

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

December 19, 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: 7

Opening of Bids:

1. Bid No. 2012-02 Race Street Area Sewer Replacement (Phase 2)

Chairman Paulus proceeded to open the bids received relative to Bid No. 2012-02. A tabulation of the bid results is attached hereto. It was noted that the low bid was from Doli Construction of Chalfont, PA, in the amount of \$317,757. The next lowest bid was received from R-III Construction, Inc. of Nazareth, PA in the amount of \$319,466.50. The Township Engineer advised that he would need to review the bids received for discrepancies since the two lowest bids are only approximately \$2,000 apart in price. In resolution of this matter, the Board made the following motion:

Motion: I move that Council award the bid for Bid No. 2012-02 Race Street Area Sewer Replacement (Phase 2) to Doli Construction of Chalfont, PA in the amount of \$317,757, subject to the review and approval of the Township Engineer.

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

Courtesy of the Floor: None.

Approval of Minutes: November 28, 2012 Special Council Meeting
December 5, 2012 Regular Council Meeting
December 12, 2012 Special Council Meeting

Motion: I move we waive the reading of the Minutes of the November 28, 2012 Special Council Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the December 5, 2012 Regular Council Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the December 12, 2012 Special 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 offered no oral report at this time. However, a discussion arose with respect to a recent meeting held between the Chairman of the Board, the Township Manager, a representative of G. Edwin Pidcock Co., as well as a representative from the Rockerfeller Group. Chairman Paulus noted that the Township Manager and he had met with individuals representing the Lehigh Valley International Airport regarding plans of the airport to sell off land and have land developed in order to pay off the debts of the airport. Properties the airport is considering selling off are located in Allen and East Allen Townships with a small portion of same which would be part of the construction area located in Hanover Township. It was noted that area is zoned residential and that the airport would request that the Township consider rezoning that small portion of property to conform to the proposed warehousing development by the Rockerfeller Group. No final determinations were made at the meeting but the airport representatives did apprise the Township of their intent.

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

1. The Township Engineer has advised that he has provided them with correspondence regarding the East Race Street/Cascade Drive intersection. As Council will note, his office has completed a traffic study for the above-referenced intersection, particularly, with regard to the possibility of a traffic signal installation. However, the findings are that the intersection does not meet the warrants for a traffic signal as required by Penn DOT.
2. The Township Engineer began a discussion with the Board regarding the issues the Township has been experiencing with GPS and two separate Hoover Avenues. The Township Engineer is of the opinion that there are no affected properties in the particular area where the name change would occur and that the Township could opt to do so. It was determined that the Township would have their solicitor look into this matter and report back to the Board.

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

1. The Township Attorney advised the Board that he would like to discuss the Irma Drive sinkhole issue with the Board at an upcoming meeting by way of Executive Session.
2. The Township Attorney noted that with respect to the issue of idling of vehicles in the Carmike parking lot, that has become a problem to the residents in the area. He was of the opinion that the Township could look into legislation which would allow the Township to cite those vehicles. He noted that as Council will recall the Township has enacted legislation against private residences using their property for parking commercial vehicles. In any event, the Township Attorney would look into this matter.
3. The Township Attorney advised that as a result of the recent hearing regarding A. Duie Pyle, he noted that the Township does not have a particular requirement for paying costs for a petition to change the Zoning Ordinance. Attorney Eaton felt that the Township should include a fee for such proceedings in the Fee Ordinance. The Township Attorney indicated he would look into this matter.
4. The Township Attorney advised the Board the Township has had a recent inquiry as to the status of all plans approved conditionally. Our ordinance requires that once a plan is filed and conditions assessed the plan should be recorded in 90 days. Final plan must be filed within one year. However, a final plan with conditions has no deadline. The way the Municipalities Planning Code reads you can wait ten years and then file the plan. Attorney Eaton noted that he thinks you should put a limit of one year on such proceedings. Council directed him to look into the matter.
5. The Township Attorney advised the Board that the Township received notice from DEP and FEMA for major revisions to the Flood Plain Ordinance. They sent three separate Ordinances. Attorney Eaton noted that we did adopt a new Ordinance last spring and they reviewed it last January. They are going back and looking at it. In any case, the Township will need to have a corrected Ordinance by the end of January 2013. I sent them our information to include the Ordinance and their comments.

Councilman Kovacs opened a discussion relative to noise issues involving A. Duie Pyle. He noted that he still has concerns over noise disturbance to the residents in the area. The Township Engineer commented that the Township has introduced a new Ordinance which requires that a developer must do a post-development noise study. The Township Engineer also noted that the residential decibel level at night for a residential area is 47 decibels. In general, everyone felt that the Township has covered the noise issue.

4. Maintenance Report (Written)
5. Fire Company's Report (Written)

1. Code Enforcement Officers' Reports (Written)

7. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated December 19, 2012, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

Paulus, Kovacs: Moved and Seconded

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

8. 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.

There was some discussion with the Township's Maintenance Supervisor regarding pulling pumps out of a pond for repair. The Public Works Maintenance Supervisor noted that was simply in the waterfall located in Canal Park. There was also discussion with respect to the purchase of two more generators by the Public Works Department in the event the Township experiences issues such as Hurricane Sandy in the future.

Unfinished Business:

1. Bill No. 2012-07, An Ordinance Amending Chapter 7, Part 9 of the Statutory Code of Hanover Township to Add a Definition for Outdoor Wood-Fired Boiler and Prohibiting the Same in the Township (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2012-07. It was noted that the provisions of this Ordinance have been added to the existing Fire Ordinance. In resolution of this matter, the Board made the following Motion:

Motion: I move that Bill No. 2012-07, An Ordinance Amending Chapter 7, Part 9 of the Statutory Code of Hanover Township to Add a Definition for Outdoor Wood-Fired Boiler and Prohibiting the Same in the Township be adopted as Ordinance No. 537.

Atkinson, Dreisbach: Moved and Seconded

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

2. Bill No. 2012-09, An Ordinance Amending Chapter 18 of the Statutory Code of Hanover Township to add a New Part 10 Prohibiting the Discharge of Certain Substances into the Storm Sewer System (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2012-09. The Township Attorney noted that this legislation prohibits dumping into the Township's Storm Sewer System. It was noted that with respect to the exception

portion of said Bill, in particular Section 18-1003, certain changes should be made to include adding lawn and garden fertilizing after agricultural practices and also adding residential pool drainage after steam cleaning in said section. In resolution of this matter, the Board made the following motion:

Motion: I move to amend Bill No. 2012-09 to make the revisions previously noted by the Township Attorney.

Atkinson, Woolley: Moved and Seconded

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

Motion: I move that Bill No. 2012-09, An Ordinance Amending Chapter 18 of the Statutory Code of Hanover Township to add a New Part 10 Prohibiting the Discharge of Certain Substances into the Storm Sewer System be adopted as Ordinance No. 538.

Dreisbach, Kovacs: Moved and Seconded

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

3. Bill No. 2012-12, An Ordinance Amending Chapter 2, Part 2 of the Statutory Code of Hanover Township to Index the Value of Contracts Subject to the Requirements for Solicitation of Written Offers to the Consumer Price Index (Introduce)

With respect to Bill No. 2012-12, the Township Attorney advised the Board that they have previously adopted legislation regarding this matter. However, the state has now come out with provisions to handle this issue. The Township Attorney is of the opinion that the Township should make those changes to the Township's Ordinance. Accordingly, Bill No. 2012-12 was introduced at this time with a Public Hearing on same to be held on December 27, 2012 at 4:00 P.M.

New Business:

A discussion ensued at this point in the meeting with respect to an issue involving the request for retainage reduction by Bracy Contracting. It was noted that the contractor wishes to reduce the retainage from 5% to 2%. Attorney Eaton noted he was requested to go back and look at the contract documents. Attorney Eaton noted that normally this matter should go through the architect. Although the final decision is the Township's. Attorney Eaton noted that after 50% of the job has been completed, the retainage is at 5%. However, with respect to the issue of substantial completion, tests are applied to that scenario. For example, the owner must be using the facility. The project must be able to be completed for no more than one-half of one percent of the contract which amounts to \$23,000 approximately. However, the Township Attorney noted that reducing the retainage would give the Township approximately \$92,000 for work to be completed. The Township Engineer commented that he told the contractor they need to get a punch list together. No determination was made on this issue at this time.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (11/21/12), Payroll (12/7/12); Voucher Nos. 19121-19132 (Prepays), Voucher Nos. 19133-19180, from the General Fund Account in the amount of \$113,433.53; Voucher Nos. 97 from the Liquid Fuels Account in the amount of \$5,892.60; Voucher Nos. 3951-3954 (Prepays), Voucher Nos. 3955-3974 from Capital Reserve in the amount of \$166,388.36; Voucher Nos. 3953 (Prepays), Voucher Nos. 3954 from the Escrow Account in the amount of \$8,538.00; Voucher Nos. 3821 (Prepays), Voucher Nos. 3832-3836 from the Water Account in the amount of \$3,550.98; Voucher Nos. 4936-4948 from the Sewer Account in the amount of \$26,200.65 for a Grand Total Expenditure of \$324,004.12.

Paulus, Kovacs: Moved and Seconded

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

Courtesy of the Floor:

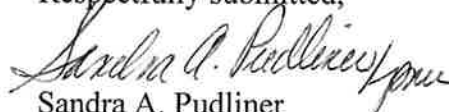
Councilman Woolley suggested that the Township consider an Open House for Township residents with respect to the new Municipal Building. It was determined that the Township would wait until the Spring Newsletter to advise the Township residents of the Open House. It was discussed that same should be held from 4:00 – 6:00 P.M. The Township would serve light refreshments. It would be noted in the newsletter that an R.S.V.P. would also be requested.

At this point in the meeting, there was a discussion between Chairman Paulus and Mr. Keith Bartholomew of Pennsylvania Avenue, who was present at the meeting, wherein Mr. Paulus advised Mr. Bartholomew that if he wishes to address the Board he must do it at a Public Meeting and any discussions held after the meeting would be against state law. The Township Attorney noted to Mr. Bartholomew that he can speak to any members of the Board individually but that one member of the Board cannot speak for the entire Board. Attorney Eaton also noted that issues involving violations really should be addressed to the Township Manager rather than the governing body. Mr. Bartholomew indicated his unhappiness with the Township in terms of pursuing him for current issues with his property.

Adjournment:

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,



Sandra A. Pudliner
Township Manager

BID TABULATION
Hanover Township, Lehigh County
Race Street Area Sanitary Sewer Replacement Phase 2
Wednesday, December 19, 2012 3:00 PM

| <u>NAME / ADDRESS / PHONE / FAX</u> | <u>CONTACT NAME</u> | <u>BID BOND</u> | <u>BID</u> |
|---|---------------------|-------------------|------------------------------|
| Penn Quaker Site Contractors P.O. Box 343 Nazareth, PA 18064 610-837-4131 610-837-4138 Fax | | <u>10%</u> | \$ <u>382,126.22</u> |
| Scheuermann Excavating, Inc. 5285 W. Coplay Road Whitehall, PA 18052 610-262-500 610-262-5600 Fax | Roger Slane | <u>10%</u> | \$ <u>423,193.50</u> |
| Wexcon, Inc. 379 Tilden Road Mohrsville, PA 19541 610-488-7420 610-488-0420 Fax | John Yoder, II | <u>10%</u> | \$ <u>368,106.00</u> |
| | | <u> </u> | \$ <u> </u> |
| | | <u> </u> | \$ <u> </u> |