



# Allen Township Board of Supervisors

## Meeting Minutes January 23, 2024 6:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, January 23<sup>rd</sup>, 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; Paul Link; B. Lincoln Treadwell, Jr., Esq.; Ilene Eckhart, Manager; Amber Averbeck, Assistant Manager; Tom Gogle, Public Works Crew Leader, and Stan Wojciechowski, PE, CME

2. **Announcements and/or Actions to Add New Items to Current Agenda:** No announcements or actions to add new items to the current agenda.

3. **Public Hearings:** No public hearings.

4. **Public to be Heard:** No public comment.

### 5. Unfinished Business

A. **Treasurer's Report and Paying of the Bills (carried over from January 9<sup>th</sup> Meeting Cancelled Due to Inclement Weather):** 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 Supervisors present voted yes.

B. **Allen Township Municipal Complex/Fire Company #1 Environmental Remediation Project Bids:** Ms. Eckhart reported that a recommendation has been received for the low bid from EHC Associates in the amount of \$39,794. Kim LaBrake, D'Huy Engineering, explained that this bid is to remove the floor tile from the former social hall. Ms. LaBrake indicated that six (6) bids were received. She noted that the low bid has approximately \$8,000 of contingencies built into the bid if additional work outside of the original scope is discovered during the remediation process. Ms. LaBrake explained that the bid includes testing and disposal of materials that conform to all EPA regulations. Ms. Eckhart and Ms. LaBrake indicated that the environmental remediation bids were initially projected to be approximately \$80,000. Ms. Eckhart reported that the pre-bid meeting for the construction will take place tomorrow, Wednesday, January 24<sup>th</sup> at 10:00 AM. Ms. LaBrake reported that there are twelve (12) contractors expected to attend the mandatory pre-bid meeting. Mr. Behler made a motion to award the environmental remediation bid to EHC Associates for \$39,794, seconded by Mr. Link. On the motion, by roll call vote, all Supervisors present voted yes.

**C. Presentation of New Website – NA Studios:** Bob Bysher, NA Studios, introduced himself and thanked the Board of Supervisors for the opportunity to update the website for Allen Township. Mr. Bysher stated that the website is now secured with a SSL Certificate which encrypts the website. He stated that he is a resident of Allen Township and that he wanted to make the website appealing for his fellow residents. Mr. Bysher explained that the website was designed to be simplistic and make information easy to find. He explained that the addition of an “I Want to +” button on the home page allows website users to find the most common links. He indicated that a slow-scroll feed is present on the home page for important items. Mr. Bysher presented the new layout for the newsfeed and indicated that the agendas are now also accessible on the home page. Mr. Bysher explained that agendas are uploaded to the Cloud which improves accessibility and decreases the need to clear browsing history to view changes made to a document. Mr. Bysher explained that the calendar of events is accessible on the home page and in the future can have expanded features added to the events including agendas being accessible from the calendar and Zoom links. Mr. Bysher highlighted that an AI chat feature has been added to the website. The AI chat feature forms intelligent answers. The responses will update with any changes made to the site and can be programmed to give answers to common questions. The AI chat feature will not outsource links.

Mr. Bysher reported that the website has been upgraded to include accessibility features. He gave the Board of Supervisors an overview of the accessibility features. A free version has been implemented on the site but Mr. Bysher recommends the Board of Supervisors consider upgrading. He reported that the fee for the upgraded ADA accessibility features is approximately \$340 per year.

Mr. Bysher invited the Board of Supervisors and community to explore the new Allen Township website. He expressed interest in updating the Allen Township Fire Company’s website.

**D. Volunteer Firefighter Tax Credit Incentive Ordinance Draft (Amendment to Code Chapter 24):** Mr. Treadwell stated that a draft of the ordinance has been prepared. The Volunteer Firefighter Tax Credit Incentive Ordinance would create a tax credit for volunteer firefighters provided that they meet certain requirements to be eligible for the tax credit. Mr. Treadwell explained that the way the ordinance is currently drafted is for a 100% real estate tax credit for each volunteer firefighter. He clarified that this would result in 100% of the real estate tax that would be owed to Allen Township would be credited to each volunteer firefighter. Mr. Treadwell indicated that it was also drafted that volunteer firefighters who are non-residents that do not live in Allen Township would also receive a credit in the form of a payment. The payment amount would be computed by taking the assessed value of the property in the municipality where they reside and multiplying it by the Allen Township tax rate, currently 5-mils. Mr. Treadwell stated that the payment would not be above what the volunteer firefighter would be paying to their municipality. He clarified that this is a tax credit and is not meant for individuals to make money. Ms. Eckhart indicated that she provided data to the Supervisors that shows the tax credit, as drafted in the ordinance, would amount to approximately \$3,900 at the current volunteer firefighter roles at 5-mils and 100% of the assessed value. Data was also provided regarding the year-to-date calls. Ms. Eckhart presented the Board with a scale to show how the amount would differ if a percentage of calls was used to compute the tax credit.

Mr. Hassler stated that the County has a Volunteer Firefighter Tax Credit Incentive Program where volunteer firefighters must respond to three (3) alarms in a calendar year to receive the full tax credit offered by the County. Mr. Hassler believes that a percentage-based program is more incentivizing than a set number of alarms as individuals may only respond to the minimum number of

alarms in order to qualify for the incentive program. Mr. Hassler stated that most volunteer firefighters are employed and unable to respond to calls during their work hours. He indicated that a 20% response to calls is acceptable for volunteer firefighters. Mr. Treadwell noted that the language in the draft sets up the volunteer service credit program and a policy would need to be adopted to change the number of calls a volunteer goes on if the Board decides to implement a call response rate program.

Mr. Behler expressed concerns of fairness as the draft ordinance is based on assessed value, which varies between volunteer firefighters and their property. He stated that if the volunteer firefighters are doing the same service that he believes they should all receive the same amount. Mr. Paul questioned if there is a maximum credit that could be added to the draft ordinance. Mr. Treadwell stated that it is unlawful to provide a credit that amounts to more than what their maximum tax payment would be. If a set credit amount is desired by the Board of Supervisors, Mr. Treadwell confirmed that the volunteer firefighter with the lowest credit would need to be identified and this would be the amount set for the credit incentive for all volunteer firefighters. The Board of Supervisors discussed a percentage-based credit versus a set dollar amount.

Mr. Hassler stated that he will not be voting on this matter but did want to comment that his property is one of the lowest assessed values on the list of volunteer firefighter-owned properties provided by Ms. Eckhart. He stated that if the credit incentive was percentage based that it would not bother him if other volunteer firefighters received a larger credit than him. The Supervisors discussed fairness of the credit incentive.

Mr. Link inquired if the program would benefit volunteer firefighters who do not own property. Mr. Treadwell indicated that there is not a uniform way to address the credit amount due to how the state law is written.

The Board of Supervisors decided to table this agenda item for further discussion along with Agenda Items E & F.

**E. Allen Township Volunteer Firefighter Vehicle Expense Reimbursement Policy**

**Draft:** Mr. Hassler explained that some municipalities are reimbursing volunteer firefighters per call that they respond to. Although he did not have the data on lowest call response and highest call response, Mr. Hassler estimated that the average calls responded to per volunteer firefighter for one (1) year is approximately 100 calls. The Board of Supervisors agreed that a set amount per call for a vehicle reimbursement is fair. Mr. Link questioned if the reimbursement amount went over \$600 if the individual would need to claim the income. Mr. Behler noted that he is not opposed to incentive programs and vehicle reimbursements for volunteer firefighters but would like to avoid appearing to be paying firefighters for their service. Mr. Treadwell agreed that the Township will need to be careful to avoid paying volunteer firefighters so that these individuals remain volunteers. Mr. Treadwell stated that these incentive and reimbursement programs need to be carefully structured. Mr. Link questioned the insurance coverage if a volunteer firefighter is injured during a call. Ms. Eckhart replied that the Township holds the insurance coverage for this. Mr. Treadwell recommended that two (2) Supervisors, Ms. Eckhart, and himself meet to discuss all the scenarios for the three proposed incentive/reimbursement programs (real estate tax incentive; vehicle expense reimbursement; and earned income tax credit incentive). Mr. Hassler reported that a neighboring municipality is also in the process of implementing similar credit incentive/reimbursement programs. He indicated that this municipality is expected to act on their proposed programs soon. Mr. Hassler indicated that he is

fearful that Allen Township could lose volunteer firefighters to a neighboring department if an incentive/reimbursement program is not implemented in Allen Township. Mr. Treadwell stated that further discussions will take place to discuss the incentive/reimbursement programs. To avoid a quorum, two (2) Supervisors at a time will meet with Ms. Eckhart and Mr. Treadwell to further discuss these agenda items (Agenda Items D, E, and F).

The Board of Supervisors decided to table this agenda item for further discussion along with Agenda Items D & F.

**F. Volunteer Firefighter Earned Income Tax Credit – Discussion:** The Board of Supervisors briefly discussed an Earned Income Tax (EIT) credit incentive. It was discussed that this would be more difficult to administer since the tax is collected by Keystone Collections Group and that the School District receives a portion of the EIT.

The Board of Supervisors decided to table this agenda item for further discussion along with Agenda Items D & E.

**G. Northampton County Bridge #124 – Willowbrook Road Detour – Extent of Closure:** Ms. Eckhart provided an update on the project. She reported that the City of Bethlehem is ready to move forward with their work. She explained that this portion of the project will result in a road closure and detour beginning on January 29<sup>th</sup>, 2024 through the end of February 2024. Ms. Eckhart reported that a Highway Occupancy Permit Application has been received from UGI for their work to begin at the end of March 2024 through April 2024. She indicated that UGI has been delayed in their work so the start date for their work will need to be confirmed at a closer date. Ms. Eckhart indicated that in theory, traffic may only be able to pass over the bridge during the month of March. Ms. Eckhart noted that this is dependent upon the road condition following the completion of the work by the City of Bethlehem. Mr. Wojciechowski explained that the road will not be in a finished condition following the City of Bethlehem’s work. Ms. Eckhart reported that she spoke to Rob Taylor from the City of Bethlehem today. She reported that the City of Bethlehem has specific permit conditions. The City of Bethlehem is closely watching the water level in creek due to the significant rainfall this week. Ms. Eckhart reported that the work should begin on schedule unless the water level increases significantly. Ms. Eckhart indicated that the City of Bethlehem appears to be orchestrating the project although this is a Northampton County project. Mr. Wojciechowski reported that the City of Bethlehem has appealed to the PA Fish and Boat and has received permission to work in the stream next week.

Ms. Eckhart inquired if the public announcement should mention the possibility of the road being open during the month of March. Mr. Hassler believes that the road should be opened following the completion of the City of Bethlehem’s work. He reported that fire trucks are going to have to detour to Schoenersville Road. Mutual aid has been arranged to respond to calls where response times will be impacted by the road closure. He indicated that response times from Allen Township Fire Department for fire calls to the FedEx property will be significantly impacted by the detour. Mutual aid will be in place until the completion of the bridge replacement. Mr. Hassler stated that snow is still likely during the month of March and a road closure will affect the Public Work’s Department’s ability to plow snow on Willowbrook Road. Mr. Wojciechowski stated that base would need to be placed on the road to allow traffic to pass through the site if it were reopened following the City of Bethlehem’s work. Mr. Behler stated that he believes the road should also be reopened following the

City of Bethlehem’s work. The Board of Supervisors discussed that it is best to reopen the roadway and await confirmation of a start date for the work to be done by UGI. Mr. Behler made a motion to reopen Willowbrook Road between construction phases, seconded by Mr. Paul. On the motion, by roll call vote, all Supervisors present voted yes. Ms. Eckhart indicated that the notice to residents will be sent out that indicates the road is expected to be reopened on February 29<sup>th</sup>. She reported that any updates will also be communicated to residents. The information will be communicated by email, on the Township website, and on the Township Facebook Page.

**H. East Bullshead Road – Speed Limit Study:** Mr. Wojciechowski reported that the data from the speed radar sign has been reviewed. He indicated that this data supports the 35 MPH speed limit that is currently in place on this road. He reported that the average speed from the data is 37 MPH. Mr. Wojciechowski referenced the Pennsylvania Code Title 75 § 6109(a)(5) and indicated that through the Code he was able to review the criteria for a park and determined that this does not meet the requirements for residents district with PennDOT. Mr. Treadwell indicated that it is difficult to reduce speed limits to less than 35 MPH unless there are documented incidents that would support a reduced speed limit. He clarified that the frequent accidents involving tractor trailers becoming stuck under the trestle bridge is not caused by speed and therefore has no influence on the speed limit. Mr. Wojciechowski recommended that the speed sign be placed along East Bullshead Road periodically to remind drivers of the speed limit. Mr. Hassler suggested that a permanent speed sign could be placed like the one that is on Savage Road. Mr. Treadwell will inform the Board of Supervisors if he discovers that there is any legal basis to lower the speed limit to 25 MPH.

Mr. Behler inquired if there is an update regarding the East Bullshead Road intersection. Mr. Wojciechowski reported that the survey crew is putting their base plan together. They are working to determine where the Township right-of-way is. He noted that there may be some dedicated right-of-ways from when the Catasauqua High School was built. Mr. Wojciechowski reported difficulties in finding these potential dedications. He indicated that a future discussion with the County will need to take place to cut back the slope on their property.

## **6. New Business**

**A. 2024 Temporary Seasonal Closure of Dog Park:** Ms. Eckhart stated that historically the dog park is closed seasonally towards the end of February and is typically reopened at the end of April. She reported that the drastic fluctuation in temperatures this year along with the large amount of precipitation is resulting in the need to consider beginning the seasonal closure of the dog park earlier than in the past. Ms. Eckhart stated that two (2) weeks’ notice is usually given prior to the seasonal closure beginning. Mr. Paul questioned if there is an alternative type of grass that would decrease the amount of mud. Ms. Eckhart and Mr. Hassler explained that the mud is due to high foot and paw traffic in the park. Mr. Behler made a motion to close the Allen Township Dog Park on Friday, February 9<sup>th</sup> and reopen the park at the end of April weather permitting, seconded by Mr. Frack. Upon further discussion, Mr. Behler amended the motion to close the Allen Township Dog Park on Monday, February 12<sup>th</sup> and reopen the park at the end of April weather permitting, seconded by Mr. Frack. On the amended motion, by roll call vote, all Supervisors present voted yes.

**B. DG Market – Application for Variances (Zoning Hearing Board) – Board Position:** Ms. Eckhart explained that she brings all applications for variances to the Board of Supervisors to give the Board an opportunity to take a position on the application if they desire. Ms. Eckhart explained that

the application is for a DG Market which is categorized as a Retail Store. The property is currently vacant land. The Zoning Hearing Board is scheduled to conduct this hearing on February 22<sup>nd</sup>. She indicated that the Zoning Ordinance only allows a Retail Store a footprint of 10,000 square feet gross store area. She also explained that ordinance states there must be 130 feet setback for the loading area. Ms. Eckhart reported that the Applicant is proposing the loading area to be located within fifty-three (53) feet from the property line along Center Road; and within ninety (90) feet from the northern property line. She noted that the northern property contains an existing auto repair shop. Ms. Eckhart stated that the application is for relief from these two sections of the Zoning Ordinance.

Mr. Behler commented that this property is surrounded by residential homes on two (2) sides in a high-density area. He voiced concerns regarding the unknown store hours along with the unknown frequency and time of day the deliveries will be made to the store. Mr. Behler stated that the Applicant is proposing a 12,480 square foot gross floor area. He indicated that the Zoning Ordinance specifically states that any Retail Store over 10,000 square feet of gross floor area is no longer classified as a Retail Store use. Mr. Behler explained that gross floor areas over 10,000 square feet classifies it as a Large Retail Store and is not permitted in the Neighborhood Commercial Zoning District. Mr. Behler stated that the Neighborhood Commercial Zoning District is meant for small stores.

Mr. Treadwell indicated that the proposed use is not a Convenience Store since it is larger than a convenience store and it is not a Mini-Market since it does not have gasoline sales. He stated that a Large Retail Store is a store comparable in size to a typical Walmart. Mr. Treadwell explained that the Zoning Ordinance does not have a classification for retail stores between small and large.

Mr. Behler stated that just because a use is permitted the Zoning District does not mean that that use fits the parcel or property. Mr. Frack commented that the plan for the DG Market could be modified to fit the ordinance requirements. Mr. Treadwell stated that the Applicant can be invited to appear at a Board of Supervisors meeting to explain the plan. He indicated that the Applicant has explained to Ms. Eckhart and himself that DG Markets have a standard design.

Mr. Hassler explained that the Zoning Hearing Board will need to conduct the hearing and come to a decision on the application. He stated that if the Board of Supervisors disagrees with the decision made by the Zoning Hearing Board, then it can be appealed. Mr. Treadwell recommended that the Board of Supervisors take a position on this application if they feel there is a possibility of appealing the decision made by the Zoning Hearing Board so that there is standing to file the appeal. Mr. Treadwell stated that as with all Zoning Hearing Board Applications, the Board of Supervisors can either support or oppose the application or take no position on the application. He indicated that if the Board of Supervisors opposes the application, then they may either send a letter to the Zoning Hearing Board explaining the reason for the opposition to the application or the Township Solicitor and Township Engineer can be sent to the hearing as witnesses to explain the Board of Supervisor's reason for opposing the application. Mr. Treadwell also explained that neighboring properties will receive notice of the hearing.

Mr. Behler questioned if the Zoning Hearing Board can apply conditions if variances are granted. Mr. Treadwell confirmed that conditions can be applied. Mr. Behler would like to see conditions to be applied to eliminate any nuisance if the variances are granted. The Board discussed how they would like to see adequate buffering if the variances are granted. Ms. Eckhart and Mr. Treadwell will invite the Applicant to a Board of Supervisors meeting to obtain more information regarding the plan for the

property prior to the Board of Supervisors deciding if a position will be taken regarding the application for these variances. Mr. Link commented that this will give the residents in the vicinity of the proposed DG Market an additional chance to express any concerns regarding the variance application.

**7. Public to be Heard:** No public comment.

**8. Announcements:** Mr. Behler announced that there is one (1) vacancy on the Zoning Hearing Board. He encouraged any residents who are interested in this position to submit a letter of interest.

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:

- Board of Supervisors – Tuesday, February 13, 2024 at 6:00 PM
- Planning Commission – Monday, February 26, 2024 at 6:00 PM
- Board of Supervisors – Tuesday, February 27, 2024 at 6:00 PM
- Park and Recreation Board – Thursday, January 25, 2024 at 6:00 PM

**9. Adjournment:** There being no further comments or business the meeting adjourned at 7:13 PM.

Respectfully submitted,

Ilene M. Eckhart