
REGULAR SEMI-MONTHLY MEETING
August 26, 2014

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

Present were Supervisors Nagle, Tanczos, and Walbert, Engineer Brien Kocher, Solicitor James Broughal, Public Works Director Vince Milite, Director of Administration/Treasurer Ryan Kish and Township Manager John J. Finnigan, Jr.

The Pledge of Allegiance was performed.

Upon motion of Mr. Walbert, seconded by Mr. Nagle, the Board approved the Agenda, with an addition to "Administration" and a note for the record 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, from the meeting of the Board of Supervisors dated July 22, 2014. 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 August 26, 2014 as presented by the Township Secretary/Assistant Treasurer; and to enter the signed List of Bills by the Secretary/Assistant Treasurer and the Board of Supervisors as an attachment to the minutes. Mr. Nagle aye with the exception of General Fund Check #3139, the portion which benefits me, Mr. Tanczos aye with the same exception, Mr. Walbert aye with the same exception, Mr. Diacogiannis aye with the same exception.

COURTESY OF THE FLOOR

Mrs. Joan Rosenthal, Crime Watch Committee, was present to follow up on a letter she sent to the Board of Supervisors regarding the National Night Out event and if the Board had any questions.

Mr. Diacogiannis stated he was in attendance and it was well attended and seemed to be a success.

Mrs. Rosenthal asked if the Township can put in the newsletter that there have been two coyote sightings and residents should be aware of their small animals when outside.

Mr. James Buss, 2361 Jacksonville Road was present to bring the Board's attention to traffic problems on Jacksonville Road between Tanczos Beverage and the Traffic light. He stated that people drive on the wrong side and cross the double yellow lines mostly rush hour and stated he was almost side-swiped.

Mr. Tanczos stated that there is normally a buck up of people trying to get in the stacking lane.

Mr. Diacogiannis directed the Township Manager to notify Colonial Regional Police.

REPORT OF THE CHAIRMAN

Mr. Diacogiannis commented on the National Night Out event and the committee and volunteers did a great job.

REPORT OF THE VICE-CHAIRMAN

Mr. Walbert had nothing to report.

SUPERVISOR'S COMMENTS

Mr. Nagle – Road District #1, had nothing to report. Stated he attended the Library meeting last night - had nothing to report.

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

Mr. Tanczos – Road District #4, had nothing to report.

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

APPOINTMENTS AND RESIGNATIONS – BOARDS, COMMISSIONS AND COMMITTEES

It was noted there were no agenda items.

PLANNING & ZONING

Zoning Hearing Petition – St. Luke's Hospital – 153 Brodhead Road, Bethlehem, PA, 18017

The applicant is requesting zoning relief from the provisions of the Sign Ordinances.

Mr. Walbert noted for the record that the Township has received a letter from Fitzpatrick Lentz & Bubba stating their client; St. Luke's Hospital is re-evaluating its proposal and is waiving the applicable time period under Section 908 of the Municipalities Planning Code to allow the matter to be continued to September.

Mr. Walbert stated that even though the matter is being continued until September, he still recommends that the Solicitor attend the Zoning Hearing Board meeting relative to this hearing.

Mr. Diacogiannis directed the Township Solicitor to attend the Zoning Hearing Board meeting relative to the hearing for St. Luke's Hospital's zoning appeal.

Note for the Record – Wawa Conditional Use Meeting

Mr. Walbert noted for the record that the Condition Use Hearing for Wawa will be held at the September 9th Board of Supervisors meeting.

ADMINISTRATION

Authorize Signatures on the Stipulation of Settlement Agreement with Richard Bartolacci

Mr. Nagle moved that the Board authorize the Chairman and Secretary to sign the Stipulation and Settlement Agreement relative to the Bartolacci matter.

Mr. Walbert seconded the motion.

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

Authorize Signatures on the Winter Services 5-Year Agreement with the Pennsylvania Department of Transportation

Mr. Nagle moved that the Board authorize the Chairman and Secretary to sign the Winter Traffic Services 5-Year Agreement with the Commonwealth of Pennsylvania, Department of Transportation in regards to State Route 3014, Hanoverville Road.

