
MINUTES

December 11, 2017

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, December 11, 2017, 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
Joseph J. Marx Jr.
Linda K. Snyder

TOWNSHIP PERSONNEL

Edward D. Hozza Jr., Mayor
John D. Meyers, Deputy Mayor
Chuck Fonzone, Township Solicitor
Michael Marks, Police Chief
Frank Clark Engineer
Lee Rackus, PZ&D
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag, a moment of silence for people of Whitehall Township who passed away during the past year.

President ARMSTRONG read the statement on fair housing as required.

2) APPROVAL OF MINUTES

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

Regular Public Meeting – November 13, 2017

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

- B. PRESENTATION** – Christine USSLER, Architect, gave a brief outline of an historic district and the different levels and options on how to regulate one. She noted the residential community that surrounds the Thomas Iron Works, is unique and still has a lot of its original integrity. There is a process to put something on the National Register, can be done with no regulation attached unless there is a local ordinance to protect that area. Historic districts can be residential or commercial buildings, college campuses, large estates or farms, villages or industrial complexes. There are three levels, national, state and local with the national level having some funding or tax credits if it is a commercial property. National Register status does not mean you regulate those structures, can just commemorate it, would be a history of it recorded at the state and federal level. President ARMSTRONG asked if a homeowner in the district wanted to do a complete face lift of the house, if that would take it out. Ms. USSLER stated a certain amount of change can occur before it no longer has the same characteristics it got listed for. To put a district in place, narrative needs to be written

along with photos and descriptions of the buildings, gets reviewed by the State Historic Preservation staff, then goes to the Preservation Board, if approved by the National Park Service, it gets listed. To regulate a district, need to create a local ordinance to define the level of oversight but would not require a homeowner to make any change on their home by state statute. President ARMSTRONG asked if a seller in the district would be required to tell a buyer they would be in an historic district. Ms. USSLER stated she believes there is a disclosure in a sales agreement. She noted there are not a lot of grants available for historic preservation, are mainly for income producing commercial building listed on the National Register.

C. COURTESY OF THE FLOOR

Alice RENNA, 3038 S. Birch Street, Whitehall, questioned the last date for leaf collection. Mayor HOZZA explained the collection dates, that the Cameron Tract was open on December 9th and will be on December 16th for residents to bring their leaves and by appointment during the week. He noted we are the only municipality in the Lehigh Valley that picks up yard waste, grass and leaves nine months a year at the curb as they need to be organically recycled and cannot go to a landfill. Carol RENNA stated the leaves were never picked up. Mayor HOZZA explained the pickup process.

Dennis WETHERHOLD, 10 Madison Lane, Whitehall, thanked Commissioner SNYDER for her years of service to the Township.

Mario SPAGNOLETTI, 381 Sumner Avenue, Whitehall, wished everyone a Merry Christmas and Happy New Year and Commissioner ARMSTRONG luck on his new job with the County. He noted the people from Lancaster did a wonderful job on fixing the barn and asked what the stipulation is for installing a guard rail to protect the barn. Mayor HOZZA stated we cannot put a guard rail outside of the barn because of legal ramifications but will be lining the west wall inside with tires as a buffer to protect the support beams. Frank CLARK stated when an impediment is put up to protect the building and someone hits it and becomes injured, they can sue the Township.

D. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 36-2017

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2018 ANNUAL BUDGET AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, HEREINAFTER SET FORTH, DURING THE 2018 FISCAL YEAR. (ADMIN)

President ARMSTRONG read Bill No. 36-2017 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 36-2017 was approved

2. BILL NO. 37-2017

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2018. (ADMIN)

President ARMSTRONG read Bill No. 37-2017 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voted “yes”. Bill No. 37-2017 was approved

3. BILL NO. 38-2017

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 ARMSTRONG read Bill No. 38-2017 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 38-2017 was approved.

