
MINUTES

December 9, 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, December 9, 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
Charles Fonzone, Attorney
Frank Clark, Keystone Engineering
Linda Kulp, Police Chief
Lee Rackus, PZ&D
Carl Lagler, Township Surveyor
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. President SNYDER asked to also remember Joan Patterson, a faithful employee of the Whitehall Township Police Department.

2) APPROVAL OF MINUTES

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

Regular Public Meeting – November 11, 2013

Commissioner PALAGONIA noted a typo on Page 6, line 14 from the bottom the word “is” should be “his” and Page 5, line 3 the word “one” should be “someone”.

Commissioner GEISSINGER noted on Page 7, third paragraph had asked the Board if they would have a problem with another meeting before the end of the year with the consensus in the affirmative.

President SNYDER stated she thought the word “home” should be “car” on Page 4 but Mayor Hozza stated he said “home”.

Seven Commissioners were present and voted “yes” as per the changes. Motion carried.

B. COURTESY OF THE FLOOR

Michael ALKHAL, 1150 Pennsylvania Street, Whitehall, spoke on behalf of Sam and Lydia AZAR of 1100 Congress Street. He noted the Board approved a Resolution for a

lot line adjustment with conditions they have met except for a recreation fee which they have been trying to get relief on and noted they wrote a letter to the Commissioners in March, 2013. Mr. ALKHAL stated they were told one way the fee could be considered for waiving was to come before them, so they are here tonight to see what they have to do to get some direction or relief. Mr. ALKAHL stated since buying the house they have had to deal with a lot of issues, the lot line adjustment resulted in creating a buildable lot which they are conveying to a neighbor down the street, the reason for the lot line adjustment was to square off their lot which was very odd with severe constrictions and setbacks that weren't being met and the neighbor who will be receiving the property as a result of this lot line adjustment, has no plans to build on it. He noted they have paid fee after fee, incurred expense after expense in purchasing this home, have experienced a lot of difficulties an example being when the home was built, the builder poured the foundation before he had the right vapor barrier the Township required, was allowed to finish the house, a temporary CO was issued, was allowed to sell the house, they moved into the house, the State was in dispute with the Township, they finished their basement, then the contractor had to come back in and rip out the concrete floor in the basement, take it out through the windows and re-pour the basement. Their request is a relief or deferment of the condition of the \$2,000 recreation fee until such time if or when there is a building on this lot created by this lot line adjustment.

Frank CLARK stated he spoke with the owners, understands the Azar's house is on a leftover piece of property from Cornerstone Estates, the neighbor next to them had a scud kind of lot line, this process squared up their lot, made it more conforming but resulted in another lot being created next to them because it had frontage but no real yard, it squared up the lots so they are perpendicular to Congress Street. He stated they do not own the other lot, the property owners one house down own that lot, the Azar's receive no benefit from the creation of this lot but the Resolution states they are the applicant, they pay the fee in order to file and make it official and are asking if the Resolution can be changed to put the onus of the rec fee on the lot owner if and when that lot is built on. Mr. ALKHAL stated that is essentially correct but they are concerned since they are the ones desperate to fix the situation, not the neighbor who is going to benefit from this lot, have had to pay \$20,000 to buy a sliver of land along Congress Street to create this lot, the owner doesn't seem to be anxious to resolve or fix the situation and if this fee is put on him to pay now could create another problem for them and cause them further delay. However, if this fee is put on this lot owner at a future date, if and when he builds, they would be okay with that, does not think he would object and the issue could finally be resolved.

Commissioner SLONAKER stated then he is saying that someone went ahead, filed for this, are not gaining anything out of it but are paying expenses, somebody else is gaining something but will not pay these expenses and why did they come in front of the Board to do this. Mr. ALKHAL stated they are not gaining any monetary benefit by this action, were able to square off their lot, making it a conforming lot, are getting land from the adjacent property owner to square off their lot, are giving this adjacent property owner a sliver of land to make a lot that is buildable. Commissioner SLONAKER stated there is a house on it already, so it is buildable. Mr. ALKHAL showed the plan and explained it to the Commissioners. Commissioner GEISSINGER asked what the date was on this. Frank CLARK stated it was at least 3 years ago. Mr. ALKHAL stated the date of the plan is 2011. Commissioner SLONAKER noted they are gaining something from this. Mr. ALKHAL stated they are gaining land to square off their lot, are not getting any money for it, they purchased this sliver of land from the guy who owned it and he built this house and sold it to them. Commissioner GEISSINGER noted it is a large parcel of

land that could be divided again. Frank CLARK noted the adjoiner could have a least another lot out of it. Commissioner GEISSINGER asked if we take one recreation fee now, do we lose anything if it is subdivided in the future. Frank CLARK responded in the negative, stating the lot line adjustment created one extra lot which is the rec free in question, the Azar's do not have any claim to that lot so they are asking for the rec fee to be the responsibility of the person who actually owns the property. Commissioner GEISSINGER stated if this property is divided into 3 in the future, would we then be entitled to 3 or just 2 fees. Frank CLARK stated right now one building lot has been created and you get one rec fee. If the owner decides to cut it up more, you get those rec fees along with it. Commissioner GEISSINGER stated if they paid one rec fee for that lot right now and if that lot is divided into 3, we would only get 2, with an affirmative response. Commissioner GEISSINGER asked if anything like this was done in the past where we deferred it until the property was sold and developed or subdivided and then collected all of them at the same time.

Lee RACKUS stated the AZAR's have been through hell, the lot their house is on was actually two remnant pieces, one from Highland Hills development and one from Cornerstone Estates development. Ed NOVAK was the developer of both and took the two remnant pieces, made it into a lot, built a house, the certificate of occupancy was issued because Mrs. AZAR was pregnant with triplets and they wanted to get into the house before the babies were born, so a temporary CO was issued even though we knew there was an issue with the basement and the vapor barrier not being there. She stated it was Ed NOVAK's screw up, not the Township's. We tried to correct the situation, Mr. KERSHNER, the AZAR's neighbor, owns the main piece, there was another sliver that Mr. NOVAK held onto, that is the piece they ended up paying \$25,000 for because it's not a buildable piece, Mr. NOVAK owned it and didn't maintain it, it was frontage, so they agreed to buy it, got into an agreement with Mr. KERSHNER so he could get frontage and that is how it was split up. Ms. RACKUS stated have done all kind of things with recreation fees, does not remember everything that happened here but should amend the Resolution so when somebody goes back and pulls a building permit for that lot, they can see on it that the recreation fee is to be assessed at time of construction rather than at time of planning and recording. She noted before we revised the subdivision regulations 20 years ago, rec fees were paid at time of building permit, was a nightmare to follow up on them but is not anything that hasn't been done in the past, just so it is well documented so whoever is issuing the building permit pulls out the Resolution and sees that it was not yet paid.

Commissioner SLONAKER asked if the original place where their house is, a rec fee was paid. Lee RACKUS responded in the negative because they were remnant lots that were not buildable. Commissioner GEISSINGER asked if one was due at that time. Lee RACKUS stated it wasn't her decision, it was a lot but it wasn't a buildable lot, he did pay recreation fees for those developments but those two slivers that comprise their original lot were not considered building lots. Commissioner GEISSINGER asked how he built on it, if it wasn't buildable. Lee RACKUS stated he combined the two together and crossed the line with the structure. Commissioner GEISSINGER asked if they paid \$25,000 for that sliver, if they got the same square footage. Mr. AZAR stated they got 900 square feet. Lee RACKUS noted they did not get the benefit that Mr. KERSHNER got. Commissioner GEISSINGER stated he feels for their woes but has a problem we did not collect the rec fee on the first house. Lee RACKUS stated in all fairness to the AZAR's, it was not their issue, they were not aware of it at all. President SNYDER stated they can make exceptions, years ago didn't collect it until it was going to be developed and each time we do something can look at it on an individual basis. Frank

CLARK stated a note can be placed on the plan before it is recorded. Lee RACKUS stated typically when you are getting a building permit for a lot like this that is created; the Resolution would be pulled out. Commissioner GEISSINGER stated he doesn't recall getting a letter from them on this. Lee RACKUS stated she believes they did get it. The Board agreed on the relief and Attorney FONZONE stated since the plan hasn't been recorded, it can be noted that the rec fee would be due. President SNYDER asked if they need to take an action also. Lee RACKUS asked to have an amended Resolution in order to clear it up. President SNYDER agreed. Commissioner GEISSINGER asked if it will be clear enough on the notation that no rec fee has been paid and should this lot draw a building permit, pay the rec fee or in the event it is subdivided they pay for each lot. Frank CLARK stated it they subdivide it again, it will come up. The Board was in agreement to take that action.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 27-2013 (Second Hearing)

TITLE: AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CHAPTER 27, ZONING, ARTICLE XII, OFF STREET PARKING AND LOADING, §27-145, DESIGN AND CONSTRUCTION, AND §27-146, OFF STREET PARKING STANDARDS; TO MODIFY PARKING REQUIREMENTS FOR CERTAIN USES, AS WELL AS PROVIDE ADDITIONAL DESIGN STANDARDS. (LEGAL & LEGISLATIVE)

President SNYDER read Bill No. 27-2013 to the Board.

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

Seven Commissioners were present and voted "yes". Bill No. 27-2013 was approved.

2. BILL NO. 31-2013 (Second Hearing)

TITLE: AN ORDINANCE AUTHORIZING THE TOWNSHIP MAYOR TO EXECUTE A DEED IN FEE SIMPLE AND SUCH DOCUMENTS AS NECESSARY FOR 0.646 ACRES OF REQUIRED RIGHT-OF-WAY FOR LIMITED ACCESS AND 0.166 ACRES OF REQUIRED RIGHT-OF-WAY IN WHITEHALL TOWNSHIP, NORTH OF SR0022 IN THE FULLERTON SECTION OF THE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA TO THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION. (ADMIN)

President SNYDER read Bill No. 31-2013 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner PALAGONIA. There were no questions or comments.

Seven Commissioners were present and voted "yes". Bill No. 31-2013 was approved

3. BILL NO. 32-2013

TITLE: AN ORDINANCE WAIVING THE REQUIRED INSTALLATION OF SIDEWALKS ALONG APPROXIMATELY 3,829 FEET OF ROAD

FRONTAGE, ALONG THE PROPOSED STREETS OF FIELDSTONE AVENUE, WALNUT RIDGE DRIVE*, SUMMIT STREET, AND SPRING MILL ROAD IN THE ESTATES AT SPRING MILL DEVELOPMENT IN THE CEMENTON AREA OF THE TOWNSHIP; AS REQUIRED IN CHAPTER 21, SECTON 407 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President SNYDER read Bill No. 32-2013 to the Board.

Commissioner PALAGONIA moved to approve, seconded by Commissioner HUNSBERGER.

Commissioner GEISSINGER asked if there was a plan for this before them. Frank CLARK stated they are here to explain it. John HACKER, counsel for the Estates at Spring Mill developer Phil Schwartz, Lew Rauch, Project Engineer of Lehigh Engineering. An aerial photograph of the neighborhood as well as a copy of the preliminary plan was distributed to the Board.

Commissioner GEISSINGER asked if they don't they usually vote when the plan is submitted to them. Frank CLARK stated usually they do but have asked to come to discuss sidewalks, is a rather large development with 3,800 feet of roads, 7,000 feet of sidewalks on both sides and that amount of impervious cover starts to impact on your drainage and storm water recharge of the area that has to be considered now. He noted one of the reasons they are bringing it before them prior to the intense engineering that is going to go on, is to get their feeling on it before they went all the way through planning and finally to you and is a bit out of sequence than what they are used too.

John HACKER stated it is essentially 3 small developments with 3 separate cul-de-sacs, 38 lots, feels it is a good case for a waiver as it is in an isolated portion of the Township and sidewalks will not serve any other purpose outside of the community itself. He stated there are virtually no sidewalks in the vicinity of this development, the only sidewalks are on Summit Street for about 10 or 11 houses and the only benefit derived by any sidewalks would be to the community residents themselves. Mr. HACKER stated while this is a lot of land, it's relatively a small number of lots, are bigger lots because of the slopes, are wider lots and to impose sidewalks here would be a maintenance headache for the residents themselves and on that basis are requesting a waiver.

Lew RAUCH stated some of them have been on the Board for years, this plan was actually before them back in 2008 as a concept plan, has come a long way and progressed to where they are at now, were at the Planning Commission in the spring with a plan that had 51 lots, some interconnecting roads, is a fairly steep area on top of the hill, the Northampton Borough Municipal Authority owns the property just to the north and thru discussion with the Planning Commission they stepped back and regrouped on some thoughts and redesigns and brought it down to 38 building lots, 3 cul-de-sacs with no interconnecting roads because NBMA has lines that run down and along Spring Mill Road and there is a line that comes from the tower. He stated they looked to try to preserve some of the land, there has been some discussion about NBMA possibly buying a piece and adding to what they own now, think this plan has some good intangibles, the 38 lots are at least a minimum acre because of going with on lot septic, have had multiple discussions with the Sewer Authority, talked about trying to get gravity sewer, talked about trying to get half the lots with a low pressure system connected to the system as they were doing a study through the Coplay and Cementon area to see if their existing

lines had capacity but are 5 years past that now, are still getting nowhere, understand we are a little bit out of order but with the storm water calculations we have to do now, with the NPDES requirements for controlling the increased impervious run-off and you start adding this much roadway and sidewalks in, it starts getting to be a factor to our storm water, really can't wait until the end of the project on whether they do sidewalk or not.

Commissioner SLONAKER stated they brought it up in the beginning by showing where there are not that many sidewalks and is exactly what happens in this Township. Every developer comes in, says this isn't going to impact people at all and then later on when we have more and more, we tell the people they need to put in sidewalks and are the bad people. He stated there is no way he will go ahead and use that logic, they need to have sidewalks, is really tired of developers coming in and saying the exact same thing and then 20 years down the road we say sorry Mr. Smith when you bought it said you didn't need it but you need it now but other members of the Board may have their own opinion.

Commissioner GEISSINGER asked what the NBMA's response was regarding buying the land. Mr. RAUCH stated the people they spoke to have been receptive to it, have gone through looking at appraisals, values of things for transfers, thinks they are receptive to the idea, we are receptive to the idea, at this point cannot guarantee it but feels it is something both sides would like to see happen. Mr. RAUCH stated this site has steep slopes, are doing the acre minimum but with the slopes it also creates frontage requirements based on your zoning. So if you have a 12% average lot break need to increase your lot frontage by x and if you have 14% you have to increase it by x and some lots are even wider than would be for 1 acre, so some might have 700 feet of sidewalk to maintain. He understands what they are saying that it's a hardship if they come in and take the heat for saying they need to put \$20,000 worth of sidewalks in the future but is an awful lot of sidewalk to maintain every time you get a snow or ice event for someone who has that much frontage. Commissioner GEISSINGER asked if the existing topography of the land was going to be changed at construction time, are they going to grade the whole area or put the house on and the worry about the hills later. Mr. RAUCH stated they obviously will have to move dirt but will be a lot less than with the previous plan. Commissioner GEISSINGER stated he is concerned because in some instances like Village Green, it was put the house on the lot, then worry about the grading afterwards and now everybody has hills but when Walnut Ridge was done, the land was cleared, low spots were filled in, took the high spots down and made a very nice building lot. Mr. RAUCH stated they will be a little bit limited as far as what they can do because of having on lot septic systems, there will be areas they can't disturb. President SNYDER asked to explain the on lot septic systems again. Mr. RAUCH stated it needs to stay undisturbed when they go thru to install the septic systems. Commissioner GINDER asked if the lots were perked yet. Mr. RAUCH stated the majority has been, a few have to be perked yet, have all been probed but because their original intent was to do a low pressure system, didn't do the lots we thought we would run low pressure on. Commissioner GINDER asked if any came up as standard. Mr. RAUCH stated some perked very well. Commissioner GINDER asked how receptive would the developer be in getting some type of sewage, knows it started 5 years ago then the economy died, understands they want to go with this, have the right to develop it as on lot sewer but at the same time look at this and say "do we really want on lot septic on a hill above a reservoir that we get our drinking water out of". Commissioner GINDER asked how receptive they would be, if they get moving on a 537 Plan to get some type of sewer system on these lots, be it low or medium pressure, whatever can be designed so he, the developer, homeowners, the sewer department are happy and don't put this stuff in the ground on the hill above where we get our drinking water from and where do they stand

with that issue because that will also tell us about sidewalks? Mr. RAUCH stated they had discussions with Frank on this concept before they brought it to the Planning Commission, don't have a problem reserving an extra easement along the right of way so in the future if it all gets worked out with the 537 Plan and are allowed to go with public sewer, are more than willing to do what we need accessibility wise, seems the hold up with the Sewer Authority is they don't want the pressure main to be within the roadway but if we provide an easement area to run outside of the roadway, they might be a little more receptive to the whole concept. Commissioner GINDER stated he wants everybody to work together on this, so everybody is happy in the end and don't have this bad stuff running down into the water reservoir, thanked him for trying to work with them in getting it right, noted he is the rep from the Board to the Sewer Authority and all this stuff has all gone thru over there and there are records that can be dug out again and will have to be to get this thing right. Commissioner GINDER stated there are other things that will be happening on top of the hill with the existing sewer that could all change this, lot of different ways of doing this and in his opinion they are going to end up with some sidewalks but doesn't feel they are going to get an answer from the Board tonight.

Commissioner GEISSINGER stated he would like to see something worked out with the sewage to take care of the ground water there. Commissioner GINDER stated Frank is the engineer, needs to tell us where we need to go with this and if we need to give the Sewer Authority a charge to get moving to work with these people to get this thing right. Commissioner GEISSINGER agreed stating the developer has the right to develop his property, would like him to work with us to stop the onsite septic systems, doesn't think they are a good thing especially in this location and asked if it is possible to have part of it gravity and part a pump system. Mr. RAUCH stated he feels they could all have a low pressure pump providing the existing facilities and things that are in place could take the flow. Commissioner GEISSINGER asked if the existing homes are on sewer. Frank CLARK stated there about 12 lots on Summit on public sewer, three have a low pressure pump system but the Sewer Authority doesn't want the force main, which is under pressure, do not want that going directly into the main because if someone is ever working on the main, do not want this rush of product coming down the line, so they have a lateral that comes out from the main behind the curb line that is a gravity lateral about 20 feet in length, then have the pump system discharge into that gravity lateral so it comes in under force and where it gets to relax a little and preempts some of the concerns they have by building it that way. He stated what this system would do development wise, the mains which are 1¼ - 1½ of plastic pipe are always full, when one pump turns on from an individual home, owned by the homeowner not the Sewer Authority, it starts to push the material thru the pipe but it does so very slowly without a lot of force and when it gets to the gravity system it comes out relatively slowly because those lines are always full. Commissioner GEISSINGER asked if they have grinder pumps on them. Mr. CLARK stated every home would have a grinder pump with a 500 or 1,000 tank. Commissioner GEISSINGER stated Schadt Avenue playground has that.

Commissioner PALAGONIA asked if they were asking for curbs, with a negative response. He stated he wants everyone to know his feeling on sidewalks and if there is a safety issue on sidewalks, if it is a busy street with a lot of vehicle and pedestrian traffic would say sidewalks would be a good thing but can't see that here because it will only be the residents and deliveries, so doesn't see a real drastic need for sidewalks and doesn't know if down the road if there is more land that can be developed here but according to their plans would say curbing would be sufficient for him.

Commissioner GEISSINGER stated they know his feeling on the whole thing. He would be happy with curb and not sidewalk, these are all cul-de-sacs, nobody walks on his sidewalk anyway and would be willing to tear his sidewalk out tomorrow and should have more sidewalks on MacArthur Road and the busy streets and neighborhoods and doesn't feel it is required but will not be present to vote on it.

Commissioner SLONAKER stated these are the kind of talks given to us long ago when people would come in from different areas in the Township and say we need to get the cops out there because people are speeding thru their neighborhood and the ones who got hit with the tickets were the people that lived there. Understands they are more prone in something like this to go a little bit slower but it has nothing to do with that and if Mr. Smith has to get home for whatever reason and it is listed at 25 and he's saying he knows the way because nobody goes on this road or walking today and hits little Johnny Jones, it's because there weren't sidewalks there to help alleviate that, is not saying that is going to cure everything but it's that kind of rationale that creates problems down the road. He continued we go through this whole thing over and over again, it's the same argument you hear, right now it doesn't look that way but the people 20-30 years from now are going to have to go through the same thing that the members of the Board are going through and say "sorry you have to put in sidewalks because it has gotten bigger and people are driving crazy". So you do it now, it's factored into the sale of the home, that's how it works, is the right way to do it, rather than later on when they are on a pension and come in front of you and say they can't afford it and that is when it is hard to go ahead and say "hey, we need this".

Commissioner PALAGONIA stated you need to look at every area, pick out whether you think it's safe or unsafe and whether you want sidewalks not because someone is building they have to put in sidewalks. He stated he was a policeman for 28 years in Whitehall Township, investigated a lot of accidents where pedestrians were struck but does not remember one related because there weren't any sidewalks to walk on, they all happened where pedestrians were crossing the street, so doesn't see why sidewalks have to be put in here. Commissioner SLONAKER stated the reason they are asking for relief is because that is what the ordinance requires, is not the other way around and the Commissioners started that when they passed that rule and they went thru the same thing and if you have gone through this you see what the folly is to go ahead.

President SNYDER stated she is very familiar with the area and with the older homes and the newer homes there that are established and do not have sidewalks. It was noted some do. President SNYDER stated not too many, some up above but the further you go back no and none of the people way up at the top have sidewalks and are right next to the area he wants to develop, only one little area does and knows that area because she grew up there and used to walked to that area every night where they are talking about the drinking water.

Commissioner HUNSBERGER stated he agrees with Mr. SLONAKER, thinks there should be sidewalks there.

Mr. HACKER stated he doesn't think they are going to make a decision on this tonight and could they get guidance going forward on drafting a preliminary plan. President SNYDER asked if he could explain one more time about how with the sidewalks, without the sidewalks, talking about the pumps, how that is all going to tie in with putting them in and not putting them in as far as saying they would leave so much space and would do that if they decide to put the pumps in. Mr. RAUCH stated he believes she is asking if

they would reserve space for an easement to accommodate a low pressure system in the future and on the lot layout plan there is a road detail showing a sidewalk on one side and on the side opposite a reserved area with an additional 10 foot easement beyond the right of way to allow enough run for them to run a low pressure system in that area so it would not be within the roadway and was there alternative if they wanted some sidewalk, if they could do one side that would afford them an area to provide for outside of the roadway for a future forced main location and that is why they put it on the plan. President SNYDER stated she knows from before when the developer was in front of Planning a couple of years ago, was very agreeable to do anything as far as the sewer, was willing to put in whatever they would allow but the Sewer Authority said no pumps, thinks that is just a no brainer since that is where our drinking water comes from but doesn't know how we get to the Sewer Authority people over there. Commissioner GINDER stated it is our responsibility to charge them. President SNYDER stated they do basically what they want to do and have been. Commissioner GINDER stated when this Board tells the Sewer Authority we want that area sewer, than that's what happens, it is our Authority, is our job to tell them we want sewer in this area and they have to figure out how to do it. Commissioner GEISSINGER noted the 537 Plan needs to be changed. Commissioner GINDER asked if it must be on the 537 can it be partially upgraded. Lee RACKUS stated it needs to be engineered and studied either way because it has to go to DEP, knows they want to fast track it but can only do so much. Commissioner GINDER stated we could take a portion right now and say that's got to go. Lee RACKUS stated you could focus on that since there are not too many places in the Township left and the priority could be on this particular area. Commissioner GINDER stated if the Board has the ability to do that they need to do it and get it moving. President SNYDER stated she feels they are all in agreement and asked Attorney FONZONE what they need to do. Attorney FONZONE stated to upgrade the 537 Plan. President SNYDER stated it has been talked about for years and need to do it now. Commissioner GEISSINGER stated he would hate to see this development go in with onsite septic. President SNYDER asked if they can make a motion to direct them to do that. Lee RACKUS stated the need to go thru the proper channels, it has to be engineered, designed and submitted to DEP. Frank CLARK stated the Sewage Facilities Planning Act gives them the authority to tell the Authority what they want sewer, they figure out the nuts and bolts, notify DEP, have a scoping meeting and that is telling them here is the area we want to deal with, you got existing homes on Summit that are all septic now. President SNYDER noted there are problems. Mr. CLARK stated that is part of the issue we are concerned about because they don't have any reserve area and if their septic systems goes bad, really don't have any place else to go and these are some of the things put into play when you look at upgrading the 537. President SNYDER asked if they can motion later on, noting they won't have the details just sending the message, with the details to come later. Commissioner HOWER asked that a time limit be put on because of the history where there's been nothing. Mr. RAUCH stated if they are allowed to continue forward with the anticipation of when they are ready to start it looks like a go with low pressure, would be more than happy to go that route. President SNYDER asked if the way they are going to build it still would be available. Mr. RAUCH stated if they can get a vote tonight for one side sidewalk would retain the easement on that side for sewer. President SNYDER stated she wouldn't have a problem with it, has never done it before but this man has been dealing with this for so many years, is not asking us to not put sidewalks in, feels it is about time to give him some leeway and is not his fault. Commissioner GEISSINGER noted they are asking not to put sidewalks in on both sides. Mr. RAUCH stated they asked for both sides to get a pulse of the Board. Commissioner GEISSINGER stated he doesn't think they need it on one side and if they put it on one side it just puts a burden on the people who own the sidewalk to have to maintain it and is what drives him crazy

about it because sidewalk doesn't stay nice after 2 years and he actually stops people and asks them why they don't walk on the sidewalk and they say it's not wide enough, got the dips for the driveways and because they can't talk to each other. Commissioner PALAGONIA agreed stating when he walks his dogs, doesn't walk on the sidewalk just right near the curb. President SNYDER stated this is a rural area to her. Commissioner GEISSINGER asked if they can make a motion to wave sidewalks tonight. Commissioner GINDER stated they would be doing precedence that he can't remember ever doing, they are here just asking us for some type of direction, they generally do not waive everything until we see the full land development plan, had comments back from the Planning Commission have and to be careful because you may setting a precedent that you don't want to set. Commissioner GEISSINGER stated the Planning Commission does not comment on sidewalk. Mr. RAUCH stated they specifically refused to get involved. Commissioner GINDER noted they haven't seen the rest of the comments on this development from the Planning Commission and this Board normally doesn't waive anything until we have seen full comments from the Planning Commission and thinks it is a dangerous precedent to set. Commissioner GEISSINGER stated they just made a waiver on recreation fees. Commissioner GINDER noted it was a recreation fee on a simple cut of one lot and this is a whole development going in. President SNYDER asked what they can do to give them some type of direction without voting. Commissioner GINDER stated once you vote have told them basically this is our feeling, can't tell them what or what not to do, is not our job and have told that to a million developers before but should not be voting on this without a full set of prints, comments from the Planning Commission, Lee's Department, Frank's Department and everything else and have not done it before to his knowledge on a project this size. Commissioner GEISSINGER stated he has to agree. President SNYDER stated they never have but is just trying to give them some guidance. Commissioner GINDER stated they have given them more than any other developer that has come here because we know we share common problems and if they are willing to work with us fine but doesn't think they want to vote on this, would set an awful precedent and once you set it, you're stuck with it forever. Commissioner GEISSINGER asked what was their motivation to come in here now about the sidewalks, what does it change? Mr. RAUCH stated it comes down to storm water calculations and the impervious coverage especially with the DEP requirements for the NPDES permit which plays more into it than it has in the past. Commissioner GINDER stated so if they were to sit down and figure it out as one without and one with sidewalks on one side would kind of tell them where they had to go and if the Board changed its mind in the future when everything was in front of us and had everybody's comments, you wouldn't be that far off. Mr. RAUCH stated the preliminary plan that will be in front of the Planning Commission next week, the drainage calculations were done with assuming one side sidewalk, have tried to split it down the middle so whatever happened here, if we were oversized, would be oversized by half the number, if we got lucky and didn't have any, fine and if we went the other way, only needed to make up half the total amount of it. Commissioner GINDER stated since a lot of the storm water run-off is new asked Frank and the Attorney where they would guide the Board to go so they can keep moving. Frank CLARK stated the reasonable approach is to look at half because with the NPDES regulations need to get a certain amount of storm water back into the ground with infiltration pits, basically a septic drain field for storm water, need to do perk and infiltration tests to find out what you have in the ground, what the ground can take, is what they have to size and make accommodations for alongside the road so all the storm water goes into these systems first and what doesn't fit stays in the system continues on down the pipe. They are trying to take a reasonable approach by saying half sidewalk but it's a substantial amount of sidewalk when you are looking at 3,800 feet of road, have to reserve a certain area, test it

and then provide easements around those areas because it is water coming off of Township property. He stated if the Board feels they need sidewalk on both sides, he is only halfway behind on his calculations and if the Board says sidewalks on one side, then they are good to go and if the Board decides no sidewalk at all, he is oversized which means he can cut back a little bit, is easier to cut back than to expand, thinks that is a reasonable approach, understands they do not want to vote tonight but it gives the engineering side some feel of where you're at because these calculations are thick, are kind of a moving target because of the sewer situation but it gives a loose framework to proceed with his work and we can proceed with ours. Commissioner GINDER stated not to be afraid to come back with questions but they cannot vote until they see the whole thing in play. Mr. HACKER asked when they want them to come back on the sidewalk issue. Commissioner GINDER stated personally when he has all the comments from Mrs. RACKUS' department, the Township engineer, the Planning Commission and DEP. President SNYDER stated that is what they normally do. Commissioner GINDER stated because of the situation here and because he is eager to make sure the sewage is done right, would be willing to answer more questions than normal because this is a little special and wants it right because of the water problem. Members of the Board agreed.

Commissioners PALAGONIA and HUNSBERGER rescinded their motions.

President SNYDER asked if they needed to take further action. Attorney FONZONE stated on that motion do not need to do anything else. Attorney FONZONE stated it seems one of the major issues they were talking about was the Act 537 Plan and they certainly could determine in January if they want to put together a motion with respect to the 537 Plan. It was agreed to wait until January.

4. BILL NO. 33-2013

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2014 ANNUAL BUDGET AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, HEREINAFTER SET FORTH, DURING THE 2014 FISCAL YEAR. (ADMIN)

President SNYDER read Bill No. 33-2013 to the Board.

Commissioner HOWER moved to approve, seconded by Commissioner SLONAKER. Commissioner GEISSINGER stated he had some reservations on some items but was voting yes.

Seven Commissioners were present and voted "yes". Bill No. 33-2013 was approved

5. BILL NO. 34-2013

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2014. (ADMIN)

President SNYDER read Bill No. 34-2013 to the Board.

Commissioner HUNSBERGER moved to approve, seconded by Commissioner PALAGONIA. There were no questions or comments.

Seven Commissioners were present and voted "yes". Bill No. 34-2013 was approved

6. BILL NO. 35-2013

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A FEE SCHEDULE FOR THE COLLECTION OF MUNICIPAL SOLID WASTE BY THE TOWNSHIP OF WHITEHALL (ADMIN).

President SNYDER read Bill No. 35-2013 to the Board.

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

Seven Commissioners were present and voted "yes". Bill No. 35-2013 was approved

7. BILL NO. 36-2013 (First Hearing)

TITLE: AN ORDINANCE ESTABLISHING RESTRICTIONS ON THOSE MONIES ORIGINATING FROM THE SALE OF LAND IN JULY 1998 TO THE LAFARGE CORPORATION (BOC)

President SNYDER read Bill No. 36-2013 to the Board.

Commissioner GINDER questioned the "any monies", stating this ordinance has been pushed to the limit, the way he reads it's even the interest which is nothing now, was always said that whatever interest was there could be used to buy new vehicles and stuff. knows they have the last say over that by approving the budget but reads this as all monies are taboo but at the time this fund started were getting \$80,000 to \$90,000 a year in interest and buying a truck for Public Works or something big the Township needed but now the interest isn't even \$5,000 a year, hopefully it will come back again but doesn't think it should be taboo that the interest can't to used to buy major items. Commissioner PALAGONIA stated the interest can be used but needs to be brought before the Board. Commissioner GINDER noted it is saying all monies, is not really breaking the two apart where the interest was to be used to purchase major items, realizes it would have to be in the budget but doesn't want to get it to restrictive that the interest can't be touched in the future either. Commissioner GEISSINGER stated the principal can be used and we have used it because it was originally \$1.7M and is down, so what happened to the other \$.5M. Deputy Mayor MEYERS stated it was used to rebuild the building. Mayor HOZZA asked if the original amount from Lafarge was \$1.2M. Deputy Mayor MEYERS stated the additional amount added was from insurance monies received when the Township sued the companies that insured us during the Novak landfill. Commissioner GEISSINGER stated then this ordinance is basically just saying the Board has to approve any expenditure from it whether it is principal or interest and can't restrict this money not to be used ever. Commissioner GINDER stated maybe it should be broken down into those two things because he thinks if you go back and read the minutes, thinks there was an ordinance or resolution when this was originally done that has the intentions written on what it was supposed to be. President SNYDER stated it was not specifically written that monies would be used to buy equipment for Public

Works. Commissioner GINDER stated there was language that created it saying it isn't candy to be handed out and be gone in five years, is something that is supposed to be forever and only the interest touched. President SNYDER agreed. Commissioner GINDER stated before we rewrite this one should get the original ordinance or resolution as to how this thing was originally stamped. President SNYDER stated she didn't think that was in there. Commissioner GEISSINGER stated he didn't think you can restrict taxpayer's money to say it can't be spent and in 10 years from now if the economy is so bad, may need to go into it to balance the budget. Commissioner GINDER stated he would still like to see the original ordinance or resolution where this fund was created and what restrictions were placed on it because he believes this is in that document already. President SNYDER stated she would like to see it too but doesn't think there are restrictions. Commissioner GINDER stated many commissioners over the years have pushed on this issue and it is what it is because of what happened in the past. Frank CLARK stated he believes the only thing was it was to be earmarked to be kept in a separate fund. Commissioner GINDER stated he felt there was more of a restriction because people just wanted to spend it and we said no it will stay a fund and we will buy an item every year off the interest and somewhere is in writing and wants to see that before he votes. Commissioner GINDER asked if this can be researched and find the original writing that was done on what limitations may be and wants to make sure they are writing double paper on this.

President SNYDER stated if they pass this it basically says the Board needs to give approval to whatever monies are used from the Lafarge Fund and doesn't feel it should be called the Lafarge Fund. She stated suppose any Mayor, not current, decides to use the money, what are the consequences or penalties. Commissioner GINDER stated the Board holds the purse strings. Commissioner PALAGONIA asked the solicitor his opinion of the question. Attorney FONZONE stated they would be violating an ordinance, could go to court with a petition to stop it, it is not a criminal penalty. Commissioner GEISSINGER asked who the solicitor would represent, the Board or the Mayor. Attorney FONZONE stated if the Board of Commissioners gives him the authority to do it, he does it. President SNYDER asked what if the Mayor would say no, that's the boss. Commissioner SLONAKER stated this is when you get a conflict attorney. President SNYDER stated it depends and if that's what you think and hopes he right. Commissioner GINDER stated if you don't like what your solicitor is telling you, you have the right to ask the conflict attorney his opinion and if you can't trust your solicitor you are in huge trouble. President SNYDER commented well if that is how everybody feels.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2822

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WHITEHALL REAFFIRMING AND REENACTING THE REALTY TRANSFER TAX, THE EARNED INCOME TAX, THE PER CAPITA TAX, THE LOCAL SERVICES TAX, AND THE BUSINESS PRIVILEGE TAX (ADMIN)

President SNYDER read Resolution No. 2822 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner PALAGONIA. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 2822 was approved.

2. RESOLUTION NO. 2823

TITLE: A RESOLUTION ADOPTING THE TOWNSHIP OF WHITEHALL CAPITAL IMPROVEMENT PROGRAM (2014-2018), SPECIFICALLY FOR THE 2014 FISCAL YEAR. (ADMIN)

President SNYDER read Resolution No. 2823 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2823 was approved

3. RESOLUTION NO. 2824

TITLE: A RESOLUTION DECLARING THAT BILL NO. 33-2013, ADOPTING THE 2014 ANNUAL BUDGET, AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, IS AN EMERGENCY ENACTMENT AND MAY TAKE EFFECT IMMEDIATELY. (ADMIN)

President SNYDER read Resolution No. 2824 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2824 was approved

4. RESOLUTION NO. 2825

TITLE: A RESOLUTION DECLARING THAT BILL NO. 34-2013, FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2014, IS AN EMERGENCY ENACTMENT AND MAY TAKE EFFECT IMMEDIATELY. (ADMIN)

President SNYDER read Resolution No. 2825 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2825 was approved

5. RESOLUTION NO. 2826

TITLE: A RESOLUTION DECLARING THAT BILL NO. 35-2013, ESTABLISHING A FEE SCHEDULE FOR THE COLLECTION OF MUNICIPAL SOLID

WASTE, IS AN EMERGENCY ENACTMENT AND MAY TAKE EFFECT
IMMEDIATELY. (ADMIN)

President SNYDER read Resolution No. 2826 to the Board.

Commissioner PALAGONIA moved to approve, seconded by Commissioner HUNSBERGER. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 2826 was approved

D. MOTION

1. Commissioner GEISSINGER moved, seconded by Commissioner SLONAKER to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo dated November 18, 2013.

Seven Commissioners were present and voted “yes”. Motion carried.

2. Commissioner SLONAKER moved, seconded by Commissioner HOWER to approve the accounting firm of Reinsel, Kuntz, Leshner, LLP as the Township Auditor for the review, analysis and reporting of the Township financial records for the fiscal year ending December 31, 2013.

Seven Commissioners were present and voted “yes”. Motion carried.

3. Commissioner PALAGONIA moved, seconded by Commissioner HUNSBERGER to approve the appointment of Jason HASKEY as a member of the Whitehall Township Fire Police.

Seven Commissioners were present and voted “yes”. Motion carried.

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner HOWER wished all residents Happy Holidays.
2. Commissioner SLONAKER stated he gave them last month’s report on the Police Pension Fund and presented Commissioner GEISSINGER with a gift stating it may be to help with the withdrawals for not being here and it may keep him going for another couple of weeks.
3. Commissioner GEISSINGER thanked the Board for appointing him 6 years ago, for giving him the opportunity to be here, the people who voted for him four years ago and this past year and a lot of his supporters have talked to him and in the words of a very famous man stated “I shall return”.
4. Commissioner GINDER thanked the employees, the staff, administration, police and fire departments, Frank, Attorney Fonzone, Jack, Ed, Lee for all their help through the year noting otherwise this job could be awfully hard, all are always there for questions or whatever help we need. He thanked his fellow

Commissioners for striving hard to give us a good budget going into the next year, the residents and wished Happy Holidays and good health to all.

Commissioner GINDER stated Commissioner GEISSINGER worked as hard as anyone has who sat on the Board, harder than most, put an effort in he has seen from very few people sitting on the Board over the years, they have agreed and disagreed on many things but walked out of here as gentlemen with the goal to try and do what we believe are the right things for this Township and thanked him.

5. Commissioner HUNSBERGER thanked the staff, the workers, people who attend our meetings and the Board of Commissioners all Happy Holidays and is sorry to see Paul go but that's the way the ball bounces sometimes.
6. Commissioner GEISSINGER stated he really appreciated everyone's support six years ago and it has been an incredible experience.
7. Commissioner PALAGONIA stated we have a great Township here, a great place to live, have excellent police, thanked all the employees who work for Whitehall Township, the Police Department, Public Works, Administration staff, Water and Sewer Authority's and all of our volunteers and boards that do a fabulous job. He noted some get stipends, some don't and thanked the Board for being so diligent this past year with the budget, really did a great job and hopes all the citizens in Whitehall appreciate all of our hard work in trying to keep the budget as low as possible without jeopardizing any of their benefits, their way of living in Whitehall and tried to keep it the best we can. Wants to say goodbye to Paul, is a great guy, knows he is going to be around, will probably be back because he is an asset to Whitehall Township and has done a lot in the years with playgrounds and various boards in Whitehall.

