
MINUTES

January 9, 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, January 9, 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
John D. Meyers, Deputy Mayor
Jacob Oldaker for 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 an Executive Session was held on January 3, 2023 in the Caucus Room of the Township Building to discuss legal matters.

Commissioner GINDER read the following statement from Chief Marks on the passing of K9 Mex:

It with a heavy heart that I need to inform you all that Mex passed away this morning after a short battle with cancer. Sgt Apgar and K9 Mex have served the department as a K9 team since September 4, 2014. Mex was initially trained as a bomb detection K9 and was also assigned with his partner on MERT. Mex and Jeff were a dedicated K9 unit that exceeded expectations and ended being the premier K9 team in the Lehigh Valley. As the need for bomb detection in the area was thankfully nil, Sgt. Apgar wanted to challenge himself and his partner to completely train a new discipline, narcotics detection. Even though the failure rate to retrain a K9 was extremely high, Sgt. Apgar and Mex took the challenge and were extremely successful in the transition. Mex has received numerous accolades and assisted with locating a large quantity of narcotics in his career. In fact, Mex was only limited in the later part of service by case law that restricted the use of narcotic sniffing K9s.

It is never easy to lose a K9 companion, but Mex was more than that to Sgt. Apgar and this department. Being a K9 team involves an extreme amount of dedication that is not seen by all of us. The constant training and care for your partner exists on a daily basis and does not end at the completion of your tour. Jeff and Mex were dedicated to making themselves the best that they could be, and it truly showed across all agencies. Their work and commitment quickly became the gold standard for agencies throughout the valley. Throughout the years, they assisted numerous agencies and almost every time I was informed that our K9 team was extremely squared away, and several times I heard "I wish our K9 was like that". With Jeff and Mex there were never any excuses when it came to their dedication and devotion to the Whitehall Police. They pushed themselves constantly and subsequently brought up those around them in other K9 programs. Jeff has been a great resource for other handlers or for those interested in a K9. His knowledge and dedication are second to none and I applaud him for how he has handled his position and met the challenge head on.

This will be a difficult transition for Jeff as he lost more than his K9 partner. Jeff lost a friend and constant companion. Jeff's family lost a protector and a companion that was home every night and part of the family. We will all miss their visits inside the walls of the department and the additional protection they provided on the street. Mex was everyone's unofficial partner and seemed to take pleasure in being with and playing with everyone in the agency. If I had to guess, Mex's only disappointment was not finally grabbing a hold of Lt. Bealer during one of their many tug of war moments. I will miss wiping off the drool that Mex loved to leave on the side of your pants and definitely the way that he enjoyed being scratched behind his ears or on his belly. In all seriousness, I will truly miss Jeff and Mex's work ethic and drive. I wish simple words can help ease Jeff's pain during this horrible time, but I'm hoping that through the support of all of us, he will be able to quickly remember only the good times and the years of success they had together. Mex, Godspeed and thank you for your dedication to your partner, your agency, and the people we serve. Jeff, thank you for taking on an extremely difficult task and making it seem so easy to the rest of us, when I know it really was not.

Rest easy Mex and Godspeed,
Chief Marks

APPROVAL OF MINUTES

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

Regular Public Meeting – December 12, 2022

SIX Commissioners were present and sixed voted "yes" and Motion carried.

President MARX read the following statement:

I want to start off by saying that at last months regular meeting I was troubled by comments made by supporters of the Mayor in reference to the women who filed complaints against Whitehall Township and Mayor Harakal. Although they are certainly entitled to their opinions, they don't know the whole truth about the events that lead to the complaints being filed. I have and had a professional relationship with all three women, I can tell you that they are all consummate professionals and I in no way believe that they conspired to tarnish the Township or the Mayor's reputation. The reason why I say this is because two of the complainants have been employed by Whitehall Township for

