

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

November 5, 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: 11

Courtesy of the Floor: None.

Approval of Minutes: October 15, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the October 15, 2014 Regular Council Meeting and accept same as presented.

Paulus, Heimbecker: Moved and Seconded

Heimbecker, Martucci, Woolley, Paulus:

Aye

Wegfahrt:

Abstained

Reports:

1. Sandra A. Pudliner  
Township Manager

1. The Township Manager advised the Board that she has provided them with a notice of Community Information Workshop by the Lehigh Valley International Airport as same relates to the 14 CFR Part 150 Noise Compatibility Study Update. The Airport is inviting all interested persons to attend this workshop and provide comments. The workshop will be held on Thursday, November 20, 2014 at 6:00 P.M. at the Catasauqua Middle School Auditorium, 850 Pine Street, Catasauqua, PA 18032. The Township Manager wanted the Board to be aware of same, although it was her recollection that the Township had not attended these workshops in the past.

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

1. The Township Engineer indicated to the Board that a sinkhole has caused a problem with Catasauqua Lake. The Township Engineer indicated that he recommended that an emergency be declared. A team was mobilized and the sinkhole was repaired with low pressure gravity equipment at a cost of approximately \$6,700. We will now have to see if the sinkhole on the side of the Lake is the only sinkhole as opposed to also a sinkhole or sinkholes in the bottom

of the Lake. There was discussion regarding this matter and the Township Manager was directed to check as to whether or not the Township has sinkhole insurance that would be applicable.

2. The Township Engineer advised the Board that bids will be open for sewer work on Catasauqua Road at the next meeting.

Vice Chairman Heimbecker questioned the progress with respect to a water main issue on Troxell Street. The Township Engineer indicated that he was under the impression that there was a problem by someone's driveway. There was discussion that a problem existed with respect to a fire hydrant in the area. In any event, it appears the City of Bethlehem repaired the damage and temporarily patched the roadway.

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

1. The Township Attorney began a discussion relative to the plans submitted to the Township by Pidcock Company on behalf of Rockefeller Group. The question had arisen as to how this matter will be handled and what the applicable fees would be for same. A letter had been prepared responding to the Pidcock Company with respect to the Township's position. The Township Attorney did note that the second paragraph in that draft letter would need to change to reflect that the SALDO amendment which it references as being introduced and advertised has now been adopted by the Board as of November 4, 2014. Additionally, Attorney Eaton advised that he had this evening provided the Board with an additional letter regarding conversations he had with Attorney Fitzpatrick, Counsel for Rockefeller Group. The request was made that the Township not treat the request to the Rockefeller Group for road improvements to Willowbrook Road as a land development but rather some kind of road improvement permit.

Attorney Fitzpatrick approached the Board at this point in the meeting and advised Council that the plans that had been submitted by the Pidcock Company really are a grading and utility plan. There is an expansion of an existing public roadway which required improvements associated with that and necessity of handling the storm water. Typically, Attorney Fitzpatrick stated, this type of plan is an administrative matter handled by the Township Engineer. Attorney Fitzpatrick noted that grading and utility plans do not constitute a land development plan. He indicated that the Township should look at its own definition for land development. He noted that where there are no buildings has the Township ever treated the plans submitted as a land development. Attorney Fitzpatrick indicated he would say no. He felt that the requirements that kick in under the Subdivision and Land Development Ordinance are not applicable to this situation. The Pidcock submission should be treated as a grading and utility plan for public improvements which is exactly what it is. Additionally, Attorney Fitzpatrick commented that PennDOT does not want a traffic study done for Route 22. They will indicate that they have their own study.

The Township Attorney commented that the Township Council wants to handle this matter in the most expeditious way possible. He further noted that the Township has

some flexibility. Attorney Eaton also stated that the Township in accordance with the MPC in his opinion can treat this as a land development. This project was presented to Allen Township as a land development with portions of it physically on the plan in Hanover Township along with improvements on the Township road, Race Street, Airport Road, up to Route 22. Additionally, the Township Attorney stated that conditions placed on the land development plan particularly storm drainage are an important part of the plan. He noted that he believes that the Township has flexibility to review the matter as a land development plan. He did note that the Township could also review it as a grading and utility plan.

At this point in the meeting, there was discussion with respect to potential future meetings with the developer and what items would be discussed at such meetings. Chairman Paulus commented that he had felt that looking at this matter as a land development plan was in the best interest of the Township. The Township Attorney questioned Attorney Fitzpatrick as to what type of discussions would occur at additional meetings. Attorney Fitzpatrick advised that his client would like to address the Township's concerns. He also indicated that he felt that work sessions can provide a better atmosphere for his client and the Township coming together on a resolution of the issues. He noted that his client is looking for some definition of the issues and an end resolution for the Township. Attorney Fitzpatrick also noted that he cannot recall going through land development all these years of practice for road improvements such as this project. He indicated that the Township needs to go through a checklist of what the Township wants and Rockefeller can determine what accommodations can be made. Attorney Fitzpatrick indicated that land development puts his client in a corner and makes it hard for his client to address the Township's concerns.

Council discussed the matter and it was determined that the Township would get together a list of the Township's issues and then set up a date for a meeting with the Rockefeller Group. Councilman Wegfahrt commented that this is really about being thorough and responsible to our Township residents. Attorney Fitzpatrick indicated that he understood but he is just asking to be treated as others before this developer have been treated by the Township. Councilman Wegfahrt questioned the Township Engineer as to whether or not the plan submitted to the Township has answered the Township's questions and the Township Engineer noted that the plans are pretty straightforward. He indicated the last set of plans submitted were pretty complete. Vice Chairman Heimbecker stated for the record he is new in this game and he is just trying to learn about something that he has never done before. He felt that if the Township's concerns are addressed, the Township would react accordingly since the Township is pro-business.

2. With respect to the referendums on the ballot at the November 4 Election, the Township Attorney commented the referendums passed but that he noted that they passed by different vote counts which signifies that the people really looked at them and is a credit to the voters in the Township. He indicated that he will prepare the actual amendments to the Charter and that new copies of the Charter will be created.

Unfinished Business: None.

New Business: None.

At this point in the meeting, there was a discussion with the Maintenance Supervisor, Jeff Mouer who was in attendance at the meeting regarding the status of the Township's leaf machine. Mr. Mouer indicated that the machine has been repaired and it was not a cylinder. They would be picking it up tomorrow. He noted it would be back on the road by Friday. Chairman Paulus indicated that he felt the Township should start looking into a new leaf machine since the one we have is getting older. Mr. Mouer noted that the current leaf machine is 18 years old. There was a discussion with respect to the security gate in the breezeway entering into the Township Municipal Building parking lot. Mr. Mouer indicated he is not sure what happened to the gate whether it was wind or a vehicle that damaged it. He will look at the surveillance tapes to make some sort of determination. Currently, the gate is not operable. There was also discussion with respect to the inverter located in the Public Works garage. Mr. Mouer indicated that in order to sell power back to PPL, it was necessary to do an inspection on the solar panels. There were five items that needed correction. Three are done. The other two need electrical work involving switching out breakers and the replacement of the PVC pipe which should be metal on the inverter. A discussion ensued regarding the history of the solar panel installation. It was noted that originally there was a company that had the work but they went bankrupt and the Township had to bring in another company to finish the job. The Township is unsure as to whether or not the inverter was to be outside according to the specs. If the inverter had been placed outside, the PVC pipe used would be fine, but for the inside application, it needs to be metal. It was also noted that the system came with the PVC pipe and that is why it was installed in that fashion. Council, in particular, Vice Chairman Heimbecker, expressed concern over why the equipment was not installed to code. He questioned whether or not the Township's Building Inspector failed to do an inspection. He questioned if the company installing it had any liability. The Township Attorney noted that he had a recollection regarding this matter and that there had been two companies involved. The original one had indeed gone bankrupt and the second company was brought in to complete the job. It was determined that the Township would research this matter further to make a determination regarding the equipment.

Courtesy of the Floor:

Mr. Robert Zako, Jr. of Catasauqua, PA appeared before the Board at this time to indicate his feeling that the Township should not consider the closure of Lloyd Street. He questioned whether or not anything had been done yet and Chairman Paulus indicated that nothing has been done as of this time. He noted that he is the owner of cemetery plots in Woodlawn Memorial Cemetery. He indicated he believed that once the American Parkway Bridge opened that you would see an increase in traffic. He also felt that FedEx people would look for new thoroughfares. He felt that before the Township considers closing the road, a traffic study should be done.

Adjournment:

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Sandra A. Pudliner  
Township Manager