



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

June 17, 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

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)**

4. MINUTES

a. June 3, 2020 - BOC Meeting Minutes: TABLED.

Commissioners Kelly and Wolk – They will provide to Tracy requested revisions to minutes, to be compared to recording, and brought back to BOC at the next meeting.

b. June 10, 2020 – Joint BOC-PC Workshop Minutes:

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk to approve the June 10th, Joint BOC-PC Workshop 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** – None.

6. **RESOLUTIONS** – None.

7. **MOTIONS**

a. **Motion Requesting Permission to Award Bid for the Covered Bridge Park Concrete Project**

Randy Cope, Director of Township Operations - Today we have an opportunity to rehabilitate the underutilized and dated playground equipment at Covered Bridge Park, SWT's largest park. User expectations of equipment features have dramatically changed for playgrounds since the 1990s when the existing playground at Covered Bridge Park was installed. This project is listed as Phase A in the Covered Bridge Park Masterplan, which was adopted in February of 2014. The project is supported by a \$250,000 DCNR grant, \$350,000 of budgeted Open Space Impact Fees, and \$15,000 in local sponsorships from South Whitehall businesses and residents. As Todd Poole said last Wednesday night at the Joint BOC and PC Meeting, his firm is predicting that over the next 36 months municipal recreational facilities, like playgrounds, will see a spike in users. While South Whitehall has many beautiful playgrounds, we lack that destination-type playground, which communities currently offer. We will see an increase in residents and visitors searching for free outdoor recreational opportunities. Furthermore, there are numerous studies that show quality and modern recreational facilities lead to an increase in the length of stay one spends in a park. On top of that, there are numerous studies also showing a strong correlation between physical and mental health, and spending increased time in parks. The short of that is, the nicer and more modern our facilities continue to be, the longer our residents will spend time in the outdoors in our parks recreating and living a healthier lifestyle.

The first agenda item on tonight's docket, is a request to the BOC to award the concrete bid, which was previously approved for advertising. The bid was advertised twice in a local paper as required by law and uploaded to PennBid website. This bid included a base bid and four add alternates. So staff could stay within budget, we could eliminate parts of this bid in order to keep this project within budget. Three of these four-bid alternates are not being recommended this evening. The three not being recommended this evening are the pavilion and pavilion footers, the pavilion pad, and the concrete sidewalk stamping. The one alternate we are seeking approval for this evening is a textured stamping on the perimeter edging that surrounds the play area. We have received four proposals for this bid. Our purchasing agent has deemed T. Schiefer Contractors, Inc. to be the lowest responsive bidder and had positive feedback after doing reference checks. Staff is respectfully asking that the

BOC award the base bid and alternate #9000-0006 to T. Schiefer Contractors, Inc., for a total amount of \$103,384.00. This concluded Randy's presentation to the Board.

President Morgan – Also touched on what was discussed at our Comprehensive Plan meeting about the future parks across the entire country, the Lehigh Valley, but more importantly for us here in South Whitehall Township. They become even more important now during COVID, and post-COVID, as an essential asset to our community. So, we are very fortunate, and I see this project as just another way to better our community and the services we provide. I'm in full support and I think it's great.

Questions/Comments from BOC.

Commissioner Mobilio – Wanted to reiterate what President Morgan said, that based on our conversations at the joint meeting last week, where we unfortunately received pessimistic economic news. As Randy said, there will be increased use of these parks and free facilities. What I heard last week, the future economics of this Township and across the country are not particularly optimistic. Again, when you're providing a free service, free facilities for children and families to play, that is the best that we can do for our residents, when they are struggling to pay their bills and looking for activities and things for their children and families to do. So, I'm very happy we can move forward with this and that we voted against stalling this project months ago, and that we are still moving full steam ahead with it.

Commissioner Kelly – I do agree, I did hear Todd Poole at our joint meeting talk about free recreational facilities for people. Another thing he talked about was revenue producing ones—so I think that is something we should look at in the future. My concerns with this are not any different than the last time we voted on it. It is an interesting project, and certainly an asset to the Township. But, my concern is we have been in quarantine for the last 3 1/2 months and are in the yellow still. Our community is looking for ways to get outside and enjoy, and I have seen that. It's a timing issue for me. At this point, it is something I would not be in favor of ripping up now, taking away what we currently have for our residents to use every day. Also, we have the summer playground program going on there as well, which we don't want to disrupt. COVID certainly is the biggest disruptor of our time, and has disrupted things from weddings, graduations the last three months. I think everybody has had to learn to certainly postponed things they had planned. I know this has been in the works a long time. I keep asking myself what the hardship would be in postponing, keeping our park the way it is for the enjoyment of our residents, and looking at this again maybe next spring when things get back to normal. My second point is, and always has been, the financial cost to the Township. I know we have grant money, open space money, but obviously you are going to need PW to do a lot of this work as well, and we don't know where our budget is going to end up as far as revenue, and the effect that COVID is going to have on it. We've talked as a Finance Committee, and as a full Board, to keep a watch eye on essential spending. I question if this is the right time. I've got it at the back of my mind, we need to know what our numbers are before we spend any dollars, protecting our taxpayers from a potential tax increase at the end of the year is my number one goal when we look at whether or not we're going to spend money right now. I thank the Parks & Rec

Department for pulling this all together, but unfortunately as I said earlier, COVID has been our biggest disrupter.

Randy Cope – Commissioner Kelly, I just wanted to reiterate that this project has been meant to be constructed by our Public Works Department for over a year now. We've been fully anticipating spending time down there at the park working on this project. Access to the park will not be interrupted; it will not interfere with existing playground activities that are down there that Mike Kukitz is running for our youth. There is money specifically earmarked for this project. I understand the timing concern, but I also want to reiterate that coming out of a pandemic, this is going to be something that our residents and visitors of Covered Bridge Park will be looking for. I certainly think there's a lot of value in this project coming out of a pandemic and giving people an opportunity to re-create a quality facility where they are going to be spending a lot of additional time.

President Morgan said there is a time limit to those grants. It is not like you have an option to say that I'll look at the grant later down the road, because it might not be available, and likely will not be available especially with the reduction of funds across the state as a result of COVID. President Morgan asked Randy to touch on some the questions coming up in the chat with regard to the availability of those funds, timing for using the grant, and how long would the project take to complete.

Randy Cope, Director of Township Operations - Explained that the end for the grant is 2022. This project has been planned before I started with SWT since 2014, and has been worked into our PWs schedule—they will be participating in a significant amount of the work for this project. I go back to the public's input, I go back to all those public meetings, way before we got to where we are today, there was a need for this back then, as well as the improvements included in this project. I just didn't want to turn back the clock here—we are nearing the finish line. The finances are in place, the permit is in place, we've gone out to bid, we've done our homework. For me, it would be a disappointment to prolong this any longer. Coming out of a pandemic, I know residents and visitors will be looking for a quality facility to recreate at.

Q: Can the Grant be extended?

A: Randy explained you can file for an extension, but I don't know what type of appetite DCNR is going to have to extend a grant application right now when there are many, many viable projects throughout the Commonwealth that are fighting for these same dollars. Grants are typically good for four years. We received this in 2018. Randy did not think it would be prudent to drag this on beyond that deadline.

President Morgan said that is the biggest concern, because we may not have the availability to have the grant moving forward.

Mr. Hodges asked how much are his taxes going to increase in order to pay for this? Randy said zero. Randy said this is money from a grant and open space impact fees, that when development occurs in the Township, there is a requirement from that developer to pay the Township specific moneys that are earmarked for Parks & Recreation. This is not a general fund expenditure.

Commissioner Kelly said that PWs is doing a lot of the work for this project, so that is a budgeted item, and when we are talking big picture, and COVID impact, this is something to think about, because at the end of year when we look at our budget and monies have been spent, do we have enough to cover our expenses. Also, the parking lot that needs to be done, is that going to be open space funds?

Randy Cope – Yes, it will be open space funds. The parking lot is also going to be worked on by PW Staff, who will be doing some of the excavation, demolition, and paving of the parking areas, as well as some of the landscaping too. However, this bid in front of us is specifically for the concrete work. The longer we prolong this, I would expect these prices to be inflated. It will cost more than what it would cost today, which is something to take into consideration as a decision is made on this project.

Commissioner Kelly – If we wait until next Spring when hopefully we will be at a better place economically, as far as our Township funding, and maybe we will have a better handle on where we are as a Township revenue and expenditure wise, in Spring of 2021 these bids would still be good.

Randy Cope – That is not correct. You would have to go through the entire process again. Everything would have to be advertised and go out to bid again. These bids are only good for 60-90 days.

Steve Carr, Director of Finance - Bids are good for 60-90 days out. He said he expects that you are now seeing lower prices, because for these builders/concrete people the environment is not real good for them now, so we are probably catching this at a really good time now.

Q: How much money does the Township have to float to match the grant?

A: The money is coming from the open space fund.

Q: How long will the project take to complete?

A: Just a few months from start to finish. We hope to be done by Fall.

Commissioner Wolk – I support the project entirely. I question the timing. We don't know where we are exactly with regard to the pandemic. He said that he would like to see the amended budget showing the impact of the pandemic prior to voting yes on this.

Resident Lee Solt – How much of this money—if the concern is money to pay bills and money for the operation of SWT, how much of this money could actually go back into the budget to help pay bills, if we didn't do this project?

Randy Cope – The grant is earmarked for this specific project. Open space impact fees are earmarked for parks and recreation projects. We also raised approximate \$15,000 in sponsorships specific to this project. We hold a budget of \$610,000 for this project. It is our goal to stay under that budget. This is where the money is earmarked to go. These monies are specific to this project. For example, you cannot use grant money to fix potholes, pave roads, etc.

Resident Lee Solt – Ask Randy his thoughts with regard to possibility of starting this project in late August when the kids go back to school, since the bids are good for 60-90 days so as not to impact the use of the facility.

Randy Cope - Explained that asphalt needs certain temperatures to cure, We would really be up against time, delaying this a little bit further out with regard to the paving schedule, and temperatures of concrete curing. These are legitimate concerns. That is why we targeted a summer install date as the best time to do this, when originally planning for this project.

Commissioner Mobilio – He has been there many times, and the playground there is nothing for our residents. Most of it is an eyesore, it's a very small area to play in, you can only have a few kids on that equipment at a time. If we delay the project, then you run into issues with the parking lot—there are asphalt/concrete issues. Also, just because we may want the project done in August, doesn't mean the contractor will be able to accommodate that. Us approving the bid now, doesn't mean the contractor is starting tomorrow. Also, high school kids are not playing on the swings at CBP—it is a 3-10 years old type of playground. We are not bulldozing the entire park. They are taking down a small designated area for smaller children in order to make it better. If we delay it, there is this presumption that we might be in a better financial position next year. Maybe we won't. Let's not speculate if we are in a financial crisis. I hear a lot on fear of the future, the unknown—how about we give some hope that things will be good. The state is opening back up again. Currently there has been no plan from the commissioners who oppose this project to reduce taxes, or delay tax payments, or reduce the EIT, so this concern for taxpayers is just window dressing. The reality is that the money is there, and no one is pushing for a plan to reduce taxes, if that is really their main concern. We have a plan for this project; the money is there. There is no reason other than fear and speculation regarding finances that may never come to play. Let's do the project, while the park is already shut down in part due to COVID—it's the best time to do it.

Commissioner Setton – He feels the new playground is going to be a huge relief to the children of our community. They need it, they need it now during the pandemic. That is their joy and relief they have during these hard times. I don't think delaying it will do any good, and it is good money being spent on this project.

Commissioner Wolk - I simply advocate that we receive the finance information (amended budget due to pandemic) and then make a decision. I hope that clarifies what I meant. I would like to see where we stand right now before casting this vote.

Steve Carr, Director of Finance – To address Commissioner Wolk's question, one of the reasons we haven't brought it is because the financials have been coming in a little better than we thought they were when we took that initial look. This information will be shared when we meet at the next Finance Committee Meeting. I have no reservations doing this project from a finance perspective. This project is not the thing that would cause a tax increase to our residents. It is not costing us a lot of money. From his, staff perspective, we get this done, then we have resources in the future, people-wise, in order to deal with other

potential issues down the line. These prices will not be lower two years from now, and then we will be talking about other funds to then try and pull this off.

President Morgan – In light of discussion that we had numerous times, on the grant, the availability of the grant, the work gone into getting the grant, the grant funding, monies from the open space fund, sponsorship received, the financial impact which is little to nothing on the residents of the Township, I would like to make a MOTION that we move forward with awarding the bid for the Covered Bridge Park Concrete Project, in order to get this project underway. I feel it will be a huge asset to our community, and I fully support it. Commissioner Setton seconded the motion.

Roll Call Vote as follows:

Commissioner Wolk:	NO
Commissioner Mobilio:	YES
Commissioner Kelly:	NO – Wanted to wait until the budget was in a better situation.
Commissioner Setton:	YES
Commissioner Morgan:	YES

Motion carries.

President Morgan thanked everyone for all the hard work they have put into this project. This is the start of something great. Looking forward to hearing more about it.

b. Motion Requesting Permission to Proceed with Purchase of Playground Equipment for Covered Bridge Park

Randy Cope – Staff is seeking permission to purchase the necessary play equipment to complete the CBP Playground Project. Staff worked closely with the Parks & Recreation Board and three playground suppliers to generate a design that was both appealing to children ages 2-12 and within the approved budget.

Staff is recommending to proceed with purchasing the playground equipment from Playworld Systems/George Ely Associates for a total cost of \$407,096. The total cost includes installation of the equipment and would be delivered within 4-6 weeks. We are targeting early to mid-July start date for this project.

Commissioner Kelly – asked if there would be zero Township dollars spent on this project. Steve Carr explained there will be some investment of payroll, gas for equipment, it is minimal. Randy said with contractors, they will be making more money next year, and it will cost us more money next year.

Township Manager Renee Bickel – Commented that these are projects that our PW Staff enjoy working on as well.

Commissioner Mobilio - At the end of the day we will end up paying our Township Engineer and Solicitor more money than whatever we might save by delaying this project, as a result of every minute we discuss the same things over and over again and people complain about things, which is costing the taxpayers money.

Commissioner Kelly – We are elected officials, who represent our constituents, and we are allowed each to give our own opinions at these meetings on a project, whether we agreed

on them or not. I am simply voicing my concerns as a Finance Committee Member and as a Commissioner.

MOTION made by Commissioner Setton, which was seconded by Commissioner Mobilio, to move forward with the purchase of the playground equipment from Playworld Systems/George Ely Associates for a total cost of \$407,096, which includes the installation of the equipment.

Roll Call Vote as follows:

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

Motion carries.

President Morgan thanked everyone again for their hard work and gathering all the information on this project and thanked everyone for their comments.

c. A Resolution Of The Board Of Commissioners Of South Whitehall Township Authorizing The Execution Of A Trail Easement Agreement With Stanley C. Breininger, Jeffery G. Breininger And Melodie L. Luther Providing For The Granting Of A Perpetual Trail Easement Over Lands Of Stanley C. Breininger, Jeffery G. Breininger And Melodie L. Luther Along The Jordan Creek And Further Providing For The Payment Of Consideration Thereof.

Randy Cope – This is another project we have been working on for a year, which is in support of the Jordan Creek Greenway. This is an essential part of getting this project moving forward as well. We do have a DCNR Grant for the design/permitting of the trail from Wehr Mill Road where it starts by the boardwalk all the way up to Cedar Crest Boulevard. Easements will be required from some of the landowners, this one being the first one nearing completion of. This will permit the Township to install a 10’ wide paved trail along the Jordan Creek through the Breininger property with buffer planting on each side in cooperation with the landowners’ wishes. They have requested a compensation of \$6,000 for this easement in return to install a trail in perpetuity for all Township residents, visitors, anyone on the Greenway to access that trail through their property. This is a very standard easement document, but something that requires board approval to proceed. This is being proposed to take out of the Open Space Fund as well.

We have received the bids, currently working with DCNR on how we are going to award that here, which will come to the Board at the July 1st meeting. It was put out to bid and we received approximately eight proposals (engineering, permitting, and design). We will go through the park and up to Cedar Crest. We received a \$150,000 grant from DCNR, which is a 50% matching grant.

A MOTON was made by Commissioner Wolk, which was seconded by Commissioner Kelly, for the execution of the above-mentioned resolution authorizing the execution of a trail easement agreement with the Breiningers and Luthers.

Roll Call Vote as follows:

Commissioner Wolk:	YES
Commissioner Mobilio:	YES
Commissioner Kelly:	YES
Commissioner Setton:	YES
Commissioner Morgan:	YES

Motion carries.

8. CORRESPONDENCE AND INFORMATION ITEMS

a. Public Notice - Planning Commission Meeting, Thursday, June 18, 2020, 7:00 p.m. (Details for GoTo Meeting on Website.)

George Kinney, Director, Community Development Department – Said that the Outdoor Legislation process is going very. Restaurants are coming in for approval through that process. 156 businesses were served with the information regarding this process. Turn around has been 24-hours. Township Manager Renee Bickel added that the Restaurants have been very appreciative of the process. We have received good feedback from them.

b. Police Chief Statistics Report

Some stats for May – SWT PD
Reports for the month – 805, 74 of which were self-initiated.
EMS Calls – 194; UCR – 65; Arrests – 31

Chief said the officers are still out there, doing a great job during this pandemic. And, we really appreciate what they do.

c. Township Engineer Report – Tony Tallarida

Hotel Hamilton and Parkland Manor have been approved. Dollar General and Blue Barn 3 moving on to construction. Other than that, things moving along consistently within the Township.

President Morgan – The Green Advisory Committee met this week. Had a great meeting. Advanced Disposal was at this meeting and gave a presentation on recycling, which will be shared back out with the public through materials which will be developed by the GAC. Mike Kukitz said this is a newly formed Committee with a lot of great minds on it, which are dedicated to how we can improve the Township environmentally. Advanced Disposal talked about the things that are put in the recycling bin—what is recycled and what is not. He said it is a fantastic committee and they look forward to great things happening on it.

9. DIRECTION/DISCUSSION ITEMS: None.

10. OLD BUSINESS

a. Wehr’s Dam – Status.

Township Manager Renee Bickel explained permit is still pending with DEP. We anticipate it being several months.

Commissioner Setton – As a result of an article in the Morning Call, Commissioner Setton wanted to make it clear for the record that he doesn't believe that the fate of the Wehr's Dam has been determined. He felt that the Wehr's Dam should be considered as a historical site. He feels the Township should lead by example, and referenced the Hotel Hamilton, formerly the King George Inn, as an example, which was declared a historical site.

Commissioner Kelly – Along the same lines, asked if we have any type of historic preservation mechanism in place in SWT; if we don't, how do we go about doing this, in order to preserve areas or other structures throughout the Township for historical reasons? Additionally, thought it would be a good idea if we look into possible grants for dam rehabilitation and noted the National Dam Rehabilitation Program as something we could potentially look into.

The Board was in agreement that a Workshop will be scheduled to discuss this topic—in order to come up to speed with the Wehr's Dam/the fundamental information, and then discussion of options for the future, while we are waiting for the DEP approval to come in.

Commissioner Setton – Feels the Township should cherish these historical sites, whether they are registered as such or not—there are still historical sites that should be preserved.

Renee Bickel - Once we hear back from PA DEP whether they deny or approve the permit to rehabilitate the dam, that PA DEP decision will then gear the financial impact to the Township. This was actively worked on prior to this going to DEP-there is currently a five-year plan in place.

Renee Bickel will schedule a Workshop on this topic. Also, she said this might be something that can also be looked at through the CP process. We will shoot to have it face to face, perhaps in August.

b. Campus Renovation Project

Steve Carr – Still going by the original timeline. Currently having some issues with the soils on site, but we are working through them. They haven't taken us off schedule, nor caused us to go outside of the budget. Renee said solutions have been identified for the soil issues and we can move forward. None of the contingencies or allowances have been exhausted. Still on the original financial budget. Steve said when he gets this month's update from Boyle, he will pass on to Board.

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

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

Attorney Joe Bubba and Mark Bahnick, Engineer were in attendance to discuss the impervious coverage requirement regarding the Zoning Ordinance. Mr. Jaffer, their client was also in attendance. *(Throughout his presentation, slides were shown, which can be seen on the recoding.)*

Attorney Bubba – Section 350.44 of the zoning ordinance addresses impervious coverage requirements for residential lots. Generally speaking, it is a graduated table. Lots from 0-5,000 SQF are permitted 100% lot coverage, and then it goes down to 75, 65, 50, 25, and 15 percent as the lots get larger. This makes sense, except when applied to certain circumstances.

The interesting thing is, as soon as you go one SQF larger than 5 acres, 217,801 SQF, the impervious allowed is 15% for 5 plus acres—you are actually permitted smaller lot coverage—32,670.

So to make this simple and while there are other exhibits, the best fix of this seems to be that you would apply the graduated table very much like the tax code.

For example, up to 5,000 SQF, you would be permitted 100%; but then when you get over 5,000 SQF, every foot over 5,000 SQF you are permitted 75%; every foot over 25,000 you are permitted 65%—just the way your taxes are paid—graduated models.

In the shaded box in the middle of the page: 5 acres 217,800 SQF with a 25% impervious, allows 54,450 SQF; but a 6.54 acre tract, which is actually what my client has, because of the 15%, if you don't do the graduated, only allows 42,725. And, you would have to go all the way up to 8.33 acres for someone to get the same impervious coverage. But if you do the marginal rates, just like the marginal tax bracket, that's what is shown below. The one in blue, the marginal impervious coverage, that takes the percentages, and it demonstrates on a 6.54 acre tract that 81,000 SQF of impervious would be permitted. I believe staff supports this proposal. It effectively fixes something that is in the zoning ordinance right now. I think it would be subject to challenge otherwise, because lots that end up being larger, sometimes significantly larger, have less impervious coverage permitted.

Engineer Mark Bahnick said the parcel in question, is a 6 1/2 acre parcel. The applicant is trying to build one single-family house on this property, and that doesn't work based on the buy-range ordinance application. However, it does work based on the marginal tax concept that Attorney Bubba discussed. The other thing that is kind of strange about the ordinance is that you're allowed to have a lot more impervious with a smaller lot, though on this single property that we're hoping to build a single house on, the other option the applicant would have per the ordinance, is not to build one house, but in fact to build eight houses, and put a cul-de-sac in, and build eight houses on this one property. That would be by code based on the current ordinance. If you would do this, you would end up with half the property being developed and impervious vs. about 28% if you build a single family house on the property. So just one more example of how the current range application of the ordinance kind of moves people to make decisions that may not be in the best interest of the public.

Attorney Bubba went on to say that, while we are showing you this as an example that impacts our particular client, we're not asking this board to approve anything related to this

one individual client. We are just asking this Board to move ahead with a modification to the zoning ordinance to fix the concept and then we would proceed to PC & ZHB.

George Kinney explained that this came before the ZHB last week and they were asking for a variance from impervious surface coverage. The ZHB chose not to approve that, but suggested to the applicant that they consider approaching the BOC for a text modification to accommodate what they were looking for. We (Staff) are neutral in this. We are not saying we support/do not support. We have not looked at it in depth. I know that Gregg has over the years been looking for ways to modify the impervious coverage requirements and he does have some options for consideration if the Board thinks it is appropriate to send it back down to the PC for their consideration.

Commissioners Wolk and Kelly both requested the transcript from the ZHB in order to review. Commissioner Mobilio is not so much interested in the transcript, but the legislative history as to why this ordinance is the way it is. Before a change is made, he would like to know why it existed in the first place. The Board was in agreement that they did not have the information they needed in order to make a decision this evening on this matter. He would like to have this on another meeting as well in order to further vet this out.

President Morgan said that all that was just discussed, is part of the process. We as a Board are not agreeing to anything this evening. All that is being asked is will we agree to push this to the PC to allow this to be vetted by PC. PC does not make the final decision either. We, as a Board do. What will happen is that all the questions that have been brought up, all the background information being requested, all that is figured out and vetted through this process to determine whether or not an ordinance revision is justified. At the end of the day, and you have heard me say it a lot, it is part of the process. I believe we need to let the process play out. We pass it on to Staff and Planning. See if this is a justifiable change to our ordinance. Everything that came up in Zoning will be rehashed and talked about as part of this. We can be gathering information as well. But, to stop it at our level, because we do not know the end game—of course we do not know the end game, we don't know what we are going to vote at the end of the day. We don't know because we don't have all the details. So, we need to allow it to go through the process, so we can get all that information—allow the boards and commissions we have in place do what they do best, and our Staff. That is truly how the process works.

Attorney Bubba said he would suggest at this point, since this is being presented as COF, that is exactly what it is, COF to allow us to explain this; but, it is also the courtesy of allowing the process to move forward. If we need to delay it at this point, gather all that information, we effectively will try this case next month in front of you, go to Planning Commission, and then try this case in front of you once again. So, I believe your role right now is simply, respectfully, to say thank you for presenting this. We'll see you in a couple of months. I believe that is the process. If this were an absolutely ridiculous non-starter, I think that your Staff, rather than saying we are neutral, would say there has been a whole lot of thought behind the model that is in place right now, and we don't want you to approve this, we are

going to fight it at Planning Commission, and we will fight it when it comes back in front of the BOC. He said that he feels the neutrality at this time is because this is the first time they are seeing the impact of the graduated numbers that had been used.

Attorney Zator said it is discretionary if the BOC wants to refer to Planning or not. Given the discussion that has occurred on this, and the difference of opinions, he recommends that a MOTION be made to TABLE or a MOTION be made to move to the PC.

A MOTION was made by President Morgan to move to PC to allow the process to play out to further determine whether or not this makes sense. The MOTION was seconded by Commissioner Setton.

Solicitor Zator also mentioned that because this is a requested text amendment, and as of today COF, there has been no draft of that text amendment. Somewhere in that process, that will have to be put together. Also, there is a process that when something is brought to the Township for consideration, there is a process for the Applicant to post an escrow to cover Township expenses in that process.

Roll Call Vote as follows:

Commissioner Wolk:

NO – Prefers to TABLE this.

Commissioner Mobilio:

YES – if when this comes back to us, and the documentation that has been provided to us does not provide the necessary information, I will vote NO on this.

Commissioner Setton:

YES – He thanked Attorney Bubba for highlighting a “potential” flaw in our zoning ordinance.

Commissioner Kelly:

NO – She would have voted to TABLE this to bring back to our next meeting in order to gather more information.

Commissioner Morgan:

YES

Motion carries.

President Morgan said that she does not have all the details either, but believes we have something in front of us that potentially could have impact to many others, not just Attorney Bubba’s client. For that reason, it deserves to be looked at by the PC and further vetted. It makes sense for the Board to look at.

President Morgan addressed Attorney Bubba and said that they should keep in mind all the questions that the Board brought up this evening on this particular subject matter and have those details prepared for further discussion at the time it comes back to the Board.

Attorney Bubba said we will, and thanked the Board for their time.

Lee Solt – Ask if someone could give an update on the new website redevelopment.

Township Manager Renee Bickel – The Agreement has been signed. We will make the transition to the new agenda software this summer at some point. The website is in the second phase, which will take longer. We are currently doing some background information work right now in preparation for these things to take place. We will give updates as we

move into this process further. There will also be prototypes. Currently on schedule for the agenda software—the video will be first, and then the website will take place going into the Fall.

David Burke – He asked about the videos being posted on the website. All videos are currently posted. Township Manager Renee Bickel explained that Tracy Fehnel did send him an email, and said that she can assist him with accessing them. Mr. Burke and Tracy will touch base to assist.

Also, Mr. Buke followed up on a previous question asked at a meeting—Why was the Township Manager Ordinance rescinded some six years ago? The history is important. Commissioner Morgan, you had promised to go back and look at the meeting notes to try and resurrect some of that history. I was wondering if you had a chance to do that.

President Morgan – Mr. Burke, I will share with you this. Those changes back in 2014 were in fact personnel related. And most of the discussion revolved around that, and because it was personnel related, it was discussed in Executive Session. That is why you do not see a lot in the meeting minutes. There is not much I can share because of it being Executive Session material. I am bound by that Executive Session Rule. That is as much as I can tell you on this matter.

Tony Tallarida – He wanted to thank SWT for having their officers out there in the Parade that took place—the kids loved it, and it was greatly appreciated.

12. PAYMENT OF INVOICES:

A MOTION was made by Commissioner Kelly and seconded by President Morgan 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 9:20 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 1, 2020, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the June 17, 2020 BOC Meeting Minutes as amended. 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.
