
MINUTES

August 11, 2014

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, August 11, 2014, 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
Dennis C. Hower, Secretary
Phillips M. Armstrong
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
Brian Corrigan, Finance Officer
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

2) APPROVAL OF MINUTES

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

Regular Public Meeting – July 14, 2014

Seven Commissioners were present with six voting “yes” and President SNYDER abstained. Motion carried.

B. PRESENTATION

Mark ZETTLEMOYER, Reinsel-Kuntz-Lesher, gave a review of the Township’s annual financial report. He stated GASB 45, which relates to having the requirements to record a liability for other post-employment benefits, was recorded on the Townships books and financial statements and was removed as an exception but with the adoption of GASB 34 there were some requirements of going back and getting historical costs for infrastructure assets and the Township has decided it is not cost beneficial to do so and there is a report modification related to that. He noted the adjustment made for the adoption of GASB 45 was \$2,783,438 which was the liability as of January 1, 2013 and was the catch-up for not recording those liabilities.

Some highlights included the increase in entity wide net assets of ~\$2M, total revenues were up ~\$1,300,000, the biggest increase was ~\$944,000 in EIT, an increase of real estate taxes of

~\$147,000, total expenses increased \$757,000 the largest being trash collection of ~\$80,000, payroll was up ~\$140,000, pension expense was ~\$95,000, ~\$245,000 for road construction and repairs and capital assets increased ~\$1M. The surplus in the General Fund at the end of 2013 was ~\$4.8M with a positive variance of ~\$2.7M, surplus in other funds was ~\$2.7M and the increase in pension assets was ~\$4.7M. He stated there were no unusual or significant transactions that did not have supporting documentation, no disagreements with management, had no difficulty performing the audit and were on all the same page as part of the audit process.

At the end of 2013, total current assets were \$9,100,000 vs \$7,208,000 in 2012, the cash balance was \$7.2M vs \$5.3M in 2012, current liabilities ~\$2,076,000, long term ~\$6.6M which are comparable to the prior year and from a liquidity standpoint are in a strong financial position. Total net assets were ~\$15M with ~\$3.4 unrestricted, ~\$1M restricted and ~\$11M invested in capital assets. Total revenue vs total expenses was up ~\$1.2M. The biggest jump was in EIT \$5,798,619 vs \$4,854,119 and real estate tax from \$6,255,885 vs \$6,089,744. On the expenditure side, public safety was \$8,087,786 vs \$7,982,798, Public Works was \$6,024,595 vs \$5,475,823. Total net assets increased \$1,985,483 vs \$1,495,055 and have very positive trends within the Township. The total General Fund balance was \$4,756,000 vs \$2,833,000, the budget versus actual expenditures variances were \$1,848,138 and expenditures were \$803,201 both overall being very positive. On budgeted matters, excess of revenue over expenditures, had budgeted to have a change in fund balance of a decrease of \$731,000 but had an increase of \$1,923,000 with a difference of ~\$2,654,000 and looking at all of the other funds combined, the General Fund had about \$4.7M and all others ~\$2.7M and did not see any internal control weaknesses or deficiencies they consider to be significant but feels we should look at our IT systems and data protection to block unauthorized use.

Mr. ZETTLEMOYER stated there is a new accounting standard called GASB 68 coming out regarding Pension Plans which will require the actuaries to change some of the ways they calculate numbers by using a fair market value instead of a blended 4-5 year average and noted both Pension Plans are well funded.

Mayor HOZZA asked if GASB 68 will go into effect in 2015, with an affirmative response. Commissioner GINDER asked who mandates the changes in the GASB. Mr. ZETTLEMOYER stated the GASB is the standard setting board for the United States for state and local governments. Commissioner GINDER asked if it comes thru the Accounting Board and is not a government mandate, with an affirmative response. Mr. ZETTLEMOYER stated with the downturn of the market in 2008 there are a lot of liabilities that municipalities have that are not on the books, it is meant to capture those liabilities, particularly effects bond holders and financial markets drive it more than government input. Mayor HOZZA stated there are also changes coming to the reporting standards of local governments on new debt to bonds as well.

President SNYDER thanked him, Mr. MEYERS and the Administration, felt it was a wonderful presentation and feels everyone is doing a really good job in running this Township in the financial way it should be run and feels the citizens in the Township should be appreciative because there are many Townships and Boroughs in the area that are not in the situation we are in and actually understood most of it, was excellent.

