

**EAST ALLEN TOWNSHIP
Board of Supervisors
Regular Meeting
June 24, 2010**

CALL TO ORDER

The recorded meeting was called to order at 7:30 PM by Chairperson, C. Colitas who led the pledge of allegiance.

ROLL CALL

Present were: Chairperson, C. Colitas; Vice Chairperson, J. Ladonis; Supervisor, R. Unangst; Supervisor, M. Schwartz; Supervisor, D. Heiney, Township Solicitor, J. Leeson; Township Engineer, J. Birdsall; Township Manager, D. Seiple; Public Works Coordinator, G. Mathesz; EMA Coordinator, J. McDevitt and Secretary/Treasurer, R. Wedde.

PRESENTATION

Northampton Area School District

Present for the School District were: Joseph Kovalchik, acting Superintendent, Chris Haller of D'Huy Engineering, Martin Gilchrist of Urban Research and Development Corp., Peter Terry of Benchmark Engineering, School Board Members Bob Koch, Robert Yanders, Jean Rundle and David Gogle.

J. Kovalchik stated they are in the planning process and have set up an escrow account with the Township. Benchmark Engineering is working on the traffic study and it should be complete in the next couple of weeks. The School District did meet with Allen Township to discuss water and sewer availability to the site since connections start in Allen Township. The School District had applied for a Zoning Permit but had withdrawn the application. They are here to communicate with the Board of Supervisors and are looking for some direction. Marty Gilchrist stated they would like to submit a draft amendment to the Zoning Ordinance (with conditions) and would like the Township to review it as part of the process. Currently the zone that allows a school is the PR (Planned Residential) District and the only places in the Township for this are along Route 512. M. Gilchrist stated the School District had met with Allen Township and they have the capacity for sewer and there are a few alternative for water. He feels this should be discussed between the two townships and be a joint effort. He then gave a brief history of the site. A comment letter was done by Hanover Engineering on June 17, 2010 regarding this. Chris Haller D' Huy Engineering explained the school district's intent is to come to the Planning Commission meeting August 5, 2010 to make a formal submission. In the meantime, in wanting to work with the township to make sure the township's best interest would be met. Following the planning commission meeting the School District was planning to come to a Board of Supervisors meeting at the end of August. To make sure the Planning Commission comments were received, and then would receive the Board of Supervisors comments. With those comments could then make a submission to Lehigh Valley Planning Commission. This way all Township officials had a chance to review it and make comments as seen fit. Lehigh Valley Planning Commission has thirty (30) days to review the plan and this would be on their agenda the end of September. The School District then would come to the Board of Supervisors meeting on October 13, 2010 to have a formal hearing. J. Birdsall explained when the school district came in they were advised by the township that any zoning decision is predicated on comprehensive plan, understanding working toward a document that the site can support something other than agriculture. J. Birdsall explained as part of the submission, water and sewer alternatives, problems associated with traffic and how they would be solved if problems are indicated. J. Birdsall explained these are some of the basis for review. The township wants to make sure Northampton Area School District has a full hearing; the Board of Supervisors will not review until after the Planning Commission reviews and makes comments. The school district will make formal submission to the township with the appropriate fee.

PUBLIC COMMENT

Maggie Kemp – questioned how much is in the escrow account that was set up and whose money is it? There is \$7500 in the account and it is the Northampton Area School District's money and is used to cover the costs of the Township professionals. M. Kemp stated that at a recent School Board meeting it was mentioned the school district met with the important stakeholders of the Township. She questioned who they were and was told the Engineer, Solicitor, Manager and Zoning Officer. She believes the Supervisors are the important stakeholders of the township. D. Heiney replied that Township staff members attended the meeting for fact finding to bring back to the Board. M. Kemp requested a copy of the present Zoning Ordinance and was told she needs to stop in the Township office to get a copy. She also requested a copy of the traffic study. The traffic study cannot be released per PennDOT's regulations. M. Kemp questioned if there will be a thirty (30) day notification about the hearing and any meeting the Board of Supervisors have with the School District. The hearing will be advertised in the newspaper and the information is also available on the Township website or by calling the office.

Peggy Moser –stated that if the school was built services would be over powered, traffic is already a problem, the School District is spending money and the Township is spending money and as a resident she feels frustrated.

Myrtle Schwartz – stated that now is wrong time the economy stinks

Betty Schaffer - questioned who pays to have the Junior High School demolished. The township has nothing to do with that.

ENGINEER REPORT

J. Birdsall gave his monthly report.

DeLuca/Valley View Estates Major Subdivision

J. Birdsall believes that this is a legal matter at this point. He did see someone out cutting the weeds. J. Birdsall would like the Township Solicitor to talk about anything he may know about the subject. J. Leeson mentioned someone from Rouse/Chamberlain was present in the audience tonight. J. Leeson asked permission of the board to have the status of this project explained. J. Leeson explained to of the issues with the property, one being the expiration of letter of credit which will expire at the end of this month. This has been extended for another twelve (12) months. The other issue has to do with a lot of on-site issues such as weeds on the property. J. Leeson believes that there is a new developer for the property. Greg Gram of Rouse/Chamberlain. G. Gram explained they are a home builder; they have been in business for almost thirty (30) years. They have built over two thousand (2,000) homes over thirty (30) communities in Pennsylvania Often the company acts as a receiver of projects. Recently Rouse/Chamberlain has been appointed by the Federal Court of Philadelphia to take over as a court appointed receiver for the Deluca assets, which Valley View Estates is one of them. G. Gram explained Rouse/Chamberlain is responsible of maintaining the site; there are issues that have just become aware of through the Township Engineer. G. Gram explained the duty to the court is to protect the value of the assets for the lenders who lent money for these projects. G. Gram mentioned they are charged with a process which is outlined in the court order which was supplied to the Township Solicitor. J. Leeson explained Deluca filed for bankruptcy; the federal bankruptcy court has appointed Rouse/Chamberlain to be the receiver of the project, to manage this project to the Township's satisfaction. J. Leeson questioned what the strategy is to sell or buy this project. G. Gram explained the actual lenders hold the collateral. Eight (8) banks are involved. There is an auction process. G. Gram mentioned going out to local and national builders. Rouse/Chamberlain report to judge on where they are with the project. J. Leeson asked if G. Gram could supply him with paperwork that documents all of this. G. Gram explained anything signed off will be signed off through the judge. C. Colitas asked for a

refresher to what is outstanding and what the extension is for. J. Birdsall explained the preliminary letters written in spring suggesting the developer to come and explain the negotiations for extensions. J. Birdsall stated the developer did not come to discuss these issues. J. Birdsall explained he was asked to prepare a detailed list that needed to be done; the list will be done later next week. J. Birdsall explained the storm water management is in good shape, the roads are paved to binder level with passage of time weeds are coming up around the gutter that will need to be taken care of when final paving is complete. There is landscape that needs to be finished, outstanding issues with the water authority that need to be addressed. J. Birdsall mentioned there are a lot of small things that need to be completed but one of the big things would be the paving of the road. J. Leeson asked if he could offer recommendation to the Board of Supervisors on this subject. J. Leeson explained that getting a developer to do what they are to do is a plus for the township, rather than have to township step in. J. Leeson would recommend an extension to be granted in sometime to the receiver, Rouse/Chamberlain to see if they would be willing to sit down and work through the outstanding issues. J. Birdsall asked G. Gram if he could act as developer and sign a more comprehensive extension. G. Gram responded they do and was looking to get the extension for one hundred eighty (180) days, six (6) months to get through the process of what they are bond to by the order. J. Birdsall asked if the judge has to approve the agreement. G. Gram explained they have given Rouse/Chamberlain authority to make the local agreements as long as are preserving the lenders collateral. J. Birdsall explained he would like the extension at sixty (60) days, at the most ninety (90) days, but not one hundred eighty (180) days. MOTION made by M. Schwartz to recommend that an extension ninety (90) days from today's date, September 30, 2010, to the developer to bring themselves into full compliance incurrence defaults with respect of all the disagreements with the township, in failing that the solicitor is authorized to draw down in the letter of credit with the expiration and time frame. Seconded by J. Ladonis. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

Arcadia Request for Extension – Letter dated June 14, 2010

J. Birdsall explained they Arcadia has responded to the inquiry on cleaning up on the Phillips property and the status of where they are with signage issues on Silver Crest Road in the letter dated June 23, 2010. The letter also says Arcadia will be commencing work on the morning of June 24, 2010. J. Birdsall does not know if they were physically out working on that today.

Township Line Road Joint Road Project

J. Birdsall mentioned the township was in discussions with Upper Nazareth if the entire Road from Newburg Road up to Silver Crest Road. Upper Nazareth did indicate they are going to operate, two attorneys from both townships have discussed how to do this from a legal stand point, and both engineers have discussed how to do that from a construction stand point. J. Birdsall explained draft specifications have been finished for reconstruction of the road. That has been sent to Keystone Engineering for review. J. Birdsall asked for permission for authorization from the board to have the manager go out for bid. If and when Upper Nazareth has accepted their portion of the responsibility and has signed off on the specifications and agree to relatively small reimbursement for the township for money that they already spent doing the specifications.

MOTION made by M. Schwartz to authorize to advertise for bids for Township Line Road. Seconded by D. Heiney. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

J. Leeson will draw up reimbursement agreement with Upper Nazareth.

M. Schwartz amended the first motion to include authorization for the solicitor to draw up the agreement for the reimbursement agreement with Upper Nazareth. Seconded by D. Heiney. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

Upper Nazareth agreed to all of this but it will just be placed in writing instead of have a verbal agreement.

Silver Crest Road Drainage Project/Road Project

J. Birdsall explained that the storm sewer improvements have to go in before the road is reconstructed. J. Birdsall mentioned the plans are done and ready to be reviewed and in process of being reviewed the specifications by Gary Mathesz, the Public Works Department and the Township Manager. It is basically ready for going out for bid. This plan is installation of storm sewer pipe along Silver Crest Road, in front of Phillips property up to what use to be on the corner of Silver Crest and Township Line Road. J. Birdsall explained they have additional homework to do with Lower Nazareth to see what they will be doing, along with homework on Phillips property as well. J. Birdsall would like permission from the Board of Supervisors to go out for bids to keep the process moving along. MOTION made by M. Schwartz to authorize the project to get hard numbers to present to the other parties involved. Seconded by J. Ladonis. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

SOLICITOR REPORT

DeLuca/Valley View Estates – Improvements Agreement Extension/Letter of Credit – Update

J. Leeson explained this was discussed under Engineer Report and a motion was made. MOTION made by M. Schwartz to recommend that an extension ninety (90) days from today's date, September 30, 2010, to the developer to bring themselves into full compliance incurrence defaults with respect of all the disagreements with the township, in failing that the solicitor is authorized to draw down in the letter of credit with the expiration and time frame. Seconded by J. Ladonis. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

Bath Borough Authority – Memo #10-25

Attorney Leeson received telephone communication from the solicitor for Bath Borough Authority. The solicitor had mentioned they heard that the Board of Supervisors of East Allen Township and the board of the Municipal Authority voted to dissolve the authority. J. Leeson explained basically Bath Borough Authority wanted to know exactly what the status was and if East Allen Township could send copies of the resolutions. The Bath Borough also wanted to know if this will affect any agreements that the Authority has with East Allen. J. Leeson mentioned to them that it would have no impact on them. J. Leeson explained when the Municipal Authority is dissolved the Township will assume any agreements with Bath Borough Authority. Although they did not fill out a right to know request, J. Leeson requested under inter municipal cooperation that J. Leeson be allowed to send copies of resolutions. D. Heiney mentioned they did come to the last Municipal Authority meeting.

Intermunicipal Cooperation Agreement between East Allen Township and Allen Township concerning water service – Memo #10-26

J. Leeson spoke with the solicitor of Allen Township and is interested in sitting down to do an agreement with East Allen Township. They agreed to sit down with J. Birdsall, J. Leeson, and Township Manager to meet with them and report back to the Board of Supervisors.

Upper Nazareth – Township Line Road – Update

a. Recommendation from Planning Commission

J. Leeson explained there had been discussion of allowing Upper Nazareth to enforce an East Allen Township ordinance on the East Allen side of Township Line Road. There was a meeting held to discuss this. Upper Nazareth is willing to cooperate. D. Seiple asked J. Leeson to follow up on this. Upper Nazareth's solicitor was supposed to draft the agreement but J. Leeson is still waiting. There is a copy of J. Leeson's letter in the board's packets. J. Leeson stated the Planning Commission reviewed this and had no rejection with what Upper Nazareth is doing.

MANAGER REPORT

Stofanak Grading Permit/Site Plan

Attorney Zulick represented the Stofanak's. The Stofanak's would like to build a home on their 30 acre property. Since it is in the Conservation District a site plan review is required. They have gone through the Planning Commission and have received a recommendation from Planning and now are before the Board of Supervisors. They are requesting waivers from the Grading Ordinance for an entire boundary line survey, showing the contours of the entire track of land and full monumentation of the property. They plan to keep the majority of the property farmland but want to build a home. J. Birdsall stated that Hanover Engineering did review the plan and it addresses everything but the waivers.

MOTION made by R. Unangst to approve waivers for the Stofanak property located at 5700 Old Carriage Road, Tax Map #K5-12-2, dealing with the Grading Ordinance Section 117-5.E.(1) a boundary line survey is required and contours for the entire parcel (contours have only been provided for the area being developed) and Section 117-5.E.(3)(c) and 9.I property corner monumentation should be shown as existing or to be set prior to occupancy permit. Seconded by M. Schwartz. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

General Code Estimate – Codification of Ordinances

A copy of quote from General Code to codify the Ordinances from 2008 through the beginning of 2010 was distributed. There is \$3,000 in the line item and quote is for approximately \$5,000. R. Unangst recommended increasing the line item for 2011 and to include all the ordinances from 2008 to the end of 2010. The consensus of the Board agreed.

Biennial Bridge Inspection Report for Jacksonville Road Bridge

A copy of the report was distributed to the Board for their review. This will be on the July Workshop agenda for discussion.

Hartrum Lawsuit

D. Seiple stated that she has been deposed for the case.

Legislative Office – 5330 Nor-Bath – Lease

Representative Marcia Hahn intends to use the Legislative Office in the Township Building and the Chief Clerk will be sending the Township an addendum to the lease replacing Representative Dally's name with Representative Hahn.

Sonitrol/Stanley Security Solutions

Sonitrol has been bought out by Stanley Security Solutions. A notice was included with the pay stubs with the new number to call in case of an alarm.

MRM Insurance Renewal due July 1, 2010

The quotation is being reviewed and the attached lists are being revised for the final quote for renewal.

D. Seiple stated she did get to speak with Senator Browne regarding the property on Weaversville Road. He has spoken with two different people and what will be needed is an appraisal and agreement of sale. They are willing to sell the property but do not know for how much.

TREASURER

R. Wedde presented the monthly financial reports for June.

MOTION made by M. Schwartz to accept the financial reports and pay the bills in the amount of \$133,325.84. Seconded by R. Unangst. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

PARKS & RECREATION

C. Frantz gave his monthly report. Summerfest is one month away and C. Frantz mentioned the events that will be going on that day. D. Faust resigned from the Parks and Recreation Board. There are now two openings on the board. The Summer Program has begun and there are 130 children signed up.

A copy of the May 4, 2010 Parks Recreation minutes was distributed.

PUBLIC WORKS

G. Mathesz gave his monthly report.

2010 Road Projects

The 2010 Road Projects bid opening was held on June 21, 2010. The bid results for Victoria Square Road Paving were: Bracalante Construction, Inc. \$191,683.75; Lehigh Valley Site Contractors, Inc. \$191,466.00 and Livengood Excavators, Inc. \$160,796.55. The bid results for Circle Drive Micro surfacing were: E.J. Breneman, LP \$26,902.95 and Asphalt Paving Systems, Inc. \$24,351.33.

MOTION made by J. Ladonis to accept the bid from Livengood Excavators, Inc. in the amount of \$160,796.55 for the Victoria Square Road Paving Project and to accept the bid from Asphalt Paving Systems, Inc. in the amount of \$24,351.33 for the Circle Drive Micro surfacing project. Seconded by M. Schwartz. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

EATVFD/EATVAC/EMA

A copy of the monthly Fire Department report was distributed. A copy of the new dispatch schedule (effective 7/11/10) for the Ambulance Corp was distributed.

PLANNING COMMISSION

A copy of the Draft June 3, 2010 minutes was distributed.

MUNICIPAL AUTHORITY

A copy of the May 11, 2010 and June 1, 2010 minutes was distributed. There will be a workshop meeting for the Municipal Authority on the third Wednesday at 1 PM of each month starting June 16, 2010. Contact was made with the City of Bethlehem regarding negotiations. The next meeting will be July 1, 2010 and the monthly meeting will be July 28, 2010 at 1PM at the Township Office. The Airport Road Water System is scheduled to be flushed June 2 and June 3. A letter dated June 15, 2010 was received from the Borough of Bath regarding the dissolution of the Municipal Authority and renegotiating the agreements.

Attorney Kelleher has turned over all the Municipal Authority files to Attorney Leeson.

ZONING

Hearing 2010-03 – Richard & Rhonda Bartolacci

The Bartolacci hearing was postponed until August 17, 2010. Attorney Marles, representing Abraham Atiyeh, sent a letter dated June 15, 2010 to the Board of Supervisors. The letter was to request the Board send the Township Solicitor to the Zoning Hearing Board meeting on August 17, 2010 to defend the ordinance that the Board of Supervisors adopted rezoning the property of Mr. Atiyeh. Attorney Leeson stated that it appears with prior history that this will end up in court either way. Discussion ensued.

MOTION made by M. Schwartz to authorize the Township Solicitor to appear at the August 17, 2010 Zoning Hearing Board meeting. Seconded by J. Ladonis. R. Unangst questioned if they have transcripts of the hearing there is no need to send the Solicitor. Attorney Leeson does not think his attendance or not will have any affect but has offered to write a letter to the Zoning Hearing Board. VOTE: D. Heiney, no; M. Schwartz, yes; R. Unangst, no; J. Ladonis, yes and C. Colitas, no. TWO IN FAVOR. THREE OPPOSED. MOTION FAILED.

Attorney Leeson will send a letter to the Zoning Hearing Board.

FRCA

A letter dated June 15, 2010 was received from the FRCA requesting consideration of a modification/expansion of the lease. The FRCA is looking to recycle other items that are not listed in the lease. This will be on the July Workshop agenda for discussion.

D. Seiple stated the FRCA is getting ready to out for bids to remove the buildings on the property.

NAZCOG

A copy of the May 25, 2010 minutes and the June 22, 2010 agenda were distributed. D. Heiney gave his monthly report. The Council of Governments is working with the municipalities to organize an Emergency Management drill with a simulated airplane crash in East Allen Township. D. Heiney stated that Bob Matif, Director of Operations had a lot of praise for J. McDevitt and the work he does.

COMMITTEE REPORTS

Monocacy Creek Watershed Plan Advisory Committee Meeting

R. Unangst stated a meeting was held on June 7, 2010 and they wanted to know the problem areas in the township. R. Unangst gave the paperwork to the D. Seiple who completed the paperwork and sent it in.

PUBLIC COMMENT

Peggy Moser – went to a school district meeting about the school and asked why they are back to East Allen after being told they couldn't build a school on the property – she was told that it is because the Board of Supervisors changed. D. Seiple questioned who said that the school board or a member of the school board. P. Moser said one member.

Linda Eddinger – stated that she was watching D. Heiney at last Municipal Authority meeting and he did a good job running the meeting.

Maggie Kemp - believer in of the people, by the people and for the people, believes that's the way government works, stated that there are petitions circulating in the township, in the past the school district had taken the township to court and in all three courts the courts sided with the Township and said no school, now is not the time to build and not on that property, she holds the Board of Supervisors accountable to make good decisions for the residents of East Allen Township.

ADJOURNMENT

MOTION made by J. Ladonis to adjourn the meeting at 9:55PM. Seconded by M. Schwartz.
ALL IN FAVOR. MOTION CARRIED.

Respectfully Submitted,
Rose Wedde
Recording Secretary

