



Allen Township Board of Supervisors

Meeting Minutes

April 30, 2019

7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, April 30, 2019 at 7:00 P.M. at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, PA 18067. The Pledge of Allegiance to the Flag was led by Chairman Oberly.

1. Roll Call: Present: Gary Behler; Bruce Frack; Larry Oberly; Dale Hassler; Gerald Montanari; B. Lincoln Treadwell, Jr., Esq, Robert Cox, PE, PLS, Stan Wojciechowski, PE, CME, and Ilene Eckhart, Manager.

2. Public to be Heard: Robert Hosking, 243 Stagecoach Road, stated in the past he voiced concern regarding corruption pertaining to the Board of Supervisors. He has given this further thought and now believes the corruption in the Township is the conflict of interest between the Township Solicitor and the Township Engineer. He felt the conflict of interest is the financial benefit from development in the Township and the conflict from administrative decisions. Mr. Hosking cited a matter of regulation regarding the Second Class Township Code as previously cited by Mr. Treadwell. He felt that the Board should find ways to preserve the land in the Township creatively pursuant to the wishes of the residents and counter to the input of the Township Solicitor and Engineer.

3. Public Hearings

i. Brad and Allyson Weinhofer – Agricultural Security Additional Request: Mr. Behler made a motion to open the hearing; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes. Ms. Eckhart summarized the request of the Weinhofers which requested the Board consider tax map parcel K4-15-9 containing 17.20 acres (parcel 1) and K4-15-2 containing 44.04 acres (parcel 2) for inclusion in the Township Agricultural Security Area. Ms. Eckhart noted that a portion of the overall property is located in neighboring municipalities. Mr. Oberly requested comments from both the public and from the Board of Supervisors. There were no comments. Mr. Behler made a motion to close the hearing; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes. Mr. Hassler made a motion to add the requested parcels to the Allen Township Agricultural Security Area; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors voted yes.

ii. Ordinance #2019-01 Fireworks Regulations – Public Hearing and Tentative Adoption: Mr. Treadwell summarized the ordinance regarding the new Commonwealth law regarding fireworks. Mr. Behler made a motion to open the hearing; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

Mr. Treadwell indicated that the draft: regulates display fireworks, contains permitting requirements, addresses consumer fireworks usage, and limits hours of permitted discharge.

Ms. Eckhart indicated that the draft ordinance had been published for both public hearing and adoption this evening if the Board wished to consider. Mr. Treadwell indicated the draft covered the provisions of the new Commonwealth law regarding both display and consumer fireworks. The draft ordinance would require notification of Fire Company and or Fire Marshall. The ordinance as drafted would allow people to use consumer fireworks in Allen Township with restricted hours. Mr. Hassler questioned the section concerning the \$250 permit fee. He felt this was a substantial amount to request for the permit. Mr. Oberly felt it should be a nominal permit fee to alert the Township of what is planning to occur. Mr. Behler questioned how the bond worked. Mr. Treadwell indicated that there are standards for issuing the bond, which protects the Township from damages (if they occur). Mr. Hassler felt the property owner should be responsible for any damages incurred. He felt the additional costs for the bond and the permit may affect display fireworks, which are discharged for the benefit of the community by Township residents. Mr. Hassler felt that the “no charge” burning permit was a good example as an enforcement mechanism. Mr. Montanari questioned the difference between the bond and the insurance. Mr. Treadwell indicated that the bond would need to be issued in favor of Allen Township and require the party to pay for damages occurring from the activities covered by the permit. The bond could be set at any amount the Board selected. Mr. Behler did not feel having a bond was a bad idea but did not want to affect the private resident. However, he could understand Mr. Treadwells point as well. Mr. Hassler felt the landowner would be responsible if a hold harmless was executed as part of the permit. Following some further discussion, the Board requested Ms. Eckhart investigate the cost of the bond and what would be involved to acquire a bond for the display fireworks. Mr. Hassler felt Section 12-13 should state the Fire Chief of the Allen Township or his or her designee. Mr. Montanari made a motion to continue the hearing until May 14, 2019; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors voted yes.

4. Unfinished Business

A. Executive Session Property Acquisition 6:30 PM 4/30/19 Report: Mr. Treadwell reported on the executive session concerning the acquisition of a tract of land. Mr. Treadwell indicated that the Board would not be pursuing the property at this time.

Mr. Treadwell additionally reported the discussion regarding the potential acquisition of property to procure the right of way and temporary grading easement associated with the JW Development project condition concerning the pursuit of an additional westbound right turn lane at the intersection of Rt. 329 and Howertown Road. Mr. Treadwell explained that the condition required the JW Development project to make a good faith effort to attempt to obtain the land for the additional right of way. Mr. Treadwell indicated that the attorney for the property submitted an explanation that the property owner was not willing to convey the land requested due to the location of underground tanks on the property. Mr. Behler made a motion to acknowledge that the JW Development made a good faith effort to the obtain the land required for the additional lane; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

B. Salt Shed Bids: Mr. Hassler made a motion to reject all bids received due to unacceptable costs/budget; seconded Mr. Montanari. On the motion, by roll call vote, all Supervisors voted yes.

C. Howertown Park Basketball Court Maintenance and Resurfacing: Mr. Hassler made a motion to purchase the replacement of Howertown Park basketball rims, nets, backboards and addition of pole padding from General Recreation in the amount of \$3,338.88; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors voted yes.

D. Stone Ridge – Security Release and Road Dedication Request: Mr. Montanari made a motion to release security in the amount of \$29,480.00; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes. Regarding the road dedication request, Mr. Behler made a motion to accept dedication of Graystone Circle and Pine Street; seconded by Mr. Hassler. Mr. Hassler requested all construction traffic utilize Joseph Road rather than Pine Street/John Drive. Mr. Livengood indicated he would assure this. On the motion, by roll call vote, all Supervisors present voted yes. Mr. Treadwell indicated that plot plans, description, maintenance bond and clear title letter would need to be provided by the developers’ attorney and engineer respectfully.

E. Towpath Estates – Clarification re: condition requiring individual property post lights: Mr. Livengood requested the removal of the post light requirement in lieu of streetlights. Mr. Behler made a motion waive the provision per the plan note for the post lights in lieu of the streetlights; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

F. Northampton Business Center – Howertown and Seemsville Roads Highway Occupancy Permit – Turning Movement Access Acknowledgement Request: Mr. Behler made a motion to execute the letters requesting the acknowledgement of the turning movement; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

G. Truck Replacement: Following some discussion regarding the use of the truck to be replaced, which is primarily to trailer grass cutting equipment during the summer months, the Board opted to table the matter until their next meeting. A proper proposal is to be obtained prior to the meeting to meet the Boards requirements.

H. Quarry Hill Estates – Maintenance Security Release Request: Mr. Behler made a motion to release maintenance security in the amount of \$25,115.00 and a motion to release construction security in the amount of \$51,053.66; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Montanari who abstained.

I. Consideration to Accept Additional Willowbrook Road Right of Way @ W. Bullshead Road: Mr. Cox indicated that he needs to review the exhibits associated with the additional right of way. Therefore, the Board agreed to table the matter until this may be accomplished and reported by the Township Engineer.

J. Appointment of Ryan Kern, PE (Barry Isett) – Expert for Lehigh River Properties PUC Filing: Mr. Hassler made a motion to appoint Mr. Ryan Kern to represent the Township regarding the Lehigh River PUC filing; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

K. Century Commerce Lot #2 Minor Plan Amendment: Mr. Oberly indicated the request is to request the removal of parking spaces and a change to increase the building by 8,000 square feet. The Township Zoning Ordinance provides for parking spaces by largest shifts. For a spec building the burden is on the developer to provide a comparison and the developer runs the risk when occupancy is established. The revised plans will need to be reviewed with regard to the stormwater impacts in light of the proposed change. Mr. Hassler was concerned, as the project was acquired by Liberty as is. Mr. Wojciechowski indicated there were some environmental benefits. Mr. Behler made a motion to approve the change further subject to a future condition on the concept that no Zoning Permit/Building Permit or Certificate of occupancy will be granted until the applicant proves adequate parking on Lot #2 to accommodate the two largest shifts; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

L. Ordinance Amendment Draft – Planning Commission Compensation – Authorization to Advertise: Mr. Hassler made a motion to authorize advertisement of the draft ordinance regarding compensation for Planning Commission members; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Behler who abstained.

M. Street Sweeper, Confirmation of Purchase/Delivery: Ms. Eckhart explained she contacted the CFA regarding an amendment request to the salt shed grant substitution for the street sweeper. She indicated that the amendment request was not well received due to the competitive nature of the grants and the revision request from capital construction to capital equipment. She further indicated that the purchase order based delivery for the street sweeper in May 2019. Mr. Hassler made a motion to proceed with the purchase pursuant to the terms of the purchase order dated November 20, 2018 for the Elgin Sweeper to be provided by Gran Turk in the amount of \$279,284.00; seconded Mr. Montanari. On the motion, by roll call vote, all Supervisors voted yes.

N. Road Projects for 2019: Ms. Eckhart presented cost estimates for sections of Willowbrook Road, Savage Road and White Circle. Mr. Oberly was concerned with the timing of the Catasauqua Creek Bridge replacement over Willowbrook Road as this is in the one area requested for paving upgrades in Ms. Eckharts proposal. Mr. Oberly was concerned with the waste of paving this section in advance of the bridge work. He was concerned with the footprint of the bridge replacement and disturbing the rebuilt section. Ms. Eckhart indicated unfortunately these same sections are on the highest volume Township roadway and in probably the worst condition. Following some discussion, Mr. Oberly made a motion for Ms. Eckhart to proceed with the necessary project approval per the Liquid Fuels funds requirement and return with a draft bid for advertising and in consideration of a reduction of the area on Willowbrook based on feedback from Northampton County concerning the bridge; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

5. New Business

A. 2019 PSATS Convention Report of Attendance: Mr. Hassler provided a report of his attendance. Mr. Behler made a motion to support the annual Fire Company active volunteer incentive activity night at the Iron Pigs; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Hassler who abstained.

4. Public to be Heard: No comments from the public.

5. Adjournment: There being no further comments or business the meeting adjourned at 8:20 PM.

Respectfully submitted,

Ilene M. Eckhart