

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

May 21, 2014
7:30 P.M.

Present: Councilmen Heimbecker, Martucci, Paulus, Wegfahrt, Woolley; J. Jackson Eaton, III, Esquire; Frederick W. Hay, P.E.; Sandra A. Pudliner; Vicky Roth

Absent: 0

Attendance: 8

Courtesy of the Floor: None.

Approval of Minutes: May 7, 2014 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the May 7, 2014 Regular Council Meeting and accept same as presented.

Paulus, Heimbecker: Moved and Seconded
Heimbecker, Martucci, Wegfahrt, Woolley, Paulus: Aye Unan.

Reports:

1. Sandra A. Pudliner
Township Manager
 1. The Township Manager advised the Board that she has provided them with copies of the Minutes of the recent Planning Commission Meeting regarding the proposed Zoning Map change which is listed on the Agenda as an item under Unfinished Business. As you will note, the Planning Commission has recommended the Zoning Map change. The Board should be advised that we are going through the process for such an amendment to the Zoning Ordinance and that the matter is currently before the Lehigh Valley Planning Commission for their review and has been forwarded to the Lehigh County Law Library and the property in question has also been posted. A notice to adjoining property owners has been provided. A public hearing on this matter is currently scheduled for June 18 at 7:00 P.M.
 2. The Township Manager advised the Board that she has provided them with a copy of correspondence from the Pennsylvania State Police expressing their appreciation to the Township for funding the luncheon on May 2, 2014 in celebration of the State Police Memorial Day.
 3. The Township Manager advised that she has been contacted by the owner of the property located directly adjacent to the Township's large storage facility building off of Dauphin Street in Canal Park. As some Councilmembers may recall there

had been a small house located adjacent to the building which had burned down. The prior Board had considered offering the property owner the money for the value of the land in question, but when contacted the property owner was unsure what the disposition of the property would be. Recently I've been contacted by the property owner and she has indicated her willingness to have the Township purchase the land from her. The Township Manager noted that she is in possession of the Lehigh County Assessment records which list the value of the property, in particular, the land value. Councilman Heimbecker indicated he felt that the Township should get an appraisal of the property before considering making an offer and in that regard made the following motion:

Motion: I move we direct the Township Manager to secure an appraisal of the property adjacent to the Township's storage building off of Dauphin Street.

Heimbecker, Woolley: Moved and Seconded

Heimbecker, Martucci, Wegfahrt, Woolley, Paulus: Aye Unan.

4. The Township Manager noted she has provided the Board with information regarding a meeting held with FedEx representatives on May 12. In that regard, Mrs. Pudliner noted that she has given the Board a synopsis of the discussions held at that time. Additionally, the Township Manager noted she has provided the Board with a letter indicating that Allen Township has approved the FedEx application for truck access route on a conditional basis. Mrs. Pudliner noted that further discussion of these matters could be conducted under the Township Attorney's report.
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 the Board that a meeting had been held with representatives of the Rockefeller Group, just for the gathering of information. With respect to the sewer issue, there was a discussion with respect to the Township's selling capacity and the cost associated with same. We requested a formal letter from Allen Township to Hanover Township regarding their request for sewer capacity. Attorney Eaton noted there was a lot of reiteration of what had been discussed before. He indicated that the Rockefeller people wished to meet with the governing body and in that regard if several dates could be provided then the Township could go back to Rockefeller with those dates and find a mutually agreeable time. Council discussed the matter and determined that the Board would be available on either June 10 or June 17 at 6:00 P.M. for such meeting. The Township Manager indicated she would approach Rockefeller with those dates and determine when the meeting can be scheduled.

2. With respect to the Right-to-Know Appeal filed by the Township against PennDOT, as the Board may be aware, the appeal goes to the state offices. Attorney Eaton indicated he had a call from PennDOT's Chief Counsel who indicated that they don't have any traffic reports. The LVPC website was mentioned. There was an agreement for a two week delay and PennDOT agreed to formalize that they do not have a traffic study for the area.
3. The Township Attorney raised the issue regarding asking local businesses for gift baskets, etc., which would be donated to the Pennsylvania State Police, Troop M Barracks, for their Memorial Day. In that regard, Attorney Eaton noted he spoke with the chief counsel for the State Police who suggested that the Township provide a letter explaining exactly what the Township wished to do and in that regard Attorney Eaton indicated he would work with the Township Manager to explain in letter form what we have done and what is proposed. Chairman Paulus commented that his take on this is that we would ask the Township businesses to contribute toward the luncheon and that it would be a monetary contribution. There was a discussion of the scenario that there would be some recognition that the luncheon was sponsored by the individuals/businesses involved. With respect to donations, Vice Chairman Heimbecker indicated that the State Police conduct a kid's camp and that monies could be provided for that purpose.
4. The Township Attorney advised that with respect to the permanent location of elections at the Township's Fire Station and the fact that the May Primary occurred prior to changing the Ordinance regarding vacation holidays, the Township Attorney indicated that the employees signed a waiver to work on Primary Election Day.
5. The Township Attorney indicated that with respect to the concept which was discussed regarding a Township-sponsored type of Angie's List the memorandum regarding the matter will be provided to the Board at the next meeting.

Vice Chairman Heimbecker posed a question to the Township Attorney regarding a situation where a development occurs in contiguous municipalities would the other municipality, in this instance, Hanover, have any standing moving forward. If there is litigation, could the Township become a party to it? The Township Attorney noted that would be dependent on whether or not the Township is somehow injured. If that is the situation, then the Township could appear and take a position at proceedings. The Township may have to file its own lawsuit. This is all dependent on the nature of damages and the claim. The Township can appear before a Board considering zoning or land development. The Developer has the right to appeal if the Developer feels it is unreasonable and the Township can then take a position before the Board. The Township could initiate a lawsuit. Vice Chairman Heimbecker brought up the issue of the potential sewer contracts with the FedEx developer/Allen Township and whether or not entering into such contracts gives the Township standing. The Township Attorney noted that the only standing would be regarding sewer. Again, the Township Attorney indicated that the Township's rights depend upon whether the Township is injured. Councilman Woolley questioned what would happen if the Township does not provide the sewer to Allen Township. The Township Attorney noted that the Developer can simply run into Catasauqua Sewer directly and use

Catasauqua's excess capacity. Attorney Eaton noted that we would like Allen Township to become part of the current Intermunicipal Sewer Agreement and they would then have their own separate agreement for their allocation. There would be a transmission fee. The maintenance of the sewer line by the Township would require an agreement. Part of same would also be our agreement to transfer our capacity to Rockefeller Group.

In conclusion of these discussions, Chairman Paulus noted that an Executive Session would be held after the meeting to discuss legal issues but no decisions would be made and the Board would not return to the meeting after such discussions.

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

With respect to the Maintenance Report, the Township's Maintenance Supervisor, Jeff Mouer, was in attendance at the meeting and commented on outstanding work in Chestnut Grove Park. He noted that they have determined that a hard wired street light would not be a good idea for the portion of the park located in the rear of the park system and that a solar light will most likely be employed. We have found a supplier and are currently looking for an installer to do the work. Mr. Mouer also noted that the equipment for the play area in Chestnut Grove Park has been finalized and that the equipment should be arriving in late June and installed two weeks thereafter. The electric work at the pavilion area has been completed and the Township has benches and garbage cans which will be installed. With respect to the basketball court, we have to wait until the hot weather. Mr. Mouer also noted that the area in the park where the poison was prevalent has been resolved by the replacement of a fence in that area with vinyl fencing. Mr. Mouer indicated that he is in the process of purchasing a water fountain for the Chestnut Grove Park area. With respect to discussions regarding a walkway to the pavilion, the Board should be advised that currently the Township meets ADA requirements. The cost for that walkway would be about \$4,000 and possibly the monies could be utilized elsewhere.

There was some discussion initiated by Chairman Paulus as to being approached regarding why Code Enforcement Officers no longer go through Saylor's Mobile Home Park. Mr. Robin Yoder, Township Code Enforcement Officer, was present at the meeting and noted that they do patrol that area. Apparently, the individual who raised the issue was not aware of the fact that they take care of that area as well.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated May 21, 2014, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

Paulus, Heimbecker: Moved and Seconded

Heimbecker, Martucci, Wegfahrt, Woolley, Paulus: Aye Unan.

Unfinished Business: None.

1. Bill No. 2014-06, An Ordinance Amending Chapter One, Part 7 (Employment Provisions), Section 727 (Paid Holidays), of the Statutory Code of Hanover Township (Introduce)

Bill No. 2014-06 was introduced at this time. Chairman Paulus noted that this bill provides for the elimination of Primary and General Election Day as paid holidays and replaces the same with two personal days for all Township employees. A Public Hearing on same will be held on June 4, 2014 at 7:30 P.M.

2. Bill No. 2014-07, An Ordinance Amending the Zoning Map of Hanover Township Changing the Classification of Certain Land East of the Lehigh River and West of the Railroad Tracks of Pennsylvania Lines, LLC from Limited Use (LU) to Planned Industrial Office (PIO) (Introduce)

Mr. Robert J. Cox, P.E., the Engineer for J.O. Krapf & Sons appeared before the Board. He noted that the Township Manager previously explained the process with respect to their Zoning Map change request. Mr. Kochs indicated that the mining operation currently on the property is a permitted use in the Planned Industrial Office District. He indicated that the property is flattening out and his client is looking forward to other compatible uses for the property if the zoning is changed from Limited Use to Planned Industrial Office. It was noted that Bill No. 2014-07 was introduced at this time. The Public Hearing on this matter would as previously indicated be held on June 18 at 7:00 P.M.

New Business: None.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (04/25/14), Payroll (05/09/14); Voucher Nos. 20225-20244 (Prepays), Voucher Nos. 20341-20388, from the General Fund Account in the amount of \$153,116.62; Voucher Nos. 114 from the Liquid Fuels Account in the amount of \$5,814.15; Voucher Nos. 4118-4119 from Capital Reserve in the amount of \$5,105.00; Voucher Nos. 643-644 (Prepays) from the Distribution Account in the amount of \$12,006.05; Voucher Nos. 4079-4086 (Prepays), Voucher Nos. 4087-4090 from the Escrow Account in the amount of \$21,194.50; Voucher Nos. 3926-3928 from

the Water Account in the amount of \$52,971.73; Voucher Nos. 5133-5134 (Prepays), Voucher Nos. 5135-5143 from the Sewer Account in the amount of \$28,303.74 for a Grand Total Expenditure of \$278,511.79.

Paulus, Heimbecker: Moved and Seconded
Heimbecker, Martucci, Wegfahrt, Woolley, Paulus: Aye Unan.

Courtesy of the Floor: None.

It was again noted that the Board would be going into Executive Session but no decision would be made and the Board would not be returning to the meeting. It was indicated that the purpose of the Executive Session may be regarding a litigation matter as a result of land development in which the Township may or may not be involved.

Adjournment:

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

Respectfully submitted,

Sandra A. Pudliner
Township Manager