

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

February 6, 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: November 14, 2012 Special Council Meeting
January 14, 2013 Reorganization Meeting
January 14, 2013 Special Council Meeting
January 16, 2013 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the November 14, 2012 Special Council Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the January 14, 2013 Reorganization Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the January 14, 2013 Special Council Meeting and accept same as presented.

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

Motion: I move we waive the reading of the Minutes of the January 16, 2013 Regular Council Meeting and accept same as presented.

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

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager advised the Board that she has provided them with copies of correspondence from the Lehigh Valley Planning Commission regarding their review of the proposed Zoning and SALDO Amendments noted on the agenda under Unfinished Business as Items 1 and 2. Mrs. Pudliner indicated that the Lehigh Valley Planning Commission has found that the proposed Amendments are a matter of local concern.

2. Frederick W. Hay, P.E.
Township Engineer
 1. The Township Engineer reviewed with Council the issue of the retainage at either 5% or 2% as same relates to the new Municipal Building construction. Mr. Hay advised that since the last meeting the contractor has performed another \$9,000 worth of work which brings them below the threshold which would permit the reduction to 2%. The Township Engineer noted that the contractor has submitted all necessary paperwork to the architect as of before Christmas. The contractor has heard nothing from the architect since that time. The Township Engineer noted that all the warranties are available and as-built drawings have been prepared. Council through discussions determined that Administration should check with the architect and determine the present status of this matter.

 2. The Township Engineer advised the Board that with respect to the relocation of the telephone poles on Grove Road, the various adjoiners on the pole in addition to PPL to include Service Electric, RCN and the old PECO now Level One, have all been contacted and attempted to secure reimbursement for the relocation. Currently, the only entity still seeking reimbursement is the old PECO. Council directed the Township Engineer to recontact Level One regarding this matter.

 3. With respect to signs to be placed at Taft and Ulster Streets, the Township Engineer noted that the Public Works Supervisor suggested that they make a sign to go below it saying, "No Access to Hoover Avenue." The Township will secure such signs and place them on the street sign poles.

There was a discussion initiated by Chairman Dreisbach relative to the HVAC system in the new Municipal Building. The Township is still working to establish a balanced system in the Municipal Building and additionally there is a design flaw relative to the Public Works Garage. That issue is also being addressed.

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

1. The Township Attorney advised the Board that he has received phone calls from A. Duie Pyle as well as Anthony Properties, the owner of the Carmike Cinemas property. The Township Attorney advised that he has indicated there is nothing presently before the Township and if someone places something before the Board for consideration then the Township will be in a position to make a determination regarding issues raised at that time.

2. There was a discussion at this point in the meeting relative to the issue of delay damages to be assessed against the contractor of the new Municipal Building. After some discussion regarding this matter, it was the consensus of the Board that the Township still proceed with the assessment of damages for the delays against Bracy Contracting.

Unfinished 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 (Public Hearing)

Chairman Dreisbach opened the Public Hearing relative to Bill No. 2013-01. Attorney Eaton discussed the proposed Ordinance with the Board at this time. The Township Attorney noted that the Municipalities Planning Code addresses Zoning Amendments. He indicated that the Township's Zoning Ordinance indicates that such amendments can result from the Planning Commission, the Hanover Township Council, or Citizen's Petition. Those requirements were not listed in the Township's Subdivision and Land Development Ordinance and this Ordinance addresses that as well as the issue of the payment of the cost for such a petition if initiated by a citizen. In resolution of this matter, the Board made the following motion:

Motion: I move that 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 be adopted as Ordinance No. 542.

Woolley, Kovacs: Moved and Seconded

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

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 (Public Hearing)

Chairman Dreisbach opened the Public Hearing relative to Bill No. 2013-02.

The Township Attorney advised that this proposed Ordinance provides for the payment of the cost for processing a Zoning Amendment be paid by the citizen requesting same by petition.

In resolution of this matter, the following motion was made:

Motion: I move that 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 be adopted as Ordinance No. 543.

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

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 (Public Hearing)

Chairman Dreisbach opened the Public Hearing relative to Bill No. 2013-03.

The Township Attorney advised the Board that the purpose of the proposed Ordinance is to require the completion of final plan approval conditions and receipt of a final plan for signature within one year of the date of such approval.

In resolution of this matter, the following motion was made:

Motion: I move that 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 be adopted as Ordinance No. 544.

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

New Business:

1. 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)

Attorney Eaton advised the Board that several years ago the Township had adopted an Ordinance, a copy of which I have provided to you from the Township's Codification in an attempt to provide the Township's Code Enforcement Officers with authority to cite trucks, trailers or tractor and trailer in private parking lots overnight. In many cases and in particular with the Carmike Cinemas property, the vehicles would remain there overnight and would create noise situations with respect to running reefers. Attorney Eaton noted that that Ordinance had required the permission of the property owner to post notice on the property at the entranceways to said properties. Since the property owners did not cooperate, nothing was done. Bill No. 2013-04 went one step further and would require by law that certain action be taken. However, Attorney Eaton noted that the Township Manager has had discussions with the owners of the Carmike Cinemas property and they indicated that they are willing to cooperate and post the necessary signage on their property. Accordingly, the Township Manager and I will work with the property owner in that regard. With respect to this

legislation, the Board determined they would not proceed at this time and made the following motion.

Motion: I move that 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. be withdrawn.

Atkinson, Kovacs: Moved and Seconded

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

At this point in the meeting, Chairman Dreisbach advised that the Township Attorney has requested an Executive Session after the Board's February 20 Council Meeting to discuss a litigation matter.

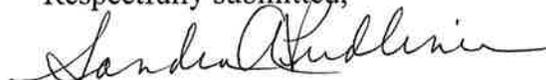
Councilman Kovacs questioned the Township Attorney as to the resolution of the Magistrate hearing involving the Bauer property on Pennsylvania Avenue. Attorney Eaton advised that the matter was settled with the payment of cost by the Defendant. Attorney Eaton noted that their attorney advised them to keep the vehicles off the property. Councilman Woolley questioned whether or not the Township ever received the tax returns requested and the Township Attorney indicated they had not.

Courtesy of the Floor: None.

Adjournment:

The meeting was adjourned at 8:10 P.M.

Respectfully submitted,



Sandra A. Pudliner
Township Manager