



Wednesday, January 10, 2024
Vacancy Board Meeting – 6:00 PM

1. CALL TO ORDER - VACANCY BOARD - SPECIAL MEETING

A. Roll Call

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS

A. All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on the Township Website for public access.

B. Public/Virtual Meeting Rules.

4. AGENDA ITEMS

A. Public Notice - January 10, 2024, 6:00 p.m., Vacancy Board Special Meeting.

B. Review of Applications:

- Comments by Vacancy Board Members
 - Commissioner Diane Kelly
 - Commissioner Monica Hodges
 - Commissioner Jacob Roth
 - Commissioner Thomas Johns
 - Chairman David Torrey

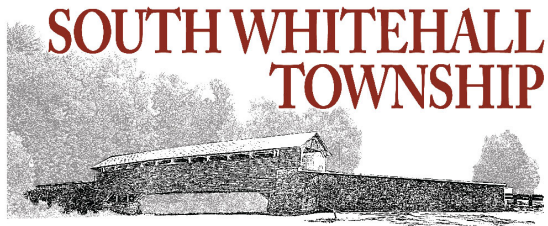
C. Call for Nomination.

- A Resolution of the Vacancy Board of South Whitehall Township, Lehigh County, Pennsylvania, to Appoint ___ as Successor Commissioner to Fill Vacant Seat of David M. Kennedy.

5. COURTESY OF THE FLOOR

6. EXECUTIVE SESSION

7. ADJOURNMENT



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners; Vacancy Board Chairman David Torrey
FROM:	Tom Petrucci, Township Manager
DATE:	January 4, 2024
SUBJECT:	Vacancy Board Special Meeting – Review of Procedures
COPY TO:	H. Bender; T. Fehnel

- **Background Information:**

Section 530 (Vacancies in General), (a) of the First Class Township Code provides that the Board of Commissioners has thirty (30) days to appoint a successor when a vacancy occurs in the elected office of Commissioner due to termination of residency from the Township.

The office of the Township Solicitor has clarified that the vacancy in the elected office of Commissioner was technically created the day that former Commissioner, David M. Kennedy, terminated his residency, which was Thursday, November 30, 2023. The Board had thirty (30) days, which was Saturday, December 30, 2023, from said termination of residency date to appoint a successor. That deadline has now passed. In accordance with the First Class Township Code, the Vacancy Board has a deadline of January 14th to take action on the appointment of a successor.

The Board of Commissioners previously convened a special meeting on Thursday, December 28, 2023 at 6:00 PM for the following purpose(s), as advertised in accordance with the Sunshine Act in the December 27th issue of the *Lehigh Valley Press*:

- 1). To interview candidates for the vacant position of Township Commissioner;
- 2). To consider the appointment, by resolution, of a successor to fill the vacancy in the position of Township Commissioner, in accordance with the requirements of the First Class Township Code;
- 3). To consider any other business which may come before the Board of Commissioners.

Following Township social media, Township website, *Morning Call* and *Lehigh Valley News* online dissemination, South Whitehall Township received a total of eight (8) applications for the current Commissioner vacancy.

The following candidates were interviewed during the Thursday, December 28, 2023 special meeting:

1. **Manjit Singh Walla**
2. **James Sullivan**
3. **Adeel Ahmad**
4. **Glenn Guanowsky**
5. **Chris Peischl**
6. **Jamal Ahmed**
7. **Jeffrey Kemmerer**
8. **Michael Pascal**

Following interviews, the Board of Commissioners elected to take additional time to review the candidates given the number of applications received. Accordingly, a special meeting of the Vacancy Board was scheduled for Wednesday, January 10, 2024 at 6:00 PM. The *Morning Call* affidavit for the special meeting advertisement is attached for reference; the advertisement ran in the January 3rd issue of the *Morning Call*.

- **Options for Consideration of Possible Official Action:**

The Vacancy Board, which consists of the Board of Commissioners and one (1) Chairman, who is Mr. David Torrey, may consider the filling of the vacant elected office of Township Commissioner in accordance with the relevant provisions of the First Class Township Code. A summary of the options for the consideration of the Board of Commissioners is provided as follows:

1. Appoint, by Resolution, a resident of the Township to fill the vacancy in the office of elected Commissioner during the Wednesday, January 10, 2024 6:00 PM Vacancy Board special meeting. Should the Vacancy Board resolve to take this action, a Resolution is listed on the agenda to allow for this official action (in accordance with the Sunshine Act). If the Vacancy Board takes this action, the selected appointee will need to fulfill the Oath of Office requirement prior to taking office (that action will not be taken during the January 10th meeting).
2. Should the Vacancy Board/Board of Commissioners not make the appointment before January 14th, 2024 deadline, the matter then heads to the Court of Common Pleas. The vacancies would be filled upon presentation of a petition signed by not less than fifteen (15) registered electors of the Township.

- **Vacancy Board Special Meeting Procedures:**

1. Each member of the Board of Commissioners and Vacancy Board Chairman will be afforded the opportunity to identify a candidate who he or she wants to suggest as the appointee to the Board of Commissioners. This is intended as an opportunity for each Board member to expound on the virtues of a particular candidate.
2. Each member of the Board of Commissioners and Vacancy Board Chairman will then be afforded the opportunity to make a motion to nominate (and appoint by resolution) a successor to the vacant Board of Commissioners position. It is important to note that the first candidate to receive a majority vote of three (3) or more Vacancy Board members will be the person successfully appointed by the Board.

Proof of Publication Notice in the *Morning Call*

Under Act No. 587, Approved May 16, 1929 and its amendments

Sold To:

South Whitehall Township - CU00166797
4444 Walbert Ave
Allentown, PA 18104-1619

Bill To:

South Whitehall Township - CU00166797
4444 Walbert Ave
Allentown, PA 18104-1619

STATE OF PENNSYLVANIA)
COUNTY OF LEHIGH) SS:

Timothy Titus

of THE MORNING CALL, LLC. of the County of Lehigh and State of Pennsylvania, being duly sworn, deposes and says that THE MORNING CALL is a newspaper of general circulation as defined by the aforesaid Act, whose place of business is in the City of Allentown, County of Lehigh and State of Pennsylvania, and that the said newspaper was established in 1888 since which date THE MORNING CALL has regularly issued in said County, and that the printed notice or advertisement attached hereto is exactly the same as was printed and published in regular editions and issues of the said THE MORNING CALL on the following dates, viz.:

Jan 03, 2024.

Affiant further deposes that he is the designated agent duly authorized by THE MORNING CALL, LLC., a corporation, publisher of said THE MORNING CALL, a newspaper of general circulation, to verify the foregoing statement under oath, and the affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

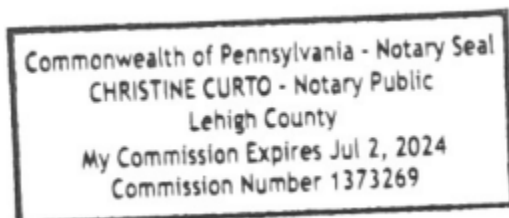


Designated Agent, THE MORNING CALL, LLC.

Sworn to and subscribed before me on this 4 day of January, 2024



Notary Public



Order # - 7559178

Proof of Publication Notice in the *Morning Call*

SOUTH WHITEHALL TOWNSHIP PUBLIC NOTICE OF VACANCY BOARD SPECIAL MEETING

Notice is hereby given that the South Whitehall Township Vacancy Board will hold a Special Meeting, in the Public Meeting Room, at the South Whitehall Township Municipal Building, which is located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania on the following date and time: Wednesday, January 10th, 2024, at 6:00 p.m. The Vacancy Board consists of the Board of Commissioners and one South Whitehall Township registered elector who is appointed by the Board of Commissioners to serve as the Vacancy Board Chairman.

Purpose of Meeting: 1). To consider candidates for the vacant position of Township Commissioner; 2). To consider the appointment, by resolution, of a successor to fill the vacancy in the position of Township Commissioner, in accordance with the requirements of the First Class Township Code; 3). To consider any other business which may come before the Vacancy Board.

Please feel free to view this meeting via your computer, tablet or smartphone at <https://meet.goto.com/992073781>. For more information, visit the Township website at www.southwhitehall.com.

DAVID C. TORREY
VACANCY BOARD CHAIRMAN

TOM PETRUCCI
TOWNSHIP MANAGER
7559178 12/3/24

Order # - 7559178

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2024-01-VB
(Duly Adopted January 10, 2024)**

**A RESOLUTION OF THE VACANCY BOARD OF SOUTH
WHITEHALL TOWNSHIP, LEHIGH COUNTY,
PENNSYLVANIA TO APPOINT _____ AS SUCCESSOR
COMMISSIONER TO FILL VACANT SEAT OF DAVID M.
KENNEDY**

WHEREAS, Section 55530(a) of the First Class Township Code (“Code”) provides if a vacancy occurs in the office of Township Commissioner due to a termination of residency from the Township, the Township Board of Commissioners shall fill the vacancy within thirty (30) days by appointing by resolution a registered elector of the Township in which the vacancy occurs; and

WHEREAS, South Whitehall Township Board of Commissioners member David M. Kennedy terminated his residency from South Whitehall Township on Thursday, November 30, 2023;

WHEREAS, the South Whitehall Township Board of Commissioners was unable to fill the vacancy within the (30) days as required by Section 55530(a) of the Code;

WHEREAS, pursuant to Section 55530(b) of the Code, if the Board of Commissioners is unable for any reason to fill a vacancy, then the Vacancy Board shall fill the vacancy within fifteen (15) additional days by appointing a registered elector of the Township in which the vacancy occurs;

WHEREAS, as required under §55501(a) of the Code, _____ is eligible to fill the vacancy as he is a registered elector of South Whitehall Township (“Township”) and has resided in the Township continuously for over one (1) year immediately prior to his appointment; and

WHEREAS, the Township Vacancy Board desires to appoint _____ as successor Commissioner.

NOW, THEREFORE, BE IT RESOLVED that the Township Vacancy Board hereby appoints _____ to fill the vacancy on the South Whitehall Township Board of Commissioners. Said Commissioner is appointed to serve in that role until Friday, January 2, 2026, as established by the First Class Township Code. ___ shall also take the required Oath of Office prior to performing the duties of Township Commissioner.

Duly adopted this **10th** day of **January 2024**, by the Township of South Whitehall, Lehigh County, Pennsylvania, in lawful session duly assembled.

**SOUTH WHITEHALL TOWNSHIP
VACANCY BOARD**

David C. Torrey, Chairman

ATTEST:

Tricia Dickert, Township Secretary