

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

June 18, 2014
7:30 P.M.

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

Absent: 0

Attendance: 17

Courtesy of the Floor: None.

Approval of Minutes: June 4, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the June 4, 2014 Regular Council Meeting and accept same as presented.

Paulus, Heimbecker: Moved and Seconded

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

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager advised that all her items are listed as Agenda items for this evening's meeting and that same could be addressed at that time. Upon questioning, with respect to the Community Development Block Grant Program monies for which the Township had applied, the Township Manager advised that she has not heard from the County as of yet but that she would check on that matter. Vice Chairman Heimbecker questioned whether there has been any notable reaction regarding the recent installations of playground equipment, etc. in Chestnut Grove Park and the Township Manager indicated that she has observed the children utilizing the equipment and it appears that everything is fine.

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

1. The Township Engineer advised the Board that he would like to set the record straight regarding the Rockefeller Group/FedEx traffic study. He indicated to Council that Keystone Consulting Engineers did not approve anything. They had been asked for comments with respect to the PennDOT Scoping Application. Keystone reviewed the traffic study and made comments and those comments had been worked out with Pidcock. Keystone did review Pidcock's plans and looked

at the right-of-way improvements. The Township Engineer noted that with respect to right-of-way issues along Race Street, the plans indicate that the right-of-way is mostly from the airport between five to ten feet in different areas. There is a sidewalk proposed up and down both sides. The Township Engineer also noted that the plans for the project show a dedicated turning lane on Airport Road south and a dedicated turning lane on Airport Road west and the Township Engineer noted that these plans go back to PennDOT for approval. Chairman Paulus commented as to who will be paying for all these improvements. The Township Attorney noted that the Township needs to make sure to get together a list with respect to all improvements present and future and determine the Township's position regarding the handling of those matters. Chairman Paulus expressed his concern as to how the project is funded and also who is responsible after the work is completed. Vice Chairman Heimbecker commented that at the Planning Commission Meeting it was noted that there were two one million square foot warehouses planned for 2018. The Township Attorney noted that this is all part of the project which is a phased project.

Mr. James Rothdeutsch of the Pidcock Company spoke at this point in the meeting and indicated to all in attendance that there had been a subdivision plan approval last evening by Allen Township's Planning Commission for five lots but the only land development plan filed was for the FedEx land development. There was preliminary plan approval for the entire development of their facility and final approval for the first phase or 800,000 square feet. There are no plans for the other lots. There is one on the east and one on the west. Also for the record, Mr. Rothdeutsch stated that he would like to take this opportunity to apologize to Keystone Consulting Engineers with respect to any miscommunication regarding the approval process. Mr. Rothdeutsch noted for the record that PennDOT did the approving involving this matter and there were no approvals granted by Keystone Consulting Engineers. Chairman Paulus questioned the location of the Catasauqua High School from this build site and Mr. Rothdeutsch indicated that it is at least one half a mile from the proposed land development.

2. The Township Engineer noted that he had been asked by Diane Conn, a Township resident in attendance at the meeting this evening, to provide her with traffic counts. He noted that he just received back the traffic report this evening and he will get those figures to her in the near future.
3. J. Jackson Eaton, III, Esquire
Township Attorney
 1. The Township Attorney noted that his items are agenda items. He initiated a discussion with respect to the procedure with regard to the Rockefeller matter in terms of the timing of meetings. He noted that the Township Manager has that information. In that regard, the Township Manager advised she had spoken with the Allen Township Manager. The upcoming meeting schedule in Allen Township includes an initial presentation by Rockefeller Group on Tuesday, June 24. The next meeting will be on Thursday, July 10. The developer previously asked for an extension until July 15 and the Allen Township Manager anticipates that they will ask for an additional extension at the July 10 meeting. The next

meeting of the Board in Allen Township will be Wednesday, July 23. The meeting time for such meetings is 7:00 P.M. The Township Attorney noted that Hanover Township should have our comments to Allen Township before they act. There was a discussion that the environmental study as noted by the airport's executive director may not be completed until August. It appears that does not necessarily relate to the approval and that information can remain a condition for approval. The Township Engineer commented that they will receive line and grade plans for review. Chairman Paulus commented that he is aware that in attendance at the meeting is Amy Kaminski who prepared a review of the developer's traffic impact study on behalf of the Township. It was noted that they would wait until later to enter into a discussion regarding that matter.

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 with the Township's Maintenance Supervisor, Jeff Mouer, regarding the spraying of mosquitos which Mr. Mouer indicated is done through Lehigh County. Mr. Mouer noted that the Township finally received permits from DEP for treatment of the lake. The first treatment is done and the second will be accomplished in July. The third will be done before fall and the fourth, which may or may not be necessary, may possibly occur in the spring of next year. Mr. Mouer noted that he would recommend a maintenance package for at least the next two years. There was a discussion with respect to holding off on permitting fishing in Catasauqua Lake for a five year period. Mr. Mouer thought that there was still two to three years left on that hold. With respect to the parks, Mr. Mouer indicated that the basketball court in Chestnut Grove Park will be paved and striped soon. The playground equipment for Chestnut Grove Park is here and the installation is set for July 9, 2014. He also noted that Sherwood Park will have the same process done on the basketball court as is being done on the Chestnut Grove Park basketball court. Work on the basketball courts Mr. Mouer noted will not interfere with the pavilion rentals. Mr. Woolley questioned the status of the tennis court repair at Sherwood Park and Mr. Mouer indicated that work will be done in that area next year. Chairman Paulus noted that Mr. Mouer requested that Council consider taking a tour of the Public Works facilities at which time Mr. Mouer would like to explain the Maintenance operation to the Board. Council determined that they will get together and set up a time for same to occur. Vice Chairman Heimbecker brought to Code Enforcement Officer Yoder's attention an issue that was brought to his attention about Sherwood Park involving several individuals with red shirts labeled knuckleheads and a teacher.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated June 18, 2014, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

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

With respect to the Building Inspector's Report there were comments regarding the airport pulling permits with the Township. The Township Clerk advised that a meeting had been held with the airport and they are aware that permits are required for certain activities and the Township and the airport are moving forward regarding those matters.

Unfinished Business:

1. Bill No. 2014-08, An Ordinance Authorizing and Empowering the Township Manager to Sign Contracts with the Commonwealth of Pennsylvania, Department of Transportation for a 0.036 Acre Drainage Easement (Public Hearing)

The Township Attorney noted that in reading the body of this Ordinance in particular the last paragraph where it says, now, therefore, be it resolved, it should read Hanover Township hereby ordains, since this is an Ordinance rather than a Resolution. The Township Manager advised that she would make that change. In resolution in this matter, the Board made the following Motions:

Motion: I move that Hanover Township hereby amends Bill No. 2014-08, in particular, the last paragraph which currently reads, now, therefore, be it resolved to read, Hanover Township, Lehigh County, hereby ordains.

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

Motion: I move that Bill No. 2014-08, An Ordinance Authorizing and Empowering the Township Manager to Sign Contracts with the Commonwealth of Pennsylvania, Department of Transportation for a 0.036 Acre Drainage Easement be adopted as amended as Ordinance No. 561.

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

New Business:

1. Resolution No. 2014-34, A Resolution of Hanover Township, Lehigh County, Pennsylvania, Authorizing the Disposition of Records as Set Forth in the Municipal Records Manual Approved December 2008 (Vote)

The Township Manager advised the Board that in accordance with the Municipal Records Manual approved December, 2008, the Township can dispose of records in accordance with the Rules and Regulations set forth therein. Mrs. Pudliner noted that periodically the Township disposes of material and the purpose of this resolution is to do so. It was noted that the Township disposes of same at a City of Bethlehem site and receives a receipt for the disposition. In resolution of this matter, the Board made the following Motion:

Motion: I move that Resolution No. 2014-34, A Resolution of Hanover Township, Lehigh County, Pennsylvania, Authorizing the Disposition of Records as Set Forth in the Municipal Records Manual Approved December 2008 be adopted as presented.

Wegfahrt, Woolley: Moved and Seconded

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

2. Bill No. 2014-09, An Ordinance Amending Chapter 16, Sections 104, 204 and 304 of the Statutory Code of Hanover Township to Require a Permit for all Groups Using the Park Pavilions (Introduce)

The Township Manager advised the Board that as they may recall the Township had at one point and time indicated that parties of 30 or under did not require a permit to rent any of the pavilions in the Township parks. Sometime ago that issue had been readdressed and it was determined that there would be no limit of individuals who are not subject to the permit process. Accordingly, this proposed Bill will correct same in the Township records and the Township will also correct the signs that are in the Township parks so that there are no misunderstandings. The Board should be aware that the Township has been requiring a permit for all parties no matter what size for the rental of Township pavilions. Accordingly, Bill No. 2014-09 was introduced at this time with a Public Hearing on same to be held on Wednesday, July 2, 2014 at 7:30 P.M.

3. Bill No. 2014-10, An Ordinance Amending Part 9 of the Statutory Code of Hanover Township to Increase Required Stated Flow of an Adequate Grease Trap, Place Burden of Proof in Appeals on Users and to Make Clarifying Amendments (Introduce)

It was noted that the heading of this proposed Ordinance is incorrect and that the language which reads, "Designate the Township Council to hear Appeals" needs to be removed. Individuals who take issues with the requirements will need to come before the Township's Building Code Board of Appeals. Bill No. 2014-10 was introduced at this time with a Public Hearing on same to be held on Wednesday, July 2, 2014 at 7:30 P.M.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (05/23/14), Payroll (06/06/14); Voucher Nos. 20389-20405 (Prepays), Voucher Nos. 20406-20451, from the General Fund Account in the amount of \$541,870.80; Voucher Nos. 115 from the Liquid Fuels Account in the amount of \$5,706.64; Voucher Nos. 4120-4127 from Capital Reserve in the amount of \$43,462.12; Voucher Nos. 4091-4108 (Prepays), Voucher Nos. 4109-4112 from the Escrow Account in the amount of \$47,248.48; Voucher Nos. 3929-3930 from the Water Account in the amount of \$5,243.57; Voucher Nos. 5144-5153 from the Sewer Account in the amount of \$13,974.95 for a Grand Total Expenditure of \$679,161.58.

Paulus, Wegfahrt: Moved and Seconded

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

Courtesy of the Floor:

The Township Attorney began a discussion indicating that two weeks ago the Hanover Township Council was made aware of some deadlines which appeared to be in place in Allen Township regarding the Rockefeller Group Development. The Allen Township Planning Commission Meeting which occurred this past Monday resulted in a recommendation for approval regarding the FedEx project. It was thought that the Board of Supervisors Meeting on June 24, 2014 might be the forum for the Board to make a decision regarding the proposed land development. The Township thought that time was running out and the Township decided to make its position known before the Allen Township Planning Commission. After the Allen Township Planning Commission, the Hanover Township Council held a meeting with the developer, the airport, and other interested parties regarding the developer's project. Council had been focusing on making a decision this evening because of an anticipated deadline to take action prior to the June 24 Allen Township Supervisors Meeting. As the Board is aware, the Township Manager has secured information regarding extensions granted by the developer and further extensions which will be requested, as well as the dates of upcoming meetings in Allen Township by the Board of Supervisors. Attorney Eaton also noted that in conversations with Attorney Fitzpatrick, the Rockefeller Groups Council, he has been advised that the Township should take time to look into this matter since no decision is immediately forthcoming in Allen Township and that the Township in doing so will not be putting itself in a position where it will be held against us.

Mr. Ron Gawlik of the Pidcock Company advised all present that the developer will be happy to come in and answer any questions and will be happy to attend another workshop with the Board. Councilman Wegfahrt commented that he feels he would like to stay the course and attempt to get information at this time rather than making any decisions. Councilman Martucci commented that if the Township has complete plans he would like to look at them. The Township Engineer noted that the Township now has the roadway improvements from Allen Township to Postal Road. He did note that we do not have revised utility plans yet. Vice Chairman Heimbecker commented that this Township has

always been pro-business. He noted that we have always been respectful of the process and he is tired of being portrayed in a bad light. He noted that we shouldn't be put in a position where we have to make a decision quickly. He took the opportunity to thank the Pidcock Company for providing the information to the Township as well as to thank the representative from Gilmore and Associates, Amy Kaminski for educating the Board.

There was a discussion as to timing for another workshop. There was also some discussion with respect to the fact that the developer could satisfy conditions set forth in the Planning Commission's recommendation prior to submission to the Board of Supervisors in Allen Township. The Township Manager noted that Hanover Township had not followed that process through the years. The plan that was before the Hanover Township Planning Commission was the same plan that was seen by the Hanover Township Council. However, it was noted that the process as being handled in Allen Township can be done. There was some discussion upon questioning by Vice Chairman Heimbecker wherein the Township Attorney advised that any developer must post monies for security for improvements for infrastructure and that that will be in place in Allen Township for this development. The Township can withhold a Certificate of Occupancy for land development unless all the improvements are in place and secured. James Rothdeutsch of the Pidcock Company noted that they will be attempting to correct some of the issues that are conditions for approval in Allen Township with respect to this project. Finally a determination was made that a workshop would be held on Wednesday, July 2, 2014 at 6:00 P.M. at the Hanover Township Municipal Building. Amy Kaminski from Gilmore and Associates will attend along with representatives from the Pidcock Company to review various issues.

Adjournment:

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

Respectfully submitted,

Sandra A. Pudliner
Township Manager