4. BILL NO. 39-2017

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF LED STREET LIGHTS AND SMART MANAGEMENT SYSTEM, PER REQUEST FOR PROPOSALS 17-27, 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)

President ARMSTRONG read Bill No. 39-2017 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 39-2017 was approved

D. RESOLUTION

1. RESOLUTION NO. 2989

TITLE: A RESOLUTION ADOPTING THE TOWNSHIP OF WHITEHALL CAPITAL IMPROVEMENT PROGRAM (2018-2022), SPECIFICALLY FOR THE 2018 FISCAL YEAR. (ADMIN)

President ARMSTRONG read Resolution No. 2989 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2989 was approved.

2. RESOLUTION NO. 2990

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 ARMSTRONG read Resolution No. 2990 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2990 was approved.

3. RESOLUTION NO. 2991

TITLE: A RESOLUTION DECLARING THAT BILL NO. 36-2017, ADOPTING THE 2018 ANNUAL BUDGET, AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, IS AN EMERGENCY ENACTMENT AND MAY TAKE EFFECT IMMEDIATELY. (ADMIN)

President ARMSTRONG read Resolution No. 2991 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2991 was approved.

4. RESOLUTION NO. 2992

TITLE: A RESOLUTION DECLARING THAT BILL NO. 37-2017, FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2018, IS AN EMERGENCY ENACTMENT AND MAY TAKE EFFECT IMMEDIATELY. (ADMIN)

President ARMSTRONG read Resolution No. 2992 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2992 was approved.

5. RESOLUTION NO. 2993

TITLE: A RESOLUTION DECLARING THAT BILL NO. 38-2017 ESTABLISHING A FEE SCHEDULE FOR THE COLLECTION OF MUNICIPAL SOLID WASTE, IS AN EMERGENCY ENACTMENT AND MAY TAKE EFFECT IMMEDIATELY. (ADMIN)

President ARMSTRONG read Resolution No. 2993 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2993 was approved.

6. RESOLUTION NO. 2994

TITLE: A RESOLUTION REVISING RESOLUTION NO. 2972, WHICH
CONDITIONALLY APPROVED THE MAJOR SUBDIVISION/LAND
DEVELOPMENT PLAN OF KEYSTONE HARLEY DAVIDSON, LOCATED AT
EBERHART ROAD & 7TH STREET, WHITEHALL TOWNSHIP, LEHIGH
COUNTY, PENNSYLVANIA, INDEX #1892-16. (DEVELOP)

President ARMSTRONG read Resolution No. 2994 to the Board.

Commissioner HOWER moved to approve, seconded by Commissioner DUTT.

Commissioner GINDER noted the blanks under Item #8. Frank CLARK stated we have not heard back from Penn DOT, are going ahead with two different estimates, one with a driveway with a four-way intersection and one without and noted the resolution is a place holder in case we were successful in getting a determination from Penn DOT.

Bob EPSTEIN, President/Owner of Harley-Davidson, stated they are looking to get the project moving and asked if they could conditionally approve it on Penn DOT approval for the intersection.

Mayor HOZZA stated the Township was notified today that Lidl has opted not to build their store here or anywhere as they are re-evaluating their entry.

Frank CLARK noted the changes to the resolution as the removal of B, C and D under Item 7 and replace B with “Modified access to the site will be as approved by Penn DOT and the Township Engineer”. On Item 8, third line, remove the Whereas clause and 3 blank lines.

Both Commissioners amended their motions to include changes to the Resolution.

Seven Commissioners were present and voted “yes”. Resolution No. 2994 was approved.

7. RESOLUTION NO. 2995

TITLE: A RESOLUTION APPROVING AND AUTHORIZING WHITEHALL TOWNSHIP
TO UTILIZE THE DOT GRANTS ON-LINE REPORTING SYSTEM TO FILE
ANNUAL LIQUID FUELS FORMS (ADMIN)

President ARMSTRONG read Resolution No. 2995 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2995 was approved.

8. RESOLUTION NO. 2996

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DECLARATION OF RESTRICTIONS AND COVENANTS IN CONNECTION WITH THE JORDAN CREEK GREENWAY PROJECT NPDES PERMIT (ADMIN/BOC)

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

Seven Commissioners were present and voted “yes”. Resolution No. 2996 was approved.

9. RESOLUTION NO. 2997

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WHITEHALL IN OPPOSITION TO HOUSE BILL 1620, ENTITLED THE “WIRELESS INFRASTRUCTURE DEPLOYMENT BILL” (ADMIN)

Commissioner SLONAKER moved to approve, seconded by Commissioner GINDER.

Commissioner DUTT asked if the House disapproves the bill and companies still want to move forward, can something be put into zoning to regulate them. Mayor HOZZA stated one recommendation is to enact legislation requiring every carrier to obtain a license to be on Township property or right-of-way's. Commissioner DUTT stated some are against it because they feel it is a money grabbing thing by municipalities. Mayor HOZZA stated it is similar to past legislation that stripped the rights of local municipalities in Marcellus Shale areas that their local zoning was mute, is the same type of power grab by the cell phone firms to do whatever they want to attach new boxes and antennas to street lights and traffic signals basically anywhere they want. He noted the President of AT&T gave a presentation at the Planning Commission meeting, they are moving into 5G, the current tower cannot support it, this is the solution to roll out 5G. Commissioner MARX asked if they produced any sites. Mayor HOZZA stated currently have 3 locations proposed to the Township right now. Commissioner MARX stated studies show there may be residual effects of this and asked what the health risks are associated to it. Mayor HOZZA stated we already see them with boosters for Service Electric and RCN on overhead lines and where RCN went underground in neighborhoods and put additional devices in people's front lawns in the utility easement to boost their capabilities to increase speeds. Commissioner SNYDER stated she doesn't understand the whole concept but by not passing it may deny the people in Whitehall this system so they can afford more than what they have now. Mayor HOZZA stated we are not denying them the right, are opposing the fact local municipality control thru zoning is thrown out the window. Commissioner GINDER noted the Township went thru this years ago with the cell towers without any or some control and to look at what UGI did, had no control or say and the way the wall in West Catty has been dumped on us also by the state government. Deputy Mayor MEYERS stated the cell towers and cable television providers are currently paying the Township, \$450,00 in franchise fees from cable providers, ~\$40,000 from those on the cell towers and if this Bill passes, they won't have to pay anything. Commissioner SNYDER stated can be looked at both ways. Commissioner MARX stated it is a double-edged sword but need some type of control.

Seven Commissioners were present with six voting “yes” and Commissioner SNYDER voted “no”. Resolution No. 2997 was approved.

E. OTHER

1. Commissioner DUTT moved, seconded by Commissioner MARX to approve the reappointment of Robert MILLER to serve on the Recreation Commission representing the Historical Society, term expiring September 30, 2020.

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

2. Commissioner HOWER moved, seconded by Commissioner SLONAKER to approve the accounting firm of Reinsel, Kuntz, Leshner, LLP as the Township Auditor for the review, analysis and reporting of the Township financial records for the fiscal year ending December 31, 2017.

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

3. Commissioner SNYDER moved, seconded by Commissioner HOWER to approve the Township Solicitor to enter an appearance on behalf of the Township at the Adaptive Reuse appeal.

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

F. REPORTS OF PUBLIC OFFICIALS

1. President ARMSTRONG stated the service of Commissioner SNYDER has been second to none, do not always agree but certainly communicate, she has been an unbelievable source of information and dedication to Whitehall Township.

Former Township Executive Glenn SOLT noted Commissioner SNYDER’s 28 plus years of service, they locked horns many times when they served and worked together but need to respect that level of service. Commissioner SNYDER thanked him and Mrs. SOLT for coming, had their moments but worked it out, he was one of the best Executives, but is her time to go, does not want to be a political cockroach and keep coming back. She is humbled and honored, did what she thought was the best for Whitehall but Whitehall also gave to her, loves the volunteers, have a wonderful Township but does not feel sad in going because we have a wonderful Board and everything will be fine in Whitehall.

2. Commissioner GINDER thanked Linda for her service and help over the years and Mr. SOLT for coming, had problems but worked thru them, they were his mentors and taught him a lot. He also thanked President ARMSTRONG as he moves on to be County Executive, noting his energy, dedication and honesty will be missed in the Township. He thanked the Administration, Board of Commissioners, Staff, Police and Fire Departments, Township employees, Boards, Commissions and Authorities and the volunteers, had a great year, the Township came in again under budget, the roads and infrastructure got done, the Police and Fire Departments did an outstanding job, the complaints are few and what they do for the Township couldn’t be any better and the residents couldn’t ask for more, hears it all the time. Had a Police Officer hurt and our thoughts and prayers are with him and his family and wished a Merry Christmas, Happy Hanukkah, good Health and Best Wishes for everyone in the Township.

3. Commissioner SLONAKER stated he served a few years with Linda, had their spats and good times but she will be missed, wished President ARMSTRONG good luck on his new position with the County and everyone a Merry Christmas.
4. Commissioner MARX thanked Linda for her service, wouldn't be here if it wasn't for her, respects the transparency she brought to the Township, always gave the citizens their right to be heard and wished her good luck. Commissioner SNYDER thanked him and Commissioner GINDER for the memorial, was the one thing she wanted to see accomplished before she left. Commissioner MARX wished President ARMSTRONG good luck on his future endeavor, has been an honor and pleasure to serve with him and to remember he needs to come back into the Township every day to come home. He also thanked Chief NELSON and Chief MARX, their staffs, John RACKUS and Public Works since he had a lot of endeavors this year, went to these men and they never let him down. It has been a very colorful year in the Township, had a lot of tragic losses, a lot of terrible things happened but we got thru it and it shows the backbone and heart this community truly has and is honored to serve.
5. Commissioner DUTT congratulated Howard and Alice LIEBERMAN for the outstanding job they did with the yearlong MacArthur 75 Celebration and their committee for making it such a special event. He thanked Treasurer HUNSICKER for her help and wished her nothing but the best in her retirement. He hasn't always agreed on things with Linda but will miss their discussions and learning from her expertise on things and will use it in the future. Commissioner DUTT stated that President ARMSTRONG has been such a mentor in his life, has been an inspiration, is sad to see him go but they chose the right person for County Executive, wished him success and thanked him for everything he has done.

Commissioner DUTT invited people to the Active Senior Lifestyle Center for their Christmas Party and Bingo on December 21st at 6:00 pm at the West Catty Building and invited the Mayor to come and call bingo. He noted another public meeting on the proposal for the historic district part of the Thomas Iron Works will be on January 17th at the Local 773 Union Hall on Lehigh Street at 6:30 pm and thanked the Historical Society for helping to support it as well. He thanked everyone for their hard work this year, all the various departments, the Police and Fire Departments and especially all the volunteers as the Township could not run without them. He wished everyone a Merry Christmas, Happy New Year, Happy Hanukkah, and Happy Kwanzaa.

6. Commissioner HOWER thanked all the volunteers who are the backbone of what makes this Township run, even those who get a small stipend because the hours you put in as a volunteer never works out financially. The Police always do a good job, the Fire Department/volunteers who protect this Township, thanked Treasurer HUNSICKER for her service and all the work she has done for them. He thanked Commissioner SNYDER, had their differences of opinion which is the best part of the Board because if they all thought the same thing, would only have to elect one person, will always carry with him her quote of "Sunshine is the Best Disinfectant" and appreciated her guidance, wisdom and experience. He noted President ARMSTRONG is one of two of his high school teachers who inspired him to do better things, is why he wanted him on the Board, back then he was a teacher but now have become friends, is not because he works so hard but because he makes it fun, will certainly miss him but Lehigh County will be better off. He suggested the need to upgrade and put the meetings on the web so the residents can see what happens at meetings. It was noted they are on You Tube and the Township website.

