



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

July 21, 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
Mike Kukitz, Parks & Rec Manager
Scott Boehret, Finance Manager
Chief Glen Dorney, 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)**

4. MINUTES

a. July 7, 2021 - BOC Meeting Minutes – TABLED

Commissioner Kelly said with regard to the resolution that was passed on July 7th, agenda item 7-g, with regard to KRE Spring View Commercial II, there was a date that was wrong in the resolution that was passed for the extension—Commissioner Kelly clarified it said that the BOC had granted the extension on December 23, 2020 (there was no BOC meeting on the 23rd), when in actuality the BOC voted on January 6, 2021 to grant the extension. This was not something in the minutes for correction; however, Tracy will provide this correction to Gregg Adams, with regard to this particular resolution.

Commissioner Kelly circled back to previous comments re-the Sunshine Act regarding the posting of names of residents providing testimony on events, as they related to Agenda item 6-A (Quality Life Improvement Ordinance), where it said “Board questions, followed by Public questions, were answered at this time”. She asked if that satisfies the requirement of the Sunshine Act. Tracy asked if Solicitor Zator could provide some clarification to this, because the Sunshine Act states that those who appeared “officially”, which Tracy explained we do in Courtesy of the Floor, where we then state individual’s name, address, and topic. We do not normally put the names of individuals who make comments throughout the meeting. Solicitor Zator suggested that we TABLE the minutes for further consideration, and then this will be addressed at next meeting.

Commissioner Wolk added there was an incomplete sentence by Randy Cope. Tracy look at after meeting. This was a “blank” to be filled in with the missing word. After meeting, checked with Randy, and missing word filled in.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton to TABLE the minutes per Solicitor Zator for further consideration.

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. **Previously Advertised; Motion to Adopt - 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, as well as Chief Glen Dorney gave a brief introduction to the Board, stating this will be another tool in the tool box—it helps make sure that your neighbors are good neighbors, following the rules, and if they don’t know the rules, we educate people as to what the rules are. This will be an educational-based program. It is not strictly an enforcement program on the side of the police. It helps PD to be able to address things when they occur.

Commissioners Wolk and Kelly felt the word “nuisance” was subjective. Also, Commissioner Kelly did not feel political signs should be part of this ordinance; as well as this ordinance

gives sole discretion to one person to deny or have a hearing. Every resident has the right to be heard. Commissioner Wolk said the ordinance is a good start, and enhances SWT, but needs more work. Has a real concern regarding objectivity. Job descriptions should be included. Need to specifically talk more about over-reach items. Commissioners Setton and Kelly had concerns regarding first-time offenders, enforcement, and violations should be reviewed more.

President Morgan said this ordinance would allow us to, if there was a concern, to have the ability to go in, look at the situation, assess it, and then make a determination to rectify the issue. This ordinance was moved forward with due to the variety of complaints coming into the Township over the years. Commissioner Long feels this ordinance enhances SWT—feels we are at 95% with this ordinance.

Some comments by residents are as follows:

- The ordinance gives a huge amount of power to township bureaucrats. What is in this ordinance is what will be enforced, not what is being said this evening. What will remain is the ordinance, which is what is enforceable.
- Regarding state inspection stickers, some vehicles do not have to be inspected by the state. Need a bit more clarification with regard to this.
- This ordinance is an overreach; if there is a particular ordinance to be fine-tuned, would rather see that done.
- Individuals commented that they want to keep Allentown out of SWT.

All Board/Public questions were answered, comments made.

A MOTION was made by Commissioner Long to move forward with adoption of this ordinance as written. The motion was seconded by Commissioner Morgan.

Roll Call vote as follows:

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

Motion did not carry.

Commissioner Wolk made a MOTION, which was seconded by Commissioner Kelly, to TABLE ordinance for rework.

Roll Call vote as follows:

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

Motion carried.

Commissioner Kelly thought it would be helpful if Mr. Harper could advise of the type of complaints he hears—types, frequency; perhaps report to this Board quarterly so we have an understanding of what is going on in the Township. It would help to know what Mr. Harper does, complaints he hears, which will help Board understand what we do need, and how do we fit the needs of the Township, which are specific to SWT, and make an ordinance that makes sense to help the residents who have had problems to this point, and build from there.

At this point, the Board jumped to 7-C.

- b. Request to Advertise and Transmit to LVPC - “An Ordinance Amending The South Whitehall Township Zoning Ordinance By Deleting Section 350-48(n)(2) No-Impact Home-Based Business, Creating New Sections 350-48(h)(5) Home-Based Business, No-Impact And 350-48(h)(4) Home-Based Business, Low-Impact, Renumbering Existing Section 350-48(n)(3) Nursing Home To Section 350-48(n)(2), Renumbering Existing Sections 350-48(h)(4) Through (h)(6) To 350-48(h)(6) Through (h)(8) To Accommodate The New Sections 350-48(h)(4) And (h)(5), Correct All Impacted Links Within The Zoning Ordinance; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date.”**

Solicitor Zator explained because this is a text amendment, this is a hearing, and at this time he called it to order (The time was 8:02P.) Purpose is to inform public what this ordinance is and provide opportunity for public to comment.

Dave Manhardt, Director, Community Development Department explained we had a section of our ordinance called “no-impact, home-based businesses”. Historically this ordinance/use did not allow visitation for specific uses. We had people calling in, which increased during COVID, asking if they could do a home-based business as a single employer, for example—a hairdresser/massage therapist, etc., and were told “NO”. This prompted us to look at the ordinance; also the MPC speaks directly to “no-impact, home-based businesses”. Our existing ordinance did not accurately reflect what the “no-impact, home-based business” did in the MPC. This ordinance is to adjust the “no-impact, home-based business” so that it is consistent with the MPC.

The second piece of this is the “low-impact, home-based business”. There is a portion in the old ordinance where music teachers, tutors, etc. that allowed up to six visitors, which are examples of “low-impact, home-based businesses”.

No-impact—clearly no impact; everything is done in the home. Low-impact—there may be a visitor(s), there may be equipment associated with it. This ordinance allows them to do that. A key component of this ordinance makes those uses a special exception, which are those uses which have to go the ZHB, who has the opportunity to listen to the specifics of that proposed use, and perhaps have to make specific conditions on that use. The other piece of being a special exception is that it requires notice to neighbors. Any concerns can then be expressed at the ZHB, and also any conditions are spelled out in the approval for

future enforcement, which makes enforcement a lot clearer. Dave also mentioned that the idea is that individuals go through the BP Licensing, which creates a record of the business.

Dave explained that under the current ordinance, we have had to turn away a lot of people in SWT.

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

At 8:19P, Solicitor Zator said we are ready for a decision.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Setton to move forward with the advertising of the above-discussed ordinance, as well as the transmitting of said ordinance to the LVPC.

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. Resolution Granting Preliminary/Final Approval To A Major Plan Entitled “Proposed Flex Building 1215 Hausman Road”

Dave Manhardt, Director, Community Development, explained that this is for a proposed Flex Building at 1215 Hausman Road. The application is to develop the property at this address. The plan proposes to remove the existing barn and the construction of a roughly 90,000 SQF Flex Building, 89 car parking lot, truck court, and associated storm water management facilities on a 10.7 acre tract. Property is zoned IC-1 industrial-commercial-1 (special height limitation). At May 20, 2021 Meeting the PC recommended approval to the BOC with 17 conditions and 3 waiver recommendation requests.

Attorney Blake Marles, Stevens & Lee, was in attendance on behalf of the applicant, as well as Andy Baldo, c/o Forge Development Group and a representative (Paul) of Liberty Engineering. Attorney Marles said the resolution is clear, and the conditions are agreeable. The acceptance of conditions was presented to Mr. Gregg Adams this evening. Client has presented everything that was required of them.

BOC/Public questions answered at this time.

A MOTION was made by Commissioner Wolk, that a condition be added that the layout will be modified if necessary to satisfy the requirements in the other Conditions including but not limited to wetlands, stormwater management, infiltration rate, DEP requirements, etc. (The Board was in agreement to make this condition as part of the motion below.)

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Long, to approve the above-mentioned Resolution granting Preliminary-Final Approval to a Major Plan Entitled “Proposed Flex Building 1215 Hausman Road”, which includes the above

additional condition by Commissioner Wolk that the layout will be modified if necessary to satisfy the requirements in the other conditions including, but not limited to wetlands, stormwater management, infiltration rate, DEP requirements, etc.

No other questions by the Board or the Public at this time.

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 Granting Preliminary/Final Approval To A Major Subdivision Entitled "Proposed Independent Living Apartments In Luther Crest"

Dave Manhardt, Director, Community Development Department explained that this is an application to further develop the property located at 800 Hausman Road. The plan proposes the construction of a three-story 37,500 SQF addition containing 72 independent living apartments, removal of 161 parking spaces and the addition of 86 new parking spaces, and improvements to the stormwater management system, on a 4.6 acre portion of the 43.58-acre site. Diakon Lutheran Social Ministries is the owner and applicant. At the December 17, 2020 PC Meeting, they recommended approval to the BOC with 16 conditions and no waiver recommendations.

In attendance, on behalf of the applicant, Dave Baker, VP of Diakon, was Bill Kick, P.E., of Herbert, Rowland & Grubic, Inc. He explained they were here to present on this 74-unit independent living apartment building which will provide housing up to 120-130 senior residents, and in this very tight housing market, a much needed improvement for the area. Acceptance of conditions has been signed as part of this resolution. There is only one waiver request, which relates to stormwater management, which the issue is that the soil on site is replaced every year, so it is primarily a fill site. There are no places that are suitable for infiltration techniques for stormwater management. DEP has acknowledged that after 15 years of requiring infiltration no matter what, that it is not always possible, so they have come up with a new concept of requiring an extended release to accomplish that extended release, which requires a very small opening so that that stormwater can slowly discharge from. The SWT ordinance requires a minimum of a three-inch diameter opening; in order to comply with DEP requirement, we need a one-inch diameter opening to release the water slower. We are asking for a minimum waiver that the three-inch requirement be modified to a one-inch in order to meet the DEP requirement. Township Engineer Tony Tallarida said this was reviewed to see if this configuration was acceptable to the basin and this is a private basin which will be maintained as necessary by the applicant. DEP changed their rules, so that is why our ordinance does not recognize this, which is the primary reason for this waiver. Mr. Kick explained that the release rate needs to be restricted in accordance with PA DEP, which the smaller orifice, 1" diameter, which will meet the requirements to comply.

Mr. Kick said that regarding the Luther Crest Land Development Plans from 2006, sidewalk installation was proposed between Hausman Road and Luther Crest Drive/Southgate Court, and they are willing to complete the construction of those sidewalks. He said this is a condition, and they are working on the access rights to do so.

All Board/Public questions answered at this time.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Wolk, to grant preliminary-final approval to a major subdivision entitled "Proposed Independent Living Apartments in Luther Crest".

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 of the Board of Commissioners of South Whitehall Township
Confirming Individuals Nominated by the Volunteer Fire Companies as Special Fire
Police Each for a Five-Year Term**

Chief Glen Dorney explained that the Fire Police do a phenomenal job, out there any time of the day, in any weather, in any incident. They truly do a fantastic job. They are a testament to the residents in our Township who give back—a huge benefit to our Fire Departments, our PD. I commend them and am very proud they are here this evening for the approval of this resolution. A big thank you to them.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Morgan, to adopt the above resolution, confirming these individuals as Special Fire Police.

Roll Call vote as follows:

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 Advertising Bid with Regard to the
Bridge View Terrace Water Main Replacement Project**

Herb Bender, PW Superintendent explained that SWT Water Department is respectfully requesting permission to advertise the Bridge View Water Main Replacement Project. This replacement project will affect the following streets:

- Covered Bridge Lane (River Road to Lime Kiln Road)
 - Courtney Place (Covered Bridge Lane to cul-de-sac)
-

In the past two years the residents of this area have gone through 8 water main breaks due to the aging cast iron pipe. We will be replacing the cast iron with ductile iron pipe. This project is in the water budget in the amount of \$500,000.

Randy Cope said it is important to note that this is Phase I of this project. Herb said the second phase will be in the area of \$600,000—this is a very large project. Commissioner Morgan is going to forward some information to Randy regarding a grant program to look into for this project.

Board questions/comments taken at this time. No questions from public at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to move forward with the advertising of bid with regard to the Bridge View Terrace water main replacement project.

Roll Call Vote as follows:

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

Motion carried.

b. Motion Granting Permission for the Township to Work with PFM Financial Advisors LLC, as Independent Financial Advisor, King, Spry, Herman, Freund & Faul, LLC as Bond Counsel in Conjunction with the Sale and Issuance of the Township's General Obligation Bonds, Series of 2021. (See full Motion below.)

Scott Boehret, Director of Finance said this evening they are presenting a proposal for a plan to reissue township debt in the form of bonds. Jamie Schlusser, from PFM was in attendance and went over this particular resolution with the BOC. Jamie has 20+ years with regard to the debt market, extensive experience with many municipalities, and 7 years' of experience with SWT. Handout of Presentation distributed to BOC.

Board questions were answered, followed by public comment.

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, granting permission for SWT to work with PFM Financial Advisors.

Roll Call Vote as follows:

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

Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS:

GAC met Monday and talked about projects as follows: Partnering up with PSD Conservation Club; possible partnerships with Whitehall Township EAC re-roadside cleanups; update of

GAC of webpage of GAC facts; possible presentation of concept of community garden in October; next GAC meeting August 16th.

Commissioner Wolk – Finance Committee Update. Audit status has not changed. 2018/2019 Audit Financial Reports are in progress. No new information regarding the audited finances. On August 5th, Auditor will present the draft 2016-2019 Audit Report to the Finance Committee, and this will be the first time we will have the opportunity to discuss the Auditor Findings.

10. Boards and Commissions – Informational Items

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

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

Township Manager Renee Bickel explained that she was contacted by Maria Mullane, Solicitor for the ZHB, with regard to a replacement for the Mark Leuthe Vacancy. Two options are: We have Lee Solt, who is the alternate ZHB member and can move into a permanent position—Renee did speak with Lee Solt and he is interested in transitioning to the permanent ZHB member position. The other option is to conduct interviews. It is the pleasure of the Board.

A MOTION was made by Commissioner Morgan, to appoint Lee Solt to the permanent ZHB member position; the motion was seconded by Commissioner Setton.

A resolution will be prepared in accordance with the above motion.

No Board/Public questions at this time.

Roll Call Vote as follows:

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

Motion carried.

The Premier Hearing - will be held on August 10th only. Solicitor Zator explained that if there is a hearing held on the 10th, and we do not finish with the hearing, we would then have another 45 days—the BOC would have the right to do so.

11. DIRECTION/DISCUSSION ITEMS:

Commissioner Kelly – Restrictions on Commissioners. Board of Commissioners may ask questions of the township staff for the purposes of inquiry, but not direct them to do work. Asked if the township made any changes to this ordinance. She asked that this be clarified with staff—Staff can talk to Commissioners, but Commissioners cannot direct them to do work. Commissioner Wolk was in agreement with Commissioner Kelly on this matter.

President Morgan did not feel that this conversation was appropriate for a public meeting—she said it should be dealt with in executive session, not this forum. President Morgan explained that for 13 years when she has a question, she has always called the Township Manager, and they may opt to bring in staff at that point. From a structural standpoint she felt it was very important to go to Township Manager first because TM may be privy to information that Staff is not yet aware of. Feels it is important to maintain that level of organization.

12. OLD BUSINESS:

- a. **Wehr's Dam – Status:** Township Manager Bickel explained that we are submitting a permit package to LCCD by end of week.

13. DEPARTMENT REPORTS:

- a. **Executive Department** – Renee Bickel

Campus Renovation Plan – Over budget by 1.5%. Do not have final numbers as of yet. Still waiting for some of our Prime contractors' bills. Have not received all the payment apps as of yet from all the primes.

- b. **Community Development Department** – Dave Manhardt.

Comprehensive Plan – Working Group meetings started last week. Intention was to stack meetings to keep things fresh and wrap up. Finished up second week of meetings. Meeting included LVPC subject experts, who presented best practices and tools they used in regional planning. Next we take a week and go through the info gathered and then we start formulating recommendations. This brings us to third working group meeting where working groups will consolidate and make formal recommendations to the PC for the CP update. We would like to see more involvement in that third meeting.

- c. **Finance Department** – Scott Boehret. We continue to work on the 2020 Audit. Also updating our BP data base.

- d. **Parks & Recreation Department** – Randy Cope. Concert at CBP this Friday. Over 400 children attending the summer playground program. Collected over 300 survey responses to the Kohler Ridge.

- e. **Police Department** – Chief Dorney reminded that National Night out is August 3rd.

- f. **Public Works Department (Water & Sewer)** – Randy Cope. Heavy into routine maintenance right now—parks, ballfields, grass cutting, trash collection, routine maintenance at water stations, clean up of basins, etc.

- g. **Township Engineer**

No additional questions/comments by Board/Public at this time.

14. COURTESY OF THE FLOOR:

Sam (Resident) – Topic: Felt earlier conversation should have occurred in private setting. Asked the Board to remember why they are here--to serve the residents of SWT, and get together as a group and do that.

15. 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 Setton, 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.

- 16. EXECUTIVE SESSION:** An executive session was held after the conclusion of this evening's BOC meeting to discuss "Land".
- 17. ADJOURNMENT:** At 10:34 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to adjourn. All in favor; none opposed. (BOC, at this time, went into executive session to discuss "Land".
- 18. APPROVED:** On **August 4, 2021**, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the July 21, 2021, BOC Meeting Minutes. All in favor; none opposed.
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