

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

November 6, 2024
7:00 P.M.

Present: Councilmen Heimbecker, Lawlor, Rossi, Woolley, Paulus; J. Jackson Eaton, III, Esquire; Kevin Chimics, P.E.; Melissa Wehr; Audrey Anderson

Absent: 0

Attendance: 6

Courtesy of the Floor: The manager noted November 11 is Veteran's Day. She stated it is important we remember to honor and thank those who have served in order to preserve our freedom. A video followed.

Approval of Minutes: October 16, 2024 Regular Council Meeting

Motion: I move we waive the reading of the October 16, 2024 Council Meeting Minutes and accept same as presented.

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

Approval of Minutes: October 22, 2024 Special Council Meeting

Motion: I move we waive the reading of the October 22, 2024 Special Council Meeting Minutes and accept same as presented.

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

Reports:

1. Melissa A. Wehr
Township Manager

The Manager reminded the Board that Leaf Collection began this week. They will collect leaves twice a week with the target days of Monday and Tuesday barring any issues with the leaf machine.

We received the LSA grant in the amount of \$ 336,059 to be used for the basketball and pickleball court improvements at Sherwood Park. This brings my total grant secured to \$ 2,253,589. There was discussion concerning the total cost of the improvements.

The Public Hearing for the 2025 Budget is scheduled for December 4th. I am scheduling the End of Year Meeting for December 26th at 4:00. The Board confirmed this date.

I am finalizing the 2025 Calendar. Any updates from the Board would need to be in to me in the near future.

2. Kevin Chimics, P.E.
Township Engineer

The Engineer stated his items are on the Agenda.

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

The Attorney stated his items are on the Agenda.

New Business:

1. Authorization to Release Payment #4 (Final) to Stonewood Landshaping Inc. for the 2024 Stormwater Rehabilitation Enhancement Projects (contract A is for 10,951.40 and contract B is for \$12,480.60) in the amount of \$23,432.00 and enter into the 18-month Maintenance Bond in the amount of \$34,981.50 (Vote)

The engineer stated the three stormwater projects are now complete and recommends approval of the release of \$ 23,432.90 to Stonewood Landshaping Inc. We will now go into the maintenance period, of which I also recommend approval in the amount of \$ 34,981.50. This project came in under bid so we realized a savings of \$ 31,000.00. A discussion followed.

Motion: I move we approve the Authorization to Release Payment #4 (Final) to Stonewood Landshaping Inc. for the 2024 Stormwater Rehabilitation Enhancement Projects (contract A is for 10,951.40 and contract B is for \$12,480.60) in the amount of \$23,432.00 and enter into the 18-month Maintenance Bond in the amount of \$34,981.50.

Heimbecker, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Rossi, Woolley, Paulus:

Aye

Unan.

2. Bill No. 2024 – 06, Amending the Statutory Code of Hanover Township to Establish Procedures Under Section 1-201(4) to Authorize Contracts for the Construction of Public Capital Improvements by Ordinance, to Conform the Statement of Contracts Exempt from Bidding in Sections 1-201(4) and 1-202(2)(D) to currently Authorized Amounts and to Change the Bid Acceptance Deadline to Thirty Minutes Before the Council Meeting at Which Bids are Opened. (Introduce)

Attorney Eaton reviewed Bill 2024-06 in length. We had a workshop regarding generally authorization for disbursements and responsibilities for Council and so

forth. There was a provision in the Charter and in our administrative code that capital construction projects should be approved by ordinance. Although the capital budget is an ordinance, it required that when you awarded or provided a capital construction contract, it had to be approved by ordinance. I discussed in the workshop that I was proposing that in fact the ordinance be passed at the earlier time. Council always authorizes the engineer to publish bids solicitation. We would pass the ordinance approving the contract at that time, the solicitation of bids generally includes the terms of the agreement that the bidder was going to agree to in addition to the specifications setting the price. So this is an ordinance which does that. If anything needs clarification or word amendments, we can do this now. It would be better to get it out of the way now so you have some idea and looking over this in the next week or two weeks.

This is being added to the existing section that indicates authorization for contracts for the construction of capital projects is to be done by ordinance only for contracts of any amount. This is for capital construction projects only, not for capital purchases of vehicles, etc. or for engineering cost or design or anything else. It is essentially for the bricks and mortar contract. Subsection A., indicates the capital contract ordinance shall contain the form of the contract and the maximum price of the contract. It indicates that can be done at any time, even prior to the solicitation of the contract. You can approve the ordinance, or it can be done later. You can do it early for convenience before the bids go out. You go through the same procedure as you do for the price and for small capital contracts which the manager does. This proposed ordinance does not change that. You determine that by the bid process, except that it can be no greater than the maximum price established in the contract ordinance. When the bids come in, it cannot be larger than what you've approved. It indicates after approval of the capital contract ordinances, or before the solicitations go out, it may be modified or clarified by procedures authorized by Part 2 for determining the contract price, but not the increase the maximum price. Once you have approved the contract and the form by our normal procedures the language can be changed by Engineering, but they are required to publish something that all the bidders get to amend the language of the contract. If there's something that needs to be clarified, they don't have to come back to you if they can do it as long as it doesn't increase the maximum price you've set. Part D pertains to change orders and contracts, what has to come back to Council. This proposes a standard that the Township manager may approve. Change orders, which in the aggregate you know the total number of change orders on a contract cannot exceed 10% of the contract price. unless otherwise provided in the in the capital Contract Ordinance. When you start the contract, if you think they need 15% you can do that if you think 10% is too loose. You can cut it back, but the standard is when the contract goes out during the course of the contract, the manager has the right to change orders in total not more than 10%. The next section deals with what I call unit price items. Some things in a contract are bid by a unit price. Contract bids are set. It's a fixed price contract. Assuming the hidden things that they don't know and the things that are unit price items, if they go over, then they go over, but the contractor is tied to his maximum. Part F makes it clear capital contracts include only contracts for the construction of public capital improvements, not separate contracts for architectural or other design services, testing reports or similar

services related to capital contract. You don't have to bid the architects contract. Part G then also has other exclusions. This does not apply to emergency repair, public works we already have that elsewhere, but it makes it clear that applicable. It does not apply the repair of public works of the Township or other routine repair of capital public capital improvements to fill potholes, repair cracks, replace broken windows, restore minor damage caused by accidents and similar repair. It does include and apply to replacement or reconstruction of a major component of a public capital improvement, such as replacing a roof, resurfacing a road or upgrading the section of sewer lines. If you're bidding, you know, a major portion of reconstruction as we do now for roads, that's a different matter, but that's the way this is intended to work.

A discussion followed concerning the percentage of each contract. Council may at any time by an ordinance raise the maximum amounts change orders for authorized for a capital contract. For sealed bids, you know the bid process and then the little window of ones where the Manager can do it. She has to ask for prices and then you know the amounts below that where she can she can award a contract on her own. These prices are adjusted automatically, even though they're set forth in the ordinance. They're adjusted automatically in accordance with the state rule that governs this. Each time we state those amounts we reference the portion of the ordinance later on that says they announced , they can be adjusted The last change in the last paragraph is the time for receiving bids because of Council meeting changes. We now have it that they can submit bids. What this does it says you can submit bids until 30 minutes before the start of the scheduled Council meeting at which bids are to be opened. We amended the ordinance to allow where you have, you know, a number of municipalities and it's going to an engineer to open the bids that that covers that circuit. Distance. So in essence, it just means that bids aren't open any earlier, but they have to get them into the Township at least half an hour before whatever time the meeting is. I mean, you could have a special meeting and open them at 3:00 in the afternoon rather than 7:00, so that this covers whatever changes you want to make in your meetings where you open the bids. It was determined other changes may be made at a later date.

3. Resolution 2024-46, A Resolution to adopt the 2024 Hazard Mitigation Plan in the Lehigh Valley (Vote)

The manager stated we're part of the Lehigh and Northampton County Municipal Official Authority which does a plan update every five years. Municipalities and participating authorities must adopt the plan within one year of this designation or/by September 5th, 2025. Our EMA Chris Spadaccia is present and reviewed the Plan update. It makes both the Township and it's residents eligible for any hazard mitigation funds if something should happen that would result in the loss.

Motion: I move we adopt Resolution 2024-46, A Resolution to adopt the 2024 Hazard Mitigation Plan in the Lehigh Valley.

Heimbecker, Woolley: Moved and Seconded
Heimbecker, Lawlor, Rossi, Woolley, Paulus:

Aye Unan.

4. Resolution #2024-47, A Resolution providing for the appointment of a Township tax collector (Vote)

The manager stated Vicky Roth has retired from her full-time position. Audrey Anderson has assumed her duties and has met all her requirements.

Motion: I recommend the adoption of Resolution #2024-47, A Resolution providing for the appointment of a Township tax collector.

Heimbecker, Lawlor: Moved and Seconded
Heimbecker, Lawlor, Rossi, Woolley, Paulus:

Aye Unan.

Approval of Bills:

Motion: I move Council authorize payment of Payroll (10/25/2024); Voucher Nos. 28262-28292 from the General Fund Account in the amount of \$ 98,135.80; Voucher No. 4729-4732 from the Capital Reserve Account in the amount of \$50,139.48; Voucher No. 4745-4748 from the Water Account in the amount of \$ 1,375.87; Voucher Nos. 6527-6532 from the Sewer Account in the amount of \$6,086.41; Voucher Nos. 5521 from the Escrow Account in the amount of \$ 17,026.95 for a Grand Total Expenditure of \$172,764.51 and accept same as presented .

Paulus, Woolley: Moved and Seconded
Heimbecker, Lawlor, Rossi, Woolley, Paulus:

Aye Unan.

Courtesy of the Floor:

The manager reviewed an email from PSP concerning enforcement of a troop wide enforcement on October 22nd throughout Lehigh Northampton and Bucks County and the results of that enforcement. Also on October 23rd. they, along and the city of Bethlehem, did a joint conduct an operation that was along the corridor of Airport Road and Catasauqua Rd. resulting, with citations, drug arrest and seizures of drugs. Flock cameras works.

Chris Spadaccia , our EMA coordianator stated he has been offered and accepted the position of EMEA for NATO, for Catasauqua Borough. Melissa and I feel it's going to help openness qualities in resources and especially experience for me. I will be helping them out with the management aspect and their hazard mitigation plan. If it's something really huge the County would come in and step in and then take over. It really is a benefit to both municipalities.

There is an upcoming zoning hearing board meeting. This involves the church located on Pennsylvania Ave. The gentleman wishes to offer exercise classes at the church. As zoning officer. I consider that a business. He's going to be operating several days during the week for a couple hours and an hour long class several days during the week in the basement. They meet the parking

requirements. We did go over that with the two uses or otherwise he would have to ask for a variance.

Adjournment:

The meeting was adjourned at 7:49 P.M.

Respectfully submitted,

Melissa Wehr
Township Manager