

HANOVER TOWNSHIP, LEHIGH COUNTY
PLANNING COMMISSION MEETING

May 19, 2020
7:30 P.M.

Present: Baillie, Bean, Twombly, Murray, Hawk, Thomas; Susan G. Maurer, Esquire, Melissa Wehr, Vicky Roth, Josef Fragnito, Pina Romano, Tim Miller (KCE)

Absent: 0

Attendance: Mike Shover, Representative from Arrow Consulting

Approval of Minutes: January 21, 2020 Planning Commission Meeting

Motion: I move we waive the reading of the January 21, 2020 Planning Commission Meeting and accept same as presented.

Thomas, Bean: Moved and Seconded

Baillie, Bean, Murray, Twombly, Thomas: Aye Unan.

Correspondence: None

General Business:

1. Interim Act 537 Plan (Review and Recommendation)

Melissa Wehr, Township Manager, said that this matter was before the Planning Commission at their January meeting. Timothy Miller of Keystone Consulting Engineers, was also in attendance at that meeting and is in attendance this evening. Mr. Miller will pick up on some information where they left off at their January meeting regarding the Interim Act 537. Mrs. Wehr said what has happened between then and now the Township has been in contact with LCA and the City of Allentown to get everything on record is where the Township's allocation for the current 537 lies. It is Mrs. Wehr's and the Township's recommendation that Hanover Township approve the Interim Plan as long as the Township has a commitment from LCA and it will not take any action to prevent or object to the city transfer to Hanover capacity to bring Hanover's reserve capacity to 250,000 gallons per day. At this point in time, the Township is in discussions with them. A letter was sent to the City of Allentown. Mrs. Wehr received a response back that they are working on the Township's letter and will be responding back within the next week. Mrs. Wehr said once we receive their response, the Township will go from there. At this time, Mrs. Wehr asked Mr. Miller to take over at this point. Mr. Miller gave a brief synopsis on the situation. He said he is before the Board for a

recommendation for a resolution to adopt the Regional Act 537 plan revision that LCA and the City of Allentown are currently working on. It was prepared by Arrow Consulting. Mike Shover, a representative from Arrow Consulting, is present at tonight's meeting. This is the second stage of what will be the ultimate development of this long-term 537 Plan. The Interim 537 Plan is something that will take us through the years 2021-2025 to have the time to develop the long-term plan. This is a regional effort. The last time the plan was reviewed was 1998. This will bring us up to date. DEP is favorable to a regional solution to this problem. Everyone is contributing to the solution and hopefully we will all be able to share in the benefits as well. Hanover Township is not a signatory to the Allentown agreement. They are considered a direct customer of the City of Allentown. They share a pool of allocation with the City. Hanover Township does not have any direct allocation to consign to the City of Allentown. They are lumped in with the City of Allentown and theoretically share a portion of that. Hanover was assigned an allocation of 141,000 gallons per day and there has been a lot of thought put into how they arrived at that number and deconstructed it for the Township. The Township's solicitor feels that we have more than the 141,000 gallons capacity. Mr. Miller said in the Interim 537 Plan, they asked for an additional 100,000 gallons per day of flow. What this means is if it's approved by DEP, it would be an acknowledgement by DEP that Hanover is allowed to flow 100,000 per day additional to the City of Allentown's Treatment Plan. However, what is questionable is whether or not that allocation will be available for the City of Allentown. If DEP approves that to happen, it may not be able to happen based on the Allocation Agreement between the City of Allentown and Hanover Township. Mr. Miller said the reason this Interim Plan is becoming an issue is that it requires a lot of investment of time and money expenditures which is attributable a great deal to increased efficiency of the Township's system and knock out I & I that is in the system. As Mr. Miller mentioned, with Allendale the Township is planning to do more and dumping a lot of money into this. The Township's original budget was \$800,000 to \$1,000,000. The natural thought is that the Township is a participant and sharing the pain of the I & I, the Township should also share in the benefits. Some of the Township's projects of concern are Goodmac Properties which has development potential in the Township, Patriot American Parkway, KRE have been knocking on the Township's door and the situation with Goodman Airport Shopping Center where the Township is looking into hopefully flipping them over to the City of Allentown to relieve some of the congestion they have in the Borough of Catasauqua system to help alleviate that and allow additional projects to get in from that side of things. Mr. Miller said their recommendation is that they would like to move forward with this. He feels DEP is going to be pushing it from a regional aspect. But, to be totally fair if Hanover Township is contributing to this work in an effort to solving the problem, they should also be part of the solution. He's had discussions with Mrs. Wehr and Jackson Eaton, the Township Attorney and they are all in agreement. The Township needs to gain some type of resolution on this concept of sharing the allocation with the City of Allentown, which is in the letter that Mrs. Wehr referenced at the beginning of this meeting. The Township will have to see how it goes and how they respond. Mrs. Wehr said for the record Larry Hawk, Planning Commission Member joined the meeting at this time. Chairman Thomas asked Mr. Miller if he understood correctly that they are being asked to approve an Interim Act 537 Plan which in the year 2025 they would be approving a longer-term plan. Mr. Miller replied that was correct. Mr. Thomas mentioned that Mrs. Wehr said earlier in discussions she mentioned that her

recommendation would be based on a condition. Mr. Thomas did not hear what her condition was. He did not need her to repeat it but he wanted to understand that if the Planning Commission recommends this can they still make that condition as part of their recommendation as they go forward with it. Mrs. Wehr referred that question to Susan Maurer, the Planning Commission Attorney. Mrs. Wehr said she thought they could recommend with the condition. She asked Mrs. Maurer if that was correct. Mrs. Maurer said she thought that was the whole point to it. If you buy into it and you recommend it you have far more authority to make good on what you are allowed to get as your allocation. This one makes you part of the solution. Mr. Thomas asked what if the condition is not met or accepted or approved. Mr. Miller said if Hanover would want to push the issue to that extent then it would end with a conversation with DEP to explain where Hanover is coming from. Regionalization is a very strong point for DEP. It certainly bears discussion to explain the situation that Hanover is in. Mrs. Wehr said she is very hopeful that the City of Allentown will work with Hanover and they will then reach a resolution that all parties will be able to be satisfied with. At this time, Mike Shover from Arrow spoke. He asked to get some clarity on this topic so that he can better understand it. The Township is going to want some sort of commitment of allocation as part of this Interim Plan. Mr. Shover asked to understand what condition Hanover wants satisfied. Mrs. Maurer said she would hope that's what Hanover is looking for. That is the purpose of this process. If Hanover is going to be a part of an Interim Plan, there has to be some kind of commitment from everyone buying into this plan honoring the commitment of the people who adopted this or is on board. Mr. Shover said he understood and thought it was reasonable. He said part of this Interim Plan once it is approved and everyone agrees that over the next five years as Mr. Miller described, there is going to be a lot of planning activities. One of those activities is going to be a review of the Intermunicipal Agreements and allocations, etc. Mr. Shover is trying to say that everything will be looked at, but it won't be looked at within the next few months before the September deadline to submit this Interim Plan. The Interim Plan includes over the next several years committing to do exactly what the Township wants to have happen. Mr. Shover wanted everyone to be clear on the timeline of how this will happen. Preparation of the long-term plan is one of the tasks that is enumerated within the Interim Plan. Mr. Miller said as Mr. Shover will attest to the preparation of the long-term plan is going to be a very costly for everyone involved. Mrs. Maurer said at this point the Planning Commission is only looking at recommending that they are on board for the second phase of the Interim Plan. Mrs. Maurer wanted to make everyone clear that for the purpose of what is being done this evening, the Planning Commission is only making a recommendation to the second phase and not committing to the long-term that may have significant expenditures. Planning Commission Baillie asked at what point will the Township know how much they will be spending. Mr. Miller said it would be based on the percentage of flows contributed to the City of Allentown of which Hanover is a very small piece, which is good for Hanover. Mr. Miller asked Mr. Shover at what point did he see major portions of expenditures ramping up. Mr. Shover said the cost will be a portion in accordance with the existing Intermunicipal Agreement which as most are. They are based on the percentage of flow contributions. Once the Interim Plan has been cleared, then they will go into the long-term plan.

Motion: I recommend that the Hanover Township Planning Commission approve the Interim Act 537 Plan subject to the conditions of the Township Manager.

Thomas, Baillie: Moved and Seconded

Murray, Bean, Twombly, Baillie, Hawk, Thomas: Aye Unan.

Adjournment:

The meeting was adjourned at 8:07 P.M.

Respectfully submitted,

Michele Bean, Secretary
Hanover Township Planning Commission