

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

May 1, 2019  
7:30 P.M.

Present: Councilmen Lawlor, Paulus, Tocci, Woolley; J. Jackson Eaton, III,  
Esquire; Al Kortze, P.E.; Christopher Garges; Vicky Roth

Absent: Councilman Heimbecker

Attendance: 12

Courtesy of the Floor:

Garren Knoll, Fire Chief with Han-Le-Co Volunteer Fire Company, addressed the Board at this time. He said that it came to his attention that one of their invoices that was dated December 20, 2018, did not get paid. He believes that the Board did not have full information on the situation and he would like to inform them at this time. Mr. Knoll handed detailed notes to Council and he has spoken to Chairman Paulus prior to the meeting. On the back of Mr. Knoll's notes is a quote he received from a reputable sign company. At this time, Mr. Knoll gave some history regarding the process of getting the sign, the costs and why there were different invoices at different times related to same. Mr. Knoll also mentioned that his notes which he gave to Council lay out the process accurately. A discussion ensued. Mr. Paulus said Council will review his notes and will not be making any decisions this evening. He will be in touch with Mr. Knoll after their review.

Approval of Minutes: April 17, 2019 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the April 17, 2019  
Regular Council Meeting and accept same as presented.

Paulus, Lawlor: Moved and Seconded

Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

Reports:

1. Christopher J. Garges  
Township Manager

Mr. Garges said he included a preliminary Manager's Report in Council's packets. Items are as follows:

A. Mr. Garges gave an update on the Troxell geophysical study update. He was hoping to have the report from the geotechnical consultant by today, but did not receive it. He will include it in the May 15 Council Meeting Agenda so a decision can be made based on the outcome of the report. He will forward it on to the Township Engineer so they can decide how to proceed from a Capital standpoint.

B. Mr. Garges is seeking authorization to proceed with Park Master Site Plan through Urban Research and Design Corporation (“URDC”) for the amount of \$40,000. It would be approximately a nine-month study. URDC secures 8-9 out of 10 grant applications and are very good grant writers. URDC was recommended by the Township Engineer’s office. Finalize in time for 2020 grant writing season to cover any capital improvements identified in plan. At this time, Mr. Garges gave Council an overview regarding process. He recommends going with URDC. Mr. Garges told Council that this project was included in the Budget. A discussion ensued. Council decided that they would like URDC to make a presentation at their May 15, 2019 Regular Council Meeting before they make a decision. Mr. Garges will set it up.

C. Mr. Garges attended the Lehigh Valley International Airport (“LVIA”) Area Freight Study Meeting #3 on Friday, April 26. The study looked at all the roads in the Lehigh Valley. In particular, the Route 22/145/248 and 33 square which is the heaviest freight concentration. The three most impacted roads are Schoenersville Rd., Airport Rd. and Race Street. All three are in or bordering Hanover Township. The consultant released a draft copy of the study for review and comment prior to the next meeting. Mr. Garges gave a brief summary of discussion.

D. Mr. Garges said the Township received a \$7,500 Alternative Fuels Incentive Grant from the PA DEP for purchase of an electric vehicle over a gas vehicle. This is a reimbursement grant. The Township would go out, purchase the vehicle, do the paperwork and DEP will reimburse the Township for \$7,500. Mr. Garges gave a recap on discussions they had at previous Council meetings regarding same and a history on the electric vehicle they test drove. The pricing at Costars for this vehicle is \$36,214. Mr. Garges said as discussed previously a charging station would be put at the Public Works building and the vehicle would be used mostly by Administration while Code Enforcement is on duty during the day and using the gas vehicle. He is asking Council for authorization to purchase the vehicle from Wind Gap Chevrolet.

Motion: I move the Township purchase the Chevy Bolt for use by Administration.

Lawlor, Woolley: Moved and Seconded

Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

E. Mr. Garges advised Council that the Township has two interns starting next week. Geoff Schneider from Penn State will be coming back and filling in for Anna Wegfahrt over the summer and continue the scanning project, which he is familiar with that program. The second intern will be assisting Jeff Mouer, Public Works Supervisor, with sewer and FOG permits in the Munilogic system as well as assisting Geoff with the scanning. If Council will recall, for the second intern, the Township has 260 hours at \$15.00 per hour which will be reimbursed through the Pennsylvania Municipal Internship Program.

