

**NORTH WHITEHALL TOWNSHIP BOARD OF SUPERVISORS
NORTH WHITEHALL TOWNSHIP MUNICIPAL BUILDING
JUNE 21, 2011**

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 Supervisor Ronald J. Heintzelman, Attorney Lisa Young, Planning Engineer Steve Gitch, 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 meetings were approved as presented: 1. June 7, 2011, Board of Supervisors Meeting. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

ANNOUNCEMENTS

1. Phone book recycling will continue until August 19th. Residents may place unwanted phone books in a dumpster located in front of the municipal building.
2. The Township Offices will be closed Monday, July 4th for the Independence Day holiday.
3. Congressman Dent will meet with residents July 1st from 10:00 to 11:30 AM in the public meeting room.
4. The Rex covered bridge will be closed for 3 months for repairs.

COMMENTS FROM THE AUDIENCE:

- Ronald Roth, Schnecksville, commented on the cost associated with the town meeting, firing unnecessary and problem employees and the number of meetings missed by Supervisor Joseph.
- Ed Zeigler, Slatington and Leonard Nuss, Coplay, both noted that there are several tree branches growing under streetlights blocking the light.

TREASURER'S REPORT

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Treasurer was authorized to disburse checks # 5010-5027. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes.

OLD BUSINESS:

- Atty. Young stated the comment period on documentation for the Heleva Landfill is open for comment till July 8th and EPA is looking for comment from North Whitehall Township.

PUBLIC HEARINGS

ORDINANCE 2011-1 AMENDED 2002 ZONING ORDINANCE RE: DRIVEWAYS

Chairman Stahley recessed the regular meeting in order to continue a Public Hearing on the proposed adoption of Ordinance 2011-1, an ordinance containing driveway provisions, design, construction, maintenance, and inspection requirements. Attorney Lisa Young gave a brief update. Atty. Young noted that the Ordinance was duly advertised.

Supervisor Stahley then opened the floor to comments from the audience. There were no comments. A stenographer recorded the proceedings and a copy of the transcript of the hearing shall be placed in the Minute Book.

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board adopted Ordinance 2011-1. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. The Ordinance will become effective within 5 days of adoption.

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ORDINANCE 2011-2 AMENDED 2002 ZONING ORDINANCE RE: SOLAR ENERGY SYSTEMS

Attorney Lisa Young gave a brief update of Ordinance 2011-2, an ordinance containing solar energy provisions, design, construction, development, installation, and maintenance requirements, and removal provisions. Atty. Young noted that the Ordinance was duly advertised.

Supervisor Stahley then opened the floor to comments from the audience. There were no comments. A stenographer recorded the proceedings and a copy of the transcript of the hearing shall be placed in the Minute Book.

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board adopted Ordinance 2011-2. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. The Ordinance will become effective within 5 days of adoption.

ORDINANCE 2011-3 CERTIFICATE OF OCCUPANCY REQUIREMENTS UPON TRANSFERS OF REAL ESTATE

Supervisor Stahley stated that Atty. Young and Zoning Officer Ken Nicholson would like to restructure certain aspects of this ordinance.

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the Board tabled Ordinance 2011-3 pending review by the Solicitor and Zoning Officer. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. No comments were heard

Chairman Stahley adjourned the Public Hearing.

WEIS GAS N' GO WAIVER REQUEST

Joseph Gurney, representing the Weis Land Development, requested the following waiver:

- 1) The plan is viewed as a Final as well as a Preliminary

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the waiver was denied. The Plan will go back to the Planning Commission for their review of any revisions. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

WEIS GAS N' GO LAND DEVELOPMENT PRELIMINARY

Timothy Snyder, John Lerch, John Luciani, Jack O'Hara, Atty. Jim Preston, and Joseph Gurney presented the preliminary plan of the proposed Weis Land Development to the Board. Supervisor Stahley asked for a time extension offer, the applicant declined. Mr. Gurney recapped the revisions that resulted from their meeting with Township consultants on June 3rd.

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Plan was approved as a Preliminary 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 June 10, 2011.
2. Developer shall comply with all of the recommendations contained in the letter from the Sewage Enforcement Officer dated June 16, 2011.
3. The Developer shall comply with all of the recommendations contained in the letter from the Zoning Officer dated June 17, 2011 and the conditions placed on the Zoning Hearing Board Special Exception approval.
4. The Developer shall comply with all of the recommendations contained in the letter from the Traffic Engineer dated June 17, 2011.

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WEIS GAS N' GO continued

5. The Developer shall comply with all of the recommendations of the Planning Commission Meetings of April 26, 2011. **NOTE:** This Plan received an unfavorable recommendation from the Planning Commission.
6. The Developer shall comply with all of the provisions contained in the Planning Administrator's checklist letter dated May 3, 2011.
7. The Developer shall contribute the cost of pre-emption equipment not to exceed \$10,000.00 to the Traffic Impact Fund in lieu of a Major Traffic Study.
8. The Developer shall contribute \$ 783.25 to the Recreation Fund.
9. The Township Traffic Engineer shall meet on site with the Applicant's Engineer to determine maximum tractor-trailer overall length to safely access the site, which shall become a condition of Plan approval. The Applicant agreed to condition 9 as stated.

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

- Mark Hills, Laurys Station, asked whether Weis would have to install sidewalks, noting that all stipulations imposed on Wal-Mart should be imposed on them.
- Ronald Roth, Schnecksville, asked what was the overall length of the fuel truck noted on the Plan. He wanted Weis to conduct a dry run of the fuel delivery. He voiced his concerns about safety and felt a longer truck, then what is shown on the Plan, will actually be used to deliver fuel.
- Leonard Nuss, Coplay, inquired if Weis made changes based on the Spotts, Stevens and McCoy letter of April 20th and, if changes were made, why didn't the Plan go back to the Planning Commission for review. He state the he measured Penn Tank trucks and they measure 60-65 feet in length. He also asked why the gas station wasn't planned for the other King property.
- Ronald Roth, Schnecksville, restated his safety concerns and suggested they relocate the project to the King property at Rts. 873 and 309.
- Don Travis, Slatington, asked if the township engineer had reviewed the plan calculations that Weis submitted.
- Susan Travis, Slatington, inquired what is the recourse of the township if, after everything is granted based on a smaller truck, a larger truck in used for delivery. Ms. Travis also asked the Board to consider enlarging the Board to 5 members.
- Leonard Nuss, Coplay, asked the Applicant what size truck would be used for the demonstration, he felt it should be at least 60-65 feet.
- Mark Hills, Laurys Station, stated they (Weis) should just use the truck they normally use for deliveries.
- Don Travis, Slatington, asked for clarification on truck size.

NEW BUSINESS:

REQUEST TO USE FIRE POLICE

CUB SCOUT CAMPOUT

Upon motion by Ronald J. Heintzelman, seconded by Ronald E. Stahley, the request to use the North Whitehall Fire Police on Friday, September 9th and Saturday, September 10th, from 4:30-7:30 PM, for the Trexler District Scout Family Campout at the Shankweiler Drive-in was approved. A Certificate of Liability Insurance has been presented. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

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RELEASE OF ESCROWS FOR LEGAL & ENGINEERING

After consultation with the Solicitor and the General Planning Engineer, Secretary/Treasurer Brenda Norder recommended the following escrow for legal and engineering be returned:

Kokolus Lot 18 \$ 7,947.53

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board authorized the Treasurer to return the escrow balance. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZE SOLICITOR TO APPEAL DECISION

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Board authorized the Solicitor to appeal Magistrate Decision CV-177-11 regarding East Penn Trucking. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item.

AUTHORIZATION TO SIGN PLANNING MODULE EXEMPTION

WEIS GAS N' GO

Upon motion by Ronald E. Stahley, seconded by Ronald J. Heintzelman, the Secretary is authorized to sign the request for the Planning Exemption Application as it relates to the Weis Land Development Land Plan. Roll call: Jerry Joseph - absent; Ronald E. Stahley - yes; Ronald J. Heintzelman - yes. There were no public comments on this item..

COMMUNICATIONS

PSATS News Bulletin

Petition from residents of Manchester Place

- Don Travis, Slatington, gave further details about the petition and gave examples of the poor maintenance on the part of the Developer and expressed concern for resident safety in the event of an emergency.

ADDITIONAL COMMENTS

- Ronald Roth, Schnecksville, asked who was the developer of Manchester Place. He also suggested the township draft two resolutions regarding mandatory installation of sidewalks on all land developments and mandatory attendance by all supervisors when final plans are up for approval.

ADJOURNMENT Meeting adjourned at 9:35 PM.

Respectfully submitted,

Brenda Norder, Secretary/Treasurer