
MINUTES

October 9, 2017
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, October 9, 2017, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Phillips M. Armstrong, President
Dennis C. Hower, Vice President
Thomas Slonaker, Secretary
Jeffrey L. Dutt
Philip J. Ginder
Joseph J. Marx Jr.
Linda K. Snyder

TOWNSHIP PERSONNEL

Edward D. Hozza Jr., Mayor
John D. Meyers, Deputy Mayor - absent
Chuck Fonzone, Township Solicitor
Lt. Gregory Bealer, Police
Frank Clark Engineer
Lee Rackus, PZ&D
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag, a moment of silence on the passing of former Commissioner Clair HUNSBERGER and for the 59 people shot in Las Vegas.

President ARMSTRONG read the statement on fair housing as required.

2) **APPROVAL OF MINUTES**

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

Regular Public Meeting – September 11, 2017

Seven Commissioners were present with six voting “yes” and Commissioner Hower abstained. Motion carried

B. COURTESY OF THE FLOOR

Lori Ann FEHNEL, 3107 N. 3rd Street, Whitehall, stated her seven surveillance cameras on her property are for the protection and safety of her children, invade no one’s privacy, cannot go into details because it is currently a legal matter but the Mayor will be receiving a letter stating her cameras are legal.

Lenora Martucci JOHNSON, 754 Mickley Road, Whitehall, stated she recently went to the Fullerton Fire Company, are very corrupt, has a background with the LCB so they figured out she knew what they were doing when she asked for a copy of the books as a member, was threatened to be choked by Roy FERGUSON, Vice President, went to the police, was told they were not doing anything because she wasn't afraid, asked for a copy of the records, was told she had to go to Lehigh County and has been told by other women that Whitehall does nothing for them. The LCB is after the Fullerton Fire Company, was asked by them to let them know when membership was opened again, called and was told by the bartender to call back, did so and then got a call from Officer DUGAN who told her not to call there as they do not want her there. She was very involved with the Republican Party and Donald TRUMP, was at a rally at Jordan Park, went home, Michael YOST was at her house, he made a fire outside to make some hot dogs and the Fire Department was there, he shouldn't have done that, he told the firemen to cite him but they called the Fire Chief to come to her house who told her she was crazy and needs help, never had a problem before but it all has to do with the corruption at the Fullerton and the Police Officers are wrong. One of the Fullerton board members, Michael YOST, grabbed her arm and keys earlier as he didn't want her to come and speak here and told her the board members pay him to keep her from doing this stuff. This story is ridiculous, was going to move out of Whitehall because she doesn't trust the police or anyone and there is a group of women who are going to sue Whitehall because they do nothing when women are threatened.

Fire Chief NELSON stated they were called to her home because of an open burn, they talked to the gentleman who was very cooperative but she was not, started to become a conflict, was asked to come to talk to her, she became very boisterous, used some profanity's at them, asked her to distinguish the fire, she said she didn't have to, became confrontational, asked for the police to come, the gentleman was very compliant but she kept getting in the way, asked her to step away, she said she didn't have to because it was her home, I agreed but told her they need to put the fire out and for her to comply, there was no food outside, the Deputy Chief had been there previously for an open burn, were just asking her to put the fire out instead of citing her, she said go ahead it will be him who is going to jail, he was compliant with us so the police gave her a warning and we left. Ms. JOHNSON stated the fire was put out before she came home, was not violent or vocal. The Fire Chief told her they had stopped there before, asked to know what date but he couldn't say because she doesn't believe it ever happened. The gentleman did build the fire, it was wrong, she wasn't home, he put it out when the firemen came, they were only there to harass her, doesn't know how to make a fire, asked if the other fire was done by Michael YOST the only man who has lived in her house but they did not want to cite him because he is one of the Fullerton boys and wants to know what kind of action they are going to take. Lt. BEALER stated he has spoken to Ms. JOHNSON on the phone, she has reported threats made by other people, at this point they are all hearsay, no officer has witnessed any of these threats, do not have any other witnesses and referred her to the magistrate to take civil action. Ms. JOHNSON said her attorney will be subpoenaing the records and if it is not handled you know what is going to happen, has proof of everything.

C. PULBIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 27-2017

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF
SIDEWALKS ALONG THE MACARTHUR ROAD FRONTAGE OF LIDL
GROCERY STORE DEVELOPMENT, AS REQUIRED IN CHAPTER 21,
SECTON 407 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP.
(DEVELOP)

President ARMSTRONG read Bill No. 27-2017 to the Board. This Bill was pulled.

2. BILL NO. 29-2017 (First Reading)

TITLE: AN ORDINANCE AMENDING CHAPTER XVII OF THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, ZONING, SPECIFICALLY ARTICLE 12, OFF STREET PARKING AND LOADING, ARTICLE XII, OFF STREET PARKING AND LOADING, SUBSECTION 27-145, DESIGN AND CONSTRUCTION, BY REVISING SECTIONS 27-145 E (3), WITH RESPECT TO SINGLE FAMILY RESIDENTIAL DRIVEWAY CONSTRUCTION; AND SECTION 27-145 T, WITH RESPECT TO END OF ROW SPACES. (LEGAL & LEGISLATIVE)

President ARMSTRONG read Bill No. 29-2017 to the Board.

3. BILL NO. 31-2017

TITLE: AN ORDINANCE AMENDING CHAPTER 5 OF THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CODES ENFORCEMENT, ARTICLE V, PROPERTY MAINTENANCE CODE, SECTION 5-16, INSERTIONS, ADDITIONS AND DELETIONS, SUBSECTION A (7), REGARDING MOTOR VEHICLES, AND SUBSECTION A (13), WHICH ADDED CHAPTER 10, INSPECTIONS AND CERTIFICATES OF OCCUPANCY – EXISTING STRUCTURES; SECTION 1002, POINTS OF INSPECTION, SUBSECTION 1002.1, SINGLE FAMILY RESIDENCES. (DEVELOP)

President ARMSTRONG read Bill No. 31-2017 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 31-2017 was approved

4. BILL NO. 32-2017

TITLE: AN ORDINANCE AMENDING THE CIVIL SERVICE RULES AND REGULATIONS OF THE TOWNSHIP OF WHITEHALL, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA, SETTING FORTH STANDARDS AND PROCEDURES FOR THE OPERATION OF THE CIVIL SERVICE COMMISSION, PURSUANT TO THE FIRST CLASS TOWNSHIP CODE, DEFINING TERMS, ESTABLISHING THE DUTIES AND POWERS OF THE COMMISSION GOVERNING APPLICATIONS FOR EMPLOYMENT AND PROMOTION WITHIN THE BUREAU OF POLICE, DETERMINING EXAMINATION PROTOCOLS AND CREATION OF ELIGIBILITY LISTS, SETTING FORTH STANDARDS FOR PHYSICAL, PSYCHOLOGICAL AND VOICE STRESS ANALYZER EXAMINATIONS, AND ESTABLISHING RULES GOVERNING SUSPENSIONS, REMOVALS, REDUCTIONS IN RANK, HEARINGS AND RECORD MAINTENANCE. (CSC/ADMIN)

President ARMSTRONG read Bill No. 32-2017 to the Board.

Commissioner DUTT moved to approve, seconded by Commissioner SLONAKER.

Commissioner SLONAKER noted since it states setting rules for the Voice Stress Analyzer, just wants to make sure it is going to be deleted. It was noted it was deleted and is stated in the body of the Bill. Commissioner SNYDER stated the voice analyzer removal can be noted verbally and did so with her vote.

Seven Commissioners were present and voted “yes”. Bill No.32-2017 was approved

5. BILL NO. 33-2017

TITLE: AN ORDINANCE REQUIRING CERTAIN STRUCTURES IN THE TOWNSHIP TO HAVE A KEY LOCK BOX (KNOX BOX) INSTALLED ON THE EXTERIOR OF THE STRUCTURE FOR FIRE SAFETY PURPOSES DURING AN EMERGENCY; PROVIDING FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; REPEALING ORDINANCES, RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRE)

President ARMSTRONG read Bill No. 33-2017 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

President ARMSTRONG asked if this has become a problem.

Fire Chief NELSON stated we have a few structures that do not have Knox boxes which are already an ordinance as part of the International Fire Code which we have adopted, just looking at the placement of the box where it can be universally located.

Seven Commissioners were present and voted “yes”. Bill No. 33-2017 was approved.

6. BILL NO. 34-2017

TITLE: AN ORDINANCE PROHIBITING OPEN BURNING IN THE TOWNSHIP; PROVIDING FOR THE SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID; REPEALING ORDINANCES, RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRE)

President ARMSTRONG read Bill No. 34-2017 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner DUTT.

Commissioner DUTT asked about the part on fire pits and would it be regulated.

Fire Chief NELSON stated currently there is no open burn in Whitehall, just trying to make the legal part of it stick with this ordinance. The International Fire Code states there can be no open pit within 50 feet of your house, just trying to solidify the law when we want to cite someone who is in violation. Allentown has an open air policy which we fall under because we are a neighboring community. The only way to burn with a pit is to feed or keep yourself warm. Commissioner SNYDER asked if this bill outlaws all fire pits because she knows people have them and some of them are not destructive. Chief NELSON stated there has never been an open burn permit and the problem is where you draw the line. Commissioner SNYDER asked how he is going to be consistent. Chief NELSON stated there is no open burning or fire pits

allowed, has been that way before he was here and will continue to enforce unless they choose differently. Commissioner DUTT asked if it is the same thing if someone cooks on a charcoal grill. Chief NELSON responded in the affirmative noting as long as there is food being prepared, that is the loop hole. President ARMSTRONG stated there are pits that use propane and if that would be the same thing. Chief NELSON stated he would have to look into the International Fire Code to verify but would probably be yes, as far as the open burn, it is a state law that cannot be changed, cannot have the pit whether you want it or not unless you are cooking or trying to keep warm with it, like a homeless person. Commissioner DUTT asked how a brick fireplace outside would be regulated. Chief NELSON stated unless you are using it for cooking or keeping warm, cannot have it. Commissioner HOWER asked how many fires have been started by an outdoor fire pit where it has burned a structure. Chief NELSON stated he didn't know but could find out.

Lenora Martucci JOHNSON, 754 Mickley Road, Whitehall, stated she has a stone fire pit more than 50 feet away from her home, was told she could be cited and also her chimera was illegal to use. It was noted there is no open burning in Whitehall Township per the DEP. Commissioner SNYDER asked if the law states 50 feet or does this bill change it to 50 feet. Chief NELSON stated the 50 feet comes from the International Fire Code which Whitehall Township has adopted, it states there can be no open burn within 50 feet but through the DEP cannot have an open burn anywhere which supercedes the Fire Code. Commissioner DUTT asked what if someone is cooking for six hours. Chief NELSON stated if they respond and there is food there, cannot do anything unless there is some type of safety violation. President ARMSTRONG asked about a permit to burn. Chief NELSON stated there is a bon fire permit.

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, asked if the open barrels used at the Haunted Parkway are permitted. Chief NELSON responded in the affirmative, have an open fire permit, and are used to keep warm. Commissioner SNYDER stated she didn't feel that was right and if you use a pit to cook or keep warm its okay.

After further discussion, Commissioners GINDER and DUTT rescinded their motions with the decision that the Bill will be sent back to L&L for further review.

D. RESOLUTION

1. RESOLUTION NO. 2986

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF 2350 MACARTHUR ROAD, LOCATED AT 2350 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1903-17. (DEVELOP)

President ARMSTRONG read Resolution No. 2986 to the Board.

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

Seven Commissioners were present and voted "yes". Resolution No. 2986 was approved.

E. OTHER

1. Commissioner SNYDER moved, seconded by Commissioner HOWER to designate Friday, October 27, 2017, from 6:00 pm to 8:00 p.m., at the official Trick or Treat night in Whitehall Township with a rain date of Saturday, October 28, 2017.

President ARMSTRONG asked residents to turn on their porch lights to let the children know if they are participating.

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

2. Commissioner DUTT moved, seconded by Commissioner MARX to approve the reappointment of John KELLY to serve on the Recreation Commission representing the Community-at-Large, term expiring September 30, 2020.

Commissioner GINDER commented on his many years of dedicated service and is an asset to the whole recreation scenario in the Township.

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

3. Commissioner SLONAKER moved, seconded by Commissioner HOWER to require DVS Enterprises, Inc. to proceed through Whitehall Township’s land development process with respect to that portion of its property lying in Whitehall Township, as shown on its land development plan for proposed multi-tenant residential buildings at 250 North Second Street, Coplay Borough and * Coplay Road, Whitehall Township.

Commissioner MARX asked if there are any guidelines on what percentage or just that the property adjoins Whitehall Township. Frank CLARK stated there is about 1500 to 2000 square feet as part of the border which goes right thru one of the buildings.

Lee RACKUS stated the threshold is even if it touches, have the ability to require it. Commissioner MARX asked since it is a dual municipality deal and Coplay lets everything go, how far can we go. Ms. RACKUS stated we do not have control over Coplay and they do not have control over us but even though Coplay has approved it and granted additional relief, that is not binding on us just as our actions are not binding on Coplay unless we decide to appeal any decision they have made and vice versa. Commissioner MARX asked if we will do a dual permitting or CO. Ms. RACKUS stated when a building is sliced by the jurisdictional boundaries, believes the owner has the option to elect which municipality is the taxing authority. There will be questions as we have fees that Coplay Borough does not have, will need to be vetted thru the review process and what our legal ability is to do that. The UCC is in effect in every municipality in PA so there should be no difference with the construction of those units, doesn’t know of any beneficial reason for us to inspect those properties when 95% are in the Borough of Coplay. Commissioner MARX stated as far as fees, isn’t it a double jeopardy and in fairness to the developer should he be subjected to two sets of fees or one. Ms. RACKUS stated if we are going to defer the building permits because most of our fees are triggered by the securing of the permit, if we defer to Coplay then we would defer our fees as well.

Commissioner SNYDER noted we went thru something similar with the Laneco plan and Coplay, then the project changed, does not want to make any exceptions but feels this is a

great asset for Coplay and the part that is in Whitehall is good for us also, hopes we can work with the developer and not be a stumbling block because Coplay needs it and to help them.

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

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner DUTT stated the Whitehall Community Foundation will have a community breakfast for Shari Noctor on Tuesday, November 14th at 8:00 am at the Fellowship Manor honoring her volunteerism to the Township, cost is \$20.00. He noted the Senior Center is doing very well, added a new exercise class and more people for lunch.

Commissioner DUTT commented on the Town Hall meeting with 22 talking about having the Thomas Iron Works neighborhood in Hokendauqua being put on the National Registry for Historic Places, plan on having more meetings in the future, dates to be determined and in early December will have a press conference and a tour of the Thomas Iron Works neighborhood.

2. Commissioner HOWER expressed his condolences to the Hunsberger family, thanked Clair for his advice when he came on the Board, spent his formative years playing sports at the Memorial Park in Fullerton and had a great childhood because of the work of Clair and others like him and appreciates all the work he did for this Township.
3. Commissioner GINDER asked about the budget statements like for the Rail Trail. Mayor HOZZA stated they are completed now for everyone as the new software was finally enacted. Commissioner GINDER asked if the Board wishes to make a donation to one of former Commissioner HUNSBERGER’s charities and if it needs to be done by motion to come out of the Commissioner’s budget. Attorney FONZONE stated to do a motion to put it on the record.
4. Commissioner SNYDER stated she knew Clair, had been friends for many, many years, he was a good person and his heart belonged to Whitehall and that he RIP.

Commissioner GINDER made a motion that the Board of Commissioners, from their internal fund, donate \$250.00 to the Fullerton Memorial Playground and Athletic Association in the name of Clair HUNSBERGER, former Whitehall Township Commissioner, seconded by President ARMSTRONG.

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

5. President ARMSTRONG stated we had our most successful Fall Festival this past Saturday and thanked the Mayor, Laura LONG, Caroline RADON, Greg MOONEY, Joe EBNER, Jeff DUTT, Dr. HACKETT, and the School District for their cooperation. The band played, the Chamber of Commerce had a car show, thanked Fellowship Community for donating the horse and buggy ride, his hayride made \$100 which was donated to the Whitehall Hunger Initiative, the High School Choir performed the National Anthem, was a great community day with all of the high school, middle school, church groups, community service groups, the Whitehall Historical Society, everybody was represented and thanked the people of Whitehall for coming out and supporting the day and hope to grow it a little bit bigger next year.

President ARMSTRONG noted the continuous work being done Commissioners MARX and GINDER on the Veteran’s Memorial Committee. Commissioner MARX stated on

November 12th at 11:00 am will be doing a small dedication for the major donors to thank them for everything they did and will have a small luncheon at the VFW for them afterwards.

6. Mayor HOZZA reiterated President ARMSTRONG's comments on the Fall Festival and noted combining the 3 events on one day really helped to boost attendance, worked out well and will be having a meeting to plan for next year.

Mayor HOZZA commented on when he was first elected how both Linda and Clair offered their support to him, has been a whirlwind the past few weeks not only with things happening in Whitehall but in our nation as well and hopes it slows down and things get back to normal soon.

Mayor HOZZA noted the budget will be delivered to the Commissioners on Friday, October 13th for review prior to the budget hearings.

President ARMSTRONG noted there will be a skate fundraiser at the Whitehall Skate Away on Lehigh Street on Tuesday, November 14th from 6:00 pm to 8:00 pm, admission is \$5.00, skate rentals are \$2.00 and all admissions at the door and from a basket raffle will go to Whitehall Police Officer Jason MERTZ who was shot while on duty

G. ADJOURNMENT

1. MOTION – Commissioner DUTT moved, seconded by Commissioner GINDER to adjourn the meeting at 8:05 p.m.