

PALMER TOWNSHIP BOARD OF SUPERVISORS
February 28, 2017
7:00 PM
GENERAL BUSINESS MEETING

The Palmer Township Board of Supervisors held a general business meeting on Tuesday, February 28, 2017 at 7:00 p.m. with the following in attendance: Chairman David Colver, Vice-Chairman Kendall Mitchell and Supervisors Ann-Marie Panella, Robert Smith and Jeffrey Young. Also in attendance were the Township Manager, Public Services Director, Planning Director, Township Engineer, Director of Parks and Recreation, Police Chief and the Township Solicitor.

1. PLEDGE TO THE FLAG

2. CONSENT CALENDAR

- A. Approval of Minutes - February 13, 2017

INFORMATION

The Board needs to approve/disapprove the minutes of February 13, 2017.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Supervisor Robert Smith. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

- B. Disbursement of Funds - February 28, 2017

INFORMATION

The Board needs to approve/disapprove the disbursement of funds for February 28, 2017.

Motion: Approve, Moved by Supervisor Kendall Mitchell, Seconded by Supervisor Ann-Marie Panella. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

3. OLD BUSINESS

- A. 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.

Waivers:

- §165-73.A(1) – Planting of street trees
- Checklist C.4 – Location of all buildings within 200 feet
- Checklist D.1 – reference to USGS vertical datum

Deferral:

- §165-69.A – Construction of sidewalks

DISCUSSION

Colver said the last time this was on our agenda there were only three Board members in attendance. We don't want to hear the entire presentation of the plan again tonight, we will just ask Supervisors Smith and Young to abstain from voting. Colver said when we went through the plan last time there was only one outstanding item related to traffic counts and a voluntary traffic contribution.

Amit Mukherjee, Base Engineering, said he put the plans together for the applicant, and said Mr. Colver is correct we reviewed the plan last month. We went back and did a trip generation report that was reviewed by the Township Engineer's office. They commented on it in their January 20, 2017 comment letter and we are hoping you agree with the recommendation from your Township Engineer. Township Engineer,

Brian Dillman, said peak PM trips total 22. Mr. Mukherjee said there is a total 22 peak PM trips and the prior use had a total of eight PM trips, so we are looking at an addition of 14 new peak PM trips for a total voluntary traffic contribution of \$14,000. The Board agreed with accepting a voluntary traffic contribution of \$14,000.

Supervisor Mitchell made a motion to approve the Preliminary/Final Land Development Plan for 3320 Fox Hill Road subject to the following conditions:

1. The applicant complies with the Township Engineer's letter dated December 9, 2016.
2. The applicant complies with the Township departmental comments dated December 9, 2016.
3. The applicant complies with the Township Geotechnical Engineer's comments dated December 8, 2016.
4. The applicant complies with the Township Lighting Consultant's comments dated January 12, 2017.
5. The requested waivers and deferral are approved as listed below.
6. 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.
7. 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. The estimated number of new peak PM trips is 14, which would equate to a proposed traffic contribution of \$14,000. If received, it is recommended that the contribution be held for use toward any future improvements required on Van Buren Road.
8. The applicant enters into a public improvements agreement and posts improvement security to the satisfaction of the Township Solicitor.

Waivers:

- §165-73.A(1) – Planting of street trees
- Checklist C.4 – Location of all buildings within 200 feet
- Checklist D.1 – reference to USGS vertical datum

Deferral:

- §165-69.A – Construction of sidewalks

The motion was seconded by Supervisor Panella and agreed by all.

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

Supervisors voting Ayes: Colver, Mitchell, Panella

Supervisors voting Abstain: Smith, Young

- B. Resolution Approving the Intermunicipal Transfer of Pennsylvania Liquor License Number R-11631

INFORMATION

At the Board of Supervisors meeting of February 13, 2017, the Board considered the proposed intermunicipal transfer of liquor license number R-11631. The Solicitor's Office has revised the proposed resolution. Board action is requested to review and authorize the execution of the resolution.

DISCUSSION

Colver said this item was before us last month and we had some suggestions of items to be included in the resolution. I believe the resolution is now ready for approval.

Supervisor Young questioned if all the restrictions that were discussed last month are included in the resolution. Solicitor Bruno said he was not in attendance at last month's meeting but he thought the only thing that needed to be included was regarding lighting. Young said we also discussed not allowing tables on the sidewalks or parties on the premises. Bruno said there are certain things that would be non-compliant with our zoning ordinance that they would have to be reviewed and approved by the Zoning Officer. The property owner would be subject to our regulations by ordinances. Colver said, I believe our concern was, if the Wing Stop leaves the premises and another entity buys the business, along with the liquor license, we don't want those types of things taking place right across the street from some of our residents. Colver said we don't want to see it end up as some bar-type business. Supervisor Smith said it was also discussed that they could only sell single beers and carry out six packs. Bruno said what they can purchase and sell isn't within the township's purview; that is the State Liquor Control Boards jurisdiction. Young suggested no outside seating and music at the business. Bruno will revise the resolution accordingly and bring it back at a future meeting.

C. Review of Sanitary Sewer Service Agreement with Lehigh Valley Health Network

INFORMATION

As the Board will recall, James Rothdeutsch, P.E. of the Pidcock Company, came before the Board of Supervisors on September 12, 2016 to discuss a Lehigh Valley Health Network (LVHN) project being proposed on land between Newburg Road and Hecktown Road in Lower Nazareth Township. The proposed hospital campus would utilize a total of 125,000 gallons/day of sanitary sewer capacity, which would flow through Palmer Township to the treatment plant owned by the Easton Area Joint Sewer Authority.

LVHN is requesting use of 45,000 gallons/day at the outset of their project with the remaining 80,000 gallons/day being utilized once the project is fully built out and on-line.

At the September 12, 2016 meeting, the Board of Supervisors authorized the Administration, through the Solicitor for Sanitary Sewer Projects, to negotiate an agreement with LVHN for use of the sanitary sewer capacity in Palmer Township.

Before the Board this evening, is a proposed agreement that conceptually meets the needs of both Palmer Township and LVHN. The Solicitor has provided a copy of the proposed agreement, which is included in your Board packet.

Specifically, the agreement allows LVHN use of 45,000 gallons/day for their project

initially and in return for the 80,000 gallons/day of additional capacity, LVHN shall conduct an extensive metering study of the sanitary sewer system to identify areas affected by infiltration and inflow. Additionally LVHN, at its expense, shall propose to remediate such areas that are impacted by infiltration and inflow thereby preserving and, in some cases, increasing capacity in the system.

The agreement is in a form acceptable to both the Solicitor for Sanitary Sewer Projects and the Administration. Board action is requested.

DISCUSSION

Christman said the applicants engineer was here in September 2016 to discuss the proposed project between Newburg Road and Hecktown Road in Lower Nazareth Township. Once the entire project is built out it is expected the entire campus would utilize a total of 125,000 gallons a day of sanitary sewer capacity. The flow would come through Palmer Township. The hospital is requesting 45,000 gallons a day initially, with the remaining 80,000 gallons once fully built out. In exchange for the capacity within our system they would conduct an extensive metering study of the sanitary sewer system to identify areas affected by infiltration and inflow. In addition LVHN would remediate any areas that are impacted by infiltration and inflow. Christman said the agreement was drafted by Attorney Goudsouzian and the LVHN attorney is in agreement with the terms of the agreement.

Colver said, the project isn't in Palmer Township but the sewer would flow through our system. We are approving the agreement authorizing LVHN to conduct the study.

Motion: Approve, Moved by Supervisor Jeffrey Young, Seconded by Supervisor Robert Smith. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

4. NEW BUSINESS

A. Destruction of Records Resolution

INFORMATION

The Board needs to approve/disapprove the resolution authorizing the destruction of old township records as in accordance with the Pennsylvania State Municipal Records Manual.

DISCUSSION

Christman said each year Act 248 requires the board approve a resolution outlining the records that need to be disposed of. You'll see a list of all the documents to be destroyed listed in the resolution.

Motion: Approve, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Kendall Mitchell. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

B. Charles Chrin Community Center - Site Improvements Update

INFORMATION

As the Board will recall, on November 29, 2016, the Board of Supervisors approved entering into an agreement with Chrin of Delaware for completing exterior site work at the Charles Chrin Community Center. As one part of this agreement, Chrin of Delaware shall prepare a subsurface for the installation of a turf field located due East of the Charles Chrin Community Center.

Once the subsurface is complete, the project should be turned over to a turf consultant to complete the installation of a turf field. To that end, through the Pennsylvania COSTARS system, the Administration has identified All Sports Enterprises, Inc. as the selected vendor it would like to utilize for the installation of the turf field and Musco Sports Lighting, LLC as its vendor for the purchase of lights at the turf field. Dan McKinney, Director of Parks & Recreation, and Mr. Joe Ferry, President of All Sports Enterprises, Inc., are present this evening to answer any questions the Board may have related to this project.

This turf project will include:

1. Installation of a turf field (including fencing, goals, and bleachers)
2. Installation of lights
3. Installation of a scoreboard

Funding for this project include:

1. Proceeds from the General Obligation Bonds - Series 2016
2. Northampton County Phase I Grant
3. Northampton County Phase II Grant
4. Recreation Capital Funds
5. 222 Funds
6. Possible PTAA donation

Enclosed in your packet is a copy of the estimated costs identifying sources and uses. This analysis provides an overview of the entire Charles Chrin Community Center Site project.

The Administration is requesting: (1) authorization to proceed with drafting agreements with All Sports Enterprises, Inc. and Musco Sports Lighting, LLC subject to the satisfaction of the Township Solicitor and (2) authorization for the Township Manager to execute any and all agreements finalized by the Township Solicitor for this project.

DISCUSSION

Director of Parks and Recreation, Dan McKinney, and Joe Ferry, President of All Sports Enterprises, Inc. were in attendance.

Joe Ferry said we have identified products to use on the turf field and it is the same product that is being used at Freedom High School. McKinney asked Mr. Ferry to explain why we went with alternative infield product. Ferry said there were discussions in the past about the black rubber infield mix that's been used on many turf fields.

There were articles and reports noting concern of it including hazardous chemicals. The EPA has looked at it in Connecticut, New York and California and nothing has been found that show it is harmful to players. We had discussed to get ahead of that conversation to use something other than the infield mix in question. We plan on using CushionFall. He explained what the product is made of and shared a sample with the Board. Ferry said we will also put more lines on the field that will allow all types of sports to use the surface.

Colver asked if the field is bigger than most fields so numerous sports can be played on the surface. Ferry said it allows you to turn the field sideways and use it for different sports. McKinney said it is a full size soccer field. Every other sports fits inside those dimensions.

McKinney said the lighting portion is state of the art. Three years ago we priced LED lighting and we have found now that the costs for LED lighting has come down. It will include an LED system with little spillage. It won't even reach the Miracle League field, let alone any residences across the road. The cost for everything with electricity is \$275,000.

Barry Schaffer, 1212 Pine Grove Drive, asked if this field changes the capacity for drainage. Ferry said, no sir. Colver said there is a very elaborate drainage system under the surface. Schaffer asked if everyone was familiar with what happened at Lafayette College with their drainage issues. They had to pull it out and change the packing and granules. Colver said Chrin is the site contractor that will build the field to height and compaction and then it will get turned over to these folks to put in the turf.

Diefenderfer asked where the field will be located in relation to the existing football field. Colver said it is south of the Miracle League field. Diefenderfer said, you mentioned 70-foot light poles, what is the size of the existing football field light poles. McKinney said they are 70-feet and we also had some discussion about requiring the lights be out by 10 p.m. Colver said we also talked about that with the parking lot lights as well, to shade them away from Green Pond Road residents and having them turned off by 10 p.m.

