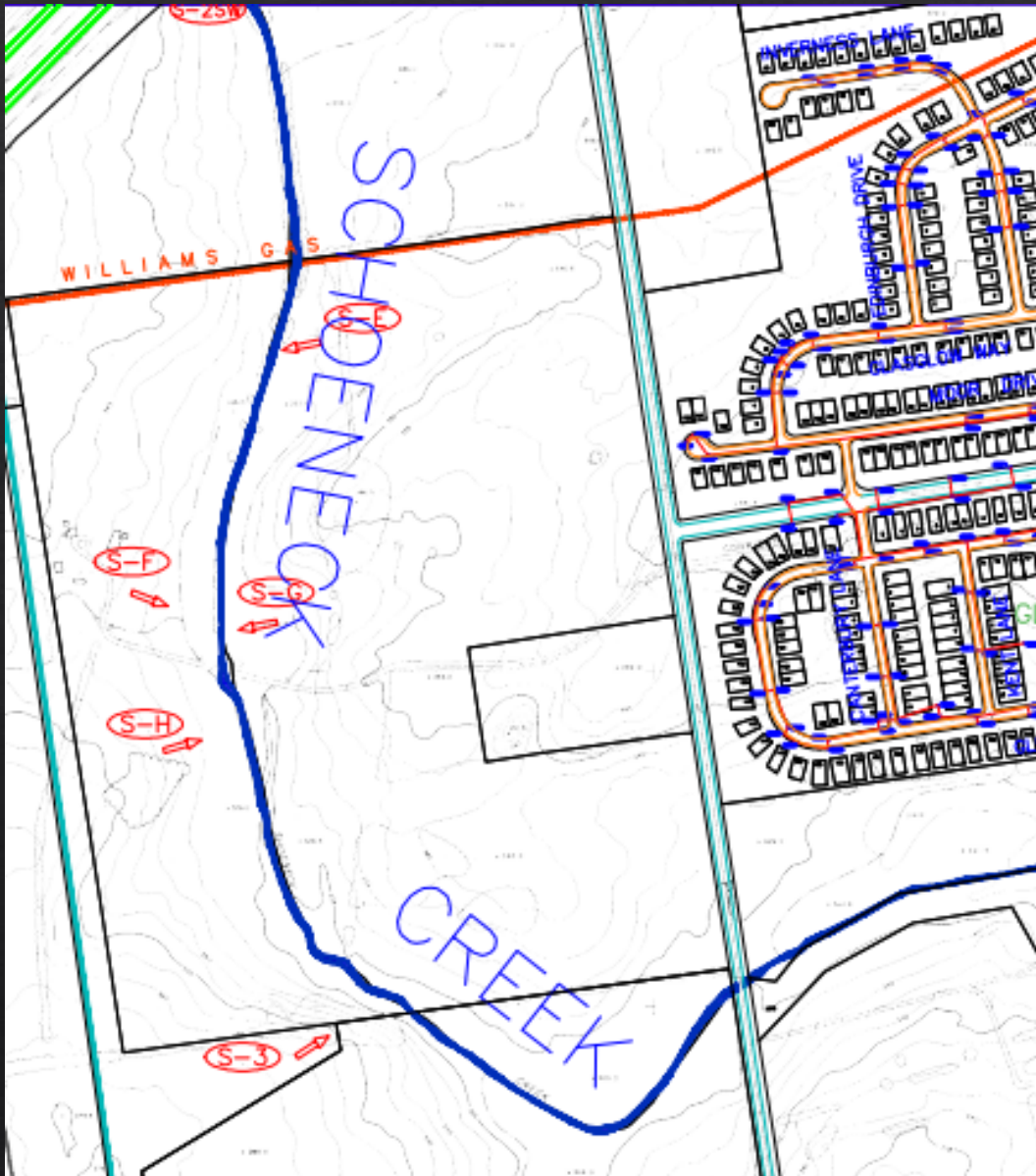
What is Act 167?

- ◇ County level plan
- ◇ How to improve watershed
- ◇ Large scale
- ◇ County Submission
- ◇ Not approved=more review

For more information, please visit DEP's website:

<https://www.dep.pa.gov>

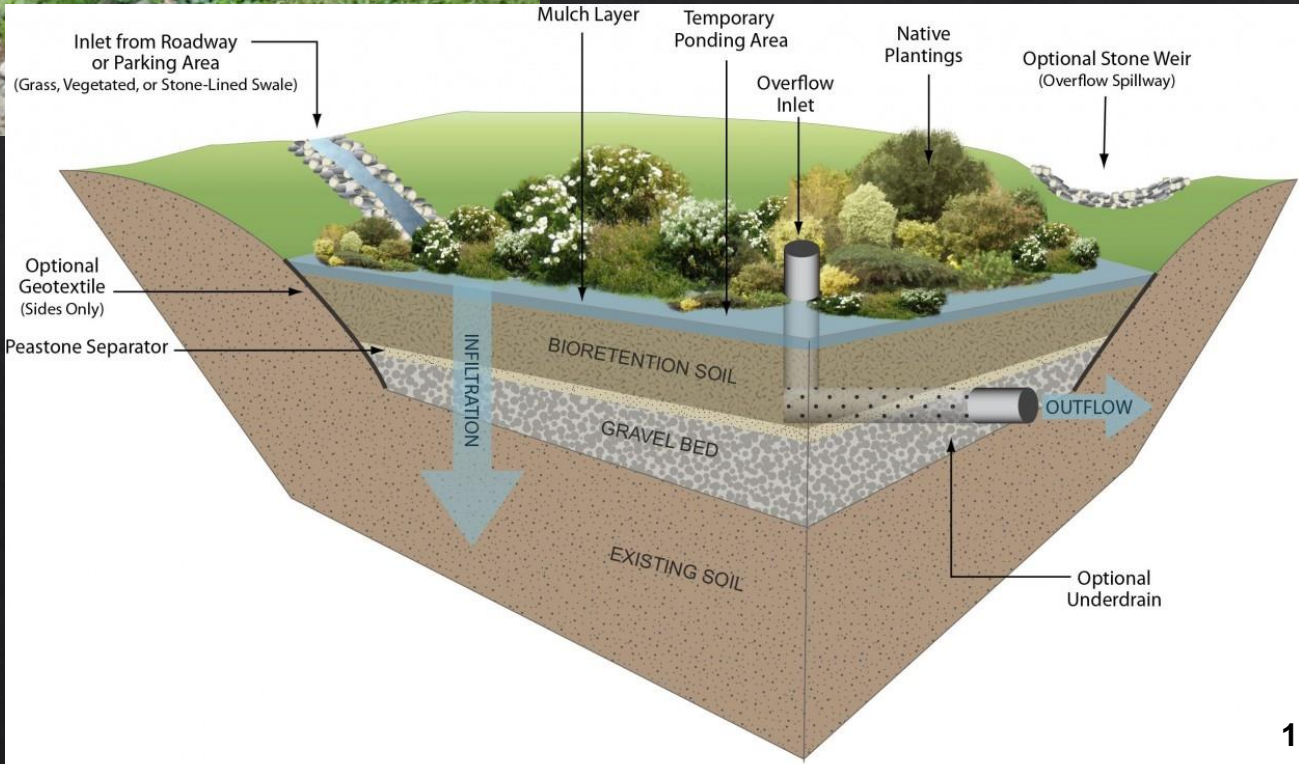




Palmer
Township
Topographic
Map with Inlet
Numbers And
Outfall
Locations



Examples of post-construction storm water management



Examples of Township owned detention basins:
Left- wet detention basin at the Charles Chrin Community Center
Right- Hobson Street dry detention basin.



MCM 6



POLLUTION PREVENTION/GOOD HOUSEKEEPING MEASURES



MCM #6 Information

- ◆ The detention basin inspection and maintenance program was continued.
- ◆ Inlets, outfalls/swales, and detention basin locations have been assigned identification labels. Labels are based on the river/creek where they are located and are numbered for closed pipes while swales are lettered (Ex: B-1, S-2WSW, L-D)
- ◆ Inlets in newly accepted subdivisions are being located and added to Township GIS map.
- ◆ Inlet cleaning and street sweeping programs were continued.
- ◆ The Township Public Works Departments and Police Department employees were provided with MS4 training in June 2024.
- ◆ The Township will train new or transferred employees and update new procedures as necessary to all Public Works and Parks employees.
- ◆ The Township is working on a required Pollutant Reduction Plan (PRP) to address specific concerns, like siltation, for each waterway. Projects are currently in planning phases for the Hobson Street Basin and Schoeneck Creek Stream Restoration.

Example of Township Owned BMP Inspection Form

INSPECTION INSTRUCTIONS:			
<ul style="list-style-type: none"> • Each BMP requires a separate inspection form. • A photo of each BMP is required with the inspection form. • Before and after photos for BMPs requiring maintenance. • Complete the checklist that corresponds with the specific BMP. 			
CHECKLIST:			
Condition	Maintenance Required When:	Requires Maintenance Yes, No or N/A	Maintenance Performed Yes or No
GENERAL CONDITION			
Trash and debris	Trash and debris >1 CF/1,000 SF (one standard size garbage can) Visual evidence of dumping	No	No
Poisonous vegetation and noxious weeds	Poisonous or nuisance vegetation or noxious weeds: Morning Glory, English Ivy, Reed Canary Grass, Japanese Knotweed, Purple Loosestrife, Blackberry, Scotch Broom, Poison Oak, Stinging Nettles or Devil's Club	No	No
Rodent holes	Any evidence of rodent holes if facility is acting as a dam or berm, or any evidence of water piping through dam or berm holes	Yes	No



Examples of Wash Bay Facilities

Truck wash bay facilities at the Public Works and Utilities garage. They use oil/water separator tanks at the Public Works Building, the Parks Building and both fire stations.



Palmer Township Operation and Maintenance

Recently updated manual for
Township Public Works
Operations and Inventories

**OPERATIONS AND MAINTENANCE MANUAL
FOR
PALMER TOWNSHIP,
NORTHAMPTON COUNTY, PENNSYLVANIA**

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Further Information

- ◆ Please contact the Palmer Township Public Services Department for additional information on the MS4 program. Phone Number: (610)-253-7191
- ◆ Additional information can be obtained from the links on the important websites slide. These websites can also be accessed through the Township web page using the resources tab on the stormwater page.

Just Remember You Can Help Protect
Our Streams!



Important Web Sites

www.palmertwp.com/stormwater.html

<https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/Pages/Be-Stormwater-Smart-.aspx>

www.bushkill.org

<https://www.lvpc.org/water-resources.html>

www.epa.gov/npdes/stormwater

www.northamptoncounty.org/CTYADMN/CONSVL/Pages/default.aspx

CREDITS

- ◇ Consultant for Palmer Township's MS4 Program (Herbert Rowland and Grubic Inc.)
- ◇ Philip Godbout, Director of Public Services
- ◇ Ashley Catucci, Administrative Assistant for Public Services
- ◇ Palmer Township Public Works and Parks Departments
- ◇ Justine Caiazzo-Strouse, Palmer Township Website Manager
- ◇ Paige Strasko, Environmental Administrator/MS4 Coordinator

Maintenance Agreement - St. Jane's Church

INFORMATION

The Roman Catholic Diocese of Allentown seeks Board approval of an 18-month Maintenance Agreement for the project known as St. Jane's Church Athletic Complex. Carroll Engineering has confirmed that all required improvements have been completed and the project is now eligible to sign a Maintenance Agreement. The project will maintain a maintenance security of \$35,853.26, previously approved in October.

Board action is requested.

ATTACHMENTS:

[Maintenance Agreement](#)

[Maintenance Security Letter](#)

**PALMER TOWNSHIP
LAND DEVELOPMENT MAINTENANCE AGREEMENT
(ST. JANE FRANCES DE CHANTAL CHURCH)**

THIS SUBDIVISION MAINTENANCE AGREEMENT, dated this ____ day of _____, A.D., 2024, is made by and between *PALMER TOWNSHIP*, a Township of the Second Class, with offices located at 3 Weller Place, Palmer, Pennsylvania 18045 (hereinafter referred to as "*Township*")

A N D

ROMAN CATHOLIC DIOCESE OF ALLENTOWN, (hereinafter referred to as "*Developer*").

WITNESETH

WHEREAS, Developer has developed a 27 acre site of land in Palmer Township located on the northwest corner of Hartley in Palmer Township, Northampton County, Pennsylvania, formerly known as Northampton County Tax Identification Number L8-25-1-0324 (hereinafter referred to as the "*Property*") for a project known as the Athletic and Gathering Facilities Building for St. Jane Frances De Chantal (hereinafter referred to as "*Project*"), said Project more fully described on a separate set of plans recorded in the Township Office and the Northampton County Recorder of Deeds office; said plans being made a part hereof and incorporated herein by reference although not physically attached hereto (hereinafter referred to as the "*Plan*"); and

WHEREAS, Township approved the preliminary/final land development plan for the Project on May 24, 2022; said approval confirmed by written letter of the Township Solicitor dated June 8, 2022.

WHEREAS, the Project consists of the development of a 17,100 ft./sq. athletic and gathering facility as well as public improvements; and

WHEREAS, Developer and Township executed a Subdivision Improvements Agreement dated September 26, 2022 concerning the Project (hereinafter referred to as "*Improvements Agreement*"), whereby Developer was obligated to complete the required improvements set forth on the Plan; and

WHEREAS, Developer has completed all the improvements required to be installed under the Improvements Agreement and has requested Township to accept dedication of such improvements and move the Project into the eighteen (18) month maintenance period (hereinafter referred to as the "*Maintenance Period*"); and

WHEREAS, Township is willing to accept dedication of such improvements provided that Developer pays all outstanding legal, engineering, and administrative costs, and complies with the requirements of the Improvements Agreement, including the posting of financial security for the

benefit of the Township for eighteen (18) months to guarantee the structural integrity and functionality of all the improvements constructed, placed, installed, and/or completed as required by and in accordance with the Improvements Agreement and the Plan (hereinafter referred to as "**Public Improvements**"); and

WHEREAS, as provided in the Improvements Agreement, Developer is willing to enter into this Agreement with Township; said Agreement setting forth Developer's obligations during the Maintenance Period.

NOW THEREFORE, in consideration of the within promises of Developer and Township, and intending to be legally bound, Developer and Township hereby agree as follows:

1. IMPROVEMENTS AGREEMENT. The Improvements Agreement is incorporated herein by reference, although not physically attached hereto. The Developer agrees to comply with all the terms and requirements of the Improvements Agreement throughout the duration of the Maintenance Period. The obligations, requirements, and remedies listed in this Subdivision Maintenance Agreement are in addition to any obligations, requirements, and remedies set forth in the Improvements Agreement. All obligations, requirements, and remedies are cumulative.

