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# **MINUTES**

**February 14, 2022**  
**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, February 14, 2022 held virtually via WEBEX, 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 (Absent)  
Andy Roman

**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, KCE  
Lee Rackus, PZ&D  
Tina J. Koren, Tax Collector  
Larissa Bruder, Executive Secretary

President MARX read the statement on fair housing as required.

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 and our first responders.

President MARX noted that an Executive Session was held on January 26, 2022 at the Copley Whitehall Sewer Authority for legal and personnel issues.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – January 10, 2022

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

**B. CONDITIONAL USE HEARING**

CONDITIONAL USE HEARING OF MATTHEW NOMIE FOR USE OF THE PROPERTY LOCATED AT 1058 3<sup>rd</sup> STREET, WHITEHALL, PA, TAX PARCEL ID NUMBER 640804308152 1, AS A MIXED USE, COMMERCIAL/RESIDENTIAL PROPERTY WITH TWO (2) UNITS AND SEPARATE ENTRANCES FOR EACH UNIT

President MARX read Conditional Use to the Board.

The Applicant, Matthew Nomie, was not in attendance to testify. After options were discussed by Attorney Gross, it was decided upon to swear in Christopher Gittinger, Whitehall Township Zoning Officer, to testify of his knowledge of the Planning Commission's decision, which was to approve the request subject to comments letters. Mr. GITTINGER also testified that the matter was advertised and posted appropriately. Commissioner FISHER asked Mr. GITTINGER whether this sets a precedent. Mr. GITTINGER advised that the decision only pertains to this certain request.

Commissioner GINDER made a motion approving the conditional use request, after hearing held on February 14, 2022 regarding Index #1994-21 at the property located at 1058 3<sup>rd</sup> Street, Whitehall, PA, seconded by Commissioner WARREN.

Six Commissioners were present and voted "yes". Motion carried.

**NOTE: The above represents a brief summation of this Conditional Use Hearing. A complete, verbatim transcript of the proceeding can be viewed upon request at the Township Municipal Building, 3219 MacArthur Road, Whitehall, PA.**

**C. COURTESY OF THE FLOOR**

No requests received to address the Board.

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

1. **BILL NO. 1-2022**

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASE OF A 2022 FORD F350 4X4 TRUCK FOR THE FIRE DEPARTMENT, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (FIRE)

President MARX read Bill No. 1-2022 to the Board.

Commissioner FISHER moved to approve, seconded by Commissioner SLONAKER.

Commissioner WARREN verified that this truck will be stored outdoors. Fire Chief NELSON confirmed and that a heater or antifreeze will be used to prevent water tank from freezing.

Six Commissioners were present and voting "yes". Bill No. 1-2022 was approved.

2. **BILL NO. 2-2022**

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR INSTALLATION A CEDAR FOREST PRODUCTS PAVILION AT THE

WHITEHALL PARKWAY, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (RECREATION)

President MARX read Bill No. 2-2022 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner ROMAN.

Commissioner FISHER thanked Commissioner WARREN and the both thanked all who worked on and helped in getting this project to fruition.

Six Commissioners were present and voting “yes”. Bill No. 2-2022 was approved.

3. BILL NO. 3-2022  
TITLE: AN ORDINANCE DEFERRING THE REQUIRED INSTALLATION OF SIDEWALKS FOR 400 FEET ALONG THE MACARTHUR ROAD FRONTAGE OF 2001 MACARTHUR ROAD AS REQUIRED IN CHAPTER 21, SECTION 21-16 OF THE CODIFIED ORDINANCES OF WHITEHALL TOWNSHIP. (DEVELOP)

President MARX stated that this item was pulled by the Applicant.

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

1. RESOLUTION NO. 3186  
TITLE: A RESOLUTION APPROVING THE COST OF LIVING ADJUSTMENT FOR ELIGIBLE RECIPIENTS OF THE POLICE PENSION FUND. (ADMIN)

President MARX read Resolution No. 3186 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner ROMAN.

Six Commissioners were present and voting “yes”. Resolution No. 3186 was approved.

2. RESOLUTION NO. 3187  
TITLE: A RESOLUTION CONDITIONALLY APPROVING THE MAJOR SUBDIVISION PLAN OF WHITEHALL MALL – RAYMOUR & FLANIGAN; LOCATED AT 2001 WHITEHALL MALL, INDEX # 1993-21.

President MARX stated that this item was pulled by the Applicant.

3. RESOLUTION NO. 3188  
TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A SIDEWALK MAINTENANCE AGREEMENT WITH PENNDOT FOR CEMENTON BRIDGE AND TO EXECUTE THE APPLICATION ON BEHALF OF WHITEHALL TOWNSHIP (ADMIN/BOC)

President MARX read Resolution No. 3188 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner FISHER.

Commissioner ROMAN clarified that this agreement is for the new bridge to be built on Rt 329 over the Lehigh River from Cementon to Northampton. He also confirmed that they will be lighted. Commissioner WARREN questioned if the width of the sidewalks is to remain at 10 feet wide to accommodate two way pedestrian traffic. No one could clarify at this time.

Six Commissioners were present and voting “yes”. Resolution No. 3188 was approved.

4. RESOLUTION NO. 3189  
TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS, TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING POOL PASS RATES FOR THE YEAR 2022. (BOC)

President MARX read Resolution No. 3189 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER.

Six Commissioners were present and voting “yes”. Resolution No. 3189 was approved.

5. RESOLUTION NO. 3190  
TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS, TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING CAMP WHITEHALL RATES FOR THE YEAR 2022. (BOC)

President MARX read Resolution No. 3190 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner GINDER.

Commissioner GINDER stated that a mechanism should be in place that Township residents are given first consideration.

Six Commissioners were present and voting “yes”. Resolution No. 3190 was approved.

6. RESOLUTION NO. 3191  
TITLE: A RESOLUTION APPROVING THE AMOUNT OF INTEREST RETURN TO BE CREDITED TO POLICE PENSION FUND MEMBER CONTRIBUTIONS FOR FISCAL YEAR 2021. (ADMIN)

President MARX read Resolution No. 3191 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner GINDER.

Six Commissioners were present and voting “yes”. Resolution No. 3191 was approved.

7. RESOLUTION NO. 3192  
TITLE: A RESOLUTION AUTHORIZING THE MAYOR OF WHITEHALL TO ENTER INTO A STIPULATION AND SETTLEMENT AGREEMENT BY AND BETWEEN JERC PARTNERS LXII, LLC, THE ZONING HEARING BOARD OF WHITEHALL TOWNSHIP, AND WHITEHALL TOWNSHIP

President MARX read Resolution No. 3192 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SLONAKER.

Stephanie KOBAL, Esq of Fitzpatrick Lentz & Bubba was present to answer any questions. Commissioner FISHER questioned that 7<sup>th</sup> Street will be extended and will be built to Township standards and it will not be an alley. Attorney KOBAL confirmed that it will be a road and will only be extended if the sale goes through. Commissioner WARREN questioned if the land to be developed is east or west of the new 7<sup>th</sup> Street extension. Frank CLARK confirmed it is east side of the extension.

Six Commissioners were present and voting “yes”. Resolution No. 3192 was approved.

8. RESOLUTION NO. 3193  
TITLE: A RESOLUTION AUTHORIZING QBE SPECIALTY INSURANCE COMPANY TO ENTER INTO A SETTLEMENT AGREEMENT WITH AMGAD AHMED FOR \$15,000.00 IN EXCHANGE FOR A RELEASE OF ALL CLAIMS AGAINST WHITEHALL TOWNSHIP AND THE WHITEHALL TOWNSHIP POLICE DEPARTMENT

President MARX read Resolution No. 3193 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner WARREN.

Commissioner ROMAN asked for clarification. Attorney GROSS advised that this is a claim in a federal case of civil rights violation. The Township's insurance company wants to pay a nominal settlement to avoid the costs of litigation. The Township nor the Township Police are not admitting any wrongful act. Mr. ROMAN stated his concerns with approving this as it sets a precedent. He understands its prudent now, but in the long range he feels it will be costly.

Six Commissioners were present and five voting "yes" and one voting "no" (Roman). Resolution No. 3193 was approved.

**F. OTHER**

1. **DISCUSSION ITEM** – ZONING AMENDMENT REQUEST

Christopher McLean of Fitzpatrick Lents & Bubba was present representing the Applicant – Jaindl Land Company. The Applicant is requesting to amend the zoning ordinance to include open space cluster development and they wish to be forwarded on the Legal & Legislative Committee to discuss their proposal in further detail. The land in question is located in the northern end of the Township and includes 4 parcels. They are proposing preserve space cluster development in the R-1 zone with criteria as follows: 50 acre minimum combined tract size; served by public water and sewer; 25% permanent preservation and the undeveloped tract area-balance of the site would be subject to development by the R-4 dimensional criteria with a cap of 125% total of the lots that otherwise would be allowed by right in the R-1 district. The comprehensive plan mentions that this is worth looking into but looking at the zoning ordinance, cluster development is not specifically outlined. They are requesting a detailed review before Legal & Legislative.

President Marx asked for a motion to forward the request to L&L. No motion was made.

Attorney McLEAN asked what the Board found objectionable so that there is some feedback he can go to his client with. Commissioner GINDER noted that this type of development was looked at years ago in this area and there wasn't interest due to density. Commissioner WARREN noted that the 125% cap actually gives greater density that what normally would be developed. It also affects more than one contiguous parcel in the Township and some of these parcels have land masses that can't be developed in the first place due to steep slopes, mountainess or shallow rock and overdevelopment could actually occur.

At this time, Adam Jaindl – equitable owner of the land in question addressed the Board. He asked that the Board reconsider moving it forward to L&L so that further conversation can be had and they are certainly willing to address all concerns.

Commissioner ROMAN did motion to move the request to the L&L Committee, no second received.

**G. REPORTS OF PUBLIC OFFICIALS**

Commissioner FISHER advised that two Eagle Scouts are in the process of getting their projects approved for bird houses in the Parkway. EAC is moving forward with new

bylaws and will be going into effect shortly. He also thanked Lee Rackus for a Planning Magazine she forwarded to him.

\*At this time President Marx stated that two attendees – Edward HOZZA and Ken SNYDER wished to comment on the zoning amendment discussion. Mr. HOZZA of Phillips Street, Whitehall verified that the property was the Yastishok Land Trust/International Homes property and that Jaindl Land Co. is the equitable owner. Mr. HOZZA noted that is unfortunate that the parcel had been going through the Lehigh County Farmland Preservation to protect it and that process has yielded this result. He further explained that the County was waiting for the Township to provide information which would of required a contribution to preserve the farmland in question. Mayor HARAKAL stated that the amount of the contribution was onerous. Mr. HOZZA added that at the time there was another potential buyer that adjoins this parcel and that they were going to purchase the property and their intent was to put it in Lehigh County Farmland Preservation. Commissioner WARREN stated that the residents of the Township should be aware that any undeveloped land that is not owned by the Township will be developed at some point in time. He also added that Lehigh County passed a referendum for open space preservation and the Township hasn't gotten their fair share out of that money, which was known as the Green Future Funds. That program was disbanded and the money left over was put into a general fund which created a tax rebate and the farmland preservation program was created. It now requires a contribution by a municipality to obtain funding from that program.

Ken SNYDER of 4272 Abigail Lane, Whitehall commented his concerns with the way the public meetings are being held. He questioned if the Commissioners have taken a look at open land and started to discuss what we will happen with that open land, as he has asked previously. He is flabbergasted that the Board did not second on the zoning amendment to at least start a discussion process. He feels that the Board should be looking at land use, zoning and the comprehensive plan etc. President MARX and Lee RACKUS explained that many items were put on the back burner the past two years and as the situation eases up the Township can start addressing those items.

Commissioner SLONAKER had no comments.

Commissioner ROMAN noted he attended the Newly Elected Officials conference and it was very educational.

Commissioner WARREN stated he, as well as Commissioner GINDER attended the Recreation Commission meeting and it was determined that new land development proposals will be determined on a case by case basis on their recommendations. There is an issue as the planning commission meeting is before the recreation meeting so that is something that needs to be addressed.

Commissioner GINDER thanked all the Bureau Chiefs for the annual reports. They were very detailed and a great job by all.

President MARX reiterated Commissioner GINDER's comment on the annual reports.

Mayor HARAKAL advised that he is a member of the Executive Committee of State Mayors Association and they are looking to introduce legislation allowing municipalities to utilize radar for tracking speed. Pennsylvania is the only state not using it and there is a need to push the legislation for it. The plan to sell the parcel at MacArthur Road & W. Columbia Street is moving forward. He met with a Strawberry Patch resident who has major concerns with the conditions of that facility and will be meeting with several other residents to discuss. The Township has hired a new Public Works Director and he will be

starting on February 21<sup>st</sup>. He discussed anticipated changes in the Lehigh County Communications with Chiefs MARKS & NELSON. Staff and Legal and Legislative is working hard on the LVHN proposal. Civil Service Commission is working through the list of potential officers. The EAC is working on a program for single use plastic containers. The lease for Laurel Fire Co. No. 1 has been completed. Interviews are being held for a number of Township openings. He met with Communities that Care group trying to formulate programs for educational and social responsibilities that the school district has. He has met with Magistrate HEFFELFINGER, Chief MARKS & Deputy Chief MAZZITELLI and Officer CHRISTMAN to develop a program for truent children. The State Historical Preservation Council approved the Thomas Iron Co. homes to be in the federal register of historic places. The Lehigh Valley Mall has a new manager and she is dedicated to getting the property cleaned up and get great diversity of stores moving into the mall.

Treasurer KOREN noted it has been 42 days since taking this position and it's been a learning experience. On February 3<sup>rd</sup> reports were forwarded to the Board and if there is anything else the board would like to see, please let her know and she will provide it. She also stated that the office is moving in the direction they want them to be as changes have been implemented. Every penny is being tracked and a receipt will be provided by email as well as paper copy. She is also looking for recommendations to be more transparent. She also noted that she has a great staff. It was also noted that there is a vacancy that will need to be filled and she is hoping that gets filled quickly. Jack MEYERS indicated that there has been numerous people who have been interviewed for other clerical positions so it's possible that this opening can be filled rather quickly.

President MARX questioned what the time frame is for opening of the Township lobby. Jack MEYERS indicated that the remaining item needed to open is the installation of the trays at all lobby walk-up windows, which hopefully will be completed by March 1<sup>st</sup>.

***F. ADJOURNMENT***

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