



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

April 21, 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 Setton:	HERE
Commissioner Kelly:	HERE
Commissioner Morgan:	HERE

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Diane Kelly, Vice President
Commissioner Michael Wolk, Assist. Secretary
Commissioner Joe Setton
Jennifer Alderfer, 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 not have any Executive Sessions since the last meeting.

4. MINUTES

a. April 7, 2021 - BOC Meeting Minutes

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 Wolk:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE

Commissioner Morgan: AYE
Motion carried.

5. **PRESENTATIONS: None.**

6. **ORDINANCES:**

a. **Request to Advertise – An Ordinance Amending the South Whitehall Township Zoning Ordinance to Delete Section 350-48(n)(9)(E)(vi)**

Assistant Township Solicitor, Leo DeVito, w/Broughal & DiVito, was in attendance to present on behalf of the Township. A request has been made by a landowner, via petition to the Board requesting an amendment to the SWT Zoning Ordinance, to the above-mentioned section—Motor Service Vehicle Facility. In the past, gas stations were not permitted within 1500 feet of one another. There is a gas station across the street, so they could not put a, for example—Sheetz, gas station in. Landowner who wanted to put in the new gas station filed petition seeking to amend that provision. The amendment is with the Exception: One Motor Vehicle Service Facility may be located within 1,500 feet of no more than one other such Facility under the following conditions: (a) that the two such facilities are separated by a public road, and; (b) when located at the intersection of two public roads, that they be separated by the public road of the higher street classification. The Petitioner is asking, if acceptable, the Zoning Amendment process to be commenced, which starts with a 45-day review period which goes out to the Lehigh Valley PC, and also to the SWT PC; comments on this amendment would be received. If there are changes that are substantive, the process would start again—the review process. Once comments are addressed, then the BOC would be asked to authorize the advertisement of this zoning amendment. This would then allow two gasoline service stations to be within 1500 feet of one another provided they are separated at an intersection by a public road.

Gregg Adams, SWT Planner, clarified that this is a request to advertise and a request to circulate to the LVPC.

Attorney DeVito clarified further that SWT would authorize the transmittal of the proposed amendment to the PCs for their review and comment, allow 45-days, and then authorize the advertisement for a meeting beyond that date at which time there would be a public hearing regarding the text amendment.

Board questions were answered at this time.

President Morgan summarized by saying Attorney Erich Schock, w/Fitzpatrick, Lentz & Bubba, was in attendance on behalf of the landowner/petitioner; this went through Planning who made a recommendation for this; President Morgan believes they (Petitioner/Attorney Schock) should be given an opportunity to give their information. We are not agreeing to this change this evening. The vote is—are we going to allow them to come before the BOC with the information supporting their request—to listen to their fact findings. She felt the

Board should allow them to move forward to advertise for a public hearing to at least hear them and what the opportunities might be.

Public questions/comments answered/taken at this time.

A MOTION was made by Commissioner Morgan granting permission to advertise and also permission to circulate to the LVPC, which would allow the Board to hear the information from the Petitioner. The motion was seconded by Commissioner Setton.

Roll Call Vote as follows:

Commissioner Wolk:	NO
Commissioner Setton:	AYE
Commissioner Kelly:	NO
Commissioner Morgan:	AYE

Motion did not carry.

President Morgan asked Attorney DeVito where does this leave us? It was not denied, it was not approved. Could the opportunity come back to the Board when we have a 5th member, or Petitioner would take another route? Attorney DeVito said the motion failed; this is a legislative decision. There is no right by the Applicant to appeal, the request by Petitioner fails. Attorney DeVito said the Petitioner has the opportunity to come back or have an opportunity to take a different route as mentioned. The route referenced is that the Applicant is also able to seek relief for that particular zoning by going to the ZHB for a variance.

