



## **Allen Township Board of Supervisors Meeting Minutes July 8<sup>th</sup>, 2025 6:00 P.M.**

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, July 8<sup>th</sup>, 2025, at 6:00 P.M. at the Allen Township Municipal Building, located at 50 Snow Hill Road, Northampton, PA. Mr. Behler led the audience in the Pledge of Allegiance to the Flag.

### **1. Roll Call:**

Present: Gary Behler; Paul Link; Dale Hassler; Jason Frack; Tim Paul; B. Lincoln Treadwell, Jr., Esq.; Ilene Eckhart, Manager; Layla Denissen, EIT Engineer (Barry Isett); Michael Schwartz, PE, Engineer (Gilmore & Associates, Inc.)

### **2. Announcements and/or Actions to Add New Items to the Current Agenda:**

- 3. Public Hearings:** Mr. Link made a motion to open the public hearing; seconded by Mr. Hassler. Mr. Treadwell confirmed that the hearing was for Ordinance 2025-02 and explained that the ordinance establishes a truck restriction on Kohl's Road, allowing only local delivery trucks and increasing the fine for violations from \$25.00 to \$75.00. He stated that the purpose of the public hearing was to receive comments from the public and/or the Board before proceeding to a vote. Mr. Behler inquired whether the ordinance would include signage, and Mr. Treadwell confirmed that it would. After confirming that there were no comments from the public or the Board members, Mr. Treadwell indicated that the hearing could be closed. Mr. Hassler made a motion to close the hearing; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

Mr. Paul made a motion to adopt Ordinance 2025-02 Kohl's Road Truck Restriction; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

### **4. Public to be Heard:** None.

- 5. Approval of Minutes (June 10<sup>th</sup> and 24<sup>th</sup>, 2025):** Mr. Link made a motion to approve the minutes for June 10<sup>th</sup> and June 24<sup>th</sup>, 2025; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors voted yes, with the exception of Mr. Behler who abstained.

### **6. Reports**

**A. Treasurer:** Mr. Hassler made a motion to pay the bills; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

**B. Solicitor:** On file.

**C. Engineer:** Mr. Schwartz discussed a warehouse project in Northampton Borough for which Allen Township had previously hired Gilmore & Associates to review traffic studies (TIS). Since Northampton Borough's engineer cannot conduct the TIS review, they asked Gilmore to handle it on their behalf. Mr. Schwartz informed Northampton that he would first consult Allen Township's Board, as Gilmore would be reviewing impacts for both municipalities. He emphasized the need for the Township to be comfortable with Gilmore serving both roles. Ms. Eckhart noted that while Langan was previously the Township's traffic specialist, they are now the project's design engineers. Mr. Behler expressed confidence in Mr. Schwartz's integrity but raised concerns about a potential perceived conflict if issues arose years later, given that the same firm would be reviewing for both municipalities. Mr. Paul asked for clarification on the number of traffic studies, and Mr. Schwartz explained that it was one study with impacts potentially affecting Allen Township, although it was still under review. Ms. Eckhart noted that no formal scoping meetings had occurred yet but mentioned Langan had recently reached out regarding redesigns and requested past studies, primarily related to the Stonebridge project. Mr. Hassler asked if PennDOT would be involved, given the Route 329 and Horwith Lane intersection, and agreed with Mr. Behler's caution. Ms. Eckhart confirmed that this was mentioned in the executive summary. Mr. Treadwell clarified that Mr. Schwartz would be reviewing submitted traffic studies for future impacts on Allen Township. Mr. Schwartz added that he would be working from the municipal perspective, and Mr. Treadwell reiterated that his findings would be shared with PennDOT and would reflect differences in traffic between the two municipalities. Mr. Schwartz also noted that Lehigh County lacks in-house traffic expertise, which led Northampton to seek outside help. Mr. Treadwell asked who would perform the review for Northampton if Allen's Board had concerns about dual representation. Mr. Link stated that reviewing for both municipalities was not a conflict, as the goal was to secure accurate assessments. He added that representing both municipalities should not raise issues unless reviewing on behalf of a developer. Mr. Paul indicated he had no objections, and the discussion concluded with Mr. Frack, Mr. Paul, and Mr. Link all agreeing that they were comfortable with moving forward.

**D. Planning/Zoning/Code Enforcement:** Ms. Eckhart indicated that she was working on sketches. Mr. Behler asked whether a Zoning Hearing would be held in July. In response, Ms. Eckhart noted that, based on the timeline of the submitted terms, it is unlikely. Mr. Treadwell added that while there is some uncertainty, there is hope that the meeting could still take place on July 30<sup>th</sup>, 2025.

**E. Road Superintendent/Public Works Leader:** On file.

**F. Fire Company:** On file.

**G. Emergency Management Coordinator:** On file.

**H. Nazareth Council of Government:** On file.

**I. Parks:** Mr. Behler made general comments regarding the basketball court. In response, Ms. Eckhart noted that although some upgrades had been completed not too long ago, the park's high usage has led to notable wear, suggesting that further updates may be necessary.

**J. Planning:** On file.

**K. First Regional Compost Authority:** On file.

**L. Stormwater:** On file.

## 7. Unfinished Business

**A. 1438 Willowbrook Road, Recycling Center Site:** Mr. Treadwell reported that efforts have been made to schedule a Zoning Hearing Board meeting since the last gathering. He mentioned that the building code inspector identified another issue, although there has been some improvement to the building. He also clarified that the matters discussed pertain to two distinct phases of the ongoing issue.

**B. Appointment of Special Environmental Counsel – Saul Ewing LLP:** Mr. Treadwell reiterated that the appointment of Mr. Ewing is specifically for the role of special environmental counsel, highlighting Mr. Ewing's experience with the Zoning Environmental Hearing Board and the DEP's Individual Use permitting access. Ms. Eckhart explained that a review will be completed of the existing permits and annual reports submitted in compliance with those permits. She noted that additional issues and verifications will be assessed, with relevant reports already collected through Right-to-Know requests now available for review. Ms. Eckhart stated that the 1438 Willowbrook Road business is currently under a notice of violation from the DEP, and the next steps involve a thorough review of submitted documentation to determine the permit's validity. In response to Mr. Frack's inquiry, Ms. Eckhart confirmed that the DEP had issued a deadline in the initial notice of violation, which has not been met, and she is awaiting a response from DEP regarding a second notice. Mr. Treadwell added that the site has reached a second-level violation status, clarifying that the initial violation gives 15 days to correct issues before escalation. In response to a resident's question about potential fines, Mr. Treadwell stated that such penalties are at DEP's discretion. He and Ms. Eckhart concluded by noting that the lack of response to these important issues prompted the escalation and that Mr. Ewing will assist with the ongoing matter.

An unnamed resident asked whether neighbors should continue documenting noise levels and operating hours, stating that nearby residents generally accept operations from 7:00 AM to 3:30 PM. Mr. Treadwell responded that business hours are determined by the company and are not regulated by the Township or DEP. When the resident raised concerns about container activity occurring as late as 8:15 PM, Mr. Treadwell acknowledged the concern but reiterated that neither the Township nor the DEP sets operating hours for businesses. Mr. Link clarified that there is no ordinance limiting business hours. In response to Mr. Paul's question about the noise ordinance, Mr. Treadwell explained that the ordinance is based on decibel levels rather than specific times, although noise restrictions may apply after 10:00 PM. When questioned about the ordinance's application to health concerns from noise, Mr. Treadwell stated that medical documentation would be required to support such claims, and residents would need to testify about the impacts. He emphasized that the Township is hiring experts to address the situation in the best interest of the residents.

Mr. Hassler made a motion to appoint Saul Ewing, LLP as the Special Environmental Counsel; seconded by Mr. Paul. On the motion, by roll call vote, all Supervisors voted yes.

**C. Appointment of Special Land Use Counsel – Eckert, Seamans Cherin & Mellott, LLC:** Mr. Treadwell explained that the current item relates specifically to land use matters. He noted that two individuals whom Ms. Eckhart had spoken with from Harrisburg will be addressing zoning issues and broader land use topics, some of which were previously discussed during an executive session. He clarified that their role is separate from the responsibilities assigned to Mr. Ewing. Mr. Frack made a motion to appoint the Special Land Use Counsel – Eckert, Seamans Cherin & Mellot, LLC; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors voted yes.

**D. Allen Township Building Renovation Project Phase 2 – Applications and Certification of Payments/Change Orders/Allowances:**

- i. **Grace Industries (General Contract Sum \$828,000.00) Request #3 for \$102,289.42:** Mr. Paul made a motion to approve Grace Industries Request #3 for \$102,289.42; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

**E. PennDOT – Abandonment of Seemsville Road Right of Way due to realignment – Authorization to sign Form PR-4226:** Ms. Eckhart discussed the Seemsville Road realignment, explaining that the change is associated with the Jaindl Watson and school development projects. She clarified that the resolution for the alignment has already been completed, and the current form, PR-4226, represents the next step in the process. Mr. Frack made a motion to authorize signing the form PR-4226; seconded by Mr. Link. On the motion, by roll call vote, all Supervisors voted yes.

## **8. New Business:**

**A. Acceptance of Resignation of James Young, Zoning Officer:** Mr. Link made a motion to accept the resignation of James Young, Zoning Officer; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors voted yes.

**B. Executive Session (tentative):** No.

9. **Public to be Heard:** Ms. Nancy Tauschman, a resident of 114 Gray Drive, expressed concerns regarding ongoing issues at the 1438 Willowbrook Road Recycling Center. Despite improvements noted in the most recent inspection, she stated that the building remains loaded with garbage and plagued by foul odors. Mr. Treadwell and Ms. Eckhart acknowledged that while some property maintenance violations have been addressed and some of the building's condition has improved, it is still far from satisfactory. Ms. Tauschman indicated that the improvements appeared staged and for the inspection, claiming that the garbage was shifted within the building rather than removed. Mr. Link added that although repairs to the building's siding and some maintenance were completed, the core issue of garbage disposal remains unresolved. Ms. Tauschman also recounted witnessing a large dump truck early in the morning attempting to enter the site, causing heavy traffic on Willowbrook Road, which she believes reflects conditions unseen by Township officials. She expressed appreciation for the Township's efforts while emphasizing the toll the situation is taking on residents, who feel confined in their own homes and unsure of how to proceed with daily life despite accepting the business's presence.

An unnamed resident expressed their inability to be outside of their home after attending the previous meeting because of the foul smells emanating from the recycling center.

Ms. Tauschman voiced her concerns, as well as the neighboring residents, regarding their living conditions, particularly their inability to spend time outdoors. She requested more support and urged the Board to better understand the severity of the situation. In response, Mr. Link reassured her that the Board is aware of the issue and is taking significant legal steps, including working with major law firms. Ms. Tauschman challenged the Board's understanding by suggesting they live in her neighborhood, prompting Mr. Treadwell to affirm that his response would remain unchanged even if he experienced the conditions firsthand. Mr. Link asked what additional actions are expected, emphasizing that the Township is willing to do anything possible. When Ms. Tauschman demanded that the site be shut down but couldn't suggest a viable method, Mr. Treadwell explained that affected individuals could pursue legal action, as private attorneys may have more power than municipal or government entities in stopping the site. It was also confirmed to the unnamed resident and Ms. Tauschman that the issue could be raised with Pennsylvania State Representative Zach Mako.

Mr. Link emphasized that he could only reiterate information already shared with residents, but assured them that the Board remains attentive to their concerns. Mr. Hassler acknowledged the situation, explaining that a formal process must be followed. He depicted the complexity and expected length of the process with a general story, also expressing frustration that the recycling center's owner has been uncooperative and has made no effort to ease the impact on the neighborhood.

Ms. Tauschman raised concerns about how the recycling center owner was permitted to begin operations in the Township. In response, Mr. Treadwell questioned whether the Board has the authority to control to whom property owners sell, emphasizing that the same concept applies to both residential and commercial sales. He explained that the Township cannot always know the specifics of a business before its arrival, comparing it to unknowingly selling a home to a drug dealer. Mr. Link added that the Board's focus should be on avoiding legal missteps and retaining qualified attorneys, as errors could delay the process. Additionally, an unnamed resident shared her distress over constant tremors and loud noises caused by the recycling center, comparing them to the impact of a lightning strike on the nearby apartment building. She asked if anything could be done to reduce the noise, as it is interfering with her ability to work from home.

Mr. Treadwell clarified the limits of governmental authority, explaining that the Township cannot simply shut down a business. When a resident questioned whether the business had permits for larger dumpsters, he explained that no such permits exist; only land use permits are issued, and 1438 Willowbrook Road was permitted for a recycling business. He added that part of the current litigation aims to determine whether the site is still operating as a recycling center, as intended. He noted that the previous operator ran the business differently, which is why the current issues have only recently arisen. Using a farming analogy, Mr. Treadwell emphasized that the Township cannot control the day-to-day operations of a business, only its zoning and permitted use. Mr. Link expressed the Board's shared frustration with residents and assured them that they are doing all they can to resolve the matter. Mr. Treadwell added that even if public attendance lessens, the Board will continue its efforts out of principle. Mr. Frack encouraged ongoing documentation through videos and other forms of proof. The unnamed resident described a dangerous situation involving a truck facing the wrong way on Willowbrook Road, but Mr. Hassler noted that citations can only be issued if violations are directly observed. Ms. Tauschman pointed out the delay in state trooper response times, while Mr. Link reaffirmed the Board's commitment to pursue the issue until every legal avenue is exhausted.

Ms. Tauschman reported that the streetlight at the McNair and Gray Drive intersection is very dim and the pole appears to be tilted, noting that it has not yet been serviced. She also mentioned that she has set up a camera aimed at a stop sign to record license plates, though she was unsure of the legality of this action. She suggested possibly moving the camera to an apartment complex parking lot. In response, Mr. Paul advised that any information gathered should be shared with the Pennsylvania State Police. Both Ms. Tauschman and the unnamed resident expressed concerns that drivers frequently disregard the stop signs in the area.

Mr. Gogle addressed the condition of the basketball court at the park, noting that it was paved 6-8 years ago using materials from General Recreation, Inc. Mr. Behler raised concerns about visible cracking in the pavement. Mr. Gogle offered to inspect the court and suggested applying a blue sealant, but indicated that a full replacement might be necessary. Ms. Eckhart stated that she will obtain a quote for milling and repaving the surface instead of continuing with minor repairs. In response to Mr. Link's inquiry about court events, Ms. Averbek confirmed that basketball clinics are held to teach children how to play. The Board briefly discussed setting a budget for this work.

**10. Next Meetings:** Mr. Behler announced the upcoming meetings. All meetings and events will be held at the Allen Township Municipal Building. These meetings and events are as follows:

- Planning Commission – Monday, July 21<sup>st</sup>, 2025 6:00 PM
- Board of Supervisors – Tuesday, July 22<sup>nd</sup>, 2025 6:00 PM

**11. Adjournment:** There being no further business, the meeting adjourned at 7:02 PM.

Respectfully Submitted,

Kimberly Rodriguez-Colon