
REGULAR SEMI-MONTHLY MEETING
April 12, 2011

The regular semi-monthly meeting of the Board of Supervisors, Hanover Township, Northampton County, Pennsylvania was called to order by Stephen Salvesen at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania, 18017 at 7:00 P.M.

Present were Supervisors Nagle and Tanczos, Solicitor Broughal, Engineer Kocher, and Township Manager, John J. Finnigan, Jr.

The Pledge of Allegiance was performed.

A Moment of Silence was held in memory of Glenn Taggart, Former Planning Commission member.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved the Agenda. Mr. Nagle aye, Mr. Tanczos aye, Mr. Salvesen aye.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved the minutes, as written, from the meeting of the Board of Supervisors dated March 22, 2011. Mr. Nagle aye, Mr. Tanczos aye, Mr. Salvesen aye.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved the List of Bills and Transfers as prepared by the Secretary/Assistant Treasurer, and to enter the signed List of Bills by the Board of Supervisors and Township Secretary as an attachment to the minutes. Mr. Nagle aye, with the exception of General Check # 2255, Mr. Tanczos aye, with the exception of General Check # 2255 Mr. Salvesen aye, with the exception of General Check # 2255.

COURTESY OF THE FLOOR

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

REPORT OF THE CHAIRMAN

It was noted that Chairman Diacogiannis was out of town.

REPORT OF THE VICE-CHAIRMAN

It was noted that Mr. Walbert was not in attendance.

SUPERVISOR'S COMMENTS & ROAD REPORTS

Mr. Nagle reported on Road District #1, nothing to report.

Mr. Salvesen reported on Road District #3, nothing to report.

Mr. Tanczos reported on Road District #4, nothing to report.

APPOINTS AND RESIGNATIONS

There were no items on the Agenda.

PLANNING & ZONING

Conditional Use Application: Richard Bartolacci, 3864 Courtney Street – Expansion of Exercise

Mr. Salvesen moved that the Board approve to authorize the Zoning Officer to advertise a Conditional Use Hearing for May 10, 2011 for Conditional Use Application submitted by Richard Bartolacci, 3864 Courtney Street, Bethlehem, PA 18017.

Mr. Nagle seconded the motion.

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

Authorize Solicitor to Advertise Proposed Ordinance for Adoption Amending Ordinance 02-01, Chapter 172, Providing for the Regulation of Stopping, Standing and Parking Vehicles on Certain Roads within the Bethlehem Business Park and the Lehigh Valley Industrial Park

Mr. Salvesen moved that the Board approve to authorize the Township Solicitor to advertise a Public Meeting for adoption of proposed Ordinance, Amending Ordinance 02-01, Chapter 172, providing for the regulation of stopping, standing and parking vehicles on certain roads within the Bethlehem Business Park and the Lehigh Valley Industrial Park.

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE 02-01, CHAPTER 172, PROVING FOR THE REGULATION OF STOPPING, STANDING AND PARKING VEHICLES ON CERTAIN ROADS WITHIN THE BETHLEHEM BUSINESS PARK AND THE LEHIGH VALLEY INDUSTRIAL PARK IV, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith.

Mr. Nagle seconded the motion.

Mr. Finnigan stated that this is in regards to the code of covenants in LVIP. The Police are having problems with people parking on the streets and not being able to enforce the violation.

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

ADMINISTRATION

2010 Audit Presentation

Auditor, Todd Bushta was present to review and explain the 2010 Audit and Financial Statement.

Adoption of Resolution 11-7 – Local Government Week

Mr. Nagle moved that the Board approve Resolution 11-7 as follows:

**HANOVER TOWNSHIP
NORTHAMPTON COUNTY**

Resolution 11-7

Local Government Week: April 11-15, 2011

WHEREAS, Local government is the backbone of our democracy and the bedrock of our political system; and

WHEREAS, Pennsylvania local government is the epitome of a “grassroots” operation and local government elected officials are ordinary citizens who choose to serve their community; and

WHEREAS, More than 12 million Pennsylvania residents rely on the services and facilities provided by local government, including townships, which provide essential services such as maintenance of roads and streets, sewage management, police and fire protection, local planning and zoning, waste management and recycling, and parks and recreation; and

WHEREAS, Pennsylvania’s residents rely upon the dedication of these local governments in meeting many of the health, welfare, and public safety needs of the community; and

WHEREAS, the success of local government is a key element in the overall quality of life; and

WHEREAS, our local governments are a testimony to liberty, freedom, and the right to elected self-government; and

WHEREAS, “Local Government Week” focuses attention on the need for strong, independent, and active local government in Pennsylvania and recognizes the valuable contributions made by residents serving their communities; there be it

RESOLVED, that the township recognizes April 11-15, 2011, as “Local Government Week” in Pennsylvania.

Mr. Tanczos seconded the motion.
Mr. Nagle aye, Mr. Tanczos aye, Mr. Salvesen aye.

Adoption of Resolution 11-8 – Grant Application

Mr. Nagle moved that the Board adopt Resolution 11-8, Grant Application to Department of Conservation and Natural Resources for the purpose of receiving grant money for the Hanoverville Road Park Project.

HANOVER TOWNSHIP NORTHAMPTON COUNTY

Resolution 11-8

Hanoverville Road Park

WHEREAS, Hanover Township Northampton County (“Applicant”) desires to undertake the following project; Hanoverville Road Park; and

WHEREAS, the Applicant desires to receive from the Department of Conservation and Natural Resources (“Department”) a grant for the purpose of carrying out this project; and

WHEREAS, the Applicant package includes a document entitled “Terms and Conditions of Grant” and a document entitled “Grant Agreement Signature Page; and

WHEREAS, the Applicant understands that the contents of the document entitled “Terms and Conditions of Grant” including the appendices referred to herein, will become the terms and conditions of a Grant Agreement between the Applicant and the Department if the applicant is awarded a grant; and

NOW THEREFORE, it is resolved that:

1. The “Grant Agreement Signature Page” may be signed on behalf of the applicant by the Official who, at the time of signing, has Title of Chairman, Vice-Chairman of the Board of Supervisors or Township Manager.
2. If this Official signed the “Grant Agreement Signature Page” prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the Applicant is awarded grant, the “Grant Agreement Signature Page”, signed by the above Official, will become the applicant/grantee’s executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing the amendment, has Title specified in Paragraph 1 and the grantee will be bound by the amendment.

Mr. Tanczos seconded the motion.

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

Adoption of Resolution 11-9 – Operation of Traffic Control Lights – Schoenersville / Weaversville (SR 1009) and Old Airport Road (SR 1033), and New Signal of Airport Road (SR 0987) and Schoenersville Road (SR 1009)

Mr. Nagle moved that the Board approve to adopt Resolution 11-9 for the operation of the traffic control lights at the intersection of Schoenersville/Weaversville Road (SR 1009) and Old Airport Road (SR 1033) as well as the new signal at the intersection of Airport Road (SR 0987) and Schoenersville Road (SR 1009),

HANOVER TOWNSHIP, NORTHAMPTON COUNTY

RESOLUTION NO. 11-9

WHEREAS, Hanover Township, Northampton County and Hanover Township, Lehigh County, have previously acknowledged joint responsibility for the operation of the traffic control lights at the intersection of Schoenersville/Weaversville Road (SR 1009) and Old Airport Road (SR 1033) as well as the new signal at the intersection of Airport Road (SR 0987) and Schoenersville Road (SR 1009), hereinafter referred to as the “Traffic Lights”, and

WHEREAS, Hanover Township, Lehigh County, has expressed its willingness to perform all required maintenance on said Traffic Lights;

WHEREAS, Hanover Township, Northampton County, has expressed its willingness to pay for the electric service to said Traffic Lights; and

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Board of Supervisors of Hanover Township, Lehigh County, will reimburse Hanover Township, Northampton County, for 50% of the costs of electrical service to the said Traffic Lights provided, however, that Hanover Township, Northampton County, continues to reimburse Hanover Township, Lehigh County for 50% of the costs of maintenance of the said Traffic Lights.

Mr. Tanczos seconded the motion.

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

Approve and Authorize Signatures – Service and Maintenance Agreement for Shared Responsibility of Traffic Lights between Hanover Township Northampton County and Hanover Township Lehigh County

Mr. Nagle moved that the Board approve the Service and Maintenance Agreement for joint responsibility for the operation of the traffic control lights at the intersection of Schoenersville/Weaversville Road (SR 1009) and Old Airport Road (SR 1033) as well as the new signal at the intersection of Airport Road (SR 0987) and Schoenersville Road (SR 1009) and to authorize the Vice-Chairman and Secretary to sign the Agreement.

Mr. Tanczos seconded the motion.

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

Introduction of Resolution in regards to the Shade Tree Ordinance

Proposed Resolution distributed to the Board for their review and will be adopted at the April 26th supervisors meeting.

Adoption of Policy 69 – Whistleblower Policy

Mr. Nagle moved that the Board approve to adopt the following Policy 69 as follows:

POLICY 69 **WHISTLEBLOWER POLICY**

A. POLICY

The Township of Hanover, Northampton County, requires Supervisors and employees to observe high standards of business ethics in the conduct of their duties and responsibilities. Supervisors and employees of Hanover Township must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

It is the responsibility of all Supervisors and employees to report suspected violations of such business ethical standards of conduct in accordance with this Whistleblower Policy.

B. PROCEDURE

1. No Supervisor or employee who in good faith reports a violation of such business ethical standards of conduct shall suffer harassment, retaliation, or adverse employment consequence. Supervisor or staff who retaliates against someone who has reported a suspected violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable Supervisors, employees and others to raise serious concerns within Hanover Township prior to seeking resolution outside of Hanover Township
2. Hanover Township maintains an “open door” policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee’s supervisor is in the best position to address an area of concern. However, this policy provides an alternative reporting route to ensure complete transparency. Any employee may report possible business ethical violations to the Township official having responsibility for the Human Resources function. Supervisors and managers are required to report suspected violations of the Hanover Township ethical standards to the Hanover Township Compliance Officer designated by the Chairman of the Board of Supervisors, who has specific and exclusive responsibility to investigate all reported violations. Under exceptional circumstances, an employee may contact the Hanover Township Compliance Officer directly.
3. Hanover Township’s Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of business ethical standards and, at his/her discretion, shall inform the Chairman of the Board of Supervisors and together they will determine an appropriate course of action. The Compliance Officer has direct access to the Board of Supervisors

and is required to report to the Board of Supervisors at least annually on compliance activity.

4. The Compliance Officer will notify the sender and acknowledge receipt of the reported suspected violation(s) within fifteen (15) business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.
5. Anyone filing a complaint concerning a suspected violation of the ethical standard of conduct must be acting in good faith and on reasonable grounds for believing the information disclosed indicates a violation of such ethical standards.

Mr. Tanczos seconded the motion.

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

Adoption of Policy #70 – Related Party Transactions and Conflicts of Interest

Mr. Nagle moved that the Board approve to adopt Policy #70 as follows:

Policy 70

Related Party Transactions and Conflicts of Interest Policy

Related Party Transactions/Conflicts of Interest

All transactions between the township and individuals, consultants and those acting on behalf of the township, and stakeholder's deemed "related parties" must be made on arm's length terms.

"Related party" transactions include any transaction (including guarantees of any kind) between the township and:

1. Individuals or enterprises that directly or indirectly, control or are controlled by, or are under common control by the township:
2. Individuals or enterprises that have significant influence over the township:
3. Individuals, either directly or indirectly, which have an interest or voting power in the township which gives them significant influence over the township, and close members of such individual's family:
4. Key management personnel, that is those persons having authority and responsibility for planning, directing and controlling the activities of the township, including the Board of Supervisors, various Commissions, consultants, and senior management of the township and close members of such individual's families: and

Which is (i) a transaction that is material to the township taken as a whole or the related party, or (ii) a transaction, that is unusual in nature or conditions or (iii) a loan from the township to or for the benefit of any of the parties in 1-4 above.

All related party transactions, as described above, have to be reviewed and approved in advance by the Township Manager or if in the instance of the Township Manager have a related party transaction; the Chairman of the Board of Supervisors would review and

approve the form submitted. Anyone who seeks to enter into a related party transaction has to complete the form attached as **Appendix A** and send it well ahead of contemplated transaction being executed. The contemplated transaction may not be executed until the approval has been granted.

