



## BOARD OF COMMISSIONERS

**PUBLIC MEETING**

**AGENDA-MINUTES**

**December 4, 2019**

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**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 Matt Mulqueen  
Commissioner Joe Setton  
Joseph A. Zator, Twp. Solicitor, Zator Law Offices  
Tony Tallarida, Twp. Engineer, The Pidcock Company  
Renee Bickel, Township Manager  
Randy Cope, Director of Twp. Operations  
Jerry Charvala, Assistant PW Manager  
Herb Bender, PW Maintenance Supervisor  
Steve Carr, Director of Finance  
Chief Glen Dorney, 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.**

President Morgan advised that the Board did meet in Executive Session prior to the start of this meeting to discuss legal matters.

At this time President Morgan, along with the Board welcomed Commissioner Setton to the Board. Mr. Joe Setton at this time introduced himself to the Board/Public and took some time to share a few words.

**4. MINUTES:**

- a. **October 29, 2019 – Budget Workshop Minutes** – These minutes were TABLED for next agenda.
- b. **November 7, 2019 – Budget Workshop Minutes** – These minutes were TABLED for next agenda.
- c. **November 20, 2019 – Board of Commissioners Meeting Minutes** – A MOTION was made by Commissioner Block, which was seconded by Commissioner Mulqueen, to

approve the November 20, 2019, BOC Meeting Minutes as amended. All in favor; none opposed. One abstention by Joe Setton, who was not at that meeting; Vote was 4-0.

## 5. PRESENTATIONS

### a. Presentation by Nestle Purina – Update

Winston Silva, Plant Manager and Gopi Sandhu, Director of Engineering, and an Environmental Engineer from the St. Louis Plant were in attendance to give an update with regard to the Purina Allentown Factory and the progress being made with regard to control of the odor. Currently Nestle-Purina has spent \$3M on the solution with regard to the odor problem. The gentlemen explained how Ionization works and then discussed the new system which was put in place—the Purafil system and the success with that system—both gentlemen were confident that this new system will take care of the odor problem. Following their presentation was a question/answer with the public. Both gentlemen said to please let them know immediately when there are odor issues, so that they can address these issues as they are occurring. They welcome all Public Feedback. They can be contacted via email at [ALLENTOWN@PURINA.NESTLE.COM](mailto:ALLENTOWN@PURINA.NESTLE.COM).

### b. Second Reading of the 2020 Budget - Steve Carr, Director of Finance

Steve Carr, Director of Finance did a second reading of the 2020 Budget at this time, followed by a time of Q&A with Board/Public.

Kline’s Island – need to put money aside allocating money to a money market.

Fiscal Stability Fund. Commissioners would like to continue building that up to keep this at the \$3M mark. Steve Carr , Director of Finance said that he agrees with that.

## 6. ORDINANCES

- a. **A. Advertised for Possible Adoption - An Ordinance Reenacting, Amending And Restating Chapter 304, Article Iii (Street Excavations) Of The Codified Ordinances Of South Whitehall Township In Its Entirety, Providing The Article Shall Be Known As The Street Excavation Ordinance And Further Providing For Definitions; Permit Requirements; Rules Regarding Commencement, Performance, And Completion Of Work; Expiration Of Permits; Permit Fees And Escrow; State And County Highways And Private Roads; Rights Of The Township; Revocation Of Permits; Duties And Responsibilities Of The Applicant; Duties And Responsibilities Of The Permittees; Default In Performance; Work In Street Right Of Way Or Township Easements; Restrictions In Opening A New Street; Additional Payments For Opening A New Street; Emergency Excavations; Permits Revocable; Street List Requirements; Abandoned Facilities; Street Right Of Way/Easement Permit Notices; Return Of Security For Street Right Of Way/Easement Permits; Curbs And Sidewalks; Standards For Street Right Of Way/Easement Permits; Community**

**Interests; Violations And Penalties; Severability; Failure To Enforce Not A Waiver; Repealer And An Effective Date**

Randy Cope, Director, Township Operations, explained that this is basically a housecleaning item, where some slight revisions/tweaks needed to be made. This was previously advertised and is ready for adoption. This ordinance also addresses protecting our investment in our roads.

MOTION to adopt the above mentioned Ordinance was made by Commissioner Bond, which was seconded by Commissioner Setton. All in favor; none opposed.

Roll Call Vote taken as follows:

Commissioner Mulqueen: AYE  
Commissioner Block: AYE  
Commissioner Bond: AYE  
Commissioner Setton: AYE  
Commissioner Morgan: AYE

Motion Carries.

8. **RESOLUTIONS:** Commissioner Glenn Block explained that he and Commissioner Mulqueen, along with Don Kline, Chairman of the ZHB, interviewed each of the following gentlemen for the ZHB. He gave a brief overview of each candidate's qualifications. All of the gentlemen are currently serving on the ZHB, with the exception of Joe Petro, who will become a new member of the ZHB.
- a. **A Resolution Reappointing David A. Eisenberg to the South Whitehall Township Zoning Hearing Board** – A MOTION was made by Commissioner Block, which was seconded by Commissioner Mulqueen, reappointing David A. Eisenberg to the SWT ZHB. All in favor; none opposed.
  - b. **A Resolution Reappointing Don S. Klein to the South Whitehall Township Zoning Hearing Board** – A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Block, reappointing Don S. Klein to the SWT ZHB. All in favor; none opposed.
  - c. **A Resolution Reappointing Mark J. Leuthe to the South Whitehall Township Zoning Hearing Board** - A MOTION was made by Commissioner Block, which was seconded by Commissioner Mulqueen, reappointing Mark J. Leuthe to the SWT ZHB. All in favor; none opposed.
  - d. **A Resolution Reappointing Kenneth Navitsky to the South Whitehall Township Zoning Hearing Board** – A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Block, reappointing Kenneth Navitsky to the SWT ZHB. All in favor; none opposed.
  - e. **A Resolution Appointing Joseph T. Petro to the South Whitehall Township Zoning Hearing Board** – A MOTION was made by Commissioner Mulqueen, which was
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seconded by Commissioner Block, appointing Joe Petro to the SWT ZHB. He is filling the vacancy left by Matt Mobilio, and will serve out the remainder of Mr. Mobilio's term. All in favor; none opposed.

**9. MOTIONS:**

**a. Motion of IPT Allentown DC LLC and IPT Allentown DC II LLC to Approve Financial Security in the Form of a Cash Escrow and a Bond for the Major Plan Entitled "Crackersport Road and Eck Road Warehouses"**

Attorney Blake Marles was in attendance for his client. Attorney Marles explained that the Developer is here before the Board this evening to discuss security to be used with regarding to improvements regarding Crackersport Road and Eck Road Warehouses. The Developer desires to use a bond. He would like to bond his improvements with 200,000 in cash. Attorney Marles explained this has been done several times before—however, they are doubling the amount, and posting a total of \$200,000 for its improvements. George Kinney, Director, Community Development Department, explained this has indeed been done in the past. However, Staff feels this is a decision to be made by the Board.

Solicitor Zator said that it would be the intent of the Board that the Developer's Agreement, reflects the bond as part of the security, that it would provide the same protection to the Township—meaning the security also needs to cover the Township's expense in litigation should there need to be any. Otherwise, Solicitor Zator said he has no issue.

A MOTION was made by Commissioner Mulqueen, which was seconded by Commissioner Setton, granting approval for the financial security in the form of cash escrow and a bond for the Major Plan Entitled "Crackersport Road and Eck Road Warehouses". All in favor; none opposed.

**b. Motion to Proceed with the Award of Contractors, and the Execution of Documents Related to the Campus Renovation Project**

Steve Carr, Director, Finance Department, presented for the entire team on this agenda item, which has been a team effort. Steve gave an overview of the time line from start to present time. After his presentation, there was an opportunity for Board/Public Q&A.

The project came in under what was expected at \$10.5M. Check with figure with Steve.

A MOTION was made by President Morgan, which was seconded by Commissioner Mulqueen, to proceed with the award of contractors and the execution of documents related to the campus renovation project. All in favor, none opposed.

**10. CORRESPONDENCE AND INFORMATION ITEMS – FYI.**

**a. Public Notice from Steve Carr, Director, Finance Department, Regarding Proposed 2020 Budget**

**11. OLD BUSINESS:**

**a. Wehrs Dam – Status** No change. Waiting to hear back from PA DEP.

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At 9:20P, President Morgan explained that we will take a 2-minute recess before going on to COF.

## 12. **COURTESY OF THE FLOOR**

At 9:22P, the meeting reconvened, by President Morgan instructing how the next part of the meeting is to be handled.

President Morgan went on to explain that we will not have another meeting like the November 20<sup>th</sup> meeting where people were calling out, swearing, and other unacceptable behaviors that went on that evening. It will not be tolerated. If you want to speak, you will have a chance to do so, and everyone is expected to allow each individual to speak. She explained that she will stop the meeting if this occurs if anyone who does not adhere to the rules this evening and they will be asked to leave.

President Morgan explained the process that was followed with regard to filling the vacancy of Commissioner Mark Pinsley as done so within the parameters of the law. Commissioners Morgan, Block, Bond, & Mulqueen, each spoke regarding their support of Mr. Setton filling this vacancy.

During the Courtesy of the floor, the following individuals shared their thoughts with regard to Mr. Setton being appointed to the vacancy created by Mark Pinsley's resignation or asked questions with regard to other projects and traffic in the Township.

- John Chaya
- Dave Burke
- George Novak
- Rob Hodges
- Morris Halpin
- Shawn Hubler
- Lee Solt
- Leo Fernandez
- Sue Shortell
- Bev Morino
- Keisha Champagnie
- Marianne Olsen

At the end of the COF segment, Mark Pinsley, who was in attendance this evening, and who resigned as Commissioner at the November 20<sup>th</sup> meeting, asked to speak. He explained that while some feel that the 2019 election results should be used to determine the filling of his vacancy, that is not the law. It is his hope that the new Commissioners-elect intend to uphold the law in their future decisions. He said that more importantly, after the close of the last meeting, he explained that he is personally offended by the derogatory remarks made to

individuals on the board. He explained that we can be passionate about our positions, but there is no reason for derogatory name calling, and he invites the two Commissioner-elects to join him in condemning these actions and speech. Lastly, with regard to the RTK requests, he is happy to provide this information as asked, however, he asks that the Staff keep track of the costs related to these requests, and make that public information so that the public is aware of the total cost of this endeavor. In closing, he said that he appreciates everyone's time, and their vote, and said congratulations to Commissioner Setton.

13. **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, to approve payment of invoices. All in favor; none opposed.

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

15. **ADJOURNMENT:** At 10:21 p.m. a MOTION was made by Commissioner Block, which was seconded by Commissioner Mulqueen, to adjourn. All in favor; none opposed.

16. **APPROVED:** On December 18, 2019, a MOTION was made by Commissioner Setton, which was seconded by Commissioner Block, to approve the December 4, 2019 BOC Meeting Minutes. All in favor; none opposed.
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