



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**April 20, 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 (Attended Virtually)\*  
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, Director of Finance  
Glen Dorney, Chief of Police  
Dave Manhardt, Director, Community Development Dept.  
Chris Kiskeravage, Twp. Fire Commissioner  
Tracy Fehnel, Exec. Assistant

*\*For the record, Commissioners Kelly, Kennedy, Wolk, and Osborne were in attendance in person. Commissioner Hodges participated virtually. All five Commissioners did vote this evening.*

**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: No Executive Sessions Held.

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

- a. Steven M. Pohl, 1415 Frederick Street, Allentown. Subject: Police complaint procedures that are in place.

**5. MINUTES:**

**a. April 6, 2022 – Board of Commissioners Meeting Minutes**

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne, to approve the April 6, 2022, BOC Meeting Minutes as presented. All in favor; none opposed. Motion carried—5:0 Vote.

**6. PRESENTATIONS:**

- a. Proclamation – Greenawalds Fire Company’s 100<sup>th</sup> Year Anniversary – TABLED.

**7. ORDINANCES: None.**

**8. RESOLUTIONS:****a. A Resolution to Approve, Adopt, and Place into Effect the Emergency Operations Plan (EOP) of South Whitehall Township**

Jeff Kelly, SWT Emergency Management Coordinator, explained that SWT EM is responsible for over 40 plans, which include 3 elementary schools, 2 middle schools, 1 high school, 4 private schools, 10 daycares, 3 tier-one reporting locations, 2 hospitals, 2 senior care centers, and many other minor plans. Presenting three boiler plate plans from the state to be adopted by the BOC, and then to formally turn it over to Lehigh County, who then turns it over to the State of PA. This is done every four years.

With regard to the NIMS training for the BOC, that is done online, and Jeff will get that information to the BOC. (IS 100 & 700)

A MOTION was made by Commissioner Osborne, which was seconded Commissioner Kennedy, to Approve, Adopt and Place into Effect the Emergency Operations Plan (EOP) of SWT. All in favor; none opposed. Motion carried—5:0 Vote.

**b. A Resolution Executing a Memorandum of Understanding for the School Resource Officers at Parkland School District**

Chief Glen Dorney explained that we are here this evening to propose a resolution to adopt the newly revised MOU which addresses many of the items not addressed in the previous MOU. The initial MOU from 2015 did not address any form of compensation. In the first item (#1) of the new agreement, this is addressed. Updates and necessary changes have been made, and it is a very good product agreed upon collectively between the school district, SWT PD Staff, and Solicitor's office.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, approving the Resolution Executing a Memorandum of Understanding for the School Resource Officers at PSD. All in favor; none opposed. Motion carried—5:0 Vote.

**c. A Resolution Appointing \_\_\_ to the South Whitehall Township Vacancy Board**

A MOTION was made by Commissioner Osborne to nominate/appoint Dave Torrey to fill the vacancy on the SWT Vacancy Board. The motion was seconded by Commissioner Kennedy. All in favor; none opposed. Motion carried—5:0 Vote.

**d. A Resolution Reappointing \_\_\_ to the South Whitehall Township Planning Commission**

A MOTION was made by Commissioner Kennedy to nominate/reappoint Brian Hite to the SWT PC. The motion was seconded by Commissioner Kelly. All in favor; none opposed. Motion carried—5:0 Vote.

**e. A Resolution Appointing \_\_\_ to the South Whitehall Township Planning Commission**

A MOTION was made by Commissioner Wolk to nominate/reappoint both Bill MacNair and Alan Tope to the SWT PC. The motion was seconded by Commissioner Osborne.

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Commissioners Wolk and Osborne voted YES; Commissioners Kelly, Kennedy, and Hodges voted NO. MOTION did NOT carry. Vote 2:3.

Reason for Votes with Regard to above motion/vote taken:

Commissioner Kennedy – Yes, Bill MacNair and Alan Tope were involved in the 2009 Plan, and look where that has gotten us. While knocking on 4,000 doors to be Commissioner in SWT, the one complaint he heard was about Ridge Farms. He said in the one interview Bill MacNair said things changed within the Township on the election, and that is with the three new commissioners—Brad Osborne, Monica Hodges, and myself. When he made that comment, Commissioner Kennedy said he believed it was time at that point to reappoint Brian, who has tremendous passion, and which we have already done, and if he (Mr. MacNair) feels that way that the commissioners were replaced, I feel that is the time to replace him on the PC. That is why I did not support Bill or Al.

