
MINUTES

July 13, 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 July 13, 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
Brian Corrigan, Finance Officer
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag and a moment of silence for our troops past and present.

2) APPROVAL OF MINUTES

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

Regular Public Meeting – June 8, 2015

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

B. PRESENTATION

Mark ZETTLEMOYER, Reinsel, Kuntz, Leshner, LLP, gave the results of the Township’s year end 2014 audit. He stated management of the Township is responsible for the fair presentation of the financial statement, the design of internal controls and the system of checks and balances. As the auditor, is responsible to express an opinion on the financial statements as to whether or not they are presented in accordance with generally accepted accounting principles. He noted consistent with prior years, there is one matter not in accordance but does not overall impact the way the Township functions. A couple of years ago, accounting rule changes have you record costs of roads and bridges, etc. on the books and depreciate them but from an operational standpoint doesn’t impact the financial statements or on how the Township is managed. Other than that, the financial statements are in accordance with generally accepted accounting principles. The General Fund total assets at the end of 2014 were ~\$7.3M, total liabilities ~\$1.6M, for a fund balance of ~\$5.6M. The General Fund operating results, revenues collected and expenditures incurred and paid out, resulted in a net change in the fund balance of ~\$931K. From a debt stand point it is very minimal, are fiscally responsible, with bonds payable of ~\$2.3M, and sees a lot of municipalities with significantly more debt. He

stated there will be some additional changes in accounting standards that isn't going to change how the Township operates but will change the look of the financial statements. At the end of 2015, will have to record the actuarial calculation of unfunded pension obligations. On an annual basis the Township gets a MMO (Minimal Municipal Obligation) that is calculated by the actuary, the Township has been making those payments to fund that plan, is what they should be doing but there is always a difference between the liability incurred and the assets in the plan. At this point in time, the actuarial accrued value for assets is ~\$20M, the actuarial accrued liability is ~\$24M, so the ~\$4M will be recorded on the books as a liability. In 2018 and 2019, they will be looking at other post-employment benefits, so if you are paying benefits on behalf of retired individuals of the Township, is also an unfunded liability and will be recorded. The actuarial calculations are done every two years, the last one was January, 1, 2013, is the one they will report on and that liability is ~\$7M. So there will be some big liabilities recorded on the books over the next couple of years but will not necessarily change how the Township is operated or funding your employee pension plans, is just how it will be reported and as long as the minimal contributions are made, will be in compliance with the regulations. Mr. ZETTLEMOYER stated the financial statements contain estimates regarding the depreciable life of the asset equipment and fair value of investments which depends on the type, also records taxes receivable and grants receivables on the entity wide of the statement, anticipates how much will be collected, not necessarily the dollar amount. He noted most of the computer systems have USB ports with no blocking of the software so someone could plug in, did not note it as a material weakness but may want to look into that.

President SNYDER thanked the Administration for being financially responsible and Mr. ZETTLEMOYER for the report, always do an excellent job every year.

C. COURTESY OF THE FLOOR

Edwin YOUNG, 870 Fourth Street, Whitehall, asked if there is an update on the asbestos in the basement. Mayor HOZZA stated another company was in, did a test of another area not tested originally, results showed duct work coming in from the roof is encapsulated in asbestos, a decision will have to be made in the budget to remove the duct work that feeds the HVAC system or leave it and not use the HVAC system. Mr. YOUNG asked about the dust created and if it was cleaned up. Mayor HOZZA stated there is one estimate, waiting for two more for any potential cleanup. Mr. YOUNG asked if asbestos is found, can anyone who was down in the basement file a claim. Mayor HOZZA stated no one is allowed in the basement since the incident. Mr. YOUNG noted the bad storm and had been more severe, they would have needed to go to the basement. Mayor HOZZA noted it would be their choice, the air quality test came back negative and noted it was two filing cabinets out of 200. Mr. YOUNG stated the article in the Morning Call stated a company was contacted to inspect who said there was asbestos in the basement and if a company was contracted to remove it. Mayor HOZZA stated they were contracted to test, to remove is a separate bid and right now are concentrating on storm clean up. Mr. YOUNG stated this started in March and is now July. Mayor HOZZA stated when we go out to bid we go by the book, we don't pay to play here. Mr. YOUNG stated he understands but should be expedited. Mayor HOZZA agreed but noted he and the staff are limited in the time they have. Mr. YOUNG stated he holds not only the Mayor but the entire Board responsible because people work here who have to go to the basement if there is a problem and would end up with a liability for those people with no proper cleanup and would have medical bills. Mayor HOZZA stated that is a hypothetical since right now no one goes down. Mr. YOUNG asked what if the storm that went thru Hokey and Coplay would have come thru here. Mayor HOZZA stated it did, had downed trees, the bridge was blocked, can ask the staff and actually had people coming in during the storm to pay their school taxes with water pouring in the front doors. Mr. YOUNG stated it reminds him of what he read in the paper on how the Board is handling this and Northampton County Executive John Brown where a council person stated "he just wants us to be yes men and approve his actions, is our responsibility to question him, he doesn't like to be questioned but this is not a dictatorship". Mr. YOUNG stated he thinks the Board has to take this by the horns

and get it fixed. President SNYDER agreed but he needs to understand our Home Rule form of government, they do not have anything to do with the daily operations of the Township, is strictly up to the Mayor, only budget and legislate as Commissioners and can budget for the purpose of cleaning at budget time. Mr. YOUNG stated at the June meeting had a bad storm and suppose they had to shelter in place and should be taken care of. Mayor HOZZA stated it will be but needs to be done by the book, need to have bids and when he has to get a bid to fix something at his home and not a roof or siding right now as people in Hokey are being inundated by those contractors from out of State, but to get something else done, knows how difficult it is to find trained individuals to do such work. Mr. YOUNG stated he was a project manager, knows what the bid process is, knows it is difficult to get competent people but funds should have been taken from the emergency fund. Mayor HOZZA noted there is none. Mr. YOUNG asked what was done when we had the fire. Mayor HOZZA noted it was insurance, may come to that but he didn't build the building with duct work covered in asbestos. Mr. YOUNG stated he is talking about the floor and understands about the HVAC equipment and the Allentown School District has asbestos all over their buildings that is encapsulated. Mayor HOZZA stated when the sprinkler system was put in after the fire, there are pipes in the basement some covered in fiberglass, some in asbestos and they drilled right next to them. Mr. YOUNG asked if he got his message on the bunk beds that went to the old police station in Fullerton where the firefighters stay over when it's bad. Mayor HOZZA noted he did but didn't find them.

Jeff DUTT, 3053 Coplay Lane, Whitehall, stated he wants to bring attention for the need of a noise ordinance in the Township, noted two residents had requested a noise ordinance and Mr. ARMSTRONG stated it would be too expensive and the Police Department would need specialized training. He researched the issue, spoke to various people, and although Mr. ARMSTRONG's position is well founded in some communities like Allentown because of the use of decibel meters, found that Whitehall can write an ordinance called "plainly audible", would not cost anything and police officers easily trained. If an officer "plainly" hears noise within the parameters of the ordinance, usually 30 to 50 feet, can issue a warning the first time and if called again can issue a citation, the Board can set the fines in the ordinance and can be upheld in court without a resident complainant. He noted other local municipalities use this type of ordinance, has been upheld in many different courts and examined by the US Supreme Court. He understands their position where we hope our neighbors would not make this an issue but has lived it in the past, an ordinance can do something to bring a better living situation and asked the Board and Mayor to consider passing a "plainly audible" ordinance because we have citizens who do not consider the effect their excessive noise has on the community.

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, asked the Mayor about the Cameron Tract and about the stuff from the storm went someplace else. Mayor HOZZA stated it went to First Regional Compost Authority in Weaversville, is a group of municipalities we have an agreement with to deal with organic waste, have been going there ever since Lehigh County closed Schnecksville, a shredder is too expensive to buy or rent, so the filled containers are taken by Waste Management to Weaversville where all of our organics are turned into compost and is why we are definitive between yard waste and grass. Mr. SPAGNOLETTI asked if we can still get free mulch, with an affirmative response.

Carol KLEMENT, 8 Madison Lane, Whitehall, stated she is a proponent of recycling, is concerned about the new 65 gallon recycling containers, may be difficult for the elderly or handicapped, although they are not making a decision on the 97 gallon garbage toter, feels some consideration should be made for smaller households, the foot print concerns her because she lives in a townhouse with no access to either side so they will be on her patio and would like them to consider making a smaller size available for those who don't require the larger container. Mayor HOZZA stated this bid is for the roll out of the 65 gallon, cannot change the bid at this point but can go out later for another bid for smaller containers, was discussed last week to let residents get thru the initial launch and a holiday period such as Thanksgiving and Christmas to see if they fill it during those periods and then

make a request for a different container, is what other communities have done and have found the number of people who had requested a smaller container is minimal. He noted once you start single stream, the cereal, shoe, soda boxes, etc. will now fit comfortably in the cart, the garbage side should diminish dramatically, that is the goal to increase the tonnage of the recycling, the decision on the garbage cart has not been made yet, that roll out will be in October, 2016, will be a future separate bid, are saving on the way we bid by not going thru the State Costar program, so we should have some funds to go out for some smaller carts. Ms. KLEMENT stated by breaking down the boxes will be able to get a lot more into the tote. Mayor HOZZA stated he has witnessed in other communities on what you can get into a 65 gallon cart and some are 1-2 person households.

D. PULBIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 19-2015 (Second Reading)

TITLE: AN ORDINANCE AMENDING SECTION 3.06 QUALIFICATIONS OF THE TOWNSHIP OF WHITEHALL HOME RULE CHARTER. (BOC)

President SNYDER read Bill No. 19-2015 to the Board.

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

Seven Commissioners were present with five voting “yes” and Commissioners PALAGONIA and SNYDER voted “no”. Bill No. 19-2015 was approved.

2. BILL NO. 20-2015 (Second Reading)

TITLE: AN ORDINANCE AMENDING SECTION 5.03 QUALIFICATIONS OF THE TOWNSHIP OF WHITEHALL HOME RULE CHARTER. (BOC)\

President SNYDER read Bill No. 20-2015 to the Board.

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

Seven Commissioners were present with four voting “yes” and Commissioners PALAGONIA, HUNSBERGER and SNYDER voted “no”. Bill No. 20-2015 was approved.

3. BILL NO. 21-2015 (Second Reading)

TITLE: AN ORDINANCE AMENDING SECTION 7.02 QUALIFICATIONS OF THE TOWNSHIP OF WHITEHALL HOME RULE CHARTER. (BOC)

President SNYDER read Bill No. 21-2015 to the Board.

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

Seven Commissioners were present with five voting “yes” and Commissioners PALAGONIA and SNYDER voted “no”. Bill No. 21-2015 was approved.

4. BILL NO. 23-2015

TITLE: AN ORDINANCE AMENDING WHITEHALL TOWNSHIP CODIFIED ORDINANCES, CHAPTER 21, STREETS, ARTICLE IV, SIDEWALKS TO CURBS, TO PROVIDE ADDITIONAL LANGUAGE WITH RESPECT TO CONFORMANCE WITH THE AMERICANS WITH DISABILITIES AND FEDERAL FAIR HOUSING ACTS, AS WELL AS CLARIFICATION OF TERMS AND STANDARDS. (LEGAL & LEGISLATIVE)

President SNYDER read Bill No. 23-2015 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 23-2015 was approved.

5. BILL NO. 24-2015

TITLE: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP, CHAPTER 5, CODE ENFORCEMENT, ARTICLE IV, SECTION 5-15, ADOPTION OF PROPERTY MAINTENANCE CODE; SUBSECTION 13, CHAPTER 10 – INSPECTIONS AND CERTIFICATES OF OCCUPANCY – EXISTING STRUCTURES (LEGAL & LEGISLATIVE)

President SNYDER read Bill No. 24-2015 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 24-2015 was approved.

