



Wednesday, December 6, 2023
Board of Commissioners Meeting – 7:00 PM

1. CALL TO ORDER

- A. Roll Call

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 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: December 6, 2023.
- D. Resignation of David M. Kennedy, Commissioner.

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

5. MINUTES

- A. November 15, 2023 - Board of Commissioners Meeting Minutes.
- *Motion to approve minutes as presented.*

6. ORDINANCES

- A. Previously Advertised for Possible Adoption - An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Fixing the Property Tax Rate for the Fiscal Year 2024; Levying a Real Estate Tax for General Revenue Purposes and for Fire Tax Purposes for the Fiscal Year 2024; Reaffirming the Current Tax Rates Provided for within Chapter 328, "Taxation", of the Codified Ordinances of South Whitehall Township; and Appropriating Specific Sums Estimated to be Required for the Specific Purposes of the Township Government During the 2024 Fiscal Year; Providing for a Repealer Clause, Severability Clause and Effective Date.
- *Motion to Adopt said Taxation Ordinance for Fiscal Year 2024.*
- B. Motion to Advertise - Ordinance regarding Establishment of Environmental Advisory Council
- C. Motion to Advertise - Ordinance Amendment regarding the Landscape and Shade Tree Commission.
- D. Motion to Advertise - Ordinance for Regulation of Trees (Chapter 330).

7. RESOLUTIONS

A. Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Dissolving the Green Advisory Council.

- *Motion to Adopt Resolution Dissolving the Green Advisory Council.*

B. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Execution of an Encroachment Agreement with Buckeye Pipe Line Transportation, LLC, Required for the Jordan Creek Greenway in Covered Bridge Park Project.

- *Motion to Adopt said Resolution Authorizing the Execution of an Encroachment Agreement with Buckeye Pipe Line Transportation, Required for the Jordan Creek Greenway in Covered Bridge Park Project.*

C. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Establishing Rates, Rents, Charges, and Delinquent Charges for Furnishing Water Service to Consumers, and Establishing the Circumstances under which Water Service is Discontinued and Municipal Liens Filed.

- *Motion to Adopt said Resolution, confirming rate of service charges for water (no change for 2024 from 2023).*

D. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Establishing Rates, Rents, Charges, and Delinquent Charges for Furnishing Sanitary Sewerage Services to Owners and/or Consumers, and Establishing the Circumstances under which Water Service is Discontinued and Municipal Liens Filed.

- *Motion to Adopt said Resolution, confirming rate of service charges for sewer (no change for 2024 from 2023).*

E. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Approving and Adopting Municipal Solid Waste Collection Charges for Calendar Year 2023.

- *Motion to Adopt said Resolution, confirming municipal solid waste collection charges for calendar year 2024.*

F. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Approving the Budget for the 2024 Calendar/Fiscal Year Beginning on the First Day of January 2024 and Ending on the Last Day of December 2024.

- *Motion to Adopt said Resolution, which Approves the 2024 SWT Final Adopted Budget.*

8. MOTIONS

A. Motion Requesting Permission for Township Engineer to Conduct Corridor Analysis of Walbert Avenue, Huckleberry Road, Ridgeview Drive, Church Road and S.R. 309.

B. Motion for Permission to Transfer \$1,500,000 from the Water Fund to the Water Fiscal Stability Fund.

C. Motion to Authorize a Capital Purchase of a Server for Video Surveillance and Access Control Systems.

D. Motion to Approve Codification Project for 2024.

E. Motion to Approve South Whitehall Landscapes Plan Technical Consultant - Amount \$10,000.

F. Motion to Authorize Ridge Farms Phase 1-A Improvements Security Release #1.

G. Motion to Authorize Penns Crossing Waterline Construction Improvements Security Release #1

H. Motion to Authorize Long's Water Technology Improvements Security Release #2

I. Motion to Waive Land Development Requirement for Robert Ehle, Upper Macungie Township--
Minor Subdivision.

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions - Informational Items/Vacancies.

B. PA Walk Works - Grant Announcement & Press Release

10. DIRECTION/DISCUSSION ITEMS

A. Solid Waste/Recycling Routing and Optimization Study

11. OLD BUSINESS

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

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

A. Invoices and Disbursements

14. EXECUTIVE SESSION

A. Scheduled Accordingly.

15. ADJOURNMENT

A. Motion to Adjourn.



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Minutes

AGENDA SECTION: MINUTES

SUBJECT: November 15, 2023 - Board of Commissioners Meeting Minutes.

SUGGESTED ACTION:

- *Motion to approve minutes as presented.*

ATTACHMENTS:



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Ordinance

AGENDA SECTION: ORDINANCES

SUBJECT: Previously Advertised for Possible Adoption - An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Fixing the Property Tax Rate for the Fiscal Year 2024; Levying a Real Estate Tax for General Revenue Purposes and for Fire Tax Purposes for the Fiscal Year 2024; Reaffirming the Current Tax Rates Provided for within Chapter 328, "Taxation", of the Codified Ordinances of South Whitehall Township; and Appropriating Specific Sums Estimated to be Required for the Specific Purposes of the Township Government During the 2024 Fiscal Year; Providing for a Repealer Clause, Severability Clause and Effective Date.

SUGGESTED ACTION:

- *Motion to Adopt said Taxation Ordinance for Fiscal Year 2024.*

ATTACHMENTS:
[2024 Real Estate Taxation and Appropriation Ordinance.pdf](#)
[2024 Real Estate Tax Rate Ordinance Memorandum Request for Adoption.pdf](#)

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

ORDINANCE NO. 1081

(Duly Adopted December 6, 2023)

AN ORDINANCE OF THE TOWNSHIP OF SOUTH WHITEHALL, COUNTY OF LEHIGH, AND COMMONWEALTH OF PENNSYLVANIA, FIXING THE PROPERTY TAX RATE FOR THE FISCAL YEAR 2024; LEVYING A REAL ESTATE TAX FOR GENERAL REVENUE PURPOSES AND FOR FIRE TAX PURPOSES FOR THE FISCAL YEAR 2024; REAFFIRMING THE CURRENT TAX RATES PROVIDED FOR WITHIN CHAPTER 328, "TAXATION", OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP; AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT DURING THE 2024 FISCAL YEAR; PROVIDING FOR A REPEALER CLAUSE, SEVERABILITY CLAUSE AND EFFECTIVE DATE

WHEREAS, the First Class Township Code (53 P.S. § 55101 *et seq.*), and the Local Tax Enabling Act requires and authorizes the Board of Commissioners of South Whitehall Township to annually adopt a tax levy ordinance affixing the property tax upon all property and all occupations within South Whitehall Township made taxable for Township purposes and subject to valuation and assessment by the county assessment office; and

WHEREAS, the Board of Commissioners has met the procedural requirements of the First Class Township Code for the adoption of this proposed Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of South Whitehall Township, as follows:

SECTION I - TAX LEVY – GENERAL REVENUE PURPOSES

Pursuant to 53 P.S. § 55101 *et seq.*, a tax is hereby levied on all real property within South Whitehall Township, which is subject to taxation for the fiscal year 2024, as follows:

- A. Tax rate for General Township purposes as described in Section 1709 (a) (1) of the First Class Township Code, the sum of 2.849750 mills on each dollar of assessed valuation or the sum of 28.49750 cents on each \$100.00 of assessed valuation.
- B. Tax rate for Fire Tax purposes as described in Section 1709 (a) (2) (i) of the First Class Township Code, the sum of .47 mills on each dollar of assessed valuation or the sum of 4.7 cents on each \$100.00 of assessed valuation.

The same being summarized in tabular form as follows:

Property Tax Name/Purpose	Mills on Each Dollar of Assessed Valuation	Per Hundred Dollars of Assessed Valuation
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Tax Rate for General Township Purposes	2.849750	\$0.2849750
Tax Rate for Fire Tax Purposes	.47	\$.047
TOTALS	3.31975	\$0.331975

SECTION II - REAFFIRMATION OF CURRENT TAX RATES

The rates of taxation referred to in Chapter 328, “Taxation”, of the Codified Ordinances of South Whitehall Township are hereby reaffirmed. All tax rates which are currently in effect in South Whitehall Township as of January 1, 2024, shall continue in effect from year-to-year unless specifically altered by Ordinance.

SECTION III – ANNUAL BUDGET APPROPRIATIONS

Regarding South Whitehall Township expenditures for the fiscal year 2024 are hereby appropriated from the revenues available during the 2024 fiscal year for the specific purposes set forth below, which amounts are more completely itemized in the fully adopted South Whitehall Township Budget for the fiscal year 2024 on file in the Office of the Township Secretary.

2024 Budget Appropriations

General Fund

Revenue: \$19,788,338.77
Expenses: \$19,788,338.77

Fire Fund

Revenue: \$1,372,000.00
Expenses: \$878,000.00

Water Fund

Revenue: \$4,870,500.00
Expenses: \$4,360,311.00

Sewer Fund

Revenue: \$4,169,258.00
Expenses: \$4,130,264.00

Refuse Fund

Revenue: \$5,022,240.00
Expenses: \$4,516,467.00

State Highway Aid Fund

Revenue: \$726,270.00
Expenses: \$807,000.00

Open Space Fund

Revenue: \$102,467.00
Expenses: \$214,034.00

Capital Fund

Revenue: \$4,888,472.73
Expenses: \$5,645,399.07

SECTION IV - REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION V - SEVERABILITY

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

SECTION VI - EFFECTIVE DATE

This Ordinance shall become effective January 1, 2024.

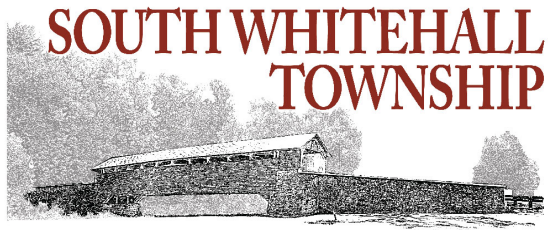
DULY ENACTED AND ORDAINED as an Ordinance this 6th day of December, 2023 by a majority of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Diane Kelly, President

ATTEST:

Tricia L. Dickert, Township Secretary



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 28, 2023
SUBJECT:	2024 Property Tax Rate and Appropriation- Request for Motion to Adopt Ordinance
COPY TO:	J. Alderfer; H. Bender; T. Dickert; T. Fehnel

- **Background Information:**

There is no proposed change to the property tax rates for 2024. The 2024 Budget includes this assumption in estimating revenues available in 2024 from property taxes. The rates are summarized as follows:

Property Tax Name/Purpose	Mills on Each Dollar of Assessed Valuation	Per Hundred Dollars of Assessed Valuation
Tax Rate for General Township Purposes	2.849750	\$0.2849750
Tax Rate for Fire Tax Purposes	.47	\$.047
TOTALS	3.31975	\$0.331975

- **Action Requested:**

In accordance with the requirements of the First Class Township Code, specifically Section 1709 (a), the Board of Commissioners are required to fix the property rate for the 2024 fiscal year in conjunction with the approval of the 2023 annual budget.

Each year the Township must pass an Ordinance (or Resolution) to adopt the property tax rate. The proposed Ordinance is summarized as follows:

AN ORDINANCE OF THE TOWNSHIP OF SOUTH WHITEHALL, COUNTY OF LEHIGH, AND COMMONWEALTH OF PENNSYLVANIA, FIXING THE PROPERTY TAX RATE FOR THE FISCAL YEAR 2024; LEVYING A REAL STATE TAX FOR GENERAL REVENUE PURPOSES AND FOR FIRE TAX PURPOSES FOR THE FISCAL YEAR 2024; REAFFIRMING THE CURRENT TAX RATES PROVIDED FOR WITHIN CHAPTER 328, "TAXATION", OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP; AND APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE TOWNSHIP GOVERNMENT DURING THE 2024 FISCAL YEAR; PROVIDING FOR A REPEALER CLAUSE, SEVERABILITY CLAUSE AND EFFECTIVE DATE

A motion is requested to adopt the above-referenced ordinance.

Approval was received from the Board of Commissioners during the November 15th regular meeting to move forward with advertising the ordinance. The ordinance was advertised in the November 22nd issue of the Parkland Press and sent to the Lehigh County Department of Law.

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

N/A



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

ITEM TYPE: Ordinance

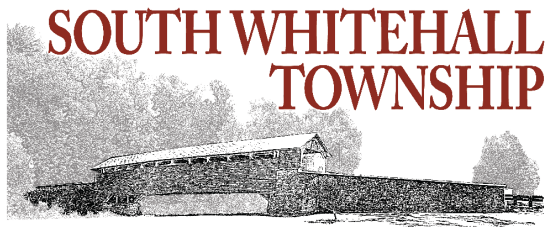
AGENDA SECTION: ORDINANCES

SUBJECT: Motion to Advertise - Ordinance regarding Establishment of Environmental Advisory Council

SUGGESTED ACTION:

ATTACHMENTS:

- [2023.11.29 CD PLANNING - BOC Memo Chapter 17 Article V Environmental Advisory Council Request to Advertise for Possible Adoption.pdf](#)
- [2023.11.29 CD PLANNING - Adopting Ordinance Chapter 17 Article V Environmental Advisory Council - 2023-503.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Chris Strohler, Long-Range Planner
DATE:	November 29, 2023
SUBJECT:	Deleting <i>Chapter 17 Article VII Environmental Advisory Council</i> , Deleting <i>Chapter 85 Air Pollution</i> , and Creating <i>Chapter 17 Article V Environmental Advisory Council</i> – Request to Advertise Ordinance for Possible Adoption
COPY TO:	T. Petrucci, D. Manhardt, H. Bender, M. Elias, J. Alderfer, Esq., J. Zator, Esq., A. Tallarida, S. Pidcock

• **Background Information:**

Implementation Item A2 of the South Whitehall Township Comprehensive Plan recommends the Township: *Inventory and evaluate roles and responsibilities of all advisory boards, committees, commissions, councils, and subcommittees, to reduce overlap of duties/responsibilities and make recommendations to streamline, if determined to be prudent and appropriate.* At the September 20, 2023 Board of Commissioners meeting, staff discussed the overlap of duties for environmental-related advisory boards in the Township including:

- Green Advisory Council
 - Established by Resolution 2019-64 on December 18, 2019
- Environmental Advisory Council
 - Established by Ordinance 210 on July 8, 1974
- Air Pollution Board
 - Established by Ordinance 249 on December 13, 1976

Staff determined that there was a significant overlap in the duties of these boards and has made the recommendation to merge the roles and responsibilities into one board under a newly revamped Environmental Advisory Council. Staff drafted a new Environmental Advisory Council Ordinance that includes all necessary roles and responsibilities and introduced this at the September 20, 2023 Board of Commissioners meeting. Said Ordinance has now undergone legal review and staff believes it is ready for final review by the Board of Commissioners and advertisement for a hearing and possible adoption.

The purpose of this revamped Ordinance is to consolidate the roles and responsibilities of a volunteer advisory board related to the conservation, preservation, and promotion of the Township’s environmental and natural resources in an appropriate and effective manner.

Should the proposed Ordinance amendment move forward, certain changes will have to be made to the existing Township Code of Ordinances to ensure that the layout is functionally logical and correct. Specifically, the following changes are outlined in the new Ordinance:

- Under *PART I: ADMINISTRATIVE LEGISLATION*
 - Existing *Chapter 17 Article VII Environmental Advisory Council* will be removed, and all subordinate sections of this Article will be reserved for future use.
 - The revamped Environmental Advisory Council language will be added as *Chapter 17 Article V Environmental Advisory Council*.
- Under *PART II: GENERAL LEGISLATION*
 - Existing *Chapter 85 Air Pollution* will be removed as it is no longer relevant due to the revised Environmental Advisory Council ordinance.

- **Options for Consideration:**

Staff offers the attached amendment for consideration. Staff welcomes questions and comments. Staff will incorporate Board changes for further review at a future meeting or, should the Board be sufficiently comfortable, incorporate the changes into the draft to be advertised for possible adoption.

- **Action Requested:**

Staff requests direction to advertise the Ordinance for a hearing and possible adoption.

- **Attachments:**

Draft Ordinance

SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. ____
(Duly Adopted _____, 2024)

AN ORDINANCE AMENDING PART I (ADMINISTRATIVE LEGISLATION) CHAPTER 17 TO REPEAL ARTICLE VII ENVIRONMENTAL ADVISORY COUNCIL AND ITS SUBORDINATE SECTIONS, RESERVE FOR FUTURE USE THOSE SECTIONS NOT UTILIZED, AND CREATE A NEW ARTICLE V ENVIRONMENTAL ADVISORY COUNCIL AS PART OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF SOUTH WHITEHALL AND PROVIDING FOR THE COMMISSION’S NAME; MEMBERSHIP; JURISDICTION, DUTIES AND RESPONSIBILITIES; RIGHT AND AUTHORITY, ORGANIZATION, BYLAWS AND PROCEDURES; PUBLIC NOTICE OF MEETINGS; FUNDING AND EXPENDITURES; RECORDS; AND COMPENSATION; SEVERABILITY, FAILURE TO ENFORCE NOT A WAIVER, REPEALER AND AN EFFECTIVE DATE; AND AMENDING PART II (GENERAL LEGISLATION) TO REPEAL CHAPTER 85 AIR POLLUTION AND ITS SUBORDINATE SECTIONS.

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

WHEREAS, the Township has a vested interest in providing regulations for the proper formation and functioning of its advisory boards and commissions; and

WHEREAS, the Board of Commissioners recognizes that regulations should be periodically updated to ensure that all Township boards and commissions are operating efficiently within the bounds of Commonwealth law and are regulated in a clear and consistent manner; and

WHEREAS, the Board of Commissioners desires to update the regulations pertaining to the establishment and functioning of the Environmental Advisory Council in a manner that is to be consistent with the intent of the Township of South Whitehall, the regulations of the Commonwealth of Pennsylvania, and, as much as is practicable, the regulations of the other boards and commissions of South Whitehall Township.

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

SECTION I AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended (revised) to REMOVE **Article VII Environmental Advisory Council** and **Sections 17-36** through **17-39**, inclusive, replacing them with the following:

§ 17-36 RESERVED

§ 17-37 RESERVED

§ 17-38 RESERVED

§ 17-39 RESERVED

SECTION II AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended (revised) to create a new **Article V Environmental Advisory Council**, which shall read as follows:

Article V Environmental Advisory Council

§ 17-51 THE ENVIRONMENTAL ADVISORY COUNCIL

- A. The Environmental Advisory Council, created by Ordinance 210, adopted on July 8, 1974 as amended, shall continue under and in accordance with the provisions of this article.

§ 17-52 MEMBERSHIP

- A. COMPOSITION. The Environmental Advisory Council shall be composed of seven (7) residents of the Township, appointed by the Township Commissioners by Resolution. Whenever possible, one member shall also be a member of the Planning Commission.
- B. TERMS. The members of the Environmental Advisory Council members shall serve for a term of three (3) years or until their successors are appointed. Terms shall be staggered so that no more than two (2) terms shall expire in a given calendar year. Each term shall commence on January 1 and terminate on December 31.
- C. VACANCIES. The Chairperson of the Environmental Advisory Council shall promptly notify the Township Board of Commissioners of any vacancies which occur. Vacancies in the Environmental Advisory Council, occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointments.
- D. REMOVAL OF MEMBERS. Any Environmental Advisory Council member may be removed at the discretion of the Township Board of Commissioners. Any member of the Environmental Advisory Council, once qualified and appointed, may be removed from office in accordance with the First Class Township Code, as amended, or any other applicable law.

§ 17-53 JURISDICTION; DUTIES AND RESPONSIBILITIES

- A. The jurisdiction of the Environmental Advisory Council shall be limited to advising the Commissioners and other duly established Boards, Commissions and Committees of the Township on matters dealing with the protection, conservation, management, promotion and use of natural resources located within the territorial limits of the Township of South Whitehall. Specific duties will include:
 - 1. To identify environmental problems and recommend plans and programs for conservation of natural resources and protection and improvement of environmental quality.
 - 2. In conjunction with the Park and Recreation Board, to make recommendations as to possible uses of open space areas.
 - 3. To promote a community environmental program.
 - 4. To keep an index of all open space areas, publicly or privately owned including, but not limited to, flood prone areas, swamps, and other unique natural areas for the purpose of obtaining information of the proper use of such areas.
 - 5. To advise the appropriate Township governmental agency in the acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise, or lease in matters dealing with the purposes of this article.
 - 6. The Environmental Advisory Council shall review subdivision and land development plans in accordance with the Subdivision and Land Development Ordinance, limited to matters pertaining to the foregoing subject matter. The findings of this review shall be prepared and sent to the Planning Commission as recommendations.
- B. The Environmental Advisory Council shall hold regular meetings a minimum of two times in a calendar year at such times and places as it shall designate.
- C. For each and every meeting, the Environmental Advisory Council shall create an agenda, and take and approve minutes.

§ 17-54 RIGHT AND AUTHORITY; ORGANIZATION; BYLAWS AND PROCEDURES

- A. The Environmental Advisory Council shall have power to adopt rules and regulations for the conduct of all business before the Environmental Advisory Council, unless otherwise provided in the Ordinance, as it may be amended from time to time.
- B. In accordance with 53 Pa.C.S.A Section 2323, the Board of Commissioners shall designate the Chairperson of the Council. The members of the Environmental Advisory Council shall elect all other necessary officers to serve for a period of one (1) year.

§ 17-55 PUBLIC NOTICE OF MEETINGS

- A. Unless otherwise specified, regular meetings for the Environmental Advisory Council shall be advertised annually in a local newspaper no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such advertisement shall include the name of the Environmental Advisory Council, the location of the meetings, the starting time of the meetings, and the dates of the meetings for the upcoming calendar year.

- B. Regular meetings for the Environmental Advisory Council shall be posted annually at the appropriate locations on the South Whitehall Township Website no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such postings shall include the information described in subsection (A).
- C. Regular meetings for the Environmental Advisory Council shall be posted annually at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such postings shall include the information described in subsection (A).
- D. Cancellations of regular meetings for the Environmental Advisory Council shall be posted at the appropriate locations on the South Whitehall Township Website and at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building at the earliest possible opportunity.
- E. Meetings for the Environmental Advisory Council that are not regularly-scheduled meetings (“special meetings”) are to be advertised at least once (as legally appropriate) in a local newspaper no more than thirty (30) days and no less than seven (7) days before the date of the special meeting. Such advertisement shall include the name of the Environmental Advisory Council, the location of the meetings, the starting time of the meetings, and the dates of the meetings for the upcoming calendar year. Special Meetings shall also be posted to the South Whitehall Township Website and at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building with the above-mentioned requirements.
- F. None of the above requirements shall supersede any other advertising requirements required by law.

§ 17-56 FUNDING AND EXPENDITURES

- A. The Board of Commissioners may appropriate funds for the expenses incurred by the Council. Appropriations may be expended for those administrative, clerical, printing and legal services as may be required and as shall be within the limit of funds appropriated to the council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund and allowed to accumulate from year to year or may be expended in any year.

§ 17-57 RECORDS

- A. The Environmental Advisory Council, through the staff so designated by the Manager of South Whitehall Township, shall keep full public records of the activities of the Environmental Advisory Council, including agendas and approved minutes. Such records shall be the property of the Township of South Whitehall.
- B. On an annual basis, the Environmental Advisory Council, through the staff so designated by the Manager of South Whitehall Township, shall make a written report of its meetings, activities, and financial transactions and expenses, if any. Said report shall be submitted to the Township Board of Commissioners by March 1 of the following year and shall be made known and available to the general public.

§ 17-58 COMPENSATION

- A. The said members of the Environmental Advisory Council shall serve in their respective capacities and perform the duties of said office without compensation.

§ 17-59 RESERVED

§ 17-60 RESERVED

SECTION III AMENDMENT TO PART II (“GENERAL LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part II (“General Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended to REMOVE **Chapter 85 Air Pollution** and **Sections 85-1** through **85-6**, inclusive.

SECTION 2 SEVERABILITY

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

SECTION 3 FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 4 REPEALER

- A. Any ordinance, resolution and/or other regulation of the Township or portions thereof regulating the Environmental Advisory Council, which were made effective prior to the effective date of this chapter are hereby repealed.
- B. This repeal shall not affect or impair any act done or offense committed, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enforced or prosecuted as fully and to the same extent as if such repeal had not been affected. Furthermore, all actions and proceedings commenced under or by virtue of the laws repealed hereby and pending immediately prior to the taking effect of the repeal of said laws may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

SECTION 5 EFFECTIVE DATE

This Ordinance shall become effective on the first day of the month immediately following the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this __day of _____, 2024 by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**BOARD OF COMMISSIONERS
SOUTH WHITEHALL TOWNSHIP**

Diane Kelly, President

ATTEST:

Tricia Dickert, Secretary



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

ITEM TYPE: Ordinance

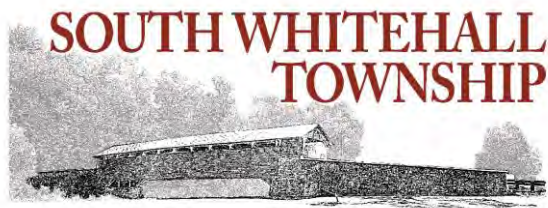
AGENDA SECTION: ORDINANCES

SUBJECT: Motion to Advertise - Ordinance Amendment regarding the Landscape and Shade Tree Commission.

SUGGESTED ACTION:

ATTACHMENTS:

[2023.12.05 CD PLANNING - BOC Packet Excerpt Chapter 17 Article VII Landscape and Shade Tree Commission Request to Advertise for Possible Adoption.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	September 28, 2023
SUBJECT:	An Ordinance Amending Part I (Administrative Legislation) Chapter 17 To Repeal Article III Landscape And Shade Tree Commission And Its Subordinate Sections, Reserve For Future Use Those Sections Not Utilized, And Create A New Article VII Landscape And Shade Tree Commission As Part Of The Codified Ordinances Of The Township Of South Whitehall And Providing For The Commission’s Name; Membership; Jurisdiction, Duties And Responsibilities; Right And Authority, Organization, Bylaws And Procedures; Public Notice Of Meetings; Funding And Expenditures; Records; And Compensation; Severability, Failure To Enforce Not A Waiver, Repealer And An Effective Date – Request To Advertise Ordinance For Possible Adoption
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Alderfer, Esq., J. Zator, Esq., A. Tallarida, S. Pidcock

• **Background Information:**

The current regulations regarding the Landscape and Shade Tree Commission date to 1969. They are useful for the functioning of the Commission, but the majority of the Article is actually regarding the regulation of trees within the Township.

At the July 19, 2023 Board of Commissioners meeting, staff reviewed proposed changes to the Boards and Commissions section of the Township Ordinance. At the September 20, 2023 meeting, staff introduced *Chapter 17 Article VII Landscape and Shade Tree Commission*. The Board directed staff to send the draft to Zator Law for legal review. The legal review was completed in mid-October and comments were incorporated. Staff made some revisions in early November. Staff now believes that the draft Ordinance is ready for final review by the Board of Commissioners and for advertisement for a hearing and possible adoption.

As part of the review of Township Ordinances recommended by the Comprehensive Plan, staff proposed several interlocking Ordinance revisions, of which this revision is part. This revision proposes to update the regulations regarding the operation and administration of the Landscape and Shade Tree Commission. The updated regulations are formatted in a manner consistent with the format introduced to the Board of Commissioners at their July 19, 2023 meeting. Another proposed Ordinance will create a new set of regulations concerning trees within the

rights-of-way of public streets and on public property. Both Ordinances should be adopted at the same time to ensure that the existing Chapter 17 Article III Landscape and Shade Tree Commission, which contains elements of both proposed Ordinances, is properly replaced.

This update proposes the following:

- Utilize the format intended for use with all Boards and Commissions to be placed within *Chapter 17* of the South Whitehall Township Codified Ordinance and place the new Article at its intended final location within proposed *Chapter 17*.
- Note the original creation of the Commission.
- Define the composition of the Commission, the length of terms of its members, the standard process for filling vacancies, and the standard process for the removal of members. Most of the items proposed are already so defined within the existing *Article III*.
- Define the jurisdiction of the Commission and its duties and responsibilities, including those duties and responsibilities to be common to all Boards and Commissions. The proposed jurisdiction is the current jurisdiction so defined within the existing *Article III*.
- Define the rights and authority, organization, and bylaws of the Commission, all of which are proposed to be consistent within all Boards and Commissions,
- Define the procedures for noticing meetings, all of which are proposed to be consistent within all Boards and Commissions.
- Define the Commission's ability to utilize funding so appropriated by the Board of Commissioners.
- Define the Commission's requirements for reporting and record-keeping, all of which are proposed to be consistent within all Boards and Commissions.
- And define compensation for the Commission members, if any, in language which is to be consistent within all Boards and Commissions.

Should the proposed Ordinance amendment move forward, certain changes will have to be made to the existing *Chapter 17* in order to accommodate the new Article, specifically the repeal of the current *Article III Landscape and Shade Tree Commission*, the reservation for future use those Sections no longer utilized, and the movement of certain other Sections to ensure that the Chapter is functionally logical and correct as it moves towards its final layout.

- **Options for Consideration:**

Staff offers the attached amendment for consideration. Staff welcomes questions and comments. Staff will incorporate Board changes for further review at a future meeting or, should the Board be sufficiently comfortable, incorporate the changes into the draft to be advertised for possible adoption.

Should the Board wish to delay advertisement in favor of further review, the proposed Ordinance creating Chapter 330 Trees should also be delayed so as to be advertised for the same hearing date.

- **Action Requested:**

Staff requests direction to advertise the Ordinance for a hearing and possible adoption.

- **Attachments:**

Draft Ordinance

SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. _____
(Duly Adopted January _____, 2024)

**AN ORDINANCE AMENDING PART I (ADMINISTRATIVE LEGISLATION)
CHAPTER 17 TO REPEAL ARTICLE III LANDSCAPE AND SHADE TREE
COMMISSION AND ITS SUBORDINATE SECTIONS, RESERVE FOR FUTURE USE
THOSE SECTIONS NOT UTILIZED, MOVE ARTICLE V COMMISSION MEETINGS
TO ARTICLE III, MOVE SECTION 17-29 TO SECTION 17-14, AND CREATE A NEW
ARTICLE VII LANDSCAPE AND SHADE TREE COMMISSION AS PART OF THE
CODIFIED ORDINANCES OF THE TOWNSHIP OF SOUTH WHITEHALL AND
PROVIDING FOR THE COMMISSION’S NAME; MEMBERSHIP; JURISDICTION,
DUTIES AND RESPONSIBILITIES; RIGHT AND AUTHORITY, ORGANIZATION,
BYLAWS AND PROCEDURES; PUBLIC NOTICE OF MEETINGS; FUNDING AND
EXPENDITURES; RECORDS; AND COMPENSATION; SEVERABILITY, FAILURE
TO ENFORCE NOT A WAIVER, REPEALER AND AN EFFECTIVE DATE**

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

WHEREAS, the Township has a vested interest in providing regulations for the proper formation and functioning of its advisory boards and commissions; and

WHEREAS, the Board of Commissioners recognizes that regulations should be periodically updated to ensure that all Township boards and commissions are operating efficiently within the bounds of Commonwealth law and are regulated in a clear and consistent manner; and

WHEREAS, the Board of Commissioners desires to update the regulations pertaining to the establishment and functioning of the Landscape and Shade Tree Commission in a manner that is to be consistent with the intent of the Township of South Whitehall, the regulations of the Commonwealth of Pennsylvania, and, as much as is practicable, the regulations of the other boards and commissions of South Whitehall Township.

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

SECTION I AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is

hereby amended to REMOVE **Article III Landscape and Shade Tree Commission** and REPLACE it with **Article III Commission Meetings**.

SECTION II AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended to REMOVE **Article V Commission Meetings**.

SECTION III AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended to REMOVE the entirety of **§ 17-29 Commission Meetings** and REPLACE it with **§ 17-29 RESERVED**.

SECTION IV AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended to REMOVE **Section 17-14 Title**, and REPLACE it with the following:

§ 17-14 Commission Meetings.

The Commissioners of the Township of South Whitehall shall meet regularly on the first and third Wednesdays of each month, at 7:00 p.m., prevailing time, at their municipal building located on Walbert Avenue, east of the intersection of Walbert Avenue and U.S. Route 309, South Whitehall Township, Lehigh County, Pennsylvania (with an address of 4444 Walbert Avenue, Allentown, PA 18104). Regularly scheduled meetings of the Board may be augmented by additional special meetings, canceled or postponed, from time to time, by agreement of a majority of the Board when it is deemed advisable because of inclement weather, a better opportunity for a quorum or any other reason that may facilitate prudent and efficient conduct of normal business.

SECTION V AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended to REMOVE Sections 17-15 through 17-25, replacing them with the following:

§ 17-15 RESERVED

§ 17-16 RESERVED

§ 17-17 RESERVED

§ 17-18 RESERVED

§ 17-19 RESERVED

§ 17-20 RESERVED

§ 17-21 **RESERVED**

§ 17-22 **RESERVED**

§ 17-23 **RESERVED**

§ 17-24 **RESERVED**

§ 17-25 **RESERVED**

SECTION VI AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended (revised) to create a new Article VII Landscape and Shade Tree Commission, which shall read as follows:

Article VII Landscape and Shade Tree Commission

§ 17-71 THE LANDSCAPE AND SHADE TREE COMMISSION

- A. The Landscape and Shade Tree Commission, created by Ordinance 109, adopted on March 10, 1969, as amended, shall continue under and in accordance with the provisions of this article.

§ 17-72 MEMBERSHIP

- A. **COMPOSITION.** The Landscape and Shade Tree Commission shall be composed of three (3) residents of the Township, appointed by the Township Commissioners by Resolution.
- B. **TERMS.** The members of the Landscape and Shade Tree Commission shall serve for a term of five (5) years or until their successors are appointed. Terms shall be staggered so that no more than one (1) term shall expire in a given calendar year. Each term shall commence on January 1 and terminate on December 31.
- C. **VACANCIES.** The Chairperson of the Landscape and Shade Tree Commission shall promptly notify the Township Board of Commissioners of any vacancies which occur. Vacancies in the landscape and Shade Tree Commission, occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointments.
- D. **REMOVAL OF MEMBERS.** Any Landscape and Shade Tree Commission member may be removed at the discretion of the Township Board of Commissioners. Any member of the Landscape and Shade Tree Commission, once qualified and appointed, may be removed from office in accordance with the First Class Township Code, as amended.

§ 17-73 JURISDICTION; DUTIES AND RESPONSIBILITIES

- A. Except as provided in 53 PS 57070 (Trees and shrubbery within right-of-way) and in accordance with the First Class Township Code and all other applicable law, the Landscape and Shade Tree Commission shall have exclusive custody and control of the shade trees in the Township, and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the Township.

- B. The Landscape and Shade Tree Commission shall review subdivision and land development plans in accordance with the Subdivision and Land Development Ordinance. The findings of this review shall be prepared and sent to the Planning Commission as recommendations.
- C. The Landscape and Shade Tree Commission has exclusive jurisdiction to hear and render final adjudications regarding appeals of staff determinations with regard to Shade Tree permits.
- D. The Landscape and Shade Tree Commission shall hold regular meetings a minimum of two times in a calendar year at such times and places as it shall designate.
- E. For each and every meeting, the Landscape and Shade Tree Commission shall create an agenda, and take and approve minutes.

§ 17-74 RIGHT AND AUTHORITY; ORGANIZATION; BYLAWS AND PROCEDURES

- A. The Landscape and Shade Tree Commission shall have power to adopt rules and regulations for the conduct of all business before the Landscape and Shade Tree Commission, unless otherwise provided in the Ordinance, as it may be amended from time to time.
- B. The members of the Landscape and Shade Tree Commission shall elect their own Chairperson and Secretary and select all other necessary officers to serve for a period of one year.
- C. The Landscape and Shade Tree Commission shall reorganize on an annual basis at the first regularly-scheduled meeting to be held during each calendar year.

§ 17-75 PUBLIC NOTICE OF MEETINGS

- A. Unless otherwise specified, regular meetings for the Landscape and Shade Tree Commission shall be advertised annually in a local newspaper no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such advertisement shall include the name of the Landscape and Shade Tree Commission, the location of the meetings, the starting time of the meetings, and the dates of the meetings for the upcoming calendar year.
- B. Regular meetings for the Landscape and Shade Tree Commission shall be posted annually at the appropriate locations on the South Whitehall Township Website no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such postings shall include the information described in subsection (A).
- C. Regular meetings for the Landscape and Shade Tree Commission shall be posted annually at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such postings shall include the information described in subsection (A).
- D. Cancellations of regular meetings for the Landscape and Shade Tree Commission shall be posted at the appropriate locations on the South Whitehall Township Website and at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building at the earliest possible opportunity.

- E. Meetings for the Landscape and Shade Tree Commission that are not regularly-scheduled meetings (“special meetings”) are to be advertised at least once (as legally appropriate) in a local newspaper no more than thirty (30) days and no less than seven (7) days before the date of the special meeting. Such advertisement shall include the name of the Landscape and Shade Tree Commission, the location of the meetings, the starting time of the meetings, and the dates of the meetings for the upcoming calendar year. Special Meetings shall also be posted to the South Whitehall Township Website and at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building with the above-mentioned requirements.
- F. None of the above requirements shall supersede any other advertising requirements required by law.

§ 17-76 FUNDING AND EXPENDITURES

- A. The Board of Commissioners may appropriate such money as, in its opinion, is necessary and is available, for the work of the Landscape and Shade Tree Commission.

§ 17-77 RECORDS

- A. The Landscape and Shade Tree Commission, through the staff so designated by the Manager of South Whitehall Township, shall keep full public records of the activities of the Landscape and Shade Tree Commission, including agendas and approved minutes. Such records shall be the property of the Township of South Whitehall.
- B. On an annual basis, the Landscape and Shade Tree Commission, through the staff so designated by the Manager of South Whitehall Township, shall make a written report of its meetings, activities, and financial transactions and expenses, if any. Said report shall be submitted to the Township Board of Commissioners by March 1 of the following year and shall be made known and available to the general public.

§ 17-78 COMPENSATION

- A. The said members of the Landscape and Shade Tree Commission shall serve in their respective capacities and perform the duties of said office without compensation.

§ 17-79 RESERVED

§ 17-80 RESERVED

SECTION 2 SEVERABILITY

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

SECTION 3 FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 4 REPEALER

- A. Any ordinance, resolution and/or other regulation of the Township or portions thereof regulating the Landscape and Shade Tree Commission, which were made effective prior to the effective date of this chapter are hereby repealed.
- B. This repeal shall not affect or impair any act done or offense committed, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enforced or prosecuted as fully and to the same extent as if such repeal had not been affected. Furthermore, all actions and proceedings commenced under or by virtue of the laws repealed hereby and pending immediately prior to the taking effect of the repeal of said laws may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

SECTION 5 EFFECTIVE DATE

This Ordinance shall become effective on the first day of the month immediately following the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this ____ day of **JANUARY, 2024** by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**BOARD OF COMMISSIONERS
SOUTH WHITEHALL TOWNSHIP**

Diane Kelly, President

ATTEST:

Tricia Dickert, Secretary



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

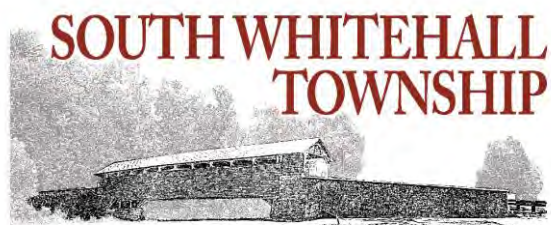
ITEM TYPE: Ordinance

AGENDA SECTION: ORDINANCES

SUBJECT: Motion to Advetise - Ordinance for Regulation of Trees (Chapter 330).

SUGGESTED ACTION:

ATTACHMENTS:
[2023.11.28 CD PLANNING - BOC Packet Excerpt Chapter 330 Trees Request to Advetise for Possible Adoption.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	November 28, 2023
SUBJECT:	An Ordinance Amending Part II (General Legislation) And Establishing Chapter 330 “Trees” As Part Of The Codified Ordinances Of The Township Of South Whitehall And Providing For Definitions, Permits, Prohibited Activities, Trees In Public Lands And Right Of Way, Trees On Private Property, Arboricultural Work Performance Requirements, Compliance With Township Ordinances, Shade Tree Fees, Violations And Penalties, Severability, Failure To Enforce Not A Waiver, Repealer And An Effective Date– Request to Advertise Ordinance for Possible Adoption
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Alderfer, Esq., J. Zator, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

The current regulations regarding street trees date to 1969 and are not easily enforced. They are predominantly located within Chapter 17 Article III Landscape and Shade Tree Commission, which was taken almost verbatim from the First Class Township Code when the Article was first adopted in 1969. The regulations have proven to be difficult to enforce as written and are not aligned with the Township’s intent for street trees.

At its July 19, 2023 meeting, the Board of Commissioners reviewed the draft Ordinance for the first time and directed staff to forward the draft to Zator Law for legal review. The legal review was completed in early August and comments were incorporated into the draft. Further staff comments were incorporated in September and November. Staff now believes that the draft Ordinance is ready for final review by the Board of Commissioners and for advertisement for a hearing and possible adoption.

As part of the review of Township Ordinances mandated by the Comprehensive Plan, staff proposed several interlocking Ordinance revisions, of which this revision is part. This proposed Ordinance revises the regulations concerning trees and creates a new Chapter 330 Trees. Another proposed Ordinance will address the updating of the regulations regarding the operation and administration of the Landscape and Shade Tree Commission. Both Ordinances should be adopted at the same time to ensure that the existing Chapter 17 Article III Landscape and Shade Tree Commission, which contains elements of both proposed Ordinances, is properly replaced.

This revision proposes the following:

- Create a comprehensive framework for a new Chapter 330 Trees, aligned with the Township’s intent for street trees and addressing all facets of their regulation.
- Create relevant definitions as needed and reference relevant definitions in existing Chapters.
- Define a permitting process for the planting, pruning and replacement of street trees based upon the existing process with improvements recommended by staff.
- Redefine the role of the Landscape and Shade Tree Commission as an appeals board for Shade Tree permits and Code Enforcement.
- Define actions detrimental to street trees that are to be prohibited.
- Define tree planting, maintenance, protection and replacement standards, referencing SALDO standards where appropriate, and requirements for the permitting and inspection of such work. These requirements will also include a process for the removal and replacement of nuisance street trees.
- Define arboricultural work performance standards.
- Define compliance with other Township Ordinances.
- Define Township street tree-related activities and funding sources for them.
- And define violations and penalties for the regulations within the new Chapter 330.

Should the proposed Ordinance amendment move forward, staff recommends that the South Whitehall Township Shade Tree Ordinances, Policy and Guide, last revised May 7, 2008, be revised to incorporate, at a minimum, the newly adopted Ordinances (Chapter 17 Article VII Landscape and Shade Tree Commission and Chapter 330 Trees, and any updated Sections of Chapter 350 Zoning, Chapter 312 SALDO and Chapter 148 Conduct pertinent to Trees). The “Guide” is adopted by Resolution and will be presented at the same meeting in which the hearing to adopt this Ordinance is to be held.

- **Options for Consideration:**

Staff offers the attached amendment for consideration. Staff welcomes questions and comments. Staff will incorporate Board changes for further review at a future meeting or, should the Board be sufficiently comfortable, incorporate the changes into the draft to be advertised for possible adoption.

Should the Board wish to delay advertisement in favor of further review, the proposed Ordinance creating Chapter 17 Article VII Landscape and Shade Tree Commission should also be delayed so as to be advertised for the same hearing date.

- **Action Requested:**

Staff requests direction to advertise the Ordinance for a hearing and possible adoption.

- **Attachments:**

Draft Ordinance

SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. _____
(Duly Adopted January ____, 2024)

**AN ORDINANCE AMENDING PART II (GENERAL LEGISLATION) AND
ESTABLISHING CHAPTER 330 “TREES” AS PART OF THE CODIFIED
ORDINANCES OF THE TOWNSHIP OF SOUTH WHITEHALL AND PROVIDING
FOR DEFINITIONS, PERMITS, PROHIBITED ACTIVITIES, TREES IN PUBLIC
LANDS AND RIGHT OF WAY, TREES ON PRIVATE PROPERTY,
ARBORICULTURAL WORK PERFORMANCE REQUIREMENTS, COMPLIANCE
WITH TOWNSHIP ORDINANCES, SHADE TREE FEES, VIOLATIONS AND
PENALTIES, SEVERABILITY, FAILURE TO ENFORCE NOT A WAIVER,
REPEALER AND AN EFFECTIVE DATE**

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

WHEREAS, the Township has a vested interest in protecting the Township against the deterioration of the Township, the community, and the health, safety, welfare, and well-being of its residents via maintaining the integrity of the Township’s urban forest; and,

WHEREAS, the Board of Commissioners recognizes the urban forest as a necessary part of the Township’s infrastructure; and,

WHEREAS, the Board of Commissioners realizes the environmental, social, and economic benefits of this infrastructure to the Township; and,

WHEREAS, the Board of Commissioners realizes the challenges in adequately maintaining the urban forest has created the need to further protect and conserve this resource.

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

**SECTION I AMENDMENT TO PART II (“GENERAL LEGISLATION”) OF THE
CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP**

Part II (“General Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended to create a new Chapter 330, which shall read as follows:

§ 330-1 NAME

This chapter shall be commonly known as “Trees”.

§ 330-2 PURPOSE

South Whitehall Township recognizes that the urban forest within the Township plays an integral part to the infrastructure of the Township. Therefore, the purpose of this Chapter is to support the goals and policies related to the urban forest, including but not limited to the permitting, planting, removal, maintenance, and protection of trees within the Township. These policies will help to maintain the neighborhoods within the Township and make them a safer and attractive place to live.

§ 330-3 DEFINITIONS

Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. As used in this chapter, certain terms are defined as follows:

COMMISSION

The Landscape and Shade Tree Commission of South Whitehall Township.

COST OF CURE

The total cost for the replacement of a given tree with one of equal size and condition as calculated by the standards of the International Society of Arboriculture (ISA).

LAND DEVELOPMENT

As defined by SALDO Section 312-6 Definitions.

MAINTENANCE or MAINTAIN

Clipping, pruning, fertilizing, spraying, treating for disease, insects or injury and any similar work done to promote health, growth or beauty to trees.

NUISANCE

The following are declared to be a nuisance under this chapter:

- (1) Any physical condition regarded as a public nuisance or attractive nuisance at common law.
- (2) Any condition which interferes with the normal use or enjoyment of any property or endangers human health, safety or welfare.
- (3) Any insect or disease infestation.
- (4) Any discharges, flowers, fruits, berries, or other seeds which create noxious odors or other offensive conditions.

PERSON

Any natural person, firm, partnership, association, corporation, company or any other organization of any kind.

PLANTING

Putting or setting into the ground.

PLANTING STRIPS

The unpaved area between the sidewalk and the curb.

SHADE TREE

Any trees in a street right-of-way.

SHADE TREE COORDINATOR

A South Whitehall Township employee or third-party individual or organization, as designated by the Township Manager, who is knowledgeable of shade trees and their maintenance to administer the rules and regulations of this Chapter. The Shade Tree Coordinator shall act as an advisor to the Commission on matters concerning shade trees within the public right-of-way. The Commission shall consider the advice of the Shade Tree Coordinator on matters concerning the application of this Chapter. The Shade Tree Coordinator shall carry out any duties and responsibilities so designated by this Ordinance and so delegated by the Commission.

- (1) The Shade Tree Coordinator shall keep full records of its business and shall submit a report of its activities to the Commission at least once a year.
- (2) The Township, having exclusive custody and control of all shade trees in the public right of way, may plant, remove, maintain and protect such shade trees. The Shade Tree Coordinator shall give recommendations and advice as to species selection, planting, maintenance or removal of trees on all public rights of way.
- (3) The Shade Tree Coordinator shall also work with all other concerned agencies in the planning of trimming, planting, transplanting and removal of shade trees in public right of way.

STREET RIGHT OF WAY

As defined by SALDO Section 312-6 Definitions.

TOWNSHIP

South Whitehall Township, Lehigh County, Pennsylvania

TREE VALUE

Systematic approach to secure a value by using four major factors: size, species, condition, and location. With the four factors established, a Cost of Cure or Trunk Formula can be implemented to the result of a value for a tree. Formulas are based upon "Guide for Plant Appraisal (9th Edition)" by the Council of Tree and Landscape Appraisers and the ISA.

§ 330-4 PERMITS

A. No person, without first obtaining a Shade Tree permit from the Township, shall:

- (1) Prune, spray, plant, remove or cut any shade tree in public lands or a street right-of- way.
- (2) Attach a guy rope, cable, electric wire, or other fixture to any tree, tree guard or support thereof in public lands or a street right-of-way. Temporary attachments shall be allowed if a permit is issued. The temporary attachments shall cause no harm to the tree, and there shall be a prescribed timetable for removal of the temporary attachments.

- (3) Excavate, trench, tunnel, or bore within the dripline of any shade tree in public lands or a street right-of-way. Permit applications for such work will contain at a minimum an excavation plan indicating the tree protection zone and maintenance precautions to be used during construction.
 - (4) Install lighting within the tree crown of any shade tree in public lands or a street right-of-way. Any permit issued for a tree crown lighting shall include a specified time of installation and time of removal, not to exceed one calendar year.
- B. The Township shall adopt regulations establishing the application procedure and technical requirements for all permits issued under this chapter.
- C. Permit requirements.
- (1) Should a Shade Tree Permit be approved and issued with conditions, the Shade Tree Coordinator shall specifically state within said conditions the timeframe in which all conditions associated with the approval of the permit are to be met. The timeframe(s) shall be reasonable in consideration of the work associated with satisfying the conditions of approval.
 - (2) The Shade Tree Coordinator may extend the duration of the permit for good cause shown.
 - (3) If a tree is approved for removal, it shall be replaced in accordance with the Shade Tree Guide.
 - (4) The Shade Tree Coordinator shall be notified within five days after completion of the work to allow for inspection.
 - (5) Applicant shall obtain any additional required applications and permits. (Examples: Township Road Closure, PA One Call, etc.)
- D. Appeals. A permit applicant may appeal the denial of a Shade Tree permit or conditions of approval of an approved Shade Tree permit.
- (1) Submission of the Appeal
 - (a) The property owner or owner's agent may appeal a Shade Tree Coordinator's decision by filing an appeal application with the Shade Tree Coordinator or other person designated by the Township Manager on a form provided by the municipality. The Township, at its sole discretion, may set fees as appropriate with regard to the appeal in the Township Fee Schedule.
 - (b) The appeal shall be submitted within thirty (30) days of the denial or issuance of the Shade Tree permit. An appeal will automatically suspend an action to enforce an order to correct until the matter is resolved.
 - (c) Unless the owner or owner's agent requests a hearing, the Landscape and Shade Tree Commission shall decide an appeal by reviewing documents and written brief or argument included in the appeal application. The Landscape and Shade Tree Commission shall review the appeal and make a decision within forty-five (45) days of receipt of the appeal application. The applicant and/or Shade Tree Coordinator need not be present before the Landscape and Shade Tree Commission during the review or decision.
 - (d) Should the owner or owner's agent request a hearing, the Landscape and Shade Tree Commission shall schedule a hearing within 60 days of receipt of the appeal application

(unless the applicant agreed in writing to an extension of time) and notify the owner or owner's agent and Shade Tree Coordinator of the date, time and place of the hearing.

- (2) Notification of Hearing. A notice of the hearing shall be published once in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The publication shall not be more than thirty (30) days and not less than seven (7) days before the date of the hearing. The notice of the hearing shall also be posted at an appropriate location on the Township website and at a visible location at the Municipal Building not less than seven (7) days before the date of the hearing.
- (3) Conduct of the Hearing.
 - (a) The hearing shall be conducted by, at a minimum, a quorum of the Landscape and Shade Tree Commission. Should a quorum not be available at the time and location of the hearing, the appellant may elect to commence the hearing with less than a quorum or agree in writing to an extension of time until a replacement hearing date, which shall be sufficiently distant to be properly noticed in accordance with subsection (2) above. To maintain continuity, once the hearing commences all members of the Landscape and Shade Tree Commission present for the initial hearing shall be present for any and all future hearings of the appeal, should additional hearings be required.
 - (b) The Landscape and Shade Tree Commission, at its discretion, may continue a hearing to a future date in order to accept new evidence or testimony or deliberate and render a decision. Such a continuation need not be noticed in accordance with subsection (2) above if the location, date and time of the continued hearing is announced prior to the adjournment of the current hearing.
 - (c) The Landscape and Shade Tree Commission members conducting the hearing shall establish rules for submission of evidence and testimony as appropriate.
- (4) Deciding the Appeal. The Landscape and Shade Tree Commission shall only consider the following factors when deciding an appeal:
 - (a) That the intent Chapter 330 and/or applicable Township policies or procedures was incorrectly interpreted.
 - (b) That the provisions of Chapter 330 and/or applicable Township policies or procedures do not apply.
 - (c) That an equivalent or better outcome with regard to the intent of Chapter 330 and/or applicable Township policies or procedures is proposed.
- (5) As part of the decision, the Landscape and Shade Tree Commission may add, alter or remove any or all of the conditions of approval of the permit so appealed.
- (6) Following the hearing before the Landscape and Shade Tree Commission, the Commission shall issue a written decision to the appellant and to the Shade Tree Coordinator within 15 days. The Landscape and Shade Tree Commission, through the staff so designated by the Manager of South Whitehall Township, shall keep copies of the appeal application, submitted exhibits and the written decision as part of the permanent record. Further appeal of the Commission decision shall be before the Court of Common Pleas of Lehigh County.

§ 330-5 PROHIBITED ACTIVITIES

No person under any circumstances shall:

- A. Cut, break bark, or otherwise injure or disturb any tree, tree guard or support thereof in public lands or a street right-of-way, unless the work is being carried out as authorized under an approved Shade Tree permit;
- B. Fasten or maintain any sign or advertisement on any tree or tree guard or support thereof in public land or a street right-of-way;
- C. Reduce the size of an existing tree pit, planting strip, or root zone of an existing tree in public land or the street right-of-way;
- D. Deposit impervious material in such a way as to obstruct the free access of air and water to the roots of any tree in public land or a street right-of-way or cause compaction of any soil in public land or a street right-of-way;
- E. Allow any tree on public land or a street right-of-way to be injured or removed during the erection, repair, alteration or removal of any building or structure. No person in charge of such erection, repair, alteration or removal shall leave any tree in public land or in a street right-of-way in the vicinity of such a building or structure without such good and sufficient guards or means of protection as shall prevent injury to the tree, arising out of or caused by the erection, repair, alteration or removal, unless, upon review by the Shade Tree Coordinator, a permit allowing the same is granted. The aforesaid decision may be appealed to the Landscape and Shade Tree Commission, in the case of any determination against the request for such a permit;
- F. Cause or allow any boiler, heater, machine, or device generating fumes, fires, gas, smoke, or vapor to remain under or adjacent to any tree in public land or in a street right-of-way, or cause or allow it to be done;
- G. Fasten a bicycle, animal, or motor vehicle of any kind to any shade tree, tree guard or support thereof;
- H. Authorize the placement of any petroleum products, hot water, steam brine water, oil, dye, or other substance harmful to a tree's life or health on or into the soil about the base of a tree in any public land or street right-of-way;
- I. Build or kindle a fire near to any tree on any public land or street right-of-way, so as to endanger the trunk, limbs, foliage, or roots of such shade tree;
- J. Interfere, cause, authorize or procure any interference with the agents or employees of the Township, homeowner or contractors while they are engaged in the following:
 - (1) The planting, cultivating, mulching, pruning, spraying or removing of trees; or
 - (2) Removing stone or cement sidewalk or other materials or substances in the open ground maintained for the protection and care of any shade tree in public land or the street right-of-way;
- K. Attach any pipe, rain downspout or gutter, lumber, electrical components, including floodlights or any other building material of any kind to any shade or street tree, tree guard or support thereof on public land.

§ 330-6 TREES IN PUBLIC LANDS OR RIGHTS-OF-WAY

A. Tree requirements:

- (1) General. All trees planted within the street right-of-way of all subdivisions, land developments, and improved properties, including land abutting existing streets as required herein or by SALDO and all applicable specifications and amendments thereto shall adhere to this chapter and regulations issued under this chapter. Shade trees shall be planted by the developer or owner in accordance with the approved plan or permit and within the time period specified.
- (2) Types of trees permitted. Trees shall be of nursery stock quality of a species approved by the Commission, grown under the same climatic conditions as the subject property. Site locations, land use, topography, natural features, and historical features shall be considered by the developer or owner and the Commission in selecting and approving species. Guidelines for selection shall be specified by regulation.
- (3) Tree protection. Before any earthwork, construction work or approved tree removal shall commence in connection with any subdivision, land development or land improvement, fencing or guards shall be placed around all existing shade trees to be protected to ensure that there is no unnecessary encroachment with the tree protection zone by changing grade, trenching, stockpiling of building materials or topsoil, parking and/or circulation of vehicles or construction equipment contributing to the compaction of the soil and roots. Such tree protection shall be accomplished with the specifications as outlined in the rules and regulations.
- (4) Tree replacement. The developer or owner shall make every effort to preserve and maintain all existing shade trees within the right-of-way and develop site designs and plans in order to accommodate such trees.
- (5) Unapproved removal. If an existing shade tree is removed without either prior approval as part of an approved plan, or a property owner does not possess either a valid permit for such tree removal, or a valid notice authorizing such tree removal, then:
 - (a) The owner shall be required to replace such trees as provided herein.
 - (b) The Shade Tree Coordinator shall determine the requirements of the tree to be replaced.
- (6) The Shade Tree permit fee will be determined by resolution by the South Whitehall Township Board of Commissioners at the adoption of the Township Fee Schedule.
- (7) Inspection. Upon completion of any required tree installation, the developer or owner shall submit a request for a final inspection to the Shade Tree Coordinator. The Shade Tree Coordinator shall ensure that all trees are installed per the issued permit or the approved plan.

B. Tree Maintenance Care Provisions.

- (1) The owner of any property abutting a street right-of-way that has shade trees growing in the street right-of-way shall trim each tree within the current arboricultural standards as described within the South Whitehall Township Shade Tree Ordinances, Policy and Guide, as amended, or cause such trees to be pruned of all branches interfering with the street right-of-way.
 - (a) Should the Township determine that the property owner neglected or refused

to prune any shade tree as required by this chapter, the Code Enforcement Officer shall notify the property owner of the determination in the manner described in Section C below.

- (2) Should the Township determine that a shade tree growing in the street right-of-way is a risk to the life, health, safety, or property of the public, or which is afflicted with any contagious disease or insect infestation, or otherwise is a nuisance, the Code Enforcement Officer shall notify the abutting property owner of the determination in the manner described in Section C below.

C. Notice to remedy.

- (1) The notice to remedy shall include:

- (a) The property address and owner's name as shown on the Township or Lehigh County property ownership records.
- (b) A brief description of the condition that requires a remedy and the remedy required.
- (c) A time period for compliance, the length of which is to be reasonable in consideration of the work to be accomplished.
- (d) A statement that the notice may be appealed to the Commission along with contact information for initiating an appeal.
- (e) A statement that failure to comply may result in criminal or civil action and the completion of the work required by the Township, with the costs to be collected from the property owner.

- (2) The Code Enforcement Officer shall be authorized to grant reasonable time extensions upon request.

- (3) If the property owner neglects or refuses to remedy such determination as required by this section within the time period specified in such notice, the Township or the Township contractor may cause such remedy to be done at the expense of the property owner; and the entire cost plus 10% shall be paid by the property owner within 30 days if no exception thereto is granted by the Code Enforcement Officer. If not paid by the property owner within 30 days, a lien upon such premises and a claim therefore shall be filed and collected by the Township in the same manner as municipal claims are filed and collected.

- (4) Any removed tree may be required to be replaced at the determination of the Shade Tree Coordinator, in accordance with the provisions of this Chapter. Tree replacement shall be at the property owner's expense as part of the cost of compliance.

§ 330-7 ARBORICULTURAL WORK PERFORMANCE REQUIREMENTS

- A. All approved pruning, cutting, removal, spraying, fertilizing and arboricultural procedures to trees and shrubs in the street right-of-way shall be done only by a person who has met the requirements set forth by the International Society of Arboriculture (ISA) and provides proof of insurance sufficient to repay any damages caused by said person in performing said work, except as hereinafter provided for property owners. A Township Business Privilege License shall be secured by the company or individual prior to the start of any work.

- B. Property owner exemption.

- (1) Minor tree work may be done by an individual property owner to trees or shrubs planted in the street right-of-way adjacent to his property, provided that a permit has been obtained from the Township.
- (2) The Shade Tree Coordinator shall advise the property owner whether or not the proposed work is minor. The property owner shall comply with accepted pruning standards as described within the South Whitehall Township Shade Tree Ordinances, Policy and Guide, as amended.

§ 330-8 COMPLIANCE WITH TOWNSHIP ORDINANCES

All planting of shade trees in street right-of-way shall be in compliance with any and all applicable Township ordinances.

§ 330-9 SHADE TREE FEES

- A. There shall be established a unique budget line number, entitled “Shade Tree Fees,” for the purposes set forth in this chapter.
- B. The “Shade Tree Fees” line item shall be administered by the Township exclusively in the manner and for the purposes set forth in this chapter and the regulations adopted under said chapter.
- C. The “Shade Tree Fees” line item shall be the repository for all funds received from:
 - (1) Fines, penalties, and restitution collected for violations of this chapter;
 - (2) Administrative fees collected for administering the provisions of this chapter;
 - (3) Grants, gifts and bequests given to the Township for any purpose relating to trees.
 - (4) Any additional funds as approved by the South Whitehall Township Board of Commissioners.
- D. The “Shade Tree Fees” line item shall be expended only for:
 - (1) Reimbursement to the Township for the expense incurred either internally by the Township, for work done by Township employees, or for the actual cost of contracting out work done by non-Township employees for all work done under the provisions of this chapter, to include at least:
 - (a) Tree planting of any kind;
 - (b) Tree removal, pruning or other maintenance;
 - (c) Professional services;
 - (d) Administrative expenses;
 - (e) Grant matching expenses;
 - (f) Professional training, education, and certification;
 - (g) Public education materials.

§ 330-10 VIOLATIONS AND PENALTIES

- A. Violation of any provision of this chapter is a summary offense.
- B. Citation Fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Ordinance (including the failure to comply within the stipulated timeframe any conditions attached to an approved Shade Tree permit), or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than One Hundred (\$100) dollars or more than One Thousand (\$1,000) Dollars on each offense or be imprisoned no more than thirty (30) days, or both.
- C. Restitution. The Magisterial District Judge may order the violator to make restitution where appropriate in an amount at least equal to the appraised tree value of the tree involved plus cost of cure as obtained from certified arborists and to pay the Township's costs of collection/citation proceedings and to pay the Township reasonable attorneys' fees associated with the prosecution of the same.
- D. For continuing violations of this chapter, each day that the violation continues shall be considered a separate offense.

SECTION 2 SEVERABILITY

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

SECTION 3 FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 4 REPEALER

- A. Any ordinance, resolution and/or other regulation of the Township or portions thereof regulating trees, which were made effective prior to the effective date of this chapter are hereby repealed. Such repeal includes but is not limited to §17-20 Landholder's Liability, §17-21 Removal of Diseased Trees, §17-22 Assessment Liens, §17-23 Maintenance by the Township, §17-24 Violations and Penalties, and §17-25 Disposition of Penalties of the Township Codified Ordinances.
- B. This repeal shall not affect or impair any act done or offense committed, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enforced or prosecuted as fully and to the same extent as if such repeal had not been affected. Furthermore, all actions and proceedings commenced under or by virtue of the laws repealed hereby and pending immediately prior to the taking effect of the repeal of said laws may be prosecuted and defended to final effect in the same manner as they might if such provisions

were not so repealed.

SECTION 5 EFFECTIVE DATE

This Ordinance shall become effective on the first day of the month immediately following the date of adoption by the Board of Commissioners.

DULY ORDAINED AND ENACTED this ____ day of **JANUARY, 2024** by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**BOARD OF COMMISSIONERS
SOUTH WHITEHALL TOWNSHIP**

Diane Kelly, President

ATTEST:

Tricia Dickert, Secretary



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

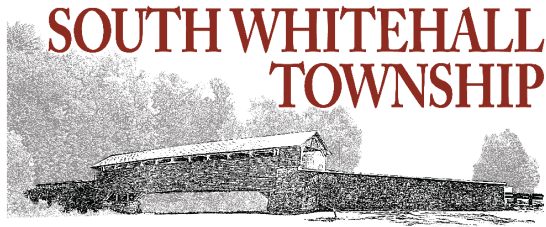
SUBJECT: Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Dissolving the Green Advisory Council.

SUGGESTED ACTION:

- *Motion to Adopt Resolution Dissolving the Green Advisory Council.*

ATTACHMENTS:

- [2023.11.29 CD PLANNING - BOC Memo Dissolution of GAC.pdf](#)
- [2019-64 - Establishment of Green Advisory Council \(GAC\) & ByLaws.pdf](#)
- [Resolution- Dissolution of GAC.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Chris Strohler, Long-Range Planner
DATE:	November 29, 2023
SUBJECT:	Dissolution of the <i>Green Advisory Council</i>
COPY TO:	T. Petrucci, H. Bender, D. Manhardt, M. Elias, J. Alderfer, Esq., J. Zator, Esq.

• **Background Information:**

Implementation Item A2 of the 2023 South Whitehall Comprehensive Plan recommends the Township: *Inventory and evaluate roles and responsibilities of all advisory boards, committees, commissions, councils, and subcommittees, to reduce overlap of duties/responsibilities and make recommendations to streamline, if determined to be prudent and appropriate.* At the September 20, 2023 Board of Commissioners meeting, staff discussed the overlap of duties for environmental-related advisory boards in the Township including:

- Green Advisory Council
 - Established by Resolution 2019-64 on December 18, 2019
- Environmental Advisory Council
 - Established by Ordinance 210 on July 8, 1974
- Air Pollution Board
 - Established by Ordinance 249 on December 13, 1976

Staff determined that there was a significant overlap in the duties of these boards and has made the recommendation to merge the roles and responsibilities into one board under a newly revamped Environmental Advisory Council. In order to appropriately merge these roles and responsibilities, the Green Advisory Council must be officially dissolved by Resolution.

• **Action Requested:**

Staff requests the Board of Commissioners officially dissolve the Green Advisory Council (originally enacted by Resolution 2019-64) by Resolution.

• **Attachments:**

Green Advisory Council Resolution 2019-64

Draft Dissolution Resolution

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

**RESOLUTION NO. 2019-64
(Duly adopted December 18, 2019)**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY,
PENNSYLVANIA PROVIDING FOR THE
ESTABLISHMENT OF THE SOUTH WHITEHALL
TOWNSHIP GREEN ADVISORY COUNCIL AND THE
BYLAWS UNDER WHICH IT WILL OPERATE**

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

WHEREAS, the Board of Commissioners of South Whitehall Township (“**Board**”) has determined that the best interests of the citizens of the Township will be served by the establishment of a “Green Advisory Council”, with the purpose and mission statement as set forth below; and

WHEREAS, the Board has further determined that the Green Advisory Council (“**Council**”) shall be provided with certain bylaws to guide its operation, which are attached hereto and incorporated herein as Exhibit “A”, and

WHEREAS, the Board has further determined that it shall appoint the initial members of the Council and provide a procedure for the appointment of future members of the Council.

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

SECTION 1.

The South Whitehall Township Green Advisory Council is hereby established.

SECTION 2.

The purpose and mission statement of the Council shall be:

The Green Advisory Council will advise the Board of Commissioners on the responsible use and conservation of South Whitehall Township’s natural resources to promote a sustainable community for generations to come. Working with township officials, the Council will identify and support initiatives aimed at engaging and educating residents

and businesses on the economic and societal benefits of environmentally responsible choices.

SECTION 3.

The Council shall be provided with and shall operate in accordance with certain bylaws entitled "South Whitehall Township Green Advisory Council Bylaws" ("**Bylaws**") which are attached hereto and incorporated herein as Exhibit "A". The Bylaws may be amended by the Council from time to time in accordance with the procedures set forth in the Bylaws.

SECTION 4.

The members of the Council shall be appointed by the Township Board of Commissioners as set forth in the Bylaws. Subsequent appointments may be made by an approved motion of the Board.

SECTION 5.

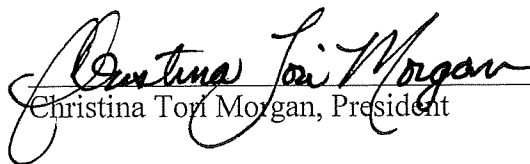
This Resolution shall be effective immediately upon its adoption.

SECTION 6.

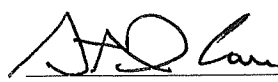
All resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

DULY ADOPTED this 18th day of **December 2019**, by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, or Secretary in the absence of both the President and Vice-President, execute this Resolution on behalf of the Board.

TOWNSHIP OF SOUTH WHITEHALL BOARD OF COMMISSIONERS


Christina Tori Morgan, President

ATTEST:



Stephen D. Carr, Township Secretary

Exhibit "A"

(South Whitehall Township Green Advisory Council Bylaws)

**SOUTH WHITEHALL TOWNSHIP
GREEN ADVISORY COUNCIL BYLAWS**

ARTICLE 1

NAME OF COUNCIL

The name of this organization shall be the South Whitehall Township Green Advisory Council.

ARTICLE 2

PURPOSE; MISSION STATEMENT; ADVISORY FUNCTION; LIMITATIONS

Section 1 The purpose of the South Whitehall Township Green Advisory Council (“SWT GAC”, “GAC”, “Advisory Council”, or “Council”) organized under these Bylaws shall be as follows:

MISSION STATEMENT: The Green Advisory Council will advise the Board of Commissioners on the responsible use and conservation of South Whitehall Township’s natural resources to promote a sustainable community for generations to come. Working with Township officials, the Council will identify and support initiatives aimed at engaging and educating residents and businesses on the economic and societal benefits of environmentally responsible choices.

Section 2 The Green Advisory Council shall be advisory to and shall coordinate its activities with the elected officials of the Township and its appropriate agencies and staff, including but not limited to the Board of Commissioners, and the Township Manager and departments, the Planning Commission, the Parks and Recreation Board, and the Shade Tree Commission, consistent with the GAC’s purpose and mission statement.

Section 3 The Green Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon the Township’s Board of Commissioners or any of the Township’s other boards, authorities, agencies, or commissions, or a Commonwealth agency.

Section 4 The Green Advisory Council shall not review any subdivision or land development plans.

ARTICLE 3

COMPOSITION; MEMBERSHIP

Section 1 The GAC shall be comprised of three (3) to nine (9) persons appointed by the Board of Commissioners by motion:

- a. Up to eight (8) members shall be residents of the Township.
- b. One (1) member shall be either an official or staff employee of the Township.
- c. Up to three (3) additional members may be students who are Township residents, who shall be considered “associate members”. Associate members may, but need not, be appointed as provided herein. In lieu of such appointment, the associate members may be selected by the Council. Associate members who periodically advise the GAC and/or periodically attend meetings for the purpose of advisement shall not be considered GAC members.

Section 2 All members, appointed and associate (see Article 3, Section 1 above), are expected to attend scheduled, routine meetings. The GAC Chairperson on his/her own may, or a majority of the members present at any scheduled GAC meeting, may vote to provide “notification” (as defined herein) to any GAC member who is absent from four consecutive regular monthly GAC meetings or who is absent from six regular monthly GAC meetings during any twelve month period without reasonable cause. The notification shall: (1) be written; (2) include a summary of the member’s attendance record; and (3) request the member to reply in writing within twenty calendar days or appear in person at the next regular monthly GAC meeting, whichever occurs later.

Section 3 If a member receives notification in accordance with this Article and fails to respond, or if the member’s reply in the judgment of the GAC members present at a regular meeting indicates nonfeasance in office, then the Board of Commissioners of the Township, as the appointing authority, shall be notified of the relevant facts in the matter with a

recommendation from the GAC to remove such GAC member from office for nonfeasance. The Board of Commissioners shall have the power to effectuate such removal.

ARTICLE 4

OFFICERS

Section 1 The officers of the GAC shall consist of a Chairperson, Vice-Chairperson, and Secretary.

Section 2 The Chairperson shall preside at all meetings of the GAC, and shall have the duties normally conferred by parliamentary usage of this officer. He/she shall be an ex-officio member of all GAC committees.

Section 3 The Vice-Chairperson shall act as Chairperson in the Chairperson's absence.

Section 4 The Secretary, with the assistance of such staff as is available, shall keep the minutes and records of the Council, shall prepare the agenda of regular and special meetings under the guidance of the Chairperson, provide proper and legal notice of all meetings and hearings to GAC members and to the public in accordance with the Sunshine Act, attend to correspondence of the GAC, and such other duties as are normally carried out by a Secretary.

ARTICLE 5

TERMS; ELECTION OF OFFICERS

Section 1 An annual organization meeting shall be held in the month of January of each year at the time, on the date, and at the place designated by the GAC for a regular meeting. The terms of the resident members (see Article 3, Section 1) of the GAC shall be two (2) years. In the event a successor to a present member is not appointed, the present member may but need not continue to serve until such successor is appointed. The position of any member of the GAC residing within the Township at the time of the appointment who thereafter moves his/her residence from the Township shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

Section 2 Nominations shall be made from the floor at the annual organizational meeting, and election of the officers shall follow immediately.

Section 3 A candidate receiving a majority vote of the voting membership of the GAC shall be declared elected and shall serve one year or until his/her successor shall take office.

Section 4 Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE 6

MEETINGS; QUORUM; ORDER OF BUSINESS

Section 1 Regular meetings will be held by the GAC on a recurring monthly basis. The meetings shall be held at 6:00 pm on the third (3rd) Monday of each month at the Township building, unless established otherwise by official action on a meeting-by-meeting basis. Otherwise, the GAC will hold all of its regular meetings at said time, date, and place as designated above unless a meeting is canceled by the Chairperson for cause and notice given to GAC members and posted at the meeting place. In the event of a conflict with holidays or other events, a majority vote at any meeting may change the date and place of a regular meeting.

Section 2 A quorum shall consist of a simple majority of the total GAC resident and official or staff appointed membership, including officers of the GAC, for the transaction of all business. Associate members may not comprise the quorum, nor do they have voting privileges.

Section 3 Special meetings may be called by the Chairperson alone. It shall be the duty of the Chairperson to call a special meeting within seven (7) days when requested to do so by a majority of the appointed resident and official or staff members of the GAC. The Secretary shall notify all members of the GAC in writing or by email no less than three days in advance of such special meetings.

Section 4 All meetings or portions of meetings at which official action is taken shall be open to the public.

Section 5 Unless otherwise specified by these Bylaws, Robert's Rules of Order (most recent edition) shall govern the proceedings at meetings of this Council.

Section 6 The Chairperson may appoint committees for specific purposes as necessary.

Section 7 The order of business at regular meetings shall be:

- a. Call to Order
- b. Roll call
- c. Review of minutes of previous meetings and action thereon
- d. Report of officers and committees
- e. Old business
- f. New business
- g. Public Comment
- h. Adjournment

ARTICLE 8

AMENDMENTS

These Bylaws may be amended by a majority vote of the voting membership of the GAC. Each member of the GAC shall receive written notice of any proposed amendments a minimum of seven (7) days prior to taking action.

ARTICLE 9

EFFECTIVE DATE

The effective date of these revised Bylaws shall be December 18, 2019.

ADOPTED DECEMBER 18, 2019

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2023-__

(Duly Adopted December 6, 2023)

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH
WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA,
DISSOLVING THE GREEN ADVISORY COUNCIL**

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

WHEREAS, the Green Advisory Council was established by official action of the Board of Commissioners by way of Resolution No. 2019-64, which was duly adopted on December 18, 2019; and

WHEREAS, the Environmental Advisory Council was established by official action of the Board of Commissioners by way of Ordinance No. 210, which was duly adopted on July 8, 1974; and

WHEREAS, the *2023 South Whitehall Township Comprehensive Plan*, which was duly adopted by the Board of Commissioners on March 15, 2023, encourages the Township to evaluate the roles/duties of boards, committees, and subcommittees as part of the Implementation phase; and

WHEREAS, Implementation Item A2 of the adopted *2023 South Whitehall Township Comprehensive Plan* specifically states the following: *Inventory and evaluate roles and responsibilities of all advisory boards, committees, commissions, councils, and subcommittees, to reduce overlap of duties/responsibilities and make recommendations to streamline, if determined to be prudent and appropriate.*; and

WHEREAS, South Whitehall Township, as directed by Implementation Item A2, has reviewed and assessed the establishment, mission, and duties of the South Whitehall Green Advisory Council and the South Whitehall Environmental Advisory Council; and

WHEREAS, the Board of Commissioners of South Whitehall Township recognizes that there is an overlap in mission and duties of the Green Advisory Council and the Environmental Advisory Council, summarized as follows:

- The duties of the Green Advisory Council are already covered in the duties of the Environmental Advisory Council.
- The Environmental Advisory Council is authorized to have more involvement in the preservation of open spaces and natural features, which is a high priority for the

Township.

- The Environmental Advisory Council is authorized and recognized in the Code of Ordinances of South Whitehall Township as an established committee. ; and

WHEREAS, in consideration of the foregoing “Whereas” clauses, the Board of Commissioners of South Whitehall Township (“Board”) has determined that the best interests of the citizens of the Township will be served by the dissolving the “Green Advisory Council” and reestablishing the “Environmental Advisory Council” and all of the powers, duties and responsibilities as set forth in Ordinance No. 210 as codified in Article VII (“Environmental Advisory Council”) of the Code of Ordinances of South Whitehall Township (as amended).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, in consideration of the foregoing “Whereas” clauses, does hereby dissolve the “Green Advisory Council” with immediate effect.

DULY ADOPTED, this 6th day of December, 2023 by a majority of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH
WHITEHALL BOARD OF
COMMISSIONERS**

Diane Kelly, President

ATTEST:

Tricia Dickert, Township Secretary

EXHIBIT “A”



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

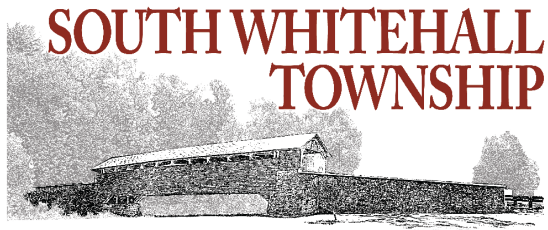
SUBJECT: A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Execution of an Encroachment Agreement with Buckeye Pipe Line Transportation, LLC, Required for the Jordan Creek Greenway in Covered Bridge Park Project.

SUGGESTED ACTION:

- *Motion to Adopt said Resolution Authorizing the Execution of an Encroachment Agreement with Buckeye Pipe Line Transportation, Required for the Jordan Creek Greenway in Covered Bridge Park Project.*

ATTACHMENTS:

- [Memorandum- Jordan Creek Greenway- Buckeye Encroachment Agreement.pdf](#)
- [Memorandum- Jordan Creek Greenway- Buckeye Encroachment Agreement.pdf](#)
- [South Whitehall Township - Encroachment Agreement - BPL ER 2023-5999 - 11.28.2023.pdf](#)
- [Right-of-Way-Use-Restrictions-Version-7.2.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 28, 2023
SUBJECT:	Approval of Resolution- Jordan Creek Greenway in Covered Bridge Park – Encroachment Agreement with Buckeye Pipe Line Transportation, LLC
COPY TO:	J. Alderfer; H. Bender; D. Manhardt; C. Strohler; T. Fehnel

- **Action Requested:**

A motion is requested from the Board of Commissioners to approve the following Resolution:

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH
WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA,
AUTHORIZING THE EXECUTION OF AN ENCROACHMENT
AGREEMENT WITH BUCKEYE PIPE LINE TRANSPORTATION, LLC
REQUIRED FOR THE JORDAN CREEK GREENWAY IN COVERED
BRIDGE PARK PROJECT**

- **Background Information:**

Buckeye Pipe Line Transportation, LLC (AKA Buckeye Partners, LP) have utility facilities in the vicinity of the planned extension to the Jordan Creek Greenway from Wehr Mill Road to Lapp Road through Covered Bridge Park, which is currently subject to a \$1,000,000.00 TASA-funded grant.

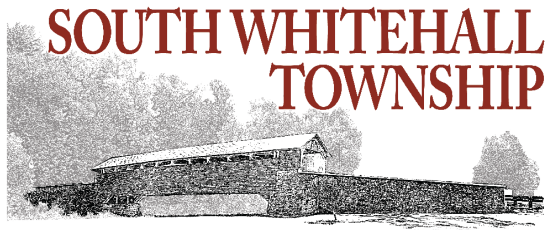
Buckeye has approved the Township executing the required and enclosed Encroachment Agreement to allow for the ten foot wide shared use path to cross Buckeye’s utility facilities. Should at any time in the future Buckeye need to maintain, repair, operate, alter or remove the pipeline and the Township’s encroachment (i.e. the Township’s shared use path), interferes with Buckeye’s ability to do so, Buckeye will have the right to modify or remove the shared use path. This covenant will run with the land and is permanently binding upon the Township.

This project is currently available for bid via the PennDOT ECMS system, with bids due to be let on December 7, 2023.

- **Alternatives:**

There is no identified or readily apparent viable alternative; this Encroachment Agreement is necessary to allow the project to proceed.

Enclosure(s)- Resolution/Encroachment Agreement (Exhibit “A”) and ROW Use Specifications (referenced in Section 1 of Encroachment Agreement)



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AGENDA ITEMS**

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WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA,
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Prepared by: Buckeye Partners, LP
Mark Davis, Right of Way Specialist
5002 Buckeye Road
Emmaus, PA 18049
(610) 483-0720

Return to: Buckeye Partners, LP
Attn: Right of Way & Real Estate
6161 Hamilton Boulevard
Allentown, PA 18106
(610) 483-0720

UPI# 547769026737

Line: MX751BI
Busn Unit: AX751PF
R/W: PB-307

COVER SHEET

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ENCROACHMENT AGREEMENT

COMMONWEALTH OF PENNSYLVANIA §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF LEHIGH §

This Encroachment Agreement (hereinafter referred to as "Agreement") is made and entered into by and between BUCKEYE PIPE LINE TRANSPORTATION, LLC, a Delaware limited liability company (hereinafter referred to as "COMPANY"), having a principal address of 6161 Hamilton Boulevard, Allentown, Pennsylvania 18106, and SOUTH WHITEHALL TOWNSHIP, a municipal corporation and Township of the First Class (hereinafter referred to as "ENTITY"), having a principal address of 4444 Walbert Avenue, Allentown, Pennsylvania 18104.

WITNESSETH:

WHEREAS, ENTITY is the owner of certain properties located at Covered Bridge Park, having parcel address of 3863-3871 Iron Bridge Road, Allentown, Pennsylvania 18104, in the Township of South Whitehall, County of Lehigh , Commonwealth of Pennsylvania, and having UPI Number: 547769026737 , (hereinafter collectively referred to as "Property"); and

WHEREAS, COMPANY is the owner of a certain pipeline and appurtenances (hereinafter referred to as "Facility" or "Pipeline") by virtue of Right of Way and Easement documents covering tracts of land as described in the following instruments:

That certain Right of Way Grant agreement dated October 11th, 1944 , being recorded on June 20th, 1946, in Book 173, Page 330 in the office of the Lehigh County Recorder of Deeds, Lehigh County, Pennsylvania; and

That certain Right of Way Grant agreement dated October 12th, 1944, being recorded on June 20th, 1946, in Book 173, Page 335 in the office of the Lehigh County Recorder of Deeds, Lehigh County, Pennsylvania; and

That certain Right of Way Grant agreement dated September 27th, 1946, being recorded on October 11th, 1946, in Book 178, Page 640 in the office of the Lehigh County Recorder of Deeds, Lehigh County, Pennsylvania

(the above Right of Way and Easement documents are hereinafter collectively referred to as "Easement"); and

WHEREAS, ENTITY has represented to COMPANY that it is the owner of the tracts of land described in said Easement; and

WHEREAS, ENTITY desires to further develop the Property (hereinafter referred to as “Development”), as per BPL ER # 2023-5999 conditional approval letter dated October 27th, 2023 (hereinafter referred to as “Conditional Approval Letter”), according to the following: 1) Application for the project titled “Jordan Creek Greenway”, dated 10/17/2023, and submitted via email 10/20/2023 (Application for Design Submission Review.pdf); and 2) The 29-page plan set for the project titled “Jordan Creek Greenway” prepared by Michael Baker International and for South Whitehall Township, dated 5/15/2023, and submitted via email 10/20/2023 (118438 Construction Plans_Buckeye Highlights.pdf); and 3) The commented response letter for the project titled “Jordan Creek Greenway”, dated 10/18/2023, and submitted via email 10/20/2023 (ER #2023-5999 Response to Comments), (hereinafter collectively referred to as “Site Plans”), which will encroach (hereinafter referred to as “Encroachment”) on the Easement; and

WHEREAS, COMPANY and ENTITY agree that the existence of the Encroachment: (a) Conflicts with the purpose and character of the Easement; and (b) interferes with and obstructs COMPANY'S rights, obligations, and abilities to operate, maintain, replace, and access the Pipeline(s); and

WHEREAS, ENTITY desires to obtain COMPANY'S consent to encroach on the Easement and Pipeline; and,

WHEREAS, COMPANY, under the terms hereinafter stated, is willing to permit the Encroachment.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, COMPANY hereby agrees to accommodate the Encroachment subject to the following terms and conditions:

1. GENERAL GUIDELINES:

All construction activity of any kind, including, but not limited to, movement or storage of equipment or materials, boring, and excavation must comply with the most recent version of the COMPANY'S “*Right of Way Use Restrictions Specification (Revision 7.2)*”, attached, unless otherwise approved.

2. SPECIFIC APPROVED ENCROACHMENTS:

The ENTITY's Development and construction of the Development shall conform to the Site Plans and the Conditional Approval Letter. The Development consists of proposed Encroachments such as but not necessarily limited to the following:

- A ten-foot-wide shared use path with 4.5” of pavement and associated stone subbase.

If necessary to maintain, repair, operate, alter or remove the Pipeline or exercise any other rights or obligations under the Right of Way and Easement with respect to the Pipeline, and without limiting COMPANY'S or ENTITY'S rights under the Easement, at law, or in equity, COMPANY shall have the right to modify or remove the Encroachment or any portion thereof that is located within the Easement; provided, however that COMPANY shall backfill and return the land to grade in the event that the soil is excavated or otherwise disturbed. In the event thereof, ENTITY, may, at ENTITY's cost, replace or repair such portions of the Encroachment upon completion of COMPANY'S work subject to, and in accordance with, the terms of this Agreement.

3. DRAWINGS AND RECORDS:

Within 120 days of the completion of construction of the crossing of COMPANY'S Pipeline(s)/Easement, ENTITY will provide to COMPANY at the above address a reproducible as-built

drawing of the crossing, which will include a distance of twenty-five feet (25') on each side of said crossing along with the depiction of elevations.

4. INDEMNIFICATION:

Entity will Indemnify, save, hold harmless, and at COMPANY'S option, defend COMPANY, its parent and affiliated companies and their directors, officers, employees, and agents of each such Company from any and all claims, demands, costs (including without limitation reasonable attorneys' and expert witnesses' fees and court costs), expenses, losses, causes of action (whether at law or in equity), fines, civil penalties, and administrative proceedings for Injury or death to persons or damage or loss of property, real or personal, environmental damages, or other business losses, including those made or incurred by COMPANY of Its parent or affiliated companies and their directors, officers, employees, and agents of each such Company, or third parties, or governmental agencies in any way arising from or connected with the existence, construction, operation, maintenance, relocation, or removal of the Encroachment, except those arising from COMPANY'S negligence.

5. LIABILITY:

In the event that the existence, construction, operation, maintenance, relocation, or removal of the Encroachment causes COMPANY to incur any cost that in any manner relates to COMPANY'S operation, maintenance, removal, repair, replacement, protection, construction, alteration, relocation, changing the size of, addition to and/or inspection of the Pipeline(s), or the cleanup or handling of any spills of petroleum products, ENTITY, its successors or assigns, agrees to reimburse COMPANY for any and all such costs that would not have been incurred but for the existence of the Encroachment. ENTITY hereby agrees that COMPANY will not be held liable for any damages to the Encroachment arising from COMPANY'S operation, maintenance, removal, repair, replacement, protection, construction, alteration, relocation, changing the size of, addition to and/or inspection of the Pipeline(s).

6. WAIVERS:

COMPANY and ENTITY agree that the existence of the Encroachment does not constitute a waiver of COMPANY'S express rights under the aforesaid Easement or any other rights which may be implied by law or equity.

7. BREACH OF TERMS:

7.1. In the event that ENTITY breaches any of the terms, covenants, or provisions of this Agreement, the COMPANY reserves the right to revoke the agreement in its entirety, prevent the ENTITY from continuing any activity in violation of the terms of this agreement or the COMPANY'S rights under its easements and/or prior agreements. Additionally, the COMPANY will make any necessary repairs or adjustments to its pipeline(s) or right of way at the expense of the ENTITY.

7.2. In the event that ENTITY breaches any of the terms, covenants, or provisions of this Agreement, and COMPANY commences litigation to enforce any provisions of this Agreement and prevails, the cost of attorneys' fees and the attendant expenses will be payable to COMPANY by ENTITY upon demand.

7.3. If construction of the aforementioned project does not commence within three calendar years of the date of this letter of agreement, the ENTITY shall submit a new application and resubmission

fee. The COMPANY shall have the right to reconsider the conditions and privileges herein granted, and have full right to alter same, dependent upon, current protocol.

8. BINDING COVENANT

The terms and conditions of this Agreement will constitute covenants running with the land and will be binding upon and inure to the benefits of the parties hereto, their successors and assigns.

¹*Activities conducted in Buckeye's Easement are subject to Buckeye Partners, L.P.'s most recent Right-of-Way Use Restrictions Specification revision in effect at the time of such activities.*

IN WITNESS WHEREOF, we have hereunto set our hands on this the ____ day of _____ 2023.

Signature page to follow

SOUTH WHITEHALL TOWNSHIP

BUCKEYE PIPE LINE TRANSPORTATION, LLC

By: _____

By: _____

Name: _____

Name: David A. Jones

Title: _____

Title: Sr. Manager of Right of Way, Real Estate
and Damage Prevention

ACKNOWLEDGEMENTS

COMMONWEALTH OF PENNSYLVANIA §

§

COUNTY OF LEHIGH §

§

On the _____ day of _____, 2023, the above-named David A. Jones, acting in his capacity as Sr. Manager of Right of Way, Real Estate and Damage Prevention of BUCKEYE PIPE LINE TRANSPORTATION, LLC, personally appeared before me and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA §

§

COUNTY OF LEHIGH §

§

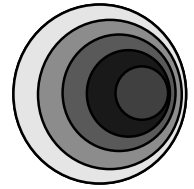
On this, the _____ day of _____, 2023, before me, the subscriber, a Notary Public in and for said County, appeared _____, to me personally known or satisfactorily proven, who being by me duly sworn, did say that he/she is the _____ of _____, and he/she acknowledged the execution of said instrument to be the free act and deed of himself/herself.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

Please Return to:
Buckeye Partners, L.P.
Attn: Right of Way & Real Estate
6161 Hamilton Boulevard
Allentown, PA 18106

BUCKEYE PARTNERS, L.P. AND AFFILIATES
6161 Hamilton Boulevard
Allentown, PA 18106

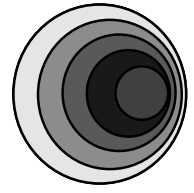


Right-of-Way Use Restrictions Specification
Revision 7.2

Table of Contents

<u>SECTION</u>	<u>PAGE NO.</u>
Purpose and Scope-----	2
1.0 General Guidelines-----	2
2.0 Excavation and Construction Restrictions-----	4
3.0 Specific Guidelines-----	5
3.1 Cover, Grading, and Drainage-----	5
3.1.1 Cover and Grading-----	5
3.1.2 Drainage-----	5
3.2 Aboveground and Underground Structures-----	6
3.2.1 General Requirements-----	6
3.2.2 Gardening and Landscaping-----	6
3.2.3 Fences and Walls-----	6
3.3 Roads, Driveways, Sidewalks, and Parking Areas-----	6
3.3.1 General Requirements-----	6
3.4 Foreign Utility Crossings-----	7
3.4.1 General Requirements-----	7
3.4.2 Metallic Utilities-----	8
3.4.3 Non-Metallic Utilities-----	8
3.4.4 Underwater Line Crossings-----	8
3.4.5 Electrical, Fiber-Optic, and Communications Cables-----	8
3.5 Temporary Access Roads and Heavy/Construction Vehicle Crossings-----	9
3.6 Railroad Crossings-----	9
3.7 Farming and Field Tile-----	10
3.8 Construction-Induced Vibrations-----	10
3.9 Blasting Operations-----	10
3.10 Seismic Vibrating Operations-----	11
3.11 Wind Turbines-----	12
4.0 Deviations and Exceptions-----	13
5.0 Additional Information and Buckeye Contacts-----	13
 <u>ATTACHMENTS</u>	
1 Buckeye Facility Locations and Phone Numbers-----	14
2 Right of Way and Encroachment Contacts-----	15
3 State One Call Systems-----	17
4 Application for Design Plan Submission and Encroachment Review-----	18
5 Reinforced-Concrete Slab Detail-----	22
6 Earthen Ramp Detail-----	23
7 Foreign Utility Trench Crossing Detail-----	24
8 Blasting Plan Submission Form-----	25
9 Excavation Safety Checklist-----	26

**Buckeye Partners, L.P. and Affiliates
Right-of-Way Use Restrictions Specification
Revision 7**



Purpose and Scope

This Right-of-Way Use Restrictions Specification (hereinafter called “Specification”) has been developed by Buckeye Partners, L.P. and Affiliates (hereinafter called “Buckeye”) and is intended for landowners, utility owners, general contractors and their sub-contractors, pipeline/utility contractors, real estate developers, brokers and agents, lending officers and title underwriters, engineers, architects, surveyors, and local / governmental elected staffs (hereinafter called “Crossing Party”) as a guideline for the design and construction of proposed land development.

Buckeye appreciates this opportunity to work with you in the planning stages of your development (or construction activity), and we look forward to working with you proactively. Buckeye’s primary concern when activities are taking place near our pipeline is public safety and environmental protection. The intent of this Specification is to provide a clear and consistent set of requirements that will: (1) reduce the risk of damage to our pipeline and related facilities; (2) ensure unencumbered access to our right-of-way and pipeline facilities and the availability of adequate workspace for routine maintenance, future inspection, and/or repair work on our pipeline; and (3) enable the effective corrosion protection of our pipeline.

All such activities and projects that are performed near Buckeye’s pipeline facilities are subject to formal review by Buckeye prior to issuance of final written approval. Depending on the scope of the project and its impact on Buckeye’s pipeline facilities, additional engineering requirements and protective measures may apply. Furthermore, any damage caused by the encroaching party to Buckeye’s pipeline(s), the pipeline cathodic protection system, or other Buckeye assets is the sole responsibility of the encroaching party. Buckeye will pursue reimbursement for all costs associated with the event including, but not limited to, excavation services, inspection services, pipeline repairs, and loss of operations.

The following requirements are not only the policy of Buckeye, but comply with regulations set forth by the United States Department of Transportation, Safety Regulations, 49 CFR, Parts 192 and 195.

We want to be a good neighbor, but to do so requires us to act responsibly in protecting our right-of-way and preventing damage to the pipeline system. While we want to make every effort to accommodate your desired use of your property, our responsibility for public safety is paramount. Through proper planning and communications, we can ensure the safety and integrity of our pipeline system and the welfare of our neighbors.

The transmittal of this Specification does not constitute Buckeye’s approval or permission for the Crossing Party to begin construction or work within or across the pipeline right-of-way. Work may not commence until written authorization approving such work has been issued by Buckeye.

1.0 General Guidelines

1.1 The safety of the pipeline must be considered at all times. No attempt to probe for or engage in any construction activities which might damage the pipeline is permitted.

- 1.2 Before any preliminary field work or construction begins in the vicinity of Buckeye's pipeline, a determination of the exact location and elevation of the pipeline must be made. To coordinate this procedure, please contact our local Field Operations Manager at the Buckeye facility nearest to your proposed project (see [Attachment 1](#) for a listing of Buckeye's facilities and telephone numbers). Buckeye makes no assurance that its permanent pipeline markers are positioned directly over its pipeline(s). Line markers should be placed at intervals determined by "line of sight". The relocation, removal, or destruction of Buckeye's pipeline markers are prohibited by federal law. Pipeline markers damaged or made unusable shall be repaired or replaced at the Encroaching Party's expense.
- 1.3 All proposed drawings/plans must be submitted to Buckeye's Right of Way Department for review to determine to what extent, if any, the pipeline or right-of-way will be affected by the proposed construction and/or development. These drawings/plans must be prepared in strict compliance to [Attachment 4](#), "Requirements for Submission of Design Plans".
- 1.4 Buckeye may require the property owner to provide proof of current ownership of the land where the proposed encroachment is to occur. Such proof may be in the form of a Title Commitment, Title Policy, or a certified copy of a recorded Conveyance Deed.
- 1.5 When any construction activity is conducted in or around our pipeline right-of-way, Buckeye's On-Site Inspector must be present at all times. **NO WORK SHALL TAKE PLACE WITHOUT A BUCKEYE ON-SITE INSPECTOR PRESENT.** For this free-of-charge service, contact our local Field Operations Manager at the Buckeye facility nearest to your proposed project.
- 1.6 The Crossing Party shall contact Buckeye for re-marking of a pipeline if the existing markers are inadequate for any reason, including disturbance due to construction activities.

Note: Federal law prohibits the removal of pipeline markers.
- 1.7 The Crossing Party shall not burn trash, brush, or other items or substances within 50 feet of the pipeline.
- 1.8 The Crossing Party shall not store any equipment or materials on the right-of-way. Full access must be maintained to the pipeline(s) at all times. The stockpiling of items including soil, or topsoil over the pipeline(s) is not permitted.
- 1.9 During routine or emergency maintenance on the pipeline, the cost to restore approved surface improvements (e.g., pavement, landscaping, sidewalks, etc.) shall be the responsibility of the Crossing Party.
- 1.10 Depending on the type and nature of the encroachment, Buckeye may require the pipeline(s) within the proposed encroachment to be exposed, visually inspected, and backfilled by a Buckeye representative at the full expense of the Crossing Party. Buckeye will evaluate the pipeline(s) cathodic protection system, including the coating type and condition, for suitability of service in relation to the proposed encroachment. Should Buckeye deem that the cathodic protection system and/or coating system is insufficient for any reason, Buckeye will repair or upgrade the system at the Crossing Party's expense to accommodate the proposed encroachment. Potential cathodic protection modifications can include, but are not limited to equipment such as rectifiers, anode systems, test stations, casing pipe, and coating.

2.0 Excavation and Construction Restrictions

2.1 Excavation operations shall be performed in accordance with appropriate State “One-Call” utility locating system requirements. As a matter of State law, anyone undertaking excavation work is required to call three (3) working days before excavating in MA, ME, MI, MO, NJ, PA, RI, SC, TN, and WI; two (2) working days in all other states (see [Attachment 3](#) for State “One-Call” numbers).



2.2 The Crossing Party will conduct “white-lining” of any proposed excavation areas. Buckeye will erect temporary pipeline markers/flags (yellow) identifying the location of the pipeline within the work area, and will provide information on how to respond should the pipeline be damaged or a commodity release occur. All personnel operating equipment over or around the pipeline must be made aware of its location and what to do if they make contact with the pipeline.

Note: The Encroaching Party must utilize a qualified contractor of Buckeye’s choice to locate and mark the existing Buckeye operated pipeline(s) using current industry practices and agrees to mark the location of the pipeline with buoys or by electronic location methods as approved by Buckeye for the duration of the construction activity in the vicinity of Buckeye’s operated pipeline(s). If proposing dredging activities within 150-feet of Buckeye’s pipeline(s), a dredging plan must be submitted to Buckeye for review and approval.

2.3 When a Crossing Party excavates near Buckeye’s pipeline, a Buckeye representative must locate the pipeline and determine the depth of cover before the Crossing Party begins excavation. The Buckeye representative and the excavator must review and complete an Excavation Safety Checklist ([Attachment 9](#)). The Crossing Party shall not perform any excavation, crossing, backfilling, or construction operations until Buckeye’s On-Site Inspector has reviewed the proposed work on site and given approval for work to proceed. Buckeye’s On-Site Inspector shall have full authority to stop the work if it is determined that the work is being performed in an unsafe manner.

2.4 No equipment shall work directly over the pipeline. The Crossing Party shall install temporary fencing along Buckeye’s right-of-way boundaries so that equipment will not inadvertently pass over the pipeline at locations other than those established for crossing (see Section 3.5).

2.5 When excavating within the right-of-way, the Crossing Party’s backhoe shall have a plate welded over the teeth of the backhoe bucket, and the side cutters must be removed prior to excavation. However, if within 24 inches of the outer edge of the pipe (this “tolerance zone” extends on all sides of the pipe), only hand excavation, air cutting, and vacuum excavation are permitted.

2.6 No excavations shall be made on land adjacent to the pipeline that will in any way impair, withdraw lateral support, cause subsidence, create the accumulation of water, or cause damage to the pipeline or right-of-way.

2.7 The Crossing Party shall ensure all excavation work complies with OSHA’s excavation standards outlined in 29 CFR 1926 and correct any noncompliant excavation site before Buckeye’s On-Site Inspector or the Crossing Party enters the site to perform work.

- 2.8 If conditions require, the Crossing Party shall be directed by Buckeye to install sand or cement bags or other suitable insulating materials to maintain proper vertical clearance from the pipeline.
- 2.9 At any location where the pipeline is exposed, the Crossing Party shall provide Buckeye the opportunity to inspect the pipeline condition, install cathodic protection test leads, and/or install underground warning mesh.
- 2.10 The maximum unsupported exposed length of pipe shall be 20 feet for 4-inch-diameter pipe, 25 feet for 6-inch- to 10-inch-diameter pipe, and 35 feet for 12-inch- to 24-inch-diameter pipe. When required, the pipeline shall be supported with grout and sand bags or padded skids. At no time shall the pipeline be used as a brace to support equipment or sheeting/shoring materials.

Note: The Crossing Party shall submit a support plan for Buckeye's review and approval.

- 2.11 No buried pipeline may be left exposed for any duration of time without concurrence of Buckeye's On-Site Inspector.
- 2.12 Backfill and compaction shall be performed to the satisfaction and in the presence of Buckeye's On-Site Inspector. Within 5 feet of the pipeline crossing location, the Crossing Party shall place at least 12 inches of sand with no sharp gravel, rock, hard clods, vegetation, or other debris on all sides of any pipeline, and remaining backfill shall be placed so as not to disturb this padding material or damage the pipeline (see Attachment 7 for Foreign Utility Crossing Detail). Backfill over the pipe shall be compacted by hand until 18 inches of cover is achieved. The disturbed ground shall be compacted to the same degree of compaction of surrounding areas. The Crossing Party shall restore the site to its original condition except for items that are part of the Buckeye approved change.

3.0 Specific Guidelines

3.1 Cover, Grading, and Drainage

3.1.1 Cover and Grading:

- a. The existing cover over the pipeline shall not be modified without Buckeye's written approval.
- b. The final grading shall net a minimum cover of 36 inches over the pipeline.
- c. In areas where buildings are proposed within 50 feet of the pipeline or due to other surface improvements and/or in areas determined by Buckeye, final grading shall net a minimum cover of 48 inches over the pipeline.
- d. The maximum allowable constructed cross-slope within the ROW shall be 5H:1V and shall never be greater than the existing cross-slope.
- e. The maximum allowable cover/soil shall not exceed six (6) feet without Buckeye's written approval.
- f. Use of vibratory equipment larger than walk-behind units are not permitted within 25 feet of the pipeline.

3.1.2 Drainage:

- a. Detention ponds, lakes, structures or any type of impoundment of water, temporary or permanent, are prohibited within the right-of-way.
- b. Culverts are not permitted within the right-of-way.

- c. Any modifications to an existing drainage pattern shall be designed such that the erosion of the pipeline cover is controlled.
- d. For streams, drainage channels, and ditches, a minimum of cover of 60 inches is required between the pipeline and the bottom of the drainage canal or ditch (see Section 3.3.1.f for road drainage ditches).

3.2 Aboveground and Underground Structures

3.2.1 **General Requirements:**

- a. Buildings or other structures, including, but without limitation, overhanging balconies, patios, decks, swimming pools, wells, walls, septic systems, propane tanks, transformer pads, manholes, valve boxes, storm drain inlets, utility poles, the storage of materials, or any other item which will create an obstruction or prevent the inspection of the right-of-way by air or foot, shall not be erected within the right-of-way.
- b. The Crossing Party shall not develop or build retaining walls, drive piling or sheeting, or install an engineered structure that develops or controls overburden loads that will impact the pipeline (see Section 3.8).
- c. Deep foundations which include piers, caissons, drilled shafts, bored piles, and cast-in-situ piles located within 500 feet of the pipeline shall be installed/drilled using an auger.
- d. Occupied structures shall not be located within 50 feet of the pipeline unless a minimum cover of 48 inches is provided above the top of the pipeline.
- e. Any deviation for aboveground and underground structures will be reviewed by Buckeye on a ***case-by-case basis***.

3.2.2 **Gardening and Landscaping:**

- a. Trees, shrubs and bushes are not permitted within the right-of-way. Trees planted outside of the right-of-way should be placed so branches and limbs will not overhang the pipeline right-of-way as the tree matures. Buckeye may trim/remove overhanging branches and limbs that encroach into the right-of-way.
- b. Flowerbeds, vegetable gardens and lawns, are permitted within the right-of-way. Buckeye is not responsible for replacing any plantings located within the right-of-way.

3.2.3 **Fences and Walls:**

- a. Privacy fences or fences that prevent access to the right-of-way are not permitted.
- b. All other fence installations within the right-of-way will be reviewed for approval by Buckeye on a ***case-by-case basis***. Upon Buckeye's written approval, fences shall be constructed with a 14-foot gate or removable sections across the right-of-way.
- c. Fence posts shall not be installed within 5 feet of the pipeline and must be equidistant if crossing the pipeline.
- d. No fence shall cross the right-of-way at less than a 60-degree angle.
- e. Fences that run parallel to the pipeline shall be installed outside the right-of-way.
- f. Masonry, brick, or stone walls are not permitted on the right-of-way.

3.3 Roads, Driveways, Sidewalks, and Parking Areas

3.3.1 **General Requirements:**

- a. Roads, driveways, sidewalks, or parking areas are strictly prohibited. When extenuating circumstances arise, these items may be reviewed by Buckeye on a

- case-by-case basis. Upon Buckeye's written approval, roads, driveways, and sidewalks shall cross perpendicular to the pipeline.
- b. The maximum allowable cover shall not exceed six (6) feet without Buckeye's written approval.
 - c. Use of vibratory equipment larger than walk-behind units is not permitted within 25 feet of the pipeline.
 - d. Roads or driveways shall not be installed longitudinally within the right-of-way.
 - e. For roads and driveways, a minimum cover of 48 inches with a net cover of 36 inches of undisturbed soil is required above the pipeline.
 - f. A minimum cover of 36 inches over the pipeline is required at road drainage ditches. Upon Buckeye's approval, this cover can be reduced to 24 inches if ditch is rock/rip-rap lined and 12 inches if ditch is concrete lined.
 - g. For asphalt parking lots and sidewalks, a minimum cover of 36 inches with a net cover of 24 inches of undisturbed soil is required above the pipeline. Additional cover may be required by Buckeye based upon specific site conditions.
 - h. Stockpiling of materials on the right-of-way is not permitted. These materials include, but are not limited to soil, snow, stone, boulders, trees, brush, grass clippings, leaves, etc.

3.4 Foreign Utility Crossings

3.4.1 **General Requirements:**

- a. Utilities shall cross perpendicular to the pipeline.
- b. Utilities are required to cross beneath the pipeline with a minimum clearance of 24 inches. Exceptions to Buckeye's clearance requirements for underground service entrances to single family dwellings will be reviewed on a **case-by-case basis**.
- c. Sand or select fill shall be placed between the pipeline and utility (see Section 2.8).
- d. Utilities installed parallel to the pipeline shall be reviewed by Buckeye on a **case-by-case basis**. If approved, the utility shall be no closer than 15 feet from the pipeline.
- e. Warning tape, in accordance with A.P.W.A. Uniform Color Code, shall be placed above utility, 12 inches below ground, for a distance of 25 feet on either side of crossing.
- f. Signage shall be placed at crossing as determined appropriate by Buckeye.
- g. Splice boxes, service risers, energized equipment, etc., are not permitted within the right-of-way.

h. Trenchless Excavations:

- [1] Utilities installed by a trenchless excavation method (directional drilling, jacking, slick boring, etc.) shall be reviewed by Buckeye on a **case-by-case basis**.
- [2] Buckeye reserves the right to select the method of crossing for the proposed utility.
- [3] A minimum clearance of 60 inches (5 feet) below the pipeline is required.
- [4] For directional drilling operations, a tracking system is required to verify the exact location of the drill head.
- [5] For perpendicular crossings, a 4 feet by 4 feet excavation window, 24 inches below the pipeline is required for visual inspection of the pipeline to ensure the drill (or bore) does not impact the pipeline.
- [6] Blind boring is not permitted within Buckeye's right-of-way.
- [7] When trenchless excavations are authorized by Buckeye parallel to and within 10 feet of an existing pipeline, observation holes shall be excavated at 25-foot intervals to monitor the progress and horizontal/vertical location of the drill head.

[8] Buckeye must be provided with an advance copy of the horizontal directional drill (HDD) plan for the trenchless excavation which specifies how the HDD will be tracked, monitored and controlled at least two weeks before work is to commence. The plan must detail preventative measures to prevent conflicts with Buckeye's existing facility. The plan must state the planned HDD bore diameters, rod lengths, ream diameters, method of guidance, method of drill head tracking, etc. Additionally, the plan needs to include procedures for continuous monitoring and reporting of the drill head location, and state the appropriate vertical and horizontal deviation tolerances for the HDD operations in accordance with API RP 1172 – "6 Final Design". The procedure must include reporting requirements and procedures to correct or shut down the HDD trajectory should the operation exceeds the established tolerances. Buckeye Operations must be notified immediately if tolerances are compromised and should be involved in the recommencement of operations after tolerances are exceeded.

3.4.2 Metallic Utilities:

- a. Bonds and test leads shall be installed at the expense of and by the Crossing Party where Buckeye deems necessary.
- b. Utilities shall be coated with a non-conductive coating for a distance of 50 feet on either side of the pipeline crossing.
- c. Ductile water pipe shall include nitrile gaskets within 50 feet of the pipeline crossing or anywhere within 25 feet of horizontal offset locations.

3.4.3 Non-Metallic Utilities:

- a. Utilities shall be wrapped with tracer wire within the width of the right-of-way.
- b. Natural gas (or other industrial gases) lines shall be encased in a 6-inch envelope of yellow 3,000 psi concrete across the right-of-way for a minimum distance of 10 feet to each side of each BUCKEYE Pipeline(s) across the right-of-way.
- c. PVC water pipe shall include nitrile gaskets within 50 feet of the pipeline crossing or anywhere within 25 feet of horizontal offset locations.

3.4.4 Underwater Line Crossings:

- a. For underwater line location procedures, refer to section 2.2.
- b. The Encroaching Party must provide qualified diving inspectors to Buckeye for use during the crossing activity at no cost to Buckeye.
- c. The Encroaching Party must place sacks filled with sand and cement between Buckeye's pipeline(s) and the encroaching utility to provide and maintain the required minimum vertical clearance between the two utilities.

3.4.5 Electrical, Fiber-Optic, and Communications Cables

a. Buried Cables:

- [1] Electrical conductors/cable installations shall meet minimum requirements of National Electric Code for buried conductors and be adequately shielded and be impervious to hydrocarbon liquids.
- [2] Cables are required to cross beneath the pipeline with a minimum clearance of 24 inches. Exceptions to Buckeye's clearance requirements for underground service entrances to single family dwellings will be reviewed on a **case-by-case basis**.
- [3] Sand or select fill shall be placed between the pipeline and cable (see Section 2.8).

- [4] All cables shall be installed in Schedule 80 PVC pipe and encased in a 6-inch envelope of color coded (i.e. red for electrical cable, orange for communication cable) 3,000 psi concrete for a minimum distance of 10 feet to each side of each BUCKEYE Pipeline(s) across the right-of-way.
- [5] Warning tape, in accordance with A.P.W.A. Uniform Color Code, shall be placed above the utility, 12 inches below ground, for a distance of 25 feet on either side of the crossing.
- [6] Signage for the crossing shall be placed as determined appropriate by Buckeye.

b. Aboveground Cables:

- [1] A minimum of 20 feet of above-grade clearance for a distance of 25 feet on each side of the pipeline is required.
- [2] Mechanical supports and service drops including poles, towers, guy wires, ground rods, anchors, etc., are not permitted within 25 feet of the pipeline.

3.5 Temporary Access Roads and Heavy/Construction Vehicle Crossings

3.5.1 **General Requirements:**

- a. The Encroaching Party shall provide Buckeye information as to the type, model, size, and axle weight of construction equipment that will be used over or in the vicinity of the pipeline(s).
- b. Trucks carrying a maximum axle load up to 15,000 pounds may cross the right-of-way after Buckeye has confirmed a minimum cover of 48 inches over the pipeline.
- c. For all other cases, earthen ramps (see Attachment 6), swamp mats, air bridges, reinforced-concrete slabs (see Attachment 5), or steel plates may be required. Loading conditions and protection measures will be evaluated and dictated by Buckeye's Right of Way Department.
- d. When temporary fill must be added, colored sheets of plastic shall be placed under the temporary fill at original grade so that the original grade will not be disturbed when the temporary fill is removed.
- e. At all crossing locations, the Crossing Party will provide 12" of clean AASHTO 1 stone over the pipeline right-of-way.
- f. During the use of an approved temporary construction road, Buckeye may require that the Crossing Party provide additional protective measures deemed necessary to prevent damage to the pipeline.
- g. Buckeye will limit the number of temporary construction roads constructed by the Crossing Party.

3.6 Railroad Crossings

3.6.1 **General Requirements:**

- a. A minimum clearance of 72 inches is required between railroad tracks and the pipeline.
- b. A minimum cover of 36 inches is required between the bottom of drainage ditches on either side of a railroad and the pipeline.
- c. For railroad main lines, the pipeline crossing must comply with local railroad guidelines that delineate the requirements for carrier pipe, casing pipe, and clearances. Buckeye shall be consulted for the review of any State submittals.
- d. For private spur crossings, Buckeye will determine the railroad entity having jurisdictional authority to dictate crossing requirements.

3.7 Farming and Field Tile

3.7.1 **General Requirements:**

- a. Field tile running parallel to the pipeline shall be spaced 10 feet from the centerline of the pipeline.
- b. Field tile shall cross the pipeline perpendicularly with a clearance of 12 inches above or below the pipeline.
- c. Buckeye will approve the total number of crossings of the pipeline on a **case-by-case basis**.
- d. Deep plowing or “ripping” operations shall be approved by and coordinated with Buckeye.

3.8 Construction-Induced Vibrations

3.8.1 **General Requirements:**

- a. Construction activities that generate ground vibrations, including, but without limitation, pile driving, sheet driving, soil compaction work, jackhammering, or ramming, shall be reviewed by Buckeye on a **case-by-case basis**.
- b. If the Crossing Party anticipates such an activity within 10 feet of the pipeline, then continuous testing monitored by a seismograph located directly over the pipeline at its closest point to the activity must be conducted. The Crossing Party shall provide, at their expense, the monitoring service which must be approved by Buckeye.
- c. The particle velocity of any one component of a three-component seismograph must not exceed 2.0 inches per second as recorded on the seismograph placed directly over the pipeline.

3.9 Blasting Operations

3.9.1 **Blasting within 500 feet of the pipeline right-of-way:**

- a. The Crossing Party must submit a blast plan to Buckeye for review and approval. Verbal and written notice will be given 14 and 21 days respectively.
- b. Blasting plans must include the following information:
 - Dates blasting to occur
 - Explosives type
 - Maximum shot hole depth and diameter
 - Number of holes and spacing
 - Delay pattern
 - Delay types and intervals
 - Depth of overburden
 - Depth of blast area
 - Maximum charge per hole, per delay
 - Show drilling/blasting pattern plan and profile in relation to Buckeye facilities
 - Calculated radiant peak particle velocity (PPV) at varying distances from the pipeline and at the pipeline itself
 - State permit (copy)
 - Blasting contractor qualifications and insurance certificate (copy)
 - Blasting Safety Plan (copy)

The Crossing Party shall complete Attachment 8, “Blasting Plan Submission Form”, and include this form with their submission to Buckeye.

- c. The Crossing Party shall make arrangements for a Buckeye On-site Inspector to be present to witness the blasting operation.

3.9.2 Blasting within 300 feet of the pipeline right-of-way:

(Adds to or replaces items in Section 3.10.1)

- a. Blasting shall be monitored by a seismograph located directly over the pipeline at its closest point to the blast hole(s). The Crossing Party shall provide, at their expense, the monitoring service which must be approved by Buckeye.
- b. The particle velocity of any one component of a three-component seismograph must not exceed 2.0 inches per second as recorded on the seismograph placed on the ground directly over the pipeline.
- c. For blast testing, an initial test blast using a maximum charge of one pound shall be performed. The Crossing party shall detonate the first test blast with all necessary monitoring equipment in place to observe the results of the proposed blast design. Each subsequent test blast may be set and detonated only after the seismograph reading from the previous test blast indicates that further blasting can be safely conducted.
- d. Routine production blasting may be initiated after completion of a successful test blast, with allowable charge based on the seismographic vibration recordings of test blasts. However, all blasting must be continuously monitored by a seismograph. The velocity recorded must not exceed the 2.0 inches per second limit noted above.

3.9.3 Blasting within 50 feet of the pipeline right-of-way:

(Adds to or replaces items in Section 3.10.2)

- a. The Crossing Party shall hire a consulting firm that specializes in underground blasting to conduct the seismograph survey and certify the results.
- b. Buckeye will approve the Crossing Party's selection of consulting firms that will conduct the seismographic surveys before starting any blasting operation.

3.9.4 Special Requirements:

- a. For multiple-delay blasting, the Crossing Party shall begin the blasting sequence at the charge closest to the pipeline and progress away from the pipeline.
- b. If seismographic readings above the limit stated in item 3.10.2.b of this section are recorded, the pipeline must be exposed and inspected for possible damage and/or product release. The Crossing Party conducting blasting operations is responsible for all expenses related to the exposure and any subsequent repairs necessitated by the operation.
- c. At Buckeye's request, the Crossing Party shall install sheet piling, open trench channels, and/or matting to protect the pipeline during blasting operations.

3.10 Seismic Vibrating Operations

3.10.1 Seismic vibrating within 500 feet of the pipeline right-of-way:

- a. The Crossing Party must submit a seismic vibrating plan to Buckeye for review and approval. Verbal and written notice will be given 14 and 21 days respectively.
- b. Seismic vibrating plans, when using Vibroseis System Vibrators to radiate ground vibrations, must include information on soil conditions and depth of exploration, the anticipated number and type of vibrations, type and weight of vehicle, and peak force of equipment.
- c. The peak force by vehicle weight shall not exceed 45,000 pounds.
- d. The Crossing Party shall also make arrangements for a Buckeye On-Site Inspector to be present to witness the seismic vibrating operation.

3.10.2 Seismic vibrating within 100 feet of the pipeline right-of-way:

- a. Vibration shall be monitored by a seismograph located directly over the pipeline at its closest point to the vibrator(s). The Crossing Party shall provide, at their expense, the monitoring service which must be approved by Buckeye.
- b. The Crossing party shall determine and limit the maximum peak force allowed under continuous seismographic vibration monitoring such that the peak particle velocity will not exceed 2.0 inches per second.
- c. Seismic vibration surveys shall not be conducted closer than 100 feet to the pipeline.

3.10.3 **Special Requirements:**

- a. If seismographic readings above the limit stated in item 3.10.2.b of this section are recorded, the pipeline must be exposed and inspected for possible damage and/or product release. The Crossing Party conducting seismic vibrating operations is responsible for all expenses related to the exposure and any subsequent repairs necessitated by the operation.
- b. At Buckeye's request, the Crossing Party shall install sheet piling and/or open trench channels to protect the pipeline during seismic vibrating operations.

3.11 Wind Turbines

3.11.1 **Setback Distance from Pipelines**

- a. Wind turbine structures shall be set back from any Buckeye pipeline at least a distance equal to 110% of the structure height, which is defined as the height of the entire wind turbine system as measured from the bottom of the base to the highest vertical point of the system including the base and tower and the highest reach of the turbines or blades.
- b. No facilities associated with a wind turbine installation project shall be permitted to be installed within the pipeline easement.
- c. Warning lights shall be installed on all wind turbines that are located within 1,200 feet of any Buckeye pipeline.

3.11.2 **Construction Equipment and Crane Crossings**

- a. All temporary access roads and heavy/construction vehicle crossings shall comply with Section 3.5 above.
- b. Where cranes and other maintenance vehicles will need to cross Buckeye pipelines on a routine permanent basis for maintenance of the turbine(s), permanent crossing locations must be established, an encroachment agreement must be signed by the landowner and facility owner, and permanent crossing protections must be installed to the satisfaction of Buckeye.
- c. Construction materials or equipment shall not be transported longitudinally over Buckeye's pipelines.

3.11.3 **Underground Utilities**

- a. Cables and electrical conduit crossings shall comply with Section 3.4 above.
- b. BUCKEYE may require at the expense of the CROSSING PARTY an AC Arc Fault Study, specific to the CROSSING PARTY'S project encroachments. The study will determine if there is adequate AC Arc Fault protection of and separation from BUCKEYE'S facilities. BUCKEYE will arrange for the engineering, design and installation of AC mitigation and Lightning suppression systems, as deemed necessary by the AC Arc Fault Study. The reasonable cost of such AC remediation

and Lightning suppression systems shall be submitted to CROSSING PARTY for review and approval, which approval shall not be unreasonably delayed, conditioned or withheld, and, upon approval such reasonable cost will be prepaid by CROSSING PARTY to BUCKEYE.

4.0 Deviations and Exceptions

- 4.1 When and where special circumstances dictate, deviation from these requirements must be formally approved by Buckeye in writing prior to commencement of any excavation or other construction activity that may impact the pipeline. Any such deviations must be explained and documented and provided to Buckeye for review and approval.

5.0 Additional Information and Buckeye Contacts

- 5.1 Should you have any questions regarding pipeline rights-of-way or your specific easement, contact Buckeye's Right of Way Department at the applicable phone number listed in [Attachment 2](#).
- 5.2 Should you have any questions regarding Buckeye's engineering requirements, contact Buckeye's Encroachment Design Reviewer at encroachmentreviews@buckeye.com .

Attachment 1: Buckeye Facility Locations and Phone Numbers

Alabama	Birmingham	(205) 369-0179
	Montgomery	(334) 309-4710
California	San Diego	(714) 269-9028
Connecticut & Massachusetts	Wethersfield	(860) 529-7781
	New Haven	(203) 469-3479
Florida	Port Everglades	(954) 522-8464
Georgia	Birmingham (AL)	(205) 369-0179
Illinois	Argo	(708) 259-1352
	Lemont (West Shore)	(888) 625-7310
	Kankakee	(815) 932-3029
	Hartford	(618) 255-1100
Indiana	Hammond	(888) 625-7310
	Hammond (West Shore)	(708) 227-0962
	Huntington	(260) 356-5802
Iowa	Cedar Rapids	(708) 259-1352
	Council Bluffs	(712) 366-9461
	Des Moines	(515) 226-4017
	Ottumwa	(641) 684-6789
Louisiana	Liberty (TX)	(936) 336-5773
Maine	South Portland	(207) 808-4533
Michigan	Wayne	(734) 721-8834
Missouri	North St. Louis	(314) 231-2000
	Sugar Creek	(816) 836-6000
	Burlington Junction	(660) 725-3386
Nevada	Reno	(760) 802-1535
New Jersey	Linden	(908) 374-5301
New York	Auburn	(315) 253-5395
	New York City	(718) 656-5746
North Carolina	Goldsboro	(919) 778-2712
Ohio	Lima	(419) 993-8025
	Mantua	(330) 274-2234
	Toledo	(419) 698-8190
Pennsylvania	Boothwyn	(610) 459-3441
	Coraopolis	(412) 264-7432
	Duncansville	(814) 695-4852
	Malvern	(610) 249-9430
	Mechanicsburg	(717) 766-7633
	Macungie	(484) 232-4218
Tennessee	Memphis	(901) 395-0122
Texas	Baytown	(281) 383-9050
Wisconsin	Milwaukee (West Shore)	(888) 625-7310
	Madison (West Shore)	(815) 964-3727

Attachment 2: Right of Way & Encroachment Contacts

Name	Responsibility	Phone / Address / Email
David Boone	Sr. Manager, Right of Way, Real Estate, and Damage Prevention	(610) 904-44015 6161 Hamilton Blvd. Allentown, PA18106 dboone@buckeye.com
Chris McPike	Sr. Specialist, Right of Way <i>West Region:</i> Eastern Ohio, Pennsylvania (Central & Western)	(216) 271-8103 4800 East 49 th Street Cleveland, OH 44125 CMcPike@buckeye.com
Brandon Allen	Specialist, Right of Way II <i>West Region:</i> Michigan, Ohio (except for Eastern Ohio), Indiana (Zionsville and Huntington)	(216) 318-2124 993 Brodhead Road Suite 100 Coraopolis, PA 15108 BAllen@buckeye.com
Jana Olthoff	Specialist, Right of Way II <i>West Region:</i> Northern & Central Illinois, Indiana, Wisconsin	(219) 741-0201 5521 West Lincoln Highway Crown Point, IN JOlthoff@buckeye.com
Wesley Pekarek	Sr. Specialist, Right of Way <i>West Region:</i> Iowa, Missouri, Southern Illinois, California, Nevada	(816) 836-6096 1315 N. Sterling Ave. Sugar Creek, MO 64054 WPekarek@buckeye.com
Mike Bass	Specialist, Right of Way II <i>East Region:</i> Northeast Pennsylvania, Southeast Pennsylvania, Central Pennsylvania, New York (Upstate), Maryland, Virginia	(484) 635-8724 5002 Buckeye Road Emmaus, PA 18049 MBass@buckeye.com
Emily Litwa	Specialist, Right of Way II <i>East Region:</i> New Jersey, Connecticut, Maine, Massachusetts, New York	(732)-692-5243 750 Cliff Rd Port Reading, NJ 07064 ELitwa@buckeye.com
Dave Jones	Manager, Damage Prevention Program <i>Encroachment Design Review:</i> East, West, South Regions	(610)-904-4409 6161 Hamilton Blvd. Allentown, PA 18106 DAJones@buckeye.com
Daniel Mangum	Sr. Specialist, Right of Way & Development <i>South Region:</i> Texas, Louisiana, Tennessee, Alabama, Georgia, South	(832) 325-1626 4200 Westheimer Road Houston, Texas 77027 DMangum@buckeye.com

	Carolina, Nevada, Florida, North Carolina	
Teriann Williams	Right of Way Coordinator <u><i>Easements and Records:</i></u> Supporting East, West, and South Regions	(610) 904-4418 6161 Hamilton Blvd. Allentown, PA 18106 TEWilliams@buckeye.com

Attachment 3: State One Call Systems (National One Call System - Dial 811)

State	One Call Program	Phone No.	Website
Alabama	Alabama 811	(800) 292-8525	www.al811.com
California - North	USA North of Central / Northern California & Nevada	(800) 227-2600	www.usanorth.org
- South	Dig Alert & Underground Service Alert South	(800) 422-4133	www.digalert.org
Connecticut	Call Before You Dig	(800) 922-4455	www.cbyd.com
Florida	Sunshine State One Call	(800) 432-4770	www.callsunshine.com
Georgia	Georgia 811	(800) 282-7411	www.georgia811.com
Illinois - Non-Chicago	Julie, Inc.	(800) 892-0123	www.illinois1call.com
- Chicago	DIGGER - Chicago Utility Alert Network	(312) 744-7000	www.cityofchicago.org/transportation
Indiana	Indiana 811	(800) 382-5544	www.indiana811.org
Iowa	Iowa One Call	(800) 292-8989	www.iowaonecall.com
Louisiana	Louisiana One Call System, Inc.	(800) 272-3020	www.laonecall.com
Maine	Dig Safe System Inc.	(888) 344-7233	www.digsafe.com
Massachusetts	Dig Safe System Inc.	(888) 344-7233	www.digsafe.com
Michigan	MISS Dig System, Inc.	(800) 482-7171	www.missdig.net
Missouri	Missouri One Call System, Inc.	(800) 344-7483	www.mo1call.com
Nevada	USA North of Central / Northern California & Nevada	(800) 227-2600	www.usanorth.org
New Jersey	New Jersey One Call	(800) 272-1000	www.nj1-call.org
New York	Dig Safely New York	(800) 962-7962	www.digsafelynewyork.com
New York City & Long Island	New York 811, Inc.	(800) 272-4480	www.newyork-811.com
North Carolina	North Carolina 811	(800) 632-4949	www.nc811.org
Ohio	Ohio Utilities Protection Service	(800) 362-2764	www.oups.org
Pennsylvania	Pennsylvania One Call System, Inc.	(800) 242-1776	www.pa1call.org
Rhode Island	Dig Safe System Inc.	(800) 344-7233	www.digsafe.com
South Carolina	South Carolina 811 / PUPS	(888) 721-7877	www.sc811.com
Tennessee	Tennessee 811	(800) 351-1111	www.tnonecall.com OR www.tennessee811.com
Texas	Texas 811 OR Lone Star Notification Center	(800) 344-8377 (800) 669-8344	www.texas811.org www.lsnconeall.com
Wisconsin	Wisconsin Diggers Hotline	(800) 242-8511	www.diggershotline.com

Attachment 4: Application for Design Plan Submission and Encroachment Review

INSTRUCTIONS

Prior to completing the following Application for Design Plan Submission and Encroachment Review (application), please review these instructions to determine if an application is required and to ensure that all necessary information has been obtained. Failure to follow these instructions and/or failure to provide the required information will delay the review process.

One Call Notification – To prevent damages to pipeline facilities from subsurface excavation or any activity that disturbs or impacts the depth of cover over underground facilities, Buckeye participates in "One-Call" organizations in all the states in which Buckeye has operating facilities. A list of the One-Call organizations Buckeye participates in is listed in Attachment 3 of the Right of Way Use Restrictions Specification. Placing a one call notification will put you in contact with the appropriate Buckeye Field Representative

Buckeye Field Representative Coordination – Discuss with the Buckeye Field Representative a summary of the project and potential encroachments. The Buckeye Field Representative will determine if any additional information such as pipeline depth of cover is necessary and if an application is required.

Application and Plan Submission –

SUBMIT APPLICATION AND PLANS TO:

Buckeye Partners, L.P.
ROW Department
Attn: Encroachment Review
6161 Hamilton Blvd.
Allentown, PA 18106

OR

encroachmentreviews@buckeye.com
With subject line reading
"Encroachment Review Application"

Buckeye requires a minimum of 60 days for technical review upon receipt of complete application with all relevant fees and complete and accurate design plans. Submission of plans electronically to the above email address is encouraged and acceptable, but signed application and fees must follow by mail.

Relocation or Modification – Should the initial encroachment review result in a determination that Buckeye facilities must be relocated or modified because of the request, additional review time may be required. A Feasibility Study will be performed to prepare a scope of work, cost estimate, schedule and project plan; the cost of which will be borne by a party or parties other than Buckeye and must be paid before the relocation or modification will commence. A Technical Services Agreement between Buckeye and the responsible entity will be prepared to specify the duties of each party. A Letter of No Objection or Encroachment Agreement will be issued which will authorize the construction of the proposed encroachment under certain terms and conditions.

Permission / Notification - A fully-executed Approval Letter, Encroachment Agreement, Reimbursement Agreement, and/or Technical Services Agreement is needed prior to construction. Buckeye must be notified 10-days prior to construction to allow for the scheduling of a Buckeye representative to be present. It is also the encroaching entity's responsibility to notify the owners of any other pipelines, communication lines, other third party property or facility owners located within the proposed project area and to secure any additional needed rights from these parties where Buckeye's rights are limited.

If construction of the aforementioned project does not commence within three calendar years of the issued approval letter date, the Crossing Party shall submit a new application and resubmission fee. The Company shall have the right to reconsider the conditions and privileges granted, and have full right to consider current policies and procedures at the time of resubmission.

APPLICATION FEES: A non-refundable Encroachment Application Fee must accompany all encroachment review requests for private development within Buckeye's right-of-way. Any request submitted without the required application fee, or that does not contain the specified information in the format requested on the application, may not be considered. Remit payment by check payable to: *Buckeye Partners, L.P.* Buckeye may require a developer to enter an agreement to pay any outside consultant costs that Buckeye deems necessary for a complete review of the proposed encroachment(s).

Initial Encroachment Application Fee is \$3,000. Following initial review, all necessary plan resubmissions until plan approval shall be accompanied by a **Resubmission Fee of \$750.**

Small Project Application Fee is \$500. This reduced fee is reserved solely for single utility line service crossings or requests for installation of a fence or other residential-related improvement within Buckeye's pipeline easement.

Application for Design Plan Submission and Encroachment Review

PROJECT INFORMATION & LOCATION

BUCKEYE PARTNERS, L.P.

Project Title

Project Address

City

State

Zip Code

Latitude

Longitude

Municipality

County

APPLICANT INFORMATION:

Name and Title of Applicant

Company

Email Address

Phone Number

Address

City

State

Zip Code

LEGAL NAME OF INDIVIDUAL, COMPANY, OR ENTITY TO WHICH PERMISSION WILL BE GRANTED:

Name

Name and Title of authorized signatory for company or entity

Address

City

State

Zip Code

Email Address

Fax Number

PROJECT INVOLVES THE FOLLOWING IMPACTS TO BUCKEYE'S FACILITIES (CHECK ALL THAT APPLY):

- Cover, grading, and drainage pattern changes
- Aboveground and/or underground structures
- Road, driveway, sidewalks, and parking areas
- Utility crossings including gas, water (steam), sewer (storm/sanitary) – include trench backfill detail
- Electrical, fiber-optic, and communications cables
- Temporary access roads for the crossing of heavy/construction equipment
- Railroad crossings
- Farming and field tile
- Construction-induced vibrations
- Blasting operations (attach BLASTING PLAN)
- Seismic vibrating operations (attach SEISMIC VIBRATING PLAN)
- Exposure of the pipeline (attach SUPPORT PLAN)
- Boring, drilling, or tunneling near the pipeline (attach DRILL PLAN)
- Other: _____

APPLICATION MUST CONTAIN THE FOLLOWING:

- Completed and Signed “Application for Design Plan Submission and Encroachment Review” Form
- Encroachment Application Fee** (see guidelines on page 1 of the application)
- Design Plans (1 paper copy, 1 electronic copy), depicting the following:

- Field-verified location of Buckeye pipeline(s) location and width of Buckeye’s easement tract

_____	_____/_____/_____	
Name of Buckeye Employee	Date of Pipeline Locating Activity	Design One Call No.

- Field-verified depth of Buckeye pipeline(s) along all proposed road or utility crossings, drainage channels, and all other areas of proposed grade change within the pipeline right-of-way (attach a copy of any field data provided by Buckeye Representative)

_____	_____/_____/_____
Name of Buckeye Employee	Date of Pipeline Depth Investigation

- Buckeye pipeline(s) labeled “_ -inch High Pressure Petroleum Products Pipeline” (line type “-HPPPP-“)
- Buckeye included on Utilities List, and Local Contact and phone number on plans
- Buckeye Pipeline(s) highlighted in yellow. List all plan sheets on which Buckeye facilities are located:

-
- Location of ground disturbances (blasting, seismic testing, pile driving, jackhammering, etc. within 1,500 feet of Buckeye pipeline(s))
 - Proposed location(s) where construction equipment will cross the pipeline right-of-way
 - Structure setback distances from the pipeline right-of-way and from the nearest pipeline
 - Proposed landscaping within 25 feet of either side of the pipeline(s)
 - Any permanent fencing that will limit/encumber Buckeye’s access to the pipeline right-of-way
 - If the drainage pattern will be altered in any way over the Buckeye pipeline(s), a drainage plan that identifies new flow paths and all inlet/outfall/collection points
 - Right-of-Way Use Restrictions specification pages 1-13 included as part of final design plan (can be done by adding a drawing sheet to plans and appending (cut and paste) the specification onto this sheet.

For property improvements that involve grade/pavement alterations, road work (new construction or improvements of existing), utility crossings (buried and overhead), or other subsurface or on-surface structure installations within Buckeye’s right-of-way:

- Separate plan and profile drawing of Buckeye pipeline(s) for existing and proposed conditions.
- Subgrade details that show materials and thickness of each paving layer/course.
- Amount of existing cover that will be removed or new cover added over the pipeline(s), and proposed final grade amount of cover over the pipeline(s).
- Clearances between Buckeye’s pipeline(s) and any existing and new (buried or overhead) utilities that cross the pipeline right-of-way.
- Show the clearances between Buckeye’s pipeline(s) and each proposed substructure at the two closest reference points.
- For any utility to be installed via boring, drilling, or tunneling, include a detailed procedure of this work with your design plans. Note: “Blind” boring is not permitted. Buckeye’s pipeline(s) must be exposed during the bore operation to ensure that the bore head crosses safely underneath the pipeline(s).

- Indicate any areas of disturbance or other work that will require Buckeye's pipeline(s) to be exposed in order to perform your work.
 - Supplemental Plan Information (as applicable)*
 - Blasting Vibrating Plan
 - Seismic Vibrating Plan
 - Support Plan
 - Drill Plan
-

I hereby authorize Buckeye to contact the Engineer/Survey firm which prepared the drawings, survey and attachments.

I certify that the information provided is accurate and I realize that incomplete information may delay processing or invalidate this application.

Signature of Applicant

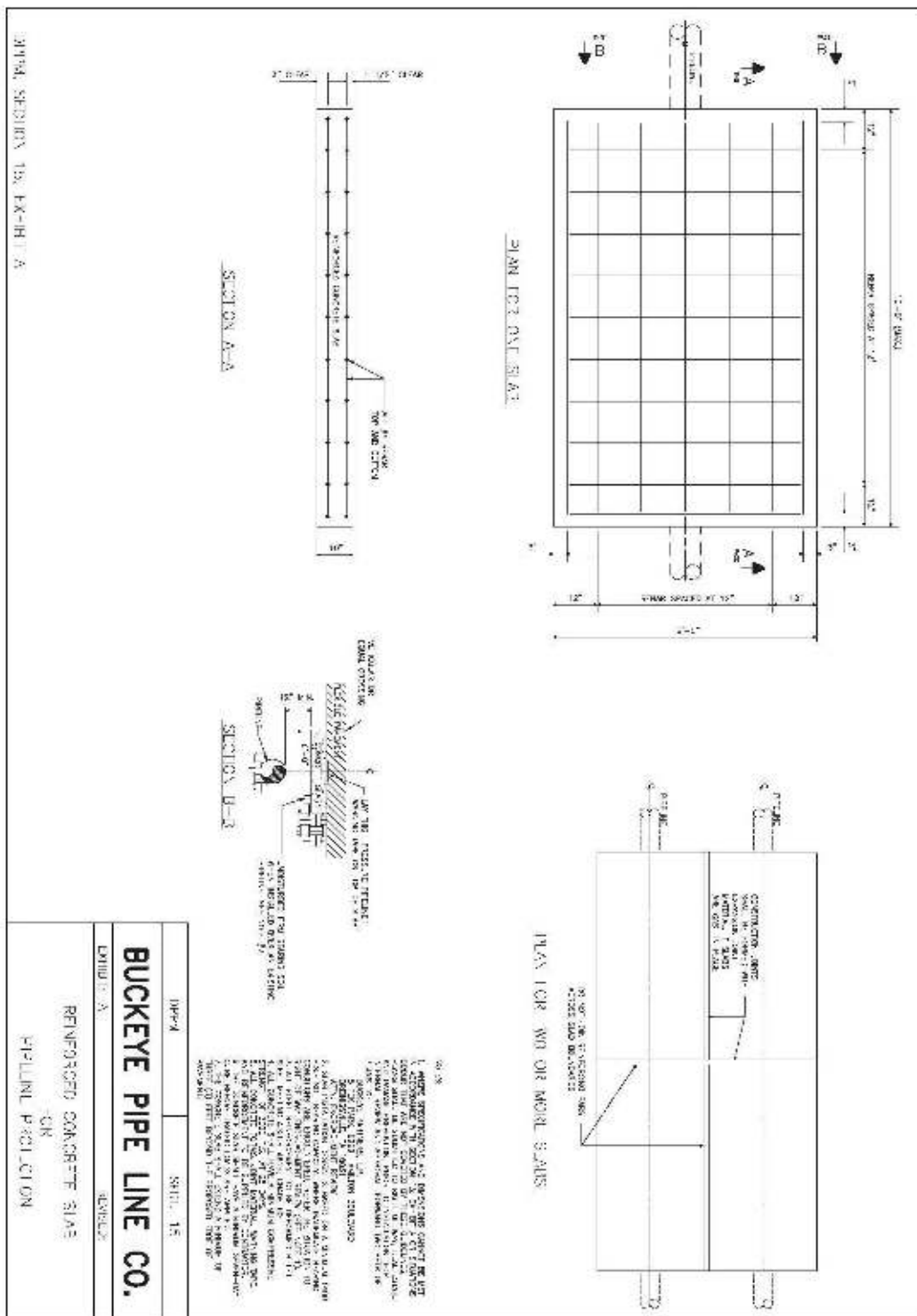
By: _____

Name: _____ Date: _____

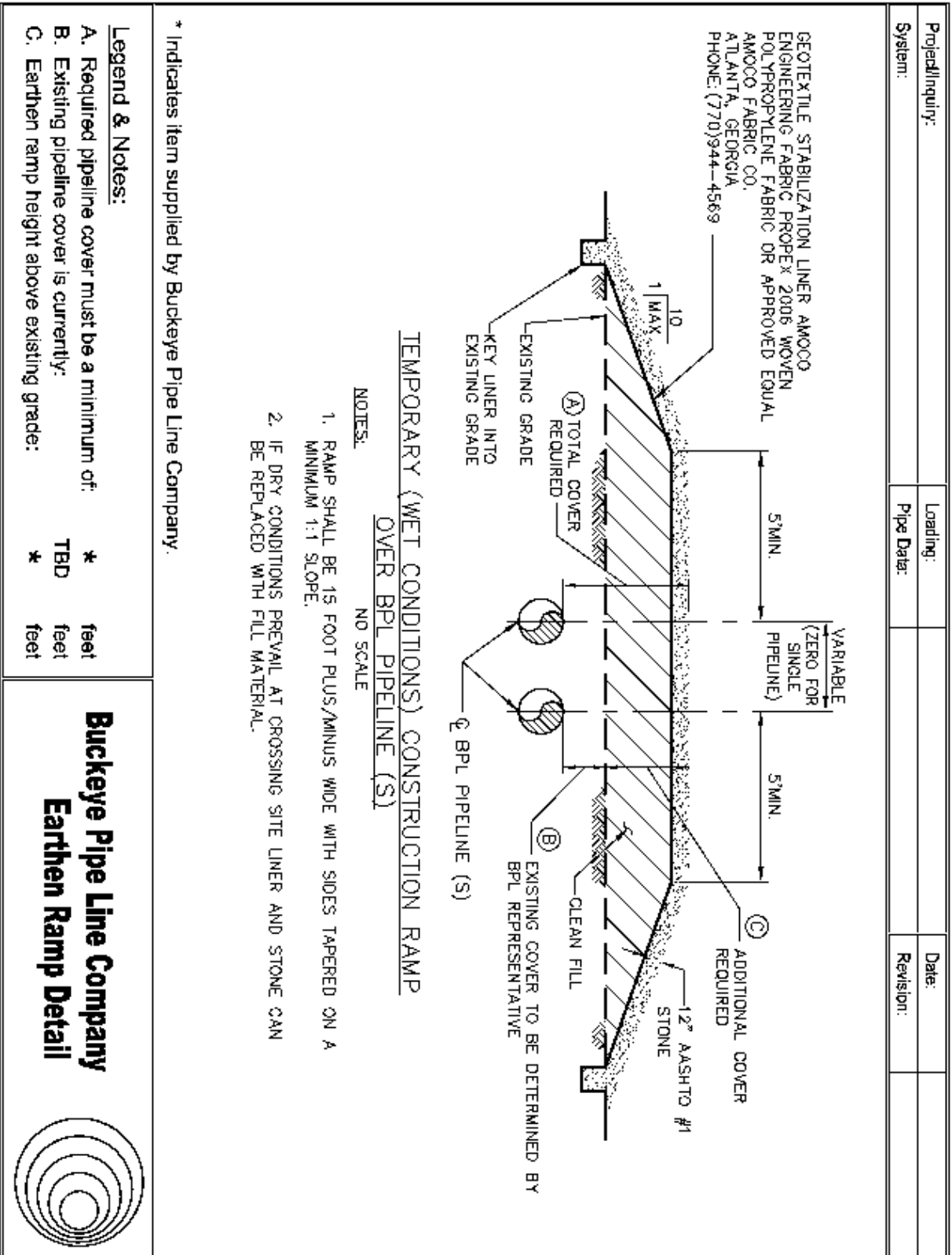
Title: _____

<p style="text-align: center;">PAYMENT INFORMATION (APPLICANT TO COMPLETE)</p> <p>Check Number: _____</p> <p>Payment Amount: \$_____</p>

Attachment 5: Temporary Crossing Reinforced-Concrete Slab Detail

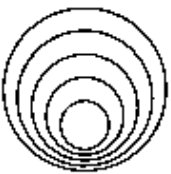


Attachment 6: Earthen Ramp Detail

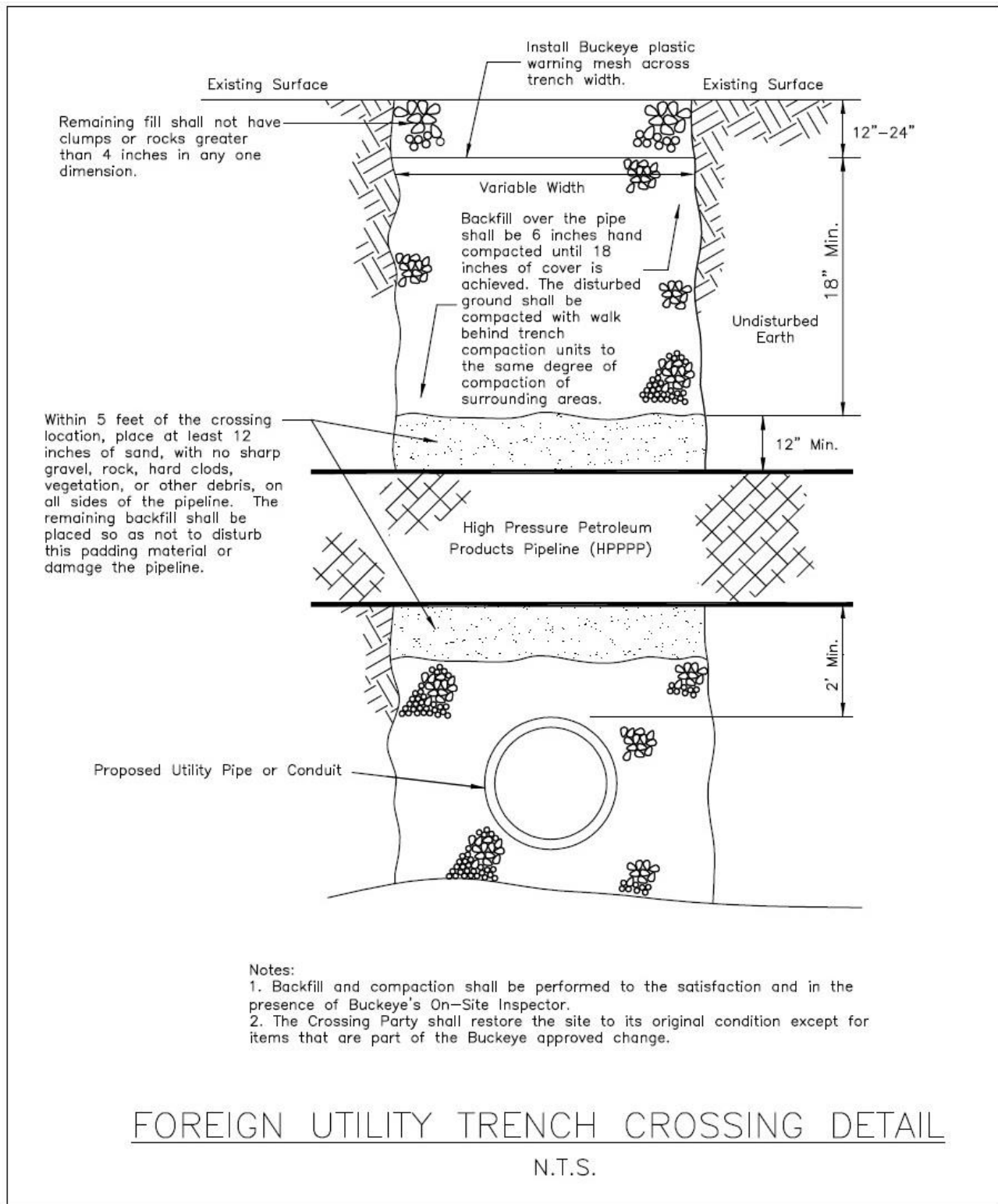


- Legend & Notes:**
- A. Required pipeline cover must be a minimum of: * feet
 - B. Existing pipeline cover is currently: TBD feet
 - C. Earthen ramp height above existing grade: * feet

Buckeye Pipe Line Company
Earthen Ramp Detail



Attachment 7: Foreign Utility Trench Crossing Detail



Attachment 8: Blasting Plan Submission Form

INFORMATION SECTION	
Blasting Contractor - Company Name: _____ Phone: _____ Email Address: _____ Contact Person: _____	Contracted by - Company Name: _____ Address: _____ _____ Contact Person: _____
Project Name: _____ Address: _____ *Latitude: _____ *Longitude: _____	
Location and Distance (in feet) to Nearest Buckeye Pipeline: _____ _____	
Date of Blasting: _____	

EXPLOSIVES SECTION	
Type of Explosives: _____	
Max. Charge / Hole (lbs): _____	
Charge Delay (ms): _____	
No. of Holes: _____	
Max. Depth of Charge (ft): _____	
Max. Diameter of Charge (in): _____	
<u>Calculated Particle Velocity at a point -</u>	
Depth of Blast Area (ft): _____	300 feet from blasting event (in/sec): _____
Depth of Overburden (ft): _____	200 feet from blasting event (in/sec): _____
Type of Rock to be Blasted: _____	100 feet from blasting event (in/sec): _____
Density of Rock (lbs/cu-ft): _____	Directly above pipeline (in/sec): _____ @ _____ ft. _____

ATTACHMENT CHECKLIST
<input type="checkbox"/> Drilling/Blasting Pattern Sketch - include all depths, measurements, and delay patterns relative to Buckeye facility involved and each charge. <input type="checkbox"/> State Approval Letter <input type="checkbox"/> Blasting Contractor's Qualifications <input type="checkbox"/> Blasting Contractor's Insurance Certificate <input type="checkbox"/> Blasting Contractor's Safety Plan
<p style="text-align: center;">OMMISSION OF ANY INFORMATION REQUESTED ABOVE WILL DELAY YOUR BLASTING PLAN REVIEW</p> <p style="text-align: center;">Buckeye requires a minimum of 14 days for technical review upon receipt of complete and accurate blasting plans</p>

Attachment 9: Excavation Safety Checklist

DPPM Section 7, FORM A – EXCAVATION SAFETY CHECKLIST

The information noted on this form is intended to communicate general information about our pipeline(s) and is not intended to be solely relied upon by any party for the purpose of excavation or any similar purpose.

By law, to enable all participating utilities time to mark their facilities, the **One Call Center** in your state requires notification by calling 811 prior to any excavation. Buckeye Partners, L.P. is a member of this One Call enterprise and will automatically be notified through this system. In addition, a Buckeye Pipeline and Terminal Protector will perform and/or review with the excavator representative the applicable checklist items below.

Pipeline Locate Activity:

- If plans are available, requested a copy of the written project plans and drawings for review with the excavator and/or engineer. Had the excavator and/or engineer explain the extent of the work area, location and depth of the excavation, type of proposed utilities, location of proposed utilities, number of utility crossings, etc.
- Established the pipeline(s) location and marked the line(s) per state One Call requirements throughout the entire work area.
- Photographed all established pipeline markings throughout the work area.

Communication with the Excavator and/or Engineer:

- The excavator and/or engineer was advised that a Buckeye Pipeline and Terminal Protector must:
 - Be a qualified Buckeye Pipeline and Terminal Protector.
 - Monitor the excavation site daily when work is performed within 25 feet of a Buckeye pipeline.
 - Observe continuously all excavation and backfill activity performed within 10 feet of a Buckeye pipeline or during the installation of any utility across a Buckeye pipeline facility.
 - In addition, the excavator was instructed to call 800-331-4115 if they were ready to excavate within either above distance of a Buckeye pipeline and a Buckeye Pipeline and Terminal Protector was not present. When called a Buckeye Pipeline and Terminal Protector will be sent to perform the inspection, which is free of charge.
- The excavator was advised that only backhoes or trackhoes with a steel plate welded across the teeth of the bucket are permitted to be used during excavation work around a Buckeye pipeline.
- The excavator was advised that the Buckeye Pipeline and Terminal Protector is required by law to perform an external inspection of any Buckeye pipeline exposed during excavation activity. The excavator understands that he/she is responsible as the qualified "Competent Person" who is designated to provide an OSHA compliant excavation under the requirements of 29 CFR Part 1926, Subpart P, ensuring the Buckeye Pipeline and Terminal Protector safe ingress and egress to and from the excavation to examine our exposed pipeline.
- Walked through the work area with the excavator and communicated the locations of all Buckeye pipelines in the planned work area.
- Discussed the number of pipelines, pipe size(s), approximate pressures, approximate depths, excavation tolerance zones, hand digging requirements, and the hazards and characteristics of product(s) in the pipeline system(s) located in the planned work area.
- The excavator was advised to call the One Call Center 811 or contact Buckeye, if the Buckeye markings are destroyed or need to be refreshed in the planned work area. This service is provided free of charge.
- The excavator was advised that before any exposed Buckeye pipeline can be backfilled, the Buckeye Pipeline and Terminal Protector will direct the placement of an orange warning mesh or yellow warning tape over the pipeline.
- The excavator was advised that **any contact** with the pipeline, pipeline coating, test station wiring, or anode beds **must be reported to Buckeye prior to backfilling the excavation** to permit further inspection of the damage to ensure continued safe pipeline operations.
- The excavator was advised that failure to comply with the conditions outlined above would result in Buckeye requiring the excavator to expose the pipeline again to allow an examination of the pipeline at the excavator's expense. If damage to the pipeline is discovered, Buckeye may seek monetary compensation for all repair costs. Buckeye may also report this activity to all concerned parties (State One Call Center, Regulatory Agencies, Principal Contractor, Excavator's Insurance Company, etc.).

If you are unable to reach the Buckeye Pipeline and Terminal Protector designated below, or **in case of an emergency**, request assistance as follows:
 For excavation activities in IL, IN, MI, MO, NJ, NY, OH, PA, or WI, please call 1-800-331-4115.
 For excavation activities in CT, FL, IA, LA, MA, ME, NV, TN, TX, or Southern California, please call 1-866-514-8380.
 For excavation activities in Northern California, please call 1-800-307-1107.

One Call Ticket:		Line Segments:	
Work Order:		Mile Posts:	
Address			
Buckeye Information		Property Owner / Excavator / Engineer	
Date:		Name:	
Name:		Phone:	
Cell Phone:		Signature:	



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Finance

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

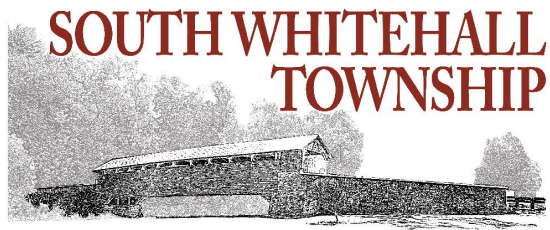
SUBJECT: A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Establishing Rates, Rents, Charges, and Delinquent Charges for Furnishing Water Service to Consumers, and Establishing the Circumstances under which Water Service is Discontinued and Municipal Liens Filed.

SUGGESTED ACTION:

- *Motion to Adopt said Resolution, confirming rate of service charges for water (no change for 2024 from 2023).*

ATTACHMENTS:

- [2024 Water, Sewer and Municipal Solid Waste Fee Resolutions Memorandum.pdf](#)
- [Resolution Setting 2024 Water Rate.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tricia Dickert, Finance Director
DATE:	December 6, 2023
SUBJECT:	Approval of Resolutions for Fees for Water, Sanitary Sewer and Municipal Solid Waste for 2024
COPY TO:	T. Petrucci; H. Bender; K. Blahnik; T. Fehnel

- **Action Requested:**

Official action is requested from the Board of Commissioners in order to approve the following three (3) Resolutions to confirm the rate of service charges for water (no change for 2024 from 2023), sewer (no change for 2024 from 2023) and municipal solid waste (increase).

1. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING RATES, RENTS, CHARGES, AND DELINQUENT CHARGES FOR FURNISHING WATER SERVICE TO CONSUMERS, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH WATER SERVICE IS DISCONTINUED AND MUNICIPAL LIENS FILED**
2. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING RATES, RENTS, CHARGES, AND DELINQUENT CHARGES FOR FURNISHING SANITARY SEWERAGE SERVICES TO OWNERS AND/OR CONSUMERS, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH WATER SERVICE IS DISCONTINUED AND MUNICIPAL LIENS FILED**
3. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, APPROVING AND ADOPTING MUNICIPAL SOLID WASTE COLLECTION CHARGES FOR CALENDAR YEAR 2024**

- **Background Information:**

South Whitehall Township's current Residential Municipal Solid Waste (MSW) Collection, Disposal and Recycling Services Contract expires on December 31, 2023. On September 6, 2023, at the recommendation of Township Administrative Staff, the Board of Commissioners voted to award a 5-year MSW contract to J.P. Mascaro. The rate, to be set via resolution, will cover the costs outlined in the service contract over the life of the contract.

Property owners sixty-five (65) years of age or older may be eligible for a Senior Low Income Discount credit on their Solid Waste and Recycling Fee not to exceed \$120.00 per year, or \$30.00 per quarter. An application for this credit must be completed and filed annually with the Finance Department on a form prescribed by the Department for such purpose. The application shall be filed with the Finance Department no later than December 31 of the year for which the discount is being sought. The Finance Department may require evidence or information as it deems necessary or appropriate in reviewing and approving an application. All evidence and information received by an employee of the Township for the purpose of determining eligibility for this discount rebate shall be considered confidential. Upon approval of an application, a \$120.00 credit representing all four quarters will be applied to the property owner's refuse account. Credits will be partially reversed on a pro rata basis for properties that are being readied for conveyance within the same calendar/fiscal year that the full discount credit was already applied. These reversed credits will appear as money owed to the Township on the certification ordered by the title company prior to settlement.

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

Revenue line items per each fund as set forth in the 2023 Budget.

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

**RESOLUTION NO. 2023-__
(Duly Adopted December 6, 2023)**

**A RESOLUTION ESTABLISHING RATES, RENTS, CHARGES,
AND DELINQUENT CHARGES FOR FURNISHING WATER
SERVICE TO CONSUMERS, AND ESTABLISHING THE
CIRCUMSTANCES UNDER WHICH WATER SERVICE IS
DISCONTINUED AND MUNICIPAL LIENS FILED**

WHEREAS, South Whitehall Township (“**Township**”) operates a water supply and distribution system serving users and consumers located in and about South Whitehall Township; and

WHEREAS, it is the responsibility of the Township to insure that revenues collected for the supply and distribution of water are sufficient to meet lending requirements and obligations to bondholders, as well as administrative and operating expenses.

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

1. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

(a) “Consumer” means a Person (hereinafter defined) who, prior to, upon, or after the effective date hereof, has contracted or contracts for and/or is receiving or shall receive water service for each Consumer Unit; or who has been notified of a required connection to the Water System, but has failed or refused to so connect.

(b) “Consumer Unit” means:

(i) A building under one roof and occupied by one family or business;

or

(ii) A combination of buildings in one enclosure or group and occupied by one family or business; or

(iii) One side of a double building or house having a solid vertical partition wall; or

(iv) A building, house, or other structure, or any room, group of rooms, or parts thereof, occupied by more than one family or business, the water fixtures of which are used in common; or

(v) Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of Persons living together or by a Person living alone, the water fixtures of which are not used in common; or

(vi) Each apartment, office, or suite of offices in a building or house having several such apartments, offices, or suites of offices and using common one or more hallways and one or more means of entrance; or

(vii) Any trailer, mobile, or modular home occupied by one family or business; or

(viii) Any other unit or category listed in the schedule of rates set forth elsewhere in this Resolution.

(c) “Owner” means any Person having an interest, whether legal or equitable, sole or partial, in any Property which contains one or more Consumer Units.

(d) “Person” means any individual, firm, partnership, company, association, society, corporation, trust, governmental body, or an agency, department, or political subdivision thereof, or any other group or entity.

(e) “Property” means any building, group of buildings or land upon which buildings are to be constructed, containing one or more Consumer Units, which Property is or may be served by the Township’s Water System.

(f) “Township” means the Township of South Whitehall, Lehigh County, Pennsylvania, a political subdivision, municipal corporation, and Township of the First Class, duly organized and lawfully existing under the First Class Township Code of the Commonwealth of Pennsylvania, as amended.

(g) “Water System” means the water production, treatment, storage, and distribution facilities, including all related facilities to be constructed, installed, or acquired by or for the Township, including all property, real, personal, and mixed, rights, powers,

licenses, easements, rights of way, privileges, franchises, and other property or interest in property of whatsoever nature, used or useful in connection with such facilities, and together with all additions, extension, alterations, improvements and betterments thereof or thereto which may be made, installed, or acquired, from time to time, by or for the Township.

2. WATER RATES, RENTS AND CHARGES

(a) Schedule of Water Distribution and Consumption Fees. Each Consumer served or to be served by the Water System of the Township shall be charged a Water Distribution and Consumption Fee and other charges in accordance with the following schedule, effective April 1, 2023 and thereafter:

Base Charge per quarter (not pro-rated) for each water connection (with the exception of connections solely used for fire protection), without regard to water usage:	\$30.00
Water Distribution and Consumption Fee per 1,000 gallons used:	\$7.44
Minimum Non-Connection Charge per quarter (not pro-rated) for Owners or Consumers who were notified of required connection to Water System but have failed or refused to connect to Water System:	\$118.00

(b) Water Shut-Off and Turn-On Charges, and Fire Hydrant Fees: Water shut-off and turn-on charges, and fire hydrant related fees, shall be established, from time to time, by Resolution of the Board of Commissioners.

3. PREVIOUS PROVISIONS, RATES, RENTS, AND CHARGES

All previous water consumption rates, rents, and charges established by either the Township or the former South Whitehall Township Authority, are hereby superseded, except as to those periods which precede the adoption of this Resolution for which rates, rents, or charges remain unpaid.

4. BILLINGS AND PAYMENT

(a) All bills for water service furnished to Consumers shall be rendered quarterly, and shall represent the amount due for water service rendered during the preceding three months.

(b) Whenever water service to any Consumer Unit begins after the first day or terminates before the last day of any billing period, the water rates, rents, and charges for such period shall consist of the Base Charge (not pro-rated) and the amount of the Water Distribution and Consumption Fee for the actual water usage:

(c) No allowance or rebate will be made for unoccupied Property.

(d) Owner and Consumer Responsibilities:

(i) From and after the date of this Resolution, all new billing shall be in the name of an Owner of the Property served.

(ii) From and after the date of this Resolution, the Owner of each served Property is responsible for payment of all fees and charges which are incurred by the occupants of such Property.

(iii) The Owner of the Property served may request that the name of a tenant or occupant be added to the bill in the form of a "care of" on the address line, but no such addition or designation shall relieve or exonerate the Owner of the Property from his primary responsibility for payment of any bill for water service.

(iv) Each Consumer initially shall provide the Township with, and thereafter shall keep Township advised of, his correct billing address.

(v) Failure to receive a bill for water service shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which such bill shall be payable without penalty, interest, and delinquency charges as established herein.

(e) All bills for water service furnished to Consumers shall be due and payable as of the date thereof. If any bill for such water service is not paid within thirty (30) days after such bill shall become due and payable, then such bill shall be deemed delinquent and delinquency charges shall become due and payable at such rates as are established herein.

(f) The Director of Operations, or his designee, is hereby authorized to commence the billing of Water Distribution and Consumption Fees to any prospective Owner who has received notice from the Township that a water connection is required, commencing thirty (30) days following the receipt of such connection notice.

(g) The Director of Operations, or his designee, is authorized to establish reasonable estimates of an Owner's water consumption in establishing the amount to be charged as a Water Distribution and Consumption Fee, and to add an administrative charge of \$35.00 to reimburse the Township for the actual cost of separately administering estimated charges, for those who fail or refuse to connect.

(h) The Director of Operations, or his designee, is also authorized to establish reasonable estimates of an Owner's water consumption in establishing the amount to be charged as a Water Distribution and Consumption Fee for those Owners whose meters fail to properly monitor consumption and usage.

5. DELINQUENT CHARGES, RATES, AND PROCESSES INVOLVING DELINQUENCIES

The Township hereby establishes delinquency charges to be assessed against delinquent Consumers and Owners as follows:

(a) Bills for water service shall be due and payable as of the date of the bill.

(b) Failure to remit payment within thirty (30) days after such date shall result in in any unpaid amount being deemed to be delinquent.

(c) The Township may assess and collect any and all costs and fees associated with the collection of the delinquent amount after it becomes delinquent, and after thirty (30) days' notice to the Consumer and/or the Owner of the Township's intent to assess and collect such costs and fees, including but not limited to reasonable attorney's fees as permitted by law.

(d) Any delinquent amount for water service shall be considered to be a municipal claim, and a municipal lien against the Property for the municipal claim in the delinquent amount may be filed in the office of the Clerk of Judicial Records – Civil Division of Lehigh County, Pennsylvania. The municipal lien shall be in addition to, and not in lieu of, any other collection method available to the Township under this Resolution or otherwise by law. The municipal lien shall be entered and collected in the manner set forth by the Pennsylvania Municipal Claims and Tax Lien Law, 53 P.S. Section 7101, *et seq.*, as amended. The following may also be added to the amount of the lien, and any judgment upon the lien for collection, as permitted by law:

(i) Interest shall accrue and be assessed after the date of the filing of the lien in the manner permitted by law at the specific rate of ten percent (10%) per annum.

(ii) An Administrative Fee in the amount of \$35.00 may also be assessed to reimburse the Township for any actual costs incurred by the Township in the processing of the claim to be filed as a lien. The Administrative Fee may be amended by Resolution of the Board of Commissioners from time to time.

(iii) Court costs as actually incurred may also be added.

(e) The Administrative Fee and delinquency charges established hereby shall be uniformly assessed against all water Consumers or Owners who become delinquent, and shall be in addition to any and all collection and other charges which are assessable in accordance with law.

6. DISCONTINUANCE OF WATER SERVICE FOR NON-PAYMENT OF BILLS

(a) Discontinuance (“shut off”) of water service for non-payment of bills for either water service or sewerage service shall be in accordance with the applicable provisions of the Water Services Act, 53 P.S. Section 3102.502 Termination of Service, the Utility Service Tenants Rights Act, 68 P.S. Section 399.1 *et seq.*, each as amended, and any other applicable law or regulation.

(b) An appointment with a designee of the Township at the Property shall be required to have water service re-established. All applicable turn-on charges and fees shall be paid before water service is restored.

7. RIGHTS RESERVED BY TOWNSHIP; RATES BY RESOLUTION

The Township reserves the right to repeal, amend, supplement, or modify this Resolution or any part thereof, or to change the water rates, rents, and charges established and imposed by this Resolution in such manner and at such times as, in the opinion of the Board of Commissioners, shall be necessary or desirable, all after due legal procedure.

8. CONSTRUCTION AND SEVERABILITY

In the event any provision, section, sentence, clause, or part hereof, or the application of any provision, section, sentence, clause, or part hereof, shall be held to be invalid, then such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part hereof, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

9. REPEALER

All Resolutions and parts of Resolutions inconsistent herewith are expressly repealed. Specifically, but not limited to, this Resolution shall be deemed to supersede and replace Resolution 2022-125.

DULY ADOPTED this 6th day of **December 2023**, by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, or Secretary in the absence of both the President and Vice-President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Diane Kelly, President

ATTEST:

Tricia Dickert, Twp. Secretary



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Finance

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

SUBJECT: A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Establishing Rates, Rents, Charges, and Delinquent Charges for Furnishing Sanitary Sewerage Services to Owners and/or Consumers, and Establishing the Circumstances under which Water Service is Discontinued and Municipal Liens Filed.

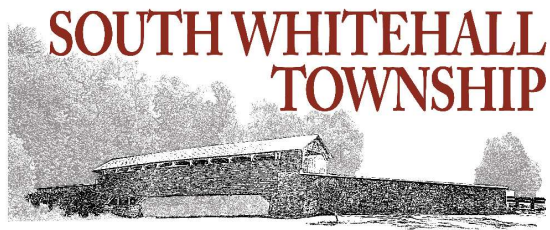
SUGGESTED ACTION:

- *Motion to Adopt said Resolution, confirming rate of service charges for sewer (no change for 2024 from 2023).*

ATTACHMENTS:

[2024 Water, Sewer and Municipal Solid Waste Fee Resolutions Memorandum.pdf](#)

[Resolution Setting 2024 Sewer Rate.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tricia Dickert, Finance Director
DATE:	December 6, 2023
SUBJECT:	Approval of Resolutions for Fees for Water, Sanitary Sewer and Municipal Solid Waste for 2024
COPY TO:	T. Petrucci; H. Bender; K. Blahnik; T. Fehnel

- **Action Requested:**

Official action is requested from the Board of Commissioners in order to approve the following three (3) Resolutions to confirm the rate of service charges for water (no change for 2024 from 2023), sewer (no change for 2024 from 2023) and municipal solid waste (increase).

1. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING RATES, RENTS, CHARGES, AND DELINQUENT CHARGES FOR FURNISHING WATER SERVICE TO CONSUMERS, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH WATER SERVICE IS DISCONTINUED AND MUNICIPAL LIENS FILED**
2. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING RATES, RENTS, CHARGES, AND DELINQUENT CHARGES FOR FURNISHING SANITARY SEWERAGE SERVICES TO OWNERS AND/OR CONSUMERS, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH WATER SERVICE IS DISCONTINUED AND MUNICIPAL LIENS FILED**
3. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, APPROVING AND ADOPTING MUNICIPAL SOLID WASTE COLLECTION CHARGES FOR CALENDAR YEAR 2024**

- **Background Information:**

South Whitehall Township's current Residential Municipal Solid Waste (MSW) Collection, Disposal and Recycling Services Contract expires on December 31, 2023. On September 6, 2023, at the recommendation of Township Administrative Staff, the Board of Commissioners voted to award a 5-year MSW contract to J.P. Mascaro. The rate, to be set via resolution, will cover the costs outlined in the service contract over the life of the contract.

Property owners sixty-five (65) years of age or older may be eligible for a Senior Low Income Discount credit on their Solid Waste and Recycling Fee not to exceed \$120.00 per year, or \$30.00 per quarter. An application for this credit must be completed and filed annually with the Finance Department on a form prescribed by the Department for such purpose. The application shall be filed with the Finance Department no later than December 31 of the year for which the discount is being sought. The Finance Department may require evidence or information as it deems necessary or appropriate in reviewing and approving an application. All evidence and information received by an employee of the Township for the purpose of determining eligibility for this discount rebate shall be considered confidential. Upon approval of an application, a \$120.00 credit representing all four quarters will be applied to the property owner's refuse account. Credits will be partially reversed on a pro rata basis for properties that are being readied for conveyance within the same calendar/fiscal year that the full discount credit was already applied. These reversed credits will appear as money owed to the Township on the certification ordered by the title company prior to settlement.

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

Revenue line items per each fund as set forth in the 2023 Budget.

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2023-__
(Duly Adopted December 6, 2023)**

**A RESOLUTION ESTABLISHING RATES, RENTS, CHARGES,
AND DELINQUENT CHARGES FOR FURNISHING SANITARY
SEWERAGE SERVICES TO OWNERS AND/OR CONSUMERS,
AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH
WATER SERVICE IS DISCONTINUED AND MUNICIPAL LIENS
FILED**

WHEREAS, South Whitehall Township (“**Township**”) operates a sanitary sewerage collection system serving Consumers located in and about the Township, which transports effluent collected to the City of Allentown Sewage Treatment Plant for treatment; and

WHEREAS, it is the responsibility of the Township to insure that revenues collected for the collection, transportation, and treatment of sanitary sewerage are sufficient to meet lending requirements and obligations to bondholders, as well as to pay the administrative and operating expenses of the Township for such services.

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

1. Definitions. Unless otherwise specified herein, or unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

(a) “Consumer” means a Person (hereafter defined) who, prior to, upon, or after the effective date hereof, has contracted or contracts for and/or is receiving or shall receive sanitary sewerage collection, transportation, and/or treatment service for each Consumer Unit; or who has been notified of a required connection to the Sewer System, but has failed or refused to so connect.

(b) “Consumer Unit” means:

- (i) A building under one roof and occupied by one family or business;
- or
- (ii) A combination of buildings in one enclosure or group and occupied by one family or business; or
- (iii) One side of a double building or house having a solid vertical partition wall; or
- (iv) A building, house, or other structure, or any room, group of rooms, or parts thereof, occupied by more than one family, the water fixtures of which are used in common; or
- (v) Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of Persons living together or by a Person living alone, the water fixtures of which are not used in common; or
- (vi) Each apartment, office, or suite of offices in a building or house having several such apartments, offices, or suites of offices and using in common one or more hallways and one or more means of entrance; or
- (vii) Any trailer, mobile, or modular home occupied by one family or business; or
- (viii) Any other unit or category listed in the schedule of rates set forth elsewhere in this Resolution.
- (c) “Owner” means any Person having an interest, whether legal or equitable, sole or partial, in any Property.

(d) “Person” means any individual, firm, partnership, company, association, society, corporation, trust, governmental body, or an agency, department, or political subdivision thereof, or any other group or entity.

(e) “Property” means any building, group of buildings, or land upon which buildings are to be constructed which is or may be served by the Township.

(f) “Township” means the Township of South Whitehall, Lehigh County, Pennsylvania, a political subdivision, municipal corporation, and Township of the First Class, duly organized and lawfully existing under the First Class Township Code of the Commonwealth of Pennsylvania, as amended.

(g) “Sewer System” means all sanitary sewerage collection and transportation facilities of the Township, including all related facilities to be constructed, installed, or acquired by or for the Township, including all property, real, personal, and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises, and other property or interest in property of whatsoever nature used or useful in connection with such facilities, and together with all additions, extension, alterations, improvements, and betterments thereof or thereto which may be made, installed, or acquired, from time to time, by or for the Township.

2. SEWER RENTALS AND CHARGES

(a) Sewer rentals and charges are imposed upon and shall be collected from the Owner of each improved Property which is connected or which was required to be connected to the Township’s Sewer System, for use of the Sewer System, whether such use shall be direct or indirect, which sewer rentals and charges shall commence and shall be effective as of the earlier of the date of connection, or the date when connection was required by the Township, and shall be payable as provided herein, in accordance with the following schedule of rates and classifications. For purposes of this Resolution, a dwelling unit or equivalent dwelling unit is a building or use which shall be presumed to have an average daily consumption of 172 gallons of water per day (one EDU) and an equivalent amount of sewage flow into the Sewer System.

3. RATE SCHEDULE

The rentals and charges for sewerage service shall be as set forth below.

(a) Flat Rate: Effective January 1, 2023, all Owners of residential and nonresidential improved Properties connected to the Sewer System who are not billed based upon metered water consumption or sewage flow shall pay sewer rentals or charges, except as hereinafter noted, at the rate of a base charge of \$35.00 per quarter and \$87.50 per quarter per Consumer Unit as set forth in the following schedule:

<u>Category</u>	<u>Equivalent Dwelling Units</u>
Residential (a Consumer Unit)	1 unit
Each retail store, business, professional office, or beauty shop, attached to or part of a home and operated by the homeowner; the rate includes the residence.	1-1/2 units
Each retail store, business, professional office, or beauty shop, not operated in a home by the homeowner.	1-1/2 units
Each service station.	2 units
Each fire station	1/2 unit
Each social hall	1 unit

Each church	1 unit
Barbershops (non-home operated)	1 unit

(b) Metered Rate: Effective April 1, 2023, all Owners of residential and non-residential Property who are billed on the basis of metered water consumption or sewage flow shall pay sewer rentals at the rate of a \$35.00 base charge per quarter per connection and a usage charge at the rate of \$4.79 per 1000 gallons of water consumption or sewage flow per quarter.

(c) The Township, at its sole discretion, shall determine when an Owner shall be billed on the basis of metered water consumption, sewage flow, or on a flat rate basis. That determination shall be made on the basis of water consumption, or where applicable, sewage flow reports.

(d) The volume of water to be used for billing sewer rentals or charges as set forth in subparagraphs (b) and (c) above shall include any and all water purchased from private or public water companies and all water obtained from any other sources (wells, springs, streams, etc.) as determined by: (i) meters installed and maintained by any private or public water company, if any; (ii) meters installed and maintained by the Township; (iii) meters installed and maintained by the Property Owner as may be approved by the Township; or (iv) from estimates or measurements made by the Township where the Township considers metering impractical.

(e) For service periods of less or more than one quarter, the computation of the volume of water consumed, and the resulting sewer rentals or charges, shall be proportionally adjusted.

(f) If the Owner of any improved Property shall fail to provide the Township with all information required to compute the sewer rentals or charges to such improved Property, then the Township may estimate a reasonable applicable sewer rental

or charge for such improved Property, and such estimated sewer rental or charge shall be the actual sewer rental or charge payable until the required information is filed; provided, however, that no rebates will be paid by the Township if the information filed reveals a lower indicated sewer rental or charge than that estimated by the Township.

(g) Additional classifications and sewer rentals or charges or modifications of the above schedule for sewer rentals or charges may be established by Resolution of the Township from time to time as deemed necessary.

(h) Nothing herein contained shall be deemed to prohibit the Township from entering into separate agreements with Owners with respect to sewer rentals and charges to be imposed in those circumstances where, due to seasonal fluctuations or other unusual circumstances, the sewer rentals or charges set forth herein shall be deemed by the Township to be unfair or inequitable.

4. PREVIOUS PROVISIONS

All previous sanitary sewerage collection, transportation, or treatment rates, rents, and charges are hereby superseded, except as to those periods which precede the adoption of this Resolution for which rates, rents, or charges remain unpaid.

5. BILLINGS AND PAYMENT

(a) Flat Rate:

(i) All bills for sewer rentals or charges, except those based on metered water consumption, shall be rendered quarterly on the first day of January, April, July, and October in each year, or on such other dates as the Township shall specify and shall permit Owners to pay sewer rentals or charges in advance or on an annual or quarterly basis.

(ii) Unmetered Owners shall receive a sewer rentals and charges bill quarterly as in subsection (a). This bill shall provide for quarterly payments to be made

in advance in the amount specified without discount, which payments shall be due and payable on or before January 31 for the first quarter, April 30 for the second quarter, July 31 for the third quarter, and October 31 for the fourth quarter.

(b) Metered Rate:

(i) All bills for sewer rentals or charges based on metered water consumption or estimates by the Township shall be rendered quarterly, and shall represent the amount due for sewer service rendered during the preceding three months.

(ii) Owners of improved Properties connected to the Sewer System for less than a full quarter shall pay a pro rata consumption-based sewer rental or charge for service for the balance of the quarter, together with a full base charge for the quarter.

(c) No allowance or rebate will be made for unoccupied Property.

(d) Owner and Consumer Responsibilities.

(i) From and after the date of this Resolution, all new billing shall be in the name of an Owner of the Property served.

(ii) From and after the date of this Resolution, the Owner of each served Property is responsible for payment of all fees and charges which are incurred by the occupants of such Property.

(iii) The Owner of the Property served may request that the name of a tenant or occupant be added to the bill in the form of a “care of” on the address line but no such addition or designation shall relieve or exonerate the Owner of the Property from their primary responsibility for payment of any bill for sewer service.

(iv) Each Consumer initially shall provide the Township with, and thereafter shall keep Township advised of their correct billing address.

(v) Failure to receive a bill for sewer service shall not be considered an excuse for nonpayment. No such failure results in an extension of the period of time during which such bill shall be payable without penalty, interest, or delinquency fees and charges.

(e) All bills for sewer service furnished to Consumers shall be due and payable as of the date thereof. If any bill for such sewer service is not paid within thirty (30) days after such bill shall become due and payable, such bill shall be deemed delinquent and delinquency charges shall become due and payable at such rates as are established herein.

(f) The Director of Operations, or their designee, is hereby authorized to commence the billing of sanitary sewerage rentals and charges to any prospective Owner who has received notice from the Township that a connection to the Sewer System is required, commencing thirty (30) days following the receipt of such connection notice.

(g) The Director of Operations, or their designee, is authorized to establish reasonable estimates of an Owner's water consumption in establishing the amount to be charged for sanitary sewerage rentals and charges, and to add an administrative charge of \$35.00 to reimburse the Township for the cost of separately administering estimated charges, for those who fail or refuse to connect.

(h) For properties whose sanitary sewerage discharges are metered, the Director of Operations, or their designee, is also authorized to establish reasonable estimates of an Owner's water consumption in establishing the amount of sanitary sewerage rentals and charges to be charged for those Owners whose sewer meters fail to properly monitor effluent flows.

6. DELINQUENT CHARGES, RATES, AND PROCESSES INVOLVING DELINQUENCIES

The Township hereby establishes delinquency charges to be assessed against delinquent sanitary sewer Owners and Consumers as follows:

(a) Bills for sewer service shall be due and payable as of the date of the bill.

(b) Failure to remit payment within thirty (30) days after such date shall result in in any unpaid amount being deemed to be delinquent.

(c) The Township may assess and collect any and all costs and fees associated with the collection of the delinquent amount after it becomes delinquent, and after thirty (30) days' notice of the Township's intent to assess and collect such costs and fees, including but not limited to reasonable attorney's fees as permitted by law. The reasonable attorney's fees shall be established by Ordinance or Resolution of the Township from time to time.

(d) Any delinquent amount shall be considered to be a municipal claim, and a municipal lien against the Property served may be filed in the office of the Clerk of Judicial Records – Civil Division of Lehigh County, Pennsylvania. The municipal lien shall be in addition to and not in lieu of, any other collection method available to the Township under this Ordinance or otherwise by law. The municipal lien shall be entered and collected in the manner set forth by the Pennsylvania Municipal Claims and Tax Lien Law, 53 P.S. Section 7101, *et seq.*, as amended. The following may also be added to the amount of the lien, and any judgment upon the lien for collection, as permitted by law:

(i) Interest shall accrue and be assessed after the date of the filing of the lien in the manner permitted by law at the specific rate of ten percent (10%) per annum.

(ii) An Administrative Fee in the amount of \$35.00 may also be assessed to reimburse the Township for any actual costs incurred by it in the processing of the claim to be filed as a lien. The Administrative Fee may be amended by Resolution of the Board of Commissioners from time to time.

(iii) Court costs as actually incurred may also be added.

(e) The Administrative Fee and delinquency charges established hereby shall be uniformly assessed against all Sewer System Consumers or Owners who become delinquent, and shall be in addition to any and all collection and other charges which are assessable in accordance with law.

7. DISCONTINUANCE OF WATER SERVICE FOR NON-PAYMENT OF BILLS

(a) Discontinuance (“shut off”) of water service for non-payment of bills for sewerage service shall be in accordance with the applicable provisions of the Water Services Act, 53 P.S. Section 3102.502 Termination of Service, the Utility Service Tenants Rights Act, 68 P.S. Section 399.1 *et seq.*, each as amended, and any other applicable law or regulation.

(b) An appointment with a designee of the Township at the Property shall be required to have water service re-established. All applicable turn-on charges and fees shall be paid before water service is restored.

8. RIGHTS RESERVED BY TOWNSHIP

The Township reserves the right to repeal, amend, supplement, or modify this Resolution or any part thereof, or to change the sewer rates, rents, and charges established and imposed by this Resolution in such manner and at such times as, in the opinion of the Board of Commissioners, shall be necessary or desirable, all after due legal procedure. Specifically, the rates rents, and charges may be changed by Resolution.

9. CONSTRUCTION AND SEVERABILITY

In the event any provision, section, sentence, clause, or part hereof, or the application of any provision, section, sentence, clause, or part hereof, shall be held to be invalid, then such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part hereof, it being the intent of Township that such remainder shall be and shall remain in full force and effect.

10. REPEALER

All Resolutions and parts of Resolutions inconsistent herewith are expressly repealed. Specifically, but not limited to, this Resolution shall be deemed to supersede and replace South Whitehall Township Resolutions 2013-12-BOA, 2014-07-BOA, and 2022-126-BOC.

DULY ADOPTED this 6th day of **December 2023**, by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, or Secretary in the absence of both the President and Vice-President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Diane Kelly, President

ATTEST:

Tricia Dickert, Twp. Secretary



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Finance

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

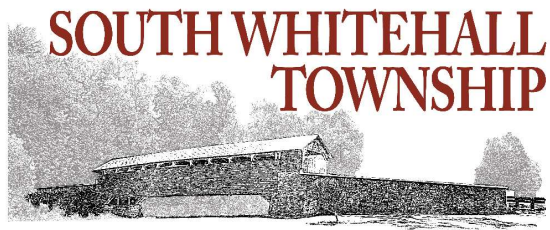
SUBJECT: A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Approving and Adopting Municipal Solid Waste Collection Charges for Calendar Year 2023.

SUGGESTED ACTION:

- *Motion to Adopt said Resolution, confirming municipal solid waste collection charges for calendar year 2024.*

ATTACHMENTS:

- [2024 Water, Sewer and Municipal Solid Waste Fee Resolutions Memorandum.pdf](#)
- [Resolution Setting 2024 Refuse Rate.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tricia Dickert, Finance Director
DATE:	December 6, 2023
SUBJECT:	Approval of Resolutions for Fees for Water, Sanitary Sewer and Municipal Solid Waste for 2024
COPY TO:	T. Petrucci; H. Bender; K. Blahnik; T. Fehnel

- **Action Requested:**

Official action is requested from the Board of Commissioners in order to approve the following three (3) Resolutions to confirm the rate of service charges for water (no change for 2024 from 2023), sewer (no change for 2024 from 2023) and municipal solid waste (increase).

1. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING RATES, RENTS, CHARGES, AND DELINQUENT CHARGES FOR FURNISHING WATER SERVICE TO CONSUMERS, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH WATER SERVICE IS DISCONTINUED AND MUNICIPAL LIENS FILED**
2. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING RATES, RENTS, CHARGES, AND DELINQUENT CHARGES FOR FURNISHING SANITARY SEWERAGE SERVICES TO OWNERS AND/OR CONSUMERS, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH WATER SERVICE IS DISCONTINUED AND MUNICIPAL LIENS FILED**
3. **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, APPROVING AND ADOPTING MUNICIPAL SOLID WASTE COLLECTION CHARGES FOR CALENDAR YEAR 2024**

- **Background Information:**

South Whitehall Township's current Residential Municipal Solid Waste (MSW) Collection, Disposal and Recycling Services Contract expires on December 31, 2023. On September 6, 2023, at the recommendation of Township Administrative Staff, the Board of Commissioners voted to award a 5-year MSW contract to J.P. Mascaro. The rate, to be set via resolution, will cover the costs outlined in the service contract over the life of the contract.

Property owners sixty-five (65) years of age or older may be eligible for a Senior Low Income Discount credit on their Solid Waste and Recycling Fee not to exceed \$120.00 per year, or \$30.00 per quarter. An application for this credit must be completed and filed annually with the Finance Department on a form prescribed by the Department for such purpose. The application shall be filed with the Finance Department no later than December 31 of the year for which the discount is being sought. The Finance Department may require evidence or information as it deems necessary or appropriate in reviewing and approving an application. All evidence and information received by an employee of the Township for the purpose of determining eligibility for this discount rebate shall be considered confidential. Upon approval of an application, a \$120.00 credit representing all four quarters will be applied to the property owner's refuse account. Credits will be partially reversed on a pro rata basis for properties that are being readied for conveyance within the same calendar/fiscal year that the full discount credit was already applied. These reversed credits will appear as money owed to the Township on the certification ordered by the title company prior to settlement.

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

Revenue line items per each fund as set forth in the 2023 Budget.

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2023-__
(Duly Adopted December 6, 2023)**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH
WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA,
APPROVING AND ADOPTING MUNICIPAL SOLID WASTE
COLLECTION CHARGES FOR CALENDAR YEAR 2024**

WHEREAS, the Township of South Whitehall has contracted for Municipal Solid Waste and Recycling collection, hauling, and disposal services (the “Hauling Services”) for its residents; and

WHEREAS, Township Ordinance 887, duly adopted December 30, 2008, authorizes the Board of Commissioners to establish, by resolution, a schedule of fees from time to time for municipal Waste Hauling; and

WHEREAS, the most recent resolution establishing Hauling Services fees was Resolution 2022-127 adopted December 21, 2022, which set fees for the 2023 calendar year; and

WHEREAS, pursuant to Ordinance 887, the Board of Commissions desires to set Waste Hauling fees, penalties, and other charges for the 2024 calendar year.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED, that the Board of Commissioners of South Whitehall Township hereby approve of and adopt the following schedule of fees, penalties, and other charges for municipal solid waste collection for the calendar year 2024:

- A. For the period commencing **January 1, 2024**, through and including **December 31, 2024**, the Hauling Services fee for the entire billing year shall be Six Hundred Sixty Dollars (\$660.00) per Residential Establishment Unit. The Hauling Services fee charged for any quarter within the billing year shall be One Hundred Sixty-Five Dollars (\$165.00).
- B. Hauling Services fees shall be due and payable no later than thirty (30) days from the date of the invoice. Failure to remit payment shall result in the assessment of a penalty in the amount of ten percent (10%) on the delinquent amount together with any and all costs and fees associated with the collection of the delinquent amount, including but not limited to attorney fees, as permitted by law.

- C. Any delinquent amount shall be considered a lien against the real estate served and shall be filed in office of the Prothonotary of Lehigh County, Pennsylvania. The lien shall be entered and collected in the manner set forth by the Pennsylvania Municipal Claims and Tax Lien Law, 53 P.S. Section 7101, et. seq., as amended. Interest shall be assessed in the manner permitted by law and at a rate of ten percent (10%) per annum or at the maximum rate permitted by law.
- D. South Whitehall Township reserves the right to pursue any other method of collection and/or avail itself of any other legal remedy.
- E. Property owners sixty-five (65) years of age or older may be eligible for a Senior Low Income Discount credit on their Solid Waste and Recycling Fee not to exceed \$120.00 per year, or \$30.00 per quarter. An application for this credit must be completed and filed annually with the Finance Department on a form prescribed by the Department for such purpose. The application shall be filed with the Finance Department no later than December 31 of the year for which the discount is being sought. The Finance Department may require evidence or information as it deems necessary or appropriate in reviewing and approving an application. All evidence and information received by an employee of the Township for the purpose of determining eligibility for this discount rebate shall be considered confidential. Upon approval of an application, a \$120.00 credit representing all four quarters will be applied to the property owner's refuse account. Credits will be partially reversed on a pro rata basis for properties that are being readied for conveyance within the same calendar/fiscal year that the full discount credit was already applied. These reversed credits will appear as money owed to the Township on the certification ordered by the title company prior to settlement.

BE IT FURTHER RESOLVED, that the fees, penalties, and charges adopted by this Resolution shall continue in full force and effect until such time as an updated fee schedule is approved by Resolution.

BE IT FURTHER RESOLVED, that any resolution or any part of any resolution and/or any regulations of the Township, including but not limited to Resolution 2022-127, which are inconsistent herewith are hereby repealed. All other provisions of the resolutions and/or other regulations of the Township of South Whitehall, Lehigh County, Pennsylvania shall remain in full force and effect.

BE IT FURTHER RESOLVED, that the provisions of this Resolution are declared to be severable. If any sentence, clause, section, term, phrase or part of this Resolution or the attachments hereto is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this Resolution. It is hereby

declared the intent of the Board of Commissioners for South Whitehall Township that this Resolution would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

DULY ADOPTED this 6th day of **December 2023**, by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

BOARD OF COMMISSIONERS
TOWNSHIP OF SOUTH WHITEHALL

By: _____
Diane Kelly, President

ATTEST:

Tricia Dickert, Twp. Secretary



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Finance

ITEM TYPE: Resolution

AGENDA SECTION: RESOLUTIONS

SUBJECT: A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Approving the Budget for the 2024 Calendar/Fiscal Year Beginning on the First Day of January 2024 and Ending on the Last Day of December 2024.

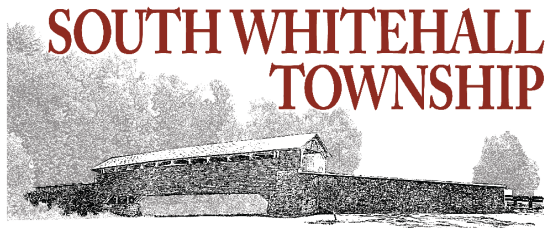
SUGGESTED ACTION:

- *Motion to Adopt said Resolution, which Approves the 2024 SWT Final Adopted Budget.*

ATTACHMENTS:

[2024 Budget Adoption Memorandum.pdf](#)

[Resolution- 2024 Budget Approval.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 28, 2023
SUBJECT:	Approval of 2024 South Whitehall Township Final Adopted Budget
COPY TO:	H. Bender; T. Dickert; K. Blahnik; T. Fehnel

- **Action Requested:**

Official action is requested from the Board of Commissioners in order to approve the 2024 South Whitehall Township Final Adopted Budget by way of the following Resolution:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE BUDGET FOR THE 2024 CALENDAR/FISCAL YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024

- **Background Information:**

Pursuant to Article XVII, Section 1701 (b.2) of the First Class Township Code, after the Proposed Budget has been made available for a period of at least twenty (20) days, the South Whitehall Township Board of Commissioners shall, after making revisions as appropriate, adopt the final budget not later than December 31. The Township has met (exceeded) its obligations to advertise the notice of availability of the Proposed Budget.

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

Appropriations as set forth within the 2024 Budget.

Enclosure

**SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2023-__

(Duly Adopted December 6, 2023)

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SOUTH WHITEHALL
TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, APPROVING THE BUDGET FOR
THE 2024 CALENDAR/FISCAL YEAR BEGINNING ON THE FIRST DAY OF JANUARY,
2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024**

WHEREAS, the Finance Department and Executive Office prepared a draft 2024 South Whitehall Township Proposed Budget for all funds (including the General Fund, Fire Fund, Water Fund, Sewer Fund, Refuse Fund, Capital Fund, Open Space Fund and Highway State Aid Fund) for the 2024 calendar/fiscal year in accordance with the requirements of First Class Township Code 53 P.S. §56701(b), as amended; and

WHEREAS, pursuant to Article XVII, Section 1701 of the First Class Township Code, the 2024 South Whitehall Township Proposed Budget has been advertised and available for public review for a period of twenty (20) days prior to the December 6, 2023 Board of Commissioners regular meeting, which is the date and time that was fixed by the Board of Commissioners for adoption of the 2024 South Whitehall Township Proposed Budget.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, as follows:

1. All “Whereas” clauses are incorporated herein and made a part of as though the same were more fully set forth at length.
2. The South Whitehall Township Board of Commissioners hereby estimates the revenues and appropriated expenditures from the fund equities, revenues, and other financing sources available for the 2024 calendar/fiscal year for the purposes set forth in the 2024 South Whitehall Township Proposed Budget.
3. Pursuant to Article XVII, Section 1701 (b.2) of the First Class Township Code, after the Proposed Budget has been made available for a period of at least twenty (20) days, the South Whitehall Township Board of Commissioners shall, after making revisions as appropriate, adopt the final budget not later than December 31.

4. The 2024 South Whitehall Township Proposed Budget as submitted and summarized by fund and subject to any revisions made via official action as deemed appropriate by the Board of Commissioners, is hereby approved and adopted as the Final Budget of South Whitehall Township for the 2024 calendar/fiscal year, which begins on the first day of January, 2024 and ends on the last day of December, 2024.
5. The 2024 South Whitehall Township Final Adopted Budget is incorporated herein as though more fully set forth at length as “Exhibit A”.

DULY ADOPTED, this 6th day of December, 2023 by a majority of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Resolution, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Resolution on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**

Diane Kelly, President

ATTEST:

Tricia Dickert, Township Secretary



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Motion

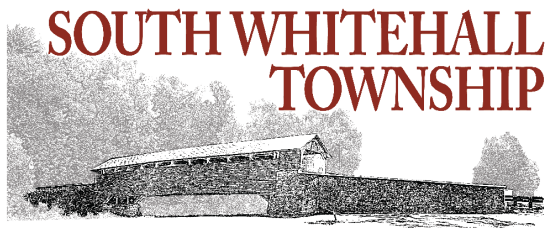
AGENDA SECTION: MOTIONS

SUBJECT: Motion Requesting Permission for Township Engineer to Conduct Corridor Analysis of Walbert Avenue, Huckleberry Road, Ridgeview Drive, Church Road and S.R. 309.

SUGGESTED ACTION:

ATTACHMENTS:

[Memorandum for Request for Traffic Study for Walbert, Huckleberry, Church and 309 Corridor.pdf](#)
[LTAP SWT Truck Assist 11012023- Church Road and Huckleberry.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 28, 2023
SUBJECT:	Approval of Motion: Request for Township Engineer to Conduct Corridor Analysis of Walbert Ave, Huckleberry Road, Church Road and S.R 309
COPY TO:	H. Bender; D. Manhardt; G. Dorney; T. Fehnel

- **Background Information:**

On October 30th, a site meeting was held with Brian Hite, who is the Transportation Planner for the Lehigh Valley Planning Commission and Herb Bender, who is the Director of Township Operations. The site meeting was requested by the Township in order to address an ongoing observed issue with wayward tractor trailer trucks that cannot find Pope Road for the manufacturing and trucking parking areas that are situated in the general vicinity of Pope Road.

The following was determined as a result of the site meeting:

- It was observed that the drivers of the tractor trailer trucks may not be able to clearly see the overhead street sign over Route 309 at the intersection of Pope Rd /Chapmans Road due to lighting and utility wires in front of the sign.
- It was recommended by Mr. Hite for the Township to engage the Township Engineer to contact the sign department of PennDOT District 5-0 to install a W2-1 intersection sign and supplemental W16—8aP with “Pope Road and Chapmans Road” on the approach shoulder of Route 309 Northbound in advance of the intersection. This new sign would provide enhanced awareness of the intersection/roadway the trucks are attempting to find. This would also help trucks turning left, westbound, on Chapmans Road for the growing warehousing and industrial area of the Township.
- It was also determined that Huckleberry Road at Church Road would benefit from additional truck restriction signs at the approaches on Huckleberry Road to the Intersection of Church Road. The Township must be cognizant that trucks are not likely to use Church Road and instead will attempt to use Ridgeview Drive to maneuver back to S.R. 309.
- It is recommended that the current truck restriction sign on Church have a supplemental sign on both sides and moved close to the intersection for visibility.
- Examples of the relevant signage are enclosed for reference.

Township Engineer Scope of Work:

- Provide a sketch with justification to PENNDOT for the installation of additional wayfinding sign for “Pope Road and Chapmans Road” in the appropriate location.
- Provide a sketch to the Township for the installation of additional signage in the appropriate location(s).
- Provide an analysis and documentation to the Township for the restriction of truck traffic on Ridgeview Drive from Walbert Avenue to Huckleberry Road.
- Provide an analysis of the intersection of Ridgeview Drive and Walbert Avenue to determine the effects of allowing trucks on Ridgeview Drive from Bulldog Drive to Walbert Avenue.

The fee for the above-referenced scope was confirmed by the Township Engineer as **(not to exceed) \$5,400**. The Township Engineer will invoice for their services on a time and expense basis for only those hours worked on the project, in accordance with the Township rate schedule.

- **Action Requested:**

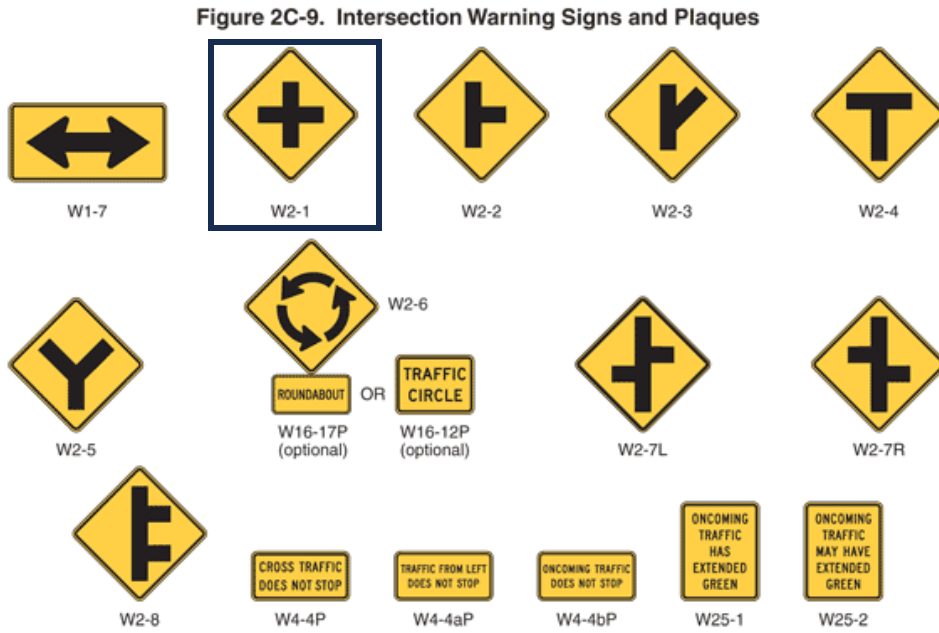
Following any discussion, the Township is requesting to proceed with the Township Engineer corridor study in an amount not to exceed \$5,400.00 and then forward the results of said study to the attention and for the consideration of the PennDOT District 5-0 Executive.

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

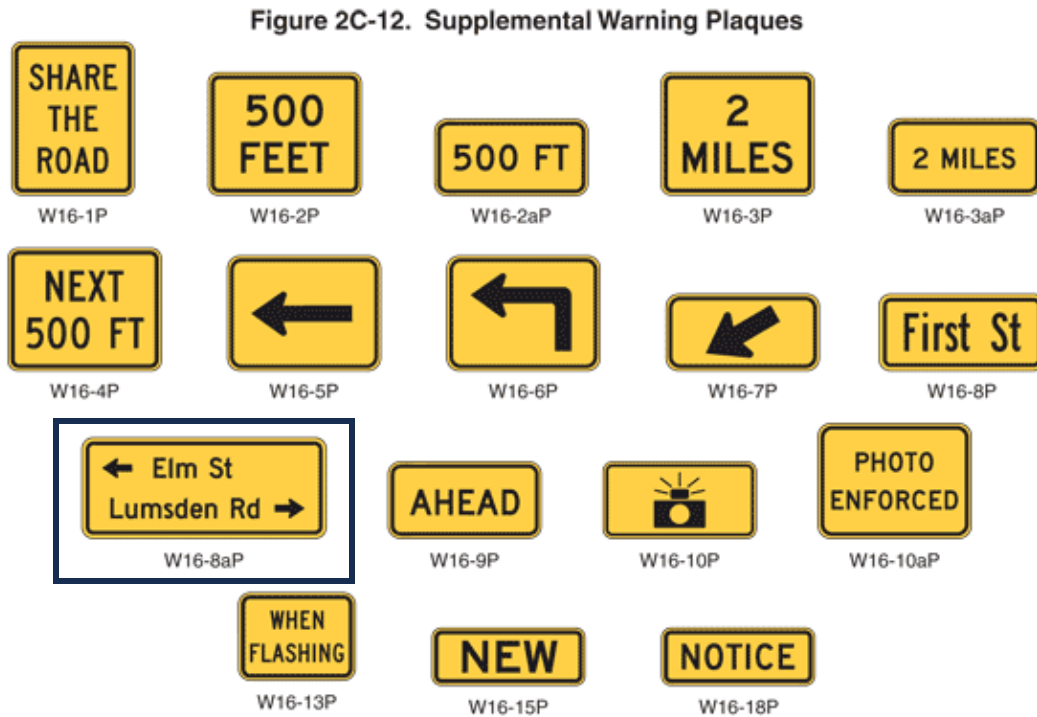
General Fund- Professional Services (Administration)- \$50,000.00 budgeted for 2023. To date, \$5,506.00 has been expended in this account, thereby leaving an amount available of \$44,494.00.

Enclosure (examples of signage)

2009 Edition Part 2 Figure 2C-9. Intersection Warning Signs and Plaques



2009 Edition Part 2 Figure 2C-12. Supplemental Warning Plaque

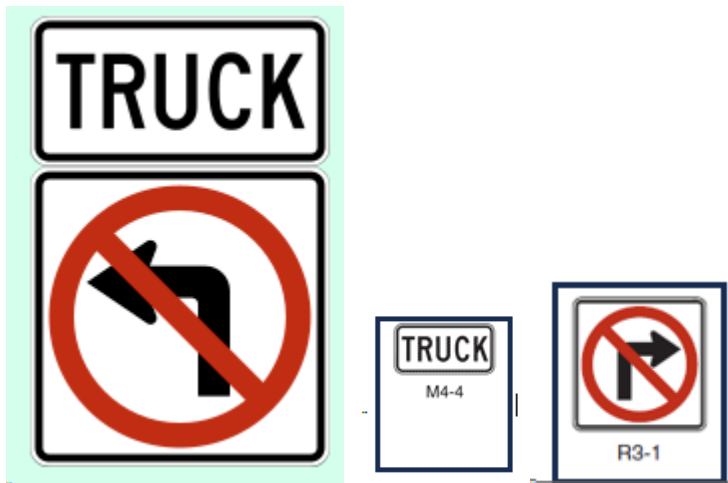
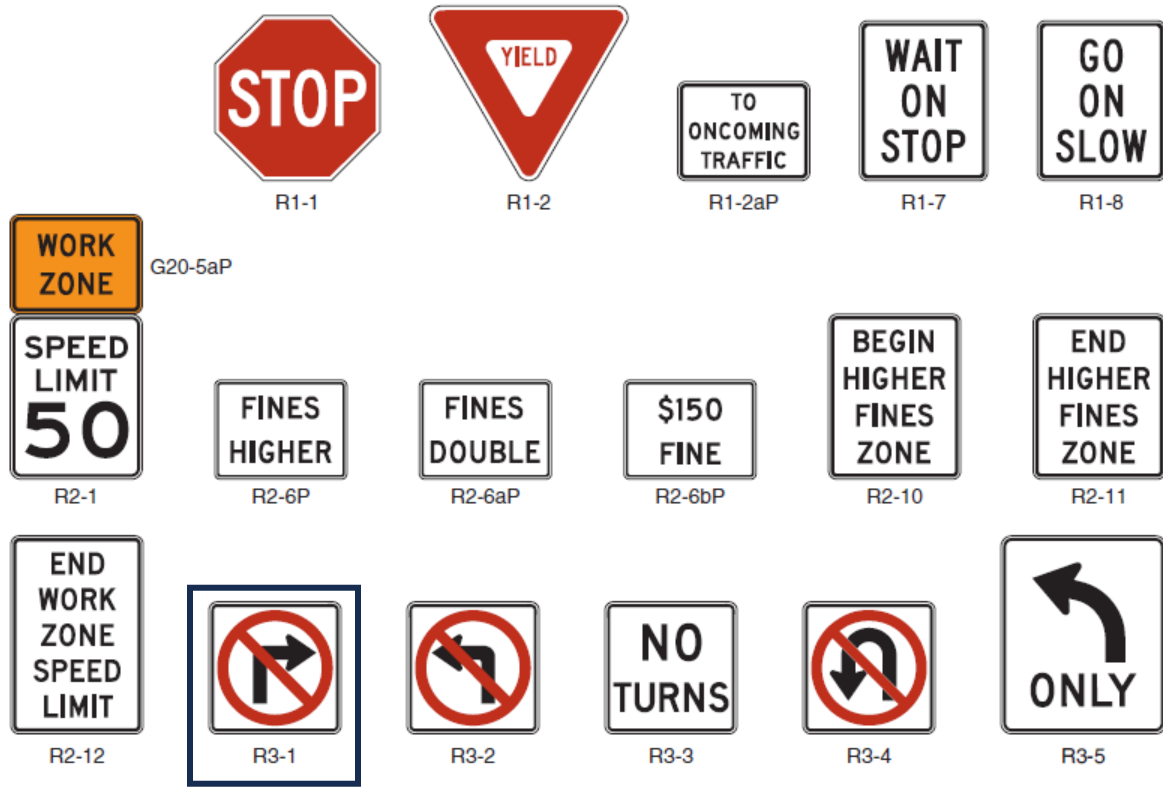


Note: The background color (yellow or fluorescent yellow-green) shall match the color of the warning sign that it supplements.



An example of a sign that could be placed on the northbound travel lanes approaching the intersection of Route 309 and Pope Road / Chapmans Road

Figure 6F-3. Regulatory Signs and Plaques in Temporary Traffic Control Zones
(Sheet 1 of 2)



An example of the signs that should be installed on the east and west bound directions of Huckleberry Road before the intersection of Church Road.



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Finance

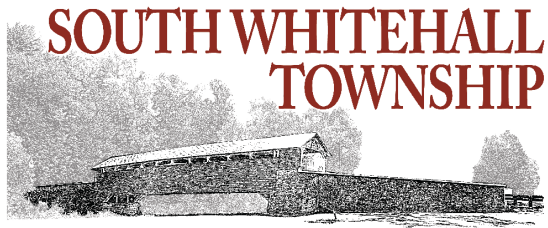
ITEM TYPE: Motion

AGENDA SECTION: MOTIONS

SUBJECT: Motion for Permission to Transfer \$1,500,000 from the Water Fund to the Water Fiscal Stability Fund.

SUGGESTED ACTION:

ATTACHMENTS:
[Memorandum Fiscal Stability \(Water Fund\) Transfer.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 28, 2023
SUBJECT:	Request for Approval of a Motion to Transfer \$1,500,000.00 from the Water Fund to the Water Fiscal Stability Fund
COPY TO:	H. Bender; T. Dickert; K. Blahnik; T. Fehnel

- **Action Requested:**

South Whitehall Township administration is respectfully requesting to transfer \$1,500,000.00 from the Water Fund to the Water Fiscal Stability Fund. The Finance Department has confirmed that this transfer will not result in any cash flow issues (after accounting for all known and anticipated expenditures for the rest of the fiscal year and the beginning of the 2024 fiscal year).

The current Annual Percentage Yield of the Water Fiscal Stability Fund is 5.64%, so the requested transferred amount of \$1,500,000.00 will result in \$7,050.00 in additional monthly revenue. Assuming no interest rate decreases by the Fed in 2024, this will result in \$84,600.00 in annual additional revenue. The total balance of the Water Fiscal Stability Fund following this transfer is forecasted to result in ~\$263,000.00 in revenue (again, assuming no additional transfers or emergency withdrawals or any interest reductions by the Fed). It is possible that a rate cut will occur by the Spring of 2024, per recent reports.

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

N/A



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Motion

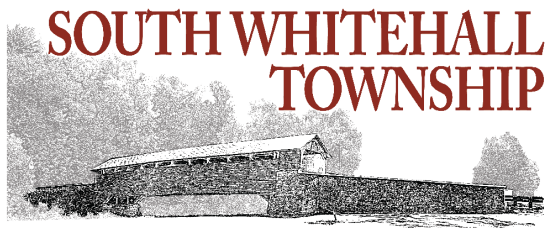
AGENDA SECTION: MOTIONS

SUBJECT: Motion to Authorize a Capital Purchase of a Server for Video Surveillance and Access Control Systems.

SUGGESTED ACTION:

ATTACHMENTS:

- [Memorandum- Approval of a Motion to Authorize Server Purchase.pdf](#)
- [Genetec Server Quote - Dec 2023.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 29, 2023
SUBJECT:	Request for Approval of a Motion to Authorize a Capital Purchase of a Server for Video Surveillance and Access Control Systems
COPY TO:	H. Bender; T. Dickert; K. Blahnik; D. Zackeru; R. Fehnel; G. Dorney; T. Fehnel

- **Background Information:**

Previously, the Township utilized CSI for its video surveillance and access control Information Technology needs. Thiel was authorized earlier this year to take over this service; Thiel then completed a survey of the existing system and performed a system software upgrade.

One of the findings of the survey was that the Township had one older server in use which was nearing its capacity and that was at the end of its warranty and support by Microsoft. In addition, the Township has recently learned that Microsoft will be discontinuing updates to servers from 2012 and older in 2024. (The server in question is a 2012).

The Township will have some funds left over in the 2023 General Fund Budget for Information Technology and we are requesting to use some of that for the purchase of a server utilizing 2023 budgeted funds. The quoted COSTARS contract price of the new server is \$17,877.50; the Township has confirmed the price is good through the end of the year.

The Township is seeking to utilize the General Fund Information Technology line item; however, since this server has a projected useful life of over five (years), it is considered a capital purchase; therefore, approval of the Board of Commissioners is required. This server was not budgeted in the 2023 or 2024 budgets due to the fact that the discontinuation of the server updates was not reported by Microsoft until recently.

- **Technical Summary:**

South Whitehall Township has two (2) servers which manage the video surveillance and access control for the Township and Police Department. One of the servers is over five (5) years old (2012) and is no longer under warranty. In addition, the increase in camera coverage due to the recent renovation has reduced the overall time available to archive video (to around thirty (30) days). This is impacting how long investigations can be stored. The Township is seeking to extend this to around ninety (90) days. The existing server has 42TB of storage and the new one would have approximately 120TB, which would allow for this. The recommendation is to replace the existing server with a new

server that includes a five (5) warranty and additional storage to support current needs and allow for future expansion.

- **Action Requested:**

Approval of a motion to authorize a capital purchase in the amount of \$17,877.50 for a server replacement for the video surveillance and access control system in use by the Township.

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

General Fund Line Item 01407002-40452 \$674,619.19 budgeted- amount available \$101,898.96

ESTIMATE



Thiel Strategic Communications
532 Hamilton St, Suite 10
Allentown, PA 18101

billing@thielstrategic.com
+1 (484) 553-4190
thielstrategic.com

South Whitehall Township

Bill to

Donna Zackeru
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104

Ship to

Donna Zackeru
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104

Estimate details

Estimate no.: 231031
Estimate date: 10/20/2023
Expiration date: 12/15/2023

#	Product or service	Qty	Rate	Amount
1.	SV-CFG-SRV-5.11 SV-CFG-SRV-5.11	1	\$0.00	\$0.00
2.	SV-2040E-R12-160T-16-410 Streamvault™ 2040E Series - 2U 12-Bay Appliance 160TB Raw RAID 6 1x Xeon Silver 4410Y 32GB RAM 2x 480GB M.2 SSD 10x 16TB 3.5" Enterprise HDDs 2x 1GbE RJ45 2x 1100W PSU Windows Server Standard 5YR NBD KYHD Warranty - Genetec™ Security Center pre-installed. License sold separately.	1	\$17,137.50	\$17,137.50
3.	COSTARS Contract Number: 040-E22-171 - Security and Surveillance & Fire Alarm Systems and Services			\$0.00
4.	Onsite Services Onsite delivery, installation, and configuration of replacement server. Labor does not include the recovery or transfer of existing video archives. Existing server will be left connected but offline to meet any required archive lengths to be compliant. Client to supply rack location, power, and connectivity for new server.	4	\$185.00	\$740.00
		Total		\$17,877.50

Note to customer

Estimate for replacement Genetec Server

Expiry
date

12/15/2023



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

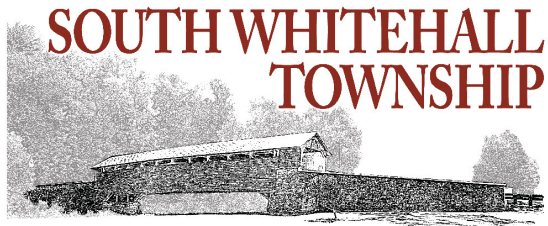
ITEM TYPE: Motion

AGENDA SECTION: MOTIONS

SUBJECT: Motion to Approve Codification Project for 2024.

SUGGESTED ACTION:

ATTACHMENTS:
[Memorandum for 2024 Codification Approval of Adopted 2023 Ordinances.pdf](#)
[South Whitehall SO2458 est 10 Estimate.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 28, 2023
SUBJECT:	Request for Approval of Motion: 2024 Codification Update (for 2023 Adopted Ordinances)
COPY TO:	H. Bender; T. Dickert; D. Zackeru; T. Fehnel; T. Harper

- **Action Requested (Two Separate Motions):**

A motion is requested to be approved by the Board of Commissioners to authorize Township personnel to proceed with executing a proposal with General Code to update the Code of the Township of South Whitehall. The relevant proposal from General Code is attached; the estimated cost range is between \$2,785.00 and \$3,615.00.

- **Background Information:**

The Code of the Township of South Whitehall is current through October 19, 2022. Codification is the professional service to formally (legally) incorporate adopted ordinances into the Code (both online and the hard copy) of South Whitehall Township. Following a review of this service last year, Township management staff is continuing with the previous recommendation to initiate the codification service at the conclusion of each year.

Township management have confirmed that the attached proposal includes adopted ordinances numbers 1068 through 1080.

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

01404102-40952 is the budgeted line item. \$10,000.00 was budgeted for 2023 and \$7,836.00 is available. To date, \$2,164.00 was spent on the renewal of the Township’s services with General Code (including the use of the eCode360 website).

Enclosure

TO: Tom Petrucci, Township Manager
petruccit@southwhitehall.com

FROM: Donna Post, Client Care
DPost@generalcode.com

CLIENT: Township of South Whitehall, PA
(SO2458)

RE: Supplement No. 10 Estimate

Dear Tom,

Thank you for the opportunity to provide an estimate for your current supplementation project. Please review the information below, and then click the appropriate button in the email to indicate if you authorize us to Proceed Now with the supplement or if you would prefer to Wait to Proceed.

Source Files:

We have reviewed 9 pieces of legislation for an update to the Township Code.

There were also 3 pieces of legislation that do not need to be codified.

For a detailed listing of the included legislation, refer to the Appendix at the end of this estimate.

We note the supplement contains extensive amendments pertaining to Chapter 350 - Zoning.

The estimate is based on proposed Ord. No. 1080. Once adopted please email a final adopted copy to ezsupp@generalcode.com for editorial review and codification.

Supplementation:

General Code will codify and supplement the legislation listed above which includes but is not limited to:

- Analysis of the new legislation and proper placement in the Code
- Removal of repealed or superseded provisions
- Updates to the Officials Page, Table of Contents, Disposition List, Appendixes, Index, Histories, Tables, Charts, and other items as necessary
- Review of statutory citations regarding the new legislation
- Any conflicts, inconsistencies, issues or questions identified at this point will be brought to the attention of the municipality for resolution prior to publication
- Insertion of cross reference and editor's notes, as appropriate
- Creation of instruction page for removing and inserting revised Code pages
- Printing of up to 6 sets of supplemental pages
- Update to eCode360

Price:

Between \$2,785.00 and \$3,615.00, which includes shipping and handling.

The final invoice will follow completion of the supplement.

- Any missing legislation received may result in additional costs.
- Any newly adopted legislation received after authorization for this supplement will be held until the next supplement, unless otherwise noted.

Payment Terms:

Available upon request

Authorization:

To authorize the supplement as outlined above, please use the PROCEED NOW button in the original email containing this estimate. This order is subject to General Code's Codification Terms and Conditions, which are available at <https://www.generalcode.com/terms-and-conditions-documents/>.

If you have any questions please feel free to contact me. Otherwise, please respond in our original email as to how you would like us to proceed.

Donna Post, Client Care
DPost@generalcode.com

Appendix

Legislation to be included in the code

Legislation Name	Adoption Date
Ordinance No. 1068	11/02/2022
Ordinance No. 1069	11/16/2022
Ordinance No. 1070	12/21/2022
Ordinance No. 1072	02/01/2023
Ordinance No. 1073	02/15/2023
Ordinance No. 1075	06/21/2023
Ordinance No. 1076	08/16/2023
Ordinance No. 1078	09/06/2023
Ordinance No. 1079	09/06/2023

Legislation that does not need to be codified

Legislation Name	Adoption Date
Ordinance No. 1071	12/21/2022
Ordinance No. 1074	05/03/2023
Ordinance No. 1077	08/16/2023



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

ITEM TYPE: Motion

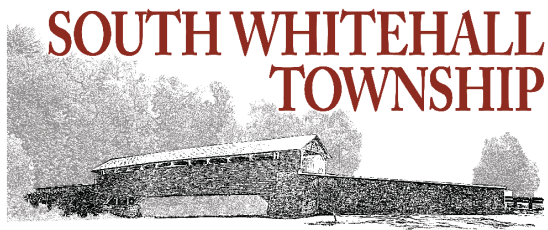
AGENDA SECTION: MOTIONS

SUBJECT: Motion to Approve South Whitehall Landscapes Plan Technical Consultant - Amount \$10,000.

SUGGESTED ACTION:

ATTACHMENTS:

- [2023.11.30 BOC Memo - South Whitehall Landscapes Plan - Plan Finalization and Consultant Engagement.pdf](#)
- [MBI Amendment No. 5_November 20 2023.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Chris Strohler, Long-Range Planner
DATE:	November 30, 2023
SUBJECT:	South Whitehall Landscapes Plan – Plan Finalization, Michael Baker International Technical Consultant
COPY TO:	T. Petrucci; H. Bender; D. Manhardt; T. Fehnel

• **Background Information:**

In June 2023, South Whitehall Township Community Development Department kicked off *South Whitehall Landscapes*, an Open Space, Historic, Agricultural, and Natural Resource Preservation Plan. This plan is an extension of the recently adopted 2023 South Whitehall Township Comprehensive Plan, and a step towards fulfilling the goals of the following Implementation Items:

- Item A3 – Agricultural Preservation
- Item H2 – Historic Preservation
- Item L1 – Landscape Preservation
- Item O1 – Open Space Preservation
- Item R3 – Resource Protection Ordinances

Staff have wrapped up the data collection, public engagement, and recommendation drafting processes and are now finalizing the draft plan. During the Comprehensive Planning process, the Township engaged Michael Baker International to assist with public engagement, technical services, and plan preparation. Now that the plan has been adopted and staff is working on implementation, Michael Baker International presents the attached amendment to the original planning assistance contract, offering the following services:

- Creation of a “transect” graphic, outlining the Open Space Designations introduced in the plan to help visualize the differences, relationships, and considerations of each designation.
- Further development and characterization of the proposed Open Space Designations, including a one-page description of each for the final plan.
- Assistance with design and formatting of the final plan for consistency with the Comprehensive Plan, including graphic support.

Staff is of the opinion that additional professional support to further develop the Open Space Designations will help to better inform all Township departments and boards as to the purpose, function, and management considerations of different categories of open space. Staff believes that having a clear vision for open space categories will also help educate the public as to the Township’s open space preservation goals.

A “transect” is best described as a tool to help visualize and understand how an environment varies from place to place. It cuts a cross section along a spectrum of environments to show scales of intensity. For example, this can show the transition from the natural to the built environment or in the case of this plan, the transition from more natural open space to maintained open space. An example of a transect is on the following page.

Sample Transect



Although the Michael Baker International scope of services is presented as an amendment to the existing contract, this should be considered as a new agreement and will require the authorization of additional funding spent on this new scope. The total lump sum for the services offered is \$10,438.00 and if authorized, all deliverables are anticipated to be completed by the end of 2023.

- **Action Requested:**

Staff is requesting authorization to execute the attached amendment to the contract with Michael Baker International to complete the outlined scope of services for a total of \$10,438.00.

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

01-46-460-0000-000-0000-02-40312

- **Attachments:**

Michael Baker International Amendment #5 Proposal

SUPPLEMENT to AGREEMENT
AMENDMENT NO. 5
TO
STANDARD CLIENT AGREEMENT
FOR
PROFESSIONAL SERVICES

THIS AGREEMENT, entered into this _____ day of November 2023, hereinafter referred to as Amendment No. 5, by and between Michael Baker International, Inc., a Pennsylvania corporation located at 645 W. Hamilton Street, Suite 206, Allentown PA 18101, hereinafter referred to as "MICHAEL BAKER", and South Whitehall Township, a Pennsylvania Municipal Corporation and Township of the First Class, located at 4444 Walbert Avenue, Allentown, PA 18104, hereinafter referred to as "CLIENT".

WHEREAS, MICHAEL BAKER and CLIENT have entered into an agreement on December 18, 2020 (hereinafter referred to as Original Agreement) for certain professional and technical services, and executed Amendment No. 1 on January 15, 2021, executed Amendment No. 2 on July 6, 2021, executed Amendment No. 3 on February 28, 2022, and executed Amendment No. 4 on May 23, 2022,

WHEREAS, CLIENT desires to amend the Original Agreement in accordance with Articles 7 and 22 thereof to have MICHAEL BAKER perform additional professional and technical services, and MICHAEL BAKER desires to perform such services,

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and intending to be legally bound hereby, the parties hereto agree as follows:

I. SCOPE OF SERVICES

In addition to technical services specified in the original Agreement, MICHAEL BAKER shall perform in a proper manner, satisfactory to CLIENT and in accordance with recognized codes of practice, the technical services as more fully described in Attachment A - "Scope of Services" which is attached hereto and incorporated herein by reference.

II. TIME OF PERFORMANCE

The services to be performed hereunder shall commence upon receipt by MICHAEL BAKER of a written "Notice to Proceed" from CLIENT or executed Amendment No. 5 and shall be completed in accordance with the schedules set forth by CLIENT.

III. COMPENSATION AND PAYMENT

For satisfactory performance of the services in accordance with the recognized codes of practice as described above, CLIENT shall pay to MICHAEL BAKER the compensation provided for in Attachment B - "Payment" which is attached hereto and incorporated herein by

reference. All other terms and conditions for compensation and payment shall be in accordance with the Original Agreement.

IV. TERMS AND CONDITIONS

All other terms and conditions of the Original Agreement shall remain in effect, unless otherwise specified herein.

V. SUPPLEMENTS TO AGREEMENT

The following exhibits, supplements or addendums form an integral part of this Amendment No. 5:

- Attachment "A" - Scope of Services
- Attachment "B" - Payment

VI. ENTIRE AGREEMENT

Amendment Nos. 1, 2, 3, and 4 and the Original Agreement constitute the whole agreement between the parties with respect to the subject matter contained herein and there are no terms other than those contained therein. No modification or amendment of this Amendment No. 5 shall be valid unless in writing and signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives have executed this Amendment No. 5 as of the date first written above.

WITNESS: **MICHAEL BAKER INTERNATIONAL, INC.**

_____ By: _____
Name: Ralph Eberhardt
Title: Vice President

WITNESS: **SOUTH WHITEHALL TOWNSHIP**

_____ By: _____
Name: _____
Title: _____

ATTACHMENT A
SCOPE OF SERVICES
INCORPORATED BY REFERENCE

between

MICHAEL BAKER INTERNATIONAL, INC.
(MICHAEL BAKER)

AND

SOUTH WHITEHALL TOWNSHIP
(CLIENT)

South Whitehall Township Open Space Plan & Open Space Transect

The Michael Baker team will provide technical and design support for the Township's Open Space Plan, inclusive of plan design and formatting and the design of an open space transect.

Introduction:

As an early implementation item from their Comprehensive Plan, South Whitehall Township is creating an Open Space Plan. During the Open Space Plan process, seven open space designations were identified, each with unique characteristics, maintenance requirements, and ownership. To illustrate these seven open space designations and to help create a shared community understanding of the different types of open space, South Whitehall Township wants to create an open space transect graphic to include in the Open Space Plan. Additionally, South Whitehall Township is seeking assistance in designing the final plan report using similar a similar branding from the Comprehensive Plan.

Scope of Work

The following scope of work (SOW) includes details on the consultant team, task description, deliverables, and timeline.

Consultant Team

- Samantha McLean, AICP, LEED Green Associate will serve as the Project Manager and main point of contact for the Open Space Plan and Transect task.
- Peter Quintanilla, National Director of the Michael Baker Design Hub, will serve as the Senior Urban Designer for this project and be responsible for the creation of the transect graphic.
- Tonya Brown, CPRP, will provide subject matter expertise on associated active open space characteristics (definitions, maintenance, ownership, etc.).

- Gabriella Sabwa, Junior Planner, will provide support for the project if Optional Plan Design Task is pursued.

Task Description

The Michael Baker team will create a transect of open space, highlighting from the most natural condition to the most manicured and active condition. This includes natural areas, parks, and farmland of different scales. The illustration will align with the seven open space designations determined during the Open Space Plan process, along with any other identified open spaces that are missing, such as a public plaza/community space.

South Whitehall Township has already created a list of characteristics, including size, descriptions, maintenance, and ownership. In collaboration with the development of the open space transect illustration, the Michael Baker team will review these lists and to determine if any additional context or considerations should be added based on previous experience with open space plans. Michael Baker will also integrate these characteristics into a one-page design that will complement the transect illustration.

In addition to the Open Space Transect, Michael Baker will format the Open Space Plan in InDesign to create a polished, public-facing plan document. Michael Baker provided graphic design support for the South Whitehall Township Comprehensive Plan. The same branding and format will be used for the Open Space Plan to create consistency. This design support would include:

- Formatting the Word document content into an InDesign layout
- Redesigning tables or graphs to align with the branding
- Creation of graphics to support the text of the plan

Deliverables:

- JPEG/PNG of the complete transect illustration in color
- Photoshop file of transect illustration
- Updated list of characteristics for each open space designation
- InDesign file of formatted plan

Timeline

This timeline is based on a written proceed with work notice by December 7, 2023.

- Draft transect graphic and associated descriptions – December 21st
- Draft Report Document – December 21st
- Final transect graphic and associated descriptions – December 29th
- Final Report Document – December 29th

ATTACHMENT B
PAYMENT

INCORPORATED BY REFERENCE
between

MICHAEL BAKER INTERNATIONAL, INC.
(MICHAEL BAKER)

AND

SOUTH WHITEHALL TOWNSHIP
(CLIENT)

A total lump sum price for the Open Space Plan & Transect Scope of Work is \$10,438.

Fee schedule for additional work through 12/31/23 unless additional scope and price are mutually agreed to:

Classification	Hourly Billing Rate
Project Manager, Senior Planner	\$128
Senior Urban Designer	\$223
Certified Parks and Recreation Professional	\$128
Junior Planner	\$88



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

ITEM TYPE: Motion

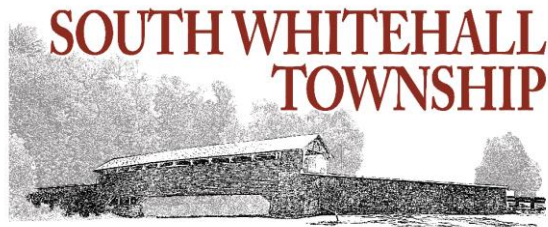
AGENDA SECTION: MOTIONS

SUBJECT: Motion to Authorize Ridge Farms Phase 1-A Improvements Security Release #1.

SUGGESTED ACTION:

ATTACHMENTS:

[2023.11.29 CD PLANNING - BOC Packet Excerpt Phase 1A Improvements Security Release Certification No. 1 - 2017-101.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	November 29, 2023
SUBJECT:	Ridge Farm Phase 1A Improvements Security Release Certification #1
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

• **Background Information:**

An application to develop the properties located at Huckleberry Road PIN 548746422139. The plan proposes one 30,000 square-foot medical office; the construction of approximately 265 linear feet of Road F and the north side of the Walbert Avenue/Office Center Road intersection; the construction of approximately 240 linear feet of Road G and the driveway onto Walbert Avenue; the construction of the entire commercial village “Main Street”; right-of-way improvements along the entire northern frontage of Walbert Avenue east of Cedar Crest Boulevard and along approximately 515 linear feet of the eastern frontage of Cedar Crest Boulevard north of Walbert Avenue; and associated stormwater management facilities on a 9.15-acre portion of the 111.1787 acre tract. The property is zoned R-10 and TND-Residential Cluster Overlay District and is being developed as a TND-Residential Cluster Overlay. Kay Walbert LLC is the equitable owner and applicant.

The project was approved by the Board of Commissioners at their April 6, 2022 meeting through Resolution 2022-48. The applicant has secured \$3,570,877.33 in improvements. The plan was recorded on July 5, 2023 and construction started shortly afterwards. The applicant has completed some of the required improvements and has requested a release of security for the completed improvements. The Township Engineer’s office and staff conducted inspections to confirm and document the construction of the required improvements and are authorizing the release of \$239,103.48. The detailed documentation supporting the release is shown in the attached Security Release Certification.

• **Action Requested:**

Authorize the Township Manager to sign the security release letter to the financial institution.

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

Not applicable.

• **Attachments:**

Township Engineer’s Improvements Security Release Certification #1

November 29, 2023

via e-mail

Mr. David Manhardt, AICP
Director of Community Development
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104-1699

Re: South Whitehall Township
Ridge Farms – Phase 1A
Improvements Security Release
Certification No. 1 (Revised)
SW2017101

As requested

Enclosed

For your information

By messenger

For your review and comment

Other For final approval and processing

One original of the executed Improvements Security Release Certification No. 1 (Revised) for the referenced project. The amount we recommend be released for Category I is \$200,528.13 and the Township Water and Sanitary Sewer Engineer recommends for Category IB is \$38,575.35 for a total release of \$239,103.48.

According to our records, the balance remaining after Improvements Security Release Certification No. 1 (Revised) for Categories I, IA, IB, II, III, and deferred items should be \$3,331,773.85, which should be confirmed.

THE PIDCOCK COMPANY



Theodore Bigatel
Manager, Field Services

map/laf

xc/enc: and xc: See Page 2

xc/enc: Mr. Thomas R. Petrucci, MPA, Township Manager
South Whitehall Township via e-mail
Mr. Gregg R. Adams, Planner, Community Development Department
South Whitehall Township via e-mail
Mr. Herb Bender, Director of Township Operations
South Whitehall Township via e-mail
Mr. Mike Elias, Public Works Utility and MS4 Program Coordinator
South Whitehall Township via e-mail
Joseph A. Zator, II, Esq., South Whitehall Township Solicitor
Zator Law via e-mail
Jennifer R. Alderfer, Esq., Assistant South Whitehall Township Solicitor
Zator Law via e-mail
Mr. Christopher A. Taylor, PG, Senior Geologist
Hanover Engineering Associates, Inc. via e-mail
Mr. Jason M. Newhard, CCM, LO, Manager, Construction Management Services
Spotts, Stevens and McCoy via e-mail
Mr. James Chrin
Kay Builders, Inc. via e-mail
Ms. Melissa N. Woodruff, Executive Assistant Site & Land Development
Kay Builders via e-mail
xc: Mr. J. Scott Pidcock, PE, RA, Township Engineer

THE PIDCOCK COMPANY

SHEET 1 OF 11

TOTAL CAT 1 IMPROVEMENTS SECURITY AMOUNT: \$2,083,369.20

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE 1A

OWNER: KAY WALBERT LLC

DATE ESTABLISHED: JULY 5, 2022; Revised July 19, 2022

Category I - Construction Items to be Released by Township Engineer

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

ITEM NO	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Walbert Avenue Right-of-Way Construction										
1	Excavation of Right-of-way Area to Rough Grade	C.Y.	2,100	\$7.00	\$14,700.00	2,100	2,100	\$14,700.00	\$14,700.00	\$0.00
2	Sidewalk Area Fine Grading (Includes Respreding of Topsoil, Seeding, and Mulching)	S.Y.	2,000	\$8.00	\$16,000.00	0	0	\$0.00	\$0.00	\$16,000.00
3	Concrete Sidewalk	S.F.	9,500	\$10.00	\$95,000.00	0	0	\$0.00	\$0.00	\$95,000.00
4	Concrete Handicapped Ramps w/Detectable Warning System	S.F.	1,290	\$46.00	\$59,340.00	0	0	\$0.00	\$0.00	\$59,340.00
						0	0	\$0.00	\$0.00	\$0.00
Cedar Crest Blvd. Right-of-Way Construction										
1	Excavation of Right-of-way Area to Rough Grade	C.Y.	400	\$7.00	\$2,800.00	400	400	\$2,800.00	\$2,800.00	\$0.00
2	Sidewalk Area Fine Grading (Includes Respreding of Topsoil, Seeding, and Mulching)	S.Y.	350	\$8.00	\$2,800.00	0	0	\$0.00	\$0.00	\$2,800.00
3	Concrete Handicapped Ramps w/Detectable Warning System	S.F.	375	\$46.00	\$17,250.00	0	0	\$0.00	\$0.00	\$17,250.00
Recreation Trail										
1	Earth Excavation	C.Y.	400	\$7.00	\$2,800.00	0	0	\$0.00	\$0.00	\$2,800.00
2	Subgrade	S.Y.	625	\$2.00	\$1,250.00	0	0	\$0.00	\$0.00	\$1,250.00
3	Subbase (6" PENNDOT 2A)	S.Y.	625	\$9.00	\$5,625.00	0	0	\$0.00	\$0.00	\$5,625.00
4	3 1/2" Superpave Asphalt Mixture Design, 25 mm, Base Course, PG. 64S-22, 0 to 0.3 Million ESAL's	S.Y.	625	\$21.00	\$13,125.00	0	0	\$0.00	\$0.00	\$13,125.00
5	1 1/2" Superpave Asphalt Mixture Design, 9.5 mm, Wearing Course, PG. 64S-22, 0 to 0.3 Million ESAL's	S.Y.	625	\$11.00	\$6,875.00	0	0	\$0.00	\$0.00	\$6,875.00
6	Topsoil (4"), Seeding and Mulching	S.Y.	450	\$5.00	\$2,250.00	0	0	\$0.00	\$0.00	\$2,250.00
Water Distribution System										
1	Pavement Restoration Temporary - State Highway	L.F.	80	\$35.00	\$2,800.00	40	40	\$1,400.00	\$1,400.00	\$1,400.00
2	Pavement Restoration Flexible - State Highway	L.F.	80	\$120.00	\$9,600.00	0	0	\$0.00	\$0.00	\$9,600.00
3	Pavement Milling	S.Y.	100	\$10.00	\$1,000.00	0	0	\$0.00	\$0.00	\$1,000.00
4	Pavement Sawcutting	L.F.	200	\$5.00	\$1,000.00	100	100	\$500.00	\$500.00	\$500.00
5	Trench Backfill (PENNDOT 2A Aggregate)	C.Y.	50	\$35.00	\$1,750.00	25	25	\$875.00	\$875.00	\$875.00

THE PIDCOCK COMPANY

SHEET 2 OF 11

TOTAL CAT. I IMPROVEMENTS SECURITY AMOUNT: \$2,083,369.20

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE 1A

OWNER: KAY WALBERT LLC

DATE ESTABLISHED: JULY 5, 2022; Revised July 19, 2022

Category I - Construction Items to be Released by Township Engineer

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

ITEM NO	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Storm Sewer System										
1	15" HDPE Pipe	L.F.	1,269	\$40.00	\$50,760.00	41	41	\$1,640.00	\$1,640.00	\$49,120.00
2	18" HDPE Pipe	L.F.	292	\$45.00	\$13,140.00	168	168	\$7,560.00	\$7,560.00	\$5,580.00
3	24" HDPE Pipe	L.F.	1,325	\$55.00	\$72,875.00	754	754	\$41,470.00	\$41,470.00	\$31,405.00
4	30" HDPE Pipe	L.F.	331	\$75.00	\$24,825.00	0	0	\$0.00	\$0.00	\$24,825.00
5	42" HDPE Pipe	L.F.	554	\$100.00	\$55,400.00	37	37	\$3,700.00	\$3,700.00	\$51,700.00
6	48" HDPE Pipe	L.F.	318	\$120.00	\$38,160.00	0	0	\$0.00	\$0.00	\$38,160.00
7	Standard Inlet (Up to 8' Deep)	EA.	31	\$3,000.00	\$93,000.00	4	4	\$12,000.00	\$12,000.00	\$81,000.00
8	Inlet (Type 4 Box)	EA.	1	\$4,500.00	\$4,500.00	0	0	\$0.00	\$0.00	\$4,500.00
9	Inlet (Type 5 Box)	EA.	1	\$6,500.00	\$6,500.00	0	0	\$0.00	\$0.00	\$6,500.00
10	Standard Storm Sewer Manhole	EA.	20	\$3,600.00	\$72,000.00	7	7	\$25,200.00	\$25,200.00	\$46,800.00
11	5' Diameter Storm Sewer Manhole	EA.	6	\$6,000.00	\$36,000.00	0	0	\$0.00	\$0.00	\$36,000.00
12	Endwall Type "D-W" w/Security Grate (up to 30" pipe)	EA.	4	\$4,000.00	\$16,000.00	2	2	\$8,000.00	\$8,000.00	\$8,000.00
13	Endwall Type "D-W" w/Security Grate (over 30" pipe)	EA.	4	\$8,000.00	\$32,000.00	1	1	\$8,000.00	\$8,000.00	\$24,000.00
14	Rock Excavation (Assume 1/10 CY/LF of Pipe)	C.Y.	409	\$60.00	\$24,540.00	100	100	\$6,000.00	\$6,000.00	\$18,540.00
Infiltration Basin 1										
1	Earth Excavation	C.Y.	2,200	\$6.00	\$13,200.00	2,200	2,200	\$13,200.00	\$13,200.00	\$0.00
2	Rock Excavation (5% of Earth Excavation)	C.Y.	110	\$50.00	\$5,500.00	110	110	\$5,500.00	\$5,500.00	\$0.00
3	Outlet Control Structure	EA.	1	\$5,000.00	\$5,000.00	1	1	\$5,000.00	\$5,000.00	\$0.00
4	Topsoil (6"), Seeding and Mulching	S.Y.	1,475	\$6.00	\$8,850.00	485	485	\$2,910.00	\$2,910.00	\$5,940.00
Infiltration Basin 2										
1	Earth Excavation	C.Y.	4,325	\$6.00	\$25,950.00	4,325	4,325	\$25,950.00	\$25,950.00	\$0.00
2	Rock Excavation (5% of Earth Excavation)	C.Y.	216	\$50.00	\$10,800.00	216	216	\$10,800.00	\$10,800.00	\$0.00
3	Outlet Control Structure	EA.	1	\$5,000.00	\$5,000.00	1	1	\$5,000.00	\$5,000.00	\$0.00
4	Topsoil (6"), Seeding and Mulching	S.Y.	1,925	\$6.00	\$11,550.00	635	635	\$3,810.00	\$3,810.00	\$7,740.00
Infiltration Basin 10										
1	Earth Excavation	C.Y.	3,575	\$6.00	\$21,450.00	3,575	3,575	\$21,450.00	\$21,450.00	\$0.00
2	Rock Excavation (5% of Earth Excavation)	C.Y.	179	\$50.00	\$8,950.00	179	179	\$8,950.00	\$8,950.00	\$0.00

THE PIDCOCK COMPANY

TOTAL CAT I IMPROVEMENTS SECURITY AMOUNT: \$2,083,369.20

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE 1A

OWNER: KAY WALBERT LLC

DATE ESTABLISHED: JULY 5, 2022, Revised July 19, 2022

Category 1 - Construction Items to be Released by Township Engineer

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

ITEM NO	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
3	Outlet Control Structure	EA.	1	\$5,000.00	\$5,000.00	1	1	\$5,000.00	\$5,000.00	\$0.00
4	Protective Fencing (6' High Chain Link)	L.F.	754	\$58.00	\$43,732.00	0	0	\$0.00	\$0.00	\$43,732.00
5	Double Leaf Fence Gate (Chain Link - 12' Wide)	EA.	1	\$3,000.00	\$3,000.00	0	0	\$0.00	\$0.00	\$3,000.00
6	Topsoil (6"), Seeding and Mulching	S.Y.	3,150	\$6.00	\$18,900.00	1,030	1,030	\$6,180.00	\$6,180.00	\$12,720.00
7	Erosion Control Blanket (NAG S75)	S.Y.	3,150	\$2.00	\$6,300.00	1,030	1,030	\$2,060.00	\$2,060.00	\$4,240.00
Underground Bed #1 Basin										
1	Earth Excavation	C.Y.	2,100	\$6.00	\$12,600.00	0	0	\$0.00	\$0.00	\$12,600.00
2	Rock Excavation (5% of Earth Excavation)	C.Y.	105	\$50.00	\$5,250.00	0	0	\$0.00	\$0.00	\$5,250.00
3	Outlet Control Structure	EA.	1	\$5,000.00	\$5,000.00	0	0	\$0.00	\$0.00	\$5,000.00
4	AASHTO #3 Stone Aggregate	C.Y.	1,100	\$35.00	\$38,500.00	0	0	\$0.00	\$0.00	\$38,500.00
5	30" Perforated HDPE Pipe	L.F.	2,400	\$75.00	\$180,000.00	0	0	\$0.00	\$0.00	\$180,000.00
6	HDPE Fittings	L.S.	JOB	\$60,000.00	\$60,000.00	0	0	\$0.00	\$0.00	\$60,000.00
Rain Garden #4										
1	Earth Excavation	C.Y.	575	\$6.00	\$3,450.00	0	0	\$0.00	\$0.00	\$3,450.00
2	Rock Excavation (5% of Earth Excavation)	C.Y.	28	\$50.00	\$1,400.00	0	0	\$0.00	\$0.00	\$1,400.00
3	Outlet Control Structure	EA.	1	\$5,000.00	\$5,000.00	0	0	\$0.00	\$0.00	\$5,000.00
4	Topsoil (6"), Seeding and Mulching	S.Y.	475	\$6.00	\$2,850.00	0	0	\$0.00	\$0.00	\$2,850.00
5	Erosion Control Blanket (NAG S75)	S.Y.	475	\$2.00	\$950.00	0	0	\$0.00	\$0.00	\$950.00
Rain Garden #5										
1	Earth Excavation	C.Y.	500	\$6.00	\$3,000.00	0	0	\$0.00	\$0.00	\$3,000.00
2	Rock Excavation (5% of Earth Excavation)	C.Y.	25	\$50.00	\$1,250.00	0	0	\$0.00	\$0.00	\$1,250.00
3	Outlet Control Structure	EA.	1	\$5,000.00	\$5,000.00	0	0	\$0.00	\$0.00	\$5,000.00
4	Topsoil (6"), Seeding and Mulching	S.Y.	700	\$6.00	\$4,200.00	0	0	\$0.00	\$0.00	\$4,200.00
5	Erosion Control Blanket (NAG S75)	S.Y.	700	\$2.00	\$1,400.00	0	0	\$0.00	\$0.00	\$1,400.00
Sanitary Sewer										
1	Pavement Restoration Temporary - State Highway	L.F.	160	\$35.00	\$5,600.00	160	160	\$5,600.00	\$5,600.00	\$0.00
2	Pavement Restoration Flexible - State Highway	L.F.	160	\$120.00	\$19,200.00	120	120	\$14,400.00	\$14,400.00	\$4,800.00
3	Pavement Milling	S.Y.	100	\$10.00	\$1,000.00	0	0	\$0.00	\$0.00	\$1,000.00
4	Pavement Sawcutting	L.F.	400	\$5.00	\$2,000.00	400	400	\$2,000.00	\$2,000.00	\$0.00

THE PIDCOCK COMPANY

SHEET 4 OF 11

TOTAL CAT. I IMPROVEMENTS SECURITY AMOUNT: \$2,083,369.20

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE 1A


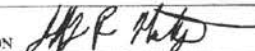

OWNER: KAY WALBERT LLC

DATE ESTABLISHED: JULY 5, 2022, Revised July 19, 2022

Category I - Construction Items to be Released by Township Engineer

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

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						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
5	Trench Backfill (PENNDOT 2A Aggregate)	C.Y.	250	\$35.00	\$8,750.00	250	250	\$8,750.00	\$8,750.00	\$0.00
	Miscellaneous Improvements									
1	Permanent Concrete Monuments	EA.	11	\$225.00	\$2,475.00	0	0	\$0.00	\$0.00	\$2,475.00
2	Under Elec., CATV & Phone Facilities -	L.F.	250	\$25.00	\$6,250.00	0	0	\$0.00	\$0.00	\$6,250.00
3	Temporary Soil Erosion and Sedimentation Control Measures	L.S. JOB		\$200,000.00	\$200,000.00	25%	25%	\$50,000.00	\$50,000.00	\$150,000.00
4	Temporary Traffic Control & Protection	L.S. JOB		\$25,000.00	\$25,000.00	30%	30%	\$7,500.00	\$7,500.00	\$17,500.00
5	Lanta Bus Shelter	L.S. JOB		\$25,000.00	\$25,000.00	0%	0%	\$0.00	\$0.00	\$25,000.00
6	Construction Contingencies (Extra Earth, Sinkhole Repair, Existing Utility Conflicts, Unforeseen Items, etc.)	L.S. JOB		\$280,000.00	\$280,000.00	0%	0%	\$0.00	\$0.00	\$280,000.00
	ESTIMATED COST OF CONSTRUCTION - CATEGORY I				\$1,893,972.00			\$337,905.00	\$337,905.00	\$1,556,067.00
	10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY I PER MPC				\$189,397.20			\$33,790.50	\$33,790.50	\$155,606.70
	<i>Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$771,875.00)</i>				\$2,083,369.20			\$371,695.50	\$371,695.50	\$1,711,673.70

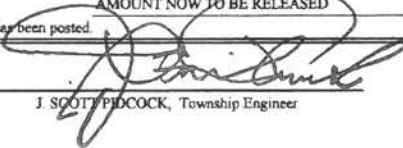
SUBMITTED BY: 
 APPROVAL RECOMMENDED BY: 
 CONSTRUCTION OBSERVATION DIVISION
 MUNICIPAL DIVISION 

DATE: 11-29-23
 DATE: 11/29/2023
 DATE: 11/29/2023

TOTAL AMOUNT EARNED \$337,905.00
 PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC \$33,790.50
 LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED) \$171,167.37
 NET AMOUNT TO BE RELEASED* \$200,528.13
 AMOUNT PREVIOUSLY RELEASED \$0.00
 AMOUNT NOW TO BE RELEASED \$200,528.13

* May not exceed 85% of TOTAL CATEGORY I SECURITY AMOUNT until separate maintenance security has been posted.

We have reviewed this request for the release of security and concur that the work listed hereon has been performed


 J. SCOTT PIDCOCK, Township Engineer

11-29-2023
 DATE

THE PIDCOCK COMPANY

TOTAL CAT 1A IMPROVEMENTS SECURITY AMOUNT: \$393,184.00

DEVELOPMENT: RIDGE FARMS

SECTION PHASE 1A

OWNER KAY WALBERT, LLC

DATE ESTABLISHED: JULY 5, 2022, Revised July 19, 2022

Category 1A - Construction Items to be Released by Township's Geotechnical Consultant

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
	Infiltration Basin 1									
1	Subgrade	S.Y.	825	\$2.00	\$1,650.00	825	825	\$1,650.00	\$1,650.00	\$0.00
2	Scarified Subgrade	S.Y.	825	\$10.00	\$8,250.00	0	0	\$0.00	\$0.00	\$8,250.00
3	Basin Conversion	L.S.	JOB	\$50,000.00	\$50,000.00	0	0	\$0.00	\$0.00	\$50,000.00
	Infiltration Basin 2									
1	Subgrade	S.Y.	3,250	\$2.00	\$6,500.00	3,250	3,250	\$6,500.00	\$6,500.00	\$0.00
2	Scarified Subgrade	S.Y.	3,250	\$10.00	\$32,500.00	0	0	\$0.00	\$0.00	\$32,500.00
3	Basin Conversion	L.S.	JOB	\$50,000.00	\$50,000.00	0	0	\$0.00	\$0.00	\$50,000.00
	Infiltration Basin 10									
1	Subgrade	S.Y.	2,150	\$2.00	\$4,300.00	0	0	\$0.00	\$0.00	\$4,300.00
2	Scarified Subgrade	S.Y.	2,150	\$10.00	\$21,500.00	0	0	\$0.00	\$0.00	\$21,500.00
3	Basin Conversion	L.S.	JOB	\$50,000.00	\$50,000.00	0	0	\$0.00	\$0.00	\$50,000.00
	Underground Bed #1 Basin									
1	Subgrade	S.Y.	1,225	\$2.00	\$2,450.00	0	0	\$0.00	\$0.00	\$2,450.00
2	Geotextile Fabric	S.Y.	3,000	\$2.50	\$7,500.00	0	0	\$0.00	\$0.00	\$7,500.00
	Rain Garden #4									
1	Subgrade	S.Y.	425	\$2.00	\$850.00	0	0	\$0.00	\$0.00	\$850.00
2	24" Planting Mix	S.Y.	425	\$10.00	\$4,250.00	0	0	\$0.00	\$0.00	\$4,250.00
3	Plantings	L.S.	JOB	\$3,500.00	\$3,500.00	0	0	\$0.00	\$0.00	\$3,500.00
	Rain Garden #5									
1	Subgrade	S.Y.	250	\$2.00	\$500.00	0	0	\$0.00	\$0.00	\$500.00
2	24" Planting Mix	S.Y.	250	\$10.00	\$2,500.00	0	0	\$0.00	\$0.00	\$2,500.00
3	Plantings	L.S.	JOB	\$2,500.00	\$2,500.00	0	0	\$0.00	\$0.00	\$2,500.00
	Retaining Wall #27									
1	Earth Excavation and Subgrade Preparation	C.Y.	15	\$10.00	\$150.00	0	0	\$0.00	\$0.00	\$150.00
2	Segmental Block Retaining Wall	S.Y.	45	\$250.00	\$11,250.00	0	0	\$0.00	\$0.00	\$11,250.00
	Retaining Wall #28									
1	Earth Excavation and Subgrade Preparation	C.Y.	11	\$10.00	\$110.00	0	0	\$0.00	\$0.00	\$110.00
2	Segmental Block Retaining Wall	S.Y.	33	\$250.00	\$8,250.00	0	0	\$0.00	\$0.00	\$8,250.00

THE PIDCOCK COMPANY

SHEET 6 OF 11

TOTAL CAT. IA IMPROVEMENTS SECURITY AMOUNT: \$393,184.00

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE 1A

OWNER: KAY WALBERT, LLC

DATE ESTABLISHED: JULY 5, 2022; Revised July 19, 2022

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

Category IA - Construction Items to be Released by Township's Geotechnical Consultant

ITEM NO	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED	
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE		
Street Wall B											
1	Earth Excavation and Subgrade Preparation	C.Y.	40	\$10.00	\$400.00	0	0	\$0.00	\$0.00	\$400.00	
2	Segmental Block Retaining Wall	S.Y.	120	\$250.00	\$30,000.00	0	0	\$0.00	\$0.00	\$30,000.00	
Street Wall C											
1	Earth Excavation and Subgrade Preparation	C.Y.	11	\$10.00	\$110.00	0	0	\$0.00	\$0.00	\$110.00	
2	Segmental Block Retaining Wall	S.Y.	33	\$250.00	\$8,250.00	0	0	\$0.00	\$0.00	\$8,250.00	
Street Wall D											
1	Earth Excavation and Subgrade Preparation	C.Y.	10	\$10.00	\$100.00	0	0	\$0.00	\$0.00	\$100.00	
2	Segmental Block Retaining Wall	S.Y.	29	\$250.00	\$7,250.00	0	0	\$0.00	\$0.00	\$7,250.00	
Street Wall E											
1	Earth Excavation and Subgrade Preparation	C.Y.	20	\$10.00	\$200.00	0	0	\$0.00	\$0.00	\$200.00	
2	Segmental Block Retaining Wall	S.Y.	58	\$250.00	\$14,500.00	0	0	\$0.00	\$0.00	\$14,500.00	
Street Wall F											
1	Earth Excavation and Subgrade Preparation	C.Y.	37	\$10.00	\$370.00	0	0	\$0.00	\$0.00	\$370.00	
2	Segmental Block Retaining Wall	S.Y.	111	\$250.00	\$27,750.00	0	0	\$0.00	\$0.00	\$27,750.00	
ESTIMATED COST OF CONSTRUCTION - CATEGORY IA					\$357,440.00			\$8,150.00	\$8,150.00	\$349,290.00	
10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY IA PER MPC					\$35,744.00			\$815.00	\$815.00	\$34,929.00	
<i>Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$0.00)</i>					TOTAL CATEGORY IA	\$393,184.00			\$8,965.00	\$8,965.00	\$384,219.00
					TOTAL CATEGORIES I AND IA	\$2,476,553.20					

SUBMITTED BY

DATE: 11-29-23

TOTAL AMOUNT EARNED	\$8,150.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$815.00
LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED)	\$38,421.90
NET AMOUNT TO BE RELEASED*	(\$29,456.90)
AMOUNT PREVIOUSLY RELEASED	\$0.00
AMOUNT NOW TO BE RELEASED	\$0.00

* May not exceed 85% of TOTAL CATEGORY IA SECURITY AMOUNT until separate maintenance security has been posted.

We have reviewed this request for the release of security and concur that the work listed hereon has been performed.

Township's Geotechnical Consultant

11-29-2023
DATE

THE PIDCOCK COMPANY

SHEET 7 OF 11

TOTAL CAT. IB IMPROVEMENTS SECURITY AMOUNT: \$741,361.50

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE 1A

OWNER: KAY WALBERT, LLC

DATE ESTABLISHED: JULY 5, 2022; Revised July 19, 2022

Category IB - Construction Items to be Released by Township Water and Sanitary Sewer Engineer

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Water Distribution System										
1	4" D.I.P. Waterline	L.F.	160	\$90.00	\$14,400.00	0	0	\$0.00	\$0.00	\$14,400.00
2	6" D.I.P. Waterline	L.F.	210	\$95.00	\$19,950.00	0	0	\$0.00	\$0.00	\$19,950.00
3	8" D.I.P. Waterline	L.F.	1,715	\$123.00	\$210,945.00	0	0	\$0.00	\$0.00	\$210,945.00
4	4" Gate Valve and Box	EA.	4	\$1,300.00	\$5,200.00	0	0	\$0.00	\$0.00	\$5,200.00
5	6" Gate Valve and Box	EA.	9	\$1,700.00	\$15,300.00	0	0	\$0.00	\$0.00	\$15,300.00
6	8" Gate Valve and Box	EA.	11	\$2,000.00	\$22,000.00	0	0	\$0.00	\$0.00	\$22,000.00
7	2" Blowoff Assembly	EA.	2	\$1,600.00	\$3,200.00	1	1	\$1,600.00	\$1,600.00	\$1,600.00
8	Fire Hydrant	EA.	4	\$7,000.00	\$28,000.00	0	0	\$0.00	\$0.00	\$28,000.00
9	Relocate Existing Fire Hydrant	EA.	3	\$8,500.00	\$25,500.00	3	3	\$25,500.00	\$25,500.00	\$0.00
10	8" Tapping Sleeve and Valve (12"x8")	EA.	2	\$9,000.00	\$18,000.00	1	1	\$9,000.00	\$9,000.00	\$9,000.00
11	Rock Excavation (Assume 1/10 CY/LF of Pipe)	C.Y.	209	\$60.00	\$12,540.00	0	0	\$0.00	\$0.00	\$12,540.00
12	Trench Backfill (PENNDOT 2A Aggregate)	C.Y.	36	\$35.00	\$1,260.00	0	0	\$0.00	\$0.00	\$1,260.00
Sanitary Sewer										
1	8" PVC Sanitary Sewer Pipe (over 8' deep)	L.F.	1,575	\$150.00	\$236,250.00	300	300	\$45,000.00	\$45,000.00	\$191,250.00
2	6" Service Lateral Connection	EA.	4	\$2,000.00	\$8,000.00	0	0	\$0.00	\$0.00	\$8,000.00
3	48" Diameter Manhole (Over 8' Deep)	EA.	7	\$4,500.00	\$31,500.00	2	2	\$9,000.00	\$9,000.00	\$22,500.00
4	Connection to Existing Sanitary Sewer	EA.	1	\$2,000.00	\$2,000.00	1	1	\$2,000.00	\$2,000.00	\$0.00
5	Rock Excavation (Assume 1/10 CY/LF of Pipe)	C.Y.	157	\$60.00	\$9,420.00	0	0	\$0.00	\$0.00	\$9,420.00
6	Trench Backfill (PENNDOT 2A Aggregate)	C.Y.	300	\$35.00	\$10,500.00	30	30	\$1,050.00	\$1,050.00	\$9,450.00

THE PIDCOCK COMPANY

SHEET 8 OF 11

TOTAL CAT IB IMPROVEMENTS SECURITY AMOUNT: \$741,361.50

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE IA

OWNER: KAY WALBERT, LLC

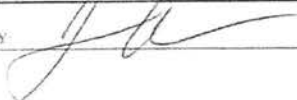
DATE ESTABLISHED: JULY 5, 2022, Revised July 19, 2022

Category IB - Construction Items to be Released by Township Water and Sanitary Sewer Engineer

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

ITEM NO	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
	ESTIMATED COST OF CONSTRUCTION - CATEGORY IB				\$673,965.00			\$93,150.00	\$93,150.00	\$580,815.00
	10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY IB PER MPC				\$67,396.50			\$9,315.00	\$9,315.00	\$58,081.50
	TOTAL CATEGORY IB				\$741,361.50			\$102,465.00	\$102,465.00	\$638,896.50
	TOTAL CATEGORIES I, IA, AND IB				\$3,217,914.70					

Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$640,245.00)

SUBMITTED BY: 

DATE: 11-29-23

TOTAL AMOUNT EARNED	\$93,150.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$9,315.00
LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED)	\$63,889.65
NET AMOUNT TO BE RELEASED*	\$38,575.35
AMOUNT PREVIOUSLY RELEASED	\$0.00
AMOUNT NOW TO BE RELEASED	\$38,575.35

* May not exceed 85% of TOTAL CATEGORY IB SECURITY AMOUNT until separate maintenance security has been established

We have reviewed this request for the release of security and concur that the work listed hereon has been performed.


Township Water and Sanitary Sewer Engineer

11/29/23
DATE

THE PIDCOCK COMPANY

SHEET 9 OF 11

TOTAL CAT II IMPROVEMENTS SECURITY AMOUNT: \$150,837.50

DEVELOPMENT: RIDGE FARMS

SECTION: PHASE 1A

OWNER: KAY WALBERT, LLC

DATE ESTABLISHED: JULY 5, 2022; Revised July 19, 2022

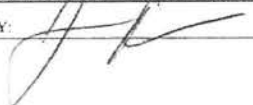
Category II - Construction Items to be Released by Township Staff

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
1	Pavement Markings	L.S	JOB	\$3,500.00	\$3,500.00	0%	0%	\$0.00	\$0.00	\$3,500.00
2	<i>Street Name Sign</i>	EA.	2	\$150.00	\$300.00	0	0	\$0.00	\$0.00	\$300.00
3	Traffic Sign	EA.	21	\$175.00	\$3,675.00	0	0	\$0.00	\$0.00	\$3,675.00
4	<i>Street Tree</i>	EA.	34	\$350.00	\$11,900.00	0	0	\$0.00	\$0.00	\$11,900.00
5	Shade / Buffer Tree	EA.	37	\$250.00	\$9,250.00	0	0	\$0.00	\$0.00	\$9,250.00
6	Parking Lot Light	EA.	26	\$3,500.00	\$91,000.00	0	0	\$0.00	\$0.00	\$91,000.00
7	<i>Street Light</i>	EA.	5	\$3,500.00	\$17,500.00	0	0	\$0.00	\$0.00	\$17,500.00
ESTIMATED COST OF CONSTRUCTION - CATEGORY II					\$137,125.00			\$0.00	\$0.00	\$137,125.00
10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY II PER MPC					\$13,712.50			\$0.00	\$0.00	\$13,712.50
TOTAL CATEGORY II					\$150,837.50			\$0.00	\$0.00	\$150,837.50
TOTAL CATEGORIES I, IA, IB, AND II					\$3,368,752.20					

Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$29,700.00)

SUBMITTED BY:



DATE: 11-29-23

TOTAL AMOUNT EARNED	\$0.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$0.00
LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED)	\$0.00
NET AMOUNT TO BE RELEASED*	\$0.00
AMOUNT PREVIOUSLY RELEASED	\$0.00
AMOUNT NOW TO BE RELEASED	\$0.00

* May not exceed 85% of TOTAL CATEGORY II SECURITY AMOUNT until separate maintenance security has been posted

We have reviewed this request for the release of security and concur that the work listed hereon has been performed

THE PIDCOCK COMPANY

SHEET 10 OF 11

TOTAL CAT. III IMPROVEMENTS SECURITY AMOUNT: \$202,125.13

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1 (Revised)

Category III - Legal, Engineering and Miscellaneous Items to be Released by Township

DESCRIPTION	TOTAL AMOUNT	
6% Legal, Engineering, Miscellaneous Costs (6% of \$3,368,752.20)		
TOTAL CATEGORY III	\$202,125.13	
TOTAL CATEGORIES I, IA, IB, II, AND III	\$3,570,877.33	

THE PIDCOCK COMPANY

SHEET 11 OF 11

TOTAL CAT. IV MAINTENANCE SECURITY AMOUNT: \$216,273.00

SOUTH WHITEHALL TOWNSHIP

Category IV - Maintenance Security to be Released by Township

DESCRIPTION	TOTAL AMOUNT	
15% of Categories I, IA, IB, and II Improvements to be Dedicated to the Township (15% of \$1,441,820.00) <p style="text-align: right;">TOTAL CATEGORY IV</p>	<p style="text-align: right;">\$216,273.00</p>	



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

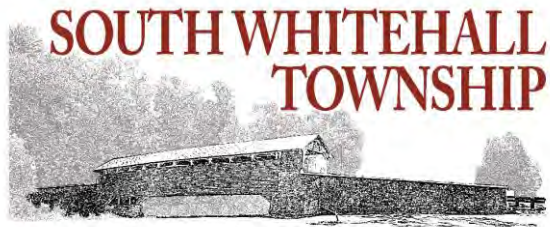
ITEM TYPE: Motion

AGENDA SECTION: MOTIONS

SUBJECT: Motion to Authorize Penns Crossing Waterline Construction Improvements Security Release #1

SUGGESTED ACTION:

ATTACHMENTS:
[2023.11.29 CD PLANNING - BOC Packet Excerpt Penns Crossing 16-Inch Waterline Improvements Security Release Certification No. 1 - 2017-101.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	November 29, 2023
SUBJECT:	Penns Crossing Water Main Construction Improvements Security Release Certification #1
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

A release of improvements security associated with an agreement to construct a sixteen-inch water main from the Township reservoir at Brickyard Road to the Ridge Farm project utilizing the rights-of-way of Penns Crossing (through the Hills at Winchester project currently under construction), Barrington Drive, Sturbridge Place and Ridge Lane. South Whitehall Township, Jaindl Land Company and Kay Walbert LLC are the signatories. Kay Walbert LLC is the applicant.

The project was approved by the Board of Commissioners at their March 2, 2022 meeting through Resolution 2022-38. The applicant has secured \$287,382.34 in improvements. The applicant has completed a significant amount of the required improvements and has requested a release of security for the completed improvements. The Township Water and Sewer Engineer's office and staff conducted inspections to confirm and document the construction of the required improvements and are authorizing the release of \$175,363.64. The detailed documentation supporting the release is shown in the attached Security Release Certification.

- **Action Requested:**

Authorize the Township Manager to sign the security release letter to the financial institution.

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

Not applicable.

- **Attachments:**

Township Water and Sewer Engineer's Improvements Security Release Certification #1

Spotts, Stevens and McCoy

Roma Corporate Center, Suite 106
1605 N. Cedar Crest Blvd. > Allentown PA 18104
610.849.9700 > F. 610.621-2001 > SSMGROUP.COM



November 17, 2023

Gregg Adams, Planner
South Whitehall Twp.
4444 Walbert Ave.
Allentown PA 18104

Re: Ridge Farms
Penns Crossing Water Main Construction
SSM File No. 105178.0098

Dear Mr. Adams:

We are in receipt of a security release request from Kay Builds for the construction of 16-inch water main on Penns Crossing. This work was completed in July, 2023. A copy of attached for reference. After review of the release dated, November 13, 2023, we recommend that the Twp. release the amount of \$175,363.64 and reduce the Letter of Credit, which represents 69% of the total security. Work remains on testing and commissioning of the line.

If you have any questions or concerns please contact me.

Sincerely,
Spotts, Stevens & McCoy, Inc.

A handwritten signature in blue ink that reads "Jason M. Newhard".

Jason M. Newhard, CCM, LO
Manager, Operations
Water and Wastewater Engineering
jason.newhard@ssmgroup.com

cc: SWT, Mgr, CD, PW
Jim Chrin, Kay Builders

Kay Walbert, LLC
5930 Hamilton Boulevard, Suite 10
Allentown, PA 18106
Telephone: 610-395-6857 Fax: 610-395-6858

Mr. Jason Newhard
Spots, Stevens & McCoy
Roma Corporate Center, Suite 106
1605 N. Cedar Crest Blvd.
Allentown PA 18104

11/13/2023

RE: Revised The Hills at Winchester/ Kay Walbert Water Line Reduction #1

Mr. Newhard,

Enclosed please find attached Revised Redlined construction cost estimates for The Hills at Winchester Subdivision/ Kay Walbert , LLC waterline. Please inspect, process, and reduce Letter of Credit.

Let me know if you have any questions or concerns regarding this request.

Regards,



Richard M. Koze, Jr.
Managing Member
Kay Walbert, LLC.

CC via Email- Jason Newhard - (jason.Newhard@ssmgroup.com)
Thomas R Petrucci (petruccit@southwhitehall.com)
David Manhardt (manhardtd@southwhitehall.com)
Gregg R Adams (adamsg@southwhitehall.com)

CONSTRUCTION COST ESTIMATE

DEVELOPMENT: Hills at Winchester JOB #: 006624 ESTIMATE DATE: November 30th, 2021
 PHASE: OWNER: Kay Builders REVISED: December 8th, 2021
 PREPARED BY: Lehigh Engineering Associates, Inc.

ITEM #	DESCRIPTION	UNIT	QTY	COST/UNIT	TOTAL	DRAW QTY	DRAW PRICE	LOC Release 1 Totals:
1 ROADWAY CONSTRUCTION								
A	Excavation	C.Y.	1,139	\$4.75	\$5,410.25	0	\$0.00	
B	Saw Cut	L.F.	2,002	\$1.10	\$2,202.20	0	\$0.00	
C	2A-Modified	C.Y.	977	\$49.50	-\$48,376.85	0	\$48,361.50	
D	4" 25MM Base Course	S.Y.	575	\$14.40	\$8,280.00	0	\$0.00	
E	Joint Seal	L.F.	2,002	\$1.00	\$2,002.00	0	\$0.00	
				SUB TOTAL	\$66,271.30	SUB TOTAL	\$0.00	
				Sub-total	\$66,255.95			\$66,255.95
2 WATER SYSTEM								
A	16" DIP	L.F.	1,085	\$115.00	\$124,775.00	0	\$0.00	
B	16" 22 Degree Bend	Each	4	\$1,080.00	\$4,320.00	0	\$0.00	
C	16" 45 Degree Bend	Each	2	\$1,080.00	\$2,160.00	0	\$0.00	
				SUB TOTAL	\$131,255.00	SUB TOTAL	\$0.00	\$65,627.50
3 MISCELLANEOUS								
A	Mobilization	L.S.	1	\$9,000.00	\$9,000.00	0	\$0.00	
	Maintenance and Protection of Traffic	L.S.	1	\$4,500.00	\$4,500.00	0	\$0.00	
C	As-Built Drawings	L.S.	1	\$4,500.00	\$4,500.00	0	\$0.00	
				SUB TOTAL	\$18,000.00	SUB TOTAL	\$0.00	\$18,000
Construction Cost Estimate					-\$215,526.30	TOTAL	\$0.00	
				Construction Sub-total	\$65,642.85			Sub-total \$149,883.45
	Act 247	10%			-\$21,552.63	\$6,564.28	\$0.00	
	Construction Stakeout	2%			-\$4,310.53	\$1,312.86	\$0.00	
	Inspection	5%			-\$10,776.31	\$3,282.14	\$0.00	
Total Estimate					-\$252,166.77	\$76,802.13	\$0.00	

Total Request: \$175,363.64



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Community Development

ITEM TYPE: Motion

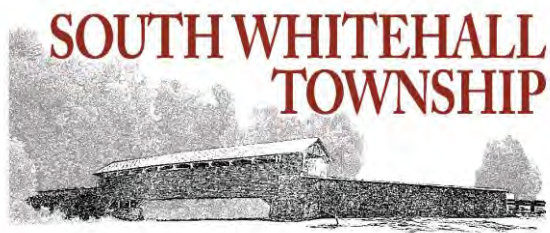
AGENDA SECTION: MOTIONS

SUBJECT: Motion to Authorize Long's Water Technology Improvements
Security Release #2

SUGGESTED ACTION:

ATTACHMENTS:

[2023.11.29 CD PLANNING - BOC Packet Excerpt Improvements Security Release Certification No. 2 - 2021-106.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	November 29, 2023
SUBJECT:	Long’s Water Technology Improvements Security Release Certification #2
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

- **Background Information:**

An application to further develop the property located at 1567 Hausman Road. The plan proposes the razing of all existing structures on the lot and the construction of a 5,600 square foot commercial building, a 14-space parking lot, and associated stormwater management facilities on the 1.2833-acre lot. The subject property is served by public water and sewer and is zoned Highway Commercial. Carroll & Warrick, Inc. is the owner and Long’s Water Technology is the applicant. The project was approved by the Board of Commissioners at their January 19, 2022 meeting through Resolution 2022-22. The plan was recorded on May 26, 2022 and construction commenced shortly afterward. The applicant had secured \$293,145.91 in improvements, of which \$184,019.95 was released February 15, 2023. The applicant has completed more of the required improvements and has requested a release of security for the recently-completed improvements. The Township Engineer’s office and staff conducted inspections to confirm and document the construction of the required improvements and are authorizing the release of \$11,055.00. After this release, \$98,070.96 remains in place to secure the unconstructed improvements. The detailed documentation supporting the release is shown in the attached Security Release Certification.

- **Action Requested:**

Discussion Item

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

Not applicable.

- **Attachments:**

Township Engineer’s Improvements Security Release Certification #2

November 29, 2023

via e-mail

Mr. David Manhardt, AICP
Director of Community Development
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104-1699

Re: South Whitehall Township
Long's EcoWater Systems
1567 Hausman Road
Improvements Security Release
Certification No. 2

As requested

X Enclosed

For your information

By messenger

For your review and comment

X Other For final approval and processing

One original of the executed Improvements Security Release Certification No. 2 for the referenced project. The amount we recommend be released for Category I is \$1,375.00 and the Township Geotechnical Engineer recommends for Category IA is \$9,680.00 for a total release of \$11,055.00.

According to our records, the balance remaining after Improvements Security Release Certification No. 2 for Categories I, IA, IB, II, III, and deferred items should be \$98,070.96, which should be confirmed.

THE PIDCOCK COMPANY



Theodore Bigatel
Manager, Field Services

map/laf

xc/enc: and xc: See Page 2

xc/enc: Mr. Thomas R. Petrucci, MPA, Township Manager
South Whitehall Township via e-mail
Mr. Gregg R. Adams, Planner, Community Development Department
South Whitehall Township via e-mail
Mr. Herb Bender, Director of Township Operations
South Whitehall Township via e-mail
Mr. Mike Elias, Public Works Utility and MS4 Program Coordinator
South Whitehall Township via e-mail
Joseph A. Zator, II, Esq., South Whitehall Township Solicitor
Zator Law via e-mail
Jennifer R. Alderfer, Esq., Assistant South Whitehall Township Solicitor
Zator Law via e-mail
Mr. Christopher A. Taylor, PG, Senior Geologist
Hanover Engineering Associates, Inc. via e-mail
Mr. Jason M. Newhard, CCM, LO, Manager, Construction Management Services
Spotts, Stevens and McCoy via e-mail
Mr. Jim Carroll, Vice President
Long's EcoWater Systems via e-mail
xc: Mr. J. Scott Pidcock, PE, RA, Township Engineer

THE PIDCOCK COMPANY

SHEET 1 OF 10

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

TOTAL CAT. I IMPROVEMENTS SECURITY AMOUNT: \$125,799.30

SECTION: 1567 HAUSMAN ROAD
 OWNER: CARROLL & WARRICK, INC.
 DATE ESTABLISHED: MARCH 4, 2022

SOUTH WHITEHALL TOWNSHIP
 IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

Category I - Construction Items to be Released by Township Engineer

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Street Right-of-Way Construction										
1	Excavation of Right-of-way Area to Rough Grade	C.Y.	100	\$7.00	\$700.00	0	100	\$0.00	\$700.00	\$0.00
2	Subgrade	S.Y.	175	\$2.00	\$350.00	0	175	\$0.00	\$350.00	\$0.00
3	Subbase (6" PENNDOT 2A)	S.Y.	175	\$9.00	\$1,575.00	0	175	\$0.00	\$1,575.00	\$0.00
4	Concrete Curb	L.F.	74	\$21.00	\$1,554.00	0	74	\$0.00	\$1,554.00	\$0.00
5	4 1/2" Superpave Asphalt Mixture Design, 25 mm, Base Course, PG. 64S-22, 0 to 0.3 Million ESAL's	S.Y.	175	\$23.00	\$4,025.00	0	175	\$0.00	\$4,025.00	\$0.00
6	1 1/2" Superpave Asphalt Mixture Design, 9.5 mm, Wearing Course, PG. 64S-22, 0 to 0.3 Million ESAL's	S.Y.	250	\$11.00	\$2,750.00	0	250	\$0.00	\$2,750.00	\$0.00
7	Pavement Milling	S.Y.	75	\$10.00	\$750.00	0	75	\$0.00	\$750.00	\$0.00
8	Pavement Sawcutting	L.F.	75	\$5.00	\$375.00	0	75	\$0.00	\$375.00	\$0.00
9	Topsoil (4"), Seeding and Mulching	S.Y.	100	\$5.00	\$500.00	50	100	\$250.00	\$500.00	\$0.00
Water Distribution System										
1	Pavement Restoration Temporary (2 1/2")	L.F.	30	\$30.00	\$900.00	0	30	\$0.00	\$900.00	\$0.00
2	Pavement Restoration Permanent (Non-State)	L.F.	30	\$100.00	\$3,000.00	0	30	\$0.00	\$3,000.00	\$0.00
3	Pavement Milling	S.Y.	20	\$10.00	\$200.00	0	20	\$0.00	\$200.00	\$0.00
4	Pavement Sawcutting	L.F.	60	\$5.00	\$300.00	0	60	\$0.00	\$300.00	\$0.00
5	Trench Backfill (PENNDOT 2A Aggregate)	C.Y.	15	\$35.00	\$525.00	0	15	\$0.00	\$525.00	\$0.00
Storm Sewer System										
1	15" HDPE Pipe	L.F.	53	\$40.00	\$2,120.00	0	53	\$0.00	\$2,120.00	\$0.00
2	18" HDPE Pipe	L.F.	41	\$45.00	\$1,845.00	0	41	\$0.00	\$1,845.00	\$0.00
3	15" HDPE Flared End Section w/ Security Gate	E.A.	1	\$750.00	\$750.00	0	1	\$0.00	\$750.00	\$0.00
4	18" HDPE Flared End Section w/ Security Gate	E.A.	1	\$1,000.00	\$1,000.00	0	1	\$0.00	\$1,000.00	\$0.00
5	Standard Inlet (Up to 8' Deep)	E.A.	1	\$3,000.00	\$3,000.00	0	1	\$0.00	\$3,000.00	\$0.00
6	Water Quality Inlet w/Flogard Filter	E.A.	2	\$3,500.00	\$7,000.00	0	2	\$0.00	\$7,000.00	\$0.00
7	Standard Storm Sewer Manhole	E.A.	1	\$3,600.00	\$3,600.00	0	1	\$0.00	\$3,600.00	\$0.00
8	Rock Excavation (Assume 1/10 CY/LF of Pipe)	C.Y.	9	\$60.00	\$540.00	0	9	\$0.00	\$540.00	\$0.00

THE PIDCOCK COMPANY

SHEET 2 OF 10

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

TOTAL CAT. I IMPROVEMENTS SECURITY AMOUNT: \$125,799.30

SECTION: 1567 HAUSMAN ROAD
 OWNER: CARROLL & WARRICK, INC.
 DATE ESTABLISHED: MARCH 4, 2022

SOUTH WHITEHALL TOWNSHIP
 IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

Category I - Construction Items to be Released by Township Engineer

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Detention Basin										
1	Earth Excavation	C.Y.	275	\$6.00	\$1,650.00	0	275	\$0.00	\$1,650.00	\$0.00
2	Rock Excavation (5% of Earth Excavation)	C.Y.	14	\$50.00	\$700.00	0	14	\$0.00	\$700.00	\$0.00
3	Outlet Control Structure	EA.	1	\$5,000.00	\$5,000.00	0	1	\$0.00	\$5,000.00	\$0.00
4	Protective Fencing (Chain Link)	L.F.	258	\$38.00	\$9,804.00	0	258	\$0.00	\$9,804.00	\$0.00
5	Double Leaf Fence Gate (Chain Link - 12' Wide)	EA.	1	\$3,000.00	\$3,000.00	0	1	\$0.00	\$3,000.00	\$0.00
6	Basin Warning Signs	EA.	6	\$75.00	\$450.00	0	0	\$0.00	\$0.00	\$450.00
7	Anti-Seep Collar	EA.	1	\$1,500.00	\$1,500.00	0	1	\$0.00	\$1,500.00	\$0.00
8	4" Diameter Perforated Underdrain	L.F.	150	\$16.00	\$2,400.00	0	150	\$0.00	\$2,400.00	\$0.00
9	AASHTO #57 Stone Envelope for Underdrain	C.Y.	10	\$35.00	\$350.00	0	10	\$0.00	\$350.00	\$0.00
10	4" Diameter PVC Pipe	L.F.	50	\$16.00	\$800.00	0	50	\$0.00	\$800.00	\$0.00
11	Topsoil (6"), Seeding and Mulching	S.Y.	500	\$6.00	\$3,000.00	0	500	\$0.00	\$3,000.00	\$0.00
12	Erosion Control Matting (NAG-SC250)	S.Y.	100	\$6.00	\$600.00	0	100	\$0.00	\$600.00	\$0.00
13	Erosion Control Matting (NAG-S75)	S.Y.	375	\$3.00	\$1,125.00	0	375	\$0.00	\$1,125.00	\$0.00
Swale										
1	Earth Excavation	C.Y.	125	\$6.00	\$750.00	0	125	\$0.00	\$750.00	\$0.00
2	Topsoil (6"), Seeding and Mulching	S.Y.	350	\$6.00	\$2,100.00	0	350	\$0.00	\$2,100.00	\$0.00
3	Erosion Control Matting (NAG-S75)	S.Y.	350	\$3.00	\$1,050.00	0	350	\$0.00	\$1,050.00	\$0.00
Sanitary Sewer										
1	Pavement Restoration Temporary (2 1/2")	L.F.	30	\$30.00	\$900.00	0	30	\$0.00	\$900.00	\$0.00
2	Pavement Restoration Permanent (Non-State)	L.F.	30	\$100.00	\$3,000.00	0	30	\$0.00	\$3,000.00	\$0.00
3	Pavement Milling	S.Y.	20	\$10.00	\$200.00	0	20	\$0.00	\$200.00	\$0.00
4	Pavement Sawcutting	L.F.	60	\$5.00	\$300.00	0	60	\$0.00	\$300.00	\$0.00
5	Trench Backfill (PENNDOT 2A Aggregate)	C.Y.	40	\$35.00	\$1,400.00	0	40	\$0.00	\$1,400.00	\$0.00

THE PIDCOCK COMPANY

SHEET 3 OF 10

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

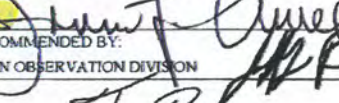
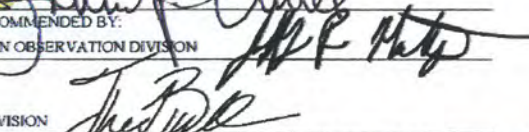
TOTAL CAT. I IMPROVEMENTS SECURITY AMOUNT: \$125,799.30

SECTION: 1567 HAUSMAN ROAD
 OWNER: CARROLL & WARRICK, INC.
 DATE ESTABLISHED: MARCH 4, 2022

SOUTH WHITEHALL TOWNSHIP
 IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

Category I - Construction Items to be Released by Township Engineer

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Miscellaneous Improvements										
1	Permanent Concrete Monuments	E.A.	3	\$225.00	\$675.00	0	0	\$0.00	\$0.00	\$675.00
2	Under. Elec., CATV & Phone Facilities - Industrial/Commercial	L.F.	250	\$25.00	\$6,250.00	0	250	\$0.00	\$6,250.00	\$0.00
3	Temporary Soil Erosion and Sedimentation Control Measures	L.S.	JOB	\$10,000.00	\$10,000.00	10%	100%	\$1,000.00	\$10,000.00	\$0.00
4	Construction Contingencies (Extra Earth, Sinkhole Repair, Existing Utility Conflicts, Unforeseen Items, etc.)	L.S.	JOB	\$20,000.00	\$20,000.00	0%	100%	\$0.00	\$20,000.00	\$0.00
ESTIMATED COST OF CONSTRUCTION - CATEGORY I					\$114,363.00			\$1,250.00	\$113,238.00	\$1,125.00
10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY I PER MPC					\$11,436.30			\$125.00	\$11,323.80	\$112.50
TOTAL CATEGORY I					\$125,799.30			\$1,375.00	\$124,561.80	\$1,237.50
<i>Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$16,754.00)</i>										

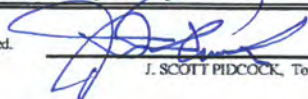
SUBMITTED BY: 
 APPROVAL RECOMMENDED BY: 
 CONSTRUCTION OBSERVATION DIVISION
 MUNICIPAL DIVISION

DATE: 11/15/23
 DATE: 11/21/2023
 DATE: 11/21/2023

TOTAL AMOUNT EARNED	\$113,238.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$11,323.80
LESS RETAINAGE (CATEGORY IV MAINTENANCE AMOUNT)	\$2,513.10
NET AMOUNT TO BE RELEASED*	\$122,048.70
AMOUNT PREVIOUSLY RELEASED	\$120,673.70
AMOUNT NOW TO BE RELEASED	\$1,375.00

* May not exceed 85% of TOTAL CATEGORY I SECURITY AMOUNT until separate maintenance security has been posted.

We have reviewed this request for the release of security and concur that the work listed hereon has been performed.


 J. SCOTT PIDCOCK, Township Engineer

11-28-2023
 DATE

THE PIDCOCK COMPANY

SHEET 4 OF 10

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

TOTAL CAT. IA IMPROVEMENTS SECURITY AMOUNT: \$13,475.00

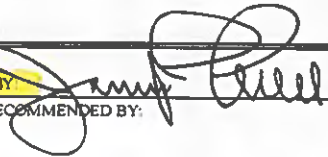
SECTION: 1567 HAUSMAN ROAD
 OWNER: CARROLL & WARRICK, INC.
 DATE ESTABLISHED: MARCH 4, 2022

SOUTH WHITEHALL TOWNSHIP
 IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

Category IA - Construction Items to be Released by Township's Geotechnical Consultant

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
	Detention Basin									
1	Subgrade	S.Y.	250	\$2.00	\$500.00	0	250	\$0.00	\$500.00	\$0.00
2	Synthetic Basin Liner	S.Y.	250	\$15.00	\$3,750.00	0	250	\$0.00	\$3,750.00	\$0.00
3	Conversion from Sedimentation to Detention Basin	L.S.	JOB	\$8,000.00	\$8,000.00	100%	100%	\$8,000.00	\$8,000.00	\$0.00
	ESTIMATED COST OF CONSTRUCTION - CATEGORY IA				\$12,250.00			\$8,000.00	\$12,250.00	\$0.00
	10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY IA PER MPC				\$1,225.00			\$800.00	\$1,225.00	\$0.00
	TOTAL CATEGORY IA				\$13,475.00			\$8,800.00	\$13,475.00	\$0.00
	<i>Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$0.00)</i>									
	TOTAL CATEGORIES I AND IA				\$139,274.30					

SUBMITTED BY:



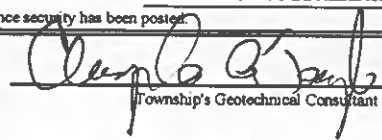
DATE: 11/15/23

APPROVAL RECOMMENDED BY:

TOTAL AMOUNT EARNED	\$12,250.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$1,225.00
LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED)	\$0.00
NET AMOUNT TO BE RELEASED*	\$13,475.00
AMOUNT PREVIOUSLY RELEASED	\$3,795.00
AMOUNT NOW TO BE RELEASED	\$9,680.00

* May not exceed 85% of TOTAL CATEGORY IA SECURITY AMOUNT until separate maintenance security has been posted.

We have reviewed this request for the release of security and concur that the work listed hereon has been performed.



Township's Geotechnical Consultant

11-22-23
DATE

THE PIDCOCK COMPANY

SHEET 5 OF 10

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

TOTAL CAT. IB IMPROVEMENTS SECURITY AMOUNT

\$19,910.00

SECTION: 1567 HAUSMAN ROAD
 OWNER: CARROLL & WARRICK, INC.
 DATE ESTABLISHED: MARCH 4, 2022

SOUTH WHITEHALL TOWNSHIP
 IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

Category IB - Construction Items to be Released by Township Water and Sanitary Sewer Engineer

ITEM NO	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Water Distribution System										
1	<i>1" Service Connection to Existing Main</i>	EA.	1	\$1,200.00	\$1,200.00	0	1	\$0.00	\$1,200.00	\$0.00
2	<i>1" Valve and Box</i>	EA.	1	\$1,300.00	\$1,300.00	0	1	\$0.00	\$1,300.00	\$0.00
3	<i>1" Service Line</i>	EA.	1	\$5,000.00	\$5,000.00	0	1	\$0.00	\$5,000.00	\$0.00
4	<i>1" Water Meter</i>	EA.	1	\$1,600.00	\$1,600.00	0	1	\$0.00	\$1,600.00	\$0.00
Sanitary Sewer										
1	<i>6" Service Lateral Connection to Existing Main</i>	EA.	1	\$2,000.00	\$2,000.00	0	1	\$0.00	\$2,000.00	\$0.00
2	<i>6" Service Lateral</i>	EA.	1	\$7,000.00	\$7,000.00	0	1	\$0.00	\$7,000.00	\$0.00
ESTIMATED COST OF CONSTRUCTION - CATEGORY IB					\$18,100.00			\$0.00	\$18,100.00	\$0.00
10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY IB PER MPC					\$1,810.00			\$0.00	\$1,810.00	\$0.00
<i>Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$4,500.00)</i>								\$0.00	\$19,910.00	\$0.00
TOTAL CATEGORY IB					\$19,910.00			\$0.00	\$19,910.00	\$0.00
TOTAL CATEGORIES I, IA, AND IB					\$159,184.30					

SUBMITTED BY: _____

DATE: _____

APPROVAL RECOMMENDED BY: _____

TOTAL AMOUNT EARNED	\$18,100.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$1,810.00
LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED)	\$675.00
NET AMOUNT TO BE RELEASED*	\$19,235.00
AMOUNT PREVIOUSLY RELEASED	\$19,235.00
AMOUNT NOW TO BE RELEASED	\$0.00

* May not exceed 85% of TOTAL CATEGORY IB SECURITY AMOUNT until separate maintenance security has been posted.

We have reviewed this request for the release of security and concur that the work listed herein has been performed.

 Township Water and Sanitary Sewer Engineer

 DATE

THE PIDCOCK COMPANY

SHEET 6 OF 10

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

TOTAL CAT. II IMPROVEMENTS SECURITY AMOUNT: \$40,342.50

SECTION: 1567 HAUSMAN ROAD

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

OWNER: CARROLL & WARRICK, INC.

DATE ESTABLISHED: MARCH 4, 2022

Category II - Construction Items to be Released by Township Staff

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
1	Pavement Markings	L.S.	JOB	\$750.00	\$750.00	0%	100%	\$0.00	\$750.00	\$0.00
2	Traffic Sign	EA.	1	\$175.00	\$175.00	0	1	\$0.00	\$175.00	\$0.00
3	Shade / Buffer Tree	EA.	59	\$250.00	\$14,750.00	0	59	\$0.00	\$14,750.00	\$0.00
4	Shrub/Bush	EA.	40	\$75.00	\$3,000.00	0	40	\$0.00	\$3,000.00	\$0.00
5	Parking Lot Light	EA.	4	\$3,500.00	\$14,000.00	0	4	\$0.00	\$14,000.00	\$0.00
6	Wall Mounted Site Light	EA.	5	\$800.00	\$4,000.00	0	5	\$0.00	\$4,000.00	\$0.00
ESTIMATED COST OF CONSTRUCTION - CATEGORY II					\$36,675.00			\$0.00	\$36,675.00	\$0.00
10% OF ESTIMATED COST OF CONSTRUCTION - CATEGORY II PER MPC					\$3,667.50			\$0.00	\$3,667.50	\$0.00
TOTAL CATEGORY II					\$40,342.50			\$0.00	\$40,342.50	\$0.00
TOTAL CATEGORIES I, IA, IB, AND II					\$199,526.80					
<i>Italicized Text Indicates Improvements To be Secured for the 18-Month Maintenance Period (\$175.00)</i>										

SUBMITTED BY: _____

DATE: _____

APPROVAL RECOMMENDED BY: _____

TOTAL AMOUNT EARNED	\$36,675.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$3,667.50
LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED)	\$26.25
NET AMOUNT TO BE RELEASED*	\$40,316.25
AMOUNT PREVIOUSLY RELEASED	\$40,316.25
AMOUNT NOW TO BE RELEASED	\$0.00

* May not exceed 85% of TOTAL CATEGORY II SECURITY AMOUNT until separate maintenance security has been posted.

We have reviewed this request for the release of security and concur that the work listed hereon has been performed.

THE PIDCOCK COMPANY

SHEET 7 OF 10

TOTAL CAT. III IMPROVEMENTS SECURITY AMOUNT: \$11,971.61

SOUTH WHITEHALL TOWNSHIP
IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

Category III - Legal, Engineering and Miscellaneous Items to be Released by Township

DESCRIPTION	TOTAL AMOUNT	
6% Legal, Engineering, Miscellaneous Costs (6% of \$199,526.80)		
TOTAL CATEGORY III	\$11,971.61	
TOTAL CATEGORIES I, IA, IB, II, AND III		

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

THE PIDCOCK COMPANY

SHEET 8 OF 10

SECTION: 1567 HAUSMAN ROAD
 OWNER: CARROLL & WARRICK, INC.
 DATE ESTABLISHED: MARCH 4, 2022

SOUTH WHITEHALL TOWNSHIP
 IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

DEFERRED ITEMS IMPROVEMENTS SECURITY AMOUNT: \$81,647.50

Deferred Items

ITEM NO	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
DEFERRED ITEMS										
Hausman Road										
Street Right-of-Way Construction										
1	Excavation of Right-of-way Area to Rough Grade	C.Y.	150	\$7.00	\$1,050.00	0	0	\$0.00	\$0.00	\$1,050.00
2	Sidewalk Area Fine Grading (Includes Respreading of Topsoil, Seeding, and Mulching)	S.Y.	225	\$8.00	\$1,800.00	0	0	\$0.00	\$0.00	\$1,800.00
3	Concrete Sidewalk	S.F.	625	\$10.00	\$6,250.00	0	0	\$0.00	\$0.00	\$6,250.00
4	Concrete Handicapped Ramps w/Detectable Warning System	S.F.	100	\$46.00	\$4,600.00	0	0	\$0.00	\$0.00	\$4,600.00
5	Subgrade	S.Y.	175	\$2.00	\$350.00	0	0	\$0.00	\$0.00	\$350.00
6	Subbase (6" PENNDOT 2A)	S.Y.	175	\$9.00	\$1,575.00	0	0	\$0.00	\$0.00	\$1,575.00
7	Concrete Curb	L.F.	125	\$21.00	\$2,625.00	0	0	\$0.00	\$0.00	\$2,625.00
8	4 1/2" Superpave Asphalt Mixture Design, 25 mm, Base Course, PG. 64S-22, 0 to 0.3 Million ESAL's	S.Y.	175	\$23.00	\$4,025.00	0	0	\$0.00	\$0.00	\$4,025.00
9	1 1/2" Superpave Asphalt Mixture Design, 9.5 mm, Wearing Course, PG. 64S-22, 0 to 0.3 Million ESAL's	S.Y.	600	\$11.00	\$6,600.00	0	0	\$0.00	\$0.00	\$6,600.00
10	Pavement Milling	S.Y.	550	\$10.00	\$5,500.00	0	0	\$0.00	\$0.00	\$5,500.00
11	Pavement Sawcutting	L.F.	125	\$5.00	\$625.00	0	0	\$0.00	\$0.00	\$625.00
Storm Sewer System										
1	15" HDPE Pipe	L.F.	206	\$40.00	\$8,240.00	0	0	\$0.00	\$0.00	\$8,240.00
2	Standard Inlet (Up to 8' Deep)	EA.	3	\$3,000.00	\$9,000.00	0	0	\$0.00	\$0.00	\$9,000.00
3	Standard Storm Sewer Manhole	EA.	1	\$3,600.00	\$3,600.00	0	0	\$0.00	\$0.00	\$3,600.00
4	Rock Excavation (Assume 1/10 CY/LF of Pipe)	C.Y.	21	\$60.00	\$1,260.00	0	0	\$0.00	\$0.00	\$1,260.00
5	Pavement Restoration Temporary (2 1/2")	L.F.	30	\$30.00	\$900.00	0	0	\$0.00	\$0.00	\$900.00
6	Pavement Restoration Permanent (Non-State)	L.F.	30	\$100.00	\$3,000.00	0	0	\$0.00	\$0.00	\$3,000.00
7	Pavement Milling	S.Y.	20	\$10.00	\$200.00	0	0	\$0.00	\$0.00	\$200.00
8	Pavement Sawcutting	L.F.	60	\$5.00	\$300.00	0	0	\$0.00	\$0.00	\$300.00
9	Trench Backfill (PENNDOT 2A Aggregate)	C.Y.	15	\$35.00	\$525.00	0	0	\$0.00	\$0.00	\$525.00

THE PIDCOCK COMPANY

SHEET 9 OF 10

DEVELOPMENT: LONG'S WATER TECHNOLOGY, INC.

DEFERRED ITEMS IMPROVEMENTS SECURITY AMOUNT: \$81,647.50

SECTION: 1567 HAUSMAN ROAD
 OWNER: CARROLL & WARRICK, INC.
 DATE ESTABLISHED: MARCH 4, 2022

SOUTH WHITEHALL TOWNSHIP
 IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 2

Deferred Items

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL AMOUNT	ESTIMATED QUANTITIES COMPLETED		VALUE OF WORK COMPLETED		VALUE OF WORK UNCONSTRUCTED
						THIS PERIOD	TO DATE	THIS PERIOD	TO DATE	
Miscellaneous Improvements										
1	Temporary Soil Erosion and Sedimentation Control Measures	L.S.	JOB	\$5,000.00	\$5,000.00	0	0	\$0.00	\$0.00	\$5,000.00
2	Street Tree	E.A.	4	\$300.00	\$1,200.00	0	0	\$0.00	\$0.00	\$1,200.00
3	Construction Contingencies (Extra Earth, Sinkhole Repair, Existing Utility Conflicts, Unforeseen Items, etc.)	L.S.	JOB	\$6,000.00	\$6,000.00	0	0	\$0.00	\$0.00	\$6,000.00
ESTIMATED COST OF DEFERRED CONSTRUCTION					\$74,225.00			\$0.00	\$0.00	\$74,225.00
10% OF ESTIMATED COST OF DEFERRED CONSTRUCTION PER MPC					\$7,422.50			\$0.00	\$0.00	\$7,422.50
TOTAL ESTIMATED DEFERRED CONSTRUCTION					\$81,647.50			\$0.00	\$0.00	\$81,647.50
NOT INCLUDED AS PART OF MAINTENANCE SECURITY UNTIL CONSTRUCTED										
TOTAL CATEGORIES I, IA, IB, II, III, AND DEFERRED ITEMS					\$293,145.91					

SUBMITTED BY _____
 APPROVAL RECOMMENDED BY _____
 CONSTRUCTION OBSERVATION DIVISION _____

DATE _____

DATE _____

MUNICIPAL DIVISION _____

DATE _____

TOTAL AMOUNT EARNED	\$0.00
PLUS 10% OF ESTIMATED COST OF CONSTRUCTION PER MPC	\$0.00
LESS RETAINAGE (10% OF VALUE OF WORK UNCONSTRUCTED)	\$0.00
NET AMOUNT TO BE RELEASED*	\$0.00
AMOUNT PREVIOUSLY RELEASED	\$0.00
AMOUNT NOW TO BE RELEASED	\$0.00

DATE _____

THE PIDCOCK COMPANY

SHEET 10 OF 10

TOTAL CAT. IV MAINTENANCE SECURITY AMOUNT: \$3,214.35

SOUTH WHITEHALL TOWNSHIP

Category IV - Maintenance Security to be Released by Township

DESCRIPTION	TOTAL AMOUNT	
15% of Categories I, IA, IB, and II Improvements to be Dedicated to the Township (15% of \$21,429.00)		
TOTAL CATEGORY IV		



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

ITEM TYPE: Motion

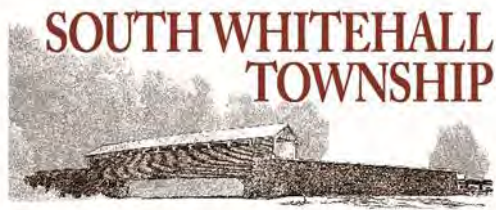
AGENDA SECTION: MOTIONS

SUBJECT: Motion to Waive Land Development Requirement for Robert Ehle, Upper Macungie Township--Minor Subdivision.

SUGGESTED ACTION:

ATTACHMENTS:

[2023.11.29 CD PLANNING - BOC Packet Excerpt Requesting Waiver of Entire Land Development Process.pdf](#)



MEMORANDUM FOR AGENDA ITEMS

TO:	Board of Commissioners
FROM:	Gregg R. Adams, Planner
DATE:	November 29, 2023
SUBJECT:	Request to Waive the Entire Land Development Process for the Preliminary/Final Minor Plan Entitled “Robert Ehle”
COPY TO:	T. Petrucci, D. Manhardt, L. Harrier, H. Bender, M. Elias, J. Zator, Esq., J. Alderfer, Esq., A. Tallarida, S. Pidcock

• **Background Information:**

An application to subdivide the property located at 6119 Haasadahl Road in Upper Macungie Township. The application proposes the subdivision of the approximately 87.8565-acre property into: (1) a 6.2128-acre lot containing the existing dwelling and guest house, and (2) an 80.8827-acre lot containing two sheds and two pole barns, of which 12.3150 acres (approximately 15%) is within South Whitehall Township. 0.7610 acres are proposed for right-of-way dedication in Upper Macungie Township. *No improvements are proposed. The portion of the property within South Whitehall Township is zoned Rural Residential -3, contains no occupied buildings, has no road frontage and is not served by public water or sewer.* Robert and Nancy Ehle are the owners and applicants.

While only a small portion of the tract lies within South Whitehall Township, it meets the definition of “Land Development” in the South Whitehall Township Subdivision and Land Development Ordinance (SALDO) and therefore qualifies for land development review under said Ordinance.

In accordance with SALDO Section 312-48, the Board of Commissioners may waive or modify any SALDO Sections at their discretion which will “exact undue hardship because of peculiar conditions pertaining to the applicant’s land or the nature of the application”.

Typically, projects of similar scope would be required to go through the Waiver of Land Development process, in which staff reviews the project against selected sections of the Subdivision and Land Development Ordinance to ensure that the project conforms with Township regulations. However, in this rather unique case, the applicant has requested that the project be reviewed solely by Upper Macungie Township.

After a cursory review, staff has determined that, as no improvements are proposed, as the scope of the subdivision is completely within Upper Macungie Township, and as there appears to be no impact to South Whitehall Township at all, the applicant’s request has merit.

It may be noted that, while the Township has not received a similar request in recent memory, Upper Macungie Township granted a similar request to Crackersport and Eck Road Warehouses Major Plan 2017-104 under similar circumstances, waiving the land development process in favor of review and approval by South Whitehall Township.

- **Action Requested:**

The applicant requests a waiver of the entire land development process (Chapter 312 Subdivision and Land Development) in South Whitehall Township.

Staff has no objections to this request, provided that the application is reviewed and approved by Upper Macungie Township and documentation of such review and approval is provided to the Township.

- **Attachments:**

Applicant's Waiver Request and Project Narrative
Subdivision Plan



LEHIGH ENGINEERING ASSOCIATES, INC.

499 RIVERVIEW DRIVE, PO BOX 68 WALNUTPORT, PA 18088
PHONE: 610 767 8545 · FAX: 610 767 5798
EMAIL: BROCK@LEHIGHENGINEERING.COM

November 10, 2023

South Whitehall Township
Planning Commission
4444 Walbert Ave.,
Allentown, PA 18104



RE: Preliminary/Final Minor
Subdivision - Plan For: Robert Ehle
Site:
6119 Haasadahl Road,
Orefield, PA 18069

South Whitehall Township Planning,

The above mentioned subdivision consists of separating a single six acre lot with the two existing dwellings from the remaining 80 acres of existing woodlands & farmland (with two small old sheds and two pole buildings). The existing dwellings are on Haasadahl Road and is located in Upper Macungie Township. This entire parcel is split with nearly 1/5th of the remaining 80 acre portion by the Township line between Upper Macungie and South Whitehall Townships. No new homes are proposed as part of this subdivision, nor will any new roadway be constructed. The acreage which exists in South Whitehall Township will remain unchanged and unaffected by this minor subdivision. Therefore, our office is requesting that relief be granted from preparing a minor subdivision plan to the South Whitehall Township Planning Commission and Supervisors for their review and approval. If this relief is possible, please forward a letter to our office for our records.

Below is a list of items submitted for review and comment:

- One (1) copy of the Minor Subdivision Plan.
- One (1) copy of the current deed.

Thank you for your time and consideration on this project. If you have any questions or require additional information to complete your review of this project, please contact me at this office.

Sincerely,
Brad Rock,
Project Manager



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

ITEM TYPE: Correspondence/Informational

AGENDA SECTION: CORRESPONDENCE AND INFORMATION ITEMS

SUBJECT: Boards and Commissions - Informational Items/Vacancies.

SUGGESTED ACTION:

ATTACHMENTS:
[Christmas-New Year's Holiday Schedule, re-Processing of Payments.pdf](#)
[Upcoming Meetings and Current Vacancies.pdf](#)

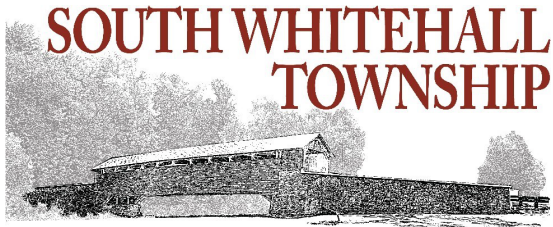


The Township campus
will be closed on:
Friday, December 22,
Monday, December 25 &
Monday January 1

In person payments will
be processed until
10:00am on 12/29/2023

Payments made after 10:00am
on 12/29/2023
will be processed on
01/02/2024

South Whitehall Township wishes you and yours a safe and hoppy holiday



**UPCOMING MEETINGS
AND
CURRENT VACANCIES**

UPCOMING MEETINGS/EVENTS: Details posted on website.

- Thursday, December 7th, 7P – Zoning Hearing Board
- Saturday, December 9, 2023, promptly at 4:00 p.m. – The Candy Cane Hunt & Drive Details:
 - Free to attend.
 - DONATE! We are collecting donations for the Parkland Cares Food Pantry—canned goods and gently used winter clothing (coats, hats, scarves, gloves)
 - Locations are as follows:
 - Fernwood Park - 1900 Molinaro Drive, Allentown, PA 18104
 - Vistas Park - 5320 Clauser Road, Orefield, PA 18069
 - Springhouse West Park – 4320 Farm Drive, Allentown, PA 18104
 - Covered Bridge Park – 2465 Wehr Mill Road, Allentown, PA 18104
- Wednesday, December 13th, 10A – Civil Service Commission
- Wednesday, December 13th, 4-6P – Winter Open House
- Thursday, December 14th, 7P – Emergency Management Services Mtg.
- Monday, December 18th, 10A – Landscape & Shade Tree Commission
- Wednesday, December 20th, 7P – Board of Commissioners
- **OFFICES CLOSED:** Friday, December 22nd and Monday, December 25th for the Christmas Holiday; AND Monday, January 1st for New Year’s Day.
 - **REGARDING PAYMENTS:-** Payments made after 10A on Friday, December 29th will be processed on Tuesday, January 2, 2024.

CURRENT VACANCIES ON BOARDS/COMMISSIONS:

1. Civil Service Commission – 2 Vacancies
2. Environmental Advisory Council - 3 Vacancies
3. Green Advisory Council - 2 Vacancies
4. Landscape Shade Tree Commission - 1 Vacancy
5. Zoning Hearing Board - 3 Alternate Vacancies



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel,Community Development

ITEM TYPE: Correspondence/Informational

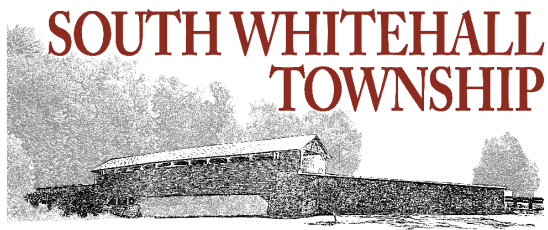
AGENDA SECTION: CORRESPONDENCE AND INFORMATION ITEMS

SUBJECT: PA Walk Works - Grant Announcement & Press Release

SUGGESTED ACTION:

ATTACHMENTS:

- [2023.11.30 BOC Memo - PA WalkWorks Grant Announcement and Press Release.pdf](#)
- [2023.11.30 South Whitehall Township - PA WalkWorks Press Release.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Chris Strohler, Long-Range Planner
DATE:	November 30, 2023
SUBJECT:	PA WalkWorks – Grant Announcement & Press Release
COPY TO:	T. Petrucci; H. Bender; D. Manhardt; T. Fehnel

- **Background Information:**

In May 2023, staff brought to the attention of the Board several Comprehensive Plan Implementation Items related to transportation including:

- Item A1 – Active Transportation
- Item T2 – Transportation Safety
- Item T3 – Transportation Plan

Over the past several months, staff has been reviewing the goals and needs for these implementation items and is pursuing opportunities to put them into action. Staff is proud to announce that the Township has received \$20,000.00 from the PA WalkWorks Program to support the development of a Township-wide Active Transportation Plan. This plan will look at developing and improving the safety, accessibility, and connectivity of our transportation network for walking, bicycling, and all other forms of non-vehicular transportation. A press release announcing this grant award is attached.

Staff is currently reviewing proposals from qualified planning and engineering firms to help carry out this plan. In addition to the Active Transportation component, staff is also looking to incorporate vehicular transportation safety analysis and recommendations into this planning process. The intent of this is to develop a “Transportation Safety Action Plan” that can guide future infrastructure projects, policy updates, and related programs to improve the safety of our transportation network as a whole.

Staff anticipates coming back to the Board of Commissioners at a meeting in the near future with a consultant proposal for this work.

- **Action Requested:**

None

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

N/A

- **Attachments:**

PA WalkWorks Press Release

SOUTH WHITEHALL TOWNSHIP

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

MEDIA ADVISORY

For Additional Information Please Contact
Christopher Strohler
Long-Range Planner
610-398-0401 ext. 231
strohlerc@southwhitehall.com

FOR IMMEDIATE RELEASE PA WalkWorks Grant Award

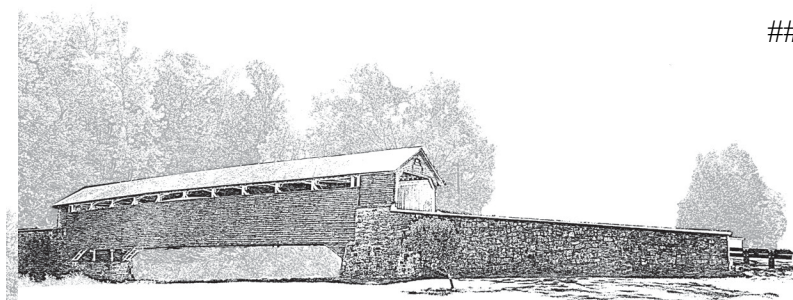
South Whitehall Township is pleased to announce the receipt of a \$20,000.00 grant from the PA WalkWorks Program, administered by the [Pennsylvania Department of Health](#) (DOH) and the [Pennsylvania Downtown Center](#). This grant will allow South Whitehall to work over the next year to collect data, assess current conditions and aspirations, and incorporate public input to craft an Active Transportation Plan for the Township. An Active Transportation Plan outlines and guides strategies to improve and connect our community through a transportation network that supports walking, biking, and all other non-vehicular forms of transportation.

Acting State Secretary of Health Dr. Debra Bogen said, “Moving our bodies is important to improving our overall health, helping to prevent stress and diseases, such as diabetes and high blood pressure. Walking is one of the easiest and most accessible ways to do that, and walking outside has the extra benefits of sunshine, fresh air, and taking in the beauty of nature—all of which are good for our physical and mental health. WalkWorks supports healthy communities by enabling more people to have the option of walking or biking to the places they go every day.”

PA Department of Conservation and Natural Resources (DCNR) Secretary Cindy Adams Dunn said, “Creating roadmaps for improved walking and bicycling can help solve many challenges facing communities, including cleaner air, less noise and traffic congestion, and improving the health and quality of life for residents. DCNR is happy to work with the Department of Health and communities to create more trails that connect places, get people outdoors and active, and draw visitors who spend money.”

South Whitehall Township is proud to be one of nine grant recipients throughout the Commonwealth and the only municipality in Lehigh County to receive this award. The Township looks forward to kicking off this plan in 2024 and encourages residents to get involved in future public engagement activities.

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Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Administration

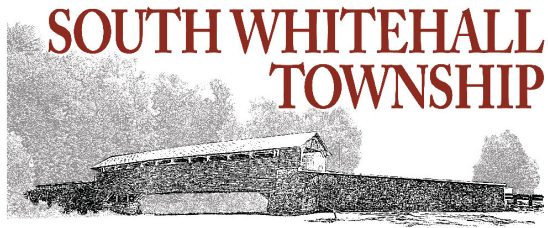
ITEM TYPE: Direction/Discussion

AGENDA SECTION: DIRECTION/DISCUSSION ITEMS

SUBJECT: Solid Waste/Recycling Routing and Optimization Study

SUGGESTED ACTION:

ATTACHMENTS:
[Memorandum- Solid Waste and Recycling Routing and Optimization Study.pdf](#)
[South Whitehall Township_WasteStudy_Proposal_11-30-23.pdf](#)



**MEMORANDUM FOR
AGENDA ITEMS**

TO:	Board of Commissioners
FROM:	Tom Petrucci, Township Manager
DATE:	November 30, 2023
SUBJECT:	Direction/Discussion- Solid Waste/Recycling Routing and Optimization Study
COPY TO:	H. Bender; M. Miller; T. Dickert; K. Blahnik; T. Fehnel

- **Background Information:**

The Board of Commissioners previously directed management/staff to evaluate comprehensively the overall solid waste/recycling/yard waste program, including but not limited to the following:

1. Independent evaluation of alternative solid waste, recycling and yard waste programs.
2. 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.
3. Recommended methods of discussing/increasing educational awareness of solid waste and recycling program alternatives.

In the interim time period, the enclosed scope of work was developed with SCS Engineers, which is a firm that, among other things, specializes in solid waste environmental assessments. The estimated cost of conducting a full study in accordance with the scope of work is \$70,900.00.

Separate from the enclosed proposal/scope of work, the Township has also confirmed that the Pennsylvania Department of Environmental Protection Recycling Technical Assistance Grant Program may be utilized to support a comprehensive review of the yard waste program in an amount supported by PA DEP not to exceed \$7,500.00.

Township management is seeking direction from the Board of Commissioners to ascertain whether or not the Board would be inclined to move forward with utilizing SCS Engineers for this professional service, recognizing that separate official action would be required to authorize the professional services contract.

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

Refuse Fund (2024)- 09426002-40310 (Professional Services)- \$202,000.00 (with \$200,000.00 allocated towards this project)

November 30, 2023
File No. 90000003.02

Thomas R. Petrucci
Township Manager
South Whitehall Township
4444 Walbert Avenue
Allentown, PA 18104

Subject: Solid Waste/Recycling Program Evaluation and Routing Study Proposal
South Whitehall Township, PA

Dear Mr. Petrucci:

Per our discussion, SCS Engineers (SCS) has prepared this letter proposal to provide South Whitehall Township (Township) with a solid waste program evaluation and collections system routing study. As the collections system routing study is dependent upon the results of the program evaluation, we have structured the scope in two separate tasks as discussed below.

SCOPE OF SERVICES

We propose a cursory review of the solid waste services offered in South Whitehall Township followed by an assessment of trash and recycling operations (collections) and an assessment of the baseline of the current collections operation.

Task 1 – Solid Waste and Recycling Program Evaluation

SCS will perform an analysis of the Township's current solid waste collection and disposal practices of residential waste and recycling. The objective of this task is to understand and describe the Township's current practices, including revenues and costs, and to identify opportunities for improvement.

Proposed work includes the following:

- **Kick-Off Meeting and Request for Information.** Upon receipt of a notice to proceed, the SCS Team will schedule a kick-off meeting to review the scope of work and anticipated work activities. We will also use this meeting to understand the information and data the Township tracks and has available for our assessment. Within one week of the kick-off meeting, the SCS Team will provide a meeting summary of key decisions and clarifications as well as a "Request for Information" (RFI).
- **Policy Analysis.** SCS will solicit and review information regarding the current standards, ordinances, and service policies for the Township's solid waste/recycling program. This will also include the Township's education and outreach materials, such as signs, flyers, and website.



- **Financial Analysis.** SCS will solicit and review information regarding the revenue and cost elements of the Township's solid waste/recycling services. Typical data will include: customer pricing and disposal/tipping fees; material quantity estimates; manpower and equipment resources; capital and operational costs; etc. SCS will prepare a model of the Township's solid waste costs and revenues to assess the overall financial health of the solid waste/recycling program.
- **Operations Analysis.** SCS will solicit and review information regarding physical operations for the Township's solid waste and recycling management system, which includes interviews with Township staff.

We will also review the contracted collection services provided by J.P. Mascaro, the Township's contracted hauler effective January 1, 2024. SCS will review the contract with J.P. Mascaro and observe operations where feasible. It is anticipated the contract with J.P. Mascaro will include a service area map, number of households served, and cost information.

- **Time and Motion Study.** With the permission of the Township and/or J.P. Mascaro, SCS will follow route collection crews to measure overall route travel times, collection point stop times, productivity rate, set-out rate, facility wait times, facility travel times, traffic conditions, set-out issues that impact collection times (i.e. extra waste or back-door collection), access restrictions, safety issues, and equipment constraints. This data will be used in the route optimization model.
- **Existing Route Baseline.** The current number of routes and time it takes to collect the routes will be assessed for residential waste and recycling. SCS will utilize scale ticket data, as available, and infield time in motion studies to assess current productivity and resource needs.

SCS will use the Township's GIS parcel data and solid waste customer database to develop a route optimization model and routing parameters. We will review the input data and assumptions with the Township before finalizing the baseline model which includes the maximum weight capacity for each vehicle, wait times at the Township's disposal facility, material weights collected per route, hours per route, and other information.

SCS will develop recommendations for improvement based on the results of the baseline model. Some questions the model can help answer include:

- Are crews fully utilizing the workday?
- Are the stops per day/per route enough or too many?
- Are collection vehicles being filled sufficiently before travelling to a disposal facility?

Key performance indicators will be identified to highlight the Township's performance and productivity in comparison to the industry.

- **Report of Findings.** SCS will produce a report documenting our findings regarding the Township's solid waste physical operations, policies, and finances, including our professional opinion and recommendations for improvement.

Task 2 – Routing Optimization Study

Efficient and balanced routes are important for maintaining safety, reducing costs, and boosting collection crew morale. After understanding what your baseline collection system needs in Task 1, SCS will formulate two scenarios for optimization of the collection system. These changes may include optimizing the current system with no collection day changes or with day changes or completely changing the schedule from five days a week to four days a week. The scenarios could include better utilizing automated collection or using a rear load in hard to maneuver streets. Potential scenarios will be identified with Township staff.

Our Team provides nationally renowned solid waste operation (i.e., collection, transfer, processing, recycling and disposal) and efficiency experts that will provide the Township with recommendations to optimize waste collection in a manner that can be supported by Township officials, refuse collection staff and residents. We have completed numerous routing studies for local governments of varying sizes and complexity. SCS intends to collaborate with Route Optimization Consultants, LLC (ROC) as our sub-consultant to accomplish this assignment.

Proposed work activities include the following:

- **New Route Scenarios.** With a baseline model in hand from Task 1, the Township and the SCS Team can explore strategies to optimize the collection system for solid waste and recycling. . The following scenarios are examples for the Township to consider:
 - **Scenario 1:** Optimization with no schedule changes (i.e. distributing the workload more evenly between trucks each day).
 - **Scenario 2:** Optimization with service frequency changes. For example, creating a scenario where recycling is only collected every other week, if that would be advantageous.

We will submit a memo of findings to the Township presenting our analysis of the results of the scenarios for consideration.

- **Route Development.** Routes will be developed for the selected scenario. These routes will then be reviewed with Township staff during two online workshops, which will finalize the routes.
- **Customized Route Maps.** SCS will generate a customized route map template. For the final routes of the selected scenario, we will prepare a 2' x 3' wall map with collection routes identified/shaded in the format of the Township's choosing, as well as, individual route maps formatted appropriately.

SCHEDULE

SCS is prepared to begin work on Task 1 at the Township's earliest convenience. We anticipate the following timelines for Task 1 and Task 2, assuming receipt of a notice to proceed by January 1, 2024:

- **Task 1 – Solid Waste and Recycling Program Evaluation** 2 months (completion March 1, 2024)
- **Task 2 – Route Optimization Study** 2 months (completion May 1, 2024)

COST

The SCS Team will complete the scope of work as described above on a time and materials basis with a budget not to exceed \$70,900.

Thank you for the opportunity to submit this proposal. If you have questions or wish to discuss details of the proposed activities please contact the undersigned. We look forward to working with South Whitehall Township staff to improve solid waste collection services.

Sincerely,



Brent Dieleman
Project Manager
SCS Engineers



Stacey Demers
Vice President
SCS Engineers



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: December 6, 2023

SUBMITTED BY: Tracy Fehnel, Finance

ITEM TYPE: Payment of Invoices

AGENDA SECTION: MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

SUBJECT: Invoices and Disbursements

SUGGESTED ACTION:

ATTACHMENTS: