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# **MINUTES**

**JUNE 12, 2023**  
**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, June 12, 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 (Absent)  
Randy Atiyeh  
Andy Roman (Absent)

**TOWNSHIP PERSONNEL**

Michael P. Harakal, Jr., Mayor  
John D. Meyers, Deputy Mayor  
Jack Gross, 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.

President MARX read the statement on fair housing as required.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – May 8, 2023

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

**B. COURTESY OF THE FLOOR**

LoriAnn FEHNEL of 3107 N. 3<sup>rd</sup> Street asked that the Board address the issue of the public meeting room doors not being handicap accessible; for a public official to stand in at an event when the Mayor cannot attend and lastly noted concern on allowing individuals with medical issues to be allowed to bring a small cooler type bag into the pool, which per President MARX advised will be addressed on a case by case basis.

Ken SNYDER of 4272 Abigail Lane requested to review the following documentation prior to the June 19, 2023 Special Meeting:

- 1) Ordinance creating the Lafarge Fund
- 2) Appraisal of farmland
- 3) Agreement of Sale
- 4) Contract with County Preservation Society
- 5) Agreement of “loan” terms – it was clarified that the money is not a loan but a contribution to the Preservation Society

Mr. Snyder also questioned the process of this situation as other municipalities use referendums on these types of matters. Attorney Gross advised that what documentation the Township has will be provided and other questions will be addressed at the June 19<sup>th</sup> meeting.

Karen Poshefko of 3303 Musselman Court discussed information on the Local Climate Action Program (LCAP) which was provided to the Board earlier. She asked that the Board consider participating in this program in the following year.

Andrea HOAGLAND of 51 Kimmett Avenue questioned the process on numerous situations that have occurred in the Township and asked if these are written anywhere or could be posted on the website. She has concerns with transparency and the Township informing the public when internal situations occur ie. missing funds and harassment. Ms. HOAGLAND also was concerned about recreation equipment being removed from Wood Street. It was explained that it was originally removed when the subcontractor located there for the Route 22 widening and was not going to be restored due to the impending Riverside Project. After realizing there was going to be a considerable time frame until Riverside Drive would be brought through to that area, and a grant obtained for new backboards, it has been decided to restore the park for utilization by area residents.

Tina KOREN of 3316 S. Ruch Street read the following statement:

To Mr. Ginder & Mr. Marx:

At the May 8, 2023 public board meeting you point blank asked me if I taped the public workshop Meeting and then played it in the tax office. I emphatically denied that false allegation. Mr. Ginder you then said “ok that settles that question”.

I then saw a tax clerk turn and look at Chief Marks and she left the building. Within a few seconds Mr. Marx also left the meeting as the meeting was going on. Both of you then returned.

Mr. Ginder and Mr. Marx. You both had the opportunity to phone me, or email me about this vicious rumor but you choose to blind side me at a public meeting.

With that said I guess “that settles that question” does not mean that. I then was visited by two (2) Lehigh County Detectives at the tax office. They expressed to me that someone went to Chief Marks to file a complaint against me for taping a public meeting. Chief Marks referred this to the Lehigh County district attorney’s office.

The detectives asked me what happened when I was questioned by a commissioner at a public meeting. I explained to them the above. Once again, I related, I did not record a public meeting and they explained they will have to take this false report to the DA however; it was a public meeting and they saw nothing wrong except it was politically motivated. In fact, I related there are signs posted on both entrances to the board room that state “warning video and audio surveillance in use”.

I contacted the Chief Detective a few days later and he said I have nothing to worry about but they had to schedule an appoint with the District Attorney to review.

Now I would like to ask a question – Mr. Marx – did you conspire with the tax clerk, an employee of mine in the tax office, to get me arrested?

Mr. Marx – this is not the first time you disrupted the tax office and cause a hostile work environment.

You visited the tax office and came into my office to tell me to drop out of the election and you promised me a job as the finance director when and if the referendum questioned passes. You insinuated that I did not file my financial report and took me to court. While I was at my attorney's office you came into the tax office and called the tax office looking for me. When I was not there you handed the Deputy Treasurer an open envelope that I was being subpoenaed for everyone to read. You then came back to make sure she gave it to me. Mr. Marx, you stated in a Morning Call article that you "are not a liar" and you "will do whatever it takes wo tin the election". Lastly, you cannot deny the news articles and you cannot deny that you disrupted the tax office as I received a text message from the Deputy Treasurer on March 14 that states "I made a huge mistake and accidentally released the treasurer disbursement account and it was off. I am sorry it will be a mess tomorrow. It was just a little stressful. Marx came back again". With all this said I am asking our Deputy and our Human Resource Director to stop this nonsense with this employee and Mr. Marx and let me do my job for the taxpayers in this township. I have been met with continuous opposition to me doing my job and this needs to stop.

President MARX answered that he did not conspire with anyone and does not know who reported the matter to the police. He did visit the tax office to drop off an envelope and stopped back to verify that the envelope was given to Mrs. Koren and only took a few seconds of the Deputy Treasurer's time. Commissioner GINDER also answered that he did not know who reported the matter to the police. President MARX also addressed the statement of leaving the building at the same time as the tax clerk at last month's meeting and noted that the tax clerk exited the building to the outside and he exited the opposite direction - through the caucus room door. As requested, Deputy Mayor Meyers noted that he will speak with the employee and the Human Resource Officer.

Anthony KOPECK of 3763 Dogwood Drive asked to be provided a list of streets to be redone this year. He voiced his displeasure with several items as follows: with the process used to redo his street and also with the contractor who is working on MacArthur Road; small temporary signs placed along MacArthur Road; motorcycles that are illegally traversing MacArthur Road. Deputy Chief Mazzitelli advised that the department takes this problem seriously and unfortunately it is a County wide issue and a task force has been created to try to address this issue. The department is in the process of purchasing two police motorcycles to help with this situation. Mr. Kopeck continued with what the status is of the Jefferson and Cementon Pools. President MARX explained the issues with both that is keeping them closed and also stated that the Comp Rec Plan which is moving forward will help address where the Township goes with these issues. Lastly, he showed a picture to the Board and Mayor of a Township Public Works truck that was in front of his house during the road resurfacing and would like this person advised of proper conduct when in public.

Michael MADDEN of 2102 Lincoln Avenue stated that he has concerns with the work that was done by PennDOT on Bridge Street that stemmed from previous sinkholes. Unfortunately, as this evening's weather has proved, the work that was done has done little to help with the flooding issues. PennDOT did not repair a section of ADA ramp that is broken and it appears that this is where water is escaping and contributing to the issue. Also, none of the side streets in that area have storm drains. Mr. Madden will be sending the Board pictures that he took this evening to verify the issues that remain and need to be addressed, hopefully in conjunction with the work that PennDOT will be doing on the Race Street bridge. He will contact whoever is necessary to get these issues corrected.

Deb ROSENE of 4408 N. Church Street wanted to advise the Board that she had submitted an application and was awarded \$1,000 from Monarch Watch. This money will purchase approximately 350 milkweed plants that will be planted in various locations in the Township.

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

1. BILL NO. 20-2023 (SECOND HEARING)

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE SALE OF WHITEHALL TOWNSHIP REAL PROPERTY LOCATED ON MACARTHUR ROAD IN WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH SECTION 3.20 AND 3.24 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF THE CONVEYANCE OF LAND FROM THE TOWNSHIP BY ORDINANCE

President MARX read Bill No. 20-2023 to the Board

Commissioner GINDER moved to approve, seconded by Commissioner ATIYEH

FIVE Commissioners were present five voting “yes”. Bill No. 20-2023 was approved.

2. BILL NO. 22-2023

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A NEW HYDRAULIC DETACHABLE GOOSENECK TRAILER 35 TON PAVER SPECIAL FOR THE PUBLIC WORKS DEPARTMENT, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (PUBLIC WORKS)

President MARX read Bill No. 22-2023 to the Board.

Commissioner ATIYEH moved to approve, seconded by Commissioner GINDER

FIVE Commissioners were present five voting “yes”. Bill No. 22-2023 was approved.

3. BILL NO. 23-2023

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A 2023 FREIGHTLINER DAY CAB TRACTOR HEAVY HAULER FOR THE PUBLIC WORKS DEPARTMENT, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (PUBLIC WORKS)

President MARX read Bill No. 23-2023 to the Board.

Commissioner ATIYEH moved to approve, seconded by Commissioner GINDER

FIVE Commissioners were present five voting “yes”. Bill No. 23-2023 was approved.

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

1. RESOLUTION NO. 3265  
TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND WHITEHALL TOWNSHIP TO ENTER INTO A SETTLEMENT AGREEMENT AND GENERAL RELEASE REGARDING SECTIONS OF CORRUGATED METAL PIPE IN THE AREA KNOWN AS TWO MARYLAND CIRCLE, WITH COPLAY-WHITEHALL SEWER AUTHORITY, SCHEUERMAN EXCAVATING, INC., AND SSM GROUP, INC. (ADMIN/BOC)

President MARX read Resolution No. 3265 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner ATIYEH.

FIVE Commissioners were present and voting “yes”. Resolution No. 3265 was approved.

***E. OTHER***

1. MOTION - to approve the appointment of Eric Ihling to serve on the Whitehall Township Environmental Advisory Council, term expiring December 31, 2025.

Commissioner WARREN moved to approve, seconded by Commissioner GINDER.  
FIVE Commissioners were present and voting “yes”. Motion carried.

2. MOTION - to approve the appointment of Carson Richel to serve on the Whitehall Township Environmental Advisory Council, term expiring December 31, 2025.

Commissioner ATIYEH moved to approve, seconded by Commissioner WARREN.  
FIVE Commissioners were present and voting “yes”. Motion carried.

3. MOTION - to approve the reappointment of Dennis Wehr to serve on the Whitehall Township Plumbers Examination Board, term expiring April 30, 2026.

Commissioner GINDER moved to approve, seconded by Commissioner ATIYEH.  
FIVE Commissioners were present and voting “yes”. Motion carried.

4. MOTION - to approve the appointment of Erica Shull to serve on the Whitehall Township Recreation Commission (Community-at-Large), term expiring September 30, 2024.

Commissioner ATIYEH moved to approve, seconded by Commissioner GINDER.  
FIVE Commissioners were present and voting “yes”. Motion carried.

5. MOTION - to approve the appointment of Patricia Matthews to serve on the Whitehall Township Recreation Commission (Historical Society), term expiring September 30, 2026.

Commissioner WARREN moved to approve, seconded by Commissioner GINDER.  
FIVE Commissioners were present and voting “yes”. Motion carried.

6. MOTION - to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo May 4, 2023.

Commissioner GINDER moved to approve, seconded by Commissioner ATIYEH.  
FIVE Commissioners were present and voting “yes”. Motion carried.

***F. REPORTS OF PUBLIC OFFICIALS***

Commissioner ATIYEH noted the retirement of the Township’s Buildings and Grounds Supervisor, Tim Christman. Tim was a lifelong employee of the Township and should be commended for a job well done.

Commissioner GINDER addressed the following issues:

- 9 Packer Avenue – what is that status of taking over that property. It was a general consensus that the land has no value to the Township and directed the Mayor to advise the property owner we are not interested in taking it over.
- 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.
- Bingo callers are needed for the Senior Center – he has a signup sheet available
- Status of Mechanicsville Road – Frank Clark advised that he is working on the newest requirements from PennDOT and hopefully are making headway to get this wrapped up.
- Painting Chestnut Street Barn – should happen this year along with roof
- Inventory being checked at Cementon Fire House as well as instituting rodent control. Chief Nelson left meeting earlier on a call, Mayor Harakal will check into.

Commissioner SLONAKER commented on the milling of MacArthur Road and not understanding on the redo of the section they are presently doing when its apparent that it is more needed from Grape Street down.

Commissioner WARREN clarified for public information that when PennDOT does a project (design build) they let a contract, then hire a contractor to design a project, plans are then approved and then it is built.

- He noted that it appears that the Parkway Pavilion is ready to get underway again and requested that if any further issues arise that a meeting between the parties be scheduled to get them addressed quickly.
- He also noted that Tony Cocca had previously applied for a grant through the LV Chamber and \$2000 was recently awarded. This money will purchase basketball boards for Wood Street.

President MARX noted the Memorial Day ceremonies held on May 29<sup>th</sup> and thanked Lee Rackus for flowers that were planted as well as Tom Brobst, Dennis Laub and Brandon Hibbler for getting the memorial ready.

- He also noted that the time capsule stone has been installed on the front of the building as well as the dedication plaque in the Township lobby.
- He asked Frank Clark the status of the installation of the Taylor Villas fence along the pond. Mr. Clark advised it will be a split rail fence to be installed very soon.

Mayor HAKAKAL – explained the timeline of events that occurred at Wood Street as noted earlier.

- Cornerstone Report – Police Pension Fund gained 1.87 million in the first quarter .
- EAC doing great work with numerous litter cleanups and becoming a birdtown

- Senior Center is a flourishing
- TASA grant is moving along

Treasurer KOREN stated that she has provided her monthly report to the Board and noted that the business privilege, township and school district taxes were paid out twice, as well as garbage and township real estate tax. Report was forwarded to the school district. Per capita will be starting July 1<sup>st</sup> along with school district real estate tax.

**G. ADJOURNMENT**

MOTION – Commissioner ATIYEH moved, seconded by Commissioner GINDER to adjourn the meeting at 9:19 p.m.