

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

March 19, 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: March 5, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the March 5, 2014 Regular Council Meeting and accept same as presented.

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

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager advised that she had received a call from Captain Brian Tobin of the Pennsylvania State Police with respect to the Township's inquiry regarding a State Police Appreciation Day celebration. Captain Tobin indicated that he has spoken to his people and it appears that a gathering at one of the Township parks would not be something they wanted to consider merely due to the fact that the State Police do not want to be in a situation where there is a large gathering of policemen at a certain location. However, as previously noted by Captain Tobin, the State Police would very much appreciate the Township's participation in their State Police Memorial Day which will be held on May 2, 2014 commencing at 10:00 A.M. in the parking lot of the Troop M Barracks. In that regard, Captain Tobin provided me with the name of Trooper Bruce Williams who is the officer in charge of the event. In speaking with Trooper Williams he has indicated that the Township Officials are definitely welcome to attend the May 2 event and that any donations to the festivities would be appreciated.

In discussions regarding this matter, it was determined that the Township would provide food for the occasion as part of the lunch which will be served at the event. Additionally, Council determined that the Township Manager should make the necessary arrangements for a plaque to be created and presented to the State Police on May 2. The plaque would exemplify the Township's appreciation for

the fine service by the State Police on behalf of Hanover Township, Lehigh County.

2. As the Board may recall at a prior meeting there was some discussion with respect to the position of East Allen Township regarding the Rockefeller Group Development. Council should be advised that I have spoken with the Township Manager in East Allen Township. She advised that there is no intent by East Allen Township to schedule meetings regarding the FedEx project in Allen Township. She noted that the only correspondence sent to Allen Township references the Allen Township amendment to their comprehensive plan which is being considered at this time. In that correspondence, East Allen Township expresses concern over the effect of the amendment on the roads in East Allen Township. In any event, the Township Manager of East Allen Township has advised that her board has no intent to become involved in the Federal Express development and they take the position that this development is not in their Township and they are not involved.

At this point in the meeting, Mickey Philpott of Allen Township spoke to the Township Manager and the Board indicating that at the recent Allen Township Planning Commission Meeting, there was new information discussed regarding road improvements which would affect roads in East Allen Township. Additionally, Mr. Philpot noted that the total project cost has been increased to approximately \$335,000,000 and that the road expense has been increased to \$35,000,000 - \$40,000,000. Mr. Robert Nappa of Allen Township also present at the Township Meeting commented that Allen Township is now seeking additional road improvements from this developer but it is his understanding that they are not doing any work to change the bridge involved.

2. Frederick W. Hay, P.E
Township Engineer
 1. The Township Engineer noted that construction started on the old Davis Business Machines tract. Earth moving has commenced as of this time.
 2. The Township Engineer advised the Board that he included in their most recent packet a copy of the Municipalities Planning Code which governs all developers in the Commonwealth.
 3. The Township Engineer advised that Council has been provided with a copy of the traffic study of U.S. Route 22 which the Board requested. Basically, Mr. Hay noted that the level of service does not decrease noting that a decrease would make things worse. In that regard, the current level of service is D and with the figures available it remains D. It does not result in the service level changing either to E or F. The Township Engineer noted that the Traffic Engineer had found it extremely difficult to secure capacity figures on U.S. Route 22. They had spoken with LVPC and PennDOT. The Traffic Engineer had also gone on PennDOT's internet traffic website. Figures for 2013 were expanded to how they would be in 2015 and what they would be in 2017. However, and it is important to note, that the figures for the on ramps and off ramps were not available and

accordingly the Traffic Engineer advised the Board that he had been unable to do an analysis for the ramp volumes. From what was available, Traffic Engineer, Mr. Keith Lawler advised Council that the level of service does not change from D to either E or F as same relates to the ramps.

There was considerable discussion between Board members and Mr. Lawler regarding the traffic study. The net result of the discussion was that the unavailability of accurate figures involving ramp volumes makes it impossible to get a clear picture of the effect of the ramp traffic on the level of service issue. There was discussion regarding density issues and Mr. Lawler advised that for the purpose of doing a study everything is converted into cars and that a tractor trailer might be 2.1 vehicles.

There was some discussion with respect to LOS D which is the level at which speeds begin to decline with increasing flows, with density increasing more quickly. A failure to maneuver within the traffic stream is seriously limited and driver's experience reduces physical and physiological comfort levels. However, Mr. Lawler indicated that it would appear that there will not be a significant impact by the addition of the Rockefeller generated traffic based on what was studied here.

The Board indicated that it would appear that the Township didn't have all the information necessary to do a more complex traffic study. Chairman Paulus commented that anyone who lives in the Lehigh Valley knows personally that there will be problems from this development. The Township Attorney noted that what you have in front of you he felt is a very good and quick study with limitations. Mr. Lawler was served with putting together information that was available for the purpose of this traffic study. What you have in front of you is a complete study as same relates to what he was asked to do. The Township Engineer commented that the Developer's study was 763 pages long. Councilman Wegfahrt commented that it is interesting that these figures are very close to raising the impact level from D to E. Vice Chairman Heimbecker expressed his opinion regarding this proposed development in that Hanover Township will receive no tax revenues from this development in Allen Township. He noted that our Fire Chief feels we need a new Rescue Truck. All Hanover Township will get the widening of Willowbrook Road. The quality of life in Hanover Township will be affected, and the businesses in the Township will be affected by this development in Allen Township. He noted for the record that this Board wants to look out for what happens in the Township and how it affects our residents and businesses.

There was discussion with respect to anything more that can be done with respect to the traffic study. Mr. Lawler indicated that he wasn't sure that his firm had the manpower to proceed further with a more in-depth traffic study. Vice Chairman Heimbecker questioned the audience as to whether they know of any such mega hub facilities anywhere else and Mrs. Kim Nappa of Allen Township indicated that she is aware of one in Nashville and supposedly there is one in New Jersey; however, the one proposed is bigger than that one.

With respect to the traffic study prepared by Keystone Consulting Engineers dated March 11, 2014 which is the subject of the above-referenced discussion, same is attached hereto and made a part hereof.

The Township Engineer advised the Board that Mr. Lawler had been at a meeting where a discussion occurred with respect to a truck access route for the Allen Township Development. Both the Township Manager and Township Manager of Allen Township received an email from PennDOT requesting a letter from both Townships with their approval/denial for the use of Willowbrook Road as a truck route for FedEx. The email indicated that the Department will require a response within 30 days from the date of the email and if a response is not received within 30 days the Department will deem that as approval from the Township.

Council discussed with the Township Solicitor options with respect to PennDOT's request. The result of the discussion was that it was determined that the Township would advise PennDOT that they would request an extension of at least 30 days to consider the matter. There was some discussion with respect to any approval based upon the fact that the improvements as noted would all be put in place. In that regard, there was a discussion with respect to the Township's portion of Willowbrook Road being in pretty good shape. Whereas, the Allen Township portion would need to be totally rebuilt. In any event, the Township would request an extension. If there is no response from PennDOT, then the Township would reject PennDOT's request.

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

1. The Township Attorney offered no oral report at this time.

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.

With respect to the Maintenance Report, the Township welcomed back Jeff Mouer, the Public Works Maintenance Supervisor who had been on sick leave. Mr. Mouer commented that with respect to the salt situation, the Township is fortunate in that it has approximately 100 ton of salt left and that the Township will restock same to the level of 400 ton. The Township has already put in for same and it has been approved.

8. Treasurer's Report (Written)

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

Paulus, Heimbecker: Moved and Seconded

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

At this point in the meeting, Councilman Wegfahrt questioned an item regarding the Lehigh-Northampton Airport Authority Runway Improvements. Mr. Wegfahrt was advised that same relates to an Escrow Account established by the Airport to cover the Township Engineer's fees for review as same relates to improvements on Airport property. Councilman Woolley questioned the work on the Friendly's swale and Mr. Hay indicated that hopefully next week the work will commence.

Unfinished Business: None.

New Business:

1. Bill No. 2014-04, An Ordinance Rescheduling the Referendum on Charter Amendments to the 2014 General Election (Introduce)

Bill No. 2014-04 was introduced at this time with a Public Hearing on same to be held on Wednesday, April 2, 2014 at 7:30 P.M.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (02/28/14), Payroll (03/14/14); Voucher Nos. 20112-20125 (Prepays), Voucher Nos. 20126-20168, from the General Fund Account in the amount of \$145,881.58; Voucher Nos. 112 from the Liquid Fuels Account in the amount of \$5,927.68; Voucher Nos. 4114-4115 from Capital Reserve in the amount of \$52,898.63; Voucher Nos. 4071 (Prepays), Voucher Nos. 4072-4075 from the Escrow Account in the amount of \$20,331.50; Voucher Nos. 3914 (Prepays), Voucher Nos. 3915-3918 from the Water Account in the amount of \$6,373.60; Voucher Nos. 5115-5117 (Prepays), Voucher Nos. 5118-5121 from the Sewer Account in the amount of \$34,239.63 for a Grand Total Expenditure of \$265,652.62.

Paulus, Wegfahrt: Moved and Seconded

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

Courtesy of the Floor:

Mr. Mickey Philpot of Allen Township approached the Board at this time and advised that at the Allen Township Planning Commission Meeting held recently in consideration of the Rockefeller Group Development it was noted that even Schoenersville Road will need to be modified. Mr. Philpot also noted the scope of the area involved with this warehousing operation will be greatly increased from original projections. Councilman Woolley commented that he wondered if anyone explored the fact that if something is farmland it can be kept as farmland. It was noted that the Fuller tract had been rezoned from residential to industrial. Councilman Woolley commented that he had a friend whose land was part of a situation where so much of the area had to be green and because of same he could not sell his land. Vice Chairman Heimbecker questioned the disposition of the tower in the area and Mrs. Nappa commented that the tower will be staying exactly where it is. Mr. Philpot noted that the application before the Allen Township Planning Commission which is a preliminary/final application has been granted an extension until June 17, 2014. Mr. Michael Givey of Allen Township thanked the Council of Hanover Township for looking into the matter on their behalf. He noted that if Allen Township approves this he questioned what Hanover Township could do. He raised an issue regarding what would happen if variances are needed for the development. If variances are needed, he questioned whether or not the Township could say no. Attorney Eaton commented that as a general rule certain tests regarding existence of a hardship which is not monetary would be applied. The granting of the variance would be very fact centered. There was a discussion regarding what you would call a deminimus variance which relates to matters where the granting of the variance involves a minor alteration or change. It was noted by Mrs. Nappa that less than a year ago Allen Township had changed their Zoning Ordinance as same relates to the height of buildings and the change coincides with the height of the buildings proposed by this developer. The Township Manager commented that by changing the actual Ordinance, they avoided the necessity of the matter going before the Allen Township Zoning Hearing Board where the public would have the right to object. Accordingly, by doing it in the manner it was accomplished, it put this developer in a position where no zoning variance was necessary for the Rockefeller Development.

At this point in the meeting, the representatives in attendance from Allen Township reiterated the current status of this matter. It was noted that the total project cost as stated previously has increased to \$335,000,000 and the actual road work cost is increased to between \$35,000,000 and \$40,000,000. It was noted that the radar tower in the area would not be touched and they now applied to the FAA for a new tower. Statements had been made that the development of that area would be 3,000 jobs, 1,200 of which would be full-time as of the year 2030. It was also noted that the developer has changed the placement of the two one million square foot warehouses. Mr. Philpot noted that the Allen Township Manager has agreed to provide him with copies of the traffic study changes. Mrs. Nappa commented that the Airport owes \$14,000,000 to \$16,000,000 to Fuller. She thought it would be easier just to pay off the debt of the Airport and not give them \$40,000,000 in grants for the work.

Adjournment:

The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager