

**EAST ALLEN TOWNSHIP
Board of Supervisors
Workshop Meeting
April 14, 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, 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. Supervisor, R. Unangst arrived at 8:20 PM.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES

MOTION made by D. Heiney to approve the March 25, 2010 minutes. Seconded by M. Schwartz. VOTE: D. Heiney, yes; M. Schwartz, yes; J. Ladonis, yes and C. Colitas, yes. **FOUR IN FAVOR.** MOTION CARRIED.

ENGINEER REPORT

LVIA Lot Consolidation Plan – Pedestrian Easement Offer

J. Birdsall stated that this plan does not affect any property lines in the Township but as part of the planning process it was suggested that a twenty (20) foot pedestrian trail be placed along their easement that would come into East Allen Township. J. Birdsall asked if the Board of Supervisors would want a deed prepared for this to indicate it would be a dedication to the Township. The Board of Supervisors requested J. Birdsall to have a deed prepared.

Snyder's Church Road Drainage

J. Birdsall stated that during a recent road inspection a drainage problem was discovered on Snyder's Church Road. Road inspection found a problem on Snyder's Church Road, Hanover Engineering letter dated March 31, 2010 addressed the situation. There are drainage problems, but the bigger problems are associated with private improvements. J. Birdsall sees no further action required from the Township to get involved unless there is some miscellaneous cleaning of the gutter or just for the protection of the edge of the road. The Public Works department can ask property owners to clean up debris that is coming from their property and blocking the drainage. Driveway culverts should be the property owner's responsibility. J. Birdsall suggested the Public Works Coordinator to measure the length to the pipe and depth of pipe, and can be done by the crew. J. Birdsall will draft a letter for the Township to review before the letter is sent to the property owner.

City of Bethlehem Reply Letter – March 23, 2010 – Public Utility Commission Service District
Reply letter was distributed to the Board of Supervisors in their packets.

Hanover Engineering Letter – Reply to City of Beth. Letter of April 2, 2010

This is a signal to the city to go ahead with the first step and prepare a reimbursement agreement. The Township and Authority will not acquire any more costs.

Sinkhole/North Halbea Street Bridge – March 8, 2010

This has been repaired.

SOLICITOR REPORT

Hanover Township/East Allen Township Boundary Line/PennDOT

Received proposed court petition to join Hanover Township to have a hearing and get a court ruling establishing the boundary line, as the Township's have already agreed. J. Leeson just received petition today, he will review it and report back to the Board of Supervisors.

D. Seiple spoke with Mr. Finnigan this afternoon. The letter from today will be on the agenda when J. Leeson reports on this to the Board of Supervisors.

Tree Line Homes Request for Extension – Update

At the last meeting J. Leeson had reported he made communication to the developer's lawyer basically saying if the Township would consider an extension, we'd like to know if they'd post a bond within an A-rated bonding company that would be financially responsible. It has been about two weeks and Attorney Leeson has not received a response.

Lombardo Property Issue – Update

Mr. Lombardo has indicated an interest in resolving the property line dispute along the lines that have been proposed. J. Leeson sent the Agreement to Mr. Lombardo when it comes back it will be brought to the Board of Supervisors.

MANAGER REPORT

Amore Winery Request for Text Change to A/RR when Board of Supervisors reviews Zoning Ordinance Update

Gregg Amore was into the office to speak with Zoning Officer and D. Seiple about the updates he is doing at the facility where he had the fire. He would like to do more than what is allowed by the Township. D. Seiple suggested sending a letter that he can wait until the Township does changes or he can apply on his own. The Board of Supervisors would like to add this item to the list.

Hire Seasonal – Roads – Memo dated 4/8/10

Memos were placed in Board of Supervisors packets. Two (2) additional individuals Spenser Beck and Brian Kulp were hired as seasonal public works crew for the road department per the 2010 budget at twelve dollars an hour, w/o benefits, for a period of/or equivalent to thirty-four weeks of work. Three (3) additional individuals, Robert Faustner, Jason Klotz, and Jesse Koch were hired as seasonal public works crew for the Parks Department per the 2010 budget at twelve dollars an hour, without benefits, for a period of/or equivalent to thirty-four weeks of work.

Meeting with Upper Nazareth Township – 4/12/10 – Repair of Township Line Rd

D. Seiple met with Upper Nazareth's Engineer and the head of Public Works. The memo for the meeting was placed in the Board of Supervisor's packets. D. Seiple tried to arrange a meeting with the whole group to discuss a number of matters, but it did not happen. As of today, there is a meeting set up for May 5, 2010 with the legal council of Upper Nazareth, head of Public Works, the Police Chief and Engineer as well. D. Seiple explained they wanted to meet with them to discuss the maintenance of Township Line Road. A copy was given to Upper Nazareth to explain what East Allen Township is looking to do. Upper Nazareth's Engineer looked at this and agreed that something needs to be done about this. Upper Nazareth's meeting is scheduled for April 21, 2010. They are putting together the scope of this for their board and they are going to see what they can do. They would be doing drainage in house, and then would be willing to do the base and the sub-base. They would not put on the top coat until 2011.

2009 Municipal Annual Audit & Financial Report

A copy of the 2009 Municipal Annual Audit and Financial Report has been received from the Auditor and is in the township office if anyone would like to review it.

The Center for Animal Health & Welfare – 2010 Proposed Contract

A letter was received from the Center for Animal Health & Welfare. Usually a letter is sent and it was either a bill or contract for an amount of dollars. They've changed personnel and if entered into an agreement with them for seventy-five dollars (\$75) per domestic animal to be billed on a quarterly

basis the center will do that and now are asking who will be authorized to bring in these animals. In the past, private citizens were taking the animals in and we would be billed. If designated this could give an outlet. M. Schwartz commented that there is no animal control and could not be done. After discussion, it was decided the board is not interested at this time. D. Seiple will send letter that Township will not be participating.

PUBLIC WORKS

2010 Road Projects List/Estimates – Discussion & Request to Advertise for Bids

Jt. Project w/ Upper Nazareth Twp. – Township Line Rd

The list that was distributed in the packets is a final unless Upper Nazareth comes back with figures for Township Line Road. D. Seiple explained that drainage would be done if Upper Nazareth does their drainage. The squares should be done. D. Seiple would like to wait until April 22, 2010 to see what Upper Nazareth is doing as far as Township Line Road. C. Colitas agrees. J. Birdsall explained they have their section for advertisement together depending on what Upper Nazareth does.

Specs for Purchase of 2011 Mack Single Axle Truck

The cost for a 2011 Mack Single Axle Truck is \$162,583.55.

Specs for Purchase of Ford 550 Sm. Dump

The cost for a Ford 550 Small Dump is \$73,294.70.

D. Seiple explained until both of the trucks listed are built and ready it will be late Fall. There are funds in the Capital Budget for release of leases.

Both specs will be on the April 22, 2010 agenda.

Update on 2010 Mack Tandem Truck

The company that builds bodies went out of business and the company that is taking over the orders was overwhelmed and was running behind. The body should be delivered tomorrow and will be installed on the truck. The Township should have it by the end of April.

MUNICIPAL AUTHORITY

Discussion Regarding Financial Management/Future Business Plan

J. Ladonis requested that all correspondence from the Municipal Authority have the date on it. There was no date on the letter from Mr. Bandics. R. Wedde looked back and found the letter was received on February 25, 2010. E. Bandics worked on letter to go in a direction that the Township may be looking at to go. E. Bandics explained the money the Authority was looking for was a loan/grant. In turn, the Municipal Authority raised the rates to cover some of the costs of repairs. Sent the letter as a draft to Municipal Authority for review but did not hear anything back, except from Mr. Wagner in reference to J. Birdsall spelling of his name. E. Bandics does not see how any more feasible it could be and cheaper to have it run by the Board of Supervisors then the Municipal Authority. D. Heiney believes the biggest problem is documentation. The rates were not raised and no activity has been done until the Board of Supervisors started pushing for something to be done. E. Bandics explained East Allen Township Municipal Authority was handed five water systems that they had to take over, they tried to keep rates low, but with repairs for five additional water systems is was straining. Department of Environmental Protection told the Municipal Authority they needed to take them over. C. Wert explained the Municipal Authority repaired things in subdivisions and did not ask for any money from the residents. They dug into the authority's funds to pay for those repairs and C. Wert understands they shouldn't have done that. Discussion ensued between D. Heiney and C. Wert regarding rates being raised. E. Bandics questioned why the Board of Supervisors is interested now in taking the Authority over. M. Schwartz answered Board of Supervisors were presented a loan that was larger then the Township's budget that would have been co-signed by the Board. E. Bandics mentioned when the Municipal Authority first started there was never had a budget. When B. Nyce came on he stated they needed a budget. E. Bandics did not understand why B. Nyce put a budget together, helped the Authority with setting rates, now that they are where they need to be, but B. Nyce submitted a letter stating the Authority should be taken over by the Township. R. Unangst suggested sending East Allen Township Municipal Authority members to management courses. C. Wert questioned if the board votes to dissolve the Municipal Authority, who would be in charge on a day by

day basis. C. Colitas responded the Public Works Department, the Manager in the Township office, Tony and Kenny will still be used as contractors for the Township.

MOTION made by M. Schwartz to have the Township Solicitor prepare a legal plan to dissolve the Municipal Authority. Seconded by J. Ladonis. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, no; J. Ladonis, yes and C. Colitas, yes. FOUR IN FAVOR. MOTION CARRIED.

R. Unangst questioned if Township taxpayers funds would be used for the Township taking over the East Allen Township Municipal Authority. J. Ladonis understood that the Municipal Authority monies were only used for the water systems. J. Leeson explained from a legal position if both boards vote to dissolve the Authority, which is the process all the assets and liabilities of the authority become property of the Township. The Township has the discretion to set up an enterprise account, at that point the Board of Supervisors can decide where it can be reimbursed from. Most Municipalities have sub accounts to separate the accounts. J. Leeson would like to J. Birdsall and himself to get back to the Board of Supervisors with more specific information. J. Leeson would also like to look at the law in detail now that he has a direction to proceed in. J. Leeson explained if both boards vote to dissolve the authority, the assets and liabilities come out of the Township. At that point, the Board of Supervisors would have the discretion to direct that all the legal expenses on this project be paid out of the assets that are transferred from the authority. If one or both boards decide to reject the plan of dissolution then whatever expenditure J. Leeson submits to the Township would be the Township's responsibility. Discussion ensued on the draft plan and procedure.

Appointment(s) to Authority

C. Wert questioned if it makes a difference because the Board of Supervisors is a five person board, and the current East Allen Township Municipal Authority board has three members. J. Leeson answered no it does not make a difference. R. Unangst stated that the Board of Supervisors is going to appoint two members to the Authority to have the majority of the board so it will pass. C. Colitas stated C. Wert, M. Schwartz, D. Heiney and himself have applications to fill the vacant seats on the Municipal Authority Board.

MOTION made by R. Unangst to reappoint C. Wert to the Municipal Authority. Seconded by C. Colitas. VOTE: D. Heiney, no; M. Schwartz, no; R. Unangst, yes; J. Ladonis, no; C. Colitas, no. FOUR AGAINST. ONE IN FAVOR. MOTION FAILED.

R. Unangst questioned when this was discussed at a public meeting and the sunshine law. Attorney Leeson answered there were individual discussions separately with individual supervisors and that he was asked whether or not members of the Board of Supervisors can be eligible to serve as the members of the Municipal Authority. J. Leeson was asked if it is legal and possible (but not specific names) and he answered yes. D. Heiney stated this was not done in a group. D. Heiney spoke to Attorney Leeson, and also questioned the Township office on what he needed to do to apply for the volunteer position. M. Schwartz stated he spoke to Attorney Leeson individually. C. Colitas stated he spoke to Attorney Leeson about the position but to no one else on the board.

