
**REGULAR SEMI-MONTHLY MEETING
November 25, 2008**

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 7:30 P.M.

Present were Supervisors Walbert, Salvesen, Nagle and Tanczos, Engineer Birdsall, Solicitor Broughal, Road Superintendent Vince Milite and Township Manager John J. Finnigan, Jr.

The Pledge of Allegiance was performed.

Upon motion of Mr. Salvesen, seconded by Mr. Walbert, the Board approved the Agenda with additions under Planning and Zoning and Developments and a deletion under Administration.

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

Upon motion of Mr. Walbert, seconded by Mr. Salvesen, the Board approved the minutes, as written, from the meeting of the Board of Supervisors dated November 11, 2008. 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 November 25, 2008 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. Walbert aye, Mr. Diacogiannis aye.

COURTESY OF THE FLOOR

It was noted that no one offered 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

It was noted that no one had any comments.

PLANNING & ZONING

Mr. Walbert introduced TD Bank, N.A. (formerly Commerce Bank, N.A.) -3759 and 3779 Bath Pike.

Attorney F. Peter Lehr was present to address the Board on signage on the property at the intersection of Stoke Park Road and Route 512.

Attorney Lehr reviewed his letter and attachments that were submitted to the Board and brought attention to two corrections. Attorney Lehr compared this situation with that of PNC Bank and the Susquehanna Patriot Bank that are located in the same area.

A brief discussion was held among the Board and Professional Staff regarding future road widening and how the sign will affect the road improvements.

Township Manager Finnigan suggested that the Township Solicitor be present at the Zoning Hearing Board meeting.

Mr. Walbert stated that the main sign is not an issue; the proposed directional sign is.

A discussion was held as to what type of signage would be acceptable and where it should be located.

The Chairman advised Attorney Lehr to make sure the Ordinance is met.

Mr. Walbert moved that the Board approve the conditional use application for 3864 Courtney Street – Proposed Cardio Boxing Training and Exercise Facility with the following conditions:

1. Cross License Agreement with adjoining tenant for the use of shower facilities satisfactory to the Township Solicitor and Manager; in the absence of a Cross License Agreement applicant must provide an acceptable shower facility for patrons on premises; and
2. Sparring prohibited in ring or facility; at no time are two individuals sparring to both possess boxing gloves.

Mr. Salvesen seconded the motion.

Mr. Tanczos stated that these conditions meet his concerns.

Mr. Salvesen stated that he still has a problem with the parking.

Mr. Finnigan stated that the parking meets the Ordinance.

A discussion was held on the definition of sparring and the wording of condition number 2.

Mr. Walbert amended the motion with condition 2 reading as follows:

“Sparring prohibited in ring or facility.”

Mr. Salvesen seconded the amendment.

Mr. Walbert further moved to notify the Developer of the Board’s action.

Mr. Salvesen no, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Walbert moved that the Board approve the conditional use application for 3864 Courtney Street, Suite 140 – Proposed Exercise Facility Cardio Health & Fitness Center expansion with the following condition:

1. Cross License Agreement with adjoining tenant for the use of shower facilities satisfactory to the Township Solicitor and Manager; in the absence of a Cross License Agreement applicant must provide an acceptable shower facility for patrons on premises.

Mr. Walbert further moved to notify the developer of the Board’s action.

Mr. Tanczos seconded the motion.

Mr. Salvesen no, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Walbert moved that the Board grant the waiver request for 3910 Adler Place regarding required loading spaces and to notify the Developer of the Board’s action relative to this matter.

Mr. Salvesen seconded the motion.

Mr. Salvesen questioned if the use does change and the loading spaces are needed, what does the Township do then.

Mr. Birdsall explained what would happen.

Mr. Birdsall asked that the Board incorporate into the motion referencing the Proposed Parking Lot Alterations Sheet 1 of 1 dated November 14, 2008.

Mr. Walbert amended the motion to read, that the Board grant the waiver request for 3910 Adler Place regarding required loading spaces per drawing "Proposed Parking Lot Alterations Sheet 1 of 1 dated November 14, 2008" and to notify the Developer of the Board's action relative to this matter.

Mr. Salvesen seconded the amendment.

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

Mr. Walbert moved that the Board approve the following Ordinance No. 2008-14, Peddling and Soliciting Ordinance, which revises Ordinance 02-01, and that the Chairman and Secretary be authorized to sign the Ordinance.

ORDINANCE NO. 08-14

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE 02-01, CHAPTER 127, PEDDLING AND SOLICITING AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith.

Mr. Nagle seconded the motion.

Mr. Diacogiannis asked for clarification on what is issued to someone who applies for this type of permit.

Mr. Finnigan stated they would receive a paper permit like we have always issued.

