



Wednesday, September 6, 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
Joseph Zator, Twp. Solicitor's Office, 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: September 6, 2023

D. Moment of Silence for the following individuals:

- Former South Whitehall Township, **Chief of Police, Donald K. MacConnell**, who passed on August 18, 2023;
- Former South Whitehall Township **Officer Scott Allen Smith**, who passed on August 16, 2023; and
- Former Director of **Lehigh County Emergency Management (LCEM), John Kalynych**, who passed on Sunday, August 27, 2023.

PRESENTATION

A. Recognition of Mr. Larry Hillanbrand by Chief Andrew D. Garger, Greenawalds Fire/Rescue for going above and beyond to help a neighbor. (3:15) President Kelly thanked Chief Garger for the presentation and commended Mr. Hillanbrand for his bravery and service to SWT Community.

4. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items (6:24) – NONE.

5. MINUTES

A. August 16, 2023 - Board of Commissioners Meeting Minutes (6:45)

A MOTION was made by Commissioners Kennedy and Roth to approve the August 16, 2023, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.

B. August 21, 2023 – Board of Commissioners Special Meeting Minutes (7:00)

A MOTION was made by Commissioners Hodges and Kennedy to approve the August 21, 2023, Board of Commissioners Special Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.

6. ORDINANCES

For the record, and for the two following hearings (6-A & 6-B), Esquire Deposition Solutions provided a court stenographer to transcribe these hearings.

A. PUBLIC HEARING - An Ordinance Amending the South Whitehall Township Zoning Ordinance by Amending Section 350-42(h) Height Exceptions; and, Providing for a Severability Clause, Retention of Rights to Enforce Clause, A Repealer Clause, and an Effective Date. (7:20)

Township Solicitor, Joseph Zator, explained that the purpose of this hearing is to inform Public and provide opportunity for public comment. At 7:08P, the hearing was opened. Solicitor Zator went over preliminary information, followed by Staff Presentation by Mr. Gregg Adams, Planner, CD Department, regarding Ordinance proposed. Questions/comments from the Board, and then Public, took place. Solicitor Zator explained that all Legal requirements under the MPC, First Class Township Code, and Sunshine Act have been followed. Was referred to the SWT PC and the LVPC for consideration. Both agencies have provided comments. All has been done by the required time periods. Necessary notices and advertisements have occurred and on file with Township.

Gregg Adams: This is a Zoning Amendment to Section 350-42(h) Height Exceptions. This will be clarifying this section with regard to the maximum permitted height, that any building/structure is allowed to exceed within a given Zoning District. Currently looking at a maximum height of 140% of the building height of the principal building. The existing section is not clear—some ambiguity. This Ordinance Amendment will clarify/correct that. This was seen by the PC at several meetings, and recommended for adoption at the May 18, 2023, PC Meeting. The BOC on June 7, 2023, directed Staff to forward draft Ordinance to LVPC for their 30-day review and to advertise said draft Ordinance for a hearing and possible adoption. LVPC did review and commented on June 8, 2023. Had no unfavorable comments. Commented that this Amendment demonstrates the evolution and adaptivity of government. Hearing was advertised on August 16th & 23rd in The Parkland Press.

Attorney Zator: There were no questions/comments by the Board at this time; nor were there any questions comments by the Public at this time. (10:44)

Attorney Zator: If it is the Boards' pleasure, this has been advertised for possible adoption should you wish to entertain a motion to that effect.

(10:57) A MOTION was made by Commissioners Roth and Kennedy to approve adoption of said ordinance which amends the South Whitehall Township Zoning Ordinance By Amending Section 350-42(h) Height Exceptions. All in favor; none opposed. Vote 5:0. Motion carried.

B. PUBLIC HEARING - An Ordinance Amending The South Whitehall Township Zoning Ordinance By Adding Section 350-13(f) Zoning Certificate Of Use; And, Providing For A Severability Clause, Retention Of Rights To Enforce Clause, A Repealer Clause, And An Effective Date.

(11:40) Township Solicitor, Joseph Zator: declared hearing open at 7:12P, and explained that all Legal requirements under the MPC, First Class Township Code, and Sunshine Act have been followed with regard to advertising and on file with Township. Staff will present, followed by comments and questions by the Board and then the Public.

Mr. Adams: This is to be an added tool in the Township's toolbox. He said that he views the Zoning Certificate of Use as a corollary to the Certificate of Occupancy. Once a building/structure has met all the requirements, it is issued a Certificate of Occupancy. This will allow any use in the Township, once it has met all the zoning requirements, to be issued a Certificate of Use. The Ordinance itself establishes what the Certificate is, the conditions under which it can be issued, and any penalties and situation penalties can be levied if it is not fulfilled.

The SWT PC reviewed this twice. At the April 20, 2023, PC Meeting they recommended adoption. It was then transmitted to the LVPC for their review. In their June 23, 2023, letter, stated they had no issues with said Ordinance

Amendment. They stated this amendment demonstrates the evolution and adaptability of government. Tonight's hearing was advertised on August 16th & 23rd in The Parkland Press.

Attorney Zator: There were no questions/comments by the Board at this time; nor were there any questions comments by the Public at this time. (14:24)

Attorney Zator: (14:32) The Hearing was closed at this time.

Attorney Zator: Explained to President Kelly, if she wished to entertain a motion that would be appropriate.

A MOTION was made by Commissioners Hodges and Kelly to adopt said ordinance which amends The South Whitehall Township Zoning Ordinance By Adding Section 350-13(f) Zoning Certificate Of Use. All in favor; none opposed. Vote 5:0. Motion carried.

7. RESOLUTIONS

A. A Resolution Granting a Waiver of Certain Subdivision and Land Development Ordinance Review and Approval Requirements for a Plan Entitled "Proposed ATM Kiosk Tilghman Square Shopping Center"

(15:07) Gregg Adams, Planner, CD Department, explained that this is an application to further develop the property located at 4680 Broadway. The application proposes the removal of ten parking spaces in order to construct a drive-up ATM Kiosk on a 0.0382-acre portion of the 33.778-acre property. Property is zoned Highway Commercial-1 HC-1 (Special Height Limitation) and is served by public water and sanitary sewer. Owner is Tilghman Square Assoc., LP. Applicant is P.W. Campbell Contracting Company. Applicant requests approval of the waiver from land development application. Staff has no objections to the waivers requested or the approval of the application. Applicant has signed the Acceptance of Conditions.

Township Engineer, Tony Tallarida said this Application went through the SWT PC. Recommended by the PC. There are a number of waivers, which is common with this type of application/plan. Mr. Tallarida said they would recommend all the waivers and have no engineering objections if you choose to move this forward.

A MOTION was made by Commissioners Kennedy and Kelly to adopt said Resolution approving "Waiver from Land Development" Application for a Plan Entitled "Proposed ATM Kiosk Tilghman Square Shopping Center". All in favor; none opposed. Vote 5:0. Motion carried.

B. A Resolution Granting A Waiver Of Certain Subdivision And Land Development Ordinance Review And Approval Requirements For A Plan Entitled "Broadway Sidewalk Grading Plan For Tilghman Square Shopping Center"

(18:25) Gregg Adams, Planner, CD Department, explained that this is an Application to further develop the property located at 4680 Broadway. The Applicant proposed the construction of a sidewalk along Broadway on a 0.1198-acre portion of the 33.778-acre property. Property is zoned HC-1, and is served by public water and sewer. Owner and Applicant is Tilghman Square Assoc. L.P. Applicant does request approval of the waiver from land development application. Staff has no objections to the waivers/deferrals requested and to the approval of the Application. Applicant has signed the Acceptance of Conditions.

Township Engineer, Tony Tallarida, explained that this is to add sidewalk, which was a call-in. Mr. Tallarida said they recommend approval, as well as the waivers as listed in their letter. This is a small application, and a large property, so a lot of these have to do with providing an entire plan set for just the sidewalk. They would recommend the waivers as they listed in their letter.

A MOTION was made by Commissioners Kelly and Osborne to adopt said Resolution approving "Waiver from Land Development" Application for a Plan Entitled "Broadway Sidewalk Grading Plan for Tilghman Square Shopping Center". All in favor; none opposed. Vote 4:0. Motion carried.

