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# **MINUTES**

**December 10, 2018**

**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, December 10, 2018, 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  
Shawn E. Clary  
Jeffrey L. Dutt  
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  
Bruce Sommers, Acting 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 12, 2018

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

**B. COURTESY OF THE FLOOR**

No Sign-Ins for the evening.

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

1. BILL NO. 27-2018 (SECOND HEARING)

TITLE: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO

ACCEPT A DEED OF DEDICATION FROM ST. JOHN'S UNION CEMETERY ASSOCIATION ALONG GLENSIDE DRIVE FOR THE PURPOSE OF RIGHT-OF-WAY AND ROAD CONSTRUCTION AND A DEED OF EASEMENT FROM ST. JOHN'S CEMETERY ASSOCIATION FOR A PERMANENT UTILITY EASEMENT ALONG GLENSIDE DRIVE IN THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA (DEVELOP)

President HOWER read Bill No. 27-2018 to the Board.

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

Seven Commissioners were present and voting "yes". Bill No. 27-2018 was approved.

2. BILL NO. 31-2018

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THREE YEAR LEASE FOR POLICE SERVERS, INCLUDING VIRTUALIZATION AND OTHER TECHNICAL SERVICES FOR THE WHITEHALL TOWNSHIP POLICE 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)

President HOWER read Bill No. 31-2018 to the Board.

Commissioner CLARY moved to approve, seconded by Commissioner MARX. There were no questions or comments.

Seven Commissioners were present and voting "yes". Bill No. 31-2018 was approved.

3. BILL NO. 32-2018

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2019 ANNUAL BUDGET AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, HEREINAFTER SET FORTH, DURING THE 2019 FISCAL YEAR. (ADMIN)

President HOWER read Bill No. 32-2018 to the Board.

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

Seven Commissioners were present voting "yes". Bill No. 32-2018 was approved.

4. BILL NO. 33-2018

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. 33-2018 to the Board.

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

Seven Commissioners were present and voting “yes”. Bill No. 33-2018 was approved.

5. BILL NO. 34-2018

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE  
COMMONWEALTH OF PENNSYLVANIA, FIXING THE REAL ESTATE  
TAX RATE FOR THE YEAR 2019. (ADMIN)

President HOWER read Bill No. 34-2018 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner MARX. There we no questions or comments.

Seven Commissioners were present and voting “yes”. Bill No. 34-2018 was approved.

6. BILL NO. 35-2018 (FIRST HEARING)

TITLE: AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP VOLUNTEER  
FIRE FIGHTERS LENGTH OF SERVICE AWARDS PROGRAM.  
(ADMINISTRATION/FIRE)

7. BILL NO. 36-2018

TITLE: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR  
TO EXECUTE A CONTRACT BETWEEN WHITEHALL TOWNSHIP  
AND KELLY, CLOUGH, BUCHER, AND ASSOCIATES, INC.  
ENTITLED STANDARD FORM OF AGREEMENT BETWEEN  
OWNER AND ARCHITECT, CONSTRUCTION MANAGER AS  
ADVISER EDITION (AIA DOCUMENT B132 – 2009) FOR  
ARCHITECT SERVICES IN CONNECTION WITH A NEW POLICE  
FACILITY, RENOVATIONS TO THE EXISTING MUNICIPAL  
BUILDING, AND ADDITIONAL IMPROVEMENTS RELATED  
THERE TO. (ADMIN)

President HOWER read Bill No. 36-2018 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner WARREN. There we no questions or comments.

Seven Commissioners were present and voting “yes”. Bill No. 36-2018 was approved.

8. BILL NO. 37-2018

TITLE: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT BETWEEN WHITEHALL TOWNSHIP AND D'HUY ENGINEERING, INC. ENTITLED "AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE NEW WHITEHALL TOWNSHIP POLICE BUILDING" FOR CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH A NEW POLICE FACILITY, RENOVATIONS TO THE EXISTING MUNICIPAL BUILDING, AND ADDITIONAL IMPROVEMENTS RELATED THERETO. (ADMIN)

President HOWER read Bill No. 37-2018 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner WARREN. There we no questions or comments.

Seven Commissioners were present and voting "yes". Bill No. 37-2018 was approved.

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

1. RESOLUTION NO. 3033

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. 3033 to the Board.

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

Seven Commissioners were present and voting "yes". Resolution No. 3033 was approved.

2. RESOLUTION NO. 3034

TITLE: A RESOLUTION ADOPTING THE TOWNSHIP OF WHITEHALL CAPITAL IMPROVEMENT PROGRAM (2019-2023), SPECIFICALLY FOR THE 2019 FISCAL YEAR. (ADMIN)

President HOWER read Resolution No. 3034 to the Board.

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

Seven Commissioners were present and voted "yes". Resolution No. 3034 was approved.

3. RESOLUTION NO. 3035

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO SUBMIT AN APPLICANT'S AUTHORIZATION FOR AGENT TO

APPLY FOR HIGHWAY OCCUPANCY PERMIT TO PENNDOT IN CONNECTION WITH AN APPLICATION FOR HIGHWAY OCCUPANCY PERMIT FOR SIDEWALK IMPROVEMENTS TO BE INSTALLED ALONG 3RD STREET (SR 1015), TO SIGN THE APPLICATION ON BEHALF OF WHITEHALL TOWNSHIP, AND TO ENTER INTO AN INDEMNIFICATION AGREEMENT AND COVENANT RUNNING WITH THE LAND IN CONNECTION WITH SAID APPLICATION (ADMIN/BOC)

President HOWER read Resolution No. 3035 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner WARREN. Discussion ensued regarding the implication of the Township being permittee by Lee RACKUS, Frank CLARK and Attorney MURRAY and Attorney Chris MCLEAN representing CVS. Attorney MURRAY indicating that there is no precedence set by approving this Resolution. The Indemnification Agreement will protect the Township. The Board directed Attorney MURRAY to further investigate and discuss this issue with PennDOT for future projects.

Seven Commissioners were present and voted “yes”. Resolution No. 3035 was approved.

***E. OTHER***

1. MOTION – To approve the contract of Robert Susko as Business Privilege Tax Auditor for the years 2019-2021.

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

2. MOTION - To approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo November 27, 2018.

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

3. DISCUSSION ITEM - Appeal of street tree installation along new development on Jordan Boulevard. (F. CLARK)

Eddie Fernandez, owner of the property in question, presented his request for not installing 3 street trees in the front of his property. Discussion ensued w/the Board, Frank CLARK and Attorney MURRAY. Seven Commissioners were present and voted “nay” but with the request that Township Staff work with the owner (Mr. Fernandez) on the placement of the trees.

***F.      REPORTS OF PUBLIC OFFICIALS***

Commissioner MARX thanked Township Staff, Chiefs Nelson & Marks, John & Lee Rackus for obtaining the latest addition of a lighted solidier decoration and for all they do for the Township, the Mayor and Larissa for coming into their positions under difficult times and doing a great job. Also thanked Jack Meyers, Frank Clark and Sarah Murray and wished everyone Happy Holidays.

Commissioner DUTT thanked Administration, all Departments, Volunteers, Commissioners for all working together and the citizens for their participation and wished everyone Happy Holidays.

Commissioner GINDER asked Jack MEYERS if the Township received anything from the Consultant that was hired for the Prydun Farm study. Jack advised that we have paid him but not received what was agreed upon. Commissioner GINDER thanked Jack for a job well done for all he does in keeping the Township in such good financial standing. Also thanked the Staff and Volunteers. Happy Holidays and Best of Health to everyone.

Commissioner SLONAKER asked if there are any problems being reported regarding the new LED street lights, noticed some out along Grape Street. Jack MEYERS advised that the high volume corridor lights are just being delivered and installed. Commissioner SLONAKER thanked Administration, Employees, Volunteers and all who participate. Happy Holiday.

Commissioner CLARY thanked everyone who provided guidance to his first year on the Board and is proud to be a part of such a great Board and Community and thanked the Township Staff. Merry Christmas and Happy Holidays.

Commissioner WARREN thanked the great staff at the Township and all the Volunteers and Board members. Happy Holidays.

At this time, President HOWER acknowledged that there were many in the audience that hadn't spoken and asked that if anyone wanted to address the Board, they may do so at this time.

Gary WARD of 102 Franklin Street advised that he and his neighbors came tonight to discuss the Variance Request/Conditional Use Hearing of the 1788 Riverside Business Center located at 1139 Lehigh Street. Mr. Ward voiced concerns of existing traffic issues which would be magnified by approval of the trucking facility. Other concerns include the noise from the trucks and the diesel smell that will be there 24/7 and will infringe upon the enjoyment of the resident's properties. As the Variance Request was tabled from Zoning's November Agenda and will now be heard on December's Zoning Agenda, that resulted in the Conditional Use Hearing being tabled from tonight's Board Agenda and is now tentatively scheduled for January's Agenda.

Kent NEWHART representing WTICA presented his views on hiring a full time Economic Development Director.

Lenore JOHNSON questioned what would happen to the Fire Station if the Fullerton Social Hall was shut down. Jack MEYERS indicated that he believes that Station is separate from the Social Hall and shouldn't be an issue.

Commissioner HOWER thanked the Township Staff for a great job and Public Works for the great job they did with the recent snow storm. Merry Christmas.

Mayor HAKAKAL grateful for the great staff that he has and that he feels this is the best Board of Commissioners he's had the pleasure of working with. He wanted to note that the snow storm may have prompted discussion on getting the 5<sup>th</sup> Street Bridge rebuilt. Thanks to everyone and Merry Christmas.

Commissioner HOWER made note that the Legal & Legislative Committee meeting will be cancelled for Wednesday, December 12<sup>th</sup>.

Treasurer GOBER thanked the Board for their understanding during the Tax's Office year of transition. They are back on track and the Township is in good financial standing. Merry Christmas.

**G. ADJOURNMENT**

MOTION – Commissioner MARX moved, seconded by Commissioner DUTT to adjourn the meeting at 8:26 p.m.