



## Allen Township Board of Supervisors

### Meeting Minutes

February 14, 2019

7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors, was held on Thursday, February 14, 2019, at 7:00 P.M. at the Allen Township Fire Company Building, 3530 Howertown Road, Northampton, PA 18067. The Pledge of Allegiance to the Flag was led by Chairman Larry Oberly.

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

**2. Public to be Heard:** Robert Bysher, Weaversville Road, stated that last week he received a weather alert stating low air quality, which he had not experienced in his eight years of occupancy in Allen Township. He voiced concerns that the industrial development was causing the deterioration of air quality, including Mr. Jaindl's proposed development.

Mr. Bysher further questioned the winter maintenance for Seemsville Road once it is relocated into East Allen Township. Mr. Oberly clarified that Allen Township currently plows into East Allen, as Allen plows the Seemsville Road frontage along East Allen Township, as Seemsville Road is the municipal boundary.

Mr. Gerald Neff, Nor-Bath Boulevard was concerned with his site distance backing out of his driveway and voiced concern why Seemsville Road could not be located further to the east to line up with Walnut Drive. He asked the road be moved.

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

**4. Approval of Minutes:** Mr. Behler made a motion to approve the minutes of December 11<sup>th</sup> and 27<sup>th</sup> 2018 and January 7<sup>th</sup> and January 22<sup>nd</sup>, 2019; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Oberly due to absence on December 27<sup>th</sup>, 2018.

### **5. Reports**

**A. Treasurer:** Mr. Hassler made a motion to approve the Treasurer's Report and pay the bills; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

**B. Solicitor:** On file.

**C. Engineer:** On file.

**D. Planning/Zoning/Code Enforcement:** The Planning Commission meeting for February 18<sup>th</sup>, 2019 has been cancelled.

- i. Schatz ZHB Appeal 2019-02: The Board agreed and did not take a position.

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

Call In Snow Plow Drive: Mr. Behler made a motion to add George Cuchran to the part time snow plow list; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**F. Fire Company:** On file and report supplied by Chief.

**G. Emergency Management Coordinator:** Mr. Krill provided the report.

**H. Parks:** On file.

**J. Nazareth Council of Government:** Mr. Krill provided the report.

**K. First Regional Compost Authority:** On file. Mr. Oberly discussed issue concerning the recycling of natural Christmas with the new trend of painting trees which make the trees unrecyclable.

**L. Stormwater:** No updates.

## **6. Unfinished Business**

**A. Reception Area Safety Upgrades:** Mr. Hassler made a motion to approve the quote of ABE Area Glass in the amount of \$10,055 and proceed with the work for the reception area safety upgrades (including glass and hardware retrofit work); seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

**B. Gravity Sewer Flow Monitoring:** Mr. Frack made a motion to proceed with the six portable area velocity sewer flow meters for the thirty-day window in the amount of \$14,650; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

**C. JW Development/Northampton Business Center Subdivision and Land Development Plan Presentation (Last Ext. 02/28/19):** Erich Schoch, Esq, Bruce Anderson PE (Pidcock Company), and Ann Marie Vigilante, PE presented an overview of the major components of the plan.

Erich Schoch, Esq. discussed the Planning Commission recommendation and some specific matters which were left to the Supervisors. Mr. Schoch indicated that any questions would be addressed as well.

Mr. Behler questioned if any of the physical truck restriction measures (including an overhang) to the exits have been added to the plan, as discussed at the previous Planning Commission meetings. Ms. Vigilante responded that a resubmission to PennDOT has not occurred as of yet but this would be included as a possibility in the resubmission. Ms. Vigilante provided an overview of the off-site roadway improvements including the Howertown Road access driveway which was designed for passenger vehicles only and to deter trucks, and includes a very narrow turning radius. She further indicated additional improvements to Howertown Road included a

dedicated southbound left turn lane as well as widening to the south of the driveway (for a potential future northbound turning lane). On Seemsville Road, there is a truck access and the northbound radius has been designed very narrow as a deterrent. Additionally, Seemsville Road improvements will include dedicated southbound right turn lanes out of the project and a dedicated left turn into the project. Seemsville Road at Route 329 is proposed to be relocated 650 feet to the east with a traffic signal, widening and dedicated west and east turning lanes at the new intersection. Additionally, a new connector road will be constructed and the existing Seemsville intersection will be terminated with a cul-de-sac at Rt. 329. Ms. Vigilante reviewed the proposed improvements to Rt. 329/Howertown/Weaversville Road which will include: additional right turn north, east and southbound lanes.

Mr. Frack questioned improvements to Seemsville Road and he felt there was not enough room in the area to allow for turning movements. Mr. Frack was concerned with the people backing out of the driveways onto Rt. 329. Ms. Vigilante felt that the movement of the intersection would create better sight distance. Ms. Vigilante further explained that the new signal would be coordinated with the other signals existing to the west on Rt. 329 and create gaps for the property owners to enter more safely onto Rt. 329.

Mr. Behler asked Ms. Vigilante to explain the Seemsville Road relocation. Ms. Vigilante explained the issue of moving the intersection further east to Walnut Drive. She indicated with the assistance of PennDOT, the belief was that putting the intersection all the way to Walnut would be very enticing to trucks.

Mr. Schock updated that the developer has entered into an agreement with the School District regarding the relocation of Seemsville Road. Additionally, on January 24<sup>th</sup>, 2019 the East Allen Township Supervisors acted upon the waivers to obtain the permits for the stormwater facilities and grading permits necessary in East Allen Township. This allows the applicant to proceed with the PennDOT application. He indicated that an agreement has been forwarded to East Allen Township Supervisors for consideration regarding the maintenance of the traffic signal for the relocated Seemsville Road. Mr. Treadwell clarified pursuant to the draft agreement Mr. Schock referenced the only responsibilities of Allen Township would be the maintenance of the “old” Seemsville Road, the connector road (between the “old” Seemsville Road and the relocated Seemsville Road) and the stormwater area (curbed area with a single inlet) which would be designed to handle the stormwater from the “old” Seemsville Road. Ms. Vigilante indicated maintenance on the curbed area with the single inlet would amount to clearing the top of the inlet from debris from time to time as the public works would handle maintenance on any other inlet.

Mr. Frack questioned the regrading of the steep bank along the existing houses along what will become the “old” Seemsville Road. Ms. Vigilante indicated that there would be some regrading to level the area up to the cul-de-sac as much as possible. She noted that there was a limited amount of grading that could be completed due to the existing homes and driveways.

Mr. Behler questioned the maintenance responsibilities for the traffic signal by East Allen Township. Mr. Schock indicated that the agreement spelled out East Allen’s ownership obligation for the new traffic signal and the maintenance of the new traffic signal by the applicant. Mr. Schock indicated that Allen Township would not be a party of the traffic signal maintenance signal agreement. Mr. Behler requested the agreement state that any maintenance items of “old” Seemsville Road section, the connector road between the “old” Seemsville Road and the relocated Seemsville Road would be maintained to Allen Townships standards.

Mr. Hassler indicated that although the plan is “by right” he did not feel that the proposal was in the right location. He voiced concern for the proposed location being so far away from a major highway. He doubted the lease potential for the warehouses so far from a major highway. He felt no matter how the roads are fixed the roadway still goes down to a two lane roadway.

Mr. Hassler was concerned about the wetlands as a donation to the Township. He was concerned that the land would not be a benefit or that trails could be constructed in the area offered for dedication. Mr. Hassler felt the recreation fee should not be waived in lieu of the donation due to the impact to the Howertown Park for the recent Rt. 329 Roadway Improvements. Mr. Behler was in favor of conserving the land. Mr. Behler felt that there were pieces that could be developed within the proposed easement area. Mr. Behler felt that the fee would not help because there was not that much land available for purchase in the Township.

Mr. Schoch proposed the following amendments to the draft conditional approval motion for the plan:

1. Regarding the measurement of the Mud Lane water line to be corrected to state 4,162 linear feet;
2. Regarding the additional Rt. 329/Howertown Road roadway intersection improvements, Mr. Schoch proposed if the southbound right turn cannot be built due to the need for the right of way, it would not be removed from the PennDOT plan for the February submission but that it would be removed several months later as long as a good faith effort has been made to acquire the right of way. Mr. Schoch will discuss the good faith due diligence to obtain the required right of way with the Township Solicitor. Mr. Treadwell further explained the 18-month maintenance period required following the construction of a roadway and required improvements; and
3. Regarding the after study language requirement from the Planning Commission recommendation, Mr. Schoch proposed using the requirements and required timeframe of the PennDOT after study with the Township having the ability to step in if for some reason PennDOT does not or if PennDOT requires the after study too early (which would miss some of the occupancy). All agreed with the proposed three changes per Mr. Schoch.

