

**Wednesday, May 18, 2022**  
**Board of Commissioners**

**Public Meeting Room, 7:00 p.m.**  
**South Whitehall Township Building**  
**4444 Walbert Avenue**  
**Allentown, PA 18104**

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**1. CALL TO ORDER**

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**2. PLEDGE OF ALLEGIANCE**

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**3. ANNOUNCEMENTS**

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

B. Public/Virtual Meeting Rules

C. Board of Commissioners Met in Executive Session on the following date(s) to discuss Legal and/or Personnel Matters: May 16; and before May 18th BOC Meeting.

D. Recognition - Greenawalds Fire/Rescue's 100th Year Anniversary

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**4. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items**

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**5. MINUTES**

A. May 4, 2022 - Board of Commissioners Meeting Minutes

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**6. PRESENTATIONS**

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**7. ORDINANCES**

A. Permission to Advertise - An Ordinance Reenacting, Amending And Restating Chapter 144 Article IV (Building Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Building Code As The Building Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date

B. Permission to Advertise - An Ordinance Reenacting, Amending And Restating Chapter 144 Article VI (Residential Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Residential Code As The Residential Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date

C. Permission to Advertise - An Ordinance Reenacting, Amending And Restating Chapter 144 Article I (Plumbing Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Plumbing Code As The Plumbing Code Of South Whitehall Township And As Part Of The Municipal Building Code Of South Whitehall Township; Repealer; No Effect On Pending Suits Or Proceedings; Severability; Effective Date

D. Permission to Advertise - An Ordinance Reenacting, Amending, And Restating Chapter 144 Article VIII (Property Maintenance Code) Of The Codified Ordinances Of South Whitehall Township In Its Entirety And Adopting Provisions Of The 2018 Edition Of The International Property Maintenance Code With Local Amendments; Providing For The South Whitehall Township Building Code Appeals Board To Serve As The Board Of Appeals; Providing That State Law Controls Where Requirements Are In Excess Of This Ordinance; And Providing For A Repealer, Continuation And Saving Clause, Severability, And Effective Date

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**8. RESOLUTIONS**

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- A. A Resolution Granting Preliminary/Final Approval to a Minor Plan Entitled "1420 North 22nd Street"
- B. A Resolution Amending Resolution 2020-18, which Granted Conditional Preliminary/Final Approval to a Major Subdivision Plan Entitled "KRE Spring View Commercial II", to Address a Condition Required for a SALDO Waiver
- C. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania Approving and Authorizing the Execution and Delivery of an Intergovernmental Cooperation Agreement with Upper Macungie Township Titled "Sanitary Sewer Service Agreement"

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**9. MOTIONS**

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- A. Motion Requesting Permission to Proceed with the Jordan Creek Greenway - Design and Engineering Services Supplement #4 - Phase 1 Amendment for TASA Grant and River Road Design Options
- B. Motion to Approve Budgetary Transfers
- C. Motion to Proceed with Adoption of the Entire Civil Service Eligibility List for Patrol Officer in the SWT Police Department
- D. Motion Requesting Permission to Authorize Interim Township Manager, Randy Cope, to Sign an Agreement between South Whitehall Township and the Police Service of South Whitehall Township, and Badge #138, as reviewed at an Executive Session held on May 4, 2022

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**10. CORRESPONDENCE AND INFORMATION ITEMS**

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- A. Boards and Commissions - Informational Items/Vacancies

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**11. OLD BUSINESS**

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- A. Wehr's Dam
- B. Comprehensive Plan Update
- C. Jordan Creek Greenway, Phase 1 - River Road (Shared Pathway)

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**12. DIRECTION/DISCUSSION ITEMS**

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- A. Fire Code Ordinance
- B. Land Preservation Committee Report
- C. Lehigh County Authority - Interconnect Agreement

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**13. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items**

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**14. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS**

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- A. Invoices and Disbursements

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**15. EXECUTIVE SESSION**

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**16. ADJOURNMENT**

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**GREENAWALDS  
FIRE CO**

**FIRE STATION 11**

**100<sup>TH</sup> ANNIVERSARY**

**1921 TO 2021**

**South Whitehall Township, Lehigh County, PA**

The South Whitehall Township Board of Commissioners would like to take this time to celebrate with Greenawalds Fire/Rescue this incredible milestone of 100 years of service to the residents and businesses of South Whitehall Township. As a 100% Volunteer Fire Department, comprised of approximately 75 active members, your general fire suppression skills, as well as rescue operations within the confines of the 17.1 square miles of South Whitehall Township, are second to none! You are a valued and integral part of our community. We honor you, the men and women of Greenawalds Fire/Rescue, for all you do! Thank you AND Happy 100<sup>th</sup> Anniversary!

**100 YEARS**

**OF**

**DEDICATED SERVICE**



**SOUTH WHITEHALL TOWNSHIP  
BOARD OF COMMISSIONERS**

Diane Kelly, President  
David M. Kennedy, Vice President  
Monica Hodges, Assist. Secretary

Michael Wolk  
Brad Osborne





## BOARD OF COMMISSIONERS

### PUBLIC MEETING

### AGENDA-MINUTES

May 4, 2022

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

##### **Attendees:**

Commissioner Diane Kelly, President  
Commissioner David M. Kennedy, Vice President  
Commissioner Monica Hodges, Assist. Twp. Secretary  
Commissioner Michael Wolk  
Commissioner Brad Osborne – Absent\*  
Jennifer Alderfer, Assist. Twp. Solicitor, Zator Law  
Anthony Tallarida, Twp. Engineer, The Pidcock Co.

Randy Cope, Interim Township Manager/Dir. of Twp. Operations  
Herb Bender, PW Manager  
Mike Elias, PW Utility & MS4 Coordinator  
Mike Kukitz, Parks & Rec Manager  
Scott Boehret, Director of Finance  
Glen Dorney, Chief of Police  
Dave Manhardt, Director, Community Development Dept.  
Gregg Adams, Planner, Community Development Dept.  
Chris Kiskeravage, Twp. Fire Commissioner  
Tracy Fehnel, Exec. Assistant

*\*Noted for the record, Commissioner Osborne was absent this evening. Only four commissioners were in attendance this evening.*

#### 2. **PLEDGE OF ALLEGIANCE**

#### 3. **ANNOUNCEMENTS:**

- a. All Public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted to the website for Public access.
- b. Public/Virtual Meeting Rules
- c. Board of Commissioners Met in Executive Session on the following dates to discuss Legal and Personnel Matters: No Executive Sessions Held.

#### 4. **COURTESY OF THE FLOOR:** Public Comment on Non-Agenda Items

- a. Steven M. Pohl, 1415 Frederick Street, Allentown. Subject: Police Department and complaint procedures that are in place.

#### 5. **MINUTES:**

##### **a. April 20, 2022 – Board of Commissioners Meeting Minutes**

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, to approve the April 20, 2022, BOC Meeting Minutes as amended. Motion carried; 3:1 Vote. Commissioners Kelly, Kennedy, and Hodges APPROVED as amended, Commissioner Wolk voted NO.

Amendment - Commissioner Wolk publicly thanked Interim Township Manager Randy Cope for his leadership. (The full statement can be found on the recording.)

Explanation of NO Vote: Commissioner Wolk – I recognize the statement that this is the practice we agreed upon, I appreciate that Tracy informed the Board of this situation. I am

happy to abide if this is what the Board wants to do. But I will note that the paragraph you are striking is a paragraph that I recognized Randy Cope for his outstanding job, leadership, and some outstanding steps he took in order to help the Board do its job and to enable effective communication between the Board and the Township Manager, so our entire government can perform most effectively. So, if the Board does not think that is appropriate to put in the meeting minutes account of the rule, then vote that way. If you feel you may want to make an exception to the rule, recognizing an outstanding performer for the last seven months in the Interim Township Manager position, then maybe disapprove the motion. I think it is more important to put on the record that Randy Cope deserves extremely positive feedback for the excellent job he's been doing.

**6. PRESENTATIONS:**

**a. Recognition - Retirement of Joe Herpel; 32 Years of Service**

Herb Bender, PW Manager commended Joe Herpel for his 32 years of service in the Public Works Department. Herb said he was a great employee, a great crew leader, and when he (Herb) came on board as the new PW Manager, Joe took him under his wing and showed him the problem areas—I couldn't have done it without Joe's help. He has a tremendous amount of knowledge of this Township and our infrastructure. Joe was a great leader to the employees downstairs. I can't thank Joe enough for everything he's done for me, the Township, and its residents. He will be greatly missed.

**7. ORDINANCES: None.**

**8. RESOLUTIONS:**

**a. A Resolution Extending The Conditional Preliminary/Final Approval Granted To A Major Plan Entitled "Proposed Independent Living Apartments In Luther Crest"**

Dave Manhardt, Director, Community Development Department, explained that this is the Luther Crest Project located at 800 Hausman Road. They are proposing a three-story addition of more independent living apartments on a 4.6 acre portion of the site. Original approval by the BOC was granted July 2021. Applicant is requesting a 180-day extension, which takes them to January 16, 2023. To date, nine conditions of the approval are yet to be addressed, some of which are the actual plan recording.

A Representative was in attendance on behalf of the applicant – the need for the extension is based on several things. We have based presales for our new residents at 50% so that we can continue the process of developing the land. We have not quite hit that and do not feel we will be ready by the original date, so we would like to extend it mostly based on this reason. We do have some issues related to utilities that are arising. 180 days will be sufficient time.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, to proceed with a resolution Extending The Conditional Preliminary/Final Approval Granted To A Major Plan Entitled "Proposed Independent Living Apartments In Luther Crest". All in favor; none opposed. Motion carried. Vote was 4:0.

**b. A Resolution Extending The Conditional Preliminary/Final Approval Granted To A Major Plan Entitled “Shia Ithna Asheri Jamaat of Pennsylvania”**

Dave Manhardt, Director, Community Development Department, explained that this is for the Mosque at 1500 Ridgeview Drive. They are proposing knocking that one down and building a new one. Originally approved by BOC in February 2021 with 16 conditions. In February 2022 Applicant was granted a three-month extension to the conditional approval of the preliminary-final plan. Applicant is back for another extension. To date, 7 of the 16 conditions have been satisfied.

Attorney Catherine Curcio, from Fitzpatrick, Lentz, & Bubba, was in attendance on behalf of the applicant. Said she believes we are very close to finalizing what we need to do here. There was some back and forth specifically on condition #9 that the Applicant acquire a letter from the PA DEP approving a sewage facilities planning module or an exemption thereto. It was recently settled that we would not need the module and that we are going to seek the exemption letter instead, which may have already been submitted and if not will be done expeditiously. Once that domino falls, the remainder of the dominoes will follow shortly thereafter. Township Staff was in agreement with everything Attorney Curcio presented this evening. Extension through August 15, 2022 will be sufficient time.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Hodges, approving A Resolution Extending The Conditional Preliminary/Final Approval Granted To A Major Plan Entitled “Shia Ithna Asheri Jamaat of Pennsylvania”. All in favor; none opposed. Motion carried. Vote was 4:0.

**c. A Resolution of the Board of Commissioners of South Whitehall Township Confirming Jennifer Friedman, Nominated by the Volunteer Fire Companies as a Special Fire Police for a Five (5) Year Term**

Chris Kiskeravage, Township Fire Commissioner, explained that this evening Jennifer Friedman is being confirmed for the position of Special Fire Police at the Woodlawn Fire Department. Jennifer has been through the Fire Police training and is certified as basic fire police. She has also been sworn in as special fire police by Judge Hammond. We are here this evening looking for approval of Resolution confirming Jennifer Friedman’s nomination by the volunteer fire companies as special fire police for a five-year term.

At this time, the entire Board thanked Jennifer Friedman for her service to the Township.

A MOTION was made by Commissioner Wolk, and seconded by Commissioner Kennedy, approving a Resolution of the Board of Commissioners of South Whitehall Township Confirming Jennifer Friedman, Nominated by the Volunteer Fire Companies as a Special Fire Police for a Five (5) Year Term. All in favor; none opposed. Motion carried. Vote was 4:0.

**9. MOTIONS:****a. Motion Requesting Permission to Proceed with Builders Doors & Hardware, Inc. to Install New Doors at Jacoby Water Station**

Herb Bender, PW Manager, explained that PW has submitted three quotes for the new doors at Jacoby Water Station. Staff is requesting permission to move forward with the quote from Builders Doors & Hardware Inc. for \$8,421. This was budgeted for \$10,000.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, granting permission to proceed with Builders Doors & Hardware, Inc. to install new doors at Jacoby Water Station. All in favor; none opposed. Motion carried. Vote was 4:0.

**b. Motion Requesting Permission to Proceed with Advertising Bid for Wehrs Dam Project**

Interim Township Manager, Randy Cope, explained this is an exciting time for this project. Bid package is just about complete. Tonight is a formality to get the BOC's permission to proceed with advertising of this bid for the Wehrs Dam Project. Projected bid schedule as follows:

May 4 <sup>th</sup>	- Permission to Advertise
May 13 <sup>th</sup> & May 17 <sup>th</sup>	- Advertisement in local newspaper
May 24 <sup>th</sup>	- Mandatory Pre-Bid Meeting
May 31 <sup>st</sup>	- Questions must be submitted
June 6 <sup>th</sup>	- Bid Opening
June 15 <sup>th</sup>	- BOC Action to Award Contract

This project is budgeted in the Capital Fund for \$850,000. Board did approve a contract to Michael Baker International to oversee this project and the remaining balance in the account is \$772,260.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Hodges, granting permission to proceed with the advertising of bid for Wehrs Dam Project. All in favor; none opposed. Motion carried. Vote was 4:0.

**c. Motion to Approve Budgetary Transfers**

Scott Boehret, Director of Finance, explained: First budgetary transfer is with regard to an HR Policy type review. We will be bringing in an outside professional who will help establish a checklist of what is needed, how best to move forward with this process.

Second budgetary transfer is with regard to our consultant in the Executive Department, where our Professional Services line item needs a bit more money in that budgetary account.

The first action requested is for a transfer for \$7,500 from wages & human resources to professional services. The second is a transfer for \$8,500 from salaries and wages in the Executive Department to professional services. Both of these accounts do have money in

them for the position of township manager and for an HR position. It is May, and the money has not been spent for those positions. There is no concern that we will go over in the salaries/wages account for the remainder of year.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Hodges, approving budgetary transfers as explained by Mr. Boehret. All in favor; none opposed. Motion carried. Vote was 4:0.

**d. Motion Requesting Permission to Add the Woodlawn Deputy Chief's Vehicle to the Township Insurance Policy**

Chris Kiskeravage, Township Fire Commissioner, explained that Woodlawn Fire Department has purchased a vehicle for their Deputy Chief position. This is a company owned vehicle, and is not in the Township's fleet. Woodlawn is requesting that the insurance, fuel costs, and maintenance costs, as needed for this vehicle, will be covered under the Fire Fund in the Vehicle Maintenance, Insurance, & Fuel line budget items. All vehicles owned, whether company owned or Township owned, are insured through the Township. This request falls in line with what is done with the other Fire Departments as well. Randy Cope added that this is also a provision of the 2019 Fire Services Agreement.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, granting permission to add the Woodlawn Deputy Chief's Vehicle to the Township Insurance Policy. All in favor; none opposed. Motion carried. Vote was 4:0.

**e. Motion to Approve Recent Additional Surcharge of \$3,800 Related to the Previously Ordered Freightliner Dump Truck**

Herb Bender, PW Manager, explained PW wanted to let the BOC know that a surcharge was applied for the Freightliner Dump Truck. This surcharge is for \$3,800. Total with the surcharge is \$196,326. Was budgeted in liquid fuels for \$192,500. At the onset, vendors have advised there could be surcharges this year. Herb advised that there will be a cancellation period, once the truck does come out, if another surcharge will be added.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kennedy, granting approval to approve recent additional surcharge of \$3,800 related to the previously ordered Freightliner Dump Truck, as explained by Mr. Bender. All in favor; none opposed. Motion carried. Vote 4:0.

**f. Motion Requesting Permission to Award Professional Services to Michael Baker International for Finalization of the Comprehensive Plan**

Dave Manhardt, Director, Community Development Department, explained they are requesting permission to award professional services with regard to the finalization of the CP. We have all this information, and now looking for assistance in putting it all together into a neat, concise plan. Proposal is not to exceed \$40,000. There are some add-ons in the proposals, including graphic design, so we are asking that the amount not exceed \$50,000. \$100,000 has been budgeted for. We would use half of this, and then use the other half during the implementation phase of the CP. The consultant help will accelerate the timeline,

and will help take some of the weight of this project off of Staff—Gregg and Dave. Once we get through the Drafts of the CP, we will be 80% there. This has taken a long time, but realistically by year end, we hope to have an approved CP, which is achievable.

A bar chart schedule, with interim milestones from now until intended year end completion will be provided to the BOC. Dave said this is something we will work with Michael Baker on. Dave said we will also bring up scheduling at the next workshop. Milestone reports will also be shared at the Workshops.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, Motion Requesting Permission to Award Professional Services to Michael Baker International for Finalization of the Comprehensive Plan. All in favor; none opposed. Motion carried. Vote 4:0.

## **10. CORRESPONDENCE AND INFORMATION ITEMS:**

### **a. Boards and Commissions – Informational Items/Vacancies**

#### **CURRENT VACANCIES ON BOARDS/COMMISSIONS:**

1. Civil Service Commission - 1 Alternate Vacancy
2. Green Advisory Council - 1 Vacancy
3. Landscape Shade Tree Commission - 2 Vacancies
4. Park & Recreation Board - 1 Vacancy
5. Environmental Advisory Council - 3 Vacancies

#### **UPCOMING MEETINGS: Details posted on website.**

- Monday, May 9th - Parks & Recreation Board, 7:00 p.m.
- Tuesday, May 10th - Comprehensive Plan Workshop, 7:00 p.m.
- Wednesday, May 11th - Civil Service Commission, 1:00 p.m.
- Thursday, May 12th - Crime Watch Meeting, 6:00 p.m.
- Monday, May 16th - Green Advisory Council, 6:00 p.m.

President Kelly – touched on resident complaints with regard to an increase in litter along the Jordan Creek Greenway and SW Chase Park. Perhaps we could bring in volunteer groups periodically to help out in this area. Mr. Cope will look into this.

Commissioner Hodges – had similar complaints, which related to overflowing of garbage cans. Perhaps we could have more frequent checks on the trash cans to avoid overflow. Also, received a complaint with regard to Jordan Road, between Haasadahl and Huckleberry Roads, there is a lot of dumping. PW to put up “No Dumping” signs in this area. Chief said will have those who patrol that area, keep an eye on it, and make them aware there is habitual, ongoing dumping going on in this area.

#### **May 7, 2022, Finance Committee Report – Commissioner Wolk.**

1. 2021 Audit – SWT Auditor has all the information required to complete the 2021 Audit. The Auditor will complete the 2021 Audit Reports by end of May 2022. Present Audit Reports to the FN Committee on June 9, 2022, and to the BOC on June 15, 2022.
2. Fund Balance Policy – FN Committee agreed to final revisions to the policy, to be presented later in this meeting.

3. Financial Statements – FN Director, Scott Boehret reported that certain accounts are projecting to be over budget; therefore, he will speak with staff about the need to manage these budget accounts more closely.
4. Discussion re-the 2023 Budget Instructions and Timeline – All in accordance with BOC directive to revise the budget process to make certain improvements.
  - a. Highlights
    - All budgets will be balanced and provide sufficient revenues to cover expenditures. Staff budgets will be zero-based where Staff will justify every expenditure.
    - Timeline – The FN Director will initiate the Budget Process in June, which is earlier than done previously. The BOC, for the first time, will proactively provide goals and direction, which will occur in July. BOC will then provide feedback to Staff on their initial proposed budgets, also in July. This new process will make the final budget workshops in October and November much more effective, unless iterative.
5. Pension Fund – Commissioner Kennedy serves on both the FN Committee and the Pension Committee. The Pension Committee will meet to review the information provided by a citizen at the last BOC meeting.
6. Campus Renovation – Scott Boehret reported there is one remaining piece of work which needs to be done, which is seeding. Once this work is complete, that will allow SWT to receive the \$1M Funds being retained by the bank for the overall project.
7. Purchasing Policy – We only had short discussion on this. At our next meeting will review a proposed draft Purchasing Policy. We need to review the Policy, but at the same time, there are potential updates to the underlying payment systems, so we need to look at the two in tandem in order to figure out how to make progress.
8. Refuse Bills – FN Committee discussed the need to stop sending zero balanced bills.
9. Credit Card Payment System – The Committee discussed the goal, which is to provide the best citizen credit card payment system that will be used to pay utility bills and parks fees. The current system has limitations, which cause citizen underutilization and staff efficiency to be low. Question also whether township or citizen should pay the transaction fee. Scott Boehret, Director of Finance, is investigating an alternate credit card payment system. He will provide an updated report after his investigations are complete. And overall, the Munis upgrade must be completed before any new credit card payment system could be used.
10. Potential for a SWT 501(c)(3) – Mike Kukitz provided much information on this from the parks' perspective. Talked about the need to establish a 501(c)(3) so that people can donate money and get a tax deduction and so that the Township can apply for grants and use the donated money as matching funds. Any 501(c)(3) would require a separate board president and financial statements. Action Item – we need Solicitor Zator/Alderfer's legal advice whether SWT can establish either of these two things--#1 Umbrella 501(c)(3) where the donated money is used for multiple purposes or #2, we would have multiple 501(c)(3)s, and each one of those would have an individual, specific purpose. Question—What priority should be placed on establishing a 501(c)(3), which means should work be done on it at this time or not? Should Solicitor Zator be able to provide legal advice how to set up 501(c)(3)s? The Board was in agreement in moving forward with the 501(c)(3), and having the Solicitor's office begin to help with this. Solicitor Alderfer said that she understands the concept and what they are being asked to do. She said if that is what the Board wishes, they can certainly do that.

This ended the Finance Report.

### Land Preservation Committee Report – Commissioner Wolk

Brief preliminary meeting held on April 27<sup>th</sup>—Randy Cope, Dave Manhardt, and Commissioner Wolk attended. Commissioner Osborne, was out of town. Full Committee will be meeting next on Monday, May 9<sup>th</sup>. Will provide a full report out at the next BOC Meeting on May 18<sup>th</sup>. As part of our discussions, we are considering the April 13<sup>th</sup> Land Preservation Workshop, which will be part of our report back to the BOC.

**11. OLD BUSINESS**

**a. Wehr's Dam** – Discussed earlier under MOTIONS.

**b. Comprehensive Plan Update**

Dave Manhardt, Director, Community Development Department, explained that the next workshop is scheduled for Tuesday, May 10<sup>th</sup>. Been working on revising the resource protection goals and strategies, which has been reformatted to be more concise. Will present and review those, followed by community utilities. Also, a comment forum has been added to website regarding what has been covered at the workshop. Michael Baker will help promote more engagement in this process.

**c. Jordan Creek Greenway, Phase I, from River Road to Cedar Crest Boulevard**

Randy Cope, Interim Township Manager, explained we received a \$1M grant through TASA to support the construction from Wehr Mill Road to Lapp Road. We do have a pinch point along River Road at the guiderail, where we held a meeting with some representatives from LTAP, Michael Baker, etc. We are currently in the design phase. We reviewed all our options out there to ensure the trail is safely designed for long-term use and for pedestrians. Should receive some design information shortly with regard to that pinch point. Hope to have more info to report out at the May 18<sup>th</sup> BOC Meeting.

**11. DIRECTION/DISCUSSION ITEMS:**

**a. Scott Boehret, Director of Finance - Fund Balance Policy**

Scott Boehret, Director of Finance, walked through the highlights of this policy. This is one of 8 policies to be brought to the BOC as part of continued efforts to improve our fiscal responsibility. This policy is the most paramount to having sound financial backing. There are five types of fund balance. This Fund Balance Policy, the one we are setting the threshold for, is what is called the unrestricted or unassigned fund balance. (Copy of said policy, which was discussed this evening, has been attached to this set up minutes.)

To obtain the fund balances noted in the report, this is done in the budgeting process. A plan will be built so that over the course of five years we would get to certain levels.

“The BOC has the authority and accountability over this entire Fund Balance Policy”—this verbiage will be moved to page 1, closer to paragraph 1 of this policy—it was previously on page 4, and then again have it listed on page 5 of the document, especially in light of the enterprise funds. This verbiage needs to be solidified more fully in this document. Also, it needs to be clear that this plan needs to be brought before the BOC for its approval—this should not simply be implied, but written out in this document.

Also, with regard to the General Fund (not the enterprise funds), to change the five years to two years, in order to bring the balance back to the target level. (See page 3 of policy, last paragraph.)

It was suggested by Commissioner Kennedy that since Commissioner Osborne was absent, that the BOC take this and read it, review it, and sent back to Scott with the changes as

discussed, for recommendations to be incorporated. Finance Committee will meet on May 19<sup>th</sup> and can discuss again at that time. Then, this could be moved forward at the June 1<sup>st</sup> BOC Meeting. Everyone was in agreement with this suggestion.

**b. Springhouse Road Preserved Open Space Naming Rights**

Interim Township Manager, Randy Cope explained that as most know, we received a very generous and significant donation of preserved Open Space along Springhouse Road and Route 22. After the donation was finalized, a request came in from the donor's attorney to our solicitor to gage the interest of the BOC regarding the potential naming rights of this property. Mr. Davis would prefer the name of Davis Smith Fields, a combination of Dave's last name and his wife Jodi's maiden name. Both Dave and Jodi have strong ties to the area here, so having this named after them, would mean a great deal to them. If tonight's discussion leads to the Board being amenable to this idea, staff would begin working with the attorneys to prepare a resolution for the Board's consideration at an upcoming meeting.

The term Preserved Open Space could be used based on the agreement of sale. Preserved Open Space—Davis Smith Fields. Attorney Alder will refresh her memory as to what the actual deed restriction says, and then of course work with Attorney Kobal. Attorney Stephanie Kobal, of Fitzpatrick Lentz & Bubba, on behalf of Dave and Jodi Davis, said that she would be happy to work with the Township Solicitor to figure out what configuration works best within the confines of the deed restriction. The Board was in agreement on this.

**c. Environmental Advisory Council**

President Kelly said this topic was brought up at our last meeting. Commissioner Wolk said there was an action item to go back and find out the history, resolutions, bylaws of these Boards/Commissions as to why they exist—what's the structure, the purpose. Dave Manhardt did this background work. The Board was in agreement that another Workshop be scheduled for this exact purpose. President Kelly said an email will be circulated to Board for dates, and then see what we can concur with Staff/Board.

**Development being proposed on Church Road** - President Kelly would like to add this to the workshop agenda also. Specifically, with regard to this road, how to change a road into a cal de sac—what is that process for doing that? Dave Manhardt said this could also be something discussed at the transportation portion of the CP discussions.

**Warehouse Project** - There will be shoulder widening, but not straightening. And, Dave Manhardt suggested that on account of the Wawa Project and the 309 Betterment Project, there could be straightening. Dave said at this point it is conceptual, and we are trying to see what it would take to make that happen.

**18-Wheelers on Snow Drift Road** – This is a very narrow road, and it was mentioned that perhaps this could be posted to prevent 18-Wheelers, etc from traveling on this road. Dave Manhardt said when the Chapmans Warehouse came in, there was a proposed truck route—PennDOT had a process for designating truck routes. While that was in process, PennDOT changed the regulations to allow tractor trailers basically on any road. There is a process to restrict roads, which Dave sees this as something coming up in the CP—better truck routes

through the township, and the researching of that process, and then implementation of that process. Brian Hite explained that it was elected officials who changed that law, not PennDOT, to allow trucks on any state route.

Commissioner Hodges – She would like to see some kind of memorial here, something permanent, on Campus for Howard Kutzler, who was a Township Manager here at SWT. She feels this could be done with donations received. Would appreciate feedback from Staff, Commissioners, and Public. The Board was in agreement on this. Randy will work with Commissioner Hodges on this project and report back to the Board.

SWT Historical Society - Lastly, by year end, Commissioner Hodges said she would like to start a historical society in SWT. There is so much history that exists. There are so many things she would like to see preserved and pointed out and hopes to move forward with this sometime this year. This is something which can be discussed in more detail when Commissioner Osborne is present. President Kelly said this item can be added to the Workshop agenda as well. Dave Manhardt said this can also be discussed at the Planning Commission Workshop as historical resources is a piece of that and actually one of the items in the implementable action.

12. **COURTESY OF THE FLOOR:** Public Comment on Non-Agenda Items – None.

13. **MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS:**

a. **Invoices and Disbursements**

A MOTION was made by Commissioner Hodges, which was seconded by Commissioner Wolk, to approve the payment of all invoices. All in favor; none opposed. Motion carried.

14. **EXECUTIVE SESSION:** President Kelly said that the Board will meet immediately after this meeting convenes, in executive session, to discuss personnel matters.

15. **ADJOURNMENT:** At 9:01 p.m., a MOTION was made by President Kelly to adjourn. All in favor; none opposed.

## South Whitehall Township

### Fund Balance Policy

#### Purpose

The purpose of this policy is to establish a target level of fund balance for South Whitehall Township. This policy will establish a process and criteria for the continued evaluation of this target level as conditions warrant and will address target fund balances for reserve and business-type funds as well. The policy will also establish standard classifications for various types of fund balances.

This policy shall establish a process for reaching and maintaining the target level of unassigned fund balance in the General Fund, and the priority for the use of amounts more than the target. Finally, this policy shall provide a mechanism for monitoring and reporting the Township's fund balance.

#### Definitions and Classifications

*Fund Balance* is a term used to describe the net assets of governmental funds. It is calculated as the difference between the assets and liabilities reported in a governmental fund and reported in the annual audit of the Township's fiscal operations.

Governmental fund balance is reported in five classifications that comprise a hierarchy based primarily on the extent to which the Township is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The five classifications of fund balances are defined as follows.

