



## BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

September 2, 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 Setton:	HERE
Commissioner Kelly:	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 Zator, Twp. Solicitor, Zator Law Offices  
Anthony Tallarida, Twp. Engineer, The Pidcock Company  
Renee Bickel, Township Manager - Absent  
Randy Cope, Director of Twp. Operations  
Herb Bender, PW Superintendent  
Mike Elias, PW Utility & MS4 Coordinator  
Steve Carr, Director of Finance  
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; USERNAME: swhitehall; PASSWORD: swtpublic)

4. **MINUTES**

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

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the August 5, 2020 BOC Meeting Minutes.

Roll Call Vote as follows:

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

Motion carried.

**b. August 19, 2020 - BOC Meeting Minutes**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to approve the August 19, 2020 BOC Meeting Minutes.

Roll Call Vote as follows:

Commissioner Wolk:	ABSTAINED—was absent for this meeting.
Commissioner Mobilio:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

5. **PRESENTATIONS:** None.

6. **ORDINANCES:**

a. **Previously Advertised for Adoption - 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.**

Solicitor Zator explained that the ordinance is before the Board this evening for possible adoption. This is not a hearing, but it is for discussion and action this evening. Mr. Tom Harper did go through this thoroughly at our last meeting. Commissioner Mobilio added that this is a solid ordinance and great starting point/framework to work with, if/when changes occur and can be perfected as we move into the future.

Q: What is considered a disturbance?

A: Tom Harper explained that if an Officer can audibly hear the disturbance at the property line, or disturbance is crossing the property line, this could constitute a disturbance. Chief Dorney and Mr. Harper will be seeking to educate the public about this ordinance, in order to get compliance, so that people can enjoy their property.

Q: Repeated Offenders on an ongoing basis, how are they handled? Do they continue to receive the \$100 fine for each offense?

A: Mr. Harper explained the \$100 fine is the violation ticketing process. Officers know their districts very well. There will be education, then violation ticket, then notices and citations, which are issued at officer's discretion, at which time the offender will then appear before the magistrate, and these fines go up to \$1,000.

Chief Dorney explained that the PD will be relying on the public to let them know if there is a disturbance. People need to call the disturbance in. Noise complaints typically come from the individuals that are being disturbed.

All questions by Board and Public were answered at this time.

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

Roll Call Vote as follows:

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

Motion carried.

**7. RESOLUTIONS: None.**

**8. MOTIONS**

**a. Motion to Approve Budget Amendment to State Highway Aid Fund**

Steve Carr, Director of Finance explained that this motion and the next motion go hand-in-hand. During last year's budget process, the Board authorized us to budget for \$2.8M for potential road repairs, with intention of bulking road repairs together, so as to get better pricing, and potentially taking a loan—spreading the cost of the road over the life of the loan. We only budgeted a loan of \$380,000. COVID caused us to again look at finances, and projects were put on hold, which included the \$380,000 from the general fund for road projects.

We had budgeted 2020 \$80,000 to purchase a leaf vacuum from the State Highway Aid Fund. We were able to find a used vacuum for \$8,750, which freed up \$80,000 which can be used for this project. We did speak with the State Highway Aid people regarding this. This motion would be to ask that we reallocate the \$80,000 (which was originally allocated for leaf vacuum/major machinery & equipment), and use the \$80,000 to fund the New Street Paving Project (next motion below) in the Street Construction line item of State Highway Aid.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, approving the reallocation of the \$80,000 to fund the New Street Paving Project, as explained above.

Roll Call Vote as follows:

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

Motion carried.

**b. Motion Requesting Permission to Proceed with New Street Paving Project**

Herb Bender, PW Superintendent explained that Public Works is seeking approval to pave Chew Street (31<sup>st</sup> Street to Cedar Crest Boulevard), College Heights Boulevard (31<sup>st</sup> Street to Cedar Crest Boulevard) and Parkview Avenue (31<sup>st</sup> Street to Chew Street). We would like to award the milling to Bracalente Construction in the amount of \$8,550 and also like to award the spraying of the PA tack coat to AMS for the amount of \$2,320 and the line striping to A-1 Line Striping for the amount of \$3,113.20. The paving and seal will be done by PWs. The estimated amount of 9.5mm blacktop is 900 ton and will cost \$65,000. This project will cost about \$78,983.20 and is budgeted in State Highway Aid. This project would start on the 8<sup>th</sup> and looking to be completed the following week by Friday if weather cooperates.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, granting permission to proceed with New Street Paving Project as described above by Mr. Bender.

Roll Call Vote as follows:

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

Motion carried.

**9. CORRESPONDENCE AND INFORMATION ITEMS: None.**

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

**11. OLD BUSINESS**

**a. Wehrs Dam – Status:** Randy Cope explained no word yet from PA DEP/Still in permitting process. Nothing new to report. As soon as we get information, we will report back to Board.

Commissioner Mobilio wanted to clarify some things due to misinformation being put out there regarding the Wehrs Dam referendum—what the referendum is and the plans of the Township. The current Board has not in any way impaired or affected the vote taken previously regarding money allocated for Wehrs Dam. The money that has been allocated by way of referendum has not been used. Nothing has been done with that \$600,000. The Board has talked about whether we are willing to spend additional monies **above** the

\$600,000 that the voters have approved. If the PA DEP Permit comes through, and \$600,000 will get the job done, Wehrs Dam will be saved, renovated, etc. He clarified that if everything can be done to save it for the amount of the \$600,000 approved by the voters, it will be done. No one has advocated to overturn that vote. What would be in question is if additional monies are to be spent, **above** the \$600,000 figure. Nothing has changed with regard to that vote. Nothing has been done on the dam yet, because we are waiting on permit approval from PA DEP first.

- b. **Campus Renovation Project – Status:** Randy Cope explained this project continues to be on target in terms of timing and budget.
- c. **Credit Cards – Status:** Randy explained Steve Carr continues to work diligently on this. Working out a few final kinks before we go live with this.

Additional discussion occurred regarding requiring the posting of Draft Ordinances on the website, which Solicitor Zator said he would not recommend as a requirement, in order to avoid procedural defects. He would not want to see, for example, 18 months after enactment, someone get off on a technicality. If the Township wants to have additional transparency, that is ok, they can certainly be posted for additional transparency, but feels it should not be imposed on the Township as a legal requirement.

## 12. COURTESY OF THE FLOOR

Brian Hite, 1273 Eck Road – Discussed “No Parking Signs” issue, where the signs were removed. Herb Bender, PW Superintendent said he will look into this tomorrow morning. He was not aware of this. He will find out what happened to them and get them put back up.

Manly Offutt, 1991 Molinaro Drive – Green and blue markings on his street. Wanted to know what was going on. Herb explained that it was for a PA One Call.

Lee Solt – Wanted to thank Township Manager, Renee Bickel and Randy Cope, Director Township Operations, for getting back to him, and taking the time to answer his questions. Also, thanked Gregg Adams for speaking with him. He appreciates the Township Staff for answering resident concerns.

## 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 Morgan, to approve the payment of all invoices. All in favor; none opposed.

Roll Call Vote as follows:

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

- 14. **EXECUTIVE SESSION:** No executive session after this meeting.
- 15. **ADJOURNMENT:** At 8:02 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn. All in favor; none opposed.
- 16. **APPROVED:** September 16, 2020



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Stephen D. Carr, Secretary



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Christina "Tori" Morgan, President  
Board of Commissioners

A MOTION was made by Commissioner Setton, which was seconded by Matthew Mobilio, to approve the September 2, 2020, BOC Meeting Minutes.

Roll Call Vote as follows:

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