

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA
BOARD OF COMMISSIONERS**

PUBLIC MEETING

MINUTES

February 4, 2015

A public meeting of the South Whitehall Township Board of Commissioners was held at 7:00 p.m. on February 4, 2015 in the township municipal building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Commissioners attending:

Christina Morgan, President
David Bond, Secretary
Dale Daubert
Thomas Johns

Staff attending:

Howard Kutzler, Director of Administration
Renee Bickel, Human Resource Manager
Gerald Harbison, Community Development Manager
Chief Tom Toth, Police Department
Joseph Zator, Township Solicitor
Ralph Russek, Jr., Township Engineer

AGENDA ITEM #1-CALL TO ORDER

President Morgan called the meeting to order at 7:05 p.m.

AGENDA ITEM #2-PLEDGE OF ALLEGIANCE

At the President's request, all rose to recite the Pledge of Allegiance to the flag.

AGENDA ITEM #3-NOTIFICATIONS

President Morgan informed all present that all public sessions of the South Whitehall Township Board of Commissioners are electronically recorded. The electronic record is kept until the minutes of the meeting are approved and destroyed, if a request is not made to retain the electronic version at that time. The BOC met in Executive Session on February 3, 2015 to discuss personnel matters and again tonight to discuss legal matters.

AGENDA ITEM #4-MINUTES

The Board was provided with draft minutes of the January 21, 2015 public meeting. Attorney Zator made one modification to the section under Ordinance “b”. Commissioner Johns moved to approve the minutes with the word modifications. Commissioner Bond seconded the motion and it passed unanimously.

AGENDA ITEM #5-PRESENTATIONS/DISCUSSIONS

a. Presentation by Marie A. North, Certified Sustainable Building Advisor, Regarding Stewardship Forests

Marie North, 3025 Victoria Lane, has the only Township stewardship forest. Her property is located near the border of North and Whitehall Townships. She received assistance from Lehigh County as she developed her property focusing on the wise management and use of resources. She reminded the BOC that the work done today on forests is for future generations and during our lifetime we may not see the results of our work. Hiring a consultant/forester to develop and work on the plan is a 10 year program. Mrs. North brought a sample tree tube which is used to protect young seedlings from deer. She spoke about damage caused by the evasive Japanese stilt grass and how to remove this grass. The Lehigh Valley Planning Commission is focused on natural resources such as woodlands in their comprehensive plan. There is no tax break with this stewardship forest program; however the county forester will assist both residential and non-residential landowners. In addition, the deer fencing and tubes were provided by the county. Commissioner Morgan encouraged the Park and Recreation Manager and Public Works to consider this program. William Wehr, 4635 Loral Lane, Orefield, spoke about working with a Penn State program and planting trees on his property. He also reminded the group about preserving the large sycamore tree at Covered Bridge Park.

AGENDA ITEM #6-PUBLIC HEARINGS

- ##### **a. *Advertised for Possible Adoption*-An Ordinance To Be Known As “The Property Maintenance Code of South Whitehall Township” Adopting the 2009 Edition of the International Property Maintenance Code, With Local Amendments, Regulating and Governing The Condition and Maintenance of all Property, Buildings, and Structures; Providing The Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure That Structures Are Safe, Sanitary and Fit For Occupation and Use; and the Condemnation of Buildings and Structures Unfit For Human Occupancy and Use, and the Demolition of Such Existing Structures; Providing for the Enforcement of the Code Through Fines, Prosecution and/or Liens; Providing for the Administration and Enforcement of the Code by the Township; and the Creation of a Board of Appeals; Repealing All Other Ordinances and Parts of Ordinances in Conflict Herewithin; And Providing for a Continuation and Saving Clause, Severability Clause and Effective Date.**

Attorney Zator opened the public hearing. Mr. Harbison in follow up to Mrs. North's presentation noted that Mr. & Mrs. North were very involved in the comprehensive plan and made presentations to the Township Planning Commission. He reported that advertisement requirements for "The Property Maintenance Code" (PMC) were met. He reported that the PMC will give the Township the ability to regulate additions and maintenance of all buildings and structures, provide standards for supplied utilities and facilities for these structures, and it will allow the Township to condemn and demolish structures that are unfit or unsafe for human occupancy. The model code has been retrofitted to suit the Township. Mr. Harbison noted that the grass height greater than 12 inches will be sited. Attorney Zator noted that a modern PMC will assist with monitoring nuisances. William Wehr, a former member of several fire companies, commended the Township for dealing with vacant buildings. Sam Sacco, 1898 Blue Barn Road, asked why the Township can't enforce current property codes, and he feels that the new PMC may restrict the property owner. Attorney Zator reminded everyone that this modern code is a "tool" that will allow the Township to deal with problem properties. Currently, the old, vague ordinances that the Township uses are difficult to enforce in court and for staff to gain compliance. The new PMC will give the Township authority to take action on the many foreclosed, bank-owned properties. Mr. Sacco asked who determines if a property is not up to code and he used the example of the quality of paint on his house. Commissioner Morgan noted the primary intent of this ordinance is for the public safety of problem properties. Commissioner Bond used the example of living next to a neighbor with a dilapidated chimney and as a governing body; we must protect the citizens from a potential accident. Paul North, 3025 Victoria Lane, as the former assistant Township solicitor said that he supports the PMC and he has seen this contemporary code work effectively in other townships. Mr. Wehr mentioned that some property owners favor rundown buildings and subsequently, these investors will have to abide by the PMC. Bob Schantz, 2209 Albright Avenue, was told to complete a "request for investigation" form with any potentially problem properties. There was a discussion about the fire companies and police discovering nuisance properties. Attorney Zator closed the hearing.

