

LEGAL NOTICE

NOTICE is hereby given that the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, will consider for adoption at a Public Meeting to be held at 7:00 p.m. on the 23rd day of March, 2021, at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania, an Ordinance amending certain provisions of the Code of Ordinances, Chapter 155, Streets and Sidewalks, Article II Conditions of Curbs and Sidewalks dealing with depositing of snow on Township streets and keeping fire hydrants clear of snow.

Due to the COVID-19 outbreak, the meeting will be held electronically through Zoom. To access the meeting through your computer go to:

<https://us02web.zoom.us/j/83110421801?pwd=RVovczVMbituWHBtY2V4Yk5OdUtUQT09> and enter **Meeting I.D.: 831 1042 1801** and **Passcode: 893640**. To access the meeting by One tap mobile +16465588656,,83110421801#,,,,*893640# US (New York), or Dial +1 646 558 8656 US (New York), or to find your local number go to **<https://us02web.zoom.us/j/83110421801?pwd=RVovczVMbituWHBtY2V4Yk5OdUtUQT09>**.

Copies of the proposed Ordinance are available for review at the Hanover Township Municipal Building located at 3630 Jacksonville Road, Bethlehem, Pennsylvania during normal business hours.

The following is the proposed Ordinance:

ORDINANCE NO. 21- _____

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES, CHAPTER 155, STREETS AND SIDEWALKS, ARTICLE II CONDITIONS OF CURBS AND SIDEWALKS DEALING WITH THE DEPOSITING OF SNOW ON TOWNSHIP STREETS AND KEEPING FIRE HYDRANTS CLEAR OF SNOW AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1. The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the "Second Class Township Code", as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendment to the Code of Ordinances of the Township of Hanover, Northampton County, Pennsylvania Chapter 155, Article II, Sections 155-14 and 155-15.

SECTION 2. Code of Ordinances of the Township of Hanover, Northampton County, Pennsylvania (the "Township"), Chapter 155, Article II Section 155-14, is hereby amended by adding the following subsections D and E to read as follows:

"D. Deposit of snow on streets and fire hydrants prohibited. No person or entity owning, controlling or occupying any property adjoining or fronting upon any Township street shall allow or permit snow or ice to be thrown or placed on Township streets after or during periods of snow. Fire hydrants shall not be covered with snow or ice.

E. Fire hydrants to be kept clear. Any person upon whose property a fire hydrant is located shall, within 12 hours of a snowfall, clean the fire hydrants, and the area immediately adjacent, of snow and ice."

SECTION 3. Code of Ordinances of Hanover Township, Northampton County, Pennsylvania, Chapter 155, Article II Section 155-15 Violations and Penalties, is hereby amended to read as follows:

“A. Any person who violates or permits a violation of Article II Sections 155-8 to 155-14 A, B, and C, shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100.00 nor more than \$1,000.00, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

B. Any person who violates any provision of Article II Section 155-14 D and E shall be subject to the following penalties:

(1) First violation: upon conviction in a summary proceeding brought before a District Judge under the Pennsylvania Rules of Criminal Procedure, shall be guilty of a summary offense punishable by a fine of \$50.00 or 30 days' imprisonment, or both.

(2) Second violation: upon conviction in a summary proceeding brought before a District Judge under the Pennsylvania Rules of Criminal Procedure, shall be guilty of a summary offense punishable by a fine of \$150.00 or 60 days' imprisonment, or both.

(3) Third and each subsequent violation: upon conviction in a summary proceeding brought before a District Judge under the Pennsylvania Rules of Criminal Procedure, shall be guilty of a summary offense punishable by a fine of \$300.00 or 90 days' imprisonment, or both.

(4) Multiple violations: Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.”

SECTION 4. If any section, clause, provision or portion of this Ordinance or regulation incorporated herein shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance or regulation.

SECTION 5. All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 6. THIS ORDINANCE shall be effective five (5) days after adoption.

James L. Broughal, Esquire
TOWNSHIP SOLICITOR
38 West Market Street
Bethlehem, Pennsylvania 18018

LEGAL NOTICE

NOTICE is hereby given that the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, will consider for adoption at a Public Meeting to be held at 7:00 p.m. on the 23rd day of March, 2021, at the Hanover Township Municipal Building, 3630 Jacksonville Road, Bethlehem, Pennsylvania, an Ordinance amending Chapter 133, Property Maintenance of the Code of Codified Ordinances to provide changes to the Property Maintenance Ordinance which include updates to the International Property Maintenance Code.

Due to the COVID-19 outbreak, the meeting will be held electronically through Zoom. To access the meeting through your computer go to:

<https://us02web.zoom.us/j/83110421801?pwd=RVovczVMbituWHBtY2V4Yk5OdUtUQT09> and enter **Meeting I.D.: 831 1042 1801** and **Passcode: 893640**. To access the meeting by One tap mobile **+16465588656,,83110421801#,,, *893640# US (New York)**, or Dial **+1 646 558 8656 US (New York)**, or to find your local number go to **<https://us02web.zoom.us/j/83110421801?pwd=RVovczVMbituWHBtY2V4Yk5OdUtUQT09>**.

Copies of the proposed Ordinance are available for review at the Hanover Township Municipal Building located at 3630 Jacksonville Road, Bethlehem, Pennsylvania during normal business hours.

The following is the proposed Ordinance:

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING CHAPTER 133, PROPERTY MAINTENANCE OF THE CODE OF CODIFIED ORDINANCES TO PROVIDE CHANGES TO THE PROPERTY MAINTENANCE ORDINANCE OF THE TOWNSHIP OF HANOVER WHICH INCLUDE UPDATES TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE (“IPMC”)

WHEREAS, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania have enacted, by Ordinance, regulations dealing, in part, with property maintenance, and adopting certain editions of the IPMC which Ordinance has been amended from time to time; and

WHEREAS, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania has determined that it would be in the best interest of the Township of Hanover to amend its Ordinance to include amended and updated edition to the IPMC.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA AS FOLLOWS:

Section 1:

Section 133-1 Adoption of Standards of the Code of Codified Ordinances of the Township of Hanover, Northampton County, be amended to read as follows: “Adopting the 2015 International Property Maintenance Code (IPMC), published by the International Code Council, is hereby adopted and amended, and shall be cited as the “Property Maintenance Code of Hanover Township, Northampton County, Pennsylvania”.”

Section 2:

Section 133-2 Modification to Standards of the Code of Codified Ordinances of the Township of Hanover, Northampton County be amended to read as follows:

1. **Section 101.1**, insert “Hanover Township, Northampton County, Pennsylvania” in place of the bracketed phrase “[NAME OF JURISDICTION].”

2. **Section 102.3 Application to other Codes**, amend “International Zoning Code” to read “Section 185 of the code of Hanover Township, Northampton County, Pennsylvania.”

3. Delete **Section 106.4** and Restate as follows: “**Section 106.4 Violations and penalties**. Any person who shall violate a provision of this code

shall, upon conviction thereof, be subject to a fine of One Thousand Dollars (\$1,000.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

4. Delete **Section 107.2 (1) Form** and Restate as follows: “**Section 107.2 Form. (1)** Be in writing to the property owner and occupants, if applicable. “

5. Delete **Section 107.3** and Restate as follows: “**Section 107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is sent by certified or first-class mail addressed to the last known address.”

6. Delete **Section 111.1** and Restate as follows: “**Section 111.1 Application for appeal.** Any person aggrieved by notice of violation, determination or order issued by the Building Code Office or his/her designee or affected by any rule or regulation adopted pursuant to this Chapter 133 shall have the right to appeal to the Hanover Township Building Code of Appeals Board, provided a written application for appeal is filed within 30 days following the day the decision, notice or order was served. “

7. Delete **Section 111.3** and Restate as follows: “**Section 111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 30 days of the filing of an appeal, or at stated periodic meetings.”

8. In **Section 112.4** insert monetary sums of “\$50.00” and “\$1,000,” respective in the final line of section.

9. In **Section 302 Exterior Property Areas** Insert new subsection “**Section 302.10 Storage of mechanical parts and equipment.** Any items intended for the construction and or repair of automobiles, lawn equipment and other similar machinery shall be store in a fully enclosed building.”