Commissioner SNYDER asked Mr. SOLT if he remembers the 5-2 vote meeting after meeting when he was a Commissioner and looking back were some of the toughest spots in this Township.

7. President ARMSTRONG thanked Mayor HOZZA, never met a person more dedicated to our Township, was proud when he was acknowledged as Mayor of the Year for the second time, he is recognized throughout the Lehigh Valley, the communication he has had with the Board has been exceptional, working with him has been a tremendous privilege and inspiration and hopes the Board he will be working with will be as good as this one. This Board was a welcoming group, do have fun, has enjoyed it and has learned quite a lot over the years. Commissioner GINDER's questions are outstanding, is great in picking things out, everyone on the Board is great, is very sad for him to leave this group, has been very comfortable, has enjoyed setting up things and will not forget Whitehall Township as he still wants to be involved in things. He thanked Frank CLARK, Attorney FONZONE and Deputy Mayor MEYERS for their help, have answered every question he had and appreciates the service they performed for him. He stated the Police Chief, Fire Chief, all the employees make Whitehall what it is and it is one of the best places to live in Lehigh County. His slogan when he takes over Lehigh County will be "Lehigh County is the Key to the World" and feels Whitehall is the center of that keyhole. Feels we will be very well positioned in the future for growth, have done some great things for growth in the past and will continue to do that in the future. Appreciates all the support from all the volunteers, maintenance workers, from everybody involved in Whitehall Township, all our boards, our treasurer who has given a lot to this Township and is looking forward to retirement, and hopes Commissioner SNYDER enjoys her retirement and appreciates working with her. President ARMSTRONG wished everyone Happy Holidays whatever they celebrate but to celebrate safely.

Commissioner SNYDER thanked the treasurer for bringing back respect to that position and doing a good job. She thanked Frank CLARK, Attorney FONZONE and Deputy Mayor MEYERS for all their help over the years.

8. Mayor HOZZA stated we now say goodbye to three friends and co-conspirators but it is also with joy that the future for all three will benefit their families as well as the Lehigh County family as well. He thanked Treasurer HUNSICKER for her 26 years with the Township, for being someone he could confide in as a fellow elected official, for the many changes in the tax office, her accounting background, is one heck of a grandmother, and hopes they don't take advantage of her in retirement and that she and her husband take time for themselves.

Mayor HOZZA thanked President ARMSTRONG for the great relationship between him and the Board, he brought back Student Government Day, his wonderful relationship with the WCSD brought the Fall Festival back to the campus showing his commitment to the Whitehall Community, knows we will have great leadership of the County and looks forward to working with him, wished him well and noted he is always welcomed back here.

Mayor HOZZA stated he and Commissioner SNYDER have been thru a lot, had their ups and downs over the past 11 years, but her heart and soul are with the people of this Township and their protection, goes back to her days of fighting the environmental fight with the Cement Company, it continued with the issues with the quarries, it will always be in her blood to fight the good fight, cannot applaud her enough for her steadfast support of the people, staff, volunteers and myself and thanked her for her 28 years of service to Whitehall Township.

Mayor HOZZA wished the people of the Township a very Merry Christmas, a Happy Hanukkah, Kwanzaa and Happy New Year and the message for this holiday season is “Peace in your heart, in your homes, in your country and on earth”.

9. Treasurer HUNSICKER thanked everyone for the friendships and kindness shown to her over the past 26 ½ years, went by very quickly but is time to be with her husband and grandkids.

G. ADJOURNMENT

1. MOTION – Commissioner SNYDER moved, seconded by Commissioner ARMSTRONG to adjourn the meeting at 8:55 p.m.