



Allen Township Supervisors

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Paul Balliet, Chairman
Bruce Frack, Vice Chairman
Dale N. Hassler
Alfred Pierce
Larry Oberly

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

ALLEN TOWNSHIP SUPERVISORS MEETING MINUTES

Thursday, March 13, 2014

A General Meeting of the Allen Township Supervisors was held on Thursday, March 13, 2014, 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 Vice Chairman Bruce Frack.

Roll Call: Paul Balliet - Absent; Larry Oberly - Present; Alfred Pierce - Present; Dale N. Hassler - Present; Bruce Frack - Present; Brien Kocher, P.E. - Present; B. Lincoln Treadwell, Jr., Esq. - Present; and Ilene M. Eckhart - Present

Public to be Heard: Mr. Michael Givey, 197 East Bullshead Road, questioned Mr. Bruce Frack regarding his current employer. Mr. Frack responded that the Lehigh Northampton Airport Authority is his current employer. Mr. Givey questioned if Mr. Frack felt that it was a conflict of interest to serve on the Board of Supervisors. Mr. Frack responded that he did not feel it was a conflict of interest. Mr. Frack further responded that he was employed by the Lehigh Northampton Airport Authority for 44 years and he would not be making any money from the proposed FedEx project. Mr. Givey stated that he felt Mr. Treadwell should look into that because "we" think that Mr. Frack recuse himself from being on the Board or any further discussions regarding the FedEx matter because Mr. Frack's employer was trying to sell \$9 million worth of land. Mr. Frack reiterated that was his employer that was not he himself. He further indicated that he stands to gain no profit and the matter is being investigated. Mr. Givey respectfully requested that Mr. Frack recuse himself. Mr. Givey further stated that Mr. Frack has already technically voted on some matters related to the FedEx project. Mr. Frack responded that he has not. Mr. Treadwell clarified that the Pennsylvania Ethics Act clearly only applies to a Township Official receiving some form of financial compensation based upon actions they take in their capacity as a Township Official. Regardless of Mr. Treadwell's explanation, Mr. Givey responded that "they" were looking into this further and they may be filing a complaint with the State to have them investigate this matter. Mr. Pierce stated that the Board always appreciates

threats. Mr. Givey indicated that it was not a threat. Mr. Frack questioned if Mr. Givey well versed regarding his accusation. Mr. Frack suggested Mr. Givey go for it and investigate as necessary. Mr. Givey contended indirectly Mr. Frack has an interest because if the Airport goes bankrupt and cannot sell the land that it could directly affect Mr. Frack. Some heated debated ensued with regards to threats and arrogant demeanor.

Public Hearings: No public hearings.

Approval of Minutes: Mr. Oberly made a motion to approve the minutes of December 12th & 30th, 2013, January 6th & 28th 2014, and February 25th 2014 as presented; seconded by Mr. Pierce. On the motion, by roll call vote, all supervisors present voted yes.

Reports

A. Treasurer: Mr. Hassler made a motion to approve the Treasurer's Report and pay the bills; seconded by Mr. Oberly. On the motion, by roll call vote, all supervisors present voted yes.

B. Solicitor: On file.

i. Municipal Waste and Recycling Contract – binding arbitration clause: Mr. Treadwell reviewed the option of mediation and binding arbitration which is under the dispute resolution portion of the draft contract. This would take the court system out of the picture. He asked for input from the Board regarding this subject. Mr. Oberly questioned if the Township would go into a dispute under the mediation/binding arbitration and the Township was not satisfied with the outcome could the Township still appeal in the court system? Mr. Treadwell indicated no because the contractor was requesting that the contract specifically requested "binding" arbitration. Mr. Pierce indicated that he agreed with the court system because the Township would have to pay for the arbitrators and the outcome (in his experience) has not always been positive. Mr. Hassler made a motion to utilize the court system instead of mediation and binding arbitration in the final contract with Advanced Disposal for the Municipal Waste and Recycling Contract; seconded by Mr. Pierce. On the motion, by roll call vote, all supervisors present voted yes.

ii. Service Electric Cable Television Franchise Agreement: Mr. Treadwell reviewed the draft cable franchise agreement presented by Service Electric Cable Television. He reviewed the following modifications to the agreement as presented: 1.) the contract term for 10 years without automatic renewal as requested by the Service Electric. Mr. Oberly made a motion to approve the agreement with the changes to remove the language providing for automatic renewal and limiting the length the agreement to ten years; seconded by Mr. Pierce. On the motion, by roll call vote, all supervisors present voted yes.

