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**REGULAR SEMI-MONTHLY MEETING**  
**March 9, 2010**

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, Tanczos and Walbert, Engineer Birdsall, Solicitor Broughal, Public Works Director Vince Milite and Township Manager John J. Finnigan, Jr. Supervisor Nagle was not in attendance.

The Pledge of Allegiance was performed.

Upon motion of Mr. Salvesen, seconded by Mr. Walbert, the Board approved the Agenda, with addition to Developments and addition of an Executive session for potential litigation.

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

Upon motion of Mr. Salvesen, seconded by Mr. Walbert, the Board approved the minutes, as written, from the meeting of the Board of Supervisors dated February 23, 2010.

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

Upon motion of Mr. Salvesen, seconded by Mr. Walbert, 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. 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. Walbert – Road District #2 – 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 – BOARDS, COMMISSIONS AND COMMITTEES

There were no items on the Agenda.

PLANNING & ZONING

**Public Meeting - Adopt Ordinance 10-2 Amending Ordinance 02-01, Chapter 172**

Hearing no comments from the public, Mr. Walbert moved that the Board approve to adopt Ordinance 10-2 amending Ordinance 02-01, Chapter 172.

Mr. Salvesen seconded the motion.

ORDINANCE 10-2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE 02-01, CHAPTER 172, BY REGULATING THE PARKING OF VEHICLES DURING PERIODS OF SNOW FALL; PRESCRIBING PENALTIES FOR VIOLATION; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

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

**Authorize Solicitor to Advertise Conditional Use Hearing for 261 Brodhead Road**

Mr. Walbert moved that the Board approve to authorize the Township Solicitor to advertise the Conditional Use Hearing for 261 Brodhead Road. The hearing is scheduled for April 27, 2010.

Mr. Salvesen seconded the motion.

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

ADMINISTRATION

**Adopt Policy 63 Personnel Files / Retention of Employee Records**

Mr. Salvesen moved that the Board approve to adopt Policy 63 Personnel Files / Retention of Employee Records.

Mr. Walbert seconded the motion.

**Hanover Township  
Personnel Files / Retention of Employee Records Policy**

**Policy No: 63**

In order to conduct Township business operations in accordance with established practices and procedures, it is necessary for the Township to gather and maintain personal information.

This policy establishes guidelines for the handling, dissemination and retention of information about applicants, current employees and former employees.

**APPLICANTS**

Pre-employment records include but are not limited to the following:

- Recruitment documents
- Resumes and applications
- Interview records
- Verification and reference checks
- Background checks

Pre-employment records for job applicants who are hired should be retained with the team members' personnel file for the term of the employment plus seven years.

Pre-employment records for job applicants who are not hired should be retained for 2 years.

Applications reviewed where no position is available should be maintained in an active file for 1 year and should be reviewed as openings occur. Applicants should be informed that it is necessary for them to reactivate their applications if they want to be considered after 1 year.

## **CURRENT EMPLOYEES**

Information about employees will be maintained as part of the personnel file, although it may be filed in more than one folder or location.

Personnel files will be maintained by the Township Secretary. It is the Township Secretary's responsibility for ensuring the personnel files are maintained and up to date with the appropriate documentation.

The personnel file will contain only that information that can legally be the basis for an employment-related decision. Employment decisions include hiring, terminating, promotion, demotion, training opportunities, and all other actions taken regarding employees.

The following records must be maintained in the employees' personnel file for the entire period of employment plus 7 years unless noted differently below:

- Application / Resume
- General employment information / current profiles including name, address, social security number, date of birth, job classification, work schedule, wage and salary information, amounts and dates of payments, daily/weekly hours if applicable, overtime hours and pay.
- Government forms including W-4
- Direct Deposit form
- Attendance records / Time records (3 years plus current year)
- Performance appraisals (3 years of annual reviews)
- Salary Increase Sheet (3 years plus current year)
- Promotions and salary adjustments (3 years plus current year)
- Formal discipline (3 years plus current year)

- Resignation letter
- Separation checklist / Termination records
- Analysis of Termination form
- Correspondence (such as letters of commendation/complaints)
- Approved Leave of Absences (3 years plus current year)
- Records regarding personal leave requests
- Garnishments and/or wage assignments (to be retained separately)
- Unemployment claims (to be retained separately)
- Worker's compensation claims (to be retained separately)
- Asset Control Checklist (signed)

Employment decisions cannot be made on the basis of sex, race, national origin, color, religion, or veteran's status so all equal employment opportunity records should be kept separately.

Employment decisions cannot be based on a person's disability status, so all medical information /records should be maintained separately.

Garnishment orders cannot be used as a basis for employment decisions, so all paperwork having to do with garnishment must be kept separately.

I-9 forms must be made available on demand to the Department of Labor inspectors and therefore should be kept separately from the personnel file.

All records which are to be kept separately are still required to be maintained by the Township Secretary but must be maintained in a separate file, with the exception of the I-9 form which will be maintained in the centralized I-9 file.

#### Access to Personnel Files for Current Employees

Access to personnel files is granted solely for making business-related decisions, legal reasons or review by the Employee is limited to: Board of Supervisors, Township Manager, Township Secretary, Township Assistant Secretary, Department Heads and the Township Solicitor. Under certain circumstances federal, state and local agencies may also have access.

On request, an employee may inspect his/her personnel file at a mutually agreeable time.

The procedure for reviewing a personnel file is as follows:

1. The Township Secretary or Township Manager will be present while the employee examines the file;
2. The employee may take notes regarding the contents of the personnel file;

3. Items may not be removed from the file; however the Township Secretary or Township Manager will make copies on request;
4. The following information is not available for employee review:
  - a. Township plans for promotion, reassignments and/or future salary changes;
  - b. Information obtained from employees' references or former employers;
  - c. Investigation of possible criminal, unethical or related activity that might be considered detrimental to the Township (except in states where disclosure is required by law).

### **FORMER TEAM MEMBERS**

The entire personnel file is to be maintained by the Township Secretary for a period of 7 years after the date of termination unless noted differently above.

After the seventh year, the file is to be reviewed and only the original application is to be retained. This document is to be retained for a total of ten years from the date of termination. All other records should be disposed of in accordance with the Township Confidential Information Disposal and Shredding policy.

#### Access to Personnel Files for Employees

Unless required by state law, terminated employees have no right to review their personnel file.

### **REQUESTS FROM OUTSIDE SOURCES TO PERSONNEL RECORDS**

The Township Secretary and/or Township Manager must follow state regulations in consultation with the Township Solicitor's Office in determining what information is released to outside sources.

Request for information about current and former employees must be answered by the Township Secretary and/or Township Manager. The employees' written authorization must be obtained prior to the release of information. In all cases, the file should be documented to show the date that the information was requested and released, by whom and for what purpose.

Information may be provided as follows:

1. Length of employment, present job title and confirmation of salary (if inquiring party already has reasonable salary figure) to banks, lending institutions, credit agencies or insurance companies.
2. Responses to reference checks regarding former employees will be answered in writing only and will be limited to dates of employment, job titles and confirmation

of salary. If a written release accompanies the reference check, certain factual information beyond employment dates, titles and salary may be released. Refer to the Township Solicitor's Office for guidance.

3. Dates of attendance at work and home address will be provided to law enforcement authorities on request. The employee will be notified if this information is released.
4. After consulting with the Solicitor's Office the Township Secretary or Township Manager may release team member information to law-enforcement authorities investigating alleged illegal activities or to protect the Township's legal interests, without notifying the employee that the information is being released.
5. Information will be released when required by law or in response to a search warrant or subpoena.

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

#### **Adopt Policy 64 Snow Operations**

Mr. Salvesen moved that the Board approve to adopt the Policy for Snow Operations.

Mr. Walbert seconded the motion.

## **Hanover Township Snow Operations**

### **Policy No: 64**

There are no annual public works activities that have more uncontrollable factors and that have more impact on our community than winter snow and ice control operations. Most of those uncontrollable factors relate to weather, the amount of snowfall, the rate of snowfall, the duration of the storm, conditions (wind or mixed with rain) and the type of snow (wet or dry). These factors impact the planning of resources and associated costs, including manpower, equipment and materials.

Hanover Township budgets sufficient funds for winter road maintenance operations. The Public Works Department services 57.89 miles of township roads. We also provide winter services on Pennsylvania Department of Transportation (Commonwealth) Roads, specifically Hanoverville Road, between Jacksonville Road and S.R. 0512.

We have developed a snow plan which coordinates as many as fifteen (15) drivers in specific areas of the Township. The Board of Supervisors also provides for the hiring of additional plows and/or plow operators in the event of a "major" snow and/or ice event.

Our priority policy for addressing road clearing is:

1. Main and collector roads

2. Emergency facilities; CRPD headquarters & HTVFC
3. Developments
4. Cul-de-sac bulb clearing & intersection cleaning
5. Township owned property and sidewalks

Operations may deviate from the above priority list in the case of unforeseen emergency requirements such as ambulance, fire or medical emergencies. It is the policy of Hanover Township to clear all roads from “curb to curb” or “edge of street” in anticipation of future storms and provide safe traveling for the motoring public as well as safe access for emergency vehicles and personnel.

