



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**January 15, 2020**

---

**1. CALL TO ORDER: 7:00 p.m.**

Attendees: Commissioner Christina (Tori) Morgan, President  
Commissioner Diane Kelly, Vice President  
Commissioner Michael Wolk, Assist. Secretary  
Commissioner Joe Setton  
Commissioner Matthew Mobilio  
Joseph A. Zator, Twp. Solicitor, Zator Law Offices  
Anthony Tallarida, Twp. Engineer, The Pidcock Company  
Renee Bickel, Township Manager  
Randy Cope, Director of Twp. Operations  
Jerry Charvala, PW Superintendent  
Herb Bender, PW Maintenance Superintendent - Absent  
Steve Carr, Director of Finance  
Chief Glen Dorney, SWT Police Department  
George Kinney, Director of Community Development  
Mike Kukitz, Parks & Recreation Manager  
Tracy Fehnel, Executive Assistant

**2. PLEDGE OF ALLEGIANCE**

**3. NOTIFICATION: All public sessions of the South Whitehall Township Board of Commissioners are recorded. \*The audio record is then saved and posted to boarddocs.com, where it can be readily accessed by the public.**

\*(boarddocs.com; USERNAME: swhitehall; PASSWORD: swtpublic)

President Morgan advised that the Board met in Executive Session prior to this evening's meeting to discuss legal matters.

**4. MINUTES**

**a. December 18, 2019 – Board of Commissioners Meeting Minutes**

A MOTION was made by Commissioner Setton, which was seconded by President Morgan, to approve the December 18, 2019 BOC Meeting Minutes. All in favor; none opposed.

**b. January 6, 2020 – Board of Commissioners Reorganization Meeting Minutes**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to approve the January 6, 2020, Meeting Minutes as amended. All in favor; none opposed.

5. **ORDINANCES:** None.

6. **RESOLUTIONS:**

a. **A Resolution Granting Preliminary-Final Approval to a Major Plan Entitled "KRE Spring View Commercial II"**

George Kinney, Director, Community Development Department, explained that at the December 18<sup>th</sup> meeting the Board tabled this item pending additional Public Safety input and consideration of the project driveway access to Broadway. The Public Safety Commission did meet on January 13<sup>th</sup> to review the KRE Spring View II Subdivision, and the following are the items that KRE has committed to include in the project:

- That cross hatching consistent with PennDOT and MUTCD standard be striped in the eastbound Broadway lane and shoulder, in front of the Broadway driveway, and signage be placed at the Broadway exit indicating: "Don't Block the Box" or "Don't Block Intersection."
- That the advanced light for the westbound left turn movement from Broadway onto Cetronia be extended in order to better clear that lane.
- That additional wayfinding signage directing patrons to use the Broadway exit in order to go south on Cetronia be installed and using Cetronia exit to go North on Cetronia reducing traffic on Broadway.
- That an easement for sight line be put in place at the corner of Broadway and Cetronia and that easement be kept "clean and maintained." That the driveway easement be adjusted to start at a point ten-foot behind the proposed stop bar on the driveway.
- That the preemption devices in the Broadway and Cetronia lights be maintained and kept in working order.
- If deemed acceptable by PennDOT, that applicant install surface mounted flexible delineators (Type SM-1 or equivalent as approved by PennDOT) to the concrete island within the Cetronia Road site driveway to reinforce the prohibition against left turns onto Cetronia.
- That the right turn from northbound Cetronia Road to eastbound Broadway be posted as "no turn on red during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m."
- A waiver application must be initiated by the property owners to allow the Broadway access to be constructed since it does not comply with the 300 foot intersection impact with Broadway and Cetronia Road.
- Police Chief Glen Dorney indicated that increased patrols in this area will be done once the business is in operation to get people to understand and obey the signs.

The Public Safety Commission also said that if any of the above-mentioned items are not approved by PennDOT, the developer has agreed to bring the project back to the Public Safety Commission for an additional review.

At this time, George Kinney turned the meeting over to the Applicant/KRE. Ed Murphy, a representative for KRE, explained that they are comfortable with the resolution, and the nine

conditions as given by the Public Safety Commission, and are here this evening seeking the Board's approval to said Resolution.

