



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**April 1, 2020**

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**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  
Herb Bender, PW Superintendent  
Steve Carr, Director of Finance  
Chief Glen Dorney, SWT Police Department  
George Kinney, Director of Community Development  
Tracy Fehnel, Executive Assistant

**2. PLEDGE OF ALLEGIANCE**

- 3. NOTIFICATION:** All Public sessions of the South Whitehall Township Board of Commissioners are recorded. The recording is kept and posted to boarddocs.com until the minutes of the meeting are approved. Said recording is then destroyed if a request is not made to retain the electronic version at that time.

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

Steve Carr, Director of Finance, as the moderator of the meeting, explained some logistics on how this GoTo Meeting would work. Also, touch on Courtesy of Floor, and how that will be conducted.

(The following conversation occurred after agenda item 6-C by Township Solicitor Joseph Zator.) Solicitor Zator explained that this virtual meeting does satisfy the requirements under the Sunshine Act.

President Morgan explained, and the Board was in agreement, that further discussion does need to occur on meeting minutes and recordings. President Morgan said that our meeting minutes are more than adequate; however, until such decision is reached on this, recordings will continue to be downloaded to boarddocs for public.

(Agenda Item 6-d was discussed next.)

**4. MINUTES**

- a. **February 12, 2020 – Land Preservation BOC Workshop** - TABLED
- b. **February 19, 2020 – BOC Meeting Minutes** – A MOTION was made by Commissioner Mobilio, which was seconded by Commissioner Wolk, to approve the February 19, 2020 BOC Meeting Minutes. All in favor; none opposed.
- c. **March 4, 2020 – BOC Meeting Minutes** - TABLED
- d. **March 11, 2020 – Joint BOC/PC Workshop (Comprehensive Plan)** - TABLED

**5. ORDINANCES** – None.**6. RESOLUTIONS****a. A Resolution Approving Sewer Planning Module for Harold Avenue**

As explained in PW Superintendent Herb Bender's IOM to the Board, the developer is required to obtain a letter from the PA DEP approving a sewage facility planning module. Martin Bradbury & Griffith Engineers, Inc., on behalf of its client submitted a completed module for township action. As part of the module submission to the PA DEP, an approved resolution by the Township is to be appended to it. This resolution this evening would certify that the plan is in conformance with related zoning, municipal ordinances and its Official Act 537 Sewage Plan, of which this plan complies, and which Jason Newhard of SSM explained was a requirement of Act 537. (On December 18, 2019 the BOC did approve a resolution granting final approval to a major plan entitled 1960 Harold Avenue.)

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to approve the Sewer Planning Module for 1960 Harold Avenue. All in favor; none opposed. Roll Call Vote taken as follows:

Commissioner Wolk:	AYE
Commissioner Mobilio:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

**b. A Resolution Approving Sewer Planning Module for Planet Fitness**

Jason Newhard explained that Planet Fitness is moving across the road to the Kmart location, 4701 Tilghman Street. A new Planning Module needed to be approved for this new capacity. Kmart is maintaining their own capacity and Planet Fitness is only using part of the Kmart Property, so this requires a new planning module.

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As explained in PW Superintendent Herb Bender's IOM to the Board, the developer is required to obtain a letter from the PA DEP approving a sewage facility planning module. MSW Consulting, on behalf of its client, submitted a completed module for Township action. As part of the module submission to the PA DEP, an approved resolution by the Township is to be appended to it. This resolution this evening would certify that the plan is in conformance with sewage related zoning and municipal ordinances and its Official Act 537 Sewage Plan, of which this plan does comply.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the Sewer Planning Module for Planet Fitness at 4701 Tilghman Street. All in favor; none opposed. Roll Call Vote taken as follows:

Commissioner Wolk:	AYE
Commissioner Mobilio:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

**c. A Resolution Appointing Barry Isett & Associates as Primary Residential Inspector**

Karen Cooney-Duerholz of CodeMaster Inspection Services, was in attendance to explain that due to a shortage of inspectors, CodeMaster has entered into an agreement with Barry Isett & Associates (BI&A) in January of this year. They will be taking over CodeMaster's code inspections. Karen said that to date BI&A has done an excellent job for CodeMaster. All existing fees have been honored by them. CodeMaster, as well as other municipalities they work with, have not had any issues with BI&A. BI&A will be honoring the same fee structure that CodeMaster uses. The fee schedule attached is the identical contract SWT had with CodeMaster—the only change is the logo on the fee schedule.

It was explained that reappointments and/or fee schedules come before the board at the beginning of each year for approval by the Board of Commissioners.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to approve the above-mentioned resolution, appointing Barry Isett & Associates as Primary Residential Inspector. All in favor; none opposed. Roll Call Vote taken as follows:

Commissioner Wolk:	AYE
Commissioner Mobilio:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

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**d. Resolution to Proceed with DCNR Grant Request for Improvements at The Vistas Park.**

Randy Cope, Director of Township Operations explained that Mike Kukitz, has been working on this grant for approximately six months, and feels he did a great job writing it. This Resolution will grant Township Manager permission to sign this resolution and the grant agreement can be submitted accordingly. All DCNR Grant Agreements need to be submitted with a Township Resolution. If we are successful, we should hear back approximately by Christmas. During this time, we will be seeking other grant opportunities to help offset costs and keep labor costs down. DCNR also allows for in-house matches, again, which will help offset costs.

Per Mike's IOM to the BOC:

Staff is seeking a resolution to proceed with the 2020 Department of Conservation and Natural Resources (DCNR) grant request for improvements at Vistas Park. Through recent public input sessions, it has been determined that this often flooded, open space would be better suited as an area of natural play for the community. The idea behind this is to not add metal and plastic structures that make up the majority of today's playgrounds, but to use and include the landscape to bring nature to children's daily outdoor play opportunities.

Modern technology has removed traditional nature play from many of today's children and adults alike. The Vistas Park Development plan calls for the addition of many natural elements including a series of pathways and walking trails which will create areas to explore. These improvements will create ADA accessibility to the athletic field and create unique park amenities for park users such as natural slides, hammocks and more. In addition, planting evergreen trees, deciduous trees and adding reforestation/buffering plantings will aid in solving the current flooding issue this park often encounters making it unusable for the community. The Vistas Park Improvements will re-purpose the current lower practice field to create a wider range of activities for park users and add new recreation opportunities for people of all ages and abilities.

We are seeking a \$250,000 grant through the Department of Conservation and Natural Resources. This is a 50/50 matching grant and we will continue to seek additional funding opportunities.

Q: Commissioner Kelly questioned how this Park was obtained—that it was obtained through the HOA process. It was explained that the land was dedicated to SWT by the Vistas.

Q: Costs in preparing of grant. Costs are very minimal.

Both Commissioners Wolk and Kelly voiced their concerns that due to the current pandemic, perhaps it might be wise to take a pause and reassess where we are budget-wise, once we are done with this pandemic. We need to be wise with the use of our time and resources.

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Randy Cope explained that we are rapidly approaching the grant deadline. He explained that we have four years to spend the money. It is not something we need to spend in 2021. We can also apply for an extension to use this money, if needed. Randy does agree with what is being said; however, he would like to believe that we will be at a much better place when we get to the construction phase of this project, which is about two years out. We are only in the first step of gathering dollars.

President Morgan said that she doesn't disagree with what is being said. She said that a lot of good feedback was received from this neighborhood, and if we defer on this grant now, we might be putting ourselves in a position where it might make it harder for us to get those funds in the future. The public has already provided a lot of input on this, and we should keep the momentum going.

Randy Cope explained that next year they will probably be looking for some engineering funds for this project. We have the master plan in place. Next is that we are acquiring the funds to get this project moving.

Commissioner Setton was concerned that we not lose this grant. Commissioner Mobilio questioned if we could wait a year.

Randy Cope explained that there are other municipalities in this same situation. Commissioner Wolk thanked Randy for explaining how this grant works, and how the expenditure will be later. However, he agreed with Commissioner Kelly in that he thought it prudent to apply for the grant with the understanding that whenever we get to that milestone, we have to come together and decide whether or not we proceed. The Board was in agreement with this.

Some discussion occurred with regard to the process of taking the land vs. receiving fees in lieu of. President Morgan explained that any monies received need to be used toward Parks & Recreation. The monies need to go back into that program. Whether we get it in the form of land or money, it needs to be used in Parks & Recreation/Open Space.

Q: Total cost of this project? \$560,891 for the entire project. Randy said that can change from now and 2022. The grant is for \$250,000. The end goal is not to have to spend any money. We would look to do some of this work in-house, and of course, continue to look for additional grant opportunities. If we are successful with one grant opportunity, it makes it easier for us to achieve other grant opportunities.

A MOTION was made by Commissioner Setton, which was seconded by President Morgan, granting permission to sign and submit this grant, with the understanding that this comes back to the Board, so that as a Board, they can reassess where the Township is financially. All in favor; none opposed. Roll Call Vote as follows:

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Commissioner Wolk: AYE  
Commissioner Mobilio: AYE  
Commissioner Setton: AYE  
Commissioner Kelly: AYE  
Commissioner Morgan: AYE  
Motion carried.

