

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

August 7, 2013
7:30 P.M.

Present: Councilmen Atkinson, Dreisbach, Kovacs, Paulus, Woolley; J. Jackson Eaton, III, Esquire; Frederick W. Hay, P.E.; Sandra A. Pudliner; Vicky Roth

Absent: 0

Attendance: 11

Opening of Bids: 1. Bid No. 2013-02, 2013 Road Program

Prior to the opening of bids, Councilman Kovacs asked the Township Engineer if he would advise all in attendance exactly what the 2013 Road Program entailed. In that regard, the Township Engineer noted that the project will consist of cold recycled bituminous base course and bituminous wearing course overlay of Grove Road, mill and overlay of Lower Lloyd Street and Cascade Drive, bituminous wearing course overlay of the parking lots at the Township Municipal facility and reconstruction of Pennsylvania and Catasauqua Roads (approximately 250 sq. yards) all as outlined on the plans and specifications for the Road Program. At this point in the meeting, Council opened the two bids received regarding the Road Program. Council acknowledged receipt of a bid from Muschlitz Excavating of Bath, Pennsylvania, with a 10% bid bond in a total amount of \$58,274.80. Council also acknowledged receipt of a bid from Bracalente Construction of Northampton, Pennsylvania, along with a 10% bid bond in the total amount of \$52,439.00. In that regard, the Board made the following motion:

Motion: I move we accept the bid of Bracalente Construction of Northampton, Pennsylvania, in the total amount of \$52,439, subject to the review and approval of the Township Engineer.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

Courtesy of the Floor: None.

Approval of Minutes: July 17, 2013 Regular Council Meeting

Motion: I move we waive the reading of the July 17, 2013 Regular Council Meeting and accept same as presented.

Dreisbach, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager advised the Board that they have been in receipt of correspondence from the Township's garbage/recycling contractor indicating their desire to extend the Township's current contract for an additional one year. In that regard, a meeting had been held with the contractor as well as the Chairman and Vice Chairman of Council and it was determined at that time that Council should consider the one year extension. It was noted that there would no change in the cost and provisions of the contract would remain the same to include grass pickup. Council determined that the Board as a whole favored the one year extension of the contract and in that regard made the following motion:

Motion: I move that Council authorize the Township Manager to advise J. P. Mascaro and Sons that Hanover Township wished to extend the current contract for garbage/recycling collection for an additional one year period with no change in the cost of the pickup and the provisions of the contract to remain the same including grass pickup.

Kovacs, Atkinson: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

2. The Township Manager advised that a meeting had been held with respect to the proposed Rockefeller Group Land Development with all the affected municipalities, school district personnel, etc. The mailing list and the synopsis of the meeting are currently being prepared and copies of same will be distributed to all Council members. Overall, the Township Manager advised that she felt the meeting was very productive and hoped that future meetings could be held on this matter.
3. With respect to the upcoming Summer Convention of the Lehigh County Association of Township Officials, it was determined that a motion for attendance at the convention is necessary. In that regard, the Board made the following motion:

Motion: I move that Council authorize the attendance at the Lehigh County Association of Township Officials Summer Convention by Councilman Kovacs, the Township's Maintenance Supervisor, Jeffrey Mouer, and the Township's Crew Chief, Josef Fragnito.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

4. The Township Manager advised that the Township Zoning Hearing Board would hear two appeals in the month of August; namely, on August 22, 2013 at 7:00 P.M. The Township Manager indicated that the appeal of A.P. Allentown

Limited Partnership involves the former Carmike outparcel. Apparently, the new owner A. Duie Pyle has provided an easement to the Carmike owners for a free standing sign to be located on A. Duie Pyle's property. The reason for the appeal is that the size of the sign is larger than the Ordinance permits. The other appeal, the Township Manager noted, involves a property on Schoenersville Rd. which is located in the Township's Planned Unit Development District and which has over the years been before the Board for various uses. The new proposed use is a small doctor's office and the Township Manager/Zoning Officer indicated that she felt that this use was appropriate for the property.

Council determined that the Board would take no action with respect to either of the Zoning Appeals.

2. Frederick W. Hay, P.E
Township Engineer

1. The Township Engineer advised that the damage to the pavilion in Chestnut Grove has been repaired.
2. The Township Engineer noted that Service Electric was scheduled to move the lines on Grove Road today, but due to inclement weather will begin the job next Monday.
3. The Township Engineer advised that with respect to Catasauqua Lake, the local representative of the Lakes Commission will be meeting with the Township's Maintenance Supervisor to look at the algae problem in the lake.
4. As Council will recall PennDOT requested an easement from the Township as same relates to the Route 22 Bridge Project. They offered the Township \$4,400 for a Temporary Construction Easement and an Aerial Easement. However, there is an issue with respect to storm water. They are increasing runoff into the Canal and the Township must operate under its NPDES Permit. They refused compensation to the Township for storm water review. Councilman Atkinson questioned whether they can be forced to divert water over to the river. The Township Engineer indicated he did not know how they could do that, but they are not meeting the requirements of the Township's Storm water Ordinance. The Township Attorney indicated that there are two different issues here. He noted that originally the Township thought that if the Township held out on the easement that would give the Township some leverage but it doesn't appear that doing so will give us any leverage and accordingly we might as well grant them the easement. In that regard, the Board made the following motion:

Motion: I move we accept the money from PennDOT for the easements required of the Township as same relate to the Route 22 Bridge Project.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

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

1. The Township Attorney advised that he is still working on the authority of the Fish & Game Commission and the Township in terms of enforcing the No Fishing regulations at Catasauqua Lake.
2. The Township Attorney requested a brief Executive Session to review with the Board an issue involving delay damages. It was determined that the Township would hold an Executive Session after the regular meeting and would not return to the meeting with any decisions.

Unfinished Business: None.

New Business:

1. Resolution No. 2013-24, A Resolution Granting Preliminary/Final Land Development Approval, Airport Point Realty Partners L.P., 1870 Airport Rd., Allentown, PA 18109 (Adopt)

In attendance at the meeting on behalf of Airport Point Realty Partners L.P., were their Attorney, Lisa Pereira, Esquire, their Engineer, Charles Unangst, P.E. and representing the owners, Mr. Rick Albertson. Mr. Unangst provided the Board with a brief overview of the project. He noted that the property is situated at the ramp of Route 22 and Airport Rd. adjacent to Airport Centers with S&E Hospitality located at the rear of the property. It is a small triangular piece of property. The proposal is to construct a 10,000 sq. foot facility which will be home to three separate uses. It was noted that this matter was reviewed by the Hanover Township Planning Commission and that Board made a recommendation for approval to Council. With respect to potential tenants, Mr. Albertson noted that a cellular business is possible, along with a restaurant. He noted that the uses would all be retail. With respect to the conditions for approval, the Township Engineer indicated that the issues in the Resolution are mostly housekeeping issues. With respect to the issues set forth therein, the Developer acknowledged that the conditions for approval were acceptable to them. In resolution of this matter, the Board made the following motion:

Motion: I move that Council adopt Resolution No. 2013-24, A Resolution Granting Preliminary/Final Land Development Approval, Airport Point Realty Partners L.P., 1870 Airport Rd., Allentown, PA 18109 provided all the conditions set forth therein are met by the Developer.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

2. Resolution No. 2013-25, A Resolution Granting Preliminary/Final Land Development Approval, A. Duie Pyle, 2900 Hoover Avenue, Allentown, PA 18109 (Adopt)

Attorney Joseph Piperato representing A. Duie Pyle acknowledged receipt of the Township Engineer's review letter regarding his client's land development project. The Township Engineer noted that the plan complies completely with all the conditions set forth on the project during the hearings held regarding the matter. Councilman Paulus commented that given the close proximity of the proposed land development of A. Duie Pyle to the residential neighborhood he was of the opinion that the doors and windows of the facility should be closed at all times and only open to enter and exit the building. Attorney Piperato commented that his client has complied with all the conditions requested by the Township during the hearing process. Chairman Dreisbach noted that A. Duie Pyle had performed a sound study and that all the recommendations of the sound expert have been addressed.

Councilman Kovacs expressed his concern over the noise possibly affecting the residents in the area. Councilman Kovacs advised that he had specifically listened for noise coming from Airport Rd. and Route 22 and was astounded by the noise level. He advised Mr. Latta of A. Duie Pyle, in attendance at the meeting, that he hoped that nothing like that would come from their place of business. Mr. Latta indicated that he is confident that based on their noise study he does not see any problem.

There was discussion regarding tractor trailers moving back and forth on the property and Mr. Latta noted that there was probably 25 or so going in and out every day. He anticipated no increase in truck activity and he also noted that not all the trucks would be visiting the repair shop every day. Mr. Latta advised Mr. Kovacs that the maintenance of the trucks would be scheduled. Councilman Kovacs questioned whether or not Mr. Latta felt the berm would be helpful and Mr. Latta indicated that was the case and in addition to that he indicated that as the Board may recall, the doors of the facility are facing away from the residential neighborhood. There was discussion about the height of the building and it was noted that the building would be 22 feet high which is higher than the berm which is projected at approximately 13 feet above ground.

Diane Conn of 1821 Sherwood Street approached the Board at this time and indicated that she had spoken to the Township Engineer and Township Manager regarding her concerns. She noted that originally she thought the berm was on three sides of the property. Mr. Hay indicated, however, that the berm was only going down halfway on the south side. She noted that her property is south of the east side of the tract.

Mrs. Ruby Bauer of Pennsylvania Avenue approached the Board at this time and questioned why A. Duie Pyle trucks are going down to the Valley Plaza Shopping Center. Mrs. Bauer indicated that she has seen A. Duie Pyle trucks parked in the parking lot area. Mrs. Bauer noted that she called the Township and informed the Township of what she had seen. She further noted that the next time she sees their trucks in the Valley Plaza parking lot she would call A. Duie Pyle directly and in particular Mr. Latta. Councilman Kovacs questioned Mrs. Bauer as to her statement regarding seeing the trucks and Mrs. Bauer indicated she had seen them

in the area of Dunkin Donuts/Bottom Dollar at least five times. Councilman Atkinson questioned whether or not there is a trailer number on the vehicles and Mr. Latta indicated that there is such a number and if you copy that down they could determine whether or not it is one of their vehicles. Councilman Atkinson suggested that Mrs. Bauer copy down the number on the vehicle and gives that number to A. Duie Pyle. Councilman Dreisbach commented that Mr. Latta should speak to his terminal manager and indicate this concern. If the residents call the Township, the Township can redirect those calls to A. Duie Pyle.

With respect to the land development proposed, it was noted that the Developer would comply with all conditions set forth in the Township Engineer's comment letter dated July 16, 2013. In resolution of this matter, the Board made the following motion:

Motion: I move that Resolution No. 2013-25, A Resolution Granting Preliminary/Final Land Development Approval, A. Duie Pyle, 2900 Hoover Avenue, Allentown, PA 18109 be adopted with all the conditions set forth in the Township Engineer's letter dated July 16, 2013 being satisfied by the Developer.

Kovacs, Atkinson: Moved and Seconded

Atkinson, Kovacs, Woolley, Dreisbach: Aye

Paulus: Nay

Upon questioning when the construction would commence, Mr. Latta advised the Board that it was not their intent to start construction until Spring of 2014.

3. Resolution No. 2013-26, A Resolution Adopting the 2013 Lehigh Valley Hazard Mitigation Plan Update (Vote)

The Township Manager advised the Board that the Township had been requested to adopt the 2013 Lehigh Valley Hazard Mitigation Plan Update and accordingly this Resolution has been prepared in that regard. In resolution of this matter, the Board made the following motion:

Motion: I move that Resolution No. 2013-26, A Resolution Adopting the 2013 Lehigh Valley Hazard Mitigation Plan Update be adopted as presented.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

There was a discussion at this point in the meeting regarding the landscaping around the Municipal Building. It was noted that a new installer has been hired, namely Tall Timbers, a local installer. Tall Timbers has made suggestions with respect to alterations to the existing landscaping which the Board has approved and changes will be made with respect to the landscape property of the Township. The Township Engineer questioned the Board once again with respect to how the Township wished to handle the issue with PennDOT affecting the Township's NPDES Permit. This relates to the Route 22 Bridge

Project. It was determined that the Township could go the Lehigh County Conservation District and make them aware of the problem the Township is experiencing and accordingly Council directed the Township Engineer to do so.

Courtesy of the Floor: None.

As previously noted, the Board will meet in Executive Session after this meeting to discuss a liquidated damage issue. The Board will not return with any decision after those discussions.

Adjournment:

The meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager