

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

April 16, 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: 12

Courtesy of the Floor:

Mr. Donald Noll of Allen Township approached the Board at this time and indicated that the Allen Township Planning Commission has scheduled two three hour sessions with the Rockefeller Group on April 28 and April 30, 2014. The meetings will be held at the Allen Township Fire Company.

At this point in the meeting, the Board agreed to attend to the item listed under New Business at this time.

New Business:

1. J. O. Krapf & Sons property on Dauphin Street near Route 22 (Review and Discussion)

In attendance at the meeting with respect to this matter were Mr. Randy Krapf of J.O. Krapf & Sons, Inc. and his attorney, Charles Bruno, Esquire. Mr. Bruno advised Council that he is there on behalf of his client, J.O. Krapf & Sons, Inc., requesting that the Township consider a rezoning request of two parcels of property under the ownership of his client. He noted that it is his client's intent to have the property rezoned. Attorney Bruno indicated that his client has conducted a business in the Township namely the slag removal for the past 30 years. Attorney Bruno noted that the property in question is surrounded by industrial-type uses as is the current use of the property, i.e. the slag removal, and his client's request would be for the property to be rezoned from Limited Use which is the current zoning to the Planned Industrial Office Zoning. He noted that there are two parcels approximately 25 acres located underneath Route 22 and bordered by the river and the railroad next to it. Attorney Bruno reiterated that the property has been used as an industrial site basically for over a century for the mining of slag. He indicated the use is permitted by DER/DEP and there are records dating back to the 1960s regarding the property. Attorney Bruno further indicated that he is aware that an ordinance for the rezoning would need to be prepared possibly by the Township Solicitor and then the matter would proceed to be reviewed by the Hanover Township Planning Commission and the Lehigh Valley Planning Commission and then subsequently the matter would come back to the governing body for a public hearing.

Vice Chairman Heimbecker questioned Attorney Bruno as to why he is requesting that action be taken at this time. Attorney Bruno indicated that it is the intent of his client to continue using the property for its current use but they would prefer an industrial designation for future purposes or if they wish to market the property. Attorney Bruno noted that the current mining operation is an industrial use and it is their position that the industrial zoning would be more reasonable for the property. Attorney Bruno advised that his client is not currently planning to sell the property or expand the property. Councilman Wegfahrt questioned whether or not any of the property was in the City of Allentown and Attorney Bruno advised that the property in question is totally in Hanover Township, Lehigh County. Chairman Paulus questioned the Township Engineer as to whether or not he had any comments regarding this matter and the Township Engineer indicated he did not. The Township Zoning Officer advised the Board that considering the request for the rezoning would not in any way be considered spot zoning and that Attorney Bruno is correct that the properties adjoining this property in that area are zoned industrial. In resolution of this matter, the Board made the following motion:

Motion: I move that Council move forward through the process for rezoning with the Hanover Township Planning Commission and the Lehigh Valley Planning Commission for the ultimate purpose of rezoning the J. O. Krapf & Sons property on Dauphin Street near Route 22 from the Limited Use Zoning which it currently is to Planned Industrial Office Zoning.

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

Approval of Minutes: April 2, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the April 2, 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 the Board that she has provided them with information regarding the Carmike Cinemas facility in the Township. With respect to questions raised by Vice Chairman Heimbecker, the Township Manager advised that she has pulled the original Zoning Decision and a review of same indicates that testimony given at that time was to the effect that the proposed hours of operation would be noon to midnight. The Township Manager advised that in her opinion she feels that the testimony really most likely related to the showing of

movies during those hours. Conversations with the current manager of the cinema indicate that they open their doors at 10:00 A.M. for their employees. The Township Manager advised that she is also aware that they do presell tickets. Mrs. Pudliner also brought to the Board's attention that during the summer months she has in the past permitted them to show a movie for children more as a charitable-type thing in the morning one day per week. Vice Chairman Heimbecker questioned the Township Solicitor as to whether or not the Township sets a precedent by allowing the children's movie. Attorney Eaton indicated that most businesses on some occasion will do something out of the ordinary. He further noted that generally leeway is usually given by zoning officers. For example, Attorney Eaton indicated that this is somewhat similar to whether a police officer decides to ticket or not ticket an individual. The Township Attorney felt that under these circumstances there is no problem with precedents.

It appeared to be the consensus of the Board that no action would be taken against Carmike Cinemas with respect to any purported violation of the original Zoning Decision.

There was a discussion at this point in the meeting with respect to the May 2, 2014 State Police Day which would be attended by representatives from the Township. The Chairman felt that a Proclamation should be prepared for the State Police and presented to them on that date. With respect to an issue raised by Mr. Lerch who was in attendance at this meeting regarding Mascaro's single source recycling collection, Chairman Paulus indicated to the Township Manager that she should make sure that the Spring Newsletter contains necessary information regarding the single source recycling operation.

2. The Township Manager advised that she has become aware that the Lehigh County Election Board held a meeting recently at which time they considered the situation with the polling place of Hanover Township. At the meeting, it was determined by the Election Board that due to safety issues associated with moving the polling place to the Municipal Building rather than keeping the polling place at the Township's Fire Station, which is accessed by a signalized intersection, the Board felt that the Township Fire Station should remain the Township's polling place. Ms. Ricki Bonn of Chestnut Grove Towne Garden Development in attendance at the meeting approached the Board and indicated that she felt part of the confusion was the fact that there had been an article in the newspaper at the end of last year indicating that the polling place would be brought back to the Municipal Building for the Primary Election in 2014. Council indicated that the Township Manager would put information in the Township's Spring Newsletter advising the public that the polling place remains at the Township's Fire Station.

Vice Chairman Heimbecker brought to the Board's attention the possibility of utilizing the Township's website to provide a list of contractors that have been utilized by Township residents and were found either acceptable or not acceptable. Vice Chairman Heimbecker felt this might be a way to draw people to our website. The Township Attorney indicated that there may be some legal ramifications if people post negative comments. The Township Attorney indicated that he would like

to review this matter to make sure that the Township is not held responsible for what is posted on the site. Chairman Paulus questioned what happens with entities like Angie's List. The Township's Attorney indicated that he needed to review the matter.

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

1. The Township Engineer advised that the material for the work at the Friendly's swale has been delivered but due to weather issues hopefully the project will start next week.

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

1. At the last meeting, as the Board will recall, we determined to file a Right to Know concerning the traffic study for Route 22. We worked with Keith Lawler of Keystone Consulting Engineers to get the right wording to describe the documents we were requesting. Council should be advised that PennDOT denied our request. PennDOT indicated that they interpreted our request for a volume-based capacity study or studies to be a request for a safety study conducted by PennDOT under Section 3754 of the Vehicle Code. In depth accident investigation and safety studies are privileged and not subject to disclosure under the Vehicle Code. The Township Attorney indicated he would go back to Mr. Lawler to try to secure a more refined definition but otherwise the Township has until May 1 to appeal the denial. Attorney Eaton indicated after consultation with the Township Engineer, the Traffic Engineer, and the Township Manager, it is determined that the request was correct as presented, then we can file an appeal which would go to the state offices. In resolution of this matter, the Board made the following Motion:

Motion: I move we authorize an appeal if in consultation with the Township Manager, Township Engineer, Traffic Engineer and Township Solicitor, it is felt that it is appropriate to file an appeal of the denial from PennDOT with respect to the Township's Right to Know Law Request No. 5363.

Wegfahrt, Woolley: Moved and Seconded

Heimbecker, Wegfahrt, Woolley, Paulus:

Aye

Unan.

Vice Chairman Heimbecker noted that when he had been in attendance with the LVPC Executive Director on Channel 69 in a program titled Business Matters, the Executive Director had indicated that the work on 22 would begin in 2017. Subsequently, Vice Chairman Heimbecker indicated that he was told that the work would not commence until 2020. Vice Chairman Heimbecker expressed his frustration that the Township is not informed, that the issues in this matter are unusual and that securing information is untenable. He noted that we were told studies were done but you can't put your hands on them. Lehigh Valley Planning Commission says that the studies are done but no one can find them. The Lehigh

Valley Planning Commission indicates that the widening of 22 will occur in 2017 and then 10 days later indicates that the widening will occur in 2020.

4. Maintenance Report (Written)
5. Fire Company Report (Written)
6. Code Enforcement Officers' Reports (Written)
7. Building Inspector's Report (Written)

Chairman Paulus acknowledged receipt of a written Maintenance Report, written Fire Company Report, written Code Enforcement Officers' Reports, and written Building Inspector's Report and same were noted for the record.

There was a discussion initiated by Vice Chairman Heimbecker with respect to comments made at a prior meeting by the Township's Fire Chief who indicated that if you had two tractor trailers stopped on the bridge and that they were situated to the extreme left and right you could just by way of inches get a fire vehicle through. Vice Chairman Heimbecker questioned the Township Fire Chief who was in attendance as to how he would have handled the recent Federal Express accident where they crossed the median and hit a bus. The Fire Chief, Robin Yoder, who was in attendance at the meeting commented that on the bridge it would be very hard to cross over. A discussion ensued as to the handling of accidents involving fatalities on state highways. The Fire Chief reiterated a situation which had occurred many years ago when a dump truck, east bound by the bridge, rolled over on top of a car. In that instance, the County dispatched Whitehall from the west end. The lane was closed and you could come the long way east bound. Vice Chairman Heimbecker questioned how long the lanes were closed and Mr. Yoder indicated that it was approximately four to six hours since the state police need to be there, the coroner needs to be on site, there needs to be a reenactment of the crime scene and photographs need to be taken. Vice Chairman Heimbecker commented that seeing the news about the accident in California as previously noted brought many questions he had to the forefront. For example, Vice Chairman Heimbecker indicated that if the widening occurs in 2020 how can you handle the area with only one lane. The Fire Chief noted that he is pretty sure that they will try to keep two lanes open. The Fire Chief noted that the Airport Road widening would probably not cause traffic issues.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated April 16, 2014, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

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

Unfinished Business: None.

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 (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2014-05. The Township Attorney noted that this proposed Ordinance relates to the Township's enactment of size limitations of 1,000 gallons per container size for liquefied petroleum which has subsequently been superseded by state law. Attorney Eaton indicated that the Ordinance proposed will make the requirements consistent with the state regulations. The Public Hearing on this matter was closed, and in resolution of this matter, the following Motion was made:

Motion: I move that 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 be adopted as Ordinance No. 558.

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

New Business:

At this point in the meeting, Vice Chairman Heimbecker entered into a discussion regarding playground equipment, basketball court issues, etc. in Chestnut Grove Park. The Township's Maintenance Supervisor Jeff Mouer, who was in attendance at the meeting advised that the Recreation Commission had met sometime last year to consider improvements to the park systems, in particular, Chestnut Grove Park. Mr. Mouer noted that some of the improvements included the installation of a swing set and a few play things and the resurfacing of the basketball court. As Council may be aware, the original hockey court in Chestnut Grove Park was rehabilitated into a parking lot which can be utilized for parking for pavilion rentals of the pavilion in Chestnut Grove Park and also for additional parking during a snow emergency for the residents of the area. Mr. Mouer indicated there was some consideration to put a half basketball court in the park but room constraints will not allow that to happen. A jungle gym is still proposed for that area. At

one point there was some consideration of putting a rim down in the parking lot area, but if you have a vehicle in the parking lot and it would be hit, there would be liability issues involved and therefore we have decided not to do so.

There was discussion with respect to the southern end of Chestnut Grove Park which is more of a cosmetic issue. Fencing in that area is encased with poison and it was determined that it would be easier to replace the sections of fence to eliminate that problem. The basketball court on that side would be sealed and equipment would be repaired in that area.

The Maintenance Supervisor indicated that the lady who came to the prior meeting complaining about issues with the park was contacted by him and he explained in detail all the things that have been done and that are proposed to be done in Chestnut Grove Park and she seemed fine with what is being done. Mr. Mouer also noted that the water fountain would be put back in the park area and that some additional benches would be put in place throughout the park. There was a discussion involving insufficient lighting in the southern end of the park system and Mr. Mouer said he would look into what could be done to light that area more properly. Ms. Ricki Bonn of the Chestnut Grove Towne Garden Development indicated that the southern end of the park area is the darkest and the least used. She actually questioned whether that area could become a ball field. Mr. Mouer noted that is a detention pond and that you are not allowed to place things in a detention pond and that is the reason why the equipment that had at one time been there was moved to the top of the pond area. The Maintenance Supervisor again reiterated that he would look into securing sufficient lighting for that area.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (03/28/14), Payroll (04/11/14); Voucher Nos. 20169-20180 (Prepays), Voucher Nos. 20181-20224, from the General Fund Account in the amount of \$465,064.67; Voucher Nos. 113 from the Liquid Fuels Account in the amount of \$5,888.80; Voucher No. 4116 (Prepays), Voucher No. 4117 from Capital Reserve in the amount of \$11,807.75; Voucher Nos. 4071 4076-4078 from the Escrow Account in the amount of \$40,815.16; Voucher Nos. 3919-3925 from the Water Account in the amount of \$13,871.09; Voucher Nos. 5122 (Prepays), Voucher Nos. 5123-5132 from the Sewer Account in the amount of \$357,259.23 for a Grand Total Expenditure of \$894,706.70.

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

Aye

Unan.

Courtesy of the Floor:

None.

Adjournment:

The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager