



**Thursday, December 28, 2023**  
**Board of Commissioners Meeting – 6:00 PM**

**1. CALL TO ORDER - Board of Commissioners Special Meeting**

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A. Roll Call

**2. PLEDGE OF ALLEGIANCE**

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**3. ANNOUNCEMENTS**

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A. All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on the Township Website for public access.

B. Public/Virtual Meeting Rules.

**4. AGENDA ITEMS**

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A. Interviews of Candidates for Commissioner

B. Consideration of Possible Appointments for Commissioner by Resolution.

- A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania to Appoint \_\_\_ as Successor Commissioner to Fill Vacant Seat of David M. Kennedy.

C. Scheduling of any Meetings of the Board of Commissioners/Vacancy Board, as Required.

**5. COURTESY OF THE FLOOR**

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**6. EXECUTIVE SESSION**

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**7. ADJOURNMENT**

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# Item Cover Page

## BOARD OF COMMISSIONERS AGENDA ITEM REPORT

**DATE:** December 28, 2023

**SUBMITTED BY:** Tom Petrucci, Administration

**ITEM TYPE:** Direction/Discussion

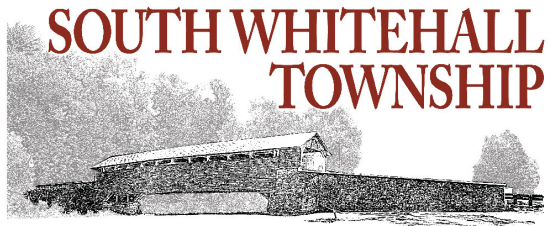
**AGENDA SECTION:** AGENDA ITEMS

**SUBJECT:** Interviews of Candidates for Commissioner

**SUGGESTED ACTION:**

**ATTACHMENTS:**

[Memorandum- Current Vacancy in Commissioner Position- 12.28.2023 Special Meeting.pdf](#)



**MEMORANDUM FOR  
AGENDA ITEMS**

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Tom Petrucci, Township Manager
<b>DATE:</b>	December 27, 2023
<b>SUBJECT:</b>	Current Vacancy in Elected Office of Commissioner – 12/28/2023 (6:00 PM) Special Meeting
<b>COPY TO:</b>	H. Bender; T. Fehnel

• **Background Information:**

Section 530 (Vacancies in General), (a) of the First Class Township Code provides that the Board of Commissioners has thirty (30) days to appoint a successor when a vacancy occurs in the elected office of Commissioner due to termination of residency from the Township.

The office of the Township Solicitor has clarified that the vacancy in the elected office of Commissioner was technically created the day that former Commissioner, David M. Kennedy, terminated his residency, which was Thursday, November 30, 2023. The Board has thirty (30) days, which is Saturday, December 30, 2023, from said termination of residency date to appoint a successor.

The Board of Commissioners has scheduled a special meeting on Thursday, December 28, 2023 at 6:00 PM for the following purpose(s), as advertised in accordance with the Sunshine Act in the December 27<sup>th</sup> issue of the *Lehigh Valley Press*:

- 1). To interview candidates for the vacant position of Township Commissioner;
- 2). To consider the appointment, by resolution, of a successor to fill the vacancy in the position of Township Commissioner, in accordance with the requirements of the First Class Township Code;
- 3). To consider any other business which may come before the Board of Commissioners.

Following Township social media, Township website, *Morning Call* and *Lehigh Valley News* online dissemination, South Whitehall Township has received a total of nine (9) applications for the current Commissioner vacancy.

The confirmed interview time slots for candidates to be interviewed during the Thursday, December 28, 2023 special meeting are provided as follows:

- 1. 6:00 – 6:15 PM**
- 2. 6:25 PM – 6:40 PM**
- 3. 6:50 PM – 7:05 PM**

4. 7:15 PM – 7:30 PM
5. 7:40 PM – 7:55 PM
6. 8:05 PM – 8:20 PM
7. 8:30 PM – 8:45 PM
8. 8:55 PM – 9:10 PM
9. 9:20 PM – 9:35 PM

Each candidate will be given fifteen (15) minutes for their respective interviews, with ten (10) minutes provided between each scheduled time slot.

- **Options for Consideration of Possible Official Action:**

The Board of Commissioners may consider the filling of the vacant elected office of Township Commissioner in accordance with the relevant provisions of the First Class Township Code. A summary of the options for the consideration of the Board of Commissioners is provided as follows:

1. Appoint, by Resolution, a resident of the Township to fill the vacancy in the office of elected Commissioner during the Thursday, December 28, 2023 Board of Commissioners special meeting. Should the Board of Commissioners resolve to take this action, a Resolution is listed on the agenda to allow for this official action (in accordance with the Sunshine Act).
  2. Should the Board of Commissioners not fill the office of elected Commissioner by the December 30<sup>th</sup> deadline, the Vacancy Board then has an additional fifteen (15) days to fill the vacancy. That would give the Board of Commissioners/Vacancy Board until Sunday, January 14, 2024 to fill the vacancy. The Vacancy Board consists of one Chairperson and the rest of the Board of Commissioners. It is important to note that the Board of Commissioners will need to appoint a Township resident to the position of Vacancy Board Chairperson during the Tuesday, January 2, 2024 organization/regular meeting. The term of the current Chairperson, Mr. Dave Torrey, runs through December 31, 2023 (note- the Resolution appointing Mr. Torrey notes that the appointment shall continue until a successor is appointed).
  3. The Vacancy Board/Board of Commissioners would need to schedule a special public meeting at some time before the January 14<sup>th</sup>, 2024 deadline to consider the appointment of a Township resident to the current vacant position of elected Commissioner. It is important to note that the scheduling of this public meeting is time-sensitive, and the Board of Commissioners should select the date/time for the scheduling of the public meeting during the December 28, 2023 special meeting if the Commissioner position is not filled during the December 28<sup>th</sup> meeting.
  4. Should the Vacancy Board/Board of Commissioners not make the appointment before January 14<sup>th</sup>, 2024 deadline, the matter then heads to the Court of Common Pleas. The vacancies would be filled upon presentation of a petition signed by not less than fifteen (15) registered electors of the Township.
- **Budget Line Item(s) (if applicable):** *Please indicate approved budget amount for specified project(s).*

N/A



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## BOARD OF COMMISSIONERS AGENDA ITEM REPORT

**DATE:** December 28, 2023

**SUBMITTED BY:** Tom Petrucci, Administration

**ITEM TYPE:** Direction/Discussion

**AGENDA SECTION:** AGENDA ITEMS

**SUBJECT:** Consideration of Possible Appointments for Commissioner by Resolution.

**SUGGESTED ACTION:**

- A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania to Appoint \_\_\_ as Successor Commissioner to Fill Vacant Seat of David M. Kennedy.

**ATTACHMENTS:**  
[2023.12.28 BOC - Resolution 2023-124 - To Appoint Replacement Commissioner to D.M. Kennedy Seat \(00980535-3xA8EEA\) - Blank- TRP.pdf](#)

**SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2023-124  
(Duly Adopted December 28, 2023)**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY,  
PENNSYLVANIA TO APPOINT \_\_\_\_\_ AS SUCCESSOR  
COMMISSIONER TO FILL VACANT SEAT OF DAVID M.  
KENNEDY**

**WHEREAS**, Section 55530(a) of the First Class Township Code (“Code”) provides if a vacancy occurs in the office of Township Commissioner due to a termination of residency from the Township, the Board of Township Commissioners shall fill the vacancy within thirty (30) days by appointing by resolution a registered elector of the Township in which the vacancy occurs; and

**WHEREAS**, South Whitehall Township Board of Commissioners member David M. Kennedy terminated his residency from South Whitehall Township on Thursday, November 30, 2023; and

**WHEREAS**, as required under §55501(a) of the Code, \_\_\_\_\_ is eligible to fill the vacancy as he is a registered elector of South Whitehall Township (“Township”) and has resided in the Township continuously for over one (1) year immediately prior to his appointment; and

**WHEREAS**, the Township Board of Commissioners desires to appoint \_\_\_\_\_ as successor Commissioner.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Board of Commissioners hereby appoints \_\_\_\_\_ to fill the vacancy on the South Whitehall Township Board of Commissioners. Said Commissioner is appointed to serve in that role until Friday, January 2, 2026, as established by the First Class Township Code.

**DULY ADOPTED**, this 28<sup>th</sup> day of **December 2023** by a majority of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

**SOUTH WHITEHALL TOWNSHIP  
BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Diane Kelly, President

**ATTEST:**

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Monica Hodges, Assist. Twp. Secretary



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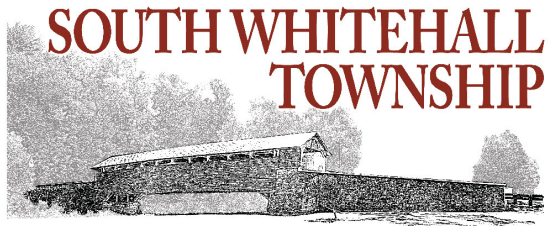
**SUBJECT:** Scheduling of any Meetings of the Board of Commissioners/Vacancy Board, as Required.

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**ATTACHMENTS:**

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