

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

June 6, 2018
7:30 P.M.

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

Absent: Bob Heimbecker

Attendance: 10

Courtesy of the Floor:

Chairman Paulus that they had a few individuals in the audience from the public present. First on the floor is Patricia Paulus, Block Chairperson for the Troxell Street Garage Sale, along with representatives from the Han-Le-Co Fire Department. She will be presenting the excess monies from the Troxell Street Garage Sale to the them. Mr. Paulus explained that Troxell Street has a community garage sale every year and all excess monies collected are donated to the Fire Department and this year they will be receiving \$250. Mr. Paulus noted that the Township Manager wanted to get a picture of the Block Chairperson handing the donation to the representatives of Han-Le-Co Volunteer Fire Company No. 1. Picture will go into the Township Newsletter.

Mr. John Martucci, a Township resident, took the floor to ask permission to extend his sunset hour one hour at his Bocce Ball Tournament being held at Canal Park on Saturday, June 9. A Motion was made granting Mr. Martucci an hour extension to his sunset hour have park cleaned up and with the understanding that alcohol will stop being served one hour prior to sunset. Mr. Paulus mentioned that he has had conversations with Jeff Mouer, the Public Works Supervisor, about installing Bocce Ball courts but haven't gotten anywhere with that. Mr. Martucci replied he thought that they would have some courts this year. Mr. Paulus said he thought it was a good idea to have a Bocce Ball court at Canal Park and will speak with the Public Works Supervisor about it again. Mr. Paulus told Mr. Martucci to enjoy the day and Mr. Wegfahrt wished him good luck in the tournament.

Motion: I move that we grant Mr. John Martucci permission to extend his sunset hour for one hour for his event on Saturday, June 9 at Canal Park.

Lawlor, Woolley: Moved and Seconded

Lawlor, Wegfahrt, Woolley, Paulus:

Aye

Unan.

Mr. Paulus recognized individuals in the audience from the public and asked them to come up to the podium. The Township Manager asked that they speak into the microphone and announce who they are since we are now audio recording all meetings. Joe Genay from SVN, a commercial broker, introduced himself. He introduced a project they are proposing at 1890 Airport Road, Allentown, PA 18109, which is a lot that sits at the interchange of Route 22 and Airport Road, just next to what is now the Knights Inn,

which would be on the southeastern quadrant of Airport Road and Route 22. The party is in the process of building these at a couple other locations. They are basically described as an indoor skydiving operation. The main contention that we are here for tonight is the fact that it has to be 65 feet in height. Mr. Genay was told that he would need a permit and the Township Manager, Chris Garges, mentioned that it would be a conditional use. He went on to say that the Zoning Ordinance will allow 50 feet and then Council, if the Applicant requests via conditional use, they can go up to 65 feet. Councilman Lawlor mentioned that since it's close proximity to the runway the FAA might have something to say about it. Mr. Garges said that there is language in the Ordinance that says it must meet the Airport's criteria for height, so that would be something we would have to look at as part of that. Chairman Paulus said that the Airport would want to know if it's in their flight path. He went on to say that just because planes don't go over the top of this it doesn't mean that it is not in their flight path, their flight path really spreads out. Mr. Paulus asked Mr. Genay if they contacted the Airport. He acknowledged that they did not. Mr. Paulus went on to say that at this time they would just have to move forward with it and if the Airport objects to it, and he can't say one way or another if they will or not. Joseph Rancho of Hanover Engineering introduced himself at this time. He is involved with this project because a few years ago he assisted Mr. Joshi, the owner of the property in question, put together some plans for different uses for that property. He mentioned that before they got to deep into this, they wanted to get a formal blessing from Council to go forward with the process or if Council felt this was something they could get a conditional use for provided that they checked with the Airport. At this time, a discussion ensued about the proposed plan for this property. Mr. Eaton, the Township Attorney, addressed Council and pointed out that this is a matter of procedural issues. He went on to say that this is like a Zoning Hearing. We are under the same rules as the Zoning Board. So, if the parties want to discuss this with you, you cannot make any decision on the matter except at a hearing. Mr. Eaton explained that this would be a conditional use and that Council would sit as the Zoning Hearing Board in this instance and; therefore, all the information given to Council with regard to making a decision has to be the information you get at the hearing. Mr. Eaton went on to say that in that context this is very informal but not a commitment of any kind. Secondly, he told them that in other matters outside of this Township, he currently represents the Joshi family at least in some other property matters, so he doesn't know what might happen down the way in his way of having to recuse himself but he wanted to make certain that you didn't overstep and get into problems with people who might come in after the hearing is advertised. Chairman Paulus accepted Mr. Eaton's explanation. At this time, Mr. Paulus had questions for the Township Manager regarding the height restrictions and an explanation of the Zoning Ordinance. Mr. Garges explained the section in the Ordinance to Mr. Paulus and the Board. Mr. Garges also reiterated what Mr. Eaton explained about the hearing process. Mr. Wegfahrt said the first thing we would want to do is check with the Airport and FAA. A discussion ensued on Council's feelings on this type of project. Board members present did not have any issues with it, but proper procedures for approval would have to be followed. Mr. Genay said the person that wants to do this is Chester Schwartz. He has come prepared with a projector and slides if you want to see how it works. Mr. Eaton said he believes that at this time that would be out of place and Mr. Paulus interjected and said that would be something for down the road. Mr. Eaton explained that this is not like land development proceedings or anything like that and Mr. Genay said they understood. He said they had initially been told the same thing before coming before the Board. Mr. Paulus said the Township is always happy to develop land.

Mr. Schwartz mentioned that there are six of these across the United States, there is one in King of Prussia, one in Paramus and one in West Chester at this point in time. He went on to say that these aren't as unusual as they use to be. Mr. Schwartz said that this would be a great location for one and typically they are not 65 feet in height, but close. He said that they will go through the normal procedures. They've been through them before so they know what to expect. At this time, Mr. Schwartz and the other individuals representing him thanked Council for their time and left the meeting.

Approval of Minutes: May 16, 2018 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the May 16, 2018 Regular Council Meeting and accept same as presented.

Paulus, Lawlor: Moved and Seconded

Lawlor, Wegfahrt, Woolley, Paulus:

Aye

Unan.

Reports:

1. Christopher J. Garges
Township Manager

- A. The Manager reported that at Council's last meeting they discussed PennDOT's project for the widening from the airport down to Route 22 and one of the requests of Council was that he reach out to PennDOT to see if he could obtain plans for that widening so the Township could see if it included any work on the northbound side for the ramp from westbound 22 came on. Coincidentally, PennDOT reached out to Mr. Garges and he forwarded the email out to Council yesterday regarding the same. PennDOT had reached out about some agreements that they will need from the Township for that project to move forward. They are at a design stage. Mr. Garges forwarded them over to Jackson and he had some comments on them. One of the comments from earlier was the concern about traffic coming off of westbound Rte. 22 onto Airport Road and crossing three lanes of traffic to turn left onto Postal Rd. If Council so desires, Mr. Garges can send a letter to PennDOT expressing our concerns again with that setup and suggest that they look at some type of alternative to what's out there now. Mr. Wegfahrt suggested that yes, definitely follow through with that. He said it was something Council had discussed with them at length when they were before them before. Their study supposedly stops at the northbound side or right there at Postal Road, something of that nature. He said PennDOT didn't feel it was necessary and we all know that practically and absolutely it is necessary that something be done. Mr. Wegfahrt also said that Mr. Heimbecker mentioned something about the Armory is out of there right now, so they actually have land if they want to do some kind of U-Turn or jug handle or something like that. Mr. Wegfahrt suggested certainly asking them and urges them to reevaluate their position. Mr. Garges asked Mr. Eaton if he wanted to comment on the second part of this matter because if it's not at this meeting, in a subsequent meeting Council would need to make an approval to move forward with these agreements as well. Mr. Eaton said he reviewed the agreement and it isn't really a complete agreement. It's the boilerplate from the middle of an agreement, which would be

between the airport which is the local project's sponsor and PennDOT and there is a joinder attached to that which would be signed one by Bethlehem and one by Hanover saying that they are joining the Agreement with respect to one section, which is Section 18 in the Agreement and Section 18 essentially recognizes that in redoing the intersections PennDOT is going to have to get onto the Township's portion of the road that's on the Township jurisdiction just to rebuild that so it fits the new configuration of those two intersections. And that's completely appropriate. PennDOT would obviously want authority to go onto the Township's land and rebuild its road. But, it goes on to say that in doing this the Township accepts certain responsibilities for maintenance in the future of that portion of the road that's been rebuilt. And Mr. Eaton thought this was about 200 feet along Postal Rd. and it has long detailed requirements that you are going to abide by various state department of highway regulations and so forth and there is another exhibit that it refers to of maintenance obligations that wasn't even attached. Mr. Eaton said he spoke with Steve Boell, who is the attorney for Rockefeller and for this matter, and he mentioned to him that it looks like boilerplate and so forth and that the Township is willing to cooperate as far as allowing you on the property and saying just because you rebuilt it we'll maintain it. Mr. Eaton would recommend to the Township that they not agree to any maintenance obligations or standards beyond what the other roads are. We are not having special regulations going forward in the future so the portions that state we are going to comply with state laws and so forth that's fine. We are going to do that and we'll maintain it, but his recommendation is that he would be authorized to go back, and he thinks the easiest way is to work with the Township Manager and with the Rockefeller attorney who is very close with the PennDOT legal team to explain our position. Mr. Eaton sees no obligation from the Township to undertake anything beyond, you can reconstruct it and we'll maintain it the way we normally do. Mr. Paulus asked if it was a state road that they were putting in. Mr. Eaton replied that no it is not. For example, at Postal Road and Airport Road they are going to reconfigure the section and in doing that they are going to have to go onto the portion of Postal Road to rebuild how they match or how the curves come and so forth. Mr. Eaton didn't know how much, but whatever it is essentially we are saying, fine you can rebuild that, but then it's ours. We are not going to agree on any special conditions or obligations to PennDOT for that part of the road that's ours. Councilman Woolley asked Mr. Eaton what extra rules they want the Township to abide by. Mr. Eaton told Mr. Woolley that it was all in the email and Mr. Woolley replied that he read it but didn't see anything out of the ordinary. Mr. Eaton said if Council wants to agree to it that's fine, but his view on this is that the Township should not by contract obligate itself to anything more than what we are required to do right now with regard to Township roads. In Mr. Wegfahrt's opinion, the agreement should only cover the work that they are going to do and once that work is done the agreement is done. He felt there really shouldn't be any ancillary actions on our part responsible to PennDOT or anyone else. Plus, it's our road and we'll take care of it like we do according to the right standards. Mr. Eaton said there is a general statement in the email that we'll operate it and maintain it at our cost. They don't want the fact that they rebuilt it and making us assume that we are responsible for it. But, beyond that, we are not accepting any special conditions about how we maintain it. Council was in agreement with the Township Attorney. Mr.

Wegfahrt felt that the timing was perfect, as Mr. Eaton said. It really goes hand in hand with the westbound exit. They are talking about the eastbound. This isn't about the westbound that we are talking about. Mr. Wegfahrt felt that honestly, they should really be taken care of at the same time. Mr. Paulus mentioned that to put it a little bit simpler, we are gaining an extra lane. We are going to now have two lanes instead of one and they want us to maintain both lanes and normally we would say ok because they are rebuilding it. Mr. Eaton hasn't looked at the plans. They are not allowed to do anything more with this agreement than what's already been agreed. It's just that part of the road on that plan is still going to be a Township road. We are not going to obligate ourselves any differently than we are already obligated. Council, as a whole, was in agreement. Mr. Eaton reiterated that he thought it was a lot of boilerplate which happens on occasions where a municipality is asking PennDOT to do something and PennDOT will say if you want us to do it then you have to fulfill these requirements. But, in this case, it's the other way around. Mr. Wegfahrt said that you would think they would have looked through it before they sent it. The Township Manager said they would continue to work on that.

- B. On June 4, 2018, the Township Manager visited New Britain Township to take a look at some software that they had that we are interested in for permits and land file management. Mr. Wegfahrt and Mr. Garges are going to view a video demo next week and then they would like to set up a demo for the June 20 Council Meeting and maybe have it at 6:30 p.m., at least an hour beforehand. We can present the software and Council can ask any questions that they would have. Mr. Garges asked Council if 6:30 p.m. was ok. Mr. Wegfahrt asked if any other councilmember wanted to be on the demo. Mr. Garges said they were going to view it over lunch and all they had to do was log in from home. They could send them a log in and invite to whomever wants to be on it. They will have it at the Council Meeting on the 20th as well but this is just an initial walkthrough just to see the software and to find out about it and what it's like. Mr. Wegfahrt asked Mr. Garges to give them some information about his visit. Mr. Garges said that the Township he visited was the pilot project for this software 15 plus years ago as it was being developed. They worked with it, he believes, it came from their engineer and it was a new software to them from software they previously had. Some of the things that Mr. Garges liked about the software was that the Township had gone through some similar process that we are looking to go through to get all of our files documented, images and all the permits documented in a concise, easy to use format that anyone could log into type in an address or name and it will pull up a list of properties that meet that criteria. When you click on that, it will have all the background data of permits dating back to what our records go back to, early 80s, late 70s. It's a web-based program so our third-party agency can use that so they will be populating the system with their permits so as we populate ours it will allow us to run reports. It also can use all of the mapping data that we already have and import that in so at your click for any parcel you can see an aerial map of it, you can look at storm sewer near it and also pull up any permits or zoning variances. It's a pretty all-encompassing system and it's something we can use for the long term. The files are all exportable so should we want to move on to another system later, it exports everything out in a format that we can carry somewhere else. One of the bigger draws is the

company that prepared and manages the software is in Pennsylvania. Carroll Engineering is the company. The feedback from the Township is that they are very accessible. Any tweaks or recommendations you have they can make as part of. We'll bring it to Council on the 20th, but they have two options for either a purchase or a smaller amount of basically an annual fee for upgrades and maintenance or a higher basically no purchase, but this is the cost of doing the program over and the way it would work out for us is that it would be about a 4 to 5-year return that the purchase and the smaller amount of maintenance fee every year would basically payoff from just paying a higher fee every year. Mr. Garges' recommendation is basically going to be to purchase it, but he will put all the numbers together for Council before that. Their township has had a few interns in over the last few years. Mr. Garges got a few ideas on how they handled some of the record retention as well and getting rid of some of the stuff that doesn't need to be kept around once it's documented so your file side can be smaller. Mr. Wegfahrt asked if essentially it handled everything other than finance. Mr. Garges responded that they have modules that you can add on. Mr. Wegfahrt wanted to know if the township he visited had different modules. Mr. Garges responded that they had all the modules. Being that they were the test pilot, they had all the modules, roads and sewers and all that. Mr. Garges didn't think that at this point we needed that with what we have in place already on that side. MS4, our signs and a lot of that information is already in pretty good shape. Mr. Garges told Council that he would set it up for next week at 6:30 p.m.

