

MINUTES

January 12, 2015
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 12, 2015, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Linda K. Snyder, President
Philip J. Ginder, Vice President
Dennis C. Hower, Secretary
Phillips M. Armstrong
Clair Hunsberger
Gerard F. Palagonia
Thomas Slonaker

TOWNSHIP PERSONNEL

Edward D. Hozza, Jr., Mayor
John D. Meyers, Deputy Mayor
Charles Fonzone, Attorney
Frank Clark, Keystone Engineering
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 our troops and for Ronald HOKE a great Township volunteer.

2) APPROVAL OF MINUTES

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

Regular Public Meeting – December 8, 2014

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

- b) Commissioner ARMSTRONG moved, seconded by Commissioner HUNSBERGER to approve the minutes of the following meeting:

Special Public Meeting – December 15, 2014

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

B. COURTESY OF THE FLOOR

Mike MIZUR, 3015 N. Front Street, Whitehall, deferred to speak until later. No one else requested to speak.

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

1. **BILL NO. 37-2014 (Second Reading)**

TITLE: AN ORDINANCE AMENDING CHAPTER 22, SECTION 23 OF THE WHITEHALL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ESTABLISHING STREET AND RIGHT-OF-WAY AND CARTWAY WIDTH, BY PROVIDING AN ALTERNATE LOW-IMPACT ROADWAY STANDARD, BY WAIVER. (DEVELOP)

President SNYDER read Bill No. 37-2014 to the Board.

Commissioner PALAGONIA moved to approve, seconded by Commissioner ARMSTRONG. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Bill No. 37-2014 was approved.

2. **BILL NO. 47-2014 (Second Reading)**

TITLE: AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER ONE, PART 7(B) ENTITLED WHITEHALL TOWNSHIP POLICE PENSION FUND, IN ORDER TO COMPLY WITH STATE LAWS AND REGULATIONS IN EFFECT AS OF MAY 20, 2014. (ADMIN/POLICE)

President SNYDER read Bill No. 47-2014 to the Board.

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

Seven Commissioners were present with six voting “yes” and Commissioner PALAGONIA abstained. Bill No. 47-2014 was approved.

3. **BILL NO. 1-2015**

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 SNYDER read Bill No. 1-2015 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 1-2015 was approved.

4. **BILL NO. 2-2015**

TITLE: AN ORDINANCE ESTABLISHING THE SALARY OF THE TOWNSHIP MAYOR FOR THE YEARS 2016, 2017, 2018 AND 2019. (BOC)

President SNYDER read Bill No. 2-2015 to the Board.

Commissioner ARMSTRONG moved to approve, seconded by Commissioner HUNSBERGER.

Commissioner HOWER asked about the pension issue. Attorney FONZONE stated he researched it, contacted PMRS and they need more time to give an opinion. Commissioner HOWER stated the ordinance does not mention the pension but the Charter states they are to set the salary and fringe benefits, feels that should be settled before the ordinance is passed. Commissioner SLONAKER asked what he came up with. Attorney FONZONE stated the plan has inconsistencies as Section 3.1 states membership is mandatory for the Mayor and Treasurer but 3.3 says membership for elected officials is prohibited, seems it was intended other elected officials would be governed differently than the Mayor and Treasurer but doesn't say that. The differing contribution and benefits formula is phrased for members hired prior to April 1, 2013 and members hired on or after, the Mayor is not hired, is elected, doesn't exactly fit the question and whether the expiration of the old term and beginning of the new term puts the Mayor into the after April, 2013 class is clouded by the word hired. Attorney FONZONE stated he did call the parent organization, they agreed with what he said, then called back and said they wanted to look at it longer, is not sure where the time limit falls. Commissioner ARMSTRONG asked if they can wait another month. President SNYDER stated in February individuals pick up their paperwork, we are to set the salary before but the Charter states we are the body that sets the salary and fringe benefits, so at this point the other pension plan was put into place so why wouldn't the same plan be for the Mayor or whoever. Attorney FONZONE stated the issue would be that the person who is in has gotten certain benefits, you are changing that benefit if they are re-elected and feels they could run into legal difficulty by changing the person rights under the plan. Commissioner HOWER stated he is trying to make sure we are all on the same page. Attorney FONZONE stated that is the why he tried to make sense of the different inconsistencies and when people have a right, they are generally protected by the law. Commissioner SLONAKER asked if they gave him a timeframe. Attorney FONZONE stated he was very responsive. President SNYDER stated if they can't accomplish it tonight, can have a special meeting to do it because of the timeframe. Commissioner HOWER asked if they can pass this ordinance and then do another ordinance regarding the pension if there would need to be a change or get a legal opinion they can live with. Attorney FONZONE stated the salary will be set by this ordinance and you want to know if it can be changed. Commissioner HOWER stated to clarify the things he just mentioned, is troubled our pension documents say two different things. Attorney FONZONE stated he can give his opinion which might turn out to be wrong which did happen a few years ago in the eyes of some.

