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# **MINUTES**

**August 14, 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, August 14, 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  
Lee Rackus, PZ&D  
Frank Clark Engineer  
Michael Marks, Police Chief  
John Rackus – Public Works  
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag, a moment of silence for Township residents Carlo FRAGNITO and Peach BOWMAN who passed away.

President ARMSTRONG read the statement on fair housing as required.

2) **APPROVAL OF MINUTES**

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

Regular Public Meeting – July 10, 2017

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

**B. PRESENTATIONS**

President ARMSTRONG presented a commendation to Sarah LUCIANO, an incoming freshman at Whitehall High School, who as an eighth grader got involved with the Snack Pack and Lunch Programs at the school and volunteered every day this summer at the Whitehall Area Summer Breakfast Program at St. John’s Lutheran Church helping to serve breakfast and with the reading program.

John RACKUS, Public Works Bureau Chief, stated the presentation will deal with the Township’s Pollution Reduction Plan to meet the next permit round of our MS4-NPDES, went out for bid and selected Center for Watershed Protection to prepare our plan.

Mike HICKMAN, Water Resources Design Engineer of Center for Watershed Protection, previously worked for the PA DEP, presented an overview of the Township's new permit requirements. In 1999 the EPA created the Phase II Stormwater Rule with new regulations for municipalities, first permits were issued in 2003, new permits were reissued in 2013 with more stringent requirements, and the next permit will be effective 2018 to 2023 with increased requirements for mandatory pollution reduction for impaired waters. Whitehall is required to put together a plan for its discharges to the Little Lehigh Creek, Lehigh River, Jordan Creek, and Coplay Creek to reduce the calculated amount of sediment by 10%, 470,309 pounds per year of sediment. The most cost effective solution would be to retrofit 57 current stormwater basins and do 2 stream restoration projects, resulting in a reduction of 481,517 pounds of sediment per year. The cost estimates over five years for the plan are: estimate 1 total is \$3,699,000 at \$737,600/year, estimate 2 total is \$5,113,000 at \$1,022,600/year and estimate 3 total is \$6,538,000 at \$1,307,600/year, assuming costs remain the same and suggested budgeting for estimate 2 per year.

Q: Commissioner MARX asked if the outfalls are changed.

A: Mr. HICKMAN stated many a outfall box within a stormwater basin has a low floor orifice so small storms get choked up, flow thru without being treated, would need to be raised to get a level of water that stays in to be infiltrated back into the ground or to put in a series of berms and stormwater plantings to have an elongated flow path for the water to get filtered, cleaned and slowed down before going out the raised orifice, which he recommends because of the Township's limestone topography.

Q: Commissioner MARX asked what the stream restoration would involve.

A: Mr. HICKMAN stated now, as required thru the DEP, is more of a holistic stream practice where you just don't line a bank with riprap but do so with other means, try to direct the flow into more of the inside of the stream so it never scours with as much energy on the outside and try to increase habitat.

Q: Commissioner DUTT asked how long the retrofits last.

A: Mr. HICKMAN stated 20 years with constant maintenance.

Q: Commissioner DUTT asked if there is an approximate cost for the upkeep for those systems.

A: Mr. HICKMAN stated it depends on how it is done and can get some numbers.

Q: President ARMSTRONG asked if there is any specialized training involved that our staff would need to maintain these filters.

A: Mr. HICKMAN stated not really, but has done it.

Q: Commissioner MARX noted storms are getting worse, asked if there any concerns because we are restricting flow, if the sediment build up would be more extreme and would lose one of these ponds.

A: Mr. HICKMAN stated no one should perform the retrofits on these basins without running thru numbers, is something called routing the basin by looking at storms, doing a computer analysis to see what happens. how high the water level gets and how fast the flow comes out, should be done before putting the basin in and most in the Township were built on a 10 year, 24 hour storm.

Q: Commissioner MARX asked if his calculations on then based on a 10 year storm.

A: Mr. HICKMAN stated they put together the concepts of how this could happen but for them to be finalized, someone would need to be contracted to do the final engineering design. This is a step forward to put this plan together, to give a list of projects to get you where you need to go but plans will need to be put up for bid for an engineer to create them and then contractors to do the installation work.

Q: Commissioner MARX asked if the DEP will provide any funding for this.

A: Mr. HICKMAN stated a lot of the DEP focus is on the Chesapeake Bay, there is nothing to be given for this particular watershed, the whole State is in this realm with these plans but the Chesapeake Bay is the one most apt to get money.

Q: Commissioner MARX asked if this creates a hardship on a community, how will the DEP look at it, will they give some relief or is the time table set and are there fines.

- A: Mr. HICKMAN stated the DEP is beholden to the EPA, the DEP has tried to do its best to not make things too difficult for PA Municipalities but the EPA has pressure on the DEP to make this happen. The general permit, when issued in 2018, will state you are required to implement whatever set of practices are necessary to get to the number of 470,000 pounds per year, need to get it done in 5 years by 2023 and what that means in terms of consequences if it is not done, is what everybody would love to know. The DEP does not have a history of being heavy with enforcement of this program but are beholden to the EPA who has a history of being strong in enforcing this program and their penalties can be high. There are third parties that are environmental watchdog law firms that look out for this kind of thing and will also want to see if it will be a black and white answer. If your permit says in 5 years you were to implement this and you didn't do it, then it will be that clear.
- Q: Commissioner GINDER asked what upstream communities around us must do.
- A: Mr. HICKMAN stated they need to do the same analysis for their discharges to impaired waters. It applies to everyone in urbanized areas.
- Q: Commissioner GINDER asked what about other municipalities around us who are running water thru us.
- A: Mr. HICKMAN stated he doesn't know but could do an analysis.
- Q: Commissioner GINDER asked if Allentown and South Whitehall and North Whitehall Townships involved with this.
- A: Mr. HICKMAN stated he knows Allentown and South Whitehall are.
- Q: Commissioners GINDER asked if we are taking runoff water and sedimentation from other municipalities, will we be paying for part of that.
- A: Mr. HICKMAN stated you pay for the discharges you put into the stream. Any neighbors around you that discharges within 5 miles of something considered impaired has to do the same analysis and contribute the same.
- R: Commissioner GINDER stated then as upstream municipalities deal with their runoff that would create less runoff thru our municipality.
- A: Mr. HICKMAN stated it would create less stream flow but not runoff.
- R: Commissioner GINDER stated runoff from their roofs can end up in our yards which ends up in the streams and their runoff can come thru our previous and impervious surfaces.
- R: Mr. HICKMAN stated it is more likely it comes thru the streams and drains down but it is certainly possible, happens all over, people have connected systems.
- R: Commissioner GINDER stated every piece of property in a neighboring municipality can't have their water going directly into a stream. It has to come across someone else's properties somewhere along the line, does not all go right into a stream.
- A: Mr. HICKMAN stated it's true but they would have to look at the discharge they had, would be their obligation and be responsible for it, your borders are the edge of your concern, are not worried about theirs and their financial liability but at lot of people have tried to partner with their neighbors for reasons like this. Where you are more built out, more impervious surface, it is harder to put in stormwater management, is easier and much more cost effective with a lot more room, gives you a lot of other options to consider the most cost effective way to get at this.
- Q: Commissioner GINDER asked then they are not looking at this as an area, they are looking at it as individual municipalities.
- A: Mr. HICKMAN stated that is all they can do, cannot make you work with somebody else, cannot make you consider your neighbors runoff.
- R: Commissioner GINDER stated the federal government does it all the time.
- A: Mr. HICKMAN stated it is not a part of this permit.
- Q: President ARMSTRONG asked if this can be a County project where all the municipalities would be together.
- A: Mr. HICKMAN stated in York County they have all joined together to do one pollution plan. They pay money to their Planning Commission who writes this plan for them, helps to coordinate

- and heads the committee the municipalities join, gives feedback for projects, prioritizes the list of projects wherever they go in the County and everyone gets credit.
- Q: Commissioner GINDER asked if that would go thru the Conservation District.
- R: Mr. HICKMAN stated you have a strong Conservation District and would be the first and most likely place to go to get started.
- Q: Commissioner GINDER asked what happens after 2023 after we spend all this money, does this all go away or need to spend more money.
- R: Mr. HICKMAN stated he doesn't know but it is not about the money, is about the stream impairment, will probably last until the streams are not impaired anymore, is a new endeavor for everyone and will work itself out over the next five years.
- R: Commissioner GINDER stated then there is no projected long range to this or to where it is going.
- R: Mr. HICKMAN stated his feels there will be a version of this that comes out in 2023, it would be a further incentive for you to start to band together in a larger endeavor if possible because the future of this stormwater world will be from a larger regional perspective because it is by far the most cost effective and trouble and pain free way to meet these obligations.
- Q: Commissioner GINDER asked what about the things the State owns in the Township like roads.
- R: Mr. HICKMAN stated they were removed from the analysis.
- Q: Commissioner GINDER asked what the State has to do then on what was removed in Whitehall.
- A: Mr. HICKMAN stated they are to do the exact same things as you and will cost them a large amount of money.
- Q: Commissioner GINDER asked when the 5 year timeframe starts in Whitehall Township for what the State owns.
- R: Mr. HICKMAN stated their permit is under negotiation now with the DEP, is not set as to when they are supposed to start or end because they are trying to work out the details for all their State roads and responsibilities throughout. In York County, they decided to work with the County to put in a bunch of projects, received some grants to the implementation of all of the York County Plan and then what the DEP was set to do was Penn DOT would not have to set a plan for York County.
- R: President ARMSTRONG stated it seems to make more sense to get all of the municipalities together, the formula would need to be worked but something should be approached more on a regional basis where everyone would benefit by getting together.
- R: Mr. HICKMAN stated he worked for the creation of the York County Plan, came up with a weighted equation for the cost that factors in the population, amount of impaired streams and the amount of impervious surfaces that are the main contributors to the problems overall. They took a look on how much money they needed to collect and based on your score with that equation, they divided the cost out and was seen by all the municipalities as the most fair and legitimate way to spread the cost out.
- R: Commissioner MARX stated that could actually backfire because we have a lot of a lot.
- R: Mr. HICKMAN stated he worked with Blair County, wrote their Pollution Reduction Plan, you have one-third of the loading that all of Blair County has with their permit requirements together, you do have a lot but can benefit by having more options by looking to put in projects in neighboring municipalities.
- Q: Commissioner MARX asked what if quarry operations are pumping into the waterways, if there is any surcharge done to these entities because they are adding to the problem.
- A: Mr. HICKMAN stated the MS4 permit is only a brand new part of it, the old part covers discharges like that. One of the tenants of the program is illicit discharge detection, if you know of someone doing that, need to be compliant with the program at the bottom of your stormwater ordinance in a section where you can fine people for doing that. If the discharges are big enough, can reach out to the DEP office but they will want to work with you for compliance thru your ordinance.
- R: Commissioner MARX stated if they are permitted already, then they are grandfathered.

- R: Mr. HICKMAN stated quarrying would be under a different set of permits and conditions, are not a part unless they discharge into a stream but would be a ground water impact of some kind. Quarrying should have its own industrial and specific set of requirements.
- R: Commissioner MARX stated we have quarrying operations that pump the water out, if it gets into the waterways they are adding sediment to it and feels they would be bringing our numbers up if that happens.
- R: Mr. HICKMAN stated what they pump is usually ground water which is relatively clean, would not be as big of a deal as opposed to other type discharges but if they were discharging some type of slurry, would be a different story, should be set numbers in their permit that would not allow for that
- Q: Commissioner HOWER asked if the push from the DEP and EPA is to have more impervious surface because we are doing an ordinance for driveways to be paved, may have made the wrong decision if we will be charged more and may need to go back into our zoning to see what we are going to allow to happen in the future.
- R: Mr. HICKMAN stated nobody looks at the coin in terms of impervious surface for this permit but it is in that way. So if you are proposing extra impervious surfaces and if this program doesn't go away for the future, you may want to see what is most appropriate in utilizing your ordinance to maximize the stormwater from new redevelopment activities.
- Q: Lee RACKUS stated we are looking to amend our zoning ordinance for certain things and asked what would be worse in not requiring people to pave driveways than having people dragging mud out into the street, into the streams potentially and causing some sedimentation or in having a hard surface so that doesn't happen, need to look at both sides of the coin.
- R: Mr. HICKMAN stated you need to weigh the options but if there was a lot of sediment being complied, then running off going into the storm systems and discharging it into the streams, that would be an issue. Adding the driveways would cut it down especially if they are small and your real impervious surface is what you have from the south end of the Township.
- Q: Commissioner GINDER stated our Sewer Authority just spent millions of dollars to tighten up the sewer system to stop the infiltration into the sewer line, so obviously we now have more infiltration water on the ground than before and if we get credit for keeping that water out of the sewer system.
- R: Commissioner MARX stated the Sewer Authority is under an Administrative Order from the EPA, County wide.
- Q: Commissioner GINDER stated so it is counter active, now have water out in fields by getting it out of the sewer system and asked if there are credits.
- R: Mr. HICKMAN responded in the negative as they will look at it as two totally different permits with two different sets of conditions.
- R: Commissioner GINDER stated one goes hand-in-hand with the other.
- R: Mr. HICKMAN stated one would help to increase a problem, they will say you needed to take care of this, the closest thing to a tradeoff would be your positive dealing with that situation which will give you a positive reputation which only helps in terms with working with the DEP and EPA.
- R: Commissioner MARX stated on top of this, the PA DEP is going to require a storm management, which is currently in legislation, where they want the municipality to map the storm systems, will have an impact on this, will be a lot of cost involved with that also, feels both will have a counter impact with each other, may solve one problem and then create others.
- Q: Frank CLARK asked about the throttling back of the lower orifice in a control structure and perhaps going with a wet bottom pond, has been here for 30 years and the ponds have a 100 years storm storage with free board. If we reduce the available volume in the pond, it has to be routed by somebody, the concern is property damage, doesn't know who will take that responsibility to change the dynamic of an existing stormwater pond and predict that a certain amount of water will not come out over the spillway and flood an area. On the Overlook Basin and Woodlawn Channel, that pond is designed for flood control of that lower area because previously by the

- tennis courts by Spring Ridge Apartments there would be 3-4 feet of water on the roads, homes were flooded and sewers were backed up. We took every available square inch of area we could to store that water in and to effectively route it in the available out falls. Currently, there is no outlet control structure in that pond, it goes straight out to every pipe available and eliminated the flooding problem in that area. The Woodlawn Channel is lined with bentonite, is essentially impervious and our ordinance called the pond bottoms for most of these detention ponds as impervious cover because it was that tight. There is a blended bentonite liner in almost every pond in this Township and if you are talking about infiltration, will we need to eliminate that bentonite liner and infiltrate into sinkholes as there were ~9 sinkholes fixed in the Woodlawn Channel during that process.
- R: Mr. HICKMAN stated the whole point is to make sure that you do not decrease the flood capacity in any of the basins. So while you play with the orifice and the outlet structure, you have to route it the whole time, is a game that is painstaking, perhaps excavating out some of the bottom or some of the sides and also playing with the height to try to get to where the water flows around. Would never want to decrease the volume or want to take away from the freeboard so that you are sending storms prematurely over, try to promote infiltration everywhere you can, knows there are sinkholes, so you may want to either do some type of boring or keep the liners the way they are and instead work to vegetate everything as much as you can and elongate the flows paths around as much as possible to allow for the water to filter thru as much vegetation for the small storms to get caught up. The vegetation will act to break up the first upper layer of the soil to allow for more void space in the soil, can also amend the soil to allow for more void space but not break up that layer of bentonite.
- R: Frank CLARK stated the bentonite layer is 4 inches below the top soil, will not be able to work that and then not be able to drain it. The geology here is not compatible with infiltration and the method described and with the dollar numbers. They are functioning, not only from a stormwater perspective but are also working as a flood control, if we start modifying all these basins that were designed by professional engineers to function as they do, is there a liability issue the Township will occur if we change all the dynamics of these ponds to the point where they are not functioning to how they were designed originally. Someone is going to have to take responsibility to approve these designs and re-route these ponds and be the engineer of record, is a big burden of liability.
- R: Mr. HICKMAN stated he wants to be clear you will not be taking the basin and lowering any volume or taking away from its flood capacity in any way, shape or form. All you are seeking to do is to take and get as many small storms to flow thru and just soak into there, let the plants filter out the sediment and discharge out the other side without taking away from the flood capacity and is called a water quality route instead of infiltration. In the calculations, there are 2 separate ways to calculate how the performance will work and for those practices we worked with the water quality calculations. You get less than you would from infiltration but we were aware of the sinkhole problem.
- R: Commissioner MARX stated last week had an example with a pond up on Scheidy's Estates, no retention area detention pond, agrees with Mr. CLARK, the pond hit it without any restrictions whatsoever, flow restrictions, is highly vegetated and this plan will not work in some of our entities.
- R: Mr. HICKMAN stated everyone is not a one size fits all solution, need to run the numbers to see what makes the most sense because you cannot play with overtopping that basin from storms and anyone you would pay to do this work, hopes they show you thru calculations that there proposed changes would not result in any storm that was captured flowing over. If you have basins that have really large drainage areas and get tons of flow that is not going to be right for this type of work at all.
- Q: Commissioner MARX asked instead of looking at just a handful of basins to get our numbers where they have to be, are there any programs were you go to all the basins, do some type of control and the cost would be much lower because you are not dealing with a whole outfall, can

- go in, put in some controls that are much cheaper but are spreading it out Township wide, would be putting in controls that would help but sort of diluting the whole area.
- R: Frank CLARK stated that is hard to do with all the fixed pipe collection systems. There are basins and sub-basins, everything that ties together, is all engineered right from the start for any sub-division or stormwater basin area. The obvious place to try to control it is at the bottom where the basin is, throttling down the orifice would change the volume in the pond and your freeboard, is concerned that once the routing is done if it can't be shown that it is practicable, what happens to the cost numbers overall, are we down to the third category where we need to come up with something else now or spend even more money to try to buy property in a low area that could receive some of the storm flow and is the overall cost of the program going to escalate because some of the cheaper solutions aren't practicable?
- R: Mr. HICKMAN stated you only play with the orifice where you can do so. There are others fixes for basins other than doing that, are many others things you can do to amend soils.
- Q: Mr. CLARK asked to amend soils to what degree, for infiltration?
- R: Mr. HICKMAN stated for extra storage before it discharges out the other side, we specifically went to figure out all of the basins that would be right for retro-fit because that is your cheapest option to do but if there are basins approved not to get the numbers to be there or if some of them prove to be infeasible to do that work, there will need to be other projects that will then go back to take its place and those other projects will be more expensive. There is one tool that exists, does not mean it is a solution for your problem in Whitehall, it is snouts or water quality inserts. There are companies that sell products, are expensive, are not proven to work, are maintenance nightmares where you put them in, are supposed to collect sediment in some way but the amount of frequency by which they need to be maintained makes for a burden and expense on the Township and their reputation is such that the EPA or third parties that would review your plan would not take it with the same level of sincerity as a good practice as they would with the basin retrofits or other practices but it is true if there are basins where the numbers don't work out or don't get as much of sediment reduction we hoped for with the concept plan, other projects will have to come in. Stream restoration is estimated to be ~\$600 to \$650 per linear foot, it gets you a lot of sediment reduction, it gets you reduction where you already have a stream and don't necessarily have to get into another property, with any new and redevelopment activities can try to get some stormwater put in there as well but they sought to do the most realistic, viable plan they could by working with the retrofits. Whoever does this, will have to be licensed in PA, will have to sign and seal them that this is appropriate and will need to demonstrate to you the numbers that will work out.
- Q: Commissioner SLONAKER asked how many of these programs has he shown to other municipalities in the County.
- R: Mr. HICKMAN stated none in Lehigh County, has not given this same presentation to anyone but has worked in this endeavor all over in south central and south eastern PA.
- R: Commissioner SLONAKER stated just want to know before we say to them they may have to spend a million dollars a year also, what we can do to let other municipalities know they need to conform too and how we can go ahead and do something County wide or thru the Conservation District, but right now you just presented what Whitehall has to do and it is like we are on the island.
- R: Mr. HICKMAN stated he will presenting this to Upper Macungie and a few other municipalities to talk about what they will be doing for their plans as well, may seem like an island now, but within the next few weeks more people will be having this exact conversation and precisely 1,100 municipalities in PA have to deal with this permit. Has spoken to Mr. Frederick of the County Conservation District about the possibility of people working together, will judge what other people have for this price tag when he meets with them, everyone is getting sticker shock and hopes that spurs the dialogue on how people can work together. He noted it is a requirement of this permit to map your system, is working to help to provide that with some extra funds left over

- to get your mapping put together which is a key component for this MS4 permit. GIS is the Cadillac practice for that, is the best and the most cost effective.
- R: Joe WILFINGER, Environmental Advisory Committee, stated everyone is looking at the mechanical answers to this but there is vegetation you can use that will take out the sediment, can get a plan from the Arbor Day Society, did submit some of the issues a couple of years ago about plantings to put in the different swales in the Township to take sediment out of the water, it is a cheaper alternative and natural.
- Q: Frank CLARK asked how farming plays into this.
- A: Mr. HICKMAN stated if you have agricultural lands that drain into your MS4, then you have what could be the highest loading possible with the highest sediment discharge. The DEP allowed for the simplified modeling method which means you just need to look at two numbers, pervious and impervious, and is what was done for Whitehall by breaking down all the land uses that would drain into the MS4.
- R: Frank CLARK stated when you look at earth disturbance, farming is more than when you put up a building or house, is constant year after year, sometimes twice in a season and does not know if that is weighted along with everything else.
- R: Mr. HICKMAN stated the way the analysis was done, it does not factor into it at all and cuts it out of the picture.
- R: Frank CLARK stated then one of the greatest sources of sedimentation and nitrification is not factored in.
- R: Mr. HICKMAN stated only because we wanted to set this up as being the most cost effective, could have done a more comprehensive modeling analysis but would have much more of the budget to get there.
- Q: Frank Clark stated he is talking about DEP in general and how do they just take that out?
- R: Mr. HICKMAN stated if you had a road within the urbanized area which is in the MS4 regulated boundary and you had agriculture draining into it that is the only time you would need to worry about that happening. Often times throughout the State that is not the case. Usually the urbanized areas doesn't include farm land. From an MS4 perspective, agriculture is a very small part of the loadings or problems and has their own series of permits.
- Q: Commissioner SNYDER asked if it would affect the 17 acre detention pond behind Kmart
- R: Frank CLARK stated it is only 6 acres.
- R: Mr. HICKMAN stated it is in the plan to put in vegetation in to filter the water.
- Q: Mr. CLARK noted it has a poly liner.
- R: Mr. HICKMAN stated that is why they proposed not to take out the liner because of the sinkholes developed during construction, would never want to break that up, just increase the vegetation, is what you will do a lot of because you have such good infiltrating soils but so much you can't infiltrate over it, will be a balance between finding a way to amend the soils and do what you can to add any level of storage you can between digging down or digging down and replacing a liner and then adding levels of gravel and sand to add void space down below so you can keep at that orifice height for those problems you would have with the overflows, is why the figure is what it is, is a lot of planning and money to sort or organize and to get the kind of people you know are going to do a good job because you do not want to make any of these less functioning than what they are, keep them at the same flood capacity but increase their ability to treat smaller storms is where you get the credits that go towards this program and it really happens thru the vegetation.

President ARMSTRONG thanked him noting they had a lot of concerns as it will be a large financial burden on the Township and there are a lot of things we need answers too.

### **C. COURTESY OF THE FLOOR**

Rob PILIGIAN, 415 Oakwood Drive, Whitehall, asked if there was any progress on Fairmont and MacArthur since last month. Mayor HOZZA stated there are 2 designated turn lanes at that



intersection, both synced to turn at the same time. Mr. PILIGIAN stated the west and east bound turn off at different times and that functionality disappeared 2 weeks after the intersection opened up when the jug handle was put in. Mayor HOZZA stated the need to go back then to the condition diagram from Penn DOT. Mr. PILIGIAN stated now we will be looking at school buses and a lot of grid lock in that area especially on weekends. Commissioner SNYDER asked if it would help if the Board would get involved with this. Mayor HOZZA stated the need to look at the condition diagram and determine whether a change was made by Penn DOT and then appeal to Penn DOT for any change, is the avenue we need to take and also need to deal with the synchronization of the lights on MacArthur Road.

Jamie HENRY, 532 5<sup>th</sup> Street Rear, Whitehall, manager at Jefferson Pool, stated she has worked with some of the best guards, some are here today because they care about what is going on at the pool. Over the past several years has notice the slow decline at Jefferson, remembers when it was packed, knows times have changed, kids don't get out as much due to technology and many families have pools but feels we could bring in these people with changes at the pool and shared a list of 25 things to be fixed. She noted a tree fell down but not when patrons were at the pool and feels some other trees should be cut down because they are rotted. Last year lost the high dive at the end of the year which a lot of non-residents from Allentown came for, then lost the low dive in the middle of this summer. The patrons that come usually do so because of the diving boards, would like them replaced, would like to get some of the things on the list done, has talked to Fullerton to get Jefferson back to where it used to be, knows the pools don't make money but feels some of the changes/repairs they are asking for can get it back to close to what it was.

President ARMSTRONG asked if the list of 25 was given to the Recreation Director. Ms. HENRY responded in the negative, made requests over the years like replacing a life guard chair by the diving well, gave list to Robin Dorney who presents the list, had to move a wooden life guard stands to the middle of the diving well, then lost one of our stands, have a 4 foot area where the guards have to sit on benches when they should be up above the pool, asked to have the "Don't Run" signs painted because have trouble with kids running, our tubes are supposed to have straps, the one tube that has a strap the entire plastic over the top comes off. Some of the things are very simple and should be end of the year maintenance. Commissioner DUTT asked for a copy of the list as he is the liaison to the Recreation Commission. Mayor HOZZA stated Jefferson has been monitored over the last few years, attendance has been gradually declining every year, right now have an estimate of \$1.5M for a new pump station, slides to replace the diving boards and also a complete gut of the inside of the pool and checking the pipes as we did with the Hokey pool. The question in every municipality who have municipal pools, not only Whitehall, is that the Department of Natural Resources which gives out grant money, has decided public pools are no longer grant worthy, has spoken to the Secretary of DCNR and Senator BOSCOLA on how many municipal pools in the area have been closed because you have to weigh the capital expense versus the attendance. Mayor HOZZA stated the new ~\$2M Palmer pool is the original design given to us for the Hokey Pool where we were denied grant money twice. Palmer got so busy had to deny entry to non-residents but what happens in the next few years after the newest/novelty wears off and you don't have the continued patronage. Jefferson is a great asset to the community due to its close proximity to retail, so do we make it a destination pool like Palmer but need to weigh the cost to the taxpayers of Whitehall and close Jefferson and keep Hokey and Cementon. Ms. HENRY stated she feels Jefferson makes the most money, has a strong staff and guards there to deal with the non-residents, understands the budget but nothing has been done to try to make the pool better over the last 5 years, are here because it was the first year they sat around because no one was in the pool, does not want the pool to close just asking for a slide, a diving board and the maintenance to be done. She has talked with Fullerton about doing different things like a movie night, various types of tournaments, weekend things and a Facebook page but can't ask people to come to the pool the way it looks right now.

Jordan RIVERA, 1062 Bernice Drive, Copley, stated he has been a lifeguard the past 3 years, was his first year at Jefferson, when they had the low dive, had more people, the only thing he saw fixed were straps for the backboard, got one of the two we asked for so is a dangerous situation, would be useful to have an AED machine and leaving things go will cost more to fix in the long run. Mayor HOZZA stated he will speak with Mrs. DORNEY, our Aquatics Director, as to why she never shared with him your list. Commissioner SNYDER asked that the Board get the list also since budget time is approaching, has never seen one, no one has come to a regular or budget meeting to say they need things and is concerned with the safety issues being spoken about. Commissioner GINDER asked if the straps for the board were there in the beginning of the season. Ms. HENRY responded in the affirmative, were fixed at the start of the season but their tubes are not up to code. Commissioner MARX stated that the lanyards on the rescue tubes are failing, noting he was in maintenance in the amusement industry for 14 years and lifeguards need chairs, is a state requirement. Mayor HOZZA noted the guards at Palmer walk the ledge. Commissioner MARX stated according to code, the guard either has to be standing or on a guard chair, cannot be sitting on a beach chair. Ms. HENRY stated they only have 2 chairs now. Commissioner MARX suggested if there are unsafe conditions where the guards do not have appropriate safety gear on site, to not open the pool and call the Mayor to inform the Rec Director. Ms. HENRY stated the lists have been given to the Rec. Director by Robin DORNEY, has not seen the Rec Director much in the last 13 years, Robin DORNEY's job is to come and make sure she and the guards are doing their jobs and take care of the money. Commissioner MARX noted she is the adult on site, is the responsible party and if she feels there are unsafe conditions, they have her back. Mayor HOZZA noted Mrs. DORNEY's job description clearly states a lot more than just collecting money, her title is Aquatic's Director and asked if the head of buildings and grounds Mr. CHRISTMAN has been down along with the pool tech. Ms. HENRY responded in the affirmative, does not know the chain of command, and is here for the life guards. Commissioner DUTT asked for a copy of the list to take to the Rec Commission. Commissioner GINDER stated it is not a Rec Commission problem, if these things are needed to run the pool safely that is out of the Recreation budget. Commissioner SNYDER stated it just needs to be changed, will still be here at budget time, is safety and other issues, has never heard about any of these issues but do give raises out every year and maybe need to look at that also. Commissioner MARX stated if she has any concerns she thinks are safety issues to the staff or general public, to not open the pool, call the Rec. Director and appreciates her coming, there will not be any ramifications, and in any situation go directly to the Mayor, the Rec. Director and if no satisfaction come to the Board. Mayor HOZZA asked if Mr. BRAUN received his letter regarding the signage for the Fullerton Fair on certain areas in the Township since we do not allow LED signage by our Zoning ordinance and yet Mr. EHRLICHMAN had LED signs along MacArthur Road and also signs were attached to Penn DOT owned signs, are still there and if there were placed by the fair operator or by representatives from Fullerton Park.

Rich BRAUN, 413 Francis Circle, Whitehall, stated any of the signs put up by the Park were removed. Mayor HOZZA asked to contact the carnival operator and have him come back to remove the remaining signs he placed because the Township will not pay the Penn DOT fines and there are signs in other Townships as well. Mr. BRAUN stated he would and if he does not come back, they will remove them. Mayor HOZZA noted it puts the Township in a bad light with business owners who have requested and been denied LED signage due to our zoning ordinance. Mr. BRAUN stated he just took over as president of Fullerton Park in January, was not aware of the zoning ordinance but asked why he didn't ask for the signs to be removed sooner. Mayor HOZZA stated the need to memorialize the comments and findings in a letter and since Mr. EHRLICHMAN is a member of the Planning Commission, he is keenly aware of the Township ordinances. Mayor HOZZA stated Mr. BARUN and his wife, who runs the snack stand, are doing a wonderful job and thanked him for the great strides he has made at the Park. Commissioner SNYDER stated she feels the Board needs to be better informed of all these issues as they can't help with the problem if they don't know about it, knows they have 2 functions to budget and legislate and understands the difference between the

Board’s job and the Mayor’s job. President ARMSTRONG stated he agrees, was the manager of the Fullerton pool in the 70’s, was a top notch pool and will work at a better chain of command. Commissioner SNYDER stated she does not want to hear that someone was criticized because they spoke up because then it will become a public issue, is what is wrong in the world today, everybody is afraid of not being politically correct. Commissioner MARX stated it is commendable these life guards took the time to come, shows they really care. President ARMSTRONG stated he felt the life guards coming tonight showed a lot about the management of Ms. HENRY.

**D. PULBIC HEARING AND VOTING ON ORDINANCES**

1. BILL NO. 25-2017 (First 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.

There were no questions or comments.

2. BILL NO. 26-2017 (First 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.

There were no questions or comments.

**E. PULBIC HEARING AND VOTING ON RESOLUTIONS**

1. RESOLUTION NO. 2984

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF WENDY’S RESTAURANT, LOCATED AT 2545 MICKLEY AVENUE, LEHIGH COUNTY, PENNSYLVANIA, INDEX 1900-17. (DEVELOP)

President ARMSTRONG read Resolution No. 2984 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

Commissioner MARX asked about the grease trap. Frank CLARK stated it was moved from the drive in lane and is in the back.

Seven Commissioners were present and voted “yes”. Resolution No. 2984 was approved.

2. RESOLUTION NO. 2985

TITLE: A RESOLUTION APPROVING THE DISABILITY RETIREMENT AND THE COMMENCEMENT OF MONTHLY PENSION BENEFITS TO FORMER POLICE OFFICER SHAUN MAKDESI. (ADMIN)

President ARMSTRONG read Resolution No. 2985 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2985 was approved.

**E. OTHER**

1. Commissioner DUTT moved, seconded by Commissioner HOWER to approve the revised Whitehall Township Traffic Control Request Information Packet.

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

2. Commissioner HOWER moved, seconded by Commissioner SLONAKER to approve the expenditure of \$1,000 for training for the Police Department on equipment for the Project Lifesaver Project.

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

**F. REPORTS OF PUBLIC OFFICIALS**

1. Commissioner SNYDER stated she is sure the Mayor will be looking into it and the Board also to the information given from the individuals here tonight noting it took 3 years to put a swing up at Riverwalk Park.
2. Commissioner SLONAKER noted the Township advertised for more Police Officers along with other municipalities in the area again and if this is a downward trend. Police Chief MARKS stated a lot of it has to do with the media and the perception of who police are and what they do, have gone from a period when he took the test of having 300 applicants, this weekend only 55 out of 67 applicants showed up for what he feels is a good job and a fantastic career. He doesn’t have an answer for it right now, puts our brand out their every time there is testing, are in every single police newsletter, are at every Police Academy throughout the state, sends our information out to criminal justice programs in the southeast region of PA, now involved in social media, are not the only department struggling, Allentown is down to candidate pools of 1,000 to 200 taking the test. Commissioner SNYDER stated to look at the disrespect police officers receive, no one wants to be in the profession anymore, is also a safety issue and look at how the media treats officers. Chief MARKS stated that is a big part of it, the young men and women he talks to who have started out in criminal justice but then move on to other areas and hopes there will be a turnaround in the near future. President ARMSTRONG stated he taught sociology at LCCC and since the 1940’s students have been ranking and rating 20 occupations and over the decades police went up, in the 60’s were down and after 911 went up but it also happens to a lot of occupations. Chief Marks stated he anticipates a couple of years of low turnout and numbers but feels we still have some of the best investigators in the Lehigh Valley that get us some

good candidates. Commissioner SNYDER stated it is exactly what you hear on TV, fake news.

3. Commissioner DUTT stated there will be a town hall meeting to discuss the Historical Preservation proposal at Teamsters Local 773 on Wednesday, September 27 at 6:30 p.m. for the Hokendauqua neighborhood. Commissioner SNYDER asked why the meeting isn't at the Township, open to the public and feels according to the Charter it should be here. Commissioner DUTT stated it was requested by the committee to have it near the neighborhood. Commissioner GINDER stated if it is written in the Charter that an Ad Hoc Committee cannot have a meeting outside of this building and if this committee was put together as an Ad Hoc Committee asked the Attorney for guidance to take care of it now so there are no questions later.

Commissioner DUTT stated he visited the Summer Breakfast Program, is excellent and is a great program. The Senior Center goal was to have over 300 people served in a month, have achieved that and for the month of August are halfway to 400 which includes meals and activities, had 205 for the first 2 weeks of August.

4. Commissioner MARX commended the Chief and his men and women for the police presence out there, his son commented on seeing 6 officers in a 5 minute period. He asked at what bridge the two over weight tri-axles were caught. Chief Marks stated it was the Cementon Bridge. Commissioner MARX asked about the Hobel Quarry and UGI. Frank Clark stated are looking at 2 or 3 dates for them to commit to. Commissioner MARX asked if he anticipates the road being done before the asphalt plants close, with an affirmative response. Commissioner GINDER asked if there is a plan if UGI doesn't cooperate. Mr. CLARK stated he cannot comment on that now.
5. President ARMSTRONG stated he gets upset with the State budget when he see towns opting out of having a local police force when 34% of our budget is for public safety and the State will not come up with a \$25 fee for these towns and are short money on the budget. We fund a great police force but what if every town across PA disbands because they don't have to pay the \$25. Commissioner GINDER noted yet our State DEP is in here telling us we have to spend a million dollars a year and should do what they do, budget to spend this much each year but don't come up with the revenue to fund it. President ARMSTRONG stated the Township is paying 34% of our budget to fund a very efficient and great public safety program but other Townships are saying why pay when we can get it for free, is not right. Commissioner MARX noted the difference in response time, a Whitehall Officer can be at his door in 2 minutes, while you can wait 45 minutes for the State Police. Commissioner GINDER stated it is not free, raised gas prices to pay for State Police which was supposed to go for roads, are doing the right thing here in Whitehall, are paying this tax but getting nothing out of it. Commissioner SNYDER stated it was a great presentation given by Mr. HICKMAN but hopes the Board does a lot of investigation and research before deciding on a direction. Commissioner MARX stated there is no way around it, he gave a broad over view of the Township, doesn't know the ins and outs of our systems and feels the price will cost more. Frank CLARK stated this started years ago when this legislation was proposed, want municipalities to go together, the Chesapeake Bay is driving it, is why York is an example, has an issue when the thing that stares you right in the face is the farming but all the regulations ignore it, how does the State get away with all of their roads and runoff, how does stormwater know if it is falling on a State road, a Township road, a roof top or mall. Commissioner MARX stated at Municipal Authority conferences and seminars he attends, a lot of municipalities, similar to our Sewer Authority, are taking a couple of communities that adjoin each other, are surcharging their residents based on their square footage and look at the

pervious and impervious surface, which pays for these programs. Feels is something we will really need to look into because the costs are going to exceed the estimates given, the program will be ongoing, modified over the years so the costs will go up and some communities are creating a standalone Authority that has a GM and staff that does the GIS mapping and since Coplay has limited resources and we are interconnected in many ways, may help to look at a co-program.

President ARMSTRONG commented on the Summer Breakfast Program, the volunteers and the support from the community. He noted the Stroll on the IRT will not be held this year as it is too close to the Fall Festival and Parade on October 7<sup>th</sup>.

6. Mayor HOZZA stated the issue of disbanding local Police Departments was on the forefront at the Mayor's Conference recently with many Boroughs facing financial difficulties like the Borough of Bath and were dismayed that the \$25/capita legislation was not passed by the Commonwealth. The Mayors at the meeting were ever more concerned with the State Speaker of the House who was asked about another unfunded mandate by the State, with almost every municipality looking at bond issues, tax increases or creating Stormwater Authorities because of the regulations of the NPDES and MS4, and his response was "what's that". Some of the communities who were present and have enacted local legislation to meet the requirement, are already assessing fees on residential and commercial property owners for stormwater management. He feels this should be done regionally, a County wide effort and in discussion with Penn DOT District 5-0, they are just as clueless as to how they are going to handle the different Townships, Cities and Boroughs stormwater that is interconnected.

Mayor HOZZA stated the Township will be receiving our first \$2,000 Main Street Foundation grant, a side effect from joining with the Lehigh Valley Chamber, will add the \$1,000 the Township received for his being the Mayor of the Year, also received a donation from MacArthur 75 and one from the Community Fund, to purchase new LED holiday decorations for part of MacArthur Road which is our main shopping district. The work being done at the MacArthur Towne Center, now owned by the Abrams Group, includes areas for Just Cabinets, Party City and Aldi. Also have a developer interested in the Giant Shopping Center and have 4 developers interested in the Lehigh Valley Dairy property. Camp Whitehall ended last week and there was a sinkhole on the Tate Farm along the creek which was filled with flowable fill.

Attorney FONZONE stated the Code has the authority to appoint a committee but since the committee was not appointed by the Mayor, is not governed by the rules. Commissioner DUTT stated the committee is just 3 people. Commissioner SNYDER stated it is a Township meeting and feels it should be here. Commissioner DUTT stated they would not be making any decisions, the expert will be speaking, and flyers will be distributed in the neighborhood.

Attorney FONZONE commented on the PUC matter, noting all of the necessary submissions have been made by all of the parties, were sent to the Judge who will review all of the filings and make a decision and feels that will take ~ 1-2 months. The range of his decision can be that he can reject, approve or approve it with modifications. If anything in his decision is anything other than an approval, there could be some procedural steps that could be taken. Once that is done the matter would go to the full PUC Commission. Approving the decision by the full PUC Commission in his opinion would take 40 days and would take place at a public meeting in Harrisburg. Contrary to what we consider public meetings, there would not be any input from the public but would vote in public. There are 9 commissioners on the PUC, a simple majority is enough to approve. Regarding the work the Township wanted completed, spoke to the PUC's attorney who indicated they will wait for the Judge's decision. Commissioner GINDER stated then we can't give it away yet.

Commissioner GINDER asked if Commissioner DUTT's meeting must be here and advertised. Attorney FONZONE stated it was not a committee formed under anything of your Home Rule Charter, doesn't see how you have any jurisdiction over it. If it was a committee appointed by the regular channels, it would be governed by the Charter. Commissioner GINDER asked what happens if four commissioners come. Attorney FONZONE stated it is still not an official meeting of the Township.

**G. ADJOURNMENT**

1. MOTION – Commissioner GINDER moved, seconded by Commissioner DUTT to adjourn the meeting at 9:35 p.m.