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# **MINUTES**

**DECEMBER 14, 2020**

**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, November 9, 2020 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  
Lee Rackus, PZ&D  
Colleen L. Gober, Tax Collector -Absent  
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 gave remembrance on the passing of Donnie Shambo who volunteered with the Fire Dept for many years, as well as Herbert Saylor who was a 50 year member of the Fire Police.

President GINDER read the statement on fair housing as required.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – November 9, 2020

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

President GINDER announced that an Executive Session of the Board was held on December 2, 2020 regarding legal matters.

**B. COURTESY OF THE FLOOR**

Lori Ann Fehnel of 3107 N. 3<sup>rd</sup> Street stated that she has noticed a number of business along Lehigh Street, Whitehall not following the recent COVID mandates and has notified the Department of Health. On another issue, Mrs. FEHNEL voiced her displeasure with how a matter involving her son was handled by the Police Department.

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

**1. BILL NO. 33-2020**

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2021 ANNUAL BUDGET AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT, HEREINAFTER SET FORTH, DURING THE 2021 FISCAL YEAR. (ADMIN)

President GINDER read Bill No. 33-2020 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner FISHER.

Commissioner WARREN stated that \$165,000 carryover money for pavilion project. A 3<sup>rd</sup> grant was applied for and approval for which will be announced in spring. If we don't receive grant and don't move forward with project possibility of losing grants and jeopardizing future grants. President GINDER thanked staff for doing great work on the budget process.

Seven Commissioners were present and voting "yes". Bill No. 33-2020 was approved.

**2. BILL NO. 34-2020**

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. 34-2020 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner WARREN.

Seven Commissioners were present and voting "yes". Bill No. 34-2020 was approved.

**3. BILL NO. 35-2020**

TITLE: AN ORDINANCE OF THE TOWNSHIP OF WHITEHALL IN THE COMMONWEALTH OF PENNSYLVANIA, FIXING THE REAL ESTATE TAX

RATE FOR THE YEAR 2021. (ADMIN)

President GINDER read Bill No. 35-2020 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner FISHER.

Seven Commissioners were present and voting “yes”. Bill No. 35-2020 was approved.

4. BILL NO. 36-2020

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PROVIDING AND INSTALLATION OF TRAFFIC SIGNAL EQUIPMENT MODIFICATIONS FOR THE TRAFFIC CONTROL DIVISION OF THE TOWNSHIP OF WHITEHALL, BID 2020-10 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 GINDER read Bill No. 36-2020 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner DEE.

Seven Commissioners were present and voting “yes”. Bill No. 36-2020 was approved.

5. BILL NO. 37-2020

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF SIDEWALKS ALONG THE W. COPLAY ROAD AND RUCH STREET FRONTAGES OF 5305 WEST COPLAY ROAD, FOR A DISTANCE OF APPROXIMATELY 1440 FEET AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President GINDER read Bill No. 37-2020 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner ATIYEH.

Lew Rauch of Lehigh Engineering advised that this lot was part of an original development of DVS Enterprises and no other lots had to install sidewalks and there are no other sidewalks go east on West Coplay Road. Commissioner ATIYEH questioned if these other lots mentioned received deferrals. Lee RACKUS advised that the process was handled differently in the past. At that time it was called waiver and Planning Commission gave a recommendation and if they didn't, the plan was approved as is.

Seven Commissioners were present and voting “no”. Bill No. 37-2020 was denied.

6. BILL NO. 38-2020

TITLE: AN ORDINANCE AMENDING CHAPTER 5 (CODE ENFORCEMENT), ARTICLE VI (INTERNATIONAL FIRE CODE), TO PROVIDE FOR THE AMENDMENT OF THE INTERNATIONAL FIRE CODE, BY ADOPTING THE 2015 INTERNATIONAL FIRE CODE, SUBJECT TO CERTAIN INSERTIONS, AMENDMENTS AND DELETIONS.

President GINDER read Bill No. 38-2020 to the Board.

Commissioner DEE moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”. Bill No. 38-2020 was approved.

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

1. RESOLUTION NO. 3138

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. 3138 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”. Resolution No. 3138 was approved.

2. RESOLUTION NO. 3139

TITLE: A RESOLUTION ADOPTING THE TOWNSHIP OF WHITEHALL CAPITAL IMPROVEMENT PROGRAM (2021-2025), SPECIFICALLY FOR THE 2021 FISCAL YEAR. (ADMIN)

President GINDER read Resolution No. 3139 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner DEE.

Commissioner WARREN commented that 2020 there is only \$50,000 in Recreation. President GINDER noted that it states TBD and the dollar amount is a place holder amount.

Seven Commissioners were present and voting “yes”. Resolution No. 3139 was approved.

3. RESOLUTION NO. 3140

TITLE: A RESOLUTION APPROVING THE EMERGENCY OPERATIONS PLAN OF WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA.  
(ADMIN/BOC)

President GINDER read Resolution No. 3140 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner ATIYEH.

Commissioner MARX, President GINDER and Commissioner FISHER thanked Chris GRIM and his staff for all their hard work.

Seven Commissioners were present and voting “yes”. Resolution No. 3140 was approved.

4. RESOLUTION NO. 3141

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF SKODA CONTRACTING, LOCATED AT 5305 WEST COPLAY ROAD, WHITEHALL PA, INDEX #1962-20.

President GINDER read Resolution No. 3141 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner SLONAKER.

Commissioner WARREN questioned that the overland flow will be handled by the swale. Frank CLARK confirmed it is. President GINDER thanked the Developer for choosing Whitehall and wishing them success.

