
REGULAR SEMI-MONTHLY MEETING
February 24, 2009

The regular semi-monthly meeting of the Board of Supervisors, Hanover Township, Northampton County, Pennsylvania was called to order by Chairman John N. Diacogiannis at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania, 18017 at 7:30 P.M.

Present were Supervisors Salvesen, Nagle, Tanczos and Walbert, Engineer Birdsall, Solicitor Broughal, Public Works Director Kevin Healy and Township Manager John J. Finnigan, Jr.

Upon motion of Mr. Salvesen, seconded by Mr. Nagle, the Board approved the Agenda with a revision under Administration and addition of an Executive session for personnel matters and potential litigation.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Upon motion of Mr. Nagle, seconded by Mr. Salvesen, the Board approved the minutes, as written, from the meeting of the Board of Supervisors dated February 10, 2009.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos abstain, Mr. Walbert aye, Mr. Diacogiannis aye.

Upon motion of Mr. Nagle, seconded by Mr. Walbert, the Board approved the List of Bills and Transfers dated February 24, 2009 as prepared by the Secretary/Treasurer, and to enter the signed List of Bills by the Secretary/Treasurer and the Board of Supervisors as an attachment to the minutes.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

COURTESY OF THE FLOOR

It was noted that no one wished to offer any comment.

REPORT OF THE CHAIRMAN

Mr. Diacogiannis had nothing to report.

REPORT OF THE VICE-CHAIRMAN

Mr. Walbert had nothing to report.

SUPERVISOR'S COMMENTS & ROAD REPORTS

Mr. Nagle – Road District #1, Mr. Walbert- Road District #2, Mr. Diacogiannis – Road District #3, Mr. Salvesen – Road District #4 and Mr. Tanczos – Road District #5 had nothing to report.

PLANNING & ZONING

Mr. Walbert introduced the Public Hearing for Amendments to Zoning Ordinance – Proposed Small Wind Energy Systems, Patios and Decks Ordinance.

Mr. Walbert closed the regular meeting and opened the Public Hearing. It was noted for the record that the hearing had been duly advertised and the Secretary has proof of publication. A Court Stenographer was present to record all testimony.

After everyone who wished to speak, had spoken, the public hearing was closed and the regular meeting was re-opened.

Mr. Walbert introduced the Public Hearing for Amendments to Zoning Ordinance – Proposed Bee and Apiary Ordinance.

Mr. Walbert closed the regular meeting and opened the Public Hearing. It was noted for the record that the hearing had been duly advertised and the Secretary has proof of publication. A Court Stenographer was present to record all testimony.

After everyone who wished to speak, had spoken, the public hearing was closed and the regular meeting was re-opened.

It was noted that due to lack of comments, the Board will vote on the Proposed Bee and Apiary Ordinance tonight.

Mr. Walbert moved that the Board approve the following Ordinance No. 2009-02, for amendments to the Zoning Ordinance with respect to providing definitions of bee and apiary, and that the Chairman and Secretary be authorized to sign the Ordinance:

ORDINANCE NO. 2009-02

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE TEXT OF THE “HANOVER TOWNSHIP ZONING ORDINANCE” BY PROVIDING FOR DEFINITIONS OF BEE AND APIARY AND AMENDING CERTAIN OTHER DEFINITIONS

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

ADMINISTRATION

Mr. Steven and Mrs. Danielle Luccese of 1421 Stark Road were present to discuss a violation letter they received from the Township regarding a missing shade tree on their property.

Mr. Broughal stated the Township had 2 years from the date, the Township should have known there was a violation; after that you can't bring any enforcement action. The two year limit was set by a Commonwealth Court decision in 2002.

Mr. Diacogiannis directed the Township Manager to write a letter to Mr. Luccese advising him that the enforcement action will not proceed.

Mr. Nagle moved that the Board approve the following Ordinance No. 2009-03, Ground Source Heat Pump Ordinance, which provides for the regulations of ground source heat pumps, and that the Chairman and Secretary be authorized to sign the Ordinance:

ORDINANCE NO. 2009-03

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE 02-01 BY ADDING CHAPTER 54, GROUND SOURCE HEAT PUMPS PROVIDING FOR THE REGULATIONS OF GROUND SOURCE HEAT PUMPS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

Mr. Salvesen seconded the motion.

Mr. Birdsall stated that he received and reviewed comments from Mr. Paul Kuehne from the Planning Commission; but they did not require revisions to the ordinance.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved that the Board approve the following Ordinance No. 2009-4, Snow Removal Obligations-Sidewalks Ordinance, which amends certain provisions dealing with responsibilities of property owners for curbs and/or sidewalks, and that the Chairman and Secretary be authorized to sign the Ordinance:

ORDINANCE NO. 2009-4

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING CERTAIN PROVISIONS DEALING WITH THE RESPONSIBILITIES OF PROPERTY OWNERS FOR CURBS AND/OR SIDEWALKS AN REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

Mr. Tanczos seconded the motion.

Mr. Salvesen asked about the previous ordinance and what the time limit is now.

Mr. Diacogiannis explained the purpose of the Township revising ordinances tonight and at future meetings.

Mr. Finnigan responded to Mr. Salvesen's question by explaining the changes contained in this ordinance and emphasized that the Ordinance is effective 10/1/2009.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved that the Board authorize the Solicitor to advertise the proposed Ordinance, an ordinance amending the Zoning Ordinance with respect to providing for the regulations of patios and decks.

ORDINANCE NO. 2009-

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE TEXT OF THE "HANOVER TOWNSHIP ZONING ORDINANCE" TO PROVIDE REGULATIONS FOR PATIOS AND DECKS

Mr. Walbert seconded the motion.

Mr. Birdsall stated the changes were made that were suggested by the Planning Commission.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved that the Board adopt the following Resolution No. 2009-06, which approves, adopts and places into immediate effect the Emergency Operations Plan of Hanover Township, and that all members of the Board, Secretary, Manager and Emergency Management Coordinator be authorized to sign the Resolution.

RESOLUTION 09-06

This resolution, approved and adopted by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, on the date hereinafter set forth.

Witnesseth:

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. Section 7101 et seq. mandates that Hanover Township prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within the Township; and

WHEREAS, in response to the mandate stated above, this Township has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, this Township has also prepared an emergency operations plan in order to reduce the potential effects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this Township;

NOW, THEREFORE, we, the undersigned Supervisors of Hanover Township do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Hanover Township. This Plan shall be reviewed on an annual basis to make certain that it conforms to the requirements of the Northampton County Emergency Operations Plan.

Mr. Walbert seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved to authorize all members of the Board, Secretary, Manager and Emergency Management Coordinator to sign the Promulgation for the 2009 Emergency Operations Plan.

Mr. Walbert seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved to authorize the Chairman and the Secretary to sign the "Return of Taxes for the Year 2008" form for Northampton County.

Mr. Salvesen seconded the motion.

Mr. Finnigan explained that these amounts are delinquent and will now be collected by the County. The amount for 2008 is less than what we turned over in 2007.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved that the Board adopt the following Resolution No. 2009-07, which will allow us to access the dotGrants system for filing, viewing, modifying and managing our Liquid Fuels Funds from PennDOT, and that the Chairman, Vice Chairman and Secretary be authorized to sign the Resolution.

RESOLUTION 09-07

WHEREAS, the PennDOT and Hanover Township have agreed to use the dotGrants system to file the required Liquid Fuels forms annually; including but not limited to, the MS-965, MS-329 and MS-999.

NOW THEREFORE, it is resolved by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania that

John N. Diacogiannis and Glenn R. Walbert are authorized to execute all documents necessary to effect such an agreement, including but not limited to, an Electronic Access License Agreement (EALA) on behalf of the municipality.

Mr. Walbert seconded the motion.

Mr. Walbert asked for clarification on this resolution.

Mr. Finnigan explained the necessity of adopting the resolution and signing the agreement.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved to authorize the Chairman, Vice Chairman and the Secretary to sign the Electronic Access Licensing Agreement (EALA), which is an agreement to authorize the Township electronic access to PennDOT systems.

