



## BOARD OF COMMISSIONERS

### PUBLIC MEETING

### AGENDA-MINUTES

June 1, 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 Co.

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, Director of Finance  
Glen Dorney, Chief of Police  
Dave Manhardt, Director, Community Development Dept.  
Gregg Adams, Planner, Community Development Dept.  
Chris Kiskeravage, Twp. Fire Commissioner  
John Frantz, Building Code Official  
Tom Harper, Code Enforcement Program Manager  
Tracy Fehnel, Exec. Assistant

#### 2. **PLEDGE OF ALLEGIANCE**

At this time, Chief Dorney called for a moment of silence for the victims of the May 24, 2022, Robb Elementary School Shooting, in Uvalde, Texas.

#### 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: May 25<sup>th</sup> and before this evening's meeting, June 1, 2022.
- d. Recognition – Bill MacNair and Alan Tope. Both gentlemen were recognized and thanked for their outstanding service and commitment to SWT. Mr. MacNair served a total of 24 years, from 1998 to 2022, on the PC, ZHB, and Environmental & Pollution Advisory Board. Mr. Tope served a total of 42 years—1980 to 1982 on the PSC and then 1982 to 2022 on the PC.

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

- a. Steven M. Pohl, 1415 Frederick Street, Allentown. Subject: Right-to-Know Request filed with the PD. Interim Township Manager Randy Cope met with him after this evening's meeting was over.

#### 5. **MINUTES:**

- a. **May 18, 2022 – Board of Commissioners Meeting Minutes**

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kennedy, to approve the May 18, 2022, BOC Meeting Minutes as presented. All in favor; none opposed. Motion carried; Vote was 5:0.

6. **PRESENTATIONS:** None.

7. **ORDINANCES:** None.

8. **RESOLUTIONS:**

a. **A Resolution Amending Resolution 2021-48 Granting Preliminary/Final Approval to a Major Plan Entitled “Building Addition 4815 Crackersport Road” to Grant Additional Waivers Pursuant to SALDO Sections 312.13(f)(3) and 312-43**

Dave Manhardt, Director, Community Development Department, explained that this is a project located at 4815 Crackersport Road, which proposes a 13,500 SQF building addition to the existing building on the property. Plan was approved at the BOC Meeting on October 20, 2021. Applicant had 7 conditions, and now down to 2 remaining. Asking for the waivers that revolve around issuance of building permits prior to plan recording.

Attorney Christopher McLean, of Fitzpatrick, Lentz & Bubba, was in attendance on behalf of the Applicant, Triple Net Investments LXIV, LLC. Summary given is correct. Currently working with Solicitor’s Office to wrap up the Agreements, get security and insurance in place. Today we heard from Mr. Tallarida that he was satisfied with the plan. However, Mr. Tallarida said there is one outstanding issue, which relates to PPL & the sidewalk. Sidewalk is proposed to be constructed along Crackersport Road. We have submitted to PPL the request to get a workorder into their system so they can look at it. We do have that workorder. We have started to explain to PPL what we need from them vs. some sort of utility installation or pole relocation, and look at where the sidewalk is and tell us if it is good. We do not know how long that will take. Would like to start construction and have certainly been working to satisfy the conditions. We respectfully request the Board’s consideration of the waiver to allow us to pull the building permit and at least get started on the work. The sidewalk, whether or not PPL has comments, is not going to impact the balance of the work on site, to the building, and reconfiguring the impervious surface internally, so if there is something that comes up, we would be able to adjust that, and get the plans back to the Township and squared away before we have them recorded. Alternate Township Solicitor, Lisa Pereira explained that, from a legal perspective, the Township is protected regardless of setting forth a “date certain” for which it is completed.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kennedy, to approve A Resolution Amending Resolution 2021-48 Granting Preliminary/Final Approval to a Major Plan Entitled “Building Addition 4815 Crackersport Road” to Grant Additional Waivers Pursuant to SALDO Sections 312.13(f)(3) and 312-43. All in favor; none opposed. Motion carried; Vote was 5:0

b. **A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Designating Land Located at Springhouse Road Donated to**

**the Township by David T. Davis and Joanne S. Davis and Naming it “Davis-Smith Open Space”**

Interim Township Manager Randy Cope, explained this resolution has been mutually agreed upon. This is for the 26.87 acres located at Springhouse Road, which was recently dedicated to the Township from Mr. and Mrs. Davis in November 2021. There has been an interest to associate naming rights with this property, which was presented to the Board at a previous meeting. This resolution is for potential consideration and action by the Board this evening. The Board was in agreement, if doner was in agreement, to amend resolution to say, “Davis-Smith Preserved Open Space”.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, to approve a resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Designating Land Located at Springhouse Road donated to the Township by David T. Davis and Joanne S. Davis and Naming it “Davis-Smith Preserved Open Space” with amendment as stated above. All in favor; none opposed. Motion carried; Vote was 5:0.

**9. MOTIONS:**

**a. Motion to Proceed with Crackersport Road Sidewalk Deferral Call-Ins**

Dave Manhardt, Director, Community Development Department, explained that the Sidewalk Deferral Call-In is related to what we heard early in this meeting—4815 Crackersport Road. At the PC Meeting they recommended calling in adjacent deferrals. We have been working on the process—what kind of procedure are we going to follow as we call in these sidewalk deferrals. We have prepared a policies and procedures document, which was enclosed in the packet.

Process:

- Initial Request/Recommendation
- Prepare Background
- Present to BOC for Direction
- Prepare Notification (stating we are calling in deferrals)
- Notification Enforcement – Slight tweak to process as follows--Dave explained that after the motion, and next--the resolution is drafted, we notify the property owner that the resolution will be coming to the BOC, at which time said property owner can come to that particular meeting to discuss with BOC. This will be added to the policies and procedures document.
- Sidewalk Design

It was noted that with 22 miles of potential deferral call-ins, there will be some property owners who have changed. The Township does have a Township Deferral Map, which they review as projects come in.

Brian Hite, Vice Chairman of PC, commented that there are a lot of pedestrians using this road right now, and any time you can get a pedestrian off the road is a safer situation for everyone involved. Also, the pandemic has shown that people want to get out and walk and do it safely. As a walkable community we can be a forerunner of what a Township should

be. Sidewalks should not be deferred unless we have a really unique situation. Additionally, we always tell a developer it is cheaper to put the sidewalks in right away at the land development phase.

A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Osborne, to TABLE this motion in order that Staff can come back to the Board with a formal Policy regarding the sidewalk-deferral process. All in favor; none opposed. Motion carried; Vote was 5:0.

**b. Motion Authorizing Interim Township Manager to Execute the Lehigh County Authority – Emergency Interconnect Agreement**

Interim Township Manager, Randy Cope explained Phil DePoe, PE, from LCA, was in attendance this evening. Staff has been working with LCA for months on this Agreement. Herb Bender, PW Manager, explained the reason for this Agreement is to help LCA with emergency water. This is due to LCA losing a 2M gallon reservoir in their northern area. In the Agreement it states that it will cause no disruption to the residents of SWT. This interconnect will operate on a pressure valve. It will only open as long as our side has at least 40 psi, as the DEP minimum psi regulation is 20. This project will be at no cost to the Township. LCA is taking care of the costs. Water pressure tests have been done on both systems, as well as the water tested. This project is ready to go.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, authorizing interim Township Manager to Execute the Lehigh County Authority – Emergency Interconnect Agreement. All in favor; none opposed. Motion carried; Vote was 5:0.

**10. CORRESPONDENCE AND INFORMATION ITEMS:**

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

**CURRENT VACANCIES ON BOARDS/COMMISSIONS:**

1. Civil Service Commission - 1 Alternate Vacancy
2. Green Advisory Council - 1 Vacancy
3. Landscape Shade Tree Commission - 2 Vacancies
4. Park & Recreation Board - 1 Vacancy
5. Environmental Advisory Council - 3 Vacancies

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

- Thursday, May 19<sup>th</sup> – Planning Commission, 7:30 p.m.
  - Friday, May 20<sup>th</sup> – Movie in the Park, 8:15 p.m.
  - Monday, May 23<sup>rd</sup> – Landscape and Shade Tree Commission, 10:00 a.m.
  - Tuesday, May 24<sup>th</sup> – Planning Commission, Special Meeting, 7:30 p.m.
  - Wednesday, May 25<sup>th</sup> – Zoning Hearing Board, 7:00 p.m.
  - Sunday, May 29<sup>th</sup> – Memorial Day Concert with the Allentown Band, 7:00 p.m.
  - Monday, May 30<sup>th</sup> – Memorial Day Holiday – OFFICES CLOSED.
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**11. OLD BUSINESS****a. Wehr's Dam**

Township Manager explained that mandatory pre-bid meeting was held at Wehr's Dam. Final questions were submitted by the contractors via PennBid yesterday. June 6<sup>th</sup> will be the official bid opening. Depending how those bids come in, Staff will be bringing recommendation to Board for consideration on June 15<sup>th</sup>. Ideally, would like to start project mid-July, with completion of majority of project by October 15<sup>th</sup>.

**b. Comprehensive Plan Update**

Dave Manhardt, Director, Community Development Department, said there is a CP meeting on June 7<sup>th</sup> where we will be reviewing revised goals and strategies and implementation for community utilities. A Joint BOC/PC - CP Workshop will be held June 16<sup>th</sup> where we will go over community facilities. Michael Baker is now currently on board. Q: When will the first DRAFT chapter of the CP be produced and available to the public? Dave said they will be meeting with Michael Baker June 3<sup>rd</sup> to strategize how this will be rolled out, working on chapters, tasks, and a more detailed timeline. Also Michael Baker will be working on a more defined public engagement strategy, which a draft should be ready for the June 16<sup>th</sup> meeting. Additionally, as we get more information, and as things get completed, they are uploaded to website.

**c. Jordan Creek Greenway, Phase I, from River Road to Cedar Crest Boulevard**

Interim Township Manager Randy Cope explained that the Engineer is working on the four design considerations for the past two weeks and should be able to provide initial concepts to Staff for review. There is some permitting discovery to look at, which cost will be worked into each design considerations. Looking to bring back to the board in the next 2-4 weeks for discussion.

**d.** Dumping on Jordan Road – Two “No Dumping” Signs were ordered and will be posted shortly—one for each end of the street.

**e.** BOC Workshop – To discuss reviewing of ByLaws (last discussed in February) for Boards/Commissions. Also need to hold interviews for remaining vacancies on Boards/Commissions. CSC, P&RB, LSTC interviews will be held second hour of the workshop. Tracy will forward applicants to BOC. Will schedule however many will fit into the second hour, and then interview the remaining at a later date. Board was in agreement with this.

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

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

Robert Hodges, 1707 Penns Crossing. Subject: Land Preservation Committee and inquiry into a piece of property that is for sale.

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

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

**15. EXECUTIVE SESSION: BOC will meet in Executive Session immediately after this meeting concludes in order to discuss personnel-related matters.****16. ADJOURNMENT: At 8:11 p.m. a MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to adjourn. All in favor; none opposed.****17. APPROVED: On June 15, 2022, a MOTION was made by Commissioner Osborne, which was seconded by Commissioner Hodges, to approve the June 1, 2022, BOC Meeting Minutes as presented. All in favor; none opposed. Vote was 5:0.**

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