Seven Commissioners were present and voting “yes”. Resolution No. 3141 was approved.

5. RESOLUTION NO. 3142

TITLE: A RESOLUTION AUTHORIZING AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT RECREATION PROGRAM FOR THE PARKWAY PAVILION PROJECT.

President GINDER read Resolution No. 3142 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner DEE.

Commissioner MARX questioned what money the Township has to match. Commissioner WARREN advised that there is none, hoping that the Township

can do the majority of work instead of paying a contractor. MARX questioned the amount of money for utility installment and the cost to build it. Commission WARREN thought it was in the neighborhood of \$150,000.

Seven Commissioners were present and voting “yes”. Resolution No. 3142 was approved.

***E. OTHER***

1. MOTION - to approve the appointment of Jose Espinosa to the Whitehall Township Fire Police

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

2. MOTION – to approve the appointment of Douglas Sammak to the Whitehall Township Authority, term expiring 12/31/2025.

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

3. MOTION – to approve the appointment of Shawn Younis to the Whitehall Township Recreation Commission-Senior Citizen, term expiring 9/30/2023.

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

4. MOTION – to approve the appointment of Shawn Younis to the Whitehall Township Planning Commission-Alternate, term expiring 12/31/2023.

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

Commissioner DEE stated his thanks to the appointees for volunteering of their time.

5. DISCUSSION – Zoning Ordinance Amendment - 1504 MacArthur Road  
Eric Schock, Esq. of Fitzpatrick Lentz & Bubba was present representing The applicant in this matter. Attorney Schock indicated that the applicant Is seeking an amendment to the Zoning Ordinance Chapter 27 by adding The use of Planned/Coordinated Commercial Development and providing Criteria for the use in the C-2 district. The applicant is trying to be proactive by looking at long-term viability for his property and is contemplating a combination of mixed uses. If the Board sees fit to move it to the next step, review by the L&L Committee, further details will be provided at that time. It was the consensus of the Board to pass this review on to the L&L Committee.

***F. REPORTS OF PUBLIC OFFICIALS***

President GINDER wanted to make an end of the year acknowledgment to all Township Staff and Employees for all their hard work getting through this unprecedented year. He also thanked the Police & Fire Departments for all they do to keep the residents safe. The Boards and Commissions volunteers for giving of their time. President GINDER also gave thanks to the Other members of the Board of Commissioners, it has been an honor to be President this year.

Commissioner DEE also thanked the Township Staff, as well as his fellow Board members for their patience and guidance they provided to him for first year onboard. He stated it's been a rough year but is hoping for a better year ahead. Toys for Tots campaign has collected 7,000 toys and thanked the kindness of the Township residents. Collection is till next weekend – drop off is at ReMax Office on Schadt Avenue. Whitehall Copley Hunger Initiative noted the great work and the food pantry that will be opening at St John the Baptist in Stiles. Food donations are being accepted. Wishes everyone a Happy Holiday and Happy New Year.

Commissioner FISHER reiterated thanking all Township staff for making it all work throughout this difficult year. He also noted the historic day with the vaccine being implemented in its first stages in the fighting of the COVID 19 virus. Be safe everyone.

Commissioner ATIYEH noted his thanks to the Board for their guidance. He also thanked the Township Staff for all their hard work. Hoping for a better year in 2021.

Commissioner WARREN reiterated the great work of the Township Staff. He noted that the Hunger Initiative has been awarded \$217,000 which will expand the food pantry and help expand the Prydun Garden as well.

Commissioner SLONAKER thanked all Township Employees, Boards and Commission members for all their hard work this year. Hoping that things will get better with the vaccine starting to be implemented. He wished a Merry Christmas and Happy Holidays and to be kind and thoughtful to everyone.

Commissioner MARX thanked President GINDER for his leadership in this difficult year. Thanks to Staff, Bureau Chief's, Police & Fire Depts staff. Stay safe and Happy Holidays.

President GINDER read a letter from Community Action thanking the Township for a \$2,000 contribution. Frank CLARK was questioned the status of Lehigh Avenue. Mr. CLARK advised that the beam design has been forward to Scheuermann and work should be under way very soon. He was also asked of the status of Bridge Street sinkhole. Mr. CLARK advised that PennDOT has agreed to do the roadway work to the right-of-way and has finally acknowledge that the Township has no involvement with repairs. President GINDER also questioned the status of the pipe repair issue with the Copley Whitehall Sewer Authority. Mr. CLARK noted that Dave HARLEMAN has finally received the requested documentation from Spotts Stevens & McCoy and is in the process of reviewing all of it. President GINDER thanked all the department heads for closely monitoring their budgets. He also thanked Brad FINBERG of Micro Innovations for taking over the running of the WEBEX meetings. President GINDER also passed along his thoughts on Chief NELSON's recovery.

Mayor HAKAKAL stated that the Board's comments on staff are well deserved, and we have the best group of employees in the area. We welcomed two new hires in the Police Department this week. The Mayor thanked VFW Fullerton and Hokendauqua American Legion for exceptional Veterans Day services this year. Thanks to Chris Grim for his help getting through the management program. Hunger Initiative is expanding the garden at the Prydun Farm which will help a lot of people. Build grant for D&L trail expanded up to Race Street is still in the works. Building construction on the Public Safety Building to be buttoned up before the end of month to continue working through winter months. Working on littering program.

**G. ADJOURNMENT**

MOTION – Commissioner FISHER moved, seconded by Commissioner MARX to adjourn the meeting at 8:19 p.m.