



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

October 6, 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

Randy Cope, Interim Township Manager/Dir. 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: swwhitehall; PASSWORD: swtpublic)**

The Board did meet in Executive Session prior to this evening's meeting to discuss personnel matters.

4. PRESENTATIONS:

a. Finance Fund Balance Policy by Scott Boehret, Director of Finance

Scott Boehret, Director of Finance explained that one of the suggestions that came out of the 2016-2019 audit report was for the Township to draft a fund balance policy. No formal action is being requested at the present time. Purpose of presentation is to educate and inform the board regarding fund balance.

Maintaining a fund balance is essential to the preservation of the financial integrity of SWT and is fiscally advantageous to both the Township and taxpayers. A policy will ensure the Township maintains adequate fund balances in order to:

- provide sufficient cash flow for daily financial needs
- secure and maintain investment grade bond ratings
- offset significant economic downturns or revenue shortfalls
- provide funds for unforeseen expenditures related to emergencies
- to ensure taxpayer's level of services do not degrade over time

There are 5 types of fund balance.

1. Non-spendable
2. Restricted
3. Committed
4. Assigned
5. Unassigned

The initial suggestions that our audit firm, as well as the Government Financial Officer's Association suggests in their "Fund balance guidelines for the general fund", are being taken into account. The GFOA recommends not less than 2 months of General Fund Revenues, or 17%.

The range suggested in the draft is no less than 20%, but no more than 30%.

The draft needs further revision, to include our Enterprise funds as well as the general fund, as well as edits to the specific language.

Although not formally enacted, we as a staff are preparing the 2022 budget to plan for this policy in the future, to operate within these guidelines. I am encouraging every commissioner to have an open mind with regards to a fund balance policy.

5. **ORDINANCES:** None.

6. **RESOLUTIONS:**

- a. **A Resolution Amending Resolution 2016-23 Granting The Conditional Approval To A Waiver Of Certain Subdivision And Land Development Review And Approval Requirements Of The South Whitehall Township SALDO For A Plan Entitled "Chabad Lubavitch Of The Lehigh Valley" And Granting An Additional Waiver Relating To SALDO Section 312-39(e) (9:20)**

Dave Manhardt, Director of Community Development explained that this project started in 2015, there were several extensions, then the project was idle for a while due to pandemic. Applicant is ramping up to start project again. The soil erosion sediment control plan, approved by the conservation district, had expired, which means they need to submit a new plan for approval. Applicants are seeking a waiver from this plan. Chabad Lubavitch already had an approved plan. For the Board's consideration would be any enforcement related issues for the soil erosion sediment control plan.

Zachary Cohen was in attendance on behalf of the Applicant. Nothing has changed since approval was received. A delay to get this approved again, would take them past winter. Seeking a waiver with regard to requirement to reapply for a permit which was already approved, and which the conservation district said they would reapprove; we are still willing to comply with all the conditions.

Zachary Cohen clarified for Solicitor Zator that they are seeking a waiver of the township's SALDO requirement to make the submission again to the LCCD. They (applicant) are not asking for the township to waive any LCCD requirement they would have. Also, Mr. Cohen said they have no issue with keeping the oversight of the LCCD in place. Solicitor Zator said

they will work with Tony Tallarida, The Pidcock Company regarding this in order to keep this enforcement mechanism in place. Solicitor Zator said wording for resolution—***Applicant consents to SWT oversight, inspection, and enforcement of stormwater infrastructure and functioning requirements in the same manner that the LCCD ordinarily has the right to do.*** Mr. Cohen said this would be acceptable. Services Agreement is already in place.

Herb Bender, Manger, Public Works Department, said the Township also has the ability to do a “Stop Work Order”, where work is stopped until everything that needs to be corrected is corrected.

Commissioner Kelly feels it makes sense to have Applicant go back to the LCCD, and go through our procedure, as we have asked others to do so in the past. (27:00)

A MOTION was made by Commissioner Morgan that the Resolution be amended to include the enforcement language that Solicitor Zator mentioned, and ensuring PSA is indeed in place, which Applicant has indicated is acceptable. The Motion was seconded by Commissioner Setton.

Roll Call vote as follows:

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

Motion carries.

b. A Resolution Extending The Conditional Approval Granted To A Waiver Of Review And Approval Requirements Of The South Whitehall Township Subdivision And Land Development Ordinance For A Tilghman Holdings LLC Plan Entitled “Tilghman Street Store Renovations”

Dave Manhardt, Director of Community Development explained this is the Ollie’s Shopping Center. Granted a land development waiver. Conditions in that resolution in 2018. COVID occurred, things expired; they missed their request for an extension. They are requesting a retro-active extension.

Bill Erdman, KCE, was in attendance on behalf of applicant, Joe Bennett. Applicant lost previous tenant, and now has new tenant, thus the reason for request for retro-active extension and would like to resume work. They are not asking for relief of any requirements. Conditions of approval still apply and will be satisfied. This is closing in of the overhangs on the side and front of building. No stormwater issues, no additional impervious surface. We just need additional time. Resolution takes it to June of 2022 to allow for sufficient time.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly extending the conditional approval Granted To A Waiver Of Review And Approval Requirements Of The South Whitehall Township Subdivision And Land Development Ordinance For A Tilghman Holdings LLC Plan Entitled “Tilghman Street Store Renovations”.

Roll Call vote as follows:

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

Commissioner Kelly: AYE
Commissioner Morgan: AYE
Motion carries.

c. A Resolution Amending Resolution No. 2006-48 Which Granted Preliminary/Final Approval To A Major Plan Entitled "Estates Of Pheasant Hills II" Granting An Additional Waiver Relating To SALDO Section 312-36(c)(3)(A) Driveway Grades For Lot 2

Dave Manhardt, Director of Community Development explained this is part of the Estate of Pheasant Hills Subdivision. There were a few lots recently sold and looking to construct. The section of SALDO for which they are asking a waiver is for the driveway grade—standard is 7%; they are asking for a 10% grade. Typically we ask for PSC's input—they recommended for approval; saw no issues with driveway grade.

David Lear, Senior Project Manager, Lehigh Engineering, who represents applicant—Stuart Krawitz, was in attendance this evening. Mr. Kravitz could not be in attendance this evening. The Township allows a 10% grade driveway, but not within a certain roadway classification. Since it is within an arterial area of the roadway, maximum grade is normally 7%--the neighboring lot is allowed to go to 10%. Asking for the waiver for only a small section of the driveway, and would not affect any safety concerns. Grading plan meets Township requirements and PennDOT requirements as a driveway that would enter onto a state road.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, granting the additional waiver relating to SALDO Section 312-36(c)(3)(A) driveway Grades for Lot 2, as explained above.

Roll Call vote as follows:
Commissioner Wolk: AYE
Commissioner Long: AYE
Commissioner Setton: AYE
Commissioner Kelly: AYE
Commissioner Morgan: AYE
Motion carries.

d. A Resolution Extending A Conditional Offer Of Employment For Entry-Level Position Of Patrol Officer In The Township's Police Department To Applicants: #47998, #60265, and #48138 Conditioned Upon The Individuals Satisfactorily Completing The Background Investigation, Polygraph Examination, Medical Examination, And Psychological Examination To Confirm Their Fitness For Duty

Chief Glen Dorney clarified this is a conditional offer of hire which allows us to initiate the background process for the hiring procedure to move forward. It does not mean they will be 100% employed by the township. We are requesting that the conditional offers are approved so we can move forward with the background process, and then come back to the board in the future to hire some police officers based on the 2022 budget.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, approving above-mentioned resolution to extend a conditional offer of employment as explained by Chief Dorney.

Roll Call vote as follows:

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

Motion carried.

7. **MOTIONS**

a. Motion To Approve An Amendment To Access Easement Agreement Between South Whitehall Township And The Hills At Winchester To Allow Temporary Driveway Access For Lot 230 The Hills At Winchester (Major Plan 2011-103)

Dave Manhardt, Director of Community Development explained this is a motion for a driveway access across the access easement. Came into CD as part of the driveway permit. Has been discussed with Township Engineer, Solicitor, and Staff who worked through agreement and amenable to amended agreement.

Bill Erdman, KCE, said in the amended easement agreement, it explains the purpose of the access agreement. It is there for a purpose. Other than that, this is straightforward. There would be no impact to the township in terms of cost or anything else, as set forth in the documents before the BOC.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to move forward with approval of amendment to access easement agreement as explained above.

Roll Call vote as follows:

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

Motion carried.

b. Motion to Approve the Tower Maintenance and Removal Financial Security Agreement between South Whitehall Township and Vertical Bridge REIT, LLC

Solicitor Zator explained Joe Fiori, representative of Vertical Bridge, was in attendance this evening. Solicitor Zator explained that the JERAS Corporation has a cell tower on their property, which dates back many years. There is a township requirement with the cell tower that a bond/security be posted for removal of tower should it ever become inoperable/not used. Vertical Bridge will be acquiring the tower from JERAS Corporation. This is a swap-out of security from JERAS to Vertical Bridge. Bond to be posted by VB in the amount of \$55,000. This amount will be reviewed periodically. Bond would be kept into perpetuity. This Agreement will also be recorded at Court House.

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, to grant motion as explained by Solicitor Zator above.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE

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

c. Motion to Approve a Release of JERAS from the Tower/Structure Removal Financial Security Agreement dated April 4, 2002

Solicitor Joe Zator explained that there is a letter addressed to JERAS, Mr. Bronstein, President, which releases JERAS from the Tower/Structure Removal Financial Security Agreement. The effective date would be October 6, 2021. As explained above, security will now come from Vertical Bridge.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to approve the release of JERAS from the Tower/Structure Removal Financial Security Agreement dated April 4, 2002, as explained by Solicitor Zator above, and approving the signing of letter to Mr. Bronstein by Commissioner Morgan or Randy Cope, Interim Township Manager.

Roll Call vote as follows:
Commissioner Wolk: AYE
Commissioner Long: AYE
Commissioner Setton: AYE
Commissioner Kelly: AYE
Commissioner Morgan: AYE
Motion carried.

d. Finance - Motion Requesting Transfer of \$10,000 from Finance Salaries and Wages to Contracted Services

Scott Boehret, Director of Finance explained we are requesting a motion to transfer \$10,000 from the finance salaries and wages line item to the contracted services line item which will give flexibility to engage consultants to assist with the finance plan, as well as help with the needed improvements in the FN Department. Will need further funding for this direction in the budget year 2022, which will be discussed more in the budget workshops. Transfer will help FN to get started and move the department into the future. Total FN salaries/wages budgeted for year are \$374,000, and have utilized \$210,000, and will need \$63,000 more until year end. We expect to have approximately \$79,000 left in this line item. Currently have \$10,000 in Contracted Services line item, but looking to have an additional \$10,000 in that line item, which will help us to continue moving in the direction we are going. Immediate need is to address the deficiencies and the FN Department needs specific support for its current operations. The FN Committee fully supports this.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, approving the transfer as explained above.

Roll Call vote as follows:
Commissioner Wolk: AYE
Commissioner Long: AYE
Commissioner Setton: AYE
Commissioner Kelly: AYE
Commissioner Morgan: AYE
Motion carried.

e. Public Works - Motion to Approve One-Year Extension of Storage Maintenance Contract with Corrosion Control Corporation

Herb Bender, Manager of PW, explained we are requesting approval for a one-year extension of our storage tank maintenance contract with Corrosion Control Corporation. This is for the maintenance/cleaning of all water storage tanks (our reservoir, the PPL tower, and the Cedar Brook tower). This contract started in 2017 and expires in 2021. The Township reserves right to renew the contract period for two additional one-year terms if contractor agrees to hold current contract pricing, which they have agreed to do so. This is something mandated by PA DEP. We budget \$40,000 (in case of additional repairs). Cost is roughly \$31,000.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Long, to approve the one-year extension as explained by Mr. Bender.

Roll Call vote as follows:

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

Motion carried.

f. Public Works - Motion to Approve One-Year Extension of Sewer Main Repairs Contract with Utility Services Group

Herb Bender, Manager of PW, explained we are requesting approval for a one-year extension of our sewer main repairs contract with Utility Services Group. This is for the repair of the sanitary sewer mains using a cured in-place repair or manhole-to-manhole lining. Original contract was approved on November 30, 2020. Budgeted yearly amount approximately \$300,000. USG has agreed to hold current contract pricing. This is for our I&I, and this information is reported to PA DEP. We TV the lines, identify the problems, and they come in and correct the problems.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the one-year extension as explained by Mr. Bender.

Roll Call vote as follows:

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

Motion carried.

g. Public Works - Motion to Approve Sewer Allocation Request for Proposed Independent Living Apartments in Luther Crest

Mr. Mike Elias, PW Utility & MS4 Coordinator, explained that Diakon Lutheran Social Ministries is undertaking a development project at the northern end of its existing Luther Crest Retirement Community located at 800 Hausman Road. The project will include the

construction of a multi-story 37,500 SQF building addition to accommodate a total of 74 additional independent living apartments and an expanded commons area as well as other amenities. Diakon is requesting approval of an additional 16,502 gpd of sewer flow (74 EDUs) through Diakon's existing public sewer service connection based on 74 apartment units at the SWT rate of 223 gpd/EDU.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, approving the sewer allocation request as explained by Mr. Elias.

Roll Call vote as follows:

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

Motion carried.

h. Woodlawn Fire Department – Motion to Proceed with New Camera Security System

Chris Kiskeravage, Township Fire Commissioner, explained that he is before the Board this evening requesting to move forward with the project and the completion of the Fire Alarm and Security System of the Woodlawn FD. This was a capital improvement project in 2021. The finishing up of this project would be of the installation of the security cameras. Under capital we are looking for \$17,932.32 for the completion of this project. Included in this is a three-year license fee, renewable every three years. It is an in-house monitoring system, where we can go back in and review. Chief Barry Search was also in attendance.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, granting permission to proceed with new camera security system as described above.

Roll Call vote as follows:

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

Motion carried.

8. CORRESPONDENCE AND INFORMATION ITEMS:

a. Boards and Commissions – Informational Items; (review of upcoming meeting dates.)

President Morgan will report back to BOC with list candidates interested in serving. Tracy will provide that information and forward on to BOC.

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

1. Civil Service Commission - 1 vacancy, alternate position
 2. Landscape Shade Tree Commission - 2 vacancies
 3. Parks & Recreation Board – 1 vacancy (Chairman Spence, after 30 years of service, handed in his resignation, but will continue to serve until year end if needed.)
 4. Zoning Hearing Board – 1 vacancy, alternate position
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- b. **Public Notice – Budget Workshop Schedule**
- c. **Public Notice – Public Hearing Dates Regarding Premier Center Luxury Apartments**
- d. **Finance Committee Update – Commissioner Wolk**
- Regarding the 2020 Audit – Auditor will complete by late October, and will present to the BOC on November 3rd.
 - Internal Controls Audit – This is going to be discussed by the Finance Committee. Scott working with Auditor on this. This will ensure that all the identified deficiencies will be completed.
 - 2021 Bond Financing – Next discussion on this will occur at the Budget Workshop meetings.
- e. **Fire Subcommittee Update – Commissioner Morgan**
- Discussed preliminary budgets. Fire Chiefs will be meeting with Chris Kiskeravage, Township Fire Commissioner, regarding potential budgets prior to workshop session. Scott Boehret also presented on the American Rescue plan funds and limitations/expectations.
9. **DIRECTION/DISCUSSION ITEMS: None.**
10. **OLD BUSINESS:**
- a. **Wehr’s Dam – Status:**
- Permit does not have to be reissued. Engineers are continuing to move forward with the permitting process.
- b. **Status of Go-To Meeting Platform – Status:**
- Dave Manhardt explained that microphones are still on order. Things are backed up across all supply chains right now. Currently working on getting meetings, minutes, audios imbedded into the website until we get to Live Manager, which can be addressed once microphones are received. Live Manager will allow for a live feed, which ties directly into the sound system, which will involve trials and test runs.
11. **MINUTES:**
- a. **August 18, 2021 – BOC Meeting Minutes**
- A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to approve the August 18, 2021, BOC Meeting minutes with amendments.
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| Commissioner Wolk: | AYE |
| Commissioner Long: | AYE |
| Commissioner Setton: | AYE |
| Commissioner Kelly: | AYE |
| Commissioner Morgan: | AYE |
| Motion carried. | |
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b. September 1, 2021 – BOC Meeting Minutes

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, to approve the September 1, 2021, BOC Meeting Minutes as presented.

Roll Call vote as follows:

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

Motion carried.

c. September 15, 2021 – BOC Meeting Minutes

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, to approve the September 15, 2021, BOC Meeting Minutes as presented.

Roll Call vote as follows:

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

Motion carried.

12. COURTESY OF THE FLOOR:

- Monica Hodges – 1707 Penns Crossing. Topic: Audits. Also, touched on difficulty of hearing the audio.
- Brian Hite – 1273 Eck Road. Topic: Warehouses and utilization of truck routes.
- Jacob Roth – 1499 White Oak Road. Topic: Posting of deficiencies to website.
- Dave Kennedy – Topic: Financial Statement Audit. Residents should be entitled to see the financial part, but also any corrective action to be taken should be public information as well.
- Commissioner Setton – Topic: Code enforcement re-short-term rentals RB&Bs and then signs that are free standing/oversized throughout the township. Dave Manhardt said we will look at the sign ordinance, which is quite complex—there are a lot of pieces to it, and see if we can get a better handle on this.

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:** Board to meet in executive session after this meeting to discuss personnel matters.
 15. **ADJOURNMENT:** At 9:11 p.m. a MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, to adjourn and move into executive session at this time. All in favor; none opposed.
 16. **APPROVED:** On **October 20, 2021**, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the October 6, 2021, BOC Meeting Minutes as presented. All in favor; none opposed.
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