

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
NORTH WHITEHALL TOWNSHIP MUNICIPAL BUILDING
APRIL 6, 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, Attorney Lisa Young, Traffic Engineer Cindy Mc Cormick, and Secretary/Treasurer Brenda Norder. Supervisor Jerry Joseph was absent.

APPROVAL OF PREVIOUS MINUTES

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the minutes of the following meeting were approved as presented: 1. March 16th Board of Supervisors Meeting; 2. April 5th Bid Minutes. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

The Board held an Executive Session on March 18, 2010 for the purpose of discussing personnel matters.

ANNOUNCEMENTS

1. An aide from Senator Browne's office will meet with residents in the public meeting room, on Friday, April 9th, from 9 AM to 1 PM to answer questions about and provide assistance in completing the 2009 Property Tax/Rent Rebate applications.
2. Township Cleanup will be held at the Schnecksville Fire Company property on April 23, 10 AM to 2 PM and April 24, 8 to 11 AM.
3. The April 20, 2010 regularly scheduled North Whitehall Township's Board of Supervisors' meeting has been canceled. The meeting is rescheduled for Monday, April 26, 2010.
4. A representative from the Census Bureau is available at the Township Building to assist residents in completing the 2010 census form. Hours are Monday through Friday 10 AM to 1 PM until April 19th
5. The latest EPA pollution report is on their website.

COMMENTS FROM THE AUDIENCE:

- Nancy Braymer, 3532 Apple Road, Orefield, inquired about the yard waste recycling hours.
- Ernie Atiyeh, Allentown, presented a report on the North Whitehall Township/Neighbor Watch program. A copy of the report will be placed on the website.

TREASURER'S REPORT

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the March Treasurer's report was approved as presented and the Treasurer was authorized to disburse General Fund checks #3483-3551. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

OLD BUSINESS: No old business.

NEW BUSINESS:

Chairman Stahley recessed the regular meeting in order to conduct a Public Hearing on the following Ordinance:

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
APRIL 6, 2010 PAGE 2**

**PUBLIC HEARING ORDINANCE 2010-1 COMMUNITY FIRE COMPANY #1
AMENDING THE NORTH WHITEHALL TOWNSHIP ZONING ORDINANCE OF 2002**

Attorney Lisa Young noted that the proposed Ordinance had been duly advertised. She stated that in order for the full Board to be present for the discussion on proposed Ordinance 2010-1, the Fire Company granted the Supervisors' request to continue the Hearing until May 18, 2010. No discussion or testimony took place. A copy of the transcript of the hearing shall be placed in the Minute Book.

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board continued the Hearing until May 18, 2010. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. Chairman Stahley adjourned the Public Hearing.

LCCC ORCHARD ROAD REALIGNMENT & BERRIER HALL ADDITION FINAL

Scott McMackin, Carl Peckitt, Larry Ross and Atty. Jerry Frank, presented the Lehigh Carbon Community College Orchard Road realignment and Berrier Hall Addition Plan, to the Board. Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, 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 March 17, 2010.
2. The Developer shall comply with all of the recommendations contained in the letter from the Zoning Officer dated March 19, 2010.
3. The Developer shall comply with all of the recommendations contained in the letter from the Traffic Engineer dated March 22, 2010.
4. The Developer shall comply with all of the recommendations of the Planning Commission Meeting of March 23, 2010.
5. The Developer shall comply with all of the provisions contained in the Planning Administrator's checklist letter dated March 26, 2010.
6. The Developer shall provide for maintenance of shared snouts via contract or escrow.
7. The Developer shall provide additional right-of-way along Orchard Road, the description of which shall be to the satisfaction of the Township Planning Engineer and the form of which shall be to the satisfaction of the Township Solicitor.
8. The roadside swale, along Orchard Road south of its intersection with Education Park Drive, shall be addressed to the satisfaction of the Township Planning Engineer.

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

LCCC ORCHARD ROAD REALIGNMENT & BERRIER HALL FEES

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board waived the Traffic Impact contribution and the Recreation fees for this plan. The Board members present opined that relocating the roadway to create a safer condition and the promised continued use of LCCC athletic fields by local organizations were sufficient contributions. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

WAL-MART LAND DEVELOPMENT PRELIMINARY

Chairman Ronald Stahley presented a draft outline of proposed conditions to Wal-Mart representatives, Atty. Joseph Bubba and Bud Newton. Atty. Bubba indicated they would take the proposed conditions under consideration and appear before the Board at a later date. A synopsis of the draft conditions is as follows:

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
APRIL 6, 2010 PAGE 3**

Community Impact Topics

1. All conditions covered by SALDO, Zoning and reviewing consultants or agencies are incorporated herein by reference.
2. Holding tanks shall not be considered for wastewater disposal.
3. No additional expansion of the building envelope shall be allowed.

Traffic Improvement Plan

1. The developer shall contribute \$3,000,000.00 to the Traffic Improvement Fund, \$1,000,000.00 due at preliminary approval, final approval and building permit issuance.
2. The developer shall fund additional improvements at the Rt. 309/Sand Spring Rd./Education Park Dr. project.
3. An after-study shall be conducted as per the Spotts, Stevens & McCoy letter of February 9, 2010 with the addition of Rt. 309 and Kernsville/Orefield Rds. intersection.
4. The developer shall provide for and fund synchronization of traffic signals along Rt. 309 corridor from Pennsylvania Drive to and including Shankweiler Rd.

Roadway Utilization Plan

1. Signage shall be limited to options allowed by Zoning Ordinance. There shall be no changeable message signs. The Developer shall not apply for relief from the requirements of the Zoning Ordinance.
2. There will be no involvement of the Township in roadway maintenance, storm water management, sidewalk maintenance, curbing, lighting, etc.

Store Operations

1. No deliveries may be made during quiet hours as per the Zoning Ordinance.
2. Delivery vehicles shall not idle in accordance with Act 124 of 2008. Signs shall be posted in appropriate areas.
3. Litter and debris shall be cleaned up daily.
4. Exterior building equipment, i.e. dumpsters, compactors, etc. shall be kept clean and operated only within the hours of 7AM and 10 PM.
5. There shall be no tractor-trailer, tractor, trailer, camper or motor home or other commercial or recreational vehicle parking, other than that of vehicles making deliveries to the facility, which must be parked in the loading area. The property must be posted as such, and it shall be the obligation of an on-site staff person to enforce this requirement.
6. There shall be no storage of goods in trailers parked on the premises.
7. Site lighting shall be reduced to 50% from midnight to 6 AM, or the minimum safe level in the case of 24-hour operation.
8. Exception shall be security lighting at all entries or other areas where code requirements may supercede this condition.

Construction Activities

1. Schedule – 7 AM to 7 PM daily; 7 AM to 4 PM Saturday; No exterior Sunday construction. Interior store set-up shall be allowed on Sunday.
2. The Wal-Mart on-site construction manager shall address complaint resolution.

Fire Protection Plan

1. For supplemental training and equipment funding, the Developer shall contribute \$250,000.00 to the Emergency Services Long Term Capital Reserve Fund at the time of final approval.

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
APRIL 6, 2010 PAGE 4**

2. Developer shall contribute \$100,000.00 to the ESLTCR fund annually. This amount shall be reviewed every five years.
3. The Developer shall fund and pay the annual fee for all on-site fire hydrants.

Post Opening Conflict Assessment and Resolution Operations

1. An advisory Board shall be created consisting of 2 representatives of Wal-Mart store or regional management; 2 store non-management employees; 2 community members of the North Whitehall for Sustainable Development; and 2 members of the community at large.
2. Said Board shall meet monthly for the first six months of operation and a minimum of quarterly thereafter for the first five years of operation.

Community Impact Fund

1. Developer shall contribute \$50,000.00 annually to Open Space/Recreation funding. This amount shall be in addition to the original requirement imposed at final approval.

Self-Security Plan

1. Developer shall contribute the cost of one full-time PA State Police officer annually. If and when a local or regional police department is established, the cost of one and one-half full-time officer's salary and benefits shall be contributed annually.
2. Developer shall provide full-time (24/7) security on site. Security personnel shall be responsible to patrol neighborhoods within a .5-mile radius for picking up litter and retrieving property owned by the facility (i.e. shopping carts).

Demolition

1. Developer shall secure a Letter of Credit or other escrow to cover demolition costs, if necessary, if the existing use would be abandoned.

Hours

1. The store shall not be a 24/7 operation.

Discussion ensued between the Board and the Wal-Mart representatives for clarification purposes.

- Laura Warmkessel, 2077 Juniper Drive, Coplay, asked for clarification on how a plan could be approved before conditions are met.
- Ernie Atiyeh, Allentown, commented on Act 124 and will signs be posted.
- Charles Knauss, Apple Road, Orefield, asked the Board to explain why store hours could not be limited.
- Doug Wetzel, Schnecksville, commented that Wal-Mart should not be asked to contribute to the costs associated with the NW1/309 improvements since the first owner had plans for development on that site.
- Barbara Burke, 4617 Debbie Ln., Orefield, wanted clarification on the 24 hour of operation restrictions.
- Laura Warmkessel, 2077 Juniper Drive, Coplay, offered comments on the same topic.
- Charles Knauss, Apple Road, Orefield, asked if anything was stated about limiting the noise during construction.

