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# **MINUTES**

**JANUARY 11, 2021**

**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, January 11, 2021 held virtually via WEBEX, 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  
Michael D. Dee

**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 note of thanks given to all serving in the Armed Forces, First Responders, Healthcare Workers, Grocery Store Workers, and Municipal Staff who are all seeing the community through this hard time.

President GINDER read the statement on fair housing as required.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – December 14, 2020

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

**B. COURTESY OF THE FLOOR**

Lori Ann Fehnel of 3107 N. 3<sup>rd</sup> Street stated her concerns of the closing of Fire Station #40.

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

1. RESOLUTION NO. 3143

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

President GINDER read Resolution No. 3143 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner MARX.

Seven Commissioners were present and voting “yes”. Resolution No. 3143 was approved.

2. RESOLUTION NO. 3144

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

President GINDER read Resolution No. 3144 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner DEE.

Seven Commissioners were present and voting “yes”. Resolution No. 3144 was approved.

3. RESOLUTION NO. 3145

TITLE: RESOLUTION REAPPOINTING ALAN SANDT JR. TO SERVE ON THE WHITEHALL TOWNSHIP BUILDING CODE BOARD OF APPEALS. (BOC)

President GINDER read Resolution No. 3145 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner ATIYEH.

Seven Commissioners were present and voting “yes”. Resolution No. 3150 was approved.

***D. OTHER***

1. MOTION - to approve the re-appointment of Jeffrey WARREN to serve on the Whitehall Township Industrial Commercial Development Authority, term expiring December 31, 2025.

Commissioner WARREN recused himself from voting.  
Six Commissioners were present and voted “yes”. Motion carried.

2. MOTION – to approve the re-appointment of Ben SMITH to serve on the Whitehall Township Industrial Commercial Development Authority, term expiring December 31, 2025.

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

3. MOTION – to approve the re-appointment of Joseph BONSHAK to serve on the Coplay Whitehall Sewer Authority, term expiring December 31, 2025.

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

4. MOTION – to approve the re-appointment of Barry KECK to serve on the Whitehall Township Police Pension Board, term expiring December 31, 2024.

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

5. MOTION – to approve the re-appointment of Antonio PINEDA to serve on the Whitehall Township Environmental Advisory Council, term expiring December 31, 2023.

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

6. MOTION - to approve the re-appointment of Kevin SERENSITS to serve as an alternate on the Whitehall Township Tax Appeals Board, term expiring December 31, 2023.

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

Commissioner DEE stated his thanks to the appointees for volunteering of their time.

\*\*\*At this time President GINDER read the following statement:

**STATEMENT OF BOARD OF COMMISSIONERS OF WHITEHALL TOWNSHIP  
REGARDING FUNDS MISSING FROM WHITEHALL TOWNSHIP  
TREASURER’S OFFICE  
JANUARY 11, 2021**

In late June 2019, Whitehall Township (the “Township”) discovered irregularities in the Township Treasurer’s Office. Records were discovered that indicated certain real estate tax, per capita tax and garbage fees were received but not immediately deposited as required by the Township Charter. An initial investigation was conducted by the Township Treasurer. That investigation led the Treasurer and Township to conclude that a Township employee under the Treasurer’s supervision might have committed fraud. The Whitehall Township police were notified and they commenced an investigation. The Township immediately placed a Township employee in the Tax Office on administrative leave and shortly thereafter the Board of Commissioners (the “Board”) was notified of the incident. The Board, Township and Treasurer agreed that in addition to a police investigation, an outside, independent fraud examination should be conducted. Therefore, in August 2019, the Township retained Buckno Lisicky & Company (“BL&C) to perform a comprehensive examination. BL&C conducted a detailed investigation in coordination with the Whitehall Township Police and Lehigh County District Attorney’s office. In December 2020, BL&C completed its work and provided the Board with its findings and recommendations. We believe it is imperative that the

citizens of Whitehall Township are aware of what happened in the Treasurer's Office and what has happened since this incident was discovered. Therefore, we report the following regarding this incident, the subsequent investigation and our actions:

- 1) The BL&C investigation conclusively determined that a total of \$77,992.00 in Township and School District taxes and garbage fees paid to the Treasurer in 2018 and 2019 cannot be accounted for;
- 2) The Township will be making a claim to attempt to recover its portion of the missing taxes and fees;
- 3) All current Township employees who work or who have worked in the Treasurer's Office since the irregularities were discovered have been fully vetted by the Township;
- 4) One Township employee who worked in the Treasurer's Office and was placed on administrative leave in June 2019 is no longer working for Whitehall Township;
- 5) The Whitehall Township Police conducted a comprehensive investigation and, in coordination with the Lehigh County District Attorney, determined that they would not be filing charges against anyone at this time;
- 6) BL&C made a series of recommendations to the Treasurer for internal controls to be implemented in the Treasurer's Office to prevent further similar incidents;
- 7) The Township has and will take steps in its power to ensure that its employees comply with the recommended internal controls; and
- 8) The Board has demanded that the Treasurer comply with her obligations under the Township Charter and insists that she follow the recommendations made by BL&C. Based on the Treasurer's actions since the discovery of the missing funds and her refusal to implement all internal controls recommended by BL&C, the Board intends to take the following steps:
  - 1) Beginning in January 2021, study potential changes to the Township Charter to change the duties, responsibilities and procedures of the office of Township Treasurer;
  - 2) Consider additional periodic audits or outside financial reviews of the Treasurer's Office;
  - 3) If determined necessary, the Board will take a vote of no confidence at a public meeting and ask the current Treasurer to resign her position immediately;
  - 4) If determined necessary, this Board will petition the Governor of the Commonwealth of Pennsylvania to remove the current Treasurer from her office for dereliction of her duties and responsibilities as Treasurer; and
  - 5) Direct the Township Administration to take steps to recover all costs of the investigation regarding this matter, including forensic accounting costs, legal fees, postage, Portnoff and collection costs and other costs and expenses identified as related to this matter.

The Board notes that the preceding Statement relates to this investigation only and does not list all of the other problems and concerns with the Treasurer that have been brought to the attention of members of the Board, including her cursing, yelling and screaming at Township Employees, failing to provide required reports in a timely manner and continually failing to make deposits as required by the Township Charter.

Commissioner MARX motioned for a vote of no confidence of the Treasurer, Colleen Gober, seconded by President GINDER.

Seven Commissioners were present and 4 voting “yes” and 3 voting “no”.  
(Slonaker, Warren and Dee)

Commissioner MARX motioned for the resignation of Treasurer, Colleen Gober.

Voting of the motion was halted, to allow Treasurer GOBER to comment. She stated that the sharing of the computer and passwords stopped, security cameras were installed, as well as locks on drawers and a system was placed requiring 2 people to sign off deposits. She did the job of four people during the first 3 months of COVID, in turn deposits were not made on a daily basis. Commissioner Slonaker stated that the Board does not have the power to remove an elected official since there has been no proof of unlawful conduct. Commissioners FISHER, ATIYEH, DEE and WARREN all agreed with President GINDER that the matter be further discussed in an Executive Session.

Commissioner MARX rescinded his motion to allow an executive session to be held so that further discussion can be provided by the Treasurer.

A resident wished to address the Board. Nancy GENOVESE questioned now that Station #40 has been closed, what happens to funds that are remaining. Attorney GROSS indicated that the Station is a separate entity from the Township. The MAYOR suggested that a meeting take place with all parties on how to move forward.

***E. REPORTS OF PUBLIC OFFICIALS***

Commissioner DEE stated that this Thursday, January 14<sup>th</sup>, the Whitehall Hunger Initiative’s Food Pantry at St. John the Baptist will be opening up. Pick-ups will be held every 2<sup>nd</sup> Thursday of the month from 11:00am to 1:00pm and 5:30pm – 7:00pm. There will be a ribbon cutting at 10:45 am and the volunteers will be starting to hand out food immediately after. Shari Noctor should be commended for all her hard work in getting this up and running, as well as many other volunteers. Any one eligible can call 610-730-8067 to get on the list.

Commissioner FISHER noted that there is a good chance that COVID numbers will probably spike due to holiday gatherings. Please follow all the guidelines and strongly encourages getting the vaccine when it is available to you. Stay safe.

Commissioner ATIYEH wanted to recognize National Law Enforcement Appreciation Day which was January 9th and gives his appreciation to Chief MARKS and his department.

Commissioner WARREN thanked all the members who are willing to serve on the Boards/Commissions and also gave kudos to the Hunger Initiative Program.. He also advised that the fence is installed at the Prydun Farm for the garden area. Shed placement is next.

Commissioner SLONAKER questioned Frank CLARK on the status of the island in front of WAWA. Mr. CLARK advised that he will check with PennDOT as to where it stands in scheduling.

Commissioner MARX noted that he spoke w/Bernie Madea regarding a situation on S. Church St and Chestnut St northbound site distance trying to pull out at that intersection. Commission WARREN stated that PennDOT has been put out a request of problem intersections, this should be added to the list.

President GINDER also questioned Frank CLARK the status of the stormwater pipe issue with CWSA. Mr. CLARK indicated he spoke with Dave SCHEUERMANN and will need to schedule a meeting with all parties. He also questioned the status of Lehigh Avenue. Mr. CLARK noted that design is finished for the beam and getting prices. Once all info is received a plan will be put into place on scheduling and detour route. President GINDER also asked Mr. CLARK to check with PennDOT on the Bridge Street repair to make sure it wasn't forgotten about.

Mayor HAKAKAL noted that our newest Police Officer Shawn MONAGHAN was sworn in today. Update on the following projects: Riverside Drive which has been discussed for 3 years, along Lehigh River in Allentown, intent is to bring road along river up to Race Street and since a building grant was not obtained it currently leaves the road stopping around American Parkway. Meeting will be held on how to move forward. Route 22 project that's on 5 yr. TIP plan, lost money from state and is now pushed back a few years. Noise buffering still to be installed. 5<sup>th</sup> St bridge moving forward as a stand-alone project. When Rt 22 does move forward, Wood St. will be closed and it will bend at 2<sup>nd</sup> Street go along north of American Legion and road to face Park Street at signaled intersection. Moving forward with new Route 329 - Cementon Bridge bid to be let April 2022 w/construction 2023 with an enlarged parking lot being added on north side.

Treasurer GOBER noted that by January 23rd she will be closing out 2020. All reports will be ready by next Board meeting.

**F. ADJOURNMENT**

MOTION – Commissioner FISHER moved, seconded by Commissioner DEE to adjourn the meeting at 8:13 p.m.