C. COURTESY OF THE FLOOR

Janet JARVIS, 998 Congress Street, Whitehall, stated she has been corresponding with Mayor HOZZA about an un-kept vacant lot which affects her neighborhood. She stated that everyone she spoke to in the Township cannot answer her questions, has pictures and just wants to know what her responsibility is as a community member.

Lee RACKUS stated it is the Novak/Azar/Kershner property that recently went thru subdivision, does need to be cut back and typically with an undeveloped lot they will cut back at least 10 feet or more from the road. Mayor HOZZA noted Lee was on vacation last week, he was on vacation the week prior when he received her emails while on vacation and then emailed Melissa WEHR who contacted the owner Mrs. AZAR and noted Ms. JARVIS acknowledged in an email that a lady and child were out cutting the weeds back on the sidewalk and asked who is going to take care of the trees. The code enforcement officer, Melissa WEHR, went out to the property on Friday, called Mrs. AZAR and told her the trees need to be cut back so people can walk on the sidewalk, this is the process and noted it would be a wonderful world if all our property owners took care of their properties but do have the habitual ones every year and to let us know if it hasn't been taken care of. Lee RACKUS stated Ms. JARVIS did call prior to her leaving for vacation, wrote it up and assigned it to our inspector but didn't know at the time what the growth was, if it is grass it is cut back between 10-25 feet, trees are not required to be cut down but need to have a clear height if they are street trees, do not go on people's properties and require them to maintain their landscaping only if they are obstructing the walkway or traveling area, we get to them as quickly as we can, Melissa turned it around very quickly when she was out because of the urgency with the Mayor but typically does not happen that fast. She noted the other thing with this property is that Mr. NOVAK owned it, did not do a good job of maintaining it for many years, then the AZAR's bought the property and now KERSHNER bought it from AZAR, so it will be another transfer which has not occurred yet and is adding to the delay but it is the growing season and is a very difficult time for us to keep up with everything.

Mrs. JARVIS stated she called in June, spoke to Melissa who she gave her spiel, works for the County, understands they are understaffed, under-budgeted, just wanted to know the process, called Lee as a follow up who gave her the timeframes, then nothing, did ask questions about how far back, nobody could answer her questions and that is what she has a problem with and wrote it in her email to Mayor HOZZA, appreciates she is dealing with the problem but it took 2 months and just wanted to know how far back it had to be and Lee said she didn't know. Lee stated she told her it would depend on what type of growth she was talking about. Mrs. JARVIS stated she was asked by someone in the Mayor's office what more does she want. Mrs. SWEENEY stated she was sorry but when Mrs. JARVIS called she spoke about weeds, had not seen the pictures, she was not very pleasant to her and did ask her what else she wanted because she did not know about the trees since Mrs. JARVIS only said that an older woman and child were cutting the weeds. Mrs. JARVIS stated she said that cutting wasn't taking care of the problem which are trees and was asked how many trees are there. Mrs. SWEENEY stated yes, after she said there were trees and not to put words in her mouth. Mrs. JARVIS stated she didn't like that she was asked what more does she want because she just wants to walk down the sidewalk without getting hit in the face. President SNYDER stated it is not her job, is Lee's and Melissa's. Lee RACKUS stated she was sorry they were not able to get out an address the problem sooner, no one else should be blamed or involved, is her department and hopefully will do a better job for her. Commissioner ARMSTRONG asked how many trees there are. It was noted from the pictures it is a lot of growth on a wooded lot. Commissioner GINDER asked if Lee is confident the new owner will be cooperative of taking care of this lot in the future. Mrs. RACKUS stated she hoped so and in all fairness it's a new owner and is a lot of growth that has never been cut back. Mrs. JARVIS stated her concern is if a woman and child will be taking care of it, doubts it will be taken care, needs a professional. Commissioner GINDER stated the need to give them a chance to see if they can do it properly. Mrs. JARVIS asked how much time they get. Lee RACKUS stated normally seven days but it is a wooded lot and she herself has said it has never been cut and we will not require them to take away 20 years of growth, it will just be so it is not impeding the pedestrian roadway.

Frank CLARK stated he is very familiar with that subdivision, the frontage that included the curb, green space and sidewalk was always under the control of Mr. NOVAK, had some issues with getting that property finished because the sidewalk was not there for a long time, got him to do that, it is valuable frontage because the KERSHNER piece is directly behind it and was always a wooded lot since 1988. He noted the three-way transfer happened when AZAR's bought that little edge of frontage along Congress, then flipped it to KERSHNER so they now have frontage, is new for them as far as maintenance, the right-of-way is only about 6 inches behind the sidewalk and will need to understand where they have to maintain.

President SNYDER noted there is a difference between trees and grass and if the Township would go out there and take care of it, the property would be lienied but even then you can't take trees down. Lee RACKUS stated we would not go on private property to take trees down, would just make sure there is no obstruction to the right-of-way or pedestrian right-of-way and is not sure Mr. KERSHNER has ever been given a notice about cutting because he didn't own the frontage, so AZAR's are taking care of it now but once the plan is recorded it will be Mr. KERSHNER's property and believes Melissa already has had a discussion with him and hopefully we are on a right path.

D. PUBLIC HEARING AND VOTING ON ORDINANCES

1 BILL NO. 23-2014 (Second Reading)

TITLE: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENTS OF SALE AND DEEDS AS ARE NECESSARY FOR THE TRANSPORTATION IMPROVEMENT TO STATE ROUTE 0022, SECTION 400 R/W TOWNSHIP OF WHITEHALL, COUNTY OF LEHIGH, PARCEL NO. 119A. (ADMIN)

President SNYDER read Bill No. 23-2014 to the Board.

Commissioner PALAGONIA moved to approve, seconded by Commissioner HUNSBERGER.

Mayor HOZZA stated he had a meeting with PennDOT, along with Frank CLARK and Attorney FONZONE, where the following was discussed: 1) the 5th Street Bridge, are looking at a new design for the bridge since more property takes may be needed due to the widening of Rt. 22 and will continue with discussing the take back program for Lehigh Street and Eberhart Road, 2) the Fullerton Avenue sidewalk maintenance agreement and the issue about the Township assuming the repair of the sidewalk and ADA ramps. Solicitor FONZONE is looking into the resolution the City of Allentown passed for the 8th Street Bridge which removed those items and just keeps what we are looking at, the sweeping and shoveling the sidewalks, 3) Third and Grape Streets where the Township has done the majority of the work with the demolition of the home, they will be working with us on a cost effective widening of that intersection, 4) asked that a bump out of MacArthur Road at Liberty Travel be added on the next TIP so southbound traffic trying to get into the Grape Street jug handle will not be backed up during the holidays, 5) presented what the conditions are causing the flooding of Mickley Road and Taco Bell, where a 30" pipe is not connecting into the 42" pipe, with an 18" pipe under MacArthur Road, 6) noted the grass has not been cut in the construction zone, they will reach out to HRI to take care of it and will also take care of the trees overgrowing onto Rt. 22 at the Mickley Road overpass bridge at Home Depot, 7) came to an agreement on street sweeping of MacArthur Road since currently the Township sweeps Rt. 329, Lehigh

Street, Mechanicsville Road, Schadt Avenue West and Third Street in Fullerton for PennDOT and they agreed to a schedule that MacArthur Road will be done every year by April, 8) if there is a gap in demolition after Fullerton Avenue is completed, stressed that a traffic signal needs to be installed at Pershing Boulevard. Commissioner SLONAKER asked if it will be permanent or temporary. Mayor HOZZA stated it still needs to be worked on since some of the detail items for Pershing Boulevard will have some traffic calming devices. Mayor HOZZA stated he recommended to PennDOT to have a meeting once a year regionally with all municipalities to voice our concerns. Commissioner GINDER asked the time table for the 5th Street Bridge. Mayor HOZZA stated the Lehigh River Bridge and Fullerton Avenue will be 2015 to 2017, will accommodate the new six lanes, it may be 2019 or 2020 when the widening begins because the funding with the new transportation bill that goes over a 5 year period is a slow implementation until the program is fully funded and is when the money will be there for the Rt. 22 Project. Commissioner HOWER asked what happens if the money isn't there. Mayor HOZZA stated we would need to take it up with the Governor. Commissioner GINDER asked when they want to take 5th Street Bridge out. Mayor HOZZA stated after the completion of Fullerton Avenue and Lehigh River Bridges. Frank CLARK stated the last stage of the Fullerton Avenue/Lehigh River Project is the extending of the accel/decel ramps from 145 up to Fullerton Avenue and 5th Street will need to be removed because of the abutments to get those lanes. Mayor HOZZA noted Townships and Boroughs will be seeing more liquid fuels monies in the next five years incrementally to do our roads.

Donald DRABICK, 5141 Lincoln Avenue, Whitehall, asked what will happen to the Wood Street playground. Mayor HOZZA stated a sliver of land has been purchased by PennDOT for the Interchange Project and as of today the playground is intact, will not interfere with the playground equipment, only the electrical shed will be demolished by PennDOT. Frank CLARK noted they need more right-of-way and is why they are taking the property. Mr. DRABICK stated he doesn't want to see Wood Street be a precedent for other playgrounds, just wants to protect the playground and hopes they put a barrier up. Mayor HOZZA noted Wood Street was the Fullerton Playground and Rt. 22 cut it in half and is why the Fullerton Playground is next to the Whitehall Mall.

Seven Commissioners were present with six voting "yes" and Commissioner HOWER voted "no". Bill No. 23-2014 was approved.

2. BILL NO. 24-2014 (Second Reading)

TITLE: AN ORDINANCE AUTHORIZING THE TOWNSHIP MAYOR TO EXECUTE
A DEED OF EASEMENT FOR TEMPORARY CONSTRUCTION AND
PERMANENT SANITARY SEWER EASEMENT OVER TOWNSHIP LAND
ADJACENT TO 531 MICKLEY ROAD. (DEVELOP)

President SNYDER read Bill No. 24-2014 to the Board.

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

Seven Commissioners were present and voted "yes". Bill No. 24-2014 was approved.

3. BILL NO. 27-2014

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PERFORMANCE OF STREET RESURFACING USING FULL DEPTH RECLAMATION FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

President SNYDER read Bill No. 27-2014 to the Board.

Commissioner HUNSBERGER moved to approve, seconded by Commissioner PALAGONIA.

Commissioner GINDER asked how close to budget this is. Deputy Mayor MEYERS stated we are a few thousand under and will do FDR on a small stretch of Ruch Street also.

Seven Commissioners were present and voted “yes”. Bill No. 27-2014 was approved.

4. BILL NO. 28-2014

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASING ROAD BUILDING MATERIALS FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

President SNYDER read Bill No. 28-2014 to the Board.

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

Seven Commissioners were present with six voting “yes” and Commissioner HOWER abstained. Bill No. 28-2014 was approved.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2850

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF TESLA MOTORS INC. SUPERCHARGING STATION, LOCATED AT 250 LEHIGH VALLEY MALL, WHITEHALL TOWNSHIP, PENNSYLVANIA, INDEX NO. 1853-14. (DEVELOP)

President SNYDER read Resolution No. 2850 to the Board

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

Seven Commissioners were present and voted “yes”. Resolution No. 2850 was approved.

2. RESOLUTION NO. 2851

TITLE: A RESOLUTION ALLOWING FOR PRICE ADJUSTMENT OF BITUMINOUS MATERIALS FOR SMALL QUANTITIES FOR THE TOWNSHIP’S FULL DEPTH RECLAMATION AND RESURFACING OF COLUMBIA STREET #14-18. (PUBLIC WORKS/BOC)

President SNYDER read Resolution No. 2851 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. 2851 was approved.

E. OTHER

1. Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to approve the appointment of Robert LOOSLI to serve on the Planning Commission, term expiring December 31, 2015.

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

2. Commissioner ARMSTRONG moved, seconded by Commissioner PALAGONIA to approve the purchase of a one-half page ad at \$300.00 for all three seasons for the Varsity W Club in the Whitehall-Coplay School District.

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

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner GINDER asked about the progress of finding out where the money went for the Fox Hollow development. Mayor HOZZA stated Greg has most of the information for the report, is going back to the old minutes of the Recreation Commission and the Board of Commissioners and Pat was assisting him in putting everything together.

Commissioner GINDER stated at Church Street by the Rail-Trail the holes are unbelievable and they graded some slop across it to try and level it out. Frank CLARK stated it is on their budget for this year, is scheduled for fall when they will cut in the other road and abandon that driveway and have already started inside. Commissioner GINDER stated we have lived for two years with them crossing the Rail-Trail and destroying it and is concerned it is not going to happen. Mayor HOZZA stated they are pulling rock out because every week the Township gets a notice about blasting. Commissioner GINDER stated that’s fine, people are working but have talked to them numerous times about keeping their trucks off the Rail-Trail and ruining it and are getting ready to pave it and asked when. Mayor HOZZA stated first are the Township streets, then the Rail-Trail, Frank is doing the specs for DCNR and will be done before the end of the season. Commissioner GINDER stated if they don’t do the entrance and Chestnut Street until October and we pave the Rail-Trail and they drive over it, they will tear it up. Mayor HOZZA stated we can stop before Church Street and finish it next year.

Commissioner GINDER stated he doesn't want to stop, wants them to stay off of the Rail-Trail with their tri-axle trucks but they don't seem to care or listen. Frank CLARK stated the tri-axle drivers will take the shortest way they can, need to worry about PennDOT's 33 foot right-of-way, can only come back so far. Commissioner GINDER asked how PPL can have telephone poles in the right-of-way. Frank CLARK noted they are allowed. Commissioner GINDER stated the need for a light pole there even if we only need it for a few months, it will stop the tri-axes from crossing the Rail-Trail, is tired of hearing the complaints at the Rail-Trail meetings every month, is time to bring the hammer down, have been more than patient with them, so whatever it takes, it has to be done because they haven't done what they said they were going to do and we can't believe them. The Board was in agreement.

2. Commissioner PALAGONIA asked about progress with the concerns with pedestrian traffic at 6th & Grape Streets at St. John's Church. Frank CLARK stated he had a meeting with them, discussed some different ideas from painting of the blocks across the road up to LED signage and are a range of different prices and options. Commissioner PALAGONIA asked if he saw the triangular LED signs, with an affirmative response. Frank CLARK stated there is a balancing act of whether to have them on all the time, push button activated when needed and are also looking at other options.

Commissioner PALAGONIA stated the Whitehall Police made a significant arrest and suggested the officers involved get commendations. He noted it involved a male caught stealing \$1,000, tried to stab the security guards trying to detain him, he got away but they got his license plate number and he dropped his cell phone. A few days later an Officer saw the vehicle, recognized the male and during the pursuit the male crashed in the median of MacArthur Road near Schadt Avenue and rammed two vehicles, then fled on foot and was captured with numerous charges filed. He stated a former Allentown Police officer, Walter Felton who is with the Northampton Sheriff's Department, observed the individual running and tackled him. Mayor HOZZA stated he discussed the matter with the Chief and they will be having a presentation at an upcoming Board meeting and those officers are also being nominated for the Burn Foundation at the Lehigh Valley Health Network's annual dinner where they honor both fire fighters and police officers who have gone above and beyond the call of duty throughout the Greater Lehigh Valley. Commissioner PALAGONIA asked if Walter will be recognized. Mayor HOZZA stated he cannot nominate him because he is not a resident but the Board can honor him if they so choose. Commissioner PALAGONIA stated it would be a good idea because he went out of his way to help the Whitehall Police Department and should at least get a letter of commendation and a thank you. The Board was in agreement.

3. Commissioner HOWER stated he has noticed all of the roofing companies down in the Fullerton area, had 2 elderly residents call him, these companies are relentless in trying to get the insurance money, are really harassing our residents and asked if there were any more complaints. Mayor HOZZA stated the two main companies that have invaded the Township after the hail storm use sales rep's to go out on Saturday's and Sunday's basically telling resident's they have roof damage, siding damage, and if they work with their company they will work with their homeowners insurance to get their property fixed. Mayor HOZZA cautioned residents because some are looking at this as a windfall and every one of those contractors need a roofing permit to replace a roof in Whitehall Township because there are many unscrupulous roofers who will not put ice guard down which is a requirement. Lee RACKUS stated it is not just Whitehall Township, it is a State law that you have to get a permit. Commissioner HOWER stated he finds it disgusting they are pressuring our elderly residents. Mayor HOZZA asked residents to

get their children involved before they sign anything no matter what it is for. Lee RACKUS stated they need a solicitation license to go door-to-door and if they are not comfortable with who is at the door to call the police because they have to be documented thru the Police Department. Mayor HOZZA stated the one is a major company headquartered in St. Louis and they target areas that have had natural disasters and use this tactic.

Commissioner GINDER stated he noticed in West Catty dumpsters out on the road, there is one on First Avenue and did not see a permit sticker on it. Lee stated she would need to check with Linda because if they are on the street they have to get approval. Commissioner GINDER stated maybe we can ask officers to keep an extra eye when they are on patrol because these dumpsters do stick out pretty far and it is the law they need permits. Mayor HOZZA noted also on the work being done inside.

Commissioner HOWER asked about the property at Third and Grape Streets that is in litigation since we paid the contractor ~\$15,000 to tear down the house. Deputy Mayor MEYERS stated we only paid him half. Commissioner HOWER stated the fine is \$42,000 and doesn't feel we should pay a penny of it. Attorney FONZONE stated the difficulty with the case is the old joint liability, if the contractor does not have assets, they are going to look to the Township, has filed a petition on behalf of the Township claiming any monies coming from the citizens of Whitehall shouldn't be saddled with such a fine. He noted it is in the early stages, going thru a process right now of mediation, feels it will take another three weeks to a month and then will have some idea where we are. Commissioner HOWER stated he agrees not one penny should come from the residents to pay a fine by some guy who didn't do the job he was supposed to do and knows he has at least about \$7,500 of assets. Attorney FONZONE stated it is the old joint liability which the State did away with in automobile cases but this is a federal law and they have not done away with it and feels his opinion is shared by everyone in the Township.

4. Commissioner SLONAKER asked about the people they have seen parking on Township property and then walking to the dentist office across the street. Mayor HOZZA stated when no parking was passed on Municipal Drive, they parked further east on Municipal Drive and on Joab but with summer and the leaves on the trees those spots are shady so they relocated to the Township property to park. He noted it is a public parking lot for government, do not have signage up yet telling those employees they should not park on the property because there are days when we had some 30 cars here for the State Auditors Conference and then when taxes are due. Commissioner SLONAKER stated if you wanted to use the facilities down at the County you have to pay a fee. Mayor HOZZA noted it is a parking deck. Commissioner SLONAKER noted they do have different places. Mayor HOZZA stated that could be an option. Commissioner SLONAKER asked if this is just an issue that came up with the no parking on Municipal Drive because he doesn't remember seeing it before, with an affirmative response.
5. Commissioner ARMSTRONG stated his concern is still the crossing at Wawa with school starting again, knows it is a State road but does not want to see something happen and then say why wasn't something done and the kids are running across there. Frank CLARK stated that is part of the problem because no matter what you do, the kids will still do what they want. Commissioner ARMSTRONG stated he just wants motorists notified in a better way so they are more aware because he saw it today with the starting of sports. Frank CLARK stated one of the things talked about at the meeting with PennDOT was the continuation of the sidewalk between the library and the corner and

the problem is trying to cross six lanes is difficult when you are managing green time on MacArthur Road and doesn't know any right solution for it. Commissioner ARMSTRONG stated something has to be better than two white lines. Frank CLARK stated blocks is one of the things being looked at since it stands out a lot more. Commissioner ARMSTRONG stated where the Rail-Trail crosses Chestnut Street, especially when you are coming south, cannot see to the left. Mr. CLARK stated part of the design for the Eastern Industries driveway coming out there is to put the banks back which will improve the sight distance on both approaches. Commissioner ARMSTRONG stated maybe white blocks on the road, has seen the same thing down in Southern Lehigh School District where they have a bike trail going across a road and have huge white blocks. Mr. CLARK stated one thing you need to be careful with the white blocks is the traction because they are very slippery, you lose the grip for cyclist, pedestrian and the motorist and some like to use hot vinyl which is even slippery, it lasts longer than paint but the paint has more grip because you can add sand to it.

Commissioner ARMSTRONG stated the official name for our upcoming event is A Stroll Down the Trail, went with the Mayor and the Recreation Director to pick the drop-off spots, met with several organizations, are planning on where people will be stationed and Pat has been a tremendous help by asking questions that made us rethink several things. He noted everyone is getting on board, feels it will be a well-attended event, thanked Al RECKER for the publicity he gave in the Whitehall-Coplay Press, are still putting together the final stages, will meet with the Boy Scouts on some of the things they can do and Greg is meeting with the Historical Society and Garden Club.

6. President SNYDER asked where we are or where we should be, feels the need to be moving on and come to an end about our Act 537. She asked if we are going to look at the pocket areas so we can continue and know there is finally going to be a goal and we are going to meet it. Frank CLARK stated he and Lee will be meeting next week to get everything in a row to move forward with the next step. President SNYDER asked about the ordinance we want to pass in regards to the systems maintenance. Mr. CLARK noted that will be part of it.

President SNYDER asked the Mayor if when he met with PennDOT, talked about road crossings because it is ridiculous up in Cementon and if there is any type of plan for the 329 and D&L Trail. Mayor HOZZA stated the design the Township recommended was for the new bridge to be elevated from Lafarge out and as a trail user you will be under the bridge similar to what is happening now with the Hokey Bridge at the IRT trail. He stated we need Lehigh County to approve the extension of the existing parking area to 50 spaces on the north side until the bridge is under construction which will prevent people parking illegally on the south side then crossing Rt. 329 to get on the trail. President SNYDER stated it is unbelievable what is happening with the people crossing, going in people's yards and doing things they shouldn't be doing and asked if the County has given a time frame. Mayor HOZZA stated Carl LAGLER drew up the plan, we didn't know the Township is responsible for maintenance from Rt. 329 up to Riverwalk but it doesn't include this construction, need the County to do the permits for DEP and Lehigh County Conservation District and because it is near the river we are not looking to pave but to put millings in to absorb the water and not cause run-off into the river but need to work with the County and the new General Services Director on pushing that through and will need to be done before the bridge starts. President SNYDER noted sometimes there are 25-50 people running across the road.

Frank CLARK spoke on the long term obligations of the Township based on federal government requirements dealing with storm water, the need to start managing storm water from a water quality standpoint as well as volume and to manage a two year storm which is about 2-3 inches of rainfall in a 24 hour period. He stated new developments will have infiltration, sprinklers, etc. and part of that is the storage of this amount of water they will need to redistribute like the Muslim Mosque and the Golden Coral. He noted the catalyst for this discussion is the property under review at Spring Mill and one of the things in their infiltration design is to have stone beds, basically building a drain field for storm water and even though that plan shows infiltration beds on private property, the Township is still obligated to inspect them because water is coming off of public streets and the federal government still puts the onus on the Township, primarily Public Works, to inspect these systems after a two year storm event and in the long term starts putting a drain on the budget because it is a lot of man hours. He noted one of the ways to reduce the amount of run-off is to make smaller roads and start to take that run-off water into the earth right away. Came up with a different road spec for a low impact development and looked to see if it is possible to go with a system of conditions to let us consider this which would be one acre lots with suitable soils and compatible grading where you don't have really steep roads but relatively flat or rolling. Mr. CLARK referred to a road crown sloped to either side, noted our specs now are about 2% but would put it a bit steeper at 3% to direct the water in a more perpendicular manner and off the road faster into the swale. Another thing would be to have street trees, currently planted 2 feet from the curb which create problems for Public Works, planted further back behind the swale. Another advantage with this type design is you do not need bicycle safety grates with the storm inlets which are sunk below along the edge of the road so you get better infiltration into the inlet and don't flood the road out and the design also helps the homeowners keep their properties well maintained. Some of the roads are 26 feet wide, some are 28 feet wide and when you have a full depth shoulder, there is no degradation and will hold the road edge just as well as curb will. Another thing is available parking on the street, it doesn't impede traffic. Mr. CLARK stated one of the nuances with the NPDES permitting, you get points for doing more environmentally compatible things like putting in plants and street trees. He noted there is lots of room for snow storage to get it off the road, it lies in the swale and doesn't get in anyone's way. He doesn't feel the feds will back down on their desire to have infiltration and in regard to inspecting these things after events, if it is a roadside swale you can do a drive by to see if it is working, don't have to put probes in the ground, look at cleanout pipes and will cut down on the long term costs for Public Works. Commissioner ARMSTRONG asked if the property owner would be responsible right to the road, with an affirmative response. Commissioner GINDER stated then we don't need a right of way anymore. Mr. CLARK stated you would still own right of way. Commissioner GINDER stated then with this type of development, curbs and sidewalks are gone. Mr. CLARK stated it would be up to them and a couple of conditions, one being if there is suitable soils for infiltration and if the grades can accommodate it and is not automatic, would have to fulfill the conditions. President SNYDER asked if the Board would need to have legislation and what does he see as a time frame because the area we are speaking about will be taking place. Mr. CLARK stated it is an additional ordinance tacked onto SALDO showing the different road specs and a series of conditions that would have to be met and approved by the Board in order for the applicant to go this other route. President SNYDER noted many of us who have been on the board for a long time will have to look at things in a different way. Mr. CLARK stated this is taking a fresher look. Commissioner GINDER asked what it does to our disabled accessibility for the curb and sidewalk concept to make sure people can go on the sidewalk with wheel chairs. Mr. CLARK stated this is an alternative where you don't have the curb barriers and sidewalk issues and you have sufficient cart way for somebody to move about the development, it's not a high traffic area. Commissioner GINDER asked if they need to go back and look at what they wrote in those ordinances because he feels they were heading in the direction it was the right thing to do at that time to get sidewalks in wherever we could with handicapped accessibility. Lee RACKUS stated this is a classic example of the federal

government passing two laws that don't complement each other, even on State roads you do not have to make accommodations for handicapped accessibility if there are not sidewalks present, it's only if there is curbing and sidewalk, doesn't think they would be contradicting what they put in place because in those build up areas it made sense to have sidewalks, you do not want to peel that plan back, this is something totally different and no layer of government is going to require you to do anything additional for accessibility. President SNYDER stated there needs to be an understanding since this changes things for Public Works, everyone needs to know, is a big change. Mayor HOZZA stated the developer who does this, we need to be on top of it and watch the installation of the asphalt because the key is without curbing that last three feet is the most critical and if it is not put in right it will disintegrate because of lack of curb. President SNYDER stated she feels it will affect Public Works in a dramatic way. Mr. CLARK stated it is not just how its built but the underlying soils so it drains well because that will kill the road faster than anything, so with this design you have that full thickness all the way to the edge and with the soils that need to be present, have good drainage as well so that preserves the road edge.

Attorney FONZONE stated there was a case where Pathstone Housing Authority of PA was turned down by the Zoning Hearing Board, are appealing and when it gets to this stage you either ask us to intervene on behalf of the Board of Commissioners or not. It is the Fuller Sportswear property, were requesting special exceptions and variances for the permitted use for density and two off street parking spaces were required by ordinance for each unit and the Board determined the applicants did not meet their burden with respect to showing this project did not affect the health, safety and welfare of the neighborhood. He noted it is very similar to Roosevelt up in Egypt, same issues on a different scale, if they don't intervene and it gets appealed from the Lehigh County Court will not be able to be present in the appellant courts. Commissioner ARMSTRONG stated he was at the Zoning hearing and thinks the major issue was the ordinance stated two parking places per unit and they could only have one. He noted they brought a traffic engineer who showed there is off street parking near the Fullerton Fire Company and some other areas but the Zoning Board said very firmly the ordinance states two spots and is why they turned it down. Attorney FONZONE stated that is one of the issues. President SNYDER stated a big issue with her was when the so-called expert got up and was talking about off street parking that was not even to be considered allowable parking. Commissioner GINDER stated he feels it is important to send the Attorney not only to protect our interest in this but will be seeing more of this type of development of old buildings which we are actually trying to do but the better the feel you get for this, the easier it is to deal with these projects when they come through. President SNYDER stated she agrees and when you do it in the manner we would like, you will get many conditions that perhaps you may not get if you do not have representation there, need to do things in the appropriate way and have the interest of the established residents and does not want their type of living destroyed for them.

7. Mayor HOZZA stated the CRIZ Authority legislation is still pending because of summer recess in Harrisburg but the two approaches are either the WTICDA, if approved by the State Legislature, would be allowed to oversee the CRIZ zone and act as the Authority or if not allowed, the Township would need to form a CRIZ Authority to be responsible for overseeing the zone. Mayor HOZZA stated the potential is here if in those 130 acres we have a developer that comes to the CRIZ Authority for funding and may need additional funds and goes to the WTICDA, feels we may have a conflict and looking at what the cities of Allentown and Bethlehem have done, they are completely separate Authority's. President SNYDER stated she agrees with it 100% because of just the appearance of it. Mayor HOZZA stated the 30 days would need to be the October Workshop meeting. President SNYDER asked what it would entail. Mayor HOZZA stated when the legislation was passed for the Third Class Cities, Bethlehem approved their CRIZ Authority before they knew they had been awarded the CRIZ designation, need to wait

and see what is happening in Harrisburg but at least the hearing would be completed. President SNYDER stated it is a process we need to start. Commissioner GINDER stated if we get knowledge that it passed in Harrisburg and do the extra meeting, we will be on top of it. President SNYDER asked if that is when we talk about what it will entail and get it out for people who may have an interest to hear what it involves. Mayor HOZZA suggested getting information from Bethlehem and Lancaster on how they set up their Authorities.

Attorney FONZONE stated a motion “That the Board move to authorize the Solicitor to enter an appearance in the action that has been filed in Lehigh County Court involving Pathstone.

Commissioner HOWER moved to approve the motion, seconded by Commissioner SLONAKER.

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

The Board was in agreement to advertise for the 30 day requirement to have a public meeting prior to their workshop meeting on October 6th.

G. ADJOURNMENT

1. MOTION – Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to adjourn the meeting at 9:07 p.m.