C. A Resolution Granting Preliminary/Final Approval To A Minor Plan Entitled "1708 Hillside Lot Line Adjustment Plan"

(20:20) Gregg Adams, Planner, CD Department, explained that this is an Application to adjust the lot line between 1708 Hillside Lane and 1742 Evangate Drive. The plan proposes to transfer 7,733 SQF of property from 1742 Evangate Drive to 1708 Hillside Lane, resulting in 1742 Evangate Drive containing 9,601 SQF and 1708 Hillside Lane containing 49,470 SQF. Both parcels are served by public water and sewer, and are zoned Medium Density Residential R-4. Borko Milosev is Owner/Applicant of 1708 Hillside Land. Michael and Cynthia Sallustio are Owners of 1742 Evangate Drive. The PC did review and recommended Preliminary Plan Approval to the BOC at the August 17, 2023, meeting. They had eight conditions and two favorably recommended waiver requests. Three conditions typical to the approving resolution were added, three conditions have been addressed and removed. The Applicant has requested Preliminary-Final Plan Approval, and Staff has no objections.

Township Engineer, Tony Tallarida, explained that this is a very simply lot-line adjustment. It was reviewed by the PC with a favorable recommendation. Applicant has been working with Engineering to clean up the plans. We have no objections to moving this forward.

A MOTION was made by Commissioners Kennedy and Osborne adopt said Resolution approving Preliminary/Final Plan approval to a Minor Plan Entitled "1708 Hillside Lot Line Adjustment Plan". All in favor; none opposed. Vote 5:0. Motion carried.

D. A Resolution Granting Preliminary/Final Approval To A Minor Plan Entitled "Joseph & Haley Zimring"

(22:35) Gregg Adams, Planner, CD Department, explained that this is an Application to consolidate properties located at 1862 Stone Tavern Boulevard, 1884 Stone Tavern Boulevard, and 1900 Penns Crossing. The plan proposes to consolidate the three lots into one 79,777 SQF lot containing 533 linear feet of frontage along Penns Crossing and Stone Tavern Boulevard. The parcel is served with public water and sewer and zoned Low Density Residential R-2. Joseph and Haley Zimring are Owners/Applicants.

At the August 17, 2023, PC Meeting, the PC reviewed and recommended P/F plan approval to the BOC, subject to Applicant complying with eight conditions. There was also one favorably recommended waiver request. Three conditions typical to the approving resolution have been added, and one condition so far has been addressed and removed. The Applicant requests P/F Plan approval. Staff has no objections. Applicant has signed the Acceptance of Conditions.

Township Engineer, Tony Tallarida, explained that this is a lot-line adjustment. It was favorably reviewed/approved by the PC. Applicant has been working with Engineering to clean up the plans. Engineering has no objections to moving this forward with the one waiver.

A MOTION was made by Commissioners Kennedy and Roth to adopt said Resolution approving P/F approval to a Minor Plan Entitled "Joseph & Haley Zimring". All in favor; none opposed. Vote 4:0. (Commissioner Hodges recused herself.) Motion carried.

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

(24:30) Gregg Adams, Planner, CD Department, explained that this an application to further develop the property located at 798 Hausman Road. The plan proposed 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. The property is zoned IC-1. Lehigh Valley Health Network is the Owner/Applicant.

On February 17, 2021, BOC granted conditional P/F approval, with 12 conditions. On February 2, 2022, February 15, 2023, and March 15, 2023, the BOC granted extensions to the Conditional Approval. The Applicant is requesting additional time to complete the research of an easement in question, the execution of the easement, and the completion of the agreements for the remaining conditions of approval. The applicant is requesting a one-month extension to October 19, 2023. Staff is recommending a three-month extension to December 21, 2023. Applicant to date has satisfied 6 of the 12 conditions of approval—2 are legal protections, 1 is a requirement to record the plan in 12 months; therefore, only 3 are left unaddressed, of which 1 of those includes the requirement to settle all open invoices—which is usually not confirmed until the plan is being recorded. Mr. Adams said he does not yet have the Acceptance of Conditions from Applicant, which can be addressed before the vote. Applicant's team is in attendance.

(28:33) Attorney Anthony Brichta, representing LV Health Network, explained they did successfully complete the water separation. Following that in order to satisfy the easement requirement, they had their project engineer start to prepare the legal description, and in doing so they found a recorded plan from 2006, which had an overlapping easement, which had already granted the rights that they had been requesting. We did not want to record a potential conflicting easement if the easement was already in place. Research has been done. A title search was run. The title search reveals a number of historic easements that favor the Township authority; none of which pertain to the 2006 plan that was recorded. We did not find anything that indicates there was an actual easement recorded with the 2006 plan (which was attached as Exhibit A in their letter to the Township). Therefore, they are back to doing a new easement. This is where they are at. They requested one month, because they do not feel it will take long to wrap this up. Attorney Brichta said if you want to give them longer, that is OK, if it means they don't have to come back again. The only thing they have to do is to give the Township Solicitor the legal description so they can prepare the easement.

A MOTION was made by Commissioners Hodges and Roth to adopt said Resolution with three-month extension (to December 21, 2023) for approval of a Major Plan Entitled "Proposed Parking Lot Improvements 798 Hausman Road". All in favor; none opposed. Vote 5:0. Motion carried.

8. MOTIONS

A. Residential Municipal Solid Waste (MSW) Collection, Disposal and Recycling Services Contract Commencing January 1, 2024 - Consideration of Award of Contract

(31:00) Township Manager Tom Petrucci explained that on Wednesday, July 26, 2023, Township Officials opened and read aloud the residential MSW collection, disposal, and recycling services contract, which would commence on January 1, 2024. As an aside, current hauler, Waste Management sent us correspondence advising they would not be doing another one-year extension on the current, existing contract. Thus, the reason we had to go out to bid this year. The Township is currently evaluating the bids received.

Information compiled for the BOC:

1. Refuse/Recycling Projections based on 2024 Bid Figures
2. 2024 Bid Tabulation.
3. Municipal Pricing Comparison Spreadsheet.
4. Information for the sticker program and toters.

Options for Consideration:

1. Accept 3-year Bid (Waste Management has submitted a complete bid and is the low bidder for this option.)
2. Accept 5-Year Bid (J.P. Mascaro has submitted a complete bid and is the low bidder for this option.)
3. Reject Bids and Rebid.

Deadline for action is this evening.

Recommendation: The general determining factors in what will contribute to an overall lower solid waste/recycling contract decrease are provided as follows:

- Population loss or gain (can be controlled by zoning/planning regulations and open space preservation). Changes in recycling activities/volume (increased recycling).
- Changes in foreign markets for recyclables exportation.
- Changes in product packaging trends.
- Increases in solid waste reduction programs (source reduction strategies).
- Addition of recycling drop-off facilities.
- Increases in recyclable materials recovery rates.
- Diversion of recyclable materials (i.e. redirecting materials to a different final resting place other than a sanitary landfill).
- Development of new technologies.
- Realizing efficiencies in solid waste/recycling collection activities (ex. reorganizing collection routes to minimize the time the hauler spends at each quadrant and individual household).
- External economic factors (both local and national).

The recommendation is to award the 5-year long-term contract to J.P. Mascaro so as to effectively manage future price increases. This recommendation is made recognizing the significant unknowns with respect to the solid waste management industry over the next several years related to projected reduced landfill capacity in the immediate region, increased disposal of solid waste volumes based on population growth and consumer habits, decreased marketability of recycling materials, inflation, and increased capital costs, it is recommended to award the five (5) year long term contract option, so as to effectively manage price increases. The Total 5-year bid with J. P. Mascaro is \$21,634,536.

Recommendation is to award in the total amount over the five years, as well as accept the Applicant's price schedule for stickers and totes.

It is also recommended at the same time that the BOC direct management/staff to commence the process of selecting a third-party consultant and to seek a Recycling Technical Assistance Program grant from the PADEP in order to evaluate comprehensively the overall solid waste/recycling/yard waste program, including but not limited to the following:

- Independent evaluation of alternative solid waste, recycling and yard waste programs.
- Review by way of an independent analysis of the optimization of the solid waste/recycling collection system method, including number of collection days, collection routes, waste and recycling route workload, tonnages, and the various time metrics associated with collection, travel, units per day, and non-service time.
- Recommended methods of discussing/increasing educational awareness of solid waste and recycling program alternatives.

Contractor would need to meet all the requirements of the contract with regard to performance bonds, and any and all other listed requirements to the awarded vendor.

President Kelly thanked Mr. Petrucci and all Staff involved in preparing the bid, compiling all the information for the Board's review. President Kelly noted for the record that a Special BOC meeting was held on August 21st, where we heard from WM and JPM, as well as reviewing much information with regard to this topic.

Board, followed by Public questions/comments took place at this time. (36:25)

Commissioner Roth agreed that the Board should provide direction to Staff to select or engage a third-party consultant to evaluate our MSW procedures as a whole. This will allow us to come up with a plan,

as well as educate our residents on the importance of recycling, producing less MSW, so that when we come to the end of this contract, we will have a new innovative approach for our residents—not just the same thing we’ve been doing for years—perhaps something not every municipality does. We are hoping that as policy innovators, that at the end of this contract, to be able to go out on our own and implement some changes for the benefit of our residents, to potentially reduce costs for them as a whole, and prevent another situation like we have now. Commissioner Roth was in agreement with the other Commissioners to go with J.P. Mascaro/5-year contract.

Commissioner Roth went on to say that whoever is awarded the contract they should be held to the contract for the benefit of the SWT residents. Residents should be assured that when they put out their trash/recycling that it would be collected on time and in a clean manner; it is the service they pay for, and with what they pay, they deserve nothing but the best. The Board were all in agreement with this.

Senior, Low-Income Program – President Kelly asked Township Manager Tom Petrucci to touch on this.

Per the current U.S. Census data, there are 5,286 people over the age of 65 living in South Whitehall Township of an estimated population of 20,898 (the 2021 5-Year Estimated figures were used for this data). There are 8,139 total households, with 44.2% of the households comprised of individuals over the age of 65. This is approximately 3,597 households. 17.1% of the Township has total household income of equal to or less than \$35,999.00. Applying the 17.1% percentage, that equates to about 615 households (plus or minus) that may be utilizing a senior discount. If a \$30.00 per quarter discount were to be offered, that equates to \$120.00 per billing unit, or \$73,800.00.

If the senior low-income discount program were to be offered, the price would increase to \$162.11/quarter for the 5-year JP Mascaro contract and \$155.50/quarter for the Waste Management 3-year contract.

Potential program guidelines/parameters are provided as follows:

- The program would be limited to those customers sixty-five (65) years of age or older (to be verified by driver’s license or passport).
- The program would be limited to only those that are the property owner or the person primarily responsible for the payment of the Solid Waste/Recycling Fee to the Township.
- Gross annual household income would qualify for participation in the Pharmaceutical Assistance Contract for the Elderly Programs (PACE or PACENET) sponsored by the Commonwealth of Pennsylvania. For reference, the current guidelines for income, excluding the Annual Medicare Part B payment of \$1,556.00 single and \$3,112.00 married couples, and total income for the year are \$33,500 or less for a single person and \$41,500.00 or less for a married couple.

<http://www.aging.pa.gov/aging-services/prescriptions>

Due to the number of seniors that currently reside in the Township, it is not recommended to implement a blanket senior discount program that does not also integrate a low-income requirement as well. The parameters of the Senior Program would need to be set forth (and approved) in the 2024 Solid Waste/Recycling Fees Resolution. Action would not have to be taken this evening on the Senior Discount Program, and would not factor into the bid, since it was not part of the bid.

Commissioner Osborne said the increase is going to hit the residents hard. He addressed the haulers and said your business is a tough business and all eyes are on you. He said they are in the best position—the waste disposal industry, to educate the consumer on our habits, which is being respectful for our environment and what we are all facing going forward. This is a call for all of us.

Public comments took place at this time.

- It was asked that SWT considers a discount if people pay for the entire bill in January.
- Confirmed - There will be a dedicated customer service line on the day of collection so that customer service issues can be responded to in a timely manner.

(1:00:32) A MOTION was made by Commissioners Kennedy and Roth to award the contract for residential MSW collection, disposal, and recycling services contract commencing January 1, 2024, to J. P. Mascaro, for the 5-year contract. All in favor; none opposed. Vote 5:0. Motion carried.

B. Motion Requesting Permission to Proceed with Purchase of two (2) Trucks from COSTARS for Public Works Department

(1:01:10) Herb Bender, Director of Township Operations explained that Public Works is respectfully asking permission to move forward with the purchase of 2 Ford F-350 Pickup trucks. These trucks will come with a new 8.5-foot plow. The price for both trucks is \$122,400. Both trucks will be purchased under COSTARS contract. We did apply for an LSA grant for both trucks and we were denied. The two pickup trucks that are going to come out of the fleet and be sold on Municibid Public Auction are a 2011 Ford F-350 with almost 90,000 miles and the truck is a 2012 Ford F-250 with almost 85,000 miles. Both trucks will not pass inspection next year due to mechanical issues. The plow is included in this price and budgeted for \$122,400.

A MOTION was made by Commissioners Hodges and Kelly granting permission to proceed with purchase of the two trucks from COSTARS for PW as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

C. Motion Requesting Permission to Reject Bid Regarding Brickyard Road Wall Demolition Project.

(1:03:15) Herb Bender, Director of Township Operations, explained that two (2) bids were received and opened on Thursday, August 31, 2023, for the Brickyard Road Wall Demolition project. This bid was advertised in a local publication as required by law. Thirty potential bidders downloaded and received bid documents from the PennBid website.

This is the second bid put on the street to remove a retaining wall from the side of the home on Brickyard Road for drainage purposes which could potentially force this wall into a home. The results of the first bid were determined by the Township as non-responsive, due to the bidders not including, in their response, a plan to take the wall down and not submitting the required forms.

We are once again requesting the Board reject both bids as being non-responsive. The same two (2) companies bid, Semmel Excavating and Ben Washington LLC. Semmel Excavating did not attend the mandatory pre-bid meeting, which was clearly stated in our legal advertisement and instructions to bidders. Ben Washington LLC again did not submit a written plan on how they would accomplish the demolition of this wall, also a requirement in our bid specifications.

Due to the Township failing to award a contract again, the PW Department will move forward with this project and complete the wall demolition in house.

The Township Manager has confirmed that the Township's liability insurance policy will cover the scope of this demolition by way of the Township's insurance policy, which does not exclude explosion hazards, collapse hazards, or underground property damage.

A MOTION was made by Commissioners Roth and Kennedy granting permission to reject bid, followed by PW moving forward with this project and completing the wall demolition in-house. All in favor; none opposed. Vote 5:0. Motion carried.

D. Consideration of approval of Construction Inspection Agreement for Jordan Creek Greenway Segments 41-45.

(1:08:00) Township Manager Tom Petrucci explained that South Whitehall Township has received \$1,000,000.00 from the Pennsylvania Department of Transportation (PennDOT) Transportation Alternatives Set-Aside (TASA) Program to construct Segments 41-45 of the Jordan Creek Greenway from Lapp Road to Wehr Mill Road in Covered Bridge Park.

The Township is preparing to release this project for public bid in October 2023, with anticipated construction starting in early 2024. As a requirement of the funding for this project, 3rd party inspection services will be required onsite during construction. The Township is required to have inspection services under contract prior to release of the construction bid.

As of March 2023, the estimated cost for construction is approximately \$1,005,000.00. With the uncertainty of materials costs and construction labor, staff is of the opinion that additional funding should be secured for anticipated overages. Additionally, construction inspection services for this project were originally estimated to be between \$150,000.00 and \$250,000.00. As previously reported to the Board of Commissioners, this expense is not included in the \$1,005,000.00 construction estimate but can be supported by TASA funding.

The Board would therefore need to make a decision on whether you would approve the construction inspection services with traffic planning and design in the amount of \$140,445.36. Three firms did submit statements of interest packets—Michael Baker, CDRM, and Traffic Planning & Design. The Township evaluated Traffic Planning & Design. PennDOT was notified that SWT picked Traffic Planning & Design as the preferred Transportation Construction Manager and Transportation Construction Inspector for this project. PennDOT then confirmed the selection of Traffic Planning and Design, who then submitted rates for time/materials/reimbursable expenses that are affixed/approved by PennDOT in accordance with the grant requirements. The \$140,445.36 was negotiated by PennDOT; Staff feels this is reasonable in the context of this grant. For the record, we will need to budget for this inspection services cost in the 2024 budget. However, we are hopeful to get a grant in the interim, but that cannot be guaranteed.

Motion was made by Commissioners Osborne and Kelly to proceed with the approval of the Construction Inspection Agreement with PennDOT for Traffic Planning and Design to serve as the Transportation Construction Manager and Transportation Construction Inspector for the TASA-funded Jordan Creek Greenway Project (Wehr's Mill to Lapp Road segment—Segments 41-45). All in favor; none opposed. Vote 5:0. Motion carried.

E. Motion Requesting Permission to Proceed with Purchase of Four (4) Chevrolet Tahoe's from Whitmoyer Auto Group – COSTARS for Police Department.

(1:12:54) Police Chief Glen Dorney explained that The Police Department is in the process of fleet upgrades and are requesting authorization to purchase 4 new patrol vehicles. 1 Vehicle will be a Sergeant/ Patrol Supervisor vehicle, 2 will be front line patrol vehicles, and 1 will be an unmarked patrol vehicle. This is necessary due to aging fleet vehicles that need to be replaced and taken out of service due to excessive mileage and safety concerns. Quotes for vehicles were obtained from Whitmoyer Auto Group utilizing COSTARS pricing. We are requesting the purchase of 4 Chevrolet Tahoe police package vehicles. The marked vehicle COSTARS price is \$48,000, with an upfitting cost of \$21,121.80, for a total cost of \$69,121.80 each. The unmarked vehicle COSTARS cost is \$48,000, with an upfitting cost of \$22,935.54, for a total cost of \$70,935.54. The overall total for the 4 vehicles is \$278,300.94.

We currently have \$258,871.76 left in the Police Capital Account, and we received a Northampton & Lehigh Local Share Account grant for \$41,967 for use toward police vehicles. This gives a total of \$300,838.76 for vehicle purchases. After this purchase, there will be \$22,537.82 remaining in that account.

Chief is requesting the Board of Commissioners approve the purchase of the 4 Chevrolet Tahoes from Whitmoyer Auto Group. The vehicles were budgeted for in the 2023 budget.

President Kelly asked: Do we have a policy for vehicle purchases and the parameters; do we have a three-year and five-year projected plan forward. Do we have a plan to prioritize vehicle purchases to assure we have consistent branding, appearance, logos, with a defined plan for disposing of vehicles. Also, the standards which the Board/Township could adopt, which could be used in budget season, which would

provide for the full cost of vehicles, including insurance, fuel efficiency, and fuel cost, reliability, life expectancy, and also addressing the assignment of vehicles within the Township, and possible disposition of vehicles at auction. How can we approach this in a more comprehensive way to look for improvements, not just doing what we have always done. She is supportive of maintaining at this time what we currently have for our fleet, which was approved in the budget, but open to Board discussion as well.

President Kennedy asked why we are not looking at Ford Explorers when many of the Municipalities have them. Chief explained we have had a lot of maintenance issues with the Fords. Also, the cost for the Fords are \$1,000 more per vehicle. He said that many of the municipalities are going away from the Fords. Also, with the amount of equipment that they have in their cars, it is a tight fit in the Fords vs. the Tahoes. He explained they got a lot of positive feedback from other PDs as well.

Commissioner Hodges said the Board has always supported the Police. We want you to be safe and have what you need to stay safe, and keep our community safe. She said she has some questions, because she also vowed to keep our taxpayers and their taxpayer money safe as well. She thanked Chief for answering her questions.

(1:27) Chief confirmed for Commissioner Osborne that the purchases of the vehicles is already in the budget—4 patrol vehicles and 1 for the detectives. This would allow PD to transfer a vehicle currently in the fleet that has 50,000 miles on it, to turn it into a detective vehicle, extending the life of that vehicle.

Commissioner Kennedy asked if we could have a meeting with the PD, where this topic could be discussed in more detail than it is tonight. Mr. Petrucci said yes, but it would have to take place ASAP, in order to lock in any vehicles this year—this would be an information meeting—which would not be a public meeting, which can be done under the Sunshine Act.

Commissioner Roth said in developing a Fleet Management Plan feels we should look at—it is not just looking at the fleet at a macro level, but also at the micro level—what is the plan for each specific vehicle, so that the fleet almost manages itself, so that when the vehicle gets to the end of its life, there is a vehicle waiting in the wings. If we have the meeting, to gather this information regarding the life of these vehicles; how long it can be used as a patrol vehicle, SRO, or other purposes would be very helpful to have. Commissioners Kelly and Hodges said a cost analysis of ownership, long-term—so that the Board is able to discuss more, in order to have a better understanding of.

(1:34:57) A MOTION was made by Commissioners Osborne and Roth to approve Chief Dorney's request for permission to proceed with the purchase of four Chevy Tahoes from Whitmoyer Auto Group, as proposed on the agenda. The Board was not all in favor; Commissioners Osborne and Roth voted YES to approve. Commissioners Kelly, Kennedy, and Hodges voted NO. Motion failed.

(1:35:28) Commissioner Kennedy proposed to have an informational session so as to have more information/data, and then a decision will be made afterwards.

F. Motion Requesting Permission to Adopt the Newly Certified Civil Service Promotional List for the Position of Sergeant

(1:36:28) Chief Dorney explained that the PD has conducted CS Promotional testing for the rank of Sergeant. All aspects of the testing process have been completed, to include the written examination and oral examination. The CSC certified the eligibility list on Thursday, August 10, 2023.

Chief said they do have one vacancy for Sergeant, which they are planning on filling later this year in October/November.

A MOTION was made by Commissioners Kennedy and Kelly to adopt the newly certified CS Promotional List for Sergeant. All in favor; none opposed. Vote 5:0. Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions – Informational Items/Vacancies (1:37:27)

10. DIRECTION/DISCUSSION ITEMS

A. Review of Procurement Card Policy (DRAFT) – Revised (1:39:00)

Township Manager Tom Petrucci explained that as discussed at the August 16th BOC meeting, the Township evaluated a procurement card policy. A procurement card is a type of company charge card used for smaller purchases to achieve greater cost efficiency, control and convenience. Procurement cards are also known as purchasing cards, P-Cards or PCards. These cards are used by Township employees and then paid for by invoice with Township funds. A procurement card will issue payments to payee within days, while providing monthly invoicing to the Township.

It is the intent of the Township to use procurement cards for the following Authorized Purchases only:

- Emergency purchases
- Online subscriptions or dues
- Conference registration
- Training (where the vendor will not allow the Township to be billed)
- Hotel Accommodations (to be paid in full with the reservation)

Mr. Petrucci said that he is asking for direction/discussion and then move forward at the next meeting with adopting the policy and executing any agreements with PLGIT, if the Board is inclined to move in that direction.

One slight change in the Agreement Letter, #6, if the card is lost or stolen, that everyone would receive notification—PLGIT, Township Manager, Finance Director, Director of Township Operations. In that way, if someone is absent, we have this covered.

Township Manager Tom Petrucci said we will come back to the Board for final adoption and execution of the Agreement with PLGIT. He thanked the Board for their feedback.

B. South Whitehall Township Local Services Tax Collection Agreement – Notification of Termination Received from Parkland School District (1:43:30)

Township Manager Tom Petrucci respectfully requested that the Board TABLE this item at this time, pending receipt of additional information.

A MOTION to TABLE was made by Commissioners Kennedy and Kelly. All in favor; none opposed. Vote 5:0. Motion carried.

C. Interviews for Current Vacancies and Expired Terms on South Whitehall Boards/Commissions.

(1:44:00) Mr. Petrucci explained that the Policy in place for filling vacancies, expired terms—the resolution which was adopted earlier this year, requires us to notify the Board of said vacancies, which has been done. The next step would be the scheduled interviews. We will work with the Board on dates and get these coordinated.

11. OLD BUSINESS - NONE

12. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items – NONE

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS (1:45:09)

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

14. EXECUTIVE SESSION

A. Scheduled Accordingly – NONE.

15. ADJOURNMENT

A. Motion to Adjourn – At 8:46P a MOTION was made by Commissioners Kennedy and Roth to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

16. APPROVED: On September 20, 2023, a MOTION was made by Commissioners Roth and Kelly to approve the September 6th BOC Meeting Minutes as presented. All in favor; none opposed. Vote 4:0. Commissioner Osborne was absent.