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

Mr. Walbert directed the Township Solicitor and Engineer to attend the Zoning Hearing Board meeting for the petition from Allentown S.M.S.A. d.b.a. Verizon Wireless, requesting interpretation and relief from the height and setback provision of the ordinance to expand with new antennas, equipment shelter and fenced enclosure, located at 3439 Bath Pike, in a C-2 Commercial Zoning District.

It was noted that Mr. Diacogiannis recused himself from this Agenda item.

Mr. Finnigan clarified what the Solicitor and Engineer should ensure the Ordinance is followed at the Zoning Hearing Board meeting.

ADMINISTRATION

Mr. Nagle moved that the Board approve to adopt Resolution 2008-24 adopting the 2009 Township Budgets, as follows and to authorize the Chairman and Secretary to sign the Resolution:

**HANOVER TOWNSHIP
NORTHAMPTON COUNTY
Resolution 08-24**

A RESOLUTION OF THE Township of Hanover, County of Northampton, Commonwealth of Pennsylvania, appropriating specific sums estimated to be required for the specific purposes of the municipal government, hereinafter set forth, during the year 2009.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Township Supervisors of the Township of Hanover, County of Northampton, Commonwealth of Pennsylvania:

Section 1. That for the expenditures and expenses of the fiscal year 2009 the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the year 2009, for the specific purposes set forth on the following pages.

Section 2. That any Resolution conflicting with this Resolution be and the same is hereby repealed insofar as the same affects this Resolution.

Mr. Salvesen seconded the motion.

Mr. Diacogiannis stated that this was one of the best handled budgets that the Board has had in a long time, commended the Township Staff on their efforts on the budget. Mr. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Mr. Nagle moved that the Board approve to adopt Resolution 2008-25 setting the 2009 tax rate and to authorize the Chairman and Secretary to sign the Resolution:

**HANOVER TOWNSHIP
NORTHAMPTON COUNTY
Resolution 08-25**

TAX LEVY RESOLUTION

**SECOND CLASS TOWNSHIP
OR HOME RULE MUNICIPALITY**

A RESOLUTION OF THE Township of HANOVER, County of Northampton, Commonwealth of Pennsylvania, fixing the tax rates for the year 2009.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Township Supervisors of the Township of Hanover, County of Northampton, Commonwealth of Pennsylvania:

That a tax be and the same is hereby levied on all real property and within the said Municipality subject to taxation for the fiscal year 2009 as follows:

Tax rate for general purposes, the sum of 3.40 mills on each dollar of assessed valuation or the sum of 34.0 cents on each one hundred dollars of assessed valuation.

Tax rate for fire tax purposes, the sum of 0.5 mills on each dollar of assessed valuation or the sum of 5.0 cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	Mills on Each Dollar of Assessed Valuation	Cents on Each One Hundred Dollars of Assessed Valuation
Tax Rate for General Purposes	<u>3.40</u> Mills	<u>34.0</u> Cents
Tax Rate for Fire Tax Purposes	<u>0.50</u> Mills	<u>5.0</u> Cents
TOTAL	<u>3.90</u> Mills	<u>39.0</u> Cents

That any resolution, or part of resolution, conflicting with this resolution be and the same is hereby repealed insofar as the same affects this resolution.

Mr. Salvesen seconded the motion.

Mr. Diacogiannis stated congratulations are in order on holding the line on the tax rate and stated that other municipalities are not as fortunate with the way the economy is and that we are lucky.

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

Mr. Nagle moved that the Board approve to adopt Resolution 2008-26 setting the 2009 tax rate for Act 511 Taxes and to authorize the Chairman and Secretary to sign the Resolution:

**HANOVER TOWNSHIP
NORTHAMPTON COUNTY
Resolution 08-26**

A RESOLUTION OF THE Township of Hanover, County of Northampton, Commonwealth of Pennsylvania, fixing the tax rate for the year 2009.

BE IT RESOLVED AND ENACTED, and it is hereby resolved and enacted by the Board of Township Supervisors of the Township of Hanover, County of Northampton, Commonwealth of Pennsylvania, that a tax be and the same is hereby levied on all property transfers and occupation tax within said municipality subject to taxation for the Fiscal Year 2009 as follows:

REAL ESTATE TRANSFER TAX	1%
EARNED INCOME TAX	1%
LOCAL SERVICES TAX	\$52.00

(previously: Emergency and Municipal Services Tax revised under ORDINANCE NO. 07-18)

MERCANTILE TAX	
PERFORMANCE OF SERVICES	1 ½ MILLS
WHOLESALE SALES OF MERCHANDISE	1 MILL
RETAIL SALE OF MERCHANDISE	1 ½ MILLS

The latter three taxes to be shared with the Bethlehem Area School District in such proportions as prescribed by law.

Mr. Salvesen seconded the motion.

Mr. Diacogiannis explained what Act 511 taxes are and that all are remaining the same in 2009.

