



Wednesday, May 15, 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
Erinn Bet, 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: May 15, 2024, prior to this evening’s meeting. (1:54)

4. COURTESY OF THE FLOOR – Public Comment on Non-Agenda Items (2:00)

Don Kline, Resident - 5205 High Vista Drive, Orefield. Subject: He wanted to discuss the resolution on this evening’s agenda re-the Amending of the Formal Policy Entitled “SWT Appointment Policy for Appointed Citizen Boards, Committees, Commissions and Councils”. It was explained that the changes being contemplated to the Appointment Policy have nothing to do with who sits in on the interviews. That part has been a standing policy for over a year. The changes being discussed this evening have to do with the reappointment of members and providing an easier path of reappointment for long-standing members, having them fill out a reappointment form.

5. MINUTES

A. May 1, 2024 – Board of Commissioners Meeting Minutes

(17:22) 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.

6. ORDINANCES – NONE.

7. RESOLUTIONS

A. A Resolution Granting a Waiver of Subdivision and Land Development Review and Approval Requirements of the Subdivision and Land Development Ordinance for a Plan Entitled, "St. Joseph the Worker School Sidewalk Expansion". (17:45)

Mr. Gregg Adams, Planner, CD Department, explained that this is an application to further develop the property at 1858 Applewood Drive. The plan proposes the construction of an approximately 1,400 SQF concrete walkway on the south side of the main driveway, south of the school building on the 11.6628-acre parcel. PSC reviewed the plan at their May 6, 2024, meeting and made no comments. The PC reviewed the plan at their May 9, 2024, meeting and recommended the Waiver from Land Development Approval with 12 favorably recommended waiver requests. The applicant requests approval of the "Waiver from Land Development" application. Staff have no objections to this request.

The Applicant is here this evening to request approval of the Waiver from Land Development Application, and Staff has no objections to said request. Applicant's team was in attendance this evening.

Township Engineer, Erinn Bet (The Pidcock Co.) – Ms. Bet said they do not have any further engineering comments. As Mr. Adams explained, this is a Waiver from Land Development Application. There were several waivers recommended for approval, and we feel the remaining comments can be addressed prior to completion.

A MOTION was made by Commissioners Roth and Kelly approving adoption of said resolution granting waiver for Plan Entitled, "St. Joseph The Worker School Sidewalk Expansion". All in favor; none opposed. Vote 5:0; Motion carried.

B. A Resolution Granting a Waiver of Subdivision and Land Development Review and Approval Requirements of the Subdivision and Land Development Ordinance for a Plan Entitled, "Cedar Creek Parkway West 2024 Improvements" (19:35)

Mr. Gregg Adams, Planner, CD Department, said this is an application to further develop the property located at 4200 Broadway. The plan proposes to remove the existing tennis courts, adjacent pavilion, and stone parking area on the south side of the Walnut Street extension and replace it with a wetland/meadow area, and remove the existing softball field to the south side of Walnut Street extension, and replace it with two tennis courts, two pickleball courts, and a 19-space parking lot. This plan is a continuation of the 2014 Cedar Creek Parkway West Major Plan 2014-101. Phase 1 of that plan has been completed and the plan recently recorded. Phase 2 had a recently completed restroom, but the proposed parking lot for Phase 2 was not constructed. The County has since reevaluated the plan and is proposing construction in 2024 of the small improvements presented in this Waiver from Land Development Request. After discussions with staff, the County intends to submit a land development application in 2025 to complete the improvements proposed in the 2014 plan that did survive the recent reevaluation, including the proposed trails, sidewalk, trees, driveway extension, and parking. The PSC did review the plan at their May 6, 2024, meeting and made no comments. The PC reviewed the plan at their May 9, 2024, meeting and recommended the Waiver from Land Development Approval with 7 favorably recommended waiver requests. The Applicant's team was in attendance this evening, and they are requesting approval of the Waiver for Land Development Application. Staff have no objections to that request.

Township Engineer, Erinn Bet (The Pidcock Co.) – Ms. Bet said that they have no further engineering comments. Applicant has submitted revised plans to us in the office. We are waiting to resubmit our letter if there are any remaining comments. We are on pace to move forward.

A MOTION was made by Commissioners Hodges and Roth to adopt said resolution granting waiver for Plan Entitled, "Cedar Creek Parkway West 2024 Improvements". All in favor; none opposed. Vote 5:0; Motion carried.

C. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania Supporting the Pennsylvania Commission for the United States Semiquincentennial. (22:25)

America250PA was formed to celebrate the 250th birthday of the U.S. in 2026 and Pennsylvania's leading role in the birth of our nation. Pennsylvania is officially the first state to have 100% of counties pass resolutions to join in the celebration, and over 260 townships have also pledged to join in this important occasion. SWT can become official partners of America250PA by approving this resolution before the Board this evening.

Township Manager Tom Petrucci is respectfully requesting approval of adoption of said resolution supporting the PA Commission for the U.S. Semiquincentennial.

A MOTION was made by Commissioners Peischl and Roth to adopt said resolution supporting the PA Commission for the U.S. Semiquincentennial. All in favor; none opposed. Vote 5:0; Motion carried.

D. A Resolution of the Board of Commissioners of South Whitehall Township to Amend and Adopt a Formal Policy Entitled "South Whitehall Township Appointment Policy for Appointed Citizen Boards, Committees, Commissions and Councils" (23:45)

Township Manager Tom Petrucci explained that official action is being asked of the BOC to approve the amended policy entitled "SWT Appointment Policy for Appointed Citizen Boards, Committees, Commissions and Councils".

An executive summary of the key changes to the provisions of this revised draft policy is provided as follows:

- Incumbent members of Citizen Boards will not be required to interview before the Board of Commissioners. Alternatively, the Board of Commissioners would request that each incumbent member who desires to be appointed to another term, or reappointed, to the applicable Citizen Board(s) would complete and file a "Letter of Intent" form, which is enclosed for reference.
- Also, this resolution confirms the BOC retains the right to require incumbent members to interview, if determined necessary, and in their sole discretion.

The Letter of Appointment form asks members to simply provide their contact and background information, years of service on the citizen board, and to memorialize their reasons for reappointment, as well as highlight memorable/impactful contributions to the board on which they serve. Mr. Petrucci is therefore requesting Board approval of this resolution.

A MOTION was made by Commissioners Roth and Peischl to adopt said resolution to amend and adopt a formal policy entitled "SWT Appointment Policy for Appointed Citizen Boards, Committees, Commissions and Councils". 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 Utility Reimbursement Agreement with the Pennsylvania Department of Transportation for the Highway Improvement Project of State Route 0309, Section 12M. (Water) (25:55)

Township Manager Tom Petrucci explained that this IOM essentially covers the two resolutions (Agenda Items 7-E re-Water & 7-F re-Sewer). As part of the SR 0309 Section 12M Interchange Highway Improvement Project, the Township BOC previously approved cost sharing agreements relative to the

relocation of water and sewer utilities for SWT, with the most recent approvals occurring during the April 3rd BOC meeting. The Township has now taken receipt of the final versions of the Utility Reimbursement Agreements, and they must be executed and transmitted to PennDOT no later than tomorrow, Thursday, May 16, 2024. Both resolutions have been prepared authorizing Township Manager to execute the Agreements on behalf of the Township. The Water and Sewer Cost Sharing Agreements remain at the same fixed percentages (75%). The project is set to go out to bid shortly and will be let sometime in July 2024. The project will likely mobilize later this year or early Spring of 2025.

A MOTION (for Agenda item 7-E) was made by Commissioners Johns and Roth adopting said resolution authorizing Township Manager to execute Utility Reimbursement Agreement (Water) with PennDOT for the Highway Improvement Project of State Route 0309, Section 12M. All in favor; none opposed. Vote 5:0; Motion carried.

F. 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 12M. (Sewer)

A MOTION (for Agenda item 7-F) was made by Commissioners Peischl and Hodges adopting said resolution authorizing Township Manager to execute Utility Reimbursement Agreement (Sewer) with PennDOT for the Highway Improvement Project of State Route 0309, Section 12M. All in favor; none opposed. Vote 5:0; Motion carried.

G. A Resolution Extending a Conditional Offer of Employment for the Entry-Level Position of Patrol Officer in the Township's Police Department to Candidate #08007, Conditioned Upon the Individual Satisfactorily Completing Medical and Psychological Examinations to Confirm their Fitness for Duty. (28:15)

Interim Chief Steve Brown explained that Applicant #08007 is the next candidate on the CS Eligibility List to fill the vacancy we currently have in the PD. We are here this evening requesting that the Board extend a conditional offer of employment for entry-level patrol officer to said applicant. This will put the PD at full staff for patrol officers.

