

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

March 6, 2019
7:30 P.M.

Present: Councilmen Heimbecker, Lawlor, Paulus, Tocci, Woolley; J. Jackson Eaton, III, Esquire; Al Kortze, P.E.; Christopher Garges; Vicky Roth

Absent: 0

Mr. Paulus addressed the audience and said at this time Council had a member who retired from the Planning Commission. Mr. Robert Hess served on the Township's Planning Commission for approximately 36 years. Mr. Hess passed away last Friday. At Mr. Hess' request, there was no obituary, services or funeral. Mr. Paulus asked for a moment of silence for Mr. Hess.

Attendance: 2

Courtesy of the Floor:

Mr. Joseph Heimbecker, 1834 Sherwood Street, appeared before the Board not as a Councilmember but as a citizen of the Township. He said his son, Grant Heimbecker, who is 14 and an avid fisherman asked that he appear before Council this evening on his behalf over his concern of the pond in Canal Park being made public for fishing. His concern was that the lake is properly maintained with regard litter in it and around it, weed control in the lake and around it, and anything that is sprayed in and around the tributaries, which he thinks are coming in out from north Catasauqua. He is also concerned with the fish population that's in there initially for about five years that it be a catch and release only lake and at some point, he feels that the State of Pennsylvania with the Boat and Fish Commission would do a better job at maintaining it, policing it, then the Township would as the local municipality. This is coming from a very well-educated 14-year-old Catasauqua High School freshman. Mr. Paulus said he likes the idea of catch and release and the state having control. Chairman Paulus' understanding is that Jeff Mouer, Public Works Supervisor, was looking into this and he believes Mr. Mouer had good response from it. Mr. Paulus would be in favor of getting a Game Warden to be responsible for it. Christopher Garges, Township Manager, reiterated that Mr. Mouer has looked into it and if he has not already, he will forward on to Council the emails he received. He said if memory serves him correctly, as soon as the Township opens it up for fishing, the fishing aspect of it would be policed by the Game Warden. Individuals would need a license to fish there. If it weren't catch and release, individuals would be subject to limits of what they can take with them. A discussed ensued.

Approval of Minutes: February 28, 2019 Regular Council Meeting

Mr. Garges said there were a couple of revisions that he caught in the Minutes that were minor in nature. The amended Minutes were given to Council this evening. The revisions were in reference to the garbage collection regarding numbers, etc.

Motion: I move we waive the reading of the Minutes of the February 28, 2019
Regular Council Meeting and accept same as presented.

Paulus, Woolley: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

Reports:

1. Christopher J. Garges
Township Manager

A. Mr. Garges reported that he had spoken to Catasauqua, North Catasauqua and Lehigh Valley Planning Commission regarding opening discussions for multi-municipal planning for a Comprehensive Plan update. A meeting has been set up for Wednesday, March 20, 2019 at 5:30 p.m. at the Township Municipal Building, which will be held prior to the Regular Council Meeting at 7:30 p.m. If any Council Members would like to attend, they are welcome to attend. If the majority of Council would like to attend, it would have to be advertised as a Special Meeting. Mr. Garges will follow-up with an email to all Council Members so that they can reply via email.

B. Mr. Garges gave a follow up on the garbage/waste collection fee that was discussed at the last Council meeting. The Township, under contract with JP Mascaro, have 444 total units. Four hundred thirty-nine (439) of those are residential and five are municipal. The Township's current contract per year is \$132,027.80, which equates to about just under \$300 per year, per unit. Mr. Garges clipped together some background information for Council for this evening marked Waste/Garbage Collection on top. Under 402 is the current Code for what the Township's fees are. The basic fee currently in the Code is \$115. As discussed at the last Council meeting, it's been approximately 20 years since the Township billed residents. At the last meeting, it was discussed if the Township could waive that or what the options were. Mr. Garges discussed this with Jackson Eaton, Township Attorney, today. The suggestion that Mr. Eaton came up with was that if Council would like to waive that annually depending on what the finances are of the Township, the Code can be amended to reflect what the current costs are that the Township would bill, but also provide a provision that would allow Council, by Resolution, to waive the fee. Their discussion centered around putting a deadline for Council to do that Resolution and to waive the fees so Administration knows in advance for billing purposes so the residents could plan ahead. What he and Mr. Eaton discussed today for a good idea for a deadline would be when the Township Budget was due for passage for approval for the next year. Because at that point the Township would know where they stand financially for the following year. Mr. Heimbecker asked if Mr. Garges envisions that being a line item and Mr. Garges reiterated that it would be a formal Resolution each year after the Township would adopt the Budget. Mr. Garges asked Mr. Eaton if his understanding is correct and Mr. Eaton replied that yes, if the Township is going to do a blanket waiver for a year and the Township has an Ordinance that requires it, there should be some provision in the Ordinance that allows Council to waive the fee. Mr. Eaton said they could also do it by an Ordinance each time, but he doesn't recommend that. Mr. Paulus said it sounds good to him. A discussion ensued. Mr. Garges said if Council is in

agreement, he and Mr. Eaton will move forward and draft the language and bring it back before Council for their review and approval.

C. Mr. Garges gave Council a color copy of the Troxell Street Geophysical Study. The last time this was discussed Mr. Heimbecker asked for the locations that were being proposed for the hole borings. It was discussed and questioned if the geotechnicians recommended any more or less than the eight holes. Mr. Garges reached out to them and their recommendation was eight holes based off of Mr. Lee's study, which is why they had eight holes and their proposal was for \$8,000 to do the borings and provide a report. At this point, just to recap. There are two options on the table. The first is to move forward with the Capital Project of all the road reconstruction without doing the geophysical study. Part of the Township's Capital Road Program that's been put together for the last year included this area because that road was so cut up and needed a full depth rebuild of the road basically from Taft Street up to Hoover. This is what was put in Budget last year and the one action the Township can take. The other option would be then to do this study and wait for the recommendation of the professional and whatever that would be to move forward. These are the two options. Mr. Garges spoke with Al Kortze, Township Engineer, earlier today. They are now into March and feel that they would like to move forward so it can get accomplished this year. Mr. Woolley asked if the Township is still looking at paving this year. Mr. Kortze said that would be his recommendation. He feels this is a critical component that something is done to those roads to save them, essentially. He said this was a project that initially was in the books back in 2017. With the water line repairs and then the subsequent sinkholes that opened up, it has delayed it. Mr. Kortze said the critical component is getting something done on the roads this year. If there is a decision made, they can start putting together the specs and out to bid by June, it should give them a safe window to get the work done. Mr. Kortze does not know how long the geotechnical exploration and then any kind of remediation that they recommend, how long that would take. Mr. Kortze said he is using June as a cutoff date as a standpoint for putting together the specs, getting it out to bid, getting the contractor mobilized because depending on what work is done it could be a fairly time-consuming process because they will have to do traffic control and not just rip and tear to their hearts content. There will have to some coordinated effort as far as keeping the roads open to a degree. Depending on what Council decides and if it's a simple mill and overlay, which some of the roads may need and some of the other roads may need something a bit more like a reclamation-type aspect, which could take longer. Mr. Kortze reiterated that the critical component is whether Council wants to go through with the geotechnical investigation and get it going quickly so the other things can fall into place. Mr. Tocci asked Mr. Garges if there was an estimate with the geotechnical investigation. Mr. Garges reiterated what was mentioned at the beginning of this discussion. Mr. Tocci asked Mr. Garges when the last sinkhole reported was and Mr. Garges replied that it was after the water line was reconstructed. Mr. Kortze said it would have been spring of last year. Mr. Woolley recalled that it was October, right before Halloween. Mr. Heimbecker said it was at intersection of Taft and Troxell Streets. Mr. Woolley said Mr. Mouer came by and filled in the depression because he was concerned about the trick or treaters. Mr. Tocci asked Mr. Garges to refresh his memory regarding the Bethlehem water main being instrumental and why there were sinkholes that have now been fixed. Mr. Garges said that is the theory. The largest sinkhole that opened up as a result of the

water main break from the City's older line. Mr. Woolley said it actually opened up three times over the past two years. Mr. Paulus said the old line kept breaking and they would temporarily repair it. A discussion ensued. Mr. Paulus said since the main has been fixed, about eight months, it's been good. Mr. Paulus said he feels the Township is ready to rebuild the upper half of the road and get on with the road project. Mr. Heimbecker asked what they anticipate the cost being for milling and resurfacing. Mr. Garges said \$800,000 was budgeted for the entire project. Mr. Kortze said that the portion where he recommended a full reclamation of the road will probably be in the \$200,000-\$300,000 range. The other option was for the remainder of the streets doing a what he calls a cold and place recycling with an inch and a half of wearing over top and that cost is about \$560,000. Mr. Kortze said his guesstimating that they are looking at a cost of anywhere around \$800,000 to \$900,000. Mr. Paulus addressed Mr. Kortze and said the upper section where all the sinkholes were and Bethlehem put the new water line in and they dug seven feet down and three to four feet wide which was impacted fully with pack and hauled all the dirt away. Mr. Paulus said when they redo that upper half, they just have to do from curb to where Bethlehem did the pack and the Township wouldn't have to pull their pack out. Mr. Kortze said that in those areas it probably would be easier to just do the entire thing to try and preserve it because digging down they'll wind up losing parts of that pavement anyhow. Mr. Kortze said he looked at it that it would be a cleaner job to go down 14 inches to get to the subgrade. Then you're not tearing out the entire backfill. This way they would have a uniform reconstruction within that area going curb to curb. Mr. Kortze included about 120 feet of curb replacement where the curb had actually settled out. A discussion ensued. Mr. Kortze said the geophysical study was done by Dr. Lee and Mr. Garges received estimates on proposals from two Geotech and there really isn't any idea of what they might suggest fixing unless the tests are done. It's just a matter of if Council thinks it's worthwhile to get the tests done or just go with the road restoration. Mr. Kortze said there are no guarantees either way. He said you have a little assurance of understanding what's underneath by doing the investigations. Mr. Heimbecker said if they go with the larger of Mr. Kortze's numbers of \$900,000, \$8,000 is really not a lot of money to find out what's in those eight holes. Mr. Kortze said that is definitely true. Mr. Garges said what he and Mr. Kortze had discussed earlier is that they could do the study and they could put whatever the number would be to grout and then redo the road and then have a sinkhole. Mr. Garges said they could also proceed and rebuild the road and have a sinkhole. He said even if they do the safeguards, depending on where ground water ends up going, they could do all that work or that work could trigger a sinkhole somewhere else. Mr. Garges said Council needs to be confident in whatever their decision may be. He said they could still have a sinkhole no matter what they do even if they go that route. Mr. Garges doesn't want the picture to be painted that if they do the grouting and they are 100% in the clear. Mr. Woolley said what he sees is a picture of a definite sinkhole right by his house and some above it. Mr. Woolley would hate to see the Township pay to pave over the road and then there be sinkholes. Mr. Heimbecker said if they spend the \$8,000 and they find out that it's relatively stable underneath and they find they got a potential for some real damage then maybe they beef the road up so they get more wear out of it. Mr. Heimbecker said he doesn't think it's a lot of money to spend to get the knowledge out of it. Mr. Woolley agreed that it's a small price to pay to get some answers before they spend \$900,000 on a road to find out they have issues. A discussion ensued. Mr. Heimbecker asked

how long would they be setting back the repaving project if they go forward with the geophysical study. Mr. Kortze said it will depend on schedules and whatever remediation recommendations are provided and then they would have to decide whether to go through with it or not. He said in the investigator's proposal it looked like it would be a two-day job to do the drilling and then another week to get a report done. Mr. Kortze said if they could tackle it this month and have a report back to the Township in the beginning of April that will give them time to figure out how to mitigate it. Mr. Kortze said it's getting close and he thinks it's essential that a decision is made. Mr. Heimbecker said what if the report comes back that the Township needs to do something. Mr. Kortze replied that then the Township would hire someone to take care of it.

Motion: I move that Hanover Township, Lehigh County, rebuilds the road to upper Troxell Street, Allentown, PA to the Township Engineer's specifications and continue with the rebuilding of the Troxell Street area at the Township Engineer's estimates and that he should begin the bid process.

