



BOARD OF COMMISSIONERS

PUBLIC MEETING

AGENDA-MINUTES

May 18, 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
Joseph Zator, 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
John Frantz, Building Code Official
Tom Harper, Code Enforcement Program Manager
Tracy Fehnel, Exec. Assistant

2. **PLEDGE OF ALLEGIANCE**

At this time, Chief Dorney called for a moment of silence in recognition of National Police Officers Memorial Day.

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: May 16, 2022
- d. Recognition – Greenawalds Fire/Rescue's 100th Year Anniversary

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

- a. Matt Tuerk, Mayor, City of Allentown – Stopped by to introduce himself. He is thrilled to have good neighbors, such as SWT. Wanted to also thank the Administration, especially Chief Dorney for working with the COA on the regional issue of illegal dirt bikes.
- b. Steven M. Pohl, 1415 Frederick Street, Allentown. Subject: Police Department and complaint procedures.

5. **MINUTES:**

- a. **May 4, 2022 – Board of Commissioners Meeting Minutes**

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve the May 4, 2022, BOC Meeting Minutes as presented. All in favor; none opposed. Motion carried; Vote was 5:0.

6. **PRESENTATIONS:** None.

7. **ORDINANCES:**

John Frantz, CFEI, BCO, explained that with the next three ordinances, 7A, 7B, 7C, on February 14th of this year, the Commonwealth of PA adopted the 2018 versions of the International Code Council construction codes. Because of that, three of the codes—building code, residential code, and plumbing code. There are things that need to be filled in, either technical data or names—SWT for instance. Every time the Commonwealth adopts a new version of the codes, we have to go through the process of doing these ordinances and fill in the blanks in those sections. This is the jist of all three 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**

John Frantz explained this ordinance applies to commercial buildings throughout the Commonwealth.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Wolk, granting Permission to Proceed with Advertising of said Building Code ordinance as explained by Mr. Frantz. All in favor; none opposed. Motion carried; Vote was 5:0.

- 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**

John explained this ordinance deals with the international residential code, which applies to single homes, twin homes, and townhomes, and their accessory structures. There was a significant change in the code. One of the tables provided a lot of new information. We reached out to Barry Isett & Assoc., our residential inspectors, to provide that technical information for this ordinance.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, granting Permission to Proceed with Advertising of said Residential Code ordinance as explained by Mr. Frantz. All in favor; none opposed. Motion carried; Vote was 5:0.

- 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**

John explained this ordinance says plumbing code, and this applies to only commercial structures—commercial buildings. The residential code just discussed above applies to building, HVAC, plumbing—everything in residential. The commercial codes are different and are separate. No significant changes to this ordinance.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Hodges, granting Permission to Proceed with Advertising of said Plumbing Code ordinance as explained by Mr. Frantz. All in favor; none opposed. Motion carried; Vote was 5:0

- 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**

Tom Harper, Code Enforcement Program Manager, explained that the Property Maintenance Code is the main code that Code Enforcement uses to enforce violations in the Township, which deals with high grass and weeds, accumulation of trash and debris, unsightly things on the property, deteriorated conditions (internal/external), and is used for both commercial and residential. This is same as above, where we fill in the blanks, which the Township is allowed to do, for example 12-inch height for grass, timeframe for heating season where you have to supply heat to the tenant. There is a section for penalties if you are in violation, and citations issued. It follows principles where you go out to look at violation, you next talk to person, or can give them a Notice of Violation, and follow the steps outlined in this ordinance in the international code. Then, ultimately if there is no compliance, you can take person to the magistrate's office.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Kennedy, granting Permission to Proceed with Advertising of said Property Maintenance Code ordinance as explained by Mr. Harper. All in favor; none opposed. Motion carried; Vote was 5:0.

8. RESOLUTIONS:

- a. A Resolution Granting Preliminary/Final Approval to a Minor Plan Entitled "1420 North 22nd Street"**
-

Dave Manhardt, Director, Community Development Department, explained that this is an application to subdivide the property. There is an existing building on one of the properties. The subdivision will create a vacant lot for another building. Recommended for approval by the PC in November 2020. Applicant then came to PC and to BOC. There was a sidewalk deferral. They came to BOC asking for this deferral to be waived, which was denied. Applicant therefore moved forward with deferral. This was the last time we heard from applicant. They are here this evening for approval. The list of agency comments are all similar—prior to plan recording these comments have to be addressed.

Mr. Joseph Rentko, P.E., Project Engineer, Black Forest Engineering, was here on behalf of the Applicant, Mr. Nidal Karadsheh. The property is about 20,000 SQF. Located at the SW corner of N. 22nd Street and Grove Street. Applicant would like to subdivide a small 7,000 SQF section for the possibility of building a home for his son down the road. Still have some comments from Township Engineer we have to work through, and are confident we can do so. Township Engineer is also comfortable moving this forward. Items that need to be addressed need to be done so prior to recording. The Acceptance of Conditions form has been received from Applicant.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kennedy, to approve Resolution Granting Preliminary/Final Approval to a Minor Plan Entitled "1420 North 22nd Street". All in favor; none opposed. Motion carried; Vote was 5:0

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

Dave Manhardt, Director, Community Development Department, explained this is KR2, who received several extensions this year. The big, outstanding item is related to the PSC's comments regarding a no-turn on red from Cetronia Road onto Broadway—going north on Cetronia. That traffic light and that decision is under PennDOT jurisdiction. We went back and forth with the PSC, and ended up writing a letter to the director of engineering for PennDOT District 5, requesting that this condition be reconsidered. This came back from PennDOT with them saying NO again, because the traffic counts do not warrant the no-turn on red—this was PennDOT's position. Applicant then went back to the PSC to review the conditions of the letter from PennDOT to discuss any changes or other conditions they might be agreeable to in order to remove that condition from the resolution. That condition is part of a SALDO waiver. The waiver is the distance of the driveway from the intersection. Based on that distance, PSC feels this is an unsafe condition and the no-turn on red is a way to make it safe. In the memo from the PSC, they voted to keep the condition in, which the Applicant is aware of this. Applicant has requested that they appear before the BOC to refresh everyone's memory on the condition and what they deem is an appropriate measure for that intersection, and considering there are new board members, they thought it worthwhile to review with board.

Ed Murphy and Noah Chrismer of the KRE Group were in attendance this evening. Mr. Murphy is council for KRE. He said they were here this evening to most importantly share

some new information they have developed since the last appearance before the PSC. PSC alluded to this one condition, which has been discussed for almost two years, and has been an issue which we have been working collaboratively and cooperatively with the Township to try and satisfy as a unified front to ask PennDOT to agree to the no-turn on red at Cetronia and Broadway, which today PennDOT has been unwilling to do. Attorney Murphy and Mr. Chrismer both met with the PSC, and they were unwilling to modify the condition in the waiver. We are still working on trying to get where everyone wants us to be. The information they were here to share with the BOC has not yet been shared with the PSC, which the BOC can decide if they want them to or not.

Noah Chrismer brought some visuals and a video to be viewed by the Board this evening. This is the driveway on Broadway that comes out, and the condition most concerned about is folks making a left-hand turn out of there, going southbound on Cetronia. We've tried to work in partnership with the Township on several ways to address this situation to no avail. Mr. Chrismer said one thing they had not done is fly a drone to see what the actual traffic conditions are there. So this has since been done. He said that this video shows these conditions are not that dangerous at all. In fact, the right-hand turn on Broadway is somewhat of an acute angle, and you see cars coming to an almost complete stop. We also found the queue, the line up to go left onto Cetronia, is not as far back as some folks thought. It does back up, but generally clears during the cycle of the light. So, we found that a combination of some very important factors you are going to have good sight lines, and having cars going at slow speed, and the left-hand turn going south on Cetronia already clears almost every cycle, and will be even better once we implement some improvements. Traffic is something most people have perceptions about and usually grow, because traffic is frustrating. However, when you look at it from the drone footage, it does not lie. All the footage has been sent to the Township Engineer so that he (Tony Tallarida, The Pidcock Co) could see we did not cherry-pick footage just for this evening. Mr. Chrismer did show the plan which was approved, to the new board.

A MOTION was made by Commissioner Wolk, which was seconded by Commissioner Hodges, to TABLE this resolution, to enable KRE to take this back to the PSC on June 6th, at 7P, in order that the PSC can review the drone footage in its entirety. All in favor; none opposed. Motion carried; Vote was 5:0

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"

Herb Bender, PW Manager, explained the reason for this agreement is to remove the sewer main from the Tilghman Street Bridge over the Turnpike. This agreement is between SWT and UMT, to allow the sewer to flow into the existing UMT line located at Bellflower Way. The reason we would like to do this is so we do not have the suspended sewer line on the new Tilghman Street Bridge, which would force us to go to a force main instead of gravity fed. There is a big savings in price if we go this route. We will also then have an agreement with LCA after this, of 10,000 gallons of allocation to LCA, because it will end up in their trunk

line. Working with PennDOT now to get the HOP to make the crossing from Lincoln Tech and for the Turnpike Station to come across Tilghman Street to go into the gravity line. We would then be looking to hook up the three customers out there right now currently on that line.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve 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". All in favor; none opposed. Motion carried; Vote was 5:0

9. MOTIONS:

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

Mike Kukitz, Parks & Recreation Manager, explained that as most know we received a \$1M TASA Grant 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 BOC to look at possible alternatives to the proposed shared road section of the Jordan Creek Greenway Trail on River Road. There are four potential design options that could be pursued. (The BOC will decide which of the 4 options they want.) At this point, 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. Once the BOC decides on the option, then Mike can pursue other avenues of funding if necessary. Interim Township Manager, Randy Cope said that now is a good time to reach out to our legislators to see if they have additional ideas and avenues to explore.

A MOTION was made by Commissioner Kelly, which was seconded by Commissioner Hodges, granting 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. All in favor; none opposed. Motion carried; Vote was 5:0

b. Motion to Approve Budgetary Transfers

Chris Kiskeravage, Township Fire Commissioner explained that 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. Chris said we are requesting permission to expend funds for a hose purchase for \$20,000 and funds for \$43,000 for the Cetronia Bathroom project. Total expenditure for the hose and bathroom consists of \$63,000. Both items are not current expenses in the budget. As such, we are requesting the BOC 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 Fire 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. Scott Boehret, Director of Finance said that this year as we look at the budget, we want to up front be able to fund both apparatus fund and the fire fiscal stability fund, so that these monies are immediately set aside as a separate line item.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve said budgetary transfers as explained by Mr. Kiskeravage. All in favor; none opposed. Motion carried; Vote was 5:0

c. Motion to Proceed with Adoption of the Entire Civil Service Eligibility List for Patrol Officer in the SWT Police Department

Chief Dorney explained that he is here this evening to request that the BOC make a motion to adopt the newly certified CS list for entry level patrol officer. Background—we follow all the CS guidelines. We conducted the physical and written examination on April 30th, followed by interviews on May 9th and 10th. Total of 47 people applied from 13 departments of the LC Consortium Test. 26 showed up to take the test. 23 passed. With the people who met our requirements, after the interviews, we had 10 people on our list, who are in your packet on the list by ID #. The CSC certified this list on May 11th. I am here this evening requesting the BOC adopt this list.

A MOTION was made by Commissioner Osborne, which was seconded by Commissioner Kelly, to Proceed with Adoption of the Entire Civil Service Eligibility List for Patrol Officer in the SWT Police Department. All in favor; none opposed. Motion carried; Vote was 5:0

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

For the record, Commissioner Osborne was not at the May 4, 2022, executive session which was held on this matter; however, he did have a conversation with Chief Dorney regarding this matter, and will therefore be voting on this matter this evening.

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, granting 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. All in favor; none opposed. Motion carried; Vote was 5:0

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.

- 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.

11. OLD BUSINESS**a. Wehr's Dam**

Township Manager explained that Wehr's Dam Project has gone out to bid, and has been advertised. May 24th will have mandatory pre-bid meeting; May 31st interested contractors will have to submit their questions through Pennbid; June 6th is bid opening here at the Township; June 15th will bring recommendation to BOC.

b. Comprehensive Plan Update

Dave Manhardt, Director, Community Development Department, went over some things that were updated on the website regarding the CP. Draft Goals and strategies are listed. As things are completed, they will be listed on this page to give you an idea how the document is coming together. If you have an idea, or want to comment on something, you may do so on the website. Currently working with Michael Baker to come up with a public engagement strategy.

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

Nothing further to report on this. Was discussed earlier in the meeting, Agenda Item 9-A.

12. DIRECTION/DISCUSSION ITEMS:**a. Fire Code Ordinance**

John Frantz, SWT Building Code Official explained that this evening, when we were discussing the other ordinances, you did not see the International Fire Code Ordinance. Portions of the 2018 International Fire Code are adopted by the uniform construction code, and we need to do nothing about that. That is for new construction or renovations. This fire code also applies to existing buildings, commercial buildings in the Township. We need to adopt this, as we have in the past, as a commercial property maintenance code for fire safety in the Township.

Would like to have done this with the other ordinances; however, the repealer included in our previous fire code ordinance adoptions actually got rid of what was in our codified ordinance for open burning, because it was inconsistent. We had not heard of this before. Now, open burning for outside fires, fall under the requirements of the 2015 fire code. Those requirements are dramatically less restrictive than what the codified ordinances were. So the discussion item before the BOC tonight is how do you want Staff to proceed with this? We can remove the open burning sections out of the fire code and go back to our previous open burning ordinances, which probably dates back to 1965, which prohibited all open fires which uses wood as its fuel. It allows for propane grills, propane outdoor fires. The international fire code does allow the use of wood as fuel. It is cumbersome and confusing for us as code enforcement people to enforce, and it will be especially confusing for the residents to understand. Also, as you drive around the Township, we have a very diverse Township. Also, over the years we get many complaints about the smoke from wood fires. With the requirements of the fire code being adopted as is, this will encourage people to do more outside fires, they are allowed to, so the complaints will go up. Statistically, if we allow more fires, the chance of injury, or even loss of life, goes up. Looking for BOC guidance how you want us to proceed. Are you looking to have more open fires or do you want to limit open fires?

