



# Allen Township Supervisors

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William Holmes  
Alfred Pierce  
Michelle Drzewiecki

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

## ALLEN TOWNSHIP SUPERVISORS MEETING MINUTES

**Thursday, September 13, 2012**

A General Meeting of the Allen Township Supervisors was held on Thursday, September 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 – Present; Bruce Frack - Present; B. Lincoln Treadwell, Jr., Esq. - Present; Ilene M. Eckhart – Present; Brien Kocher PE (Hanover Engineering) - Present.

Public to be Heard: Mr. Larry Oberly, Atlas Road, presented a report he prepared to the Board of Supervisors entitled “Atlas Quarry Issues” based on his Pennsylvania Right to Know request and the Township files he reviewed on August 19, 2012. He highlighted several issues the report contained. Mr. Oberly indicated several of the people in the audience were neighbors of his to be a part of the discussion this evening.

He described, from his report, that in April 2004 a company known as “Total Recycling Corp.” was created with a sister company known as “Impact Environmental”. He indicated these were similar companies and that one company was contracting with another regarding the conveyance of soils to be deposited in the quarry.

He further described, from Page 2 of his report, that Allen Township had an earth disturbance ordinance which has regulatory authority over anyone proposing to cut, fill, change to existing grade or storm water runoff of any property, unless the applicant meets exemption criteria. He indicated that according to the file did not contain documentation regarding compliance or exemption from the ordinance. He noted that a friend of his who works for the Army Corps of Engineers has suggested that if a document is not in the file – it does not exist. He concluded that it did not exist.

Regarding another section of his report, Mr. Oberly noted that he has debated with the Solicitor over whether the use of the property was Reclamation or Extraction. He noted Extraction is not mentioned in the file. He indicated all documents use the wording “Mine Reclamation Project”.

Mr. Oberly referenced page 3 of his report with regard to a copy of an application submitted to the Township by the Krapf's to PA DEP for the reclamation for the fill. He reviewed the responses of several questions contained on the application. He further indicated the attachment was not in the file. He indicated that this document was prepared by the Engineer for the Krapf's. He further noted, a letter was received by the Township concerning a PA DEP application. He noted that there is no evidence in the file that the Township responded to the DEP letter within the 30 day time limit given. He also referenced several documents pertaining to the NPDES permit from the Northampton County Conservation District, as well as a timeline of related correspondences.

He concluded, several issues should have been addressed within the file that were not present as part of the file review: 1.) in only one complaint is there another residents name mentioned; 2.) no application for permits from Allen Township of any kind; 3.) very little correspondence between the Krapf's and the Township (other of copies of items floating back and forth); 4.) no response or challenge from the Township to Pennoni Engineering regarding the PA DEP permits for the Krapfs; 5.) no documentation regarding Atlas Road and the Krapf's dedication of land; 6.) permitted use issue indicated previously by the Township and no documentation of the issuance of a permit for Extractive Operation has ever been submitted by the Township and 7.) there appears to be a conclusion that a conduit from the Township to the Krapfs and verbal approvals are being granted to the Krapfs by the Township.

Mr. Balliet suggested Mr. Treadwell should review the matter as compiled by Mr. Oberly.

Mr. Rhett Setzer, interrupted and complained the Township would do nothing about it.

Mr. Oberly questioned without the permit why couldn't the Township issue a cease and desist permit? Mr. Balliet reiterated that Mr. Treadwell would review the matter.

Mr. Treadwell offered to meet with Mr. Oberly regarding his report. He felt that Mr. Oberly would disagree with his review and that the matter would return to the Board.

Mr. Lee Bond, Short Lane, questioned if the operation needed a permit or not. Mr. Treadwell offered to sit down with the residents to review the issues at a future time.

Jack Mishko, questioned the filling of the quarry and how long it will take and voiced concern regarding the noise. He was concerned regarding the home values. He stated the noise occurs at 2 AM. Mr. Mishko suggested that Mr. Balliet would not allow this to occur near his property.

Mr. Holmes questioned if it would be beneficial to have the Krapf's attend a public meeting with the Township? Mr. Treadwell felt that we could ask them.

Mr. Oberly did not understand why the Township has a Zoning Ordinance that does not require people to obtain permits.

Rhett Setzer, felt there would be more noise complaints in the warm weather months because more people have their windows open and can hear the noise.

Following a lengthy discussion, Mr. Oberly concluded that there was a responsibility here and what he noted from the file was above the pay grade of a Manager and a Zoning Officer. He further stated that decisions were made at the table that allowed this to start and it would take the people at the table to stop the operation. The Board will follow up with this matter at their

Following a lengthy discussion, Mr. Bond questioned the status of noise testing discussed a previous meeting. Mr. Frack felt this could not be answer this evening. He was unaware of some of the points raised by Mr. Oberly and he further agreed that Mr. Treadwell should be given an opportunity to investigate the report as presented. Mr. Bond was still concerned with the allowable limits of noise pursuant to the Zoning Ordinance.

Mr. Holmes felt that representation from the Krapfs should be in attendance at the meeting scheduled for the Supervisors meeting of October 23, 2012.

Maynard Snyder read a statement he prepared regarding the farmland preservation referendum on the upcoming ballot. He indicated that it was previously coined the Open Space Referendum. He indicated the same referendum was previously turned down by the electors of the Township and that should stand. He further felt that this was a new frivolous tax. He asked that the Board rescind their previous vote to place the matter on the upcoming ballot. He further asked that the Board reference the original terminology: Open Space Referendum, in lieu of the new terminology Farmland Preservation. Mr. Balliet polled the Board regarding Mr. Snyder's request. None of the Supervisors voiced an intention of changing their earlier action regarding this issue. Mr. Treadwell questioned where Mr. Snyder obtained the terminology Farmland Preservation. Mr. Snyder indicated he read it in the newspaper. Mr. Treadwell indicated the language was not changed by the Board and that the newspaper information was wrong. Mrs. Drzewiecki agreed that she was not aware of the change.

Joe Jones, who recently purchased the Wuchter Farm, questioned what he would have to do to access the property from Stagecoach Road. Following a lengthy explanation by Mr. Jones, he indicated he had a lawyer that advised him he could use the road. Mr. Pierce indicated it was the adjoining neighbor that would need to allow a way through (Sabia). Mr. Pierce indicated the Township Engineer could write a letter stating where the public right of way ends. Mr. Pierce felt Mr. Jones could take that to his attorney to advise him on the private matter. Mr. Kocher indicated the only involvement the Township would be the issuance a highway occupancy permit for the driveway but would have no involvement with the permission Mr. Jones would need from the adjoining property owner or owners. Messrs. Pierce and Holmes suggested that Mr. Jones attend the November Planning Commission meeting with a simple sketch of the proposal and also talk to the neighboring property owner in the meantime.

Ms. Erin Scheid, 106 Gray Drive, requested the Board allow for the closing of Gray Drive on October 13, 2012 for a Block Party. The Board requested the submission of a formal letter of request. Mrs. Drzewiecki questioned if all of the people were in favor of the Block Party. Ms. Scheid indicated that she had written approval from most people. The Board asked that documentation be provided regarding an emergency contact and the signatures of the people that agree with the event.

Rhett Setzer, Buckingham Drive, requested the status of the signal change he made at the June 2012 Supervisors meeting. Mr. Kocher indicated that he requested a signal change to PennDOT and the request is in the review process.

Mr. Setzer further indicated that the speeding on Buckingham Drive was worse than the area previously described in the Northampton Press newspaper article. He asked that speed bumps be considered. Mr. Frack felt that speed bumps were not allowed in the Commonwealth of Pennsylvania. He asked that the Board find a solution to the problem. He stated that people run the stop signs. Following some discussion, Mr. Frack indicated that the speed humps are allowable but not speed bumps because they cause people to lose control. Mr. Kocher commented on some of the PennDOT methods to slow speeds and some of the problems that are associated with each mechanism.

At the address of 1139 Wynnewood Drive Mr. Setzer complained about a storm sewer which he feels have a sinkhole opening nearby.

Mr. Setzer complained about RCN and wants their franchise revoked. He indicated his property is not back in working order and is not a timely manner. He indicated he cannot use his driveway due to their repair work. He indicated they hit a PPL line. On August 30<sup>th</sup> he contended that they crossed the road and hit the PPL line, Mr. Setzer asked if the Township inspector was present. He also indicated that RCN damaged a Verizon line. Mr. Pierce stated that revoking the contract was not an easy undertaking. Mr. Pierce indicated there were other provisions in the contract short of revocation of the entire contract. Mr. Pierce felt that if Mr. Setzer is correct regarding the road crossing issue there may be a civil penalty however regarding his property - he can sue RCN on his own. Mr. Pierce made a motion to direct the Solicitor, after reviewing the franchise agreement, to identify penalties for violation, to identify a witness regarding the road crossing issue and for Mr. Setzer to testify for the delay on his property and any other issues that have occurred in violation of the Franchise Agreement, whether civil or criminal to implement penalties for those violations pursuant to the Franchise Agreement; seconded by Mrs. Drzewiecki. On the motion, by roll call vote, all supervisors present voted yes. Mr. Setzer questioned the timeframe. Mr. Treadwell estimated one month.

Public Hearings: No public hearings.

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

**B. Solicitor:** On file. Mr. Treadwell requested an executive session regarding Northampton Borough Sewer litigation.

**C. Engineer:** On file.

**D. Zoning Officer:** On file.

**E. Code Enforcement:** On file.

**F. Road Superintendent/Public Work Director:** On file. The Supervisors discussed the maintenance work proposed for 32<sup>nd</sup> Street prior to Winter. The Supervisors will look at this prior to the next meeting.

**G. Fire Company:** On file. Mr. Lalik questioned the Sands Casino gaming funds distribution by the Northampton County Gaming Authority.

**H. Parks:** On file.

## **Unfinished Business**

## **New Business**

A. 2013 Minimum Municipal Obligation: Mr. Holmes made a motion to approve the 2013 Minimum Municipal Obligation in the amount of \$23, 235.31 as presented; seconded by Mr. Frack. On the motion, by roll call vote, all supervisors present voted yes.

B. Non-Uniformed Pension RFP: Mr. Pierce made a motion to advertise for requests for proposals; seconded by Mr. Frack. On the motion, by roll call vote, all supervisors present voted yes.

C. 2013 Budget Workshop – Monday, October 15<sup>th</sup> at 7 PM: Mr. Pierce made a motion to authorize the advertisement of the 2013 Budget Workshop on Monday, October 15<sup>th</sup> at 7 PM; seconded by Mr. Holmes. On the motion, by roll call vote, all supervisors present voted yes. Ms. Eckhart briefly noted the capital equipment schedule provides for the replacement of a truck for the 2013 Budget. She indicated this matter would be presented further at the October 15<sup>th</sup> Workshop meeting.

## **Public to be Heard:**

Respectfully submitted,

Ilene M. Eckhart