
MINUTES

January 9, 2017
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, January 9, 2017, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Phillips M. Armstrong, President
Dennis C. Hower, Vice President
Thomas Slonaker, Secretary
Jeffrey L. Dutt
Philip J. Ginder
Joseph J. Marx, Jr.
Linda K. Snyder

TOWNSHIP PERSONNEL

Edward D. Hozza, Jr., Mayor
John D. Meyers, Deputy Mayor
Charles Fonzone, Attorney
Lee Rackus, PZ&D
Frank Clark, Township Engineer
Michael Marks, Police Chief
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag, a moment of silence for our veterans.

2) **APPROVAL OF MINUTES**

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

Regular Public Meeting – December 12, 2016

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

B. COURTESY OF THE FLOOR

No one signed in for courtesy of the floor.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. **BILL NO. 1-2017**

TITLE: AN ORDINANCE APPROVING COLLECTION PROCEDURES AND ADOPTING INTEREST AND SCHEDULE OF ATTORNEY FEES AND CHARGES TO BE ADDED TO THE AMOUNT COLLECTED AS PART OF UNPAID REAL ESTATE TAXES AND MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS. (ADMIN)

President ARMSTRONG read Bill No. 1-2017 to the Board.

Commissioner HOWER moved to approve, seconded by Commissioner GINDER.

Treasurer HUNSICKER stated installments for the garbage fee cannot be done until 2018 as BCIU needs 6 months to prepare. She noted the extra \$30 for the bills for the second garbage cart were prepared, no discount will be allowed or penalty, just a flat \$30. The garbage fee for 2017 is \$300 with a 2% discount and 10% penalty, seniors who qualify will get a 25% discount.

Commissioner GINDER asked how an installment is done on garbage and if it part of this bill. Treasurer HUNSICKER stated BCIU will do one bill with coupons. It was noted it is not part of this bill as it is for next year.

Seven Commissioners were present and voted “yes”. Bill No. 1-2017 was approved.

D. PULBIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2931

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT OF LIDL US OPERATIONS, LLC, LOCATED AT MACARTHUR & EBERHART ROADS, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1876-15 (DEVELOP)

President ARMSTRONG read Resolution No. 2931 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2931 was approved.

2. RESOLUTION NO. 2942

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION/LAND DEVELOPMENT PLAN OF PROPOSED COMMERCIAL DEVELOPMENT – MCDONALD’S, LOCATED AT 2998 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1862-14. (DEVELOP)

Frank CLARK stated sidewalks will be needed between the Library and the McDonald’s property, there is ~3 feet left between the edge of pave and the right-of-way line, barely enough for ADA requirements and asked the Board to recommend sidewalks be installed. Presidents ARMSTRONG stated the sidewalk is needed for the students coming from the school, is too dangerous not to have one. Commissioner GINDER asked if a 3 foot sidewalk is enough. Mr. CLARK stated it is all we can get now, is a Penn DOT right-of-way and road. Commissioner GINDER suggested to push for the extra foot. President ARMSTRONG asked if the wall would need to be removed. Mr. CLARK stated the wall would come down and whether they build a new one or grade back from the sidewalk is another option. There is a design that shows both road widening and sidewalk, still needs

to be negotiated and will approach the property owner. Mayor HOZZA stated it needs to be done right the first time. Mr. CLARK stated that is the ultimate goal.

The Resolution was tabled.

3. RESOLUTION NO. 2946 (Discussion Only)

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION/LAND DEVELOPMENT PLAN OF PROPOSED GROCERY STORE, LOCATED AT 2945 MACARTHUR ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1878-15. (DEVELOP)

President ARMSTRONG read Resolution No. 2946 to the Board.

Frank CLARK stated the speed limit between Eberhart Road and 7th Street is posted 40 mph but needs a certain curvature per the American Association of Highway Engineering which predicates a certain radius which Penn DOT regulations follow. A study done shows they cannot fit that radius in there, when rebuilt need to bring it up to standards, the manual calls for the road to be super elevated, a banked turn at 40 mph is at ~ 6% which is quite steep for a road, most roads are 2%. An engineering study came in showing 85% of people now do 33 mph, by going to 35 mph allows a curve a little less than what is there now with a cross slope of 3%-4% which is very comfortable. So a drop in the speed limit with a brand new road with an elevation, everything works according to all the manuals and design studies and asked if an ordinance is needed to post the road at 35 mph instead of 40 mph.

Frank CLARK stated the proposed new intersection at 7th Street and Eberhart Road will be four-way, with three turning lanes on the Lidl side and since Penn DOT approves all traffic signals need to adhere to their standards. The curved radii on the corners of the tire store and the cemetery are 20 foot, will be about 40 on the Lidl side because of trucks turning into Lidl and Gilboy. Penn DOT is asking if we want the same radii on the tire store and cemetery side, would need to get more right-of-way, he and Perry Terry are recommending to leave it alone.

Frank CLARK stated another issue is sidewalks on Eberhart Road as you cannot cross at Eberhart Road and Rt. 145, suggestion is to keep it as a non-pedestrian intersection. Commissioner SLONAKER stated it is no different than at the McDonald's, there will be people using it, sees people walking along MacArthur Road in the dark, need to get them off the street for safety. Mayor HOZZA noted there is sidewalk on 7th Street to American Tire, advocates crossing Eberhart in case people want to walk and shop at Lidl and Commissioner DUTT agreed. Mr. CLARK stated sidewalk would be from the front of the store along Eberhart to the jug handle to the Gilboy parking lot, does not think Penn DOT would allow pedestrians crossing at Rt. 145 and Eberhart over to the Church, and will look at the options.

Jeff WARREN, 4568 Pharaoh Street, Whitehall, stated he is a proponent of sidewalks with a buffer. Noted there is a gap on the cemetery side, are curb cuts all the way up on 7th Street to Glenside Drive, would like it sloped so there is a grass area to walk on and that the Township come up with a defined LED lighting standard for any public improvement like street lights and traffic signals. Mayor HOZZA stated the Township

already has one. Mr. WARREN stated Penn DOT doesn't and need to push it on them. Mr. CLARK stated if it is our signal, we pick what we want.

Mr. CLARK stated he will have another meeting with St. John's on their access to MacArthur Road because of realigning Eberhart Road, will move it ~15 feet to the south away from the cemetery, will have a double left hand turn lane onto Rt. 145 to go south and one straight/right lane combined which will open the curved radius going north and impacts the Church driveway, will eliminate east bound traffic out of the Church and the Church and Cemetery Association will be signatories with the plan for the intersection. Mr. CLARK asked the Board's approval to cost share with Lidl from the Traffic Impact Fund for ~\$125,000. Lee RACKUS stated the traffic impact fee is created based on the improvements at various intersections that the committee has identified throughout the Township. She noted MacArthur and Eberhart Roads has been long standing on this plan, is the driving force behind the fee. Once these improvements occur, will need to reconvene the committee because the fee will probably drop but the magnitude of what is on deposit is because of the value of the improvements needed to be done at this intersection. Frank CLARK stated it is a needed project, tried to do it before with prohibitive costs, this time have quite a bit of help. Commissioner GINDER asked how much trouble will this make for Seventh Street traffic wise. Mr. CLARK stated based on the studies done, the signal at 7th and Eberhart will work to handle the traffic coming thru. The only place impacted was at 7th and Lehigh Streets during the am and pm peaks but overall will not see much of an impact on the other streets. Commissioner GINDER asked if there are still a lot of accidents at Crescent Court and 7th because Peter Terry's remarks state he seems concerned, is operating at an "F", a lot of local's use it and what can be done to get it above an "F". Mr. CLARK stated it is being looked at. President ARMSTRONG asked how it impacts the small house on Eberhart Road. Mr. CLARK stated Lidl can work around it, the right-of-way in front of it will be fully utilized. Commissioner GINDER stated coming from Eberhart Road heading north on 7th, the first intersection is the left onto Glenside, has very little queuing in a curve, is rough during rush traffic, asked if the radius could be opened up to widen the road thru the turn, Glenside does comes out onto 7th in an awkward way and asked to have it looked at.

Jeff WARREN, 4568 Pharaoh Street, Whitehall, noted the Ice Rink on 7th Street is used very heavily with a lot of cars coming in and out and the sight lines aren't very good.

4. RESOLUTION NO.2959

TITLE: A RESOLUTION REAPPOINTING DEAN WOTRING TO THE WHITEHALL TOWNSHIP ZONING HEARING BOARD. (BOC)

President ARMSTRONG read Resolution No. 2959 to the Board.

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

Seven Commissioners were present and voted "yes". Resolution No. 2959 was approved.

5. RESOLUTION NO. 2960

TITLE: A RESOLUTION REAPPOINTING VELLO VILBAS TO SERVE ON THE WHITEHALL TOWNSHIP BUILDING CODE BOARD OF APPEALS. (BOC)

President ARMSTRONG read Resolution No. 2960 to the Board.

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

Seven Commissioners were present and voted “yes”. Resolution No. 2960 was approved.

E. OTHER

1. Commissioner DUTT moved, seconded by Commissioner MARX to approve the reappointment of Carmen MARTUCCI to represent the Senior Citizen Community on the Recreation Commission, term to expire September 30, 2019.

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

2. Commissioner GINDER moved, seconded by Commissioner HOWER to approve the reappointment of James CARPENTER, Jr. to serve on the Coplay-Whitehall Sewer Authority, term to expire December 31, 2021.

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

3. Commissioner MARX moved, seconded by Commissioner DUTT to approve the reappointment of John ORSINI to serve on the Whitehall Township Industrial and Commercial Development Authority, term to expire December 31, 2021.

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

4. Commissioner SLONAKER moved, seconded by Commissioner HOWER to approve the reappointment of Barry KECK to serve on the Whitehall Township Police Pension Board, term to expire December 31, 2020.

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

5. Commissioner MARX moved, seconded by Commissioner DUTT to approve the reappointment of Boyd KREGLOW to serve on the Tax Appeals Board, term to expire December 31, 2019.

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

6. Commissioner GINDER moved, seconded by Commissioner HOWER to approve the reappointment of Henry WEBER to serve on the Whitehall Township Authority, term to expire December 31, 2021.

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

7. Commissioner DUTT moved, seconded by Commissioner MARX to approve the reappointment of Joseph WILFINGER to serve on the Whitehall Township Environmental Advisory Council, term to expire December 31, 2019.

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

8. Commissioner DUTT moved, seconded by Commissioner HOWER to approve the reappointment of Mario SPAGNOLETTI to serve on the Whitehall Township Environmental Advisory Council, term to expire December 31, 2019.

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

9. Commissioner MARX moved, seconded by Commissioner SLONAKER to approve the reappointment of Mario SPAGNOLETTI to serve on the Shade Tree Committee, term to expire December 31, 2019.

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

10. Commissioner DUTT moved, seconded by Commissioner HOWER to approve the reappointment of Richard MONDSCHNEIN to serve on the Recreation Commission representing the Community-at-Large, term to expire September 30, 2019.

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

11. Commissioner SLONAKER moved, seconded by Commissioner GINDER to approve the appointment of Maxwell CHARLES to serve on the Planning Commission, term to expire December 31, 2020.

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

G. REPORTS OF PUBLIC OFFICIALS

1. Commissioner GINDER asked if anything was new on Fox Hollow and if any reports were received. Frank CLARK stated a meeting has been set up to meet the representative from DEP and only have reports from the residents.
2. Commissioner HOWER commended Mr. WILFINGER and Mr. SPAGNOLETTI for their many years of service to the community and wished good luck to all of the evening’s appointees, feels they will do a great job but can always use more volunteers.
3. Commissioner DUTT also thanked Mr.’s WILFINGER and SPAGNOLETTI for their dedication and all of the volunteers. He asked what can be done about the illegal dumping going on throughout the Township. Commissioner SLONAKER stated it is all over the County and every rural area because people do not want to pay the small amount to get rid of their stuff. Mayor HOZZA stated unimproved Bridge Street in Egypt is one area and noted mattresses and box springs are all part of our curbside collection, so these items are coming in from other municipalities where everyone has their own garbage hauler. Mayor HOZZA stated he receives calls about all of the garbage on Route 22 which is an embarrassment, feels it is blowing out from garbage trucks, is an epidemic problem in the Valley, comes down to laziness and noted the 6th Street extension coming from the City was notorious for garbage but has decreased with signage for a \$1,000 fine and other areas have had signage placed as well. Commissioner DUTT noted it is also the dumping on the rail-trail and the quarry and if there is a company that could help us. Mayor HOZZA stated based on the current legislation with the State, they have to charge and no for profit business is going to take electronic material unless they are compensated for it. Commissioner HOWER asked if the Township could have the recycling event twice a year. President ARMSTRONG noted it is hard to get volunteers.

Commissioner DUTT stated there is a meeting on January 26th at 7:00 pm here on the Active Lifestyle Center for seniors, will have a grand opening on April 4th at the West Catty Playground building, need volunteers to run some of the programs which will open on May 2nd.

4. Commissioner MARX stated he received pictures from a resident on N. Coplay Road with show Great Western tri-axles going the wrong way.
5. President ARMSTRONG stated on Thursday evening at 6:00 pm the EAC meeting will be at the Burger Shack restaurant who will be given an Environmental Award.

Joe WILFINGER stated he nominated them for an Environmental Award as they go out of the way to recycle, their takeout food is in cardboard containers, their meats are all free range, buy most of their produce from local farmers, all of which are environmentally friendly, are an outstanding business, go above and beyond, felt they needed to be recognized and invited everyone to attend. He also noted the EAC has vacancies.

President ARMSTRONG congratulated all the reappointments to the various boards made tonight but always need more volunteers and appreciates those who are already serving.

6. Mayor HOZZA stated his State of the Township report (attached to these minutes) will be in the newsletter. He noted the new refuse carts have arrived, are being delivered, will take about 2 weeks and there were 322 residents who called in for the smaller 65 gallon cart. He noted all carts are delivered to the front of the residence where the address must be visible according to the Township ordinance. However, if pick-up is in an alley, it must be moved to the normal pick-up area along with the recycling cart, residents should write down their serial numbers from both carts on the instruction sheet that comes with the refuse cart in case something happens to the cart or it is stolen. The Township does have a master list.

Mayor HOZZA noted L&L is on Wednesday and the Intergovernmental meeting is January 19th at 6:00 pm at the Whitehall-Coplay School District Administration building. He wished everyone a Happy New Year and thanked all of our volunteers.

7. Treasurer HUNSICKER stated s new lien list was prepared by the Finance Officer. Previously it was stated there are \$727,000 in garbage liens but noted only \$556,000 is garbage. The other \$170,000 is for weeds, grass cutting, curb and sidewalk, BP tax, nuisance and development escrow. The lien list was taken down to \$727,000 by \$40,000 of payments or just removal.

H. ADJOURNMENT

1. MOTION – Commissioner HOWER moved, seconded by Commissioner DUTT to adjourn the meeting at 8:15 p.m.