

**BOARD OF COMMISSIONERS**

**PUBLIC MEETING**

**AGENDA-MINUTES**

**July 15, 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 Elias, PW Utility & MS4 Coordinator  
Mike Kukitz, Parks & Rec Manager  
Steve Carr, Director of Finance - Absent  
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. July 1, 2020 - BOC Meeting Minutes:**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the July 1, 2020 BOC Meeting Minutes as amended.

Roll Call Vote taken as follows:  
Commissioner Wolk: AYE

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

**b. June 3, 2020 - BOC Meeting Minutes, w-attachments for approval into the minutes:**

President Morgan explained that the June 3<sup>rd</sup> minutes were previously TABLED due to some additional considerations, which are now attached as Attachments A, B, C, & D to this set of minutes and are for BOC approval this evening. With these attachments, all personal statements have been included in this set of minutes.

Additionally, President Morgan explained in light of the fact that in past months we seem to go round-and-round with what goes into the minutes, she felt it important to put a process/structure in place as to how meeting minutes should be done. Previously, the Board did follow Robert’s Rules of Order and the Sunshine Act. Additionally, we have the video/recording of every meeting, so we cannot be more transparent than that. Therefore, a MOTION was made by President Morgan, that moving forward, we would follow Robert’s Rules of Order and the Sunshine Act when doing minutes. The MOTION was seconded by Commissioner Setton.

Roll Call Vote taken as follows:

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

Motion carried.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the June 3, 2020 BOC Meeting Minutes w/amendments/attachments.

Roll Call Vote taken as follows:

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

Motion carried.

**5. PRESENTATIONS**

**a. Regional Interim Act 537 Plan - Mike Schober, Arro Consulting**

Randy Cope, Director of Township Operations, explained that Mike Schober, Arro Consulting is working on this Interim Act 537 Plan for our Region. Also in attendance regarding this topic is Darryl Jenkins, Utility Engineer, SSM, as well as Herb Bender, PW Superintendent and Mike Elias, PW Utility & MS4 Coordinator. Randy explained that the PA DEP is requiring this 537 Plan due to the capacity concerns at the Klines Island waste/water treatment plant. This was specifically triggered by the rainfalls of August 2018 into July of 2019, which was the wettest 12-month period in over 100 years. The plant is currently permitted for 40M gpd.

During those heavy rainfall months, the 40M gpd was exceeded by for three consecutive months, which triggered a Chapter 94 Permit Violation for the region. DEP has now been working with Lehigh County Authority, City of Allentown, and the Signatories who discharge their sewage to Klines Island treatment plant to come up with a regional approach by looking at the development throughout the region, infrastructure currently in place, in determining whether the infrastructure in place will be sufficient or not, in order to support future growth throughout the region. Randy explained this is a presentation and no formal action is needed. However, there will be a resolution on the August 5<sup>th</sup> Agenda, which the other signatories will be adopting at this time. This evening is to answer any questions with regard to this Act 537 Plan.

Mr. Schober was in attendance to give a brief overview of the 537 Plan.

Mr. Schober said that although the Kline's Island treatment plant was technically hydraulically overloaded, it always met its affluent limits throughout rainy events. The plant can handle more flow than is it permitted for. This plan is a corrective action plan to get us through the next five years—for the interim. There is a lot more work that has to be done to get a plan together beyond that—30 years.

Several things have to be done in the next five years.

- Re-rating the Klines Island Treatment Plant.
- Restrictions in the Trexlertown Interceptor were identified—need to be addressed.
- Each municipality has agreed to continue implementing their respective inflow and infiltration (I&I) source reduction programs so that the systems are not overloaded.
- LCA will be developing the long-term plan over the next five years, which is part of this interim plan. Many studies/much planning, along with projections will be done towards this end, which will then be melded down into a long-term 537 plan. In 2025 will be the next time we will review for another long-term plan.

From a Schedule perspective PA DEP requires:

- Plan must be reviewed by all the municipal and county agencies, which has been done.
- Once all planning agencies have reviewed, and their items incorporated, the Plan is advertised for 30 days for public comment, which has been done. July 10<sup>th</sup> ended the public comment period.
- Next, various municipalities consider the plan for adoption. This is where we currently are. Looking to get through all the municipal adoptions by mid-September.
- Then, submission to PA DEP for their review and approval.

Most comments received had to do with municipalities adjustments to I&I to be incorporated into the plan to be adopted.

Bill Erdman, Engineer, Keystone Consulting explained that regarding the Parkland Manor Project-Phase 4, because the total sewage flow from the entire site, including the more recent project, is less than the original flow, it therefore does not require a planning module, and consequently, does not appear on this radar screen, and does not need to be part of this process. This process is set up so that when planning modules are approved, they are approved under these limitations that have been put in place for various municipalities. That is why Parkland Manor is not in here as part of this process.

What if there is a re-rate? Mr. Schober said this is something which will be discussed and agreed upon by the municipalities and their inter-municipal agreements which are in place.

Is it anticipated if there is going to be a moratorium in any community? Mr. Schober said No, it is not.

Bill Erdman said, he said he feels it is safe to say that—No, there will not be a change of allocations for municipalities as a result of this process. Mr. Schober said that in the long-term plan when doing your 30-year projections, it is anticipated that a major project will have to take place regarding the Klines Island Plant, as well as some of the conveyance systems, at which time the agreements will again be looked at, allocations will be made, and which cost-share will be based on those allocations.

Darryl Jenkins confirmed that regarding EDUs, all signatories have agreed to use a consistent number for planning of 230 gpd to be used for all future planning numbers.

It was noted that this plan was publicly advertised, per Mr. Schober, and for 30 days they accepted comments. Commissioner Kelly also noted that this document was available on our website, and is part of our packet, which the public can view. Randy Cope added that this was also publicly advertised by SWT Planning Commission as well.

All questions by Board/Public were answered. President Morgan thanked Mike Schober for his presentation this evening. More to come on this topic.

## 6. ORDINANCES

- a. **Request To Advertise: An Ordinance Amending The South Whitehall Township Zoning Ordinance By Amending Section 350-24(c)(7) R-5 Medium Density Residential Zoning District Schedule And Section 350-24(c)(8) R-10 High Density Residential Zoning District Schedule To Allow For A Maximum Height Of Forty (40) Feet For Residential Buildings; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date.**

President Morgan explained that this is an item coming back to us, at the request of the Board, to be modified.

George Kinney, Director, Community Development, explained as follows:

- June 3, 2020 – BOC denied the Ordinance request with suggestion that the applicant remove the R-3 and R-4 zoning categories and limit the proposal to only the R-5 and R-10 zoning categories
- June 18, 2020 – (Final Action) – The Planning Commission formerly considered the matter and unanimously recommended that the Board of Commissioners approve the amendment as modified and proposed.
- June 22, 2020 – The amendment was transmitted to the LVPC for their mandatory review.
- This has now come back to the Board for a Request to Advertise.

There were no additional comments by the Board of Public.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to approve the above-mentioned ordinance as read.

Roll Call Vote taken as follows:

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

Motion carried.

**7. RESOLUTIONS**

**a. A Resolution Extending The Conditional Approval Granted To A Waiver Of Subdivision And Land Development Review And Approval Requirements Of The South Whitehall Township SALDO For A Plan Entitled "Dorney Park Project 2020" Relating To Properties Located At 3830 Dorney Park Road**

George Kinney, Director of Community Development Department explained that back in July 2019 the original land waiver was granted, which was for a small water park feature to replace another water park feature. This land development waiver was subject to nine conditions. The approval resolution condition #9 permitted 12 months to satisfy those conditions, which would be July 17, 2020. The Applicant is currently very close in satisfying all conditions. The plans have been signed off on today. The Applicant has also sent in the conditions for the resolution. They are asking for a 60-day extension in order to complete the project, which George said is easily doable.

