
REGULAR SEMI-MONTHLY MEETING
October 13, 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, and Tanczos, Engineer Birdsall, Attorney Wendy Nicolosi for Solicitor Broughal, Public Works Director Vince Milite and Township Manager John J. Finnigan, Jr. Vice Chairman Glenn Walbert was not in attendance.

The Pledge of Allegiance was performed.

Upon motion of Mr. Nagle, seconded by Mr. Salvesen, the Board approved the Agenda, with addition to Planning and Zoning.

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

Upon motion of Mr. Salvesen, seconded by Mr. Nagle, the Board approved the minutes, as written, from the meeting of the Board of Supervisors dated September 22, 2009.

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

Upon motion of Mr. Salvesen, seconded by Mr. Nagle, the Board approved the List of Bills and Transfers 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. Diacogiannis aye with the exception of General Fund Check #1882, the portion of the proceeds which benefit me and Recreation Check #7428 (Payroll), Recreation Check #7448 (Payroll), General Fund Check #13749 to PPL.

Mr. Tanczos amended the motion to "Mr. Tanczos aye with the exception of General Fund Check #1882, the portion of the proceeds which benefit me", Mr. Nagle amended the motion to "Mr. Nagle aye with the exception of General Fund Check #1882, the portion of the proceeds which benefit me", Mr. Salvesen amended the motion to "Mr. Salvesen aye with the exception of General Fund Check #1882, the portion of the proceeds which benefit me".

COURTESY OF THE FLOOR

Mr. Diacogiannis welcomed Boy Scout Troop #335 from Bethlehem.

REPORT OF THE CHAIRMAN

Mr. Diacogiannis commented that the Fall Festival held this past Saturday was very successful, the weather held out and thanked the staff and volunteers who participated.

REPORT OF THE VICE CHAIRMAN

Mr. Walbert was not in attendance.

SUPERVISOR'S COMMENTS & ROAD REPORTS

Mr. Nagle – Road District #1 – Nothing to report.
Mr. Diacogiannis – Road District #3 – Nothing to report.
Mr. Salvesen – Road District #4 – Nothing to report.
Mr. Tanczos – Road District #5 – Nothing to report.

APPOINTMENTS & RESIGNATIONS

There were no items on the Agenda.

ADMINISTRATION

Authorize Signature of Contract for Daddy / Daughter Dance

Mr. Nagle moved that the Board authorizes the Chairman to sign the contract with Best Western Lehigh Valley regarding the Daddy / Daughter Dance.

Mr. Salvesen seconded the motion.

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

Proposed Amendment to Ordinance 02-01 to include Outdoor Wood-Fired Boilers

Mr. Nagle moved that the Board authorize the Solicitor to advertise the Proposed Amendment to Ordinance 02-01 to include Outdoor Wood-Fired Boilers.

Mr. Salvesen seconded the motion.

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

Resolution 09-22 Official Sewage Facilities Plan for Adoption

Mr. Nagle moved that the Board approve the following Resolution 09-22 requiring the Township to adopt an Official Sewage Facilities Plan.

Mr. Salvesen seconded the motion.

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

HANOVER TOWNSHIP NORTHAMPTON COUNTY

Resolution 09-22

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the **Pennsylvania Code**, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services' adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, Malcolm Pirnie, Inc. has prepared a Final Draft Act 537 Plan which provides for sewage facilities in a portion of Hanover Township – Northampton County and the alternatives of choice to be implemented are *Wet Stream Alternative No. 5 – Plug Flow with Anoxic Selector Zones* and *Solids Train Alternative No. 4*. The key implementation activities include a new aeration basin, improvements to WAS and primary sludge thickening, digesters and dewatering,

and upgrade of deficient sanitary sewers. Implementation dates are shown in Figure 10-1 of the plan and are based on trigger values for flow, solids loadings and service life.

WHEREAS, Hanover Township – Northampton County finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Hanover Township – Northampton County hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the “Official Plan” of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

RESOLVED AND ENACTED this 13th day of October, 2009.

Stipulation of Counsel regarding Bridle Path Woods Associates, L.P.

Mr. Nagle moved to authorize the Township Solicitor to execute the Stipulation of Counsel regarding Bridle Path Woods Associates, L.P.

Mr. Salvesen seconded the motion.

Mr. Finnigan noted that this is similar to previous requests regarding a change in their assessment from 2007 - 2009.

