



Wednesday, April 3, 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 3, 2024.

4. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items (2:00) – NONE.

5. MINUTES

A. March 20, 2024 – Board of Commissioners Meeting Minutes

(2:15) A MOTION was made by Commissioners Roth and Kelly to approve the March 20, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.

6. ORDINANCES

A. 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 Iii ("Restrictions On Size, Weight And Type Of Vehicle And Load") Of The Codified Ordinances Of South Whitehall Township To Amend Section §336-31 ("Truck Traffic Restricted On Certain Streets") To Provide For A Truck Traffic Prohibition On Ridgeview Drive Between Walbert Avenue And Huckleberry Road; And To Provide For A Repealer Clause, Retention Of Rights To Enforce, Severability Clause And An Effective Date

(2:30) Township Manager Tom Petrucci explained that the Township Engineer previously determined that it would be appropriate to restrict truck traffic on Ridgeview Drive from Walbert Avenue to Huckleberry Road. An ordinance is required to implement this truck traffic restriction. Ordinance previously approved

by BOC for advertising, and advertised in the March 21st edition of The Parkland Press, and also sent to the LC Department of Law on March 11th. The ordinance has been reviewed by the Township Solicitor, and has also gone through several reviews at public meetings of the BOC. If the Board is inclined to adopt the ordinance, it is ready for adoption. Also, all required signage as identified in Township Engineer's January 18th letter has been ordered/received by the Township, and is ready to be implemented immediately upon adoption of said ordinance. PD would be notified as, so as to be able to enforce the ordinance as well. Township Manager Tom Petrucci is seeking a motion to adopt and enact this ordinance.

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

7. RESOLUTIONS

A. (4:50) Approval of Resolutions – Revised Cost Sharing Agreements for Sewer and Water for SR 0309, Section 12-M:

- **A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Township Manager to Execute a Utility Reimbursement Agreement with the Pennsylvania Department of Transportation for the Highway Improvement Project of State Route 0309, Section 12-M. (Water)**

(5:21) Township Manager Tom Petrucci explained that as part of the SR 0309 Section 12 M Interchange Highway Improvement Project, the BOC previously approved cost sharing agreements relative to the relocation of water and sewer utilities for SWT. The revised agreement is now necessary for the following two reasons:

1. Reconciliation of betterment costs that are outside the scope of the PennDOT work and legal purview of PennDOT for the relocation of water utilities on Beverly Drive.*
2. Extension of the deadline for a final signed agreement to May 16, 2024, for both water and sewer

The first Agreement will be for Water, which will be for the betterment, as well as the deadline extension, and the second Agreement will be for Sewer, which only encompasses the deadline extension.

*The betterment work includes the abandonment of an existing 2-inch galvanized water main serving three properties from Beverly Dr. The 2-inch main will be abandoned at the 8-inch main on Beverly Dr. by open cut excavation and capping the 2-inch main. Three new 1-inch copper water services will be installed from the north side of Tilghman St. to serve each property and connect to the existing service locations on the south side of Tilghman St. This work is outside of the PennDOT limit of work for the project and was requested by the Township for purposes related to efficiency and long-term operation and maintenance of the line at this location.

Both W&S Agreements remain at the same fixed percentages (75%)—75% Penndot/25% SWT. This resolution authorizes the Township Manager to execute said Agreement on behalf of the Township. This project will probably not be budgeted until 2026, 2027, or 2028 depending how work goes.

Interruption of service to residents will be very minimal. This will be incorporated into the PennDOT work. Per Mr. Bender, Director of Township Operations, SWT PW will not be doing the work because we do not have the required equipment or the manpower, and PennDOT will already be there, which means it will be a lot cheaper for us to have them put the lines across Tilghman Street.

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

- **A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Township Manager to Execute a Utility Reimbursement Agreement with the Pennsylvania Department of Transportation for the Highway Improvements Project of State Route 0309, Section 12-M (Sewer)**

(9:50) Township Manager Tom Petrucci explained this is the same resolution as Water; all this one does is extend the deadline. What would need to happen here is that we initial off on the deadline change to May 16, 2024.

A MOTION was made by Commissioners Peischl and Roth to adopt said resolution. 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 Pennsylvania Department of Environmental Protection 2024 Recycling Development and Implementation Grant Program under Section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act.

(10:40) Herb Bender, Director of Township Operations, explained that SWT Administration, along with the PW Dept would like to move forward with applying for the 902 Grant. This grant can be applied for every two years. We applied in 2022 and were awarded \$316,575, and in 2024 we would like to apply for \$190,830 to purchase an Olympian Leaf Pro Vacuum trailer. The grant would cover 90%, which is \$171,747, and the Township match portion is 10% for \$19,083. Currently, we use a trackless unit, with a leaf head attachment, which requires a minimum of four employees. With this new leaf vacuum trailer, it will only require two employees. This will also lower our maintenance costs due to not having to rebuild the leaf heads every year, which is a significant cost to the Township each year per below.

Cost of maintenance for the leaf heads:

1. 2018 - \$2,089.15
2. 2019 - \$21,039.62
3. 2020 - \$15,666.40
4. 2021 - \$7,000
5. 2022 - \$9,042.17
6. 2023 - \$10,286.91
7. 2024 - \$7,744.02 (This number is just to service the leaf heads)

Herb explained these leaf heads would stay as a backup reserve in case another machine would become inoperable; in this way we would not fall behind on the leaf collection.

Administration is looking for adoption of resolution to proceed with applying for the 902 Recycling Grant which would help fund this new piece of equipment. We would be applying for this grant this year, which means would have to wait to see if we get approved for Grant, which means we would hopefully get this equipment August/September 2025. However, Staff would be back before the BOC for permission to proceed with this purchase, and also then budgeted in 2025 and would be a reimbursement grant, showing the revenue on the Capital side, and our portion of the \$19,083 which we would be covering.

A MOTION was made by Commissioners Johns and Hodges to adopt said Resolution to apply for 902 Grant for the purpose of purchasing an Olympian Leaf Pro Vacuum Trailer. All in favor; none opposed. Vote 5:0. Motion carried.

C. Resolution - Removal of Landscape and Shade Tree Commission Member

(15:45) Township Manager Tom Petrucci explained that Section 17-72 of the Code of Ordinances of SWT provides for the BOC to remove any L&STC member at the discretion of the BOC. There is a member who has not attended any meetings in the last year, so if the BOC is inclined to remove this member, a resolution has been prepared for Board consideration. The Board was in agreement for removal of member since they have not attended any meetings.

A MOTION was made by Commissioners Hodges and Roth to adopt said resolution as explained by Township Manager Tom Petrucci. All in favor; none opposed. Vote 5:0. Motion carried.

D. A Resolution Appointing ____ as Members to the South Whitehall Township Landscape and Shade Tree Commission. (17:35)

President Kelly explained that 7-D, 7-E, & 7-F are all appointments. 14 candidates were interviewed for various boards, w/3 of the committees being addressed this evening. She thanked all the residents who

applied and interviewed with the Board, and said that the Board greatly appreciates everyone's interest in serving. Our citizen advisory boards play a very important role in supporting the BOC w/guidance and information, and outreach to the community.

Township Manager Tom Petrucci said this Commission (L&STC) will meet at 5P on the 4th Monday of each month, followed by the EAC being held at 6P.

President Kelly said we currently have two vacancies available on the SWT L&STC.

Commissioner Roth said Timothy Nash and Stacey Nash were each interviewed for the L&STC. Both work in the Landscape industry w/extensive experience. The interviews showed great enthusiasm for their work and their potential contributions to the community.

Commissioner Roth made a MOTION to appoint Timothy Nash and Stacey Nash as members of the L&STC. The MOTION was seconded by Commissioner Peischl.

Mr. Petrucci explained, in light of the fact this would be a husband/wife serving on the same commission, this would fall under the Ethics Act, if there were such a conflict. There would have to be identifiable benefits to the two making decisions—in this case it is an advisory body. So, there may not be a benefit per say. Solicitor Zator said that under the law, confirmed, that is correct.

President Kelly said we have a 1st and 2nd to the MOTION. All were in favor; none opposed. Vote 5:0. Motion carried. President Kelly thanked both of these individuals for their willingness to serve.

E. A Resolution Appointing ____ as Members to the South Whitehall Township Environmental Advisory Council. (21:30)

President Kelly explained this is an old board that had been inactive for quite some time. The Township recently revised the ordinance, and we are looking to appoint members to the newly created council, with various backgrounds which would serve the council well. This council is taking the place of the Green Advisory Council (GAC). Several of the GAC members were interested in serving on the EAC. Mr. Petrucci explained that the terms will need to be staggered so that no more than two terms will expire at the same time. If you take action to appoint five members, you would have 2 members with 3 years; 2 members with 2 years; and 1 member with 1 year. Technically the council could have 7 members, but we do not have 7 applicants. The Board was in agreement to appointing 5 members at this time.

Appointments were as follows:

A MOTION was made by Commissioners Peischl to appoint Sara Seipel and Marie North to the EAC filling the 3-year terms. MOTION was seconded by Commissioner Kelly. All in favor; none opposed. Vote 5:0. Motion carried.

A MOTION was made by Commissioner Kelly to appoint Derek Pinkham and Marc Basist to the EAC filling the 2-year terms. MOTION was seconded by Commissioner Hodges. All in favor; none opposed. Vote 5:0. Motion carried.

A MOTION was made by Commissioner Roth to appoint Frank Petrocelli to the EAC filling the 1-year term. MOTION was seconded by Commissioner Peischl. All in favor; none opposed. Vote 5:0. Motion carried.

F. A Resolution Appointing ____ as Alternate Members of the South Whitehall Township Zoning Hearing Board.

(27:35) A MOTION was made by Commissioner Hodges to appoint Glenn Guanowsky as an alternate member on the ZHB. The MOTION was seconded by Commissioner Kelly. All in favor; none opposed. Vote 5:0. Motion carried.

President Kelly thanked all who were appointed for their willingness to serve. For those who were not picked, the resumes are kept on file for one year for future consideration for any vacancies that may occur.

8. MOTIONS

A. Municipal Campus Sidewalk Project (31:20)

Herb Bender, Director of Township Operations explained that Administration is seeking a motion to proceed with the engineering and construction of the sidewalk out front of the Township building. This sidewalk would connect to Attorney Zator's sidewalk and include a Lanta Bus stop, along with an ADA compliant sidewalk to the Parkland Library, then continuing down towards Route 309. Once the 309-betterment project is completed, the sidewalk will connect from Ridgeview Drive. down to the intersection of 309 & Walbert Avenue.

Design layout is in the meeting packet. Proper signage will be put up so that pedestrians and vehicles will be aware there is a crosswalk. Few trees will be cut down as a result of the placement of sidewalk.

President Kelly thanked Mr. Bender for presenting this and feels it is a wonderful project with the connectivity to the Library. Mr. Bender said the Township has met with LANTA several times regarding the bus stop, and they were in the conversation when the location for the bus stop was chosen. Also, location of bus stop is at a good spot, because it will get the bus off the road and will not restrict the lanes of traffic. Mr. Bender said we are looking to have this project completed by EOY 2024. Township Engineer Tony Tallarida was in agreement and said we should be able to get this poured by October/November before the cold weather sets in.

A MOTION was made by Commissioners Roth and Kelly to approve the Campus Sidewalk Project. All in favor; none opposed. Vote 5:0. Motion carried.

A MOTION was made by Commissioners Peischl and Kelly to proceed with engineering and construction for the Campus Sidewalk Project. All in favor; none opposed. Vote 5:0. Motion carried.

B. Motion to Proceed with Purchase of Bandit Intimidator 15XP (Drum Style) Chipper from Stephenson Equipment in the Amount of \$96,942.50.

(36:05) Mr. Herb Bender, Director of Township Operations explained that PWs is respectfully asking for a motion to proceed with ordering a Bandit Intimidator 15XP (Drum Style) Chipper. PWs solicited 3 quotes (Stephenson Equipment, Bobcat and Vermeer) and 1 being a Costars quote. The current chipper is a 2001 Bandit disk chipper. We cannot tell how many hours are on this machine, as the counter does not work. FYI - Maintenance records from 2001 forward, placed in meeting packet. Mr. Bender said we cannot supply the older records as that was in the old AS400 system. This piece of equipment will stay in the fleet and be used for emergencies only for heavy rainstorms or winter storm events. Last year we ended up renting 3 chippers after we had a rainstorm with high winds, in order to clean all the down trees and branches throughout the Township. The price of this new Bandit Chipper is \$96,942.50. Again, we would keep the old one as a reserve, which would allow us to get two crews out at the same time, instead of one crew. These chippers are in stock and readily available. This was budgeted for \$100,000 in the capital reserve.

A MOTION was made by Commissioners Johns and Roth to proceed with said purchase as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

C. Motion to Proceed with Purchase of Ford Transit-350 with Specialized Utility Body.

(38:30) Mr. Bender explained that PWs Utility Division is respectfully asking for a motion to proceed with ordering a 2023 Transit-350 with a utility body. The price for this vehicle is \$83,048. PWs solicited 4 quotes

to ensure we get the best price for this vehicle. The current vehicle will be staying in the fleet and be moved over to the Streets Department. This truck has a closed in utility body, which will allow us to get all the tools/equipment out of the weather, which are stored on this vehicle. Truck 113 will then be shifted over to the mechanics, as their current vehicle was involved in a recent accident. The insurance companies have totaled the vehicle. Therefore, after looking at everything, this is the best way to replace that vehicle and correct the fleet with only having to purchase one vehicle. We are still working with the insurance companies to get the highest value for the vehicle. The range we are expecting to receive is between \$11,644.08 and \$14,310. We are requesting a MOTION to proceed with the purchase of the Ford Transit-350 with specialized utility body. This is within budget. This vehicle when spec-ing out was around \$110,000. Reason for lower purchase cost is that this is a prebuilt van. It is sitting on the lot, and we could actually pick up Monday and get mechanics back into a truck—if we have a road call they would then be equipped and ready to go. The money received from insurance company from the totaled truck will get deposited back into the Water Fund/Capital Reserve fund, since we are moving a water truck over to the general service.

