

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

August 1, 2018
7:30 P.M.

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

Absent: Lawlor

Attendance: 8

Conditional Use Hearing:

1. B. Braun Medical, 939 Marcon Blvd. (Continued to September 5)

Courtesy of the Floor:

1. Willowbrook Road Construction, Johanna Chervak, Rockefeller

The Township Manager, Christopher Garges, gave a brief overview before Ms. Chervak speaks. Mr. Garges asked Rockefeller to come to this evening's Council meeting to present to Council since there has been a bit of a change in phasing and construction with the loop around the culvert. Instead of Mr. Garges explaining what was happening there, he asked Rockefeller to come before Council to explain for council's information. At this time, Ms. Chervak spoke to Council about the changes to their phasing on the road improvements. Ms. Chervak brought along with her Mike Leondi from Rockefeller's Design and Construction group who oversees Alston and Lehigh Valley Site, the contractor's that are out in the field performing the work. Ms. Chervak went on to say that, as anyone can see, with a project of this scale, there have been some delays so they are not meeting their targeted schedule as they had anticipated, but they have been working very closely with PennDOT on the work that they are doing and this rephasing effort that they are enacting at this time to accommodate FedEx once they open their doors. If Council will recall, the traffic study that they did was full blown project at complete buildout at 3.1 million, 3.3 million square feet of traffic. Right now, the only building that is fully constructed and open is the FedEx Ground facility. Their overall traffic is 1.1 million square feet of our traffic study, but their initial phase is 800,000 square feet. Ms. Chervak said that they met with PennDOT to have a conversation about what improvements need to be in place to accommodate just the FedEx traffic and then they will be completing all the other permits before coming on line which will be starting construction shortly. She mentioned that Mike Leondi is going to walk Council through the phase of the project, but basically the work that has to be completed for FedEx are certain turning movements at the Willowbrook and Race Street intersection to accommodate their traffic, trucks going up and then going south and turning back onto Race Street. Because of the delays that they had related to two primary reasons are utility relocations. You are relying on a lot of utility

companies that have to get utilities relocated and there are a lot of conflicts. They do their own relocations and that is something that FedEx cannot control. The other issue is the water line on Willowbrook Road, which is about a 60 to 80-year-old water line. The culvert that is there has to be replaced. The City of Bethlehem is actually requiring that FedEx actually relocate the water line around what will be the new culvert. Right now, it is running under the Culvert. They've had some delays getting the tapping done on that and closing off the existing. They are keeping the bypass road in place longer so they can complete that work but they can also get the turning movements in on Willowbrook and Race to satisfy PennDOT so it meets their requirements. The other part to this is that FedEx will be opening, hopefully, in mid-August. That is their goal. They are on a ramp-up so that they will be starting with very limited operations in August and then ramp up as they test their facilities as they go so that in through the month of September they can bring in their four local facilities one by one. Then in October, they will be ramped up for full operations. FedEx will have the intersection work done before they open and then continue with all the other improvements during that time. At this time, Ms. Chervak asked Mike Leondi to walk Council through the phasing process which they had in front of them as part of their packet. Mr. Garges said that there are different phases so they will have about five different sheets of the phasing process in their packets. Mr. Leondi asked Council to check the date of the phase description and it should say revised as of July 3, 2018. Mr. Garges mentioned that his packet said revised July 10, 2018. At this time, Mr. Leondi gave an overview of five sheets presented to the Township and titled Willow Brook Road/Race Street Intersection Interim Traffic Patter – Phases 2A, 2B, 3A, 3B and 4. Mr. Heimbecker asked Mr. Leondi if he had any objections to them scanning the phases into permanent records since they are being presented to them this evening. Mr. Leondi responded that he had no objections to this. Looking forward at the rest of their schedule. The Airport and Race Street intersection will be the next piece of scope that will be tackled. Middle part of September to early October, we should see that work underway. Their goal is to basically have Willowbrook, Race Street, Airport Road intersection and Schoenersville and the last leg of Airport Road complete around Thanksgiving with some top coat and landscaping work carrying through to the end of the year. At this time, Mr. Leondi took questions from Council and a discussion followed. Councilman Heimbecker was concerned with traffic flow and safety measures. Mr. Leondi replied that a shoulder has been widened and a third lane has been added and that the traffic flow will actually decrease. He said the new roadway with the bypass is a much more stable and modern roadway for truck traffic than the existing roadway was. Mr. Leondi said that when FedEx actually gets their CO, the traffic flow will actually decrease since right now there is a ton of trades people coming in and out of there as well as their delivery trucks. Councilman Wegfahrt asked what if there are more delays. Mr. Leondi responded that unfortunately it will have to be addressed as they get to them. Ms. Chervak responded that the most important points in case of delays is that they've already dealt with all of the big issues. Barring certain site issues, they should be able to move forward. Mr. Wegfahrt said he is mainly concerned about road delays. Vice Chairman Woolley mentioned that there is also the issue of school buses going up that road. Mr. Wegfahrt asked the Township Attorney if there are any liability issues that concern him. Mr. Eaton responded that he doesn't think

there are any more or any less liabilities there that were there with the old road. His understanding is that the road was constructed with the anticipation of what the traffic was going to be. He also understands that the engineering has been improved to now accommodate the vehicles which are larger. He said it's not an elimination of liability, but they appear to have addressed it. Mr. Woolley asked Ms. Chervak about the little bridge out there and the weight limits. He said a dump truck was right in front of him going over the bridge. Ms. Chervak asked if he meant the Bullshead bridge and he replied yes. She said it's not approved for large tonnage and the dump truck should not have been going over it. That bridge is not outfitted to handle that kind of capacity and that shouldn't have happened. Ms. Chervak said that Allen Township has restrictions in their ordinance restricting traffic going north. The Township Engineer, Al Kortze, mentioned that one thing that they encountered was really weak subsoils in that area and they had gone through a number of different options and the option that they are using is cement and soil stabilization and it's work phenomenally. It's something that is fairly a common practice instead of undercutting the bad soils and bringing it up with stone. Mr. Kortze explained the process of doing this and the testing and inspecting process on their part. He mentioned this because it was something that held up the project too in trying to figure out a way to correct those terrible subsoils. He felt that the end product of Willowbrook Road is that it will be significantly better from a structural standpoint.

2. At this time, Shelly Mansell, 743 Fifth Street, Whitehall, PA 18052, requested a sunset extension for her daughter's graduation party on Friday, August 3, for cleaning. Mr. Paulus asked her if she were serving alcohol and she responded that she told her guests that she wasn't serving alcohol.

Motion: I move that we extend the sunset hours for the Mansell party to 9:30 p.m. for extra time to cleanup.

Wegfahrt, Heimbecker: Moved and Seconded

Heimbecker, Wegfahrt, Woolley, Paulus:

Aye

Unan.

Approval of Minutes: July 18, 2018 Regular Council Meeting

July 18, 2018 Special Council Meeting—Capital

Motion: I move we waive the reading of the Minutes of the July 18, 2018 Regular Council Meeting and accept same as presented.

Paulus, Heimbecker: Moved and Seconded

Heimbecker, Woolley, Paulus:

Aye

Wegfahrt:

Abstained

Motion: I move we waive the reading of the Minutes of the July 18, 2018 Special Council Meeting--Capital and accept same as presented.

Paulus, Woolley: Moved and Seconded

Heimbecker, Woolley, Paulus:

Aye

Wegfahrt:

Abstained

Reports:

1. Christopher J. Garges
Township Manager

- A. The Manager reported that he received a complaint from Township resident regarding a verbal altercation in the Race Street/Willowbrook construction site. Complaint was forwarded to Alston Construction and Rockefeller. The next morning, they had an all hands meeting with all the players including our inspector and they went over proper etiquette on conduct on the site and they seemed to take it seriously.
- B. Mr. Garges gave an update on the website upgrade. Cost \$10,000. New Arrival Studios. Other Townships using them are Allen Township, Lower Saucon Township, New Britain Township, Bethlehem Township, etc. Mr. Garges said he sent out links to Council so they could take a look at these other Township's website created by New Arrival Studios. Mr. Garges gave an overview of some of the type of work that New Arrival Studios has done which he discussed at the last Council Meeting. Mr. Garges worked with New Arrival Studios in Lower Saucon. They did three do overs of the website over the years. They also include professional photography. We would not get started with the full update of the website until Fall/Winter project. Mr. Garges wanted to see where Council was with this so they could start getting pictures together of the seasons. Mr. Wegfahrt asked Mr. Garges if he sent out the link information before the last meeting. Mr. Garges replied that it was after the last meeting. Mr. Wegfahrt said he remembered seeing something and he is all for it as long as it updates the site and integrates with social media and that it's something real time and if its mobile optimized, that's a big thing. Mr. Garges replied that the owner of New Arrival Studios tested it on desktop, laptop and mobile. It is optimized for all of those. He has been doing municipal websites for 20 plus years. He really has it down. He is local and he is very responsive with any bugs or any issues. He built his own back end so we won't be going through a WordPress. It will be easier from our standpoint to update and manage. Mr. Wegfahrt asked if it would look like the other Townships' website except with different pictures and Mr. Garges responded that it would be similar. He recommended Council go on some of the links he provided. The other Townships' website looks similar but they are different. Mr. Wegfahrt commented that as long as the Township has a say on the design and things of that nature. He doesn't want them saying, here you go and here is your site. He wants Mr. Garges to have input on how he wants things done. Mr. Heimbecker said that the most important part is that Mr. Garges is comfortable working with them and that he has command of it. Mr. Garges said the other component to the new website is updating and downloading all of our forms onto the website. Mr. Wegfahrt wanted to know if they had an app for the mobile aspect of it and can we integrate any kind of app with it. As an example, Mr. Wegfahrt mentioned the app from PSATS. Mr. Garges said the owner of New Arrival has the ability of doing all that. He went on to explain same. Council agreed to move forward with new website. Mr. Heimbecker said its part of an administration tool. Mr. Garges replied that it's part of the Data

Management being put in place and Mr. Wegfahrt commented that it's basically a communication tool.

- C. Mr. Garges reported that at the last Council meeting, they discussed an electric vehicle for Administration use. He and Mr. Mouer did some research. The one that the Township is looking at is the Chevy Bolt. Mr. Garges explained the operations of the Chevy Bolt (i.e. mileage, etc.), pricing and availability through CoStar. Mr. Garges said that one thing they are looking into is AFIG from the DEP and there is a grant out there that he would have to submit by December 31 and they will cover the difference, if we are successful in getting the grant, from a normal aspirated fossil fuel driven vehicle be versus electric. Mr. Heimbecker asked how we would refuel this vehicle. Mr. Garges replied that it comes with a charging station that would be installed in one of the Public Works bays. Mr. Heimbecker asked if we had any idea on the rating of this vehicle. He wanted to know if we looked at something that runs on natural gas instead. Mr. Garges replied that we did not. Mr. Heimbecker didn't think the electric cars today have a good track record. At this time, a discussion ensued regarding the reliability of an electric car. Mr. Heimbecker would like to see an alternative of something that ran on burning gas like UGI does. Mr. Garges said that the only problem he saw with that is that we would have to find fueling stations and he was not sure where there were any. Mr. Wegfahrt thought it could be something as simple as putting in a propane station here at the Township, only if it's an option. Mr. Wegfahrt asked if the Bolt was similar in size as the Honda Fit. Mr. Garges thought it might be a little larger than the Fit. At this time, a discussion ensued about other vehicles that were looked at and their comparison. Mr. Garges said he would look into other options. Mr. Heimbecker asked if this car would be replacing the Code car. Mr. Garges said as discussed at the last meeting, now that we have a third Code Officer during the day, street sweeping, and that type of thing, the Admin vehicle that we presently use and share with the Code Office. This new car would be for Admin only for daytime Township business. Mr. Heimbecker wanted to know if there is any type of difference with insurance coverage for this type of vehicle. Mr. Garges said he would check on it and report back to them. Mr. Wegfahrt asked that we get a comparison also with the Honda Fit and those types of cars to see the difference. Mr. Woolley mentioned an article in Township News regarding going green for vehicles. He wanted to know if there is an extra incentive coming down from the State right now. Mr. Garges responded he believes those are all in a form of tax incentives and we don't pay tax. Mr. Garges said he would look into this further. He hadn't seen the article. Mr. Heimbecker talked about the value of a Honda Fit. Mr. Heimbecker mentioned that he sees a lot of cars that are running on natural, clean gas or propane. Mr. Garges told Council he would look into all their concerns and report back to them.
- D. At this time, Mr. Garges reported on LNAA – runway improvements. He said last week, Mr. Kortze, Vicky Roth, the Township Clerk, and himself met with the airport. They are receiving funding from the FAA for a four-stage improvement to the runway to bring it up to current standards. Mr. Garges went on to give an overview of the four stages. They would like to start in the Fall since they are getting funding. From a technical standpoint, it would be a land development

under our Ordinance. Mr. Garges suggested to them to come before Council for a Waiver of Land Development or more like a deferral of land development until they get to the point where our Ordinance would kick in for storm water use and that type of thing. Mr. Garges has plans if Council would like to see what they are doing. The gist of it is that they are widening lanes, put shoulders on them and bring it up to current standards. If Council agrees with this, we will go back to the airport and have them come back to us with proper submissions. Mr. Wegfahrt asked if this is something mandated by the FAA. Mr. Garges replied that it's current standards, but they are getting funding from the FAA to do it. The airport has a timeframe from the FAA. Mr. Wegfahrt asked Mr. Eaton if deferring the land development is ok to do in the way it was discussed. Mr. Eaton replied that yes because the actual change in the infrastructure will not occur until a later stage and there is existing drainage which will not be removed until the new drainage is in place. The Township would not have to secure anything under the Municipalities Planning Code until it gets to changing the flow. Mr. Heimbecker wanted to know if the only thing the airport discussed at the meeting was the drainage. Mr. Garges replied no that the Township has plans with all four stages. They are going for their NPDES Permit currently through the Conservation District. Mr. Garges reiterated that if Council wants to see any of the plans in advance he has them for viewing. Mr. Heimbecker said he asked because it appears that Runway 13 and 31, the north and south runway, are starting to pile up more and more dirt on the other side of Race Street and it looks like it's coming into fruition that it's going to be extended. Mr. Garges said they didn't mention anything about that. There are going to be excess spoils from the reconfiguration of the storm water and they are actually going through the Conservation District to get their NPDES Permit for it. Everything is going to remain on site, but they are actually creating a soil pile. Usually, for something like that, they would have to go through compacted lifts and proper channels.

- E. Mr. Garges sent out an email yesterday regarding B. Braun, July 26, 2018 letter regarding Notice of Plan Approval Application submitted to DEP for 901 Marcon for air quality permitting approval for the expansion. Mr. Garges was not sure if the Township dealt with any of these in the past, but there is a 30-day comment period. Mr. Garges asked Council if this is anything the Township would want to look at or comment on. Mr. Garges would have to reach out to them to get additional information for us to look at so we fall into that 30-day window or we could ask for an extension from that. The Township Engineer, Al Kortze, commented that he was not aware of ever getting involved in anything like this is in the past at the Township. He said in some of the other municipalities he represents, the cement plants that are there, have to get air quality permits when they do improvements. Mr. Kortze said that usually the process is essentially a permit renewal. There isn't much that's available information-wise that he could make any comment on. It goes through DEP's air quality department. Either it's existing and they are getting a renewal or it's a new one. Mr. Garges said that it's part of B. Braun's expansion that they are doing so that would explain it.
- F. Mr. Garges reported that the 2017 Financial Audit was submitted by France, Anderson, Basile and Company, the Township's Auditors, on July 12, 2018. He provided PDF copies to Council via email. He asked Council if they had any

questions to reach out to him. Mr. Heimbecker mentioned that approximately two years ago, they discussed different types of audits that were available to Council. Mr. Heimbecker feels since we have a new Township Manager it is probably appropriate to have a meeting with Council when everyone is present on the different types of audit available that might answer some of the questions where the Auditor felt the Township fell short. Mr. Garges asked if that would be a Special Council Meeting. Mr. Heimbecker replied yes, however, Mr. Garges would want to arrange it. Mr. Eaton commented that he thought if it is just an information gathering meeting where Council is there and the Auditor is there and the Auditor is explaining the different types of audits, everyone can ask their questions and then at a later advertised meeting, you can discuss what you want to do or you can make it an advertised workshop. The difference is that you can't discuss it amongst yourselves as to what you want to do or what conclusions you want to come to because then you would be deliberating. If you advertise a workshop, whomever wants to attend can attend. Mr. Wegfahrt said he prefers a special meeting because depending what they hear, they may want to discuss some of the issues there and then rather than waiting. Mr. Wegfahrt would rather have it out in the open. Mr. Garges commented that that is something where the Auditor would attend and present. Mr. Eaton said it would be their different levels of review of the Township's books. They can go through them and make sure everything adds up and then they can go through them and make sure everything got to where it was supposed to or went somewhere else. You can do all kinds of different things. Mr. Heimbecker said it came down to them asking a question and the question went unanswered because that was a question that would have been answered by a deeper type of audit that the Auditor wasn't prepared to answer because the Audit didn't go that far. Mr. Wegfahrt said to Mr. Garges that in all honestly, he is taking over anew and there has been so many years of doing things one way so it's probably good to dive in really deep so he has a really good lay of the land and know what's going on. Mr. Garges said he will reach out to the Auditor and set something up.

- G. Mr. Garges gave an update on an incident that happened today in the Township. Forrest Graver, in Public Works, was using the road mower over on Irving Street at the 22 overpass and he clipped a PPL utility pole slightly. Mr. Graver reported that his foot was wet and slipped off the clutch. He is okay. There could be an insurance claim through PPL. PPL was notified and they came out to the scene.

2. Al Kortze, P.E.
Township Engineer

- A. Mr. Kortze wanted to give an update on the Troxell Street sinkhole issue. Last Monday, he contacted Richard Lee who is a geophysicist. His company is Quantum Geophysics. Mr. Garges, Mr. Mouer and Mr. Kortze met with him on site to go over the needs of what the Township was looking for. Mr. Lee spent a good bit of time going over the types of processes they would use to determine underground voids like caverns, sinkholes and the like. He eliminated two of them quickly. One was electric feasibility because of the amount of metal pipes that are within the cart way area that would interfere with the signal and the other was ground penetrating radar because of the thickness of the clay soils. Mr. Lee

came up with two ideas of identifying the voids and one of them is microgravity and the other one is called multichannel analysis of surface waves or MASW. He recommended that both of those processes would be implemented because one compliments the other. He gave us parameters of what the Township would need from a survey locating. Essentially, he lays down a 10 by 10 grid throughout the study area and in each of those points every 10 feet in all directions they do these tests. Mr. Lee then provided the Township on July 30 with a synopsis of what he does and then also a cost. Mr. Garges had a good idea of having Mr. Lee quote two areas. One of the areas would be concentrated where the sinkhole activity is most prominent which would be Troxell Street, half block in either direction, mostly half block south and then Taft Street in either direction. The other was full width, the 1800-1900 Block of Troxell Street, Taft Street east and west to the next intersection. The first proposal Mr. Lee came up with was \$18,555 to do the smaller section and the second proposal was \$26,995. Mr. Kortze checked out some of Mr. Lee's credentials. He received nothing but positive feedback from people who have used his services. Mr. Lee has worked in the Lehigh Valley quite a bit and has experience working with PennDOT and highway projects. He also has worked in New Jersey. Mr. Kortze felt comfortable with his knowledge and experience. Mr. Kortze was asked to come up with some proposals and Mr. Lee was one of the first that responded and would be able to get back to him prior this meeting. Mr. Wegfahrt asked Mr. Kortze how he heard of Mr. Lee. Mr. Kortze replied that his geologist used his services in the past in the Philadelphia area and really liked him. Mr. Kortze also spoke with Forks Township where he previously worked. Mr. Heimbecker said that his letter presentation was excellent. He said the letter explained the technologies, the plus and minuses of both. He gave examples of the work he did at 422 regarding the core drilling and repair to the road. Mr. Heimbecker thought he presented everything they wanted to see. Mr. Heimbecker said he's been vocal to the Board as to having Keystone do any work in conjunction like laying out the grid. Mr. Heimbecker said that Mr. Kortze as the Township Consultant/Engineer should not be involved in the work. He said if the Township is hiring for a study to be done not in part and partial to something that Mr. Kortze is involved in, but someone who Mr. Lee is used to working with. That they do the work. The Township gets one bill and then Mr. Kortze gets to inspect it. Mr. Heimbecker doesn't want anything tainting something Mr. Lee does by him saying Keystone laid it out for us. Mr. Kortze said he is fine with however Council decides to proceed. Mr. Heimbecker said he sent back a rebuttal that was presented that he would like to see Taft Street out to Pennsylvania Avenue because there is a private residence there from the corner with swimming pool damage and he would be interested in knowing if there was something under Taft Street going out to Pennsylvania Avenue and then he would like to see the entire 1800 Block of Sherwood Street because they had road failure on the southern half of the block. They've had repairs on that road. It's all been from Taft Street going south on the 1800 Block. Mr. Heimbecker wanted to know if Mr. Lee was able to get back to Mr. Kortze with any feedback on what he would charge to do the grid work and if they change that pattern what it would look like. Mr. Garges replied that Mr. Lee did not get back to him. He didn't get out of the conversation about the Sherwood piece of it and he didn't ask him for that. Mr. Lee did get back to Mr. Garges about the survey numbers into that to keep Keystone out of it. For survey area 1 it was \$2,250 and additional for survey

area 2 which is the larger was \$2,990. Mr. Heimbecker asked Mr. Kortze if that was in line with what any other engineering firm would charge. Mr. Kortze replied as far as the survey, yes. Mr. Kortze said his price would have been less just from the standpoint of closer proximity to the Township and knowledge of the area and they have some of the control points set up, but he didn't think it was significant enough to outweigh their concerns about Keystone helping out there. Mr. Kortze said Mr. Lee said Keystone would have to provide him with a base map, which is fairly nominal and wouldn't involve any field survey work. It would just be a base map that Mr. Lee could plot his data off of. Mr. Wegfahrt asked Mr. Garges if we had base maps and Mr. Garges responded that the Township has them digitally, but Keystone has them. Mr. Kortze said that Keystone can provide Mr. Lee with whatever electronic mapping that he would need, but then he would hire his own surveyor and do the work and Keystone would be out of it from that point, which Mr. Kortze is fine with. Mr. Garges said Mr. Lee did say that from a schedule standpoint that he has window currently that he would be able to get on it fairly quickly. Mr. Wegfahrt said he can't imagine that there are too many people in the area that do this and if the window is there and he's got the references that he's got, he is comfortable with going with Mr. Lee. Mr. Kortze said it's fairly specialized. There were one or two other names that he received, but he didn't get callbacks. Mr. Heimbecker asked Mr. Paulus where he was on all this and Mr. Paulus replied that his experience with geological surveys is when the Township was going to build its new building, the person that won the bid, Bracy, required the Township to have a geological survey before his bid would be admitted. The Township went and got a geological survey and they said there should not be any sinkholes. When they started to dig for the foundation, they found sinkholes. They held the entire project up and Bracy wanted the Township to pay to fill the sinkholes. But, the Township wasn't paying because Bracy wanted the geological survey done. They signed off on it and it was their responsibility. There was a bit of a standoff. Some on Council at that time said pay the check, they can't stop the building. Mr. Paulus did not agree and said no. Finally, they filled the sinkhole and Bracy paid. Mr. Paulus said even though the Township paid to have a survey done and they said there is no problem here, there were sinkholes. A discussion followed. Mr. Paulus said he would put the money in redoing the road the right way. Referring back to what is being done at Willowbrook Road with the slurry. Mr. Paulus thinks that's what the Township should be doing over in the Troxell Street area and make it air tight and water tight and if a sinkhole opens up, it won't go down. That's what a slurry would do. He said if it works for PennDOT, it would work for us. Mr. Woolley said both ways make sense.

Mr. Wegfahrt asked Mr. Kortze if he had any update on Saylor's Mobile Home Court and Mr. Miller or City of Bethlehem regarding the overflow of water. He was concerned that they may have had issues with all the rain lately. Mr. Kortze replied that he hadn't heard anything. He spoke with Mr. Miller when he was at last meeting and asked him to keep him posted since he said he was going to go to the City of Bethlehem and speak with them to try and get them to help out. Mr. Wegfahrt asked Mr. Kortze if Mr. Miller has come to him with any of the evidence they discussed with him and past emails. Mr. Garges said that the last time he came to Council's meeting, they left it up to him to contact the Township

going forward. Mr. Kortze said he has maps, letters and a pretty extensive file. Mr. Wegfahrt said Mr. Miller would have a pretty good case if he got the information from Mr. Kortze. It's pretty much on him to follow through.

Mr. Eaton wanted to touch on the geological consultant survey. He asked if the intention is that Mr. Lee will send us a contract and so forth. What is the status. Is it approved to go forward? Mr. Heimbecker didn't think it could move forward because he would like to know the cost of a different pattern. Mr. Heimbecker didn't think it fair to move forward without Mr. Lawlor present for the presentation. Mr. Garges asked Mr. Heimbecker if they can talk and get the scope lined up so he can get back to Mr. Lee and get a number. Mr. Heimbecker replied, yes. Mr. Garges wanted to make sure everyone was on the same page. Mr. Woolley asked if they wanted to get Sherwood too and Mr. Wegfahrt commented that a lot of it depends on what Mr. Lee finds on Troxell Street. That's going to tell the story for how wide we have to go with this. It could go big. Mr. Garges said a reminder is what Mr. Lee is doing is curb to curb only. He is not going anywhere outside of the curb. We will just see what's under our roadways. Mr. Garges said some of the push for this was that section there that is more critical then the rest of it. Ideally, we would like to get that fixed before the winter before we have melting snow sitting there. It's bad enough that we have rain getting down there now. Mr. Garges said they put a higher priority on trying to get that done and fixed this year which will mean the Township hiring contractors. Mr. Garges said we just want to try and move it along as expeditiously as we can. Where Mr. Garges was going with this is if the Township wants to go with the red area now and get a price and add Sherwood later after we see what happens in the red area. Mr. Wegfahrt asked if that was a good suggestion and Mr. Heimbecker replied he didn't know where Sherwood was coming into this. Mr. Garges asked Mr. Heimbecker if he mentioned that he wanted the south done and Mr. Heimbecker replied, no, the 1800 Block of Troxell Street, the length of Troxell. Because right now it only goes a half of a block. Mr. Garges said he thought Mr. Heimbecker mentioned Sherwood and that's what threw him off. Mr. Woolley thought Mr. Heimbecker said there were issues down at Sherwood. Mr. Heimbecker commented that they haven't had issues in Sherwood. Mr. Heimbecker said he apologizes if he misspoke and said Sherwood. He has no intention of anything happening on Sherwood. Mr. Heimbecker reiterated that the area he asked for is the 1800 Block of Troxell Street, the plot that's on Taft right now in blue, extended out to Pennsylvania. A discussion followed. Mr. Wegfahrt asked Mr. Heimbecker if he would agree in moving forward on the red area, the critical area. And Mr. Heimbecker replied, yes.

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

Mr. Eaton stated that everything is on the Agenda except he would like to request an Executive Session regarding a real estate issue involving the easements which are being requested from us to grant to PennDOT along Race Street. This has come up before and there are some issues that have come up that should be discussed in an Executive Session.

Unfinished Business:

1. Municipal Software Contract Approval, MuniLogic (Review and Discussion)

Mr. Garges said that after the last meeting he forwarded over the contract to the Attorney's office. They have reviewed it and we have narrowed it down to two minor things that should be fairly easy to resolve. Mr. Eaton commented that they had a number of comments that they presented to them and they agreed to all of them except two comments. They were not certain about what our comments meant. They didn't sound like they were objecting to them. One of them were differences in limiting when suits can be brought and we had some reasons why that should be changed. And the other was the description of the basic specifications. Mr. Eaton thought that they intend on what the Township would want, but he didn't think their language said that. Mr. Eaton suggested a Motion which would be that Council approves the contract with Carroll Engineering Corporation, trading as MuniLogic as presented by Carroll subject to modifications as suggested by the Township Solicitor and in a final form approved by the Solicitor and township Manager.

Motion: I move that Council approves the contract with Carroll Engineering Corporation, trading as MuniLogic as presented by Carroll subject to modifications as suggested by the Township Solicitor and in a final form approved by the Solicitor and township Manager

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

Mr. Wegfahrt wanted Mr. Garges to know he did got good job on this.

New Business:

1. Resolution No. 2018-39, A Resolution Adopting the Five-Year Capital Program for the Years 2019-2023 (Vote)

Mr. Garges commented that this was discussed at the last Special Meeting where he went over the highlights to the program and this is the Resolution before you to formally adopt the Five-Year Capital Program for the years 2019-2023.

Motion: I move we adopt Resolution No. 2018-39, A Resolution Adopting the Five-Year Capital Program for the Years 2019-2023 as presented.

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

2. Bill No. 2018-05, An Ordinance Amending Chapter 7, Part 4 of the Statutory Code of Hanover Township to Conform its Provisions with the State Fireworks Law (Public Hearing)

Mr. Eaton requested that the vote be tabled. He said Council can have the Public Hearing now and vote later if they wanted to. Mr. Heimbecker had specifically requested that we have further detail on what was meant by competent operator and professional pyrotechnician, as those terms are in the Ordinance. Both of those terms are in the state law. Since the last meeting, Mr. Eaton has been in contact with the Department of Agriculture who is responsible essentially for the administration of this law. They have no special knowledge about what those terms mean. And they have no way to determine what they mean. Mr. Eaton has been in touch with the American Pyrotechnics Association and have spoken with their Executive Director in their Bureau of Safety. They advised Mr. Eaton that they have information on standards that other states and municipalities have to indicate some qualifications. Mr. Eaton has not received that yet. They did send him some information, but wasn't really what he wanted. It appears we can get something. Some states license people like that. We should be able to find some base line that an individual could hand the Township when they make their application so it can be clear that we are giving it to someone who is a competent operator. But, Mr. Eaton did not have that at meeting. Mr. Eaton said the other thing is that several municipalities in the area are also approaching the same problem. The significant addition that Hanover made was in the application process and having more information about who could apply and so forth the information they had to provide. Other municipalities are adding limitations on hours when fireworks can be discharged and that can be either by display fireworks or consumer fireworks. The state law with regard to consumer fireworks says anyone who is 18 years of age or older can own, possess and use consumer fireworks. It doesn't say anything in there about any kind of conditions or regulation by the municipality. Display fireworks says it can only go to a competent operator and there has to be permits and the municipality can establish reasonable conditions. Mr. Eaton thinks, clearly, they must establish hours of operation for display fireworks. Mr. Eaton said he would roll the dice and establish hours of operation, limits for consumer fireworks and see if anyone challenges that. He thinks other municipalities are doing that and there are different ones that are used. At this time, Mr. Eaton asked Mr. Garges to comment on what he and Mr. Eaton discussed earlier in the day. Mr. Garges said that it looks like the City of Allentown and the City of Bethlehem are both going with the hours of no fireworks between 11:00 p.m. and 7:00 a.m. Their ordinances from what Mr. Garges read are more geared toward the consumer aspect of it. Mr. Eaton said the question is do you want to make exceptions on certain days for later hours like 4th of July, New Year's Eve, Memorial Day, typical firework days where it might be later than birthday parties or something like that. Mr. Eaton said this is nothing the Township has to decide now. Mr. Garges said since they were working on the ordinance, they thought they'd present this now. Mr. Paulus said if they are going to pick hours and if your going to make it 11:00 p.m., then it should be 11:00 p.m. every day and keep it simple. Mr. Heimbecker attended the General Assembly Meeting of the Lehigh Valley Planning Commission last night and the first topic for general discussion was fireworks. He found it interesting on the amount of time they spent on temporary structures when these tents pop up. In Salisbury Township, you have to apply for a permit for that temporary structure. You have to have fire extinguishers, accessibility to bathrooms. They are treating it like it's a medical

tent almost. In Palmer Township, you have to actually submit a site survey because it's considered a use. Mr. Heimbecker said he would pass his information onto Mr. Garges and Mr. Eaton. He said they can't get too much information on the matter. He doesn't recall the Township discussing temporary structures. Mr. Eaton said the Township has had them for years. He didn't know exactly what the Township required, if anything. Mr. Garges said that the Township has two that have been going on for a number of years. They do get permits annually and they are inspected under the Building Code for temporary structure, for egress and fire safety by the Building Inspector. They are issued occupancy permits. Mr. Heimbecker said so it sounds like we are already taking care of this. Mr. Garges replied, yes, we may not be doing every step of it right now but we are permitting them and inspecting them. Some of the discussions we had for what the law says, we can't specify exactly fireworks, but those same tents or similar tents they use for selling flowers and those types of things. We are permitting and inspecting those tents as well. Mr. Wegfahrt said he is curious about the state law stating its 150 feet away from any building and our ordinance is going to say not on public property, parks streets, or anything like that. There really isn't any place in town for them to set them off. Mr. Wegfahrt feels that the hours are almost irrelevant. Mr. Garges said that the 150 feet is consumer fireworks. Our band would say no fireworks period in any of our parks for display or consumer. Mr. Wegfahrt thought that at the end of the day it nullifies anything in this Township. A discussion ensued at this time. Mr. Garges said that the big thing would be to add because right now there are no limits of when they can set them off. Mr. Garges said while they are drafting the ordinance, if they want to move forward and they can add that in and when they pass it and everything will be good to go. Mr. Wegfahrt said if it gives Code more teeth as far as things of that nature, that's fine too. Mr. Paulus reiterated no fireworks after 11:00 p.m. Before 11:00 p.m., they can enforce and it will help. Mr. Paulus tabled this matter and closed the Public Hearing.

3. Bill No. 2018-06, An Ordinance Amending Chapter 1, Part 7 of the Statutory Code of Hanover Township to Provide a Job Classification for Fire Marshall (Public Hearing)

Mr. Garges said this was discussed a little bit at last meeting. In the packet, the first step to appoint or fill the Fire Marshal position is to actually create it within our Code. Bill No. 2018-06 that is in the packet does exactly that. It adds to Section 1-761 to Job Classifications. It adds Fire Marshal as an hourly employee. The next step after this should Council decide to move forward with this is to then bring before you three Resolutions. One would be the job description for this classification, the other two would be the compensation and the actual appointment of a Fire Marshal. Mr. Eaton's office just finalized some revisions to the job description that I had provided. We will have that along with the Resolution added in an upcoming meeting. Mr. Wegfahrt said he apologizes he wasn't at the last meeting. He asked how does this play with the Fire Chief. Are we substituting the Fire Chief for the Fire Marshal? Mr. Garges gave some of the history with this. This position would be only for anything and above what the Fire Marshal would normally do for the Fire Company. Right now, the Fire Marshal is appointed by Han-Le-Co. This would actually appoint him as the

Township Fire Marshal should he need to testify in any hearings, should he need to go back after hours or get involved with any type of incidents with the Building Inspector and those types of things. It would actually give provisions under that, who oversees the position, what classifications. Those type of things. Mr. Wegfahrt asked if that makes it an appointed position by this Township rather than by Han-Le-Co? Mr. Garges replied that what was happening in the past was he was doing work as the Han-Le-Co Fire Marshal and getting reimbursed by the Township as a Township employee. This will be the mechanism to have him an actual Township employee to be reimbursed correctly for the work that he does. There were no questions from the Board or the floor. Mr. Paulus closed this Public Hearing.

Motion: I move we adopt Bill No. 2018-06, An Ordinance Amending Chapter 1, Part 7 of the Statutory Code of Hanover Township to Provide a Job Classification for Fire Marshall as Ordinance No. 596.

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

Courtesy of the Floor:

Mr. Heimbecker presented to the Board something from Livable Landscapes handed to them at last night's meeting. One of the topics that was discussed at the General Assembly was transportation improvement programs. In the program, they listed most of the projects out there and he questioned Mike Struck from PennDOT with regard to the FedEx roadways, number 9 on his presentation list and the construction monies that are being put into that to get it opened. On the next page is U.S. 22 widening and they are spending \$26,148,110 through 2022 and not a dollar of it is for construction. Mr. Heimbecker questioned him on how can they open the FedEx project without having 22 widened out to 15th Street. His answer was they have to concentrate on the river bridge. Once the river bridge is done then they can look at doing other things. A discussion ensued at this time.

Mr. Garges said that since they are going into Executive Session, there are some personnel matters that he would like to discuss in the Executive Session.

Mr. Paulus said that the Board will be going into Executive Session and will not be returning to the meeting.

Adjournment:

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Christopher J. Garges
Township Manager