C. Engineer:

i. Comprehensive Plan Amendment (Fuller Trust): Mr. Kocher reported regarding the review status and the receipt of the Lehigh Valley Planning Commission and surrounding municipality comments. Mr. Kocher further explained that this amendment originated from a private property owner request (Fuller Trust) to reconsider land use planning options pursuant to the Township Comprehensive Plan. The Lehigh Valley Planning Commission has suggested that

the Township look at some other items. Mr. Oberly made a motion to remand the matter to the Planning Commission to address some of the matters noted by the Lehigh Valley Planning Commission; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

ii. Act 537 Planning: Ms. Eckhart raised the matter of Act 537 Planning as follow-up to the Comprehensive Plan issue. She provided the status of the current Act 537 including the active Intermunicipal Sewer Service Agreement with the Borough of Northampton. She further updated that a recent invitation from an adjacent community has been forthcoming to discuss options to facilitate future public sewer service and in order to continue on the planning path she asked for the Board to respond to the invitation. Mr. Kocher further indicated that the Act 537 Plan is currently to the end of the planning document. Following some further discussion, the Board identified the following individuals to serve as a committee to respond to the invitation and meet accordingly to discuss public sewer service alternatives: Messrs. Oberly and Pierce (from the Supervisors) and Messrs. Clater and Holmes from the Planning Commission. In addition, Mr. Oberly made a motion to authorize Hanover Engineering to provide an estimate to prepare the planning scope and task activity report which would eventually be required as part of the Act 537 Plan Update process, seconded by Mr. Pierce. On the motion, by roll call vote, all Supervisors present voted yes.

D. Zoning Officer: On file.

E. Code Enforcement: On file.

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

i. PA Dirt and Gravel Road Program Training: Ms. Eckhart indicated that in order to maintain our training certification (which in turn allows the Township to continue to be able to receive grant funding under this program) free training is available for two days in late March and she requested that Messrs. Uhnak and Jamicky be authorized to attend. Mr. Hassler made a motion to authorize Messrs. Uhnak and Jamicky to attend the training; seconded by Mr. Oberly. On the motion, by roll call vote, all Supervisors present voted yes.

ii. Sale of Used Chipper: Ms. Eckhart reported the new chipper has been delivered. She indicated that an adjacent municipality has expressed interest in purchasing the old chipper. She asked Mr. Uhnak to gather information regarding the estimated value of this item. Initially it appears that the value is less than \$1,500 and therefore the Township would be able to sell the item without formal bids. Ms. Eckhart indicated she would return with information regarding the value and a letter of interest from the municipality at the next meeting.

G. Fire Company: On file.

H. Emergency Management Coordinator: Mr. Krill was present and reported that the appointment letter from the Governor's Office which now essentially confirmed the Board's January action. Congratulations were expressed from the Township Supervisors.

I. Parks: On file.

i. Savage Road Trail/Dog Park – discussion regarding future design: - Ms. Eckhart returned to the Board with the plans entitled Scheme B Concept Plan Savage road Dog Park, last

revised June 24, 2011. Ms. Eckhart asked that since the Property Management Agreement was executed this past August 2013, it is now time to discuss the Board's wishes and give input as to a final design. Mr. Oberly questioned the length of the Management Agreement. Mr. Oberly asked to review the past information regarding this proposal. Ms. Eckhart questioned the Dog Park portion – as it was a new type of plan for the Township. She further indicated she would update the estimates, gather information from surrounding municipalities regarding their experiences with this type of recreation, associated costs to maintain and to further identify the usage of like facilities in our immediate area. She will return to the Board with additional information for discussion.

Unfinished Business

A. Personnel Issues – continuation of discussion – Executive Session: Mr. Frack indicated that the Board would hold a brief executive session at the conclusion to discuss some personnel issues.

B. Northampton County Farmland Preservation – follow-up discussion re: properties within agricultural security program: Ms. Eckhart brought the matter back to the Board regarding freezing of taxes for properties enrolled in Farmland Preservation Easements through the Northampton County Farmland Preservation Department. She presented a breakdown of Township real estate taxes received at the current 5 mill rate for the land and buildings for the properties involved. Mr. Oberly asked if the tax benefit would extend for both the land and buildings enrolled in this program. Mr. Treadwell explained that the Board would have to enact an ordinance in order to adopt this tax freeze program and the ordinance could limit the tax freeze on land only. Mr. Treadwell further indicated he would need to review an actual recorded easement in order to determine if the buildings are within the preservation easement. Mr. Hassler questioned what other municipalities in the school district have adopted. Mr. Treadwell further indicated that he would check some of the easement documents. Mr. Pierce felt the buildings are excluded. Ms. Eckhart and Mr. Treadwell will return with the information as requested.

C. Willow Green – update regarding meeting with residents: Mr. Oberly reported regarding the recent meeting with the residents of Willow Green, which was authorized last month by the Board of Supervisors. He indicated that the meeting was to discuss ways that the Township could work cooperatively to the benefit of the Willow Green residents. He noted the major concern expressed by those residents in attendance related to the cost of maintaining internal private roads. The Township cannot accept these internal roads as they were not built to Township standards. Another item was the potential for the residents of Willow Green to cooperate with the Township garbage collection contract. Mr. Hassler explained that the issue of sinkhole damage was also discussed and he personally felt as a sinkhole would create an emergency situation – Willow Green would be treated no differently than any other area of the Township. Mr. Oberly further listed items which were discussed with regard to perpetual maintenance requirements including: public water, storm water management facilities, public sewer service and general road maintenance. With regard to winter road maintenance, Mr. Oberly explained it was conveyed of the Township's obligation for winter road maintenance pertaining to public Township roads and of the PennDOT winter road maintenance contract for public State Roads. Mr. Frank Cocivera noted Messrs. Hassler and Oberly's comments were an accurate description of the discussion and added he felt the taxes paid into the Township's

coffers was of a growing concern to the services received from the Township. Mr. Cocivera asked for consideration from the Township beyond emergency situations. Mr. Oberly explained that the internal private roads were essentially driveways and therefore the Township could not provide public services. Mr. Pierce questioned the current services contracted by Willow Green privately. Mr. Cocivera was unsure of all the details but noted that he is not aware of items left on the curb. He indicated the contract was with Raritan Valley and he believed it was a three year contract. A full sized garbage truck is able to access the development. There was some further discussion regarding Raritan's reporting for the purposes of recycling/refuse tonnage.

In response to Mr. Cocivera, Mr. Pierce raised if Willow Green might be interested in entering into a contract with the Township to provide some level of road maintenance. Regarding further discussion, regarding the concept of a contract for road maintenance services, the Board agreed to investigate this alternative. Mr. Frack indicated he was not in favor of a contracted service in a private development due to the liabilities involved. In conclusion, it was agreed by consensus to meet again to discuss various items discussed above with the Willow Green residents.

D. Payroll Direct Deposit: Ms. Eckhart indicated she has received a quote for direct deposit of payroll checks for the full time employees in the amount of \$332.00 annually. This quote was obtained from the Township primary depository, First Northern Bank and Trust. Mr. Oberly made a motion to authorize the direct deposit for payroll pursuant to the quote provided by First Northern Bank and Trust; seconded by Mr. Pierce. On the motion, by roll call vote, all Supervisors present voted yes.

