

---

# **MINUTES**

**September 9, 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, September 9, 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 (Absent)  
Philip J. Ginder, Vice President  
Thomas Slonaker, Secretary  
Ann Freyman  
Shawn E. Clary  
Joseph J. Marx, Jr. (Absent)  
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.

Vice President GINDER read the statement on fair housing as required.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – August 12, 2019

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

**B. PUBLIC HEARING AND VOTING ON CONDITIONAL USE**

CONDITIONAL USE HEARING OF UNITED LIBERTY, LLC FOR USE OF THE PROPERTY LOCATED AT 1995 SCHADT AVENUE, WHITEHALL, PA, TAX PARCEL ID NUMBER 549803441182-1, AS A SPECIAL CARE COMMUNITY

Vice President GINDER read Conditional Use to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner CLARY.

Chris MCLEAN of Fitzpatrick Lentz & Bubba and Bud NEWTON of Newton Engineering were present. Mr. NEWTON testified as an expert witness regarding the proposed 32 Unit Active Adult Community, advising that the requirements of the zoning ordinance will be met. Attorney MCLEAN also noted that the Zoning Hearing Board approved a variance request regarding acreage. After lengthy testimony by Bud NEWTON, the Board had numerous questions and issues with the proposed parking, sidewalks and that the community would be run under an HOA. Mary Kay MCMAHON, President of Fellowship Community reiterated the Board's issues along with concerns such as buffering and signage.

Five Commissioners were present and voting "no". Conditional Use of United Liberty LLC was denied.

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

**C. COURTESY OF THE FLOOR**

1. Madison SCARFARO of 11 Lincoln Place addressed the Board regarding Marcy's Law which will be on November's ballot for a proposed amendment to Pennsylvania's Constitution regarding rights of victims of crime. Endorsement forms can be signed by individuals for support or a letter of support. Commissioner WARREN motioned to authorize the Mayor to prepare a Letter of Support of behalf of the Board. Commissioner GINDER second.

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

**1. BILL NO. 46-2019**

**TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE REMOVAL OF HAZARDOUS MATERIALS INCLUDING DECONTAMINATION FOR THE WHITEHALL TOWNSHIP MUNICIPAL BUILDING, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (ADMIN)**

Vice President GINDER read Bill No. 46-2019 to the Board.

Commissioner FREYMAN moved to approve, seconded by Commissioner CLARY.

Commissioner FREYMAN questioned where the EOC will be relocated to. Mayor HARAKAL advised that still needs to be addressed.

Five Commissioners were present and voting "yes". Bill No. 46-2019 was approved.

**2. BILL NO. 48-2019**

**TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE COLLECTION AND DISPOSAL OF MUNICIPAL SOLID WASTE AND**

RECYCLABLES, CONTRACT NO. 2019-32, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (PUBLIC WORKS)

Vice President GINDER read Bill No. 48-2019 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner FREYMAN.

Commissioner WARREN confirmed that the yard waste is included. Discussion ensued regarding the different options available in the contract. It was determined to forego the E waste option.

Five Commissioners were present and voting “yes”. Bill No. 48-2019 was approved.

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

***1. RESOLUTION NO. 3080***

**TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION/LAND DEVELOPMENT PLAN OF MUNICIPAL CAMPUS UPGRADES FOR WHITEHALL TOWNSHIP, LOCATED AT 3219 MACARTHUR ROAD, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1940-19.**

Vice President GINDER read Resolution No. 3080 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner CLARY.

Five Commissioners were present voting “yes”. Resolution No. 3080 was approved.

***2. RESOLUTION NO. 3081***

**TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION PLAN OF MICHAEL HOBEL, LOCATED AT 5109 COPLAY ROAD, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1938-19.**

Vice President GINDER read Resolution No. 3081 to the Board.

Commissioner FREYMAN moved to approve, seconded by Commissioner WARREN.

Five Commissioners were present voting “yes”. Resolution No. 3081 was approved.

***F. OTHER***

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

Commissioner SLONAKER moved to approve, seconded by Commissioner CLARY.

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

2. MOTION – to approve the appointment of Christian Malone to the Whitehall Township Fire Police.

Commissioner FREYMAN moved to approve, seconded by Commissioner WARREN.

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

#### **G. REPORTS OF PUBLIC OFFICIALS**

Commissioner WARREN asked if there has been any progress with getting sidewalk installed at the First Commonwealth location? Frank CLARK indicated he now has a contact. He also asked the status of sidewalk situation on Mechanicsville Road. Frank CLARK advised that it is close to wrapping up the details. Commissioner WARREN also questioned if it is feasible to have either the Holiday Banner placed back on MacArthur Road or something in its place that would be allowed. Frank CLARK stated that no matter was would be placed there a HOP would have to be obtained every year to do so.

Commissioner SLONAKER asked if something can be done about the large flags/signs in front of a number of commercial locations on MacArthur Road.

Commissioner FREYMAN noted that September is National Preparedness Month. This is a good time to devise a family emergency/disaster plan or review an existing plan.

Mayor HAKAKAL revered Jon Wieand’s campaign to honor Charles Barnes, a 1960 Whitehall High School Graduate and a missing-in-action Vietnam Veteran, by having a POW/MIA flag raising ceremony held at the high school’s September 6<sup>th</sup> football game. The Mayor also noted that the Lehigh Valley Dairy acquisition is still moving forward. He also met with PennDOT officials regarding the abandonment of Wood Street with the Riverside Project. It appears that the 5<sup>th</sup> Street Bridge is still on track to be rebuilt.

Treasurer GOBER stated that her office has been taking a lot of calls on the school tax. Only discount available is the Homestead Act and exoneration if a disabled veteran.

#### **G. ADJOURNMENT**

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