

**EAST ALLEN TOWNSHIP  
Board of Supervisors  
Regular Meeting  
March 25, 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**

Lori Sywenski of Northampton County and Holly Edinger of Lehigh Valley Economic Development Corporation presented the Partnership Project to fund removal of buildings at Weaversville Property to the Board of Supervisors. L. Sywenski and H. Edinger have been working with the First Regional Compost Authority to secure grant funding to demolish the buildings on the Weaversville Property (FRCA site) so that the FRCA can expand the capacity at the site. L. Sywenski explained they will need to grant the funds directly to the landowner. The Township has a lease with the FRCA, and it is assumed this will be around one hundred to one hundred and fifty thousand dollars (\$100,000.00 - \$150,000.00) to do the demolition work. East Allen Township would be the grant recipient and wanted to make the Township aware of this. H. Edinger explained what the Lehigh Valley Economic Development Corporation is trying to do is support the First Regional Compost Authority by demolishing the buildings on the site; the first step is developing a scope of work. Demolition costs/estimates are on the handout that was distributed to all board members. The County has looked at this project as something they need to support, through the revolving loan fund are looking to do a sub grant to pay for the demolition work. Nice use of Brownfield cleanup funds. This would be a good opportunity for the community because services of the composting center will be expanded and also removing unsightly buildings from the property and the Township. H. Edinger mentioned pending this meeting; she had conversation with the Lehigh Valley Economic Development Corporation Environmental Consultant who will be starting to prepare bid documents. There are no matching funds required from the Township. Timeframe to start would be summer latest would be fall or early spring.

**HEARINGS**

**Accessory Use Zoning Amendment**

A hearing was held regarding a proposed amendment to the East Allen Township Zoning Ordinance Section 250-07 to add accessory uses on lots equal to or exceeding 15 acres in size shall not exceed 4,000 square feet and the maximum height shall be no higher than 25 feet. The hearing was called to order by Attorney Leeson at 7:40 PM. There was no testimony. The hearing was closed at 7:41 PM. The East Allen Township Planning Commission did give a recommendation in favor of this amendment.

MOTION made by J. Ladonis to adopt **Ordinance #2010-01 Amending Zoning Ordinance Section 250-27 Accessory Uses** and repealing all ordinances inconsistent herewith.

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.

**Atiyeh Zoning Amendment Change Request**

A hearing was held regarding a proposed amendment to the East Allen Township Zoning Ordinance and Map to change the existing Agriculture/Rural Residential (A/RR) district to Limited Planned Commercial (PC2) district to an area of approximately 28 +/- acres on the west

side of Route 512 (Beth-Bath Pike) and approximately 150 feet north of Steuben Road, also identified as Parcel #L6-15-6. The property is owned by the applicant Abraham Atiyeh. The hearing was called to order at 7:45 PM by Attorney Leeson. Communications have been received from the East Allen Township Planning Commission recommending the change and the Lehigh Valley Planning Commission not recommending the change.

**Testifying for the applicant:**

Attorney Blake Marles, representing the Applicant; Peter Terry of Benchmark Civil Engineering; Martin Gilchrist of Urban Research and Development and Abraham Atiyeh.

**Testifying in opposition:**

Attorney Anthony Martino, representing Richard & Rhonda Bartolacci who are abutting property owners and Mike Russek of

**The following exhibits were entered on behalf of the applicant:**

#1 map – showing existing zoning of property and properties surrounding the property and in neighboring township

#2 chart – uses in PC-2

#3 Sketch plan - specialty retail

#4 Sketch plan - development w/bank/medical/professional bldg

#5 Sketch plan - car dealership

#6 Plan showing the contaminated areas on the property

**The following exhibits were entered on behalf of the opposition:**

#2 East Allen Township Zoning Hearing Board Decision Appeal #2007-9

#7 East Allen Township Zoning Hearing Board Decision Appeal #2009-03

The hearing closed at 9:23 PM. Attorney Leeson turned the meeting back over to Chairperson, C. Colitas. Discussion ensued among the Board of Supervisors.

MOTION made by M. Schwartz to approve **Ordinance #2010-02 amending the East Allen Township Zoning Ordinance and revising the zoning map to add an area of PC-2 zoning to an approximate 28 +/- acres tract of land situate along the west side of Route 512 and repealing all ordinances inconsistent herewith.** Seconded by J. Ladonis. VOTE: D. Heiney, no; M. Schwartz, yes; R. Unangst, no; J. Ladonis, yes and C. Colitas, yes. **THREE IN FAVOR. MOTION CARRIED.**

**PUBLIC COMMENT**

There was no public comment.

