
MINUTES

March 13, 2017
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, March 13, 2017, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Phillips M. Armstrong, President
Dennis C. Hower, Vice President
Thomas Slonaker, Secretary
Jeffrey L. Dutt
Philip J. Ginder
Joseph J. Marx, Jr.
Linda K. Snyder

TOWNSHIP PERSONNEL

Edward D. Hozza, Jr., Mayor
John D. Meyers, Deputy Mayor
Charles Fonzone, Attorney
Lee Rackus, PZ&D
Frank Clark, Township Engineer
Brian Cuth, Police Officer
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag, a moment of silence for our veterans.

President ARMSTRONG read a statement on fair housing.

2) **APPROVAL OF MINUTES**

- a) Commissioner MARX moved, seconded by Commissioner DUTT to approve the minutes of the following meeting:

Regular Public Meeting – February 13, 2017

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

B. COURTESY OF THE FLOOR

Commissioner DUTT stated after 2 years of planning the Senior Center, in conjunction with Lehigh County, will be opening on Tuesday, April 4th at 10:00 am at the West Catasauqua Playground building, 2301 Pine Street, with the Chamber of Commerce hosting the ribbon cutting ceremony. He noted the project would have not been possible without the support of the Board of Commissioners, Mayor HOZZA, the committee formed 1½ years ago with one member here tonight, Kerry Kramer, is a way to bring the community together with more senior citizen activities, invited everyone to come, will have vendors, a raffle, sign-ups for transportation and activities that will start on May 2nd.

Chris FEIDLER, 5046 Foxdale Drive, Whitehall, PA, commented on the letter from State Senator Lisa BOSCOLA and asked if an ordinance can be done in regards to the letter. Commissioner

MARX stated Attorney FONZONE will be looking into where we stand with DEP, do not feel Mrs. BOSCOLA got it right. Mayor HOZZA noted a response letter is being formulated to her. Mr. FEIDLER asked about a stop sign and yellow lines for Beekmantown Road due to the non-stop tri-axle truck traffic. Frank CLARK stated he will talk with the owner of the quarry to put up a stop sign. Mr. FEIDLER commented on the 25-30 trucks he saw lined up at 6:30 am, was like driving thru fog, wonders if this is where the dust is coming from on their properties and asked about a weight limit for North Coplay Road and when will it get fixed. Frank CLARK stated in spring when the base can be looked at because of the water line. Mayor HOZZA noted the original request for a weight limit between Foxdale and Fox Run was in 2006 and was pulled due to the lack of a study. Frank CLARK stated a study entails doing core borings of the road in several different places, analyzing the structure of the pavement, the base below the road, the geometry of the road, so a weight limit can be established, which usually costs ~ \$4,000 to \$6,000 and is needed by law in order to put up prohibited signs. Mr. FEIDLER noted the additional traffic that may occur with the closing of the Coplay-Northampton Bridge and if there can be a truck route to shift trucks going into Coplay Aggregates back out to Route 145 and if the letter from Senator BOSCOLA is correct, is there a way for the Township to tax the trucks coming in since our tax dollars are paying for the roads. Mayor HOZZA stated the DEP views the material as not being municipal waste so there is no tipping fee the Township can negotiate with the owners. Commissioner ARMSTRONG noted some other municipalities in the area are trying to get the State to have a \$100 fee for every loading door at a warehouse. Mr. FEIDLER stated it's ridiculous we don't have any power in our own Township. Commissioner SNYDER stated the State requires us to do many things that cost us a lot of money but never give us a penny for anything. Commissioner HOWER asked if a motion is necessary to look into the letter. Attorney FONZONE stated the best thing is to meet with the Senator. Commissioner HOWER stated this has been going on for months, the letter from our State Senator says everything we've been told for the past year is incorrect, need to get an answer if we can do something or if the DEP has the control. Commissioner GINDER asked if the DEP is right. Mr. FEIDLER noted the letter says we have been fed a lot of misinformation by the DEP. Mayor HOZZA noted several things were proposed after Coplay Aggregates bought it from Coplay Cement, one was putting in coal ash which came through the Township's process and led to a huge uproar in the community. Then after the World Trade Center, they brought in material they said was from there and the issue was how they circumvented the process and now are bringing in clean fill, and has morphed into what it is today. Attorney FONZONE stated he believes it is wiser to have a meeting with the Senator rather than having a big public to do where you will not get a result and just generate a lot of hard feelings. President ARMSTRONG stated it would be beneficial to have DEP there also and us to get an answer. Mr. CLARK stated at the meeting regarding the UGI Quarry, a solicitor from Harrisburg was there who only works for DEP who let us know where the line of jurisdiction is. The Coplay Quarry and that fill may be more complicated because the Township has control over the land use, but that solicitor stated once they applied for the DEP permit, the Township no longer has the jurisdiction and suggested having that solicitor come to the meeting also. Commissioner SNYDER suggested it be open to the public, so that nothing is second hand. Commissioner GINDER stated the need to go to the local level office for the State Attorney General and get a legal opinion because nothing gets done when dealing with these agencies. Mayor HOZZA stated he would reach out to the Acting Secretary of DEP who has helped us before. Commissioner MARX stated one tool we have is the scales. Mayor HOZZA responded in the negative stating we cannot send or make a request as elected officials to target. Commissioner MARX asked since manpower levels are up if our enforcement people can be out more, with an affirmative response. Commissioner HOWER noted the trucks also race down MacArthur Road. Commissioner MARX stated it may be a deterrent if they see more law enforcement out there. Mayor HOZZA noted we are the only State that does not allow local police to have radar.

Kelly ZAHRADNIK 5033 Foxdale Drive, Whitehall, PA, asked about a meeting that was held with Mr. HOBEL. Frank CLARK stated there was a meeting months ago where he was cited for

violations which have been corrected. Ms. ZAHRADNIK asked what the plans for the property are since the quarry will supposedly be filled by next summer. Mr. CLARK stated he is not aware of any plans.

C. PULBIC HEARING AND VOTING ON ORDINANCES

1. **BILL NO. 9-2017**

TITLE: AN ORDINANCE AMENDING THE WHITEHALL TOWNSHIP POLICE PENSION PLAN, TO REVISE SECTION 6.2, MANDATORY EMPLOYEE CONTRIBUTIONS, FOR WHITEHALL TOWNSHIP POLICE PENSION FUND. (ADMINISTRATION)

President ARMSTRONG read Bill No. 9-2017 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner DUTT. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Bill No. 9-2017 was approved

2. **BILL NO. 10-2017**

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PROPOSAL FOR PROVIDING INVESTMENT CONSULTING SERVICES TO THE WHITEHALL TOWNSHIP POLICE PENSION FUND, 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 ARMSTRONG read Bill No. 10-2017 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Bill No. 10-2017 was approved

3. **BILL NO. 11-2017**

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PERFORMANCE OF WORK TO PRODUCE A POLLUTION REDUCTION PROGRAM FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL, RFP 2017-02 IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

President ARMSTRONG read Bill No. 11-2017 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner HOWER. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Bill No. 11-2017 was approved

D. PULBIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2968

TITLE: A RESOLUTION APPROVING THE AMOUNT OF INTEREST RETURN TO BE CREDITED TO POLICE PENSION FUND MEMBER CONTRIBUTIONS FOR FISCAL YEAR 2016. (ADMIN)

President ARMSTRONG read Resolution No. 2968 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner DUTT. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 2968 was approved.

2. RESOLUTION NO. 2969

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

President ARMSTRONG read Resolution No. 2969 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner GINDER. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 2969 was approved.

3. RESOLUTION NO. 2970

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WHITEHALL TO ESTABLISH THE POLICE PENSION CONTRIBUTION RATE FOR MEMBERS OF THE FUND (ADMIN)

President ARMSTRONG read Resolution No. 2970 to the Board.

Commissioner MARX moved to approve, seconded by Commissioner HOWER. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 2970 was approved.

4. RESOLUTION NO. 2971

TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION/LAND DEVELOPMENT PLAN OF LEHIGH VALLEY CARS, LOCATED AT 3848 LEHIGH STREET, WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, INDEX #1879-15. (DEVELOP)

President ARMSTRONG read Resolution No. 2971 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner DUTT. There were no questions or comments.

Seven Commissioners were present and voted “yes”. Resolution No. 2971 was approved.

E. REPORTS OF PUBLIC OFFICIALS

1. Commissioner GINDER stated ~2 weeks ago there was a fire with downed wires and a burning telephone pole on Scheidy’s Road at 1:15 am, two fire trucks were there within 15 minutes, at that hour of the morning with a volunteer Fire Department can’t say thank you enough to the people in our Fire Department all across the Township for that kind of response.
2. Commissioner SLONAKER asked that everyone pay attention to the weather, do the right thing, don’t go out, stay home and off the roads.
3. Commissioner MARX commented on the Morning Call article on our sewer rates, as he is the liaison to the Board and a member, assured everyone the staff and board of the CWSA are very diligent, took the administrative order very seriously, doing everything humanly possible to keep costs down and to comply with the order, our costs will not be excessive, will not see substantial increases like other municipalities because have been so diligent from the beginning.
4. Commissioner DUTT asked about more patrols on Ringer Road as a resident stated there is more juvenile activity there than should be and asked everyone to be careful if they need to go out tomorrow.
5. Commissioner HOWER asked residents to stay home and out of the way, don’t have equipment to suck up the snow and make it disappear, needs to be pushed to one side of the road or the other, with this much snow will be a problem and please have patience and let our guys do their job.
6. President ARMSTRONG stated it was brought up at the EAC meeting that coming out of Reliance Street onto Rte. 329 to make the turn to go east, cannot see because of the high shrubbery at that intersection and asked to have it looked at. President ARMSTRONG stated he was asked about a staging area for the building of the new bridge which Penn DOT pays for. It was noted it will be in Coplay. Mayor HOZZA commented the old bridge will probably end up at the Coplay Aggregates quarry as clean regulated fill. He also asked residents to give our maintenance people respect for what they will be doing for the next 24 hours, let them do their work and stay safe because with every storm we are proud of what they do.
7. Mayor HOZZA stated a snow emergency was declared beginning 6:00 pm this evening, it was put on the Township’s Facebook site with 4,000 views by noon. Tuesday’s refuse, recycling and yard waste pick-ups will be delayed by a day, asked that residents make sure they have flashlights, batteries, prescriptions and gasoline for their snow blowers and generators. He noted our liquid fuels fund is the highest this year due to the gas tax and motor vehicle registration being raised, will receive \$800,712 from the State to be used for roads and street lights. Mayor HOZZA recognized Deputy Mayor MEYERS for his hard work in watching the pennies of the Township, are in a much better position today than when the economic downturn hit, is happy to report that Moody’s has upgraded our bond rating from AA3 to AA2 which will help with the plan to build a new Police Station/Emergency Services building, the preferred location is a 15 acre parcel behind the Arlington Cemetery, are negotiating with the owner for the purchase of the property, once the land is under

contract, will move to the acceptance of an architectural firm and a construction manager, right now are working with KCBA Architectural firm who designed the new Northampton Middle School and have met with the construction manager D’Huy who has a strong reputation of coming in on budget.

Mayor HOZZA asked for patience, use caution, to listen to the information coming out on Facebook, the Township website and for those residents who signed up the early warning system NIXLE and to remember those who are working to make you safe. Commissioner SNYDER asked not to fight with them, or throw things at them, or curse at them, to treat them respectfully.

Lee RACKUS presented the Board with new colored zoning maps thanks to Keystone Engineering and noted it is on the Township website for residents.

Attorney FONZONE stated the Zoning Hearing Board Solicitor sent a letter that the Whitehall Township Zoning and Code Enforcement Officer has requested a change to our definitions of single family attached dwellings and single family semi-detached dwellings under Section 27-194 of the Zoning Ordinance of the Township and suggested forwarding the letter to L&L. Lee RACKUS stated the request is because of what came before the Zoning Hearing Board with a development plan proposed in the northern end where the Zoning Hearing Board felt the definitions of those terms are confusing so Attorney FRIES has recommended it be reviewed by the Township.

President ARMSTRONG stated the Board will be going into an executive session but no further actions will be taken.

F. ADJOURNMENT

1. MOTION – Commissioner HOWER moved, seconded by Commissioner DUTT to adjourn the meeting at 8:00 p.m.