



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

May 6, 2020

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

As this is a virtual GoTo Meeting, Township Manager Renee Bickel took a Roll Call Vote for attendance purposes as follows:

Commissioner Wolk:	HERE
Commissioner Mobilio:	HERE
Commissioner Kelly:	HERE
Commissioner Setton:	HERE
Commissioner Morgan:	HERE

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
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: swhitehall; PASSWORD: swtpublic)**

Solicitor Joseph Zator spoke about Senate Bill 841 and Act 15 with regard to what this means to the Township. Two aspects of this Act 15 legislation that affect municipalities are as follows:

Public Meeting Component

The first relates to the Sunshine Act. During the duration of the COVID Emergency, effectively the duration of Governor Wolf's Order, meetings are authorized by "authorized telecommunications devices"—any type of communication which is a two-way minimum in an audio fashion. SWT meet these requirements.

To have a quorum of the Board of Commissioners, they do not have to be physically present at the same location. Rather, as long as a quorum is present virtually that would suffice. Statute also explains that advance public notice is practicable, therefore, it needs to be posted on the website, and/or noted in a paid advertisement. SWT has done both, and so meets these requirements. Notice must indicate date, time, type of technology, and applicable information and public must be provided an opportunity to participate through the technology or by written comments submitted by mail or email in advance. SWT has met these requirements.

Capability to Municipalities – Developments and Permits

This applies to developments, subdivision, zoning hearings, building-type permits, other types of applications and permits to be submitted in SWT. This is a tolling, suspension statute, which means there are certain requirements that exist for action to be taken by a municipality for operation by law. A zoning hearing must be conducted within the 60 days of the application being submitted. There is a time clock for land development, and with respect to all types of permit actions. Any permit submitted prior to March 6th, March 6th is the start time for the tolling period. Permits submitted after March 6th, that date is the beginning date of the tolling period—the tolling period goes through May 20th. Any applications pending the township during that 75-day window, it's as if the period within that 75-day window doesn't count. When we get to May 20th, the time period would start up again wherever it left off. This is assuming that this statutory provision is not modified by subsequent legislation to continue this tolling period beyond May 20th. Solicitor Zator wanted to report public notices have been sent out as required by law—ZLO worked with Staff on this.

End of Summary.

For the record, President Morgan addressed topic of previous executive sessions. Confirmed for the record, Executive Sessions held on March 13th, 18th, 19th and 25th for the purposes of discussing legal matters.

President Morgan advised that the BOC did meet in Executive Session, May 6th, prior to the start of this meeting to discuss personnel matters.

4. MINUTES

a. April 15, 2020 - BOC Meeting Minutes

A MOTION was made by Commissioner Mobilio, which was seconded by Commissioner Kelly, to approve the April 15, 2020 BOC Meeting Minutes.

Roll Call Vote taken as follows:

Commissioner Wolk:	Abstained – was not in attendance at this meeting.
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.**

President Morgan advised that this was a tabled item from the last meeting.

George Kinney, director, community development Department, explained that Greg Adams, planner, at the request of the board, did put together the history on this particular item. The history provided is pretty much the same as what was discussed by Attorney Marles and Gregg Adams at the last meeting.

Commissioner Mobilio wanted clarification that the fire apparatus was the main driver behind this height requirement. George Kinney explained that is correct.

Commissioner Setton felt the request from the applicant was reasonable in that the 40' height requirement would allow the buildings to look better.

Commissioner Kelly is in support of amending this ordinance; however, as mentioned at the last meeting, since we are in the midst of updating the comprehensive plan and zoning, she does not want to make a sweeping change across the board at this point in time. This is her recommendation at this time.

Commissioner Mobilio asked no matter what we do with regard to this request, at the end of the Comprehensive Plan Process, there may be additional changes, recommended or adopted, comments with regard to height requirements. George said absolutely. The BOC

will have another chance to look at the Zoning Ordinance, once the CP has been approved. (The zoning ordinance drives specific requirements.)

Commissioner Wolk said he would approve the Applicant's request for the reason he stated, but is not prepared at this time to change all the zones to the same height requirement at this time. He has not yet heard a compelling reason for the Township to change all zones across the board to 40' at this time.

George Kinney clarified that the Applicant wanted to create a more architecturally pleasing structure. Applicant was initially asking for a change in the R5 and R10.

President Morgan said for consistency purposes and also based on the information provided by Staff thus far, she would recommend a MOTION TO move forward with advertising said ordinance. This motion was seconded by Commissioner Setton.

Roll Call Vote taken as follows:

Commissioner Wolk:	AYE
Commissioner Mobilio:	AYE – in the interest of consistency, feels this topic deserves more discussion as it relates to all zones/height requirements
Commissioner Kelly:	AYE – in support of approving applicant's request for the particular buildings he has planned—agrees with Commissioner Mobilio as stated above.
Commissioner Setton:	AYE
Commissioner Morgan:	AYE

Motion carried.

President Morgan said that based on the feelings of the Board, George Kinney will gather additional information on this topic with regard to potential impact. George said he will provide a chart to the Board with this information for all zones.

b. Discussion Item - Motion Requesting Permission to Advertise - An Ordinance Amending Chapter 304, Article III (Street Excavations) Of The Codified Ordinances Of South Whitehall Township To Permit An Applicant To Request A Waiver From The Provisions Of Section 304-26(J), And To Provide For Severability, Retention Of Rights To Enforce, Repealer And An Effective Date

Tom Harper, Enforcement Program Manager for the Township presented this ordinance as follows: It is amending 304, Article III, Section 304-26(J), the work in street right-of-ways or Township easements. This amendment will add a subsection (N) to Section 304-26 for permitting an Applicant to seek a waiver from the requirements of as stated Section 304-26(J). Subsection (J) of the current ordinance specifies permanent street restoration work as required after the completion of any permitted excavation work has been done to a Township street. This restoration work is based upon the number, size, and location of street cuts or openings and provides regulations for the required work that must be completed to bring the road surface to a condition that will provide for the integrity of the road surface to

last over a period of time. This section specifies that the milling and overlay of the street could result from a certain area to resurfacing the whole street depending on the number, size, and location of the cuts if they cross the center line, etc. Therefore, under this amendment, it would allow the applicant to seek relief from these requirements by presenting their waiver request to the Board of Commissioners. Also, in the ordinance, during the waiver review process, the amendment provides criteria for the Board to consider when making their decision for such a request. Note – this waiver request does not relieve the applicant of complying with other requirements in Section 304-26. This ended Tom’s summary.

President Morgan summarized by saying what this amendment would do is give some waiver and flexibility to someone who had this work done, and they would have to seek relief from the Board, based on Staff recommendation.

Commissioner Kelly asked what the meaning of the word “convenience” meant as stated in this amended ordinance:

*In making a decision on the request for a waiver, the BOC shall consider the impact of the proposed excavation on the neighborhood, the applicant’s need to provide services to a property or area, and the public health, safety, welfare, and **convenience**.*

Randy Cope, Director, Township Operations, explained that in the current ordinance, a concern of the Township and utility providers is that the current ordinance makes it very difficult to provide new services to our residents—for example a new gas hookup in the neighborhood. It makes it very difficult for them to come in and install new service to the residents. UGI expressed their concerns to the Township that these restrictions will crush/prevent projects for new service from taking place in the Township if people have to restore the entire road from curb to curb, for a few minor cuts—the cost of this restoration would most definitely jeopardize their project.

A MOTION was made to proceed with advertising by Commissioner Kelly, which was seconded by Commissioner Mobilio.

Roll Call Vote taken as follows:

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

Motion carried.

- 6. RESOLUTIONS** – For the next two resolutions, Barry Isett & Associates and Keycodes will be acting as each other’s backup as needed. Each have agreed to utilize fee schedules in place for Residential and Commercial Code Inspector.
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a. A Resolution Appointing Barry Isett & Associates as the Alternate Commercial Code Inspector for South Whitehall Township

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to approve the appointing of Barry Isett & Associates as the Alternate Commercial Code Inspector for South Whitehall Township.

Roll Call Vote taken as follows:

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

Motion carried.

b. A Resolution Appointing Keycodes as the Alternate Residential Code Inspector for South Whitehall Township

A MOTION was made by Commissioner Kelly, which was seconded by President Morgan, to approve the appointing of Keycodes as the Alternate Residential Code Inspector for South Whitehall Township.

Roll Call Vote taken as follows:

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

Motion carried.

c. A Resolution Approving Sewer Planning Module for KRE Springview Commercial, 4590 Broadway

Mike Elias explained this is a 3400 SQF quick serve restaurant. This project at the SE corner of Broadway & Cetronia Road requires a sewer allocation of 10 EDUs (Equivalent Dwelling Unit) or 2,230 gallons per day. There is no existing allocation for this property.

Resolution Condition No. 5 requires the developer to obtain a letter from the Pennsylvania Department of Environmental Protection (PADEP) approving a sewage facility planning module. T&M Associates, on behalf of its client, submitted a completed module for township action. As part of the module submission to the PADEP, an approved resolution by the Township is to be appended to it. This resolution certifies that the plan is in conformance with sewage related zoning and municipal ordinances and its Official Act 537 Sewage Plan, of which this plan complies. The resolution requires adoption by the BOC and is to be signed by Township Secretary.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, Approving the Resolution and its signing of it, with regard to the Sewer Planning Module for KRE Springview Commercial, 4590 Broadway.

Roll Call Vote taken as follows:

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

Motion carried.

7. **MOTIONS**

a. **Motion Requesting Permission to Advertise for Concrete Work to be Completed in Covered Bridge Park**

Randy Cope, Director, Township Operations gave a brief history of this project. In 2014 Township did a Master Plan Study of Covered Bridge Park, which was Phase A of the CBP Master Plan. We have been in fund raising mode for several years now for this project and working with our Parks & Rec Board to fine tune this project. Received \$250,000 Grant for DCNR in 2018. 2019 was our planning year. Now, we are approaching the construction phase. Randy went on to say he understands these are unprecedented times, and the timing of this project may not be ideal, but he wanted to explain the budget very carefully to bring some ease to the public and the BOC. This is a big project with \$610,000 budgeted for this project. \$250,000 being supplied by DCNR Grants. Have approximately \$10-12,000 in sponsorship. \$350,000 has been approved and budgeted from Open Space Fund for this project. This is not a General Fund supported project—tax dollars are not necessarily going towards this project. The monies set aside for this project cannot be used to support other services of the Township.

Randy explained that Staff is seeking permission to advertise for the concrete work to be completed in Covered Bridge Park.

The Base Bid will include:

- One 8' wide integrated colored concrete sidewalk with 6" border along each edge
- Two 5' wide plain concrete sidewalks
- A colored concrete perimeter edging around the proposed play areas

Additional Alternate items to be bid will include:

- One plain concrete picnic area pad with a 6" colored concrete border
 - Construction of one pavilion and required concrete footers
 - Nature themed stamping on main 8' wide colored concrete sidewalk
 - Texture stamping of the concrete perimeter edging
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The bid seeks a qualified contractor to provide the furnishing of all labor, supervision, and necessary materials and equipment for the complete construction of the work included on the plans and specifications for the concrete sidewalk, sidewalk stamping, and concrete perimeter edging in Covered Bridge Park in South Whitehall Township.

Commissioner Mobilio thanked Randy for a great job with this project and also wanted to reiterate for the purpose of the public that the monies allocated for this project were budgeted in 2019. Further, the money from the Parks & Rec Budget is not money that is treated like money from the general fund. This money has been earmarked for this project. If we do not use it this year for this project, it is going to be used next year, or the year after that; but more importantly, we have a time limit in which to use the grant money provided to the Township in order to keep the grant money. We have this money here which can only be used for this project. Randy Cope said that is correct and thanked Commissioner Mobilio for elaborating on that.

Randy said staff will be doing a lot of this work—they have been planning for it. Timing is actually good for PW now to work on this project. We would like to move forward with this project this summer.

President Morgan said she mirror's Commissioner Mobilio's comments as well.

Q: When was Grant awarded and when does it expires? Awarded 2018, expires 2021.

Commissioner Kelly expressed her concern regarding PW working during this COVID event, with regard to social distance, hand washing stations, etc. She mentioned possible extensions for grants due to COVID event. She mentioned that many are using CBP for passive recreation at the present time due to COVID. Questioned the timing of, and whether we should be doing construction at this time. What is the hardship if we pause this project now—we have already put the restroom project on hold?

Commissioner Setton felt the question was—how disruptive would it be to the public if this project went on?

Randy Cope explained that the area would be secured. Residents would not be losing any parking, walking opportunities. The area is a large grass field, somewhat underutilized. Handball courts and old playground would have to be removed. But in terms of impact to the park itself, he feels we can continue to allow people to park at existing parking lot to access trails, pavilions, and fishing as well. Site would of course be kept in a safe working manner. Regarding equipment operators, like now, they are designated to a piece of equipment. If equipment needs to be shared, they have been advised how to disinfect, regarding this part of operations; we do have that under control. Staff is keeping a safe distance from each other.

