
MINUTES
MARCH 6, 2023
(RESCHEDULED FEBRUARY 13, 2023)
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 7:15 p.m. on Monday, March 6, 2023 held at the Whitehall Township Public Meeting Room, with the following in attendance:

COMMISSIONERS

Joseph J. Marx, Jr., President
Philip J. Ginder, Vice President
Thomas Slonaker, Secretary
Jeffrey J. Warren
Charles G. Fisher
Randy Atiyeh
Andy Roman (Absent)

TOWNSHIP PERSONNEL

Michael P. Harakal, Jr., Mayor
John D. Meyers, Deputy Mayor
Jack Gross, Esq., Township Solicitor
David Nelson, Fire Chief
Michael Marks, Police Chief (Absent)
Frank Clark, Engineer, KCE
Lee Rackus, PZ&D
Tina J. Koren, Tax Collector
Larissa Bruder, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag and a moment of silence will follow to honor our men and women in uniform and our first responders, the people of Ukraine and the recovery of Commissioner ROMAN.

President MARX read the statement on fair housing as required.

APPROVAL OF MINUTES

Commissioner GINDER moved, seconded by Commissioner FISHER to approve the Minutes of the following meeting:

Regular Public Meeting – January 9, 2023

SIX Commissioners were present and sixed voted “yes” and Motion carried.

President MARX noted the passing of three Township citizens: long time Solicitor, Charles Fonzone, which President MARX had a personal relationship with as well. He was a decorated Marine Combat Veteran, Artillery Officer in Vietnam, Father and Grandfather. Chuck was a hometown boy as he loved Whitehall. His family was active at Jefferson Park and there is a memorial at the northeast corner of the park in honor of his family. Chuck will be missed, God speed. Secondly,

Kurt Simmons, born and bred in Egypt, Philly Great, a Veteran and truly deserving of a tribute. God bless you Kurt and God speed. Lastly, Claire Levanduski, long time Commissioner and on the Committee to recreate the Township's Charter, God bless and God speed Claire.

Commissioner GINDER noted the passing of resident and long time Whitehall Township Volunteer Stephen Nemeth Jr. in January of 2023. Steve was active and a coach in the Cementon Playground and Athletic Association for many decades, yes decades. He was the president and care taker of the Cementon Park for many years. He also was involved with the Cement Belt Fair Board. He served on the Whitehall Township Recreation Commission as well as the Township Park and Recreation Board. To Coach Steve, thank you for a lifetime of volunteering your time to and for the youth of Whitehall Township, it was a job well done.

President MARX announced that due to technical difficulties, January's Board meeting was not recorded and thanked Township Secretary, Ms. Bruder for her diligence in getting the minutes compiled.

B. COURTESY OF THE FLOOR

Rob PILIGIAN of 415 Oakwood Drive commented that during February's Board Workshop Meeting there was discussion regarding open space preservation and possibly using Township funds to aid the purchase of farmland. He suggested that if this is to be considered in the future, he would ask that it would be done by referendum so that the residents of the Township have a say. Secondly, he asked that status of the former police station building. Lastly, Mr. Piligian questioned what the final costs totaled in regards to the harassment claim settlement. President MARX noted that in reference to the former police station, an appraisal has been completed and Deputy Mayor MEYERS explained that there is another sale of township property being worked on and as soon as that is completed, this property will be put out for bid. In the meantime, a deed description is being worked on and removing any remaining salvageable items from the building. In regards to the final costs of the settlement, President MARX noted that for damages was \$140,000.00, which included legal fees that were incurred for the plaintiffs attorneys. He does not have a total on the additional monies spent for cost of initial investigations, lawyer fees for the law firm retained do to said investigations, mediation and cost of attorneys representing the Township during mediation, deductible increase for insurance. President MARX has received some of those figures from Deputy Mayor MEYERS, but he still is waiting for the law firms costs that represented the Township. He is working on it diligently and once he has solid numbers he will report on it. Mr. Piligian then asked clarification on whether the open space issue will be moving forward as it was his understanding that the farmer interested in the land, is obtaining money elsewhere. Mayor HAKAKAL confirmed that there have been additional funds obtained. Commissioner WARREN commented that he agrees with placing an issue such as this as a referendum as North Whitehall has done that and it was overwhelmingly supported by the taxpayers, whereas East Allen Township is dealing with the warehouse growth and South Whitehall was caught off guard with a large development. Mr. Piligian noted that Upper Milford was the first municipality in Lehigh County to adopt an open space referendum. Commissioner WARREN noted that the added benefit is that Lehigh County will give money towards it and municipalities that have bigger slush funds then Whitehall are able to leverage our taxpayer money. It doesn't go to every community but if we had a fund that the taxpayers

supported then we could leverage getting some of our tax dollars back to benefit Whitehall.

Bruce CHARLES of 76 Madison Lane addressed the Board with the following concerns:

He read in the most recent Township newsletter that the Township has gone to long with fewer people and it was needed to move forward and higher additional personnel. He feels that with the economy the way it is, you have to do more with less and asks that the Township hold the line. Secondly, he asked if the \$140,000 settlement fee was covered by insurance. Attorney Gross noted that the settlement payment was covered by insurance company. Mr. Charles then asked if any of the missing tax office money was covered by insurance as well. Attorney Gross explained that the money that was found missing by the forensic audit was not covered by the Township bond as it was not real estate tax money as it was primarily fees, ie. garbage etc. Commissioner WARREN commented that as part of the investigation \$15,000 was recovered. Mr. Charles asked what recovered meant. Commissioner WARREN explained it was money that was not tagged to a particular account. Deputy Mayor MEYERS and Treasurer KOREN both confirmed that it was actually found in a file in the file room. Commissioner WARREN stated that \$77,000 was the aggregate of the bills that were not resolved. Mr. Charles said obviously someone was not keeping a close eye on these matters and something like this should not happen with proper auditing that should be in place. Whoever was running the office at that time was not qualified and hopes that proper procedures have since been put in place. Commissioner WARREN noted that last year he made a motion to have an annual independent audit done in the Treasurer's office, which was approved. Commissioner FISHER explained that there is a referendum coming to make changes to the that office to prevent things like this from happening again. Mr. Charles confirmed that he was referring to the title change – of having an elected Treasurer to a hired position to be known as Finance Director and will be hired by the Mayor with the approval of the Board and under the supervision of the Mayor. Treasurer KOREN noted that she has been in office since last January and has been numerous changes including all the money is directly put in the safe and gets picked up once a week. Once a drawer reaches \$500 it is put in the safe and all checks are deposited by the end of each day. Mr. Charles then asked if the Township has its own code of conduct policy or does it fall under the state. Attorney GROSS explained that the Township has a code of ethics and within that code are provisions for conduct as well as in the Township's personnel policy. Mr. Charles then commented on the traffic issues at the McDonald's at Route 145 and Mechanicsville Road. He has witnessed numerous issues and hopes that it can be revisited to make that a safer area. President MARX advised that the Township is working with PennDOT to improve that area. Commissioner WARREN confirmed with Frank Clark that the plan shows 2 eastbound lanes will stay 13ft and the straight ahead lane to Glenside Drive and turning lane northbound will be reduced by one foot to give more room on the other side so cars can pass, but he did not see a turning lane and Frank Clark advised Penndot will not support a turning lane for a private driveway. Lastly, Mr. Charles noted that he understands the form of government that Township is run by is a Mayor concept and feels it may be time to review the form of government. Commissioner FISHER commended Mr. Charles for coming out and voicing his concerns and advised him that there are many boards/commissions/committees that are volunteer based and he should consider giving of his time.

Andrew KOPECK of 3763 Dogwood Drive voiced his concern with being inconvenienced with the impending Route 145 construction starting back up. President MARX noted that Route 145 is governed by PennDOT and not the Township. Commissioner WARREN noted that the paving is much needed and PennDOT is required to keep to two open lanes. Mayor HAKAKAL stated that we want PennDOT here doing the upgrades that are required and necessary to make MacArthur Road a better and safer road to travel. Further work that PennDOT will be providing the Township includes, Fullerton Avenue & 3rd Street to Bridge, improvements and MacArthur & Mechanicsville, Route 329 Bridge which will give us a brand new bridge with the existing bridge usable for the better part of the project. Also a brand new 5th Street bridge in Fullerton, which will give another avenue for people to move about the Township. Commissioner WARREN added that the turning lane reconstruction in

front of WAWA was not apart of the initial project and with the Township petitioning PennDOT, they got that underway. Mr. Kopeck questioned the area of roadway on Rural Road where the new house was constructed. The road has not been finished. Frank Clark advised that there was a street opening permit pulled and he will look into it. Mr. Kopeck also mentioned that at Rural and Mechanicsville Road there is a tree leaning on a garage and feels it is a hazard. Frank Clark will look into it.

John RACKUS of 3115 Sodl Lane inquired if the Mickley Road flooding at Route 145 will be corrected with the MacArthur Road repaving project? Frank Clark advised that PennDOT was asked to correct that along with some other issues and they were not receptive to it. Mr. Rackus is very concerned that this is being left go as it has been an issue since he worked for the Township and is fearful that someone will drown. Mr. Rackus then asked if the Lehigh Valley Mall offsite 72' pipe that runs under MacArthur Road from Route 22 south will be inspected before the paving takes place there as that is the original pipe from when the Mall was built and has safety concerns with the pipe's age. He also asked if the Township will have to take any roads over to have the 5th Street Bridge reconstructed. Mayor HAKAKAL advised that we will own the bridge but we will not be taking over maintenance of any other roadways. Frank Clark noted that 72' pipe will be put on a 3 year inspection plan.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 3-2023

TITLE: AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE TRAFFIC IMPACT FEE REGULATIONS; BY ADOPTING A REVISED TRANSPORTATION SERVICE AREA MAP (Traffic Impact Advisory Committee)

President MARX read Bill No. 3-2023 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner FISHER.

SIX Commissioners were present and voting "yes". Bill No. 3-2023 was approved.

2. BILL NO. 4-2023

TITLE: AN ORDINANCE ESTABLISHING THE SALARY OF THE TOWNSHIP MAYOR FOR THE YEARS, 2024, 2025, 2026, AND 2027 (ADMIN)

President MARX read Bill No. 4-2023 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner FISHER.

President MARX noted that Option B was chosen which is a 3% increase every year. He also stated that he was recusing himself from voting.

SIX Commissioners were present and five voting "yes" and one abstention (MARX). Bill No. 4-2023 was approved.

3. BILL NO. 5-2023 (FIRST HEARING)

TITLE: AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PROCEDURES OF THE TOWNSHIP OF WHITEHALL AS CONTAINED IN CHAPTER I, PART 8 ARTICLE XXXVI OF THE CODIFIED ORDINANCES, SPECIFICALLY AS IT PERTAINS TO THE TOWNSHIP'S HARASSMENT POLICY (ADMINISTRATION)

President MARX read Bill No. 5-2023 to the Board.

4. BILL NO. 6-2023

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PROVIDING OPERATIONAL AND MAINTENANCE SERVICES FOR STREET LIGHTS FOR WHITEHALL TOWNSHIP, 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 MARX read Bill No. 6-2023 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting "yes". Bill No. 6-2023 was approved.

5. BILL NO. 7-2023

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PURCHASE OF A 2023 FREIGHTLINER CAB AND CHASSIS TANDEM AXLE DUMP TRUCK FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL, IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

President MARX read Bill No. 7-2023 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER.

SIX Commissioners were present and voting "yes". Bill No. 7-2023 was approved.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3215

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND WHITEHALL TOWNSHIP TO ENTER INTO A STIPULATION AND SETTLEMENT AGREEMENT REGARDING STORMWATER PLANS, WITH 4154 ROOSEVELT STREET, LLC (ADMIN/BOC)

President MARX read Resolution No. 3215 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting “yes”. Resolution No. 3215 was approved.

2. RESOLUTION NO. 3232

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION/
LAND DEVELOPMENT PLAN OF 135 CREST DRIVE, INDEX # 1936-19 (DEVELOP)

President MARX read Resolution No. 3232 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner
WARREN.

SIX Commissioners were present and voting “yes”. Resolution No. 3232 was approved.

3. RESOLUTION NO. 3234

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

President MARX read Resolution No. 3234 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner
ATIYEH.

SIX Commissioners were present and voting “yes”. Resolution No. 3234
was approved.

4. RESOLUTION NO. 3235

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

President MARX read Resolution No. 3235 to the Board.

Commissioner ATIYEH moved to approve, seconded by Commissioner
GINDER.

President MARX thanked Officer Stephens for his service to the Township.

SIX Commissioners were present and voting “yes”. Resolution No. 3235
was approved.

5. RESOLUTION NO. 3236

TITLE: A RESOLUTION AUTHORIZING THE DISPOSAL OF SPECIFIC TOWNSHIP
RECORDS IN ACCORDANCE WITH THE TOWNSHIP’S RECORD RETENTION
AND DISPOSAL SCHEDULE. (ADMINISTRATION)

President MARX read Resolution No. 3236 to the Board.

Commissioner ATIYEH moved to approve, seconded by Commissioner
WARREN.

SIX Commissioners were present and voting “yes”. Resolution No. 3236

was approved.

E. OTHER

1. MOTION – to appoint Sean Ziller from an Alternate Member to a Regular Member of the Whitehall Township Planning Commission, term to expire December 31, 2026.

SIX Commissioners were present and voting “yes”. Motion carried.

2. MOTION – to endorse the Local Property Manager Guide.

SIX Commissioners were present and voting “yes”. Motion carried.

F. REPORTS OF PUBLIC OFFICIALS

Commissioner ATIYEH recognized and passed along condolences to the families of the four residents that were honored at the beginning of the meeting.

Commissioner FISHER offered his apologies for not being available and contributing to the February meeting being postponed and thanked the members of the Board for their support. He then asked the Mayor if he has reached out to the Whitehall & Lehigh Valley Malls regarding EV grants. Mayor HARAKAL noted that he had a discussion with Colleen Ansbach from the Whitehall Mall and he also spoke with staff about the Township campus but it was determined that with the amount of traffic flowing through the campus already it would not be advantages to add even more. Commissioner FISHER has concerns with the new traffic flow pattern change on the campus and asked what the reasoning was for reversing the flow. Deputy Mayor MEYERS explained it was changed to make it easier for residents to access public parking and the front of the building. Commissioner asked if its been working better. Deputy Mayor MEYERS noted that he has seen a definite improvement. He then asked the status of the outstanding funds issue and Treasurer KOREN advised that she has received \$8,452 back from the State. Commissioner FISHER lastly noted that the EAC had a cleanup on Range Road that was very successful. There are several more scheduled in the near future and volunteers are always needed.

Commissioner GINDER thanked Lee Rackus for preparing an excellent the Annual Planning Commission Report. He also made mention that two members of the Planning Commission were present, Rob Piligian who is President and Ann Freyman who is a regular member. He noted that the do a great job in scrutinizing the plans and knows that everything is in order by the time the Board receives it for action. Commissioner GINDER then asked the Mayor where the Recreation Comprehensive Plan stands as there has not been a meeting for quite some time. The Mayor indicated that he wanted to wait till a full-time Rec Director was onboard before moving forward and announced that one of the many candidates for said position, has just been hired and should be starting in the next few weeks. Commissioner GINDER then asked when restroom were going to be installed for the workers who have been working out of the Lehnert Road Barn. He quite concerned the length of time that the workers have been working in this condition and asked when this would finally be rectified. Frank Clark advised that the specs are almost complete and should be put out for bid in 2-3 weeks. Mr. Clark noted that the hold up was working with DEP and getting them to understand and agree that a planning module was not necessary. At this time, Ken SNYDER of 4272 Abigail Lane approached he Board and ask the following questions: Do the employees working in the building all day; do they just come to this building to pick up equipment

and is there a job johnny there. President MARX and Commissioner GINDER both stated that they believe that the employees report there and that it is their home base. They may be at the building working on equipment and/or they may be out at other locations doing what duties were assigned to them that morning. Mr. Snyder verified that if he, as a business owner, was in the same situation would have a stop work order placed on his building. President MARX explained that when the building renovations began it was realized that the Recreation Maintenance Dept was going to be displaced so the Lehnert Road Barn was cleaned out to be able to house this department. At that time, himself, Commissioner Ginder, Commissioner Warren and many other Commissioners were concerned if this was going to be acceptable and the process began of getting the necessary paperwork in process. Mr. Snyder believes it is the duty of the Zoning Officer to make sure that public buildings meet code. Commissioner WARREN stated it is his understanding that the employees actually come to the Municipal Complex first punch in and get a Township vehicle then go to the barn facility and at the end of the day they return to the Complex. There is some discrepancies on what actually happens and how much time is spent at the barn by the recreation employees. It was verified with Frank Clark that it would be another 2-3 months until the barn would be flush ready. Mr. Snyder is also concerned that the Township is dumping money into a barn that is probably not even up to code. Mayor HAKAKAL stated that this wasn't the vision when the project started and unfortunately things got out of control. Mr. Snyder commented that the Township is not practicing what they preach as he understands that the pavilion project on S. Church Street was started without first securing the necessary permits. Mr. Snyder hopes that in the next 30 days the Township either finds another location for the employees or have the code inspector advise what is necessary to bring that building up to code and have those items addressed so a certificate of occupancy can be issued. President MARX assured Mr. Snyder that he will have this addressed first thing tomorrow morning. Commissioner ATIYEH recommended that Administration sits down with the Rec Director and the Employees to find out exactly how they are operating.

