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# **MINUTES**

**April 9, 2018**

**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, April 9, 2018, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

**COMMISSIONERS**

Dennis C. Hower, President  
Philip J. Ginder, Vice President  
Thomas Slonaker, Secretary  
Shawn E. Clary  
Jeffrey L. Dutt  
Joseph J. Marx Jr.  
Jeffrey J. Warren

**TOWNSHIP PERSONNEL**

John D. Meyers, Acting Mayor/Deputy Mayor  
J. Jackson Eaton, Township Solicitor  
Lt. Bruce Somers, Acting Police Chief  
Frank Clark Engineer  
Lee Rackus, PZ&D  
Colleen L. Gober, Tax Collector

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

President HOWER read the statement on fair housing as required.

2) **APPROVAL OF MINUTES**

Commissioner MARX moved, seconded by Commissioner CLARY to approve the minutes of the following meeting:

Regular Public Meeting – March 12, 2018

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

**B. VOTING ON POSITION OF MAYOR**

**TITLE: A NOMINATION FOR THE APPOINTMENT OF WHITEHALL TOWNSHIP  
MAYOR TERM ENDING DECEMBER 31, 2019.**

Nomination was made by Commissioner DUTT for Michael P. HAKAKAL, Jr.

Commissioner DUTT moved, seconded by Commissioner WARREN to approve the nomination of Michael P. HAKAKAL, Jr. for the appointment of Mayor.

Commissioner DUTT and President HOWER both thanked all the candidates that applied – all were well qualified and would have done an outstanding job.

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

**C. COURTESY OF THE FLOOR**

Don DREISBACH, 2005 Columbia Avenue, Whitehall, former Assistant Chief of Station 37 and is here to discuss concerns of how David Nelson is running the Fire Dept. and treating the members. When he came to the Department it wasn't long before he started telling the people to get on board or they would get left behind. When he came he did not make an effort to know the members, except for a certain few and other members did not know how to take that. First time I was called into his office I asked him what he needed to know about me. He said he already knew what he needed to know. I had a problem with that. I told him I didn't know him. He said there was going to be a chain of command starting with the fire fighters, lieutenant, captain, assistant chief, deputy chief and chief, with no exceptions. He said he is not Chief Benner and discipline will be instilled. Dave did not like to be questioned or confronted and thus got irritated and confrontational if it happened. A lot of us felt we did not have an opinion and some of us think the old way. Members now are required to attend 80 hours of training per year. If you do not meet this requirement you will receive a letter stating you will be dismissed. Yes training is important but we are volunteers and all have jobs and families. Station 37 itself runs over 400 calls a year which is taxing on its members. I personally believe the members should make an effort to train, respond to calls and assignments but I also believe everyone has a place in the department. There are members who have not attained national qualifications and are being held back and not permitted to fight interior fires. Question is what is more important, a piece of paper protection for the Township. Members should be embraced but instead are being pushed away. Dave stated that this may be a smaller department but will be a more effective one. Morale wasn't always the best with Chief Benner but now it is at an all time low. Belief is that Ed Hozza and Dave Nelson have been pushing members away or dismissing them to bring the manpower down to the point so that the Commissioners would be forced to have a paid fire dept. which would make the Township look more prestigious. Now there are four groups of people – those who just don't care and go along with things, those who are afraid because if they say something they will be retaliated against, those who have their heads so far in a place to hopefully get move up the latter and those who are concerned in watching what was a very good department sink. There are some members that have over 30 years experience and are made to feel inferior. Dave has made it a point to change or erase everything that Chief Benner has done.

Barry KIBLER, 143 Cherry Street, Coplay, was asked to come here and read a letter regarding the fire department issues. Over the last couple of years I've been walking around wondering what happened to this fire dept. I have been with the fire dept for 34

years and an officer for 27. Over time I have taken a test to be a certified explosion investigator to help the dept. I wrote numerous letters to Sue Christoff and Dave Nelson on conduct of fellow fire fighters and on Chief Nelson when he created change. After I wanted to transfer to Station 39 and Chief Nelson refused to sign the paperwork, I decided to retire since I didn't want to put up with harassment and slander from the guys in the dept. It's sad to hear of the people that have that left.

Mr. KIBLER has another letter from another fire fighter who could not attend. That letter was given to the Board. Mr. KIBLER also handed out previously written letters. At this time, President HOWER read a letter from Jim KUNKLE. The letter has been made a matter of record at the Township. President HOWER noted that there will be an executive session after the meeting to address this troubling matter. Commissioner MARX thanked the fire fighters for coming out. He suggested that a meeting take place with all the parties involved. Commissioner GINDER added that in all the years he's been on the Board he doesn't remember a time that the efforts of the volunteer fire dept. weren't appreciated to the utmost. He wants to ensure to the residents that there is fire protection and there are people doing the job and wishing that no panic ensues. Commissioner DUTT reiterated what all other Commissioners have said and this issue will be addressed. Commissioner SLONAKER added that this was something we were not aware of before this evening. He noted that he wants the volunteers to know how sincere the Board is with their appreciative comments on the fire fighters.

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

1. BILL NO. 8-2018 (Second Reading)

TITLE: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND SUBMIT A DEED FOR THE TRANSFER OF RIGHT-OF-WAY FOR ROAD PURPOSES ALONG RUCHSVILLE ROAD (SR 4003) TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ON BEHALF OF WHITEHALL TOWNSHIP.

President HOWER read Bill No. 8-2018 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present voting "yes". Bill 8-2018 was approved.

2. BILL NO. 11-2018

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PURCHASE OF A NEW 2018 JOHN DEERE 310SL BACKHOE 4X4, 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 HOWER read Bill No. 11-2018 to the Board.

Commissioner DUTT moved to approve, seconded by Commissioner MARX. Seven Commissioners were present voting “yes”. Bill No. 11-2018 was approved.

3. BILL NO. 12-2018

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE INSTALLATION OF LED STREET LIGHTS AND SMART MANAGEMENT SYSTEM, PER REQUEST FOR PROPOSAL 18-08, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (ADMINISTRATION)

President HOWER read Bill No. 12-2018 to the Board.

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

Seven Commissioners were present voting “yes”. Bill No. 12-2018 was approved.

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

1. RESOLUTION NO. 3009

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION/LAND DEVELOPMENT PLAN OF CVS PHARMACY, LOCATED AT 1223-1225 THIRD STREET, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1907-17. (DEVELOP)

President HOWER read Resolution No. 3009 to the Board.

Commissioner DUTT moved to approve, seconded by Commissioner WARREN. There were no questions or comments.

Seven Commissioners were present and voting “yes”. Resolution No. 3009 was approved.

2. RESOLUTION NO. 3010

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO SIGN A DEED FOR THE TRANSFER OF RIGHT-OF-WAY FOR ROAD PURPOSES ALONG RUCHSVILLE ROAD (SR 4003) ON BEHALF OF WHITEHALL TOWNSHIP. (ADMIN/BOC)

President HOWER read Resolution No. 3010 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner DUTT. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 3010 was approved.

3. RESOLUTION NO. 3011

TITLE: A RESOLUTION AUTHORIZING THE DISPOSAL OF SPECIFIC TOWNSHIP RECORDS IN ACCORDANCE WITH THE TOWNSHIP’S RECORD RETENTION AND DISPOSAL SCHEDULE.  
(ADMINISTRATION)

President HOWER read Resolution No. 3011 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 3011 was approved.

**F. OTHER**

1. Commissioner DUTT moved, seconded by Commissioner MARX to approve the appointment of Lloyd SCHAFER to serve on the Whitehall Township Authority, term expiring December 31, 2020.

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

2. Commissioner WARREN moved, seconded by Commissioner SLONAKER to approve the appointment of Stephanie COLBRY to fill an unexpired term on the Industrial and Commercial Development Authority, term expiring December 31, 2022.

