

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

January 16, 2013
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: 4

Courtesy of the Floor: None.

Approval of Minutes: None.

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager noted that she had provided the Board with a written Manager's Report dated January 3, 2013.
2. The Township Manager advised Council that she had inquired regarding the PSATS Leadership Award and secured all necessary information in that regard. She noted to the Board that the criteria for same are really not within the Township Manager's realm of expertise and that she felt she should not apply for same. Council had no objection to the Manager proceeding in that direction.

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

1. The Township Engineer offered no oral report at this time.

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

1. The Township Attorney noted that with respect to the ongoing concern of the Township regarding dumping into the storm water system, the state will be taking some action in the near future and we are assured that something will happen in the course of the next month.

Councilman Kovacs questioned the Township Attorney regarding his correspondence concerning Hoover Avenue and the Township's authority with respect to renaming streets. A discussion ensued initiated by the Township Attorney concerning the three streets in the Township named Hoover Avenue. It was noted that two of them are not

connected and that these streets are located in residential and industrial neighborhoods. Attorney Eaton noted that GPS systems have caused individuals to go through the residential area seeking the industrial Hoover Avenue. A question which arises is what authority does the Township have to rename streets. Attorney Eaton indicated that in a residential area there is a public street but parallel to that is another street which is private. Both of those streets show up on Google Maps. The third Hoover Avenue comes off of Lloyd Street and is private. Attorney Eaton noted that the only case on record was to the effect that a municipality did not have authority to require a private property owner to rename a street on private property. It was noted that in that instance it was a Second Class Township and there was no compelling reason to rename the street. However, Attorney Eaton indicated to the Board that the Township may have a compelling reason. The Township may be able to make a case for the safety hazard created by having tractor trailers traveling through residential neighborhoods. The Township Attorney indicated that in his opinion just renaming the public street is not sufficient to solve the problem. There was a discussion with respect to the private streets and the fact that the Township could go to the apartment complex and try to have them change the street name. With respect to the public street, the Township could attempt to force a change on the private road. There is a chance that the Township would be challenged legally in that respect and Attorney Eaton indicated he did not know if the Township would be successful. The Township Attorney noted that maybe perhaps the Township could determine adequate signage that would be helpful and he could work with the Township Manager in that regard.

Ms. Diane Szabo in attendance at the meeting indicated to the Board that she felt that trying to require a person to change all that is necessary with respect to their street address could become a very large problem for the Township. After further discussion, it was the Board's opinion that the Township should check into signage for Taft Street and Ulster Street which would indicate that it is not a thru street.

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

Motion: I move we accept the computer printouts dated January 16, 2013, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach:

Aye

Unan.

8. Building Inspector's Report (Written)

Chairman Dreisbach 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.

At this point in the meeting, there was a discussion with the Township's Maintenance Supervisor, Jeff Mouer, regarding his report. Some of the issues discussed included the fact that the new utility truck will be built on or about January 23 at Ford and the anticipated delivery date is mid to late February. Mr. Mouer also advised that he has been working with the Township Manager on directional signage for the Municipal Building and that is being finalized at this time. Mr. Mouer also advised that he has checked the driveway on Troxell Street where it was thought a sinkhole might be developing and has found that there is no sinkhole in that area. Vice Chairman Atkinson opened a discussion regarding the Code Enforcement Officers' Reports which indicate that they are constantly pulling advertising signs out of the Township's right-of-way throughout the Township. Vice Chairman Atkinson indicated that he is of the opinion that the Township should take whatever steps are necessary to cite those individuals.

Unfinished Business:

1. Bill No. 2012-10, An Ordinance Amending Section 27-504 of the Hanover Township Zoning Ordinance to Adopt Maximum Noise Levels in all Zoning Districts Relevant Definitions and Procedures for Measurement and Exceptions for Particular Uses (Public Hearing)

Chairman Dreisbach opened the Public Hearing relative to Bill No. 2012-10. The Township Attorney advised Council that as the results of discussions with the Township Engineer he had been provided with additional information which needs to be incorporated into this proposed Ordinance. Attorney Eaton advised the Board that he could make the changes during the course of the meeting and the Township can address this issue later in the meeting. Accordingly, the Public Hearing was closed at this time and will be reopened later in the meeting.

2. Bill No. 2012-11, An Ordinance Amending the Hanover Township Subdivision and Land Development Ordinance to Add a Definition for Absorption Sound Mitigation Barriers and Requiring the Same to be Identified on Preliminary and Final Land Development Plans (Public Hearing)

With respect to this proposed Ordinance, it was noted that the Township would also address this proposed Ordinance in conjunction with Bill No. 2012-10 later in the evening.

New Business:

1. Bill No. 2013-01, An Ordinance Amending the Subdivision and Land Development Ordinance to Provide for Amendments Initiated by Township Council, Planning Commission, or Owner's Petition and Requiring Township

Costs of Processing an Amendment Commenced by Owner's Petition to be Paid by the Petitioner (Introduce)

Bill No. 2013-1 was introduced at this time. It was noted that in discussions with Vice Chairman Atkinson certain editorial changes would be made to the proposed Ordinance and the Public Hearing on the proposed Ordinance would be held on Wednesday, February 6, 2013 at 7:30 P.M.

2. Bill No. 2013-02, An Ordinance Amending the Hanover Township Zoning Ordinance to Require Costs of Processing a Zoning Amendment Commenced by Citizens Petition to be Paid by Petitioners (Introduce)

Bill No. 2013-02 was introduced at this time. It was noted that in accordance with discussions with Vice Chairman Atkinson certain editorial changes would be made to this proposed Ordinance. The Public Hearing on Bill No. 2013-02 will be held on Wednesday, February 6, 2013 at 7:30 P.M.

3. Bill No. 2013-03, An Ordinance Amending the Township Subdivision and Land Development Ordinance to Require Completion of Final Plan Approval Conditions and Presentation of a Revised Final Plan for Signing Within One Year of Approval (Introduce)

Bill No. 2013-03 was introduced at this time with a Public Hearing on same to be held on Wednesday, February 6, 2013 at 7:30 P.M.

4. Bill No. 2013-04, An Ordinance Restricting the Parking of Commercial Vehicles in Certain Private Lots Between the Hours of 12:00 Midnight and 6:00 A.M. (Introduce)

The Township Attorney indicated that he felt that certain changes needed to be addressed with respect to this Ordinance and accordingly requested that the matter be tabled at this time. Council tabled Bill No. 2013-04 at this time.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (1/4/13; Voucher Nos. 19212-19219 (Prepays), Voucher Nos. 19220-19268, from the General Fund Account in the amount of \$110,255.91; Voucher Nos. 98 from the Liquid Fuels Account in the amount of \$5,893.78; Voucher Nos. 3985-3988 (Prepays), Voucher Nos. 3989-3994 from Capital Reserve in the amount of \$362,506.54; Voucher Nos. 3956-3957 from the Escrow Account in the amount of \$6,396.88; Voucher Nos. 3839-3846 from the Water Account in the amount of \$1,850.37; Voucher Nos. 4955 (Prepays), Voucher Nos. 4956-4962 from the Sewer Account in the amount of \$11,619.44 for a Grand Total Expenditure of \$498,522.92.

Dreisbach, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach:

Aye

Unan.

Courtesy of the Floor:

There was a discussion with the Township Attorney regarding the request of Bracy Contracting to reduce retainage on the contract for the new Municipal Building Construction Project from 5% to 2%. The Township Attorney again reviewed with the Board issues which trigger what would be considered substantial completion. It was noted that certain matters need to be looked into including as-built drawings which the Township does not have currently, as well as other issues which need to be addressed. No determination was made on this matter at this time.

At this point in the meeting, Council addressed Bill No. 2012-10 and Bill No. 2012-11. As previously noted, the Township Attorney had made revisions to same during the course of the meeting. The Township Attorney reviewed the amendments with the Board with respect to Bill No. 2012-10 and same were found acceptable. In that regard, the Board made the following motion:

Motion: I move that the Board adopts the changes to Bill No. 2012-10 as presented by the Township Attorney.

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

Motion: I move that Bill No. 2012-10, An Ordinance Amending Section 27-504 of the Hanover Township Zoning Ordinance to Adopt Maximum Noise Levels in all Zoning Districts Relevant Definitions and Procedures for Measurement and Exceptions for Particular Uses be adopted as Ordinance No. 540.

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

At this point in the meeting, the Township Attorney addressed with the Board revisions he had made to Bill No. 2012-11. The Board found the revisions acceptable and in that regard made the following motion:

Motion: I move Council accept the changes to Bill No. 2012-11 as presented.

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

Motion: I move that Bill No. 2012-11, An Ordinance Amending the Hanover Township Subdivision and Land Development Ordinance to Add a Definition for Absorption Sound Mitigation Barriers and Requiring the Same to be Identified on Preliminary and Final Land Development Plans be adopted as Ordinance No. 541.

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

Adjournment:

The meeting was adjourned at 8:45 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra A. Pudliner". The signature is written in black ink and is positioned above the printed name and title.

Sandra A. Pudliner
Township Manager