Commissioner Mobilio asked Randy to confirm if the Governor had lifted restrictions last week for construction activities in the State. Randy said that is correct. Randy said we will continue to keep our practices in place until this virus is over.

Commissioner Kelly added to what she previously said, in that there is also the concern with Budget, and revenue drop at this time. Additionally, she feels that keeping the Park open as it is at this time would best serve the needs of our community,

Commissioner Mobilio said that he and his three children do go to park and the part of the park Randy is talking about, when he has been there, is hardly used. He asked Randy if the goal was to have this done by the Fall. Randy said yes, that it was. Looking to break ground in August, and playground contractor is looking at a timeframe of approximately one month. Currently, a lot of the behind the scenes stuff for this project has already been done. Randy said per the public's input (2014) for this project, they asked for better parking, restrooms, and a nicer playground. President Morgan said—yes, that was the public's desire.

Commissioner Mobilio said the wheels are in motion for this project, it has public support, already has grant money, already has money allocated to it, and would be a positive thing for the residents of the Township.

Commissioner Wolk – has a few Qs. As did Commissioners Mobilio and Kelly, he congratulated Randy Cope, Director, Township Operations, on the excellent job he's done so far with the CBP and everything else that he and other team members do throughout the Township. He said it was truly admirable.

Q: His concerns stem from pandemic and Township Budget due to pandemic. Total cost of Playground project?

Randy: \$610,000 is budgeted. DCNR Grant is \$250,000. \$350,000 budgeted from Open Space Account. Approximately \$10,000 in sponsorships. There is not money coming from the general fund for this project. With regard to our PW Staff, that is just labor.

Commissioner Wolk said he doesn't feel we should stop the project, but was concerned that Staff would come back at a later time to ask for more money. Randy explained that it doesn't work that way. He explained that in previous years, these projects are discussed during budget meetings, where money is budgeted for these projects. That is up to the Board as to whether or not they want to continue to do so. Most of the parks have not been updated since the 90s, and in recent years we have been trying to address this.

Steve Carr, Finance Director, in reply to some of Commissioners Wolk's comments explained that the Finance Committee is only a Committee. We have had more detailed discussions as a result of the pandemic, but the only way projects stop is by a vote of the BOC. None of us on the Finance Committee can do anything but recommend to the BOC.

President Morgan said the Finance Committee is a recommending body. Those decisions are made by this full Board, not a recommending committee. She went on to explain that this is not a new capital project. Staff has been very sensitive to finances the entire way through this project, even prior to this pandemic.

Steve Carr, Finance Director explained that the Management Team will be coming back to the Board with a comprehensive budget amendment. We have been working diligently as to where we can potentially save in order to offset any lost revenues in order to set us up for the best possible outcome as a result from this unknown COVID.

MOTION made by Commissioner Mobilio, which was seconded by President Morgan, granting permission to move forward with advertising for Concrete Work to be completed in CBP.

Roll Call Vote taken as follows:

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

Motion carried.

b. Street Moratorium Exemption Request - 1390 Springhouse Road

Randy Cope, Director, Township Operations explained that the contractor, Joe Natale, E.F. Laudenslager, Inc., Heating & Air Conditioning, is in attendance this evening, so he will turn this over to him to explain. Randy asked him to explain project he is working on and why he is requesting the exemption.

Timeline given as follows: Last year Joe was approached by the customer requesting to convert from propane to natural gas—they were having many problems with their system. Met with customer in January of last year. Next met with UGI, who said gas is available on the street. UGI said yes they can do this project, and in turn worked up contract for Joe's customer. Joe got a verbal from the customer to proceed with work. So, next step was for me to come to SWT with permit request, which was approved January 20, 2020. Customer signed agreement with UGI on January 31, 2020 to proceed with the work. I received my signed agreement, with deposit on January 31, 2020 to proceed with the work. UGI marked where meter was to go. I had all the approvals from SWT and so I began to do this work. This is an 8,000 SQF house, and a very expensive job. On February 18th UGI contacted me back with exact meter size and pressure input they would like because they were coming that week. February 24th, when I was about to wrap up with this job, I was denied the natural gas because of the moratorium. I did everything I was supposed to do as a contractor, and as you can imagine the customer was not happy with me, and my reputation is on the line, and we have been in business over 100 years. Mr. Natale explained that as a result of this, he has absorbed many costs on behalf of his customer. We were told that we are not allowed to dig until June. Access to gas is only 5 feet from their curb, which means we will have about two cones around this area, which should be completed in less than an hour. He is looking to get approval so he can just get this job done. PW states how they want the road restored, which Mr. Natale understands and is agreeable to. He just wants to finish up with this job. He understands that everything he does will need to be approved/up to code by the Township.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to move forward with the exemption request for 1390 Springhouse Road, subject to all the Township conditions/requirements being met.

Roll Call Vote taken as follows:

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

Motion carried. Mr. Natale thanked the Board for their time.

8. CORRESPONDENCE AND INFORMATION ITEMS – None.

9. DIRECTION/DISCUSSION ITEMS

- a. George Kinney, Director, Community Development Department - Land Development Review Process** – This presentation has been posted to Boarddocs.

Commissioner Mobilio said this was a great presentation of the process. This is a tremendous benefit to the Township and for the residents to know this process. George said we'll be happy to post this to the website.

George explained that the Board does have complete control over Open Space decisions now. In the SALDO, is looking for one thing—dedicated open space to the Township that is considered to be suitable. They have nine conditions which must be met. The SALDO gives the developer the option of asking for fee in lieu of OR dedicating land to another entity, and all those decisions have to be made by the Board of Commissioners. What the SALDO does is drive that recommendation through the Parks & Rec Board for recommendation back to the BOC. Currently, you are not seeing that until near the end. Maybe what we can think about is tweak the SALDO to make sure that once that Parks & Rec recommendation is done, that it somehow gets to the BOC right after that instead of it coming back to us to be incorporated into a packet for a decision three or four months down the road. In this way you would see it almost right away. This would be a simple fix, which would get the Board dialed into that decision sooner, rather than later.

Commissioner Kelly said she would like to talk more about this—the BOC seeing it right after the Parks & Rec Board. Her reason is that she is asking us to be consistent with our SALDO, where it states that any project of more than 50 dwellings needs to come before the Board of Commissioners. Mike Wolk said we should follow the SALDO. He said the process is out of compliance. George said the process is not out of compliance—it's just that your bite of the apple is coming later, rather than sooner. He said that he does not want to give the impression that something is wrong with the SALDO or that we are not doing something correctly. That is not the case at all. All the comments get ferreted through the Planning Commission and you still see it—you just see it at the end. If you wanted to see that

recommendation sooner, you would just see it sooner. He again stressed that he does not want the impression out there that we are not following the process.

Commissioner Mobilio – Does the SALDO say at which point the BOC has the right or opportunity to make a decision. George said No, and he thinks that is what the issue is. It talks about who is responsible for ultimately approving it, being the Board of Commissioners, but it does not say **when** to do that. That would be the distinction. If you want to see it sooner, there would be an opportunity to work with the Solicitor’s office to construct some language which talks about **when** that recommendation would come to the BOC.

Commissioner Mobilio said we have these other committees recommending to us, these other advisory boards/committees, who are gathering their information, and bringing their data back to the BOC, and is it just because we (the BOC) would not have the time to do all of that? George said that is why it is done this way. It is getting sent to people who have the expertise in certain fields that the BOC would not have. These third-party individuals have unique talents/abilities that they bring to the table in a way that you would not get, say if CD was just reviewing it. George said that when you start looking at the MCP, the plan processes, and permitting processes, all these things stake massive amounts of time and expertise to work through, as the BOC knows.

Commissioner Kelly said that in order for the Board to effectively do what the SALDO says, we really cannot see it on its final approval day. We need to see it earlier on in the process.

Commissioner Setton wanted to go back to something that Attorney Zator said in an earlier meeting. Generally speaking Open Space is when you have a big development—a big space is what the Township would want, generally speaking. Generally would agree that if it is a large space, we would take land. And, when it is a small development, we take money. It’s actually very simple.

Commissioner Mobilio said that what he likes about the current process is that if you get through all the advisory boards/committees—we get safety recommendations, planning recommendations, zoning recommendations, Park & Rec recommendations; I would support leaving it the way it is now so that it sends a message to developers and others that we have a system in place—and as a result, only the best of the best gets to build here.

President Morgan said that she agrees with that. She believes in the process, and that we as the Commissioners have the decision to have the final say. We need to trust the staff and advisory boards/committees in place—that is why we put them there, which is an important part of getting the plan/process to us. I don’t mind seeing it ahead of time, but I don’t think we should be bypassing the process, giving our input/making a decision when we don’t have all the information at that point.

Solicitor Zator wanted to interject a practical component to all this. He explained that sometimes you have developers who come to the BOC to get your decisions on waivers under the SALDO. The reason that happens prematurely, as opposed to waiting for the PC recommendation is that it involves protocol design elements before the developer spends six figures for the engineering that goes into it. In terms of Park & Rec, open space issues, across the board and throughout the region, if there are one thousand recommendations

made by Park & Rec, it would be hard to find one that was not followed by the public officials. If this Board feels that they might not want to follow a recommendation by Park & Rec, you will find that developers on their own will start to request being on the agendas to get the decision of the Board because they will not want to go back and redesign and spend money in the six figure range because a design doesn't work. They want to know up front. This is just the practical ramification.

Commissioner Kelly asked what is the harm in the plan coming to us after Park & Rec. She feels it could come from Parks & Rec and be brought to the BOC at their next meeting—it could be a five minute review to give our thoughts, which would not slow down the process.

Commissioner Mobilio agrees we should be involved earlier on in the process in that we get the information/recommendations as early as possible, just not at the initial stage.

Township Manager Renee Bickel, in response to Commissioner Kelly's request, clarified that you are asking that Parks & Rec reviews it on their meeting night, and then next day we receive a memo from Park & Rec with their recommendation fee in lieu of OR the dedication of the space; it goes on the next BOC Agenda, where you all see it and say you are in agreement or not with decision of fee in lieu of, OR dedication of open space. Commissioner Kelly said yes. Renee said, and then we would follow up with the developer regarding the decision of the Board. George said that he believes the developer would have to be invited to that meeting where the discussion takes place. George said the developer may have a rationale for what they are asking. Solicitor Zator did agree with what George said. If you are making a decision, it is binding, and the developer should be there. Solicitor Zator - if it comes to the BOC at an earlier stage, for a decision, then it sticks for the duration of the development-planning process. In this way we would avoid legal pitfalls.

Randy explained that the memo is generated by Gregg Adams.

Commissioner Mobilio explained that the "when", referring when it should come to the BOC, was omitted from the SALDO, and usually in the legal world, when something is omitted it is presumed to be intentional. In this case, perhaps to allow all the departments to review these recommendations, and then in turn make a recommendation to the BOC?

Commissioner Mobilio - Are we (the BOC) the recommending body or the deciding body?

Commissioner Kelly read Section 312.36 – fees in lieu of such an agreement shall be indicated by a motion by the Board of Commissioners in a public session after receiving a recommendation from the Parks & Rec Board regarding a proposed payment of fees in lieu of land dedication. Such an agreement shall be secured prior to preliminary, or preliminary-final plan submission for all residential or mixed use land development containing more than 50 residential dwelling units. How do we do this practically at the end of the process with the developer?

Commissioner Mobilio said that we are still in compliance of the ordinance. I don't know how else to read this ordinance. I'm open for suggestions. His interpretation of the statute is that we get a recommendation from the Park & Rec Board, and we make a final decision

based on their recommendation. If that is indeed how it reads and is interpreted, then, we have been doing this. He is looking for a legal interpretation of this.

Solicitor Zator said that Commissioner Mobilio's interpretation of this is absolutely correct. It is a recommendation by Parks & Rec Board, and a final decision to be made by the BOC, and as far as he knows, this is how it has been happening. The pragmatic point of all this is that if the recommendation of the Park & Rec Board is not going to be a rubber stamp at the BOC level, and the BOC intends to scrutinize or go in a different direction than that of the recommendation given by the Park & Rec Board, from a legal standpoint, as well as a preventative, pragmatic, and fairness standpoint, that decision from the BOC should come early in the process, not at final plan approval.

Commissioner Mobilio – Would that require an amendment to the SALDO? Solicitor Zator said not necessarily. He will have to take a look at the language.

President Morgan said there is obviously a lot of discussion that needs to happen on this particular topic and the process and if/how we want to move forward with this. She asked that the Board take some time to digest what was said so that we can make an informed decision on this, not necessarily with the process, but when we see the information. We can revisit this at the next meeting. Commissioner Kelly agreed with this. President Morgan said that if there is any additional information that any of the Board members may need on this, that perhaps Community Development could provide, put that request in to Renee and she will get that to George and his team, and then we can all be copied on the responses to any questions asked so we are all on the same page.

b. Commissioner Mobilio

He feels it is important that during this time of crisis that there be a uniform, streamlined process to address new and existing issues that come to the Township. This uniform, streamlined process once existed in the Township back as early as 2010. August 4, 2010, Ordinance 922 was adopted, which updated certain provisions relating to the position of the Township Manager. Section 1.78 of that Ordinance 922 reads as follows:

Neither the Board of Commissioners nor any of its members shall direct or request of the Township Manager, or any of Manager's subordinates, the appointment of any person to, or removal from, office or in any manner take part in the appointment or removal of officers and employees in the administrative services of the Township. Except for the purpose of inquiry, the Board of Commissioners and its members shall address the administration of the Township only through the Township Manager, whose actions shall be directed solely by vote of a majority of the Board. Neither the Board, nor any member thereof, shall give orders to any subordinate of the Township Manager, either publicly or privately.

Reinstituting this provision will help establish a uniform, streamlined approach to addressing new and existing issues coming into the Township. Accordingly, I am asking the Solicitor to prepare an Ordinance revising and amending Sections 1.71 to 1.80 of the SWT Codified ordinances to include word-for-word the language of Section 1.78, of Ordinance 922, to be advertised for a vote at the next Board meeting. I think with the application of this new ordinance, it will help alleviate the pressure on our administrative staff and help streamline

the process and relieve the tension and stress from the COVID-19 crisis as it relates to the prioritization of Township business.

President Morgan – are you suggesting a MOTION.

Commissioner Mobilio made a MOTION that the Township Solicitor prepare an Ordinance as directed above, and advertise proposed Ordinance to be on the June 3, 2020 BOC Agenda.

President Morgan - Agrees and thinks a streamline process for how information is fed to our Township Manager and ultimately through to Staff, as well as for the Township Manager to prioritize those requests is very important to the effectiveness and efficiencies of this Township, and to the well-being of our Staff. I fully support it. I second your MOTION.

Solicitor Zator said that due to advertising, he confirmed that the earliest this could come back on the agenda would be the June 3rd Agenda.

Commissioner Wolk - Feels it is consistent with the orientation they received as new commissioners and Section 50 as it relates to the Township Manager. He feels this is fine.

Commissioner Setton – Feels it is a good point for all reasons Commissioner Mobilio mentioned, in addition to the fact that it would allow us, as Commissioners, to be united on all questions asked, so that we can be informed as a group.

No comments from public.

Roll Call Vote taken as follows:

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

Motion carried.

No other Direction/Discussion Items.

10. OLD BUSINESS

- a. **Wehr's Dam Status** – No change; still waiting on permit.
- b. **Campus Renovation Project** – Work has begun again. We will be getting information from them with a renewed timeline.
- c. **Township Digital Platforms** – Wrapping up interviews with some potential providers. Will have a recommendation for proposal on the May 20th Agenda.
- d. **Credit Cards** – Due date of June 30th.

11. COURTESY OF THE FLOOR

Brian Hite – 1273 Eck Road. Mike Elias did a great job in helping me with a flooding issue at my house on Monday. Without his assistance, my property would have been in much worse shape.

Lee Solt – Question addressed to Solicitor Zator. How does Act 15 go with the Ridge Farm project that we have in front of us right now. Solicitor Zator to the extent that there are any public meetings as they relate to Ridge Farm, within this window of emergency claimed by the Governor and also within the window of Act 15 itself, he went on to say that he believes that the Ridge Farm Project is on the May 21st PC Agenda. That meeting will be conducted virtually and comply with the Act 15 requirement, which I went over earlier in the meeting. Notices will also be compliant to Act 15.

- 12. PAYMENT OF INVOICES:** A MOTION was made by Commissioner Setton and seconded by Commissioner Kelly to approve the payment of all invoices. All in favor; none opposed.

Roll Call Vote taken as follows:

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

Motion carried.

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

- 14. ADJOURNMENT:** At 10:49 p.m. a MOTION was made by Commissioner Kelly, which was seconded by President Morgan to adjourn. All in favor; none opposed.

- 15. APPROVED:** On May 20, 2020, a MOTION was made by Commissioner Kelly, which was second by Commissioner Wolk to approve the May 6, 2020 BOC Meeting Minutes as amended.

Roll Call Vote taken as follows:

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

Motion carried.
