
MINUTES

JULY 10, 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, July 10, 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, Esq., Township Solicitor
David Nelson, Fire Chief
Mark Mazzitelli, Deputy 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, our first responders and the people of Ukraine and the tragic passing of a Township Public Works Employee -Travis LeVan

President MARX read the statement on fair housing as required.

Commissioner GINDER stated that Commissioner ROMAN is absent and absence is not excused.

President MARX announced that there was a special meeting held on June 19, 2023 and those Minutes will be provided for next month's meeting.

APPROVAL OF MINUTES

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

Regular Public Meeting – June 12, 2023

SIX Commissioners were present and five voted “yes” with one abstention (FISHER). Motion carried.

B. PRESENTATION - Bird Town Signs & Certificate

Heidi Scheiber President of Bird Town Pennsylvania congratulated the Township on becoming the 39th bird town and thanked the Bird Town Committee for the efforts in getting this presented and passed by the board.

C. COURTESY OF THE FLOOR

President Marx announced that there is a 3 minute time limit for comments and it will be strictly adhered to.

Craig Snyder of 2629 Augusta Drive noted that he was present at last month's meeting and wanted to thank the Commissioners who voted "no" to protect the overall good of the Township. He is all for preservation but finds it unacceptable to not have a plan on how to repay this money if it is so decided to approve the \$375,000 payment. If there is \$375,000 available in the budget, then that money should be utilized in a way that will benefit all of the residents of the Township.

Dan Dougherty of 881 3rd Street stated that he wanted to discuss Section 27-102 Zoning Ordinance – Home Occupation. There is an issue with the interpretation of what a home occupation is vs. a no impact home base business (adopted in 2005) and asked that the Legal & Legislative Committee review the language and interpretation of the language. It was the consensus of the Board to place it L&L Committee's August Agenda.

David Rivera of 4230 Belmont Circle commented that he has concerns with the Zoning Officer in relation to a two foot wall that was being built for the Belmont Glen community, in turn costing them over \$950.

Ken Snyder of 4272 Abigail Lane noted that at the June 19th meeting, Lehigh County stated that they were going to donate over \$900,000 regardless of the Township's capability to do so. It is his understanding that it may have changed. He also stated that monies cannot be borrowed from the Lafarge Fund unless there is a planned method of repayment.

Donna Wright of Lehigh County Farmland Preservation Society clarified a few items:

- Joining the Ag Security Area, which was voted on and approved by the Board to join with North Whitehall, does not cost an applicant anything. In order to be preserved, must be in an Ag Security Area first
- Even though the County has offered \$930,000, it may not be enough for the Weinhofer's to make the mortgage payment. If they do not received the \$375,000 the preservation will not go through and if this does not, more than likely the property will be put on the market by December
- August is the deadline to know if the funding will be approved. President MARX questioned an email received from Rick Molchany, Lehigh County Director of General Services, stating that if the Township does not approve the \$375,000, the County will be pulling their offer. As he is Ms. Wright's supervisor, he holds the purse strings.

Mayor Harakal stated that he believes the loan from the Lafarge Fund can be made with the understanding of its repayment by some means.

Commissioner WARREN commented that last year ended with additional funds and better than anticipated and this year 2nd quarter financials show that we are on target

Chris Kocher of 4804 Beech Drive has worked with the Township on numerous projects with working for the Wildlands Conservancy. He stated that he fully supports the Township financially

supporting the preservation of the Weinhofer Farm as it is consistent with the Norther Tier Study Park & Rec Open Space Plan and the Township's Comprehensive Plan. Protection of open space has environmental, social and economic benefits and are important to community character and quality of life.

Rob Piligian of 415 Oakwood Drive asked what the status of the former police station sale. Deputy Mayor MEYERS advised that the deed description has been received and a decision has to be made on how to market the property. Mr. Piligian then commented that if Resolution #3270 (secure grant for blight remediation) is passed it defies logic that we would spend \$375,000 to preserve land when we have blight in the Township. He noted that the biggest question that still needs to be answered is if the Lafarge Fund is utilized, how will it be paid back.

