



Wednesday, November 15, 2023

Board of Commissioners AGENDA-MINUTES – 7:00 PM

1. CALL TO ORDER

A. Roll Call

Attendees:

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

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

Absent* **Attended Virtually ****

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENTS

- **All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on the Township's Website for Public access.**
- **Public /Virtual Meeting Rules**
- **Board of Commissioners Met in Executive Session on the following dates to discuss Legal and Personnel Matters: November 15, 2023**

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

PRESENTATION (2:11)

Second Reading of the 2024 Proposed Budget – Tricia Dickert, Director of Finance.

- Copy of 2024 Proposed Budget is on Township Website for Public's access.
- 2024 Proposed Budget Presentation will be attached to the approved set of minutes for this evening's meeting.

President Kelly once again thanked Ms. Dickert, Staff, and Administration for preparing this balanced Budget to the Board for consideration.

5. MINUTES (8:45)

A. November 1, 2023 - Board of Commissioners Meeting Minutes

A MOTION was made by Commissioners Kennedy and Roth to approve the November 1, 2023, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.

5. ORDINANCES

A. For Possible Adoption - Consideration for Approval of Advertisement of Said Ordinance: An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Amending Part II ("General Legislation"), Chapter 336 ("Vehicles and Traffic"), Article IV ("General Parking Regulations"), of the Codified Ordinances of South Whitehall Township to Amend Section §336-33 ("Parking Prohibited at all Times in Certain Locations") to Provide for a Parking Prohibition Located at 18th Street (North) on the East Side of the Street between the Property known at 1525 North 18th Street Extending from the Southeast Corner of Stanley and North 18th Streets for a Distance of Approximately 78 Feet South to the Northern Side of the Driveway Established for this Property; and to Provide for a Repealer Clause, Retention of Rights to Enforce, Severability Clause and an Effective Date.

(9:05) Township Manager Tom Petrucci explained that during the October 4, 2023, BOC Meeting, BOC authorized advertising of ordinance. Ordinance was advertised, and sent to LC Department of Law. If BOC chooses to adopt ordinance, Township will install the revised signage as required to effectuate the ordinance. Noted that there were no comments received by the Public on this ordinance. Asking for a Motion to Adopt.

A MOTION was made by Commissioners Roth and Kelly to adopt said ordinance as explained by Mr. Petrucci. All in favor; none opposed. Vote 5:0. Motion carried.

B. Direction/Discussion: An Ordinance Amending Zoning Ordinance Section 350-42(e) Fences and Retaining Walls to Require a Zoning Permit for All Fences and Retaining Walls.

(11:00) Gregg Adams, Planner, CDD, explained that the current section of the Zoning Ordinance regarding fences stipulates that fences four feet in height and under, do not require a permit. Staff has noticed a number of small fences appearing within clear-site triangles of intersections on Township easements and within Township ROWs. Staff requests that the requirement for fences to secure a permit be extended to all fences so that such issues can be caught before the fence is installed. This was a prior Ordinance Amendment proposed with Zoning Ordinance Service Pack 2C, and was recommended for approval by the PC at their December 15, 2022, meeting.

Since that meeting, Staff has recommended a number of additional changes to the language in order to:

- Clarify the need for building permits in certain situations
- To add clear-sight requirements to proposed fence locations
- To remove exemptions to the requirement for a Zoning permit
- To add the requirement for a PA One Call and clear marking of the fence location prior to installation.

Mr. Adams said he believes the Ordinance should be returned back to the PC for their comments on the above. Legal will also review. After that has taken place, it would then come back to BOC.

Q: Does this Ordinance address preexisting locations where fences may be in violation of this ordinance, but prior to this implementation?

A: Mr. Adams said if they had been approved by the Township, they would become a legal non-conformity (prior to this approval/implementation). If the fence would then be changed at some point in the future, they would have to adhere to the regulations in place at that point. But, if previously approved it would in a sense be grandfathered.

Solicitor Zator said this is correct. He added that if the fence is old enough that it predates zoning all together, at least this kind of regulation with regard to the zoning of fences, then it would be non-conforming as well.

Q: What happens with a fence that was not preapproved and would be in violation of this ordinance?

A: If it is brought to the attention of Staff, it would have to undergo review, and if it did not meet the regulations at that time, it would have to be addressed. It would have to be moved into compliance.

Q: Are surveys required for fence placement?

A: Surveys are not required; however, they are encouraged.

A MOTION was made by Commissioners Osborne and Roth to send said Ordinance to Planning Commission and Legal for review. All in favor; none opposed. Vote 5:0. Motion carried.

C. 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.

(15:30) Township Manager Tom Petrucci explained that the First Class Township Code requires the BOC to fix the property rate for the 2024 Fiscal Year, in conjunction with the 2024 Annual Budget. Each year the Township must pass an ordinance (or resolution) to adopt the property tax rate. In this case the proposed ordinance effectuates the revenue forecasts that were set forth in the 2024 Budget, mostly derived from real estate property taxes. See chart below.

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

This Ordinance accomplishes the First Class Township Code requirement and reaffirms the current local tax rates that are in effect. Mr. Petrucci respectfully asked that the BOC approve adoption of this ordinance. Adoption date would be for December 6, 2023. For the record, there will be NO increase in the tax rates.

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

7. RESOLUTIONS

A. A Resolution Granting Final Approval to a Major Plan Entitled "Ridge Farms - Phase 1B".

(17:20) Gregg Adams, Planner, CDD, explained this is an application to develop the properties at 1802 N. CC Blvd, which is the NW Corner of the Walbert Avenue/CCB Intersection. The Plan proposes 5 apartment buildings containing 60 units; 14 two-unit dwelling units (7 pairs of twins), and one single dwelling; the continuation of Yellowstone Road, Road M and its intersection w/CCB, and a portion of Road H; and Basins 3 & 4 and associated stormwater management facilities on a 13.2-acre portion of the 31.9644-acre tract.

On September 21, 2023, PC reviewed and recommended final plan approval of Ridge Farm Final Plan Phase 1B to the BOC subject to Applicant complying w/27 conditions on a vote of 3-2 w/one abstention.

Two Procedural Points – 1) The Acceptance of Conditions has not yet been received. This needs to be received before the BOC vote on this matter this evening. 2) The deadline for the BOC to act on the plan is November 30, 2023. If the BOC does not grant Final Plan approval this evening, a signed waiver of time limitation to review the plan will be required from the Applicant. Applicant was in attendance to answer questions.

Applicant's Attorney, James Preston, c/o Broughal and DeVito, was in attendance, as well as Jason Englehardt, PE, Langan Engineering & Environmental Services, Project Engineer for this project. Attorney Preston said the Applicant will be happy to accept the conditions and will do so this evening. He explained they are here this evening seeking approval in accordance with the PC's recommendation; also, to answer any questions anyone may have.

SWT Solicitor, Joseph Zator gave an overview. Land use in general has two broad categories, all governed by the Municipality Planning Code. Those categories are Zoning, Land Development and Subdivision. From a Zoning perspective, this application has gone through the conditional use process required of this type of development in SWT. The conditional use was the subject of a hearing in November 2019, at which time BOC gave conditional-use approval for the Ridge Farm Project. There was a Public Hearing, w/opportunity for public comment. From a Legal standpoint, at a conditional-use hearing, by in-large, it is not a matter of discretion. The ordinance establishes criteria that need to be met, and if those objective criteria are met with little exception, there is an obligation on the officials to grant approval, which is what occurred, which the current Board is bound by that 2019 decision. The second part is Land Development and Subdivision, which is why we are here this evening. Phase 1B of this project has gone through the process with reviews by PC, Township Engineer, and a project of this size sometimes takes years, where the review process is extensive, lengthy, and very detailed. If there are any legal issues that arise, the Township Solicitor reviews those. Additionally, there are outside agency approvals (such as PennDOT, etc.), and permits that are necessary. It is necessary that Zoning approvals be obtained prior to an effective, final approval for a Land Development Plan, and in this case that was the conditional use, and that has occurred. Sometimes with larger projects there will be Phasing of a Project and the rationale is for several reasons: It takes a large project and breaks it up into more manageable pieces. It typically spreads out the construction of infrastructure.

We are here this evening regarding Phase 1B, which has gone through the necessary processes. Most approvals are given subject to conditions. With a significantly sized project, there are many more conditions. Mr. Adams previously explained there are 27 conditions in the recommendation for approval from the SWT PC, all of which are typical with the Land Development process. If said requirements are met, there is an obligation on the municipality to grant approval. Solicitor Zator explained this is why we are here this evening. This is the process.

Tony Tallarida, Township Engineer, The Pidcock Company, explained that in addition to what was previously said by Mr. Adams, safety improvements are being done on roadways, some of which are being done per PennDOT recommendations. Phase 2 improvements, which includes all remaining HOP improvements originally presented. It is work on the west side of Walbert Avenue, work on CCB—north of Huckleberry all the way down to Route 22 interchange. Work on Ridgeview and Route 309, and some minor signal timing in between. Also includes a temporary traffic light at Brandywine and Walbert, which will remain in place until the internal roadway network connects to Huckleberry Road. The improvements themselves will be built as the second phase is done, and in essence overbuilding the roadway as all the units will not be built at the time the roadway will be done. Therefore, an analysis was done, which mentions once the improvements on Walbert Avenue west of CCB, along with the temporary signals in place, they can then begin to occupy those buildings. That being said, security will be posted for all the remaining roadway improvements through PennDOT. So, the roadway can be secured and can be built if something happens. That being said, they have been through multiple submissions prior to this point,

prior to the recommendation of the PC, and at this point based on the comments that are left, we feel they can receive a recommendation for engineer approval from our office.

Lights on Harvest Way - Lighting was talked about—when to add more or less. Chief Dorney said essentially the structure would have to be built first, and then a true assessment can be done of the actual lighting at that time and location. If you over light an area, it of course prevents crime; however, if you over light a neighborhood, it's not a good thing either—there is a balance. We will need to see what the lighting process is at that time to make a true evaluation of it. Mr. Adams explained that the neighborhood would have to make the petition to the HOA first, and then go through the PPL process.

Attorney Preston said that if the Board approves this Resolution this evening, the question is, does that lock in or set in stone the lighting issue? Clarification – It does not forbid or preclude additional lighting in the future. Issues arising due to a lack of lighting could be resolved.

Developer at this time presented the signed Conditions for Approval.

A MOTION was made by Commissioners Osborne and Roth granting final approval to a Major Plan Entitled "Ridge Farms – Phase 1B", as recommended by the PC. All in favor; none opposed. Vote 5:0. Motion carried.

8. MOTIONS

A. A Motion to Approve Animal Control Services Contract for 2024

(46:05) Township Manager Tom Petrucci explained that the Sanctuary of Haafsville notified SWT by way of a letter dated October 25, 2023, that they are no longer providing any animal control services to municipalities, effective December 31, 2023. The Sanctuary is not renewing any of their animal control contracts; in other words, the non-renewal is not specific to SWT. Township staff have been able to receive a proposal from Lehigh County Humane Society to provide these services to SWT so as not to have an interruption of services in 2024. Approval is requested in the form of a motion to approve a one (1) year contract with the Lehigh County Humane Society for animal control stray services at the base cost of \$4,000 as well as \$50 per cat for Trap, Neuter and Release (TNR) services. However, it is important to note that the base cost of \$4,000 includes twenty (20) stray cat intakes. Separately, TNR is also capped at twenty (20) cats. Total of \$24,500, w/\$6,500 projected/allocated for animal control services has been budgeted accordingly. We will monitor to ensure we stay within budget.

Mr. Petrucci said he recently had a need to speak with the LCHS after hours and they were immediately responsive. Chief Dorney said when he was with the City, they never turned them away.

A MOTION was made by Commissioners Kennedy and Kelly to approve the Animal Control Services Contract for 2024 with LC Humane Society as explained by Mr. Petrucci. All in favor; none opposed. Vote 5:0. Motion carried.

B. Motion to Enter into an Agreement with Jeff Marshall, Open Spaces, & Historic Places, LLC, regarding South Whitehall Township Historic Resource Survey.

(51:35) Dave Manhardt, Director, CDD, explained that at the November 1, 2023, BOC meeting, staff and the Board discussed the need to conduct an in-depth Historic Resource Survey following the *South Whitehall Landscapes* plan. Jeffrey Marshall of Open Spaces & Historic Places LLC is the Township's current historic preservation consultant assisting with the *South Whitehall Landscapes* plan and is qualified to perform a Historic Resource Survey. Included in meeting packet was a proposal from Jeffrey Marshall to perform a Historic Resource Survey and assist the Township with developing appropriate historic preservation ordinances. Staff is satisfied with the tasks proposed and recommends the Board consider executing a final contract with Jeffrey Marshall.

Mr. Manhardt said we will start down the path of getting a historic resource ordinance, enhancing what we have and potentially adding new incentives into that. Currently, Staff has about 100 resources to identify and work through. Timing and timeline—to do a full survey will take about one year. The goal is to get us to where we are self-sufficient. For this project, cost is not to exceed \$20,000—however, projecting \$10,000-\$15,000, which is dependent upon the amount of detail. There may be something that comes up, where we will want that detail to be provided.

A MOTION was made by Commissioners Roth and Hodges to enter into an Agreement with Jeff Marshall, Open Spaces & Historic Places, LLC as explained by Mr. Manhardt. All in favor; none opposed. Vote 5:0. Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions – Informational Items/Vacancies (57:05)

10. DIRECTION/DISCUSSION ITEMS

A. Proposed South Whitehall Township Parks & Recreation Department Mission Statement, Value Statement, and Program and Event Evaluation Procedure.

