



Wednesday, April 17, 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\*  
Interim Chief Stephen G. Brown, 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 and personnel Matters: April 10<sup>th</sup> and April 17, 2024. (1:45)**

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

**5. PRESENTATIONS**

**A. Financial Summary Report – Tricia Dickert, Director of Finance (2:20)**

Ms. Dickert touch on the following in the Financial Summary Report:

General Fund – (Actual) Revenue \$2,316,738.52. Real Estate Tax bills go out April 1<sup>st</sup>, which will cause the General Fund Revenue line to increase in the April financials at a good pace.

Fire Tax Fund – (Actual) Revenue \$18,155.83 This will also pick up as it is situated on the Township Real Estate Tax bills and will increase as well towards end of April.

Nothing noteworthy in Water, Sewer or Refuse/Recycling.

Capital Fund – (Actual) Revenue \$23,134.00

Capital Fund – (Actual) Expenses \$89,873.19 – Many capital projects are just beginning, and we have not yet received many invoices, thus the reason for this number being up.

State Highway Aid Fund – (Actual) Revenue: \$728,633.92. State Highway Aid is tied to street lighting—expected revenue has been received.

State Highway Aid Fund – (Actual) Expenses: \$188,272.49

President Kelly thank Ms. Dickert and Ms. Blahnik for keeping the Board up-to-date on Fund Balances.

## 6. MINUTES

### A. April 3, 2024 – Board of Commissioners Meeting Minutes

(5:35) A MOTION was made by Commissioners Roth and Hodges to approve the April 3, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.

## 7. ORDINANCES – NONE.

## 8. RESOLUTIONS

### A. A Resolution Appointing Phillip Ingram as a Regular Member to the South Whitehall Township Civil Service Commission

(5:50) Township Manager Tom Petrucci explained that upon review of the CSC, it is currently comprised of 1 regular member, along with 3 alternate members. The Alternate members have the same authority as regular members to ensure the CSC may hold a quorum and conduct official business as needed. However, Administratively, it is prudent to now move 2 alternate members to primary positions. This action will also then create 2 vacancies in the Alternate position.

PD and Township Manager are requesting:

- Appointment of Shoukat Mughal to a regular member, term would expire December 31, 2027.
- Appointment of Phillip Ingram to a regular member, term would expire December 31, 2029.

End result - CSC would be comprised of 3 regular members with staggered terms; and 1 alternate member; and 2 Alternate vacancies.

A MOTION was made by Commissioners Peischl and Johns to appoint Phillip Ingram as a regular member of the SWT CSC. All in favor; none opposed. Vote 5:0; Motion carried.

### B. A Resolution Appointing Shoukat Mughal as a Regular Member to the South Whitehall Township Civil Service Commission.

(8:02) A MOTION was made by Commissioners Peischl and Hodges to appoint Shoukat Mughal as a regular member of the SWT CSC. All in favor; none opposed. Vote 5:0; Motion carried.

President Kelly thanked Messrs. Ingram and Mughal for their service on the CSC.

### C. Resolutions for SR 0309 & SR 1002 (Tilghman Street) Interchange Project. (8:15)

Mr. Petrucci explained for the Interchange project that there are really three separate items the State is asking the Board to take action on, which are the following:

- *Sidewalk Maintenance Agreement*
- *Roadway Lighting Agreement*
- *Interconnect with UMT, COA & SWT Agreement*

#### Sidewalk Maintenance Agreement

- Most of the sidewalks would be installed outside of PennDOT's Right of Way—sidewalks will primarily be on private property. The Department has agreed to install the sidewalks with the agreement that upon completion, maintenance responsibility is to be turned over to the Township. Regarding Sidewalks on private property, the Township would via Township ordinance bestow the maintenance responsibility onto the property owners, pursuant to PennDOT requirements and the First Class Township Code.

- As discussed, sidewalks were previously requested by the Township to be installed. The Department agreed to cover the cost of installation. The agreement is for turning over maintenance responsibility over to the Township/municipality.
- If the sidewalk is not in the PennDOT ROW, then an ordinance should be adopted by the Township to specifically call out the areas associated with this project and require the adjacent property owners to maintain the area.
- Ownership/responsibility of the sidewalk occurs at the completion of the sidewalk installation. HOP would need to be submitted by the owner of the sidewalk for future maintenance or construction proposed by the municipality/township/property owner.

Township Manager Tom Petrucci explained that PennDOT just gave us this information and they are asking for the Township to first make sure the Board is in agreement with installing it first. The Board has the right to say they do not want the sidewalks. Mr. Petrucci said the Township previously requested these sidewalks because it maintains connection points.

A MOTION was made by Commissioners Johns and Roth to adopt said resolution approving a Sidewalk Maintenance Agreement between SWT & PennDOT for the SR 0309 and SR 1002 (Tilghman Street) Interchange Project. All in favor; none opposed. Vote 5:0; Motion carried.

Roadway Lighting Agreement – (12:59) As part of the new Interchange, PennDOT is attempting to meet federal highway guidelines with respect to lighting.

- Currently, there is no interchange lighting so this would be a significant upgrade for the area from a safety standpoint. The proposed interchange lighting is considered to be partial interchange lighting and provides lighting at all the conflict points within the interchange, as well as at the intersections. Overall goal is to enhance safety.
- There are 41 proposed lights on the project. Lighting consists of 34 new pole mounted lights, 4 lights attached to utility poles and 3 on signal poles. Within the project limits there are 2 existing utility pole mounted lights at the intersections and there are no existing lights at the ramps.
- The items listed below are included in the project for highway lighting with the estimated unit price for each component. These are items that could require replacement or repair during the life span of the system. Unit prices include installation.
  - Lighting Poles - \$4,000
  - Pole Foundation - \$1,400
  - LED Luminaires - \$1,100
  - **TOTAL** for each unit - \$6,500 (This cost to be paid by PennDOT)
  - Per Township records, the estimated electrical costs for each street light pole are approximately \$250/year.
- The Township advised PennDOT they do not have the capacity to maintain the lighting proposed on the ramps of the Interchange and 309. In light of this, PennDOT did give us revised plans and took off a significant number of lights. All the lights now indicated on the plans, the Township could currently maintain. The Township cannot choose the lights. PennDOT is following strict Federal guidelines.

The Township does not have to accept these lights; however, it is recommended that the Township accept them for safety reasons. The Township would be responsible for 15 lights. We would either have the internal capacity to maintain them or our signal service provider with a bucket truck would assist us with that. Regarding insurance, if there was an accident, we would file a claim, and our insurance company would subrogate the claim.

A MOTION was made by Commissioners Kelly and Roth to adopt said resolution approving a Roadway Lighting Agreement between SWT & PennDOT for the SR 0309 and SR 1002 (Tilghman Street) Interchange Project. All in favor; none opposed. Vote 5:0; Motion carried.

Cooperative Memorandum of Agreement between COA, SWT and UMT – PennDOT is asking the Township to come up with said agreement for an interconnected series of signalized intersections. Of the intersections being proposed to be connected, there are 12 in total, and 9 are in the Township.

Important items to be noted as follows:

- The Township Engineer was engaged to review the technical aspects of this project. Comments issued by the Township Engineer on the plans remain under technical review.
- In order to implement the interconnect plan, PennDOT is requiring that SWT, UMT, and COA enter into a Cooperative Memorandum of Agreement to ensure that the interconnect is properly administered, funded and maintained.
- The Cooperative Memorandum of Agreement for the interconnect plan will only become effective should Federal funding be secured for this project.
- As noted above, SWT has the most signalized intersections that would be part of the interconnect system; therefore, it is proposed to have SWT serve as the lead agency for purposes of primarily administrative coordination.
- It is proposed that each municipality would be fiscally responsible for the operation and maintenance costs associated with their own signalized sections. If there would be a cost impacting the entire interconnect system, the costs would be shared proportionately.

Mr. Petrucci explained that essentially we are agreeing to work together, and we will come up with a maintenance plan, if and when this interconnect happens. The COA put a provision in the language of the agreement that they use a specific brand of lighting equipment—they currently train their employees on this equipment and want this proprietary request. If that request does not go through, the COA will not be privy to this agreement, and/or this agreement would have to be re-discussed. SWT would try and maintain the interconnect capacity to the maximum extent possible. As with the sidewalk and the lighting agreements, this is a safety improvement in terms of trying to interconnect these. PennDOT wants this in place, because they cannot bid out the project without this in place.

(21:45) Township Manager Tom Petrucci said that he knows pre-emption is part of this project and since the technical comments are still being discussed, he suggested that the Township Engineer put together an amendment response to PennDOT to incorporate Commissioner Peischl's comments with regard to Emergency Services and the need to have the lights timed on the Pre-emption. The lights need to have the capability to trip multiple lights, depending on which ones get tripped. PennDOT can then address said amendment response. Mr. Petrucci explained that we would need PennDOT approval for any timing changes to an intersection. Township Engineer Tony Tallarida agreed that the best time to address this is now.

A MOTION was made by Commissioners Hodges and Roth to adopt said resolution approving a Cooperative Memorandum of Agreement between COA, SWT & UMT for the multi-jurisdictional signal system that is a part of the SR 0309 and SR 1002 (Tilghman Street) Interchange Project. All in favor; none opposed. Vote 5:0; motion carried.

**D. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Township Manager to Execute a Professional Services Contract with Landstudies for a Feasibility Assessment and Concept Plan Development for the Jordan Creek at Covered Bridge Park.**

(24:55) Township Manager Tom Petrucci explained that SWT management/administration have observed repeated instances of flooding and scouring at CBP along the Jordan Creek.

Township management/administration have determined it is in the best interests of the Township to evaluate potential options for the long-term environmental remediation of the JC - both upstream and downstream of the CBP/Wehr's Dam area with the broadly defined goal of improving the stream morphology.

In BOC Packet is a professional services proposal for environmental services firm, LandStudies, to conduct a Feasibility Assessment and Concept Plan Development for the JC at CBP in the amount of \$9,900. LandStudies is an environmental firm based in Lititz, PA that has extensive background and experience in

working with municipalities on environmental issues and ecological plans. Their staff has the appropriate certifications and experience to assist the Township with this project.

Goal is to:

- Identify options for environmental remediation options in the identified study area based on the existing layout and configuration of CBP.
- It is important to note that this study is a starting point to help give the Township options to consider for future study and remediation options. This proposal is not for a complete Hydrologic and Hydraulic (H&H) Study. However, the scope of work of this proposal will confirm whether it would be recommended to conduct a full H&H Study as an option.

Township Manger Tom Petrucci is asking for the approval of the resolution to execute a professional services contract with LandStudies for the feasibility assessment. Timeline would be to hopefully have this completed by the fall.

Chris Strohler, Long-Range Planner explained that the intent of this study is to look at, not so much what is causing the flooding, which is a much larger scope than the \$9,900, but to give us additional options—expanding on the concepts previously looked at, and the initial parks feasibility study that talked about removing the dam. Now that we are revisiting the keeping of the dam—Question: What are our options within Township property? We know there are flooding issues, so what is in our capacity to address flooding issues within the Park? This is the preliminary step for us to focus on a more detailed scope of work where it is most necessary and within our capacity.

This study can be taken in two ways—1. The study is done to find us options, or 2. The study is done to rule out the Township taking action. Township Manager Tom Petrucci added onto this by saying—We also want to ensure that the funds spent on the next step is money well spent. That we do not put money into projects that will not bear any fruit in terms of improvement.

A MOTION was made by Commissioners Hodges and Johns to adopt said resolution authorizing Township Manager to execute professional services contract with LandStudies for a feasibility assessment and concept plan development for the JC at CBP. All in favor; none opposed. Vote 5:0; motion carried.

**E. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Township Manager to Execute a Settlement Agreement with Chabad Lubavitch of the Lehigh Valley, Inc. (34:28)**

Dave Manhardt, Director of CD Department, explained that this is for the project at 4457 Crackersport Road—Chabad Lubavitch of the LV. This was part of the addition that was put on; they received a waiver from Land Development. There were a series of unpaid back bills. This is our agreement to get those paid in full.

A MOTION was made by Commissioners Johns and Hodges adopting said resolution authorizing execution of settlement agreement as explained by Mr. Manhardt. All in favor; none opposed. Vote 5:0; Motion carried.

**F. A Resolution Extending the Conditional Preliminary/Final Approval to a Major Plan Entitled "1670 Church Road Padda Property LLC". (36:05)**

Gregg Adams, Planner, CD Department explained that this is an application to further develop the property located at 1670 Church Road. The plan proposes to renovate the existing commercial building, construct a 23-space parking lot, and stormwater management facility on the 3.4912-acre parcel.

The BOC granted conditional P-F approval to the project on October 19, 2022, with 23 conditions.

Applicant is requesting additional time to obtain the necessary PA DEP approval for a site remediation plan that is a precondition of securing a Letter of Credit to secure the public improvements.

Applicant to date has satisfied 18 of the 23 conditions of approval. Two of the conditions are legal protections and one is the requirement to record the plan within 18 months of approval. Therefore, only two conditions of approval are unaddressed, including the settling of all open invoices, which is not generally checked until the plan is ready to be recorded.

The applicant requests an extension of the preliminary/final plan approval by one hundred eighty (180) days. Staff recommends an extension of six (6) months, which makes the bookkeeping a little bit easier.

Applicant said what Mr. Adams explained is correct. Said they are being held up—they have to get a PA DEP Environmental Remediation Plan approved through DEP, and they cannot get their letter of credit to post their security until DEP is satisfied and our bank satisfied. All other conditions have been basically met, except for the Improvements Agreement, Indemnity Agreements which will be no problem doing. They are here before the Board this evening asking for more time, six months which should give us plenty of time to get things wrapped up. (For the record, Mr. Merkel, from Barry Isett, and Mr. Padda were both in attendance.)

A MOTION was made by Commissioners Johns and Roth to adopt said resolution granting six-month extension. All in favor; none opposed. Vote 5:0; Motion carried.

**G. A Resolution Granting Preliminary/Final Approval To A Major Plan Entitled “Nestle Purina Allentown PA Facility New Municipal Water Service” (38:50)**

Gregg Adams, Planner, CD Department explained that this is an application to further develop the property located at 2050 Pope Road. The plan proposes the construction of an approximately 4,400 linear foot water line within the right-of-way of Huckleberry Road from Wehr Mill Road to and onto 2050 Pope Road, as well as an associated 40,000 gallon water tank and 832 SQF mechanical building on 2050 Pope Road. The property is to be served by public water and private septic.

On October 19, 2023, the PC recommended approval of the plan with 22 conditions and 8 favorably recommended waiver/deferral requests. Applicant’s team was in attendance this evening.

Attorney Stephanie Kopal, c/o Fitzpatrick, Lentz, & Bubba, PC was in attendance, and represents the Applicant, Nestle Purina. Said Mr. Adams gave a good summary of the project. Have been working on this with the Township since October 2023 to the present specifically with regard to the fact that we are installing a larger water line which will not only service the Nestle facility, but also some of the neighboring properties, and has potential for future connections. They are please to be here this evening and would ask for a positive recommendation by the Board on the P-F Plan approval, as well as positive recommendations on the six waivers and two deferrals. To the extent the Board has any engineering questions, we do have Mr. Merkel here to answer those questions as well.

A MOTION was made by Commissioners Johns and Hodges adopting said resolution granting P-F approval to a major plan “Nestle Purina Allentown PA Facility New Municipal Water Service”. All in favor; none opposed. Vote 5:0; Motion carried.

**H. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Township Manager to Execute a Professional Services Contract with the Pennsylvania Chiefs of Police Association for an Executive Search for the Position of Chief of Police of the South Whitehall Township Police Department. (42:35)**

Township Manager Tom Petrucci explained that with the resignation/retirement of former Chief of Police, Glen Dorney, the Township is seeking to utilize a firm to help assist Township management and the governing body to select the next Chief of Police by way of a competitive, neutral/unbiased search process and independent evaluation.

The Pennsylvania Chiefs of Police Association has significant level of depth of experience in assisting municipalities with a number of specialty areas concerning law enforcement, including but not limited to police testing, accreditation, and hiring.

SWT has obtained a proposal from the PA Chiefs of Police Association; proposal included in Board's packet.

It is the recommendation of Township management to utilize Program #2 (Assessment Center) at a cost of \$9,000 which includes the following:

- Structured Interview- the candidate is interviewed by the assessors on six (6) questions that are designed to determine the abilities of the candidate as a police administrator.
- Analysis Presentation- the candidates are provided information regarding a relevant topic and are then required to present this information to our assessors.

Mr. Petrucci said we are requesting approval of resolution authorizing the Township Manager to execute the contract with the PA Chiefs of Police Association. Clarification – The Township would be evaluating both internal and external candidates that apply.

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

**I. Proceed to 9-A, followed by 8-I. A Resolution Extending a Conditional Offer of Employment for Entry-Level Position of Patrol Officer in the Township's Police Department to Applicant #76055, Conditioned Upon the Individual Satisfactorily Completing the Background Investigation, Polygraph Examination, Medical Examination, and Psychological Examination to Confirm their Fitness for Duty. (46:06)**

Proceeded to Motion 9-A first. (44:40)

(46:06) Interim Chief Steve Brown explained that the PD is in the hiring process for vacant entry-level patrol officer due to a retirement at the beginning of the year. We are looking to get the approval for the vacancy of entry-level patrol officer per the CSC guidelines. We are here to request that the Board extend a conditional offer of employment to the next eligible candidate on the CS List—Candidate #76055.

A MOTION was made by Commissioners Peischl and Kelly to adopt said resolution extending a conditional offer of employment for entry-level position of Patrol Officer to Applicant #76055. All in favor; none opposed. Vote 5:0; Motion carried.

**9. MOTIONS**

**A. Motion to Proceed with Adoption of the Civil Service Promotional List for Entry-Level Position of Patrol Officer in the South Whitehall Township Police Department (44:40)**

Interim Chief Steve Brown explained that PD conducted CS testing for entry-level patrol officer on March 23, 2024, sponsored by the LC Chief's of Police Association Consortium. Did interviews on April 4<sup>th</sup>/5<sup>th</sup> for all those who passed—interviewed top 25 of the passing scores. All aspects of the training process have been completed as well. Testing process has been completed, which includes agility test, written examination and the oral interview. Results were brought before the CSC on April 10<sup>th</sup>. The list was certified by the CSC at this time. We are here to request that the BOC make a motion to adopt the newly certified CS List for entry-level Position of Patrol Officer.

A MOTION was made by Commissioners Peischl and Roth to proceed with adoption of the CS List as explained by Interim Chief Steve Brown. All in favor; none opposed. Vote 5:0; Motion carried.

At this time, jumped back up to Agenda Item 8-I. (46:06)

**B. Motion to Proceed with Capital Purchase (Vehicle Replacements) for South Whitehall Township Police Department. (47:40)**

Interim Chief of Police Steve Brown explained that The Police Department is in the process of fleet upgrades and are requesting authorization to purchase three (3) new patrol vehicles in accordance with our current fleet plan. All three (3) will be used to replace current front line patrol vehicles. These current vehicles will still stay in the fleet and be re-assigned to the Community Relations Section for a School Resource Officer, as well as two being later upfitted to replace canine officer vehicles, which were all older. This is necessary due to the aging fleet vehicles that need to be replaced and taken out of service due to excessive mileage and safety concerns. Three vehicles will be decommissioned, and most likely put on MuniBid.

Furthermore, we have a growing minority of officers significantly over 6-feet tall (6'5" or taller). We found that the size of the cockpit in some vehicles not only inhabits a comfortable working environment, as officers are often on patrol for most of their 12-hours shift, but it also hinders their ability to maneuver while driving in both non-emergency and emergency conditions. Since 2020, we have installed half seat prisoner compartments to give the driver more leg room. Unfortunately, it has been discovered that vehicles are not high enough inside the cockpit. This brings up issues with not only operating the vehicles but being able to enter and exit effectively.

We also have increased the amount of equipment inside the vehicles, making even less room for storage. Officers carry patrol bags and other necessary equipment to be able to efficiently and effectively do their jobs. The smaller cockpits have been filled with computers, mounts, mobile radios, speed timing devices, as well as printers. This leaves even less room for average size officers as well. Officers can be tasked to reach for equipment, such as radio microphones and controls for the emergency visual and audio signals, on a frequent basis so having these items regularly available is important. Having more trunk space would allow for organization of the equipment inside, leaving less of it to be stored in the interior space of the vehicle.

The Michigan State Police conducts testing and evaluations on police package vehicles annually for the current year's models. These vehicle models are broken down by several factors. The fully completed study is part of Board's packet. Chevy Tahoe has most cubic feet in the front. Ford Interceptor, what we have now, has 5 cubic feet less in the inside. The Durango is even smaller.

There has also been a growing concern with the maintenance records for our current fleet. That chart has been included in Board's packet as well. These records show the regularity of issues with our current fleet. While the work is covered under warranty, the vehicles are scheduled by the garage so that only one or two are out of service at intervals because of the time that it takes for repairs. This affects the operational function of the patrol section and our established fleet plan. Officers assigned to the out of service vehicle will be assigned a different vehicle, adding to the mileage and possible maintenance costs.

We have done our due diligence with obtaining quotes for vehicles. We requested and received a quote from 3 dealerships for a 2024 Chevrolet Tahoe PPV (CK10706) and a 2025 Ford Interceptor EcoBoost (K8A) that provided COSTARS pricing. Given the issues mentioned, we received quotes for the Ford Interceptor 3.0L EcoBoost AWD, as it is a different model than the ones we have in our current fleet. The issue to note is that Ford does not have anymore 2024 models available. The quotes obtained would be for the 2025 model that will not be deliverable until that year. Quotes for the Dodge Durango were not obtained because the order banks have closed and their interior dimensions were the smallest. Another option for a larger interior was the Ford Expedition, however, no pursuit rated models were produced in 2024. Pursuit models are specifically designed for the rigors of patrol work and last longer than non-pursuit models.



The lowest vehicle COSTARS price for a marked 2024 Chevrolet Tahoe AWD was \$53,000 with an upfitting cost of \$23,093.57 for a total cost of \$76,093.57 each. The overall total for the 3 vehicles is \$228,280.71. This price falls within the budgeted amount and still will allow for the canine vehicles to be uplifted later this year. Additionally, the three vehicles being decommissioned will tentatively be sold at auction.

With all this information, we are requesting the Board of Commissioners approve the purchase of the 3 Chevrolet Tahoe's from Whitmoyer Auto Group. The vehicles were budgeted for in the 2024 budget in the amount of \$275,000. If approved, availability of vehicles would be May/June timeframe, and then they would go to upfitter shortly after receipt to get them out on the road.

President Kelly thanked Interim Chief Brown, and his command staff, for providing a very comprehensive memo of information to the Board.

Township Manager Tom Petrucci explained that the Budget was specifically prepared to allow for what we felt was the best option for the Township without a particular brand. Herb Bender, Director of Township Operations said we are looking into a program which will tell us the cost/mile for each PD and PW vehicle.

A MOTION was made by Commissioners Hodges and Roth to approve the purchase of the three Chevy Tahoe's from Whitmoyer Auto Group as explained by Interim Chief Steve Brown. All in favor; none opposed. Vote 5:0; Motion carried.

Interim Chief of Police Steve Brown thanked the Board. He said this was very much a team effort from the Command Staff and very happy with this end result. President Kelly said we appreciate all your effort and that of your team. Township Manager Tom Petrucci wanted to also thank Interim Chief Steve Brown and the Command Staff for compiling all this information that was brought before the Board this evening.

**D. Motion to Proceed with Capital Purchase (rifles and associated equipment) for South Whitehall Township Police Department. (59:30)**

Interim Chief of Police Steve Brown explained that the SWT-PD is requesting to upgrade our patrol rifles for our vehicles better protect the officers in our department. Our current rifles, a long barrel AR-15, cannot accommodate silencers that will suppress the high decibel noise of a round leaving the barrel in an enclosed space, such as a building or vehicle. There is a documented incident with a local police department where an officer had to discharge a firearm inside of his vehicle that led to the officer losing his hearing. This is a prime example of the need for this equipment. Additionally, our officers are trained on the range in a similar situation wearing hearing protection, where they could still hear and feel the concussion of the rifle being discharged.

With the use of ARPO funds designated to the police department for body worn cameras and in-car cameras that were covered by grants, we would be able to cover the expense of equipping officers with gear that will potentially save lives and diminish liability. Essentially, we could protect officers' hearing during a critical incident by suppressing the noise and reducing the chance of hearing loss, as well as the cost of liability for disability pensions.

Although the use of suppression systems and protection of hearing are not new, the technology has been tailored to law enforcement applications and has become best practice throughout the profession. Surrounding agencies have already procured short barrel rifles with silencers and equipment to suppress their noise. The SWT Police firearms instructors and Command Staff have done their due diligence in evaluating weapons and various suppressor systems and believe that the listed combination will serve our needs effectively for the right cost. The same weapons and silencers are currently used by the five Lehigh County emergency response teams members who are members of our department.

The SWT PD are requesting the BOC approve the purchase of 30 BCM CBQ rifle for \$39,300, as well as 30 suppressors for \$28,539, for a total cost of \$67,839, to be encumbered as part of the ARPA funds that were designated to the PD. During the course of the 2024 Budget adoption the BOC previously approved and

inter-transfer of funds in the amount of \$673,606.27 out of the American Rescue Plan Fund to the Capital Reserve Fund to help support the anticipated cost of new body camera, in-car camera systems a project which resulted in a lower budgeted amount.

As part of the approval of this newly requested above-described capital expenditure for weapons, a transfer from the Capital Reserve Fund 3041003-40761 line item for body camera/in-car cameras to a newly created Capital Reserve Fund 30410003-40797 line item for weapons is now required in the amount of \$67,839.00. The transfer should be approved via motion of the Board of Commissioners.

President Kelly thanked Interim Chief of Police Steve Brown, and his Command Staff, for their diligence in the compilation of this information to the Board.

A MOTION was made by Commissioners Roth and Kelly to proceed with said capital purchase (rifles and associated equipment) for the SWT PD. All in favor; none opposed. Vote 5:0; Motion carried.

Interim Chief of Police Steve Brown again thanked the Boad and said it was a team effort.

#### **E. Motion to Proceed with Request for Proposal for Zoning Consultant for Jordan Valley Open Space Zoning Overlay. (1:03:48)**

Mr. Chris Stroehler, Long-Range Planner, CD Department, explained that In March 2023, SWT adopted the updated Comprehensive Plan, which guides future land use in the Township. Implementation Item Z1 of the CP calls for updates to the Township Zoning Ordinance through the following actions:

- Review and update zoning districts where appropriate based on the land use plan
- Integrate Place Types when updating zoning districts
- Utilize transportation and economic impact models to evaluate impacts on potential zone changes

Over the past several months, the Township has been working with the consulting team at Houseal Lavigne to set up the web-based planning software, ArcGIS Urban, while integrating zoning and current land use conditions. This work has primarily been focused on the Jordan Valley, which is identified as the area with the highest concentration of resources to protect and has the most pressure for new development.

(1:05:18) Using the information gathered from ArcGIS Urban, staff is prepared to initiate the development of a zoning overlay ordinance to cover the northern part of the Township, in the Jordan Valley. The intent of this overlay zone is to encourage options to preserve open space with development where direct land preservation isn't feasible.

The proposed goals of the Jordan Valley Open Space Overlay Ordinance are to:

- Maximize open space preservation
- Minimize impacts to local roadways
- Prioritize complimentary development patterns
- Maintain private property owner's development rights

(1:05:30) Township staff is requesting a motion from the BOC to release the attached RFP to hire a professional consulting team to help prepare the Jordan Valley Open Space Overlay Ordinance. The selected consultant will be responsible for creating the ordinance text, developing design guidelines for the overlay area, and updating a land use type/place type table to accompany the ordinance. The selected consultant will also be responsible for working with Township staff to evaluate how the ordinance fulfills the above referenced goals throughout the process. This evaluation will primarily be conducted using ArcGIS Urban to test the proposed provisions of the ordinance in "real-world" scenarios.

Mr. Stroehler said they are hoping that the ordinance overlay will provide options to better balance open space and compliment w/residential, commercial, and industrial uses all which are in the Jordan Valley. Looking to have this as an incentive-based option for people to consider opting into and help us accomplish our goals as explained in the CP.

Staff is requesting BOC to authorize the Township Manager and CD staff to release the said RFP for the Jordan Valley Open Space Overlay Ordinance. Consultant would be responsible for drafting the overlay text and to further work to develop uses that can be used in the zoning ordinance overlay. Staff would like to get the RFP out immediately, and then have about a month for responses to RFP. Looking for aggressive firms to assist us with the concepts/and goals (listed above) for the Open Space Overlay District for the Jordan Valley. *(Presentation later in meeting to show what we are looking at for this area.)*

Overlay Process - Gregg Adams explained that the overlay previously done started with the update of the zoning ordinance update in 2014, along with the zoning map—so the overlay was hand-in-hand with a text and map component. They were basically recommended by the CP Consultant who was Thomas Comitta at the time, who went through the process. At that time, there was a desire by the Township to produce these things that gave people who were interested in developing their property a different option than what base zoning provided. This was then written into the ordinance; the map and text were adopted in the ordinance, which included not only the overlays, but a number of changes done to make the zoning ordinance more consistent with the CP of 2009. This was basically the process.

Mr. Manhardt said there are different parameters we can put in as an overlay, as an opt-in, to try and get incentives that we want. He went on to say that the goal of maintaining private property rights is the most difficult piece to balance, if we were to change the zoning. The idea is to allow more flexibility between zones. Because we are currently looking at a large area, we hope to build in some incentives to transfer development from one area to another area that may not be under base zoning. He explained that the other thing it allows is if it is on the books and working, we can look at changing base zoning, if there are things in the provisions of the overlay that we feel would be applicable to base zoning, we can take them out and build them into base zoning. This is a way of getting it on the books, test it out and run it through the process, then evaluate, so as to potentially change the base zoning.

Timeline – Mr. Mahardt said we are targeting the end of the year to come back to the Board with an ordinance. President Kelly thanked Mr. Manhardt for bringing this information to the Board, keeping in mind the very things that the residents have brought to this Board and the Planning Commission. This is a very useful and important tool for the Township to explore in order to balance the rights of the landowner, and hopefully have a benefit to the Township and community as well.

(1:21:44) A MOTION was made by Commissioners Kelly and Roth to proceed with RFP for Zoning Consultant for Jordan Valley Open Space. All in favor; none opposed. Vote 5:0; motion carried.

## **10. CORRESPONDENCE AND INFORMATION ITEMS**

### **A. Boards and Commissions – Informational Items/Vacancies (1:22)**

## **11. DIRECTION/DISCUSSION ITEMS**

### **A. ArcGIS Urban System – Presentation/Discussion. (1:23:50)**

Mr. Strohler at this time gave a demonstration of how the Houseal-Lavigne ArcGIS Urban tool worked and how it will be utilized to evaluate any proposed modifications to the Township's Zoning Ordinance. This is essentially mapping software, which will help us visualize things, due to the metrics and data built into the background of this software. Mr. Strohler showed the Board what Staff/Houseal-Lavigne have done thus far, utilizing this tool.

## **12. OLD BUSINESS – NONE.**

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

(1:30:45) Brian Hite, 1273 Eck Road, Allentown. Subject: Follow up to Solar Lighting at 309 & Tilghman. Clarification - Solar lighting is not an option for Federally funded projects.

**14. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS**

**A. Invoices and Disbursements**

A MOTION was made by Commissioners Kelly 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 8:32P a MOTION was made by Commissioners Kelly and Hodges to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

**17. APPROVED:** On May 1, 2024, a MOTION was made by Commissioners Roth and Peischl to approve the April 17, 2024, Board of Commissioners Meeting Minutes as presented. All in favor; none opposed. Vote 5:0; MOTION carried.