



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

July 1, 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
Mike Kukitz, Parks & Rec Manager
Steve Carr, Director of Finance
Chief Glen Dorney, SWT Police Department
George Kinney, Director of Community Development
Tom Harper, Enforcement Program 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)**

4. MINUTES

a. June 17, 2020 - BOC Meeting Minutes:

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the June 17, 2020 BOC Meeting Minutes as amended.

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 Jordan Road Guide Rail Replacement Project**

Herb Bender, PW Superintendent explained that PW has solicited three quotes to replace guide rail along Jordan Road Bridge. This bridge is going to be inspected in November, and this work will bring the bridge guiderail back up to standards. We would like to award the work to Tri-Boro in the amount of \$5,413.00. This project was budgeted for 2020 in the amount of \$50,000. We were able to get the price much lower than we had budgeted for, because we will be able to use a lot of the parts already there, and additionally, we do have some parts in stock.

President Morgan thanked Herb for his good management of this project, which as a result led to a significantly lowering of the cost for this particular project.

There were no questions by the Board/Public.

MOTION made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve awarding bid to Tri-Boro in the amount of \$5,413.00 as explained by Herb Bender above.

Roll Call Vote as follows:

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

b. **Motion to Withdrawal the RFP for the Jordan Creek Greenway Project (Sections 35-45)**

Mike Kukitz, Parks & Rec Manager – As you know, at the March 4th BOC Meeting, the BOC approved the Jordan Creek Greenway RFP to go out, which is looking at two miles of trail from Wehr Mill Road out to Cedar Crest Boulevard. Right after the March 4th meeting we were hit with the COVID-19 pandemic which slowed some things down—it was literally just

a week or two after the March 4th BOC Meeting when the stay-at-home order was shortly put into place. This project sat in limbo somewhat for a couple of weeks as everyone adjusted to the stay-at-home orders and the unusual circumstances we found ourselves in. The RFP closed on May 7th. We had 60 days to award the bid, which is currently only a few days away. We are not ready to award said bid. We need to have all easements in place, and/or right-of-ways, and properties lined up for the trail. We are not quite there yet. So, DCNR is recommending that we terminate the bid and move forward in a different, phased approach. DCNR understands that a pandemic is a very rare situation and that this curve ball was kind of thrown at us, as it was with many other municipalities who had projects going on. DCNR is recommending we terminate this RFP and proceed with the project in a different manner.

A MOTION was made by Commissioner Kelly to withdraw the RFP for the Jordan Creek Greenway Project, in order to proceed in a different manner, as described by Mr. Kukitz above. The motion was seconded by President Morgan.

Roll Call Vote as follows:

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

Motion carries.

c. Motion to Award Phase I of the Jordan Creek Greenway Design Project

Mr. Kukitz explained that DCNR's recommendation is, because we did go through the RFP process and because we are in such a unique situation, the Township was able to select the contractor without going through another RFP process. They suggested that we do this in a phased approach, meaning that Phase 1 would be the design work needed throughout Covered Bridge Park, which is Township property that we do currently own. Then, Phase 2 would be down the road as we get necessary easements in place to continue the trail and connect it all the way to Cedar Crest Blvd. We would like to work with Michael Baker moving forward on this project in this phased approach. We spoke with them about phasing this project out, and they came back with a Phase 1 price of \$119,570. Everything is outlined in their Phase 1 proposal, and they may even help with securing the necessary easements that myself, Randy, and the Wildlands have been working on for the past few months. Then, once we had rights to, or ownership of the land needed to go out to Cedar Crest Boulevard, and we determine which route we will take, then we would be able to come back and award Phase 2 at that point. \$239,141 the total RFP cost (a combination of Phase 1 & 2) is the amount to connect from Wehr Mill Road to Cedar Crest. Michael Baker had the lowest bid for this portion.

Q: Is part of this paid with a grant or all of it Township funds?

A: Half is paid with a DCNR Grant.

Q: The other half, does that come out of the general fund or is it Open Space money?

A: It is budgeted for in the general fund.

No other comments/questions by Board of Public.

A MOTION was made by President Morgan to move forward with Phase 1 of the Jordan Creek Greenway Project as explained above. The motion was seconded by Commissioner Kelly.

