



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

February 2, 2022

1. CALL TO ORDER: 7:00 p.m.

Attendees:

Commissioner Diane Kelly, President
Commissioner David M. Kennedy, Vice President
Commissioner Monica Hodges, Assist. Twp. Secretary
Commissioner Michael Wolk
Commissioner Brad Osborne
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

For the record, all commissioners were in attendance.

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS:

- a. All Public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted to the website for Public access.
- b. Public/Virtual Meeting Rules
- c. Board of Commissioners Met in Executive Session on the following dates to discuss Legal and Personnel Matters: January 19th, after BOC Meeting; and, before February 2nd BOC Meeting.

4. COURTESY OF THE FLOOR: Public Comment on Non-Agenda Items

- a. Wayne Stanley, 2913 Mauch Chunk Road, Allentown. Topic: Jeras Preliminary Project and traffic concerns on Cedar Crest and Mauch Chunk. Dave Manhardt said as we move forward with the CP-they will be addressed in land use element and transportation element. Also, when a sketch plan is received from Jeras, these items will also be addressed at that time.
- b. Amy Fels, 1718 Penns Crossing, Allentown. Topic: Construction going on behind her home and contractors who work on Sundays/Saturdays. Feels there should be an amendment to ordinance. Asking Township to enforce current Sunday ordinance. Feels contractor should be fined. Asking that contractor not be able to start before 9A on Saturdays. Asking for more consideration of trash, mowing of unpurchased land, language of construction workers, and consideration with how the building affects the current homes as far as increased dirt on properties in this area. Also, would like the major Jewish holidays honored. This (ordinance/complaint) will be put under old business to followed up on—look at starting times, etc. This ordinance will be revisited and discussed in more detail. Randy Cope said Tom Harper is currently doing a comparison to other surrounding Municipalities' noise ordinances. If BOC wants us to update this ordinance, we can certainly put this on the front burner.

Report to go to Board regarding number of noise complaints in order to see if changes/tweaks need to be made. Also, to look at Quality of Life Ordinance to see if there is any applicable language that would pertain to this situation. Dave Manhardt explained that the Quality of Life Ordinance is more of an enforcement mechanism in order to handle situations more quickly. An overview of this ordinance will be addressed at the Workshop Session next week.

5. **MINUTES:**

a. **January 12, 2022 – Board of Commissioners Ordinance Workshop Minutes**

MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne to approve the January 12, 2022, BOC Ordinance Workshop Minutes as presented. All in favor; none opposed. Vote was 4:0. Motion carried. (Commissioner Wolk abstained, due to the fact that he was not at this meeting.)

b. **January 19, 2022 – Board of Commissioners Meeting Minutes**

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Wolk, to approve the January 19, 2022, BOC Meeting Minutes as amended per below. All in favor; none opposed. Vote was 5:0. Motion carried.

Amendment per Commissioner Wolk, page 7, 11-b request to add that PennDOT will be engaged in the Route 309/Ridgeview Intersection Study. Minutes will be amended accordingly.

6. **ORDINANCES:** None.

7. **RESOLUTIONS:**

a. **A Resolution To Amend The Fee Schedule For Administrative Fees, Nonresidential Building Fees, Non-Residential Electrical Fees, Non-Residential Plumbing Fees, Residential Building Fees, Residential Electrical Fees, Residential Plumbing Fees, Other Permit Fees, Public Works Fees, Police Department Fees, Subdivision Or Land Development Fees And Nonsubdivision Or Land Development Fees; And To Provide For A General Repealer, Severability Clause And Effective Date**

Dave Manhardt, Director, Community Development Department, explained that this is a resolution that updates our current/2022 Fee Schedule.

A MOTION to amend the Fee Schedule as presented was made by Commissioner Kennedy, which was seconded by Commissioner Hodges. All in favor; none opposed. Vote was 5:0. Motion carried.

b. **A Resolution Extending Conditional Offer Of Employment To The Entry-Level Position Of Patrol Officer In The Township's Police Department To Candidate Number 45830 Conditioned Upon The Individual Satisfactorily Completing Medical And Psychological Examinations To Confirm Their Fitness For Duty**

Chief Dorney explained that we are in the hiring process and we are here before the Board asking them to extend a conditional offer of employment to applicant 45830 for entry level patrol officer. This is the next person on the list, and we would start the background investigation. It does not mean they will be hired; it just allows us to start the process. The last person did not move forward.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, to approve above resolution to extend conditional offer of employment to candidate 45830 for entry-level patrol officer as explained by Chief Dorney. All in favor; none opposed. Vote was 5:0. Motion carried.

c. A Resolution Approving Sewer Planning Module - Go Puff Project, 4750 Tilghman Street

Herb Bender, Public Works Manager explained that on behalf of GoPuff (a delivery service for food, drinks, medication, and home needs) Bennett Family Properties is proposing a shell enclosure off the existing building at 4750 Tilghman Street. The proposed shell to the existing unenclosed 11,038 SQF structure will purpose as a product storage area, alcohol storage area, receiving/office space, and a dining/prep area. The developer is respectfully requesting a sewage flow increase of 605 GPD (2.75 EDUs).

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne, approving above-mentioned resolution, approving sewer planning module for GoPuff Project, 4750 Tilghman Street. All in favor; none opposed. Vote was 5:0. Motion carried.

d. A Resolution Approving Sewer Planning Module - Flex Building Project, 1215 Hausman Road

Herb Bender, Public Works Manager, explained that Forge Development Company is proposing to construct a 90,000 SQF industrial warehouse facility on a single 10-acre piece of land they own at 1215 Hausman Road. Currently, there are no uses identified for the building, therefore flows are based on 100 employees working on-site. Forge Development Company is respectfully requesting a sewer allocation of 1,000 GPD (4.5 EDUs). Herb said that we can go back to this in a year, just to check water bills to see if they are accurate, and if not, adjustments will be made; running totals are kept of all allocations. djustments are made based off of the water bills.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, approving above-mentioned resolution, approving sewer planning module for Flex Building Project, 1215 Hausman Road. All in favor; none opposed. Vote was 5:0. Motion carried.

e. A Resolution Approving Sewer Planning Module - 1933 Harold Avenue

Herb Bender, Public Works Manager explained that VW Consultants on behalf of its client is respectfully requesting 446 GPD (2 EDUs) of new sewer allocation for a proposed two-family dwelling unit to be constructed at 1933 Harold Avenue in SWT.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kennedy, approving above-mentioned resolution, approving sewer planning module for 1933 Harold Avenue. All in favor; none opposed. Vote was 5:0. Motion carried.

f. **A Resolution Of The Board Of Commissioners Of South Whitehall Township, Lehigh County, Pennsylvania Authorizing The Execution And Delivery Of A Farm Lease With Donald Newhard T/A Newhard Farms To Permit Continued Farming Operations In Accordance With The Terms Described Therein Contingent On The Township's Acquisition Of Land Located At 1036 Springhouse Road From David T. Davis And Joanne S. Davis**

Randy Cope, Interim Township Manager, explained that this resolution is part of a requirement for an Agreement of Sale back in November 2021, when the BOC passed a resolution of its acquisition re-property of 27 acres off of 1036 Springhouse Road. Part of the Agreement of Sales is for the Township to deliver at closing a lease agreement to permit the continued uninterrupted farming of the property by current tenant, and tenants current heirs/assigns. This resolution permits us to execute this Farm Lease Agreement. Term begins at closing. Tenant to provide written notice to Township on/before January 1st each year regarding continuing of premises. Rent will be \$100/tillable acre, which equals approximately \$2,000/year—50% due April 1st, 50% due December 15th. Lease is for purpose of farming only. Does include sale agriculture products at a farm stand, and excludes agri-tainment. Township retains the right to have a small dog park on this property, parameter walking trail, ability to correct any storm water issues with regard to farming and regarding possible flooding of Springhouse Road during heavy rainstorm events, as well as the installation of sidewalks along Springhouse Road. Tenant does provide insurance for this farm lease.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, authorizing the above-mentioned resolution regarding the execution of said Farm Lease as explained by Randy. All in favor; none opposed. Vote was 5:0. Motion carried.

8. **MOTIONS:**

a. **Motion Requesting Permission to Proceed with Purchase of Air Packs - Woodlawn Fire Department**

Chris Kiskeravage, Township Fire Commissioner explained that are requesting the use of \$125,280.00 in ARPA Funds to replace the outdated Woodlawn Fire Department Air Packs. This will include the purchase of 14-Air Packs, w/14 face pieces, 25 air cylinders w/logo bands. Budgeted amount was \$129,000.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Wolk, granting permission to proceed with the purchase of the air packs for Woodlawn Fire

Department as explained by Township Fire Commissioner Chris Kiskeravage. All in favor; none opposed. Vote was 5:0. Motion carried.

b. Motion Requesting Permission to Proceed with Repairs to Damaged Walls - Woodlawn Fire Department

Chris Kiskeravage explained that there is damage to the walls of the apparatus bays at the Woodlawn Fire Department, which has happened throughout the years due to weather and salt. Multiple bids received. Budgeted \$30,000. Belfor Property Restoration's bid came in at \$28,742.34 to fix the walls. To alleviate this problem, we will not be plowing snow up against the building, as well as not salting near the building. He is going to check with Belfor to see if they will be using a specific material to prevent the corrosion. Chris will also take a look at the existing sloping issue that exists, where the water does run down, which could be part of the problem, to see if that is contributing to the problem.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, granting permission to proceed with the repairs to damaged walls at the Woodlawn Fire Department as described by Chris. All in favor; none opposed. Vote was 5:0. Motion carried.

c. Motion to Appoint ___ and ___ to the Pension Committee

President Kelly explained that this is a motion to appoint two commissioners to the Pension Committee and in the past we have had two Commissioners serve on this committee.

Commissioner Osborne said that he would be interested in serving on the Pension Committee. Commissioner Kennedy said that he would be interested in serving on the Pension Committee as well.

A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Wolk, to appoint both Commissioners Osborne and Kennedy to the Pension Committee. All in favor; none opposed. Vote was 5:0. Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS:

a. Boards and Commissions – Informational Items/Vacancies

President Kelly wanted to mention that Brian Hite and Alan Tope were both recognized during the Lehigh County Planning Commission last week for their participation in training, with additional planning duties. Brian Hite received an award for taking the most classes last year. President Kelly wanted to recognize them both for the dedication and their continuing to educate themselves as they serve the Township.

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

- Civil Service Commission - 1 Alternate Vacancy
 - Landscape Shade Tree Commission - 2 Vacancies
 - Park & Recreation Board - 1 Vacancy
 - Planning Commission - 1 Vacancy
 - Zoning Hearing Board - 1 Alternate Vacancy
 - Vacancy Board – 1 Vacancy.
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UPCOMING MEETINGS: Details posted on website.

- Monday, February 7th - Public Safety Commission, 7:00 p.m.
- Tuesday, February 8th - Comprehensive Plan Workshop, 7:00 p.m.
- Wednesday, February 9th - Civil Service Commission, 1:00 p.m.
- Wednesday, February 9th - Board of Commissioners Workshop, 6:00 p.m.
- Monday, February 14th - Parks & Recreation Board, 7:00 p.m.

Finance Committee Report – Commissioner Wolk explained that the Finance Committee did meet on January 28th—consisting of Commissioners Wolk and Kennedy, as well as Scott Boehret, Tricia Dickert, and Randy Cope. The December 2021 Finance Report was reviewed. Scott Boehret explained the 2021 Audit schedule. Also, he provided a Draft Fund Balance Policy to Commissioners Wolk and Kennedy, who agreed to review it, to be discussed at the next Finance Committee Meeting on February 17th. After that, the Fund Balance Policy would be sent to the full BOC for review, and ultimately to be approved at a future BOC meeting. Assistant Director of Finance Tricia Dickert explained the Business Privilege Tax goal to increase the revenue and the methods used to achieve the goal. The Committee agreed that clear proactive communication on this subject is important for the program to be successful.

10. DIRECTION/DISCUSSION ITEMS:

President Kelly gave an update with regard to the Request for Quote which was posted to the Township's website on January 7th, regarding Recruitment Firms/Consultants who would in turn assist the Township in the recruitment of a Township Manager; Proposals were due on January 28th. We did receive two proposals. Board will hold an informational session with the firms to review these proposals. At the February 16th BOC Meeting we will have an agenda item for Board consideration to select the recruitment firm, as well as a motion to be approved by the Board.

a. Tilghman Street Interchange Project

Dave Manhardt said this project has been on the books for a very long time. This project is moving forward. Their latest project report says work can begin in July 2023, with an estimated completion date in 2025. Cost estimate of Project is \$55M. It's a big project. Current phase they are in and why we started receiving some calls on this is that they are in the requisition phase. There are some properties they need to acquire for additional ROW. Initial letter to do this has been sent out, which starts the process. This is entirely a PennDOT project which the Township has no role in. Dave Manhardt said that if there are issues, residents should feel free to contact him, so that we can reach out to our contact with the acquisition company.

b. Summer Playground Partnership Program

Mike Kukitz, Parks & Recreation Manager explained that historically we are the only Township in the Parkland area who runs a Summer Playground Program. Pre-COVID we had a maximum enrollment of 450, between our three sites., and is run in partnership with PSD. Mike explained last October he was contacted by Township Managers from NWT and UMT.

They were interested in starting a Summer Program this summer. Partnering with NWT & UMT will allow for more consistent registration fees and staffing costs, and we could work together to achieve a mutually beneficial partnership to all. This was budgeted for in order to move forward with the 2022 partnership. An agreement is coming down the pipeline which the BOC will see on February 16th. Mike wanted to bring this to the Board's attention to see if there were any other questions or background information which the Board may want now or before the 16th.

With the Partnership SWT would have three sites, UMT one, and NWT one, with 125 at each site. Historically, 60% were SWT children, and 40% coming from NWT/UMT, with typically 150 at each of the three sites. We expect 125 this year at each site, for a total of 625. Rate will need to increase this year—probably around \$300. Program runs eight weeks, 9A-3P, Mondays through Friday. Mike said cost is about \$37,000/site to operate.

President Kelly asked—Could we fortify and enrich the program we have and make it a richer program for the students in SWT. Why would we expand this program out, if there is not a need for SWT in general? Other things the board would like to consider are children who cannot afford to go to camp and activities for our Senior Citizens. What is the benefit to SWT to partner with NWT & UMT?

Mike Kukitz said that whether we partner with NWT/UMT, or whether he does this himself, we will be giving a very enriching program at the three sites here in SWT. Mike wanted to echo the Board, in that his concern is—our Residents come first, and he wants to make sure that we have the most effective, efficient, and best program that we can give them.

Mike said he would be happy to follow up with each of the commissioners before the 16th to answer any questions, and to discuss further.

c. Draft Ordinance – Ordinance Establishing Committees of the Board of Commissioners.

Commissioner Osborne introduced this ordinance, which has four main purposes:

1. To formalize the existence of current and potentially future standing committees in one document.
2. To establish a formal process for the selection of commissioners to these committees.
3. It allows for the development of the specific function and responsibilities of these committees and the opportunity for the commissioners on these committees to make recommendations to the full board.
4. Requirement - Committee meetings are to be available to the public.

Commissioner Osborne asked this draft ordinance be shared with Randy, and also be placed on the February 9th Workshop Agenda for further discussion. The Board was in agreement with this. Randy summarized by saying the following will be discussed at the Workshop: The flood mitigation study, the new subcommittee formation, and noise ordinance.

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

Randy Cope, Interim Township Manager, explained that he is currently working with Michael Baker for them to provide updated proposal to assist the Township with the bidding, construction, close out of the Wehr's Dam project. The previous contract is coming to an end and only took them to the permitting stage. We need to make sure our bid specs are accurate, so we get quality bids back, and then to have someone on site on a relatively routine basis to make sure the contractor is doing what we are paying them to do, and then lastly to help close this project out. To date, have not yet received their proposal.

b. Comprehensive Plan Update

Dave Manhardt explained we have a workshop scheduled for February 8th. The last meeting we had focused on the process we would be following. This next meeting we will be getting into goals and objectives, and prioritization, as well as discussion around those topics.

12. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS:**a. Invoices and Disbursements**

A MOTION was made by Commissioner Osborne, and seconded by Commissioner Kennedy, to approve the payment of all invoices. All in favor; none opposed. Vote was 5:0. Motion carried.

13. EXECUTIVE SESSION: None.**14. ADJOURNMENT: At 8:40P, a MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, to adjourn. All in favor; none opposed.****15. APPROVED: February 16, 2022**

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, to approve the February 2, 2022, Board of Commissioners Meeting Minutes as amended. All in favor; none opposed. Vote was 5:0. Motion carried.
