
REGULAR SEMI-MONTHLY MEETING
May 22, 2012

The regular semi-monthly meeting of the Board of Supervisors, Hanover Township, Northampton County, Pennsylvania, was called to order by Vice-Chairman, Glenn R. Walbert 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 Brien Kocher, Solicitor Broughal, Public Works Director Vince Milite and Township Manager, John J. Finnigan, Jr.

The pledge of Allegiance was performed.

Upon motion of Mr. Nagle, seconded by Mr. Salvesen, the Board approved the Agenda with an addition under "Developments".

Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert 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 May 8, 2012.

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

Upon motion of Mr. Salvesen, seconded by Mr. Nagle, the Board approved the List of Bills and Transfers dated May 22, 2012 as prepared by the Township Secretary, and to enter the signed List of Bills by the Secretary and Board of Supervisors as an attachment to the minutes.

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

COURTESY OF THE FLOOR

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

REPORT OF THE CHAIRMAN

Mr. Diacogiannis was out of town.

REPORT OF THE VICE CHAIRMAN

Mr. Walbert noted that this past Saturday the Township held an Armed Services Day ceremony at the Armed Services Park. Mr. Walbert stated the ceremony was well presented and thanked all of those who participated.

SUPERVISOR'S COMMENTS & ROAD REPORTS

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

APPOINTMENTS AND RESIGNATIONS – BOARDS, COMMISSIONS AND COMMITTEES

Appointment of Richard Kanaskie to the Hanover Township Planning Commission

Mr. Walbert moved, as recommended by the Planning Commission's letter dated May 8, 2012, that the Board appoint Mr. Richard Kanaskie, 1249 Bluestone Drive, Bethlehem, PA to the Hanover Township Planning Commission, effective immediately, replacing Mr. Paul Kuehne, with the term expiring on January 1, 2014 and to notify Mr. Kanaskie and the Planning Commission of his appointment.

Mr. Nagle seconded the motion.

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

PLANNING & ZONING

Public Hearing – Zoning Ordinance Amendment – Aircraft Flightpath Highway Business District (AFHBD)

Mr. Salvesen closed the regular meeting and opened the Public Hearing. It is noted for the record that the hearing has been duly advertised and the Secretary has proof of publication. A Court Stenographer will be present to record all testimony. After everyone who wishes to speak, has spoken, we will close the Public Hearing and re-open the regular meeting.

Mr. Salvesen moved that the Board approve to adopt Ordinance 2012 – 2, amending the Hanover Township Zoning Ordinance, Chapter 185-38D, regarding Permitted Uses in the AFHBD:

ORDINANCE 2012-2

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, ENACTING CERTAIN AMENDMENTS TO THE “HANOVER TOWNSHIP ZONING ORDINANCE” DEALING WITH THE AIRCRAFT FLIGHTPATH HIGHWAY BUSINESS DISTRICT (AFHBD) AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

Mr. Nagle seconded the motion.

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

Conditional Use Hearing – Lehigh Valley Academy – 1550 Valley Center Parkway – Proposed Gym/Auditorium

Mr. Salvesen closed the regular meeting and opened the Conditional Use Hearing. It is noted for the record that the hearing has been duly advertised and the Secretary has proof of publication. A Court Stenographer will be present to record all testimony. After everyone who wishes to speak, has spoken, we will close the Conditional Use Hearing and re-open the regular meeting.

It was noted that the Conditional Use Approval will be on the June 12, 2012 Supervisor's agenda.

Amend Hold Harmless Agreement – Cameron and Karen Houchens, 5116 Barbary Street, Bethlehem, PA

Mr. Salvesen moved that the Board approve, as recommended by the Township Zoning Officer, to amend the previous approved Hold Harmless Agreement between Cameron and Karen Houchens, 5116 Barbary Street, Bethlehem, PA. The amendment pertains to the placement of a fence at the rear of their property.

Mr. Nagle seconded the motion.

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

ADMINISTRATION

Authorize Chairman to sign the Request for Sponsorship from Lehigh Valley Health Network

Mr. Nagle moved to authorize the Chairman to sign the Request for Sponsorship prepared by Recreation Director, Cathy Heimsoth from Lehigh Valley Health Network.

Mr. Salvesen seconded the motion.

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

Neighborhood Improvement Zone Litigation Discussion

Mr. Walbert stated that over the last few weeks there has been an exchange of ideas between Hanover Township and the City of Allentown to see if there is any common ground on resolving the litigation regarding the Neighborhood Improvement Zone. Based on those discussions, the Township has come up with what we feel is our position on the matter.

Mr. Walbert read into the record the following Position Statement of the Township:

**HANOVER TOWNSHIP
POSITION STATEMENT
NEIGHBORHOOD IMPROVEMENT ZONE (“NIZ”) LITIGATION**

Hanover Township (“Township”) has and continues to support the Arena Project and the revitalization of the City of Allentown. The following sets forth the position of the Township with respect to the current status of any negotiations to settle the NIZ Litigation as well as the future position of the Township with respect to the NIZ Litigation and any attempts at a future settlement.

Hanover Township will only continue to negotiate with parties to the NIZ Litigation filed on March 29, 2012.

The correspondence forwarded to the Township thus far does not contain any settlement offer that could be acted upon by the Township, and in addition, such settlement proposals would be an attempt to circumvent existing legislation by agreement or otherwise, and therefore, would be void as contrary to public policy, and in addition, such settlement agreement may preclude the Township from later challenging the constitutionality of that legislation.

The Township does not have the authority to bind other political subdivisions that have intervened in the NIZ litigation, and the Township would not agree to any settlement until all parties to the NIZ Litigation were in agreement; *i.e.*, universal settlement.

The Township believes that any settlement that does not include the amending of the current legislation to make it constitutional would leave such legislation, which is unconstitutional, in place, and could later be used to rescind any settlement agreements.

The Township is supportive of the Arena Project and the revitalization of the City of Allentown, it is not supportive of the Township's Earned Income Tax ("EIT") revenue being used for public and/or private initiatives in the City of Allentown.

Any settlement of the NIZ litigation can only occur if the existing legislation is amended to:

- (A.) Make it constitutional; and
- (B.) Remove all references to EIT contained therein and ensure that it is not replaced with other sources of revenue generated by or from political subdivision sources outside the City of Allentown; and
- (C.) Reduce the size of the NIZ so that it does not unfairly compete with non-NIZ venues.

Mr. Walbert read the following letter written by Chairman John Diacogiannis:

"Gentlemen,

My apologies for not being with you on Tuesday evening. Regarding the NIZ issue, I believe that we have fairly considered the settlement offer presented by Allentown, even though Allentown is not a party to the lawsuit. For the reasons described by our solicitors, the offer is unacceptable and beyond further consideration. Our alternate suggestion for possible consideration was unacceptable to Allentown and quite frankly is no longer acceptable to me. I believe that no options exist to settle this issue, except for amending the existing legislation to eliminate its impact on EIT or other local revenue sources outside of Allentown. I believe that's the only solution that would be acceptable to the varied plaintiffs who have joined this lawsuit.

Thanks, John"

Mr. Nagle stated he is in agreement with the Position Statement.

Mr. Salvesen stated that the census is that the legislature is unconstitutional and the only way to fix it is to amend the legislature. Mr. Salvesen stated he is also in agreement with the Position Statement.

Mr. Tanczos stated the existing legislature needs to be amended and agrees with the Position Statement.

Mr. Walbert stated that we honestly gave this a fair chance and agreed with the Township's Position Statement.

PUBLIC WORKS

Note for the Record – Bid Opening for 2012 Road Work Project

It is noted for the record that the bid opening for the 2012 Road Work Project was held May 16, 2012 at 1:15 P.M. at the Township Municipal Building. Five bids were received and the prices ranged from \$404,905.46 to \$506,271.00.

Award Bid – 2012 Road Work Project

Mr. Salvesen moved that the Board, as recommended by the Township Manager, award the Bid for the 2012 Road Work Project to Livengood Excavators, Inc. 4661 Lehigh Drive, Walnutport, PA, 18088 at the total bid price of \$404,905.46; and to notify Livengood Excavators, Inc. of their awarded bid.

Mr. Salvesen further moved to authorize the Township Secretary to return all the other bidders bid bonds except for the next lowest bidder, until all paperwork is in place with the awarded bidder.

Mr. Broughal noted for the record that there was an issue in the addition of some of the numbers in the awarded bid. Matter was reviewed and the bidder has confirmed the fact that they had made an error in addition.

Mr. Nagle seconded the motion.

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

DEVELOPMENTS

310 Stoke Park Road – Extension Request

No extension received to date.

Mr. Broughal noted that the security is an evergreen letter of credit until they notify us that they are withdrawing the letter of credit; and suggests we send them a letter stating they need to complete all the items as soon as possible or we will pull the letter of credit.

Note for the Record – Bethlehem Business Park Lot 8A, Additional Parking – Extension

Mr. Tanczos noted for the record that the developer of Bethlehem Business Park Lot 8A, Additional Parking has granted the Township an extension to September 4, 2012 to review the plan.

Note for the record – 3910 Adler Place, LP – Extension

Mr. Tanczos noted for the record that the Developer of 3910 Adler Place, LP has granted the Township an extension of thirty (30) days to July 1, 2012 to complete the final inspection.

COURTESY OF THE FLOOR

Mr. Jason Walters of 5344 Seip Road was present to discuss the Act 13 Legislation, express his concerns and why he feels the Supervisor's should adopt a resolution opposing Act 13.

Mr. Al Worth was present to express his concerns on the Act 13 Legislation.

Mr. George Werkheiser was present to thank Mr. Finnigan, the Board of Supervisors and the Township Solicitor for taking the legal steps to protect the Township's interest regarding the NIZ Suit.

STAFF REPORTS

Mr. Kocher had nothing to report.

Mr. Broughal had nothing to report.

Mr. Milite stated he would like to commend Mr. Finnigan on the Armed Forces day Program and commended the Public Works for all their hard work at the Armed Service Park and the Township Carnival.

Mr. Finnigan reported on the following:

- Distributed Library Annual report
- Noted that he and Mr. Walbert attended the ribbon cutting ceremony for the Library Kiosk at the Community Center
- Distributed monthly Fire Company report
- Thanked the Township's EMS and Ambulance Personnel for all they do and noted that this is National E.M.S. Week
- Updated the Board on discussions with LNBT to lower the interest rate on two obligation notes. The interest has been reduced to 2.92% and he would need a motion to authorize execution of the amendments to the notes.

Mr. Nagle moved to authorize the Vice Chairman and secretary to sign the amendments to the notes with KNBT.

Mr. Salvesen seconded the motion.

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

Upon motion of Mr. Salvesen, seconded by Mr. Tanczos, the Board approved adjournment at 8:00 P.M.

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

Lori A. Stranzl
Township Secretary