

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

April 17, 2019  
7:30 P.M.

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

Absent: Councilmen Heimbecker and Tocci

Attendance: 5

Courtesy of the Floor: Rockefeller

Christopher Garges, Township Manager, advised the Board that Rockefeller contacted him today and asked him if he thought they should attend this evening and explained to him where they were. They intend to come before the Board at one of the next meetings. At the moment, they do not have a formal notice to proceed from PennDOT for this construction season. Presently, they are working on the traffic control. If any of the Board members have been on Race Street, they can see that there are different elevations from new roads to old roads. They are trying to work through how the traffic movements are going to take place as they construct areas and move traffic around. Once they get that all worked out, they will have a start date and they will be able to advise Council on that. They are hoping that by the May 15 Council meeting they will be able to come before the Board and give an update.

Mr. Tom Hutterer, 740 Lloyd Street, approached Council regarding receiving a letter in the mail regarding zoning changes for 710 Lloyd Street before the Zoning Hearing Board on April 25. There was no time noted on the letter, but he later found out it would be at 7:00 p.m. He wanted to know from the Board if the Township was going to reissue new letters including the time of the meeting in it. Chairman Paulus directed this to Mr. Garges. Mr. Garges replied that, yes, they will be reissuing new letters. It will be 7:30 p.m. on April 25, 2019, which is also #1 on his Manager's Report that was included in Council's packet. Mr. Garges said that what Mr. Hutterer is referring to is a Variance Appeal Application that was submitted to the Township that will be heard Thursday, April 25, 2019, for 710 Lloyd Street, which is presently a vacant parcel. Previously, it was where Lehigh Gas had their office and where they stored some equipment. The Application is a two-part application. When the Applicant came before Mr. Garges requesting approval for use for a business that is already located in the Township, Mobile Mini, which is basically storage trailers that are stored on a property. When a customer needs storage, they may need one, two or three units, they would call in and they get dispatched out. It is primarily an office and storage-type use. Where it is located presently on Weaversville Road, it is in a Planned Industrial Office (PIO) Zoning District and it is permitted. The property in question is presently located in the PUD district, which that use, according to his determination and he and Jackson Eaton, Township Attorney, looked through the Ordinance and they determined that use is not permitted. The Applicant is seeking an interpretation from the Zoning Hearing Board that Mr. Garges' interpretation was not correct and then the alternate if the Zoning Hearing Board

would make the determination that Mr. Garges ruled correctly then they would be asking for a Variance to allow a nonconforming use to replace another nonconforming use. The Township's Zoning Ordinance has the provision that if you have a piece of property that has a nonconforming use and you want to change it to another nonconforming use; you need to go before the Zoning Hearing Board for a variance. Mr. Hutterer said at the present time they are using it for old storage tanks and gas pumps. He wanted to know if they are allowed to store that there. Mr. Garges said they did have approvals for that in the past. Mr. Garges mentioned that he is with the Township a little over a year and he did not actually issue the permit for them to do so. Lehigh Gas was legally operating out of there, but during Mr. Garges' time at the Township, they were not utilizing it that he knows of. He said the main use there was actually the office. The Variance Application is more geared to storage of containers and that is why Mr. Garges felt the use was somewhat different than what was there.

Approval of Minutes: April 3, 2019 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the April 3, 2019 Regular Council Meeting and accept same as presented.

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

Aye Unan.

Reports:

1. Christopher J. Garges  
Township Manager

A. 710 Lloyd Street – Variance Application submitted for April 25, 2019 Zoning Hearing Board (ZHB) to transfer from one nonconforming use to another. Mr. Garges said Applicant is proposing an office with outdoor storage of mobile storage containers.

B. Mr. Garges included information on the waterfall repair at Canal Park in Council packets. He said there are two options, pond less waterfall or pond with waterfall. Both of these options are in the \$13,000 to \$14,000 range. Mr. Garges is seeking Council's direction regarding same since it was discussed at the last meeting. He did not include photos but did include the scope of work for each of these two options. Jeff Mouer, Public Works Supervisor gave a description of the scope of the work. A discussion followed. Councilman Lawlor asked which is easier to maintain and Mr. Mouer replied pond less. The Board was in agreement to do it pond less.

C. Mr. Garges is seeking authorization to write to Senator Boscola in opposition of the "Heffley Bill" HB 349 which was passed last week requiring municipalities to provide more than one Third Party Building Inspection Agency. Mr. Garges explained that when the Construction Code came through it gave municipalities one of three options. A) You could let the Department of Labor and Industry enforce the Building Code, B) you could hire inhouse building code officials, or C) you could have one or multiple third-party building inspection agencies. This was basically done as an option to reduce the costs for municipalities so they didn't have the

overhead carrying smaller municipalities that didn't have full-time work for code officers and could split it with third-party agencies. From what Mr. Garges understands is the impetus behind this bill is the construction industry. They basically are looking to get into utilizing whatever third-party agency they would like to utilize. Their argument is that the current process there are either conflicts of personality that can't be resolved or timing issues with permit reviews. Mr. Garges said neither of these are issues at the Township. The strong arguments on the other side of that from PSATS and many of the Pennsylvania Building Code Officials (PENNBOC) is that there is a mechanism if there are issues with a third party that they can go to the governing bodies of the Township and that they don't need to change the law. There are already provisions at the municipal level for this. Presently, the Township has Base Engineering (Base) as their third-party building inspection agency. They handle the Township's Property Maintenance, but also handle all the building inspections. Mr. Garges said when you introduce new building inspection agencies, there is a lot more to manage, i.e. annual certificates, certificates of insurance, certifications of the inspectors actually doing work. Mr. Garges said the Township has not had any complaints about the current inspectors. Base is very timely and very accessible. Mr. Garges feels it would have a negative impact for the Township from an operational standpoint and from the service standpoint. Base provides an excellent service already. Mr. Garges said, personally, he is not in favor of this Bill and he does not think it will be a good thing for the Township, itself. Mr. Paulus asked Al Kortze, Township Engineer, what his thoughts were on this. Mr. Kortze replied that the inspectors would still need to be certified and it gives the builders more choices that they can find someone that is more favorable. A discussion followed. Council gave Mr. Garges authority to write the letter to Senator Boscola in opposition of the "Heffley Bill".

D. Mr. Garges gave an update on the Township's annual MRM dividend checks received on April 16. Workers Comp, premium was \$14,522 and dividend was \$14,522. Property/Liability, premium was \$51,821 and dividend was \$9,059.77. This is calculated on a five-year rolling basis, which means over the last five years the Township's claims have picked up some, which is indicative of last year the township received \$12,000 back. The Township received a little less this year, but still getting a decent return for being in a pool. The Township pays a little more but has the opportunity to earn it back. A discussion followed.

E. Mr. Garges reported that the fishing signs were installed last week and opened it up for fishing down at Canal Park. A discussion followed.

F. Mr. Garges reported that the Geotechnical Study was completed on Tuesday out in the field. He is waiting for the report to come back. Mr. Garges thanked Mr. Mouer for being out there and marking up the utilities.

G. Mr. Garges stated that the spring Newsletter should be mailed out within the next week.

2. Al Kortze, P.E.  
Township Engineer

A. Mr. Kortze reported that they are done with the plans for Catasauqua Road and Pump Station. They are finishing the specs and hopes that by next Council meeting, he can request authorization to advertise for these projects.

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

A. Mr. Eaton said he has nothing to report.

4. Maintenance Report (Written)

A. Mr. Mouer reported on one open item from last meeting. He provided pics of five different styles to replace the water fountain at the Armed Forces Memorial and gave descriptions as to their weight and height and said they are made of concrete. Mr. Mouer explained shipping and maintenance costs. Council agreed that the bigger and heavier they are the better so they don't get moved around or stolen. Mr. Mouer said the cost would be approximately \$1,000 - \$1,100 for three of them. A discussion followed. Council was in agreement to allow Mr. Mouer to follow through with the plans as discussed for replacement of the fountain at the Memorial at Canal Park.

5. Storm Water Issues

None.

6. Fire Company Report (Written)

A. Mr. Paulus said he spoke with the Fire Chief this afternoon. He contacted Mr. Paulus and would like to have a meeting regarding not paying an invoice for their sign. He will address Council at next month's meeting.

7. Code Enforcement Report (Written)

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated April 17, 2019, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

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

Aye

Unan.

9. Building Inspector's Report (Written)

Unfinished Business: None.

New Business:

1. Bill No. 2018-17, An Ordinance Amending the Zoning Map of Hanover Township Changing the Classification of Certain Land East and West of Willowbrook Road from Planned Commercial (PC) or Planned Residential (PR) to Planned Industrial Office (PIO) (Public Hearing)

Mr. Eaton explained that the Infrastructure Agreement signed between Hanover Township, the Airport and Rockefeller for improvements along Willowbrook Road contained a provision which Hanover Township negotiated to get into the Agreement requiring Rockefeller to make efforts to develop land within the Township because all of the taxable land related to that development is in Allen Township. Pursuant to that they looked into land in the northern part of the Airport property just south of the Allen border which is currently zoned PC and PR and they have plans to develop it but need a zoning change to PIO to make it compatible with the current development. Mr. Eaton said the request is for the areas shown on the attachments, Exhibit "A", of the Bill to be changed. The area on the west of Willowbrook Road, which is presently zoned PC to be zoned PIO and immediately to the south of it is land that is already PIO. It will just be a continuation of the existing zoning calculation under zoning category all the way up to the Allen border on the east side of Willowbrook Road is intended long-term development of that very large tract that goes all the way out to where Willowbrook Road is PR. The only area that they have plans for now is a smaller area which Council will see on Exhibit "C" which is the plan and is presently PR and that would be rezoned PIO also. This is in accordance with the Agreement that the Township made with the Developer at the Township's request in the Infrastructure Agreement. A discussion ensued.

Motion: I move that the Township move forward with Bill No. 2018-17, An Ordinance Amending the Zoning Map of Hanover Township Changing the Classification of Certain Land East and West of Willowbrook Road from Planned Commercial (PC) or Planned Residential (PR) to Planned Industrial Office (PIO), as Ordinance No. 612 as presented and discussed at the Public Hearing.

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

Aye Unan.

2. Bill No. 2019-03, An Ordinance Amending Chapter 18, Part 2 of the Statutory Code of Hanover Township to Provide for a Reduced Sewer Allocation Reservation Fee, Collection of Accrued Capital Costs as a Tapping Fee Upon Issuance of a Sewer Permit and Providing for Transfer of Sewage Treatment Capacity from Hanover Township to Other Municipalities (Public Hearing)

Mr. Eaton asked Chairman Paulus that this Bill be tabled. He said he received just today a proposed agreement for transfer of sewer allocation from Hanover Township to Allen Township that Catasauqua had been working on. Mr. Eaton believes the process would go better if that were completed before the Township got involved in amending the ordinances related to this in the middle of the process. Mr. Paulus tabled Bill No. 2019-03.

3. Bill No. 2019-04, An Ordinance Amending Chapter 20, Part 4, Section 403 of the Statutory Code of Hanover Township to Establish a date for Mailing Bills for Solid Waste Collection and Recycling Fees and to Allow Waiver of Collection of Such Fees in any Year by Resolution of Council. (Public Hearing)

Mr. Eaton said Council will see a new copy of a Resolution for collection of solid waste fees. It requires the amendment of Sections 402 and 403. When this was introduced, they tried to put all the changes in Section 403. This also amends language in Section 402. There is no substantive change. It's doing the same thing, but there are other sections of the Ordinance that also refer to the matters at issue. It allows Council to set dates for the bills to go out and allows Council to waive the fees and it provides Council to establish fees by resolution. Mr. Eaton is asking Council to make a Motion to amend the bill that was introduced the last time in conformity with the revised copy that he gave to Council this evening.

Motion: I move that we approve Bill No. 2019-04, An Ordinance Amending Chapter 20, Part 4, Section 403 of the Statutory Code of Hanover Township to Establish a date for Mailing Bills for Solid Waste Collection and Recycling Fees and to Allow Waiver of Collection of Such Fees in any Year by Resolution of Council as presented as Ordinance No. 613.

Paulus, Woolley: Moved and Seconded

Lawlor, Woolley, Paulus: Aye Unan.

Motion: I move that we approve Ordinance No. 613, Bill No. 2019-04, An Ordinance Amending Chapter 20, Part 4, Section 403 of the Statutory Code of Hanover Township to Establish a date for Mailing Bills for Solid Waste Collection and Recycling Fees and to Allow Waiver of Collection of Such Fees in any Year by Resolution of Council, as amended.

Woolley, Lawlor: Moved and Seconded

Lawlor, Woolley, Paulus: Aye Unan.

4. Resolution 2019-31, A Resolution Designating Thursday, May 2, 2019 as State Police Day in Hanover Township (Vote)

Motion: I move that we approve Resolution 2019-31, A Resolution Designating Thursday, May 2, 2019 as State Police Day in Hanover Township as presented.

Paulus, Woolley: Moved and Seconded

Lawlor, Woolley, Paulus: Aye Unan.

5. Northampton Airport Authority's request to extend the improvements agreement for Hangar 11 with Hanover Township until December 31, 2019 (vote)

Mr. Paulus asked Mr. Kortze why the Airport ran out of time. Mr. Kortze replied that they have been moving slowly due to utility conflicts. When looking at the plan you could see a sanitary sewer line that had five crossings that they had to make. They hit a couple of sinkholes. They've gotten to the point where they have most of the secured improvements in place, but with the building, they are just now working on the footings. They have a long way to go from the building standpoint and the weather has not cooperated. Mr. Kortze said they have inspected everything that they put in from a security standpoint. No big snags. Just slow going. Mr. Kortze is okay with giving them the extension.

Motion: I move that Council accepts the request of Northampton Airport Authority to extend the improvements agreement for Hangar 11 with Hanover Township until December 31, 2019.

Paulus, Lawlor: Moved and Seconded

Lawlor, Woolley, Paulus: Aye Unan.

6. Authorization for the Township Manager to bid the Township Pole Building located at 1003 Postal Road on PENNBID (Vote)

Motion: I move that Council give authorization for the Township Manager to bid the Township Pole Building located at 1003 Postal Road on PENNBID

Paulus, Woolley: Moved and Seconded

Lawlor, Woolley, Paulus: Aye Unan.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (03/22/2019), Payroll 04/05/2019); Voucher Nos. 24292-24312 (Prepays), Voucher Nos. 24313-24367, from the General Fund Account in the amount of \$187,396.09; Voucher Nos. 166 from the Liquid Fuels Account in the amount of \$5,486.47; Voucher Nos.4419-4423 from Capital Reserve in the amount of \$19,465.62; Voucher Nos. 4769-4770 (Prepays), Voucher Nos. 4771-4772 from the Escrow Account in the amount of \$906.00; Voucher Nos. 4281-4289 from the Water Account in the amount of \$5,246.28; Voucher Nos. 5729 (Prepays), Voucher Nos. 5730-5736 from the Sewer Account in the amount of \$14,164.69 for a Grand Total Expenditure of \$232,665.15.

Paulus, Woolley: Moved and Seconded

Lawlor, Woolley, Paulus: Aye Unan.

Courtesy of the Floor: None.

Adjournment:

The meeting was adjourned at 8:17 P.M.

Respectfully submitted,

Christopher J. Garges  
Township Manager