



## Allen Township Board of Supervisors

### Meeting Minutes

May 14, 2019

7:00 P.M.

A General Meeting of the Allen Township Board of Supervisors, was held on Thursday, May 14, 2019, at 7:00 P.M. at the Allen Township Municipal Building, 4714 Indian Trail Road, Northampton, PA 18067. The Pledge of Allegiance to the Flag was led by Vice Chairman Dale Hassler.

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

**2. Public to be Heard:** Maria Bonett, 937 Graystone Circle, indicated she was present for the past meeting and she and several of her neighbors have serious concerns regarding the infiltration beds at the rear of the homes in the subdivision. She indicated that her home was lot #80 and after much research she has come to find out that despite promises made by the builder that the infiltration basins were the responsibility and management were up to Mr. Livengood. She stated she has filed a complaint with the Township and Northampton County Conservation District. She stated that the beds did not work and there is three to four inches of standing water. She further indicated that she and other neighbors were told the infiltration beds were to be removed but has been told that the infiltration beds are permanent. Additionally, she is concerned that the rain gardens were also to remain. She was seeking the Township's help to navigate to get this problem fixed or at least get the infiltration beds to operate the way they are supposed to. She was seeking more information regarding the process to resolve this and stated the residents were at a loss.

Ms. Eckhart indicated that the Township was aware of the issue and has been seeking the cooperation of the developer to resolve the issue. She indicated that the developer has gone back to Conservation District following a meeting with the Conservation District and the Township last fall. She indicated that she developer has applied to the Conservation District to address some compliance issues. Ms. Eckhart further indicated the developer applied for a minor modification to address the issues. She explained that to the dismay of the property owners the infiltration beds are an acceptable BMP.

Mr. Treadwell explained that there was a recorded declaration of covenants concerning permanent infiltration beds against several of the lots in the subdivision. Mr. Treadwell further indicated that the declaration of covenants further assigned perpetual maintenance responsibility whether that seems fair or not.

Ms. Eckhart further explained that the Township has initiated several discussions with the Conservation District seeking an alternative stormwater solution. She further indicated that there could be some further complications to the design of stormwater management (via infiltration) on the residual land if suitable soils are not present.

Eduardo Monteagudo, 981 Graystone Circle, stated he was basically lied to. He stated from the very beginning he was told the problem would be fixed. Mr. Treadwell asked if he meant fixed as in “fixed” or removed as a fix. Mr. Monteagudo stated he was told there was a “lot of grading still to be done” by the developer. He felt he could not understand what that may have meant at the time. Mr. Monteagudo was concerned from an environmental perspective due to the breeding ground it created for mosquitos. Mr. Monteagudo stated that grass will not germinate in the constant wet conditions.

Amparo Morris, 861 Graystone Circle, stated her infiltration bed was the largest in the development. She stated she virtually has a lake in her backyard. She indicated that due to the standing water that there is constantly mosquitos and other animals. She indicated that there was work done when they were not home in the area and they came home to a giant pile of hay. She indicated that now the hay just floats in the water. She indicated that the area does not dry and she was told that the infiltration would be going away and turned into a swale with a grate. Mr. Treadwell questioned if when the homeowner bought their lot were there any plans shown to them showing the infiltration bed. Ms. Morris indicated that she was not shown a plan indicating that infiltration bed would be there.

Ms. Maria Bonett, 937 Graystone Circle, further commented regarding the research that the residents had to do to find out who designed the project and the associated stormwater. Ms. Bonett stated she pulled the plan at the courthouse recent but this was the first she saw the plan.

Leslie Makos, 851 Graystone Circle, presented photographs of the infiltration bed on her property. Ms. Makos was told by the builder that “this was getting worked out with the Township”. She further indicated that the developer further told her husband on closing day that “they got what they got”. Mr. Wojciechowski indicated that his office had contacted Mr. Livengood for a meeting regarding the stormwater issues and he has not responded to the request. Ms. Makos further questioned if there was some sort of specific maintenance – that the residents needed to be informed of the maintenance. Ms. Makos stated she did not feel the infiltration beds worked correctly. Mr. Treadwell explained the title search process which should have divulged the declaration of covenant and therefore the infiltration bed.

Mr. Frack stated the Township should get a hold of the contractor. Mr. Treadwell suggested that the neighbors get together, explain the issues in writing so that the next time the developer requests a financial release the Township Board of Supervisors can have the narrative in front of them.

Ms. Maria Bonett, 937 Graystone Circle, questioned the effect of sheds and decks in the infiltration area. Ms. Makos stated someone told the residents about this – but somehow the water issue needed to be addressed.

Mr. Hassler asked the residents present if they would allow the Supervisors access to properties to view the issue. Ms. Makos agreed to allow Supervisors and Township staff access. No member of the public verbally declined access pursuant to Mr. Hasslers request.

Mike Mauser, Indian Trail Road, questioned the adoption of the Firework Ordinance draft date. Mr. Treadwell responded adoption could occur as early as June 11, 2019

### **3. Public Hearings:**

**i. Ordinance #2019-01 Fireworks Regulations – Public Hearing/Tentative Adoption (Continuance):** Ms. Eckhart presented follow-up information obtained from the Township insurance company regarding the cost of the bond and indemnification agreement language suggestions. She requested the Board consider an alternative to the draft, including an amendment to the existing provisions of Code Sections regarding Nuisances and Fire Prevention. The Board felt it was reasonable to look at these sections as an alternative due to the regulatory provisions of the new Commonwealth law and the enforcement implications. Mr. Behler made a motion to continue the hearing regarding the current draft until the Board meeting of June 11, 2019 in consideration of these alternatives; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**4. Approval of Minutes:** Mr. Behler made a motion to approve the minutes of April 9th and 30th, 2019; seconded by Mr. Hassler. On the motion, by roll call vote, all Supervisors present voted yes.

**5. Reports**

**A. Treasurer:** Mr. Behler made a motion to approve the Treasurer's 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. Mr. Treadwell indicated he additionally report on certain agenda items.

**C. Engineer:** On file. Mr. Wojciechowski, PE, CME provided the written report for the last periods activities.

**D. Planning/Zoning/Code Enforcement:**

**i. Willow Brook Trust and Alexandra Family Trust Challenge to the Substantive Validity of the Allen Township Zoning Ordinance & Request for Curative Amendment Pursuant to the PA MPC:** Mr. Treadwell summarized receipt of the filing and outlined procedural steps the Board should consider. Mr. Behler made a motion to forward the filing to the Allen Township Planning Commission and Lehigh Valley Planning Commission for review and comments; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

**E. Road Superintendent/Public Works Leader:** On file and presented by Mr. Gogle.

**i. Truck Purchase – Replacement of 2006 Ford 350:** As follow-up to discussion held at the Board of Supervisors meeting of April 30, 2019, Ms. Eckhart provided an overview of four vehicles available for purchase pursuant to the current COSTARS contract. The criteria required to be met was directed at the last Board meeting to include the following minimum standards:

Ms. Eckhart noted that the availability of the vehicle was key as this is the unit utilized by the seasonal grass cutting crew. Following some discussion, Mr. Behler made a motion to purchase the 2019 Chevy 2500 pursuant to the Turnpike Chevrolet quote dated May 7, 2019 pursuant to the COSTARS contract in the amount of \$ \$39,996.00 (including the trade in allowance of \$2,500 for the

2006 Ford 350); seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

**ii. Proposal for Purchase of Three Additional Tablet/Laptops Public Works:** Ms. Eckhart proposed the purchase of three additional tablet/laptops for the Public Works Department. This additional purchase would fully equip the crew for use with webinar training, truck maintenance diagnostic monitoring, sewer monitoring systems and radar speed sign management in addition to regular tasks of the Public Works including mapping, utility response locating and the like. Mr. Behler made a motion to purchase the three additional tablets in the amount of \$3,348.00 pursuant to the SHI quote dated May 8, 2019 (COSTARS Vendor Contract 0003-339) conditioned upon the units being kept on or in Township property at all times other than those times specifically permitted to leave Township property by the Township Manager; seconded by Mr. Montanari. On the motion, by roll call vote, all Supervisors present voted yes.

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

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

**H. Parks:** On file.

**J. Nazareth Council of Government:** On file and presented by Mr. Krill.

**K. First Regional Compost Authority:** On file.

**L. Stormwater:** On file.

## **6. Unfinished Business**

**A. Executive Session (Land Acquisition and Litigation):** Mr. Treadwell explained the Board discussed a potential property acquisition in executive session prior to the Board of Supervisors meeting this evening. Based on the discussion, Mr. Behler made a motion to authorize the Township Manager to obtain an appraisal of Tax Map Parcel L4-12-3 in an amount not to exceed \$3,500 conditioned upon the current property owner paying one-half of the cost of this appraisal in advance; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**B. Towpath Estates, Security Reduction Request:** Mr. Wojciechowski, explained the request has been returned to the developer to address several open items. Following some further discussion, Mr. Behler made a motion to table the request until the Board meeting of June 11, 2019; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**C. Salt Shed – Precast Walls Engineered Stamped Drawings Proposal and Authorization to Bid:** Ms. Eckhart presented an estimate for engineering services in the amount of \$4,000 for the preparation of engineered stamped drawings for the construction of 48'x60'x26' salt shed storage building with 10-6" high concrete walls. She indicated that the plans will center around the usage of a pre-cast wall system, which differs from the construction method of the last two bid rounds. Mr. Hassler made a motion to approve the estimate of Keystone Concrete Products for \$4,000 for the production of the engineered plans; seconded by Mr. Behler. On the motion, by roll call vote, all Supervisors present voted yes.

**D. Gravity Sewer Flow Monitoring Report – Main Connection Points:** Ms. Andrea Martin provided a summary report of the data gathered from the gravity flow monitoring project. She indicated a detailed report would be provided based on the six locations monitored.

**E. Approval of Special Hearing Officer – Krapf MPC Appeal:** Mr. Behler made a motion to approve the appointment and fee schedule of Attorney Emil Giordano to act as Special Hearing Officer regarding the Krapf MPC Appeal at a rate of \$250.00 per hour; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

## **7. New Business**

**A. Approval of Fee Schedules – Planner and Counsel for Validity Challenge/Curative Amendment – Willow Brook Trust & Alexandra Family Trust Matter:** Mr. Treadwell suggested the next step in the process would be to authorize the Township Manager to investigate the hiring of a planner and independent attorney to represent the Planning Commission. Mr. Behler made a motion to authorize the Township Manager to investigate the hiring of a planner and independent attorney to represent the Planning Commission and make a recommendation to the Board of Supervisors at the next meeting; seconded by Mr. Frack. On the motion, by roll call vote, all Supervisors present voted yes.

**8. Public to be Heard:** Richard Novak, Willow Green, questioned the Howertown Road widening at Rt. 329 currently under constructions. Mr. Treadwell responded the current construction is for the existing lane widening not for the additional dedicated right turn (3<sup>rd</sup> lane) which was discussed along with the JW Development Plan.

Mike Mauser commented regarding the Salt Shed construction that structural drawings may be acquired as part of the bid package.

There being no further comments or business the meeting adjourned at 8:10 PM.

Respectfully submitted,

Ilene M. Eckhart