New Business

A. Northampton County Real Estate Tax Exoneration Request (K4-22- 5A-T66): Mr. Pierce made a motion to exonerate outstanding taxes for the mobile home unit removed from K4-22- 5A-T66 pursuant to the request of Northampton County; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

Public to be Heard: Mr. Frack noted he received a complaint in Atlas Estates regarding the amount of snow and that there was no removal in Atlas Estates. He indicated he received numerous complaints because other developments were done and Atlas Estates was not.

Richard Goch, 16 Country Road, complimented the road crew with regard to snow removal. Mr. Goch indicated that each time he has approached the Board he tries to remain respectful. He wished to return the discussion with regard to the FedEx matter. Mr. Goch stated when he hears comments such as: "go for it" and "threats" in response to what he felt was Mr. Givey's legitimate point, it challenges his ability to maintain his level of respect. He stated he was of the opinion that the Board works for the residents – as they put the Board where they are currently. He further reflected there is so much information on television it makes residents question that the government works for – he felt government works for the people. He further questioned the Board's "disposition" as he defined as how the Board is oriented towards the residents of the Township? He further stated that the comments he noted above were very arrogant and disrespectful towards the residents that put the Board in their positions. He asked the question if similar and more divisive commentary towards FedEx and Rockefeller Group occurred as towards Mr. Givey and further made the assumption that the Board would not treat FedEx and Rockefeller in the same manner. He then asked a question, which he indicated he has asked two

times previously: “Are you or have you (the Board) going to leave every stone unturned to not let FedEx and Rockefeller get away with anything here that would put them in a position of putting this “Megahub” in a location that we are convinced it does not belong or save us the aggravation and tell us that you folks are all done with this (even though you – the Board – says it is not a done deal) that this is a just done deal and the big bucks and the politics are there and the pockets are lined or whatever takes place and we will just stop wasting our time and money and hiring lawyers”. He reiterated: “If it is a done deal would you just tell us it is a damn done deal so we can stop wasting any time and money and trying to address the Board with some level of respect when all that is displayed back is a level of arrogance and disposition that would lead us to believe that there is nothing in the world that can be done because it is a done deal”. He went on regarding the Board’s disposition and asked if the Board was leaving all stones unturned to make sure Rockefeller and FedEx got away with nothing that they are not entitled to and that the Board would not look the other way. Mr. Oberly responded that the matter of FedEx is not before the Board – it is before the Planning Commission. Mr. Oberly further explained that pursuant to the Municipalities Planning Code the Planning Commission must decide whether or not the proposal meets the law. Mr. Oberly asked that Mr. Goch reexamine his claim tonight that the Supervisors pockets are “being lined”. Mr. Goch repeatedly denied he said this. Mr. Goch indicated that the Board should not deflect. Mr. Goch’s additional comments were dismissed as out of order and the Chair struck the gavel repeatedly in order to move on with additional public comments. Mr. Goch did not stop speaking on the Chair’s direction.

Bill Holmes, Mud Lane, responded to Mr. Goch, that he was on the Planning Commission and the plans were nowhere near approval and there was a great deal of additional complex information to wade through given the extent of the plans. He further indicated that the Supervisors have not even seen the plans because it is not to their table at this point.

Angelo Cavuoto, questioned the recently adopted House Numbering Ordinance. Mr. Hassler explained the intention of the ordinance was to improve emergency response.

Gene Clater, Snow Hill Road, commented regarding Willow Green and he explained the background of approval of the plan concerning the private nature of the core infrastructure. He suggested the Board be very aware of the difference of the private road standards if any kind of contractual arrangement is made with the Township.

Mr. Frank Cocivera, Willow Green, noted the inspection that occurred during development in response to Mr. Clater’s comments.

The Board held a brief executive session to discuss the item brought forward by Mr. Treadwell. There being no further business the meeting adjourned.

Respectfully submitted,

Ilene M. Eckhart