- C. On May 29, Councilman Heimbecker, Chairman Paulus, Jackson Eaton, Township Attorney, Vicky Roth, Township Clerk, and I met with representatives from Rockefeller Lot 5A on Willowbrook which is just south of the Allen Township border. Rockefeller is looking to put 435,000 square foot of warehousing in there. They would need some zoning relief so they are putting some more detailed information together and they will come back to the Township for the relief and the changes that they would need. It would require a zoning change and a map amendment at a minimum because the current zoning is residential there.

- D. Jackson Eaton had sent over a letter to Hanover Township, Northampton County, on May 22, 2018, regarding updating a sewer transmission agreement. At the last meeting, we talked about Allen Township transfer and agreement for the FedEx. This would be authorizing Jackson Eaton to move forward with Hanover Township, Northampton County's attorney to draft up revisions to the agreement that would basically create two similar agreements as far as setups and requirements. So, Mr. Eaton included a draft letter to get the ball rolling with Attorney Broughal. If Council is so moved, we can move forward with having Mr. Eaton work with them as well. If there are any questions, I would direct them to Mr. Eaton. At this time, Mr. Eaton said that the agreement with Allen Township started out with saying to them we are going to give you the same agreement we have for Hanover Township, Northampton County, as far as receiving their sewage and passing it through our system. They added two things which seemed reasonable requests. One thing was that instead of having a flat fee why don't we add a fee that we pay for whatever the maintenance is plus an administration fee and so it was agreed that they pay one-third of the costs plus a

- 5% fee and the other request was with regard to capital costs. The whole agreement just said reasonable capital costs. Now you have three people so that could get into dispute. And they agreed that they would pay 100% of the costs on their line and one-third on part of the line that all three municipalities use. There is a provision in there that if we add a tap in on their line then we split that. But, that's a new line and Mr. Eaton didn't think there were going to be capital costs there. Mr. Eaton went on to say that we are going to go back to Hanover Township, Northampton County, essentially to ask them to make the same changes. We think it will make it more reasonable for them. The other thing is that there is a question who owns the easements in the line. Hanover Township, Northampton County, built it, we maintain it. We never took possession. Although, we were allowed to have it for \$1. They have half the easements through which it flows, we have the other half. We are going to try and resolve it so that Hanover will actually take control of the line. It will be our line and easements. Councilman Wegfahrt commented that it sounds reasonable. Council, as a whole, was in agreement with Mr. Eaton coming back to them with an agreement as he described.
- E. July 4th is the first Wednesday in July and would be Council's first meeting of the month. Mr. Garges wanted to just make a note that there will not be a meeting held that night. Councilman Wegfahrt asked if the Charter requires Council to have the meeting on a different day. Mr. Garges replied that no, we can just meet on the 18th, which is the second meeting of the month.
- F. Pennsylvania recently, last fall, changed the fireworks laws in the State of Pennsylvania, which now allows different categories of fireworks to be sold and used in the state. The Township's Ordinance has provisions for fireworks use and code enforcement of fireworks. Mr. Garges would like Council's authorization to have the Township Attorney take a look at the current state law and our Ordinance to see what changes we need to make and then also to give proper direction to our Code Enforcement Officers for the 4th of July. Councilman Lawlor asked for an explanation and if this pertained to aerial fireworks. Mr. Eaton responded it was not aerial fireworks. He went on to say that they distinguish between display fireworks and the kind that usually companies set off that go high into the air and, he didn't know the exact term, but essentially it means consumer fireworks and consumer fireworks are permitted and you are permitted to discharge them. He did not know the specifics but knows that there is a distinction between two types of fireworks. Whatever it is, the consumer fireworks, which I'm sure go up to some height. Mr. Garges commented that they are basically expanding them to allow bottle rockets, roman candles, those types of things, are now permitted in Pennsylvania aerial-type stuff. Mr. Garges went on to say, a lot of it talks about the amount of explosive material that is in each firework. There is a great section of questions and answers in the PSATS Township News Magazine, which the Township Clerk provided to you, which Mr. Garges will provide to Mr. Eaton as well. Mr. Wegfahrt asked if we will be able to give Code Enforcement some type of guideline or bulleted list on what is allowed so they will know what to do with people that have them. Mr. Garges replied that yes, and back up our Ordinance to match the law in case they would end up in the Magistrate's Office, that our Ordinance be up to par with the state

law. Garren Knoll, Assistant Fire Chief, commented, so following the state law, I would be allowed to shoot off, it's a smaller aerial. He mentioned that he is a pyrotechnician and that he has an aerial device that is on ramps and has explosives in it. It boggles him that the state is allowing people to have them in open areas. He asked how this works with Township properties like their parks. Will they be allowed to shoot them off on Township properties? Mr. Eaton replied that the Township will decide what people are allowed to do on their properties with regard to fireworks. He didn't think there is a prohibition restricting that, but as far as on someone's own property, or you are a guest and someone allows them, they can discharge the types of fireworks the state approves and there are special rules that you cannot even possess the other kind. You would need to be licensed and certified and so forth. Councilman Woolley noted that the Catasauqua Board voted on not to allow them within a certain distance of houses and plus they put a noise ordinance in there. That kind of restricts any kind of fireworks because they make noise. Mr. Eaton said that he would have to see what that is. He questions that certainly if they pick out fireworks and say you can have fireworks you're your fireworks can't be higher or louder than certain ones. Mr. Woolley reiterated that they can't be shot off within a certain distance close to another property. Mr. Knoll commented that it's 150 feet, but that's the state law. Mr. Wegfahrt commented that in Catasauqua and around here that would cover 150 feet so it won't be allowed. And they are lighting them off. They are lighting them off on the streets which you are not supposed to do because that's Township property. Mr. Eaton noted that if the Township Ordinance matches the state ordinance there is not a problem. If the Township has a general Noise Ordinance, I think then that would be applicable. If the Township Ordinance says fireworks can't be louder than a certain amount, I'd say then that wouldn't be applicable because you are picking out and trying to regulate fireworks and you don't have the authority to do that beyond what the state says. Mr. Eaton would have to look at the specifics. What the Township Manager would like is to have something for our Code Enforcement Officers so they know what to do when they get calls. Councilman Woolley went on to say that he read what it said that it's a nuisance, makes babies cry, wakes people up and disturbs dogs. That is what was discussed at the Catasauqua Board meeting. Mr. Knoll asked who enforces it. Since it's a state law, do they enforce it? Mr. Eaton replied that he thought it was the Department of Agriculture. He wasn't totally sure. He hadn't looked at the law for some time, but the State Police can enforce it. He wasn't sure if the DOA inspectors did. Mr. Eaton thinks the Township can enforce municipal ordinances that are not anymore strict than the state ordinance and unfortunately some people may have the feeling that there are no restrictions now. Mr. Knoll's concern is that the Township has already had one firework incident. He didn't know the specifics. They were shooting them off in a parking lot so they didn't have the evidence to prove anything. Mr. Wegfahrt noted that the state changed all that so we will have to change our Ordinance to comply at this point. He noted that our present Ordinance says no fireworks at this time. He thought our Ordinance was in contradiction with the state law as it is right now. Mr. Eaton agreed that our Ordinance needs to be changed to comply. Chairman Paulus told Mr. Eaton to look at it and match it up and you might have suggestions to tighten it up somehow. Mr. Eaton will look into what our options are to make it stricter and add regulations beyond what's in

the state ordinance. Mr. Eaton thinks the enforcement will be more problematic than before because there was a blanket prohibition. When you start to make a distinction between one kind of firework to another, it puts the Code Enforcement Officer in a difficult situation. Their only authority is to hand them a piece of paper right now. Mr. Garges noted that there is a confiscation provision in there but that was when they were banned. If anyone had anything, they could take it. Now they have to figure out if it's allowed. Mr. Wegfahrt said the good news for Code is that if it's 150 feet from a building, it will make it pretty easy because there are not too many places around here where people should be lighting them off. Mr. Wegfahrt started a discussion regarding how we would enforce this or what the State Police will enforce. Mr. Paulus asked the Board what they thought about restricting fireworks in the parks. The Board was in agreement to not allow fireworks in the parks. Mr. Eaton noted no Township properties, no Township parks, no Township rights-of-way, streets, and so forth. Mr. Eaton reiterated that he would provide distinctions of what you can or cannot do. A discussion followed. Mr. Knoll suggested also placing something about the new firework law and Township restrictions in Fire Company's newsletter coming out. Mr. Garges noted that we would also check if the pavilions are rented or not. We'll make sure that anyone who has pavilion rented know. Mr. Paulus suggested putting a notation on the rental application that renters sign for pavilion use that will say No Fireworks in our Parks or we can have Jeff Mouer, Public Works Supervisor, put signs up stating No Firework Display Whatsoever. It will also be included on our website and Facebook pages. Mr. Paulus said Mr. Eaton will write this up and then we can see how tight we want to get with it. Mr. Wegfahrt asked Mr. Eaton if they could have something in hand by the next Council meeting on the 20th so it can start being enforced. Mr. Eaton replied that yes, he would have something by then.

- G. PLGIT is a state-run investment and banking company. They offer procurement cards. There has been some talk about the PNC credit cards we have and trying to get that switched over. We've had some issues with PNC with the way the account would be set up so we reached out to PLGIT who we've just done some investments with. They have what is called a procurement card, which basically looks to the user like a credit card, but it's set up a little bit differently from a transfer standpoint of the way the funds work out. Mr. Garges met with PLGIT last week and has information for Council, but to move forward with that, we would need a Resolution from Council authorizing us to do that. Mr. Garges went on to mention some highlights of the program and how it would benefit the Township. With Council's approval, we can draft a Resolution and get some more information. Mr. Garges said he could leave information for Council if they want to take the information and look through and he could also present a little more information at the next meeting with a Resolution that we could get started with the procurement card. Mr. Garges went on to discuss the limits it has per card, per transaction type, per day. He said there are all kinds of control measures that could be put on the card. Mr. Paulus asked if it was more of a card for municipalities rather than a general PNC card. Mr. Garges replied that he was correct. Mr. Garges explained the issue with PNC is that they want personal information and personal social security number of one of the employees of the Township to tie it down. All PLGIT deals with is municipalities, school districts.

Those types of institutions. Mr. Garges did reach out to the Auditor because it is a little different from a credit card. With a credit card, you get a statement, 30 days to pay. And with PLGIT, it directly transfers out of our account. We would just have to make sure funds are available and voucher everything to the correct codes that it would get charged to. Mr. Woolley mentioned that there are limits where you can go with the card. For example, if you are in Maintenance, you can only buy maintenance. You can't just go to a nail salon for instance. It's based on the transaction. Mr. Woolley mentioned he is familiar with it. It's a CITGO. Mr. Garges went on to explain how the transactions would come through on our statements. Mr. Garges said he would get more information on everything to Council. Mr. Paulus questioned if it was like a VISA or MasterCard. Mr. Garges replied it's like a VISA. Mr. Wegfahrt wants to make sure we still have our credit card use policy in place and solidified before we go adding more credit cards. He thinks it's a good idea to have it, but he still thinks we need the safeguards around it internally for our own policy perspective. A discussion followed by Mr. Woolley and Mr. Wegfahrt regarding the safeguards and internal credit card policies. Mr. Eaton had a question regarding it being a direct payment. He asked if it was like a credit card. Mr. Garges responded that it looks and functions just like a credit card, but the difference is you don't get a bill in a 30-day period. There is a 7-day grace period and then it automatically deposits ACHs out of your account. Mr. Eaton said they would have to talk about doing some kind of advanced allocation of these accounts because the Charter requires you can only take money out after there is a voucher. Mr. Garges replied that that is why he contacted the Auditor because we will either need to put a certain amount in at the beginning of the year, or certain amount in per month to monitor it because we don't want to get into paying late fees or anything like that. At this time, Mr. Woolley went on to discuss the benefits of a procurement card. Mr. Garges mentioned while they are discussing PLGIT, the Township had already done a Resolution years ago to allow investment in PLGIT. The Township Clerk and himself had recently moved \$1,500,000.00 of Reserve monies which between that move and the move from PNC to interest-bearing checking accounts, we are looking at a net of \$50,000.00 to \$60,000.00 plus a year in interest so we are able to take advantage of some of the increasing interest rates. Mr. Garges noted the way they did the investment would be that they did a six-month and roll them over and see where the rates are going as we move forward. Speaking of Capital Reserve, we are getting near that time. The Capital would be due to Council on the 1st of July and the Charter requires 15 days for a hearing for that. Our normal meeting for July would be on the 18th. If Council agrees, we could meet an hour earlier on the 18th and have our Capital Budget Hearing that night. Council was in agreement. On the note of Capital, we are working with Keystone, Public Works Department and our Fire Company for the Capital Program. Mr. Garges asked if there are any other projects out there that Council wants us to look into moving forward? Mr. Paulus responded there is nothing new, just what's already out there.

- H. At the last meeting, there was a discussion about the Han-Le-Co historical records and the monthly reports that we receive. Mrs. Roth reached out to them and basically their system crashed. They are on a new system now and repopulating everything so they are basically carrying everything from photocopied monthly

reports that they had before. So, as we move forward that will repopulate itself electronically. Mr. Wegfahrt said it would be nice to see that and where we are trending in a lot of areas and how much and when it drastically increases. Mrs. Roth noted that they cannot get prior but can get copies of what they had. Mr. Garges mentioned that we could get those photocopies and enter the data. Mr. Wegfahrt agreed. He thought it would be helpful to the EMTs and rescue from that aspect to see how things are trending and where. Mrs. Roth asked how far back they wanted them to go and Mr. Wegfahrt replied as far as they can go. Mr. Wegfahrt said the data is there. We just need to get it and put it back in.

2. Al Kortze, P.E.
Township Engineer

- A. The Sherwood Park Ballfield is pretty much completed. They just have a little bit of touchup work to do. Mr. Kortze said he thinks it came out really well. It was well under budget from what they initially anticipated. Finally had a few nice days to do the work. There are just some restoration items that they still have to do and it will be complete then. A discussion followed between Mr. Kortze and Mr. Wegfahrt regarding what still needed to be done to complete it.
- B. The Lower Lloyd Street Sanitary contractor had a Notice to Proceed of Monday, June 4, 2018. They are in the process of giving us their drawings and submittals for us to review and will probably be starting work within the next couple of weeks.

Mr. Garges asked Mr. Kortze if he wanted to mention anything about Sherwood St. and Troxell Street area and Mr. Kortze said yes, yesterday he met with the Township Manager and Public Works Supervisor and they drove through the Troxell Street neighborhood over the patches. There are some bad spots, places where it's lower than the existing pavement where it's higher and he is going to call the City of Bethlehem first to have them to do the sealing of the patches and also put them on notice that they are going to go out at some point and mark the ones that need to be corrected. He wants to give them a period of time in case there is some random settlement. That way they can come out at once and take care of everything. He thought that was the consensus when they toured the area yesterday. There is a section, and he will put it in his report as far as the Road Programs, and lay out for Council's approval and recommendation on how you want to do it, but there is one section on Upper Troxell Street, it's about a half block long. We've been having nothing but problems with settlements/sinkholes, if you will. I think that area is going to require some special attention. He is working up some ideas as far as what they might want to do with that half a block. He thinks that's something at a minimum would probably need to be done this year. Mr. Wegfahrt asked the Township Engineer if he was talking about the section south of Taft Street. Mr. Kortze confirmed that was what he was referring to the top of the hill, basically. Mr. Wegfahrt asked the Engineer if that was what we just went out to do a core sample to or something like that. Mr. Kortze replied that they excavated for a sinkhole, but it's settling elsewhere. A discussion followed. Mr. Kortze will come up with some different options for the Troxell Street neighborhood for consideration at the next meeting.

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

Mr. Eaton mentioned that most of his items were discussed in the Agenda but he did have another item with regard to Resolution 2018-37 which Council approved at the last meeting which was transferring 24,500 gallons per day capacity from Hanover to Allen. Late this afternoon, Mr. Eaton got an email from Rockefeller that the intended transfer was 24,200 gallons. The memo that they sent to the Township from their engineer did have a statement that there was allocated sewage flow for Lots 4 and 5 of 24,500 which was in the Resolution and they have a separate table where they calculated the sewage requirement for each of those lots individually based on the number of employees which apparently is what Allen used to say what they needed and he assumed that added up to 24,500, but it did not. So, they never asked for that elsewhere. But, in any event, Mr. Eaton requests a Motion to Amend Resolution 2018-37. And the Motion would be to change the words, "24,500 gallons per day" wherever that appears in the Resolution to, "24,200 gallons per day". And, also to amend the payment amount of \$153,125.00 to \$151,250.00.

Mr. Wegfahrt asked Mr. Eaton if there was a way to track per month or year or however we are going to do it to find out what we are allocating is accurate. Mr. Eaton replied that we get a reading each month as far as the flow that's coming in so we know what the flow is coming in. It's harder to check it to each property. They were candid in acknowledging that these were for lots that were outside the FedEx Project area and so they did not challenge the additional fee which was in accordance with our agreement. Once we get the fee, there really isn't any difference in going forward. We can tell the total we are getting from Allen Township. If it exceeds that, then we would do something because then it's in our capacity.

Motion: I move that we Amend Resolution No. 2018-37 to change the words, "24,500 gallons per day" wherever that appears in the Resolution to "24,200 gallons per day" and the payment amount of \$153,125.00 to \$151,250.00.

Paulus, Wegfahrt: Moved and Seconded
Lawlor, Wegfahrt, Woolley, Paulus:

Aye Unan.

Unfinished Business:

A. Amendments to Part 9 of the Hanover Township Code of Ordinances "Bonfires, Recreational Fires and Portable Outdoor Fireplaces." (Discussion)

Mr. Wegfahrt said the Township Manager was kind enough to follow through on everything they asked at the last meeting as far as surveying the nearby townships and other things he had provided in their packets. Mr. Garges noted he included a table in Council's packets with a survey of surrounding municipalities if they permitted recreational burning and any notes. There is also a memo in the packets from Code Enforcement Officer John Lemos, which was Mr. Paulus' request to poll him to see what his thoughts were. There are general requirements found in the International Fire Code 2009, Section 307, that discuss open burning and recreational fires. This can be used and is followed in most of the Ordinances that

Mr. Garges looked through that were included in Council packets as well. This gives Council some of the criteria, distance from house, distance from property line, size of the fire, a screen over top of it, those types of things. Mr. Wegfahrt noted that he thought before they were banned, he didn't think there were any rules right around burning as far as recreational and so forth. Mr. Paulus pointed out that the burning of trash is covered under BOCA, but when you get down to recreational burning, BOCA does not cover that. A discussion followed. Mr. Paulus asked Robin Yoder as former Code Enforcement to come to meeting tonight because he and Mr. Yoder had a lot to do with problems that happened in the past. Mr. Paulus asked Mr. Yoder to take the microphone and give Council some history. At this time, Mr. Yoder proceeded to give a history of past problems with recreational open burning in the Township. Mr. Yoder took the mic and spoke on behalf of Code Enforcement and the Fire Department regarding problems they had in the past with open burning and the hazards and problems associated with fire pits, chimeneas and open burning and discussed alternatives to fire pits and chimeneas. He went on to say that as a Fire Chief he went to Mr. Paulus with rules to be put in place for the safety of everyone and they have worked and he would hate to see the Township go backwards. Assistant Fire Chief Knoll took the microphone and voiced his opinion and concerns on the matter as well. A discussion ensued after comments from the Fire Chief and Assistant Fire Chief. Chairman Paulus went on to describe the hazards wood smoke has on an individual compared to cigarette smoke and what it does to the heart and lungs. Mr. Wegfahrt commented that he understands all the concerns and doesn't doubt them, however, there were no restrictions on what you could do and the lady Mr. Yoder was talking about wasn't following the law to begin with. He understands the worst-case scenarios. But, he noted that rules are rules and if you follow them great and if you don't follow them, you get an Ordinance fine, ticket or whatever the case may be whether the Ordinance exists or not. People are burning now, people in the past my understanding is were burning pallets and other things like that too which at the time there was no rule against it, but obviously this Ordinance change would not allow for that. A discussion ensued on the purpose of laws in place and regarding how the Township will regulate it. Mr. Wegfahrt stated that he understands everyone's points, but his point is that there are people with common sense and how to do things correctly and aren't going to do something illegal, wrong or in a dangerous way. At this point, there was a discussion regarding the smoke going into your neighbor's house. Mr. Wegfahrt stated that these falls under nuisance so if it becomes a nuisance, they call Code and Code will go out and enforce it. A discussion followed regarding different scenarios of having a wood burning pit and distances from building, bushes, etc. Mr. Wegfahrt said he appreciated the Fire Chief and Assistant Fire Chief coming in and giving their views and the views of the other Board members. He just wanted a discussion to be had and he appreciates that. Next time he wants it to be a discussion and not making it personal because that doesn't make things easy to discuss and come to a logical conclusion on things. He will leave it at that and if a vote were to be taken now, it could go any which way so he isn't going to introduce it at this point. But, he does appreciate everyone's time, views and experiences on the matter. Mr. Wegfahrt thanked everyone.

New Business:

- A. 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) (Public Hearing)

Mr. Eaton noted to the Board that he has another change he received today from Rockefeller with regard to this. We reviewed this last time, it was introduced and he said they had some problems with an indemnity that was in there and we asked them to strike that. PennDOT has done that. We also looked at the language and the easements are over slithers of land we acquired from Krapf, CTS and Qualex related to the Race Street and Willowbrook Road intersection. That's why we own that property along the side of the road and we can grant an easement over it. That's not a problem. Two of the other segments where they wanted easements the Township does not own the property. The Township simply has an easement that it acquired when previous plans were filed. You cannot grant an easement on an easement. You can assign an easement, but you can't grant an easement on your easement. There is no change at all on the plans, there is no change substantively to the description, there is just a change to the language requesting that the Ordinance be not only to convey an easement but to convey an assignment of an easement. Mr. Eaton requests that the title be changed to read, "An Ordinance Authorizing, Conveying or Assigning an easement to the Commonwealth of Pennsylvania, Department of Transportation, for the Purpose of Road Widening, Certain Easements Over Certain Property Along the North and South Side of Race Street." And further down the amendment to read, "Hanover Township hereby ordains that the Ordinance in Accordance with Section 312(7) of the Hanover Township, Lehigh County Charter, the Township Manager is Authorized to Execute on Behalf of Hanover Township, Lehigh County, a Deed of Easement or Assignment of Easement to the Commonwealth of Pennsylvania Substantially in the Form of Exhibit 'A' Attached Hereto and Subject to the Approval of the Township Attorney Over the Property of Hanover Township as Described Therein and Shown on the Plan Attached Thereto and for the Purposes Described Therein." Mr. Eaton went on to say that really the only change he is making there is adding the Assignment and he has the revised easement from PennDOT and he's asked that easement be attached as the exhibit to the Ordinance. Nothing has been changed except the addition of the language with regard to the Assignment. He can provide copies of this to the Township Manager and Township Clerk. Mr. Garges asked if this is a substantial change that will need to come back. Mr. Eaton replied no because it involves the plans are the same, the rights that are given are the same. The only question is originally this was written as if we owned all the property over which the easement is being given and, in fact, over two of the properties we just hold an easement. We don't own it so we are assigning our easement. Mr. Garges asked if we can move forward tonight with this. Mr. Woolley asked where all those properties are located. Mr. Eaton replied they are the properties at the Race Street intersection and then further along Cascade and Fashion Drive. In that area. Mr. Garges told Council there are plans in Council's packets as well. The plans are not changing in the Ordinance. The descriptions aren't changing. Mr. Paulus

