

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

February 3, 2021
7:30 P.M.

Present: Councilmen Heimbecker, Lawlor, Paulus, Tocci, Woolley; J. Jackson Eaton, III, Esquire; Al Kortze, P.E.; Melissa A. Wehr; Josef Fragnito Vicky Roth

Absent: 0

Attendance: 11

Courtesy of the Floor:

Phil Armstrong, Lehigh County Executive, said this is his once every year where he makes his rounds to the municipalities to see if anyone has questions or concerns for him regarding the happenings in the County. Mr. Armstrong proceeded to give a summary of what's been happening in the County. Mr. Armstrong asked if there were any questions for him at this time. There were no questions.

Approval of Minutes: January 20, 2021 Regular Council Meeting
December 30, 2020 Special Council Meeting

Motion: I move we waive the reading of the Minutes of the January 20, 2021 Regular Council Meeting and accept same as presented.

Paulus, Woolley: Moved and Seconded

Chairman Paulus said the January 20, 2021 Minutes say that they should be written as they always have been in the past which was accurately and exactly what went on. Mr. Paulus said this is not correct. It was never exactly what went on. Mr. Paulus said this is what should be put in the Minutes. Vicky Roth, Township Clerk, said Mr. Paulus is correct. Councilman Heimbecker asked if this is the amendment to what Councilman Tocci wanted put in the Minutes. Councilman Tocci responded that his amendment was for the December 30, 2020 Minutes. Melissa Wehr, Township Manager, said that was a statement that was made at the January 20 Meeting. Mr. Tocci said he didn't understand Mr. Paulus' objection. A discussion ensued. Jackson Eaton, Township Attorney, said if Mr. Tocci made that statement at the last meeting, it should be reflected in the Minutes and if Mr. Paulus does not agree with that statement, he can say so and it should be reflected in tonight's meeting Minutes. Mr. Tocci said that speaks to his larger point. If the Minutes tonight are what it seems to have gone to what was said wouldn't be there at all. It would just be a summary, but it should say Mr. Paulus doesn't agree with the statement and be written out in the Minutes. Mr. Tocci said his preference is if the Township is recording the meetings anyway the recording should be available to the public. That is an open, transparent government. Mr. Tocci said he wants his statements accurately reflected. Mr. Eaton said he was asked by Mrs. Wehr to prepare a

memorandum with regard to the requirements for Minutes and so forth so it is all laid out. Mr. Eaton said it is part of his Attorney's Report on the Agenda.

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

Motion: I move we waive the reading of the Minutes of the December 30, 2020 Special Council Meeting and accept same as presented.

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

Reports:

1. Melissa A. Wehr
Township Manager

1. The Declaration of Emergency Disaster has been extended weekly following suite behind the County.
2. There was a pre-submission meeting held with developers for Weaversville Road and Airport Road. Both propose a warehouse.
3. PennDOT is collecting traffic data on municipal-owned roads, which started in January and will end in April. The reason behind this is they are trying to complete a statewide network screening to prioritize locations for potential safety improvements.
4. In Council's packets, is a draft copy of the Planning Commission Minutes from January 2021.
5. Due to the snow storm, trash is being collected a day late this week and is posted on the Township's website and social media.
6. Mrs. Wehr extended a huge thanks to the Public Works crew. They did a fantastic job on cleaning up during and after the snow storm.

2. Al Kortze, P.E.
Township Engineer

1. Mr. Kortze discussed his letter dated January 28, 2021 that was submitted to Council regarding his engineering study for a multi-way stop analysis at Hoover Avenue, Ulster Road and Hidden Village. A discussion followed. Council was in agreement that as soon as snow melts to move forward on Mr. Kortze's recommendation.

