

**EAST ALLEN TOWNSHIP
Board of Supervisors
Workshop Meeting
May 12, 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 and Secretary/Treasurer, R. Wedde.

PUBLIC COMMENT

John Tinman of 4792 Sylvan Drive questioned the purpose of the Municipal Authority. R. Unangst explained the purpose was to take care of water and sewer and also to borrow money to do such. J. Leeson explained that historically in Pennsylvania municipalities had restrictions on the borrowing ability with respect to borrowing limits. The State Legislature created authorities to allow borrowing to occur. Over the years, legislature has again changed the law such that the borrowing limits of municipalities have been increased. J. Tinman questioned if most municipalities and Township's currently have Municipal Authority. D. Seiple answered no. J. Tinman asked what the purpose of dissolving the Municipal Authority is. J. Birdsall explained over years the Authority has been operating and growing its customer base, they are having a tough time administrating which later led to some budget problems and operational problems. This encouraged the Township to take a look at it and see if there was a better way to manage it, they gave the opportunity to the Authority to explain their managerial system. After the dialogue it was decided by the Board of Supervisors that it was a better arrangement for the Township to do the things the Authority is now doing. J. Tinman asked if there is any cost savings involved in the Township taking over the Municipal Authority. J. Birdsall answered there are some things that will be saved, obviously the secondary administration of running a corporation all by it self with legal and reporting responsibilities that it has. There are logistical issues about a renting space in the building that may result in some savings. J. Birdsall explained there may be cost increase as well. J. Tinman mentioned the Authority already pays rent to the Township for the office downstairs. The Board of Supervisors agreed. J. Tinman mentioned one of the reason he got involved in the Municipal Authority thirty (30) some years ago was because some of the actions made by the Board of Supervisors who allowed developers to create water systems and not keep them up. The residents are still being penalized for all of those decisions that were made then. J. Tinman believes that's why the Authority has so many problems with the systems. C. Colitas explained the Board of Supervisors has changed that over the years. J. Tinman questioned if anyone who has a problem can contact the Township to have it fixed rather than the Authority when it's resolved. R. Unangst explained as a Township they are looking to turn over all the lined to the City of Bethlehem. J. Tinman asked who would provide the rules under which he would have to live.

J. Birdsall was misunderstood on for sale. J. Birdsall explained turning the Authority over to a municipality that can handle it more efficiently or operating Authority that could make it more efficiently all those avenues the Township is willing to explore, but as far as for sale to a private company. Discussion ensued on C. Colitas's comments. J. Birdsall explained the concerns that are part of the negotiations are taking all the lines over, repair the lines, bill the customer but not more than the customers in the city. The City of Bethlehem came back to the Township that they would like to keep discussing.

Linda Eddinger of 7622 Prospect Drive, East Allen Gardens commented to the Board of Supervisors not to forget the rest of the Township residents. L. Eddinger questioned the way the Municipality and Township notified the residents of the meetings or subjects that they would be interested in commenting on and asking questions. She also questioned why the notice was placed in the Home News and not in the Allentown Morning Call because the Township residents do want to know what is going on. L. Eddinger mentioned the way the meeting was held unprofessionally. She mentioned they have had enough with the problems with water and do not want to be stuck with more problems into the future. Just because people don't come to meetings doesn't mean they don't care. J. Birdsall explained what has to be realized is the end of a one year process of discussions between East Allen Township Municipal Authority and Board of Supervisors. J. Tinman asked if the dissolution will affect Allen Township. J. Birdsall answered yes it does affect Allen Township and there has been formal dialogue with Allen Township. The process that needs to be followed had begun last evening. J. Birdsall explained that at the meeting last night East Allen Township Municipal Authority passed a resolution to dissolve the Authority; and the East Allen Township Municipal Authority board agreed to dissolve. The Board of Supervisors needs to start dialogue with surrounding municipalities, City of Bethlehem. Three entities Bath, Northampton and Bethlehem have contacted the Township about this. D. Seiple gave explanation on the discussions with City of Bethlehem. As said by J. Birdsall this is only in its beginning stages. D. Seiple explained the Township will be working with the Municipal Authority during this transitional period, along with their Auditor, the same Auditor that the Township uses. L. Eddinger asked how the people/emergencies will be paid for. D. Seiple mentioned that will come from the Municipal Authority Budget. It will not come from the general tax payers' fund. There will be a separate budget kept in the office with the Township's Auditor. D.

