



Wednesday, May 1, 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.
Lisa Pereira, Alternate Twp. Solicitor

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: May 1, 2024, prior to this evening's meeting (1:53)**
- D. Moment of Silence: Former SWT Police Officer David Gross, who passed away on Monday, April 29, 2024.** (2:00) Interim Chief of Police Steve Brown took the time to say a few words regarding former SWT Police Officer David Gross. Officer Gross was a dedicated public servant, with over three decades of service to the SWT PD and this community. Officer Gross will be missed greatly by his family, his friends, and his colleagues, and the communities he served. The SWT-PD expresses its sincere condolences to the Gross Family for their loss. Also, on behalf of the Board, President Kelly, said that we extend our sympathy for the Gross Family, friends, and colleagues as well.

PRESENTATIONS

A. Phillips Armstrong, Lehigh County Executive (3:45)

Mr. Armstrong said that things are going very well at the County right now. We balanced our budget; we've been recognized nationally for our Pardon Project. We are the only county in the state who has a hired a part-time position in our Public Defender's office, effective January 2024. Regarding the Pardon Project, only 2% of the people who go through this program end up back in jail. He said they are really proud of this program. He went on to say the County is getting all the radios for all the Emergency/EMS/Police Departments for the entire County. We are the only county in the state who is doing this, purchasing them all at once to get a better price. The hope is to save everyone a lot of money, and upon talking with Senator Casey's and Congresswoman Wild's office, we may be able to get some federal money, since we are the only ones doing this.

Executive Armstrong introduced Adrianna Calderon, who is the Community Liaison and Public Information Officer, for all LC Municipalities. She is also the Public Relations person at LC.

Executive Armstrong said he is on the National Executive Board for County Executives of America—He wants to put LC on the map in the U.S. He has been working very hard the last few years to make sure that LC is at the table. We are doing things which will ensure LC is where people want to live. We are doing well with manufacturing, apprenticeship programs, and ensuring that we keep the quality of life in LC. Here in LC we work together to make sure that we get the job done. People know about LC and what is going on here, and he is very proud what everyone here has done to make this a great place—SWT is very prosperous and doing very well.

President Kelly said it is always a pleasure to have Executive Armstrong with us.

Q: Regarding Emergency Services Radio Upgrade – BOC concern regarding what is the cost of these units when purchased by Townships.

A: Executive Armstrong said that LC has already accepted the bid. The Committee has met on this—Police/EM agree. Question now is, how many do we need to get? Once we have the number and know how many we need to purchase, we will then have an idea what cost will be, which will be communicated to the municipalities. That cost per unit will be shared with Township Manager Tom Petrucci when it is available. Rick Molchany, Director of General Services, will be putting that out to everyone. The County is also looking into a Grant as well for this project. Mobile units, worse-case scenario, are somewhere in the area of \$7,000/unit. There may be some sort of regionalization where we could chip in and save some money here.

Kudos was given to Executive Armstrong for the tax benefit that was given to the volunteer fire fighters. Commissioner Peischl said volunteering is not what it used to be and any little bit we can do to thank them and keep them, really does go a long way. Executive Armstrong said this vote passed unanimously.

County Executive Phillips Armstrong said that if SWT should need anything, do not hesitate to give them a call. President Kelly thanked him for being with us this evening.

B. Public Hearing for Intermunicipal Liquor License Transfer – Request of Nar Narayan Krupa Inc. to Transfer Restaurant Liquor License R-12146 into South Whitehall Township (Transfer from 2355 Avenue A. Bethlehem, PA 18017 to 1917 Walbert Avenue, Allentown, PA 18104) (16:15)

For the Record – As this was a Public Hearing, a Stenographer was in attendance to take a transcript of the hearing.

Solicitor Joe Zator explained that this is a hearing authorized under the PA Liquor Code, with respect to Liquor License R-12146 as a transfer from Two Farms Inc, t/a Royal Farms to Nar Narayan Krupa Inc. in SWT to property located at 1917 Walbert Avenue. For several years now, the Liquor License regulations have authorized transfers from one municipality to another, as is being done here. This particular transfer was requested by Attorney David C. Berger, via letter of March 20, 2024, for transfer, and the May 1st date, today, fulfills the 45-day requirement to conduct a hearing and make a decision with respect to this proposed liquor license transfer. There are several requirements of said transfer which have been fulfilled—Public Notice given in The LV Press, Proof of Publication on file with SWT, and was Published on April 10th and 17th, 2024. Purpose of Hearing: To receive Public comment, offer recommendations, and ultimately at the close of the hearing a decision will be made by SWT BOC. If Resolution is approved this evening, it does not dispense with any other independent requirements that exist under SWT ordinances and any other SALDO, Zoning, etc. requirements. This will be an approval for Liquor License transfer ONLY. Also, by law, the PA Liquor Code pre-empts local regulation in this license process itself. Per email the applicant has agreed to pay \$500 to help defray the cost of this hearing.

Attorney Dave Berger was in attendance on behalf of his client, Nar Narayan Krupa, Inc. (19:37) He provided to the BOC an outline as to how 1917 Walbert Avenue would operate as it relates to the Liquor License. Attorney Berger's presentation process was supported by the Board and Township Solicitor. Applicant was simply asking for the transfer of this Liquor License to his convenience store located at 1917 Walbert Avenue.

Township Manager Tom Petrucci said that SWT did not receive any feedback/comments from the April 10th and 17th advertisements. Public comments were taken and questions were answered at this time.

(29:30) At this time, 7:30P, Solicitor Zator closed the hearing.

A MOTION was made by Commissioners Johns and Roth to adopt said Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Approving the Request of Nar Narayan Krupa, Inc. to Transfer Restaurant Liquor License R-12146 into South Whitehall Township. All in favor; none opposed. Vote 5:0; Motion carried.

A MOTION was made by Commissioners Hodges and Peischl to adopt said Resolution of the SWT BOC, LC, PA, approving the request of Nar Narayan Krupa, Inc. to transfer Restaurant Liquor License No. R-12146 into the Township of South Whitehall. All in favor; none opposed. Vote 5:0; Motion carried.

4. COURTESY OF THE FLOOR – Public Comment on Non-Agenda Items (30:49) – NONE.

5. MINUTES

A. April 17, 2024 – Board of Commissioners Meeting Minutes

(31:00) A MOTION was made by Commissioners Roth and Peischl to approve the April 17, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.

6. ORDINANCES

A. Motion to Advertise for Adoption: An Ordinance Amending Chapter 274 (Sewers and Sewage Disposal) in the Codified Ordinances of the Township of South Whitehall to Establish a New Part 6 Titled "On-Lot Sewage Disposal" and Providing for Definitions, Designation of Township Sewage Enforcement Officer, General Requirements, Application Procedures and Permit Issuance, New Sewage Systems, Repair Sewage Systems, General Department Requirements, Inspections, Application and Review Fees, Revocations and Reinstatement of Permits, Review of Revocations and Denials, Waiver of Liability, Nuisances and Penalties, Severability, Failure to Enforce Not a Waiver, Repealer and Effective Date (31:25)

Dave Manhardt, Director, CD Department, explained that at the January 17, 2024, BOC Meeting we presented the Draft "On Lot Sewage Disposal" Ordinance. Prior to that the Fee Schedule/Permit Process had been reviewed and it came to our attention that we should really have this ordinance so that we would be consistent with State regulations. This model ordinance was brought to the Board on the 17th, and then a motion was made to send on to Legal for review, which has been done. Said ordinance is back before the Board again, and is now consistent with PA Sewage Facilities Act, and we have worked with our SEO, as well as our Township Solicitor's office, who both provided valuable input on this as well. We are now ready for this to be advertised.

