

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

March 1, 2017
7:30 P.M.

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

Absent: Sandra A. Pudliner

Attendance: 7

Courtesy of the Floor: None.

Award of Bid:

1. Bid No. 2017-01, Waste and Recycling Collection Contract

Attorney Eaton stated his firm has reviewed the bids received from all five companies and noted only one met the bid specs. The bid specifications required the Township receive at least 30 days' notice prior to the cancellation or modification of required insurance. Only the certificate of insurance submitted by Solid Waste Services Inc., d/b/a J.P. Mascaro & Sons satisfied this specification, the other bidders did not. Attorney Eaton also stated that as a courtesy to the previous bidders, the Township Manager gave them notes of their own deficiencies and the insurance deficiencies were highlighted. The new bid specs had a provision in bold of the importance of the noncompliance of the insurance which could result in a failure to accept the bid. In putting this bid together, the Township also requested our insurance broker review the insurance specifications and in response to her comments the notification for cancellation or modification was reduced from 90 to 30 days. The only bidder, J. P. Mascaro and Sons, completed everything correctly. Vice Chairman Heimbecker asked the attorney if in his legal opinion does this insurance disqualify the four others and Attorney Eaton answered, yes, it would. He said Council could also rebid the contract. At this point, Chairman Paulus stated since we have bid this contract twice and he does not feel we should rebid this again. Attorney Eaton recommended that the four bidders be rejected for noncompliance, but the final decision would be up to the Board.

Motion: I move we award the Waste and Recycling Collection Contract to J. P. Mascaro as accepted and reject the other bids as non-compliant with the bid specifications.

Paulus, Wegfahrt: Moved and Seconded

At this point in the meeting, Jonas Kretzer, County Waste appeared before the Board and questioned why the Certificate of Insurance was required with the bid now as opposed to

delivering it later. He did not feel that this would rise to the level and thinks a waiver should be granted since he felt this was not a material defect. Vice Chairman Heimbecker stated that we require Certificates of Insurance which is very important to the Township due to the commercial exposures we have. Mr. Kretzler felt that he should not have to comply with the insurance certificate at this point and he felt this could be overlooked. He stated he is a larger company in both the Commonwealths of Pennsylvania and Virginia. He has many other contracts in much larger cities and has had no issues and he is having a difficult time accepting this rejection. Chairman Paulus stated our Attorney is employed to give the Board advice and the Board respects his opinion. Councilman Wegfahrt stated the Township took the time to be sure that we are protected in regards to any insurance. At this point in the meeting, Ron Carlson of Advanced Disposal questioned the Attorney to whether their bid was rejected because they offered 60 days' notice of cancellation rather than only 30 days. Attorney Eaton stated the 60 days' notice was not a problem, but the statement on the certificate of insurance would be cancelled on 10 days' notice for non-payment did not meet the requirement.

Councilman Heimbecker requested an Executive Session and Attorney Eaton stated he felt the Board could recess for a few minutes and he would speak to Mr. Heimbecker in private concerning any questions he may have rather than having an executive session. The Board recessed at 7:47 p.m. and reconvened at 7:51 p.m. Mr. Heimbecker informed the Board that he was satisfied in obtaining any answers to his questions. In that regard, the vote was taken.

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

Approval of Minutes: February 15, 2017 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the February 15, 2017 Regular Council Meeting and accept same as presented.

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

At this point in the meeting, Chairman Paulus stated this week the Township had lost a long-time valued member of our Planning Commission, Mr. Leo Keim. He then requested a moment of silence showing respect for the passing of Mr. Keim.

Reports:

1. Vicky Roth
Township Clerk
 1. Mrs. Roth stated the Board had been given letters concerning Township contributions to Community Action Committee of the Lehigh Valley as well as Meals on Wheels and the Pennsylvania State Police, Troop M, Camp Cadet Program.

2. At the last meeting, the Board listened to one of its residents, Mr. Thomas Lerch of Grove Road, concerning Whitehall Township drafting a resolution in support of the legislative and congressional redistricting or gerrymandering. The Board has been given a copy of this resolution and after discussion in that regard the following Motion was made:

Motion: I move that Hanover Township create a similar resolution for the next meeting concerning gerrymandering and have it delivered to our State Senator and State Representative.

Wegfahrt, Lawlor: Moved and Seconded

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

2. Al Kortze, P.E.
Township Engineer

Mr. Kortze informed the Board that the LCA is the current manager of the wastewater treatment plant in Allentown. There needs to be long-term improvements to the Klein Island Disposal Plant. He stated that the plant peak flow is at this time rated at 40,000,000 gallons and may need to change the peak flows from between 87,000,000 to 120,000,000 gallons. He stated there was a cost sharing implementation according to the amount of gallons each municipality obtains from this. The Township would be subject to a small percentage of this capital cost improvement. At this time, he does not have hard numbers for these improvements. These improvements would allow the plant to become more efficient and he would report further development and costs at a later time.

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

1. Attorney Eaton requested an Executive Session to discuss real estate matters for Willowbrook Road after the meeting.
2. The Catasauqua School District had filed an appeal of the DREP Magellan Assessment Appeal. The assessment appeals and independent assessors have found there is an increase from \$900,000 to \$1,100,000 of assessed value. Since Catasauqua has taken a lead on this, he would like a motion to accept this agreement to resolve this matter.

Motion: I move Hanover Township accepts the proposed settlement of Catasauqua School District versus Lehigh County Board of Assessment Appeals concerning the taxpayer DREP Magellan.

Wegfahrt, Heimbecker: Moved and Seconded

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

Unfinished Business: None.

New Business:

1. Bill No. 2017-01, An Ordinance Amending Chapter 4, Part 4 of the Statutory Code of Hanover Township Further Amending the International Property Maintenance Code to Require Owners and Sublessors Report Tenant Changes, Submit Quarterly Tenant Lists, and Report any Changes of Use of Property Leased or Subleased (Introduce)

Attorney Eaton stated the Building Inspector has requested this new Ordinance and in the course of same the Attorney has noted an early provision of 104.6, 104.6.1 and 104.6.4 was removed and this new Ordinance would restore this. This Ordinance concerns filing quarterly reports of tenant changes, tenant listings and changes of use of any property that is leased or subleased. When questioned by the Board, the Attorney stated the owner would be responsible to send the quarterly reports.

2. Bill No. 2017-02, An Ordinance Amending Chapter 15, Motor Vehicles, of the Statutory Code of Hanover Township, to Add a New Part 8 Titled Street Cleaning (Introduce)

Mr. Jeff Mouer, Public Works Supervisor, appeared before the Board and stated that the initial intention was that certain streets be regulated. He stated he had not been apprised of this Ordinance on the Agenda for this meeting. He would review this Ordinance with the Township Manager upon her return from vacation. Mr. Mouer requested permanent signs be placed on the standard where the Snow Emergency Route signs are. He stated they would like to sweep from curb to curb and there are safety issues if any vehicles are parked along the block since it is difficult to go out and around the vehicles, the MS4 states that we should be street cleaning once a month, however, additional times can be given if the Council wants this increased. Attorney Eaton stated any fines would be the same as what is in accordance with the existing snow emergency fines. The Board, after discussion, decided they did not want to raise them any further so the fines would be the same as snow emergency.

Courtesy of the Floor: None.

It was stated the Council would go into Executive Session and would not return.

Adjournment:

The meeting was adjourned at 8:17 P.M.

Respectfully submitted,

Vicky Roth
Township Clerk