



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

December 15, 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 Glenn 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 meet in executive session prior to this evening's meeting to discuss personnel matters.

4. PRESENTATIONS: None.

5. ORDINANCES:

- a. **An Ordinance Of The Township Of South Whitehall, County Of Lehigh, And Commonwealth Of Pennsylvania, Setting And Reaffirming The Rates Of Taxation Referred To In Chapter 328, "Taxation", Of The Codified Ordinances Of South Whitehall Township, Fixing The Tax Rate For The Year 2022 And Appropriating Specific Sums Estimated To Be Required For The Specific Purposes Of The Township Government, Hereinafter Set Forth, During The Current Fiscal Year And Providing For A Repealer Clause, Severability Clause And Effective Date**

Scott Boehret, Director of Finance explained that this ordinance is for the passage of the 2022 Budget, which the Board spent considerable time working on in the past few months. The two resolutions following this ordinance (6-a and 6-b) also pertain to the 2022 Budget. Each will be handled separately. This ordinance sets the rates of taxation for real estate, which will remain the same for 2022. However, (Agenda Item 6-a) the water fund will see an increase of 7.1% built into this passage of the budget. Resolution 6-b, is a resolution done

each year for the setting of the refuse rates—no change to rates this year. The sewer rate resolution is not on the agenda this year, because the sewer rate did not change.

President Morgan made a MOTION to move forward with the approval of the above-mentioned ordinance (5-a) as presented. The Motion was seconded by Commissioner Setton. Vote was 4-1: Commissioners Kelly, Setton, Long, and Morgan voted YES to approve; Commissioner Wolk Voted NO.

Commissioner Wolk explained that he voted NO because he wanted to honor his commitment to SWT citizens to provide financial accountability; he consistently stated in the budget workshops, and at the first and second reading of the budget that we should not have a 2022 budget general fund deficit. We must eliminate the ongoing general fund deficits to avoid future tax increases. He explained that after the second reading of the budget, he made an unsuccessful motion that we should eliminate the budget deficit. He told the entire future BOC that he was going to make that motion so that they were informed ahead of time. On principal, he said he cannot approve the 2022 budget, because it has the general fund deficit.

6. RESOLUTIONS:

a. A Resolution Establishing Rates, Rents, Charges, and Delinquent Charges for Furnishing Water Service to Consumers, and Establishing the Circumstances Under which Water Service is Discontinued and Municipal Liens Filed

Scott Boehret, Director of Finance explained most of our customers utilize a base charge, plus they have a usage fee, currently \$6.25/1,000 gallons used. SWT only has five flat-rate customers who pay \$110/billing cycle. With the 7.1% increase, we are not increasing the base charge, but we are increasing the water distribution and consumption fee charge, as well as the flat-rate fee. Therefore, those charges will go from \$6.25 to \$6.70/1,000 gallons used, and respectively \$110 will go to \$118/Q for the flat-rate customers. Reason for change is that LCA increases our rates of water we purchase from them every year, and we are just trying to reflect what is placed upon us and recoup the cost we put into it. This will be an approximate increase of \$17/Q for residents.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to move forward to establish the rates as explained above by Mr. Boehret for our water service. Vote was 5-0. All in favor; none opposed.

b. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Approving and Adopting Municipal Solid Waste Collection Charges for Calendar Year 2022

Scott Boehret, Director of Finance, explained that this is a resolution which occurs on an annual basis. We are currently in a three-year contract for our Municipal refuse—this will be year three of the contract. We can extend the contract with current hauler after year three. For now, the rate will not change—we are simply establishing the rate for year three; rate will stay at \$95/quarter.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to move forward with establishing the Municipal Solid Waste rates for 2022 as explained above. Vote was 5-0. All in favor; none opposed.

c. Resolution Authorizing Public Works Manager, Herb Bender, to Execute and Submit Pennsylvania Department of Transportation "Traffic Signal Maintenance Agreement" on Behalf of the Township

Tony Tallarida, Township Engineer explained that this is an Agreement between PennDOT and the Township to maintain all the signals since SWT owns all the signals on the State roads. This is coming before the BOC again because there was some language in the previous resolution which PennDOT wanted to make some changes to.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to Authorize Herb Bender, PW Manager, to execute and submit PennDOT "Traffic Signal Maintenance Agreement" on behalf of the Township. Vote was 5-0. All in favor; none opposed.

d. A Resolution Amending Resolution 2020-18, Which Granted Conditional Preliminary/Final Approval To A Major Subdivision Plan Entitled "KRE Spring View Commercial II," Extending Conditional Approval Another 180 Days And Amending A Condition Required For A SALDO Waiver