Seiple mentioned one of the Municipal Authority members asked to have a meeting with Senator Browne to help the Township work on getting grants. D. Seiple said J. Birdsall is working on one right now. The Township could possibly get a small loan but mainly they want grants. D. Seiple is looking at all options.

APPROVAL OF MINUTES

MOTION made by R. Unangst to approve the April 14, 2010 and the April 22, 2010 minutes. 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.

ENGINEER REPORT

H2O PA Grant Application

A letter dated April, 22 2010 was placed in the boards packets. J. Birdsall mentioned this letter has been sent to East Allen Township Planning Commission and Lehigh Valley Planning Commission. There was an application submitted by the East Allen Township Municipal Authority last year, a grant approval was not received. J. Birdsall explained the grants that were not approved will be voted on again in October and possibly could get approved this time around. The special bond issue was broken into two phases for award of the contracts. The Commonwealth Financing Authority is now ready to award the second phase of the project. The Commonwealth Financing Authorities guidelines say they pay sixty-six percent (66%) of the cost of the project. J. Birdsall mentioned they are very flexible with what is covered under the project. This is a grant, not a loan and will pay expenses incurred before the application was submitted which is very unusual. J. Birdsall explained they will not accept any new applications but will accept amendments to pending applications. They are no longer accepting applications. Any amendment to decision to withdraw the application or decision to just saying your application is being what you wanted it to be last year. There are three (3) choices. The application should go back to the Commonwealth by June 1, 2010 deadline; if the deadline is missed they will presume that the same application is pending. The Hanover Engineering letter explains recommendation to the Township Manager and East Allen Township Municipal Authority as to a utilization of an amendment to cover a cost of extension of water on Mud Lane to serve East Allen Gardens as a way to resolve a terrible well problem in that area and having an advantage of bringing public water from the city system into East Allen Gardens, also as a way of enhancing the Township's chances of achieving more points in the second round of application review. With the grant the Township would be able to lower the loan and achieve a lot more in the way of benefits to the five (5) small systems. The Authority approved the submission of the amendment. J. Birdsall explained the Board of Supervisors would need to send a letter of support that would recommend the Municipal Authority to move ahead with the application and submitting the application amendment. It is not the Township's application; it is the Municipal Authorities application. J. Birdsall mentioned there was a letter of support written by the Board of Supervisors last year for all things mentioned in the grant. R. Unangst questioned how many days the Municipal Authority will be in existence. J. Birdsall said he does not know that, the prediction is 2 or more months. J. Birdsall mentioned if there is any risk of losing this application that he recommends the Municipal Authority to stay in business at least through the decision of this grant which would be October. J. Birdsall explained there is a risk if you would go to one of these agencies and say it is no longer an application of the Municipal Authority and is now an application of the Township, they will say sorry you can't make the change. The reason for not entertaining the name change is part of the decision making party. This may change the whole financial part of the application and with the Commonwealth being overwhelmed with applications they would say okay if there was a program next year. MOTION made by M. Schwartz to send letter of support for application. 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.

Valley View Estates II

A copy of Hanover Engineering's letter dated May 3, 2010 was distributed. The Board of Supervisors are aware of the contract for the completion of the street paving and improvements in Valley View Estates section two is coming up as of June 30, 2010. J. Birdsall is asking to have DeLuca come to a meeting with the Township Manager and the Township Solicitor to discuss and extension agreement if they chose to want to proceed with an extension agreement. J. Birdsall explained the main topic that Hanover Engineering would like to cover is the East Allen Township Municipal Authority's concern for the high expense of flushing the lines that they have because there are so few homes. There are only two homes right now. J. Birdsall would like the developer to pay for the Authorities cost to maintain quality water for those two homes which would include regular flushing that isn't normally necessary. He would also like to discuss a restriction on sales process that as lots are sold to have homes built closer to the existing homes and build out from there instead of at the back of the project. J. Birdsall explained right now the streets in the neighborhood are paved, but not finished. J. Birdsall would like to ask the developer to limit sales to phases.

SOLICITOR REPORT

Arcadia East Associates No. 1 LP – Off Site Storm Sewer Improvements – Security

J. Leeson reported that they did not respond in timely fashion to his demands to have the letter of credit extended so he prepared paperwork for draw on the two letters of credit. After J. Leeson did that, they then came in and provided cash to cover the security which is on deposit at the Township.

