
MINUTES

December 09, 2019
Regular Public Meeting

Board of Commissioners

Township of Whitehall

A. CALL TO ORDER

- 1) The regular Public Meeting of the Whitehall Township Board of Commissioners was called to order at 7:00 p.m. on Monday, December 09, 2019, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

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

TOWNSHIP PERSONNEL

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

The meeting was formally opened with the Pledge of Allegiance to the Flag and a moment of silence for our troops serving home and abroad.

President HOWER read the statement on fair housing as required.

APPROVAL OF MINUTES

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

Regular Public Meeting – November 11, 2019

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

B. COMMENDATION FOR STATE JUNIOR VICE COMMANDER
NATHANIEL SMITH

C. PUBLIC HEARING AND VOTING ON LIQUOR LICENSE TRANSFER
RESOLUTION NO. 3087

TITLE: A RESOLUTION APPROVING THE TRANSFER OF PENNSYLVANIA RESTAURANT LIQUOR LICENSE NO. R-16071 TO DAVE & BUSTER'S OF PENNSYLVANIA INC., FOR USE AT 1491 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA (BOC)

Attorney Ellen Freeman, Esq., along with Dan McGinnis, Regional Manager, explained to the Board that the applicant is requesting an approval for a liquor license transfer in order to offer beer, wine and alcohol at its forthcoming location at 1491 MacArthur Road.

The 30,000 square-foot establishment will start with 240 employees when it opens its doors around late May/early June.

All employees at the restaurant will be newly hired, with each receiving ServSafe food and alcohol safety training as well as Responsible Alcohol Management Program/RAMP training.

Hours of operation will be from 11 a.m. to midnight Sunday-Thursday, and 11-2 a.m. Friday and Saturday

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting "yes". Resolution No. 3087 was approved.

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

D. PRESENTATION – PUBLIC SAFETY BUILDING

KCBA Architects & D'HUY Engineering presented an updated renovation plan for the municipal complex. The presentation included an outline of expenses, interior and exterior layout plans and a schedule of construction and meetings.

E. COURTESY OF THE FLOOR

No residents requested to address the Board.

F. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 58-2019

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2020 ANNUAL BUDGET AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, HEREINAFTER SET FORTH, DURING THE 2020 FISCAL YEAR. (ADMIN)

President HOWER read Bill No. 58-2019 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER.

Seven Commissioners were present and voting six voting “yes” and one voting “no” (Commissioner WARREN). Bill No. 58-2019 was approved.

2. BILL NO. 59-2019

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A FEE SCHEDULE FOR THE COLLECTION OF MUNICIPAL SOLID WASTE BY THE TOWNSHIP OF WHITEHALL (ADMIN).

President HOWER read Bill No. 59-2019 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and voting “yes”. Bill No. 59-2019 was approved.

3. BILL NO. 60-2019

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2020. (ADMIN)

President HOWER read Bill No. 60-2019 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and six voting “yes” and one voting “no” (Commissioner WARREN). Bill No. 60-2019 was approved.

4. BILL NO. 61-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF ONE (1) FORD BRUSH TRUCK VEHICLE 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 HOWER read Bill No. 61-2019 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner FREYMAN.

Seven Commissioners were present and voting “yes”. Bill No. 61-2019 was approved.

5. BILL NO. 62-2019 (FIRST HEARING)

TITLE: AN ORDINANCE FOR THE ACQUISITION BY DEED IN LIEU OF CONDEMNATION OF 2381 SQUARE FEET (0.055 ACRES) OF PROPERTY OF

WILLIAM DINBOKOWITZ, ET AL., HAVING AN ADDRESS OF 3630 MECHANICSVILLE ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PA (BEING TAX PARCEL ID #549827364102 1) FOR WIDENING OF MECHANICSVILLE ROAD (S.R. 1012), FOR SUBSEQUENT CONVEYANCE TO THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION) AND FOR COMPLETION OF CERTAIN IMPROVEMENTS ON THE IMMEDIATELY ADJACENT PROPERTY OF DINBOKOWITZ, ET AL., AND FOR DETERMINATION OF ANY COMPENSATION PAYABLE IN CONNECTION THEREWITH. (ADMIN/BOC)

President HOWER read Bill No. 62-2019 to the Board.

G. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3088

TITLE: A RESOLUTION ADOPTING THE TOWNSHIP OF WHITEHALL CAPITAL IMPROVEMENT PROGRAM (2020-2024), SPECIFICALLY FOR THE 2020 FISCAL YEAR. (ADMIN)

President HOWER read Resolution No. 3088 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”. Resolution No. 3088 was approved.

2. RESOLUTION NO. 3089

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WHITEHALL REAFFIRMING AND REENACTING THE REALTY TRANSFER TAX, THE EARNED INCOME TAX, THE PER CAPITA TAX, THE LOCAL SERVICES TAX, AND THE BUSINESS PRIVILEGE TAX (ADMIN)

President HOWER read Resolution No. 3089 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and voting “yes”. Resolution No. 3089 was approved.

3. RESOLUTION NO. 3090

TITLE: A RESOLUTION GRANTING THE REQUEST OF WHITEHALL-COPLAY SCHOOL DISTRICT FOR A WAIVER OF THE FEE SCHEDULE ASSOCIATED WITH THE FILING OF A SUBDIVISION AND LAND DEVELOPMENT PLAN FOR 2940 MACARTHUR ROAD, WHITEHALL TOWNSHIP. (BOC)

President HOWER read Resolution No. 3090 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and voting “yes”. Resolution No. 3090 was approved.

4. RESOLUTION NO. 3092

TITLE: A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE WHITEHALL TOWNSHIP TRAFFIC IMPRACT ADVISORY COMMITTEE REGARDING PROPOSED TRAFFIC IMPROVEMENTS AT THE MACARTHUR ROAD (PA 0145) AND EBERHART ROAD (S.R. 1010) INTERSECTION AND EBERHART ROAD AND SEVENTH STREET INTERSECTIONS WITH REGARD TO EXPENDITURE OF TRAFFIC IMPACT FEES PURSUANT TO THE TRAFFIC IMPACT FEE CAPTIAL IMPROVEMENTS PLAN. (DEV)

President HOWER read Resolution No. 3092 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner FREYMAN.

Seven Commissioners were present and voting “yes”. Resolution No. 3092 was approved.

H. OTHER

1. MOTION – Motion to refer the proposed ordinances captioned “AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF WHITEHALL TOWNSHIP BY REZONING AN APPROXIMATELY 14.75 ACRE PARCEL OWNED BY STONEMOR PENNSYLVANIA LLC AND TO BE SUBDIVIDED FROM 3101 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, BEING A PORTION OF TAX PARCEL ID NO. 549920401123-1 FROM R-4, MEDIUM DENSITY RESIDENTIAL, TO R-3A, SPECIAL CARE COMMUNITY RESIDENTIAL” and “AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CHAPTER 27, ZONING, BY AMENDING SECTIONS 27-141(H)(5) AND 27-141(K)(3) TO REVISE THE DIMENSIONAL REQUIREMENTS APPLICABLE TO SINGLE FAMILY DETACHED DWELLINGS THAT ARE PART OF A SPECIAL CARE COMMUNITY RESIDENCE” to the Whitehall Township Planning Commission and the Lehigh Valley Planning Commission for comment.

Commissioner WARREN asked that they are not voting on a particular plan only on the rezoning.

Attorney MURRAY advised that the Board is voting on the zoning and text amendment change, not a previously rendered plan. Noted that if they were to approve the request, that anything in that zone would be allowed.

Seven Commissioners were present and six voted “no” one voted “yes” (President HOWER). Motion Denied.

2. MOTION – to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo dated November 20, 2019

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

3. MOTION – to approve the re-appointment of Joseph Marx Jr. to the Coplay Whitehall Sewer Authority with the term expiring 12/31/2023.

Commissioner Marx recused himself from voting.
Seven Commissioners were present and voted “yes”. Motion Carried.

4. MOTION – to approve the ratification of the new Collective Bargaining Agreement between the Township and Teamsters Local 773 for the term beginning January 1, 2020 and expiring December 31, 2023.

Seven Commissioners were present and six voted “yes” with one abstention (President Hower). Motion Carried.

I. REPORTS OF PUBLIC OFFICIALS

Commissioner WARREN thanked President HOWER for his years of dedicated service to the Township. He has been impressed with how President HOWER conducted the Board meetings. Commissioner WARREN also thanked Commissioner FREYMAN for stepping in this year. He asked Frank CLARK to look into the work that was done on S. Church Street, as it appears to have some problems that will need to be corrected. Wished everyone Happy Holidays and thanked Township Staff for all their hard work.

Commissioner CLARY announced that this is his last meeting, as he will be resigning at the end of the year. He would like to thank all the Board members for allowing him to be apart of the group and has the utmost respect for all of them. Commissioner CLARY also thanked all the employees of the Township for the dedication and pride that all have doing their jobs. He also wanted to thank the voters who put him into office. He also would like to wish everyone Merry Christmas and a Happy New Year, and also wished President HOWER well on his future endeavor.

Commissioner SLONAKER thanked Commissioner FREYMAN for her service this year on the Board as well as her service on the Planning Commission. He regrets that Commissioner CLARY is resigning – he won’t be able to teach him anymore, but noted what a great job he has done. He wished President HOWER a lot of luck with his new position and glad that he won’t have to compete with him anymore! Thanked all the employees and especially Lee RACKUS for all her hard work and knowledge. Wished everyone a safe holiday.

Commissioner GINDER thanked all Township administrators, employees, volunteers and everyone who makes the Township happen, including the police and fire departments. The Township is very fortunate that they have such a great group of people who really care. Commissioner GINDER thanked Commissioner FREYMAN for her service on the Planning Commission and EMA and now filling the Commissioner seat this year. Commissioner GINDER said that Commissioner CLARY will be missed and thanked him for his time and he did a wonderful job. He thanked President HOWER for his 8 years of service and is proud to say he served those years with him and also proud to say he is a friend. Wished President HOWER and his wife well and luck in his future endeavor, and to all a Merry Christmas.

Commissioner FREYMAN thanked all the Commissioners for putting their trust in her and for the opportunity to serve on the Board. It was an honor to serve with Commissioner CLARY and President HOWER and wish them much success in their future. Merry Christmas and happy healthy New Year.

Commissioner MARX stated it's a bitter sweet night losing 3 valuable Commissioners. He thanked the Mayor, Deputy Mayor, and the rest of the staff for a wonderful year. It's amazing what the staff gets done with the resources given to them. He thanked Commissioner CLARY and FREYMAN for their service to the Township. Commissioner MARX thanked President HOWER for his leadership and friendship and wished him well. Happy Holidays.

Commissioner HOWER thanked all the Commissioners for all they have taught him over the last 8 years. There are so many people here that work hard and so well together. He is proud over every vote that he made and thanks to a great staff for giving them all the information to make an informed decision. Commissioner HOWER also thanked his family for allowing him to do this job. Merry Christmas and enjoy your families and wished everyone luck in the future.

Mayor HAKAKAL introduced the Commissioners Elect, Randy Atiyeh and Charles Fisher. He noted this Board has been the best group he has worked with and is looking forward to the new year. He thanked President HOWER for his service and great leadership, Commissioner Freyman for stepping in and doing a great job and Commissioner CLARY - you will be missed and hope to see you back in some capacity. The Mayor went on to say that it has been a great year and the Public Service Building coming to fruition is something that we will be proud of. The Mayor also noted that the region lost quite a bit of funding and that the Route 22 widening project is being delayed indefinitely. The good news is that the replacement of the 5th Street Bridge is now a stand- alone project. He thanked the residents for pushing us to be better.

J. ADJOURNMENT

MOTION – Commissioner GINDER moved, seconded by Commissioner CLARY to adjourn the meeting at 8:06 p.m.