

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
NORTH WHITEHALL TOWNSHIP MUNICIPAL BUILDING
OCTOBER 5, 2010**

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, Ronald J. Heintzelman, and Jerry Joseph, Attorney Lisa Young, Planning Engineer Steve Gitch, and Secretary/Treasurer Brenda Norder.

APPROVAL OF PREVIOUS MINUTES

Upon motion by Jerry Joseph, seconded by Ronald J. Heintzelman, the minutes of the following meeting were approved as presented: 1. September 21st Board of Supervisors Meeting; and a correction to the September 7th minutes that shall be corrected to read: the Schnecksville Elementary School, not the Ironton School, conducted the Halloween poll. Roll Call: Jerry Joseph-yes; Ronald E. Stahley -yes; Ronald J. Heintzelman –yes.

ANNOUNCEMENTS

1. The Township Offices will be closed Monday, October 11th for the Columbus Day Holiday.
2. Township trick or treat night will be held on Friday, October 29th from 6-8 PM.
3. Recreation Board member Dennis Barr requested it be announced that on October 12th, from 7-10 PM, he will be conducting a glow in the dark disc golf game at the Neffs Valley Park, in case residents of adjoining properties notice lights and people in the park after dark.
4. Supervisor Heintzelman noted an error in the latest newsletter. There will be no brush picked up during the leaf pick-up as stated in the newsletter. Flyers will be mailed out to residents with correct information. The recycling center is closed on all holidays.

COMMENTS FROM THE AUDIENCE: There were no comments.

TREASURER'S REPORT

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the September Treasurer's report was approved as presented and the Treasurer was authorized to disburse checks #4112-4204. Roll Call: Jerry Joseph-yes; Ronald E. Stahley -yes; Ronald J. Heintzelman –yes.

OLD BUSINESS:

Supervisor Joseph discussed his rebuttal to the Solicitor's opinion letter, regarding the 45-day deemed approved issue that resulted from a rezoning hearing on August 3, 2010. He would like to have independent counsel review the issue since he feels there is not conclusive evidence to support the guidance given to him at that meeting. Discussion ensued.

Motion - Upon motion by Jerry Joseph, seconded by Ronald E. Stahley, the Secretary was directed to contact the Lehigh County Bar Association to seek an attorney who would provide guidance on this issue. Roll Call: Jerry Joseph-yes; Ronald E. Stahley -yes; Ronald J. Heintzelman –yes. There were no public comments on this item.

Supervisor Joseph also discussed the suggested job description, outlining a full-time position for a crime prevention coordinator, written and submitted by Ernie Atiyeh. After Board discussion, it was decided this issue would be deferred to future consideration.

- Mark Hills, River Rd., Laurys Station, inquired how many 2nd class townships, without police, have such a position.

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- Harold Smith, Park Valley Road, Schnecksville, asked Supervisor Joseph why he (Mr. Joseph) couldn't do this job.
- Rodney Afflerbach, Richenbacker Ct, Orefield, stated that due to the efforts of Ernie their crime association has been a success.
- Ernie Atiyeh, Allentown, noted that with a 104 developments in the township, he feels it warrants a full-time position.
- Susan Gottwald, Steeple Chase Dr, Schnecksville, suggested obtaining grant funding for the position.

RESOLUTION 10-05-10 WAL-MART LAND DEVELOPMENT FINAL

Bud Newton and Atty. Erich Schock presented the Wal-Mart Land Development to the Board. Atty. Schock gave a recap of the Plan. Steve Gitch commented on his review letter of September 16, 2010.

- Atty. Jeff Dimmich, Lindbergh St, Orefield, submitted documents for the record with regard to the sanitary sewer issue and stated he felt that Wal Mart had not complied with the SALDO requirements and asked for the Board to deny the Plan.
- Atty. Young clarified points regarding court cases on conditioned approvals and points related to evidence submitted by Atty. Dimmich.
- Mark Hills, River Rd., Laurys Station, stated that if the sewer isn't available after the store is built it couldn't obtain a Certificate of Occupancy.
- Nancy Braymer, Orefield, asked for clarification on Mr. Gitch's example of the Timberidge sewer.
- James Gottwald, Steeple Chase Dr., Schnecksville, asked how a building could be started if it's not clear where the sewer lines should go.
- Molly Cygan, Rt. 309, Schnecksville, asked if the presence of public sewer meant that the residents would be forced to hook up.
- Kathy Bryan, Woodlea Road, Orefield, inquired as to how the township could give an approval with so many questions and unknowns.
- More discussion ensued.
- The Applicant refused to grant any more time extensions.

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, Resolution 10-05-10 approved the Wal-Mart Plan was approved as a Final subject to the conditions #1-24 of May 4, 2010, of the approved Preliminary Plan, with the notation that items #6, #7, and #8 have been satisfied and confirmed by the Planning Engineer.

Roll Call: Jerry Joseph-no; Ronald E. Stahley -yes; Ronald J. Heintzelman -yes. Motion carried.

NEW BUSINESS:

PARTIAL RELEASE OF LETTER OF CREDIT PARADISE ESTATES

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, the Board accepted the written recommendation of the General Planning Engineer Stephen Gitch, dated September 30, 2010 and approved a partial release of the Letter of Credit for the Paradise Estates Subdivision, leaving a balance of \$8,500.00 in the account. Roll Call: Jerry Joseph-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

Supervisors Stahley and Heintzelman made statements noting that they would abstain from voting due to a potential conflict as both are members/officers of one of the fire companies. After stating the

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Allocations continued . . .

potential conflict and their wish to abstain from voting, a quorum would not have been met to act on the disbursements. Upon motion by Jerry Joseph, seconded by Ronald E. Stahley, the Treasurer is authorized to distribute the 2010 budgeted allocations to the Service Organizations and the Senior Citizens as follows:

Each fire company	\$26,000.00	Laurys Station Keen-agers	700.00
ESO	11,000.00	Schnecksville Senior citizens	950.00
NOVA	46,000.00		

Roll Call: Jerry Joseph-yes; Ronald E. Stahley -yes; Ronald J. Heintzelman –yes. There were no public comments on this item.

PENSION REQUIREMENT ESTIMATE FOR 2011

Treasurer Brenda Norder presented an estimate of the municipal obligation for the North Whitehall Township Retirement Plan for the year 2011 to be \$ 43,922.00. Income from State Pension Aid is projected to be \$ 65,990.00. A total estimate of \$ 109,912.00 is projected in pension expenses for budgetary figures.

BUDGET DISCUSSION

Preliminary budget discussions were held.

ADDITIONAL COMMENTS

- Atty. Young noted that she had distributed draft copies of the Nuisance Trash Ordinance.
- Supervisor Heintzelman announced that it was National Fire Prevention Week and everyone should check his or her smoke detectors.
- Mark Hills, River Rd., Laurys Station, noted that all the concerned residents left before the budget discussions.
- Christine Smith, Park Valley Road, Schnecksville, stated there was a pothole on Route 329 near the church intersection.
- Ed Zeigler, Slatington, commented on the oil and chip job done by PADOT and inquired about the status of the compost facility.
- Richard Getz, Mauch Chunk Rd., Coplay, also commented on the oil and chip job done by PADOT.

Supervisor Stahley announced an Executive Session following the meeting for the purpose of Real Estate discussion.

COMMUNICATIONS

Lehigh County Authority Annual Report
PA One Call Annual Report
PA Bulletin
Copy of the Magisterial Court Audit

ADJOURNMENT Meeting adjourned at 10:00 PM

Respectfully submitted,

Brenda Norder, Secretary