



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

November 17, 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 Manager
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
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)**

President Morgan advised that the Board did meeting in executive session prior to this evening's meeting to discuss legal, personnel, and land acquisition matters.

4. PRESENTATIONS:

- a. First Reading of the Proposed 2022 Budget - Scott Boehret, Director of Finance** *(This is attached to the minutes.)*
- b. Community Garden Presentation re-Safety & Operations Plan - Frank Petrocelli, GAC Chairman (31:22)**

President Morgan explained that the Community Garden Project had been approved with some contingencies—they would come back with a Safety & Operations Plan. Mr. Petrocelli was in attendance to present Safety & Operations Plan on behalf of the GAC.

Mr. Petrocelli explained that at the October 20th BOC Meeting he was here on behalf of the GAC, and received a conditional approval for the Community Garden Pilot Project to be located on the SWT Campus. Condition was that they develop an Operations-Safety Plan. Frank, along with the GAC, have worked with SWT Staff to do this; he is here this evening in the hopes that the Conditional Approval will be made a Final Approval in order that they can move forward with the Community Garden Pilot Project.

*Add-On to Motion with regard to Safety - Commissioner Wolk would like it written in the Safety & Operations Plan that ultimately the Township Manager is the #1 person accountable to ensure the safety of the garden. Randy Cope confirmed he would be happy to do this. Also, it should be written in the Plan who the “designated Safety Officer” is—someone who is looking out for whatever is going on in the garden. Debbie Jacks, Exec. Director of the PCL, will make sure someone is in this role as Safety Officer. The Safety Officer will be the one who is watching out that everything is being done safely, and everything is being done in accordance with the Plan.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Setton, to move forward with the Final Approval, which includes the Safety & Operations Plan as presented this evening, along with the inclusion of Commissioner Wolk’s modifications to be noted in Plan, as explained above, so that the GAC can move forward with the Community Garden Pilot Project.

Roll Call vote as follows:

Commissioner Wolk:	AYE (*Approved with comments as noted above)
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	NO
Commissioner Morgan:	AYE

Motion carries.

Commissioner Kelly voted “NO” because she would like to see this Project proceed somewhere outside the yard waste center due to safety concerns of the volunteers going in and out in an area that is shared with other vehicles, which are going in/out to drop off their yard waste.

5. **ORDINANCES:** None.

6. **RESOLUTIONS:**

a. **A Resolution Amending Resolution 2021-39 Granting Preliminary/ Final Approval To A Major Plan Entitled “Skilled Nursing Addition For Cedarbrook Senior Care And Rehab” And Granting An Additional Waiver Pursuant To SALDO Sections 312-13(f)(3) And 312-43**

Dave Manhardt, Director, Community Development Department, explained that this is a resolution related to the Cedarbrook Nursing Home facility. They are seeking a waiver from the SALDO requiring a recorded plan prior to the issuance of permits.

Applicant can go over what remains for approvals, particularly outside agency approvals—PennDOT, Conservation District, PA DEP, and what the status of those are prior to issuing permits and then beginning work. Also, with regard to security, and insurance, making sure that all this is in place, which is usually part of the final approval of the plan, just to make

sure that all bases are covered. If the Board is OK with all this, then Staff has no opposition to approval of this resolution.

Attorney David Backenstoe, who is the Assistant Solicitor for the County of Lehigh, was in attendance, on behalf of applicant—Cedarbrook Senior Care and Rehab, as well as Rick Molchany, Director of General Services for Lehigh County, who is heading up this project.

On September 15, 2021, the BOC granted conditional approval for this project, and since then staff has been working diligently to meet all conditions so that they can get final approval. Lead Engineer, Adam Whalen, PE, has been working with the Township Engineer, as well as Director, Gary Warren, to meet all the conditions—currently, with almost all now met. Rick Molchany is really excited to get some shovels in the dirt as soon as possible—doing earth moving activity. He understands they can't go vertical until we have a full, approved, recorded plan. Will need a full land development plan, maintenance plan, and any other easements being worked on with the Township Solicitor. Cost estimates should be in place shortly. County will be ready to place a full bond—have all the insurance certificates in place. What they would like to do in order to maximize their monies and funds and try to get this project moving along is to start to move earth—soil and erosion, do some basin construction/stabilization, put some utilities in, do some excavation, and maybe prepare the earth to put the parking lot in, so that when we have all the final approvals, and the plan is recorded, we can jump in and get ready to go. The Township would not be at risk in any aspect. Township Solicitor has prepared a Pre-security Construction Agreement, which completely protects the Township from any liability—the County would indemnify and defend the Township from any liability. However, in order to proceed, they would need a waiver pursuant to SALDO Sections 312-13(f)(3) and 312-43. Any work being done is done under the auspices of the Township Engineer.

Township Solicitor Joe Zator agreed with what Attorney Backenstoe explained above. He said all this is routine and does not have any concerns at this time.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, approving above-mentioned Resolution granting approval of additional waiver pursuant to SALDO Sections 312-13(f)(3) and 312-43.

Roll Call vote as follows:

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

- b. A Resolution Extending A Conditional Offer Of Employment For Entry-Level Position Of Patrol Officer In The Township's Police Department To Applicants: #67845 and #25439 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 explained that he is before the board this evening requesting permission to extend conditional offer of employment to Applicants #67845 and #25439. This is just part of the process in order to start background investigations. We've been before the Board many times this year with this same request—we are just working through the list to get viable candidates prior to them getting employment from someone else—to date we have not been successful in hiring anyone, and these are the next two in line on the list. Here this evening requesting permission to move forward with the process.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, approving Resolution extending a conditional offer of employment for entry-level position of patrol officer to Applicants #67845 and #25439.

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 Approving Sewer Planning Module for Ridge Farms - Phase 1

Mike Elias, PW Utility & MS4 Coordinator, explained that this is for Ridge Farms, Phase 1, and this is a sewer planning module, which is a request for approval of a sewer allocation for a particular project. The document is reviewed by LCA, LVPC, SWT, and then ultimately final approval by PA DEP. Ridge Farms is respectfully requesting the approval of a resolution for Phase 1 of their Sewer Planning Module. This portion of the development includes 468 TND units, 14 residential units and 72,000 SQF of non-residential use. The total amount of flow requested for this phase is 119,906 GPD or 538 EDUs. The remaining amount of required allocation that will be requested in Phase 2 of this project and is the 87,024 GPD or 390 EDUs.

The reason this allocation was split up was because the scope of this project is larger than normal. A portion of the project we cannot currently serve with water due to elevation. In that project, Ridge Farms has agreed to provide a pump station to the Township. That being said, Mike said we felt that until that is all finalized, why would we want to tie up 200,000 plus gallons of allocation to that entire tract. We asked Ridge Farms if they would be willing to split that allocation over what we can currently serve (119,906 GPD), and hold off for the remainder (87,024 GPD). Reason being, if something would happen and this project would not move forward past Phase 1, that allocation stays with that piece of land.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, approving resolution approving sewer planning module for Ridge Farms, Phase 1, as explained above by Mr. Elias.

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 Of The Board Of Commissioners Of South Whitehall Township, Lehigh County, Pennsylvania Approving The Township's Acquisition Of Land Consisting Of Approximately 26.87 Acres Located At 1036 Springhouse Road For Nominal Consideration, Authorizing The Execution And Delivery Of An Agreement Of Sale And Purchase, And Authorizing And Directing All Other Necessary And Appropriate Action To Accomplish The Acquisition, Including Execution And Delivery Of Requisite Documents In Connection With Settlement And The Payment Of Any Sums That May Be Required Therefor.**

Attorney John Krisa was in attendance and explained that this is for the approval of entering into the Agreement of Sale for 26.87 acres located at 1036 Springhouse Road for a nominal consideration of \$1.00; We are here this evening asking for your approval.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to move forward with the acquisition of the 26.87 acres located at 1036 Springhouse Road, for the amount of \$1.00. President Morgan, on behalf of the Board, added that this is a huge donation that the Township will forever be thankful for.

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 Requesting Permission to Award Bid for the Update to the Current Comprehensive Parks, Recreation and Open Space Plan**

Mike Kukitz, Parks & Recreation Manager, explained that we have been going through the RFP Process in order to bring on a consultant to perform our PROT Plan, which will be completed next year. Steering Committee looked at the five responses, which was narrowed down to three, and brought in for interviews. We are recommending that the Board approve Barry Isett & Associates in the amount of \$49,985 to prepare the Park, Recreation, Open Space & Trails (PROT) Plan. \$50,000 has been budgeted.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, granting permission to award bid for the update to the current Comprehensive Parks, Recreation and Open Space Plan Project to Barry Isett & Associates.

Roll Call vote as follows:

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

Motion carried.

b. Motion Requesting Permission to Award Bid for the Flood Mitigation Planning Study for Covered Bridge Park

Mike Kukitz, Parks & Recreation Manager, explained that the Township received six bids—three of which are called non-bids. We did have three official responses to the Bid. The lowest, responsible bid was Gilmore & Associates, in the amount of \$32,400 to complete the base bid (approximately 1,770 feet). If the Board wishes, Gilmore also quoted a price of \$74,600 to complete the bid alternate work, looking at the entirety of the Jordan Creek through CBP (approximately 10,000 feet). Due to the nature of the responses received, staff feels there is a needed conversation amongst the Board to determine the next steps with regards to the Flood Mitigation Study. Staff was divided in the awarding of this bid. The other two bids were over bid. Gilmore is the only one that came in on target.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to TABLE this item, and have a Workshop Session on Wednesday, December 8th, 6P, to discuss this particular subject.

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.)

Green Advisory Council - did meet on Monday, November 15th. Went over current initiatives. Clean-up Program to be done in conjunction with Whitehall Twp.

UPCOMING MEETINGS: Details posted on website.

Thursday, November 18th - Planning Commission Meeting, 7:30P

Monday, November 22nd - Landscape, Shade Tree Commission, 10A

Monday, November 22nd - Zoning Hearing Board, 7P

UPCOMING EVENTS: Details posted on website.

Thursday & Friday, November 25th & 26th - Thanksgiving Holiday - OFFICES CLOSED

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

9. DIRECTION/DISCUSSION ITEMS: None.

10. OLD BUSINESS:**a. Wehr's Dam – Status:**

Randy Cope, Interim Township Manager – Still have not heard back on grant application. Should hear back on that any day though. Did reach out to engineering, Michael Baker International, and our E&S (erosion and sediment control) Permit has been resubmitted to LCCD which addressed their technical review comments-typical review time is approximately 60 days. Once final permit received, we can start preparing our bid documents for that project.

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

Budget sessions – Randy thanked the Board and Staff for all their hard work in the multiple sessions held.

Yard Waste Site – We are currently in the middle of leaf collection season, so opening another day during the week is not possible; however, once over, Herb Bender, PW Manager, and I are going to see if we can allocate another day during the week to open the yard waste Site. Did talk to attendant at site to make sure we open some of the gates for the larger dumpsters so residents don't have to lift their yard waste up into the dumpsters. Also, getting a few additional cardboard dumpsters.

b. Community Development Department – Dave Manhardt, Director

Comprehensive Plan – Workshops scheduled for Tuesdays, after the first Wednesday of the month.

Sidewalk Deferrals – In the area around Tilghman Square area (George Kinney had started work on this, then pandemic hit.) Also, an area along Crackersport Road which PC recommended we call in.

Planning Commission – Meeting tomorrow. ZHB – Scheduled for Monday, November 22nd. Landscape Shade Tree Commission meeting Monday, November 22nd. Currently two vacancies on the LSTC.

Permits – decrease in 11 permits for residential side and increase in the non-residential side. PW permits 41 total.

Enforcement – High grass/weeds and noise continue to be top two complaints for investigation.

c. Finance Department – Scott Boehret, Director

Budget – working on this mostly for the past few months.

Assistant Director of FN – Will be coming on Board December, which will bring a heightened operational efficiency, increased morale, and will allow us to better work with our FN Committee, our third-party accounting firm, and our Auditor to remediate audit efficiencies and pursue improvements in 2022.

d. Parks & Recreation Department – Mike Kukitz, Manager

Kohler Ridge Walk-Through – This was a successful event. Project went on all through this year with much public input. Soon to be wrapped up. Final public (virtual) meeting Tuesday, November 30th, 6P.

DEP Permit recently received – for the Jordan Creek Greenway Trail construction through CBP, which coincided with us applying for a TASA Grant (a PennDOT Transportation Alternatives Set-Aside Grant), a non-matching grant, no cost to the Township. If successful, could fund the entire construction of trail through CBP. Size of grant \$989,200.

Jordan Creek Greenway – Still working with school district to secure final easement needed there to connect us up to Cedar Crest Blvd. We hope to have this in our hands soon.

December 4th – Annual Community Tree & Bridge Lighting and Candy Cane Hunt Events

Spring/Summer 2022 Planning - has already begun; getting things down on paper for next year's plans.

e. Public Works Department – Herb Bender, Manager

Water & Sewer – Currently going through Emergency Action Plan to get updated by EOY for PA DEP. (Done every 5 years.) Working out test sites for the 2022 lead and copper—sending out letters making sure residents still want to take the sample at their address; if not, we still have to supplement w/different address. Routine water station maintenance going on. Sewer—jetting all the problem areas prone to backups. USG—probably wrap up by end of next week w/all cast/replace repairs we had for this year.

Garage – Routine maintenance for entire fleet; servicing all the winter operation equipment in preparation for snow season. Although still doing leaves, 5 trucks ready for a snow event if needed.

Streets – A lot of leaf collecting still going on. Will be out there on Saturday so that residents have parking during Thanksgiving holiday. Inlets—being inspected in preparation of next paving season 2022. Usually average 40-50 repairs.

Parks – Mulching leaves; Putting final touches on the tree and bridge lighting, temporary electric to be installed in park tomorrow. More lights were added this year.

f. Police Department – Chief Glen Dorney

Stats for October 2021 – Reports 1,079 & YTD Reports 11,677; UCRs 64 & YTD UCRs 687; Arrests 29 & YTD Arrests 342.

LC Chiefs of Police Consortium – Will be testing December 18th. Anyone interested in becoming a police officer in LC, the test is being offered at lehighcountypolicetest.com. Application deadline closed 12N, December 10th.

Citizens Police Academy Graduation, December 9th. –Invite sent to current BOC & commissioners-elect. To be held here at Township in Public Meeting Room. This was a very successful event, and is our first graduating class for this event.

Officers – Continue to be out there/working hard in SWT. Deep into the “no-shave November” event to raise money to be donated back into our community—one will be Parkland Cares Food Bank.

g. Township Engineer – Tony Tallarida, The Pidcock Co.

Planning Commission – three plans on the agenda for tomorrow’s meeting.

Construction – people winterizing job sites right now. Construction winding down. This time of year is when we work with Staff and PW to update things like standard construction details, things that need to be tweaked based on past year regarding construction process, SALDO etc. during winter months.

12. MINUTES:

a. October 18, 2021 – Special BOC Meeting Minutes (re-Amount Set for Bond Issuance)

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to approve the October 18, 2021, Special 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.	

b. October 20, 2021 – BOC Meeting Minutes (Previously TABLED.)

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.

Roll Call vote as follows:

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

c. November 3, 2021 – BOC Meeting Minutes

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Setton, to approve the November 3, 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.	

**d. November 11, 2021 Premier Center Luxury Apartments Conditional Use Hearing –
VOTE TAKEN**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the November 11, 2021, Premier Center Luxury Apartments Conditional Use Hearing VOTE TAKEN 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.

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. 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.

15. EXECUTIVE SESSION: None.

16. ADJOURNMENT: At 8:57P, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn. All in favor; none opposed.

17. APPROVED: December 1, 2021

On December 1, 2021, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to approve the November 17, 2021, BOC Meeting Minutes as presented. Commissioners Setton and Long were absent this evening. Minutes were approved by Commissioners Wolk, Kelly, and Morgan.