Commissioner PALAGONIA stated he received a complaint from a resident on the UGI agreement we have for North Coplay Road where they put fill in the Hobel property. He stated they are supposed to use it Monday thru Friday from 8:00 am to 5:00 pm and keep the gate locked. There are 2 gates that can be used, the one gate is the primary gate, the north gate is constantly left open and asked to give a call to UGI and get it straightened out, would appreciate that and is sure the neighbors over there would.

Commissioner PALAGONIA stated last month talked about the State grant money for the Prydun Farm, wants to put this to rest, can't wait until we get the money and stated last month Mayor HOZZA asked me if I could reach out, he said I was good friends with one of them, I'm good friends with all politicians, try to be professional with all politicians, doesn't have any super good friends but did reach out and spoke to the representatives for Julie HARHART and Dan MCNEILL about the Prydun Farm and just wanted to make it known they weren't aware of our grant request so they asked to have a copy of the grant sent to them, I informed Mayor HOZZA's office and it was sent so they could follow up on it. This past Monday Mayor HOZZA stated there was State grant money, had confirmation of this grant money and expected a letter of confirmation in my

Commissioners packet and asked if there was a letter received. Mayor HOZZA stated there was an email from a representative of Julie HARHART'S office in Harrisburg and can email it to the Board. Commissioner GINDER stated they were notified, we have the paperwork of the application for the grants, in the first one where they said yes we approved this and then we got the next letter where they said they sent it to another department now. Mayor HOZZA stated the email came thru Julie HARHART'S office in Harrisburg and in conversations with the DCNR contact Mr. SQUIBB, he indicated he needed photographs of every exterior and interior wall in the home and those were sent on Friday and Mr. Squibb indicated it will be January/February when the money comes from the National Park Service through the DCNR to us. Commissioner PALAGONIA stated he was told his intentions were to build a gazebo and rent it out for weddings and is that right. Mayor HOZZA responded in the negative stating we have a garden, don't need a gazebo to marry people but if someone chooses to be married on the property is up to them, most of the weddings he performs are in this room or at locations the bride and groom so choose. The Prydun Farm is protected open space. Commissioner PALAGONIA stated he heard it from our recreation office. President SNYDER she heard it also. Mayor HOZZA stated the funds he generates from marrying individuals go into the Community Fund for the Township since we are a rarity and there are only 5 Township Mayors, the Borough code was changed a year ago where in the past a Borough Mayor would have to turn those funds over to the municipality but the Borough code now states the Mayor of a Borough can keep those funds but he has opted to turn those funds over to the Community Fund. Commissioner PALAGONIA stated he appreciates it and if there any plans in having receptions on the Prydun Farm. Mayor HOZZA responded in the negative stating we are looking at least 3 to 5 years of restoration of the house and the property and our first revenue source has been our corn crop. Commissioner PALAGONIA asked what he estimates the cost is going to be. Mayor HOZZA stated as with the Grim House and the Grist Mill much of the work was done by Public Works and Parks and Recreation in the winter time, there is not too much grass to cut so they have been stripping wall paper at the Grim House, painting walls as time permits and if we continue to have a winter like we had this weekend, then very little interior work gets done. Commissioner PALAGONIA stated he understands and the Grist Mill and the Grim House look really good. Mayor HOZZA noted it is also volunteers as well, people who give up their time and don't expect to be paid. Commissioner PALAGONIA stated he volunteered a lot in his day

Commissioner PALAGONIA stated last month he asked about the Jordan Greenway, wasn't sure what the answers were on Gallagher Road where we put in about 3,000 feet of blacktop and paid \$60,000 for it and where did that money come from. Mayor HOZZA stated it wasn't \$60,000 and about three years ago Lehigh County and the Wildlands Conservancy partnered in the creation and construction of the Jordan Greenway and since Lehigh County does not have a paving department asked if Whitehall Township Public Works could pave the first leg of the trail on the unimproved and paper street called Gallagher. At that time, the agreement was that Wildlands Conservancy had a Trexler Trust grant to pay for the paving to the Township. Trexler Trust did not give Wildlands

Conservancy that grant money and the agreement now is Lehigh County is reimbursing the Township for the funds used for paving that project and are expecting the money before the end of the year. Commissioner PALAGONIA asked how much it cost us. Mayor HOZZA stated ~\$45,000 and in-kind service, an inter-municipal assistance between governments. Commissioner PALAGONIA stated he said \$45,000 and was corrected last month. Mayor HOZZA stated in addition to the \$45,000, the County is reimbursing the Township for engineering fees for the Jordan Greenway which has a PennDOT and a DCNR grant in the amount of over \$400,000 that the Township was successful in getting for the construction of the trail from MacArthur Road underneath the Route 22 overpass, then construction of a pedestrian bridge over the Jordan connecting into the new Mickley Road Bridge which Lafarge Funds were used to front that bridge construction and will then connect into the section of County property the Township paved for the County. Whitehall Township will be the first section of the Jordan Greenway completed. Commissioner PALAGONIA stated we did that 3 years ago and wasn't aware we had to shell out the money but where did the \$45,000 come from. Mayor HOZZA stated it came out of general fund with the anticipation the money was coming immediately from Wildlands but did not happen. Commissioner PALAGONIA noted it still hasn't happened. Mayor HOZZA stated as told by the leadership of Lehigh County we will have the funds by the end of the year. Commissioner PALAGONIA stated that includes material. Mayor HOZZA stated it includes material and in-kind services, even with a grant you do not include the labor unless it is in the total grant amount. Commissioner PALAGONIA stated what about the rental equipment. Mayor HOZZA noted it was our equipment, our trucks and our paver and now the residents of that part of the Township and those that visit Lehigh County park land have a paved trail and during the fire at Helfrich Springs it was fortunate that trail was paved because Fire Departments from Northampton and Catasauqua were on that trail to fight the fire. Commissioner PALAGONIA stated he has driven that trail for years and never had a problem with it prior to being paved because he used to patrol that area. Mayor HOZZA stated you can only drive in on that trail about 1,000 feet; we paved beyond the gate and doesn't believe any of our police vehicles, unless you had an ATV, could travel that area. Commissioner PALAGONIA stated years ago we could drive right through so why did he want to do that rather than pave roads in the Township that need paving. Mayor HOZZA stated not all our roads are being paved by Township staff; we subcontract out many of our streets. Commissioner PALAGONIA stated we used Township time where we could have put it somewhere else. Mayor HOZZA stated we also paved a park this year, a parking lot, a basketball court and would say this trail benefits Whitehall Township residents, it's in Whitehall Township. Commissioner PALAGONIA stated he knows it is in Whitehall, has been on it many of times, lives on the other side of Gallagher Road and walks his dogs thru there all the time and if we had to pay for it and put any money out, it was a waste of our money where the monies could have come from somewhere else. Mayor HOZZA stated when we poll our residents it's the number one offering in Recreation they are most appreciative of - our trails, it's not the baseball fields. Commissioner PALAGONIA stated he personally walks dirt roads in the back, in the Lehigh County parkway. Mayor

HOZZA stated the goal of the Jordan Greenway from Allentown to Whitehall, to South Whitehall to North Whitehall up to the Zoo will be a paved trail. Commissioner PALAGONIA stated then the County should pay for it. Mayor HOZZA stated the County is. Commissioner PALAGONIA stated that is how he feels about it and if we are spending \$45,000 it should have been in front of this Board before we spent that money and it wasn't and is upset with that.

Commissioner PALAGONIA stated we have property on S. Church and Columbia Streets designated for recreation use. Mayor HOZZA asked him what the land is called. Commissioner PALAGONIA responded it's the intersection there, we own that. Mayor HOZZA stated it is not the intersection, it's the area behind the towers, it's called Central Park, was purchased by Executive Solt with the Board's approval and the plan is next year to move forward into starting to exam turning that land into a soccer and field hockey park. Commissioner PALAGONIA stated he is glad to hear that, is the first he heard because we have it for such a long time and nothing has been done about it. Mayor HOZZA stated Tri-Boro has raised funds for construction or acquisition of such a park, we met with Tri-Boro representatives and they feel it would be a perfect fit for their soccer fields and also field hockey. Commissioner PALAGONIA stated he was glad because that is what it is designated for and why haven't we been told about this until he asked. Mayor HOZZA stated he will be reading about it in the State of the Township report. President SNYDER commented "you don't think you will get it in your packet, do you"? "We don't get anything in our packet, those days are over, that doesn't happen anymore, doesn't know why we get one". Commissioner PALAGONIA stated we don't get hardly anything in the packet, just spent \$22,000 on the Prydun Farm and would be nice to spend some money over there. Mayor HOZZA stated we thank the developers who contributed that money to the recreation escrow account for the use for recreation. Commissioner GINDER stated that park wasn't to be developed until the Kasych property was developed. Mayor HOZZA stated that is correct, until we knew what Lehigh Valley Hospital has intended but as we view the needs right now, the need is for soccer fields so not to have issues with parks that have fall baseball which was something we didn't have 10-20 years ago and fall baseball is quite popular in some of our parks and takes away from the ability of having soccer at the same time. Commissioner GINDER stated the original intent when we bought it and named it the Central, was to have park space in place for when the Kasych and Ringer properties were developed which at that time were to develop residences all the way up that valley and some of it was in front of us at that time. Commissioner PALAGONIA stated we have quite a few residents on the west side of the highway and if we are going to spend \$22,000 in the Prydun Farm we can spend \$22,000 over there and develop that for our residents. Commissioner GEISSINGER stated there is quite a bit of recreation escrow money. Commissioner PALAGONIA stated he is glad we are on it. Mayor HOZZA stated there are funds but nowhere near and any work that is to be done will be when Public Works or Parks and Recreation have time. President SNYDER asked it that will be another rec board, with a negative response. President SNYDER stated in regards to his comments about the \$45,000, not saying it was good, bad, indifferent or evil, whatever, thinks that was a lot of money, doesn't

understand we didn't have to give permission or at least be told about it but that is nothing new. Commissioner PALAGONIA stated his feeling is we represent the citizens of Whitehall, anything more than \$25,000 should come in front of us and it is not even our property, it belongs to the County. President SNYDER agreed and stated most times finds out what is going on in Whitehall by reading it in her newspaper, don't really get anything anymore in our packets, years ago we did but we don't anymore. Commissioner PALAGONIA stated we don't get anything in our packets, we used to. Commissioner GINDER stated we did vote to allow the Mayor to enter into a contract with the County to get the Jordan Greenway going. Commissioner PALAGONIA stated it's about spending money. Commissioner GINDER asked "what do you think you're going to do when you enter into a contract"? President SNYDER stated don't you think we should have been told. President SNYDER stated she doesn't know why we are here sometimes thinks we should just be one big rubber stamp. Commissioner GINDER stated he knew about it. President SNYDER stated we know about the agreement but not about the monies. Commissioner PALAGONIA stated like you knew about the Prydun Farm money, maybe you and Mayor HOZZA are really good friends that you know everything that is going on with each other. Commissioner GINDER stated he never sat at a table with the man to eat a sandwich. Commissioner PALAGONIA stated well he is supposed to know State Representatives. Commissioner GINDER stated if you read your stuff every month, sit on a couple of committees and you keep your ears open, you'd be amazed what you learn, is usually right here in front of you, it's just a matter of reading it and asking some questions.

8. President SNYDER presented a gift to outgoing Commissioner GEISSINGER stating she hopes he comes back but she will be long gone by that time. Commissioner GEISSINGER thanked her and stated it is up to the voters of Whitehall Township. President SNYDER stated when you are a Commissioner it's what you make it and he certainly did, did an excellent job and she has been with a lot and they weren't even sure where the building was when they came here, that's the truth, had some real episodes.
9. Mayor HOZZA thanked everyone for attending our annual Christmas roast. Commissioner PALAGONIA stated its part of the job. Mayor HOZZA joked yes it is but we have a long tradition of having fun December meetings. He stated as we finish 2013 have a lot to be thankful for and what has been accomplished would not be possible without the support of the Board of Commissioners, all our residents, our great employees who sacrifice a lot 365 days a year, our volunteers and as we celebrate this season of peace, his hope is for everyone to have peace in your heart, your family and you will therefore have peace in your home.

Mayor HOZZA stated it is his honor as a principal to issue a 6 year report card to Commissioner GEISSINGER at his final meeting here in Whitehall Township. He stated Paul did his homework, asked the right questions and offered his opinion and insight whether it was asked or not. He took his role as an elected Whitehall Township Commissioner seriously and with great honor. Paul gets an "A" for grammar. Unfortunately, Paul has more work to do on his love for

concrete and sidewalks and is his honor and that of the Board of Commissioners to present Commissioner Paul GEISSINGER with an official recognition for his role in representing the people of Whitehall Township over the last six years.

Commissioner GEISSINGER stated he really didn't expect all this, maybe he has to come back and loose an election again, has enjoyed the last six years, are a great bunch of people here, all their intentions are good, they do have a difference of opinions at times but the six years have been very enjoyable, thanked everyone and wished a Merry Christmas to everyone.

Lee RACKUS stated speaking as a resident, because so many times you hear bad things about the garbage haulers and Mascaro, stated it was a sheet of ice this morning and the guys came down the street for the recycling and the worker emptied her crates and walked them up to her garage doors so she wouldn't have to down because it was so slippery. She stated they do not get enough credit for the work they do, in the weather they do it and just thought it would be a nice thing to say, always hear bad things but it was a real genuine gesture.

President SNYDER wished everyone good health for Christmas and for the New Year.

G. ADJOURNMENT

1. MOTION – Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to adjourn the meeting at 9:10 p.m.