
MINUTES

June 10, 2013

Regular Public Meeting

Board of Commissioners

Township of Whitehall

A. CALL TO ORDER

- 1) The regular Public Meeting of the Whitehall Township Board of Commissioners was called to order at 7:00 p.m. on Monday, June 10, 2013, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Linda K. Snyder, President
 Philip J. Ginder, Vice President
 Paul F. Geissinger, Secretary
 Dennis C. Hower
 Clair Hunsberger
 Gerard F. Palagonia
 Thomas Slonaker

TOWNSHIP PERSONNEL

Edward D. Hozza, Jr., Mayor
 John D. Meyers, Deputy Mayor
 Charles Fonzone, Attorney
 Frank Clark, Keystone Engineering
 Lee Rackus, PZ&D
 Linda Kulp, Police Chief
 Diane Hunsicker, Treasurer
 Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag and a moment of silence for our troops, for William HANSELL, Lehigh County Executive and for Howard "Bench" HARTMAN of Hokendauqua, a recipient of two purple hearts.

2) APPROVAL OF MINUTES

- a) Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to approve the minutes of the following meeting:

Regular Public Meeting – May 13, 2013

Seven Commissioners were present and voted "yes". Motion carried.

B. PRESENTATION

Mayor HOZZA presented Douglas Bowen, Manager of the Whitehall Township Authority, a commendation recognizing his many years of service to the Township and wished him well in his retirement. Mr. BOWEN extended his appreciation to the Board stating there is no better award than to be recognized by your peers and thanked them for giving him a great Board to work with. President SNYDER congratulated Mr. BOWEN on his retirement noting he served Whitehall with honesty, dignity and integrity, the way he ran the Authority should be a model for all Authority's but unfortunately is not, could certainly teach them right from wrong and set the standards high.

C. COURTESY OF THE FLOOR

Richard and Phyllis RUDER, 2221 Second Avenue, Whitehall and Dave MARUSHAK, 2215 Second Avenue, Whitehall, stated there is a neighbor who is bringing their property values down, the police have been there and want to know what they can do.

Mrs. RUDER stated David McCANDLESS of 2228 Second Avenue, has a motor home, two boats, pontoon boat, 3 jet skis, 2-3 snowmobiles, 3-4 cars parked in the yard, 4 cars parked on the street-his wife only drives one, 2 trucks-only one used, 2 trailers, riding and push lawn mowers, box truck, car motor, hot tub, all kinds of junk around the tree, side of the garage and house, 3 sheds, a pole barn and a garage in his yard and could not sell their property because no one wants to live by a junkyard. Commissioner GINDER asked if the vehicles have valid licenses and inspections stickers. Mr. MARUSHAK stated the ones on the street do. Mrs. RUDER stated his wife is the only driver, he is handicapped and parks in the back, she is abusing the handicapped parking space, was issued a ticket by the police and now park their crappy car in front of our house and everyone in the neighborhood is complaining but nobody wants to come forward. Mayor HOZZA stated Community Police Officer Paul DAVIS issued the ticket and asked for the removal of the handicapped sign. Lee RACKUS stated if there is a violation, they will issue a notice but there is not a limit on the number of vehicles you can store on your property if they are privately owned, licensed and registered and on street parking is not limited. She stated if they are considered junk vehicles, can only have one which needs to be covered or stored in a building. Commissioner PALAGONIA asked if the vehicles in the backyard are registered. Mr. RUDER stated some are but they switch plates from one vehicle to another. Commissioner PALAGONIA stated if they are violating the law, than they need to be served notice. Lee RACKUS stated there is a fine line and cannot enforce when there are no regulations. Commissioner PALAGONIA suggested addressing this at Legal & Legislative. Mrs. RUDER stated when they bought their house 40 years ago, it was a real nice neighborhood but now all you see is a junkyard. Mayor HOZZA asked if there is vermin. Mr. RUDER stated there are skunks, groundhogs and mice. Mrs. RUDER stated it is the only property in the neighborhood that looks like crap. Mayor HOZZA asked where they came from and how long they are living there. Mrs. RUDER stated she believes from Hazelton and about 11 years.

Mr. MARUSHAK asked if there are any plans to pave Eberhart Road and First Avenue. Mayor HOZZA stated Eberhart Road, a state road, will be redone by the Sewer Authority contractor as part of the restoration for putting in the new sewer line and First Avenue was deferred until the Hokendauqua Bridge is finished because of the truck traffic.

Commissioner GEISSINGER asked Chief KULP if it is possible to investigate cars on private property to see if they are licensed, inspected and insured. Chief KULP stated not on private property but can check the ones on the street and is sure Officer DAVIS will follow up on it and work with Lee's department.

D. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 19-2013

TITLE: AN ORDINANCE WAIVING THE REQUIRED INSTALLATION OF CURB AND SIDEWALKS ALONG BEEKMANTOWN ROAD, W. COPLAY ROAD & CHESTNUT STREET FRONTAGES OF 5101 BEEKMANTOWN ROAD, WHITEHALL TOWNSHIP, AS REQUIRED IN CHAPTER 21, SECTION 407 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP.
(DEVELOP)

President SNYDER read Bill No. 19-2013 to the Board.

Commissioner PALAGONIA moved to approve, seconded by Commissioner HUNSBERGER.

Commissioner SLONAKER asked if some sidewalks can be placed in the front to give an appearance that maybe later on there would be sidewalks coming when it gets built up.

Brian HILLARD, Coplay Quarry, 5101 Beekmantown Road, Whitehall, stated the surrounding properties along the entire road do not have sidewalks. Commissioner SLONAKER stated he is not asking for the entire road. Mr. HILLARD stated they will bring the curb around 50 feet or more so the roadway is protected and wasn't aware they were talking about sidewalk as well. Commissioner SLONAKER stated it is something he thought about since the workshop and feels it would give more of an appearance that later on something would occur. Mr. HILLARD stated he is not against sidewalk but it would be out of place with the entire West Coplay Road. Commissioner SLONAKER stated there are a lot of places having little islands of sidewalks. Frank CLARK stated their frontage is only about 100 feet on Beekmantown Road; the road is about 40 feet wide with curbing along the frontage and small returns coming in about 5 feet off the road. He continued there was discussion about running the curb up 50 to 100 feet and for sidewalks there is about 15 feet or less on either side on the driveway with the Lafarge road right next to it on the east side and with probably no more than 15 feet between the driveways. Commissioner SLONAKER stated he didn't know where the ends of the property were. Mr. HILLARD stated they only have about 10 feet on the west side from the edge of the road, have a little more on the Lafarge side but would be unbalanced with maybe one section of sidewalk on one side and two or three sections on the other but if the Board would want sidewalk, it would not be an unreasonable thing for that small area there but feels the larger concern would be the curbing as it comes into Beekmantown Road to have a good transition from Beekmantown Road into West Coplay Road for drainage and to protect the edge of the road. Commissioner GEISSINGER noted there is no revised drawing on the curb. Frank CLARK stated it hasn't been designed yet, the curb is in along the frontage but the idea is to run curb returns up Beekmantown Road ~50 feet to 100 feet and will be written into the Resolution when it comes up on the agenda later. Commissioner GEISSINGER stated the road needs some grading and curbing to control deterioration but questioned how much further should it go to what is already existing and shown on the prints. Frank CLARK stated plus or minus 100 feet considering the truck traffic on both sides of Beekmantown Road. Commissioner GINDER asked if they pass the ordinance saying they do not have to put in sidewalks for now, what it does to the upcoming Resolution. Frank CLARK stated the ordinance is just waiving the requirement of sidewalk and curbing along the frontage of West Coplay Road and Chestnut Street, the development plan addresses Beekmantown Road and looking to add an item on the Resolution for that. Commissioner GINDER stated if they want to open a U-Store It to the public, than the road needs to look like any presentable new road in Whitehall Township, should be pristine for the public to use. Frank CLARK stated it will because they got a variance to create lots on a road without public frontage and even though it is a private road, it needs to be built to public standards. Mr. HILLARD stated it will be built to public standards. Mr. CLARK stated they will not get their CO until the road is up to snuff as shown on the plan. Commissioner GEISSINGER stated he would feel more comfortable having a print showing exactly where the curb will be going because will be voting on something that has been revised. Frank CLARK stated an option to consider, as it will be in the Resolution, is they cannot file the plan until the curbing is shown and can be emailed to them. Commissioner GINDER stated

they have done it this way before. Mr. HILLARD stated the need to establish the length. Commissioner GEISSINGER asked if there is urgency that it gets approved tonight. Mr. HILLARD responded in the affirmative stating it has been a nine month process and cannot move ahead unless he knows it is an established deal since he would not construct something when he does not have a guarantee it will be approved. Commissioner GEISSINGER questioned if the interpretation is the same. Frank CLARK stated for the Resolution, it be added that “the developer agrees to extend curbing northward up Beekmantown Road 100 feet from West Coplay Road on both sides of the road”. Commissioner GEISSINGER asked about plans showing a fence. Mr. CLARK stated he has them. Commissioner GINDER asked if Giles and Ransome use Beekmantown Road and if they have a right-of-way, with an affirmative response. Commissioner GINDER asked what their rights are to the road. Frank CLARK stated they have a recorded access easement. Commissioner GINDER asked what their responsibility is to the road since it is private and they have an easement. Mr. HILLARD stated there is no legal requirement as it is their road, on their property and falls on them for maintenance. Commissioner GINDER asked how many people from Giles and Ransome use the road. Mayor HOZZA stated 3 sales reps and ~10 office people. Commissioner GINDER stated his concern was with the tri-axle trucks coming in and no sidewalk for those people to walk. Commissioner SLONAKER asked if they are responsible for the line of sight for people exiting the property and making sure it is maintained, with an affirmative response. Commissioner GEISSINGER noted the bill states all three roads. Frank CLARK stated to remove Beekmantown Road and to add “except for existing curbing on West Coplay Road frontage”.

Seven Commissioners were present with six voting “yes” and Commissioner SLONAKER voted “no”. Bill No. 19-2013 was approved.

2. BILL NO. 20-2013 (First Reading)

TITLE: AN ORDINANCE AUTHORIZING THE TOWNSHIP MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH JOSHUA J. GIER CONCERNING AN EASEMENT TO THE REAR OF 2655 HALLECK DRIVE, WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA. (DEVELOP)

President SNYDER read Bill No. 20-2013 to the Board.
There were no questions or comments.

3. BILL NO. 21-2013 (First Reading)

TITLE: AN ORDINANCE AUTHORIZING THE MAYOR OF WHITEHALL TOWNSHIP TO ENTER INTO A RIGHT-OF-WAY GRANT WITH UGI UTILITIES, INC. CONFERRING UPON GRANTEE, ITS SUCCESSORS AND ASSIGNS, THE EXCLUSIVE, PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, OPERATING, EXTENDING, REPLACING, CHANGING THE SIZE OF AND REMOVING (1) FACILITIES FOR CONVEYING TELECOMMUNICATIONS AND OTHER ELECTRONIC OR OPTICAL TRANSMISSIONS, (2) UNDERGROUND ELECTRIC DISTRIBUTION FACILITIES AND (3) A PIPE LINE, SERVICE LATERALS AND RELATED FACILITIES FOR THE CONVEYANCE, TRANSMISSION AND DISTRIBUTION OF GAS (HEREINAFTER REFERRED TO COLLECTIVLY AS “SERVICE FACILITIES”) ON, IN, OVER AND ACROSS A STRIP OF LAND BEING A PART OF THE PROPERTY WHICH GRANTOR OWNS IN

FEE, SITUATED AT 1977 SCHAADT AVENUE, TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA, SAID RIGHT-OF-WAY BEING IN SUCH WIDTH AS NECESSARY FOR THE EXERCISE OF ALL THE PRIVILEGES HEREIN GRANTED AND AS MORE FULLY DESCRIBED IN THE PLAN MARKED EXHIBIT “A”, WITH THE PERMANENT RIGHT-OF-WAY DESCRIBED IN EXHIBIT “B”, ATTACHED HERETO AND MADE A PART HEREOF. (DEVELOP)

President SNYDER read Bill No. 20-2013 to the Board.
There were no questions or comments.

4. BILL NO. 22-2013

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF (1) 2013 FORD SEDAN POLICE INTERCEPTOR VEHICLE FOR THE POLICE PATROL DIVISION, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (POLICE)

President SNYDER read Bill No. 22-2013 to the Board.

Commissioner PALAGONIA moved to approve, seconded by Commissioner GINDER.

Commissioner GINDER asked if this included the changeover of the vehicle. Chief KULP stated it will depend on which vehicle they end up doing, having vehicle issues with 814, a 2007 with 99,574 miles, needing an engine, 819, a 2007 with 98,000 miles, needs to be repainted, what determines the cost is what car will be replaced with another ~ \$2,000 for the changeover. She stated there are three 2008's with 100,000 miles and a 2009 with 105, 000 miles and six of the ten Crown Victoria's have above 90,000 miles. Commissioner GINDER stated 100,000 miles on a vehicle today is not a lot of miles, understands police cruisers and to look what the State Police are getting out of their cruisers, they do a lot more high speed pursuits, we are basically turning these cars over as babies and 100,000 is not high mileage compared to what other municipalities are getting rid of vehicles at.

Seven Commissioners were present and voted “yes”. Bill No. 22-2013 was approved.

E. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2808

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF COPLAY AGGREGATES, INC., LOCATED AT 5101 BEEKMANTOWN ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX # 1829-12. (DEVELOP)

President SNYDER read Resolution No. 2808 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner GEISSINGER.
There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 2808 was approved.

2. RESOLUTION NO. 2809

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION/ LAND DEVELOPMENT PLAN OF COPLAY AGGREGATES, LOCATED AT 5101 BEEKMANTOWN ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX NO. 1829-12. (DEVELOP)

President SNYDER read Resolution No. 2809 to the Board.

Commissioner GEISSINGER moved to approve, seconded by Commissioner GINDER.

Brian HILLARD, Coplay Aggregates, 5101 Beekmantown Road, Whitehall, gave a brief slide show presentation on the reclamation activities leading to the land development. He stated Coplay Quarry has been conducting mine reclamation under PA DEP standards and approvals to reclaim the quarry to its original contours, is going to be done as regulatory requirements thru its mining activities with PA DEP and stated the benefit will be making some of the high wall safety issues into a usable surface area and then a commercial and industrial park under OS2 but there will be some high walls left. He stated all fill materials go thru a rigorous approval process as required, with sampling done prior to being shipped to reduce the risk for anything coming thru to be unacceptable material. Mr. HILLARD stated the level for review is different for every job and the reclamation is currently on the left part of the quarry and will be filled in overtime and brought to grade to match the surrounding property to get proper storm water management as they look to build.

Commissioner GINDER questioned the statement that some high walls will always be there and they are sitting here with the thought of allowing future development in an area with dangerous high walls and if in the State of PA there is any where a quarry has been filled in and development allowed. Mr. HILLARD stated all active quarries are required to be actively reclaimed. Commissioner GINDER stated being reclaimed is one thing, reclaimed and reoccupied is a different thing. Mr. HILLARD stated the reclamation, other than meaning the meeting the minimum requirement, is up to the operator to designate and follow and assumes he is questioning possible problems in construction of the commercial lots in the future. Mayor HOZZA stated the high wall area mentioned is Lafarge and they will not go away unless Lafarge decides to reclaim that quarry. Mr. HILLARD stated they do have high walls also but are choosing to make sure their quarry gets reclaimed as a safety issue and as usable property which would be an increased tax base of about 20 lots. Commissioner GINDER stated he is more concerned with the safety. Commissioner GEISSINGER asked how much cliff will be left when they are done. Mr. HILLARD stated none; they are taking the figure 8 area of the active quarry back to the original grade and removing the safety hazard with no future plans for the water hole. Commissioner GINDER asked if there is a way to make sure the way they plan to fill this quarry meets a certain standard that is required by the State, if there is a precedent somewhere in the State. Frank CLARK stated they have a plan for filling in the quarry that has been approved by DEP and is not aware of any precedent. Mr. HILLARD stated an example of land that has been reclaimed and used in a commercial/industrial fashion is a lot of the Bethlehem Steel property that was mined and reclaimed by putting in many feet of fill with a major industrial park there now.

Commissioner GINDER asked if other areas that have been reclaimed still have a huge water hole. Mr. HILLARD stated the one he mentioned does not. Commissioner GINDER asked about the land up against this huge water hole. Mr. HILLARD stated there is about 200 feet of vertical stone between the water filled hole and the active quarry, so what they do on one side will not have any structural affect on the water filled hole and would address any safety issues as to people being in those buildings when we get to that point and come to the Board for approval for those lots. Mr. HILLARD stated the ground water will shift thru the rock as it always does and the water in the pit migrating to some degree thru the ground doesn't cause any kind of structural issue thru the area they are reclaiming and eventually building on and has no bearing on the reclamation area they are working on now. Mayor HOZZA asked what prevented the north quarry from filling with water. Mr. HILLARD stated they excavated down below the water table in the south quarry but in the north quarry work was stopped before they got to ground water table, currently 10 feet below the lowest point. Commissioner GEISSINGER asked the percentage of cubic yards of fill already put in, when they anticipate this will be done and how long it has been going on. Mr. HILLARD stated roughly there are 10 million cubic yards of space within the figure 8, with 8 million cubic yards left to fill, been going on since the 80's to a small degree with the larger scale starting in 2005 and has increased/decreased every year based on the market and in theory could take 20 plus years. Commissioner GEISSINGER stated then the intention is to fill the quarry with no cliff walls and as you get closer to the water hole it will be fenced in and protected for safety, with an affirmative response. Commissioner GINDER questioned the hours of operation since the plan states no site lighting in parking area required, closing before sunset.

Amit MUKHERJEE, Base Engineering, stated it will be closed before sunset and are proposing security lighting in the evenings. Mr. HILLARD stated there will be a gate with electronic access along with a knock box for the Fire Department. Commissioner GEISSINGER stated he thought it would be a 24 hour operation and closing at 5:00 pm in the middle of winter seems early.

Frank CLARK stated condition number 8 to be added to the Resolution reads "the developer agrees to extend curbing northward on both sides of Beekmantown Road 100 feet from West Coplay Road".

Seven Commissioners were present and voted "yes". Resolution No. 2808 was approved.

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner PALAGONIA stated he was informed by a resident that people are violating the "No Parking" along Presidential Drive by the small soccer field. Chief KULP stated she has spoken to Greg MOONEY and has been taken care.
2. Commissioner SLONAKER referred to a copy of the May Pension Fund Report he distributed for their perusal.
3. Commissioner HOWER thanked the volunteers and staff for all the work they did on getting the Township memorials ready for Memorial Day as he was down at Fullerton and Clair did a fantastic job again with his group and thanked our veterans.

4. Mayor HOZZA referred to his memo to the Commissioners addressing all the tri-axle trucks coming from New Jersey through the Township on Saturday and followed them to the Beekmantown Road, Coplay Aggregates/Cicccone Quarry reclamation site. He stated Mr. KOLBE of Coplay Aggregates was on site who stated the material was from the New Jersey Hurricane Sandy clean-up and the FEMA representative was in the office but was actually a representative of a company hired by FEMA to monitor the trucks coming in. The representative gave him the name of a person from SAIC, the engineering firm hired by FEMA and when asked confirmed that ~ 80 trucks already had come thru the Township by 9:00 am with material. Mayor HOZZA stated he called Mr. IVY who stated the material was coming from 40 marina and bay travel channels along the New Jersey coast per FEMA and the NJ DEP, was being tested before it was being shipped out and advised him to call Carey Williams of Don John Marine Company for additional information. Mayor HOZZA stated he called and expressed his displeasure to her that the Township was not notified about the arrival of so many tri-axle trucks coming in one timeframe. She apologized and stated the Whitehall site is not the primary one for this material but due to the flooding in New Jersey on June 17th, the three primary sites in New Jersey were all closed and agreed to call when more material would be shipped to the Whitehall location. Mayor HOZZA stated he asked if she had the licenses and CDL's of all the trucking firms and was told the firms verify that information.

Mayor HOZZA stated the Township collected 32,000 pounds of electronics at our Recycling Event, three times the normal.

Mayor HOZZA apologized to the Board for missing the workshop but was at the awards ceremony at Whitehall High School giving the Mayor's Award to a deserving student. Mayor HOZZA stated as per his memo to the Board concerning the transfer of funds for the purchase of the Prydun Farm, in the future any transfer from the Lafarge Fund will be voted on by the Board, even if it requires an emergency session and those approvals will be for Public Works vehicles, fire trucks, land acquisition or for a first quarter budget advance which we have used in the past or an emergency declaration made by him.

President SNYDER thanked the Mayor for his statement and feels there was a total misunderstanding and doesn't think anyone on the Board felt they were not happy about the purchase of the farm. Deputy Mayor MEYERS stated the Township received the County's grant of \$175,000 towards the purchase of the Prydun Farm.

President SYNDER stated there will be an executive session after the meeting on personnel and possible litigation but no action will be taken.

G. ADJOURNMENT

1. MOTION – Commissioner PALAGONIA moved, seconded by Commissioner GINDER to adjourn the meeting at 8:27 p.m.