Much deliberation on this resolution took place. At 8:30 p.m., a MOTION was made by the President Morgan, to go into executive session for discussion of the legal issues and concerns regarding this topic.

At 8:58 p.m. the Board came out of executive session and reconvened into regular session.

Solicitor Zator wanted to note for the record that although legal advice was given, no vote was taken, or any straw votes taken, of any kind during this executive session.

There is a MOTION on the floor, which Commissioner Setton made, and which Commissioner Kelly seconded. President Morgan said we need to either move forward with a vote on that particular motion—clarified by Solicitor Zator as follows, which was to grant the waiver for the exit onto Broadway, but with a right turn only. My clarification and my understanding is that the intent would be that there would be no left-hand turn exiting the site, but allowing a right turn in front of Broadway into the site, and a left turn from Broadway into the site. Solicitor asked for confirmation from Commissioners Setton & Kelly on the following—that, also, there was no intent to prohibit the motions from Broadway onto the site. Commissioner Kelly said that is correct.

Re-summarized by Solicitor Zator as follows: There are four potential movements—Exit Right, Exit Left, Enter Right, Enter Left. The motion was to allow for this waiver to allow the 300 foot provision to be waived from SALDO, but for a right-turn only, per Commissioner Setton. Solicitor Zator clarified Commissioner Setton's intent was that it is a right turn exiting the site only, prohibiting the left turn exit only. Commissioner Setton was silent regarding the incoming traffic from Broadway coming onto the site; and the clarification I believe would be, that there is no intent to prohibit the traffic from entering from Broadway onto the site.

President Morgan said, we have a MOTION from Commissioner Setton, and a second from Commissioner Kelly, on the floor.

Solicitor Zator said that the result of the passing of this motion would mean that they would grant the waiver, but not allow exiting traffic to turn left onto Broadway toward Cetronia Road. The other directions for traffic would be allowed.

A MOTION was made by Commissioner Setton to withdraw the motion, which was seconded by Commissioner Mobilio. Commissioners Morgan, Setton, and Mobilio were in favor; Commissioners Kelly and Wolk were opposed. MOTION carries to withdraw original motion.

President Morgan then said, is there a new MOTION to move forward with granting Preliminary-Final approval to a Major Plan Entitled "KRE Spring View Commercial II" based

on the criteria discussed this evening? MOTION made by Commissioner Setton, which was seconded by Commissioner Mobilio. Commissioners Morgan, Setton, and Mobilio were in favor; Commissioners Kelly and Wolk were opposed. MOTION carries.

KRE took the time to thank the Board for their time and their deliberation in this matter, especially the Public Safety Commission as well. They said again that they will continue to work with the Township in what needs to be done.

Time was 9:15 p.m.

**b. A Resolution To Amend The Fee Schedule For Administrative Fees, Nonresidential Building Fees, Non-Residential Electrical Fees, Non-Residential Plumbing Fees, Residential Building Fees, Residential Electrical Fees, Residential Plumbing Fees, Other Permit Fees, Public Works Fees, Police Department Fees, Subdivision Or Land Development Fees And Nonsubdivision Or Land Development Fees; And To Provide For A General Repealer, Severability Clause And Effective Date**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the above-mentioned resolution to Amend the Fee Schedule. All in favor; none opposed.

**7. MOTIONS:**

**a. Motion Requesting Permission to Proceed with Purchase of New 2020 F-150 SuperCrew Cab Utility Locator Vehicle**

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to proceed with the purchase of the new 2020 F-150 SuperCrew Cab Utility Locator Vehicle. All in favor; none opposed.

**b. Motion Requesting Permission to Proceed with Purchase of New 2020 F-350 Utility Truck**

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to proceed with the purchase of the new 2020 F-350 Utility Truck. All in favor; none opposed.

**c. Motion Requesting Permission to Proceed with Purchase of New 2020 Single Axel Freightliner Dump Truck**

A MOTION was made by Commissioner Mobilio, which was seconded by Commissioner Kelly, to proceed with the purchase of the new 2020 Single Axle Freightliner Dump Truck. All in favor; none opposed.

---

**d. Motion Requesting Permission to Proceed with Purchase of a Replacement Restroom at Covered Bridge Park**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to proceed with purchase of a replacement restroom at Covered Bridge Park. All in favor; none opposed.

**8. CORRESPONDENCE AND INFORMATION ITEMS**

**a. Civil Service Report for 2019 – FYI.**

**9. DIRECTION/DISCUSSION ITEMS**

Land Preservation - Commissioner Mobilio said that he would like Renee and Staff to look into the possibility of putting a referendum on the ballot for the establishment of the earned income tax in South Whitehall Township for the exclusive and sole purpose of purchasing land for preservation purposes—to look extensively at our budget, and ways we can raise money to buy private land and preserve land. There are no real good ways to raise fees—earned income tax would be a way to create a fund exclusively for homeland preservation. By putting out a referendum, would be a good way to have the public express their desire to have more land preserved in the Township.

Township Manager Bickel explained that we have been looking at this and that our goal would be to come back with recommendations for general election 2020—*meaning time is of the essence*.

In addition to that, Commissioner Mobilio would like to talk about establishing a Homeland Preservation Committee or department in the Township with members whose goal would be to look for land in South Whitehall Township to be preserved. He also feels this is a good way to start to put the focus on ways we look to the future and to protect what we have now.

Commissioner Wolk, regarding the referendum, expressed his concern regarding the urgency of timing—what is the schedule to get on the ballot? Township Manager said we would need to have something by August. President Morgan said that the language for this is very specific and will be key for a proper referendum.

Regarding the referendum, Solicitor Zator said he has been through this process with another Township. He went on to explain some of what that process would look like and how it would work.

Township Manager Bickel said that since time is of the essence, if you would like to form that Sub-Committee, what designees do you want on the committee so that we can start to have those conversations so that we are in time for a referendum?

---

It was decided that a workshop session with all commissioners involved would be held on Wednesday, February 12<sup>th</sup>, at 6:00 p.m. regarding this topic. All were in favor of doing so.

Commissioner Wolk explained that he and Commissioner Mobilio will be meeting prior the Workshop of the February 12<sup>th</sup>, to put their thoughts together, come up with a Mission Statement, discuss funding, etc. Additionally, Commissioners Mobilio and Wolk agreed to form the Homeland Preservation Committee, and as the Commissioners assigned to this Committee, will take the lead on this.

Comprehensive Plan – Commissioner Wolk thought it would be good for the new Board and the Planning Commission get together prior to Mr. Kinney kicking off Phase 2 of this project. He thought it would be a good idea to discuss at a higher level. It was therefore agreed to have this Joint Workshop on Wednesday, March 11<sup>th</sup>, 6:00 p.m. All were in favor of doing so.

Commissioner Kelly brought the following before the Board for their information and consideration:

- House Bill regarding 5G Cell Sites Service here in the Township, for all townships. Solicitor Zator agreed this is a good idea to take a look at.
- House Bill 1069, which passed unanimously, which will require the posting of the agenda 24 hours prior to a meeting, given to Solicitor Zator for his reference and to also look into that for the Township. The Sponsor of the bill was quoted as saying, “When our citizens know what will be discussed ahead of time, they can have better participation in a meaningful way”. When approved, it needs to take affect in 60 days. Solicitor Zator explained that it has not passed the Senate yet, so is not law yet, but it looks like it is heading that way and said it is good to be proactive.
- Directing and asking our Township Manager to consider opening up a Facebook page for South Whitehall Township. Township Manager related that they were considering merging it with our Parks & Rec page.
- Creating a Presence on Next Door, which would be communicating for the Public.

**10. OLD BUSINESS:**

- a. **Wehrs Dam – Status** No change. Waiting to hear back from PA DEP.

**11. STATUS REPORTS** - A this time each department head gave a brief overview of things going on in their departments.

**12. COURTESY OF THE FLOOR** – None.

**13. PAYMENT OF INVOICES:** Invoices and Purchasing Requisitions have been reviewed by the Township Manager and the Director of Finance, who authorize that checks be issued to pay bills as tabulated.

---

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to approve payment of invoices. All in favor; none opposed.

14. **EXECUTIVE SESSION:** None to be held after this meeting.
  15. **ADJOURNMENT:** At 10:45 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn. All in favor; none opposed.
  16. **APPROVED:** On February 19, 2020 a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the January 15, 2020 Meeting Minutes as amended. All in favor; none opposed.
-