AGENDA ITEM #7-ORDINANCES

- a. ***Advertised for Possible Adoption-An Ordinance To Be Known As "The Property Maintenance Code of South Whitehall Township" Adopting the 2009 Edition of the International Property Maintenance Code, With Local Amendments, Regulating and Governing The Condition and Maintenance of all Property, Buildings, and Structures; Providing The Standards for Supplied Utilities and Facilities and Other Physical Things and Conditions Essential to Ensure That Structures Are Safe, Sanitary and Fit For Occupation and Use; and the Condemnation of Buildings and Structures Unfit For Human Occupancy and Use, and the Demolition of Such Existing Structures; Providing for the Enforcement of the Code Through Fines, Prosecution and/or Liens; Providing for the Administration and Enforcement of the Code by the Township; and the Creation of a Board of Appeals; Repealing All Other Ordinances and Parts of Ordinances in Conflict Herewithin; And Providing for a Continuation and Saving Clause, Severability Clause and Effective Date.***

Commissioner Bond moved to approve the ordinance. Commissioner Daubert seconded the motion. All were in favor of the motion. A roll call vote was called and the following vote was recorded:

Commissioner Johns: Aye
Commissioner Morgan: Aye
Commissioner Daubert: Aye
Commissioner Bond: Aye

- b. *Permission to Forward to LVPC for Required 30-day review period and Permission to Schedule a Public Hearing – An Ordinance Amending the South Whitehall Township Zoning Ordinance to Provide for Additional On-Premises Signage Regulations for Signage in Coordinated Developments, Including Pylon Signs, Canopy Identification Signs, Directory Signs, Wayfinding Signs and Decorative Signs, and Clarifying the Requirements for Ground Entrance Identification Signs, Building Face Signs, Illuminated Signs and Electronic Graphic Display Signs; and to Provide for a Severability Clause, Retention of Rights to Enforce Clause, A Repealer Clause, and an Effective Date***

Mr. Harbison briefed the Board of Coordinated Health (CH) request to amend the sign regulations in the Zoning Ordinance. The proposed Ordinance would accommodate all of the CH sign requests. Representatives from Coordinated Health, including Catherine Park and Judy Borelli, and Attorney Lisa Pereira of Macada Properties have been working with staff on the proposed signage at the Cedar Crest Campus. There will be a pylon sign, wayfinding signs and banners on campus. Directory signs, canopy signs and revisions to those signs attached to the building were addressed. There was some flexibility added to the Ordinance for sign changes. A permit will be required for the first banner; however, swapping out for seasonal banners will be allowed without a permit. A digital sign (possible LED) will be located near Cedar Crest Boulevard and the screen will not be more than 33% of the sign. The Township Planning Commission approved this sign ordinance amendment with two recommendations. Staff would like to move forward and submit this proposal to the LVPC. Attorney Pereira thanked Township staff for their assistance and said CH is very happy with the results. Commissioner Johns moved to forward this project to LVPC. Commissioner Bond seconded the motion and it passed unanimously.

AGENDA ITEM #8-RESOLUTIONS - None

AGENDA ITEM #9-MOTIONS - None

AGENDA ITEM #10-CORRESPONDENCE & INFORMATION ITEMS

- a. Public Notice – Possible Adoption of “The Property Maintenance Code of South Whitehall Township” on February 4, 2015**

AGENDA ITEM #11-DIRECTION/DISCUSSION ITEMS

a. Route 222 Hamilton Boulevard Proposed Improvements “Stakeholders” Meeting

An open house was held on January 27th with 20 property owners and 10 staff/committee members. Thomas Committa’s presentation brought many positive and generally supportive comments. Several individuals had engineering and design concerns. The speed limit was discussed which will result in further PennDOT conversations. The businesses are focused on store visibility and keeping pedestrians and sidewalks separated from vehicular traffic. The project costs were reviewed. Senator Browne’s office provided names for grant assistance. Upper and Lower Macungie are working on similar plans and our Township may collaborate with them. Lehigh Valley Planning Commission (LVPC) sent a transportation representative who indicated that improvement in this region has been on the commission’s list. The Township will continue to work with Mr. Committa’s office and speak with LVPC. Mr. Kutzler thanked Mr. Cope for organizing the meeting. In addition, the Cetronia Homeowner’s Association was present as it is important to listen to the project concerns of the local residents.

AGENDA ITEM #12-OLD BUSINESS

- a. Resolution - A Resolution to Amend the Fee Schedule for Administrative Fees, Non-Residential Building Fees, Non-Residential Electrical Fees, Non-Residential Plumbing Fees, Residential Building Fees, Residential Electrical Fees, Residential Plumbing Fees, Other Permit Fees, Public Works Fees, Police Department Fees, Subdivision or Land Development Fees; and to Provide for a General Repealer, Severability Clause and Effective Date.**

This Resolution will be tabled for a future meeting.

- b. Ordinance – *To Be Advertised At a Later Date For Possible Adoption* - An Ordinance Amending and Restating In Its Entirety South Whitehall Township Ordinance 748 (As previously amended), Known As the South Whitehall Township Floodplain Management Ordinance Providing Statutory Authorization, General Provisions, Including a Repealer, Severability Clause, Warning and Disclaimer of Liability and Administration Provisions Requiring All Persons, Partnerships, Businesses, and Corporations to Obtain a Permit For Any Construction or Development; Providing for the Application Process and Requirements for Issuance of Such Permits; Providing For Identification of Floodplain Areas, Technical Provisions and Setting Forth Certain Minimum Requirements for New Construction and Development Within Areas of the Township of South Whitehall Which Are Subject to Flooding, Including Elevation and Flood Proofing and Design and Construction Standards; Establishing Penalties For Any Persons Who Fail, Or Refuse to Comply With, The Requirements or Provisions of This Ordinance; Providing For Activities Requiring Special Permits, Regulations For Existing Structures In Identified Floodplain Areas, Variance Procedures, Definition of Terms and An Effective Date and Savings Clause for Prior Regulations.**

This Ordinance was submitted to FEMA who reviewed it and provide a few comments and changes. Mr. Harbison noted that a February 5th teleconference has been set with FEMA to discuss their comments. The changes will be forwarded to Attorney Zator's office for review.

AGENDA ITEM #13-PAYMENT OF INVOICES

Invoices have been reviewed by the Township Manager and the Finance Manager who authorized that checks be issued to pay bills as tabulated. Commissioner Daubert moved to approve the payment of invoices. Commissioner Bond seconded the motion and it passed unanimously.

AGENDA ITEM #14-COURTESY OF THE FLOOR

William Wehr, 4635 Loral Lane, Orefield asked for an update on the Wildlands Conservancy Wehr's Dam engineering report. Mr. Kutzler said that staff should receive it soon and it will be forwarded to the Township engineer and DEP. He asked Mr. Wehr to submit a "right to know request" in order to review the report. Jean Peters, 808 S. Cedar Crest Boulevard asked about the new members for the Township Planning Commission. Commissioner Bond, who is a member of the interview sub-committee along with Commissioner Block, spoke about the selection process. He noted that all Township boards and commissions serve at the pleasure of the BOC. The chairperson of each of the boards assists the Commissioners with the selection of committee members. She is concerned that the two new members are firemen and we should not take them away from their volunteer duties. One of the new members, Vincent Quinn, 1407 N 21st Street, is also a volunteer with the Greenawalds Fire Department. As a fire policeman and in the event of an emergency, he will not be missed as much as a fireman if he attends a meeting. Commissioner Morgan thanked the two former commission members for their service and noted that those individuals did nothing wrong. Ms. Peters asked why the Park and Recreation Manager is a full time position when the previous manager was part time. She was told that the new position covers more projects and responsibilities. In addition, she wants the Township to make smart investments in projects (such as the CBP Bridge). Finally, she encouraged the Commissioners to drive the streets and see where the water is flowing (referring to a detention pond in the Township). Ms. Peters also reminded the BOC that this is an historic Township and we must preserve the historic structures. Masayuki Kazahaya, 2339 Wehr Mill Road, said that his property is downstream from Wehr's Dam and he is concerned about the flood plain if it is removed. He was told that this and other questions about Wehr's dam will be answered when the engineering reports are reviewed. Karen Basak-Carey introduced herself as the Remax agent for the sale of the house at 2339 Wehr Mill Road.

AGENDA ITEM #15-EXECUTIVE SESSION – None

AGENDA ITEM #16-ADJOURNMENT

At 8:40 p.m., Commissioner Daubert moved to adjourn. Commissioner Bond seconded the motion and it passed unanimously.

APPROVED: February 18, 2015

On February 18, 2015, a motion was made by Commissioner Daubert, and seconded by Commissioner Johns, to approve the February 4, 2015, BOC Meeting Minutes. All in favor; none opposed.