Mr. Frack was concerned for the Howertown Road stormwater. Ms. Vigilante indicated that the stormwater will be managed on-site, which is free flow today. She indicated therefore there will be an improvement of the stormwater along Howertown Road. He would like to see this completed as soon as possible.

## 7. New Business

- A. Ratification of Employee Discharge:** Mr. Hassler made a motion to ratify the employee discharge per Ms. Eckhart’s action; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.
- B. Draft Conditional Offers of Employment – Equipment Operator/Utility:** Ms. Eckhart recommended two candidates for conditional offers of employment (per the draft presented) for the position of equipment operator/utility. Mr. Behler made a motion to extend the offers as drafted to the two candidates recommended by Ms. Eckhart; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**C. Executive Session – Litigation:** Mr. Treadwell discussed the two cases: 1.) an appeal of Ms. Kay Krapf on a Land Use Appeal regarding the submission of a land development plan; and 2.) an appeal of North Hills (Louis Tepes Jr. and Bernice Tepes) regarding the recording of an eight lot subdivision plan without sewer capacity. Mr. Oberly did not participate in the executive session pertaining to the Ms. Kay Krapf Land Use Appeal.

**8. Public to be Heard:** Sue Lindenmoyer, Mud Lane, questioned the access of trucks for the lot along Howertown Road. Mr. Treadwell indicated that the access to the lot will be from the Liberty project. She further voiced concern about the truck traffic to be generated by the various project and the comparison of the Fed Ex improvements on Willowbrook Road versus the proposed project with limited improvements.

Gene Clater, Snow Hill Road, was concerned with the time line for the Howertown Road right turn lane. Mr. Treadwell explained that the first timeline would be the good faith effort to obtain the right of way, if the right of way is still not obtained then the lane could be taken off the PennDOT plans. The second timeframe would be 18-months after the construction of the improvements for the Township to obtain the right of way and then require the developer to construct the turn lane. Mr. Clater was concerned that this would not be sufficient time (about three to four years at the maximum to get the right of way and notify the applicant to construct) and he voiced concern that the replacement of the Howertown Road bridge (over Dry Run) would further distort traffic patterns as well as complicate detour issues. He asked the Board to look at the matter more global due to the potential for considerable backup at the Howertown/Rt. 329 intersection.

Mr. Don Knoll, Pinehurst Drive (Willow Green), felt Mr. Jaindl should be required to answer Mr. Hassler’s question regarding the selection of the property for warehouses. Additionally, he was concerned about dump trucks crossing the Willowbrook Road bridge over the Catasauqua Creek. He felt that Rockefeller made statements at Hanover Township, Lehigh County that trucks would not be going over the bridge. He felt Rockefeller should be put on notice of this. He further questioned the overhang device proposed for the access drive on Howertown Road and asked the Board to consider the same for Radar Drive (for the north leg onto Willowbrook Road).

Mr. Robert Bysher, Weaversville Road, suggested Allen Township Supervisors should get together with East Allen Township Supervisors. He further questioned if the truck traffic study has been completed by the Lehigh Valley Planning Commission. He recommended no decision should be made regarding the JW Development project until the report is received.

**Return from Executive Session:**

**Authorization to Advertise the Facilities Workshop for March 13, 2019:** Mr. Behler made a motion to authorize the advertisement for March 13th, 2019 at 7 PM at the Township Building; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**Special Counsel Litigation:** Mr. Behler made a motion to hire Dan O’Donnell (Krapf/K&H Development Litigation) and John Mahoney, Esq. (Tepes Litigation); seconded by Mr. Frack. On the

motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Oberly who abstained on voting on Attorney Dan O'Donnell

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

Respectfully submitted,  
Ilene M. Eckhart