A MOTION was made by Commissioners Roth and Kelly to adopt said resolution extending a conditional offer of employment for the entry-level position of patrol officer to candidate #08007. All in favor; none opposed. Vote 5:0; Motion carried.

8. MOTIONS

A. Motion to Proceed with Keystone Engineering Group to Perform the Water System Monitoring Upgrade to the SCADA System. (29:45)

Herb Bender, Director of Township Operations explained that PW Utility division is asking for motion to proceed with Keystone Engineering Group (KEG) to perform the water system monitoring upgrade to the SCADA System. Included in this work will be (21) SCADA Packs—1 of the 21 would be a reserve. We need 20 to be installed immediately. Costars quote is for total of \$199,500. KEG is currently the company we use for all emergency monitoring repairs. The current SCADA packs in use are being discontinued. When this project gets started, we will take some remote monitoring of the water system until all the new SCADA packs are installed. We are anticipating about 3-4 weeks until everything is switched over from start to finish.

We are requesting a motion to proceed with the purchase of upgrading the SCADA Monitoring System. This was budgeted for \$200,000 in Capital Buildings. The reason for budgeting in the Buildings account is

that each building (along with the equipment in that building) is insured separately because it is at a different location.

A MOTION was made by Commissioners Peischl and Hodges granting motion to proceed. All in favor; none opposed. Vote 5:0; Motion carried.

B. Motion to Approve Extension of Pavement Markings Contract #2023-06/Lehigh Valley Cooperative Purchasing Council - Contract to A1 Traffic Control for 2024. (32:35)

Herb Bender, Director of Township Operations, explained that in 2023 the BOC approved a contract with A1 Traffic Control on behalf of the Lehigh Valley Cooperative Purchasing Council for Pavement Markings. A1 has agreed to hold the prices for 2024, and we feel with the uncertainty of materials/fuel costs, this would be the best option for SWT and the LVCPC's participating members. The agencies listed in this contract feel it is in their best interest to extend this contract. Those agencies are City of Allentown, Bethlehem Township, Lower Saucon Township, Palmer Township and Whitehall Township.

Township staff respectfully requests the BOC to approve an extension of the contract to A1 Traffic Control for 2024. The budget line for this year (2024) is \$50,000. Included in Board packet are all the signalized intersection markings which will get done this year under this contract.

A MOTION was made by Commissioners Peischl and Kelly to approve said extension of the contract to A1 Traffic Control, as explained by Mr. Bender. All in favor; none opposed. Vote 5:0; Motion carried.

C. Motion to Proceed with Release of Security for: Ridge Farms Phase 1A Improvements Security Release Certification #4. (34:55)

Gregg Adams, Planner, CD Department, explained this is the 4th release for Ridge Farm 1A, which is for the construction occurring on NE corner of CCB & Walbert Avenue intersection.

The Township Engineer's office and staff conducted inspections to confirm and document the construction of the required improvements and are authorizing the release of \$174,518.30. This release will bring the value of the constructed improvements to date in the amount of \$1,144,921.13. The detailed documentation supporting the release is shown in the Security Release Certification. Staff is requesting the authorization to have the Township Manager sign the security release letter to the financial institution.

Township Engineer - Erinn Bet, The Pidcock Company, explained that they have no additional engineering comments to add to this. This is security release #4. The items have been inspected and we are comfortable with the amount being released and the amount remaining.

Commissioner Peischl – Currently it is very difficult to transverse that area of the Township—it is very frustrating dealing with that intersection.

A MOTION was made by Commissioners Johns and Roth granting motion to proceed with release of security as explained by Mr. Adams. All in favor; none opposed. Vote 5:0; Motion carried.

D. Motion to Proceed with sending out Request for Quotes/Qualifications (RFQs), for a Data Consultant, to Qualified Firms, with regard to the South Whitehall Township Transportation PLAN, a Comprehensive Plan for the Township's Transportation Network. (37:30)

Dave Manhardt, Director, CD Department, explained that we have begun the Transportation Plan and focusing on the Engage, Safety, and Active portions of that plan. As we were going through this, we realized how important the other chapters are to Inform and leverage some of the information we are working on with the current plans, which in turn led us to look at Vehicle Pro Data, which is data collected by Big Brother.

Vehicle Pro Data compiles traffic volumes, traffic speeds, turning movements, etc. and is made available through different providers. Mr. Manhardt said he spoke to several consultants, who all had the ability to do this. The important piece of this is that we are keeping it as a data collection/data analysis project—mining and preparing the data so that it can be used as we craft the Plans and make recommendations. Currently he does not have an idea what cost will come in at, which is the reason we are doing this as an RFQ so that we can see where the cost falls. We would then come back to the Board with results of RFQ.

Mr. Manhardt explained that the data used is normally collected over 10 years, and as years progress, data gets more frequent. Will probably go back to a starting point of post COVID and then also use the last 3 years. Because this data is historical and in a catalogued data set, we can look at specific points in time, and then come up with solutions. Dave said this is a fairly new application for a project/process like this. The newer providers are putting this data in a better system to use and analyze. So taking this data and applying it at a local level, and in turn look at different local roads and come up with assessments for classifications, will be a very beneficial part of this for us.

Dave said that although historical data is being used, it could have the ability to build in future growth, e.g. Ridge Farm, in that we are looking at ways to add information to the traffic model. He said he could see an application for this Data Set to be used to help update this model. We have several of our own people who are good with GIS, which will allow us to pull out what we need.

Dave touched on what this data will be used for. Question was asked—How is this data going to help us solve a problem that we know already exists? Mr. Manhardt explained that it will quantify it, and then when it is quantifiable, you can then take actions to make necessary adjustments. We will be able to get the data for a specific date/time/place. He felt that the congestion management application would be one they could use. The idea is to look at three corridors and come up with possible recommendations.

Dave said the other part of this is that he would like these Plans to be set up so that we have Grant applications canned and ready to go. Meaning, any data we get out of this project will support any future grant applications, which is often a requirement.

We are getting quotes, and there is also room in the budget for this project. Dave said we will see where this comes in at, and then he will report back to the Board on this.

A MOTION was made by Commissioners Roth and Kelly to proceed with RFQ as explained above by Mr. Manhardt. All in favor; none opposed. Vote 5:0; Motion carried.

E. Motion to Proceed with Advertising Bid for Vistas Park Subject to PA DCNR Approval. (48:53)

Herb Bender, Director of Township Operations, explained that In 2020 and 2021 the Township was awarded two grants funded by PA DCNR and PA DCED. The Township contracted with The Pidcock Company to create a specification for the reconstruction of the 7+ acre park to include amenities such as pickleball courts, a walking path around the park, nature-play elements, a shade structure with benches, and the reconstruction/expansion of the existing parking lot with ADA walkways being installed. In addition to amenities, the specifications include a new storm sewerage system, grading, topsoil, seeding and mulching. Complete specifications provided in Board packet.

Township staff requests Board permission to bid this project contingent on PA DCNR approving the bid spec. The budget approved for this project is \$500,000 and is comprised of the following funding sources:

Two grants awarded:

- PA Department of Conservation and Natural Resources (DCNR) = \$200,000
- Department of Community and Economic Development (DCED) = \$85,966

2024 Budget:

- SWT Open Space budgeted line 30451003/40984 = \$214,034

Township Manager Tom Petrucci said that the specifications have been uploaded to the PA DCNR portal and would anticipate that they would get back to us hopefully by end of month. He said that he would then try to expedite their review procedures.

Mr. Bender said that this has been a long team effort on this project. President Kelly wanted to recognize all staff involved in this project, and The Pidcock Company for their participation as well.

A MOTION was made by Commissioners Hodges and Kelly to proceed with advertising bid for Vistas Park Subject to PA DCNR approval as explained by Mr. Bender. All in favor; none opposed. Vote 5:0; Motion carried.

9. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions – Informational Items/Vacancies (52:05)

- Ridge Farm will request a time extension at the May 16, 2024, Planning Commission Meeting.

10. DIRECTION/DISCUSSION ITEMS

A. Road Safety Audit (53:15)

Dave Manhardt, Director, CD Department explained we received a traffic calming request consistent with our Traffic Calming Policy for the 900 block of S. Hillview Road. After doing some research, the 900 block of S. Hillview Road is located within LMT. We looked at the PennDOT maps, and specifically our Liquid Fuels Maps, which dictates funding for roadways—the 900 block in in LMT. That being said, the 900 block in LMT pays taxes to SWT. This is a unique situation. It was not appropriate to apply a SWT Policy in another Township, regardless of tax situation. Dave reached out to his contact in LMT, and PennDOT as well. As we discussed, this project expanded. LMT has additional concerns with the Kessler Fish Hatchery. SWT has concerns with Lincoln. So, we proposed the scope as outlined in Board Packet—“PennDOT Connects Road Safety Audit (Preliminary Project Extents)” —this was then raised to a PennDOT Connects Project. There is no authorization to proceed, but verbal and we are working through this, coordinating with LMT and Salisbury Township on this. We are working to get a Road Safety Audit scheduled, which includes site visits, with stakeholders, in order to look at all the concerns and ultimately there will be a report with recommendations to address said concerns.

Township has communicated all this to the individuals who made the original traffic calming request. Final report will of course be shared with the Board.

B. Comprehensive Plan Re-Examination Report (56:45)

Mr. Manhardt explained that this is a direct action that came out of the Comprehensive Plan. Very early in the CP process, questions were asked regarding what was accomplished from the 2009 CP. The way it was structured made it very difficult to quantify actions that were completed. Therefore, when we were laying out this CP, Dave and Gregg very strategically came up with action items to report on. Additionally, the other item which was talked about regarding the 2009 CP was that people were not aware what that CP was—it basically sat on a shelf. With this CP, we wanted to have a mechanism to keep this newly revised CP fresh, and if there were updates that needed to be made, we could then make said updates.

As a result, in the Board Meeting Packet is a copy of the SWT Comprehensive Plan—Re-Examination Report, 2024.

The Report Included two major Components as follows:

1. A current update on the Implementation Action Plan, including status of actions since the plan was adopted or since the last Reexamination Report. This section also highlights larger projects/initiatives that support implementation actions.

2. An evaluation of the impact and continued relevance of the Comprehensive Plan since its adoption or the last Reexamination Report.

Staff introduced a draft Reexamination Report at the March 14, 2024, Planning Commission meeting. At the April 11, 2024, meeting, the PC recommended the draft Reexamination Report to the BOC for final review.

Attached is the 2024 Reexamination Report for final review and acceptance by the BOC. Unless there is a significant development, change, or unforeseen impact on the Township, the PC recommends revisiting the Reexamination Report annually, following the completion of the PC Annual Report. Would like to do this on the yearly anniversary of the CP.

President Kelly said it was eye opening to see the number of items in progress. She gave kudos to Mr. Manhardt and Staff as well, for the digging in and tackling of so many action items so early on in the process. She went on to say that she feels this is a wonderful tool to keep the Board informed of what is going on in the Planning Process and how the CP is doing. The Board was in agreement and applauded all the hard work that was put into this process and in providing this report to the Board for this evening. They felt it was an excellent summation.

SALDO Updates – Dave Manhardt said this is very similar to the Zoning Ordinance update. To overhaul the entire SALDO is a very large undertaking. One of the things being discussed internally is our roadway classifications—there is a functional class which identifies volumes and speeds, and then there are different standards which apply to the functional class. We want to place on top of the functional class a character class as well. An example of this would be a rural collective—it wouldn't have the same SALDO requirements as a neighborhood collective. This will allow us to fine-tune SALDO using character and functional class to build out SALDO.

We want to have the guidance, the documentation, and the plans that go through a public process, to set the stage. In this way, when the time comes to make the SALDO, people will not say, why are we doing this. We are being very deliberate as we go through this process and have that rationale for making those updates.

11. OLD BUSINESS – NONE.

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

(1:05:15) Dave Torrey, Resident – 1351 Deerfield Drive. Subject: Asked if there is any possibility that a Community Center would be built in SWT. Township Manager Tom Petrucci explained that there has not been any significant move by the Public to have such a facility in SWT. However, an issue related to this project would be one of funding such a project.

(1:07:26) Lee Solt. Resident – 3730 Manchester Road. Subject: Drug Take-Back eliminated. Township Manager Tom Petrucci explained that when people were putting their items into the box, they were exposing our officers to loose hypodermic needles, medications etc., which we felt was a safety risk for our officers.

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 8:08P a MOTION was made by Commissioners Kelly and Hodges to adjourn. All in favor; none opposed. Vote 5:0. Motion carried.

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