

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

November 20, 2019
7:30 P.M.

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

Absent: Councilman Heimbecker

Attendance: 5

Courtesy of the Floor: None.

Approval of Minutes: November 6, 2019 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the November 6, 2019 Regular Council Meeting and accept same as presented.

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

Aye

Unan.

Reports:

1. Vicky Roth

Interim Township Manager

1. Mrs. Roth reported that the Planning Commission met last evening regarding the property located at 1830 Race Street and received approval which means there will be an addition to the property.

2. The end-of-year meeting has been scheduled for Friday, December 27 at 4:00 p.m. Mrs. Roth will need a quorum. Chairman Paulus told Mrs. Roth she will have three members for that afternoon.

3. Mrs. Roth included the Lehigh County's Tax Collection Audit in Council's packets. They meet semi-annually of which she will have a meeting tomorrow morning to attend.

4. Hanover Township has approximately nine commercial parcels which will be sold in the very near future. This will have an impact on the Township's Deed Transfer Tax.

5. As Council is aware, the ad for Township Manager has been posted on the PSATS site. Mrs. Roth asked Council if they would like it posted on the Township's website and social media. Mr. Paulus replied yes it should.

6. Mrs. Roth reported that the Township's Calendar is completed and ahead of schedule and will be mailed out to residents shortly. They should receive it by the first week in December.

7. Mrs. Roth discussed River Central. Councilman Heimbecker is not present this evening, but he wanted this project to go forward. River Central met last evening. Due to Mrs. Roth having a Planning Commission Meeting, she sent Josephine Romano, Interim Township Clerk, in her absence. Ms. Romano took notes at the meeting and they were given to Council this evening for their information. Mrs. Roth said it seems that Northampton Borough may be joining the group. If this happens, the Township's cost will decrease a few hundred dollars. The cost to the Township is approximately \$20,000 for their share. River Central's kickoff is scheduled for Thursday, January 9 at 6:00 p.m. at the Hanover Township Municipal Building. Mrs. Roth said she will advise the Board of any further information. Since this would be the kickoff, possibly members of the Board will be available to attend. The former Township Manager, Chris Garges, had stressed that the Manager attend these meetings along with a representative from the Planning Commission. River Central would also like a representative from Council to attend with an alternate. This concerns a regional Comprehensive Plan and is important to the future development of the Township.

8. After Council adjourns this evening, Mrs. Roth requested a short Executive Session to discuss a personnel matter.

Mr. Paulus said he received a call from the Hillside Group which is the Developer of the Township's Airport Shopping Center which would be the Developer for the GoodMac Property. A few months ago, the Board made a decision regarding the GoodMac Property to not correct the zoning error that was found. Mr. Paulus said he would have addressed this much sooner, but as everyone knows 2019 has not been kind to him and now the Township finds itself in this position. The Developer is looking at litigation. Mr. Paulus asked Rick Albertson, one of the principals of the Hillside Group to type out what he and Mr. Paulus discussed. Mr. Paulus printed out a copy for staff and Board members to review. By not correcting the error, it will be a losing endeavor by this Board. If Hanover Township chooses litigation, it will end up with parking spaces and no retail. Mr. Paulus said litigation is not the answer to control development. The Township controls development with their zoning laws and being involved with projects. Mr. Paulus said that Mr. Albertson is basically the middle man and trying to get it resolved properly. The Township cannot expect a developer to buy a piece of property for \$3,000,000 and because they found a little zoning error, hold things up and not allow them to develop the property. When they purchased the property, Hillside had a lawyer that searched the Deed and everything came back proper. This is a glitch that neither party knew about. A discussion followed.

Motion: I move that the Board make rectify the zoning error.

Paulus, Woolley: Moved and Seconded

Jackson Eaton, Township Solicitor, said his thoughts are that the easiest way to accomplish this would be to have a Motion that the previous Bill for rezoning would be reintroduced for consideration because the previous Bill was all set to go. Councilman Tocci addressed Mr. Eaton. He said it is being brought up now as a loser and Mr. Albertson uses the term legal and yet when Council spoke to Mr. Eaton at a previous meeting where the room was filled with residents from that area and Mr. Eaton advised the Board that it could go to litigation. Mr. Tocci wanted to know if Mr. Eaton is giving that same assessment. Mr. Eaton said he would go into Executive Session if the Board wants his analysis. It can either be considered now or when they hold Executive Session after the meeting adjourns. The Board decided to address this matter in their Executive Session. Mr. Tocci said that since the move that Mr. Eaton is suggesting that it would have to be reposted so that all the residents who came forth expressing that they don't want that property developed would have an opportunity to know that it's coming back. Mr. Eaton said the entire matter would have to go through a process just like any other zoning ordinance.

Motion: I move we table the Board's decision to rectify the zoning error until after discussions in Executive Session.

Paulus, Woolley: Moved and Seconded

Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

Councilman Lawlor asked Mrs. Roth to send a reminder to the resident that resides at the corner of Ulster and Pennsylvania Avenue regarding the covering of his jeep. It is barely attached to the frame. Mrs. Roth will notify the resident.

2. Al Kortze, P.E.
Township Engineer

1. Mr. Kortze reported that early last week he sent the Intent to Award and the Agreements to the low bidder for the Troxell Street Neighborhood Project. Once he receives the agreements back meetings can be scheduled with the contractor and go from there. He will keep Council and staff posted.

Mr. Tocci asked Mrs. Roth when she met with the Planning Commission regarding Race Street, which property was she referring to. Mrs. Roth said it was the old GE building. Within the last year, it has been sold and the new owner would like to expand. Mr. Tocci wanted to know if it will come before Council at the next meeting. Mrs. Roth replied yes.

Mr. Tocci questioned the parcels that Mrs. Roth mentioned under her Report. He wanted to know if they were undeveloped parcels. Mrs. Roth said the parcels are parcels of land with buildings on them that are set to be sold in the very near future. They are substantial

parcels with substantial buildings on them. Therefore, it will have an impact. Mr. Tocci asked if she had the information regarding said properties and buildings at the Township Building and if he could stop by to review them. Mrs. Roth replied yes.

Mr. Tocci said after he read through the last meeting Minutes, it mentioned that the KRE Group which came before Council, offered Council and staff a tour of either their properties or of the site in the Township. Mr. Tocci asked if there has been any contact regarding this. Mr. Paulus said he did not call them since the Board was not in favor of their proposal. They most likely will be coming back to the Board with another presentation. Mr. Tocci is interested in touring the site. He is mainly interested because of the location. Since Mr. Paulus said the Board overall was not favorable, did the Township not officially ask them to do a traffic study. Mr. Tocci recalls that they offered to do one. Mr. Paulus said KRE is going to do a traffic study on their own. Councilman Woolley said they don't want to put a warehouse there, which by right they can do. KRE feels their proposal is better than a warehouse. Mr. Tocci looking at the plans asked if all the traffic was going to be American Parkway and St. Luke's Way for the in and out for the proposed development. Mr. Kortze replied that there were no new points of contact to any public street. Mr. Woolley said they mentioned that it would lessen the traffic because most of the people work at St. Luke's. Mr. Kortze said KRE indicated that they would put together a traffic study whether Council wanted to see it or not. Mr. Tocci said it sounds like they will be coming back to the Board. Mr. Paulus said they didn't say they were but his feelings are that they will come back. They want to address the questions that were asked of them.

Mr. Tocci thanked Ms. Romano for the detailed minutes because they helped him since he was absent from that meeting. He also mentioned that he appreciated that Ms. Romano went back to the October 7 meeting Minutes to include his comments from that meeting.

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

1. Mr. Eaton reminded Council that as noted at the last meeting, he sent out the Willowbrook Rd. Service Agreement. The terms of the Agreement have been reached and they are in the process of signing same. Mrs. Roth said she was given the signed Agreement this evening.

