

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
MAY 6, 2009**

Vice Chairman Terry P. Stoudt called the meeting to order at 7:00 PM followed by the Pledge of Allegiance to the flag and roll call. In attendance were Supervisor Ronald J. Heintzelman, Attorney Lisa Young and Secretary/Treasurer Brenda Norder. Supervisor Stahley was on an emergency call.

APPROVAL OF PREVIOUS MINUTES

Upon motion by Ronald J. Heintzelman, seconded by Terry P. Stoudt, the minutes of the following meeting were approved as presented: 1. April 15th Board of Supervisors Meeting; 2. April 20th Bid Opening. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - absent; Ronald J. Heintzelman - yes.

ANNOUNCEMENTS

1. The committee would like to thank all the residents who continue to drop off items for our AdoptaPlatoon Program. Items can be placed in the designated box in the lobby or monetary donation, use to offset postage, should be dropped off in the Administration office.
2. The Township is currently conducting a roadside leaf-waste pickup program until May 8th. Leaf waste consists of leaves, garden residues, shrubbery trimmings, tree twigs, and similar material, but no grass clippings. The remaining schedule for pickup is Thursday - Laurys Station/Slatington area & Friday - Coplay/Allentown area.
3. A request for bids for In-place road projects has been advertised and bids will be publicly opened on May 22nd at approximately 9:00 AM.
4. As required by Act 14, Keystone Consulting Engineers on behalf of North Whitehall Township has notified the Township that they have applied to DEP for an Chapter 105 Water Obstruction and Encroachment Permit for the replacement of a culvert pipe on Grist Mill Road.

COMMENTS FROM THE AUDIENCE:

- Robert Newhard, 4607 Route 309, Schnecksville, voiced his complaints about the various flower tents that are set up around holidays and the negative impact they have on local vendors. He suggested that the Board take broader measures to restrict them.
- Kathy Bryan, 3126 Woodlea Road, Orefield, inquired about the state law that protects the tent vendors.
- Michelle Collins, 2761 Earhart Ct., Orefield, inquired about the content of the Township's Ordinance regulating the tent vendors
- Nancy Braymar, 3532 Apple Road, Orefield, asked the cost of the tent permit.
- Chuck Braymar, 3532 Apple Road, Orefield, inquired about a neighborhood watch grant that was proposed but action was never taken.
- Michael Kondravy, 3615 Levans Rd., Allentown, asked about the status of a letter sent to PADOT regarding the speed on Mauch Chunk Road.

TREASURER'S REPORT

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the April Treasurer's report was approved as presented and the Treasurer was authorized to disburse checks # 2246-2299. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - absent; Ronald J. Heintzelman - yes. There were no public comments on this item.

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OLD BUSINESS:

PUBLIC HEARING #4 CONTINUATION COMPREHENSIVE PLAN

Atty. Young recessed the regular meeting in order to continue a Public Hearing on the proposed adoption of the Comprehensive Plan. A copy of the transcript of the hearing shall be placed in the Minute Book.

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board continued the Hearing until May 20, 2009. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - absent; Ronald J. Heintzelman - yes. There were no public comments on this item.

Supervisor Ronald Stahley returned.

KOLARIK & ROCCO 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 May 1, 2009, and denied release of the Improvements Escrow Account for Kolarik & Rocco. After outstanding improvements have been completed to the satisfaction of the Township and a final inspection is conducted, the Developer may again request the release of the balance of the escrow. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - abstained; Ronald J. Heintzelman - yes. There were no public comments on this item.

ADDITIONAL ANNOUNCEMENTS

Supervisor Ronald Stahley made the following announcements:

1. Information regarding N1H1 (Swine Flu) is available on the Lehigh County Website.
2. The Ironton Rail Trail Commission will be conducting a workday on Saturday, May 9th, volunteers are welcome to participate.
3. The Ironton Rail Trail Annual 10K Walk/Run will be held on May 17th at Saylor Park in Coplay Boro.
4. Residents should check the EPA Website for the latest updates on the soil and water testing.

NEW BUSINESS:

REQUEST FOR WAIVERS OF AGENDA SUBMISSION TIME

Glenn Solt, on behalf of the Lehigh County Environmental Center, submitted a written request that the Board grant a waiver from the submission date requirement in order that they may be placed on the agenda for the Planning Commission Meeting on May 26 and also that the Board grant a waiver from the submission date requirement in order that they may be placed on the agenda for the Board of Supervisors Meeting on June 3. Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the Board granted the request. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

ATV DRAFT ORDINANCE AMENDMENT DISCUSSION

Atty. Young reported on changes proposed to the draft ordinance based on comments from a meeting of residents and township representatives. Atty. Young noted that the Draft Ordinance should be available for viewing in one week and it will also be posted on the website.

- Michael Butryn, 4369 Anthony Drive, Coplay, presented the Board with a petition of residents in favor of property owners' rights to ride ATVs. He voiced his concerns on the issues of being a considerate neighbor and the proposed restrictions.
- Michele Mitman, 2613 Levans Rd., Coplay, inquired as to how the 50-foot setback restriction was determined.
- Susan Christman, 5043 Egypt Rd., Coplay, voiced her concerns for her children's safety on her own property if the 50-foot setback restriction was eliminated.
- Renee Hamm, 4737 Route 309, Schnecksville, related how adults drive on the private alley behind her home, tearing up the road and causing an unsafe condition.
- Dave Tretter, 3829 Maple St., Allentown, commented on the acreage restriction of the proposed ordinance.
- Tim Bauer, 4615 Anthony Dr., Coplay, asked for a clarification of the acreage required.
- Atty. Young noted that 1.5 acres would be required under the proposed ordinance.
- Terri Grim, 4627 Anthony Drive, Coplay, suggested the restriction should be based on setbacks not acreage because that would discriminate.
- Roger Rearick, 4636 Anthony Drive, Coplay, refuted Ms. Grim's comments.
- Samantha Neas, 4410 Rt. 309, Schnecksville, questioned if property maintenance would be considered an acceptable use.
- Neal Kumernitsky, 4461 Mauch Chunk Rd., Coplay, stated this should not be a township issue, it should be a civil issue between neighbors.
- Ray Michaels, 2229 Neffs Laurys Rd., Slatington, voiced his concerns about the restrictions and acreage.
- Mike McNamara, 4604 Anthony Dr., Coplay, expressed his opinion that this was a matter of respect for one's neighbors.
- Kelsey Kumernitsky, 4461 Mauch Chunk Rd., Coplay, expressed her opinion that anyone should be allowed to ride on his or her own property.
- Sheila Horwith, 4149 Hill St., Coplay, felt the township ordinance should not mirror the state law because the state law refers only to state lands and that this should not even be a township issue, it should be a civil or criminal issue.
- Renee Hamm, 4737 Route 309, Schnecksville, felt the township needed the ordinance in order for the State Police to respond to complaints.
- Chuck Horwith, 2560 Neffs Laurys Rd., Schnecksville, related his experience with a State Police response on Neffs Laurys Road.
- Terri Grim, 4627 Anthony Drive, Coplay, responded to Ms. Hamm's concerns.
- Dave Tretter, 3829 Maple St., Allentown, inquired if the State Police can ticket residents under the township ordinance.
- Carol Rearick, 4636 Anthony Drive, Coplay, complained about the creation of racetracks on conjoined lots.

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- Brian Neas, 4410 Rt. 309, Schnecksville, Inquired about provisions in the ordinance for event permits and suggested that in fairness the quarter midget racing at Schnecksville Fire Company should be held accountable for exceeding the noise limits and racing after hours.
- Sheila Horwith, 4149 Hill St., Coplay, asked for clarification on racetracks.
- David Thackray, 2844 Rockdale Rd., Slatington, inquired about the areas within the township that have complaints and how the township plans to be consistent in its' approach to addressing the problem.
- Several residents requested the names of other complainants.
- Terri Grim, 4627 Anthony Drive, Coplay, asked who would be responsible for enforcement, the State Police or the Zoning Officer.
- Ray Michaels, 2229 Neffs Laurys Rd., Slatington, and Dave Tretter, 3829 Maple St., Allentown, asked for clarification of the enforcement of an ordinance versus a state law.
- Josh Mitman, 2613 Levans Rd., Coplay, stated he just wants to ride and respects his neighbors.
- Sheila Horwith, 4149 Hill St., Coplay, related her experience with youthful riders on her property.
- Terri Grim, 4627 Anthony Drive, Coplay, asked if her grandchild could ride in her yard under the current ordinance.
- Supervisor Stahley read sections of the current ordinance.
- Roger and Carol Rearick, 4636 Anthony Drive, Coplay, stated the current ordinance did not allow for riding across property lines even with permission from property owners.

Supervisor Stoudt concluded the comment period.

REQUEST FOR RELIEF FROM MUNICIPAL LIENS

Atty. Young noted that of the 6 Municipal liens that were recently placed on properties for failure to pay sewer tap-in fees, 3 requested relief from payment as noted below:

The Granite Group requested to establish a payment plan. Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board approved the acceptance of payments at a 6% interest rate and that payment in full must be completed by December 31, 2009. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

Dale Ziegler, 3980 Portland St., Coplay, requested relief from tap-in fees for a dwelling unit, which is used for storage. Upon motion by Ronald E. Stahley, seconded by Terry P. Stoudt, the Board approved exemption from the fee if owner removes bathroom facilities, water line is filled with concrete or removed, township representatives must perform an inspection of removal and the facilities may not be replaced in the future. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

Ken-B-Vic, 2708 Limestone St., Coplay, requested relief from tap-in fees for a warehouse without facilities. Upon motion by Ronald E. Stahley, seconded by Terry P. Stoudt, the Board approved exemption from the fee if owner allows township representatives to perform an inspection to verify the lack of facilities. 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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AWARD OF BID PROPANE FUEL

Upon motion by Terry P. Stoudt, seconded by Ronald J. Heintzelman, the contract for propane fuel was awarded to Suburban Energy at their low bid price of .4058 cents over the Mont Belview, Texas daily listing. Roll call: Terry P. Stoudt - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

ADDITIONAL ANNOUNCEMENTS

Supervisor Heintzelman announced the following:

- Phone book recycling would take place from June 15 until August 15. Residents may place unwanted phone books in a dumpster located in front of the municipal building.
- No more building materials, pressure treated wood, or pallets may be dumped in the recycling area behind the municipal building.
- Supervisor Heintzelman thanked the volunteers who participated in the annual clean up and also thanked the Schnecksville Fire Company for the use of their property.

COMMUNICATIONS

PA Bulletin
Principal Financial 2008 Annual Report & Proxy
PLGIT Annual Report

ADJOURNMENT Meeting adjourned at 8:41 PM.

Respectfully submitted,

Brenda Norder, Secretary

NWT Comprehensive Plan

Fourth Hearing May 6, 2009

Atty. Lisa Young: I hereby convene this hearing for the purpose of continuing and setting the date for the next hearing. We have recently received updated sewer plan drafts and these plans need to be reviewed by the Township prior to action on the proposed Comprehensive Plan in an attempt to make the two documents consistent. We will not discuss or receive testimony this evening on the Comprehensive Plan and will resume the discussion and receive any testimony at the fifth hearing. Thank you for your patience.

Supervisor Terry Stoudt: I hereby move to hold the fifth hearing on May 20, 2009, beginning at 7:00 PM.

Supervisor Ronald Heintzelman: Second.

Secretary: Roll call.

Terry P. Stoudt: Yes.

Ronald E. Stahley – Absent.

Ronald J. Heintzelman: Yes.

The above record represents a verbatim transcript of the proceedings on May 6, 2009.