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

**G. REPORTS OF PUBLIC OFFICIALS**

1. Commissioner WARREN asked Frank CLARK about the progress of sidewalk issue on Mechanicsville Road. Frank Clark indicated that things are moving forward and they are negotiating right of way. Commissioner WARREN noted the he received a letter from PennDOT regarding the Cementon Bridge Project and that there is a meeting on April 11<sup>th</sup> at the Northampton Community Center where plans can be reviewed.
2. Commissioner CLARY commented on the great group of candidates that applied for the Mayor’s position and wanted to congratulate Mike HAKAKAL and that it’s great to see him back.
3. Commissioner SLONAKER noted that the meeting on the Cementon Bridge Project will be very informative and a lot of information will be provided.
4. Commissioner MARX advised that he recently meet with John RACKUS, Jack MEYERS, Commissioner WARREN and Tim CHRISTMAN and toured all the

Township properties. There are concerns with some of the properties that need to be addressed. A lot of the properties were acquired with good intent but that doesn't pay the bills. Commissioner GINDER and himself looked at the Prydun Farm and there are safety concerns there. There a lot of people that are around that property and it is the Townships responsibility to address those issues before someone gets hurt. Also, the barn on Mauch Chunk Road abuts the Wotring property and the Township does not have public right of way to get into that property. Something needs to be done with that building because if it was a privately owned structure in the condition it is in our Codes Enforcement department would be enforcing the codes. We seriously need to take a look at all the buildings owned by Township and get them up to code. Commissioner Marx also stated, the EPA is backing off the order that was passed in 2009 which is good thing for the communities.

5. Commissioner DUTT congratulated Mike HAKAKAL on being appointed Mayor and looks forward to working with him. He also welcomed back Chief MARKS from 3 month trip to the FBI and the Dept. did a great job filling in. Commissioner DUTT also advised that the senior center is celebrating their one year anniversary on May 2<sup>nd</sup>. Everyone is welcome to attend. Lastly, there have been 10 applicants from the high school who are interested in volunteering for the various Boards and Commissions.
6. Commissioner GINDER congratulated Mike HAKAKAL and noted that it has been a pleasure working with him in the past and is looking forward to again. He then asked Frank Clark where the Township is with the S. Lehigh Avenue issue. Frank CLARK indicated that a discussion took place at the L&L Meeting and there have been many issues that need to be addressed. Lee RACKUS added that the LVPC is embarking on an Airport Study and have invited representatives from all the affected municipalities to be on a steering committee and invited her to be on that committee. There are several projects that are on the TIP which will affect the Township so this comes at a good time. Commissioner GINDER asked one more question – do we have cat sanctuary and where are they? Jack MEYERS indicated that he wasn't aware of any "sanctuaries" but that there were numerous cats at the Prydun farm. He is also aware that since there has been a change over at the Lehigh County Humane Society we discontinued our relationship with No Nonsense Neutering as the Humane Society provides the same services. At this time, Joe WILFINGER spoke on behalf of the EAC and stated that there are still some feral cats about but the lady was feeding them has been made to stop. That has cut down on the number of cats. While Mr. WILFINGER had the microphone he added that last year the Burger Shack was given an environmental award because they go above and beyond environmentally and if anyone knows of another business who should be nominated for this year the committee is looking to hand out another award.
7. President HOWER wanted to thank the volunteers who are stepping up and taking on responsibilities. Congratulated Chief MARKS on going through the FBI academy.
8. Jack MEYERS thanked the Bureau Chiefs and employees for all the work and support during the interim period along with the Commissioner's encouragement. President HOWER offered gratitude and thanked Jack for all his hard work along with the additional duties of filling in as Mayor.
9. Treasurer GOBER indicated that they are in good shape and the office is now fully staffed and thanked Jack MEYERS for that. She also congratulated Mr. HAKAKAL on his appointment.

10. Mario SPAGNOLETTI advised that there was a walk on the Trail on Saturday and apparently there is graffiti under the MacArthur Road portion and is hoping that something can be done with that issue. President HOWER asked that it be looked into.

*An executive session will be held after the meeting.*

**H. ADJOURNMENT**

1. MOTION – Commissioner DUTT moved, seconded by Commissioner SLONAKER to adjourn the meeting at 8:00 p.m.