over 30 years each and still work for the Township, and one is in a senior supervisory position the other in a senior administrative position and are looked up to and admired by our staff, administration and board. These women have served our citizens with honor integrity and commitment for decades and let me say this, they have also served under numerous past executives and mayors and worked closely with male employees, board members, vendors and citizens and never reported or had any issues. Ms. Nischan, the third complainant was our Human Resource Director and was hired by the Mayor, she was an accredited HR Professional and unfortunately ended her career with Whitehall Township because of the complaints. She is the one who initially reported the complaints to myself , who was board Vice President at the time and Mr. Ginder who was Board President at the time. We reviewed all the information she provided and initiated an investigation and ironically because of the way our Charter is formatted we had to get the Mayor's authorization to open the investigation. The Deputy Mayor also wrote a letter of recommendation for Ms. Nischan when she announced she was leaving employment with us. It was referenced at last months meeting and in it he indicated that in his decades of service, morale was never lower and the two elected officials that worked in the building needed to be held accountable. I ask why would he put that in writing? Is he also part of some conspiracy. I want to thank the Deputy Mayor for his courage and commitment, why would he put his distinguished career on the line. You have to understand that according to our Charter, the Mayor has the discretion of relieve his Deputy without cause. Since the beginning, the Mayor showed no remorse and certainly did not take the allegations very seriously. After the first investigation was completed, the Attorney who investigated provided a list of recommendations to the Officers of the Board to review with the Mayor. The Mayor showed up 45 minutes late for the interview and showed a total disregard, in my opinion, to the seriousness of the situation and a total lack of respect for the Officers of the Board. One of the recommendations was not to contact any of the plaintiffs and reference the complaints. The first thing he did after he was given the recommendations was to call one of the plaintiffs and said he couldn't recall one of the allegations and could she explain. This is just one example of the types of actions that have taken place. Although Whitehall Township and Mayor Harakal admitted to no wrongdoing in the settlement agreement, I just wanted to apologize gain to the plaintiffs and employees of the Township, none of this should ever have happened. We also have had a number of employees who were eligible for retirement leave us, but indicated they would have stayed if not for the current environment, we also had employees leave for the same reason and more are coming. The Mayor in a recent published news article state that he wants to heal the current culture. It is in my personal opinion that will never happen, the damage is done, it has taken a physical and psychological toll on our staff and nothing but a change will help cure the culture that has been created. This is not the opinion of a few, it's the majority. The Mayor has lost the faith and confidence of our staff, myself and many others. I privately sat down with the Mayor last summer and told him my concerns related to the situation. He indicated he wanted to vindicate his reputation, I informed him I didn't believe he would successfully be able to accomplish that, and that the damage has been done and I truly believe this. I've been asked by staff and my constituents why stronger action hasn't taken place in addressing the situation. It's not simple. In the private sector situations like this are addressed immediately, but in this situation because the allegations where made against an elected official, it's not that simple. In researching what could be done to address the situation, time and time again legal counsel advised us that the only avenue we had was to publicly shame the said official. Its sad but the Democratic process can sometimes be painful. To sum this all up, last month one of the Mayors supporters stated that the Mayor was successful and had accomplished so much. I will give credit where credit is due. His early administration had some great accomplishments, he hired most of the phenomenal staff I have already mentioned, and was successful in many more accomplishments, but these approximately last five plus years have been a whirlwind and some of the most difficult I have ever dealt with professionally and politically. We need to value the professionalism and commitment of our staff. They do the hard work everyday for our people and we, the elected officials, have the fiduciary responsibility to provide a safe and professional environment so they can successfully accomplish

their mission. Mayor, if success is measured by accomplishments you have not been very successful during your last term in office. We need to move forward. You have been a major distraction. You have lost your ability to govern. We were elected to do the peoples work. If you truly care about Whitehall and its success, I respectfully request you resign your position as the Mayor of Whitehall Township.

At this time, President MARX asked for a motion for a Vote of No Confidence. Commissioner GINDER motioned and after stating this was a difficult decision, it was seconded by Commissioner FISHER.

Ken SNYDER of 4272 Abigail Lane was permitted to speak and stated he understood there was a mediation agreement and verified with Attorney Oldaker that all parties agreed to and signed the mediation agreement. Attorney Oldaker confirmed all parties signed the agreement. Mr Snyder stated he has an understanding of what mediation is and stated there should be no discussion on this matter referring to Marx statement and the subsequent motion and vote of no confidence.

Mayor HARAKAL asked to comment and stated that in his defense he was not made aware by the women involved that his behavior was inappropriate and believes that since working with these women for 30+ years he felt it was all in having fun and levity and they misunderstood his actions. He would have preferred a trial so that he could have had the chance to defend himself, but opted for settling to save time and money since it would have been a lengthy process. He also commented that he respects the women involved and that they are good, professional people and he hopes to find a way to work together moving forward.

Commissioner WARREN stated that he felt this motion was wrong and that there has been an agreement signed by all parties and that it was time to move on. He's upset that Deputy Mayor MEYERS wrote the recommendation letter the way that he did. There is no admission of guilt stated in the agreement, stating he felt the discussion was in conflict with the agreement and the matter should be closed.

The vote continued and Commissioner ATIYEH stated that he was not happy to have to make this decision as the Mayor had been a mentor to him, but this situation is a disappointment on Whitehall, and voted "yes". Commissioner FISHER seconded Commissioner ATIYEH's comment and stated that this is not how government should function and voted "yes". Commissioner SLONAKER voted "no" and stated that this motion means nothing as no action can formally be taken. Commissioner Warren restated that he felt this matter was in conflict with the mediation agreement signed by all parties and cast his vote as "present".

SIX Commissioners were present and four voting "yes" one voting "no (SLONAKER) and one voting "present" (WARREN). The Vote of No Confidence was approved.

B. COURTESY OF THE FLOOR

Rob PILIGIAN of 415 Oakwood Drive asked the status of the Treasurer's Office audit. President MARX advised that he and Commissioner GINDER had recently met with the District Attorney's office and have received a letter regarding the outcome of said meeting. This letter needs to be reviewed by Attorney Jack Gross before any further discussion or action can take place.

Ken SNYDER of 4272 Abigail Lane asked if there was an easy way to print out the Charter from the website. He also questioned what the qualifications are to run for Mayor, specifically if you can own a business but not necessarily work for it, as he understands that the Mayors' position is a full time arrangement. He also asked why the Fire Chief is not present at these Board meetings considering there always seem to be an item on the agenda or a discussion regarding the Fire Department. Mayor HARAKAL stated that he can request the Chief to attend. Mr. Snyder commented that it's time that a bridge is built between the Mayor and the Administration and hopes to see on future agendas, his long talked about "wish list" or goals for the coming year that the Board, Mayor and Administration should construct and discuss at their Board meetings.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. **BILL NO. 1-2023 (FIRST HEARING)**

TITLE: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP, CHAPTER 27, ZONING, ARTICLE XI, CONDITIONAL USE PROVISIONS, BY ADDING SUBSECTION 27-137.1, REGULATIONS PERTAINING TO SHORT TERM RENTALS AS WELL AS MODIFYING THE DEFINITION OF 'FAMILY' (Legal & Legis.)

President MARX read Bill No. 1-2023 to the Board.

2. **BILL NO. 2-2023**

TITLE: AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP, CHAPTER 5, CODE ENFORCEMENT, ARTICLE V, PROPERTY MAINTENANCE, BY ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE ALONG WITH CERTAIN LOCAL AMENDMENTS TO SAME. (Legal & Legis.)

President MARX read Bill No.2-2023 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner GINDER.

Commissioner WARREN asked if there is time provided to the owner/tenant on getting items that need correcting completed. Lee RACKUS noted that they are notified of the deficiencies right after the inspection and conditional or temporary co's are available if needed. Commissioner WARREN also asked if sidewalks can be made a part of the inspections. Lee RACKUS advised that it falls under the 1st Class Township Code and once identified of needed repairs/replacements, and the property owner does not do the necessary repairs/replacement, then the Township would need to do the work and lien the property.

SIX Commissioners were present and voting "yes". Bill No. 2-2023 was approved.

D. 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. 3229

TITLE: A RESOLUTION REAPPOINTING LEE CHRISTMAN TO SERVE ON THE WHITEHALL TOWNSHIP ZONING HEARING BOARD. (BOC)

President MARX read Resolution No. 3229 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting “yes”. Resolution No. 3229 was approved.

3. RESOLUTION NO. 3230

TITLE: A RESOLUTION REAPPOINTING ROGER REICHARD TO SERVE ON THE WHITEHALL TOWNSHIP ZONING HEARING BOARD. (BOC)

President MARX read Resolution No. 3230 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

SIX Commissioners were present and voting “yes”. Resolution No. 3230 was approved.

4. RESOLUTION NO. 3231

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF 3865 EBERHART ROAD, INDEX # 2013-22A (DEVELOP)

President MARX read Resolution No. 3231 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner GINDER.

SIX Commissioners were present and voting “yes”. Resolution No. 3231 was approved.

5. RESOLUTION NO. 3233

TITLE: A RESOLUTION REQUESTING A PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT COMMONWEALTH FINANCE AUTHORITY PA SMALL WATER & SEWER PROGRAM GRANT FOR THE BELMONT GLEN SWALE PROJECT.

President MARX read Resolution No. 3233 to the Board.

Commissioner ATIYEH moved to approve, seconded by Commissioner

WARREN.

SIX Commissioners were present and voting “yes”. Resolution No. 3233 was approved.

E. OTHER

1. MOTION – to approve the re-appointment of Boyd Kreglow to serve on the Whitehall Township Tax Appeals Board, term expiring December 31, 2025.

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

2. MOTION – to approve the re-appointment of Stephanie Colbry to serve on the Whitehall Township Industrial Commercial Development Authority, term expiring December 31, 2027.

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

3. MOTION – to approve the re-appointment of Rhonda Bastian to serve on the Whitehall Township Industrial Commercial Development Authority, term expiring December 31, 2027.

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

4. MOTION – to approve the re-appointment of Jason Szewczak to serve on the Whitehall Township Authority, term expiring December 31, 2027.

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

5. MOTION – to appoint Bill Durney to serve as a member of the Whitehall Township Fire Police.

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

6. MOTION - to appoint Ryan Clark to serve as a member of the Whitehall Township Fire Police.

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

F. REPORTS OF PUBLIC OFFICIALS

Commissioner WARREN stated that as noted in the Mayor’s report, funding is planned for numerous MacArthur Road projects, specifically he wanted to point out that a grant has been obtained for traffic

cameras along MacArthur Road. The MacArthur/Mechanicsville Road intersection was not included and asked that we find a way to fund that as that intersection has had numerous issues. Commissioner WARREN then commented that there has been colorful conversations between the Board members recently, but they always end on a positive note.

Commissioner SLONAKER asked Chief MARKS if there has been any progress on ways to handle the unlicensed motorcycles that have been present in the Township. Chief MARKS stated that he is coordinating an effort to partner with municipalities to the south and west of us and the County, on trying to get this under control. Mayor HARAKAL requested that residents write their representatives to support PA Bill 606 which approves the use of radar. Chief MARKS indicated he has tried for years to get the support to get this Bill passed and used many different avenues to no avail.

Commissioner GINDER asked Frank CLARK the status of Mechanicsville Road Sidewalk Project. Mr. Clark advised that the title report is being sent to PennDOT. They are pursuing a way to override the property owner who refuses to sign off and they are also preparing a bid tab for the project. Commissioner GINDER then asked the Mayor when the Rec Comp Plan Committee Meetings will start up. Mayor HARAKAL indicated that he is waiting for DCNR to finish their review of the scope of work and hopes to meet by the end of January or early February. Commissioner GINDER then asked that the Mayor discuss with Public Works a way to coordinate maintenance/clean-up on the rail trail with IRT members. He also asked the Mayor the status of the installation of crossing gates on the IRT at main intersections. The Mayor advised that it is being coordinated with one of the IRT members. The Cetronia Ambulance presentation is set to take place in February on the regular meeting night. Commissioner GINDER suggested that the Parkway/EAC Management Plan be separate from the Rec Comp Plan and Commissioner FISHER advised that the EAC agrees and will be represented at the next L&L Meeting to discuss. Commissioner GINDER verified with Frank Clark that they are set to go for the Trailhead Meeting. He then noted that the Senior Center is in need of bingo callers and has a schedule in its possession if anyone would like to sign up. Bingo takes place on the 4th Sunday from 2-5PM. Commissioner GINDER noted that it was brought to his attention that a Northampton fire truck was parked in the Cementon facility. Mayor HARAKAL advised that he was made aware of the situation and made a call and the truck was moved within a day. Commissioner GINDER is concerned who has access to the Cementon facility, as he was told there is expensive equipment being stored there. Commissioner GINDER advised that the Comprehensive Plan should be considered to be redone soon, as it is almost 20 years old. He suggested to have Chad Helmer start looking for a grant to do this. Lastly, he passed along well wishes to HR Director who is leaving this week.

Commissioner ATIYEH asked if a full-time Recreation Director has been hired. Deputy Mayor MEYERS noted that will be one of the first things the new HR Director will be working on.

Commissioner FISHER wanted to thank all the Bureau Chief's for their hard work on budget submissions. He asked Deputy Mayor MEYERS the status of the outstanding funds recovery and Jack confirmed with the Treasurer that it is still processing. Commissioner FISHER noted that grants are available for electric vehicles and asked if there are charging stations in the area. Lee RACKUS noted that there are two working on getting approved. Lastly, Commissioner FISHER noted that he signed off on the latest bird house Eagle Scout Project and added that utilizing the scouting community is a great way to get projects completed.

President MARX noted that it was National Law Enforcement Appreciation Day and asked that the Chief convey to all his personnel the appreciation for all their dedication and hard work they do. He also asked that the time capsule space on the front of the building be covered.

Mayor HARAKAL advised that he has provided his report to the Board and specifically noted progress that is being made with the fire study and receiving support on submitting for a grant. He also noted that he feels it would be a good idea to look into placing a tire pressure pump along the IRT. Lastly, he stated he took exception to certain areas in President MARX's earlier statement.

Treasurer KOREN noted that \$85,453 was received in revenue for; Business Privilege issuing 233 Business licenses so far for 2022 and 2023 and late business privilege tax payments. \$197,584 in Revenue for township garbage taxes; \$78,121 in revenue was received for Township Real Estate, \$12,728 in revenue for per capita taxes, \$1,058,150 for School Real Estate with adjustment for NSF And previous payment brought the revenue to \$1,055,372. The Department was able to accept more checks this year with the daily scanning system, which enabled them to take payments up until today. Business Privilege invoices will start to go out this month and next. Delinquency reports will be sent in the next week for delinquent taxes to Portnoff, and GH Harris business privilege for 2022. The School District sends the delinquency report to GH Harris for per capita. Treasurer KOREN then gave a power point presentation on the new accounting/reporting system.

I. ADJOURNMENT

MOTION – Commissioner FISHER moved, seconded by Commissioner ATIYEH to adjourn the meeting at 8:54 p.m.