



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

October 20, 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
Captain Michael Sorrentino, SWT Police Department
Dave Manhardt, Director of Community Development
Tracy Fehnel, Exec. Assistant

2. **PLEDGE OF ALLEGIANCE**

3. **NOTIFICATION:** All Public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on BoardDocs for the Public's access.

***(boarddocs.com; USERNAME: swhitehall; PASSWORD: swtpublic)**

Virtual Rules for Board of Commissioners Meeting were read by Randy Cope, Interim Township Manager, who explained since we are back to in-person meetings, and we are using a hybrid format, some of these guidelines will be rewritten so as to line up with how the meetings are conducted now.

The Board did meet in Executive Session on October 6th to discuss personnel matters and prior to this evening's meeting for legal discussions.

4. **PRESENTATIONS:**

a. Green Advisory Council Presentation - Frank Petrocelli, GAC Chairman

Frank Petrocelli came before the Board regarding two initiatives the GAC has been working on for 4-6 months, which they would like Board input on as to how they should proceed with each. Those two initiatives are:

• Community Garden

- Food insecurity remains a concern for too many families in the township
- Local food banks do not always have access to fresh produce for distribution
- Proposal is for a "pilot" project at location near Parkland Library, and if successful, would look to expand on this in the area of 5-10 times larger.
 - 6-8 raised beds, with raised beds to be provided by Allentown West Rotary Club grant

- Parkland Library has some grant funding and is interested in developing educational programming related to the garden. This would be an intergenerational program, per Debbie Jacks, PCL
- Existing nearby infrastructure (i.e., fencing, water access) can be utilized to reduce initial investment
- Multiple organizations have expressed interest in providing volunteers (Parkland schools, local Rotary clubs, Parkland CARES, etc.)
- Alternative sites (plot near Kratzer Elementary, Kohler Ridge) were also discussed, and could be considered for later expansion if pilot is successful

Randy Cope, Interim Township Manager, said that if site within the Yard Waste Center is chosen, there is a fence already around it, and the utilities are also there to help support this project. Mr. Petrocelli said groups have been identified who will help maintain the garden. Herb Bender confirmed this would involve no PW manpower.

Commissioner Morgan made a MOTION to move forward with Phase I of the concept Community Garden Pilot Project, as presented by Mr. Petrocelli, GAC Chairman, which will be at no cost to the Township.

Commissioner Kelly voiced her concerns with this particular initiative being held in the yard and waste center—from a traffic perspective there are a lot of large vehicles coming in and out with trailers on them. Feels a better location might be Covered Bridge Park, in a park setting, without vehicles coming in and out. Also, in light of the fact that we are working on the Comprehensive Plan, would like to see where this would fit in with that. Additionally, end of November, we are on the cusp of talking about the Kohler Ridge Park and what that is going to look like. Feels this Community Garden initiative has merit and feels in the future it is something that should be factored in as we move forward and budgeted in the new year to study our Parks and Open Space.

Commissioner Morgan restated her motion as follows: A MOTION that we move forward with the concept, with the understanding that we have a safety plan provided and a formal role directive provided—that we move forward with Phase I of the project as discussed this evening, with the documents in place before anything could move forward. The MOTION was seconded by Commissioner Long.

Roll Call vote as follows:

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

Motion carries.

Commissioner Kelly clarified her vote by saying she is in favor of exploring this and getting the documents together; she feels this is being rushed w/o having the documents in front of us, to make a full decision now.

- Ordinance to Provide Alternatives to Single-Use Plastic Bags
 - Over 100 billion plastic bags are discarded annually in the U.S., with less than 1% recycled
 - Many local and state governments have already enacted such ordinances, including several PA municipalities
 - City of Bethlehem currently considering a measure

- PA Legislature prohibition of local ordinances restricting plastic-bag use has expired
- GAC has partnered with PennEnvironment, an environmental advocacy organization, to draft preliminary ordinance language for BOC consideration
- GAC sent out a survey to several hundred SWT businesses to request input on the impacts of a township-wide measure, but only received ~ 15 responses.

Commissioner Kelly was concerned that out of the 350 surveys sent out to businesses, only 15 responded—of which only 7 agreed to participating in a single-use plastics ban—perhaps low responses related to the climate of COVID, as well as costs rising economically for goods and services for citizens/businesses. As a result, would like to see GAC work on an education piece regarding responsible use of our resources—recycle, reuse, and repurpose with businesses/residents. Due to COVID, disposables are continuing to be used due to transmission concerns. Also, with additional fees (15 cents/bag) and the timing of this w/the pandemic, as well as lack of business participation, this might be a good opportunity to take a different route by informing the different choices people have until we can have a better relationship with our businesses and get the business community on board with this. Feels this is an opportunity to partner with our businesses from an education standpoint.

Regarding the Ordinance to Provide Alternatives to Single-Use Plastic Bags, Commissioner Wolk requested, and Frank Petrocelli agreed, to develop a list of Single-Use Plastic Bags Pros/Cons that addresses the wholesale economic and environmental science issues. The Board was all in agreement with this. *(At the time of approval of these minutes, Mr. Petrocelli, in fact already had sent a brief Pros/Cons Summary.)*

Q for BOC - Regarding this subject, is this enough of a priority where the Board is supportive of the GAC to continue to investigate/research, and gather information on this topic. Are we keeping this on the table? Mr. Petrocelli explained that the purpose of this inquiry is the GAC members are volunteers, there is limited time they can spend on this, so if the Board feels this is a priority they should commit their time to, they will. He thanked the Board for their great feedback, which he will take back to the GAC, and he looks forward to discussing this more in the future. The Board was supportive of the GAC's continued work on this as described above.

5. **ORDINANCES:** None.

6. **RESOLUTIONS:**

a. **A Resolution Granting Preliminary/Final Approval To A Major Plan Entitled "Building Addition 4815 Crackersport Road"**

Dave Manhardt, Director, Community Development Department, explained this is an application to further develop the property located at 4815 Crackersport Road. The plan proposes a 13,500 SQF addition to a roughly 10,000 SQF building. No increase in impervious coverage. At the August 19, 2021, meeting, PC recommended final plan approval. Big topic of conversation at that meeting was the sidewalk deferrals and calling in sidewalks along Crackersport Road, which we will be looking at doing for this location, and ways to formalize

that process in the future. Staff has no objections to applicant's request. The signed Acceptance of Conditions has been signed and received.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to grant Preliminary/Final approval to a major plan entitled "Building Addition 4815 Crackersport Road".

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE
Motion carries.	

7. **MOTIONS**

a. **Motion to Approve 2022 Minimum Municipal Obligation (MMO)**

Scott Boehret, Director of Finance, explained the Township has several pension plans. Per Act 205, which governs our activities with the pension plans, we are required to deposit money into our Pension plans every year—called a Minimum Municipal Obligation. The motion is to approve the values for the MMO for 2021. This is the amount that will be deposited into the plan for next year. There is a calculation that determines which amount the MMO is based on. Calculations were done in-house and reviewed by our actuary, Conrad Siegel, who confirmed accuracy. These numbers will be included in the 2022 budget.

The amounts to be deposited are:

Office Pension Plan	\$ 688,146	
Police Pension Plan	\$ 1,083,286	
Public Works Pension Plan	\$ 628,466	
DC Pension Plan	\$ 127,262	<i>*less amount on Forfeiture statement dated 09.30.2021</i>

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the 2022 MMO as presented by Mr. Boehret.

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.)

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
4. Zoning Hearing Board – 1 vacancy, alternate position

b. **Public Notice - Public Hearing Dates Regarding Premier Center Luxury Apartments**

c. Public Notice - Budget Workshop Schedule**d. Finance Committee Update – Commissioner Wolk**

- Fund Balance Policy – New Fund Balance Policy in progress. Will require general fund unassigned fund balance between 20-30% and will define minimum balance for the water, sewer, & refuse funds.
- 2022 Budget – Last workshop scheduled for next Tuesday.
- 1st & 2nd Reading of the Budget - November 3rd & 17th.
- 2020 Audit – Auditor will present to FN Committee next Wednesday the 27th and to BOC on November 3rd.
- 2016-2020 Audit Deficiencies Corrective Actions – 3rd party assistance will be required. At last BOC meeting \$10,000 was authorized to be used for initial contract service work.
- Internal Controls Audit – our Auditor had recommended this be completed to ensure a complete definitive list of deficiencies has been identified. Mr. Boehret currently having discussion with Auditor to develop the best path forward.
- Financial Management Improvements – The FN Committee recognizes the need to make over-arching improvements on the township financial management. The next step for the FN Committee is to define the goals and scope of work.
- 2021 Bond Financing – The Board approved financing in the amount of \$13.1M, which includes \$12.5M for the campus renovation and two prior outstanding loans taken in 2014 through 2018. The other piece is \$600,000 for the Wehr's Dam repairs and/or other capital projects.

Mr. Wehr – asked if the Board could confirm that the \$600,000 funding will be available, once the appropriate permits are completed, within the budget process. President Morgan said that this will be the discussion on Tuesday (at the Budget Workshop).

9. DIRECTION/DISCUSSION ITEMS: None.**10. OLD BUSINESS:****a. Wehr's Dam – Status:**

Randy Cope, Interim Township Manager, explained that we did not hear back from DCNR in terms of the grant application which township submitted. No formal update from our engineer in terms of the permitting process, however, they are diligently moving that forward. Briefly touched on the bond financing which will help that project.

11. DEPARTMENT REPORTS:**a. Executive Department – Randy Cope, Interim Township Manager**

Website Improvements – On BOC page, easier access in table format to meeting agendas, packets, and minutes. If you click on event, you can access the recording, or YouTube page. You can also go to the calendar, click on a particular meeting, and the same information will come up. We are continuing to make improvements.

b. Community Development Department – Dave Manhardt, Director

Comprehensive Plan – Trying to get meeting dates for Planning Commission Workshops—will start in 2022.

Planning Commission:

9/16/2021 - Dunkin' Allentown Drive Thru - no action, taken under advisement.
Long's Water Technology – no action, taken under advisement.
Ridge Farm – no action, taken under advisement.

10/21/2021 - Commercial Development Route 309/Wawa and Ridge Farm on tomorrow's meeting.

Zoning Hearing Board:

September's meeting cancelled.

October 27th meeting – Wawa for variances.

Landscape Shade Tree Commission: Met in September and October.

Permits in September: 63 residential permits; 26 non-residential permits; 35 PW permits.

Enforcement in September: 24 investigations.

c. Finance Department – Scott Boehret

General Fund Income YTD – \$14.95M Revenue and \$8.97M Expenses. We expect to end the year w/\$700,000 surplus.

One more Budget Workshop.

Interviews held for the Assist. Director of FN position.

Bonds – they will be sold tomorrow. Pleased to announce that Moody has assigned to SWT an AA2 Rating which is the 3rd highest bond rating, which will lead to a very good interest rate. In Moody's Press release, they mentioned this AA2 rating reflects the moderately sized tax base with strong wealth indicators. The Township's financial position has been notably stable with robust operating margins providing for sizeable transfers to capital reserve. Despite losing significant Amusement Tax Revenue in 2020 due to Corona Virus-related closures, the Township was able to cut expenditures and maintain structural balance indicative of strong operating flexibility. The AA2 rating also reflects the Township's low-debt burden, somewhat offset by a slightly elevated pension liability. Governance is a key credit consideration—the Township has strong controls in place as evidenced by consistent performance in improvement reserves.

Factors which would lead to an upgrade of the rating: Material improvement in fund balance and liquidity; material growth and diversity of the tax base. Factors that could lead to a downgrade in rating include structurally imbalanced operations that could lead to sustained reserved draws, and a material increase to our fixed costs.

d. Parks & Recreation Department – Mike Kukitz

Spooktacular event this Friday at CBP. Tree & Bridge Lighting Ceremony, Saturday, December 4th. Park & Rec Open Space Trails RFP and Flood Mitigation RFP are out to bid—hopeful to award these projects by year end.

e. Public Works Department (Water & Sewer) – Herb Bender

Streets Department – Paving with H&K wrapping up. Milling crew to be finished on Friday. Total paving for 2021 will be wrapped up Monday/Tuesday. Sealing of curb lines also to be done.

Leaf Collection – have been through Township twice. Concentrating on sweeping of Township also.

Parks Department – Mulching leaves in parks. Testing Christmas lights; reserved two lifts for this project; Will start with installation of lights on October 25th, which will take 2-3 weeks. Finished up with Jacoby Park—new playground in, mulch in. Basketball court will be done in spring. Open for kids to come out and play.

Water Department – Preconstruction meeting set for October 27th at 7P with Pioneer Construction. Also letters went to residents who need to have the water line done, with their new service line to be relocated. Hopefully, all will attend the meeting on the 27th.

Getting ready to install the sample stations located at dead ends. This is a four year program; this is the second year. Will have all dead ends with a sample station, which means we will be in complete compliance. Currently doing routine maintenance at all our stations.

Sewer Department – working with USG on all the cast and place repairs. They will be here for another 2-3 weeks wrapping up this project.

MS4 – Just finished our quarterly inspections of Wehr's Dam and the Arch Street Dam. Outfall inspections will be starting tomorrow.

f. Police Department – Captain Mike Sorrentino

Stats for September 2021: 1010 Reports, YTD Reports 10,328. 88 UCRs, YTD UCRs 617. 37 Arrests, YTD Arrests 309.

No shave October, November, December. Money is donated to a fund-raising cause. Five Weeks currently completed with the Police Academy. Graduation to be determined at a later date. National Drug Take-back day is scheduled for this Saturday. Safe Exchange Site located right outside main entrance (sign posted), for any exchange to be done under a camera.

g. Township Engineer – Tony Tallarida, The Pidcock Company

Working through all the plans that are being submitted, for the PC and Boards. Checking at all the sites still under construction to see where they are paving-wise, in order to get them in good shape for winter.

12. MINUTES:

a. October 6, 2021 – BOC Meeting Minutes

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the October 6, 2021, BOC Meeting minutes as presented.

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

13. COURTESY OF THE FLOOR: None.

14. PAYMENT OF INVOICES:

a. Invoices and Purchasing Requisitions have been reviewed by the Interim 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.	

15. EXECUTIVE SESSION: Board to meet in executive session after this meeting to discuss legal matters.

16. **ADJOURNMENT:** At 9:20 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn and move into executive session at this time. All in favor; none opposed.

17. **APPROVED: November 17, 2021**

At the November 17, 2021, BOC Meeting, a MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to approve the October 20, 2021, BOC Meeting Minutes with amendments as explained by Commissioner Wolk. All in favor; none opposed.