Gregg Adams, Community Development Planner, explained this is a project at the southeast corner of Broadway and Cetronia Road. This is to redevelop the three residential properties that were there a few years ago (559 Cetronia Road, 569 Cetronia Road, and 4590 Broadway). The plan proposes to consolidate the three above-mentioned parcels into one tract containing 1.01 acres and construct a 3,400 SQF commercial building and a 34-space parking lot. This was approved at the January 15, 2020 BOC meeting. Applicant approached the BOC again in July and received two 180-day extensions (which has been common-place during COVID). Applicant is back before the BOC this evening for their third extension, and hopefully the final one.

The second part of the above mentioned resolution is to remove a condition from a SALDO waiver that was granted back in January 20, 2020 which has to do with a Public Safety Commission (PSC) regulation that PennDOT install a "no-turn on red" on northbound Cetronia going toward eastbound Broadway. Applicant and Township worked with PennDOT. PennDOT determined according to their regulations they couldn't place that sign there. That kicked us back to PSC; PSC re-reviewed the project, and felt the plan at that point was good enough to move forward, and also to change it to require the Township to appeal to PennDOT to install that "no turn on red" at that intersection, which the Township can appeal at any time. The Applicant took that recommendation, and decided the best thing to do would be to remove the original condition on the SALDO waiver that PennDOT install that "no turn on red" sign—it's something PennDOT can't do and does not want to do—we cannot compel them to do that. So with the PSCs updated recommendation, the Applicant feels that it is appropriate to remove that condition from the SALDO waiver. The Applicant

is here this evening to ask for both the extension and the removal of that condition from the SALDO waiver. Noah Chrismer, of KRE, was in attendance to answer any questions.

Commissioner Kelly asked if we have a letter from PennDOT which states that they are not going to approve the right turn at the light? Gregg Adams said we do not. Dave Manhardt said that he has been asking PennDOT to provide something in writing since April 2021. Commissioner Kelly clarified that we have nothing in writing, except a conversation, and the Board is being asked to remove a condition of approval, which has gone through PSC, and which has multiple concerns and we do not even have the letter from PennDOT which proves to us what PennDOT's position is, and they are saying this is something they are not going to approve. She could not understand why the Board is even being asked to vote on this tonight. How can we appeal this, if we do not have a written denial? We do not have full information in order to make this decision this evening. The entire Board was in agreement with this.

A MOTION was made by Commissioner Kelly that we extend the preliminary-final approval to a major subdivision entitled, "KRE Spring View Commercial II" for a further 90 days. (Purpose of 90-day extension is to allow Applicant to go back to PSC, and then come back to the BOC with all the information BOC needs in order to make a decision at that time.) The Motion was seconded by Commissioner Setton. Vote was 5-0. All in favor; none opposed.

7. **MOTIONS:**

a. **Motion Requesting Permission to Issue "Letter of Intent" to Purchase a Case 621G Wheel Loader**

Herb Bender, Public Works Manager, explained that Staff is requesting permission to issue a letter of intent to purchase a Case 621G Wheel Loader. This will be used for multiple purposes like loading salt, pushing snow to clean parking lots, loading stone for water breaks, and loading of dirt and sediment out of detention basins. Price for Wheel Loader is \$179,800—\$185,000 was budgeted for this 2022 expense. The sooner we can get a letter of intent to these people, the sooner we can lock in the price. We will see this end of February/early March.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to move forward with issuing letter of intent to purchase Case 621G Wheel Loader. Vote was 5-0. All in favor; none opposed.

b. President Morgan made a MOTION, which was seconded by Commissioner Kelly, to amend this agenda in order to add on a MOTION with regard to K-9 Ranger. Vote was 5-0. All in favor; none opposed.

c. A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to authorize the sale of K-9 Ranger to a private party. Vote was 5-0. All in favor; none opposed.

d. President Morgan made another MOTION to amend the agenda to authorize Interim Township Manager Randy Cope to sign an agreement with one of our police officers.

Commissioner Kelly seconded this MOTION to amend the agenda. Vote was 5-0. All in favor; none opposed.

- e. MOTION to authorize Interim Township Manager Randy Cope to sign the agreement between the Township and the Police Service of SWT and Badge #167, reviewed in today's Executive Session, was made by Commissioner Kelly, and was seconded by Commissioner Setton. Vote was 5-0. All in favor; none opposed.

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
5. Planning Commission – 1 vacancy (effective December 31, 2021)

Interviews for the above positions will reconvene shortly.

Scott Boehret, Director of Finance – Explained that the Township will be open on December 31st and accepting payments up until 10A. This will allow FN Staff to run the year end reports in order to close out year 2021. Anything received after 10A will be processed in the new year.

- b. **Public Notice - Planning Commission Meeting, Thursday, December 16, 2021, 7P**
- c. **Public Notice - Zoning Hearing Board, Monday, December 20, 2021, 7P**
- d. **Public Notice - 2022 Meeting Dates for SWT - (Posted on Website)**

9. DIRECTION/DISCUSSION ITEMS: None.

10. OLD BUSINESS:

- a. **Wehr's Dam – Status:**

Randy Cope, Interim Township Manager explained the LCCD has approved our E&S Permit, which is the last stage of our permitting process for this project. Next step is to compile the Bid documents with our engineer. Also, we will be working with FN Staff to make sure that all our boilerplate information is included in the bid documentation. Will be back with permission to advertise sometime early in new year.

11. OLD BUSINESS:

- a. **Executive Department – Interim Township Manager Randy Cope.**

Working diligently on the Re-Organization Meeting at this time—Gathering all our Professional Services Fees Schedules; prepping for new commissioners so they can hit the ground running.

- b. **Community Development Department – Gregg Adams, CD Planner**
-

Comprehensive Plan - finished public engagement portion, and now moving into the planning commission portion, Tuesday, January 11th. PC will continue to schedule Workshops for as long as it takes. We expect at least 6 months. Meetings held Tuesdays after the first Wednesday of each month. Advertised as a Joint PC-BOC Meeting.

Sidewalk Deferrals – Broadway/Cetronia area; letters have gone out to all the affected properties. Looking at Crackersport Road—calling in those deferrals as well.

IT Projects – Working on Peak Agenda Management, Live Manager, E-notifications on our website, Business Licensing Asset Management work orders in Munis, Continuing with CSI and Keystone for building related upgrades with regard to Boards/Commissions.

November 18th PC Meeting – 3 Items on.

- Long's Water – taken under advisement
- Kratzer Elementary School – recommended for approval
- Ridge Farm Phase I-A – taken under advisement

December 16th, PC Meeting – Wawa has been withdrawn until January.

November 22nd ZHB Meeting

- Wawa – approved for special exception for a motor vehicle service facility. Variances were approved for the offset of the driveway from intersections 309/Chapmans Road and Chapmans Road/Grammes Road
- Monday, December 20th – Parkland Manor will be back with some Parking variances.

Landscape Shade Tree Commission – Reviewed one plan in November and in December reviewing four and will have three permits to look at.

BCAB – No Meeting.

Permits – In November increase of 11 residential permits. Down 24 non-residential due to end-of-year. PW – ROW permits down 7. Code Enforcement – experiencing a down-turn in outside code-related issues.

c. Finance Department – Scott Boehret, Director of Finance

Settlement of Bond Series 2021 Sale – The series 2014, 2018, and 2019 notes are all paid off. Any cash proceeds that we received from that bond issuance are in the respective bank accounts. Pleased this was done when it was—Fed hinted at upcoming interest rate changes in 2022 to help curb inflation. Our 1.43% interest rate on the debt, Scott feels is to our advantage.

November 2021 Financial Statement Results – emailed earlier to Board this week; beating our revenue budget; Revenue Budget \$15,344,000; Actual Revenues Reported \$16,557,000. Expenses Budgeted \$15,975,000 and Actual Expenses are \$13,445,000; as of November 2021 a surplus of \$3,112,000. Fund Balance as of November 30, 2021, is \$6,077,000.

Introduction of new Assistant Director of Finance, Tricia Dickert.

d. Parks & Recreation Department – Mike Kukitz, Parks & Rec Manager

Tree Lighting Event – Biggest turnout to date in SWT for this event (hard to judge attendance somewhere between 3,000-5,000).

Flood Mitigation Study – we were unable to have a meeting in December. After conversation with DCED, confident we could get an extension if needed. Before requesting an extension, he feels we should have a workshop in January to determine route we may be going. Time is of the essence, even with the extension.

Winter Programing – Difficult to schedule use of schools for all the programs we run. Fortunately, they have been great working with us and we do have a few adult fitness programs going on. Swim/Gym starting January 9th. Gymnasiums and pool open for the public at the school(s) for winter months.

30 Miles in 30 Days Winter Challenge - Met with St. Luke's; SWT will be a host site for the 30 miles in 30 days trail challenge in partnership with the Wildlands which will take place on January 29th.

Spring/Summer Program – Preparation has already begun.

Newsletter – deadline for submissions January 14th.

e. Public Works Department – Herb Bender, PW Manager

Parks – Finishing up with leaf pickup/cleaning, blowing out all water stations to get leaves collected. Winterization of the parks started this week—shutting bathrooms down, turn off of water, put picnic tables away for winter, etc.

Tree Trimming – will begin next week on Winchester. Working through Township before it snows so we can get back to curbs.

Streets – This week is last week of leaf collection. Will leave two trucks together to continue with this if we receive any calls associated with leaf collection. Big machines being broken down by this Friday, and snow blowers put on, prepping for winter weather.

Inlet Inspection for upcoming paving season – Beginning next week, in order to get all the basins prepared.

Thurs/Fri of this week – getting crew out to start repairing the five water main breaks we had already in order to restore the patches

Garage – Routine maintenance of fleet going on. Finishing up with up-fitting of two new police vehicles. Breaking down machines from leaf blowing, getting ready for snow removal.

Water – Routine station maintenance and water testing. We have leak detection out. Getting ready to install three more sample stations at dead ends of the water lines.

Sewer – Finished up with USG, officially moved out for year. Done in area 54 for the year. Continuing with the TV-ing in area 52 while the temps are still favorable.

Recognition of two PW Employees Retiring – Dale Seibert and Carry Vopel, who both started on January 2, 1990, both retiring on December 31, 2021. These men will be greatly missed. Herb said he wishes them both the best of luck in the future.

f. Police Department

Stats for Month of November – Calls of Service for month 1237, YTD 12,943; UCR(crimes reported) for month 86, YTD 803; Arrests for month 33, YTD 373.

Citizens Police Academy Graduation Ceremony – First class of 33 participants who graduated from this 10-week program last week. This is a great asset for the Township and PD. Educated them, as well as us; give expectations/receive expectations of what services we can provide to our community. Look forward to doing again next year.

Recognition of Retiree – Captain Jason Negron has left the PD after 22 years of service. Started August 1999, was first school resource officer at PHS, patrol corporal, promoted to patrol sergeant, as well as administrative lieutenant. Last day was December 9th, officially retires January 3, 2022, as administrative captain for PD. He is moving on to the private sector; and we wish him well in his future endeavors.

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

As previously mentioned, two items on the PC Meeting for tomorrow evening

Finalizing Township specs with PW; going over updates to materials, methods, construction

Review of Securities Held – COVID has had large impact on obtaining materials and cost of specific items. Making sure we have enough money, and updating if necessary so Township is covered in case anyone defaults.

12. MINUTES:

a. December 1, 2021 – BOC Meeting Minutes

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the December 1, 2021, BOC Meeting Minutes as presented. Vote was 5-0. All in favor; none opposed.

13. COURTESY OF THE FLOOR:

Dave Kennedy – Resident, Pheasant Hill Drive; Subject – Congratulated and thanked both Commissioners Morgan, Setton, and Long for their service to the Township.

Shawn Millan, Public Outreach Coordinator, Senator Pat Browne’s office, and resident of SWT – Senator Browne asked Shawn to present on his behalf and convey his appreciation for Tori’s 14 years of service to SWT. He conveyed Senator’s best wishes in future endeavors. He also thanked Commissioners Setton and Long for their service as well.

Monica Hodges – Resident, Penn’s X-ing. She thanked Tori for all her years of service.

Randy Cope, Interim Township Manager – On behalf of Staff and BOC, presented a Distinguished Service Award and recognized Commissioner Morgan for her years of service to SWT. He also thanked Commissioners Setton and Long for their service as well.

Commissioners Morgan, Setton, & Long took this time to wish everyone well, and all felt it was a privilege to serve as SWT Commissioners and wished the current Board and incoming Commissioners the very best.

Commissioners Wolk and Kelly also wanted to wish Commissioner Morgan well, and thanked her for her many years of service to SWT, as well as thanking Commissioners Setton and Long for their service.

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 Wolk, to approve the payment of all invoices. All in favor; none opposed.

15. EXECUTIVE SESSION: None.

16. ADJOURNMENT: At 9:38P, a MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to adjourn. All in favor; none opposed.

17. APPROVED: January 19, 2022

As Commissioners Kelly and Wolk were the only two commissioners on the Board at that time (December 15, 2021), they were the only ones voting on the approval of these minutes. A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, to approve the December 15, 2021 BOC Meeting Minutes. All in favor; none opposed. Vote was 2:0. Motion carried.