

The Morning Call

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Two towns say public be damned

According to what seems to be the attitude of some government officials, it is the duty of the less-than-exalted to pay the taxes that help enrich the powerful, and to refrain from sticking their noses into governmental matters.

It is none of the public's business how the power structure spends the public's money, the officials' actions indicate. There are many examples, but for the moment such attitudes are especially noticeable in two Lehigh Valley municipalities where the public has been excluded from the process to reach important decisions.

In Allentown, plans were made in secret for a new hockey arena. In Lower Macungie Township, a secret deal would allow a big warehouse (4 million square feet) and commercial projects

For the public, both issues will not get full airings until Nov. 29 — the same date for each — too late for the public to have any genuine participation.

Lower Macungie's issue concerns developer and turkey magnate David Jaindl and his quest to turn 600 acres of the lovely township into something resembling Bayonne, N.J.

To accommodate him, township commissioners engineered a secret deal to change the zoning ordinance. That came after Jaindl threatened to dig a horrible quarry on his land if he did not get his way on the warehouses.

That secret deal has been challenged in court, where things may not be settled until next year, but the next chance the public gets to participate in the process will be when the township's Zoning Hearing Board deals with the proposal on Nov. 29.

Meanwhile, events surrounding Allentown's hockey arena, as reported in The Morning Call on Sunday, involved cooking up "perhaps the largest public project in the city's history behind closed doors."

Although plans were in the works since 2010, the story said, Mayor Ed Pawloski did not divulge the location until March, and it was not divulged until July that the Allentown Commercial and Industrial Development Authority "had months earlier quietly mapped out a new downtown taxing zone and arranged for \$35 million in loans to get the \$175 million project started."

Authority meetings are open, but the public was not aware that the authority was working on the arena proposal until the city announced the public could start participating in a series of meetings starting on Nov. 29. That, observed city Councilwoman Jeanette Eichenwald, is "too little, too late."

Of those two episodes, the Lower Macungie one may be uglier, with some township officials resorting to personal attacks, apparently to divert attention from a deal, reached behind closed doors, to give Jaindl what he wants.

That scheme hit a snag when a residents group won a ruling by Lehigh County Judge Michele Varricchio, who found that a procedure to change the zoning ordinance to accommodate Jaindl was invalid because it lacked the proper public notice.

As reported in Saturday's paper, Joseph Zator II, a lawyer for Jaindl, said the spot zoning for Jaindl by the commissioners should not be called "spot zoning." He said everyone should use a more agreeable term. "I would strongly suggest this is sound land-use planning," he euphemized.

In any case, the residents group, to the dismay of the power structure, was assisted by several people, including Robert Rust III, who is both a member of the Zoning Hearing Board and a lawyer.

Saturday's story also reported that Rust said, regarding the Jaindl scheme, that the township commissioners acted on behalf of the "interest of one party — Mr. Jaindl."

The power structure resented the fact that Rust was helping hoi polloi, and his reappointment to the board appeared to be in doubt. (His term ends Dec. 31.) That caused some zoning board members and the board's attorney to express support for the widely respected Rust. (How dare they say anything nice about someone who helps regular citizens get in the way of the commissioners' deal with Jaindl?)

The township commissioners sicced a solicitor, Richard Somach, on those expressing support for Rust, and Somach huffed and puffed about the impropriety of such support — even though Rust had recused himself from taking any action on Jaindl as a board member. Also, Rust helped regular citizens on a pro bono (free of charge) basis, although he later accepted some nominal fees for legal work.

I was unable to find out how many other lawyers in the township help regular citizens on a pro bono basis. If I do, I'll let you know. I hope I don't get them in trouble.