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**REGULAR SEMI-MONTHLY MEETING**  
**June 14, 2011**

The 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 Nagle, Tanczos and Walbert, Engineer James Birdsall, Attorney Wendy Nicolosi for Solicitor James 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. Walbert, the Board approved the Agenda with an addition under Planning & Zoning.

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

Upon motion of Mr. Nagle, seconded by Mr. Walbert, the Board approved the minutes, as written, of the meeting of the Board of Supervisors dated May 24, 2011.

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

Upon motion of Mr. Nagle, seconded by Mr. Walbert, the Board approved the List of Bills and Transfers dated June 14, 2011, and to enter the signed List of Bills by the Township Secretary and the Board of Supervisors as an attachment to the minutes.

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.

REPORT OF THE CHAIRMAN

Mr. Diacogiannis noted that the Armed Services Park Dedication held today was successful and thanked Mr. Finnigan for his inspiration and dedication on the project. Mr. Diacogiannis also thanked the Township Staff, Public Works Director and the Road Crew.

REPORT OF THE VICE-CHAIRMAN

Mr. Walbert agreed with Mr. Diacogiannis' comments above.

SUPERVISOR'S COMMENTS & ROAD REPORTS

Mr. Nagle – Road District #1 – thanked the Board for inviting his Uncle to perform Taps at the Armed Services Park Ceremony.

Mr. Walbert – Road District #2 – nothing to report.

Mr. Tanczos – Road District #4 – noted that the Armed Services Park Ceremony was a professionally done event and was very nice.

Mr. Diacogiannis – Road District #5 – nothing to report.

## APPOINTMENTS AND RESIGNATIONS – BOARDS, COMMISSIONS AND COMMITTEES

There were no items on the Agenda.

### PLANNING AND ZONING

#### **Conditional Use Approval – Liberty Property Trust, Lehigh Valley Academy for Property Located at 1560 Valley Center Parkway – Relief to Allow Lehigh Valley Academy, a Private School to Expand in the P.O.R.R. Zoning District.**

Mr. Walbert moved that the Board of Supervisors, as recommended by the Township Engineer's letter dated June 10, 2011 approve the Conditional Use Application from Lehigh Valley Academy / Penncap Properties (formerly owned by Liberty Property Trust) upon the following conditions:

1. The Applicant/Owner shall acknowledge that the previous Conditional Use conditions of approval for the private school, as approved by the Board of Supervisors at their meeting of July 24, 2007, remain in effect.
2. The Applicant/Owner shall provide an updated Conditional Use Plan showing all required and proposed parking and "Pick-up/Drop-off" spaces corresponding to the parking calculations on the Plan as indicated in Hanover Engineering Associates, Inc. letter of April 29, 2011.
3. The Applicant/Owner shall remove all pavement markings in the common courtyard of the buildings 1150 / 1560, post appropriate signs and not allow any parking other than bus parking for student pick-up/drop-off as shown on the Conditional Use Plan, revised June 1, 2011.
4. Building Permits shall not be issued until Conditions 1 through 3 are completed to the satisfaction of the Township Manager, Township Engineer and Township Solicitor.

Mr. Tanczos seconded the motion.

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

#### **Pointe North Shopping Center, Ting Cheng – Mi Chong Restaurant, 5560 Crawford Drive – Waiver of Land Development Request to Install a Walk-in Cooler in the Rear of the Building**

Mr. Walbert moved that the Board approve the Waiver of Land Development Request from Mr. Ting Cheng, Mi Chong's Restaurant for the installation of a walk-in cooler in the rear of 5560 Crawford Drive in the Pointe North Shopping Center; conditioned upon the Owner/Developer meeting the requirements addressed in a letter from the Township Zoning Officer listing seven (7) items that need to be satisfied.

Mr. Tanczos stated he would like to see at least two parking spaces remain in the rear of the building remain for deliveries.

Mr. Finnigan stated he also has concerns on the parking requirements and will have the Zoning Officer work with the Owner.

Mr. Nagle seconded the motion.

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

**Hold Harmless Indemnification Agreement between Jason Fetterman and Mackenzie Fetterman of 839 Clearview Lane, Bethlehem, PA, 18017 and Hanover Township for the Installation of a Fence on their Property which will Encroach into the Ten (10) Foot Township Drainage and Utility Easement located in the Side Yard**

Mr. Walbert moved that the Board approve the Hold Harmless Indemnification Agreement between Jason Fetterman and Mackenzie Fetterman of 839 Clearview Lane, Bethlehem, PA, 18017 and Hanover Township Northampton County; and to authorize the Chairman and Secretary to sign the agreement.

Mr. Nagle seconded the motion.

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

**Hold Harmless Indemnification Agreement between Michael S. DeFazio and Maryann J. DeFazio of 5325 Stenton Drive, Bethlehem, PA, 18017 and Hanover Township for the Installation of a Fence on their Property which will Encroach into the Ten (10) Foot Township Drainage and Utility Easements located in the Side Yards.**

Mr. Walbert moved that the Board approve the Hold Harmless Indemnification Agreement between Michael S. DeFazio and Maryann J. DeFazio of 5325 Stenton Drive, Bethlehem, PA, 18017 and Hanover Township Northampton County; and to authorize the Chairman and Secretary to sign the agreement.

Mr. Nagle seconded the motion.

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

**Hold Harmless Indemnification Agreement between Michael J. Baran and Natalie Baran F/K/A Natalie Kvacky of 5216 Harriet Lane, Bethlehem, Pennsylvania, 18017 and Hanover Township Northampton County for the installation of a fence on their property; which will encroach into the ten (10) foot Township drainage and utility easement located in the side yards of the property**

Mr. Walbert moved that the Board approve the Hold Harmless Indemnification Agreement between Michael J. Baran and Natalie Baran F/K/A Natalie Kvacky of 5216 Harriet Lane, Bethlehem, Pennsylvania, 18017 and Hanover Township Northampton County and to authorize the Chairman and Secretary to sign the agreement.

Mr. Nagle seconded the motion.

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

**Mastellar Property – Advertise Vote for Rezoning**

Mr. Walbert moved that the Board approve to authorize the Township Solicitor to advertise for a vote on the Mastellar Re-Zoning at the July 26, 2011 Board of Supervisors' meeting.

Mr. Tanczos seconded the motion.

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

## **Mastellar Estate – Lot Consolidation Plan**

Mr. Walbert moved that the Board approve the Mastellar Estate Lot Consolidation Plan, dated as last revised June 9, 2011 (06/09/11a), upon the following conditions:

### CONDITIONS

1. The Developer/Owner shall provide the Township with a certification that all monumentation has been set per the latest revised plan and descriptions, signed and sealed by a Registered Surveyor, prior to recording the Record Plan. (SALDO Section 159-29.F.(2))
2. The Developer/Owner shall provide Deeds of Dedication for the rights-of-way of Jacksonville Road and Schoenersville Road prior to recording the Record Plan. (SALDO Section 159-30.E.(9))
3. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36.J.)
4. The Developer/Owner shall provide two (2) Mylars for recording the plan and ten (10) plans which are signed and notarized by the Owner and sealed by the Engineer. (SALDO Section 159-34.B.)
5. The Developer/Owner shall meet all conditions of the Preliminary/Record Plan approval, and the Record Plan shall be recorded within twelve (12) months of Conditional Plan approval, and agrees that if such conditions are not met, the conditional Preliminary/Record Plan approval shall be considered void, and the application for Preliminary/Record Plan approval shall be considered void and withdrawn.

Mr. Walbert further moved that the granting of conditional approval of this plan recognizes that the Township is agreeing to the following on the Lot Consolidation Plan:

- A. That the Board of Supervisors waive the requirement that the “Drainage and Emergency Access Easement Note” be placed on the Record Plan and allow the plan to be recorded as shown. (SALDO Section 159-12.)
- B. That the Board of Supervisors waive the requirement that a planting screen and easement be shown for reverse frontage lots and allow the plan to be recorded as shown. (SALDO Section 159-15.C.)
- C. That the Board of Supervisors waive the requirement that that a planting screen and easement be shown along the frontage of lots abutting arterial and collector streets and allow the plan to be recorded as shown. (SALDO Section 159-15.f.)
- D. That the Board of Supervisors waive the requirement that site contours and a bench mark (USGS) and the location and species of all trees and other site features be

provided and allow the plan to be recorded as shown. (SALDO Section 159-29.C.(2) and (3))

- E. That the Board of Supervisors waive the requirement that the location of woodlands including tree locations, size, species, drip line, etc. be shown and allow the plan to be recorded as shown. (SALDO Section 159-29.C.(6) (a) through (f)).

Mr. Walbert moved that the Township Secretary be authorized to notify the Developer of the Board's action.

Mr. Nagle seconded the motions.

Attorney Nicolosi noted that the Conditions were signed.

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

### ADMINISTRATION

#### **Public Meeting: Adopt Proposed Ordinance: Amending the Township's Earned Income Tax Ordinance to Establish Conformity with the Local Tax Enabling Act as Amended by Act 32 of July 2, 2008.**

Mr. Nagle moved that the Board approve to adopt Ordinance 11-5, amending its Earned Income Tax Ordinance to establish conformity with the Local Tax Enabling Act as amended by Act 32 of July 2, 2008; levying a Tax on Earned Income and Net Profits, requiring Tax Returns; requiring employers to withhold and remit tax.

#### **ORDINANCE NO. 2011-5**

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER,  
NORTHAMPTON COUNTY, PENNSYLVANIA, RE-ENACTING, RESTATING  
AND AMENDING ITS EARNED INCOME TAX ORDINANCE TO ESTABLISH  
CONFORMITY WITH THE LOCAL TAX ENABLING ACT AS AMENDED BY  
ACT 32 OF JULY 2, 2008; LEVYING A TAX ON EARNED INCOME AND NET  
PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO  
WITHOLD AND REMIT TAX; PROVIDING FOR INTEREST, PENALTIES,  
COSTS AND FINES FOR VIOLATIONS AND NON-PAYMENT OF TAX;  
PROVIDING FOR SEVERABILITY, PURPOSE/REPEAL, CONSTRUCTION  
AND EFFECTIVE DATE, AND RELATED PROVISIONS**

Mr. Tanczos seconded the motion.

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

#### **Public Meeting: Adopt Proposed Ordinance: Amending Ordinance 02-01 by Adding Chapter 83 "Fire Loss"; adding Procedures for the Payment of Certain Fire Loss Claims**

Mr. Nagle moved that the Board approve to adopt Ordinance 11-6, an Ordinance amending Ordinance 02-01 by adding Chapter 83 "Fire Loss" and requiring that in certain fire losses; insurance companies, associations and exchanges shall pay from insurance proceeds, delinquent taxes, assessments, penalties and user charges due to the Township of Hanover.

#### **ORDINANCE NO. 2011-6**

**AN ORDINANCE ENACTED PURSUANT TO PENNSYLVANIA GENERAL  
ASSEMBLY ACT NO. 98 OF 1992, AS AMENDED BY ACT 93 OF 1994, REQUIRING**

**THAT IN CERTAIN FIRE LOSSES INSURANCE COMPANIES, ASSOCIATIONS AND EXCHANGES SHALL PAY FROM INSURANCE PROCEEDS DELINQUENT TAXES, ASSESSMENTS, PENALTIES AND USER CHARGES DUE TO THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA, AND TRANSFER TO THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA INSURANCE PROCEEDS TO BE HELD AS SECURITY FOR THE COST OF REMOVING, REPAIRING, OR SECURING FIRE DAMAGED BUILDINGS OR STRUCTURES; PROVIDING FOR THE ADOPTION OF PROCEDURES AND REGULATIONS TO IMPLEMENT THE ACT AND THIS ORDINANCE; PROVIDING FOR THE PAYMENT OF FEES FOR THE RELATED ACTIVITIES AND SERVICES OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PA; DESIGNATING OFFICIALS OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA, TO CARRY OUT THE PROVISIONS OF THE ACT AND THIS ORDINANCE; AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

Mr. Tanczos seconded the motion.

