

HANOVER TOWNSHIP, LEHIGH COUNTY
SPECIAL COUNCIL MEETING

January 13, 2020
7:30 P.M.

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

Chairman Paulus said they just came out of Executive Session to discuss personnel matters.

Absent: 0

Attendance: 5

Courtesy of the Floor: Tom Schlegel, Esquire for Mobile Mini

Mr. Schlegel said to clarify he is not counsel for Mobile Mini, but counsel for American Parkway Associates who is the property owner of 710 Lloyd Street and landlord for Mobile Mini. At this time, Mr. Schlegel gave a brief history of the property and why he is before the Board this evening. Mr. Schlegel provided Council with a map of said area where Mobile Mini is located. Mr. Schlegel looked back on previous Minutes where discussions regarding truck traffic and the prohibition of same took place. He said this creates a problem for Mobile Mini at 710 Lloyd Street. Their only way of accessing this property is Middle Lloyd Street directly across North Irving Street and back down a dead-end road to the property. The turning access is too small. A Mobile Mini truck if they attempt to make a left on N. Irving Street back onto Lloyd Street, they are faced with the same issue. Their only access is directly across Middle Lloyd Street, straight across and then back to the property. When the tenant saw the No Truck signs go up, it raised questions as to what they should do. At that point, Mr. Schlegel engaged conversations with the Township and staff to discuss a proper way to deal with the situation that will be satisfactory to everyone concerned. Mr. Schlegel said that is why they are before Council this evening. They would like to discuss the best possible solution to this issue. Mr. Schlegel said that after reviewing meeting Minutes dated July 17, 2019, in discussions on the effectiveness of the potential Ordinance, something that caught his eye was the question raised about the recently approved Mobile Mini project at 710 Lloyd Street. The Township Manager at that time said in those Minutes that is a local delivery and the Township shouldn't worry about that, which is fine until it is not fine. Mr. Schlegel said what he would like to figure out with the Township, Council and staff is, is a regular delivery to that property for a use that is permitted in one way or another just permitted as a local delivery, and how can those truck drivers get back to that property without concern of being ticketed when they are just looking at an access property that is permitted for the use that they are travelling there to do? Councilman Tocci said he is Mobile Mini's neighbor at 725 Lloyd Street and partly why it was brought up in July was because it is a dangerous intersection, mostly because Amazon Prime and other trucks were coming down and making the turn. There's a bus stop there and not a good sight line. When the prior Township Manager came up with this, Mr. Tocci's thinking was that Mobile Mini was going to be exempt because they didn't have to make turns.

They would be coming straight down and straight up. It seems to Mr. Tocci that the way the proposed Ordinance was written it did not make this clear. Mr. Tocci asked if Mr. Schlegel has seen the proposed Ordinance. Mr. Schlegel replied that it was circulated to them and they looked at it. It creates a number of issues challenging enforceability more than anything else. Mr. Tocci asked why Mobile Mini is not before them this evening if they have an issue. Mr. Schlegel replied that he is not before Council representing Mobile Mini but the property owner, American Parkway Associates, and how this could affect a number of other tenants at that location that has regular truck traffic coming and going. Councilman Heimbecker commented that Mr. Schlegel is saying that his client cannot enjoy their property because of the truck restriction. Mr. Schlegel agreed with Mr. Heimbecker's comment. Councilman Heimbecker asked why the west end of Lloyd Street was never joined to St. Luke's Way. A discussion ensued. Mr. Tocci asked Mr. Schlegel what he didn't agree with the proposed Ordinance. Mr. Schlegel replied that he feels the ideal solution for his client, American Parkway Associates, and landowner to potential unknown future tenants is a clarification from the Township that access to 710 Lloyd Street is a local delivery that is exempt from the restriction on Middle Lloyd Street without any need to buy with a permitting system. Mr. Tocci asked Jackson Eaton, Township Attorney, if he is able to comply with this and Mr. Eaton replied that he has not had a chance to discuss any of this with the Township staff. Generally, the permitting format follows the PennDOT policy with regard to road restrictions under state statute. There are provisions regarding local delivery exemptions, but this is not a local delivery on a portion of the road where there is restricted traffic. It's a local delivery on a portion beyond that section. Mr. Eaton said he is certain that something can be worked out that it can be enforceable and beneficial to the prospective tenants. It is common for affected properties that have their own vehicles involved to have permits and the state generally wants them to be carried in the vehicles, in case they are stopped. Mr. Eaton said that the previous Township Manager, Chris Garges, the Township Engineer and himself started early on to resolve this matter following state statute. The intention from the beginning was to allow at least Mobile Mini because the Township doesn't know what else will be down there and how to address that. Mr. Heimbecker asked if the Ordinance is enforced by the State Police and Mr. Eaton replied, yes. A discussion ensued. Mr. Tocci stated that regarding Mobile Mini there was never the intent to not let them get in and out of the property. When the first issue came up to try and detour truck coming down Lloyd and making that turn which was making the entire intersection unsafe for vehicles as well as there are no sidewalks at that location. When his children have to walk to the bus stop, they are walking on the road that the tractor trailers are coming down. Mr. Tocci said the Mobile Mini drivers have been very good about going slow for the kids, which the residents appreciate. When he hears the idea that there could be a number of other truck traffic is a concern.

At this time, Mathias Fenstermacher, the owner of the property informed the Board that they have no other intentions at this time on the property, but he reserves his right to change it if the time comes. Mr. Fenstermacher said he spent a lot of money and time and energy cleaning up the property. Mr. Fenstermacher said if Mobile Mini and Hepaco doesn't renew in five years, it will be difficult trying to get other tenants in if there are No Truck signs everywhere with some kind of precedent is the issue. He and Mr. Schlegel are before the Board this evening to try and clarify and rectify the situation and get something on the record that his tenants have access to the property and they are trying to clarify it in the easiest possible way. Regarding the permitting situation, he

determined. It would be brought before the Board for permission to allow this once the Township is informed. Mrs. Roth reported that one of the residents of Hanover Township has previously worked for the Census Bureau and has brought this information to the Township's attention. They are trying to recruit workers and the resident asked if the Township would put it on their website. That has been done.

3. Mrs. Roth gave an update on the bus shelter at the corner of Irving and Lloyd Streets. The owner was placed on notice to remove the structure in 30 days as of the 26th of December. The 30 days will be at the end of this month. Mrs. Roth has not received any response to date from the owner. At the end of the 30 days, staff will have to discuss the matter to see how the Township wants to move forward.

4. Mrs. Roth announced that there are a few vacancies on some of our Boards. Robin Trexler, Planning Commission Member, resigned from the Board as of the end of December. She and her family are moving out of the Township. Linda Graver resigned from the Recreation Commission. She stated that she served her time and is no longer interested in being a member. As the Board is aware, recently the Township lost a valued employee in the Public Works Department, Nate Frey. Also, the Township's Public Works Supervisor, Jeffry Mouer, will be leaving the Township on January 17, 2020. Mrs. Roth said she personally would like to thank him for his employment with the Township over the years and wish him Good Luck in North Whitehall Township.

5. As Council is aware, there have been noise complaints regarding the parks. Very recently Mrs. Roth was apprised by Code Enforcement that the Boom Box situation on top of cars in our park has moved to the Iron Pigs parking lot. Allentown Police dismissed them from the area, they then moved to the Westgate Mall parking lot and Bethlehem Police have dismissed them from the area. Sunday evening there was a loud noise projected toward the east side of Allentown and heard by Code Enforcement Officer Barry Dannenhower who resides on the east side near Dieruff High School. Mr. Dannenhower investigated the situation and found that individuals were parked in the back lot of one of the Township's flex buildings at 904 Marcon Blvd. He called the officer on duty, John Lemos. By the time Mr. Lemos got there, they were gone. It seems this situation is going to keep happening. A discussion ensued. Mr. Tocci asked Mr. Eaton if there is anything we or the police can do. Mr. Eaton replied that the police cannot enforce ordinances. The police only enforce state ordinances. We can only enforce the ordinances if it is taking place on one of our properties. They would then be trespassing. Mr. Eaton will research if the Township Code Enforcement Officers can cite individuals by license plate numbers on their vehicles.

