
MINUTES

AUGUST 14, 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 (Absent)
Michael Marks, 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.

President MARX announced that there was an Executive Session held on August 7, 2023 due to legal issues.

APPROVAL OF MINUTES

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

Special Public Meeting – June 19, 2023

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

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

Regular Public Meeting – July 10, 2023

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

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

B. COURTESY OF THE FLOOR

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

Don BRENSINGER of 4249 Cypress Lane stated his concern with possible relocation of a trail access a few feet from his back door. Frank Clark advised that the HOA has to approve it as well as this Board and nothing is set in stone until that happens. He will take it under advisement and discuss with the Developer.

Ken SNYDER of 4272 Abigail Lane stated his concern with the referendum ordinance put together in haste and suggests that the Board reconsider as it is written now, it will create a tax burden to the residents. Mr. Snyder also asked the Board to table voting on Ordinance #30-2023 as he feels there was not enough due diligence done by the Board.

Anthony KOPECK of 3763 Dogwood Drive asked the status of the completion of the roads in the Haven Ridge Development. Frank Clark advised that there is a contractor on site and is under way. Mr. Kopeck also asked when Rural Road will be repaired where it was dug up recently. Frank Clark will look into it.

Deb ROSENE of 4408 N. Church Street gave kudos to Rec Director Brandon Hibbler for a great job with having the EAC and the Wildlands Conservancy doing events with Camp Whitehall. She also noted that the first phase of the bird watch program has started with clean-up of an area along the trail and thanked Public Works Director Sheldon Christman for supplying mulch. Lastly she noted that the EAC is in support of the Weinhofer Land Preservation Ordinance.

Brian SZABO of 3903 Elizabeth Court applauded the Police Department in their efforts of an incident in the Brynwood Development. He noted that there are numerous residents, including himself, in this development that would like to start a crime watch program. Chief Marks advised that he can certainly provide some resources but at this time, he does not have an officer available to dedicate to the program.

C. PUBLIC HEARING AND VOTING ON ORDINANCES

1. BILL NO. 27-2023 (FIRST HEARING)

TITLE: AN ORDINANCE AUTHORIZING THE TOWNSHIP MAYOR TO ACCEPT A DEED OF DEDICATION FROM JEFFREY F. VOICE AND MARY B. HENNINGER ALONG WASHINGTON STREET FOR THE PURPOSE OF RIGHT-OF-WAY AND FUTURE ROAD CONSTRUCTION

President MARX read Bill No. 27-2023 to the Board

2. BILL NO. 29-2023

TITLE: AN ORDINANCE TO INITIATE A REFERENDUM, ASKING WHETHER THE ELECTORS FAVOR THE IMPOSITION OF AN ADDITIONAL EARNED INCOME TAX AT THE RATE OF 0.10% TO BE USED FOR FINANCING THE PRESERVATION OF LAND IN, OR THE ACQUISITION OF LAND FOR, OPEN SPACE USES AS AUTHORIZED BY THE OPEN SPACE LANDS ACQUISITION AND PRESERVATION ACT

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

President MARX motioned for this Bill be tabled and forwarded to Legal & Legislative Committee for further consideration.

Commissioner FISHER moved to approve the motion, seconded by Commissioner WARREN

SIX Commissioners were present voting “yes”. Motion approved

3. BILL NO. 30-2023

TITLE: AN ORDINANCE AUTHORIZING A LOAN FROM THE LAFARGE FUND FOR THE ACCEPTANCE OF THE WEINHOFER FARM FARMLAND PRESERVATION EASEMENT

President MARX read Bill No. 30-2023 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner SLONAKER

At this time the following people offered comment:

Brad Weinhofer of 4547 Spruce Street read the following statement:

First off my family wants to thank Donna Wright and Diane Gheringer along with Lehigh County for their efforts in doing everything possible to help us preserve this property. We want to thank the board for granting us this opportunity. We also want to thank all the residents from this township, as well as from the surrounding townships, that have been in support of this, and have approached us offering help in any way possible. Saving farmland from development cannot happen with assistance from only a few individuals. It is the responsibility of the entire community — a community which we believe desires and will benefit from the preservation of this last remaining farmland and woodland in Whitehall Township.

Since our last meeting, my family has been accused by certain people of only doing this to turn a quick profit while using township funds. To those of you who have made accusations about my family’s motives, if my family was solely doing this for the purpose of money, we wouldn’t be trying to permanently sell off development rights. Development rights and an agricultural easement valued at \$13,000+ per acre, and we are willing to take roughly \$8,400 between the county and possible township to make this happen. An easement some apparently think is imaginary.

As far as the accusations against my family that we are not doing this for the community, we have and continue to do plenty to save the township we grew up in. Helping the township restore and maintain the Prydun farm for one example, which we never to this day have ever billed the township for, among others.

For those of you questioning how preserving this property benefits the entire township, residents walk the roads and take bike rides every day, and it will save the township \$15,160 per new student in a township that where 68% of school funding is provided by local taxpayers. Also during Covid and to this day, we have had families come from out of state to see our bright yellow canola fields we plant every year. Regarding the public statements towards this issue and my family's motives for doing this, it is unrealistic to expect farmers to take on the burden of protecting land in this area while losing out on potential development value of the land and limit its uses forever. Those claiming only 40 homes can be built on this property is completely false.

According to the United States department of agriculture, we have seen the number of farms in the US drop from 6.8 million in 1930, to 2 million as of last year, and decreasing faster. The GAP Report noted that more than 31 million acres of U.S. agricultural land have been irrevocably lost to urban expansion since 1982, and an additional 175 acres of farm and rangeland are lost every hour to make way for housing and other industries. Even more concerning is the fact that 18 other countries own more farmland than the biggest farmer in the US, and that is Bill Gates. The fact is family farms are becoming dinosaurs. If we don't continue to help local farmers compete against other markets, they will be soon extinct. It is only getting worse, as equipment prices are skyrocketing, seed costs and fertilizer costs are high, as well as land rent, and then the fight to try and even afford farmland in a highly developed area such as ours. With diminishing open space and God creating no more, I can understand why certain people against this cause would not want to see this pass. And though it's only a few, it is tremendously insulting and unfortunate that those accusers are attacking a family that has not only lived and done business in this township for most of their lives, but has always contributed and given back to the communities we live and do business in.

To those of you who expressed that you would rather see more township money spent on fixing up local parks, playgrounds, pools, and other recreational areas, my family completely agrees and has been in support of that forever. However, this is a completely separate issue, and possibly the last opportunity to save one of the last properties of this size in the township, and the first one ever for this township, joining the many surrounding townships who have financially helped preserve farmland. These townships include Weisenberg, Heidelberg, Lower Macungie, Upper Macungie, Upper Milford, Lower Milford, Upper Saucon, and North Whitehall.

My family has been in the agricultural industry for 4 generations, since my great grandfather moved to the Lehigh Valley from Austria in the early 1900's. Though he never owned property, he rented a small farm where he lived. As many farm children and grandchildren do, my dad took a liking to farming. My grandfather worked at Mack Trucks, and my dad, a Whitehall High School grad, worked at Bethlehem Steel until they closed, while also trying to be as involved as much with farming as possible. I'm hoping to do the same thing. Most farmers cannot afford to only farm, so my family also owned a local trucking company for many years, and most farmers have second and even third jobs to help sustain the farm and support their families.

After years of always renting land, most of which we do, my parents had their first opportunity to purchase my family's first farm in 1995, consisting of roughly 25 acres in Whitehall, on which they built a home and still live today. There is a 154 acre property surrounding their home, that of which we had the privilege to rent and farm until this past year, when we were told by the property owner, a retiring developer, that he was selling out. After being approached many times and asked to sell the 25 acres my family owns next to this property so that it could be included in a development plan, along with the bordering 154 acres, to build an even larger housing development, my parents continued to reject those offers in hopes to save as much farmland as possible in the area.

We heard our neighboring 155 acre property in Whitehall was going to be sold last fall, and after being contacted by many residents to do something before it's too late, we asked the owner if they would strongly consider selling it to us instead of another developer so we could save it. Even though we were and are not in a great financial position after the weather conditions the past couple years, we agreed to purchase the property and attempt to save it. The only way we knew we could possibly afford to do this is with Whitehall Township's assistance, along with Lehigh County's funding. Yes, we took a risk to preserve it forever, with I believe most of the residents in favor of this, in hopes the township would feel the same way about preserving cherished farmland as we do.

