



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

June 5, 2019

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

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Glenn Block, Vice President - Absent
Commissioner David L. Bond, Assist. Secretary - Absent
Commissioner Matthew J. Mulqueen
Commissioner Mark Pinsley
Joseph A. Zator, Twp. Solicitor, Zator Law Offices
Ralph Russek, The Pidcock Company
Renee Bickel, Township Manager
Randy Cope, Director of Twp. Operations
Steve Carr, Director of Finance
Jerry Charvala, Assist. PWs Manager
Herb Bender, PW General Group Services Leader
Glen Dorney, Chief, 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. 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 before this meeting to discuss legal matters.

4. MINUTES:

a. May 15, 2019 – Board of Commissioners Minutes

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, to approve the May 15, 2019 BOC Meeting Minutes. All in favor; none opposed. This was a 4-0 Vote.

5. ORDINANCES: None.

6. RESOLUTIONS:

a. A Resolution Granting Final Approval to a Major Plan Entitled "Crackersport Road and Eck Road Warehouses"

George Kinney, Director of Community Development, gave a brief summary of this item as follows:

George explained that this is a request to construct three (3) warehouses over a combined 90-acre parcel (640,305sf, 141,900sf, and 125,000sf).

Relevant Hearing Dates

- May 16, 2018 – The Board of Commissioners approved applicant's Conditional Use request #2017-602 subject to conditions. The Planning Commission recommended the approval on March 15, 2018.
- February 20, 2019 – The Board of Commissioner approved applicant's Preliminary Plan request #2017-104 subject to conditions. The Planning Commission recommended the approval on January 17, 2019.
- May 16, 2019 – The Planning Commission recommended Final Land Development approval (3-1) subject to twenty-eight (28) conditions and three (3) waivers/deferrals as follows:
 - ✓ Request to waive/replace a street section requirement for 6" curbing. *The Planning Commission recommended approval (3-1) citing that the applicant is offering an enhancement of 8" curbing consistent with PennDOT standards.*
 - ✓ Request to defer street tree distance requirements. *The Planning Commission recommended approval citing specific areas where utilities exist.*
 - ✓ Request to defer the requirement for installing sidewalks. *The Planning Commission recommended approval (4-0) but limited the deferral to only the east side. All other sidewalk will be installed.*

There was no Zoning Hearing Board action as the plan is compliant with zoning provisions and no zoning relief was necessary.

BOC Discussion Item Resolution

- Applicant is working with homeowner Brian Hite to assure amenities are included to mitigate potential impacts.
 - Staff is not aware of any other issues that the BOC has not already considered and/or addressed.
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At the end of this summary George indicated that the Applicant was in attendance. He said that the Applicant has worked with The Pidcock Company to resolve any outstanding issues—George feels that all concerns/issues have been addressed.

Additionally, Attorney Blake Marles, attorney for the applicant, was in attendance and said that everything has been resolved and he thanked SWT Staff for working with them. Solicitor Zator confirmed with Attorney Marles that Staff has indeed received the “Acceptance of Conditions” forms.

Solicitor Zator also noted, which was acceptable to the Applicant, in paragraph 8 on the resolution, second to last sentence, removal of four words “final approval and” and the second last word “frontage”. These are the edits to be made to the Resolution, to be adopted this evening. There were no questions by the Board, Staff, Applicant, or Public with regard to the edits.

Commissioner Mulqueen had a question with regard to the LVPC September 28, 2018 letter—he asked Ralph Russek, Township Engineer, if he is satisfied that these issues stated in letter are covered. Ralph said yes.

George Kinney added to this that we also just received the Storm Water Review approval.

At this time Brian Hite, 1273 Eck Road had a few questions for the board. He asked the status of the Right-of-Way Agreement. Township Manager Renee Bickel explained that it has been drafted and is with the Township Solicitor’s office, and explained we will work to get that to you.

Brian expressed his concern with regard to the 8-inch curb, which he feels might be a burden to his aging parents. Also, Brian asked some additional questions with regard to the curb, which Township Engineer Ralph Russek answered. It was agreed that the developer will meet with Brian to reach a satisfactory accommodation regarding the 8-inch curb.

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Mulqueen, approving the above-mentioned resolution, with amendments, as stated by Solicitor Zator. All in favor; none opposed.

b. A Resolution Granting Preliminary-Final Approval to a Major Plan Entitled "Dollar General - Allentown, PA"

George Kinney, Director of Community Development, gave a brief summary of this item as follows:

George explained that this is a request to construct a one-story 7,489 square foot retail store. The plan proposes to consolidate two parcels and includes a 38-space parking area and utility driveway adjacent and parallel to Walbert Avenue for truck loading/unloading and dumpster access. The project is proposed to be served by public water, public sewer and an on-site underground stormwater management drainage system.

Relevant Hearing Dates

- May 23, 2018 - The Zoning Hearing Board granted several dimensional variances related to setback and buffer requirements.
- March 27, 2019 – The Zoning Hearing Board granted a modification to the number of parking lot lighting standards.
- December 20, 2018 – The Planning Commission (6 members present) unanimously recommended Preliminary and Final Land Development approval subject to twenty-three (23) conditions and one (1) waiver/deferral as follows:
 - ✓ Request to defer dedication of right-of-way in part. The Planning Commission recommended approval in accordance with deferral Drawing No.1 which shows full right-of-way dedication to the east of the driveway and a partial right-of-way dedication along the remainder of the tract.

Potential BOC Discussion Items

- Staff worked with the applicant to assure a more appropriate store design (see email attachment for current proposal). The BOC may wish to confirm this design or an enhanced design if desired.
- Delivery vehicle accessibility and delivery times were discussed throughout the process. The Zoning Hearing Board conditioned their approval to include a maximum delivery truck size of not larger than type WB-50 – 42' and further limited delivery hours of operation between 8am and 8pm.

George explained that the Applicant is in attendance this evening to answer any questions the Board may have.

Question on Lighting: George explained that three standards were required by the ZHB, which was not enough, so the ZHB granted two more—which George said we have an entity, who reviews our lighting plans, which is part of our process.

Township Engineer, Ralph Russek, The Pidcock Company, took time to answer questions with regard to the Right-of-Way. He explained that the road is sufficient—there is enough right-of-way there for the road capacity. The waiver is in the standard right-of-way width across the entire frontage. Because the site is congested, they need to have some site improvements in what would typically be the ultimate right-of-way. This is a condition on Walbert Avenue, which is not uncommon.

George interjected that we have been using the word waiver, but this is a deferral that is being recommended.

Sarah Werner, Attorney for the Applicant, was in attendance and approached the Board to answer any questions. She said that w/Applicant agree with everything that has been

stated so far. She took the time to provide further clarification regarding the lighting issue. Because the parking extended straight across the site, this required three additional light poles in order to light the entire site so that they would be in compliance with our ordinance that the entire site be well lit, with no spill over. There would have been a portion of the parking lot which would have been completely dark at night. Daily hours will be 8A-10P. Regarding deliveries—they will occur one to two times per week, taking approximately 45 minutes, which has a low impact on the site.

Attorney Werner went on to say that with regard to the proposed conditions in the resolution before the Board, our client has reviewed same and executed the conditions, which was overnighted, and we are therefore ready to proceed if the Board is willing to approve this application. Attorney Werner thanked the Board for their time.

George asked the Board to confirm they are OK with the design. Commissioner Pinsley asked what his thoughts were regarding the design. George said that we worked to tone down the color of the building. Attorney Werner explained that they worked to design it in a way that was more suitable to a residential neighborhood so that it would fit in. The site has a lot of landscaping on it.

Solicitor Zator and Township Engineer had no additional comments regarding this.

All questions were answered.

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, granting Preliminary-Final Approval to a Major Plan Entitled "Dollar General – Allentown, PA". All in favor; none opposed.

7. MOTIONS:

a. Motion Requesting Permission to Proceed with Purchase of New Guide Rail for Covered Bridge Park

Herb Bender, General Service Group Leader, explained that Public Works is requesting permission to award the bid for the guiderail replacement materials. This will be installed at Wehr Mill Rd, Wehr Mill parking lot, and Lapp Rd. Public Works did solicit three quotes and would like to award the quote to American Timber Steel, their quote price was for \$12,938.00. Public Works had budgeted \$17,000 for this project.

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, granting permission to proceed with purchase of new guide rail for Covered Bridge Park as discussed. All in favor; none opposed.

b. Motion Requesting Permission to Purchase a Ride-On Leaf Blower

Jerry Charvala, Assist. PW Manager, explained that Public Works is requesting permission to purchase a ride on debris blower at a cost of \$9,168.00. This was a budgeted item for \$12,000.00 (01430002/40760). This piece of equipment will be used around the Township at our complex, trails and parks. This blower makes us much more efficient than the time it takes to blow out and pick up leaves using a hand blower.

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, granting permission to purchase a Ride-On Leaf Blower. All in favor; none opposed.

c. Motion Requesting Permission to Award Bid with Regard to Road Building Materials

Jerry Charvala, Assist. PW Manager, explained that Public Works and Purchasing have reviewed the bid submittal from New Enterprises, Inc. and compared the prices of the last bid in 2015. Prices are somewhat higher for paving materials, due to the increased prices of liquid asphalt over the years. Also, New Enterprise did not bid on the sealing oil, tack oil or emulsified asphalt (sold in gallons), all of which are not consistently needed and can be obtained by quotes, Costars, or State contracts.

Public Works is requesting the Board of Commissioners to award the contract to supply road building materials (01430002/40240 - \$125,000.00) to New Enterprises, Inc. at the unit prices referenced in the attached spreadsheet.

Jerry explained that we used them the last time, and said we won't go over the budgeted \$125,000.

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, granting permission to award bid to New Enterprises, Inc, at the unit prices as referenced in spreadsheet. All in favor; none opposed.

d. Motion Authorizing Execution of Agreement between Township of South Whitehall and Jaindl Land Company.

Township Manager Renee Bickel explained that two meetings ago we were given permission to draft an agreement between SWT and Jaindl Land Company, with regard to a multitude of issues. We have done so, and JLC has executed the agreement.

Bill Erdman, Alternate Township Solicitor, was in attendance, and Renee asked Bill to give a brief summary on this item.

Bill wanted to highlight three items (benefits) regarding this Agreement as follows:

- The Township is going to get the "Haldaman" property which makes the development and use of the property on the other side at Huckleberry Ridge much better;
 - A berm is going to be built around the existing water storage tanks which esthetically is going to be a good improvement; and
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- Perhaps most importantly, there is going to be an arrangement where the two parties are working together to complete that missing link where there is a break across the former Shoemaker property, which will be closed in as a result of this Agreement.

Bill also clarified they will add the right-hand turn lane on Ridgeview which will be done right away—there is a time limitation (June 30th) on this due to the function/backup on Ridgeview. Bill said this is basically a striping of the line and moving the signal over—it's fairly easy to do.

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

A MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Mulqueen, to move forward with the execution of this agreement between SWT & the Jaiind Land Company. All in favor; none opposed.

e. Motion Requesting Permission to Dispose of Old Computer, Cashiering, & AS400 Equipment

Township Manager Renee Bickel explained that we are seeking permission as we clean out our IT room which has gathered equipment over the years. All hard drives will be certified destroyed from the existing computer towers removed from existing work stations. What can be recycled, will be recycled. Cost to do this is \$655, which is exceptional for everything we have. They will come and pick up, and then provide a letter certifying that they were destroyed.

Renee went on to explain that we would like to wrap electronic recycling into our next bid package for our new hauler. We want to try and get this included next time. President Morgan said that if we are not able to do this—we need to work together with other municipalities/the county on electronic recycling in order to provide the residents as to where they can go with these things. Renee explained that she believes there is a list as to where residents can go with these items.

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Pinsley, granting permission to proceed with the disposal of old computer, cashiering, & AS40 equipment. All in favor; none opposed.

8. CORRESPONDENCE AND INFORMATION ITEMS: FYI.

- a. Public Notice – Joint Meeting between the SWT Planning Commission and the Board of Commissioners, Tuesday, June 18, 2019, at 6:00 p.m., at the Parkland High School.

9. DIRECTION/DISCUSSION ITEMS:

- a. **Refuse/Recycling Survey**
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Township Manager Renee Bickel said that at the last meeting we discussed the fact that our current recycling/refuse contract will be expiring December 31, 2019. We are currently in the process of looking at our bid documents. We get a log from our current carrier of the recorded issues. A survey has been created with the most popular topics from the last 12 months. Not only does this deal with refuse/recycling, but also plastics, etc. This survey is in the final stages of development. There will be a link to the survey on the website in the very near future. Will also notify through the "next door" police app. The link will also go out in the refuse bill. If someone does not have a computer, they may call in to take the survey over the phone. Survey will be open for one month—until mid-July. Again, we are gathering this information as we go out to bid.

No additional questions from Board or Public at this time.

10. **OLD BUSINESS:** None.

11. **COURTESY OF THE FLOOR:**

Shawn with Gilmore Associates, who represents Autozone, was in attendance, to formerly request a minor amendment to the resolution granting preliminary/final approval for the property at 4260 W. Tilghman Street, particularly the first condition where it says the lending institution has to have a branch within 60 miles from the township office to issue the letter of credit for security. The lending institution is located in Missouri. He said that there has been some correspondence between the developer and the township solicitor on this matter. He asked if the letter of credit could specifically be handled via fax. And, since this is not in the conditions, it would just have to be modified/updated to be allowed/done.

Township Solicitor Zator said this is correct—there has been recent communication on this topic and apparently the bank, which the developer is using, insists that the letter of credit should it be called upon, be done in Missouri. From the Bank's perspective, they are asking if fax could be allowed. Solicitor Zator went on to say that if the Board is so inclined to cooperate with this request, he feels a fax is acceptable, as long as the fax attempt by the township is successful, even if it is claimed to not have been received. For example if the township faxed to the correct number, and for whatever reason that fax number changed, that is good enough. If for some reason the township would have to go to Missouri to present the letter of credit, then the expenses incurred by the township, would be covered by the letter of credit itself. Therefore, if the Board is comfortable with this, the thought is that the developer's representative could leave here with direction this evening. If the township is amenable to this, we could—the solicitor's office, staff, and developer, work through the amendment to the resolution, and then formerly voted on at the next meeting.

There were no additional questions by the Board or the Public.

President Morgan confirmed that the Board was in agreement with giving Solicitor Zator direction to do so as stated above. All in favor; none opposed.

Dave Torrey – Resident. He wanted to speak briefly to the Board with regard to the orientation of Candidates for Commissioners. He felt that in order to prepare them for the role of commissioner that it would be good to invite candidates to be in attendance at, at least one of the two meetings held each month, as well as them attending other various boards/commissioners meetings as appropriate in order to prepare them for the role of commissioner. He feels there should be a sign-in sheet, which in turn, could then be provided to citizens and voters of this community, showing meetings each candidate attended, so that citizens and voters can really see the interest of these candidates in addressing the full responsibilities which are involved in serving as commissioner.

President Morgan explained that she understands what he is saying, but as a Board, Township, we do not have that right to put that responsibility on a candidate. She explained all meetings are open to the public, and we would not be allowed to ask them to sign in. It would be good information for the voters, but again, it is each candidate's responsibility to decide how they want to be involved, because all boards and commissions meetings are open to the public. She thanked Dave for his concern and for speaking to the Board on this topic.

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 Pinsley, which was seconded by Commissioner Mulqueen, to approve payment of invoices. All in favor; none opposed.

13. **EXECUTIVE SESSION:** None to be held after this meeting.

14. **ADJOURNMENT:** At 8:11p.m. a MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Mulqueen, to adjourn. All in favor; none opposed.

15. **APPROVED:** July 17, 2019

On Wednesday, July 17, 2019, a MOTION was made by Commissioner Pinsley, which was seconded by Commissioner Mulqueen, to approve the June 5, 2019 BOC Meeting Minutes. All in favor; none opposed; and Commissioner Block abstained, because he was not at the June 5th meeting; and Commissioner Bond was absent this evening. Therefore, the vote was 3-0.
