

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

October 2, 2019
7:30 P.M.

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

Absent: 0

Attendance: 2

Courtesy of the Floor:

1. 1112 American Parkway, Noah Chrismer, KRE Group

Christopher Garges, Township Manager, said Mr. Chrismer contacted him and asked to be removed from the Agenda this evening. They will not be presenting this evening.

2. Mr. Mark Thomas addressed the Board. He is a 31-year resident of the Township. This evening, Mr. Thomas is present representing Fair District, Pennsylvania. They are a nonpartisan, volunteer driven organization that is dedicated to eliminating gerrymandering in the Commonwealth of Pennsylvania. Gerrymandering is the practice of drawing voting districts to favor one party or disfavor another party. Currently the state legislature draws the voting districts. Fair District's recommendation is that an independent citizens committee take on that task. They believe when it's left in the hands of the politicians it's a detriment of our democracy. Mr. Thomas is present this evening to introduce Terry Schettini who is more versed in the subject. They are before the Board to ask them to approve a Resolution to support the efforts of Fair District. At this time, Mr. Schettini, 2034 Custer Street, Allentown, PA addressed Council and gave an overview and presentation on the subject. After presentation, Councilman Tocci thanked Mr. Schettini for his presentation. He thought the presentation was very effective and informative and he said it was nice to see Mr. Thomas and thanked him as well. Mr. Tocci said he's been teaching U.S. History and Government for over 25 years and has a very extensive knowledge and background on the subject of gerrymandering and its affects. Mr. Tocci asked Mr. Schettini if what he is proposing is both for the state drawn districts and congressional districts that he would have a commission for. Mr. Schettini said the short answer is yes because of the way a state constitutional amendment moves through and has to move through two consecutive sessions. This is why they had to break it up into two bills. H.B. 23 which can be a regular bill will do two things. One, it's going to establish the independent citizens' commission. The legislature will be involved because they will have to write enabling legislation in order to flush out the criteria for who would qualify to get on the commission and some other things to fund the commission. Legislation will be involved in shaping it to create the commission and also the bill will be the draw

to the congressional districts because those are by regular bill. They hope this will take off and get established. The commission will then be trained, staffed, ready to go and then with H.B. 22, the constitutional amendment, which is the heavy lift here, they would have to have it passed this legislative session and then very quickly in the 2021-22 legislative session, they will have to have it passed so it can be advertised by February of 2021 to then be on the Primary ballot in May. It is a very tight timeline. But, yes, it will do both. If for some reason H.B. 22 does not make it through in time, what H.B. 23 does at least, which is up to the independent commission, it takes care of the congressional districts and at least that is done fairly. It includes some provisions that will give some oversight and openness to the state legislative process. It will throw a light to what has been a very dark process. Mr. Tocci said Mr. Schettini is very optimistic. Mr. Tocci said, just to clarify, would it create two separate commissions or one. Mr. Schettini said it's one commission and the idea is that with H.B. 23, it gets established, funded, and trained. Because of that tight timeline, the authority draws the state legislative district, which has to happen through constitutional amendment, won't happen until the May Primary of 2021. That same commission has been trained, staffed and put on notice that they are there for the congressional districts, but be ready to take on the state legislative district as well. This is why it is two bills, one commission. Mr. Tocci said he appreciates the clarification. Mr. Tocci's other question goes toward the commission. He noticed either up on Mr. Schettini's presentation or some of the notes in front of him that he is looking for truly independent. Mr. Tocci said he is wondering who is determining who the truly independent people are that will be on the commission. Are they elected? If they are not elected, how are they accountable? Mr. Tocci asked who makes up the commission. Mr. Schettini said there are several pieces to that question. One is the legislature will have to enact like any constitutional amendment have some enabling legislation and two to embody it. There are some statements about qualifications in the amendment, but you can't get into the detail in the amendment. This will be enabling legislation. Mr. Schettini asked if Mr. Tocci wanted him to talk about the selection process so they get an understanding of how they get to "independent" in a nondependent world. Mr. Tocci said for the sake of his colleagues, yes if he can keep it brief. Enabling legislation to get to the criteria, people apply. In California, the Democrats fought it tooth and nail. They did not want it because they like to gerrymander there, but Citizens' Commission got through on referendum, but they have to go through their legislature. Pennsylvania does not have referendum. They received 10,000 applications. The Secretary of State or some agency that the legislature might designate would sift through the applications to see who meets the criteria. There are 40 potential members selected from those who self-identify as Republicans, Democrats and those who are not affiliated with either party. No politicians or immediate family members, no lobbyists or immediate family members would be allowed to apply. There are also restrictions on not just the three or five year previous, but also restrictions afterward because then everyone wants to be your friend. There is a limit on what you can do in terms of getting into an elected office. That is one protection in terms of independence. They have the 40 selected by a process where the legislature is kind of overseen and then administered. Mr. Schettini said it's like the lottery and anyone who is qualified gets in, i.e. 500 people are qualified in each of the groups and 40 from

the Republican, Democrat, and other groups are pooled and then you have the 40, 40, 40. It is based off of qualifications and random selection of the ones that are qualified. The legislature is involved. There may be people on paper that are qualified but have not been elected office for the past five years, but the legislative leaders know if those applicants are real operatives behind the scenes and if they will be independently minded. From the 40, they get two each. Each pool comes down to 32. There is a process of qualification and random selection. From the 32 of each, there is a random selection down to four Republicans, four Democrats, and three Independents. This is how you get your 11. Mr. Schettini thinks that both with the process and experience they had in a state like California which is highly partisan the process has been shown to really side step all the partisanship. Mr. Tocci asked Mr. Schettini that when he mentioned that lawsuits aren't a solution, is he able to answer what made the League of Women Voters intervene in Pennsylvania regarding the last congressional map. Mr. Schettini said it was a joint decision between the League and a common cause with the committee of 70 down in Philadelphia which works toward progressive government reform. It's the Brennan Center for Justice, based out of New York. There has been a change. Going through the Federal courts has been less than productive because they basically said they don't want to get involved in the political process. People realized there are provisions for fair votes in state constitutions and some of those are actually stronger and clearer than in the Federal Constitution. They've been trying to be responsible and flexible and in trying to do that they realized that the state constitution was a way to try and address this. The League was the lead plaintiff on this. Mr. Schettini said he thinks the League got pulled off by the court because they said they had no standing. The lawsuit proceeded because it was always known as the League of Women Voters' lawsuit and they were lead plaintiffs on it. It was a matter of trying to figure out in this mind field of ways that the powers that be are trying to protect themselves in the process. This is when the lawsuit happened. They are hoping that it will not be needed if they change the process. Mr. Tocci thanked Mr. Schettini for taking the time to answer his questions. Mr. Paulus said they would have a decision by the next meeting. Mr. Tocci said he wants more time to look it over. A discussion followed.

Mr. Paulus took the opportunity to discuss the two openings on the Planning Commission. He received a condolence card from one of the neighbors who also mentioned in the card thanks for all that Mr. Paulus does and that it's the best neighborhood ever. This prompted Mr. Paulus to go talk to the neighbor about the opening on the Planning Commission and he accepted and his name is Alex Twombly. For the second seat, which is Patricia Paulus' seat, a few meetings ago there was a young lady present who spoke to Council regarding the bus stops in the neighborhood. Mr. Paulus went to her home and asked her and she said it would be an honor to fill Mrs. Paulus' seat. Her name is Stephanie Murray. Both individuals have been accepted and will serve on the Board. A discussion followed.

Approval of Minutes: September 18, 2019 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the September 18, 2019 Regular Council Meeting and accept same as presented.

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

Aye Unan.

Reports:

1. Christopher Garges
Township Manager

1. The Lehigh-Northampton Airport Authority has contacted the Township by their Emergency Management Specialist to ask permission to utilize the municipal building as an offsite facility to utilize for indoor media event staging, i.e. press releases, etc. should their current outdoor media event staging facilities be unusable due to inclement weather. Mr. Garges is seeking Council's approval to proceed with formalization of a plan with LNAA. In Council's packets, Mr. Garges included the Emergency Management Specialist's email which is more detailed. Mr. Paulus said the Township doesn't usually authorize something like this since it's not government related. Councilman Heimbecker said that he feels that it is important enough that the Emergency Management Specialist come before Council and make a presentation in front of the full Board. Mr. Paulus said it's not the norm and doesn't want to open it up to others. Mr. Garges said he would ask the LNAA representative to come and address the Board.

2. Mr. Garges is seeking authorization to move forward with a capital purchase for a new Public Works pickup truck which will eventually replace the 2008 F350 pickup truck. Fifty thousand dollars was appropriated in the 2019 Capital Plan for purchase of the vehicle. The price for the 2020 F350 pickup truck and plow is \$46,182.17 from Kovatch Ford. He included a copy of the Budget and the quote from Kovatch, who is a Costars dealership, for Council's reference.

Motion: I move we authorize the Township Manager to move forward with the capital purchase for a new Public Works 2020 F350 pickup truck and plow for the amount of \$46,182.17 to replace the 2008 F350 pickup truck.

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

Aye Unan.

3. Mr. Garges said the 2020 Budget has been distributed via email to Council and as a reminder the first Budget hearing is scheduled for October 16 at 6:30 p.m.

4. The Township received a \$2,560 rebate from their health insurance provider for performance on the medical loss ratio. The health insurance provider's cost was less than 80%, which the Township received a rebate for which gets put back into the General Fund.

5. Mr. Garges said they had a discussion at a previous meeting regarding the cash flow for Han-Le-Co. Council had asked that Mr. Garges meet with them. Presently, they are having issues with their expenses in and out on a monthly basis for the single expenses less than \$1,500. In order to solve their cash flow issue, they would have

the \$5,000 account which the Township will monitor monthly and will have to work out the details with them. This will give them a little bit of relief so they don't get caught behind. Mr. Garges said it will have to be run by the Township Attorney and Township Auditor to make sure everything is set up correctly and then come up with a procedure inhouse to monitor it. A discussion ensued. Mr. Heimbecker questioned if the Township is going to take municipal funds and lend it to them to use during the month. Mr. Garges said that presently the Township gives the Fire Company \$10,000 per year into their fund. Jackson Eaton, Township Attorney, said that the Fire Company is performing a municipal service essentially and that is why the Township gives them the support. They have to justify the expenses by giving the Township a list of their expenses monthly. A discussion followed. Mr. Garges will reach out to the Fire Company to obtain additional information.

2. Al Kortze, P.E.
Township Engineer

1. Mr. Kortze said he has a couple of updates. He said he spoke with the contractor that will be doing the Irving Street work. They will start in approximately two weeks. This is the mill and overlay from south of Lloyd to 22, which essentially is in front of Allendale Apartments and that area.

2. The pump station work at P.S. 1 has started. The Troxell Area Curb Project is out to bid and should be ready to go by the next meeting to award the contract.

3. At the last meeting, Mr. Kortze was asked to get some additional quotes for the speed radar devices. The first one that Mr. Kortze had that he presented at last meeting was from a company called Elan City which was an Evolis model and their number was \$5,829 for two of them, which included the unit, solar panel, batteries, mounting hardware and delivery. Mr. Kortze contacted a company called Karmana, but they did not get him a quote. Another company called Traffic Logics gave him a quote for two different types of units. One is called an Evolution 15 and the cost was \$7,223 for two of them and included essentially the same hardware, solar panel, batteries, and delivery. They also had another model called the Evolution 15sd and the cost was \$6,225 for two and included the same package. Mr. Kortze felt that looking at the Evolution 15sd it is similar to the unit from Elan City. The units from Traffic Logic use a clog-based program for retrieving the data. The first year is free, but after that it's \$400 per year. Elan City uses a Bluetooth technology which is free and any updates are free. Mr. Kortze's recommendation if Council decides to purchase the speed radar devices is to go with Elan City's Evolis model for \$5,829 for two of them.

Motion: I move we purchase two speed radar devices from Elan City for the amount of \$5,829 as presented by the Township Engineer.

Woolley, Tocci: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

4. Mr. Kortze said after the last meeting he contacted the signs permit manager for PennDOT and sent him a letter and plans specifically highlighting where they feel the

signage should go and giving him the reasons why what he was suggesting would not work. Unfortunately, Mr. Kortze has not heard back from him as of yet. A discussion ensued. Mr. Garges said he, the Township Engineer and Township Attorney will keep on top of this and report back to the Board.

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

1. Mr. Eaton said the Township has received notice of a Class Action regarding the National Prescription Opioid litigation. It's a Class Action on behalf of all municipalities and counties in the United States against a long list of pharmaceutical companies with regard to opioid damages. The way Class Actions normally work is they find a matter of some kind where everyone is affected the same way except with regard to amounts, but the facts are common throughout and a judge before anything is done has to approve that it's that kind of action. The attorneys then have the right to give notice to all the potential plaintiffs and instead of opting in, you have to opt out if you don't want to be represented. There are no costs to the Township and no counterclaims that can come back against the Township. This is a Class Action negotiation and they cannot bring the lawsuit without further court approval. Mr. Paulus said he votes to opt in.

2. With regards to Rockefeller, Mr. Eaton said they had one of the last meeting today. In attendance were three people from PennDOT, four people from Rockefeller, the contractor and representative from Alston Construction, Mr. Garges and himself. There is a significant process with the state that they said is the normal process before they can adopt a road. They wait until everything is done by the Township and then they do their inspections and whatever punch list they have has to be cleaned up. At that point, the local office then certifies to PennDOT that the road is in a position to adopt and the normal legal process just to get through all the bureaucracy is three months before it would come off the Township rolls. Given the engineering things that have to be done and the contractor has now agreed that it's going to be a complete resurfacing from Township line to the end of the Township's contract work and in addition all the way out to Race Street. There is a portion of the intersection which was about 100 feet into Willowbrook Road which was part of the PennDOT intersection. Mr. Eaton said the best thing is for all of this to be done all at once so there will be no cold cuts and the engineers agreed, but that the paving would be done as soon as the paving season opens in April. This would assure that the PennDOT work and the Township work is done at the same time. The best that would happen is that there would be a turnover in winter anyway before they got through all their process. Finally, because the relocation of the sewer that is presently in the middle of the road will be completed by that time. It will allow the existing manhole covers essentially to be covered over so that line will no longer be active by the time this is done and, therefore, the manhole access will no longer be needed. Bottom line is that the PennDOT representatives assured him that the Township documentation regarding the non-construction work is in order and ready to go. Mr. Eaton said getting everyone in the room didn't really give the Township the results it was looking for that this would happen in the next 30 days or six weeks. Everyone involved was present and can't say they didn't hear something. Mr. Eaton said they agreed that they will renegotiate the Winter Maintenance Agreement. Jeff Mouer,

Mr. Eaton said this is an authorization for an Intermunicipal Agreement to create a Multi-Municipality Comprehensive Plan. Usually, this is by Resolution; however, the State Law requires for Intermunicipal Cooperation Agreements be by Ordinance. This is a repeat of what Council has already authorized before Mr. Eaton realized that it needed to be by Ordinance and not Resolution.

Motion: I move that we accept Ordinance No. 617 as Bill No. 2019-08, An Ordinance Authorizing an Intermunicipal Cooperation Agreement Between the Boroughs of Catasauqua, North Catasauqua, the Townships of Hanover (Lehigh County) and East Allen, and the Lehigh Valley Planning Commission to Create a Multi-Municipality Comprehensive Plan as presented.

Heimbecker, Lawlor: Moved and Accepted
Heimbecker, Lawlor, Tocci, Woolley:

Aye Unan.

Courtesy of the Floor: None.

Mr. Garges requested that the Board go into Executive Session. Mr. Paulus said that Council will be going into Executive Session regarding a personnel matter and will not be returning to this meeting with any decisions.

Adjournment:

The meeting was adjourned at 8:46 P.M.

Respectfully submitted,

Christopher J. Garges
Township Manager