7. RESOLUTIONS: None.

8. MOTIONS

a. Sewer Allocation Request for Hotel Hamilton

Mike Elias, PW Utility & MS4 Coordinator explained that Hotel Hamilton proposes to re-develop the adjoining properties located at 3051, 3125, 3127 & 3141 Hamilton Boulevard. The daily sewer demand for the project is estimated to be 9,740 gpd. The existing allocation for the previous site is 2,232 gpd. Hotel Hamilton is requesting an additional allocation of 33.66 EDUs or 7,508 gpd.

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

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, approving the above-mentioned Sewer Allocation Request for Hotel Hamilton as presented by Mr. Elias.

Roll Call Vote as follows:

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

Motion carried.

b. Motion Requesting Permission to Extend Current Road Building Materials Contract

Herb Bender, PW Superintendent, explained that on behalf of the SWT PW and Purchasing, they are requesting permission to extend the current road building materials contract that we have with New Enterprise Stone & Lime Co., for an additional term of one year. With the rising costs of oil/fuel prices, Mr. Bender feels it is in the best interest of the Township, as the vendor has agreed to hold the same pricing for another year. Attorney Alderfer said this is a permissible extension under the contract.

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

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to granting request to extend current road building materials contract as explained by Mr. Bender.

Roll Call Vote as follows:

Commissioner Wolk: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS:**a. Boards and Commissions – Informational Items**

GAC – President Morgan explained the GAC met on Monday, the 19th. Discussed the May 22nd recycling event at Parkland High School, the moving forward of the survey—the gathering of information, and assuming there are no more additional questions by the BOC, GAC is excited to get that rolling. There has not been any decision by GAC to make any recommendation to the BOC on an actual ban. They are trying to gather additional information on different environmental initiatives. This is the gathering of information from the business, which will help GAC better understand what is happening in the community and what makes sense for SWT moving forward. Randy Cope, Director, Township Operations touched on some other items discussed, which were project status updates being worked on in the individual sub-committees. President Morgan said that if there are no questions on the survey, GAC is ready to distribute that survey next week. The Board was in agreement GAC could proceed with survey. (Commissioner Kelly said she will agree but asked that it be noted for the record she will agree, but that we should take things slowly w/regard to the topics she raised in consideration of this matter—current ban at State level w/regard to single-use plastics being enacted in municipalities, which is on hold until July, and some other municipalities who are in a legal battle w/State over this.)

Finance Committee – Commissioner Wolk explained the Finance Committee did meet, with the focus being on the audits.

President Morgan asked Commissioner Wolk to summarize what he wants with regard to the audits. Commissioner Wolk answered as follows: Better Communication to the full Board.

Additionally, Commissioner Wolk gave the following Audit Report as follows:

- (1) PA has a statute that requires First Class Townships to submit annual Financial Audits
- (2) The PA Department of Community and Economic Development (PA DCED) manages the Township Financial Audit submittals
- (3) SWT has not submitted any Financial Audits since 2011 nor since the 2012 Embezzlement
- (4) SWT has 10 years of outstanding Audits which is in violation of the PA State Statute

In October 2020, the Township Manager informed DCED that SWT would submit Audits beginning with 2016 and would not submit the 2012-2015 Audits. The Township Manager did not inform the BOC that the 2012-2015 Audits were still outstanding and did not obtain BOC approval that these Audits would not be submitted to DCED.

In January 2021, DCED advised Commissioner Kelly that SWT has 10 years of outstanding audits, not just 4 years. At the 1/20/21 BOC Meeting, Commissioner Wolk informed the BOC about this finding, which was the first time that the entire BOC discussed the fact that SWT had informed DCED that the SWT will not submit the 2012-2015 Audits and would start submitting audits beginning with 2016.

SWT must improve communication so that the entire BOC receives complete financial information to make township financial decisions under their accountability.

Commissioner Wolk made the following MOTION:

SWT will hold a BOC Workshop on SWT Financial Audits so that the entire BOC, SWT Administration, SWT Auditor, SWT Solicitor, and Public can have a common understanding about:

- The facts and timeline associated with the missing SWT Audits
- The Audit status which continues to miss target schedule deadlines
- The actions that could be taken to ensure that this decade-long problem never happens again

The BOC Workshop on SWT Financial Audits will be held by the end of July 2021.

President Morgan said she'd be happy to have a meeting and share information, but we need to see if May 12th will work with everyone involved.

Commissioner Kelly seconded Commissioner Wolk's Motion, and agrees this would help the Board can come up to speed with changes that have been implemented, and as we move forward through this process as a unit, so that decisions can be made by the entire board.

Finance Manager Scott Boehret said that the auditors will be presenting the audits at these meetings.

Public comments/questions took place at this time.

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

Roll Call Vote as follows:

Commissioner Wolk: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion carried.

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

b. 2020 Planning Commission Annual Report (given in 2021) – FYI.

This report was presented by Chairman Bill MacNair, and will also be attached to the April 21, 2021 Meeting Minutes when posted.

Board questions were answered at this time. There were no questions by the public at this time.

10. DIRECTION/DISCUSSION ITEMS:

Current BOC Vacancy – President Morgan explained that the BOC did receive their packet of candidates for the current vacancy. The BOC will be doing live interviews next week of the candidates. Suggestion to keep the process fair is to have a set of questions for the candidates, which could veer off to other questions. Should we need to initiate our Vacancy Board, she would recommend that Attorneys Alderfer/Zator and Renee, reach out to Keisha Champagnie, who is on the vacancy board to bring her up to speed regarding rules of engagement, what happens, what transpires, what would have to happen should she need to get involved. President Morgan said that she is assuming Keisha should be in attendance at all the interviews as well.

Candidates are as follows: Ben Long, Daniel Buglio, Mark Leuthe, Jamal Ahmed, Dean Browning, Andy Flagg, Bill MacNair, Thomas Johns, Lee Solt, and Tom Utsch. Interviews to take place the week of April 26th through the 30th in person at the Township Building and will be streamed/recorded for the public to view.

Board will talk more before next week regarding the subject of interview questions and to fine-tune process of the interviews.

Board questions answered at this time, followed by questions/comment by the public.

Attorney Jennifer Alderfer had a conversation with the LC Clerk of Elections with regard to process and filling the current vacancy. Since it is too late to get someone on the primary ballot, essentially the county will notify the political parties, who will have an opportunity to select a candidate to be put on the November ballot. There will be one spot on the ballot to fill the remainder of Matthew Mobilio's term, in addition to the two spots to fill the four-year term positions.

11. OLD BUSINESS:

a. Wehr's Dam – Status:

Township Manager Renee Bickel said C2P2 grant has been submitted (discussed at last meeting)—deadline was August 14th. Still waiting on some engineering work for the final permit to apply for the LCCD permit, which is estimated to take three months.

b. Campus Renovation Project:

Continuing with site work that needs to be finished up. Inside, most of the work is done; outside, some work on the exterior of the building needs to be completed. Library construction is almost done on the inside. Not sure when they will be returning. In terms of our budget, from our five prime contractors, we are just about complete. Finished with our electrical contract. At this point we are .04% over budget, approximately \$34,000, due to additional remediation required to be done. (This was about \$60,000 of additional remediation that had to occur.) Still receiving invoices from other portions of the project at this time. We are at 89.3% of the budget. Overall, still underbudget for this project.

Township Award – The Township was nominated by Senator Pat Browne's office, and was selected as a winner of a Governor's Award. The Award received was "in Innovative Community/Governmental Initiatives category, with regard to the Jordan Creek Greenway Project, and acknowledging the leadership of Christina Morgan, President of the Board of Commissioners." Presentation of award will be held on May 19th, at 9A, a virtual event to be held in our Public Meeting Room.

Fishing Derby Event – Township Manager Renee Bickel thanked Randy Cope and Mike Kukitz for their leadership in handling this event. It was a great day—they did a great job!

c. Credit Cards – Scott Boehret, Director of Finance,

Currently bank account has been opened. Ready to be used; however, it needs to be tested by Paymentus, which will take 5-7 business days. From there we go live.

12. DEPARTMENT REPORTS:

a. Executive Department – Renee Bickel, Township Manager (see above)

b. Community Development Department – Dave Manhardt, Director.

Comp Plan - Phase 4, Kick-Off Meeting – All information available on the website. Additional information added to sign-up page, re-working groups and MPC language for these groups, along with rough outline of meeting schedules. Working groups is where public makes recommendations for the CP. Todd Poole, Township Engineer, is working on economic model. Scott Bizerski from Keystone working on traffic model. Also, working on workbooks for the working groups.

c. Finance Department – Scott Boehret, Director.

Sending out the 2016/2017 Audit Reports, once the Audit firm gets them to him. Nothing else.

d. Parks & Recreation Department – Randy Cope, Director, Township Operations

Trout Derby – had over 200 children registered for this event.

Summer Playground Program – Still looking for summer help.

Public Input Meeting for the Kohler Ridge Park Master Plan – 6P, tomorrow.

Earth Day Clean Up at CBP – This Saturday, April 24th, 9A-12P

Ribbon Cutting for the Covered Bridge Park Playground - May 13th, 4P. Refreshments.

e. Police Department – Chief Glen Dorney.

Chief explained the PD handled 1,321 calls for the month, YTD Reports 3,689; UCRs 52 for the month, YTD UCRs 165; Arrests for the month were 29; and YTD were 84.

Noise Ordinance – still in the giving out notice only phase; very few repeat offenders.

f. Public Works Department (Water & Sewer) – Randy Cope, Director, Township Operations

Streets Department – All potholes have been filled. Routine property maintenance completed, which pertains to winter damages. In parks, beginning to cut grass, inspect baseball fields, mulching, and preparing for earth day beautification project. New playground landscaped, parking lot paved, and preparing for May 13th ribbon cutting.

PW Garage – Mechanics keeping up with fleet, doing routine maintenance of all vehicles, as well as flail mowers in preparation of roadside and swale mowing.

Water Department – Hydrant flushing program taking place. Working on the Bridgeview Terrace water main and valve replacement program. Ready to receive the VFDs over at Jacoby. Keeping up to date with weekly and monthly routine water testing and system maintenance.

Sewer Department – Completed Dorney Park sewer manhole-to-manhole lining project. Same done for Scherersville line. Starting to work on our cast-and-place repairs as well.

This ends PW Report.

g. Township Engineer – Tony Tallarida, The Pidcock Company

Had two projects at the April PC Meeting—Nestle and Robert Ruhe projects.

Parkway Manor Elementary School Project – Were going to come to the Board to discuss their project. They are changing their entrance to get more cars off the road; however, engineering-wise, not quite ready to do so. Will be back shortly to discuss project.

Continued work with PW Department re-various projects.

No questions from Board/Public at this time.

13. COURTESY OF THE FLOOR:

Brian Hite, 1273 Eck Road. Subject: Ongoing difficulties related to construction project by his residence. In response to Mr. Hite's difficulties, Mr. Herb Bender, PW Superintendent, said he will be going down to the Construction site to address these concerns brought before the Board this evening. Brian thanked Herb for all his efforts, and said Herb is one of the best PW Managers in the Lehigh Valley.

Susan Grella, 2921 West Fairmont Street. Subject: Stonecrest Swim Club. Spoke about the big bubble which was put over the pool. CD will try and get the best solution available for Ms. Grella regarding this situation. Laura Harrier to copy BOC on resolution of this matter.

JoAnn Markowicz – Subject: Requested some information, which FN will respond to.

Brad Osborne – Subject: Questions with regard to the Brian Hite situation.

14. 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 Morgan, 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.	

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

16. ADJOURNMENT: At 11:23 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn. All in favor; none opposed.

17. APPROVED: May 19, 2021

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the April 21, 2021, BOC Meeting Minutes as amended.

Roll Call Vote as follows:

Commissioner Wolk: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion carried.