



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

April 7, 2021

1. CALL TO ORDER: 7:00 p.m.

Public/Virtual Meeting Rules were read.

As this is a virtual GoTo Meeting, Township Manager, Renee Bickel took a Roll Call for attendance purposes as follows:

Commissioner Wolk:	HERE
Commissioner Kelly:	HERE
Commissioner Setton:	HERE
Commissioner Morgan:	HERE

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Diane Kelly, Vice President
Commissioner Michael Wolk, Assist. Secretary
Commissioner Matthew Mobilio - Absent
Commissioner Joe Setton
Joseph A. Zator, Twp. Solicitor, Zator Law Offices
Anthony Tallarida, Twp. Engineer, The Pidcock Company
Renee Bickel, Township Manager
Randy Cope, Director of Twp. Operations
Herb Bender, PW Superintendent
Mike Elias, PW Utility & MS4 Coordinator
Scott Boehret, Finance Manager
Chief Glen Dorney, SWT Police Department
Dave Manhardt, Director of Community Development
Tracy Fehnel, Exec. Assistant

2. PLEDGE OF ALLEGIANCE

3. NOTIFICATION: All Public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on BoardDocs for the Public's access.

***(boarddocs.com; USERNAME: swhitehall; PASSWORD: swtpublic)**

The Board did meet in Executive Session on April 6th to discuss legal matters.

President Morgan explained in light of Commissioner Mobilio's resignation, a formal motion to accept his resignation needs to take place. A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to accept the resignation of Matthew Mobilio.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE

Commissioner Morgan: AYE
Motion carried.

President Morgan explained that later on in the meeting we will discuss the process for filling this vacancy created by Matthew Mobilio's resignation.

4. **MINUTES**

a. **March 17, 2021 - BOC Meeting Minutes**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the March 17, 2021 BOC Meeting Minutes as presented.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

5. **ORDINANCES**: None.

6. **RESOLUTIONS**:

a. **Resolution Authorizing Township Manager to Sign and Submit Pennsylvania Department of Conservation and Natural Resources Form DCNR-C2P2 with Regard to "Rehabilitation of Wehr's Dam within Covered Bridge Park" Project**

Randy Cope, Director, Township Operations, explained at the Wehr's Dam Workshop it was agreed to research grants to help with the rehabilitation of Wehr's Dam. We worked with our team at Michael Baker and have identified a DCNR C2P2 Grant. DCNR has separate categories under that umbrella program. The area we are looking to apply for in the amount of \$250,000 is under the Parks Rehabilitation Grant Program. There is a deadline of April 14th for this project. The resolution is a formality for the DCNR grant process. This allows the Township Manager to sign the grant agreement if the grant is awarded. If DCNR should decide to award the project, obviously there are no guaranties—we can ask for a certain amount. However, they could come back to us and offer us a lesser amount—the grant is not guaranteed. This is a formality (the resolution) which has to be attached to the grant application. In all likelihood would not received a grant agreement until beginning of the year. Randy said the entire rehabilitation of the dam would be put into this grant request. Whatever physical work would be part of the bid package, would be supported by this grant. DCNR works with a 50/50 match.

Board questions were answered at this time, followed by Public comments taken and questions answered.

A MOTION was made by Commissioner Morgan to sign and submit the grant paperwork as discussed this evening. The Motion was seconded by Commissioner Kelly.

Roll Call Vote as follows:

Commissioner Wolk: AYE
Commissioner Setton: AYE
Commissioner Kelly: AYE
Commissioner Morgan: AYE
Motion carried.

b. A Resolution Appointing Mark Leuthe to the South Whitehall Township Planning Commission

President Morgan explained that it was the recommendation of the interview committee to appoint Mark Leuthe to the Planning Commission. Mr. Leuthe was in attendance.

Commissioner Wolk made the following MOTION: As a standard practice, South Whitehall Township will have a fully open interview process for vacant committee positions where the entire BOC will review the applications and select the candidate who will be interviewed, and interview the candidates at a public meeting, vs a private meeting, and select the successful candidate. This motion would enable the full BOC to give guidance and direction regarding the SWT committees, would provide transparency across the full BOC, and with the public, by allowing the public to observe the interviews. Commissioner Kelly seconded his motion.

President Morgan is not against reviewing the process, or possibly even changing it moving forward, but stands behind the process which brought us to this place this evening. Moving forward if we want to make modifications to the process, she is not against it; this can be talked about as a group. However, she would still stand behind making a motion to appoint Mr. Leuthe to the Planning Commission because she believes he is the most qualified.

Board questions answered; public comments heard and questions answered.

Solicitor Zator said that as long as you are not deliberating or making decisions, a Board is allowed in Executive Session to gather information. In the context of what we are discussing here this evening, the interview process is one of gathering information. The two commissioners being on the interview committee do not make a quorum, and therefore, there is no Sunshine Act issue. The process being discussed this evening is a process which is up to the BOC to decide on.

President Morgan said that she is not in a position to make a solid decision on the process until we all talk about it. She suggests that we have a group/workshop meeting to discuss the process moving forward and is happy to do that, but is not in a position to make a final decision this evening on exactly how we are going to do that. We also need to get legal input on how we can do interviews, what information we can share, what that means for our candidates, etc. We would need to do this before she makes a motion or approval on anything.

Roll Call Vote as follows on Commissioner Wolk's motion:

Commissioner Wolk: AYE
Commissioner Setton: NO
Commissioner Kelly: AYE
Commissioner Morgan: NO
Motion did not carry.

A MOTION was made next by Commissioner Morgan to appoint Mark Leuthe to the Planning Commission. The Motion was seconded by Commissioner Setton.

Roll Call Vote as follows:

Commissioner Wolk:	NO
Commissioner Setton:	YES
Commissioner Kelly:	NO
Commissioner Morgan:	YES

Motion did not carry.

President Morgan reiterated that the Board needs to get together to discuss both the interview process and the vacancy also on the interview committee.

c. People's Security Bank & Trust Resolution for Lynn-Anne Kocon, South Whitehall Township Tax Collector

Lynn-Anne Kocon, SWT Tax Collector was advised by BB&T of fee changes with regard to her accounts there, which created the need for her to change banks and open up an account elsewhere—People's Security Bank & Trust. (The fees by BB&T would have amounted to \$5,000 to \$10,000/year.) She received permission from PSD, but also needs BOC approval to proceed with opening account at People's.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, granting permission to Lynn-Anne Kocon to switch account from BB&T to People's Security Bank & Trust.

Board questions were answered at this time. No public questions at this time.

Roll Call Vote as follows:

Commissioner Wolk:	YES
Commissioner Setton:	YES
Commissioner Kelly:	YES
Commissioner Morgan:	YES

Motion carried.

7. MOTIONS

a. Motion to Proceed with Approval of South Whitehall Township COVID-19 Relief, Small Business Grant Program Recipient List

Jessica O'Donnell, Executive Vice President of Affiliated Chambers for The Greater Lehigh Valley Chamber of Commerce, and Ashley Lorah, Emmaus Main Street Manager, AVP, Affiliated Chambers (EPCC, WLCC, SLCC) were both in attendance to present on this item.

Ashley explained the process that was taken and Jessica talked about how they got the word out, and ultimately those listed as recipients of the COVID-19 Relief, Small Business Grant. There were six people from their office who worked on this project for SWT. This was also shared with their Board members of Western Lehigh as well. Jessica wanted the SWT Board to know the work, the hours, the process that was involved to get all this out there and to these eight qualified businesses who are eligible for this grant program. Your support will truly support these businesses, some who were in attendance this evening.

President Morgan said that SWT could not have done this without the Chamber's support, and thanked Jessica and Ashley for their support and hard work. On behalf of the Board, she said we are happy to do this.

All Board/Public questions were answered at this time.

A MOTION was made by Commissioner Morgan to proceed with the approval of the SWT Covid-19 Relief, Small Business Grant Program Recipient List. The Motion was seconded by Commissioner Setton.

Roll Call Vote as follows:

Commissioner Wolk: YES

Commissioner Setton: YES

Commissioner Kelly: Abstained, because she has business with a couple of the businesses on this list.

Commissioner Morgan: YES

Motion carried.

Jessica and Ashley both thanked the BOC again. This is truly a life-line to these businesses. They asked that we all continue to support local businesses, who continue to need our support.

- b. Motion to Formally Accept Resignation of Commissioner Matthew Mobilio** – This item was handled at the start of the meeting.

8. CORRESPONDENCE AND INFORMATION ITEMS:

a. Boards and Commissions – Informational Items

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

1. Civil Service Commission - 2 vacancies, alternate positions
2. Landscape Shade Tree Commission - 2 vacancies
3. Parks & Recreation Board – 2 vacancies
4. Planning Commission - 1 vacancy

9. DIRECTION/DISCUSSION ITEMS:

a. Green Advisory Council Survey – Frank Petrocelli, Chairman, GAC

Mr. Petrocelli was in attendance to give a brief presentation on where GAC is today, what the future focus is, and to answer questions.

GAC Mission – The Green Advisory Council will advise the BOC on the responsible use and conservation of SWT's natural resources to promote a sustainable community for generations to come. Working with Township officials, the GAC will identify and support initiatives aimed at engaging and educating residents and businesses on the economic and societal benefits of environmentally responsible choices. This group was formed in October 2019.

GAC Membership – Tricia Bernecker, Judy Cooper Vice Chair, Greg Duncan, Almut Hupbach, Tori Morgan, Marie North, Chair Frank Petrocelli, Mark Pinsley, and Jessie Snyder

SWT Staff – Randy Cope Director Township Operations, Mike Elias MS4 Coordinator, and Mike Kukitz Parks & Recreation Manager

Member Responsibilities – Educate yourself; Educate your Community; and, in coordination with staff, support/execute initiatives that advance the GAC Mission

GAC Structure – Members participate on one or more committees; Committees matched to current initiatives, and are expected to change over time; Current Committees are— Recycling; Stormwater; Single-use plastics; and Communications.

Current Accomplishments – Electronics recycling event May 22nd; Updated Resident Guide; Stormwater Management Supplement for Fall 2021 SWT Newsletter; GAC Facts; and partnership with Parkland High School Conservation Club. Also touched on some future accomplishments also.

GAC is going to move forward with their survey process to then provide more information back to the BOC.

b. Process for Appointment – This is with regard to the vacancy on the BOC.

Solicitor Zator outlined steps for appointment as follows:

- Submission of Mr. Mobilio's resignation, which has been received by Board and formal acceptance of said resignation by the BOC. Time clock starts April 7th.
- BOC has 30-day period to appoint replacement. Requirements are township resident for at least one year, person must be a registered voter.
- If BOC cannot come to a consensus and do this within the 30-day period, there is an additional 15 days that follows in which the vacancy board has an opportunity to make that appointment.
- If vacancy board is unable to make that appointment for whatever reason, then the chair of the vacancy board would be directed by law to file a petition to the Court of Common Pleas for the Court to then affirm a person to that role.

The documented process is as follows:

- Advertise in Morning Call, The Parkland Press, and website immediately.
 - Wednesday, April 21st 4:00 p.m. is cut off for submission of LOI and supporting documentation to Tracy. There will be a requirement of one pertinent question to be answered, as defined in advertisement/on website. What do you think is the greatest improvement needed in South Whitehall Township, and how can you contribute to the improvement needed?
 - On the 21st, Tracy to create packet and get it to the BOC all at the same time; no half-way packet to be received (on the 14th)—everyone to get their packet on the 21st, the last day they are due, to be fair across the board. (2:48:38)
 - Week of 26th through 30th, candidates must be available for the public interviews in person. Public could not answer questions, only BOC. Public can observe.
 - Board will then regroup to decide on a recommendation.
 - Board to make recommendation for May 5th Meeting (day 28), which places us within the 30 day window.
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Solicitor Zator said that based on the hybrid format of these interviews, he needs to do a bit of research and then get back to the Township Manager regarding what has been discussed this evening.

The above is the plan/process as accepted by the Board.

c. **2021 South Whitehall Township Recognition for Governor's Award for local government excellence.**

d. **Question/Answer session related to "No Parking" Signs on Wehr Mill Road.**

10. **OLD BUSINESS:**

a. **Wehr's Dam – Status:** In process of application for the E&S Permit—hope to have this wrapped up in May. This is a three-month renewal process. Being worked on by Michael Baker.

b. **Credit Cards** – Opened new bank account for credit card processing. Waiting for our online accessing to this account. When bank account is live, we will be able to process the cards.

c. **Campus Renovation Project:** Currently working through punch list items. Also, site work is continuing to be worked on.

11. **COURTESY OF THE FLOOR:**

12. **PAYMENT OF INVOICES:**

a. **Invoices and Purchasing Requisitions have been reviewed by the Township Manager and the Director of Finance, who authorize that checks be issued to pay bills as tabulated.**

A MOTION was made by Commissioner Kelly, and seconded by Commissioner Wolk, to approve the payment of all invoices.

Roll Call Vote as follows:

Commissioner Wolk: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion carried.

Commissioner Kelly requested that all invoices be provided for review in their packet. Staff will provide all invoices in future packets.

15. **EXECUTIVE SESSION:** No executive session after this meeting.

16. **ADJOURNMENT:** At 10:34 p.m. a MOTION was made by Commissioner Setton which was seconded by Commissioner Kelly, to adjourn. All in favor; none opposed.

- 17. APPROVED:** On April 21, 2021, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the April 7, 2021 BOC Meeting Minutes as amended.

Roll Call Vote as follows:

Commissioner Volk: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion carried.
