

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

May 16, 2012
7:30 P.M.

Present: Councilmen Atkinson, Dreisbach, Kovacs, Paulus, Woolley; J. Jackson Eaton, III, Esquire; Frederick W. Hay, P.E.; Sandra A. Pudliner; Vicky Roth

Absent: 0

Attendance: 5

Courtesy of the Floor: None.

Approval of Minutes: May 2, 2012 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the May 2, 2012 Regular Council Meeting and accept same as presented.

Paulus, Kovacs: Moved and Seconded

Atkinson, Dreisbach, Kovacs, Woolley, Paulus: Aye Unan.

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager inquired of the Board as to whether or not they were in agreement to approve the ceiling lights for the new meeting room in the new Municipal Building as displayed in the current meeting room. The Board as a whole advised the Manager that the ceiling lights were acceptable.
2. The Township Manager advised the Board that she has provided them with correspondence from a Township resident in the Tacoma Street area relative to his desire that the Board consider the installation of speed bumps along Hoover Avenue. It was the contention of the Township resident that cars or motor cycles proceeding west from the intersection of Hoover Avenue and Troxell Street or proceeding east from the intersection of Hoover Avenue and Sherwood Street use this stretch of road as their own personal race track. It was the resident's recommendation that the Township install at least three or four speed bumps to slow and hopefully eliminate the dangerous situation.

The Township Engineer advised the Board that the Township Manager had discussed this issue with him. Ironically, the Township Engineer noted that he had just attended a seminar where this issue was discussed. He noted that speed bumps are illegal but speed

humps can be installed but require a lengthy process for same. The municipality must look at the whole neighborhood. There is a process that must be gone through including forming a committee and interviewing the Township residents to determine if they want such a procedure followed. The Township Engineer noted that in most cases you find that the speeding is from the people in the neighborhood. He noted there are also cases out there where people have requested the Township remove the speed humps from the neighborhood. The Township Engineer advised the Board that he would look at the area in question. If the Township takes any action at all it has to be per PennDOT specifications. There was some discussion with regard to the history of the speeding issue and noise issue in that area. It was noted that the state police have persistently patrolled that area at the Township's request and Chairman Paulus was of the opinion that by and large the issues have been resolved. In any event, the Township Engineer would look at the area in question.

3. The Township Manager advised the Board that she has provided them with a copy of correspondence from J. P. Mascaro and Sons in which they are indicating that they wish to renew the Township's current waste removal and recycling contract for the year 2013 at the current 2012 cost of \$13,275.00 per month. As the Board may be aware, this was the monthly cost of the original five-year contract. There was some discussion with respect to the Township Attorney desiring to review the contract and in resolution of this matter, the Board made the following motion:

Motion: I move we accept the extension to renew the Township's current waste removal and recycling contract for the year 2013 at the current 2012 cost of \$13,275.00 per month subject to the review of the Township Attorney.

Kovacs, Woolley: Moved and Seconded

Atkinson, Dreisbach, Kovacs, Woolley, Paulus:

Aye

Unan.

4. There was some discussion regarding a possible violation of the Township's Zoning Ordinance with respect to a property owner on Pennsylvania Avenue. The issue involved utilizing a residential property for storage of commercial vehicles used in one's business. The Township Manager advised that the burden will be on the Township to prove that the vehicles in question are utilized for the business of the individuals. They've advised the Township that two of the vehicles are only there for completion of a drainage situation on the property and will be removed. The other two vehicles have been claimed to be personal vehicles. The Township Manager advised the Board that no final determination has been made on how to handle this matter.
5. With respect to a litigation matter involving another property owner on Pennsylvania Avenue, the Township Manager noted that item will be handled in Executive Session.

Councilman Dreisbach noted for the record that it appears that at the last construction meeting with respect to the new Municipal Building construction project, the approved deadline for completion of July 25 was shown as being extended until August 10, 2012.

2. Frederick W. Hay, P.E.
Township Engineer

The Township Engineer offered no report at this time. Councilman Atkinson questioned the status of the turtle docks at Catasauqua Lake and the Township Engineer advised they are working on that.

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

1. The Township Attorney advised the Board that the record should reflect that the Township has met in Executive Session twice since the last meeting to discuss litigation matters. He indicated that the contractor who is responsible for the design, manufacturing, and installation of the solar system on the garage roof of the new Municipal Building complex ceased operations. The Township was advised by an employee that they would be filing bankruptcy. In any case, the Township immediately took steps and instituted a lawsuit. Additionally, the Township has also tried to work with a contractor who could complete the job. The Township is negotiating with an individual who has experience and a relationship with the former contract holder. They are negotiating the completion of the contract for no more than the original contract price. The Township Attorney noted this is a particularly new situation since we are in the middle of the construction project. The solar installation should be starting at this point in time. It may be possible to have the project completed without disrupting other construction. Attorney Eaton advised that Mr. Jerry Wenger is here. He is the head of the company who would like to complete the project for the Township. He noted that he has discussed this with Council and Mr. Wenger and Mr. Wenger is here to answer further questions. The Township Attorney noted there are still issues to work out, but that it is possible that the construction could go forward without disrupting the construction since the buildings are plugged into power.

