
MINUTES

March 12, 2018
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, March 12, 2018, 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
Jeffrey L. Dutt
Joseph J. Marx Jr.
Jeffrey J. Warren

TOWNSHIP PERSONNEL

John D. Meyers, Acting Mayor/Deputy Mayor
J. Jackson Eaton, Township Solicitor
Lt. Bruce Somers, Acting 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 our troops serving home and abroad, and for the families of James Coomb and Jerome Dancheck who were long time servants of the Township.

2) **APPROVAL OF MINUTES**

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

Regular Public Meeting – February 12, 2018

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

B. COURTESY OF THE FLOOR

Daniel WADUSKY, 435 Virginia Avenue, Whitehall, questioned why the Township does not have a noise ordinance and can one be adopted. He has a problem with loud music being played by neighbor. Mr. WADUSKY called Lehigh County radio on New Year’s Eve and was told that Whitehall Township does not have a noise ordinance and did not send out a police officer. Commissioner SLONAKER advised that the Township does not have a noise ordinance because it’s almost impossible to enforce. Equipment is

necessary to determine what the level is. An officer should have been dispatched because they can cite them for disorderly conduct. Typically the police will go out and tell the owner to turn down the noise and usually takes care of the situation. Mr. WADUSKY thinks that since the Township has a dog noise ordinance we should have an ordinance that would regulate loud music. Commissioner SLONAKER stated that it was looked at several times and it is difficult to enforce. Mr. WADUSKY stated that the next time they will ask to have an officer sent. Acting Mayor MEYERS advised that if the county won't send an officer ask to speak with the supervisor since he doesn't believe that the dispatcher can make that call.

Tina MELLINGER, 401 Grape Street, Whitehall, lives at corner of 4th & Grape Street across from the Indian Bazaar and ever since the business opened (4 years ago) has been having problems with illegal parking (ie. Parking feet away from stop sign, double parking, parking wrong way on street). Vehicles have been hit 3 times since store opened. Previous tenant moved out and now the Bazaar is expanding with only 10 spaces. Residents struggle to park since they don't have off-street parking and there is no parking on Grape Street. This is not a specialty store as originally told. Patrons are in there for over an hour and coming out with a shopping cart full of groceries. Mrs. MELLINGER indicated that she applied for a parking permit. Acting Mayor MEYERS stated that a traffic study would need to be done in order to issue a parking permit and the recent ordinance that was passed for permit parking for Quarry Street was overturned in court. Mrs. MELLINGER also noted that they call the police when the illegal parking is going on but by the time the police arrive the patron is already gone. Commissioner MARX questioned if the business is still within the parameters for parking with the expansion. Mrs. RACKUS explained the history of the building and although the building does not meet current parking standards, but when you have a pre-existing non-conforming structure with non-conformities that is not making it more non-conforming, you have to allow it to continue. The business has rights just like the homeowners that don't comply with current residential requirements – we wouldn't tell them that they can't occupy their homes. Mrs. RACKUS did suggest that they could file an appeal to the Zoning Hearing Board. Mrs. MELLINGER expressed how frustrating this situation has been and continues to be handled for the 29 years that she has lived there. The information that was relayed to the Township on the type of business is incorrect. Commissioner DUTT asked Lt. SOMMERS whether the enforcement can be increased in this neighborhood. At this time, Harry MELLINGER addressed the Commission and reiterated that on any given day there are as many people at this business as there is at Weis. Commissioner MARX asked the MELLINGER's if permit parking was approved would that solve their problem. Frank CLARK advised that is going to be hard to obtain. Commissioner DUTT asked for permit parking to be discussed at the L & L Meeting and invited the MELLINGER's to attend. Commissioner DUTT also asked that the police make an increased presence. Lt. SOMMERS advised that he will direct the traffic unit to do routine patrols and enforce any stop sign and parking violations.

Cindy & Bill KERN, 914 4th Street, Whitehall, would like to know if the 10 spaces the business has includes parking for the employees. Mrs. KERN stated that Former Mayor HOZZA gave permission to the employees to park on the Township property at the

corner of 3rd & Grape and is this allowable. Acting Mayor MEYERS indicated that its being utilized right now for overflow neighborhood parking. The KERN's own the lot next to the Township's and people are parking on that as well. Acting Mayor MEYERS questioned if their property is posted and if not, then no trespassing signs should be erected. Commissioner GINDER suggested that they contact the police for the correct way to post so it is enforceable. Pictures were shown of the situation.

Joseph WILFINGER, 293 5th Street, Whitehall, asked for more aggressive way to get volunteers on our Boards and Committees. Committee's have meetings and can't get anything accomplished because there isn't a quorum. Mr. WILFINGER suggested that a volunteer form be apart of the new resident packet or placed with the Chamber of Commerce. He's asking for people to step up.

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, questioned Commissioner DUTT how he made out with getting volunteers from the high school. Commissioner DUTT advised that he and Commissioner CLARY met with students and had 31 sign up for being liaisons or helping with different events. Commissioner CLARY added that he feels there are a lot more students that will get involved once the word gets out.

President HOWER read the statement on fair housing as required.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 8-2018 (First Reading)

TITLE: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND SUMIT A DEED FOR THE TRANSFER OF RIGHT-OF-WAY FOR ROAD PURPOSES ALONG RUCHSVILLE ROAD (SR 4003) TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ON BEHALF OF WHITEHALL TOWNSHIP.

President HOWER read Bill No. 8-2018 to the Board.

2. BILL NO. 9-2018

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A NEW 2019 TYMCO 600 STREET SWEEPER, 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. 9-2018 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner CLARY.

Commissioner WARREN asked if there are 2 sweepers are they used throughout the year? Acting Mayor MEYERS advised that there are 2 and predominately used for the spring street sweeping season. Commissioner WARREN asked if the new sweeper will be compatible to clean out storm inlets. Acting Mayor MEYERS indicated that it would.

Seven Commissioners were present voting “yes”. Bill No. 9-2018 was approved.

3. BILL NO. 10-2018

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PURCHASE AND INSTALLATION OF ELSAG LICENSE PLATE READERS AND CAMERAS FOR THE WHITEHALL TOWNSHIP POLICE BUILDING, 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. 10-2018 to the Board.

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

Seven Commissioners were present voting “yes”. Bill No. 10-2018 was approved.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

3. RESOLUTION NO. 3006

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION PLAN OF 1313 PENNSYLVANIA STREET, LOCATED AT 1313 PENNSYLVANIA STREET, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1908-17. (DEVELOP)

President HOWER read Resolution No. 3006 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner DUTT.

Frank CLARK advised that the applicant withdrew the sidewalk waiver request. Commissioner GINDER questioned if the driveway entrance to the west was addressed. Frank CLARK stated it was taken care of. Commissioner WARREN questioned who owns the triangle lot across from the property? Frank CLARK indicated it is privately owned.

Seven Commissioners were present and voting “yes”. Resolution No. 3006 was approved.

4. RESOLUTION NO. 3007

TITLE: A RESOLUTION APPROVING THE AMOUNT OF INTEREST RETURN TO BE CREDITED TO POLICE PENSION FUND MEMBER CONTRIBUTIONS FOR FISCAL YEAR 2017. (ADMIN)

President HOWER read Resolution No. 3007 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 3007 was approved.

5. RESOLUTION NO. 3008

TITLE: A RESOLUTION APPROVING THE COST OF LIVING ADJUSTMENT FOR ELIGIBLE RECIPIENTS OF THE POLICE PENSION FUND. (ADMIN)

President HOWER read Resolution No. 3008 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and voted “yes”. Resolution No. 3008 was approved.

E. OTHER

1. Commissioner WARREN moved, seconded by Commissioner SLONAKER to approve the appointment of Deanna WEAVER to serve as Deputy Tax Collector for the Township of Whitehall.

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

2. Commissioner MARX moved, seconded by Commissioner DUTT to approve the appointment of James ROTH to fill an unexpired term on the Coplay-Whitehall Sewer Authority, term expiring December 31, 2021.

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

3. Commissioner SLONAKER moved, seconded by Commissioner CLARY to approve the appointment of Antonio PINEDA to serve on the Environmental Advisory Council, term expiring December 31, 2020.

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

4. Commissioner MARX moved, seconded by Commissioner DUTT to approve the appointment of Diane DAVIDSON to serve on the Industrial and Commercial Development Authority, term expiring December 31, 2022.

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

5. Commissioner GINDER moved, seconded by Commissioner CLARY to approve the appointment of Vito GALLO to serve on the Industrial and Commercial Development Authority, term expiring December 31, 2021.

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

6. Commissioner GINDER moved, seconded by Commissioner MARX to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo dated February 19, 2018.

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

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner MARX asking to create a committee for the public safety building. Commissioners WARREN, DUTT and MARX feel strongly that this committee should be formed to find an appropriate place to locate this building that is visible to the public and time is of the essence before the interest rates go up. Commissioner WARREN advised that we can apply for a state grant but need a location before doing so.
2. Commissioner DUTT noted that on the foyer table is a flyer about the one year anniversary of the senior center and everyone is welcome to attend. Commissioner DUTT asked that Howard LIEBERMAN explain the results of the Historical Iron Works survey. Howard LIEBERMAN back tracked and advised that the state grant has been submitted but cannot go any further in the process until a location is determined. As far as the survey goes 171 surveys were sent out and received 36 responses back which is a 21% response. Five questions were asked and two of those 5 were the most important : Are you supportive of moving forward and 66% said yes 22% that weren't sure and 11% said no and those people were worried that taxes would go up and/or whether or not the Township would restrict what they could do w/their property. Overwhelmingly, the residents are very interested in maintaining the historic preservation of the neighborhood. Commissioner DUTT explained that due to the survey being done, the deadline for the grant was missed. As Commissioner DUTT previously noted, there is much interest from the high school students for volunteering. He also noted that there is evening bingo at the senior center on March 22nd from 6:30-8:30 pm.
3. Commissioner GINDER advised that the American Flag at the trailhead is ripped and needs to be replaced. Acting Mayor MEYERS will get that taken care of. Commissioner GINDER congratulated Larissa BRUDER for taking over the position of the Executive Secretary. Commissioner GINDER thanked Jack MEYERS for wearing many hats and adding Acting MAYOR onto his present duties. Commissioner GINDER wanted to also congratulate Cornerstone for managing the police pension fund and doing a phenomenal job.
4. Commissioner CLARY thanked Commissioner DUTT for inviting him to participate in the meeting with the high school students and is very optimistic with the volunteerism of the students.
5. Commissioner WARREN asked Acting Mayor MEYERS if he authorized the removal of the planters that were at the intersection of MacArthur Road & Schadt Avenue? Acting

Mayor MEYERS did approve the removal based on the issue of who was going to maintain them. The Beautification Club was asked if they could maintain the planters and they declined to do so. Commissioner WARREN stated that Former Mayor HOZZA advised John RACKUS that he would maintain them or other volunteers would. Commissioner WARREN further explained that those planters helped to beautify MacArthur Road, used as traffic calming and were donated and would like to see them put elsewhere in the Township. Acting Mayor MEYERS will discuss with John RACKUS. Commissioner WARREN next stated that he noticed the sign at Eberhart jughandle has been removed. Acting Mayor MEYERS advised that the Chamber of Commerce didn't need the sign out there any longer. The Township will use it when it's appropriate for Township events. Lee RACKUS addressed the Board and stated that permission was never obtained to place the planters in the right-of-way and if they were on private property then the property owners can replace them. While Lee RACKUS was at the microphone Commissioner MARX asked to back track and questioned whether the NPDES can be expedited. Lee RACKUS deferred to Frank CLARK. Mr. CLARK stated that plan on a year between testing of the site and design, then a pre-submission conference and if deemed complete it then goes to DEP and if expedited w/extra fees, it would be 3-5 month time frame after that – it would be at least year.

6. President HOWER wanted to thank the department heads for any extra duties taken on during the absence of a Mayor. Another thanks to the road crew for a great job this year. President HOWER commented on the new Secretary of HUD wanting to change the mission of HUD and is interested in what the Board can do to change the penalty stemming from the Pathstone lawsuit. President HOWER feels that the outcome of that lawsuit put a stain on the Township. Attorney EATON advised that there are procedures to requesting a modification of the order and that can be looked into.
7. Acting Mayor MEYERS stated that public works has done a great job this year of keeping the roads safe and well maintained. It has taken a toll on the roads and will be reviewing the road program for this year and making modifications. Almost all vacancies are filled in police department and in the process of filling the treasurer dept. staff. Also in the process of hiring the summer staff as well. Audit field work is completed and continues to be a work in progress to meet the April filing deadline with the state. It has been an interesting couple of weeks, but we will soldier on and the staff have been very accommodating and helpful during this transition.
8. Treasurer GOBER advised that she is very happy that the department will be back to full staff shortly so she can get back to doing her own duties. She has gotten a lot of positive feedback from the residents on the great job that the Board has done on maintaining the tax base, and also what a great job the road crew has done this winter.

At this time, Lee RACKUS asked to talk about the CDBG funds. President HOWER suggested it be added to the Legal & Legislative Agenda for discussion.

G. ADJOURNMENT

1. MOTION – Commissioner MARX moved, seconded by Commissioner DUTT to adjourn the meeting at 8:10 p.m.