Mr. Paulus had a couple items to discuss.

A. He reported that he went up to one of his neighbors regarding trees and explained to them that they should call the Township so the Township can alert PPL to cut them back.

B. Someone was burning in a fire pit and there was a confrontation between neighbors about burning. Mr. Paulus asked Mr. Garges to write a letter to 1905 Sherwood Street explaining the Township's Ordinance for Fire Pits. Mr. Garges asked Mr. Paulus if the Township's Code Department was contacted. Mr. Paulus replied that they were not contacted and that the one neighbor decided to handle it themselves and it didn't go well. They were concerned with the ambers going on their room. After the confrontation, the other neighbor did put the fire out. Mr. Paulus said they are new residents and didn't know. Mr. Garges asked Mr. Paulus if he gave them the contact information for Code and Mr. Paulus said he did.

C. Mr. Paulus said Planning Commission Member Larry Hawk had double bypass surgery today. He said the Township should send a get-well note to him.

2. Karl Scherzberg  
For Al Kortze, P.E.  
Township Engineer

A. Karl Scherzberg introduced himself and said he was at meeting in place of Township Engineer, Al Kortze, who could not be at the meeting this evening. Mr. Scherzberg said they are almost complete with the specs for the Catasauqua Road Sewer Project and Pump Station #1. Mr. Scherzberg is looking to get authorization from Council to advertise project for bid, which is an Agenda item and will be addressed later in the meeting.

3. J. Jackson Eaton, III, Esquire  
Township Attorney

A. Mr. Eaton indicated previously that they had not heard back from Rockefeller regarding the easement to look for the sewer line location on Willowbrook Road. Mr. Eaton said he recently heard back from Rockefeller and they said going through the easement that they prepared they found an error which will go back to the Airport for correction. Mr. Eaton said this is not a time sensitive issue, but he still needs to make sure it moves along. The other sewer line can remain in place until the one in question is open.

Unfinished Business: None.

New Business:

1. Rezoning Request Petition of Good Mac Airport Associates LP (Review and Discussion)

Mr. Garges gave an overview of Good Mac for a Petition to Rezone the northeast corner of the property where you can picture the southeast portion of the intersection of Irving and Middle Lloyd where the old cemetery was. The property to the east of

that which is Airport Rd. and Middle Lloyd was rezoned from Limited Use (“LU”), which had the cemetery and some of the other recreational-type uses, to Planned Commercial (“PC”) in the 2002 timeframe. At that time, the cemetery was being relocated. The owner of the property requested that this portion that is before Council now be rezoned from LU to PC, so the Township would have Planned Commercial through that entire piece of land remaining between Irving and Airport just south of Lloyd. Mr. Garges said that for some reason they requested that the Township discontinue the rezoning of that back in 2008. It was never formally rezoned. The Applicant has submitted to ask Council if they would like to move forward with commencing the rezoning in that area from LU to PC. At this time, Mr. Garges turned the conversation over to Lisa Pereira who represents Good Mac. She said her client was under the impression that it was always PC in proceeding with the various sketch plans that were presented. It wasn’t until the last meeting when she and Mr. Garges while going through the files discovered that the Ordinance was never formally enacted. At this time, they are requesting that the Board proceed with the rezoning to make sure that the property is consistently zoned as PC. Mr. Garges said that in 2008 there were actually two Ordinances that were drafted and advertised as part of this but never acted on. One was for the rezoning and the other was what Council, at the time, was referring to as the Big Box Ordinance that had placed a minimum acreage requirement for a certain size for a big box retail store. Neither were acted upon and the Applicant withdrew their application. A discussion ensued. Mr. Paulus asked Mr. Eaton if he agreed they should go forward with this and Mr. Eaton replied, yes. Councilman Tocci asked Mr. Garges what LU applied to. Mr. Garges said the main one would be the cemetery and proceeded to read off a list of the other uses. Mr. Tocci asked Ms. Pereira if they were still considering the rezoning of the housing portion in that area. Ms. Pereira replied that at this point they are just trying to clean this up before proceeding with anything else with respect to this property. Council was in agreement to move forward with the rezoning request. Mr. Eaton asked for a formal Motion to accept the Petition to Rezone and that will start the process formally and will be on record. A discussion ensued.

Motion: I move that we accept the Rezoning Request Petition of Good Mac Airport Associates LP as presented.

Paulus, Woolley: Moved and Seconded

Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

2. Resolution No. 2019-32, Preliminary/Final Land Development, Race St. Building Expansion, Airport Ventures L.P., 1650 E. Race Street, Allentown, PA 18109 (Vote)

Mr. Garges gave an overview. This project has received recommendation for Preliminary/Final Land Development approval at the April 16, 2019 Planning Commission Meeting. A copy of their Action Memo is included in Council’s packets, which includes waivers and suggested conditions. They mimic what the Township has in Resolution No. 2019-32, which was provided earlier to the Applicant.

Bernie Telatovich, with Benchmark Civil Engineering, and representing Airport Ventures L.P. on the project, addressed the Board. He gave a brief overview of the

expansion and all adjoining properties. Mr. Telatovich said they have no objections to the conditions and everything else required for the expansion. Mr. Paulus asked the Township Engineer if they reviewed this. Mr. Scherzberg, representing Al Kortze, Township Engineer, said they don't have any objections to anything on their plan. Mr. Telatovich explained the Lehigh Valley Planning Commission's (LVPC) requirement to show what is impervious at the site and Mr. Telatovich said they would be happy to meet them out at the site to see for themselves. Mr. Kortze sent the LVPC a letter stating that the amount of impervious that is being added is so small, relatively speaking, that it falls under the criteria. Mr. Telatovich knows and respects that they need approval from the LVPC and even though they approved it, they will still be reviewing it to make sure everything is okay. A discussion ensued.

Motion: I move that Resolution No. 2019-32, Preliminary/Final Land Development, Race St. Building Expansion, Airport Ventures L.P., 1650 E. Race Street, Allentown, PA 18109 be approved as presented.

Woolley, Lawlor: Moved and Seconded

Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

### 3. Review and Consideration of Athletic Facility Use Policy (Review and Discussion)

Mr. Garges said he and Mr. Mouer discussed the policy before Council at the end of last year. Every year there are a few leagues that use Sherwood Park ballfield. Last year, the Township spent money to rehab the field to get it into good shape for the season. Mr. Mouer wanted to put some parameters in place that would protect the field moving forward and to give the leagues some of the responsibility regarding maintenance. The other component added to this Policy is an insurance requirement. The other aspect of it is, from a planning standpoint, the Township should know the days and times the leagues will be there. Mr. Garges mentioned some highlights to the Policy. On page 203, #4 under Athletic Facility Use Rules, Athletic League and similar use shall be limited to Monday through Thursday. The goal of this was to try to focus the leagues when the park isn't heavily utilized and leave the field open from structured play on the weekends when the residents use the park and parking lot, etc. There are also some parameters as well regarding the closing of the field during inclement weather. Mr. Mouer will have the ability to close the field if he feels it will create damage to play on the field. The Policy begins with stating what the goals are of the Township to provide the recreational use and that fees have been established for the use, which is the other component that he and Mr. Mouer looked at. At this time, Mr. Garges gave an overview of the Fee Schedule for the ballfield and pavilion rentals at all Township parks. Mr. Mouer's recommendation was to increase the refundable security deposit for Sherwood ballfield up to \$250 seasonal fee with security deposit bumped up to \$500. Mr. Garges is seeking approval from council to put this Policy into place which is strictly for the Athletic Facility Use and also authorization for the increase of the fees and security deposit. Mr. Garges said the theory behind the increase in fees is to make sure the fields are kept in good condition while in use since the Township has spent some Capital monies to rehab the field. Mr. Garges told Council of a recent incident that occurred at the ballfield. They had a large event and caused damage to the field. The Renter did not receive their security

deposit back. A discussion ensued. Mr. Eaton asked Mr. Garges if there are two Motions, one to adopt the policy and one would change the Fee Schedule. Mr. Garges said they would have to bring the Fee Schedule back as a Resolution.

