



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

October 21, 2020

1. CALL TO ORDER: 7:00 p.m.

As this is a virtual GoTo Meeting, Randy Cope, Director of Township Operations took a Roll Call 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 - 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
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)**

President Morgan advised for the record that the Board of Commissioners did meet in Executive Session prior to the start of this meeting to discuss legal matters.

4. MINUTES

a. October 7, 2020 - BOC Meeting Minutes

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio to approve the October 7, 2020 BOC Meeting Minutes as amended.

Roll Call Vote as follows:

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

Motion carried.

After this item, the Board jumped to the Motions section of the Agenda (Agenda Items 8.) for consideration.

5. **PRESENTATIONS**: None.

6. **ORDINANCES**: None.

7. **RESOLUTIONS**:

a. **A Resolution Granting A Waiver Of Certain Requirements Of Subdivision And Land Development Regulations For South Whitehall Township To A Major Plan Entitled "Ridge Farm"**

President Morgan explained that there are 16 waivers/deferrals. We will start with deferrals, followed by waivers. President Morgan said she will introduce each, followed by explanation by the developer. This will be followed by comments and answering of questions, and then a vote will be taken.

George Kinney, Director, Community Development Department, said it is important that the Board recognize that the actions of the Board are limited to the waivers/deferrals. A decision is not being made on the preliminary-final plan this evening. Additionally, the PC has looked at this on four different occasions, spanning approximately 3 hours each time. Involved are many legal and engineering considerations. Note, there are two requests that are not recommended for approval, which the developer will of course touch on. Deferred to Applicant at this time.

Commissioner Kelly suggested a Workshop to discuss a policy of sorts, as it relates to notifications to public—via postcards, etc. Postcards were not sent out for this meeting. President Morgan wanted to clarify that Staff/Commissioners did not do anything wrong. This was not a requirement. In an effort to move forward with our agenda this evening, she said everyone did make great points with suggestions on how this process can be better. We need to have Staff and Legal in on these discussions. From a legal standpoint we need to know what is feasible to do, and come up with a definitive proposal on how to modify things. We cannot make these decisions tonight. She agreed that if this is something this Board feels strongly about, and wants to look at moving forward with, that should be the approach we take. This was her suggestion in moving forward with this and in working towards better understanding of this process.

President Morgan went on to say Staff can put together a list of the current requirements and practices for BOC review. Feels we can sit down and discuss what makes sense across the board for every project, not just RF, Hillview, etc. We cannot be specific with who is called out. In light of Budget meetings in November, said we can touch base with Renee to see when this might be done, since we are currently stacked up for all of November.

George Kinney said that Jason Englehardt, PE, LEED AP of Langan Engineering, and Attorney Jim Preston, Broughal & DeVito, are both in attendance this evening, on behalf of the Applicant.

President Morgan introduced the following deferral request (see Pidcock letter dated October 15, 2020). Jason Englehardt followed up with an explanation on behalf of applicant.

DEFERRALS

- *§312-35(b)(3)(B)(i) – requiring a frontage Arterial Street be improved in accordance with the Township Standard Construction Documents. A deferral is requested to limit Huckleberry Road improvements west of CCB to a pavement width of 40 feet providing one travel lane and shoulder in each direction (50-foot wide pavement required). We have no engineering objection to this request but recommend consideration of any comments from the PSC and PWD (This is #5 in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.
 - A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to move forward with the deferral request §312-35(b)(3)(B)(i) Arterial Street Cross Section. In accordance with Township standards

Roll Call Vote as follows:

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

Motion carried.
- *§312-35(b)(3)(A)(i) – requiring concrete curbs along all public and private streets. A deferral is requested for the northern portion of CCB which is subject to PennDOT’s jurisdiction including the use of roadside swales without curb. We note that curb was recommended along the east side of CCB to Huckleberry Road by the Planning Commission. While we have no engineering objection to this request, we recommend consideration of any comments from the PSC and PWD (This is #13.a. in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.
 - (Condition of Approval #1) Commissioner Kelly asked—if curbing needs to be added in years from now, would that be up to the landowners; how do we assure

the Township is protected so that we do not have to pay for the curbing down the line? Solicitor Zator said that at this point he is not sure that the developer has even thought about how they are going to structure the planned community association for this overall development. We have residential, commercial components. How they will interface one association, multiple associations, etc. Solicitor Zator said it is his goal as he represents the Township to make sure the structure is set up in a way so that the responsibility falls on someone else, other than the Township, to take care of that expense, if and when that deferral is ever called in. Commissioner Kelly - How do we know that those decisions will be made for the Township down the road? Solicitor Zator said it is his intent to do this on the Township's behalf in the future. But if it is a concern of the Board, and you are otherwise inclined to grant the deferral, it could be subject to the requirement that the developer work out to the satisfaction of the Township, the future responsibility, should the deferrals ever be called in.

- (Condition of Approval #2) Commissioner Kelly – if we defer sidewalk and curb on these particular streets and the school bus stops change on this plan significantly, and we want to do something different, is this something we can do while this plan is in process? Solicitor Zator said per the resolution before the Board this evening, the answer to this question is—Yes. But something on top of that the Board could consider is—if your concern is that curbing and sidewalk would be where the school buses stop, then along with the condition of deferral mentioned earlier, we could add a second condition of deferral, where the deferral applies only if the school bus stop is in an area that has curbing and sidewalk.
- A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly to approve said deferral with conditions as outlined by Solicitor Zator above.

Roll Call Vote as follows:

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

Motion carried.

(2:22:39)

- *§312-35(b)(3)(A)(viii) – requiring street construction standards per the ordinance and the Township Standard Construction Documents. A deferral is requested along CCB and Walbert Avenue to permit use of the PennDOT required roadway section. While we have no engineering objection to this request, and noting that PennDOT has jurisdiction, we recommend consideration of any comments from the PWD (This is #13.c. in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.

- A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve said deferral.

Roll Call Vote as follows:

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

Motion carried.

WAIVERS

- *§312-35(b)(3)(A)(ii) – requiring sidewalk along all public streets and private ways. Waivers are requested along the CCB and Walbert Avenue frontages. A recreation path was proposed during the Conditional Use Hearing in lieu of traditional sidewalk. While we have no engineering objection to this request, we defer to the Planning Department. (This is #13.b. in Pidcock letter.)*

- PC Vote on this item was unanimous to approve.
- For clarification, Solicitor Zator reminded that, when you get to the point of entertaining a motion, if that motion would be to grant the request, it was discussed at the PC, that because this 8’ sidewalk would be outside the Township right-of-way, and on private property, the Township should have the right, but not the obligation, to maintain it if not properly maintained by the association, which would be done at the expense of the association.
- A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to approve this waiver request as presented.

Roll Call Vote as follows:

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

Motion carried.

- *§312-40(c) – requiring street trees. A waiver is requested along CCB and Walbert Avenue. The landscaping plan proposes trees surrounding the pathway along the development frontage. While we have no engineering objection to this request, we defer to the Planning Department. (This is #13.d. in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.
 - This is administrative in nature.
 - A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to move forward with the street trees waiver request.
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Roll Call Vote as follows:

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

- *§312-39(d)(2) – requiring a minimum longitudinal slope of 2 percent across the bottoms of detention basins. A waiver is requested to construct flat bottom detention basins for the purposes of infiltration. We defer to the TGC (This is #6. in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.
 - (Condition of Approval) Commissioner Kelly – Referring back to the GEO Technical Review, their recommendation was that they had no objection to the construction as long as infiltration is shown to be feasible by adequate flow testing. The letter was dated back in August. Where are we with this particular request from GEO Tech? Jason Englehardt said they will need to satisfy the GEO Technical Engineer if we are proposing infiltration that it is adequate, that it infiltrates properly, that we have enough separation between limiting zones. Jason said if we need to condition it on this, there is no objection. Commissioner Kelly agreed that it would be a good idea to make this a condition of approval.
 - A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio to approve said waiver with conditions as discussed.

Roll Call Vote as follows:

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

- *§312-39(d)(2) – requiring basins in a residential area to have maximum side slopes of 4 horizontal to 1 vertical. A waiver is requested to construct basin slopes of 3 horizontal to 1 vertical. We defer to the TGC and recommend consideration of any comments from the PSC. (This is #7. in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.
 - All basins will be fenced and maintained privately
 - Per Mr. Englehardt, primary reason is to allow for a bit more capacity, without going further into the open space areas.
 - MOTION was made by Commissioner Morgan, which was seconded by Commissioner Setton, to approve waiver.

Roll Call Vote as follows:

Commissioner Wolk: NO
 Commissioner Mobilio: AYE

Commissioner Setton: AYE
 Commissioner Kelly: NO
 Commissioner Morgan: AYE
 Motion carried.

- *§312-35(b)(2)(B)(iii) – requiring cul-de-sacs have a minimum length of 250 feet. Waivers are requested to permit cul-de-sacs lengths of 219 feet for Road “J” and 247 feet for Road “H”. We note that based on PennDOT’s definition of Street length (This is #10 in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.
 - A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve said waiver request as described for the cul-de-sac minimum street length of 250 feet.

Roll Call Vote as follows:
 Commissioner Wolk: AYE
 Commissioner Mobilio: AYE
 Commissioner Setton: AYE
 Commissioner Kelly: AYE
 Commissioner Morgan: AYE
 Motion carried.

- *§312-36(c)(4)(B)(iii) – requiring a 150 foot separation between driveway and intersecting street centerlines in a multi-family residential and non-residential subdivision if both streets are local streets. A waiver is requested for the existing barn/office building driveway and Road “H” to permit a 73-foot offset. An alternative plan was provided to move the driveway onto Road “H” which still requires a waiver but lengthened the distance to the intersection and moved the driveway onto a road expected to have less traffic. While we have no engineering objection to the alternative proposal, we recommend consideration of any comments from the PSC and PWD (This is #12 in Pidcock letter.)*
 - PC Vote on this item was unanimous to approve.
 - A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Mobilio, to move forward with waiver.

Roll Call Vote as follows:
 Commissioner Wolk: AYE
 Commissioner Mobilio: AYE
 Commissioner Setton: AYE
 Commissioner Kelly: AYE
 Commissioner Morgan: AYE
 Motion carried.

- *§312-35(a)(6)(E)(i) – requiring an 800-foot offset between the centerline of streets intersecting along an arterial street. A waiver is requested for the Road “G” right-in/right-out driveway to Walbert Avenue (680 feet from the Cedar Crest Boulevard (CCB) intersection and 510± feet from the Office Center Road intersection). We note that*

adequate sight distance is available to the east and west of this intersection, and that the westbound stacking on Walbert Avenue at CCB does not cross this intersection. Noting that PennDOT has jurisdiction over the design of this intersection, we have no engineering objection but recommend consideration of any comments from the Public Safety Commission (PSC) and Public Works Department (PWD). (This is #1 in Pidcock letter.)

- PC Vote on this item was a 4-2 Vote.
- (Condition of Approval) Commissioner Mobilio would like the Public Safety Committee to advise their reasons for approval/non-approval of this particular waiver—the supporting facts. Their decision was in contrast to PennDOT and our Engineer, so he would like to be able to understand the reasoning behind that.
- A MOTION was made by Commissioner Mobilio, which was seconded by Commissioner Setton, to TABLE this item in order to give the PSC the opportunity to review all the information with feedback to the BOC.

Roll Call Vote as follows:

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

Motion carried.

- At this point in the meeting, time was 11:20 p.m. President Morgan asked if the Board wanted to stop at this point and continue this at the next meeting. Due to the lateness of the hour, and the fact that there were still a few items left on the agenda to go over, the Board was in agreement with this. The Board proceeded to Correspondence and Information Items at this time, Agenda Item 9.

8. **MOTIONS**

a. **Motion Requesting Permission to Proceed with Greenawalds Fire Department Bathroom Renovation Project**

Chris Kiskeravage, SWT Fire Commissioner, said they are seeking Board of Commissioners approval to proceed forward with the bathroom renovation project at the Greenawalds Fire Station. This project will be to update both existing bathrooms and install a shower in the one. This will give members the ability to decontaminate after fires and other exposures prior to going home. After much discussion over several Fire Sub-Committee meetings and extensive time and work put in from the Greenawalds members, Chris Kiskeravage said he feels we should move forward with this project and use RW & Son Construction for the completion of this project. They are requesting a total of \$36,767.22 from capital funds to be approved for the completion of this project.

Chris explained that the original price approved/budgeted for this project was \$40,000. There was an additional contingency asked for after the \$40,000 was asked for. There was

no contingency approved above the \$40,000. Our quote from RW is at \$36,000. This is the lowest bid. This has gone through many, many reviews.

All questions were answered at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, granting permission to proceed with the Greenawalds Bathroom Renovation Project as presented by Township Fire Commissioner Chris Kiskeravage, and to use RW & Son Construction for the completion of this project, for a total of \$36,767.22.

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 Woodlawn Fire Department Fire Alarm and Security System Replacement-Upgrade Project

Chris Kiskeravage, SWT Fire Commissioner, said that we are seeking Board approval to proceed forward with access control system and fire alarm upgrade project at the Woodlawn Fire Station. This project is to update the access control system for improved security at the fire station and a new properly operating fire alarm system. This project has been discussed over several Fire Sub-Committee meetings and there has been a lot of time and work put into this by the Woodlawn members. Requesting a total of \$34,988.55 for the installation of this project. Chris did circle back to ensure that all numbers we are looking at are valid—all quotes are still accurate and good.

Commissioner Kelly asked what amount was budgeted for this project. Fire Commissioner Chris Kiskeravage explained that the amount budgeted was \$15,000. This was allowed to be over budget because it was in conjunction with the pole building which the Board had approved a couple of weeks ago.

All questions were answered at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to proceed with the Woodlawn Fire Department Fire Alarm and Security System Replacement Upgrade Project in the amount of \$34,988.55 for the installation of this project by Bosch (Fire Alarm) and Open Point (Access Control System).

Roll Call Vote as follows:

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

Motion carried.

Commissioner Kelly wanted to recognize that on October 19, 2020, the Greenawalds Fire Company celebrated 100 years, since holding their first meeting with the citizens of South Whitehall Township to begin the work of establishing a volunteer fire company.

At this point in the meeting, President Morgan explained that in light of a lengthy agenda, we will proceed to Courtesy of the Floor now. There will be no action taken on any COF topics this evening. (See below COF #12, a-c.)

9. CORRESPONDENCE AND INFORMATION ITEMS:

a. Police Chief - Statistics Report

Captain Mike Sorrentino went over the statistics report and reported as follows for the month of September 2020: 1024 Calls; 15% or 155 were self-initiated vs 1023 in 2019. 221 EMS calls. YTD Calls 8,252 vs 12,517 for 2019. Arrests were down to 33, which is good, vs in 2019 we had 42. YTD Arrests are 341. UCR Crimes reported were 76 for the month vs 109 in 2019. Overall, everything is going well for the SWT-PD.

b. Township Engineer – Report

Tony Tallarida explained that a list of current projects was provided to the BOC, and we just received two more to add to this list. Cedar Brook Nursing Homes and an expansion/lot line adjustment will be added to that list. Construction is still moving forward in the Township and will begin to wrap up as Winter approaches.

c. Public Notice – Budget Workshop Schedule – FYI.

These are open to public and will be held via GoTo Meeting.

10. DIRECTION/DISCUSSION ITEMS: None.

11. OLD BUSINESS – Randy Cope, Director of Township Operations touched on the following:

a. Wehrs Dam – Status: Still no word from PA DEP regarding our permit.

b. Campus Renovation Project – Status:

Randy said a lot of the carpet is down in upstairs offices, windows going in, tiling complete in restrooms, roof has been replaced, the additions have been framed out, the electrical has been started in those as well, a lot of the HVAC has already been completed—a lot of the mechanical has already been completed. Stormwater infrastructure is nearing completion, and the basin along Ridgeview Drive has been hydroseeded and grass is coming in. We will see the road off Ridgeview start to take shape in the next few weeks. Still on target to open up early 2021. Hoping to get everyone back to the building at the same time.

c. Credit Cards – Status:

Steve Carr, Director of Finance explained that he and staff have been working with Tyler Technologies on this. Our primary software is Munis, which is used for the majority of the things we do in the Township. Munis has come out with a solution for credit cards which is pretty much a plug and play—so we are going to shift gears and go with them on this—there is no cost to us. Hoping to have a temporary solution up and running by end of October, until this is fully integrated.

12. COURTESY OF THE FLOOR

- a. Karl Mabry, 909 Hillview Road. Topic – Macungie Manor Project. Spoke in opposition to the project. He asked Board to consider putting the building in LMT. Feels this development is not a good fit. Feels we should deny request from R3 to R5. Feels we should wait on CP. Feels there should be collaboration between both townships.
- b. Brian Hite, 1273 Eck Road. Topic – Parking Signage on Eck Road. Still missing signage along northbound. These signs do not meet PennDOT or Federal Highway Administration requirements. Also, improper posts and installation of signs. Randy Cope and Herb Bender will follow up on this situation and make sure things are corrected.
- c. Richard Schaller (LMT) 1170 Hillview Road. Topic – He feels the developer is asking the Township to do spot zoning for him so he can get his development in. Discussed traffic concerns.

At this point in the meeting, proceeded to Agenda Item 7-a, Resolution.

The Board did come back to have a Final COF at 11:30 p.m. The following approached the Board at this time:

- d. Karl Mabry, 909 Hillview Road. Topic – Rezoning the part of SWT re-the Macungie Manor Project—he feels it deeply impacts the residents of SWT and he said there are many who are opposed to the rezoning of this project.
- e. Jackie Smith. Topic – Rezoning the part of SWT re-the Macungie Manor Project.

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 11:39 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk to adjourn. All in favor; none opposed.

16. APPROVED: November 4, 2020

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to approve the October 21, 2020, BOC Meeting Minutes as amended.

Roll Call Vote as follows:

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

Motion carried.