2. FINANCIAL SECURITY. Upon Developer paying all the outstanding legal, engineering, and administrative costs as provided for in this Subdivision Maintenance Agreement and upon Developer posting financial security in the amount of Thirty-Five Thousand Eight Hundred Fifty-Three Dollars and Twenty-Six Cents (\$35,853.26) (hereinafter referred to as "**Financial Security**"), Township shall accept dedication of all the Public Improvements offered by Developer for dedication to Township. This Financial Security shall be in a form satisfactory to Township and shall secure and guarantee the structural integrity and functionality of all the Public Improvements in accordance with this Agreement, the Improvements Agreement, and the Plan for a period of twenty (20) months from the date which Township accepts dedication of said improvements (hereinafter referred to as "**Maintenance Period**"). The Financial Security posted herewith will be released only upon completion of the Maintenance Period and after compliance with all the terms and conditions of this Agreement and the Improvements Agreement.

3. OBLIGATION TO MAINTAIN. The Developer hereby agrees to maintain, repair, refurbish, replace, and generally keep up all the Public Improvements installed pursuant to the Subdivision Improvements Agreement for the Maintenance Period at its sole expense.

4. DEVELOPER RESPONSIBILITY AND DEFAULT. Developer understands and hereby acknowledges that it is solely responsible to maintain, repair, replace, and/or refurbish all the Public Improvements during the Maintenance Period, regardless of cost. If Developer fails to undertake such maintenance, repair, replacement, or refurbishment in accordance with this Agreement and the Plan within thirty (30) days of written notice from Township, then Township, at its sole option, may perform the said work by its employees or by its designated contractors and shall receive as payment for the same all sums of money equal to the reasonable costs of such work from the Financial Security under the terms of this Agreement. Any determination of default shall be within the sole discretion of the Township and such determination shall constitute a failure to perform a material obligation. Payment to Township from the Financial Security shall not require

any affirmative declaration by Township concerning the validity of the announced default, and Developer does hereby authorize said payment. Any such payment shall be used to cure the announced default and the resulting expenses incurred thereby, including but not limited to engineering fees, attorneys' fees, construction or demolition costs, and repair costs. The remaining balance of said payment, if any, shall then be deposited in a separate, Township held, escrow account which will be released to the Developer upon the completion of the Maintenance Period. In addition, Developer grants Township the right to enter all portions of the Project to maintain and repair the Public Improvements.

If the Financial Security is insufficient to pay the cost of maintaining or repairing all the Public Improvements covered by this Agreement, Township may, at its option, maintain and/or repair such Public Improvements in all or part of the Project and make demand upon Developer for the costs in excess of the Financial Security. If Developer refuses to cover the excess costs, Township may institute an appropriate legal or equitable action to recover from Developer the monies necessary to complete this work along with the related expenses and costs. In all cases, Developer shall be jointly and severally liable and responsible for one hundred percent (100%) of the costs of any corrective actions taken by Township to ensure the structural integrity and functionality of the Public Improvements, plus all related expenses, including such reasonable attorneys' fees and engineering costs as may be incurred by Township in enforcing the provisions of this Agreement against Developer.

5. PROFESSIONAL INVOICES. Developer agrees to pay all reasonable bills and invoices for engineering, inspection, legal, and other professional services that Township incurs for such services for the time that any Township professional is actually engaged as a result of the following: (1) dedication of the Public Improvements; (2) monitoring, testing and inspecting of the Public Improvements and any of the work required of Developer under this Agreement; (3) preparation of agreements, documents, deeds, easements, etc., incidental to the Plan, the Improvements Agreement, and this Agreement; (4) the release of the Financial Security upon the approved conclusion of the Maintenance Period; (5) preparation for and attendance at meetings relating to dedication, the Maintenance Period, and the release of the Financial Security; and (6) enforcement of the terms of this Agreement. If such bills and invoices are not paid by Developer within thirty (30) days after presentation and Developer has not filed a timely challenge to the invoice pursuant to the Pennsylvania Municipalities Planning Code, Township is authorized to obtain payment for such invoice directly from the Financial Security.

At the time of the execution of this Agreement, Developer shall maintain an escrow fund with the Township pursuant to the professional services agreement which shall be utilized for payment of professional fees, engineering fees, and legal fees associated with inspection, approval, dedication, and acceptance of the Public Improvements. The Township shall reserve the right to seek replenishment of the funds to be paid to cover the fees required in this paragraph in the event the funds are expected to be fully utilized.

6. BANKRUPTCY. The parties to this Agreement acknowledge, and Developer agrees and covenants that in case of either voluntary or involuntary bankruptcy of Developer, the Financial Security and the Escrow Account discussed herein are not considered to be a part of the estate of the Developer, but separate accounts in the name of the Township subject to the terms and conditions contained within this Agreement.

7. TOWNSHIP RESPONSIBILITY. In no event shall anything contained herein be construed to impose any responsibility or liability upon the Township for the construction, maintenance, upkeep, refurbishment, repair, or replacement of the Public Improvements.