Supervisors, volunteers, consultants, and township management shall avoid conflicts of interest when acting in such capacity and promptly disclose in writing all such conflicts.

Appendix B includes selected sections and definitions from the Pennsylvania **Public Official and Employee Ethics Act** as an **additional reference resource to supplement, but not supersede, this policy.**

Description of Conflicts of Interest

The Board of Supervisors is concerned about the possible conflict of interest between the interest of Hanover Township and the personal interest of township employees, Supervisors, volunteers, and contractors. The policy reflected below is intended to permit a better understanding and avoidance of the possible conflicts of interest between township interest and personal interest of township employees, Supervisors, and contractors. As such, consideration should be given to the following:

1. The choice of individuals or corporations with whom the township may have a business relationship must be determined solely on the basis of the best interest of the township. Self-interest of any elected or appointed official, employee, volunteer, or contractor must not be permitted to affect such choice. A potential conflict would exist wherever an employee has an interest in or connection with an enterprise with which the township transacts business or that interest is of such a nature that it might influence the independent judgment of the individual. Under such circumstances, an elected or appointed township official should stand silent and, if necessary, refer the situation to a higher responsible official; an employee, volunteer, or contractor, should refer such circumstances immediately to the Chairman of the Supervisors. It should be understood that the conflicting interest referred to may be direct or indirect (the interest may be that of the employee or a relative or businesses which the employee or such other person has an interest), and the interest may be financial or otherwise.
2. What constitutes a conflict of interest?

General Considerations

It is not possible to enumerate all situations, which constitute a conflict. The facts in each situation will determine whether the interest in question is such as to bring it within an area of potential conflict. Such facts would include the extent to which the employee could influence the township's decision with respect to the transaction and whether the interest was of such a nature that it might affect the objectivity or the business judgment of the employee. The existence of a conflict depends upon how personal the possible conflict is to the employee and whether or not the employee represented and upheld any interest other than that of the township.

Type of transactions in which conflict may arise

Business transactions in which there may be conflicts of interest include with limitation the purchase of materials, supplies and equipment, the purchase, sale and lease of real estate, the

purchase of advertising space and time, the investment in borrowing of funds, the purchase of insurance, the selection and use of consultants or other professional advisors and the selection and supervision of contractors, suppliers or vendors.

Typical Conflicts of Interest

It would be considered a conflict with the township's interest and a violation of trust for an employee, directly or indirectly, to knowingly engage in any of the activities described below without disclosure in writing to the Township Manager or in the alternate, the Chairman of the Board of Supervisors, using **Appendix A** prior to engaging in any of the following:

1. Interest in another organization

To have an interest in any organization (other than owning shares of stock in a corporation traded on a national securities exchange or regularly reported in over the counter quotations, where the number of shares owned is insignificant compared to the number of shares outstanding) which has or is seeking to do business with the township, where there is an opportunity for preferential treatment to be given or received from such organization. The same consideration applies to service as an officer or director of any company or in any management capacity for any individual, firm or other company that is doing or seeking to do business with the township.

2. Interest in a property transaction

To buy, sell, or lease any kind of property, facilities or equipment from or to the township.

3. Holding other positions to the detriment of the township

To hold additional positions of employment with other employers for compensation, or to engage in any businesses or activities whether or not for profit and whether current or prospective which necessitate the devotion by the employee of time to such employment, business, or activity during the hours for which he or she receives compensation from the township for employment activity, or if it impairs his or her work for the township or because the time spent may result in a conflict between any other interest in the interest of the township that is detrimental to the best interest of the township.

Gifts

1. Prohibited gifts

It would be in conflict with the township's interest for a Supervisor, employee, volunteer or contractor under any circumstance to accept from any company, firm or individual that has or is seeking to have a business relationship with the township:

- Any commissions, shares, profits and gifts whether in cash, gift certificates, merchandise or otherwise (other than items of an advertising nature or no more than nominal value) or any other payments, loans or advances or any labor, materials, services, repairs or improvements at no cost or at prices other than fair value.
- Travel accommodations, airline or other transportation tickets, hotel accommodations, recreational admission tickets or excessive or extravagant

entertainment or similar gratuities. It would also be in conflict with the interest of the township for a Supervisor, employee, volunteer, or contractor under any circumstances to encourage or to induce any company, firm or individual that has or is seeking to have a business relationship with the township to contribute gifts, cash, merchandise, labor, materials, or services to employee-related recreational projects or activities including without limitations dances, picnics, tournaments or prizes.

