

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
NORTH WHITEHALL TOWNSHIP MUNICIPAL BUILDING
FEBRUARY 13, 2012**

Chairman Ronald J. Heintzelman 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 J. Heintzelman, Jerry Joseph, Steve Pany, Manager Jeff Bartlett, Attorney Lisa Young and Secretary/Treasurer Brenda Norder.

APPROVAL OF PREVIOUS MINUTES

It was incorrectly stated at the Organizational meeting that the Zoning Hearing Board met on the 2nd Tuesday of each month. They meet on the 3rd Wednesday of each month. Upon motion by Steve Pany, seconded by Jerry Joseph, the minutes of the following meetings were approved: 1. January 3, 2012, Board of Supervisors Organizational Meeting, as corrected. 2. January 23, 2012 Special Board of Supervisors Meeting and 3. January 30, 2012 Bid Opening Minutes. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

ANNOUNCEMENTS

1. Tires will not be accepted for recycling until April 1st, 2012.
2. The Municipal Offices will be closed Monday, February 20th for the Presidents' Day Holiday.
3. Aides from Senator Browne's office will meet with residents in the public meeting room, on Thursday, March 8th, from 10 AM to 1 PM to answer questions about and provide assistance in completing the 2011 Property Tax/Rent Rebate applications.

COMMENTS FROM THE AUDIENCE:

- Kathy Bryan, Orefield, noted that the prior year calendars were removed from the website and asked that they be restored.
- Phil Wehr, Neffs, inquired if the Manager has assumed all the responsibilities previously performed by the Municipal Coordinator.
- Nick Felegy, Orefield, questioned why the Zoning Officer has to wait for direction from the Board in order to proceed with pursuing East Penn Trucking.
- Ronald Roth, Schnecksville, asked if anyone has contacted the excavator working at Weis Market to get the ground for fill for the Neffs Pool.

TREASURER'S REPORT

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the January Treasurer's report was approved as presented and the Treasurer was authorized to disburse checks # 5734-5840. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

OLD BUSINESS: There was no old business.

NEW BUSINESS:

DINBOKOWITZ SUBDIVISION EXTENSION OF TIME

Upon motion by Jerry Joseph, seconded by Steve Pany, to accept a 90-day extension of time, until May 21, 2012, in order for the Board to review the Dinbokowitz Subdivision Plan. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

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BROOK HILL ESTATES

REDUCTION OF LETTER OF CREDIT

The Board received a written recommendation of the General Planning Engineer Stephen Gitch, dated January 17, 2012 for the release of \$ 66,000.00 from the Maintenance and Improvements Letter of Credit for Brook Hill Estates, leaving a balance of \$ 72,426.00 in the account. The Solicitor noted that the Developer was in arrears in another escrow and had previously authorized transfer of funds between the two accounts. She suggested withholding \$2,000.00 from the recommended release to be used to replenish the account in arrears. Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board authorized the release of \$64,000.000 from the Letter of Credit for Brook Hill Estates, leaving a balance of \$ 74,426.00. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes.

- Brian Horwith, Coplay, inquired if the township can switch monies between two different escrows.

RESOLUTION 02-13-12

APPOINTMENT OF A CPA

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board adopted Resolution 02-13-12. Resolution 02-13-12 appointed the accounting firm of Buckno, Lisicky & Co. to conduct the North Whitehall Township fiscal year 2011 audit. The intention to appoint was duly advertised. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes.

- Mike Basta, Schnecksville, asked if there was a RFP used to chose this firm.
- Mark Hills, Laurys Station, commented that they were a premier firm in the area.

RESOLUTION 02-13-12A

AMEND FEE SCHEDULE

Upon motion by Jerry Joseph, seconded by Ronald J. Heintzelman, the Board tabled Resolution 02-13-12A. Resolution 02-13-12A proposed to amend and revise the schedule of fees for item #12 Subdivision and Land Development Submission Fees as follows:

1. 2 Lots or less	\$ 250.00 per lot
2. 10 Lots or less	500.00 per lot
3. 30 Lots or less	750.00
4. 31 st Lot +	1,000.00
5. Land Development	Amount would stay same

Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes.

- Brian Horwith, Coplay, stated he was confused by the conflicting reasons for this resolution, he felt it was ill advised to reduce a revenue stream, the Board should not lower any fees.
- Bruce Stettler, Schnecksville, commented that the township does not have the highest fees and that he is opposed to this resolution.
- Nancy Braymer, Orefield, stated the reduction does not make sense.
- Karen Komlos, Orefield, stated we need to do what's best for the township and not worry about being competitive with other townships.
- Phil Wehr, Neffs, asked if the issue is really to promote growth or to stay within our tax base.
- Kathy Bryan, Orefield, inquired if there was proof that developers were pushed away because of our fees.
- Mark Hills, Laurys Station, stated he felt people would be willing to pay more for living in a certain area.
- John Roberts, non-resident, suggested the Manager survey the surrounding township for their fees.
- Ronald Roth, Schnecksville, asked if non-residents could make suggestions and comments.
- Dennis Komlos, Orefield, asked if township costs are being covered.

