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# **MINUTES**

**September 11, 2017**  
**Regular Public Meeting**

**Board of Commissioners**

**Township of Whitehall**

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**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, September 11, 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 - absent  
Thomas Slonaker, Secretary  
Jeffrey L. Dutt  
Philip J. Ginder  
Joseph J. Marx Jr. - absent  
Linda K. Snyder

**TOWNSHIP PERSONNEL**

Edward D. Hozza Jr., Mayor  
John D. Meyers, Deputy Mayor  
Chuck Fonzone, Township Solicitor  
Michael Marks, Police Chief  
Frank Clark Engineer  
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag, a moment of silence for State Representative Dan McNeill, those of 911 and those impacted by Hurricane's Irma and Harvey.

President ARMSTRONG read the statement on fair housing as required.

2) **APPROVAL OF MINUTES**

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

Regular Public Meeting – August 14, 2017

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

**B. 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.

Commissioner GINDER moved to approve, seconded by Commissioner DUTT.

After discussion, both Commissioners rescinded their motions and the Bill was tabled until Penn DOT reaches a solution for widening Eberhart Road.

**C. PRESENTATION**

Jennifer MASSARO, Client Relationship Manger for Penn State Extension Area 10, a non-biased research based institution within the 67 counties of PA, runs the 4H programs, Master Gardeners and Master Watershed Steward Programs, work with issues communities have and work with farmers.

Erin FREDERICK, Coordinator for the Master Watershed Steward Program, explained the program is for volunteers, must complete 40 hours of training on a variety of topics, have a statewide standard curriculum, after training need to secure 50 hours of volunteer service during the first year and a group project like establishing rain gardens or doing stream restoration, noting a rain garden is a way of collecting rain water and letting it infiltrate into the ground, helps with stormwater run-off and creates habitat as well. Volunteers in the program also commit to 20 hours of service every year to continue to learn thru educational workshops, work with schools, take educational displays to different community events and other things. Are in 13 counties statewide with about 150 master watershed stewards, with 66 in the Lehigh Valley.

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, of Environmental Council, asked if they work with the Wildlands Conservancy and Trout Unlimited to help with the stormwater buffers, with an affirmative response.

Antonio PINEDA, 844 4<sup>th</sup> Street, Whitehall, environmental engineer, stated they do a great job and Pennsylvania is one of the best states when it comes to stormwater run-off management and watershed maintenance.

Mayor HOZZA asked if the next training class will be at Penn State or at the Lehigh Valley Planning Commission. Ms. FREDERICK stated they rotate between all environmental organizations in the Lehigh Valley. An informational session will be held on January 10<sup>th</sup> with classes to begin on March 7<sup>th</sup>, 2018.

**D. PULBIC HEARING AND VOTING ON ORDINANCES (cont'd)**

2. BILL NO. 25-2017 (Second Reading)

TITLE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE TOWNSHIP OF WHITEHALL TO ENTER INTO A LICENSE AGREEMENT WITH DARRYL J. AND HOLLY I. MESSINGER TO PERMIT THE ENCROACHMENT OF A PROPOSED DECK INTO AN EXISTING DRAINAGE AND UTILITY EASEMENT AT 4648 SCHIMMEL COURT, WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA. (DEVELOP)

President ARMSTRONG read Bill No. 25-2017 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner GINDER.

Darryl MESSINGER, 4648 Schimmel Court, Whitehall, asked what the next step is. Frank Clark stated they can get started tomorrow.

Five Commissioners were present and voted “yes”. Bill No. 25-2017 was approved

3. BILL NO. 26-2017 (Second Reading)

TITLE: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF WHITEHALL TOWNSHIP BY REZONING A 7.48 ACRE PARCEL OWNED BY THERESA LAUSER LOCATED AT 3665 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, TAX PARCEL ID NO. 548993615940 1 FROM OS-1, OPEN SPACE RESIDENTIAL/AGRICULTURAL TO C-2A, LOCAL COMMERCIAL (LEGAL & LEGISLATIVE)

President ARMSTRONG read Bill No. 26-2017 to the Board.

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

Five Commissioners were present and voted “yes”. Bill No. 26-2017 was approved

4. BILL NO. 28-2017

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A 2018 PIERCE ENFORCER PUMPER FIRE TRUCK FOR THE FIRE DEPARTMENT, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (FIRE)

President ARMSTRONG read Bill No. 28-2017 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner DUTT.

Commissioner SNYDER asked if the money budgeted is sufficient, with an affirmative response.

President ARMSTRONG commented on the ceremony of the washing down and asked the purpose. Fire CHIEF Dave Nelson explained is basically taking the older engine which has given its service to the Township and passing that service to the new engine, by taking the water out of the old engine tank and splashing it onto the new engine you are continuing the good service it gave and the pushing in goes back to the 1800’s when you had horse and buggies and the horse couldn’t push it back in, so they disconnected the buggy and pushed it in.

Five Commissioners were present and voted “yes”. Bill No. 28-2017 was approved.

5. BILL NO. 30-2017

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PROPOSALS FOR THE GROUND WATER MONITORING PROGRAM FOR THE NOVAK SANITARY LANDFILL, 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 ARMSTRONG read Bill No. 30-2017 to the Board.

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

Five Commissioners were present and voted “yes”. Bill No. 30-2017 was approved

**E. OTHER**

1. Commissioner DUTT moved, seconded by Commissioner GINDER to approve the reimbursement to the Whitehall Township ICDA for expenses.

Commissioner GINDER asked if the approved money was issued to the ICDA or the MacArthur 75 Committee. Deputy Mayor MEYERS stated this one is for the ICDA. Commissioner GINDER commented the \$4,000 for accounting seems a lot for nothing happening. Deputy Mayor MEYERS stated cancelled checks were provided for all of the expenses. Commissioner GINDER questioned the line of credit interest of \$557.24 since there is only one loan. Mayor HOZZA stated the line of credit is not for the bond for the Moravian gym, there are lines of credit for startup businesses.

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

2. Commissioner DUTT moved, seconded by Commissioner SLONAKER to approve the reimbursement to the Whitehall Township ICDA for expenses for the MacArthur 75 Celebration.

Commissioner GINDER asked since we backed them for up to \$25,000, if the balance of \$11,176 is still with the Township and they have not requested use of it. Deputy Mayor MEYERS responded in the affirmative.

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

**F COURTESY OF THE FLOOR**

Cheryl BARTHOLOMEW, 3109 N. 3<sup>rd</sup> St., Whitehall, and Gerald SCHIRMACHER, 3111 N. 3<sup>rd</sup> St., Whitehall stated they are having an issue with Lori FEHNEL of 3107, has 8 video surveillance cameras on her property pointed at their properties, and is filing harassment charges on them saying they are intimidating her. Mayor HOZZA asked if they contacted the Police, with an affirmative response. Mr. SCHIRMACHER stated the police have been there quite a few times, wastes their time, just calls because she watches the cameras, sees them come out of their homes, says they are harassing her and then goes to the magistrate. Commissioner SNYDER stated this is a civil matter. Mayor HOZZA asked if she has physically threatened them and if this is the property Lehigh County Aging was at. Ms. BARTHOLOMEW stated the County was at her home because her mother has undiagnosed Alzheimer’s dementia and Ms. FEHNEL is not happy because she is friends with them and not her, has turned her into children and youth and split up her family. Mr. SCHIRMACHER stated they are entitled to some type of privacy, cameras are aimed at their property, she watches these cameras 24-7, has taken them to the local magistrate several times in the last two years and they have just now taken her. Ms. BARTHOLOMEW noted she is also audio recording them. Mayor HOZZA stated the resolution is a civil matter and asked if they are documenting everything, with an affirmative response.

**G. REPORTS OF PUBLIC OFFICIALS**

1. Commissioner DUTT recognized the Police and Fire Departments who do an excellent job and asked that it be passed along to the officers and volunteers. Commissioner DUTT stated a town hall meeting on the preservation of the Thomas Iron Works neighborhood will be held on Wednesday, September 27 at 6:30 pm at the Union Hall on Lehigh Street. Also, on

Thursday, September 21<sup>st</sup> at 6:00 pm at the Whitehall Active Senior Lifestyle Center, Karen GENSEY will give a presentation on MacArthur Road and its history.

Commissioner DUTT asked about the tree in the gazebo. Mayor HOZZA stated the tree will require the use of our front end loader to move it into a dump truck but workers are busy doing streets now. When streets are completed and we move into winter mode it will be removed along with the demolition of the gazebo.

2. Commissioner GINDER asked when the tree went thru the gazebo. Mayor HOZZA stated probably in July.

Commissioner GINDER stated at the Rail Trail meeting they asked about getting into the barn. Mayor HOZZA stated the Amish were here today to shore up the barn, the Fire Department removed what they could from the second floor, there is a dumpster on site, cannot go in the lower level until they come back to do the full repair. Commissioner GINDER stated he believes the posts and rails are on the upper level but it was noted they are on the lower level. Commissioner GINDER asked if someone from Public Works can remove them, will have a truck there to collect them and put them in storage in the old Public Works so they can get to them as needed because they keep buying more. Commissioner GINDER noted at the trailhead going from the parking lot down to the paved trail, it is washed out, have been a few comments about handicapped access and asked if there is some macadam left over at the end of the paving season to fix it. Mayor HOZZA stated it is on the list.

Commissioner GINDER commented on the letter from Doug BOWEN who is resigning from the WTA, feels he should receive some type of thank you as he has served the Township for 35 years. It was noted one was done when he retired and the new appointment will not be until January.

3. Mayor HOZZA stated there have been moments in time the last several weeks we will not soon forget, with the devastation caused by Hurricanes Harvey and Irma, the announcement by Congressman Charlie Dent that he will not be seeking re-election and the passing of Danny MCNEILL and read the following statement.

"It was with sadness that Denise and I learned of the passing of Danny on the afternoon of Friday, September 8<sup>th</sup>. Never did I imagine that on the prior Tuesday it would be the last time I would see Danny at an event and shared some laughter and thought he looked great. When I read the statement from Representative Schlossberg, I felt it hit the nail on the head about Danny as being "Larger than Life" and couldn't agree more. He was the fifth Executive of the Township, a member of the Board of Commissioners, he worked for the people of Whitehall Township and later the people of the 133<sup>rd</sup> legislative district of the Commonwealth of Pennsylvania until his dying day. He was not afraid to bring to the forefront the stigma of the Heroin/Opioid Epidemic by holding town hall meetings with experts to educate the public. The meetings let recovering addicts and family members, affected by the addiction or loss of a loved one, to share their stories for all to hear. Danny fought for the working people to make sure that our labor laws and the minimum wage laws were not eliminated. When someone needed a hand in the community, Danny and his wife Jeanne were there to have a benefit or to raise money with a fund drive. Denise and I extend our sincerest condolences to his wife Jeanne, his three daughters and to the love of Danny's life his granddaughter Kenzie."

Mayor HOZZA stated the next tragic event occurred during the middle of the night on Saturday when the phone rang and Chief MARKS informed me that one of our officers was shot in the line of duty. I immediately drove to Lehigh Valley Hospital and was able to visit with the injured officer. He is a nine year veteran of the police force who I had the honor of interviewing and hiring, and wished him a very speedy recovery from all our employees, volunteers and residents.

4. Commissioner SLONAKER stated budget meetings will be on October 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup> at 6:00 p.m.

***H. ADJOURNMENT***

1. MOTION – Commissioner DUTT moved, seconded by Commissioner GINDER to adjourn the meeting at 7:50 p.m.