



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

December 5, 2018

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

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Glenn Block, Vice President
Commissioner David L. Bond, Assist. Secretary
Commissioner Matthew J. Mulqueen – Absent *
Commissioner Mark Pinsley
Stephanie Koenig, Twp. Solicitor, Zator Law Offices
Ralph Russek, The Pidcock Company
Renee Bickel, Township Manager
Randy Cope, Director of Twp. Operations
Glen Dorney, Chief, SWT Police Department
George Kinney, Director of Community Development
Brooke Neve, Director of Finance
Jeffry Clapper, PWs Manager
Jerry Charvala, Assistant PWs 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. 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.

For the record, President Morgan advised that the Board met in Executive Session today, prior to the start of this meeting, to discuss legal and personnel matters. Additionally, on November 20th, the BOC met in Executive Session via Telephone Conference Call to discuss legal matters.

4. MINUTES:

a. November 13, 2018 – Board of Commissioners' Meeting Minutes

A MOTION was made by Commissioner Bond, which was seconded by Commissioner Block, to approve the November 13, 2018 Meeting Minutes. All in favor; none opposed—Vote was 3-0, with one abstention—Commissioner Pinsley was not in attendance at the November 13th meeting; and, Commissioner Mulqueen was not in attendance for this evening's meeting.

5. ORDINANCES:

- a. **An Ordinance Reenacting, Amending And Restating Chapter 144 Article IV (Building Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2015 Edition Of The International Building Code As The Building Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date**

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Block, granting authorization to advertise above-mentioned Ordinance. All in favor; none opposed—*Vote was 4-0.

- b. **An Ordinance Reenacting, Amending And Restating Chapter 144 Article VI (Residential Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2015 Edition Of The International Residential Code As The Residential Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date**

A MOTION was made by Commissioner Bond, which was seconded by Commissioner Pinsley, granting authorization to advertise above-mentioned Ordinance. All in favor; none opposed—*Vote was 4-0.

- c. **An Ordinance Reenacting, Amending And Restating Chapter 144 Article I (Plumbing Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2015 Edition Of The International Plumbing Code As The Plumbing Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date**

A MOTION was made by Commissioner Block, which was seconded by Commissioner Bond, granting authorization to advertise above-mentioned Ordinance. All in favor; none opposed—*Vote was 4-0.

- d. **An Ordinance Amending The South Whitehall Township Business Privilege Tax Ordinance No. 105, As Amended, And Providing For And Regulating The Assessment, Levy And Collection For General Revenue Purposes Of An Annual Business Privilege Tax Upon Persons, Firms, Companies And Corporations Engaging In Business Described Herein Within The Township Of South Whitehall, Pennsylvania; Conferring And Imposing Powers And Duties Upon The Township Director Of Finance And Tax Administrator; Providing For Its Levy And Collection, And Imposing Penalties For The Violation Of Said Ordinance; Repealing Ordinances Or Parts Thereof In Conflict Herewith; And Providing For An Effective Date.**
-

Attorney Koenig explained that this before the BOC for a vote and is essentially an amendment to the Business Privilege Tax Ordinance. It does not change the rate of the Business Privilege Tax, but updates the ordinance to be in line with court proceedings and court cases and generally updates it to where we are today. The previous amendment to the business privilege tax was over a decade ago. This brings the ordinance up to date, and has been duly advertised five weeks in a row and is now ready for a vote and decision by the commissioners.

A roll call vote was taken as follows:

Commissioner Pinsley	- Aye
Commissioner Bond	- Aye
Commissioner Block	- Aye
Commissioner Morgan	- Aye

Motion carried. *Vote was 4-0.

- e. **An Ordinance To Be Known As The “South Whitehall Township Sewage And Industrial Waste Ordinance” Amending Chapter 274 Of The South Whitehall Township Codified Ordinances (Relating To Sewers And Sewage Disposal) And Adding Part 5 Entitled “Industrial Waste/Pre-Treatment” To Conform To The City Of Allentown Sewage And Industrial Waste Ordinance Which Was Enacted To Comply With Federal Law Applicable To The Administration And Operation Of Its Pretreatment Program (To Which The Township Is Required To Conform By Agreements Relating To The Treatment Of Wastes Discharged Into The Township’s Sanitary Sewer System At The City’s Treatment Plant); Repealing Ordinances Or Parts Thereof In Conflict Herewith; Providing For A Severability Clause And An Effective Date**

Attorney Koenig explained that this is the Sewage and Industrial Waste Ordinance, which is before the Board, requesting permission to advertise. This ordinance adds a new part 5 to Chapter 274, which is entitled “industrial waste pretreatment” This does arise from the fact that in February 2017 the City of Allentown adopted a pretreatment ordinance that included delegation of authority to the Lehigh County Authority to administer an industrial waste program. The Township is obligated under a 1985 Agreement to adopt a consistent ordinance to comply with state and federal pollution laws—and this does that. She stated that Mr. Charvala, Assistant PWs Manager, is also in attendance in order to answer any specific questions as they relate to this particular ordinance. But, again, we are simply before the board with a request to advertise at this time—adoption would take place at a later meeting.

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Bond, granting permission to advertise. All in favor; none opposed—*Vote was 4-0.

6. RESOLUTIONS:**a. A Resolution Granting Preliminary-Final Approval to a Major Plan Entitled "Dorney Park Project 2019"**

George Kinney, Director of Community Development explained that the Applicant is also in attendance to answer any further questions regarding this project. This is a project that involves the construction of a new employee building to be utilized by seasonal workers and travel associates employed by the Park. These employees currently are housed at hotels and Cedar Crest College in the area. The building will be located in the north-west area of the Park in the gravel area currently used for outdoor storage material. The building will be three stories tall, with a footprint of approximately 10,600 SQF. This particular request, which is for preliminary-final land development has been heard by the zoning hearing board for special exceptional approval, granted May of this year. Planning Commission followed that up with the recommendation to approve preliminary-final plan in September of this year subject to the conditions so noted in the Board Packet provided for this meeting, for this item. The conditions of agreement has been signed by Dorney Park and is before the Board (Commissioner Morgan) for signature. Attorney Chris McLean was in attendance as representative for Dorney Park for further questions.

Q: Does the public have access to this building, or is it gated? Dorney Park said this is an area that the public will not have access to—it is gated. There is a 24-7 security check point before you can access this area.

Q: How many to a room? Four to a room, except the ADA rooms are two to a room.

No other questions by board/public.

A MOTION was made by Commissioner Bond, which was seconded by Commissioner Block to approve the above Dorney Park Project Resolution. All in favor; none opposed. *Vote was 4-0.

7. MOTIONS:**a. Award of Bid – Valley Road Bridge Scour Repair Project**

Jeffrey Clapper, PWs Manager, said he is before the Board this evening to present the low-bid for the Valley Road Bridge Scour Repair Project. We received 8 bids for this project. Previous calculations/projections had been done in how this bridge was going to be repaired, along with the cost. We are currently tracking those same numbers. \$81,083 is currently left in the fund to pay for this portion of the project. He is asking Board to approve the Award of Bid to Bi-State Construction Company, Inc., in the amount of \$55,180 in order to complete the repairs on the bridge. Additionally, Keystone Consulting Engineers has worked with this company many times and concurs with our recommendation.

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Morgan. All in favor; none opposed. *Vote was 4-0.

This project should be completed shortly before Christmas.

b. Award of Bid – Rebid of Broadway and Schaeffer Street Drainage Improvements Project

Jeffry Clapper, PWs Manager, explained that in June this project was advertised and we received only one bid, and was almost \$90,000 over limit. Therefore, at that time we asked the Board to reject the bid. This was re-advertised and the bid re-structured for work to start this spring. We received 5 bids for this project received on November 28th. Project set up with a base bid and an additive alternate. The estimate for this project was \$210,000. Low bidder was Custer Excavating, Inc., in the amount of \$209,983.

A MOTION was made by Commissioner Bond, which was seconded by Commissioner Block, to Award bid to Custer Excavating, Inc., in the amount of \$209,983. All in favor; none opposed. *Vote was 4-0.

c. Award of Bid – Winchester West Booster Pump Station Abandonment Project

Jerry Charvala, Assistant PWs Manager explained that this is Winchester West Booster Pump Station Abandonment AND Waterline Extension Project. This is the waterline on Walbert Avenue, which we will be able to extend the 12-inch line out of the Hills Development and be able to feed Winchester West area out of that station. Winchester West Booster Pump Station is an underground pumping station. We have regular problems with that pump. We usually replace this pump every 2-3 years. We will be able to abandon that station totally. This bid came in at \$106,355. We had projected in the budget \$150,000, so this bid came in \$43,000 underbid—this is with Custer Excavating, Inc., as well.

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Bond. All in favor; none opposed. *Vote was 4-0. Jerry Charvala said as a side-note, this project will be started as soon as the documents are signed. Everything will be completed come spring.

d. Award of Bid – Springhouse West Booster Station Generator Replacement Project

Jerry Charvala, Assistant PWs Manager, explained that the Springhouse West generator is an Onan propane generator. We are going to replace it with a diesel powered generator, and will move the generator from inside the building to outside the building. Total bid on the project was \$96,499.10, which is \$11,499 over what was projected in the budget. We received 8 bids on this project. The low bid was received from Ace Electric, Inc., in the amount of \$96,499.10. They are a good company, who we have done business with before. They have done the Cornerstone and Jacoby generators in the past. Staff's

recommendation is that we award the bid to Ace Electric in the amount of \$96,499.10. Jerry added that this was reviewed by Township Engineer, as stated in the paperwork provided to the Township in the meeting packet.

A MOTION was made by Commissioner Block, which was seconded by Commissioner Pinsley, to award bid as stated above, to Ace Electric, Inc. in the amount of \$96,499.10. All in favor; none opposed. *Vote was 4-0.

e. Greenawalds Fire Rescue – 2018 Capital Improvement Proposal

Greenawalds Fire/Rescue President Quinn and Fire Chief Andrew Garger were both in attendance to present to the board on the above-mentioned proposal, as well as answer additional questions. Chief Garger explained that they are here to request funds from capital expense portion of the fire budget for some improvements we have been working on for quite some time at the Fire House. He went on to say that they have been deferring these capital improvements to the building for the past several years and essentially rolling that money forward, deferring it to now, since we are ready to start the project. A year ago they came before the board to initially get some funding to hire an architect to review how our station is laid out, and to try and create some efficiencies in how to have things organized in anticipation of our future needs, as well as considering some additional phases of construction which we are hopeful will come to fruition in the near future.

Summary of request is as follows:

- Construction of interior partitions for the enclosure of the newly installed air cylinder fill station;
- Construction of interior partitions for the storage of maintenance equipment, tools, and material;
- Construction of a new mezzanine for additional storage needs;
- Repairs to existing and deteriorating floor drain system;
- Repair and re-finishing of existing epoxy coated floors; and
- Painting of existing interior walls.

These modifications and alterations are the first phase of work to re-organize current storage solutions and overall building flow. It is anticipated that later phases of work will be better able to accommodate bunk rooms and shower facilities for our members.

Requested Total is \$90,145, which is the base scope of work, the two add alternates, as well as a contingency, per the spreadsheet provided in the Board packet.

Chairman Morgan said that from a subcommittee stand point, was this project fully vetted? Chief Garger said that this has been a project they have been fully discussing for about two years, and finally coming to fruition with the design of this. Chief Garger said that over the two years (2016/2017) we have carried over about \$110,000.

There were no additional questions or comments by the Board/Public at this time.

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Bond to approve the proposal as presented by Chief Garger and President Quinn, of Greenawalds Fire/Rescue for their Capital Improvement Project, requesting \$90,145.00. *Vote was 4-0.

Chief Garger and President Quinn thanked the Board for their support.

f. Police Department – Motion to Proceed with Purchase of Radios

Police Chief Glen Dorney said he is before the Board to make the formal request to purchase 22 new mobile radios. They are Harris XL200P tri-band portable police radios with the necessary accessories. Total cost of 22 radios is \$88,647.16. Three quotes were obtained, with Industrial Communications coming in at the lowest quote. The cost includes 22 tri-band radios, (3) six-bay chargers, 44 spare batteries, 22 single-bay chargers, and 22 lapel mics.

Coming up in July of this year, Lehigh County Radio will be taking over the City of Allentown Dispatching as well, and the current radios we have are pretty much end of life—they do not make them anymore. We are trying to get ahead of the curb for the future with the hope and intent that Lehigh County Radio will switch over to an 800 MHz encrypted radio service, which we are all hoping for, in order to have a better service for our community. These radios would essentially be P25 compliant, with three bands which would allow us to continue to speak on the Lehigh County Radio frequency that we currently have; but also, on the same radio, we would be able to contact the school district on their band, or any school district in Lehigh County, as well as the City of Allentown and the City of Bethlehem, which we cannot currently do. As of last week, the COA has upgraded their radio system to be P25 compliant, which has been in the process for many years, and the radios that we currently have, in order to monitor the COA, are now paperweights. At this point, we have no contact with the COA because of their upgrade, and the radios that we currently have, that we were previously using for the COA, cannot be upgraded in order to make contact with them. Therefore, with the money that is in the Radio Fund, we thought we would try and be proactive and look to the future, so that if we do switch over to the 800 MHz encrypted radio frequency, we would already be half-way there before this actually happens—in this way it would not be a \$300,000-\$400,000 hit all at once.

Chief Dorney went on to say that as we all know, in crisis situations, the biggest weakness is when we have a multi-jurisdictional situation, we would be able to communicate effectively. Especially with school violence across the country, we would have immediate communication with the school district.

Q: How many would you need when fully staffed? Chief Dorney explained that when we get to full staff in the next couple of years, we would need approximately 22 more.

Township Manager Renee Bickel said this would come out of the Radio Fund, which has approximately \$100,000 in it. Chief said that the radios being purchased would be for Supervisors and above, and also the K-9 units, and municipal emergency response team units. Some discussion occurred to what the total cost would be if we would purchase all of them at once. Chief said he would do the research and gather that information to bring back to the Board; however, in the interim, approval was given for permission to proceed with the purchase of 22 new portable tri-band radios.

A MOTION was made by Commissioner Bond, which was seconded by Commissioner Pinsley to proceed with the purchase of 22 new portable tri-band radios as discussed above. All in favor; none opposed. *Vote was 4-0.

8. CORRESPONDENCE AND INFORMATION ITEMS:

- a. **Public Notice – Advertisement for Position of Tax Collector – FYI.**
- b. **Public Notice – Planning Commission Meeting, Thursday, December 13, 2018, 7:00 p.m. – FYI.**

9. DIRECTION/DISCUSSION ITEMS:

- a. **Second Reading of the 2019 Budget – Brooke Neve, Director of Finance**

Attached to these minutes is what was presented by Brooke Neve, Director of Finance—the Proposed 2019 Budget for possible adoption at this evening's December 19th Board of Commissioners Meeting.

At the conclusion of the second reading of the 2019 Budget, there were no questions from the Board/Public.

Brook Neve, Director of Finance, requested permission to proceed with the advertisement of the Proposed 2019 Budget Ordinance.

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Bond, granting permission to proceed with the advertisement of the Proposed 2019 Budget Ordinance. All in favor; none opposed. *Vote was 4-0.

- b. **Partnering with Upper Macungie Township regarding Leadership Training Programs**

Township Manager Renee Bickel explained that we are looking to partner with Upper Macungie Township regarding training, since cost-wise, it makes more sense to partner with someone, rather than do it individually. The Board was in favor of this. A MOTION was made by Commissioner Block, which was seconded by Commissioner Pinsley, granting Township Manager Renee Bickel permission to move forward with this. All in favor; none opposed. *Vote was 4-0.

c. Township Plowing – Request for Information

Jeff Clapper, PWs Manager is asking permission to seek information and resources regarding additional plowing services in a snow emergency situation. He would like to see what resources are out there, which might be available for us to utilize. President Morgan thought this was a good idea; however, asked that next year, this should be looked at during summer so as to get out ahead of things. At this late date, you will really have to do some scrambling. The Board was all in agreement that this should be moved on quickly.

10. OLD BUSINESS: None.

11. COURTESY OF THE FLOOR: There were five COFs as follows:

Michael Wolck – 1740 Valley Forge Road: Mr. Wolck in follow up to last week's meeting regarding Ridge Farms. He explained that ultimately decisions will have to be made by the BOC with regard to public safety, which he feels Kay Builders does not want to talk about—the “western entrance”. He stated that Robert Bielecki from the Planning Commission told Kay Builders twice that the western entrance should be eliminated because it will create traffic safety hazards. He feels that the Township should tell Kay Builders about this “elephant in the room”, to solve this problem, to provide proper access to the retail stores by changing the layout and building additional access roads like a ring road inside the Ridge Farm boundaries. Regarding this matter, he encouraged the Township to pursue public safety. Mr. Wolck believes the absence of the western entrance will shift the solution, not the problem.

David Burke – 1436 Buck Trail Road: He said that he is sure everyone is aware of the exit off of Route 309 to go west on Tilghman Street. He feels there is much similarity between this exit and the west entrance which Mr. Wolck just shared with the Board. He said that he's seen many accidents at this exit, and is sure the Police have too. He feels there is a direct analogy between that particular intersection and the one being proposed for the second entrance to Ridge Farms. At the 309 exit there have been over 60 accidents in the last few years, and we do not want to replicate this at Ridge Farms. Safety first. He asked the Board to think hard about this particular Ridge Farms entrance.

John Chaya – 2911 Huckleberry Road: He came to the board with regard to Public Safety and the maximum vertical grade issue. The maximum vertical grade for a collector street is 6% for our SALDO. Langam Engineers for Ridge Farms acknowledged that the maximum vertical grade for a collector street is 6% per SWT SALDO. They require a waiver relative to 6%, not 7%. These points should be recorded in the Special SWT BOC Meeting Minutes from November 27th and we request those minutes be preserved.

Brian Hite – 1273 Eck Road: Mr. Hite was before the Board because he has witnessed several accidents at the intersection of Route 309 and Ridgeview. He said that if there is a northbound Route 309 motorist, and they do a U-turn to go southbound, a conflict arises if the eastbound Ridgeview Drive motorist attempts to go southbound on Route 309,

adhering to the right-turn green arrow. The Route 309 motorist attempting the U-turn, inevitably has to travel across both lanes to negotiate the U-turn. He is before the Board to ask the Township to investigate. He would like to see PennDOT add a "No U-Turn" sign at this location.

Diane Kelly – 1480 Springhouse Road: She was in attendance to talk about truck traffic on Wedgewood Road. She said that this is a new path for all large construction vehicles to travel. This is the new path they take instead of going straight down Walbert Avenue. This starts about 6:30A until the end of the day. Is there something that can be done as a Township to eliminate this? Township Manager Renee Bickel said that she will look into this. (These are the construction trucks for the Regency.)

- 12. PAYMENT OF INVOICES: 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 Block, which was seconded by Commissioner Bond, for the approval of payment of all invoices and purchasing requisitions as presented. All in favor; none opposed.

- 13. EXECUTIVE SESSION: None after this meeting.**

- 14. ADJOURNMENT: At 8:39P, a MOTION was made by Commissioner Block, which was seconded by Commissioner Pinsley, to adjourn. All in favor; none opposed.**

- 15. APPROVED: On December 19, 2018, a MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Bond, to approve the December 5, 2018 Meeting Minutes. All in favor; none opposed—Vote was 4-0, Commissioner Mulqueen abstained—he was not at the December 5th Meeting.**
-