Christman said the Board's packet includes a summary of sources and uses for the project. He reviewed each source of income and use with the Board stating they offset at a cost of \$3,454,937.05. The majority of the project will be covered through the 2016 General Obligation Bonds, with other sources coming from Northampton County grants and the Recreation Capital fund. The amount contributed by the Athletic Association has yet to be determined. Christman also said the Easton Area School District is trying to determine what to do with the Palmer Elementary School and they have asked us to put our surfacing of the parking area at the Palmer Athletic Complex on hold for now. Christman said the \$3,454,937 costs covers the entire community center project.

Colver said this project will start April 1 and we hope to have it wrap-up this fall. It includes a walking trail, natural turf fields, opening the western entrance to Bethman Road and parking lots. The only thing on hold at this time is the parking area we were going to pave. Dillman said the project should be completed by the end of October.

Christman said tonight I am looking for authorization for us to proceed to put the necessary documents together for review and approval by the Township Solicitor's office and authorization for the Township Manager to execute any and all agreements finalized by the Township Solicitor's office for the project.

Motion: Approve, Moved by Supervisor Robert Smith, Seconded by Supervisor Jeffrey Young. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

C. Requesting Authorization to Apply for Northampton County Open Space Grant - Phase II

INFORMATION

As the Board will recall, the Township is eligible for a second phase of grant funding from Northampton County for the 21st Century Open Space Initiative, which is a matching grant for \$347,473.24.

The Administration is recommending making an application for the Phase II grant for continuation of improvements at the Charles Chrin Community Center, specifically for the installation of a turf field.

Enclosed in your packet is a copy of the resolution that will accompany the application package. Board action is requested.

DISCUSSION

Christman said this is the second part to what we just discussed. In the financing piece we are acquiring grant funds for Phase II of the project from Northampton County for \$347,473.42 that we need to make application to the County for.

Christman said I am requesting approval of the resolution authorizing the township to participate in the Northampton County Municipal Park Acquisition and Development Program - Phase II.

Motion: Approve, Moved by Supervisor Robert Smith, Seconded by Supervisor Kendall Mitchell. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

5. PUBLIC COMMENT

There was a group of students from Easton Area High School in attendance. Colver explained how the township government works and the duties of the Board of Supervisors and the township staff.

Samantha Soffera, EAHS Student, asked what is happening with the Palmer Elementary School. Colver said the School Board is the one that will be making those decisions. We had a meeting with them to discuss the one parking area by the school.

Barry Schaffer, 1212 Pine Grove Drive, said he is in attendance representing some of his

neighbors that have circulated a petition that was already shared with the Board. There is a single family dwelling we are complaining about on our street. Dan Lichtenwalner, the Township Code Officer, started documenting our complaints back on September 9, 2016, but this all started well before that. There is a father and three or four sons living on the property. We believe they have out-of-town people living in their garage. Their windows don't meet fire code. They have cars that have been in accidents for over three years on their property that are leaking fuels, they are unregistered and they have drivers taking them out at night. Garbage is coming out of the garage five to ten feet wide. Schaffer said we take care of our homes and are proud of living in Palmer Township, but we have neighbors that don't want to entertain guests at their home because of the eyesore they have to see every day. We are seeing rats and raccoons in the neighborhood. They've already taken two dumpsters full of trash off the property and the garbage in the house remains from floor to ceiling. No one should have to live next door to this. We tried talking to them to no avail. One of their neighbors is actually afraid to come out of their home because of the people that are frequenting this house. They don't feel safe. I know Dan has sighted them a few times, but every time they are cited they clean up a bit and then it just returns.

Colver said this is not the first time we've seen something like this. We had a similar situation on Maywood Street a year ago. They took 13 dumpsters out of that property. Colver said Dan Lichtenwalner has provided us a chronological letter of what's been done to date, and unfortunately, there is a process that we need to go through.

Christman said the property owner was officially cited Friday and application fees were paid yesterday to the District Magistrate's office. We will continue to cite them daily as things continue. Young asked how we track the people coming and going on the property. Christman said, unfortunately, we can't go on private property and clean it up, but we are hoping District Court will assist us.

Richard Class, 1210 Pine Grove Drive, asked if the owner of the house has to live on the property. Colver said no, it could be a rented property. Class said when you go online it shows 18 people living in that house.