Mr. Walbert seconded the motion.

Mr. Nagle amended the original motion to include the adoption of the accompanying Resolution 14-7 approving the execution of said agreement.

Mr. Walbert seconded the amended motion.

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

Midyear Financial Review – Township Director of Administration/Treasurer

Mr. Kish was present to review the midyear finances for General Fund and the Recreation Fund and to answer questions from the Board.

Authorize Chairman to Sign the Preventative Maintenance Agreement with Advanced Door Service

Mr. Nagle moved that the Board authorize the Chairman to sign the Preventative Maintenance Agreement with Advanced Door Service through August 31, 2015 for service at the Community Center.

Mr. Walbert seconded the motion.

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

PUBLIC WORKS

It was noted there were no items on the agenda.

DEVELOPMENTS

Note for the Record – Ungerer and Company Extension

Mr. Tanczos noted for the record that the Developer of Ungerer and Company has granted the Township an extension of ninety (90) days to December 4, 2014 to review the Plan.

Note for the Record – Hanover Highlands Lot 3 – Land Development Recording Extension

Mr. Tanczos noted for the record that Hanover Highlands Lot 3 Land Development Plan has granted the Township an extension to September 30, 2014 to record the Plan.

Freshpet – Conditional Preliminary/Record Land Development Plan

Mr. Tanczos moved that the Board, as recommended by the Township Engineer, approve to adopt the terms and conditions relative to the Freshpet Conditional Preliminary/Record Land Development Plan, prepared and provided to the Developer/Owner for signature and the Township Secretary is to notify the Developer of the Board's action relative to this matter.

CONDITIONS

1. The previous Freshpet Building Expansion project conditionally approved by the Board of Supervisors on December 18, 2012 shall be officially withdrawn by the Developer/Owner prior to the current Freshpet Building Expansion Preliminary/Record Land Development Plan being recorded for the subject parcel.
2. The Developer/Owner shall address all outstanding comments in the Hanover Engineering Associates, Inc. review letter dated July 10, 2014 to the satisfaction of the Township Engineer, prior to recording.
3. Two (2) copies of the most recent reports and supporting documentation (i.e. Drainage Calculations and Post-Construction Stormwater Management Report, Erosion Control Narrative, trip generation calculations, performance standards, etc.), signed and sealed by the preparer as necessary, shall be submitted to the Township prior to recording the Preliminary/Record Land Development Plan.
4. A note shall be added to the Plan(s) identifying all waivers and deferrals granted by the Township and the meeting date of the Board of Supervisors action.
5. The Developer/Owner shall enter into an Improvements Agreement with the Township and provide appropriate security. (SALDO Section 159-30.D.(5)).
 - A. The Improvements Agreement shall include a notarized statement, satisfactory to the Township Solicitor, stating that the Township shall be held harmless against any claim of damage from the downstream property owners that may result from the proposed development. (Stormwater Management Ordinance 98-2, Section 152-10.E).
 - B. The Improvements Agreement and a separate Covenant running with the land shall include provisions satisfactory to the Township Solicitor, that the stormwater collection, conveyance, BMPs and control facilities located on private property shall be properly operated and maintained by the property owner. (Stormwater Management Ordinance 98-2, Sections 152-10.M and 152-24.3).
 - C. The Improvements Agreement shall include a statement that a BMP Operations and Management Plan, (Post Construction Stormwater Management Plan) shall be recorded, listing the person(s) responsible for operations and maintenance, signed

by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without approval by the Township. (Stormwater Management Ordinance 98-2, Section 152-24.5).