**APPROVAL OF MINUTES**

MOTION made by M. Schwartz to approve the March 10, 2010 minutes. Seconded by D. Heiney. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes and C. Colitas, abstain was absent. **FOUR IN FAVOR. MOTION CARRIED.**

**ENGINEER REPORT**

A copy of the March Engineer Report was distributed.

**LVIA Lot Consolidation Plan – Pedestrian Easement Offer**

J. Birdsall stated this will be deferred until the April Workshop meeting

**Road Inspection Report**

J. Birdsall attended the road inspection held on March 22, 2010. An official report will be sent to the Township.

**Sinkhole/North Halbea Bridge**

J. Birdsall stated in his letter dated March 19, 2010 the work is an emergency and should be taken care of immediately. J. Birdsall recommends going with Grace Industries who estimates the job at five thousand dollars (\$5,000). The two other contractors were Livengood who

estimated eight thousand to nine thousand five hundred (\$8,000-\$9,500), also, Muschlitz Excavating provided an hourly rate schedule. Grace Industries has an estimate but no hourly rates, J. Birdsall is asking that the Board of Supervisors approve authorization to proceed with the work providing the Manager follow up to see if they are using an hourly rate and that we obtain Grace Industries rate schedule with a money cap before moving ahead.

MOTION made by R. Unangst to authorize Grace Industries to repair the sink hole under North Halbea bridge for five thousand (\$5000) dollars. 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.

MOTION made by R. Unangst to authorize an extra one thousand five hundred (\$1500) for unforeseen situations related to the sinkhole repair. 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.

## **SOLICITOR REPORT**

### **Jacksonville Park Master Site Plan & Trail Connectivity Plan – Draft Resolution – Memo #10-9**

A copy of Memo #10-9 from Attorney Leeson with a draft resolution attached was distributed to the Board.

MOTION made by D. Heiney to adopt Resolution #2010-06, to approve and adopt the Jacksonville Park Master Site Plan and Trail Connectivity Plan and authorize the Chairperson to sign. 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.

### **Zoning Hearing Board Attachment of Conditions to Approved Variance – Memo #10-10**

Attorney Leeson looked into this matter and per his memo #10-10 the Municipalities Planning Code (MPC) authorizes a zoning hearing board in granting any variance, to “attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code (MPC) and the Township zoning ordinance”.

### **Hanover Township/East Allen Township Boundary Line/PennDOT – Memo #10-11**

J. Leeson discussed the ongoing discussion with PennDOT over the municipal Boundary with Hanover Township. Hanover and East Allen Township have come to an agreement on where the boundary line is, PennDOT refuses to recognize it. PennDOT is suggesting that only a court of law can determine the Municipal Boundary. There is no dispute. J. Leeson did discuss with Hanover Township solicitor, he will look into this and report back with his findings.

### **Request by Tree Line Homes for Extension**

A copy of J. Leeson’s letter dated March 17, 2010 was distributed. J. Leeson asked if the discussion was ensued that if the Township was going to accept a bond the Township would have to be sure that it be top rated. Also, the Township Engineer could do an updated cost estimate for the improvements. Communicated to applicant and is awaiting a response.

## **MANAGER REPORT**

### **PSATS 2010 Proposed Resolutions**

D. Seiple is asking that until the next meeting the Board of Supervisors looks at the PSATS 2010 Proposed Resolutions and lets D. Heiney know, who will be voting and D. Seiple know who, will be voting on behalf of the County if they support the resolutions or not.

### **Amore Winery Request – Letter dated**

T. Serfass, Assistant Zoning Officer and D. Seiple met with Gregg Amore about his Winery. G. Amore is looking to do certain things there, but they can not be done because of the way the property is zoned. Discussion about Planned Commercial 2, D. Seiple suggested a text change for wineries on agricultural land in the Agricultural Rural Residential Areas. D. Seiple explained

that G. Amore would like the Township to look at that as a conditional use. This will be placed on the April 14, 2010 Agenda.

### **Northampton County Bridge #186 – Stone Post Rd. over Trickle Creek**

This was discussed on the road inspection that Northampton County will be doing bridge #186. If there are questions they can be directed to the Township Manager or Northampton County.

### **Hire Seasonal – per 2010 Budget**

D. Seiple distributed a list of the individuals that will be hired for the parks. All people who are returning again this year. They have experience, testing came back okay. D. Seiple is asking that the Board of Supervisors give their approval to hire them back at twelve dollars an hour for the equivalent of thirty-four weeks to exceed the total budgeted amount per the 2010 Parks Budget. J. Ladonis asked when they will begin. D. Seiple responded they will start on Monday. MOTION made by J. Ladonis to hire Robert Faustner, Jason Klotz, and Jesse Koch at the budgeted rate of twelve dollars an hour (\$12) for a period of thirty-four weeks (34) as seasonal crew 2010. 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.

D. Seiple explained after interviewing they have chosen two individuals for roads in 2010. The individuals will not be college students this year, they will be seasonal employees. Testing has not come back for the two individuals but when it does, D. Seiple is asking that the Board of Supervisors approves them to start before the Workshop Meeting. Two additional road crew personnel are in the budget as well. A motion and their names will be given at the April 14, 2010 Workshop Meeting.

### **Meeting with Upper Nazareth Township**

An email was sent to the Board of Supervisors. Upper Nazareth is sending this out on their end and will get back to D. Seiple. D. Seiple did speak with Attorney David Backenstoos, who has been hired by Berger Sanitation, they would also like to sit in on the meeting as well.

### **Meeting with Senator Browne scheduled for April 23, 2010**

D. Seiple will be discussing the issues they have discussed prior. If anyone has anything else they want discussed, let D. Seiple know before April 23, 2010.

### **Meeting with KMIT – Workers' Comp Insurance Carrier**

Keystone Municipal Insurance Trust is the new insurance company who is handling the Workman's Compensation for 2010. There was a meeting with the Safety representative, asked questions, D. Seiple answered and he also went on a tour of the Public Works garage with G. Mathesz and S. Gergar. The Rep. said everything the Township is doing is good. Some new things will be offered that weren't offered before.

### **TREASURER**

R. Wedde presented the Financial Report for the month of March.

MOTION made by M. Schwartz to accept the March Financial Reports and pay the bills in the amount of \$83,698.71. 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.

R. Wedde explained that she is working with Freedom Systems and the Auditor and is making some changes to how things are entered into the system.

### **PARKS & RECREATION**

C. Frantz gave his monthly report. He explained that registrations for spring sports are complete. Thank you letters were sent out to Martin Gilchrist and Phil Hunsberger for their help with the Jacksonville Master Site Plan and connectivity study. Interviews are continuing to be held for counselors for the summer program. There will be a meeting at Bicentennial Park April 17, 2010 in regards to SummerFest. The next Parks and Recreation meeting will be held at Bicentennial Park also, to start looking around for the five and ten year plan for the parks. C.

Frantz reminded he still has tickets for East Allen night at IronPigs Stadium, and also the Bus trip to see the Phillies and Cincinnati Reds.

## **PUBLIC WORKS**

### **Monthly Report**

G. Mathesz gave his monthly report. G. Mathesz reported that they have rented a bucket truck to do some repairs to high areas and also to put up the banners. The bathrooms at the park are open and there have been games going on there already.

### **Bid Specs for Road Projects – 2010**

A copy was distributed to the Board for review. The Board would like to move ahead with this. MOTION made by R. Unangst to authorize Hanover Engineering to draw up road bid specs per the cost estimate sheet. 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.

### **Update on 2010 Mack Tandem Truck**

They are still waiting on the body.

### **Bid Specs for Single Axle 2011 Mack Truck**

Working on bid specs for the April 14, 2010 Workshop Meeting.

### **Bid Specs for 2011 Ford 550 Little Dump Truck**

Working on bid specs for the April 14, 2010 Workshop Meeting.

## **EATVFD/EATVAC/EMA**

The egg hunt is scheduled for Saturday, March 27, 2010, starting at 1:00PM at Bicentennial Park. Would Board of Supervisors like a formal report from the Fire Department and Ambulance Corp. every month? Board of Supervisors would like to see number of calls, training hours, etc.

## **PLANNING COMMISSION**

No meeting was held in March due to lack of business.

## **MUNICIPAL AUTHORITY**

Municipal Authority meeting minutes for the March meeting had not been received yet. A presentation of the Management Plan, requested at January 28, 2010 Board of Supervisors meeting. B. Nyce believes the Township has the capacity, has the staff and the equipment to save money and share the responsibilities. C. Wert explained the Township will increase the cost of the Municipal Authority if they have to call someone out, which will lead to paying overtime. C. Wert is asking that East Allen Gardens start paying for the money that the Municipal Authority loaned them. R. Wagner does not necessarily dispute anything that B. Nyce has a concern about. R. Wagner is troubled by the Township taking over the business of the Municipal Authority. R. Wagner feels with the extra manpower personnel costs will go up for the Township. D. Heiney mentioned if the Secretary for the Municipal Authority would be moved to the main building upstairs, the work would be taken care of and there would not be a work increase. M. Schwartz left at 10:35 PM. C. Colitas said there has to be a system. Discussion ensued on the systems the Municipal Authority has in place.

This item will be tabled until the April 14, 2010 Workshop Meeting.

### **Appointment(s) to Authority**

Appointment(s) to Authority will be tabled until the April 14, 2010 Workshop Meeting.

## **ZONING**

Hearing List Update was distributed in the Board's packets.

## **FRCA**

### **Report – New Brochure**

One thing that is in the brochure, grass will be collected as a Pilot Program in 2010. D. Seiple explained the rules of the grass drop-off.

### **Letter from FRCA regarding Northampton County Grant**

The Board of Supervisors gave there consent to move ahead with the grant.

### **Grass Clippings – Pilot Program – on site (Weaversville Site)**

Expecting this to work out.

## **NAZCOG**

### **Report**

D. Heiney reported the NAZCOG meeting was not held due to inclement weather.

### **Agenda – March 23, 2010 Meeting**

At the March 23, 2010 meeting there was a representative from the Gaming Commission who spoke about the grant program/applications.

Also a representative was present from the proposed Lehigh Valley Joint Health Bureau.

### **Multi-Municipal Planning Committee Meeting, April 12, 2010**

Reminder of the Multi-Municipal Planning Committee Meeting.

## **PUBLIC COMMENT**

Attorney Lisa Pereria, representing Arcadia Lot 3 Land Development Plan. In February 2008 the Board of Supervisors granted conditional final approval, the purpose of L. Pereria attending the meeting was to request an extension of time to complete the conditions of the approval. They include posting of security, entering into the developer's agreements, and recording of the plan. They are requesting an extension of twelve months. Andy Baldo, representative of Arcadia was present. The reason they want the extension is because they are actively marketing the property, without a buyer in place at the moment, they cannot afford to put the building up until it is known that someone will be using it. Attorney Leeson mentioned the time limit to complete was this past, February 28, 2010. Arcadia had requested an extension on February 3, 2010 but due to the weather the Board of Supervisors' meetings were cancelled. The request was timely submitted. Attorney Leeson spoke to J. Birdsall and from a legal and engineering perspective they have no reason to deny this request, and if the Board of Supervisors would like to entertain this request, J. Leeson can perform a verbal motion.

MOTION made by R. Unangst to adopt the verbal motion made by Attorney Leeson that the request of the applicant for an extension of twelve months, which will be until February 28, 2011 is granted subject to however to a continuation. And an agreement on the part of the applicant to all of the terms and conditions set fourth in the original motion for approval of the project dated February 28, 2008. 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. Andy Baldo explained they have signed the agreement with Met-Ed to move the poles. They are commencing work April 19, 2010 with a four to six week progress. Once that is in, A. Baldo assumes June or July. They have all the materials ordered. A. Baldo will send D. Seiple an email when the work progresses.

## **Ron Wagner**

R. Wagner noticed on the agenda the discussion on road projects. He questioned if any of those affect areas where the Municipal Authority serves. G. Mathesz and C. Colitas explained there are four squares in Victoria Square. The Township will officially notify East Allen Township Municipal Authority on this. R. Wagner mentioned there was one valve box that was disturbed when the Township plowed and would like East Allen Township Municipal Authority to be

notified when things like that happen. G. Mathesz stated that they do make Donna aware when those things happen.

C. Colitas stated on Monday, March 22, 2010 the Board of Supervisors, Township Manager, Public Works, and Township Engineer did a Township road inspections. That had been advertised as well.

**C. Wert**

C. Wert questioned the extension that was granted to Arcadia. East Allen Township Municipal Authority is into the Arcadia pump station for ninety thousand dollars (\$90,000). The Authority has to pull out the pump and clean it out because of the only one on the system is Trader Joe's at the time.

**ADJOURNMENT**

MOTION made by R. Unangst to adjourn the meeting at 11:14. 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.

Respectfully Submitted,  
Rose Wedde  
Recording Secretary