Commissioner Wolk said he feels the Township needs to take a proactive approach and be sensitive to the businesses and residents. He said that he knows that Renee and Steve are doing that. He feels that we need to think about other ways we can help our businesses and residents.

As a side note, and for the record, Commissioners Wolk and Kelly would like to meet with Township Manager Renee Bickel and Director of Finance Steve Carr (the Finance Committee) as early as next week.

**e. A Resolution Temporarily Extending the Payment Deadline for the Township of South Whitehall 2019 Final Business Tax Returns from April 30, 2020 to July 15, 2020, Consistent with the Extension Granted by the United States Federal Government and Internal Revenue Service to Federal Taxpayers in Response to the State of Emergency Currently in Effect**

Steve Carr, Director of Finance explained that this resolution is simply so that our deadlines match up with the Federal and State Deadlines, which this resolution does that. Additionally, it allows for us to adjust this date, so that if the Federal and State change dates again, we can change ours again.

There is no penalty by doing this.

The Board was in agreement to amend the resolution as follows: the July 15<sup>th</sup> date was changed to July 30<sup>th</sup>.

EIT Holiday - Several Commissioners supported the idea of an EIT Holiday, in that it might be something that should be considered. President Morgan said that it would be good to look at opportunities. She said that Renee and Steve will have to do an overview of how this pandemic is going to affect us short/long-term. We will have to look at different opportunities to help businesses/residents. Commissioner Wolk said we can regroup and see where we stand in order to move forward with this.

A MOTION was made by President Morgan, which was seconded by Commissioner Wolk, approving this resolution as amended. All in favor; none opposed. Roll Call Vote as follows:

Commissioner Wolk: AYE  
Commissioner Mobilio: AYE

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Commissioner Setton: AYE  
Commissioner Kelly: AYE  
Commissioner Morgan: AYE  
Motion carried.

7. **MOTIONS** – None.

8. **DIRECTION/DISCUSSION ITEMS**

President Morgan said that Staff has been doing a phenomenal job accommodating everyday services via working remotely, especially the posting to website in light of the pandemic. As information becomes available, we have been updating to keep residents informed.

Renee said we have been posting the website links directly to the agencies posting important information, since it changes daily—links to the COVID-19 situation.

General Services for the Township – The Township has not skipped a beat, and President Morgan encouraged everyone to please stay safe and healthy.

Commissioner Kelly – Wanted to address a concern with regard to the distinction between the receipt of land dedication vs. receipt of fees. Open Space is something that falls under the jurisdiction of the BOC. She is not sure the BOC is getting a voice. The Parks & Recreation Board currently make a recommendation. Moving forward she feels it is important that the BOC have an opportunity to make a recommendation in these matters. Most times, a decision has already been made by the time it gets to the BOC.

President Morgan said that we as the Board are legislatures. We rely on Staff to present the information. From a process standpoint, she feels the process works very well.

Commissioner Wolk said that he thinks Commissioner Kelly is suggesting that the Board be part of this process. He feels it is worth considering.

President Morgan said that this also goes through Planning, and we always get this type of information. This is a process. She feels we need to review this process again, to ensure we fully understand what this process is, before we make a broad swoop to change it.

Commissioner Kelly read the ordinance pertaining to this. She said that a recommendation is given to the Planning Commission, by the Parks & Recreation Committee. By the time it gets to the BOC, the plan has been done by Engineering, followed by a presentation to the BOC. At that point, it is almost too late. Process-wise, do we need to have the plans come to the BOC earlier in the process so we are exercising our discretion as a Board as to how land will be dedicated, etc.?

Commissioner Mobilio explained that the process in place now, is the same process used by the Senate, where when the bill is introduced, it is then referred to a subcommittee who researches the bill. If bill is released by committee, it is eventually voted on. He went on to say that he would rather a recommendation be made to the BOC. He said at the end of the day, he is not sure he would want to be involved in this process. However, he said this is just his opinion.

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Commissioner Kelly said that once the developer has made it all the way to the BOC, that would not be an appropriate time for us to go back and reconfigure. She explained that she is just asking for us to take a closer look at the ordinance pertaining to this subject matter, and what that means. We can take the advice of our advisory board, but by the time we get the plan, it is already done.

Commissioner Setton said that a decision would then have to be made at the time of receipt of land or receipt of fees—at this point in the process.

Commissioner Wolk feels we should give our feedback on the front end of this process.

Commissioner Setton did not feel we should dissolve the advisory board either—He feels that Staff, along with Planning, is the right way to handle.

President Morgan said that there is a rhyme and reason as to how things are being done.

Solicitor Zator said that ultimately the process is up to the Board. Any process you choose to use is OK. If you as a Board are looking to make the decision, rather than accept a decision, then it would make sense for the developer to come before the BOC. However, he went on to explain that in other local municipalities, by in large, when a township wants to take land dedication, it typically is for a large amount of land. If it isn't meaningful, then the township would rather get the funds and apply towards the Parks & Recreation/Open Space Funding.

Commissioner Mobilio feels it is worth exploring more.

President Morgan said that this is something that should be a Public Workshop. Commissioner Kelly felt that would be a great idea. The Board was in agreement with this.

#### Commissioner Wolk – Two items

Q: How does one have a Planning Commission Meeting virtually, which involves the showing of drawings/plans. He said that the State of PA has provided to postpone land development meetings until the pandemic is over. How is it possible to hold the next Planning Commission meeting virtually like this? He felt that in some or all we could get the property owner's permission to extend. He asked the BOC how they felt about this.

President Morgan feels that if there is a way to manage the meetings, we should do so. We do not want to stifle anyone who needs to move forward with their business. She would rather continue as best as we can with processes if it is feasible. She said that she imagines other municipalities are trying to manage as well.

George Kinney, Director of Community Development said that anyone bringing in new land development has been asked to consider waiting until after pandemic.

Solicitor Zator said that at the present time, if we don't get an extension from the developer, we will have to cooperate with them. In summary, we should carry on, pending any legislation related to this matter.

Second item addressed by Commissioner Wolk is the provision on monthly reports regarding the Campus Renovation Project, at the second meeting of the month, from Township Manager and Finance Director. This will be discussed more when Finance Committee meets next week. Commissioner Wolk asked what the cost impact due to the delay of the project would be to us as a



township. Perhaps there were some clauses in the contract, which might be looked at, as they might relate to this pandemic. He thought maybe Solicitor Zator might be able to advise us on this matter. Solicitor Zator said that he could take a look at the contract and advise accordingly. This topic will be discussed at next week's Finance Committee Meeting.

This ended this portion of the meeting.

9. **CORRESPONDENCE AND INFORMATION ITEMS** – None.

10. **OLD BUSINESS**

- a. **Wehr's Dam Status** – No change; still waiting on permit.
- b. Commissioner Kelly asked about status of Website update, Facebook, Next Door accounts. Also, legal wording to establish a social media for the Township. Commissioner Kelly would like this to remain under Old Business
- c. Credit Cards – Commissioner Kelly asked that this remain under Old Business.

11. **COURTESY OF THE FLOOR**

- a. Brian Hite, 1273 Eck Road – Just wanted to check on status of Right-of-Way Agreement between himself and the Township. Currently with the Solicitor's office. Township Manager Renee Bickel said she will check with Attorney Alderfer and get back to Brian on this.
- b. John Chia – Mr. Chia took the time to read some Core Values to the Board. He said that the more we can apply these to others, the better off we will all be. He said we need each other to get through this time.
- c. Monica Hodges – Thanked the Board for making this meeting possible to all Residents. She expressed her opinions regarding maintaining of audios and minutes and the recording of individual BOC votes. She asked if we could find a way to make boarddocs easier. She wanted to wish everyone well during this pandemic.
- d. Lee Solt, 3731 Manchester Road – He would like it if the Planning Commission could come to the BOC and advise status of processes they are going through, things happening. Give input as to where they might want BOC to go. Commissioner Wolk felt if there was a way to hold off on future PC Meetings at this time, he feels that would be more beneficial, rather than have things go through that the Public does not have input on. Is there a way for us to work with the developers. He is just putting that out there for everyone's thoughts.

This ended the COF portion of the meeting.

12. **PAYMENT OF INVOICES:** A MOTION was made by Commissioner Kelly and seconded by Commissioner Setton to approve the payment of all invoices. All in favor; none opposed. A Roll Call Vote was taken as follows:
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Commissioner Wolk: AYE  
Commissioner Mobilio: AYE  
Commissioner Setton: AYE  
Commissioner Kelly: AYE  
Commissioner Morgan: AYE  
Motion carried.

12. **EXECUTIVE SESSION:** No executive session after this meeting.
13. **ADJOURNMENT:** At 9:10 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk to adjourn. All in favor; none opposed.
14. **APPROVED:** On April 15<sup>th</sup>, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the April 1, 2020 BOC Meeting Minutes, as amended. Virtual Roll Call Vote taken as follows: Commissioners Mobilio, Kelly, Setton, Morgan – All AYES approving said minutes. Motion carried. (Commissioner Wolk was absent.)