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# **MINUTES**

**August 11, 2025**  
**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, August 11, 2025 held at the Whitehall Township Public Meeting Room, with the following in attendance:

**COMMISSIONERS**

Thomas Slonaker, President  
Jeffrey J. Warren, Vice President  
Randy Atiyeh, Secretary  
Alberta Scarfaro  
Ken Snyder  
Elizabeth N. Fox  
Philip J. Ginder

**TOWNSHIP PERSONNEL**

Joseph J. Marx, Jr., Mayor  
John D. Meyers, Deputy Mayor  
Jack Gross, Esq., Township Solicitor  
Michael Marks, Police Chief (Absent)  
Mark Bilder, Fire Chief (Absent)  
Frank J. Clark, Engineer, KCE  
Lee Rackus, PZ&D (Absent)  
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 for the men and women serving in harms way at home and abroad.

President SLONAKER read the statement on fair housing as required.

**APPROVAL OF MINUTES**

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

Regular Public Meeting – July 14, 2025

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

Commissioner WARREN made the following statements:

In regards to the June 9<sup>th</sup> meeting minutes, Resolution No. 3378 – he confirmed after the meeting that the banner lights are white.

Secondly, when Emerson Village (Resolution No. 3380) was discussed, members of the EAC presented a copy of the tree assessment document, which was supposed to be given to the Board as per a condition in the Resolution of Approval, but was not provided. The EAC filed a right to know request to get a copy and they presented it to the Board. The EAC discussed the document and noted that they had requested the document for two years and never received it and it was not discussed at the Planning Commission meetings, nor did the Board receive it during that time. He

stated that he wished he would have had the benefit of that study before voting on the approval. Lastly, Keystone noted in the tree assessment document that they recommend preserving Section 7.

Commissioner SNYDER made the following statements:

The aforementioned tree assessment document was done at the request of the Developer and the Board and/or other entities were not entitled to that document. It was a private study and was not offered to other parties.

Commissioner WARREN then noted that he did ask for the document but was talked down as told that it could be provided after the approval.

Commissioner SNYDER added that the Resolution was unanimously approved by the Board, including Commissioner WARREN.

Commissioner WARREN stated that it was Commissioner SNYDER who interceded when he asked for the study saying it wasn't needed.

***B. COURTESY OF THE FLOOR***

Karen Poshefko of 3303 Musselman Court stated her concern over the validity of Zoning Section 27-97 and whether it is enforceable. Attorney Gross will look into the matter.

\*Please see attached exhibit – Karen Poshefko's prepared statement.

Deb Rosene of 4908 N. Church Street updated the Board of EAC highlights:  
Eagle Scout Project, invasive plant removal and investigating a memorial tree program.

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

***1. BILL NO. 30-2025 (FIRST HEARING)***

TITLE: AN ORDINANCE AMENDING CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), ARTICLE X (IMPACT REGULATIONS), SECTION 22-37 (RECREATION; FEE), SUBSECTION (D)(1) (FAIR-SHARE CONTRIBUTION)

President SLONAKER read Bill No. 30-2025 to the Board.

No action taken on this item.

***2. BILL NO. 31-2025***

TITLE: AN ORDINANCE AMENDING CHAPTER A29 (FEES), SECTION M-18.01 TO PROVIDE FOR NEW AND/OR INCREASED FEES AND/OR PENALTIES

President SLONAKER read Bill No. 31-2025 to the Board.

This item was tabled until voting takes place on Bill No. 30-2025.

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

1. RESOLUTION NO. 3387

TITLE: A RESOLUTION GRANTING THE MAYOR THE AUTHORITY TO EXECUTE A REIMBURSEMENT AGREEMENT WITH PENNDOT FOR WINTER TRAFFIC SERVICES WITHIN THE TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA. (ADMIN/BOC)

President SLONAKER read Resolution No. 3387 to the Board.

Commissioner SCARFARO moved to approve, seconded by Commissioner WARREN

Mayor MARX advised that he has been speaking with PennDOT regarding the sweeping of MacArthur Road. Previously, PennDOT did the northern section during the Spring. Apparently there is a labor problem and they never finished. With the Township's assistance, the southern corridor will be completed and the northern corridor will also be done again. He advised Commissioner WARREN that the weed control at the islands cannot be done by the Township since we don't have a license and PennDOT does not have the means to take care of it at this time.

SEVEN Commissioners were present and voting "yes". Resolution No. 3387 was approved.

2. RESOLUTION NO. 3388

TITLE: A RESOLUTION FOR SEWAGE FACILITIES PLAN REVISION FOR NEW LAND DEVELOPMENT FELLOWSHIP COMMUNITY APARTMENTS LOCATED AT 3600 MAUCH CHUNK ROAD, WHITEHALL PA. (DEVELOP)

President SLONAKER read Resolution No. 3388 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SNYDER

SEVEN Commissioners were present and voting "yes". Resolution No. 3388 was approved.

3. RESOLUTION NO. 3389

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND WHITEHALL TOWNSHIP TO ENTER INTO A SETTLEMENT AGREEMENT REGARDING THE TAX ASSESSMENT APPEAL WHITEHALL MALL OUTPARCEL, LLC AND THE PROPERTY KNOWN AS 1937 MACARTHUR ROAD

President SLONAKER read Resolution No. 3389 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner SCARFARO

SEVEN Commissioners were present and voting "yes". Resolution No. 3389 was approved



4. RESOLUTION NO. 3390

TITLE: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND WHITEHALL TOWNSHIP TO ENTER INTO A SETTLEMENT AGREEMENT REGARDING PAXOS REALTY, LP, THE AREY LANE CONDOMINIUM ASSOCIATION, AND LITIGATION RELATING THERETO

President SLONAKER read Resolution No. 3390 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner GINDER

Commissioner SNYDER noted that this is a result of the Developer doing a subdivision without going through the SALDO process. Through litigation the following items are listed in the Agreement: Township will be reimbursed for any and all expenses; Zoning Approval which addressed setback requirements and that this property can only transfer to a Paxos Family member and transfer taxes that would have normally been assessed are to be paid. The remaining home owners association has been represented and have been apprised of this agreement and will be signing the plan as acknowledgement.

SEVEN Commissioners were present and voting "yes". Resolution No. 3390 was approved

5. RESOLUTION NO. 3391

TITLE: A RESOLUTION APPROVING THE GRADING AND DRAINAGE EASEMENT AGREEMENT AND THE TEMPORARY CONSTRUCTION EASEMENT WITH THE COUNTY OF LEHIGH FOR WORK ON THE BELMONT GLEN SWALE RESTORATION, LOCATED AT RELIANCE STREET AND BELMONT CIRCLE IN WHITEHALL TOWNSHIP.

President SLONAKER read Resolution No. 3391 to the Board.

Commissioner WARREN moved to approve, seconded by Commissioner FOX

Commissioner WARREN asked that the current footbridge remain or be upgraded if needed. Attorney GROSS advised that the agreement cannot be amended as this was approved by the County and work is starting very soon. His request will be conveyed to the County.

SEVEN Commissioners were present and voting "yes". Resolution No. 3391 was approved

**E. OTHER**

**MOTIONS**

1. MOTION – to approve the forwarding of the Zoning Request of Whitehall Retirement Living to the Planning Commission for the recommendation only.

Commissioner SNYDER moved to approve, seconded by Commissioner SLONAKER Commissioner WARREN stated that this started out as a high density to be developed outside of the approved zoning. The Township could have changed the zoning but did not and he voted to approve the 43 single family homes, as that is what he wants to see.

Commissioner SNYDER commented that if this proposal is not what the Board really wants to see happen, then sending the developer from one board to another should stop.

Commissioner WARREN then stated that there have been other projects that have been referred to Legal & Legislative and just because they were before that Committee does not mean they can keep moving forward.

SEVEN Commissioners were present and three voting "yes" (Commissioner's SNYDER, SLONAKER and ATIYEH) and four voting "no" (Commissioner's FOX, WARREN, GINDER and SCARFARO. Motion was denied.

#### **DISCUSSION ITEMS:**

1. Whitehall Township Industrial Commercial Development Authority Funding Status (J. Meyers)  
Commissioner SNYDER asked for a number of items from WTICDA and received those items and agrees that the remaining \$12,500 that was approved previously by the Board, be paid out.
2. Draft PROS Plan & Final Rec Center Feasibility Study  
Commissioner SNYDER would like to fund another study to determine what the cost would be to upgrade the Fullerton Building in comparison to building a new Rec Center. He received an estimate from the Architect for \$22,000 for a design with an additional \$6,200 for a construction cost estimate. He believes it would be best to have a second option to present to the residents. The Fullerton Building will need to have the heating system fixed before winter and this park should be upgraded to benefit the residents in the southern end of the Township.  
Commissioner's SCARFARO & ATIYEH feel if an Option B is provided, which obviously would be less expensive, that most people would automatically opt for B.  
Commissioner WARREN stated that he had been advised that retrofitting a building usually costs more than building new. He noted that if the increase in recreation fees passes, there will be a lot more money coming into the Township that could help fund a new center.  
Commissioner's GINDER and SNYDER commented that spending the money for the studies would be beneficial to determine the condition of the Fullerton building and whether it's cost effective to upgrade it or build a new one.  
Deputy Mayor MEYERS will investigate what account the monies could be pulled from. Most Likely a budget transfer will be necessary into that particular account.  
Lori Ann Fehnel of 3103 N. 3<sup>rd</sup> Street commented that in speaking with many residents in the Fullerton area that they are very much wanting to see something happen with this facility. Even if they are given several options, they will choose what they feel is best for their community.  
Commissioner SNYDER made a motion to authorize spending for up to \$30,000 to MKSD for an evaluation of another option on a recreation center, seconded by Commissioner ATIYEH. Vote taken 7-0 to approve the Motion.
3. Jefferson Rec Center Study 2 (K Snyder)  
Commissioner SNYDER noted that there is a lot of information to digest from all the information



that was provided in this study.

**F. REPORTS OF PUBLIC OFFICIALS**

Commissioner SNYDER suggested that the L&L Committee discuss instituting regulations regarding Ebikes. He has received numerous complaints of the excessive speed of these bikes on the IRT. Mayor MARX noted that ebikes are not regulated under the state vehicle code and it would be very difficult to police the speed. Commissioner GINDER thought that there was 12 mph regulation and no motorized vehicle allowed but understands that ebikes do not fall under that regulation and it would be difficult to monitor speed as well. Commissioner WARREN does not want to see them band as he has seen himself a number of elderly people using these devices to get around on the trail. He does agree there should be a way to control or enforce excessive speeds no matter what type of bike is being used.

Commissioner WARREN gave kudos to the Recreation Staff for always getting any issues handled in a timely manner and Rec Director Brandon Hibbler is doing a great job getting projects moving forward and completed.

Commissioner ATIYEH questioned the status of the Halloween Parade. Mayor MARX advised that is has been scheduled for October 23<sup>rd</sup> starting at 6:00pm. The School District requested some changes including a shortened parade route, additional policing and lighting, EMA to handle staging and candy will be handed out by student volunteers from the school district.

A discussion ensued regarding trick or treat night. Although it has been set for this year, Commissioner WARREN feels it needs to be changed to accommodate families that have students involved in school activities on the same night.

Commissioner SCARFARO stated that the electronic speed signs that were placed on Presidential Drive initially slowed drivers down have become ineffective and hoped that consideration could be given to some other speed control measure. Commissioner WARREN noted that the Township needs to get a traffic calming plan in place and the state has a manual that could be utilized. Mayor MARX added that the Board needs to create a Committee and offered that there are many state resources available. Commissioner ATIYEH agreed that something needs to be done in that area taking into consideration the park located on Presidential Drive.

Commissioner FOX noted that there will be a basket raffle for the Haunted Parkway and basket donations are needed.

Treasurer KOREN stated that she submitted her monthly report to the Board. All monies have been distributed to the school district and township. She also noted that Berkheimer has collected less compared to last year at this time.

Mayor MARX commented that Police citation numbers are at 4,575 for this year and 3 years ago at this time, was at approximately 2,200. The Department is also making headway with panhandlers and homeless with being fair and equitable. Traffic calming is also being worked on with making more of a presence. He also reported that National Night Out was a great success. Jefferson Playground equipment was installed with four benches, two tables and two play areas, and new mulch is being completed this week. Trailhead project is completed and final touches are being done. Concert series is coming to an end and all involved did an amazing job for a successful summer.

**G. ADJOURNMENT**

MOTION – Commissioner WARREN moved, seconded by Commissioner SCARFARO to adjourn the meeting at 8:36 PM.

Board of Commissioners – August 11, 2025  
Clarification of Zoning Ordinance 27-97: Twp Forestry Practices  
Comments from Karen Poshefko, 3303 Musselman Court, Whitehall, as a private citizen; not as an EAC member.

About a month and a half ago, I became aware of Township Zoning Ordinance 27-97, regarding Forestry Practices. Since then, I have been investigating if it is binding and enforceable.

On July 30, Janet Minnich and I met with Chris Gittinger; Lee Rackus was unable to attend. During the meeting, Mr. Gittinger said he felt that the Ordinance 27-97 was enforceable, but suggested I contact Mrs. Rackus for additional clarification.

In a subsequent email, Mrs. Rackus's opinion was that, "I will defer to Chris as he is the Zoning Officer and has final say on all things zoning. The change that we made several years ago with the ordinance you referenced below was when the State of PA changed the municipalities planning code and precluded our *prohibition* of forestry or even making it a conditional use. The state pre-empted all municipalities by putting forestry regulations in the state law and requiring it to be a permitted use in all zoning districts. We cannot regulate it differently than they have established. We had to update our regulations to comply with State law in 2004. I would venture a guess that even though we have these additional standards, they may be hard to enforce since the state law was changed. Again, as the Zoning officer Chris would enforce. If we were challenged then I guess Atty. Gross would have to weigh in."

I checked the PA Forestry website and found that:

1. Zoning and Forestry:

- Pennsylvania's [Municipalities Planning Code \(MPC\)](#) mandates that municipalities permit forestry activities in all zoning districts.
- This means timber harvesting, among other forestry activities, is generally allowed without requiring special permits or variances.
- **However, municipalities can implement reasonable ordinances that encourage sound forestry practices.**
- Local governments cannot adopt ordinances that unreasonably restrict forestry activities.

Is Zoning Ordinance 27-97 valid and enforceable?

**EXHIBIT**