MOTION made by J. Ladonis to nominate D. Heiney to the Municipal Authority. Seconded by M. Schwartz. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, no; J. Ladonis, yes; C. Colitas, yes. FOUR IN FAVOR. ONE OPPOSED. MOTION CARRIED.

R. Unangst questioned when this was discussed at a public meeting and the sunshine law. Attorney Leeson answered there were individual discussions separately with individual supervisors and that he was asked whether or not members of the Board of Supervisors can be eligible to serve as the members of the Municipal Authority. J. Leeson was asked if it is legal and possible (but not specific names) and he answered yes. D. Heiney stated this was not done in a group. D. Heiney spoke to Attorney Leeson, and also questioned the Township office on what he needed to do to apply for the volunteer position. M. Schwartz stated he spoke to Attorney Leeson individually. C. Colitas stated he spoke to Attorney Leeson about the position but to no one else on the board.

MOTION made by J. Ladonis to nominate M. Schwartz to the Municipal Authority. Seconded by D. Heiney. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, no; J. Ladonis, yes; C. Colitas, yes. FOUR IN FAVOR. ONE OPPOSED. MOTION CARRIED.

J. Ladonis directed the secretary to send a thank you note to C. Wert for thirty-six (36) years of service.

ZONING

D. Seiple did not get to meet with Tina because of conflicting schedules. A copy of a memo outlining numerous things that were rendered from complaints being called in and trips throughout the Township from the Township Manager to the Zoning Officer was distributed to the Board of Supervisors. D. Seiple had discussions with zoning office in the past, along with the board. When the Zoning Office was hired they were hired on a complaint basis. D. Seiple is finding that going out; the zoning office needs to be more complaint based. D. Seiple is requesting redirection of use of the zoning official from complaint based action to a more proactive role. Adjust their schedule so they are in the municipal office from a set start time to a set end time. Zoning office to drive around and be sure residents are in compliance. D. Seiple requested that the board allow sending staff member or herself out to drive Township with T. Serfass. Board of Supervisors agrees.

PUBLIC COMMENT

E. Bandics

E. Bandics questioned if the board of Supervisors considered taking drainage swale that's fenced in and make it an open dog run. D. Seiple stated that it can not be used for that purpose because water collects there and the fence is there to keep people out. A fence needs to be there because of the depth it can reach and the sloped area. E. Bandics mentioned he recently noticed at Cetronia Park they have a similar situation that is being used as a dog park with a container for dog waste. D. Seiple explained there could be two areas that could be considered if the Township would give up the skating rink. The recreation board had discussed it. D. Seiple has been in contact with Mike from Lehigh County and explained juvenile detention group will come to paint the fence. The Township provides the paint, they do the work.

Jeanine Judd Wagner

J. Wagner purchased adjoining lot to their property, came in last year for brush permit. There are a lot of residents who do not have vehicles to take brush to the First Regional Compost Authority in turn have to hire a contractor, if the brush is larger than a pick up truck. J. Wagner explained she has more to take this year but is reluctant to take over to receive a bill of sixty dollars again. She questioned if the Township would be able to go around and pick up brush on occasion for those that have no means to get to the drop site. D. Seiple explained they do not have the ability to wave the fee if the contractors are bringing it in. The First Regional Compost Authority sets those fees. Discussion ensued on using contractor trucks to drop off brush. D. Seiple will check with the First Regional Compost Authority and get back to Mrs. Wagner.

ADJOURNMENT

MOTION made by R. Unangst to adjourn the meeting at 9:40PM. Seconded by M. Schwartz.

Respectfully Submitted,
Rose Wedde
Recording Secretary