



Wednesday, March 6, 2024

Board of Commissioners AGENDA-MINUTES – 7:00 PM

1. CALL TO ORDER

A. Roll Call

Attendees:

Commissioner Diane Kelly, President
Commissioner Monica Hodges, Vice President
Commissioner Jacob Roth, Assist. Twp. Secretary
Commissioner Tom Johns
Commissioner Chris Peischl
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

A. All public sessions of the South Whitehall Township Board of Commissioners are electronically recorded, filed, and posted on the Township’s Website for Public access.

B. Public /Virtual Meeting Rules

**C. Board of Commissioners Met in Executive Session on the following dates to discuss Legal Matters:
March 6, 2024, before this evening’s meeting.**

4. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items – NONE (2:03)

5. PRESENTATION

A. South Whitehall Township Police Department – Retirement of Officer Thomas Webb.

(2:22) President Kelly recognized Officer Thomas Webb upon his retirement from the SWT PD. He began his career on August 18, 1999, serving 24 years in the patrol division, until his retirement on March 3, 2024. Officer Webb received three commendations during his career—one life-saving medal, one exceptional-service medal, and one unit citation medal. Tom is an Army veteran, and has started full-time employment with the Lehigh County Sheriff’s Department. Officer Webb was thanked for his service to the SWT Residents, and was wished well in his retirement and second career.

6. MINUTES

A. (3:20) February 21, 2024 – Board of Commissioners Meeting Minutes

A MOTION was made by Commissioners Roth and Hodges to approve the February 21, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.

7. ORDINANCES

- A. (3:40) Motion to Proceed with Adoption of said Ordinance - An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Amending Part I ("Administrative Legislation"), Chapter 58 ("Pensions"), Article II ("Deferred Compensation Plan") of the Codified Ordinances of South Whitehall Township to Re-Establish and Restate the Deferred Compensation Plan Amend the Plan Document in Use for said Plan; and Providing for a Repealer Clause, Severability Clause and Effective Date.**

Township Manager Tom Petrucci explained that this ordinance was reviewed by the PD Union, Plan Investment Mangers Nationwide and VALIC, the Pension Committee, and sent to the PW Union. Said ordinance has gone through several iterations, and is now ready for adoption. Ordinance was advertised. Pension Committee recommends the adoption of ordinance and corresponding plan document. Mr. Petrucci is before the Board asking for a motion to adopt. No feedback was received as a result of the advertisement of ordinance.

A MOTION was made by Commissioners Peischl and Johns to proceed with adoption of said ordinance. All in favor; none opposed. Vote 5:0. Motion carried.

- B. For Discussion Only - An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Amending Part II ("General Legislation"), Chapter 304 ("Streets and Sidewalks"), to add a New Article V, Entitled "Snow, Ice, and Sleet Removal" to the Codified Ordinances of South Whitehall Township and Further Providing for Removal of Snow, Ice, and Sleet from Sidewalks; Depositing of Snow is Restricted; Enforcement and Violations; Violation Ticket Appeal Process; Fines and Penalties; Amending Part II ("General Legislation") of the Codified Ordinances of South Whitehall Township; Repealer; Failure to Enforce not a Waiver; Severability and an Effective Date.**

(5:25) Township Manager Tom Petrucci explained that during the course of the 2023/2024 winter season, it was discovered that the Code of Ordinances of SWT does not currently include a stand-alone ordinance that addresses the timely removal of snow and ice from sidewalks located in SWT.

Currently, the Code Enforcement Officer has two (2) options to address snow removal from sidewalks. The first is found in Section 148 (A) (5) (b), but does not necessarily have the language we are looking for at this time.

The second option is contained within the International Property Maintenance Code (Section 302.3), which requires sidewalks to be kept in a hazard-free condition but does not define timeframes or specifically address snow/ice/sleet removal.

Township management and staff then developed a draft Ordinance, in order to get ahead of the 2024 Winter Season. Draft ordinance addresses the following:

1. Identifies the purpose and intent as ensuring that snow, ice and sleet does not create a hazardous condition for the traveling public.
2. Requires snow and/or ice to be removed no later than twenty-four (24) hours after the cessation of the snowstorm or weather event which causes the buildup of snow or ice on the sidewalk.
3. Snow and/or ice shall be removed from the above-referenced sidewalk for the entire width and the entire length of the sidewalk on or fronting said property.
4. Requires the use of a melting or traction agent in those instances when snow is compacted and/or has created a slippery/icy surface.
5. Requires fire hydrants to be clear of snow.
6. Requires ADA ramps/sidewalks and LANTA bus stops to be clear of snow/ice.
7. Prohibits snow/ice to be thrown on public streets.
8. Prohibits snow/ice accumulation to block stormwater drainage systems.
9. Provides for an enforcement process, including a method to handle appeals.
10. Removes Section 148 (A) (5) (a) of the Code (relating to depositing of snow/ice), which is now addressed in the Snow Removal Ordinance.

11. Removes two (2) outmoded Sections of the Code pertaining to Loitering and Drug Paraphernalia, which are no longer used by the SWT PD, as confirmed by the Command Staff. These sections are enforced by way of PA Crimes Code; as such, the Township is taking the administrative opportunity to amend the Code with this new Ordinance.

Discussion occurred, and it was noted that education will be important—If there is an impending storm, people will need to have a plan in place if they cannot do it themselves. The Township will need to get something out ahead of time so that if people go away for the winter, a plan will be in place when they are not home. The education part might be something we put in the e-newsletter—giving guidelines and some suggestions. Mr. Petrucci said, we have received a lot of complaints in the Township where people are not clearing the snow, which seems to be a common problem. The issue seems to be mostly along the Walbert corridor. We are on a complaint-driven process. The Township does not go out and actively seek violations. However, if the code enforcement officer is out and about and notices a violation, he/she would have the right to take action w/o the complaint.

The Township does not have a crew to specifically go out and clear fire hydrants.

For education purposes, Township could have a one-page guide to hand out—which could also be posted in the e-newsletter/on the website. And, if the Board has other thoughts on this matter, they can discuss as they arise.

A MOTION was made by Commissioners Hodges and Kelly to forward draft ordinance to Legal for review. All in favor; none opposed. Vote 5:0. Motion carried.

8. RESOLUTIONS

A. A Resolution of the Board of Commissioners of South Whitehall Township to Repeal the 2008 South Whitehall Township Shade Tree Policy & Guide and Replace it with the 2024 South Whitehall Township Shade Tree Policy & Guide.

(17:45) Mr. Chris Stroehler, Long-Range Planner, Community Development Department, explained that in January the Board passed two ordinances with regard to shade trees. The first was Chapter 17, Article 7, which dealt with the L&STC. The other was Chapter 330, Trees. These ordinances stemmed from the Board-directed, implementation items from the CP, so as to look at and try to align our Boards, Commissions, Councils. Staff also looked at, under the L&STC goals, and found we did not have good enforcement options—Chapter 330, Trees, spells out enforcement options and permitting options. We also identified the need to update the Shade Tree Policy and the Guide that looks at the approved species list, along with the process to remove/plant shade trees.

This resolution before the Board is an update to the 2008 policy, which removes conflicting language from the policy, so that it fits more consistently with the recently adopted ordinances. Staff would like to dig into the standard operating procedure for shade tree maintenance and provide more clear information to residents.

The Policy update before the Board this evening, and the resolution to adopt it, is an interim step to ensure that the policy we currently have does not conflict with the new ordinance that was adopted in January. Staff is therefore requesting a motion to adopt the 2024 Shade Tree Policy and Guide, and will follow up with another resolution regarding the process we are looking at as Staff continues to update more information on the Guide and public education surrounding this.

Clarification - The motion this evening would be to adopt this resolution; however, Staff will continue to work on this further, and this Policy will come back to BOC for further review. Mr. Stroehler noted that the second resolution on this agenda is to apply for a grant in order to look at further developing the policy. This will also include public outreach—what you need to do with your shade trees, what the process is, and proper maintenance. Staff want to further update this policy into a more user-friendly policy, while

working on the standard operating procedure. The first resolution is to adopt the policy to clean up the housekeeping items, to make sure the language in the policy is not in conflict with the updated ordinance.

A MOTION was made by Commissioners Roth and Kelly to adopt said resolution repealing the 2008 Shade Tree Policy & Guide and replacing with the 2024 Shade Tree Policy & Guide. All in favor; none opposed. Vote 5:0. Motion carried.

B. A Resolution of the Board of Commissioners of South Whitehall Township to Submit an Application to the 2024 Lehigh Valley Greenways Conservation Landscape Mini-Grant Program for the South Whitehall Shade Tree Education Grant.

(25:55) Mr. Strohler explained that we've heard from residents that there is not a lot of information out there on shade trees and related responsibilities. Staff is asking for permission to apply for this mini-grant in order to develop and update this policy and guide; to work with a graphic designer in order to have a lot more information in it. As part of updating this guide, we would like to have more public outreach regarding the importance of shade trees, proper maintenance, best management practices of shade trees, and to have an easily printable guide which can be distributed and placed on our website in order to better share information. The funding from this grant would be to hire a graphic designer to work with staff, and some professional expertise with the State Bureau of Forestry, Penn State Extension, who could help us ensure the information in the 2008 Guide is still best practice, and also look at updating our existing list of approved species list to ensure we are not promoting species that are vulnerable to diseases, etc.

The other component we would like to do with this grant application is to promote best practices by hosting a public tree trimming session, for those who are interested in maintaining their own shade trees, that need minor pruning. This would be part of the education and outreach regarding the benefits of shade trees, and what the responsibilities are for residents/landowners.

Staff is therefore requesting a motion for adoption of said resolution, which would allow staff to apply to the LV Greenways Conservation Landscape Mini-Grant Program for the SWT Shade Tree Education Grant in an amount not to exceed \$4,000. This is a 50/50 match program. If we are not awarded this grant, we are still working to update the Policy, and we will still be reviewing the guide. This grant is to help us put together a more visually appealing piece of it and the hiring of someone to assist with the Tree Trimming Workshop.

Grant to possibly be awarded mid-May. If we are not awarded this grant, Staff would come back to the Board with specifics of how they will proceed with Tree Trimming Workshop, etc.

A MOTION was made by Commissioners Hodges and Roth to approve said resolution. All in favor; none opposed. Vote 5:0. Motion carried.

9. MOTIONS

A. (33:15) Motion to Award Bid with regard to the 4109 River Road Concrete Barrier Project

Herb Bender, Director of Township Operations explained that on February 26, 2024, one bid was received for the River Road Concrete Barrier Project. This bid was advertised in a local publication as required by law. 44 potential bidders downloaded and received bid documents from the PennBid website.

At the February 7, 2024, meeting the Board approved the advertisement for bids for a Contractor to supply and install a concrete barrier as part of the Jordan Creek Greenway Trail Project for the widening/relocating of a portion of River Road.

Capital funds were budgeted for the entire River Road widening with the barrier in the amount of \$315,000. Baseline Contracting submitted a bid for the total installed price of the concrete barrier of \$162,843.10. (Bid tabulation in Board meeting packet.)

SWT PW will complete the balance of the necessary work for the widening of this road and will remain within the approved budget for this project.

The Township has contacted the references provided and have received satisfactory results. PW and Purchasing departments are respectfully requesting the Board to award the contract for this project to Baseline Contracting.

A MOTION was made by Commissioners Johns and Roth to award bid to Baseline Contracting in the amount of \$162,843.10. All in favor; none opposed. Vote 5:0. Motion carried.

B. Motion to Award Bid with regard to Road Building Materials

(36:25) Mr. Bender explained that 2 bids were received and opened on Thursday, February 28, 2024, for the Road Building Materials bid. This bid was advertised once in a local publication as required by law. 19 potential bidders downloaded and received bid documents from the PennBid website.

This bid was previously requested and approved to be advertised by the BOC at the February 7, 2024, meeting for the yearly roadway resurfacing schedule for various roads within the Township, in addition to the yearly needs for patching and road repairs.

As part of this bid award, the Board will have the option to renew this contract for an additional 3, one-year terms, after the initial term of one year, at the original contact price.

We are requesting the Board to approve the award of contract to New Enterprise Stone and Lime.

This bid is spread across a couple budget lines:

- Street Construction: \$799,519.00 (Paving)
- General Government Materials: \$60,000 (Street repairs)
- General Government Materials: \$10,000 (Water repairs)
- General Government Materials: \$4,000 (Sewer repairs)

Mr. Bender explained that they did compare all bids to the COSTARS pricing. New Enterprise Stone and Lime was better than COSTARS pricing.

A MOTION was made by Commissioners Roth and Kelly to award bid to New Enterprise Stone for the Road Building Materials Project. All in favor; none opposed. Vote 5:0. Motion carried.

C. Motion to Proceed with Advertising Bid for the 2024 Roadway Milling Project

(38:41) Mr. Bender explained SWT PW is respectfully requesting permission to advertise a 2024 Roadway Milling bid.

Included in Board Packet is a complete bid specification for reference purposes, along with the roads which we are requesting to have milled. The Township will resurface these areas with PW employees.

Capital funds have been approved in the 2024 budget for \$177,519; however, we anticipate spending \$174,648.

Herb explained they had two meetings with UGI regarding this project. And, he said before we award this contract, we will meet with UGI one more time to ensure their capital has not changed since the last time we met.

A MOTION was made by Commissioners Johns and Hodges to proceed with the advertising of bid for the 2024 Roadway Milling Project as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

D. Motion to Proceed with Purchase of Ventrac Mower with Mower Attachment

(40:25) Mr. Bender explained that SWT PW Utility division is respectfully asking for a motion to proceed with ordering a Ventrac Mower, with mower attachment. The price for this piece of equipment is \$51,452. PW solicited 4 quotes to ensure we are getting the best price and piece of equipment for our needs. The Ventrac will be replacing a 2008 Toro wing mower with 5,000 hours. The Ventrac can cut steep slopes in all our detention basins as well. We will be able to add other attachments to this piece of equipment, making this a multi-use piece of equipment.

Mr. Bender said Staff is requesting a motion to proceed with purchase of this Ventrac Mower, with mower deck attachment, which was budgeted for \$91,000 in Capital Equipment & Vehicles. Mr. Bender explained that if we go with the Ventrac, we can get other options, and with the rising costs of equipment, we are looking to be able to use one piece of equipment for many different uses.

A MOTION was made by Commissioners Peischl and Roth to proceed with purchase of Ventrac Mower and mower deck attachment as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

E. Motion to Reject all Bids regarding Police Body Cameras and In-Car Video and Digital Evidence Management System (RFP Bid #2024-01)

(42:35) Township Manager Tom Petrucci explained that as the Board is aware, SWT PD has been awarded just over \$400,000 in grant funds for body cameras. And, the Township has also allocated just over \$673,000 of ARPA Funds to the Body Camera and In-Car Camera Project. The Township recently went out to bid again for both of those items. On February 26th bids were opened and checked for pricing and responsiveness; however, it was determined that the lowest bidder was deemed non-responsive due to incomplete documentation. Of the two bids provided, the next lowest bidder is outside that total combined budgeted amount between the ARPA and Grant funds. That being said, the Township is asking to reject the bids, and allow us to come back to you at the March 20th meeting with a revised purchasing plan that would be determined to be compliant with Commonwealth procurement requirements for a 5-year purchase, in lieu of the total of 15-year purchase. We are trying to maximize the grant funding provided for the body cameras, in order to maximize the ARPA funding overall, which has to be encumbered by the end of this year. Also, we want to ensure that we have flexibility in the future, with the ever-evolving technological field, as well as statutory regulatory matters, which are subject to change.

In Summary - Mr. Petrucci said, we are asking to reject the bids, to then allow us the flexibility to re-bid, if necessary, if it is determined that we cannot come back with a compliant purchasing plan; but, to primarily focus on providing said compliant purchasing plan for Board consideration at the March 20, 2024, BOC Meeting.

A MOTION was made by Commissioners Kelly and Roth to reject all bids regarding police body cameras and in-car video and digital evidence management system, RFP Bid #2024-01 due to budgetary parameters. All in favor; none opposed. Vote 5:0. Motion carried.

Additionally, a MOTION was made by Commissioners Kelly and Hodges to authorize Staff to rebid or use a cooperative purchase method, as appropriate, and report back to the BOC on March 20, 2024, on this agenda item. All in favor; none opposed. Vote 5:0. Motion carried.

10. CORRESPONDENCE AND INFORMATION ITEMS**A. Boards and Commissions – Informational Items/Vacancies (46:00)**

On March 13th, 6P-9:30P, a Special BOC Meeting will be held for the purpose of conducting interviews for current vacancies for those who have applied.

11. DIRECTION/DISCUSSION ITEMS**A. (47:00) Vistas Park – Review of Plans**

Mr. Stroher explained that Staff has moved forward significantly in the last year with this project, regarding the design for the Vistas Park. Township was awarded a PA DCNR Grant and a PA DCED Grant to support the development of this Park. Highlighted features are the walking path, which will go around the existing fields on the upper part of the park. Project will include additional parking, additional ADA accessible parking, all of the routes/ramps coming from the parking area and going around will be ADA accessible. It will include access to the sidewalk on the northern side. This includes construction of 2 pickle ball courts, along with fencing around the courts. Also looking at potential sound dampening. There is a small area between existing basketball court and the new walking path where we are looking to have some nature play obstacles/play equipment installed. Additionally, along the walking path we have space to put in some drop features (perhaps benches, additional play equipment). We are close to 85% with these plans, and therefore, wanted to bring them to the BOC in order to give this update. We would then like to go and show this to the P&RB to get their feedback as well, followed by having a meeting over at the Vistas Park in order to target outreach to the Vistas HOA to get some residents to come out and see the updates and talk about the process here. Mr. Stroher said we are on track. If designs move forward, looking to put this out to bid over the summer; construction is expected to be completed by fall 2024. Staff will come back to the BOC with the final plans, along with the request to put out to bid.

President Kelly thanked Mr. Stroher for the update and appreciates Staff's plan to bring this to the community/HOA in order to get their feedback regarding the upgrade to their park. President Kelly said the plan looks terrific and said that Mr. Stroher and his team have done a great job putting this together, and said this park will suit that area very nicely.

No additional action was required from the Board this evening. This was simply an update on project.

12. OLD BUSINESS - NONE**13. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items**

Don Sheatsley – 1411 Hampton Road. Subject: Piles of Snow on sidewalks, people forced to walk in street, and mailbox issues.

14. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS (56:29)**A. Invoices and Disbursements**

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

15. EXECUTIVE SESSION**A. Scheduled Accordingly – NONE.****16. ADJOURNMENT**

A. Motion to Adjourn – At 7:56P a MOTION was made by Commissioners Peischl and Roth to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

17. APPROVED – On Wednesday, **March 20, 2024**, a MOTION was made by Commissioners Roth and Hodges to approve the March 6, 2024 Board of Commissioners Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.