8. REMEDIES AND WAIVER. If Township determines that a violation of the terms of this Agreement has occurred or is threatened, it shall give written notice to Developer of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with this Agreement, to restore the portion of the Property so injured to its prior condition in accordance with the Plan and this Agreement. If Developer fails to cure the violation within thirty (30) days after receipt of notice thereof from Township, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing such violation within the thirty (30) day period, or fails to continue diligently to cure such violation until finally cured, Township may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Agreement, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, and to require the restoration of the Property to the condition that existed prior to any such injury. Township's remedies described in this Agreement shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

If Township, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Property, Township may pursue its remedies under this Paragraph without prior notice to Developer or without waiting for the period provided for cure to expire. Developer agrees that Township's remedies at law for any violation of the terms of this Agreement are inadequate and that Township shall be entitled to the injunctive relief described above, both prohibitive and mandatory, in addition to such other relief to which Township may be entitled, including specific performance of the terms of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

Township shall be entitled to recover damages for violation of the terms of this Agreement, including, without limitation, damages for the loss of scenic, aesthetic, or environmental values. All reasonable costs incurred by Township in enforcing the terms of this Agreement against Developer, including, without limitation, costs and expenses of suit, reasonable attorney's fees, and any costs of restoration necessitated by Developer's violation of the terms of this Agreement, shall be borne by Developer, if Township prevails.

In addition to the above-listed remedies, Township may, upon discovery of a breach or violation of this Agreement, cease to issue any permits for the Project or any portion thereof, and revoke any issued permits related in any way to the breach or violation. The Township is not required to provide prior notice to the Developer before exercising its rights under this provision.

Forbearance by Township to exercise its rights under this Agreement in the event of any breach of any term of this Agreement by Developer shall not be deemed or construed to be a waiver by Township of such terms, or of any subsequent breach of the same, or any other term of this Agreement, or of any of Township's rights under this Agreement. No delay or omission by Township in the exercise of any right or remedy upon any breach by Developer shall impair such right or remedy or be construed as a waiver. Developer hereby waives any defense of laches, estoppel, or prescription.

Nothing contained in this Agreement shall be construed to entitle Township to bring any action against Developer for any injury to or change in the Property resulting from causes beyond Developer's control, including, without limitation, fire, flood, storm, or earth movement, or from any prudent action taken by Developer under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

9. EXTENT OF AGREEMENT. The parties agree that this Agreement contains all the agreements between the parties and that there are no other agreements or representations made by either of them except for the above-described Improvements Agreement. These Agreements set forth the entire understanding between the parties and any representations, oral or written, not contained therein, are without effect.

10. ASSIGNMENT. Developer shall not assign this Agreement, in whole or any part, to any person or other entity without the prior written consent of Township. Any attempt at assignment without the prior written consent of Township shall be null and void, not binding on Township, and the same shall constitute a default under this Agreement.

11. THIRD PARTY BENEFICIARIES. It is expressly understood and agreed that no third party beneficiaries are created by this Agreement.

12. SUCCESSORS AND ASSIGNS. This Agreement shall extend to and bind the grantees, successors, and assigns of the respective parties hereto, as well as the parties hereunder, and shall constitute covenants running with the land.

13. TOWNSHIP RIGHTS. Nothing herein contained shall diminish the rights of Township under any law or agreement insofar as they affect Developer or the Project.

14. AMBIGUITY IN THIS AGREEMENT. If any ambiguity or ambiguities in this Agreement or any other Agreement between Township and Developer concerning the Project should be claimed by either Developer or Township, or if any court of competent jurisdiction should determine that any ambiguity exists in this Agreement or in any other Agreement between Township and Developer relative to the Project, any such ambiguity shall be resolved in favor of Township and against Developer.

15. GOVERNING LAW. This Agreement shall be governed by and construed under the laws of the Commonwealth of Pennsylvania and Ordinances of Palmer Township. In the event of a conflict between these laws and ordinances, the laws of the Commonwealth shall prevail. All the parties to this Agreement hereby consent to the exclusive jurisdiction of the Court of Common Pleas of Northampton County, Pennsylvania regarding any dispute arising out of or in connection with this Agreement.

16. SEVERABILITY. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, invalid, unenforceable, unconstitutional, or void, for any reason, only such provision shall be illegal, invalid, unenforceable, unconstitutional, or void and the remainder of this Agreement shall be in full force and effect.

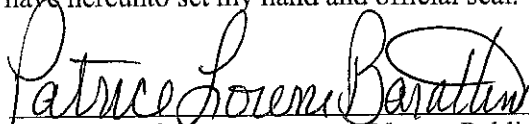
PALMER TOWNSHIP LAND DEVELOPMENT MAINTENANCE AGREEMENT
St. Jane Frances de Chantal Church
(Acknowledgments)

COMMONWEALTH OF PENNSYLVANIA - NOTARY SEAL
Patrice Lorene Barattini, Notary Public
Northampton County
My Commission Expires 02/26/2025
Commission Number 1274763

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF Northampton :

ON THIS 1 day of November, A.D., 2024, before me a Notary Public, personally appeared **REV. MONSIGNOR EDWARD R. DOMIN**, Pastor of **ROMAN CATHOLIC DIOCESE OF ALLENTOWN**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Notary Public
Exp. 2/26/2025 (SEAL)

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF NORTHAMPTON :

ON THIS _____ day of _____, A.D., 2024, before me a Notary Public, personally appeared **MICHAEL BRETT**, who acknowledged that he is the Chair of the Board of Supervisors of Palmer Township, and as such, being authorized to do so, executed the foregoing instrument on its behalf for the uses and purposes therein set forth.

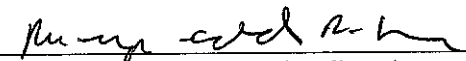
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public (SEAL)

IN WITNESS WHEREOF, and intending to be legally bound, the parties hereby cause this Agreement to be executed the day and year first above written.

DEVELOPER:

ROMAN CATHOLIC DIOCESE OF ALLENTOWN

By: 
Rev. Monsignor Edward R. Domin

TOWNSHIP:

**PALMER TOWNSHIP
BOARD OF SUPERVISORS**

Approved by the proper action of the Board of Supervisors of Palmer Township on the _____ day of _____, A.D., 2024, at an official public meeting of the Township with a quorum present and voting, with the proper officers of the Township being directed to execute this Agreement and the Township Secretary or Assistant Secretary, being directed to note this action upon the minutes of said meeting.

By: _____
Michael Brett, Chair



PALMER TOWNSHIP, NORTHAMPTON COUNTY, PA

3 Weller Place, Palmer, PA 18045-1975, Tel. 610-253-7191

October 23, 2024

Palmer Township
c/o James Farley, Director of Finance
3 Weller Place
Palmer, PA 18045

Re: Reduction of Land Development Improvements Security
St Janes Church Land Development Project

Dear Mr. Farley:

You are hereby authorized and requested by the Palmer Township Board of Supervisors to release \$203,168.50 from the improvement security associated with the most recent land development project of St Janes Church. The Board approved this release at their regularly scheduled meeting held Monday, October 21, 2023. After this release, the balance of the security should be \$35,853.26, year-over-year interest notwithstanding.

Please deliver this release to:

St. Janes Frances de Chantal Church
c/o Michael Civitella, Business Manager
4049 Hartley Avenue
Palmer, PA 18045

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Williams".

Robert A. Williams
Township Manager

RAW

CC: William Oetinger, Esq., Palmer Township Solicitor

Department of Labor and Industry 2025 Solvency Fee Discussion

INFORMATION

The Board needs to approve/disapprove paying the 2025 Solvency Fee in the amount of \$16,723.37. Paying this fee allows the township the ability to request relief from charges for unemployment benefits corresponding to applications for benefits that take effect in 2025 for claimants who:

- Quit work from the employer without good cause attributable to the employment; or
- Was discharged by the employer for willful misconduct; or
- Was separated from the employer for reasons that involve fault on the part of the claimant; or
- Was discharged or temporarily suspended by the employer for failure to submit and/or pass a drug/alcohol test conducted pursuant to an established substance abuse policy; or
- Is still working for the employer in a part-time job that is continuing without material change and was separated from another base-year employer; or
- Was separated from the employer due to a cessation of business of 18 months or less caused by a disaster. A disaster is defined as a fire, flood, or other physical occurrence beyond the employer's control, caused naturally or accidentally.

Board action is requested.

ATTACHMENTS:

[2025 Solvency Fee Election For Relief From Charges.pdf](#)

**ELECTION FOR RELIEF FROM CHARGES AND NOTICE OF SOLVENCY FEE
CALENDAR YEAR 2025**

Date: 11/04/2024
UC Account Number: 4816579

PALMER TOWNSHIP BOARD OF SUPERVISORS
3 WELER PL
PALMER TOWNSHIP PA 18045

Dear Employer:

Pursuant to Section 213 of the PA Unemployment Compensation (UC) Law, a reimbursable employer may elect to be eligible to request relief from charges if the employer meets certain requirements. For more information about the relief-from-charge option and how to make an election, please see page 2.

Calculation of 2025 Solvency Fee for Relief from Charges:

Fiscal Year 2024		2025 Solvency		2025 Solvency
Gross Wages	X	Fee Rate	=	Fee
\$8,801,771.90	X	0.0019	=	\$16,723.37

NOTE: IF THE SOLVENCY FEE COMPUTES TO AN AMOUNT THAT IS LESS THAN \$25.00, THE MINIMUM SOLVENCY FEE OF \$25.00 IS PAYABLE.

To elect to be eligible to request relief from charges for benefits corresponding to applications for benefits (AB) that take effect in 2025, you must submit full payment of the solvency fee by **12/04/2024**.

This solvency fee is non-refundable.

Payment may be made either by:

- Accessing your employer self-service portal at www.uctax.pa.gov and remitting electronic payment of the solvency fee in the amount of \$16,723.37 by selecting the Online Solvency Fee Payment option on the Reimbursable Financing Method screen (recommended); or
- Mailing your payment, made payable to the "Pennsylvania Unemployment Compensation Fund" (PA UC Fund), to the Office of Unemployment Compensation Tax Services, PO Box 60848, Harrisburg, PA 17106-0848. *If mailing, please include your UC account number and the words "Solvency Fee" on your remittance.*

You will receive an explanatory notice from the department if your election is not approved.

The earliest AB date for which relief from charges may be requested is 01/05/2025. The last AB date covered by this election is 12/28/2025.

If you have any questions, please contact Employer Tax Services at 866-403-6163 weekdays from 7:30 a.m. to 4:00 p.m. Eastern Time. For more information, access the department's website shown below.

Department of Labor & Industry | Office of UC Tax Services
651 Boas Street | Harrisburg, PA 17121-0750 | www.uc.pa.gov

*Auxiliary aids and services are available upon request to individuals with disabilities.
Equal Opportunity Employer/Program*

**ELECTION FOR RELIEF FROM CHARGES AND NOTICE OF SOLVENCY FEE
CALENDAR YEAR 2025**

When unemployment compensation (UC) benefits are paid to a claimant, the benefits are charged to the employer(s) that paid wages to the claimant during the claimant's Base Year. The Base Year is the first four of the last five completed calendar quarters prior to the quarter in which the claimant files his or her application for benefits.

Our records indicate that you are using the reimbursable method to finance Pennsylvania (PA) UC coverage. As a reimbursable employer, you are directly billed on a dollar-for-dollar basis for all UC benefits that are charged to you.

Section 302 of the PA UC Law provides that an employer may be relieved of charges for benefits that are paid to a claimant who:

- Quit work for the employer without good cause attributable to the employment; or
- Was discharged by the employer for willful misconduct; or
- Was separated from the employer for reasons that involve fault on the part of the claimant; or
- Was discharged or temporarily suspended by the employer for failure to submit and/or pass a drug/alcohol test conducted pursuant to an established substance abuse policy; or
- Is still working for the employer in a part-time job that is continuing without material change and was separated from another base-year employer; or
- Was separated from the employer due to a cessation of business of 18 months or less caused by a disaster. A disaster is defined as a fire, flood, or other physical occurrence beyond the employer's control, caused naturally or accidentally.

NOTE: Relief from charges is not available for benefits paid to a claimant who is separated due to lack of work.

The relief-from-charge provisions in Section 302 apply to all contributory employers. Pursuant to Section 213 of the PA UC Law, relief from charges in accordance with Section 302 is also available to a reimbursable employer if the employer meets certain requirements. Section 213 provides that a reimbursable employer's eligibility to request relief from charges is re-determined for each calendar year.

In order to be eligible to request relief from charges for benefits corresponding to applications for benefits that take effect in 2025, you must do the following within thirty (30) days of the date of the enclosed election and notice form:

- Pay a non-refundable solvency fee, and
- File all wage reports required under the PA UC Law for calendar quarters through the second quarter of 2024, if you have not already done so.

Your solvency fee is determined by multiplying the total amount of wages you paid during Fiscal Year (FY) 2024 (i.e., the third calendar quarter of 2023 through the second calendar quarter of 2024) by 0.0019. The solvency fee rate, 0.0019, is the same for all reimbursable employers. A minimum solvency fee of \$25.00 must be paid if the product of the solvency fee rate and the wages you paid during FY 2024 is less than \$25.00.

You are not required to elect to be eligible to request relief from charges. Accordingly, this is not a bill and payment of the solvency fee is *not* required. Non-participation in the relief-from-charge option does not affect your status as a reimbursable employer.

It is your responsibility to determine if electing to be eligible to request relief from charges is in your best interest.

2025 No Nonsense Neutering Contract

INFORMATION

Included in the Board's packet is the 2025 No Nonsense Neutering Contract for the Board's consideration. The contract remains the same as the 2024 contract and provides neutering services for a maximum of 50 feral cats at the cost of \$40 per cat for a total of \$2,000. The amount is included in the 2025 township budget.

The staff is recommending approval and authorization for the Township Manager to execute the 2025 agreement.

ATTACHMENTS:

[2025 Palmer Township TNR contract.pdf](#)



1044 N. Quebec Street, Allentown, PA 18109
EIN: 26-3430346

This contract represents an agreement between No Nonsense Neutering (NNN), a non-profit spay-neuter clinic, located at 1044 N. Quebec St., Allentown, PA and Palmer Township, 3 Weller Place, Palmer, Pa 18045 . This contract is effective for neutering services provided by NNN from January 1, 2025 to December 31, 2025.

No Nonsense Neutering will provide sterilization services at our Allentown clinic for _____ Palmer Township residents' feral cats. The Palmer Township resident is responsible for no co-pay cash payment per cat at check-in and Palmer Township is responsible for payment of \$40 per feral cat. This contract is applicable to free-roaming cats only and does not apply to companion animals of any type.

NNN agrees to spay/neuter each feral cat and provide a rabies vaccination. Each feral cat will be left ear-tipped as a universal indication that it has been sterilized and vaccinated. Caretakers are responsible for post-operative care and will be provided with instructions and a certificate of rabies vaccination. Sterilization, a rabies vaccination, worming and flea treatment is provided under the terms of this contract. Additional services or vaccinations are available; however, they are the sole financial responsibility of the caretaker. Requests for additional services must be paid at check-in and not the responsibility of the Township.

No Nonsense Neutering will:

- Ask for identification that this is a resident of Palmer Township in order to participate;
- Provide sterilization and vaccination services for the City of Easton's FERAL/free roaming cats;
- Send the Palmer Township's representative (identified below) a monthly invoice to include caretaker's name, date of service, address and number of cats sterilized;
- Invoice sent via email,

Palmer Township will:

- Submit payment via duly authorized check to **NNN 1044 N Quebec St Allentown Pa 18109**
- Ensure payment is received within 30 days of invoice receipt date;
- Agrees that any late payments (5-day grace) will incur a 10% late fee on any unpaid balance;

This agreement is amenable to both parties and may be terminated by either party with 30 days written notice. Termination of this agreement does not nullify payment of any outstanding balances owed to No Nonsense Neutering by Palmer Township

NNN representative (signature)

Date

Palmer Township representative (signature)

Date

Suburban EMS Local Share Account (LSA) Grant Request

INFORMATION

Suburban EMS is seeking township approval of resolutions to support the purchase of a 21 Stryker Xpedition stair chairs totaling \$372,357.93, to replace their outdated stairs chairs.

Board action is requested.

ATTACHMENTS:

[Suburban EMS \(1 Xpedition Chair Svc\) - Nov 2024.pdf](#)

[LSA Grant Suburban111824.pdf](#)



1 Xpedition Chair & Service

Quote Number: 10998987

Remit to: Stryker Sales, LLC
21343 NETWORK PLACE
CHICAGO IL 60673-1213
USA

Version: 1

Prepared For: SUBURBAN EMS
Attn: Bryan Dunlap

Rep: Matt Camire
Email: matt.camire@stryker.com
Phone Number: (610) 955-4323

Quote Date: 11/04/2024

Expiration Date: 05/31/2025

Contract Start: 10/03/2024

Contract End: 10/02/2025

Delivery Address		Sold To - Shipping		Bill To Account	
Name:	SUBURBAN EMS	Name:	SUBURBAN EMS	Name:	SUBURBAN EMS
Account #:	20006429	Account #:	20006429	Account #:	20172218
Address:	3231 FREEMANSBURG AVE EASTON Pennsylvania 18045-7118	Address:	3231 FREEMANSBURG AVE EASTON Pennsylvania 18045-7118	Address:	POBox 3339 EASTON Pennsylvania 18043-3339

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	625705550002	6257 XPEDITION HIGH CONFIG	1	\$16,239.00	\$16,239.00
2.0	650700450301	ASSEMBLY, BATTERY CHARGER	1	\$1,212.00	\$1,212.00
3.0	650700450102	ASSEMBLY, POWER CORD, NORTH AM	1	\$27.75	\$27.75
Equipment Total:					\$17,478.75

ProCare Products:

#	Product	Description	Qty	Sell Price	Total
4.1	XPEDITION-PROCARE	Xpedition Stair Chair for 6257 XPEDITION HIGH CONFIG 10/04/2024 - 10/03/2026 Parts, Labor, Travel Preventative Maintenance Batteries Service	1	\$2,144.00	\$2,144.00
ProCare Total:					\$2,144.00

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$252.58
Grand Total:	\$19,875.33



1 Xpedition Chair & Service

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USA

Version: 1

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Attn: Bryan Dunlap

Rep: Matt Camire
Email: matt.camire@stryker.com
Phone Number: (610) 955-4323

Quote Date: 11/04/2024

Expiration Date: 05/31/2025

Contract Start: 10/03/2024

Contract End: 10/02/2025

Comments:

Service is comprehensive for 3yrs to include batteries and chargers.

Prices: In effect for 30 days

Terms: Net 30 Days

Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html.

Palmer Township
Resolution
2024 - _____

Be it RESOLVED, that the Township of Palmer of Northampton County hereby requests a Statewide Local Share Account grant of Three Hundred Seventy Two Thousand Three Hundred Fifty Seven Dollars and Ninety Three Cents (\$372,357.93) from the Commonwealth Financing Authority to be used for 21 Stryker Xpedition stair chairs.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Michael Brett, Chairman of the Board of Supervisors and Robert A. Williams, Township Manager as the official(s) to execute all documents and agreements between Palmer Township and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Robert A. Williams, duly qualified Secretary of Palmer Township, Northampton County PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Township of Palmer Board of Supervisors at a regular meeting held November 18, 2024, and said Resolution has been recorded in the Minutes of the Palmer Township and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Palmer Township, this 18th day of November 18, 2024.

Robert A. Williams
Secretary
Palmer Township
Northampton County

Michael Brett
Chairman
Palmer Township
Northampton County

Supervisor Healthcare Notification Letter

INFORMATION

As outlined in Section 606(c)(1) of the Pennsylvania Second Class Township Code, Supervisor Jeffrey Young has submitted his letter for participation in the township healthcare plans effective October 1, 2024.

The Code states, "inclusion in those plans does not require auditor approval, but does require submission of a letter requesting participation at a regularly scheduled meeting of the board of supervisors before commencing participation."

ATTACHMENTS:

[Armato Health Letter.pdf](#)

Joseph V. Armato
6 Beaver Lane
Easton, PA 18045

November 15, 2024

To: The Palmer Township Board of Supervisors

Please allow this letter to serve as notification to join and participate in the Township Sponsored Health Benefit Plan as per Section 606(c)(1) of the Pennsylvania Second Class Township Code, as amended. Benefits to be effective January 1, 2025.

Sincerely,

Joseph V. Armato
Supervisor Palmer Township