

HANOVER TOWNSHIP, LEHIGH COUNTY
SPECIAL COUNCIL MEETING

March 18, 2015
6:00 P.M.

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

Absent: 0

Attendance: 34

Old Business:

1. The proposed Rockefeller/Federal Express Development in Allen Township (Review and Discussion)

At this point in the meeting, the Township Attorney advised all in attendance the history of the discussions regarding the proposed Rockefeller/Federal Express Development in Allen Township. Attorney Eaton indicated that sometime ago the Developer had asked for the opportunity to discuss conditions which the Township felt should be proposed directly with Council to see if a compromise could be reached for the approval of the process. Council agreed. However, a number of things occurred in the interim before such a meeting could be held. There had been a request from PennDOT to come to the Township and review their process with Hanover Township. The traffic congestion in the area was a significant issue with Council. As a result, a meeting was scheduled with PennDOT and PennDOT came and subsequently sent a letter to the Township outlining their responses to the issues raised by Council at the meeting which PennDOT attended. Council asked questions of its engineers and traffic consultants last week at a workshop meeting. After that meeting, the Township indicated to the Developer that the matter would now move forward. The Township Attorney noted that there had been a letter last fall with responses from the Developer concerning the Township's concerns. Since that time, a number of other issues developed. In any case, the Township Attorney advised that Attorney Fitzpatrick reached out to him to make certain we are considering those matters. We tried to list the other things beyond the original letter. The Township Attorney noted he felt it appropriate at this time for the Developer to make a presentation to Council. He indicated that he had spoken with the Chairman of the Board before the meeting and it was determined that the Developer would speak and respond to any questions Council has. After that a Courtesy of the Floor would be held. After that is concluded, then Council may have a discussion among themselves.

Mr. Clark Machermer representing the Rockefeller Group addressed the Board at this time. Mr. Machermer noted that he appreciates the efforts of the Township in engaging PennDOT to review traffic issues. He noted that since last year a number of items have also been put forth and that his office had responded back in the fall. A lot of those comments were addressed. Additionally, Mr. Machermer noted that

PennDOT has provided the Township with a letter in response to concerns raised by the Township and Mr. Machemer indicated that the Rockefeller Group will follow through with PennDOT's recommendations on improvements as same relate to this project.

At this point in the meeting, Mr. Mark Troutman, the Chairman of the Lehigh Valley International Airport Authority Board, approached the Board and voiced his opinion that the project under consideration is important for the Airport, Lehigh Valley Region, and the State of Pennsylvania. Mr. Troutman noted that he viewed the project as a compatible land development in close proximity to the Airport. He felt the development would bring new jobs to the area and economic activity to the area, part of which will benefit the businesses in Hanover Township, Lehigh County. Mr. Troutman continued that he felt that the Rockefeller Development would put the Lehigh Valley in the forefront of new economic development. He expressed his opinion that the local businesses in the area will greatly benefit from the FedEx facility. He noted that he felt that the FedEx Development would increase the tax base in Hanover Township and unlock land in Hanover Township for development. Additionally, he noted there will be a financial benefit to Hanover Township since the Development will utilize excess sewer capacity held by the Township for their facility. Mr. Troutman advised that a comprehensive traffic study had been completed and methods put in place to mitigate the impact of the Development on the road systems. Mr. Troutman also indicated that he appreciates the assistance of the Township and the State and U.S. Senators and the time of Township Council in moving this matter forward.

At this point in the meeting, Attorney Joseph Fitzpatrick, local counsel for the Rockefeller Group, approached the Board and stated for the record that there had been a meeting in July, 2014, at which time the Township had presented 21 concerns regarding the FedEx Development. The Rockefeller Group responded to those concerns by way of correspondence dated November 18, 2014. With respect to Items 1, 2, 3, 4 and 5, those comments were reviewed by the Rockefeller Group and Rockefeller agreed to those conditions. With respect to Items 6 and 7, Attorney Fitzpatrick indicated those items were incorporated into Allen Township's conditions of approval dated August 14, 2014. With respect to Items 8 and 9, those items are off the table at this time. With respect to Items 10, 11, 12 and 13, those items had been agreed to and completed. With respect to Items 15, 16, and 20, said items were also found acceptable.

By way of further discussion, Attorney Fitzpatrick noted that with respect to Items 2 through 8, the comments would be addressed by Allen Township rather than the Developer to include the financial issues raised therein. In particular, with respect to Item 3, the Developer will pay for all the improvements not under the jurisdiction of PennDOT. With respect to Item 5, the Developer agreed to same except for improvements under PennDOT's jurisdiction and subject to their standards. With respect to Item 14 relating to a flashing pedestrian warning at Cascade Drive, Attorney Fitzpatrick noted that the flashing pedestrian warning is currently showing on the PennDOT HOP Plans and is currently under review by PennDOT. PennDOT will control and PennDOT will look to see if the PennDOT warrants are met for the installation. With respect to Item 16, Attorney Fitzpatrick indicated that the

Developer agrees to provide for all future maintenance costs of traffic lights where Hanover Township is the permittee. With respect to Items 17, 18 and 19, Attorney Fitzpatrick indicated that there will be further traffic studies and further reviews. He noted the March 3, 2015, letter from PennDOT, set forth certain matters and that Rockefeller Group has taken those requests very seriously and Rockefeller stands ready to comply with the directions set forth by PennDOT in their correspondence. With respect to the last several items, Attorney Fitzpatrick indicated that his client is willing to work through those matters. He requested that the Township's Engineer look at their letter from a year ago and speak to Rockefeller's engineers about those issues.

At this point in the meeting, Attorney Fitzpatrick noted that he would like to initiate a discussion with respect to matters outside the list of concerns previously raised. He noted that Rockefeller Group has committed to purchase sewer capacity for the Federal Express Development. Beyond that, Attorney Fitzpatrick indicated that his client is also willing to commit to utilize Township's sewer capacity for their property in Allen, East Allen, and Hanover Township, Northampton County. Upon questioning by the Township Attorney and Vice Chairman Heimbecker, Attorney Fitzpatrick noted that parts of the project are in other municipalities and that if there is no problem with the PUC, his client is willing to commit to utilize the sewer capacity currently in reserve by Hanover Township, Lehigh County, for all their Development.

Attorney Fitzpatrick also advised that the Rockefeller Group and the Airport Authority are looking to have 27 acres on the west side of Willowbrook Road developed with a ratable developer or developers. He noted that FAA approval will be necessary but didn't think that would be a problem. Then they will look at the Township Zoning Ordinance regarding the uses permitted in that area and then file a sketch plan with the Township. There was some discussion with respect to the 27-acre tract being squared off and being shaped more like a rectangle. However, Attorney Fitzpatrick noted that he did not know if they could simply do that but that they would work with the Township. Attorney Fitzpatrick also indicated that there is a minimum of five acres on Airport Road owned by the Airport and that the Airport is willing to make the same commitment in writing to begin efforts to develop that property. He noted that whether or not FAA approval is required will need to be determined. They felt it might not be required, but they will research the matter. Charles Everett, Executive Director of the Lehigh Valley International Airport indicated that the property may be as much as 11 acres and is located just north of the entrance to the airport.

Attorney Fitzpatrick noted that PennDOT has come in and asked the Developer to perform work identified by PennDOT. He indicated that they will meet to identify any additional work and future projects. With respect to concerns over Avenue A/Postal Rd., Attorney Fitzpatrick indicated they are looking at that issue and he hoped that the Township would authorize the Township Engineer to meet with Rockefeller's engineers so that matter can move forward. Additionally, Attorney Fitzpatrick indicated he would like to also speak with the Township Solicitor to map this out. Attorney Fitzpatrick indicated that there will need to be agreements between the Airport and Rockefeller Group and certain agreements with Allen Township and

the Developer will need to go forward with respect to the conditions imposed by the Allen Township Board of Supervisors on this development. He indicated, as the Board is aware, they have placed a cap on the number of trips for the total development of the property. Attorney Eaton commented that it is his understanding that if it became necessary Allen Township would require an alternate access be put in place. He questioned whether or not Hanover Township would have the right to become involved in that process. Attorney Fitzpatrick indicated that would be acceptable.

Vice Chairman Heimbecker brought up the issue that Mr. Rebert's letter to the Township on behalf of PennDOT had contained errors on the tables and that the Township had responded to them regarding same and will await their response.

There was discussion with respect to the businesses and residents on Airport Road attempting to make the left hand turn on Airport Road after the development is in place. It was noted that because of the center lane it should be possible to continue to make that left hand turn because of the new lane being added on Airport Road. It was noted that the only other alternative is to proceed north on Airport Road and find an alternate way to back track. Attorney Fitzpatrick noted that the concept of placing a signal light for example at the intersection of Airport Road and Grove Road would most likely be a problem because the traffic warrants will not be there and the signal light could not be installed.

There was some discussion initiated by Chairman Paulus with respect to the matters that have been discussed with State Senator Boscola. There was discussion regarding the airport occupying 51% of Hanover Township and the issue of the fact that only the one 27-acre tract and a possible 11-acre tract are available for future development in the Township. The Airport confirmed that was the case.

Courtesy of the Floor:

Attorney Joseph Kelly of Senator Lisa Boscola's office discussed with the Board the importance of this project. Attorney Kelly noted that the creation of jobs from this project is important. He noted that getting the Developer to pay the bulk of the infrastructure cost of approximately \$40 million does not happen all the time. Attorney Kelly also indicated that he too used to be a member of the Airport Authority Board and he realizes that the Airport needs financial stability and needs to become a more vibrant airport. He also noted that there are very few projects that have the universal support that this project has.

At this point in the meeting, there was some clarification provided regarding the issues discussed to include the future maintenance of Willowbrook Road and the maintenance of the signal lights involved. There was some discussion with respect to synchronization of signal lights, an expensive process for which he noted he is sure the Township does not want to pay.

In resolutions of these discussions, the following Motion was made:

Motion: I move that the Township Solicitor and Township Engineer are directed to work with representatives of the Rockefeller Group, Federal Express, the Lehigh-Northampton Airport Authority and/or Allen Township to prepare for Council's consideration an agreement or agreements to approve by permit the proposed improvements to Willowbrook Road and related infrastructure improvements in Hanover Township proposed by the Rockefeller Group subject to the conditions imposed on the record at this meeting by the Rockefeller Group.

At this point in the meeting, the Township Attorney commented that his understanding of the Motion is that he will be authorized to put an agreement together but that same would not be final approval.

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

Adjournment:

The meeting was adjourned at 7:10 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager