

## BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

August 19, 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:	ABSENT
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 - Absent  
Commissioner Joe Setton  
Commissioner Matthew Mobilio  
Joseph Zator, Twp. Solicitor, Zator Law Offices  
Richard Roberts, Twp. Solicitor's Office, 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  
Tom Harper, Code 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 electronically recorded, filed, and posted on BoardDocs for the Public's access.

\*([boarddocs.com](http://boarddocs.com); USERNAME: `swhitehall`; PASSWORD: `swtpublic`)

4. **MINUTES**

a. **August 5, 2020 - BOC Meeting Minutes:**

These Minutes were TABLED. President Morgan asked Tracy to go back and relisten to recording to see if a modification is needed.

5. **PRESENTATIONS:** None.

**6. ORDINANCES:**

- a. **HEARING - Advertised for Possible Adoption - 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.**

Solicitor Zator opened up the hearing by explaining that any zoning ordinance requires that consideration be given at a public hearing. This hearing has been advertised. As required, referrals given to the SWT PC, LVPC, and notices and all preliminaries taken care of. All background information on file at the Township accordingly. The purpose of this hearing for this zoning ordinance amendment is to inform public and receive public comments. This ordinance has been before the BOC and Township previously.

George Kinney, Director of Community Development presented as follows: This was presented on a couple of occasions. The proposal came to BOC in June of this year, and included five zoning categories for adjustment to the residential building height from 35' to 40'. BOC suggested at that time that the Applicant limit to zoning categories that he has on his subject property, which are R5 and R10. On June 18, 2020, PC considered this, with only R5 and R10 categories. They unanimously recommended adoption of Ordinance to BOC as proposed. On June 22<sup>nd</sup>, transmitted to the LVPC for their mandatory review, and they said amendment is consistent with LV Comprehensive Plan and does not pose substantial impacts to the region. On July 15, 2020 the BOC authorized a motion to advertise. This is where we are today. This would apply to all R5 and R10 districts in the Township. Currently, already in RR, RR2, RR3, and R2 zoning categories. The only categories in the Township remaining at the 35' are R3 and R4 categories.

There were no questions/comments by Board or Public. Hearing was then closed.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to move forward with the adoption of above-said Ordinance as presented.

Roll Call Vote as follows:

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

Motion carried.

- b. **Motion Requesting Permission to Proceed with Advertising - An Ordinance Amending The Codified Ordinances Of South Whitehall Township To Add A New Chapter 230 Entitled "Noise Control Ordinance", Providing For Greater Control And More Effective Regulations Regarding Excessive Sound And The Sources Of Excessive Sound Within South Whitehall Township, Providing For Enforcement,**

**Fines And Penalties And Further Providing For Severability; Failure To Enforce Not A Waiver; Repealer And An Effective Date.**

Tom Harper, Code Enforcement Program Manager, made a recommendation that we proceed with advertisement for this ordinance. Currently there is no Noise Ordinance for SWT. Noise disturbances are one of the most common complaints he has encountered since coming the SWT. This provides for enforcement for the most common noise disturbances. They are included, but not limited to loud music, barking dogs, deliveries, loading operations, construction, and fireworks. With the adoption of this ordinance, it will allow the PD and the Code Enforcement Department to address these types of disturbances in an efficient manner. The violation ticketing method will be used. Mr. Harper thanked Attorney Rich Roberts and Chief Glen Dorney for working with the Township on this ordinance.

Chief Dorney said it's a good ordinance, which residents are looking for. It will not only help keep the peace, but the quality of life in SWT.

George Kinney, Director of Community Development said that although this is an enforceable Ordinance, the primary goal of code enforcement is education first. We will be working to educate people who do not know that they are violating something first, before we get to a point where we ticket, etc. Tom Harper continued on with this thought and said that we have a brochure on this, which he will go to the community meetings with Chief Dorney, to talk about this new ordinance and any other new code enforcement ordinances. We want to get compliance. Talking to people first goes a long way.

Joe Petro – SWT Resident representing his neighbors on 30<sup>th</sup> Street. He thanked Township Manager Renee Bickel, Tom Harper, and other Staff who began working on this over a year ago to address the noise problem, an ordinance which will help to mitigate and protect his neighborhood from the noise produced by the Village West Shopping Center, which resides a few yards from the development he lives in. He thanked the Board for allowing him the opportunity to express his support for this Ordinance.

Q: How will the Public be notified of this ordinance?

A: Attorney Roberts said this will be advertised, as the law requires. Also, as mentioned by Tom Harper earlier, there will be presentations given along side of the PD to educate the public. Mr. Harper said that we will also place this on the website with a short narrative as to highlighted items of this ordinance, similar to what is in the brochure. Chief Dorney said it will also be put out on all their social media. Attorney Roberts said that within the ordinance it gives officers the opportunity to give warnings—the idea is not to start citing people immediately.

Q: How does this ordinance deal with repeat offenders?

A: Mr. Harper explained that the issuance of citations is at the discretion of the officer since they are the ones who patrol the neighborhoods and know what goes on. Mr. Harper said he will be working with Chief Dorney on a standardized operating procedure so that everyone is on the same page regarding enforcement.

Q: Does this ordinance also apply to commercial establishments, and those within our Township licensed by the LCB?

A: Attorney Roberts said yes, it would—the standard is the same for a commercial establishment as it is for a resident. Attorney Zator added onto that and said this ordinance does not supplant the authority of the PLCB enforcing the liquor license requirements and the liquor code. This SWT ordinance would not stop a PLCB process.

Q: Effective Date? A: Solicitor Zator said this will be effective sometime in October of this year.

All questions by Board and Public were answered.

MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to proceed with the advertising of the above-mentioned noise ordinance.

Roll Call Vote as follows:

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

Motion carried.

**7. RESOLUTIONS**

**a. A Resolution Appointing Keisha Champagnie to the South Whitehall Township Vacancy Board**

Keisha Champagnie said that her commitment is to this Township. She said that if she were called upon to make that decision on the Vacancy Board, she would be listening to the points made by both sides.

A MOTION was made by President Morgan, which was seconded by Commissioner Setton, to appoint Keisha Champagnie to the SWT Vacancy Board.

Roll Call Vote taken as follows:

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

Motion carried.

President Morgan thanked Keisha for her willingness to serve, and said that we look forward to working with you, and potentially looking at opportunities to expand the support that the vacancy board gives to the full Commission. We will talk further about that when all the Commissioners are present to see what other opportunities we may have.

**8. MOTIONS**

**a. Motion Requesting Permission to Proceed with Advertising Bid for the Sewer Main Repairs and Manhole Rehabilitation Project**

Herb Bender, PW Superintendent explained that SWT PW and Purchasing Department respectfully request permission to bid the Sewer Main Repairs and Manhole Rehabilitation project. The current contract will expire in August 2020. This project is budgeted as part of the EPA line item in the Sewer budget, in which the bulk of the bid will be 2021 budget work.

Herb explained that they take a look at all the grants out there to see what we can apply for, for any kind of work that is coming up.

Questions were answered by the Board/Public.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, granting permission to proceed with advertising bid for the sewer main repairs and manhole rehabilitation project.

Roll Call Vote taken as follows:

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

Motion carried.

## 9. CORRESPONDENCE AND INFORMATION ITEMS:

### a. **Police Chief – Statistics Report**

Chief Dorney explained that the PD handled 1029 Reports for the month of July, of which 184 were initiated by the officers. During this COVID event, these numbers are starting to level out a bit more. 18% were self-initiated. Most common calls of service are EMS, with 232. UCRs for the month of July were 63 reported crimes. 33 arrests, 11 of those were self-initiated. Self-initiated were 33.33%. The arrest ratio is about 44.44%.

Chief took the time to again thank the PD, PW, EMS for all the work they did during the flooding event last week. They did a great job.

Second Annual Police Academy was held last week. Great week. We had 16 students. Chief thanked the Board for allowing us to do this. President Morgan said we had a lot of support for this amazing program. She wanted to specifically thank BELFOR Property Restoration for all their support for this program—they went above and beyond for this event to help make it a success. Chief said they are a great partner with us.

### b. **Township Engineer – Report, Tony Tallarida, The Pidcock Company.**

A lot of building/construction going on within the Township. A lot of new projects still coming into the Township—both medical and residential. So we will be seeing these projects come to the Board in the future.

c. **Public Notice - Planning Commission Meeting, Thursday, August 20, 2020, 7:00 p.m.**

d. **Public Notice - Planning Commission Meeting, Monday, August 24, 2020, 7:00 p.m.**

e. **Flood Event - Status**

Township Manager Renee Bickel said that regarding the flood last week, Covered Bridge Park received the most damage from this storm event. She thanked all the volunteers who came out last week to help with the clean-up—wonderful community support for the clean-up. It is so appreciated. We are currently working with our insurance carrier to help us through this process.

Also, we had a tree fall on a property we own on Brickyard Road.

Spotted Lantern Fly – Both Randy and Renee said that they feel we are in a better position this year on our Township properties. A significant amount of trees were wrapped this year. We do have some great links under Parks & Rec which will take you to the Penn State Extension Website where there is a lot of information on this. Residents are also doing a great job with this and making a big difference.

Renee also mentioned that Steve Carr is currently away, but will be in touch with the Board regarding Campus Renovation and Credit Cards when he returns.

**10. DIRECTION/DISCUSSION ITEMS:**

Green Advisory Committee Meeting – Held August 17<sup>th</sup>. Primary goal is to put together a Recycling Information Packet, and determining best way to disseminate that information to residents. Continuing to work on a Storm Water Informational Packet, as well as working on an ordinance with regard to single-use plastics. Working on ways to best communicate all this information back to residents. President Morgan will continue to provide updates.

**11. OLD BUSINESS**

- a. **Wehrs Dam – Status:** No word yet from PA DEP/Still in permitting process.
- b. **Campus Renovation Project – Status:** See above.
- c. **Credit Cards – Status:** See above.

**12. COURTESY OF THE FLOOR**

Brian Hite – Discussed the following items:

- Construction activities on his property, and his neighbors, specifically with regard to the Crackersport Warehouse DC Project.
- Publicly thanked Herb Bender, PW Superintendent and Mike Elias, PW Utility & MS4 Coordinator, and Township Road Crews for taking care of the mud situation along Eck Road.
- Request for Chief Dorney. Could PD make a courtesy visit to Daniels BMW regarding 35 mph speed limit on Eck Road and their test driving.
- Jordan Greenway – The new trail from Covered Bridge to 309. No benches along trail.

Jacob Roth – Discussed Keisha Champagnie, and that she is one of the most decent, friendly people he has had the honor to know. Glad she will continue to serve the community in this way. Congratulations to her.

Lee Solt – Asked for website development update. Renee explained that the training of the design of the website is taking place right now. Coinciding along with that is the new agenda management system and video platform. As soon as we are able to roll this out live we will communicate that to everyone. Website portion will be end of 2020, early 2021. Agenda Management System will take place before end of year sometime.

Lee also, touched on the recycling cans.

**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 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:	Absent
Commissioner Mobilio:	AYE
Commissioner Kelly:	AYE
Commissioner Setton:	AYE
Commissioner Morgan:	AYE

Motion carried.

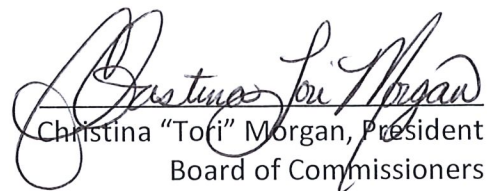
**14. EXECUTIVE SESSION:** No executive session after this meeting.

**15. ADJOURNMENT:** At 8:49 p.m. a MOTION was made by Commissioner Kelly, which was seconded by President Morgan, to adjourn. All in favor; none opposed.

**16. APPROVED:** September 2, 2020



Stephen D. Carr, Secretary

  
Christina "Tori" Morgan, President  
Board of Commissioners

On September 2, 2020, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to approve the August 19, 2020 BOC Meeting Minutes. All in favor; none opposed. There was one abstention.

Roll Call Vote as follows:

Commissioner Wolk: Abstained Was not at this meeting.

Commissioner Mobilio: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion Carried.