4. Maintenance Report

Mr. Tocci asked Jeff Mouer, Public Works Maintenance Supervisor, since the JP Mascaro contract was renewed at the last meeting, if pickup starting times could be addressed with them to not be so early in the morning. Mr. Mouer said he was not part of the review process. That question would have to be addressed by the Manager and Attorney. It was a bid from two years ago and would be a legal question. Mr. Eaton said he would need to look at the Agreement, but he thinks that operational issues like this could be addressed with them without looking over the Agreement in full. Mr. Tocci said that when the previous Manager, Mr. Garges, was here he would just make a phone call and they would be very cooperative. Mr. Eaton said he would discuss it further with Mrs. Roth. A discussion followed.

Mr. Tocci addressed the D&L Trail improvements which were discussed at the previous meeting. Mr. Tocci wasn't clear if the Board was supposed to be voting on it this evening. Mr. Mouer said he spoke with Mr. Kortze after the last meeting. Mr. Mouer said he is anticipating that he will be more prepared to bring a more detailed presentation to the next meeting. He knows that the Township's portion of the undeveloped D&L Trail is sought at as being a catalyst to opening up the rest of the way to Allentown. With the Board's approval of their participation in clearing and doing certain things, will help the process. Mr. Mouer has a meeting on Friday with Wildlands Conservancy and Lehigh County Parks and he will have more information. Mr. Mouer discussed it with Mrs. Roth today that he is anticipating giving a presentation at Council's next meeting with better answers for them.

Mr. Tocci thought his wife and kids would be at meeting this evening. If they would have been done in time from their sports activities, they were going to stop by to thank Mr. Mouer for having the bus stop signs printed and displayed and clearing out the intersection. It has definitely been an improvement. Everyone feels safer because of it. Mr. Tocci said since the site lines are so much better that Yocco's really stands out now where it was the one place where there was the blind spot, does Mr. Mouer have an update on it. Mr. Mouer said he sat with Mrs. Roth this past week and they made a final determination and sent an email to the owner of it explaining five different issues that the Township has of where it is located and the issue is where they want to place it, they cannot do that. Mr. Mouer said they haven't received a response as of yet. Mr. Mouer will do a follow-up on Friday. The Township sent the owner copies of their Ordinance and information that he needs to make a determination. Mr. Tocci asked Mr. Mouer if when he spoke to the owner could he sense if there was a sentimental value. They have never seen it used. Mr. Mouer said it has a sentimental value because of the advertising on it.

Mr. Tocci said one of the neighbors has been asking and he has also seen in the mornings going to school that the longer the Township waits to post that there should be no trucks on Middle Lloyd St. the more it is being used. He noticed that the arm that traffic signals are on have the street name on it, etc. What is the objective of putting the No Truck Traffic sign there? Mr. Mouer said to answer Mr. Tocci's question, tomorrow the signs will be posted. Mr. Mouer said they had to wait for Buckeye Pipeline. They need to be there when signs are being installed. Mr. Mouer said he wanted to take care of it on Monday but couldn't get a representative from Buckeye until tomorrow at 9:00 a.m. Mr. Mouer has communicated with the Manager of Prologistics. He has not heard back from them. The Township should follow up with a letter and the Township's Solicitor will also follow up with a letter to PennDOT at some point. Mr. Tocci asked Mr. Mouer if the signs are going up where he wanted them and Mr. Mouer said he actually added a few more. Mr. Woolley said how can they access their property wants that is shut down. Mr. Mouer said they can go Airport Rd. to American Parkway and up Irving St. or down Airport Center to Irving St. or go Airport Rd. to Postal Rd. Mr. Woolley said Airport Center has it posted that they don't want thru traffic. Mr. Mouer understands it's a private road. Mr. Woolley asked if they have to have two ways into their property and Mr. Mouer said they have two ways into and out of their property.

5. Storm Water Issues – None.
6. Fire Company Report (Written)
7. Code Enforcement Report (Written)
8. Treasurer’s Report (Written)

Motion: I move we accept the computer printouts dated November 20, 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, Tocci, Woolley, Paulus:

Aye Unan.

9. Building Inspector’s Report (Written)

Unfinished Business: None.

New Business:

1. Authorization to reduce the Letter of Credit for Rockefeller Group #12, Phases 1 & 2 (Vote)

Mrs. Roth said she has before her a request for authorization from Council for a reduction of Letter of Credit for Rockefeller Group in the amount of \$21,723.54. The Township has a letter from the Township Engineer and after their review of same they recommend the approval of authorization.

Motion: I move Council give Authorization to reduce the Letter of Credit for Rockefeller Group #12, Phases 1 & 2 in the amount of \$21,723.54 as recommended by Keystone Consulting Engineers.

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

Aye Unan.

2. Resolution No. 2019-42, A Resolution Granting Final Lot Consolidation Approval, RG Hanover LLC, Willowbrook Rd, Allentown, PA 18109 (Vote)

Joe Fitzpatrick, Attorney for RG Hanover LLC, introduced himself to the Board. In attendance with him were Johanna Chervak with the Rockefeller Group and Dan Salameda with BL Engineers. Mr. Fitzpatrick said this is the first step in a project that was actually promised to the Township a couple of years ago and due to municipal and county lines and tax parcel slicing through, they had to take four separate parcels, reconfigure them, subdivide them and then consolidate the four into one single tract, 32.56 acres, which is before Council this evening. This is the first step in moving toward an economic development project that will be processing through the holidays and into the New Year. All of the Township Engineer’s comments, which are minimal, are acceptable to them. They understand and are

working with the Township relative to the encroachments presented by the residential neighbors with their sheds. Other than this, Mr. Fitzpatrick said he believes the engineers are in sync in terms of everything that needs to be done with this plan. In order for RG Hanover to acquire the land, they need a Lot of record and the reason they are before the Board, to create a 32-acre Lot. Mr. Fitzpatrick said the comments that are outstanding are all acceptable to them. A discussion ensued.

Motion: I move that Resolution No. 2019-42, A Resolution Granting Final Lot Consolidation Approval, RG Hanover LLC, Willowbrook Rd, Allentown, PA 18109 be adopted as presented.

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

Mr. Eaton wanted to bring the Board up-to-date regarding this development. He said they asked for two deceleration lanes within their lot on the west side of Willowbrook Road, which was mentioned in a previous meeting regarding this project. The Township asked for a schedule so they can be sure of what's being done and that it is not going to delay the final paving in the spring. A copy of the schedule for each step of the project was provided to the Township Engineer. All the ground work should be done so it does not delay road work including the two lanes being paved all at one time in the spring. The objective is to have everything done smoothly.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (10/18/2019), Payroll (11/1/2019), Payroll (11/14/19), Payroll (11/15/2019); Voucher Nos. 24739-24758 (Prepays), Voucher Nos. 24759-24812, from the General Fund Account in the amount of \$154,114.29; Voucher Nos. 173 from the Liquid Fuels Account in the amount of \$5,625.63; Voucher Nos. 4456-4460 from Capital Reserve in the amount of \$8,347.13; Voucher Nos. 4893 (Prepaid), Voucher Nos. 4894 from the Escrow Account in the amount of \$1,434.00; Voucher Nos. 4329 (Prepaid), Voucher Nos. 4330-4332 from the Water Account in the amount of \$4,999.07; Voucher Nos. 5798 (Prepaid), Voucher Nos. 5799-5806 from the Sewer Account in the amount of \$35,014.59 for a Grand Total Expenditure of \$209,534.71.

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

Courtesy of the Floor: None.

Mr. Paulus said the Board and Township Manager will go into Executive Session and will not be returning to the meeting with any decisions.

Adjournment:

The meeting was adjourned at 8:06 P.M.

Respectfully submitted,

Vicky Roth
Interim Township Manager