President Kelly – Explained she has served as a PC member for the last 3 ½ years, and said she concurs with some of Commissioner Kennedy’s comments. As a member of that committee, we have been given very clear and complete direction when we go to our meetings for the CP. We are provided with survey details and outlines and are guided step by step by our CD Dept—Gregg Adams and Dave Manhardt. I am confident that the nominees, with the experience and education they have, will provide a great deal of input and will help in this process. They are in good hands with our CD Dept, who really are spearheading this for us and guiding the CP. I am confident we can be very successful with four remaining PC members and three new ones. Their ability to bring fresh ideas and new vision as we complete this CP, I think is actually a bonus.

Commissioner Hodges – Explained this decision was not an easy one. She is very grateful for Mr. MacNair and Mr. Tope’s years of service they gave. Nine people were interviewed for this position. I simply want to choose the ones that will best carry out the vision that the voters had since 2019. It is not my desire—I am speaking on behalf of what the citizens want. Someone very wise said to me, “Change in government is healthy.” Although it is not easy, I do believe we do have enough experience on the PC and in our CD Dept. to guide us forward. The same could be said about us (BOC), inexperienced. We work hard and follow those who are leading, and follow those who have experience. We move forward, and continue to listen to our residents.

Commissioner Wolk - We are in the 3<sup>rd</sup> year of the CP, and scheduled to be done in four to six months, and he believes we need experienced and knowledgeable people to complete the CP. He is in favor of all three incumbents Brian Hite, Bill MacNair, and Alan Tope to maintain their positions on the PC, at least until the CP is completed. He feels this is the prudent, advisable thing to do. Commissioner Wolk did view the interview videos, and with all due respect to the other applicants, he does not feel they have the knowledge, experience, and competence to complete the CP—largely a lack of knowledge. If we make a decision not to renew the three incumbents, then we will end up with a PC with three experienced PC members and three completely inexperienced PC members. Although they have other knowledge and experience, it is not SWT, it is not CP, it is not SALDO—he went on to say he thinks we need an experienced PC in the last four months of our effort to

complete the CP. In the interviews, Alan Tope, when asked about his vision for SWT, he said he was previously pro-growth, back in 2009 it was in vogue to be pro-growth because we had no growth. But, now he favors less growth. He does not want to discourage development, but we need some control around development. Like a previous commissioner said, we have overdone it with Ridge Farms—it should not be duplicated. Regarding land preservation, we need open space, and the CP as we know needs to set up the zoning changes to achieve that. And, while doing all of that we need to always respect property owners rights, because they have the right to develop their land. Commissioner Wolk went on to say, this is why I think he has the experience we need. I believe he has the right viewpoint, which aligns with me as a commissioner, and also I believe with the residents of SWT. Some comments by other applicants: I have no opinion about the CP. Another candidate gave no answer whatsoever, and indicated they did not have a good understanding about SALDO, and made a comment they did not really know how to follow an ordinance. These comments show lack of experience and actually disqualify them from being on the PC.

Commissioner Osborne – Agreed with what Commissioner Wolk said. Alan Tope and Bill MacNair between them have over 50 years' experience on the PC. They were helpful in developing the 2009 CP, and 13 years later, are still interested in the job, still willing to contribute their experience, and the Township actually needs this. He cannot imagine that our PC will have three new members when we are in the middle of a CP, which is a critical piece to get right. We need them on this Commission. If the BOC wants to entertain replacing them after the CP is complete, he feels that is another discussion. We need to keep this experience on this CP. Also, all candidates were applying for the one opening on the PC for an unexpired term of a former PC member. Commissioner Osborne also reminded everyone about a few meetings ago when Bill MacNair gave the Annual PC Report for 2021, which consisted of 27 items. 26 of these items required a decision. 24 out of the 26 decisions made by the PC were unanimous. These gentlemen are in the fold of every other PC member here. This should not be an argument about their qualifications and how they are not following through on their responsibilities.

A MOTION was next made by Commissioner Wolk, to nominate/appoint Trevor Dombach for the unexpired term, which was previously held by Matthew Mulqueen. The motion was seconded by Commissioner Kennedy. All in favor; none opposed. Motion carried. Vote was 5:0.

**f. A Resolution Appointing \_\_\_ to the South Whitehall Township Planning Commission**

A MOTION was made by Commissioner Kennedy, to nominate/appoint Andy Flagg, to the SWT PC. The motion was seconded by Commissioner Hodges. Commissioners Kelly, Kennedy, and Hodges voted YES; Commissioner Osborne and Wolk voted NO. Motion carried 3:2.

Explanation of NO Votes:

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Commissioner Osborne – Although he feels Andy Flagg is one of the candidates who would do well on the PC, he will not be voting for his appointment to the PC, because this position and the next should not even exist on this agenda.

Commissioner Wolk – concurred with Commissioner Osborne on this matter—He said we should have voted in the other two incumbents. He knows Andy Flagg through three interviews in the past two years and is impressed with his background and capabilities; however, he feels Mr. Flagg would be best in the ZHB Alternate position, as opposed to PC.

**g. A Resolution Appointing \_\_\_ to the South Whitehall Township Planning Commission**

A MOTION was made by Commissioner Kennedy to nominate/appoint Tim Dugan to the PC. The motion was seconded by Commissioner Kelly. Commissioners Kelly, Kennedy, and Hodges voted YES; Commissioner Osborne and Wolk voted NO. Motion carried 3:2.

Explanation of NO Votes:

Commissioner Osborne – said he has the same position he had above. I think he would do well on the PC; however, I think the decision to put this on the agenda before a vote was taken in public for the two gentlemen with expired terms (Bill MacNair and Alan Tope), this position would not exist, except for the decision that was made outside of this Board/Meeting.

Commissioner Wolk – I concur with the statement made by Commissioner Osborne. I recognize Mr. Dugan has some good experience, but here again, the two incumbents have a vast amount of knowledge and experience. I would say Mr. Dugan does not have enough experience to join the PC at this time.

**h. A Resolution Appointing \_\_\_ as an Alternate Member to the South Whitehall Township Zoning Hearing Board**

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to nominate/appoint Dennis Toomey as the Alternate Member to the SWT ZHB. All in favor; none opposed. Motion carried. Vote was 5:0.

**9. MOTIONS:**

**a. Motion to Appoint Commissioner(s) to the South Whitehall Township Land Preservation Committee**

President Kelly explained this is a continuation from our last meeting where Commissioner Wolk was appointed to the Land Preservation Committee.

A MOTION was made by Commissioner Wolk to nominate/appoint Commissioner Osborne to the SWT Land Preservation Committee. The motion was seconded by Commissioner Kennedy. All in favor; none opposed. Motion carried. Vote was 5:0.

**b. Motion Requesting Permission to Extend Current Road Building Materials Contract**

Herb Bender, PW Manager, explained we are requesting permission to extend the above-referenced contract with New Enterprise Stone & Lime Co. for an additional term of one

year. With the rising oil/fuel prices, we feel the extension would be in the best interest of the Township as the vendor has agreed to hold the same pricing for another year. This is the last extension we can take on this contract.

A MOTION was made by the board granting permission to extend current road building materials contract for one more year. All in favor; none opposed. Motion carried. Vote was 5:0.

**c. Motion to Approve Street Moratorium Exemption Request - Dorney Park Road**

Herb Bender, PW Manager, explained that PJ Dick is requesting that the moratorium on Dorney Park Road be lifted. They need to run water lines and storm water pipes across Dorney Park Road. This is the utility work for Cedar Brook Nursing Home. PJ Dick has agreed to mill and overlay the full width of the road from the first trench to the last trench. Public Works is also requesting that the \$1,000 fee be waived since they have agreed to mill and overlay the whole area.

A MOTION was made by the Board to approve the above street moratorium exemption request on Dorney Park Road. All in favor; none opposed. Motion carried. Vote was 5:0.

**d. Motion to Proceed with Advertising of Bid regarding the Public Works Pole Barn Project**

Herb Bender, PW Manager, explained that SWT is requesting permission to advertise the bid for a pole barn to the rear of the PW garage. This pole barn will be used to park trucks and equipment out of the elements which will prolong the life of the fleet. The size of the pole barn will be 115 feet x 80 feet. This is with the ARPA Funds that were put into the budget in the amount of \$300,000.

A MOTION was made by the Board to proceed with advertising of bid regarding the PW pole barn project as described by Mr. Bender. All in favor; none opposed. Motion carried. Vote was 5:0.

**e. Motion to Proceed with Advertising of Bid regarding Bridge View Terrace Phase 2 Water Main Replacement Project**

Herb Bender, PW Manager, explained that SWT PW is requesting permission to advertise the bid for Bridge View Terrace Phase 2. This project is to replace aging water main. The streets to get new water main are Lime Kiln Road (only tying into this main), Rose Lane, Rachael Lane, Astor Drive and Elias Court. Budgeted in Capital account/Water for \$400,000 and in the ARPA funds for \$300,000. This is being bid as 8-inches, but we also included an alternate bid of 6-inches in order to see what the price difference would be.

A MOTION was made by the Board to proceed with advertising of bid regarding Bridge View Terrace Phase 2 water main replacement project. All in favor; none opposed. Motion carried. Vote was 5:0.

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**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. Randy will send some information out to the Board on this. Will be added under direction/discussion at the next meeting.

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

- Thursday, April 21<sup>st</sup> – Planning Commission, 7:00 p.m.
- Saturday, April 23<sup>rd</sup> – Earth Day Clean Up Project
- Monday, April 25<sup>th</sup> – Landscape & Shade Tree Commission, 10:00 a.m.
- Wednesday, April 27<sup>th</sup> – Zoning Hearing Board, 7:00 p.m.
- Thursday, April 28<sup>th</sup> – Parks, Recreation, Open Space & Trails (PROT) Plan Public Meeting, 7:00 p.m.
- Saturday, April 30<sup>th</sup> – National Drug Take Back Day, 10A-2P
- Monday, May 2<sup>nd</sup> – Public Safety Commission Meeting, 7:00 p.m.

**11. OLD BUSINESS****a. Wehr's Dam**

Randy Cope, Interim Township Manager, explained that we are currently working with Michael Baker. Their professional services was approved at last meeting. Randy has met with them and we are getting close to finalizing the bid schedule, along with discussion of a pre-bid meeting/pre-construction meeting when the bids come in, opening the bids, and when we will seek permission to award bids—working through these details now. Hoping to be back on the May 4<sup>th</sup> agenda with motion to proceed with advertising of this bid.

**b. Comprehensive Plan Update**

In Dave Manhardt's absence, Randy gave a brief update on the CP. CP Workshop held on April 12<sup>th</sup>, where we reviewed updated overall goals and strategies, reviewed our resource protection goal strategies and implementation, and recording and presentation posted to calendar events page, CP workshops page, under CD page. Currently developing a DRAFT CP page to document/share progress and develop comment forums in order to receive comments related to our goals and strategies. The next joint PC & BOC Workshop meeting is scheduled for Tuesday, May 10<sup>th</sup> at 7P.

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

Randy Cope, Interim Township Manager, shared the following exciting news. The Township did apply for a TASA Grant, which is a PennDOT Grant, which gets awarded through LVPC as well as the State. This grant was awarded to SWT in the amount of \$1M to build the Jordan Creek Greenway, from Wehr Mill Road, all the way down through Covered Bridge Park, to Lapp Road—connecting the two covered bridges on the north side of the stream and to the

existing trail, which was just built a few years ago. We will be taking another look at the overall project again to see what the additional needs might be, that have changed since this grant application has been put in. Will continue to seek other grant opportunities out there. Overall, this is a very exciting time for the Township. No match was required for this Grant.

**12. DIRECTION/DISCUSSION ITEMS:**

**a. Fund Balance Policy – TABLED.**

**b. Update on Township Manager Vacancy**

President Kelly explained that the Board is continuing our Township Manager search. Interviews were held this week, with another round to be held at the end of the week. We will have another update at next BOC meeting.

**c. Commissioner Wolk** - Publicly thanked Interim Township Manager Randy Cope for his leadership. (Commissioner Wolk's full statement can be found on the SWT YouTube recording.)

**d. Department Heads Reports**

The Board decided that quarterly, verbal reports by department heads was sufficient. No written quarterly report necessary.

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

Dean Browning, 2432 Congress Street, Allentown. Subject: Discussion of SWT Pension Plans. Handout given to BOC.

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

**a. Invoices and Disbursements**

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve the payment of all invoices. All in favor; none opposed. Motion carried. This was a 4:0 Vote—could not hear Commissioner Hodges Vote.

**15. EXECUTIVE SESSION: None.**

**16. ADJOURNMENT: At 8:37 p.m., a MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to adjourn. All in favor; none opposed.**

**17. APPROVED: May 4, 2022**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to approve the April 20, 2022, BOC Meeting Minutes as amended. Commissioners Kelly, Kennedy, and Hodges votes YES to approve as amended. Commissioner Wolk voted NO. Commissioner Osborne was absent. Vote was 3:1. Motion Carried.

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