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# **MINUTES**

**February 10, 2020**  
**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, February 10, 2020, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

**COMMISSIONERS**

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

**TOWNSHIP PERSONNEL**

Michael P. Harakal, Jr., Mayor  
John D. Meyers, Deputy Mayor  
John F. Gross, Esq.,  
Township Solicitor  
Michael Marks, Police Chief  
Frank Clark Engineer  
Lee Rackus, PZ&D  
Colleen L. Gober, Tax Collector  
Larissa Bruder, Executive Secretary

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 GINDER read the statement on fair housing as required.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – January 13, 2020

Five Commissioners were present and five voted “yes”. Motion carried.

**B. VOTING ON POSITION OF COMMISSIONER**

**MOTION** - Commissioner FISHER moved, seconded by Commissioner SLONAKER to approve the appointment of Michael DEE to serve as a Township Commissioner on the Whitehall Township Board of Commissioners term expiring December 31, 2021.

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

Commissioner SLONAKER noted that the Board is appreciative of all the candidates that took time from the schedule to participate in the interviews and they were all qualified.

**C. FIRE DEPARTMENT PROMOTIONS & 2019 VIDEO RECAP**

Chief Nelson announced to the Board that there are 3 promotions this evening. Keith BILDER being promoted from Lieutenant to Captain, Greg UNGER & Jack MESCE being promoted to Lieutenant. Notary Public Larissa BRUDER performed their Oaths. Mayor HARAKAL congratulated the Captain and Lieutenants and their family members pinned on their respective badges.

The 2019 Video Recap was played and afterwards President GINDER took a moment to thank all the men and women of the Fire Dept. for their service, which was proceeded with a standing round of applause to them.

**D. COURTESY OF THE FLOOR**

Joni TEDESCO of 424 4<sup>th</sup> Street voiced her concern regarding her neighbor running a business out of his garage. Four white vehicles are seen coming and going from the property. Neighbor has installed a gas stove, a wood burning stove in the garage. She believes he cleans out houses for mortgage companies. He has dumped a box truck full of wood in his yard. Mrs. TEDESCO has advised zoning and codes enforcement of this information, but has not gotten any response. Mayor HARAKAL, advised that in speaking with that department, they are monitoring that location, but as of yet have they been able to determine that a business is being run there.

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

1. BILL NO. 62-2019

TITLE: AN ORDINANCE FOR THE ACQUISITION BY DEED IN LIEU OF CONDEMNATION OF 2381 SQUARE FEET (0.055 ACRES) OF PROPERTY OF WILLIAM DINBOKOWITZ, ET AL., HAVING AN ADDRESS OF 3630 MECHANICSVILLE ROAD, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PA (BEING TAX PARCEL ID #549827364102 1) FOR WIDENING OF MECHANICSVILLE ROAD (S.R. 1012), FOR SUBSEQUENT CONVEYANCE TO THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION) AND FOR COMPLETION OF CERTAIN IMPROVEMENTS ON THE IMMEDIATELY ADJACENT PROPERTY OF DINBOKOWITZ, ET AL., AND FOR DETERMINATION OF ANY COMPENSATION PAYABLE IN CONNECTION THEREWITH. (ADMIN/BOC)

President GINDER read Bill No. 62-2019 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner MARX.

Commissioner WARREN noted that he is glad to see this finally come to a conclusion and thanked all involved.

Six Commissioners were present and voting “yes”. Bill No. 62-2019 was approved.

2. BILL NO. 3-2020 (FIRST HEARING)

TITLE: AN ORDINANCE OF WHITEHALL TOWNSHIP, LEHIGH COUNTY, COMMONWEALTH OF PENNSYLVANIA, ELECTING TO AMEND ITS NON-UNIFORM PENSION PLAN ADMINISTERED BY THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM PURSUANT TO ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW; AGREEING TO BE

BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES.

