
MINUTES

February 11, 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, January 14, 20189, 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 CLARY to approve the Minutes of the following meeting:

Regular Public Meeting – January 14, 2019

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. 1-2019 (SECOND HEARING)

TITLE: OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF
WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA (THE “TOWNSHIP”),
AUTHORIZING AND DIRECTING THE ISSUANCE OF THE TOWNSHIP’S

GENERAL OBLIGATION BONDS, SERIES OF 2019, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$ _____ (THE "2019 BONDS") PURSUANT TO THE LOCAL GOVERNMENT UNIT DEBT ACT OF THE COMMONWEALTH OF PENNSYLVANIA, AS CODIFIED BY THE ACT OF DECEMBER 19, 1968 P.L. 1158, NO. 177, AS AMENDED AND SUPPLEMENTED; PROVIDING THE PROCEEDS OF THE SALE OF THE BONDS SHALL BE APPLIED TO FUND CERTAIN CAPITAL PROJECTS ("PROJECTS") AND MAKING REPRESENTATIONS REGARDING THE AMORTIZATION OF THE BONDS; DETERMINING THAT SUCH SALE SHALL BE A PRIVATE SALE BY INVITED BID UNDER THE ACT, AND DETERMINING THAT THE BONDS SHALL BE NONELECTORAL DEBT OF THE TOWNSHIP; FIXING THE INTEREST PAYMENT DATES, DENOMINATIONS AND REGISTRATION, TRANSFER AND EXCHANGE PRIVILEGES OF THE BONDS; SETTING FORTH THE MATURITY DATES, PRINCIPAL MATURITIES AND CURRENT INTEREST RATES OF THE BONDS AND ESTABLISHING A REQUIRED SCHEDULE OF PAYMENTS WITH RESPECT TO THE SINKING FUND, AS HEREINAFTER ESTABLISHED, IN ORDER TO AMORTIZE THE BONDS; ESTABLISHING THE REDEMPTION PROVISIONS OF THE BONDS; ACCEPTING A BID FOR PURCHASE OF THE BONDS AND AUTHORIZING EXECUTION OF SUCH ACCEPTANCE BY AN APPROPRIATE OFFICER OF THE TOWNSHIP; DESIGNATING A PAYING AGENT AND REGISTRAR; DESIGNATING A PLACE AND METHOD OF PAYMENT OF THE BONDS AND INTEREST THEREON AND MAKING CERTAIN COVENANTS WITH RESPECT TO THE TAX FREE STATUS THEREOF; ESTABLISHING THE SUBSTANTIAL FORM OF THE BONDS AUTHORIZING EXECUTION AND AUTHENTICATION OF THE BONDS; PROVIDING FOR THE REGISTRATION OF THE BONDS, THE MAINTENANCE OF RECORDS OF REGISTERED OWNERS AND TRANSFER OF THE BONDS; COVENANTING TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP TO SUCH PURPOSE; ESTABLISHING A SINKING FUND FOR THE BONDS AND AUTHORIZING AND DIRECTING PAYMENT THEREFROM; SETTING FORTH CERTAIN PROVISIONS WITH A RESPECT TO THE INVESTMENT OF MONIES THEREIN; DESIGNATING A SINKING FUND DEPOSITORY; SETTING FORTH CERTAIN RIGHTS OF THE PAYING AGENT AND BONDHOLDERS IN THE EVENT OF DEFAULT AND OTHER RIGHTS OF THE PARTIES WITH RESPECT TO THE BONDS; PROVIDING FOR THE CIRCUMSTANCES UNDER WHICH THE ORDINANCE MAY BE AMENDED OR MODIFIED; PROVIDING FOR THE TERMS, CONDITIONS AND COVENANTS WITH RESPECT TO THE INSURER, IF ANY, FOR THE BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE TOWNSHIP TO DO AND PERFORM CERTAIN SPECIFIED, REQUIRED OR APPROPRIATE ACTS; AUTHORIZING THE EXECUTION OF DOCUMENTS FOR CLOSING AND THE PAYMENT OF ISSUANCE EXPENSES; DECLARING THAT THE DEBT TO BE INCURRED IS WITHIN THE LIMITATION IMPOSED BY THE ACT UPON INCURRING OF SUCH DEBT BY THE TOWNSHIP; AUTHORIZING AND DIRECTING PROPER OFFICERS OF THE TOWNSHIP TO DELIVER THE BONDS UPON EXECUTION AND AUTHENTICATION THEREOF, UPON RECEIPT OF PROPER PAYMENT

OF THE BALANCE DUE THEREFOR, AND ONLY AFTER SPECIFIED APPROVAL, AS REQUIRED, OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH CERTAIN COVENANTS RELATING TO THE FEDERAL TAX STATUS OF THE BONDS; PROVIDING FOR COMPLIANCE WITH THE SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; PROVIDING FOR SEVERABILITY OF PROVISIONS OF THE ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES SO FAR AS THE SAME SHALL BE INCONSISTENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE. (BOC)

President HOWER read Bill No. 1-2019 to the Board.

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

Seven Commissioners were present and voting “yes”. Bill No. 1-2019 was approved.

2. BILL NO. 4-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A 2019 FORD F-250 PICK UP TRUCK FOR THE RECREATION DEPARTMENT, 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 HOWER read Bill No. 4-2019 to the Board.

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

Seven Commissioners were present and voting “yes”. Bill No. 4-2019 was approved.

3. BILL NO. 5-2019

TITLE: AN ORDINANCE AMENDING CHAPTER 15, SECTION 11 OF THE 2006 CODIFIED ORDINANCE OF WHITEHALL TOWNSHIP, ESTABLISHING A 25 MPH MAXIMUM SPEED LIMIT FOR S. AND N. THIRD STREET BETWEEN LEHIGH ST/SR 1014 AND HOKENDAUQUA ST IN THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA.

President HOWER read Bill No. 5-2019 to the Board.

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

Seven Commissioners were present voting “no”. Bill No. 5-2019 was not approved.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3042

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE MACARTHUR ROAD (SR 145) AND JORDAN PARKWAY (EAST AND WEST) APPLICATION FOR TRAFFIC SIGNAL TO INSTALL A LICENSE PLATE READER ON BEHALF OF WHITEHALL TOWNSHIP AND TO SUBMIT THE APPLICATION ON BEHALF OF WHITEHALL TOWNSHIP (ADMIN/BOC)

President HOWER read Resolution No. 3042 to the Board.

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

Seven Commissioners were present and voting “yes”. Resolution No. 3042 was approved.

2. RESOLUTION NO. 3043

TITLE: A RESOLUTION APPROVING THE COST OF LIVING ADJUSTMENT FOR ELIGIBLE RECIPIENTS OF THE POLICE PENSION FUND. (ADMIN)

President HOWER read Resolution No. 3043 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 3043 was approved.

3. RESOLUTION NO. 3044

TITLE: A RESOLUTION APPROVING THE RETIREMENT AND THE COMMENCEMENT OF MONTHLY PENSION BENEFITS TO FORMER POLICE OFFICER BRENDA SOMERS. (ADMIN)

President HOWER read Resolution No. 3044 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and voted “yes”. Resolution No. 3044 was approved.

4. RESOLUTION NO. 3045

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF RIVERSIDE ASSOCIATES ET AL, LOCATED AT 1936 MACARTHUR ROAD, LEHIGH COUNTY PENNSYLVANIA, INDEX #1922-18. (DEVELOP)

President HOWER read Resolution No. 3045 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner DUTT.

Seven Commissioners were present and 6 voted “yes” and 1 voted “no. Resolution No. 3045 was approved.

5. RESOLUTION NO. 3046

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF LEHIGH VALLEY MALL PADSITES, LOCATED AT 1457 MACARTHUR ROAD, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1927-18. (DEVELOP)

President HOWER read Resolution No. 3046 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner DUTT.

Seven Commissioners were present and voted “yes”. Resolution No. 3046 was approved.

6. RESOLUTION NO. 3047

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO SUBMIT AN APPLICATION FOR HIGHWAY OCCUPANCY PERMIT TO PENNDOT FOR SIDEWALK IMPROVEMENTS TO BE INSTALLED ALONG EBERHART ROAD (SR 1010) AND AN APPLICATION FOR HIGHWAY OCCUPANCY PERMIT TO PENNDOT FOR DRAINAGE IMPROVEMENTS UNDER AND ALONG EBERHART ROAD (SR 1010), TO SIGN THE APPLICATIONS ON BEHALF OF WHITEHALL TOWNSHIP, AND TO ENTER INTO AN INDEMNIFICATION AGREEMENT AND COVENANT RUNNING WITH THE LAND IN CONNECTION WITH SAID APPLICATIONS. (ADMIN/BOC)

President HOWER read Resolution No. 3047 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voted “yes”. Resolution No. 3047 was approved.

7. RESOLUTION NO. 3048

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF RIVERSIDE ASSOCIATES, ET AL, LOCATED AT 1936 MACARTHUR ROAD, WHITEHALL PA, INDEX #1922-18. (DEVELOP)

President HOWER read Resolution No. 3048 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner DUTT.

Seven Commissioners were present and voted “yes”. Resolution No. 3048 was approved.

8. RESOLUTION NO. 3049

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS, TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING CAMP WHITEHALL RATES FOR THE YEAR 2019. (BOC)

President HOWER read Resolution No. 3049 to the Board.

Commissioner CLARY moved to approve, seconded by Commissioner GINDER.

Seven Commissioners were present and voted "yes". Resolution No. 3049 was approved.

9. RESOLUTION NO. 3050

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS, TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING POOL PASS RATES FOR THE YEAR 2019. (BOC)

President HOWER read Resolution No. 3050 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER.

Seven Commissioners were present and voted "yes". Resolution No. 3050 was approved.

10. RESOLUTION NO. 3051

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO APPOINT A LIASON BETWEEN AND AMONG WHITEHALL TOWNSHIP, THE LEHIGH TAX COLLECTION COMMITTEE AND BERKHEIMER, THE DULY APPOINTED TAX OFFICER FOR THE COLLECTION OF EARNED INCOME TAX, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION FOR OFFICIAL PURPOSES OR AS PROVIDED BY LAW. (ADMIN/TREAS)

President HOWER read Resolution No. 3051 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner GINDER.

Seven Commissioners were present and voted "yes". Resolution No. 3051 was approved.

E. **OTHER**

1. MOTION -- to approve the appointment of Attorney Kevin FOGERTY, as Township Conflict Counsel, at a rate of \$125.00 per hour. (BOC)

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

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner MARX noted that he is proud of the Board, Mayor and Twp Staff at staying on top of Coplay Aggregates and getting the PCB's removed. Commissioner WARREN asked that when police are out patrolling and notice an odor to notify the appropriate people immediately.
2. Commissioner DUTT advised that the Whitehall Senior Center is expanding the activities that they provide. The Center will not operate 5 days a week with adding strengthening classes (2 physical therapists will be on site) and a Zumba class. Commissioner DUTT also noted that the Historical Walk at the Thomas Iron Works site will be 11-3 on April 27th. Thanks to the Historical Society and First Presbyterian Church for all their help.
3. Commissioner GINDER said that Staff is doing a great job with having two major properties being redeveloped to keep the community growing. Commissioner GINDER asked the status of the sidewalk issue w/Dinbokowitz. Frank CLARK advised that the Agreements are being reviewed by the attorney for Dinbokowitz and have had good feedback from the family on the agreement.
4. Commissioner SLONAKER said to hug somebody you really like on February 14th.
5. Commissioner CLARY questioned if there is any progress with the possibility of extending the turning lane into MacDonald's. Frank CLARK advised that it would take a lot for that to happen.
6. Commissioner WARREN noted he attended a LV Transportation meeting where discussed were: inventory of flood prone roads (Lehigh St), 2021 Multi Model Study, MacArthur Road Repave in 2022 – storm drain issue in front of Taco Bell will need to be addressed. Commissioner WARREN also expressed his concern with people driving over the curb at the NE corner of Schadt Ave & MacArthur Rd.
7. Commissioner HOWER noted that the Whitehall Waves asked for a Bronze Sponsorship from The Board. Commissioner HOWER motioned and Commissioner CLARY seconded. Vote taken 7-0 to approve. Commissioner Hower also questioned the turn into McDonald's on Mechanicsville Road and Frank CLARK advised that PennDOT regulates and approved it, not much the Township can do, possibly erect a DO NOT BLOCK INTERSECTION sign.
8. Mayor HAKAKAL noted the following items that took place during January: PennDOT Meeting regarding the 6th Street Corridor; interest in the LV Dairy has increased – have had numerous conversations with prospects; moving forward with getting the 5th Street Bridge replaced; TIP projects being evaluated; spoke w/Lori Hackett regarding High school students visiting the IBEW; Congratulate Frank and Kevin FOGERTY on getting the Dinbokowitz issue almost finalized; looking to acknowledge the 100th Anniversary of the American Legion by placing signs in the area. Congratulate the Police Dept on apprehending one of the burglar's from the Hokendauqua break-ins.
9. Treasurer GOBER stated that her department is working hard on getting the taxes out

by March 1st.

G. ADJOURNMENT

MOTION – Commissioner MARX moved, seconded by Commissioner CLARY to adjourn the meeting at 7:48 p.m.