



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

November 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 Brad Osborne
1 Commissioner Vacancy
Joseph Zator, Solicitor, Zator Law
Anthony Tallarida, Twp. Engineer, The Pidcock Co.

Tom Petrucci, Township Manager
Herb Bender, Dir. of Twp. Operations
Mike Elias, PW Utility & MS4 Coordinator
Tricia Dickert, Director of Finance
Glenn Dorney, Chief, PD
Dave Manhardt, Director, Community Development Dept.
Chris Strohler, 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: November 2nd, before start of this evening's meeting.**

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

5. MINUTES:

a. October 19, 2022 – Board of Commissioners Minutes

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve the October 19, 2022, BOC Minutes as presented. All in favor; none opposed. Vote was 4:0. Motion carried.

6. PRESENTATIONS:

- a. **Distinguished Service Award – Presented to Commissioner Michael Wolk – On behalf of the BOC, Michael Wolk was recognized for his exemplary service as Commissioner, as well as his dedication, leadership, and commitment to the residents of SWT.**
- b. **Gregg Kurtz, BCO w/Barry Isett & Associates - Review of Proposed Fee Increases for 2023**

Mr. Kurtz explained that Barry Isett & Associates has been providing PA Uniform Construction Code services to SWT since 2020. Although BIA rates for those services have increased, they did not charge SWT. With 2021 inflation rates exceeding 4% in 2021 and inflation rates exceeding 8% in 2022, it has become increasingly difficult for BIA to absorb the cost increases we experience every year. For 2023, Mr. Kurtz explained they need to propose a rate increase of the PA Uniform Construction Code services. Mr. Kurtz said that although our rates have increase by more than 50% since the implementation of this fee schedule, they are proposing a 10% increase on the residential fee schedule that we are currently using, due to our long-standing relationship with SWT. BIA has not increased their rates since 2021. Mr. Kurtz thanked the BOC for their time.

c. First Reading of the Proposed 2023 Budget – Tricia Dickert, Director of Finance (Once reading is completed, proceed to Motions, Agenda Item 9-A.)

Ms. Dickert explained that tomorrow the Proposed 2023 Budget will be made available on the SWT Website, as well as a hard copy available for public inspection, should someone choose to stop by and view Proposed 2023 Budget.

At this time, the First Reading of the Proposed 2023 Budget took place. After the reading was completed, Board jumped to Agenda Item 9-A for the accompanying MOTION to Agenda Item 6-C.

d. The Pidcock Company – Pedestrian Bridge

Tony Tallarida, Township Engineer, The Pidcock Company, explained that the Pedestrian Bridge will be discussed in more detail at the next BOC meeting. He explained that the Covered Bridge Park Pedestrian Bridge is very important to The Pidcock Company and the Pidcock family. John Pidcock designed that bridge for his grandchildren. When they heard the bridge needed some modifications for ADA accessibility, The Pidcock Company definitely wanted to jump on this opportunity to help the Township. A survey was done on the bridge to see what the best way is to make this happen, and The Pidcock Company has a few different options. As we move forward, TPC will have additional presentations, renderings, etc. The BOC will be kept up-to-date. They appreciate all the feedback from the Board, and how the bridge will function, so that it is the best for the community. On behalf of the Board, President Kelly thanked Tony and The Pidcock Company for their generosity and appreciates The Pidcock Company working on this for the benefit of the Community.

7. ORDINANCES:

- a. Motion to Adopt said Ordinance - An Ordinance Of The Township Of South Whitehall, County Of Lehigh, And Commonwealth Of Pennsylvania, Amending The Amount Of The Compensation Payable To The Board Of Commissioners As Referred To In Part I (“Administrative Legislation”), Chapter 50 (“Officers And Employees”), Article III (“Commissioners”) Of The Codified Ordinances Of South Whitehall Township, And Providing For A Repealer Clause, Severability Clause And Effective Date**
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Township Manager Tom Petrucci explained said ordinance was advertised. Act 96 of 2020 amended Section 703(a) to increase the maximum allowable salary for commissioner, and is based on latest census for SWT population, which is 21,080. Salary SWT commissioners can receive, shall not exceed \$6,915. This will become effective at the beginning of the next term for any newly elected Township Commissioner, per Section 703(b) of the First Class Township Code.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to adopt said Ordinance. Vote was 3:1. Commissioners Kelly, Kennedy, Hodges voted YES; Commissioner Osborne voted NO. MOTION carried.