Moved and Seconded: Paulus, Lawlor

Mr. Tocci questioned that earlier Mr. Kortze mentioned that the goal is to get things started by June of this year for resurfacing. Mr. Kortze replied that June is to start getting the specs together and getting it out to bid and once it's put out to bid, get the agreements together and get everything mobilized. He said he thought it was a good time frame to safely say the project can get started in September. Mr. Heimbecker added, and to be finished by October in case the weather turns. Mr. Kortze agreed. Mr. Tocci asked how long has the area of Troxell Street needing to be done been in discussions. He asked if it has already been pushed back a year. Mr. Paulus replied, yes. Mr. Heimbecker said they are talking a couple of weeks to get a report and then if it needs remediation, maybe 30 days after that. Mr. Heimbecker said June is a good target. Mr. Tocci questioned the Motion on the floor and Mr. Paulus explained it. Mr. Tocci questioned if they went with the eight borings that would be the \$8,000 and best-case scenario the Township gets a study that comes back saying nothing needs to be done, but there is a good likelihood the report could come back saying we need to do grouting. Mr. Heimbecker explained that the Motion on the floor is whether you agree with Mr. Paulus' move to go ahead to do the roadwork without the study or if you are in favor of a study, spending the \$8,000. Mr. Tocci said that is what he is trying to understand. Mr. Tocci's concern is if they do the eight borings and it comes back that something needs to be done, could the roadwork intended for this year be pushed off until next year. Mr. Kortze replied, that that is a possibility. He said it's just a matter of timing and contractor availability and he can not venture a guess on that. Mr. Woolley said there is nothing stopping the Township from doing the roadwork. If the study were to come back negative, all the Township did was spend the money to find out what's down there or the study could come back saying nothing needs to be done. Mr. Woolley would rather spend the money and know if there is an issue and it needs to be packed, then spending \$900,000 to get the road paved and something happening down the road. Mr. Kortze said putting the specs and design for whatever they will do on the road isn't going to be a lengthy process. Mr. Kortze said there are two or three options that can be explored. The timing end of it is the advertising of the bid, getting the bid out, awarding the contract, and getting the

contractor mobilized. Getting together the specs can be done concurrently. A discussion followed. Mr. Heimbecker's position is that if they can make the road stronger by spending the \$8,000 to find out what lies underneath. The study could come back that nothing needs to be done, but they might say it wouldn't hurt to put the binder course down there or they find out it's really bad and may want to put the binder course in. Mr. Heimbecker asked how much more would the binder core cost. Mr. Kortze said a lot of it will be based on the thickness. If you want to beef up the paving, you may be looking at putting in another two inches of black top. The problem with that is that there is a curb line to deal with. Mr. Kortze said you can't just keep building the road up without impacting driveways and curb lines. The area Mr. Kortze referred to doing the full reconstruction amounted to eight inches of stone, four inches of binder which is a 25-millimeter super paved base and two inches of waring course with a Geotech-style material below that to kind of help stabilize things. Mr. Kortze said you really can't do it on the other parts of the road unless you actually mill out a lot more of the pavement because of the curb line. That's why they are just looking at the cold and place recycling which you would essentially give back to the existing grade. That kind of mills up all of the pavement. You take some it away and recompact it and then put the waring course down. You get all the surface flaws out of the pavement. It will make for a stronger pave. The key factor is to keep water out from getting underneath. No matter what you do anything will help. Even if it's a mill and overlay and seal the curb line. It will keep the surface water from becoming ground water and impacting sinkholes. Mr. Kortze said that's why there was a sinkhole with the water line break. You may have seen a lot of water on the surface, but there is more seeping through the ground and loosening up the soil and opening up those voids. Mr. Woolley asked, wouldn't it be a good idea to know what those voids are there before they redo the road and find out they still have the same issues. Mr. Kortze said, that's the discussion on the table. Mr. Tocci said, it sounds like if the Township spends the \$8,000 and we find out nothing needs to be done, thee would be better peace of mind. Mr. Tocci wants to know from the other Council members if the Township does spend the \$8,000 and the recommendation comes back that there is significant work that needs to be done, he wouldn't see that that recommendation should be ignored and then that work would need to be done. Mr. Woolley said \$26,000 has already been spent to get to this report to find out if there are issues. He said, we now know that there are issues, but we need to know just how bad the issues are. He said, we could ignore it and just pave over it and later find out we might need to spend more money on the road in a couple of years. Mr. Tocci thanked everyone for the clarifications. A discussion ensued.

Paulus, Lawlor:

Aye

Heimbecker, Tocci, Woolley:

Nay

Motion: I move that Hanover Township, Lehigh County, move forward with the survey as presented and do the eight drillings at the projected cost of \$8,000.

