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# **MINUTES**

**November 14, 2022**  
**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 14, 2022 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 (Absent)  
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  
Michael Marks, Police Chief  
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.

President MARX announced that the Haven Ridge Discussion item will be heard after the New Enterprise Presentation, as well as Treasurer Koren's Report.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – October 10, 2022

FIVE Commissioners were present and voted "yes". Motion carried.

President MARX stated that he would like to comment on a statement that he made during October's meeting in regards to the Treasurer's Office by which he believes he was misunderstood. He clarified that any reference to employees were not in reference to past or present employees. The comments no way reflect on the job that they have done. He noted that he was referring to the past Treasurer and

that the employees have done a phenomenal job getting that office through a difficult situation and he sincerely apologizes for the misunderstanding.

**B. PRESENTATION – VETERANS DAY VIDEO (by Lee Rackus)**

\*\* At this time Treasurer Koren gave her Report to the Board. She stated that since January 2022 her office processed over 830 moving permits. For the month of October 2022, they processed approximately 200 transactions per day. Twenty-eight days of central office, tax payments, moving permits, garbage bills totaling over 5,600 transactions. Reminder notices went out to taxpayers who did not pay their garbage bill as of October 2022. The notices went to 1,730 taxpayers. Reminder notices went out to taxpayers who did not pay their Township real estate as of October 2022. Those notices went to 302 township taxpayers. 2,680 business privilege license invoices were generated. They are being sent out daily. Landlord letters were sent out to 1,079 landlords in the Township. Approximately 150 were not licensed last year. We are picking them up on the BP invoices for their 2022 and 2023 licenses, which enables them to update the per capita system. Over 20,000 per capita bills were sent out by the school district. A duplicating problem was discovered with this system and are going through the businesses one at a time to ensure the correct payments are applied. Treasurer KOREN will be preparing the financial statements for the Township and School from July – October 2022. Once the report is verified, the payments will be sent. They have collected on all non-sufficient check payments for the township and school district as of this date. Amusement game licenses were sent out to approximately ten different establishments so far and as they are identified. She also reported the following statistics:

8,224 garbage bills were generated at \$2,761,425 and sent out March 1 – as of November 7 \$2,092,940. was collected – that is 76% collection rate.

9,289 township real estate tax bills were generated at \$8,656,944 and sent out March 1 – as of November 7 \$8,306,518 was collected – that is a 96% collection rate.

9,303 school real estate tax bills were generated at \$45,169,577 and sent out July 1 - as of November 7 \$42,193,667 was collected – that is a 93% collection rate.

All of this information was obtained from the Berks Tax System and reconciled with our reporting system.

\*\* President MARX announced that the Curative Amendment has been continued to December 1, 2022 at 7pm in the Public Meeting Room of the Township Building.

**C. PRESENTATION – NEW ENTERPRISE EGYPT QUARRY**

Commissioner GINDER explained that after receiving complaints from area residents, he thought it best to have a meeting between New Enterprise and the area residents, specifically those residents from Taylor Villas so that questions and concerns could be addressed.

Stephanie Stewart of New Enterprise noted that there was a misunderstanding in communication as she thought that she was present tonight to formally ask the Board for a separate meeting where they would invite the residents of Taylor Villas to voice their concerns and they would have other members of their team available such as the blasters and Vice President and President. Commissioner GINDER stated that since there are residents in the audience, maybe a short presentation and the taking of some questions would be appropriate followed by figuring out a place to hold a separate meeting. Dan Funk of New Enterprise Area Manager of the Lehigh Valley stated that his hope that they can get the residents and members of New Enterprise together so that they can educate the residents and that they can understand the operations of their facility. They are more than happy to address any questions they may have tonight.

Karen Berman of 4220 Cypress Lane (Taylor Villas) stated that it is her understanding that the land was approved for use in 2020 and upon purchasing her home no one ever advised her that her home would shake. She questioned if the blasting area was moved in October 2021 as the intensity of the shaking dramatically increased. Ever since that time, the violent shaking has been taking place weekly. The foundation of her home has cracked numerous times and she proceeded to mark those cracks as to when they appeared. Door frames have started separating as well as caulking from the windows. Ms. Berman asked a few questions that she would like to have answers to at the next scheduled meeting – how does movement of blasting get approved, how the township approved the land for homes with no reinforcements for the foundations. Mr. Funk explained that they are heavily regulated by the DEP regarding the movement of blasting areas. He noted that the Township would need to comment on how the land got approved. Ms. Stewart stated that at the next meeting she will have the blasters give a presentation on how weather conditions affects the vibrations. Blasting limits have never been exceeded which are measured by a seismograph placed in various locations. There was not one previously in the Taylor Villas development, but one has been placed recently and those results have shown that they are within the DEP limits as well. Ms. Berman advised that her concern is the repetitive vibrations that the foundation of the homes is put under. Commissioner FISHER questioned if they have data available. Mr. Funk advised that every blast is measured and recorded. Commissioner FISHER asked if there is data available from other quarries. Ms. Stewart advised that they don't readily have access to that information and that would be up to other quarries to release that information. Commissioner GINDER asked what their blasting sequence is compared to Lafarge. Mr. Funk advised that one of the regulations of DEP is that there cannot be blasting within the same time frame as another quarry. President MARX added that the concern of how the Township allowed the approval of Taylor Villas to happen is that it was his understanding, that at that time, this quarry was inactive. Frank CLARK added that blasting only occurred one to two times a year to keep the blasting permit active. Mr. Funk stated that it comes down to supply and demand. When the quarry became active, there was not a lot of stone needed and over the years they supplied local contractors for various projects and it has increased the amount of blasting necessary. Melissa Herman, 4207 Magnolia Dr addressed the Board by stating that when she purchased her home the sales rep never indicated that there was a functioning quarry nearby. She has been in contact with Mr. Funk and have had conversations with him. She is also wondering why the Township allowed this development with a quarry adjacent to it. She has grave concerns that her foundation will withstand the repeated blasting and feels that someone should have advised them that this was going to be the circumstance. Attorney GROSS stated that PA Law requires the Township to approve a development that meets the subdivision and land development ordinance and the municipalities planning code. Commissioner ATIYEH asked if there was an agency whether it be at the state level or elsewhere that would represent the residents of this community. He advised he will do some research. President MARX suggested that New Enterprise reach out to the Home Owners Association to determine a date and location for the meeting. He also sympathizes, as well as the other members of the Board, as he lives in Egypt and is subjected to repercussions from another Quarry in Ormrod. Commissioner FISHER asked that the residents be notified prior to a blast. Ms. Stewart advised that they are required to notify residents within a certain radius. Mr. Funk stated that notification for Taylor Villas was being done as a courtesy and they will certainly update their current list at the proposed meeting.

#### DISCUSSION ITEM – Haven Ridge Condominium Association

Attorney Edward Hoffman, representing the Haven Ridge Condominium Association and Kelly Blackwell, 2231 Rising Hill Road, Whitehall who is the President of the Home Owners Association were present. Attorney Hoffman clarified he does not represent individual unit owners. The main reason they are here this evening is due to the status of the roads in this development. This project has been ongoing for over 10 years and he is in receipt of Frank CLARK's punch list from last week and the CWSA's punch list just received today. Some of the roads are 12-15 years old and were never top coated and they are a complete mess. He invited the Commissioners to take a drive through that area to see what

is being referred to. The HOA hired their own engineer (Jeff Wert – Metz Engineering) and has supplied that report to Frank Clark. He has grave concerns with the paving and the age of the roads along with the unfinished area in the upper level of the development (multi family section). Questions are what is the escrow status, when does the extension expire and when will the final paving be completed. Frank Clark advised that the escrow will be held until the funds are released, there is escrow secured for the remainder of the roads. He also explained that these will not be public roads but they are required to be built to township standards. Ms. Blackwell advised that she moved into this development approximately 8 yrs ago and shortly after became president of the HOA. As she understands the roads will be private, there are safety concerns with areas that have not been completed, such as around drainage facilities, curbing and roads that cannot be safely traversed by a car. The hope is that the elected officials and staff can help push the developer to finally complete this project. Attorney Hoffman explained that this project was originally approved as one project. The developer finished the condominium side, with individual unit owners. The developer was not able to bring the remaining real estate to fruition before the statutory period expired, the developer then set that area up as a rental townhome community. This communities stormwater drains into the basin which is located on Haven Ridge Condominium property. Frank CLARK advised that the Township was made aware of that situation and met with the property owner and their attorney and told them that the Township was not happy and they need to figure out how to bring the property into compliance, which created a delay in moving forward in finishing the development. Attorney Hoffman then noted Mr. Wert’s concerns with the roads themselves and an appropriate method on determining the roads functionality. Mr. Clark will discuss same with Mr. Wert. Attorney Hoffman asked when the extension expires for the completion of the road and Mr. Clark advised that there is no finite date, but it is targeted for spring.

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

**This item was moved as a courtesy to Treasurer KOREN.**

**1. BILL NO. 31-2022**

**TITLE: AN ORDINANCE TO INITIATE A REFERENDUM FOR THE PURPOSE OF AMENDING THE TOWNSHIP CHARTER TO ELIMINATE THE TREASURER POSITION UNDER ARTICLE VII OF THE CHARTER AND TO REPLACE WITH THE APPOINTMENT OF A FINANCE DIRECTOR UNDER ARTICLE VII OF THE CHARTER**

President MARX read Bill No. 31-2022 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

Treasurer KOREN asked if eliminating the Treasurer included the Tax Collector as well. Attorney GROSS explained that the Ordinance does refer to the elected Tax Collector. She then addressed the Board and the tax payers as a citizen of the Township for over 40 years. She asked Attorney GROSS whether this was legal to do considering Whitehall is a first class township and 25 municipalities in Lehigh County have an elected tax collector. Attorney GROSS stated that yes it is, as Whitehall has a Home Rule Charter and this is an amendment to the Charter, which other First Class Home Rule Charter municipalities in the state of Pennsylvania have undertaken. Treasurer KOREN noted that her job is just to collect money and turn it over to the Township and School District and does not understand why a finance director is needed to do that. She would understand dropping the Treasurer duties and she does none of that (investing money) and feels that

this is going against the political system. Lastly, she noted that she would like to proceed with the RKL audit as she can get copies of the deposit slips needed from Fulton Bank. Deputy Mayor MEYERS stated the issue is reconciliation, as that was never done by the previous Treasurer and you can't recreate that process. President MARX noted that he and Commissioner GINDER met with the District Attorney last week to discuss PA State Criminal Statutes in reference to public officials not performing their fiduciary duties and are awaiting his response. Commissioner FISHER stated that when he first took office and was informed of the issues that had taken place with the Treasurer he was quite surprised. He believes going forward there is something to say to having a qualified person in that Position. There are also no guarantees of the new policies and procedures that have been put in place will remain when a new treasurer would come into office. Deputy Mayor MEYERS noted that he feels that the public should decide whether this is the proper way to move forward, as it's the public who elects this person into office.

Ken SNYDER of 4272 Abigail Lane voiced his concerns regarding the reasoning on the proposed change. It should be noted that the change is so that the Board/Mayor/Admin will have more control and oversight of this new position.

Rob PILIGIAN of 415 Oakwood Drive commented that this referendum would give more checks and balances. He believes that experience should be added to the requirements. Commissioner GINDER added that since 2020 every possible avenue was exhausted to try to get to the bottom of the missing money. He stated that this ordinance demonstrates the evolution and adaptability of government in providing tax money accountability to the residents and tax payers of Whitehall Township. Change is inevitable and we need to get on how we get tax dollars and payments into the 21<sup>st</sup> century. The Township was fortunate in having Treasurer KOREN as our new tax collector, but will that happen in the next election. We need to do better for our residents and he believes this is a way to do that and he believes that it should be the voters choice.

Commissioner SLONAKER stated that when he was Treasurer and the County decided not have the municipalities collect their tax, he received nothing but complaints. He believes removing the accessibility to an elected official is an issue.

FIVE Commissioners were present and four voting "yes" and one voting "no" (SLONAKER). Bill No. 31-2022 was approved.

#### **E. COURTESY OF THE FLOOR**

Rob Piligian of 415 Oakwood Drive asked what the status is of the sexual harassment charges against the Mayor. Attorney GROSS advised he wishes not to comment at this time. Mr. Piligian asked if mediation took place. President MARX commented that it did and once the agreement is finalized they then can publicly speak about it.

Kathy & Robert Ganci of 3799 Dogwood Drive stated that zoning is accusing her and her husband of running a salvation transport business out their home. The business is run out of 1021 Oak Street, Coplay by Jeffrey Teets, who is now deceased. Her husband worked for that gentlemen which is why there is a truck in their driveway. After speaking with the Mayor, she was informed to speak with Lee RACKUS, but she has tried on numerous occasions to do so and she is referred to Zoning Officer – Chris GITTINGER. At this time, Lee RACKUS came forward and advised that there parking restrictions in the Township in regards to parking commercial vehicles in residential districts. She does not have all pertinent information, such as type of vehicle and notices sent about the business. Mrs. Ganci advised that it's a two vehicle rollback and the paperwork sent to her stated that this requirement went in to affect in 1991 and this vehicle has been here since 1992 so why is this an issue now? Lee Rackus advised that this is a zoning issue, she can't relieve it, the Board can't and neither can the Mayor. They will have to file an appeal and appear

before the Zoning Hearing Board and that Board will adjudicate whether what's happening is in conformity or possibly given relief from it or the issue will have to be addressed. Mr. Ganci advised that since the day he moved into his house in Whitehall, approximately 50 years ago, he has had a commercial vehicle in front of his house and it was never a problem.

Anthony Kopack of 3763 Dogwood Drive finds it unacceptable that no one is being held responsible for the missing money and issues in the tax office and feels it should have been written in the newsletter. He then questioned how the lane change in front of McDonalds will be designated. Frank Clark advised that there will clearly be enough room for motorists to recognize they can traverse around a vehicle waiting to turn into McDonalds. Mr. Kopack is also concerned about the constant traffic on Mechanicsville Road because of the right turn on red from southbound MacArthur Road. Frank Clark noted that was done by PennDOT when improvements were done at that intersection. PennDOT's main concern is to keep the traffic moving on MacArthur Road.

***F. 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 announced this item was tabled.

2. RESOLUTION NO. 3216

TITLE: A RESOLUTION REQUESTING A PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT COMMONWEALTH FINANCE AUTHORITY LOCAL SHARE ACCOUNT (NORTHAMPTON AND LEHIGH COUNTIES) GRANT FOR THE HISTORIC MICKLEY PRYDUN FARM RENOVATION – PHASE III.

President MARX read Resolution No. 3216 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

Commissioner GINDER asked when the Board would finally receive a plan for this Project, as its been requested numerous times in the past. He wants to know what the goal is, what will the building be used for and who will be using it, parking etc. and is there a committee and are there minutes from any meetings. He's not against anything but grants are still public dollars and the Board and the public have a right to know what the goal is for this property. Commissioner FISHER noted that he spoke with Commissioner WARREN and he advised that WTICDA and Rotary groups may interested in utilizing the property and Commissioner FISHER encouraged that these groups attend a public meeting to discuss their intentions.

San Pantoni of 3368 S. 3<sup>rd</sup> St asked how much the grant is for and Commissioner GINDER note it is for \$147,500.00. He then asked how much the property was purchase for? Rob Piligian added that the property was bought for \$310,000. Mr. Piligian then noted that when the adjoining property of Whitehall Farms subdivision was approved a connection was

asked for but with no plan for this property he's confused as to why that was needed. He's in agreement with Commission GINDER that a plan needs to be brought forward instead of continually pouring money into this property with no goal. Ken Snyder stated that at the last Rec Comp Plan meeting he had proposed that evaluation of properties need to be done, compile a list assets and find out how much they are costing the Township and liquidate assets that aren't really needed. He's not onboard with more money being put into this property at this time.

FIVE Commissioners were present and two voting "yes" (SLONAKER & FISHER) two voting "no" (GINDER & MARX) and one abstention (ATIYEH). Resolution No. 3216 was not approved.

3. RESOLUTION NO. 3217

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION OF 812 MARYLAND ST., LEUDYN TAVARAZ AND SAGRARIO DELGADO AND JOHN & HELEN KONAPELSKY. INDEX #2004-22A (DEVELOP)

President MARX read Resolution No. 3217 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner ATIYEH.

FIVE Commissioners were present and voting "yes". Resolution No. 3217 was approved.

4. RESOLUTION NO. 3218

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION OF J. VOICE AND M. HENNINGER, LOCATED AT 3014 WASHINGTON ST., INDEX 2009-22A. (DEVELOP)

President MARX read Resolution No. 3218 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner ATIYEH.

FIVE Commissioners were present and voting "yes". Resolution No. 3218 was approved.

5. RESOLUTION NO. 3219

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION/ LOT LINE ADJUSTMENT PLAN OF EGYPT UNITED CHURCH OF CHRIST, LOCATED AT 4129 S. CHURCH ST. AND 4418 MAIN ST., INDEX #1988-21. (DEVELOP)

President MARX read Resolution No. 3219 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER.

FIVE Commissioners were present and voting "yes". Resolution No. 3219

was approved.

**G. OTHER**

1. MOTION – to approve the appointment of Michael Hoffman to serve on the Whitehall Township Civil Service Commission as an Alternate, term expiring December 31, 2026.

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

2. MOTION – to approve the appointment of Sean Ziller to serve on the Whitehall Township Planning Commission as an Alternate, term expiring December 31, 2026.

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

3. DISCUSSION ITEM – Haven Ridge Condominium Association (held earlier in meeting)

**H. REPORTS OF PUBLIC OFFICIALS**

Commissioner FISHER thanked all the veterans who served and it has been humbling to work along side of the members of the Board who are veterans; they are an inspiration. He then verified with Jack MEYES that Treasurer KOREN applied for unclaimed money from the state and that a mechanism has been put in place to be made aware when monies become available in the future. Commissioner FISHER then noted that there was a recycling event held on October 22<sup>nd</sup> which was a great success and an Adopt a Highway on Fullerton Avenue which yielded dozens of garbage bags. He thanked all who were involved on both events. He also noted that the EAC is always looking for volunteers for these type of events to help keep the Township clean.

Commissioner ATIYEH thanked Lee RACKUS for putting the video presentation together. It certainly puts things into perspective as Veterans made the ultimate sacrifice and thanked all Veterans for their service. He then noted that Commissioner ROMAN suffered a medical emergency at last weeks Workshop meeting and it was good to see that everyone that was present worked together during the Emergency.

Commissioner GINDER asked Mayor HAKAKAL when the Recreation Comp Plan Committee will be meeting again. The MAYOR indicated that he should have information together for the request for quote by December. Commissioner GINDER then asked if a list of Committee Members could be sent out and Commissioner ATIYEH questioned if others are still able to join. Commissioner GINDER asked the status of the appraisal for the land at Columbia and MacArthur. Jack MEYERS noted that it should be completed in the next three weeks. Commissioner GINDER then asked when Cetronia would be coming to make a presentation to the Board as that had been talked about some time ago; possibly January. He then questioned if the emergency declaration has been rescinded. Attorney Jack GROSS noted that he will need to research whether any additional funding would be in jeopardy if rescinded. Commissioner GINDER asked about the Parkway and EAC Plan which is separate from the Rec Comp Plan and asked the status. Commissioner FISHER noted that the EAC has it under discussion. Commissioner GINDER advised that the WTICDA minutes have been received, but he also asked for financials which has yet to be provided. Commissioner GINDER requested that access will be provided to the IRT committee for their meeting in the Community Room. Mayor HAKAKAL advised he will see to it.



Commissioner SLONAKER thanked all the Veterans for their service. He then noted that it was refreshing to see that 90% of the political signs were removed quickly.

President MARX thanked Lee RACKUS for the wonderful presentation. He also thanked the men and women of the Police Department for their studious investigation regarding the most recent arrest announced by the DA last week. He also thanked the first responders who were at that scene as it was a tragic event and it takes a lot out of them. President MARX then wished all a wonderful holiday and wished Commissioner ROMAN a speedy recovery.

Mayor HAKAKAL thanked Lee RACKUS for her video presentation and also thanked the Police Department for their remarkable work on the previously mentioned arrest. He also noted that the Thomas Iron Works received their national listing. Next he noted the submissions for the Prydun Farm. The IRT is moving forward to remove vegetation at the trailhead. The MAYOR then thanked the Rotary for getting 18 WCSD employees and their families involved in clean up events at the Home Depot – Greenways area, the IRT and the Parkway. The Gribbons – 7<sup>th</sup> generation Mickley family members visited the Prydun Farm along with Carl Mickley, Steph Taschner and Mike Madden. The MAYOR then explained that there was a Lafarge blast that created large amount of dust and visited the facility along with a DEP staff member, no violations were found. Negotiations with Police Department are ongoing. Sgt. McQue has submitted a grant for body cameras and tasers.

Treasurer KOREN (given in the beginning of the meeting)

***I. ADJOURNMENT***

MOTION – Commissioner FISHER moved, seconded by Commissioner ATIYEH to adjourn the meeting at 10:21 p.m.