Mr. Salvesen seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved to authorize the Solicitor to advertise the following proposed Ordinances:

- Volunteer Fire Company Ordinance, which modifies existing Ordinance 93-5;
- Fire Marshall Ordinance, which provides for the appointment, powers, and duties of a fire marshall;
- Graffiti Ordinance, which provides for additional enforcement tools to help protect public and private property from acts of vandalism and defacement;
- Parking Violation Ordinance, which authorizes the Township Code Enforcement Officer to enforce the Township's parking regulations;
- Drive-In Shopping Ordinance, to enact certain amendments to the Hanover Township Zoning Ordinance with respect to providing drive-in shopping as a conditional use in the C2R-Restricted Commercial District and C2-Commercial Center District; and
- Drive-Thru Ordinance, to enact certain amendments to the Hanover Township Zoning Ordinance with respect to providing restaurants with drive-thru windows as a conditional use in the C1-Service Commercial District.

Mr. Salvesen seconded the motion.

Mr. Broughal asked when the Board wants these scheduled for adoption.

Mr. Finnigan stated April 28th for all.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

A discussion was held on proposed Policy 61 which is to accompany the Volunteer Fire Company Ordinance once it is adopted and will take effect January 1, 2010.

DEVELOPMENTS

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, approve to adopt the terms and conditions relative to the Preliminary/Record Plan for Lehigh-Northampton Airport Authority 2-Lot Subdivision Plan for Parcel E, prepared and provided to the developer/Owner for signature, and the Township Secretary is to notify the Developer/Owner of the Board's action relative to this matter.

CONDITIONS

1. The Developer/Owner shall not record this Subdivision Plan until the Lot Consolidation, conditionally approved by the Township on July 26, 2007, is recorded.
2. The Developer/Owner shall not record this Subdivision Plan until the Innovation Way cul-de-sac Subdivision Plan, conditionally approved by the Township on February 12, 2008, is recorded.
3. The Developer/Owner shall provide a space on the plan for adding Uniform Parcel Identification Numbers for Lot 1 and Lot 2, the recording information for the Lot Consolidation Plan and the Northampton County Uniform Parcel Identification Number for the cul-de-sac right-of-way. (SALDO Section 159-30C.(7)).
4. The Developer/Owner shall sign a Deed for Lot 2, the "14.496 acres to be conveyed to Hanover Township for recreation and open space." (SALDO Section 159-30E(9)), as partial fulfillment of their overall recreation and open space responsibilities.
5. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36J).
6. The Developer/Owner shall provide two (2) Mylars for recording the plan and ten (10) copies of the plan which are signed and notarized by the Owner and sealed by the Engineer. (SALDO Section 159-34B).
7. The Developer/Owner shall meet all conditions of the Preliminary/Record Plan approval, and the Record Plan shall be recorded within twelve (12) months of Conditional Plan approval, and agrees that if such conditions are not met, the conditional Preliminary/Record Plan approval shall be considered void, and the application for Preliminary/Record Plan approval shall be considered void and withdrawn.

Mr. Tanczos further moved, that the granting of conditional approval of this plan recognizes that the Township is deferring certain requirements, (until the development of the land) for the following requirements for the 2 Lot Subdivision for Parcel 'E':

- A. That the Board of Supervisors defers the requirement that the Developer meet the standards of S.A.L.D.O. Article III for Design Standards that are necessary for the Plan except for Section 159-12 concerning Easements, Section 159-15 concerning Lots, and Section 159-16 concerning Open Space and Community Facilities.
- B. That the Board of Supervisors defers the requirement that the Developer show Existing Features of the Land, i.e., contours, trees, etc. (SALDO Section 159-29C).
- C. That the Board of Supervisors defers the requirement that the Developer provide supporting documents for the preliminary plan i.e. water and sewer allocations, Northampton County Conservation District and NPDES, etc. (SALDO Section 159-29E).
- D. That the Board of Supervisors defers the requirement that the Developer provide the required Supporting Documents for the Record Plan. (SALDO Section 159-30D).

Mr. Nagle seconded the motion.

Mr. Finnigan stated that LNAA made changes to Condition #4; Mr. Finnigan read the revision as it was made "The Developer/Owner will sign a Deed for Lot 2 the "14.496 acres to be conveyed to Hanover Township for recreation and open space." (SALDO Section 159-30E(9)), as partial fulfillment of their overall recreation and open space responsibilities upon approval by Federal Aviation Administration of an application to release the subject property for non-aeronautical use."

It was noted that Mr. Broughal agreed to this revision.

Mr. Broughal explained his recent discussions with Mr. Krauter from LNAA about the use of the property as open space. Mr. Broughal asked the Board if he could be directed to tell Mr. Krauter that the Township would agree; Mr. Broughal also would add to the restriction on the land to allow for "any municipal use".

The Board agreed to Mr. Broughal contacting Mr. Krauter and advising him of the Board's agreement.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, grant the Developer of Northgate I 2-Lot AFHBD Subdivision the calculated release for Escrow Release Number 1 in the amount of \$454,850.00 upon the following conditions:

- 1. That the Developer acknowledges that the security provided by Peapack-Gladstone Bank, as required by the Subdivision Improvements Agreement, will remain in force and at a minimum of \$146,000.00 for the work remaining, plus contingencies; and

2. That the Developer adheres to Township Policy 25 (payment of Plans and Appeals Accounts).

Mr. Tanczos further moved to notify the Owner/Developer of the Board's action relative to this matter.

Mr. Nagle seconded the motion.

Mr. Diacogiannis asked Mr. Broughal how we can confirm the strength of security providers.

Mr. Broughal explained that he does look at LOC ratings but would have to investigate how to obtain "rating" of banks.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, accept the improvements for Lehigh Valley Corporate Center Phase II and begin the eighteen (18) month maintenance period effective April 1, 2009, and release the Improvements Security upon the following conditions:

1. That the Developer provides original, sealed storm sewer certification letters prior to March 17, 2009;
2. That the Developer provides the as-built elevation verification and Mylars prior to March 17, 2009;
3. That the Developer completes the Landscaping Punch List prior to May 15, 2009 and requests an inspection;
4. That the Developer provides Maintenance Security in the amount of \$590,355.50, in a form acceptable to the Township Solicitor, with an expiration date no sooner than November 1, 2010, prior to March 17, 2009; and
5. That the Developer adheres to Township Policy # 25 (payments of Plans and Appeals Accounts).

Mr. Tanczos further moved to notify the Owner/Developer of the Board's action relative to this matter.

Mr. Walbert seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Tanczos moved that the Board approve to grant Innovation Wellness Center/Innovation Wellness Partners, L.P. an extension of two (2) months from March 6, 2009 to May 6, 2009 and to notify the Developer of the Board's action.

Mr. Walbert seconded the motion.

Mr. Finnigan recommended that the next extension be for a longer period of time.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Tanczos moved to authorize the Township Engineer to perform the maintenance inspection of the signal at Orchard Lane/Crawford Road/Jacksonville Road and to provide a letter to the Board prior to March 5, 2009.

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye

Mr. Tanczos moved that the Board approve to grant Lehigh-Northampton Airport Authority Cul-de-sac Subdivision an extension of one (1) month from February 12, 2009 to March 12, 2009 and to notify the Developer of the Board's action.

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Tanczos moved that the Board approve to grant Lehigh-Northampton Airport Authority Lot Consolidation Plan an extension of one (1) month from February 19, 2009 to March 19, 2009 and to notify the Developer of the Board's action.

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Tanczos moved that the Board approve to grant Hanover Corporate Center I-Lot 1 IDI an extension of their maintenance period of three (3) months from May 17, 2009 to August 17, 2009 and to notify the Developer of the Board's action.

Mr. Nagle seconded the motion.

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

COURTESY OF THE FLOOR

It was noted that no one wished to offer any comment.

STAFF REPORTS

Mr. Birdsall updated the Board on the Zoning Hearing for Weis Market.

Mr. Broughal stated he has an item under the Executive Session.

Mr. Healy had nothing to report.

Mr. Finnigan reported on the following:

- Distributed the Fire Company report
- CRPD Annual Report is available from either Stacy or Nancy for your review
- Resolution on next Agenda relative to the recording of minutes on tape and electronically. Mr. Broughal further explained. The resolution sets a length of retention/retention policy and doesn't argue that recordings are not public records.
- The Village View flow station is 90% completed
- Attended meeting with Bethlehem Area Public Library municipality members and explained the survey that Lower Saucon completed and that Fountain Hill, Bethlehem Township, Hanover Township are going to be sending out.

Mr. Diacogiannis stated that the Colonial Regional Police will be holding a Citizens Police Academy if anyone is interested.

Upon motion of Mr. Salvesen, seconded by Mr. Walbert, the Board approved adjournment of the regular meeting at 8:35 P.M. and went into the Executive Session. Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Stacy C. Milo
Secretary/Treasurer