

PALMER TOWNSHIP BOARD OF SUPERVISORS
January 24, 2017
7:00 PM
GENERAL BUSINESS MEETING

The Palmer Township Board of Supervisors held a general business meeting on Tuesday, January 24, 2017 at 7:00 p.m. with the following in attendance: Chairman David Colver, Vice-Chairman Kendall Mitchell and Supervisor Ann-Marie Panella. Supervisors Robert Smith and Jeffrey Young were absent. Also in attendance were the Township Manager, Public Services Director, Planning Director, Zoning Administrator, Police Chief and Township Solicitor.

Colver announced that the Board held an Executive Session on January 11, 2017 in the Municipal Building regarding a personnel matter. There is no action to be taken at this time.

1. PLEDGE TO THE FLAG

2. CONSENT CALENDAR

A. Approval of Minutes - January 3, 2017

INFORMATION

The Board needs to approve/disapprove the minutes of January 3, 2017.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

B. Disbursement of Funds - January 9, 2017

INFORMATION

The Board needs to approve/disapprove the disbursement of funds for January 9, 2017.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

C. Disbursement of Funds - January 24, 2017

INFORMATION

The Board needs to approve/disapprove the disbursement of funds for January 24, 2017.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

D. Invoices Against Palmer Township Sewer Line Escrow Fund
INFORMATION

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

3. NEW BUSINESS

A. Discussion of Proposed 2018-2020 Collective Bargaining Agreement Between Palmer Township and the Palmer Township Police Association
INFORMATION

As the Board is aware, the current collective bargaining agreement between Palmer Township and the Palmer Township Police Association is set to expire on December 31, 2017.

Enclosed in your Board packet, is a draft successor collective bargaining agreement covering a 3-year period beginning January 1, 2018 through December 31, 2020. This successor agreement builds in a 3% wage adjustment for each of the three years of the contract.

All other contractual items remain the same.

The Administration is recommending approval of the successor collective bargaining agreement. Board action is requested.

DISCUSSION

Township Manager, Christopher Christman, said that the current agreement expires December 31, 2017. He had the opportunity to meet with the Police Association President, Matt Crenko, and Vice President, John Billiard, and we are at a point where we all agree is a good spot for us to be in. We have a three year Collective Bargaining Agreement that is for January 1, 2018 through December 31, 2020. It includes a 3% salary increase each year of the contract and all other contractual items remain the same. Christman said he is recommending the Board approve the contract as presented.

Bruno said anyone that has been involved should be commended to be able to work

this out in the manner that it was. Bruno said he knows the Board appreciates it, the township appreciates it, and I hope the Association does as well. Colver said he has been involved in a number of the contracts over the past 20 years and it is great to have it worked out like this. Colver thanked the Township Manager for taking the initiative to make this happen and for doing what is right for the township.

Supervisor Panella made a motion to approve the 2018 through 2020 Collective Bargaining Agreement as presented. The motion was seconded by Supervisor Mitchell and agreed by the three members in attendance.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

B. 3320 Fox Hill Road - Preliminary/Final Plan

INFORMATION

3320 Fox Hill Road - K8-10A6L

PI/C District

Request by Co-op Enterprises, LLC

The Palmer Township Planning Commission considered the above-referenced matter at its regularly scheduled meeting of December 13, 2016.

The plan proposes the construction of a 9,600 square foot building in addition to the existing 9,600 square foot building, to be connected with an enclosed corridor, to be used for a private gymnastics training center. The building is proposed on an existing 2-acre lot located on the south side of Fox Hill Road within the Planned Industrial/Commercial (PIC) zoning district. The property to the west is vacant, the property to the east is improved with a warehouse building, the property to the north across Fox Hill Road is improved with a vehicle repair station, and the properties to the south are improved with wholesale/warehouse uses and a dentist's office. The Township Comprehensive Plan designates this area for Planned Industrial/Commercial use. The proposed use is in compliance with the Comprehensive Plan.

Recommendation: At their meeting, the Planning Commission recommended approval of the preliminary/final plan, subject to the following conditions on the plan:

1. Comments of the Township Engineer's letter dated December 9, 2016 are satisfactorily addressed.
2. Township departmental comments dated December 9, 2016 are satisfactorily addressed.
3. Comments of the Township Geotechnical Engineer's letter dated December 8, 2016 are satisfactorily addressed.
4. Any comments of the Township's lighting consultant are satisfactorily addressed.
5. The proposed method of recreation contribution is approved by the Board of Supervisors. The required amount for a fee in lieu of contribution as required by ordinance would be \$3,000 x 1 acre of newly developed area = \$3,000.

