
MINUTES

December 13, 2021
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 13, 2021 held virtually via WEBEX, with the following in attendance:

COMMISSIONERS

Philip J. Ginder, President
Joseph J. Marx, Jr., Vice President
Thomas Slonaker, Secretary
Jeffrey J. Warren
Charles G. Fisher
Randy Atiyeh
Michael D. Dee

TOWNSHIP PERSONNEL

Michael P. Harakal, Jr., Mayor
John D. Meyers, Deputy Mayor
John F. Gross, Esq.,
Township Solicitor
Michael Marks, Police Chief
Frank Clark, Engineer, KCE
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 note of thanks given to all serving in the Armed Forces, First Responders, Healthcare Workers, Grocery Store Workers, and Municipal Staff who are all seeing the community through this hard time.

President GINDER read the statement on fair housing as required.

President GINDER noted that an Executive Session was held on November 23rd, 2021 at the Coplay Whitehall Sewer Authority for legal and personnel issues and Attorney Jack Gross was in attendance.

President GINDER announced the passing of Township Employee Linda Laub. Linda worked for the Township for 20 years, starting as a Police Service Aid in 2002 and ending her career as the Operations Secretary in the Development Office. She is thanked for her many years of service and dedication to the Township and she will be dearly missed by all and pass along condolences to her family.

President GINDER also noted the passing of Scott Shenyo. Scott served on the Township Traffic Impact Advisory Committee and we are thankful to Scott for his service to the Township.

Vice President MARX announced the passing of CWSA Board Chairman, John Shriner. John served the Authority for 27 years and was the Chairman for the last fourteen. He was

thanked for his dedicated service to the Township and heading one of the best run Authority's. God speed John.

APPROVAL OF MINUTES

Commissioner MARX moved, seconded by Commissioner WARREN to approve the Minutes with corrections of the following meeting:

Regular Public Meeting – November 8, 2021

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

B. CONDITIONAL USE HEARING

REMAND HEARING OF UNITED LIBERTY, LLC FOR USE OF THE PROPERTY LOCATED AT 1995 SCHADT AVENUE, WHITEHALL, PA, TAX PARCEL ID NUMBER 549803441182-1, AS A SPECIAL CARE COMMUNITY.

This item was postponed by the Developer.

C. COURTESY OF THE FLOOR

Gary BRIENZA of 1 South Main Street, Nazareth representing GFY Development owner of 3629 S. Columbia Street. On behalf of his client, Mr. BRIENZA is seeking consideration for relief of fees assessed as a result of a judgement against the property for violations that were filed. After discussion of this issue, the Board did not place a motion to be acted upon.

Robert PILIGIAN of 415 Oakwood Drive, Whitehall addressed the Board by asking who is paying for fees associated with the investigations that have taken place. Attorney Jack GROSS advised that the responsibility falls with the Township. Mr. PILIGIAN also stated that he feels someone should be held accountable and thanked the Board for letting him speak.

Commissioner WARREN proposed a motion to have a yearly audit performed in the Treasurer's office. President GINDER asked that the motion be held until the end of the meeting when motions are acted upon.

Commissioner MARX stated that he wants it to be perfectly clear that the costs of the Treasurer and Mayor investigations will be on the backs of the tax payers.

D. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 20-2018 (SECOND HEARING)
TITLE: AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CHAPTER 27, ZONING, BY AMENDING THE GENERAL REGULATIONS TO PERMIT 'ADAPTIVE RE-USE' FOR AFFORDABLE HOUSING AS A PERMITTED USE IN THE C-1 AND C-2A ZONING

DISTRICTS. (Admin)

President GINDER read Bill No. 20-2018 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner DEE.

Seven Commissioners were present and voting “yes”. Bill No. 20-2018 was approved.

2. BILL NO. 32-2021

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2022. (ADMIN)

President GINDER read Bill No. 32-2021 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”. Bill No. 32-2021 was approved.

3. BILL NO. 33-2021

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 GINDER read Bill No. 33-2021 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX.

Jack MEYERS noted that one garbage container will remain the same fee, but there is an increase for having two.

Seven Commissioners were present and voting “yes”. Bill No. 33-2021 was approved.

4. BILL NO. 34-2021

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2022 ANNUAL BUDGET AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, HEREINAFTER SET FORTH, DURING THE 2022 FISCAL YEAR. (ADMIN)

President GINDER read Bill No. 34-2021 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner FISHER.

Seven Commissioners were present and voting “yes”. Bill No. 34-2021 was approved.

5. BILL NO. 35-2021

TITLE: AN ORDINANCE AMENDING CHAPTER 16 (PARK AND RECREATION), ARTICLE II (ANIMALS PROHIBITED), TO PROVIDE FOR SERVICE ANIMALS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT.

President GINDER read Bill No. 35-2021 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner DEE.

Seven Commissioners were present and voting “yes”. Bill No. 35-2021 was approved.

6. BILL NO. 36-2021

TITLE: AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CHAPTER 21, STREETS AND SIDEWALKS, §21-1 THROUGH §21-13 AND ADDING ARTICLE VII.

President GINDER read Bill No. 36-2021 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner ATIYEH.

Seven Commissioners were present and voting “yes”. Bill No. 36-2021 was approved.

E. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3180

TITLE: A RESOLUTION ADOPTING THE TOWNSHIP OF WHITEHALL CAPITAL IMPROVEMENT PROGRAM (2022-2026), SPECIFICALLY FOR THE 2022 FISCAL YEAR. (ADMIN)

President GINDER read Resolution No. 3180 to the Board.

Commissioner DEE moved to approve, seconded by Commissioner SLONAKER.

Seven Commissioners were present and voting “yes”. Resolution No. 3180 was approved.

2. RESOLUTION NO. 3181

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 GINDER read Resolution No. 3181 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”. Resolution No. 3181 was approved.

3. RESOLUTION NO. 3182

TITLE: A RESOLUTION AUTHORIZING THE MAYOR OF WHITEHALL TOWNSHIP TO ENTER INTO AN INTERMUNICIPAL MUTUAL AID POLICE COOPERATION AGREEMENT WITH SOUTH WHITEHALL TOWNSHIP

President GINDER read Resolution No. 3182 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner DEE.

Seven Commissioners were present and voting “yes”. Resolution No. 3182 was approved.

4. RESOLUTION NO. 3183

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION/LAND DEVELOPMENT PLAN OF 2016 CENTER STREET, LOCATED AT 2016 CENTER STREET, WHITEHALL, INDEX #1989-21.

President GINDER read Resolution No. 3183 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner ATIYEH.

Commissioner WARREN noted that there are 2 lots with one recreation fee and asked that at a subsequent meeting action is taken to clarify the Ordinance that was passed in 2005 regarding recreation fees. Attorney GROSS stated that this issue has been raised at L&L and advised that clarification needs to be addressed before another residential development is brought through.

Seven Commissioners were present and voting “yes”. Resolution No. 3183 was approved.

5. RESOLUTION NO. 3184

TITLE: A RESOLUTION OF THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY

REQUESTING A GRANT FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION'S MULTIMODAL TRANSPORTATION FUND (MTF) PROGRAM FOR THE MACARTHUR ROAD-EBERHART ROAD MOBILITY AND PEDESTRIAN ACCESSIBILITY PROJECT.

President GINDER read Resolution No. 3184 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner DEE.

Commissioner WARREN stated that this project has been in the pipeline a long time and a significant amount of traffic impact fees are proposed as well as developer money to improve safety and accessibility and if awarded this grant will help offset expenditures. Commissioner WARREN respectfully requested the Board grant approval.

Seven Commissioners were present and voting "yes". Resolution No. 3184 was approved

E. OTHER

1. MOTION – TO APPROVE THE TEMPORARY TRANSFER OF \$1 MILLION FROM THE LAFARGE FUND TO THE CAPITAL RESERVE FUND FOR THE SOLE PURPOSE OF BRIDGING THE TIME PERIOD UNTIL THE RECEIPT OF RACP FUNDING.

Commissioner MARX moved to approve, seconded by Commissioner WARREN.

Seven Commissioners were present and 7 voting "yes". Motion carried.

2. Motion brought forward by Commissioner WARREN requiring an Independent Financial Audit on the accounts of the Treasurer be performed annually.

President GINDER questioned 1) who will pay for the audit and 2) who will choose the Auditor and asked if this is something to be decided upon now or later. Attorney GROSS noted that historically the Township did both and Jack MEYERS confirmed that information. The motion was seconded by Commissioner SLONAKER.

Seven Commissioners were present and 7 voting "yes". Motion carried.

F. REPORTS OF PUBLIC OFFICIALS

President GINDER noted this is his last meeting as President. He gave thanks to Frank CLARK for all his diligence on the S. Lehigh Avenue project and asked Frank to give any update to the project. Frank CLARK noted that due to the good weather the project is moving forward and the binder course has been installed and the wearing course will be put down tomorrow, guide rail has been installed and hopefully shotcrete for the wall by the end of the week.

President GINDER wished to correct a comment he made regarding the Treasurer's office at the November meeting as follows: his statement that the tax office was a mess for the last year and half was corrected as he meant to say that the management of the office, not the work of the employees in that office, as the employees have been very dedicated and have professionally worked through the many issues because of the poor management of the office. Secondly, this has gone on not for a year and a half but more like three years.

President GINDER questioned the Mayor if a recreation comprehensive plan committee has been formed yet? The MAYOR indicated it is being worked on with the LVPC and hopefully will have it together by early January. President GINDER advised he would like to see at least two if not more Commissioners on that committee. Commissioner WARREN noted he is willing to sit on that committee. President GINDER asked if a committee was formed for the Prydun Farm and the MAYOR indicated there has not. President GINDER noted that the grants being applied for require that a committee is needed and can't stress enough that it be done. President GINDER lastly asked the MAYOR if a grant has been looked into for the cost of the engineering for the replacement of the 72" stormwater pipe south of Route 22. The MAYOR replied no. President GINDER feels that it should be looked at since the Township is aware of issues there.