Motion: I move we adopt the Athletic Facility Use Policy as presented by the Township Manager.

Paulus, Woolley: Moved and Seconded

Lawlor, Tocci, Woolley, Paulus: Moved and Seconded

4. Resolution No. 2019-33, A Resolution of the Council of Hanover Township, Lehigh County, Pennsylvania Expressing Opposition to Pennsylvania House Bill No. 349 of 2019 Requiring Municipalities Enforcing the Pennsylvania Uniform Construction Code Through Utilization of Third-Party Agencies to Retain Two Third Party Agencies to Act on Behalf of the Municipality (Vote)

Mr. Garges said this was briefly discussed at the last meeting under the Manager's Report. Council authorized Mr. Garges to send a letter to Senator Boscola's office in opposition of House Bill No. 349. In doing some research with some newer organizations, Pennsylvania Building Code Officials, they recommended that the Township prepare a resolution for this to the state and to Boscola's office since she is a representative for the Labor and Industry Committee and that is where this Bill currently resides. Once it passed the House, it went to the Senate Labor and Industry Committee. This Resolution should Council move forward approving it would be sent to Senator Boscola's office and then make its way to the Labor and Industry Committee who is reviewing Bill No. 349 at this point. Basically, it is a form letter from those organizations moving forward on their recommendation of the expression of opposition for House Bill No. 349.

Motion: I move we accept Resolution No. 2019-33, A Resolution of the Council of Hanover Township, Lehigh County, Pennsylvania Expressing Opposition to Pennsylvania House Bill No. 349 of 2019 Requiring Municipalities Enforcing the Pennsylvania Uniform Construction Code Through Utilization of Third Party Agencies to Retain Two Third Party Agencies to Act on Behalf of the Municipality, as presented by the Township Manager.

Paulus, Lawlor: Moved and Seconded

Lawlor, Woolley, Paulus:

Aye

Tocci:

Abstained

5. Authorization to Advertise the Bid for the Catasauqua Road and Pump Station #1 Sanitary Sewer Replacement Projects (Vote)

Mr. Garges said as Mr. Scherzberg mentioned earlier this project is in replacement of the Catasauqua/Valley Plaza project that the Township was going to undertake under Capital this year until they realized that Valley Plaza had newly replaced macadam for their parking lot. This project before Council is replacing terra cotta line on Catasauqua Rd. near the connection to the Bethlehem sewer system and

also a repair to manhole #1 which currently is tilted and not flowing correctly at Pump Station #1. These both would be placed on Pennbid and the total estimated cost for both projects would be \$310,000. If Council so moves, Mr. Garges will move forward in placing this on Pennbid and getting it out to bid. The Township Engineers, Keystone Engineers, recommended that the Township wait at minimum three years and then revisit the Valley Plaza Shopping Center project. Mr. Eaton asked if the Resolution specifically indicates that the bid will be done through Pennbid. Mr. Garges said they don't have it under a Resolution and that it was just going to be a Motion. Mr. Eaton asked if the Motion specifically references Pennbid; and, if not, it should because the Ordinance specifically requires that Council determine whether it's by written bid or electronic bid. The Motion should say which way Council has chosen. Mr. Garges agreed with this and said it's referenced in the upper part of the bid sheet.

Motion: I move that Council give Authorization to Advertise in Pennbid for the Bid for the Catasauqua Road and Pump Station #1 Sanitary Sewer Replacement Projects as presented.

Paulus, Woolley: Moved and Seconded  
Lawlor, Tocci, Woolley, Paulus:

Aye Unan.

Courtesy of the Floor: None.

Adjournment:

The meeting was adjourned at 8:18 P.M.

Respectfully submitted,

Christopher J. Garges  
Township Manager