



Wednesday, July 5, 2023

Board of Commissioners AGENDA-MINUTES – 7:00 PM

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
Jennifer Alderfer, 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.*
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 Township's 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: NONE.**

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

(2:10) Dave Torrey, 1351 Deerfield Drive, Allentown, PA. Subject: Distributed article to BOC re-Warehouses and talked about anonymous entities—feels we should know who the tenants are for all the warehouses in the Township. Staff will take a look at this possibility.

5. **MINUTES**

A. **June 21, 2023 - Board of Commissioners Meeting Minutes**

(8:40) A MOTION was made by Commissioners Roth and Kennedy to approve the June 21st BOC Meeting Minutes as presented this evening. All in favor; none opposed. Vote 5:0. Motion carried.

6. **ORDINANCES**

A. **Motion to Advertise an Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Amending Part II ("General Legislation"), Chapter 336 ("Vehicles and Traffic"), Article IV ("General Parking Regulations") of the Codified Ordinances of South Whitehall Township to Amend Section §336-33 ("Parking Prohibited at All Times in Certain Locations") to Add a Portion of Chapmans Road on the West and East Sides of the Street, Specifically, on the West Side, 195' South of the Center Line of Chandler Way; on the East Side, 200' North of the**

Center Line of Ressler Drive, and 215' South of the Center Line on Ressler Drive; and to Provide for a Repealer Clause, Retention of Rights to Enforce, Severability Clause, and Effective Date

(8:50) Township Manager Tom Petrucci said that official action is being asked for with regard to approving of said ordinance. During June 21, 2023, BOC Meeting the Township is moved forward w/the installation of 4 LED Streetlights on Chapmans Road in between Chandler Way and Applewood Drive and 8 “No Parking” signs on Chapmans Road. This ordinance is necessary to legally implement the “No Parking” restriction which was recommend as a result of a clear sight-distance study conducted by Twp. Engineer.

A MOTION was made by Commissioners Hodges and Roth granting permission to proceed with the advertising of said ordinance. All in favor; none opposed. Vote 5:0. Motion carried.

7. RESOLUTIONS

A. Consideration of Approval of a Resolution of the Board of Commissioners of South Whitehall Township Approving Amendments to the Rules And Regulations for the Township’s Civil Service Commission and Re-Adopting The Civil Service Rules and Regulations in its Entirety.

(10:51) Township Manager Tom Petrucci said this is a resolution which would approve recommended revisions to the CS Rules previously reviewed and recommended by the CSC. The CSC’s review included the input of the command staff, the PD, the PD Union, and the Township CSC Solicitor. The First Class Township requires the CSC to adopt any revisions to the CS Rules, and then said revisions must be approved by the BOC. This revised set of Rules are intended to counter the recruitment issues that the Township is experiencing, as well as to ensure a dynamic and qualified workforce, which includes the following:

- It allows applicants to possess a high school diploma or GED Equivalent without having any other requirements or higher education.
- It allows for applicants to the Sergeant position to utilize previous law enforcement experience.
- It permits the Township to hire externally for the Captain position, if no qualified candidates are received in the defined time period of 180 days.
- It allows for a more expedient and efficient process by which to work through the existing eligibility list as certified by the BOC.
- It clarifies the administrative processes for the review of applications, testing eligibility, selection, and the appeals process.

Chief Glen Dorney said across the country everyone has been struggling with recruiting/retaining police officers. He said this is an opportunity to hopefully increase the applicant pool for our PD. For example— An officer from another PD, under our current rules, may not even be eligible to work at SWT because of the higher education requirements. Chief said the background investigation weeds out the candidates who will not meet the needs of the PD. Hopefully, this will make it easier for recruitment/retention down the road. Chief said we are such a young PD, and we are trying to recruit from other agencies and areas those who have experience. Also, someone previously coming to us from another department would not have to come in and start from scratch. It gives some incentive to others from another agency to come to SWT. Also, looking to make changes to our current lengthy hiring process so that we do not lose candidates. The change will allow for us to automatically deem the next person in line, should someone be disqualified or withdraws from the process. The next person would automatically be bumped up to the rule-of-three candidates for that position, w/o having to go back to the CSC. It would allow us to come back to the BOC for conditional offer in two weeks vs. waiting 1 to 1 ½ months. Chief said he feels these changes should expedite the hiring process and increase the recruitment/retention efforts.

A MOTION was made by Commissioners Roth and Kennedy to adopt the above CSC Resolution, which amends Rules and Regulations, readopting the CS Rules and Regulations in its entirety. All in favor; none opposed. Vote 5:0. Motion carried.

President Kelly thanked Chief, the PD, and the PD Union for all their work on this Resolution.

B. Consideration of Approval of a Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Township Manager to Sign All Documents Required by the Department of Conversation and Natural Resources for the Covered Bridge Development Grant Project (Contract Number BRC-PRD-28-42)

(34:20) Township Manager Tom Petrucci said this is a perfunctory in nature. He explained that in September 2022 the Township received a grant in the amount of \$98,300 (which has a matching requirement) from PA DCNR for continued improvements related to Phase C of the Covered Bridge Park Master Plan.

Currently going through all the Administrative requirements and looking forward to completing the work for the scope of the project. As part of this process, the PA DCNR Project Manager said the original resolution listed the interim township manager as designee to sign the paperwork. This resolution is simply an updated resolution removing the word “interim” from the title.

A MOTION was made by Commissioners Kelly and Kennedy approving above resolution authorizing Township Manager to sign all documents which are required by PA DCNR for the CBP Development Grant Project as explained by Mr. Petrucci. All in favor; none opposed. Vote 5:0. Motion carried.

C. Consideration of Approval of a Resolution of the Board of Commissioners of South Whitehall Township Authorizing the Conveyance of Certain Right-of-Way (ROW) Area to the Commonwealth of Pennsylvania Department of Transportation as Described Within a Deed of Easement Attached Hereto as an Exhibit, and Further Authorizing its Execution and the Delivery of Said Document by the Township Manager (Ridge Farms Major Plan 2017-101)

(36:20) Township Manager Tom Petrucci said that as part of the roadway improvements for the Ridge Farms Highway Occupancy Permits for both S.R. 1006 (Walbert Avenue) and S.R. 1019 (Cedar Crest Boulevard), the Township is deeding certain ROW to PennDOT (A total of 8,995 SQF). PennDOT has requested an approved resolution from the Township for said conveyance. The Township Engineer has confirmed the areas to be dedicated, which match the Ridge Farms plan, and included in Resolution. Township Solicitor has also reviewed Resolution. In essence the Township is giving this ROW Easement to PennDOT so that the curb can be added and so it can be used for roadway.

A MOTION was made by Commissioners Kelly and Kennedy approving above resolution authorizing the conveyance of ROW to PennDOT as described in the Deed of Easement, and approving the authorization of execution and delivery of said document by Township Manager, re-Ridge Farms Major Plan 2017-101.

8. MOTIONS

A. Request for Approval of Real Estate Exoneration of Tax Exempt Parcels Owned or Condemned/Deleted by the Commonwealth of Pennsylvania, Effective 1/1/2023 – Total of \$3,570.56

(38.58) Township Manager Tom Petrucci explained that this request came in from the Elected Tax Collector. We went through the previous process in how this was handled and wanted to be sure that these properties would be exempt effective 01/01/2023 due to their conveyance to the Commonwealth as part of the 309 Interchange Project. 4278 Briarcliff, 4282 Windsor, 4286 Windsor, 4290 Windsor, 4296 Windsor, and 4297 Windsor, for a total of \$3,50.65. In the future, these types of request will continue to be brought back to the BOC when over the amount of \$2,500/parcel.

A MOTION was made by Commissioners Hodges and Roth granting approval of R/E exoneration of Tax Exempt Parcels as explained by Mr. Petrucci. All in favor; none opposed. Vote 5:0. Motion carried.

B. Building Addition for 4815 Crackersport Road—Improvements Security Release Certification #1

(44:60) Township Manager Tom Petrucci explained that this plan for 4815 Crackersport Road proposes a 13,500 SQF building addition to be located at the north end of the existing 9,882 SQF building and a 950-SQF reduction of impervious surface on the site.

The Township has received a request for a security release which was reviewed/confirmed by the Township Engineer. Township Engineer has reviewed the request—all the required improvements in the amount of \$195,714.75. Essentially this release is allowed to occur subject to the approval of the Township. This authorization would authorize Township Manager to sign security release letter on behalf of the BOC.

Action Requested—Authorize the Township Manager to sign the security release letter to the financial institution once the applicant agrees to the amount to be released and signs the Security Release Certification.

Township Engineer Tony Tallarida said that mainly all that is left is the sidewalk and the frontage to be constructed, which is usually one of the last things to be done, as well as there being some contingency items and some of the overhead items. In essence, most of the work is done. We don't foresee a problem with them finishing up with what is left, but we still have security, which is going to be held, plus some contingency on top of that.

A MOTION was made by Commissioner Roth and Kennedy granting improvements security release (certification #1) as explained above by Messrs. Petrucci and Tallarida. All in favor; none opposed. Vote 5:0. Motion carried.

C. 1960 Harold Avenue Security Improvements Security Release Certification #1

(48:35) Township Manager Tom Petrucci explained that this plan proposes the subdivision of the existing 21,600 SQF lot into three 2,400 SQF lots, two 3,360 SQF lots, and a 7,680 SQF lot containing the existing house. The Applicant is Posocco Equities. The plan was approved at the December 18, 2019, BOC Meeting, and recorded in 2021. Construction has been long underway since that time period. The Applicant has secured \$182,808.98 in improvements. They have now completed a significant amount of the improvements and have requested a release of security. The Township Engineer has reviewed that request and authorized a release of security in the amount of \$105,322.64, which leaves \$77,486.34 to be held by the Township for all remaining work. Seeking motion to approve said request. Mr. Petrucci added that the final wearing course still needs to be completed, which PW is working on how to best handle that situation given the existing curbing and sidewalk issues that are there. BOC would not be releasing the wearing course by this action here tonight. Mr. Tallarida confirmed that there are just some small items, but the biggest issue out there is the roadway, which said details are being ironed out, which we do have security for.

A MOTION was made by Commissioners Osborne and Roth granting improvements security release (certification #1) as explained by Messrs. Petrucci and Tallarida. All in favor; none opposed. Vote 5:0. Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS**A. Boards and Commissions - Informational Items (50:55)**

10. DIRECTION/DISCUSSION ITEMS

A. 2021 General Obligation Bonds- Arbitrage Rebate and Yield Restriction Compliance Analysis for the Period of November 21, 2021, to March 31, 2023

(52:60) Township Manager Tom Petrucci explained that PFM Asset Management conducted a thorough review of all of the Bond proceeds that the Township had, to ensure that the Township complied with all the IRS Federal Regulation in effect during that time period. Mr. Petrucci said he is please to report no liability has accrued, no payment is due, nothing needs to be filed with the IRS. During that time period where all the Public funds were being held by the Township, Township was only allowed to have a yield of a little over 1.4%--we averaged approximately .039% during that time period. This was indicative of this time period—the interest rates were not high at this time. We do not have to worry about owing anyone anything other than the Bond itself. So the Township is good, and Mr. Petrucci just wanted to report this on behalf of the Finance Department to the Board.

Mr. Petrucci also added that we have a little over \$294,000 left of the remaining funds to spend, which we are looking to extend the sidewalk at the main campus here, which was confirmed with PFM that this is a permissible use of the Bond proceeds. We are just waiting to confirm that our permit for Wehrs Dam will be closed out to make sure there is no additional funding required for that Project. Then, we can move forward with this campus sidewalk project, which we have already done some background preparation for, including a survey of the campus, which we were able to incorporate into the overall project.

The Board thanked Mr. Petrucci for being aware of all that is needed to be done for the 2021 General Obligation Bonds, and ensuring that the Township is following the IRS Rules/Regulations.

B. South Whitehall Township Comprehensive Transportation Plan

(58:25) Dave Manhardt, Director, Community Development Department, explained that as part of our Implementation Transportation Plan Update, we were before the BOC recently with an application for the WalkWorks Grant which provides funding to help develop Transportation Plans. Application was submitted. Staff has been investigating additional planning funding opportunities. We are learning that timing is very critical. There is much administrative work that is required to be done in certain time periods, and the timelines that get put on in distributing those grants. These grant cycles potentially could put us behind timing for applying for the big projects that are identified in the plans. So it is Staff's opinion that we should do the Transportation Plan up front, w/o the burden of dealing with Federal administration so that we will be in a better spot for the next funding cycle so that we can get projects funded rather than the Planning. We have money in the Planning Budget to do a lot of this planning upfront. So, we can get these plans done that meet the Federal standards, so that when it comes time to apply for the actual infrastructure, we are ready to go. This will ensure that we do not miss cycles. We have communicated with other municipalities going through this process. The idea is to put everything together into one plan so that we are ready to go, and have everything identified project base-wise so that we are ready to go when we get to those funding cycles. When the Public Engagement part of the process occurs, the intention is to bring in a Consultant who will help us meet the requirements of those Federal Plans. Regarding the Consultant, Mr. Petrucci confirmed we would go through an RFP process. Mr. Manhardt wanted to acknowledge Chris Stroehler, Long-Range Planner, for all the research he has done on the grants. President Kelly asked Mr. Manhardt to pass along the Board's appreciation to Mr. Stroehler in getting us to this point.

11. OLD BUSINESS**A. Comprehensive Plan Implementation Update**

(1:03:30) Mr. Manhardt explained that the Kickoff Meeting was held for the Landscapes Plan, which 12 people attended, and some people were also online. It was a good meeting. Had a mapping exercise. Currently going through the information received and are now lining up subsection matter experts for the next group of meetings in August. Working down the implementation list, getting things lined up so that we are constantly moving forward. We will have a lot of checks on the list when we do the re-examination report.

Board was in agreement that Dave, Staff, and Consultant are doing an excellent job with this entire process.

Question was asked when we would be discussing the GAC-EAC. Mr. Manhardt explained that the recommendation was to merge the GAC into the EAC. We are currently looking at the updating of the ordinance as far as changing members. The intent is to have the Landscapes' Plan the guiding document for the EAC, because part of their role is to make recommendations based on that Plan. GAC meetings are currently paused for the summer, so that members would hopefully be involved in the Landscapes Plan considering it will be the guiding document for the EAC. Mr. Petrucci said that to effectuate the merger, this would probably be August/September.

12. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items (1:06:56) – NONE.**13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS (1:07:01)**

A MOTION was made by Commissioners Roth and Kelly to authorize the payment of Invoices & Disbursements. All in favor; none opposed. Vote 5:0. Motion carried.

14. EXECUTIVE SESSION**A. Scheduled Accordingly – NONE.**

First Annual Battle of the Badges – Chief Dorney said that this event was held on July 3rd of this year between South Whitehall Township and Whitehall Township, where they competed in a charity softball game at Coca-Cola Park, where they raised money for the Pediatric Cancer Foundation of the Lehigh Valley. Department were able to reach their goal of \$10,000. There will be a brief presentation on the July 19th BOC Agenda regarding this event.

15. ADJOURNMENT

A. Motion to Adjourn – At 8:09P a MOTION was made by Commissioners Roth and Kelly to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

16. APPROVED: On July 19, 2023, a MOTION was made by Commissioners Roth and Kennedy to approve the July 5, 2023, Board of Commissioners Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.