

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

June 4, 2014
7:30 P.M.

Present: Councilmen Heimbecker, Martucci, Paulus, Wegfahrt, Woolley; J. Jackson Eaton, III, Esquire; Ryan Christman; Sandra A. Pudliner; Vicky Roth

Absent: Frederick W. Hay, P.E.

Attendance: 7

Courtesy of the Floor: None.

Approval of Minutes: May 21, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the May 21, 2014 Regular Council Meeting and accept same as presented.

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

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager advised the Board that most of her items are set forth as Agenda items or will be addressed during the Township Attorney's Report.

Chairman Paulus noted that the Board should be aware that the Township Manager and he attended the Lehigh County Council of Government Meeting the other day and that we were informed that the Small Community Block Grant Program awardees will be forthcoming by the end of the week. As the Board may be aware, the Township has applied for many years for grants to do the sewer replacement project in the Chestnut Grove Towne Garden Development. Additionally, Chairman Paulus noted that it is the intent of Lehigh County to make available for Lehigh County residents a new online tool and that it should be available as of July 1, 2014. An email regarding the matter will be sent to all the municipalities in Lehigh County. The Township Manager noted that she has some preliminary information on this and will make same available for the Board and she will keep them informed as to the ongoing process involving this matter.

2. Ryan Christman
For Frederick W. Hay, P.E.
Township Engineer

Mr. Christman offered no oral report at this time.

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

1. The Township Attorney noted that as the Board will recall there have been discussions regarding utilizing the Township website for residents to make comments on Township businesses. My office has reviewed this from the legal aspect and I have provided the Board with a memorandum dated June 3, 2014 setting forth the risks, insurance requirements, procedures involved in establishing the process, etc. Attorney Eaton indicated that this is too extensive to discuss tonight and that after the Board has had an opportunity to review same, the matter can be addressed at another Council meeting.
2. The Township Attorney advised that he has been dealing with the Township's Maintenance Supervisor regarding changes to the Township's FOG Ordinance as same relates to grease in the Township's sewer system. He indicated that he would like to have a Bill for introduction regarding the new Ordinance for the next meeting.
3. As the Board will recall, the Township filed a Right-To-Know Request with PennDOT regarding the proposed FedEx development. PennDOT responded that they would like to settle the matter and that they did not have any information other than the information which is available on the Lehigh Valley Planning Commission website. Mr. Lawler of Keystone Consulting Engineers looked at that information and although it is not really the same as prior information, it does not essentially change the results. The problem still is that there is insufficient information regarding the current capacity on Route 22 to make judgments for future traffic volume and the effect of same on the congestion on Route 22.
4. As the Board will recall, the Township met with representatives from the Rockefeller Group at which time they made inquiries regarding acquiring sewer allocation from the Township and utilizing the Township's interceptor for transmission. At that time, we asked them to submit something formal to the Township. At that time, we told them the Township is not interested in serving customers outside of the Township because of the need for PUC involvement in that process. However, as the Board will note, the letter from Allen Township's attorney regarding this issue only deals with their desire for transmission through the Township's interceptor to carry their discharge to the Borough of Catasauqua. They are not requesting capacity. The transmission will not help the Township recover its cost for allocation which the Township has held for many years. Should they acquire some of the Township's capacity that would relieve the Township of a significant annual burden paying for the unused allocation. Chairman Paulus questioned the Township Attorney as to how he felt the Township should proceed and Attorney Eaton indicated that he was of the opinion

that if they want to use the Township's sewer line, the Township should inform them that the Township would also expect them to take over some of the Township's capacity in the Catasauqua plant. It was noted that since the correspondence was sent to the Township Attorney, it would be appropriate for the Township Attorney to respond to the Solicitor for Allen Township. In that regard, the Board made the following Motion:

Motion: I move that the Township will consider transmitting sewage for the proposed FedEx development in Allen Township but only under the circumstances where the developer acquires the necessary capacity for same from the Township.

Paulus, Heimbecker: Moved and Seconded

Heimbecker, Martucci, Wegfahrt, Woolley, Paulus:

Unan.

The Township Attorney noted that when he responds to Council for Allen Township, he will indicate in the response that the Township's position does not indicate in any manner that the Township favors or is against the project proposed in Allen Township for the FedEx development.

5. With respect to securing an engineer who specializes in traffic engineering, the Township Attorney advised the Board that it is his intent to outline in letter form what all would be involved in having that process occur.
6. The Township Attorney advised the Board that he has provided them with a draft letter regarding corresponding with the State Police to inquire as to their disposition with respect to the Township offering local business the opportunity to contribute to the Township for the purpose of helping to underwrite the cost of the Memorial Day Luncheon which occurs every year in early May. In that regard, the Board reviewed the proposed letter and indicated that they felt same was adequate and that the Township Manager should send same out to the State Police.

A discussion ensued at this time initiated by Councilman Wegfahrt. Councilman Wegfahrt noted that he is trying to organize in his mind the process involving the proposed FedEx development. He noted that he believes that he is correct that PennDOT is saying that they don't have studies of Route 22 for the last 13 or 14 years. Attorney Eaton noted that is correct and they are referring to volume-based capacity studies. Those studies would indicate how much the road could handle and what it is carrying at the moment. Councilman Wegfahrt inquired of the Township Attorney as to whether or not he is aware of any response from PennDOT with respect to the Township's denial of their truck access route application. It was noted by the Township Manager that there has been no response. Councilman Wegfahrt questioned what the Township's next step would be. The Township Attorney noted that the Board needs to decide if they wish to take a proactive role. The Township is aware of the burdens on the Township should this development proceed. The Township does not currently have enough information to make the kind of decisions the Township has been asked to make. The Township has been seeking additional information from the developer and also by way of the right-to-know to PennDOT.

At some point, the Township could appear before the Boards considering the land development approvals in Allen Township; namely, the Allen Township Planning Commission and the Allen Township Board of Supervisors. In that regard, individuals in attendance at the meeting from the concerned citizens of Allen Township indicated that the Allen Township Planning Commission's next meeting will be on Monday, June 16 at 7:30 P.M. and that the Board of Supervisors' next meeting is June 24, 2014 at 7:30 P.M. Councilman Wegfahrt questioned whether or not there are figures available with respect to the population in the year 2001 versus now and the Township Attorney indicated that those figures are available. There was further discussion that if the Township wants to take a position, the Township could engage someone (a traffic professional) to review all the information available to determine if there is sufficient information at this time for the Township to move forward in support of this project. There was note of the possibility that this project may affect the revenues to Township businesses. Attorney Eaton noted that the Township could either delay taking a position until some future time or take a position now based on your perception that there is insufficient information to move forward. Vice Chairman Heimbecker questioned whether there is sufficient time to solicit the traffic engineering professional to give us the information necessary for the Township to move forward with this matter. In that regard, Attorney Eaton noted that there are certain matters to consider. For example, is the present traffic study which does not include Route 22 sufficient in scope? The Township would need a traffic engineer to look at that and say they should have included Route 22. If the study should have been broader then the Township can present that position before the other Boards (Allen Township Planning Commission and Allen Township Board of Supervisors). Attorney Eaton noted that the Township needs to decide whether or not they want to spend the money at this time for the traffic study. Both Chairman and Vice Chairman Heimbecker noted that at the present time with the lack of information they felt that they have a negative position with respect to the proposed FedEx development. Councilman Wegfahrt noted that the question that arises is whether or not there should be further traffic studies before the decision is made. Councilman Martucci questioned whether there would be impartial individuals making decisions and in that regard, the Township Attorney noted that the Allen Township Boards; namely, the Planning Commission and the Board of Supervisors, will be making the decisions. He noted that the Township may have some appeal rights. In finalizing these discussions, the Board made the following Motion:

Motion: I move that the Township Manager be authorized to engage a professional traffic engineer for the purpose of analyzing the adequacy of the existing scope of traffic studies with respect to the proposed FedEx development in Allen Township.

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

The Township Attorney noted that if the traffic engineer engaged by the Township comes to a conclusion the Township might want to consider taking a position at the Allen Township Planning Commission held on Monday, June 16, 2014. In that regard, Council discussed reviewing the entire matter on Friday, June 13 at 7:00 P.M. at which time the Township can determine whether or not the traffic engineer has

provided information which the Township would utilize before the Allen Township Planning Commission.

The Township Manager noted that the Board should be advised that appraisers have been engaged by both the Airport Authority and possibly the Rockefeller Group and that they have been appraising all the residential properties within the Township on Race Street as well as the businesses. The Township Manager indicated that the Township has never been advised if there will be condemnations regarding the Township residents and businesses. Such eminent domain rights should be exercised by either PennDOT or the Township.

Unfinished Business: None.

New Business:

1. Bill No. 2014-06, An Ordinance Amending Chapter One, Part 7 (Employment Provisions), Section 727 (Paid Holidays), of the Statutory Code of Hanover Township (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2014-06. Chairman Paulus noted that as the Board is aware, the County has made the Township's Fire Station the permanent polling place for Hanover Township, Lehigh County. Accordingly, the two vacation days of Township employees for Primary and General Election have been removed and replaced with two personal days. This Ordinance provides for those changes. The Public Hearing was closed at this time and the Board made the following Motion:

Motion: I move that Bill No. 2014-06, An Ordinance Amending Chapter One, Part 7 (Employment Provisions), Section 727 (Paid Holidays), of the Statutory Code of Hanover Township be adopted as Ordinance No. 559.

Wegfahrt, Heimbecker: Moved and Seconded

Heimbecker, Martucci, Wegfahrt, Woolley, Paulus: Aye Unan.

2. Resolution No. 2014-34, A Resolution Authorizing and Empowering the Township Manager to Sign Contracts With the Commonwealth of Pennsylvania, Department of Transportation for a 0.036 Acre Drainage Easement (Vote)

The Township Manager advised that as the Township did recently PennDOT is again requesting a small drainage easement for work involving Route 22. The Township Attorney noted that since real estate is being conveyed, he felt the matter should be handled by way of Ordinance and that we should introduce this matter as an Ordinance at this meeting and the adoption could occur at the June 18 meeting. In that regard, Chairman Paulus introduced Bill No. 2014-8 at this time with a Public Hearing on same to be held on Wednesday, June 18, 2014 at 7:30 P.M.

At this point in the meeting, there was some general discussion which occurred with respect to amendments to the Hanover Township Home Rule Charter being placed on the ballot for the General Election. The Township Attorney indicated that the drop dead date for the submission would be August of this year. In that regard, the Board scheduled two workshops to review proposed amendments to the Hanover Township Home Rule Charter for July 8, 2014 at 5:00 P.M. and July 22, 2014 at 5:00 P.M. It was determined that the workshops would be advertised. Vice Chairman Heimbecker requested the Township Manager take the necessary steps to secure credit card services for the Township for payment of invoices. There was a discussion with respect to red flag rules. Attorney Eaton advised that the Federal Government requires municipalities to adopt policies to ensure security and confidentiality. It was his recollection that the Township had already adopted those rules by way of an Ordinance. Councilman Woolley commented that with respect to the process there were two ways to use the service and that he felt the way to proceed would be to have the surcharge going back to the customers which can be done by government entities.

Councilman Martucci advised all present that on Saturday, June 14, he has rented Canal Park and requested that he be allowed an additional hour past sunset for the activities. In that regard, the Board made the following Motion:

Motion: I move that we extend by one hour the Martucci rental of Canal Park on Saturday, June 14, 2014.

Paulus, Woolley: Moved and Seconded

Heimbecker, Wegfahrt, Woolley, Paulus:

Aye

Martucci:

Abstained

Courtesy of the Floor:

Mr. Don Noll of Allen Township questioned the Board as to whether or not the meetings on June 13 at 7:00 P.M. and the meeting on June 17 at 6:00 P.M. were opened to the public and he was advised that they are. Mrs. Kim Nappa advised the Board of her recent discussions with the EPA regarding air pollution. She noted that with the new regulations that will be coming out, Northampton County would not be in compliance. Mrs. Nappa also noted that it appears that under Act 515 back taxes on the airport property will have to be paid going back five years. Additionally, she noted that in discussions with a PennDOT representative she was advised that the 22 project would not start for eight years. The PennDOT rep indicated that there are environmental issues, problems with eminent domain, and lack of grant funding, all contributing to the delay. Mrs. Nappa noted that an environmental study is going on now with three different companies. It's a six month study, but Allen Township has indicated they will not hold up approvals until that is done. She also noted that she had become aware that the airport borrowed \$300,000 from the Rockefeller Group just to do the environmental study. Mrs. Nappa also indicated she had filed a right-to-know, but the airport is putting them off. Mrs. Nappa also advised that she will provide the Township with information regarding the Federal Registry.

Adjournment:

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager