

**BUSHKILL TOWNSHIP BOARD OF SUPERVISORS
1114 BUSHKILL CENTER ROAD
NAZARETH, PA 18064**

**MINUTES
September 4, 2025**

The Bushkill Township Board of Supervisors held their regular meeting on Thursday, September 4, 2025, in the Bushkill Township Municipal Meeting Room. The following Supervisors were present: Mrs. Bender, Mrs. Hill, Mr. Knauss, Mr. Kocher, and Mr. Smith. Also present at the meeting were Solicitor Gary Asteak, Township Engineer Robert Collura, Chief McLouth, Public Works Director Peter Yotter, Zoning Officer Todd Weidman and Open Space Coordinator Kerry Reider. There were 11 people in the audience.

Pledge of Allegiance to the Flag

The Chairman, Brien Kocher called the meeting to order at 6:00 PM with the Pledge of Allegiance to the Flag.

Sign Ins: Robert Kemmerer, who is running for the position of District Magistrate in November 2025 expressed his gratitude to the Board of Supervisors for their support during the May elections.

Motion to Approve the Agenda: Chairman Kocher asked if there was any need to amend the agenda. Carolyn Hill stated there would be one addition under Engineer for a waiver request at 1296 Woodsedge Road. **Motion** by Carolyn Hill was seconded by Julie Bender and approved unanimously to approve the amended agenda.

Approval of Minutes

August 7, 2025 - Motion by Julie Bender was seconded by Jason Smith and approved unanimously to approve the minutes of August 7, 2025.

Subdivisions:

##2024-10 Fairman Minor Subdivision - Creating 1 new lot on Bok Road, the property is in the Rural Residential Zoning District. The plan was approved by the Planning Commission during the regularly scheduled meeting on March 24, 2025

Resolution 2025-19 Approves the Preliminary/Final plan for the Fairman Minor Subdivision with the following comments provided by the Township Engineer:

1. Owner's statement must be signed by the owner's and notarized.
(BT SALDO §703.C.4)
2. Surveyor's seal and signature are required. (§703.C.5)

Motion by Randy Knauss was seconded by Jason Smith and approved unanimously to approve Resolution 2025-19 with the conditions set forth in the Engineers Review Letter.

Reports

1. **Police** - Chief McLouth provided the Police Report
2. **Treasurer** - Report Enclosed
3. **Tax Collector** - Report Enclosed
4. **Zoning Officer** – Zoning Officer Todd Weidman provided the report.
 - **Zoning Hearing Board Appeals:**

5. Public Works - Public Works Director Peter Yotter provided the report.

- a. **Resignation:** Michael Vishnesky resigned as Public Works Laborer on August 25, 2025. **Motion** by Carolyn Hill was seconded by Julie Bender and approved unanimously to accept the resignation of Michael Vishnesky effective August 25, 2025.
- b. **New Hire:** Authorization to hire Justin Zrelak, as full-time Public Works employee, at a rate of \$28.00/hr. **Motion** by Julie Bender was seconded by Jason Smith and approved unanimously to hire Justin Zrelak as a full-time public works employee at a rate of \$28.00 per hour.

6. Library - Jarred Bedoya provided the report.

7. Recreation - No Meeting held in August.

8. Fire Company - BTVFC President Alex Thompson provided the report.

9. Engineer -

- a. **The Enclave at Bushkill Subdivision:** Engineer Robert Collura stated that Tuskes Development has requested an LOC reduction for The Enclave at Bushkill Subdivision, based upon the Engineers review the Board of Supervisors may approve the reduction and place the subdivision into the 18-month maintenance period. **Motion** by Julie Bender was seconded by Jason Smith and approved unanimously to approve the LOC reduction and to place the subdivision in the 18-month maintenance period based on the review and recommendation of the Township Engineer.
- b. **1296 Woodsedge Road:** Engineer Robert Collura stated that the current septic system at 1296 Woodsedge Road needs to be repaired. Jason Haskar, engineer for the project, has submitted a waiver request for isolation distance between the well & septic, as well as a Hold Harmless Agreement. The well is within 100' of the existing and new septic system. **Motion** by Jason Smith was seconded by Randy Knauss and approved unanimously to approve the waiver request and authorize Solicitor Asteak to draft the Hold Harmless Agreement for execution.

10. Solicitor -

11. EAC - Open Space Coordinator Kerry Reider provided the report.

12. NAZ COG - No Meeting held in August.

13. Emergency Mgmt. - EMC Tom Baranowski provided the Emergency Mgmt. report.

OLD BUSINESS:

14. DCED Greenways, Trails & Rec Park Grant –

NEW BUSINESS:

- 15. 2026 MMO (Uniform & Non-Uniform Pension)** - Uniform MMO is \$284,459.04 and Non-Uniform MMO is \$107,287.56. **Motion** by Julie Bender was seconded by Randy Knauss and approved unanimously to approve the 2026 MMO for Uniform and Non-Uniform pension.

- 16. Regulations of Burial Practices Request** – Chairman Kocher stated that a request has been made regarding the Regulation of Burial Practices. The request had been referred to Solicitor Asteak for review. Solicitor Asteak in his letter dated August 11, 2025, As Township Solicitor, I have been asked to advise the Board of Supervisors on whether the Township can regulate how human remains are buried in local cemeteries. Unless a specific burial practice creates a clear threat to public health, safety, or welfare, the Township should not attempt to regulate burial methods, especially regarding caskets or vaults. Doing so could expose the Township to constitutional challenges. *(Full letter from Solicitor Asteak dated August 11, 2025, included as part of the minutes)*

17. 2023 Tax Collector Audit - The 2023 audit has been completed by Campbell, Rappold & Yurasits, LLC. There were no findings. Campbell, Rappold & Yurasits, LLC will now complete the 2024 Tax Collector Audit.

18. Trick or Treat - Friday, October 31, 2025, from 6pm to 8pm. **Motion** by Julie Bender was seconded by Jason Smith and approved unanimously to set the date for Trick or Treat on Friday, October 31, 2025, from 6pm to 8pm.

19. PA American Water - PA American Water is working to develop inventory on all water service line materials on both utility and customer sides. CDM Smith is the program contractor for the project and will have canvassers going door-to-door to perform in-home inspections beginning September 15, 2025, at properties where service line materials are currently unknown to identify and potential lead service lines.

20. Resolution 2025-20 Northampton/Lehigh 2025 LSA Grant - Application to be submitted in the amount of \$107,716.00 for *2 police patrol vehicles & 2 P25 compliant digital mobile radios*. **Motion** by Jason Smith seconded by Carolyn Hill and approved unanimously to approve Resolution 2025-20.

21. Resolution 2025-21 Monroe County 2025 LSA Grant - Application to be submitted in the amount of \$107,716.00 for *2 police patrol vehicles & 2 P25 compliant digital mobile radios*. **Motion** by Randy Knauss seconded by Jason Smith and approved unanimously to approve Resolution 2025-21.

PAY BILLS: Bill List - \$250,309.42 - **Motion** by Julie Bender was seconded by Jason Smith and approved unanimously to pay the bills.

COORESPONDENCE: PSATS Bulletin (August)
PennDOT (Summer 2025)

EXECUTIVE SESSION: Not needed

GOOD OF THE BOARD: Next regular Board of Supervisors Meeting – October 2, 2025 @ 6:00pm
Touch-A-Truck Event - October 4, 2025, 10am - 2pm

ADJOURNMENT: Chairman Kocher asked if there was any other business, hearing none, Chairman Kocher asked for a motion to adjourn the meeting. **Motion** by Jason Smith was seconded by Carolyn Hill and approved unanimously to adjourn the meeting at 6:25pm

Respectfully Submitted,

Belinda A. Roberts, Manager

ASTEAK LAW OFFICES

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August 11, 2025

Board of Supervisors
of Bushkill Township
1114 Bushkill Center Road
Nazareth, PA 18064

RE: Township Regulation of Burial Practices

Dear Board of Supervisors:

As the Township Solicitor I have been directed to provide the Board of Supervisors with guidance with regard to whether a Township may regulate the manner in which human remains are buried in cemeteries located within the Township. The Second Class Township Code specifically provides the Board of Supervisors may by Ordinance make rules and regulations regarding the location, operation and maintenance of cemeteries in the Township. If a cemetery is abandoned, the Second Class Township Code provides for procedures to regulate and remove leaves, refuse and debris. (See Section 1536 of the Second Class Township Code).

The Bushkill Township Zoning Ordinance addresses cemeteries as a use and the permissible locations thereof. There is a wealth of legislation adopted by the Commonwealth addressing and regulating cemeteries, burial practices, funeral practices, and other aspects of disposal of human remains.

Note that there is a distinction between the operation of cemeteries and the disposal of human remains from a health, safety, and welfare perspective. Neither State nor Federal law requires the use of a vault or casket. In fact, burial practices are largely left to religious practices and for that reason the government has not deemed it appropriate to regulate burial practices or the requirements for vaults or caskets. For the Township to meddle in an individual's freedom of religion burial practices would be violative of the freedom of religion provisions contained in both the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania.

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If burial in the absence of a casket or vault posed a threat to health, safety, and welfare, as long as said burial occurs as regulated and prescribed by State Statute, it ought not be the subject of municipal regulation. It is believed that any municipality in Pennsylvania that seeks to do so would be the subject of Constitutional challenge.

Respectfully submitted,



GARY NEIL ASTEAK, ESQUIRE

GNA:lmr