- **Non-spendable** fund balance includes amounts that are not in a spendable form (inventory, for example) or are required to be maintained intact.
- **Restricted** fund balance includes amounts that can be spent only for the specific purposes stipulated by external resource providers (for example, grant providers), constitutionally, or through enabling legislation (that is, legislation that creates a new revenue source and restricts its use). Effectively, restrictions may be changed or lifted only with the consent of resource providers.
- **Committed** fund balance includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Commitments may be changed or lifted only by the government taking the same formal action that imposed the constraint originally.
- **Assigned** fund balance comprises amounts intended to be used by the government for specific purposes. Intent can be expressed by the governing body or by an official to which the governing body delegates the authority. In governmental funds other than the General Fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.

- **Unassigned** fund balance is the residual classification for the general fund and includes all amounts not contained in the other classifications. Unassigned amounts are technically available for any purpose.

The committed, assigned, and unassigned classifications are often referred to, in the aggregate, as the *unrestricted fund balance*.

GAAP means generally accepted accounting principles in the United States. The Director of Finance, in accordance with GAAP, shall report fund balance in the appropriate classifications and make the appropriate disclosures in the Township's financial statements. Unless classified as restricted or committed, the following balances shall be classified as assigned per GAAP or as required by this policy.

**Background and Considerations** Fund balance is intended to serve as a measure of financial resources in a governmental fund. The Township's Board of Commissioners, management, credit rating services, and citizens monitor the levels of fund balances as important indicators of the Township's economic condition. While the credit rating services have always analyzed fund balance as part of their evaluation of creditworthiness, these services have recently focused increased attention on evaluating appropriate fund balance levels due to concerns reflected in the credit markets.

Finally, the Township has also recognized the need to improve its overall fund balance and as a related effect, its overall liquidity. While a strong fund balance for the General Fund is certainly a priority, it does little good if it is offset by weak or balances elsewhere. Similarly, creating a schedule of expenses for the Capital Projects Fund will enable the Township to build up internal balances to fund future projects, rather than being forced to borrow to replace assets.

All these events have prompted South Whitehall Township to evaluate its circumstances and develop this policy. In establishing an appropriate level of fund balance, SWT has considered the following factors:

*Property tax base.* The property tax is the largest revenue source of the Township's general fund. It is the source of revenue backing the Township's general obligation debt. The dependence of the Township on large taxpayers and changes in the overall collection rate are important factors in assessing the stability of this revenue source.

*Admission tax revenues.* Resources must be considered in terms of the percentage each comprises of the total budget, as well as the reliability and stability of these resources. In SWT, this has historically been about ten percent of our total General Fund Budget, specifically from the Dorney Park Admission Tax. As such, this factor affects the need for a higher fund balance.

*Exposure to significant outlays.* The Township shall consider its potential exposure to significant one-time outlays, either resulting from a disaster, immediate capital needs, state budget cuts or other events. While better insulated than many communities, the Township still needs to allocate amounts of fund balance to cover these contingencies.

*Debt profile.* It is essential that the Township have sufficient capacity to make its debt service payments. Sufficient capacity must be maintained in the event of interruptions or reductions in revenue flow, or in the event of unforeseen expenditures. In determining the appropriate capacity, the Township will consider its existing debt service profile as well as its future debt service profile as developed in the

Township's capital improvement program. Debt service shall be reviewed in total as well as net of any other revenues that may be used to result in a net amount to be funded from property taxes.

*Liquidity.* An adequate level of fund balance should be maintained to ensure sufficient liquidity especially considering the timing of tax revenues. The potential drain on General Fund resources from other funds, as well as the availability of resources in other funds, should be considered.

*Budget management.* Budgetary variances are an indicator of an ability to manage the Township's financial affairs. A consistent pattern of positive budgetary variances along with moderate increases in the growth of the annual operating budget can be viewed as evidence of strong budgetary management. Evidence of weak budgetary management would necessitate a review of the appropriate levels of fund balance.

**GFOA Best Practice.** The Government Finance Officers Association (GFOA) has established a best practice that recommends, "At a minimum, that general-purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures." GFOA's best practice also states, "governments may deem it appropriate to exclude from consideration resources that have been committed or assigned to some other purpose and focus on unassigned fund balance rather than unrestricted fund balance."

As such, it is the **Policy of South Whitehall Township** to maintain unassigned fund balance in the General Fund between 20% and 30% of yearly General Fund revenues measured on a GAAP basis. If the unassigned fund balance drops below the minimum level of 20%, the Township Manager will develop a plan, implemented through the annual budgetary process, to bring the balance to the target level over a period of no more than five (5) years. If the unassigned fund balance goes above the level of 30%, a similar plan will be developed for consideration to bring the level down, perhaps utilizing transfers to fund the Long-Term Capital Improvement Plan, pre-paying on pension obligations, pre-paying on debt, or likewise.

**Other Definitions:**

*Encumbrances.* Amounts encumbered at year-end by purchase order or another means (carry forward authorizations by the BOC) shall be classified as assigned.

*Capital Budget.* Amounts designated in the first year of the Township's capital improvement program as either appropriations or advances to other funds shall be classified as assigned.

*Professional Judgment.* Amounts the Township Manager and Director of Finance determine, in their professional judgment, represent the Township's intended use of fund balance.

**Policy Administration.**

The Board of Commissioners has the overall authority and accountability for the Fund Balance Policy.

This policy shall be amended from time to time by the Board of Commissioners to assure continued compliance with Generally Accepted Accounting Principles.

Annually the Director of Finance with the assistance of the Township Manager shall report the Township's fund balances and the classification of the various components in accordance with GAAP and this policy.

The Township Manager and Director of Finance shall annually review this policy and the considerations used in establishing the unassigned fund balance target. The Director of Finance shall report whether changes in those considerations or additional considerations have been identified that would change the recommended level of unassigned fund balance.

Additionally, the Township Manager will set target levels for reserve funds on a yearly basis. Should the Township fall below the target level, the Township Manager shall prepare a plan to restore the unassigned fund balance to the target level within five (5) years.

**Regarding Proprietary Funds and Net Position**

Enterprise Funds (Water, Sewer, and Refuse) do not use the term "Fund Balance. Instead, they use the term "Net Position". The following classifications, defined by governmental accounting standards, exist to improve the usefulness of net position information.

*Net investment in capital assets* - the net amount invested in capital assets (original costs, net of accumulated depreciation and capital-related debt)

*Restricted Net position* – amount of net position for which limitations have been placed by creditors, grantors, contributors, laws, and regulations.

Internal actions through legislation (which is legally enforceable) and constitutional provisions may also lead to restricted net position. From time to time, the BOC may deem it appropriate to restrict a portion of net position for a future capital project as identified.

*Unrestricted* – the amount of net position that is not restricted or invested in capital assets, net of related debt.

The Township receives much of its enterprise fund revenues through user fees tied to billing charges. Some of these fees are fixed, and some are consumption-based. The fixed fees have little predictability risk, due to their static nature. However, the consumption-based charges have a high risk of fluctuations, depending on weather, or other factors.

Additionally, due to the nature of the relationship between South Whitehall Township and Lehigh County Authority and the 1973 Agreement, it is imperative that the Township build its unrestricted net position to mitigate the rising cost estimate of the future Kline's Island expansion.

#### **Water Fund**

Based on the specific risk factors for the Water Fund listed above, it is the policy of South Whitehall Township to have a Net Position equal to or greater than \$5 million.

#### **Sewer Fund**

Based on the specific risk factors for the Sewer Fund as listed above, it is the policy of South Whitehall Township to have a Net Position equal to or greater than \$10 million, until the Kline's Island expansion is resolved.

#### **Refuse Fund**

It is our Policy to achieve and maintain a Net Position of at least 2 months of operating expenses. (per the 2020 year, this would be equal to approximately \$477,000).

Proposed budgets, or budget revisions, will maintains these levels of reserve. However, if the provisions described herein fall below the allotted thresholds, due to unforeseen revenue or expenditure fluctuations, the Township Manager and Director of Finance will develop a restoration plan in accordance with this policy.



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

**ORDINANCE NO. 2022-  
(Duly adopted \_\_\_\_\_, 2022)**

**AN ORDINANCE REENACTING, AMENDING, AND RESTATING  
CHAPTER 144 ARTICLE IV (BUILDING CODE) OF THE  
CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP  
IN ITS ENTIRETY AND ADOPTING THE 2018 EDITION OF THE  
INTERNATIONAL BUILDING CODE WITH LOCAL  
AMENDMENTS AS THE BUILDING CODE OF SOUTH  
WHITEHALL TOWNSHIP AND AS PART OF THE MUNICIPAL  
BUILDING CODE OF SOUTH WHITEHALL TOWNSHIP;  
REPEALER; NO EFFECT ON PENDING SUITS OR  
PROCEEDINGS; SEVERABILITY; EFFECTIVE DATE**

**WHEREAS**, by Ordinance No. 797, adopted on June 16, 2004, the Board of Commissioners of South Whitehall Township (the **“Board”**) elected to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.1103 et seq., as amended from time to time, and its regulations; and

**WHEREAS**, by Ordinance No. 797, the Board adopted the Uniform Construction Code contained in 34 PA Code Chapters 401-405, as amended from time to time, as the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, by Ordinance No. 797, the Board preserved the full force and effect of all building code ordinances, or portions of such ordinances (**“Prior Building Code Ordinance”**), which were adopted by South Whitehall Township on or before July 1, 1999, and which equal or exceed the requirements of the Uniform Construction Code; and

**WHEREAS**, Ordinance No. 689 adopted on February 17, 1999 is a Prior Building Code Ordinance in full force and effect pursuant to Ordinance No. 797 and Section 303(b)(1) of the Pennsylvania Construction Code Act; and

**WHEREAS**, by Ordinance No. 956 adopted on August 15, 2012, the Board reenacted the 2009 International Building code with certain requirements from Ordinance No. 689 that exceed the requirements of the Uniform Construction Code, as amended, as the Building Code of South Whitehall Township and as part of the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, by Ordinance No. 1034 adopted on December 19, 2018, the Board reenacted the 2015 International Building Code with certain requirements from Ordinance No. 956 that exceed the requirements of the Uniform Construction Code, as

amended, as the Building Code of South Whitehall Township and as part of the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, the certain requirements of Ordinance No. 1034 that exceed the requirements of the Uniform Construction Code, as amended, are as follows:

**Section 116.4 Violation penalties.** Any person who violates a provision of this Code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the building official, or a permit or certificate issued under the provisions of this Code, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that a violation continues shall be deemed to be a separate violation.

**Section 117.2 Unlawful Continuance.** Any person who continues any work in or about the structure after having been served with a "Stop Work Order", except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be less than \$100.00 and shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that a violation continues shall be deemed to be a separate violation.

**Section 119.6 Disregard of Unsafe Notice.** Upon refusal or neglect of the person served with an "unsafe notice" to comply with the requirements of the order to abate the unsafe condition, the Township Solicitor shall be advised of all the facts and shall institute the appropriate action to compel compliance, including but not limited to an action to abate a nuisance. Any person failing to comply with the requirements of the abatement order shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of civil penalty for each such failure to comply with an abatement order shall be not more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that the failure to comply with an abatement order continues shall be deemed to be a separate failure to comply with an abatement order.

In the event that the required repair or demolition is not commenced within the stipulated time, the Code Official shall have the power to post at each entrance a notice warning of an unsafe condition.

No person shall occupy the building or any part thereof or remove or deface the aforementioned "unsafe building" notice until or at such time as all

repairs, demolition or removal ordered by the Code Official have been completed and the Building Certificate of Occupancy has been issued.

**WHEREAS**, the Board adopted the Township's Codified Ordinances on December 7, 2016 whereby the regulations of Ordinance No. 1034 were codified as Chapter 144, Article IV of said Codified Ordinances; and

**WHEREAS**, certain sections of the 2018 International Building Code require the Board to insert certain information; and

**WHEREAS**, the Board desires to reenact, amend and restate Chapter 144, Article IV in its entirety consistent with the provisions of the International Building Code, 2018 edition, together with certain insertions and the foregoing requirements from Ordinance No. 1034 adopted December 19, 2018 that exceed the requirements of the Uniform Construction Code, as amended.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of South Whitehall Township that Chapter 144, Article IV (Building Code) of the Codified Ordinances is hereby reenacted, amended, and restated in its entirety as follows:

## **SECTION 1. RESTATEMENT OF CHAPTER 144, ARTICLE IV**

### **§ 144-17 Adoption of 2018 International Building Code.**

That a certain document, three (3) copies of which are on file in the office of South Whitehall Township, being marked and designated as the International Building Code, 2018 edition, as published by the International Code Council be and is hereby adopted as the Building Code of South Whitehall Township, in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as hereby provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Department of Community Development of South Whitehall Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section § 144-18 of this Ordinance.

**§ 144-18        Additions, Insertions, and Changes to International Building Code, 2018 edition**

**A. Section 101.1 Title.** Insert “South Whitehall Township” in the space indicated by [NAME OF JURISDICTION].

**B. Section 114.4 “Violation penalties”** shall be changed to read:

**Section 114.4 Violation penalties.** Any person who violates a provision of this Code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney’s fees. Each day that a violation continues shall be deemed to be a separate violation.

**C. Section 115.3 “Unlawful continuance”** shall be changed to read:

**Section 115.3 Unlawful continuance.** Any person who continues any work in or about the structure after having been served with a “Stop Work Order”, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall be not less than \$100.00 and shall be not more than \$1,000.00 plus costs of the enforcement action including reasonable attorney’s fees. Each day that a violation continues shall be deemed to be a separate violation.

**D. Section 115 “Stop Work Order”** shall be amended to add Section 115.4 titled “Disregard of Unsafe Notice” which shall read:

**Section 115.4 Disregard of unsafe notice.** Upon refusal or neglect of the person served with an “unsafe notice” to comply with the requirements of the order to abate the unsafe condition, the Township Solicitor shall be advised of all the facts and shall institute the appropriate action to compel compliance, including but not limited to an action to abate a nuisance. Any person failing to comply with the requirements of the abatement order shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such failure to comply with an abatement order shall be not more than \$1,000.00 plus costs of the enforcement action including reasonable attorney’s fees. Each day that the failure to comply with an abatement order continues shall be deemed to be a separate failure to comply with an abatement order.

In the event that the required repair or demolition is not commenced within the stipulated time, the Code Official shall have the power to post at each entrance a warning notice of an unsafe building condition.

No person shall occupy the building or any part thereof or remove or deface the aforementioned “unsafe building” notice until or at such time as all repairs, demolition or removal ordered by the Code Official have been completed and the Building Certificate of Occupancy has been issued.

**E. Section 1612.3 Establishment of flood hazard areas.** Insert “South Whitehall Township” in the space indicated by [NAME OF JURISDICTION].

**F. Section 1612.3 Establishment of flood hazard areas.** Insert “July 16, 2004” in the space indicated by [DATE OF ISSUANCE].

#### **§144-18.1 REPEALER**

All parts of Ordinance No. 1034 and all other ordinances, resolutions, or other regulations of the Township in conflict with this Ordinance are hereby expressly repealed, but only to the extent of such conflict.

#### **§ 144-18.2 NO EFFECT ON PENDING SUITS OR PROCEEDINGS**

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Code or Ordinance.

#### **SECTION 2. SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners for South Whitehall Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

#### **SECTION 3 EFFECTIVE DATE**

This Ordinance shall be effective immediately.

**DULY ENACTED AND ORDAINED** as an Ordinance this \_\_\_\_\_ of \_\_\_\_\_, 2022 by a majority of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL  
BOARD OF COMMISSIONERS**

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Diane Kelly, President

ATTEST:

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Scott Boehret, Secretary

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

**ORDINANCE NO. 2022-  
(Duly adopted \_\_\_\_\_, 2022)**

**AN ORDINANCE REENACTING, AMENDING, AND RESTATING  
CHAPTER 144 ARTICLE VI (RESIDENTIAL CODE) OF THE  
CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP  
IN ITS ENTIRETY AND ADOPTING THE 2018 EDITION OF THE  
INTERNATIONAL RESIDENTIAL CODE WITH LOCAL  
AMENDMENTS AS PART OF THE MUNICIPAL BUILDING  
CODE OF SOUTH WHITEHALL TOWNSHIP; REPEALER; NO  
EFFECT ON PENDING SUITS OR PROCEEDINGS;  
SEVERABILITY; EFFECTIVE DATE**

**WHEREAS**, by Ordinance No. 797, adopted on June 16, 2004, the Board of Commissioners of South Whitehall Township (the **“Board”**) elected to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.1103 et seq., as amended from time to time, and its regulations; and

**WHEREAS**, by Ordinance No. 797, the Board adopted the Uniform Construction Code contained in 34 PA Code Chapters 401-405, as amended from time to time, as the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, by Ordinance No. 797, the Board preserved the full force and effect of all building code ordinances, or portions of such ordinances (**“Prior Building Code Ordinance”**), which were adopted by South Whitehall Township on or before July 1, 1999, and which equal or exceed the requirements of the Uniform Construction Code; and

**WHEREAS**, Ordinance No. 689 adopted on February 17, 1999 is a Prior Building Code Ordinance in full force and effect pursuant to Ordinance No. 797 and Section 303(b)(1) of the Pennsylvania Construction Code Act; and

**WHEREAS**, Ordinance No. 957 adopted on August 15, 2012, the Board reenacted the 2009 International Residential Code with certain insertions together with certain requirements from Ordinance No. 686 and 689 that exceed the requirements of the Uniform Construction Code, as amended, as part of the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, by Ordinance No. 1035 adopted on December 19, 2018, the Board reenacted the 2015 International Residential Code with certain requirements from Ordinance No. 957 that exceed the requirements of the Uniform Construction Code, as amended, as part of the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, the certain requirements of Ordinance No. 1035 that exceed the requirements of the Uniform Construction Code, as amended, that the Board desires to reenact are as follows:

**Section 609.12.18 Meter valve.** Wherever a new service connection to a central water system is made, or whenever an existing water meter is replaced (other than as exempted below), then a double check-valve assembly shall be installed and maintained in the water distribution piping on the building side of the water meter. The double check-valve assembly shall be identical in size with the meter connection.

Existing water meters in one and two family detached dwellings, as of the date of adoption of this Ordinance, shall be exempt from the double check-valve assembly requirements, for as long as said one or two family use is maintained. Provided, however, that this exemption shall not be applicable to those dwellings where the Code Official has specifically determined in writing that there is an actual, imminent threat to the public health and safety from the lack of a double check-valve assembly; and further provided, that this exemption shall not be applicable to the extent that the Pennsylvania Department of Environmental Protection has issued a final, binding order to the contrary to the Township or others.

**Appendix B Principle No. 6 Use Public Water and Sewer Where Available.** Every building intended for human habitation shall utilize public water and sewer services, if such building is situated within one hundred fifty feet (150') of lines providing such services.

**WHEREAS**, the certain requirements of Ordinance No. 1035 that exceed the requirements of the Uniform Construction Code, as amended, are as follows:

**Section 116.4 Violation penalties.** Any person who violates a provision of this Code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the building official, or a permit or certificate issued under the provisions of this Code, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that a violation continues shall be deemed to be a separate violation.

**Section 117.2 Unlawful Continuance.** Any person who continues any work in or about the structure after having been served with a "Stop Work Order", except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a civil penalty, upon a finding of liability by the

District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be less than \$100.00 and shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that a violation continues shall be deemed to be a separate violation.

**Section 119.6 Disregard of Unsafe Notice.** Upon refusal or neglect of the person served with an "unsafe notice" to comply with the requirements of the order to abate the unsafe condition, the Township Solicitor shall be advised of all the facts and shall institute the appropriate action to compel compliance, including but not limited to an action to abate a nuisance. Any person failing to comply with the requirements of the abatement order shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of civil penalty for each such failure to comply with an abatement order shall be not more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that the failure to comply with an abatement order continues shall be deemed to be a separate failure to comply with an abatement order.

In the event that the required repair or demolition is not commenced within the stipulated time, the Code Official shall have the power to post at each entrance a notice warning of an unsafe condition.

No person shall occupy the building or any part thereof or remove or deface the aforementioned "unsafe building" notice until or at such time as all repairs, demolition or removal order by the Code Official have been completed and the Building Certificate of Occupancy has been issued.

**WHEREAS**, the Board adopted the Township's Codified Ordinances on December 7, 2016 whereby the regulations of Ordinance No. 1035 and subsequent amendments were codified as Chapter 144, Article VI of said Codified Ordinances; and

**WHEREAS**, the 2018 International Residential Code regulates and governs the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress and further provides for the issuance of permits and collection of fees therefor; and

**WHEREAS**, the 2018 International Residential Code contains certain sections that require the Board to insert certain information; and

**WHEREAS**, the Board desires to reenact, amend and restate Chapter 144, Article VI (Residential Code) of the Codified Ordinances in its entirety consistent with the provisions of the 2018 International Residential Code together with certain insertions and

the foregoing requirements from Ordinance No. 1035 adopted on December 19, 2018 that exceed the requirements of the Uniform Construction Code, as amended.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of South Whitehall Township that Chapter 144, Article VI (Residential Code) of the Codified Ordinances is hereby reenacted, amended, and restated in its entirety as follows:

## **SECTION 1. RESTATEMENT OF CHAPTER 144, ARTICLE IV**

### **§ 144-20 Adoption of 2018 International Residential Code.**

That a certain document, three (3) copies of which are on file in the office of the Department of Community Development of South Whitehall Township, being marked and designated as the International Residential Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of South Whitehall Township, in the Commonwealth of Pennsylvania, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwelling (townhouses) not more than three stories in height with separate means of egress as herein provided: providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Department of Community Development of South Whitehall Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 144-21 of this Ordinance.

### **§ 144-21 Additions, Insertions, and Changes to International Residential Code, 2018 edition**

**A. Section R101.1 Title.** Insert “South Whitehall Township” in the space indicated by [NAME OF JURISDICTION].

**B. Section R113.4 “Violation penalties”** shall be changed to read:

**R113.4 Violation penalties.** Any person who violates a provision of this Code, or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney’s fees. Each day that a violation continues shall be deemed to be a separate violation.

**C. Section R114.2 “Unlawful continuance”** shall be changed to read:

**R114.2 Unlawful continuance.** Any person who continues any work in or about the structure after having been served with a “Stop Work Order”, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall be not less than \$100.00 and shall be not more than \$1,000.00 plus costs of the enforcement action including reasonable attorney’s fees. Each day that a violation continues shall be deemed to be a separate violation.

**D. Section R114 “Stop Work Order”** shall amended to add **Section R114.3** titled “Disregard of Unsafe Notice” which shall read:

**Section 114.3 Disregard of unsafe notice.** Upon refusal or neglect of the person with an “unsafe notice” to comply with the requirements of the order to abate the unsafe condition, the Township Solicitor shall be advised of all the facts and shall initiate the appropriate action to compel compliance, including but not limited to an action to abate a nuisance. Any person failing to comply with the requirements of the abatement order shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other competent jurisdiction. The amount of the civil penalty for each such failure to comply with an abatement order shall be not more than \$1,000.00 plus costs of the enforcement action including reasonable attorney’s fees. Each day that the failure to comply with an abatement order continues shall be deemed to be a separate failure to comply with an abatement order.

In the event that the required repair or demolition is not commenced within the stipulated time, the Code Official shall have the power to post at each entrance a warning notice of an unsafe building condition.

No person shall occupy the building or any part thereof or remove or deface the aforementioned “unsafe building” notice until or at such time as all repairs, demolition or removal ordered by the Code Official have been completed and the Building Certificate of Occupancy has been issued.

**E. Table R301.2(1).** Insert the following:

**TABLE R301.2(1)**  
**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	30 psf
WIND DESIGN	
Speed (mph)	90 mph
Topographical effects	No
Special wind region	No

Wind-borne debris zone	No
SEISMIC DESIGN CATEGORY	B
SUBJECT TO DAMAGE FROM	
Weathering	Severe
Frost line depth	36"
Termite	Yes
WINTER DESIGN TEMP	9° F
ICE BARRIER UNDERLAYMENT REQUIRED	Yes
FLOOD HAZARDS	Some
AIR FREEZING INDEX	1500
MEAN ANNUAL TEMP	50° F
MANUAL J DESIGN CRITERIA	
Elevation	387 ft
Latitude	40°
Winter heating	9° F
Summer cooling	88° F
Altitude correction factor	1
Indoor design temperature	72° F
Design temperature cooling	75° F
Heating temperature difference	63° F
Cooling temperature difference	13° F
Wind velocity heating	18.6 mph
Wind velocity cooling	None
Coincidental wet bulb	72.7° F
Daily range	22° F
Winter humidity	78.05% RH
Summer humidity	46.56% RH

**F. Section P2602 INDIVIDUAL WATER SUPPLY AND SEWAGE DISPOSAL** shall be amended to read as follows:

**P2602.1.1 Public water supply and public sewer supply.** Every building intended for human habitation shall utilize public water and sewer services, if such building is situated within one hundred fifty feet (150') of lines providing such service.

**G. P2603.5.1 Sewer depth.** Insert "36 inches" in the spaces indicated by [NUMBER].

**H. SECTION P2902 PROTECTION OF POTABLE WATER SUPPLY** shall be amended to include subsection **P2902.5.6** which shall read as follows:

**P2902.5.6 Meter valve.** Wherever a new service connection to a central water system is made, or whenever an existing water meter is replaced (other than as exempted below), then a double check-valve assembly shall

be installed and maintained in the water distribution piping on the building side of the water meter. The double check-valve assembly shall be identical in size with the meter connection.

Existing water meters in one and two family detached dwellings. As of the date of adoption of this Ordinance, shall be exempt from the double check-valve assembly requirements, for as long as said one or two family use is maintained. Provided, however, that this exemption shall not be applicable to those dwellings where the Code Official has specifically determined in writing that there is an actual, imminent threat to the public health and safety from the lack of a double check-valve assembly; and further provided, that this exemption shall not be applicable to the extent that the Pennsylvania Department of Environmental Protection has issued a final, binding order to the contrary to the Township or others.

#### **§144-22 REPEALER**

All parts of Ordinance No. 1035 and all other ordinances, resolutions, or other regulations of the Township in conflict with this Ordinance are hereby expressly repealed, but only to the extent of such conflict.

#### **§ 144-23 NO EFFECT ON PENDING SUITS OR PROCEEDINGS**

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Code or Ordinance.

#### **SECTION 2. SEVERABILITY**

The provisions of this ordinance are declared to be severable. If any sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners for South Whitehall Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

#### **SECTION 3 EFFECTIVE DATE**

This Ordinance shall be effective immediately.

**DULY ENACTED AND ORDAINED** as an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by a majority of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Diane Kelly, President

ATTEST:

\_\_\_\_\_  
Scott Boehret, Secretary

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

**ORDINANCE NO. 2022-  
(Duly adopted \_\_\_\_\_, 2022)**

**AN ORDINANCE REENACTING, AMENDING, AND RESTATING  
CHAPTER 144 ARTICLE I (PLUMBING CODE) OF THE CODIFIED  
ORDINANCES OF SOUTH WHITEHALL TOWNSHIP IN ITS  
ENTIRETY AND ADOPTING THE 2018 EDITION OF THE  
INTERNATIONAL PLUMBING CODE WITH LOCAL AMENDMENTS  
AS THE PLUMBING CODE OF SOUTH WHITEHALL TOWNSHIP AND  
AS PART OF THE MUNICIPAL BUILDING CODE OF SOUTH  
WHITEHALL TOWNSHIP; REPEALER; NO EFFECT ON PENDING  
SUITS OR PROCEEDINGS; SEVERABILITY; EFFECTIVE DATE**

**WHEREAS**, by Ordinance No. 797, adopted on June 16, 2004, the Board of Commissioners of South Whitehall Township (the “**Board**”) elected to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.1103 et seq., as amended from time to time, and its regulations; and

**WHEREAS**, by Ordinance No. 797, the Board adopted the Uniform Construction Code contained in 34 PA Code Chapters 401-405, as amended from time to time, as the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, by Ordinance No. 797, the Board preserved the full force and effect of all building code ordinances, or portions of such ordinances (“**Prior Building Code Ordinance**”), which were adopted by South Whitehall Township on or before July 1, 1999, and which equal or exceed the requirements of the Uniform Construction Code; and

**WHEREAS**, Ordinance No. 686 adopted on February 17, 1999 is a Prior Building Code Ordinance in full force and effect pursuant to Ordinance No. 797 and Section 303(b)(1) of the Pennsylvania Construction Code Act; and

**WHEREAS**, by Ordinance No. 955 adopted on August 15, 2012, the Board reenacted the 2009 International Plumbing Code with certain requirements from Ordinance No. 686 that exceed the requirements of the Uniform Construction Code, as amended, as the Plumbing Code of South Whitehall Township and as part of the Municipal Building Code of South Whitehall Township; and

**WHEREAS**, by Ordinance No. 1042 adopted on April 17, 2019, the Board reenacted the 2015 International Plumbing Code with certain requirements from Ordinance No. 686 that exceed the requirements of the Uniform Construction Code, as amended, as the Plumbing Code of South Whitehall Township and as part of the Municipal Building Code of South Whitehall Township; and

**WHEREAS,** the certain requirements of Ordinance No. 686 that exceed the requirements of the Uniform Construction Code, as amended, are as follows:

**Section 18.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the Code Official shall request the Township Solicitor to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

**Section 108.4 Violation penalties.** Any person who violates a provision of this Code, this Ordinance, or the rules or regulations promulgated hereunder, or who fails to comply with any of the requirements thereof, or who installs plumbing work in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be less than \$100.00 and shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that a violation continues shall be deemed to be a separate violation.

**Section 108.5 Stop work orders.** Upon notice from the Code Official, work on any plumbing system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who continues any plumbing work in or about a structure after having been served with a "Stop Work Order", except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a civil penalty, upon a finding of liability by the District Justice or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall be not less than \$100.00 and shall not be more than \$1,000.00 plus costs of the enforcement action including reasonable attorney's fees. Each day that the violation continues shall be deemed to be a separate violation.

**Section 108.6 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises. Despite the assessment of a penalty in the form of a fine against the violator, the violation itself must still be corrected. Failure to make the necessary corrections will result in the violator being subject to additional penalties as described in the preceding section.

**Section 609.12.8 Meter valve.** Wherever a new service connection to a central water system is made, or whenever an existing water meter is replaced (other than exempted below), then a double check-valve assembly shall be installed and maintained in the

water distribution piping on the building side of the water meter. The double check-valve assembly shall be identical in size with the meter connection.

Existing water meters in one and two family detached dwellings, as of the date of this Ordinance, shall be exempt from this double check-valve assembly requirement, for as long as said one or two family use is maintained. Provided, however, that this exemption shall not be applicable to those dwellings where the Code Official has determined that there is an actual, imminent threat to the public health and safety from the lack of a double check-valve assembly; and further provided, that this exemption shall not be applicable to the extent that the Pennsylvania Department of Environmental Protection has issued a final, binding order to the Township or others to the contrary.

**Appendix B Principle No. 6 Use of Public Water and Sewer Where Available.** Every building intended for human habitation shall utilize public water and sewer services, if such building is situated within one hundred fifty feet (150') of lines providing such services.

**WHEREAS**, Section 4 of Ordinance No. 686 sets forth requirements related to certification and licensing of plumbers; and

**WHEREAS**, the Board desires to remove the certification and certain of the licensing requirements and procedures, and to amend other licensing provisions that had previously been adopted as part of Ordinance No. 686; and

**WHEREAS**, the Board adopted the Township's Codified Ordinances on December 7, 2016 whereby the regulations of Ordinance No. 955 and subsequent amendments were codified as Chapter 144, Article I (Plumbing Code) of said Codified Ordinances; and

**WHEREAS**, the 2018 edition of the International Plumbing Code regulates and governs the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems and provides for the issuance of permits and collection of fees therefor; and

**WHEREAS**, the 2018 edition of the International Plumbing Code contains certain sections that require the Board to insert certain information; and

**WHEREAS**, the Board desires to reenact, amend and restate Chapter 144, Article I (Plumbing Code) in its entirety consistent with the provisions of the International Plumbing Code, 2018 edition, together with certain insertions, and selected licensing provisions from Ordinance No. 686 adopted February 17, 1999 that exceed the requirements of the Uniform Construction Code, as amended.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of South Whitehall Township that Chapter 144, Article I (Plumbing Code) of the Codified Ordinances is hereby reenacted, amended, and restated in its entirety as follows:

## SECTION 1. RESTATEMENT OF CHAPTER 144, ARTICLE I

### § 144-1 Adoption of 2018 International Plumbing Code.

That a certain document, three (3) copies of which are on file in the office of South Whitehall Township, being marked and designated as the International Plumbing Code, 2018 edition, as published by the International Code Council be and is hereby adopted as the Plumbing Code of South Whitehall Township, in the Commonwealth of Pennsylvania, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Department of Community Development of South Whitehall Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 144-2 of this Ordinance.

### § 144-2 Additions, Amendments, Insertions, Deletions and Changes to International Plumbing Code, 2018 edition

#### A. Section 101.1 “Title” shall be amended to read:

**Section 101.1 Title.** These regulations shall be known as the “Plumbing Code of South Whitehall Township” herein referred to as “this Code.”

#### B. Section 106.6.2 “Fee schedule” shall be amended to read:

**Section 106.6.2 Fee schedule.** The fees for all plumbing work shall be as indicated in the schedule enacted by Resolution of the Board of Commissioners of South Whitehall Township and kept on file in the office of the Department of Community Development of South Whitehall Township for public inspection.

#### C. Section 106.6.3 “Fee refunds” shall be amended to read:

**Section 106.6.3 Fee refunds.** The Code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid where work has been done under a permit issued in accordance with this Code.
3. Not more than one hundred percent (100%) of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The Code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- D. Section 106 Permits** shall include Section 106.7 which shall be entitled “**Additional ordinance No. 686 Requirements – Permit application and licensing:** *(This Section included pursuant to portions of Ordinance No. 686 adopted February 17, 1999.)*”

**Section 106.7.1 Application for permit – responsible persons.** The full names and addresses of the owner, lessee, applicant, and the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application. *(Subsection 106.7.1 included pursuant to part of Subsection 106.3 of Section 3 of Ordinance No. 686 adopted February 17, 1999.)*

**Section 106.7.2 Licensing.** The following are the transition provisions for licensing from the prior ordinances, including (but not limited to) Ordinance No. 686 and the previous (now repealed) corresponding provisions of this Code, which shall apply from and after June 1, 2019:

- (a) **General.** The provisions of this Subsection 106.7.2 shall control the licensing of Master and Journeymen Plumbers who engage in plumbing, as defined by this Code, in South Whitehall Township.
- (b) **No new licenses, transition, renewal and termination.** It is hereby declared to be the intent of the Board that no new licenses shall be granted, and that while existing licenses shall be “grandfathered” subject to the provisions of this Subsection 106.7.2, such existing licenses shall be phased out by attrition through expiration, non-renewal, revocation, termination, surrender, lapse, death or retirement of the license holder, or otherwise.
- (1) **No new licenses.** After June 1, 2019, no new licenses for either Master or Journeyman Plumbers shall be issued by the Township.
- (2) **Existing licenses.** Existing licenses shall continue to be valid and effective, subject to such licenses being renewed in accordance with this Subsection 106.7.2, and the holder of such license not being in violation of the provisions of this Subsection 106.7.
- (3) **Term of license and renewal.** Every existing and outstanding license shall expire on the 31<sup>st</sup> day of December of each year. Each Licensee may renew said license by filing for re-registration between December 1 and December 31 of the year preceding the year for which the license is to be renewed.

(4) **Form.** Any person desiring to renew a license shall make application for the same on forms prepared and provided by the Township.

(5) **Effect of failure to renew license.** If any existing license is not timely renewed in accordance with this Subsection 106.7.2, then such license shall be deemed to have expired, lapsed, and automatically terminated, and shall not be renewed or reissued. The former holder of such license shall not be entitled to obtain a new or replacement license.

(6) **Revocation.** The Township's Building Code Board of Appeals ("**Appeals Board**") may revoke any license if the Appeals Board affirmatively finds that the license was obtained through non-disclosure, misstatement or misrepresentation of a material fact, or if a Licensee has violated any of the provisions, rules, or regulations of this Code or Ordinance. Before a license may be revoked, the Licensee shall be notified, in writing, of the charges against him or her and shall be entitled to a hearing by the Appeals Board not sooner than five (5) days after Licensee's receipt of notice. Notification shall be either hand-delivered or sent via certified mail to the address on record on the license application. Evidence that such notice was sent to the address of record shall constitute proper notification, notwithstanding the relocation of the Licensee, unless another or forwarding address was provided to the Township by the Licensee. The Licensee shall be given an opportunity to present testimony, oral or written, and other evidence, and shall have the right to cross-examine any and all witnesses. All testimony shall be given under oath or affirmation. The decision of the Appeals Board shall be based on the evidence produced at the hearing and shall be made, in writing, as part of the record. A person whose license has been revoked shall not be permitted to be re-licensed.

(7) **Licensing appeals.** All appeals and hearings regarding plumber's licensing matters, including but not limited to registration, fees, revocation, suspension, or any other decisions or determination, shall be held before the South Whitehall Township Building Code Appeals Board ("**Appeals Board**"), as established by the Municipal Building Code of South Whitehall Township, as amended from time to time. Such hearings may be initially informal, without a stenographic recording, and a full and complete record need not be kept by said Appeals Board. In any event, the Appeals Board's decision shall be certified in writing by the Appeals Board's Secretary to both appellant and Code Official.

Provided that any party to any such appeal or hearing (including but not limited to the appellant of the Code Official) may nevertheless request that such appeal or hearing be held initially in a formal manner, or reheard as of right in such a formal manner, with all testimony stenographically recorded and a full and complete record of the proceedings kept. The

party making such aa request shall furnish written notice to that effect to all other parties to such appeal or hearing, at least ten (10) days before the commencement of such hearing or appeal. The party making such a request shall also agree to pay all of the costs thereof in accordance with **Section 553.-Hearing and Record** of Chapter 5 – Practice and Procedure, Subchapter B. – Practice and Procedure of Local Agencies of the Pennsylvania “Local Agency Law,” codified at Title 2 of Purdon’s Pennsylvania Consolidated Statutes Annotated, **Section 553. - Hearing and Record** (2 Pa.C.S.A. Sec. 553), as amended from time to time.

All additional, further or subsequent appeals, hearings, or rehearings, from any decision or determination under this Code by the Appeals Board, shall be to the Lehigh County Court of Common Pleas. All such appeals, hearings, or rehearings shall be on the basis of a full and complete record of the prior proceedings before the Appeals Board, pursuant to Chapter 7 – Judicial Review, Subchapter B. – Judicial Review of Local Agency Action, Sections 751 et seq., of the Pennsylvania “Local Agency Law”, codified at Title 2 of Purdon’s Pennsylvania Consolidated Statutes Annotated, Section 751 (2 Pa.C.S.A. Sec. 751) et seq., particularly **Section 754. – Disposition of Appeal, (b) Complete Record** (2 Pa.C.S.A. Sec.754), each as amended from time to time.

**(8) Transferability and use of Licensee’s name by another.** No license issued hereunder shall be transferrable to any other person or entity. No person who has obtained a license hereunder shall allow his or her name and/or license to be used by another person for the purposes of obtaining permits to engage in or practice plumbing within the Township or elsewhere. Any violation of this restriction shall be sufficient cause, without more, for forfeiture, revocation, and termination of the license of the person who permitted such use of his or her license.

**(9) Change of name or address.** Every Licensee shall notify the Township, in writing, of any change in the Licensee’s name or address within thirty (30) days of such change. Any such change shall be noted on the Licensee’s license, as well as the official records maintained by the Township.

**(10) Fees for licensing.** Any and all licensing fees for the renewal of only existing and outstanding licenses, as prescribed in this Section, shall be established by Ordinance or Resolution, duly adopted by the Township’s Board of Commissioners.

(Subsection 106.7.2 included pursuant to portions of Section 3 of Ordinance No. 686 adopted on February 17, 1999.)

**E. Section 108.3 “Prosecution of violation”** shall be amended to read:

**108.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the Code Official shall request the Township Solicitor to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

**F. Section 108.4 “Violation penalties”** shall be amended to read:

**108.4 Violation penalties.** Any person who violates a provision of this Code, this Ordinance, or the rules or regulations promulgated hereunder, or who fails to comply with any of the requirements thereof, or who installs plumbing work in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be liable for a civil penalty, upon a finding of liability by the District Justice, or any other court of competent jurisdiction. The amount of the civil penalty for each such violation shall not be more than \$1,000 plus costs of the enforcement action including reasonable attorney’s fees. Each day that a violation continues shall be deemed to be a separate violation.

**G. Section 108.5 “Stop work orders”** shall be amended to read:

**108.5 Stop work orders.** Upon notice from the Code official, work on any plumbing system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code official shall not be required to give a written notice prior to stopping the work. Any person who continues any plumbing work in or about a structure after having been served with a “Stop Work Order”, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a civil penalty, upon a finding of liability by the District Justice or any other court of competent jurisdiction. The amount of civil penalty for each such violation shall be not less than \$100.00 and shall be not more than \$1,000.00 plus costs of the enforcement action including reasonable attorney’s fees. Each day that a violation continues shall be deemed to be a separate violation.

**H. Section 108.6 “Abatement of violation”** shall be amended to read:

**108.6 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the Township Solicitor from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

Despite the assessment of a penalty in the form of a fine against the violator, the violation itself must still be corrected. Failure to make the necessary corrections will result in the violator being subject to additional penalties as described in the preceding section.

**I. Section 305.4.1 “Sewer depth”** shall be amended to read as follows:

**305.4.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of thirty-six inches (914.4 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of thirty-six inches (914 mm) below grade.

**J. Section 602 “Water Required”** shall be amended to include:

**602.4 Public water supply.** Every building intended for human habitation shall utilize public water and sewer services, if such building is situated within one hundred fifty feet (150’) of lines providing such services.

**K. Section 608 “Protection of Potable Water Supply”** shall be amended to include:

**608.14.10 Meter valve.** Wherever a new service connection to a central water system is made, or whenever an existing water meter is replaced (other than as exempted below), then a double check-valve assembly shall be installed and maintained in the water distribution piping on the building side of the water meter. The double check-valve assembly shall be identical in size with the meter connection. Existing water meters in one and two family detached dwellings, as of the date of adoption of this Ordinance, shall be exempt from this double check-valve assembly requirement, for as long as said one or two family use is maintained. Provided, however, that this exemption shall not be applicable to those dwellings where the Code Official has determined that there is an actual, imminent threat to the public health and safety from the lack of a double check-valve assembly; and further provided, that this exemption shall not be applicable to the extent that the Pennsylvania Department of Environmental Protection has issued a final, binding order to the Township or others to the contrary.

**L. Section 701 “General”** shall be amended to include:

**701.2.1 Public sewer supply.** Every building intended for human habitation shall utilize public water and sewer services, if such building is situated within one hundred fifty feet (150’) of lines providing such services.

**M. Section 903.1 “Roof extension”** shall be amended to read as follows:

**903.1 Roof extensions.** Open vent pipes that extend through a roof shall be terminated not less than six inches (152 mm) above the roof. Where a roof is to

be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven (7) feet (2134 mm) above the roof.

### **§144-3 REPEALER**

All parts of Ordinance No. 1042 and all other ordinances, resolutions, or other regulations of the Township in conflict with this Ordinance are hereby expressly repealed, but only to the extent of such conflict.

### **§ 144-4 NO EFFECT ON PENDING SUITS OR PROCEEDINGS**

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Code or Ordinance.

### **SECTION 2. SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any provision, sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, phrases, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners for South Whitehall Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

### **SECTION 3. EFFECTIVE DATE**

This Ordinance shall be effective immediately.

**DULY ENACTED AND ORDAINED** as an Ordinance this \_\_\_\_\_, 2022 by a majority of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**ATTEST:**

**TOWNSHIP OF SOUTH WHITEHALL  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Scott Boehret, Secretary

\_\_\_\_\_  
Diane Kelly, President

TOWNSHIP OF SOUTH WHITEHALL  
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_  
(Duly adopted \_\_\_\_\_, 2022)

**AN ORDINANCE REENACTING, AMENDING, AND RESTATING CHAPTER 144 ARTICLE VIII (PROPERTY MAINTENANCE CODE) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP IN ITS ENTIRETY AND ADOPTING PROVISIONS OF THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH LOCAL AMENDMENTS; PROVIDING FOR THE SOUTH WHITEHALL TOWNSHIP BUILDING CODE APPEALS BOARD TO SERVE AS THE BOARD OF APPEALS; PROVIDING THAT STATE LAW CONTROLS WHERE REQUIREMENTS ARE IN EXCESS OF THIS ORDINANCE; AND PROVIDING FOR A REPEALER, CONTINUATION AND SAVING CLAUSE, SEVERABILITY, AND EFFECTIVE DATE**

**WHEREAS**, the South Whitehall Township ("**Township**") is a political subdivision, municipal corporation, and First Class Township of the Commonwealth of Pennsylvania, being a body both corporate and politic, situated in Lehigh County, duly established and lawfully existing under and pursuant to the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. 55101 et seq., as amended; and

**WHEREAS**, by Ordinance No. 992 adopted on February 4, 2015, the Board of Commissioners of the Township (the "**Board**") adopted the 2009 edition of the International Property Maintenance Code with local amendments to regulate and govern the conditions and maintenance of all property, building, and structures; provide standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; provide for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Township; and provide for the issuance of permits and collection of fees therefor; and

**WHEREAS**, by Ordinance No. 1041 adopted on February 20, 2019, the Board reenacted the 2015 International Property Maintenance Code with certain local amendments; and

**WHEREAS**, the Board now desires to adopt the 2018 edition of the International Property Maintenance Code with local amendments; and

**WHEREAS**, the Township is authorized and empowered to adopt, enact, and establish this Ordinance, Code, and the rules and regulations promulgated hereunder, by virtue of the First Class Township Code (53 Pa. Stat. Ann. § 55101 et seq.).

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania as follows:

## **SECTION 1. RESTATEMENT OF CHAPTER 144, ARTICLE VIII**

### **§ 144-28 Adoption of Property Maintenance Code**

That a certain document, three (3) copies of which are on file in the office of the Township Secretary of South Whitehall Township, being marked and designated as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of South Whitehall in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures are herein provided; providing for the issuance of permits and collection of fees therefore and each and all the regulations, provisions, penalties, conditions and terms of the Property Maintenance Code on file in the office of the Township are hereby referred to, adopted, and made a part hereof, as if fully set forth in in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 144-29 of this Ordinance.

### **§ 144-29 Additions, Insertions, and Changes to International Property Maintenance Code, 2018 Edition**

The following additions, insertions, and modifications shall be made in the 2018 International Property Maintenance Code at the sections hereinafter indicated, and any section not referenced herein is adopted in its entirety.

A. Section 101.1 shall read:

**101.1 Title.** These regulations shall be known as the "Property Maintenance Code of the South Whitehall Township", hereinafter referred to as "this code."

B. Section 102.3 shall read:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Pennsylvania Uniform Construction Code, as amended. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the South Whitehall Township Zoning Ordinance, as amended.

C. Section 103.2 shall read:

**103.2 Appointment.** The code official shall be appointed by the South Whitehall Township Board of Commissioners by resolution and shall serve at the pleasure of the Board of Commissioners.

D. Section 103.5 shall read:

**103.5 Fees.** The fees for activities and services performed by the Township in carrying out its responsibilities under this code shall be as indicated in the South Whitehall Township Fee Schedule.

E. Section 106.3 first sentence shall read:

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a violation of this code and shall be subject to the violation penalties provided in Section 106.4 and the violation shall be deemed a strict liability offense.

F. Section 106.4 shall read:

**106.4 Violation penalties.** Persons who shall violate any provision of this code, or shall fail to comply therewith, or with any of the requirements thereof, shall be guilty of a summary offense, punishable by a fine of up to One Thousand Dollars (\$1,000.00), plus costs of the enforcement action including reasonable attorney's fees or, in default of payment, may be sentenced to imprisonment for up to ninety (90) days. Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a separate fine as set forth herein.

G. Section 112.4 shall read:

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of up to One Thousand Dollars (\$1,000) plus costs of the enforcement action, if any, including reasonable attorney's fees or, in default of payment, may be sentenced to imprisonment for up to ninety (90) days.

H. Section 201.3 shall read:

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, South Whitehall Township Zoning Ordinance, International Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

I. The following shall be inserted in Section 302.4 of the Code, where applicable:  
"Twelve (12) inches".

J. Section 302.8 shall read:

**302.8 Motor Vehicles.** See South Whitehall Township Ordinance No. 714.

- K. The words "capable of" shall be inserted before "containing water" in the first full sentence of Section 303.2 of the code.
- L. The following shall be inserted in Section 304.14 of the code, where applicable: First insertion: "April 1<sup>st</sup> ; Second Insertion: "October 31<sup>st</sup> .
- M. Section 404.4.2 Access from bedroom shall be deleted in its entirety.
- N. The following shall be inserted in Section 602.3 of the code, where applicable: First insertion: "September 15<sup>th</sup> ; Second Insertion: "May 15<sup>th</sup> .
- O. The following shall be inserted in Section 602.4 of the code, where applicable: First insertion: "September 15<sup>th</sup> ; Second Insertion: "May 15<sup>th</sup> .
- P. Section 606 Elevators, Escalators and Dumbwaiters of the code shall be deleted in its entirety.

**§ 144-30 Board of Appeals**

The South Whitehall Township Building Code Appeals Board, established pursuant to the Township Building Code and reestablished by resolution of the Board of Commissioners, shall fulfill the purpose of the board of appeals as set forth in the code in conformity with its requirements and relevant provisions.

**§ 144-31 Repealer**

Ordinance No. 992 and all other ordinances, resolutions and other regulations of the Township, or any parts of ordinances, resolutions, and other regulations of the Township, in conflict herewith are hereby repealed. All other provisions of the ordinances, resolutions and other regulations of the Township of South Whitehall, Lehigh County, Pennsylvania shall remain in full force and effect.

**§ 144-32 Continuation and Saving Clause**

The provisions of this Ordinance and of the code hereby adopted, insofar as they are the same as those Ordinances and/or codes in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and codes, and not as new enactments. Nothing in this Ordinance or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any code, act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this code or Ordinance.

**§ 144-33 Severability**

The provisions of this Ordinance are declared to be severable. If any article, section, subsection, paragraph, clause, phrase or provision of this code or this Ordinance or the application thereof is held invalid or ineffective, in whole or in part, the invalidity shall not affect any other article, section, subsection, paragraph, clause, phrase or provision or application of this code or this Ordinance, and the remaining provisions shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

**§ 144-34 State Law and Regulations**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Township, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Ordinance.

**§ 144-35 Effective Date**

This Ordinance shall be effective immediately.

**DULY ENACTED AND ORDAINED** as an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, **2022** by a majority of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL  
BOARD OF COMMISSIONERS**

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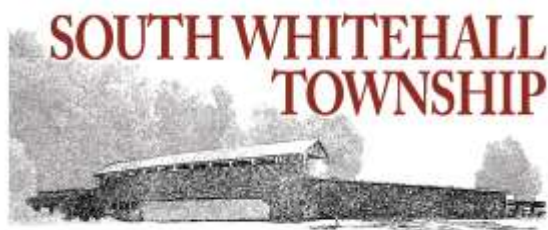
**Diane Kelly, President**

**ATTEST:**

---

**Scott Boehret, Secretary**





## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Gregg R. Adams, Planner
<b>DATE:</b>	April 26, 2022
<b>SUBJECT:</b>	A Resolution Granting Preliminary/Final Approval To A Minor Plan Entitled "1420 North 22nd Street"
<b>COPY TO:</b>	R. Cope, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

An application to subdivide the property located at 1420 North 22nd Street. The plan proposes to subdivide the 20,348 square foot lot into: Lot 1, containing the existing single dwelling unit on a 12,589 square foot lot fronting both North 22nd Street and Grove Street; and Lot 2, containing 7,759 square feet fronting on Grove Street. The subject property is zoned R-5 Medium Density. Nidal Karadsheh is the owner and applicant.

**PREVIOUS TOWNSHIP CONSIDERATION:**

The Planning Commission reviewed the plan at their November 19, 2020 meeting and recommended preliminary/final approval to the Board of Commissioners with sixteen (16) conditions and four (4) recommendations on the applicant's waiver/deferral requests. In the interim, the applicant has addressed two conditions, two new conditions have been added, and three conditions typical to approving Resolutions have also been added.

At the March 17, 2021 Board of Commissioners meeting, the applicant requested that the Board of Commissioners waive the requirement of Section 312-35(b)(3)(A)(ii)(1)(A) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalk along North 22nd Street. The Board took no action, letting the Planning Commission's recommendation stand.

**REVIEWING AGENCIES COMMENTS:**

- A. **Township Engineer** – The comments of the Township Engineer are contained in Mr. Anthony Tallarida's review dated April 21, 2022. He is recommending engineering approval at this time. His comments pertain to waiver and deferral requests, right-of-way improvements, driveway width, Open Space, address assignments, shade tree acceptability, and plan detail.
- B. **Township Water & Sewer Engineer** – The comments of the Township Water & Sewer Engineer are contained in Mr. Jason Newhard's review dated April 14, 2022. His comments pertain to water and sewer service.
- C. **Township Geotechnical Consultant** – The comments of the Township Geotechnical Consultant are contained in Mr. Christopher Taylor's review dated April 19, 2022. His comments pertain to plan detail and stormwater management

- D. **Public Works Department** – The comments from the Public Works Department are contained in Public Works Superintendent Herb Bender’s review dated April 5, 2022. His comments pertain to plan sheet requirements, sewer clean-out, and water meter pits.
- E. **Public Safety Committee** – The Public Safety Commission reviewed the plan at its November 2, 2020 meeting and reported no comments. The Fire Marshal reviewed the March 18, 2022 plan and reported no comments.
- F. **Landscape and Shade Tree Commission** – The Landscape and Shade Tree Commission reviewed the plan at its October 26, 2020 meeting and recommended replacing the Hedge Maple trees proposed with a Verticillium Wilt-resistant species from the “In Open Areas” categories of the SWT Selecting Shade Trees Guide”. The Commission recommended moving the proposed tree on the corner of Grove Street and North 22<sup>nd</sup> Street onto North 22<sup>nd</sup> Street while also planting a second tree along the property on North 22<sup>nd</sup> Street.
- G. **Parks and Recreation Board** – The Parks and Recreation Board reviewed the plan at its November 9, 2020 meeting and recommended that the applicant contribute money in lieu of land dedication to meet the parks and open space requirements of the Subdivision and Land Development Ordinance.
- H. **Lehigh Valley Planning Commission** – The comments of the Lehigh Valley Planning Commission are contained in Ms. Samantha Smith’s review dated November 25, 2020. She reports that the plan is consistent with Future LV: The Regional Plan.
- I. **Lehigh County Conservation District** – The comments of the Lehigh County Conservation District have not been received at the time of this writing.
- J. **Pennsylvania Department of Environmental Protection** - The applicant is to obtain approvals from the PA Department of Environmental Protection for Sewage Facilities Planning.
- K. **Community Development Department** –The Department’s technical review is dated November 15, 2020 and provides comment pertaining to zoning issues, parks, recreation and open space requirements, water and sewer utilities, legal and planning considerations, waiver and deferral commentary, and Official Map and Comprehensive Plan consistency.

- **Action Requested:**

The applicant requests the approval of Minor Plan 2020-202.

- **Budget Line Item (if applicable):**

Not applicable.

- **Attachments:**

Site Plan

Township Engineer Review dated April 21, 2022

Township Water and Sewer Engineer Review dated April 14, 2022

Township Geotechnical Engineer Review dated April 19, 2022

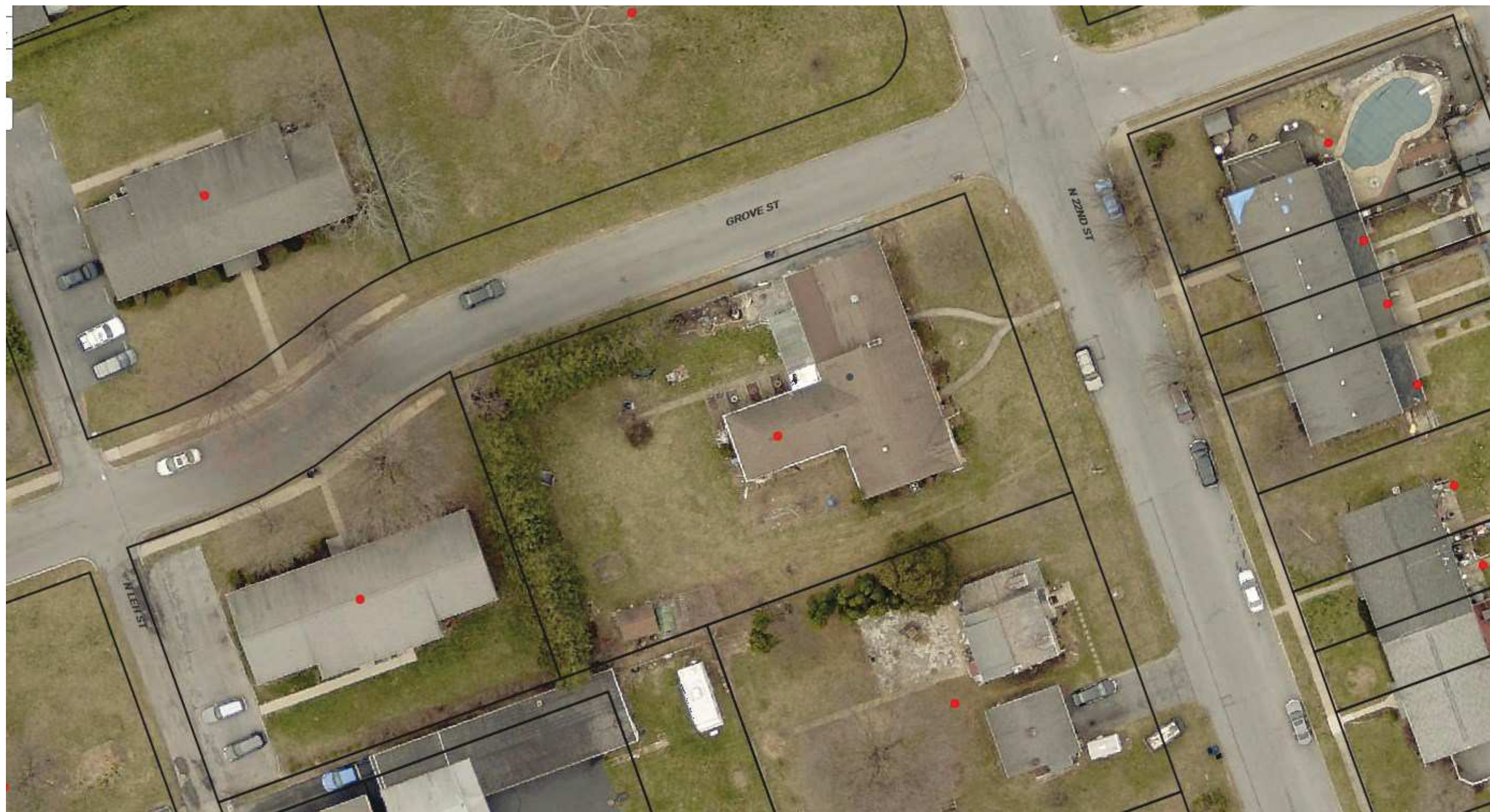
Community Development Review dated November 15, 2020

Zoning Officer Review dated April 26, 2022

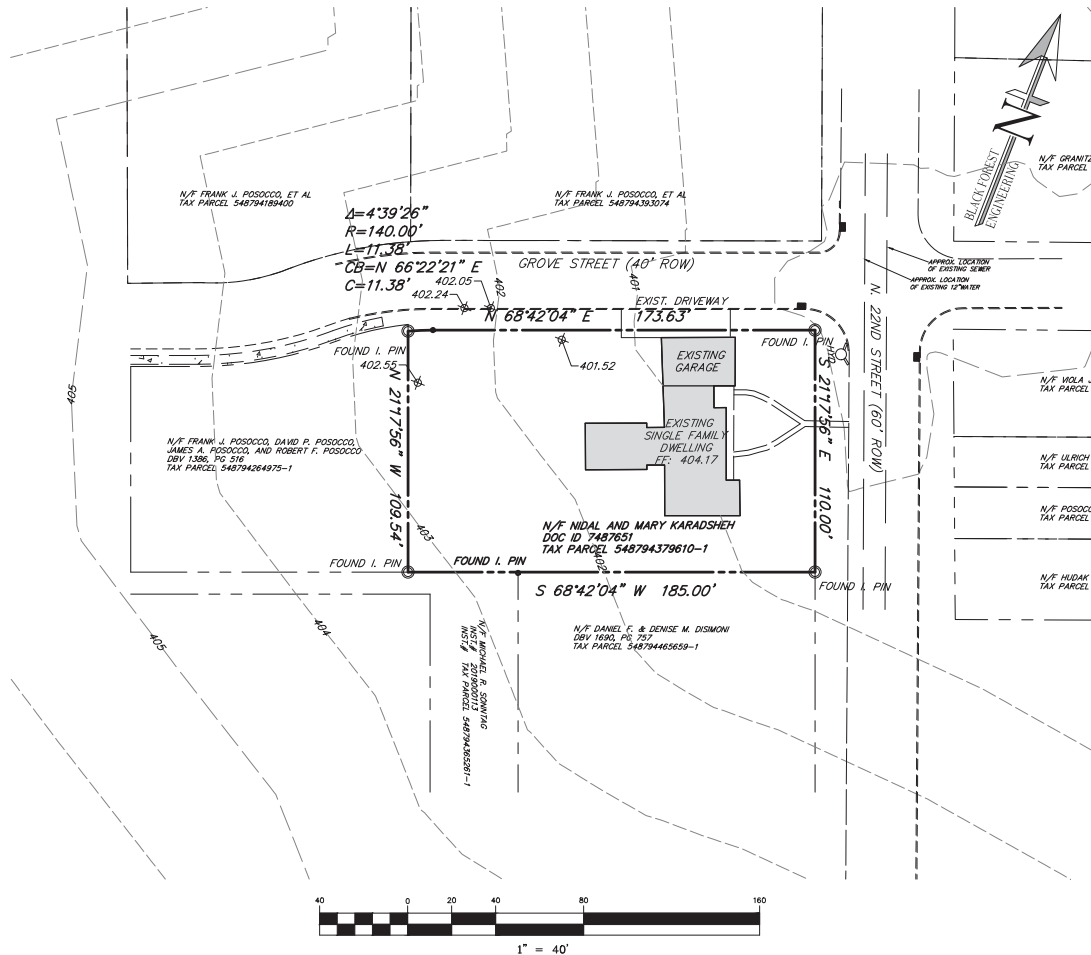
Public Works Department review dated April 5, 2022

Landscape and Shade Tree Commission Review dated November 3, 2020

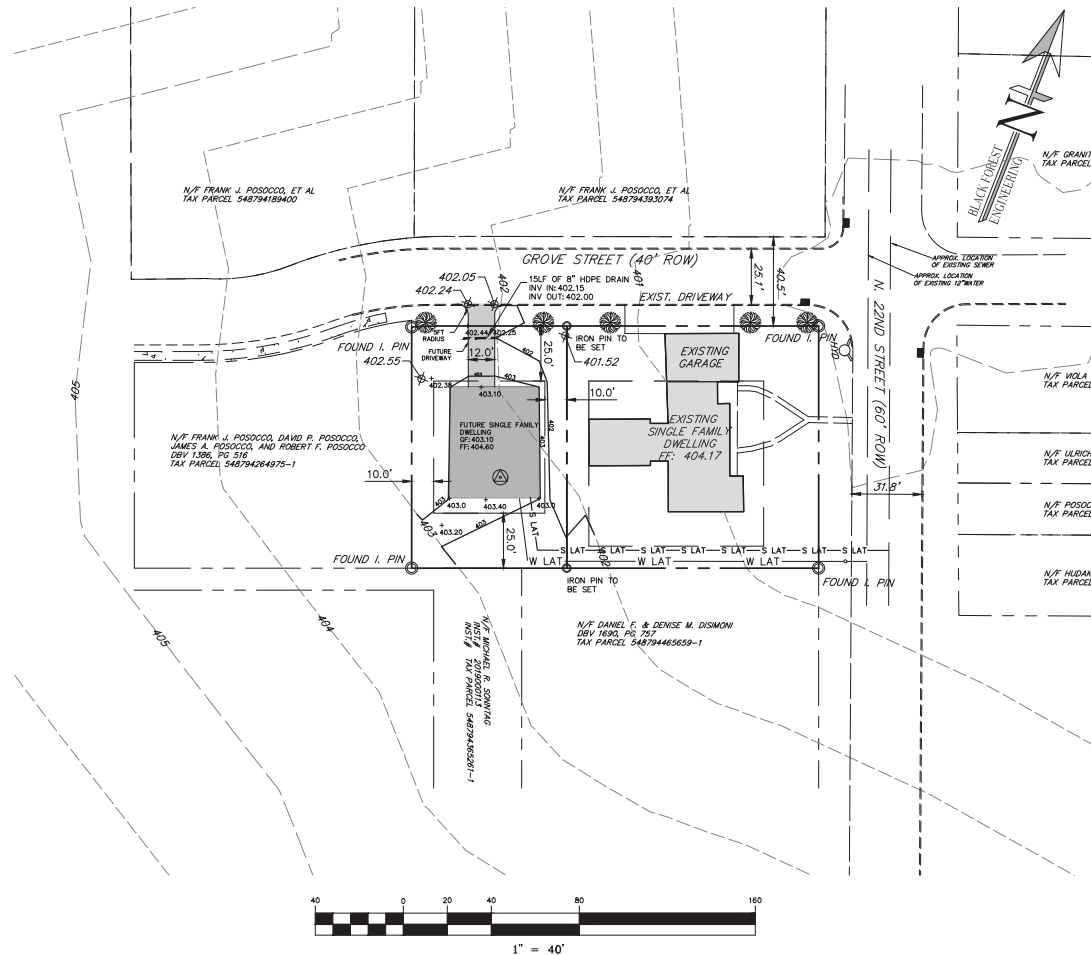
Resolution



**1420 North 22nd Street    Minor Plan 2020-202**

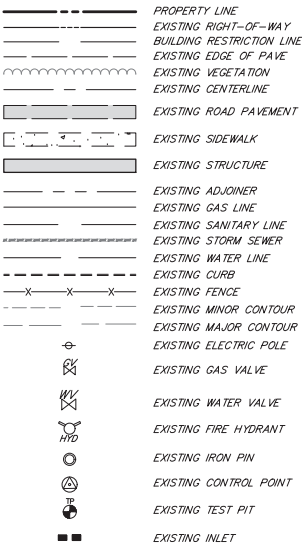


EXISTING CONDITION

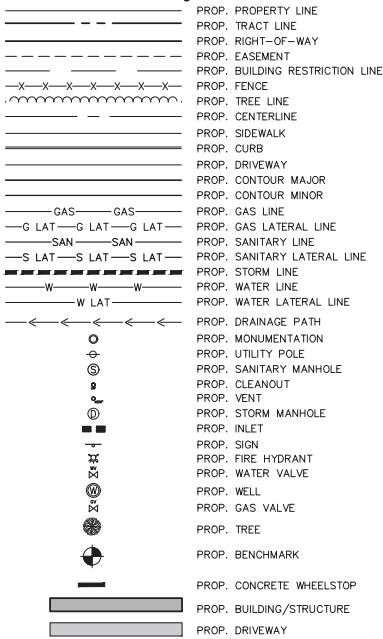


PROPOSED CONDITION

EXISTING Legend



PROPOSED Legend



GENERAL UTILITY NOTES

1. THE DEVELOPER IS RESPONSIBLE TO SECURE AND PAY FOR ALL ESTABLISHED TOWNSHIP APPLICATION, ALLOCATION AND TRANSMISSION FEES OR PERMITS NECESSARY FOR THE CONNECTION OF THE WATER AND SEWER SYSTEMS TO THE TOWNSHIP PUBLIC SYSTEMS.
2. ALL DEVELOPMENT CONSTRUCTION IMPROVEMENTS ARE SUBJECT TO QUALITY CONTROL INSPECTION BY THE TOWNSHIP OR THEIR ASSIGNED AGENTS. ALL WORK CONSTRUCTED WITHOUT QUALITY CONTROL INSPECTION WILL BE SUBJECT TO REJECTION AND REMOVAL AND RECONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE TOWNSHIP A MINIMUM OF 5 DAYS PRIOR TO ANY CONSTRUCTION OPERATIONS WITHIN THE TOWNSHIP RIGHT-OF-WAY OR AFFECTING A TOWNSHIP UTILITY.

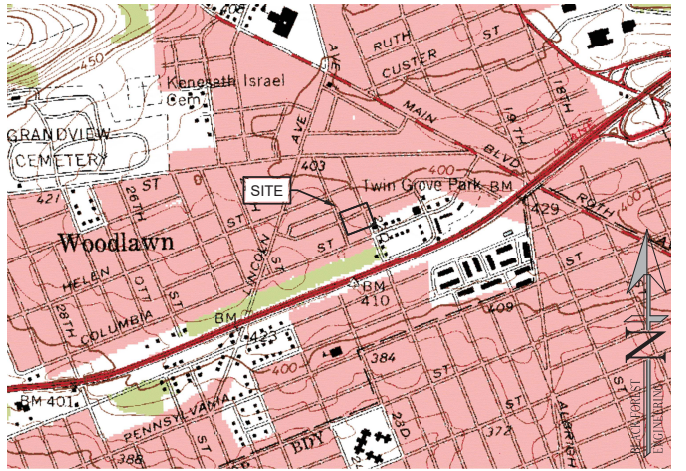
SANITARY SEWER NOTES

1. ALL SANITARY SEWER MATERIAL AND APPURTENANCES TO BE DEDICATED TO THE TOWNSHIP MUST BE CONSTRUCTED IN ACCORDANCE WITH THE TOWNSHIP OF SOUTH WHITEHALL CONSTRUCTION SPECIFICATIONS, AS AMENDED AND THE PA DEP DOMESTIC WASTEWATER FACILITIES MANUAL, LATEST REVISION.
2. ALL SANITARY SEWER PIPE, FITTINGS, AND APPURTENANCES MUST BE SDR-26 PVC, UNLESS NOTED OTHERWISE.
3. CONNECTION TO EXISTING SANITARY SEWER MANHOLE MUST BE MADE USING WATERTIGHT CONNECTION.

WATER UTILITY NOTES

1. ALL WATER SERVICE LATERALS MUST BE INSTALLED FROM THE MAIN, CORPORATION STOP TO THE CURB STOP AT THE TOWNSHIP RIGHT-OF-WAY WITHOUT A SPLICE CONNECTION.
2. THE CONTRACTOR SHALL NOT OPERATE EXISTING VALVES, FIRE HYDRANTS, ETC., WITHIN THE TOWNSHIP'S WATER SYSTEM. ARRANGEMENTS SHALL BE MADE THROUGH THE TOWNSHIP PUBLIC WORKS DEPARTMENT FOR OPERATION.
3. ALL WATER SYSTEM MATERIALS, APPURTENANCES AND CONSTRUCTION WITHIN THE TOWNSHIP RIGHT-OF-WAY MUST BE IN COMPLIANCE WITH THE TOWNSHIP OF SOUTH WHITEHALL CONSTRUCTION SPECIFICATIONS, AS AMENDED AND THE PA DEP PUBLIC WATER SUPPLY MANUAL, LATEST EDITION.
4. ALL WATER LATERALS AND APPURTENANCES MUST MAINTAIN A MINIMUM OF 4 FEET COVER FROM FINISHED GRADE AND SHALL BE 1 INCH DIAMETER COPPER.

"CALL BEFORE YOU DIG"  
PENNSYLVANIA LAW REQUIRES 3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE AND 10 WORKING DAYS IN DESIGN STAGE - STOP, CALL, DESIGN, LOCATE, MARK, SYSTEM, INC.  
1-800-477-5478



LOCATION MAP  
USGS ALLENTOWN WEST QUADRANGLE  
SCALE: 1"=1000'

BLACK FOREST ENGINEERING, LLC  
2455 BLACK FOREST DRIVE  
COPLAY, PA 18037

THIS DOCUMENT IS THE PROPERTY OF BLACK FOREST ENGINEERING, LLC. ANY USE OF A COPY OF THIS DOCUMENT THAT DOES NOT CONTAIN AN ORIGINAL SEAL AND SIGNATURE IS STRICTLY PROHIBITED. THIS DOCUMENT IS NOT PUBLISHED AND ALL RIGHTS ARE RESERVED BY BLACK FOREST ENGINEERING, LLC. THIS PLAN HAS BEEN SEALED WITH A RED INK SEAL AND SIGNATURE. IF NEITHER APPEARS ON THIS PLAN, POSSIBLE REPRODUCTIONS OR ALTERATIONS MAY HAVE BEEN MADE WITHOUT THE APPROVAL OR KNOWLEDGE OF THE SIGNATORY.

SEAL:



JOSEPH E. RENTKO, P.E. #PE0085609  
2455 BLACK FOREST DRIVE  
COPLAY, PA 18037  
570-239-4499

D1	XXX	XXX	XX-XX-XX
REV:	DESCRIPTION:	BY	DATE

PROJECT STATUS:  
PRELIMINARY/FINAL

PROJECT TITLE:  
1420 NORTH 22ND STREET  
MINOR SUBDIVISION

PROJECT OWNER:  
NIDAL KARADSHAH  
1420 NORTH 22ND STREET  
ALLENTOWN, PA 18104

PROJECT LOCATION:  
SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY  
PENNSYLVANIA

PLAN TITLE:  
EXISTING & PROPOSED SITE PLAN

SCALE: 1"=40'	DATE: 9/25/20	DRAWN: JER	CHECKED: JER
PROJECT NO. 1420	DRAWING NO. 2 OF 5	REVISION: 00	

# SOUTH WHITEHALL TOWNSHIP

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

## MEMORANDUM

TO: Mr. Gregg R. Adams via e-mail  
Planner, Community Development Department  
South Whitehall Township

FROM: Mr. Anthony F. Tallarida, P.E. *AFT*  
Manager, Municipal Engineering Services

SUBJECT: South Whitehall Township  
1420 N. 22<sup>nd</sup> Street  
Preliminary/Final Minor Subdivision Plan  
Plan Review #2020-202

DATE: April 21, 2022

COPIES: Mr. Randy Cope  
Interim Township Manager  
South Whitehall Township

Mr. David Manhardt, AICP  
Director of Community Development  
South Whitehall Township

Mr. Herb Bender  
Public Works Manager  
South Whitehall Township

Mr. Mike Elias  
Public Works Utility and MS4 Program Coordinator  
South Whitehall Township

Ms. Tracy J.B. Fehnel  
Insurance Administrator & Executive Assistant  
South Whitehall Township

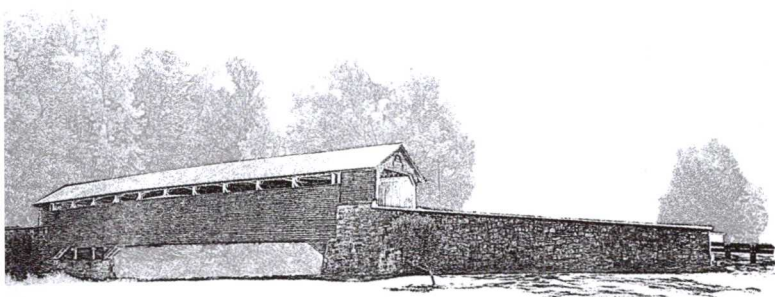
### **TOWNSHIP ENGINEER**

J. Scott Pidcock, P.E., R.A.  
*The Pidcock Company*

2451 Parkwood Drive, Allentown, PA 18103-9608

Phone: (610) 791-2252 • Fax: (610) 791-1256

E-mail: info@pidcockcompany.com



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. Joseph E. Rentko, P.E.  
Project Engineer  
Black Forest Engineering, LLC

Mr. Nidal Karadsheh

(all via e-mail)

REPORT:

South Whitehall Township Ordinances:

Stormwater Management Plan (SMP)

Zoning Ordinance (ZO)

Subdivision and Land Development Ordinance (SALDO)

See attached list for documents reviewed.

Proposal:

20,348 Square Foot (s.f.) Lot Subdivision;

Lot 1: 12,589 s.f.;

Lot 2: 7,759 s.f.;

Proposed Single Family Dwelling on Lot 2;

R-5 Medium-Density Residential;

Public Water; and

Public Sewer.

Waivers Approved:

Requests noted below.

Recommendation:

Engineering approval is recommended subject to the following comments being addressed.

jfw/acc

Enclosures

April 21, 2022

**REVIEW COMMENTS**

1. The following Waivers/Deferrals were recommended by the Planning Commission at the meeting on November 19, 2020:
  - a. SALDO §312-23(b)(21) – Waiver from requiring the 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 included on the Plans;
  - b. SALDO §312-35(b)(3)(A)(i)(1) – Deferral from requiring the installation of curbing on all public and private streets and for the ingress and egress of all parking lot access drives and non-residential driveways until such time as the dwelling on Lot 2 is constructed;
  - c. SALDO §312-35(b)(3)(A)(ii)(1)(A) – Deferral from requiring sidewalks within all subdivisions until such time as the dwelling on Lot 2 is constructed; and
  - d. SALDO §312-35(b)(3)(D) – Deferral from requiring that the Street Cross Section be in accordance with Township Standard Construction Documents (latest revision) for Local Streets for Grove Street and N. 22<sup>nd</sup> Street until such time as right-of-way improvements are required.
2. Right-of-way improvements (concrete driveway apron for the future dwelling, street trees along N. 22<sup>nd</sup> Street, etc.) are required along Grove Street and N. 22<sup>nd</sup> Street, SALDO §312-35(b)(3)(A)(iv) and §312-40;
3. The Township should consider the acceptability of the existing driveway width. The existing driveway is approximately 52' while the maximum allowable driveway is 20', SALDO §312-36(c)(5)(B);
4. The Township should determine any required open space or fees necessary, SALDO §312-36(d). The Planning Commission recommended payment of \$2,500;
5. Add street addresses officially assigned by the Department of Community Development to the Plans, SALDO §312-23(b)(30);
6. The Shade Tree Commission should determine the acceptability of the proposed landscaping shown on the Plans, SALDO §312-23(b)(31);

7. Provide a north arrow on the Utility Easement Exhibit; and
8. Revise the list of required outside agency reviews as approvals are received.

The comments noted above are the result of our engineering review. We have not reviewed items associated with proposed water and sanitary sewerage systems, legal, geotechnical, lighting, environmental, building code, public safety, and other non-engineering issues, and presume that the corresponding data has been forwarded to the appropriate Township Staff and Consultants to facilitate a complete review of the Proposal.

South Whitehall Township  
1420 N. 22<sup>nd</sup> Street  
Preliminary/Final Minor Subdivision Plan  
Plan Review

List of Plans and Supplemental Information  
Prepared by Black Forest Engineering, LLC and  
dated or revised March 18, 2022, except as noted

1. Record Plan, Sheet 1 of 5;
2. Existing & Proposed Site Plan, Sheet 2 of 5;
3. Erosion Control Plan & Details, Sheet 3 of 5;
4. Erosion Control Details, Sheet 4 of 5;
5. Construction Details, Sheet 5 of 5;
6. Utility Easement Legal Description, dated February 17, 2022; and
7. Response Letter.

April 14, 2022

Mr. Gregg Adams, Planner  
South Whitehall Township  
4444 Walbert Avenue  
Allentown PA 18104

Re: 1420 North 22<sup>nd</sup> Street  
Land Development #2020-202  
Review of Preliminary Plan  
SSM File 103400.0054

Dear Mr. Adams:

This correspondence is provided as a review of the Preliminary Land Development Plan submitted for the above referenced project on 03/18/22. We have the following comments regarding the water and sanitary sewer utilities:

General Comments:

1. SSM can provide a will-serve letter upon request.

Water Comments:

1. No commitment at this time.

Sanitary Sewer Comments:

1. No commitment at this time.

Please contact us should you have any questions, or require any additional information regarding our comments.

Sincerely,  
Spotts, Stevens and McCoy



Jason M. Newhard, CCM, LO  
Construction Manager  
Environmental Engineering  
[jason.newhard@ssmgroup.com](mailto:jason.newhard@ssmgroup.com)

cc: Herb Bender, SWT  
Mike Elias, SWT



# HanoverEngineering

252 Brodhead Road • Suite 100 • Bethlehem, PA 18017-8944  
Phone: 610.691.5644 • Fax: 610.691.6968 • HanoverEng.com

April 19, 2022

Mr. Gregg Adams, Planner  
South Whitehall Township  
4444 Walbert Avenue  
Allentown, PA 18104-1699

RE: Geotechnical Engineering Review of  
Provided Documents  
1420 North 22<sup>nd</sup> Street  
Minor Plan #2020-202  
South Whitehall Township, Lehigh County,  
Pennsylvania  
Hanover Project SWT22-11(009)

Dear Mr. Adams:

Hanover Engineering (Hanover) has reviewed the information received on April 6, 2022, via email. Reviewed documents pertaining to the geotechnical aspects of the proposed project at the above-referenced site consisted of the following, as prepared by Black Forest Engineering, LLC:

- Engineering Plans entitled "1420 North 22nd Street Minor Subdivision Preliminary/Final Plan", Sheets 1 of 5 through 5 of 5 inclusive, dated October 1, 2020, last revised March 18, 2022.

Based on our review, it is our understanding that the subject property currently exists as a 20,348 square foot (0.4671 acre) single tax parcel containing an existing single-family dwelling. We further understand that the property is proposed to be subdivided into a total of two (2) lots. Proposed Lot 1 would be 12,589 sf ((0.2890 ac) in size and contain the existing single-family dwelling. Proposed Lot 2 would be 7,759 sf (0.1781 ac) in size and be vacant but would be established as a building lot for a future single-family dwelling. The existing house is currently served by central water and sewer service and will continue to be so served. Proposed Lot 2 will also be served by central water and sewer service.

We offer the following comments:

A. Subdivision and Land Development Ordinance

1. Section 312.12(b)(18): Provide and label the location of all significant features listed or provide a note stating which features do not exist on the site.

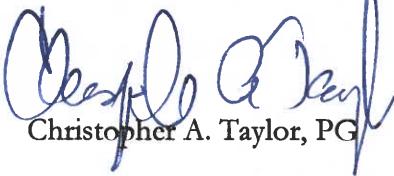
B. Stormwater Management Ordinance

1. Section 296-5.E: This proposal would create less than 10,000 square feet (sf) of additional impervious cover and is therefore exempt from meeting the provisions of Chapter 296 Stormwater Management. However, this development plan is still required to manage the quantity, velocity, and direction of resulting stormwater runoff as is reasonably necessary to prevent injury to health, safety, or other property. Demonstrate how the requirements of this section are being met.

We trust that this is the information that you require. Should you have any questions or concerns regarding this information, please do not hesitate to contact our office.

Respectfully,

HANOVER ENGINEERING



Christopher A. Taylor, PG

cat:cg

S:\Projects\Municipal\WhitehallTownship\Swt22-11(009)-1420North22ndStreetMinorPlan2020-202\Docs\SWT Geotech, 1420 North 22nd St Minor Plan geotech rev cmt memo 1.doc

cc: Mr. Dave Manhardt, Director of Community Development (via email)  
Mr. Herb Bender, Public Works Director (via email)  
Mr. Anthony Tallarida, PE, The Pidcock Company (via email)  
Mr. Mark Gnall, PE, The Pidcock Company (via email)  
Mr. Nidal Karadsheh  
Mr. Joseph E. Rentko, PE, Black Forest Engineering, LLC

# SOUTH WHITEHALL TOWNSHIP

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

November 15, 2020

Mr. Nidal Karadsheh  
1420 N. 22<sup>nd</sup> Street  
Allentown, PA 18104

**Re: 1420 N. 22<sup>nd</sup> Street**  
**Minor Plan 2020-202**  
**Preliminary/Final Review**

Dear Mr. Karadsheh:

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 350-42(d)(3) Paving, Maintenance and Drainage. All driveways shall be paved with a hard surface such as asphalt, Portland cement concrete, or hard surface treatments approved by the Township Engineer.
2. The first page of the Record Plan under the Zoning Data 3rd from bottom, mentions "maximum building coverage" 35%. Clarify where this information is found.
3. Section 350-44(c) Impervious Lot Coverage for a Residential Use. The first page of the Record Plan under the Zoning Data 2nd from bottom, mentions "maximum impervious coverage" 60%. The maximum impervious coverage for the lots of this size is 75%; both lots fall between 5K – 10K. Update the plan to show criteria as listed in Section 350-44(c) Impervious Lot Coverage for a Residential Use.

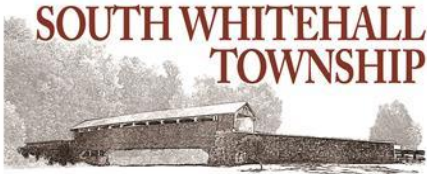
## **Fire Inspector**

1. The Fire Inspector reported no comments. The Fire Inspector reports that the Public Safety Commission in conjunction with the Fire Chief made no comments to the plan.

## **Open Space and Recreation**

1. The Parks and Recreation Board recommended that the developer pay fees in lieu of common open space land dedication to meet the open space and recreation requirements of Section 312-36(d)(4) of the Subdivision and Land Development Ordinance. For residential developments, the amount of fees to be paid in lieu of common open space land dedication in residential subdivision or land development

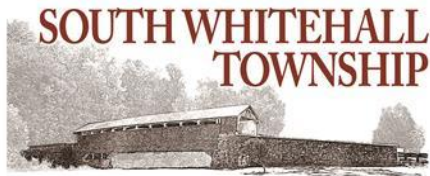




shall be \$2,500.00 per dwelling unit, based upon the maximum number of new dwelling units that would be permitted to be constructed on the lots of the subdivision or land development after the plan is approved. As the maximum number of new dwelling units that would be permitted is 1, the fee to be charged is \$2,500.00 (1 x \$2,500.00).

### **Water & Sewer**

1. The applicant is to request allocations for water and sewer from the South Whitehall Township Board of Commissioners. Please be aware that the Board of Commissioners now charges both allocation fees and tapping (connection) fees. The applicant must address all water and sewer service issues, and obtain all approvals deemed necessary by the South Whitehall Township Board of Commissioners. You are advised to contact the Township Public Works Department as soon as practicable, to learn of, or confirm any or all of:
  - a. The amount of any water and/or sewer **allocation fees**. The application is available on the Township website under Water/Sewer Forms/FAQs/Links. The fee for the allocation(s) will be due with the submission of the application;
  - b. The amount of any water and/or sewer **connection fees**. The fees are due at or before the building permit is to be issued. Application is also available on the Township website under Water/Sewer Forms/FAQs/Links;
2. The applicant is to contact the PA Department of Environmental Protection to determine what Sewage Facility Planning requirements are to be met for this development.
3. All fire flows for minor subdivisions shall be determined by the Board of Commissioners based on a recommendation by the Public Safety Commission, in accordance with Section 312-37(b) of the Subdivision and Land Development Ordinance.
4. An Erosion and Sediment Control Plan is required for any earth disturbance activity of more than 5,000 square feet pursuant to Section 296-11(B) of the South Whitehall Township Codified Ordinance (Stormwater Management Plan).
5. It appears that the predominant street lighting pattern in the older surrounding neighborhood is to only illuminate street intersections. Since this subdivision occurs at mid-block we will not comment further unless street lighting is preferred at this location by others.



### **Legal and Other**

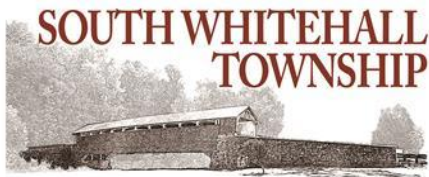
1. Township policy with regard to the deferral of sidewalk and curbing has changed and deferrals shall no longer be granted. The applicant should be prepared to discuss compliance with SALDO Section 312-35(b)(3).
2. The Township Solicitor and Township Engineer may want to comment upon the legal requirements of the MS4 program with regard to any private stormwater management facilities.
3. Please consider the following in placement locations for street trees:
  - a. Placement over inlets should be avoided;
  - b. Provide ample clearance from street lights and hydrants.
4. Signature Blocks and Certifications to appear on each plan sheet to be recorded.

### **SALDO Waiver and Deferral Commentary**

1. Due to the project's location within an existing neighborhood and to maintain consistency with the Township's Comprehensive Plan, the Department strongly supports the requirement for sidewalk and curbing along the frontage of the existing and proposed Lots.
2. Given the dimensions of the existing streets within an established neighborhood, the Department notes that the applicant may wish to consider a request to waive the requirements of SALDO Section 312-35(b)(3)(viii)(2)(D)(i) with regard to right-of-way width for Grove Street and cartway width for both Grove Street and North 22<sup>nd</sup> Street. The Department would take no exception with regard to such a request.
3. The Department defers comment on the applicant's request to waive the requirements of SALDO Section 312-23(b)(20) to the Township Engineer.

### **Official Map & Comprehensive Plan**

1. The Official Map depicts the subject parcel as underlain by karst geology.
2. The Comprehensive Plan envisions a T5 Character Area, which includes compact traditional neighborhood development, mixed use development, retrofits with small-scale commercial and open space, pedestrian connectivity, and a mix of dwellings including multi-family, live-work units, traditional neighborhood development and transit-oriented development. The Comprehensive Plan also envisions a Growth Opportunity Area based on existing and expanded sewer systems and enhanced transportation systems.



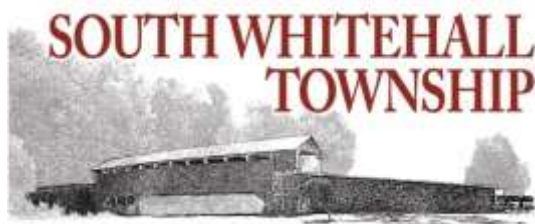
The Planning Commission will consider the plan and the review comments at its regular meeting on Thursday, November 19, 2020, at 7:30 p.m. Due to the COVID-19 outbreak, the meeting will be held electronically via GoToMeeting. To access the meeting through your phone, dial 1-224-501-3412 and, when prompted, enter 757 430 189 to join the meeting. To access the meeting through your computer, go to <https://global.gotomeeting.com/join/757430189>.

If you have any questions, please call.

Sincerely,

**Gregg R. Adams**  
**Planner, Community Development Department**

cc:	R. Bickel	G. Kinney	R. Cope	L. Harrier
	H. Bender	J. Frantz	J. Alderfer, Esq.	S. Pidcock
	A. Tallarida	File #2020-202		



## MEMORANDUM

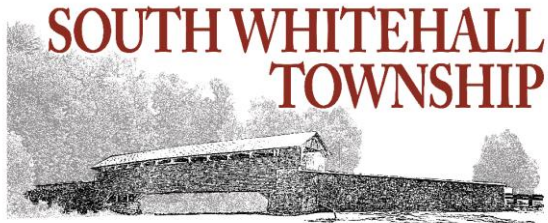
**TO:** Planning Commission  
**FROM:** Laura Harrier, Zoning Officer  
**DATE:** April 26, 2022  
**SUBJECT:** 1420 North 22<sup>nd</sup> Street  
Plan Dated March 18, 2022  
Minor Plan 2020-202  
**COPIES:** D. Manhardt, G. Adams, J. Alderfer, S. Pidcock, Applicant

The plan proposes to subdivide and create a second lot from parcel owned by Nidal Karadsheh. The existing parcel fronts on N. 22<sup>nd</sup> Street and Grove Street. There is an existing dwelling located on Lot 1 and proposed Lot 2 would only have frontage on Grove Street. The parcel is located in the R-5 Zoning District. Both lots are able to meet the current zoning criteria after subdivision.

1. The first page of the Record Plan under the Zoning Data 3<sup>rd</sup> from bottom, mentions "Maximum Building Coverage" 35%. Clarify how this percentage was calculated and where it derived from, or, remove all references to Maximum Building Coverage from the plan.
2. Section 350-44(c) Impervious Lot Coverage for a Residential Use. The first page of the Record Plan under the Zoning Data 2<sup>nd</sup> from bottom, mentions "Maximum Impervious Coverage" 60%. The maximum impervious coverage for the LOT 1 is 65%, and LOT 2 is 75%. Update the Record Plan Sheet to reflect the criteria as listed in Section 350-44(c), Impervious Lot Coverage for a Residential Use.

Additional comments may be forthcoming based on future submissions and reviews.

Laura Harrier, Zoning Officer  
Community Development



## INTEROFFICE MEMORANDUM

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**TO: DAVE MANHARDT, DIRECTOR OF COMMUNITY DEVELOPMENT**

**FROM: HERB BENDER, PUBLIC WORKS MANAGER**

**DATE: APRIL 5, 2022**

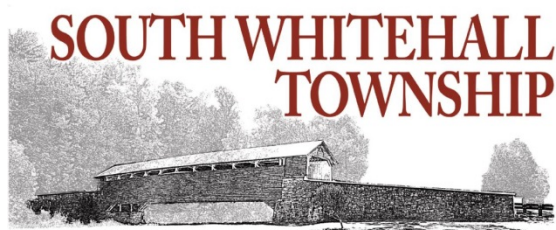
**SUBJECT: 1420 N. 22<sup>ND</sup> ST.**

**MINOR PLAN 2020-202**

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The Public Works Dept. reviewed the above project and has the following comments:

1. Separate utility plan required
2. Sanitary sewer clean out needs to be on private property behind right of way
3. Water Meter pit required on private property behind right of way
4. Water meter pit needs to be metal and not PVC



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Aaron Silverstein, Code Enforcement Officer  
**DATE:** November 3, 2020  
**SUBJECT:** Landscaping Plan Review  
1420 North 22<sup>nd</sup> Street  
Minor Plan 2020-202  
Plan dated October 1, 2020  
**COPIES:** Landscape and Shade Tree Commission, G. Adams, G. Kinney, J. Alderfer, S. Pidcock, Applicant

At their October 29, 2020 meeting, the Landscape and Shade Tree Commission reviewed the above-mentioned plan and recommended the following:

The Commission recommends replacing the Hedge Maple trees proposed with a Verticillium Wilt-resistant species from the "In Open Areas" categories of the SWT Selecting Shade Trees Guide. The Commission recommends moving the proposed tree on the corner of Grove Street and North 22<sup>nd</sup> Street onto North 22<sup>nd</sup> Street while also planting a second tree along the property on North 22<sup>nd</sup> Street.

Respectfully submitted,

Aaron Silverstein, Code Enforcement Officer  
Community Development Department

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

**RESOLUTION NO. 2022-\_\_\_\_  
(Duly Adopted May 18, 2022)**

**A RESOLUTION GRANTING PRELIMINARY/FINAL APPROVAL  
TO A MINOR PLAN ENTITLED *"1420 NORTH 22<sup>ND</sup> STREET"***

**WHEREAS**, Nidal Karasheh, pursuant to Article 4 of the South Whitehall Township Subdivision and Land Development Ordinance, submitted an application for preliminary/final approval for a land development on a 0.4671-acre property located at 1420 North 22<sup>nd</sup> Street, in South Whitehall Township, Lehigh County, Pennsylvania; and,

**WHEREAS**, this proposal is reflected on plans prepared by Black Forest Engineering, entitled *"1420 NORTH 22<sup>ND</sup> STREET"*, dated October 1, 2020 and last revised March 18, 2022; 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 were last amended on April 1, 2019, and are applicable to this plan based on the submission of the initial application in October 7, 2020; and

**WHEREAS**, the South Whitehall Township Planning Commission has reviewed the aforesaid plan on November 19, 2020, and having found it to be in substantial compliance with the Subdivision and Land Development Regulations, has recommended that preliminary/final approval be granted; 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 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 312-35(b)(3)(A)(i)(1) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing on all public and private streets and for the ingress and egress of all parking lot access drives and non-residential driveways be deferred, and the Planning Commission is persuaded that the deferral would be appropriate until such time as the dwelling on Lot 2 is constructed; and,

**WHEREAS**, the applicant has requested that the requirement of Section 312-35(b)(3)(A)(ii)(1)(A) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalks within all subdivisions be waived, and the Planning

Commission is persuaded that a deferral would be appropriate until such time as the dwelling on Lot 2 is constructed. Further, at the March 17, 2021 Board of Commissioners meeting, the applicant requested that the Board of Commissioners waive the requirement of Section 312-35(b)(3)(A)(ii)(1)(A) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalk along North 22<sup>nd</sup> Street, and the Board took no action; and,

**WHEREAS**, the applicant has requested that the requirement of Section 312-35(b)(3)(D) of the Subdivision and Land Development Ordinance requiring that the Street Cross Section be in accordance with Township Standard Construction Documents (latest revision) for Local Streets for Grove Street and for North 22nd Street be deferred, and the Planning Commission is persuaded that the deferral would be appropriate until such time as right-of-way improvements are required.

**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 ***"1420 NORTH 22<sup>ND</sup> STREET"***, subject to the applicant's compliance with the following conditions:

1. That, prior to the issuance of a building permit on the newly-created Lot, the applicant shall execute Subdivision Improvement, Security, Maintenance, and Indemnification Agreements acceptable to the Township, post sufficient security in a form acceptable to the Township, and provide evidence of necessary insurance coverage prior to the plan being recorded.
2. That the applicant address to the satisfaction of the Township Engineer, the comments of the Township Engineer, as contained in his review dated April 21, 2022
3. That the applicant address to the satisfaction of the Township Water & Sewer Engineer, the comments of the Township Water & Sewer Engineer, as contained in review dated April 14, 2022.
4. That the applicant address to the satisfaction of the Township Geotechnical Engineer, the comments of Mr. Christopher Taylor, as contained in his review dated April 19, 2022.
5. That the applicant address to the satisfaction of the Community Development Department, the comments of the Department, as contained in its review dated November 15, 2020.
6. That the applicant address to the satisfaction of the Zoning Officer, the comments of Ms. Laura Harrier, as contained in her review dated April 26, 2022.
7. That the applicant address to the satisfaction of the Public Works Department, the comments of the Public Works Department, as contained in Superintendent Herb Bender's review dated April 5, 2022.

8. If deemed to be necessary, the applicant shall obtain a letter from the Lehigh County Conservation District approving the Soil Erosion and Sedimentation Control Plan pursuant to Section 312-39(e) of the Subdivision and Land Development Ordinance.
9. If deemed to be necessary, the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module or an exemption thereto.
10. That the applicant 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.
11. That the applicant complies with the November 3, 2020 recommendation of the Landscape and Shade Tree Commission.
12. That the applicant addresses all issues and obtains all approvals deemed necessary by the South Whitehall Township Board of Commissioners in so far as matters pertaining to the Township's water and sewer service are concerned.
13. That the applicant shall provide a Utility Easement of sufficient size across Lot 1 to permit installation and maintenance of utility connections to Lot 2. The Easement shall be in a form acceptable to the Township Solicitor.
14. That the applicant coordinates with the Township Engineer's office to have addresses assigned to the plan of record.
15. If deemed to be necessary, a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities prepared by the Township Solicitor be executed for the maintenance of the on-site stormwater management facilities.
16. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
17. 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.
18. 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.

19. 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(b)(20) of the Subdivision and Land Development Ordinance to include the 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 312-35(b)(3)(A)(i)(1) of the Subdivision and Land Development Ordinance pertaining to the requirement for the installation of curbing on all public and private streets and for the ingress and egress of all parking lot access drives and non-residential driveways is hereby deferred until such time as the dwelling on Lot 2 is constructed; and,

The requirement of Section 312-35(b)(3)(A)(ii)(1)(A) of the Subdivision and Land Development Ordinance pertaining to the requirement for sidewalks within all subdivisions is hereby deferred until such time as the dwelling on Lot 2 is constructed; and,

The requirement of Section 312-35(b)(3)(D) of the Subdivision and Land Development Ordinance requiring that the Street Cross Section be in accordance with Township Standard Construction Documents (latest revision) for Local Streets for Grove Street and for North 22nd Street is hereby deferred until such time as right-of-way improvements are required.

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 on or before 4:00 p.m., May 4, 2022. If an unconditional acceptance of the conditions is not received in writing by that date, the application for approval shall be deemed denied based upon applicant's failure to fulfill the said conditions or agree thereto.

**DULY ADOPTED** this 18<sup>th</sup> day of **MAY, 2022**, 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**

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**Diane Kelly, President**

**ATTEST:**

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**Scott Boehret, Secretary**

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

**RESOLUTION NO. 2022-\_\_\_\_  
(Duly Adopted May 18, 2022)**

**ACCEPTANCE OF CONDITIONS**

**A RESOLUTION GRANTING PRELIMINARY/FINAL APPROVAL  
TO A MINOR PLAN ENTITLED *"1420 NORTH 22<sup>ND</sup> STREET"***

The undersigned, being the applicant of the land shown on the plan entitled ***"1420 NORTH 22<sup>ND</sup> STREET"*** prepared by Black Forest Engineering, dated October 1, 2020 and last revised March 18, 2022, Township Minor Plan 2020-202, for the further development of a 0.4671-acre property located at 1420 North 22<sup>nd</sup> Street in South Whitehall Township, Lehigh County, Pennsylvania, intending to be legally bound hereby, does affirmatively accept all of the conditions set forth in the Resolution granting conditional preliminary/final approval to the minor plan entitled ***"1420 NORTH 22<sup>ND</sup> STREET"*** and does waive any and all rights which the applicant would otherwise possess to contest the imposition of said conditions, both at law or in equity. Further, the applicant hereby certifies that as of the date of the Resolution, the applicant does not dispute (as outlined by the Pennsylvania Municipalities Planning Code, including but not limited to §§ 10503(1) and 10510(g)) any professional consultant fee for which it has received an invoice from the Township through the date hereof.

WITNESS/ATTEST:

APPLICANT: Nidal Karadsheh

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_



## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Gregg R. Adams, Planner
<b>DATE:</b>	May 9, 2022
<b>SUBJECT:</b>	A Resolution Amending Resolution 2020-18, Which Granted Conditional Preliminary/Final Approval To A Major Subdivision Plan Entitled “KRE Spring View Commercial II,” to Address A Condition Required For A SALDO Waiver
<b>COPY TO:</b>	R. Cope, D. Manhardt, L. Harrier, J. Zator, Esq., J. Alderfer, Esq, S. Pidcock, Applicant, Sub. File 2019-107

- **Background Information:**

An application to further develop the properties located at 559 Cetronia Road, 569 Cetronia Road, and 4590 Broadway. The plan proposes to consolidate the three above-mentioned parcels into one tract containing 1.01 acres and construct a 3,400 square foot commercial building and a 34-space parking lot. The subject tract is zoned HC-1 Highway Commercial-1 (Special Height Limitation) and is under a TND Commercial Retrofit Overlay District. KRE Spring View Commercial II, L.P. is the owner and applicant.

The Board of Commissioners, at their January 15, 2020 meeting, approved “KRE Spring View Commercial II” Major Plan 2019-107 through Resolution 2020-18.

The Board of Commissioners, at their December 15, 2021 meeting, granted the applicant a 90-Day extension to the deadline to record the plan stipulated in Condition #17 of the approving Resolution.

The Board of Commissioners, at their April 6, 2022 meeting, granted the applicant a 180-Day extension to the deadline to record the plan stipulated in Condition #17 of the approving Resolution. The applicant stated that they wished to return to the Board of Commissioners at a future meeting to discuss the waiver of SALDO Section 312-36(c)(4)(B)(i) wherein the approval was conditioned upon “the waiver request is reviewed and approved by the Township Engineer, the Public Safety Commission and by PennDOT (including PennDOT approval of the “No Right On Red” modification to the north-bound Cetronia Road movement)”.

After PennDOT determined that the “No Right On Red” modification to the north-bound Cetronia Road movement was not appropriate, the Public Safety Commission reviewed the plan further and approved a motion “to proceed with the plan as submitted, but with the Township to appeal to PENNDOT about instituting a no turn on red condition from northbound Cetronia Road to eastbound Broadway.”

Please find following all of the Public Safety Commission references to the KRE Commercial II project, in chronological order. It shows the progression of the PSC recommendations:

- the first “boilerplate” recommendations from the October 17, 2019 meeting,
- the introduction of the No Turn On Red recommendation of November 4, 2019,
- the detailed recommendation of January 13, 2020,
- the Parkland Press article discussions of February 3 and March 2, 2020
- the May 4, 2020 PSC review indicating the PSC’s satisfaction with the plan revisions based upon their January 13, 2020 detailed review,
- the January 28, 2022 Township letter to PennDOT regarding the “No Right On Red” decision
- the February 23, 2022 PennDOT Response
- the April 12, 2022 PSC’s Recommendation and History
- **Action Requested:**

The Applicant is requesting that the waiver to SALDO Section 312-36(c)(4)(B)(i) be amended to remove the reference to PennDOT approving the “No Right On Red” modification to the intersection or that the condition is deemed to be satisfied.
- **Budget Line Item (if applicable):**

Not applicable.
- **Attachments:**

Site Plan  
Excerpts of the Public Safety Commission Minutes and Supporting Documents regarding KRE Commercial II  
Resolution

APPLICATION AND/OR OTHER DOCUMENTS REQUIRED BY PENNDOT AND ANY OBLIGATION ASSUMED BY THE TOWNSHIP SHALL ALSO RETAIN THE TOWNSHIP'S RIGHT OF WAY, EASEMENTS, MAINTENANCE RESPONSIBILITIES, ETC., WHICH MAY BE IMPOSED BY PENNDOT RELATIVE TO IMPROVEMENTS COMPLEMENTED WITH A PENNDOT RIGHT-OF-WAY AND/OR EASEMENT.



DATE	09/11/2019	3  OF 13
SCALE	AS NOTED	
PROJ. NO.	KREG00003	

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

**PUBLIC SAFETY COMMISSION**

**PUBLIC MEETING**

**MINUTES**

**October 7, 2019**

A Public Meeting of the South Whitehall Township Public Safety Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

**Members attending were:**

Thomas Yezerski, Chairman  
David Kennedy, Vice Chairman  
Glen Dorney, Chief, Police Department  
Andrew Garger, Chief, Greenawalds Fire Department  
Jay Heicklen, Chief, Cetronia Fire Department  
Jeff Johnson, Chief, Tri-Clover Fire Department  
Jeff Kelly, Emergency Management Coordinator  
Chris Peischl, Director of Operations, Cetronia Ambulance Corp.  
Barry Search, Acting Chief, Woodlawn Fire Department  
Richard Snyder, At Large Member

**Board of Commissioner Members attending were:**

None.

**Others attending were:**

Richard Tice, Assistant Chief, Woodlawn Fire Department

**Township Staff attending were:**

John Frantz, Fire Marshal

**F. Subdivision Review**

**1. KRE Spring View Commercial II – Major Subdivision 2019-107**

The Commission made the following recommendations to the plan;

- a. A Knox Box should be indicated on the plan.
- b. SALDO compliant fire hydrants should be indicated on the plan.
- c. The exit onto Broadway should be signed and configured to prohibit left turns onto westbound Broadway.
- d. The exit onto Cetronia Road should be signed and configured to prohibit left turns onto southbound Cetronia Road.

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

**PUBLIC SAFETY COMMISSION**

**PUBLIC MEETING**

**MINUTES**

**November 4, 2019**

A Public Meeting of the South Whitehall Township Public Safety Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

**Members attending were:**

Thomas Yezerski, Chairman  
David Kennedy, Vice Chairman  
Glen Dorney, Chief, Police Department  
Andrew Garger, Chief, Greenawalds Fire Department  
Jay Heicklen, Chief, Cetronia Fire Department  
Jeff Kelly, Emergency Management Coordinator  
James Kish, Chief, Woodlawn Fire Department  
Richard Snyder, At Large Member  
Michael Smith, At Large Member  
Stuart Shmookler, At Large Member

**Board of Commissioner Members attending were:**

None.

**Others attending were:**

Chris Kiskeravage, Future Fire Commissioner  
Richard Tice, Assistant Chief, Woodlawn Fire Department

**Township Staff attending were:**

Jason Grozier, Patrol Officer, Police Department  
Michael Sorrentino, Captain, Police Department

**AGENDA ITEM #4 – COURTESY OF THE FLOOR**

Representatives from KRE Spring View Commercial II came to the meeting to discuss the traffic issues that the PSC raised at their October meeting. The concerns were left hand turns onto Broadway and Cetronia Road. KRE stated that an updated traffic study will be done. They agreed that left turns onto Cetronia Road would be signed as prohibited. However, they asked if PSC could agree to left and right turns be allowed onto Broadway. Chief Dorney stated that it could be permitted if Cetronia Road, northbound, would have a NO TURN ON RED restriction. The commission agreed with this arrangement along with the forthcoming updated PENNDOT review.

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

**PUBLIC SAFETY COMMISSION**

**PUBLIC MEETING**

**MINUTES**

**January 13, 2020**

A Public Meeting of the South Whitehall Township Public Safety Commission was held on the above date in the Township Municipal Building located at 4444 Walbert Avenue, Allentown, Lehigh County, Pennsylvania.

**Members attending were:**

Thomas Yezerski, Chairman  
David Kennedy, Vice Chairman  
Glen Dorney, Chief, Police Department  
Andrew Garger, Chief, Greenawalds Fire Department  
Jay Heicklen, Chief, Cetronia Fire Department  
Jeff Kelly, Emergency Management Coordinator  
Chris Peischl, Director of Operations, Cetronia Ambulance Corp.  
Richard Snyder, At Large Member

**Board of Commissioner Members attending were:**

Diane Kelly  
Michael Wolk

**Others attending were:**

Josh Green, Assistant Chief, Greenawalds Fire Company  
Brian Harmon, The Pidcock Company  
Brian Neas, Assistant Chief, Tri-Clover Fire Department  
Barry Search, Assistant Chief, Woodlawn Fire Department  
Anthony Tallarida, The Pidcock Company  
Richard Tice, Assistant Chief, Woodlawn Fire Department  
David Tomcics, Assistant Chief, Tri-Clover Fire Department

**Township Staff attending were:**

John Frantz, Fire Marshal  
Jason Grozier, Patrol Officer, Police Department  
George Kinney, Director, Community Development  
Christopher Kiskeravage, Township Fire Commissioner  
Michael Sorrentino, Captain, Police Department

## **AGENDA ITEM #4 – COURTESY OF THE FLOOR**

### **A. KRE Spring View Commercial II – Major Subdivision 2019-107**

Noah Chrismer, Rob Hoffman, Mark Buchvalt, and Tom Gough presented the plan to Commission.

KRE has proposed changes to the plan based on previous comments from the Commission. Other additional comments were developed by members of the Commission.

A memorandum summarizing these issues will be prepared on behalf of the Commission and will be sent to the Director of Community Development for use at the January 15, 2020 Board of Commissioners meeting. The issues to be contained in the memorandum are as follows;

1. That cross hatching consistent with PennDOT and MUTCD standards be striped in the eastbound Broadway lane, in front of the Broadway driveway and shoulder, and signage be placed at the Broadway exit indicating: "Don't Block the Box" or "Don't Block Intersection."
2. That the advanced light for the westbound left turn movement from Broadway onto Cetronia be extended in order to better clear that lane.
3. That additional wayfinding signage directing patrons to use the Broadway exit in order to go south on Cetronia be installed and using Cetronia exit to go North on Cetronia reducing traffic on Broadway
4. That an easement for sight line be put in place at the corner of Broadway and Cetronia and that easement be kept "clean and maintained." That the driveway easement be adjusted to start at a point ten-foot behind the proposed stop bar on the driveway.
5. That the preemption devices in the Broadway and Cetronia lights be maintained and kept in working order.
6. If deemed acceptable by PennDOT, that applicant install surface mounted flexible delineators (Type SM-1 or equivalent as approved by PennDOT) to the concrete island within the Cetronia Road site driveway to reinforce the prohibition against left turns onto Cetronia.
7. That the right turn from northbound Cetronia Road to eastbound Broadway be posted as "no turn on red during the hours of 7:00 am to 9:00 am and 4:00 pm to 6:00 pm."
8. A waiver application must be initiated by the property owners to allow the Broadway access to be constructed since it does not comply with the 300 foot intersection impact with Broadway and Cetronia Road.
9. Police Chief Glen Dorney indicated that increased patrols in this area will be done once the business is in operation to get people to understand and obey the signs.

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

**PUBLIC SAFETY COMMISSION**

**PUBLIC MEETING**

**MINUTES**

**February 3, 2020**

A Public Meeting of the South Whitehall Township Public Safety Commission was held on the above date in the Joint Operation Center Building located at 4300 Broadway, Allentown, Lehigh County, Pennsylvania.

**Members attending were:**

Thomas Yezerski, Chairman  
David Kennedy, Vice Chairman  
Glen Dorney, Chief, Police Department  
Andrew Garger, Chief, Greenawalds Fire Department  
Jay Heicklen, Chief, Cetronia Fire Department  
Jeff Kelly, Emergency Management Coordinator  
James Kish, Chief, Woodlawn Fire Department  
Chris Peischl, Director of Operations, Cetronia Ambulance Corp.  
Michael Smith, At Large Member

**Board of Commissioner Members attending were:**

Diane Kelly

**Others attending were:**

Richard Tice, Assistant Chief, Woodlawn Fire Department

**Township Staff attending were:**

John Frantz, Fire Marshal  
Jason Grozier, Patrol Officer, Police Department  
George Kinney, Director, Community Development  
Brian Neas, Assistant Chief, Tri-Clover Fire Department  
Michael Sorrentino, Captain, Police Department

**AGENDA ITEM #3 - OLD BUSINESS**

Chairman Yezerski reported that the Commission review of the KRE subdivision at Cetronia Road and Broadway was highlighted in the Parkland Press. In that article, it was stated that Commission recommended that a left turn from the property onto westbound Broadway be provided. Chairman Yezerski wanted to clarify that the Commission did not make that recommendation. The subdivision was approved by the Board of Commissioners, but with two dissenting votes. The Parkland Press will be contacted to see if they will offer a clarification of the position on the Commission.

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

**PUBLIC SAFETY COMMISSION**

**PUBLIC MEETING**

**MINUTES**

**March 2, 2020**

A Public Meeting of the South Whitehall Township Public Safety Commission was held on the above date in the Joint Operation Center Building located at 4300 Broadway, Allentown, Lehigh County, Pennsylvania.

**Members attending were:**

Thomas Yezerski, Chairman  
David Kennedy, Vice Chairman  
Andrew Garger, Chief, Greenawalds Fire Department  
Jay Heicklen, Chief, Cetronia Fire Department  
Jeff Kelly, Emergency Management Coordinator  
James Kish, Chief, Woodlawn Fire Department  
Chris Peischl, Director of Operations, Cetronia Ambulance Corp.  
Stuart Shmookler, At Large Member  
Michael Smith, At Large Member  
Richard Snyder, At Large Member  
David Tomcics, Assistant Chief, Tri-Cover Fire Company

**Board of Commissioner Members attending were:**

Diane Kelly

**Others attending were:**

None.

**Township Staff attending were:**

John Frantz, Fire Marshal  
Jason Grozier, Patrol Officer, Police Department  
Christopher Kiskeravage, Township Fire Commissioner  
Michael Sorrentino, Captain, Police Department

**AGENDA ITEM #3 - OLD BUSINESS**

Chairman Yezerski reported that the Parkland Press printed a correction related to the KRE II subdivision in a "For the Record" section of their February 6, 2020 edition. They printed the correction that the Commission "advised the Board of Commissioners that if they grant a waiver, then in order to make left turns onto Broadway, we then advise that certain criteria must be met."

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

**PUBLIC SAFETY COMMISSION**

**PUBLIC MEETING**

**MINUTES**

**May 4, 2020**

A Public Meeting of the South Whitehall Township Public Safety Commission was held on the above date in the virtual platform GoToMeeting.

**Members attending were:**

Thomas Yezerski, Chairman  
David Kennedy, Vice Chairman  
Glen Dorney, Chief, Police Department  
Andrew Garger, Chief, Greenawalds Fire Department  
Jay Heicklen, Chief, Cetronia Fire Department  
Jeff Kelly, Emergency Management Coordinator  
James Kish, Chief, Woodlawn Fire Department  
Robert Mateff, Chief Operating Officer, Cetronia Ambulance Corps.  
Richard Snyder, At Large Member

**Board of Commissioner Members attending were:**

Diane Kelly  
Michael Wolk

**Others attending were:**

Chris Mariner, Captain, Woodlawn Fire Department  
Brian Neas, Assistant Chief, Tri-Clover Fire Company  
Barry Search, Assistant Chief, Woodlawn Fire Department  
Richard Tice, Assistant Chief, Woodlawn Fire Department  
David Tomcics, Assistant Chief, Tri-Clover Fire Company

**Township Staff attending were:**

John Frantz, Fire Marshal  
George Kinney, Director, Community Development Department  
Christopher Kiskeravage, Township Fire Commissioner  
Michael Sorrentino, Captain, Police Department

**F. Subdivision Review**

**1. KRE Spring View II – 2019-107**

The Commission is satisfied with the plan revisions related to the January 1, 2020 Commission memorandum to Director Kinney and made no new recommendations to the plan. Director Kinney indicated that the Broadway driveway distance waiver was granted.

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

**PUBLIC SAFETY COMMISSION**

**PUBLIC MEETING**

**MINUTES**

**April 5, 2021**

A Public Meeting of the South Whitehall Township Public Safety Commission was held on the above date in the virtual platform GoToMeeting.

**Members attending were:**

Thomas Yezerski, Chairman  
Richard Snyder, Vice Chairman  
Glen Dorney, Chief, Police Department  
Jay Heicklen, Chief, Cetronia Fire Department  
Jeff Kelly, Emergency Management Coordinator  
David Kennedy, At Large Member  
Barry Search, Chief, Woodlawn Fire Department  
Stuart Shmookler, At Large Member

**Board of Commissioner Members attending were:**

Diane Kelly  
Michael Wolk

**Others attending were:**

Josh Green, Assistant Chief, Greenawalds Fire Company

**Township Staff attending were:**

Gregg Adams, Planner  
John Frantz, Fire Marshal  
Jason Grozier, Patrol Officer, Police Department  
Christopher Kiskeravage, Township Fire Commissioner  
Michael Sorrentino, Captain, Police Department

**G. Subdivision Review**

**1. KRE Spring View II, Major Plan – 2019-107**

Messer's Noah Chrismer, Tom Gough, Mark Buchvalt, and Rob Hoffman presented the plan to the Commission.

The Commission had made previous requests for the proposed retail shop subdivision. Even though the section of Broadway fronting this project is owned by the Township, PENNDOT has control of the whole intersection including this section of Broadway. After site meetings with PENNDOT, Chief Dorney, and George Kinney, two of the previous items requested were not approved by PENNDOT.

The first item is cross hatching consistent with PENNDOT and MUTCD standards to be striped in the eastbound lane and the shoulder of Broadway, in front of the Broadway driveway, and signage to be placed at the Broadway exit

indicating: "Don't block the box" or Don't block intersection." The second item is the right turn from northbound Cetronia Road to eastbound Broadway to be posted as "no turn on red during the hours of 7:00 am to 9:00 am and 4:00 pm and 6:00 pm." It was understood by the developer that the entire list was to be reviewed by PENNDOT, with the review outcome to be binding and to be accepted by the Township.

PENNDOT did not approve these requests. The traffic study did not show enough traffic flow to warrant a no turn on red condition and the pavement markings are thought to confuse motorists.

To compensate, the plantings at the intersection were reduced to provide increased sight distance above the Township requirements. A sign is proposed to be installed on the north side of Broadway across from the driveway exit onto Broadway indicating "Do not block intersection." The timing of the westbound Broadway to southbound Cetronia Road left turn arrow will be increased to approximately twenty-five seconds. All of these aforementioned items were included on the plan submitted to and approved by PENNDOT.

Members of the Commission expressed their concerns with the ability to make a left turn out of the driveway onto westbound Broadway due to the stacking of vehicles waiting in the left turn lane. It was suggested that left turns out of the driveway on westbound Broadway be prohibited.

The developer indicated that they felt that the prohibition of left turns out of the Broadway driveway would cause illegal left turns out of both the Broadway driveway and the Cetronia Road driveway as there would be no direct way to leave the property and head south on Cetronia Road.

A motion was made to prohibit left turns out of the Broadway driveway onto westbound Broadway. The motion was not seconded.

A motion was made by Vice Chairman Snyder to proceed with the plan as submitted, but with the Township to appeal to PENNDOT about instituting a no turn on red condition from northbound Cetronia Road to eastbound Broadway. The motion was seconded by Mr. Kennedy. A roll call vote was called, with Vice Chairman Snyder, Assistant Chief Green, Mr. Kennedy, and Chairman Yezerski voting yea; Mr. Shmookler, Coordinator Kelly, and Chief Heicklen voting nay; and Chief Dorney abstaining. The motion was approved 4-3, with one abstention.

# SOUTH WHITEHALL TOWNSHIP

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

January 28, 2022

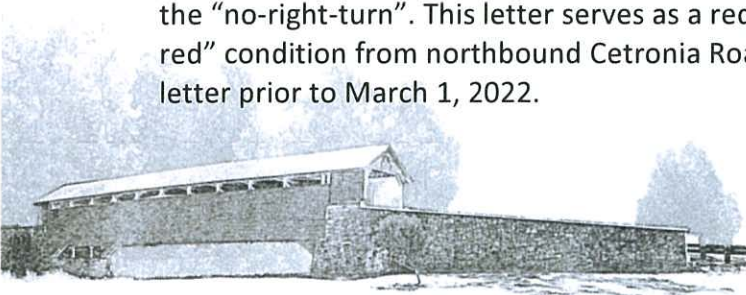
Mr. Derrick Herrmann  
Pennsylvania Department of Transportation  
Engineering District 5-0  
1002 Hamilton St.  
Allentown, PA 18101

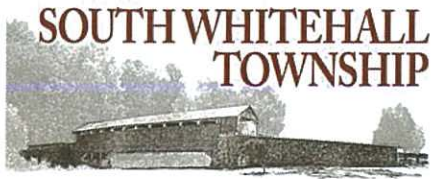
**Re: South Whitehall Township  
KRE Springview Commercial II  
Major Subdivision #2019-107  
Cetronia Road and Broadway  
Traffic Signal Permit No. 39-103-008**

Dear Mr. Herrmann:

This letter is a request for PennDOT to reconsider a prior decision relating to Traffic Permit No. 39-103-008 in South Whitehall Township. The location of the proposed redevelopment is the southeast corner of the intersection of Cetronia Road (State owned) and Broadway (Township owned). The applicant, KRE Springview Commercial II, has requested a waiver from Township SALDO Section 312-36(c)(4)(B)(i) for driveway separation distance. The proposed driveway onto Broadway is less than 300' to the intersection of Broadway and Cetronia Road. The approval of this waiver was recommended by the Township Public Safety Commission (PSC) conditioned on the restriction of "no right turn on red" from northbound Cetronia Road to eastbound Broadway. PSC rational for recommending the condition is primarily since left turns would be permitted out of the driveway onto Broadway. The PSC feels this creates an unsafe condition. Therefore, the recommendation of a "no right on red" is a means to mitigate the potentially unsafe condition. This condition was previously rejected by PennDOT.

The condition recommended by the PSC is part of the approving resolution. Therefore, a modification to the resolution is required should PennDOT reject the request for a "no turn on red". The applicant appeared before the BOC at the December 15, 2021, meeting requesting an extension and the removal of the "no-right-turn on red condition" in the approving resolution. The BOC extended the approval for 90-days to allow for clarification of PennDOT's position on the "no-right-turn". This letter serves as a request for PennDOT to reconsider the "no-right on red" condition from northbound Cetronia Road to eastbound Broadway. Please reply to this letter prior to March 1, 2022.





If you have any questions, please call.

Sincerely,

A handwritten signature in blue ink, which appears to read "Randel T. Cope". The signature is fluid and cursive.

**Randel T. Cope**  
**Interim Township Manager, Treasurer**  
**South Whitehall Township**

Enclosed:

cc: David Manhardt  
John Frantz  
Joe Zator  
Herb Bender  
Brian Boyer, PennDOT  
Christopher Surovy, PennDOT



RECEIVED  
EXECUTIVE DEPARTMENT

MAR 1 X 2022

February 23, 2022

SOUTH WHITEHALL TOWNSHIP

Mr. Randel T. Cope  
Interim Township Manager, Treasurer  
South Whitehall Township  
4444 Walbert Avenue  
Allentown, PA 18104-1699

Re: Lehigh County - South Whitehall Township - Traffic Signal Permit No. 39-103-008

Dear Mr. Cope:

Thank you for your letter dated January 28, 2022, regarding the Township's request for a "No Turn on Red" (NTOR) restriction at the intersection of Cetronia Road and Broadway in South Whitehall Township, Lehigh County.

I have discussed this request with our Traffic Signals Manager and Assistant District Traffic Engineer to fully understand the request and obtain any background information. It is understood the basis of the NTOR restriction request is due to safety concerns surrounding left turns out of a proposed development on to Broadway just to the East of the existing intersection.

I also took the opportunity to fully review the Department's Engineering and Traffic Study related to NTOR restrictions (TE-118) and applicable references: Chapter 212 Section 116, the Manual on Uniform Traffic Control Devices Section 2B.45, and Vehicle Code Title 75 Pa. C.S §3112(a)(3). From my full understanding of the proposed driveway movements and the signalized intersection, and findings from my own field review of this location, the justifications for implementing a NTOR restriction are not met. Moreover, the request for a restriction is in reaction to a movement that does not currently exist. While it is understood that the recommended condition is part of the approving resolution and this direction would require a modification to the resolution, the Department will not approve a traffic restriction that is not sufficiently justifiable.

Should you require any additional information, please contact me at [dehermann@pa.gov](mailto:dehermann@pa.gov) or 610.871.4483.

Sincerely,

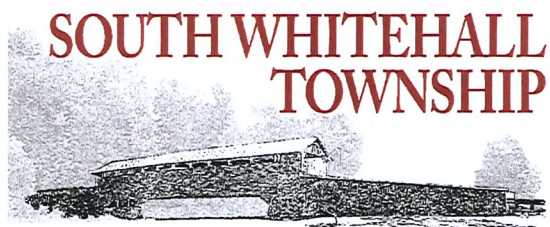
A handwritten signature in black ink, appearing to read "Derrick Herrmann".

Derrick Herrmann, P.E.  
District Traffic Engineer  
Engineering District 5-0

Mr. Randel T. Cope  
Page 2  
February 23, 2022

cc: David Manhardt  
Herb Bender  
John G. Frantz  
South Whitehall Township  
4444 Walbert Avenue, Allentown PA 18104

Joseph A. Zator, II, Esq. ([jjzator@zatorlaw.com](mailto:jjzator@zatorlaw.com))



<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Thomas Yezerksi, Chairman, Public Safety Commission 
<b>DATE:</b>	April 12, 2022
<b>SUBJECT:</b>	KRE Spring View Commercial II – 2019-107
<b>COPY TO:</b>	R. Cope, D. Manhardt, G. Adams

In resolution 2018-18, the Board of Commissioners (BOC) granted approval to the KRE Spring View Commercial II, 2019-107 subdivision. As part of that resolution, the BOC required the developer to comply with the recommendations that were made to the plan by the Public Safety Commission (PSC).

One of the recommendations of the PSC was to have a “no right turn on red” condition present during the hours of 7:00 am to 9:00 am and 4:00 pm to 6:00 pm for northbound traffic on Cetronia Road turning onto eastbound Broadway. A copy of the January 15, 2020 memo from the PSC to the BOC listing the PSC recommendations is included as an attachment to this memo.

A PENNDOT review subsequently found that traffic conditions did not warrant this no turn on red condition.

This issue was brought back to the PSC for reconsideration. The PSC recommended that the Township contact PENNDOT and request that they reconsider their decision that a no turn on red condition is not warranted. A copy of the January 28, 2022 letter from the Township Manager to PENNDOT is included as an attachment to this memo.

PENNDOT responded to the reconsideration letter and again stated that traffic conditions did not warrant the no turn on red condition. A copy of the February 23, 2022 letter from PENNDOT to the Township Manager is included as an attachment to this memo.

The PSC again reviewed the no right turn on red recommendation at their March 7, 2022 meeting. The PSC voted to keep their recommendation to provide a no right turn on red from northbound Cetronia Road to eastbound Broadway as they believe that a hazard exists to vehicles exiting from the driveway onto Broadway. The Public Safety Commission is reiterating their recommendation of a no right turn on red from northbound Cetronia Road to eastbound Broadway. It is requested that the Board of Commissioners re-evaluate the resolution for the subdivision with this recommendation in mind.

# SOUTH WHITEHALL TOWNSHIP

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

## Inter-Office Memorandum

---

**To:** George Kinney, Director of Community Development

**Copies:** Chris Kiskeravage, Glen Dorney, Gregg Adams

**From:** Thomas Yezerski, Chairman, Public Safety Commission  
*Thomas R. Yezerski*

**Subject:** Public Safety Commission Comments on KRE Spring View Commercial II, Major Subdivision 2019-107

**Date:** 01/15/20

---

This memorandum serves to convey the review comments from the Public Safety Commission review of the KRE Spring View II Subdivision from their January 13, 2020 meeting. The following are items that KRE has committed to include in the project;

- a. That cross hatching consistent with PennDOT and MUTCD standard be striped in the eastbound Broadway lane and shoulder, in front of the Broadway driveway, and signage be placed at the Broadway exit indicating: "Don't Block the Box" or "Don't Block Intersection."
- b. That the advanced light for the westbound left turn movement from Broadway onto Cetronia be extended in order to better clear that lane.
- c. That additional wayfinding signage directing patrons to use the Broadway exit in order to go south on Cetronia be installed and using Cetronia exit to go North on Cetronia reducing traffic on Broadway
- d. That an easement for sight line be put in place at the corner of Broadway and Cetronia and that easement be kept "clean and maintained." That the driveway easement be adjusted to start at a point ten-foot behind the proposed stop bar on the driveway.
- e. That the preemption devices in the Broadway and Cetronia lights be maintained and kept in working order.



### BOARD OF COMMISSIONERS

Christina (Tori) Morgan, *President*; Glenn Block, *Vice President*;  
David L. Bond, *Assistant Secretary*; Matthew J. Mulqueen; Mark Pinsley

- f. If deemed acceptable by PennDOT, that applicant install surface mounted flexible delineators (Type SM-1 or equivalent as approved by PennDOT) to the concrete island within the Cetronia Road site driveway to reinforce the prohibition against left turns onto Cetronia.
- g. That the right turn from northbound Cetronia Road to eastbound Broadway be posted as "no turn on red during the hours of 7:00 am to 9:00 am and 4:00 pm to 6:00 pm."
- h. A waiver application must be initiated by the property owners to allow the Broadway access to be constructed since it does not comply with the 300 foot intersection impact with Broadway and Cetronia Road.
- i. Police Chief Glen Dorney indicated that increased patrols in this area will be done once the business is in operation to get people to understand and obey the signs.

If any of the above-mentioned items are not approved by PennDOT, the developer has agreed to bring the project back to the Public Safety Commission for an additional review.

# SOUTH WHITEHALL TOWNSHIP

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

January 28, 2022

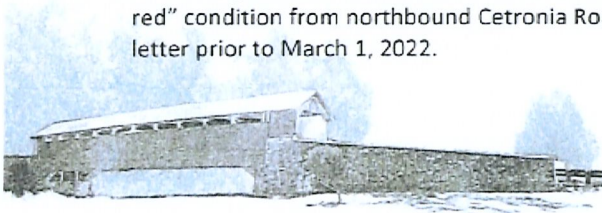
Mr. Derrick Herrmann  
Pennsylvania Department of Transportation  
Engineering District 5-0  
1002 Hamilton St.  
Allentown, PA 18101

**Re: South Whitehall Township  
KRE Springview Commercial II  
Major Subdivision #2019-107  
Cetronia Road and Broadway  
Traffic Signal Permit No. 39-103-008**

Dear Mr. Herrmann:

This letter is a request for PennDOT to reconsider a prior decision relating to Traffic Permit No. 39-103-008 in South Whitehall Township. The location of the proposed redevelopment is the southeast corner of the intersection of Cetronia Road (State owned) and Broadway (Township owned). The applicant, KRE Springview Commercial II, has requested a waiver from Township SALDO Section 312-36(c)(4)(B)(i) for driveway separation distance. The proposed driveway onto Broadway is less than 300' to the intersection of Broadway and Cetronia Road. The approval of this waiver was recommended by the Township Public Safety Commission (PSC) conditioned on the restriction of "no right turn on red" from northbound Cetronia Road to eastbound Broadway. PSC rational for recommending the condition is primarily since left turns would be permitted out of the driveway onto Broadway. The PSC feels this creates an unsafe condition. Therefore, the recommendation of a "no right on red" is a means to mitigate the potentially unsafe condition. This condition was previously rejected by PennDOT.

The condition recommended by the PSC is part of the approving resolution. Therefore, a modification to the resolution is required should PennDOT reject the request for a "no turn on red". The applicant appeared before the BOC at the December 15, 2021, meeting requesting an extension and the removal of the "no-right-turn on red condition" in the approving resolution. The BOC extended the approval for 90-days to allow for clarification of PennDOT's position on the "no-right-turn". This letter serves as a request for PennDOT to reconsider the "no-right on red" condition from northbound Cetronia Road to eastbound Broadway. Please reply to this letter prior to March 1, 2022.





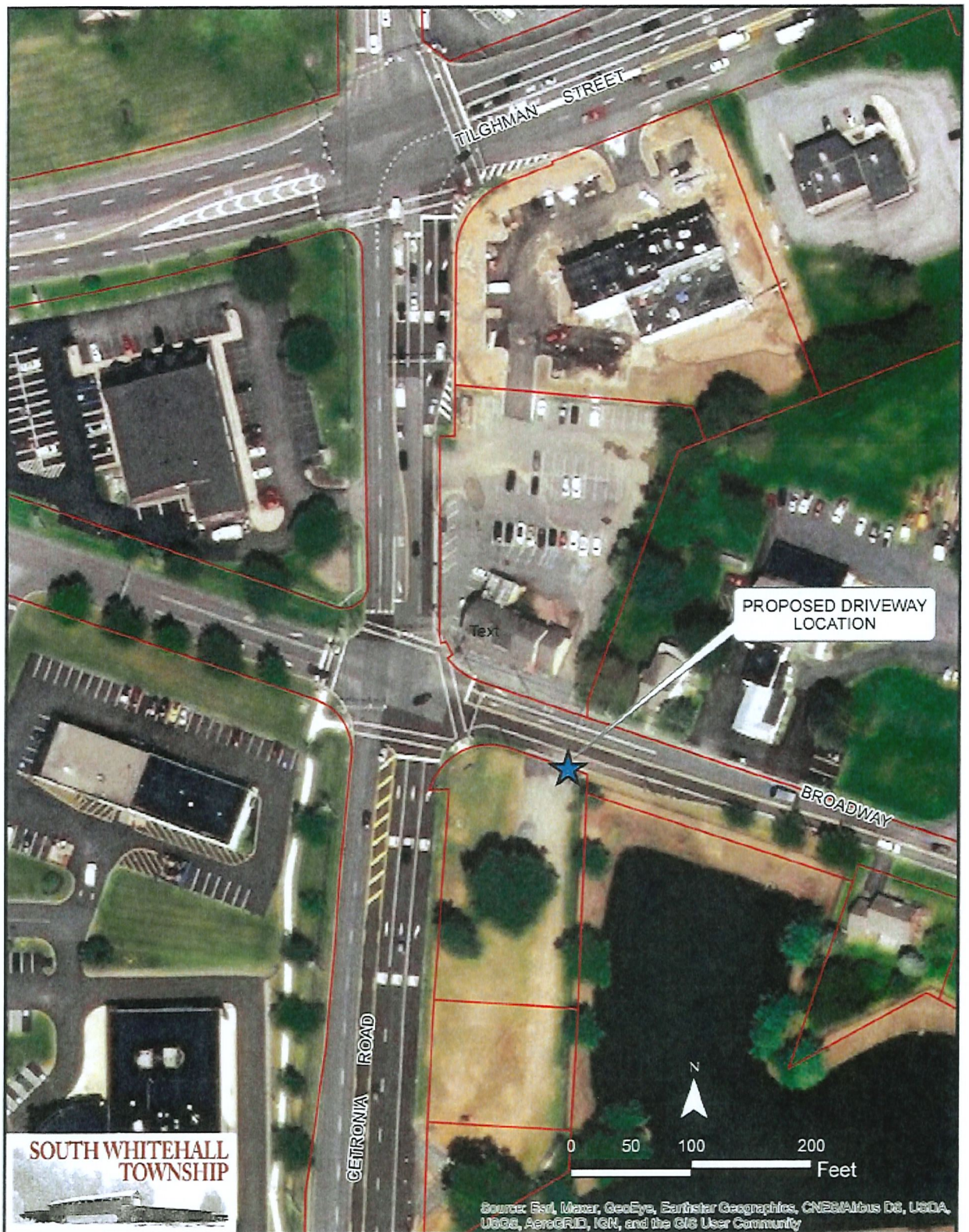
If you have any questions, please call.

Sincerely,

Randel T. Cope  
Interim Township Manager, Treasurer  
South Whitehall Township

Enclosed:

cc: David Manhardt  
John Frantz  
Joe Zator  
Herb Bender  
Brian Boyer, PennDOT  
Christopher Surovy, PennDOT





**pennsylvania**  
DEPARTMENT OF TRANSPORTATION

February 23, 2022

Mr. Randel T. Cope  
Interim Township Manager, Treasurer  
South Whitehall Township  
4444 Walbert Avenue  
Allentown, PA 18104-1699

Re: Lehigh County - South Whitehall Township - Traffic Signal Permit No. 39-103-008

Dear Mr. Cope:

Thank you for your letter dated January 28, 2022, regarding the Township's request for a "No Turn on Red" (NTOR) restriction at the intersection of Cetronia Road and Broadway in South Whitehall Township, Lehigh County.

I have discussed this request with our Traffic Signals Manager and Assistant District Traffic Engineer to fully understand the request and obtain any background information. It is understood the basis of the NTOR restriction request is due to safety concerns surrounding left turns out of a proposed development on to Broadway just to the East of the existing intersection.

I also took the opportunity to fully review the Department's Engineering and Traffic Study related to NTOR restrictions (TE-118) and applicable references: Chapter 212 Section 116, the Manual on Uniform Traffic Control Devices Section 2B.45, and Vehicle Code Title 75 Pa. C.S. §3112(a)(3). From my full understanding of the proposed driveway movements and the signalized intersection, and findings from my own field review of this location, the justifications for implementing a NTOR restriction are not met. Moreover, the request for a restriction is in reaction to a movement that does not currently exist. While it is understood that the recommended condition is part of the approving resolution and this direction would require a modification to the resolution, the Department will not approve a traffic restriction that is not sufficiently justifiable.

Should you require any additional information, please contact me at [deherrmann@pa.gov](mailto:deherrmann@pa.gov) or 610.871.4483.

Sincerely,

A handwritten signature in black ink, appearing to read "Derrick Herrmann".

Derrick Herrmann, P.E.  
District Traffic Engineer  
Engineering District 5-0

Mr. Randel T. Cope  
Page 2  
February 23, 2022

cc: David Manhardt  
Herb Bender  
John G. Frantz  
South Whitehall Township  
4444 Walbert Avenue, Allentown PA 18104  
  
Joseph A. Zator, II, Esq. ([jzator@zatorlaw.com](mailto:jzator@zatorlaw.com))

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

**RESOLUTION NO. 2022-\_\_\_\_  
(Duly Adopted May 18, 2022)**

**A RESOLUTION AMENDING RESOLUTION 2020-18, WHICH GRANTED CONDITIONAL  
PRELIMINARY/FINAL APPROVAL TO A MAJOR SUBDIVISION PLAN ENTITLED “KRE  
SPRING VIEW COMMERCIAL II,” BY REMOVING A CONDITION REQUIRED FOR A SALDO  
WAIVER**

**WHEREAS**, KRE Spring View Commercial II, L.P. (Applicant), pursuant to Article 3 of the South Whitehall Township Subdivision and Land Development Ordinance, submitted an application for preliminary/final approval to consolidate the three above-mentioned parcels into one tract containing 1.01 acres and construct a 3,400 square foot commercial building and a 34-space parking lot on the properties located at 559 Cetronia Road, 569 Cetronia Road, and 4590 Broadway, in South Whitehall Township, Lehigh County, Pennsylvania; and,

**WHEREAS**, this proposal is reflected on plans prepared by T and M Associates, entitled “*KRE Spring View Commercial II*”, dated September 11, 2019 and last revised November 25, 2019; and,

**WHEREAS**, the Board of Commissioners previously granted conditional preliminary/final approval to the plan entitled “*KRE Spring View Commercial II*”, on January 15, 2020, pursuant to Resolution No. 2020-18; and,

**WHEREAS**, Resolution No. 2020-18 granted, inter alia, a waiver of SALDO Section 312-36(c)(4)(B)(i) expressly conditioned upon the following: “*that the waiver request is reviewed and approved by the Township Engineer, the Public Safety Commission and by PennDOT (including PennDOT approval of the “No Right on Red” modification to the north-bound Cetronia Road movement)*”; and,

**WHEREAS**, PennDOT determined that the “No Right On Red” modification to the north-bound Cetronia Road movement was not sufficiently justifiable; and,

**WHEREAS**, the Township has communicated with PennDOT as desired by the Public Safety Commission although efforts to obtain the “No Right On Red” condition were not successful; and,

**WHEREAS**, based on PennDOT’s determination, the Applicant is requesting the removal of the condition relating to the waiver of SALDO Section 312-36(c)(4)(B)(i) which requires PennDOT approval of the “No Right On Red” modification to the north-bound Cetronia Road movement.

**NOW, THEREFORE, BE IT ADOPTED AND RESOLVED** that the Board of Commissioners of the Township of South Whitehall hereby:

1. Amends Resolution No. 2020-18 by removing the condition relating to the waiver of SALDO Section 312-36(c)(4)(B)(i), which requires PennDOT approval of the "No Right On Red" modification to the north-bound Cetronia Road movement.

The foregoing 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 is attached hereto and incorporated herein as Exhibit "B". The Acceptance of Conditions 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 **18<sup>th</sup>** day of **MAY, 2022**, 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**

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**Diane Kelly, President**

**ATTEST:**

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**Scott Boehret, Secretary**

## EXHIBIT "A"

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

**RESOLUTION NO. 2020-18  
(Duly Adopted January 15, 2020)**

**A RESOLUTION GRANTING PRELIMINARY/FINAL APPROVAL  
TO A MAJOR PLAN ENTITLED  
*"KRE SPRING VIEW COMMERCIAL II"***

**WHEREAS**, KRE Spring View Commercial II, L.P. (Applicant), pursuant to Article 3 of the South Whitehall Township Subdivision and Land Development Ordinance, submitted an application for preliminary/final approval to consolidate the three above-mentioned parcels into one tract containing 1.01 acres and construct a 3,400 square foot commercial building and a 34-space parking lot on the properties located at 559 Cetronia Road, 569 Cetronia Road, and 4590 Broadway, in South Whitehall Township, Lehigh County, Pennsylvania; and,

**WHEREAS**, this proposal is reflected on plans prepared by T And M Associates, entitled *"KRE Spring View Commercial II"*, dated September 11, 2019 and last revised November 25, 2019; and,

**WHEREAS**, the South Whitehall Township Zoning Hearing Board granted a variance of 15.25 feet from the required 35-foot front yard setback along Cetronia Road and a variance of 27 feet from the 35-foot required front yard parking setback from Cetronia Road, on the condition that the applicant record a land development plan consolidating the three parcels into one unified parcel and that the proposed Fast Food Restaurant not include or maintain a drive-through facility, as a result of its discussion and deliberation of Zoning Appeal Docket 2019-14; and,

**WHEREAS**, the South Whitehall Township Planning Commission has reviewed the aforesaid plan on November 21, 2019, 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 296-9.J of the Stormwater Management Ordinance that a basin located within areas identified by the LCCD as sinkhole-prone shall be lined be waived, as the applicant intends that the basin be designed, reviewed and approved as part of a stormwater infiltration system, and the Planning Commission is persuaded that such a waiver is appropriate given that the Township Geotechnical Engineer supports the waiver request; and

**WHEREAS**, the applicant has requested that the requirement of Section 296-15.B of the Stormwater Management Ordinance that the maximum loading ratio of the basin of 500% be waived, as there is no indication of karst features or bedrock and the proposed

loading ratio is minimally over the required maximum, and the Planning Commission is persuaded that such a waiver is appropriate given that the Township Geotechnical Engineer supports the waiver request; and

**WHEREAS**, the applicant has requested that the requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed contours on the entire tract and adjacent land within 400 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 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing of the location, character and elevation of any building within 100 feet of the tract be waived, and the Planning Commission is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable; and,

**WHEREAS**, the applicant has requested that the requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract be waived, and the Planning Commission is persuaded that the waiver is appropriate, as the level of information shown on the plan is acceptable; and,

**WHEREAS**, the applicant has requested that the requirement of Section 312-36(c)(4)(B)(i) of the Subdivision and Land Development Ordinance requiring that a 300-foot separation distance between a non-residential driveway and a street intersection containing an arterial street with regard to the Broadway driveway be waived, and the Planning Commission is persuaded that the waiver would be appropriate so long as the waiver request is reviewed and approved by the Township Engineer, the Public Safety Commission and by PennDOT (including PennDOT approval of the "No Right On Red" modification to the north-bound Cetronia Road movement).

**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 major plan entitled ***"KRE Spring View Commercial II"***, subject to the applicant's compliance with the following conditions:

1. That subdivision improvement, security, maintenance and indemnification agreements acceptable to the Township 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 be provided to the plan being recorded.
2. That the applicant address to the satisfaction of the Township Engineer, the comments of the Township Engineer, as contained in his review dated December 12, 2019.

3. That the applicant address to the satisfaction of the Township Geotechnical Consultant, the comments of Mr. Chris Taylor, as contained in his review dated December 10, 2019.
4. That the applicant address to the satisfaction of the Community Development Department, the comments of the Department, as contained in its review dated November 15, 2019.
5. That the applicant obtains a letter from the Lehigh County Conservation District approving the Soil Erosion and Sedimentation Control Plan pursuant to Section 312-39(e) of the Subdivision and Land Development Ordinance.
6. That the applicant obtains a letter from the Pennsylvania Department of Environmental Protection approving a sewage facilities planning module or an exemption thereto.
7. If deemed to be necessary, that the applicant obtains highway occupancy permit(s) from the Pennsylvania Department of Transportation for the road and utility work within the right-of-way of Cetronia Road. If highway occupancy permits are deemed to be unnecessary, the applicant shall furnish documentation from PennDOT confirming such and provide documentation that the applicant has fulfilled PennDOT's requirements for the project.
8. That the applicant complies with the recommendation of the Public Safety Commission.
9. That the applicant complies with the October 15, 2019 recommendation of the Parks and Recreation Board.
10. That the applicant complies with the October 29, 2019 recommendation of the Landscape and Shade Tree Commission.
11. That the applicant addresses all issues and obtains all approvals deemed necessary by the South Whitehall Township Board of Commissioners in so far as matters pertaining to the Township's water and sewer service are concerned.
12. That the Applicant shall dedicate additional right-of-way for Cetronia Road as depicted on the plan. The dedication of road right-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the right-of-way is free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.
13. That the Applicant shall dedicate additional right-of-way for Broadway to achieve an Arterial Road right-of-way. The dedication of road right-of-way shall occur prior to the plan being recorded. The dedication shall be by Deed of Dedication in a form acceptable to the Township Solicitor, and shall be provided

to the Township, with an Opinion of Record Title prepared by Applicant's counsel, that indicates the right-of-way is free and clear of liens and encumbrances that would adversely affect the Township's use of such right-of-way. Completed roads will be accepted upon fulfillment by Applicant of duties and responsibilities set forth in the agreement pursuant to Section 312-31 of the Subdivision and Land Development Ordinance.

14. That the applicant will be responsible for making necessary arrangements with the municipality and the public service company involved for street lights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures, in accordance with Section 312-41(a)(1)(A) of the Subdivision and Land Development Ordinance.
15. That a Declaration of Covenants and Easement for Maintenance of Stormwater Management Facilities prepared by the Township Solicitor be executed for the maintenance of the on-site stormwater management facilities.
16. That the applicant reconciles all open invoices for Township engineering and legal services prior to the plan being recorded.
17. 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.

The requirement of Section 296-9.J of the Stormwater Management Ordinance that a basin located within areas identified by the LCCD as sinkhole-prone shall be lined is hereby waived; and

The requirement of Section 296-15.B of the Stormwater Management Ordinance that the maximum loading ratio of the basin of 500% is hereby waived; and

The requirement of Section 312-12(b)(15) of the Subdivision and Land Development Ordinance pertaining to the showing of existing and proposed contours on the entire tract and adjacent land within 400 feet of the tract is hereby waived; and,

The requirement of Section 312-12(b)(20) of the Subdivision and Land Development Ordinance pertaining to the showing of the location, character and elevation of any building within 100 feet of the tract is hereby waived; and,

The requirement of Section 312-12(b)(21) of the Subdivision and Land Development Ordinance pertaining to the showing of the locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way within 400 feet of the tract is hereby waived; and,

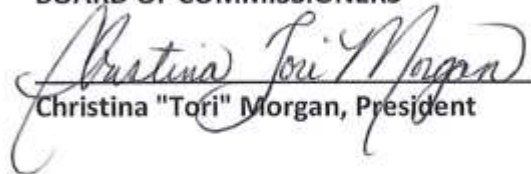
The requirement of Section 312-36(c)(4)(B)(i) of the Subdivision and Land Development Ordinance requiring that a 300-foot separation distance between a

non-residential driveway and a street intersection containing an arterial street with regard to the Broadway driveway is hereby waived, on the condition that the waiver request is reviewed and approved by the Township Engineer, the Public Safety Commission and by PennDOT (including PennDOT approval of the "No Right On Red" modification to the north-bound Cetronia Road movement).

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 on or before 4:00 p.m., February 4, 2020. If an unconditional acceptance of the conditions is not received in writing by that date, the application for approval shall be deemed denied based upon applicant's failure to fulfill the said conditions or agree thereto.

**DULY ADOPTED** this 15<sup>th</sup> day of **JANUARY, 2020**, 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:**



Stephen D. Carr, Secretary

## EXHIBIT “B”

**TOWNSHIP OF SOUTH WHITEHALL**

**LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2022-\_\_\_\_\_**

**(Duly Adopted May 18, 2022)**

**A RESOLUTION AMENDING RESOLUTION 2020-18, WHICH GRANTED CONDITIONAL  
PRELIMINARY/FINAL APPROVAL TO A MAJOR SUBDIVISION PLAN ENTITLED "KRE  
SPRING VIEW COMMERCIAL II," BY REMOVING A CONDITION REQUIRED FOR A SALDO  
WAIVER**

The undersigned, being the applicant of the land development shown on a plan entitled ***"KRE Spring View Commercial II"*** prepared by T and M Associates, dated September 11, 2019, most recently revised November 25, 2019, also referred to as Township Major Plan 2019-107, for the consolidation of three parcels into one tract containing 1.01 acres and the construction of a 3,400 square foot commercial building and a 34-space parking lot on the properties located at 559 Cetronia Road, 569 Cetronia Road, and 4590 Broadway, in South Whitehall Township, Lehigh County, Pennsylvania, does affirmatively accept and consent to all of the conditions set forth in the Resolution granting the conditional preliminary/final approval of the major plan entitled ***"KRE Spring View Commercial II"***, by amending a condition required for a SALDO waiver, and hereby affirms its acceptance of the conditions set forth in Resolution No 2020-18 all of which are incorporated herein by reference. Further, Applicant hereby waives any and all rights which the Applicant would otherwise possess to contest the imposition of said conditions, both at law or in equity. Further, the Applicant hereby certifies that as of the date of the Resolution, the Applicant does not dispute (as outlined by the Pennsylvania Municipalities Planning Code, including but not limited to §§ 10503(1) and 10510(g)) any professional consultant fee for which it has received an invoice from the Township through the date hereof.

WITNESS/ATTEST:

APPLICANT: KRE Spring View Commercial II LP

\_\_\_\_\_  
Witness

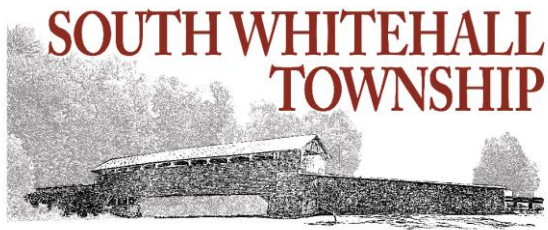
\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

Date: \_\_\_\_\_





## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Herb Bender
<b>DATE:</b>	May 16, 2022
<b>SUBJECT:</b>	Sanitary Sewer Agreement
<b>COPY TO:</b>	R.Cope, M.Elias, S.Boehret

- **Background Information and/or Justification of Expense:**  
The reason for this agreement is to remove the sewer main from the Tilghman St Bridge over the Turnpike. This agreement is between South Whitehall Township and Upper Macungie, to allow the sewer to flow into the existing Upper Macungie line located at Bellflower Way.
- **Action Requested:**  
Approval by the Board Of Commissioners to accept the agreement between South Whitehall Township and Upper Macungie Township.
- **Budget Line Item (if applicable):**

**SOUTH WHITEHALL TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2022-\_\_\_\_\_**

**(Duly Adopted May 18, 2022)**

**A RESOLUTION OF THE BOARD OF  
COMMISSIONERS OF SOUTH WHITEHALL  
TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA  
APPROVING AND AUTHORIZING THE EXECUTION  
AND DELIVERY OF AN INTERGOVERNMENTAL  
COOPERATION AGREEMENT WITH UPPER  
MACUNGIE TOWNSHIP TITLED “SANITARY  
SEWER SERVICE AGREEMENT”**

**WHEREAS**, South Whitehall Township is a political subdivision, municipal corporation and First Class Township of the Commonwealth of Pennsylvania, situated in Lehigh County, duly established and lawfully existing under and pursuant to the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 55101 *et seq.*, as amended, and is a “local government” as such term is defined in the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 et seq. (the “Act”); and

**WHEREAS**, Upper Macungie Township, Lehigh County, Pennsylvania, is a duly organized and existing Township of the Second Class within the County of Lehigh, Commonwealth of Pennsylvania, and is also a “local government” under the Act; and

**WHEREAS**, the First Class Township Code authorizes intergovernmental cooperation agreements for purposes of performing governmental powers, duties and functions (53 P.S. § 56579.29); and

**WHEREAS**, the Second Class Township Code similarly authorizes intergovernmental cooperation agreements for the purpose of performing governmental powers, duties, and functions (53 P.S. § 66507); and

**WHEREAS**, pursuant to Section 2303 of the Act, two or more local governments may jointly cooperate with one another in the exercise or in the performance of their respective governmental functions, powers or responsibilities; and

**WHEREAS**, South Whitehall Township and Upper Macungie Township, through their respective and duly elected officials, have determined that it is in the best interests of the municipalities to enter into an agreement whereby Upper Macungie Township would permit South Whitehall Township to connect a portion of its sanitary sewer system to the Upper Macungie Township sanitary sewer system as the result of that portion of South Whitehall Township’s system becoming severed from its system due to certain road construction all in accordance with the terms set forth on the agreement attached hereto and incorporated herein as Exhibit “A” (“Agreement”).

{01056499}

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

## **SECTION 1. APPROVAL AND AUTHORIZATION TO EXECUTE AGREEMENT**

The Board of Commissioners of South Whitehall Township hereby authorizes and approves the execution and delivery of the Agreement attached hereto and incorporated herein as Exhibit “A”. The Board of Commissioners hereby designates, authorizes, and directs the Chair of the Board to execute and deliver the Agreement and further authorizes and empowers the Interim Township Manager to execute any and all other papers and documents and to do or cause to be done any and all acts and things necessary or appropriate for implementation of this Resolution and the Sanitary Sewer Service Connection Agreement with South Whitehall Township.

## **SECTION 2. INTERGOVERNMENTAL COOPERATION**

As required by the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2307, the following matters are specifically found and determined:

(a) The conditions of the agreement between Upper Macungie Township and South Whitehall Township shall be as set forth in the Agreement.

(b) The duration of the term of the agreement shall be an initial term of five (5) years with possible five (5) year renewal terms.

(c) The purpose and objectives of the agreement are as set forth in the Agreement.

(d) The means of financing the costs associated with the program partnership are as set forth in the Agreement.

(e) South Whitehall Township and Upper Macungie Township shall cooperate in the connection of the South Whitehall Township’s system to that of Upper Macungie as well as costs and fees needed to accommodate the extra flow of wastewater as a result of this connection. No other organizational structure is anticipated to be necessary in order to implement the Agreement.

(f) The manner in which connection shall be made and how services shall be provided is as set forth in the Agreement.

(g) No entity shall be created for the purposes of the Agreement and therefore no entity shall be empowered to enter into contracts for policies of group insurance and employee benefits for purposes of this Agreement.

**DULY ADOPTED**, on this 18<sup>th</sup> day of May, 2022, 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 at which a quorum was present. 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**

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Diane Kelly  
President

**ATTEST:**

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Scott Boehret, Secretary

# EXHIBIT “A”

## SANITARY SEWER SERVICE AGREEMENT

This Agreement dated the 5<sup>th</sup> day of MAY, 2022 by and between **UPPER MACUNGIE TOWNSHIP**, a Second Class Township organized and existing under the laws of the Commonwealth of Pennsylvania with its principal office and place of business situate at the Upper Macungie Township Municipal Building, 8330 Schantz Road, Breinigsville, Pennsylvania, 18031, hereinafter referred to as “**UMT**”, party of the first part, and the **TOWNSHIP OF SOUTH WHITEHALL**, a First Class Township organized and existing under the laws of the Commonwealth of Pennsylvania with its principal office and place of business situate at the South Whitehall Township Municipal Building, 4444 Walbert Avenue, Allentown, Pennsylvania, 18104, hereinafter referred to as “**SWT**” party of the second part.

### WITNESSETH:

**WHEREAS**, UMT, pursuant to the authority vested in it by law has developed wastewater collection facilities for the purpose of conveying wastewater from Upper Macungie Township into the interceptor sewer system operated by the Lehigh County Authority (“**LCA**”) and to the sewer system of the City of Allentown for further conveyance, treatment, and disposal; and

**WHEREAS**, SWT, pursuant to the authority vested in it by law has developed and operates a sanitary sewer system in South Whitehall Township which provides sanitary sewer service to residents, institutions, and businesses in South Whitehall Township; and

**WHEREAS**, SWT has a sanitary sewer main line located on the Tilghman Street (SR1002) bridge crossing over the Pennsylvania Turnpike Northeast Extension (Interstate 476) and must remove/relocate said sewer main line from the bridge by October of 2022; and

**WHEREAS**, the portion of SWT served by this sewer line (hereinafter referred to as the “Subject Area”) Exhibit “A”, may be connected to the UMT system to convey the wastewater now flowing through the sanitary main line over the bridge; and SWT has requested that it be provided with wastewater services for the purpose of conveying wastewater from the Subject Area into the UMT public system; and

**WHEREAS**, UMT is willing to accept the Subject Area’s wastewater flow into the UMT public sewer system; and

**WHEREAS**, the parties hereto desire to set forth the terms and conditions which shall be applicable to the collection and transmission of wastewater by UMT from the Subject Area in SWT.

**NOW, THEREFORE**, UMT and SWT, for and in consideration of the sum of One (\$1.00) Dollar, as well as in consideration of the covenants, promises and agreements herein set forth, as well as other good and valuable consideration, and intending to be legally bound hereby, covenant and agree as follows:

1. Upper Macungie Township agrees to assist South Whitehall Township in providing sewer service, limited to transportation, as long as this Agreement is in force to that area of South

Whitehall Township served by the sanitary sewer main line over the Tilghman Street Bridge. The parties further stipulate this Agreement only has applicability to this area of South Whitehall Township with no other area of South Whitehall Township being subjected to the terms and conditions of this Agreement.

2. SWT agrees to transfer 10,000 GPD (gallons per day) of its allocation to the Kline's Island Wastewater Treatment Plant to the LCA under the terms and conditions set forth between LCA and SWT.

3. UMT will have final approval to any additional wastewater flow from the Subject Area into the UMT sanitary system.

4. SWT agrees to acquire all necessary rights-of-ways and/or easements to construct the extension of its sanitary sewer system and connect to the UMT system. UMT agrees to provide at no cost to SWT, any easements reasonably needed from UMT itself in order to facilitate the intent of this Agreement.

5. SWT agrees to pay for all costs to extend its system and connect to the UMT system.

6. UMT agrees to allow SWT to connect to its system into UMT manhole MH #LFS-039 (the "MH"), located in the cul-de-sac of Bellflower Way. SWT agrees to own and perpetually maintain the proposed sanitary sewer extension from the connection point within Tilghman Street to the tie-in to the UMT sanitary sewer system at manhole LFS-039.

7. UMT further agree to allow SWT access to this MH to provide access for the maintenance and or repair of the SWT system.

8. SWT hereby agrees to exonerate, indemnify, defend and save harmless UMT, its Officers, Engineers and Solicitors, appointees and employees, and its other agents, from any and all claims, actions, awards, verdicts and judgments, together with reasonable counsel fees, based upon or arising out of any and all aspects of the connection to the UMT System, specifically including any claims against the UMT by any SWT customers served by the SWT connection, for damages or injuries, including death, to persons or properties caused by or sustained in connection with the SWT connection, so long as the claim is not precipitated or aggravated by negligence or wrongful conduct or omission of UMT, its Officers, Engineers and Solicitors, appointees and employees, and its other agents.

In compliance with this Paragraph 8, SWT shall, during the duration of this Agreement, carry with insurance companies acceptable to UMT and comprehensive general liability insurance, including contractual liability, with respect to the indemnification obligations assumed in the foregoing subparagraph, in which SWT insures the liability which SWT has assumed under this Agreement, which coverage shall be at least One Million Dollars (\$1,000,000.00) (each occurrence), Three Million Dollars (\$3,000,000.00) (aggregate) for personal injury and/or death, Three Million Dollars (\$3,000,000.00) for property damage and at least \$5,000,000.00 umbrella coverage, naming UMT and its officers, appointees, agents, independent contractors and assigns, including but not limited to the UMT's Engineers and Solicitors, Inspectors and Zoning Officer, as hereinabove defined, as additional insureds, in order to protect and hold harmless said parties against any and all liability with respect to the connection by SWT to the UMT system and the approval of this Agreement, and shall, upon request and

at least annually, furnish the UMT with a Certificate of Insurance evidencing compliance with this requirement.

9. UMT and SWT agree to review the terms and conditions of this Agreement every five (5) years to determine the need for change or modification of any of the provisions set forth in this Agreement, including the termination of the Agreement, if deemed by either party to be in its best interests. Should the Agreement be terminated, SWT shall be responsible to pay the UMT any and all outstanding statements due to the Authority as of the date of termination. Should either party decide not to renew this agreement a sixty (60) day notice shall be provided to the other party and SWT will have sixty (60) days to initiate the process to disconnect from the UMT system. That process includes, without limitation, obtaining necessary approvals and permits; alternative design for continued sanitary sewer service to the Subject Area; and acquisition of additional easements or rights of way necessary for the continuity of service to the Subject Area. Upon initiation of such process, SWT agrees to pursue it diligently using good faith commercially reasonable efforts. SWT will be responsible for all costs associated with the disconnection.

10. SWT shall pay a transmission charge to UMT quarterly or annually in the amount of \$0.025 per thousand gallons of wastewater and a Rabenold Pump Station Fee of \$0.640 per thousand gallons of wastewater flows from the Subject Area into the UMT sanitary sewer system. The Rabenold Pump Station Fee shall represent SWT's share of all costs and expenses for maintenance, repairs, expenditures and upgrades to the Rabenold Pump Station during the time this Agreement is in full force and effect and, in the event of the need for a major capital expenditure to renovate or preserve the capacity of the Rabenold Sewage Pumping Station, SWT shall not be obligated to make a contribution toward any such expenses. UMT will create the invoice and deliver to the SWT municipal complex.

11. The volume of sewage flows for all customers of the sanitary sewer system in South Whitehall Township Subject Area shall be the volume of water supplied to the said customers; all properties within the Subject Area shall have water meters with the said water supply being from the LCA.

12. All costs associated with the UMT's Engineer's review of the system's capacity to accommodate SWT shall be the sole responsibility of SWT.

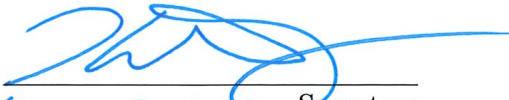
13. Expenses or fees for the preparation and submission of the Sewer Planning Module to the Pennsylvania Department of Environmental Resources shall be the responsibility of SWT.

14. SWT agrees to maintain its sanitary sewer system in the Subject Area and agrees to implement best management practices to reduce/eliminate inflow and infiltration in the Subject Area.

*[Signatures only on following page]*

**IN WITNESS WHEREOF** Upper Macungie Township and the Township of South Whitehall each have caused this Agreement to be duly executed and attested by its proper officers pursuant to proper action of its governing body, all as of the day and year first above written.


ATTEST:

  
\_\_\_\_\_  
KALMAN SANTARELLI Secretary

ATTEST:

\_\_\_\_\_  
Secretary

Upper Macungie Township

By: \_\_\_\_\_  
JAMES BLUNK Chairman

South Whitehall Township

By: \_\_\_\_\_  
Chairperson



SWT/UMT SANITARY SEWER INTER-MUNICIPAL AGREEMENT  
EXHIBIT "A"  
SUBJECT AREA



**SWT/UMT SANITARY SEWER INTER-MUNICIPAL AGREEMENT  
EXHIBIT "B"  
CONNECTION POINT**



**TOWNSHIP OF UPPER MACUNGIE**  
**Lehigh County, Pennsylvania**

**RESOLUTION #2022-17**  
**(Duly Adopted May 12, 2022)**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF UPPER  
MACUNGIE TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA  
APPROVING AND AUTHORIZING THE ENTRY INTO AN  
INTERGOVERNMENTAL COOPERATION AGREEMENT  
WITH SOUTH WHITEHALL TOWNSHIP TITLED “SANITARY  
SEWER SERVICE AGREEMENT”**

**WHEREAS**, Upper Macungie Township, Lehigh County, Pennsylvania (“Upper Macungie”), is a duly organized and existing Township of the Second Class within the County of Lehigh, Commonwealth of Pennsylvania and is a “local government” as such term is defined in the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 et seq. (the “Act”); and

**WHEREAS**, South Whitehall Township, Lehigh County, Pennsylvania (“South Whitehall”), is a duly organized and existing Township of the First Class within the County of Lehigh, Commonwealth of Pennsylvania and is also a “local government” under the Act; and

**WHEREAS**, the Second Class Township Code authorizes intergovernmental cooperation agreements for the purpose of performing governmental powers, duties, and functions (53 P.S. § 66507); and

**WHEREAS**, the First Class Township Code similarly authorizes intergovernmental cooperation agreements for purposes of performing governmental powers, duties and functions (53 P.S. § 56579.29); and

**WHEREAS**, pursuant to Section 2303 of the Act, two or more local governments may jointly cooperate with one another in the exercise or in the performance of their respective governmental functions, powers or responsibilities; and

**WHEREAS**, Upper Macungie Township and South Whitehall Township, through their respective and duly elected officials, have determined that it is in the best interests of the municipalities to enter into an agreement whereby Upper Macungie Township would permit South Whitehall Township to connect a portion of its sanitary sewer system to the Upper Macungie Township sanitary sewer system as the result of that portion of South Whitehall Township’s system becoming severed from its system due to certain road construction all in accordance with the terms set forth on the agreement attached hereto and incorporated herein as Exhibit “A” (“Agreement”).

**NOW, THEREFORE, BE IT ADOPTED AND RESOLVED**, by the Board of Supervisors of Upper Macungie Township, as follows:

**SECTION 1. APPROVAL AND AUTHORIZATION TO EXECUTE AGREEMENT**

The Board of Supervisors of Upper Macungie Township hereby authorizes and approves the execution and delivery of the Agreement attached hereto and incorporated herein as Exhibit “A”. The Board of Supervisors hereby designates, authorizes, and directs the Chairman of the Board to execute and deliver the Agreement and further authorizes and empowers the Township Manager to execute any

and all other papers and documents and to do or cause to be done any and all acts and things necessary or appropriate for implementation of this Resolution and the Sanitary Sewer Service Connection agreement with South Whitehall Township.

This Resolution ratifies and confirms a Motion to authorize and approve the execution and delivery of the Agreement made at a regularly scheduled Meeting of the Board of Supervisors of Upper Macungie Township held on May 5, 2022.

## **SECTION 2. INTERGOVERNMENTAL COOPERATION**

As required by the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2307, the following matters are specifically found and determined:

- (a) The conditions of the agreement between Upper Macungie Township and South Whitehall Township shall be as set forth in the Agreement.
- (b) The duration of the term of the agreement shall be an initial term of five (5) years with possible five (5) year renewal terms.
- (c) The purpose and objectives of the agreement are as set forth in the Agreement.
- (d) The means of financing the costs associated with the program partnership are as set forth in the Agreement.
- (e) Upper Macungie Township and South Whitehall Township shall cooperate in the connection of the South Whitehall Township's system to that of Upper Macungie as well as costs and fees needed to accommodate the extra flow of wastewater as a result of this connection. No other organizational structure is anticipated to be necessary in order to implement the Agreement.
- (f) The manner in which connection shall be made and how services shall be provided is as set forth in the Agreement.
- (g) No entity shall be created for the purposes of the Agreement and therefore no entity shall be empowered to enter into contracts for policies of group insurance and employee benefits for purposes of this Agreement.

**DULY ADOPTED** this 12<sup>th</sup> day of May, 2022, by the Board of Supervisors of Upper Macungie Township in lawful session duly assembled.

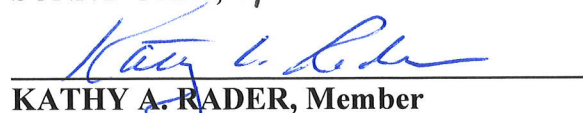
**ATTEST**

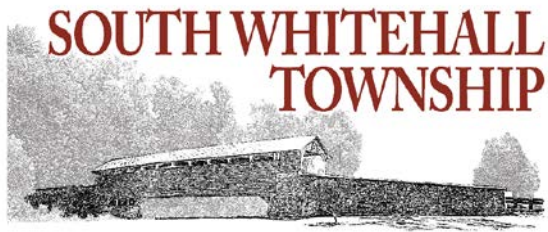
  
\_\_\_\_\_  
**KALMAN SOSTARECZ, Secretary**

**UPPER MACUNGIE TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
**JAMES M. BRUNELL, Chairman**

  
\_\_\_\_\_  
**SUNNY GHAI, Vice-Chairman**

  
\_\_\_\_\_  
**KATHY A. RADER, Member**



## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Mike Kukitz
<b>DATE:</b>	May 18, 2022
<b>SUBJECT:</b>	Permission to proceed with the Jordan Creek Greenway – Design and Engineering Services Supplement #4 – Phase 1 Amendment for TASA Grant and River Road Design Options
<b>COPY TO:</b>	R. Cope, S. Boehret

- **Background Information and/or Justification of Expense:**

South Whitehall Township has received \$1,000,000 in Transportation Alternatives Set-Aside (TASA) funding to complete the construction of the Jordan Creek Greenway Trail through Covered Bridge Park. This project will require additional engineering services to meet PennDOT specifications prior to going out to bid. Staff has also followed up on a request of the Board of Commissioners to look at possible alternatives to the proposed shared road section of the Jordan Creek Greenway Trail on River Road. There are four (4) potential design options that could be pursued.

- **Action Requested:**

Staff is seeking permission to award the Jordan Creek Greenway – Design and Engineering Services Supplement #4 – Phase 1 Amendment for TASA Grant and River Road Design Options to Michael Baker International in the amount of \$35,360

- **Budget Line Item (if applicable):** *Please indicate approved budget amount for specified project(s).*

30451003 40973 – Parks and Recreation Capital (2022 budgeted amount - \$187,000)

May 10, 2022

Michael Kukitz  
South Whitehall Township, Parks and Recreation  
4444 Walbert Avenue  
Allentown, Pennsylvania 18104

RE: Jordan Creek Greenway – Design and Engineering Services  
Supplement #4 – Phase 1 Amendment for TASA Grant and River Road Options

Dear Mr. Kukitz

As discussed, attached is our scope of work and price proposal for supplement #4 for the above referenced project. This amended scope of work includes the additional effort to complete Phase 1 using the PennDOT Review and Bidding process under a federal TASA grant as well as the River Road Pinch Point design options/cost estimates.

The following pages include our proposed scope of work and cost proposal by task for this additional effort. If acceptable, the new contract value is as follows:

Current Contract Value:	\$279,249.00
Supplement #4 (TASA):	\$ 24,061.00
Supplement #4 (River Rd Options)	\$ 11,299.00
New Contract Value	\$314,609.00

If you have any questions, please do not hesitate to contact me directly at (215) 528-7072. If you find this proposal acceptable, please sign on the line below and return to our office. Your signature indicates agreement to modify our existing contract to the new contract value indicated above.

Sincerely,  
**MICHAEL BAKER INTERNATIONAL, INC.**

\_\_\_\_\_  
South Whitehall Township



Chris Stanford, P.E., PMP  
Project Manager

# Scope of Work

## Jordan Creek Greenway: Wehr Mill Road to Lapp Road (Phase 1)

### Supplement #4

#### Overview

This project is the development of engineering plans and required permits for a trail project along the Jordan Creek Greenway from Wehr Mill Road to Lapp Road (Phase 1). This supplemental scope of work is for the modifications of the design plans and additional work items required to utilize the PennDOT Environmental approval process, PennDOT project development process and ECMS bidding process due to the use of Federal TASA grant funding for the Phase 1 project.

#### Assumptions:

- No bridge or structural designs are included in this scope of work for the pinch point at River Road
- No roadway realignment of River Road is included in this scope of work.

#### Task 1 – Trail Engineering / Construction Plans

Additional effort is required to meet PennDOT plan sheet and presentation requirements as follows:

Michael Baker will prepare and assemble one (1) set of standard roadway construction plans showing the trail construction in accordance with PennDOT's Design Manual, Part 3, Chapter 2. Plans will be prepared at a scale of 1" = 25' on CAD Systems. The sheets prepared will include the following:

The Trail construction plan (scale of 1" = 25') must show topography, centerline with calculated stations marked at 100 foot intervals, PC's, PT's, curve data, start and stop work stations, edge of pavement, shoulders, guide rail, structures, structure data (existing and proposed), property owners and property lines, drives and accesses, bench marks and reference circles, station and offsets of roadway edges, and utilities. Right of way lines will be shown on the plan sheet. The detail plan will contain bar scales, north arrow, structure data (existing and proposed), hydraulic data, and any other relevant features.

- Title Sheet (1)
- Index Sheet (1)
- Location Map and General Notes (1)
- Typical Sections and General Notes (1)
- Autotab Summary of Quantities Sheet (1)
- Autotab Tabulation Sheets (5)
- Detail Sheets (1)
- Geometry Plan (1)

Michael Baker will prepare the following plans indicated above and as follows:

Typical sections - Michael Baker will prepare the typical sections for the shared use path proposed for the project. The typical sections will show widths, cross slopes, pavement/material types and depths, etc. All items must be labeled to conform with the Summary of Quantities listings.

No safety review submission is anticipated.

Autotab - PennDOT's Autotab program will be utilized as required by the Department to prepare the Item Summary Sheet and individual Tabulation Sheets to itemize the plan stations and design items for each item of construction work.

The Summary of Quantities sheets must list all pay items and quantities included in the project. Use standard nomenclature as defined in the Construction Items Catalog. Michael Baker will assign numbers for special items not listed in the Catalog.

Quantities – Michael Baker will provide roadway/trail quantities for the construction cost estimate. Detail the cost estimates on using the PennDOT Autotab program.

Preliminary P.S. & E. Submission – Michael Baker will submit all plans at least one month prior to the scheduled Final Plan Check. Make all revisions to the plans resulting from a review of this submission. The roadway plan submission will include all necessary forms, quantity calculations, a cost estimate, special provisions, and supplemental specifications.

Final Plan Check – Michael Baker will submit one full size plan for Final Plan Check. Plan check to be held in the PennDOT District Office. One resubmission is anticipated as part of this task.

The Final PS&E Submission will include one full size and three half sets of the plans.

#### Assumptions:

Michael Baker assumes that no formal cross sections plans are required to be included in the PS&E package. Michael Baker assumes no pedestrian scale lighting plans are required.

## **Task 2 - Project Management/PennDOT Coordination**

Michael Baker will manage and coordinate the design activities include in this scope of work with PennDOT and of any subconsultants and subcontractors. This task also includes project documentation, monthly invoice preparation, accounting, secretarial work and administrative functions performed by Officers, Department Heads and the Project Manager.

## **Task 3 - Utility Coordination**

Investigation and location of existing utilities is required by PENNDOT for the project. Michael Baker will make the PA ONE CALL, send copies of the construction plans to each company and request copies of as-built plans from each utility company in the project area. The facilities will be plotted on the plans to check for conflicts between the proposed work and the utilities. Michael Baker will forward the plans showing the utilities to each company for verification. Michael Baker will assist with identification of utility conflicts and document the locations by spreadsheet.

Minor utility relocation by the utility companies is anticipated for the project. Michael Baker proposes to prepare the D-419 clearance form on behalf of the PennDOT utility unit and have it signed by the Township. Michael Baker has used this process on these types of projects to expedite the design schedule. Two meetings with PENNDOT and the utility companies will be included in this task, if required. Michael Baker assumes that no utility relocation plans are required as part of this task. Michael Baker assumes that no subsurface utility engineering (SUE) firm is required. Michael Baker assumes that completion the SUE form will be required.

## **Task 4 - Signing and Pavement Marking Plan**

Michael Baker will utilize our experience on numerous PennDOT projects and other trail projects to develop the trail and roadway signing and pavement marking plans for the project. All signs will be ground mounted directional, warning, regulatory, destination type signs. The plans will conform to the Manual on Uniform Traffic Control Devices, PENNDOT Publication 68 (Subchapter K) and PENNDOT Publication DM3. The final plans will be submitted to the PENNDOT Traffic Unit for approval. Three (3) signing plans, one detail sheet and one quantity sheet are anticipated.

Since we are designing a custom signing and pavement marking concept for River Road to accommodate the trail along the shoulder of the roadway, we anticipate that PennDOT may have comments/changes on the design. We will submit the signing and pavement marking plan to the District for review and approval. We will address any comments received from PennDOT.

Michael Baker will calculate and tabulate quantities for each plan sheet and include them in the quantity tabulation for the project. Special provisions will be developed, as required, and submitted for approval.

## **Task 5 – Minor Categorical Exclusion Evaluation Assistance**

PennDOT requires the completion of a Categorical Exclusion Evaluation (CEE) as part of the environmental clearance process for projects using Federal funding. Based on experience on similar previous District 5-0 projects, the consultant project management firm assigned to our project will complete a substantial portion of the CEE. However, Michael Baker will be required to provide project specific information, plans, and answer numerous questions during the Scoping and final CEE phases of the process. This task includes minor assistance for this process.

## **Task 6 - Construction Phase Consultation Services**

PennDOT requires the attendance of the engineer at the pre-construction meeting, to complete shop drawing reviews, and to address questions that occur during construction. This task includes limited construction consultation, answering requests for information, troubleshooting field issues and shop drawing review during the construction phase. Michael Baker will perform a maximum of 2 site visits/construction meetings as part of this task.

## **Task 7 – ECMS Inputs, Tab Sheets, Specifications and Schedule**

Michael Baker assumes that PennDOT will bid this project through the ECMS system. Michael Baker will prepare the Plans, Specifications, and Estimate (P.S. & E) package according to PENNDOT guidelines. The plans will be sealed by a professional engineer/landscape architect registered in the Commonwealth of Pennsylvania.

This task includes the preparation of the following forms:

- Special provision worksheets
- Cost driver form
- Environmental Due Diligence form
- Lump sum item justification
- Environmental Commitment Mitigation Tracking System form

Special Provisions will be prepared for any non-standard construction item or any specification not addressed in PENNDOT Publication 408. These special provisions will be input into ECMS. Standard PENNDOT construction item numbers from Publication 7M –Construction Items Catalogue will be used.

Michael Baker will prepare the final construction quantities for the project in accordance with PennDOT requirements and specifications. Item summary and tabulation sheets will be prepared using PennDOT's Autotab program and uploaded into ECMS. These quantities will be used to complete the final construction cost estimate.

As part of this task, Michael Baker will complete the Project Development Checklist in ECMS. This will include identifying all required plan sets, plan approvals, permits, letters of adequacy, standard and special provisions for the project. Michael Baker will cross reference these to the Checklist and provide pdf copies to PennDOT for linking to the project.

Michael Baker will prepare a pre-bid construction schedule using PENNDOT's Construction Scheduling software. The schedule will determine time durations required for the major phases of construction, which form the critical path for the construction project.

**Price Proposal  
Supplement #4**

**Final Design and Permits for the  
Jordan Creek Greenway Phase 1**

Task No.	Task Description	Price/Task
Phase 1 (TASA Grant)		
1	Trail Engineering / Construction Plans	\$3,269
2	Project Management/PennDOT Coordination	\$1,920
3	Utility Coordination	\$1,281
4	Signing/Pavement Marking Plan	\$2,656
5	Minor Categorical Exclusion Evaluation Assistance	\$2,108
6	Construction Phase Consultation Services	\$2,336
7	ECMS inputs, Tab sheet, Specifications and Schedule	\$10,492
	Total	\$24,061

## Scope of Work and Cost Proposal – Phase 1 River Road Pinch Point Design Options/Cost Estimates

This amended scope of work includes conceptual design, budget estimates for construction cost, budget estimates for design/permitting cost and estimated design/permitting timelines for each of the following design concepts along the pinch point on River Road:

- Road widening to the north
- Wall & fill to run trail on south side of current guiderail
- Bridge
- As currently designed with addition of traffic calming measures as discussed (tabletop speed bumps, signs, etc)

Task 1 Conceptual Design Plans – Michael Baker will prepare a brief concept design for the 4 additional options requested by the Township. This includes limited design and cadd effort to develop a concept design plan for review by Township staff, to develop concept level construction quantity take offs and to understand potential environmental impacts and permitting requirements.

2 hours x 4 concepts x \$143/Hour Engineer = \$1,144

1 hour x 4 concepts x \$116/CADD Tech=\$464

Task 2 Budget Estimate for Construction Cost – Michael Baker will prepare budget estimates for construction costs for the 4 concept plans. This effort will include quantity take-offs based on each of the 4 concept plans, development of unit costs, research of latest PennDOT bid history, use of industry standard cost parameters such as mobilization, drainage/stormwater management, traffic control, erosion control and contingency/inflation factors, among others. Includes quality control check by senior staff.

4 hours x 4 concepts x \$143/Hour Engineer=\$2,288

0.5 hours x 4 concepts x \$237/Hour Project Manager=\$474

Task 3 Budget Estimate for Design & Permitting Cost -Michael Baker will prepare a budget estimate for the cost of engineering and permitting for each of the 4 concept plans. A bullet list of scope items will be prepared for each concept as the levels of design and permitting may vary for each design concept. Includes quality control check by senior staff.

4 hours x 4 concepts x \$143/hour Engineer=\$2,288

0.5-hour x 4 concepts x \$221/hour Environmental Manager=\$442

0.5 hours x 4 concepts x \$237/Hour Engineer=\$474

Task 4 Design & Permitting Timeline – Michael Baker will develop an estimate of the time it will take to design and permit each of the 4 design concepts. This task includes consultation with our environmental manager and check by senior staff.

1 hours x 4 concepts x \$143/hour Engineer=\$572

0.5 hour x 4 concepts x \$221/hour Environmental Manager=\$442

Task 5 - Project Management/Meetings – This task includes the scoping/setup and management of the tasks related to this amendment. This task includes 1 field meeting and 2 virtual meetings related to this effort.

Field meeting (including travel time)  
3 hours x \$143/Hour Engineer=\$429  
2 hours x \$237/Hour Project Manager=\$474

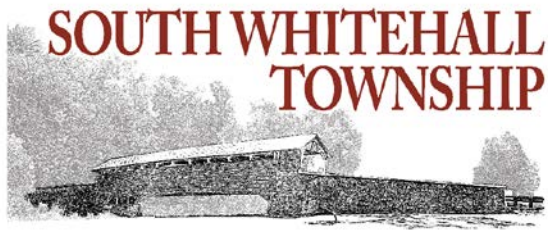
Virtual meetings  
2 hours x \$143/Hour Engineer=\$286  
2 hours x \$237/Hour Project Manager=\$474

Management  
4 hours x \$237/Hour Project Manager=\$948

Direct Costs (travel, prints): \$100

Total Cost for Supplement #5 = 11,299





## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Chris Kiskeravage
<b>DATE:</b>	18- May- 2022
<b>SUBJECT:</b>	Finance transfer
<b>COPY TO:</b>	Randy Cope, Scott Boehret

- **Background Information and/or Justification of Expense:**

Historically, SWT Fire hose purchases in the past have been made from the contingency account and for the past several years, hose was not a separate budgeted line item. As such, there is not a budgeted expense for hose in 2022, although there is a need. This will be a separate line item in the 2023 budget.

Additionally, the Cetronia fire company's bathroom project was not completed in 2021 and had not been added to the 2022 budget as a capital expense.

- **Action Requested:**

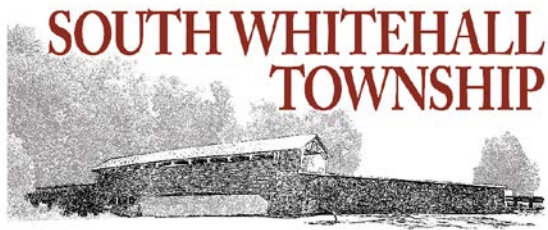
We are requesting permission to expend funds for a hose purchase for \$20,000 and funds for \$43,000 for the Cetronia bathroom project. The total expenditure for the hose and bathroom consists of \$63,000.

- **Budget Line Item (if applicable):**

Both items are not current expenses in the budget. As such, we are requesting the board grant permission to the Fire Companies to spend this money. Because the Fire Fund is not a major fund, this is permissible. We will use \$63,000 from the Fiscal Stability bank account to the Fire Checking account to allow for adequate cash reserves for these necessary expenses.

As of April 28, 2022, we have \$100,298.87 in the Fire Fiscal Stability Bank Account, which is adequate to cover the proposed expense.





## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Chief Glen Dorney
<b>DATE:</b>	11 May 2022
<b>SUBJECT:</b>	Adoption of Civil Service List for entry Level Patrol Officer
<b>COPY TO:</b>	Randy Cope, Interim Township Manager

- **Background Information and/or Justification of Expense:**  
The Police Department has conducted civil service testing for entry level patrol officer via the Lehigh County Chief's Association Consortium test. All aspects of the testing process have been completed, to include the physical assessment, written examination, and oral examination. The Civil Service Commission has certified the eligibility list on Wednesday, May 11, 2022. There is no expense to this testing process.
- **Action Requested:**  
I am requesting the Board of Commissioners make a motion to adopt the newly certified Civil Service List for Entry Level Patrol Officer.
- **Budget Line Item (if applicable):** *Please indicate approved budget amount for specified project(s). 01-Not Applicable – No cost item*

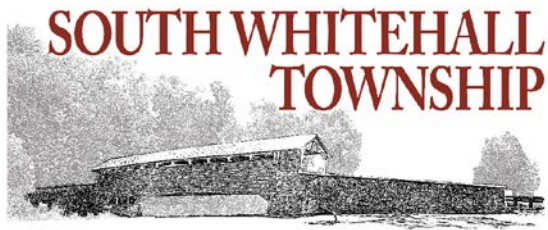
***South Whitehall Township***

***Entry Level Patrol Officer***

***Eligibility List***

***Adopted by Civil Service Commission on May 11, 2022***

<b><u>Rank</u></b>	<b><u>ID#</u></b>	<b><u>Written</u></b>	<b><u>Oral</u></b>	<b><u>Weighted Oral 60%/ Written 40%</u></b>
1	51749	88.57	90.67	99.83 (vet)
2	64394	90.39	85.33	97.35 (vet)
3	88952	90.61	95	93.24
4	44400	88.03	95	92.21
5	88902	91.17	87	88.67
6	01646	93.49	85.33	88.59
7	72376	88.73	88.33	88.49
8	47449	82.12	89	86.25
9	62843	92.44	80.33	85.17
10	89493	78.9	75.33	76.76

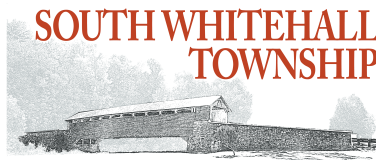


## MEMORANDUM FOR AGENDA ITEMS

<b>TO:</b>	Board of Commissioners
<b>FROM:</b>	Chief Glen Dorney
<b>DATE:</b>	11 May 2022
<b>SUBJECT:</b>	Discipline agreement between Police Union and Township
<b>COPY TO:</b>	Randy Cope, Interim Township Manager

- **Background Information and/or Justification of Expense:**  
An internal affairs investigation was launched involving a South Whitehall Township Police Officer, resulting in a Sustained finding of policy violations.
- **Action Requested:**  
I am requesting the Board of Commissioners approve a settlement agreement between the Township, The South Whitehall Township Police Bargaining Unit, and involved officer.
- **Budget Line Item (if applicable):** *Please indicate approved budget amount for specified project(s). 01-  
Not Applicable – No cost item*



**Agenda Item Details**

Meeting	May 18, 2022 - Board of Commissioners
Category	10. CORRESPONDENCE AND INFORMATION ITEMS
Subject	A. Boards and Commissions - Informational Items/Vacancies
Access	Public
Type	Information

**Public Content****CURRENT VACANCIES ON BOARDS/COMMISSIONS:**

1. Civil Service Commission - 1 Alternate Vacancy
2. Green Advisory Council - 1 Vacancy
3. Landscape Shade Tree Commission - 2 Vacancies
4. Park & Recreation Board - 1 Vacancy
5. Environmental Advisory Council - 3 Vacancies

**UPCOMING MEETINGS: Details posted on website.**

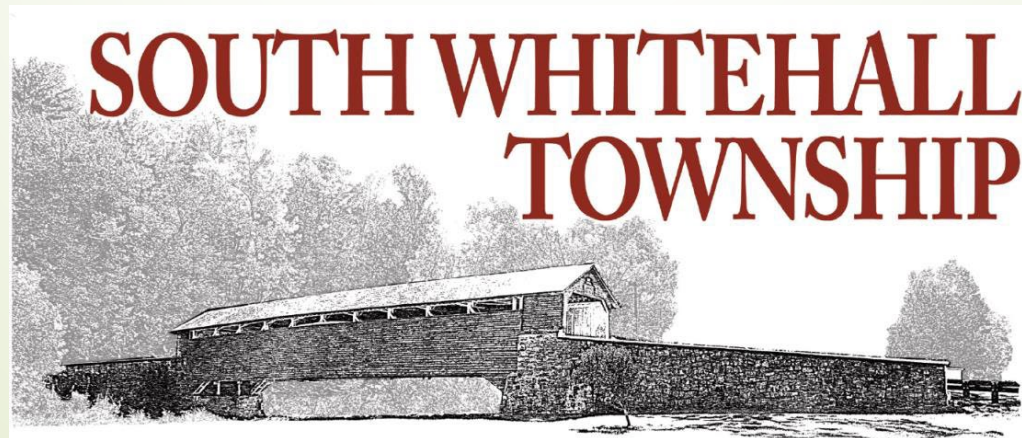
- Thursday, May 19th - Planning Commission, 7:30 p.m.
- Friday, May 20th - MOVIE IN THE PARK, 8:15 p.m.
- Monday, May 23rd - Landscape and Shade Tree Commission, 10:00 a.m.
- Tuesday, May 24th - Planning Commission, Special Meeting, 7:30 p.m.
- Wednesday, May 25th - Zoning Hearing Board, 7:00 p.m.
- Sunday, May 29th - Memorial Day Concert with the Allentown Band, 7:00 p.m.
- Monday, May 30th - MEMORIAL DAY HOLIDAY - OFFICES CLOSED.

**Administrative Content****Executive Content**



# SWT Land Preservation Committee Report

May 18, 2022





## Introduction – Meeting Purpose

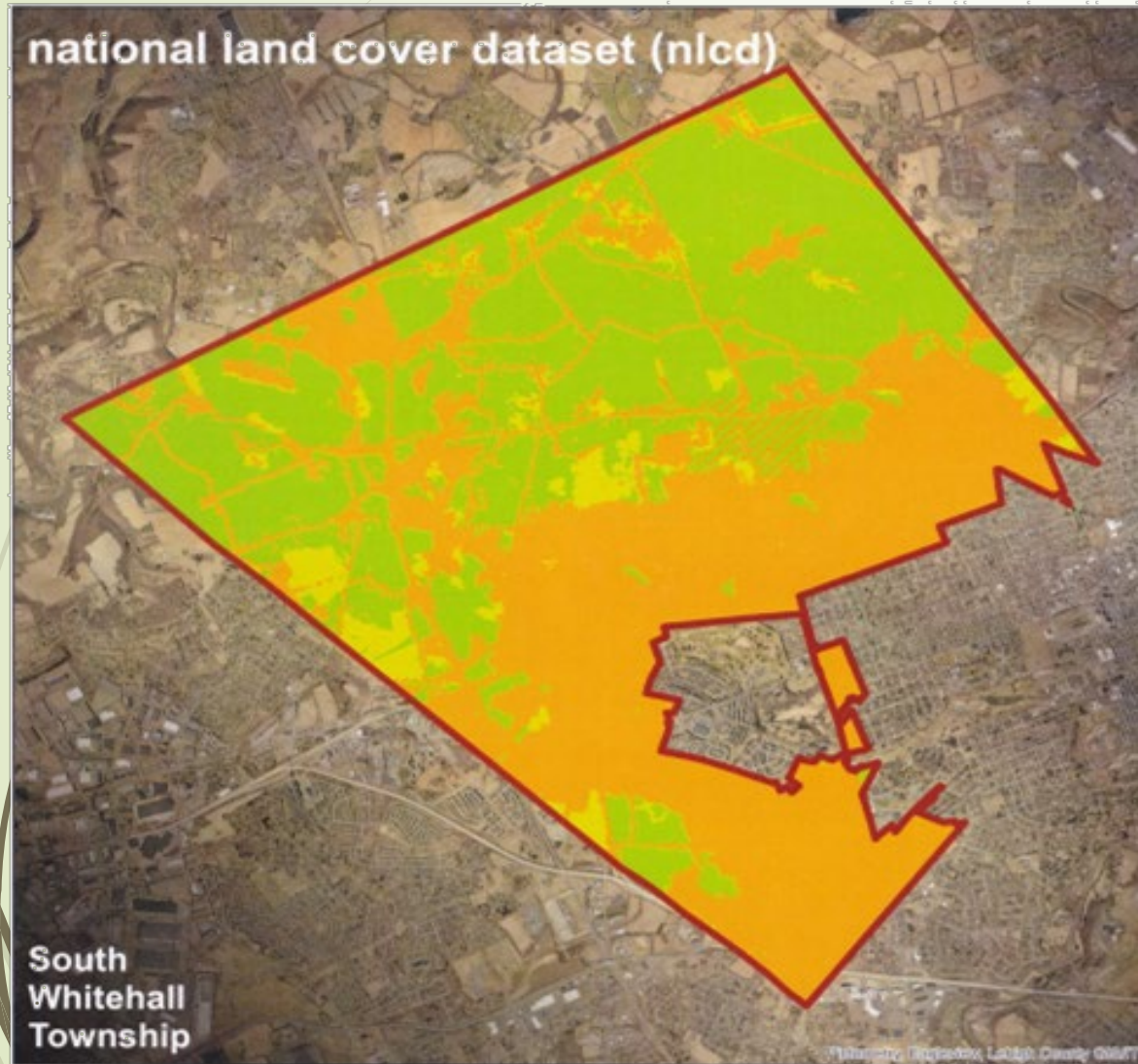
- Present the Land Preservation Committee Report
- Provide recommendations to the BOC
- The BOC will provide direction on these recommendations



## Land Preservation - Opportunity / Costs / Funding

- Define the SWT Land Preservation opportunity and the associated costs
- Define the available funding sources

# Land Preservation Opportunity



**2022 Approved**



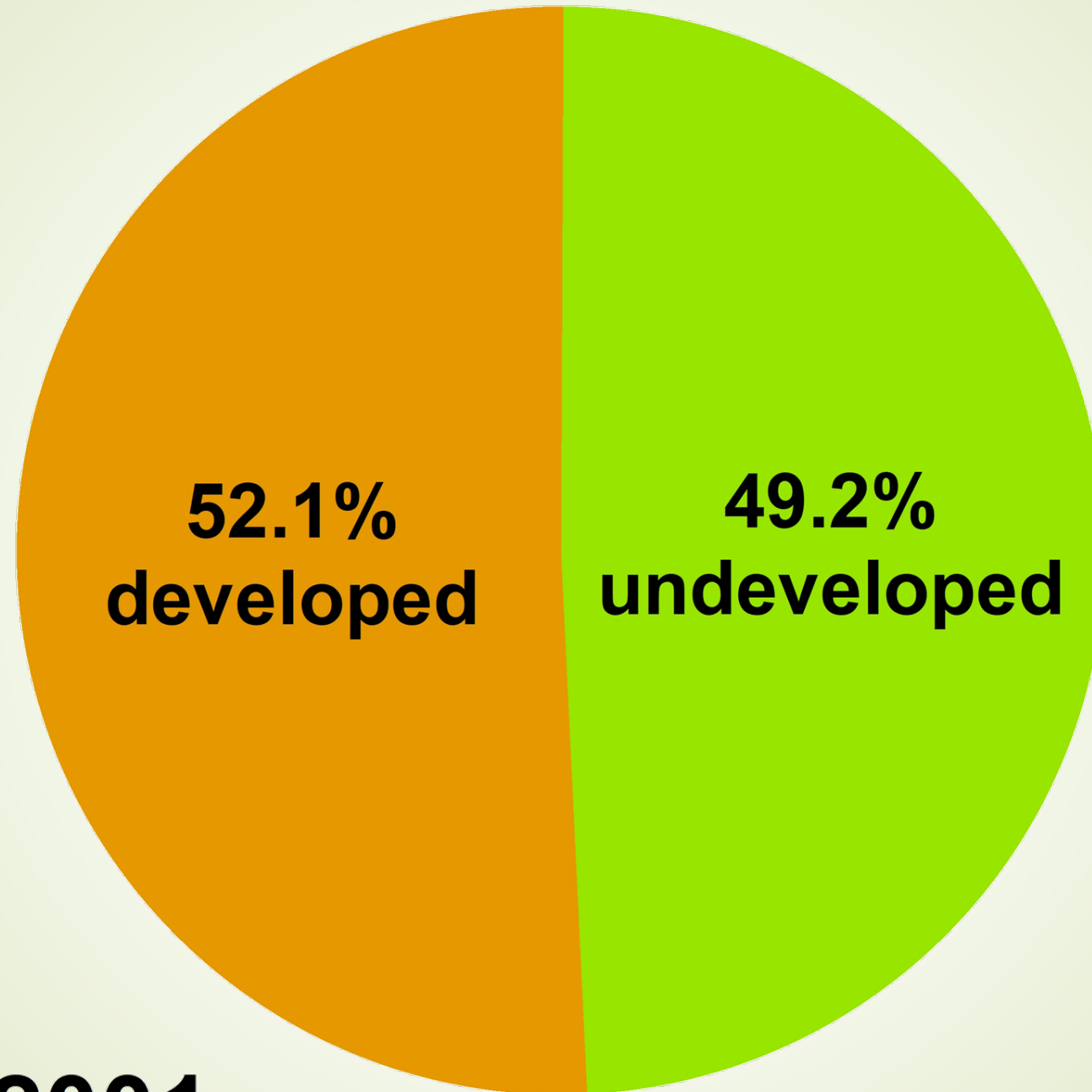
**2022 Developed**



**2001 Undeveloped**



**2001 Developed**



**11,000  
Total  
Acres**

**2001**



**55.8%  
developed**

**6.5%  
preserved**

**44.2%  
undeveloped**

**1.5%  
approved**

**2022+**

## Land Preservation - Opportunity / Costs

- Total 11,000 Acres
- Undeveloped 4,200 Acres
- Potential Preservation 1,000 Acres (Estimated)
- Fee Simple Cost Range \$10K - \$50K / Acre

**\$10 million to \$50 million**

**\* estimated fee simple cost range**

# Land Preservation Funding

- SWT needs additional funds to start land preservation
- SWT will not have enough money from non-tax sources (e.g. grants)
- Grants require SWT to provide matching funds
- SWT should emulate successful townships' preservation financing
- SWT needs increased EIT revenue to provide the required funds
- An Open Space Referendum must appear on the 2022 November Ballot to obtain revenue that can be used starting in 2023
- If SWT waits until the 2023 Elections, then SWT will not have the necessary funds to preserve land until 2024

## **EIT Revenue (for Illustration Purposes Only)**

	Option 1	Option 2
% Increase	0.15	0.25
\$ Increase / Year	\$1.2 Million	\$2.0 Million
\$ Increase / 10 Years	\$12 Million	\$20 Million
Avg. Cost Per EIT Paying Resident	\$99	\$165



## EIT Contribution (for Illustration Purposes Only)

An EIT Tax increase can deliver  
\$12-20 million of the potential  
\$10-\$50 million required to  
preserve land over ten years

South Whitehall Township - Open Space Referendum Timeline	
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[illegible]

# Open Space Referendum Timeline

<b>Dates</b>	<b>Action</b>
<b>5/18 – 6/1</b>	<b>Work on Open Space Referendum Ordinance (with Ballot Question)</b>
<b>6/1 BOC Mtg</b>	<b>Motion - BOC provides conditional approval to advertise the Ordinance</b>
<b>6/1 – 6/15</b>	<b>Revise Open Space Referendum Ordinance based on BOC Feedback</b>
<b>6/15 BOC Mtg</b>	<b>Motion - BOC approval to advertise the Ordinance</b>
<b>6/15 – 7/6</b>	<b>SWT advertises the Open Space Referendum Ordinance</b>
<b>7/6 BOC Mtg</b>	<b>Motion - BOC approves the Open Space Referendum Ordinance</b>
<b>7/7</b>	<b>Submit Open Space Referendum to the Lehigh County Government Office</b>
<b>7/7 – 8/9</b>	<b>SCHEDULE FLOAT</b>
<b>8/9</b>	<b>Deadline to submit the Open Space Referendum</b>

## Land Preservation Committee Recommendation

- The Committee recommends that the BOC approve the first step that is required for SWT to move forward with Land Preservation
- Initiate work to develop an Ordinance that will enable SWT to place an Open Space Referendum on the November 2022 Ballot so that voters can vote to approve or disapprove an ELT increase to fund Land Preservation

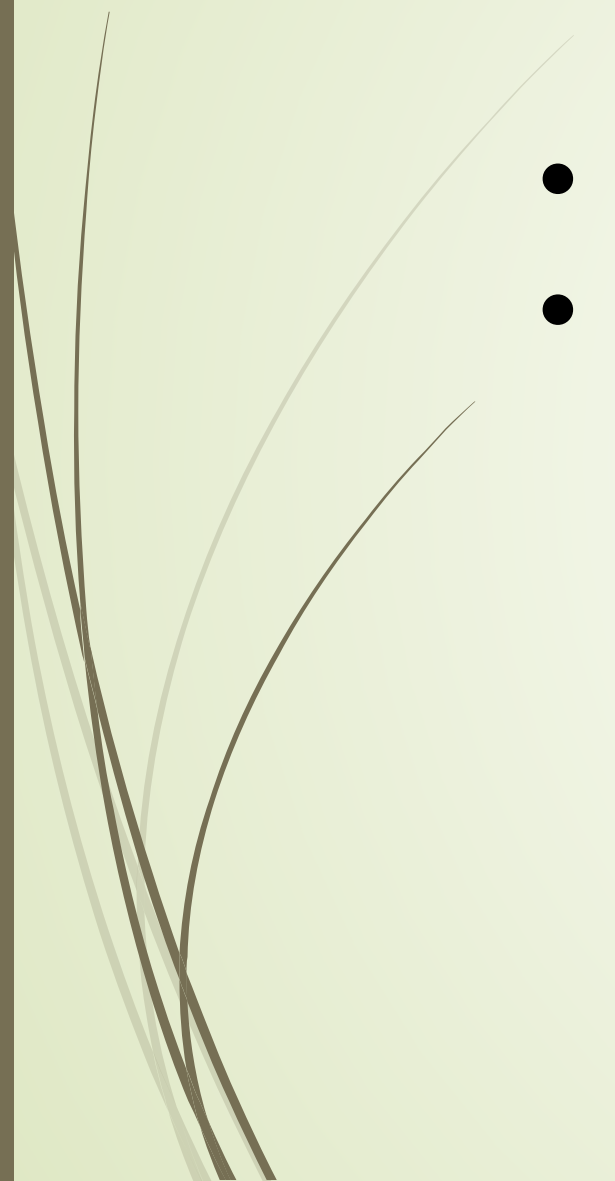


## Direction

- Provide direction to have Interim Township Manager and Township Solicitor initiate work to develop an Open Space Referendum Ordinance

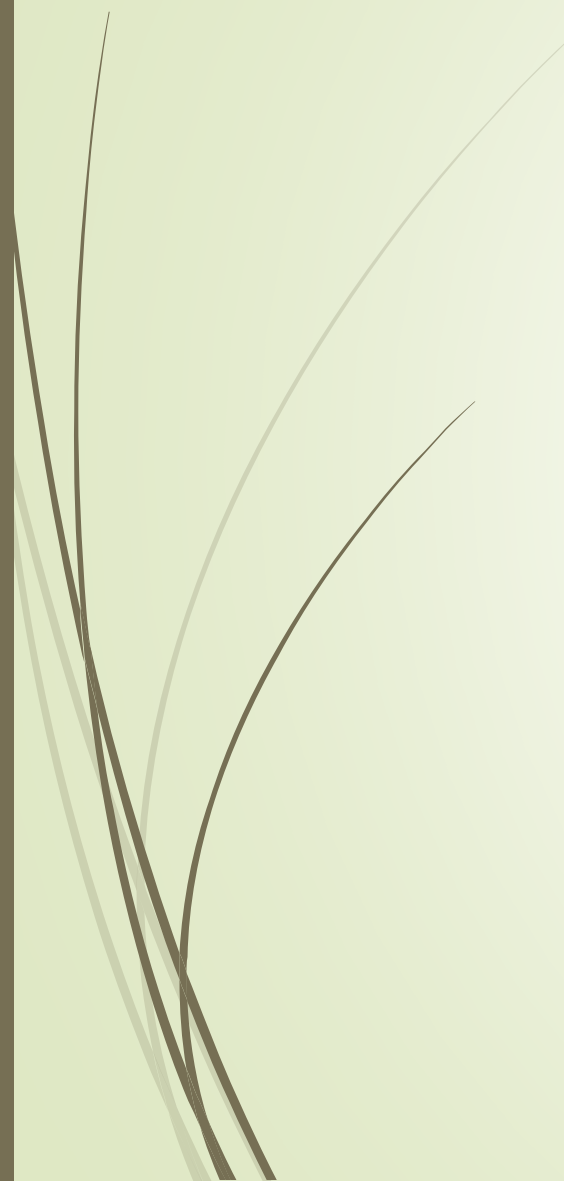


# Comments and Questions

- BOC
  - Public
- 



# Additional Information





## Land Use Principles

- Property owners have the legal right to develop their land
- SWT desires to balance land development with land preservation
- SWT land preservation can only be accomplished with the property owner's full cooperation and agreement



## Land Preservation Includes:

- 
- Open space
  - Farmland
  - Woodlands
  - Wetlands
  - Trailways
  - Greenways
  - Habitats
  - Parks

# Lehigh County Preserved Farms By Municipality

Township	Number of Farms	Acreage Preserved
Lynn	109	8,462
Weisenberg	52	4,379
Heidelberg	54	3,794
Lower Milford	55	3,640
Upper Milford	26	1,114
Upper Macungie	15	949
Lower Macungie	20	921
Washington	10	789
Lowhill	9	778
North Whitehall	3	384
Upper Saucon	10	456
<b>South Whitehall</b>	<b>1</b>	<b>70</b>
Other	1	266
Totals	365	26,002



## **Benefits of Land Preservation**

- Increased property values
- Boosts tourism and local economies
- Protects agricultural land and future of farming community
- Floodplain protection
- Safeguard the environment (i.e. drinking water, clean air)
- Promote sustainable development
- Promotes health lifestyles

## Land Preservation Outreach

- SWT must implement an effective Land Preservation Outreach Program to explain the benefits to SWT residents
- Use successful township Outreach Programs – Lower Macungie, Upper Saucon, Lower Mount Bethel, Bushkill
- Engage partners who will promote SWT Land Preservation – LVPC, elected officials, property owners, citizens, etc.
- Maximize Land Preservation outreach communication channels and events