Roll Call Vote as follows:

Commissioner Wolk: AYE

Commissioner Mobilio: AYE

Commissioner Kelly: AYE

Commissioner Setton: AYE

Commissioner Morgan: AYE

Motion carries.

d. UGI - Request for Waiver

This was previously discussed at the May 20th BOC Meeting.

Solicitor Zator briefed the Board as follows – When UGI started looking into this Get-Gas Program to bring natural gas to one of our neighborhoods, it was discovered that a Township Ordinance would require that the entire area be milled and over-layed. Because of that, it would make the cost of the project prohibitive, and UGI would not be able to proceed with that project. Based on that, a very modest ordinance was adopted by the Township, which provides for a waiver procedure, which would allow the BOC to waive the conditions of that ordinance when necessary. Looking at the impact of the proposed excavation on the neighborhood, the need of the applicant’s right to service the property owners, and the general public health, safety, and welfare convenience, and after that Ordinance was enacted, UGI is again requesting a waiver. There has been a concern expressed by the Board, to ensure residents in the area were well aware of this situation before the waiver would proceed. Solicitor Zator then showed the UGI letter, which was sent to residents in the area, which UGI will talk about. The letter gives information about the post project, and also invited the public to participate in tonight’s meeting.

Hugh Harris, Project Engineer, for UGI – Explained that the take-away from the May 20th meeting was to better inform the public as to the exact impact to the public. A break-away session was held with Renee, Randy, & Herb, following that—to put together a letter which is the one shown this evening, which received no negative feedback on. Received only positive feedback from interested homeowners. He went on to say, we are here this evening, looking for the waiver with regard to the ordinance. We would like to go in Township right-of-way in the grass for installation of this gas project so that the cost is not prohibitive, and it gives residents the opportunity/option to convert.

Commissioner Kelly - How is it governed, when one decides when mill/overlay needs to be done based on severity of road condition. How does that work? What triggers mill/overlay be required?

Herb Bender, Superintendent of PW – There is no time limit on the mill/overlay. The problem is that they have 12 years to do this project. Most of the work is being done behind the curb. We do not have a layout of where they would cross the road, how many cuts since they are going through the grass area, and with the 12 years, it would be hard to have them do a mill and overlay; if they have to do a mill and overlay, it kills this entire UGI project for these residents, who with their feedback, do want this to go through. (UGI does not want to do the mill and overlay.)

Solicitor Zator – Is it fair to say that this being a requirement is that the UGI lines in part will cross the street from one side to the other, as opposed to just running within the right-of-way on one side of the street only?

Herb Bender – Yes, that is correct. – They will have to cross over.

Commissioner Kelly – What if there are a lot of houses on a particular street, who opt for gas, where is the discretion if there are areas that this needs to be done—mill and overlay based on the effects on the Township Roads as opposed to another street maybe having only one house opting for gas?

Herb Bender – He understood what was being said. Yes, there may be one street that has a lot more houses hooking up, and yes, there will be more cuts there. We are looking to work with UGI. UGI is willing to do shade trees, etc. They are willing to restore with the binder and top on every cut they make.

Randy Cope, Director Township Operations – It is important to clarify that the majority of the work is going to occur right away, but residents would have the option to connect for up to 12 years.

Q from Chat – Do homeowners have the right to deny excavation for the gas line project?

A: Solicitor Zator said the answer would be “no” if the line is going to be run in public right-of-way. If there is any private property that needs to be accessed by UGI, they would need to go to that property owner.

Q: After 12 years, can a resident connect?

A: Allison/UGI – After 12 years it is not considered a Get-Gas Project. However, anyone can still connect to the gas main. Services will still be available after the 12-year period.

Randy Cope – However, if the Township would decide to pave the road at that time (after the 12-year period), and our 5-year street moratorium would go into effect, the Township resident who would like to connect would have to come back to the board to seek a waiver.

Hugh Harris – said that if we are installing in the grass, we would be able to hook up properties on that side of the street where the gas main is without a road excavation at all. We would just dig the main up in the grass, in the right-of-way, and just install it right to their house with no cuts. The only ones who would be disturbing any paving would be the ones on the opposite side of the street.

Q: How was letter to residents received. A: Hugh/UGI – via USPS mail.

Allison/UGI – explained they received a 3-4% response to the letter, which is a normal percentage when sending out these letters. Based on the demographics of this area, they feel this is a strong project and that over time approximately 65% would be interested in converting.

Q: For those who have well water, will the water be affected, will they be forced to use city water?

A: Hugh/UGI. No, the water will not be affected. They have never had an experience with a well being contaminated. We do install in areas where there are wells, and have never received that kind of feedback.

Hug/UGI confirmed with President Morgan that there is a lot of background work that is done before running any gas lines just to make sure that there are no concerns of being in close proximity of anyone else's underground services—whether it be water, sewer, phone, etc. They do all the engineering, the designing, the One Call information.

Commissioner Kelly – What assurances can we give the public regarding the roadways if things are not to their satisfaction safety-wise, or paving-wise--is there a way they can get in touch with the Township, so that we can make sure UGI is adhering to the Township rules, so that there is a way for them (residents) to have their voices heard is something were to go differently for them.

Tony Tallarida, Township Engineer – He explained that they always would be involved in a project like this and keep an eye on it and would imagine PW would do the same.

President Morgan – There is a lot of engagement with UGI on this project, and this is not the first project of this sort that UGI has done; they've done this other places. She said that if someone reaches out to the Township with a concern, we would work to get that rectified with UGI. Everyone has been very engaged up to this point, and she said she would hope that would continue throughout the length of this project.

Hugh/UGI – said that they have been working with Jim Balliet and PW for several years, and we immediately get on any problems that might occur—we've had good feedback to date.

Q: How far onto people property is UGI going to excavate, or not at all?

A: Hugh/UGI – The general design is about 2-3 feet off the road. We are not talking too far into the grass at all. Typically, we try and avoid all driveway cuts. There would not be a reason to cut up a driveway, unless there was a public waterline.

A MOTION was made by Commissioner Kelly to move forward with said waiver as discussed above. The motion was seconded by President Morgan.

Roll Call Vote as follows:

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

Motion carries.

President Morgan said to Hugh/UGI, that she hopes UGI holds up their end of this agreement. SWT residents are proud of their homes, streets, and community, and President Morgan went on to say that she thinks this project can definitely better the neighborhood as far as the service is concerned, but we don't want to make any new problems. She thanked him for all his information and work he has done to date, and said that we look forward to working with UGI on this project so that it is a success.

Hugh and Allison thanked the Board for their time.

8. CORRESPONDENCE AND INFORMATION ITEMS:

President Morgan - Touch on a virtual Lehigh Valley Planning Commission meeting which she, Township Manager Renee Bickel, Commissioner Kelly, Township Staff recently attended/participated in, which is a general assembly for local government, which they hold every year. They talk about different topics going on in the LV. It was represented by 62 municipalities throughout Northampton and Lehigh Counties. Becky Bradley, Executive Director for the LVPC, and her entire team gave some great presentations. Some of the topics of discussion were the impact of COVID, transportation, the Census, air quality, housing development, equality, just to name a few. Also, discussions occurred on some specific changes with regard to fireworks and the challenges some communities are having with that. Many interesting stats were provided. Too much to touch on. We will get a copy of this presentation and make that available on our website so that the general public can go in and look at some of these statistics—the pre- and post-COVID statistics were quite interesting. If there is a lot of interest, perhaps we could have Becky Bradley come to one of our Board meetings for the public who might want a live presentation.

SWT Chief of Police, Glen Dorney – On-Site Assessment of the SWT PD by PA Law Enforcement Accreditation Commission

On Wednesday, June 24th, assessors from the Pennsylvania Law Enforcement Accreditation Commission conducted an on-site assessment of the South Whitehall Township Police Department. SWTPD originally earned PLEAC Accreditation on June 23, 2017 and is one of 120 agencies in Pennsylvania to be accredited by PLEAC. PLEAC requires all accredited agencies to meet 136 strict standards that are best practices and policies in modern policing. To maintain accreditation, we must show documentation that we do in fact meet those standards and perform our duties in accordance with the standards set forth by PLEAC. Assessors conduct an on-site evaluation every 3 years and scrutinize police reports and policies to ensure compliance with the 136 PLEAC standards.

I am proud to say that although not official yet, the assessors have indicated the South Whitehall Township PD will be recommended for re-accreditation after this assessment. This is validation that the SWTPD do things right and meet the high standards imposed by PLEAC. I want to take a minute to publicly thank Lt. Steve Brown for his hard work as our accreditation manager.

With the ongoing national discussion of police reform, I can confidently state that the South Whitehall Township Police have already addressed most concerns by the public about police reform. One of national discussions focuses on the “8 can’t wait” which Bans chokeholds and strangleholds, Requires De-Escalation, Requires warning before shooting when feasible, Exhausts all alternatives before shooting, Requires Duty to intervene, Bans shooting at moving vehicles, Requires use of force continuum, and Requires comprehensive reporting. These 8 that can’t wait have been present in Lehigh Valley Policing for 25 years since I went through the Police Academy. We constantly review policies and procedures and ensure we are addressing the concerns of 21st century policing.

I can confidently tell you that South Whitehall Township Police Officers are doing things right and doing them right for the right reasons. We care about all members of our community and strive to provide the best service without prejudice. With that said, Police Officers are human beings and are not perfect. We make mistakes just like you. And sadly, there are bad cops out there, as we have seen in Minneapolis. One bad cop out of 800,000+ police officers in this country should not paint all police officers as bad. As the matter of fact, no one hates bad cops more than good cops. We are out there every day doing our best to serve you the best we can, and we do it right 99% of the time. That less than 1% should not vilify the dedicated men and women of Law Enforcement across this country. And as you see daily, officers are still protecting our communities even when we are being publicly vilified by many.

In closing, I am proud to be a member of the South Whitehall Township Police Department and want to commend the men and women of this Department for their hard work and dedication to our community. I also want to thank our community for the outpouring of support we have received during these challenging times. Special thanks to the board of commissioners for not entertaining the ridiculous narrative of defunding the police.

President Morgan – Thanked Chief Dorney for sharing this and thanked him for his leadership and thanked the entire police team. We are extremely blessed and proud to have each and

everyone of you taking care of us—the residents and business of SWT every day. Keep up the good work and please know you are appreciated.

Commissioner Mobilio – He explained that previously he had reached out to Township Manager Bickel and Chief Dorney regarding police reform, just to see how we did things in SWT. He went on to say how incredibly impressed he was with the fact that our Police Chief, Glen Dorney, had already been looking into and working on, and just having the foresight to already have been doing what is only now being brought up in the State legislature. Our Police Chief really is ahead of the curve regarding all these current issues of concern. I am very encouraged to know that our Chief of Police is trying to adapt/change, and do all the right things. I am very proud to have this PD protecting us. Commissioner Mobilio explained that regarding the recent bills passed with regard to police reform, Chief Dorney had explained to him that the SWT had already been doing these things which the State is now requiring PDs to do. We are already ahead of what took the State legislature a long time to get on the Governor’s desk. Everyone should be exceptionally proud of what our SWT PD has done and is doing.

Chief Dorney – explained that this is not something new to SWT in light of the George Floyd incident and other things going on at this time. We look at policy everyday—we have been doing this for quite some time now to make sure we are indeed doing the right things.

Commissioner Wolk – Thanked Chief Dorney for providing his leadership as well, and the re-accreditation of the department. He thanked him for continually re-evaluating policies and procedures, especially in the area of police reform. He went on to say that Chief Dorney has been a great leader since he joined SWT. Along with the other Commissioners, he wanted to thank each and every officer, who lives and breathes what is required of them, for our PD to be successful now and into the future. Thank You to all of you.

Commissioner Kelly – Also wanted to publicly thank Chief Dorney for his leadership, even going back to 2017 to have the PD accredited back then; and, a Thank You to all the fine men and women in uniform who keep us safe. Thank you to all.

Chief Dorney again thanked everyone for their comments, explaining that it really is a team effort, from the newest to the oldest officer on the force.

9. **DIRECTION/DISCUSSION ITEMS:** None.

10. **OLD BUSINESS**

a. **Wehrs Dam – Status**

Township Manager Renee Bickel said we are continuing to wait on the permit.

b. **Credit Cards – Status**

Steve Carr, Finance Director said we will be waiting a few more weeks to go completely live—there are some wrinkles we need to make sure are completely ironed out, and tested, before

we roll this out to the public with regard to refuse and the brand new system for water and sewer.

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

David Burke – SWT resident. With Dorney Park opening, has the Township interacted with Dorney Park to make sure they are operating in having visitors coming in, in a safe manner? A concern is that people come from other areas into the LV, specifically a lot of busing done in the past; some of the big cities have been hot spots.

President Morgan said that she can assure him that there have been discussions on this, and asked Township Manager to touch on this. Dorney Park has a complete screening process before anyone can even enter the Park, which includes temperature check, and other things. DP has been very diligent in how they will allow visitors to enter the Park to ensure everybody's safety.

Township Manager Renee Bickel – Dorney Park does have a complete plan in place as to what they are required to do. That plan is between Dorney Park and the State. Dorney Park has to follow those guidelines. They do have to follow a limited number of people who are entering the Park. It is not the capacity that it has been in the past. They have a protocol which they are required to follow per the rules and regulations of the State.

Monica Hodges – SWT resident. Does SWT have a Noise Ordinance?

Township Manager Renee Bickel explained that this is something we have been diligently working on. Tom Harper, Enforcement Program Manager for SWT is at this meeting and he can touch on this a bit. This ordinance will be coming before the Board shortly.

Tom Harper- SWT Enforcement Program Manager – This is an ordinance which covers several different aspects of quality of life issues involving noise throughout the Township. Currently being reviewed by Solicitor's office now for final tweaks, and will be coming back to the Board shortly. Since his coming to the Township, he knows this has been something the residents have asked for. He therefore worked diligently on this one, in cooperation with Chief Dorney, since enforcement will occur between the PD and Code Enforcement—the ordinance covers just about everything we can imagine. Touches on dog barking, loading/unloading issues, fireworks, etc.—common nuisance situations where both the PD and Code Enforcement could address such issues to hopefully make things better for residents. Regarding fireworks, the State is currently re-evaluating their law and he does not know what and how that will impact municipalities. He and Chief Dorney will be talking about this issue, and if necessary, we will address that differently. For now, there is some language in this ordinance with regard to that. President Morgan interjected by saying that she knows this is something that the LVPC is also addressing, so we may be able to filter some of what we do through the LVPC in order to get something that works for SWT. There is more to come on this.

Commissioner Wolk – Sometimes a noise ordinance can be seen as self-defeating since you have to prove that the violator actually violated the ordinance. Asked that this be taken into consideration as this ordinance is being prepared.

Chief Dorney – When he was with the City of Allentown, the City was very effective with the Noise Ordinance. They used it quite often. The magistrates understood where it came from and were very good with it, because all the correct terminology is in there as to how we justify what the noise violation was. As a side note, our current SWT magistrate is a retired Allentown police officer who used that very same noise ordinance in the past.

12. PAYMENT OF INVOICES:

Commissioner Kelly – Regarding the leaf vacuum, when this was approved, we originally said it was going to come from liquid fuels funds/state highway aid money. It looks like it is now being taken from our general fund. Does this require a new motion since we are taking it from a different fund?

Steve Carr, Finance Director – Explained that we cannot buy a piece of used equipment from state highway aid funds, so it had to come out of the general fund. Originally they were going to buy a brand new one, which would have cost \$120,000 and would have come out of the state highway aid funds. Initially, that is where it was budgeted. Since we were able to find one for \$8,750, we did need to use funds from the general fund in order to buy. The intention being that if we come back with a street paving project, that would not have been able to be funded by state highway aid under the current budget, we now have freed up that money from this machine, and will be able to move that project from the capital funds/general funds over to state highway aid, which will end up helping our general fund. Without going back to confirm what was said at that meeting, this was the intent, and being noted for the record at this time. Initially this was budgeted in the state highway aid, but legally we cannot use state highway aid for the current leaf vacuum, since it is a used machine.

A MOTION was made by President Morgan, which was seconded by Commissioner Kelly, to pay for the used leaf vacuum out of the general fund, instead of the Liquid Fuels Fund .

Roll Call Vote as follows:

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

Motion carries.

A MOTION was made by President Morgan 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
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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 8:16 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 July 1, 2020, Meeting Minutes as amended.

Roll Call Vote as follows:

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