
MINUTES

May 9, 2016
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 May 9, 2016, 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
Linda K. Snyder

TOWNSHIP PERSONNEL

Edward D. Hozza, Jr., Mayor
John D. Meyers, Deputy Mayor
Charles Fonzone, Attorney
Frank Clark, Keystone Engineering
Diane 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.

2) APPROVAL OF MINUTES

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

Regular Public Meeting – April 11, 2016

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

B. PRESENTATION

Mayor HOZZA commented on the career of Police Chief Linda KULP who spent 36 years with Whitehall Township starting as a dispatcher, truly enjoyed working with her, was a pleasure to promote her to Police Chief, knows all the men and women in the Police Department share the same feelings and she should be commended not only for her professionalism but also on how she took care of her Dad, brother and husband in her private life which speaks realms of her character not only in uniform but out of uniform. He stated the Township owes her an extreme debt of gratitude, wished her the very best and presented her with a token of appreciation for her service to the community and residents of Whitehall Township.

Commissioner SNYDER noted when Chief KULP first became a police officer her late mother had that picture on her TV until she passed.

Chief KULP thanked the Mayor for his comments, noting it has been a wonderful career starting as a dispatcher and working through the ranks, thanked him for the honor of being the Police Chief in Whitehall and the Board and residents for all of their support.

C. COURTESY OF THE FLOOR

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, stated he and Joe WILFINGER volunteered at the two day Environmental Thon on various topics at the Wildlands Conservancy with over 200 students in attendance, students from the Whitehall Middle and High School attended, along with 6-7 other school districts. He noted the big topic was on invasive species. Mr. SPAGNOLETTI also commented on the upcoming Recycling Event and noted the Lehigh River Sojourn will be stopping in Whitehall this year.

Commissioner ARMSTRONG thanked him and Mr. WILFINGER for their volunteerism noting if all residents followed their lead, they would never be at home, because every meeting he goes to they are there.

D. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 17-2016 (First Reading)

TITLE: AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CHAPTER 27, ZONING, BY AMENDING THE GENERAL REGULATIONS TO PERMIT 'ADAPTIVE RE-USE' FOR AFFORDABLE HOUSING AS A PERMITTED USE IN ALL RESIDENTIAL (R-1, R-2, R-3, R-3A, R-4, R-5, R-5A, AND R-6) ZONING DISTRICTS. (Legal & Legislative)

President ARMSTRONG read Bill No. 17-2016 to the Board

Attorney John VANLUVANEE, attorney for Quarry Street Whitehall Development LP owner of a property at 212 Quarry Street, asked the following.

- 1) If comments were received from the Lehigh Valley Planning Commission, with an affirmative response
- 2) If the second public hearing has been scheduled. Response: June 13th.
- 3) Was ordinance prepared by staff or by a planning consultant? Attorney Fonzone stated it went thru the Legal and Legislative Committee.
- 4) If the Planning Commission made a formal recommendation, with an affirmative response.
- 5) If the three zoning districts, C-1, C-2A and office park districts, that already permit multifamily or apartment dwellings not identified in this ordinance given consideration to allow this use in those zoning districts and if there is a source to ask, other than the Board, as to the logic of putting this use in the R-5A Zoning District which is high density residential without apartments?
- 6) If the Township has conducted a survey to determine how many properties/buildings meet the criteria of being at least 50 years old or predate the zoning ordinance which have been partially vacant or greater than 5,000 square feet and if not, then how are you in a position to determine how it will impact these residential districts? Attorney VANLUVANEE stated he is aware of the Fair Housing Act complaint filed against the Township, and if that is the factor behind this ordinance?

- 7) Township has a parking criterion, two spaces per dwelling unit, have units who would qualify for occupancy of this adaptive reuse and affordable housing and if the Township has any studies or evidence to suggest one off-street parking space is adequate for this use? Attorney VANLUVANEE noted in 2014 Pathstone went before the Zoning Hearing Board asking for a variance, presented no evidence to support one space was adequate, the Board found it wasn't justified as all other residential uses are required to have two. What is the justification as he hasn't found any published literature on parking for lower income housing depending on income, but recalls anybody up to 60% of the AMI would qualify and doesn't know of any correlation to suggest persons within that use would not need just as many parking spaces. His client, Abe Atiyeh, is an advocate for affordable housing but is concerned about the impact of not having enough on-street or off-street parking spaces.
- 8) Attorney VANLUVANEE stated he examined the nature of the housing supply in the Township, feels it is one of the most inclusive communities, is the most densely populated municipality in Lehigh County, have ~35% of housing stock in buildings containing 5 or more dwelling units, have a tremendous variety of zoning opportunities, is what Township's obligation is under Pennsylvania law and zoning law, affordable housing isn't a category you need to provide for in a zoning ordinance, haven't discriminated, Township ordinances apply the criteria across the board equally. What is the motivation behind the adoption of this ordinance, doesn't seem necessary, have done your job from a zoning standpoint and asked the reason to single out properties that could be developed for multifamily use and limited to affordable units pursuant to this definition.

