

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

September 3, 2014
7:30 P.M.

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

Absent: 0

Attendance: 11

Opening of Bids:

1. Bid No. 2014-02, 2014 Road Program

Council proceeded to open the three bids received. The bid tabulation is as set forth on bid sheet attached hereto and made a part hereof. Chairman Paulus noted that the apparent low bidder is E.J. Brenneman LP of West Lawn, PA with a bid amount of \$550,195.30. In resolution of this matter, the Board made the following Motion:

Motion: I move that the Board award Bid No. 2014-02, 2014 Road Program, to E.J. Brenneman LP of West Lawn, PA in the amount of \$550,195.30 subject to the review and approval of the Township Engineer.

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

Courtesy of the Floor:

Sam Augustine, representing J. P. Mascaro, appeared before the Board at this time. Chairman Bruce Paulus offered comments regarding the current garbage/recycling contract with J. P. Mascaro. Chairman Paulus noted that the Township had an original five year contract and for several years we have given a one year extension to same. However, Chairman Paulus advised that he had done some checking around and it appeared that the cost for garbage collection has lowered. Realizing that, Chairman Paulus contacted J. P. Mascaro to review what possibilities there were to continue to extend the current contract.

Mr. Augustine introduced himself to the Board and advised that he is the Director of Sales at J. P. Mascaro and has 32 years of experience in the waste disposal industry. He indicated he is very familiar with municipal bidding. He noted that although the Township's contract is not a very large contract it is a good contract which Mascaro had bid in 2006 and has had the contract since 2007. Mr. Augustine noted that Mascaro has a supervisor responsible for the service within a municipality and that he would like to think that his company has done an excellent job in the Township. Mr. Augustine provided the Board with a booklet outlining J. P. Mascaro's history and services. He

indicated that the company is now in its third generation. It is a Five A1 company which is the highest rating available and has an excellent financial background. Mr. Augustine posed the question as to whether or not the Township could go out and get a better price. He answered himself by indicating possibly the Township could do so. He did note, however, that his company has a contract with the Borough of Bath since 2007. Said contract was five years with a five year renewal in 2012 at which time Mr. Augustine indicated Mascaro went to them with a proposal for extending the contract and that now he is before this Board to make Hanover Township a similar offer.

At this point in the meeting, Mr. Augustine outlined his proposal for the Township. He noted that trash collection would remain the same and the Township would continue to have collection of unlimited bulk items, construction items, yard waste, etc. He indicated what will change is that now the Township would go to single stream recycling. He advised that Mascaro would supply to the residents a 30/32 gallon container in which the resident can place newspaper, all comingled plastics 1-7, junk mail, magazines, cardboard, etc. He noted that they would come around with a separate trash truck to collect the recycling. He advised the Board that Mascaro is building a \$16,000,000.00 single stream recycling facility. Mr. Augustine stated that he would have their attorney meet with our solicitor. He felt certain that this should not be a problem because they basically have done the same thing in the Borough of Bath. He did note that there would be a change with respect to the single stream recycling from the current pickup of every two weeks to every week. Also included in the packet provided to the Board, Mr. Augustine noted that they have included references, insurance information, information about single stream recycling, and a brochure which Mascaro will send out to all Township residents. In conclusion, Mr. Augustine advised that he would like the Board to consider extending the current contract for another year.

Vice Chairman Heimbecker questioned Mr. Augustine with respect to an explanation of single stream recycling and how it works. Mr. Augustine indicated that the material is collected and the trash goes up a conveyer line. It is separated by blowers. Plastic is separated by size. He indicated the machinery alone costs \$10,000,000 to \$11,000,000. The building they have is 80,000 square feet. He indicated that the machinery does about 90% of the work but there is still the human element. Mr. Heimbecker questioned whether or not lids for the containers could be secured and Mr. Augustine indicated that they would be available. Vice Chairman Heimbecker initiated another discussion regarding yard waste. It was noted that Hanover Township cannot go to the recycling center in Bethlehem. Options for the Township include Lehigh County which is a distance away in Schnecksville and Allen Township where a facility is being operated on Weaversville Road. Mr. Augustine indicated that he could give the Township a proposal for that type of collection which most likely would be under the \$18,000 bid limit. Mr. Mouer, the Township's Public Works Director indicated the facility known as FRCA located on Weaversville Road would base its costs on per capita and not only would the residents have access but also the Township itself would have access with respect to that facility. Mr. Mouer indicated that he would get a quote from FRCA for the Board. There was a discussion initiated by Mr. Heimbecker regarding the fact that he had placed logs out for collection and they were not taken. Mr. Augustine indicated that the contract requires that they be bundled and they be of a certain size.

there will be no issue with same. The Township's Maintenance Supervisor, Jeff Mouer, advised that the company involved is a very responsible organization who has worked in the Township in the past. It was the Maintenance Supervisor's recommendation that the Board sell the vehicle to this company. The sale would include a spreader and lights. In resolution of this matter, the Board made the following Motion:

Motion: I move we authorize the sale of the 2001 Ford 550 truck for a purchase price of \$15,000.

Paulus, Heimbecker: Moved and Seconded

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

Councilman Wegfahrt brought to the Manager's attention an issue regarding excessively loud music at a function in Sherwood Park on Sunday evening. The Township Manager was directed to check with the Code Enforcement Officers to determine if they were aware of same and had taken any action.

2. Township Engineer

Frederick W. Hay, P.E.

1. The Township Engineer brought to the Board's attention a continuing issue with a resident on Irving Street; namely, Joseph Feskanin. Mr. Feskanin is of the opinion that there is an issue with the intersection of Airport Centers Drive and Irving Street. It is the Township's position that the clear site triangle is being upheld. Mr. Hay noted that this is a three-way stop. Councilman Wegfahrt questioned whether or not making it a four-way stop would be helpful. The Township Engineer indicated that cannot be done because the traffic does not warrant a four-way stop. Chairman Paulus noted the pictures attached to the information displayed a sign in the City of Bethlehem which is a larger version of the sign currently in place at this intersection. The Township Engineer noted that the sign in the Bethlehem area is illegal and is not per the PennDOT manual. In conclusion, the Township Engineer noted this is private property and the Township really does not dictate the type of signage but the signage in place is what is allowable by law.
2. The Township Engineer indicated that if the Board is not aware there had been an article in the newspaper regarding Route 222 and a traffic study being done regarding same. Mr. Hay noted that Route 222 is a different animal than Route 22. Route 222 has signal lights and the simulator they will use for the traffic study is based on the signal lights. PennDOT actually has a program to monitor that.

3. Township Attorney

J. Jackson Eaton, III, Esquire

1. The Township Attorney advised that all his items are on the Agenda, except for a letter which he received from the Attorney for the Election Board relating to the questions the Township wishes to place on the ballot by way of referendum.

Attorney Eaton noted that the Election Board has indicated that there are extensive amendments. Some of them can be grouped, but not all. Additionally, they will need to print extra ballots. The estimated cost for the additional work necessary is approximately \$3,000; but, the Township Attorney indicated he would try to reduce that somewhat. In any event, the Board was in agreement that the items be placed on the ballot and that the Township would pay the applicable costs.

Unfinished Business:

1. Bill No. 2014-14, An Ordinance Amending Chapter 16 of the Statutory Code of Hanover Township to Remove Restrictions on Firearms in Township Parks (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2014-14. The Township Attorney opened discussions by indicating that he had provided Council with some preliminary information but he has subsequently conducted a more complete review; however, he indicated that his opinion remains the same in that the Township cannot restrict firearms in Township parks. Councilman Woolley questioned the Township Attorney as to whether or not the Code Enforcement Officers could ask individuals if they have a permit to carry. In that regard, the Township Attorney noted that the Code Enforcement Officers should in no case approach someone with such a request. Councilman Martucci questioned the Township Attorney as to whether or not this proposed Ordinance says that weapons are not allowed in the park. The Township Attorney noted that what we are saying is that Hanover Township does not prohibit firearms in Township parks. The Township Attorney noted that the Township still has the provision prohibiting the discharge of firearms in the Township.

Mrs. Diane Conn, a Township resident on Sherwood Street, questioned whether these restrictions applied on playgrounds. There was a discussion that a playground is part of a park. The Township Attorney commented that he had not been directed to look at that issue. In any event, at this point in the meeting, Chairman Paulus closed the Public Hearing and the following Motion was made:

Motion: I move that Bill No. 2014-14, An Ordinance Amending Chapter 16 of the Statutory Code of Hanover Township to Remove Restrictions on Firearms in Township Parks, be adopted as Ordinance No. 567.

Heimbecker, Wegfahrt: Moved and Seconded

Heimbecker, Wegfahrt, Woolley, Paulus:

Aye

Martucci:

Nay

The Township Attorney commented that the memorandum he provided the Board with respect to this matter is privileged. He questioned whether the Board would allow him to release same if people wanted to review it and the Board indicated they had no issue with same.

2. Bill No. 2014-15, An Ordinance Amending Chapter 22, Part 3, Section 22-302 of the Statutory Code of Hanover Township Regulating Subdivision and Land Development to Require Submission of Traffic Studies (Public Hearing)

Chairman Paulus opened the Public Hearing relative to Bill No. 2014-15. The Township Attorney noted that the Township's Ordinance really does not have a requirement for traffic studies. This proposed Ordinance provides for same at the preliminary plan stage. Chairman Paulus closed the Public Hearing relative to Bill No. 2014-15 at this time and the following Motion was made:

Motion: I move that Bill No. 2014-15, An Ordinance Amending Chapter 22, Part 3, Section 22-302 of the Statutory Code of Hanover Township Regulating Subdivision and Land Development to Require Submission of Traffic Studies be adopted as Township Ordinance No. 568.

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

New Business:

1. Resolution No. 2014-36, A Resolution Amending the Fee Resolution (Vote)

It was noted the Fee Resolution was being amended to provide for certain inspection fees as same relates to grease traps, tanks, etc. In resolution of this matter, the Board made the following Motion:

Motion: I move that Resolution No. 2014-36, A Resolution Amending the Fee Resolution be adopted as presented.

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

Courtesy of the Floor:

The Township Attorney noted that he has provided the Board with a written communication regarding the appeal period as same relates to the plan approval in Allen Township for the proposed FedEx development. Said appeal period will expire in the middle of this month before the next Council meeting. Mr. Eaton noted that he felt an Executive Session would be appropriate to review the matter. He noted that if Council does nothing there will be no appeal. The Board recessed at this time at approximately 8:40 P.M.

The Board rejoined the meeting at 9:05 P.M. Chairman Paulus noted that the Board has returned. The Township Attorney indicated that no action will be taken at this time as a result of the Executive Session.

There was a discussion involving getting the opinions and feelings of people directly affected by the FedEx project to include property owners on Willowbrook Road, Race Street, Airport Road. There was a discussion with respect to inviting residents of the

Township. In that regard, a meeting was scheduled for October 6, 2014 at 7:00 P.M.

At this point in the meeting, Kim Nappa, an Allen Township resident, appeared before the Board and provided them with information regarding various law suits against FedEx.

Adjournment:

The meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager