

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS  
NORTH WHITEHALL TOWNSHIP MUNICIPAL BUILDING  
SEPTEMBER 3, 2008**

Chairman Ronald E. Stahley called the meeting to order at 7:00 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, Steve Gitch 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. August 20<sup>th</sup> Board of Supervisors Minutes. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**ANNOUNCEMENTS**

1. The annual Senior Activity Day will be held September 11<sup>th</sup> at the Schnecksville Fire Company Pavilion.
2. The Township will be accepting bids for various fuels until 8:45 AM September 17<sup>th</sup>.
3. The Township Offices will be closed Monday, October 13<sup>th</sup> for the Columbus Day Holiday.
4. Township trick or treat night will be held on Friday, October 31<sup>th</sup> from 6-8 PM, with a rain date of Saturday, November 1 from 6:00 to 8:00 PM.
5. An estimate of the municipal obligation to the North Whitehall Township Retirement Plan will be submitted at a later date. An estimate will be established after the third quarter is complete and the check from the State Pension Aid is received.
6. The Township received an IDP grant check for 1,088,495.00. KidsPeace had made application with IDP Infrastructure Development Program back in 2002 for the NW1/ 309 project with the Industrial Development Corp of LC. The original grant amount was for 1,250,000.00, \$161,505.00 had been received prior.

Supervisor Stahley reported on EPA activities in the Township.

**COMMENTS FROM THE AUDIENCE:**

Kathy Bryan, 3126 Woodlea Rd., Orefield, asked the Board what would the Township do for future building sites within the arsenic area.

Barbara Deane, 4638 Cortland Dr., Orefield, asked if Wal-Mart property was tested.

Michael Burns, 4922 Shawnee Blvd., Schnecksville, inquired about the Sand Spring Road traffic issue.

Charles Knauss, 3525 Apple Road, Orefield, had follow-up questions about the Sand Spring Road intersection.

Wade Haubert, 3730 Apple Rd., Orefield, asked for clarification on the map grid of the arsenic testing area.

Sue Fegley, 5123 Timber Ln., Schnecksville, had follow-up questions about the Sand Spring Road intersection.

Janet Dyszel, 5138 Timber Ln., Schnecksville, asked who prioritizes the Rt. 309 projects.

Leo Stanus, 4842 Orchard Rd., Schnecksville, inquired as to where he should deposit his testing authorization letter.

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**TREASURER'S REPORT**

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Treasurer's report was approved as presented and the Treasurer was authorized to disburse checks # 1348-1393. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**OLD BUSINESS:**

**REVISED ROUTE 309 TRAFFIC SIGNAL PLANS**

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board authorized the Chairman to sign revised NW1/Rt 309 traffic signal plans, which will incorporate current ADA requirements. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**NEW BUSINESS:**

**BAUSCH MINOR SUBDIVISION      FINAL**

Bernard Telatovich and Richard Bausch presented the Bausch Subdivision Plan to the Board. Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Plan was approved as a Final subject to the following conditions:

1. The Developer shall comply with all of the recommendations contained in the letter from the General Planning Engineer dated August 26, 2008. .
2. Developer shall comply with all of the recommendations contained in the letter from the Sewage Enforcement Officer dated August 27, 2008.
3. The Developer shall comply with all of the recommendations contained in the letter from the Zoning Officer dated August 26, 2008.
4. The Developer shall comply with all of the recommendations contained in the letter from the Traffic Engineer dated July 3, 2008 and September 2, 2008.
5. The Developer shall comply with all of the recommendations of the Planning Commission Meeting of July 22, 2008.
6. The Developer shall comply with all of the provisions contained in the Planning Administrator's checklist letter dated August 21, 2008.
7. The Developer shall contribute \$ 200.00 to the Traffic Impact Fund
8. The Developer shall contribute \$ 2,500.00 to the Recreation Fund.
9. The Developer shall include the language from the Plan note 4 in the Deed for Lot 2.

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

**SUNFLOWER APARTMENTS**

**SKETCH**

The Developer, Jeff Johnson, had requested to be taken off the agenda and be placed on the October Workshop agenda.

**WAL-MART SUBDIVISION PLAN**

**PRELIMINARY**

Atty. Joseph Bubba and Bud Newton appeared before the Board to answer any follow-up questions that they may have as a result of the August 20, 2008 presentation of the Preliminary Plan of Wal-Mart Subdivision.

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*Wal-Mart continued*

Attys. Jeff Dimmich and David Najarian, representing NWSD, asked questions of the Wal-Mart representatives and the Board about, but not limited to the following: status of reviews mentioned in the May 7, 2008 minutes, regarding the lot to be subdivided, the zoning classification of part of the tract as AR, reviewed SALDO requirements for traffic studies and sewage disposal issues and enumerated items that had been placed in evidence during the Conditional Use Hearing to confirm that they were on the record.

Comments:

Sue Fegley, 5123 Timber Ln., Schnecksville, asked for clarification on the subdivision process.

Wade Haubert, 3730 Apple Rd., Orefield, inquired about traffic impact fees.

Phil Pash, 3625 East View Dr., Orefield, commented on the sewer issue.

Peter Girling, 4657 Scheidys Rd., Coplay, questioned the need for 2 stores in close proximity.

Tom Christman, 5118 Shawnee Blvd., Schnecksville, commented on duplication of businesses in the area.

Molly Riley-Cygan, 4235 Route 309, Schnecksville, noted that Wal-mart indicated at the last meeting that they would repeat their presentation which did not happen and asked about Scott Bieber's letter.

Lynn Serfass, 5522 Roberts Rd., Schnecksville, commented on the negative aspects of the Whitehall store.

Chuck Braymar, 3532 Apple Road, Orefield, questioned why the Zoning Officer gave a favorable review and when there was a zoning discrepancy with the AR labeling.

Nina Weiss, 5795 Harvest Pl., Schnecksville, inquired about the 537 Plan proposal.

Paul Valtos, 4751 Orchard Rd., Schnecksville, provided the Board with crime statistics.

Janet Dyszel, 5138 Timber Ln., Schnecksville, commented about the importance of the traffic study.

Andy Harakal, 5134 Ancinetta Dr., Schnecksville, implored the Board to reconsider all the facts and delay taking action.

Ron Roth, 5353 Route 309, Schnecksville, warned the opposition members that some of their remarks are discriminatory.

Charles Knauss, 3525 Apple Road, Orefield, noted that the turn out was due to adequate notice and thanked Wal-Mart for the time extension.

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzleman, the Plan was approved subject to the following conditions:

1. Developer shall comply with all of the recommendations contained in the letter from the General Planning Engineer dated August 18, 2008.
2. Developer shall comply with all of the recommendations contained in the letter from the Sewage Enforcement Officer dated August 14, 2008.
3. Developer shall comply with all of the recommendations contained in the letter from the Zoning Officer dated August 18, 2008.
4. The Developer shall comply with all of the recommendations contained in the letter from the Traffic Engineer dated August 19, 2008.
5. Developer shall comply with all of the recommendations of the Planning Commission Meeting of April 22, 2008.

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*Wal-Mart continued*

6. The Developer shall comply with all of the provisions contained in the Planning Administrator's checklist letter dated August 7, 2008.
7. The Developer shall correct the Zoning data on the cover sheet and all recording sheets of the Plan to reflect the labeling of the AR portion.
8. The Developer shall submit all traffic impact information for each lot under the Subdivision with the Land Development Plan.
9. The Developer shall provide sanitary sewage treatment as proposed through LCA in accordance with the provider letter previously received.

Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

**PARADISE ESTATES                      REDUCTION OF IMPROVEMENTS ESCROW**

Developer Bruce Laub submitted a request for a reduction in his Improvements Escrow Account for Paradise Estates. Upon motion by Ronald E. Stahley, seconded by Terry P. Stoudt, the Board tabled the request until a field inspection could be completed. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**GATEWAY NORTH                      RELEASE OF IMPROVEMENTS 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 September 1, 2008, and authorized the release of the remaining escrow balance in the Improvements Escrow Account for Gateway North. All outstanding punch-list items have been completed. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**REQUEST FOR EXONERATION OF DELINQUENT STREET LIGHT TAXES**

GH Harris, collector of delinquent street light taxes, has requested exoneration from the collection of the following delinquent street light tax:

Jennifer & Stephen Devore	2714 Levans Rd	2007	\$35.00
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Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board granted the request of the GH Harris and exonerated them from the collection of the delinquent street light tax. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**REFUND OF TAXES**

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board approved the request from the Lehigh County Assessment Office and authorized the Treasurer to refund Township taxes based on a revised assessment for 3832 Mauch Chunk Road for the following years:

2008	\$7.86 total
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Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

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

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

4220 Panther Ct      2005/2006 & 2007

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

**AUTHORIZATION TO DISTRIBUTE BUDGETED ALLOCATIONS EMS & SR. CLUBS**

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Treasurer is authorized to distribute the budgeted allocations to the Service Organizations contingent on the Secretary receiving all required documents and the Senior Citizens. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**AUTHORIZED CHAIRMAN TO SIGN RELEASE AGREEMENTS FOR LIENS**

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Chairman is authorized to execute release agreements for liens on Portland Street and Limestone Street properties. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

Supervisor Stahley announced that the proposed overlay of Route 309 has been cancelled due to the price of blacktop.

Richard Getz, 3333 Mauch Chunk Road, Coplay, inquired if the Township received a letter from PADOT regarding the procedures to create an Ordinance against 'jake brakes'.

**COMMUNICATIONS**

Pesticide Registry  
Waste News

**ADJOURNMENT**      Meeting adjourned at 9:40 PM.

Respectfully submitted,

Brenda Norder, Secretary