MOTION made by Commissioners Peischl and Hodges to approve the advertisement of said ordinance as explained by Mr. Manhardt. All in favor; none opposed. Vote 5:0; Motion carried.

7. RESOLUTIONS

A. A Resolution of the Board of Commissioners of South Whitehall Township Authorizing the Township Manager to Execute an Amended and Restated Agreement with UGI Utilities, Inc. Providing for a Cost Sharing Arrangement for Road Restoration Work to Occur in South Whitehall Township

(34:00) Herb Bender, Director of Township Operations, explained that Administration is looking to move forward with the cost share agreements with UGI. The cost share agreement with UGI is for the work they have done within the Township on various roads. This agreement is in the amount of \$442,670. We are here this evening requesting that permission is granted for the Township Manager to execute said amended, restated agreement with UGI Utilities, Inc. combined for a cost share arrangement for road restoration work to occur within SWT. This agreement will be for next year's paving work and work to be completed in 2025. However, we have up until two years of the Agreement to get the work done. Once fully executed and returned to us, check will be cut to us this year. Our ordinance requires them to do a half-mill and overlay. So, they pay for all the black top, and we pay for the milling part, and then we lay the material. It is a win for both sides to work together on this project.

A MOTION was made by Commissioners Kelly and Hodges to adopt said resolution authorizing Township Manager to execute an amended and restated agreement with UGI Utilities as explained by Mr. Bender. All in favor; none opposed. Vote 5:0; Motion carried.

B. A Resolution Extending a Conditional Offer of Employment for the Entry-Level Position of Patrol Officer in the Township's Police Department to Candidate #47073, Conditioned Upon the Individual Satisfactorily Completing Medical and Psychological Examinations to Confirm their Fitness for Duty.

(36:45) Interim Chief Steve Brown explained we are looking to move forward with the next candidate on the CS List—previous candidate withdrew from the process. The next candidate is #47073, and we are asking for permission to move forward with extending a conditional offer of employment to this candidate.

A MOTION was made by Commissioners Hodges and Peischl to adopt said resolution extending a conditional offer of employment to the next candidate on the list, #47073. All in favor; none opposed. Vote 5:0; Motion carried.

C. A Resolution Granting Preliminary/Final Approval to a Major Plan Entitled "Aesthetic Surgery Associates Medical Office Building".

(37:50) Dave Manhardt, Director, CD Department, explained that this is an application to develop the property located at 1619 Hausman Road. The plan proposes to construct a two-story medical office building and parking lot. Property is served by public water/sewer and zoned HC. 1619 Hausman Partners LLC is the owner and applicant.

At the April 11, 2024 PC meeting, PC recommended approval of 1619 Hausman Road Major Plan 2023-106 with 17 conditions and 6 favorably-recommended waivers and deferrals. Applicant was in attendance this evening to answer any questions.

Attorney Erich Schock, w/Fitzpatrick, Lentz & Bubba PC, was in attendance on behalf of owner/applicant. Also in attendance was the Applicant and Engineer. As mentioned, PC recommended approval. There is a resolution, which they are in agreement with, and all the conditions set within resolution; Acceptance of Conditions, has been signed by Applicant as well.

Applicant Engineer – Gave brief overview. They have worked through the two letters received from the Township Engineer, and responded by making some revisions to the plans. We have sidewalk on the frontage. We are providing roadway widening in compliance with SALDO landscape lighting stormwater

requirements. We are working through the NPDES permit process right now w/PA DEP, which is moving forward, as well as the sewer planning process. They are here to discuss the plan and waivers, and any other questions.

Township Engineer – Mr. Tallarida said this went through the PC and was recommended. He commended the applicants for coming in for a pre-application meeting here at the Township, which did make this a much smoother process. We were able to work through the heavy-lifting items, so as to get ready for recommendation of approval.

Alternate Township Solicitor – Attorney Lisa Pereira, with Broughal & DeVito, said she had an opportunity to review all the review letters and the resolution, and said that everything is in order, and she has no issues with proceeding.

A MOTION was made by Commissioners Johns and Roth to adopt said resolution granting P-F approval to plan entitled “Aesthetic Surgery Associates Medical Office Building”. All in favor; none opposed. Vote 5:0; Motion carried.

8. MOTIONS

A. Approval of Improvements Security Release Certification No. 3 for Ridge Farms Phase 1A

(42:30) Dave Manhardt, Director, CD Department, explained that we have had a couple of security releases for RF 1-A. Typically, as projects move along the process, and as things get done, they will look to reduce the security. It is a perfunctory review—the engineers review that things are completed and then come up with a new estimate.

Township Engineer, Tony Tallarida – explained that this is the 3rd of the releases, which are usually monthly, but we are comfortable with the amount of this release.

A MOTION was made by Commissioners Roth and Kelly to approve Security Release Certification No. 3 for RF Phase 1A. All in favor; none opposed. Vote 5:0. Motion carried.

B. Approval of Inflow and Infiltration (I&I) Capital Improvements Work for 2024 (43:50)

Herb Bender, Director of Township Operations explained that the PW Sewer Department is respectfully requesting a motion to approve Advanced Rehabilitation Technology to perform manhole lining in the amount of \$250,000. This work is required to be done by PA DEP for our sewer reduction plan. We will be starting in areas MS54 (Kilmer area) and MS56 (Presidential Village area) with all the manholes that are connected to the trunk line that run to Klines Island. (These are all conveyance lines from all the subdivisions that haul all the sewage to KI.) This year we will be lining 65 manholes with the average depth of 11 feet. On April 18th, a meeting was held here at the township building with the surrounding municipalities that are also signatories to KI. We had 35 people attend this demo from all the signatories. We are here this evening requesting a motion to approve sanitary sewer I&I work with Advanced Rehabilitation Technology for \$250,000.

Advanced Rehabilitation Technology’s quote came back at \$202,345. The reason we put the contingency in is that if we have any active infiltration coming through at the time before they can seal it, it must be grouted, which is \$125/gallon or \$250/hour after the first two gallons are used. This is the reason we put this contingency in up to \$250,000. Also, MS54 and MS56 are the high spike areas when it rains—this is where we feel the infiltration areas are. If this is going to solve the problem, we should see a reduction right away once the work is completed.

Mr. Bender said that the other signatories are getting quotes from this company and looking to move forward on this as well. Mr. Bender said that he can then run a report from August/September 2024 and

compare to August/September 2022 regarding the inflow into KI, to see if there is a decrease. Herb said the data can be pulled from the sewer meters; we would reach out to the company who logs all the SWT numbers.

Mr. Bender said that every manhole that Advanced lines, gets stamped with a serial number and comes with a 10-year warranty on the work done by them. This is a totally different way of lining than what has been done in the past.

A MOTION was made by Commissioners Hodges and Roth to approve sanitary sewer I&I work with Advanced Rehabilitation Technology in the amount of \$250,000. All in favor; none opposed. Vote 5:0; Motion carried.

C. Approval of Capital Radio Purchases for Emergency Management Services Department (49:30)

Township Manager Tom Petrucci said as we heard earlier from County Executive Armstrong, the LC BOCs and Administration are proceeding forward with a project to replace existing networks being used as a collective communication system to dispatch police, fire, emergency medical and other services.

LC has signed a Professional Services Agreement with Tactical Public Safety, LLC to design and install turnkey large-scale digital P25 trunked radio networks for the replacement of the existing fixed network. As a result of this, EMS in SWT will need to update their work radios in use. The intention is to utilize existing and budgeted funds this year, and then to finish the rest of the project in 2025 using additional budgeted funds. The County's system is not anticipated to go live until 2025 or 2026. Price quotations were obtained by Jeff Kelly, Director of EMS, with the pricing ranging from \$64,417.28 to \$128,288.62.

Using available funds, EMS can order the following radios that will be compatible with the County's new networks as follows:

- 4 Tait TP9800 Multi-Band Portable Radios, Price \$23,761.40;
- 4 Tait TP9800 Single-Band Portable Radios, Price \$19,088.60; and
- 2 Tair TM9400 Single-Band Control Stations, Price \$10,480.48;
- For a **GRAND TOTAL of \$53,330.48.**

With the above-listed purchases, the only remaining/needed radio expenditures for EMS would be 2 single-band, one-piece radios in the amount of \$9,782.80.

This evening, Township Manager Tom Petrucci and Jeff Kelly, Director of SWT EMS, are respectfully requesting approval of the following motions:

- Approval of the Use of the Emergency Services Account in the amount of \$50,000.00 (current balance: \$50,100.00) for Capital Radio Purchase.
- Approval of Capital Radio Purchase with TuWay Communications (COSTARS Contract #012-E22-241): \$53,330.48 (\$50,000.00 and \$3,330.48).

Based on the information in the Board packet and the information provided this evening by County Executive Armstrong, Township Manager Tom Petrucci confirmed that we will receive requests from PD and Fire moving forward. The County is working on the collection of data as to exactly what will be needed from all the Police, Fire and EMS units. So, they will be circling back to us to do that inventory, Towards this end, SWT has already been very proactive in reaching out to the FDs and PD. SWT PD has steadily been replacing radios. We are looking to come back to the BOC sometime before year end for use of ARPA Funds for some additional PD radios that will be needed. A presentation is being put together for the Board. Regarding Fire, we need to see what funding options are available—what is the lowest cost option for the residents/township to have the best cost-benefit ratio.

The Board decided that it would be best to TABLE this item since there are some unknowns and questions to be answered. There may be other funds available, or the County may pick up some of the cost of the

radios. The Board would like to see what the County is going to do. If the County is able to find an alternate funding source or if the Township is able to find an alternate funding source, the price may be over all lower. Mr. Petrucci said Jeff Kelly could answer the technical questions and we can discuss in more depth. He said there is no urgency at this time regarding this matter, so it is not a problem to TABLE this and come back to it. He also said if there is a more efficient way in handling all of this, we can certainly explore that as well.

A MOTION was made by Commissioners Peischl and Hodges to TABLE this item. All in favor; none opposed. Vote 5:0; Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions – Informational Items/Vacancies (58:30)

10. DIRECTION/DISCUSSION ITEMS

A. Review of South Whitehall Landscapes Plan (An Open Space, Historic, Agricultural, and Natural Resource Preservation Plan.) (59:25)

Dave Manhardt, Director, CD Department, said we have been working on the SWLP—we had the public engagement portions, the steering committee meetings, and now working to put the Plan together. Working with Michael Baker International in putting together some graphics and layout. Thought it important to review Open Space chapter, which is in draft form, which BOC will have shortly. Goal is to make sure everyone has common understanding what we are talking about. Therefore, 9 distinct open space classifications have been established as a foundation to help understand what open space is. They are as follows:

- Wild Area
- Managed Natural Area
- Large Farm
- Farmette
- Market Farm
- Passive Park
- Active Park
- Utility Area
- Plaza & Pocket Park

Having these open space classifications will help in moving forward with our planning efforts and how we can incorporate it into additional Planning/Zoning efforts.

Chris Strohler, Long-Range Planner, explained that we want to classify the types of open space we see and would like to see in SWT. We are looking to incorporate these into our zoning schedule and the SALDO so that we can have an expectation with regard to OS when we do have a land development plan or to utilize in the managing of different types of OS within the Township (public parks, agricultural areas we own, etc.).

Chris Strohler touched on transecting, which is used to describe the transition of different levels of development from our Wild Areas to our Plaza & Pocket Parks. (See list above.) Mr. Strohler said they would like to talk more about the Managed Natural Area concept, which is introducing nature where there isn't as much there, and providing more of a managed structure to some of our forested areas, followed by a transition into some of our farms. In the second column above, beginning with "Passive Park to Plaza & Pocket Park", this is what we are referring to as our civic OS areas, where there is a lot more human interaction and is located closer to developed areas. He also touched on the preservation of said OS, whether it is by the Township, Public, or private but where OS is protected. Some preservation methods mentioned were fee-simple acquisition, Township acquired-managed-owned, an easement where Township holds/enforces the right, a deed restriction which has a preserved requirement of the property, and zoning which encourages the preservation of OS w/land developments.

The final piece of this is recommended maintenance and expectation of maintenance, which is something to consider when purchasing OS—what are the maintenance parameters? They could be limited, seasonal, or even intensive.

(1:08:53) Mr. Strohler at this time gave examples of each OS classification (see list above).

President Kelly said there is a lot of very interesting and helpful information presented here—a variety of OS options she has never seen presented before. She thanked Dave and Chris for all their work on this and bringing it to the Board this evening. She is excited for the Community to see this as well. Commissioner Roth suggested that as we go through moving from the plan, and ultimately to action of the plan, as a guide, it would be a good idea for each classification listed above, to include the options and avenues for preservation. Also, can we build in different levels of incentives around these categories of OS, which would be a benefit to the Township, to the developer? This was duly noted by CD Department.

(1:15:52) Mr. Strohler explained that they want the terms to be very easily understood by the public so that we can specifically refer back to the specific type of OS they are looking to preserve and then the mechanism being used to preserve that specific type of OS. We want to make this very clear in the final plan. He said the intent of breaking these down is for us to look at how we can use both sides of the civic OS and the conservation OS as ways for unlocking some of those incentives.

President Kelly said we look forward to the next step in this process. This ended said presentation by Mr. Strohler.

Miscellaneous Items:

Commissioner Peischl – Two Saturday’s ago PYC, a local youth association who had their opening day event, put together by Chief Andrew Garger at Grand Lawn Park. Chief Garger did a great job, and Commissioner Peischl wanted to also recognize Herb Bender, Director of Township Operations, as well as the PW/Parks people for all the work they did there at Grand Lawn Park—he feels this is the best park/baseball field in the Township, and said they did a great job getting it ready, and making it special for the kids. It was much appreciated. Additionally, he thanked Interim Chief Brown for the presence of the bike patrol on site. People were so appreciative of the officers’ visibility and mingling with the residents.

EAC – Township Manager Tom Petrucci said the Environmental Advisory Council did meet for the first time. The meeting went very well. At this meeting the template was set for the work plan that will be developed to guide their actions over the course of the year.

Ridge Farms Development Concerns – Q: What should residents do when they encounter/see the displaced fox as they continue to filter into their area? A: During business hours, residents should feel free to call the Township and speak with Tom Harper, Code Enforcement Program Manager to report their concerns. Or, after hours, residents would call the PA Game Commission.

11. OLD BUSINESS – NONE.

12. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items (1:23:55)

Ray Piovensan, Resident - 1005 Bryant Street. Subject: He was out of town for a bit and just wanted to follow up on several items with the Board (Wehrs Dam, The King George Inn, and the site next to Perkins—the Church.)

Marie North, Resident – 3025 Victoria Lane. Subject: She wanted to give a shout-out to Herb Bender, Director of Township Operations and the PW Department for the paving work done on Peach Tree Road. Great job.

13. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

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.

14. EXECUTIVE SESSION

A. Scheduled Accordingly – NONE.

15. ADJOURNMENT

A. Motion to Adjourn – At 8:30P a MOTION was made by Commissioners Roth and Hodges to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

16. APPROVED: On May 15, 2024, a MOTION was made by Commissioners Peischl and Hodges to approve the May 1, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0; Motion carried.