
MINUTES
MAY 8, 2023
Regular Public Meeting

Board of Commissioners

Township of Whitehall

A. CALL TO ORDER

- 1) The regular Public Meeting of the Whitehall Township Board of Commissioners was called to order at 7:00 p.m. on Monday, May 8, 2023 held at the Whitehall Township Public Meeting Room, with the following in attendance:

COMMISSIONERS

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

TOWNSHIP PERSONNEL

Michael P. Harakal, Jr., Mayor (Absent)
John D. Meyers, Deputy Mayor
Jack Gross, Esq., Township Solicitor
David Nelson, Fire Chief (Absent)
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, our first responders and the people of Ukraine.

President MARX read the statement on fair housing as required.

APPROVAL OF MINUTES

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

Regular Public Meeting – April 10, 2023

SIX Commissioners were present and six voted “yes” with a minor correction. Motion carried.

B. LVTS PUBLIC MEETING – RIVERSIDE DRIVE PROJECT

Lehigh Valley Transportation Study to solicit comments on Riverside Drive Amendment

Becky Bradley and Patrick Osei were present and explained the Riverside Drive Project is a three mile project stretching from the Allentown riverfront through Whitehall Township. The project converts an abandoned railroad bed along the west side of the Lehigh River in

Whitehall and Allentown from Lehigh Avenue to Furnace Street to complete two-lane street with an adjacent multi-use path. The multi-use path will continue north to connect to the existing D&L Trail just north of Race Street. Expected completion is 2029.

The reason for this meeting is due to the USDOT RAISE Grant for the Riverside Drive Project. The Project award is for \$21,158,854 and is required by the USDOT to be added to the TIP. Requirements to amend the TIP to add a project include travel demand modeling for air quality conformity and environmental justice assessment, state and federal agency coordination and a 30 day public review and comment period, which is open from April 19 to May 19, 2023.

At this time, Patrick Osei noted the following comments that are already being considered:

25 mph proposed speed limit

Truck restrictions

Emergency access for water rescue

Additional comments were taken from audience as follows:

GPS markers on trail and to place 3rd & Grape intersection on TIP (Commissioner Warren)

Consideration on ramp placement for safety purposes (Andrea Hoagland)

C. COURTESY OF THE FLOOR

LoriAnn FEHNEL of 3107 N. 3rd Street requested that when passing resolutions with changes in fees (ie. pool pass/camp rates) to make that known to the public.

David RIVERA and Heather KERN of Belmont Glen stated their concerns of fees being charged to them in conjunction with a permit that was applied for a retaining wall. They also noted that the stormwater issue has not yet been addressed. President MARX stated that the Board was convening after the meeting for an executive session and these matters will be discussed.

Tony STRUSS of 4209 Bridge Street asked if something can be done to curb the speeding that is taking place on Bridge Street. Frank CLARK will look into the possibility of a stop sign.

Anthony KOPECK of 3763 Dogwood Drive voiced his concern of the dust that occurred in his neighborhood (picture provided) when the street sweeper came through prior to the street work that was done. President MARX advised he will speak with the Public Works Supervisor.

Andrea HOAGLAND of 51 Kimmett Avenue advised that she has had disturbing interaction with Mayor HAKAKAL and Tony COCCA – Recreation Director. She feels that incidents that have occurred by other people were done to intimidate her. President MARX stated that she should call 911 when feeling unsafe.

D. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 13-2023 (SECOND HEARING)

TITLE: AN ORDINANCE OF WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, REPEALING THE STORMWATER MANAGEMENT ORDINANCE OF WHITEHALL TOWNSHIP, WHICH WAS ADOPTED ON APRIL 9,

2007, AS ORDINANCE NO. 2671 AND ADOPTING IN ITS PLACE THE WHITEHALL TOWNSHIP STORMWATER MANAGEMENT ORDINANCE, AS AMENDED FOR WHITEHALL TOWNSHIP

Commissioner GINDER moved to approve, seconded by Commissioner FISHER

SIX Commissioners were present six voting “yes”. Bill No. 18-2023 was approved.

2. BILL NO. 18-2023

TITLE: ORDINANCE APPROVING APPOINTMENT OF SOLICITOR, INTEREST ASSESSMENT, AND ATTORNEY FEES AND COLLECTION FEES ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID REAL ESTATE TAXES AND MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS

President MARX read Bill No. 18-2023 to the Board.

Commissioner ATIYEH moved to approve, seconded by Commissioner GINDER

SIX Commissioners were present five voting “yes” and one voting “no”. Bill No. 18-2023 was approved.

3. BILL NO. 20-2023 (FIRST HEARING)

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE SALE OF WHITEHALL TOWNSHIP REAL PROPERTY LOCATED ON MACARTHUR ROAD IN WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH SECTION 3.20 AND 3.24 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF THE CONVEYANCE OF LAND FROM THE TOWNSHIP BY ORDINANCE

E. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3256

TITLE: A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO LEHIGH COUNTY FOR SECURING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE 2023 APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Develop)

President MARX read Resolution No. 3256 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner SLONAKER.

SIX Commissioners were present and voting “yes”. Resolution No. 3256 was approved.

2. RESOLUTION NO. 3258

TITLE: A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF TA SET ASIDE FUNDS.

President MARX read Resolution No. 3258 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER.

SIX Commissioners were present and voting “yes”. Resolution No. 3258 was approved.

3. RESOLUTION NO. 3259

TITLE: A RESOLUTION OF THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY REQUESTING A GRANT FROM THE PENNSYLVANIA COMMONWEALTH FINANCING AUTHORITY’S GREENWAYS, TRAILS, AND RECREATION PROGRAM FOR THE IRONTON RAIL TRAIL PAVING AND GATE PROJECT

President MARX read Resolution No. 3259 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner WARREN

SIX Commissioners were present and voting “yes”. Resolution No. 3259 was approved.

4. RESOLUTION NO. 3260

TITLE: A RESOLUTION AUTHORIZING AND APPOINTING VOTING DELEGATES TO THE LEHIGH TAX COLLECTION COMMITTEE. (ADMIN/TREAS).

President MARX read Resolution No. 3260 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

Zoning Officer Chris GITTINGER was present to explain the sequence of events.

SIX Commissioners were present and voting “yes”. Resolution No. 3260 was approved.

5. RESOLUTION NO. 3261

TITLE: A RESOLUTION WAIVING CERTAIN FEES PROVIDED UNDER M-16 OF THE WHITEHALL TOWNSHIP FEE SCHEDULE AS AUTHORIZED UNDER M-9 OF THE FEE SCHEDULE FOR THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION’S SKETCH PLAN SUBMISSIONS RELATED TO THE RIVERSIDE DRIVE PROJECT (ADMIN/BOC)

President MARX read Resolution No. 3261 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting “yes”. Resolution No. 3261 was approved.

6. RESOLUTION NO. 3262

TITLE: A RESOLUTION OF THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY REQUESTING A GRANT FROM THE PENNSYLVANIA COMMONWEALTH

FINANCING AUTHORITY'S GREENWAYS, TRAILS, AND RECREATION PROGRAM FOR THE WHITEHALL PARKWAY RESTORATION AND STEWARDSHIP PLAN

President MARX read Resolution No. 3262 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER

SIX Commissioners were present and voting "yes". Resolution No. 3262 was approved.

7. RESOLUTION NO. 3263

TITLE: A RESOLUTION APPROVING THE RETIREMENT AND THE COMMENCEMENT OF MONTHLY PENSION BENEFITS TO FORMER POLICE PATROL SERGEANT KEVIN QUERIO. (ADMIN)

President MARX read Resolution No. 3263 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting "yes". Resolution No. 3263 was approved.

8. RESOLUTION NO. 3264

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN INDEMNITY AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR LEHIGH COUNTY PARCEL ID. 549827190201 FOR HIGHWAY OCCUPANCY PERMIT APPLICATION NUMBER 271431

President MARX read Resolution No. 3264 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner GINDER.

SIX Commissioners were present and voting "yes". Resolution No. 3264 was approved.

F. OTHER

1. President Marx asked for a motion to put the Charter Amendment Ballot Question Press Release on the Township website and Facebook page.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

Commissioner FISHER read the following statement:

As we all know, a referendum to change the Township Charter to create a Financial Manager position is on the ballot, and I strongly encourage the residents of this Township to vote "Yes."

My experience over the last few years has demonstrated that the current system, while functional now, is not a long-term solution to our Township's financial future.

In our current system, we absolutely cannot guarantee competent financial and fiscal management of the Township in the coming years and decades. The current structure of our Township financial system was assembled over time as a hodge podge of different functions and was meant for a municipality a fraction of our size. We are a township of 30,000 residents and with budgets in the tens of millions of dollars. We need to make sure that we have a capable person at the helm of our taxpayer dollars.

I applaud the work of our current Treasurer and how the office has been managed, but the question I keep asking and continually don't get an answer to, is how do we guarantee that the plans and protocols that have been put into place continue to function following the expiration of the current Treasurer's term? How do we guarantee that there is a continuity of good management? How do we guarantee that there is a continuity of competent leadership in that office? The fact of the matter is that as a Board, we simply cannot guarantee any of these things.

As has been referenced, the Treasurer's office exists as its own branch of government in Whitehall Township. A new Treasurer may be elected that is wholly and wildly incompetent and incapable of carrying out their duties. The Board of Commissioners is seven members, and the inabilities of an incompetent or incapable Commissioner can be diluted by the majority votes of the remaining Commissioners. A wholly unqualified Treasurer cannot just simply be over-ruled or out-voted by a fellow Treasurer. There is no one, no person, and no mechanism to hold a disaster of a Treasurer accountable. The only theoretical way to remove a Treasurer is through an act of the Governor, a process that is cumbersome, may take months, and is not a guarantee due to the Governor's office often being reluctant to intercede in local government. The fact of the matter is, we could be looking at four years of incredible financial damage by a person who is, for all intents and purposes, unaccountable.

In our last Treasurer's election, we were blessed to get the current occupant, however, this person ran unopposed. What would happen if a 25-year old, with zero, absolutely, zero financial experience ran for the office unopposed and won? This person would have to legally serve. Consequences be darned!

We need to openly acknowledge how difficult it is to get competent persons to even run for elected office in the first place. I myself have chosen to not seek re-election to my Commissioner's seat due to commitments from work and family and I truly hope that my successor is up to par with the difficulties and rigors of this office. We need to acknowledge that there is no guarantee that our future Treasurer will be up to this challenge.

The changes we as a Board are suggesting to make to the Charter will enable a continuity of competent and capable leadership with a guarantee of checks and balances on the office, something that does not exist in the current Charter. The position will be appointed by the Mayor and then ratified by a vote of the Commissioners, thus giving a nod of approval from eight, including the Mayor, officials who have been voted in by the Township residents.

The Board acknowledges that not all financial experience is created equal. A finance student with three months experience, is arguably less qualified than a person without a finance degree, but with thirty years of experience managing the books for a large charitable organization. Experience as well as education will be factored in to selecting the new Finance Officer.

The Finance Officer will be accountable to the Mayor as well as to the Board of Commissioners in ways that the current Treasurer is not. The position will resemble the current positions of the Deputy Mayor, Township Solicitor, and Township Engineer. A competent and well qualified individual can be retained, whereas an incapable one can be removed. In addition, the suggested changes will allow the Board more investigatory abilities address to issues that may arise in the Treasurer's Office, something that does not exist in the current Charter.

I strongly and unambiguously encourage our residents to vote "Yes" on the charter change next Tuesday. The changes that have been proposed will encourage competent, qualified, and capable stewardship of our taxpayer's dollars and will provide mechanisms to rectify situations where this stewardship has not lived up to our taxpayer's expectations. I myself am a resident and a taxpayer of this Township. I have labored and agonized over these proposed changes with my fellow Commissioners for months and I strongly believe that this is the right thing to do.

President MARX stated that he believes there are misnomers out on social media with statements being made that "the good ole boys" will appoint friends or family members. His belief is that the future Mayor and Board will be above board in the vetting for this position. President MARX believes this is necessary for the protection of the citizens of Whitehall and that revenue collected is done a professional manner.

Commissioner SLONAKER noted that as being a past Township Treasurer and a Lehigh County Controller, he knows first hand the amount of work that the treasurer has to take care of. He feels that the Township should keep the roll of Treasurer/Tax Collector to collect real estate and per capita taxes only and hire a Finance Director to handle the rest of the duties. His biggest concern is that when he was Treasurer he was a conduit of information to the Board and he doesn't believe that will happen with a hired position. South Whitehall has the same scenario and it has been working very well.

Treasurer KOREN commented that she is offended by Commissioner FISHER's comments as he has never been to the office to see the workings and the new protocols put in place. Her staff of four handles the work and she just oversees the office. She believes the Board is taking away the taxpayers right to choose.

Commissioner GINDER prefaced his comments by saying that he believes the current staff in the Treasurer's office do an excellent job and this in no way reflects on them. He continued saying that when it was discovered that money was missing in this office and there was no way to determine what happened, even though there were lengthy investigations made by Whitehall PD, Lehigh County, FBI and outside auditors, it was very frustrating as a Board member who answers to the tax payers and could not. This Board agonized over how to go about making sure that this never happened again. After months of discussing this at L&L meetings and researching how other municipalities handle the work done in this office, it was determined that this was the best way to go.

SIX Commissioners were present and five voting "yes" and one voting "no" (Slonaker). Motion carried.

2. MOTION – to advance the proposed Riverside Dive Extension to Bridge Street/Race Street Bridge to the 5 year TIP.

Commissioner WARREN moved to approve, seconded by Commissioner ATIYEH.

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

G. REPORTS OF PUBLIC OFFICIALS

Commissioner WARREN commented that the work done on Spring Street looks great and thanks to Public Works for their efforts.

Commissioner SLONAKER had no comments

Commissioner GINDER addressed the following issues:

Last Recreation Commission meeting it was asked the Commissioners relook at the minimum dollar amounts before it being necessary to go for bids. Deputy Mayor MEYERS will obtain the latest bidding laws and forward onto the Board for their review.

Treasurer Koren was asked if she had taped the Workshop Meeting and then played it for her staff. She denied both actions.

Commissioner FISHER verified with Lee RACKUS that the Township building/code inspectors do report health issues to Department of Agriculture.

Meeting with WTICDA to discuss potential for EV joint projects. (ie Encourage businesses to apply for grants)

Noted that Troop 79 was present to witness a government meeting for their Citizens Merit Badge

Attended Civil War Weekend in the Parkway and always learns something new and are so thankful that they keep getting invited back.

Noted the good work that the EAC has been doing as they had another productive clean-up at Home Depot and thanked all the volunteers that show up for these events.

Commissioner ATIYEH thanked the Bureau Chiefs and their staff for their reports that they put together every month for the Board. He also thanked Ms. Hoagland for having the courage to come forward and voice her concerns to the Board.

President MARX noted Memorial Day ceremonies on May 29th.

Mayor HARAKAL – no report

Treasurer KOREN stated that she has provided her monthly report to the Board. She also answered Mr. Kopecks question from last month that there are 784 delinquent garbage bills.

H. ADJOURNMENT

MOTION – Commissioner ATIYEH moved, seconded by Commissioner GINDER to adjourn the meeting at 9:26 p.m.