6. BILL NO. 25-2015

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A 2015 FORD SEDAN POLICE INTERCEPTOR VEHICLE FOR THE POLICE PATROL DIVISION, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (POLICE)

President SNYDER read Bill No. 25-2015 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 25-2015 was approved.

7. BILL NO. 26-2015

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A 2016 FORD F-250 PICK UP TRUCK FOR THE BUREAU OF PUBLIC WORKS, 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 SNYDER read Bill No. 26-2015 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”. Bill No. 26-2015 was approved.

8. BILL NO. 27-2015

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A 2016 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. (RECREATION)

President SNYDER read Bill No. 27-2015 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 27-2015 was approved.

9. BILL NO. 28-2015

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PURCHASE, ASSEMBLY & DISTRIBUTION OF ROLL OUT RECYCLING CONTAINERS, CONTRACT NO. 2015-06, 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 SNYDER read Bill No. 28-2015 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner HUNSBERGER.

Edwin YOUNG, 870 Fourth Street, Whitehall, asked the cost. Commissioner HOWER responded \$390,633. Mr. YOUNG asked what happens if we go away from Waste Management and use someone else. Mayor HOZZA stated it continues and the next bid in four years will be for automatic pick-up. Mr. YOUNG stated then you are taking other people out of the bid process. Mayor HOZZA responded in the negative, noting they are all going to the automated system.

Seven Commissioners were present with six voting “yes” and Commissioner PALAGONIA voted “no”. Bill No. 28-2015 was approved.

E. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2898

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF WRW BUILDERS, LLC, LOCATED AT 5520 HILLSIDE AVENUE, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1816-11 (DEVELOP)

President SNYDER read Resolution No. 2898 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”. Resolution No. 2898 was approved

2. RESOLUTION NO. 2899

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF CHICK-FIL-A, LOCATED AT 2610 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1869-15. (DEVELOP)

President SNYDER noted the Resolution was pulled.

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner PALAGONIA asked if we still do background checks on coaches involved with our youth programs in the Township, with an affirmative response. Commissioner PALAGONIA asked if anyone convicted of a crime can't coach. Deputy Mayor MEYERS stated it depends on what the crime is. Commissioner PALAGONIA asked if convicted of a controlled substance, the manufacture and deliverance, and feels the need to check on someone who is coaching. Mayor HOZZA told him to call Sue CHRISTOFF in HR with the name.
2. Commissioner HUNSBERGER stated he is getting questions about when the water and gas companies open the street, only putting a topping back on. Mayor HOZZA stated John RACKUS, Carl LAGLER and Gary WEAVER are responsible for the street opening permits with Lee's department to ensure the utilities come back in a timely fashion to restore their cuts. He noted UGI is doing an unbelievable amount of line replacements and meters in Fullerton, are moving up to Hokendauqua, appreciates all the work the water companies and UGI are doing to replace our infrastructure especially with UGI since the alternative is not pleasant, have never had this amount of utility work done in the Township and their contractors are aware of what cuts need to be fixed. Commissioner HUNSBERGER stated the need to recheck them because they only put a light coat of asphalt over the top, then it makes pot holes and should be filled.
3. Commissioner GINDER stated he has the sign-in sheet and recommendation of what occurred at the June 9th meeting at the Fullerton American Legion regarding the flag pole and noted a letter from John TREBBER, Vice Commander of Fullerton Post 367 who ran the meeting, kept it under control and the consensus is to add a second flag pole according to “Our Flag”, House Document 10918, which was presented by Mr. WILFINGER who had the latest edition from Senator Toomey's office and presented the documents to the Mayor and the Township so we do not go thru anything like this again and is the end of the problem.

Commissioner PALAGONIA stated there were two other meetings. Commissioner GINDER stated they had nothing to do with the flag pole here, were for the memorial in the center of the property. This meeting was to deal with the existing flag pole in use now. Those other meetings were for the memorial proposed for the center island and is a whole different project. Commissioner PALAGONIA stated he doesn't agree. Commissioner GINDER

stated is what that meeting was about and he is wrong. Commissioner PALAGONIA stated he was at the two subsequent meetings, agreed to have a memorial right where the flag pole is at and will have another meeting on July 22nd at the VFW in Egypt. Commissioner GINDER stated that memorial being discussed is for the center isle out front, is not where our existing flag pole is now, this particular meeting was to deal with our existing one flag pole, what are the proper procedures in dealing with that flag pole and with any other types of flag, that meeting was to solve that question.

4. Commissioner HOWER thanked all Township workers for the great job they did with the cleanup from the storm, knows there is a lot more work to be done, and appreciates all of the work done and also the volunteers on the Rail Trail. Mayor HOZZA noted also Public Works and Parks and Recreation.

Commissioner HOWER stated he received a call from a senior citizen who shares the same address as someone else in the Township, one is 6th Street, the other is N. 6th Street, is getting bombarded because she shares this address with a business who isn't doing the right thing, people are coming to her door, sending her correspondence like she is the owner of this property and doesn't know what to tell her. Mayor HOZZA stated to give him the information after the meeting.

5. Commissioner SLONAKER gave kudos also to the people who worked on the storm damage and noted he collected about 100+ signs on MacArthur Road for fixing things related to the storm and two days later there were just as many.
6. Commissioner ARMSTRONG stated he was coming home during the storm, there was a tree blocking the entrance to his development and thanked Public Works who had a backhoe there in 10 minutes. He reminded everyone about the "Stroll Down the Trail" on September 27th, have all of our volunteers in place and hopes everyone will come and congratulated the Recreation Department on the really good job being done with the summer camps and that next Saturday are the Wacky Water Games.
7. Mayor HOZZA stated on June 30th the center of the Township took a direct hit with what the National Weather Service has classified as straight line winds in excess of 75 mph and are thankful there was no loss of life or injuries. He thanked our first responders, all of our available volunteer Fire Fighters and Fire Police were activated, have over 150 and no one in the Valley has that amount, also two shifts of Whitehall Police Officers, Cetronia EMS for staging extra ambulances in case of injuries, Public Works and Parks and Recreation staff, and PPL, Verizon, Service Electric and RCN in restoring utilities. On the morning of July 1st, he and Board President Linda SNYDER signed a Disaster Declaration that was sent to Lehigh County Emergency Management and was then onto PEMA. The Eberhart Road Organic Recycling Center remained opened on July 1st and 2nd until 7:30 p.m., was open on July 3rd and every day the past week, will be open this week until 2:00 p.m. and will also be open on Saturday, July 18th from 7:00 am to 11:00 am and Noon to 3:00 pm to assist residents with storm and regular yard waste. Waste Management had trucks in the Monday pickup zone until Wednesday with the highest volume of yard waste every recorded. He noted the cleanup will continue for weeks, perhaps even months due to the large amount of old growth trees that were toppled during the storm on public and private property and noted the Coplay Creek from Chestnut Street by Sheetz down to Eberhart Road is filled with fallen trees. He thanked everyone who helped to clean up the trail and noted it is during times of trial and tribulation that we see the best and worst in people, as on the night of the storm to see the number of neighbors helping neighbors to remove debris from cars and homes was inspiring. Also, the days after seeing children from a Day Care picking up branches in the Hokendauqua Park and putting them on piles instead of playing, the couple who came with a

chain saw and removed the trees that fell on the War Memorial in the West Catasauqua Park and to the senior IRT volunteers in their 70's and 80's who were keeping up with him to continue to feed the Township's wood chipper as he begged them to take a break and they refused. This is Whitehall and this is our spirit. Mayor HOZZA stated the DCNR Forestry has called to offer help with the Coplay Creek because it is an insurmountable project to get the large trees out of the creek to prevent flooding in a future storm. Mayor HOZZA thanked everyone, the support of Madam President, the Board and the people of Whitehall and their resiliency in the face of danger.

Joe WILFINGER, 293 Fifth Street, Whitehall, stated the Whitehall Historical Society has open house every Saturday this month, invited everyone to come and learn some history and let him put on a show for them as he dresses up in period clothing and explains all of things in the Grist Mill and the Grim House, and to come and become a member, are looking for young people.

G. ADJOURNMENT

1. MOTION – Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA adjourn the meeting at 7:55 p.m.