Moved and Seconded: Heimbecker, Woolley

Heimbecker, Tocci, Woolley:

Aye

Paulus, Lawlor:

Nay

Mr. Garges said what he will do to move forward with this is to send the contract to Mr. Eaton for review prior to executing it and then contact them to find out their schedule. About a month or so ago, they were fairly open, but he does not know what their schedule will be now that spring is upon us. Mr. Garges will report back to Council once he knows more. Mr. Woolley stressed that they would like it done as quickly as possible because the Township is on a time schedule.

D. Mr. Garges said he is looking for authorization from Council to purchase four new water meters at a price of \$28,725. Mr. Garges said that \$16,500 was put in the Budget for 2019 Capital Program in the Water Fund for two meters. This request is to replace all four of our meters. Two of the meters are located where we interconnect with Lehigh County Authority, one on Airport Road and one on Lloyd. The other two meters and the two meters we had in the Budget to replace were for Allendale. Mr. Garges said Council will see an email from Jeff Mouer, Public Works Maintenance Supervisor, in their packets that basically says that the meter that are there now are called compound meters and anything in the five to eight gallon per minute range, they basically read zero. The Township is missing out on capturing flow from a billing standpoint. The proposed meters are called ultrasonic meters. Mr. Mouer summarized about them in his email. This would be through the Township's current vendor, Technical Device Incorporated (TDI), a Costars dealer that is used for all metering, water and sewer devices. Mr. Heimbecker asked if they've been replaced in the past or is this the first time. Mr. Paulus said, it's the first time. The ones that are there are old and they strictly work on flow and when the flow is less than say five miles per hour, it does not register. Mr. Heimbecker questioned if the Township would be hurting itself if we replaced them and Mr. Paulus replied, no we would not be hurting ourselves because Mr. Mouer feels that at night it's low flow and it's not registering.

Motion: I move the Township spends \$28,725 to purchase the four new water meters as presented by the Township Manager.

Heimbecker, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

E. Mr. Garges asked Council for authorization to purchase a new X-Mark lawn mower at a cost of \$8,299. Twelve Thousand Dollars (\$12,000) was put in the Budget for 2019 Capital Program for Highway Vehicle Replacement. Mr. Garges included information for new mower in Council's packets before them.

Motion: I move that the Township purchase a new X-Mark Lawn Mower at the cost of \$8,299 as presented by the Township Manager.

Paulus, Woolley: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus: Aye Unan.

F. Mr. Garges said as he has mentioned in the past, B. Braun needs to do some water and sewer work in the area of Postal Road. The sewer work is a deep excavation that they don't feel is safe to do under live traffic. Their contractor has submitted a right-of-way permit application to close the road down for the weekend. Postal Road closure for B. Braun project is scheduled for March 16-17. Access will be available for local traffic. Detour has been approved by Keystone Consulting Engineers (KCE). Advanced warning signage, notice flyers, etc. will be in place to alert the public.

G. Mr. Garges said that the Zoning Hearing Board Application has been submitted for variance and special exception for storage building at 1003 Postal Road (Salt Shed), which was included in the 2019 Budget. The Special Exception is scheduled for the March 19 Planning Commission Meeting (PC) and then the PC would make recommendation to the Zoning Hearing Board (ZHB) which will then be heard at the March 28 ZHB Meeting. Should the approvals be secured by ZHB, then next step would be to submit the Plan to the Lehigh Valley Industrial Park (LVIP) because there are covenants over the property to get approval from them and then prepare bid package.

H. Mr. Garges said that Anna Wegfahrt informed him that her last day will be April 12. The family will be moving to South Carolina, which will open up the Receptionist position that she had been moved into late last year. Mr. Garges would like to create a full-time part-time position for the Receptionist position. He said having Miss Wegfahrt in that position or a person there able to answer the phones and intercept traffic coming in and out opens up Vicky Roth, Township Clerk, and Pina Romano, Administrative Assistant, to better perform their work and when dealing with finances. Every time they get interrupted and then go back to it, it's easy to make a mistake. Mr. Garges proposes to continue the schedule that Miss Wegfahrt worked from 9 a.m. – 3 p.m. (27.5 hours) weekly at the same rate of \$13.00 per hour which is \$18,590 annually. It is in the Budget to carry the position on assuming that Miss Wegfahrt would remain. Mr. Garges said he did not need an answer right away. If Council wants to think about it, Mr. Garges will bring it back to Council at next meeting. The only thing that would change is that the Township would have to create a job description for the position, create the position in the Township's Code and once they would be a long-time part-time employee, the Township would have to pay the pension side of it like the Code Enforcement employees who are part-time but are required to get the pension as well. The Township's exposure in that is about four or five percent of the salary at roughly \$13.00 per hour for five and half hours per day in the \$18,000 to \$20,000 range per year. The Township is looking at \$22,000 should Council decide to move forward with this full part-time position. At the moment, Miss Wegfahrt was hired seasonal and she has been with the Township three years. She had been doing records work and then got moved to this position. If Council wants to direct Mr. Garges to put this together, he will do that. If not, and Council wants to think about it, he will bring it back to them at next meeting. Mr. Paulus asked if Miss Wegfahrt works five hours a day and Mr. Garges said with a lunch

