



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**June 15, 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.

*\*Commissioner Kelly attended/participated remotely.*

*\*\*Not in attendance*

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, Fire Marshal, Building Code Official  
Tom Harper, Code Enforcement Program Manager  
Rob Fehnel, IT Projects Manager  
Tracy Fehnel, Exec. Assistant

**2. PLEDGE OF ALLEGIANCE**

At this time, John Frantz, Fire Marshal/Building Code Official, called for a moment of silence for Robert Hebal, who passed away at 57 years old, after a valiant fight with cancer. He served as a Fire Chief for Greenawald's Fire Department from 1994 to 2002.

For the record, Vice President Kennedy chaired this evening's meeting.

**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 date(s) to discuss Legal and/or Personnel Matters: After the June 1st BOC Meeting, and tonight before this meeting--June 15<sup>th</sup>.

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

- a. Steven M. Pohl, 1415 Frederick Street, Allentown. Subject: Who is responsible for the PD; and spoke re-the bodycam footage. Chief Dorney was presented with the documents filed by Mr. Pohl today with the Court of Common Pleas, Lehigh County.
- b. Dale W. Wehr, 105 Charles Drive, Allentown. Subject: He was born in the house by the Dam. He thanked the BOC, Township Manager, and Staff for saving the dam.

**5. MINUTES:**

- a. **June 1, 2022 – Board of Commissioners Meeting Minutes**

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. Motion carried; Vote was 5:0.

6. **PRESENTATIONS:** None.

7. **ORDINANCES:**

Ordinances 7-a, 7-b, and 7-c were handled at the same time by John Frantz, Fire Marshal, Building Code Official. In February of this year, the Commonwealth and the Uniform Construction Code adopted the 2018 versions of the International Code Council Construction Codes. There are three ordinances before the BOC for the International Building Code, which deals with Commercial Properties; the International Residential Code, which deals with residential properties; and the International Plumbing Code, which deals with the plumbing code with commercial properties. These were adopted by the Commonwealth in February of this year. He is asking the BOC for considering the approval of adopting these Ordinances this evening, so that they will be available for contractors and designers to use to get the information they need to do work in SWT.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Wolk, to approve Ordinances 7-a, 7-b, and 7-c. All in favor; none opposed. Vote 5-0.

- a. **Previously Advertised for Possible Adoption - An Ordinance Reenacting, Amending And Restating Chapter 144 Article IV (Building Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Building Code As The Building Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date Access**
  - b. **Previously Advertised for Possible Adoption - An Ordinance Reenacting, Amending And Restating Chapter 144 Article VI (Residential Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Residential Code As The Residential Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date**
  - c. **Previously Advertised for Possible Adoption - An Ordinance Reenacting, Amending And Restating Chapter 144 Article I (Plumbing Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Plumbing Code As The Plumbing Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date**
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- d. Previously Advertised for Possible Adoption - An Ordinance Reenacting, Amending, And Restating Chapter 144 Article VIII (Property Maintenance Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Property Maintenance Code With Local Amendments; Providing For The South Whitehall Township Building Code Appeals Board To Serve As The Board Of Appeals; Providing That State Law Controls Where Requirements Are In Excess Of This Ordinance; And Providing For A Repealer, Continuation And Saving Clause, Severability, And Effective Date**

Tom Harper, Code Enforcement Program Manager, explained he is here this evening asking the BOC to consider the adopting of said Property Maintenance Code Ordinance, which deals with and sets the parameters for the high grass and weeds at 12-inches. It also sets parameters for winter heating requirements for dwellings. This ordinance explains that the Township Building Code Appeals Board handles any appeals for violations. This code is the standard to enforce interior/exterior property issues.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, to approve said Property Maintenance Code Ordinance as presented this evening by Mr. Harper. All in favor; none opposed. Vote: 5:0.

**8. RESOLUTIONS:**

- a. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania Appointing Herbert Bender as Interim Township Manager and Establishing Compensation for the Interim Township Manager Position, Effective July 1, 2022**

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, to approve above resolution appointing Herbert Bender as Interim Township Manager, and establishing the compensation for said position effective July 1, 2022. All in favor; none opposed. Vote: 5:0.

- b. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania Adopting a Fund Balance Policy (Fund Balance Policy Attached to minutes)**

Scott Boehret, Director of Finance, explained that at the request of our Auditors, this Fund Balance Policy has been developed, as part of improving the financial reporting. The Fund Balance Policy has been finalized with the Finance Committee (Commissioners Kennedy and Wolk) and Staff and brought before the BOC this evening. One change was the reduction of the time to replenish the fund balance policy—time to replenish would be three years to replenish the fund for any planned debt. In the General Fund it will be 20-30% of annual revenues—balance is currently \$7.8M. In the Water Fund the fund balance policy is \$5M—currently at \$4.2M. It was determined that \$10M will be adequate in the Sewer Fund, taking into consideration Klines Island, and expansion of LCA, etc.—currently Fund is at \$5M. Refuse Fund is an amount equal to two months operating expenses, which is standard for an enterprise fund such as the Refuse Fund, so this amount would be about \$447,000 based on

last year. Currently at \$529,000. Water Fund for the next year, in terms of a three-year plan, the area we would need to do work is the Sewer Fund. The budget impact to get to that amount in three years is approximately \$1.7M each year.

Commissioner Osborne would like to see a five-year financial projection married to this—the Fund Balance Policy, which would show us how we are going to get to these minimums of these fund balances.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, approving the Fund Balance Policy as presented by Scott Boehret, Director of Finance. All in favor; none opposed. Motion carried; Vote was 5:0.

## 9. **MOTIONS:**

### a. **Motion to Proceed with Purchase of ClearGov Budget Software to Support SWT Budgetary Needs.**

Scott Boehret, Director of Finance, explained that as part of the ongoing efforts to improve the Finance Department, they are requesting the BOC approve the purchase of a budget software, which will be used to prepare all SWT Budgets prospectively, beginning with the 2023 Budget. He feels the cost and functionality cannot be beat. ClearGov is the budget software being requested, which is a cloud-based software that will allow SWT to have a centralized location for the entire budget process. A website based digital budget book, both pre-built and custom reports, tools for multi-year and multi-scenario decision making, which are among the benefits of this product. Upfront cost is \$18,600, which includes the prorated 2022 services fees along with implementation costs. Service fees for subsequent years will start at \$26,400, increasing by 3% each year after. Implementation will take 4 weeks. The Finance Committee does recommend this as well.

A MOTION was made by Vice President Kennedy to approve ClearGov Budget Software. All were in favor; none opposed. Motion carried; Vote was 5:0.

### b. **Motion to Proceed with Account Adjustment over \$2,500.**

Tricia Dickert, Assistant Director of Finance, explained that this is a request to void two invoices issued back in April 2017 for project at 3411 Hamilton Blvd. Two invoices issued were for tapping fees, and those invoices were later recalculated and two new invoices issued in May 2017. The two original invoices are on the books unnecessarily, which should be voided. Subsequently the two invoices issued in May 2017 were paid in full. Combined total is over \$2,500, which we felt should come before BOC.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kelly, granting motion to proceed with account adjustment. All in favor; none opposed. Motion carried; Vote was 5:0.

### c. **Motion to Approve Budget Transfer within the 2022 Fire Budget from Miscellaneous Supplies Account to Maintenance Service and Repair Account**

Chris Kiskeravage, Township Fire Commissioner, explained that this is to balance the 2022 Fire Budget. Looking to make a transfer which will bring the Maintenance Services and Repair Account back up to a zero balance. Amount to be transferred \$3,451.44, which will come from Miscellaneous Supplies Account to the Maintenance Service and Repair Account.

A MOTION was made to approve said request by Commissioner Kennedy, which was seconded by Commissioner Hodges. All in favor; none opposed. Vote: 5:0.

**d. Motion to Approve Budget Transfer within the 2022 Woodlawn Fire Budget from Uniform/Clothing Exchange Account to Miscellaneous Supplies Account**

Chris Kiskeravage, Township Fire Commissioner, explained that this item is within the Woodlawn Fire Budget, and their Miscellaneous Supplies Account needs to be brought back up to zero balance. Amount to be transferred is \$2,919.08, which will come from the Uniform/Clothing Exchange Account to the Miscellaneous Supplies Account.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, to approve said request. All in favor; none opposed. Vote: 5:0.

**e. Motion to Reject Bids Submitted with Regard to Bid #2022-02 Pole Barn Construction Project**

Herb Bender, PW Manager, explained that SWT received and opened two bids for the Pole Barn Construction Project. Bid was advertised in a local publication, as required by law, and 46 potential bidders downloaded bid documents. PW is requesting that both bids received be rejected as the pricing was much higher than expected. \$300,000 was budgeted for this entire project, which consisted of \$50,000 for heating and \$250,000 for Pole Barn construction. The lowest bid submitted for \$297,420.00, was not projected to come in so high. The high responses are attributed to rising cost of materials (lumber and metal) and labor. Requesting that BOC reject both bids submitted as it is not in the best interest of the Township to proceed with this project at this time. After talking to contractors, it would be in our best interest to wait a year or two, and then to put this bid back out as materials are starting to trend down.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kennedy, to reject said bid as explained by Mr. Bender. All in favor; none opposed. Vote: 5:0.

**f. Motion to Proceed with Purchase of Supplies to Install Sanitary Sewer Chamber Stacks**

Herb Bender, PW Manager, explained that these sewer stacks will go on the two sewer chambers located on Martin Luther King Drive. The reason for these chambers is that when it rains heavy the sewer lines get backed up and this causes our chambers to blow out at the seams. These stacks we would like to install will allow the air that is trapped in top of the chamber to vent out. Currently we have them on all the manholes on MLKD and have no issues with them at all. The total price for this job is \$2,297.84 (to be done in-house), which

was budgeted for \$15,000. We want to buy supplies right now and do this project in-house in the fall. To outsource this would have been around \$15,000.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Hodges, to approve motion to proceed with purchase of supplies as explained by Mr. Bender. 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, June 16th - Planning Commission, 7:00 p.m.
- Friday, June 17th - Movie in the Park at Springhouse West Park (Rescheduled from May 20th)
- Monday, June 20th - Green Advisory Council, 6:00 p.m.
- Wednesday, June 22nd - Zoning Hearing Board, 7:00 p.m.
- Thursday, June 23rd - Emergency Management Services Meeting, 7:00 p.m.
- Thursday, June 23rd - Parks, Recreation, Open Space and Trails (PROT) Plan, Public Meeting, 7:00 p.m.
- Friday, June 24th - Concert in the Park, 7:00 p.m.
- Monday, June 27th - Landscape and Shade Tree Commission, 10:00 a.m.
- Monday, July 4th - Independence Day Holiday - OFFICES CLOSED

## 11. **OLD BUSINESS**

### a. **Wehr's Dam**

Randy Cope, Interim Township Manager, explained we did run into a snag in the bid process, and did not receive any bids; however, there was interest in the bids. This project was therefore immediately readvertised on June 13<sup>th</sup> and again on June 17<sup>th</sup>. Mandatory Pre-Bid Meeting to be held on June 23<sup>rd</sup>. Questions to be submitted through PennBid no later than June 26<sup>th</sup>. Bid opening to be conducted on July 8<sup>th</sup>. Will seek BOC action to award contract by July 20<sup>th</sup>.

### b. **Comprehensive Plan Update**

Gregg Adams, Planner, from the Community Development Department explained that there are two CP Workshop Meetings this month—one was held on June 7<sup>th</sup>. At this meeting, the Staff synthesized Community, which was reviewed and approved for posting on website. Also, Housing reviewed, comments collected, and Staff will begin synthesizing comments next week. Tomorrow, July 16<sup>th</sup>, will be the second CP Workshop Meeting. The Community Facilities chapter will be reviewed. Parks and recreation and emergency services will also be discussed. Also, the DRAFT Community Outreach Plan will be presented.

