
MINUTES

August 12, 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, August 12, 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
Philip J. Ginder, Vice President
Thomas Slonaker, Secretary
Ann Freyman
Shawn E. Clary
Joseph J. Marx, Jr.
Jeffrey J. Warren

TOWNSHIP PERSONNEL

Michael P. Harakal, Jr., Mayor (Absent)
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 (Absent)
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 asked that everyone keep the family of Frank Zoke Jr., in their prayers.

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 – July 8, 2019

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

B. PUBLIC HEARING AND VOTING ON LIQUOR LICENSE TRANSFER

1. RESOLUTION NO. 3075

TITLE: A RESOLUTION APPROVING THE TRANSFER OF PENNSYLVANIA
RESTAURANT LIQUOR LICENSE NO. R-1451 TO SHEETZ, INC.,
CLAYSBURG, PA, FOR USE AT 5001 MACARTHUR ROAD, WHITEHALL

TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA (BOC)

President HOWER read Resolution No. 3075 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”.

Attorney Ellen FREEMAN was present representing Sheetz. She indicated that Sheetz has already installed the necessary requirements for the license and asked if it would be an appropriate time to discuss the licensing agreement. Attorney FREEMAN then reviewed the items that the agreement addresses: trash receptacles, loitering signs, allowed on premise consumption (which is limited to 2 standard servings) and security cameras.

At this time, Commissioner MARX advised that having this agreement in place is the best way to handle this request, in light of the decision that was recently made in Palmer Township. Commissioner SLONAKER voiced is displeasure with seeing the newly installed coolers at Sheetz saying Beer Coming Soon was arrogant on the part of Sheetz. Commissioner HOWER found it troubling how quickly after the meeting in April that we were in litigation. Attorney FREEMAN indicated that Sheetz were preserving their right to appeal. During Courtesy of the Floor, the residents who wished to speak asked a few questions and voiced concerns about whether Sheetz will actually adhere to the agreement, at which time, Matthew Fenstermaker – Manager of Sheetz advise that anytime there are issues not being addressed, he can be contacted on his cell phone (484-695-2840) so he can be sure they are taken care of.

Seven Commissioners were present and voting “yes”. Resolution No. 3075 was approved.

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

2. RESOLUTION NO. 3076

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONDITIONAL LICENSING AGREEMENT WITH SHEETZ, INC. IN CONNECTION WITH THE INTERMUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-1451 FOR USE AT 5001 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA (BOC)

President HOWER read Resolution No. 3076 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”. Resolution No. 3076 was approved.

C. **COURTESY OF THE FLOOR**

1. John Besz of 1115 3rd Street and Charles Schmitt of 222 E. Union Street advised the Board of a situation in their neighborhood of neighbors feeding stray cats which has resulted in a colony of 30+ cats taking up residence in their neighborhood. They are finding the cats and their fecal matter on their porches, garages and all over the yards. Looking for help from the Township. Deputy Mayor MEYERS indicated that the Humane Society may be of assistance and Commissioner HOWER advised that he will have the Mayor contact them.

2. Bruce Miller of 4421 Ammon Way stated to the Board of a situation that occurred at the Cementon Pool the previous weekend. Mr. Miller's granddaughter was at the pool and had a choking incident and 2 lifeguards – Abby Pastor and Tabby Levan came to her aid and removed the piece of food, which in turn saved her life. He wanted to commend the actions of these lifeguards and all the individuals that were involved.

D. PUBLIC HEARING AND VOTING ON ORDINANCES

1. **BILL NO. 41-2019**

TITLE: AN ORDINANCE AMENDING CHAPTER 24, TO CREATE A NEW ARTICLE (ARTICLE IX) TO INSTITUTE AN INCENTIVES PROGRAM FOR VOLUNTEERS OF THE WHITEHALL TOWNSHIP FIRE DEPARTMENT AND ESTABLISHING ADMINISTRATIVE PROCEDURES RELATED THERETO.

President HOWER read Bill No. 41-2019 to the Board.

Commissioner FREYMAN moved to approve, seconded by Commissioner WARREN.

Commissioner MARX questioned Fire Chief Nelson if this was an issue for the Chief to oversee. Chief NELSON indicated that most of the work will be upfront getting the program set-up, but it's a benefit that is worth the extra work.

Seven Commissioners were present and voting "yes". Bill No. 41-2019 was approved.

2. **BILL NO. 42-2019**

TITLE: AN ORDINANCE AMENDING CHAPTER 7, FIRE PREVENTION AND PROTECTION, TO CREATE A NEW ARTICLE (ARTICLE IV) TO INSTITUTE A FIRE PREVENTION AND LIFE SAFETY PROGRAM FOR THE PURPOSE OF REDUCING POTENTIAL FIRE HAZARDS AND COLLECTING FEES RELATED THERETO.

President HOWER read Bill No. 42-2019 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner FREYMAN.

Seven Commissioners were present and voting "yes". Bill No. 42-2019 was approved.

3. **BILL NO. 43-2019**

TITLE: AN ORDINANCE AMENDING CHAPTER A29, FEES, SECTIONS M7 (INTERNATIONAL CODE) TO PROVIDE FOR NEW AND/OR INCREASED FEES AND/OR PENALTIES.

President HOWER read Bill No. 43-2019 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and voting “yes”. Bill No. 43-2019 was approved.

4. BILL NO. 44-2019

TITLE: AN ORDINANCE AMENDING CHAPTER A29, FEES, SECTION M17 (POLICE) TO PROVIDE FOR UPDATED FEES AND/OR PENALTIES.

President HOWER read Bill No. 44-2019 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner FREYMAN.

Seven Commissioners were present and voting “yes”. Bill No. 44-2019 was approved.

5. BILL NO. 45-2019

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR FIVE YEAR LEASE OF HP SERVERS, 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)

President HOWER read Bill No. 45-2019 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner CLARY.

Seven Commissioners were present and voting “yes”. Bill No. 45-2019 was approved.

E. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3077

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION PLAN OF 647 FIFTH STREET, LOCATED AT 647 FIFTH STREET, INDEX NO. 1918-18.

President HOWER read Resolution No. 3077 to the Board.

Commissioner CLARY moved to approve, seconded by Commissioner FREYMAN.

There were no questions or comments.

Seven Commissioners were present voting “yes”. Resolution No. 3077 was approved.

2. RESOLUTION NO. 3078

TITLE: A RESOLUTION AUTHORIZING AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF GREENWAYS, TRAILS & RECREATION PROGRAM (GTRP). (REC)

President HOWER read Resolution No. 3078 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner GINDER.

Recreation Director, Tony COCCA answered questions from the Board regarding what the funds will be used for, as the Township has already been granted \$69,000. He indicated that depending on the total grant money received, will depend upon exactly what type of pavilion will be built.

Seven Commissioners were present voting “yes”. Resolution No. 3078 was approved.

3. RESOLUTION NO. 3079

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO SUBMIT A HIGHWAY OCCUPANCY PERMIT APPLICATION FOR STORMWATER IMPROVEMENTS TO PENNDOT FOR APPROVAL AND TO EXECUTE THE APPLICATION AND ANY ASSOCIATED DOCUMENTS ON BEHALF OF WHITEHALL TOWNSHIP (ADMIN/BOC)

President HOWER read Resolution No. 3079 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner CLARY.

There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 3079 was approved.

F. OTHER

1. MOTION – to approve the appointment of Mick Dee to serve on the Recreation Commission, Term expiring September 30, 2022

Commissioner WARREN moved to approve, seconded by Commissioner GINDER.

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

2. MOTION – to approve the appointment of Mick Dee to serve as an Alternate on the Ironton Rail Trail Committee.

Commissioner SLONAKER moved to approve, seconded by Commissioner CLARY.

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

3. MOTION – to approve the appointment of Jonathan Bolton to serve as an Alternate on the Planning Commission, term expiring December 31, 2023.

Commissioner MARX moved to approve, seconded by Commissioner FREYMAN.

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

4. MOTION – to approve the appointment of Jonathan Bolton to serve on the Traffic Impact Committee.

Commissioner GINDER moved to approve, seconded by Commissioner MARX.

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

G. REPORTS OF PUBLIC OFFICIALS

Commissioner WARREN questioned if all of the funds for the gaming grant have been appropriated. Deputy Mayor MEYERS indicated that they have. Commissioner WARREN also asked the status of having sidewalks installed at the First Commonwealth site. Attorney MURRAY indicated that the Resolution for the original building needs to be reviewed regarding the wording for the sidewalk waiver/deferral.

Commissioner CLARY asked that someone look into a traffic control measure for people to stop at the crosswalks where the trail crosses the roadways. Chief Marks noted that any type of control measure will be difficult to enforce. Commissioner CLARY also wanted to state how impressed he was with the Recreation Staff on touring the pools.

Commissioner GINDER also was impressed with what he saw touring the pools. Thanks to all the staff.

Commissioner FREYMAN wanted to give a thank you to Lieutenant Bealer for his training for the Project Lifesaver Program.

Commissioner MARX also commended the job that Tony Cocca and all the Recreation Staff has done this summer. He was also impressed on seeing the substantial savings reported on the LED lighting. Commissioner MARX asked Frank CLARK were the Township stands with the Dinbokowitz sidewalk issue. Frank CLARK advised that Attorney Kevin FOGERTY is working with the Dinbokowitz Attorney and getting all heirs in agreement. There may be temporary measurers put in place in the near future.

President HOWER wanted to thank all the volunteers who have been stepping up and to remind all the residents that we are always in need.

President HOWER announced that there will be a short Executive Session following the meeting.

G. ADJOURNMENT

MOTION – Commissioner MARX moved, seconded by Commissioner CLARY to adjourn the meeting at 8:17 p.m.