

Wednesday, August 4, 2021
Board of Commissioners Meeting - 7:00 PM

Meeting Held IN PERSON AT THE TOWNSHIP BUILDING

Also, will be streamed Via "GoTo Meeting" (See SWT Website Link)

***Agenda Packet, Recordings, & Minutes Location: www.boarddocs.com**

USERNAME: [swhitehall](#)

PASSWORD: [swtpublic](#)

1. CALL TO ORDER

A. Roll Call

2. PLEDGE OF ALLEGIANCE

3. NOTIFICATION

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

4. MINUTES

A. July 21, 2021 - BOC Meeting Minutes

B. July 7, 2021 - BOC Meeting Minutes

5. PRESENTATIONS

6. ORDINANCES

A. An Ordinance Of The Board Of Commissioners Of The Township Of South Whitehall, Lehigh County, Pennsylvania (The Township), Authorizing And Directing The Issuance Of Its General Obligation Bonds, Series Of 2021, In The Maximum Aggregate Principal Amount Of \$15M (The "2021 Bonds" Or "Bonds") Pursuant To The Local Government Unit Debt Act Of The Commonwealth Of Pennsylvania, As Codified By The Act Of December 19, 1968 P.L. 1158, No. 177, As Amended And Supplemented; Providing The Proceeds Of The Bonds Shall Be Used To Fund (I) Certain Township Improvements, And (II) The Current Refunding Of The Township's General Obligation Note Series Of 2014 (2014 Note), Township's General Obligation Note Series Of 2018 (2018 Note), And Township's General Obligation Note Series Of 2019 (2019 Note), Pursuant To A Program (The "Refunding Program"); Making Representations Regarding The Amortization Of The Bonds; Determining That Such Sale Shall Be A Private Sale By Negotiated Bid Under The Act; Fixing The Interest Payment Dates, Denominations And Registration, Transfer And Exchange Privileges Of The Bonds; Setting Forth The Maturity Dates, Principal Maturities And Current Interest Rates Of The Bonds And Establishing A Required Schedule Of Payments With Respect To The Sinking Fund, As Hereinafter Established, In Order To Amortize The Bonds; Establishing The Redemption Provisions Of The Bonds; Accepting A Bid For Purchase Of The Bonds And Authorizing Execution Of Such Acceptance By An Appropriate Officer Of The Township; Designating A Paying Agent And Registrar; Designating A Place And Method Of Payment Of The Bonds And Interest Thereon And Making Certain Covenants With Respect To The Tax Free Status Thereof; Establishing The Substantial Form Of The Bonds Authorizing Execution And Authentication Of The Bonds; Providing For The Registration Of The Bonds, The Maintenance Of Records Of Registered Owners And Transfer Of The Bonds; Covenanting To Pay The Principal Of And Interest On The Bonds And Pledging The Full Faith, Credit And Taxing Power Of The Township To Such Purpose; Establishing A Sinking Fund For The Bonds And Authorizing And Directing Payment Therefrom; Setting Forth Certain Provisions With Respect To The Investment Of Monies Therein; Designating A Sinking Fund Depository; Setting Forth Certain Rights Of The Paying Agent And Bondholders In The Event Of Default And Other Rights Of The Parties With Respect To The Bonds; Providing For The Circumstances Under Which The Ordinance May Be Amended Or Modified; Authorizing And Directing Specified Officers Of The Township To Do And Perform Certain Specified, Required Or Appropriate Acts; Authorizing The Execution Of Documents For Closing And The Payment Of Issuance Expenses; Declaring That The Debt To Be Incurred Is Within The Limitation Imposed By The Act Upon Incurring Of Such Debt By The Township; Authorizing And Directing Proper Officers Of The Township To Deliver The Bonds Upon Execution And Authentication Thereof, Upon Receipt Of Proper Payment Of The Balance Due Therefor,

And Only After Specified Approval, As Required, Of The Department Of Community And Economic Development Of The Commonwealth Of Pennsylvania; Setting Forth Certain Covenants Relating To The Federal Tax Status Of The Bonds; Covenanting To Pay Over At Settlement Sufficient Monies To Provide For The Payment Of The 2014 Note, 2018 Note And The 2019 Note (Collectively "Prior Debt"), To Be Refunded In Accordance With The Refunding Program; To The Extent Appropriate Providing For The Issuance Of Irrevocable Instructions Of Prior Debt And Providing For Compliance With The Securities And Exchange Commission Rule 15c2-12; Providing For Severability Of Provisions Of The Ordinance; Providing For Repeal Of All Ordinances Or Parts Of Ordinances So Far As The Same Shall Be Inconsistent; Providing When This Ordinance Shall Become Effective.

B. Copy of 6-A Ordinance posted here for Public Access.

7. RESOLUTIONS

A. A Resolution - Consideration of Resolution Regarding Potential Employee Separation Agreement

B. A Resolution Amending Resolution 2015-29, A Resolution Of The Board Of Commissioners Of South Whitehall Township, Lehigh County, Pennsylvania, Pursuant To The Local Tax Enabling Act, 53 P.S. §§ 6924.101 et seq. Appointing The Business Privilege Tax Administrator

C. See 8-A motion below, followed by Resolutions 7-C, D, E, & F.

D. A Resolution Appointing Eric Kleintop to the Position of Lieutenant for South Whitehall Township

E. A Resolution Appointing Colin Beaumont to the Position of Sergeant for South Whitehall Township

F. A Resolution Appointing Jason Grozier to the Position of Sergeant for South Whitehall Township

G. A Resolution Appointing Timothy Shoudt to the Position of Sergeant for South Whitehall Township

H. A Resolution Granting Preliminary-Final Approval to a Minor Plan Entitled "3926 Lime Kiln Road"

8. MOTIONS

A. Motion to Proceed with Adoption of Civil Service Eligibility Lists for Lieutenant and Sergeant Promotions

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions - Informational Items

10. DIRECTION/DISCUSSION ITEMS

11. OLD BUSINESS

A. Wehr's Dam - Status

12. COURTESY OF THE FLOOR

13. PAYMENT OF INVOICES

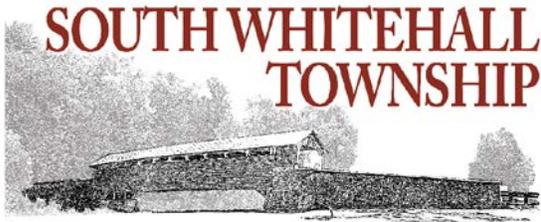
A. Invoices and Purchasing Requisitions have been reviewed by the Township Manager and the Director of Finance, who authorize that checks be issued to pay bills as tabulated.

14. EXECUTIVE SESSION

A. Scheduled Accordingly.

15. ADJOURNMENT

A. Motion to Adjourn.



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

July 21, 2021

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

Roll Call taken as follows:

Commissioner Wolk:	HERE
Commissioner Long:	HERE
Commissioner Setton:	HERE
Commissioner Kelly:	HERE
Commissioner Morgan:	HERE

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Diane Kelly, Vice President
Commissioner Michael Wolk, Assist. Secretary
Commissioner Joe Setton
Commissioner Ben Long
Joseph Zator, Twp. Solicitor, Zator Law
Anthony Tallarida, Twp. Engineer, The Pidcock Company
Renee Bickel, Township Manager
Randy Cope, Director of Twp. Operations
Herb Bender, PW Superintendent
Mike Elias, PW Utility & MS4 Coordinator
Mike Kukitz, Parks & Rec Manager
Scott Boehret, Finance Manager
Chief Glen Dorney, SWT Police Department
Dave Manhardt, Director of Community Development
Tom Harper, Enforcement Program Manager
Tracy Fehnel, Exec. Assistant

2. PLEDGE OF ALLEGIANCE

3. NOTIFICATION: All Public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on BoardDocs for the Public's access.

***(boarddocs.com; USERNAME: swhitehall; PASSWORD: swtpublic)**

4. MINUTES

a. July 7, 2021 - BOC Meeting Minutes – TABLED

Commissioner Kelly said with regard to the resolution that was passed on July 7th, agenda item 7-g, with regard to KRE Spring View Commercial II, there was a date that was wrong in the resolution that was passed for the extension—Commissioner Kelly clarified it said that the BOC had granted the extension on December 23, 2020 (there was no BOC meeting on the 23rd), when in actuality the BOC voted on January 6, 2021 to grant the extension. This was not something in the minutes for correction; however, Tracy will provide this correction to Gregg Adams, with regard to this particular resolution.

Commissioner Kelly circled back to previous comments re-the Sunshine Act regarding the posting of names of residents providing testimony on events, as they related to Agenda item 6-A (Quality Life Improvement Ordinance), where it said “Board questions, followed by Public questions, were answered at this time”. She asked if that satisfies the requirement of the Sunshine Act. Tracy asked if Solicitor Zator could provide some clarification to this, because the Sunshine Act states that those who appeared “officially”, which Tracy explained we do in Courtesy of the Floor, where we then state individual’s name, address, and topic. We do not normally put the names of individuals who make comments throughout the meeting. Solicitor Zator suggested that we TABLE the minutes for further consideration, and then this will be addressed at next meeting.

Commissioner Wolk added there was an incomplete sentence by Randy Cope. Tracy look at after meeting. This was a “blank” to be filled in with the missing word. After meeting, checked with Randy, and missing word filled in.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton to TABLE the minutes per Solicitor Zator for further consideration.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

5. PRESENTATIONS: None.

6. ORDINANCES:

- a. Previously Advertised; Motion to Adopt - An Ordinance Amending The Codified Ordinances Of South Whitehall Township To Add A New Chapter 250 Entitled “Quality Of Life Improvement Ordinance”, Which Provides (1) A Ticketing Program To Potentially Resolve Certain Property Maintenance And Other Property Violation Matters In A More Expeditious Manner Than Traditional Ordinance Enforcement, (2) Procedures For Issuing Tickets Under The Ticketing Program, And (3) Preserves Traditional Ordinance Enforcement, And Further Provides For Severability, Failure To Enforce Not A Waiver, Applicability, And Effective Date.**

Mr. Tom Harper, SWT’s Enforcement Program Manager, as well as Chief Glen Dorney gave a brief introduction to the Board, stating this will be another tool in the tool box—it helps make sure that your neighbors are good neighbors, following the rules, and if they don’t know the rules, we educate people as to what the rules are. This will be an educational-based program. It is not strictly an enforcement program on the side of the police. It helps PD to be able to address things when they occur.

Commissioners Wolk and Kelly felt the word “nuisance” was subjective. Also, Commissioner Kelly did not feel political signs should be part of this ordinance; as well as this ordinance

gives sole discretion to one person to deny or have a hearing. Every resident has the right to be heard. Commissioner Wolk said the ordinance is a good start, and enhances SWT, but needs more work. Has a real concern regarding objectivity. Job descriptions should be included. Need to specifically talk more about over-reach items. Commissioners Setton and Kelly had concerns regarding first-time offenders, enforcement, and violations should be reviewed more.

President Morgan said this ordinance would allow us to, if there was a concern, to have the ability to go in, look at the situation, assess it, and then make a determination to rectify the issue. This ordinance was moved forward with due to the variety of complaints coming into the Township over the years. Commissioner Long feels this ordinance enhances SWT—feels we are at 95% with this ordinance.

Some comments by residents are as follows:

- The ordinance gives a huge amount of power to township bureaucrats. What is in this ordinance is what will be enforced, not what is being said this evening. What will remain is the ordinance, which is what is enforceable.
- Regarding state inspection stickers, some vehicles do not have to be inspected by the state. Need a bit more clarification with regard to this.
- This ordinance is an overreach; if there is a particular ordinance to be fine-tuned, would rather see that done.
- Individuals commented that they want to keep Allentown out of SWT.

All Board/Public questions were answered, comments made.

A MOTION was made by Commissioner Long to move forward with adoption of this ordinance as written. The motion was seconded by Commissioner Morgan.

Roll Call vote as follows:

Commissioner Wolk:	NO
Commissioner Long:	AYE
Commissioner Setton:	NO
Commissioner Kelly:	NO
Commissioner Morgan:	AYE

Motion did not carry.

Commissioner Wolk made a MOTION, which was seconded by Commissioner Kelly, to TABLE ordinance for rework.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	NO
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

Commissioner Kelly thought it would be helpful if Mr. Harper could advise of the type of complaints he hears—types, frequency; perhaps report to this Board quarterly so we have an understanding of what is going on in the Township. It would help to know what Mr. Harper does, complaints he hears, which will help Board understand what we do need, and how do we fit the needs of the Township, which are specific to SWT, and make an ordinance that makes sense to help the residents who have had problems to this point, and build from there.

At this point, the Board jumped to 7-C.

- b. Request to Advertise and Transmit to LVPC - “An Ordinance Amending The South Whitehall Township Zoning Ordinance By Deleting Section 350-48(n)(2) No-Impact Home-Based Business, Creating New Sections 350-48(h)(5) Home-Based Business, No-Impact And 350-48(h)(4) Home-Based Business, Low-Impact, Renumbering Existing Section 350-48(n)(3) Nursing Home To Section 350-48(n)(2), Renumbering Existing Sections 350-48(h)(4) Through (h)(6) To 350-48(h)(6) Through (h)(8) To Accommodate The New Sections 350-48(h)(4) And (h)(5), Correct All Impacted Links Within The Zoning Ordinance; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date.”**

Solicitor Zator explained because this is a text amendment, this is a hearing, and at this time he called it to order (The time was 8:02P.) Purpose is to inform public what this ordinance is and provide opportunity for public to comment.

Dave Manhardt, Director, Community Development Department explained we had a section of our ordinance called “no-impact, home-based businesses”. Historically this ordinance/use did not allow visitation for specific uses. We had people calling in, which increased during COVID, asking if they could do a home-based business as a single employer, for example—a hairdresser/massage therapist, etc., and were told “NO”. This prompted us to look at the ordinance; also the MPC speaks directly to “no-impact, home-based businesses”. Our existing ordinance did not accurately reflect what the “no-impact, home-based business” did in the MPC. This ordinance is to adjust the “no-impact, home-based business” so that it is consistent with the MPC.

The second piece of this is the “low-impact, home-based business”. There is a portion in the old ordinance where music teachers, tutors, etc. that allowed up to six visitors, which are examples of “low-impact, home-based businesses”.

No-impact—clearly no impact; everything is done in the home. Low-impact—there may be a visitor(s), there may be equipment associated with it. This ordinance allows them to do that. A key component of this ordinance makes those uses a special exception, which are those uses which have to go the ZHB, who has the opportunity to listen to the specifics of that proposed use, and perhaps have to make specific conditions on that use. The other piece of being a special exception is that it requires notice to neighbors. Any concerns can then be expressed at the ZHB, and also any conditions are spelled out in the approval for

future enforcement, which makes enforcement a lot clearer. Dave also mentioned that the idea is that individuals go through the BP Licensing, which creates a record of the business.

Dave explained that under the current ordinance, we have had to turn away a lot of people in SWT.

Board questions were answered at this time, followed by Public comment/questions.

At 8:19P, Solicitor Zator said we are ready for a decision.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Setton to move forward with the advertising of the above-discussed ordinance, as well as the transmitting of said ordinance to the LVPC.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	NO
Commissioner Morgan:	AYE

Motion carried.

7. **RESOLUTIONS:**

a. **Resolution Granting Preliminary/Final Approval To A Major Plan Entitled “Proposed Flex Building 1215 Hausman Road”**

Dave Manhardt, Director, Community Development, explained that this is for a proposed Flex Building at 1215 Hausman Road. The application is to develop the property at this address. The plan proposes to remove the existing barn and the construction of a roughly 90,000 SQF Flex Building, 89 car parking lot, truck court, and associated storm water management facilities on a 10.7 acre tract. Property is zoned IC-1 industrial-commercial-1 (special height limitation). At May 20, 2021 Meeting the PC recommended approval to the BOC with 17 conditions and 3 waiver recommendation requests.

Attorney Blake Marles, Stevens & Lee, was in attendance on behalf of the applicant, as well as Andy Baldo, c/o Forge Development Group and a representative (Paul) of Liberty Engineering. Attorney Marles said the resolution is clear, and the conditions are agreeable. The acceptance of conditions was presented to Mr. Gregg Adams this evening. Client has presented everything that was required of them.

BOC/Public questions answered at this time.

A MOTION was made by Commissioner Wolk, that a condition be added that the layout will be modified if necessary to satisfy the requirements in the other Conditions including but not limited to wetlands, stormwater management, infiltration rate, DEP requirements, etc. (The Board was in agreement to make this condition as part of the motion below.)

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Long, to approve the above-mentioned Resolution granting Preliminary-Final Approval to a Major Plan Entitled “Proposed Flex Building 1215 Hausman Road”, which includes the above

additional condition by Commissioner Wolk that the layout will be modified if necessary to satisfy the requirements in the other conditions including, but not limited to wetlands, stormwater management, infiltration rate, DEP requirements, etc.

No other questions by the Board or the Public at this time.

Roll Call vote as follows:

Commissioner Wolk: AYE

Commissioner Long: AYE

Commissioner Setton: AYE

Commissioner Kelly: AYE

Commissioner Morgan: AYE

Motion carried.

b. A Resolution Granting Preliminary/Final Approval To A Major Subdivision Entitled "Proposed Independent Living Apartments In Luther Crest"

Dave Manhardt, Director, Community Development Department explained that this is an application to further develop the property located at 800 Hausman Road. The plan proposes the construction of a three-story 37,500 SQF addition containing 72 independent living apartments, removal of 161 parking spaces and the addition of 86 new parking spaces, and improvements to the stormwater management system, on a 4.6 acre portion of the 43.58-acre site. Diakon Lutheran Social Ministries is the owner and applicant. At the December 17, 2020 PC Meeting, they recommended approval to the BOC with 16 conditions and no waiver recommendations.

In attendance, on behalf of the applicant, Dave Baker, VP of Diakon, was Bill Kick, P.E., of Herbert, Rowland & Grubic, Inc. He explained they were here to present on this 74-unit independent living apartment building which will provide housing up to 120-130 senior residents, and in this very tight housing market, a much needed improvement for the area. Acceptance of conditions has been signed as part of this resolution. There is only one waiver request, which relates to stormwater management, which the issue is that the soil on site is replaced every year, so it is primarily a fill site. There are no places that are suitable for infiltration techniques for stormwater management. DEP has acknowledged that after 15 years of requiring infiltration no matter what, that it is not always possible, so they have come up with a new concept of requiring an extended release to accomplish that extended release, which requires a very small opening so that that stormwater can slowly discharge from. The SWT ordinance requires a minimum of a three-inch diameter opening; in order to comply with DEP requirement, we need a one-inch diameter opening to release the water slower. We are asking for a minimum waiver that the three-inch requirement be modified to a one-inch in order to meet the DEP requirement. Township Engineer Tony Tallarida said this was reviewed to see if this configuration was acceptable to the basin and this is a private basin which will be maintained as necessary by the applicant. DEP changed their rules, so that is why our ordinance does not recognize this, which is the primary reason for this waiver. Mr. Kick explained that the release rate needs to be restricted in accordance with PA DEP, which the smaller orifice, 1" diameter, which will meet the requirements to comply.

Mr. Kick said that regarding the Luther Crest Land Development Plans from 2006, sidewalk installation was proposed between Hausman Road and Luther Crest Drive/Southgate Court, and they are willing to complete the construction of those sidewalks. He said this is a condition, and they are working on the access rights to do so.

All Board/Public questions answered at this time.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Wolk, to grant preliminary-final approval to a major subdivision entitled "Proposed Independent Living Apartments in Luther Crest".

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

c. A Resolution of the Board of Commissioners of South Whitehall Township Confirming Individuals Nominated by the Volunteer Fire Companies as Special Fire Police Each for a Five-Year Term

Chief Glen Dorney explained that the Fire Police do a phenomenal job, out there any time of the day, in any weather, in any incident. They truly do a fantastic job. They are a testament to the residents in our Township who give back—a huge benefit to our Fire Departments, our PD. I commend them and am very proud they are here this evening for the approval of this resolution. A big thank you to them.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Morgan, to adopt the above resolution, confirming these individuals as Special Fire Police.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

8. MOTIONS

a. Motion Requesting Permission to Proceed with Advertising Bid with Regard to the Bridge View Terrace Water Main Replacement Project

Herb Bender, PW Superintendent explained that SWT Water Department is respectfully requesting permission to advertise the Bridge View Water Main Replacement Project. This replacement project will affect the following streets:

- Covered Bridge Lane (River Road to Lime Kiln Road)
- Courtney Place (Covered Bridge Lane to cul-de-sac)

In the past two years the residents of this area have gone through 8 water main breaks due to the aging cast iron pipe. We will be replacing the cast iron with ductile iron pipe. This project is in the water budget in the amount of \$500,000.

Randy Cope said it is important to note that this is Phase I of this project. Herb said the second phase will be in the area of \$600,000—this is a very large project. Commissioner Morgan is going to forward some information to Randy regarding a grant program to look into for this project.

Board questions/comments taken at this time. No questions from public at this time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to move forward with the advertising of bid with regard to the Bridge View Terrace water main replacement project.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

b. Motion Granting Permission for the Township to Work with PFM Financial Advisors LLC, as Independent Financial Advisor, King, Spry, Herman, Freund & Faul, LLC as Bond Counsel in Conjunction with the Sale and Issuance of the Township's General Obligation Bonds, Series of 2021. (See full Motion below.)

Scott Boehret, Director of Finance said this evening they are presenting a proposal for a plan to reissue township debt in the form of bonds. Jamie Schlusser, from PFM was in attendance and went over this particular resolution with the BOC. Jamie has 20+ years with regard to the debt market, extensive experience with many municipalities, and 7 years' of experience with SWT. Handout of Presentation distributed to BOC.

Board questions were answered, followed by public comment.

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, granting permission for SWT to work with PFM Financial Advisors.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS:

GAC met Monday and talked about projects as follows: Partnering up with PSD Conservation Club; possible partnerships with Whitehall Township EAC re-roadside cleanups; update of

GAC of webpage of GAC facts; possible presentation of concept of community garden in October; next GAC meeting August 16th.

Commissioner Wolk – Finance Committee Update. Audit status has not changed. 2018/2019 Audit Financial Reports are in progress. No new information regarding the audited finances. On August 5th, Auditor will present the draft 2016-2019 Audit Report to the Finance Committee, and this will be the first time we will have the opportunity to discuss the Auditor Findings.

10. Boards and Commissions – Informational Items

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

- 1. Civil Service Commission - 1 vacancy, alternate position
- 2. Landscape Shade Tree Commission - 2 vacancies
- 3. Parks & Recreation Board – 2 vacancies
- 4. Zoning Hearing Board – 1 vacancy, alternate position

Township Manager Renee Bickel explained that she was contacted by Maria Mullane, Solicitor for the ZHB, with regard to a replacement for the Mark Leuthe Vacancy. Two options are: We have Lee Solt, who is the alternate ZHB member and can move into a permanent position—Renee did speak with Lee Solt and he is interested in transitioning to the permanent ZHB member position. The other option is to conduct interviews. It is the pleasure of the Board.

A MOTION was made by Commissioner Morgan, to appoint Lee Solt to the permanent ZHB member position; the motion was seconded by Commissioner Setton.

A resolution will be prepared in accordance with the above motion.

No Board/Public questions at this time.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

The Premier Hearing - will be held on August 10th only. Solicitor Zator explained that if there is a hearing held on the 10th, and we do not finish with the hearing, we would then have another 45 days—the BOC would have the right to do so.

11. DIRECTION/DISCUSSION ITEMS:

Commissioner Kelly – Restrictions on Commissioners. Board of Commissioners may ask questions of the township staff for the purposes of inquiry, but not direct them to do work. Asked if the township made any changes to this ordinance. She asked that this be clarified with staff—Staff can talk to Commissioners, but Commissioners cannot direct them to do work. Commissioner Wolk was in agreement with Commissioner Kelly on this matter.

President Morgan did not feel that this conversation was appropriate for a public meeting—she said it should be dealt with in executive session, not this forum. President Morgan explained that for 13 years when she has a question, she has always called the Township Manager, and they may opt to bring in staff at that point. From a structural standpoint she felt it was very important to go to Township Manager first because TM may be privy to information that Staff is not yet aware of. Feels it is important to maintain that level of organization.

12. OLD BUSINESS:

a. **Wehr's Dam – Status:** Township Manager Bickel explained that we are submitting a permit package to LCCD by end of week.

13. DEPARTMENT REPORTS:

a. **Executive Department** – Renee Bickel

Campus Renovation Plan – Over budget by 1.5%. Do not have final numbers as of yet. Still waiting for some of our Prime contractors' bills. Have not received all the payment apps as of yet from all the primes.

b. **Community Development Department** – Dave Manhardt.

Comprehensive Plan – Working Group meetings started last week. Intention was to stack meetings to keep things fresh and wrap up. Finished up second week of meetings. Meeting included LVPC subject experts, who presented best practices and tools they used in regional planning. Next we take a week and go through the info gathered and then we start formulating recommendations. This brings us to third working group meeting where working groups will consolidate and make formal recommendations to the PC for the CP update. We would like to see more involvement in that third meeting.

c. **Finance Department** – Scott Boehret. We continue to work on the 2020 Audit. Also updating our BP data base.

d. **Parks & Recreation Department** – Randy Cope. Concert at CBP this Friday. Over 400 children attending the summer playground program. Collected over 300 survey responses to the Kohler Ridge.

e. **Police Department** – Chief Dorney reminded that National Night out is August 3rd.

f. **Public Works Department (Water & Sewer)** – Randy Cope. Heavy into routine maintenance right now—parks, ballfields, grass cutting, trash collection, routine maintenance at water stations, clean up of basins, etc.

g. **Township Engineer**

No additional questions/comments by Board/Public at this time.

14. COURTESY OF THE FLOOR:

Sam (Resident) – Topic: Felt earlier conversation should have occurred in private setting. Asked the Board to remember why they are here--to serve the residents of SWT, and get together as a group and do that.

15. PAYMENT OF INVOICES:

- a. 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.**

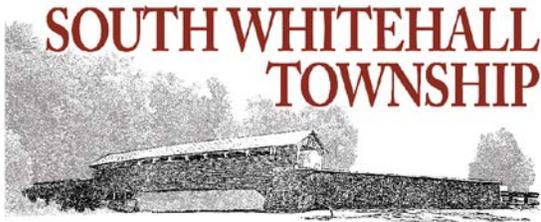
A MOTION was made by Commissioner Kelly, and seconded by Commissioner Setton, to approve the payment of all invoices.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

- 16. EXECUTIVE SESSION:** An executive session was held after the conclusion of this evening's BOC meeting to discuss "Land".
- 17. ADJOURNMENT:** At 10:34 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Morgan, to adjourn. All in favor; none opposed. (BOC, at this time, went into executive session to discuss "Land".



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

July 7, 2021

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

Roll Call taken as follows:

Commissioner Wolk:	HERE
Commissioner Long:	HERE
Commissioner Setton:	HERE
Commissioner Kelly:	HERE
Commissioner Morgan:	HERE

Attendees: Commissioner Christina (Tori) Morgan, President
Commissioner Diane Kelly, Vice President
Commissioner Michael Wolk, Assist. Secretary
Commissioner Joe Setton
Commissioner Ben Long
Joseph Zator, Twp. Solicitor, Zator Law
Anthony Tallarida, Twp. Engineer, The Pidcock Company
Renee Bickel, Township Manager
Randy Cope, Director of Twp. Operations
Herb Bender, PW Superintendent
Mike Elias, PW Utility & MS4 Coordinator
Scott Boehret, Finance Manager
Captain Jason Negrón, SWT Police Department
Dave Manhardt, Director of Community Development
Tom Harper, Enforcement Program Manager
Tracy Fehnel, Exec. Assistant

2. PLEDGE OF ALLEGIANCE

3. NOTIFICATION: All Public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on BoardDocs for the Public's access.

***(boarddocs.com; USERNAME: swhitehall; PASSWORD: swtpublic)**

At this time, Township Manager Renee Bickel showed the public where to find past meeting minutes/recordings, in response to questions asked. Also, a reminder to call Township and ask Tracy Fehnel for assistance.

4. MINUTES

a. June 2, 2021 - BOC Meeting Minutes

A MOTION was made by Commissioner Long, which was seconded by Commissioner Setton, to approve the June 2, 2021 BOC Meeting Minutes.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE

Commissioner Setton: AYE
Commissioner Kelly: AYE
Commissioner Morgan: AYE
Motion carried.

5. **PRESENTATIONS: None.**

6. **ORDINANCES:**

- a. **Request to Advertise - An Ordinance Amending The Codified Ordinances Of South Whitehall Township To Add A New Chapter 250 Entitled "Quality Of Life Improvement Ordinance", Which Provides (1) A Ticketing Program To Potentially Resolve Certain Property Maintenance And Other Property Violation Matters In A More Expeditious Manner Than Traditional Ordinance Enforcement, (2) Procedures For Issuing Tickets Under The Ticketing Program, And (3) Preserves Traditional Ordinance Enforcement, And Further Provides For Severability, Failure To Enforce Not A Waiver, Applicability, And Effective Date.**

Mr. Tom Harper, SWT's Enforcement Program Manager, introduced to the BOC the Quality-of-Life Improvement Ordinance. The ordinance was developed by taking components of the 2015 International Property Maintenance Code, and other Township Ordinances, in addition to the many common nuisance complaints he received over the last two years from Township residents, and the result combined them into a more concise ordinance for use by Code Enforcement, which is being brought before the BOC this evening. Mr. Harper said this Ordinance was developed to address these complaints and to streamline the process to achieve compliance in a more expedited way. This Quality-of-Life Ordinance will be an additional tool for Code Enforcement to use to achieve the end goal, which is compliance.

Board questions, followed by Public questions, were answered at this time.

A MOTION was made by Commissioner Long to advertise said ordinance as described. Commissioner Morgan seconded the motion. It should be noted that there will be an internal Standard Operating Procedure (SOP) which would address the procedural questions people have, which is separate from the ordinance.

Roll Call vote as follows:

Commissioner Wolk: AYE
Commissioner Long: AYE
Commissioner Setton: AYE
Commissioner Kelly: NO
Commissioner Morgan: AYE
Motion carried.

7. RESOLUTIONS:

a. A Resolution Appointing Mark S. Cappuccio, Esquire, Eastburn and Gray PC, as an Additional Alternate Township Solicitor for the Township of South Whitehall

Township Manager Renee Bickel explained we have come into an unusual situation where both our Twp Solicitor and our Alternate Township Solicitor are conflicted on a matter. We would therefore be engaging Attorney Cappuccio for a specified project, with regard to a water easement for the Ridge Farm Development. This would be a limited scope engagement.

BOC/Public questions answered at this time.

Clarification for the record - This is for a term ending December 31, 2023, or until such time the Board decides to go with a different solicitor for this position, should they choose to do so.

A MOTION was made by Commissioner Setton, which was seconded by Commissioner Kelly, to approve above resolution appointing Mark S. Cappuccio, Esquire, Eastburn and Gray PC, as an Additional Alternate Township Solicitor.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

b. A Resolution Appointing __ as an Alternate Member to the South Whitehall Township Civil Service Commission

President Morgan explained that Mr. Vinny Quinn has been interviewed and has a willingness to serve on the CSC.

Board/Public questions answered at this time.

A MOTION was made by Commissioner Morgan to adopt the above resolution, and to appoint Mr. Quinn as an alternate member to the CSC, which was seconded by Commissioner Kelly.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

c. A Resolution Appointing __ to the South Whitehall Township Planning Commission

President Morgan explained that interviews were conducted for the PC vacancy. Candidates interviewed were Lynn Hanna, Lee Solt, and Mark Leuthe.

For this PC vacancy, each Board member nominated an individual as follows:

- Commissioner Wolk: Lee Solt
- Commissioner Long: Mark Leuthe
- Commissioner Setton: Mark Leuthe
- Commissioner Kelly: Lee Solt
- Commissioner Morgan: Mark Leuthe

Comments/Questions taken by Public at this time.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, to adopt the above resolution, appointing Lee Solt to the SWT Planning Commission.

Roll Call vote as follows:

- Commissioner Wolk: AYE
- Commissioner Long: NO
- Commissioner Setton: NO
- Commissioner Kelly: AYE
- Commissioner Morgan: NO

Motion did not carry.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Setton, to adopt the above resolution, appointing Mark Leuthe to the SWT Planning Commission.

Roll Call vote as follows:

- Commissioner Wolk: NO
- Commissioner Long: AYE
- Commissioner Setton: AYE
- Commissioner Kelly: NO
- Commissioner Morgan: AYE

Motion carried.

President Morgan thanked all the candidates.

d. A Resolution Of The Board Of Commissioners Of South Whitehall Township Authorizing The Execution Of A Trail Easement Agreement With Jeras Corporation Providing For The Granting Of A Perpetual Trail Easement Over Lands Of Jeras Corporation Along The Jordan Creek And Further Providing For The Payment Of Consideration Thereof

President Morgan explained we are pleased to announce that Jeras Corporation will be granting an easement to SWT through Jeras property to allow the construction of an important portion of the Jordan Creek Greenway. The area of the easement is south of Parkland High School and will allow about a quarter-mile of trail to be built from Ritter Road toward Covered Bridge Park. Jeras Corporation has worked closely with SWT and the Wildlands Conservancy on connecting the Jordan Creek Greenway through several parcels of its property for the past 10 years. This easement and Jeras’s earlier work with the

Township and Wildlands will make it easier and safer to access the Greenway from Parkland High School and make the trail an even better asset for South Whitehall Township residents and visitors.

Randy Cope, Director of Township Operations, said we have an exciting opportunity before us to progress the development of the Jordan Creek Greenway. We are awaiting our permit approval for construction of the trail through Covered Bridge Park, and have already secured an easement with the Breininger family just east of Lapp Road. This is the next property over to continue to pave the way for the future direction of this trail. The Jeras Corporation has been phenomenal to work with, and Zator Law did a great job putting together a very comprehensive easement that is fair for both sides.

Highlights of easement are as follows: Trail easement will permit the construction of a 10' foot wide paved trail, signage, vegetation and landscaping, fencing, gates, and barriers for access. A removable and locked bollard will be installed at the entrance of the trail along Ritter Road to prevent unauthorized motorized vehicles from entering the trail. The easement provides the opportunity for benches, picnic tables, waste baskets, and bicycle racks with written consent. Permitted uses of the trail include walking, jogging, biking, hiking, bird watching, nature studies, power-driven mobility devices for those with mobility impairments, as well as emergency vehicles should there be an emergency on the trail. Also with written consent the easement also permits charity runs, races, use by the schools, clubs, and any other groups as well as picnicking and other stationary uses. Mr. Cope said we are here this evening respectfully requesting that the Board vote in favor of the above resolution.

Commissioner Wolk commented that he would like to see the new SWT Park Master Plan, but understands it is a work in progress, and asked what status of this is. Randy Cope said not so much on the Comprehensive Plan update for the Parks, Recreation, Trails, Open Space plan, but budgeted for and going out to bid for this year. We are waiting for the Comp Plan details to come back so that we do not duplicate our work, so as to have a cost savings to the Township--to make sure the data we have already collected is not being done in another study. The benefit to waiting for the CP is that we will then have a lot of that data in hand when we go out to bid or do an RFP.

Board questions/comments taken at this time, followed by Public questions/comments.

President Morgan made a motion to adopt the above resolution authorizing the execution of a Trail Easement Agreement with Jeras Corporation as explained. The motion was seconded by Commissioner Long.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

President Morgan said a huge "thank you" to the Jeras Corporation and the School District.

e. A Resolution Granting A Waiver Of Certain Review And Approval Requirements Of The South Whitehalls Township Subdivision And Land Development Ordinance For A Plan Entitled, "1645 Whitehall Avenue Woodlawn Fire Company"

Dave Manhardt, Director, Community Development Department explained that the application is to further develop property at 1651 Whitehall Avenue. Plan proposes an 868 SQF truck port at the rear of the fire station. The property is .6198 acres, zoned R-5. Woodlawn Fire Company is the owner and Applicant. Previous township consideration—it was at ZHB in April 2021 and granted setback variances, as well as variance for the buffer strip between residential property and quasi-commercial property. There are several deferrals related to the Community Development Department—deferrals which are typically frontage improvements, which have been the practice of the PC to defer frontage improvements, such as sidewalks and/or curbing, until such time of further development. They are also asking for a waiver from SALDO section pertaining to open space dedication. The department recommends approval because it is a relatively small improvement to the property.

Barry Isset & Assoc. was also in attendance on behalf of the Applicant. Although they are requesting the above-mentioned waiver, the project will be reviewed by the Township Engineer, and we will of course comply with his comments. Fire Chief Barry Search was also in attendance. He explained that when the weather is bad, they are out there scraping/cleaning and we need a place for these two vehicles. This is the only place we could put the truck port. This is a pretty cut and dry project. He explained that they will be doing the concrete work themselves to keep the costs of this project down.

Board questions/comments taken at this time, followed by Public questions/comments.

A MOTION was made by Commissioner Morgan, which was seconded by Commissioner Wolk, adopting the above-mentioned resolution granting the waiver of certain review and approval requirements of the SWT SALDO for a plan entitled "1645 Whitehall Avenue Woodlawn Fire Company.

Roll Call vote as follows:

- Commissioner Wolk: AYE
- Commissioner Long: AYE
- Commissioner Setton: AYE
- Commissioner Kelly: AYE
- Commissioner Morgan: AYE

Motion carried.

f. A Resolution Granting A Waiver Of Certain Review And Approval Requirements Of The South Whitehall Township Subdivision And Land Development Ordinance For A Plan Entitled, "Parkway Manor Elementary School Student Drop-Off Improvements"

Dave Manhardt, Director, Community Development Department explained this is an application to approve the property located at 768 Parkway Road, Parkway Elementary School—driveway improvements. The application is a driveway pickup/drop off location, associated stormwater management facilities on a 20.22 acre property, zoned R-4 medium density residential. There are a series of comments, as well as waivers and deferrals. Some of the deferrals are related to frontage improvements—deferrals relate to areas that are not being improved. The Community Development Department does recommend approval of the plan. Scott Pasterski, Keystone Consulting Engineers was in attendance on behalf of the applicant. He is the site engineer for this plan. David Keppel, PSD in attendance as well. He explained that pre-COVID, when school conditions were normal, the traffic congestion with people turning off of Parkway Road into the drop off/pickup area, the que of vehicles would spill out onto Parkway Road causing blocking in both directions. This new plan serves two purposes. By extending and making a new driveway, eliminating the current driveway access points to Parkway Road, and a new driveway across from Hampshire Court, this will allow for the stacking cars to occur on the school district property and not on the roadway. The other benefit is that it aligns the driveway with Hampshire Court, which is good to have driveways align. The goal is to get the vast majority of this work done prior to school starting. Mr. Keppel said they have no problem with the comments in the letters they received and will comply. He explained they also have the LPPC consistency letter with regard to land development and stormwater management. He said they do have an NPDES permit associated with the project. Received confirmation from Conservation District that all our technical comments were addressed. Just awaiting issuance of permit.

Mr. Keppel did confirm that there will be a dedication of perpetual open space to the PSD on this elementary school property, and said this is acceptable, so as to preserve the open space on the school grounds for future growth.

Board comments/questions were taken at this time, followed by Public comments/questions.

A MOTION was made by Commissioner Long, which was seconded by Commissioner Kelly, to move forward with the adoption of the above resolution granting a waiver of certain review and approval requirements of the SWT SALDO for Plan entitled “Parkway Manor Elementary School Student Drop-Off Improvements”.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

Additionally, SALDO requires that the BOC must approve the alternate designee of open space. Therefore, a MOTION was made by Commissioner Kelly that the open space

requirement of SALDO is allowed to be fulfilled by a deed restriction with respect to the appropriate amount of land. The motion was seconded by Commissioner Setton.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

g. A Resolution Extending The Conditional Preliminary/Final Approval Granted To A Major Subdivision Plan Entitled, "KRE Spring View Commercial II"

Dave Manhardt, Director, Community Development Department explained the property is located at corner of Cetronia Road and Broadway. Client proposes a consolidation of lots for future development in the highway commercial zone. KRE2 is owner/applicant. The BOC at a January 2020 meeting approved a major plan. Applicant is here to request 180 days extension to the deadline in order to record the plan. Staff has no objections to the extension.

Noah, with the KRE Group was in attendance. He said they are here this evening to respectfully request an extension of the time period in which this plan has to be recorded. We have been working with Staff, Township Engineer/Solicitor, and we have a final set of plans ready, drafts of developer agreements, approved construction cost estimates for the security. We are still clearing up with PennDOT the one outstanding issue, and are therefore asking the BOC to extend the deadline for which the plan needs to be recorded, for an additional 180 days, in order to resolve with PennDOT and then come back to the BOC.

Board questions/comments were taken at this time, followed by Public questions/comments.

A MOTION was made by Commissioner Kelly to adopt the above resolution extending the conditional Preliminary/Final Approval granted to plan entitled "KRE Spring View Commercial II". The motion was seconded by Commissioner Long.

Roll Call vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

8. MOTIONS

a. Motion Requesting Permission to Proceed with the Purchase of Playground Equipment for Jacoby Park

Mike Kukitz, Parks & Recreation Manager, explained that Staff is seeking permission to purchase new play equipment to complete the Jacoby Park renovation project. Staff worked closely with the Parks & Recreation Board and two (2) COSTARS approved playground suppliers to generate a design that will be appealing to families and that is within the approved budget. Staff is recommending to proceed with purchasing the playground equipment from Recreation Resource USA/Burke for a total cost of \$48,620. Total cost includes shipping and installation of the play equipment, Shadeplay Canopy, Tot Seat (x2), Belt Seat (x2) and would be delivered within 8 to 9 weeks. This company worked with us and gave us a sale price of approximately \$14,000 less.

Commissioner Kelly asked if consideration was given to more neutral tones for the equipment given the surrounding houses, instead of the red color. Mr. Kukitz said this color plays off the Township color, but said that it is at the pleasure of the Board to change color. The Park & Recreation Board did elect to go with this, also.

Board questions/comments taken at this time.

A MOTION was made by Commissioner Long, which was seconded by Commissioner Setton, to proceed with the purchase of playground equipment for Jacoby Park.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	NO
Commissioner Morgan:	AYE

Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS:

Submittal of Application to PA DCED on the American Rescue Plan Act of 2021 – Township Manager Renee Bickel explained that we are required to submit to DCED by June 30th, in order to receive our funds under the American Rescue Plan Act. The Township is set to receive a total of \$2.88M. The first distribution of this will come this year (\$1.44M). We will be working with BOC to gather ideas based on criteria for eligibility/use of the money. Total amount to be used by end of 2024.

Commissioner Wolk – Finance Committee Update.

Financial Audits – Last meeting spent entire time reviewing audit status. Renee and Scott to provide a brief written status report. At this point in time, the Finance Committee has not met with Auditor for the purpose of reviewing the auditor financial reports. The 2018/2019 audit financial reports are still in progress. Consequentially, there is no information to report of the audited finances at this time. Next major milestone is August 5th, when the auditor will present draft 2016 through 2019 audit reports to Finance Committee. These reports will include auditor opinion, with findings and recommendations. This will be the first time the Finance Committee will have a discussion with the auditor about the actual audited finances. Work to date has been directed toward this milestone. Looking forward to the August 5th

meeting. Commissioner Wolk thanked Scott Boehret, Renee Bickel and Team for the progress made.

The PA Auditor General Issued a Compliance Audit Report for SWT non-uniformed employees defined contribution plan, issued March 2021, available on website. Commissioner Wolk made a MOTION to have a presentation of this report at the next BOC meeting. (To report out on this report, and what the BOC needs to do about it.) The motion was seconded by Commissioner Kelly.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	AYE
Commissioner Morgan:	AYE

Motion carried.

Commissioner Wolk – Finance Committees Open to the Public. Commissioner Wolk made a MOTION that future meetings of the SWT Finance Committee be advertised and open to the public. This Motion was withdrawn by Commissioner Wolk. Finance Director, Scott Boehret feels this is something that should be discussed at the next Finance Committee Meeting; as he is directly involved in this, he feels he should have some input into this decision. The Board was in agreement.

a. Boards and Commissions – Informational Items

Mike Kukitz – Green Advisory Council. The environmental plastics use survey is out to businesses. GAC looking to partner with the LVCD to possibly be the grantee for a potential grant opportunity to bring some educational signage and a new pollinator garden and some basic upgrades down at CBP—working with them now on this possible grant. Looking to re-engage the PSD conservation club with GAC again. Recycling event on May 22nd at PSD. 500-600 cars came through and 38,862 pounds of materials diverted from landfill and put to good use.

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

1. Civil Service Commission - 1 vacancy, alternate positions
2. Landscape Shade Tree Commission - 2 vacancies
3. Parks & Recreation Board – 2 vacancies

Board/Public questions answered at this time.

10. DIRECTION/DISCUSSION ITEMS: None.

11. OLD BUSINESS:

a. Wehr’s Dam – Status: Township Manager Renee Bickel explained that nothing has changed since last meeting.

b. Credit Cards – Status: Credit cards are now live. Future billings will have info on this.

c. Hybrid Meetings – Status: Dave Manhardt explained the biggest hurdle technology wise is getting the audio feed into the computer, into the live feed. Meeting scheduled with CSI to have an audio box which everything feeds to, which feeds directly into the computer, and then the audio system would be a direct feed. We would not have to worry about feedback. Also hard wiring of mic at podium. Solicitor Zator addressed the Legal side – Per Governor’s executive order, the legislation, first-class township code, it is his legal conclusion if the BOC chooses to have hybrid meetings, you can do so. Requirements to keep in mind— it cannot be entirely virtual, there must be a physical meeting location; based on the first-class township code, it is necessary that all Commissioners be present, unless you adopt a telecommunications policy, and then under that policy you could get by with only a quorum being present physically, up to two Commissioners participating remotely. Before doing this he would want to speak in more detail to the BOC in an executive session.

BOC questions/comments taken at this time.

12. COURTESY OF THE FLOOR:

Resident – Didn’t give name. Topic: King George Inn.

Attorney Erich Schock, c/o Fitzpatrick, Lentz, & Bubba – Topic: Agenda Item from the April 21, 2021 BOC Meeting, re-Request to Advertise for a Text Amendment to the Zoning Ordinance – An Ordinance Amending the SWT Zoning Ordinance to Delete Section 350-48(n)(9)E(vi). Attorney Schock said he is asking for his day in court, a hearing to be held. He is before the Board with a request to advertise for said hearing for the text amendment. This does not mean you are in favor or not in favor. It just means there will be a public hearing on this matter.

A MOTION was made by Commissioner Long to move forward with the advertising of said public hearing. The motion was seconded by Commissioner Setton.

Roll Call Vote as follows:

Commissioner Wolk:	NO
Commissioner Long:	AYE
Commissioner Setton:	AYE
Commissioner Kelly:	NO
Commissioner Morgan:	AYE

Motion carried.

13. PAYMENT OF INVOICES:

a. 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 Long, and seconded by Commissioner Kelly, to approve the payment of all invoices.

Roll Call Vote as follows:

Commissioner Wolk:	AYE
Commissioner Long:	AYE

Commissioner Setton: AYE
Commissioner Kelly: AYE
Commissioner Morgan: AYE
Motion carried.

14. **EXECUTIVE SESSION:** None.

15. **ADJOURNMENT:** At 10:43 p.m. a MOTION was made by Commissioner Kelly, which was seconded by Commissioner Setton, to adjourn. All in favor; none opposed.

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA

AN ORDINANCE

OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA (THE TOWNSHIP), AUTHORIZING AND DIRECTING THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS, SERIES OF 2021, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$_____ (THE “2021 BONDS” OR “BONDS”) PURSUANT TO THE LOCAL GOVERNMENT UNIT DEBT ACT OF THE COMMONWEALTH OF PENNSYLVANIA, AS CODIFIED BY THE ACT OF DECEMBER 19, 1968 P.L. 1158, NO. 177, AS AMENDED AND SUPPLEMENTED; PROVIDING THE PROCEEDS OF THE BONDS SHALL BE USED TO FUND (I) CERTAIN TOWNSHIP IMPROVEMENTS, AND (II) THE CURRENT REFUNDING OF THE TOWNSHIP’S GENERAL OBLIGATION NOTE SERIES OF 2014 (2014 NOTE), TOWNSHIP’S GENERAL OBLIGATION NOTE SERIES OF 2018 (2018 NOTE), AND TOWNSHIP’S GENERAL OBLIGATION NOTE SERIES OF 2019 (2019 NOTE), PURSUANT TO A PROGRAM (THE “REFUNDING PROGRAM”); MAKING REPRESENTATIONS REGARDING THE AMORTIZATION OF THE BONDS; DETERMINING THAT SUCH SALE SHALL BE A PRIVATE SALE BY NEGOTIATED BID UNDER THE ACT; FIXING THE INTEREST PAYMENT DATES, DENOMINATIONS AND REGISTRATION, TRANSFER AND EXCHANGE PRIVILEGES OF THE BONDS; SETTING FORTH THE MATURITY DATES, PRINCIPAL MATURITIES AND CURRENT INTEREST RATES OF THE BONDS AND ESTABLISHING A REQUIRED SCHEDULE OF PAYMENTS WITH RESPECT TO THE SINKING FUND, AS HEREINAFTER ESTABLISHED, IN ORDER TO AMORTIZE THE BONDS; ESTABLISHING THE REDEMPTION PROVISIONS OF THE BONDS; ACCEPTING A BID FOR PURCHASE OF THE BONDS AND AUTHORIZING EXECUTION OF SUCH ACCEPTANCE BY AN APPROPRIATE OFFICER OF THE TOWNSHIP; DESIGNATING A PAYING AGENT AND REGISTRAR; DESIGNATING A PLACE AND METHOD OF PAYMENT OF THE BONDS AND INTEREST THEREON AND MAKING CERTAIN COVENANTS WITH RESPECT TO THE TAX FREE STATUS THEREOF; ESTABLISHING THE SUBSTANTIAL FORM OF THE BONDS AUTHORIZING EXECUTION AND AUTHENTICATION OF THE BONDS; PROVIDING FOR THE REGISTRATION OF THE BONDS, THE MAINTENANCE OF RECORDS OF REGISTERED OWNERS AND TRANSFER OF THE BONDS;

COVENANTING TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP TO SUCH PURPOSE; ESTABLISHING A SINKING FUND FOR THE BONDS AND AUTHORIZING AND DIRECTING PAYMENT THEREFROM; SETTING FORTH CERTAIN PROVISIONS WITH RESPECT TO THE INVESTMENT OF MONIES THEREIN; DESIGNATING A SINKING FUND DEPOSITORY; SETTING FORTH CERTAIN RIGHTS OF THE PAYING AGENT AND BONDHOLDERS IN THE EVENT OF DEFAULT AND OTHER RIGHTS OF THE PARTIES WITH RESPECT TO THE BONDS; PROVIDING FOR THE CIRCUMSTANCES UNDER WHICH THE ORDINANCE MAY BE AMENDED OR MODIFIED; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE TOWNSHIP TO DO AND PERFORM CERTAIN SPECIFIED, REQUIRED OR APPROPRIATE ACTS; AUTHORIZING THE EXECUTION OF DOCUMENTS FOR CLOSING AND THE PAYMENT OF ISSUANCE EXPENSES; DECLARING THAT THE DEBT TO BE INCURRED IS WITHIN THE LIMITATION IMPOSED BY THE ACT UPON INCURRING OF SUCH DEBT BY THE TOWNSHIP; AUTHORIZING AND DIRECTING PROPER OFFICERS OF THE TOWNSHIP TO DELIVER THE BONDS UPON EXECUTION AND AUTHENTICATION THEREOF, UPON RECEIPT OF PROPER PAYMENT OF THE BALANCE DUE THEREFOR, AND ONLY AFTER SPECIFIED APPROVAL, AS REQUIRED, OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH CERTAIN COVENANTS RELATING TO THE FEDERAL TAX STATUS OF THE BONDS; COVENANTING TO PAY OVER AT SETTLEMENT SUFFICIENT MONIES TO PROVIDE FOR THE PAYMENT OF THE 2014 NOTE, 2018 NOTE AND THE 2019 NOTE (COLLECTIVELY "PRIOR DEBT"), TO BE REFUNDED IN ACCORDANCE WITH THE REFUNDING PROGRAM; TO THE EXTENT APPROPRIATE PROVIDING FOR THE ISSUANCE OF IRREVOCABLE INSTRUCTIONS OF PRIOR DEBT AND PROVIDING FOR COMPLIANCE WITH THE SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; PROVIDING FOR SEVERABILITY OF PROVISIONS OF THE ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES SO FAR AS THE SAME SHALL BE INCONSISTENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the Township of South Whitehall (the "Township") is a First Class Township of the Commonwealth of Pennsylvania (the "Commonwealth") and is governed by its Board of Commissioners (the "Board"); and

WHEREAS, the Township is a Local Government Unit, as defined in the Local Government Unit Debt Act, of the Commonwealth of Pennsylvania, as codified by the Act of December 19, 1996, P.L. 1158, No. 177 (the "Act"); and

WHEREAS, the Board has determined to undertake capital projects (the “Capital Projects”) consisting of improvements to Wehrs Dam; and

WHEREAS, the Township has obtained actual bids and/or realistic estimates from its qualified professionals of the costs of the Capital Projects, as such costs are defined in Section 8006 of the Act, and has determined to finance a portion of such costs by the issuance of bonded indebtedness under the Act; and

WHEREAS, the Township did previously authorize, issue and sell a series of obligations, dated as of May 16, 2014, designated as its General Obligation Note, Series of 2014, in the original aggregate principal amount of \$3,000,000 (the “2014 Note”), the 2014 Note is presently callable; and

WHEREAS, the 2014 Note was issued to fund a project (“2014 Project”); and

WHEREAS, the Township did previously authorize, issue and sell a series of obligations, dated as of September 25, 2018, designated as its General Obligation Note, Series of 2018, in the original aggregate principal amount of \$2,400,000 (the “2018 Note”), the 2018 Note is presently callable; and

WHEREAS, the 2018 Note was issued to fund a project (“2018 Project”); and

WHEREAS, the Township did previously authorize, issue and sell a series of obligations, dated as of December 30, 2019, designated as its General Obligation Note, Series of 2019, in the original aggregate principal amount of \$9,000,000 (the “2019 Note”), the 2019 Note is presently callable; and

WHEREAS, the 2019 Note was issued to fund a project (“2019 Project”); and

WHEREAS, the Board, in order to effect a savings resulting from currently available interest rates, has determined to refund the outstanding 2014 Note, 2018 Note and 2019 Note (collectively the “Prior Debt”), in accordance with the provisions of Section 8241(b)(1) of the Act, pursuant to a refunding program (the “Refunding Program”); and

WHEREAS, the Township has determined to retire the Prior Debt in accordance with a refunding report prepared by PFM Financial Advisors, LLC as the financial advisors to the Township (the “Financial Advisors”) provided that the minimum savings net of all costs is \$100,000 (“Required Savings”); and

WHEREAS, additionally and as part of the Refunding Program, as submitted to the Township by the Financial Advisors, the necessary funds will be deposited with the Paying Agent for the Prior Debt are designed to be adequate as to the amount and appropriate as to availability to pay the interest on and principal at redemption of the Prior Debt; and

WHEREAS, the Board has determined to implement the foregoing decision by the authorization, issuance and sale of a new series of obligations, the Township’s General Obligation Bonds, Series of 2021 (the “Bonds”); and

WHEREAS, all of the proceeds of the Bonds, after payment of costs of issuance, together with any other monies available or to be available for the purpose, will provide the necessary funds for the funding of the Refunding Program and the Capital Project; and

WHEREAS, the Township Commissioners, in contemplation of the authorization, issuance and sale of the Bonds, has determined that the Bonds shall be offered for sale, which sale shall be private sale by negotiation, in accordance with Section 8107 of the Act, which it believes is in the best interests of the Township; and

WHEREAS, the Board of Commissioners upon the recommendation of PFM Financial Advisors, LLC accepts the Proposal (Purchase Proposal”) from Stifel Nicolaus & Company. Incorporated, (“Investment Bankers’) in the form submitted; to authorize issuance of non-electoral debt in the aggregate principal amount of the Bonds in connection with the Financing Study; and to take appropriate action and to authorize such action in connection with the Refunding Program and Capital Project, including the executed of an addendum with the Investment Bankers to the Purchase Proposal (“Addendum’) all in accordance with and pursuant to provisions of the Act; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Commissioners, as follows:

Section 1. The Board of Commissioners does authorize and direct the issuance of the Bonds, pursuant to this Ordinance, in the maximum aggregate principal amount of \$_____, for the purpose of funding the Refunding Program pursuant to Section 8241(b)(1) of the Act provided that the Required Savings is achieved and the Capital Project. The Bonds will be a general obligation of the Township payable from the general revenues of the Township.

Section 2. The Township determined that the estimated useful lives of the capital improvements composing the Capital Project will not be less than 30 years, and the amortization of the Bonds has been structured to fully amortize on a level or earlier basis of each component of the Capital Project before the expiration of their respectful useful lives.

With reference to the Capital Project, actual bids and realistic estimates have been obtained from qualified professionals of the costs of the Project, as such costs are defined in Section 8006 of the Act, and it has been determined to complete the financing of such costs by the issuance of indebtedness under the Act.

A brief description of the Refunding Program, for which the debt to be incurred, of which the Bonds shall be evidence, is contained in the preamble hereof.

The realistic estimated useful life of the project financed by the 2014 Note, 2018 Note and 2019 Note, which were "Projects", as defined in Section 8002 of the Act, were previously determined to be from 5 to 30 years from the date of approval respectively, and the amortization of the 2014 Note, 2018 Notes and 2019 Note were structured to fully amortize on a level or earlier basis each component of such Projects before the expiration of their useful lives. The remaining useful lives of the Projects financed by the 2014 Note expires in 23 years, in 2044. The remaining useful lives of the Projects financed by the 2018 Note expires in 27 years, in 2048. The remaining useful lives of the Projects financed by the 2019 Note expires in 28 years, in 2049. The useful life of such Projects is not less than previously determined, and the Bonds as structured will fully amortize on a level or earlier basis each component of the Projects before the expiration of their useful lives.

Section 3. The Bonds shall be sold at private sale by negotiation, which the Commissioners have determined to be in the best interests of the Township. The Commissioners have determined that the debt, of which the Bonds shall be evidence, shall be non-electoral debt of the Township.

Section 4. The Bonds shall be dated as of date of issuance("Dated Date") and shall bear interest payable semiannually on April 15 and October 15 of each year, beginning April 15, 2022, or such other date as mutually agreed to by the parties, to the registered owners thereof, at the rate per annum stated thereon, from the interest payment date next preceding the date of registration and authentication of a Bond, unless the Bond is registered and authenticated as of an interest payment date, in which event the Bond shall bear interest from such interest payment date, or unless the Bond is registered and authenticated prior to the Record Date next preceding

April 15, 2022, in which event the Bond shall bear interest from the Bond is registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owner of the Bond not less than fifteen (15) days preceding such special record date. Such notice shall be mailed to the person in whose name the Bond is registered at the close of business on the fifth (5th) day preceding the date of mailing.

(a) If any interest payment date for the Bonds shall be a Saturday, Sunday or legal holiday or a day on which banking institutions in _____, where the Pennsylvania corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for payment of such principal of or interest on the Bonds shall be the next succeeding day which is not a Saturday, Sunday or legal holiday or day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date established for such payment.

(b) Depository Trust Company ("DTC") will act as securities depository for the Bonds. The ownership of one fully registered Bond for each maturity of each series, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC. So long as Cede & Co. is the registered owner of the Bonds, as nominee of DTC, references herein to the Bondholders, Bond owners or registered owners of the Bonds shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds.

(c) DTC is a limited-purpose trust company organized under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, as amended. DTC was created to hold securities of its participants (the "DTC Participants") and to facilitate

the clearance and settlement of securities transactions among DTC Participants in such securities through electronic book-entry changes in accounts of the DTC Participants, thereby eliminating the need for physical movement of securities certificates. DTC Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations, some of whom (and/or their representatives) own DTC. Access to the DTC system is also available to others such as banks, brokers, dealers and trust companies that clear through or maintain a custodial relationship with a DTC Participant, either directly or indirectly (the "Indirect Participants").

(d) Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. Such DTC Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive a bond certificate, but each DTC Participant will receive a credit balance in the records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Beneficial owners of Bonds will not receive certificates representing their beneficial ownership interests in the Bonds, unless use of the book-entry only system is discontinued as described below.

(e) Transfers of beneficial ownership interests in the Bonds which are registered in the name of Cede & Co., as nominee of DTC, will be accomplished by book entries made by DTC and in turn by the DTC Participants and Indirect Participants who act on behalf of the beneficial owners of Bonds. For every transfer and exchange of beneficial ownership in the Bonds, the beneficial owner may be charged a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto.

(f) For so long as the Bonds are registered in the name of DTC or its nominee, Cede & Co., the Township and the Paying Agent will recognize only DTC or its

nominee, Cede & Co., as the owner of the Bonds for all purposes, including notices and voting. Conveyance of notices and other communications by DTC to DTC Participants, by DTC Participants to Indirect Participants, and by DTC Participants and Indirect Participants to beneficial owners of the Bonds, will be governed by arrangements among DTC, DTC Participants, Indirect Participants and beneficial owners, subject to any statutory and regulatory requirements as may be in effect from time to time.

(g) Payments made by the Paying Agent to DTC or its nominee shall satisfy the Township's obligations with respect to the Bonds to the extent of the payments so made.

(h) Principal, redemption price and interest payments on the Bonds shall be made by the Paying Agent to DTC or to its nominee, Cede & Co., as registered owner of the Bonds. Disbursement of such payments to the beneficial owners shall be solely the responsibility of DTC, the DTC Participants and, where appropriate, Indirect Participants. Upon receipt of moneys, DTC's current practice is to credit immediately the accounts of the DTC Participants in accordance with their respective holdings shown on the records of DTC. Payments by DTC Participants and Indirect Participants to beneficial owners shall be governed by standing instructions of the beneficial owners and customary practices, as is now the case with municipal securities held for the accounts of customers in bearer form or registered in "street name." Such payments shall be the sole responsibility of such DTC Participant or Indirect Participant and not of DTC, the Township or the Paying Agent, subject to any statutory and regulatory requirements as may be in effect from time to time.

(i) The Township and the Paying Agent cannot and do not give any assurances that DTC, the DTC Participants or the Indirect Participants will distribute to the beneficial owners of the Bonds (I) payments of principal or redemption price of or interest on the Bonds, (II) certificates representing an ownership interest or other confirmation of beneficial

ownership interests in Bonds, or (III) redemption or other notices sent to DTC or Cede & Co., its nominee, as the registered owner of the Bonds, or that they will do so on a timely basis or that DTC, DTC Participants or Indirect Participants will serve and act in the manner described in this Official Statement. The current "Rules" applicable to DTC are on file with the Securities and Exchange Commission, and the current "Procedures" of DTC to be followed in dealing with DTC Participants are on file with DTC.

(j) Neither the Township nor the Paying Agent will have any responsibility or obligation to any DTC Participant, Indirect Participant or beneficial owner or any other person with respect to: (1) the Bonds; (2) the accuracy of any records maintained by DTC or any DTC Participant or Indirect Participant; (3) the payment by DTC or any DTC participant or Indirect Participant of any amount due to any beneficial owner in respect of the principal or redemption price of or interest on the Bonds; (4) the delivery by DTC or any DTC Participant or Indirect Participant of any notice to any beneficial owner which is required or permitted under the terms of this Ordinance to be given to Bondholders; (5) the selection of the beneficial owners to receive payment in the event of any partial redemption of the bonds; or (6) any other action taken by DTC as Bondholder.

(k) DTC may determine to discontinue providing its service with respect to the Bonds at any time by giving notice to the Township and the Paying Agent and discharging its responsibilities with respect thereto under applicable law. In addition, the Township may discontinue the book-entry only system for the Bonds at any time if it provides thirty (30) days' notice of such discontinuation to the Paying Agent and DTC that continuation of the book-entry only system is not in the best interests of the Township. Upon the giving of such notice, the book-entry only system for the Bonds will be discontinued unless a successor securities depository is appointed by the Township.

Section 5. The Bonds shall be issued in the aggregate principal amounts, shall be numbered consecutively within maturities, and shall mature on the dates, and in the amounts, and shall bear interest at the rates and require the amortization payments to the sinking fund hereinafter established, all as set forth in the schedules contained in the attached Schedule "A" of this Ordinance.

Section 6. The Bonds are subject to mandatory redemption prior to maturity from monies to be deposited in the sinking fund, upon payment of the principal amount together with interest to the date of such redemption, as set forth in Schedule "B" attached to this Ordinance.

Section 7. The Bonds shall be subject to redemption prior to maturity, at the option of the Township, upon payment of the principal amount, together with accrued interest to the date fixed for redemption, as set forth in Schedule "C" attached to this Ordinance.

Section 8. (a) Bonds subject to redemption and issued in denominations larger than \$5,000 may be redeemed in part. For the purposes of redemption, such Bonds shall be treated as representing that number of Bonds which is obtained by dividing the denomination thereof by \$5,000, each \$5,000 portion of such Bonds being subject to redemption. In the case of partial redemption of such Bonds, payment of the redemption price shall be made only upon surrender of the Bond in exchange for Bonds of like form, series and maturity, of authorized denominations in aggregate amount equal to the unredeemed portion thereof.

(b) Any redemption of Bonds pursuant to Section 6 and 7 above shall be made after notice by mailing by first class mail a notice thereof to the registered owners of all Bonds to be redeemed and to any bond insurer then insuring the Bonds, not less than thirty (30) days but not more than forty-five (45) days prior to the date fixed for redemption, or after waivers of such notice executed by the registered owners of all Bonds to be redeemed shall have been filed with the Paying Agent. Failure to mail any notice or any defect therein or in the mailing thereof, with

respect to any particular Bond, shall not affect the validity of the proceedings for redemption of any other Bond. Any notice of redemption mailed in accordance with these requirements shall be conclusively presumed to have been duly given, whether or not such registered holder actually receives the notice. Notice having been so given or waived, and provision having been made for redemption from funds on deposit with the Paying Agent, all interest on the Bonds called for redemption accruing after the date fixed for redemption shall cease, and the registered owners of the Bonds called for redemption shall have no security, benefit or lien under this Ordinance or any right except to receive payment of the principal of and accrued interest on such Bonds to the date fixed for redemption.

(c) Any such notice shall be dated, shall be given in the name of the Township, and shall state the following information:

(i) the identification numbers and the CUSIP numbers, if any, of the Bonds being redeemed, provided that any such notice shall state that no representation is made as to the correctness of CUSIP numbers either as printed on such Bonds or as contained in the notice of redemption and that reliance may be placed only on the identification numbers contained in the notice or printed on such Bonds;

(ii) any other descriptive information needed to identify accurately the Bonds being redeemed, including, but not limited to, the original issuance date and maturity date of, and interest rate on, such Bonds;

(iii) in the case of partial redemption of any Bonds, the respective principal amounts thereof to be redeemed;

(iv) the redemption date;

(v) the redemption price;

(vi) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and

(vii) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Paying Agent for the Bonds;

(d) In addition to the foregoing notice, further notice of any redemption of Bonds hereunder shall be given, at least two (2) business days in advance of the mailed notice to Bondholders, by first class mail to all agencies or depositories to which notice is required by the Continuing Disclosure Agreement (as hereinafter defined), and to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories now being Depository Trust Company of New York, New York, and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds (such as Financial Information Inc.'s "Daily Called Bond Service", Kenny Information Services' "Called Bond Service", Moody's "Municipal and Government", and Standard & Poor's "Called Bond Record"). Such further notice shall contain the information required in the notice to Bondholders. Failure to give all or any portion of such further notice shall not in any manner defeat the effectiveness of a call for redemption if notice thereof is given to the Bondholders as prescribed above.

(e) If the redemption date for any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the applicable corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for payment of the principal and interest upon such redemption shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions

are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of redemption.

(f) If at the time of mailing a notice of optional redemption the Township shall not have deposited with the Paying Agent for the Bonds moneys sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

. The Preliminary Official Statement in the form presented is hereby approved and distribution thereof and a final Official Statement when completed are hereby authorized.

Section 9. The Board of Commissioners of the Township shall and does accept the Purchase Proposal of the Investment Bankers for purchase of the Bonds, which Bonds shall be and are awarded to the Investment Bankers, in accordance with the terms and conditions of the Purchase Proposal at private sale, by negotiation at a price of not less than 95% not more than 125% of the principal amount, together with accrued interest from the date thereof to the date of delivery thereof, the Investment Bankers covenanting to submit their Purchase Proposal in accordance with provisions of the Act. Appropriate officers of the Township are authorized and directed to execute the awarded Purchase Proposal and any addendum thereto provided that the terms of the Purchase Proposal are such that the Required Savings Level is achieved. Appropriate officers of the Township are authorized and directed to execute the Purchase Proposal. The Financing Study as submitted by the Financial Advisor is hereby accepted and approved. The Preliminary Official Statement relating to the Bonds in the form presented is hereby approved and the distribution thereof authorized and ratified. The Preliminary Official Statement is (as of its date) deemed final within the meaning of Rule 15c2-12(b)(1) under the Securities Exchange Act of

1934. The Investment Bankers are hereby authorized to distribute copies of the Official Statement for the Bonds to persons who may be interested in the purchase of the Bonds, and are directed to deliver copies to all actual purchasers of the Bonds. The President or Vice President of the Board of Commissioners or the Township Manager is hereby authorized and directed to approve the final Official Statement for the Bonds in such form as he or she may approve.

Section 10. The Board of Commissioners of the Township does hereby designate, subject to its acceptance, _____, a banking institution having corporate trust offices in the _____, Pennsylvania, as the "Paying Agent" for purposes of the Bonds.

Section 11. The principal of and premium, if any, on the Bonds shall be payable at the corporate trust offices of _____, located in _____, Pennsylvania, in its capacity as Paying Agent, and interest thereon is payable by check mailed to the registered owner at the address shown on the registration books as of the close of business on the Record Date set forth elsewhere herein and in the face of the Bonds, in lawful moneys of the United States of America, without deduction of any tax or taxes now or hereafter levied or assessed thereon under any present or future law of the Commonwealth of Pennsylvania (the "Commonwealth"), which tax or taxes this Township assumes and agrees to pay; provided, however, that the foregoing shall not be applicable to gift, estate or inheritance taxes or to other taxes not levied or assessed directly on the Bonds or the interest paid thereon.

Section 12. The forms of the Bonds, and of the Paying Agent's Certificates of Authentication to be endorsed thereon, with appropriate insertions, omissions and variations, shall be substantially as set forth in Schedule "D" attached to this Ordinance.

Section 13. The Bonds shall be executed in the name of and on behalf of this Township by the signature or facsimile signature of the President or Vice President of the Board of Commissioners of the Township, and the official seal of this Township or a facsimile thereof

shall be affixed thereunto, attested by the signature or facsimile signature of the Secretary to the Board of Commissioners of the Township. Bonds executed and bearing signatures or facsimile signatures as above provided may be issued and shall, upon request of the Township, be authenticated by the Paying Agent, notwithstanding that one or more of the officers signing such Bonds shall have ceased to hold office at the time of issuance or authentication or shall not have held office at the date of the Bonds. _____ in its capacity as Paying Agent, hereby is authorized, requested and directed to authenticate the Bonds by execution of the Certificate of Authentication endorsed on the Bonds by a duly authorized officer. No Bonds shall be valid until the Certificate of Authentication shall have been duly executed by the Paying Agent, and such authentication shall be proof that the registered owner is entitled to the benefit of the Ordinance.

Section 14. The Bonds shall be issued only in registered form, without coupons, as provided, may be exchanged for a like aggregate principal amount of the same series and maturity of other authorized denominations, and the following conditions in addition to those set forth in the Bond forms themselves shall apply with respect thereto:

(a) The Township shall keep, at a corporate trust office of the Paying Agent, books for the registration and transfer of the Bonds, and hereby appoints the Paying Agent its registrar and transfer agent to keep such books and make such registrations and transfers under such reasonable regulations of the Township or the registrar and transfer agent may prescribe, and as set forth in the forms of Bonds herein. Registrations and transfers shall be at the expense of the Township, but the Bondholder shall pay any taxes or other governmental charges on all registrations and transfers and shall pay any costs of insuring Bonds during shipment.

(b) Bonds may be transferred upon the registration books upon delivery to the Paying Agent of such Bond, accompanied by a written instrument or instruments of transfer, in

form and with guaranty of signature satisfactory to the Paying Agent, duly executed by the owner of the Bonds to be transferred or his attorney-in-fact or legal representative, containing written instructions as to the details of the transfer of such Bonds, and other information requested by the Township pursuant to the Ordinance or by the Paying Agent in its regulations. No transfer of any Bond will be effective until entered on the registration books and until payment from the registered owner of all taxes and governmental charges incidental to such transfer is received.

(c) In all cases of the transfer of a Bond, the Paying Agent will enter the transfer of ownership in the registration books and, if requested, will authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of authorized denominations of the same series, maturity and interest rate for the aggregate principal amount which the registered owner is entitled to receive at the earliest practicable time in accordance with the other provisions of this Ordinance.

(d) The Township and the Paying Agent will not be required to issue or transfer or exchange any Bonds during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business day on which the applicable notice of redemption is given, or to transfer any Bonds which have been selected or called for redemption in whole or in part until after the redemption date.

(e) If any Bond shall become mutilated, the Township shall execute and the Paying Agent shall thereupon authenticate and deliver a new Bond of like tenor and denomination in exchange and substitution for the Bond so mutilated, but only upon surrender to the Paying Agent of such mutilated Bond for cancellation, and the Township and the Paying Agent may require reasonable indemnity therefor. If any Bond shall be reported lost, stolen or

destroyed, evidence as to the ownership and the loss, theft or destruction thereof shall be submitted to the Township and the Paying Agent; and if such evidence shall be satisfactory to both and indemnity satisfactory to both shall be given, the Township shall execute, and thereupon the Paying Agent shall authenticate and deliver, a new Bond of like tenor and denomination. The cost of providing any substitute Bond under the provisions of this Section shall be borne by the Bondholder for whose benefit such substitute Bond is provided. If any such mutilated, lost, stolen or destroyed Bond shall have matured or be about to mature, the Township may, with the consent of the Paying Agent, pay to the owner the principal amount of and accrued interest on such Bond upon the maturity thereof and the compliance with the aforesaid conditions by such owner, without the issuance of a substitute Bond therefor.

Every substituted Bond issued pursuant to this subsection shall constitute an additional contractual obligation of the Township, whether or not the Bond to have been destroyed, lost or stolen shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued hereunder.

All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds and shall preclude any and all other rights or remedies, notwithstanding any law or statute existing or hereafter enacted to the contrary with respect to the replacement or payment of negotiable instruments, investments or other securities without their surrender.

(f) Pending preparation of definitive Bonds, or by agreement with the purchasers of all Bonds, the Township may issue and, upon its request, the Paying Agent shall authenticate in lieu of definitive Bonds one or more temporary printed or typewritten Bonds in denominations of \$5,000 and multiples thereof, of substantially the tenor recited above, in fully registered form. Upon request of the Township, the Paying Agent shall authenticate definitive

Bonds in exchange for and upon surrender of an equal principal amount of temporary Bonds. Until so exchanged, temporary Bonds shall have the same right, remedies and security hereunder as definitive Bonds.

Section 15. The Township covenants to and with holders or registered owners of the Bonds which shall be outstanding, from time to time, pursuant to the Ordinance, that the Township shall include the amount of the debt service, as set forth in the appropriate schedule annexed to Section 5 hereof, for each fiscal year of this Township in which such sums are payable, in its budget for such fiscal year, shall appropriate such amounts to the payment of such debt service and duly and punctually shall pay or shall cause to be paid not later than the due date thereof to the sinking fund hereinafter established the principal of each of the Bonds and the interest thereon on the dates and place and in the manner stated therein according to the true intent and meaning thereof; and, for such budgeting, appropriation and payment, this Township shall and does pledge, irrevocably, its full faith, credit and taxing power. As provided in the Act, the foregoing covenant of this Township shall be enforceable specifically.

Furthermore:

(a) There is created pursuant to Section 8221 of the Act, a sinking fund for the Bonds, to be known as the "Sinking Fund--General Obligation Bonds, Series of 2021" or the "2021 General Obligation Bonds Sinking Fund", which sinking fund shall be administered in accordance with applicable provisions of the Act.

(b) From the funds deposited in the sinking funds, the Paying Agent, without further action of the Township, is hereby authorized and directed to pay the principal of and interest on the Bonds of each respective issue, and the Township hereby covenants that such monies, to the extent required, will be applied to such purpose, as follows: The Paying Agent shall pay all interest on the Bonds as and when the same shall become due and payable and the

principal on all Bonds, as and when such Bonds shall mature by their express terms, or by reason of selection by lot under any mandatory redemption provisions applicable thereto.

(c) The Paying Agent from time to time, may invest and/or deposit money which shall be in its possession hereunder and which shall not be required for application to payment of principal and/or interest with respect to the Bonds, in such manner as may be permitted by applicable laws of the Commonwealth of Pennsylvania, for such period of time as will not affect adversely the availability of such money as and when required for application to payment of principal and/or interest with respect to the Bonds for the account and benefit of the Township; provided, however, that no such investment and/or deposit shall be made which, in any manner: (1) May impair the principal amount thereof; or (2) May cause the Bonds issued by the Township under this Ordinance to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, including applicable regulations promulgated, from time to time, in connection therewith and pursuant thereto.

(d) If at any time the Paying Agent shall hold in the 2021 Bonds Sinking Fund monies which are in excess of those required to provide for the payment of interest previously due, and principal on Bonds, of each respective, already matured though not yet presented, and such excess monies shall not be required within thirty (30) days to meet the payment of interest on, and principal of Bonds, next maturing or to be called for mandatory redemption; and the Township shall not otherwise be in default hereunder; then in that event the Paying Agent shall, upon direction from the Township, utilize such excess funds for the purchase of any of the Bonds, as shall be available for purchase, at the lowest available price, but in no case at more than par, with accrued interest to the date of the purchase.

(e) All monies deposited in the sinking funds, for the payment of the Bonds and interest thereon, which have not been claimed by the owners thereof after two years from the

date when payment is due, except where such monies are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the Township. Nothing contained herein shall relieve the Township of its liability to the holders of unrepresented Bonds.

Section 16. The Township appoints _____, as the Sinking Fund Depository with respect to the 2021 Bonds Sinking Fund, created pursuant to Section 15 of this Ordinance.

Section 17 The following additional terms and conditions shall apply, as appropriate, to the Bonds:

(a) Should the Township fail to provide the Paying Agent with sufficient funds, payable to the appropriate sinking fund, at appropriate intervals, so as to enable the Paying Agent to pay the principal and interest on the Bonds as and when due, or should the Township, through the Paying Agent, fail to make such payments as and when due, or should the Township fail to perform any other covenant or condition contained in this Ordinance and running to the benefit of the holders or registered owners of the Bonds, or contained in the Act as applicable to the Bonds, such failure shall constitute a default by the Township, and the registered owners of the Bonds shall be entitled to all the rights and remedies provided by the Act in the event of default. If any such default occurs, the Paying Agent may, and upon written request of the owner of 25 per cent of the aggregate principal amount of the Bonds then outstanding accompanied by indemnity in such form and in such amount as the Paying Agent shall designate or a Court of competent jurisdiction shall set and establish, shall bring suit upon the Bonds, or by other appropriate legal or equitable action restrain or enjoin any acts by the Township which may be unlawful or in violation of the rights of the owners of the Bonds.

(b) With respect to the Bonds hereunder, all such Bonds which shall be paid, purchased or redeemed by the Township or the Paying Agent pursuant to the terms and

provisions of this Ordinance shall be canceled and cremated or otherwise destroyed by the Paying Agent, which shall then furnish the Township with a Certificate of Cremation or Destruction.

(c) The Bonds hereunder shall be deemed to be no longer outstanding if provision for payment at maturity or at redemption, such redemption having been irrevocably undertaken, shall have been made in a manner authorized under Section 8250(b) of the Act.

(d) With respect to the Bonds hereunder, the Township may from time to time and at any time, adopt a supplemental ordinance in order to: (1) cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance or (2) grant to or confer upon the owners of the Bonds any additional rights, remedies, powers, authority, or security that may be lawfully granted to or conferred upon them. This Ordinance may also be amended or modified from time to time, except with respect to the principal or interest payable upon the Bonds, or with respect to the dates of maturity or redemption provisions of the Bonds, and in the case of any such permitted amendment or modification, a certified copy of the same shall be filed with the Paying Agent, following approval in writing by the owners of not less than 51 percent in principal amount of the Bonds then outstanding, other than Bonds provision for payment or redemption of which has been made prior to the effective date thereof as provided in sub-section (c) above, and the written consent of any municipal bond insurance company then insuring the Bonds.

(e) So long as the Bonds shall be insured as to payment to any extent by the bond insurer (the "Bond Insurer") set forth in Schedule "E" hereof, if any, any terms, conditions and covenants set forth in Schedule "E" shall apply. The President or Vice President of the Board of Commissioners, the Township Manager, or the Director of Finance, is authorized to

execute an insurance agreement with the Bond Insurer, if any, substantially in accordance with the terms, conditions, and covenants set forth in Schedule "E".

Section 18. The President or Vice President of the Board, the Township Manager and the Director of Finance, respectively, of this Township, which shall include their duly qualified successors in office, if applicable, are authorized and directed as appropriate; (a) to prepare, to certify and to file the debt statement required by Section 8110 of the Act; (b) to prepare and file, as required with the Department of Community and Economic Development (the "Department") of the Commonwealth, statements required by Section 8024, 8025 or 8026 of the Act, which are necessary to qualify certain nonelectoral and lease rental debt of this Township and, if necessary, the debt which will be evidenced by the bonds to be issued hereunder; (c) to prepare, execute and to file the application with the Department, together with a complete and accurate transcript of the proceedings relating to the incurring of debt, of which debt the Bonds, upon issue, will be evidence, as required by Section 8111 of the Act; (d) to pay or to cause to be paid to the Department all proper filing fees required by the Act in connection with the foregoing; and (e) to take other required necessary and/or appropriate action.

Section 19. The officers and officials of this Township including the President, Vice President, Township Manager and Director of Finance, individually and collectively, are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effect the execution, issuance, sale and delivery of the Bonds, all in accordance with this Ordinance including but not limited to the execution of any bond insurance commitment letter and any investment purchases authorized by law.

Section 20. The President or Vice President of the Board of this Township are authorized and directed to contract with _____, for its services as Sinking Fund Depository and as

Paying Agent in connection with the Bonds, and with the bond insurer (the "Bond Insurer") designated in the attached Schedule "E", if any, and are authorized and directed to execute on behalf of the Township at the appropriate time, a Paying Agent Agreement with _____, as Paying Agent for the Bonds, a Continuing Disclosure Certificate, and a commitment to purchase bond insurance from the Bond Insurer. The President or Vice President, Township Manager and Director of Finance, respectively, are authorized to approve payment by the Paying Agent at settlement on the sale of the Bonds of all costs and expenses incidental to such issuance and sale including the bond insurance premium due any Bond Insurer.

Section 21. The proceeds of the sale of the Bonds, after payment of the costs of issuance, shall be deposited and/or invested, pending application to the payment of costs of the Township Improvements Project, in a manner legally permissible for Townships under the laws and statutes of the Commonwealth of Pennsylvania. The President or Vice President of the Board of Commissioners, the Township Manager and Director of Finance, individually or collectively, are hereby authorized and directed to make appropriate arrangements for such deposit and/or investment.

Section 22. It is declared that the debt to be incurred by the issuance of the Bonds hereby, together with any other indebtedness of the Township, is not in excess of any limitation imposed by the Act upon the incurring of non-electoral debt by the Township.

Section 23. Proper officers of the Township are authorized and directed to deliver the Bonds upon execution and authentication thereof as provided for herein, to the Investment Bankers, but only upon receipt of proper payment of the balance due therefore, and only after the Department has certified its approval pursuant to Section 8204 of the Act.

Section 24. (a) The Township hereby covenants with the registered owners, from time to time, of the Bonds that no part of the proceeds of the Bonds or of any moneys on deposit with

the Paying Agent and Sinking Fund Depository hereunder will be used, at any time, directly or indirectly, in a manner which, if such use had been reasonably expected on the date of issuance of the Bonds, would have caused the Bonds to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986 (the "Code") and the Regulations thereunder (the "Regulations") proposed or in effect at the time of such use and applicable to the Bonds, and that it will comply with the requirements of these sections of the Code and the Regulations and related sections, throughout the term of the Bonds.

(b) The President or Vice President of the Board, Township Manager and Director of Finance, being the official(s) responsible for issuing the Bonds, attested by the Secretary or Assistant Secretary of the Township, are hereby authorized and directed to execute and deliver, in the name and on behalf of the Township, any and all documents or other instruments which Bond Counsel may reasonably request in connection with the providing of its opinion that the Bonds are not "arbitrage bonds" or "private activity bonds" within the meanings of Section 148 and Section 141 of the Code and the regulations promulgated thereunder, including, without limitation, a certificate dated the date of issuance and delivery of the Bonds, which certificate shall set forth the reasonable expectations and agreements of the Township as to the amount and use of the proceeds of the Bonds.

(c) If the gross proceeds of the Bonds are invested at a yield greater than the applicable yield on the Bonds and are not expended within six months from the date of issuance, or within eighteen (18) months therefrom if Section 1.148-7(d) of the Regulations shall be applicable, or within two (2) years therefrom if Section 148(f)(4)(c) of the Code shall be applicable, the Township covenants that it will "Rebate" to the U.S. Treasury, at the times and in the manner required by the Code, all investment income derived from investing the proceeds of the Bonds in an amount which exceeds the amount which would have been derived from the

investment of the proceeds of the Bonds at a yield not in excess of the yield on the Bonds. Provided however, that the President or Vice President and Township Manager are hereby authorized on behalf of the Township to exercise an election to pay, in lieu of Rebate, a penalty pursuant to Section 148(f)(4)(c)(vii) of the Code, which election, if made in their discretion, shall be contained in the Township's Non-Arbitrage Certificate with respect to the Bonds issued at closing thereon, and shall thereupon become binding upon the Township, in which case the Township shall pay the appropriate penalties, as applicable, as and when due, in lieu of Rebate. The obligation to pay Rebate shall also not apply if the small issuer exception under Section 148(f)(4)(d) of the Code shall apply.

Section 25. (a) The Township covenants that, concurrently with the delivery of the Bonds to the Investment Bankers, there will be paid over to and for the account of the prior paying agent(s) (“Prior Paying Agents”) for the Prior Debt, by the Township an amount of money which, together with other available monies, if necessary, will be sufficient to provide payment of interest to and principal at redemption, for the Prior Debt being refunded, and for the costs of retirement on such date of the Prior Debt then outstanding and being refunded in accordance with the Refunding Program.

(b) The Township further covenants that the Bonds will not be delivered to the Investment Bankers unless and until the Township prior to or concurrently with such delivery, shall have taken or shall take all action as shall be necessary and/or appropriate to implement and effectuate provisions for the aforesaid defeasance of the Prior Debt being refunded pursuant to the Refunding Program. The intent and purpose of the foregoing is to insure that the Township will take such action and will cause such action to be taken and will do such things and will cause the Prior Paying Agents for the Prior Debt to do such things, prior to or concurrently with delivery of the refunding portion of the Bonds, as shall be necessary and/or

appropriate to implement and effectuate provision of the aforesaid defeasance of the Prior Debt, so that simultaneously with delivery of the refunding portion of the Bonds to the Investment Bankers, for purposes of the Act, such Prior Debt no longer shall be considered to be outstanding, and the Township shall be deemed to have made appropriate provisions for the retirement of the outstanding non-electoral debt which was evidenced thereby.

(c) If required by Bond Counsel, the Township shall enter into an appropriate escrow agreement (“Escrow Agreement”) with the Prior Paying Agents for the Prior Debt, to cause and require the Prior Paying Agents to take actions necessary in order to carry out the Refunding Program.

(d) To the extent required by the Act, but only if necessary, there is created pursuant to Section 8221 of the Act, a sinking fund for the Prior Debt to be refunded under any Escrow Agreement, to be known as the "Escrow Fund", which sinking fund shall be administered in accordance with the Act..

Section 26. The Township hereby covenants that the proceeds of the Bonds allocated to the Refunding Program shall, after the payment of costs and expenses with respect to the issuance of the Bonds, be deposited with the Prior Paying Agents for the Prior Debt, to provide the appropriate and required funds, to refund the Prior Debt being refunded pursuant to the Refunding Program. The Township further covenants that the principal amount of such funds so deposited, and the interest to be earned thereby, together with any other available funds deposited thereunder, shall be adequate, with respect to the Prior Debt to make all payments of interest as due, and principal at redemption, according to the Refunding Program. The Township further covenants that the amounts so deposited with said Prior Paying Agents as aforesaid or as otherwise paid to the Prior Paying Agents shall also be adequate to pay all fees for the services to

be performed by the Prior Paying Agents including the retirement of the portion of the 2010 Bonds when called for redemption or the Township will pay such costs and any other incidental costs and expenses.

Section 27. To the extent required, the Township does hereby authorize and direct the issuance of irrevocable instructions, (the "Irrevocable Instructions") to the Paying Agent for the Prior Debt calling for the redemption on the redemption date, or for the Prior Debt being refunded..

Section 28. The Township does hereby covenant and agree, for the benefit of the holders of the Bonds from time to time, that it will comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission ("SEC") with respect to municipal securities disclosure, and will execute and comply with an appropriate Continuing Disclosure Certificate as approved by bond counsel as long as the Bonds are outstanding.

Section 29. In the event that any provision, section, sentence, clause or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

Section 30. All ordinances or parts of ordinances, insofar as the same shall be inconsistent herewith, shall be and the same expressly are repealed.

Section 31. This Ordinance shall be effective in accordance with Section 8003 of the Act.

DULY ADOPTED this 18th day of August, 2021, by the Board of Commissioners of Township of South Whitehall, Lehigh County, Pennsylvania, in lawful session duly assembled.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF SOUTH WHITEHALL

BY: _____
(Vice) President

ATTEST:

Secretary

(SEAL)

TOWNSHIP OF SOUTH WHITEHALL
GENERAL OBLIGATION BONDS, SERIES OF 2021

MAXIMUM DEBT SERVICE SCHEDULE

MANDATORY REDEMPTION

Any mandatory redemption provisions for the Bonds shall be mutually agreed upon by the parties.

OPTIONAL REDEMPTION

The optional redemption provisions for the Bonds shall be mutually agreed upon by the parties.

{00897209}

SCHEDULE "C"

(FORM OF BONDS)

REGISTERED

REGISTERED

NUMBER

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LEHIGH
TOWNSHIP OF SOUTH WHITEHALL
GENERAL OBLIGATION BONDS,
SERIES OF 2021

		Dated Date	
<u>Interest Rate</u>	<u>Maturity Date</u>	<u>of Series</u>	<u>CUSIP</u>
	_____	_____, 2021	

The TOWNSHIP OF SOUTH WHITEHALL, Lehigh County, Pennsylvania (the "Township"), a body corporate and politic existing under laws of the Commonwealth of Pennsylvania (the "Commonwealth"), for value received, promises to pay to the order of CEDE & Co., or registered assigns, on the maturity date stated hereon, upon presentation and surrender hereof, the sum of

DOLLARS

and to pay semiannually on April 15 and October 15 of each year, beginning April 15, 2022, to the registered owner hereof, interest on said principal sum, at the rate per annum stated hereon, from the interest payment date next preceding the date of registration and authentication of this

{00897209}

SCHEDULE "D"-1

Bond, unless this Bond is registered and authenticated as of an interest payment date, in which event this Bond shall bear interest from such interest payment date, or unless this Bond is registered and authenticated prior to April 15, 2022, in which event this Bond shall bear interest from the date they are dated, or unless, as shown by the records of the Paying Agent hereinafter identified), interest on this Bond shall be in default, in which event this Bond shall bear interest from the date on which interest was last paid on this Bond, until said principal sum is paid.

This Bond is one of a series of bonds of the Township, known generally as "General Obligation Bonds, Series of 2021" (the "Bonds"), stated to mature in each of the years _____, through ____, inclusive, and _____, in the aggregate principal amount of \$_____ authorized pursuant to an ordinance (the "Ordinance") of the Township finally enacted August 18, 2021. The proceeds of sale of the Bonds will be utilized to fund a portion of the cost of the Township's Township Improvements and Refunding Program, as defined in the Ordinance, and costs of issuance.

The Bonds constitute general obligations of the Township payable from its general revenues. The Township has covenanted, in the Ordinance, to and with registered owners, from time to time, of the Bonds that shall be outstanding, that the Township: (i) shall include the amount of the debt service for such Bonds, for each fiscal year of the Township in which such sums are payable, in its budget for that fiscal year, (ii) shall appropriate such amounts from its general revenues for the payment of such debt service, and (iii) shall duly and punctually pay or cause to be paid from the appropriate sinking fund established with the Paying Agent under the

Ordinance or any other of its revenues or funds, the principal of each of such Bonds and the interest thereon on the dates and at the place and in the manner stated therein, according to the true intent and meaning thereof; and, for such budgeting, appropriation and payment, the Township has pledged and does pledge, irrevocably, its full faith, credit and taxing power. The Paying Agent is required to pay from the sinking fund the principal of and interest on the Bonds as the same shall become due and payable.

The Bonds stated to mature on or after _____ shall be subject to redemption prior to maturity, at the option of the Issuer, as a whole or from time to time in part, on _____, or on any date thereafter, in such order of maturity or maturities as may be designated by the Issuer, in either case upon payment of a redemption price of 100% of the principal amount to be redeemed, plus accrued interest to the date fixed for redemption. If less than all Bonds of a particular maturity are to be called for redemption, the Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot or by any other method deemed fair and appropriate by the Paying Agent or, while the Bonds are held under DTC's book-entry system, by DTC and the DTC Participants.

Certain of the Bonds maturing on _____, are subject to mandatory redemption prior to maturity, as drawn by lot by the Paying Agent, or as applicable, will be payable at maturity, by application of money available for the purpose in the appropriate sinking funds established under the terms of this Ordinance, upon payment of the principal amount thereof, together with accrued interest to the date fixed for redemption, as applicable, on _____, of the following years in the following principal amounts:

{00897209}

SCHEDULE "D"-3

Year

Principal Amount

*At Maturity

In lieu of any such mandatory redemption, the Paying Agent may, at the request of the Township, use funds in the appropriate sinking fund or other available funds to purchase appropriate Bonds of that series and maturity which mature _____, in the open market at a price not exceeding par plus accrued interest on the Bonds so purchased, in which case such Bonds so purchased shall be delivered for cancellation. In the case of any such purchase, the Township shall receive credit against its required mandatory sinking fund payments in the manner specified in a certificate of the Township, or if no certificate is delivered, in inverse order thereof.

The Bonds have been authorized for issuance in accordance with provisions of the Local Government Unit Debt Act (the "Debt Act") of the Commonwealth and by virtue of the Ordinance. The Debt Act, as such shall have been in effect when the Bonds were authorized, and the Ordinance shall constitute a contract between the Township and registered owners, from time to time, of the Bonds.

{00897209}

SCHEDULE "D"-4

The interest on this Bond, which is payable by check or wire drawn on _____, as paying agent, or its successors (the "Paying Agent"), and the principal of and premium, if any, on this Bond, which are payable upon surrender, are payable in lawful money of the United States of America at the corporate trust office of the Paying Agent in _____, Pennsylvania. Payment of the interest hereon shall be made to the registered owner hereof whose name and address shall appear, at the close of business on the fifteenth (15) day next preceding each interest payment date (the "Record Date"), on the registration books maintained by the Paying Agent, irrespective of any transfer or exchange of this Bond subsequent to such Record Date and prior to such interest payment date, unless the Township shall be in default in payment of interest due on such interest payment date. In the event of such default, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on a special record date for the payment of such defaulted interest established by notice mailed by the Paying Agent to the registered owner of this Bond not less than fifteen (15) days preceding such special record date. Such notice shall be mailed to the person in whose name this Bond is registered at the close of business on the fifth (5th) day preceding the date of mailing.

If any interest payment date or redemption date for the Bonds shall be a Saturday, Sunday or legal holiday or a day on which such banking institutions in the city where the corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for payment of such principal of or interest on the Bonds (or amount due at redemption) shall be the next succeeding day which is not a Saturday, Sunday or legal holiday or day on

which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date established for such payment.

The Bonds are issuable only in the form of registered bonds, without coupons, in the denominations of \$5,000 principal amount or any integral multiple thereof. The Township and the Paying Agent shall not be required (a) to issue or transfer or exchange any Bonds then considered for redemption during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given or (b) to transfer or exchange any portion of any Bond selected for redemption until after the redemption date.

Bonds may be exchanged for like aggregate principal amount of Bonds of other authorized denominations, of the same series and maturity. This Bond may be transferred or exchanged by the registered owner hereof upon surrender of this Bond to the Paying Agent, at its corporate trust office in _____, Pennsylvania, accompanied by a written instrument or instruments of transfer in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner of this Bond or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of this Bond in the registration books and shall authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of authorized denominations of the same series and maturity and form for the aggregate amount which the registered owner is entitled to receive at the earliest practicable time. The Township and the Paying Agent may deem and treat the registered owner

hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the Township and the Paying Agent shall not be affected by any notice to the contrary.

If this Bond is subject to redemption and is of a denomination larger than \$5,000, a portion of this Bond may be redeemed. For the purposes of any such redemption, this Bond shall be treated as representing that number of Bonds which is obtained by dividing the denomination hereof by \$5,000, each \$5,000 portion of this Bond being subject to redemption. In the case of partial redemption of this Bond (when the book-entry system is not in effect), payment of the redemption price shall be made only upon surrender of this Bond in exchange for Bonds of like form, series and maturity, of authorized denominations in aggregate amount equal to the unredeemed portion hereof.

Any such redemption (if applicable) shall be made after notice by mailing by first class mail a notice thereof to the registered owners of all Bonds to be redeemed and to any bond insurer then insuring the Bonds, not more than forty-five (45) days nor less than thirty (30) days prior to the date fixed for redemption, at the address shown on the registration books, or after waivers of such notice executed by the registered owners of all Bonds to be redeemed shall have been filed with the Paying Agent, all as provided for in the Ordinance. Failure to mail any notice or any defect therein or in the mailing thereof, with respect to any particular Bond, shall not affect the validity of the proceedings for redemption of any other Bond.

Any notice of redemption mailed in accordance with these requirements shall be conclusively presumed to have been duly given, whether or not such registered holder actually received the notice. Notice having been so given or waived, and provision having been made for redemption from funds on deposit with the Paying Agent, all interest on the Bonds or portions thereof called for redemption accruing after the date fixed for redemption shall cease, and the registered owners of the Bonds or portions thereof called for redemption shall have no security, benefit or lien under the Ordinance or any right except to receive payment of the principal of and accrued interest on such Bonds or portions thereof to the date fixed for redemption.

If at the time of mailing a notice of optional redemption the Township shall not have deposited with the Paying Agent for the Bonds moneys sufficient to redeem all the Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

It hereby is certified that: (i) all acts, conditions and things required to be done, to happen or to be performed as conditions precedent to and in issuance of this Bond or in creation of the debt of which this Bond is evidence have been done, have happened or have been performed in due and regular form and manner, as required by law; and (ii) the debt represented by this Bond, together with any other indebtedness of the Township, is not in excess of any limitation imposed by the Act upon the incurring of debt by the Township.

This Bond shall not be entitled to any benefit under the Ordinance nor shall it be valid, obligatory or enforceable for any purpose until this Bond shall have been authenticated by the Paying Agent.

IN WITNESS WHEREOF, the Township has caused this Bond to be executed in its name by the signature or the facsimile signature of the President or Vice President of the Board of Commissioners and attested by the signature or facsimile signature of the Secretary of the Board of Commissioners, and the seal or a facsimile of its seal to be affixed hereto, all as of _____, 2021.

ATTEST:

TOWNSHIP OF SOUTH WHITEHALL

BY: _____

Secretary

(SEAL)

BY: _____

(Vice) President of the Board
of Commissioners

CERTIFICATE OF AUTHENTICATION AND
CERTIFICATE AS TO OPINION

It is certified that:

(i) This Bond is one of the Bonds described in the within mentioned Ordinance;

(ii) The text of the opinion printed upon this Bond is a true and correct copy of the text of an original opinion issued by King, Spry, Herman, Freund & Faul, LLC, dated and delivered on the date of the original delivery of, and payment for, such Bonds that is on file at our corporate trust office in _____, Pennsylvania, where the same may be inspected;

Paying Agent

Authentication Date

By: _____
Authorized Representative

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, _____ (the "Transferor"), hereby sells,
assigns and transfers unto _____ (the "Transferee") _____
_____ (Address)

Social Security or Federal Employer Identification No. _____ the within Bond and all rights
thereunder, and hereby irrevocably constitutes and appoints _____

as attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in
the premises.

Date: _____

NOTICE: No transfer will be made in the name of
the Transferee, unless the signature(s) to this
assignment correspond(s) with the name(s) appearing
upon the face of the within Bond in every particular,
without alteration or enlargement or any change
whatever and the Social Security or Federal
Employer Identification Number of the Transferee is
supplied. If the Transferee is a trust, the names and
Social Security or Federal Employer Identification
Numbers of the settlor and beneficiaries of the trust,
the Federal Employer Identification Numbers and
date of the trust and the name of the trustee should be
supplied.

Signature Guaranteed:

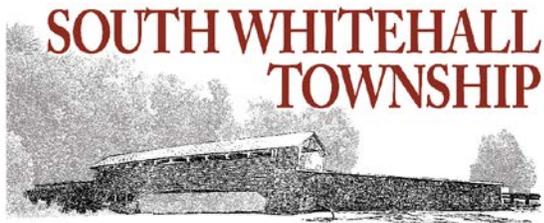
NOTICE: Signature(s) must be guaranteed by an
institution which is a participant in the Securities
Transfer Agent Medallion Program (STAMP) or
similar program.

{00897209}

SCHEDULE "D"-12

BOND INSURANCE

The selection of a Bond insurer, if any, shall be mutually agreed upon by the parties.



INTEROFFICE MEMORANDUM

TO: Board of Commissioners
FROM: Scott Boehret, Director of Finance
DATE: July 30, 2021
SUBJECT: Business Privilege Tax Administrator

Recently, the Finance Department has undergone some strategic internal changes in roles and responsibilities with its employees. One of the areas in which change has occurred is in the realm of the Business Privilege Tax.

Business Privilege Tax is levied under the Local Tax Enabling Act. This Act permits First Class Townships to levy, assess, and collect taxes as they shall determine on persons, transactions, occupations, privileges, subjects, and personal property within the limits of a political subdivision. The Act also provides that any political subdivision is authorized to provide by ordinance or resolution for the creation of designation of a tax bureau, or the appointment and compensation of a public employee or public or private agency for the assessment and collection of taxes imposed under the Act.

Based on the above information, I am respectfully submitting for your consideration the attached Resolution appointing Diana Valkova as the Business Privilege Tax Administrator. The proposed resolution is consistent with previous resolutions appointing an employee as Business Privilege Tax Administrator.

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2021-__
(Duly Adopted August 4, 2021)**

A RESOLUTION AMENDING RESOLUTION 2015-29, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, PURSUANT TO THE LOCAL TAX ENABLING ACT, 53 P.S. §§ 6924.101 ET SEQ. APPOINTING THE BUSINESS PRIVILEGE TAX ADMINISTRATOR

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania enacted the Local Tax enabling Act (the “Act”) codified at 53 P.S. §§ 6924.101 *et seq.*; and

WHEREAS, the Board of Commissioners of South Whitehall Township has enacted a Business Privilege Tax Ordinance No. 105, as amended by Ordinance No. 325, commonly known as the Codified Ordinances of South Whitehall Township; and

WHEREAS, by Resolution No. 2015-29, the Board of Commissioners of South Whitehall Township appointed a Tax Administrator for the collection of Business Privilege Tax; and

WHEREAS, the Board of Commissioners desires to appoint a new Tax Administrator for the collection of Business Privilege Tax per the Act.

NOW, THEREFORE, BE IT RESOLVED AND ADOPTED by the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, as follows:

1. **Tax Administrator.** The Board of Commissioners of South Whitehall Township hereby appoints Diana Valkova as the Business Privilege Tax Administrator.
2. **Effective Date.** This Resolution shall become effective upon adoption.
3. **Severability.** In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Board of Commissioners that the remainder of the Resolution shall remain in full force and effect.
4. **Repealer.** All resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

DULY ADOPTED this 4th day of **August 2021** by the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Christina "Tori" Morgan, President

ATTEST:

Scott Boehret, Twp. Secretary

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2021-__
(Duly Adopted August 4, 2021)**

**A RESOLUTION APPOINTING ERIC KLEINTOP
TO THE POSITION OF LIEUTENANT FOR
SOUTH WHITEHALL TOWNSHIP**

WHEREAS, upon authorization of the Board of Commissioners of South Whitehall Township, the Civil Service Commission of the Township has created an eligibility list for the position of Lieutenant; and

WHEREAS, Eric Kleintop successfully completed the oral and written examinations with the requested passing scores; and

WHEREAS, Eric Kleintop is a candidate on the current Lieutenant eligibility list; and

WHEREAS, upon the recommendation of the Chief of Police, the Board of Commissioners desires to appoint Eric Kleintop as a Lieutenant for South Whitehall Township.

NOW, THEREFORE, BE IT RESOLVED that Eric Kleintop is appointed as a Lieutenant for South Whitehall Township, in accordance with the Civil Service provisions of the First Class Township Code.

DULY RESOLVED this 4th day of **August 2021** by the Board of Commissioners of South Whitehall Township, in lawful session duly assembled.

Attest:

SOUTH WHITEHALL TOWNSHIP
BOARD OF COMMISSIONERS

Scott Boehret, Twp. Secretary

Christina "Tori" Morgan, President

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2021-__
(Duly Adopted August 4, 2021)**

**A RESOLUTION APPOINTING COLIN BEAUMONT
TO THE POSITION OF SERGEANT FOR
SOUTH WHITEHALL TOWNSHIP**

WHEREAS, upon authorization of the Board of Commissioners of South Whitehall Township, the Civil Service Commission of the Township has created an eligibility list for the position of Sergeant; and

WHEREAS, Colin Beaumont successfully completed the oral and written examinations with the requested passing scores; and

WHEREAS, Colin Beaumont is a candidate on the current Sergeant eligibility list; and

WHEREAS, upon the recommendation of the Chief of Police, the Board of Commissioners desires to appoint Colin Beaumont as a Sergeant for South Whitehall Township.

NOW, THEREFORE, BE IT RESOLVED that Colin Beaumont is appointed as a Sergeant for South Whitehall Township, in accordance with the Civil Service provisions of the First Class Township Code.

DULY RESOLVED this 4th day of **August 2021** by the Board of Commissioners of South Whitehall Township, in lawful session duly assembled.

Attest:

SOUTH WHITEHALL TOWNSHIP
BOARD OF COMMISSIONERS

Scott Boehret, Twp. Secretary

Christina "Tori" Morgan, President

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2021-__
(Duly Adopted August 4, 2021)**

**A RESOLUTION APPOINTING JASON GROZIER
TO THE POSITION OF SERGEANT FOR
SOUTH WHITEHALL TOWNSHIP**

WHEREAS, upon authorization of the Board of Commissioners of South Whitehall Township, the Civil Service Commission of the Township has created an eligibility list for the position of Sergeant; and

WHEREAS, Jason Grozier successfully completed the oral and written examinations with the requested passing scores; and

WHEREAS, Jason Grozier is a candidate on the current Sergeant eligibility list; and

WHEREAS, upon the recommendation of the Chief of Police, the Board of Commissioners desires to appoint Jason Grozier as a Sergeant for South Whitehall Township.

NOW, THEREFORE, BE IT RESOLVED that Jason Grozier is appointed as a Sergeant for South Whitehall Township, in accordance with the Civil Service provisions of the First Class Township Code.

DULY RESOLVED this 4th day of **August 2021** by the Board of Commissioners of South Whitehall Township, in lawful session duly assembled.

Attest:

SOUTH WHITEHALL TOWNSHIP
BOARD OF COMMISSIONERS

Scott Boehret, Twp. Secretary

Christina "Tori" Morgan, President

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2021-__
(Duly Adopted August 4, 2021)**

**A RESOLUTION APPOINTING TIMOTHY SHOUDT
TO THE POSITION OF SERGEANT FOR
SOUTH WHITEHALL TOWNSHIP**

WHEREAS, upon authorization of the Board of Commissioners of South Whitehall Township, the Civil Service Commission of the Township has created an eligibility list for the position of Sergeant; and

WHEREAS, Timothy Shoudt successfully completed the oral and written examinations with the requested passing scores; and

WHEREAS, Timothy Shoudt is a candidate on the current Sergeant eligibility list; and

WHEREAS, upon the recommendation of the Chief of Police, the Board of Commissioners desires to appoint Timothy Shoudt as a Sergeant for South Whitehall Township.

NOW, THEREFORE, BE IT RESOLVED that Timothy Shoudt is appointed as a Sergeant for South Whitehall Township, in accordance with the Civil Service provisions of the First Class Township Code.

DULY RESOLVED this 4th day of **August 2021** by the Board of Commissioners of South Whitehall Township, in lawful session duly assembled.

Attest:

SOUTH WHITEHALL TOWNSHIP
BOARD OF COMMISSIONERS

Scott Boehret, Twp. Secretary

Christina "Tori" Morgan, President

**A RESOLUTION GRANTING PRELIMINARY/FINAL APPROVAL TO A MINOR PLAN
ENTITLED "3926 LIME KILN ROAD"**

ATTACHMENTS

- 1. Memorandum**
- 2. Site Plan**
- 3. Township Engineer Review dated August 2, 2021**
- 4. Community Development Department Review dated June 11, 2021**
- 5. Zoning Officer Review dated July 27, 2021**
- 6. Applicant's Project Narrative**
- 7. Applicant's Waiver Request Letter**
- 8. DRAFT Minutes of the June 17, 2021 Planning Commission meeting**
- 9. Approved minutes of the December 17, 2020 Planning Commission meeting**
- 10. Resolution**

TO: BOARD OF COMMISSIONERS
FROM: GREGG ADAMS, PLANNER
SUBJECT: A RESOLUTION GRANTING PRELIMINARY/FINAL APPROVAL TO A MINOR PLAN ENTITLED "3926 LIME KILN ROAD"
DATE: AUGUST 2, 2021
COPIES: R. BICKEL, D. MANHARDT, L. HARRIER, A. SILVERSTEIN, J. ZATOR, ESQ., J. ALDERFER, ESQ, S. PIDCOCK, APPLICANT, SUB. FILE 2020-203

LOCATION AND INTENT:

An application to subdivide the property located at 3926 Lime Kiln Road. The plan proposes to subdivide the 63.9628-acre lot into: Lot 1, containing an existing single dwelling unit and four accessory buildings on a 1.2967-acre lot fronting Lime Kiln Road; Lot 2, containing an existing single dwelling unit on a 1.8415-acre lot fronting Orefield Road; and the residual Lot 3, containing 60.8226 acres fronting Orefield Road and Lapp Road. The subject property is zoned RR-2 Rural Residential-2. Anthony and Janel Hanna are the owners and applicants.

PREVIOUS TOWNSHIP CONSIDERATION:

At their June 17, 2021 meeting, the Planning Commission reviewed and recommended conditional approval of Minor Plan 2020-203 3926 Lime Kiln Road, contingent upon eight conditions:

- a. If deemed to be necessary, the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, be executed, that sufficient security in a form acceptable to the Township be posted, such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of necessary insurance coverage shall be provided prior to the plan being recorded. – ***If all waivers and deferrals are granted, this condition is no longer required.***
- b. That the applicant shall address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated June 11, 2021. – ***The Township Engineer has submitted a revised review dated August 2, 2021 and the conditions of approval have been updated to reflect the more recent review.***
- c. That the applicant shall address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated June 8, 2021.
- d. That the applicant complies with the January 12, 2021 recommendation of the Parks and Recreation Board and contributes fees in lieu of parkland dedication in

the amount of \$2,500.00 in order to meet the parkland and open space requirements of the Subdivision and Land Development Ordinance.

- e. That the applicant complies with the forthcoming recommendation of the Landscape and Shade Tree Commission. – ***The Landscape and Shade Tree Commission recommended deferral of the shade trees until improvements are proposed on the lots. If all waivers and deferrals are granted, this condition is no longer required.***
- f. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
- g. That an additional note be placed upon the plan, worded to the satisfaction of the Township Engineer and Township Solicitor, that the Township has not investigated the environmental status of the property and that the Developer and future owners of the properties agree to hold the Township harmless from any claims arising from the approval of the subdivision of the land. – ***Condition has been satisfied.***
- h. That the plans are to be revised and deemed to be “clean” prior to them being presented to the Board of Commissioners. – ***Condition has been satisfied.***

They also made recommendations on the following waiver and deferral requests:

- a. Section 312-23(a)(13) of the Subdivision and Land Development Ordinance for the applicant to transmit one (1) copy to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township – ***Recommended Waiver***
- b. Section 312-23(b)(20) of the Subdivision and Land Development Ordinance to include the location, character and elevation of any building within one hundred (100) feet of the tract – ***Recommended Waiver***
- c. Section 312-23(b)(21) of the Subdivision and Land Development Ordinance to show locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way platted or existing in the subdivision and within four hundred (400) feet of any part of the subdivision tract – ***Recommended Waiver***
- d. Section 312-23(b)(31) of the Subdivision and Land Development Ordinance to submit a Landscaping Plan – ***Recommended Waiver***
- e. Section 312-36(c)(4)(A) of the Subdivision and Land Development Ordinance requiring that the centerline of a driveway at the point of access to a street shall be no closer to a street intersection than 110 feet – ***Recommended Waiver***
- f. Section 312-36(c)(5)(B) of the Subdivision and Land Development Ordinance that driveways for single family residential subdivisions shall not exceed twenty (20) feet in width at the right-of-way line – ***Recommended Waiver***
- g. Section 312-40 of the Subdivision and Land Development Ordinance to plant street trees within the right-of-way of streets along the perimeter of the

property – **Recommended Deferral. The Landscape and Shade Tree Commission recommended deferral of the shade trees until improvements are proposed on the lots.**

The applicant withdrew his request that the requirement of Section 312-36(d)(4) of the Subdivision and Land Development Ordinance pertaining to the requirements for dedication of Open Space And Community Facilities be waived.

At their January 27, 2021 hearing, the Zoning Hearing Board granted:

- a. a dimensional variance of 23,516 square feet from the required 80,000 square foot lot area requirement for proposed Lot 1
- b. a dimensional variance of 37.4 feet from the required 75-foot rear yard setback for proposed Lot 1
- c. a dimensional variance of 3.96 feet from the required 75-foot rear yard setback for proposed Lot 2

At their December 17, 2020 meeting, the Planning Commission took under advisement Minor Plan 2020-203 3926 Lime Kiln Road. The Planning Commission also made recommendations on the following waiver and deferral requests:

- a. Section 312-35(b)(3)(A)(i) pertaining to the requirement to install curbing along public roads – **Recommended Deferral**
- b. Section 312-35(b)(3)(A)(ii) pertaining to the requirement to install sidewalks along public roads – **Recommended Deferral**
- c. Section 312-35(b)(3)(B)(i) pertaining to the requirement to construct Orefield Road in accordance with the Arterial Street Cross Section standards – **Recommended Deferral**
- d. Section 312-35(b)(3)(C)(i) pertaining to the requirement to construct Lime Kiln Road and Lapp Road in accordance with the Collector Street Cross Section standards – **Recommended Deferral**

Landfill History

The Novak Sanitary Landfill operated between the 1950 and May 1990, accepting demolition, municipal and industrial waste in surface and trench disposal operations. The US EPA proposed the site for the National Priorities List in January 1987 and the site was listed in October 1989.

In June 1990, Major Plan 1990-117 Novak Sanitary Landfill was submitted by Hilda Novak, the initial plan proposed the subdivision of the properties north and south of the Lime Kiln Road/Orefield Road intersection into five lots. A subsequent plan proposed: Lot 1, consisting of 29.7 acres of agricultural land north of Orefield Road; Lot 2, containing 5.2 acres and the existing dwelling and numerous outbuildings on the south side of the Lime Kiln Road/Orefield Road intersection; and Lot 3, containing 52.2 acres

and the Novak Sanitary Landfill. The plan appears to have gone dormant and was closed after the December 20, 1990 Planning Commission meeting took the plan under advisement.

At their February 20, 1995 meeting, the Board of Commissioners, through Resolution 1995-9, authorized the condemnation of land at the southern corner of Lapp and Orefield Roads to acquire a storm sewer easement to all the installation of a storm sewer line.

At June 4, 1997 meeting, the Board of Commissioners, through Resolution 1997-41, approved Minor Plan 1995-203 Novak Sanitary Landfill Inc., which proposed the subdivision of the properties north and south of the Lime Kiln Road/Orefield Road intersection into: Lot 1, consisting of 28.3 acres or agricultural land north of Orefield Road; and Lot 2, containing 63.9 acres, the existing dwelling and numerous outbuildings and the Novak Sanitary Landfill on the south side of the Lime Kiln Road/Orefield Road intersection.

Work to install an impervious cap over the Novak Sanitary Landfill was completed around 2001. Monitoring of ground water has continued since then.

REVIEWING AGENCIES COMMENTS:

- A. Township Engineer** – Mr. Scott Pidcock’s comments are contained in his review dated August 2, 2021. Mr. Pidcock is recommending engineering approval at this time. His comments pertain to waivers and deferrals, plan detail, and onsite septic system locations.
- B. Township Water & Sewer Engineer** – The comments from the Township Water and Sewer Engineer are contained in Jason Newhard’s review dated May 26, 2021. He makes no comment at this time.
- C. Public Works Department** – The comments from the Public Works Department are contained in Superintendent Herb Bender’s review dated June 1, 2021. He makes no comment at this time.
- D. Lehigh Valley Planning Commission** –The Lehigh Valley Planning Commission’s comments are contained Ms. Samantha Smith’s review dated December 8, 2020. She reports that the application does not conflict with its land use plans or policies.
- E. Landscape and Shade Tree Commission** – The Landscape and Shade Tree Commission reviewed the plan and recommended that the requirements of SALDO Section 312-40 be deferred until such time as development is proposed on the properties.
- F. Public Safety Committee** – As there are no improvements proposed, the Public Safety Commission has not reviewed the plan. The Fire Marshal has reviewed the plan and made no comment.

- G. Parks and Recreation Board** – The Park and Recreation Board reviewed the plan at its January 11, 2021 meeting and determined that the developer shall pay a fee in lieu of open space dedication.
- H. Community Development Department** – The Department’s technical review is dated June 8, 2021 and provides comment pertaining to zoning issues, open space requirements, plan detail, outside agency submissions, waiver and deferral recommendations, and Comprehensive Plan and Official Map consistency.

Board of Commissioners deadline date to act on the plan: August 18, 2021

3926 Lime Kiln Road Minor Plan 2020-203
Aerial View





3926 Lime Kiln Road Minor Plan 2020-203

Close-Up Aerial View

LINE	BEARING	DISTANCE
F1	N 26°53'22" W	17.73'
F2	S 64°30'41" E	103.30'
F3	S 89°32'24" E	74.97'
F4	N 48°10'47" E	137.83'
F5	N 04°38'55" E	161.48'
F6	N 53°21'21" E	159.22'
F7	S 58°58'22" E	57.86'
F8	N 75°29'17" E	109.22'
F9	N 83°33'40" E	47.51'
F10	S 70°18'37" E	88.58'
F11	N 86°57'43" E	84.42'
F12	N 40°52'26" E	62.42'
F13	N 50°03'40" E	78.39'
F14	N 83°33'40" E	211.29'
F15	S 14°09'52" E	151.14'
L25	S 83°03'40" W	208.72'
L24	S 50°03'40" W	70.59'
L23	S 40°52'26" W	67.64'
L22	S 86°57'43" W	53.91'
L21	N 70°18'37" E	82.14'
L20	S 58°58'22" W	42.52'
L19	S 75°29'17" W	118.27'
L18	N 86°58'32" W	46.13'
L17	S 83°03'40" W	160.36'
L16	S 59°21'23" W	142.07'
L15	S 04°38'55" W	160.36'
L14	S 48°10'47" W	149.62'
L13	N 89°32'24" W	81.01'
L12	N 84°39'41" W	94.85'

Area = 0.4713 Acres

LINE	BEARING	DISTANCE
L2	N 79°51'53" E	24.38'
L3	N 52°11'58" W	53.86'
L4	N 51°15'39" E	107.94'
L5	N 05°14'55" W	57.10'
L6	N 49°13'02" E	73.86'
L7	S 22°02'21" E	28.89'
L8	S 21°22'27" E	25.62'
L9	S 21°34'13" E	15.94'
L10	S 74°03'54" E	47.41'
L11	N 67°52'37" E	29.72'
L12	S 64°39'41" E	94.68'
L13	S 82°22'24" E	81.01'
L14	N 48°10'47" E	149.62'
L15	N 04°38'55" E	160.36'
L16	N 53°21'23" E	142.07'
L17	S 58°58'22" E	46.13'
L18	S 58°57'26" E	8.08'
L19	N 75°29'17" E	118.27'
L20	N 80°17'28" E	42.52'
L21	S 70°18'37" E	82.14'
L22	N 86°57'43" E	93.81'
L23	N 40°52'26" E	57.86'
L24	N 50°03'40" E	70.59'
L25	N 83°33'40" E	208.72'

Area = 0.1524 Acre

LINE	BEARING	DISTANCE
E1	N 26°53'22" W	56.00'
E2	N 23°08'03" W	89.74'
E3	S 57°42'14" W	30.87'
E4	S 32°16'46" E	15.59'
E5	S 23°08'03" E	39.00'
E6	S 18°51'53" W	21.29'
E7	S 42°52'29" W	21.29'
E8	S 21°22'27" E	25.62'
E9	S 21°34'13" E	15.94'
E10	S 74°03'54" E	47.41'
E11	N 67°52'37" E	29.72'

Area = 0.1524 Acre

Access Easement
(per "Environmental Covenant", Inst. # 2011023090)
(Document Pg 5, Section 8.a. "Access Easement")

Township Plan Note
The township has not undertaken any independent review of the environmental condition of the land depicted on this plan. Neither the Applicant nor the owner of the land is aware of any environmental contamination on the residential lots, which are created as a result of this subdivision shown on this plan. The owner of the land depicted on this plan certifies that the residential lots created as a result of this subdivision are located entirely outside the boundaries of the Environmental Covenant dated October 13, 2010 and recorded in the office of the Lehigh County Clerk of Judicial Records, Recorder of Deeds Division, on July 29, 2011 and therefore are not subject to its terms.

The Applicant and owners of the land depicted on this plan, on behalf of themselves and their respective heirs, personal representatives, successors and assigns, shall be deemed to have waived any claims, causes or rights of action, liabilities, lawsuits, etc. and shall indemnify, defend, exonerate and hold the Township and its governing Board, committees and commissions (including the individual members thereof), its elected and appointed officers and officials, and its manager, representatives, advisors, insurers, Engineers, Solicitors, other professional consultants, appointees, employees, agents, independent contractors, and assigns (collectively, the "Indemnified Parties") harmless from any claims, causes or rights of action, liabilities, lawsuits, etc., arising out of, relating to, resulting from or caused by the Township's approval of the subdivision plan or the creation of residential lots as depicted on this plan.

Flood Insurance Rate Map
This Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as shown on Flood Insurance Rate Map 42077CO139F, Panel 139 of 340, effective date of July 16, 2004 and shown on Flood Insurance Rate Map 42077CO143F, Panel 143 of 340, effective date of July 16, 2004.

SOILS
WgB Washington Silt Loam, 3 to 8% slopes
WgB2 Washington Silt Loam, 3 to 8% slopes, moderately eroded
WgC2 Washington Silt Loam, 8 to 15% slopes, moderately eroded

WATERSHED DESIGNATION
Jordan Creek, TSF, MF
Trout Stocking, Migratory Fishes

Outside Agency Approvals
LVPC Approved 12/8/2020

SHEET INDEX	Last Date Revised
* Sheet 1 of 3	7/22/2021 Minor Subdivision Plan, dated 10/29/2020
* Sheet 2 of 3	7/01/2021 Minor Subdivision Enlargement Plan, dated 10/29/2020
* Sheet 3 of 3	7/01/2021 Existing Conditions, dated 12/18/2020
* Denotes plan to be recorded.	

LEGEND
--- Property Line
--- Adjacent Property Line
--- B.R.L. Building Restriction Line
--- F7 Fence Easement
--- Ex. Edge of Road
--- Ex. Contours
--- C.S.T. Clear Sight Triangle

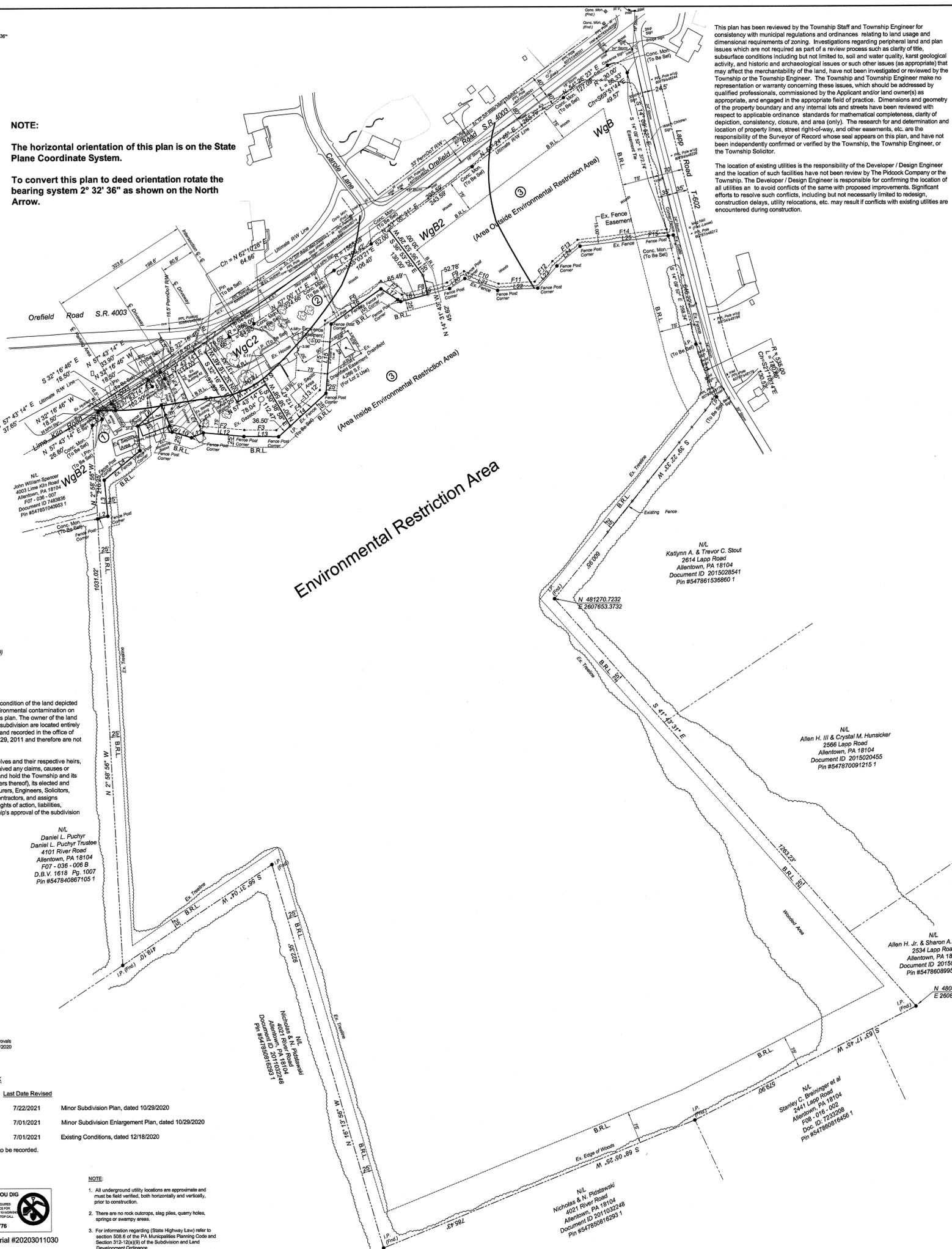
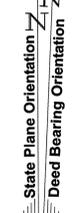


PA One-Call Serial #20203011030

NOTE:
1. All underground utility locations are approximate and must be field verified, both horizontally and vertically, prior to construction.
2. There are no rock outcrops, slag piles, quarry holes, springs or swampy areas.
3. For information regarding (State Highway Law) refer to section 508.8 of the PA Municipalities Planning Code and Section 312-120(a)(9) of the Subdivision and Land Development Ordinance

NOTE:
The horizontal orientation of this plan is on the State Plane Coordinate System.

To convert this plan to deed orientation north the bearing system 2° 32' 36" as shown on the North Arrow.



This plan has been reviewed by the Township Staff and Township Engineer for consistency with municipal regulations and ordinances relating to land use and dimensional requirements of zoning. Investigations regarding peripheral land and plan issues which are not required as part of a review process such as clarity of title, subsurface conditions including but not limited to, soil and water quality, karst geological activity, and historic and archaeological issues or such other issues (as appropriate) that may affect the merchantability of the land, have not been investigated or reviewed by the Township or the Township Engineer. The Township and Township Engineer make no representation or warranty concerning these issues, which should be addressed by qualified professionals, commissioned by the Applicant and/or land owner(s) as appropriate, and engaged in the appropriate field of practice. Dimensions and geometry of the property boundary and any internal lots and streets have been reviewed with respect to applicable ordinance standards for mathematical completeness, clarity of depiction, consistency, closure, and area (only). The research for and determination and location of property lines, street right-of-way, and other easements, etc. are the responsibility of the Surveyor of Record whose seal appears on this plan, and have not been independently confirmed or verified by the Township, the Township Engineer, or the Township Solicitor.

The location of existing utilities is the responsibility of the Developer / Design Engineer and the location of such facilities have been reviewed by The Pidcock Company or the Township. The Developer / Design Engineer is responsible for confirming the location of all utilities and to avoid conflicts of the same with proposed improvements. Significant efforts to resolve such conflicts, including but not necessarily limited to redesign, construction delays, utility relocations, etc. may result if conflicts with existing utilities are encountered during construction.

Site Data

Number of Existing Lots 1
Number of Proposed Lots 3
PIN 547861012094 1
Document ID 2020004651
Water Public
Sewer On-Lot

Zoning - RR-2 Rural Residential-2

Min. Lot Area (Single Detached Dwelling) 80,000 S.F.
Min. Frontage: Accesses an Arterial Road 300'
Accesses a Collector Road 240'
Accesses a Local Road 180'
Min. Building Setbacks: Front to St. Ult. Right of Way Line 75'
Side 25'
Rear 25'
Max. Height of Building Structure 40'
Max. Imp. Coverages
More than 43,560 SF to 5 Ac 25%
More than 5 Ac 15%

Proposed Lots

Ex. Lot Area 2,786,133 S.F. / 63,9608 Ac.
Lot #1 56,484 S.F. / 1,2967 Ac.
Imp Coverage 12,303 S.F. / 21.8%
Lot #2 80,216 S.F. / 1,8415 Ac.
Imp Coverage 6,621 S.F. / 8.25%
Lot #3 (remaining area) 2,649,433 S.F. / 60,8226 Ac.
Imp Coverage 2,449 S.F. / 0.092%

Lot #3 (Area Outside Environmental Restriction Area) 185,032 S.F. / 4,2477 Ac.
Lot #3 (Area Inside Environmental Restriction Area) 2,464,401 S.F. / 56,5749 Ac.

Applicant Statements

The Applicant if the owner, equitable owner or has an option or other contract of sale on the land proposed to be subdivided or developed, that no litigation or liens exist on or are pending against the site, that the plan has been processed with the Applicant's free consent and that the Applicant desires to record the plan.

The Applicant certifies that he will properly grade all individual lots to provide adequate surface drainage so that no low spots or water pockets create a public nuisance and that he will place permanent concrete reference monuments to grade as noted on the plan upon completion of grading.

The Applicant acknowledges that following approval of this plan, plan changes may be required to address the comments and regulations of outside agencies responsible to review any aspect of the project reflected on this plan, including but not limited to post-construction stormwater management and NPDES permit regulations. In the event of changes to the plan following approval (whether or not the plan has been recorded), the Applicant shall submit the revised plan to the Township for review before the Applicant may move forward with construction activities pursuant to the revised plan (whether or not the plan has been recorded).

Applicant
Sworn and subscribed to before me, this _____ day of _____, 20____
Notary Public

My commission expires _____

Requesting Waivers of the following SALDO Sections:

- On behalf of the applicants, Anthony & Janet Hanna, we are requesting waivers of the following SALDO Sections:
The applicant is requesting a waiver for the submission of a plan to LANTA.
- SALDO 312-23(a)(13) Requiring plan submital to LANTA
- SALDO 312-36(c) Driveway Requirements
No new driveways are proposed. All driveways are existing.
- SALDO 312-36(c)(4)(a) Distance from the intersection at a minor arterial street to the centerline of the driveway: 110'
The centerline of the existing driveway on lot 2 is 80.9' from the intersection at a minor arterial street.
- SALDO 312-36(c)(5)(b) Residential driveways shall not exceed 20' in width at the right of way line. The existing driveway on lot 1 is 27' wide at the right of way line.
- SALDO 312-36(d)(4) Open Space And Community Space Requirements
No new development is proposed. All site conditions are existing. A fee in lieu of open space is proposed.
- SALDO 312-23(b)(21) Existing & Proposed Contours, Sidewalk, Trails, Driveways, Streets, Etc. Within 400'
There are no improvements, buildings, driveways, etc. proposed with this subdivision.
- SALDO 312-23(b)(20) Character, Elevations of Any Building Within 100'
This is a plan subdivision only; no development is proposed.
- SALDO 312-23(b)(31) Landscape Plan
No new landscaping is proposed. The existing conditions plan provides the necessary information.

Requesting Deferrals of the following SALDO Sections:

- On behalf of the applicants, we are also requesting deferrals of the following SALDO Sections:
- SALDO 312-35(b)(3)(A)(i) Requiring Curbs
No new streets are proposed. All streets are existing rural roads.
- SALDO 312-35(b)(3)(A)(ii) Requiring Sidewalk
No new streets are proposed. All streets are existing rural roads.
- SALDO 312-35(b)(3)(C)(i) Collector Street Cross Section Requirements
No new streets are proposed. All streets are existing rural roads.
- SALDO 312-40 Requiring Shade Trees
Trees currently exist on all lots and in wooded areas.
- SALDO 312-35(b)(3)(B)(i) Arterial Street Cross Section Requirements
No new streets are proposed. All streets are existing rural roads.

Zoning Variances Granted

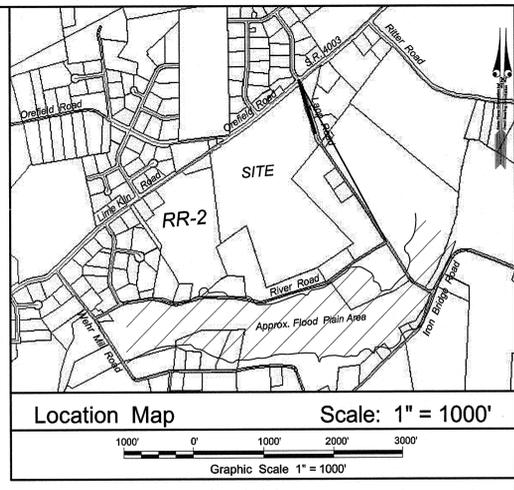
The following variances were considered by the South Whitehall Zoning Hearing Board at the February 21, 2021 meeting and approved as per the decision dated, March 26, 2021:

PROPOSED LOT 1:

- 1. The Applicants' requested dimensional variance of 23,516 square feet from the 80,000 square feet minimum lot area requirement of Section 350-24(c)(2) of the Zoning Ordinance in order to allow Proposed Lot 1 to maintain 56,484 square feet of lot area, as depicted on Applicants' Hearing Exhibits A-4, A-5, and A-7, is hereby GRANTED.
- 2. The Applicants' requested dimensional variance of 37.4 feet from the 75-foot rear yard setback requirement of Section 350-24(c)(2) of the Zoning Ordinance in order to allow the existing home on Proposed Lot 1 to observe a rear yard setback of 37.6 feet, at its closest point of encroachment, as depicted on Applicants' Hearing Exhibits A-4, A-5, and A-7, is hereby GRANTED.

PROPOSED LOT 2:

- 1. The Applicants' requested dimensional variance of 3.96 feet from the 75-foot rear yard setback requirement of Section 350-24(c)(2) of the Zoning Ordinance in order to allow a small portion of the southeast corner of the existing home on Proposed Lot 2 to observe a rear yard setback of 71.04 feet from the rear property line, as depicted on Applicants' Hearing Exhibits A-4, A-5, and A-7, is hereby GRANTED, on the basis that the requested variance is de minimis in nature.



RECORD OWNER
Anthony E. & Janet A. Hanna
4935 Grammas Road
Orfelfield, PA 18069

APPLICANT
Anthony E. Hanna
4935 Grammas Road
Orfelfield, PA 18069

I/We, the undersigned, being duly sworn according to law, depose and say that I am/we are the sole owner/owners of the tract shown hereon, in peaceful possession, of the same and that the land is not subject to any pending litigation or lien affecting the title to the same. Permanent concrete monuments are to be placed upon completion of final grading. All lots will be graded so that no low spots or water pockets will create a public nuisance. Further, the Final Plan has been processed with our free consent, and it is our desire to record the same.

Anthony E. Hanna - Owner
Janet A. Hanna - Owner

Sworn and subscribed to before me, this _____ day of _____, 20____
Notary Public

My commission expires _____

I hereby certify the above plan and survey to be correct in all its details.

Bruce E. Pysher SU-054999-E
Registered Professional Land Surveyor

Recommended for Approval _____ by the South Whitehall Township Planning Commission.

Chairman _____ Secretary _____

Approved _____ by the Board of Commissioners of the Township of South Whitehall.

President _____ Secretary _____

Township Engineer _____

Reviewed by the Lehigh Valley Planning Commission.

Planner _____ Date _____

Plan recorded in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania on the _____ day of _____, 20____
having a Document ID # _____

INTENT

To subdivide the existing dwellings from the landfill area. The single family dwellings shall be subdivided into three (3) separate lots.

Environmental Covenant

These properties are subject to the terms and conditions of that certain Environmental Covenant, dated October 13, 2010 and recorded in the office of the Recorder of Deeds, Lehigh County Pennsylvania, as instrument number 2011023090 (the "EC"). Nothing shown on this Plan shall in any way change, modify or alter anything set forth in the EC, including but not limited to, any terms, provisions, conditions, descriptions, requirements, obligations, measurements or attachments to or in the EC. In the event of any discrepancy or variance between anything shown on this Plan and anything in the EC, what is in the EC or shown therein, shall in all situations control.

100' 50' 0' 100' 200' 300'
Graphic Scale 1" = 100'

Preliminary / Final
Minor Subdivision Plan

3926 Lime Kiln Road

South Whitehall Township, Lehigh County, Pennsylvania

MARTIN BRADBURY & GRIFFITH, INC. CONSULTING ENGINEERS & LAND SURVEYORS
PLANNERS
1201 Washington Street Allentown, PA 18102
Revised: 7/01/2021 Township Engineer Comments
Revised: 6/30/2021 Township Staff Comments
Revised: 6/15/2021 Township Engineer Comments
Revised: 4/22/2021 Twp & Zoning Comments
Revised: 12/18/2020 Township Engineer Comments

DATE	SCALE	DRAWN BY	PLAN NO.	SHEET NO.
10/29/2020	1" = 100'	NWK	3411	1 of 3

Ms. Tracy J. Fehnel
Executive Assistant
South Whitehall Township

Mr. Aaron Silverstein
Zoning Officer
South Whitehall Township

Ms. Laura M. Harrier
Building Code Official/Zoning Officer
South Whitehall Township

Joseph A. Zator, II, Esq.
South Whitehall Township Solicitor
Zator Law

Jennifer R. Alderfer, Esq.
Assistant South Whitehall Township Solicitor
Zator Law

Mr. Mark A. Bradbury, PLS
Vice President
Martin Bradbury & Griffith, Inc.

Mr. Anthony E. Hanna

(all via e-mail)

REPORT:

South Whitehall Township Ordinances:

Zoning Ordinance (ZO)

Subdivision and Land Development Ordinance (SALDO)

Stormwater Management Plan (SMP)

See attached list for documents reviewed.

Proposal:

Subdivision of a 63.9± acre tract into 3 lots (Lot 1 – 1.3± acres, Lot 2 – 1.8± acres, and Lot 3 – 60.8 acres);

Existing dwellings and driveway connections to Lime Kiln Road and Orefield Road to remain;

RR-2 Zoning District;

Environmental Restriction area on Lot 3;

Fence Easement on Lot 2 and Lot 3;

Access Easement on Lot 1; and

Existing Public Water and On-lot Sanitary Sewer.

Waivers Granted:

(none to date – see Waiver comment below).

Recommendation:

We recommend engineering approval subject to the attached comments being satisfactorily addressed.

ddm/acc

Enclosures

South Whitehall Township
3926 Lime Kiln Road
Minor Plan #2020-203
Preliminary/Final Plan Review

August 2, 2021

REVIEW COMMENTS

A. **Planning**

Waivers requested. We note the Planning Commission recommended the following waivers at their meeting on June 17, 2021:

1. SALDO §312-23(a)(13) – Waiver of the requirement to submit plans to LANTA. We have no engineering objection to this request;
2. SALDO §312-36(c):
 - a. SALDO §312-36(c)(4)(a) – Waiver of the 110’ separation of driveway from arterial intersection. The existing Lot 2 driveway is 80.9’ from the intersection of Orefield and Lime Kiln Road. We have no engineering objection to this request; and
 - b. SALDO §312-36(c)(5)(b) – Waiver of the maximum 20’ driveway width at the right-of-way line. We have no engineering objection to this request.
3. SALDO §312-36(d)(4) – A fee in lieu of land dedication is proposed to meet the open space and community facilities requirements. We recommend consideration of any comments from the Community Development Department;
4. SALDO §312-23(b)(21) – Waiver of showing all sidewalks, trails, driveways, streets, easements, and rights-of-way platted or existing in the subdivision and within 400 feet of any part of the subdivision tract. We believe that all restrictions on the property should be shown; otherwise, we have no engineering objection to this request provided no frontage improvements are proposed;
5. SALDO §312-23(b)(20) – Waiver of showing location, character, and elevation of any buildings within 100 feet of the tract. We have no engineering objection to this request; and
6. SALDO §312-23(b)(31) – Waiver of providing a Landscape Plan. Clear Sight Triangles should be shown; otherwise, we have no engineering objection to this request provided that any required landscaping be detailed on the Plan.

Deferrals requested. We note the Planning Commission recommended the below deferrals at their meeting on June 17, 2021:

1. SALDO §312-35(b)(3)(A)(i) – Deferral of installation of curb along Orefield Road, Lapp Road, and Limekiln Road. Noting that PENNDOT has jurisdiction over the design of improvements along Orefield Road, we have no engineering objection to this request;
2. SALDO §312-35(b)(3)(A)(ii) – Deferral of installation of sidewalk along Orefield Road, Lime Kiln Road, and Lapp Road. We have no engineering objection to this request;
3. SALDO §312-35(b)(3)(C)(i) – Deferral of the provision of a Collector Street cross-section for Lime Kiln Road and Lapp Road. We have no engineering objection to this request;
4. SALDO §312-40 – Deferral of the installation of Shade Trees. We defer to the Landscape and Shade Tree Commission; and
5. SALDO §312-35(b)(3)(B)(i) – Deferral of the provision of an Arterial Street cross-section for Orefield Road.

Update the Waiver(/Deferral) note to reflect the date of Board of Commissioners' approval (as applicable).

B. General

1. Provide a benchmark and associated datum. The datum should be USGS, or a conversion should be provided, SALDO §312-23(b)(16);
2. Additional information regarding the Clear Sight Triangle (provided sight distance, required sight distance, dimensions of the sight triangle, etc.) at the intersection of Orefield Road and Lime Kiln Road should be provided, SALDO §312-35(a)(6)(F); and
3. The Township Sewage Enforcement Officer should determine the acceptability of the location of the existing septic systems as they relate to the proposed property lines, SALDO §312-23(a)(8).

C. Policy and Information

1. Upon submission of plans for recording, all Statements and Certifications shall be signed and sealed/notarized as applicable, SALDO §312-23(b)(7);
2. List any Deed Restrictions on the Plan (including the status of the remediation on the landfill), SALDO §312-23(a)(14);

3. We have not reviewed and would defer to the Township Fire Inspector and emergency response personnel regarding the acceptability of emergency access and fire protection requirements;
4. Provide street addresses for the proposed lots, SALDO §312-23(b)(30) and §312-35(a)(4); and
5. Discuss matters pertaining to the water distribution and sanitary sewerage systems with the Department of Public Works.

The comments noted above are the result of our engineering review. We have not reviewed items associated with legal, geotechnical, lighting, water/sanitary sewerage systems, environmental, building code, public safety, and other non-engineering issues, which should be reviewed by the appropriate Township Staff and Consultants.

South Whitehall Township
3926 Lime Kiln Road
Minor Plan #2020-2020-203
Preliminary/Final Plan Review

List of Plans Prepared by Martin, Bradbury & Griffith, Inc.
and dated July 1, 2021

1. Minor Subdivision Plan, Sheet 1 of 3;
2. Enlargement Plan, Sheet 2 of 3;
3. Existing Conditions Plan, Sheet 2 of 3; and
4. Request for Waivers for 3926 Lime Kiln Road (received July 29, 2021).

SOUTH WHITEHALL TOWNSHIP

4444 Walbert Avenue, Allentown, PA 18104-1699
www.southwhitehall.com • (610) 398-0401

June 11, 2021

Mr. Anthony E. Hanna
4935 Grammes Road
Orefield, PA 18069

**Re: 3926 Lime Kiln Road
Minor Plan 2020-203
Preliminary/Final Plan Review**

Dear Mr. Hanna:

The purpose of this letter is to report zoning and non-engineering related comments that are to be addressed. My comments follow:

Zoning

1. Section 350-24(c)(2). Road frontage for proposed Lots 1, 2, and 3 shall be shown and labeled on the plan. It appears the road frontage may differ for each Lot due to the property fronting on both Township and State Roads.
2. Section 350-24(c)(2). Show and label the front, side, and rear yard setbacks on Lot 3.

Fire Inspector

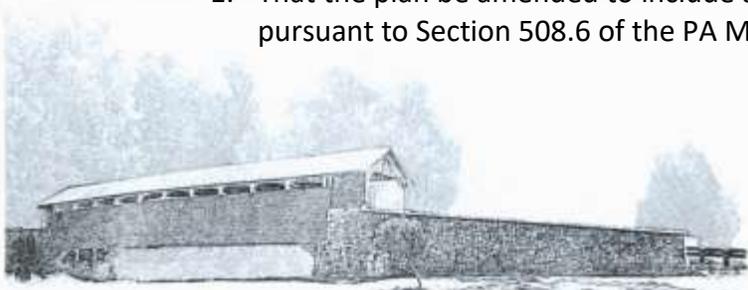
1. The Fire Inspector reported no comments. As no construction is proposed, the Public Safety Commission did not review the plan.

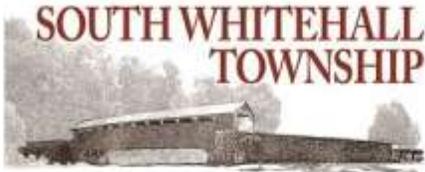
Open Space and Recreation

1. The plan will be forwarded to the Parks and Recreation Board for a recommendation on how the applicant might best meet the Open Space and Recreation Requirements of Section 312-36(d)(4) of the Subdivision and Land Development Ordinance. Since the plan is a minor subdivision, it's probable that a contribution in the amount of \$2,500.00 (\$2,500.00 per lot per SALDO Section 312-36(d)(4)) in lieu of parkland dedication would be acceptable to meet the open space and recreation requirements.

Legal and Other

1. That the plan be amended to include a note referencing the "State Highway Law" pursuant to Section 508.6 of the PA Municipalities Planning Code and Section 312-





12(a)(9) of the Subdivision and Land Development Ordinance. The applicant may wish to discuss a waiver from the SALDO Section.

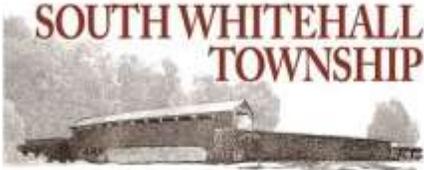
2. Confirmation of a plan submittal to PennDOT and LANTA shall be provided. See Comment #1 above and Comment #1 below.

Waiver/Deferral Commentary

1. SALDO 312-12(a)(14) and 312-14(a)(10) - As no new construction is proposed, staff has little objection to the waiver of the requirement to submit plans to LANTA (Applicant Waiver Request #1).
2. SALDO 312-35(b)(3)(B)(i) – The Planning Commission previously recommended deferral of this requirement.
3. SALDO 312-36(c)(4)(A) and 312-36(c)(5)(B) – As these are existing driveways and no changes are proposed, staff has no objections to these requests.
4. SALDO 312-36(d) – SALDO requires that Open Space be dedicated or fees in lieu of dedication be paid for every new residential lot created upon which a dwelling could be constructed. The Parks and Recreation Board has recommended that a fee in lieu of land dedication be required. Staff recommends against granting the waiver.
5. SALDO 312-40 – The Landscape and Shade Tree Commission recommended that a landscaping plan be submitted for their review. This is required by SALDO 312-23(b)(31).
6. SALDO 312-23(b)(21) – Staff has no objections to this request.
7. SALDO 312-23(b)(20) – Staff has no objections to this request.
8. SALDO 312-23(b)(7) – Incorrect citation. See Comment #5 above.
9. SALDO 312-23(a)(14) – Incorrect citation. The developer should clarify the action being requested.
10. SALDO 312-36(d)(4) – See Comment #4 above.

Official Map & Comprehensive Plan

1. The Official Map depicts the subject parcel as underlain with karst geology. The far southeast corner of the tract is located within a groundwater recharge area. There are steep slopes (15 to 25%) along the southern and southwestern boundaries of the tract. Orefield Road is a Minor Arterial Road; Lime Kiln Road and Lapp Road are Collector Roads.



2. The Comprehensive Plan envisions a T2 Character Area, which includes agricultural preservation, very low density cluster residential, open space and recreation, and predominantly single-family dwellings.

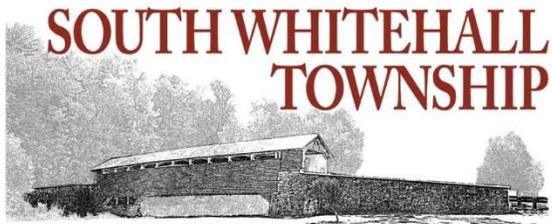
The Planning Commission will consider the plan and the review comments at its regular meeting at the Municipal Building at 4444 Walbert Avenue on Thursday, June 17, 2021, at 7:30 p.m.

If you have any questions, please call.

Sincerely,

Gregg R. Adams, Planner
Community Development Department

cc:	R. Bickel	D. Manhardt	R. Cope	L. Harrier
	H. Bender	J. Frantz	J. Alderfer, Esq.	S. Pidcock
	A. Tallarida	File #2020-203	M. Bradbury, MBG	



MEMORANDUM

TO: Board of Commissioners
FROM: Aaron Silverstein, Zoning Officer
DATE: July 27, 2021
SUBJECT: 3926 Lime Kiln Road
Minor Plan #2020-203
Plan Dated June 30, 2021
COPIES: L. Harrier, G. Adams, D. Manhardt, J. Alderfer, S. Pidcock, Applicant

This proposed project intends to subdivide one (1) parcel containing existing dwellings and accessory structures into three (3) separate parcels. Lots 1 and 2 would contain the existing structures, and Lot 3 would include lands of the Environmental Restriction Area. The lot has frontage on both a Township Road and a State Road. The proposed project is Zoning compliant.

Aaron Silverstein, Zoning Officer
Community Development

Martin, Bradbury & Griffith, Inc.

LAND DEVELOPMENT CONSULTANTS – PLANNERS -- LAND SURVEYORS

1201 WASHINGTON STREET – ALLENTOWN, PENNSYLVANIA 18102

PHONE (610) 437-6300

FAX (610) 437-1320

Email: mbg.mab@gmail.com

Revised April 21, 2021

Ref: 3411-000

3926 LIME KILN ROAD
South Whitehall Township
Lehigh County, PA

PROJECT NARRATIVE

Proposal: To subdivide the existing dwellings from the capped former landfill area. The two (2) existing single family dwellings shall be subdivided into two (2) separate lots.

Zoning District: RR-2 (Rural Residential - 2)

Frontage Streets: Lime Kiln Road (T-593)
Orefield Road (SR-4003)
Lapp Road (T-602)

Parcel Owner/Applicant: Anthony & Janel Hanna

Parcel ID # 547861012094-1

Existing & Proposed Uses: Residential (2) and capped landfill.

Lot Areas: Existing - 63.9608 Ac.
Number of proposed lots - 3
Lot #1 - 1.2967 Ac.
Lot #2 - 1.8415 Ac.
Remaining - 60.8226 Ac.

Size of Proposed Building: N/A - All buildings are existing.

Number of Proposed Parking Spaces: N/A - All parking is existing at existing buildings.

Existing and Proposed Water and Sanitary Sewage Disposal: Water - Public-Existing
Sanitary - On Lot-Existing

Proposed Types of Stormwater BMPs: N/A - No BMPs proposed due to no change to existing conditions.

Nearby Historic Sites: N/A - No adjoining historic sites.

Martin, Bradbury & Griffith, Inc.

CONSULTING ENGINEERS – PLANNERS – LAND SURVEYORS
1201 WASHINGTON STREET – ALLENTOWN, PENNSYLVANIA 18102
PHONE (610) 437-6300
FAX (610) 437-1320
Email: mbg.mab@gmail.com

Revised July 1, 2021
Ref: 3411-000
3926 Lime Kiln Road

South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104-1699

Attention: Gregg Adams

RE: Request for waivers for 3926 Lime Kiln Road

Dear Mr. Adams:

On behalf of the applicants, Anthony & Janel Hanna, we are requesting waivers of the following SALDO Sections:

1. **SALDO 312-23(a)(13) Requiring plan submittal to LANTA**

The applicant is requesting a waiver for the submission of a plan to LANTA.

2. **SALDO 312-36(c) Driveway Requirements**

No new driveways are proposed. All driveways are existing.

a. **312-36(c)(4)(a) Distance from the intersection at a minor arterial street to the centerline of the driveway: 110'**

The centerline of the existing driveway on lot 2 is 80.9' from the intersection at a minor arterial street.

b. **312-36(c)(5)(b) Residential driveways shall not exceed 20' in width at the right of way line.**

The existing driveway on lot 1 is 27' wide at the right of way line.

3. **SALDO 312-36(d)(4) Open Space And Community Space Requirements**

No new development is proposed. All site conditions are existing.

4. **SALDO 312-23(b)(21) Existing & Proposed Contours, Sidewalk, Trails, Driveways, Streets, Etc. Within 400'**

There are no improvements, buildings, driveways, etc. proposed with this subdivision.

5. **SALDO 312-23(b)(20) Character, Elevations of Any Building Within 100'**

This is a plan subdivision only, no development is proposed.

6. **SALDO 312-23(b)(31) Landscape Plan**

No new landscaping is proposed. The existing conditions plan provides the necessary information.

Martin, Bradbury & Griffith, Inc.

On behalf of the applicants, we are also requesting deferrals of the following SALDO Sections:

1. **SALDO 312-35(b)(3)(A)(i) Requiring Curbs**
No new streets are proposed. All streets are existing rural roads.
2. **SALDO 312-35(b)(3)(A)(ii) Requiring Sidewalk**
No new streets are proposed. All streets are existing rural roads.
3. **SALDO 312-35(b)(3)(C)(i) Collector Street Cross Section Requirements**
No new streets are proposed. All streets are existing rural roads.
4. **SALDO 312-40 Requiring Shade Trees**
Trees currently exist on all lots and in wooded areas (see attached aerial photo).
5. **SALDO 312-35(b)(3)(B)(i) Arterial Street Cross Section Requirements**
No new streets are proposed. All streets are existing rural roads.

We hope you look favorably upon our request and if you have any questions please feel free to contact me anytime.

Very Truly Yours,
Martin, Bradbury & Griffith, Inc.



Mark A. Bradbury

MAB/bep

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA
PLANNING COMMISSION

REGULAR SESSION

MINUTES

JUNE 17, 2021

The Regular Session of the South Whitehall Township Planning Commission was held on the above date at the South Whitehall Municipal Building Public Meeting Room located at 4444 Walbert Avenue, South Whitehall Township, Lehigh County, Pennsylvania.

Members in attendance:

William H. MacNair, Chairman
Brian Hite, Vice-Chairman
Alan Tope, Secretary
Diane E. Kelly
Matthew Mulqueen
David Wilson

Staff members in attendance:

Gregg Adams, Planner
Anthony Tallarida, Assistant Township Engineer
Jennifer Alderfer, Assistant Township Solicitor

A. **3926 LIME KILN ROAD
MINOR PLAN 2020-203
REQUEST FOR PRELIMINARY/FINAL PLAN REVIEW**

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to subdivide the property located at 3926 Lime Kiln Road. There was no response.

At the request of Chairman MacNair, Mr. Adams read the Community Development Department's recommendation into the record. The Department recommended that the Planning Commission recommend preliminary/final plan approval to the Board of Commissioners subject to the applicant complying with the following conditions. A completed *Waiver From The Time Limitation To Review The Plan* will be required if revised plans are not submitted by July 27, 2021 and deemed to be sufficiently "clean" for presentation to the Board of Commissioners at or before their August 18, 2021 meeting.

1. If deemed to be necessary, the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, be executed, that sufficient security in a form acceptable to the Township be posted, such security shall be available for draws/presentation no

- further than 60 miles from the Township's office, and evidence of necessary insurance coverage shall be provided prior to the plan being recorded.
2. That the applicant shall address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated June 11, 2021.
 3. That the applicant shall address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated June 8, 2021.
 4. That the applicant complies with the January 12, 2021 recommendation of the Parks and Recreation Board and contributes fees in lieu of parkland dedication in the amount of \$2,500.00 in order to meet the parkland and open space requirements of the Subdivision and Land Development Ordinance.
 5. That the applicant complies with the forthcoming recommendation of the Landscape and Shade Tree Commission.
 6. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
 7. That the plans are to be revised and deemed to be "clean" prior to them being presented to the Board of Commissioners.

Surveyor Mark Bradbury accompanied Anthony Hanna to present the plan and answer questions. He started by distributing the revised Waiver Request letter. He stated that, to address the landscaping plan waiver request, the property is mostly bounded by woodlands except for the existing houses.

Mr. Wilson stated that he had driven by the property and noted dense woodlands and that the western house has between four and six trees in the immediate area. He noted that the only open area is around the eastern house. He suggested that it would be fair to defer the requirements for the Landscaping Plan and the street trees until such time as a land development is proposed.

Surveyor Bradbury stated that he would amend the landscaping request to be a request to defer. He stated that he will add a note to the plan to require an HOP if new dwellings are proposed.

Solicitor Zator suggested that an additional plan note, worded to the satisfaction of the Township Engineer and Township Solicitor, that the Township has not investigated the environmental status of the property and that the Developer and future owners of the properties agree to hold the Township harmless from any claims arising from the approval of the subdivision of the land.

Surveyor Bradbury noted that the Environmental Covenant currently in place on the property has been recently reviewed and expanded by the site monitors.

Solicitor Zator requested that the afore-mentioned note be placed on the plan.

Surveyor Bradbury stated that he would place the note on the plan. He submitted the updated Environmental Covenant. He stated that the Environmental

Covenant was recorded at the Lehigh County Courthouse. He noted that it was lengthy but easy to access.

Mr. Hite inquired as to the request to waive the requirement to submit a plan to LANTA.

Surveyor Bradbury stated that the plan proposes no new dwelling units, hence no new LANTA riders.

Mr. Wilson inquired as to the request to waive the requirements to dedicate Open Space.

Surveyor Bradbury stated that the largest property is an environmentally restricted area. He stated that the leachate from the landfill is mostly controlled and the methane emissions have subsided. He suggested that the area could be used for recreational purposes, but the Township was offered the site and rejected it.

Mr. Adams pointed out that Lot 3 could potentially be used as a dwelling lot.

Mrs. Kelly inquired as to how the site is currently monitored.

Surveyor Bradbury stated that there is an active monitoring station onsite. He noted that there are seven or eight corporations paying to monitor and maintain the site.

Chairman MacNair inquired as to whether the monitoring data is available online.

Surveyor Bradbury stated that it was not, and that the information would likely be released only to approved agencies.

Chairman MacNair requested question or comments from the public. There was no response.

Chairman MacNair moved to the waiver/deferral requests.

Mr. Mulqueen made a motion to support the waiver of the requirements of Section 312-12(a)(14) and Section 312-14(a)(10) (revised to Section 312-23(a)(13)) regarding the requirement to submit a plan to LANTA.

Mrs. Kelly seconded, and the motion passed unanimously, 6-0.

Mr. Mulqueen made a motion to support the waiver of Section 312-36(c)(4)(A) regarding the 110-foot separation distance between a driveway and an intersection along an Arterial Road.

Mr. Tope seconded, and the motion passed unanimously, 6-0.

Mr. Mulqueen made a motion to support the waiver of Section 312-36(c)(5)(B) regarding the maximum 20-foot residential driveway width at the right-of-way line.

Mr. Tope seconded, and the motion passed unanimously, 6-0.

Mr. Hite made a motion to support the deferral of Section 312-40 regarding the requirement to install street trees.

Mr. Wilson seconded, and the motion passed unanimously, 6-0.

Mrs. Kelly made a motion to support the waiver of Section 312-23(b)(21) regarding requirement to show all sidewalks, trails, streets, easements, and rights-of-way within 400 feet of the tract.

Mr. Hite seconded, and the motion passed unanimously, 6-0.

Mrs. Kelly made a motion to support the waiver of Section 312-23(b)(16) regarding the requirement to show all buildings within 100 feet of the tract.

Mr. Hite seconded, and the motion passed unanimously, 6-0.

Mrs. Kelly made a motion to support the waiver of Section 312-23(b)(7) (revised to Section 312-23(b)(31)) regarding the requirement to submit a Landscaping Plan.

Chairman MacNair pointed out that the Zoning Officer had difficulty interpreting the plan.

Surveyor Bradbury stated that he would clarify the frontage measurements with a chart.

Mr. Wilson seconded, and the motion passed unanimously, 6-0.

Surveyor Bradbury withdrew his request to waive Section 312-36(d)(4) regarding the requirement to dedicate Open Space or submit fees in lieu of land dedication.

Mr. Hite made a motion to recommend preliminary/final plan approval to the Board of Commissioners subject to the applicant complying with the following conditions:

1. If deemed to be necessary, the applicant shall execute subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township and its Solicitor, be executed, that sufficient security in a form acceptable to the Township be posted, such security shall be available for draws/presentation no further than 60 miles from the Township's office, and evidence of necessary insurance coverage shall be provided prior to the plan being recorded.
2. That the applicant shall address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated June 11, 2021.
3. That the applicant shall address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated June 8, 2021.
4. That the applicant complies with the January 12, 2021 recommendation of the Parks and Recreation Board and contributes fees in lieu of parkland dedication in the amount of \$2,500.00 in order to meet the parkland and open space requirements of the Subdivision and Land Development Ordinance.
5. That the applicant complies with the forthcoming recommendation of the Landscape and Shade Tree Commission.

6. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
7. That the plans are to be revised and deemed to be “clean” prior to them being presented to the Board of Commissioners.
8. That an additional note be placed upon the plan, worded to the satisfaction of the Township Engineer and Township Solicitor, that the Township has not investigated the environmental status of the property and that the Developer and future owners of the properties agree to hold the Township harmless from any claims arising from the approval of the subdivision of the land.

Mrs. Kelly seconded, and the motion passed unanimously, 6-0.

ADOPTED THIS DATE:

ATTEST:

Secretary

Chairman

TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA
PLANNING COMMISSION

REGULAR SESSION

MINUTES

DECEMBER 17, 2020

The Regular Session of the South Whitehall Township Planning Commission was held on the above date in a virtual meeting held on GoToMeeting.com.

Members in attendance:

William H. MacNair, Chairman
Brian Hite, Vice-Chairman
Alan Tope, Secretary
David Dunbar
Diane E. Kelly
Matthew Mulqueen
David Wilson

Staff members in attendance:

Gregg Adams, Planner
Dave Manhardt, Long Range Planner
Anthony Tallarida, Assistant Township Engineer
Jennifer Alderfer, Assistant Township Solicitor
David Tetteimer, Alternate Township Engineer (for 2020-105)

AGENDA ITEM #5 – SUBDIVISION REVIEW

A. 3926 LIME KILN ROAD
MINOR PLAN 2020-203
REQUEST FOR PRELIMINARY/FINAL PLAN REVIEW

Chairman MacNair polled the audience for interested parties other than the developer regarding the application to subdivide the property located at 3926 Lime Kiln Road. There was no response.

At the request of Chairman MacNair, Mr. Adams read the Community Development Department’s recommendation into the record. The Department recommended that the Planning Commission take the plan under advisement to afford the applicant the time necessary to address the reviewing agencies’ comments, contingent upon the applicant granting the Township a waiver from the timeframe in which to act upon the plan.

Surveyor Mark Bradbury accompanied Mr. Anthony Hanna (owner) and Mr. Jeffrey Sieber of Demaximus (landfill monitor) to present the plan and answer questions. Surveyor Bradbury stated that the applicant is changing his plans and will be appearing before the Zoning Hearing Board to request variances to lot size and setback

requirements. He stated that the applicant is proposing to create two new residential lots, one for each existing dwelling, from the existing landfill property. He noted that Mr. Hanna purchased the property a few months ago. He stated that the applicant plans to return after securing the zoning relief, but required direction on several of the waiver requests. He argued that, with regard to the requirement to install sidewalk and curbing, the existing right-of-way of Lime Kiln and Orefield Roads is jogged to account for the existing buildings along the roadway. He stated that the right-of-way is currently as wide as is practical and that there is no place to install sidewalk and curbing in the area of the buildings. He stated that, with regard to stormwater management, this is no space to construct a stormwater management facility along Orefield and Lapp Roads, given that the Environmental Protection Area prohibits the construction of anything within its boundaries. He stated that there are likely more waivers to be requested in the future once the plans are revised. He stated that the plan proposes no development and is only to separate the dwellings from each other and from the Environmental Protection Area.

Mr. Wilson inquired as to the access for the Environmental Protection Area should the property be subdivided.

Surveyor Bradbury stated that the recorded access easement for the Environmental Protection Area will remain in place.

Mr. Dunbar sought confirmation that no construction was proposed.

Surveyor Bradbury stated that no construction was proposed.

Mr. Wilson stated that deferrals are preferred over waivers.

Mrs. Kelly made a motion to recommend that the requirement of Section 312-35(b)(3)(A)(i) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing along Lime Kiln Road, Orefield Road and Lapp Road be deferred until such time as right-of-way improvements are required.

Mr. Wilson seconded and the motion passed unanimously.

Mr. Hite made a motion to recommend that the requirement of Section 312-35(b)(3)(A)(ii) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalks along Lime Kiln Road, Orefield Road and Lapp Road be deferred until such time as right-of-way improvements are required.

Mr. Mulqueen seconded and the motion passed unanimously.

Mrs. Kelly made a motion to recommend that the requirement of Section 312-35(b)(3)(B)(i) of the Subdivision and Land Development Ordinance pertaining to the requirement for arterial streets to be constructed in accordance with the Arterial Street Cross Section within the Township Standard Construction Documents (latest revision) with regard to the right-of-way of Orefield Road be deferred until such time as right-of-way improvements are required.

Mr. Hite seconded and the motion passed unanimously.

Mr. Hite made a motion that the requirement of Section 312-35(b)(3)(C)(i) of the Subdivision and Land Development Ordinance requiring that Collector Streets be constructed in accordance with Township Standard Construction Documents (latest revision) for Collector Streets with regard to the rights-of-way of Lime Kiln Road and of Lapp Road be deferred until such time as right-of-way improvements are required.

Mr. Tope seconded and the motion passed unanimously.

A motion was made and seconded to take the plan under advisement to afford the developer the time necessary to address the reviewing agencies' comments, contingent upon the applicant granting the Township a waiver to the timeframe in which to act upon the plan, which then passed unanimously.

ADOPTED THIS DATE: February 23, 2021

ATTEST:

Secretary

Chairman

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

**RESOLUTION NO. 2021-____
(Duly Adopted August 4, 2021)**

**A RESOLUTION GRANTING PRELIMINARY/FINAL APPROVAL
TO A MINOR PLAN ENTITLED “3926 LIME KILN ROAD”**

WHEREAS, Anthony and Janel Hanna, pursuant to Article 4 of the South Whitehall Township Subdivision and Land Development Ordinance, submitted an application for preliminary/final approval for a minor subdivision on a 63.9608-acre property located at 3926 Lime Kiln Road, in South Whitehall Township, Lehigh County, Pennsylvania; and,

WHEREAS, this proposal is reflected on plans prepared by Martin, Bradbury and Griffith, Inc., entitled “**3926 LIME KILN ROAD**”, dated October 29, 2020 and last revised July 1, 2021; and,

WHEREAS, the South Whitehall Township Zoning Hearing Board granted a dimensional variance of 23,516 square feet from the required 80,000 square foot lot area requirement for proposed Lot 1, a dimensional variance of 37.4 feet from the required 75-foot rear yard setback for proposed Lot 1, and a dimensional variance of 3.96 feet from the required 75-foot rear yard setback for proposed Lot 2, as a result of its discussion and deliberation of Zoning Appeal Docket 2021-01; and,

WHEREAS, all sections of the Subdivision and Land Development Regulations cited herein refer to sections of the Subdivision and Land Development Regulations that were adopted April 19, 2017, and last revised April 1, 2019, and are applicable to this plan based on the submission of the initial application on November 9, 2020; and,

WHEREAS, the South Whitehall Township Planning Commission has reviewed the aforesaid plan on June 17, 2021, and having found it to be in substantial compliance with the Subdivision and Land Development Regulations, has recommended that preliminary/final approval be granted,

WHEREAS, the applicant has requested that the requirement of Section 312-23(a)(13) of the Subdivision and Land Development Ordinance for the applicant to transmit one (1) copy to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township be waived, and the Planning Commission is persuaded that the waiver would be appropriate as the subdivision will produce no additional residents, and,

WHEREAS, the applicant has requested that the requirement of Section 312-23(b)(20) of the Subdivision and Land Development Ordinance to include the location, character and elevation of any building within one hundred (100) feet of the tract be waived, and the Planning Commission is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-23(b)(21) of the Subdivision and Land Development Ordinance to show locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way platted or existing in the subdivision and within four hundred (400) feet of any part of the subdivision tract be waived, and the Planning Commission is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable; and,

WHEREAS, the applicant has requested that the requirement of Section 312-23(b)(31) of the Subdivision and Land Development Ordinance to submit a Landscaping Plan be waived, and the Planning Commission is persuaded that the waiver would be appropriate, as the level of information shown on the plan is acceptable, and,

WHEREAS, the applicant has requested that the requirement of Section 312-35(b)(3)(A)(i) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing along Lime Kiln Road, Orefield Road and Lapp Road be waived, and the Planning Commission is persuaded that a deferral would be appropriate until such time as right-of-way improvements are required; and,

WHEREAS, the applicant has requested that the requirement of Section 312-35(b)(3)(A)(ii) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalks along Lime Kiln Road, Orefield Road and Lapp Road be waived, and the Planning Commission is persuaded that a deferral would be appropriate until such time as right-of-way improvements are required; and,

WHEREAS, the applicant has requested that the requirement of Section 312-35(b)(3)(B)(i) of the Subdivision and Land Development Ordinance pertaining to the requirement for arterial streets to be constructed in accordance with the Arterial Street Cross Section within the Township Standard Construction Documents (latest revision) with regard to the right-of-way of Orefield Road be waived, and the Planning Commission is persuaded that a deferral would be appropriate until such time as right-of-way improvements are required; and,

WHEREAS, the applicant has requested that the requirement of 312-35(b)(3)(C)(i) of the Subdivision and Land Development Ordinance requiring that Collector Streets be constructed in accordance with Township Standard Construction Documents (latest revision) for Collector Streets with regard to the rights-of-way of Lime Kiln Road and of Lapp Road be waived, and the Planning Commission is persuaded that a deferral would be appropriate until such time as right-of-way improvements are required; and,

WHEREAS, the applicant has requested that the requirement of Section 312-36(c)(4)(A) of the Subdivision and Land Development Ordinance requiring that the centerline of a driveway at the point of access to a street shall be no closer to a street intersection than 110 feet be waived, and the Planning Commission is persuaded that the waiver would be appropriate as the driveway is existing, no development is proposed and there is limited opportunity to relocate it; and,

WHEREAS, the applicant has requested that the requirement of Section 312-36(c)(5)(B) of the Subdivision and Land Development Ordinance that driveways for single family

residential subdivisions shall not exceed twenty (20) feet in width at the right-of-way line be waived, and the Planning Commission is persuaded that the waiver would be appropriate, as the driveway is existing and no development is proposed; and,

WHEREAS, the applicant has requested that the requirement of Section 312-36(d)(4) of the Subdivision and Land Development Ordinance pertaining to the requirements for dedication of Open Space And Community Facilities or contribution of fees in lieu of be waived, which the applicant subsequently withdrew; and,

WHEREAS, the applicant has requested that the requirement of Section 312-40 of the Subdivision and Land Development Ordinance to plant street trees within the right-of-way of streets along the perimeter of the property, be deferred, and the Planning Commission deferred their recommendation to the Landscape and Shade Tree Commission, which supported the deferral.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED that the Board of Commissioners of the Township of South Whitehall hereby grants preliminary/final approval to the minor plan entitled "**3926 LIME KILN ROAD**", subject to the applicant's compliance with the following conditions:

1. That the applicant shall address to the satisfaction of the Township Engineer, the comments of Mr. Anthony Tallarida, as contained in his review dated August 2, 2021.
2. That the applicant shall address to the satisfaction of the Community Development Department, the comments of Mr. Gregg Adams, as contained in his review dated June 8, 2021.
3. That the applicant complies with the January 12, 2021 recommendation of the Parks and Recreation Board and contributes fees in lieu of parkland dedication in the amount of \$2,500.00 in order to meet the parkland and open space requirements of the Subdivision and Land Development Ordinance.
4. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
5. The applicant shall meet all conditions of the Preliminary/Final Plan approval, and the Record Plan will be recorded within twelve (12) months of Conditional Preliminary/Final Plan approval, and the applicant agrees that if such conditions are not met, the conditional Preliminary/Final Plan approval will be considered void, and the application for Preliminary/Final Plan approval will be considered void and withdrawn unless otherwise approved by the South Whitehall Township Board of Commissioners.
6. If for any reason any condition or conditions of this Resolution (or any portion(s) thereof) shall be held by a forum of competent jurisdiction to be invalid, illegal, void, or unenforceable in any respect or to any extent: (i) this Resolution shall automatically be deemed to be null and void in its entirety

and shall be deemed to have been immediately and automatically repealed as if it had never been passed; (ii) this Resolution shall automatically be deemed to be a resolution denying the application due to the fact that the application does not comply with those sections of the SALDO (or other applicable ordinance(s)) listed herein or in any review letters referred to herein, including any section relating to waivers or deferrals; and (iii), the Applicant is waiving any right to proceed with an action seeking a deemed approval of the plan based upon the automatic repeal of this Resolution identified in this condition. The Applicant acknowledges that each and every term and provision hereof is an essential, material component to the Township's approval of the Applicant's plan.

7. In the event that the Township becomes involved in litigation of any kind relating to the major subdivision other than a direct appeal by the Applicant of the Township's approval of this Resolution, such as an appeal of this Resolution by an adjoining property owner or a third party, or an attempt to collaterally challenge any conditions of this approval by means other than a timely appeal of this Resolution, the Applicant, on behalf of itself and its agents, representatives, successors and assigns, hereby agrees to exonerate, indemnify, protect, defend (through legal counsel of Township's choice) and save harmless the Township and its boards, committees and commissions (including the individual members thereof), their elected and appointed officers and officials and their employees, contractors, other professional consultants, engineers, solicitors, managers, representatives, advisors, predecessors, successors, agents, independent contractors, insurers and assigns (collectively, the "Township Representatives"), from any and all claims, lawsuits, proceedings, actions, disputes, causes and rights of action, expenses, losses, allegations, demands, charges, injuries, costs (including, without limitation, attorneys' fees, engineers' fees and other costs and expenses incurred, including expert witness fees), damages (including, without limitation, compensatory, consequential or punitive damages), sanctions, and liabilities of every kind, character and manner whatsoever, in law or in equity, civil or criminal, administrative or judicial, contract, tort (including, without limitation, negligence of any kind) or otherwise ("Claims"), pertaining to, relating to, resulting from, caused by or arising out of the Township's approval of the application as evidenced by this Resolution and/or the Township taking any action contemplated by the conditions hereof.

The requirement of Section 312-23(a)(13) of the Subdivision and Land Development Ordinance for the applicant to transmit one (1) copy to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township is hereby waived; and,

The requirement of Section 312-23(b)(20) of the Subdivision and Land Development Ordinance to include the location, character and elevation of any building within one hundred (100) feet of the tract is hereby waived; and,

The requirement of Section 312-23(b)(21) of the Subdivision and Land Development Ordinance to show locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way platted or existing in the subdivision and within four hundred (400) feet of any part of the subdivision tract is hereby waived; and,

The requirement of Section 312-23(b)(31) of the Subdivision and Land Development Ordinance to submit a Landscaping Plan is hereby waived; and,

The requirement of Section 312-35(b)(3)(A)(i) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing along Lime Kiln Road, Orefield Road and Lapp Road is hereby deferred; and,

The requirement of Section 312-35(b)(3)(A)(ii) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalks along Lime Kiln Road, Orefield Road and Lapp Road is hereby deferred; and,

The requirement of Section 312-35(b)(3)(B)(i) of the Subdivision and Land Development Ordinance pertaining to the requirement for arterial streets to be constructed in accordance with the Arterial Street Cross Section within the Township Standard Construction Documents (latest revision) with regard to the right-of-way of Orefield Road is hereby deferred; and,

The requirement of Section 312-35(b)(3)(C)(i) of the Subdivision and Land Development Ordinance requiring that Collector Streets be constructed in accordance with Township Standard Construction Documents (latest revision) for Collector Streets with regard to the rights-of-way of Lime Kiln Road and of Lapp Road is hereby deferred; and,

The requirement of Section 312-36(c)(4)(A) of the Subdivision and Land Development Ordinance requiring that the centerline of a driveway at the point of access to a street shall be no closer to a street intersection than 110 feet is hereby waived; and,

The requirement of Section 312-36(c)(5)(B) of the Subdivision and Land Development Ordinance that driveways for single family residential subdivisions shall not exceed twenty (20) feet in width at the right-of-way line is hereby waived; and,

The requirement of Section 312-40 of the Subdivision and Land Development Ordinance to plant street trees within the right-of-way of streets along the perimeter of the property is hereby deferred.

The conditions of approval have been made known to the applicant, and final approval is to be deemed expressly contingent upon the applicant's affirmative written

acceptance of the conditions on a form prescribed by South Whitehall Township which shall be received at or before the meeting at which the Resolution containing such conditions of approval is considered by the Board of Commissioners for adoption.

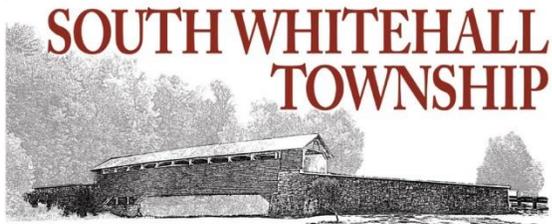
DULY ADOPTED this 4th day **August, 2021**, by a majority of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice President in the absence of the President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Christina Tori Morgan, President

ATTEST:

Scott Boehret, Secretary

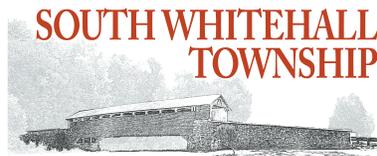


MEMORANDUM

TO: Board of Commissioners
FROM: Aaron Silverstein, Zoning Officer
DATE: July 27, 2021
SUBJECT: 3926 Lime Kiln Road
Minor Plan #2020-203
Plan Dated June 30, 2021
COPIES: L. Harrier, G. Adams, D. Manhardt, J. Alderfer, S. Pidcock, Applicant

This proposed project intends to subdivide one (1) parcel containing existing dwellings and accessory structures into three (3) separate parcels. Lots 1 and 2 would contain the existing structures, and Lot 3 would include lands of the Environmental Restriction Area. The lot has frontage on both a Township Road and a State Road. The proposed project is Zoning compliant.

Aaron Silverstein, Zoning Officer
Community Development



Agenda Item Details

Meeting	Aug 04, 2021 - Board of Commissioners Meeting - 7:00 PM
Category	9. CORRESPONDENCE AND INFORMATION ITEMS
Subject	A. Boards and Commissions - Informational Items
Access	Public
Type	Information

Public Content

UPCOMING MEETINGS: Details posted on website.

Tuesday, August 10th, 6P, at Parkland High School - Premier Center Luxury Apartments - Public Hearing - Conditional Use 2020-601

Monday, August 16th, 6P, Green Advisory Council

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

1. Civil Service Commission - 1 vacancy (alternate position)
2. Landscape Shade Tree Commission - 2 vacancies
3. Parks & Recreation Board - 2 vacancies
4. Zoning Hearing Board - 1 vacancy (alternate position)

Administrative Content

Executive Content