Traffic Impact Ordinance – Upper Nazareth Draft Copy

J. Leeson mentioned he had not seen the letter from Upper Nazareth and asked that D. Seiple would address this. D. Seiple explained a copy of this was sent to East Allen Township for review. D. Seiple mentioned she is still waiting to hear from Upper Nazareth's Engineer, Mr Kortze to find out what the timeline is for this. Upper Nazareth is sending it to our office for review and comment. D. Seiple would like to have it in the office for review and would like to send this to the Planning Commission for their June meeting.

Tree Line Homes – Penn Pro Builders, Inc. – Memo #10-18

Their development rights have expired February 16, 2010. J. Leeson explained prior to the deadline they have requested an extension but could not afford a letter of credit and wanted to present a bond instead from an insurance company. The Municipalities Planning Code does say that municipalities are to except letters of credit or surety bonds. The developer would need to post an A-rated bond. J. Leeson did receive letter from the developer's attorney that they can meet the two requirements of posting an A-rated bond for financial security and also willing to consent to an updated review by the Township Engineer of the subdivision improvements cost. D. Seiple questioned if the Township can have them take care of the weeds on their property in a timely basis. J. Leeson stated that this can be included in the agreement. J. Ladonis asked if they asked for a year's extension. J. Leeson answered yes.

MOTION made by M. Schwartz to authorize solicitor to accept the extension and include in the language that there needs to be property maintenance controlled subject to posting an A- rated bond and engineer updating of costs. 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.

MANAGER REPORT

Northampton County Juvenile Work Program – 2010 East Allen Township Project Bicentennial Park Painting Ice Skating Rink Fence

The work program was in our Township last year. They worked on the fence around the detention pond; it does not look old and rusty anymore and was painted by them. D. Seiple has contacted them again to see if they could come do work in the park. It is tentatively set up to paint the fence around the ice skate rink. The Township will provide supplies and they will provide the labor.

Meeting with Upper Nazareth Representatives

A memo from D. Seiple regarding the meeting that was held with Upper Nazareth Township on May 5, 2010 was in the Board of Supervisor's packets. D. Seiple explained the truck traffic on Township Line Road has resulted in both Townships receiving numerous phone calls. Both townships have existing ordinances which prohibit truck traffic except for local traffic. However, all types of trucks, including but limited to tractor trailers are using the road.

Joint Road Project for Township Line Road

Bid as one project w/separate billing for each Municipality

D. Seiple, G. Mathesz, and J. Birdsall met prior with Upper Nazareth's Engineer and the head of their Public Works Department. They liked the spec East Allen came up with and mentioned they have not done a road project in years and will take it to their Board of Supervisors to review. Their board decided that they will do the drainage work themselves in house but would like to do project in a joint project. D. Seiple explained Engineer Al Kortze is supposed to get in contact with J. Birdsall to work out any details. The project would bid as one and separate billing to each municipality for their portion of the project.

Inter-municipal Agreement for Upper Nazareth Township Police to patrol area of Township Line Rd.

The Police Chief was at the May 5, 2010 meeting. He said that they have patrolled the area more often and things seem to be getting a little better. The State Police were called numerous times, and have patrolled the area also. D. Seiple mentioned Attorney Asteak is supposed to be coming up with an agreement for J. Leeson to review and bring to the Board of Supervisors.

Review of both Municipalities' Ordinances re: Truck Traffic on Township Line Road

D. Seiple explained that both Township's have an ordinance for truck traffic on Township Line Road. Each municipality's Solicitor will be looking at these and will mirror each other for uniformity. D. Seiple mentioned when the road is improved could it handle the truck traffic. The Construction to the road will not be built to handle truck traffic but can handle a little more traffic. Attorney Backenstoe was present with his client Berger Sanitation. D. Seiple explained they wanted to make the Township aware that they are conducting business on Township Line Road. The only way to get out of their facility and back is to utilize Township Line Road. They have been working with East Allen Township to not come in Newburg to Township Line Road, and using Chrisphalt Drive. Berger Sanitation suggested putting up a bond to help with any damage they do to the road. Discussion was held on how it would be estimated to what that would be. D. Seiple suggested when

the new improvements are made to the road that Berger Sanitation could pay a percentage of that or some kind of contribution towards that.

Amendment to accommodate new road standard after project

D. Seiple mentioned the Central Transport and Department of Environmental Protection violations with the spill/leakage problem that has gone on over there. The Department of Environmental Protection is carbon copying D. Seiple on any letters that are being sent out. M. Schwartz asked if they had cleaned anything up yet. D. Seiple explained the Department of Environmental Protection keeps sending Central Transport letters, going through the process. They have given Central Transport another ninety (90) days to get a plan together. This is the process. R. Unangst would like the letters and information on this matter emailed to him. D. Seiple did have contact with the Department of Environmental Protection awhile back. They told her they are handling it, and she can contact them from time to time. D. Seiple discussed the fallen tree from Central Transports property that fell down over the weekend from heavy winds. The zoning officer was told about it and a letter went out to give them time until the weather got nice. G. Mathesz said that there are other dead trees on property that will eventually fall if there is another heavy wind storm.

Solid Waste Advisory Committee Meeting

D. Seiple attended meeting on May 5, 2010 she will be reporting back to Nazareth Council of Governments. The Solid Waste Advisory Committee put paperwork together that was given to D. Seiple and other members. They are supposed to review it and to look at what projects would be able to have in the future. What kind of recycling initiatives that East Allen Township and also the surrounding area. D. Seiple explained when her report is together for the Nazareth Council of Governments, she will copy the Board of Supervisors as well.

TCC Meeting –Review of RFP for Tax Collection Agency

D. Seiple will be attending the monthly TCC Meeting. This meeting will be a very important one because they will be reviewing the RFP for the tax collection agency that will be hired to do the Earned Income Tax for Northampton County.

MRM Property & Liability Trust Dividend Check

A dividend check was delivered to the Municipal Office for \$6,066.19.

Final Plan for Jacksonville Master Site Plan

D. Seiple explained she needs to do letter to Department of Conservation and Natural Resources to send the final plan in but the Board of Supervisors needs to approve the invoice to be paid that is part of what D. Seiple will need to send in. The amount is the remainder of the invoice and the bid proposal we had from them. Copies of the plan are in the Township Office.

MOTION made by M. Schwartz to pay the invoice of \$4,133.40 to Urban Research and Development for the contract bid. Seconded by J. Ladonis. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, yes; J. Ladonis, yes; C. Colitas, yes. ALL IN FAVOR. MOTION CARRIED.

Northampton School District

D. Seiple received a letter and was contacted about a meeting on Tuesday, June 18, 2010 at 2:00PM at the site of Route 329 and Walnut Street with Northampton Area School District representatives, the engineering firm for the School District, PennDOT and Allen Township. R. Unangst asked if there is escrow set up for that. D. Seiple mentioned right now there is not. R. Unangst questioned if the Township was going to send anyone without escrow funds. D. Seiple was planning to attend and if she was unavailable then G. Mathesz would attend. M. Schwartz was okay with D. Seiple, G. Mathesz and any supervisor to attend. M. Schwartz mentioned if it would not be a problem he would like the Ambulance Corps. President and Captain to be notified about this meeting since their property is adjacent to the land.

PUBLIC WORKS

Proposals/Lease Information for Order & Purchase (2010 Budget) of:

2011 Ford F-550 to replace 2000 Ford F-450 (small dump) – possible to look at during budget time

2011 Mack Single Axle to replace 1997 FL-60 (5 ton dump)

Looking ahead to 2011 Budget Requests – See Vehicle/Equip. Replacement Schedule

The Board of Supervisors had two papers, one name Township Leasing Information and the Fleet Inventory Rotation. D. Seiple took the Township leasing information for 2010 and \$17,921.96 will be the payments that will be due this year for the 2010 Mack truck. The truck will be in the Township by the end next week. It is leaving TransEdge in the next couple of days according to G. Mathesz. Then PNCBank will be notified. D. Seiple explained G. Mathesz has done bid specs for the 2011 Ford F-550 and the 2011 Mack Single Axle. G. Mathesz has talked to the manufacturers and there is an idea of how much the trucks would cost. Based on that, D. Seiple has taken the rate for the current lease; the interest rate has not gone up. The F-550 with a six (6) year loan would have a monthly payment of \$1,163.37. The 2011 Mack Single Axle with a six (6) year loan also. Quotes given from the bank can not be looked at because of changes. Once the lease paperwork is started the truck should have to be almost ready. R. Unangst questioned the truck that the Township is waiting for, is

that a replacement truck. G. Mathesz explained it is replacing one that went to Auction. G. Mathesz explained that it is being said that diesel gas is going to get to a point that it will be filtering the air and not polluting the air as much. Discussion ensued on getting bigger truck opposed to small dump and lease time. MOTION made by J. Ladonis to purchase the 2011 Mack truck for a term of six (6) years. 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.