Mr. Jerry Wenger of First Power and Light approached the Board at this time. Mr. Wenger advised that he was part of Aztec Solar Power and that he also has another company; namely, First Power and Light. He indicated that he would like to come in and complete the project. He noted that he contacted the architect of this project when he realized the financial issues of Aztec Solar Power and the architect put him in touch with the Township's attorney. Mr. Wenger stated that possibly on Friday of this week he would try to buy back Aztec. On Friday, they will be having a board meeting and he would attempt to have them cede the company back to him.

Mr. Wenger advised Council that he has made it a point of finding out what jobs have not been completed by Aztec Solar Power. He noted his brothers and himself have been in business since 1936. He advised that he had called Sun Power, the solar panel manufacturer to find out what had to be done to release the panels earmarked for the Hanover Township project. He noted that Aztec did owe the company \$156,000. He further indicated that his girlfriend and he had started Aztec Solar Power and that they had made her president due to her minority status. He advised the Board that right now

his company is doing work for Homeland Security, John Hopkins University, etc. He told the Board that he has no history of accidents and is OSHA compliant. With respect to issues regarding Aztec Solar Power, Mr. Wenger noted that his girlfriend had been the president but only in a figurehead capacity and that as of December 1 of last year they stopped paying her. He noted that she is still a majority shareholder and that she is the person that gets served with lawsuits involving Aztec's mistakes.

Councilman Atkinson opened a discussion relative to the panels of Sun Power. Mr. Wenger noted that Sun Power panels are the best. Councilman Atkinson questioned whether the panels had been manufactured for the Hanover Township contract and Mr. Wenger indicated that they have and that they are sitting in New Jersey in a warehouse. He also noted that he has hired the Aztec installation team which is trained for the installation of Sun Power panels. Sun Power panels, he noted, are installed differently than others. A discussion ensued with respect to the Sun Power panels. Mr. Wenger indicated that if the balance of the monies still owed to Sun Power for the Hanover project were paid directly to them, then the panels could be released. He could do a schedule of payments. He noted the installation could take approximately two to three weeks. There was a discussion with respect to warranties available on the panels. Mr. Wenger noted that through Sun Power there is a twelve year warranty with respect to a 90% guarantee on the power efficiency and for the next 13 years an 80% efficiency warranty. The 10 year warranty relates to parts and labor.

There was discussion with respect to Mr. Wenger executing a contract with the Township. The Township Attorney indicated he would be reviewing and revising such a contract. Councilman Woolley requested a list of references from Mr. Wenger. In conclusion of this matter, the Board made the following motion:

Motion: I move that we authorize the Township Manager to enter into a contract to complete the work that was undertaken originally by Aztec Solar Power, LLC, at a cost not more than the balance of the Aztec Solar Power, LLC contract.

Paulus, Atkinson: Moved and Seconded

Atkinson, Dreisbach, Kovacs, Woolley, Paulus:

Aye

Unan.

4. Maintenance Report (Written)
5. Fire Company's Report (Written)
6. Code Enforcement Officers' Reports (Written)
7. Building Inspector's Report (Written)

Chairman Paulus acknowledged receipt of a written Maintenance Report, written Fire Company Report, written Code Enforcement Officers' Reports and written Building Inspector's Report and same were noted for the record. Councilman Atkinson questioned a notation on the Maintenance Report with respect to Colonial Landscape. He questioned the

Township's Maintenance Supervisor, Jeff Mouer, who was in attendance at the meeting as to why the Township is not utilizing FRCA. Mr. Mouer noted that the Township's contract with FRCA is only to allow them to dump at the facility. Councilman Dreisbach commented on a notation in the Maintenance Report with respect to resetting a landscape wall at Canal Park. Jeff Mouer indicated that they had indeed done so but that the damage was unintentional. Councilman Atkinson questioned the installation of a portable surveillance camera. There was discussion with respect to utilizing said camera to pick up violators who are dumping into the sewer system at that location. There was also discussion with the Maintenance Supervisor regarding the cleanup of a spill on Postal Rd. It was noted that that situation arose from trucks utilizing the Total Recycling facility on Dauphin Drive where they go to be weighed and they were hauling bentonite and slammed on the brakes and accordingly the spill occurred. Mr. Mouer also noted that Public Works had advised Total Recycling of the problem. He noted that the cleanup material was dumped on their property. Total Recycling had agreed to send a street cleaner up, but did not really follow through with that. However, with the heavy rain, the area has been cleaned up.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated May 16, 2012, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

Paulus, Atkinson: Moved and Seconded
Atkinson, Dreisbach, Kovacs, Woolley, Paulus: Aye Unan.

Unfinished Business: None.

New Business:

1. Resolution No. 2012-36, A Resolution Providing for the Appointment of John J. Martucci Jr. to the Hanover Township Zoning Hearing Board, Filling the Vacancy Created by the Resignation of Robert G. Gifford, Jr. (Vote)

With respect to the proposed Resolution, in attendance at the meeting was Mr. John J. Martucci who advised the Board that he moved into the Township in November, 2011. He likes the Township and at this stage in his life is looking to get involved with the Township Government. He noted that he drives truck and has a few employees. All of his children are grown and only one is still at home. In resolution of this matter, the Board made the following motion:

Motion: I move that Resolution No. 2012-36, A Resolution Providing for the Appointment of John J. Martucci Jr. to the Hanover Township Zoning Hearing Board, Filling the Vacancy Created by the Resignation of Robert G. Gifford, Jr., be adopted as presented.

