
REGULAR SEMI-MONTHLY MEETING
July 14, 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 7:00 P.M.

Present were Supervisors Salvesen, Nagle, Tanczos and Walbert, Engineer Birdsall, Attorney Wendy Nicolosi for Solicitor Broughal and Township Manager John J. Finnigan, Jr. Public Works Director Vince Milite was on vacation.

The Pledge of Allegiance was performed.

Upon motion of Mr. Nagle, seconded by Mr. Salvesen, the Board approved the Agenda with an addition of an Executive Session for personnel matters.

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 June 23, 2009.

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

Upon motion of Mr. Salvesen, seconded by Mr. Nagle, the Board approved the List of Bills and Transfers dated July 14, 2009 as prepared by the Secretary/Treasurer, and to enter the signed List of Bills by the Secretary/Treasurer as an attachment to the minutes.

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

After Planning & Zoning Mr. Diacogiannis amended the motion to "Mr. Diacogiannis aye, with the exception of General Fund Check #13590 (PPL), Recreation Check #7342 (Payroll), and Recreation Check # 11691 (PPL) for conflict of interest".

Mr. Nagle seconded the amendment.

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 reported on PA Act 32 which is Reform of Earned Income Tax. Act 32 sets up a change throughout the Commonwealth and Northampton County. Mr. Diacogiannis and Mr. Finnigan will be attending a meeting in Williams Township to discuss what this means to municipalities. He will report back to the Board.

Mr. Diacogiannis reminded the Board on the deadline to name delegates to the Tax Collection Committee. The Board will have to designate 2 alternates and 1 primary to the committee in August or September.

Mr. Diacogiannis noted that this Saturday, July 18th Township employees will be distributing 96 gallon yard waste barrels for homeowners only and one per household. These barrels will be used for yard waste only.

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, Mr. Tanczos – Road District #5 had nothing to report.

Mr. Walbert questioned the traffic signal at the intersection of Schoenersville and Catasaqua Road going eastbound and wanted to know who maintains that signal.

Mr. Finnigan stated the City of Bethlehem controls that signal.

PLANNING & ZONING

Mr. Walbert introduced the Public Hearing for Conditional Use Application for 57 South Commerce Way Suite 300 for Proposed Exercise Facility.

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 spoke, the Public Hearing was closed and the regular meeting was re-opened.

Mr. Walbert stated that the Board will act on conditions at the August 11th Board meeting and will include conditions stated in the Planning Commission's letter dated July 14, 2009.

Mr. Walbert introduced a Petition for Interpretation of Compliance of Proposed Construction and Variance from Parking/Loading Spaces for 3950 Schelden Circle, Minrad, Inc.

Mr. Diacogiannis directed the Township Engineer and Township Solicitor attend the Zoning Hearing Board meeting to ensure all Township Ordinances be enforced.

Mr. Walbert moved that the Board approve the following Ordinance, which amends the Ordinance 02-01 Chapter 140 – Article II, relating to discharge of industrial waste:

ORDINANCE NO. 09-20

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS IN HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA. ENACTING CERTAIN AMENDMENTS TO ORDINANCE NO. 02-01 CHAPTER 140, ARTICLE II RELATING TO DISCHARGE OF INDUSTRIAL WASTE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith

Mr. Nagle seconded the motion.

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

ADMINISTRATION

Mr. Nagle moved that the Board adopt Ordinance 09-21 that will regulate stopping, standing and parking of vehicles on Ackerman Place between Sterner's way and its southerly dead end.

ORDINANCE NO. 09-21

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION OF STOPPING, STANDING AND PARKING VEHICLES ON ACKERMAN PLACE BETWEEN STERNER'S WAY AND ITS SOUTHERLY DEAD END IN THE TOWNSHIP OF HANOVER AND PROVIDING THE PENALTIES FOR VIOLATION THEREOF

Mr. Salvesen seconded the motion.

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

Mr. Nagle introduced the following Resolution 09-18 Approved Shade Tree List presented by the Township Manager and to be placed on the agenda for adoption on August 11, 2009.

Mr. Finnigan stated that the Board updated the Shade Tree Ordinance and that ordinance states that periodically the approved and prohibited tree list must be updated.

RESOLUTION # 09-18

WHEREAS, the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania (the “Board of Supervisors”) enacted certain amendments to the Shade Tree Ordinance (the “Ordinance”) on April 28, 2009; and

WHEREAS, the Ordinance provides for the Board of Supervisors to update the Approved Shade Tree List, by resolution.

NOW THEREFORE, BE IT RESOLVED and it is RESOLVED by the Board of Supervisors that the Approved Shade Tree List is hereby established in accordance with the provision of Ordinance 09-05 as follows:

PROHIBITED TREES

American Elm (non-Dutch Elm disease resistant)	Callery Pear	Poplar
Ash	Catalpa	Sassafras
Birch	Ginkgo – Female	Silver Maple
Black Locust	Honey Locust	Sumac
Boxelder	Horsechestnut	Sycamore/Plane Tree
	Mulberry	Tree of Heaven
	Pin Oak	Walnut
		Willow

TREES TO BE USED WITH OVERHEAD WIRES

NOTE: Trees must be 2 - 2½ inches in diameter measured 4 feet above ground.

Under 30 Feet (directly under wires):

Trident Maple (*Acer buergerianum*)
Hedge Maple (*Acer campestre*)
Tatarian Maple (*Acer tataricum*)
Serviceberry (many cultivars) (*Amelanchier x grandiflora*)
American Hornbeam (*Carpinus caroliniana*)
Hawthorn (*Crataegus* species: Crimson Cloud, Superba (*laevigata*), Ohio Pioneer (*punctata*), Inermis (*crus-galli*), Winter King (*viridis*))
Crabapple (disease and fireblight resistant) (*Malus* cultivars: Adams, Centurion, Donald Wyman, Henningi, Indian Summer, Prairie Fire, Professor Sprengel, Red Jewel, Robinson, Snowdrift, Spring Snow, Sugar Tyme, Strawberry Parfait, White Angel)
Redbud Crabapple (*Malus x zumi* ‘Calocarpa’)
Japanese Flowering Crabapple (*Malus floribunda*)
Japanese Tree Lilac (*Syringa reticulata* ‘Summer Snow’, ‘Regent’, ‘Ivory Silk’)
Japanese Snowbell (*Styrax japonica*)
Eastern Redbud (*Cercis canadensis*)

30 to 45 Feet (next to wires):

Goldenrain Tree (*Koelreuteria paniculata*)
Hop Hornbeam (*Ostrya virginiana*)
European Hornbeam (*Carpinus betulus*, no columnar cultivars)
Amur Cork Tree – male only (*Phellodendron amurense* ‘Macho’)

Yoshino Cherry (*Prunus yedoensis*)
Chinese Elm (*Ulmus parvifolia*)

TREES TO BE USED WITHOUT OVERHEAD WIRES

NOTE: Trees must be 2 - 2½ inches in diameter measured 4 feet above ground.

Norway Maple (*Acer plantanoides* ‘Crimson King’)
Sugar Maple (*Acer saccharum*, no columnar cultivars)
Sugar Hackberry (*Celtis laevigata*)
Hackberry (*Celtis occidentalis*)
Turkish Filbert or Hazel (*Corylus colurna*)
Ginkgo – male only (*Ginkgo biloba*)
Sweet Gum – seedless (*Liquidambar styraciflua* ‘Rotundiloba’)
Black Gum (*Nyssa sylvatica*)
Oak (*Quercus* species):
 White (*alba*) Willow (*phellos*) Shumard (*shumardii*)
 Swamp white (*bicolor*) English (*robur*) Bur (*macrocarpa*)
 Shingle (*imbricaria*) Red (*rubra*) Sawtooth (*acutissima*)
Japanese Scholartree or Pagodatree (*Sophora japonica* ‘Halka’, ‘Princeton’ or ‘Regent’)
Linden (*Tilia* species):
 American (*americana*) Little Leaf (*cordata*)
 Silver (*tomentosa*) Crimean-ungrafted (*euchlora*)
Hybrid Elm (*Ulmus* hybrids: ‘Homestead’, ‘Pioneer’)
American Elm – Dutch Elm Disease Resistant (*Ulmus americana* ‘Delaware’, ‘Dynasty’, ‘Princeton’)
Zelkova (*Zelkova serrata* ‘Village Green’, ‘Green Vase’, ‘Halka’)

Mr. Nagle moved that the Board approve the following policy which amends the current Policy #43-19, Outdoor Pool Rules and Regulations:

RULES AND REGULATIONS

The rules are designed to ensure the health and safety for patrons of all ages and abilities. Please understand that for safety and security reasons we must enforce the rules. PLEASE DO NOT ASK STAFF TO CHANGE ANY RULES.

OUTDOOR POOL

(HTCC Policy #43-19)

Swimming is only allowed when Lifeguards are on duty.

The Outdoor Pool will ONLY be open during scheduled swim times.

ALL CHILDREN 11 YEARS OF AGE AND UNDER MUST BE SUPERVISED BY A PARENT OR GUARDIAN OVER 15 AT ALL TIMES.

No breath holding or prolonged underwater swimming.

No glass is permitted in pool area.

No Smoking in pool area.

Running and skateboarding is not permitted.

Horseplay, pushing and dunking are prohibited.

Diving is not permitted anywhere in the pool except off the diving board.

Pool toys, noodles, water exercise equipment and flotation equipment are not permitted in pool unless used in a supervised lesson.

Hanging from ropes is prohibited.

To ensure the safety of our patrons, Safety Checks and Adult Swims will be conducted on the hour.

All non-swimmers must stay in shallow water unless participating in a supervised class or being directly supervised by an adult who is in the water with them (the adult must be within arms length).

Obey the commands of lifeguards at all times. They are here for your safety.

All Children NOT POTTY TRAINED will be required to wear a swim diaper under their bathing suit. Cloth, pull ups, training pants, or regular disposable diapers are not suitable.

All swimmers must wear appropriate swimming attire - no thongs, see through suits, cutoffs, regular gym shorts or colored T-shirts over bathing suits.

Patrons wishing to enter the deep end may be required to demonstrate their swimming abilities.

Flips, sideway, spinning or backward jumps are not allowed.

Showers must be taken before entering the pool.

In the event of accidents or unbalanced water chemistry, the pool(s) will be closed for your safety. Depending on the severity of the reason, the pool may be closed for an extended period of time

We will clear and/or close the outdoor pool(s) area in the event of thunderstorms, lightning or other severe weather. The area will remain closed until there is no threat of storm or severe weather. Management will decide when patrons are able to enter the Aquatics area.

Profanity, improper behavior and intoxication are not allowed. Persons suspected of being under the influence of alcohol or drugs will be denied admission into the Community Center and Outdoor pool.

Playing on, or with first aid, a safety equipment and lifeguard chair is strictly prohibited.

Please refrain from holding lengthy conversations with the lifeguards. They are employed to ensure the safety of all swimmers in the pool area and are responsible for watching the pool at all times.

Lifeguards have the authority to rule on swimming privileges for individuals with open abrasions and wounds.

Mr. Salvesen seconded the motion.

Mr. Finnigan explained the purpose for consolidating and rescinding some existing policies.

Mr. Diacogiannis asked how and when this will be distributed.

Mr. Finnigan stated copies available at the pool for the remainder of the season.

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

Mr. Nagle moved that the Board rescind Policy # 40-3, Propel Devices Ban.

Policy 40-3 **Propel Devices Ban**

It is the policy of the Board of Supervisors that water guns, toys or any devices that can propel are banned from use within the fenced-in pool area.

Mr. Salvesen seconded the motion.

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

DEVELOPMENTS

No band-aids are allowed in the pool.

Water guns, toys or any device that can propel are banned from use within the fenced-in pool area.

Lifeguards are in charge! Please do not ask them to make any exceptions to these rules.

The Slide

You must be 48 inches or taller to use the slide. Measurement marks are located at the bottom and top of the slide. Patrons wishing to use the slide may be required to demonstrate their swimming abilities.

The Slide is not recommended for expectant mothers, small children, non-swimmers, persons wearing a flotation device, persons with limited physical conditions, including individuals that are grossly overweight, or with previous or current neck, back, joint or heart problems.

Eyeglasses or goggles are not permitted while using the slide. Contacts may be worn at your own risk.

While the slide is in use, the slide catch area is to remain clear of other swimmers.

Only one person allowed on the slide at a time.

Go down the slide lying on your back, feet first, and face up. Cross your arms on your chest and cross your legs at the ankles.

Do not attempt to slow yourself by holding onto walls.

Upon entering the water, immediately move away from the bottom of the slide and exit the catch area quickly.

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, approve to adopt the terms and conditions relative to the Record Site Plan for 310 Stoke Park Road, prepared and provided to the Developer/Owner for signature, and the Township Secretary notify the Developer/Owner of the Board's action relative to this matter.

CONDITIONS

1. The Developer/Owner shall enter into an Improvements Agreement with the Township and provide appropriate security. (SALDO Section 159-30D.(5))
 - A. The Improvements Agreement shall include a notarized statement, satisfactory to the Township Solicitor, stating that the Township shall be held harmless against any claim of damage from the downstream property owners that may result from the proposed development. (Stormwater Section 152-10E)
 - B. The Improvements Agreement and a separate covenant running with the land shall include provisions satisfactory to the Township Solicitor, that the stormwater collection, conveyance and control facilities located on private property shall be properly operated and maintained. (Stormwater Section 152-10M)
2. The Developer/Owner shall enter into a Maintenance Agreement with the Township and provide appropriate security. (SALDO Section 159-30D.(6))
3. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36J)
4. The Developer/Owner shall provide two (2) Mylars for recording the plans and ten (10) sets of plans which are signed and notarized by the Owner and sealed by the Engineer. (SALDO Section 159-34B)
5. The Developer/Owner shall meet all conditions of the 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 Record Plan approval shall be considered void, and the application for Record Plan approval shall be considered void and withdrawn.