MUNICIPAL AUTHORITY

D. Heiney stated the Municipal Authority adopted Resolution #2010-01 to dissolve the Municipal Authority. It was passed at their meeting by a 3-2 vote and is now being passed on to the Board of Supervisors for action if they so choose. J. Leeson stated that if the Board of Supervisors adopts a resolution to dissolve the Authority it will not be dissolved until all the homework being done that J. Birdsall referenced is complete, and by the state's approval. By approval does not mean it will happen right away. There will be a transitional period. J. Leeson mentioned it is okay to vote on this matter now, but does not need to be. This is a formal statement from both bodies to start the process dissolution. This is part of the process to start the final dissolution. D. Heiney explained the way the Authority existed, they were by themselves and the Township could only obtain the information needed, the Resolution needed to be passed. If the Board of Supervisors passes the Resolution tonight the professional staff and manager will do the homework and then process the proper paperwork to Harrisburg.

MOTION made by M. Schwartz for the Board of Supervisors of East Allen Township to adopt and approve the attached certificate requesting termination of the Municipal Authority, known as East Allen Township Municipal Authority as a Municipal Corporation and Municipal Authority in the Commonwealth of Pennsylvania, and if further resolved that the Board of Supervisors of East Allen Township directs that all assets and liabilities of East Allen Township Municipal Authority to be transferred to East Allen Township and that pending the completion of such transfer East Allen Township is appointed and delegated to exercise any and all authority necessary to operate and manage the business of East Allen Township Municipal Authority. Further resolved that the Board of Supervisors of East Allen Township authorizes the approval and execution by duly authorized representatives of East Allen Township of any and all agreements and documents requested by East Allen Township included but not limited to any inter-municipal agreements with Allen Township concerning water customers served in Allen Township. Resolved and enacted by motion made and seconded this day of May 12, 2010. Seconded by J. Ladonis. VOTE: D. Heiney, yes; M. Schwartz, yes; R. Unangst, no; J. Ladonis, yes and C. Colitas, yes. FOUR IN FAVOR. ONE OPPOSED. MOTION CARRIED.

R. Unangst questioned who made the motion at the East Allen Township Municipal Authority. D. Heiney and M. Schwartz answered R. Nyce made the motion to adopt Resolution 2010-01. D. Heiney stated upon acceptance of the resolution at the East Allen Township Municipal Authority meeting both the Chairperson and Vice Chairperson gave their resignation. Both Chair and Vice Chair of the Municipal Authority at the time of dissolution handed in a letter of resignation for their positions. J. Birdsall will be working on a letter to be sent to East Allen Township Municipal Authority customers. J. Birdsall asked that the letter be reviewed by Attorney Leeson. D. Seiple suggested a letter from the Municipal Authority on what they would like on the website, to give explanation of what is taking place. D. Heiney suggested until a decision is made that nothing should be placed on the website. D. Heiney mentioned there is a press release being worked on to simply state what was done. Once the press release is done it will be distributed to J. Birdsall, J. Leeson and also the Township Manager. The board will holding off until press release is done and then it can be placed on the agenda. D. Heiney mentioned a public notice was placed in the paper to change the meeting dates to the first Tuesday of every month. D. Heiney explained that Donna will move upstairs to use the Supervisor room and work in the township office to start the transition. There will be signs posted to direct customers to the township office.

PUBLIC COMMENT

L. Eddinger asked if the Township has a plan of disaster in place or not. It is in the Township office and there is a hard copy and electronic copy. D. Seiple explained the plan is updated on a yearly basis. Training is available for members of the board. D. Seiple mentioned the plan is also filed with the County and the state.

J. Tinman questioned the asbestos pipe that needs to be replaced in East Allen Gardens. J. Birdsall took notes on this. It is on the East Allen Township side.

ADJOURNMENT

MOTION made by R. Unangst to adjourn the meeting at 10:58PM. Seconded by M. Schwartz. ALL IN FAVOR. MOTION CARRIED.

Respectfully Submitted,
Rose Wedde
Recording Secretary