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RESOLUTION 02-13-12B

PLAN RESTATEMENT FOR DEFERRRED PENSION

Upon motion by Jerry Joseph, seconded by Steve Pany, the Board adopted Resolution 02-13-12B. Resolution 02-13-12B adopted an amendment and restatement to the Valic Deferred Compensation Plan in order to bring the plan up to date regarding recent legislative changes for retirement plans. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

AUTHORIZATION TO ATTEND SEMINAR & MILEAGE REIMBURSEMENT

Upon motion by Jerry Joseph, seconded by Steve Pany, the Board authorized Planning Commission Chairman Rich Celmer to attend a planning seminar on March 3rd and for mileage reimbursement. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

REQUEST FOR EXONERATION FROM COLLECTION OF DELINQUENT STREET LIGHT TAXES

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

5718 Rt. 873	2007	\$35.00
5718 Rt. 873	2006	\$23.57
5718 Rt. 873	2004	\$18.00
5718 Rt. 873	2003	\$18.00

Upon motion by Steve Pany, seconded by Jerry Joseph, the Board granted the request of the GH Harris and exonerated them from the collection of the above-mentioned delinquent street light taxes. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

REFUND OF REAL ESTATE TAXES

Upon motion by Steve Pany, 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, on the following properties:

3332 Stephen St.	\$ 9.23	5211 Egypt Rd.	\$41.89
2823 Willow St.	\$12.53	5131 Hoffmansville Rd.	\$10.51
4881 Scheidys Rd.	\$ 7.31	2801 Hillcrest Dr E	\$56.30
2319 Old Post Rd.	\$ 5.56	4029 Mauch Chunk Rd.	\$ 6.40
4737 Mill Rd.	\$21.38		

Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes.

- Ricky Harring, Schnecksville, asked what would happen if everyone started requesting assessments.
- Mark Hills, Laurys Station, inquired when would Lehigh County start the re-assessments.

REQUEST FOR WAIVER OF AGENDA SUBMISSION TIME

PIZZA HUT

Matthew Baumgardt submitted a written request that the Board grant a waiver from the submission date requirement in order that his application may be placed on the agenda for the Planning Commission Meeting on February 28 for a Special Exception Use Application.

Supervisor Pany read a statement noting that he would abstain from voting due to a potential conflict, as he is the president and a partner in the firm of Pany & Lentz, engineers for Pizza Hut.

Supervisor Heintzelman made a motion to grant the waiver, hearing no second the motion died.

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Pizza Hut continued . . .

- Phil Wehr, Neffs, stated he detected a potential conflict of interest if Supervisor Pany intends to presents plans in the future.
- Chuck Braymer, Orefield, stated this action doesn't look good, has the appearance of impropriety.
- Jeanene Bauer, Orefield, inquired about the store's location.

AWARD FUEL BIDS

Upon motion by Jerry Joseph, seconded by Ronald J. Heintzelman, the Board awarded the 2012-2013 contract for gasoline to Atlantic Coast Energy and the contract for diesel fuel to Taylor Oil Company. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

AUTHORIZATION TO DISTRIBUTE SCHNECK HOUSE ALLOCATION

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Treasurer is authorized to distribute the 2012-budgeted allocation of \$2,000.00 to the Upper Lehigh Historical Society's Schneck House. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

EMPLOYEE PAY RATES & HEALTH BENEFITS REIMBURSEMENTS

Upon motion by Jerry Joseph, seconded by Steve Pany, the Board set an increase of 2.75% as the rate for non-union employee compensation and a health cost reimbursement of 7% of the premium for 2012. Both shall be retroactive to January 1, 2012. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

MANAGER'S REPORT:

SEPTIC AGREEMENT LETTER FOR SCENIC ACRES

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board authorized the Manager to sign a maintenance agreement letter to be submitted to DEP with the planning module for Scenic Acres. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes.

- Eugene Wolfgang, Orefield, inquired if there was known contamination on the site.

NW1/309 UTILITY PAYMENT IRONTON PHONE COMPANY

Manager Jeff Bartlett gave a synopsis of unused Federal funding in the NW1/309 Utility Account available to reimburse Township payment of outstanding utility costs. Upon motion by Jerry Joseph, seconded by Steve Pany, the Board authorized payment to the Ironton Phone Company for fees related to the NW1/309 project, to be reimbursed from the NW1/309 Utility Account funds. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes.

- Jeanene Bauer, Orefield, asked if the 2.5 million dollar PIB loan had been approved.

HEATING OIL AND UNDERGROUND TANK REMOVAL

Mr. Bartlett gave a summary on previously obtained quotes regarding the removal of an abandoned underground tank filled with heating oil. Various options were discussed.

Upon motion by Steve Pany, seconded by Jerry Joseph, the Board authorized the Manager and the Solicitor to pursue the option of offering the fuel to the emergency services entities and temporarily capping the tank and to investigate costs for removing the tank. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes.

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TANK REMOVAL continued . . .

- Ricky Harring, Schnecksville, suggested emergency services should have a chance to purchase the fuel at a discount and that the funds could cover the cost of removing the tank.
- Eugene Wolfgang, Orefield, suggested having township forces excavate the tank and have a 3rd party contractor test the soil.
- Kathy Bryan, Orefield, inquired about the lowest bid for tank removal.
- Ronald Roth, Schnecksville, suggested the fire companies purchase the oil and the township keep the tank for future diesel storage. He also asked which fire company would be responsible if there was a spill.
- Blaine Bauer, Orefield, asked the age of the tank.
- Samantha Neas, Schnecksville, stated all fire companies and the ambulance should have an option to buy the oil.

ADDITIONAL NEW BUSINESS:

WELL ISOLATION DISTANCE EXEMPTION & GROUNDWATER STUDY WAIVER REQUEST

Sewage Enforcement Officer, Scott Bieber submitted a letter dated February 9, 2012, to the Board, requesting a well isolation distance exemption and groundwater study waiver for Jerry Knafo, 2243 Red Hill Road, be granted. Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board granted the well-sewage system isolation distance exemption and groundwater waiver request. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

REFUND OF REAL ESTATE TRANSFER TAX

Mr. Leonard Shatz, of the First American Title Insurance Company, submitted a letter dated January 10, 2012 requesting a refund of RE Transfer Tax due to an over-payment to Lehigh County. LC Recorder of Deeds issued the township a check for \$72,288.25. The correct amount due to the township should have been \$68,788.25, based on the corrected statement of value for the property. The difference to refund is \$3,500.00. Upon motion by Jerry Joseph, seconded by Steve Pany, the Board approved the refund of Real Estate Transfer Tax to First American Title Co. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

RELEASE OF LEGAL/ENGINEERING ESCROWS

Solicitor Young recommended fourteen (14) legal/engineering escrows for release as follows:

Banko	\$356.60	Echo Rd	\$902.75
F&M 6284 Riverview	767.55	Sheila Horwith	46.06
LCCC Library	123.50	LCTI 3 additions	1,348.50
Orchard View IV	2,025.22	Peaches 1708 Clearview	869.77
Pine Meadows	146.12	Roby Reitz	1,909.40
Schnecksville FC		The Pines	1,733.74
Rezoning	818.20	Trexler Center	601.50
Valley Road 9/10	1,123.95		

Three (3) escrows will be release upon conditions being met:

Adams Minor – upon reception of resolution and recording receipt	\$4,334.12
Trimmer - upon reception of recording receipt	313.50
Iron Lakes - upon reception of letter from township engineer	6,469.67

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board approved release of above-mentioned escrows. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

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YORGEY SUPPLY

IMPROVEMENTS AGREEMENT

Upon motion by Steve Pany, seconded by Jerry Joseph, the Board authorized the execution of the Improvements Agreement for the Yorgey Supply Land Development Plan upon receipt of security and proof of insurance from the Developer. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

RESOLUTION 02-13-12C

RIGHT-OF-WAY DEDICATION

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board adopted Resolution 02-13-12C. Resolution 02-13-12C accepts dedication of land for Right-of-Way located in the lands of Kris Adams. Roll call: Jerry Joseph - yes; Ronald J. Heintzelman - yes; Steve Pany - yes. There were no public comments on this item.

AUTHORIZE ADVERTISEMENTS

Supervisor Pany suggested authorizing advertisements for changes to the Zoning Ordinance and the Planning submission deadline. After discussion on the item it was decided no action would be taken.

LETTER OF OPINION

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board requested a Letter of Opinion from the Solicitor be sent to Lehigh County Authority regarding the applicability of Ordinance 97-4 (holding tank standards) for temporarily handling Wal-mart's sewage until a permanent wastewater treatment plant can be provided. Roll call: Jerry Joseph - no; Ronald J. Heintzelman - yes; Steve Pany - yes. Motion carried.

ACT 537

The Board discussed the relevancy of the 2009 Act 537 Plan update, as it pertained to the Schnecksville area, to the actual needs of the township today. Supervisor Joseph gave a power point presentation using excerpts from the plan update. The merit of amending the current update while it is in place versus voiding the update and creating a new one was weighed.

Upon motion by Steve Pany, seconded by Ronald J. Heintzelman, the Board authorized the township staff and consultants to amend the present Act 537 Update and 'right-size' it to meet the township's needs. Roll call: Jerry Joseph - no; Ronald J. Heintzelman - yes; Steve Pany - yes. Motion carried.

- Charles & Nancy Braymer, Jeanene Bauer, Karen Komlos, all of Orefield and John Roberts, non-resident, offered comments in favor of voiding the current update.
- Richard Celmer, Allentown, and Leonard Nuss, Coplay, offered comments in favor of keeping the current update and amending it as needed.

COMMUNICATIONS

DCED & KMIT Workers Compensation Audits

Downstream notification from: DeSousa Oil & Service Corp.

ADJOURNMENT Meeting adjourned at 11:01 PM.

Respectfully submitted

Brenda Norder, Secretary/Treasurer