

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
MARCH 19, 2008**

draft

Chairman Ronald E. Stahley called the meeting to order at 7:30 PM followed by the Pledge of Allegiance to the flag and roll call. In attendance were Supervisors Ronald E. Stahley, Terry P. Stoudt, Ronald J. Heintzelman, Attorney Lisa Young and Secretary/Treasurer Brenda Norder.

APPROVAL OF PREVIOUS MINUTES

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the minutes of the following meeting were approved as presented: 1. March 5th Board of Supervisors Meeting.
Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

ANNOUNCEMENTS

1. The Tax Office will be closed from March 17th through the 21st.
2. The Municipal Offices will be closed Friday, March 21st for Good Friday.
3. Tires will not be accepted for recycling until April 1st, 2008.
4. Spring clean up is scheduled for Friday, April 25th from 10 AM till 2 PM and Saturday, April 26th from 8:00 to 11:30 AM at the Schnecksville Fire Company property.
5. The Township received an \$11,147.77 reimbursement for the PA Sewage Facilities Act 537 for 2006.
6. Supervisor Stoudt announced the Spring Organic Recycling schedule as follows: The week of April 7th, Monday & Tuesday - Orefield area; Wednesday & Thursday - Schnecksville area; Friday & Monday (week of April 14th) Neffs/Slatington areas; Tuesday & Wednesday - Coplay/Ormrod/Laurys areas. This program is for North Whitehall Township residents only. For more information and scheduling pickup call the municipal office.

COMMENTS FROM THE AUDIENCE:

Jerome Joseph, 3521 Rome Court, Orefield, inquired about the 90-day clock date with regard to the Wal-Mart Plan submissions. Atty. Young stated it would begin on March 25, 2008.

TREASURER'S REPORT

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Treasurer's report was approved as presented. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

OLD BUSINESS: No Old Business

NEW BUSINESS:

WYNNEWOOD RESIDENTS RE: APPEAL PROCESS OF ZONING FINE

Several residents from the Wynnewood Subdivision appeared before the Board of Supervisors to express their concerns regarding the Zoning Appeal that is currently before the Zoning Hearing Board.

Pat Carberry, 1113 Rising Sun Road, Laurys Station, stated several residents have prepared statements and questions regarding the appeal before the Zoning Hearing Board.

Atty. Young presented a synopsis of the Zoning violation and subsequent appeal before the Zoning Hearing Board held on March 11, 2008 and continued to April 8, 2008.

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Meredith Miller, 1126 Wellington Circle, Laurys Station, asked for clarification on what events could be expected resulting from the ZHB meeting. Atty. Young stated nothing has transpired since that meeting and it will be continued on April 8th and she outlined several of the options available to the participants.

Upon motion by Ronald E. Stahley, seconded by Terry P. Stoudt, the Board declared that they would not intercede in this matter prior to subsequent Zoning Hearing Board meetings have concluded. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

Pat Carberry, 1113 Rising Sun Road, Laurys Station, provided additional information about the issue to familiarize the Board with the nature of their complaints, listing internet advertising, unauthorized construction, code violation, deed restriction issues among their concerns and noting that 162 residents have signed a petition. Atty. Young addressed his concerns.

John Buis, 1124 Wellington Circle, Laurys Station, inquired as to who enforces moving permits. Atty. Young noted that there are several checks and balances in place to catch non-compliance regarding moving permits.

Bob Gumhold, 1137 Wellington Circle, Laurys Station, asserted that the property owners cited in the violation are running a business by renting their house on a daily and weekly basis and advertising it on the internet and that their neighborhood is not zoned for business. Supervisor Stahley noted that while some home-based businesses are allowed they must meet the zoning requirements.

Pat Carberry, 1113 Rising Sun Road, Laurys Station, asked for the Solicitor's opinion if this type of business was allowed in their zoning district. Atty. Young stated she did not feel it met the requirements under the Zoning Ordinance.

Charles Roberts, 1136 Wellington Circle, Laurys Station, inquires if their zoning district, SR, Could be changed to accommodate the property in violation. Atty. Young stated it was not likely to happen because rezoning only one lot in the development would be spot zoning under PA law and the Board does not look favorably on that practice.

Diane Buis, 1124 Wellington Circle, Laurys Station, expressed her concerns about the Internet advertising for the property as a daily or weekly rental unit and how can they ensure it won't continue to happen. Atty. Young stated that while it is not in the jurisdiction of the Zoning Hearing Board it possibly could be part of a stipulation if the issue results in a negotiated settlement.

Kathy Minnich, 5756 Nottingham Court, Laurys Station, asked if the violators were paying any fines since they admitted to the violation. Atty. Young answered that they were not at this time while the Appeal is in progress.

Bob Gumhold, 1137 Wellington Circle, Laurys Station, asked can they continue to conduct their rental business during the appeal process? Atty. Young stated the appellants have agreed not to rent the home as a vacation home after the last group left. Should that type of rental begin again the Township shall consider that action a violation.

Bob Campanella 5745 Buckingham Court, Laurys Station, read a prepared statement expressing the concerns of the neighbors and inquires as to the role of the Board of Supervisors in this issue and will they advise the Zoning Hearing Board. Atty. Young explained that while this is an active Zoning Hearing Board appeal, the Board of Supervisors has no jurisdiction in this matter. Supervisor Stahley explained that the Boards are separate entities with separate duties.