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

Randy Cope, Interim Township Manager, explained we have a brief update—the five alternates have just come in late yesterday. Additionally, there was another alternate suggested by Michael Baker. Range in cost is from under \$100,000 to over \$2M. Staff will have conversation with engineers and will bring back recommendation to BOC.

**12. DIRECTION/DISCUSSION ITEMS:**

**a. Nestle Purina "Will-Serve" letter for Water Supply**

Mike Elias, PW Utility and MS4 Coordinator, explained that Nestle Purina located at 2050 Pope Road has requested a Will-Serve letter from SWT. The request is asking for allocation up to 500,000 GPD of water to be used as drinking water, as well as manufacturing needs. PW felt it necessary to bring this before the BOC for discussion this evening.

Jason Newhard, Engineer, said the question is: Do we have the water to sell? Short answer is YES. Analysis was done to see if this was possible—factored in Ridge Farms, and took off Jacoby Station as if it went down, used peak day, and tracked based on SCADA System, how much the tank would draw down by Nestle's usage, in addition to Township's usage. Short-term is YES; long-term, need to look at another reservoir to meet the needs in the future. Will not affect pressure of residents.

Request today is to allocate to Nestle's 500,000 GPD—and Township can enter into an agreement to cap them at 500,000 GPD, and surcharge for excess. Currently, they are not a customer. They have wells on site, not adequate for their needs. This request is for production needs. NP to expand on their site. This is for new production.

Herb Bender, PW Manager, explained that if the well would go down, and we do have to buy more water from the City, we currently average about 866,000 GPD, but we can take up to 1.2M GPD from the City if needed.

Scott Boehret, Director of Finance, said this would bring into the Township an additional 1.2M each year into the Water Fund, if we go with allocating the 500,000 GPD. Herb explained that the tapping fees and allocation fees received from Nestle would well cover the cost of building another reservoir. Nestle does have the cost information.

Mr. Newhard said with the BOC's authorization this evening, he will send them a Will -letter with the calculations.

The BOC was in agreement to TABLE the Will-Serve Letter request, as they would like additional time to review this request with Staff and better determine what the long-term impact would be should this allocation be granted to NP. Mr. Newhard will send to the BOC the written analysis/evaluation which was done, and said if anyone has any questions, to please reach out to him to answer any questions.

A MOTION was made to TABLE said request by Commissioner Kelly. All in favor; none opposed. Vote: 5:0.

**b. 2023 Budget Process – Update**

Scott Boehret, Director of Finance, said that at the July 13<sup>th</sup> Workshop, there will be a 15-minute discussion as to High-level Board goals, as they relate to the 2023 Budget Process. Each BOC should bring five items they would like to see in the 2023 Budget. We want to hear BOC direction/ideas. The Board decided and agreed that this should be done at the July 20<sup>th</sup> meeting, and the BOC will email these items to Scott. At the request of the Board, Scott will point the BOC in the direction of what he feels the areas of concern/interest might be and BOC will add to it.

c. Commissioner Hodges, re-Tree Preservation Ordinance - This ordinance will be added to the CP as a recommendation to take a look at.

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

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

**a. Invoices and Disbursements**

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

**15. EXECUTIVE SESSION: None.**

a. Commissioner Wolk made a Presentation to Randy Cope, Interim Township Manager. He thanked him for his outstanding service as Interim Township Manager during the last 9 months. A Distinguished Service Award was given to Mr. Cope for his exemplary eight years of service to the Township as Parks & Recreation Manager, Director of Township Operation, and Interim Township Manager. Randy's last day with the Township is July 1, 2022. Each of the Board members echoed Commissioner Wolk's comments to Randy Cope.

**16. ADJOURNMENT: At 8:15 p.m. a MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, to adjourn. All in favor; none opposed.**

**17. APPROVED: At the July 13, 2022, BOC Workshop, a MOTION was made by Commissioner Hodges, which was seconded by Commissioner Kennedy, to approve the June 15, 2022, BOC Meeting Minutes as presented. All in favor; none opposed. Motion carried. Vote was 3:0. (Commissioners Wolk and Osborne were not in attendance.)**

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