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# **MINUTES**

**November 9, 2015**  
**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 November 9, 2015, 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  
Diane Hunsicker, Treasurer  
Lee Rackus, PZ&D  
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 HUNSBERGER moved, seconded by Commissioner PALAGONIA to approve the minutes of the following meeting:

Regular Public Meeting – October 12, 2015

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

**B. PRESENTATION**

Mayor HOZZA read a commendation honoring Whitehall High School senior Jillian KREGLOW on her accomplishments both in and outside of the classroom and on being this year’s recipient of the Daughters of the American Revolution award.

Commissioner ARMSTRONG noted Jillian’s accomplishments: a member of the National Honor Society, Mu Alpha Theta, Science and Spanish National Societies, Leo and Key Clubs, Student Focus Group, Core Leader in the Fellowship of Christian Athletes, participated in the Enviro-thon, Biology Olympics and Zephyr Nation, has received the Zephyr Academy student of the Month, 9<sup>th</sup> Grade Overall Art Student Award, Hope and Healing Art Competition Honoree, National Society Daughter of the American Revolution, all while being a 4 year girls soccer, basketball, track and field player and also volunteering for the Miracle League, Special Olympics, Pediatric Cancer 5K Walk and involved in the Holy Trinity Church. Commissioner ARMSTRONG noted we have fine people in our Township and is time we recognize the good things some are doing and Jillian is an example of the top level.

President SNYDER recognized the Boy Scouts in attendance. Joe SAMANKA of Troop 32 at Faith Lutheran and a merit badge counselor for Minsi Trail, stated part of the badge toward an Eagle Scout is to attend a council meeting.

**C. COURTESY OF THE FLOOR**

Dale HEFFELFINGER, 211 Union Street, Whitehall noted the historic homestead of John and Jacob Mickley is for sale, is the man who moved the Liberty Bell from Philadelphia to Allentown in 1777, is where he was born and raised, there was an Indian Massacre in 1763 on the property, two Mickley children died, is 6 generations back in time and 2 generations older than the Mickley/Prydun estate. It was purchased from the William Penn family, may be the oldest property in Whitehall, is 50 acres with a log cabin, listed in history books as the last working farm in Whitehall, the highest point in Whitehall is on the 20 acres called Laurel Hill, presently owned by Sue and Louis Mickley, is concerned if the wrong person buys the property could lose all the history and is looking for a way to protect the property/history.

Mayor HOZZA stated he and Tom JONES, who is doing the feasibility for the Mickley/Prydun farm, visited the property. Also looked at the corner home owned by a local dentist as to its correlation with the John/Jacob Mickley homestead. He noted Mr. JONES is working on what is available from the federal government and state in terms of acquisition, need to do more due diligence in researching, is in the farmland preservation with the County, also part of the Northern Tier study done by the Township about protecting open space or smart growth and are researching avenues for possible protection or acquisition as well. Mr. HEFFELFINGER asked what would happen if a buyer showed up. Mayor HOZZA stated with farmland preservation a developer would have to pay a hefty price to get out of it, the only flat area is the meadow at the top for anything to be built on and the rest of the property would fall under steep slope. Mayor HOZZA noted the picture of the Mickley Home from the Lehigh County Historical Society has similarities to the corner home of the dentist but need to go back to the census data because they went chronologically from farm to farm. Mr. HEFFELFINGER noted the dentist home is 1802, is similar to the layout of the Mickley/Prydun home and would hate to lose this kind of history.

Dorothy MINNICH, 3092 N. Birch Street, Whitehall, stated her property touches the Prydun Farm, has pictures of a tree that caused damage to her property. Mayor HOZZA stated our tree service examined the tree and indicated the tree was stable. Ms. MINNICH stated half of the tree fell in her yard 20 years ago and is rotted. Mayor HOZZA stated if the tree is causing her distress, will have our tree service come and remove it. Ms. MINNICH stated the trees are causing damage, water is coming into her 7 year old garage with antique cars, 6 of the trees dropped over in the storm, guys made a mess removing them, didn't want to complain but everyone passes the buck to someone else and takes care of her property. Commissioner SLONAKER asked if this happened during the storm that downed a lot of trees, with an affirmative response. Ms. MINNICH stated she doesn't want to be in her shed or garage when one of the trees lets loose. Mayor HOZZA stated PPL, at the Township's request, came through and pruned the trees since her neighborhood was on the hot list for power outages. Ms. MINNICH stated PPL only nipped the little ones, don't need to take the whole tree down only the part that will do damage. Mayor HOZZA stated as soon as the tree service is available, will remove the trees but noted in Pennsylvania if a tree from a neighboring property falls onto another property, it is the responsibility of the property owner it fell on.

Mark TRAUB, 3731 Lehigh Street, Whitehall, a police officer, asked what he is allowed to say at a public meeting and asked for immunity. Mayor HOZZA stated it would be part of the public record and normally do not discuss HR issues in public. President SNYDER suggested having an executive session after the meeting since it is personnel, everyone agreed.

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

1. BILL NO. 35-2015 (First Reading)

TITLE: AN ORDINANCE AMENDING CHAPTER XXVII OF THE WHITEHALL TOWNSHP CODIFIED ORDINANCES, ZONING, §27-194, DEFINITIONS, § 27-3, PURPOSES; AND § 27-41, JURISDICTION; ALL WITH RESPECT TO FEDERAL FAIR HOUSING REGULATIONS. (Legal & Legislative)

President SNYDER read Bill No. 35-2015 to the Board.  
There were no questions or comments.

2. BILL NO. 36-2015 (Second Reading)

TITLE: AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CHAPTER 10, HEALTH AND SAFETY, ARTICLE V, WITH RESPECT TO PUBLIC SAFTEY RADIO AMPLIFICATION SYSTEMS. (LEGAL & LEGISLATIVE)

President SNYDER read Bill No. 36-2015 to the Board.

Commissioner ARMSTRONG moved to approve, seconded by Commissioner PALAGONIA. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Bill No. 36-2015 was approved.

3. BILL NO. 40-2015

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF CURBING AND SIDEWALKS ALONG THE MECHANICSVILLE ROAD FRONTAGE OF 3951 MECHANICSVILLE ROAD, AS REQUIRED IN CHAPTER 21, SECTON 21-16 B OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President SNYDER read Bill No. 40-2015 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 40-2015 was approved.

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

1. RESOLUTION NO. 2909

TITLE: A RESOLUTION APPROVING THE DISABILITY RETIREMENT AND THE COMMENCEMENT OF MONTHLY PENSION BENEFITS TO FORMER POLICE OFFICER PRESTON O’CONNOR. (ADMIN)

President SNYDER read Resolution No. 2909 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2909 was approved.

2. RESOLUTION NO. 2910

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION  
PLAN OF 3951 MECHANICSVILLE ROAD, LOCATED AT 3951  
MECHANICSVILLE ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY,  
PENNSYLVANIA, INDEX #1874-15. (DEVELOP)

President SNYDER read Resolution No. 2910 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2910 was approved.

***F. OTHER***

1. Commissioner HUNSBERGER moved, seconded by Commissioner ARMSTRONG to authorize the Mayor to enter into an agreement with the EPA to resolve the dispute caused by the failure of Madonna Construction to faithfully execute its contract to remove the structure at the southwest corner of Third and Grape Streets in the Fullerton section of Whitehall Township.

Commissioner HOWER asked if there is anything that can be done to recoup this. Attorney FONZONE stated the need to have a discussion as to how far they want to go. Commissioner SLONAKER asked if there are some assets that he is aware of. Mayor HOZZA stated it's minimal. Commissioner HOWER stated then we could spend a lot more money to get less, with an affirmative response. President SNYDER asked if they should do that tonight in executive session. Attorney FONZONE suggested to wait to another meeting. Commissioner HOWER asked if there is a deadline on the agreement. Attorney FONZONE stated this evening.

Edwin YOUNG, 870 4<sup>th</sup> Street, Whitehall, asked if this will impact the state getting involved with fixing the intersection, with a negative response. Mayor HOZZA stated it is on the long range transportation plan, need to wait for the LVPC and the Transportation Study Commission to move forward with earmarking the money, and was submitted 2 years ago along with other projects to PennDOT. Mr. YOUNG asked if this is because they didn't remove all of the asbestos and other items from the property. Deputy Mayor MEYERS stated it is because they did not properly remove it, during the remediation of the asbestos they failed to wet it down to prevent any dust from blowing and whether or not a disgruntled bidder or someone in the neighbor called, an inspector just happened to come by and witnessed it. Mr. YOUNG stated then the asbestos was flagrantly dispersed into the neighborhood. Deputy Mayor MEYERS responded in the negative, stating it just wasn't contained within the confines of the site, wasn't blowing around the neighborhood and the hose came out when the inspector told them they were in trouble. Mr. YOUNG stated he was watching during the demolition and inside of the building was an old thermostat that had mercury in it so that went to the landfill. Deputy Mayor MEYERS stated they used an approved DEP site which was part of the bid specification and both the DEP and EPA were satisfied it was properly disposed of, the issue was their performance on the site. Mr. YOUNG stated then there wasn't any cross contamination from the asbestos on the property. Deputy Mayor MEYERS stated there was nothing the inspector noted, just failure of the

contractor to properly handle the material they were destroying on site. Mr. YOUNG stated something similar to the asbestos in the basement. Frank CLARK stated there were asbestos shingles, when you take them off need a water spray to keep down any dust and they didn't have the sprayers going initially.

Seven Commissioners were present and voted "yes". Motion carried.

2. Commissioner PALAGONIA moved, seconded by Commissioner GINDER to authorize the creation of a Parking Permit District at Quarry and Second Streets in the Fullerton District of Whitehall Township in an effort to continue our good faith participation in the conciliatory process with the U.S. Department of Housing and Urban Development and restore a property that has been idle for 15 years.

Seven Commissioners were present and voted "yes". Motion carried.

**G. REPORTS OF PUBLIC OFFICIALS**

1. Commissioner ARMSTRONG stated he, Joe EBNER and Dale OTT are looking to increase the participation in next year's Stroll Along the Trail by sponsoring a Duck Derby in the Coplay Creek with the help of Dale OTT and Trout Unlimited which would benefit the Whitehall Public Library who is in need of a CT machine which helps to give visually impaired people the ability to read, costs several thousand dollars and would be an excellent cause to put together with our Stroll.

Commissioner ARMSTRONG thanked the Mayor and the Board for honoring our student this evening, feels it is a great thing the Township is doing in recognizing our youth.

2. Commissioner SLONAKER asked what is going on at the trail and Church Street. Mayor HOZZA stated we began the paving of the trail from the North Whitehall Township line down to the area near the trailhead at Ruch and Chestnut Streets.
3. Commissioner HOWER noted in the police report there was an investigation into someone using illegal drugs but due to changes in PA law the defendant was not arrested because the 911 system was used to summon law enforcement and the reporting person stayed to provide information to the police so they couldn't arrest this person and sounds bizarre why a person using drugs shouldn't be arrested. Mayor HOZZA noted that everything is cleared by the Lehigh County District Attorney.

Commissioner HOWER applauded the Boy Scouts in the audience, noting it is a long ride, hopes it isn't a onetime thing where they get involved in their community, would like to see them again, appreciates their coming out, to make it a part of their regular routine because it's always nice to see a lot of seats filled in the room.

4. Commissioner PALAGONIA thanked the Boy Scouts for coming and to keep up the good work in their troop and community.
5. President SNYDER stated on December 2<sup>nd</sup> at the VFW in Egypt at 7:00 pm there will be a Vets Memorial meeting for anyone who is interested.
6. Mayor HOZZA noted that is also the night of the Township's Tree Lighting hosted by the Parks and Recreation Department. Mayor HOZZA noted there is a drop off spot in the lobby for anyone who can assist with the Whitehall Food Bank, are in need of turkeys, to call him or the Food Bank at St. Stephen's and to remember the less fortunate in our Township.

Mayor HOZZA stated the launch of the new 65 gallon recycling carts is finished, the calls coming in were from people who do not receive a cart or got 2 carts, and currently only have about 10 people requesting a smaller cart. In week 2 of the new carts, Waste Management reported we doubled our recycling volume and last week reported we tripled it over last year and as a company have not seen anything like it. Mayor HOZZA thanked all residents for getting recommitted to recycling with the new single stream system, when our recycling volume goes up our landfill garbage goes down, we pay by the ton to the landfill and by reducing that tonnage we all benefit. He noted we still have some work to do as cardboard needs to be put in the cart and plastic grocery bags and shopping bags have to be taken back to the store, they should not go in the garbage and cannot go in the recycling container.

Frank CLARK gave an update on the North 6<sup>th</sup> Street Extension work. He noted over the last couple of years due to inflation the contractor, who was going to do it at cost, can't do that price anymore. The original design called for 5 feet of widening and a curb line, once some of the vegetation was cut down would have been difficult to do so, looked to put in a 42 inch high jersey barrier, it wouldn't cover the whole frontage of N. 6<sup>th</sup> Street along the properties down to Sumner and would get prohibitively expensive to finish on that side for those adjoining property workers. He stated it would be between a rock and a hard place to widen the road with a rock wall on the south side and a lot of homes on the other side, have a choice of digging into the rock or condemning property on the other side. One of the issues is the recurring vegetation not being cut by the adjoining property owners and if it's worth spending \$30K plus to put in the Jersey barrier to give some marginal relief but know it will have to come out when the Dairy develops because that whole intersection will change. Mr. Clark suggested to work with the property owners to get the vegetation under control which will encourage more ground growth to hold the soil in place, currently have a canopy that shades it, doesn't get any sun so you don't get any grass or small plants to hold the soil in place. By doing more maintenance there, takes pressure off of Public Works and in the meantime to take the funds available from the developer, put them in the Traffic Impact Fund earmarked for that intersection to do the work in the future. Does not feel strongly about spending that kind of money knowing it will get ripped out and if there is a component the Township needs to contribute to that intersection, there will be money earmarked for that intersection.