Commissioner Osborne – (Explanation of NO Vote.) This is a proposed increase of \$2,800/year for each Commissioner in SWT. He does not feel that now is the time to increase compensation. Inflation is as high as it's been in 20 years; and as a result of this, many families work paycheck to paycheck. 401ks have taken a beating. Those counting on social security have especially been affected. It will be difficult for them to get through this economic environment. A compensation increase of \$2,800 would be more than what 80% of the employees in SWT have been given this year. Free and reduced lunch in PSD today, based on income, is 28% of the resident students in PSD as a result of the economy. PW salaries would have to be \$112,000/year in order for their increase to even come close to \$2,800. With this reasoning, he feels this increase is ill timed. He hopes the Board will take this under further review before approving said legislation. *Commissioner Osborne asked this to be part of the record.*

Township Manager Tom Petrucci clarified for the Commissioners that the last raise was given in 1995. Also, it was noted that this increase would not impact any of the current commissioners, but future commissioners.

8. **RESOLUTIONS:**

a. **A Resolution Amending Resolution No. 2022-01 and Resolution No. 2022-69 Designating Depositories for Township Funds (Once Resolution is Approved, proceed to Motions, Agenda Item 9-B.)**

Township Manager Tom Petrucci explained two actions are being requested. A resolution is being requested to be approved to add Univest Bank and Trust as a designated depositor of Township funds and to memorialize recent signatory changes (Agenda Item 8-A). Also, a motion is requested to approve authorizing the Township Manager, Director of Finance, and Fund Balance Specialist to open a Public Funds Elite Liquid Money Market Account with Univest and Trust Co. for the Fiscal Stability Fund. As a result of opening this account the Township would receive, based on current interest rates, approximately \$71,000/year (See Agenda Item 9-B.)

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kennedy to amend Resolutions 2022-01 and 2022-69, designating various banking institutions as depositories for funds of the Township (adding Univest as an authorized

depository), and which will memorialize recent signatory changes. All in favor; none opposed. Vote 4:0. Motion carried (This is for Agenda Item 8-A.).

The Board proceeded to Agenda Item 9-B at this time.

b. A Resolution Of The Board Of Commissioners Of South Whitehall Township To Commit A Portion Of The Sewer Fund Balance Towards Future Anticipated Capital Costs Associated With The Kline's Island Wastewater Treatment Plant That Is Owned And Maintained By The Lehigh County Authority

Township Manager Tom Petrucci explained that a resolution is requested to be approved by the Board of Commissioners to effectuate the previous request of the governing body to commit \$2,000,000 towards the future anticipated capital costs associated with the Kline's Island Wastewater Treatment Plant that is owned and maintained by the LCA.

Background Info - The Government Standards Accounting Board (GASB) has issued Statement No. 54 establishing a hierarchy of fund balance classifications guiding the use of resources reported in governmental funds. Consistent with GASB 54, the Board of Commissioners has adopted a Fund Balance Policy by way of Resolution No. 2022-68, which was duly adopted at a public meeting held on June 15, 2022.

In accordance with GASB Statement No. 54 and the adopted Fund Balance Policy, a committed fund balance classification includes amounts that can be used only for specific purposes determined by a formal action of the government's highest level of decision-making authority. The Board of Commissioners is the highest level of decision-making governing body and has the authority to commit a fund balance (or a portion thereof) towards a specific purpose.

The Board of Commissioners has determined it is necessary to commit \$2,000,000.00 of the fund balance of the Sewer Fund towards future anticipated capital costs associated with the Kline's Island Wastewater Treatment Plant that is owned and maintained by the Lehigh County Authority. This will be something which continues to be monitored by the BOC on an as needed basis.

It is important to note that only the Board of Commissioners can approve changing (modifying) the commitment of these funds by a subsequent resolution.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy to approve said resolution as explained by Township Manager Tom Petrucci. All in favor; none opposed. Vote 4:0. Motion carried.

c. A Resolution Of The Board Of Commissioners Of South Whitehall Township, Lehigh County, Pennsylvania Authorizing The Conveyance Of 7,459 Square Feet Of Required Right Of Way To The Commonwealth Of Pennsylvania Department Of Transportation In Lieu Of Condemnation, Authorizing The Acceptance Of Compensation From The Commonwealth, And Further Authorizing The Execution And Delivery Of All Documents To Accomplish Said Conveyance

Herb Bender, Director of Township Operations, explained that This piece of land is located at 4298 Windsor Drive, identified as Lehigh County 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 \$104,500.00 for this parcel of land. Administration is seeking permission to proceed in order to move forward with the finalizing of this project.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve said resolution as explained by Mr. Bender. All in favor; none opposed. Vote 4:0. Motion carried.

d. A Resolution Extending Conditional Offer Of Employment To The Entry-Level Position Of Patrol Officer In The Township's Police Department To Candidate #81457, Conditioned Upon The Individual Satisfactorily Completing Medical And Psychological Examinations To Confirm Their Fitness For Duty

Chief Dorney explained this is the process in order to move forward with the hiring process for entry level patrol officer. We are at applicant #3 on the CS List, #81457, and we are requesting permission to move forward with a conditional offer of employment so we can start background process for this candidate.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, approving said resolution as explained by Chief Dorney above. All in favor; none opposed. Vote 4:0. Motion carried.

9. MOTIONS:

a. Motion to Proceed with Advertisement of Availability of Public Inspection Copy of Proposed 2023 SWT Budget

At the conclusion of the First Reading of the Proposed 2023 Budget by Tricia Dickert, Director of Finance, A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Kennedy, to proceed with the Advertisement of Availability of the Public Inspection Copy of the Proposed 2023 SWT Budget. All in favor; none opposed. Vote 4:0. Motion Carried.

b. Motion to Authorize the Township Manager, Director of Finance and Fund Balance Specialist to open a Public Funds Elite Liquid Money Market Account with Univest Bank and Trust Co. for the Fiscal Stability Fund.

This item was explained by Township Manager Tom Petrucci above under 8-A.

A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Kennedy, authorizing the Township Manager, Director of Finance, and Fund Balance Specialist to open a Public Funds Elite Liquid Money Market Account with Univest and Trust Co. for the Fiscal Stability Fund. All in favor; none opposed. Vote 4:0. Motion carried.

c. Motion to Formally Accept Resignation of Commissioner Michael Wolk

President Kelly explained although we recognized Mr. Wolk at the start of the meeting, we need to formally accept the resignation of Commissioner Michael Wolk.

Township Manager Tom Petrucci said that the Board needs to do two things: Formally accept the resignation if they so choose to do so, and provided that you do accept Mr. Wolk's resignation, a second motion would be requested to advertise the notice for the interviews and applications, in addition to set the process/schedule to fill the seat.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Hodges, to formally accept the resignation of Commissioner Michael Wolk. All in favor; none opposed. Vote 4:0. Motion carried.

d. Motion to Proceed with Advertisement/Interview Schedule to Appoint Commissioner Wolk's Successor

Township Manager Tom Petrucci explained that an application deadline has to be set for anyone who wants to consider appointment to the position by November 16th. A Public Notice has been prepared using template from last time there was a BOC vacancy. Interviews would then be conducted factoring in the Thanksgiving Holiday, so recommendation would be the 21st or 22nd. Following interviews, you would then appoint via resolution at a Special BOC meeting on November 30th or December 1st. This is a narrow timeframe, but possible. The Board agreed with November 30th for the Special Meeting, 6P.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy to proceed with the advertisement/interview schedule to appoint Commissioner Wolk's successor, with interviews being held on November 21st and 22nd at 6P, and a Special Meeting to be held on November 30th at 6P to appoint the successor. All in favor; none opposed. Vote 4:0. Motion carried.

e. Motion to Approve Codification Update - Execution of Proposal with General Code to Update the Code of the Township of South Whitehall

Township Manager Tom Petrucci explained Staff has obtained a proposal from General Code in order to get all our ordinances online, and in the binder notebook all up-to-date. These ordinances need to be codified into the final version of the ordinances. All subsequent ordinances from December 2019 to the present would now be incorporated into the code. Cost proposal is between \$8,475 and \$8,995, which is for three years' worth of ordinances. Going forward, this update will happen once a year.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Hodges, to approve the proposal, Supplement No. 9 Estimate, from General Code, between the range of \$8,475 and \$8,995. All in favor, none opposed. Vote 4:0. Motion carried.

f. Motion to Approve One-Year Extension of Sewer Main Repairs Contract with Utility Services Group

Herb Bender, Director of Township Operations, explained that this contract is used to do cast in place repairs to the sewer mains, and to repair sewer manholes that might have water infiltrating through the walls. This is also used for lining sewer mains from manhole to manhole. Requesting to extend the contract for one year. Contractor is holding at last year's price. This will be the last year we can extend the contract.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve the one-year extension for the Sewer Main Repairs Contract with Utility Services Group. All in favor; none opposed. Vote 4:0. Motion carried.

g. Motion to Approve Street Moratorium Exemption Request by Applicant: Aqua Pennsylvania, Inc. - 831 Americus Avenue to Country Club Drive Intersection

Herb Bender, Director of Township Operations, explained that Aqua is requesting to lift the road moratorium on Americus Avenue in order to replace the water main. Americus Avenue was paved in 2019; Aqua has agreed to repave the whole width of the road. Aqua has agreed to mill this street from curb to curb when they are completely finished. To lift it, we will be getting a brand new road back again. It will not be patched. Mr. Bender said he would be in favor of this. This will probably take place in the Spring of 2023. Currently working on what the escrow to be posted would be. SWT will have an inspector there. Residents will be notified.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Osborne, approving street moratorium exemption request by Aqua, as explained by Mr. Bender. All in favor; none opposed. Vote 4:0. Motion carried.

h. Motion to Approve Budget Transfers within the 2022 Fire Budget

Mr. Bender explained that the Fire Fund is in need of budget transfers in order to cover costs 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. Transfers are:

- Transfer \$9,500 from 03411002/40452 & \$500 from 03411002/40460 to cover expenses in 03411002/40450
- Transfer \$3,000 from 03411002/40460 to 03411002/40241 to cover expenses
- Transfer \$400 from 03411002/40460 to 03411002/40260 to cover expenses
- Transfer \$20,000 from 03411003/40800 to 03411002/40230
- Transfer \$400 from 03411002/40800 to 03411002/40240 to cover expenses
- Transfer \$1,600 from 03411003/40800 to 03411002/40791 to cover expenses

Mr. Bender explained that he met with the Fire Department to get their projections up until year end so that there will be no need to come back to the Board. Fire Departments do have the money for these transfers.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy to approve budget transfers as explained by Mr. Bender within the 2022 Fire Budget. All in favor; none opposed. Vote 4:0. Motion carried.

10. CORRESPONDENCE AND INFORMATION ITEMS:

a. Upcoming Meetings.

UPCOMING MEETINGS: Details posted on website.

- Monday, November 7, 2022 - Public Safety Commission, 7P
 - Tuesday, November 8, 2022 - Comp Plan Workshop, 7P
 - Wednesday, November 9, 2022 - Civil Service Commission, 10A
 - Wednesday, November 9, 2022 - BOC Workshop, Candidate Interviews, 6P
 - Monday, November 14, 2022 - Parks & Recreation Board, 7P (This one may be cancelled.)
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11. OLD BUSINESS**a. Wehr's Dam – Explanation by Herb Bender, Director of Twp. Operations.**

Herb Bender explained, a lot is going on down there. Construction entrance in place. Protective construction fence is up. Divers were in water today, setting for the portadam to be installed. Hoping to have in by end of this week in order to start rerouting the water. Then the concrete contractor can begin assessing. Project is moving along.

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

Mr. Manhardt explained CP Workshop scheduled for Tuesday. At the last meeting we introduced land-use. There were a lot of questions. Individual meetings were scheduled with PC and BOC members. We are about 80% through—we got in touch with almost everyone. We feel this is a very important piece of the CP. We want to make sure everyone has a full understanding before we move it forward. At Tuesday's meeting hoping to review all the comments from the land-use discussions and see if there are any remaining questions to be answered, and then plugging that land-use section into the draft. A link to the draft has been provided to all the Board members. Also, we will go over the implementation plan. We will also talk about timeline. Dave also mentioned that one of the implementation items will be a multi-modal plan, which looks at pedestrian bicycles and transit as part of that plan.

12. DIRECTION/DISCUSSION ITEMS:**a. 2023 Board of Commissioners' Meeting Schedule**

Township Manager Tom Petrucci explained he is looking for direction from the Board to discuss a potential meeting schedule change for the Board meetings to be held in 2023.

The First Class Township Code states the following regarding monthly meetings:

Section 702. Monthly Meetings, Quorum, Voting.--(a) The board of commissioners shall meet at least once a month, at a time and place designated by ordinance.

(b) A majority of the members of the board of commissioners shall constitute a quorum. Except as provided in subsection (b.1)(1)(i), only members of the board of commissioners physically present at a meeting place within the township shall be counted in establishing a quorum.

The South Whitehall Code states the following regarding monthly meetings:

§ 17-29 Commission Meetings.

The Commissioners of the Township of South Whitehall shall meet regularly on the first and third Wednesdays of each month, at 7:30 p.m., at their municipal building located on Walbert Avenue, east of the intersection of Walbert Avenue and U.S. Route 309, South Whitehall Township, Lehigh County, Pennsylvania. Regularly scheduled meetings of the Board may be augmented by additional meetings, canceled or postponed, from time to time, by agreement of a majority of the Board when it is deemed advisable because of inclement weather, a better opportunity for a quorum or any other reason that may facilitate prudent and efficient conduct of normal business.

It is suggested to eliminate the monthly workshop meeting of the Board of Commissioners. The Board of Commissioners would still schedule/advertise regular meetings on the first and third Wednesdays of month. § 17-29 needs to be amended to correct the time to **7:00 PM**. The third Wednesday meeting could be organized as a workshop from time to time, as per the needs of the Township. However, regular business could also be conducted at the meeting to ensure that the approval of bills is still handled in a timely manner. In instances where workshop topics would be discussed, the recommendation would be to conduct any “regular” business at the beginning of the meeting and then move the workshop discussion topics to the end of the meeting.

President Kelly said this is a good option to try out moving forward. The Board was in agreement. If it doesn't work out, we can go back to the way it was.

b. Single Axle Freightliner Truck - Final Cost

Herb Bender, Director of Township Operations explained that we know we incurred increases to the Freightliner truck and chassis throughout the process of the build. Herb said he would come back to the Board if there were anymore increases. Truck has arrived. Herb reached out to the upfitter and there will be additional increases. Some of these truck bodies have gone up 30-40%. Because they have done business with us before, they have agreed to only increase our cost by \$800, bringing the upfit total to \$73,209 and the total for the complete truck to \$199,087.70. This was budgeted for \$192,500 in State Highway Aid. This truck is \$6,587.70 higher due to the rising costs. There is money which would cover the increase and allow us to get the truck upfitted.

The Board agreed that the truck should be taken to the Upfitter. Herb said they will now get the truck to the upfitter.

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

Dave Torrey – 1351 Deerfield Drive. Subject: The CP and LANTA and its bus shelters in SWT.

14. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS:

a. Invoices and Disbursements

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to approve the payment of all invoices. All in favor; none opposed. Motion carried. Vote 4:0.

15. EXECUTIVE SESSION: None.

16. ADJOURNMENT: At 8:44p.m. a MOTION was made by Commissioner Kennedy and President Kelly to adjourn. All in favor; none opposed.

17. APPROVED: On November 16, 2022, a MOTION was made by Commissioner Hodges, which was seconded by Commissioner Kelly, approving the November 2, 2022, BOC Meeting Minutes. All in favor; none opposed. Vote 4:0. Motion carried.