Barry Isset & Assoc. was in attendance and said that things went on a bit of a pause due to COVID, but they did get the plans printed and signed by Dorney Park, and Township Engineer has signed them, so we anticipate getting them recorded in the next few days.

There were no additional questions/comments by the Board or Public.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, approving above-mentioned resolution extending the conditional approval to Dorney Park.

Roll Call Vote taken as follows:

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

Motion carried. Extension granted.

**8. MOTIONS – None.**

**9. CORRESPONDENCE AND INFORMATION ITEMS:**

**a. Police Chief - Statistics Report**

Chief Dorney explained that for the month of June we had 914 Calls for Service; 118 were self-initiated by Officers. Largest category of calls was EMS at 222 calls. UCRs were 69 crimes reported. Arrests for the month were 28, of which 7 were initiated by the Officers. Due to pandemic, stats are currently down, with activity steadily picking up. Chief Dorney feels the officers are doing a fantastic job considering the current times we are in. President Morgan agreed, and said she sees our PD out there in the community every day doing great things and asked Chief to give them the Boards' best to all.

**b. Township Engineer – Report**

Tony Tallarida, from the Pidcock Company explained that we are moving forward with Blue Barn Meadows, Stage 3 preconstruction. All other ongoing projects continuing to move along as anticipated as well.

President Morgan – The Volunteer Fire Sub-Committee did meet Monday, July 13<sup>th</sup>. Continued discussions occurred on incentive plan and modifications to this plan, which will hopefully come back to BOC for consideration in August. Also discussed fire truck (#3212) replacement at Woodlawn Fire Department. Township Manager said they are putting together their specs and have some bids in, and will be making a recommendation shortly.

President Morgan said there was also discussion on some of the improvements needed at the fire stations, which will also come back to the Board, via the Sub-Committee, for further action in the near future. Township Fire Commissioner Chris Kiskeravage will be working closely with each of the Fire Departments regarding the items mentioned so as to come back to the Board with detailed recommendations.

**10. DIRECTION/DISCUSSION ITEMS:**

**a. Street Light Petition Application with regard to 27<sup>th</sup> Street, between Highland Street and Penn Street**

Chief Dorney said we received this request, and Officer Jason Grozier, who has much experience regard these applications, went out and surveyed the area. He deems that the light is indeed insufficient in that area. (See complete/detailed report in agenda packet.) The ground-level reading at that location was 0.1 FC (foot candles). This is considered low on the recommended illuminance at ground-level classification recommended by IESNA (Illuminating Engineering Society of North America). Chief explained that the recommended lighting for such area should be 0.6 FC. Officer Grozier has made some recommendations for better lighting in that area—whether or not to put lights on one side, or both sides of the street; the type of eco-friendly light that should be installed, and which would not cause a light disturbance in the neighborhood, etc.

Officer Grozier's recommendation is that we do in fact increase the lighting in that area.

Commissioner Kelly asked if the Township has ever looked into switching to all LEDs. She sited Carlisle, PA, who worked with PPL who did this—the article was March 2020. They are

much brighter, saves on our utility bills, etc. If we haven't done this, is this something we can look into?

Randy Cope, Director, Township Operations, explained that he believes this was looked at several years ago, but said he and Herb Bender will take a look into our files to see if we can find anything on this and get back to the Board with regard to this.

A MOTION was made by President Morgan to move forward in having Staff work with PPL to install said light in said area. The MOTION was seconded by Commissioner Kelly.

Roll Call Vote taken as follows:

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

Motion carried.

President Morgan thanked Chief and Officer Grozier for a great job.

