



**Allen Township Board of Supervisors
Special Meeting Minutes
May 19th, 2025
5:00 P.M.**

The Allen Township Board of Supervisors held a Public Meeting on Monday, May 19th, 2025, at 5:00 P.M. at the Allen Township Municipal Building located at 50 Snow Hill Road, Northampton, Pennsylvania. The purpose of the meeting was to discuss potential litigation and to consider authorizing the Township Solicitor to file a Civil Complaint in the Northampton County Court of Common Pleas against American Disposal located at 1438 Willowbrook Road, Northampton, PA 18067, regarding potential Nuisance Ordinance and Zoning Ordinance violations and any other business properly brought before the Board.

At 4:45 P.M. Mr. Behler announced that the Board of Supervisors would hold the executive session to discuss the potential litigation regarding 1438 Willowbrook Road before meeting. At the conclusion of the executive session, Mr. Behler led the audience in the Pledge of Allegiance to the Flag.

1. Roll Call:

Present: Gary Behler; Dale Hassler; Jason Frack; Tim Paul; B. Lincoln Treadwell, Jr., Ilene Eckhart, Manager; and Jim Young, Zoning Officer

Absent: Paul Link; Esq.; Tom Gogle, Public Works Crew Leader; Michael Schwartz, PE, Engineer (Gilmore & Associates, Inc.); and Layla Denissen, Engineer (Barry Isett & Associates, Inc)

- 2. Announcements and/or Actions to Add New Items to the Current Agenda:** Ms. Eckhart announced that the May 27th, 2025 meeting had no agenda items. Mr. Treadwell stated that the May 27th, 2025, meeting can be discussed towards the end of the meeting.
- 3. Public to be Heard:** Mr. Behler stated that many of tonight's attendees were at the last Supervisors' meeting on May 13th, 2025. He stated that they were welcome to speak again, however, he requested that they limit their comments to three minutes. He stated that there is another opportunity to speak at the end of the meeting.

Mr. Hassler indicated that he visited the site seven times over the last five days and listened to what the people stated about the site. He confirmed that everything the public stated was accurate.

- 4. Executive Session – Discussion of potential litigation regarding 1438 Willowbrook Road:** The executive session took place prior to the meeting.

5. New Business

A. 1438 Willowbrook Road (*American Disposal*)

i. **Discuss Potential Litigation:** Mr. Treadwell has indicated that he successfully contacted legal counsel representing the business at 1438 Willowbrook Road and engaged in several discussions with them. He also reported communication with the Department of Environmental Protection (DEP) and expressed satisfaction with the DEP's intended course of action, which he believes will benefit the Township. While he could not disclose the specifics of his conversations with the DEP, he conveyed his overall satisfaction with these discussions and the anticipated outcomes.

Mr. Treadwell stated that during executive session, he outlined the available options the Township has for addressing this matter. He indicated that there are primarily two courses of action. He explained that the first option involves the Township proceeding through its established processes, which inherently include timeframes that may be longer than desired; however, this is the procedural framework the Township must adhere to as a governmental entity. He stated that the second option would be for the residents to pursue a private legal action. He concluded that this approach could potentially be faster due to the absence of governmental constraints, although it would necessitate direct involvement and responsibility on the part of the residents.

ii. **Authorization to File a Civil Complaint (tentative):** Mr. Hassler made a motion to authorize the Township Solicitor to proceed with a civil complaint based on the appropriate time and if it is necessary; seconded by Mr. Paul. On the motion, by roll call vote, all present Supervisors voted yes.

6. Public to be Heard:

- A. Mr. Nickolas Takacs, residing at 202 Walker Drive, reported that he had a productive conversation with the Department of Environmental Protection (DEP) this morning. He mentioned that the DEP provided him with the general inspection report, and one particular aspect that caused him concern pertains to the actual ownership of the site and the various interconnected organizations associated with that location. Mr. Takacs elaborated that upon reviewing some of the violations identified in the DEP inspection report, he observed that they stemmed from insufficient record-keeping practices. He explained that when attempting to trace the relationships between these organizations and the transfer of information between them, inconsistencies and omissions become apparent. He stated that his intention in sharing this information with the Board is to provide context as the matter progresses. Mr. Takacs raised a question as to whether the owner might be intentionally obscuring information through a lack of transparency.
- B. Ms. Nancy Tauschman of 114 Gray Drive inquired about the measures that will be implemented in the period between the present time and the resolution of the property issue. She voiced apprehension on behalf of residents who work remotely or are at home throughout the day. Specifically, she asked if the Supervisors would be addressing the air pollution,

pollution on the roads, and airborne debris. Furthermore, she sought clarification on the actions currently being undertaken. Mr. Treadwell responded that he will continue his discussions with the company's legal counsel. He explained that there is a specific procedure that must be adhered to and that the company has received pertinent notifications from various agencies. Mr. Treadwell concluded by stating that the situation requires ongoing monitoring and that the Township has the capacity to conduct daily visual inspections. He also noted that the Township maintains open communication channels with the Department of Environmental Protection (DEP). While he could not assure that dust would not be generated, he affirmed that the Township is adhering to the established process.

