



Allen Township Supervisors

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Paul Balliet, Chairman
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Alfred Pierce
Michelle Drzewiecki

B. Lincoln Treadwell, Jr., Esq.
Brien Kocher, P.E.
Ilene M. Eckhart, Manager

ALLEN TOWNSHIP SUPERVISORS MEETING MINUTES

Thursday, December 13, 2012

A General Meeting of the Allen Township Supervisors was held on Thursday, December 13, 2012, at 7:00 P.M. at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, Pennsylvania 18067. The Pledge of Allegiance to the Flag was led by Chairman Paul Balliet.

Roll Call: Paul Balliet - Present; William Holmes- Present; Alfred Pierce - Present; Michelle Drzewiecki – Absent; Bruce Frack - Present; B. Lincoln Treadwell, Jr., Esq. - Present; Ilene M. Eckhart – Present; Brien Kocher PE (Hanover Engineering) - Present.

Public to be Heard: Mr. Dale Hassler, Millrace Road, voiced concern regarding Tomahawk Trail and asked the Board to consider making minor repairs versus closing the road.

Public Hearings:

ATV Ordinance, Draft for public comment: Mr. Holmes made a motion to open the public hearing for the published ATV Ordinance. Mr. Treadwell reviewed the content of the draft ordinance as follows:

Chris Firmstone, Rinker Road, owns twelve acres (six of which are in Allen Township) indicated that he purchased his property. He questioned if he would need a notarized letter from the adjoining neighbor to ride within fifty feet on his property. He was unsure how he would obtain that approval since the neighboring property is owned by a Canadian corporation. Mr. Firmstone felt that the ordinance was overly restrictive in a rural setting. Mr. Firmstone further felt the restriction limiting no more than three ATV's to be operated at the same time on the same property was additionally very excessive. Ms. Drzewiecki noted that it was complaint driven and the ordinance was put in place to protect people. Mr. Pierce indicated he was fine with the ordinance with the exception of the limit in operators which he felt should be four. Mr. Holmes indicated that the ordinance was drafted due to complaints received concerning the nuisances created by ATVS. Mr. Holmes felt that the ordinance was not directed at Mr. Firmstone. Mr. Holmes felt that the ordinance should remain as last drafted with a limit of three operators at a time per property. Mr. Holmes indicated the only reason the ordinance was

brought up was because it was abused. Mr. Holmes further felt that the ordinance may be changed in the future concerning the number of operators. Mr. Frack agreed with Mr. Holmes, he further reiterated that the ordinance was drafted due to abuse. Mr. Frack agreed that Mr. Firmstone's situation was unique because he had quite a large property but he complaints we received were of operation of ATV that were very disruptive to neighboring property owners.

David Miller, a non-resident and a representative for an Off Road Association, presented a situation in another municipality which recently adopted a similar ordinance. He felt that the Board should consider what is involved with enforcement. He felt that the Board should refer the matter to the State Police and the complaining property owner to the State Police.

Mrs. Druckenmiller, Seemsville Road, indicated that several property owners have gone to the State Police and they've done nothing.

Barbara Maza, Seemsville Road, further noted that no one knows what it is like unless they live there. She commented on the dust over her pool. She further commented that there is also shooting on the property and the excessive drinking.

Joel Maza, Seemsville Road, further reiterated about the dust and the noise.

Jim Pelc, Seemsville Road, reviewed when they left the meeting upon their first approach of the Board in October - they had little hope. Mr. Pelc further indicated that the State Police response was non-effective.

Mr. Treadwell commented that the intent of the ordinance was to legislate some common sense rules for this particular activity.

Gary Behler, was concerned that the ordinance did not provide for enough detail as far as the level of violation, in other words, there was no way to measure the noise or dust.

Mr. Pierce indicated the rural communities needs to viewed the context we live in – he felt that rural needs to have a balance, the ordinance is meant to Mr. Pierce made a motion to adopt the ordinance; seconded by Mr. Holmes. On the motion, by roll call vote, all supervisors present voted yes. Mr. Pierce made a motion to close the public hearing; seconded by Mr. Holmes. On the motion, by roll call vote, all supervisors present voted yes.

Approval of Minutes: Mr. Holmes made a motion to approve the minutes as presented; seconded by Mr. Frack. On the motion, by roll call vote, all supervisors present voted yes.

Reports

A. Treasurer: Mr. Frack made a motion to approve the Treasurer's Report; seconded by Mr. Holmes . On the motion, by roll call vote, all supervisors present voted yes.

B. Solicitor: On file

C. Engineer: On file.

D. Zoning Officer: On file.

E. Code Enforcement: On file.

F. Road Superintendent/Public Work Director: On file.

G. Fire Company: No report.

H. Parks: On file.

Unfinished Business

A. 2013 Budget: Mr. Holmes made a motion to approve the 2013; seconded by Mr. Frack. On the motion, by roll call vote, all supervisors present voted yes.

B. Tomahawk Trail: Ms. Eckhart indicated she has been in contact with the property owner regarding the gate issue discussed at the last meeting. She further presented a cost estimate in the amount of \$30,000 for additional guiderail. Mr. Holmes also asked Ms. Eckhart to prepare an estimate of costs to widen the road to 14' from center line.

C. Northampton Borough Sewer Litigation and Intermunicipal Sewer Service Agreement: Mr. Pierce made a motion to authorize the signing of the agreement as presented; seconded by Mr. Holmes. On the motion, by roll call vote, all supervisors present voted yes. Mr. Treadwell suggested the Board authorize the preparation of an intergovernmental governmental cooperation and tapping fee ordinance. Mr. Pierce made a motion to authorize the Solicitor to prepare an intergovernmental governmental cooperation ordinance and tapping fee ordinance; seconded by Mr. Holmes. On the motion, by roll call vote, all supervisors present voted yes.

New Business

Public to be Heard: Mr. Larry Oberly, Atlas Road, questioned the recently public legal advertisement in the Home News which noted the representation of Alfred Pierce, Esq. representing land owned at 700 Savage Road and a notice of incorporation.

Mr. Pelc thanked the Board for their passage of the ATV ordinance.

Dale Hassler, commented that the 1,200 feet of guiderail would be needed in any case for Tomahawk Trail. He further felt that road should not be closed. He indicated that he often walks this road and it is one of few remaining gravel roads which lend to the original rural character of the township. He felt the Board should strongly consider providing for the necessary maintenance to allow the road to remain open to the public.

Nick Lalik, questioned the size of the turnaround to accommodate a fire truck to turnaround. In addition, the house opposite the Montanari driveway would be not be accessible with a fire truck.

Gary Behler, questioned the progress of the police study. Mr. Holmes indicated that he and Mr. Frack are reviewing information currently.

The Board held a brief executive session to discuss a personnel issue.

Respectfully submitted,

Ilene M. Eckhart