6. Mrs. Roth said that under the Administrative Code Section 405 states there are limitations on attending schools, conventions and seminars at the Township's expense. Mrs. Roth asked for a Motion on the floor because Councilman Heimbecker and Chairman Paulus will be attending the PSATS Hershey Convention in May.

and will have to finish it if there is not a Public Works Supervisor in place by then. The pickup truck that was ordered will be received this week. The vehicles slated for purchase under the Capital program, the new shoulder mower. Joe Fragnito and Forrest Graver in Public Works will do research on it and will discuss if they will purchase it. Winter is a good time to purchase it so it's ready to go for summer. With the sale of all the old equipment, it can still proceed. Regarding the pole barn, it is erected and inspected. The Township Engineer is working with Dutchman for payment. The electric is being installed and the garage door openers should be in within a couple of weeks.

5. Storm Water Issues

Mr. Mouer reported that under the MS4 Program, the Township is required to advertise to have a short presentation about the MS4 Program and to open up any discussions from the public. Mr. Mouer felt that with all that's been going on, it is a good time to bring to the Board's attention where the Township is with this program and where it's slated to go. Where it is at presently, it will run by itself at this point with some watching over it. At this time, Mr. Mouer gave a brief history of the inception of the MS4 Program here at Hanover Township. Mr. Mouer said that DEP did audit the Township in November. DEP gave the Township an A+. The DEP representative stated that Hanover Township has one of the best run programs that he's seen. They are trying to get through all of Lehigh County. In the future, whomever is the new Township Manager and Public Works Director should be versed about MS4. They should be able to continue with what's already in place in the Township because of the way it's set up.

Regarding the Pollution Reduction Program, Mr. Eaton is working with the Federal Government, and getting some easements. There are three other construction projects that need to be completed within the next four years. Mr. Mouer spoke with Keystone Consulting Engineers' MS4 representative, Ben Bowen who will monitor this and work through it with Mr. Kortze until there is a Manager and Public Works Supervisor in place. Mr. Mouer asked the Board to maintain the Budget at \$100,000 per year for the next three years to maintain these projects. In closing with MS4, the Township is meeting the requirements for having the meeting to give everyone a little vignette of where it is at, where it's going and where it will end up. Mr. Mouer said to just try and keep the waterways clean at this point. Councilman Tocci asked Mr. Mouer if one of the things put on hold is the planning and presentation for the trail. Mr. Mouer will be meeting with Mr. Kortze next Wednesday regarding this subject. They will put together an information packet for the Board. The D&L Trail is one of the Capital projects that will need a Manager or Public Works Supervisor to engage with. Even though we have the money budgeted, the rebuilding of it is one part but then the lower half is the other part, which is more long term. Keystone will proceed with doing deed search and surveying to see what is actually the Township's property and what is not. Chris from Wildlands Conservancy will be in contact with Mr. Kortze's office. The Township will keep this avenue open.

Mr. Tocci told Mr. Mouer that personally he appreciates all he has done for the Township and his availability was noted. He appreciates all the assistance at their neighborhood intersection and all the trimming of trees and site line creating safety

for his children. Mr. Tocci wished Mr. Mouer the best of luck and told him he will be missed. Mr. Woolley said it has been a pleasure working with Mr. Mouer for the past nine years.