3. BILL NO. 4-2020

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PROPOSALS FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING AND STRUCTURAL ALTERATIONS AND APPURTENANCES TO EXISTING FACILITIES ON THE MUNICIPAL BUILDING COMPLEX, TO AWARD CONTRACTS FOR GENERAL CONSTRUCTION, ELECTRICAL, PLUMBING AND HVAC WORK, IMPROVEMENTS TO BE FOR THE IMPROVEMENT AND BETTERMENT OF SERVICE DELIVERY BY THE TOWNSHIP OF WHITEHALL, BID 2020-01 IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (ADMIN)

President GINDER read Bill No. 4-2020 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner SLONAKER. Representatives of Dhuy Engineering & KCBA Architects were present to overview the proposal.

Six Commissioners were present and six voting “yes”. Bill No. 4-2020 was approved.

4. BILL NO. 5-2020

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF CURBING AND SIDEWALKS ALONG THE NORTH CHURCH AND SPRING STREET FRONTAGES OF LOT #1 LEHIGH COUNTY PIN #55800441862-1 AND LOT #2 PIN #558010369482-1 FOR A DISTANCE OF APPROXIMATED 3,200 FEET; 800 FEET ALONG SPRING STREET AND 2,400 ALONG N. CHURCH ST., AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President GINDER read Bill No. 5-2020 to the Board.

Commissioner FISHER moved to approve, seconded by President GINDER.

Six Commissioners were present two voting “yes” and four voting “no” (SLONAKER, WARREN, MARX & DEE). Bill No. 5-2020 was denied.

5. BILL NO. 6 -2020

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THIRTY-NINE MONTH LEASE OF TWO (2) CANON COPIERS FOR THE WHITEHALL TOWNSHIP MUNICIPAL BUILDING, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (ADMIN)

President GINDER read Bill No. 6-2020 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner SLONAKER. Six Commissioners were present and six voting “yes”. Bill No. 6-2020 was approved.

6. BILL NO. 7-2020

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF CURBING ALONG THE COLUMBIA STREET FRONTAGE OF 3585 SOUTH CHURCH STREET FOR A DISTANCE OF APPROXIMATELY 650 FEET AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President GINDER read Bill No. 7-2020 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX. Six Commissioners were present four voting “yes”, one voting “no” (MARX) and one abstention (DEE). Bill No. 7-2020 was approved.

7. BILL NO. 8-2020

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF CURBING ALONG THE SOUTH CHURCH STREET FRONTAGE OF 3585 SOUTH CHURCH STREET FOR A DISTANCE OF APPROXIMATELY 1,850 FEET AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President GINDER read Bill No. 8-2020 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX.

Mike JEITNER of Bohler Engineering noted the applicant will work with the Township Engineer regarding stormwater issues.

Six Commissioners were present voting “yes”. Bill No. 8-2020 was approved.

8. BILL NO. 9-2020

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF SIDEWALKS ALONG THE S. CHURCH STREET FRONTAGE OF 3585 SOUTH CHURCH STREET FOR A DISTANCE OF APPROXIMATELY 1,690 FEET AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President GINDER read Bill No. 9-2020 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX.

Bohler Engineering noted that their applicant is seeking a deferral until a safe and proper network of sidewalks were established in the immediate area.

Six Commissioners were present voting “no”. Bill No. 9-2020 was denied.

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

1. RESOLUTION NO. 3096

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE LAND DEVELOPMENT PLAN OF 3614 LEHIGH STREET PROPOSED 5000 SF WAREHOUSE, LOCATED AT 3614 LEHIGH STREET, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1944-19. (DEVELOP)

President GINDER read Resolution No. 3096 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner MARX.

After a lengthy discussion with the applicant, Ken Snyder, Jr., and Art Swallow regarding issues on flooding, velocity, access for trucks and rear asphalt ramp, and type of trucks, Commissioner’s FISHER and MARX removed their motions, and this item was tabled.

2. RESOLUTION NO. 3097

TITLE: A RESOLUTION APPROVING THE COST OF LIVING ADJUSTMENT FOR ELIGIBLE RECIPIENTS OF THE POLICE PENSION FUND. (ADMIN)

President GINDER read Resolution No. 3097 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner WARREN.

Six Commissioners were present and voting “yes”. Resolution No. 3097 was approved.