John Rackus of 3115 Sodl Lane approached the Board and wanted to address an issue at the barn as well. He believes due to its physical size it should have fire protection. He knows that the garbage and recycling totes are stored there and they are a huge fire hazard. He suggested that the Township have a comprehensive plan so there is a main focus of what the Township needs and where it is headed. When a new Mayor is elected they do want is on their agenda and not always what's best for the Township. Money has been spent on purchasing properties that are sitting doing nothing. Mr. Rackus also has concerns with Township employees doing demolition work, as was done at Prydun Farm recently. Special training is required when that type of work is done and all the years he was employed with the Township he was always about safety and made sure he had the certifications necessary to do the work that was required. Even though he is a taxpayer, he always held back when he worked here for fear of repercussions, but now that he is retired, he is going to stay on top of what is going on here and will be voicing his concerns. The Mayor stated that he will look into what needs to be done at the barn and he will make sure it happens. It was not the original plan to utilize the barn permanently.

Ron REAMAN of 929 5th Street had a concern with work that is being done at his home (install of solar panels) as he can't get it inspected. Mrs. RACKUS explained that his contractor needs to provide complete and properly stamped plans. Mr. REAMAN also thanked for the Commissioners for the job that they are doing, as it appears it isn't easy.

Commissioner GINDER continued and asked the Mayor if Public Works has been in contact with the IRT as to what duties they can take on regularly. As there was some confusion as to if that has been done, the Mayor will check into it with Public Works and make sure that the IRT members are contacted. Commissioner GINDER also asked Mayor HAKAKAL if the Comprehensive Plan has been started as he requested some time ago. Mayor indicated there was some general discussion but it has not moved forward as of yet. Commissioner GINDER commented that a few months it was brought to his attention that there is more than one key to gain access to the Cementon Fire Station. Chief Nelson confirmed that there was an individual who had a key that wasn't supposed to. Commissioner GINDER then asked if there is a list of what items are being stored there as he was informed it was being utilized to house fire department equipment. Chief Nelson advised that he is in the process of having the items

inventoried by Quartermasters. Commissioner GINDER requested that this be made of the upmost importance. Chief Nelson advised that he only has volunteers to work with and will do his best to get this completed. Commissioner GINDER also requested that rodent control be brought into the building since there is no activity going on and to make sure items that are being stored there are protected. President MARX asked what the status is of the aerial truck and Chief Nelson advised that was taken today have a sensor repaired. President MARX asked how long it has been out of service and Chief Nelson advised three days.

Commissioner WARREN noted the ongoing issue with trash blowing onto the Township property along the Jordan Greenway which is coming from the adjacent commercial property. He suggests putting a fence along the property line. Commissioner WARREN also asked that an attempt be made to have the intersection at Presidential and Mauch Chunk Road placed on the TIP, even though the property is technically in South Whitehall, Frank Clark noted he will look into it.

President MARX complimented Deputy Mayor MEYERS on his diligence on the new signage that has been installed on the building and in the front of the Township campus. He also noted that the main marquee sign will be lighted in the coming future. President MARX asked Mayor HAKAKAL to look into getting the missing stone placed or covered on the front of the building until items for the time capsule are collected and placed. It is an eyesore and could be damaging to the structure with it open to weather.

Mayor HAKAKAL advised that he had a productive meeting with Waste Management in which he was informed that they are now only recycling plastic #'s 1, 2 and 5, any other goes in regular trash. He also noted that residents should not use plastic bags to put the plastics in, they should just be placed in the toter after being cleaned from any substances.

Treasurer KOREN was not present at this time of the meeting.

I. ADJOURNMENT

MOTION – Commissioner ATIYEH moved, seconded by Commissioner FISHER to adjourn the meeting at 9:25 p.m.