

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

PUBLIC MEETING

MINUTES

September 20, 2017

A public meeting of the South Whitehall Township Board of Commissioners was held at 7:00 p.m. on September 20, 2017 at the township municipal building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

Commissioners attending:

Christina Tori Morgan, President
Matthew Mulqueen
Thomas Johns

Staff attending:

Renee Bickel, Township Manager
Randy Cope, Director of Operations
Chief John Christman, Police Department
Gerald Harbison, Community Development Manager
Gregg Adams, Community Development Planner
Brooke Neve, Director of Finance
Peter Pineda, Authority Manger
Joseph Zator, Township Solicitor
Brian Harman, Township Engineer

AGENDA ITEM #1-CALL TO ORDER

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

AGENDA ITEM #2-PLEDGE OF ALLEGIANCE

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

AGENDA ITEM #3-NOTIFICATIONS

Commissioner Morgan informed all present that all public sessions of the South Whitehall Township Board of Commissioners (BOC) are electronically recorded and that the recording will be destroyed when the minutes of the meeting are approved. The BOC met in Executive Session prior to tonight's meeting to discuss legal and personnel matters.

AGENDA ITEM #4 – MINUTES

The Board was provided with draft minutes from the September 6, 2017 meeting. Due to the fact that Commissioners Block and Bond were not in attendance, the approval of the minutes was tabled.

AGENDA ITEM #5 – PRESENTATION – Police Chief John T. Christman – Police Promotions

Chief Christman welcomed the families and highlighted the resumes of two officers who are eligible for promotion to Sergeant. Commissioner Mulqueen moved to promote Joel Wischner to Sergeant. Commissioner Johns seconded the motion and it passed unanimously. Commissioner Mulqueen moved to promote Kyle Golden to Sergeant. Commissioner Johns seconded the motion and it passed unanimously. The BOC congratulated each officer and their families and thanked them for their service to the township.

AGENDA ITEM #6 – PUBLIC HEARING

- a. AN ORDINANCE AMENDING THE SOUTH WHITEHALL TOWNSHIP ZONING ORDINANCE BY AMENDING SECTION 350-48(a)(5)(E) TO RESTRICT CROPS GROWN COMPLETELY WITHIN CONTROLLED ENVIRONMENTS TO THE INDUSTRIAL AND INDUSTRIAL-COMMERCIAL-1 ZONING DISTRICTS; AMENDING SECTION 350-48(o)(2)(E) TO RENUMBER SUBSECTION (vii) AND TO ADD REGULATIONS FOR PARKING CANOPIES; AMENDING SECTION 350-48(s)(12)(E) TO REORDER THE CURRENT REGULATIONS AND ADD REGULATIONS FOR CANOPY-MOUNTED SOLAR PANELS; AMENDING SECTION 350-45(d) TO EXPAND THE APPLICABILITY OF THE SECTION TO THE ENTIRE TRACT OR COORDINATED DEVELOPMENT UTILIZING THIS SECTION; AMENDING SECTION 350-48(b)(4)(E)(viii) AND SECTION 350-48(b)(5)(E)(ix) TO PERTAIN TO FREE-STANDING SIGNS; AMENDING SECTION 350-48(o)(2)(A) TO AMEND THE DEFINITION OF OFF-STREET PARKING; AMENDING SECTION 350-48(p)(6)(A) TO AMEND THE DEFINITION OF PUBLIC BUILDINGS AND USES; AMENDING SECTION 350-48(p)(6)(C) TO CHANGE PUBLIC BUILDINGS AND USES WITHIN RESIDENTIAL ZONING DISTRICTS FROM SPECIAL EXCEPTION USES TO CONDITIONAL USES; AMENDING SECTION 350-48(r)(3)(A) TO AMEND THE DEFINITION OF RECREATION FACILITY; AMENDING SECTION 350-42(t)(1) TO CHANGE THE MEASUREMENT OF SETBACKS FROM THE ULTIMATE RIGHT-OF-WAY TO THE LEGAL RIGHT-OF-WAY IN SITUATIONS WHERE THE LEGAL RIGHT-OF-WAY IS GREATER; AMENDING SECTION 350-48(h)(4)(C) TO ADD A NOTE; AMENDING SECTIONS 350-48(a)(3)(B), 350-48(a)(9)(B), 350-48(b)(2)(B) AND 350-48(r)(10)(B) TO ADD ADDITIONAL USE CLASSIFICATIONS; AMENDING SECTION 350-05(d) TO RE-ORDER FIVE SETS OF DEFINITIONS THAT ARE OUT OF ALPHABETICAL ORDER; AMENDING SECTIONS 350-24(c)(9) AND 350-48(r)(7)(C) TO ADD FAST FOOD RESTAURANT AS A PERMITTED USE WITHIN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT SCHEDULE; AMENDING SECTION 350-48(r)(7)(E) TO REQUIRE SPECIAL EXCEPTION REVIEW FOR DRIVE-THROUGHS WHEN ACCESSORY TO A FAST FOOD RESTAURANT; AND TO PROVIDE FOR A SEVERABILITY CLAUSE, RETENTION OF RIGHTS TO ENFORCE CLAUSE, A REPEALER CLAUSE, AND AN EFFECTIVE DATE.

Attorney Zator presided over the hearing. Mr. Adams said that there are 25 individual amendments to the Zoning Ordinance. The three categories include housekeeping items, medical marijuana and solar energy updates. Mr. Adams stated that several residents from Luther Crest spoke with the Township about options for generating solar energy and panels on parking canopies were suggested but not permitted by Ordinance. Staff opined that the option warranted an amendment to the Zoning Ordinance. Although the Township has not had any requests from business interested in growing medical marijuana, Commissioner Morgan noted that our Ordinance will now match the LVPC guidelines. Attorney Zator said that the first round of medical marijuana licenses has been granted but there will be future rounds when more licenses may be issued. Mr. Adams said that some dispensary businesses have spoken to the Township. Commissioner Mulqueen asked if the housekeeping issues were the result of discussions from the ZHB meetings. Mr. Adams stated that the billboard amendment did stem from a zoning appeal issue. Mrs. Weiss, 2042 Whitehall Avenue, asked about the brightness requirements for LED billboards. Mr. Adams said that there is a brightness limitation. Mr. Harbison said that an LED sign may be brighter during daylight hours but must be dimmer during hours of darkness. There are also regulations on the method and timing of the changing of the messages or images on billboards and message boards.

AGENDA ITEM #6 - ORDINANCES

- a. AN ORDINANCE AMENDING THE SOUTH WHITEHALL TOWNSHIP ZONING ORDINANCE BY AMENDING SECTION 350-48(a)(5)(E) TO RESTRICT CROPS GROWN COMPLETELY WITHIN CONTROLLED ENVIRONMENTS TO THE INDUSTRIAL AND INDUSTRIAL-COMMERCIAL-1 ZONING DISTRICTS; AMENDING SECTION 350-48(o)(2)(E) TO RENUMBER SUBSECTION (vii) AND TO ADD REGULATIONS FOR PARKING CANOPIES; AMENDING SECTION 350-48(s)(12)(E) TO REORDER THE CURRENT REGULATIONS AND ADD REGULATIONS FOR CANOPY-MOUNTED SOLAR PANELS; AMENDING SECTION 350-45(d) TO EXPAND THE APPLICABILITY OF THE SECTION TO THE ENTIRE TRACT OR COORDINATED DEVELOPMENT UTILIZING THIS SECTION; AMENDING SECTION 350-48(b)(4)(E)(viii) AND SECTION 350-48(b)(5)(E)(ix) TO PERTAIN TO FREE-STANDING SIGNS; AMENDING SECTION 350-48(o)(2)(A) TO AMEND THE DEFINITION OF OFF-STREET PARKING; AMENDING SECTION 350-48(p)(6)(A) TO AMEND THE DEFINITION OF PUBLIC BUILDINGS AND USES; AMENDING SECTION 350-48(p)(6)(C) TO CHANGE PUBLIC BUILDINGS AND USES WITHIN RESIDENTIAL ZONING DISTRICTS FROM SPECIAL EXCEPTION USES TO CONDITIONAL USES; AMENDING SECTION 350-48(r)(3)(A) TO AMEND THE DEFINITION OF RECREATION FACILITY; AMENDING SECTION 350-42(t)(1) TO CHANGE THE MEASUREMENT OF SETBACKS FROM THE ULTIMATE RIGHT-OF-WAY TO THE LEGAL RIGHT-OF-WAY IN SITUATIONS WHERE THE LEGAL RIGHT-OF-WAY IS GREATER; AMENDING SECTION 350-48(h)(4)(C) TO ADD A NOTE; AMENDING SECTIONS 350-48(a)(3)(B), 350-48(a)(9)(B), 350-48(b)(2)(B) AND 350-48(r)(10)(B) TO ADD ADDITIONAL USE CLASSIFICATIONS; AMENDING SECTION 350-05(d) TO RE-ORDER FIVE SETS OF DEFINITIONS THAT ARE OUT OF ALPHABETICAL ORDER; AMENDING SECTIONS 350-24(c)(9) AND 350-48(r)(7)(C) TO ADD FAST FOOD RESTAURANT AS A PERMITTED

USE WITHIN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT SCHEDULE;
AMENDING SECTION 350-48(r)(7)(E) TO REQUIRE SPECIAL EXCEPTION REVIEW FOR
DRIVE-THROUGHS WHEN ACCESSORY TO A FAST FOOD RESTAURANT; AND TO PROVIDE
FOR A SEVERABILITY CLAUSE, RETENTION OF RIGHTS TO ENFORCE CLAUSE, A REPEALER
CLAUSE, AND AN EFFECTIVE DATE.

Commissioner Johns moved to approve the ordinance also known as Service Pack 2A.
Commissioner Mulqueen seconded the motion and it passed unanimously. Commissioner
Morgan thanked Mr. Harbison and Mr. Adams for their work on this Ordinance.

AGENDA ITEM #7 - RESOLUTIONS

- a. A Resolution Granting a Waiver of Subdivision and Land Development Review and Approval Requirements of the South Whitehall Township Celito Corporation Plan Entitled "3330 Hamilton Boulevard Dorneyville Pharmacy" Relating to a Property Located at 3330 Hamilton**

Mr. Adams reported that the applicant is looking for a waiver from the land development process for construction of a second floor on the Dorneyville Pharmacy for a specialized laboratory to meet new Federal regulations. The project will include additional space for a lab, meeting area, employee restroom, break room and stock area. The applicant stated that the expansion will not create any land development issues, such as additional impervious surface area, changes in storm runoff or compromise to existing parking. The applicant stated that Dorneyville Pharmacy is a specialized business which does not have the traffic a typical pharmacy does. Mr. Adams noted that the applicant will be applying to the Zoning Hearing Board for a variance to expand the non-conforming building more than the 25% limit. Commissioner Mulqueen moved to approve the Resolution. Commissioner Johns seconded the motion and it passed unanimously.

- b. Resolution Approving Participation of the South Whitehall Township Police Department in the Public Safety Program Created by Project Lifesaver International, Authorizing the Execution and Delivery of the Project Lifesaver Active Membership Operational Agreement and Standards, Approving Preliminary Actions Previously Taken to Enroll in the Project Lifesaver Program, Authorizing Related Actions Necessary to Fully Implement the Program, Authorizing Related Actions Necessary to Fully Implement the Program, and Approving the Program Contract to be used by the South Whitehall Township Police Department**

Chief Christman introduced Officer Michele Geiger and Melissa Hudak who are the co-coordinators of "Project Lifesaver". This public safety program uses state-of-art technology and transmitters to locate wandering and lost children or adults with Alzheimer's or other cognitive disorders such as Autism. The police can track the missing person which reduces search time. Seven police officers have been trained in this program and the department's goal is to receive funding to supply free transmitters to eligible residents. There was a discussion about the

transmitters and it was noted that the batteries should be changed monthly. The police have two receivers and each bracelet is given a frequency number. Officers will meet monthly with the care givers and clients to examine the transmitters and check the batteries. Over 3,000 people have found through this program. Commissioner Mulqueen moved to approve the Resolution. Commissioner Morgan seconded the motion and it passed unanimously.

c. Resolution Authorizing President of Board of Commissioners to Sign Lehigh County Regional DUI Task Force Grant

Chief Christman said that it is an honor for his department to have been administering the DUI grant for 20 years. Sergeant George Hummel is the project director. Commissioner Morgan reported that last year the BOC observed a DUI checkpoint and it was an amazing cohesive operation between police departments. Commissioner Johns moved to approve the resolution. Commissioner Mulqueen seconded the motion and it passed

d. A Resolution Appointing the South Whitehall Township Director of Finance to the Pension Committee

Manger Bickel noted that is a housekeeping resolution to remove specific names from the committee and list the committee member as "Director of Finance". Commissioner Mulqueen moved to approve the Resolution. Morgan seconds the motion and it passes unanimously.

e. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Establishing that the Township Manager and the Board of Commissioners Shall be Immediately Responsible for and have Authority for the Approval of Required Disbursements by the South Whitehall Township Authority for Payroll Obligations, Accounts Payable and Invoices

Attorney Zator reported that this is resolution is connected to the dissolution of the BOA. Commissioner Mulqueen moved to approve the resolution. Commissioner Johns seconded the motion and it passed unanimously.

f. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, directing the South Whitehall Township Authority, to Transfer to the Township, Authority Funds Presently Held in Banking Institutions, to Identify Permissible Uses of the Transferred Funds by the Township, and to Designate Township Officials Authorized to Sign checks, Drafts, Notes, or Orders Drawn Against Township Accounts Holding the Transferred Funds.

Attorney Zator said that this resolution assists with dissolution of BOA. Both the water and sewer accounts were the property of the Authority and this resolution will assist with the transfer of the funds to the township. During the dissolution, the water system funds and sewer system funds must be used for expenses related to that utility. Two signatures are required on each check and must include a signature from the Township Treasurer and a

signature from one from the following 3 individuals: Commissioner Morgan, Manager Bickel, or Director of Operations Cope. Commissioner Mulqueen moved to approve the resolution. Commissioner Johns seconded the motion and it passed unanimously.

- g. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania to make a supplemental appropriation for the lawful purpose of debt payment from the Township's Fiscal Stability Fund and to provide for a general repealer, severability clause and effective date.**

Ms. Bickel noted that staff is requesting a supplemental appropriation from the Fiscal Stability Fund in the amount of \$735,000 for lawful purpose of the payment of capital expenditures that were approved from the BOC. The monies were not previously appropriated. Commissioner Johns moved to approve the resolution. Commissioner Mulqueen seconded the motion and it passed unanimously.

AGENDA ITEM #8 – MOTIONS

- a. Request to Proceed with Capital Purchase of Automatic License Plate Reader**

Currently, the department has two license plate readers and would like to purchase an additional reader. Chief Christman reported that registrations are checked which leads to everyday arrests. This machine scans both the front and back of the vehicle license plates. All data is shared with regional crime center which help in link criminals to crimes. The life of a reader is unknown and officers will use the equipment as long as possible. The reader produces an audible warning which alerts an officer to a problem. Commissioner Johns moved to approve the motion. Commissioner Mulqueen seconded the motion and it passed unanimously.

- b. Motion Requesting Permission To Proceed with Purchase of PatrolPC Mobile Data Terminal**

Chief Christman said that the department would like to replace one of the oldest PatrolPC's from the capital expense budget. The license plate reader will run more effectively with a new mobile data terminal. These terminals are installed in all police and fire vehicles, used very hard and hold up under extreme temperatures. Commissioner Mulqueen moved to approve the motion. Commissioner Morgan seconded the motion and it passed unanimously.

- c. Motion Authorizing the Preparation and Execution of an Easement Agreement Regarding 3633 Trexler Blvd.**

Ms. Bickel said that homeowner is looking to clean up trees and improve their backyard landscape. The homeowner understands that if the township needs to work in the easement for any water or sewer issues, any costs would be at the homeowner's expense. Attorney Zator said that his office will handle both the preparation and execution of their agreement under the

motion. Commissioner Johns moved to approve the motion. Commissioner Mulqueen seconded the motion and it passed unanimously.

d. Motion Authorizing Township Manager to Execute Settlement Agreement between South Whitehall Township and Rothrock Motor Sales, Inc.

Attorney Zator reported that Rothrock Motor Sales, Inc. expanded and remodeled their facilities several years ago. The company was charged tapping fees which they paid under protest. All litigation from BOA is now the responsibility of the BOC. This settlement agreement was authorized to state that tapping fees for township water and sewer systems should equal \$5,000. In addition, it states that Rothrock will agree to discontinue the appeal docketed at Commonwealth Court. Commissioner Johns moved to approve the motion. Commissioner Mulqueen seconded the motion and it passed unanimously.

e. Request for Permission to Proceed with Advertising Regarding Bid for Demolition of Recreation Hall located to 2466 Wehr Mill Road

Mr. Cope announced that there has been much discussion about demolition of the recreation hall after much need of repair. This is a capital expense and staff feels the costs will be under the \$50,000 2017 budgeted amount. The township is awaiting the flood plain permit from DEP. We hope to schedule the demolition of the hall in November. The township fire departments will use the hall for training exercises prior to the demolition. There is no asbestos in the building. Following the demolition, the parking lot will be stripped and paved. This project has been discussed with Lehigh Valley Conservation District. Commissioner Mulqueen moved to approve the request. Commissioner Morgan seconded the motion and it passed unanimously.

f. Water & Sewer Allocation Request – PA Venture Capital Assisted Living Facility

Mr. Pineda received an allocation request from the former West End Racquetball facility. The new owner, which is building an assisted living facility, wants the permission to accept the flows with no change in allocation but the township would like the right to reassess the water consumption after one year of operation. PA Venture Capital submitted flows from two other facilities that show 61 gallons per day per bed and the township's calculation shows 125 gallons per day. Mr. Pineda and the engineer from Spotts Stevens and McCoy have reviewed the flow assessment and do agree with the report. The other two assisted living facilities have laundry services and the new one will not have that service. Attorney Zator questioned the one year period and was told that the reassessment will occur after the facility has reached a certain level of occupancy. Full occupancy will be at 196 beds. Commissioner Mulqueen moved to approve the request. Commissioner Morgan seconded the motion and it passed unanimously.

AGENDA ITEM #9 - CORRESPONDENCE & INFORMATION ITEMS

a. A SWT "Police Department News Release – Online Exchange Zone

For many years, the police department has served as an unofficial exchange zone. Recently, the department has set up a new community program called "Online Exchange Zone". The zone can be used for buyers and sellers to conduct transactions. In addition, it is a location for families with visitation rights to make the custodial exchange. This space is marked with a sign in the parking lot on the Public Works side of the lower lot. The police will not participate in the transactions but in the event of an emergency, residents are asked to contact the non-emergency police or dial 9-1-1. Chief Christman announced "Coffee with a Cop" on October 4th at Biaggio's from 8:00 a.m. – 11:00 a.m. and everyone is welcome to attend.

AGENDA ITEM #10 - DIRECTION/DISCUSSION ITEMS - None

AGENDA ITEM #11 - OLD BUSINESS - None

AGENDA ITEM #12 – COURTESY OF THE FLOOR

Mr. & Mrs. Weiss, 2042 Whitehall Avenue thanked Mr. Clapper for the "No Parking" sign.

AGENDA ITEM # INVOICES

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

AGENDA ITEM #15-EXECUTIVE SESSION – None

AGENDA ITEM #16 - ADJOURNMENT

At 8:00 p.m., Commissioner Morgan moved to adjourn. Commissioner Mulqueen seconded the motion and it passed unanimously.

APPROVED: October 4, 2017

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Johns, to approve the September 20, 2017, BOC Meeting Minutes. This was a 3-0 vote in favor. Commissioners Bond & Block abstained.