- C. Mr. Nathan Salukas of 104 Gray Drive raised a concern regarding the sustainability of site cleanup efforts, expressing apprehension that the area might revert to its previous state. Mr. Treadwell acknowledged this concern, noting that the Township has encountered similar situations in the past. Mr. Treadwell clarified that routine, daily surveillance of the site is not feasible due to current personnel limitations unless a specific issue arises. He assured those present that, now that a problem has been identified, Township personnel are being dispatched to the location. He further explained that Allen Township, like other municipalities and the DEP, operates on a complaint-driven system for zoning and code enforcement, rather than proactive daily patrols. Mr. Treadwell expressed his understanding of Mr. Salukas's concern, drawing an analogy to a recurring issue of a homeowner's unkempt yard that prompts complaints only when visibly problematic. Mr. Frack commented that the decision made by the Supervisors that evening provides the Township with a mechanism for prompt, immediate intervention. However, he emphasized that continued improvement from the site is a form of progress and that expecting immediate and complete cessation of previous practices may not be realistic. He affirmed that the Township retains the ability to take action should the site conditions begin to deteriorate. In response to Mr. Salukas's inquiry about the criteria for assessing site conditions, Mr. Treadwell indicated that this would be determined through observation over time. He also noted the importance of allowing sufficient time to elapse to avoid premature and potentially unsuccessful legal action, which could incur unnecessary costs. Mr. Hassler inquired about the possibility of the Township imposing limitations on outside storage, which appears to be a primary concern. Mr. Treadwell responded that this matter is considerably complex due to the existing DEP permit. He elaborated that a conflict would arise if the DEP permit allows outside storage while the Township prohibits it, underscoring the necessity of involving the DEP in the matter.
- D. Ms. Beverly Denova of 315 McNair Drive, inquired about the permissible noise volume emanating from the site. Specifically, she questioned the regulations concerning the dropping of containers and the operation of the backhoe. Mr. Treadwell acknowledged Ms. Denova's concerns and noted that while a definitive answer was not immediately available, the Zoning Ordinance does contain a section addressing noise. He further stated that in his discussions with various parties, noise has consistently been identified as a concern, particularly given the recent introduction of machinery to the site, which has altered the existing sound environment. Mr. Treadwell indicated that an accurate assessment of the noise levels would necessitate the use of a noise meter, with measurements taken at the property line. While the permissible decibel level is specified in the ordinance, Mr. Treadwell stated that the decibel level is in the ordinance but that will not solve the bigger picture.
- E. Mr. Zbigniew Gutka, who resides at 1455 Willowbrook Road, directly across from the

American Disposal site expressed concerns regarding the site. Mr. Gutka reports that daily, garbage and dust are blown onto his property, creating very dusty and hazy conditions. He mentioned that he has lived at his current address for the past 15 years and believes the disposal site's operations have negatively changed. Specifically, he noted issues with noisy machinery and an increase in rodents such as rats and mice.

F. Mr. Gregory Seng, residing at 15 Phyllese Drive approximately six-tenths of a mile from the site, has reported being able to hear noise emanating from the location at his residence. While his son lives adjacent to the site, Mr. Seng wished to formally inform the Board that he consistently hears activity from the premises. Furthermore, Mr. Seng expressed concern regarding a perceived increase in airborne particulate matter, particularly during windy conditions, and noted the presence of unusual substances in his pool. Referring to a comment made by Mr. Salukas concerning a metric, Mr. Seng clarified his understanding that Mr. Salukas was inquiring about the timeframe allotted to the company for rectifying the violations. Mr. Treadwell noted the existence of a 30-day appeal period associated with the notice of violation, as well as a 21-day appeal period pertaining to the property maintenance code violation. He further indicated that the Department of Environmental Protection (DEP) has its own regulatory timelines. In reference to Ms. Denova's discussion regarding decibel levels, Mr. Seng inquired whether the DEP has its own noise ordinance. Mr. Treadwell responded that he did not believe the DEP had a specific numerical noise limit, but suggested there might be a general permit condition prohibiting excessive noise

7. **Next Meetings:** Ms. Eckhart stated that the next meeting would take place after Memorial Day and if it was canceled that would give the Township a break until the June 10th, 2025 meeting, which allowed the site to be paved. Mr. Hassler made a motion to cancel the May 27th, 2025 meeting, as long as there are no pressing business items; seconded by Mr. Frack. On the motion, by roll call vote, all present Supervisors voted yes.

Mr. Behler announced the upcoming meetings. All meetings and events will be held at the new Allen Township Municipal Building located at 50 Snow Hill Road, Northampton, PA 18067. These meetings and events are as follows:

- Planning Commission, Monday, May 19th, 2025 6:00 PM
- Board of Supervisors, Tuesday, June 10th, 2025 6:00 PM

8. **Adjournment:** There being no further business, the meeting adjourned at 5:35 PM.

Respectfully Submitted,

Amber R. Averbek