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# **MINUTES**

**October 13, 2014**  
**Regular Public Meeting**

**Board of Commissioners**

**Township of Whitehall**

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**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 October 13, 2014, 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 -absent  
Charles Fonzone, Attorney  
Frank Clark, Keystone Engineering  
Lee Rackus, PZ&D  
Carl Lagler, Township Surveyor  
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.

**2) APPROVAL OF MINUTES**

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

Regular Public Meeting – September 8, 2014

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

**B. COURTESY OF THE FLOOR**

Daniel MACAULAY deferred to speak until later in the meeting.

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

**1 BILL NO. 30-2014**

TITLE: AN ORDINANCE WAIVING THE REQUIRED INSTALLATION OF  
SIDEWALKS ALONG THE S. THIRD STREET FRONTAGE OF 3003 & 3007  
SOUTH THIRD STREET AS REQUIRED IN CHAPTER 21, SECTON 407 OF  
THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President SNYDER read Bill No. 30-2014 to the Board.

Commissioner PALAGONIA moved to approve, seconded by Commissioner HUNSBERGER.

Seven Commissioners were present with five voting “yes” and Commissioners GINDER and SLONAKER voted “no”. Bill No. 30-2014 was approved.

Commissioner GINDER questioned the letter requesting to refund the waiver fee. Mayor HOZZA stated the fee is for costs incurred for advertising, legal and engineering work done. Lee RACKUS stated the fee waiver would need a resolution and is separate from the sidewalk issue.

Steve PANY, Pany & Lentz Engineering, 609 Hamilton Street, Allentown, applicant’s engineer, thanked the Board for the waiver noting it would have been a hardship as topography would have warranted retaining walls to accommodate the sidewalk. He stated the owner is 89, has cancer, has no money, the trustee wants to consolidate these 2 properties to avoid potential squabbles during inheritance, properties will stay in the family, the house is a 2 story, 1 bedroom, 600 square feet with a minimal value and the \$500 fee does mean something to this elderly woman.

Lee RACKUS stated \$500 is the fee for all waivers, does not know what costs have been deducted, can have a Resolution for next month with a calculation of the fees that have been incurred but there is an escrow so the engineer’s time to review the plan including the sidewalk issues would have come out of the escrow.

The Board decided to review it next month. President SNYDER noted when it comes to squabbles, is a personal issue, we charge whatever the fee is and do not base it on hardship although it is a hardship for many people.

2. BILL NO. 31-2014 (First Reading)

TITLE: AN ORDINANCE AUTHORIZING THE MAYOR OF WHITEHALL TOWNSHIP TO ENTER INTO A RIGHT-OF-WAY GRANT WITH PPL ELECTRIC UTILITIES CORPORATION FOR ONE (1) ANCHOR GUY, AND OVERHEAD FACILITIES LOCATED ON THE WOOD STREET PLAYGROUND IN THE SOUTHWEST CORNER ON LAND ADJACENT TO THE NORTHERN EDGE OF ROUTE 22 AND THE EAST SIDE OF FULLERTON AVENUE IN THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA (ADMIN)

President SNYDER read Bill No. 31-2014 to the Board.  
There were no questions or comments.

3. BILL NO. 32-2014

TITLE: AN ORDINANCE PURSUANT TO CHAPTER 21, PART 4, SECTION 405 OF THE 2006 CODIFIED ORDINANCES OF THE TOWNSHIP OF WHITEHALL PROVIDING FOR A WAIVER FROM THE REQUIREMENT OF INSTALLING MISSING CURBS AND SIDEWALKS ALONG SPRUCE STREET (FROM ADAMS STREET TO SPRING STREET), AS PROVIDED FOR IN SECTION 405 OF THE AFOREMENTIONED CHAPTER, FOR THE TOWNSHIP’S YEAR 2015 STREET PAVING PROGRAM. (DEVELOP)

President SNYDER read Bill No. 32-2014 to the Board.

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

Seven Commissioners were present and voted “yes”. Bill No. 32-2014 was approved.

4. BILL NO. 33-2014

TITLE: AN ORDINANCE PURSUANT TO CHAPTER 21, PART 4, SECTION 405 OF THE 2006 CODIFIED ORDINANCES OF THE TOWNSHIP OF WHITEHALL PROVIDING FOR A WAIVER FROM THE REQUIREMENT OF INSTALLING MISSING SIDEWALKS ALONG THE SOUTH SIDE OF JORDAN DRIVE (FROM JORDAN DRIVE LOOP INTERSECTION EASTWARDLY 650 FEET), AS PROVIDED FOR IN SECTION 405 OF THE AFOREMENTIONED CHAPTER, FOR THE TOWNSHIP'S YEAR 2015 STREET PAVING PROGRAM. (DEVELOP)

President SNYDER read Bill No. 33-2014 to the Board.

Commissioner ARMSTRONG moved to approve, seconded by Commissioner SLONAKER.

Commissioner SLONAKER asked if they will still be putting in the sidewalk near the dumpster. Carl LAGLER responded in the affirmative noting they are only waiving the south side sidewalks.

Seven Commissioners were present and voted "yes". Bill No. 33-2014 was approved.

5. BILL NO. 34-2014

TITLE: AN ORDINANCE PURSUANT TO CHAPTER 21, PART 4, SECTION 405 OF THE 2006 CODIFIED ORDINANCES OF THE TOWNSHIP OF WHITEHALL PROVIDING FOR A WAIVER FROM THE REQUIREMENT OF INSTALLING MISSING SIDEWALKS ALONG THE WEST SIDE OF KAY DRIVE (FROM FAIRMONT AVENUE TO FERNHILL LANE), AS PROVIDED FOR IN SECTION 405 OF THE AFOREMENTIONED CHAPTER, FOR THE TOWNSHIP'S YEAR 2015 STREET PAVING PROGRAM. (DEVELOP)

President SNYDER read Bill No. 34-2014 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. 34-2014 was approved.

6. BILL NO. 35-2014

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE, CONTRACT NO. 2014-16, 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. 35-2014 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. 35-2014 was approved.

7. BILL NO. 36-2014

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE ACCEPTANCE, PROCESSING AND MARKETING OF RECYCLABLE MATERIALS, CONTRACT NO. 2014-15, 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. 36-2014 to the Board.

Commissioner HOWER moved, seconded by Commissioner ARMSTRONG.

Daniel MACAULAY, Cougle's Recycling, 1000 4<sup>th</sup> Street, Hamburg, stated they were the highest bidder of the RFP but their bid was rejected on a minor deficiency which is easily correctable, the difference between their bid and the other bidder is thousands of dollars which would be lost potential income to the Township. He stated they have tried multiple ways to ask for reconsideration with no success, the Board has the right to reject, accept or waive any minor irregularity of all bids, understands there is also some concern with the municipal solid waste bid of the same nature and suggested there are other options the Board can look at besides going to the only other bid submitted. Mayor HOZZA stated this is something new for the Township that a firm is paying us for our recyclables. Mr. MACAULAY stated he made a mistake of omitting that piece of paper, feels it will cost the Township residents thousands of dollars, asked that before they vote to consider to have everyone else involved resubmit and do what would be most beneficial to the Township.

Sam AUGUSTINE, 2650 Audubon Road, Audubon, PA, Sales Director for Mascaro, stated they have a recycling facility within 5 miles of the Township and also have their hauling division in Allentown. He asked if the Board was going to have a discussion on the matter of the contract for collection of the municipal trash, recycling and yard waste. Mayor HOZZA stated it is not on the agenda, the plan is to discuss it during budget hearing meetings the last week of October and the decision will be made at the November meeting where the Board will decide on who will be picking up the municipal solid waste, recycling, yard waste, grass, Christmas trees and leaves. Mr. AUGUSTINE stated he did include in a packet to the Commissioners, a detailed evaluation of their bid versus Waste Management, it gives a lot of insight and information and will be glad to be back at the next meeting when they discuss this. He stated he appreciates the vote on the recycling, their facility is only 5 miles away, feels it will bring extra service to the Township as their trucks do not have to travel as far with the recyclables.

Daniel MACAULEY, Cougle's Recycling, 1000 S. 4<sup>th</sup> Street, Hamburg, stated the bid requires the facility to be within 30 miles, J.P. Mascaro does not have a recycling facility within that mileage, they have a transfer facility, there would have been other competitors that would have bid but the bid specifically said a recycling facility and asked, even though it may be detrimental to their business because it would make the bid more competitive, that it be considered. Mayor HOZZA asked if his company facility in Hamburg is within the 30 mile radius of the Township. Mr. MACAULEY responded it is 27 miles. Mayor HOZZA asked if the facility is on Route 61 south of I-78. Mr. MACAULEY responded in the affirmative noting it is a designated recycling facility by DEP as opposed to a transfer facility which is differentiated by the state and DEP. Commissioner HOWER asked the difference of the two. Mr. MACAULEY stated a transfer station can receive garbage as well as recyclables, then transfer it to another truck and take it to the final disposal or processing facility but there is no processing as far as material recovery or separation, is done at a different facility. He stated at his facility they are the end disposal location for different

haulers including themselves where they separate the recyclables and then compact them to be sent out to the end processor on the recyclable market. Mayor HOZZA asked if his facility in Hamburg is considered a MERF, with an affirmative response. Mr. AUGUSTINE stated he has been in the business 32 years, J.P. Mascaro has served the Township the past 5 years along with a number of other communities, currently all recyclables go through their Lehigh Valley facility and Mr. MACAULEY is correct in the fact that it is not totally a MERF but have used it as a MERF for South Whitehall recycling, are building a plant that will be done by the spring where the recyclables will be transferred too, are not mixed with any garbage, recyclables are collected and dropped at the transfer station then reloaded onto trailers to get the maximum amount of tonnage in the loads to take to the recycling facility that is adjacent to a landfill, is not only going to be a single stream MERF but what is considered to be a dirty MERF where trash is dumped to be recycled also. They have all the qualifications, have met the specifications, the specifications never said it had to be a MERF and the DEP does not grant facility permits for recycling facilities, they grant facility permits for landfills and composting facilities. He stated that Mr. MACAULEY indicated his bid was thousands of dollars over 5 years of more money to the Township but is actually less than \$20,000 over the 5 years on the recyclables the Township generates and the bid they provided for the collection of recyclables was five times less than that since their trucks take the recyclables to a local plant only 5 miles away and when you are taking recyclables in a truck that you can only get six or seven tons in, then have to take that truck over to Berks County on 78, a very difficult travel road almost 30 miles versus 5 miles, is a very difficult task and would cause undue hardship to the hauler trying to pick up the recyclables. He stated the Township did go out for bids for recyclables and for trash disposal and commends the Township, especially Mr. HOZZA, because now you have the best of getting the trash to a facility in close proximity, the recyclables to a facility in close proximity, have the best of picking a hauler for the collection of the materials, they do have the ability to handle the recyclables, the Township will get the monies for the recyclables and the other bid was not in order.

President SNYDER asked the Board to rescind the motion and they will discuss it in an executive session and may take action at the end of the meeting or may not.

Commissioners HOWER and ARMSTRONG rescinded their motions.

8. BILL NO. 37-2014 (First Hearing)

TITLE: AN ORDINANCE AMENDING CHAPTER 22, SECTION 23 OF THE WHITEHALL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ESTABLISHING STREET, 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.  
There were no questions or comments.

**D. PUBLIC HEARING AND VOTING ON RESOLUTIONS**

1. RESOLUTION NO. 2853

TITLE A RESOLUTION CONDITIONALLY APPROVING THE PRELIMINARY/FINAL LAND DEVELOPMENT/MAJOR SUBDIVISION PLAN OF JB&M PROPERTIES, LOCATED AT 949 SUMNER AVENUE, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX NO. 1856-14. (DEVELOP)

President SNYDER read Resolution No. 2853 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2853 was approved.

2. RESOLUTION NO. 2854

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION PLAN OF 3001 & 3003 NORTH FRONT STREET CONSOLIDATION, LOCATED AT 3001 & 3003 NORTH FRONT STREET, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX NO. 1860-14. (DEVELOP)

President SNYDER stated the Resolution was tabled.

3. RESOLUTION NO. 2855

TITLE: A RESOLUTION GRANTING THE MAYOR THE AUTHORITY TO EXECUTE AGREEMENT NO. 057350 WITH PENNDOT FOR THE MAINTENANCE OF SIDEWALKS IN ACCORDANCE WITH THE SIDEWALK MAINTENANCE AGREEMENT ATTACHED HERETO, MADE A PART HEREOF AND MARKED EXHIBIT “A” (ADMIN)

President SNYDER read Resolution No. 2855 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”. Resolution No. 2855 was approved.

***E. OTHER***

1. Commissioner SLONAKER moved, seconded by Commissioner ARMSTRONG to designate Friday, October 31<sup>st</sup>, 2014, from 6:00 pm to 8:00 pm, as the official Trick or Treat night in Whitehall Township with a rain date of Saturday, November 1, 2014.

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

2. Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to approve the reappointment of John KELLY to represent the Community-at-Large on the Recreation Commission, term to expire September 30, 2017.

Commissioner PALAGONIA noted as liaison to the Commission, Mr. KELLY was doing a good job and are glad to have him.

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

3. Commissioner HUNSBERGER moved, seconded by Commissioner ARMSTRONG to approve the reappointment of Robert MILLER to represent the Historical Society on the Recreation Commission, term to expire September 30, 2017.

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

**F. REPORTS OF PUBLIC OFFICIALS**

1. Commissioner HOWER acknowledged the Cub Scouts from Pack 32 in attendance. They were Tyler Stocker of 5160 McKinley Avenue and Nicholas Bach of 509 Miller Lane. Commissioner HOWER wished them good luck noting it is a long hard road but is well worth it and hopes they learn a lot.
2. Commissioner SLONAKER asked about S. Church and 329 and what we would need to do to put in blinking lights at the crosswalks by the rail-to-trails since they are state roads, is not sure where they would go in Cementon because they have nothing there but at least have hash marks and signage on Church and what would be required to get something so people are aware and noted President SNYDER has said numerous times about people crossing 329. Frank CLARK stated he has a laundry list going into PennDOT, will add those 2 items to the list so they can get a comprehensive meeting with PennDOT to discuss with them their parameters for active pedestrian crossings. Commissioner SLONAKER stated he saw guys out there doing surveying, it was dangerous for them because they thought people would go the 25 mph but those areas are the busiest ones and feels they require something more so people know they have to yield to the pedestrians because when he stops for people almost gets rear-ended. Mayor HOZZA stated we actually have the first installation having the LED blinking when you are on Rt. 22 going west and exit onto MacArthur Road north by the Chamber office, it is now activated by a pedestrian pushing the button and the signage starts illuminating in the crosswalk and has seen cars stop but also some close to hitting pedestrians. Mayor HOZZA stated in 2015 are planning to apply for Marcellus Shale grant money, this year we applied for an IRT bridge reconstruction in the trail and for NPDES material for Public Works but the plan for next year is to submit for these crosswalks for the IRT at Church and also down at 329 but the issue with 329 is the final design of the Cementon bridge has not been determined and the plan is for the trail to be underneath the new bridge and not at grade. Commissioner SLONAKER stated we all know it is a lot busier there but you shouldn't have to mad dash for your life all the time and down there it's not clear where they are supposed to go across. Mayor HOZZA noted the private property owner on the south side can put up road blocks at any time. President SNYDER asked if the area on the north side could be enlarged. Mayor HOZZA stated we have already given the plan to Lehigh County and the D&L Trail. The County has to approve it and also has to go to the Conservation District and the DEP for permits because it is right next to the Lehigh River. He stated the plan is not to pave but to do millings so the water absorbs back into the soil similar to the caboose parking lot. Commissioner SLONAKER stated it is just a situation where you potentially see bad things occurring.
3. Commissioner ARMSTRONG noted last week saw the middle school track team crossing MacArthur Road to get to Wawa. Frank CLARK stated the notice was sent out to the PennDOT HOP liaison and need to see where it will go from there. Mayor HOZZA stated there is a button there to activate the crosswalk on that corner and hopes the kids know to push the button.

Commissioner ARMSTRONG extended a thank you to all the volunteers who helped with the Stroll Along the Trail, the Mayor, Greg Mooney, Pat Sweeney, Chief Benner, Fire Police, Commissioners Slonaker and Palagonia for getting the Lions Club, Bob Miller and the Historical Society and Garden Club, Mario and the IRT people, Rite Aid who had gift bags for everyone and did the blood pressure and flu shots, the Whitehall Chamber of Commerce gave away free gift bags, Wawa gave free coupons for coffee, the Troxell Steckel house gave free tours of the house, Bruce Buckno who was his coordinator at Hokey, Al Recker for the publicity in the Whitehall-Coplay Press and A-1 Limo for the half price bus. He noted it was

a start, did not have the attendance he had hoped, learned some thing's to make it a bigger event but was a nice start, hopes it will grow and what he took from the day was all the wonderful people who volunteered to put something together, really did appreciate it and made him very proud to live here. Commissioner PALAGONIA stated to pat himself on the back too for a job well done and agreed on the volunteers who are the backbone of Whitehall.

4. Commissioner GINDER stated he may not be at the next workshop meeting as he may be out of the country.
5. Commissioner HUNSBERGER asked if anything has been done about the truck with the smashed up cars in the residential area that flies up Echo Drive with these cars that have smashed in windows since he feels someday a young kid will get an idea to crawl in those windows of those cars and get hurt. He stated he never received a report if he has a license to do it, has been 3 months and people are complaining. He stated now have tractors that are parking in their yards, what is going to happen when it gets cold and they run them at 5:00 am in the morning. Lee RACKUS stated a notice went out to the property owner from her department, need to see what the property owner's response is and will see that he gets a copy of it.
6. Commissioner PALAGONIA stated he was asked about the progress of the Hokendauqua Bridge. Mayor HOZZA stated the IRT sent pictures of 2 sections that have beams in place, hasn't seen them coming up MacArthur, feels they are coming in a night, they are making progress and hopes the new heard of Lehigh County General Services is correct in his assumption it may be opened by June.
7. President SNYDER stated the need for someone to serve on Civil Service since it is a very important position. It was noted an ad is being placed in the newspaper and also will be in the next newsletter. She noted the Budget meetings are October 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> at 6:00 p.m. and wished the public would come out since it is not only a matter of finances with the budget but their daily life is affected by what they do at those budget meetings. She stated they are very important, they discuss the services that are provided, taxes and wishes the public feels encouraged to come out since they are a good group of people to deal with.
8. Mayor HOZZA stated the proposed budget will be announced to the community on Wednesday, October 15<sup>th</sup> as per the Home Rule Charter and the Commissioners will receive their budgets that morning at their homes. He stated it is very important the community become aware of the great job the Administration, Board of Commissioners and Tax Collector have done especially these past several years which have not been the norm for Whitehall Township because of the national economy.

Mayor HOZZA stated a press release was issued today on upcoming road reconstruction projects. Weather permitting, Ruch Street will be closed on Tuesday and Wednesday from Center Street to Chestnut Street for full depth reclamation, then the contractor will move to Columbia Street which is scheduled for Thursday until Wednesday of next week from Church Street behind Weis out to the Ringer Farm will be closed except for residents of Columbia Street or for emergency vehicles. He stated when the FDR is completed another sub-contractor will apply the binder and finish coat on those 2 roadways and as the Commissioners are aware, this was approved in the 2014 budget to ~ \$325,000 and is the one of the largest public works projects even undertaken.

Mayor HOZZA asked residents to prepare now for the upcoming winter, not to wait before they are calling for a snow or ice event. This means street trees need to have a 14 foot clearance otherwise our snow plows cannot get underneath to plow the streets, also includes alleys and sidewalks and driving around the township noticed we have evergreen trees



blocking sidewalks. He stated to make sure your emergency kit is prepared for your home or if you need to go to a shelter and that a PPL subcontractor has been pruning trees back throughout the whole service area to prevent outages like we had several years ago.

President SNYDER stated there will not be a treasurer's report as the treasurer is out ill but will not adjourn the meeting as the Board will be going into an executive session for possible litigation and they may or may not be taking any action.

The meeting resumed at 8:35 pm.

President SNYDER read tabled Bill No. 36-2014 to the Board.

BILL NO. 36-2014

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE ACCEPTANCE, PROCESSING AND MARKETING OF RECYCLABLE MATERIALS, CONTRACT NO. 2014-15, 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)

Commissioner HOWER moved to approve, seconded by Commissioner ARMSTRONG.

Seven Commissioners were present and voted "yes". Bill No. 36-2014 was approved.

**G. ADJOURNMENT**

1. MOTION – Commissioner HUNSBERGER moved, seconded by Commissioner PALAGONIA to adjourn the meeting at 8:40 p.m.