

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

October 16, 2013  
7:30 P.M.

Present: Councilmen Atkinson, Dreisbach, Kovacs, Paulus, Woolley; J. Jackson Eaton, III, Esquire; Ryan Christman; Sandra A. Pudliner; Vicky Roth

Absent: Frederick W. Hay, P.E.

Attendance: 5

Courtesy of the Floor: None.

Approval of Minutes: October 2, 2013 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the Regular Council Meeting of October 2, 2013 and accept same as presented.

Dreisbach, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

Reports:

1. Sandra A. Pudliner  
Township Manager

1. The Township Manager advised the Board that she has provided them with a written Manager's Report dated October 15, 2013. Mrs. Pudliner noted that since the report was not included in their packet, she would review the report item by item with the Board at this time.
  - (a) As noted in the report, the Township Manager indicated that the Township has finally completed all the work with respect to the Municipal Building complex to include all final paving of the parking lot areas and the repaving of Grove Road.
  - (b) The Township Manager advised the Board that Council has received an estimate provided from Spencer Sounds in the amount of \$1,358 for their work to accommodate the Township's desire to stream the Council meetings. Additionally, Mrs. Pudliner noted that the Township will need our computer company to perform the necessary work to make this operational.

Chairman Dreisbach addressed the Board at this time and indicated that streaming would allow the residents of the Township to watch the meetings from home. Chairman Dreisbach noted that the Township would need one camera to

accomplish this. He indicated he thought it would be a good idea because then the Township could go back and see what was discussed at prior meetings. He noted that he would like to start using a basis of 50 people at a cost of the appropriate website that would handle the viewing of the meetings of \$50 per month. Chairman Dreisbach advised that the people he talked to thought it would be a good idea. Chairman Dreisbach indicated that the Board could discuss this further by putting same as an additional item under Unfinished Business on the Agenda.

- (c) The Township Manager advised the Board that they had received correspondence from the Township Attorney with respect to potentially increasing the fees to come before the Township Zoning Hearing Board. The Township Manager noted that the information provided by the Township Attorney supports an increase in the fees to \$1,000 as opposed to the \$750 currently charged. Additionally, the Township Manager noted that going back into the Township's invoices, it appears that the current advertising costs for the Morning Call for a Zoning Hearing range from \$700 range to the mid-\$800 range. Also, a study performed by Township staff shows that the \$1,000 fee would not be out of line with other municipalities in our area. Council discussed the matter and felt that an increase to \$1,000 was justifiable. The Township Manager indicated that she could revise the Fee Resolution to accommodate the increase in the fees. In that regard, the Board made the following Motion:

Motion: I move Council direct the Township Manager to have the general Fee Resolution amended to increase the Zoning Hearing Board filing fee from \$750 currently charged to \$1,000. Said increase would be applicable to businesses only.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach: Aye Unan.

2. Ryan M. Christman  
For Frederick W. Hay, P.E.  
Township Engineer

In the absence of the Township Engineer, Ryan Christman of Keystone Consulting Engineers was present at the meeting and offered the following report:

1. The Township Engineer advised the Board that the 2013 Road Program should be done tomorrow. The work remaining involves the intersection of Catasauqua Road and the work proposed on Pennsylvania Avenue.
2. A discussion ensued with respect to pictures depicting an area adjacent to Sherwood Park where a tree had come down and taking with it PPL wires attached to the poles in the area. This caused a power outage and PPL came in through Sherwood Park and a yard of one of the property owners to do the necessary work to restore power.

With respect to the issue of damage to Township property and the yard of the one property owner, the Township Manager noted that she had been in contact with our PPL representative who provided the name of the individual to contact for restoration purposes. Jeff Mouer, the Public Works Maintenance Supervisor, was present at the meeting and advised the Board by way of history of this matter, the Township had first been approached to clear out an area at that location which was the Township's property. A discussion ensued at a later time as to what it would take to clean out the whole area. It should be noted that the Szabo property initiated the concern. With respect to the Cynthia and Gloria Krause property, it appears that they are on board to cleaning up the area. Also, the Keefe property in that area would have liked to have seen the area cleaned out and wanted to donate land to the Township for a walkway. He indicated that people just come right through his yard to access the park. Mr. Mouer noted that he and the Township Manager had discussed the handling of this matter. Mr. Mouer noted he still thinks it a good idea to have the walkway put in place.

In any event, the Township Manager noted that there had been some indication that the Szabo property owner felt that the Township had liability. Accordingly, the Township performed a survey of that area and has determined that the tree in question is not on Township property. The Township Manager indicated that we would have to await to see if there is any further action on this matter.

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

1. The Township Attorney advised that his items have either been addressed previously during the meeting or relate to the item under New Business currently on the Agenda.

4. Maintenance Report (Written)

5. Fire Company's Report (Written)

6. Code Enforcement Officers' Reports (Written)

7. Building Inspector's Report (Written)

Chairman Dreisbach acknowledged receipt of a written Maintenance Report, written Fire Company Report, Written Code Enforcement Officers' Reports and written Building Inspector's Report and same were noted for the record. At this point in the meeting, there was a discussion relating to a gas leak repair that occurred approximately two weeks ago in the residential area of the Township. The question was what the responsibility of UGI is regarding the repair. Mr. Mouer noted that they have to put the area back as it was originally. Additionally, Mr. Mouer advised Council of the status of several matters. He noted that the rentals of Canal Park have finished and the Public Works Department is currently winterizing the park area. Mr. Mouer noted that in the springtime they will be getting the necessary permits in place for the work on Catasauqua Lake. With respect to the

Chestnut Grove parking lot, same has been completed and signs for the parking lot are on order. Mr. Mouer indicated that it is the intent to have electricity to the Chestnut Grove pavilion this year and that should be accomplished within the next two weeks. Mr. Mouer also indicated that with respect to leaf collection, the Public Works Department hopes to begin same the first Monday in November.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated October 16, 2013, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

Dreisbach, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach:

Aye

Unan.

Vice Chairman Atkinson raised an issue regarding the dumpster which is still on the Hertzog property on Dauphin Drive. The Township Manager advised that she would determine how long the dumpster will be at that location.

Unfinished Business:

At this point in the meeting, Chairman Dreisbach determined that the Board should continue their discussion with respect to the issue of streaming the Council meetings. Councilman Paulus commented initially that the Township has been attempting to watch its expenditures for the past two years. Councilman Paulus felt that the Township should not be looking for ways to spend taxpayer dollars. He noted that the last four years the state law changed and the Township is no longer required to tape the meetings. Councilman Paulus noted that he is opposed to streaming the Council meetings for the world to see. He felt that same could become a costly endeavor. He did not see what would be gained from such an endeavor and he feared the issue of the meetings going viral. Councilman Atkinson indicated that he felt that more and more local governments, schools, business, etc. are opening up public meetings to streaming. Individuals have difficulties getting to such meetings and also you can go back and view prior meetings. Councilman Atkinson indicated its sort of like instant replay. Councilman Woolley indicated that since the Township equipment could provide an audio tape and since meetings are open meetings, the need for streaming might be unnecessary. Chairman Dreisbach reiterated that you could back and view the process which took place. Councilman Paulus noted that you have the Minutes of the meeting to go back to and determine what took place at a given time. Comments were made that the Minutes are merely a summary and don't provide the entire picture of what took place at a given meeting. Chairman Dreisbach advised that the country is supposed to be transparent.

Mr. Tom Lerch, a resident of the Chestnut Grove Towne Garden Development was present at the meeting and took the floor and posed questions to the Board. Mr. Lerch indicated questions that should be asked are for example, "How many people come to the meetings?"; "How many people would watch Dancing with the Stars?"; and "When was the last time someone from the Morning Call showed up at our meetings?" Mr. Lerch indicated he felt that the streaming issue is not

realistic. Realistically, Mr. Lerch felt that if the people don't come here, they will not go on the web to view the meeting. Mr. Curtis Wegfahrt of 1853 Sherwood Street, present at the meeting, commented as to whether or not this is an issue of need or want. The streaming could open us up to people beyond this room. With respect to the issue of instant replay of past action, Mr. Wegfahrt commented that possibly the Board may not want individuals to see the Board act like they have in the past on controversial issues. There was a discussion initiated by Councilman Atkinson regarding need vs. want. He noted that you may want the website but do you need it? The Township Manager begged to differ and indicated that the website is a service to the community. Councilman Paulus raised the issue as to how many potential hits the Township could get. Chairman Dreisbach indicated that you can put a limit on the hits. Councilman Woolley commented that the hits could encompass people outside of the Township. He questioned if there was a way to do a trial run. Councilman Atkinson indicated that he is more interested in archive viewing.

As a direct result of the above discussion, it was determined that Chairman Dreisbach would go back to Spencer Sound to run the issue by them and determine if there is any other way to approach this matter other than as noted in his estimate. Chairman Dreisbach directed the Township Manager to place this matter on the next Regular Council Meeting Agenda which will be held on Wednesday, November 6, 2013 at 7:30 P.M.

New Business:

1. Bill No. 2013-08, An Ordinance Amending Chapter 15, Section 408 of the Statutory Code of Hanover Township to Restrict Parking in the Chestnut Grove Parking Lot (Introduce)

The Township Manager advised the Board that the Township has parking lot regulations at the Township parks with the exception of Chestnut Grove Park which had no parking lot. Since the creation of the new parking lot, the Township has created parking regulations by way of this proposed Ordinance for Chestnut Grove Park. Chairman Dreisbach indicated that Bill No. 2013-08 was introduced at this time with a Public Hearing to be held on Wednesday, November 6, 2013 at 7:30 P.M.

At this point in the meeting, Councilman Atkinson raised an issue regarding Councilman Paulus. Councilman Atkinson noted that he was given information about a month ago and he needed to determine the validity of same. Councilman Atkinson advised that he has determined that Councilman Paulus is guilty of an outright violation of the Hanover Township Home Rule Charter, in particular, Section 6.07(a) which states, "Each compensated Township official, officer, or employee, may participate or refrain from participating in political activity but no compensated Township official, officer, or employee shall engage in political activity while performing the duties of his position with the Township or service as a Township committee person of a political party." Councilman Atkinson advised that his research has provided information that Councilman Paulus was the Democratic Committeeman for Hanover Township since 2010 when he received one write-in vote along with a Mary Flyte. Councilman Atkinson noted that this conduct is expressly prohibited in the Home Rule Charter. The penalty for same is set forth in Section 6.09 of the Charter which reads as follows: "Any person, who by himself

or with others, willfully violates any of the provisions of Sections 6.04, 6.07, 6.08, or 6.09, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable under the provision of the Penal Code of the Commonwealth of Pennsylvania. Any person convicted under this section shall be ineligible for a period of five years thereafter to hold any Township office or position and, if an elected official, officer, or employee of the Township, shall immediately forfeit his office or position.”

Accordingly, Councilman Atkinson indicated that he wishes the Board to direct the Township Attorney to draw up the appropriate paperwork and submit same to the District Attorney’s Office of Lehigh County for the purpose of determination of the penalty for the alleged conduct as set forth in Section 6.09. Councilman Atkinson also brought to the Board’s attention that the Home Rule Charter, in particular, Sections 3.06 and 3.07 sets forth that the Council shall be the judge of its members with respect to forfeiture of office.

With respect to this matter, the Board made the following Motion:

Motion: I move that the Township Council directs the Township Attorney to present to the District Attorney of Lehigh County the allegations that Mr. Paulus violated Section 6.07(a) of the Township Charter by serving as a Councilman while serving as a Committeeperson of a political party, for prosecution under provisions of Section 6.09 of the Charter.

Atkinson, Kovacs: Moved and Seconded

Atkinson, Kovacs, Woolley, Dreisbach: Aye

Paulus: Nay

At this point in the meeting, Curtis Wegfahrt of 1853 Sherwood Street in attendance at the meeting, approached the Board. Mr. Wegfahrt questioned Councilman Paulus as to whether or not he had done anything willfully or whether or not he did not know of the restriction in the Home Rule Charter. Councilman Paulus indicated he did not know of the restriction. Mr. Wegfahrt commented that he doesn’t understand why this Board is cannibalizing him. Councilman Kovacs brought up the fact that he violated the Home Rule Charter. Mr. Wegfahrt countered with a comment regarding the prior Ordinance adopted to provide for term limitations of a Chairman of a Board and how that was directly aimed at Councilman Paulus. Councilman Kovacs alluded to the fact that Mr. Wegfahrt is running for Council only at the direction of Mr. Paulus. Mr. Wegfahrt differed with that concept and indicated that it was not the case and that he is running for election because the people in the Township don’t think that this Council cares what they want. Why would you not talk to Mr. Paulus about this issue instead of going to the District Attorney? Chairman Dreisbach advised Mr. Wegfahrt that just as there had been an issue raised against Councilman Kovacs initiated by Robert Heimbecker, a current candidate for election, so this Board is now going after Councilman Paulus. Councilman Kovacs indicated that his comments he made at this time he desired to be placed in the record of the Minutes. Councilman Kovacs brought up the issue of a week ago last Friday, the Election Board held a meeting to determine where the voting should take place in Hanover Township. When this matter had been brought up for a vote it was unanimous that the Board would request the Election Board to return the voting to the Municipal Building. Councilman Kovacs indicated

that when he came to the meeting of the Election Board, Councilman Paulus and other individuals he didn't know were present. At that point, Councilman Paulus approached the Election Board and indicated that he felt it should stay at the Fire Station and not be returned to the Municipal Building. Councilman Woolley commented that he had also changed his mind and was at the Election Board Meeting supporting Councilman Paulus' position. Councilman Kovacs took issue with Councilman Woolley's comments and an argument ensued when Councilman Woolley told Councilman Kovacs that the State Police records which he had secured showed a history of accidents at the intersection of Grove Road and Airport Road. Councilman Kovacs called him a liar and indicated that he changed his position on issues like wind blowing in different directions. Councilman Kovacs indicated that all this was politically motivated on the part of Councilman Paulus. A heated discussion ensued with Mr. Wegfahrt and Councilman Kovacs told Mr. Wegfahrt that he did not wish to hear anything further from him.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (09/27/13), Payroll (10/11/13); Voucher Nos. 19768-19777 (Prepays), Voucher Nos. 19778-19830, from the General Fund Account in the amount of \$145,958.46; Voucher Nos. 107 from the Liquid Fuels Account in the amount of \$5,869.79; Voucher No. 4089 (Prepays), Voucher Nos. 4090-4099 from Capital Reserve in the amount of \$63,339.05; Voucher Nos. 4049-4056 (Prepays), Voucher Nos. 4057-4058 from the Escrow Account in the amount of \$22,092.03; Voucher Nos. 3895 (Prepaid), Voucher Nos. 3896-3900 from the Water Account in the amount of \$73,875.67; Voucher Nos. 5065-5066 (Prepays), Voucher Nos. 5067-5074 from the Sewer Account in the amount of \$86,699.83 for a Grand Total Expenditure of \$397,834.83.

Dreisbach, Kovacs: Moved and Seconded

Atkinson, Kovacs, Paulus, Woolley, Dreisbach:

Aye

Unan.

Courtesy of the Floor: None.

Adjournment:

The meeting was adjourned at 8:55 P.M.

Respectfully submitted,

Sandra A. Pudliner  
Township Manager