**11. OLD BUSINESS – Township Manager Renee Bickel**

**a. Wehrs Dam – Status:**

Permit is till with PA DEP; no word on status. This is a 12-18 review period, and we are not 12 months in yet. Will not likely hear anything until December, at the earliest.

**b. Campus Renovation Project – Status:**

Finance Director, Steve Carr sent out a Project Summary. (He could not be in attendance due to a family emergency.) Currently still on schedule; project continues to progress; in terms of finances, still continuing in the contract amounts that were bid and agreed upon. We have not proceeded through any of our allowances at this point.

**c. Credit Cards – Status:**

Renee explained that Steve is continuing on with the testing—there are still some glitches between our two systems, which are not allowing the credit cards to process the way we want them to. Steve is actively working to marry the two systems so as not to have errors when processing the bills. Updates will continue with regard to this project.

**12. COURTESY OF THE FLOOR**

**a. Bill Erdman, Abe Atiyeh, and Priya Atiyeh, regarding Macungie Manor with Exhibits**

Bill Erdman – Explained they are here to talk about the possibility of re-zoning a small tract at 900 S. Hillview Road, Allentown, 18103. Currently an R3 zone. Proposing to put part of a campus on this property—this is a small tract being proposed for an assisted-living facility, which will be one-story only. As a campus, it will have this assisted-living building, as well as two senior-living buildings, three-stories each, but they (the three-story buildings) are in Lower Macungie Township. Bill explained they are here tonight to talk about being re-zoned

from R3 to R5. R5 allows for assisted living. The intent is to move forward with both properties—one in SWT (assisted-living facility), and then to move forward with a conditional-use in Lower Macungie Township to allow for the two multi-storied senior living apartments. He feels this would not be affected in anyway by the Comprehensive Plan. Slides were shown regarding the tract of land and what the buildings would look like.

President Morgan agreed with Bill’s comment that some things we have to look at somewhat independently. Our Comprehensive Plan is a guiding document. This is something specific, which will have little or no impact on the CP. She recommends we send this on to Staff for review, to then circle back to the Board for their consideration and recommendation of zoning modification. President Morgan asked the Board if they were in general agreement with this recommendation. Each of the Commissioners—Wolk, Setton, Kelly & Mobilio, stated they were in agreement with this recommendation.

George Kinney, Director of Community Development Department, said they will try and get a recommendation back by the end of next week, by way of their recommendation.

No other COF at this time.

**13. PAYMENT OF INVOICES:**

- a. **Invoices and Purchasing Requisitions have been reviewed by the Township Manager and the Director of Finance, who authorize that checks be issued to pay bills as tabulated.**

A MOTION was made by Commissioner Setton and seconded by Commissioner Mobilio to approve the payment of all invoices. All in favor; none opposed.

Roll Call Vote taken as follows:

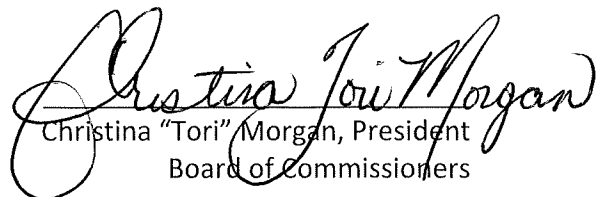
Commissioner Wolk:	AYE
Commissioner Mobilio:	AYE
Commissioner Kelly:	AYE
Commissioner Setton:	AYE
Commissioner Morgan:	AYE
Motion carried.	

**14. EXECUTIVE SESSION:** No executive session after this meeting.

**15. ADJOURNMENT:** At 9:11 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn. All in favor; none opposed.

**16. APPROVED: August 5, 2020**

  
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 Stephen D. Carr, Secretary

  
 Christina "Tori" Morgan, President  
 Board of Commissioners



On August 5, 2020, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the July 15, 2020 BOC Meeting Minutes.

Roll Call Vote taken as follows:

Commissioner Wolk: AYE

Commissioner Mobilio: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion Carried.