



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

June 3, 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
Steve Carr, Director of Finance
Chief Glen Dorney, SWT Police Department
George Kinney, Director of Community Development
Tracy Fehnel, Executive Assistant - Absent

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)**

Prior to the start of the meeting, President Morgan wanted to take the time to address the Public with regard to comments, questions, and concerns we received.

President Morgan - The Board of Commissioners is aware of the recent Facebook post by Mr. Matt Mobilio. This post does not express the views or position of SWT as a municipal agency or this Board of Commissioners. Mr. Mobilio spoke out on Facebook as a private citizen unassociated with the Township. This Board will not attempt to speak for Mr. Mobilio, nor will this meeting become a referendum of private citizen Matt Mobilio's personal conduct or views. Mr. Mobilio can speak for himself if and when he chooses to do so. I do

note that some Facebook posts are calling for his removal from office, and we would just like to note for the record that removal from office is something that is entirely beyond the authority of this Township Board. Later this evening, we will open the meeting up to public comment during the Courtesy of the Floor, and we will certainly allow for that. But I want to remind everyone that we do have Rules & Regulations in South Whitehall Township for the Conduct of Public Meetings under the Sunshine Act. It is my intent to follow those rules. Later in the meeting, we will have a five-minutes per person limit, and we will not allow comments that are scandalous, impertinent, redundant, or designed to disrupt. There will be no personal attacks allowed, and comments may not be argumentative with others. It is our intent to keep the meeting civil and moving along so we can end the meeting at a decent time this evening. I do appreciate everyone's cooperation. I do note that there are a lot of people who want to speak, and certainly have the right to do so. With that being said, Mr. Mobilio has asked if he could speak, but we will not be receiving any further discussion on this matter until at the end of the meeting.

Matt Mobilio – I have asked President Morgan to allow me to make a brief statement before we get down to Township business. By now, everyone knows about a post that I made on my personal Facebook page that Parkland School Board member, Patrick Fuse and others have aggressively shared on social media. The post was ill conceived, it was in poor taste, and I deeply regret what I said. I apologize to the citizens of the Township, to my fellow Board members, and anyone else offended by my post. I know that many of the people on this video meeting today are here to ask for my resignation. Some of my fellow Board members may even do the same tonight. Some requests for my resignation may be legitimately based, on a sincere belief, that my personal politics may somehow affect my ability to govern, despite the commissioner's position being a-political and that our issues do not in any way involve partisan political issues. But from the threats I have received over this incident, and from the social media posts I have seen, it is my belief that the vast majority of those calling for my resignation are individuals with a political or other agenda. With that being said, everyone will be given an opportunity to express their outrage, real or otherwise, as to what was posted on my Facebook page. However, if it is your intent to use this forum in an attempt to intimidate or to encourage me to resign, then I am afraid this meeting will leave you disappointed. Under no circumstances, and no matter what anyone plans to say tonight, I will not resign. What I will do is, after everyone has said their piece, I will get back to the work of the Township which the 2,000 voters sent me to do here in November. I will continue to do the work the voters sent me here to do, until no sooner than January 2024 when my term expires. Thank you.

At this point, President Morgan said we will move into the business portion of our meeting.

4. MINUTES

a. May 20, 2020 - BOC Meeting Minutes

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Mobilio, to approve the May 20, 2020 BOC Meeting Minutes.

Roll Call Vote taken as follows:

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

5. **ORDINANCES**

Advertised for Possible Adoption - 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

Solicitor Zator indicated he will now open a public hearing (time 7:12P) for this proposed ordinance. The purpose is to inform the public and provide opportunity for public comment. Additionally, Staff will give an overview, as well as provide an opportunity for Applicant, Mr. Posocco and/or his representative to present. Next there will be a time for BOC questions, followed by public comment. This has been previously advertised. PC has reviewed and endorsed. LVPC has similarly reviewed. At the conclusion of the public hearing, should the BOC which to do so, can vote to adopt or not.

George Kinney, Director, Community Development Department presented as follows:

This is a request to amend the Zoning Ordinance to increase the maximum building height permitted in certain residential zoning categories.

Relevant Hearing Dates

- November 2019 – The Board of Commissioners (courtesy of the floor) heard and considered a request from an Attorney representing Blue Barn Meadows. Specifically, the request was to amend the Zoning Ordinance to allow an increase of the maximum height limitation for townhouses from the required thirty-five (35) feet to a proposed forty (40) feet. The Board of Commissioners directed staff to review the proposal and report back.
- November 21, 2019 - The Planning Commission informally considered the request. They were generally in favor of reviewing a formal proposal but directed staff to solicit opinions from the Public Safety Commission.
- January 13, 2020 - The Public Safety Commission considered the matter and indicated no concerns with the proposal as requested.
- January 15, 2020 – Following a brief staff update, the Board of Commissioners directed the applicant to submit a formal application for Planning Commission review and BOC consideration.
- February 20, 2020 (**Final Action**) - The Planning Commission (6 members present) formally considered the matter and unanimously recommended that the Board of Commissioners approve the amendment as proposed.

- February 26, 2020 - The amendment was transmitted to the LVPC for their mandatory review. They found the request to be a matter of local concern and generally consistent with FutureLV: The Regional Plan.
- May 6, 2020 – The BOC authorized a motion to proceed with advertising.

Potential BOC Discussion Items

- The initial application asked for height increase in specific districts (R-5 and R-10). Following Planning Commission and staff review, it was determined that the maximum height limitation for a residential building should be made consistent throughout all residential zones to ease enforcement, provide consistent regulations, and more closely mirror the intent of the Municipal Planning Code. This recommendation includes the addition of the R-3 and R-4 zones.
- The 40-foot maximum height limitation for residential buildings is already in place in the RR, RR-2, RR-3, and R-2 Zoning Districts.
- Apartment Buildings are not proposed to be included in this amendment, as they are considered to be both Residential and Commercial in nature and already have options for greater height in place.
- A question that arose at PC review: Is there a minimum floor height mandated by UCC? Township BCO Response: *“The minimum height of any habitable room is seven feet. In order for buildings to stay under the International Residential Code (to be considered single-family, two-family, and townhouse dwelling), instead of under the International Building Code (to be considered apartments, condo’s, etc.), the maximum number of floors is capped at three stories above grade plane”.*

Solicitor Zator noted that all evidence of proper advertising and edifications are in the Township files if anyone needs that information.

Mr. Dave Posocco showed some slides with regard to roof pitches—he explained they simply want the homes to look nice, and this increase in height would accomplish that—“a steeper roof pitch is architecturally more attractive”. President Morgan commented that it definitely does make a difference in how it looks.

Solicitor Zator asked if the Board had any questions at this time.

Commissioner Kelly – thanked Dave for his presentation—it gives a clear picture of what he is talking about. She said she is in favor of approving the height increase he needs for this development.

Commissioner Wolk – same comment as last time this was on the agenda. I believe the reason for the request for this development is valid. It is aesthetics. I would approve it for this specific development. For all the other zones, that is an altogether different matter.

Dave Posocco - Why is that?

Commissioner Wolk – I think we need to evaluate what we are doing in the Township as far as building height, since we have a mixture of different building heights across the zones.

Commissioner Kelly – We are currently working through a Comprehensive Plan Update, which will ultimately lead to potential zoning changes. So it is more a global issue that we are looking at as a Township.

President Morgan – I believe we asked George Kinney to look at the potential impact to the other zoning areas and there was virtually none. I don’t believe this was an issue that would

affect any of those other zoning areas. In my opinion it makes sense, and I support the change as well.

Commissioner Mobilio – had no comment, since this was talked about on several other occasions. He is satisfied with info to date.

Commissioner Setton – He would always like to see the steeper roofs, rather than the flat roofs. He feels this is a very good thing to do. He would support the change.

Solicitor Zator – Asked for public comment at this time on this proposal.

Chat – there was no comment from the chat on this issue.

Solicitor Zator – Based on that, the hearing closed at 7:33 p.m.

A MOTION was made to approve by Commissioner Setton, which was seconded by President Morgan, amending the ordinance as discussed above.

Roll Call Vote taken as follows:

Commissioner Wolk:	NO
Commissioner Setton:	AYE
Commissioner Kelly:	NO - Would approve for the zoning district he is asking for, but will not agree to making a sweeping change across the board for all of our districts. Unfortunately, will have to vote NO.
Commissioner Mobilio:	NO - In his opinion does not feel we really got a good answer as to why we should make a change across the entire Township.
Commissioner Morgan:	AYE

Motion did not pass.

Commissioner Kelly – Is it possible to make a motion to approve just the zoning district, which applies to this specific development, even though it was not advertised that way? Solicitor Zator said that would be a sufficient enough change which would require this to be re-advertised.

Dave Posocco – that is disappointing. It was the Township who wanted to ask for all the other districts to keep things consistent. I was just interested in R5 & R10—actually R10.

President Morgan – We will have to go back to the drawing board, and make it specific to that one zoning district if we would like to pursue this, and for Mr. Posocco, it certainly makes sense. We would need to advise as a Board to move forward to have this reviewed as a single zoning district.

Commissioner Kelly – Could Mr. Posocco ask for a variance?

Gregg Adams – The ZHB has heard repeated requests for variances on height. There are stringent standards within the ZHB to granting these. There has to be some kind of hardship, and really there is no hardship here, which is why they have consistently turned down such variances. Also, this not only has to be re-advertised, it has to be re-written and then sent to the LVPC for their 45-day review before we can move it forward. So, this is essentially a three-month delay.

Commissioner Setton – Mr. Posocco is this going to be a problem for you, this three-month delay.

Dave Posocco – Three months will be ok, but any longer might be a problem.

Gregg Adams – The 40 feet already exists in RR3, RR2,RR, and R2. So if you go to R5 and/or R10, the only districts remaining with a 35 feet maximum height limitation would be R3, R4, and the HC1.

Commissioner Setton – The Board talked about this and agreed to make a motion to advertise. I don't understand why it's not approved now.

President Morgan – I agree with Joe. We talked about this and the impact to the other zoning districts, and there was no impact. It doesn't make sense why we are holding on this, because we are going to come back to the same conclusion. Now we are holding this up, and going to spend more money just to re-advertise for that one area, and come back to the same decision.

President Morgan – Summarized that the Board directs staff to work on the ordinance, as it relates to that one specific zoning district Mr. Posocco had mentioned, and then come back to the Board for reconsideration.

Solicitor Zator - Since this has been fully vetted, and in order to take a bit of time off of this, Staff can make the necessary ordinance modifications, and then get to the Township PC and then the LVPC for their required time period, and if the Board this evening is amenable to authorize the advertising at the soonest available opportunity, this may save a couple of weeks.

The Board was agreeable to this.

- b. Advertised for Possible Adoption - An Ordinance Amending Chapter 50, Article I (Township Manager) Of The Codified Ordinances Of South Whitehall Township To Restrict The Board Of Commissioners And Its Members From Appointment Or Removal Of Officers Or Staff In The Administrative Services Of The Township And Mandating The Board Of Commissioners And Its Members Address Administration Of The Township Through The Township Manager And To Provide For Severability, Retention Of Rights To Enforce, Repealer And An Effective Date.**

President Morgan noted that we did have discussion on this at a previous meeting and has reached this point for possible adoption at this meeting.

Solicitor Zator explained this was discussed at the May 6, 2020 BOC Meeting, where he was directed to prepare the ordinance, to be advertised for adoption, and is here tonight for consideration for adoption. This is a modification to the Township Manager Ordinance. It is here tonight for a vote for adoption.

President Morgan explained that with regard to this ordinance, there is a process to be followed. We are legislators, they are administrators. We need to be respectful of that process regarding the chain of command. The ordinance clearly defines that chain of command. There is a proper functioning of the Township.

***See Attachment A – Comments made by Commissioner Wolk.**

President Morgan - In response to a question from the Public, she explained that primarily, this is a means to control the flow of information to make sure that it is going to essential personnel, and disseminated across the board to all Commissioners and Staff. This will allow for everybody to have the same information—it is a chain of command and a flow of information. Any board member can ask a question to the Township Manager, but it is important that the other board members are briefed on that information—the information is not just provided to the one member, but is shared with the all board members so that everyone is kept in the loop, has the same information, and on the same page.

Commissioner Mobilio – The Township Manger will get more information directed to her, but this will allow her to prioritize which gets full attention immediately. When a commissioner comes to Staff, and they say they need answers to these questions, that comes across that it needs to be done now, because it is being asked by a commissioner. This is to have one person in charge, prioritizing, so that those things that don't need immediate attention can give way to those things that really do need immediate attention.