2. BILL NO. 18-2016

TITLE: AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN WHITEHALL TOWNSHIP AND NORTH WHITEHALL TOWNSHIP TO IMPROVE, CONSTRUCT AND MAINTAIN CERTAIN PORTIONS OF THE IRONTON RAIL TRAIL (ADMIN)

President ARMSTRONG read Bill No. 18-2016 to the Board.

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

Six Commissioners were present and voted "yes". Bill No. 18-2016 was approved.

3. BILL NO. 19-2016

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PURCHASE OF UNLEADED AND DIESEL GASOLINE FOR THE TOWNSHIP OF WHITEHALL IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

President ARMSTRONG read Bill No. 19-2016 to the Board.

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

Six Commissioners were present and voted “yes”. Bill No. 19-2016 was approved.

4. BILL NO. 20-2016

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PERFORMANCE OF ULTRA THIN BONDED WEARING COURSE SURFACING FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL, BID #R16-06 IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

President ARMSTRONG read Bill No. 20-2016 to the Board.

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

Six Commissioners were present and voted “yes”. Bill No. 20-2016 was approved.

E. PULBIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2937

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF WHITEHALL MANOR, PHASE 4, LOCATED AT 1177 SIXTH STREET, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA. (DEVELOP)

President ARMSTRONG read Resolution No. 2937 to the Board.

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

Six Commissioners were present and voted “yes”. Resolution No. 2937 was approved.

2. RESOLUTION NO. 2938

TITLE: A RESOLUTION GRANTING THE MAYOR THE AUTHORITY TO EXECUTE REIMBURSEMENT AGREEMENTS NO. 3900037957, 3900037958, 3900037959 WITH PENNDOT FOR THE COMPREHENSIVE MAINTENANCE OF VARIOUS INTERCHANGES AND STATE ROUTES WITHIN THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA. (ADMIN/BOC)

President ARMSTRONG read Resolution No. 2938 to the Board.

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

Six Commissioners were present and voted “yes”. Resolution No. 2938 was approved.

F. OTHER

1. Commissioner DUTT moved, seconded by Commissioner HOWER to authorize the application of the LIDL off-site traffic impact fees to the construction of the proposed on-site traffic and associated drainage improvements for the proposed LIDL site at the intersection of MacArthur and Eberhart Roads.

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

G. REPORTS OF PUBLIC OFFICIALS

1. Commissioner DUTT reported on the Senior Citizen Committee who is looking to start a Senior Citizen Center, has given out ~200 surveys to residents who are 60 years and older with a goal of 400, to see what residents would want in a Senior Center and the next meeting is on May 26th at 7:00 p.m. He also attended the Recreation Commissioner meeting in April where they discussed the ongoing improvements at the Parkview pool and approved a grant for new lifeguard stands.

Commissioner DUTT stated things are coming along with the Veteran’s Memorial Committee, hope to put the flag pole in before Memorial Day, have received many donations, would appreciate more or to have a brick engraved for \$60 which helps to build the memorial, currently have ~50 bricks going to the engraver.

2. Commissioner HOWER reminded residents to support the National Association of Letter Carriers Stamp Out Hunger drive on Saturday noting our food banks in the Lehigh Valley are low. Commissioner HOWER thanked Chief KULP for her service, noting it is a male dominated profession but she rose from civilian to Police Chief and as a father of a young daughter who tells her all the time she can be whatever she can, Chief KULP was an inspiration. He deals with a lot of law enforcement and correction officers, is always nice to hear her name come up, had the respect of a lot of different departments around us, she will be sorely missed and appreciates what she has done for the Township.
3. Commissioner GINDER welcomed acting Chief MARKS, looks forward to working with him, noting not to be scared at budget time and thanked him and the department for what they do for the Township. Commissioner GINDER noted the Sewer Authority’s annual meeting is on May 19th at 7:30 pm. The Rail Trail will be celebrating its 20th Anniversary in June, will have things going on along the trail, the volunteers of the Rail Trail have put in so much time in 20 years to bring it from bare bones ground to what it is today, is amazing the people that use it, will only get better as it ties into the DCNR in the future, is an amazing accomplishment the volunteers have done but they can use more help and is a jewel in our community.
4. Commissioner SLONAKER noted they just passed an agreement bill with North Whitehall where the trail now continues with increased activity. Commissioner SLONAKER asked if there was any resolution with the situation at Jazz Circle. Acting Chief MARKS stated they have had 8 noise complaints since April, 1, 2015, only 2 left their name, the officers on the street are aware of the address, know what the circumstances are involving the complaints of the neighbors and will take appropriate action if need be.

Commissioner SLONAKER asked if Mr. SPAGNOLETTI could elaborate on the invasive species and what to do with them.

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, stated to walk along the Rail Trail to see invasive species, one is stilt grass which is like straw, comes from Japan and was used to pack china. Another is the honeysuckle bush with no simple way of getting rid of it. Another is garlic mustard which came over from Europe as food, also periwinkle is another invasive. Mayor HOZZA asked if there was any discussion about the two invasive insects that are already in Berks County, with a negative response. Mr. SPAGNOLETTI suggested that residents grow plants that are native to the area.

5. President ARMSTRONG stated last Monday 16 Whitehall High School students were here for Student Government Day, attended a staff meeting in the morning, then shadowed department heads, and at 1:00 pm had a Township meeting where they discussed and voted on real life problems in the Township and did an excellent job. Don't often hear about the great things our kids are doing but did get pictures in the newspapers, appreciated the publicity, is nice to see the students doing so well and hopes next year will even be better.

President ARMSTRONG noted September 25th will be the third year for our Stroll Along the Parkway (Trail), will be adding a Duck Derby this year, have \$800 pledged from local businesses for the ducks, need 2 more. President ARMSTRONG asked about the status of the crosswalk in front of the High School on Mechanicsville Road. Mayor HOZZA stated the Township applied for a PennDOT TAP grant, there was \$1.5M available but we were not a successful applicant.

President ARMSTRONG stated on May 23rd at 3:00 pm at Fellowship Manor there will be an organizational meeting to plan the next Fall Festival, invited anyone to attend who would like to help and would like to expand from last year's event. President ARMSTRONG stated he and the Mayors of Whitehall, Northampton and North Catasauqua are putting together the Great Northern Senior Fair at the Northampton Community Center on August 5th from 9:00 am to 1:00 pm with agencies that deal with senior citizens.

6. Mayor HOZZA thanked all the volunteers in the Township but mainly the Whitehall Mennonite Church in Egypt for the wonderful job they did in cleaning up MacArthur Road from Municipal Drive to Eagle Point. He noted services and activities for the upcoming Memorial Day will be on Sunday and Monday with a tentative plan for a ceremony at the Township to unveil the new flag pole pending its arrival.

Mayor HOZZA noted the Electronics' Recycling Event, document shredding and VIN etching is May 21st from 9 am to 1 pm, with a charge for certain electronic items listed on the front page of the newsletter and there will also be a food drive for the Whitehall Food Pantry.

Mayor HOZZA stated he will be asking the Board for some type of traffic control device to slow traffic down on Presidential Drive as a young man was struck by a car recently, is too long of a stretch between Mauch Chunk and Mickley Roads with no type of device to stop people from speeding. He noted Pennsylvania is the only State in the Union that does not allow police to use radar but bills are going through both Chambers in Harrisburg backed by the State Police and various organizations since the number of car accidents and deaths has increased dramatically in the State, it is not a money making scheme, is revenue neutral, is time for it to be passed and noted part of the problem could be that we no longer teach Driver Ed in our schools.

Mayor HOZZA asked for an update on what has happened with Civil Service. Acting Chief MARKS stated the new list for hires was certified by the Civil Service Commission, there are only 11 potential candidates to fill our open positions, need to do some additional checks and

hope to get some hires into the Police Academy which starts on July 11th. He noted the sergeant and corporal promotional list was also certified by the Commission. Mayor HOZZA noted the applications for the position of Fire Chief are still coming in.

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, asked if there was a meeting with Larry RAFES of the Sojourn and if they will be docking at the same place as other years. Mayor HOZZA stated they are still reviewing the actual departure location and were given a Plan B and C as well.

H. ADJOURNMENT

1. MOTION – Commissioner HOWER moved, seconded by Commissioner DUTT to adjourn the meeting at 8:00 pm.