Jackie Gumhold, 1137 Wellington Circle, Laurys Station, commented that she felt the Zoning Hearing Board should have settled the issue that night by voting in favor of the majority, the residents opposing the violators, and not have continued the appeal. Atty. Young explained the appeal process must be conducted in accordance with state law not by popular vote.

Bob Gumhold, 1137 Wellington Circle, Laurys Station, asked why the matter could not have been decided that night. Atty. Young stated that the issue must proceed through the established appeals process.

Mark Hollan, 5759 Nottingham Court, Laurys Station, inquired as to what recourse the residents have if the appeal is granted and expressed his concern for his child having to walk past the house in question in order to get home. Atty. Young said the next step would be for the residents to go before the Court of Common Pleas.

Pat Carberry, 1113 Rising Sun Road, Laurys Station, asked for clarification on the Board of Supervisors' role in changing the zoning classification and on the business aspect of renting the house. Atty. Young noted that zoning classification change is not an issue in this violation. If the house is rented by the 30-day minimum rule, to a single-family unit, under the Zoning Ordinance guidelines, it likely would not be viewed as a business.

Supervisor Stahley thanked the residents for their input and information regarding this issue.

REQUEST FOR EXONERATION FROM COLLECTION OF DELINQUENT R. E. TAXES

Upon motion by Ronald E. Stahley, seconded by Terry P. Stoudt, the Board granted the request of the Lehigh County Tax Claim Bureau and exonerated them from the collection of delinquent 2007 real estate taxes for the following properties:

3470 Cougar Cir	\$11.17
4215 Leopard Cir	21.29

Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

TRANSFER OF ESCROW FUNDS FOR PLANNING FEES

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board conditionally granted the request of Robert Trinkle to allow funds from his Legal and Engineering Escrow to be used to pay his Recreation and Traffic Impact fees. The release is contingent upon approval by the Solicitor that all outstanding requirements and all expenses to the Township have been met. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

PARKLAND ESTATES PARTIAL RELEASE OF 18-MONTH MAINTENENCE ESCROW

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board accepted the written recommendation of the General Planning Engineer Stephen Gitch, dated March 18, 2008 and authorized a partial release of the remaining escrow balance in the 18-month Maintenance Escrow Letter of Credit for Parkland Estates. The new balance shall be \$15,000.00. The Developer must complete a "punch list" to the satisfaction of the General Planning Engineer before release of the final escrow balance. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZED ADVERTISING FOR SODIUM CHLORIDE

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board authorized the Secretary to advertise for Sodium Chloride for the year 2008/2009. This is a cooperative bid with neighboring municipalities. The Township's primary source of road salt will be through the state contract. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

APPOINTMENT TO RECREATION BOARD

Supervisor Terry P. Stoudt moved to appoint Frank Kedl to fill the unexpired term, of the late John Steinmann, until December 31, 2010, seconded by Ronald E. Stahley. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZED LOAN PAYMENT

Upon motion by Terry P. Stoudt, seconded by Ronald E. Stahley, the Board authorized the Secretary/Treasurer to forward payment to the Neffs National Bank to be applied to the existing Capital Project Loan. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZATION OF COBRA COMPLIANCE

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board authorized the Secretary/Treasurer to execute necessary paperwork with regard to COBRA compliance requirements. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

LEHIGH COUNTY "GOVERNMENT ON THE GO"

Upon motion by Ronald E. Stahley, seconded by Terry P. Stoudt, the Board approved the use of the Township meeting room for a Lehigh County Commissioner's "Government on the Go" meeting on July 9th starting at 6 PM. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZATION FOR ADVERTISEMENT OF PUBLIC HEARING BURNING ORDINANCE

Upon motion by Terry P. Stoudt, seconded by Ronald E. Stahley, the Board authorized the Solicitor to advertise for a public hearing regarding adoption of 2 proposed ordinances, amending the current Burning Ordinance and establishing the Mandatory Collection Ordinance. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

PLAYGROUND EQUIPMENT CONTRACT AWARDED

After a review of the quotations received for the Laurys Station Firehouse Park playground equipment with installation, Supervisor Stahley recommended awarding the contract to General Recreation, Inc. for their low quote of \$187,632.65. Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board awarded the bid to General Recreation, Inc. under the State's Costars Program. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

APPOINTMENT TO NORTHERN TIER PURCHASING CO-OP

Upon motion by Ronald J. Heintzelman, seconded by Terry P. Stoudt, the Board appointed Ronald E. Stahley as purchasing representative to the Northern Tier Township Purchasing Cooperative with a spending limit not to exceed \$10,000.00. This 6-township co-op will expedite the purchasing of large equipment to be shared by the members. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

APPROVED FUNDING FOR ECOLOGY PROJECT

Emily Harakal, 5134 Ancinetta Drive, Schnecksville, has contacted the Township with a request to enhance the detention pond near her home making it an eco-friendly area. She will work with the Wildlands Conservancy. Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board approved the funding of \$125.00 to purchase seedlings for her project. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

REQUEST FOR SIGN AT HEIGHTS DRIVE & OLD POST ROAD

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board authorized the Secretary to compose a letter to PADOT requesting permission to erect road signs announcing "School Bus Stop Ahead". Jeff Emig, Assistant Director of Transportation for the Parkland School District, requested the signs on behalf of the school and concerned parents. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

- Supervisor Stoudt reported that he and Supervisor Heintzelman participated in delivering Meals On Wheels on March 19th.

COMMUNICATIONS

SLF Audit Notification
PA Bulletin

ADJOURNMENT Meeting adjourned at 9:54 PM.

Respectfully submitted,

Brenda Norder, Secretary