
MINUTES

April 08, 2019

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, April 8, 2019, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Dennis C. Hower, President
Philip J. Ginder, Vice President
Thomas Slonaker, Secretary
Shawn E. Clary
Joseph J. Marx, Jr.
Jeffrey J. Warren

TOWNSHIP PERSONNEL

Michael P. Harakal, Jr., Mayor
John D. Meyers, Deputy Mayor
Sarah M. Murray, Esq., Township Solicitor
Michael Marks, Police Chief
Frank Clark Engineer
Lee Rackus, PZ&D
Colleen L. Gober, Tax Collector
Larissa Bruder, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag and a moment of silence for Ulysses Connor who was a member of the Rail Trail Committee and Jeffrey Gerhard who was the Operations Manager at the CWSA.

President HOWER read the statement on fair housing as required.

APPROVAL OF MINUTES

Commissioner MARX moved, seconded by Commissioner WARREN to approve the Minutes of the following meeting:

Regular Public Meeting – March 11, 2019

Six Commissioners were present and five voted “yes” and President HOWER abstained.
Motion carried.

B. PUBLIC HEARING AND VOTING ON LIQUOR LICENSE TRANSFER

1. RESOLUTION NO. 3057

TITLE: A RESOLUTION APPROVING THE TRANSFER OF PENNSYLVANIA RESTAURANT LIQUOR LICENSE NO. R-1451 TO SHEETZ, INC., CLAYSBURG, PA, FOR USE AT 5001 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA

President HOWER read Resolution No. 3057 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

Attorney Ellen FREEMAN of O'Hara and Flaherty representing Sheetz, stated the license would be used for a restaurant within the current location with seating for 30 patrons, a selection of prepared food to consume Sheetz's MTO and will sell beer to go, as well as wine. Sheetz will only be permitted to sell 192 fl oz of beer at one time (typically 2 six packs) and 300 ml of wine (typically 4 bottles). Each transaction, patrons will be carded, no matter what the age. All servers will receive RAMP training. The proposed hours for sale of beer/wine is Monday-Saturday 7 AM to 1:45 AM, Sunday 9:00 AM to 1:45 AM. Security cameras will be reassessed to make sure that the property is properly monitored. There is some uncertainty of whether Sheetz will be allowing consumption on the premises.

Numerous Residents spoke regarding the many concerns that already exist at this location; the gathering of people using it as a hang-out where they rev loud motors and go out to MacArthur Road and race, and people wandering onto neighbors properties. Adding alcohol to the situation is only going to make it worse.

Six Commissioners were present and one voting "yes" and five voting "no". Resolution No. 3057 was denied.

NOTE: The above represents a brief summation of this Liquor License Transfer hearing. A complete, verbatim transcript of the proceeding can be viewed upon request at the Township Municipal Building, 3219 MacArthur Road, Whitehall, PA.

COURTESY OF THE FLOOR

Lori Ann FEHNEL of 3107 N. 3rd Street advised the Board that there is an ongoing issue at the bus stop at 3rd & Iron Streets with motorists not observing the stop sign and lights that are flashing when the bus stops to pick up students at that location. Mrs. FEHNEL brought to the Board's attention a situation involving a volunteer firefighter – Macy Hoffman that she feels need some consideration.

Macy HOFFMAN of 305 Circle Drive, Catasauqua briefly explained a situation that resulted in her being suspended from the Fire Dept. She asked that the Board reconsider and reinstate her.

President HOWER announced that the Board will be holding an executive session after adjournment.

Michael DEE of 647 W. Union Street, Whitehall wanted to note that there is a Senior Fair being held at the Whitehall Mall on April 26th from 9am – 12pm. A tract of land held by Lehigh County that is part of the Jordan Creek Parkway that was supposed to transfer to Whitehall Township by state law, is finally moving forward through the House/Senate. Finally, wanted to pass along condolences to the families of Ulysses Connor and Jeffrey Gerhard.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 13-2019

TITLE: AN ORDINANCE AMENDING CHAPTER 6 TO CREATE A NEW ARTICLE (ARTICLE IX) TO ADDRESS UNNECESSARY NOISE AS A NUISANCE AND TO PROHIBIT UNNECESSARY NOISE AFTER CERTAIN HOURS.

President HOWER read Bill No. 13-2019 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner CLARY.

Six Commissioners were present and voting “yes”. Bill No. 13-2019 was approved.

2. BILL NO. 14-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR 2019 CONCRETE CURB AND SIDEWALK IMPROVEMENTS, CONTRACT NO. 19-03R IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (DEVELOP)

President HOWER read Bill No. 14-2019 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

Mayor HAKAKAL advised that there was 1/3rd of the cost savings by rebidding.

Six Commissioners were present and voting “yes”. Bill No. 14-2019 was approved.

3. BILL NO. 15-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF UNIFORMS FOR THE WHITEHALL TOWNSHIP POLICE DEPARTMENT SWORN LAW ENFORCEMENT OFFICIALS, CONTRACT NO. 9-11, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (POLICE)

President HOWER read Bill No. 15-2019 to the Board.

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

Six Commissioners were present voting “yes”. Bill No. 15-2019 was approved.

4. BILL NO. 16-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF (1) 2020 MACK DUMP TRUCK CAB AND CHASSIS FOR THE PUBLIC WORKS DEPARTMENT, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (PUBLIC WORKS)

President HOWER read Bill No. 16-2019 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner GINDER.

Commissioner MARX stated that this is replacing a 1974 Mack Dump Truck so kudos to the Township Mechanics that kept this machine running for 40 years.

Six Commissioners were present voting “yes”. Bill No. 16-2019 was approved.

5. BILL NO. 17-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A NEW 2019 CATERPILLAR MODEL 930M WHEEL LOADER, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (PUBLIC WORKS)

President HOWER read Bill No. 17-2019 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner CLARY. Commissioner WARREN confirmed from Jack MEYERS that ½ is coming from the recycling grant funds, so noted that recycling does pay.

Six Commissioners were present voting “yes”. Bill No. 17-2019 was approved.

6. BILL NO. 18-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL TO RETAIN A GOVERNMENT RELATIONS ADVOCATE TO ASSIST, ADVISE AND AGGRESSIVELY PURSUE GOVERNMENT FUNDING FOR THE PUBLIC SAFETY BUILDING, AND OTHER SUCH CAPITAL PROJECTS AND LAND ACQUISITIONS TO BE DETERMINED AND APPROVED BY THE BOARD OF COMMISSIONERS, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (ADMIN).

President HOWER read Bill No. 18-2019 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner GINDER.

Commissioner CLARY asked the term of the contract? Mayor HAKAKAL advised it is for one year, with a 30 day out.

Six Commissioners were present voting “yes”. Bill No. 18-2019 was approved.

7. BILL NO. 19-2019

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF CURBING AND SIDEWALKS ALONG THE RELIANCE STREET FRONTAGE OF 4157 RELIANCE STREET FOR A DISTANCE OF APPROXIMATELY 180 FEET, AS REQUIRED IN CHAPTER 21, SECTION 21- 16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President HOWER read Bill No. 19-2019 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner GINDER. Lou Rauch of Lehigh Engineering and Keith Albright, Property Owner were present and explained that they are requesting a waiver due to the significant grade differences in the parking driveway areas. Mr. SLONAKER noted that this is the time that the Board addresses installation, when a property is being improved. The other side of the road is no better for consideration and there is no improvements being done there. Commissioner WARREN asked if putting the sidewalk adjacent to the curb would help. Mr. RAUCH advised it would not make enough of a distance in grade. Commissioner WARREN asked if there are families living there. There is one unit that would be capable to hold a family.

Six Commissioners were present voting “no”. Bill No. 19-2019 was denied.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3054

TITLE: A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO LEHIGH COUNTY FOR SECURING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE 2019 APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (DEVELOP)

President HOWER read Resolution No. 3054 to the Board.

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

Six Commissioners were present and 5 voting “yes” and 1 voting “no”. Resolution No. 3054 was approved.

2. RESOLUTION NO. 3055

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF BRUCE FRITZINGER LOCATED AT 1313 PENNSYLVANIA STREET, WHITEHALL PA, INDEX #1908-17. (DEVELOP)

President HOWER read Resolution No. 3055 to the Board. Commissioner GINDER moved to approve, seconded by Commissioner MARX. There were no questions or comments.

Six Commissioners were present and voted “yes”. Resolution No. 3055 was approved.

3. RESOLUTION NO. 3056

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF MARIE SEARFOSS, LOCATED AT 717 SEVENTH STREET, WHITEHALL PA, INDEX #1921-18. (DEVELOP)

President HOWER read Resolution No. 3056 to the Board.

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

Six Commissioners were present and voted “yes”. Resolution No. 3056 was approved.

4. RESOLUTION NO. 3058

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SIDEWALK MAINTENANCE AGREEMENT WITH PENNDOT FOR THE CEMENTON BRIDGE AND TO EXECUTE THE APPLICATION ON BEHALF OF WHITEHALL TOWNSHIP.
(ADMIN/BOC)

President HOWER read Resolution No. 3058 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX. Commissioner GINDER asked if the Township gets paid. Mayor HARAKAL advised no.

Six Commissioners were present and voted “yes”. Resolution No. 3058 was approved.

5. RESOLUTION NO. 3059

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO SUBMIT THE THIRD STREET/FIRST AVENUE (S.R. 1015) AND ORCHARD DRIVE APPLICATION FOR TRAFFIC SIGNAL IMPROVEMENTS APPROVAL TO PENNDOT AND TO EXECUTE THE APPLICATION ON BEHALF OF WHITEHALL TOWNSHIP.
(ADMIN/BOC)

President HOWER read Resolution No. 3059 to the Board.

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

Six Commissioners were present and voted “yes”. Resolution No. 3059 was approved.

6. RESOLUTION NO. 3060

TITLE: A RESOLUTION AUTHORIZING AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.
(ADMIN/BOC).

This Resolution was pulled from the Agenda.

E. OTHER

1. MOTION – to approve the appointment of Robin Ruhmel to serve on the Whitehall Township Planning Commission, term expiring December 31, 2019.

Six Commissioners were present and voted “yes”. Motion Carried.

2. MOTION – to approve the appointment of Robin Ruhmel to serve on the Whitehall Township Tax Appeals Board, term expiring December 31, 2022.

Six Commissioners were present and voted “yes”. Motion Carried.

3. MOTION – to approve the Real Estate Tax Assessment Appeal of Lowe’s Home Improvement Center.

Deputy Mayor MEYERS explained that Lowe’s filed a Tax Assessment Appeal and there were appraisals performed with the property owners at approx. \$7 million, the School District’s at \$8.36 million with the assessed value at \$9.3 million. The agreed upon settlement is \$8.5 million.

Six Commissioners were present and voted “yes”. Motion Carried.

4. DISCUSSION ITEM – Belmont Glen Fencing
Virginia Totin of 4320 Belmont Circle and Tom Lindeman, 4254 Belmont Circle were present to request the revision of approval to remove all split rail fencing along the pathway (shown on the drawing provided). The reason for the removal request is that the maintenance of the fence has become costly. There is never any water in the swale and there is very little foot traffic on the pathway. Commissioner MARX asked that a small portion of fencing remain along the retaining wall. Frank CLARK was asked to explain the way the drainage system was designed and the operation of it. It was determined that an Indemnification Agreement should be drawn up by the Association and submitted with a plan showing what is being proposed.

5. DISCUSSION ITEM – Rezoning Request – 3101 MacArthur Road
Mickey Thompson of PA Venture Capital and David Hart were present to request the rezoning of Arlington Cemetery which is located in a R4 Zone and Municipal Drive which is located in an OS-1 Zone. Additionally, they are requesting a text amendment to Section 27-141 Special Care community Residences to permit limited design changes for clustering of single family independent dwelling units. The independent living community will be operated by Whitehall Manor and will consist of handicapped accessible cottage-style single family homes of 660 sq ft to 980 sq ft with a few common area structures. The independent living community will offer ala carte serves such as dining, housekeeping, linen service etc. The present proposed design of the Special Care Community will enable Whitehall Township’s emergency vehicles access from Municipal Drive. On the eastern portion of the tract, the Special Care Community will enable Whitehall Twp and pedestrian traffic to access the Township’s recreational land and farm. The request for Text Amendment is made for building setback requirements which will promote clustered housing for single family dwelling units for those 55 and over, and to preserve open greenspace and promote off-street parking spaces to be accessible to the front door of the residences. Commissioner WARREN indicated his concern with a large dead end cul-de-sac and with no means of accessing Municipal Drive. Commissioner MARX voiced his concern with the possibility that down the road, the property is sold and the streets not having the dimensions of a public street. President HOWER advised that this request will be forwarded onto the Legal & Legislative Committee next meeting of May 8th.

F. REPORTS OF PUBLIC OFFICIALS

Commissioner MARX noted the passing of Ulysses Connor and Jeffrey Gerhard were two pillars of the community and who are truly irreplaceable and will be missed.

Commissioner GINDER advised that a Commissioner is needed to fill an open position on the L&L Committee. He also questioned if a deed and/or survey was ever provided for the retaining wall on Lehigh Street. Attorney Sam Cohen will be contacted to see if any of that documentation was received and to have him attend a Board meeting to discuss the issue.

Commissioner SLONAKER wanted to note that his Christmas Tree was never picked up.

Commissioner CLARY passed condolences to the families of Ulysses Connor and Jeffrey Gerhard.

Commissioner WARREN is glad to see the cinders being removed by PennDOT and the Township's Public Works Dept.

Mayor HAKAKAL updated the Board of the Build Grant that was submitted last year which was to include Allentown and Whitehall and the ask was for \$19 million, although the region did not win that grant, we are finding that there is much more interest in this project. If it gets extended as planned, a Trail for bicycles to Race Street and a one lane in each direction roadway going to Wood Street. At a recent LVPC meeting, it was re-evaluated that Wood Street would be closed and no way to access to Fullerton Avenue. Wood Street is now proposed to be moved further north, as it approaches the legion property and exit onto Third Street/Fullerton Ave at Park.

Treasurer GOBER advised that it was a busy month collecting garbage and real estate taxes.

G. ADJOURNMENT

MOTION – Commissioner MARX moved, seconded by Commissioner GINDER to adjourn the meeting at 10:08 p.m.