3. RESOLUTION NO. 3098

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION/LOT LINE ADJUSTMENT PLAN OF HPL REALTY LP, LOCATED AT NORTH CHURCH STREET, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1953-19. (DEVELOP)

President GINDER read Resolution No. 3098 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner WARREN.

President GINDER verified there are no Recreation Fees being assessed.

Six Commissioners were present and voting “yes”. Resolution No. 3098 was approved.

4. RESOLUTION NO. 3099

TITLE: A RESOLUTION APPROVING THE RETIREMENT AND THE COMMENCEMENT OF MONTHLY PENSION BENEFITS TO POLICE OFFICER MICHAEL ARNOLD. (ADMIN)

President GINDER read Resolution No. 3099 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner MARX.

Six Commissioners were present and voting “yes”. Resolution No. 3099 was approved.

5. RESOLUTION NO. 3100

TITLE: A RESOLUTION APPROVING THE RETIREMENT AND THE COMMENCEMENT OF MONTHLY PENSION BENEFITS TO POLICE OFFICER PAUL DAVIS. (ADMIN)

President GINDER read Resolution No. 3100 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner FISHER.

Six Commissioners were present and voting “yes”. Resolution No. 3100 was approved.

Commissioner Marx advised Chief Marks to congratulate both ARNOLD & DAVIS and note that we are very grateful for their years of service.

**G. OTHER**

1. MOTION – to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo dated January 20, 2020.

Six Commissioners were present and six voted “yes”. Motion carried.

2. MOTION – to approve the removal of Bad Debt.

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

3. MOTION – DCED Letter of Intent – Fire Dept. Assessment

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

**H. REPORTS OF PUBLIC OFFICIALS**

Commissioner WARREN noted that the Commonwealth’s budget has called for a funding mechanism where municipalities would be assessed a fee for funding the State Police. In his understanding that the municipalities that have a bigger burden would pay approximately \$77.00 per capita and Whitehall would be assessed approximately \$2.00. Commissioner WARREN’s opinion is that the municipalities that rely on the State Police entirely should pay more.

Commissioner FISHER welcomed Commissioner DEE to the Board. The candidates that were interviewed were impressive and it was not an easy decision. All of the candidates are well qualified to serve on any Board/Commission and hope to see more people wanting to volunteer their time for the betterment of the community.

Commissioner SLONAKER wanted to make clear that this Board welcomes discussion with parties on the agenda during a Workshop meeting. They are always welcome to speak.

Commissioner MARX also welcomed Commissioner DEE. At this time, Commissioner MARX read a statement from a wise man pertaining to the new Public Safety Bldg. saying that making this hard choice is good for the people of the township, even though it comes at a price. Serve the community well for a very long time, hard to appropriate this kind of money, but it is a necessity.

Commissioner DEE noted this he is grateful to be able to serve the residents of Whitehall. He is looking forward to working with the Board and is very honored to serve with all of them.

President GINDER advised that he was in receipt of an article from Penn Live in which the top 10 malls were listed in the state of Pennsylvania and the Lehigh Valley Mall was #5 on the list. It says a lot about the Mall wanting to be here in Whitehall and working with the Township keeps Whitehall healthy and a great place to live.

Mayor HAKAKAL the Township is about to see a renaissance in the Whitehall Mall property as well. The relationship with the Mall is a good one and working together is making our local economy stronger. Hired an Assistant for the Fire Chief and are moving forward with the Fire Inspector position. The Police Dept. is experiencing retirements and are in the process of hiring additional staff. We are also hiring additional staff to close the gap that we are experiencing now. The Mayor noted that the previous Board was the best he's ever worked with, and with the addition of the 3 new members he is confident that with the transitions we will continue to have a great Board. He also congratulated Commissioner Dee.

Treasurer GOBER reminder Township bills will be mailed by March 1<sup>st</sup>. It is the first time in 8 years having a tax increase, which will help fund the new Public Safety Building.

President GINDER stated that an executive session will be held on legal and personnel matters.

***I. ADJOURNMENT***

***MOTION*** – Commissioner FISHER moved, seconded by Commissioner DEE to adjourn the meeting at 8:45 p.m.