



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

March 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
Ronald Gawlik, 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: March 2, prior to BOC Meeting.

4. COURTESY OF THE FLOOR: Public Comment on Non-Agenda Items – None.

5. MINUTES: None.

6. ORDINANCES: None.

7. RESOLUTIONS:

- a. **A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania Approving the Memorandum of Understanding Subdivision Maintenance Agreement**

Dave Manhardt, Director, Community Development Department, explained that Resolutions 7-a and 7-b are related to a waterline extension between our Brickyard reservoir and ultimately Ridge Farm, and above-mentioned agreement is a three-party agreement with Jaindle Land Company, Kay Builders and SWT, because it crosses a subdivision—Hills at Winchester.

Attorney Mark Eastburn, of Eastburn & Gray, an SWT Alternate Twp. Solicitor, was in attendance to review this with the BOC. We have two resolutions, each seeking approval of a document—the first one is a “MOU Subdivision Maintenance Agreement The Hills at Winchester”, related to the Hills at Winchester, which is an agreement between SWT, Jaindle

Land Company and Kay Walbert LLC. The second resolution (7-b) is seeking BOC approval of "Improvements Agreement" between SWT and Kay. Jaindl is the owner of certain building lots as part of the Hills at Winchester Subdivision. Jaindl is obligated to maintain certain improvements to this subdivision per Maintenance Agreement. Kay requires water service for their new development. Kay proposes to install a 16-inch waterline, as well as other facilities, which will cross one of the lots owned by Jaindl and through a portion of Penn's Crossing—which has led to these two resolutions before BOC this evening.

Resolution 7-a, In the MOU Subdivision Maintenance Agreement The Hills at Winchester provision #2 Construction of Water Improvements, Jaindl and the Township agree that they will allow Kay to install these improvements at Kay's cost, and obligates Kay to enter into a separate improvement agreement with the Township, which is the second resolution before us (7-b) this evening. Provision #3 Maintenance Obligations of first agreement sets forth it is Kay's responsibility to repair/replace the various subdivision improvements which may be impacted or damaged and that the Township will look solely to Kay, not to Jaindl, for the performance of those obligations. Exhibit A - depicts the water plan improvements.

In the Improvements Agreement (7-b) some key provisions: #3 Installation of Improvements, it is Kay's responsibility to pay all the costs for the installation of water improvements, as well as any modifications which may be necessary. #7 Insurance/Indemnification, where Kay agrees to indemnify the Township for all claims related to the installation of water improvements and obligates Kay to have professional liability insurance. #13 Security to Guarantee Completion of Improvements, which is a key provision, which obligates Kay to post financial security. The estimated cost of said improvements, \$252,000 and Kay must provide letter of credit to Township of approximately \$287,000 which is 110% of the estimated cost of water improvements, plus \$10,000 for Township's escrow fund. Terms/provisions of both agreements have been reviewed by Eastburn & Gray, who deem resolutions (7-a & 7-b) are ready for a vote of the BOC this evening.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne, to approve Resolution (7-a) approving the Memorandum of Understanding Subdivision Maintenance Agreement, as explained above by Attorney Eastburn. All in favor; none opposed. Vote was 5:0. Motion carried.

b. 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

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne, to approve Resolution (7-b) approving the Improvements Agreement relating to the MOU Subdivision Maintenance Agreement of Jaindl Land Company, Kay Walbert, and SWT, as explained above by Attorney Eastburn. All in favor; none opposed. Vote was 5:0. Motion carried.

c. A Resolution Adopting a Telecommunications Policy for Public Meetings of the Board of Commissioners

Randy Cope, Interim Township Manager explained this Telecommunication Policy applies to the BOC meetings, and essentially allows/provides opportunity for BOC to participate virtually over phone/computer if needed. However, a quorum must be present at location of meeting. This will eliminate need to cancel meetings. This is an extra protection for BOC to ensure we can continue to conduct business. This does meet First Class Township Code.

A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Wolk, approving above Resolution Adopting a Telecommunications Policy for Public Meetings of the Board of Commissioners. All in favor; none opposed. Vote was 5:0. Motion carried.

d. A Resolution authorizing South Whitehall Township, Lehigh County, to request a Statewide Local Share Assessment Grant from the Commonwealth Financing Authority to be used for a Public Works Tiger Mower

Randy Cope, Interim Township Manager, explained this is a standard resolution for most State Grants. This resolution designates Randy as the official to execute all agreements/documents between the Township and the Commonwealth Finance Authority to facilitate and assist in the obtaining of the requested grant. This is part of the actual application of the grant to be uploaded into the State system. This grant is for a PW Tiger Mower, a multi-functional piece of equipment to be utilized by our PW for road-side mowing, site-triangle trimming, brush cutting, as well as some school district properties; also to be utilized for keeping water-sewer easements open in order to access utility lines in easements; also for the cutting of steep slopes of retention basements, swales, and easements. Total of grant being requested is \$151,815.98, the full amount, and grant does not require a match. Probably will hear back on status in November.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, approving Resolution authorizing SWT, LC, to request a Statewide Local Share Assessment Grant from the Commonwealth Financing Authority to be used for a Public Works Tiger Mower. All in favor; none opposed. Vote was 5:0. Motion carried.

e. A Resolution authorizing South Whitehall Township, Lehigh County, to request a Statewide Local Share Assessment Grant from the Commonwealth Financing Authority to be used for a Public Works Subsurface Correlator

Randy Cope explained that this grant is similar as above, but is for a Subsurface Correlator, cost is \$25,550, and is a pin-pointing leak detection piece of equipment for our Township Water System. This allows the Township to know exactly where to start digging on water line. Will be proposed in 2023 budget.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, approving Resolution authorizing SWT, LC, to request a Statewide Local Share Assessment Grant from the Commonwealth Financing Authority to be used for a PW Subsurface Correlator. All in favor; none opposed. Vote was 5:0. Motion carried.

8. MOTIONS:**a. Motion Requesting Permission to Proceed with the Roof Replacement on the Township Building at 2503 Wehr Mill Road**

Mike Kukitz, Parks & Rec Manager, explained we (SWT) own the home at 2503 Wehr Mill Road. Roof is in need of severe replacement. Got three bids. Two bids came back identical. Did some research on our end, and Staff is requesting we move forward with Lehigh Valley Roofers in the amount of \$7,225.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, granting permission to proceed with the roof replacement on the Township building at 2503 Wehr Mill Road as explained by Mike Kukitz above. All in favor; none opposed. Vote was 5:0. Motion carried.

b. AMENDMENT TO AGENDA - Motion Requesting Permission to Amend this Evening's Agenda, in order to add a Police Disciplinary Matter to the Agenda

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne, requesting permission to amend this evening's agenda, in order to add a police Disciplinary matter to the Agenda. All in favor; none opposed. Vote was 5:0. Motion carried.

c. AMENDMENT TO AGENDA - Motion Requesting Permission to Authorize Interim Township Manager, Randy Cope, to Sign an Agreement between South Whitehall Township and the Police Service of South Whitehall Township, and Badge #150, as reviewed at an Executive Session on March 2, 2022.

Police Disciplinary Matter – MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne, requesting permission to authorize Interim Township Manager, Randy Cope, to sign an Agreement between South Whitehall Township and the Police Service of SWT, and Badge #150, as reviewed at an Executive Session on March 2, 2022. All in favor; none opposed. Vote was 5:0. Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS:

Randy Cope advise the public there would be a road closure on Huckleberry Road regarding Turnpike/Bridge work that goes over Huckleberry Road. Road is scheduled to be CLOSED from March 7th until November 18th, 2022. This long closure will also be posted to website and to social media.

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
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President Kelly - Regarding vacancies to be filled, asked that everyone take a look at their calendars for availability to conduct interviews. Will give another few weeks for anyone who may be interested to submit their VBMA Form to Township. Will start with Vacancy Board. Target date is to reach out to candidates anywhere from mid-month and beginning of next month to set up interviews. Tracy will get revised packet of applicants to Board for their review. Did receive two or three more applications.

UPCOMING MEETINGS: Details posted on website.

- Monday, March 7th - Public Safety Commission, 7:00 p.m.
- Tuesday, March 8th - Comprehensive Plan Workshop, 7:00 p.m.
- Wednesday, March 9th - Civil Service Commission, 1:00 p.m.
- Wednesday, March 9th - Board of Commissioners Workshop, 6:00 p.m.
- Thursday, March 10th - Emergency Management Services Meeting, 7:00 p.m.
- Monday, March 14th - Parks and Recreation Board, 7:00 p.m.
- Potential April BOC Workshop as well (April 13th)

10. DIRECTION/DISCUSSION ITEMS: None.

11. OLD BUSINESS:

a. Wehr's Dam – Status:

Randy Cope, Interim Township Manager, explained he did receive and attached a proposal for the Board for their review from Michael Baker, to continue on with the Wehr's Dam Project, which would be for construction, administration, on-site representation/inspection, and closing out our permit required for this project. Not seeking any action this evening. Randy wants to get an additional quote. Will be brought back to BOC shortly for formal action.

b. Comprehensive Plan Update

Dave Manhardt, Director, Community Development Department, explained there is a workshop scheduled for March 8th; will review what was accomplished at last meeting, and come up with additional goals and objectives and bring everything together in a clear, concise package. Michael Baker will be assisting with the goals/objectives piece. This will be a hybrid meeting. Will be starting the resource-protection phase—historic resources, natural resources, agricultural resources are the topics and if we get through that, we will go over utilities.

12. COURTESY OF THE FLOOR:

Bryan Turano, 2115 Walbert Avenue. Topic: Demolition going on at corner of Walbert and Cedar Crest Boulevard and his concern that this area should be fenced in for safety reasons. Herb Bender, PW Manager said he will go down tomorrow morning to the job site and address immediately.

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS:

a. Invoices and Disbursements

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Wolk, 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 7:56 p.m., a MOTION was made by Commissioner Hodges, which was seconded by Commissioner Osborne, to adjourn. All in favor; none opposed.

16. APPROVED: March 16, 2022 – A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kennedy, to approve the March 2, 2022, Minutes as presented. All in favor; none opposed. Vote was 5:0.