Commissioner GINDER asked if it's the Township's bill to maintain that bank. Mr. CLARK stated it is the property owners, is some right of way there but there is also a roadway and slope easement we got from the property owner as they subdivided that piece. Commissioner GINDER stated they need to be made aware of it. Mayor HOZZA asked if there was settlement yet, with an affirmative response. Mr. CLARK stated he and John Rackus would have an education with the property owners. Commissioner GINDER asked if we would enforce the taking care of the bank. Lee RACKUS stated it would be like any other property owner, they would get a notice, if they don't do it, they get cited and our contracted agent would cut it and they would get billed and lien for the cost. Mayor HOZZA noted also the need for a 14 foot tree canopy for the snow plows, garbage trucks and school buses to get under. Frank CLARK stated we want to outline their responsibilities in a letter and have a meeting on site to explain it to them. Lee RACKUS noted it is on the plan about their maintenance.

President SNYDER asked if it would be necessary and helpful to have a motion on the record. Commissioner SLONAKER stated we can only tell them they have to go so far back to clear the trees and if the other trees don't get cut back what will make the undergrowth grow. Mr. CLARK stated when you take some of that canopy off for the 14 foot clearance, the sunlight will hit what is left on the embankment and with rain water and sunlight will get some growth. Commissioner SLONAKER asked how far back do we get them to cut these trees. Mr. CLARK stated ~5 to 6 feet back because they lien in. Commissioner SLONAKER stated he feels it will do some improvement but doesn't think it will be that much but only nature will tell us who is right.

Joni TEDESCO, 424 4<sup>th</sup> Street, Whitehall, asked if everyone is aware about the green light Vet campaign. Mayor HOZZA stated we are getting calls, was started by Walmart but cannot find a green light bulb at Walmart. Ms. TEDESCO stated she found one at Home Depot. President SNYDER noted there is a light bulb that changes colors, not sure if it has green. Ms. TEDESCO stated it is to bring awareness to veteran's on Veteran's Day, shines it all the time, the veterans are not always acknowledged, thanked all the veterans in the audience for their service to our country and if you can find a green light bulb to shine it to honor all our veterans.

Dorothy MINNICH, 3093 Birch Street, Whitehall, asked if someone in the Township goes to Central Catholic High School if they get rewarded as the young girl this evening. Mayor HOZZA stated if we are made aware of their achievements and also have students at other schools. Commissioner ARMSTRONG stated this was the first one, was done through the CTC Committee and was for the Township.

Eric FRITZ, 220 S. First Street, Bangor, stated he represents the Pennsylvania Working Families organization, a non-political organization throughout Lehigh and Northampton Counties. The Board noted meetings are for businesses or residents of the Township. Mayor HOZZA asked if they are a 501C3. Mr. FRITZ stated they are a C3 and C4.

Frank CLARK read a motion that the Board of Commissioners of Whitehall Township do not desire to construct the N. 6<sup>th</sup> St Extension improvements as shown on the major subdivision plan of Hilko Enterprises, Index #1827-12, at this time. The funds originally secured for the construction of the road widening, curbing, and or barrier shall be placed in the Township Traffic Impact Fund and earmarked for future improvements at that intersection at such time the Board of Commissioners deems appropriate.

Commissioner HOWER moved to approve, seconded by Commissioner HUNSBERGER.

Seven Commissioners were present and voted "yes". Motion carried.

Joe WILFINGER, 293 Fifth Street, Whitehall, reported from the Crime Watch that the new recycling bin is a great idea but to make sure to take your name and address off of any mail put in there, are people taking it out of your bin and using it as ID, the safest way is to shred it. Mayor HOZZA noted any shredded material should be put in a paper bag, not loose. Mr. WILFINGER suggested using it in a compost heap as he does. Mayor HOZZA noted if you get a big screen TV, to cut up the box or take it to Range Road because you just told the burglaries you got a new big screen TV.

President SNYDER stated she will be adjourning the meeting but the Board would be going into an executive session on a personnel matter and will not be doing any business after the executive session.

## **H. ADJOURNMENT**

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