

HANOVER TOWNSHIP, LEHIGH COUNTY  
REGULAR COUNCIL MEETING

February 1, 2023  
7:00 P.M.

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

Absent: 0

Attendance: 7

Bid Opening: Bid 2023-01 Catasauqua Rd./Valley Plaza Improvements

The Township Manager opened the Bid from PennBid and stated that there is one bid this evening from Telco Inc., 1224 Cross Keys Rd., Reading, PA 19605. Total base bid is \$517,646.80. The Township Engineer said it is a little under what was estimated.

Motion: I move Bid No. 2023-01, Catasauqua Road and Valley Plaza Driveway Intersection Improvements Project be awarded to Telco Inc. in the amount of \$517,646.80 subject to the review of the Township Engineer.

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

Courtesy of the Floor:

Phillips Armstrong with Lehigh County came before the Board for his annual visitation tour. Because of everything being done back and forth with the 25 municipalities, a new post was created. Yarmon De LaRosa is the new Community Liaison. He is a good contact in moving things along back and forth between the different municipalities. Mr. Armstrong gave highlights on projects and initiatives going on in the County. The IronPigs will be staying with the County until 2053. There were negotiations made and the County came together to keep the IronPigs. Monies were received from the State, Northampton County, Lehigh County, Chamber of Commerce and the owners stepped up. The County was never at the point where they would lose the IronPigs. The County could not afford that. There is still a long lease payment on the stadium for a couple more decades. If the County lost the team, they would lose that rent. Due to Covid, there are 40 plus empty stadiums in the United States looking for teams. Mr. Armstrong said the County was told they will be receiving \$2.7 million to go toward home improvements. They will work with CALCV to get the monies. The grants have been wonderful They received \$22 million for rent assistance during Covid. The American Rescue funds have helped tremendously and the CARES Act which they shared with all of the municipalities. To date, the County has received an Opioid settlement. They have Opioid Task Force regulations for how those monies will be spent, which must be spent on opioid prevention. The County is in a lawsuit with the producers of insulin, due to diabetic people being ripped off. This will take a couple of years. The County has been

very active.

The new area at the Lehigh Valley Airport which will take you from the checkpoint to where the airplanes are located is about three-quarters of the way finished. When completed, we will have a premiere airport. There has been no tax increase. The Budget is doing well. To add to Mr. Armstrong description of the airport checkpoint, the Township Manager offered to show the Board a time-lapse video of its progress. Mr. Armstrong stated when looking at Lehigh County, all of the organizations and municipalities that come together makes this one of the top places in the United States. He is on the Executive Board of the Executive Boards of America of 21 counties which meet twice a year. Lehigh County gets to share with what the other counties are doing and vice versa. Mr. Armstrong stated that in the last five years he believes he has put Lehigh County on the map as far as the United States in concerned. This is good for the Lehigh County and he is hopeful to continue on this path.

A Council member asked if there are any new initiatives for farmland preservation in the County. Mr. Armstrong replied that they place \$1 million in the Budget every year for farmland preservation and rank third in the state to date for farmland preservation. There are a number of farms in the queue and will continue to do this. A key factor is the quality of life. Last June, Mr. Armstrong went to Columbus, Ohio and received an award from NARC (National Association of Regional Councils). Mr. Armstrong represented four states (New York, New Jersey, Pennsylvania and Delaware). They received a national award for the \$22 million RIZE Grant to continue the trail from Allentown up through Whitehall on the Catasauqua side. You can ride your bicycle from Washington, D.C. to the World Trade Center except for three and one-half miles in our County. It took Mr. Armstrong five years until he got that grant and got recognized nationally for what the County is doing for the Rails to Trails and recreation. The average home near a trail goes up \$14,500.00 in value which is the national average. It's important that we continue farmland preservation and open spaces. They have recently signed with a company and will be working with Lehigh University to get data on air quality. There are only two air monitors in Lehigh County. If they need something measurable in the future, they need to have the data that shows what the air quality is, where are the problems and where it is good. These monitors will be placed throughout the County where they feel they are needed. There is a problem with air quality in the County.

Bill Leiner with the Lehigh Valley Press introduced himself. He will be our new reporter.

Approval of Minutes: January 18, 2023 Regular Council Meeting

Motion: I move we waive the reading of the Minutes of the January 18, 2023 Regular Council Meeting and accept same as presented.

Paulus, Woolley: Moved and Seconded

Heimbecker, Lawlor, Rossi, Woolley, Paulus:

Aye

Unan.

Reports:

1. Melissa A. Wehr  
Township Manager

The Manager did not have a report.

2. Al Kortze, P.E.  
Township Engineer

The Engineer's items for discussion are under New Business.

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

The Attorney's items for discussion are on the Agenda.

Unfinished Business: None.

New Business:

1. Bill No. 2023-01, An Ordinance Amending Chapter 25, Part 1, Section 105, Subsection 3 and 4 of the Statutory Code of Hanover Township to Establish Standards and Responsibility for Trimming, Pruning or Removing Street Trees in a Diseased or Dangerous Condition (Introduce)

The Township Attorney stated this issue came up in the past in different contexts with how the Council felt with certain responsibilities regarding trimming street trees, especially with what was set forth. There were some practices that weren't necessarily codified in the Ordinance. The changes here are to make it clear with the main one clearly stating that the Township is responsible for trimming trees that abut residential properties to keep proper height above street level which is the Township's responsibility for residents but not for apartments or for condos of more than three units. There are circumstances and standards for trimming which require pruning for certain branches. A provision was added requiring that if this requires you to go on private property rather than just trimming the street level, then you need the property owner's permission. If you don't receive permission within 30 days, then the property owner is responsible for doing it. The last change arose from a circumstance where there was a tree which was in distress but wasn't a diseased tree. The question arose who had the responsibility of taking care of it and what authority did the Township Manager have when it was in danger of falling into the street. The last change allows the Township Manager to make the decision then the property owner is required to take care of it while this is allocating the responsibility as to who has to take care of it when there is a problem. These are issues to consider until the meeting when Council votes on the ordinance.

2. Authorization for the Manager to Release Payment #2 for Wexcon, Inc. for the Allendale Sanitary Sewer Replacement Project in the amount of \$214,841.89.

The Township Engineer stated this is the second release and all of the items they requested have been completed and are in good shape. There is still \$293,000.00 outstanding as far as the contract amount. They are over 90% complete. Within the next month, we should see another request that would cover most of it. There is some adjustment of sanitary manholes and lawn restoration left to complete. The Engineer recommends this release.

Motion: I move for the Authorization for the Manager to Release Payment #2 for Wexcon, Inc. for the Allendale Sanitary Sewer Replacement Project in the amount of \$214,841.89 as approved by the Township Engineer.

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

Approval of Bills:

Motion: I move Council authorize payment of Payroll (01/15/23), Voucher Nos. 27056-27073 from the General Fund Account in the amount of \$28,724.28; Voucher No. 4640-4642 from the Capital Reserve Account in the amount of \$233,534.65; Voucher Nos. 4593-4596 from the Water Account in the amount of \$60,680.61; Voucher Nos. 6260-6266 from the Sewer Account in the amount of \$25,191.20; Voucher Nos. 5271-5272 from the Escrow Account in the amount of \$23,115.00 for a Grand Total Expenditure of \$398,258.64.

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

Courtesy of the Floor:

Attorney Joe Fitzpatrick stated he is here this evening representing Primo Produce and its principals George and Dimitrios Paxos and Mike Jeitner, who is the project engineer and a principal with Bohler Engineering. They are here this evening to make an introduction of a proposal and project they feel is great for Primo and the Township. The request they will be making relates to a zoning text amendment that show a commitment to the Township by Primo and its principals, George and Dimitrios Paxos. Covid has changed a lot for the food processing business. Attorney Fitzpatrick stated that Primo is attempting to purchase the Carmike Theater a/k/a AMC Theater property that is adjacent to the Primo Produce facility. There is an intent to integrate Primo with the theater property over time. They do not intend to come up with a building plan immediately. They wanted to first assure the Township, knowing the history of what occurred in 2021 relative to attempts to knock down the theater and put up a warehouse, that this is not a warehouse proposal. This is a proposal to establish a permitted business use that can be integrated well with Primo, but more importantly, in the zoning district where it is located. In the Township's planned unit development (PUD), there is no provision for this type of use. Primo would like to suggest this change so they can finalize their contract of sale, line up appropriate financing and integrate the business units.

Primo is asking for the Township's support now, with respect to the Council who holds the public hearings and has the vote. They are ready to file with the Planning Commission regarding the text amendment and the use they wish to propose which is not included in the current Township's Ordinance or anything similar to it. They are asking to include language for the use of food processing preparation, packaging and related distribution to be inserted into the PUD as permitted use. They are not looking to change setbacks, coverage or anything like that. Both George and Dimitrios Paxos understand this community and the recent history of that property. As businessmen and himself as a development lawyer, they know that the uses and availability of buyers for a multi-plex theater from the 80s is not what it might have been in 1990, since the business world has changed. Mr. Fitzpatrick has had a number of exchanges with the Township Attorney. They need to be permitted to move forward with the business part of the deal with future development and they wanted to come before Council realizing that they are the governing body with the ultimate vote and would like to proceed on through the process with the Planning Commission, etc.

At this time, George Paxos spoke to the Board on Primo's history and Mike Jeitner showed some visuals to the Board. They realize it is in a residential neighborhood and want to be respectful to the neighbors. Mr. Paxos said that their expansion on his current building was completed two weeks before the Covid pandemic was announced. They found themselves in a precarious situation where 80% of their business literally went away overnight after they completed a very expensive addition to their building. With 80% of their business dropped, they were blessed to be able to do packing and repacking, cutting product and adding value added services that kept their addition going. Consequently, all these activities resulted in the need for more labor. They want to stay in Hanover Township and love the location. They have a serious space problem, parking for example. They now employ 200 individuals. With the theater being contiguous to their property, it is a fantastic solution for them to grow their current business onto the theater property. They are under an agreement of sale with due diligence contingent upon the approval of the Township and have a few months left to complete it. Mr. Paxos stated that they are hopeful that they get the approvals from the Township and to purchase the land and grow the existing business. Mr. Paxos they have a plan to make the current situation much better for the residents. There will be a 190 foot barrier that they will not allow truck traffic to go through. There would be no trucks allowed to idle. There are currently sheds, fire pits, etc. from adjoining residents on this property. There would only be cars parked there and no truck parking allowed to the rear of the property. No one has taken care of the property. There are a lot of dead trees that are dangerous and need to be cut. The fence is in complete disarray which would be upgraded. Mr. Paxos has committed to planting 6-8 arborvitae or something similar to create an additional buffer for the residents from what is there now.

Adjournment:

The meeting was adjourned at 8:12 P.M.

Respectfully submitted,

Melissa A. Wehr  
Township Manager