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 the Developer of 3910 Adler Place Limited Partnership an extension to the Improvements Agreement for the Site Development Plan for two (2) months from June 30, 2009 to August 31, 2009 and to notify the Developer of the Board's action.

Mr. Diacogiannis questioned Engineer Birdsall on the loading spaces change.

Mr. Birdsall explained the details of what occurred and the changes made.

Mr. Salvesen 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, as recommended by the Township Engineer, to release the Owner of Hanover Corporate Center I – Lot 1 from their maintenance responsibilities upon the condition that the Owner establishes a bi-annual inspection of the “Wooded Filter Strip” and adheres to Township Policy 25 (payment of Plans and Appeals Accounts). Mr. Tanczos further moved to notify the Developer of the Board’s action relative to this matter.

Mr. Walbert seconded the motion.

Mr. Tim Charles, Attorney for Amerisource Bergen, the Facility Manager from Amerisource Bergen and Engineer David Fly were in attendance.

A discussion was held on the “wooded filter strip” and clarification on the bi-annual inspection.

Mr. Nagle amended the motion to read “that the Owner establishes a bi-annual owner’s inspection of the “Wooded Filter Strip.”

Mr. Walbert seconded the amendment.

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

Mr. Tanczos moved that the Board approve, as recommended by the Township Engineer, to release the Owner of 4140 Airport Road from her maintenance responsibilities and return the maintenance security upon the condition that the Owner adheres to Township Policy 25 (payment of Plans and Appeals Accounts). Mr. Tanczos further moved to notify the 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, as recommended by the Township Engineer, to release the Developer of 1665 Valley Center Parkway of his maintenance responsibilities for the secured improvements for LVCC I Lot 2 and return his Bond upon the Developer adhering to Township Policy 25 (Payment of Plans and Appeals Accounts). Mr. Tanczos further moved to notify the 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 reject, as recommended by the Township Engineer, the request to end the maintenance period for LVIP IV Lot 45 and urges the Owner to confirm that the maintenance bond is still in effect, to address the storm sewer and general site issues, and to request a re-inspection. Mr. Tanczos further moved to notify the Developer of the Board’s action relative to this matter.

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 rejects, as recommended by the Township Engineer, the improvements as incomplete for the Hanover Corporate Center 2 – Lot 3, CVS/Turkey Hill Development Plan, and urge the Developer to complete the remaining improvements and request a re-inspection by August 8, 2009. Mr. Tanczos further moved to notify the 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 the Developer of 2346 Jacksonville Road an extension to the agreement for the Land Development Plan for one (1) month from July 22, 2009 to August 22, 2009 and to notify the Developer of the Board's action.

Mr. Walbert seconded the motion.

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

COURTESY OF THE FLOOR

Mr. Gary Burks was present to introduce himself. He is Pat Browne's new Local Government Specialist and stated he is in the Allentown office and is available for any assistance.

Resident Robert Bem was present to ask if there are any further developments concerning DeLuca.

Mr. Finnigan stated that he met with Travelers representatives. They had asked for additional information that we will have back to them by this Friday. Mr. Finnigan stated that they appear to be moving forward by getting contractors to complete the work.

Mr. Bem asked about the retention pond.

Mr. Finnigan stated that the pond is a required item to complete for their project.

ENGINEER'S REPORT

Mr. Birdsall had nothing to report.

Attorney Nicolosi had nothing to report.

Mr. Finnigan reported on the following:

- Need a motion to have appropriate signatures on the Independent Contractor Agreement between ND Sound, LLC, a company who will be putting on two bridal shows at the Community Center; one this year and one next year.

Mr. Salvesen moved that the Board approve to authorize the Chairman to sign the Independent Contractor Agreement.

Mr. Nagle seconded the motion.

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

- Yard Waste Barrel distribution is this Saturday July 18th from 8 am to Noon.
- Incident at Pool to be discussed in Executive Session.

Upon motion of Mr. Nagle, seconded by Mr. Salvesen, the Board approved adjournment of the regular meeting and opened the executive Session at 7:54 P.M.

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

Lori A. Stranzl
Asst. Secretary/Treasurer