President GINDER noted that the Board still does not have reports from the Treasurer for the 3 deposit accounts noted by the forensic auditor. Treasurer GOBER stated she would have them to the Board tomorrow and will have everything cleaned up by the end of her last day.

Lastly, President GINDER read a statement noting that the time he served as President have been a long two years. He cannot remember a time when there were so many problems in his 22 years as a Commissioner – Covid and all the problems associated with it, the debacle with the missing money and poor accounting from the Treasurer, law enforcement and district attorney investigations forensic audits, harassment charges and investigations with the Mayor, building renovations and the moving of employees numerous times, departure of three department heads. It is because of the devotion and dedication of our staff to getting the job done that we have managed to overcome the aforementioned burdens and distractions. A sincere thank you to all employees. The Volunteer Fire Dept and Fire Police have performed above all expectations, especially with the shortage of personnel. The Chief and Officers of the department deserve a special thanks for keeping things running smoothly. Our Police Department continues to perform exceptionally well and above standards. Thanks to all officers and personnel of the department. He thanked Frank Clark and all the department heads for all their help during the year. Special thanks to Deputy Mayor Jack MEYERS and Attorney Jack GROSS. They have kept him sane dealing with the constant problems and issues. Lastly, thanks to all the volunteers on the boards and commissions – playground, parks, IRT and historical organizations. These people are what make Whitehall a great place to live and call home. Thanked the Board of Commissioners first, by having the faith in him by electing him President and second, and for working together to always with the best for Whitehall in mind. Thank you to the residents for having faith and trust in the Board to do the right and honorable thing for the Township. Wish you all a Merry Christmas, Happy Holidays and mostly good health to all.

Commissioner MARX thanked President GINDER for his leadership, it was an honor to serve under your presidency during the most challenging times. He reiterated President GINDER's thanks to staff, departments and boards/commissions. Happy Holidays to all.

Commissioner SLONAKER also reiterated President GINDER's thanks to everyone and for the help that staff gives. He hopes that we move into the new year with good hopes and for good things to happen from this point on.

Commissioner WARREN extend his condolences to the families of Scott Shenyo, Linda Laub and John Shriner and appreciates their service to the Township. He thanked President GINDER for guiding the Board the last two years. He also thanked staff and volunteers and wished them Happy Holidays, as well as our residents. He thanked everyone involved in grant writing from preplanning to writing the grants to tracking and financials.

Commissioner FISHER emphasized in asking the everyone gets vaccinated/boosted as we are on our second Christmas dealing with COVID. He recognized the EAC in trying to get better organized and thanks to Deb Rosene in getting a new charter together. They are also looking for volunteers for Eagle Scouts or Gold Award. He reflected on the last two years with issues in the tax office and etc. He thanked President GINDER for his leadership and the Board for getting through the trying times. He wished everyone a Merry Christmas, Happy Holiday and Happy New Year.

Commissioner ATIYEH thanked President GINDER for his term on the Board and all his help since he was a new Commissioner. He also thanked Commissioner DEE for his service and also thanked the staff.

Commissioner WARREN and President GINDER also thanked Commissioner DEE for his service.

Commissioner DEE noted it has been a pleasure and honor to serve the residents of Whitehall. He thanked President GINDER for his leadership and learned a lot from him as well as all the other members of the Board. He passed on his condolences of his friend John SHRINER. He noted the Toys for Tots campaign and items can be dropped off inside the ReMax building. Shout out to the Whitehall Coplay Hunger Initiative for everything they do. Please be kind this holiday season and contribute a new toy or donation to the Hunger Initiative. He thanked the employees for all their hard work and wished everyone the happiest of holidays.

Mayor HAKAKAL noted that Mick DEE will be missed and thanked him for all his help with obtaining grants. He also noted the passing of Scott Shenyo, Linda Laub and John Shriner. Over the past few months, we have received hundreds of thousand of dollars on projects supported by the Board. Thanked Chad HELMER for all his help with obtaining grants as well as Jack MEYERS, Debi BOWMAN, Lenore BRAZIER, Tim CHRISTMAN and DHUY Engineering for all the work put into getting RACP funding. He wished staff, the BOC and the entire community a Merry Christmas and Happy New Year. He also updated that the Police move won't happen until the beginning of January and it could be February or March until we are able to utilize the Public Meeting Room.

Treasurer GOBER advised the monthly report was emailed to the Board. She had some difficulty in getting that done because of not receiving a bank statement needed.

At this time, Lee RACKUS said a few moving and sincere words on the passing of Linda LAUB.

G. ADJOURNMENT

MOTION – Commissioner MARX moved, seconded by Commissioner WARREN to adjourn the meeting at 8:46 p.m.