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

1. Mr. Eaton said Council will recall the Kushner Real Estate Group, KRE, petitioned the Township to rezone the land at the Agere parcel. After they went to the Planning Commission and had a lot of comments, they asked that that Bill be withdrawn so they could come back with something more appropriate. KRE withdrew the Bill. They have now submitted and the Township has received a revised petition. As Mr. Eaton advised the Board previously, the Township Ordinance provides that if there is a citizen's petition the Township shall forward it on to the Planning Commissions for review. They will get a chance to review it and comment on it before a municipal vote. Mr. Eaton said at this time he is asking Council in accordance to the Ordinance to authorize Mrs. Wehr to forward the revised amendment to the Lehigh Valley Planning Commission and Hanover Township Planning Commission for review.

Motion: I move that we authorize the Township Manager to forward KRE's revised amendment to the Lehigh Valley Planning Commission and Hanover Township Planning Commission for review pursuant to the Township Attorney's recommendation.

Paulus, Woolley: Moved and Seconded

Mr. Tocci asked Mr. Eaton if this is the same proposal of what they were looking to do. Mr. Eaton replied that it is the same proposal but it is now changed from a permitted use to a conditional use, which is like a special exception. Instead of it going before Zoning Hearing Board, it has to come back before Council as a zoning matter. Mr. Eaton said they also changed the acreage to 30 acres to comply. It is essentially the same plan.

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

2. Mr. Eaton said at the last meeting Council discussed the completion of Willowbrook Road. Mr. Eaton spoke with Joe Fitzpatrick, Attorney for Rockefeller and received a response that the developer has spoken to their contractors and they are aware that the Township wants this as a top priority when the road season opens. Mr. Eaton gave them a deadline of June 1 and their response was that everyone wants to get it done well before that.

3. Mr. Eaton said regarding the issues that have arisen due to the transcription of the Minutes, Mrs. Wehr has asked him to go through what the law was about the subject. Mr. Eaton suggested that if Council wants to have a discussion this evening that they move it to the last item on the Agenda. At this time, Mr. Eaton handed out a copy of his memorandum addressing this issue which will be discussed later in the meeting.

Unfinished Business:

1. Authorization for Payment Release in the Amount of \$11,005.80, New Enterprise Stone & Lime Co., Inc. for the Paving of Roads in the Troxell Street Area (Vote)

Motion: I move for the Authorization for Payment Release in the Amount of \$11,005.80, New Enterprise Stone & Lime Co., Inc. for the Paving of Roads in the Troxell Street Area pursuant to the Township Engineer's recommendation.

Heimbecker, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

New Business:

1. Resolution No. 2021-23, A Resolution Granting Preliminary/Final Land Development Approval, Rockefeller Lehigh Industrial Development, Lot 5A, 800 Willowbrook Rd., Allentown, PA 18109 (Vote)

Motion: I move we accept Resolution No. 2021-23, A Resolution Granting Preliminary/Final Land Development Approval, Rockefeller Lehigh Industrial Development, Lot 5A, 800 Willowbrook Rd., Allentown, PA 18109 as amended and subject to the Township Engineer's recommendation.

Changes made to Resolution No. 2021-23 are as follows:

Condition 3, the word "barrier" was removed.

Conditions 3, 4, 5, 7, and 21 the words, "and approved by the Township Engineer" were added.

Condition 6, the sentence, "The sheds shall be removed prior to plan recording and approved by the Township Engineer.", was added.

Condition 11, the words, "approved by the Township Solicitor and Engineer", were added.

Condition 18, the word "comment" was taken out and the word "approval" was added.

Condition 22, the words "and approved by the Township Zoning Officer" were added.

Heimbecker, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

2. Resolution 2021-24, A Resolution Granting Preliminary/Final Subdivision/Lot Consolidation Approval, A. Duie Pyle, 450 Lloyd St., Allentown, PA 18109 (Vote)

Changes made to Resolution 2021-24, were as follows:

Conditions 2, 4, and 5, the words "and approved by the Township Engineer" were added.

Condition 6, the words “and approved by the Township Solicitor and Township Engineer” were added.

Motion: I move we accept Resolution 2021-24, A Resolution Granting Preliminary/Final Subdivision/Lot Consolidation Approval, A. Duie Pyle, 450 Lloyd St., Allentown, PA 18109 as presented and subject to the Township Engineer’s recommendation.

Heimbecker, Lawlor: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

3. Control of Noise and Large Gatherings in Hanover Township (Discussion)

Mr. Eaton provided Council with a memorandum at the last meeting regarding what the Township’s options were. Since that time, it has been discussed at a Township Staff Meeting and suggested that the Noise Ordinance and levels, etc. that are stated specifically be in a non-zoning part of Ordinance as well. A discussion ensued. Mr. Eaton said the Township does not have a permit system for large gatherings at this time and he will develop one. Mr. Eaton will coordinate something with Mrs. Wehr to set up a meeting with the state police and move forward from there.

Mr. Eaton stated that Mrs. Wehr asked him to research the responsibilities and minimum content, etc. required in the transcription of meeting minutes and provided a memorandum on this earlier to Council. A discussion ensued. It is required that the minutes carry a summary of what went on and what that is and how detailed it is, is a matter for the Council to decide. If there is a disagreement as to what the minutes contain, it can be voted on. Mr. Eaton’s feelings are that the general consensus can work and any member after a meeting if they feel in particular that it is incomplete regarding matters that he or she thought were important, they can add to the minutes by either correcting them or saying they have additional comments they made and they feel they should be included in the minutes. It is up to Council to determine how detailed or not detailed they like things carried. Mr. Tocci stated that a few times when issues regarding 710 Lloyd Street came up between work schedules, Covid, bad weather, a shut-in neighbor who never gets out, another property owner that lives in California but their brother lives in the home, there have been residents who have expressed 1) they want the meetings to be open via virtual and could be attending now and that is not something the Township does, 2) the meetings are recorded and Mr. Tocci feels the easiest thing to do is to make the recorded meeting available online. Anyone who wants to listen would listen and then the Township could have a summarized version of the minutes and it wouldn’t matter. Mr. Tocci said the City of Bethlehem does it with their Council meetings and they are a city of 80,000. Their school board does the same. Mr. Tocci said this would be his suggestion. If the Township is for an open, transparent government, what would be the possible objection of doing that. Councilman Woolley said the City of Bethlehem is required to do that because they are under federal laws. Mr. Paulus said he goes along with what the state requires. A discussion ensued. Mr. Tocci would like the recordings made available to the public. Mrs. Wehr explained that the recordings are for

assisting Pina Romano, Administrative Assistant, in transcribing the minutes to a summary form. After the minutes are transcribed and approved, the recordings are deleted.

Motion: I move that the Township make the recordings of the meetings available to the public.

Tocci: Moved
Motion died.

A discussion ensued.

Motion: I move that the Township provide a detailed, accurate transcripts for the residents of Hanover Township so they can read what their elected officials say.

Tocci: Moved

Mr. Heimbecker asked Mr. Paulus to define what detail means. Mr. Heimbecker said what detail to him may be different to Mr. Tocci. He takes umbrage that the Council is not open. He has sat on the Board for close to eight years and has relied on the recordings heavily especially when the FedEx project was occurring. Mr. Heimbecker said he thought they were for Council's protection so they could look back and really define what they were trying to work through on that project. Mr. Heimbecker said they have a distinguished solicitor that sits at the meetings who would not sit in the Board room with people trying to pull the wool over people's eyes. The Township has a noted engineer who will not approve something that doesn't fall within the purview of all the engineering he knows. The Catasauqua Press is present. Mrs. Wehr and Mrs. Roth have Township records that are impeccable. Mr. Heimbecker addressed Mr. Tocci and told him that he doesn't feel the Township is doing anything wrong. He has attended Zoom meetings and thinks they are wonderful to a limited audience. When you start putting things online, you are opening things up to a whole new world. Mr. Heimbecker suggested Council and Staff get together and all agree on what a detail version of the minutes would be acceptable to everyone. Mr. Tocci said his intent is not to disparage anyone in the room.

Motion Died.

Courtesy of the Floor: None.

Adjournment:

The meeting was adjourned at 8:48 P.M.

Respectfully submitted,

Melissa A. Wehr
Township Manager