

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

April 2, 2014
7:30 P.M.

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

Absent: Councilman Martucci

Attendance: 11

Courtesy of the Floor:

Mr. Tom Lerch, a resident of the Chestnut Grove Towne Garden Development approached the Board questioning the recycling operations performed by the Township's garbage collector, J.P. Mascaro. Mr. Lerch was of the opinion that the recycling was simply put into garbage trucks and he questioned why the Township even has recycling if the material is taken away in that fashion. Mr. Lerch was advised that Mascaro has in place what is known as single source co-mingling or single streaming. The process utilizes two garbage trucks but the materials are taken to Mascaro's new center where new equipment is utilized to separate the materials.

Approval of Minutes: March 19, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the March 19, 2014 Regular Council Meeting and accept same as presented.

Paulus, Heimbecker: Moved and Seconded
Heimbecker, Wegfahrt, Woolley, Paulus: Aye Unan.

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager advised the Board that PennDOT has granted the Township's request for a 30 day extension in which to make a determination regarding the truck access route approval for the Rockefeller project. The Board should be advised that we have also asked what happens if the Township does not grant the approval. I will await further response from the PennDOT representative with respect to our inquiry and will report back to the Board regarding same.
2. The Township Manager advised the Board that she has provided them with a memorandum relative to a meeting held on April 1, 2014 at the Lehigh Valley Planning Commission relative to the Rockefeller FedEx project in Allen Township. The Township Manager noted that after the Board's last meeting and

relatively close to the April 1 date, she received an email from the Lehigh Valley Planning Commission, in particular, Becky Bradley, indicating that she would like to meet with the managers of all the Townships involved to review with them a discussion she had had with the airport and also to provide information and plans regarding the FedEx project. Mrs. Pudliner indicated to the Board that she has attempted to itemize in her memorandum the discussions which took place at the meeting and has attached to the memorandum information as well as drawings of both the airport's master plan update as well as an aerial of vicinity exhibit regarding the Rockefeller Group Development showing the various townships in the area affected by this development.

3. The Township Manager noted that upon an inquiry by Vice Chairman Heimbecker, she had checked with the Carmike Cinemas manager regarding the possibility that movies were being shown in the morning hours at that location. The Township Manager indicated that the Carmike manager advised that was not the case. He noted that they had been performing some work inside their facility and possibly that could be the cause of noise in the area. Vice Chairman Heimbecker indicated he had been told that there was a sign at that location indicating that Carmike opens at 9:30 A.M. Mrs. Pudliner indicated she was not aware of such sign. She will look into the matter and she will review the Zoning Decision handed down in the Carmike Cinemas matter to determine if there are any violations of that Zoning Decision.

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

1. With respect to the Rockefeller project, the Township Engineer commented that the question raised by the Township Manager to PennDOT as to what happens if the Township denies approval of the truck access route, was asked at a meeting attended by the traffic engineer, Keith Lawler of Keystone Consultant Engineers and no answer was received. The Township Engineer commented that there is no state road design done as of yet. The Township Engineer noted that Rockefeller is now looking at the on-ramps for Airport Rd. West and whether or not they can create two lanes merging into one.

Vice Chairman Heimbecker opened a discussion regarding the fact that he had felt that the Township's traffic study had no power and needed to be more in depth. Our traffic engineer indicated that there were not any flow studies available. However, at a recent taping of Business Matters on Channel 69, of which I was one of the attendees, Mr. Heimbecker noted that Ms. Bradley of the Lehigh Valley Planning Commission had indicated that there was availability and Mr. Heimbecker noted that we need to look at those records. Keith Lawler, the Township's Traffic Engineer from Keystone Consulting Engineers, was in attendance at the meeting and noted that the Lehigh Valley Planning Commission prepared the 22 Renew study. He noted that their material is more theoretical rather than dealing with actual capacity. Vice Chairman Heimbecker advised that Ms. Bradley had alluded to the fact that there is less traffic today on Route 22 than there was years ago. Mr. Lawler noted that his study just involved the segment over which the Township had a concern and did not take into account

any of the ramps before the Fullerton off ramp and the Airport Road on ramp. The level of service as noted in their report is a Level Service D which is the level of service which exists today. Mr. Lawler noted that his traffic study had just been based on main line volumes.

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

1. The Township Attorney advised the Board that the Township Manager received an inquiry from the Rockefeller Group asking for a meeting with their representative and their attorney. Sandy, Fred and I did meet with them. They indicated that they just wanted to bring us up-to-date and inquire of the Township as to what accommodations the Township would like to see in Hanover Township if this development in Allen Township goes through. They appeared very frank in indicating to us that they understood that the Township doesn't want them here. However, they indicated they want to cooperate with the municipalities. The Township Attorney noted that the primary discussions revolved around sewer availability and traffic. Attorney Eaton noted that they had some time ago made a request for sewer allocation from the Township and the utilization of the Township's sewer interceptor for transmission. They are proposing to come down Willowbrook Road and tie into our interceptor. We indicated that we do not speak for Council, but the Township does have capacity available. Additionally, Attorney Eaton noted that he advised them that the Township reserved capacity in the Catasauqua Sewer Treatment Plant many years ago for a proposed residential development in the area which is now owned by the Airport Authority and if some of that capacity is purchased, the Township has set in place a schedule of carrying charges which would need to be paid back to Hanover Township for the capacity. Attorney Eaton noted that the estimate for the cost for the sewer allocation would probably be between \$300,000 and \$325,000.

During the meeting, the issues of the Township's concerns over this development were addressed. We indicated that the biggest problem that the Township has at the present time is that we don't have the information to develop our list of concerns. He indicated the Township is aware of certain issues but doesn't have all the information necessary to complete a list of concerns. It was noted that some of the Township's issues include the cost of the road reconstruction, the cost of future maintenance including traffic signal lights, etc., the issue of where the right-of-way is coming from and how it will affect residents or businesses in Hanover Township, concern over studying Route 22 and the Township's fear regarding the backup of traffic onto Airport Road (PennDOT as well as the developer's engineer have not gotten back to us), allowing the property in Hanover Township to be utilized for commercial purposes for a period of time until 20 plus years from now when a runway is erected on the property. Vice Chairman Heimbecker questioned whether or not the issue of moving one of the FedEx buildings to the opposite side of Willowbrook Road was discussed and the Township Attorney and Township Engineer indicated that was not a matter of discussion.

The Township Engineer commented that Rockefeller is looking into two lanes at the ramp. They are proposing a dedicated lane from Postal Rd. to Route 22. The Township Attorney commented that he thought it was somewhat illogical to add lanes onto the ramps without determining the volumes for Route 22.

There was a discussion regarding filing a preliminary information request with PennDOT. As previously noted, PennDOT has granted the Township a 30 day extension. The Township Attorney noted we still don't have the details for the truck access route approval request. Councilman Wegfahrt asked that the Township consider filing such a request for information and the Township Attorney noted that he and the Township Engineer can come up with the requested information and forward our request to PennDOT. PennDOT would then have a limited time to respond.

Unfinished Business:

1. Bill No. 2014-04, An Ordinance Rescheduling the Referendum on Charter Amendments to the 2014 General Election (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2014-04. The Township Attorney commented that as the Board will recall the original referendum was approved by Ordinance and was to be placed on the spring primary. Because we are moving to the general election in the fall we are confirming in this Ordinance that we are moving to the fall with the process. Attorney Eaton noted that this is with regard to the three amendments to the Home Rule Charter already approved. He indicated that as the Board is aware, they still need to review the Home Rule Charter and that more amendments may be necessary. Vice Chairman Heimbecker indicated that as he recalls we also wanted to get a better voter turnout in the fall election rather than in the primary and also avoid special election costs which the Township would have been forced to occur had the Board had the referendum on the spring ballot. With respect to further amendments to the charter the Township Attorney advised the Board that he would appreciate if they would let him work backwards to see what the deadlines are for submission of additional amendments to the Election Board for the fall election. In resolution of this matter, however, the Board made the following Motion:

Motion: I move that Bill No. 2014-04, An Ordinance Rescheduling the Referendum on Charter Amendments to the 2014 General Election be adopted as Ordinance No. 577.

Wegfahrt, Heimbecker: Moved and Seconded

Heimbecker, Wegfahrt, Woolley, Paulus:

Aye

Unan.

New Business:

1. Bill No. 2014-05, An Ordinance Amending Section 27-506 of the Statutory Code of Hanover Township to Provide the Limitation on Container Size for Liquefied Petroleum to be Consistent With State Regulations (Introduce)

The Township Attorney advised the Board that the purpose of this proposed Ordinance relates to an existing transfer station in the Township. The individual now wants to begin filling propane tanks and install an 18,000 gallon tank on the property. Attorney Eaton noted that there is a state act which essentially preempts any municipal ordinances as to the size of such a tank. He noted you can limit the zones in which you would permit this but in this instance the facility is in the appropriate zoning district. By the adoption of this Ordinance which defers to the state law, the individual will not need to go to the Zoning Hearing Board with respect to the size of the tank; however, Attorney Eaton noted the use is still a special exception in the zoning district and the individual will need to go to the Board for the Special Exception Use request.

Bill No. 2014-05 was introduced at this time with a Public Hearing on same to be held on Wednesday, April 16, 2014 at 7:30 P.M.

2. Resolution No. 2014-32, A Resolution Authorizing the Township Manager to Apply for Community Development Grants (Vote)

It was noted that the purpose of this Resolution was to satisfy a requirement of the Community Development Block Grant Program for such a resolution to be included as part of an application package for grant consideration. In resolution of this matter, the Board made the following Motion:

Motion: I move that Resolution No. 2014-32, A Resolution Authorizing the Township Manager to Apply for Community Development Grants be adopted as presented.

Heimbecker, Woolley: Moved and Seconded
Heimbecker, Wegfahrt, Woolley, Paulus:

Aye Unan.

Courtesy of the Floor:

Ms. Diane Szabo, 1911 Troxell Street, Allentown, PA 18109, appeared before the Board and advised that she is the Judge of Elections and desired to know where the voting would be held in Hanover Township for the Primary and further elections. She questioned whether the voting would occur at the Municipal Building or at the Township's Fire Station. Chairman Paulus commented that it is his understanding that the Election Board has not voted on that yet. Councilman Woolley commented that he feels it is in the best interest of the citizens in the Township not to have to cross Grove Road onto Airport Road. He considered it a safety issue. Councilman Wegfahrt agreed with the assessment of Councilman Woolley and Vice Chairman Heimbecker indicated that currently it is out of the Township's hands until the Election Board votes on the issue.

Ms. Rikki Bonn, 2273 Irma Drive, Allentown, PA 18109, appeared before the Board. She indicated that she was aware that the Township had cameraed the sewer lines in Chestnut Grove and the Township Engineer indicated they were checking for roots. Ms. Bonn indicated that she as President of the Chestnut Grove Homeowner's Association would appreciate a heads up if it is the intent of the Township to replace the sewer lines

in Chestnut Grove in the near future. Ms. Bonn also commented that she thought the idea of a State Police Appreciation Day was a good one. Vice Chairman Heimbecker noted that originally it had been the intent of Council to have a forum in one of the Township's parks for the State Police. However, the State Police had an issue with respect to the gathering of their forces at one specific location. They have invited the Township to participate in their State Police Appreciation Memorial Day which will be held on May 2, 2014. The Board will appear at same.

Tory Fox, 2736 Ronca Blvd., Allentown, PA 18109 appeared before the Board at this time and advised that she felt that the Township should give consideration to more equipment in Chestnut Grove Park, some form of recreation program for the children in the area, as well as consider cleaning up the park area, in particular, the area in the corner of the development where there is an abundance of poison ivy. Council advised Ms. Fox that the Township would pass along her concerns to the Township's Maintenance Supervisor and someone would contact her regarding these issues.

Adjournment:

The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager