



Wednesday, June 7, 2023 – 7:00 PM
Board of Commissioners AGENDA-MINUTES

1. CALL TO ORDER

A. Roll Call

Attendees:

Commissioner Diane Kelly, President
Commissioner David M. Kennedy, Vice President
Commissioner Monica Hodges, Assist. Twp. Secretary
Commissioner Brad Osborne
Commissioner Jacob Roth
Joseph Zator, Solicitor, Zator Law
Anthony Tallarida, Twp. Engineer, The Pidcock Co.

Tom Petrucci, Township Manager
Herb Bender, Dir. of Twp. Operations
Mike Elias, PW Utility & MS4 Coordinator *
Tricia Dickert, Director of Finance *
Glen Dorney, Chief-PD
Dave Manhardt, Director, Community Development Dept.
Chris Stroehler, Long-Range Planner, CD Dept.*
Gregg Adams, Planner, Community Development Dept.
Chris Kiskeravage, Twp. Fire Commissioner *
John Frantz, Fire Marshal, Building Code Official *
Tom Harper, Code Enforcement Program Manager *
Rob Fehnel, IT Projects Manager *
Tracy Fehnel, Exec. Assistant
Absent* **Attended Virtually ****

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS

- A. All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on the South Whitehall Township website for the Public's access.**
- B. Public /Virtual Meeting Rules**
- C. Board of Commissioners Met in Executive Session on the following dates to discuss Legal and Personnel Matters: Wednesday, June 7, 2023, from 6:00 PM to 7:00 PM, prior to the BOC Meeting**

PRESENTATIONS

A. Introducing Rand Yazji, SHRM-CP, MBA, MSHRM, as Human Resources Generalist

(2:05) Township Manager Tom Petrucci explained that Ms. Rand Yazji started with us on April 3rd. She possesses an extensive background in Human Resources, having obtained both her Masters Degree in Human Resources Management, as well as Professional Certification with the Society of Human Resources Management. Prior to coming to SWT, Rand worked in the private sector. She expressed her appreciation to the Board for this opportunity to work here at SWT. HR is a passion of hers, and she hopes to continue on in this direction here at SWT.

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

- (7:25) Mr. Chi Vuong – 2427 W. Fairmont Street. Subject: Matter where PD was called to his house on April 6, 2023, at 11A. Chief Dorney reviewed protocol followed.

5. MINUTES

- A. Board of Commissioners Meeting Minutes: Approval of the Meeting Minutes for the May 17, 2023, Board of Commissioners Regular Meeting**

(22:00) A MOTION was made by Commissioners Kennedy and Roth to TABLE said minutes until the next BOC meeting. All in favor; none opposed. Vote 5:0. Motion carried.

6. ORDINANCES

A. Motion Requesting Authorization to Transmit a Proposed/Draft Zoning Ordinance Amendment – Section 350-42(h) Height Exceptions to the Lehigh Valley Planning Commission (LVPC) for Review and/or Advertise a Public Hearing for Consideration of Possible Adoption Following Receipt of Review from the LVPC

(22:25) Gregg Adams, Planner, CD Department, explained that earlier this year there was a Zoning Appeal, which pointed out an ambiguity with Section 350-42(h) Height Exceptions, that basically allows certain things on roof tops to exceed the normal zoning Maximum Height limitation within the Zoning District. This issue was brought to the BOC, who recommended that Staff draft an ordinance and run it through the PC and legal review before returning back to BOC. This was done. Ordinance went through 3 PC meetings. At the last two they made several good recommendations to improve the ordinance. Legal has reviewed it. What is now before the BOC, received PC recommendation at the May meeting. We are here this evening requesting direction to send to the LVPC for the 30-day review period for their comments.

A MOTION was made by Commissioners Roth and Hodges to transmit the draft Ordinance to the LVPC, and also advertise the hearing for possible adoption. All in favor. None opposed. Vote 5:0. Motion carried.

7. RESOLUTIONS

A. A Resolution Extending The Conditional Preliminary/Final Approval Granted To A Major Plan Entitled “Proposed Parking Lot Improvements 798 Hausman Road”

(24:20) Gregg Adams, Planner, CD Dept., explained this is an application to further develop the property at 798 Hausman Road. The plan proposes the construction of a new driveway aisle and the elimination of 13 parking spaces, stormwater management improvements, and the installation of a new water line, on a 0.81-acre portion of the 6.072-acre site. This plan was originally approved by BOC on February 17, 2021, with 12 conditions. Extensions were granted on February 2, 2022, February 15, 2023, and March 15, 2023, the last one of which was to complete the work on the waterline. There was an issue with the waterline between Luthercrest and LVHN. Applicant has been working to correct that. A successful separation of the waterlines has been achieved; however, the Township requires a specific water valve be installed there, and legalize also needs to be put in place, which will take a bit of extra time to do. Therefore, Applicant is here to request another extension. Applicant has signed the Acceptance of the Conditions.

