
MINUTES

June 9, 2014

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, June 9, 2014, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Linda K. Snyder, President
Philip J. Ginder, Vice President
Dennis C. Hower, Secretary
Phillips M. Armstrong
Clair Hunsberger
Gerard F. Palagonia
Thomas Slonaker

TOWNSHIP PERSONNEL

Edward D. Hozza, Jr., Mayor
John D. Meyers, Deputy Mayor
Charles Fonzone, Attorney
Frank Clark, Keystone Engineering
Lee Rackus, PZ&D
Diane M. Hunsicker, Treasurer
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag and a moment of silence for our troops and for Ed Hartman a volunteer in the Township for many years who attended all Commissioner Meetings.

1) APPROVAL OF MINUTES

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

Regular Public Meeting – May 12, 2014

Seven Commissioners were present with six voting “yes” and President SNYDER abstained. Motion carried.

B. COURTESY OF THE FLOOR

1. Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, reported our annual recycling event was a success and thanked the Mayor, Commissioners ARMSTRONG and HUNSBERGER, Public Works, Troop 79 Boy Scouts and Al RECKER for good coverage in the paper.
2. Tina SCHULTZ, 1102 Lehigh Avenue, Whitehall, stated she lives on a hill and Riverview Drive dead ends at the top of her yard and when it rains a flood comes down her yard past her house. She stated there is a big hole at the top of the hill and the water is eroding away the soil of a new telephone pole at the bottom and presented pictures of a mudslide against her house. Mayor HOZZA asked if she called into the Township Public Works. Ms. SCHUTLZ stated her husband did and was told there is no money in the budget right now, is not asking for a sewer line because she knows it is expensive and her husband was told a culvert would be too much money, is just asking for something to be done before she has another mudslide

or flood. She noted it took them a week to pick-up the mud and put it back up on the hill, has trenches in her yard that look like a moat, cannot mow the top portion of the yard because of the debris that has come in under their fence and has been going on since 2007-2008. Mayor HOZZA asked if anything changed up above and if there are new homes. Ms. SCHULTZ stated there are new homes on Riverview Drive. Commissioner PALAGONIA stated Riverview is a small street right off of Catasauqua Road with only a few homes and asked if there is new house in the past 15 years. Ms. SCHULTZ stated there are several new homes on the side that leads to Catasauqua. Mayor HOZZA stated they will schedule a meeting with her. President SNYDER stated they don't know what they can do until the Mayor meets with her and comes back to them.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 19-2014

TITLE: AN ORDINANCE ESTABLISHING THE EMERGENCY MANAGEMENT AGENCY IN THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA (BOC)

President SNYDER read Bill No. 19-2014 to the Board.

Commissioner ARMSTRONG moved, seconded by Commissioner HUNSBERGER.

President SNYDER asked about E on Page 3 stating “providing individual and organizational training programs for police officers, fire fighters, rescue personnel, etc. to insure prompt, efficient and effective disaster emergency service” and if this is only in case of an emergency and asked to explain “to provide individual and organizational training programs for police, fire fighters and so forth” and if he met and discussed this with the police and fire about having them trained and if they are happy with it.

Chris GRIM, Emergency Management Coordinator, stated the individual training programs would be to coordinate the NIMS training which is already in effect in the Township and he would only assist with setting up the training as he is not a certified instructor. President SNYDER asked if it is just for that one particular item, with an affirmative response. President SNYDER asked that it be added because she feels it is too vague, sounds like he is making them have some kind of training. Mr. GRIM stated this was taken directly out of the State code. President SNYDER asked if it can be changed if we want, with an affirmative response. She stated she would like it to have more concept, not be so broad, knows that's not where he is coming from but he may not be the person in that position one day. Mr. GRIM stated it is just to provide them with training for emergency management disaster management. Mayor HOZZA asked if they aren't already aware they are required to take the NIMS training and that he is the person to compile who has or has not taken the training not HR, the Fire Chief or Police Chief, with an affirmative response. President SNYDER asked if there is no other way the police are told other than him telling them to do that. Mr. GRIM stated the Board has told them to do training by establishing the NIMS program. President SNYDER asked if this is the exact way it is written in the State Code, with an affirmative response. Commissioner HOWER stated he understands what she is saying but doesn't see it as an issue because from time-to-time would be offering this training. President SNYDER stated offering and forcing someone to do it is different, that's giving him the authority to do it and he is saying he has the authority to do it. Commissioner HOWER stated they have to take that training. Mr. GRIM stated it just says he is to provide the training. Commissioner HOWER asked if he is the one who is required to make sure they have

that training, with an affirmative response. Mr. GRIM stated the Board has already said that all Police, Fire and EMS in the Township are required and recently assisted the Public Works director in setting up some NIMS training. President SNYDER stated she doesn't have a problem with that, just doesn't want that the Board is telling him to tell them what to do. Mr. GRIM stated he feels it is just saying the agency is being permitted to provide the training.

President SNYDER asked about the paragraph on Page 5 stating "The Township Emergency Management Agency shall, with the approval of the Board of Commissioners, adopt such insignia and/or other identifying marks or markings as are necessary to ensure the correct, prompt identification of its personnel, equipment and facilities" and asked who the individuals would be having these shirts, jackets, etc. Mr. GRIM stated it would be himself, his two deputies and any staff they may have and they would go through the same background checks like the Fire Department. President SNYDER stated she doesn't have a problem with them having it; her question is badges because of some past major issues in the Township where people were abusing their power and just wants to make sure that as Coordinator he is making sure people who should not have that identification are running around the Township. Mr. GRIM stated he has an inventory list of what is issued out to everyone and badges are not one of those things and noted when the transfer took place in 2012 there wasn't a very good record keeping system for inventory. President SNYDER noted he is making it better now.

Attorney FONZONE suggested before "E" to add the words "If necessary and required". The Board was in agreement. Commissioner ARMSTRONG asked if they will be voting on it with the added words, with an affirmative response.

Seven Commissioners were present and voted "yes". Bill No. 19-2014 was approved.

2. BILL NO. 20-2014 (First Hearing)

TITLE: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH GUY AND COURTNEY PASCARELLA CONCERNING A DRAINAGE AND UTILITY EASEMENT AT 4517 TROXELL DRIVE, WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA. (DEVELOP)

President SNYDER read Bill No. 19-2014 to the Board.

There were no questions or comments.

3. BILL NO. 21-2014

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF TWO (2) 2015 FORD SEDAN POLICE INTERCEPTOR VEHICLES FOR THE POLICE PATROL DIVISION, 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 SNYDER read Bill No. 21-2014 to the Board.

Commissioner SLONAKER moved, seconded by Commissioner PALAGONIA. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Bill No. 21-2014 was approved.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2846

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION PLAN OF GRIST MILL DEVELOPMENT, LOCATED AT WILLOW (RUCHSVILLE ROAD) AND BRIDGE STREETS, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1855-14. (DEVELOP)

President SNYDER read Resolution No. 2846 to the Board.

Commissioner HOWER moved, seconded by Commissioner SLONAKER.

Frank CLARK stated the plan is fine, is basically switching some property, is a pure land swap and noted a sidewalk waiver will be presented next month.

Commissioner PALAGONIA asked if we can get any recreation money if there is a land switch. Lee RACKUS stated they have requested a waiver, there are no new lots being created, are just flipping land to square it up and typically have not assessed fees on that type of arrangement and the one that is part of Grist Mill is part of Taylor Villas and are getting rec fees for all of that and if Jaindl were to propose development, would get rec fees at that time. Commissioner PALAGONIA asked if we can get some rec money now. Lee RACKUS stated as the ordinance is written it's for new residential and they are not proposing any new residential unit.

Seven Commissioners were present and voted “yes”. Resolution No. 2846 was approved

E. OTHER

1. Commissioner ARMSTRONG moved, seconded by Commissioner HUNSBERGER to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo dated May 27, 2014.

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

2. Commissioner SLONAKER moved, seconded by Commissioner PALAGONIA to approve the Township's pro-rated shared cost of \$698.62 in support of the WTICDA Waterway Symposium and CRIZ project.

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

3. Commissioner ARMSTRONG moved, seconded by Commissioner PALAGONIA to approve the appointment of Sue MICKLEY to the Whitehall Township Industrial and Commercial Development Authority, term expiring December 31, 2017.

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

4. Commissioner SLONAKER moved, seconded by Commissioner PALAGONIA to approve the appointment of Jeffrey WARREN to the Whitehall Township Industrial and Commercial Development Authority, term expiring December 31, 2015.

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

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner GINDER thanked the Mayor and Commissioner ARMSTRONG for the job they did and anyone else who was involved in bringing the high school students into the Township to let them see what goes on and get involved in some of it, thinks they did a wonderful job and hopefully will continue to do it.
2. Commissioner HUNSBERGER stated St. John’s had a nice picnic on Sunday but something has to be done with the traffic because cars do not want to stop when people are in the crosswalk and the Mayor was there and saw it also. Mayor HOZZA stated there is a meeting with Frank and the Church leaders on what could be done and noted when Officer Davis had his car parked on the side, people did slow down on Grape Street. He stated the Church in the long term if they have the funds; wants to move their parking lot to the north side of Grape Street next to the Olive Garden but like most Houses of Worship funds are limited. Commissioner HUNSBERGER asked if it is a State road. Mayor HOZZA noted it is the Township’s.
3. Commissioner PALAGONIA stated in the 90’s the development of Fox Hollow was established with 86 homes, there was never a pocket park put in there, are quite a few children living there and about 15 children in the Hobel trailer court, 15 in Saylor Apartments and they all walk to Coplay for recreation where they have a basketball court behind the fire station and a tot lot next to the swimming pool and for them to go to Riverwalk Park would have to walk on North Coplay Road which is dangerous but walk on the sidewalk now and go up to Coplay unless they have a car to go somewhere else. He asked to look into putting a pocket park in that area to serve the people there, pay taxes like everybody else and would be nice to have a park for them to play, something like Riverwalk with one basketball hoop, a tot lot with swings, maybe a jungle gym, a couple benches, nothing elaborate just so they don’t have to travel and be close to home which is always a safe thing. Commissioner ARMSTRONG asked if there is land near there. Commissioner PALAGONIA stated Mr. HOBEL owns some land, is trying to get a hold of him, Lafarge owns a lot of land on both sides of Coplay Road where corn is planted and they might donate it and maybe could get $\frac{3}{4}$ to 1 acre or maybe even smaller to put a pocket park. He thinks we need one there, is a nice little development, a lot of people live there, is a dangerous road to walk on to go to Cementon because it doesn’t have a sidewalk, it tapers as you get to Lafarge and wouldn’t want his or anybody else’s child to walk on that street and thinks a pocket park would be an answer for those residents, is sure we can do it, not saying to do it next week but it has been since the 90’s and is sure the funds went to Cementon Playground or wherever. President SNYDER stated she knows what happened. Commissioner GINDER asked where the funds went. Mayor HOZZA stated to that district but noted he wasn’t here then. President SNYDER stated he is correct but she knows why. Commissioner GINDER stated the first thing is to go back in the records and find out exactly how much money was gained, where it went, did it go to the Cementon Playground or was it applied to the Rec Commission. Mayor HOZZA stated it may have been around the time Cementon was building their community building. Commissioner GINDER asked how much money is in the Rec Commission since there is not much new construction and how much is allocated. Deputy Mayor Meyers stated about \$240,000 and there are some things in the works.

Commissioner GINDER stated it has gone down pretty quick the last 4-5 years because there is no new housing and money coming into it. Commissioner PALAGONIA stated he thinks the next area that was allocated would be the Central off of Columbia. President SNYDER stated the reason was the developer wanted to provide the land, money, everything but there was an individual on the Recreation Board who fought it because he said they did not want the monies to go anywhere else than the Cementon Playground and the heck with everyone else. Commissioner GINDER stated he would like to know how much money it was, if there is money in that Playground Association and if this park gets built, should come out of there because it is in that Recreation District. Commissioner PALAGONIA stated it might already be used. Commissioner GINDER stated if it used then we know where to allocate since we do to most of the playgrounds every year and could for the next few years allocate out of that playgrounds budget if this park gets built. President SNYDER commented the same individuals did not want the Riverwalk Park. Commissioner PALAGONIA stated he could go to Lafarge to see if they want to donate any land. Mayor HOZZA asked if the Rec Commission weighed in on it. Commissioner PALAGONIA stated he brought it before the Rec Commission and they wanted the approval of the Board first. Commissioner GINDER stated with the big trucks going thru there and the dust, it would be nice to have a piece of land not right along North Coplay Road. Commissioner PALAGONIA stated there is some land at the entrance where UGI is dumping at Hobel's but is a little slopey but across the street there is some nice level land on the West side but the kids would have to cross the street. Commissioner GINDER stated the need for a good terrain map and not to just throw a playground in there, want it to last and be usable. President SNYDER agreed stating it needs to be done the right way. Commissioner PALAGONIA stated if the Board approves, he can go back to the Recreation Commission and discuss it further there and then come back to the Board. Mayor HOZZA asked if in Mr. HOBEL's trailer park those are land leases with Mr. HOBEL retaining ownership of all that land, with an affirmative response. Mayor HOZZA asked about responsibility if Mr. HOBEL would agree to put up a tot lot on his private property for his trailer court. Mr. CLARK stated he could as a private individual but doesn't how the liability would be covered because of children coming over from Fox Hollow and if there is a different kind of land lease that comes to a different entity that would be another option. Mayor HOZZA asked if there is land in the back or is it landlocked. Mr. CLARK stated it is pretty much landlocked, kind of drops off towards the river. Commissioner GINDER stated to have Administration go back thru the records, find out if there was any property offered at that time, see if it is still available, find out the dollar amount that went to the Cementon District and then we have good facts to go forward with. President SNYDER stated she believes they are in agreement there is a need and the concept is good but cannot sit here tonight and say we vote for a playground.

Commissioner PALAGONIA stated he agrees about St. John's Church since for many years when he was on the police force they used to do traffic there on Sundays' to make sure the traffic stopped for the parishioners, is a safety issue, as a Commissioner likes to address safety issues, was also at the festival and noted there are triangle and pedestrians signs today that have flashing lights that can be activated and above the signs have solar power, can be programmed to flash and a set of signs are about \$3,000 without installation but believes with the signs and the State "Stop for Pedestrians" cones would solve the problem without physically having a policeman there since they have a lot of different events there and is why they want to look into the parking lot on the northwest corner of Grape.

4. Commissioner HOWER thanked our veterans for the Memorial Day services they had. He attended the events at Cementon, Egypt and Fullerton noting that Clair and his group do a good job year after year and thanked all veterans for their service.

Commissioner HOWER asked what can be done with the sinkhole on Mickley, realizes it is private property but is a well traveled road, people walk to the Malls, it scares him that a little kid could fall in, knows it is ridiculous because of the litigious society we have today, nobody wants to take any responsibility but when he sees a gaping hole 4 feet off the sidewalk, yellow caution tape will not stop anyone. Lee RACKUS stated the problem is the way the banks are working; it is very smart for them and bad for us. The former property owners have no control over the property, one of them is unemployed, the other was diagnosed with terminal cancer, are totally out of control of the property, the bank has taken it over and at the Lehigh County Courthouse it is still listed to those individuals, so any action taken has to be against those 2 individuals, does not know if we can just go onto the property to secure it, believes we may need some type of court order and then the concern is that you did it and if you don't do it well enough and something happens, you buy a liability. She noted it is the same situation we had at 303 Florida Avenue which is still not done, were at the magistrate last week for the 4th time, probably will be filing the 5th citation against Fannie Mae in the next 30 days, the Township did not do anything on that property, this one is more visible but we are not alone, every other municipality in the Lehigh Valley that experiences these types of problems does the same thing and unless they have some type of ability to acquire the property, which we do not, they have to approach it the same way we do, very cautiously and most times is hands-off. Commissioner HOWER asked if some type of Ordinance would force them to put up a safety barrier. Ms. RACKUS stated we could cite the current property owner but it will not be fruitful, have done that and the last response received from them was telling me about their status, they have lost everything. Commissioner HOWER stated it is such a heavily traveled road and is frustrating that we just sit and wait for somebody to get hurt. Ms. RACKUS stated we have been in contact with the bank but they will not give her a responsible individual or an address to copy them on a formal notice, have emails and phone numbers but they won't give an address or a responsible individual. Commissioner HOWER stated maybe they need another bail out to help us. Commissioner GINDER asked if we have talked to the District Attorney's office because this isn't far from being criminal. Ms. RACKUS stated they have and will be with the other huge hole noting the state passed a law about 8 years ago and Whitehall Township being very progressive, incorporated those provisions into our Property Maintenance Code, is called housing code avoidance and if you are convicted the 5th time of the same violation is a criminal offense and are there now with Fannie Mae but right now is still not a criminal offense, have to go through the channels, it has to be multiple offenses and will reach out again to the bank, they have a management company but they don't even know what is going on with the property and is not optimistic about the outcome.

5. Commissioner SLONAKER stated the Police Pension Board meeting is June 19th at 8:30 am.
6. Commissioner ARMSTRONG stated he wanted again to thank the Mayor, Deputy Mayor and Pat and all of the Department Heads that helped to make the Student Government Day a total success. The kids shadowed the Department Heads and the Mayor during the morning and in the afternoon had their Commissioner's meeting with a full agenda, they did an excellent job, he met with students afterwards and it was really great hearing from them the things they learned that day and hopes we can keep doing it.

Commissioner ARMSTRONG asked the status of the crossing at the Wawa. Frank CLARK stated they are doing research on everything, St. John's, the 145 crossing and a couple of other places that may be applicable. He stated one thing you need to balance out is the vehicle traffic and the rights of those motorists, is also a safety concern as to what motorists actually see, are looking at a couple of different options, with Grape Street is a little easier because are just dealing with the Whitehall Police and what they will be able to recognize and what kind of things can be enforced. PennDOT is a lot different, are looking at some of the different designs that are available and will present them to PennDOT to see what happens, is not optimistic about 145 but will take a stab at it once we found something appropriate.

Commissioner ARMSTRONG asked about property maintenance and the height of grass in a residential neighborhood. Lee RACKUS stated height of grass anywhere in the Township is 15 inches before it's considered a violation, if you do it lower than that, you multiply all the complaints, the cuttings and the costs and has been at 15 inches for well over 35 years. Commissioner ARMSTRONG asked if it seems to be a problem overall. Lee RACKUS stated she is sure it doesn't make the person next to it happy but has worked for us and as far as time, labor and expense, is what we have been living with. She noted once we get a violation and somebody is notified and they don't comply, we are not optimistic they will start cutting on their own, so they are put on a schedule with our cutter, are cut every two weeks, are billed for it and if they don't pay, their property is lienied for the cutting costs and administrative fees but doesn't want to become everybody's landscaper. Commissioner PALAGONIA stated in lieu of what she said, with the home on Mickley Road and they don't comply, can't we just have an ordinance to dump a pile of stone on their driveway to fill up the hole. Attorney FONZONE stated it's not certain it would work and would have a certain liability. Commissioner PALAGONIA stated he figured there would be some liability but it would be safer if we filled it up and Commissioner HOWER is correct that a piece of caution tape isn't going to do the trick. Commissioner GINDER suggested barbed wire. Lee RACKUS noted it is not legal in a residential district.

7. President SNYDER stated she couldn't be here for Student Day but read the nice article in the Whitehall Press, is not sure who made the statement about a rose garden but thinks it is a wonderful idea, thinks it could be at the Prydun Farm, maybe with the Beautification Club once things get under control there. She also heard an idea in the past to do something like Northampton did with a gazebo and allowing people to get married there and thinks it is a great idea and something to look into.

President SNYDER asked how things went with the OLSOVSKY's. Frank CLAK stated it went very well, met with the contractor, went over the easement procedure, they had the area somewhat cleared about a year ago, took down 4 small trees to make room for the machinery, is in the space we wanted it to be in, the Sewer Authority was on board to cut the lateral into the main, coordinated the work for the next day and the contractor stayed late into the day in order to get the trench dug. He went by this morning, had most everything installed and is happy the way it went in. President SNYDER stated she was happy with the professional way he and Attorney Fonzone handled it, did a very good job and had an agreement that was very acceptable. Mr. CLARK thanked the Board for their support in the matter, as it was very unorthodox but we all understood what was at stake and it all worked out.

8. Mayor HOZZA thanked the Board, Lee Rackus, Melissa Wehr, Frank Clark and Attorney Fonzone for compiling and completing our challenge to the DEP application of Coplay Aggregates seeking to accept regulated fill at their site on Beekmantown Road. The

Township's response to DEP was sent and received in a timely fashion. He stated we had a little lull in the action and thought perhaps the truck traffic had gone away but unfortunately it was back in a vengeance today.

Mayor HOZZA thanked Mario and all the volunteers for their help with our Recycling Event, 1 tractor trailer and 1 box truck of electronics were collected, along with 1 box truck of shredded documents and 79 cars received VIN etching by the Lehigh County Auto Task Force. It was a very successful day and thanked Commissioner ARMSTRONG for helping to check people in especially when he had to leave for an event at the Fullerton Park.

Mayor HOZZA stated the Hokendauqua Parkview pool and the Jefferson Street pool will open on Saturday and are hoping to get Cementon up and running to open also. Working on the new parking lot at the Cementon pool and if the weather permits will have the binder down in time.

Mayor HOZZA stated the American Cancer Society's Regional Relay for Life will be held at the Whitehall High School stadium beginning Friday, June 20th at noon and ending on Saturday, June 21st and involves every municipality surrounding Whitehall and invited people to come out and support both cancer survivors and those who have lost their lives to cancer.

Mayor HOZZA stated the Cement Belt Fair will run from June 23rd to June 28th with fireworks on Saturday. Camp Whitehall will begin on June 30th, has a late start due to the extended school year because of the snow this winter.

Mayor HOZZA stated on Saturday he attended the Lehigh Valley Mall's program called Saturday Music Showcase at the outdoor Lifestyle Center. This Saturday "Jimmy and the Parrots" will perform, on June 21st it will be "Sunshine Symphony" and on June 28th "The Large Flowerheads". The concerts are free, are from 6:30 pm to 8:30 pm and one lucky shopper on Saturday evening won a \$1,000 shopping spree by entering a raffle.

Attorney FONZONE stated the motion - "To authorize the Administration to investigate the potential of a pocket park in the Stone Terrace/Fox Hollow area". Commissioner PALAGONIA moved to approve, seconded by Commissioner HUNSBERGER.

Seven Commissioners were present and voted "yes".

G. ADJOURNMENT

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