Heavier populated areas of the township present a problem for snow removal due to vehicle parking. Always remove your vehicle from the roadway park in your driveway or elsewhere even when a Snow Emergency and Parking Ban are not declared.

The Board of Supervisors has adopted the “right-of-way” policies of PennDOT and neighboring municipalities. The policy references the placement of trees, flower gardens, fences, mailboxes, posts, etc., along the roadway. The Township will not reimburse for any damages to items placed in its “right-of-way” caused by snow removal. It is not the intent of any employee of Hanover Township, or sub-contractor, to willfully cause damage to property. Our equipment does discharge snow in driveways during the course of snow plowing. This is not done with willful intent, but is a result of normal plowing operation and the moving of snow. We will not pick up the plow blade or align the angle differently if requested.

Hanover Township may find it necessary to declare a “Snow Emergency” when the **anticipated effects** of the weather dictate. When Hanover Township declares a “Snow Emergency” it is broadcast on WAEB – 790 AM, WFMZ – Channel 69, via the Hanover Township Email Alert System and other media outlets. **If the Township declares a “Snow Emergency” parking on all Township streets is prohibited and vehicles may be tagged (\$50 fine) or towed at the owner’s expense.** (§172-29 of the Codified Ordinance reads: Whenever a snow emergency has been declared it shall be unlawful for any vehicle to be abandoned or parked, on any public highway.)

Hanover Township is not responsible should these outlets not broadcast a message in a timely manner after notification. Please plan your activities accordingly with predicted or actual snowfall or icing events. Your assistance and patience will aid us in providing a reasonable level of service during the winter months.

### **Departure from Policy**

The Township recognizes that conditions may be so unusual or unexpected that a departure from this general policy should be authorized. Therefore, when conditions warrant, the Township Manager, or in his absence, the Public Works Director, may order a departure from this policy when, in the opinion of the Township Manager and Public Works Director conditions require such action.

### **No Duty or Right Created**

The purpose of this policy is to establish information for our residents, the business community and visitors to the Township of Hanover regarding snow and ice control. This is not construed to create any duty to any individual, person or entity. This policy does not provide any special protection or duty to any particular individual or groups of individuals. No additional rights shall be granted to any individual or entity by adoption and enforcement of this policy. This policy may be affected in total or in part due to equipment breakdown, weather conditions, inadequacy of equipment, state or federal regulations, shortage of personnel, and any other unforeseen, uncontrolled or unanticipated acts.

### **Helpful Snow Plowing and Shoveling Information**

- 1) Our crews do not intentionally plow in the ends of your driveways. In most storms we make several passes to open up the street and come back later to clean “curb to curb” or to the “edge of the road.” If possible, please delay cleaning the end of your driveway until the Township Public Works Department has completely cleared your street.
- 2) When shoveling or plowing your driveways place the snow to the right as you face the road from your home. Our plows *usually* come from the left and any snow placed to the left of your driveway will be pushed across the front of your driveway as the plows pass.
- 3) Do not park on municipal roadways when snow is in the forecast. Cars left on the roadway force plows to maneuver around them, slowing down plowing operations and resulting in piles of snow being left in the roadway. Additionally, you assume all liability if one of our plows causes damage to your vehicle.

The Township has enacted certain ordinances which cover this matter. To follow are the applicable sections of the Township’s Codified Ordinance:

**§172-26** In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes as designated by the municipality, the municipality, in its discretion, may declare a snow and ice emergency (designated as a snow emergency). Information on the existence of a snow emergency shall be given by the municipality through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media. A declaration shall be effective immediately and shall not be dependent on the advertisement through the media.

**§172-29** Whenever a snow emergency has been declared it shall be unlawful for any vehicle to be abandoned or parked, on any public highway.

**§172-31** The owner of any vehicle found in violation of any sections of this Ordinance shall pay a fine of \$50 for each violation, if payment is received by the CRPD or the Code Enforcement Officer within five days of the date of the violation, unless a fine in a different amount is specifically set forth herein. If payment is received after five days but within 10 days of the date of the violation the fine shall be \$75 for each violation. If payment is not received within the ten-day period, the CRPD or Code Enforcement



Officer shall file a citation with the District Justice and, upon conviction, the violator shall pay a fine of \$200 plus costs of prosecution.

- 4) Do not place snow on the roadways. Placement of snow from sidewalks, driveways and/or parking lots onto municipal roadways is prohibited by Township Ordinance and makes plowing and cleanup by the Public Works Department staff more difficult.

The Township has enacted certain ordinances which cover this matter. To follow are the applicable sections of the Township's Codified Ordinance:

**§172-28** It shall be unlawful for the owner, occupant or tenant of any property to place, throw, dump, or pile any snow or ice removed from such property upon or into any sidewalk, curb, gutter, alley, highway, or to permit or cause the same to be done by any other person or persons, partnership, firm or corporation. It is hereby declared that removal and disposal of snow and ice from such property is neither directly nor indirectly a function or responsibility of the municipality, and that, if the owner, occupant or tenant of any property shall desire or require that such snow and or ice be removed from such property, it shall be the sole responsibility of such owner, occupant or tenant, as the case may be, to remove the same and to transport it to a place of disposal other than a sidewalk, curb, gutter, alley or highway.

- 5) Township Ordinance requires that homeowners and commercial establishments clear their sidewalks of snow and ice within **forty-eight (48) hours** after the completion of the Township's snow removal operations.

The Township has enacted certain ordinances which cover this matter. To follow are the applicable sections of the Township's Codified Ordinance:

**§155 14 C** Where curbs and/or sidewalks have been constructed pursuant to any of the regulations provided herein, the abutting property owner shall be responsible for:

C. Clearing sidewalk of snow and ice as hereinafter provided:

(1) Within 36 hours of the termination of any fall of snow or accumulation of ice, a path must be cleared through a sidewalk allowing pedestrians to safely pass;

(2) Within 48 hours of the termination of the Township's snow removal operations, the entire width and length of the sidewalk must be cleared; and

(3) If the fall of snow exceeds six inches, or the natural accumulation of ice exceeds one inch, the Township Manager may, by public announcement or other appropriate notice to residents of the Township, set such longer period as may be appropriate for the clearing of said snow.

- 6) If there is a fire hydrant on your property please uncover it so emergency services personnel will be able to access them in an emergency.

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

#### PUBLIC WORKS

There were no items on the Agenda.

## DEVELOPMENTS

### **Note for the Record - Farmhouse Mews Extension**

It is noted for the record that Farmhouse Mews has granted the Township a ninety (90) day extension to July 10, 2010 to review the plan.

### **LNAA – LVIA Lot Consolidation Plan Extension Request**

Mr. Tanczos moved that the Board approve to grant the Developer of LVIA Lot Consolidation a ninety (90) day extension to June 16, 2010 to meet the conditions of approval; and to notify the Developer of the Board's action.

Mr. Salvesen seconded the motion.

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

### **TD Bank N.A. – Traffic Signal Re-Timing**

Peter Lehr, Attorney representing TD Bank N.A. and John Harter, PE of Atlantic Traffic & Design Engineers, Inc. were present to request a waiver of Condition 2.A within the Conditions of Land Development approval letter dated September 2, 2008. The condition required the traffic signal at Stoke Park Road and Route 512 be re-timed based on a traffic impact analysis last revised on March 27, 2008. Attorney Lehr stated that the results of a later analysis based on revised data were that re-timing was not necessary. John Harter of Atlantic Traffic & Design Engineers, Inc. further explained the traffic study and data analysis.

Mr. Tanczos moved that the Board approve to grant the waiver request with regard to signal re-timing identified in the Bohler Engineering letter of February 26, 2010 for TD Bank, N.A. conditioned upon the following:

1. A follow up traffic study be performed on or before April 1, 2011
2. A "Do Not Block Intersection" sign be installed just west of Fairview and on the east bound side of Stoke Park Road; sign must meet current PennDot Standards
3. Receipt of letter from TD Bank N.A. that they are in agreement with conditions contained in this motion.

Mr. Walbert seconded the motion.

Mr. Salvesen nay, 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 had nothing to report.

Solicitor Broughal had nothing to report.

Mr. Milite reported that he is fully stocked with salt and if need be another 150 tons can still be purchased. Mr. Milite also reported that he is working on his salt budget for the 2010-2011 winter season and plans to budget 400 tons as opposed to the 600 tons he budgeted for last year since he is currently at storage capacity.

Mr. Finnigan shared with the Board a request he received from a resident asking that the Township clear the snow from recreational paths. After Mr. Finnigan's response explaining the cost of clearing and maintaining the paths, the resident requested a decision from the Board. After a discussion, Chairman Diacogiannis directed Mr. Finnigan to send a letter to the resident listing the Board's comments.

#### ADJOURNMENT

Upon motion of Mr. Salvesen, seconded by Mr. Walbert, the Board approved adjournment of the regular meeting at 7:32 P.M. and opened the Executive Session. Mr. Salvesen aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

#### EXECUTIVE SESSION

An executive session was held relative to potential litigation.

Lori A. Stranzl  
Secretary/Treasurer