



Allen Township Board of Supervisors

Meeting Minutes September 8, 2020 7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, September 8, 2020, at 7:00 P.M. held by teleconference due to the Disaster Emergency (Resolution 2020-10 & Resolution 2020-11 – with a sunset clause of September 9, 2020) created by the COVID-19 Coronavirus Pandemic. The Pledge of Allegiance to the Flag was led by Chairman Dale Hassler.

1. **Roll Call:** Present: Gary Behler; Bruce Frack; Dale Hassler; Gerald Montanari, Sr.; Carl Edwards; B. Lincoln Treadwell, Jr., Esq.; Bob Cox, PE, PLS; Ilene Eckhart, Manager.
2. **Announcements:** Mr. Treadwell reminded the members should refrain from discussion regarding the ongoing Northampton Borough Sewer litigation.
3. **Public to be Heard:** No comments from the public.
4. **Public Hearings:** No Public Hearings.
5. **Approval of Minutes:** Mr. Behler made a motion to approve the minutes of August 11th and August 25th, 2020; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.
6. **Reports – All Reports with exception of the Treasurers Report noted as “on file”.**
 - A. **Treasurer:** Mr. Behler made a motion to approve the Treasurers Report and Pay the bills; seconded by Mr. Frack. 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:** On file.
 - E. **Road Superintendent/Public Works Leader:** On file.
 - F. **Fire Company:** On file.
 - G. **Emergency Management Coordinator:** No report.
 - H. **Parks:** On file.

J. Nazareth Council of Government: No meeting since last report

K. First Regional Compost Authority: No report.

L. Stormwater: On file.

6. Unfinished Business

A. Kay L. Krapf and K & H Development, LLC Appeal of Board of Supervisors: Tom Dinkelacker, Esq, Special Counsel to the Board, explained the background of the appeal. Attorney Tom Dinkelacker stated he was present, as Special Solicitor, on behalf of the Board of Supervisors. Mr. Dinkelacker briefly explained the appeal pursuant to Section 909.1(b)(6) of the Pennsylvania Municipalities Planning Code (MPC) and the factual background. He explained the appeal by Kay L. Krapf and K&H Development is from a possible determination set forth in the Barry Isett and Associates, (Township Engineer), review letter concerning compliance with the Township stormwater management ordinance in the context of a proposed land development plan. Mr. Dinkelacker explained the options going forward regarding the question if the Township Engineers review letter is a determination or a report. Mr. Behler made a motion to dismiss the appeal of Kay L. Krapf and K&H Development, LLC pursuant to Section 909.1(b)(6) of the Pennsylvania Municipalities Planning Code (MPC) for lack of jurisdiction; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

B. Rockefeller Lot #4, Amendment to Approval: Mr. Treadwell reviewed the changes in the field and the Lot #4 amendment to the approval for the Boards consideration as follows: *“Certain aspects of the said Lot 4 Plan as conditionally approved require modification and this Amendment to Preliminary/Final Plan Conditional Approval shall amend and supersede the said November 28, 2017 conditional approval of the Board. Only those terms, conditions or matters specifically addressed herein shall be deemed to be amended and modified and all other terms and conditions of the November 28, 2017 approval shall remain in force and unaffected.*

The numbered paragraphs set forth below shall correspond to the same numbered paragraph in the November 28, 2017, approval as if those unaffected terms or conditions are set forth at length herein.

1. Condition 1 remains in effect, subject to the removal of any bridge design, development or construction by the developer as may be referenced in said review letter.

2. Conditions 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 shall remain in effect.

3. Conditions 3.a., d., e., and f. shall remain in full force and effect. The provisions of Conditions 3.b. and c. are deleted.

5. The first sentence of Condition 5.a. shall remain in effect; however, the second sentence regarding financial security for a county bridge shall be deleted. The provisions of Condition 5.b. shall remain in effect.

6. *With regard to the general comments following Condition 20 of the approval document, it is noted that the deferrals granted by the Board remain in effect as stated and the waivers with modification remain in effect as stated.*

7. *The numbered conditions relating to bridge design, development and construction or financial security to assure construction of said bridge were intended to be deleted in this Amendment.*

8. *The requirement that the Applicant/Developer install “rolled curb” along Radar Drive, as identified on the Plans, is hereby removed.*

9. *The Applicant/Developer shall pave the fire lane that surrounds the Lot 4 building using specifications approved by the Township.*

The Board of Supervisors has entered into an Amendment entitled “First Amendment to Developer Agreement to Post Financial Security in Lieu of Immediate Construction of Bridge Work” of even date herewith which addresses certain agreements and understandings established between Allen Township and the Applicant/Developer regarding the determination to eliminate bridge design, development and construction work by the Applicant/Developer with respect to the Lot 4 Plan.”

Mr. Frack requested clarification on the replacement of the bridge and the necessary right of way. Mr. Cox confirmed that there is sufficient right of way in place for the eventual replacement of the bridge.

Mr. Behler made a motion to accept both the Rockefeller Lot #4 Amendment and the First Amendment to the Developer Agreement to Post Financial Security in Lieu of Immediate Construction of Bridge Work; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

C. Willow Green Manhole Rehabilitation Project, Progress Payment #2, \$40,488.75: Ms. Eckhart explained this was the second progress payment for the project and that the final inspection would be pending before any further releases. Mr. Behler made a motion to approve the payment to the contractor in the amount of \$40,488.75; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

7. New Business

A. 2021 Allen Township Non-Uniformed Pension – Minimum Municipal Obligation: Mr. Behler made a motion to approve the 2021 Allen Township Non-Uniformed Pension Minimum Municipal Obligation in the amount of 37,561.49; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

B. PPL Request for Grant of Right of Way to Install New Line and Guy Wires – Howertown Park: Mr. Frack made a motion approve the PPL Request for grant of right of way to install the new line and guy wires; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

C. Declaration of Disaster Emergency – COVID19 Pandemic – Extension of Resolution #2020-11 – Effective September 9, 2020: Mr. Behler made a motion to extend the Declaration of Emergency until December 31, 2020; 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.

8. Public to be Heard: John Kelhart, 4065 Pinchurst drive, questioned whether the Willow Green Manhole Rehabilitation Project Payment was the final payment. Ms. Eckhart confirmed that retainage remained in place and the final inspection would need to take place in order to release additional requests.

There being no further comments or business the meeting adjourned at 7:35 PM.

Respectfully submitted,

Ilene M. Eckhart