Commissioner Kelly said that she tries to be very gracious with our administrative staff and appreciates what they do, and if in some way she would burden staff, she asks that they please talk to her. She would be very happy to work with any staff member.

A MOTION was made by Commissioner Mobilio, which was seconded by President Morgan, approving the adoption of said ordinance as discussed.

Roll Call Vote taken as follows:

Commissioner Wolk:	NO
Commissioner Kelly:	NO - Feels it should be TABLED in order to get more information regarding why it was changed 6 years ago. Doesn't feel it would be good for the Commissioners or the Township.
Commissioner Setton:	AYE
Commissioner Mobilio:	AYE
Commissioner Morgan:	AYE

Motion carried.

President Morgan said we will look back in the minutes with regard to why this change occurred six years ago.

6. **RESOLUTIONS**

a. **A Resolution Granting Final Approval to a Major Plan Entitled "Parkland Manor Phase 4 Senior Living"**

George Kinney, Director, Community Development Department, explained that this is a request for Final Subdivision and Land Development approval. The plan proposes to construct an 80 unit, four-story senior living facility and associated parking.

[Relevant Hearing Dates](#)

- September 28, 2016 – The Zoning Hearing Board granted Special Exception approval to utilize the former Racquetball Club as a retirement facility.
- February 1, 2017 – The BOC approved Resolution #2017-16 granting a Land Development Waiver and permitting the redevelopment of the former West End Racquetball Club as a Retirement Facility. The amended plan proposed an addition over the existing basketball court and the removal of the existing swimming pool.
- July 18, 2019 – The Planning Commission considered and recommended granting waiver of land development for several minor site improvements with the understanding that the waiver approves current base conditions for the site and would be followed by the submission and review of a comprehensive Land Development Plan application.
- August 21, 2019 – The BOC approved Resolution #2019-41 granting waiver of land development as recommended by the Planning Commission.
- October 17, 2019 – The Planning Commission considered and recommended the current preliminary land development application subject to fourteen (14) conditions.
- December 18, 2019 – The BOC approved Resolution #2019-66 granting preliminary plan approval to the project and pursuant to the Planning Commission recommendation.
- April 16, 2020 – The Planning Commission unanimously recommended Final Land Development approval subject to sixteen (16) conditions and two (2) waivers as follows:
 - ✓ Request to waive requirement to show certain off-site utility features. The Planning Commission recommended approval citing the level of information on the plan was deemed acceptable.
 - ✓ Request to waive requirement to show off-site trail, easement and ROW features. The Planning Commission recommended approval citing the level of information on the plan was deemed acceptable.

Potential BOC Discussion Items

- This is a relatively straight-forward request and there was minimal public input and/or discussion at the Planning Commission meeting.
- There were no elevations provided with this request. Staff would recommend the building elevations presented to the Commission during preliminary plan approval be included with the request. Those plans showed a ‘front face’ to Crackersport Road that was context sensitive and visually appealing to those bikers, walkers and motorists that utilize Crackersport Road.

Bill Erdman, Keystone Consulting Engineers; Attorney Blake Marles, Stevens & Lee; and Priya Atiyeh, Vice President, Parkland Manor Senior Living Care, were all in attendance to answer any questions for Board/Public. There were no questions at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the above-mentioned Resolution, granting final approval to a Major Plan Entitled “Parkland Manor Phase 4 Senior Living”.

Roll Call Vote taken as follows:

Commissioner Wolk:	AYE	
Commissioner Kelly:	AYE	- Thanked Priya and everyone on her staff—a fantastic job was done to make this site a beautiful jewel for SWT.
Commissioner Setton:	AYE	
Commissioner Mobilio:	AYE	
Commissioner Morgan:	AYE	

Motion carried.

President Morgan congratulated Priya and team.

7. **MOTIONS** – None.

8. **CORRESPONDENCE AND INFORMATION ITEMS**

- a. **Public Notice - Joint Board of Commissioners and Planning Commission Meeting will be held on Wednesday, June 10, 2020, at 6:00 p.m. to discuss the Comprehensive Plan—Summary of Phase 2, with Intro to Phase 3. (Details for GoTo Meeting on Website.)** – FYI.

9. **DIRECTION/DISCUSSION ITEMS**

a. **Discussion Regarding Outdoor Dining in South Whitehall Township**

At this time, President Morgan deferred this item to Commissioner Setton and George Kinney.

Commissioner Setton explained that during these current difficult times some of the people hardest hit are our restaurants. He discussed the possibility of SWT Restaurants be given the ability to potentially get some more revenues by moving some of their tables onto the parking lots to serve customers. Renee and George came up with the guideline policy—Temporary Outdoor Dining Guideline Policy for discussion this evening as follows:

SWT TEMPORARY OUTDOOR DINING GUIDELINE POLICY
Effective upon SWT BOC adoption through November 30, 2020.

Any restaurant establishment and/or retail food service business located in South Whitehall Township may operate an outdoor dining area pursuant to the following guidelines:

- Outdoor dining is permitted on public and/or private property as an accessory use to a restaurant or retail food service business that has indoor seating.
- If a restaurant or retail food service business is not the property owner, then it must obtain written permission from the property owner prior to installation.
- The hours for outdoor dining shall be the same as the restaurant or retail food service business hours of operation.
- The location of all furniture, fixtures and facilities associated with outdoor dining shall be such that a continuous 4' pedestrian access route is maintained.
- The location of the outdoor dining area shall not impede any vehicle travel way.
- The outdoor dining area, at owner expense, shall be kept in a neat and clean condition, free from nuisance, debris, litter and trash.
- Outdoor dining areas may extend beyond their property boundary with written permission from the adjacent property owner.
- Only tables, chairs, umbrellas, landscaping, refuse containers, approved heaters/fans, and pedestrian amenities shall be permitted in the outdoor dining area.
- Refuse container(s) should be provided within the outdoor dining area.
- Outdoor advertising shall not be permitted with the exception of menus and/or sandwich boards.

- While in the YELLOW and GREEN phases of the Pennsylvania Covid-19 Reopening Plan, South Whitehall Township restaurants and retail food service businesses should observe Governor mandates as relevant to those particular phases.

Submission Requirements, Inspections and Fees

- 1) A building permit or zoning review shall not be required for any outdoor dining area for the duration of this guideline policy.
- 2) A sketch plan shall be submitted to the Township for review prior to establishing an outdoor dining area. This sketch plan shall include owner permissions and clearly indicate the location of the dining area and any amenities proposed thereto, including furniture and advertising.
- 3) There is no fee for this submission or review and the approved sketch plan shall act as the permit, which is to be maintained at the location of the outdoor dining area.
- 4) Once established, the outdoor dining area is subject to review of the SWT Fire Marshal for compliance with these conditions and any other safety measures related thereto.

George explained that this is in an effort to help the outdoor dining establishments, particularly during the yellow and green phases of the Re-opening Plan by the Commonwealth. The idea is not to be over burdensome to the restaurants; this criteria really would not even require a permit, only a simple sketch plan submission which would act as the permit.

George explained this is for your discussion and we look for direction from you this evening on this matter.

President Morgan said this is exciting and certainly a way to help bolster our local businesses.

Questions, thoughts, comments from the Board:

Commissioner Kelly - What is the timeline once a sketch is submitted? George said he feels it should be no longer than a day or two at most. He's sure there will be a real push on the front end, and we'll have to work real hard accommodating, but after that it will probably trickle down from there.

Commissioner Kelly - What type of sketch plan are we talking about? George said whatever they want to come in with. We need a general idea of where that area will be, and what kind of furniture and fixtures are to be included in the design.

Commissioner Kelly thanked George for his work on this.

George indicated that Chief Dorney and Chris Kiskeravage do have a copy of this, since this is only a draft, he is looking for direction from Solicitor Zator as to how to proceed from this point.

Commissioner Setton said that clearly there are things we have to worry about legally, but we want to make this as simple as possible for the restaurants so that they can do this as quickly as possible, in order to benefit the most from this.

Solicitor Zator ask George if he is correct in assuming the intent is that for those restaurants who already can operate outside, they do not have to go through this process of presenting a sketch, etc., because they already have their permissions. George said he would agree. Commissioner Setton also said that is correct; however, those same restaurants may want

to expand even further than what they have currently. Solicitor Zator clarified by saying the intent is to be permissive; to help restaurants to operate outdoors as opposed to placing new restrictions on them. George said that is the idea. There is no fee. The review will be quick, and the sketch plan would stand as their permit. Not sure how legislatively this is labeled as a "Temporary Outdoor Dining Guideline Policy".

President Morgan asked Solicitor Zator how quickly can we do this, because, quite honestly, every minute matters for the restaurants. Everyday closed makes it more difficult for them to get back on their feet.

Commissioner Setton agreed with President Morgan and said that this Friday we move from red to yellow, so it would be wonderful to let the restaurant owners know they can start on Friday.

Township Manager Renee Bickel said, and asked Solicitor Zator to correct her if she is wrong, that the Board can make a motion that they support the idea and we can tweak and finalize the details of this policy if necessary—she thinks we could move forward with this.

President Morgan said we need to ask the public if they have any comments on this; however, I would recommend that we make a MOTION at this time to doing this as soon as possible.

Commissioner Kelly – Solicitor Zator, have you not vetted through this document as of yet?

Solicitor Zator – I did receive it via email today, and have read it, and I have no issues or concerns with it.

Commissioner Kelly – For restaurants who do serve alcohol, how do we make sure the LCB rules are adhered to if we are going to allow dining outside their establishments and how do we address that in this document?

Solicitor Zator – Any restaurant or establishment that has a Liquor License, as part of the approval for the license, they must provide to the LCB as part of their application, where physically, on the ground, in the building, that is going to be covered for service of alcoholic beverages. We cannot as a Township alter that. We are not privy to that information as to where those physical locations are at the various restaurants, but in large, that will be an issue for the individual restaurants. We could communicate to the restaurants when this policy is passed out, that the Township has not in any way given permission to amend the authority given by the LCB as it relates to the serving of alcohol. This might be noted with an asterisk somewhere at the bottom of this document.

George Kinney added onto this that if you google the Governor's Orders for yellow phase and green phase, you see that he deals directly with the liquor control issue. He does specifically speak to bars and how they can operate in both the yellow and green. There is information there as to how liquor/bars are to operate under those two phases.

Solicitor Zator said - We cannot give permission. That can only be granted by the State. Whether that permission comes from the LCB, or pursuant to the Governor's Orders, we cannot enhance that.

Mr. Chaya, Resident of SWT, and as a license holder himself, said that the City of Allentown has begun their program today and has it laid out nicely on their website with an interactive template (the application). It is concise in what it says. The LCB controls the sale of liquor outside the premises. It does not control the consumption of liquor outside of the premises. If you do not have the extension of premises beyond the walls of your building, you can't sell it outside, but the State is allowing people to go inside and buy it, which you are allowed to do under yellow, walk outside to outside seating, and consume. There is some flexibility in the way it is being approached by the LCB. He said a good contact at the City to talk to would be Mike Moore; he would be able to give all the information on this, which may save SWT a lot of time.

Commissioner Wolk – What about BYOB? (i.e. Bamboo, Thai Avenue, etc.) Commissioner Setton said they would have to deal with the owner of the property. We cannot tell the owner of the property to put tables outside. We can give them the authority. Commissioner Wolk asked if it was permitted within the premises, would it be permitted outside or not? Commissioner Setton said he is not sure what the LCB permits, but would suggest that outside liquor be prohibited.

A MOTION was made by President Morgan to move this along to the next steps. She thanked Staff for putting this together, and thanked Commissioner Setton for the idea. The MOTION was seconded by Commissioner Setton.

Roll Call Vote taken as follows:

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

Motion carried.

President Morgan said Staff will go through next steps, and that Solicitor Zator will make sure that legally everything is in order, so as to benefit our restaurants as soon as possible.

10. OLD BUSINESS

a. **Wehr's Dam – Status**

Township Manager Renee Bickel explained that PA DEP has not done the review of the permit as of yet. Apparently they have not been working at times during this pandemic. So, this permit is still outstanding. Nothing new from last time.

b. **Credit Cards – Status** – Steve Carr, Director of Finance said we are still shooting for June 30th.

11. COURTESY OF THE FLOOR - Non-agenda items.

***See Attachment B – Comments made by Commissioner Kelly.**

***See Attachment C – Comments made by Commissioner Wolk.**

The following individuals shared their comments with regard to Mr. Mobilio's comments on his personal facebook. Those individuals were: Commissioner Kelly, Commissioner Wolk, Susan Shortel, Jacob Roth, Becky Wamsley, Mike Yellak, John Chaya, David Burke, Robert Beam, Mark Pinsley, Monica Hodges, Charles Eichner, Robert Hodges. After all comments were made, Commissioner Mobilio said that he is not going to resign; however, he will work to win back the trust of the people. Whatever my fellow commissioners think of me personally or my comments, they would agree that I am dedicated to this job. I come prepared, I take this very seriously. It was a horrible error in judgment, a horrible thing I said, but I feel SWT is a better place with me as a commissioner, as opposed to me not being on the board. For these reasons I am not resigning.

Bill MacNair – spoke regarding the Transportation Improvement Program as it relates to our updating of the Comprehensive Plan. He wanted to submit a letter to the LVPC & PennDOT re-the TIP Projects in our Township. He wants to note what has been dropped and what is currently there. We want to continue to work with them as these projects develop. Bill said that this will allow for us the opportunity to comment/address later. George thought it was a good idea—it will allow us a voice with Penndot in these project as they unfold. President Morgan thought this made sense.

***See Attachment D – Comments made by Commissioner Kelly.**

President Morgan said she absolutely agrees with everyone's comments on Matt's statements, but this is Commissioner Mobilio's challenge to address at this point. He needs to redeem himself with the public. She wanted to make clear that she believes as a Township we are not broken. One person is not going to break us. Mr. Mobilio was wrong in what he said, absolutely; and I believe he admitted that. But, we are not broken as a community. We as commissioners cannot make him resign. He has already publicly stated he has no intentions of resigning.

Commissioner Mobilio felt it was important that this motion be voted on. He feels it is important for everyone to know where everyone stands on this issue. Regardless of what the outcome of that is, I am not going to resign. But for the purposes of all the commissioners putting their votes on the record, the vote should happen.

Roll Call Vote taken as follows:

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

Motion did not carry.

President Morgan said that going forward it is Mr. Mobilio's job to build the trust and integrity with the residents of South Whitehall, which she believes he can do. It will be a challenge/struggle—it will be a huge hill to climb. She went on to reiterate, she does not believe our community is broken.

Commissioner Kelly clarified that she used the word tarnished, not broken.

Commissioner Mobilio explained that he does not want to hide behind the first amendment rights, as a justification for the things he said. Everyone who voiced their concerns this evening has a right to be upset and offended. Legally we may be allowed to say certain things, but that doesn't mean they won't have negative consequences.

This ended the COF section 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.

Roll Call Vote taken as follows:

Commissioner Wolk:	AYE
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 10:09 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to adjourn. All in favor; none opposed.

15. APPROVED: On July 15, 2020, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the June 3, 2020 BOC Meeting Minutes as amended with Attachments A, B, C, & D.

Roll Call Vote taken as follows:

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

Motion carried.

Attachment A – Comments by Commissioner Wolk

I'd like to talk about the government structure and organization mainly between the BOC and Township Manager roles and responsibilities. This is what's involved here with implementing this ordinance, repealing it and reinstating it. There is a balance of authority issue between the BOC and the Township Manager. Here's how our government is structured:

- The BOC is elected by the people
- The BOC has the accountability and the authority to govern the township
- The BOC appoints the Township Manager
- The BOC provides direction to the Township Manager
- The Township Manager serves at the pleasure of the BOC
- The Township Manager has the responsibility for the township administration
- The Township Manager responsibilities are defined in the SWT Code & Employment Agreement

To summarize these points:

The BOC is elected by the people, the BOC governs the township, the BOC appoints and directs the Township Manager, it's not the other way around.

This Ordinance was in place up through 2014. The Ordinance called "Restrictions on Commissioners" was repealed in 2014. The balance of authority between the BOC and Township Manager precluded good government. At the time, it was seen that the Township Manager had too much power. I don't believe we should reinstall this Ordinance call "Restrictions on Commissioners". We cannot afford to return to that government that we had in place in 2014 for those reasons.

It's critical that the BOC must stand for open government and fiscal responsibility. We need financial information to do our job and we need it from the Township Manager and the staff. The financial information should also be shared with the public. The proposed Ordinance can deter, through no malintent whatsoever, the transparent sharing of financial information and it can enable financial malfeasance like the 2011 embezzlement.

In large overview, for all of these reasons, I don't think this Ordinance should be reinstated.

Attachment B – Comments by Commissioner Kelly

Last fall when I ran for office, during my campaign, one of the things I talked about to residents was that I wanted to be a voice of the people. I was elected to serve our entire community, regardless of political party. It is our responsibility as a board, as your elected commissioners, to use our platform to encourage our community. I would like to share a message that I received from a resident. I do not know this individual; I have no connection to him whatsoever, there is no ploy, no behind the scenes. I received dozens of messages but this one was important for our community and board to hear. I will quote his message in its entirety. “As a property owner in South Whitehall Township, will you be asking Matthew Mobilio if he will be hanging me for treason since I am a supporter of our President. I hope you understand that those of us with different views and opinions of Mr Mobilio will always wonder if he will be treating us fairly and equally as those with ideas he supports.” I have to say, the last day and a half, the comments and questions I have received have weighed very heavily on me as a commissioner. The community is looking to me to ask Commissioner Mobilio these questions and I wanted to use this as an example of many, for all to understand what our community is feeling. I thank this resident for reaching out to me and to the dozens of others. We as a board have received multiple letters by email as well and this is a very difficult situation for all.

Attachment C – Comments by Commissioner Wolk

I would like to speak on behalf of the people of the township who have voiced their concerns about the recent, politically divisive, statement. This is my understanding of what they are all saying if you pull it all together.

People have to be able to trust their government. The BOC can only govern effectively if it earns and maintains its citizens' trust. This is a matter of integrity. Each Commissioner must behave and act with integrity to earn and maintain the peoples' trust.

There is no integrity when a Commissioner claims to represent all of the people and then states that half of the people with different political viewpoints are "a disgrace and should be hung for treason".

This most egregious lack of integrity has fractured the peoples' trust that this Commissioner can and will act in the best interest of the entire community.

Now we must move forward to heal from the wound which has been inflicted upon the township.

We must now assess whether we have the ability to restore the peoples' trust. The question is can we serve the entire community given the divisive statement made by one of our members.

The BOC must consider all of the citizens written statements and let the people express their serious concerns in person tonight.

And then we the BOC must decide what action we need to take so that we, as the leadership of the township, can serve the citizens with the highest level of integrity and trust. That is the peoples' expectation and this is our obligation.

Attachment D – Comments by Commissioner Kelly

To Commissioner Mobilio, I want to preface my comments, you and I talked after the primary. I told you that I thought you were a great representative on the zoning board and I thought you'd make a great commissioner. I'm not talking about partisan politics tonight; I don't believe in them. But I spent the last 36 hours being inundated with messages, texts, emails, with our community in despair.

Thank you to the members of our community who have reached out to me, who have put their trust in me, shared their hearts and their concerns, and for everyone on this call tonight who have done the same. These residents, I didn't ask them what their party was because it didn't matter to me. They represent all walks of life in South Whitehall. They represent our community. And it is clear to me, from what I have read and heard, that our community is wounded.

The statement that you made, that "if you support Trump, you are also a disgrace and should be hung for treason" are words that have been received as a threat to the fabric of our township. A statement such as that tarnishes the office of commissioner, an office which I also hold. This is not how our board speaks to the public that we represent - we were all elected to represent everyone.

First and foremost, we must, as an institution, protect our local government. This is about integrity, trust and respect for all. I'm asking myself the question that I've asked for the last 36 hours... "is this acceptable behavior from a commissioner that I sit alongside of?" And I'm asking myself "What is the effect on our township?" I think I know the answer to that because our public has been reaching out and informing me.

Our community looks to us for leadership, guidance and to give a sense of calm. This is not a question of someone's first amendment right to free speech-which we all have- but rather a matter of the values of our community.

This is not who South Whitehall is. And I firmly believe she deserves better. It pains me to say this, but, I make a motion for a vote of no confidence for Commissioner Mobilio and hereby ask for your resignation.