
MINUTES

January 10, 2022 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 10, 2022 held virtually via WEBEX, 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

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, KCE
Lee Rackus, PZ&D
Tina J. Koren, Tax Collector
Larissa Bruder, Executive Secretary

President MARX read the statement on fair housing as required.

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.

APPROVAL OF MINUTES

Commissioner GINDER moved, seconded by Commissioner WARREN to approve the Minutes with corrections noted of the following meeting:

Regular Public Meeting – December 13, 2021

Seven Commissioners were present and six voted “yes” and one abstention (ROMAN). Motion carried.

Commissioner WARREN moved, seconded by Commissioner ROMAN to approve the Minutes with corrections noted of the following meeting:

Reorganization Meeting – January 3, 2022

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

B. COURTESY OF THE FLOOR

At this time President MARX read a prepared statement as follows:

I want to thank the Board of Commissioners and the citizens of Whitehall Township for having the confidence in me to serve as our board President. I pledge to fulfill the duties of my office to the best of my ability. I also promise to conduct township business in a civil and professional manner. I would also like to inform the citizens and employees of Whitehall Township about a series of events that took place early last week when our incoming Treasurer assumed her new office. She immediately called me to inform me that the former treasurer had left the office in disarray. The former treasurer in no way cooperated with a smooth transition, She took away the ability for the incoming treasurer to perform her duties, by not providing any information whatsoever. Examples are - no keys or access for anything, the safe, the office, the outside drop boxes, where our citizens pay their taxes and fees, due to the building being closed for construction and Covid . She also informed her staff weeks before her tenure ended that she would make the transition difficult. Whitehall Township is an incorporated business. The collection of revenue is one of our most important functions, it is how we pay our bills and perform services necessary to serve our citizens. The behavior of our outgoing treasurer was unacceptable. Mrs. Koren, our new treasurer, deserved better and for that I personally apologize. With that being said, we are blessed to have a very competent deputy treasurer and an outstanding staff in the treasurer's office, I am confident with their abilities and the incoming treasures abilities, that all the irregularities that took place in that office will be corrected and moving forward the office will be run in an ethical and professional manner. I want to let the citizens and employees of Whitehall Township know from here on out, that the elected officials of Whitehall Township will be held accountable for their actions and behavior, myself included.

Rob PILIGIAN congratulated President Marx and to Commissioner ROMAN their success in being re-elected and elected and also to Commissioner SLONAKER. Mr. PILIGIAN noted concerns he had with President MARX's statement and questioned the status of the audit that was voted on and approved at the December meeting, particularly the level of audit and did anyone look at if any document shredding occurred. President MARX noted that a reconciliation audit is performed when a treasurer's term has expired and that audit is tentatively set to be performed in April. As far as the yearly audit that was agreed upon last month to be done, he will defer to Attorney GROSS to comment. Attorney GROSS confirmed what President MARX stated and added he is aware the Deputy Mayor MEYERS is in the process of securing a firm to perform the reconciliation audit. He does not have any other information on the yearly audit in question. Mr. MEYERS noted that he has reached out to RKL, which is the firm that performs the Township's yearly audit, and have agreed to do the reconciliation audit in the tax office and is slated to be done in April/May time frame. President MARX added that he was notified last Tuesday by incoming Treasurer KOREN about irregularities that may have happened in the office before her taking over. There was a garbage bag of shredded documents found and the shredder nearly full. After speaking with staff, it was noted that before leaving for the holiday weekend there was no shredded material in the office. Mr. PILIGIAN thanked all who answered his questions and noted that he is appalled at what has transpired in the Township. He also asked if the results of the audit will be made public and if it is found that there has been fiscal impropriety, is there legal means to recoup that money. President MARX noted that when Treasurer KOREN discovered the aforementioned situation, she immediately called the police as well as himself. He in turn contacted Chief MARKS to start an investigation. President MARX, along with Commissioner ROMAN witnessed what was found and advised the Chief that if he felt an outside agency needed to be involved to do so. Commissioner WARREN questioned if staff normally uses the shredder and is it known what was shredded in the prior week. President MARX indicated that yes it is normal for staff to use the shredder and it is not known what was

shredded the past week. Commissioner ROMAN commented that the shredding took place in a room without cameras. Mr. PILIGIAN noted his disgust on the situation. Commissioner WARREN noted that when he requested the yearly audit, his intention was not to have a double audit performed, but to have a yearly audit done in the years between the reconciliation audit. He advised that the Home Rule Charter under Records of Maintenance and Audits Section 1.32 states that the treasurer account shall be maintained as the Township depository as designated by resolution by the Board of Commissioners. Those accounts must be audited at the end of each fiscal year or sooner if warranted. He interprets that as an audit should be done every year. Attorney GROSS confirmed that there is a legal requirement to have an audit performed every time the office transitions and defers to Mr. MEYERS on what is audited on a yearly basis with the Township's audit. Mr. MEYERS stated that the tax office has four distribution accounts which aren't audited since they are under control of the treasurer. Administration only audits the township accounts that we have control over. The distribution accounts for real estate, business privilege, per capita and garbage are tax office accounts so those are not audited every year. President MARX questioned Attorney GROSS if the Charter overrides the First Class Township Code. Attorney GROSS stated that a Home Rule Charter municipality has the right to make changes to the form of government that would be different from the First Class Township Code. If there is an issue that is not addressed in the Charter then the First Class Township Code would be followed. Attorney GROSS noted that he can research further. Commissioner WARREN clarified he was not asking for a double audit this year. Mr. PILIGIAN asked if the Treasurer has access to the offices when the Township Building is locked. President MARX stated that yes, historically the treasurer has after hour access. Mr. PILIGIAN questioned if there are cameras that monitor access to the building, can it be confirmed who accessed the building during that time period. President MARX noted his understanding is that the former Treasurer had access over that time period and he defers to law enforcement as to whether that has been determined as of yet. Chief MARKS could not comment due to the ongoing investigation. Commissioner WARREN indicated that there is a lot of speculation and before making allegations we need to have all the facts presented. Commissioner FISHER asked if there is a timeline on when more information would be released. Chief MARKS noted that he could not comment on that at this time.

Ken SNYDER JR. questioned the Board as when they expect to have their meetings back to being in person. President MARX stated that due to ongoing construction on the last section of the building, which is the Public Meeting room, he has been advised that construction should be completed by March, April at the latest, depending on supply chain issues. He noted that there is also concern with omicron variant ramping up. President MARX also stated that now that the building is 90% completed, a conversation with administration needs to be had as to opening the lobby to our residents. He also noted an issue with the transaction windows that will need to be addressed before opening, which is being discussed with the contractor and construction manager as to determine a way to make them safer and more functional. Jack MEYERS agreed that that is where we stand at this point and added that the building should be fully turned over to us by the end of January, but that the Public Meeting Room will not be fully operational as it will not have all of the audio/visual and IT components installed due to supply chain issues. Mr. SNYDER stated that he feels that the Township needs to find a way to open sooner rather than later. He also added that as far as holding public meetings, he feels there are other spaces in the Township that could accommodate Township meetings and a plan needs to be put into place so we are not months down the road in the same situation we are now. Mr. SNYDER then questioned the intent of the Board regarding the LVHN property across from the Municipal Building, as that property owner has been before the Board seeking to have an overlay district created as noted in the Mayor's Message section of the latest Township newsletter. He is concerned that the Township is sliding backward, as there has not been new construction in the

Township for quite some time. There are numerous parcels in the Township that could support residential development which would add to our tax base. Mayor HAKAL explained that there have been numerous iterations of the plan submitted and that the issue is before the Legal & Legislative Committee to determine whether it will move forward to the Commissioners for approval. It was recommended the Mr. SNYDER attend the next L&L meeting to obtain more information. Mr. SNYDER voiced his concern as to where the Township is headed and the Board needs to be proactive in bringing in more revenue. He would also like to see better use of some of the Township's recreation areas. The Mayor noted that there are numerous ongoing developments as well as discussion of same for vacant parcels. Commissioner WARREN expressed his concern that we don't grow ourselves out of a situation. The Township will be responsible for maintaining the roads after the developer is gone. Consideration also has to be given that if you grow residentially you have to provide recreation services as well. He also added that we have to maintain our main street (MacArthur Road).

Philips ARMSTRONG, Lehigh County Executive congratulated the new Commissioner and Officers and looks forward to working with them for the next four years. Executive ARMSTRONG stated that this is his annual visit and wanted to share the news of obtaining grant funds to extend the Rails to Trails from Allentown into Whitehall which will open up the riverfront for recreation. This 3 ½ mile section will connect an 83 mile trail from the coal region to Philadelphia. He also noted that with the new infrastructure bill there is a commitment to replace the 5th Street bridge. He is very proud of the relationship Whitehall has with Lehigh County and it has been a collaborative effort to see these items come to fruition. Commissioner WARREN asked Executive ARMSTRONG about the emergency services radios that are currently analog, if there was a time frame that the county would be switching to digital and will there be something in place to help the municipalities that will have to buy new radios as that will be costly. Executive ARMSTRONG advised that its more than just buying radios, it involves land acquisitions and when everything is factored in, it amounts to approximately \$25 million and the County is in the process of assessing it now. They are trying to include it in a five year plan. A group rate is being looked at so that it can be divided up between municipalities. Commissioner FISHER noted that a year ago Lanta presented an idea for an express bus route between Lehigh and Northampton Counties and asked if Executive ARMSTRONG could offer any update. He noted that Lanta is investigating where stations would be placed. Commissioner FISHER thanked Executive ARMSTRONG and the Mayor for what they have done in improving the Rail Trail system.

Paul GEISSINGER offered congratulations to the new and re-elected commissioners and officers of the Board. He stated his concern with a memo that came out recently about recreation fees and that money would be taken in lieu of land. He believes that is short sighted and when reviewing a new development it should be considered how that would impact recreation and the future of the Township. Commissioner WARREN noted that it has been some time that land was offered when a new development was proposed and agrees that each development be looked at separately. Secondly, a discussion was had about looking at the Open Space and Recreation Plan and possibly handing it over to the Lehigh Valley Planning Commission and Mr. GEISSINGER disagrees with this as well. He asks that an adhoc committee be appointed to do so. The Mayor indicated the LVPC was contacted for some assistance, but it will primarily fall to an adhoc committee. A community building was noted to be considered and that will be looked at as well. Commissioner WARREN added that land the Township owns at the corner of Columbia and MacArthur Road was once open space, but with development around it the Board chose to rezone that land for a possible avenue to sell since it appeared it was no longer a viable for option. Mr. GEISSINGER also noted land off of S. Church

Street that was targeted for a recreation area. The Mayor agreed and that at some point in the future the adjacent 150 acres to that land will be developed and that parcel may finally be utilized. Commissioner WARREN also noted that another option could be public improvements offered in lieu of fees or land.

Mick DEE congratulated Commissioner ROMAN on his newly elected position, President Marx on being named President and to Treasurer Tina KOREN on her newly elected position and wished them all best of luck.

C. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3185

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND WHITEHALL TOWNSHIP TO AMEND THE CHAPTER A29-1 FEE SCHEDULE

President GINDER read Resolution No. 3185 to the Board.

Commissioner ROMAN moved to approve, seconded by Commissioner GINDER. Commissioner ROMAN questioned how often are these fees reviewed? President MARX didn't believe there was a rule in place and deferred to Administration. Lee RACKUS stated that this particular Resolution was in part brought forward due to the change in the law for small cell antennae for the Township to set fees for those installations. She also stated that each year each department head should be reviewing the fees and evaluate if changes are necessary. Permit fees are usually evaluated every 3 years since that is when the Inspection Agency contract renews. Other updates in her department can result in changes in certain fees ie. co inspections. Commissioner ROMAN noted that a yearly review of the entire fee schedule would be prudent as it may even illuminate unnecessary fees.

Seven Commissioners were present and voting "yes". Resolution No. 3185 was approved.

D. OTHER

1. MOTION - to approve the re-appointment of Rich BENTZ to serve on the Whitehall Township Civil Service Commission, term expiring December 31, 2027.

Seven Commissioners were present and voting "yes". Motion carried.

2. MOTION – to approve the re-appointment of Vito GALLO to serve on the Whitehall Township Industrial Commercial Development Authority, term expiring December 31, 2026.

Seven Commissioners were present and voting "yes". Motion carried.

3. MOTION – to approve the re-appointment of Jonathan BOLTON to serve on the Whitehall Township Planning Commission, term expiring December 31, 2025.

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

4. MOTION – to approve the re-appointment of Bruce MILLER to serve on the Whitehall Township Civil Service Commission, term expiring December 31, 2027.

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

5. MOTION – to approve the re-appointment of James ROTH to serve on the Coplay Whitehall Sewer Authority, term expiring December 31, 2026.

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

6. MOTION – to approve the re-appointment of Dean WOTRING to serve on the Whitehall Township Zoning Hearing Board, term expiring December 31, 2026.

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

7. MOTION – to approve the re-appointment of Joseph WILFINGER to serve on the Whitehall Township Environmental Advisory Council/Shade Tree Commission, term expiring December 31, 2024.

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

8. MOTION – to approve the re-appointment of Jeff MACKIEWICZ to serve on the Whitehall Township Tax Appeals Board, term expiring December 31, 2024.

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

9. MOTION – to approve the re-appointment of Henry WEBER to serve on the Whitehall Whitehall Township Authority, term expiring December 31, 2026.

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

10. MOTION - to approve the Laurel Fire Company No. 1 Lease Agreement

Commissioner GINDER questioned the reason as to redoing this agreement. The Mayor stated that there were a few changes necessary (pay for oil for the township’s part of the building, clearing snow away from front of building as well as parking area of the social hall and a key provided) since we are using it for storage for the fire department.

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

E. REPORTS OF PUBLIC OFFICIALS

Commissioner FISHER questioned Deputy Mayor MEYERS about the Commissioners Receiving Township email addresses. Mr. MEYERS indicated its still a work in progress. They should be received before we are back to having in-person meetings. Commissioner FISHER thank the EAC and Mayor for all the work they are doing in coming up with eagle scout projects which two scouts have stepped forward to do.

Commissioner ATIYEH congratulated Commissioner ROMAN on his election and Commissioners MARX and SLONAKER on re-election and also newly elected Treasurer KOREN. He also thanked Public Works for their hard work during the recent snow event.

Commissioner GINDER thanked whoever was responsible for the Grant Activity Report that was provided to the Board.

Commissioner SLONAKER no comments.

Commissioner ROMAN stated he agrees with Mr. SNYDER that the Township needs to set a date and come up with a plan in regards to holding in-person meetings and get that information out to the public. He indicated he sees the Township’s tax base shrinking and feels it needs to be rebuilt and would like to be part of committee that would be overseeing that.

Commissioner WARREN also congratulated Commissioner ROMAN on his election and Commissioners MARX and SLONAKER on re-election and also newly elected Treasurer KOREN and the appointments to the Board. He also commented on the Grant Activity Report being updated and concise. He advised that the Township has received four grants with a total of \$306,329 for the Parkway Pavilion and would hope to see construction by spring.

President MARX noted that the due to the reorganization of the Board, new Liaison appointments were assigned. Those were provided to Executive Secretary BRUDER and she will be updating and sending out the list. He welcomed Commissioner ROMAN Treasurer KOREN and Commissioner SLONAKER on his re-election as well. President MARX advised that he spoke with Attorney FOGERTY today and all signatures that were needed for the Dinbokowitz Deed have been obtained and as of noon it should have been recorded at the Recorder of Deeds office.

Mayor HAKAKAL stated he has met with Lehigh Valley Elite Network regarding regional matters. The first delivery has been made of the materials for the Parkway Pavilion, as well as receiving the second shipment just today. CWSA and NBMA are willing to help the Township out with this project. House decorating contest was a

success with a \$500 donation to the winners in Fullerton – Jim & Kathy HEIN. The Route 329 Bridge Project is ramping up and hopefully a transition to the new bridge will be seen in two years. The Township will be splitting costs to move street lighting with Northampton Borough, Lehigh County and possibly Northampton County.

Treasurer KOREN thanked the Commissioners for their support in the start of her new position. She has found already that she has an excellent staff and have been teaching her a lot. She notes that reports will be supplied to the Board in a timely fashion and she welcomes any of the Commissioners to come in to visit and she is here to help the taxpayers of the Township.

At this time Commissioner WARREN asked what constitutes a complete treasurer's report? President MARX noted his understanding was it was all accounts as suggested by Buckno Lisicky as the past Treasurer was doing. Attorney GROSS stated that he will need to confer with Deputy Mayor MEYERS and he will get back to them.

F. ADJOURNMENT

MOTION – Commissioner WARREN moved, seconded by Commissioner FISHER to adjourn the meeting at 9:29 p.m.