We approached the township and Mayor Harakal last fall in hopes to get the needed assistance. We were told we needed to wait until spring for the new budget, so we did. We finally got to present this opportunity to the Board of Commissioners this spring. The entire board of commissioners was present except for Randy Atiyeh and Andy Roman. At the first meeting, the board of commissioners proposed the idea of possibly offering \$375,000 toward the preservation of this farm. Funding that my family never asked for, it was Lehigh County's suggestion to help save this property and keep it in its natural state forever.

My family and the county asked for a revote due to many of the commoners stating on July 10th they did not have proper time to do their due diligence....again even though we approached the township about this matter fall of 2022.

We had overwhelming support from residents at the last meeting. So much so that many were turned away due to limited space. We hope to get the needed assistance from the township tonight, otherwise we are strongly contemplating putting the 154 acres at 4500 Spruce St for sale, and considering selling our home farm, and moving to a township that believes in what we are doing.

In trying to do something we believe is priceless and eternally beneficial for this community and the environment, it has hurt us to have personal attacks on our character and motives. It is so unfortunate that anyone has to be put through such an ordeal to do something good in this township. But as the saying goes, anything important is worth fighting for. So here we are, we've continued to fight for what we and many of our fellow residents believe is right and now it is up to you to decide what type of future Whitehall Township will step into. No matter what anyone here or elsewhere has to say about us or this situation, we know that our hearts are in the right place and that is all that matters. The truth is the truth, no matter how much some people try to twist it.

It's sad that local farmers and some other local businesses are treated worse than big developers and corporations, many of which are not from this area. We hope tonight you support saving a portion of what little open farmland in this township is left, as well as helping alleviate the negative impact on our infrastructure due to mass development, by voting to approve contributing \$375,000 along with the county's funding to help us save this farm. We also hope that this has brought to light the fact that more money must be invested to fix up recreational areas in the community, not only more funding to protect farmland and open space.

Bill Focht of 402 Keystone Avenue offered his support in approving this ordinance as he believes this is a quality of life issue and important to preserve the first farm in township history.

Dennis Laub 4251 Adams Street stated that he is not in favor of using Township dollars to fund this proposal. He has lived in Egypt for over 50 yrs and feels that if this land was developable

either International Homes would have or another developer would have purchased the land and did so.

Lori Ann Fehnel of 3107 N. 3rd Street noted she is in favor of preserving the land without raising taxes.

Karen Poshefko of Musselman Court asked the following EAC letter be incorporated into the minutes and feels that this is an investment in the township's future.

To the Board of Commissioners of Whitehall Township

We, the members of the Environmental Advisory Council (EAC) of Whitehall Township, wish to Voice our support for the preservation of the 155 acre Weinhofer Farm. We would like to present the benefits that the preservation of this farmland would Bring to Whitehall Township residents and the environment.

Many sources document the benefits of preserving farmland.

- Lehigh County - "For every dollar a farm family pays in property taxes, they only use \$.36 cents in public services. Commercial development uses an average of \$0.99 worth of services for every dollar in property taxes paid. Residential property owners use more than \$1.30 worth of services for every dollar in property taxes paid. **Single family residential developments are a net drain on a community's fiscal resources.** This is due to residential developments requiring costly school, road, utility, police and fire protection services."
- Penn State Extension - Twenty studies done over 15 years showed that residential development costs more for municipal and school district services than do farms, open space, commercial, and industrial land uses. By far, farms and open space contribute more than they take in terms of governmental services.¹
- Whitehall Township Northern Tier Open Space Strategy² - The unmitigated loss of open space and working farms is known to have a diminishing effect on the value of all community assets. Environmental benefits are the preservation of animal and plant habitats along with biodiversity. In addition, preservation of farms contributes to improved water quality by capturing and filtering stormwater; improvements in air quality by capturing and sequestering pollutants and carbon dioxide The Social Benefits preserve areas of natural beauty and interest for future generations to appreciate. In addition, it will offer opportunities for outdoor learning, fitness and pedestrian transportation, which will also contribute to a "sense of place" within a community.

The EAC called nearby communities regarding their preservation statistics. Whitehall Township is one of very few areas with no preserved farmland whereas Lehigh County is 4th in the state for the number of farms preserved and 5th in terms of total acreage preserved.³ It is also important to note that the Weinhofer Farm is within the Northampton Borough Municipal Authority (NBMA) watershed of Spring Creek that discharges into its reservoir. NBMA has 16,000 connections and serves 75% of the residents having the most of the commercial properties in Whitehall. If the Weinhofer farm is fully developed, half of the properties may be served by on-lot septic situated on well-drained class 1 soils. The Weinhofer farm is in close proximity and upgradient of Spring Creek and NBMA Clear Springs reservoir. Preserving the Weinhofer farm maintains the current surface and groundwater conditions in the area.

Solving our funding issue

We believe the benefits to the community and the township speak for themselves. Whitehall Township stands to benefit from preserving this land instead of opening it up to development and placing a further burden on the township residents, environmental conservation, and future budgetary concerns. Farmland preservationist Donna Wright has committed \$ 930,000 in Lehigh County funds but the township would need to provide \$375,000 in order for the preservation project to be accepted. The LaFarge Fund has been discussed at the last council meeting as a potential source of funding for this contribution, but some have argued this fund was for emergency purposes only and there must be a plan for repayment. Other potential funding sources could be the following;

- Whitehall imposes a per capita tax on residents 18 years of age and older up to the age of 72. There are exemptions for students earning less than \$5k. Currently, this tax is \$14.70. [In comparison, Coplay charges its residents \\$ 19.60](#) These additional funds could be dedicated to farmland and open space preservation efforts within the Township.
- Per the Land Trust Alliance, PA has 82 active land trusts with more than 880K acres protected. This organization has benefitted over 150K people. Ninety-one per cent of their communities say that land trusts have increased engagement in their communities. The EAC would like the time to contact these trusts to determine if outside sources of funding could be secured to pay back funds loaned from the General or LaFarge funds.

There was discussion at the last Board of Commissioners meeting to include a referendum on November's ballot for farmland preservation. Although such a referendum could be helpful for future preservation it would not help save the Weinhofer property. In addition, our research with other municipalities revealed that a minimum of a year of advance education is needed so that voters understand the intent of the referendum and don't just consider it another tax.

We know that if the township truly values the quality of living for its residents, we can work together to find funding opportunities for this cause. We are willing to do the work to make this milestone happen for Whitehall Township and are asking for your support to make this a reality. As you have witnessed in previous public meetings residents are in favor of preserving this land and it does not have to be at the cost of other community services.

We sincerely thank you for taking our considerations into account,
The Whitehall Township Environmental Advisory Council
(Antonio Pineda and Charles Fisher abstaining)

Craig Snyder of 2629 Augusta Drive asked the Commissioner to vote no and let the voters decide whether they will support to help fund preservation and not to use township dollars that were intended to benefit the whole community.

Ken Snyder of 4272 Abigail Lane stated that he is in favor of the referendum as it is the proper way to work through this process. He also noted his concern on whether the Lehigh County has committed to their match in writing. Lastly, the way the Ordinance is written is very vague in determining what area this covers and feels this should be tabled to clarify the issues.

Nick Demyan of 4510 Spring Street was under the impression that the Township would apply for a grant for their portion of funds. It was noted that the state is already giving money through the County.

Michael Gula of Van Cleef Engineering on behalf of the Weinhofer Family, presented a drawing showing that proposed land could potentially be developed with approximately 80 lots (not engineered) but are designed by township zoning requirements. President Marx noted that he is aware

that these lots could not be sewered as it is too expensive to use pumping systems. Mr. Gula noted that these lots are intended to be on-lot systems.

Rob Piligian of 415 Oakwood Drive stated he is a professional land surveyor that he has been retained three times in the past to look at developing this property. He noted that there are other farms in Whitehall that have the same soil or equal to as the proposed property, including the land across the street and Lazarus. He indicated that the proposed property, when previously looked at, the main issue is capacity for sewer and in his professional opinion 42 homes is what his calculations came up with. When the comprehensive plan update was prepared it was envisioned that a property like this particular property would be developed with 40% with homes and the remaining 60% would be undeveloped. Extensive surveys were also done and majority response from residents was they wanted to see open space preserved but they did not want their taxes raised to do so and unfortunately the Board never utilized this tool. As a member and now President of the Planning Commission has had personal attacks for poor planning and deeply resents it. He has a prepared a resignation letter that he has in hand tonight as that is how upset he is.

Commissioner Warren noted as his experience as a geologist that he believes the land could possibly pass perc and we have homes in that area that are on septic.

George Makoul of 4314 Abigail Lane asked if the school board would have the opportunity to review this, as they do when commercial properties request to have assessment reduced. Attorney Gross advised that this proposal does not affect the assessment of the property.

Ribello Bertoni of Sanibel Drive showed a picture of a bald eagle that has taken up residence on this property.

Diane Gehringer of Lehigh County Land Preservation stated that the County has been working with the Mayor and they have used the same process as they have used with township's that have already created a fund for preservation. She believes this is a great asset for the township, food production in perpetuity and are inspected every two years.

Commissioner Warren noted it takes a willing land owner to start this process. Lehigh County so far has spent \$31 million dollars doing preservation and the state has spent over \$69 million in Lehigh County alone.

Commissioner FISHER read the following statement:

Good evening. I wanted to make this statement now before the vote to express some of my feelings about this process and the difficulty of this decision.

I want to address the fact that it is unclear whether this vote will pass in a few minutes. I know that most of you in this room may be disappointed if it doesn't pass, I will be too. But I want to let you know, and to remind you, that this IS how democracy works. As we have seen, this is a complicated issue and without a crystal ball, I can't say for certain which is the right answer for the Township. I have struggled, debated, prayed, and put a lot of consideration into my vote and even though the vote may not go my way, I will accept and respect the outcome because democracy is how we function when we have a difference of opinions.

For those of you who regularly attend Township meetings and wait until the Commissioner reports at the end, I spend a lot of my allotted time talking about the importance of legacy, of the ways in which our decisions will affect Whitehall for decades to come. All of the decisions I make whether it be towards development, taxes, or farmland are made with that eye towards the future, towards what Whitehall will look like fifty years from now in 2073.

In the Gettysburg Address, Abe Lincoln said, “*The world will little note, nor long remember what we say here, but it can never forget what they did here.*” In the same vein, Whitehall will little note nor long remember what we say here on this Monday night, but it will never forget what we did here. That is why deciding on how to proceed forward with this farmland vote has been so difficult, because of the decades long ramifications of what we decide here tonight.

Everyone up here is making the best decision with the information we have at this time, on this date, August 14, 2023. I hope and pray to the Almighty, that however this vote goes down, that this will be the best outcome for Whitehall.

For those of you tonight that may see tonight’s vote as a disappointment, don’t see it as a defeat, see it as a calling, a calling to become more active in Whitehall. A calling to help shape our next fifty years. There are more hard decisions to come and we need active people like you to stand up and help guide the decision makers of Whitehall or for you yourselves to step up and become the decision makers.

By coming out tonight, you have just shown me that you are willing to make time for your community and I thank you. I also implore you to either keep coming back or to find other ways to be active in Whitehall through other volunteer means. Means that will help shape future Whitehall decisions and votes and benefit our community.

As many of you know, I have decided to not seek reelection this fall. However, this does not mean that I will disengage myself from the Township, far from it. I have a vision for what Whitehall will look like in 2073 and I am sure it looks very similar to what most of the people in this room see. The vote, either way, may not go the way some of us had hoped tonight, but this is democracy. We all have a shared vision of what we want Whitehall to in fifty-years, but we just aren’t sure how to get there. Let’s work together, let’s volunteer, and let’s find a way to that shared vision no matter what the vote will be tonight.

Commissioner ATIYEH

To the residents of Whitehall and The BOC,

As we prepare to vote on this farmland preservation measure, I want to express my sincere disappointment with the process that has led us here. In my eyes, the methods employed were less than transparent and the situation was handled in an unfavorable and forced manner.

The process felt rushed, and the pressure to pass this measure was intense. As a public servant, I’m aware that lobbying is an inherent part of the political process. However, the relentless phone calls and messages from certain parties bordered on harassment and were beyond irritating.

I was even subject to political threats from a fellow commission board member who passionately supports this measure, pledging to withdraw support for me if I did not back this particular proposal. This encounter has led me to seriously reconsider my commitment to this role and the value of my service.

I firmly believe that such tactics are a significant problem in politics. They tend to bully individuals into voting for measures they aren’t comfortable with, leading to negative experiences that can drive away dedicated public servants who genuinely seek to make a difference.

Nevertheless, despite my grievances, I am not fundamentally opposed to the measure we are voting on today. Quite the opposite. My family has deep roots in farming, with my grandfather being a farmer in his native Syria and my father currently involved in agriculture. I am not against preserving land for Farm Use (which is the actuality of the proposal, not the open space that many have been led to believe). I will attempt to focus on the issue at hand, even though I strongly disagree with how we got here.

The way this proposal was presented has left a bitter feeling. I agreed to reconsider this preservation issue with the proviso that a financial plan be in place before committing taxpayer money. That plan has now been presented. Despite the hurried timeline, I acknowledge the considerable effort our staff has put into this, which should not be overlooked. I will be voting in favor of this measure, but I want those orchestrating this pressure campaign - not the farmers - to understand that I will not remain silent any longer. I will hold individuals responsible for their tactics and will work towards a fairer and more transparent political process. It is my strong belief that those in positions of authority have prioritized certain parts of this township while neglecting others for far too long, and this needs to change.

Commissioner GINDER read the following statement:

First off, I have never met the Weinhofer Family to my knowledge. However, after listening to them the last few months I believe them to be a hard working honest family.

I totally support farmland and open space preservation. However, I am not in favor of using the Lafarge Fund account to pay for it. The Lafarge Fund was created to fund the purchase of capital equipment and capital projects. It was used twice as a tax anticipation loan of short duration usually 3 to 4 months to save taxpayer money by not having to borrow money in the beginning of year till revenues come in usually around April. Destroying the Lafarge Fund by taking \$375,000 out of it long term over years and loosing the interest, especially at this time when interest rate are favorable to the account, will certainly cut back on the original intent to help purchase needed township equipment and stretch valuable tax revenues. I understand the original intent as I was on my first term as commissioner at that time it was established. Also, bear in mind what if the township has an emergency need for costly repairs or equipment and the fund is drained? Having this cushion over the years has been a great find. No matter how this vote turns out, I believe it is important to work together to move forward, learn and find a solution as not be again rushed into decisions about future needs and wants of Whitehall Township and all the residents.

Commissioner SLONAKER stated that he can see both sides and what he favors is what might be able to achieve for the future. He noted that once the land is preserved they can't sell lots, it will stay in preservation forever. There will still be tax revenue and hopes this will pass for the good of the Township

Commissioner WARREN noted that he is in favor of this proposal and knows we have a healthy budget as we have turned a surplus last year and hopes that we aggressively pay it back. He hopes that the future of Whitehall is that it stays a township and does not become a third class city. He does not believe in developing everywhere to create a revenue stream. There is cost associated with development, ie. \$300,000 for road material for Spring Street. This is an opportunity for more farms in the township to do the same.

President MARX read the following statement:

I just want to say this, because I'm last to vote my vote really doesn't even mean anything and it will not change the outcome, I could vote present as other members have in the past, but I believe that would be inappropriate. I have been told by fellow board members and members of the public that if I don't vote yes, for this, it would potentially ruin my political ambitions, and I have even been accused of being pro development, and I'm on the wrong side of history. I hope that won't be the case, and please let me explain myself. I served 4 years on the planning commission and almost 7+ years as a commissioner. and 14 years on the CWSA and have always put the best interest of the taxpayers and ratepayers of this community first and foremost. I have had developers make monetary offers to me to support my campaigns, but I always thought it was inappropriate as a legislative member to take any money because I believe money buys influence and favor and I never accepted a dime. This whole situation has been complicated and both the supporters and non-supporters have put out tons of misinformation on social

media, let me try to set the record straight. I live in Egypt and it's been alleged on social media that the good old boys that live in Egypt run the township and that there is favoritism, that could not be farther from the truth, I could've selfishly just voted yes on behalf of Egypt but I represent 29,000 people that elected me in this township. The County also had me confused during this whole process, in the beginning they required a larger township match then lowered that requirement, then they told us after I asked, if it was reasonable to see if we had a surplus at the end of the year to fund this because this wasn't budgeted and they even suggested if we did not have enough surplus we could fill the shortfall in next year's budget but then pulled that back. They also told us even if we didn't participate they would still provide the county's share and then pulled that back. The timeline also changed numerous times and became confusing! I also understand the Weinhofers may have based some of their business decisions on bad information and I am sorry for that. You are very nice people and there definitely was a major communication breakdown, I actually support farmland preservation and believe if we had measures in place we wouldn't be in this situation, I admire farmers they grow our food and are good stewards of the land who wouldn't. I've been told that the majority of people support farm preservation, and I believe that, but I also believe that we should have had a referendum in place that supports it and a revenue stream that all the people in township support. I also believe that the Lafarge Fund was set up for a specific purpose, but not this purpose. But if the board votes majority to borrow from it, I will support it. It's the will of the people and that's democracy.

SIX Commissioners were present four voting "yes" and two voting "no" (GINDER & MARX) Bill No. 30-2023 was approved.

D. PUBLIC HEARING AND VOTING ON RESOLUTIONS

1. **RESOLUTION NO. 3271**

TITLE: A RESOLUTION APPROVING THE RETIREMENT AND THE COMMENCEMENT OF MONTHLY PENSION BENEFITS TO FORMER POLICE PATROL SERGEANT JEFFREY COLEMAN. (ADMIN)

President MARX read Resolution No. 3271 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

President MARX & Chief MARKS thanked Officer Coleman for his years of service and was one of the great ones and will be missed. Best wishes to Officer Coleman in his retirement.

SIX Commissioners were present and voting "yes". Resolution No. 3271 was approved.

2. **RESOLUTION NO. 3272**

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND WHITEHALL TOWNSHIP TO ENTER INTO A SETTLEMENT AGREEMENT REGARDING THE TAX ASSESSMENT APPEAL OF KRT PROPERTY HOLDINGS, INC., AND THE PROPERTY KNOWN AS 2160-2180 MACARTHUR ROAD (ADMIN/BOC)

President MARX read Resolution No. 3272 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting “yes”. Resolution No. 3272 was approved.

3. RESOLUTION NO. 3273

TITLE: A RESOLUTION REQUESTING A PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT COMMONWEALTH FINANCE AUTHORITY MULTIMODAL TRANSPORTATION FUND GRANT FOR THE IRONTON RAIL TRAIL SAFETY IMPROVEMENTS PROJECT.

President MARX read Resolution No. 3273 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner WARREN

SIX Commissioners were present and voting “yes”. Resolution No. 3273 was approved.

4. RESOLUTION NO. 3274

TITLE: A RESOLUTION AUTHORIZING THE REPAYMENT OF A LOAN FROM THE LAFARGE FUND FOR THE WEINHOFER FARM FARMLAND PRESERVATION EASEMENT WITHIN FIVE (5) YEARS OF THE LOAN DISBURSEMENT

President MARX read Resolution No. 3274 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner WARREN

Commissioner SLONAKER verified that the loan can be paid back earlier if possible. Other mechanisms of helping to repay were discussed and will be determined at a later date.

SIX Commissioners were present and voting “yes”. Resolution No. 3274 was approved.

5. RESOLUTION NO. 3275

TITLE: A RESOLUTION AUTHORIZING THE REPAYMENT OF A LOAN FROM THE LAFARGE FUND FOR THE WEINHOFER FARM FARMLAND PRESERVATION EASEMENT WITHIN TEN (10) YEARS OF THE LOAN DISBURSEMENT

This item was not discussed as the previous Resolution was approved.

E. OTHER

1. MOTION - to approve the appointment of Gary Schlaffer to serve as a member of the Whitehall Township Authority, term to expire December 31, 2023

Commissioner ATIYEH moved to approve, seconded by Commissioner FISHER.

SIX Commissioners were present and voting “yes”. Motion passed.

2. MOTION - to approve the release of escrow for completed and withdrawn projects, per Deputy Mayor MEYERS memo August 1, 2023.

Commissioner SLONAKER moved to approve, seconded by Commissioner WARREN

SIX Commissioners were present and voting “yes”. Motion passed.

DISCUSSION ITEM

1. Keystone Communities Grant

Lee RACKUS advised that in talks with Lehigh County they are switching direction from rehab to focusing more on demolition and is asking for the Board’s support with a commitment of township funds over a three year period. Commissioner WARREN stated that he would like to see WTICDA get involved. Both President MARX and Commissioner GINDER offered that both the County and WTICDA be utilized.

Commissioner GINDER moved to approve applying for the grant, seconded by Commissioner ATIYEH.

SIX Commissioners were present and voting “yes”. Motion passed.

2. WTICDA -Thomas Ironworks Celebration Request for Funds

President MARX requested that a transfer be made of \$10,000 to WTICDA for the event and any surplus be returned to the Township and requested a Resolution be prepared for next months agenda for approval.

F. REPORTS OF PUBLIC OFFICIALS

Commissioner ATIYEH commended new Rec Director Brandon Hibble on the great job he’s been doing and bringing great energy and communication. He also thanked the pool staff and camp counselors for the great job they did this summer.

Commissioner FISHER thanked Public Works for raising the fallen sign by the caboose. There is an Adopt a Highway event on October 25th. South Whitehall Twp boy scout who previously completed the birdhouse project in the Parkway asked to do another project in the township and when asked why, he said just because he wants to. He also got other scouts and helped clean up bird watching observatory in the Parkway.

Commissioner GINDER stated that that Planning Commission does an excellent job and asked Rob Piligian to tear up his resignation letter. He then recognized the resignation of Richard Fahringer who gave many years of service to the township starting from a Commissioner from 1980 to early 1990’s then serving on WTA for many years and also gave many years of dedication to recreation and wished him well. He would also like to recognize the resignation of MaryAnn Seagreaves from the IRT committee, which she served on since its inception in the early 1990’s, from there she was Twp Rec Director until the early 2000’s. She also taught and certified many of our youth with life saving skills. She was also instrumental in starting the Whitehall Fall Festival, as well as the Whitehall Fall Parade and he wished MaryAnn well. Commissioner Ginder noted the passing of Delores Reaman long time Township employee, who served in the police department initially and then in the tax office and offered condolences

to her family. He has a bingo sheet available for callers needed, many dates available. Frank Clark was asked the status of the Mechanicsville Road. Mr. Clark noted that PennDOT has now asked for an alternate engineering study which he is asking for a waiver on and an impact statement to the neighbors which he is working on. Mayor Harakal was then asked about the getting the Chestnut Street barn painted. Deputy Mayor Meyers noted that he has been speaking with the Public Works Supervisor and as there is so much that needs to be redone on the barn that all repairs will be budgeted for. He asked Mayor Harakal where we stand with the Fire Study that was supplied and the Mayor indicated it needs to be reviewed by the fire dept chiefs and board, hopefully by September.

Commissioner SLONAKER asked what work is being done at Taylor Villas. Frank Clark advised the pond is finally being finished. Now that the turning lane at WAWA was redone and striped he asked why it wasn't started further back. Frank Clark advised that the width of the lanes is what decides where it starts and know the crosshatch area is usable for storage if necessary. He also noted that the Pavilion looks like it's coming along nicely.

Commissioner WARREN noted that the target date for completion of the pavilion is the second week of September. Once interior is completed, ADA access will be done with hopefully a second access in the near future. The project is coming along well. He asked that L&L look at sidewalks with a buffer between them and the curb being the norm and not the exception. Frank Clark noted that those regulations are in place residentially, it is commercial where that is the norm. Commission Warren feels it needs to be addressed. He also noted that the reference that the southern part of the Township not being looked at, he believes that someone has to pick up the ball and look for grants to help with a stream of funding.

Mayor HAKAKAL noted that the State has once again failed to put together legislation to allow Pennsylvania municipalities to utilize radar. Issues on Rosewood with the micro-resurfacing that was done recently is being addressed. RTK requests for Belmont Glen being worked on by Jack Meyers and Jack Gross. New store opened at Lifestyle Center – Kendra Scott, who donates significant dollars across the county he is working with them in seeing what can be done for the Township. He noted the passing of Kathryn Seidick, who graduated from Whitehall High School and wrote numerous romance novels under the name of Kasey Michaels.

Treasurer KOREN advised she submitted the July reports and two accounts she handles (treasurer distribution and cash depository) are being split with school district accordingly. She requested that the Township institute a process for residents to be able to pay tax bills with credit/debit cards.

G. ADJOURNMENT

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