

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

August 6, 2014
7:30 P.M.

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

Absent: 0

Attendance: 9

Courtesy of the Floor: None.

Approval of Minutes: July 8, 2014 Special Workshop Meeting
July 16, 2014 Special Workshop Meeting
July 22, 2014 Special Workshop Meeting
July 16, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the July 8, 2014 Special Workshop Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the July 16, 2014 Special Workshop Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the July 22, 2014 Special Workshop Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the July 16, 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 the Board that she has provided them with information sent to PPL as same relates to cutting back the trees in the Township located within their easement where the wires are caught up in the trees. As the Board is aware, the Township has provided PPL with a listing regarding the areas in the Township where we perceive problems. On this date, I received a response from the Township's PPL representative indicating that the matter had been turned over to their Vegetation Department who has viewed the situation in the Township and has indicated to her that the trimming back of the trees was done by PPL last year and that they do not see any problems with their wires. There may be potential problems with the other utilities located on the PPL poles but the representative indicated that that matter must be taken up directly with those utilities and that PPL has no contact information regarding those entities. Councilman Heimbecker requested that the Township Manager provide him with the name and phone number of the Township's PPL representative so that he could contact her personally.
2. Council should be aware that the Township is still researching the issue of utilizing a credit card machine and accepting credit card payments for Township bills. The Township has secured information from a private entity as well as the Township's banking institution and is currently seeking additional information from the Township's bank. After all the information is secured, the Township can then determine how to proceed.
3. As I made Council aware, the Township has been contacted by an entity known as Communities of Distinction, an organization which seeks out what they would consider emerging places to live, visit and work to be aired on their "Hometown America" series. They indicated that they would like the Township to be a segment which would air one time nationally on the Discovery Channel, Transponder, and 19 times regionally on ABC, FOX or ION broadcast stations. The scheduling fee required is \$19,800.

Councilman Wegfahrt indicated he had looked into this organization and that nothing has actually been going on since 2013. The Board as a whole felt that in addition to the fact that the Township had not budgeted for such an expenditure the Township would not participate in this type of venture. Accordingly, the Township Manager was directed to advise Communities of Distinction of the Township's position in this matter.

4. The Township Manager advised that with respect to the property at 2030 N. Dauphin Street for which the Township Council had asked the Manager to secure an appraisal, the Board has been provided certain excerpts of said appraisal which value the land at \$17,500. The Township Attorney noted that since this is a real estate matter, the Board may wish to consider this by way of Executive Session. Accordingly, no further discussion occurred at this time.

Councilman Wegfahrt commented on the situations occurring in the Township with vehicles parking on private property as well as large tractor trailers entering into the residential areas of the Township in error. Council felt that the Township Manager should respond to communications received from Peter Latta of A. Duie Pyle indicating to him that an issue involving the tractor trailers erroneously ending up in the residential section of the Township is a problem which is definitely his problem and not the Township's. Communication should be sent to A. Duie Pyle indicating the Township's position.

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

1. The Township Engineer advised that there is an issue with the sewer main on Catasauqua Road in front of Valley Plaza Shopping Center. The pipes at that location sag and the blockages are continually occurring. Mr. Hay noted that there are three different types of pipe material in that area. When the lines were TV'd, it required the Public Works Department to flush the lines five or six times just to do so. Mr. Hay indicated it would be his recommendation that the Township replace the main. Mr. Heimbecker questioned the Township Engineer as to the cost and the Township Engineer indicated that he felt it would be in the area of \$50,000. It was also noted that the problem area is located off Catasauqua Road where the Jiffy Lube property is situated. The Township Engineer indicated that the replacement is necessary because the Township has hotels and other businesses on the line. Chairman Paulus questioned whether or not it was necessary to bid this and the Township Engineer indicated it was. Councilman Martucci questioned how long it took to bid and the Township Engineer indicated that they would get the bid together as soon as possible.

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

1. The Township Attorney advised that he has provided the Board with a copy of his communication to the Lehigh County Board of Elections forwarding the four adopted Ordinances to amend various sections of the Hanover Township Home Rule Charter. Attorney Eaton indicated that he has advised the Lehigh County Election Board that he will be submitting draft language for the ballot amendment questions and public notice of the referendum in the near future. Attorney Eaton also advised the Board that he has requested that the questions be placed on the ballot in the November 2014 General Election.

Councilman Wegfahrt initiated a discussion questioning the Township Attorney as to the present status of the Rockefeller/FedEx project in Allen Township. Attorney Eaton indicated that there are three applications filed in Allen Township. It is his understanding that there is a preliminary/final subdivision plan and two other plans for land development for Federal Express. The Township Attorney noted that it is his understanding that the developer is seeking preliminary/final approval for three phases of the entire land development of FedEx and final plan approval for phase 1 of the project. Attorney Eaton further noted that it is his understanding that the Allen

Township Supervisors will consider approvals next Thursday, August 14, 2014. The plans, Attorney Eaton stated, have already been considered by the Allen Township Planning Commission and have received recommendations with substantial conditions forwarded to the Allen Township Supervisors.

Continuing on with the discussion, the Township Attorney noted that PennDOT requires improvements to state highways. Plans have been submitted to PennDOT for those improvements. No formal request to Hanover Township for approval of anything in particular has been submitted. There had been a request regarding sewer allocation made to us but after the Township provided the necessary information to the developer, no formal response has been made. Presently, there is nothing before Hanover Township.

Councilman Wegfahrt inquired as to the situation regarding the Township's letter to Allen Township setting forth the Township's concerns. Attorney Eaton noted that the Allen Township Supervisors have responded positively to the Township's letter. At a public meeting, they indicated they were in agreement with the matters stated therein. We indicated we are still in discussions with the developer. There was further follow-up from Attorney Fitzpatrick, the attorney for the Rockefeller Group, with regard to trying to clarify some of the Township's issues. Furthermore, Attorney Eaton noted that PennDOT will meet with the Township to discuss some issues and that meeting is currently scheduled for August 12, 2014 in the afternoon. The Township Attorney indicated that Township staff will attend. Various Council members noted they would also like to present at that meeting. Councilman Wegfahrt questioned the Township Attorney as to whether or not there has been any response to the recent issues raised by Gilmore and Associates. Attorney Eaton noted that possibly the response will be made at the PennDOT meeting set for August 12. Councilman Wegfahrt questioned whether or not you can combine preliminary and final plan approval. Attorney Eaton noted that you can do so. Usually, he noted that the number of outstanding issues that need to be resolved will define whether an approval is either preliminary or final. Attorney Eaton advised the Board that the usual process involving land development begins with a sketch plan submission if a developer chooses to do so. A Developer can then submit a preliminary plan which basically has everything in it that will be in the final plan. Deficiencies can be noted and revisions made to correct issues. When the final plan is presented to the elected officials and if an approval is granted, then the Board does not have another bite of the apple. Vice Chairman Heimbecker commented that basically what the attorney is saying is that if they approve the plan on August 14 with conditions the matter is done regardless of what Hanover Township says. Attorney Eaton noted that technically the Township appears before them just as a resident would. However, they are governed by their ordinances and if a developer meets the requirement under law the elected officials approve the plan. Vice Chairman Heimbecker questioned the time of the PennDOT meeting on August 12 and the Township Attorney indicated it is at 1:30 in the afternoon. Vice Chairman Heimbecker noted that Gilmore and Associates has asked for a lot of things involving studies, etc., which need to be done. Attorney Eaton indicated that possibly the PennDOT meeting will give us some information. Councilman Martucci stated that it's his understanding that Allen Township can still approve the plans and move forward. Attorney Eaton noted that they can approve the plans, but that anyone appearing before them as an objector has the opportunity to

appeal. He noted that he would have to look at the approval and what the conditions are for same and see if there is a basis for an appeal. The Township Attorney noted that whatever is accomplished in Allen Township there are no approvals in Hanover Township. Hanover Township has a road system affected within the Township and Hanover Township has traffic and safety concerns. The Township can make its position known and see what the response is with respect to same from Allen Township or PennDOT. Councilman Wegfahrt questioned whether those issues should be raised at a meeting. Attorney Eaton noted that he had been specific in the number of items of concern to the Township. Hanover Township is in no way controlled by Allen Township. Councilman Wegfahrt questioned whether the request from Gilmore went to Rockefeller Group but not to Allen Township and the Township Attorney indicated that it was his understanding that Allen Township did not receive same. The Township Attorney stated that if the Board believes that it is important then he felt the information should be provided to Allen Township. He noted that this Board should consider that Allen Township already has a Traffic Study. Councilman Wegfahrt commented, however, that Hanover Township feels that there are two additional studies that need to be addressed; namely, Route 22 and Airport Road northbound. Attorney Eaton noted that if this Board feels those additional studies should be done then the Township should inform all parties. Councilman Wegfahrt noted that he felt that they should be done before any development.

Councilman Woolley questioned the Township Attorney as to whether Allen Township had the original Gilmore and Associates letter and Attorney Eaton indicated that they were provided with same and the Pidcock response was also provided as well as Gilmore's response to Pidcock. He did not believe that the Township received copies of the most recent proposed traffic study work proposed by Gilmore and Associates. There was a discussion with Councilman Woolley wherein Councilman Woolley questioned whether or not the issue of all the traffic going through Hanover Township and nothing going north was ever addressed. Attorney Eaton noted that the traffic study contained that scenario. Furthermore, the traffic study indicated that with respect to developments in Allen Township, trucks of a certain weight cannot go south and the traffic study also appeared to indicate that same applied in Hanover Township. Attorney Eaton noted that we objected to that and the supervisors agreed with our objection.

Councilman Wegfahrt brought up the issue of utilizing the facility in Allen Township before the roadwork was completed. Attorney Eaton commented that it is his understanding that all improvements will be completed before the facility is opened but the improvements on Airport Road may not be completed until the facility is in its final phase. Chairman Paulus commented that he thinks it is irresponsible for Allen Township to approve this development without the proposed Gilmore traffic study being completed. In that regard, the following motion was placed on the floor.

Motion: I move that Hanover Township, Lehigh County, would request that the Allen Township Board of Supervisors defer final approval for the plans before them regarding the Rockefeller/FedEx Subdivision and Land Development until the traffic study as proposed by Gilmore Associates is completed.

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

At this point in the meeting, Clark Machemer of the Rockefeller Group approached the Board with the intent of clarifying some issues and discussing others. Mr. Machemer indicated that as far as the development in Allen Township, there were three applications. Plan submission for the full build out of FedEx and the final plan application for Phase 1. With respect to the extent of the traffic study, Mr. Machemer indicated that all the roadway improvements were up to Route 22 but not including any work on Route 22. Mr. Machemer further noted that his company has reviewed the Township's 21 points of concern and that there are a few items that still need clarification. The one issue Mr. Machemer indicated related to security specifically that, the security for all infrastructure including Hanover Township be posted before final plan approvals by Allen Township. He also indicated they are looking at the Township's request that the developer pay for increased maintenance. With respect to Route 22, Mr. Machemer indicated that as everyone is aware a meeting has been scheduled with PennDOT for August 12, 2014. Mr. Machemer also commented that initially the Township had provided the list of concerns to Allen Township and those issues had been accepted by Allen Township. Mr. Machemer also brought up the issue of 25 acres of property which they own and which is located in Hanover Township. In that regard, Mr. Machemer indicated that the Rockefeller Group would be anxious to work with the Township and would be willing to consider some sort of retail. Also with respect to securing sewer allocation from Hanover Township Mr. Machemer noted that his client desires to work with Hanover Township to secure some of that allocation which would alleviate the Township's responsibility for holding the large reserve sewer capacity they currently have. Mr. Machemer acknowledged that ultimately they will have to be before Hanover Township for land development relative to the improvement to Willowbrook Road.

At this point in the meeting, the Township Attorney addressed the issue of sidewalks on Race Street, He advised the Board that if the sidewalks are in the Township right-of-way, it is true that the Township has an increased risk of liability. However, Attorney Eaton noted it is not the same risk that a homeowner has. The Township would have secondary liability and the adjacent property owner would have the primary liability.

At this point in the meeting, Attorney Joseph Fitzpatrick addressed the Board indicating that he is in no way trying to be discourteous or disrespectful. However, Attorney Fitzpatrick questioned by what right, statute, etc. would the Township, Rockefeller Group, or any developer tell a state agency what to do with a state road. He noted that his client does have professional opinions regarding Route 22. With respect to a concept of exclusive jurisdiction, Attorney Fitzpatrick did indicate it is not Allen Township's, not Hanover Township, Lehigh County's, nor any developer's jurisdiction but rather the state. The opinion of Gilmore Associates can be made known to PennDOT. However, PennDOT and the Commonwealth set the requirements and it is difficult to create a response to one engineering firm's suggestions and say that they have to consider it.

At this point in the meeting, there was a discussion with respect to Council wishing to further discuss the development in Allen Township prior to the Allen Township Board of Supervisor's meeting on August 14, 2014. The Township Attorney and the Township Clerk will get together to determine what advertising requirements are necessary in order for the Board to discuss same in conjunction with their Capital Program Hearing set for Tuesday, August 12, 2014 at 5:00 P.M.

Unfinished Business:

1. Bill No. 2014-11, An Ordinance Amending Chapter 26, Part 1, B. Water Rates, Rents and Charges, Section 124, Meter Rates of the Statutory Code of Hanover Township (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2014-11. The Township Engineer advised that as the Board is aware, Lehigh County Authority raised the water rates and the Township had not budgeted for it. The increase in the Township's rates will get us in a position to handle the additional cost. Chairman Paulus closed the Public Hearing on Bill No. 2014-11 and the following Motion was made:

Motion: I move that Bill No. 2014-11, An Ordinance Amending Chapter 26, Part 1, B. Water Rates, Rents and Charges, Section 124, Meter Rates of the Statutory Code of Hanover Township be adopted as Ordinance No. 565.

Woolley, Wegfahrt: Moved and Seconded

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

2. Bill No. 2014-13, An Ordinance Amending Chapter 16 of the Statutory Code of Hanover Township to Require Groups of Any Size to Pay Fees Established by Resolution for Reservations of Park Facilities (Introduce)

Bill No. 2014-13 was introduced at this time with a Public Hearing on same to be held on Wednesday, August 20, 2014 at 7:30 P.M.

New Business: None.

Courtesy of the Floor: None.

Chairman Paulus advised that the Board will be going into Executive Session with respect to discussions involving a real estate matter and will not be returning to the meeting this evening with any decision.

Adjournment:

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

Respectfully submitted,

Sandra A. Pudliner
Township Manager