



Allen Township Board of Supervisors

Meeting Minutes

July 28, 2020

7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, July 28, 2020 at 7:00 P.M. by teleconference due to the Disaster Emergency (Resolution 2020-10, 2020-11 and 2020-12) created by the COVID-19 Coronavirus Pandemic. Mr. Hassler led the audience in the Pledge of Allegiance to the Flag.

1. **Roll Call:** Present: Bruce Frack; Gary Behler; Carl Edwards; Dale Hassler; Gerald Montanari; B. Lincoln Treadwell, Jr., Esq., Stan Wojciechowski, PE, CME, Ilene Eckhart, Manager.
2. **Public to be Heard:** No public comments.
3. **Public Hearings:** No public hearings.
4. **Unfinished Business**

A. Stone Ridge Phase 2 – Improvements Security Reduction, \$84,273.85: Mr. Behler made a motion to release financial security in the amount of \$84,273.85; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes. Mr. Wojciechowski indicated that \$24,486.00 would remain as maintenance security.

B. Towpath Estates Lot #93 Subdivision Plan – Road Widening W. 27th Street and Sidewalk Installation, EDU Transfer Request: Present on the teleconference/virtual meeting for the applicant: Brian Gasda, PE, David Shulman, Esq. and Tim Livengood, property owner/applicant. Mr. Gasda indicated that plan is for a two-lot subdivision, splitting off a single 1.74-acre lot from the existing residential structure.

Mr. Wojciechowski reviewed his comment letter issued July 16, 2020, last revised July 28, 2020.

Mr. Wojciechowski recommended the installation of sidewalks occur prior to plan recording. Regarding the placement of the sidewalk, Mr. Wojciechowski recommended the installation of the sidewalks should be across Lot #27, the proposed Lot #93 and #94 and tying into the existing sidewalk/ramp at the northern corner of W. 27th Street and River Run. The overall result would be the connection of existing sidewalks from Levee Drive along W. 27th Street to River Run. Mr. Behler felt that the developer was in agreement with everything discussed in the field. He noted the question was the timing of the roadway widening and the extent of widening due to the location of the fiber optic line within the roadway and roadway shoulder.

Regarding the sidewalks, Mr. Hassler stated he agreed whole-heartily with the connection of Levee and River Run along W. 27th Street. Mr. Behler made a motion to install the sidewalk across Lot #27, proposed Lot 93 and 94 and tying into the existing sidewalk/ramp at the northern corner of West 27th Street and River Run prior to plan recording; seconded by Mr. Montanari. Prior to the roll call vote, Mr. Tim Livengood asked for consideration, looking to sell off existing ranch-style home. He suggested there was discussion of the Township taking over the sidewalk along the frontage, which would require the installation of 500 feet of sidewalk. He felt that amount of sidewalk was a very large burden for one property owner and that the sidewalk would definitely be plowed over in the winter months. Mr. Montanari was concerned with damage from salt and questioned future replacement responsibilities. Mr. Treadwell suggested the Township not necessarily own the section of sidewalk but perhaps the Township could clear the sidewalk if plowed under during the winter months. Ms. Eckhart provided the example of orphan sidewalk in the Township along John Drive along the reverse frontage of Graystone Circle. Mr. Hassler indicated he was not in favor of the Township owning the sidewalk and that perhaps a disclaimer with signage stating “travel at own peril – no winter maintenance” during the winter months. Ms. Eckhart noted she has seen similar signage in alleyways in Northampton Borough. Mr. Treadwell stated he was agreeable with the signage disclaimer suggested by Mr. Hassler and that the details could be resolved after the sidewalk is installed. Mr. Montanari felt the disclaimer/signage for the snow removal should be addressed this evening. On the motion, by roll call vote, all Supervisors present voted yes.

Mr. Behler made a motion to approve the waiver request regarding the sewer easement location; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

Mr. Behler made a motion to authorize the transfer of one EDU of sewer capacity previously purchased for the undeveloped area of Stone Ridge to newly created lot of Towpath Estates Lot #93 subdivision; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

Mr. Behler made a motion to approve the Towpath Estates Lot #93 Minor Subdivision Plan subject the Township Engineers letter of review dated July 16, 2020 last revised on July 28th, 2020; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