6. The Developer/Owner shall enter into a Maintenance Agreement with the Township and provide appropriate security. (SALDO Section 159-30.D.(6)).
7. The Developer/Owner shall not be required to provide an Open Space Contribution, as this requirement was previously satisfied by LVIP, Inc. (SALDO Section 159-16).
8. The Developer/Owner shall not be required to provide a Tapping, Connection or Customer Facilities Fee, as the sanitary sewer does not utilize any facilities constructed or paid for by the Township. (Ordinance 05-06, Section 140-13).
9. The Developer/Owner shall not be required to provide a Traffic Impact Fee, as the Board of Supervisors, at their meeting of June 16, 1992, waived additional Traffic Impact Fees for the new development in LVIP IV. (Impact Fee Ordinance 91-12, Resolution 07-10).
10. The Developer/Owner shall not be required to provide a Storm Sewer Interceptor Improvements value to the Township, as this requirement was previously satisfied by LVIP, Inc. (Stormwater Management Ordinance 98-2, Section 152-12.B).
11. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36.J).
12. The Developer/Owner shall provide two (2) Mylars for recording the plans and ten (10) sets of plans which are signed and notarized by the Owner and sealed by the Surveyor/Engineer. (SALDO Section 159-34.B).
13. 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. Tanczos further moved that the granting of conditional approval of this plan recognizes that the Township is agreeing to the following on the Land Development Plan:

- A. That the Board of Supervisors defers the requirement to provide the required number of parking spaces and to allow the eighty-eight (88) existing parking spaces indicated on the plans. (Zoning Ordinance Section 185-17.B and C).
- B. That the Board of Supervisors waives the requirement to identify the size and species of all existing trees on the site and to allow the tree locations indicated on the plans. (SALDO Section 159-17.A).

- C. That the Board of Supervisors waives the requirement to locate all existing sanitary sewers, storm drains, waterlines and similar features on or within two hundred (200) feet of any part of the land to be developed and to allow the existing information indicated on the plans. (SALDO Section 159-29.C.(1)).
- D. That the Board of Supervisors waives the requirement to identify the size and species of all trees four (4) inches or more in trunk diameter at a height of four and one-half (4 ½) feet above grade and to allow the tree locations indicated on the plans. (SALDO Section 159-29.C.(3) and 159-29.C.(6)(a)).
- E. That the Board of Supervisors waives the requirement that the proposed infiltration shall be setback one hundred (100) feet from the property line unless documentation is provided to show that all setbacks from existing or potential future foundations on neighboring properties will be met and to allow the infiltration indicated on the plans. (SMO Section 152-9.1.I(4)(e)).
- F. That the Board of Supervisors waives the requirement that detention facility outlet arrangements provide complete outletting of all detained water, unless provisions for permanent ponding have been approved and to allow the infiltration trenches indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(3)).
- G. That the Board of Supervisors waives the requirement that a detention facility be lined with a synthetic impervious liner and to allow the infiltration indicated on the plans to meet DEP and Township water quality requirements. (SMO Sections 152-10.I.(4) and (9)).
- H. That the Board of Supervisors waives the requirement that the minimum slope of the bottom of a detention facility be 2% toward the outlet structure and to allow infiltration trenches at less than 2% as indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(10)).
- I. That the Board of Supervisors waives the requirement that storm sewer pipes be Class III reinforced concrete pipe with “O” ring joints and have a minimum diameter of fifteen (15) inches, and pipe ends be fitted with concrete endwalls with minimum thirty (30) inch concrete footers and to allow the twelve (12) and fifteen (15) inch, HDPE pipe without endwalls indicated on the plans. (SMO Sections 152-11.G.(3), (4), (8) and (12)).

Mr. Walbert seconded the motion.

Mr. Paul Szewczak from Liberty Engineering was present to address the Board.

It was noted for the record that the Developer/Owner has agreed with and signed the conditions.

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

Approval of the Emil J. DiIorio Lot Consolidation

Mr. Tanczos moved that the Board approve the Emil J. DiIorio Lot Consolidation and direct the Solicitor to notify the Northampton County Tax Assessment Office that a new Tax Parcel number can be given to the consolidated lot.

Mr. Walbert seconded the motion.

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.

STAFF REPORTS

Mr. Kocher had nothing to report.

Solicitor Broughal had nothing to report.

Mr. Milite had nothing to report.

Mr. Kish reported on the Northampton County Gaming meeting he attended.

Mr. Finnigan noted that as directed earlier in the meeting, he notified CRPD on the Traffic on Jacksonville Road.

Upon motion of Mr. Walbert, seconded by Mr. Nagle, the Board approved adjournment of the regular meeting at 7:35 P.M.

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

Lori A. Stranzl
Township Secretary