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

#### **Adoption of Amended Policy 66 – Waste & Recycling Billings and Collections**

Mr. Nagle moved that the Board approve to adopt amended Policy 66 for Waste and Recycling Billings and Collections procedures

#### **Policy 66 Waste & Recycling Billings and Collections**

In accordance with Ordinance No. 08-05 to set billing policies and procedures for Residential Waste and Recycling Fees as follows:

- 1.) Bills will be mailed by First Class U.S.P.S. on/or before February 15<sup>th</sup> of each calendar year. The Bills will include a Discount Period ending March 15<sup>th</sup>, which can be adjusted to the following Monday if the 15<sup>th</sup> occurs on a Saturday or Sunday. Payments must be postmarked on/or before the due date.
- 2.) All bills not paid on/or before April 15<sup>th</sup> will be subject to a late fee to be set by the Board of Supervisors.
- 3.) All fees will be due by May 1<sup>st</sup>, which can be adjusted to the following Monday if the 1<sup>st</sup> occurs on a Saturday or Sunday. Payments must be postmarked on/or before the 1<sup>st</sup>.
- 4.) All fees and costs associated with the collection of improper and past due fees (i.e. certified mail, postage, etc.) will be the responsibility of the account holder
- 5.) Reminder Postcard #1 by May 7<sup>th</sup>.
- 6.) Reminder Postcard #2 by July 7<sup>th</sup>.
- 7.) Accounts that had a lien filed the previous year will automatically be liened if current fees are not paid on June 1<sup>st</sup>.
- 8.) Accounts with an outstanding balance, other than those liened will be turned over to an outside collection agency on or after August 1<sup>st</sup>, but no later than August 15<sup>th</sup>.
- 9.) Accounts not collected by the outside collection agency will be turned over to the Solicitor's Office for collection and liening
- 10.) Uncollected accounts will have a lien filed at the county's Prothonatory's office approximately February 1<sup>st</sup> of each year.

Mr. Tanczos seconded the motion.  
Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

**Approve Resolution 2011-13; Appointing a Voting Delegate and One or More Alternate Delegates to the Tax Collection Committee as Representatives for Hanover Township**

Mr. Nagle moved that the Board approve Resolution 11-13, appointing a voting delegate and one or more alternate delegates to be the Tax Collection Committee representatives for Hanover Township Northampton County and to authorize the Chairman and Secretary to sign the Resolution.

**HANOVER TOWNSHIP – NORTHAMPTON COUNTY**

**RESOLUTION # 11 - 13**

WHEREAS, Act 32 § 505(b) requires the governing bodies of school districts, townships, boroughs and cities to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives. The purpose of this resolution is to appoint the required delegates. The appointed individuals have consented to their appointment.

NOW THEREFORE, BE IT RESOLVED and it is RESOLVED by the Board of Supervisors, Hanover Township, Northampton County, that the following individuals are appointed as TCC delegates for the Township of Hanover:

1. Primary voting delegate: **John J. Finnigan, Jr.**
2. First alternate voting delegate: **Francine Spevak**
3. Second alternate voting delegate: **Margaret Giordano**
4. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the representative at the TCC meeting. If both the primary voting delegate and the first alternate voting delegate cannot be present for a TCC meeting, the second alternate voting delegate shall be the representative at the TCC meeting.
5. These appointments are effective immediately and shall continue until successors are appointed. All delegates shall serve at the pleasure of this governing body and may be removed at any time.