Commissioner PALAGONIA stated he will be running for this office and asked if he should vote or abstain, with a response to abstain.

Seven Commissioners were present with six voting "yes" and Commissioner PALAGONIA abstained. Bill No. 2-2015 was approved.

5. BILL NO. 3-2015 (First Reading)

TITLE: AN ORDINANCE AUTHORIZING THE MAYOR OF WHITEHALL TOWNSHIP TO ENTER INTO A PERMANENT DEED OF EASEMENT AND RIGHT-OF-WAY GRANT WITH THE NORTHAMPTON BOROUGH MUNICIPAL AUTHORITY PARALLEL TO SR0022 EASTBOUND RUNNING BETWEEN FIRST STREET AND A POINT ON THE EAST SIDE OF CATASAUQUA AVENUE OTHERWISE IDENTIFIED AS SECTION 400. (BOC)

President SNYDER read Bill No. 3-2015 to the Board.
There were no questions or comments.

6. BILL NO. 4-2015

TITLE: AN ORDINANCE AMENDING CHAPTER 6, CONDUCT, ARTICLE I, FIREARMS AND FIREWORKS, §6-1. DISCHARGE OF FIREARMS BY THE ADDITION TO 6-3 EXCEPTIONS OF SECTION “D” RELATED TO THE LAWFUL OWNERSHIP, POSSESSION, TRANSFER OR TRANSPORTATION OF FIREARMS, AMMUNITION OR AMMUNITION COMPONENTS WHEN CARRIED OR TRANSPORTED FOR PURPOSES NOT PROHIBITED BY THE LAWS OF THIS COMMONWEALTH. (BOC)

President SNYDER read Bill No. 4-2015 to the Board.

Commissioner HOWER moved to approve, seconded by Commissioner GINDER.

Mike MIZUR, 3015 N. Front Street, Whitehall stated he sent copies of this Bill and Resolution 2875 to his firearms specialist attorney who found issues which would violate Article 1, Section 21 of the PA State Constitution, Section 6120 and PA Case Law from the PA Supreme and Commonwealth courts. The lawyer noted in interpreting Section 6120, the PA Supreme Court has stated only the General Assembly can regulate firearms, asked if the Township will take corrective action to remove these ordinances or to litigate them in federal court and if they are authorized to accept service or prefer the Federal Marshal be retained to serve it which will incur costs and surcharged to the Township. Mr. MIZUR stated it is in the best interest of everybody the regulations be immediately rescinded, the signs modified at the parks, was asked at the last meeting to help in locating the signs inconsistent with the State law, went the next day, took pictures, ten days ago went back and saw only one sign has been changed at West Catty.

Mayor HOZZA stated two signs at West Catty and one at Allencrest were changed that had a prohibition of bringing firearms into a park area and the other signs do not ban the bringing of firearms into the parks, they ban the actual discharge of firearms a separate issue and deferred to the advice of the Township Solicitor. Commissioner ARMSTRONG asked if he is advocating to be able to discharge a weapon in a public playground. Mr. MIZUR responded if it is to protect someone's life or his life, absolutely. Commissioner ARMSTRONG asked who would determine that. Mr. MIZUR stated it is determined by State law which pre-empts any other law. Commissioner ARMSTRONG stated he is asking if he wants the right to shoot in a playground. Mr. MIZUR responded to defend himself or someone else. Commissioner ARMSTRONG asked if only in that case. Mr. MIZUR stated it is set by State law where you can discharge, is not saying you can go to a playground and fire a couple of rounds into the air, falls under a different statute of PA State law, is not something regulated by a town, or else would have a different law for every single town and would have normal people becoming felons for something they don't know about, is why we have the pre-emption law, you can't regulate hunting, are allowed to discharge a firearm in Whitehall as long as you are following PA Game Code, can go down to the Lehigh River and shoot ducks as long as he is within the PA State Game Laws. Mayor HOZZA noted also would need the approval of the property owner, the Dinbokowitz family, and whereas is asking the permission of the taxpayers of Whitehall Township to enter a property and discharge a firearm. Mr. MIZUR stated that falls under a different ordinance. Mayor HOZZA noted we can regulate State office buildings where you cannot bring in a firearm but if you want to bring in a firearm such as Ross Township and discharge it, that's okay. So the State has deemed that we, at the local level, are worthless. Mr. MIZUR stated the State made the laws

and you can't and if you do are telling everybody you don't care what the State is saying. Attorney FONZONE stated the intention of the Resolution was to incorporate House Bill 80 in its entirety and the Resolution adds another exception to all of the firearm rules in the Township and states "it is not the intention of the Township to regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of the Commonwealth". So if he is using it for self-defense, would fall under PA State law and cannot think of any use of a firearm along those lines that would violate House Bill 80, was the intention of the Resolution and Ordinance and if there is some problem with the language would be happy to see what his Attorney has but it won't get done tonight. Mr. MIZUR stated he did not expect it tonight. Attorney FONZONE stated he was also threatening a lawsuit by January 5th if all these things weren't changed, there was a clear intention in the Resolution to make certain we had time to see if there were comments. Mr. MIZUR stated he doesn't know why the signs are still up, offered to pay for the supplies to cover up the offending words and would take less than an hour, so why can't Public Works do it. Mayor HOZZA responded they have been directed not to cover up the signs until we had a legal opinion from our Solicitor and the three in question were covered up. Attorney FONZONE stated he looked at the photos of the signs, the ones that were clearly offensive were taken care of, first by paint which didn't cover them completely and then by tape and is not aware of any signs that violate but if there are, we will take care of them.

Attorney FONZONE advised the Board not to act on the legislation until he has a chance to review the information from Mr. MIZUR's attorney.

Commissioners HOWER and GINDER withdrew their motions. Bill No. 4-2015 was tabled.

E. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2873

TITLE: A RESOLUTION REAPPOINTING LOUIS JANY TO THE WHITEHALL TOWNSHIP ZONING HEARING BOARD. (BOC)

President SNYDER read Resolution No. 2873 to the Board.

Commissioner ARMSTRONG moved to approve, seconded by Commissioner PALAGONIA. Commissioner PALAGONIA noted Mr. JANY has been on this Board for many years and is doing an outstanding job.

Seven Commissioners were present and voted "yes". Resolution No. 2873 was approved.

2. RESOLUTION NO. 2874

TITLE: A RESOLUTION REAPPOINTING FRANK KREMPASKY TO THE WHITEHALL TOWNSHIP BUILDING CODE BOARD OF APPEALS. (BOC)

President SNYDER read Resolution No. 2874 to the Board.

Commissioner HUNSBERGER moved to approve, seconded by Commissioner PALAGONIA. There were no questions or comments.

Seven Commissioners were present and voted "yes". Resolution No. 2874 was approved.

3. RESOLUTION NO. 2875

TITLE: A RESOLUTION ACKNOWLEDGING THAT PORTIONS OF THE COMMONWEALTH STATE FIREARMS PREEMPTION HAVE BEEN AMENDED. (BOC)

This Resolution was tabled.

4. RESOLUTION NO. 2876

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF 1450 MACARTHUR ROAD, LOCATED AT 1450 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX # 1863-14. (DEVELOP)

President SNYDER read Resolution No. 2876 to the Board.

Commissioner HOWER moved to approve, seconded by Commissioner PALAGONIA.

Commissioner SLONAKER asked if this is the Perkin's building. Attorney FOGERTY stated he reviewed the engineer and development letters and the condition is covered in there in terms of what the future use is going to be.

Attorney John GROSS, on behalf of the developer, stated there is a pending lease, it remains confidential, his clients are here, expects the property to be redeveloped very soon assuming approval is granted but cannot announce who the tenant is yet.

Seven Commissioners were present and voted "yes". Resolution No. 2876 was approved.

5. RESOLUTION NO. 2877

TITLE: A RESOLUTION AUTHORIZING & DIRECTING THE MAYOR TO SUBMIT THE REQUIRED PENNDOT TRAFFIC SIGNAL APPLICATION FOR INSTALLING A FLASHING WARNING DEVICE AT 575 GRAPE STREET, PEDESTRIAN CROSSWALK FOR APPROVAL TO PENNDOT AND SIGN THE APPLICATION ON BEHALF OF WHITEHALL TOWNSHIP. (BOC)

Frank CLARK asked the Resolution be tabled as there may be some issues with PennDOT, have a meeting with them on Wednesday.

F. OTHER

1. Commissioner SLONAKER moved, seconded by Commissioner PALAGONIA to approve the reappointment of Stanley WIMMER to serve on the Whitehall Township Authority, term to expire December 31, 2019.

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

2. Commissioner ARMSTRONG moved, seconded by Commissioner HOWER to approve the reappointment of Kent NEWHART to serve on the Whitehall Township Industrial and Commercial Development Authority, term to expire December 31, 2018.

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

3. Commissioner HUNSBERGER moved, seconded by Commissioner GINDER to approve the reappointment of Kevin SERENSITS to serve on the Tax Appeals Board, term to expire December 31, 2017.

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

4. Commissioner PALAGONIA moved, seconded by Commissioner HOWER to approve the reappointment of Joseph MARX to serve on the Coplay-Whitehall Sewer Authority, term to expire December 31, 2019. Commissioner PALAGONIA thanked Mr. MARX for the good job he is doing.

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

5. Commissioner SLONAKER moved, seconded by Commissioner ARMSTRONG to approve the reappointment of Patrice BEHRENS to serve as an alternate on the Tax Appeals Board, term to expire December 31, 2017.

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

6. Commissioner SLONAKER moved, seconded by Commissioner PALAGONIA to approve the reappointment of Sharon GEROULO to serve on the Whitehall Township Industrial and Commercial Development Authority, term to expire December 31, 2018.

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

7. Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to approve the appointment of Donald SILLIVAN to serve on the Whitehall Township Industrial and Commercial Development Authority, term to expire December 31, 2017.

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

8. Commissioner SLONAKER moved, seconded by Commissioner PALAGONIA to approve the appointment of Frank HESCH to serve on the Whitehall Township Industrial and Commercial Development Authority, term to expire December 31, 2018.

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

9. Commissioner ARMSTRONG moved, seconded by Commissioner GINDER to approve the reappointment of Neil EHRlichman to serve on the Planning Commission, term to expire December 31, 2018.

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

10. Commissioner HUNSBERGER moved, seconded by Commissioner HOWER to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo dated December 11, 2014.

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

11. Commissioner ARMSTRONG moved, seconded by Commissioner SLONAKER to adopt a motion by the Whitehall Township Board of Commissioners to settle the Business Privilege

Tax Audit with the Prime Group Partnership and the Prime Group Construction, Inc. with a payment in the amount of \$8,424.00.

Commissioner SLONAKER asked if the pickup truck is worth all that money. Deputy Mayor MEYERS responded not unless it has a gold bar in the back, are stuck where we are, would just spend a lot of money, a lot of the homes were developed other than Fox Hollow and there were sizable subdivisions in other locations that were expensive, is not sure how much of that goes away once the judge hears the Giles and Ransome argument which didn't exist at the time, would just be chasing our tail.

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

G. REPORTS OF PUBLIC OFFICIALS

1. Commissioner GINDER asked if recycling containers will be available for the Rail Trail in spring. Mayor HOZZA responded in the affirmative, stating every park has been delivered a single stream dumpster in addition to their refuse dumpster and are expected to recycle everything from all their rentals and activities.

Commissioner GINDER stated Mr. Lieberman gave them a bill for ~\$18,000 of which the ICDA paid a portion, a portion for the Township is left, asked for a breakdown and \$8,411.33 needs to be paid.

Howard LIEBERMAN, 2314 N. 1st Avenue, Whitehall, noted the money for it was budgeted last year. Commissioner GINDER asked if the recording fees for the Municipal Corporation need to be paid also. Mr. LIEBERMAN stated those fees have not been expended yet as the recording has not been completed and asked the status on the new Authority. Attorney FONZONE stated they need another ordinance because it was the wrong Act, the 1955 Act was overruled in part and honored in part if you already had it could have the benefits of it but you couldn't initiate a new 1945 corporation.

2. Commissioner PALAGONIA asked if the pole building for the salt will be started in spring or can they do pole buildings in the winter time. Deputy Mayor MEYERS stated John Rackus has all of the pricing and is getting ready to have it bid out.

Commissioner PALAGONIA asked if there is any money they can donate to Peaceable Kingdom and can use that facility if we need too. Deputy Mayor MEYERS stated it would be up to the Board, was able to negotiate our annual fee to the Humane Society down from \$24,896 to \$20,000. Commissioner PALAGONIA stated they do an excellent job, is clean, have special areas for the cats and dogs, have a little run in the back, a lot of volunteers take the dogs for walks in the Allentown Park, is nice to lend a helping hand for their efforts, if we have strays and as long as they have room, they will take them. Commissioner GINDER asked when the money was re-negotiated with the Humane Society was it because of giving money to Peaceable. Deputy Mayor MEYERS responded in the negative stating he asked for a break due to budget problems. Commissioner SLONAKER asked the amount being suggested. Commissioner PALAGONIA stated \$3,000 or \$4,000, the remaining money we were going to give to the Humane Society. Commissioner GINDER noted the amount to the Humane Society we are charged, do not willingly give, we are assessed by them, is not a donation and asked if Peaceable is a non-profit. Commissioner PALAGONIA stated they are as far as he knows. President SNYDER noted they do a good job, is willing to say yes but they need to come up with a figure. Commissioner PALAGONIA stated whatever we can afford they will accept and appreciate. Commissioner GINDER asked what they do verses what is paid to the Humane Society to do. Mayor HOZZA stated any animal picked up by

the Police and brought to the kennel, the Humane Society is obligated by the agreement to come within a certain timeframe and take the animal back and scan it to see if it has a microchip.

Joni TEDESCO, 424 4th Street, Whitehall, understands the \$20,000 you need to commit to the Humane Society but they kill animals but Peaceable Kingdom is a no kill shelter. Commissioner SLONAKER noted Peaceable Kingdom won't take an animal if they don't have room because they don't do that. Mayor HOZZA noted the need to have someone on board 24/7 to come here or the police station to pick up because we do not have the facilities to keep animals overnight. Ms. TEDESCO asked who sets the \$20,000 fee. Mayor HOZZA stated it was negotiated by the Deputy Mayor and the leadership at the Humane Society. Deputy Mayor MEYERS stated the Humane Society's position the last few years was a \$1 per person in the municipality. Mayor HOZZA noted other municipalities in Northampton County went scrambling when the Animal Welfare Shelter in the Easton just decided one day not to take any more animals. Commissioner PALAGONIA stated they spay and neuter dogs and cats at Peaceable Kingdom and if they get a lot of big donor's maybe could expand to house more animals. Commissioner GINDER stated we must pay the fee to the Humane Society every year, does not want to give an animal protection shelter more than we are giving a Senior Citizen's group or Meals on Wheels is completely wrong. Commissioner ARMSTRONG stated another difficult position is we just negotiated with the Humane Society to bring the amount down, would be very hard to keep that fee down the following year if they knew we had leftover money and gave it away to other animal shelters and is in favor but not a huge amount. Commissioner GINDER agreed, stating he wants to give them something but not more than we are giving seniors or Meals on Wheels and just read 70% of the kids in the Whitehall School District are receiving either free or subsidized lunches. Mayor HOZZA stated it goes by what occurred with the economy since the economic downturn, many families in the Township are one income families or are unemployed and see a different percentage in each building. Commissioner GINDER stated he doesn't mind some kind of stipend, does not want to get into a \$1,000 because we have human beings that need to eat. Commissioner PALAGONIA stated he believes they donated \$2,000 to the County seniors compared to other municipalities at \$5K, \$6K and \$10K and we went down to \$2K and asked if they want to give \$1,000 to Peaceable Kingdom as they will appreciate it. Commissioner GINDER stated anybody you give \$1,000 will appreciate it but is looking at kids in the Whitehall School District that need lunch every day, feels we are not taking care of the people we should in this country and that is a terrible thing. President SNYDER stated it is also a sad thing to see the animals. Commissioner PALAGONIA said he is sure there is not a problem of getting the kids fed at the school and as a member of the Lions Club they raise money to supply the kids with eye glasses. Mayor HOZZA noted it is 48% on free or reduced lunch. Commissioner ARMSTRONG commented when his children were at home and according to the figures they would have been eligible and he was a teacher in the district. Commissioner PALAGONIA proposed \$1,000, President SNYDER agreed, Commissioner GINDER proposed \$500 and to look at it in the budget next year. Commissioner ARMSTRONG asked if the \$20,000 negotiated with the Humane Society is something done every year. Deputy Mayor MEYERS stated it is yearly and had a lot of leverage this year because we did not have many animals. President SNYDER stated she thinks it could be because of Peaceable. Commissioner GINDER asked if the feral cat group is taking animals to that shelter. Mayor HOZZA responded in the negative, noting they take them to Bethlehem to be spayed or neutered and then bring them back to the colony. President SNYDER stated the dogs don't have anybody to sponsor them and cats are not like human beings, don't have anyone to speak for them and suggested \$1,000. Commissioner ARMSTRONG suggested \$750. Commissioner PALAGONIA stated to be a sport and give them a \$1,000, it's a good nice round number, was talking about \$4,000 five minutes ago and feels the good residents of Whitehall Township probably wouldn't complain about it.

Commissioner GINDER stated if we do this, will the feral cat group come for money. President SNYDER stated it is the underground feral cat program and wishes she knew it existed because she had to disband her group. Mayor HOZZA stated he envisions at a point their benefactor is going to come forth. Commissioner PALAGONIA stated they can take them over to Peaceable Kingdom to get them neutered and spayed and they clip their ears. Commissioner GINDER stated his concern is they may get more requests and then becomes a lot of money. Commissioner ARMSTRONG and SLONAKER suggested \$750, Commissioner HOWER suggested \$1,000 since he lost his family dog after buying a lot of dog food, took the food to Peaceable Kingdom, took a little tour and is glad we have something like it in the Township. Commissioner GINDER suggested \$750. Commissioner HUNSBERGER went with \$1,000 because he knows how it is to lose an animal and Commissioner PALAGONIA went with \$1,000.