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

Mr. Nagle moved that the Board approve the contribution to the Colonial Regional Police Department for 2009 at a total amount of \$1,385,410.23, which represents 52.30011192% of the CRPD's total 2009 budget.

Mr. Salvesen seconded the motion.

Mr. Diacogiannis stated that Lower Nazareth has previously approved their contribution and the Colonial Regional Police Department budget.

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

Mr. Nagle moved to notify the Colonial Regional Police Commission that the Board of Supervisors Hanover Township – Northampton County approved the 2009 Municipal Budget on November 25, 2008; included in the Budget was the Township's fees for the CRPD. Mr. Nagle further moved that the Secretary notify the police department of the Board's actions.

Mr. Salvesen seconded the motion.

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

Mr. Nagle moved that the Board approve to authorize the Secretary to advertise that the Board adopted the 2009 General Fund, Capital Reserve, State Fund and Recreation Budgets and that the budgets are on display at 3630 Jacksonville Road, Bethlehem, Pennsylvania during normal business hours.

Mr. Salvesen seconded the motion.

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

Mr. Nagle moved that the Board approve to authorize the Secretary to advertise the January meetings for the Board of Supervisors January 13 and January 27, Planning Commission January 12, Recreation Advisory Board January 8, Shade Tree Advisory Commission January 7 and January 26, Special Events Committee January 13 and the Airport Advisory Board January 15, 2009. All meetings will be held at the Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania, 18017 and will start at 7:30 P.M. with the exception of the Shade Tree Advisory Commission, which will start at 6:30 P.M., and Special Events Committee which will start at 7 P.M. All meetings are open to the public.

Mr. Salvesen seconded the motion.

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

Mr. Nagle moved that the Board approve to authorize the Township Solicitor to advertise that it is the Township's intent to appoint Todd J. Bushta, CPA as the 2009 Township Auditor at the cost of \$8,500.

Mr. Salvesen seconded the motion.

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

Mr. Nagle moved that the Board approve to authorize the Township Solicitor to advertise that it is the Township's intent to appoint Beyer-Barber Company as the 2009 Township Actuary.

Mr. Salvesen seconded the motion.

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

Mr. Nagle moved that the Board approve Employee Appraisal Form #2, as presented by the Township Manager, to be used for the Public Works members (non-leader) and part-time non-seasonal employees at the Community Center effective with the 2009 review.

Mr. Salvesen seconded the motion.

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

Mr. Nagle moved that the Board approve the 2009 Salary Increase Guidelines as presented to the Board by the Township Manager to be used for employees effective with the 2008 review.

Mr. Walbert seconded the motion.

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

Mr. Nagle moved that the Board approve the following Resolution 08-27, which is a joint resolution among the Township of Hanover, the Township of Lower Saucon, the Borough of Hellertown and the Borough of Freemansburg to demonstrate that these municipalities have reached an agreement on sharing gaming revenue, and that the Chairman and Secretary be authorized to sign the Resolution.

**HANOVER TOWNSHIP
NORTHAMPTON COUNTY
Resolution 08-27**

JOINT RESOLUTION FOR INTERGOVERNMENTAL COOPERATIVE AGREEMENT IN
ACCORDANCE WITH SECTION 1403 OF THE 2006 AMENDMENT TO ACT 139,
PENNSYLVANIA RACE HORSE DEVELOPMENT AND GAMING ACT

Whereas, the municipalities situated in the County of Northampton, Commonwealth of Pennsylvania, known as the Township of Hanover, the Township of Lower Saucon, the Borough of Hellertown and the Borough of Freemansburg, hereinafter referred to collectively as the “Municipalities” exist as four of the five contiguous municipalities bordering upon gambling facilities located within the City of Bethlehem; and

Whereas, the elected representatives of the Municipalities are cognizant of the provisions contained in the “Pennsylvania Race Horse Development and Gaming Act,” hereinafter referred to as the “Act”, and specifically Section 1403 thereof which establishes the distribution of gambling gross terminal revenue, hereinafter referred to as the “Revenue”; and

Whereas, Section 1403 permits the Municipalities to enter into intergovernmental cooperative agreements, hereinafter referred to as the “Agreement” with other jurisdictions for sharing such Revenue; and

Whereas, the elected representatives of the Municipalities seek to enter into such an Agreement and have duly executed the present Joint Resolution in confirmation of such mutual action;

Now, therefore, it is resolved as follows:

1. The Municipalities agree that Revenue acquired by the Municipalities shall be distributed equally among the Municipalities, commencing with the first payment, and continuing until notice from one or more Municipalities is received to the contrary.
2. To the extent that the Township of Bethlehem, a contiguous municipality, seeks an equal one-fifth distribution of Revenue, the Municipalities will not object to same. Should the Township of Bethlehem seek other than an equal one-fifth distribution of Revenue, the Municipalities will join together as necessary to object to such an unequal distribution.
3. This Resolution and Agreement, once executed by the appropriate representatives of the Municipalities, may be submitted to the County of Northampton to confirm that the Municipalities have reached an Agreement pursuant to Section 1403 of the Act.