Regarding W. 27th Street widening, Mr. Wojciechowski reviewed the scope of widening per the plans as approved and recorded. The roadway is to be 20 feet wide post widening. Mr. Wojciechowski noted the shallow fiber optical cable running over the culvert north of River Run. The original plans proposed a larger pipe for this location. PPL has completed substantial stormwater improvements north of the site. Mr. Wojciechowski indicated that Lehigh Engineering is in the process of providing calculations that the pipe size is adequate in light of the PPL upstream stormwater improvements. Mr. Wojciechowski indicated a slip line might be proposed to allow the pipe to be upgraded without disturbance. Additionally, the scour hole will be addressed in some manner. Mr. Frack interjected if the discussed items were for the area of W. 27th Street. He requested additional detailed documents and plans. Ms. Eckhart indicated she would provide additional plans prior to the meeting. Mr. Wojciechowski reviewed the design engineer should provide plans for the discussion West 27th Street improvements addressing: sidewalk and road alignment (including the actual location of the relocated utility poles and accessible ramps at the existing driveway to the ranch home on proposed Lot 94) for West 27th Street along Lot 27, proposed Lot 93 and proposed Lot 94. Additionally, the design engineer should provide the size and details for the construction for the existing culvert crossing at Station

+10+15 including the extension of the culvert beyond the alignment of the sidewalk, filling in the existing scour holes and the construction of conduit outlet protection and the proposed widening south of River Run.

Mr. Treadwell asked the Board to discuss a possible extension of time for the W. 27th improvement work associated with the Towpath Estates Major Subdivision. Mr. Hassler felt it would not be feasible for this year due to the paving cutoff. He indicated he wanted the optimum paving conditions in place so that the end product is well done. Mr. Montanari asked Mr. Livengood if the paving could be scheduled for early 2021. Mr. Livengood provided that there have been no additional sewer EDU's available for four years. He indicated as many EDU's were pre-purchased as feasible at the time of the end of the last contract with Northampton. Mr. Treadwell suggested the Board consider August 2021 for the completion of the West 27th Street improvements and if that timeframe becomes problematic to revisit the matter in the spring 2021. In response, Mr. Treadwell indicated he did not have an expectation of when additional EDU's would become available. Mr. Frack interjected what was the holdup on the EDU's. Mr. Treadwell responded that he could discuss with him at a future time. Mr. Hassler requested Mr. Frack to refrain from commenting on the sewer matter. Mr. Hassler suggested the required roadwork be revisited in August 2021. This would be for entire roadway widening. Mr. Behler noted he had some technical difficulties and was returning to the call. Mr. Behler was concerned the timeline was too long based on the pedestrian movement on the roadway. Mr. Hassler reiterated that he felt there was not sufficient time to complete the road, as it would run late in the paving season. Mr. Hassler did not want the paving to be completed outside of the optimum seasonal conditions and he wanted the end product to be well done. Mr. Montanari made a motion to grant an extension of time to complete the road widening and associated improvements of West 27th Street until the beginning of August 2021; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

C. John and Lisa Mann (and Gordon & Armell Irrevocable Trust) Lot Line Adjustment Plan – Extension of Time for MPC Review Until October 20, 2020: Mr. Behler made a motion to acknowledge the granted extension of time of the 90-day MPC review timeframe until October 20, 2020; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

D. Mud Lane Water Line Installation and Roadway Resurfacing HOP – Howertown Road Bridge Detour and Update on North Side Stormwater Maintenance Work: Present on the teleconference/virtual meeting for the applicant: Christine Sutjak, Construction Manager, Jaindl Dustin Babcock, Muschlitz Excavating. Mr. Wojciechowski explained the pre-construction meeting attended by his office. He indicated various options to complete the work were reviewed. He indicated that a request from the applicant's contractor was received today and proposed as follows: Approximately 800 feet of Mud Lane would be closed each day, with the waterline, backfill, and paving being accomplished within the daily closed section. The contractor anticipated that all work within the 800-foot section would be completed and opened to traffic each evening. Additionally, four (4) day (expected) closure of Mud Lane where it crosses the Dry Run in order to jack and bore the waterline under the streambed was proposed. Mr. Wojciechowski stated the following concerns based upon the plan presented today and indicated that he did not support the plan as presented: 1. The request does not conform to the approved MPT Plans for Mud Lane; 2. The request does not indicate detour routes, which will need to utilize PennDOT roads. Detours involving PennDOT roads must be approved by PennDOT; 3. With the ongoing partial closure of Howertown Road near Route 329, Mud Lane

becomes an essential route for first responders; 4. The request does not identify signage alerting the public to the road closure; and 5. the request does not clearly identify the signs and traffic control devices to be implemented. Mr. Wojciechowski further noted the surface of Mud Lane is mostly acceptable for the completion of the overlay of the roadway without the need for milling or pavement repair. He noted concern that spreading out construction activities over the entire stretch of the roadway may damage the existing pavement structure.

Mr. Dustin Babcock, Mushlitz Excavating, responded to Mr. Wojciechowski and explained the contractors thought process. He indicated that one of the reasons the MPT was not presented was that the detour was requested to be very simplified. He indicated that PennDOT closing the bridge was sprung on everyone about a week ago. Therefore, this information was not available when the detour plan was first proposed. Mr. Babcock indicated the detour was not a full closure, as the road would remain open to local traffic. Concerning the jack and bore, the 30-foot long 8-foot deep pit could not be plated. Therefore, there was not a sufficient way to protect traffic for safety reasons around the pit area. The roadway consists of two twelve foot lanes not providing sufficient space to safely move traffic during the jack and bore operation. Mr. Behler requested Mr. Wojciechowski feedback to resolve the matter and the concerns raised by the site contractor. Mr. Wojciechowski indicated four days of a road closure during another major detour was problematic. He indicated the design engineer was not available on the call when the jack and bore was designed.

Mr. Treadwell questioned if the Board was willing to allow any type of work during the Howertown Road Bridge detour. Mr. Hassler felt the Mud Lane project should proceed because of the inability to project the timeframe for the Howertown Road Bridge repair project. He further indicated as Fire Chief – emergency equipment would get by. Mr. Hassler suggested a condition of allowing the Mud Lane work to proceed would be if at any time PennDOT further limits traffic through the bridge by closing the bridge completely then all work on Mud Lane would need to immediately cease. He felt the Board should be flexible in light of the PennDOT issue. Mr. Babcock indicated the 800 feet was generic term and that only areas to be opened would be closed back up each day – so if PennDOT unexpectedly closes Howertown Road completely Mud Lane would be essentially buttoned up. Mr. Montanari stated he agreed with Mr. Hassler and felt that the Township can't hold up a Township road project – for PennDOT. He viewed this suggested condition as a way to maintain traffic, especially for EMS response issues to the southern segment of the Township. Mr. Hassler further requested a daily update on the Mud Lane work schedule so that the Township remains apprised of any changes, etc. The Board further stressed the importance of advance, detailed notice to the community. Ms. Sutjack indicated she would reach out to PennDOT to see if she could acquire a schedule. Ms. Sutjak and Mr. Babcock indicated they would coordinate the signage, project schedule and maintenance of traffic-phased plans in the form of community notice with Ms. Eckhart. Mr. Behler made a motion to authorize the Mud Lane project to proceed pursuant to the conditions that if Howertown Road is closed, that the Mud Lane work must cease, providing of daily updates to the Township and coordination of signage, project schedule and maintenance of traffic phased plans in the a form of community notice; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

E. Savage Road Dog Park Reopening Update: Ms. Eckhart provided a recap of the work completed recent in the park and concerns of the establishment of the newly seeded areas. She indicated that there were issues with users of the facility not cleaning up after their dogs prior to the beginning of the bench installation. She noted the past investment in the property and the collaboration with

Northampton County. Mr. Frack suggested the Board consider posting someone from the Public Works Department when the Dog Park is open and lock the park each day. He proposed the individual would be responsible for enforcing rules and cleaning up. The Board rejected this proposal, and agreed that users are to clean up after their pets, as it is a rule for using the facility. The Board voiced concerns and was generally very annoyed the users of the facility were not following the rules. Mr. Hassler suggested that the Public Works install temporary orange construction fence around the newly seeded areas and reopen the facility. Following some discussion the Board agreed with the temporary fencing measure to allow the grass to germinate and to open the park by the end of the week stressing people are to be advised to follow the rules including cleaning up after their animals or the facility would be reclosed. Mr. Edwards asked the Board to consider additional messaging along the lines of “Treat your Dog Park Right – or Lose It”. Additionally, the Board discussed the option of closing the park each year in the late winter to allow the grass to recover each year. Mr. Montanari offered to donate the temporary fence if it was not readily available.

5. New Business

A. Appointment of Independent Outside Counsel Krapf Appeal to Board of Supervisors: Ms. Eckhart summarized the appeal request and recommended the Board consider outside counsel. Mr. Behler made a motion to authorize Ms. Eckhart to hire an attorney to represent the Board within the best interest of the Township; seconded by Mr. Montanari. Mr. Edwards questioned the purpose for the hiring of this attorney. Ms. Eckhart explained the background and the representation in the past by B. Lincoln Treadwell and John Mahoney due to their prior involvement and to avoid any allegations of conflict of interest. Mr. Treadwell commented the special counsel would attend probably one meeting and the drafting of an opinion. On the motion, by roll call vote, all Supervisors present voted yes.

B. LSA Monroe & Northampton County Grant Application Funding Round Due 11/30/20: Mr. Behler made a motion to prepare a conceptual design for retrofit of the social area of the Fire Company Building for municipal building purposes with the intent on submitting an application for grant funding for the LSA Monroe & Northampton County Grant Round due 11/30/20; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes with the exception of Mr. Edwards who voted no citing government should not profit from vice and Mr. Frack who did not respond to the roll-call vote.

6. Public to be Heard: No public comments.

7. Adjournment: There being no further comments or business the meeting adjourned at 8:48 PM.

Respectfully submitted,

Ilene M. Eckhart