

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

August 3, 2016
7:30 P.M.

Present: Councilmen Heimbecker, Paulus, Wegfahrt, Woolley; J. Jackson Eaton, III, Esquire; Al Kortze, P.E.; Sandra A. Pudliner; Vicky Roth

Absent: Councilman Lawlor

Attendance: 5

Opening of Bids: Bid No. 2016-05, the 2016 Road Program

Chairman Paulus proceeded with the opening of the bids received for the Township's 2016 Road Program. The bid results are as follows:

Barker and Barker Paving	168,706.52
Bracalente Construction, Inc.	155,534.78
Gorecon, Inc.	174,547.26
Lehigh Valley Site Contractors	217,992.60

In resolution of this matter, the Board made the following Motion:

Motion: I move we award the 2016 Road Program bid to Bracalente Construction, Inc. of Northampton, PA in the bid amount of \$155,534.78 subject to the review and approval of the Township Engineer.

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

Courtesy of the Floor: None.

Approval of Minutes: July 20, 2016 Regular Council Meeting
July 25, 2016 Special Council Meeting

Motion: I move we waive the reading of the Minutes of the July 20, 2016 Regular Council Meeting and accept same as presented.

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

It should be noted that Councilman Heimbecker advised that the July 25, 2016 Special Council Meeting needed a correction on Page 2 where reference is made to a new International Dump Truck, which should read new Mack Dump Truck.

In resolution of this matter, the Board made the following Motion:

Motion: I move we waive the reading of the Minutes of the July 25, 2016 Special Council Meeting and accept same as amended.

Paulus, Wegfahrt: Moved and Seconded

Wegfahrt, Woolley, Paulus:

Heimbecker:

Aye

Unan.

Abstained.

Reports:

1. Sandra A. Pudliner
Township Manager

1. The Township Manager advised the Board that in accordance with the Public Hearing held on same, the Five Year Capital Program has been revised and is on the Agenda under New Business for adoption.
2. The Township Manager advised the Board that she has provided them with a copy of a draft letter which she intends to send to Township residents and businesses regarding the upcoming Town Hall Meeting to discuss drug abuse issues in the Lehigh Valley which will be held on Wednesday, September 14, 2016 at 7:00 p.m. at the Days Hotel.

2. Al Kortze, P.E.
Township Engineer

1. With respect to the Postal Rd. Culvert Project, the Township Engineer noted that the road has been paved as of this afternoon but will not reopen until 5:30 a.m. tomorrow. As the Board is aware, we went beyond the five to six-day anticipated road closure due to weather issues and utility problems. The project is basically complete and just needs a little dressing up.
2. As the Board will recall, the Township Engineer noted that at the last meeting issues were brought to the Board's attention with respect to fencing and buffer issues between the Chestnut Grove Towne Garden Development and the Days Hotel as a direct result of the sewer line replacement project in Chestnut Grove. That project resulted in the removal of the arborvitae in that area. At that meeting, the Board advised me to look into other options for screening and types of barriers that could be put in place. With respect to the Township's options, I have provided the Board with correspondence dated August 3, 2016 setting forth the alternatives. Alternative No. 1 would provide the vinyl sound wall system comprised of hollow coil rails that slide into place between post/channels set on ten foot standers. The estimate received from Pro Max Fence System for the all sound wall is a total of \$41,527 which includes the fencing and installation cost. The second alternative would be a precast concrete sound wall consisting of slide in place panels set within posts on 7' 9" standers at an estimated cost for materials and labor between \$75,000 to \$80,000. The third alternative would be to change the original spec for the 6' high vinyl fence, which was part of the contract, to an

8' high solid vinyl fence. The estimate for same including labor and materials would be between \$16,000 and \$18,000.

There was a discussion which ensued related to this issue. Vice Chairman Heimbecker noted that there are 11 sewer laterals involved in the area where this fencing would take place. There was discussion with the Township Engineer as to the cost if the homeowner had to replace the lateral and the Township Engineer felt that a lateral replacement would be approximately \$3,000 per homeowner. There was discussion with respect to concern over disturbing the laterals by the digging necessary to install some of these barrier systems. The Township Engineer did note that we have a good idea where the laterals are and the goal is to place the fencing in and not disturb the laterals. The Township Engineer noted that the laterals are down around 15'. Ricki Bonn, President of the Chestnut Grove Homeowner's Association was in attendance at the meeting and advised Council that she had taken a poll of the neighbors in that area and her poll revealed that the majority of the neighbors liked the idea of vinyl fencing to replace the arborvitaes that had been removed. There was a discussion of liability involved should the lateral be damaged during the fence installation procedure. The Township Attorney noted that the Township would have liability but the contractor would be required to carry liability insurance which would cover the incident. It was also noted by the Township Manager/Zoning Officer that should the Township determine to install a system that is 8' in height, the Township would need to get a variance from the Hanover Township Zoning Board for difference between the 6' height permitted and the 8' height required. In any event, Council determined that they would take this matter under advisement and did not make a final decision at this time.

Vice Chairman Heimbecker initiated a discussion regarding the Rockefeller Project moving along in Allen Township. He questioned the Township Engineer as to when he anticipated they would do work in Hanover Township. The Township Engineer indicated that he didn't know a time frame and that he had a call from a contractor with respect to blasting requirements in the Township. Mr. Kortze noted that there are no fully approved plans. As the Board may recall, they had spoken about realigning the intersection but the Township hasn't seen the plans for same as of this time. The Township Attorney commented that they cannot start work in the Township until they have secured the necessary property for the widening and it has been deeded to them. The Township Attorney agreed that the plans have been revised but are not completed. The Township Attorney also noted that with respect to earth moving on Airport property, same is allowed but they cannot work in the right-of-way in the Township.

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

1. At the last meeting, the Township Attorney noted that the issue of the fines for parking tickets was discussed and the attorney was requested to look into increasing those fines to a legal limit. With respect to that matter, the Township Attorney indicated he would like to have a brief Executive Session with the Board after the meeting.

2. The Township Attorney advised the Board that the Township Manager had asked him to review information she had received regarding cellular towers replacement requests. Such cell towers would be in the public right-of-way. In that regard, the Township Attorney noted that his office had reviewed the federal acts referenced as well as the Township's Ordinances. The Township can control said cell towers but not prohibit them. The Township Attorney further noted that the cell towers are structures that fall under the Zoning Ordinance. However, he advised the Board it appears that the new application suggest that cell towers be treated like utilities. If placed in public right-of-ways, some courts have held that it is a utility and should be treated like same. A question the Township Attorney noted is whether or not the Township wants to consider amending the appropriate ordinances to provide some protection from cell towers where there may be applications to construct same in public right-of-way. In that regard, there was a discussion regarding past applications and the Township Attorney noted that there are some cell tower communication facilities in the Township. However, the Board determined that they wished the Township Attorney to proceed to review this matter and draft appropriate legislation.

3. With respect to the ongoing issues regarding NFPA regulations, as the Board is aware, we are looking into making same more stringent then the UCC. The Township Attorney noted that his office is communicating with the state regarding regulations.

Unfinished Business: None.

New Business:

1. Resolution No. 2016-31, A Resolution Adopting the Five Year Capital Program for the Years 2017-2021 (Vote)

The Township Manager noted that the Board had held a Public Hearing relative to the Five Year Capital Program and had made certain revisions to same to increase appropriations for Miscellaneous Storm water, Public Works Vehicle Replacement, and Fire Apparatus Replacement. Those changes have been made and the Five Year Program can be adopted at this point and time. In resolution of this matter, the Board made the following Motion:

Motion: I move that Resolution No. 2016-31, A Resolution Adopting the Five Year Capital Program for the Years 2017-2021 be adopted as presented.

Wegfahrt, Heimbecker: Moved and Seconded

Heimbecker, Wegfahrt, Woolley, Paulus:

Aye

Unan.

Courtesy of the Floor:

Vice Chairman Heimbecker opened a discussion with respect to the upcoming Town Meeting involving drug abuse issues and asked that the Township Manager check into providing refreshments for that meeting.

Adjournment:

The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Sandra A. Pudliner
Township Manager