



Allen Township Board of Supervisors

Meeting Minutes April 9th, 2024 6:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, April 9th, 2024, at 6:00 P.M. at the Allen Township Municipal Building, located at 4714 Indian Trail Road, Northampton, PA. Mr. Hassler led the audience in the Pledge of Allegiance to the Flag.

1. Roll Call:

Present: Gary Behler; Dale Hassler; Tim Paul; Jason Frack; B. Lincoln Treadwell, Jr., Esq.; Ilene Eckhart, Manager; Tom Gogle, Public Works Crew Leader, and Stan Wojciechowski, PE, CME

Absent: Paul Link; Andrea Martin, Engineer

2. **Announcements and/or Actions to Add New Items to the Current Agenda:** Ms. Eckhart indicated that she wishes to add the Valley Road Major Subdivision – Security Release to tonight’s agenda. Mr. Behler made a motion to add the Valley Road Major Subdivision – Security Release to the agenda; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

3. **Public Hearings:** There were no public hearings.

4. **Public to be Heard:** Mr. Gene Clater of 75 Arrowhead Lane questioned the Board of Supervisors on what they have done regarding the zoning violations at Lehigh Valley Aqua Pools and the recent Court ruling. Mr. Hassler stated that the Board will refer to the Township Attorney, Mr. Treadwell. Mr. Treadwell indicated that he is not aware that the Board of Supervisors has done anything. Mr. Clater indicated that there was a claim by the Bast Family business which indicated that the business use being conducted on their property was a pre-existing lawful non-conforming use. Mr. Clater explained that the allegation was dismissed with prejudice, which meant that they could not refile it since it failed to set forth illegally sufficient defense. Mr. Clater also indicated that there was a footnote to the Court ruling which stated that the defendants’ lawful business use on his property exists pursuant to the variance created and granted in 1988. Mr. Clater questioned when the Board of Supervisors would enforce the Township’s zoning. Mr. Treadwell questioned how the Court stated that the business was a non-conforming use and asked if it was for the same reason that he had said it was a non-conforming use. He explained that the Court let Allen Township out of the case. Mr. Treadwell indicated that Mr. Clater commented that his opinion was incorrect and asked Mr. Clater to clarify why he felt that his opinion was incorrect. Mr. Clater explained that Mr. Treadwell based his opinion on the fact that it had a pre-existing nonconforming use and the Court stated that was not correct. Mr. Treadwell indicated that the argument that he would make is that it is a pre-existing non-conforming use because the variance that was granted was under the home occupation section of the ordinance and the Township does not have home occupations anymore. Mr. Clater explained that he would need to check to see what the Court said exactly. Mr. Treadwell indicated that the litigation is still ongoing and when the Court reaches a decision the active parties in the case will need to abide by the ruling. Mr. Treadwell explained that Allen Township’s attorneys, on behalf of the insurance company, got the

claim against Allen Township dismissed, meaning that the Township is not a party in the case. Mr. Treadwell explained that Mr. Clater was asking the Board of Supervisors to do something with the case despite the Court stating that Allen Township was not a proper party to the litigation as the Court has already ruled that Allen Township does not have to act on what Mr. Clater is requesting them to do. Mr. Treadwell indicated that Mr. Clater previously claimed that the Township had a Zoning Cease and Desist Order written that was ready to be given to Mr. Bast. Mr. Treadwell indicated that was not true and only a draft was written, and it was never issued. Mr. Hassler stated that the Board of Supervisors will be taking the advice of the Township Solicitor, and the Township is out of the litigation, meaning that the Board of Supervisors will not comment on the case.

5. Approval of Minutes: Mr. Behler made a motion to approve March 12th, 2024, and March 26th, 2024, minutes; seconded by Mr. Paul. On the motion, by roll call vote, all present Supervisors voted yes.

6. Reports – All Reports on File with the Exception of the Treasurer’s Report and Paying of the Bills:

A. Treasurer: Mr. Behler made a motion to approve the Treasurer's Report and the Paying of the Bills; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

B. Solicitor: On file.

C. Engineer: On file.

D. Planning/Zoning/Code Enforcement: On file. Ms. Eckhart indicated that there will be a Planning Commission meeting on April 15th, 2024, and Jaindl Watson Lot 3 will be on the agenda.

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: On file.

J. First Regional Compost Authority: On file.

K. Stormwater: On file.

7. Unfinished Business:

A. Resolution #2024-11 General Fund Budgetary Transfer – 400.500 Legislative Body Contributions, Grants and Subsidies from \$2,000 to \$52,000 (for funding of Allen Township Volunteer Fire Company #1 Recruitment and Retention Program): Ms. Eckhart explained that Resolution 2024-11 is as discussed from the previous Board of Supervisors’

meeting of March 25th, 2024, to add the additional \$50,000 from the General Fund Cash Reserves to fund the program per the Board's direction to make that transfer within the budget. Mr. Behler made a motion to approve Resolution 2024-11; seconded by Mr. Paul. On the motion, by roll call vote, all present Supervisors voted yes except for Mr. Hassler who abstained.

B. Zoning and Code Enforcement Officer Position, Draft Job Description: Ms. Eckhart presented the Board of Supervisors with the draft job description for the zoning and code enforcement officer position. Ms. Eckhart explained that she is seeking the Board's approval for the job description draft as well as permission to move forward with an advertisement to look for suitable candidates. Mr. Behler indicated that he read through the job description and that he favored the idea of having somebody with the flexibility to take on different job roles, which is in the job description. Mr. Behler made a motion to approve the job description and to move forward with the advertisement for the zoning and code enforcement officer position; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

C. Northampton Business Center, Lot 3 Preliminary Subdivision and Land Development Plan, Extension of Time Until May 18th, 2024: Mr. Behler made a motion to acknowledge the extension for the Northampton Business Center, Lot 3 Preliminary Subdivision and Land Development until May 18th, 2024; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

D. Valley Road Major Subdivision – Security Release: Mr. Wojciechowski explained that Check Valley Road, LLC. performed most of the road widening and will be going back during the spring to mill off the top inch and a half of the shoulder that was put down as well as put the wearing course on top of the shoulder area. Mr. Wojciechowski indicated that Barry Isett and Associates is recommending that the current balance of \$176,969.45 be reduced by \$68,918.42, resulting in a remaining financial security balance of \$108,051.03. Mr. Behler made a motion to approve the release in the amount of \$68,918.42; seconded by Mr. Paul. On the motion, by roll call vote, all present Supervisors voted yes.

8. New Business:

A. Executive Session: There was no executive session.

9. Public to be Heard: There was no public to be heard.

10. Announcements: Mr. Hassler announced the upcoming meetings. All meetings and events below will be held at the Allen Township Municipal Building. These meetings and events are as follows:

- Planning Commission, Monday, April 15, 2024, 6:00 PM
- Board of Supervisors, Tuesday, April 23, 2024, 6:00 PM
- Park and Recreation Board, Thursday, April 25th, 2024, 6:00 PM

11. Adjournment: There being no further comments or business the meeting adjourned at 6:17 PM.

Respectfully submitted,

Ilene M. Eckhart