IN TESTIMONY WHEREOF, the undersigned TOWNSHIP has caused this Resolution to be signed by a duly authorized officer and its corporate seal, duly attested by the Board Secretary, to be hereunto affixed this 25th day of November, 2008.

Mr. Salvesen seconded the motion.

Mr. Finnigan stated that this resolution was prepared by the Solicitor for the Borough of Freemansburg and has been reviewed by Solicitor Broughal and has been determined to be satisfactory. Mr. Finnigan explained the purpose of this resolution and the process.

Mr. Diacogiannis stated he hopes the surrounding Municipalities and the County also join.

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

Mr. Nagle moved to adopt the most current version of the Hanover Township Employee Handbook, which incorporates all new and updated policies through November 25, 2008, and to become effective January 1, 2009.

Mr. Salvesen seconded the motion.

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

Mr. Nagle noted for the record that the dates of the PSATS convention in 2009 will be April 19 through April 22. Please tell the Secretary no later than January 22 if you would like to attend.

DEVELOPMENTS

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, releases the Developer of the Northgate II Subdivision Land Development Plan from his maintenance responsibilities including the installation of a portion of sidewalk along Innovation Way and that the Township releases the Maintenance Security upon the following conditions:

1. That the Developer/Owner provides the Township with a recorded storm sewer easement document for the storm sewer system across the Township recreation tract (Tindula Tract); and
2. That the Developer 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. 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 approve to grant the Developer of Hanover Highlands Lot 2 an extension to December 10, 2009 to meet the conditions of the record plan and to notify the Developer of the Board's action.

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 approve to grant Lehigh Valley Corporate Center Phase II Sub-Phases I, II, III and IV an extension to complete the outstanding Improvements from November 25, 2008 to January 27, 2009 and to notify the Developer of the Board's action.

Mr. Nagle seconded the motion.

Mr. Finnigan explained the reason for the delay in this project; the Developer is done except for a few minor items, the delays are associated with the City of Bethlehem in regards to the sewer.

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

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, reject the submission from the Developer of Dewire Estates Lot 14 for the Site Plan/Lot Location Plan - Grading and Tree Location Plan for the reasons set forth in Hanover Engineering's letter dated November 25, 2008 and to notify the Developer of the Board's action.

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 approve to grant Lehigh Valley Corporate Center II Lots 5 and 6 - Triumph Hospital Acute Care Facility an extension of one (1) year from December 18, 2008 to December 18, 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.

Mr. Tanczos noted for the record that the Developer of Myers Power Products, Inc. (34 and 44 South Commerce Way) for the Lot Consolidation and Land Development Plan has granted the Board an extension of ninety (90) days from December 7, 2008 to March 7, 2009.

Mr. Tanczos moved that the Board approve to grant Eastupland Associates 3 Lot Subdivision- Best Western (formerly Holiday Inn) an extension of one (1) year from December 31, 2008 to December 31, 2009 and to notify the Developer of the Board's action.

Mr. Nagle seconded the motion.

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.

REPORTS

Mr. Nagle – Road District #1 and #5, Mr. Walbert – Road District #2, Mr. Salvesen – Road District #3, Mr. Tanczos – Road District #4 and Mr. Diacogiannis – Road District #6 had nothing to report.

ENGINEER'S REPORT

Mr. Birdsall reported that he has the Lions Eye Bank Plans for signature.

Mr. Birdsall updated the Board on a transportation grant program sponsored by PennDOT, PA Community Participation Initiative; doesn't think the Township has any project that would qualify but wanted to let the Board know it is out there.

SOLICITOR'S REPORT

Mr. Broughal had nothing to report.

PUBLIC WORKS REPORT

Mr. Milite stated they are caught up on the leaf pick-up, explained delays and why, and stated that the Road Crew worked hard, worked long hours and did an extraordinary job.

Mr. Milite also stated that the deadline to put leaves out at the curb is December 5, 2008.

MANAGER'S REPORT

Mr. Finnigan reported on the following:

- Fire Company report distributed
- Colonial Regional Police Department report distributed
- Asked that the Chairman direct the Solicitor to advertise the brake retarder ordinance. The ordinance will be on the January 13, 2009 agenda. Chairman Diacogiannis so directed.

Mr. Finnigan and Mr. Birdsall updated the Board on the issues with Hanover Corporate Center 2 Storm Sewer.

Mr. Diacogiannis discussed the new Web-Site.

Upon motion of Mr. Walbert, seconded by Mr. Tanczos, the Board approved adjournment at 8:50 P.M.

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

Stacy C. Milo
Secretary/Treasurer