



Allen Township Board of Supervisors

Meeting Minutes August 11, 2020 7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors was held on Tuesday, August 11, 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 – (Joined at 7:18 PM); B. Lincoln Treadwell, Jr., Esq.; Stan Wojciechowski, PE, CME.; Ilene Eckhart, Manager.
2. **Public to be Heard:** No comments from the public.
3. **Public Hearings:** No Public Hearings.
4. **Approval of Minutes:** Mr. Behler made a motion to approve the minutes of July 14th and July 28th, 2020; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.
5. **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. Lot Line Adjustment Mark Daptula & Gary L. Millenbruch, (MPC Review Deadline August 20, 2020, Planning Commission Recommended Plan Approval on July 30, 2020): Mr. Wojciechowski explained the lot line adjustment plan proposed to revise the boundary lines for the three parcels involved as follows: 1.) A two-acre lot, shown as Lot 1, which contains the existing residential dwelling located at 3325 Seemsville Road; 2.) A two-acre lot, shown as Lot 2, which contains the existing residential dwelling at 3529 Seemsville Road and 3.) a forty-acre lot of land currently in agriculture, shown as Lot #3.

Following some further discussion regarding the Seemsville Road right of way, Mr. Montanari made a motion to approve/grant the following waivers pursuant to the July 30, 2020 letter of review: 1.) from SALDO Section 22-411.2E which requires that the lot depth should vary between 1 to 2-1/2 times the lot width; 2.) from SALDO Section 22-502.2.A and 22-503.2 regarding the scale of the plan; and 3.) from SALDO Section 22-502.3.A, 22-502.3.B and 22-502.3.C, which requires topographic features, including elevation contours be shown on the plan; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

Mr. Behler made a motion to approve the lot line adjustment plan of Mark Daptula and Gary L. Millenbruch subject to the comment of the Township Engineers letter of review dated July 30, 2020 with the exception of the Seemsville Road right of way issue; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes including Carl Edwards who joined the meeting at approximately 7:18 PM.

B. Kay L. Krapf and K & H Development, LLC Appeal of Board of Supervisors: Attorney James Kratz, confirmed he was present on the call on behalf of Kay L. Krapf and K & H Development, LLC.

Attorney John Mahoney, confirmed he was present on the call on behalf of Allen Township.

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. He further explained, under MPC Section 909.1(b)(6), appeals from such determinations go to the Board of Supervisors, in contrast with determinations of a Zoning Officer, which go to the Zoning Hearing Board. Mr. Dinkelacker explained the Board of Supervisors have the legal obligation to avoid ex parte communications and to decide the case in a fair and impartial manner. Additionally, he explained the MPC allows the Board to appoint a hearing officer in this situation, which the Board opted to retain, Retired Judge Emil Giordano (Northampton County Court). Judge Giordano made a series of findings absent agreement of the parties. Mr. Dinkelacker explained, therefore, the rendering of a final decision remained a duty of the Board of Supervisors. He further explained that tonight the parties would make

oral arguments concerning their respective positions regarding Judge Giordano's finding of facts and conclusions of law. Oral arguments before the Board of Supervisors will be made by: Attorney Kratz, on behalf of Kay L. Krapf and K&H Development, LLC and Attorney John Mahoney, on behalf of the Township. Mr. Dinkelacker explained it was agreed by the parties that the Board would render a decision and take the necessary action at the agreed public meeting of Tuesday, September 8th, 2020 at 7 PM. Mr. Dinkelacker announced the Board will hold executive sessions with Mr. Dinkelacker, acting as Special Solicitor, and the purposes of the executive session would be limited to deliberation on the appeal and no actions would be taken in the proposed executive sessions. The executive sessions will be held on Monday, August 17, 2020 at 5:30 PM and Thursday, August 20 at 6 PM at the Township Municipal Building.

Following the explanation and review of the timeline, Mr. Dinkelacker outlined the arguments would proceed with Attorney Kratz followed by Attorney Mahoney. Attorney Kratz requested an opportunity to respond to Township's counsel following their presentation. Mr. Dinkelacker agreed the request by Attorney Kratz would be appropriate.

Due to the length and complexity of this matter, the full audio recording of the presentations, oral arguments and follow-up questions and responses will be preserved within the records of the Township.

7. New Business

A. Electronics Recycling Event: On the request of Mr. Behler, Ms. Eckhart reported the event would be held on Saturday, August 22nd, 2020 from 9 AM to 1 PM at the Allen Township Fire Company property located at 3530 Howertown Road. She summarized the protocol at the event in light of the social distancing requirements, added explanatory signage directing participants remain in their vehicles, and show identification through the closed car window would be added to the site.

8. Public to be Heard: No comments from the audience.

There being no further comments or business the meeting adjourned at 9:03 PM.

Respectfully submitted,

Ilene M. Eckhart