2. Handling prohibited gifts

Any Supervisor, employee, volunteer, or contractor who receives a gift the acceptance of which is prohibited should promptly report it to the Township Manager or in the alternate the Chairman of the Board of Supervisors on Appendix A. The gift should be returned to the donor with a letter to the donor explaining the township's policy. Gifts of a perishable nature, which are impractical to return, should be donated anonymously to a charitable organization and the donor should be informed in writing of such action and the name of the charitable organization.

Entertainment

1. It is appropriate business entertainment to:

- Permit the host or another person present at a business meeting or discussion to provide lunch, dinner or beverages;
- To attend a recreational or social outing provided by the host following a business meeting or discussion; or
- To accept or participate in a type of entertainment or event with a person or group similar to the type of entertainment or even the township has furnished that person or group for business reasons or in the interest of the township.

2. It would not be in the best interest of the township if the Supervisor, employee, volunteer, or contractor were to accept invitations to outings by contractors, vendors or suppliers which are to last for two or more days where the host would be paying travel, hotel and other expenses.

3. There will always be exceptions or special situations that may require deviation from the foregoing policy but the individual should always bear in mind that the object of the policy is to avoid any interest or situation which can conflict with the best interest of the township, than any entertainment accepted from any company, firm or individual that has or is seeking to have a business relationship with the township must have some appropriate business relationship and should be accepted only because it is in the best interest of the township. Every Supervisor, employee, volunteer, and contractor should be reminded that in any difficult or unclear situation the matter should be discussed with the Township Manager or in the alternate the Chairman of the Board of Supervisors and the activity should not be engaged in without obtaining the prior written approval of the Township Manager or in the alternate the Chairman of the Board of Supervisors.

Post-retirement affiliations

Active employees in sensitive positions should disclose negotiations or discussion about post-retirement positions or affiliations that influence or would appear to the reasonably prudent person to influence the performance of their township responsibilities during the period they are still employed by the township.

Other Conflict Reporting

All township department heads and supervisory personnel and other employees who are determined by the Township Manager to be in a policymaking or sensitive decision-making position shall report possible conflicts on **Appendix A**. The Township Manager shall then take immediate steps to minimize or eliminate possible conflicts of interest in accordance with this policy. The Township Manager must maintain a listing of all forms submitted. If the conflict in question is with the Township Manager, this same process is referred to the Chairman of the Board of Supervisors.

A Supervisor, volunteer, or contractor, who has a personal or private interest in any questions, resolutions, motion or ordinance proposed or pending shall abstain thereon and take no part in the discussion of the same. If such interested person shall vote without disclosing their interest in such questions, resolution, motion or ordinance, the Board may censure then and/or declare their forfeiture of office and seek their removal pursuant to the First Class Code. The Board may void the resolution, or ordinance upon which the interested person has voted without disclosure if it is in the best interests of the township where such action is permissible under applicable law.

Any resolution or part of a resolution or policy conflicting is hereby repealed insofar as the same affects this policy.

Mr. Tanczos seconded the motion.

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

PUBLIC WORKS

DEVELOPMENTS

Authorize Signatures – Bethlehem Retirement Residence, LLC, Lenity Group, Hanover Highlands Lot 2 Improvements Agreements

Mr. Tanczos moved that the Board authorizes the Vice-Chairman and Secretary to sign the Improvements Agreements for Bethlehem Retirement Residence, LLC – Lenity Group – Hanover Highlands Lot 2.

Mr. Nagle seconded the motion.

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

COURTESY OF THE FLOOR

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

STAFF REPORTS

Mr. Kocher, Engineer, had nothing to report.

Mr. Broughal, Solicitor, updated the Board on an Ordinance sent out for their review.

Mr. Milite, Public Works Director, was not in attendance.

Mr. Finnigan, Township Manager, had nothing to report.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved adjournment at 7:42 P.M.

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

Lori A. Stranzl
Township Secretary