



## Allen Township Board of Supervisors

### Meeting Minutes April 26, 2022 7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, April 26, 2022 at 7:00 P.M. at the Allen Township Fire Company Building, located at 3530 Howertown Road, Northampton, PA. Mr. Hassler led the audience in the Pledge of Allegiance to the Flag.

1. **Roll Call:** Present: Gary Behler; Dale Hassler; Paul Link; Jason Frack; Tim Paul; B. Lincoln Treadwell, Jr., Esq., Ilene Eckhart, Manager; Andrea Martin, EIT; Stan Wojciechowski, PE, CME.
2. **Announcements and/or Actions to Add New Items to Current Agenda:** Mr. Behler requested an executive session be held after the meeting to discuss possible litigation.
3. **Public Hearings:** No public hearings.
4. **Public to be Heard:** No public comment.
5. **Unfinished Business**

**A. Bath Allen Youth Club Presentation – Club Update & Howertown Park Requests:**

Nicole Dotta, Allen Township resident, stated she recently joined the Board at the Bath Allen Youth Club. She spoke about her reasons for becoming involved with the club. Ms. Dotta commented on how beautiful the park is and expressed her thanks to the Board for approving the field upgrades. Mr. Behler thanked Ms. Dotta and the board members of the Bath Allen Youth Club for volunteering their time and all that they do for the club.

Mr. Behler stated that he and Mr. Link had visited the park last Friday evening to gather information, inspect the facilities, and to brainstorm ideas based on the Youth Club's requests. Mr. Behler informed everyone that the Board was unaware of his and Mr. Link's visit to the park last Friday in order to avoid a quorum. He mentioned that this was the first time that the remainder of the Board was hearing of their ideas.

Mr. Behler restated his opinion regarding the batting cages that he spoke of at the last meeting. Mr. Behler feels that if batting cages are properly installed and maintained that they would be a positive improvement to the park. Mr. Behler suggested the idea of moving the location of the batting cages due to the wet area they are currently located at, which may cause performance and safety issues. Mr. Link believes relocation of the batting cages should be considered.

Mr. Behler questioned if the proposed fencing was only along the swale or around the outfield of the diamond to determine a homerun? Mike Henahan, Baseball Commissioner for the Bath Allen

Youth Club, clarified that they were requesting a fence for Field 2, which is the main field used and is located by the snack stand, for both keeping players out of the swale and for homeruns. Mr. Henahan stated that a fence on this field would be beneficial, especially on the left side of the field, since the older players are able to hit the ball further and into the swale. This causes many balls to end up in the swale and results in players running into the swale. Mr. Henahan stated that per league standards, it is all in play. Regarding the fencing, Mr. Behler felt that since he has had an opportunity to review the issue, he has a different perspective regarding the space for passive use. Mr. Behler stated that fencing should be considered. Mr. Link stated that at some point he would like to see all the fields fenced in. He mentioned that by keeping the baseball fields contained, it would open up space for other activities at the park.

Mr. Behler reiterated his stance against advertising at the park. Mr. Link also did not like the idea of advertising at a Township park. Ms. Dotta stated that she had agreed with Mr. Behler after listening to the last meeting. Ms. Dotta stated that they were looking for an opportunity to recognize those who had donated to the club and that they could find other ways to do so. She agreed that it is a public park and is not the place for advertising. Mr. Behler stated that if there was a need for additional funding that a conversation could be had, but that it did not seem to be the case. Ms. Dotta mentioned that while they have big dreams for the club, they are currently a small organization. She would like the possibility to revisit a funding conversation in the future.

Ms. Dotta requested the Boards opinion on the signage for the “Home of Bath Allen Youth Club” sign. Mr. Link stated that he would be okay with a sign recognizing the Bath Allen Youth Club. Ms. Dotta offered to share their schedule with the Township in order for the public to be informed of any games that would be occurring at the park. She stated that opening day is the 7<sup>th</sup> and there will be additional activity at the park for this reason.

Mr. Hassler voiced his opinion of the proposals. He stated that he was in agreement with Mr. Behler regarding the batting cages and the fence. He noted that he was adamant regarding his opinion on the signage. Mr. Hassler stated that the park is funded by the tax payers of Allen Township. He stated that if a sign in recognition of the club were to be placed at the park he would rather it list Allen first such as “Home of Allen & Bath Youth”. Ms. Dotta stated this would need to be discussed with their board. Mr. Henahan was against the name change of their organization for signage purposes and stated that it would undo the entire program. He stated it would need to be “Bath Allen” but could mention Allen Township elsewhere on the sign. The Bath Allen Youth Club will come up with suggestions for the sign that will incorporate Allen Township.

Mr. Behler brought up the idea of forming a committee from the park perspective that could consist of possibly two supervisors, a few members of the Bath Allen Youth Club and the Tri-Boro Soccer Club, along with a few nearby residents of the park. He feels by forming a committee that everyone’s point of view can be taken into consideration. The proposed committee would also look into any improvements that can be made without overburdening the park. Mr. Link agreed with forming a committee. He stated that any club or organization that uses the Township parks should be a part of the committee. He also mentioned that the Kreidersville Covered Bridge Association should be a part of the committee if one is formed.

Mr. Behler made a motion obtain bids for both single and double batting cages and bids for fencing around the main field; seconded by Mr. Link. On the motion, by roll call vote, all Supervisors

present voted yes. Mr. Behler made a motion to form an Ad Hoc Committee for Howertown Park; seconded by Mr. Link. On the motion, by roll call vote, all Supervisors present voted yes. Mr. Behler recommended that discussion of a permanent Parks & Recreation Committee be added to a future agenda. Mr. Behler requested that a once a year meeting be scheduled to occur between the Township and the Bath Allen Youth Association. He also requested that the Bath Allen Youth Association send over their end of year financial reports.

**B. Radar Drive – Private Driveway Status and Request for Release of Security:** Joseph Fitzpatrick, local counsel for Rockefeller Group, provided an update and background on Radar Drive. He stated Radar Drive was originally intended to be a public street and was approved as such. The road was planned to connect Willowbrook Road in Allen Township to Weaversville Road in East Allen Township. Mr. Fitzpatrick stated that Radar Drive is regularly used by FedEx and other occupants on it. He stated it makes the most sense at this point to privatize Radar Drive. Mr. Fitzpatrick states an agreement has been prepared with their solicitor stating that Radar Drive will be private and maintained privately. Mr. Fitzpatrick stated that this agreement would not preclude the current or any future property owner to request that Radar Drive be made public again. Mr. Fitzpatrick noted that the current property owner, the Leigh Valley Airport Authority, would also need to sign the agreement but the Township’s approval of the agreement must be completed first.

Mr. Fitzpatrick also wanted to discuss the final letter of credit which remains posted to secure improvements for the Rockefeller projects including Willowbrook Road and intersections. Mr. Fitzpatrick asked for the letter of credit to be released.

Mr. Treadwell commented that both the making Radar Drive a private road and the release of security arose when Rockefeller requested for the release of the letter of credit. Mr. Treadwell stated that Stan Wojciechowski, the Township Engineer, did not believe that Radar Drive was constructed properly. Mr. Treadwell stated that after multiple conversations on the topic one option was that it could be made a private road rather than remove and reconstruct the entire road. In order to do this, Mr. Treadwell stated that notes on the plans had to be revised and the conditions of approval, which was what Mr. Fitzpatrick was referring to. Mr. Treadwell stated that this would be recorded as a private road until if or when it would ever become a public road. Mr. Treadwell stated that Radar Drive is currently owned by the Airport Authority and there are easement agreements with the occupants of lot 4 and FedEx. This allows occupants of lot 4 and FedEx ability to use the road and maintenance of the road. Mr. Treadwell stated that if the Board agreed to make Radar Drive private than the issues with the construction of the road would no longer be an issue at this time. In regards to the stripping, Mr. Wojciechowski stated that a plan has been put together that is awaiting PennDOTs approval before the stripping can be implemented. Mr. Treadwell questioned the cost of the stripping and if it would be minimal since the project is just about done and the Township is holding close to a million dollars with the letter of credit.

Mr. Hassler questioned the future plans for the property to the east of Radar Drive. He expressed his reservations about if and when that property would be developed and the amount of traffic that would be coming out onto Willowbrook Road. He stated that he was concerned that if it is a private road that Allen Township would have no input regarding the road. Mr. Fitzpatrick stated that this development would be years into the future, if at all. He stated that the Board may request, in the future, that Radar Drive become a public road but there are no plans as of now. Mr. Treadwell reminded Mr. Hassler that

there is a condition in the approvals for the Rockefeller and FedEx projects that Radar Drive cannot be extended into East Allen without the Allen Township Board of Supervisors approval whether it is a private or public road. Mr. Hassler expressed his reservations despite this condition. Mr. Fitzpatrick stated that the short-term goal is to remove any indicators that the Township is responsible for Radar Drive or anything that happens on it. Mr. Behler questioned Mr. Wojciechowski of the inadequacy of the road as is it currently constructed. Mr. Wojciechowski explained how the contractor built the road and why he believes it was not constructed properly. Mr. Behler questioned how the construction of the road would impact the Township if it was ever requested to be made public. Mr. Treadwell replied that in the event of the Township being asked to take ownership of the road, inspections and discussions with the owner would take place again and security would be required. Further, if the road is not constructed to Township standards and it will not be fixed before the Township taking ownership, than the Board can decline to take ownership of the road. Mr. Treadwell commented that the Board does have a say with regards to extending the road into East Allen. Mr. Behler believes the public should not be responsible for a road that leads nowhere at this time. Mr. Behler made a motion to accept Radar Drive as a private road and execute the memorandum of private road; seconded by Mr. Link. On the motion, by roll call vote, Mr. Paul – yes; Mr. Frack – yes; Mr. Link – yes; Mr. Behler – yes; Mr. Hassler – no. Mr. Behler made a motion to reduce the letter of credit to 15% of the original amount as the maintenance bond; seconded by Mr. Link. On the motion, by roll call vote, Mr. Paul – yes; Mr. Frack – yes; Mr. Link – yes; Mr. Behler – yes; Mr. Hassler – no.

**C. Draft Request for Proposals – Facilities Study:** Ms. Eckhart provided background on the request. She stated that this would be a request for proposals to do a feasibility study of Township owned structures in order to obtain proposals for the Boards future review. Mr. Behler requested that a space or shared space for the Emergency Management Coordinator be included. Mr. Hassler feels this would be included with the conference and training room area. Mr. Krill, Emergency Management Coordinator, addressed the Board that as a Township, there should be an area available for use as an emergency operations center. Mr. Krill explained that a training area is acceptable so long as it has computer capabilities and phone jacks available. Mr. Krill also mentioned that having a TV that has the capability to share a computer screen would be useful as well as a locked closet or storage area for EMC related items such as plans and copies. Mr. Krill mentioned that there are grants available for upgrading facilities. Mr. Link made a motion to proceed with the issuance of the draft request for proposals relating to the facilities study; seconded by Mr. Paul. On the motion, by roll call vote, all Supervisors present voted yes.

## **6. New Business**

**A. Proposal to Purchase Four Additional Sewer Flow Ultrasonic Level Sensors:** Ms. Eckhart provided information regarding the proposal and stated that this would be in addition to other sensors already deployed. These sensors would improve readings in low flow conditions. She indicated this is important due to low flow presenting a septic condition which is not desirable in the public interceptor mains. The quoted price of the four additional sensors is \$5,500.00. Mr. Behler made a motion to approve the purchase for four additional sewer flow ultrasonic level sensors in the amount of \$5,500.00; seconded by Mr. Paul. On the motion, by roll call vote, all Supervisors present voted yes.

**7. Public to be Heard:** Gene Clater, 75 Arrowhead Lane, spoke about his concerns regarding Radar Drive and the traffic study completed in years prior. Mr. Clater expressed concern regarding the

former traffic study completion date in comparison to the current traffic and the increased truck traffic. He agreed with Mr. Hassler that if Radar Drive was to be extended into East Allen Township that it would create more traffic in Allen Township and that there should be a discussion about the possible impacts that Allen Township would face if Radar Drive was extended into East Allen Township. Mr. Treadwell mentioned the condition in the memorandum related to this. Mr. Clater wanted to make sure that this condition was preserved for posterity.

Irving Kemp, 8416 Seemsville Road, East Allen Township; Maggie Kemp, Seemsville Road; Chris & Shirley Cesanek, 7380 Seemsville Road; Alice Nagy, 2575 Seemsville Road, along with other individuals in attendance at the meeting voiced their concerns regarding the Northampton Generating Company. Henry Zielinski, a representative from the Northampton Generating Company was in attendance at the meeting and offered to answer any questions. Those in attendance were able to speak about their concerns and ask their questions. Mr. Zielinski answered questions asked and provided information about the Northampton Generating Company and their business practices. Mr. Zielinski stated that many complaints have been received from multiple municipalities and boroughs and that the company is working diligently to resolve the complaints and improve their company for the communities they haul material through.

Mr. Zielinski spoke of the increased energy demand and that while they are not engaged in data mining, they are supplying power to the grid. He stated that they are fully staffed due to the increased energy demand. An individual in attendance asked to clarify if Northampton Generating Company was involved with bitcoin. Mr. Zielinski stated that they are not involved in this and they are unsure where this idea arose from.

Mr. Zielinski stated that the material being transported is waste coal, white ash, and beneficial use ash. He stated that the ash is transported and used for mine site reclamation. Many voiced concerns over the toxicity of the material and the impact it will have on the area due to the material flying out of the trucks during transport. One individual provided a handout from Physicians for Social Responsibility titled "Coal Ash Toxics: Damaging to Human Health" which listed the dangers of coal ash on health and on the environment. Mr. Zielinski stated that the fly ash is analyzed and tested for trace elements. He said that from testing this material is equivalent to what is already in most individual's front yards.

Mr. Zielinski stated that the trucks currently in use are using tarps to cover the material. Mr. Behler questioned Mr. Zielinski if there were plans to switch the type of trucks and containment systems being used to prevent fly ash. Mr. Zielinski stated that they have plans to switch to dry bulk containers and that they are working on this.

Another resident questioned where the waste coal comes from. Mr. Zielinski answered that it comes from anywhere up in north eastern Pennsylvania such as Hazleton, Wilkes-Barre, and Schuylkill County. He also confirmed that there are no dump sites in the Palmerton area, which receive any material from the Northampton Generating Company facility.

The Northampton Generating Company has resorted to using state roads such as Seemsville Road, Kreidersville Road, and Airport Road due to the trucks being unable to use the Cementon Bridge. Mr. Behler questioned Mr. Zielinski if once the Cementon Bridge is repaired, if the Northampton

Generating Company would utilize that route rather than Seemsville Road and Kreidersville Road. Mr. Zielinski confirmed that they would utilize the bridge once it is replaced. He also mentioned that the company is speaking with the political constituents of the area to push for the Cementon Bridge to be repaired. The company is evaluating alternative routes at this time.

Mr. Cesanek along with others questioned the number of trucks using Seemsville Road per day. Mr. Zielinski responded that there is approximately 160 trucks per day from 3:30am until 9pm using Seemsville Road. Mr. Zielinski stated that they operate every day of the week with Monday through Thursday having extended hours, Friday and Saturday being single shifts, and Sunday not having a start time until 6am.

The early trucking and use of jake brakes is another complaint that many of the individuals in attendance spoke of. Mr. Zielinski stated that drivers are told not to use the jake brakes. Mr. Cesanek questioned the ramifications for drivers using jake brakes. He stated that the punishment is not allowing the driver to work for several days depending on the offense number. Ms. Cesanek questioned if signage can be placed restricting the use of jake brakes on Seemsville Road. Mr. Link explained that this is a PennDOT road. He stated that the Township has already tried to request and suggest signage.

Mr. Zielinski reported that the drivers are not hired by Northampton Generating Company. The drivers are independent contractors from 15 different trucking companies. Northampton Generating Company is working to obtain a fleet manager. Mr. Zielinski also suggested finding residents on the roadways of concern that would allow the company to install Wi-Fi cameras facing the roadway to monitor the trucks and drivers. This would help with complaints of malfunctioning tarps over material as well as driver conduct such as speeding and use of jake brakes. Mr. Cesanek offered to allow installation of a camera on his property for this purpose. Mr. Link questioned Mr. Zielinski if any of the trucks were equipped with GPS monitors. Mr. Zielinski stated that some are but others are not and they do not have record of which trucks are equipped.

Ms. Nagy was upset that this appearance by the Northampton Generating Company representative was not advertised on the agenda. She stated that there were many other people who had questions and concerns but were not able to attend. Mr. Zielinski stated that he will stay in contact with the Township and the other communities with concerns. He hopes to provide updates on progress being made to remedy the complaints.

**8. Announcements:** There will be a short executive session following tonight's meeting to discuss possible litigation.

**9. Adjournment:** There being no further comments or business the meeting adjourned at 8:36 PM.

Respectfully submitted,

Ilene M. Eckhart