A MOTION was made by Commissioners Hodges and Roth to proceed with purchase of Ford Transit-350 with specialized utility body as explained by Mr. Bender. All in favor; none opposed. Vote 5:0. Motion carried.

D. Motion to Award Bid #2024-04 Roadway Asphalt Milling Project to Rota-Mill, Inc., in the amount of \$140,944.

(41:15) Mr. Bender explained that three bids were received and opened on Monday, March 25, 2024, for the Roadway Asphalt Milling bid. This bid was advertised once in a local publication as required by law. Thirty potential bidders downloaded and received bid documents from PennBid website. Bid was approved for advertisement by BOC at the March 6, 2024, meeting for the yearly roadway resurfacing schedule, regarding various roads within Township.

Rota Mill has been awarded previous contracts for Roadway Milling, and the Township has been satisfied with their performance. Therefore, we are requesting the Board award this contract to Rota-Mill Inc. for a total of \$140,944—well below the 2024 budget. This was previously budgeted for \$177,519, coming in at \$140,944 for a significant savings.

A MOTION was made by Commissioners Roth and Peischl to award roadway asphalt milling project to Roto-Mill, Inc in the amount of \$140,944. All in favor; none opposed. Vote 5:0. Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions – Informational Items/Vacancies (44:00)

10. DIRECTION/DISCUSSION ITEMS (44:50)

A. Feasibility Assessment and Concept Plan Development for Jordan Creek at Covered Bridge Park.

Township Manager Tom Petrucci explained that Township Management have observed repeated instances of flooding and scouring at CBP, along the Jordan Creek.

Upon review of the 2013/2014 CBP Master Site Plan, the proposed current and future amenities were built around the concept of remediating the environmental and flooding concerns related to the Jordan Creek. As the park has been developed over time, the environmental and hydrogeological issues have not been rectified and the flooding/scouring issues have continued.

Township management 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/downstream of the CBP/Wehr's Dam area, with the broadly defined goal of improving the stream morphology.

A professional services proposal was obtained from an 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/experience in working with municipalities on environmental issues and ecological plans. Their staff has the appropriate certifications/experience to assist the Township with this project.

The overall proposed intent of this study are as follows:

- 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.
- This study is not necessarily a panacea for all of the identified issues at Covered Bridge Park. This is a starting point in order for the Township, including management and the BOC, to evaluate future potential remediation options.

Mr. Petrucci explained he is not asking for action at this time. This is for direction/discussion in order to receive feedback and comment from the BOC as to whether or not they are inclined to proceed with this project as defined in the proposal and then come back to another meeting for formal action.

This money would be available in the General Fund under CD Consulting Services. There is room in the budget if approved; however, wanted to get BOC feedback first on this matter. President Kelly thanked Mr. Petrucci for presenting this to the Board this evening, as it is important information for the Township to gather, as we have worked through significant flooding in the last few years.

Regarding the CBP Plan, which was last completed in 2012/2013, it is the intent of the Township to do a refresh of this plan, taking another look at it to see if it needs to go in a different direction or not. Mr. Petrucci said this would be the first step in this process. We need to see what options are available to improve the stream hydrology first before engaging further development of the site. At this point, plans are on hold for further development, which is the recommendation of management; however, this is the decision of the Board. The Board was in agreement with the Feasibility Assessment and Concept Plan Development; Mr. Petrucci said he will then put it on the next agenda for approval.

11. OLD BUSINESS – NONE.

12. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items (49:37)

Don Sheatsley, 1411 Hampton Road, Allentown. Subject: Would like a digital sign at SWT

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

A. Invoices and Disbursements (50:10)

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.

14. EXECUTIVE SESSION

A. Scheduled Accordingly – NONE.

15. ADJOURNMENT

A. Motion to Adjourn – At 7:51P a MOTION was made by Commissioners Peischl and Kelly to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

16. **APPROVED**: On April 17, 2024, a MOTION was made by Commissioners Roth and Hodges to approve the April 3, 2024, Board of Commissioners Meeting Minutes as presented. All in favor; none opposed. Vote 5:0; MOTION carried.