

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

May 16, 2018  
7:30 P.M.

Chairman Paulus made a quick announcement telling the audience that tonight's meeting will be recorded and all meetings hereafter will also be recorded for purposes of taking the Minutes so everyone should speak into their microphone so everything is picked up. Pina will listen to the recording and transcribe the Minutes as they are said. Mr. Wegfahrt mentioned that if Pina cannot hear someone or distinguish who they are, she will let us know. Chairman Paulus asked the Township Attorney if we need to announce this at every meeting and Mr. Eaton responded that no, we do not, and that we will be getting a sign to post in the Board room. Mr. Paulus replied that will be good and proceeded to take the roll.

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

Absent: 0

Attendance: 4

Courtesy of the Floor: None.

Approval of Minutes: May 2, 2018 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the May 2, 2018 Regular Council Meeting and accept same as presented.

Paulus, Heimbecker: Moved and Seconded

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

Reports:

1. Christopher J. Garges  
Township Manager

- A. The Township Manager reported that after the last Council Meeting he did get in touch with Brian Boyer of PennDOT regarding the Airport Road widening and all the Federal Express work that's being done for Rockefeller. The let date for the third lane from Airport entrance down to Rt. 22 let date is June of 2019. Mr. Garges provided an update of the status of the project with Rockefeller and FedEx. FedEx is still looking at a soft opening in August, full opening 45-65 days later. He noted that the contractor has hit some major delays with utility conflicts, particularly at Race Street, Airport Road and Schoenersville Rd. area, which is slowing them down a little, but they still intend to be done with everything in this construction season. He also confirmed that the opening of FedEx could occur with a soft opening and hard opening as they finalize these

improvements here because their original study included additional warehouses other than just the FedEx that is going to open. Mr. Boyer said that if we had any further questions, he would be the one to contact from that standpoint and said he would add me to his emails with updates as they are available. Mr. Heimbecker mentioned that there was a question at the last meeting for a time line and the Township Manager responded that the time line is still in this construction season. Once all their conflicts are resolved with the utilities here, they are going to get out to Airport Road and get that third lane going and all of the improvements they said by this season, by October. That's Willowbrook Rd., Race Street, Schoenersville Rd., Airport Road, and all the signalizations. They still plan on having all that done this construction season. Mr. Heimbecker responded, in four months? The Township Manager responded that Mr. Boyer's words to him was that they have their A Team lined up to get it done. At this time, the Township Manager asked if anyone had any other questions or concerns. Mr. Heimbecker responded that he would like to go on record that this was brought up on Day 1 of the Project, that the suicide exit from Rt. 22 to Avenue A, PennDOT District 5 needs to go on record as I feel they have been irresponsible with regard to that exit because you have fast moving traffic coming almost to a standstill and then trying to get across four lanes, the one that they're in crossing three lanes to come to a complete stop to make a left hand turn onto Postal Rd. Irresponsible! And when you get all of the truck traffic that going to be coming from westbound 22 getting off to go FedEx, there is going to be no room to cross over traffic. Mr. Heimbecker said he thinks this needs to be reopened. The Township Manager responded that what he could do is request if they have any preliminary plans to see if they plan to address that at all. Mr. Heimbecker said he thinks it is fair of him to poll the rest of the Board if they feel that way or whether he is out there by himself. Members of the Board agreed and the Township Manager replied that he would do that. The Township Attorney responded that he recalls that that was an issue that was made clear when PennDOT was at the Township. This is something that they were on warning to address because it was a very significant matter that the Board mentioned directly. The Township Manager replied that Mr. Boyer did state to him, and he has not seen the plans yet, that the contract also included work on the other side of the road, the airport intersection, the next intersection and improvements on both sides, southbound and northbound. The Township Manager reiterated that he has not seen the plans and didn't know if the Township Engineer has seen them. Mr. Wegfahrt mentioned that the only improvements they brought up was timing of lights they were going to do to alleviate all that which does nothing for the egress and access from that ramp onto the road. So, they've never really addressed our concerns. Mr. Heimbecker commented that we are all not engineers here, but he couldn't understand how you can export three lanes of traffic and bring it in on two lanes of traffic. He also mentioned that vehicle count would seem to him to be higher to get the freight here than it is outgoing to distribute it throughout the Lehigh Valley and get it to the airport. Mr. Heimbecker said it's just a hot topic. The Township Manager stated that he thought that was a separate issue from the suicide lane aspect of it. Mr. Heimbecker stated there needs to be a roundabout diverting the traffic onto Avenue A traffic light and then safely crossing because that's going to be an accident a day. Mr. Heimbecker stated he didn't know if PennDOT knew it but if there is a fatality, the Pennsylvania State Police generally shut down that

- road for investigation five to eight hours. That's what happens on Route 78 when there is one so he didn't think they'll treat Airport Road any differently. Mr. Paulus commented that there was one up there one month ago where it happened. The Township Manager commented that he would reach out to them and get plans to look at.
- B. On May 8, Councilman Heimbecker, Chairman Paulus and I attended a staff meeting here at the Township Building with LNAA, the Airport Authority. There was a preliminary discussion regarding some potential development along Airport Road here in their old economy parking lot. They are looking at the possibility of a hotel and/or a sit-down restaurant and a convenience gas station set up there. The discussion was that there would be a new entrance added to the airport that would carry traffic in and all traffic for the new development would be contained inside the airport site. And the existing entrance would also be accessible. They would basically have two entrances but no new entrances onto Airport Road for these specific businesses. They will be getting some more information together. The hotel use requires a special exception, so they need to hone in some details before they would come to the Board or to the Township for any approval.
- C. Jeff, the Public Works Supervisor, and I have been talking to Allen Township. I'd like to get the Board's approval to initiate a shared services agreement, not necessarily a written agreement, but something to leverage what each township has to help each other. In this case, what I'm asking for specifically tonight, would be a swap of our sewer vehicle and an operator to do flushing for them for a day's worth of work in exchange for use of one of their employees and a truck and flatbed trailer that we would have to go out and rent to use to pick up some concrete blocks that we want to use to build some storage containers down at Canal Park. So, we are basically looking at a like exchange timewise. Our equipment would come with an operator, their equipment would come with an operator. I did speak to our insurance company and there are no issues from a liability standpoint or worker's comp standpoint and the Allen Township Supervisors discussed it at their meeting last week and they were fine with it as well. Just wanted to bring it to the Board to get your permission for that. Obviously, it would be done on off hours and not take away from our guys' needed activities and likewise for them. Mr. Wegfahrt stated he assumed you discussed this with the Solicitor as far as an agreement, any kind of liability. Do we need anything written? Mr. Garges responded he did not. Jackson Eaton, the Township Attorney, replied he did not. It's like anything else where someone goes beyond the Township to perform some of their functions. The state laws encourage cooperative arrangements since if this was going to be loaning people for long periods of time or something like that, I think then you might want to get an agreement, but if someone is going out for a couple of hours to flush their sewer and the other is going to drive concrete around, I don't think you need a written agreement as long as there is an understanding that it's going to be your people who operate it and do the work. Mr. Garges stated we are not looking for a carte blanche that this is going to be an everyday occurrence, but if we have projects or items, that we could save on renting and help someone out at the same time, it would be something that I would like to bring back if it works out well. Councilman Wegfahrt said he is all for it. He is actually glad to see us working

with other townships. So, it's a good thing. Mr. Garges asked if everyone was okay with it and Chairman Paulus replied that everyone is okay with it. Mr. Garges said that Jeff did all of the legwork so you can give him thanks for that. Chairman Paulus told Jeff he did a good job. Chairman Paulus also mentioned we don't want to be loaning out all of our equipment, but this is that, so he doesn't have a problem with it. Mr. Garges said obviously we have to be smart about it.

