



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**February 16, 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: February 16, prior to BOC Meeting.
- d. **Recognition – Cetronia Fire Department Fire Fighters Andrew Kloss and Jared Diachynsky**

These gentlemen were recognized for exhibiting outstanding performance and exceptional courage on November 16, 2021, while ensuring the safety of others.

- e. **Recognition – Retirement of Maria Mullane, Esquire, Solicitor for Zoning Hearing Board**

Maria C. Mullane, Esquire, received a Distinguished Service Award for her 38 years of stellar service to South Whitehall Township, 33 of those years for which she served as Zoning Hearing Board Solicitor. Maria will be greatly missed!

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

**5. MINUTES:**

- a. **February 2, 2022 – Board of Commissioners Meeting Minutes**

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

6. **ORDINANCES:** None.

7. **RESOLUTIONS:**

a. **A Resolution Bonding the Tax Collector of South Whitehall Township and Authorizing the Tax Collector of South Whitehall Township to Appoint Deputies to Serve for the Township of South Whitehall**

Randy Cope, Interim Township Manager, explained this is a standard resolution which simply bonds our Tax Collector, Lynn-Anne Kocon, and allows for Tax Collector to appoint deputies Scott K, Adams III and Suzanne M. Matey. Township did participate in Lehigh County's Competitive Bid, Joint Tax Collector Bonds, in order to secure the bond. Staff is requesting this resolution be approved this evening.

MOTION made by Commissioner Kennedy, which was seconded by Commissioner Hodges, for the approval of the above-mention resolution as explained by Interim Township Manager, Randy Cope. All in favor; none opposed. Vote was 5:0. Motion carried.

b. **A Resolution Appointing Keycodes Inspection Agency as a Temporary Code Enforcement Officer for South Whitehall Township**

Dave Manhardt, Director, Community Development Department, explained this is simply a resolution appointing Keycodes as a third-party code enforcement agency. Our Code Enforcement Officer is going out on a medical leave, and we need some temporary coverage during his absence, and Keycodes has agreed to help us out. They have helped us out in the past and have done a very good job.

A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Kennedy, approving resolution which appoints Keycodes as Temporary Code Enforcement officer for SWT. All in favor; none opposed. Vote was 5:0. Motion carried.

c. **Resolution Extending Conditional Offer Of Employment To The Entry-Level Position Of Patrol Officer In The Township's Police Department To Candidates Numbers 80325 and 29811 Conditioned Upon The Individual Satisfactorily Completing Medical And Psychological Examinations To Confirm Their Fitness For Duty**

Chief Dorney explained that we are again going through the process according to the CS guidelines to grant a conditional offer of employment to candidates #80325 and #29811. Candidate have been approved by the CSC and are the next two on the list. This will allow us to begin the background process. Chief is asking that these two candidates move forward in the process.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, approving resolution extending conditional offer of employment to candidates #80325 and #29811 as explained by Chief. All in favor; none opposed. Vote was 5:0. Motion carried.

d. **REMOVED FROM AGENDA/Will be on March 2<sup>nd</sup> BOC Agenda - A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania Approving the Improvements Agreement Relating to the**

**Memorandum of Understanding Subdivision Maintenance Agreement of Jaindl Land Company, Kay Walbert, LLC, and South Whitehall Township**

- e. **REMOVED FROM AGENDA/Will be on March 2<sup>nd</sup> BOC Agenda - A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania Approving the Memorandum or Understanding Subdivision Maintenance Agreement**
- f. **A Resolution Extending the Conditional Preliminary/Final Approval Granted to a Major Plan Entitled "Proposed Parking Lot Improvements 798 Hausman Road" and Granting an Additional Waiver Pursuant to SALDO Sections 312-13(f)(3) and 312-43**

Dave Manhardt, Director, Community Development Department, explained property is located at 798 Hausman Road; plan proposed construction of driveway and elimination of 13 parking spaces, stormwater management improvements, and installation of new water line on a 0.81-acre portion of the 6.072-acre site. Property is zoned IC-1. Applicant/owner is LV Health Network. BOC granted approval on February 17, 2021 w/conditions. Applicant is here this evening requesting a 12-month extension. Additionally, requesting waivers from SALDO w/regard to recording the plan prior to building permits. There is a waterline issue and a parking lot issue going in tandem. To date, satisfied 5 of 12 conditions, some with regard to recording of plan. Staff has no objections to either of the requests.

Fidel Gonzalez, Langan Engineering, was in attendance this evening. The project he is involved in is a parking lot improvements project. This property was originally part of the Luther Crest property, later separated, and purchased by the LV Health Network. There was a waterline common to both of them. We cannot have our plan signed/recorded until waterline issue is resolved. Parking lot improvements are independent of waterline issue. Applicant would like to make parking lot improvements, install new lighting, while the waterline issue is being worked out.

Herb Bender, PW Manager said PW was out there on site when exploratory digging on waterline was done. We are in process of setting up meeting with them to help get these two lines separated. Working hand-in-hand with them to get this resolved.

MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kennedy, approving above-mentioned resolution extending the conditional preliminary/final approval as explained by Mr. Manhardt, Mr. Gonzalez, and Mr. Bender. All in favor; none opposed. Vote was 5:0. Motion carried. (26:48)

- g. **A Resolution Extending The Conditional Preliminary/Final Approval Granted to a Major Plan Entitled "Shia Ithna Asheri Jamaat of Pennsylvania"**

Dave Manhardt, Director, Community Development Department explained that this is for the Mosque property located at 1500 Ridgeview. Plan is to take down old Mosque and put up a new one. On February 17, 2021 the BOC granted conditional preliminary/final approval to the project with 16 conditions. Applicant is here this evening asking for a three-month extension. To date, 4 of the 16 conditions have been met. Plan submitted today, which Staff

is currently reviewing, and will be checking those items off as we go through the review. Staff has no objection to the request.

Attorney Erich Schock, Fitzpatrick, Lentz, & Bubba, was in attendance on behalf of the Applicant. He added on to what Dave said by saying we think with the plan that has been submitted, and the work being done by the engineer, we just need to get the responses back to see if all the conditions were met. Agreements have been taken care of—one of them given to Gregg Adams this evening. Attorney Schock has encouraged Applicant to hurry up and get these conditions done, so we don't have to ask for another extension. We did speak to the Solicitor's office to ensure we do everything that needs to be done. So, we are here asking for a three-month extension.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges granting the three-month extension regarding The Conditional Preliminary/Final Approval Granted to a Major Plan Entitled "Shia Ithna Asheri Jamaat of Pennsylvania". All in favor; none opposed. Vote was 5:0. Motion carried.

**h. A Resolution Of The Board Of Commissioners Of South Whitehall Township, Lehigh County, Pennsylvania Approving And Authorizing The Entry Into An Intergovernmental Cooperation Agreement With Upper Macungie Township And North Whitehall Township Titled "2022 Parkland Area Summer Program Partnership"**

Mike Kukitz, Parks and Recreation Manager, said he appreciated the board's feedback on this project. He is here this evening asking for the Boards consideration with regard to this resolution with regard to the 2022 Parkland Area Summer Program Partnership. The three sites have traditionally been Parkway Manor, Cetronia, and Kratzer, which will most likely change due to the new structure—currently working with schools now to finalize structure.

Mike Kukitz confirmed that the partnership does meet the needs of the SWT residents and children.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, approving And Authorizing The Entry Into An Intergovernmental Cooperation Agreement With Upper Macungie Township And North Whitehall Township Titled "2022 Parkland Area Summer Program Partnership". Vote was 4-1; Approved by Commissioners Wolk, Osborne, Kennedy, and Kelly; Not approved by Commissioner Hodges. Motion carried.

Explanation of NO vote by Commissioner Hodges - She just wants to see the best program for our children, and was hoping we could accommodate them at our SWT Parks and eliminate that waiting list, and have them remain in our Township, rather than have that waiting list or farm them off to another township—would like to keep them here on site so that parents do not incur that non-resident fee. Wants to do what is best for our SWT children.

**8. MOTIONS:**

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**a. Motion to Proceed with Hiring (recruitment firm name) for the Purpose of Assisting the Township in the Recruitment Process Regarding the Vacant Township Manager Position.**

Randy Cope explained that on January 4<sup>th</sup> the Board approved the release of a Request for Quotation to solicit quotes from recruiting firms to assist the Township in filling the vacant Township Manager position. Deadline was January 28<sup>th</sup> at 3P. Received two proposals from qualified firms that specialize in executive job-level recruitment services and strategies. The full Board and Randy interviewed both firms—those firms were Keystone Municipal Solutions and The Meyner Center. We are here this evening to make a formal selection by the Board. Randy also explained once a firm is selected, their contract would be given to our Solicitor for review, followed by comment, and then move forward accordingly, which can happen as soon as tomorrow.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, to hire The Meyner Center for the purpose of assisting the Township in the Recruitment process with regard to the vacant Township Manager position. (Commissioner Kennedy explained due to the fact they are local, have a wealth of experience—involved in over 150 hires, and their cost is \$6,500 v. \$15,000.) Vote was 3-2; Approved by Commissioners Kennedy, Hodges, and Kelly; Not Approved by Commissioners Wolk and Osborne. Motion carried.

Explanation of NO vote by Commissioner Osborne – He preferred Keystone Municipal Solutions who he feels has a broader bandwidth as far as being able to recruit outside of the LV and sometimes into Central PA or out of the State. Would like to see candidates from a firm who is focused on recruiting from outside the LV, not excluding the LV, but also including other areas where we could bring someone in with a fresh set of eyes, instead of someone who is a product of the LV, which can sometimes make it difficult to see differently.

**b. Motion Authorizing Board President to Execute an Independent Contractor Agreement to Provide Management Services and Professional Assistance on a Short-Term Basis, while Township Continues Efforts towards Filling Current Township Manager Vacancy**

Randy Cope, Interim Township Manager, thanked the Board for their support in providing assistance to him in his role as Interim Township Manager, as well as the Staff. He sees this as an opportunity to continue our outstanding progress in the Township, as we transition to the permanent Township Manager. Randy said he will continue to serve as long as the Township needs him to do so. He realizes the recruitment of new Township Manager could take months. Feels this is an opportune time for an extra set of hands in the Executive Department to continue the initiatives of the Board, Staff, and to support our day-to-day operations in the Township.

Agreement was reviewed in its entirety at this time, at the request of Commissioners Osborne and Wolk.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, Authorizing Board President to Execute an independent contractor Agreement with

Paul Leonard to provide Management services and professional assistance on a short-term basis, while Township continues efforts towards filling current Township Manager vacancy, including all the changes as discussed this evening, and contingent upon candidate passing a background check. Vote was 3-2; Approved by Commissioners Kennedy, Hodges, and Kelly; Not Approved by Commissioners Wolk and Osborne. Motion Carried.

Explanation of NO vote by Commissioner Osborne – He previously suggested that this be discussed only after having an Executive Session where sensitive, legal discussion could occur, which did not occur and brought us here. Board received Agreement yesterday afternoon, which he found concerning.

Explanation of NO vote by Commissioner Wolk – He also suggested we have an Executive Session in order to review this Agreement with our Township Solicitor present. The Solicitor has not been present at any prior discussions, and feels with a legal agreement of this nature that we should have had those discussions. This agreement says it is between the parties-- the Township, and the Board, and the consultant. This agreement was written by the consultant, Interim Township Manager Randy Cope, and Solicitor Zator. As noted by Commissioner Osborne, we only received yesterday afternoon to review and prepare comments. We are being asked to approve an agreement tonight, which we have not talked to our solicitor about, have not discussed the legal issues associated w/the Agreement— feels this is unfortunate and inappropriate.

Stated for the Record - President Kelly said the Interim Township Manager did offer to have an Executive Session this evening, which was declined. (An email was sent by Randy Cope.) Commissioner Wolk responded by saying, as previously explained to President Kelly, upon reviewing this agreement, he had many comments of a significant, legal, and factual nature, and he felt that the gravity of the issues we need to discuss, and the number of issues warranted an executive session. He did not think that the time allotted for the other subject we discussed 45-minutes before this meeting would be sufficient. That was the reason I said that I didn't think we would be able to accomplish what we needed to accomplish in that 45-minute period.

Mr. Paul Leonard was in attendance and was good with all the changes made to the agreement this evening. President Kelly thanked Mr. Leonard for being in attendance and said the Board looked forward to working with him.

**c. Motion to Approve Greenawalds Fire/Rescue's Request for Difference in Cost (\$3,555.34) between old vs. new Deputy Chief's Vehicle**

Randy Cope, Interim Township Manager, explained that on November 4, 2021, Unit 1102, which was a 2012 Chevy Tahoe, was involved in a single vehicle accident with a light bollard. Upon appraisal, this vehicle was a total loss. Greenawalds received total payment from insurance for \$21,342.66. Greenawalds was able to locate another 2012 Tahoe to replace the totaled one for \$24,898. This gives the fire company a short-fall of \$3,555.34. Greenawalds respectfully is requesting a reimbursement of \$3,555.34 to make whole the total cost of the replacement Tahoe. This was not a budget expense, but can be expensed

on the contingency line item 03411003/40800. This was brought before the Fire Subcommittee.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, to approve Greenawalds Fire/Rescue's Request for Difference in Cost (\$3,555.34) between old vs. new Deputy Chief's Vehicle. All in favor; none opposed. Vote was 5:0. Motion carried.

**d. Motion Requesting Permission to Place Equipment and Vehicles on MunicBid**

Herb Bender, PW Manager, explained PW is seeking approval to place some vehicles and equipment on MunicBid. These vehicles/equipment have been replaced or will be replaced shortly. PW is respectfully requesting a motion to approve the placement of vehicles and equipment on MunicBid and feel they will come in at \$30,000-\$40,000. Scott Boehret, Director of Finance explained that there is a line item in the General Fund in the Revenue piece, which is called Sale of Fixed Assets Revenue, where the funds don't necessary go back to a certain Department, but go back into the General Fund Cash Account. President Kelly felt it would be worthwhile for Staff to take a look into why these funds do not go back to the place where they came from—replenish the budget where they came from.

MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kennedy, granting permission for the placement of vehicles and equipment on MunicBid as explained by Mr. Bender. All in favor; none opposed. Vote was 5:0. Motion carried.

**e. Motion Requesting Permission to Advertise for Roadway Milling Services**

Herb Bender, PW Manager, explained that PW is respectfully requesting permission to advertise the 2022 Road Milling Bid. This Road Milling bid project will affect Clifford Park Area, Grandview Terrace Area, and Winchester Heights Area. After being milled, the PW Team will move in and add a leveling course, which will be followed up with the final wearing course. The entire paving project is budgeted for \$1M. PW is respectfully requesting a motion to approve the advertising of the 2022 Road Milling Bid. The milling portion will come in at \$175,000 of the \$1M. Herb is coming before the Board this evening only to put the milling out to bid.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, granting permission to advertise for Roadway Milling Services Project. All in favor; none opposed. Vote was 5:0. Motion carried.

**f. Motion Requesting Permission to Proceed with Purchase of 2022 Ford Explorer for South Whitehall Township Emergency Management**

Herb Bender, PW Manager explained that Emergency Management is respectfully asking permission to move forward with the purchase of a 2022 Police Interceptor Ford Explorer. This vehicle will be used for emergency management functions. The price for this vehicle is \$34,300 and the stripping to be done by fast signs in the amount of \$1,800. This was budgeted for \$40,000. Total price for everything is \$36,100. The Ford Explorer and the Ford Expedition we currently own will be put on MunicBid once we receive the new truck.

Emergency Management is respectfully requesting a motion to approve the purchase of 2022 Ford Police Interceptor.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, granting permission to proceed with the purchase of the 2022 Ford Explorer for SWT EM. All in favor; none opposed. Vote was 4:0. Motion carried. (President Kelly abstained from this vote since her husband is the SWT Emergency Management Coordinator.)

**9. CORRESPONDENCE AND INFORMATION ITEMS:**

**a. Boards and Commissions – Informational Items/Vacancies**

**CURRENT VACANCIES ON BOARDS/COMMISSIONS:**

1. Civil Service Commission - 1 Alternate Vacancy
2. Landscape Shade Tree Commission - 2 Vacancies
3. Park & Recreation Board - 1 Vacancy
4. Planning Commission - 1 Vacancy
5. Zoning Hearing Board - 1 Alternate Vacancy
6. Vacancy Board - 1 Vacancy

**UPCOMING MEETINGS: Details posted on website.**

- Thursday, February 17th - Planning Commission, 7:30 p.m.
- Wednesday, February 23rd - Zoning Hearing Board, 7:00 p.m.
- Monday, February 28th - Landscape & Shade Tree Commission, 10:00 a.m.

Chief Dorney wanted to take this time to remind the Public that SWT PD is going to be holding its 2<sup>nd</sup> Citizens' Police Academy. Class begins April 7<sup>th</sup>. Still have some openings. If interested, contact Sergeant Grozier or PD if interested. Taking applications until March 1<sup>st</sup>.

**10. DIRECTION/DISCUSSION ITEMS: None.**

**11. OLD BUSINESS:**

**a. Wehr's Dam – Status:**

Randy Cope, Interim Township Manager, explained that he still does not have the proposal from Michael Baker, due to a recent COVID hit in their offices. Should have proposal any day now and will have more to report out to the Board shortly.

**b. Comprehensive Plan Update**

Dave Manhardt, Director, Community Development Department, explained we held the Workshop last Tuesday, February 8<sup>th</sup>, which was a joint meeting between the BOC and PC. Got into prioritization of goals and objectives. Once that process is done, staff will sort through and come up with more fine-tuned version of the goals/objectives and move forward. Next meeting is March 8<sup>th</sup>, where we will review fine-tuned goals/objectives and move into resource protection, which includes historic resources, agricultural resources, and natural resources, followed by community utilities.

**12. COURTESY OF THE FLOOR:**

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- a. Dr. McDonald, 6682 Huckleberry Road, typed into The Chat – It was determined that there is no such person/address. Therefore, these comments have been removed from minutes.

**13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS:**

**a. Invoices and Disbursements**

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

**14. EXECUTIVE SESSION: None.**

- 15. ADJOURNMENT:** At 8:47 p.m., a MOTION was made by Commissioner Hodges, which was seconded by Commissioner Kennedy, to adjourn. All in favor; none opposed.

- 16. APPROVED: March 16, 2022** – A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, to approve the February 16, 2022, Minutes as presented. All in favor; none opposed. Vote was 5:0.
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