

HANOVER TOWNSHIP, LEHIGH COUNTY
REGULAR COUNCIL MEETING

February 16, 2022
7:30 P.M.

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

Absent: 0

Attendance: 18

Opening of Bids: Bid No. 2022-01 Garbage and Recycling Contract

One bid was received. A representative from JP Mascaro was in the audience to answer any questions. The Board discussed the options and costs of recycling every other week versus every week.

The Board determined they would choose the garbage and recycling every week, three-year contract. The following Motion was made.

Motion: I move we award the Municipal Waste/Recycling Contract to JP Mascaro for 3 years with the option of garbage and recycling each week in the amount of \$213,599.52 subject to the review of the Township Attorney, Township Engineer and Township Manager.

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

Courtesy of the Floor: None.

The Chairman of Council announced that there will be a new procedure involving all personnel concerns and/or complaints. They shall be given to the Township Manager in writing and not aired at a public meeting. The Township Manager at that point would try to resolve any issues and respond to the complainant appropriately. The Township Attorney stated that if anyone has any concerns and/or complaints regarding the Township Manager, those concerns and/or complaints should be in writing to the Township Manager with a copy to Council. Any follow-up discussions by Council regarding personnel matters will be discussed in an Executive Session and Council will follow up with any resolutions and respond to the complainant appropriately. Courtesy of the Floor is 15 minutes in length with 5 minutes per item, per complaint and per person. A discussion ensued.

Approval of Minutes: February 2, 2022 Regular Council Meeting

Motion: I move we waive the reading of the February 2, 2022 Regular Council Meeting Minutes and accept same as presented.

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

Aye
Nay

Reports:

1. Melissa A. Wehr
Township Manager

1. Declaration of Disaster Emergency was extended and will continue to follow the County.
2. Litigation paperwork for an auto accident was forwarded to the Township's insurance company. Township Manager will continue to work with the insurance company on this matter.
3. As a follow-up to one of the Councilmember's questions. Pennsylvania State Police met with the regional Amazon representative regarding their trucks. They were updating their dispatch app with directions on how to get to their facility.
4. There was a Zoning Hearing Board meeting last month concerning the former EmergiCenter at 1791 Airport Rd. The written opinion went out. Council may have to amend the Agenda this evening regarding this appeal for the variance for the reduction in the required number of parking spaces. The Zoning Hearing Board approved them with a condition they entered into a lease for the extra parking spaces. A discussion ensued. Council took no action regarding the Zoning Hearing Board's Decision.

2. Al Kortze, P.E.
Township Engineer

1. Tomorrow there is a pre-bid meeting for the Chestnut Grove Basketball Court Project. Bids will be submitted and opened at the next Council meeting.

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

1. The Township Attorney followed up on the Patterson complaint which was the automobile accident which resulted in a casualty on Race Street from two years ago. The complaint was filed and there are 17 defendants. The Township Manager forwarded the complaint onto the Township's insurance carrier. This will be handled by the insurance carrier's attorney.

4. Maintenance Report (Written)

5. Storm Water Issues (None)

6. Fire Company Report (Written)

7. Code Enforcement Report (Written)

One of the Councilmembers mentioned that in one of the Code Enforcement's Report it stated that on January 29, three vehicles sped down Lloyd Street and proceeded past the No Outlet signs and cut off their headlights. The Pennsylvania State Police was called to assist with the complaint. They spoke to the individuals and no further action was required. The Councilman requested the Township could put something under the No Outlet signs stating this area is being monitored with security cameras. A discussion ensued. Council will look into this matter further.

8. Treasurer's Report (Written)

Motion: I move we accept the computer printouts dated February 16, 2022, for the General Fund Account, Capital Reserve Account, Escrow Account, Liquid Fuels Account, Sewer Account and Water Account subject to audit.

Paulus, Woolley: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

9. Building Inspector's Report (Written)

Unfinished Business: None.

New Business:

1. Purchasing and Expenditure Policy, Han-Le-Co Fire Company (Review and Discussion)

The Township Attorney said this is a follow-up discussion from the last Council meeting where his colleague was asked a question with regard to certain appropriations whether they be permitted as donations or a voucher and/or invoice approval system. It can be done by either way with the Fire Company. It would be up to the municipality. The Township Attorney spoke with the Township Auditor with regard to various types of appropriations to their fire companies. Whatever is intended would be the determination of Council and they should be explicit in their decision. The Township Attorney stated the Township has a Purchasing Policy that was adopted in 2019 with regard to the Fire Company expenditures and purchases that provides for a detailed process of providing invoices, etc. for expenditures to be made. The Township Attorney mentioned that there is only one item he thinks is in a grey area because it does not specifically say that it is a grant, but it is not a named item of purchase. It is the Firemen's Fund. The Township Attorney feels this is a matter where one of the questions asked by the Township Auditor in his email is if Council has made a statement or resolution that that is to be a grant. It is not stated, although it could be interpreted that way. This line item is unclear. Everything else is subject to the Township's purchase rules. The Township Attorney said either interpretation might be accepted. The Township Manager made an interpretation which appears to be a reasonable one. If that was not Council's intent, legally that is a decision

Council can make as far as what was intended with regard to that particular appropriation. A discussion ensued.

Motion: I move that the matching funds to the Fire Company be noted as a donation.

Heimbecker, Tocci: Moved and Seconded

Heimbecker, Tocci, Woolley:

Aye

Lawlor:

Nay

Paulus:

Nay

One of the Councilmembers followed up with the question that the bill to the Fire Company will now be paid. The Township Manager replied that it will be paid when she receives something in writing that it is considered a donation. Another Councilmember mentioned that since he interpreted this as a matching fund and thought there is a Resolution in the books for the accounting of said funds, he feels that at the next meeting there needs to be an Agenda item reversing said Resolution. The Township Attorney reiterated that there are two things. Regarding the matching funds, the Township Auditor agreed that it is clear that the Fire Company needs to show that the \$15,000 was raised and one of the responsibilities of the Township Manager is to receive whatever evidence is necessary to see that money was raised and the Fire Company made the match. As he understands the Resolution, the Motion made was to identify the Firemen's Fund line item in the Township's Budget as the intention of Council that it was a grant or donation. He feels this is sufficient and adds clarity to that item which was not there before. The Township Attorney said Council can have a Resolution at their next meeting; however, this is a Motion and an official action of Council which is sufficient to give direction to the intent. Once this is identified, then it is a check to the Fire Company also known as a donation. A discussion ensued. The Township Manager stated that she will release the check.

2. Resolution No. 2022-25, A Resolution Restricting the Use of the Proceeds of the Federal, State and Local Fiscal Recovery Funds Grant Received in 2022 for Transfer to the Capital Budget for Sewer Infrastructure Expenditures (Vote)

Motion: I recommend that Resolution No. 2022-25, A Resolution Restricting the Use of the Proceeds of the Federal, State and Local Fiscal Recovery Funds Grant Received in 2022 for Transfer to the Capital Budget for Sewer Infrastructure Expenditures be approved as presented by the Township Attorney.

Heimbecker, Woolley: Moved and Seconded

Heimbecker, Lawlor, Tocci, Woolley, Paulus:

Aye

Unan.

3. Resolution No. 2022-26, A Resolution Appointing William Fries, Esquire as the Township's Zoning Hearing Board Attorney (Vote)

Motion: I recommend that Resolution No. 2022-26, A Resolution Appointing William Fries, Esquire as the Township's Zoning Hearing Board Attorney be approved as presented.

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

4. Authorization to release the payment for the final Application #3 to Enterprise Stone and Lime Co. Inc. in the amount of \$118,859.25 for the 2021 Road Program-Postal Rd. Recycling and Overlay Project (Vote)

Motion: I recommend Authorization to release the payment for the final Application #3 to Enterprise Stone and Lime Co. Inc. in the amount of \$118,859.25 for the 2021 Road Program-Postal Rd. Recycling and Overlay Project as presented and recommended by the Township Engineer.

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

5. Covid Restrictions in the Township Building (Review and Discussion)

This was placed on the Agenda at the request of one of the Council members. This Council member would like to see the Municipal Building reopened to the public with a mask optional policy and that it be voted on. The Chairman stated that it is an administration decision, and he feels it should be up to the Township Manager to decide since she set the program in place which has worked in keeping everyone safe and healthy to date. Business is being run as usual without missing a beat.

Motion: I move that the Township Building be opened to the public which it serves and make it a mask optional policy.

Tocci: Moved

No one Seconded the Motion. The Motion died.

6. Termination of Emergency Declaration Policy (Review and Discussion)

This was placed on the Agenda at the request of one of the Council members. This Council member was under the impression that the Township continued this policy so that it could receive funds due to Covid. At the last Council meeting, he asked the County Executive who was in attendance at the meeting if this was the case. No funds were being received due to this policy. The Township Manager made this determination due to the fact that this was a pandemic, which is new to all persons in attendance this evening. She followed the guidance that the County set with the Declaration Policy that has continued. She did not know if it would enable the Township to be eligible for any additional grant monies, but the Declaration does enable the Township to cut through some of the red tape for government for purchases under the Declaration of Emergency Disasters. Her intent is to follow what the County does with that portion of it. As long as the County extends theirs, she will extend the Township's as well.

Payment of Bills:

Motion: I move Council authorize payment of Payroll (01/21/22), Payroll (02/04/22); Voucher Nos. 26288-26307 (Prepays), Voucher Nos. 26308-26359, from the General Fund Account in the amount of \$205,281.89; Voucher Nos. 200 from the Liquid Fuels Account in the amount of \$5,549.59; Voucher Nos. 4594-4597 from Capital Reserve in the amount of \$334,785.55; Voucher Nos. 5126-5127 from the Escrow Account in the amount of \$873.00; Voucher Nos. 4495-4502 from the Water Account in the amount of \$166,125.15; Voucher Nos. 6115-6117 (Prepays), Voucher Nos. 6118-6124 from the Sewer Account in the amount of \$494,762.34 for a Grand Total Expenditure of \$1,207,377.52.

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

Courtesy of the Floor:

One of the Executive Board Members for Han-Le-Co Fire Company addressed the Board. Pursuant to one of the Councilmember's request, the list addressing their concerns was given to the Township Manager, the Township Attorney and Council. They would like to be able to sit down with the Township Manager and try compromising. A copy of the detailed letter to the Township for the request of their \$15,000 was also included. The Township Manager will review their concerns and respond.

Adjournment:

The meeting was adjourned at 9:02 P.M.

Respectfully submitted,

Melissa A. Wehr
Township Manager