3. Commissioner SLONAKER noted the many appointments this evening to various Boards, knows there are a few vacancies open and asked if anybody in the room knows someone who would like to get more involved in the Township can certainly accommodate expertise in almost anything and is something we are always looking for.
4. Commissioner ARMSTRONG stated there was no school today but will go tomorrow about Student Government Day, is looking at the first Monday in May when the Mayor meets with all of his departments, needs the school to approved it, would also like to look at the CTC and maybe get the middle school involved that day also. Commissioner HOWER noted it was a great event last year, was great to see the debate with the kids, sometimes we get into crazy debates up here and was neat to see the kids do it. Commissioner ARMSTRONG noted after some of the things that happened in France, there may be some yelling, screaming and some great debates but isn't it great we can express our opinions without somebody running in with a hood on their head to shoot us because of it, thinks we take it for granted and is such a great thing we have here.
5. Mayor HOZZA stated many residents will receive their newsletter in the next few days, the Home Rule Charter requires the Mayor give a "State of the Township" report to the community every year in January, is asking the report be put into the record of this meeting as part of the permanent record of the Township. He is very pleased that due to the hard work of many of the employees here at the Township, our elected officials and our thousands of volunteers, have been able to get so much accomplished in the last several years despite one of the worst economies since the Great Depression. He noted we are celebrating a milestone that went by with little fanfare, the 50th Anniversary of this building. Prior to its construction in 1964, this Township never had a central building, were vagabond's, would meet in fire stations, banks or wherever, for over 200 years Whitehall never had a central town hall but today we have this Municipal Building which was due to the forward thinking of the first manager of the Township and the Board of Commissioners at that time and is ironic our Public Library was also being built on Mechanicsville Road at the same time. He stated in the newsletter you will see a very strong financial picture of this Township, where we stand today with very little debt, a very good healthy reserve which will take us hopefully not into another recession but enable us to build the capital reserve back up for the purchase of capital equipment such as Public Works dump trucks, pickup trucks, police vehicles and capital improvements to our parks and facilities. He noted it also gives an aggressive capital plan for the next ten years and believes as a Township if we invest in that capital plan, will also see a reduction in costs of energy with our infrastructure.

Commissioner GINDER made a motion to pay the bill passed onto the Board by the Whitehall Township ICDA to pay for Attorney ZATOR's work on the CRIZ in the amount of \$8,411.33,

seconded by Commissioner SLONAKER. Seven Commissioners were present and voted “yes”. Motion carried.

Commissioner PALAGONIA made a motion to donate \$1,000 to Peaceable Kingdom in Whitehall, seconded by Commissioner HUNSBERGER. Commissioner GINDER asked what account it will come out of. Deputy Mayor MEYERS stated the animal services account. Seven Commissioners were present with six voting “yes” and Commissioner ARMSTRONG voted “no”. Motion carried.

Howard LIEBERMAN stated they need to set a date for the public hearing on the LERTA, the Act requires the properties being considered under LERTA be vetted at a public hearing, the School Board will be meeting tomorrow to consider it and there are 28 properties being proposed. President SNYDER asked if each one is discussed separately. Mr. LIEBERMAN stated he believes the School Board will do each line item and they need to be invited along with the County. After discussion, it was decided to hold the meeting on Monday, February 16th at 6:00 pm. Mr. LIEBERMAN stated he provided copies of the proposed ordinance and asked if they had any comments or changes. President SNYDER asked if there is a date to meet with the Rep’s. Mr. LIEBERMAN stated there is no date as yet, the things we wanted to discuss are no longer time sensitive but the longer it is pushed off, the longer we can’t react to it.

H. ADJOURNMENT

1. MOTION – Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to adjourn the meeting at 8:15 p.m.