

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

September 21, 2016  
7:30 P.M.

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

Absent: 0

Attendance: 7

Courtesy of the Floor: None.

Approval of Minutes: September 7, 2016 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the September 7, 2016 Regular Council Meeting and accept same as presented.

Paulus, Heimbecker: Moved and Seconded

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

Reports:

1. Sandra A. Pudliner  
Township Manager

1. The Township Manager advised the Board that letters have been sent to all the individuals and organizations involved in the Town Hall Meeting held by the Township at the Days Hotel on September 14, 2016 and copies of said letter have been provided to the Board.
2. With respect to ongoing matters, the Township Manager noted that the Hanover Township Planning Commission made a favorable recommendation to the Hanover Township Zoning Hearing Board with respect to the property on Dauphin Drive which is the subject of the upcoming Zoning Appeal for a U Store It type village on that property. With respect to the other matter before the Board regarding a Special Exception Use Request, that Applicant had requested a continuance of both the Planning Commission Meeting and the Zoning Hearing Board Meeting to the following month. That Applicant has also provided the Township with a letter requesting the continuance under the Municipalities Planning Code and granting the Township an extension of the 60-day time frame for scheduling a hearing.
3. I provided the Board with a copy of correspondence from J. P. Mascaro, Inc. indicating their desire to renew the current waste removal and recycling contract for an additional one year term and requesting a meeting on this matter. Discussion ensued relative to this matter and Councilman Wegfahrt felt that the

Township might want to consider the bidding process for a new contract or at the very least checking with adjoining municipalities with respect to their rates. After discussion, it was determined the Township Manager should check with the adjoining municipalities to determine contract rates for garbage and recycling services.

4. The Township Manager advised that she has forwarded correspondence to the trucking terminals located within Hanover Township regarding the continuing issue with respect to truck parking in the rear of the Carmike Cinema property “adjacent to the residential development area. The purpose of this letter is to advise the trucking terminals that the Township will enforce strictly the fines for parking in that area which is clearly signed by the Township and requesting if possible they advise the carriers in and out of the fact that the area is not an area for parking.

At this point in the meeting, the Township Manager and Chairman Paulus noted that earlier today a conversation was held with the Captain of the Bethlehem State Police Barracks regarding whether or not the state police had any jurisdiction in that area. Chairman Paulus noted that Captain Tobin had questioned whether or not the area is signed and he was advised that it is. He indicated that he will have his patrol people make sure that the signage is sufficient or what changes would need to be made to same so that the state police would be able to enter that area and issue citations. Chairman Paulus also indicated that Captain Tobin noted that if everything is in place, the state police will respond should someone call them regarding a violation in that area. There was discussion relative to the fact that there is a statewide ordinance regarding idling of trucks providing appropriate fines and it is enforceable by the state police. It was noted by the Township Attorney that our ordinance simply prohibits the parking of trucks. Attorney Eaton didn't feel it made any difference. Chairman Paulus advised the Township Attorney that he had sent to Captain Tobin the information which the attorney had provided him several years ago. The Township Attorney did comment that the Township ordinance doesn't mention idling and that maybe the township should change the ordinance to include idling. There was discussion that in addition to idling of the truck, there are reefers on these vehicles for refrigeration purposes which are noisy. In any event, Councilman Wegfahrt indicated that he hoped that this matter could be pursued quickly and that the State Police will be in a position to help the Township with the enforcement in spite of their busy schedule.

At this point in the meeting, Vice Chairman Heimbecker offered his thanks to the Township Manager and Township Clerk for their assistance with respect to the Town Hall Meeting held at the Days Hotel on Wednesday, September 14, 2016 where an excellent presentation was provided on heroin and opioid drug abuse.

2. Al Kortze, P.E.  
Township Engineer

1. The Township Engineer noted that with respect to the 2016 Road Program, the contractor has completed the storm drainage work. There were a couple runs of pipe and new inlets. Tomorrow the paving will be started. There will be milling and then the overlay.

2. With respect to the issue involving garbage and recycling contracts, the Township Engineer offered information regarding the fact that two years ago he had to put together a contract for Nazareth. Mascaro was the low bidder for that work. He noted that the bidding process can be very arduous and time consuming. The contract was for both residential and commercial and for the first six months in transitioning Mascara had to learn the new route, but as time went on they are happy with the performance of Mascaro. The Township Engineer offered to provide the contract information to the Township Manager in the event the Township considers the bidding process.

Vice Chairman Heimbecker questioned the Township Engineer with respect to the situation of the four-way stop on Irving Street needing to be appropriately signed. The Township Engineer commented that he will work with the Public Works Supervisor who is currently on vacation but will speak with him on Monday regarding all that is necessary to accomplish that.

Robin Yoder, the Township Fire Chief and Code Enforcement Officer, was present at the meeting and questioned the Township Engineer regarding the issue of the fire hydrant located in the Diane Blvd. area. With respect to the sewer project conducted in that area, the Township Engineer noted that the fire hydrant is on the contractor's punch list and he would see that the matter is addressed.

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

1. The Township Attorney advised that with respect to an assessment appeal involving Health Network Laboratories versus the Lehigh County Board of Assessment Appeals, Docket No. 2015-C-3227, originally the Township Manager had signed a Stipulation which indicated there would be a reduction for the year 2016. However, it appears that the fair market value for the property is to apply to the year 2015 and 2016. The new stipulated order cannot be signed by the Township Manager but rather the Township Attorney. In that regard, the Township Attorney requested a Motion from the Board authorizing him to sign said Stipulation. In that regard, the Board made the following Motion:

Motion: I move that we authorize the Township Attorney to sign the Stipulation on behalf of the Township in the matter of Health Network Laboratories versus Lehigh County Board of Assessment Appeals, Docket No. 2015-C-3227.

Paulus, Heimbecker: Moved and Seconded

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

2. With respect to the Rockefeller Development, the Township Attorney advised the Board that as they may recall we signed the agreement last July and it contained eight conditions to make it effective. Seven of those conditions have been completed. However, the eighth condition remains outstanding. That eighth condition relates to the recording of the Willowbrook Rd. widening easements

which involves the process of getting clear title free and clear of all encumbrances. The process is taking longer than anticipated. Rockefeller has requested that they be permitted to work in the right-of-way which would not involve any of the construction of the road itself. The work would be limited to utility relocation and installation including storm water and sanitary sewers. Attorney Eaton noted that within the agreement it is stated that no road construction can be done until the easements are recorded. The Township would be protected. With respect to this matter, the Township Attorney noted that he has a motion, a copy of which he has provided to the Board, and he would propose that since this involves a real estate matter, that the Board consider taking a brief executive session to review same and then come back to the meeting and vote. Vice Chairman Heimbecker questioned how the Township monitors the compliance of what gets done. The Township Attorney noted that the plans indicate that none of the roadwork would be commenced until January.

At this point in the meeting, Attorney Joseph Fitzpatrick appeared before the Board on behalf of his client, Rockefeller Development, and noted that he and his client realize that it has been about one year since the agreement and the approvals had been wrapped up. With respect to bringing the Board up-to-date, he noted that since that time they have moved ahead with PennDOT to take back a portion of the road. He noted that Johanna Chervak is here this evening along with Bob Murray from Allstate Construction. Johanna represents Rockefeller and is handling the matter at this point and time and Mr. Murray is involved in the construction aspect of the project and handling all the road work. Attorney Fitzpatrick advised that there were indeed eight conditions for the approval and the final one is the recording of the easements which require clear title. They are currently waiting for the airport property to be certified. All the other properties have been satisfied. He noted that once the technical issue has been wrapped up then the transfer of the road to PennDOT can be accomplished. There is a considerable amount of underground work which needs to be accomplished with respect to utility relocation and installation including storm water and sanitary sewers.

At this point in the meeting, Council determined to recess for an Executive Session at 8:05 p.m. and would then return to the meeting after same.

Council reconvened at 8:10 p.m. after the Executive Session and at this point and time the Board made the following Motion:

Motion: I move that the Township Manager is authorized to execute an agreement, satisfactory to the Township Attorney and Township Engineer, with all parties to the Infrastructure Agreement among the Township, Rockefeller Development Corporation and the Lehigh-Northampton Airport Authority, acknowledging completion of all conditions of that Agreement in Section G(1), provided that no work may be performed on the construction, reconstruction or widening of Willow Brook Road until the recording of the Willow Brook Road widening easements in accordance with Section G(1)(viii). Until such recording, work within the ultimate right-of-way of Willow Brook Road will be limited to utility relocation and installation including storm water and sanitary sewers.

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

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.

There was some discussion with respect to the final completion of the Sherwood Tennis Courts. Chairman Paulus noted that everything is fine with the exception of the fence company having to do some work on the corner of the fence property. Code Enforcement Officer John Lemos, who was in attendance at the meeting, commented that with respect to the issue of the tractor trailers parked behind Carmike Cinemas he had ticketed seven recently and Code Enforcement Officer Robin Yoder commented that he had two that left last night after he spoke to them. He also commented that most of these tractor trailers are long distance carriers.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated September 21, 2016, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

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

#### Unfinished Business:

Councilman Wegfahrt questioned the Township Attorney as to when the Board could meet with respect to discussion regarding all the fines in the Township ordinances which he had reviewed and which the Board needs to review with respect to making any revisions. In that regard, it was determined the Board would meet on Wednesday, October 19, 2016 at 6:30 p.m.

New Business: None.

#### Payment of Bills:

Motion: I move Council authorize payment of ADP Fees (8/26 & 9/9/16 Payrolls), Payroll (8/26/16), Payroll (9/9/16), Voucher Nos. 22209-22235 (Prepays), Voucher Nos. 22236-22279, from the General Fund Account in the amount of \$136,457.41; Voucher Nos. 4282-4285

(Prepays), Voucher Nos. 4286-4292 from Capital Reserve in the amount of \$599,096.74; Voucher No. 136 (Prepays), Voucher No. 137 from Liquid Fuels Account in the amount of \$9,618.09; Voucher Nos. 4437-4452 (Prepays), Voucher Nos. 4453-4455 from the Escrow Account in the amount of \$12,513.63; Voucher No. 4068-4069 (Prepaid), Voucher Nos. 4070-4072 from Water Account in the amount of \$49,646.86; Voucher Nos. 5423-5426 (Prepaid), Voucher Nos. 5427-5433 from the Sewer Account in the amount of \$55,314.30 for a Grand Total Expenditure of \$862,647.03.

Paulus, Heimbecker: Moved and Seconded

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

Courtesy of the Floor:

Robin Yoder, Township Code Enforcement Officer, noted that there is a problem with people begging at the Township shopping centers. The Township Attorney commented that if they are in public right-of-way they can do so. It was also noted that they've been doing such things at the light at Catasauqua Road. There was discussion with respect to asking the state police if such action is legal.

Adjournment:

The meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Sandra A. Pudliner  
Township Manager