Attorney Anthony Brichta, representing LV Health Network, confirmed they have achieved water separation. Had hoped to achieve this without this specific valve. However, the Township suggested this, and it is a good suggestion that this valve be installed, which allows for emergency access by Township/Applicant should the need arise. He said we are happy to accommodate the Township in this way. This job will be scheduled by the contractor in the next 3-4 weeks. Therefore, Applicant has requested two months extension in order to complete this, and associated agreements. The Township has recommended three months vs. the two months, which Applicant would be OK with as well.

A MOTION was made by Commissioners Kelly and Hodges approving resolution granting a three-month extension, September 17, 2023, in order to complete the above as stated. All in favor; none opposed. Vote 5:0. Motion carried.

B. Approval of a Resolution Authorizing the Township Manager to Execute an Addendum of Declaration of Covenants with IPT Allentown DC LLC, IPT Allentown DC II LLC and an Addendum to Construction Agreement with Norfolk Southern for Work Related to Crackersport and Eck Road Warehouses (Major Plan 2017-104)

(28:45) Township Manager Tom Petrucci explained that the scope of work for Eck Road and Crackersport Road Warehouses project included the construction of a retaining wall and new sidewalk along the west side of Eck Road (DOT #591377F), as well as to widen Eck Road at-grade crossing, in the vicinity of Norfolk Southern Railway Milepost FJ-7.01.

This resolution authorized Township Manager Tom Petrucci to sign both the Addendum of Declaration of Covenants with the Developer AND the Addendum to Construction Agreement with Norfolk Southern on behalf of the BOC. The Addendum to the Construction Agreement with Norfolk Southern will be executed ONLY following the receipt of the executed Addendum of Declaration of Covenants AND additional security (\$43,174.52) received from the Developer. Calculation of the additional security is as follows:

- \$159,137.00 (estimate of cost in NS Addendum)
- Minus \$129,691.48 (escrow balance as of June 1, 2023)
- Plus \$13,729 (cost of protective services)

A MOTION was made by Commissioners Kennedy and Kelly approving above resolution authorizing Mr. Petrucci to execute above-mentioned agreements as explained. All in favor; none opposed. Vote 5:0. Motion carried.

C. A Resolution to Adopt the "Traffic Calming Policy" for South Whitehall Township

(36:15) Dave Manhardt, Director, CD Department, explained that in front of the Board this evening is a revised copy of the Traffic Calming Policy. Some background—The Policy was originally developed in 2018 based on recommendations from LTAP, who did a traffic study. Recommendations that came out of this study were traffic calming measures and developing a traffic calming policy. Goal of policy is to set a fair and equitable prioritization process, a public engagement process, notification process—all of which is in the Traffic Calming Policy. This updated version includes updated comments from LTAP. Additionally, changes were made to the process based on comments from LTAP. Goal is to set a standardized process so that it is fair and equitable across the board so that everyone follows the same process. Dave said this will be made available on the website. This will also be placed in Newsletter, with QR Code, so that residents will know this Traffic Calming Policy has been adopted, and they can learn more about it as well.

Dave explained that Traffic Calming is sort of a roadway treatment regardless of what vehicles are on it. There are methods and a lot of traffic calming measures, which would deter the speed/traffic of trucks/cars. So, it has a secondary impact on, but does not directly address trucks.

A MOTION was made by Commissioners Roth and Kelly to adopt said Traffic Calming Policy. All in favor; none opposed. Vote 5:0. Motion carried.

D. Resolution to Approve the Submission of an Automated Red Light Enforcement (ARLE) Grant-Hamilton Blvd. (SR 222) and Lincoln Ave. Intersection Improvements

(45:00) Township Manager Tom Petrucci explained that the Township is proposing to upgrade and modernize the signalized intersection which is located at Hamilton Blvd (SR 222) and Lincoln Avenue. Scope of work will include the following:

- 1). Traffic signal optimization to improve operations, reduce congestion and enhance safety;
- 2). Installation of crosswalk striping (Type B or Type C) in accordance with PennDOT Publication 212;

- 3). Removal of existing pavement loop sensors and replacement with traffic sensor cameras;
- 4). Installation of countdown timers and quick release pushbuttons;
- 5). Installation of sidewalk and bus stop pads for transit users;
- 6). Improved signage.

Traffic signal modernization improvements will include converting permissive left turn signals to protective signal phasing and upgrading the existing traffic sensor signals to camera-activated signals. Existing crosswalks on Lincoln Avenue and Hamilton Boulevard will be repainted using a high visibility design and paint. New ADA curb ramps will be installed on approaching corners from Lincoln Avenue, Hamilton Boulevard, and the median strip on Hamilton Boulevard. Due to the lack of facilities/destinations on the northwest corner of Hamilton and Lincoln, no pedestrian improvements will be installed. Sidewalks will be expanded on the north and south side of Hamilton Boulevard and include appropriate specifications for bus access.

This project will greatly improve traffic flow, reduce crashes, and improve pedestrian mobility/safety along a supercritical corridor (>25,000 AADT) and regionally-identified high crash corridor. The proximity of this intersection to Interstate 78/SR 309 causes both increased vehicular speeds and traffic volumes at this intersection. This intersection is also heavily used by employees and visitors to Dorney Park & Wildwater Kingdom, a regional employer and popular theme park. 70 collisions have been documented between 2015 and 2021 and this corridor continues to be a high risk area for both transit users and pedestrians.

Anticipated outcomes of this project include the following:

- 1). Decreased congestion;
- 2). Reduced crashes;
- 3). Decreased maintenance costs;
- 4). Enhanced connectivity of the local bike/pedestrian active transportation network;
- 5). Improved connectivity and safer access to transit infrastructure.

South Whitehall Township staff submitted the required pre-application review form to PennDOT and received the comment: *The scope of your project meets eligibility requirements for the ARLE Funding Program. Based on our review of the project area and proposed improvements, the project has benefits exceeding the requested grant funding.*

Township is requesting to submit a grant application up to \$500,000. Township Engineer has been engaged to provide a certified cost estimate based on preliminary estimate, as well as a rough sketch of the area.

President Kelly thanked Staff for bringing this to the Board for consideration and looking into grant opportunities to provide safety measures at this intersection.

Township Engineer, Tony Tallarida, Pidcock Co., said this has been on the radar for a long time, as we've been through a couple of grant applications. Said this one does sound promising. Will continue to work with the Township in doing whatever is necessary.

A MOTION was made by Commissioners Kelly and Kennedy to approved above resolution to proceed with submission of application to PennDOT for the ARLE Grant as explained by Mr. Petrucci. All in favor; none opposed. Vote 5:0. Motion carried.

8. MOTIONS

A. Motion to Approve Incorporating a Cost Sharing Arrangement into the Improvements Agreement for the Parkland School District Operations Center (Major Plan 2022-108)- Roadway Restoration Work Required for Lime Kiln Road for Utility Connections

(49:00) Township Manager Tom Petrucci gave background as follows:

On April 19, 2023, the Township Board of Commissioners adopted a Resolution Granting Conditional Preliminary/Final Approval to a Major Plan Entitled "Parkland School District New Operations Center" subject to the conditions set forth in Resolution 2023-56.

The scope of the work associated with the public improvements for this project include the extension of a 2" water line from Lime Kiln Road (T-593) and the construction of a stormwater system to be installed along the same roadway.

The utility work requires the full width pavement restoration of Lime Kiln Road (T-593) in accordance with the Streets Opening Ordinance of the Township. As the Township is planning to resurface the Bridgeview Terrace water main replacement project, which is located on Lime Kiln Road (located approximately 300' away), in 2024, which will require road restoration work; it is prudent to allow for a Cost Sharing Arrangement between the Township and the School District in which the School District will pay the Township for the cost of the materials for the roadway restoration. The Township will conduct the work via PW Department.

The estimated cost of the materials is \$16,450.

The School District has agreed to this arrangement on face value, and it has been determined to be mutually beneficial for both the Township and the School District. However, approval is required from the Board of Commissioners to proceed with the arrangement.

The Township Solicitor has confirmed that the formal Cost Sharing Arrangement can be built into the Improvements Agreement that will be eventually drafted for the PSD Operations Center (Major Plan 2022-108) project, pursuant to the requirements of approved Resolution 2023-56. Therefore, a separate agreement is not required- only a motion to allow Township staff and the Township Solicitor to proceed with incorporating the Cost Sharing Arrangement.

A MOTION was made by Commissioners Roth and Kennedy to approve incorporating a Cost Sharing Arrangement into the Improvements Agreement for the PSD Operations Center (Major Plan 2022-108). All in favor; none opposed. Vote 5:0. Motion carried.

B. Motion to Reject All Bids Received for Water Tower Maintenance Bid (Bid 2023-05- Letting Date of May 30, 2023) and to Re-Bid the Project

(51:55) Herb Bender, Director of Township Operations explained that 3 bids were received and opened for the Water Tower Maintenance bid on March 30, 2023, at 10A. This bid was advertised twice in a local publication as required by law. 60 potential bidders downloaded and received bid documents. Minoan Industrial LLC was the lowest bidder; however, they failed to submit a form acknowledging the Township's confined space entry policy. The absence of this form is a critical aspect of this project and cannot be waived. Therefore, we consider their bid to be non-responsive. Utility Service Co. and Corrosion Control also submitted bids and are much higher compared to the lowest bidder. SWT PW and Purchasing are requesting the Board reject all bids and approve a rebid for this project.

Township Solicitor Joe Zator explained that the Township is within its rights to reject all the bids as suggested by staff. In connection with situations like this, it is not uncommon for what occurred here, for the Township to consult with the Solicitor as to whether the particular defect is material enough that it could be overlooked. The law does provide in certain circumstances for that to take place—to ignore that defect. This was not one of those situations.

A MOTION was made by Commissioners Kennedy and Roth to reject all bids as explained by Mr. Bender, and to re-bid the project. All in favor; none opposed. Vote 5:0. Motion carried.

C. Motion to Award Contract to Lowest Responsible Bidder (A1 Traffic Control) for Pavement Markings Bid (Bid 2023-06- Letting Date of May 23, 2023) – Lehigh Valley Cooperative Purchasing Council Bid

(56:45) Herb Bender, Director of Township Operations explained that 2 bids were received and opened on Tuesday, May 23, 2023, at 10A for the Pavement Markings bid on behalf of the LV Cooperative Purchasing Council. This bid was advertised twice in a local publication as required by law. A1 Traffic Control was the lowest responsible bidder, as shown on bid tabulation in packet. A1 Traffic Control has been awarded this contract for many years, and we, as well as the other municipalities, have confidence they will once again fulfill another contract satisfactory to our

standards. We are respectfully requesting the Board approve the award of a contract on behalf of SWT and the LV Cooperative Purchasing Council to A1 Traffic Control.

A MOTION was made by Commissioners Osborne and Kennedy to award contract to A1 Traffic Control as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Upcoming Meetings (59:15)

10. DIRECTION/DISCUSSION ITEMS

A. Direction/Discussion- Review of Lease Option for Replacement of Police Vehicles

(1:00:17) A MOTION was made by Commissioners Roth and Kennedy to TABLE the “review of lease option for replacement of police vehicles”, at the request of Township Manager Tom Petrucci, so that it can be reviewed as part of the 2024 Budget preparation and also to be further discussed in a Workshop as necessary. All in favor; none opposed. Vote 5:0. Motion carried.

11. OLD BUSINESS

A. Direction/Discussion- Review of Landscape Preservation Plan Public Meeting Timeline

(1:00:55) Dave Manhardt, Director, CD Department, said that we have worked with our Consultant in doing the legwork to prepare for the kick-off meeting on Tuesday, June 27th. Meetings scheduled here at the Township Building as follows:

- Tuesday June 27th 6:00 PM – 8:00 PM: Landscape Preservation Plan Kick-off Meeting
 - Tuesday August 15th 6:00 PM – 8:00 PM: Agricultural Resources Subject Matter Meeting
 - Tuesday August 22nd 6:00 PM – 8:00 PM: Natural Resources Subject Matter Meeting
 - Tuesday August 29th 6:00 PM – 8:00 PM: Historic Resources Subject Matter Meeting
- (The above represent specific implementation items out of the CP.)*

Dave explained a Workbook will be available for those who can't make a meeting or who want to participate online. These Workbooks will also be downloadable.

Chris Stroehler, Long-Range Planner, CD Department, explained that the GAC/EAC will help lead the charge in some of the work that will be taking place in the meetings listed above. Over the summer, looking to get feedback from the public through a survey, regarding areas they enjoy in the Township, areas of interest regarding landscapes, natural resources, historic resources, and agricultural resources. Looking to launch a photo submission survey, which could be posted on the website. Spoke with the P&R Manager, Lynn Matula, who said we could advertise this through social media and some of our events throughout the summer, as well. Throughout the summer we would be collecting information/photos from the public, to be used in the Plan and at some of these public meetings as a way to showcase the beauty of the Township—what they like to see, and to use in some maps, as well as showing all the different areas the Citizens enjoy throughout the Township. This will help frame the preservation options we are looking to develop as part of the Landscape Preservation Plan.

Mr. Manhardt said next steps are to advertise meetings, launch the photo survey, and overall getting the word out on all the above mentioned meetings. No official action required on this item at this time.

12. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items – NONE. (1:12:55)

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

A. Invoices and Disbursements for Approval (June 7, 2023, BOC Meeting) (1:13:08)

A MOTION was made by Commissioners Roth and Kelly authorizing payment of invoices and Disbursements. All in favor; none opposed. Vote 5:0. Motion carried.

14. EXECUTIVE SESSION – None.

A. Scheduled Accordingly

15. ADJOURNMENT (1:13:21)

A. Motion to Adjourn – At 8:13P a MOTION was made by Commissioners Kennedy and Roth to Adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

16. APPROVED: On **June 21, 2023**, a MOTION was made by Commissioners Hodges and Kelly to approve the June 7, 2023, Board of Commissioners Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.