John Hawriluk, 1213 Pine Grove, said they live two doors down from the property and when you drive past it, it is atrocious. You never know what is going to be in the street.

Deifenderfer said two years ago you re-wrote a law about things like this. Is there anything in that law for you to use. Cyndie Kramer said that was related to vacant and abandoned properties.

Colver asked to have the staff follow up on permits that should have been issued on the property and also the code violations.

6. REPORTS

Solicitor

Bruno had one real estate item for executive session.

Township Manager

Christman said prior to tonight's meeting the NIDMA Board met at 6:30 to discuss issues related to the bonds. We received a request from that Board for authorization to have Muncipal prepare projections to see if the bonds could be redeemed early for the project. We also require authorization from the Board of Supervisors in addition to the NIDMA Board for this to take place.

Colver said when you say issues, I just want to state these are good issues. Next year the three taxing districts will begin to see money coming in for the north end. This request is to see if they could possibly be paid off earlier.

Motion: Approve, Moved by Supervisor Robert Smith, Seconded by Supervisor Jeffrey Young. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

Christman announced the Palmer Township Environmental Steering Committee will be holding an Earth Day event on April 22. More information will follow and will be placed on the township website.

Christman had one real estate item for executive session.

Planning Director

Kramer reviewed the Planning, Zoning and Code Departments major 2016 accomplishments that were included in their annual report to the Board.

Kramer noted there are three special exception uses on the March Zoning Hearing Board agenda. Kramer said the property at 3106 William Penn Highway has submitted a new application with some revisions and she reviewed the changes to the plan. Colver said, as part of the planning process, Jeff and I sit in on some of these meetings. Colver said they are in for a zoning application and if we see an oddity, this Board can direct the Township Solicitor to attend the Zoning Hearing Board hearing to oppose an application. We are not in the business of writing letters of recommendation to the Zoning Board. We feel the application has been scaled down from its initial submission and the question now is, if this Board wants to take further action in having the Township Solicitor attend the Zoning Hearing to oppose the application or is this Board okay with letting the Zoning Hearing Board make their decision. Young said, we don't want the Zoning Hearing Board to not take a good look at it, but they've changed the application dramatically. The Board members agreed to let the Zoning Hearing Board hear the application and make a decision.

Kramer said, in previous months, we have looked at signage applications within the township. As everyone knows, our previous ordinance was challenged in court and, currently, we have nothing on the books to address signage. We are currently looking at the ordinance and looking to reenact the ordinance in the near future. I just wanted to let the Board know our intentions and that you will be seeing a draft in the near future. Colver said at some point in the future we need to get it back out there and get a draft out for review. Once finalized, we can advertise it and place it on an agenda for

public review.

Kramer said a Comprehensive Plan Community Meeting is scheduled for March 15, 2017, at the Charles Chrin Community Center. There will be an open house from 4:00 p.m. to 8:00 p.m. and a formal presentation at 6:00 p.m.

Township Engineer

Dillman said the bonds and insurance for the Community Center construction project are in place and the contracts have been assembled and executed. We received the NPDES permit yesterday. We are good to go as soon as the weather breaks.

Police Chief

Chief Palmer said he wanted to report the great cooperation we had during the recent homicide at the Auto Zone between our Police Department, the Fire Department, Wilson Borough and the Coroner's Office. The incident was solved within two to three hours due to the extreme teamwork between all agencies.

Colver said he heard a similar statement last night at the Fire Department's meeting. Colver said he wanted to extend a thank you to all the emergency services who are out there doing a crazy job during crazy times.

Supervisors

Colver reported the Palmer Municipal Fire Department will be attending the Emergency Services Night at the PPL Center for a Phantoms game. The cost is \$22 per person and if anyone is interested in attending to let him know.

7. ADJOURNMENT

The meeting was adjourned at 8:13 p.m. with two real estate items for executive session.

Motion: Adjourn, Moved by Supervisor Ann-Marie Panella, Seconded by Supervisor Robert Smith. Passed. 5-0.

Supervisors voting Ayes: Colver, Mitchell, Panella, Smith, Young

Respectfully submitted,

Christopher S. Christman
Township Manager