break it comes to about five and one-half hours per day. Mr. Woolley questioned wasn't Miss Wegfahrt hired to work with the records when they were changed over to the Data Management and Mr. Garges replied, yes. Mr. Woolley asked if that project has been completed. Mr. Garges replied that yes that was done, but what she and that position is doing presently is once the Township brought MuniLogic Software on board, all the data logging that she was doing is complete and now into that system. What she is doing in between the phone calls is that she is scanning and logging that data into the MuniLogic System. All of our files are basically an image and then attached to property files. This is what Miss Wegfahrt is doing in between answering the phone calls. Mr. Woolley asked when the MuniLogic part of her job will be completed. Mr. Garges replied that he hopes it will be completed by this summer with an intern so a good portion of it can be knocked out. Presently, it's the physical part of bringing the files down, scanning them, naming them and attaching them. This is something that Mr. Garges anticipated having this position and summer intern do and whatever isn't finished this year, bring into next year. It's not urgent, but it's a longer-term project that we want to get done. Mr. Paulus questioned if 27-1/2 hrs. is part time. Mr. Garges replied, yes. Mr. Paulus also questioned if any healthcare would be involved. Mr. Garges said there would be no healthcare. Mr. Heimbecker said it is probably good to start looking now so they could intern over the summer. Mr. Garges said if Council will recall, last fall they had discussed the Pennsylvania Municipal Internship Program. The Township got approved for a 20 hours per week at \$18 per hour for a student intern which would be funded fully by the program and it would be no cost to the Township. Mr. Garges started to reach out and there have been a few interested applicants, but most of them are a distance away to travel. Their schools are close, but during the summer they live at their respective homes. Mr. Garges said he reached out to DeSales this week and he will also contact some of the local colleges as well who have Political Science Departments. Mr. Heimbecker asked Mr. Garges to contact Mrs. Roseman over at the Catasauqua Area High School. They may have a bright senior that would love to be able to put in time at the Township and attend night classes at the community college. Mr. Heimbecker thinks it would be a good idea to get someone out of the Township's school district for this position. Mr. Garges said that is certainly something we could do for the summer. Mr. Garges said he would reach out to Mrs. Roseman. He said his thought was if he could get someone through the Municipal Internship Program and get half of it paid, then the Township would only have to pay for the remaining 20 hrs. or so. Mr. Heimbecker asked if that would preclude getting a senior through that Program and Mr. Garges replied, probably, because they are not an enrolled college student yet. Mr. Tocci asked if it's just through the state schools or any college and Mr. Garges replied any college. He said it's through the Pennsylvania Municipal League, which is similar to PSATS. He said this is a program that they are administering for the state to try to get interest in municipal government. Mr. Tocci asked if any current college student would be eligible and Mr. Garges replied, yes. A discussion ensued. Mr. Garges said he will forward the link for the Municipal Internship Program and Council can forward it on to whomever they think might be interested in applying. Applications are through the Program and then forwarded to the Township to see if it's someone the Township might want to interview and bring on board. Mr. Tocci asked if the internship is just a summer program. Mr. Garges said it was actually started as a fall program last year and the Township was approved then, but didn't have anyone for fall or spring that have matched. It can be a full-time college student

and work up to 20 hours per week. The Board is in agreement with hiring a full part-time employee. Mr. Garges will put together a job description and he and Mr. Eaton will work on changing the Code. Mr. Garges said they may not have time to get someone on board before Miss Wegfahrt leaves so that she could have trained them. Mr. Garges will also send all Board members a link so they can see what the Program is.

Mr. Tocci said he had two questions for Mr. Garges. First, regarding the multi-municipal meeting on March 20 at 5:30. Why is it that if they have three members attending, they need to advertise it. Mr. Garges replied that according to the Township's Charter if they have a quorum (three members) then technically it's a meeting and it has to be advertised. Secondly, Mr. Tocci wanted to know when the Township's current garbage contract expires and would the Township revise the amount residents should be paying toward garbage collection and that the Township will possibly forgive each year. Mr. Garges directed Mr. Tocci to the Minutes of February 28. He believes the current contract runs through 2021 and the Township can extend for two more years at the same rate or three more years with some negotiations. Mr. Tocci recalled the previous discussion at the prior meeting. Mr. Paulus said when the Township signed the current contract, for three years it's guaranteed at the same price, then the next two years, it would be the Township's option whether to keep the same contract or not. After that, JP Mascaro and the Township must agree on a price that and it could go for another five years, which by state law allows a total of 10 years. Mr. Heimbecker said they know from what it is presently that it doesn't change for the next two years and if they all agree on the next three, it takes it out to the 10 years. Mr. Paulus agreed, but both parties have to agree.

2. Al Kortze, P.E.
Township Engineer

A. Mr. Kortze wanted to follow up with what Mr. Garges stated that KCE prepared the Zoning exhibits for the garage project, which Mr. Kortze dropped off seven prints and will probably need to provide some additional ones for the Planning Commission's review.

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

A. Mr. Eaton said they have nothing further on the Willowbrook Road status. The contractor will not get paid until the road is complete and they are down to the end. They are still trying to work things out with PennDOT.

Mr. Garges said that in 2019, the Township has sent out a total of five invoices to Rockefeller, four of which were for Willowbrook Road for plowing and salting. The fifth invoice was for work that trickled down from closing the Township's pump station down at a tie in for the force main. When the Township went to start the pumps up, there were issues that needed repair and Rockefeller is actually paying for the repair. To date, three of the five invoices have been paid. To their credit, the last two were just sent out to them which were for the last two storms. To date this year, the Township has invoiced almost \$9,000 to them.

Unfinished Business: None.

New Business:

1. Bill No. 2019-01, An Ordinance Amending the Statutory Code of Hanover Township to Allow Fishing and Ice Fishing in Canal Park (Public Hearing)

Mr. Eaton said that Council had asked that he look into the questions of liability with regard to ice fishing. There is no particular statute with regard to ice fishing. There is a Pennsylvania Political Subdivision Torts Claim Act which provides protection for municipalities and special procedures with regard to general liability claims and there is an exception for dangerous conditions related to land. The Township wouldn't be protected there. Arguably, that could land so the Township might be liable if it was considered dangerous conditions. Mr. Eaton said there is, however, a separate state law that Pennsylvania Recreational Use of Land and Water Act that protects the municipality from recreational activities on land including fishing. There was a case brought forward with regard to an accident on the Susquehanna River in an area that had been artificially dammed and the Supreme Court held that this was still natural and looked like any other natural lake would look like. If someone fell off the dam, that would fall under something else. But, as far as it being treated as a natural body of water, it was and therefore the land owner, which in this case, was a private company was not liable for some people who drowned in the lake. Mr. Eaton said there is a general protection out there and he thinks it's more than you might normally get. He has not been able to find a particular case about ice fishing. Of course, the Township is protected by their insurance. What they are trying to do here is not have to go to the Township's insurance. It's not if you're sued and they decide there's an exception here and the Township is liable and not protected. There seems to be a protection to encourage the recreational use of land and it appears that this would fall under that protection. With that said, if someone is injured, it is likely the Township will get sued. This is in defense to the suit. It is likely the Township will have to go through at least the initial part of someone bringing a lawsuit until they are convinced, they don't have a case. It won't prevent someone from filing papers. Mr. Eaton said the Township may also want to consider whether they want any kind of signage with regard to ice fishing or use of the pond when there is ice present or perhaps more importantly fishing at your own risk. Statements that ice is not tested by the Township and anyone fishing fishes at their own risk. If Council decides to move forward with this, Mr. Eaton suggest that he and Mr. Garges talk about what can be done going forward to get the protections that the Township would want. Another matter which is clear is if the Township charges a fee for the use of that parcel for fishing, then the Township loses its protections. Just because something is open for recreation doesn't mean you can't charge a fee for the use of the park for usual circumstances. If you add an ice fishing tournament or something like that and someone tried to do something like that there, that could be a problem. Mr. Woolley questioned Mr. Eaton's statement about a natural body of water and said the lake at Canal Park is a manmade lake. Mr. Eaton said it's the same scenario as the portion of the Susquehanna River that was dammed. Mr. Paulus said if someone rents the pavilion and they fall through

the ice, is the Township liable. Mr. Eaton said they have to prove that it's dangerous. Mr. Paulus said that from Mr. Eaton's statement that if someone pays a fee and individuals pay to rent the pavilion, does that open up the Township for a lawsuit. Mr. Eaton said he would have to look at that further. Mr. Eaton asked if when the Township rents the pavilion is it just the pavilion and other individuals can use the rest of the park areas including the gazebos. Mr. Eaton said it may be appropriate to look at those rentals to make it clear that they are renting only the pavilion and that it doesn't preclude others from using the rest of the park. Mr. Heimbecker said it's the same as someone using the ballfield. How do you prevent someone from getting hit by a baseball? The baseball field is the same as a fishing pond. Mr. Eaton said this is for natural outdoor use of land. Mr. Eaton said the ball park is beyond this because you would be redesigning the land. Apparently, the case involving the Susquehanna was just creating a pond and there is a natural source of water at that location, which is dammed as he understands it. Mr. Woolley said as long as Mr. Eaton feels the Township will be protected, he trusts him s the Township Attorney. Mr. Eaton said the Township has higher protections than they normally would. The question is having the Township made something dangerous or operating anything that is dangerous. Mr. Tocci said it sounds to him that Mr. Eaton is recommending that the Township have signage of some sort. Mr. Eaton said he thinks signage is important especially if the sign says, ice fishing is permitted according to the rules. There could be a sign that is posted seasonally indicating that the Township does not test the ice and anyone going on the ice does so at their own risk and it's prohibited other than ice fishing. Mr. Heimbecker said that the state parks post a sign that says, you are responsible for the thickness of the ice, that they don't measure it. You are on your own when you walk out there. Mr. Garges said the other option is the Township doesn't have to allow ice fishing just fishing during normal fishing times. Mr. Woolley asked how deep does the ice get at the lake at Canal Park. Mr. Heimbecker said it's a temperature thing. If you go to Leaser Lake, when it was cold it was running 12 to 15 inches of ice. Mr. Heimbecker said someone can fish safely on four to six inches of ice. You need 12 or 15 inches to support a vehicle on ice. Mr. Eaton said the Township has a choice of leaving it like it is which is preventing activity on the ice of any kind.

Motion: I move that Bill No. 2019-01, An Ordinance Amending the Statutory Code of Hanover Township to Allow Fishing and Ice Fishing in Canal Park be adopted as Ordinance No. 610.

Heimbecker, Lawlor: Moved and Seconded

Mr. Eaton addressed Chairman Paulus and said he would like to make a suggestion for an amendment to the language, but no amendment to the intent. Mr. Eaton recommended changing the language to, "activities on ice", and then indicate "any activity on ice on the pond located in the park is prohibited, except ice fishing."

Heimbecker, Lawlor, Tocci, Woolley, Paulus: Aye Unan.

2. Letter of Credit Reduction #8, Phases 2, Rockefeller Group (Vote)

Mr. Garges said that Council will see in their packets that KCE's February 15, 2019 letter which depicts the recommended fees to reduction request. This is the eighth overall request and it contains Application Nos. 5, 6, 7 and 8. The total amount for this reduction would be \$1,355,453.10. On the last page, Council can see accumulative summary of the reductions. As Mr. Garges mentioned, Reduction #8 would be for Phase 2 only at \$1,355,000. The remaining balance on the letter of credit would still be at \$1,910,964. Mr. Garges is seeking authorization from Council.

Motion: I move that we accept Letter of Credit Reduction #8 as presented by the Township Manager.

Paulus, Tocci: Moved and Seconded
Heimbecker, Lawlor, Tocci, Woolley, Paulus: Aye Unan.

Courtesy of the Floor: None.

Adjournment:

The meeting was adjourned at 8:52 P.M.

Respectfully submitted,

Christopher J. Garges
Township Manager