10. In **Section 302.4 Weeds.** Delete **Section 302.4** and Restate as follows: “**Section 302.4 Weeds.** Premises and exterior property shall be maintained in accordance with Chapter 89 Grass and Weeds of the Hanover Township Code of Codified Ordinances. “

11. The following portions of **Section 302.8** are amended as follows:

a. **Section 302.8. Motor Vehicles in Residential Districts.** Except as provided in other regulations, not more than one currently unregistered and/or

uninspected motor vehicle shall be parked, kept or stored on any premises located in a residential district as defined by the Hanover Township Zoning Ordinance.

b. Section 302.8.1 Motor Vehicles in Nonresidential Districts. Except as provided in other regulations and approved by the Building Code Official, not more than two currently unregistered and/or uninspected motor vehicles shall be parked, kept or stored on any premises located in a nonresidential district as defined by the Hanover Township Zoning Ordinance.

c. Section 302.8.2 Motor Vehicle Nuisances Prohibited. It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon any premises, except when completely enclosed in an approved structure. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following defects:

- 1) **Section 302.8.2.1** Broken Windshields, mirrors or other glass with sharp edges.
- 2) **Section 302.8.2.2** One or more flat or open tires or tubes which could permit vermin harborage.
- 3) **Section 302.8.2.3** Missing doors, windows, hood, truck or other body parts which could permit animal harborage.
- 4) **Section 302.8.2.4** Any body parts with sharp edges, including holes resulting from rust.
- 5) **Section 302.8.2.5** Missing tires resulting in unsafe suspension of the motor vehicle.
- 6) **Section 302.8.2.6** Upholstery which is torn or open which could permit animal and/or vermin harborage.
- 7) **Section 302.8.2.7** Broken headlamps or tail-lamps with sharp edges.
- 8) **Section 302.8.2.8** Disassembled chassis parts apart from the motor vehicle stored in disorderly fashion or loose in or on the vehicle.
- 9) **Section 302.8.2.9** Protruding sharp objects from the chassis.
- 10) **Section 302.8.2.10** Broken vehicle frame suspended from the ground in an unstable manner.
- 11) **Section 302.8.2.11** Leaking or damaged oil pan or gas tank which could cause a fire or explosion.
- 12) **Section 302.8.2.12** Exposed battery containing acid.
- 13) **Section 302.8.2.13** Inoperable locking mechanism for doors or trunk
- 14) **Section 302.8.2.14** Open or damaged floorboards, including trunk and firewall.
- 15) **Section 302.8.2.15** Damaged bumpers pulled away from perimeter of vehicle.

- edges.
- 16) **Section 302.8.2.16** Broken grill with protruding
- trim and clips.
- 17) **Section 302.8.2.17** Loose or damaged metal
- equipment antennas.
- 18) **Section 302.8.2.18** Broken communication
- 19) **Section 302.8.2.19** Suspended on unstable supports.

12. In **Section 403.2 Bathrooms and toilet rooms** add the following sentence at the end of the section: "Any bathroom and/or toilet room which is renovated or installed after the date of this chapter shall be equipped with a mechanical ventilation system vented to the exterior of the building."

13. In **Section 404.4 Bedroom and living room requirements** delete **Section 404.4.1** and Restate as follows: " **Section 404.4.1 Room area.** Every living room shall contain not less than 120 square feet (11.2 square meters) and every bedroom shall contain not less than 70 square feet (6.5 square meters) for the first occupant and an additional 50 square feet (4.6 square meters) for each additional occupant."

14. In **Section 602.3 Heat supply** Insert "October 1 to April 30." in place of the bracketed phrase "[DATE] to [DATE]."

15. In **Section 602.4 Occupiable workspaces** Insert "October 1 to April 30." in place of the bracketed phrase "[DATE] to [DATE]."

16. In **Section 604 Electrical Facilities** Insert new subsection "**Section 604.4.** The electrical means of disconnect and overload devices for all occupied building and dwelling units shall be accessible to the occupants of such buildings and dwelling units at all times."

17. In **Section 704 Fire Protection Systems**, add new subsections as follows:

a. **Section 704.3. Smoke detention system maintenance.** The occupant(s) of each dwelling unit shall notify the property owner and/or agent in the event a smoke detector needs to be repaired and/or replaced. The owner of each dwelling unit shall provide new batteries for smoke detectors and at least annually. It shall be the responsibility of the occupant to ensure that the batteries are not removed for any reason. Anyone tampering or interfering with the operation or effectiveness of a smoke detector shall be considered to be in violation of this Code and shall be subject to the penalties as set forth in Section 106.4 of this Code.

b. **Section 704.4. Fire Extinguishers.**

1) **Section 704.4.1** Fire Extinguishers shall be provided and maintained as required by Section 906.2 of the International Fire Code and Chapter 10 of the National Fire Codes.

2) **Section 704.4.2** Every dwelling unit shall be provided with a minimum of one 2-A, 10-B: C. fire extinguisher and shall be inspected yearly as required by Section 704.4.1 of this Code.

SECTION 3. REPEALER. Ordinance 5-13, adopting the 2006 International Property Maintenance Code with certain additions, insertions, deletions, and changes thereto, and all other ordinances, code sections or parts thereof in conflict with this Ordinance, are hereby repealed.

SECTION 4. SEVERABILITY. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after adoption.

James L. Broughal, Esquire
TOWNSHIP SOLICITOR
38 West Market Street
Bethlehem, Pennsylvania 18018

**HANOVER TOWNSHIP, NORTHAMPTON COUNTY
RESOLUTION 2021 –**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA URGING ALL PENNSYLVANIA LEGISLATORS TO OPPOSE GOVERNOR WOLF’S PROPOSAL TO LEVY A FEE ON ALL LOCAL GOVERNMENT FOR THE FUNDING OF PENNSYLVANIA STATE POLICE.

WHEREAS, Hanover Township is a municipal corporation located in Northampton County, Commonwealth of Pennsylvania, which is governed by the Second Class Township Code; and

WHEREAS, the Second Class Township Code authorizes a municipality to provide for police services for the public health, welfare and safety; and

WHEREAS, Hanover Township has maintained and funded full-time police coverage since 1995 through an inter-municipal agreement, which resulted in the creation of the Colonial Regional Police Department; and

WHEREAS, Hanover Township’s budget for police services in 2021 is \$2,269,333, which represents 25% of the total 2021 budget of \$9,042,180; and

WHEREAS, Governor Wolf’s proposed budget for the FY 2021-2022 outlined a municipal-imposed fee that would provide further funding for the Pennsylvania State Police; and

WHEREAS, under Governor Wolf’s budget proposal, Hanover Township would pay the Commonwealth of Pennsylvania an additional \$84,849.33; and

WHEREAS, The Pennsylvania State Police have been inequitably funded by Pennsylvania Legislative and Executive branches for many years; and

WHEREAS, The Board of Supervisors believes members of the Pennsylvania General Assembly and Governor should responsibly work together to find an equitable solution to properly fund the Pennsylvania State Police that will not place a financial burden on municipalities who already pay for full-time police services; and

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Hanover Township, Northampton County, Commonwealth of Pennsylvania urges our local Commonwealth of Pennsylvania legislators, State Representative Ann Flood and State Senator Mario Scavello, to not only oppose any imposition of fees for Pennsylvania State Police coverage on municipalities that pay for full-time police coverage independent of Pennsylvania State Police, but also work with Governor Wolf to find an equitable solution to fully fund the Pennsylvania State Police in the future.

RESOLVED AND ENACTED this 23rd day of March, 2021.

**Hanover Township,
Northampton County**

ATTEST:

Elizabeth D. Ritter, Secretary

John N. Diacogiannis, Chairman

March 8, 2021

Via email

John J. Finnegan, Jr., Township Manager
Hanover Township
3630 Jacksonville Road
Bethlehem, PA 18017

**Re: Pennsylvania Municipal Planning Code Extension Letter
Willow Crest Farms
Hanover Township, Northampton County, PA
Langan Project No.: 200114001**

Dear John:

Regarding the above referenced project, on behalf of the applicant, please let this letter serve to grant the Township an extension until June 30, 2021 to review and take action under the Pennsylvania Municipal Planning Code.

Please call us at (215) 491-6500 if you have any questions.

Very truly yours,
Langan Engineering and Environmental Services, Inc.



Gregory Elko, PE
Managing Principal / Executive Vice President

cc: Arnold Alleyne – Willow Crest Farms, LLC
Gregory Gulick, - Owner
Jim Holzinger, Esq. - Boyer Holzinger Harak & Scomillio

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LIBERTY ENGINEERING, INC.

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March 17, 2021

Board of Supervisors
Hanover Township, Northampton County
3630 Jacksonville Road
Bethlehem, PA 18017-9302

**RE: Time Extension
Freshpet
LVIP IV, Lots 55/56 Manufacturing Addition
LEI Project No. 1468**

Dear Board Members:

On behalf of Professor Connor's, we are hereby requesting a 90-day time extension for the purpose of completing the improvements. The current application expires on April 5, 2021 and the extension is granted to July 5, 2021.

Thank you for your consideration of this matter.

Very truly yours,

LIBERTY ENGINEERING, INC.

Paul A. Szewczak

Paul A. Szewczak
Principal

PAS/scc

BASE ENGINEERING INC.

(610) 437-0978
(610) 437-0979

CONSULTING ENGINEERS & SURVEYORS
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Board of Supervisors
Hanover Township
Northampton County
3630 Jacksonville Road
Bethlehem, PA 18017

March 17, 2021

**Re: MPC TIME EXTENSION letter
Hindu Temple Society
Proposed building expansion at 4200 Airport Road
(TMP M5-7-170-0214; M5-7-17C-0214E; M5-7-17B-0214)
Base Project #2019-258**

Dear Supervisors,

Please consider this letter as requesting the necessary MPC time extension for 90 days beyond April 11, 2021 through July 10, 2021 – on behalf of the Applicant (Hindu Temple Society).

Thank you in anticipation of your approval. Please contact this office if you have any questions.

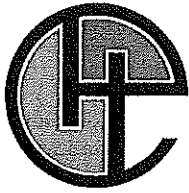
Yours sincerely,

Amit Mukherjee, MS, PE
Principal Engineer
amukherjee@baseeng.com
(P) 610-437-0978 ext. 13
Fellow-ASCE

c.c.: HEA
HTS
Malkames Law Office

AM/clw

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HanoverEngineering

252 Brodhead Road • Suite 100 • Bethlehem, PA 18017-8944
Phone: 610.691.5644 • Fax: 610.691.6968 • HanoverEng.com

March 17, 2021

Mr. John J. Finnigan Jr., Township Manager RE: Biafore Avenue Sinkholes
Hanover Township, Northampton County End of Maintenance Period
3630 Jacksonville Road Hanover Township, Northampton County
Bethlehem, PA 18017-9302 Hanover Project H17-20

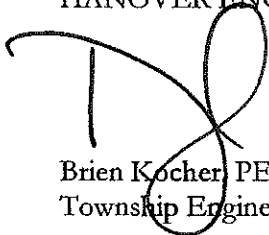
Dear Jay:

The Township staff has inspected the condition of the Biafore Avenue grouting project, and the repairs are in an acceptable condition. We recommend the Township end the 18-month Maintenance Period with Professional Construction Contractors, Inc. and close-out this project.

If you have any questions or need additional information, do not hesitate to call this office.

Respectfully,

HANOVER ENGINEERING



Brien Kocher PE
Township Engineer

bk:kjc

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cc: James L. Broughal, Esquire

**INSTRUMENT FOR THE DECLARATION OF RESTRICTIONS AND
COVENANTS**

This Instrument for the Declaration of Restrictions and Covenants (Instrument) is being made as of this day _____ of October, 2020, by Hanover Township, the “Grantor”), having an address of 3630 Jacksonville Road, Bethlehem, PA 18017-9302 and Hanover Township (the “Grantee”), having an address of 3630 Jacksonville Road, Bethlehem, PA 18017-9302.

WITNESSETH:

WHEREAS, Grantor is the owner of certain land situated in Hanover Township, Northampton County, Pennsylvania, containing 24.78+/-acres and being designated as 4025 Old Airport Road, on that certain lot consolidation deed recorded in County Book Volume **2013-1** Page **66749**, and being Northampton County Tax Parcel # **M5-4-25A-0214E** , and being more particularly described in that certain Deed recorded to “Property”).

WHEREAS, Grantor has agreed to provide this Instrument to protect the Property;

WHEREAS, the Property is included within the boundary of an General National Pollution Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities, (Permit No. **PAG 02004813006**) which identifies certain Post Construction Stormwater Management Best Management Practices (PCSM BMPs) located on the Property;

WHEREAS, the documents attached to this Instrument and incorporated herein shall include: record drawings/as-builts or the approved PCSM Plan (if record drawings/as-builts are not yet available), attached hereto as Appendix A;

WHEREAS, Grantee has agreed to be responsible for implementation of the approved O&M Plan for the PCSM BMPs located on the Property as described in the O&M Plan, which agreement is attached hereto as Appendix A, and incorporated herein;

WHEREAS, Grantor has agreed to provide for necessary access, to applicable parties, related to long-term operation and maintenance of the PCSM BMPs;

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions hereinafter set forth in this Instrument, and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor provides and files this Instrument:

1. Purpose. The purpose of this Instrument is to provide notice and to ensure the operation and maintenance, and necessary access for operation and maintenance of the PCSM BMPs on the Property and to prevent the use or development of the Property in any manner that may impair or conflict with the operation and maintenance of the PCSM BMPs. Per 25 Pa. Code §102.8(m)(2), this Instrument identifies the PCSM BMP(s), provides for the necessary access

related to long-term operation and maintenance of the PCSM BMP(s) and provides notice that the responsibility for long-term operation and maintenance of the PCSM BMP(s) is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees.

2. Declaration of Restrictions and Covenants. Grantor hereby declares that the Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to this Instrument which shall run with the land and be binding on all heirs, successors, assigns, occupiers, and lessees.

3. Perpetual Duration. The provisions of this Instrument shall remain in effect in perpetuity, shall be deemed covenants running with the land regardless of ownership or use, and be binding upon all subsequent property owner(s); and the personal representatives, heirs, successors, or assigns of the Grantor.

4. Reserved Rights. Grantor reserves and accepts unto itself and the personal representatives, heirs, successors, or assigns of the Grantor, all rights accruing from ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not inconsistent with the purpose of this Instrument.

5. Subsequent Transfers. The terms of this Instrument shall be incorporated by reference into any deed or other legal instrument by which Grantor divests itself by sale, exchange, devise or gift of all or any portion of the Property. Failure of Grantor to perform any act required by this Instrument shall not impair the validity of this Instrument or limit its enforceability in any way. Upon valid sale or transfer of Grantor's ownership interest to a successor or assign and notice as required by this paragraph, Grantor shall be released from any responsibility for any violation of the terms of this Instrument caused by Grantor's successors or assigns or any third party which occurs subsequent to such sale or transfer.

6. Recordation. Grantor shall record this Instrument in the Official Records of Northampton County, Pennsylvania. Grantor shall pay all recording costs necessary to record this Instrument in the public records.

7. Notices. All notices, consents, approvals or other communications required under the provisions of this Instrument shall be in writing and shall be deemed properly given if hand delivered, sent by a nationally recognized overnight courier, or sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor in interest, at the address most recently provided.

8. Access Provisions. The party responsible for the implementation of the O&M Plan may enter the Property upon reasonable notice, in a reasonable manner and at reasonable times for purposes of implementation of the O&M Plan.

9. Miscellaneous Provisions.

(a) Severability. If any provision of this Instrument or the application of it to

any person or circumstance is found to be invalid, the remainder of the provisions of this Instrument and the application of the provisions to persons or circumstances other than those as to which it is found to be invalid, shall not be affected by the invalid provision.

(b) Amendment. This Instrument shall not be amended, terminated or in any way modified by the Grantor without the express prior written approval of the Commonwealth of Pennsylvania Department of Environmental Protection (Department). After receiving approval from the Department, the Grantor shall record any such amendment, termination or modification of this Instrument as described in Paragraph 6, above.

(c) Controlling Law. The interpretation and performance of this Instrument shall be governed by the laws of the Commonwealth of Pennsylvania.

(d) Captions. The captions in this Instrument have been inserted solely for convenience of reference and are not a part of this Instrument and shall have no effect upon construction or interpretation.

(e) Rights of the Department. The rights of the Department shall be preserved under the laws of the Commonwealth of Pennsylvania, and include, but not be limited to, the following:

- (i) To identify, to preserve and to protect in perpetuity the PCSM BMPs in a manner consistent with the O&M Plan.
- (ii) To enter upon the Property in a reasonable manner and at reasonable intervals and times for the purpose of monitoring compliance with this Instrument.
- (iii) To proceed at law or in equity to enforce the provisions of this Instrument, and to prevent the occurrence of any of the prohibited activities hereinafter set forth.
- (iv) To approve or disapprove a request for an amendment submitted under Paragraph 9(b), above.

