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**REGULAR SEMI-MONTHLY MEETING**  
**June 23, 2015**

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 Salvesen, Nagle, Walbert and Tanczos, Mr. Jim Milot for Engineer Brien Kocher, Attorney Wendy Nicolosi for Solicitor James Broughal, Director of Administration/Treasurer Ryan Kish, 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 to Planning and Zoning and an addition of an Executive Session for current status of collection bargaining agreement.

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

Upon motion of Mr. Nagle, seconded by Mr. Salvesen, the Board approved the minutes, from the meeting of the Board of Supervisors dated June 9, 2015.

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

Upon motion of Mr. Nagle, seconded by Mr. Salvesen, the Board approved the List of Bills and Transfers dated June 23, 2015 as presented by the Township Treasurer/Assistant Secretary; 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. Salvesen aye, Mr. Nagle aye, Mr. Tanczos aye, Mr. Walbert aye, Mr. Diacogiannis aye.

**COURTESY OF THE FLOOR**

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

**REPORT OF THE CHAIRMAN**

Mr. Diacogiannis had nothing to report.

**REPORT OF THE VICE-CHAIRMAN**

Mr. Walbert reported that in regards to the Colonial Regional Police Commission; one of the funding components is incidents; we have been using over the last couple of years a ruling of July 1<sup>st</sup> through June 30<sup>th</sup> of the following year; however the Articles of Agreement Article IV – Apportionment Formula under the paragraph titled “Incidents” states “the incident value shall be that number tabulated and reported in the Department Annual Report for the previous calendar year”. Mr. Walbert stated they agreed at the Police Commission meeting to continue using the July 1<sup>st</sup> to June 30<sup>th</sup> numbers.

Mr. Walbert requested that the Board approve a waiver from the Articles of Agreement to allow data from July 1<sup>st</sup> of the previous year to June 30<sup>th</sup> of the current year for budgeting purposes.

Mr. Salvesen seconded the motion.

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

#### SUPERVISOR'S COMMENTS

Mr. Nagle – Road District #1, had nothing to report.

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

Mr. Salvesen – Road District #3, 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 that there were no items on the agenda.

#### PLANNING & ZONING

Mr. Walbert discussed the Zoning Hearing Petition from Mary Almodovar, 534 Kevin Drive to install a portico.

Mr. Walbert recommended that the Zoning Hearing Board handle.

#### ADMINISTRATION

##### **Public Hearing – Request of JCRD, LLC to transfer a Liquor License No. R-2729 to JCRD, LLC for their facility located at 1267 Birchwood Drive a/k/a 2118 Schoenersville Road**

It is noted for the record that the hearing has been duly advertised and the Secretary has proof of publication. A Court Stenographer is present to record all testimony.

Mr. Nagle moved that the Board approve the following Ordinance 15 – 3 approving the request of JCRD, LLC to transfer a Liquor License No. 2729 currently licensed to Ye Old Sea Hag Inc., and currently in safekeeping with the PLCB and previously licensed at the premises known as 325 Cattell Street, Easton, Pennsylvania to JCRD, LLC for their facilities located at 1267 Birchwood Drive a/k/a 2118 Schoenersville Road:

##### **ORDINANCE 15 – 3**

##### **AN ORDINANCE OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE No. R-2729 INTO HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA FROM THE CITY OF EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA, PURSUANT TO THE PENNSYLVANIA LIQUOR CODE**

Mr. Salvesen seconded the motion.

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

**Public Hearing – Request of Weis Markets, Inc. to transfer a Liquor License No. R-11600 to Weis Markets, Inc. for their facility at 5580 Crawford Drive**

It is noted for the record that the hearing has been duly advertised and the Secretary has proof of publication. A Court Stenographer is present to record all testimony.

Mr. Tanczos indicated that due to his conflict as the former president of, and involvement with the Pennsylvania Malt Beverage Distributors Association he would recuse himself from the matter.

Mr. Nagle moved that the Board approve the following Ordinance 15 – 4 approving the request of Weis Markets, Inc. to transfer a Liquor License No. 11600 currently licensed to Uncle Wesley’s Inc., and in safekeeping with the PLCB and previously licensed at the premises of 1100 Bushkill Street, City of Easton to the Weis Market facility located at 5580 Crawford Drive in Hanover Township, Northampton County:

**ORDINANCE 15 – 4**

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-11600 INTO HANOVER TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA FROM THE CITY OF EASTON, NORTHAMPTON COUNTY, PENNSYLVANIA PURSUANT TO THE PENNSYLVANIA LIQUOR CODE**

Mr. Salvesen seconded the motion.

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

**Proclamation 2015-9, supporting National Night Out 2015**

Mr. Nagle moved that the Board approve Proclamation 2015 – 9 supporting National Night Out 2015 on August 4, 2015:

**HANOVER TOWNSHIP, NORTHAMPTON COUNTY**

**PROCLAMATION NO. 2015-9**

**A PROCLAMATION SUPPORTING NATIONAL NIGHT OUT 2015**

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 4<sup>th</sup>, 2015 entitled “*National Night Out*”; and

WHEREAS, the “*32<sup>nd</sup> Annual National Night Out*” provides an opportunity for heighten crime and drug prevention awareness; generates support for, and participation in, local anti-crime efforts; strengthens neighborhood spirit & police-community partnerships and sends a message to criminals letting them know that neighborhoods are organized & fighting back; and

WHEREAS, the Hanover Township Board of Supervisors plays a vital role in assisting the Colonial Regional Police Department through joint crime, drug and violence prevention efforts in Hanover Township – Northampton County and is supporting “*National Night Out 2015*” locally; and

WHEREAS, it is essential that all citizens of Hanover Township – Northampton County be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Hanover Township – Northampton County; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “*National Night Out*” program;

NOW, THEREFORE, WE, THE BOARD OF SUPERVISORS OF HANOVER TOWNSHIP - NORTHAMPTON COUNTY, do hereby call upon all citizens of Hanover Township to join the Board of Supervisors and the National Association of Town Watch in supporting “*32<sup>nd</sup> Annual National Night Out*” on August 4<sup>th</sup>, 2015.

FURTHER, LET IT BE RESOLVED THAT, WE THE BOARD OF SUPERVISORS do hereby proclaim Tuesday, August 4<sup>th</sup>, 2015 as “*NATIONAL NIGHT OUT*” in Hanover Township – Northampton County.

Mr. Salvesen seconded the motion.

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

## PUBLIC WORKS

It was noted that there were no items on the agenda.

## DEVELOPMENTS

### **Authorize Chairman and Secretary to sign the Site Plan Improvements, Site Plan Maintenance and Declaration of Covenant for Stormwater Management for the Hanover Township Volunteer Fire Company #1**

Mr. Tanczos moved that the Board authorize the Chairman and Secretary to sign the Site Plan Improvements Agreement, Site Plan Maintenance Agreement and the Declaration of Covenant Agreement and Easement for Maintenance of Stormwater Management Facilities for the Hanover Township Volunteer Fire Company #1.

Mr. Walbert seconded the motion.

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

### **Note for the Record – Freshpet, LVIP IV Lots 55/56 Manufacturing Addition – Extension**

Mr. Tanczos noted for the record that Freshpet, LVIP IV Lots 55/56 Manufacturing Addition has granted the Township an extension of time of ninety (90) days to October 12, 2015 to review the current land development application.

### **SWB & R Associates, 3865 Adler Place – Recording Deadline Extension**

Mr. Tanczos moved that the Board approve to grant the Developer of SWB & R Associates a ninety (90) day extension to October 20, 2015 for recording of the Plan; 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.

**Note for the Record - Splendor Industries – MPC Deadline Extension**

Mr. Tanczos noted for the record that the Developer of Splendor Industries, 4520 Bath Pike has granted the Township a sixty (60) day extension to September 5, 2015 to review the development plans.

**LVIP IV Lot 12, 161 N. Commerce Way Modified Site Plan – Recording Deadline**

Mr. Tanczos moved that the Board approve to grant the Developer of LVIP IV Lot 12, 161 N. Commerce Way, a ninety (90) day extension to September 24, 2015 for the recording of the record plan to resolve final conditions of approval; 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.

**Freshpet Manufacturing Addition – LVIP IV Lots 55/56 Preliminary/Record Lot Line Adjustment and Land Development Plan Approval**

Mr. Tanczos moved that the Board, as recommended by the Township Engineer's letter dated June 23, 2015, approve to adopt the terms and conditions relative to the Freshpet Manufacturing Addition – LVIP IV Lots 55/56 – Preliminary/Record Lot Line Adjustment and Land Development Plan, prepared and provided to the Developer/Owner for signature:

CONDITIONS

1. The Developer/Owner shall address all outstanding comments in the Hanover Engineering Associates, Inc. review letter dated June 19, 2015 to the satisfaction of the Township Engineer, prior to Plan recording.
2. 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.
3. 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).

4. The Developer/Owner shall enter into a Maintenance Agreement with the Township and provide appropriate security. (SALDO Section 159-30.D.(6)).

5. 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).

6. The Developer/Owner shall not be required to provide a Tapping, Connection or Customer Facilities Fee to Hanover Township, as the sanitary sewer does not utilize any facilities constructed or paid for by the Township. (Ordinance 05-06, Section 140-13).

7. 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).

8. The Developer/Owner shall not be required to provide a Storm Sewer Interceptor Improvements value for the currently proposed improvements, as this was addressed by the LVIP, Inc. stormwater management improvements. The Developer/Owner shall, however, be required to provide a Storm Sewer Interceptor Improvements value for the additional impervious area above 60%, as the Storm Sewer Interceptor Improvements previously provided by LVIP, Inc. only addressed an on-lot impervious cover of 60%. The Storm Sewer Interceptor Improvements value shall be calculated at \$1.80 per square yard of impervious cover above 60%. The payment of the Storm Sewer Interceptor Improvements value shall be applicable when the Developer/Owner is required to construct any of the proposed Future Parking and associated improvements. (Stormwater Management Ordinance 98-2, Section 152-12.B).

9. The Developer/Owner shall pay all current fees, including any outstanding plans and appeals account charges. (SALDO Section 159-36.J).

10. 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).

11. The Developer/Owner shall meet all conditions of the Preliminary/Record Plans approval, and the Preliminary/Record Plans shall be recorded within twelve (12) months of Conditional Plan approval, and agrees that if such conditions are not met, the conditional Preliminary/Record Plans approval shall be considered void, and the application for Preliminary/Record Plans 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 one hundred forty-four (144) 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 Sections 159-29.C.(1) and 159-30.C.(3)).
- 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 detention facility outlet arrangements provide complete outletting of all detained water, unless provisions for permanent ponding have been approved, and to allow the infiltration bed indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(3)).
- F. That the Board of Supervisors waives the requirement that a detention facility be lined with a synthetic impervious liner and to allow the infiltration bed indicated on the plans to meet DEP and Township water quality requirements. (SMO Sections 152-10.I.(4) and (9)).
- G. 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 the infiltration bed at less than 2% as indicated on the plans to meet DEP and Township water quality requirements. (SMO Section 152-10.I.(10)).
- H. That the Board of Supervisors waives the requirement that storm sewer pipes be Class III reinforced concrete pipe with “O” ring joints and to allow the fifteen (15) inch, HDPE perforated pipe within the infiltration bed indicated on the plans. (SMO Section 152-11.G.(3) and Construction Standards Section 67-9.A.(1)).
- I. That the Board of Supervisors approves a building height of 42.5 feet, which exceeds the allowable maximum building height of 38 feet. (Zoning Ordinance Section 185-35.F.(2)).

Mr. Tanczos further move that the Township Secretary be authorized 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.

## COURTESY OF THE FLOOR

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

## STAFF REPORTS

Mr. Milot had nothing to report.

Ms. Nicolosi had nothing to report.

Mr. Milite reported that the Macada Road water trench has been completed; paving will begin on the basketball courts at Pharo Park, Westgate Park and the Township Municipal complex; and requested approval to purchase the Line Lazer mower which is included in this year's budget and under state contract.

Mr. Salvesen moved that the Board approve to authorize the Public Works Director to purchase the Line Lazer mower from Whitehall Turf Equipment.

Mr. Nagle seconded the motion.

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

Mr. Kish reported that he and the Chairman attended the Northampton County Council of Governments meeting; discussed grant opportunities with the County and a roundtable discussion.

Mr. Finnigan distributed the colored Township Logo which will now be used.

Upon motion of Mr. Walbert, seconded by Mr. Salvesen, the Board approved adjournment and entered into the Executive Session at 7:50P.M.

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

It is noted that the Executive Session concluded at 8:11 P.M.

John J. Finnigan, Jr.  
Township Manager

for

Lori A. Stranzl  
Township Secretary