



Allen Township Board of Supervisors

Meeting Minutes April 23rd, 2024 6:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, April 23rd, 2024, at 6:00 P.M. at the Allen Township Municipal Building, located at 4714 Indian Trail Road, Northampton, PA. Mr. Link led the audience in the Pledge of Allegiance to the Flag.

1. Roll Call:

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

Absent: Dale Hassler; Andrea Martin, Engineer

2. **Announcements and/or Actions to Add New Items to the Current Agenda:** Ms. Eckhart indicated that she wished to add an update on the park equipment as well as seek the Board of Supervisors' approval to add additional park equipment items. Mr. Behler made a motion to add the park equipment and associated changes to the agenda; seconded by Mr. Paul. 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. Bob Walsh of 1729 Weaversville Road, he expressed his disagreement with the release of the prior Krapf agreements of 1988 and 2014. He indicated that Krapf used the quarry as a landfill and was cited in 1988 in the zoning agreement. Mr. Treadwell indicated that the 2014 Agreement was in regards to zoning and the 1988 Agreement was a development agreement for the existing building that is presently on the property. Mr. Walsh shared background on the Krapfs filling in the quarry. Mr. Walsh questioned Mr. Wojciechowski if he and the engineering firm conducted any inspection of the property between 2014 and 2021. Mr. Wojciechowski indicated that Barry Isett & Associates Inc., did not conduct any inspection from 2017 to 2021. He noted that Barry Isett & Associates Inc., was not the Township Engineer from 2014 to 2017. Mr. Treadwell indicated that Hanover Engineering was the Township Engineer during that time and was certain that Hanover Engineering did not inspect the property. Mr. Treadwell explained that there was no requirement for the Township to inspect the property. Mr. Walsh explained that he felt that Krapf did not uphold their end of the agreement. He indicated that Krapf needs to submit to the Township a geotechnical analysis of the area to be developed to demonstrate that the fill areas are appropriately compacted to support the proposed development. Mr. Walsh concluded that he felt that Krapf has not met the obligations discussed in the agreements. Mr. Treadwell stated that there is nothing left in the 1988 agreement for the property owners to do. He explained that the 2014 agreement was a zoning agreement to settle a zoning notice of violation and the required reports ended in 2021. He stated that before anyone could develop the property, the developer will need to conduct a geotechnical analysis.

Mr. Timothy Tepes of 3224 Center Road indicated that he was present at tonight's meeting as a homeowner but also a representative of his father's land located on Cherryville Road, which has a plan for a proposed DG Fresh Market. He explained that the new variance request that will be requested would be for a 10,640 square foot building which is 640 square feet more than the allowed 10,000 square foot building allowed in the neighborhood commercial zoning district. He explained that the DG Fresh Market is not a large retail store like Redner's or Wegmans. Mr. Tepes questioned if the Board of Supervisors would consider the new building size variance request. Mr. Behler felt that the Township would need to consider what would be in the best interest of the Township. Mr. Link indicated that the Market should go to the Zoning Hearing Board and that the Board of Supervisors should remain neutral.

5. Unfinished Business:

A. Volunteer Firefighter Tax Credit Incentive Program Ordinance Draft (Amendment to Code Chapter 24): Mr. Treadwell explained that the draft of the ordinance that would create the volunteer firefighter tax incentive was prepared as the Board voted for at the April 9th, 2024, meeting. He explained that the draft includes 100% property tax reimbursement as well as an earned income tax credit amount up to \$350.00 for firefighters who do not own property. Mr. Treadwell explained that for firefighters that do not live within the Township, their reimbursement would be their property tax and the amount of Allen Township's millage multiplied by the value of the property and municipality where they reside in. Mr. Treadwell indicated that the draft would need the Board's authorization to advertise it. Mr. Behler questioned if the draft could be altered in a way where the volunteers could choose between the real estate tax and earned income tax credits. Mr. Treadwell indicated that it could be added, however, it would cause more work administratively. Mr. Behler questioned if the earned income credit was only for Allen Township income. Mr. Treadwell explained that the Allen Township firefighter volunteers who pay earned income tax to another local municipality would still get a credit amount, but the credit amount does not include the taxes paid to the school district. Mr. Link indicated that the firefighters appear to be pleased with the current draft. Mr. Frack stated that the ordinance draft is based off of what the firefighters have asked for. Mr. Frack made a motion to advertise the Volunteer Firefighter Tax Credit Incentive Program Ordinance as it currently reads; seconded by Mr. Behler. On the motion, by roll call vote, all present Supervisors voted yes.

B. Street Names – Willowbrook Farms Phases 3-5: Ms. Eckhart explained that the proposed street names on the list were created by the developer or the property owner of Willowbrook Farms. She indicated that some of the street names are continuations from the previous phases. She stated that she checked the proposed name with the 911 system as well as with Lehigh County to ensure that there are no duplications. Mr. Behler made a motion to approve the proposed street names and that the street names can be placed on the Willowbrook Farms plans; seconded by Mr. Paul. On the motion, by roll call vote, all present Supervisors voted yes.

C. Request for Release of Prior Obsolete (1988 & 2014) Agreements – Krapf Park LLC: Mr. Dennis M. McCarthy, attorney at Davison & McCarthy P.C., indicated that he is representing Krapf Park LLC, who is the buyer of the property located on Savage Road. Mr. McCarthy indicated that the property's subdivision that was approved and recorded earlier this year created six lots. He explained that he was at the meeting due to title issues that occurred

during the title search of the property. He indicated that the agreements of 1988 and 2014 were discovered during the title search. He indicated that Mr. Blake C. Marles of Stevens & Lee is representing Ms. Kay Krapf and he sent a letter to Mr. Treadwell requesting that the Township terminate and release the documents as obsolete. Mr. McCarthy stated that the 1988 agreement involved a site utilization plan that was approved by Allen Township and it called for a contribution and reimbursement to the Township for attorneys and engineering fees. He explained that the project is over and that the agreement is complete, however, it is still attached to the title. Mr. McCarthy explained that the second agreement, which is the 2014 settlement agreement arose in connection with the notice of violation concerning the fill on the property. He indicated that the settlement agreement required the grading of the property, compliance with plans, and inspection and reports of the property that were to be done annually up until the year 2021. Mr. McCarthy indicated that he represents the buyer and they are under the impression that the only open item is the Geotech analysis of the property. Mr. McCarthy felt that presently would be a great time to remove the agreements from the property title if the Township would agree to release the agreements knowing that the geotechnical report will be happening at a later date.

Mr. Behler questioned if there were any additional items that needed to be taken care of besides the geotechnical report. Mr. Treadwell indicated that from a legal standpoint there are not any other remaining items. He explained that the geotechnical analysis will need to be completed when the plans are given to the Township for review by the Township's Engineer and the Township itself. He indicated that the analysis will show if the ground is stable enough to building something on the property. Mr. Wojciechowski indicated that the stormwater management report also requires a geotechnical report to ensure that sink holes will be not be created on the property. Mr. Behler made a motion to agree to the release of the 1988 and 2014 agreements provided that a geotechnical report is submitted with the land development application; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

D. Request for Township to Agree to Future Right of Way Easement (Horwith Drive West Side & Rt. 329) - Stone Ridge Residential Phase 3 Subdivision: Mr. Scott Pasterski of Keystone Consulting Engineers introduced himself. He indicated that he was present to tonight's meeting on behalf of Stone Ridge Meadows Inc. Mr. Pasterski explained that he needed to discuss the right of way at the intersection of Nor Bath Blvd, SR329, and Horwith Lane. He explained that there are two right of ways that are being requested from the Township for dedication. Mr. Pasterski referenced a diagram of the intersection and explained that the light blue section of diagram shows the existing Township legal right of way and the yellow is the additional requested right of way on either side of the intersection. He indicated the right of ways are needed to support the PennDOT required improvements of creating center left run lane on Nor Bath Blvd that would turn onto Horwith Lane, a channelized right run lane onto Nor Bath Blvd, and a lane going eastbound on Nor Bath Blvd. Mr. Behler questioned if the landowners on both sides of Horwith Lane are in agreeance with the plan. Mr. Pasterski indicated that one of the property owners is his client and he agrees with it. Mr. Pasterski indicated that Mr. Livengood approached Mr. John Pittman and reported that he took the request favorably, however the agreement has not been finalized yet. Mr. Behler made a motion that Allen Township is willing to accept the right of way on Horwith Lane as shown on the plans after it has been acquired and improved; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

6. New Business:

A. Authorization to Purchase Water Treatment and Disinfection System for Municipal Building: Ms. Eckhart indicated the water system for the Allen Township Municipal Building and Garage is on a shared system and there are issues with water hardness. Ms. Eckhart explained that Long's EcoWater Systems submitted a proposal for an eco-filtration system and a disinfectant UV system. Mr. Behler made a motion to proceed with the water filtration system and the UV filter for the total of \$5,740.00; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

B. Park Equipment (Item Added to the Agenda): Ms. Eckhart explained that previously the Board approved equipment for the Howertown Park, Kreidersville Park, and the Dog Park. She stated that Mr. Tom Gogle and herself discussed the park equipment and some changes that would need to occur with the park equipment and its locations. She explained that some of the items will be installed with a contract service through Costars and equipment at the Kreidersville Park would be installed by Public Works. Ms. Eckhart discussed that certain fields at the Howertown Park may not be used this year therefore a shade structure at the field closest to Rt. 329 may not be needed, however, she wishes to place a shade structure between the home dugout and concession building on a 15 foot by 20-foot pad and a second shade structure on the other side of the dugout for the visiting team. She explained that the shade structure would have a single pole and each pad would have bleachers. Ms. Eckhart stated that the Board previously voted for a shade structure to be installed at the playground on the Savage Road side of the park. Ms. Eckhart indicated that the shade structure would be a small polygon that would have a steel roof and a bench table under it. She stated that the shade structure will be over a concrete pad. Ms. Eckhart stated that she wished to add an additional shade structure near the tractor playground area. Ms. Eckhart discussed the dog park updates with the newly installed exit gates. The Board generally discussed the layout of the dog park. Ms. Eckhart is seeking to add an additional bench for the dog park. She stated that with the overall changes she is requesting for all three parks, it would cost an additional \$20,000.00. Mr. Treadwell indicated that the amount is too high for the park equipment to be an added agenda item and stated that it will need to be included as an item for a future agenda. Mr. Behler thanked Ms. Eckhart and Mr. Gogle for their hard work with improving Allen Township's parks.

C. Executive Session: There will be an executive session at the end of tonight's meeting to discuss personnel issues.

7. Public to be Heard: Mr. Bob Walsh of 1729 Weaversville Road expressed concerns for general crime and speeding especially around the parks, warehouses, Stone Ridge, and Wawa once it is built. He questioned what the Township's short term and long-term plan was for obtaining someone to help enforce laws. Mr. Walsh indicated the East Allen Township utilizes Colonial Regional. Mr. Walsh felt that the area would get worst once Stone Ridge and Wawa are completed. Mr. Link questioned if he was asking if the Township would be obtaining a police force. Mr. Walsh indicated not necessarily. Mr. Behler indicated that the Township has researched the costs and what was involved with having a local police force. He indicated that the Township is nowhere near the funding that is needed for a local police force. Mr. Behler discussed how the State Police have come to previous meetings to discuss Allen Township's crime statics, which have been very low. Mr. Behler said it is not cost effective to have a local police force and the State Police have taken care of crime related matters. He indicated that in the past the Township has asked a neighboring municipality with a police force if they would be interested in being contracted out by the Township which did not receive favorable

responses. Mr. Link indicated that hiring Colonial Regional is very expensive. Mr. Walsh expressed concerns about the traffic flow when Wawa is built. He also expressed concern about the future development at Willowbrook Farms and how it would impact the Fire Department. Mr. Frack indicated that the Township has traffic monitoring signs and areas prone to speeders are reported to the State Police. Ms. Eckhart indicated that there has been discussion on the State level to charge for state police coverage to each municipality. She stated that is unknown how that would affect local police forces and the amount charged is based on per resident. Mr. Paul indicated that the Township has installed cameras at the parks and will be installing more to monitor the parks. Mr. Walsh questioned if the Township could monitor traffic speeds. Ms. Eckhart stated yes, the Township can monitor vehicle speeds on the traffic signs.

8. **Announcements:** Ms. Eckhart announced the upcoming meeting dates as follows:
- Board of Supervisors, Tuesday, May 14, 2024, 6:00 PM
 - Planning Commission, Monday, May 20, 2024, 6:00 PM
 - Board of Supervisors, Tuesday, May 28, 2024, 6:00 PM
 - Park and Recreation Board, Thursday, April 25th, 2024, 6:00 PM
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9. **Adjournment:** There being no further comments or business the meeting adjourned at 7:17 PM.

Respectfully submitted,

Ilene M. Eckhart