The Board asked John to come back to the Board with his recommendation on this matter and explain why. John will work with Staff to prepare/develop something and report back to the Board on this matter. The Board said we can tie this into one of the workshops.

b. Land Preservation Committee Report

This report was given by Commissioners Osborne and Wolk and has been attached to these minutes. Additionally, you will find this Land Preservation presentation on tonight's SWT YouTube video beginning at marker 1:48:19, where you can listen to this Report/Presentation in its entirety. Please see attached Report/Minutes, with corresponding slides.

c. Lehigh County Authority – Interconnect Agreement

Herb Bender, PW Manager explained that LCA needs an emergency interconnect with our system to help their system. They have a 2M gallon reservoir that has to go off-line. They went on negative pressure and the steel tank sucked in like a soda can. It cannot go through winter like that, so when it is taken off-line in mid-July, if they need fire protection, if they have a main break on that line, they cannot provide water to the northern section. Looking to have their reservoir back online by November; in this interconnect there will be a pressure valve. Herb did work with Solicitor Zator on the agreement. If there is a hindrance to any SWT residents, or our operations, this pressure valve gets turned off immediately. This is a temporary fix. After this temporary fix, LCA & SWT will work together to improve both systems so that they work more cohesively together. This reservoir is north of Samuel Adams, in UMT. LCA has paid for everything to date.

This was just to bring this to the attention of the Board—so the Board knows it will be upcoming on a future agenda. No action necessary this evening.

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

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

a. Invoices and Disbursements

A MOTION was made by Commissioner Kennedy, which was seconded by Commissioner Kelly, to approve the payment of all invoices. All in favor; none opposed. Motion carried. Vote 5:0.

15. **EXECUTIVE SESSION:** None.

16. **ADJOURNMENT:** At 10:06 p.m., a MOTION was made by President Kelly to adjourn. All in favor; none opposed.

17. **APPROVED:** On **June 1, 2022**, a MOTION was made by Commissioner Wolk, which was seconded by Commissioner Kelly, to approve the May 18, 2022, BOC Meeting Minutes. All in favor; none opposed. Motion carried; Vote 5:0.

SWT BOC Meeting – May 18, 2022 Land Preservation Committee Report Talking Points AND Minutes

Commissioner Osborne – explained that at the end of the presentation we will simply ask for the Board’s approval to allow Staff and our Solicitor to begin the work to make this initiative successful.

He went on to say, landowners have the right to develop their land in accordance with existing zoning ordinances and laws. The initiatives you will hear are the actions the Township can take to prepare us financially to work cooperatively with our respected landowners. We will need the landowner’s agreement in all cases as they make their land available for sale or preservation. He went on to say the respectful approach will be the most successful one and one we should adhere to and honor as well. With this approach, as we seek a balance between land preservation and land development, this preservation will help enhance the vibrancy and attractiveness of our community. Lastly, we do not have all the answers at this time, but will work to obtain those answers.

Slide 1: SWT Land Preservation Committee Report – Commissioner Wolk

- Tonight, the Land Preservation Committee will deliver its 1st ever report to the BOC & the public
- The New Committee includes Brad Osborne, Randy Cope, Dave Manhardt and Mike Wolk. We’ve been active for one month.

Slide 2: Introduction—Meeting Purpose – Commissioner Wolk

- Our meeting purpose is to present the report along with some specific recommendations so that the BOC can provide direction about our next steps.

Slide 3: Land Preservation – Opportunity/Costs/Funding – Commissioner Wolk

- Tonight, we will explain the Front-End Strategic Work that is required to start Land Preservation
- We’ll cover the Land Preservation opportunity, the associated costs and the available funding sources
- Other successful municipalities have proactively accomplished this front-end strategic work
- We cannot preserve land without the necessary funds which is why we must start here
- This is the ONLY topic that we will cover tonight.
- We will not address any other broader issues associated with land preservation

Slide 4: Land Preservation Opportunity – Dave Manhardt, Dir., Community Dev. Dept.

[NOTE: Dave Manhardt presented this slide]

- This has been discussed at Workshops with regard to resource protection.
- Note what was approved and developed in 2022
- Note what was undeveloped and developed in 2001.
 - This provides us with a timeline of development pressures.
 - Where were we in 2001 v. 2022?

Slides 5-6: Pie Charts – Dave Manhardt, Dir., Community Dev. Dept.

[NOTE: Dave Manhardt presented this slide]

- Out of 11,000 Total Acres
 - In 2001 52.1% was developed

- In 2001 49.2% undeveloped
- In 2022 55.8% was developed
- In 2022 44.2% was undeveloped
- In 2022 6.5% is preserved (for example—Covered Bridge Park, Springhouse donation just received, etc.)
- In 2022 1.5% of developed, is moving to undeveloped areas
- Development will continue, but we will also have the opportunity to save some of the undeveloped land.

Slide 7: Land Preservation – Opportunities/Costs – Commissioner Wolk

- The Committee prepared this top-down summary of the SWT Land Preservation Opportunity and the associated cost
- SWT has 11,000 total acres and 4200 undeveloped acres
- The Committee proposes that we could target up to 1000 acres as a high-end estimate for preservation over a ten-year period
- To define the Potential Estimated Cost:
 - The Committee assigned a Potential Cost Range of \$10K - \$50K per acre
 - Land is sold for up to \$150K per acre fee simple, but we don't envision that we would ever be willing to pay that much to preserve land
 - In addition, it costs less to purchase development rights easements than to purchase land fee simple
 - If you do the math, it would cost \$10M to \$50M over ten years to preserve 1,000 acres using this basic estimating method

Slide 8: Land Preservation Funding – Commissioner Wolk

- Regarding Funding:
 - SWT should emulate successful townships' land preservation financing
- Lower Mount Bethel Township and Bushkill Township shared their strategic financing method at our April Land Preservation Workshop, which goes as follows:
 - SWT needs additional funds to start land preservation
 - We will not have enough money from Grants.
 - We simply cannot get \$10-\$50 million from Grants.
 - In addition, Grants require SWT to provide matching funds.
 - So, we cannot typically use grant money without another source of complimentary money
 - It's inescapable that SWT needs increased Earned Income Tax revenue to provide these required funds
- And an Open Space Referendum is required to increase EIT
- Regarding timing:
 - 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

Slide 9: EIT Revenue (For Illustration Purposes Only) – Commissioner Wolk

- The EIT Revenue information on this slide is being presented for illustration purposes only
- We are NOT proposing to increase the EIT tonight
- We are simply presenting this information for estimating purposes
- The Table illustrates two EIT % increase options:
 - 0.15% on the low end

- 0.25% on the high end
- These two Options, if they were done, would provide \$1.2M - \$2.0M increased revenue per year
- OR \$12M - \$20M over a ten-year period

Slide 10: EIT Contribution (For Illustration Purposes Only) – Commissioner Wolk

- Now if we put this all together:
 - An EIT Tax increase can deliver \$12-20M of the potential \$10-\$50M required to preserve 1,000 acres of land over ten years

Slide 11: Open Space Referendum Timeline – Commissioner Wolk

- Now let's move on to the Open Space Referendum Timeline
- The Committee prepared this Bar Chart Schedule with all of the necessary logical steps required to submit the Referendum to the Lehigh County Government Office by the August 9 Deadline

Slide 12: Open Space Referendum Timeline – Commissioner Wolk

- This Bar Chart Schedule is hard to read
- So, let's go the following Table which lists the work required to submit the Referendum for the November Ballot
- If the BOC gives direction tonight, then the very first step will be:
 - Work would begin on the Open Space Referendum Ordinance (including the Ballot Question)
 - The BOC would review the DRAFT Ordinance at their 6/1 Meeting and decide whether to provide conditional approval to advertise the Ordinance
 - The Ordinance would be revised based on the BOC feedback so that
 - The BOC could approve to advertise the Ordinance at their 6/15 Meeting
 - SWT would advertise the Ordinance during the second half of June so that
 - The BOC could approve the Ordinance at their 7/6 Meeting
 - If everything happens per this schedule then there would one month of schedule float before the August 9 deadline

Slide 13: Land Preservation Committee Recommendation – Commissioner Wolk

- And now, here's the Land Preservation Committee Recommendation:
 - The Committee recommends that the BOC provide direction to take the first step that is required for SWT to move forward with Land Preservation, which is to
 - 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 EIT increase to fund Land Preservation

Slide 14: Direction – Commissioner Wolk

- The Committee kindly asks the BOC for direction to have our Interim Township Manager and our Township Solicitor to initiate work to develop an Open Space Referendum Ordinance for review before and at our next BOC Meeting

Slide 15: Comments and Questions – Commissioner Wolk

Commissioner Wolk said that if there is no interest in moving forward with even this first step, yes, there are a lot of other things we can do, we could do the marketing, as well as many other things once we have the money to do so. If we do not move forward, we are now in May, and we are talking a year and a half,

January 2024, before we would have this step/change, addition of money in order to really have a Land Preservation Program in this Township.

Slide 16: Additional Information

Slide 17: Land Use Principals – Commissioner Osborne

[NOTE: Brad Osborne explained the four open bullets as part of his introduction]

- It's important to explain some very important principals so that the BOC, Administration, Property Owners and the Residents have a common understanding
 - 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
 - SWT must follow the law and develop cooperative agreements with Property Owners to preserve land

Slide 18: Land Preservation includes: – Commissioner Wolk

[NOTE: Mike Wolk explained this slide during the discussion period]

- Farmland is very important, but we're not just focused on Farmland
- It's important to understand that Land Preservation includes several major land categories – open space, farmland, woodlands, wetlands, trailways greenways, habitats, parks and so on. When we talk about a referendum, typically all of these would be included. Must they all be included? Solicitor Zator said he couldn't be certain.
 - Commissioner Wolk said if the Board had agreed to take this small first step, where we would be allowed to speak with Solicitor Zator on what a draft referendum ordinance would look like, regardless of when it would be implemented, these would be the issues we would be addressing. How to write it, how to address all the categories on this slide, and how to do it legally. We have about 4 referendum ordinances from other municipalities. We have a neighboring township who approved their referendum last November 2021 where it is specified as open space, and does not include all the other categories, but understood that open space means all the other categories. This can be done legally, provided all the right language is put in there.

Slide 19: Lehigh County Preserved Farms by Municipality – Commissioner Wolk

[NOTE: Mike Wolk explained this slide during the discussion period]

- This Table lists the Lehigh County municipalities with the number of farms and acres of preserved farmland from the highest to the lowest, using the LC Matching Gift Program.
- SWT is positioned relatively low compared with the other municipalities
- Commissioner Wolk said this slide was presented to perhaps provide the motivation for the Board to do something to move forward with land preservation, which several residents made comments about this evening, reminding that this was the top priority when campaigning—land preservation.
- At this point, Commissioner Wolk asked if the Board would be amenable to allow us to have a discussion with Solicitor Zator, considering everything we talked about this evening, to enable us to begin to get our heads around the issues to be considered if and when we do a draft ordinance—all the issues brought up here tonight. Basically, can we continue to have a conversation with our Solicitor, or does the Board think we shouldn't even do that?
- Randy Cope, Interim Township Manager, explained that this proposal here this evening, is to meet a very strict timeline. There is a lot of work that needs to be accomplished up to those deadlines.

So, for me, being financial responsible, without spending Township dollars on an initiative that the full Board may not be in support of at this time, that is why we are here this evening—to see if this is something we are going to move forward with in November. If not, there is certainly more tasks and information, marketing, and those sorts of things we can move forward with. However, if this is something the Board wants to sleep on, and take into consideration, I think there is still opportunity for reconsideration at a later date and still meet those deadlines.

- Commissioner Osborne said that strategically there is a good reason to have a referendum of any nature in the general election in November because typically you have more voters who come out to the poles. In the general election you will get 50% or greater. You would hear from more people and that is what we would need—to hear from as many people who want to voice their opinion on this topic. Dave Manhardt said the decision to expend the resources to craft the ordinance is what needs to be made this evening.
- The majority of the Board was in agreement that more discussion is needed on this topic. It was suggested that this could be done in a workshop session.

Slide 20: Benefits of Land Preservation

[NOTE: This slide was not presented or discussed]

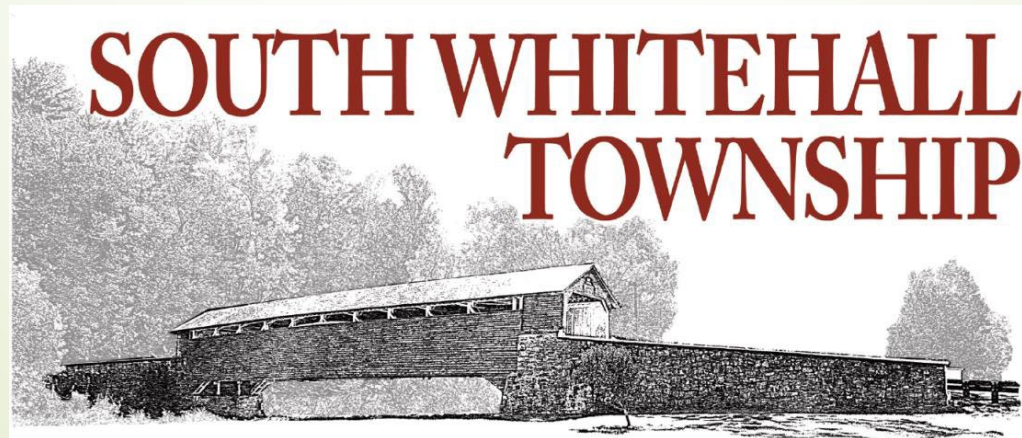
Slide 21: Land Preservation Outreach – Commissioner Wolk

[NOTE: Mike Wolk explained this slide during the discussion period]

- All of the municipalities with successful Land Preservation Programs also have successful Outreach Programs
- We must follow these role-model townships including LMT, UST, LMBT and BT
- We absolutely must explain the Land Preservation benefits to our residents by engaging supportive partners and maximizing communication channels and events
- We will not be successful unless we accomplish this essential work

SWT Land Preservation Committee Report

May 18, 2022



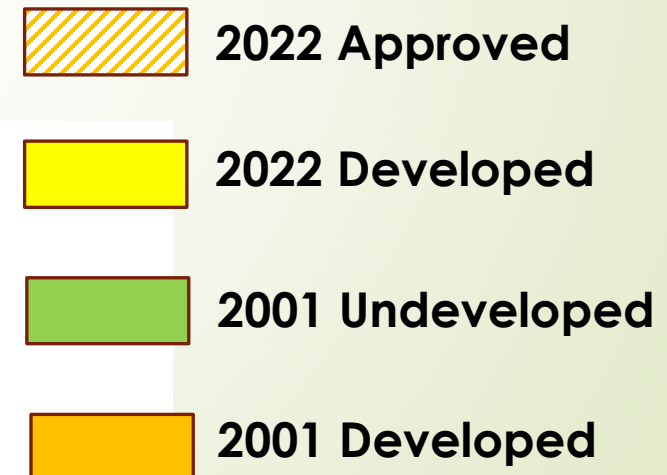
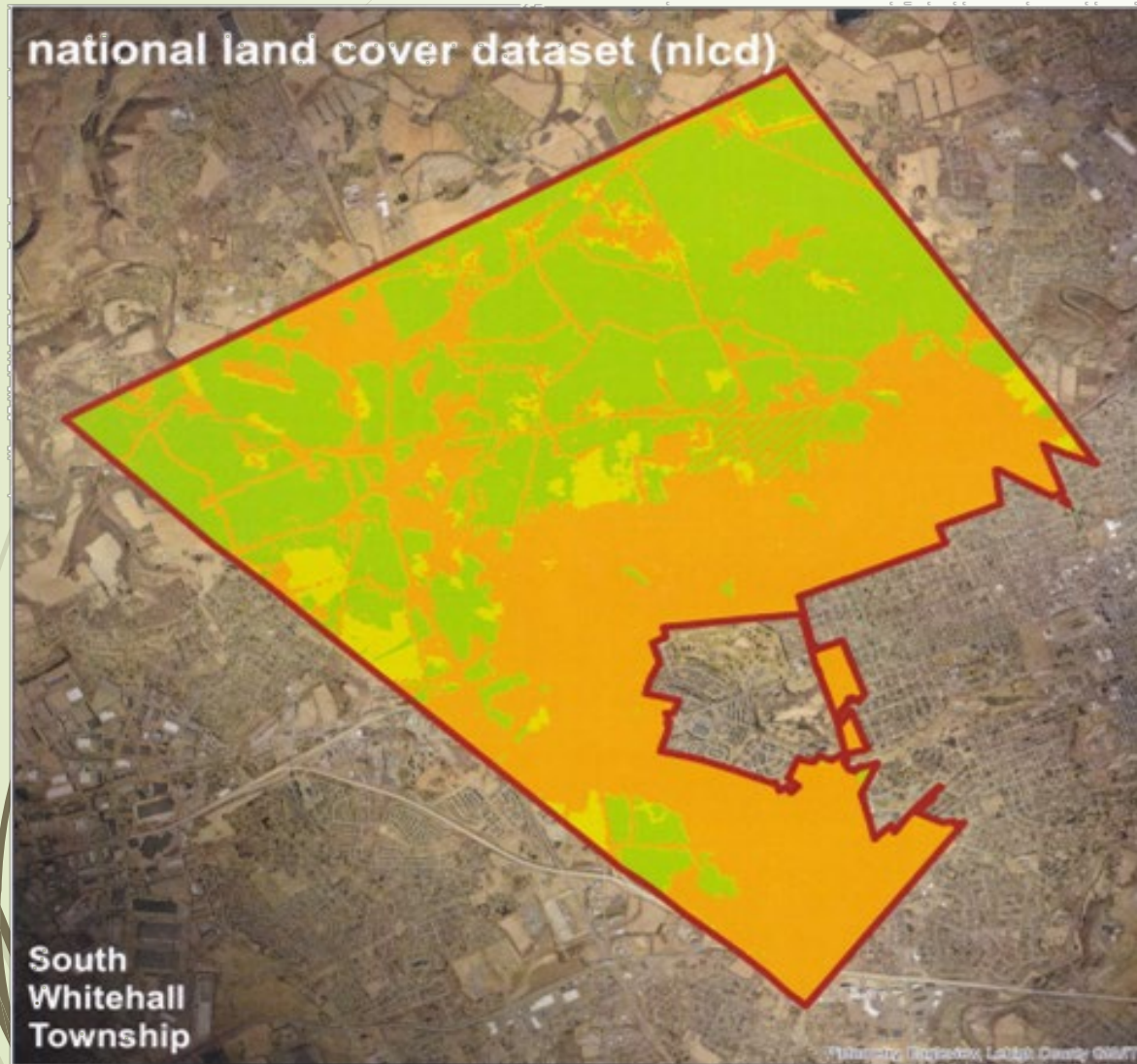
Introduction – Meeting Purpose

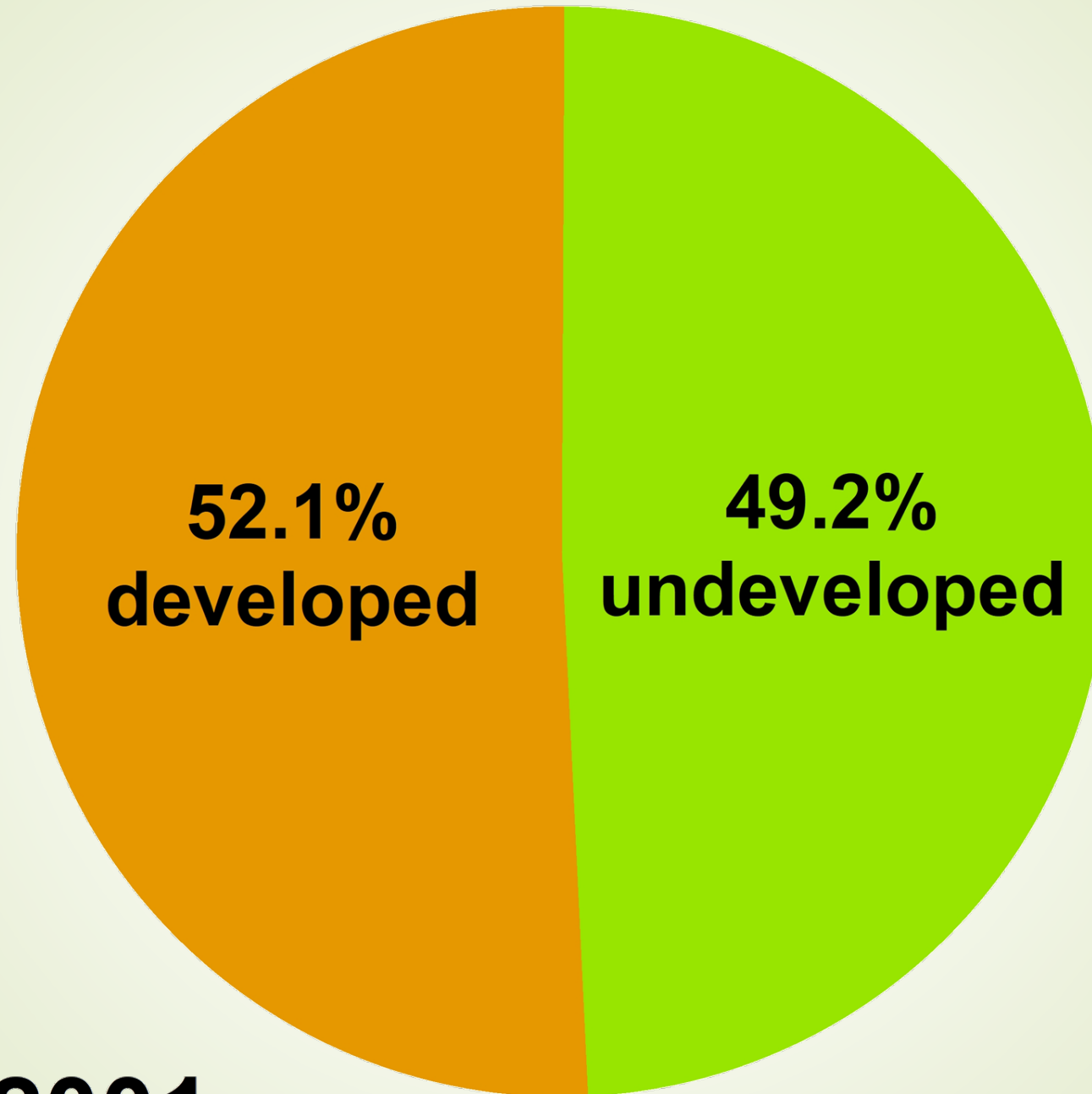
- Present the Land Preservation Committee Report
- Provide recommendations to the BOC
- The BOC will provide direction on these recommendations

Land Preservation - Opportunity / Costs / Funding

- Define the SWT Land Preservation opportunity and the associated costs
- Define the available funding sources

Land Preservation Opportunity





**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

Action Item	Action By	5/18 BOC Mtg.		6/1 BOC Mtg.		6/15 BOC Mtg.		7/6 BOC Mtg.		7/20 BOC Mtg.		8/3 BOC Mtg.		8/9
Land Preservation Committee Report	LPC													
BOC to provide direction to begin work on Open Space Referendum Ordinance	BOC													
Work on Open Space Referendum Ordinance (with Ballot Question)	LPC + JZ													
Send DRAFT Open Space Referendum Ordinance to BOC	RC													
Present DRAFT Open Space Referendum Ordinance (with Ballot Question)	LPC + JZ													
Motion - BOC to provide conditional approval to advertise the Ordinance	BOC													
Revise Open Space Referendum Ordinance based on BOC Feedback	LPC + JZ													
Send revised Open Space Referendum Ordinance to BOC	RC													
Motion - BOC approval to advertise the Ordinance	BOC													
SWT advertises the Open Space Referendum Ordinance	RC													
Motion - BOC approves the Open Space Referendum Ordinance	BOC													
Submit the Open Space Referendum to the Lehigh County Government Office	RC													
SCHEDULE FLOAT														
Deadline to submit the Open Space Referendum														

Open Space Referendum Timeline

Dates	Action
5/18 – 6/1	Work on Open Space Referendum Ordinance (with Ballot Question)
6/1 BOC Mtg	Motion - BOC provides conditional approval to advertise the Ordinance
6/1 – 6/15	Revise Open Space Referendum Ordinance based on BOC Feedback
6/15 BOC Mtg	Motion - BOC approval to advertise the Ordinance
6/15 – 7/6	SWT advertises the Open Space Referendum Ordinance
7/6 BOC Mtg	Motion - BOC approves the Open Space Referendum Ordinance
7/7	Submit Open Space Referendum to the Lehigh County Government Office
7/7 – 8/9	SCHEDULE FLOAT
8/9	Deadline to submit the Open Space Referendum

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
South Whitehall	1	70
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