



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**August 17, 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, Solicitor, Zator Law  
Anthony Tallarida, Twp. Engineer, The Pidcock Co.

Herb Bender, Interim Township Manager  
Mike Elias, PW Utility & MS4 Coordinator  
Mike Kukitz, Parks & Rec Manager \*  
Scott Boehret, Director of Finance  
Tricia Dickert, Assist. Director of Finance  
Glen Dorney, Chief of Police  
Dave Manhardt, Director, Community Development Dept.  
Chris Stroehler, Long-Range Planner, CD 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  
**Absent\***      **Attended Virtually \*\***

**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 date(s) to discuss Legal and/or Personnel Matters: Before AND after the August 17<sup>th</sup> BOC Meeting.

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

Terri Plattner, 3642 Nassau Court – Subject: Foot Bridge near her house and its replacement/repair.

Robert Weiss, 2042 Whitehall Avenue – Subject: Burning Ordinance, and the burning that goes on in the Township.

David Torrey, 1351 Deerfield Drive – Subject: 1) Weeds on Ridgeview, Huckleberry; 2) Coordinated Planning with NWT & WT, which has been patterned after Emmaus, Macungie. Could we check out how they are doing it? 3) Route 309 Bypass, which was talked about 20 years ago, which is involved in the Betterment Project.

Kathryn Gowka-Weiss, 2042 Whitehall Avenue - Subject: Burning Ordinance, and the burning that goes on in the Township. Would like a total ban on woodburning in Township.

**5. MINUTES:****a. August 3, 2022 – Board of Commissioners Minutes**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to approve the August 3, 2022, BOC Minutes as presented. All in favor; none opposed. Vote was 5:0. Motion Carried.

**6. PRESENTATIONS: None.****7. ORDINANCES:**

- a. For Discussion Only/Permission to Advertise - An Ordinance Reenacting, Amending and Restating Chapter 296 (Stormwater Management) of the Codified Ordinances of South Whitehall Township in its Entirety, Providing the Article shall be Known as the south Whitehall Township Stormwater Management Plan Ordinance and Further Providing for General Provisions; Definitions; Stormwater Management Standards; Drainage Plan Requirements; Inspections; Storm Water Management (SWM) Site Plan Requirements; Stormwater BMP Operations and Maintenance Plan General Requirements; Operations and Maintenance; Maintenance Responsibilities for Permanent Stormwater Runoff Controls; Fees and Expenses; Prohibitions; Enforcement and Penalties; References; Repealer; Severability; Failure to Enforce not a Waiver; Repealer; Effective Date**

Mike Elias, PW Utility & MS4 Coordinator, explained that the Township is required to adopt the 2022 DEP Model Storm Water Ordinance by September 30, 2022, in order to stay in compliance with out MS4 Permit. Staff consulted with our Township Engineer, as well as Attorney Zator's office regarding ordinance before BOC. Changes to this ordinance had to do with MS4 consistency with the permit; Staff went through ordinance bringing it up to the new PADEP standards. Township Engineer Tony Tallarida said that most of the Township standards are actually higher than PADEP. Said ordinance just added in the additional requirements for the MS4 Permit. All standards were maintained.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kelly, to approve said Stormwater Ordinance as explained by Mr. Elias. All in favor; none opposed. Vote was 5:0. Motion carried.

**8. RESOLUTIONS:**

- a. A Resolution to Adopt the "Sidewalk Deferral Call-In Policy" for South Whitehall Township**

Dave Manhardt, Director, Community Development Department, explained that this is the Sidewalk Deferral Policy previously discussed at the June 1, 2022 BOC Meeting, where BOC asked that the policy be tweaked and brought back for adoption, and which also has been

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reviewed/revised by our Solicitor's office. FYI – there are 22 miles of deferred sidewalk in SWT, and sidewalk construction has been deferred on roughly 100 land Development Projects since 1993. It was agreed that it is much easier to have the sidewalks put in at the time of development.

Per Attorney Zator, even if the Planning Commission recommends a deferral or waiver, whether sidewalk or anything else, the BOC does not have to agree with that. If you want to formalize the directive of the expectations of the BOC, it can be formalized via resolution, or via a motion in the minutes, if you so choose, and then communicate that to the Planning Commission.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to approve above resolution with regard to the Sidewalk Deferral Call-In Policy. All in favor; none opposed. Vote 5:0. Motion carried.

**9. MOTIONS:**

**a. Motion to Proceed with Finalizing the PennDOT Land Acquisition - 4298 Windsor Drive**

Interim Township Manager Herb Bender said this piece of land is located at 4298 Windsor Drive, identified as LC Parcel ID 547685647629-1. PennDOT is seeking to acquire this from SWT as part of their Route 309 Interchange Project. PennDOT has offered the Township \$104,500 for this parcel of land. Administration is seeking BOC approval to proceed with finalization of this transaction—this means a title search will be done, and working with our Solicitor's Office to get everything completed. When all of this has been done, we will come back to the BOC with everything.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kelly, granting Administration to proceed with the finalization of the PennDOT Land Acquisition, which will then come back to the BOC once all that is completed. All in favor; none opposed. Vote 5:0. Motion carried.

**b. Motion Requesting Permission to Advertise for Sanitary Sewer Relocation Project**

Interim Township Manager Herb Bender explained that PW Sewer Division is asking for permission to advertise the work to move the sewer line which is currently suspended on the Tilghman Street Bridge over the Turnpike. Currently working with property owner to obtain an easement. The reason this is being brought to the Board now is once the easement is obtained, we can immediately go out to bid. This project needs to be done by end of year. The advertisement would not happen until after we obtain all the easements that are needed.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, granting permission to advertise for sanitary sewer relocation projects as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

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**c. Motion Requesting Permission to Execute a One-Year Contract for Nixle-360 Program**

Interim Township Manager Herb Bender explained that PW, EM, & PD are requesting a motion to move forward with the Nixle 360 Contract. The price for this program is \$4,374.00. This will allow all of us to send out messages to the residents of SWT. Herb Bender, along with Jeff Kelly, SWT Emergency Management Director, and SWT PD Chief Glen Dorney, feel this program will be very helpful in getting messages out to the Public. They are requesting a motion to approve the signing of a one-year contract with Nixle for \$4,374.00. This contract will also have two, one-year extensions, and the cost would be \$4,000/year. For the remainder of 2022, Nixle 360 will run simultaneously with Reverse 911 to ensure that Nixle would be up and running; Reverse 911 Program would then be discontinued. No fee would be incurred if we would cancel Nixle-360 early, if we chose to do so.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, granting permission to execute a one-year contract for Nixle-360 Program as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

**d. Motion to Approve Recommendation for Jordan Creek Greenway Trail, Shared Road Section**

Interim Township Manager Herb Bender explained that Staff has followed up on a request of the BOC to look at possible alternatives to the proposed shared road section of the JCG Trail on River Road. After looking at the LTAP traffic data and having many discussions with traffic/design professionals, staff recommends moving forward with Alternative #2 Roadway Widening to the North. The engineering and permitting will need to be budgeted in 2023. Construction will need to be budgeted in 2024. The recommendation would be, after having a meeting with PennDOT, to do the widening of the road and putting the concrete jersey barrier down (jersey barrier approx. 100 feet) to have a secluded area for the pedestrians to walk on. Price for the road widening itself would be \$572,500. Would look to cut that cost in half by not using any TASA Funds and budget and use the PW crews/equipment in-house to bring the price of that down by 50%. The State also like Alternative #4 Stream Bank Widening and Stabilization. Price \$892,000 and PW would not be able to handle that. The \$1M TASA Grant we have received would be used only for the Trail, and does not have anything to do with these options being discussed this evening. All these alternative options SWT would have to fund. The Trail itself is \$1M. These additional options would have to be budgeted for this section. Again, Staff's recommendation would be Alternative #2—Roadway Widening to the North, which the State was in favor of also.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Osborne, approving the recommendation of Option #2 Roadway Widening to the North as presented this evening. All in favor; none opposed. Vote 5:0. Motion carried.

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**e. Motion Requesting Permission to Award Bid for Wehr's Dam Project**

Herb Bender, Interim Township Manager, explained that one bid was received and opened on Monday, August 8, 2022. Project Advertised 2x's in local paper. Bid documents downloaded 165 times from PennBid website. CMR Construction was only one who responded to this re-bid. This was 3<sup>rd</sup> time Township advertised/opened bids due to receiving no bids and receiving bids considered non-responsive or higher than our anticipated expense projection. Bid reviewed by PWs and Purchasing. References were checked, w/positive feedback received. CMR Construction's bid response was \$298,825 for this project and will be expensed to budget line item 30430003/40800. In addition to the project work being funded out of the aforesaid line item, \$72,260 (not to exceed) has also been allocated and encumbered for engineering services/project management by Michael Baker International. Requesting that the BOC award the contract for the Wehr's Dam Rehabilitation Project at bid price of \$298,825 as referenced on the bid tabulation. In the total fund, with what was taken out in the bond and for this, we are sitting at \$850,000. CMR Construction can meet the required schedule.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to approve awarding Bid to CMR Construction for the Wehr's Dam Project as explained above. All in favor; none opposed. Vote 5:0; Motion carried.

**f. Motion to Approve Budget Transfers within the 2022 Fire Budget**

Herb Bender, Interim Township Manager, explained that the Fire Fund is in need of budget transfers in order to cover cost for the remainder of the 2022 year. There are a few line items that are already over budget, as well as some that we project will go over budget if transfers do not occur. Requesting to move a total of \$36,064.68 from Capital Contingency into the following listed accounts to cover budget line items and projected costs for the remainder of the year.

1. Move \$30,000 from GL 03411003/40800 Capital Contingency to 03411002/40245 Vehicle Maintenance
2. Move \$2,500 from GL 03411003/40800 Capital Contingency to 03411202/40402 Oil
3. Move \$2,300 from GL 03411003/40800 Capital Contingency to 03411302/40402 Oil
4. Move \$500 from GL 03411003/40800 Capital Contingency to 03411002/40260 Small Tools /Minor Equipment Purchases
5. ~~Move \$385 from GL 03411003/40800 Capital Contingency to 03411002/40420 Dues/Subscriptions/Memberships~~ *Removed from this list.*
6. Move \$379.68 from GL 03411003/40800 Capital Contingency to 03411002/40384 Vehicle/Machinery/Equipment Rental

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, approving budget transfers within the 2022 Fire Budget as explained above by Mr. Bender. All in favor; none opposed. Vote 5:0; Motion carried.

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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 - 2 Alternate Vacancies
2. Green Advisory Council - 3 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, August 18th - Planning Commission, 7:30P
- Monday, August 22nd - Landscape & Shade Tree Commission, 10A
- Wednesday, August 24th - Zoning Hearing Board, 7P
- Friday, August 26th - Movie in the Park
- Monday, September 5th - OFFICES CLOSED, Labor Day Holiday

Applications continue to be accepted.

**11. OLD BUSINESS****a. Status Wehr's Dam – Status; Explanation by Interim Township Manager, Herb Bender.**

Interim Township Manager, Herb Bender explained, currently working with Contractor to get the pre-construction meeting set up in order to get started on this project right away.

**b. Comprehensive Plan Update - Explanation by Dave Manhardt, Director, Community Development Department**

Mr. Manhardt explained that last week's Workshop had to be cancelled. Links sent out to get comments from BOC & PC. In this phase, looking to get comments from the elected/appointed officials in order to craft moving forward. Looking for comments on transportation, draft goal comments; mapping set up for potential land-use comments. Township divided into different planning areas to get idea of what to preserve, enhance, and change. This will be worked into draft land-use goals, and if we can do this, we will be able to stay on schedule. September 13<sup>th</sup> will be the next CP Workshop. Working on getting draft plan together w/Michael Baker on the templates, and it is starting to come together.

**12. DIRECTION/DISCUSSION ITEMS:**

- a. Commissioner Wolk – Said that Herb Bender, Interim Township Manager, is on top of everything, with great detail, and with specific information, and believes with Herb, that everything is under control, with timely updates, with excellent communication, and he is doing an outstanding job. The Board were all in agreement and thanked Mr. Bender for serving as the Interim Township Manager.
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**13. COURTESY OF THE FLOOR: Public Comment on Non-Agenda Items – None.**

**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. Vote 5:0.

**15. EXECUTIVE SESSION: Executive Session to be held after the end of this evening's meeting.**

**16. ADJOURNMENT: At 8:49P p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to adjourn. All in favor; none opposed.**

**17. APPROVED: September 7, 2022**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to approve the August 17<sup>th</sup> BOC Meeting Minutes as presented, with one minor tweak. All in favor; none opposed. Vote 4:0; Motion carried. (Commissioner Osborne was absent this evening.)

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