

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
NORTH WHITEHALL TOWNSHIP MUNICIPAL BUILDING
FEBRUARY 16, 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, Jerry Joseph, Ronald J. Heintzelman, Attorney Lisa Young, Traffic Engineer Cindy Mc Cormick, General Planning Engineer Steve Gitch and Secretary/Treasurer Brenda Norder.

APPROVAL OF PREVIOUS MINUTES

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, the minutes of the following meeting were approved as presented: 1. February 2nd Board of Supervisors Meeting. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

ANNOUNCEMENTS

1. Tires will not be accepted for recycling until April 1st, 2010
2. Supervisor Joseph noted that the 10 PM adjournment time for the meeting is in effect.

COMMENTS FROM THE AUDIENCE:

- Nancy Braymer, 3532 Apple Road, Orefield, asked for clarification regarding the Fire Company rezoning issue before the Planning Commission.
- Atty. Joseph Bubba, Fitzpatrick, Lentz and Bubba, requested Supervisor Joseph voluntarily recuses himself and noted his concern that one of the Elected Auditors is the attorney for the objectors.
- Atty. Erich Schock, Fitzpatrick, Lentz and Bubba, stated that he plans to move forward with the Plan presentation and not seek an injunction.
- Richard Getz, 3333 Mauch Chunk Road, Coplay, noted that homeowners have not shoveled some hydrants out. General discussion ensued.
- Mark Hills, 4045 River Drive, Laurys Station, commended the Township for a great job of clearing the snow.

TREASURER'S REPORT

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Treasurer was authorized to disburse General Fund checks # 3309-3359. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

OLD BUSINESS: No Old Business.

NEW BUSINESS:

AUTHORIZATION OF APPLICATION PIB LOAN

Upon motion by Jerry Joseph, seconded by Ronald J. Heintzelman, the Solicitor is authorized to make application to secure a loan from the PA Infrastructure Bank, as it relates to the NW1/309 project. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

- Mark Hills, 4045 River Drive, Laurys Station, asked how much would be needed for the loan.
- Nancy Braymer, 3532 Apple Road, Orefield, asked what caused the debt and would any of the other entities involved be responsible for a portion of it.

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USE OF TRAFFIC IMPACT DONATIONS

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, the Board approved the use of \$500,000.00 from the Traffic Impact Fund to pay invoices for the NW1/309 Project. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

- Nancy Braymer, 3532 Apple Road, Orefield, asked how will the Township pay back the loan.

RESOLUTION 02-16-10 VANDUZER RIGHT-OF-WAY

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, Resolution 02-16-10 was adopted. Resolution 02-16-10 accepts land for Right-of-Way along Oakland Road located in the lands of James Van Duzer. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

BUILDING CODES APPEAL BOARD APPOINTMENT CORRECTION

An error was noted in the Organization Minutes of January 4, 2010. Scott Bigley was appointed as an alternate to the Building Codes Board of Appeal for the years 2010 through 2013. He should have been appointed as a regular member of the Building Codes Board of Appeal for the years 2010 through 2011. Upon motion by Jerry Joseph, seconded by Ronald E. Stahley, Scott Bigley was appointed to the Building Codes Board of Appeal for the years 2010 through 2011. 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 IRONTON RAIL-TRAIL ALLOCATION

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, the Treasurer is authorized to distribute the 2010-budgeted allocation of \$500.00 to the Ironton Rail-Trail Oversight Commission. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZATION TO DISTRIBUTE SCHNECK HOUSE ALLOCATION

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, the Treasurer is authorized to distribute the 2010-budgeted allocation of \$2,000.00 to the Upper Lehigh Historical Society's Schneck House. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

RESOLUTION 02-16-10A HIPAA BUSINESS ASSOCIATE AGREEMENT

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, Resolution 02-16-10A was adopted. Resolution 02-16-10A authorizes the Chairman to sign the Business Associate Agreement between the Township and the PA Municipal Health Insurance Cooperative (PMHIC). This action fulfills the compliancy requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, by incorporating policies for the Health Information Technology for Economic & Clinical Health Act into the Agreement. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

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SIGN HIPAA PLAN DOCUMENT AMENDMENT

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, the Board authorized the Chairman to sign the Plan Document Amendment. This action fulfills the compliancy requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, by incorporating policies for the Health Information Technology for Economic & Clinical Health Act into the Plan. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

REVISION OF JOB DESCRIPTION

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board approved the following addition to the Privacy Officer's job description: Notifying or overseeing the notification of individuals, the media and the Department of Health and Human Services of any breach of unsecured PHI, in accordance with the provisions of the HITECH Act. This action fulfills the compliancy requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, by incorporating policies for the Health Information Technology for Economic & Clinical Health Act into the job description. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

WAL-MART LAND DEVELOPMENT PRELIMINARY

Atty. Erich Schock and Bud Newton presented the Wal-Mart Land Development to the Board. Discussion ensued between the Board and the Wal-Mart representatives.

- Lynn Serfass, 5522 Roberts Rd., Schnecksville, expressed her concerns that Wal Mart's traffic study did not address the Rt. 309 and Kernsville intersection. She also expressed hope that Wal Mart would consider using native plantings and trees to encourage habitats for birds.
- Joan Casari, 4209 Iroquois Street, Schnecksville, asked what Wal Mart plans to do to help the Rt. 309 and Schneck Road intersection.
- Nancy Braymer, 3532 Apple Road, Orefield, inquired why the Kernsville intersection was not included in Wal Mart's traffic study and why wasn't a 5-mile radius study considered to determine the impact on side roads.
- Charles Knauss, 3525 Apple Road, Orefield, asked how many vehicles currently go past the Rt. 309 and Levans Rd. intersection and how much of an increase will there be with the addition of a Wal Mart. He also commented on the issue of contacting South Whitehall Township for their opinion about the development.
- Mark Hills, 4045 River Drive, Laurys Station, asked if people really think Wal Mart wants to create traffic gridlock, which would be detrimental to their store and stated that he feels Wal Mart has made generous attempts to correct potential problems. Discussion ensued.

WAL-MART LAND DEVELOPMENT EXTENSION OF TIME

Upon motion by Ronald J. Heintzelman, seconded by Jerry Joseph, the Board accepted an extension of time, until March 16, 2010, in order for the Board to review the Wal-Mart Land Development. The Plan will be on the March 2, 2010 agenda. Roll call: Jerry Joseph - yes; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

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CLEANUP QUOTES

Supervisor Heintzelman reported that he received the following quotes, for tonnage and hauling, for the Spring Cleanup: Mascaro, \$215.00, Berger, \$220.00 and Waste Management, \$243.50. Awarding of the bids, pending a review by the solicitor, will be announced at a later meeting.

- Supervisor Heintzelman reported that Ernie Atiyeh submitted payment for 3 meetings and requested business cards and it was his understanding that provisions were made at the Board of Supervisors' January 19th meeting to pay the meeting facilitator for one meeting a month. It was confirmed that Supervisor Heintzelman was correct. It was also determined that the Neighborhood Watch Committee could produce their own business cards or that they could be produced in-house, however the Township logo shall not be printed on the cards.
- Joan Casari, 4209 Iroquois Street, Schnecksville, reported that a snow stake was sticking out in the line of travel on Schneck Road and questioned whether or not sidewalks must be shoveled.

COMMUNICATIONS

1. Notice of Pension Audit
2. Training brochures

ADJOURNMENT Meeting adjourned at 10:02 PM.

Respectfully submitted,

Brenda Norder, Secretary