



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**February 3, 2021**

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

**As this is a virtual GoTo Meeting, Township Manager, Renee Bickel took a Roll Call 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 Matthew Mobilio  
Commissioner Joe Setton  
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  
Scott Boehret, Finance Manager  
Chief Glen Dorney, SWT Police Department  
Dave Manhardt, Director of Community Development  
Tracy Fehnel, Exec. 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 that the Board of Commissioners did meet in Executive Session prior to this evening's meeting to discuss personnel and legal matters.

**4. MINUTES**

**a. January 20, 2021 - BOC Meeting Minutes**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the January 20, 2021 BOC Meeting Minutes as presented.

Roll Call Vote as follows:

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

Motion carried.

5. **PRESENTATIONS:** None.

6. **ORDINANCES:**

a. **Public Hearing - An Ordinance Amending The Zoning Ordinance By Amending Appendix A "Zoning District Map With Innovation Overlay Districts" To Rezone Approximately 3.889 Acres Located In South Whitehall Township, Generally Bounded By Hillview Road On The East, Interstate 78 To The North, And The Lower Macungie Township Boundary To The West And South, And Being Part Of A Larger Approximately 14.895-Acre Tract Otherwise Situate In Lower Macungie Township, From R-3 Low Density Residential Zoning District To R-5 Medium Density Residential Zoning District; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date.**

Solicitor Zator explained for the record that this is a proposal initiated by the equitable owner of the property, which has been duly advertised as required per planning code. Communications with newspapers as required, as well as the law library. All information on record at Township. This was reviewed initially by the PC back in September 2020, and the recommendation was that the matter be tabled pending the CP being pursued. Referred to the PC again when there was a change to the ordinance and the PC gave a negative recommendation with regard to the revised ordinance. This was referred to the LVPC October 2020, response received from the LVPC. There was a revised ordinance delivered to the LVPC with no further comment at that time. For the record, for the Board and the Public, the purpose of the hearing is to inform the Public and provide opportunity for Public comment.

Staff, followed by Applicant, presented this evening with regard to this proposed ordinance. There was opportunity for the BOC to ask questions and to comment, followed by opportunity for Public to ask questions and comment. For the record, this Hearing, as part of the February 3, 2021 BOC Meeting, has been recorded and available to Public on the SWT website by clicking on the Boarddocs link, as well as accessible on the SWT YouTube Channel for viewing/listening. At the end of the hearing, it was up to the Board of Commissioners to vote on whether or not to adopt said ordinance. This ordinance was duly advertised to do so.

Hearing Opened at 7:10 p.m.

Dave Manhardt, Director, Community Development Department explained that this is a 15 acre parcel, 4 acres of it being located in SWT, bounded by South Hillview Road and I-78. The larger parcel is in Lower Macungie Township. The ordinance request is for the re-zoning from

an R-3 zone, which allows roughly 3 units per acre, to an R-5 zone, which allows roughly 5 units to an acre, in addition to more use. This change, if adopted by the BOC, would only apply to the 4-acre parcel (in SWT) being discussed.

Attorney Blake Marles, represented Mr. Abraham Atiyeh this evening. Attorney Marles said we are talking about the re-zoning this evening, not the land development. William A. Erdman, PE, Keystone Consulting Engineers, founder and prior President of KCE, and C. Richard Roseberry, PE, PP, CME, AICP, Geographic Discipline Leader of Civil and Site Development Services for Maser Consulting in the Lehigh Valley Region, both provided expert testimony on behalf of the Applicant.

Introduction by Attorney Blake Marles as follows: The project in LMT, has two relatively large buildings which will be senior living buildings proposed for the LMT parcel. We have gone through two conditional use hearings; the third is scheduled for February 18<sup>th</sup>. He said that nothing has come out at the conditional-use hearings which would suggest a reason to deny the conditional-use approval. The points he made this evening were: The SWT CP Review Committee, in reviewing this location even before Applicant appeared on the scene, determined this is a logical place for greater density than the property is currently zoned. The small SWT parcel in question is physically separated from the remainder of the current zone in the township by an interstate highway with a substantial cut. Hillview goes over I-78, which gives some indication as to how deep the cut is adjacent to the parcel. When this entire parcel, both in SWT and LMT, was laid out for single-family development, it was deemed not feasible for single-family development due to sub-surface constraints (later testified to by Mr. Erdman). In reviewing list of the permitted uses in the R-5 zone, what the Applicant is proposing, which is a piece of an assisted living residence, as defined in your ordinance, we believe is the only use for this property that can actually happen. If the land is not re-zoned, the property will develop without it, and the land won't ever be a tax-ratable for the township. It would be two residential buildings in LMT with an entrance and some retention facility with some parking. The availability of a step-down unit in a senior residential community is very good for the mental health of the residents, this is what is proposed on this site. This will be a secured unit, this memory care, and for those who are substantially disabled. Having this type of facility in a senior community provides the opportunity for social acquaintances and spouses to maintain relationships with those who otherwise could not have relationships because they are physically right there, along with an easy visitation range. It does not isolate those who are mentally and physically deteriorating. And, finally, because the unit that is being proposed will be secured, there is virtually no adverse impact on the rest of the facility or upon the neighborhood at large.

Throughout the hearing there were many comments/questions with regard to traffic concerns. Commissioner Mobilio said that the Board was given no information as far as traffic is concerned. In this situation, there is nothing to rebut—nothing to oppose. We have to make a decision as Commissioners, and are we comfortable making a decision with a complete lack of evidence with regard to traffic? Commissioner Wolk asked what is the current state of traffic on Hillview Road and the surrounding area? It is not safe to begin with. Before moving forward with this development, he would like the township to come up with what the current traffic safety is.

Mr. Atiyeh said a very sophisticated traffic report was done by Peter Terry. However, the Board did not receive this, nor did our engineer receive said report. Mr. Atiyeh requested that the Board give him a 30-day extension/continuance in order to get this cleared up.

The Board and Public were both given time to ask questions and make comments.

President Morgan summarized by saying Mr. Atiyeh is willing to do an additional traffic study in SWT to answer any of the questions/concerns we heard tonight, not only from the Commissioners, but also the Public. Mr. Atiyeh said that if he could have a detailed traffic study for SWT engineer, with exactly what the engineer says he needs, in addition to what we currently have, could he come back and present to the Board?

President Morgan made a recommendation to the Board that we give Mr. Atiyeh the opportunity to go back and do a detailed traffic study in SWT with roads of concern which our team—staff/engineer, along with Mr. Atiyeh, can work on and determine what needs to be studied and come back to this Board and finish up with this hearing, as an option we can take.

Commissioner Mobilio said this is the second time we spent substantial time talking about this, and that Mr. Atiyeh knows a traffic study is imperative for a decision like this, yet came this evening without one. Therefore he is prepared to vote this evening, and is not in favor of a motion to continue.

Commissioner Wolk said in response to Attorney Marles question—if a traffic study is done, would he be amenable to the zoning? He said the answer would probably be NO; he does not feel it should be re-zoned from R-3, he does not believe that it can't be developed as R-3. Therefore, Commissioner Wolk made a MOTION, which was seconded by Commissioner Mobilio, that we deny this request to re-zone this property.

Roll Call Vote as follows:

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

Motion carries. Ordinance was not adopted.

Solicitor Zator said the Hearing is officially CLOSED. (Time: 10:13 p.m.)

7. **RESOLUTIONS:** None.

8. **MOTIONS**

a. **Police Department - Motion Requesting Permission to Proceed with Purchase of Police Vehicles**

Chief Dorney explained PD is requesting permission to proceed with the purchase of three new police vehicles. This will assist with the overall fleet maintenance plan, to lower maintenance costs, and extend life of the fleet. These vehicles were approved in the 2021

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budget process. Additional equipment required for each vehicle is included in capital request form as presented.

No comments/questions by Board or Public at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, granting permission to proceed with purchase of three police vehicles as presented by Chief Dorney.

Roll Call Vote as follows:

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

Motion carried.

**b. Public Works - Motion Requesting Permission to Proceed with Purchase of New Bucket Truck**

Herb Bender, PW Superintendent, explained that PW is asking for permission to purchase the bucket truck—2021 Ford F-550, which will be used for tree trimming and removal, repair collector antennae, repair SCADA equipment, and to lower equipment in/out of manholes, etc. This will reduce number of truck rentals. This truck was budgeted in the 2021 budget for \$135,000. PW would like to award to low bid, Mobile Lifts in the amount of \$131,429.

No comments/questions by Board or Public at this time.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, to award the bid for bucket truck to Mobile Lifts as described 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.

**c. Public Works - Motion Requesting Permission to Proceed with Purchase of New Chevy Traverse**

Herb Bender, PW Superintendent, explained that PW is asking for permission to purchase a Chevy Traverse for \$28,400. This will be replacing car #20, which is a 2010 Ford Crown Vic with 125,833 miles. New vehicle will have 4-wheel drive, and will help PW get around in the wintertime. PW received COSTARS pricing for this vehicle. Would like to award purchase to Whitmoyer Auto Group in the amount of \$28,400. This was budgeted for \$29,000. For the record, Herb said they checked with many other vendors—the Traverse came back cheaper than Explorers.

No comments/questions by Board or Public at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, granting permission to proceed with purchase of Chevy Traverse as described 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.

**d. Public Works - Motion Requesting Permission to Proceed with Purchase of New Ford F250**

Herb Bender, PW Superintendent, explained that PW is requesting permission to purchase a 2020 Ford F250, for \$44,100. This truck will be replacing a 2003 GMC Utility Truck with 136,169 miles, which will no longer pass inspection due to rust on the frame and floor, and will be proposed for auction early spring. The Ford F250 was budgeted for \$45,875.

Comments made/questions answered by Board/Public at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, granting permission to proceed with purchase of Ford F250 as presented 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.

**e. Motion Requesting Permission to Reject all Bids Regarding the Kmart Water Station Project**

Jason Newhard from SSM explained that we were about 30% higher on the bids that we received in December. Contractor feedback was steel prices have gone up 20-25%. COVID supply chains also came into play here—things are just unreliable right now. Also contractors at the time were banking on getting some larger projects than ours out there, and so the pricing we received may have been inflated. Their (SSM) recommendation is to hold off and rebid this come fall of 2021 and in the meantime do some value engineering to see where we can save.

Questions by Board/Public answered at this time.

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A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Kelly, to Reject all Bids with regard to the Kmart Water Station Project as recommended by Mr. Newhard.

Roll Call Vote as follows:

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

Motion carried.

**f. Motion Requesting Approval of 2021 Blanket Purchase Order Listing**

Scott Boehret, Finance Director explained this is our Blanket Purchase Order Approval List for 2021. He went on to explain that a blanket purchase order is a purchase order the township uses to place with the supplier to allow multiple delivery dates over a period of time. We use all the vendors listed multiple times throughout the year. The blanket purchase order allows the township to place one purchase order and receive against it multiple times, which saves a lot of time, allows for discount pricing breaks, and it creates efficiency and shortens our lead time between the orders; also, we do not have to store inventory for a lot of these items—we order as we need it, so the vendors who have the inventory are the ones who store it instead of us. The prices listed are set in stone for the year. We are not asking you to approve the actual purchases of these amounts this evening, although we are asking for the authorization to go up to these amounts listed, which have been budgeted in the budget.

Comments made/Questions answered by both Board and Public at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the 2021 Blanket Purchase Order Listing as presented.

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:**

**a. Boards and Commissions – Informational Items**

President Morgan said there are still vacancies on Civil Service Commission, Planning Commission, and the Landscape Shade Tree Commission.

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The Volunteer Fire Sub-committee did meet on Monday, February 1<sup>st</sup>. Topics discussed: Volunteer Fire Fighters, snow removal, and 2021 meeting dates.

Green Advisory Committee (GAC) met on January 25<sup>th</sup>, actively working on all their initiatives. Most important is the implementation of their business survey; gathering more information on their plastics initiative. Date as of yet has not been set when survey will go out to businesses. Electronics recycling event is still being planned.

Commissioner Kelly – Finance Subcommittee will be meeting next Thursday, with the auditors, and to review financials for end of year.

President Morgan – Regarding the Record Snow Falls, and a major water main break, in the Township over the last few days, on behalf of the Board, thanked our PW Department, Emergency Services People—Fire Departments, Police Department, and all the staff at SWT for the amazing job they did. It is a difficult job, and please know you are all very much appreciated. Township Manager Renee Bickel and Randy Cope, Director, Township Operations both mirrored President Morgan’s comments by saying the PW Staff did an incredible job with the amount of snow we received—every PW worker from the mechanic to the plow drivers. Kudos to these guys for doing an incredible job. Also, a big thank you to residents for their support and patience during this time.

COVID Small Business Grant Relief information will be posted on our website on Friday, by 8:00 a.m. There will be a link on our website to the Lehigh Chamber as follows: [www.lehighvalleychamber.org](http://www.lehighvalleychamber.org) where businesses will find the application.

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

**11. OLD BUSINESS: Township Manager, Renee Bickel**

- a. **Wehr’s Dam – Status:** Did hear back from PA DEP that permit was approved. However, there are some issues, which are currently being worked with the engineer. This information will be presented during the workshop on Wednesday, February 24<sup>th</sup>, 6:00 p.m.
- b. **Campus Renovation Project:** More in-depth update at next meeting.
- c. **Credit Cards:** We continue to test the system we are putting into place to ensure reports. We are hoping that by next meeting our website will be live and we can give demonstration on credit card process.

**12. COURTESY OF THE FLOOR: None.**

**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.**
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A MOTION was made by Commissioner Morgan, and seconded by Commissioner Setton, to approve the payment of all invoices.

Roll Call Vote as follows:

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

Motion carried.

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

**15. ADJOURNMENT:** At 10:46 p.m. a MOTION was made by Commissioner Morgan, which was seconded by Commissioner Wolk, to adjourn. All in favor; none opposed.

**16. APPROVED:** On February 17, 2021, a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Wolk, to approve the February 3, 2021 BOC Meeting Minutes as presented.

Roll Call Vote as follows:

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

Motion Carried.

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