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

Takeover Agreement with Travelers for Monocacy Farms Subdivision

Mr. Nagle noted for the record that on October 1, 2009 the Township executed the “Takeover Agreement” with Travelers for the completion of the public improvements that DeLuca Enterprises, Inc. defaulted on in the Monocacy Farms Subdivision.

Mr. Finnigan updated the Board that the formal contract was executed between Travelers and Muschlitz Excavating Inc. this afternoon and that it was express mailed to their Muschlitz offices today and they expect to begin activities on Thursday. Mr. Diacogiannis inquired as to when the work would be completed. Mr. Birdsall explained that it will take three (3) weeks to repair the sewer line; however they can start on curb and sidewalk repairs and paving at the eastern section of the project. We would like to have the work completed by December 10, 2009 or earlier if possible.

Introduce Policy 43-18 Community Center Membership Fees

Mr. Nagle introduced Policy 43-18 Community Center Membership Fees. Mr. Finnigan provided a copy to the Board for their review. This policy will be on the next agenda for consideration and adoption on October 27, 2009.

Introduce Policy 43-20 Preschool Fees & Tuition Policy

Mr. Nagle introduced Policy 43-20 Preschool Fees & Tuition Policy. Mr. Finnigan provided a copy to the Board for their review. This policy will be on the next agenda for consideration and adoption on October 27, 2009.

Proclamation – Eagle Scout Ian Trimble Shields

Mr. Nagle moved that the Board approve Proclamation 2009-03 honoring Eagle Scout Ian Trimble Shields:

**HANOVER TOWNSHIP
NORTHAMPTON COUNTY**

PROCLAMATION NO. 2009-03

**A PROCLAMATION HONORING
IAN TRIMBLE SHIELDS
ON THE ACHIEVEMENT OF HIS EAGLE AWARD**

WHEREAS, Ian Trimble Shields has achieved a significant accomplishment in life's path earning his Eagle Award as a member of the Boy Scouts of America; and

WHEREAS, Ian will officially receive his award during an Eagle Presentation Ceremony on November 1, 2009 as a member of Boy Scout Troop 335, SS. Simon & Jude Church, Bethlehem, PA; and

WHEREAS, Ian completely renovated a church storage room including brand new lighting fixtures and flooring for the various parish organizations; and

WHEREAS, Ian has exemplified the virtues of scouting and has exhibited leadership skills as Assistant Patrol Leader and Chaplain's Aide.

NOW, THEREFORE, BE IT AND IT IS HEREBY PROCLAIMED, by the Board of Supervisors of Township of Hanover, County of Northampton, and the Commonwealth of Pennsylvania:

That Ian Trimble Shields is applauded and recognized on the occasion of his Eagle Award and the Board of Supervisors congratulates him for his dedication and devotion in preserving the finest virtues of American life as set forth by Scouting principals. The Board of Supervisors also proclaim Monday, November 2, 2009 as Ian Trimble Shields Day in Hanover Township.

Mr. Salvesen seconded the motion.

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

PLANNING & ZONING

Hold Harmless Agreement with Stephen D. Ely and Jessica L. Ely, 5776 Monocacy Drive, regarding a fence encroaching into the ten (10) foot drainage and utility easement.

Mr. Salvesen moved to authorize the Chairman and Secretary to sign the Hold Harmless Agreement between Hanover Township and the property owners, Stephen D. Ely and Jessica L. Ely of 5776 Monocacy Drive in regard to a fence being installed in an easement.

Mr. Nagle seconded the motion.

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

Zoning Variance – Rachel Martinez – Child Care Center in Advent Moravian Church

Mr. Salvesen stated that Rachel Martinez, Child Care Center in Advent Moravian Church has requested relief from definition of the Zoning Ordinance for a Day-Care Center and a variance for a free standing sign in the R1-S Zoning District.

Mr. Finnigan noted that a day care center is not permitted in this zoning district though most of the churches in the Township do have day care centers so this is not an issue however the Township does not allow a free standing sign and this should be enforced. He also stated that other churches use their marquee signs to announce activities within the facility.

Mr. Salvesen moved that the Board authorize the Township Engineer and Township Solicitor to attend the Zoning Hearing Board meeting in the matter of Advent Moravian Church.

Mr. Nagle seconded the motion.

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

Gentis Associates, LLC, 325 Stoke Park Road – Parking and Patio

Mr. Salvesen stated that there is a Zoning Board Hearing announcement. Mr. Finnigan reviewed the Board's position regarding parking which was to ensure that the parking was adequate and that the outdoor patio did not need to be fully enclosed as long as it was protected from vehicular traffic. In addition, the applicant wishes to put not only a free standing sign which is visible from Route 22 but also a sign on the front façade of the building just above the door. In a 1979 Zoning Hearing Board decision stated in Item (d) that "There shall be no additional signs except those which are presented at the hearing and made a part of the record as exhibits", in order to allow a premises name sign to be placed on the façade of the building immediately above the front doorway. Mr. Finnigan stated that a Zoning Hearing Board goes with the property and recommended upholding the 1979 decision and that the Township Engineer and Township Solicitor attend the Zoning Hearing Board meeting.

Mr. Salvesen moved that the Board authorize the Township Engineer and Township Solicitor to attend the Zoning Hearing Board meeting in the matter of 325 Stoke Park Road.

Mr. Nagle seconded the motion.

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

PUBLIC WORKS

Nothing to report.

DEVELOPMENTS

MW Homes, Inc. - Davis Subdivision – Extension Request

Mr. Tanczos moved that the Board approve to grant an extension for the improvements to MW Homes, Inc. for the Davis Subdivision for one (1) year to October 5, 2010; and to notify the Developer of the Board's action.

Mr. Salvesen seconded the motion.

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

Traditions of America at HCC 2 Escrow release Number 4

Mr. Tanczos moved that the Board approve, as recommended by the Township Engineer, to grant the Developer of Traditions of America at HCC 2 a release for Escrow Release Number 4 in the amount of \$691,368.11 conditioned upon the following:

1. That the Developer acknowledges that the security provided by Wilmington Trust FSB as required by the Subdivision Improvements Agreement, will remain at a minimum of \$2,488,806.71, for the work remaining plus contingencies.

Also, to notify the Developer of the Board's action.

Mr. Salvesen seconded the motion.

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

COURTESY OF THE FLOOR

It was noted that no one wished to offer any comment however Mr. Diacogiannis explained what an Executive Session is for the sake of the Boy Scout Troop in the audience.

STAFF REPORTS

Mr. Birdsall had nothing to report.

Attorney Nicolosi had nothing to report.

Mr. Milite had nothing to report.

Mr. Finnigan reiterated that the agreement with Travelers for the Monocacy Farms Development has been executed. The draft for Valley View Estates Phase I has been received from Travelers and is out for proposal. It is the same agreement that was executed for Monocacy Farms Development save for the bond number, the cost and the fees owed to the Township for Engineering and Legal work.

Mr. Nagle moved to authorize the Chairman to execute the takeover agreement between Hanover Township and Travelers, subject to the approval of the Township Solicitor and Manager, relative to Valley View Estates Phase I.

Mr. Salvesen seconded the motion.

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

Mr. Finnigan also discussed the purchase of a new fire truck where upon inspection by the Fire Company it was determined that the wrong engine was installed. M&W Fire Apparatus submitted two options to resolve the matter: (1) reprogram engine and issue a \$8,134 credit; it would be available within a week or (2) replace the engine which may take 8 - 10 months. The Fire Company Truck Committee recommended option (1).

Mr. Salvesen moved to authorize the Township Manager to accept option (1) as outlined in the letter of October 7, 2009 from M&W Fire Apparatus regarding the resolution of the T1072 Engine including the three conditions suggested by the Fire Company with a minimum credit of \$8,134.

Mr. Tanczos seconded the motion.

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

Mr. Finnigan informed the Board that the 2010 Budget will be delivered Friday, October 16, 2009. Mr. Diacogiannis stated that the schedule for Budget review and anticipated date for adoption should be set at the next meeting.

Mr. Finnigan discussed the Pennsylvania Builders Association's appeal regarding the ordinance adopted by Hanover Township and similar ordinances adopted by other Pennsylvania municipalities relative to the International Fire Code. Mr. Finnigan is working with the Association to resolve the issues.

ADJOURNMENT

Upon motion of Mr. Salvesen, seconded by Mr. Tanczos, the Board approved adjournment of the regular meeting at 7:40 P.M. to enter into an Executive Session for personnel matters and potential litigation.

The Executive Session adjourned at 8:25 P.M. and Mr. Diacogiannis re-opened the regular business meeting.

Mr. Nagle moved to authorize the Chairman to sign the Severance Agreement and General Release between Hanover Township and Stacy C. Milo.

Mr. Salvesen seconded the motion.

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

Mr. Diacogiannis adjourned the meeting at 8:27 P.M.

Lori A. Stranzl
Secretary-Treasurer