Mr. Tanczos seconded the motion.  
Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

**Proclamation 2011-6, Honoring Paul Daniel Thorley on the Achievement of His Eagle Award**

Mr. Nagle moved that the Board approve Proclamation 11-7, honoring Paul Daniel Thorley on the achievement of his Eagle Award

PROCLAMATION NO. 2011-7

**A PROCLAMATION HONORING PAUL DANIEL THORLEY  
ON THE ACHIEVEMENT OF HIS EAGLE AWARD**

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

WHEREAS, Paul will officially receive his award during an Eagle Presentation Ceremony on July 2, 2011 as a member of Boy Scout Troop 352, Notre Dame of Bethlehem Roman Catholic Church; and

WHEREAS, Paul renovated and restored all blackboards in Notre Dame of Bethlehem Elementary School, Bethlehem, PA; and

WHEREAS, Paul has exemplified the virtues of scouting and has exhibited leadership skills as Den Chief, Quartermaster, Assistant Senior Patrol Leader and Senior Patrol Leader; and

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

**That Paul Daniel Thorley 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 the Scouting principals. The Board of Supervisors also proclaims Tuesday, July 5, 2011 as Paul Daniel Thorley Day in Hanover Township.**

Mr. Tanczos seconded the motion.

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

**Authorize Signatures on the Local Share Account Commitment Letter and Contract with the Department of Community & Economic Development**

Mr. Nagle moved that the Board authorize the Chairman and Secretary to sign the Local Share Account Commitment Letter and Contract with the Department of Community and Economic Development in the amount of \$444,870.00, Contract # 000051403 for Village View Park.

Mr. Walbert seconded the motion.

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



**Authorize Signature on the Uncommitted Municipal Gaming Grant Contract as awarded by the Northampton County Gaming Revenue and Economic Redevelopment Authority**

Mr. Nagle moved that the Board authorize the Chairman to sign the Uncommitted Municipal Gaming Grant Contract awarded by the Northampton County Gaming Revenue and Economic Redevelopment Authority in the amount of \$179,000.00 for the Township's Pedestrian Safety Signage Project.

Mr. Walbert seconded the motion.

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

**Authorize the Township Secretary to Pay Bills during the Months of July and August to be approved July 26<sup>th</sup> and August 23<sup>rd</sup>**

Mr. Nagle moved that the Board approve to authorize the Township Secretary to pay Invoices during the months of July and August; the List of Bills will be approved July 26<sup>th</sup> and August 23<sup>rd</sup>.

Mr. Walbert seconded the motion.

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

**PUBLIC WORKS**

**DEVELOPMENTS**

**Note for the Record: Traditions of America Land Development Plan – Bridle Path – Extension**

Mr. Tanczos noted for the record that TOA PA VIII, L.P. has granted the Township an extension of time for review of the Traditions of America at Bridle Path – Land Development Preliminary/Record Plan to December 31, 2012.

**Note for the Record: Traditions of America Minor Subdivision – Bridle Path – Extension**

Mr. Tanczos noted for the record that TOA PA VIII, L.P. has granted the Township an extension of time for review of the Traditions of America at Bridle Path – Minor Subdivision Preliminary/Record Plan to December 31, 2012.

**COURTESY OF THE FLOOR**

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

**STAFF REPORTS**

Mr. Birdsall had nothing to report.

Ms. Nicolosi had nothing to report.

Mr. Milite noted the following:

- that the Township took delivery of a new truck
- He will be meeting with contractors in regards to the 2011 Road Work

Mr. Finnigan thanked the Board for their comments on the Armed Services Park Dedication; thanked the Public Works Crew and Staff and thanked Kris Mattson, Emergency Management Coordinator for getting the County involved.

Upon motion of Mr. Nagle, seconded by Mr. Tanczos, the Board approved adjournment at 7:40 P.M.  
Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

Lori A. Stranzl  
Township Secretary