



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

April 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 - Absent
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
Mike Kukitz, Parks & Rec 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 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: swwhitehall; PASSWORD: swtpublic)**

Steve Carr, Director of Finance, briefly explained some logistics on how this GoTo Meeting would work.

President Morgan advised that the BOC did meet in Executive Session prior to the start of this meeting to discuss legal matters.

Previous Executive Sessions held by the BOC during the Month of March are as follows: March 13th, 18th, 19th, and 25th, to discuss legal matters.

4. MINUTES

a. February 12, 2020 – Land Preservation BOC Workshop

A MOTION was made by Commissioner Mobilio, which was seconded by Commissioner Setton, to approve the February 12, 2020 Meeting Minutes. All in favor; none opposed.

Roll Call Vote taken as follows:

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

Motion carried.

b. March 4, 2020 – BOC Meeting Minutes

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to approve the March 4, 2020 Meeting Minutes. All in favor; none opposed.

Roll Call Vote taken as follows:

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

Motion carried.

c. March 11, 2020 – Joint BOC/PC Workshop (Comprehensive Plan)

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the March 11, 2020 Meeting Minutes. All in favor; none opposed. (Commissioner Mobilio abstained—he was not at this meeting.)

Roll Call Vote taken as follows:

Commissioner Mobilio:	Abstained
Commissioner Kelly:	AYE
Commissioner Setton:	AYE
Commissioner Morgan:	AYE

Motion carried.

d. April 1, 2020 – BOC Meeting Minutes

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the April 1, 2020 Meeting Minutes as amended. All in favor; none opposed.

(It was agreed that Executive Session dates, recorded in this set of April 1st minutes, would be removed, then rechecked, and will be recorded in the April 15th Meeting Minutes.)

Roll Call Vote taken as follows:

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

Motion carried.

5. **ORDINANCES**

- a. **Discussion Item - Motion Requesting Permission to Advertise. An Ordinance Amending The South Whitehall Township Zoning Ordinance By Amending Section 350-24(C)(5) R-3 Low Density Residential Zoning District Schedule, Section 350-24(C)(6) R-4 Medium Density Residential Zoning District Schedule, Section 350-24(C)(7) R-5 Medium Density Residential Zoning District Schedule, Section 350-24(C)(8) R-10 High Density Residential Zoning District Schedule, And Section 350-24(C)(14) Hc-1 Highway-Commercial-1 Zoning District Schedule To Allow For A Maximum Height Of Forty (40) Feet For Residential Buildings; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date.**

George Kinney, Director, Community Development Department, explained that this is simply a motion to advertise. This ordinance would make maximum height limitations consistent throughout all zones. 40' maximum for residential is already in place. This would just bring all districts into same conformity. (Apartment buildings would not be included in this ordinance.)

Commissioner Mobilio said that he remembers this came before the zoning hearing board when he was on it. He questioned why this particular zoning district is 35' instead of 40'. He said there has to be a reason, and before he votes, he would like to know that reason. He also said that historically, this seems like a departure from what we normally allow in the Township, and he just wants to defer back to George for the reason behind the 35' requirement. Mr. Kinney said we really don't know at this time, but went on to say we can certainly research this and get back to the Board.

Mr. Dave Posocco was in attendance, and said that no one seems to no where this came from.

Commissioner Kelly said that she sits on the PC, and understands Mr. Posocco's desire to seek relief. She was not aware that it had gone before zoning. With the Township being in the midst of an update to our Comprehensive Plan, which will in turn update our zoning, to make a sweeping change to 40' across the board, just because one developer is having a problem in a particular development is a concern of hers, because we have turned down other developments asking for changes to zoning because we are in the midst of updating our Comprehensive Plan. She would like to see us consistent with a sweeping change to the zoning, as a consideration at this point.

Mr. Kinney said that the Comprehensive Plan does not get into this type of specificity (referring to the height requirement issue). The CP is a policy plan, the zoning ordinance is where you get into specificity. The distinction here is rezoning v. text amendments. It is a text amendment to your regulatory document, so it is your prerogative as to which way you

want to go with it. It is not policy, per say, in the big picture of what would happen with the CP. Your zoning ordinance is what drives the specifics.

George said that if you approve this now, and the CP comes back and says we want to see smaller homes in certain districts, if you make a zoning change after that, and there are already homes at a certain height, then you create a non-conformity, which are not uncommon, and which you have in almost every area. It's however you choose to work with it. You can always come back and change the zoning ordinance, or you can leave it as it is, and watch how the CP plays out. Commissioner Mobilio thanked him for this explanation.

President Morgan asked George to lay out the Board's options. He said this is a legislative request from the developer. You either approve or not approve. Solicitor Zator also explained this is a legislative act, so it is totally up to the Board as to how you want to handle.

George Kinney said to be clear it is already 40' in four other zoning categories—RR, RR2, RR3 and R2.

Commissioner Kelly asked if it would make sense to TABLE this in order to get more history on this before making a decision?

Gregg Adams, CD, said the Posocco developments are R5 and R10.

Gregg explained that he was here when the more rural districts were moved from 35' to 40'. He believes the 35' goes way back in our history, into the 1980s. The change to the rural districts was made probably 15 years ago in response to peaked roofs, the concern that more rural districts would have larger houses by breadth and depth, thus a peaked roof at one angle on a smaller house would be lower than a peaked roof on a larger house. The change from 35' to 40' was driven by aesthetics then. I'm not sure why the original 35' was in place, but it does reach back to at least the 1980s.

Commissioner Mobilio said—I am not concerned about why the original 35' was put in place. I am concerned about why only some were changed to 40'.

Gregg said he believes that some developers—at least one developer—was looking at houses in a rural district, was looking at bigger square footage houses, so the peaked roof over a wider stretch of house would go higher. That was the whole driver of the increase back then.

Attorney Blake Marles, the previous solicitor for the Township for many years, asked if he could help with the history. Attorney Marles said that his best recollection was that all the residential zones were 35' until the fire company got a ladder truck. Everything was 35'. Then the Roma Building happened. The ladder truck came into the Township which was more readily available than the one from Allentown. The height limitation was no longer as big of a deal—no one gave it a whole lot of thought. He believes it was a house in Winchester

Heights or Winchester West, which first came before the ZHB for a height variance basing it on aesthetics. I believe that variance was granted, which started the discussion—why are things 35'. Then everything jumped to the 40'. My guess is that the 35' district was simply a carryover, which no one thought through, because it is inconsistent with most of the other residential zones, and it absolutely was an aesthetic issue, and whereby the old dutch colonials and bi-levels didn't require the sloped roofs that the larger homes did.

President Morgan thanked him for that explanation.

Commissioner Kelly had one more question for George—She knows the updates to the ordinances in December 2018 also provided for credits for extra height in certain districts—are these the same districts that were affected by this? George said—the overlay zone? Commissioner Kelly said yes. George said this does not pertain in any way to the overlay zones—just the base districts.

Commissioner Kelly - So under these there will be no additional height allowed through credit? George Kinney explained that the overlay will retain the credit, i.e., certain developers will take advantage of the credits that are available under the overlay zone, but this is not even remotely related to that. This is simply based district height.

President Morgan asked if there were any other questions by the Board/Public. There were none. This is an ordinance, with a request only to advertise. A motion is needed in order to advertise if we want to move forward with this. Or, does the Board want to gather more information on this with regard to history of height requirements, and then put this item back on the next agenda.

President Morgan clarified by saying that the Board is in agreement to TABLE this particular item until the next meeting (May 6th), in order that Staff and developer are able to gather more information, both historical and background, in order to make sure that this change makes sense across the board, and in order to find the best movement forward.

6. RESOLUTIONS

- a. A Resolution Amending Resolution No. 2019-65 Which Granted A Waiver Of Subdivision And Land Development Review And Approval Requirements Of The South Whitehall Township SALDO For A Plan Entitled "Village West Redevelopment" Relating To Properties Located At 3100 West Tilghman Street And Granting An Additional Waiver Pursuant To SALDO Sections 312-13(F)(3) And 312-43**

George Kinney, Director, Community Development Department, said this one is being brought by the Applicant to the Board. Not much Staff involvement. Panera Bread is moving from their current location (Village West) to an out-parcel, where the Outback Steakhouse was. They would have an outdoor dining patio, and drive-through with pickup window.

December 2019, the BOC granted a land-development waiver to this project, subject to nine conditions (Resolution 2019-65).

Applicant is requesting the ability to file a building permit, prior to plan recordation. SALDO requires that a plan be recorded prior to building permit conditions.

At this time, Brian M. Conlon, PE, Senior Associate, Vice President, Langan Engineering and Environmental Services, was in attendance on behalf of the Applicant, Cedar Crest Associates, as well as Lucas Heverly, Construction Project Manager, Brixmore Property Group. Mr. Conlon said we have agreed to all conditions, and have a few outstanding comments with the engineer's letter. We are requesting the waiver, although we may not need it; Panera is ready to go, with their internal building renovations, but are being held up on their building permit because of the land development for the drive through. We are going to comply with all of the land development comments, with three outstanding with Pidcock, very minor ones received two days ago, which will be addressed and we will get them in. The Applicant is concerned that once they are fully approved, that going through the recording process, getting signatures, etc.—that this could take a month. Our request is that Panera could start the internal building work, as we are working on plan recording. We would not be doing any land-development work associated with our plan, only internal building work for Panera.

George Kinney said that if the Board is inclined to grant this waiver, we have the ability to condition the permit that the certificate of occupancy would not be issued until the plan is recorded. This would ensure the recording of the plan.

President Morgan said this sounds feasible, and if we are not setting a bad precedence in doing this, and we've done it before, it seems to make sense, and it's a way for the business to keep moving forward, she would certainly recommend this at this point.

If there are no other questions or comments, President Morgan said she would make a MOTION approving above-mentioned Resolution (Agenda Item 6-A), which is amending Resolution 2019-65, and granting an additional waiver pursuant to SALDO Sections 312-13(F)(3) and 312-43. The motion was seconded by Commissioner Mobilio. All in favor; none opposed.

Roll Call Vote taken as follows:

Commissioner Mobilio: AYE

Commissioner Kelly: AYE

Commissioner Setton: AYE

Commissioner Morgan: AYE

Motion carried.

Messrs. Conlon and Heverly thanked the Board for their time.

- b. A Resolution Amending Resolution No. 2019-52 Which Granted Preliminary/Final Approval To A Minor Plan Entitled "John Jaendl" To Include An Additional Waiver Granted To SALDO Section 312-36(D)(4)**
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George Kinney, Director, CD Department explained this was another resolution, which was passed back in October 2019. BOC had granted Preliminary/Final Plan Approval to the John Jaendl Subdivision. Project was subject to several conditions. Applicant is asking for a waiver from one of those provisions in that approved resolution.

Attorney Lisa Pereira, Alternate Township Solicitor, was in attendance this evening on the Township's behalf. She explained that the Applicant is being represented this evening by Attorney Wendy Nicolosi, and Mr. Jaendl may be on the call as well. They are seeking a waiver from having to pay the \$2,500 Open Space Fee. This property is located partially in North Whitehall Township as well. The residential home built on that land is located on North Whitehall Township side of the line and they are currently as part of the subdivision plan paying to North Whitehall Township another \$2,500 fee. So they are requesting a waiver from South Whitehall so that they don't have to pay the same fee in two municipalities, considering the home is located in North Whitehall Township.

Commissioner Mobilio asked if the Applicant has requested any kind of refund from North Whitehall Township?

Attorney Nicolosi said—yes, we have. Their position is that the dwelling, itself, is actually taxed in North Whitehall, not South Whitehall. North Whitehall's position is, the dwelling is in their municipality, so they do not want to waive the fee.

Commissioner Mobilio asked if it was the Applicant's position, and he assumes Mr. Jaendl is well familiar with the laws, ordinances, and fees; is it the Applicant's position that he did not know there would be an issue here, and they just paid the fee to North Whitehall and were hoping we would not come and ask for the money? Attorney Nicolosi said—I don't think anyone realized it was assessed by both municipalities. Actually it came up at the time we were getting ready for plan recording and determining the fees. At that time, we then realized it was being charged for the same dwelling in both municipalities. Commissioner Mobilio asked if there wasn't a survey done to determine whether the property was in both municipalities. Attorney Nicolosi said—I believe the subdivision plan does show the line of the municipality, and it does go straight down through the property. But in this case, when that happens, obviously a determination as to where the dwelling is assessed, which it sits in North Whitehall. So it's the same dwelling, it's just being double charged. And, it seems the equitable solution would be to pay to North Whitehall since that is where the dwelling is actually taxed.

Commissioner Mobilio asked, wouldn't the equitable solution be to pay our Township \$1,250 and try and seek the difference from North Whitehall? Attorney Nicolosi said their (NWT's) position is that the dwelling is in their Township. Commissioner Mobilio asked—so you want us to take it up with NWT? Attorney Nicolosi said, no, not at all. I am just saying we are requesting the waiver for the fee in South Whitehall. This is one single dwelling being assessed by two different townships. And, since the dwelling is taxed in NWT, it seems as though it would seem more appropriate for them to get the fee.

President Morgan—George, are the fees based on the dwelling or the property? George said this is a standard Park & Rec Fee of \$2,500. It was in the resolution, condition #3, that this be paid. They are asking us to waive that provision.

Gregg Adams said that the ordinance actually stipulates that anytime a residential lot is created, a lot that can hold a house within the township, that is what is charged the fee—that is when you trigger the fee. George said the house was there, and they basically created the lot around the existing house.

President Morgan said that if the fee goes with the lot, I think it would have made sense that the fee should have been split between the two townships; that being said, she does not feel anyone should have to pay the fee twice, for the same development, in two townships, just because the line runs through the middle of their property. Is there some kind of happy medium we can come to here that meets the satisfaction of the township but also is fair to the property owner? It does not seem right that they should have to pay the same fee twice just because their property is split down the middle.

Commissioners Mobilio and Setton said, could we agree that the \$1,250 be paid to our township? David Jaendl said that is unreasonable and not fair. When a typical subdivision crosses township lines, which you have had in the past in SWT, it was always determined based on where the house was located—not the property. He said that it how we should look at it. He said they are paying it one time. They will make one more attempt with NWT and try to appeal to them to split it between NWT and SWT, but it is not a reasonable position, because all townships do it the same way.

Commissioner Mobilio said that he feels he should pay SWT first, and then go to NWT and ask for the waiver. David Jaendl said it is not going to happen. We are asking you to handle it the way that it has been handled in the past in the township.

President Morgan asked George if we have a history on this? George said this is a first since he's been here.

Commissioner Kelly – This development obviously went through planning, zoning, and BOC; did this issue come up at all with any of those boards? And, if not, why didn't it? Why wasn't it known through the process that there would be a fee, because as Gregg Adams said anytime a residential lot is created, a lot that can hold a house within the township, that is when you trigger the fee. I am curious as to why, now, is this coming back, after the fact? David Jaendl said that as mentioned earlier by Wendy, it had come up at the time of recording, which is a minor subdivision which took quite longer than it should have, and it was a mistake to have it in the resolution of SWT. And, quite honestly, was missed this on our side.

Attorney Nicolosi said throughout the Lehigh Valley there are a lot of subdivisions which straddle two different municipalities, and there is always a determination made as to when there is a bisected lot, one township gets it. They do not double-dip on the same lot. That is really the situation we have here—we have one house which is being charged twice.

Mr. Jaindl said his position is that he would be happy to go back to NWT to see if they would agree to this. He went on to say that they will not be paying more than the one recreational fee of \$2,500, for one dwelling. He went on to say that if you are saying that if NWT does not agree to split it, and that in addition to paying the \$2,500, we pay another \$1,250 to SWT, no, I will not. He said to Commissioner Mobilio that it is unreasonable for him to request that of him.

Commissioner Setton, said yes there is the principle of the matter, but feels we are talking about very little money, and he is not sure it is worth it to the Township to have all the people who are behind us, paying them to sit here listening to this for \$1,250. I personally feel at this point, based on the principal, we should just let it go.

President Morgan feels this was not only an oversight by the developer, but also the Township. We need to come to some kind of resolution and move forward.

Commissioner Kelly said that PC members, Brian Hite and Mr. MacNair, may be able to comment on this. Brian said this came to SWT first, before it went to NWT, we actually put it in the conditions of approval that they had to get concurrence with NWT. He went on to say that his only real question is, if this was vetted out by our Park & Rec Board, sometimes they calculate the fee, it should have been caught way before it even got to the PC. But, it did come to us before it went to NWT. He agrees that someone should not have to pay the fee twice, but that it should be split.

President Morgan – We have a resolution on the floor for consideration. I liked the idea of trying to split the fee between the two townships; I understand the position of not wanting to pay more than what is required by either township. I certainly concur with that. I would hope that Wendy and David might be able to work with NWT to split that fee and it should have been done from the get-go. It would be my position, based on this particular situation, I cannot justify anyone having to pay the fee twice. I would make a MOTION to approve the above-mentioned resolution, granting the waiver as discussed. Commissioner Setton said he will second that, with the stipulation that Mr. Jaindl will make an effort to reach out to NWT and try to get some of those monies to SWT.

Commissioner Kelly asked if it would make sense to TABLE this so that they can first go to NWT, so perhaps we can come to an agreement and satisfy both townships. Commissioner Setton feels we are talking about so little money that for us to go and have to open the floor again with attorneys and everyone else involved in this, it just is not worth it.

Commissioner Mobilio said he will vote against it. If we vote on this and it is a 2:2 vote, it means it does not pass. He feels it is incumbent upon the Applicant to reconsider their position, to go to NWT to get the money, or pay us to make it equitable.

David Jaindl said he agrees with Commissioner Setton that we have spent too much time on this already, and then to have to come back. He said that he will give the Board his word that he will go back to NWT regarding this matter, but that if NWT says—No, we would still come back with the same request, so if we could vote on it tonight, I will give you my word that I will go to NWT to make an honest plea to split the fee between the two municipalities.

He will copy the Board on this request to NWT, per Commissioner Setton. Mr. Jaindl said certainly.

President Morgan said we have a MOTION on the floor, and a second by Commissioner Setton. We will do a roll call vote as follows:

Commissioner Mobilio:	NO
Commissioner Setton:	AYE
Commissioner Kelly:	NO
Commissioner Morgan:	AYE

MOTION does not pass. President Morgan said it will have to come back before the Board at the next meeting if it wants further consideration.

Commissioner Kelly voted NO, because she remembers this coming before Planning, and that we did ask the developer to go to NWT to make sure this was taken care of and this was included in one of the phases of the land development processes.

David Jaindl addressed Commissioner Morgan and said that he appreciates her time. He feels this is an unreasonable position, but said they will be back at the next meeting.

c. Resolution to Proceed with DCED Grant Request in the Amount of \$250,000 with Regard to the Greenways Trails and Recreation Program to Support the Vistas Park Project

Randy Cope, Director, Township Operations, explained that this is similar to what we did at the last meeting, for a very similar grant, which was a DCNR Grant. This one is a DCED Grant Request for \$250,000, which would be used as a match to the DCNR Grant.

Mike Kukitz said, through the Greenways Trails and Recreation Grant Program we can request up to \$250,000 and it can match the DCNR funds. If we are successful with both grants, they are able to match each other. If unsuccessful, this one has a 15% match, which would be \$37,500. We are hopeful that we will get both though. The only hiccup might be this pandemic, which would only be a delay.

President Morgan said this sounds like another great opportunity like the last one. She asked if anyone had any questions for Randy/Mike at this time.

Commissioner Kelly said she is not opposed to matching the other grant, but will comment by mirroring what she said at the April 1st meeting, that if this does not go through as Mike said, and it would only be the 15% match, that the Vistas Project, which she did not see it in our budget for this year, would have to come back before the BOC. Randy Cope explained to Commissioner Kelly that those funds will be budgeted in subsequent years. We won't be hearing from DCNR or DCED until November/December of this year (2020). So, at that point in time we would be able to budget in 2021. There is nothing in the 2020 budget to support this project, nor does it need to be at this time. Budgeting will happen in subsequent years—

2021, 2022, 2023. This grant has a three-year deadline without requesting an extension. So we would be good until end of 2023 if successful.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to approve the above-mentioned resolution; all in favor; none opposed.

Roll Call Vote taken as follows:

Commissioner Mobilio: AYE

Commissioner Kelly: AYE

Commissioner Setton: AYE

Commissioner Morgan: AYE

Motion carried.

Commissioner Kelly said she is voting yes, the same way she did at the April 1st meeting; yes, it makes sense to submit the paperwork, but given the economic climate we are in, I ask that this come before the Board before any additional Township monies are spent moving forward, if it is awarded.

7. **MOTIONS**

a. **Norfolk Southern Agreement Regarding 4741 Chapmans Road**

Attorney Pereira said before you is a reimbursement agreement that we are requesting be executed by the developer as part of their house project at 4741 Chapmans Road. That project was approved by the Board last year. As part of the proposal, there will be two underground sewer pipes that have to cross the Norfolk Southern Railway right-of-way. The Norfolk Southern Company has provided to us a license agreement that the Township has to execute, which lays out our ability to maintain, repair, or do whatever we need to the water and sewer lines that ultimately will be maintained by the Township. This reimbursement agreement with the developer sets out the requirement that the developer be solely responsible for installation of the facilities that are being proposed, as well as being responsible for paying all fees to Norfolk Southern Railway (which is \$5,000). Developer has agreed to enter into this agreement. They have signed and delivered to Township. We have not yet received the \$5,000 fee. She said it was mailed out last week. If the BOC is so inclined to enter into this reimbursement agreement this evening, we would still need to prepare a resolution authorizing execution of the license agreement. First step is to vote whether or not to enter into the reimbursement agreement.

Q: Is it typical that water and sewer lines are turned over to the Township to be maintained. Randy Cope said yes it is; in this way the necessary repairs can be taken care of as they come up.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, authorizing the signing of the above-mentioned agreement as discussed. A roll call vote was taken as follows:

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

Motion carried.

b. Norfolk Southern Agreement Regarding Crackersport DC Warehouse

Solicitor Zator said this is somewhat similar to the one that was presented by Attorney Pereira in that this is a Warehouse development that had been approved at the intersection of Crackersport and Eck Road. This is an intersection that is owned by Norfolk Southern Railroad, and as part of the project, the intersecting point will be improved. The Township has requested this improvement as part of the project. The Railroad does not enter into agreements with private developers. The agreement between Norfolk and the Township has to be entered into, but we want to make sure that the developer has all responsibility. This indemnification and reimbursement agreement is to assure that. Escrow of \$20,000 will be posted. Estimate for the work by Norfolk Southern is between \$15,000-16,000. The responsibility will rest with the developer to get that taken care of.

Attorney Blake Marles was also in attendance to answer any additional questions. This is the section of Eck Road that the developer agreed to straighten and widen. In order to do that, there is a very small strip along the Norfolk Southern right-of-way that had to be expanded. We are talking about a 10' widening of a right-of-way, in order to straighten that road. The agreement was not a condition of approval. The developer did grant the additional right-of-way through this Norfolk Southern corridor. Additionally, Applicant agreed to pursue with Norfolk Southern frontage improvements. For the record, doing this work was not a condition for approval. Developer is doing voluntarily. This Agreement does nothing more than to make sure the Township has no cost or exposure associated with this.

Solicitor Zator concurred with this summary given by Attorney Marles.

A MOTION to move forward with this agreement was made by Commissioner Kelly, which was seconded by Commissioner Mobilio. A Roll Call Vote was taken as follows:

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

Motion carried.

c. Motion to Proceed with Purchase of Leaf Vacuum Machine from Upper Macungie Township

Randy Cope explained that we learned of an opportunity to be able to purchase some equipment from a neighboring township, of which one was a leaf vacuum. We did budget \$120,000 for this item in our State Highway Aid. This normally costs around \$100,000. The Board would need to approve the \$8,750, which would save the Township a lot of money. Herb Bender, Superintendent of PWs said this piece of equipment has under 6,000 hours, it's in great shape, hardly any rust, lift works—it's new. He said UMT takes very good care of their equipment. He went on to say that our mechanics feel it's a no brainer to buy this, rather than a new one.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to move forward with the purchase of Leaf Vacuum Machine from UMT. Roll Call Vote taken as follows:

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

Motion carried.

d. Motion to Proceed with Payment through March 31, 2020 for Fire Departments' Incentive Program

Township Fire Commissioner Chris Kiskeravage explained that at the April 6, 2020 Volunteer Fire subcommittee meeting the committee discussed the possibility of approaching the Board of Commissioners to authorize the payout of the first quarter of the pay per call incentive program.

After reviewing the numbers presented by each fire department and consulting with the Director of Finance, I am asking the Board to make a motion to authorize the payment of the volunteer firefighter incentive program for the first quarter of 2020 through March 31, 2020 as outlined below.

<u>Company/Department</u>	<u>Total Responses</u>	<u>Rate/Response</u>	<u>Total Incentive</u>
Cetronia	845	\$7.50	\$6,337.50
Greenawalds	770	\$7.50	\$5,775.00
Tri-Clover	112	\$7.50	\$840.00
Woodlawn	1095	\$7.50	\$8,212.50
Total	2822		\$21,165.00

President Morgan said that normally this payment was put out annually, and they requested that payment be made on a quarterly basis for the betterment of membership.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to move forward with payment as discussed. Roll Call Vote taken as follows:

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

Motion carried.

8. CORRESPONDENCE AND INFORMATION ITEMS – None.

9. DIRECTION/DISCUSSION ITEMS

Township Manager Renee Bickel wanted to thank the Community for their support as we go through these unprecedented times. In accordance with the Governor's orders, we've had to close parks, disc golf, etc.-we need to adhere to the social distancing. Hopefully in a few weeks, we can get back to a new normal.

Commissioner Kelly – She explained at this time that last week she and Commissioner Wolk did meet with the Finance Committee to discuss budget. Given the COVID situation, we are looking a bit more critically. Given the climate we are in, the projections are a little bit obsolete due to our business shut down and revenue and EIT coming in. Both Commissioner Wolk and I are in agreement that it is important to take steps to safeguard the Township finances in light of the pandemic. It is time to limit expenditures to consider protecting our taxpayers, our tax base, to limit expenditures to only essential expenses at this point, to ensure we live within our budget. Not knowing our revenue makes it very difficult to plan and move forward. It is their recommendation, and they would like to make a MOTION to ask the Board to place a temporary hold on non-essential spending until the state lifts the shutdown, so that the Finance Committee can assess the Financial Health as we move forward.

President Morgan said that she absolutely appreciates that. I think this is a given that non-essential spending has already occurred. We don't make it a habit to have non-essential spending occur. So, I don't know what you mean by that. Commissioner Kelly said things that don't have anything to do with the day-to-day operations or the basic coverage of government of SWT. If there are things we can put aside and hold until our financial situation is more clear—if we are looking at a potential shortfall in our revenue, we don't want to spend money that we may not have moving forward.

President Morgan said this is always the approach of the Township, but even more so now. If the motion it to make a statement just to the public, that's one thing, but it needs to be clear that non-essential spending—we think of that every day, and especially now during this pandemic. I don't want to give the impression that we are not already doing that.

Township Manager Renee Bickel added by saying, we look on a weekly basis. As the people who lead the Township from an operational perspective, we are monitoring expenses and holding capital expenses that are not critical or that have not been allocated prior to this

pandemic. I feel we are fiscal stewards on a daily basis, but again, in terms of non-essential spending, I don't think we spend non-essentially. We would spend to keep the operations of the Township moving.

Commissioner Kelly said we allocated based on revenue we might not see. She went on to say that she, along with Commissioner Wolk, wanted to take a look at this now in order to plan ahead, so as to not spend money we might not have. The budget, as we know it today, cannot stand on its own, because the revenues that we projected most likely will not be the numbers we had hoped for. In order to not end up in a deficit and have a tax increase at the end of the year due to this, we are asking and recommending to take a look at things and potentially even scale back.

Commissioner Mobilio said that he generally agrees. How do we figure out how to reallocate things; the problem is, we do not know how long this is going to last.

Steve Carr, Finance Director, explained that we spoke during Finance Committee about things we can currently stop right now—for example, the bathrooms project approved for CBP, we are holding on that—we will have to stop/delay that for another year. We have stopped non-essential spending already. We will be meeting weekly, and as we start to see what the picture is, as this comes more into focus over the next month or so, we will have a better idea of how potentially bad it could be. Right now you can guess either way—you just don't know. I don't know what other things we can do, that we have not already done, outside of decisions that I don't feel are accurate to be made yet. We monitor every day with staff and will continue to do so; we will continue to work with Commissioners Kelly and Wolk on the Finance Committee to come up with the best plan, which always involves the best financial situation for our residents.

President Morgan said she really appreciates Commissioner Kelly's comments and appreciates the gesture, but firmly believes Staff is constantly looking at non-essential spending, and especially during these troubled times. That won't change; but, to make a broad sweep motion without a clear understanding of what isn't essential, because that is changing every single day, could be a bit troublesome. I value the fact that you and Commissioner Wolk are actively involved on the Finance Committee, I think it's important that we continue to meet as a Committee and feed back to the entire board, so that the entire board has a full understanding of what is going on. But, I do believe Staff has a good handle on what is essential and what is not essential. We should make sure, and entrust a lot of that to them, and have them feed back to us as well.

Commissioner Kelly thanked President Morgan for her comments. She wanted to take the time to address financials. She asked to be provided with a year end for 2019, as well as monthly reports. Steve Carr said that he can forward the 2019 EOY as well as January's. February/March are forthcoming shortly. Commissioner Kelly said that now, more than ever, it is so important to have this information, updated, and as often as possible.

Commissioner Mobilio said that he would support a MOTION which would say we encourage the Staff at SWT to continue to look at ways to reduce expenses and overhead in light of the

current pandemic. He did not want to use the term non-essential, until we really have a clearer idea as to what is under that particular umbrella.

Commissioner Kelly feels we need to make a distinction between what is budgeted and what is allocated, because those were done on numbers which may or may not ring true now. She said she wants to state strongly that she doesn't want to see us end up in the red because we spent based on numbers that we can't verify today due to revenue projections which are not valid.

She restated a MOTION in conjunction with Commissioner Mobilio, to have Staff keep a critical eye on spending, and continue to look at essentials, and save where we can so that we can have good financial health for the Township moving forward, in light of the COVID shutdown. Commissioner Mobilio said he would second that motion. Roll Call Vote made as follows:

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

Motion carried.

Commissioner Morgan said she votes yes, with the comment that this is something she believes, for all the years she has been working with the Township, that the Staff is already doing. This just validates this fact in a motion and she thanks Staff for continuing to be vigilant in reviewing this information in light of the pandemic.

10. **OLD BUSINESS**

- a. **Wehr's Dam Status** – No change; still waiting on permit.
- b. **Campus Renovation Project** – This is kind of a moving target right now. Some are continuing to work.
- c. **Township Digital Platforms** – As we are trying to monitor our expenses, website is one of those items we are monitoring. We have received some proposals, but as we are looking to cut non-essentials, this may be one. Commissioner Mobilio would not be in favor of side-lining the website as a way of saving money. He would like to see this remain at the forefront. Commissioner Kelly was in agreement with this in making the changes we can so that we can bring as much information to our community through our website, as well as Facebook and Nextdoor. President Morgan said this is a topic of concern, so perhaps we should have a Workshop Session and/or another discussion regarding this, to see where we stand now and how we can move forward, and what our potential costs would be. She asked Renee, once she has all proposals, to bring them back to the board, and we can see where we can go from there.
- d. **Credit Cards** – Due date of June 30th. Steve will check that the verbiage is on the bills (this is only for refuse), for those that can be paid via credit card.

Commissioner Kelly thought this very important especially during this time where the offices are closed to public.

Open Space/Fees – Commissioner Kelly wanted to follow up on this, which was brought up at the last meeting. Do we have an update on that, or are we going to schedule a workshop? She would prefer that we do this sooner, rather than later before we get too far down the road with developments which could possibly be influenced by this.

President Morgan said she doesn't believe we have too much more information on this; having additional meetings has been a bit difficult during this time of pandemic—not saying we can't have one. Renee, I will defer to you in the timing of gathering this information on the open space fees and the further discussions on that. Perhaps we could put it on the agenda—the first meeting in May.

11. COURTESY OF THE FLOOR

Brian Hite – Yard and garden center is not currently open. His yard waste was not picked up, so Brian called Advanced Disposal. The guy told him he was not sure they were currently doing that. Renee explained to Brian that they should be doing this. Steve said he will reach out to Advanced Disposal in the morning regarding this.

David Burke – Regarding the recording of these meetings; he said he would certainly vote we use recordings for the permanent record of these meetings. It is a lot more accurate than transcribing in the old fashioned way.

Mr. Hodges – as read by Steve Carr, thank you to Commissioners Mobilio and Kelly for suggesting the land-fee split, regarding a property with shared Townships, which makes the most sense. Feels that going forward the Township, just as all of us with our own households, needs to not spend on non-budgeted, non-necessary items, especially those that will be paid in subsequent years. Way too much risk in uncertain times. We will be feeling this economic crunch for a long time.

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

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

Motion carried.

13. EXECUTIVE SESSION: No executive session after this meeting.

14. ADJOURNMENT: At 9:32 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton to adjourn. All in favor; none opposed.

15. **APPROVED:** On May 6, 2020, a MOTION was made by Commissioner Mobilio, which was seconded by Commissioner Kelly, to approve the April 15, 2020, BOC Meeting Minutes. All in favor; none opposed. Because this was a virtual/GoTo Meeting, a Roll Call Vote was taken as follows: Commissioner Mobilio, aye; Commissioner Kelly, aye; Commissioner Setton, aye; President Morgan, aye; 1 abstention by Commissioner Wolk-He was not at the April 15th meeting.
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