Commissioner WARREN suggested that when the sale of the former police station is completed, that those funds be utilized to repay the Lafarge Fund.

Anthony Kopeck of 3763 Dogwood Drive questioned the special meetings vote where it was a 3-3 tie, that there should be a mechanism to break that tie. It was explained that following Robert's Rules a tie vote results in a denial.

Jack & Lisa Weinhofer of 4547 Spruce Street noted that the County put the numbers together, they did not ask for the \$375,000 and advised that if they don't receive the funds they will not be able to proceed with settlement of the land. They are not doing it to make money, they want to farm the land and keep it preserved for the betterment of the community.

Karen Poshefko of 3303 Musselman Court read a statement from the PA Dept of Agriculture – prime soil and clean water are critical resources for feeding a growing population. Families who preserve their farms are in partnership with government and are investing in the people to have green spaces and resources to provide food, income and jobs. Pennsylvania leads the nation in preserving farmland. Land preservation benefits everyone, ie. food security, clean water, stormwater control, clean air, wildlife preservation and climate change.

Brad Stanko of 4590 Spring Street property abuts the Weinhofer's property. He stated that he would rather the land be preserved instead of it being developed.

Dana Bortz of 4250 Roosevelt Street expressed that she is in favor of preserving the farmland, as there is no other farm preserved in Whitehall.

Debi Bowman of 3906 Old Country Road advised of the fiscal responsibility the Township has for all the residents, as there are two pools that have been shut down and issues with volunteerism for the fire department that will need to be addressed.

George McCool of 4314 Abigail Lane stated that he believes most everyone is for preserving the land but the Township shouldn't help fund a business decision that was made. He feels there are many other issues that the Township is facing that this money could be utilized for.

Deb Rosene of 4408 N. Church Street noted that the taxpayers of the Township have been paying into the county for a long time and have yet to utilize those funds and now we have that opportunity. Everyone can enjoy this land, not just the people who live in Egypt.

Commissioner WARREN commented that he would like to see this on the August agenda.

President MARX advised that he spoke with Attorney Gross regarding the possibility of putting this issue along with other preservable land in the Township on the November ballot, so that the voters of Whitehall Township can decide this matter, along with an apparatus to fund it.

Commissioner WARREN expressed that he wants to see this on the August agenda. The Township doesn't end a year with zero dollars in the bank. He believes the voters spoke when the Green Future Fund was passed.

Commissioner FISHER questioned the timeline for a referendum. Attorney Oldaker advised that an Ordinance would have to be passed by August 7th in order to make the deadline.

Commissioner GINDER stated that even if a referendum was passed, funding wouldn't be available till next year and also noted that the Lafarge fund was created to purchase equipment that the Township was behind in obtaining and only the interest off the million dollars was to be utilized. He indicated that over the years the Lafarge Fund was also intended to be used for emergencies and cautions to start using this fund without a plan of returning the money in a timely manner. He fears this fund will be drained, once you do for one soon there will be others that follow.

Commissioner WARREN noted that he feels the Township can utilize funds obtained from the sale of land at Columbia and MacArthur Roads. Commissioner GINDER advised that it's not fiscally responsible to take funds from a capital asset and not put it into another capital asset of equal or greater value.

Commissioner FISHER agreed with the idea of a referendum and in the meantime keep dialogue going on this specific matter. Commissioner WARREN added he would like to see a referendum put together as a green future funds for not only farmland, but open space or infrastructure.

Deputy Mayor MEYERS advised that if it's the Board's wishes to move forward with approving the funding, utilizing the Lafarge Fund is the best source with setting up a repayment plan over the next 5 to 10 years.

Phyllis WARD of 4613 Main Street noted if this land is developed with housing, more money will be needed for schools, pools that don't generate money, and additional traffic issues.

President MARX asked Lee RACKUS to give some background on the land. Ms. Rackus advised that the land is zoned R-1 single family, low density with 1 acre minimum, with each lot having 120 ft frontage on a public street and accessibility to public water and sewer, which will be an issue for this tract. This tract has been submitted to be developed at least 6 times previously, with no success. It's a challenging parcel to try to develop. Frank Clark advised that doing some general calculations, approximately 30 to 35 homes could realistically go there.

Monica FABIAN of 4137 Wilson Street asked if this will be heard in August as previously proposed by Commissioner WARREN. It was seconded by Commissioner SLONAKER. Commissioner WARREN stated they are voting on funding \$375,000 to preserve 155 Acre Weinhofer Farm to meet the County timeline and utilizing the Lafarge Fund and to commit to a repayment plan.

President MARX questioned why the timeline changed, as at July's meeting he understood that the Township had into next year to come up with funds. Donna Wright explained that the Weinhofer's need a commitment to know what direction they need to go and as well, the County has

many procedures that need to take place before the December settlement.
SIX Commissioners were present four voting “yes” and 2 voting “no” (GINDER & MARX)
Motion approved to place on the August agenda.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 19-2023

TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF CURBING AND SIDEWALKS FOR 975 FEET ALONG THE CATASAUQUA AVENUE FRONTAGE OF 471 CATASAUQUA AVENUE AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President MARX read Bill No. 19-2023 to the Board

Commissioner WARREN moved to approve, seconded by Commissioner FISHER

Commissioner WARREN verified this is a temporary deferral.

SIX Commissioners were present voting “yes”. Bill No. 19-2023 was approved.

2. BILL NO. 24-2023

TITLE: AN ORDINANCE AMENDING CHAPTER 15, SECTION 17 OF THE CODIFIED ORDINANCE OF WHITEHALL TOWNSHIP, ESTABLISHING CENTER ALLEY AS “ONE WAY ONLY NORTHBOUND” FROM HILLCREST LANE TO MAIN ST/SR 329 IN THE EGYPT AREA OF WHITEHALL TOWNSHIP. (DEVELOP)

President MARX read Bill No. 24-2023 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner MARX

Earl Kreglow of 4509 Main Street advised he is fine with this Ordinance as it stands now.

SIX Commissioners were present voting “yes”. Bill No. 24-2023 was approved.

3. BILL NO.26-2023

TITLE: AN ORDINANCE AMENDING CHAPTER 15, SECTION 40 OF THE 2006 CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP, ESTABLISHING A 100 FT LGTH M-F 7AM-5PM 15 MINUTES MAX PARKING TIME ZONE ALONG THE WEST SIDE OF FRONT STREET (FROM CHESTNUT ST SOUTH 100 FT) IN THE FULLERTON AREA OF THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA. (DEVELOP)

President MARX read Bill No. 26-2023 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER

SIX Commissioners were present voting “yes”. Bill No. 26-2023 was approved.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 3257

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MINOR SUBDIVISION/LOT LINE ADJUSTMENT PLAN OF CHARBEL A. ELIAS, LOCATED AT 471 CATASAUQUA AVENUE, INDEX NO. 2020-23A

President MARX read Resolution No. 3257 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner FISHER.

SIX Commissioners were present and voting “yes”. Resolution No. 3257 was approved.

2. RESOLUTION NO. 3269

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT 135 CREST DRIVE, WHITEHALL PA. (DEVELOP)

President MARX read Resolution No. 3257 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner ATIYEH.

Frank Clark explained that the Township has taken over the completion of the Jordan Gates project. Crest Drive subdivision was approved based on having frontage on a public street which would happen at the completion of the Jordan Gates project. The sewage facilities plan could not be done on Crest Drive until it became a public street.

SIX Commissioners were present and voting “yes”. Resolution No. 3257 was approved.

3. RESOLUTION NO. 3270

TITLE: A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A LETTER OF COMMITMENT TO THE LEHIGH COUNTY REDEVELOPMENT AUTHORITY FOR THE PURPOSES OF SECURING A KEYSTONE COMMUNITIES GRANT FROM THE STATE OF PENNSYLVANIA FOR BLIGHT REMEDIATION PURPOSES. (Develop)

President MARX read Resolution No. 3270 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

Lee RACKUS explained that the County has reactivated their Redevelopment Authority and are hoping to work cooperatively with Whitehall, North Whitehall and Catasauqua to remediate and repurpose blighted properties. Catasauqua will not be participating due to money constraints. The grant source requires a 1:1 match. These matching funds would come from the municipalities and each municipality would be guaranteed state grant funds in an amount equal to

the match committed up to \$150,000. Redevelopment Authority would receive an administrative fee of 10% of the grant or \$50,000. This amount would be paid from the state grant. Questions that arose and will be addressed are:

- will there be restrictions on the properties if we are permitted to use the funds for rehabbing an existing home for someone
- will there be restrictions on the 'new' home if that is what happens (demolish, rebuild)

SIX Commissioners were present and voting "yes". Resolution No. 3270 was approved.

E. OTHER

1. MOTION - Request for Special Permit – Chuck E. Cheese, 1000 Lehigh Valley Mall”
No representatives were present to answer questions.

Commissioner SLONAKER moved to approve, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting "no". Request was denied.

F. REPORTS OF PUBLIC OFFICIALS

Commissioner WARREN addressed the following:

- questioned the status of Mechanicsville Road project. Frank Clark advised that he is working on the newest requirements from PennDOT – Central Office and hopefully are making headway to get this wrapped up.
- asked if there has been feedback from PennDOT on the lack of curb reveal at Whitehall Plaza. Frank Clark noted that Whitehall Plaza does not have an HOP as it predated that requirement. He spoke with the superintendent and they could face form the curb. The Commissioners can order it to be done or he offered to reach out to the property owner to try to start the process.

Commissioner SLONAKER address the following:

- on the WAWA turning lane, after repaving they did not extend the painted line. Frank Clark to address with PennDOT.
- concerned with the large tree at the Mechanicsville Road entrance/exit of MacDonalds that still remains. Frank Clark advised that will be taken down with the widening project.
- asked how far south the repaving of MacArthur Road is going. Frank Clark noted the original plan only went to Grape Street, so with milling being done farther south, that obviously was changed for the better.

Commissioner GINDER addressed the following:

- Painting Chestnut Street Barn – Mayor noted that Rec Director is working on getting that taken care of and roof will be looked into also.
- Any updates on Riverside Drive – it was noted that there will be a presentation made to the Board in August. Commissioner WARREN questioned the status of getting 3rd & Grape on the TIP. Lee RACKUS advised that it was asked that the Fullerton Avenue expansion project include 3rd & Grape

Sts. Rob Piligian added that traffic concerns at Kimmett and Fullerton are to be discussed at the August presentation.

- Status of the old Police Building on Lehigh Street – Deputy Mayor Meyers noted that the Township is in the process of obtaining a deed description as well as putting a bid packet together which should be completed late July or August.
- Senior Center parking is almost maxed, is there a plan for expansion or moving the center to a new location. Mayor noted that there has been discussion and different options need to be considered. Ken Snyder added that once the Comprehensive Rec Plan is completed, it will give the Township a guide as to what the Township needs are.

Commissioner FISHER address the following:

- thanked Public Works for getting the barriers out for yesterday's flooding.
- verified that the fallen IRT sign has been taken care of.
- thanked EAC for getting milkweed planted and the Bird Town team.
- asked the status of the time capsule. Mayor noted that it was installed and can be removed to add items.

President MARX addressed the following:

- Asked Frank Clark the status of the installation of the Taylor Villas fence along the pond. Mr. Clark advised fence has been ordered and install should be in August.
- Asked if property owner has been notified of high grass issue on S. Church Street at Chestnut. Mayor indicated that it's been pushed back but more needs to be done.
- Has concerns with the large mountain that is ever growing in the quarry and with the weekend rain had large mud slides onto Chestnut Street and MacArthur Road – DEP needs to address
- He thanked Jack Meyers for the cabinets in the rear of the public meeting room and the new street lights installed in the front of the Township building.

Mayor HAKAKAL will be forwarding his report via email to the Board.

Treasurer KOREN stated that she has provided her monthly report to the Board.

G. ADJOURNMENT

MOTION – Commissioner FISHER moved, seconded by Commissioner ATIYEH to adjourn the meeting at 10:17 p.m.