



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

July 7, 2021

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

Roll Call taken as follows:

| | |
|----------------------|------|
| Commissioner Wolk: | HERE |
| Commissioner Long: | 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
Commissioner Ben Long
Joseph Zator, Twp. Solicitor, Zator Law
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
Captain Jason Negrón, SWT Police Department
Dave Manhardt, Director of Community Development
Tom Harper, Enforcement Program Manager
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)**

At this time, Township Manager Renee Bickel showed the public where to find past meeting minutes/recordings, in response to questions asked. Also, a reminder to call Township and ask Tracy Fehnel for assistance.

4. MINUTES

a. June 2, 2021 - BOC Meeting Minutes

A MOTION was made by Commissioner Long, which was seconded by Commissioner Setton, to approve the June 2, 2021 BOC Meeting Minutes.

Roll Call vote as follows:

| | |
|--------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | 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 Codified Ordinances Of South Whitehall Township To Add A New Chapter 250 Entitled "Quality Of Life Improvement Ordinance", Which Provides (1) A Ticketing Program To Potentially Resolve Certain Property Maintenance And Other Property Violation Matters In A More Expeditious Manner Than Traditional Ordinance Enforcement, (2) Procedures For Issuing Tickets Under The Ticketing Program, And (3) Preserves Traditional Ordinance Enforcement, And Further Provides For Severability, Failure To Enforce Not A Waiver, Applicability, And Effective Date.**

Mr. Tom Harper, SWT's Enforcement Program Manager, introduced to the BOC the Quality-of-Life Improvement Ordinance. The ordinance was developed by taking components of the 2015 International Property Maintenance Code, and other Township Ordinances, in addition to the many common nuisance complaints he received over the last two years from Township residents, and the result combined them into a more concise ordinance for use by Code Enforcement, which is being brought before the BOC this evening. Mr. Harper said this Ordinance was developed to address these complaints and to streamline the process to achieve compliance in a more expedited way. This Quality-of-Life Ordinance will be an additional tool for Code Enforcement to use to achieve the end goal, which is compliance.

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

A MOTION was made by Commissioner Long to advertise said ordinance as described. Commissioner Morgan seconded the motion. It should be noted that there will be an internal Standard Operating Procedure (SOP) which would address the procedural questions people have, which is separate from the ordinance.

Roll Call vote as follows:

Commissioner Wolk: AYE
Commissioner Long: AYE
Commissioner Setton: AYE
Commissioner Kelly: NO
Commissioner Morgan: AYE
Motion carried.

7. RESOLUTIONS:

a. A Resolution Appointing Mark S. Cappuccio, Esquire, Eastburn and Gray PC, as an Additional Alternate Township Solicitor for the Township of South Whitehall

Township Manager Renee Bickel explained we have come into an unusual situation where both our Twp Solicitor and our Alternate Township Solicitor are conflicted on a matter. We would therefore be engaging Attorney Cappuccio for a specified project, with regard to a water easement for the Ridge Farm Development. This would be a limited scope engagement.

BOC/Public questions answered at this time.

Clarification for the record - This is for a term ending December 31, 2023, or until such time the Board decides to go with a different solicitor for this position, should they choose to do so.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to approve above resolution appointing Mark S. Cappuccio, Esquire, Eastburn and Gray PC, as an Additional Alternate Township Solicitor.

Roll Call vote as follows:

| | |
|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

b. A Resolution Appointing __ as an Alternate Member to the South Whitehall Township Civil Service Commission

President Morgan explained that Mr. Vinny Quinn has been interviewed and has a willingness to serve on the CSC.

Board/Public questions answered at this time.

A MOTION was made by Commissioner Morgan to adopt the above resolution, and to appoint Mr. Quinn as an alternate member to the CSC, which was seconded by Commissioner Kelly.

Roll Call vote as follows:

| | |
|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

c. A Resolution Appointing __ to the South Whitehall Township Planning Commission

President Morgan explained that interviews were conducted for the PC vacancy. Candidates interviewed were Lynn Hanna, Lee Solt, and Mark Leuthe.

For this PC vacancy, each Board member nominated an individual as follows:

Commissioner Wolk: Lee Solt
Commissioner Long: Mark Leuthe
Commissioner Setton: Mark Leuthe
Commissioner Kelly: Lee Solt
Commissioner Morgan: Mark Leuthe

Comments/Questions taken by Public at this time.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, to adopt the above resolution, appointing Lee Solt to the SWT Planning Commission.

Roll Call vote as follows:

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

Motion did not carry.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Setton, to adopt the above resolution, appointing Mark Leuthe to the SWT Planning Commission.

Roll Call vote as follows:

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

Motion carried.

President Morgan thanked all the candidates.

d. A Resolution Of The Board Of Commissioners Of South Whitehall Township Authorizing The Execution Of A Trail Easement Agreement With Jeras Corporation Providing For The Granting Of A Perpetual Trail Easement Over Lands Of Jeras Corporation Along The Jordan Creek And Further Providing For The Payment Of Consideration Thereof

President Morgan explained we are pleased to announce that Jeras Corporation will be granting an easement to SWT through Jeras property to allow the construction of an important portion of the Jordan Creek Greenway. The area of the easement is south of Parkland High School and will allow about a quarter-mile of trail to be built from Ritter Road toward Covered Bridge Park. Jeras Corporation has worked closely with SWT and the Wildlands Conservancy on connecting the Jordan Creek Greenway through several parcels of its property for the past 10 years. This easement and Jeras's earlier work with the

Township and Wildlands will make it easier and safer to access the Greenway from Parkland High School and make the trail an even better asset for South Whitehall Township residents and visitors.

Randy Cope, Director of Township Operations, said we have an exciting opportunity before us to progress the development of the Jordan Creek Greenway. We are awaiting our permit approval for construction of the trail through Covered Bridge Park, and have already secured an easement with the Breininger family just east of Lapp Road. This is the next property over to continue to pave the way for the future direction of this trail. The Jeras Corporation has been phenomenal to work with, and Zator Law did a great job putting together a very comprehensive easement that is fair for both sides.

Highlights of easement are as follows: Trail easement will permit the construction of a 10' foot wide paved trail, signage, vegetation and landscaping, fencing, gates, and barriers for access. A removable and locked bollard will be installed at the entrance of the trail along Ritter Road to prevent unauthorized motorized vehicles from entering the trail. The easement provides the opportunity for benches, picnic tables, waste baskets, and bicycle racks with written consent. Permitted uses of the trail include walking, jogging, biking, hiking, bird watching, nature studies, power-driven mobility devices for those with mobility impairments, as well as emergency vehicles should there be an emergency on the trail. Also with written consent the easement also permits charity runs, races, use by the schools, clubs, and any other groups as well as picnicking and other stationary uses. Mr. Cope said we are here this evening respectfully requesting that the Board vote in favor of the above resolution.

Commissioner Wolk commented that he would like to see the new SWT Park Master Plan, but understands it is a work in progress, and asked what status of this is. Randy Cope said not so much on the Comprehensive Plan update for the Parks, Recreation, Trails, Open Space plan, but budgeted for and going out to bid for this year. We are waiting for the Comp Plan details to come back so that we do not duplicate our work, so as to have a cost savings to the Township--to make sure the data we have already collected is not being done in another study. The benefit to waiting for the CP is that we will then have a lot of that data in hand when we go out to bid or do an RFP.

Board questions/comments taken at this time, followed by Public questions/comments.

President Morgan made a motion to adopt the above resolution authorizing the execution of a Trail Easement Agreement with Jeras Corporation as explained. The motion was seconded by Commissioner Long.

Roll Call vote as follows:

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|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

President Morgan said a huge "thank you" to the Jeras Corporation and the School District.

e. A Resolution Granting A Waiver Of Certain Review And Approval Requirements Of The South Whitehalls Township Subdivision And Land Development Ordinance For A Plan Entitled, "1645 Whitehall Avenue Woodlawn Fire Company"

Dave Manhardt, Director, Community Development Department explained that the application is to further develop property at 1651 Whitehall Avenue. Plan proposes an 868 SQF truck port at the rear of the fire station. The property is .6198 acres, zoned R-5. Woodlawn Fire Company is the owner and Applicant. Previous township consideration—it was at ZHB in April 2021 and granted setback variances, as well as variance for the buffer strip between residential property and quasi-commercial property. There are several deferrals related to the Community Development Department—deferrals which are typically frontage improvements, which have been the practice of the PC to defer frontage improvements, such as sidewalks and/or curbing, until such time of further development. They are also asking for a waiver from SALDO section pertaining to open space dedication. The department recommends approval because it is a relatively small improvement to the property.

Barry Isset & Assoc. was also in attendance on behalf of the Applicant. Although they are requesting the above-mentioned waiver, the project will be reviewed by the Township Engineer, and we will of course comply with his comments. Fire Chief Barry Search was also in attendance. He explained that when the weather is bad, they are out there scraping/cleaning and we need a place for these two vehicles. This is the only place we could put the truck port. This is a pretty cut and dry project. He explained that they will be doing the concrete work themselves to keep the costs of this project down.

Board questions/comments taken at this time, followed by Public questions/comments.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Wolk, adopting the above-mentioned resolution granting the waiver of certain review and approval requirements of the SWT SALDO for a plan entitled "1645 Whitehall Avenue Woodlawn Fire Company.

Roll Call vote as follows:

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|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

f. A Resolution Granting A Waiver Of Certain Review And Approval Requirements Of The South Whitehall Township Subdivision And Land Development Ordinance For A Plan Entitled, "Parkway Manor Elementary School Student Drop-Off Improvements"

Dave Manhardt, Director, Community Development Department explained this is an application to approve the property located at 768 Parkway Road, Parkway Elementary School—driveway improvements. The application is a driveway pickup/drop off location, associated stormwater management facilities on a 20.22 acre property, zoned R-4 medium density residential. There are a series of comments, as well as waivers and deferrals. Some of the deferrals are related to frontage improvements—deferrals relate to areas that are not being improved. The Community Development Department does recommend approval of the plan. Scott Pasterski, Keystone Consulting Engineers was in attendance on behalf of the applicant. He is the site engineer for this plan. David Keppel, PSD in attendance as well. He explained that pre-COVID, when school conditions were normal, the traffic congestion with people turning off of Parkway Road into the drop off/pickup area, the que of vehicles would spill out onto Parkway Road causing blocking in both directions. This new plan serves two purposes. By extending and making a new driveway, eliminating the current driveway access points to Parkway Road, and a new driveway across from Hampshire Court, this will allow for the stacking cars to occur on the school district property and not on the roadway. The other benefit is that it aligns the driveway with Hampshire Court, which is good to have driveways align. The goal is to get the vast majority of this work done prior to school starting. Mr. Keppel said they have no problem with the comments in the letters they received and will comply. He explained they also have the LPPC consistency letter with regard to land development and stormwater management. He said they do have an NPDES permit associated with the project. Received confirmation from Conservation District that all our technical comments were addressed. Just awaiting issuance of permit.

Mr. Keppel did confirm that there will be a dedication of perpetual open space to the PSD on this elementary school property, and said this is acceptable, so as to preserve the open space on the school grounds for future growth.

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

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, to move forward with the adoption of the above resolution granting a waiver of certain review and approval requirements of the SWT SALDO for Plan entitled “Parkway Manor Elementary School Student Drop-Off Improvements”.

Roll Call vote as follows:

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|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

Additionally, SALDO requires that the BOC must approve the alternate designee of open space. Therefore, a MOTION was made by Commissioner Kelly that the open space

requirement of SALDO is allowed to be fulfilled by a deed restriction with respect to the appropriate amount of land. The motion was seconded by Commissioner Setton.

Roll Call vote as follows:

| | |
|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

g. A Resolution Extending The Conditional Preliminary/Final Approval Granted To A Major Subdivision Plan Entitled, "KRE Spring View Commercial II"

Dave Manhardt, Director, Community Development Department explained the property is located at corner of Cetronia Road and Broadway. Client proposes a consolidation of lots for future development in the highway commercial zone. KRE2 is owner/applicant. The BOC at a January 2020 meeting approved a major plan. Applicant is here to request 180 days extension to the deadline in order to record the plan. Staff has no objections to the extension.

Noah, with the KRE Group was in attendance. He said they are here this evening to respectfully request an extension of the time period in which this plan has to be recorded. We have been working with Staff, Township Engineer/Solicitor, and we have a final set of plans ready, drafts of developer agreements, approved construction cost estimates for the security. We are still clearing up with PennDOT the one outstanding issue, and are therefore asking the BOC to extend the deadline for which the plan needs to be recorded, for an additional 180 days, in order to resolve with PennDOT and then come back to the BOC.

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

A MOTION was made by Commissioner Kelly to adopt the above resolution extending the conditional Preliminary/Final Approval granted to plan entitled "KRE Spring View Commercial II". The motion was seconded by Commissioner Long.

Roll Call vote as follows:

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|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

8. MOTIONS

a. Motion Requesting Permission to Proceed with the Purchase of Playground Equipment for Jacoby Park

Mike Kukitz, Parks & Recreation Manager, explained that Staff is seeking permission to purchase new play equipment to complete the Jacoby Park renovation project. Staff worked closely with the Parks & Recreation Board and two (2) COSTARS approved playground suppliers to generate a design that will be appealing to families and that is within the approved budget. Staff is recommending to proceed with purchasing the playground equipment from Recreation Resource USA/Burke for a total cost of \$48,620. Total cost includes shipping and installation of the play equipment, Shadeplay Canopy, Tot Seat (x2), Belt Seat (x2) and would be delivered within 8 to 9 weeks. This company worked with us and gave us a sale price of approximately \$14,000 less.

Commissioner Kelly asked if consideration was given to more neutral tones for the equipment given the surrounding houses, instead of the red color. Mr. Kukitz said this color plays off the Township color, but said that it is at the pleasure of the Board to change color. The Park & Recreation Board did elect to go with this, also.

Board questions/comments taken at this time.

A MOTION was made by Commissioner Long, which was seconded by Commissioner Setton, to proceed with the purchase of playground equipment for Jacoby Park.

Roll Call Vote as follows:

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|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | NO |
| Commissioner Morgan: | AYE |

Motion carried.

9. **CORRESPONDENCE AND INFORMATION ITEMS:**

Submittal of Application to PA DCED on the American Rescue Plan Act of 2021 – Township Manager Renee Bickel explained that we are required to submit to DCED by June 30th, in order to receive our funds under the American Rescue Plan Act. The Township is set to receive a total of \$2.88M. The first distribution of this will come this year (\$1.44M). We will be working with BOC to gather ideas based on criteria for eligibility/use of the money. Total amount to be used by end of 2024.

Commissioner Wolk – Finance Committee Update.

Financial Audits – Last meeting spent entire time reviewing audit status. Renee and Scott to provide a brief written status report. At this point in time, the Finance Committee has not met with Auditor for the purpose of reviewing the auditor financial reports. The 2018/2019 audit financial reports are still in progress. Consequentially, there is no information to report of the audited finances at this time. Next major milestone is August 5th, when the auditor will present draft 2016 through 2019 audit reports to Finance Committee. These reports will include auditor opinion, with findings and recommendations. This will be the first time the Finance Committee will have a discussion with the auditor about the actual audited finances. Work to date has been directed toward this milestone. Looking forward to the August 5th

meeting. Commissioner Wolk thanked Scott Boehret, Renee Bickel and Team for the progress made.

The PA Auditor General Issued a Compliance Audit Report for SWT non-uniformed employees defined contribution plan, issued March 2021, available on website. Commissioner Wolk made a MOTION to have a presentation of this report at the next BOC meeting. (To report out on this report, and what the BOC needs to do about it.) The motion was seconded by Commissioner Kelly.

Roll Call Vote as follows:

| | |
|----------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |

Motion carried.

Commissioner Wolk – Finance Committees Open to the Public. Commissioner Wolk made a MOTION that future meetings of the SWT Finance Committee be advertised and open to the public. This Motion was withdrawn by Commissioner Wolk. Finance Director, Scott Boehret feels this is something that should be discussed at the next Finance Committee Meeting; as he is directly involved in this, he feels he should have some input into this decision. The Board was in agreement.

a. Boards and Commissions – Informational Items

Mike Kukitz – Green Advisory Council. The environmental plastics use survey is out to businesses. GAC looking to partner with the LVCD to possibly be the grantee for a potential grant opportunity to bring some educational signage and a new pollinator garden and some basic upgrades down at CBP—working with them now on this possible grant. Looking to re-engage the PSD conservation club with GAC again. Recycling event on May 22nd at PSD. 500-600 cars came through and 38,862 pounds of materials diverted from landfill and put to good use.

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

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

Board/Public questions answered at this time.

10. DIRECTION/DISCUSSION ITEMS: None.

11. OLD BUSINESS:

a. Wehr’s Dam – Status: Township Manager Renee Bickel explained that nothing has changed since last meeting.

b. Credit Cards – Status: Credit cards are now live. Future billings will have info on this.

c. Hybrid Meetings – Status: Dave Manhardt explained the biggest hurdle technology wise is getting the audio feed into the computer, into the live feed. Meeting scheduled with CSI to have an audio box which everything feeds to, which feeds directly into the computer, and then the audio system would be a direct feed. We would not have to worry about feedback. Also hard wiring of mic at podium. Solicitor Zator addressed the Legal side – Per Governor’s executive order, the legislation, first-class township code, it is his legal conclusion if the BOC chooses to have hybrid meetings, you can do so. Requirements to keep in mind— it cannot be entirely virtual, there must be a physical meeting location; based on the first-class township code, it is necessary that all Commissioners be present, unless you adopt a telecommunications policy, and then under that policy you could get by with only a quorum being present physically, up to two Commissioners participating remotely. Before doing this he would want to speak in more detail to the BOC in an executive session.

BOC questions/comments taken at this time.

12. COURTESY OF THE FLOOR:

Resident – Didn’t give name. Topic: King George Inn.

Attorney Erich Schock, c/o Fitzpatrick, Lentz, & Bubba – Topic: Agenda Item from the April 21, 2021 BOC Meeting, re-Request to Advertise for a Text Amendment to the Zoning Ordinance – An Ordinance Amending the SWT Zoning Ordinance to Delete Section 350-48(n)(9)E(vi). Attorney Schock said he is asking for his day in court, a hearing to be held. He is before the Board with a request to advertise for said hearing for the text amendment. This does not mean you are in favor or not in favor. It just means there will be a public hearing on this matter.

A MOTION was made by Commissioner Long to move forward with the advertising of said public hearing. The motion was seconded by Commissioner Setton.

Roll Call Vote as follows:

| | |
|----------------------|-----|
| Commissioner Wolk: | NO |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | NO |
| Commissioner Morgan: | AYE |

Motion carried.

13. 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 Long, and seconded by Commissioner Kelly, to approve the payment of all invoices.

Roll Call Vote as follows:

| | |
|--------------------|-----|
| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |

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

14. **EXECUTIVE SESSION:** None.
 15. **ADJOURNMENT:** At 10:43 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn. All in favor; none opposed.
 16. **APPROVED:** On **August 4, 2021**, a MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, to approve the July 7, 2021, BOC Meeting Minutes. All in favor; none opposed.
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