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
APRIL 6, 2010 PAGE 5**

TIMM & NANCY STOUTD EXTENSION OF TIME

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board accepted an extension of time, until June 15, 2010, in order for the Board to review the Minor Subdivision Plan of Timm & Nancy Stoudt and so that the Developer can resolve outstanding issues with Lehigh County Authority. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

COMMUNITY FIRE COMPANY #1 LOT LINE ADJUSTMENT EXTENSION OF TIME

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board accepted an extension of time, until May 4, 2010, in order for the Board to review the Lot Line Adjustment Plan of Community Fire Company #1 and Western Lehigh Valley Corp. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

- Laura Warmkessel, 2077 Juniper Drive, Coplay, inquired about the timing of the extension based on the continuance date for the hearing for rezoning.

ADVERTISE FOR BIDS ROAD MATERIALS, IN-PLACE JOBS, EQUIPMENT RENTAL AND PROPANE

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Secretary is authorized to advertise, as needed, for Road Materials, In-Place Jobs, Equipment Rental and Propane bids for the year 2010. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

RECREATION ALLOCATIONS

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board accepted the recommendation of the Recreation Board and authorized the distribution of the following 2010 allocations to the various organizations:

North Parkland Athletic Association	\$3,000.00
Ormrod Playground Association	4,000.00
Laurys Athletic Association	4,500.00
Schnecksville Playground Association	3,500.00
Orefield Athletic Association	2,000.00
Neffs Playground Association	2,500.00

Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

- Charles Knauss, Apple Road, Orefield, inquired if the allocation amount was the same as last year or was there an increase or decrease.

EMERGENCY SERVICES LONG TERM FUND GRANT TRICLOVER FIRE CO

Tri Clover Fire Company has requested a grant from North Whitehall Township toward the purchase of a new attack truck under Resolution 05-02-01 (amended by Res. 12-19-01E & 01-18-06A), in the amount of \$106,000.00, to be taken over a 2-year period. Resolution 05-02-01 provides for grants from the Emergency Services Long Term Capital Reserve Fund. Station 26 has applied for a federal grant and if they are awarded the grant they will not need the township funds.

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board granted the Tri Clover Fire Company's request for a release in the amount of \$53,000.00. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

- Laura Warmkessel, 2077 Juniper Drive, Coplay, asked what is an attack truck.

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
APRIL 6, 2010 PAGE 6**

RESOLUTION 04-06-10 DCNR SIGNATURE AUTHORIZATION

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board adopted Resolution 04-06 -10. Resolution 04-06-10 authorized the Chairman of the Board of Supervisors to sign documents related to Department of Conservation and Natural Resources Grant application for upgrading the NWT Recreation Park playground. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

RESOLUTION 04-06-10A DCNR SIGNATURE AUTHORIZATION

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board adopted Resolution 04-06-10A. Resolution 04-06-10A authorized the Chairman of the Board of Supervisors to sign documents related to Department of Conservation and Natural Resources Grant application for the Rail Trail completion. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

RESOLUTION 04-06-10B DCNR SIGNATURE AUTHORIZATION

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board adopted Resolution 04-06-10B. Resolution 04-06-10B authorized the Chairman of the Board of Supervisors to sign documents related to Department of Conservation and Natural Resources Grant application for acquisition of Open Space/Recreation. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**RESOLUTION 04-06-10C TREXLER ENVIRONMENTAL CENTER SEWAGE PLANNING
MODULE COMPONENT #2**

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board adopted Resolution 04-06-10C. Resolution 04-06-10C approved a Sewage Plan for New Land Development as it pertained to the plan of Trexler Environmental Center and authorized the Secretary to sign the Planning Module. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AWARD CLEANUP BID

After a review of the bids received for the Spring Cleanup, Supervisor Ronald J. Heintzelman made a motion to award the bid to Waste Management; Ronald E. Stahley seconded the motion. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

TRANSFER OF ESCROW FUNDS FOR PLANNING FEES KRIS ADAMS

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board granted the request of Kris Adams to allow funds from his Legal and Engineering Escrow to be used to pay his Recreation and Traffic Impact fees. The developer must contribute \$200.00 to the Traffic Impact Fund and \$ 2,500.00 to the Recreation Fund. That will leave a balance of \$5,435.06 in the escrow fund. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
MUNICIPAL BUILDING
APRIL 6, 2010 PAGE 7**

COMMUNICATIONS

PSATS brochures
Connect Care 3 newsletter
PA bulletin

ADJOURNMENT Meeting adjourned at 8:52 PM.

Respectfully submitted,

Brenda Norder, Secretary