- D. We are in the process of hiring a part-time Code Enforcement Officer for the daytime work. He would be mostly assigned to the street sweeping which was a need we discussed when the street sweeping began last month. Barry Dannenhower is the gentleman's name. He is a fire police officer with Han-Le-Co so he is familiar with the Township. We are probably look at a schedule of 8:30 a.m. – 12:00 or 12:30 p.m. type of arrangement to have him here. Along the same lines, we are hiring a summer helper for weekend pavilion cleaning. They will only be on the days that the pavilions are rented out. It would be a two-hour minimum for them at \$10.50 per hour. This will save our guys from coming in on the weekends and a little bit of money here and there.
- E. Vicky Roth, the Township Clerk, and I attended the LNAA Open House last week where they rolled out their Comprehensive Plan. There wasn't much more to it than what we had seen before other than they broke it down into phases this time, so zero to five-year, five years to 10-year, 10 years to 15 year and 15 years out. As the plan is finalized, they did commit to getting us a hard copy of the plan so we can have it here available and to distribute to you as well.

Chairman Paulus asked if anyone had questions for the Township Manager. No one replied.

2. Al Kortze, P.E.  
Township Engineer

- A. Just a couple updates. The first one is the Water Main trench restoration in the Troxell Street area is nearly completed. I think they were doing some seeding and top soiling. I don't believe that was finished. They have to seal the edges and patches then it should be finished off. Secondly, the Sherwood Park Ballfield. We had initially anticipated the start of that from the contractor next week but with the rains we talked to him and mutually agreed to push it off at least until after Memorial Day so its looking like the week of the 29<sup>th</sup>. If next week is as miserable as this week, they can be able to get some of their backlog done and then start out there as long as the conditions in the park are fine. Lastly, is the Lower Lloyd Street project. We had provided the contractor with a Notice to Proceed date of June 4 and that is the first Monday in June. They should be starting sometime thereafter. We will have a preconstruction meeting on that and report back to Council periodically on the progress. Councilman Wegfahrt followed up with a question regarding Troxell Street. He wanted it clarified that they were done on the pavement and the roadway. The Township Engineer responded that he believes they are done with the patches, yes. Mr. Wegfahrt said it looks pretty bad. He said they didn't bring it up to the standards that it was before they cut into it. The Township Engineer replied that it's not going to look

pretty. Councilman Heimbecker asked about the sinkhole. Mr. Kortze replied that they had the contractor excavate it and didn't find any evidence of a sinkhole. They didn't want to dig down too much but dug down fairly far. Mr. Kortze didn't remember how far, four or six feet. But, they didn't find any evidence of a sinkhole. They backfilled it with stone and we are going to get that patched up. Mr. Kortze reiterated there was no evidence of something there. They dug down but didn't want to tear up the entire street. They are going to bring it back up to grade. Mr. Heimbecker commented that there is a patch in front of his home at 1834 Sherwood Street, there is a situation between one and two-inch openings between the patch that was put in and the machine cut that was done with a what he called a black top saw and he said that probably all the patches that he drives through, are at least one inch to half an inch low grade. Mr. Wegfahrt commented that he would say it's all of Troxell Street while driving your bouncing the whole way. It's not even level with the roadway. Mr. Heimbecker thought that once they made that saw cut that they would wind up with a finished piece that looked like Hoover Avenue. That it would be smooth black top with the oil on the side as a sealer. Mr. Kortze responded that they haven't sealed it yet. He knows that they are going to come back and do that. Mr. Kortze commented that as far as the unevenness and if there is a settlement, we will have to have them come back and readdress the bad parts. Mr. Heimbecker asked Mr. Kortze if he has looked at it himself. Mr. Kortze responded that he was out there last week and he drove it, but they weren't finished yet. But, some of the areas he went over, you will never get a perfect patch. Mr. Heimbecker commented that there is a marked difference between Hoover and all the patching that has been done. The size of the stone in the blacktop appears to be bigger. It's not smooth. Mr. Paulus commented that he will go along with that. He said they used a very large aggregate for their patch. He doesn't know why they did that. Mr. Kortze responded that they had them bring it up to finished grade in binder with anticipation that something would take place with the mill and overlay on those streets and as an option by having them go up and do it in binder they agreed to do bigger areas of the repairs in lieu of. They still put the same amount of five inches of base material in there. So, it will be a little bit uneven and the thought was why have them go up with three and one-half inch of binder, and inch and one-half of top if at some point, this year or next year, when we do the Road Program and have them come in and wind up milling it all down, recycling it or whatever we wind up doing, it kind of gets wasted. Mr. Heimbecker replied that he expects the roadway to be the way it was before it was cut and if he's going to drive that road for a year, he wants it the way it was before it started. Councilman Wegfahrt commented that his understanding was that it was going to be as it was or close to it. Mr. Heimbecker commented that no one came to them and told them that they were going to leave it a half of an inch or something below that. Mr. Kortze replied that that shouldn't be the case. He explained that when they are bringing it up in binder, they are bringing it up to finished grade in a binder material. So, there should not be a dip. You'll see that the aggregate will be a little bit heavier because it's a 19 or 25 millimeter as opposed to nine and one-half, but it should be flush with the finish grade and any patches that aren't, they are going to have to come back and we'll make sure they address that. Mr. Heimbecker commented that he thought they were fairly clear as a Board two or three months ago when this was brought up originally that when this work was done that the remilling of the street would wait

until we were clear that Troxell Street wasn't going to fall down again because the way the water has been up there, he wouldn't trust anything for at least one year. Mr. Paulus commented that he thought they were going to have this through at least the fall and winter. Mr. Wegfahrt commented that they could be there for at least another year plus easily. Mr. Paulus thought they might be able to smooth it off with their sealer. He said he thought most of the bump was still where the cut was because they didn't really close it and if they really goop it on there it might really smooth it out. Mr. Paulus told Mr. Kortze to go drive on it and then he would know what they are talking about. Mr. Kortze responded that he knew what they were talking about but that whenever you have those joints but he is not sure the sealer is going to correct it. Mr. Wegfahrt commented that its not just the joints it is the whole thing. He explained that if you have a cut so wide that whole thing is depressed down and inch plus easily because you are bouncing over that whole thing when you go in and out of them. Mr. Kortze commented that they might have to come in and put a scratch over top just to blend it out. Mr. Paulus reiterated that like Mr. Heimbecker said if you go up to Hoover Avenue, it's all smoothed out like a highway. Mr. Kortze said Hoover Avenue was done with binder and then wearing course when they thought it was going to stay like that for a long period of time. Mr. Kortze said that the purpose of this was to try and get them to do more of base repair than just the normal standard trench work and in order to have them do that we told them to just bring it all up in binder so to have a stronger base material and not put the wearing on with the thought that either later this year or next year as part of the Road Program we could get that addressed. Mr. Kortze said that if it is inadequate now, they will have to make sure that they provide something that makes the travel smoother. If it's settled, they have to come back and fix it. Mr. Paulus agreed and said they know that. After further discussion, Mr. Heimbecker said that any agreements that were made outside the contract/bid need to come back to them. Councilman Woolley commented that the other thing they did is they've been filling in around the yards and fire hydrants. He didn't think they were putting in enough ground. Mr. Kortze responded that he thought it probably will settle. They will have to come back and look at it. Mr. Woolley replied that he knows it's already been settling. It's about an inch lower than it should have been and now with all this rain it's probably even lower. They came around today and just put straw on top of it. Mr. Kortze responded that what's going to wind up happening with this weather is they will put straw down, some of the grass is going to grow, a lot of it isn't. They are going to have to come back again and fill it back in and reseed it. Mr. Wegfahrt said to be honest it looks like clay. It doesn't even look like soil. It's all red and orange by his house.

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

Mr. Eaton commented that he has several items that he thought were best discussed under New Business.

4. Maintenance (Written)

5. Storm Water Issues



issued by the EPA down to the Lehigh County Authority. Over the years, they've worked on different programs to try to mitigate the administrative order and basically satisfy it. Where they are at now, they are getting closer to the end, starting to put some programs into place from overall documents that are going to envelope all of the signatories they call them (or the providers that discharge into their system). What they are asking for is Council's blessing on this letter which basically says that we agree to provide the necessary information to them and also then carry forward with some of the programs which we're doing already to manage our I&I, to report the numbers that they need and those types of things. We've been doing this over the past few years as this gets to the end of submission. So, basically, what we are asking for tonight is your blessing to send this letter to the City of Allentown. We are a customer of the City of Allentown. Not a signatory to the Lehigh County Authority. The letter would be addressed only to the City, which is who we have our contract with. I did run it by Jackson Eaton, the Township Attorney, the Township Engineer's office also represents a few other municipalities that are parties to the same order and they are involved with providing the information that we need as well as Mr. Mouer.

Motion: We authorize the Township Manager to send a letter to the City of Allentown as drafted in the packets given to us.

Woolley, Heimbecker: Moved and Seconded

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

2. Bill No. 2018-04, An Ordinance Authorizing Conveying to the Commonwealth of Pennsylvania, Department of Transportation for the Purpose of Road Widening an Easement over Certain Property Along the North and South Side of Race Street (SR1004) (Introduce)
  - A. The Township Attorney commented that he had a couple of items. You may have gotten the feeling from the Manager's Report that Rockefeller is now really trying to move ahead quickly. We have within the last week and even within the last few days received requests to go ahead with items that have been discussed and reviewed for some time but where formal documents were not requested. He said he has three. The first is the Ordinance that you have before you and you may recall that three or four months ago there was talk about PennDOT requesting from the Township a thin strip of easements along Race Street and at first, they indicated it was a little complex and then the engineer said you really don't have to do anything and that was sort of the end of it. Today, I received a request along with the PennDOT easement for the Township to act to provide the easements. I thought the way it was explained before is that we weren't going to have to do anything. But, at this point, I am requesting that we at least introduce this. I believe and I have been advised that the plans are substantially the same ones they showed us before as far as what was going to be required. This will get it before the Board and give us a couple of weeks to review this to make certain there are no substantial

differences. The Deed of Easement provided by PennDOT contained a clause that you would indemnify them if there were any problems down the road with the easement if claimants came against them and I struck that out and I told them obviously we don't have to approve anything when it comes up. I said not even introduce it with that in there. There is no reason for us to indemnify them if they want to take a portion of the road. So, at this point, I'm just asking that this would be introduced and then we will get more details to Mr. Kortze and he can confirm that there is not a difference with this with what they submitted previously. I can't introduce it, so if someone, for the record, can introduce it. Mr. Wegfahrt asked, the easement, if he remembers correctly that was to do with the ability to do utility work and such. Mr. Eaton replied that he was not certain. Mr. Wegfahrt said that if that is the case the issued lied with UGI or someone else, that they were giving the easement not us necessarily. Mr. Eaton replied that's why it's important that the indemnity here seemed to go towards if someone else had rights there we'd step in and protect PennDOT and we are not doing that. Mr. Wegfahrt commented, giving them the easement gives them the liability. Mr. Heimbecker questioned Mr. Eaton. He said, this is the first I'm seeing this, correct? Mr. Eaton replied yes. Mr. Heimbecker pointed out that in the third paragraph after Witness, the second sentence at the end says, Commonwealth, a Highway Easement unlimited in vertical dimension and such other estate. Is that common? Mr. Eaton replied he is not used to that language, but he thought that was meant to take care of signs, posts and anything that they would want to put up. We are not guaranteeing that the airport doesn't have rights that supersede that. We are not limited it. Mr. Heimbecker asked if this is an introduction tonight. At this time, Councilman Wegfahrt introduced an Ordinance authorizing conveying to the Commonwealth of Pennsylvania Department of Transportation for the purpose of road widening and easement over certain property along the north and south side of Race Street (SR1004) as Bill No. 2018-04.

- C. Mr. Eaton said his second item relates to a series of intersections that are being reconstructed, Cascade Drive and Race Street, and Willowbrook Rd. and Race Street, and as part of that because of the changes to the curvatures on the roadways and the setbacks for the Township roads that run off of Race Street needs some additional land and the airport is giving that land to the Township. While we need an ordinance to give away land, we do not need an ordinance to acquire land. But, because this involves the airport and the projects, this is just a motion to allow the Township to accept deeds with these properties. This was previously reviewed by Mr. Kortze who suggested changes to them and they came back with the changes and so this is just a motion to permit the Township to accept deeds for these properties. Mr. Heimbecker asked if Mr. Eaton was reading this motion into the record. Mr. Eaton read the motion into the record.

Motion: The Township Manager is hereby authorized to accept Deeds from Lehigh-Northampton Airport Authority to Hanover Township for the purpose of road widening at the intersections of Cascade Drive and Race Street and Willowbrook Road and Race Street as shown on Exhibits A, B, C and D, attached hereto.

Heimbecker, Wegfahrt: Moved and Seconded

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

3. Resolution No. 2018-37, A Resolution Authorizing the Transfer of 24,500 GPD of Sewer Capacity at the Catasauqua Waste Water Treatment Plant from Hanover Township to Allen Township (Vote)

- A. Mr. Eaton's third item is a request for sewer capacity and on May 10 the Rockefeller Group wrote a letter to the Township Manager requesting additional capacity from Catasauqua Sewer Plant of 24,500 gallons per day capacity and the letter requested it from the previously paid for and reserved portion that Rockefeller had under the Infrastructure Agreement. Mr. Eaton went on to say that in fact they had called about this beforehand and at that point he asked them if that's the area that's shown as the FedEx Project in the Infrastructure Agreement and it's shown in a certain hatching. And they responded in an email that yes, it is and he said to just write the letter to the Township and request it and identify the lots that this relates to. So, they wrote the letter requesting it from their previous allocation that they paid for, but it's for two lots that are not in the FedEx Project. Mr. Eaton advised FedEx that although the Township is bound to transfer the capacity, they will have to pay for it because it's outside that delineated area. Mr. Eaton gave them a heads up and asked them if they wanted the Township to go forward with this and they confirmed that they did so the Motion you have is the Resolution to approve the transfer of capacity but obviously it's contingent upon Allen Township and the Borough of Catasauqua signing the appropriate documents as we did before when we transferred it. And there is a fee \$153,100.00 in reserve capacity charges that they'll have to pay. Mr. Heimbecker asked if this is a one-time fee. Mr. Eaton responded that yes, it is a one-time fee. Mr. Eaton went on to say that once they start using the line, they will be responsible for maintenance costs and transmission fee. Mr. Heimbecker asked if that's when the recurring fee would come in. And Mr. Eaton responded, that's when the recurring comes in and they will be paying a portion of the capital cost that was done about one year ago for that line from Willowbrook Road to the Catasauqua line. Chairman Paulus asked Mr. Eaton if this is more capacity than we authorized in the beginning and Mr. Eaton responded, yes. Mr. Paulus asked if this is step 2 for the capacity that we are getting rid of and Mr. Eaton replied, yes. Mr. Eaton commented that they still have two lots, those warehouses that they haven't used. Mr. Paulus commented that all of this was part of our agreement that any future capacities come from us until we are empty and Mr. Eaton agreed. Mr. Heimbecker mentioned that they get the taxes and

we get the water and Mr. Paulus agreed. Mr. Eaton said so that's a Resolution and the Township can act on that tonight.

Motion: I move we adopt a Resolution authorizing the transfer of 24,500 gallons per day of sewer capacity of the Catasauqua Wastewater Treatment Plant from Hanover Township to Allen Township as Resolution No. 2018-37.

Wegfahrt, Lawlor: Moved and Seconded

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

The Township Manager followed up to what Mr. Eaton said that we today get a request from Rockefeller to discuss the development of those two lots, 4 and 5. We have a staff meeting scheduled for May 29, 2018 at 1:00 p.m. and if any Councilmembers would like to attend that meeting he can send something out via email similar to what we just did with the airport. Chairman Paulus told Mr. Garges to send it out.

Mr. Wegfahrt brought up Section 902 for our Ordinances for Fires Prohibited. I get the question a lot possibly amending Section 902 to allow for small fires at single residential homes, fire pits, chimineas, and things of that nature. Not bond fires or anything large of that nature. We have several people ask us about this. I, for one, would like to be able to do it as well too. If we can discuss amending that section to allow such things, I would be very happy to do so. Mr. Heimbecker asked if he had language. Mr. Wegfahrt responded that he did. He said the way Section 902 reads now is, Fires Prohibited. Fires in an outdoor wood fire, in an outdoor cooking device, structure fueled by wood or logs and in a portable fire place, bonfires, or recreational fires are prohibited in Hanover Township. No persons shall have kindle or maintain such a fire in Hanover Township and no person in ownership or control of any property in Hanover shall permit a person to kindle or maintain. What Mr. Wegfahrt would like to do is keep most of it there, but he would like to change it to, recreational fires are only permitted in Hanover Township when they are contained within a fire pit or chimenea or outdoor fire place with no larger than a two foot by two foot burning footprint on private, residential single-family properties and not closer than 10 feet to any structure or tree and not closer than 10 feet to property loan and use wood fuel only. All other fires in an outdoor wood fire boiler and cooking device, structure or fueled by wood or portable fire place and all recreational bonfires are prohibited in Hanover Township. Mr. Wegfahrt it's really just allowing for a very small footprint for burning in a fire pit or chimenea, really the only portable outdoor fire pits that I know of and safe distance from different things. Mr. Paulus gave the history on why we have that Ordinance in place. Mr. Eaton did a very extensive research on this and all the other municipalities and townships are banning them. They actually called us and are following our Ordinance because it's a problem. We had a problem in the Grove, the trailer court, and the Troxell Street area. We had where the State Police were responding to fires. Mr. Wegfahrt asked if it was a large bonfire. Mr. Paulus responded that it was just smoke coming into the neighbor's home. People complained about it. We had fist fights on Troxell Street and over at the trailer park. If Robin Yoder, Fire Chief, was here he would be telling us no. He was the Code Enforcement Officer in the middle of all of this and it was real messy. Mr. Paulus said that's why we got an Ordinance up and there aren't many places you can burn. You can buy them, but you

can't burn especially in our area. The houses are too close together. Mr. Wegfahrt said he could understand the trailer park and he could understand the Grove because that's multi-family dwellings. He said he's not discussing those areas, but single family residential properties. He went on to say that gives you certain footage away from things. Mr. Paulus commented that if you are burning fire three doors down, he could smell it and you could smell it if it was three doors down from you or even a block away and if you are on the second floor then you got the wood smell coming in your house. There's no sense to it. Mr. Wegfahrt responded that they smell the fireplaces now in the winter time so he doesn't see a difference. Mr. Paulus responded that in the winter time you have your windows closed because you have the heat on. In the summertime, you want your windows open. It's not a good thing. We are too close. Mr. Woolley said that the Copperhead Grille has an outdoor thing burning and Mr. Wegfahrt also responded that the City of Allentown has outdoor fire pits. Mr. Paulus responded that it's gas. You can have a fire pit with gas or propane, you can burn that. That's in our Ordinance now. But, you cannot burn wood. Mr. Paulus went on to say that it's a pollutant and open fires are not done these days. If you want open fires, you go camping like Mr. Lawlor does. He burns wood, but he burns it up in the mountains. Mr. Lawlor responded that campers are a lot closer together than those houses are and the fires are a lot bigger too. Mr. Wegfahrt responded that this is something he would like to discuss and consider changing. Mr. Paulus asked Mr. Eaton's his thoughts. Mr. Eaton commented that he did research other municipalities to see what they were at the time and there were a number that had different things in place. Mr. Heimbecker asked if they are banned in the surrounding Townships. The Township Manager replied that he would have to do research because he was not aware of any ban. Mr. Paulus' opinion of it is that it's not a good thing and you are opening up problems. Mr. Wegfahrt did not agree and he thought it's something for the community if they want to do it and it's maintained well. Mr. Heimbecker said he burns in his backyard. Mr. Woolley commented that when his neighbor burns in his backyard, they can't have their windows open if it's a nice day. Mr. Paulus asked Mr. Lawlor what he thought and Mr. Lawlor replied that he did not have a problem with small ones as long as it's contained. Mr. Heimbecker commented that he thought he was talking about chimeneas which are actually a small furnace. Mr. Wegfahrt said he's not talking about a roaring fire or pallets or burning refuse or all your brush from cleaning up your yard or something of that nature. Mr. Woolley wanted to know the benefits of having a small fire pit. Mr. Wegfahrt responded that its residential. If it's a little chilly outside, people like to stay outside for a little awhile by the fire. There's a whole bunch of things. It also keeps bugs away too when you're hanging outside. Mr. Woolley asked how we would regulate this. At this time, Patricia Paulus of Troxell Street, who was in the audience asked what happens when it gets out of control. She said she realizes some of the Board members are okay with it, but that someone down the street from them and someone who reported it, big fire was going up and it was a chimenea and Mr. Wegfahrt commented that chimeneas are enclosed and Mrs. Paulus commented, whatever, now everyone is going to have one of these and who are we going to pay and go out and check on this when it's out of control and that's going to happen. You all might be good, but there are too many people out there that are not. Mr. Wegfahrt commented that there is no way that would happen if someone is burning in a two foot by two-foot fire pit, maybe a pallet or something like that. Mr. Paulus suggested we talk to John Lemos, Code Enforcement Officer, before anything is decided and get his opinion on this because he if the guy going out to these calls. Mr. Woolley commented that Fire Chief Robin Yoder should be asked to since we have a volunteer fire

department. Mr. Wegfahrt commented that Mr. Yoder will say no because he doesn't want any kinds of fires in the Township. Mr. Wegfahrt said that we are talking about residential issues not what the Fire Chief wants and Mr. Paulus responded, he is the Fire Chief. Who better to talk about it with? Mr. Wegfahrt commented that the Fire Chief would be the first one to say a competent adult who follows the rules and stays 10 feet off the property line is not going to have an issue. If we go worst case scenario, we could do that with everything in the Township. Mr. Wegfahrt reiterated that the question is because some residents asked and some of the Board members asked about it. Mr. Woolley said suppose one of your neighbors complains that he is irritated by the smoke from the wood, would you immediately put it out? Mr. Wegfahrt responded then they would call Code if it becomes a nuisance if it becomes that bad. Code would be called and they would ask you to extinguish it. Just like any other nuisance in town. Just like if you play your music too loud and it bothers someone, Code is called and they respond to the nuisance and tell you to keep your music down or walking your dog or dogs barking. Mr. Wegfahrt said it's not a right to annoy people, it's just a right to burn something as long as it's done within a certain way. If you want to ask Code that's fine. Maybe Mr. Yoder would have better language to put into the Ordinance on different things. Mr. Paulus responded that we will do that. And Mr. Wegfahrt commented that we will bring it up at the next meeting and make the introduction. Mr. Heimbecker would be interested in hearing what Bethlehem Township, Hanover Township, Northampton County, Allen and East Allen Townships have it in their high residential concentration and what they are doing there. The Township Manager responded that we could call some of the surrounding municipalities. Mr. Heimbecker said that if someone has it they may have sample language we could look for. Mr. Wegfahrt commented that the goal is not to make it a nuisance to neighbors. The goal is just to allow a little ability for people who want to have fire pits outside and enjoy some warmth outside instead of running inside when it gets chilly. Decision on this matter has been postponed until the next Council Meeting scheduled for Wednesday, June 6, 2018 at 7:30 p.m.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (4/20/18), Payroll (5/4/18), Voucher Nos. 23562-23576 (Prepays), Voucher Nos. 23577-23620, from the General Fund Account in the amount of \$200,174.14; Voucher Nos. 4369-4370 from Capital Reserve in the amount of \$13,841.33; Voucher No. 154 from the Liquid Fuels Account in the amount of \$5,773.69; Voucher Nos. 4620-4624 (Prepays), Voucher Nos. 4625-4628 from the Escrow Account in the amount of \$50,070.36; Voucher No. 4202 (Prepaid), Voucher Nos. 4203-4205 from Water Account in the amount of \$2,892.01; Voucher No. 5615 (Prepaid), Voucher Nos. 5616-5618 from the Sewer Account in the amount of \$11,077.05 for a Grand Total Expenditure of \$283,828.58.

Paulus, Woolley: Moved and Seconded

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

Courtesy of the Floor: None.

Adjournment:

The Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Christopher J. Garges  
Township Manager