6. The need for any voluntary traffic contribution is addressed to the satisfaction of the Board of Supervisors. The typical request for contribution would be \$1,000 per peak PM trip.
7. The deferral request for the construction of sidewalks is approved by the Board of Supervisors.
8. The waiver requests for street trees and checklist items C4 and D1 are approved by the Board of Supervisors.

DISCUSSION

Planning Director, Cyndie Carman Kramer, said the Planning Commission reviewed this at their December 13, 2016 meeting. There is an existing 9,600 square foot building on the property that was the former Moose Lodge. They are proposing adding an additional 9,600 square foot building that will be connected to the existing building. The existing building is a private gymnastics training center and the new building would be used for that as well. It meets zoning requirements and our Comprehensive Plan and the Planning Commission is recommending approval with some conditions to you tonight. There is one deferral and waiver requests for street trees and two check list items.

Bruno asked about the waivers for street trees and the check list items and asked if a formal letter was submitted for these items. Kramer said there was no formal letter. There are no sidewalks on that road now. Initially the request was for a waiver and the Planning Commission recommended they be deferred. Kramer said if you would put in a street tree it would interfere with existing utilities. Bruno noted the ordinance requires a written letter. Supervisor Panella said she doesn't like waivers because they are forever. Panella said maybe down the road the pipes that are underground now may not be an issue in ten years. Why not just defer them.

Property Owner, Sandra Greiner and Engineer Amit Mukherjee from Base Engineering were in attendance. Sandra Greiner said she is co-owner of Co-op Enterprises. Greiner said the building is a gymnastics training facility for athletes. We would like to create a newer building. We teach students from walking age up to them receiving college scholarships. Greiner said her current team consists of over 50 athletes. The athletes are driven to our location and dropped off.

Mukherjee said all utilities currently exist from the previous Moose Lodge. We will be reducing the impervious area on the property and meeting all DEP requirements related to water quality. We are proposing a small storm water management facility along Fox Hill Road. It is a 20 foot by 80 foot long facility that is dry well and pit filled with stone. Infiltration testing was performed with healthy results and we meet DEP requirements. Mukherjee said he had an early conversation back in October and then again in January with the Conservation District and we are now ready for that submission. Mukherjee said there currently are three street trees along Fox Hill Road. Nine are required by ordinance. We are requesting that we wouldn't have to add any more along the front of the property due to the existing utilities and a swale. That is the relief we are requesting, but we would be willing to add other trees on other areas of the property.

Panella again said, waivers are final and she feels they should only be deferrals.

Colver asked for information about parking, lighting, hours of operation, signage, and if there will be any changes made on Fox Hill Road. Mukherjee said there are 75 to 77 parking spaces proposed. Zoning Administrator, Jim Raudenbush, said as long as we compute calculations for parking based on an exercise club, and it being a drop off location only, and based on the number of students, he thought this would be fine with a provision where additional parking could be located. Raudenbush said 65 spaces are required. Mitchell asked if they hold competitions on site? Greiner said they do not, they hold them at Moravian College. Mukherjee said regarding water and sewage, they will be using half of what the Moose Lodge was using. Greiner said the hours of operation are 7:30 a.m. to 9 p.m. She said they also hold birthday parties on Sunday's and can also train on Sundays as well. They are all staggered groups that are divided up throughout the day. Colver asked about the entrance to the property. Mukherjee said there will be no changes to the entrance area. Colver asked about signage? Greiner said they intend to use the Moose Lodge's sign. Raudenbush said it isn't a large sign and he would guess it is in accordance with our ordinance. Greiner said the new building will have the same look as the old building, but it will be higher. It will be 24 feet high from the inside.

Colver said, as you are aware, we have a recreation fee in the township required by ordinance that requires \$3,000 per acre. Since you are a one acre lot the total recreation fee will be \$3,000. Mukherjee agreed with the recreation fee requirement. Colver then asked if there have been any traffic studies done to determine traffic counts. Dillman said nothing has been submitted. Dillman said this doesn't fit into any categories of the Institute of Transportation Engineers (ITE) for estimating trips. The two that are the closest would be a health fitness facility or athletic club. They both range in the number of peak hour trips between seventy to one hundred trips. It is debatable which category it would fit in. Dillman said he would think most likely the 70 trip range. Mukherjee said, they looked at it and, Pete Terry, equated it to an instruction like school because there is no direct fit. Colver said it becomes important because as developers come in with projects we look at the area and its surroundings to determine what the additional traffic impact could be. Just recently you noticed things were straightened out around the Sheetz/CVS projects. There was over a million dollars worth of improvements made in that area. We know one area where nothing's been done is at the intersection at Route 248 and Van Buren Road. Colver said we accept traffic contributions from developers and put them into a pool to make improvements in the area of their businesses when improvements are required. This way we aren't using taxpayer money for traffic improvements that are needed due to developer growth. Mukherjee said we have not submitted anything at this time. Colver said this is an important piece. Mukherjee said since the scope, size and operation is the same as what they've already been having, we know you are looking at 20 cars coming in. Colver said we probably agree it is not seventy to one hundred trips, that seems off the charts. Twenty to thirty is more realistic. Mukherjee said they could agree with that number. Dillman said, the existing facility is basically a wash, because of the prior use of the building. It should be based on the expansion only, which is probably about thirty three peak p.m. trips.

The Board had no issues with the project other than coming up with the traffic count. Dillman said, typically it always comes down to storm water management and traffic issues. The storm water is fine on this project, it is actually less impervious coverage

than the prior use.

Bruno asked if Mr. Mukherjee was prepared to propose a voluntary traffic contribution tonight? Mukherjee asked if it could be a condition of approval tonight? Bruno said, if it can't be resolved tonight, he would recommend the Board table the issue to a future meeting after a contribution has been submitted. The traffic contribution is typically included in the final motion. Mukherjee said they have no issues with what Mr. Dillman presented tonight, but his client would like to discuss it with her financial institution first. Greiner asked if she can offer an amount that she could afford. Colver said it is not based on what you can afford, but based on the traffic impact, parking and trip counts. We usually have documentation that gets us close to what that number should be. Colver said you haven't provided any information to get us to that number.

Ray Greiner, co-partner of the business, said when she and Bob Bower came to talk about taking over the old building we talked about the same thing and discussed what the Moose Lodge had been doing when they had hundreds of people that were coming on their property. We employ five people an hour. One coach to six children. We don't have thirty to forty on-site at one time. We can only do so much with a 20,000 square foot facility.

Bruno recommend the Board table the item tonight so the applicant can present a traffic contribution they are comfortable with. Greiner asked if it can be paid over a six month period. Bruno said it must be paid prior to recording of the plan, or if over a six month period it will need security posted. Bruno said all improvements would need to be in a form of a letter of credit. It will need to be done prior to occupancy.

Colver said no one has a problem with what you are proposing, but we have to deal with traffic in the surrounding area and know how your business may impact that traffic. Panella said, since you haven't had a traffic study done, we have nothing in writing to confirm the numbers. Ray Greiner said we can tell you from our existing 23,000 square foot facility what traffic we already have. Colver said we can add you to next month's agenda to allow you time to come up with a plan. It was agreed to place them on the February 13, 2017 agenda.

Supervisor Panella made a motion to table the item until the February 13, 2017 meeting agenda to allow time for their engineer to present a traffic count and plan. The motion was seconded by Supervisor Mitchell.

Robert Bell, 2100 Dakota Drive, asked if there is a right-of-way out to Route 248 from Fox Hill Road. Colver said no.

Motion: Tabled, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

C. Northwood Farms Planning Module

INFORMATION

Approval of Planning Module for Northwood Farms in accordance with Pidcock's email (attached) dated January 13, 2017.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

D. Appointment of Township Auditor

INFORMATION

The Legal Notice of the Board's intention to appoint the Township Auditor was advertised in the Express Times on January 20, 2016.

The Board needs to approve/disapprove appointing the certified public accounting firm of Palmer and Company of Easton as the Township Auditor to perform the audit of the books and records of the township for the year 2016 and authorize the Chairman to sign the resolution.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

E. Penns Grant Subdivision Request for No Truck Signs

INFORMATION

Some of the Penns Grant Subdivision residents are requesting that the township install "NO TRUCKS EXCEPT LOCAL DELIVERIES" signs at the two entrances to the development off of Tatamy Road due to misguided tractor trailer traffic. The proposed sign locations at both entrances off of Tatamy Road at the Corriere and Penns Grant Drive intersections are shown on Attachment A.

Truck traffic in the northern section of the township will increase in the future and to reduce the number of tractor trailers driving through misguided or using the Penns Grant Subdivision as a turn around, the Traffic Safety Committee is recommending for the Board's consideration, that four "NO TRUCKS EXCEPT LOCAL DELIVERIES" signs be installed. The signs will act as a deterrent for tractor trailer traffic and should reduce nuisance traffic and improve vehicular and pedestrian safety in this residential neighborhood.

DISCUSSION

Tom Adams said the Traffic Safety Committee reviewed the request and is recommending installing the signs as outlined.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

F. Discussion of Tax Assessment Appeal for 888 Sheridan Drive
INFORMATION

Attached for the Board's review is a Stipulation of Counsel for the assessment appeal of 888 Sheridan Drive. Specifically, the appeal reduces the assessed value of the property from \$63,500 to \$52,500. Palmer Township would owe a refund of \$83.55 for tax year 2016.

A motion to authorize the Township Solicitor to execute the stipulation of counsel on behalf of Palmer Township would be in order.

Board action is requested.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

G. 2017 Emergency Management Performance Grant Forms
INFORMATION

Palmer Township has been approved for funding in the amount of \$1,378.91. The Fire Commissioner is requesting authorization for the Chairman to sign the 2017 Emergency Management Performance Grant Forms.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

4. PUBLIC COMMENT

Colver said there are a few high school students in attendance. He then reviewed the governmental process to the students and explained the Board of Supervisors positions and township staff responsibilities.

EAHS student, Paige Strasco, asked to explain the services tax. Christman said the Local Services Tax was generated through the Commonwealth of Pennsylvania and is a \$52 a year

tax that everyone that is employed must pay.

5. REPORTS

Solicitor

Bruno said he had a request from the Attorney for the Rau Lane subdivision that was approved last year. Bruno read the letter to the Board, signed by the Jandl Land Company. They are requesting an extension of time until July 31, 2017, for them to acquire their NPDES permit.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

Township Manager

Christman had one personnel item for executive session.

Planning Director

Kramer said she would defer to Jim Raudenbush to review items on the upcoming Zoning Hearing Board agenda.

Raudenbush said there are four hearings scheduled for February. The first is a change of use for the Hooked on Books location on William Penn Highway. It was previously approved for a book store and a surveying business. The surveying business moved out and they now want to make it a place of worship. It is zoned general commercial and is a permitted-by-right use. They are seeking a variance for lot size because it isn't an acre. Colver said, it is probably only a Sunday thing and parking will probably spill out into the street. Raudenbush said they meet the off street parking requirements.

Raudenbush said the other two hearings are for the Lehigh Valley Health Network. Their one new facility on Northampton Street and the other one on Corriere Road. It is for signage at both of those locations. They are seeking a variance for the number of signs on the building and the square footage, along with a free standing sign at each location that would exceed the height and size requirement. Raudenbush said the height is six feet wide by seventeen feet long. Ten feet is permitted in both districts. Colver said, based on some of our most recent requests, like the one we had from Palmer Mall, we felt the Zoning Hearing Board should be making those decisions without the guidance of this Board. Raudenbush said all of their sign packages are the same that you see throughout the Lehigh Valley on their buildings. Kramer added there is a big sign in front of Applebees that they are proposing locating a sign too, but that sign is in Lower Nazareth Township. Panella asked about lighting of sign. Raudenbush said the ordinance would require it be extinguished at closing. Colver

said, in his opinion, let the Zoning Hearing Board handle the request. They did a great job with the Palmer Mall, Aldi's and the Planet Fitness requests.

Raudenbush said the last item is for GJ Mills. They are requesting reduction in off street parking. Raudenbush said, they intend to request to raze the building and they will be coming to the Board in the future with that request. They would like to have 30 units. Raudenbush said it is a reduction of 24 parking spots. Raudenbush added that, back in 1999, the Zoning Hearing Board made a decision on this property that denied their request for a reduction of off street parking.

Township Engineer

Dillman said we have a low bidder for the site improvements at the community center, The Chrin Companies. They are currently working through the bond issue and we expect to start construction around April 1st.

Dillman added they are also working on three different sewer design projects: Burrowes Street, Haymont Drive, and the Charlotte Avenue project that goes into the central trunk system.

Public Services Director

Adams said the progress continues at the pool with the shotcrete being finished tomorrow and Thursday. They remain ahead of schedule.

Adams said they are out of the old Public Works facility and in the new one. They will be much more efficient in this new building and they are happy to be in it. They are still finishing up electrical and plumbing work, but should be done by the end of the month. Colver said it is nice to have all the trucks loaded and ready to roll. They no longer have to be dealing with frozen trucks anymore with everything being inside.

Charles Diefenderfer, 2918 Hay Terrace, asked if they are going to be putting a sign on the building. Colver said yes they are.

6. ADJOURNMENT

The meeting was adjourned at 8:15 p.m. with one personnel item for executive session.

Motion: Adjourn, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 3-0.

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors Absent: Smith, Young

Respectfully submitted,

Christopher S. Christman
Township Manager