

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

December 18, 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: 6

Courtesy of the Floor: None.

Approval of Minutes: December 4, 2013 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the Regular Council Meeting of December 4, 2013 and accept same as presented.

Dreisbach, Atkinson: Moved and Seconded

Atkinson, Paulus, Woolley, Dreisbach: Aye Unan.

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager offered no report at this time. Councilman Woolley questioned the issue of sales tax on the utility bills. The Township Manager indicated that the Township will be reimbursed the sales tax going back three years. The Township Attorney was directed to determine if indeed the Township could go back further and he indicated he would speak with the Manager regarding this matter and look at the law to make that determination. With respect to the three utility companies involved, the Township Manager advised the Board that PPL has never charged sales tax with the exception of when the new account was set up for the Municipal Building. The other two utility companies have agreed to reimburse the Township the sales tax going back a three year period.

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

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

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

1. The Township Attorney advised that all his items are listed as Agenda items and would be addressed at that time.

4. Maintenance Report (Written)

5. Fire Company's Report (Written)

6. Code Enforcement Officers' Reports (Written)

7. Building Inspector's Report (Written)

Chairman Dreisbach acknowledged receipt of a written Maintenance Report, written Fire Company's Report, written Code Enforcement Officers' Reports, and written Building Inspector's Report and same were noted for the record.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated December 18, 2013, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

Dreisbach, Woolley: Moved and Seconded

Atkinson, Paulus, Woolley, Dreisbach:

Aye

Unan.

Unfinished Business:

1. Bill No. 2013-09, An Ordinance to Initiate a Referendum for the Purpose of Amending Sections 3.08 and 6.09 of the Township Charter to Delete Reference to the Penal Code and Substitute Reference to the Crimes Code of the Commonwealth of Pennsylvania (Public Hearing)

Chairman Dreisbach opened the Public Hearing relative to Bill No. 2013-09. The Township Attorney advised the Board that as they will recall at the prior meeting, Councilman Atkinson suggested that this proposed Ordinance be revised so that constant changes would not be necessary to the charter if the Crimes Code were to change and accordingly the Township Attorney advised that the language now reads, "Under the provisions of the Crimes Code of the Commonwealth of Pennsylvania or succeeding Pennsylvania Criminal Laws. Attorney Eaton did note that Section 1 of

the proposed Ordinance does not contain the language “or succeeding Pennsylvania Criminal Laws” but should read that way and that same would be revised. Chairman Dreisbach closed the Public Hearing and in resolution of this matter, the following motion was made:

Motion: I move that Bill No. 2013-09, An Ordinance to Initiate a Referendum for the Purpose of Amending Sections 3.08 and 6.09 of the Township Charter to Delete Reference to the Penal Code and Substitute Reference to the Crimes Code of the Commonwealth of Pennsylvania, be adopted as Ordinance No. 550.

Woolley, Atkinson: Moved and Seconded

Atkinson, Paulus, Woolley, Dreisbach: Aye Unan.

2. Bill No. 2013-10, An Ordinance Amending Chapter 1, Section 1-707(2) of the Statutory Code of Hanover Township to Delete Reference to the Penal Code of the Commonwealth of Pennsylvania and Substitute Crimes Code (Public Hearing)

Chairman Dreisbach opened the Public Hearing relative to Bill No. 2013-10. The Township Attorney noted that this proposed Ordinance deletes the reference to the Penal Code and substitutes the Crimes Code in the Statutory Code of Hanover Township. Chairman Dreisbach closed the Public Hearing on Bill No. 2013-10 and in resolution of this matter, the Board made the following Motion:

Motion: I move that Bill No. 2013-10, An Ordinance Amending Chapter 1, Section 1-707(2) of the Statutory Code of Hanover Township to Delete Reference to the Penal Code of the Commonwealth of Pennsylvania and Substitute Crimes Code be adopted as Township Ordinance No. 551.

Atkinson, Woolley: Moved and Seconded

Atkinson, Paulus, Woolley, Dreisbach: Aye Unan.

3. Bill No. 2013-11, An Ordinance to Initiate a Referendum for the Purpose of Amending Article IX of the Township Charter to Conform with the Pennsylvania State Constitution by Removing References to Recall of Elected Officials (Public Hearing)

Chairman Dreisbach opened the Public Hearing relative to Bill No. 2013-11. By way of background, the Township Attorney noted that numerous governments had provisions for recall of public officials until the Supreme Court came down with a case declaring same unconstitutional. Accordingly, this proposed Ordinance removes such language while the provisions regarding initiative and referendum remain. Chairman Dreisbach closed the Public Hearing relative to this proposed Ordinance and in resolution of this matter, the Board made the following motion:

Motion: I move that Bill No. 2013-11, An Ordinance to Initiate a Referendum for the Purpose of Amending Article IX of the Township Charter to Conform with the Pennsylvania State Constitution by Removing References to Recall of Elected Officials be adopted as Township Ordinance No. 552.

Atkinson, Woolley: Moved and Seconded

Atkinson, Paulus, Woolley, Dreisbach:

Aye

Unan.

New Business:

1. Bill No. 2013-12, An Ordinance to Initiate a Referendum for the Purpose of Amending Sections 3.06 and 3.07 to Delete Procedures Related to the Forfeiture of Elected Office (Introduce)

Chairman Dreisbach advised that Bill No. 2013-12 is being introduced at this time with the Public Hearing on same to occur at the December 30, 2013 Council Meeting to be held at 4:00 P.M. on that date. The Township Attorney advised the Board that the purpose of this proposed Ordinance is to delete procedures related to the forfeiture of elected offices. That language has been deleted from both Sections 3.06 and 3.07. The Township Attorney did note that the same sections in the Statutory Code do not have the same language as the charter itself. However, the Township Attorney felt that we can just arrange to have the codification company change it to the same language.

At this point in the meeting, Chairman Dreisbach advised all in attendance that he received a letter dated December 9, 2013 from Diane S. Szabo expressing her interest in filling the vacancy on Council created by the resignation of Councilman William J. Kovacs. Chairman Dreisbach noted that he thinks that the Board needs some diversification and that she would bring some new thoughts to the Board. He noted that she was born and raised here but moved away for quite some time but is now back. Ms. Szabo approached the Board and indicated that she has seen government operations in other places and thinks she could be of value to the Township as a councilperson. Councilman Woolley commented that he would have no problem with someone of Ms. Szabo's caliber on the Board but that a number of people had approached him indicating their interest in the vacancy. Councilman Woolley felt that the Township should open this up and accept applications from individuals who have an interest in this vacancy. Mr. John Martucci of 2033 Troxell Street, appeared before Council at this time indicating that he didn't know about the vacancy and that he himself had an interest in the appointment. Chairman Dreisbach noted that in the past the Township had not followed this type of procedure. He felt that the matter should be put to a vote and the following motion was made:

Motion: I move that a resolution be prepared to appoint Diane S. Szabo to fill the vacancy on the Hanover Township Council created by the resignation of William J. Kovacs.

Atkinson, Dreisbach: Moved and Seconded

Atkinson, Dreisbach:

Paulus, Woolley:

Aye

Nay

The Motion was defeated.

Councilman Paulus noted that the Charter provides that a vacancy on Council be filled within 45 days of when same occurred. Councilman Paulus also noted that he was of the same mind as Councilman Woolley and that applications should be received for this vacancy for a period of time and that applications up to January 13, 2014 would be considered and that the Board would hold a special meeting on January 20, 2014 to make an appointment to fill the vacancy on Council. Councilman Paulus indicated that a notice should be prepared setting forth the fact that a vacancy exists and that applications would be accepted for same with a cutoff date of January 13, 2014 and that the Board would review said applications at a special meeting to be held on Monday, January 20, 2014 where the Board would make a determination regarding filling the vacancy on Council. The discussion regarding this matter was concluded at this time.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (11/22/13), Payroll (12/6/13); Voucher Nos. 19904-19915 (Prepays), Voucher Nos. 19917-19962, from the General Fund Account in the amount of \$118,526.99; Voucher Nos. 109 from the Liquid Fuels Account in the amount of \$6,132.80; Voucher No. 4108 (Prepays), Voucher Nos. 4109 from Capital Reserve in the amount of \$10,167.50; Voucher Nos. 109 from the Distribution Account in the amount of \$1,000.00; Voucher Nos. 4062 from the Escrow Account in the amount of \$1,628.00; Voucher Nos. 3903 (Prepaid), Voucher Nos. 3904 from the Water Account in the amount of \$28,140.77; Voucher Nos. 5084-5086 (Prepays), Voucher Nos. 5087-5091 from the Sewer Account in the amount of \$27,171.23 for a Grand Total Expenditure of \$192,767.29.

Dreisbach, Woolley: Moved and Seconded
Atkinson, Paulus, Woolley, Dreisbach:

Aye

Unan.

Courtesy of the Floor: None.

Adjournment:

The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager