



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**August 4, 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, Absent  
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, Absent  
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, President Morgan advised that we will start the meeting off with Agenda Item 8-A, followed by the corresponding resolutions 7-D, E, F & G.

**4. MINUTES**

**a. July 21, 2021 – BOC Meeting Minutes**

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.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE

Commissioner Kelly: AYE  
Commissioner Morgan: AYE  
Motion carried.

**b. July 7, 2021 - BOC Meeting Minutes**

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.

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. An Ordinance Of The Board Of Commissioners Of The Township Of South Whitehall, Lehigh County, Pennsylvania (The Township), Authorizing And Directing The Issuance Of Its General Obligation Bonds, Series Of 2021, In The Maximum Aggregate Principal Amount Of \$15M (The “2021 Bonds” Or “Bonds”) Pursuant To The Local Government Unit Debt Act Of The Commonwealth Of Pennsylvania, As Codified By The Act Of December 19, 1968 P.L. 1158, No. 177, As Amended And Supplemented; Providing The Proceeds Of The Bonds Shall Be Used To Fund (I) Certain Township Improvements, And (II) The Current Refunding Of The Township’s General Obligation Note Series Of 2014 (2014 Note), Township’s General Obligation Note Series Of 2018 (2018 Note), And Township’s General Obligation Note Series Of 2019 (2019 Note), Pursuant To A Program (The “Refunding Program”); Making Representations Regarding The Amortization Of The Bonds; Determining That Such Sale Shall Be A Private Sale By Negotiated Bid Under The Act; Fixing The Interest Payment Dates, Denominations And Registration, Transfer And Exchange Privileges Of The Bonds; Setting Forth The Maturity Dates, Principal Maturities And Current Interest Rates Of The Bonds And Establishing A Required Schedule Of Payments With Respect To The Sinking Fund, As Hereinafter Established, In Order To Amortize The Bonds; Establishing The Redemption Provisions Of The Bonds; Accepting A Bid For Purchase Of The Bonds And Authorizing Execution Of Such Acceptance By An Appropriate Officer Of The Township; Designating A Paying Agent And Registrar; Designating A Place And Method Of Payment Of The Bonds And Interest Thereon And Making Certain Covenants With Respect To The Tax Free Status Thereof; Establishing The Substantial Form Of The Bonds Authorizing Execution And Authentication Of The Bonds; Providing For The Registration Of The Bonds, The Maintenance Of Records Of Registered Owners And Transfer Of The Bonds; Covenanting To Pay The Principal Of And Interest On The Bonds And**

**Pledging The Full Faith, Credit And Taxing Power Of The Township To Such Purpose; Establishing A Sinking Fund For The Bonds And Authorizing And Directing Payment Therefrom; Setting Forth Certain Provisions With Respect To The Investment Of Monies Therein; Designating A Sinking Fund Depository; Setting Forth Certain Rights Of The Paying Agent And Bondholders In The Event Of Default And Other Rights Of The Parties With Respect To The Bonds; Providing For The Circumstances Under Which The Ordinance May Be Amended Or Modified; Authorizing And Directing Specified Officers Of The Township To Do And Perform Certain Specified, Required Or Appropriate Acts; Authorizing The Execution Of Documents For Closing And The Payment Of Issuance Expenses; Declaring That The Debt To Be Incurred Is Within The Limitation Imposed By The Act Upon Incurring Of Such Debt By The Township; Authorizing And Directing Proper Officers Of The Township To Deliver The Bonds Upon Execution And Authentication Thereof, Upon Receipt Of Proper Payment Of The Balance Due Therefor, And Only After Specified Approval, As Required, Of The Department Of Community And Economic Development Of The Commonwealth Of Pennsylvania; Setting Forth Certain Covenants Relating To The Federal Tax Status Of The Bonds; Covenanting To Pay Over At Settlement Sufficient Monies To Provide For The Payment Of The 2014 Note, 2018 Note And The 2019 Note (Collectively "Prior Debt"), To Be Refunded In Accordance With The Refunding Program; To The Extent Appropriate Providing For The Issuance Of Irrevocable Instructions Of Prior Debt And Providing For Compliance With The Securities And Exchange Commission Rule 15c2-12; Providing For Severability Of Provisions Of The Ordinance; Providing For Repeal Of All Ordinances Or Parts Of Ordinances So Far As The Same Shall Be Inconsistent; Providing When This Ordinance Shall Become Effective.**

Scott Boehret, Director of Finance explained that Attorney Kevin Reid, with King Spry, Herman, Freund & Faul, as well as Melissa Hughes, Senior Managing Consultant, from PFM were in attendance this evening to answer any questions that the Board/Public might have.

Melissa explained the timeline which is as follows: This evening is simply to get the authorization for advertising of this ordinance. After that is granted, on August 18<sup>th</sup> the BOC can consider the ordinance itself. We would go through the rating process, we would get the rating back, we would complete the preliminary financial statement, then towards the end of September we would be in a position to price the bonds and lock in the rates, by the end of October we would be in a position to settle. This timeline is driven by the timeline for the payment on your bond anticipation, which has a repayment date of December 1, 2021.

Melissa clarified that we need to adopt an ordinance at the August 18<sup>th</sup> Meeting. We will have several weeks to decide the actual amount. The \$15M is the maximum amount, which can be adjusted down, but cannot be adjusted above that amount.

Solicitor Zator clarified that a requirement of this is that the Board needs to, in the next three years, use \$1.6M for capital projects. Melissa said that is correct, with one caveat—those capital projects come as an aggregate, with a useful life of 20 years. Solicitor Zator went on to say what this is doing is that because interest rates are low, we would finance \$1.6M for

those kinds of projects, and the Board can use it in the next three years as it so chooses. So, the real question is do you think you will have more than \$1.6M in capital projects over the next three years? And, if you do, this makes sense. Melissa clarified further—Question: Do you have reasonable expectations that within three years of settlement, you can spend 85% of the borrowed proceeds.

All Board/Public questions were answered at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, granting permission to proceed with the advertising of above-said ordinance.

Roll Call vote as follows:

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

Motion carried.

**b. Copy of 6-A Ordinance was posted here for Public Access.**

**7. RESOLUTIONS:**

**a. A Resolution - Consideration of Resolution Regarding Potential Employee Separation Agreement for Township Manager**

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

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Long, adopting Resolution Regarding Potential Separation Agreement for Township Manager.

Roll Call vote as follows:

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

Motion carried.

President Morgan explained that Township Manager Renee Bickel will be leaving August 31, 2021. We want to personally thank her for her years’ of service and wish her well in her future endeavors. The Board of Commissioners has initiated the process to identify a successor and will name an Acting Township Manager prior to Renee’s departure.

**b. A Resolution Amending Resolution 2015-29, A Resolution Of The Board Of Commissioners Of South Whitehall Township, Lehigh County, Pennsylvania, Pursuant To The Local Tax Enabling Act, 53 P.S. §§ 6924.101 et seq. Appointing The Business Privilege Tax Administrator**

Scott Boehret, Director of the Finance Department explained that the Finance Department has undergone some strategic internal changes in roles and responsibilities with its

employees. One of the areas in which change has occurred is the realm of the BPT. This resolution will be appointing Diana Volkova as the Business Privilege Tax Administrator. The proposed resolution is consistent with previous resolutions appointing an employee as BPT Administrator.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, approving appointment of Diana Volkova as BP Tax Administrator. All in favor; none opposed.

Board questions answered at this time. No 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.

**c. See 8-A motion below, followed by Resolutions 7-D, E, F & G.**

**d. A Resolution Appointing Eric Kleintop to the Position of Lieutenant for South Whitehall Township**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to appoint Eric Kleintop to the Position of Lieutenant for SWT. All in favor; none opposed.

Roll Call vote as follows:

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

Motion carried.

**e. A Resolution Appointing Colin Beaumont to the Position of Sergeant for South Whitehall Township**

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to appoint Colin Beaumont to the Position of Sergeant for SWT. All in favor; none opposed.

Roll Call vote as follows:

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

Motion carried.

**f. A Resolution Appointing Jason Grozier to the Position of Sergeant for South Whitehall Township**

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A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to appoint Jason Grozier to the Position of Sergeant for SWT. All in favor; none opposed.

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 Appointing Timothy Shoudt to the Position of Sergeant for South Whitehall Township**

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, to appoint Timothy Shoudt to the Position of Sergeant for SWT. All in favor; none opposed.

Roll Call vote as follows:

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

Motion carried.

At this point in the meeting, jumped back up to Agenda Item 4—Meeting Minutes.

**h. A Resolution Granting Preliminary-Final Approval to a Minor Plan Entitled "3926 Lime Kiln Road"**

Gregg Adams, CD Planner, explained this is an application to subdivide the property located at 3926 Lime Kiln Road. It is about 68 acres and also includes the former Novak Landfill. The 68 acres also has two farmhouses on it. This plan proposes to separate out the two farmhouses from each other and leave the landfill and some other land as the residual parcel—one lot into three. Zoned Rural Residential 2. Applicant/Owners are Anthony and Janel Hanna. Mr. Mark Bradbury was in attendance and presented the plan and answered questions.

Mr. Bradbury explained variances were approved. Also, this land is under an environmental covenant which means although the lots are subdivided, there is a fence that goes around the environmental restriction area. There is a 15-foot easement outside this fence which will be on the residential lots so that DeMaximis can maintain that fence without disturbing anything—ripping up ground or a contractor damaging the cap. It also gives them access to the landfill, and they will perpetually have the right to come in and inspect those properties.

Board questions were answered. There were no questions by the public.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Long, to grant Preliminary-Final Approval to a minor plan entitled "3926 Lime Kiln Road. All in favor; none opposed.

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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 to Proceed with Adoption of Civil Service Eligibility Lists for Lieutenant and Sergeant Promotions.**

Chief Dorney said he was here this evening to officially request that the BOC adopt the current CS Promotional lists for the positions of Sergeant and Lieutenant. Tests were held in accordance with the CS standards and approved by the CSC yesterday.

There were no questions from BOC or public at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Long, to proceed with the adoption of the CS Eligibility Lists for Lieutenant and Sergeant. All in favor; none opposed.

Roll Call vote as follows:

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

Motion carried.

Next items handled were 7-D, E, F & G.

**9. CORRESPONDENCE AND INFORMATION ITEMS:**

Commissioner Wolk – Finance Committee Update. Essentially same as last two meetings. Meeting with Auditor tomorrow. Auditor will present the draft 2016-2019 Audit reports to the committee. Reports will include the Auditor Findings and Recommendations. This will be first discussion with the Auditor about the audited finances. The 2018/2019 Audit Financial Reports have not been submitted to us yet, so we will not have had any opportunity to review these reports prior to the meeting tomorrow. But, presumably they will be ready for us to review at the meeting.

**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

**10. DIRECTION/DISCUSSION ITEMS: None.**

**11. OLD BUSINESS:**

- a. **Wehr's Dam – Status:** Nothing new to report on Wehr's Dam at this time.

**12. COURTESY OF THE FLOOR:**

Dean Browning, Resident, 2432 W. Congress Street; Topic-Sound System. Also, would like presentations projected onto screen for Public.

Rob Hodges, Resident, 1707 Penn's Crossing; Topic-COVID Relief Money. Scott Boehret, Director of Finance, said discussions regarding this money will take place at the Budget Workshops.

**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 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.

**14. EXECUTIVE SESSION: None.**

- 15. ADJOURNMENT:** At 8:45 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 18, 2021, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the August 4, 2021 BOC Meeting Minutes as amended. All in favor; none opposed. This was a 5:0 vote.
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