



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

March 1, 2023

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
Commissioner Jacob Roth
Joseph Zator, Solicitor, Zator Law
Ronald Gawlik, 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 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: March 1, 2023**

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

Mark Basist, 807 Pinnacle Drive. Subjects: He attended the last Police Academy, and thanked Chief Dorney for the excellent job they did with it. He thanked Chief for his service to the community. Also, spoke on behalf of a new neighbor, who has a very large practice as a physician. Lived here for almost 3 years now—neighbor is originally from Wisconsin. He was confused as to who Berkheimer was, and why they were sending him bills; Berkheimer since penalized him w/significant late fees. Township Manager Tom Petrucci explained that in the Commonwealth of PA, we are not allowed to collect this money, that is why Berkheimer does it. It will be discussed at next LCTC Meeting how we might better educate residents with regard to Berkheimer. Berkheimer is also looking to update their website.

Mike Prisaznik, 2815 W. Highland Street. Subject: LC came and replaced a water main in front of his home, and in doing so then broke off his sewer main. He felt LC Sewer Authority gave him the run around so placed a call to SWT. Was put in touch with Herb Bender, DTO, and Mike Elias, PW Utility & MS4 Coordinator, who came out and stayed to the early morning

hours making sure it got taken care of. Mr. Prisaznik wanted to commend their steadfast commitment not only to the Township, but a simple person as himself.

Dave Torrey, 1351 Deerfield Drive. Subject: Thanked the Board for getting Wehrs Dam repaired. He asked if the rock that Elmer Wehr and Robert Guth, and two other men inscribed their names on back in 1904, could be cleaned up/pressure washed so their names are visible, and then perhaps put a sign there as well, Wehr Mill Dam, built by these four men, and the service of Grist Mill on the other side. He feels that would be a nice finishing touch.

Kevin Tamerler, 6220 Hilltop Road. Subject: Spoke about the Delta 8 THC Gummies, which are not regulated in any way, and most people who sell them are not aware of what is in them, and not using testing kits. He has seen these sold at multiple places in the Township. He felt it important to bring it to the attention of the Township. Chief Dorney explained that SWT-PD/Lehigh County Task Force are indeed aware of this problem in the area, and it is something they are paying close attention to/monitoring closely, and in some instances have taken action on.

Vinny Quinn, 1407 N. 21st Street, President of Greenawalds Fire Company. Subject: Update on the Greenawalds Scholarship Program. There are two \$1,000 scholarships available.

5. **MINUTES:**

A. **February 15, 2023 – Board of Commissioners Meeting Minutes**

A MOTION was made by Commissioner Roth, which was seconded by Commissioner Kennedy, to approve the February 15, 2023, BOC Meeting Minutes. All in favor; none opposed. Vote 5:0. Motion carried.

6. **PRESENTATIONS:** None.

7. **ORDINANCES:** None.

8. **RESOLUTIONS:**

A. **A Resolution Extending The Conditional Final Approval Granted To A Major Subdivision Entitled “Hotel Hamilton”**

Gregg Adams, Planner, CD Dept., explained this is an application to develop the properties located at 3051, 3125, 3127, and 3141 Hamilton Boulevard. The plan proposes consolidation of the four lots, the alterations to the existing building at 3141 Hamilton Boulevard and the construction of 192 parking spaces and three commercial buildings on the 5.36-acre tract. Applicant received final plan approval at May 20, 2020 BOC Meeting. At the May 5, 2021, September 1, 2021, and March 16, 2022 Meetings, BOC granted extensions to allow Applicant time to complete remaining issues necessary for plan recording.

Applicant was in attendance this evening to request another six-month extension and to give an update since his last visit in front of the BOC. Staff has no objections to Applicant's request. Applicant's team is Bud Newton, Attorney Malkames, Attorney Hogan, as well as Messrs. Patel.

Mr. Newton prepared a detailed status report and feels they have made a lot of progress. However, still paperwork to be done. Messrs. Patel, Attorney Malkames, and Attorney Hogan continuing to work with Twp Solicitor's office on the Agreements for the project in order to have them executed, and we are working with Twp. Engineer's Office/Tony Tallarida on all the plan issues. Going through all the conditions and have made a lot of progress. With Pidcock, Cost Estimate approved and all the descriptions approved. Plans almost ready to be recorded—in the process of getting all this paperwork done now. However, as of yet, still do not have the PennDOT HOP—the last couple reviews with them were basically administrative. We contacted them to see if we could have the permit for tonight, and we received an email from them saying from a HOPs standpoint, the permit has some minor comments on ADA ramps pending single-unit review. The permit is close to being issued upon revision and resubmittal. We went through five reviews, with no comments in the last two reviews, but now at the last moment, they have a couple comments. We are close, but we do not have the permit in hand yet.

Attorney Zator, Twp Solicitor, said that the Board is aware there have been some unusual aspects to this project; however, Solicitor Zator has no objection to the time extension. Twp Engineer Ron Gawlik explained the plan is essentially done, but still have a few housekeeping items that need to be addressed. Still need the HOP as Mr. Newton mentioned. They have no objection as well.

The Board had no problem with the six-month extension, but suggests at the June 7th meeting Mr. Newton provide a three-month status check on the project.

A MOTION was made by Commissioner Roth, which was seconded by Commissioner Kennedy, granting the six-month extension, with the provision that Mr. Newton provide a three-month status check. All in favor; none opposed. Vote 5:0. Motion carried.

B. Revised - A Resolution of the Board of Commissioners of South Whitehall Township to Adopt a Formal Policy Entitled "South Whitehall Township Appointment Policy for Appointed Citizen Boards, Committees, Commissions and Councils"

Township Manager Tom Petrucci explained that the BOC adopted the Appointment Policy on February 1, 2023. The first interview took place on Monday, February 6th, at 5P. Following the interview, the BOC provided feedback on certain aspects of the policy, including interview process, and provided those revisions to Mr. Petrucci at the February 15th BOC Meeting. Those revisions have been incorporated into the policy and the Revised Resolution is before the BOC this evening for approval.

A MOTION was made by Commissioners Kennedy and Kelly to approve the revised resolution. All in favor; none opposed. Vote 5:0. Motion carried.

C. A Resolution Reappointing David C. Torrey to the South Whitehall Township Vacancy Board

A MOTION was made by Commissioners Kennedy and Kelly to reappoint Mr. Torrey to the SWT Vacancy Board. All in favor; none opposed. Vote 5:0. Motion carried.

D. A Resolution Authorizing Township Manager to Execute the Laurel Fields Easement Agreement

Township Manager Tom Petrucci explained that as part of the Tilghman Street Bridge Utility Relocation project, the Township must remove/relocate the sanitary sewer main line located on the Tilghman Street (SR1002) bridge crossing over the Pennsylvania Turnpike Northeast Extension (Interstate 476). The acceptance and execution of the enclosed Sanitary Sewer and Temporary Construction Agreement with Laurel Field Homeowners Association, Inc. is necessary in order to proceed with this project in an expedient manner. The Resolution allows the Township Manager to take the necessary steps to ensure that the Agreement is executed on behalf of the Board of Commissioners. The HOA has already executed this agreement and work will actually begin tomorrow if the Board approves this resolution this evening.

A MOTION was made by Commissioners Roth and Kelly approving resolution authorizing Mr. Petrucci to execute the Laurel Fields Easement Agreement. All in favor; none opposed.

E. A Resolution Approving Water/Sewer Facilities Planning Module - 3350-3354 Walbert Avenue

Mr. Mike Elias, PW Utilities & MS4 Coordinator explained that TAC Allentown, LLC is proposing to develop the property at 3350-3354 Walbert Avenue with a 112,800 square foot self-storage facility. The proposed water usage for the facility is anticipated to be 30 gallons per day or 1 EDU. PW is requesting approval of said resolution, approving the 1 EDU of sewer allocation for Montar Group LLC Proposed Self Storage Facility.

A MOTION was made by Commissioners Kennedy and Kelly approving said resolution as explained by Mr. Elias. All in favor; none opposed. Vote 5:0. Motion carried.

9. MOTIONS:

A. Motion to Approve Drug Abuse Resistance Education (D.A.R.E.) Program Memorandum of Understanding

Chief Dorney explained that the SWT PD has worked with the PSD administration and Solicitor's Office to enter into a mutual agreement allowing the school district to pay the Township for DARE instruction services provided by the SWT-PD. The Township Solicitor's office and PSD Solicitor have reviewed the MOU and agree that it meets the requirements of its intended purpose. Chief is requesting a motion be made authorizing Township Manager to sign the MOU, which will allow for the Township to receive reimbursement for costs associated with teaching the DARE Program within the PSD.

A MOTION was made by Commissioners Roth and Kennedy to approve the DARE MOU, and the execution of said MOU. All in favor; none opposed. Vote 5:0. Motion carried.

B. Motion to Proceed with Payment to Lehigh County Authority regarding the Highland Street Water Main Replacement Project

Herb Bender, Director of Township Operations, explained that Administration is asking to move forward with the payment in the amount of \$346,434.89 for Highland Street Water Main Replacement Project. This was a Lehigh County Authority project due to SWT having direct-connect customers. We are required to pay 50% of the project since we do take water from that main. The job has been completed. The last thing to do is to make the payment to LCA. This was budgeted for \$347,590 in Water Main Upgrades Capital.

A MOTION was made by Commissioners Kennedy and Kelly to proceed with payment to LCA as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

C. Motion to Proceed with Advertising of Bid regarding Asphalt Contract

Herb Bender, Director of Township Operations, explained that 2019 was the last time we went out to bid on the Road Building Materials. Due to the economy, cost of fuel has gone up, which drives the price of asphalt up, which is why we took our one-year contract and our three, one-year extensions we were allotted to take. We have no more one-year extensions; therefore, we have to go out to bid this year. Reached out to the COA to check their pricing, to see where we would come in line with our pricing. Fuel is currently down, so going out to bid now could get us a better price, rather than waiting with the possibility of fuel going back up. That is why we would like to go out to bid now and lock in a price.

A MOTION was made by Commissioner Hodges and Kelly to proceed with advertising of bid as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

10. CORRESPONDENCE AND INFORMATION ITEMS:

A. Upcoming Meetings

UPCOMING MEETINGS: Details posted on website.

- Monday, March 6th, 7P - Public Safety Commission
- Wednesday, March 8th, 10A - Civil Service Commission
- Thursday, March 9th, 7P - Emergency Management Meeting
- Monday, March 13th, 7P - Parks & Recreation Board

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

1. Civil Service Commission - 1 Alternate Vacancy
 2. Environmental Advisory Council - 3 Vacancies
 3. Green Advisory Council - 2 Vacancies
 4. Landscape Shade Tree Commission - 1 Vacancy
 5. Zoning Hearing Board - 3 Alternate Vacancies
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At this time, President Kelly expressed her appreciation to Chief Dorney with regard to the graduation ceremony for the Citizens Police Academy for the second year. It was a wonderful evening and showed many things the SWT-PD does. This was a wonderful opportunity to engage our citizens in partnering with our PD. On behalf of the entire Board she wanted to thank Chief and all who assisted with the Academy.

11. OLD BUSINESS

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

Township Manager Tom Petrucci was pleased to report on behalf of Community Development that at the next Board of Commissioners Meeting, March 15th, will include a public hearing to adopt the 2023 Comprehensive Plan. The Public Hearing is a requirement of the Municipalities Planning Code. During the last PC meeting, at the Township level, the PC moved to authorize the Comprehensive Plan to go before the BOC for review and possible adoption. The hearing will enable any interested parties to make comments as to whether the plan should be adopted as is. Unless there are any substantive changes to the plan, the Board will then have the opportunity to adopt the Plan. Plan posted on the website. Call-out page on the website as well, which advertises the Public Hearing. Public Hearing advertised accordingly in The Parkland Press to meet MPC requirements.

12. DIRECTION/DISCUSSION ITEMS – NONE.

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 Hodges, to approve the payment of all invoices. All in favor; none opposed. Motion carried. Vote 5:0.

15. EXECUTIVE SESSION: None.

16. ADJOURNMENT: At 7:42 p.m. a MOTION was made by Commissioner Roth, which was seconded by Commissioner Kennedy to adjourn. All in favor; none opposed.

17. APPROVED: March 15, 2023

A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Kelly, to approve the March 1, 2023, BOC Meeting Minutes. All in favor; none opposed. Vote 4:0. Motion carried. (Commissioner Kennedy was absent.)