(58:25) Lynn Matula, Parks & Recreation Manager explained that with the adoption of the Comprehensive Parks & Recreation Plan, Staff had the opportunity to reassess our Mission Statement and how we select Programs and Events to ensure we are meeting the evolving needs of our residents. Using our existing mission statement and the Goals and Recommendations section of the Parks & Recreation Plan, we revised our mission statement and expanded it to include a Value Statement, Core Values, and Goals & Objectives. Using criteria from our updated mission statement, Core Values, and the recommendations from the Park & Recreation Plan, a scoring matrix was created. The matrix will allow us to standardize how we evaluate current and new programs and events, and help us to adhere to our revised Mission Statement, and accomplish our department goals. Programs and events will be scored in each category. The total will then determine if the program is in line with the department mission and goals. Additionally, a survey was created to help gather program and event feedback, satisfaction levels, and suggestions. Survey is live now and accessible through QR Code in the Winter Newsletter, and links are on our website as well. Survey will be promoted on social media account. Paper copy of QR Code will be made available at the Tree & Bridge Lighting event as well. Staff requesting discussion and direction from the Board for the updated Parks & Recreation Department Mission Value Statement, Core Values and Objectives, and the Program & Event Evaluation Matrix. Looking to implement feedback from Survey for Spring/Summer.

On behalf of the Board, President Kelly thanked Ms. Matula for all the work that went into this and said she feels that the Matrix will help ensure consistency as we seek to serve the community with Park & Recreation Programs. She thanked Ms. Matula and Staff for putting this together and bringing it to the Board. The Board looks forward to seeing the results of the Survey and moving forward.

B. Paymentus – Credit Card Payment Processing Upgrades.

(1:02:00) Tricia Dickert, Director of Finance, spoke to the Board regarding credit card payment processing upgrades. She came before the Board this evening requesting direction and approval to update the current credit card processing system. These updates would allow for in-person credit card payments for some Township bills and would improve the efficiency of back-end processing of online credit card payments.

In 2019 the Township began offering online payment options through Paymentus for Parks & Recreation program fees, and later expanded to include water, sewer, and refuse utility payments. Finance has discussed ways to expand this service and accommodate credit card payments in the Township lobby.

Additionally, the new user experience will involve the user not choosing the only option there—utility payment, but will allow the resident to specify which bill they are paying—water, sewer, or refuse. These specified payments, will then go directly into the corresponding bank account.

Fee for using a credit card, paying online, is somewhere in the area of \$3/transaction for every \$500.

The one-time cost of updating our system to accommodate everything is \$8,750. Ms. Dickert said they have asked Paymentus about a Lobby Kiosk and any associated costs—no response has been received to date. The Kiosk would allow for the resident to pay at the kiosk, instead of having to go through the cashier.

Permit customers will also be able to pay via credit card, and would realize a fee for that transaction.

Township Staff feels that this upgrade will:

- Expands in-person payment options and decreases time to process these transactions.
- Decreases the amount of time spent processing online credit card batches and performing transfers between accounts, increasing efficiency.

This was not a planned-for expense in 2023; however, there are sufficient funds remaining in the 2023 IT budget which would cover this one-time cost.

President Kelly said this sounds like an excellent proposal. It would streamline the process here (saving money) at the Township and make it easier for residents to pay with these additional options. The Board was in agreement with this.

The Board was in agreement that FN should move forward with the expanding credit card payment options as explained above by Ms. Dickert, specifically to move forward with exploring the option and paying the \$8,750 one-time cost of updating the system with 2023 funds.

Ms. Dickert will come back to the Board at a later date with the self-serve Kiosk option information. The Board is interested in this, as long as there are no fees passed on to the resident by use of the Kiosk in the lobby.

11. OLD BUSINESS – NONE.

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

Don Sheatsley, 1411 Hampton Road. Subject: Thanked the Township for their help with the mice situation. Also, thanked the PW Department for their handling of the leaves. They do a good job and are very responsive.

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS (1:24:00)

A. Invoices and Disbursements

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

14. EXECUTIVE SESSION

A. Scheduled Accordingly – NONE.

15. ADJOURNMENT

A. Motion to Adjourn – At 8:25P a MOTION was made by Commissioners Hodges and Roth to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

16. **APPROVED: December 6, 2023.** A MOTION was made by Commissioners Roth and Hodges to approve the November 15, 2023, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 4:0. Motion carried.