6. Fire Company Report (Written)

Garren Knoll, Fire Chief, for Han-Le-Co Volunteer Fire Company No. 1 addressed the Board. He gave an update on the happenings of the Fire Company for 2019. Mr. Knoll provided a copy of his report to the Board for their review, which includes a breakdown of every incident that Han-Le-Co had in 2019. Mr. Knoll said that a Letter of Intent was also included in Council's packets regarding what the previous Township Manager, Chris Garges, had started regarding Mutual Aid with other municipalities. They had their first meeting last week with Whitehall, North Catasauqua, Catasauqua and Han-Le-Co which lasted two hours. Along with Fire Chiefs in attendance, there were some borough and township managers also in attendance to discuss where their respective fire companies are in the volunteer world. The biggest issue seemed to be manpower. The Letter of Intent provided to the Board is for a grant to go through an audit for each individual fire company. Since it is a grant, it is funded by the state to do an audit and they then take all the companies that go together through mutual aid and will come back with recommendations where they feel there are some weaknesses and/or strengths. They'll make recommendations to help with manpower and training. Mr. Knoll is seeking the Board's approval to have the Township sign the Letter of Intent so they can move forward and apply for the audit.

Motion: I move that we authorize the Interim Township Manager to sign the Letter of Intent on behalf of the Township to give permission to Han-Le-Co Volunteer Fire Company to request assistance from the Department of Community & Economic Development as presented.

Heimbecker, Woolley: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

Fire Chief Knoll thanked the Board and told them that the Fire Chiefs and other township managers will be holding meetings monthly going forward. He asked if could get someone from the Board to attend some of these meetings to represent the Township. Their next meeting is scheduled at 8:30 a.m. on February 6, 2020.

Councilman Heimbecker questioned the 34 incidents logged in as unconscious incidents. He wanted to know if they were individual incidents and Mr. Knoll replied that they were. Mr. Heimbecker also mentioned that his company has a program running with the Lehigh Valley Phantoms where they recognize first responders. Mr. Heimbecker asked Mr. Knoll to poll his firefighters and other firefighters and to recommend someone that is worthy of this recognition. Mr. Heimbecker told Mr. Knoll he could go on the Lehigh Valley Phantoms website as well to make recommendations.

\$355,044.45. Looking at the items that are left to be completed, most of it is permanent paving, concrete work, and restoration will take place in the spring. The big-ticket items are complete, inspected and found acceptable. Approximately \$70,000 will be remaining for future release. At that time, they will have to provide the Maintenance Bond. A discussion ensued.

Motion: I move we authorize Release of payment, Application #1, Doli Construction Company, Catasauqua Rd. & Pump Station #1, \$355,044.45 as recommended by the Township Engineer.

Heimbecker, Tocci: Moved and Seconded
Heimbecker, Lawlor, Tocci, Woolley, Paulus: Aye Unan.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (01/10/2020); 2019 W2s Processing Fee; Voucher Nos24898-24899 (Prepays), Voucher Nos. 24900-24924, from the General Fund Account in the amount of \$190,518.12; Voucher Nos. 175 from the Liquid Fuels Account in the amount of \$5,778.20; Voucher Nos. 4468 from Capital Reserve in the amount of \$54.25; Voucher Nos. 4339-4343 from the Water Account in the amount of \$6,933.32; Voucher Nos. 5821-5826 from the Sewer Account in the amount of \$19,967.41 for a Grand Total Expenditure of \$223,251.30.

Paulus, Woolley: Moved and Seconded
Heimbecker, Lawlor, Tocci, Woolley, Paulus: Aye Unan.

Courtesy of the Floor:

Mr. Heimbecker said he had a question from the residents of the Sherwood, Tacoma and Troxell Streets area. Will there be a mailer with the schedule for the reconstruction of the street and curbs? Mr. Kortze replied that they will either do a mailer or door tags, which is fairly common and takes place before any construction starts. Mr. Kortze spoke to the contractor who indicated that he could get started but with the weather he was unsure. Mr. Kortze told him he would bring it to the Board. Mr. Kortze asked the Board if they would be inclined to hold off until the weather improves and give the contractor an official notice to proceed of March 1, 2020, it would give them sufficient time to complete the work. Mr. Kortze said normally they like to see a 90- day settlement period for any kind of work within the street before they would do any major road resurfacing/reconstruction. The Board would like them to start as soon as possible.

Adjournment:

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Vicky Roth
Interim Township Manager