



**Wednesday, August 7, 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.  
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:** July 29<sup>th</sup>, and prior to this evening's August 7<sup>th</sup> BOC Meeting.
- D. Moment of Silence –** Former SWT Public Works Employee, Dorsey L. Rutter, passed away on Saturday, July 27, 2024. Dorsey was employed for over 30 years by the Township from February 12, 1983, to May 31, 2013, as a PW Maintenance Assistant. (2:05)

**4. COURTESY OF THE FLOOR – Public Comment on Non-Agenda Items**

(2:50) Janet Mohr, Resident; 3815 Broadway, Allentown. Subject: Ruling passed by the ZHB on July 24<sup>th</sup>. The ruling was passed allowing relief for a property at 3821 Broadway, which is an undeveloped lot, where they are trying to shoehorn a proposed new home. The minimum lot size required is 7200 SQF. They requested 2530 SQF, and it was granted. They requested one foot along Adams, and that minimum yard setback is 10 feet, and they were granted the 1 foot. The side yard setback is 10 feet, and along the east side of the property they were granted a 2 foot setback. The lot size is 20 x 126. The parking pad they are planning is just minimum dimensions for two vehicles, which would require each vehicle to pull out/backout onto Adams Street. Those exiting Court Street would have their sight reduced by the two vehicles on this pad, which will make it more hazardous than it already is. She listed several other concerns such as what if Adams Street was widened (she referenced the Township CP), or how do contractors build on this lot and stay within the confines of the limited access. She said something that was not addressed by the ZHB was the terrible rainwater runoff issue everyone has in this area. She is here to ask the BOC to review these requests and hopefully reject the ZHB's ruling.

President Kelly asked Township Manager Tom Petrucci what are the options at this point in time? Mr. Petrucci said we are still within the window where a decision has not been rendered; therefore, you would be within your rights to appeal a decision to the ZHB if the decision was rendered on July 24<sup>th</sup>. President Kelly thanked Ms. Mohr for bringing this before the Board for our attention. We will have our internal Staff and Township Manager review this information and let the BOC know what options we might have on this matter. Mr. Petrucci again confirmed we are still within the appeal window, even though the ZHB's decision letter came out. The window is 30 days from the issuance of a decision. Mr. Petrucci said we will investigate further and report back to the BOC. Ms. Mohr thanked the Board for their time.

## **5. MINUTES**

### **A. July 17, 2024 – Board of Commissioners Meeting Minutes**

(9:50) A MOTION was made by Commissioners Peischl and Hodges to approve the July 17, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0; Motion carried.

## **6. PRESENTATION**

### **A. (10:10) South Whitehall Township Police Department – Badge Pinning Ceremony: Officer Jacob D. Warnet**

Interim Chief Steve Brown explained that Officer Jacob Warnet is a graduate of Indian Hills High School, NJ; attended York College of PA, where he graduated w/Bachelor's Degree in Criminal Justice. He began his career as a Special Class Officer I & II w/Haledon PD, NJ. Officer Warnet next worked for the City of Philadelphia Police Department beginning 2019. He comes to SWT with over 5 years of experience as a Certified Act 10 Police Officer.

President Kelly thanked Officer Warnet's family, and our Township Police Officers in attendance, for attending and showing their support. She welcomed Officer Warnet to our community and wished him all the best on this new chapter.

## **7. ORDINANCES**

### **A. An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Amending Part II ("General Legislation"), Chapter 240 ("Parks and Recreation") of the Codified Ordinances of South Whitehall Township in its Entirety; Enforcement of Violations; Fines and Penalties; Repealer; Failure to Enforce not a Waiver; Severability and an Effective Date. (13:40)**

Township Manager Tom Petrucci explained that Township officials are receiving complaints and observing the following activities at Covered Bridge Park:

- Loud music played along the banks and in the Jordan Creek.
- Cooking activities/grilling along the banks and in the Jordan Creek.
- Taking Township property (picnic tables) into the Jordan Creek.
- Placing picnic tables and other objects into the Jordan Creek.
- Littering along the banks and in the Jordan Creek.
- Parking vehicles in areas that are not designated for parking.

In response to these issues the Township has put together a Draft Amendment to Chapter 240 of the Township Code of Ordinances, which would be a complete revamp of our current parks' rules & regulations across all the parks owned and maintained by the Township. Ordinance was drafted with feedback received from members of the public and governing body, direct observations of SWT PD and SWT PW personnel, and a review of multiple existing regulations from other communities. PD Command Staff, PW Staff, P&R management personnel, Code Enforcement personnel, and CD personnel all provided their comments on this draft ordinance.

A summary of key revised provisions are as follows:

- A Permit is required to be obtained for multiple activities, including the following:
  - Use of any recreational buildings, pavilions, and associated grounds of any facilities located in the Park System.

- Use of athletic fields.
- To reserve any area in the Park System for use.
- An event, assemblage, or activity which ten (10) or more people are expected to attend. This provision shall not apply to individuals and groups that are utilizing playground facilities at the direct location of the relevant playground facility.
- Use of park property for commercial purposes, i.e. athletic contests, courses, sales, seminars, etc. Admission charge, donations, or the sale of items is prohibited.
- A Special Event Permit issued by the Township is required for the following activities: organized walks/runs of any distance, including but not limited to, 5K runs/10K runs/half-marathons/marathons, birthday parties, company picnics, events festivals, weddings/ceremonies, family reunions, workshops/clinics/classes and any other event deemed a special use by the Township. Special Events that anticipate attendance of over 1,000 attendees shall submit an Emergency Action Plan to the Township for the review and approval of the SWT PD, the Township Manager, and the Emergency Management Director.
- Provides specific criteria in the form of guidelines that must be satisfied prior to the issuance of any permits.
- Sets standards for the operation of motor vehicles in the Park System, including the imposition of a blanket 10 miles per hour speed limit for Park System access roads/parking lot areas.
- Provides regulations to protect natural areas, the natural environment, and plant life.
- Regulates the following categories of activities:
  - Aeronautical activities.
  - Alcoholic beverages.
  - Amusement and play equipment.
  - Animals, birds and reptiles.
  - Audio equipment and use.
  - Boating.
  - Camping.
  - Dogs, pets and other animals.
  - Firearms and weapons.
  - Fires.
  - Fireworks and explosives.
  - Fishing.
  - Interference with Township personnel.
  - Horses.
  - Hunting and trapping.
  - Illegal drugs and controlled substances.
  - Littering.
  - Peddling/soliciting.
  - Personal conduct (including disorderly conduct).
  - Swimming, bathing and wading.
  - Trespassing
  - Vandalism
- Other prohibited miscellaneous activities include the following:
  - No person shall:
    - Tamper with drinking fountains, hydrants, or other water system facilities or use water other than for drinking or cooking unless otherwise designated.
    - Gamble in any form.
    - Dump or dispose of waste, garbage, or unwanted material that was not accumulated during use of the Park System.
    - Urinate or defecate anywhere in the Park System except in a restroom or other facility provided for such purposes.
    - Engage in any form of golfing activity, except at designating golfing areas.
    - Throw rocks, stones, or other objects from any overlook or cliff.
    - Fail to obey a posted park sign.
    - Use a skateboard, in-line skates, or similar wheeled apparatus or equipment except within an area designated as a skate park or on paved roadways.

- Camp in the Park System unless authorized by the Township as part of an official Township-directed Special Event.
- Construct or occupy any man-made "survival" shelters in the Park System unless part of an official Park System program.
- Draft water from waterways that run through the Park System without obtaining written permission from the Township Manager.
- Use any tobacco product or electronic cigarette, in any form, within 50 feet of a recreational field/facility, or playground since these areas are designated as tobacco-free.
- Release balloons or sky lanterns within the Park System.
- Pollution of Waters. No person in a park shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution or altering the flow of such waters.
- Placing chairs, picnic tables, tables, or any other similar objects in Township-controlled waters shall not be permitted.
- Placing and utilizing grills and griddles (or any other similar portable cooking equipment) shall not be permitted in Township-controlled waters.
  - Additionally, grilling and similar items would only be permitted in areas that are specified within the park and provided for by the park, unless as approved as part of a special permit or pavilion permit.

In addition, the Township has taken some short-term actions at CBP; see actions listed below, in an attempt to assuage the ongoing reported concerns at Covered Bridge Park:

- Removal of rope swings (and limbs of the tree where the rope swings were traditionally attached).
- Additional staffing (overtime) for SWT-PW and SWT-PD personnel during peak time periods (ex. weekends, holidays, hot weather time periods). PD personnel have posted an additional duty job posting for CBP, and this will continue. The use of SWT PW personnel will be implemented through Labor Day weekend, at a minimum.
- Extending the parking lot split rail fence in CBP.
- Placement of a permanent bollard on the walking path that leads to pavilion #3 due to an identified safety issue with cars driving on that section getting to the pavilion.

Below is a list of other actions that the Township can take to attempt to address the reported issues at CBP in addition to the short-term actions and the revised rules/regulations for Parks.

- Install new bi-lingual clear/concise rules and regulations signage in CBP following the adoption of any revised rules/regulations.
- Increase the pavilion rental fee for non-residents from \$150.00 to \$300.00; this would need to be incorporated into the Schedule of Fees revision by Resolution and approved by the governing body. The current rate for residents is \$85.00 and the current rate for non-residents is \$150.00, as per the Fee Schedule.

Following any discussion, the following motions are being requested:

1. Motion to incorporate any revisions to the draft § 240 Ordinance amendment as requested by the BOC during the August 7, 2024 BOC meeting (as applicable).
2. Motion to send draft § 240 Ordinance amendment to the Township Solicitor for review.
3. Motion to advertise draft § 240 Ordinance amendment for adoption following receipt of and incorporation of all Township Solicitor comments (as applicable), provided that the comments of the Township Solicitor do not substantively alter the intent of the revised rules/regulations.

President Kelly thanked Mr. Petrucci for reviewing this memo with the Board this evening and drafting this draft ordinance as the Township seeks to implement consistent policies and regulations to protect our parks, our natural resources, and keep them safe and enjoyable place for our residents and visitors.

The following motions were made as follows:

- A MOTION was made by Commissioners Peischl and Kelly to incorporate any revisions to the draft Section 240 Ordinance amendment, as listed below:

- Add language confirming that entering the park after it is closed, or entering the park during emergency closures, or other closures, is a violation and constitutes trespassing.
  - Language confirming fishing is permitted after hours.
  - Language will be added to address E-Bikes where it is interfering with pedestrians and the multi-use trail.
  - Language will be added to allow for small groups to utilize tubing and other similar type items (no permit would be needed).
  - All in favor; none opposed. Vote 5:0. Motion carried.
- After the above revisions have been incorporated, MOTION by Commissioners Johns and Hodges to send draft Ordinance to Township Solicitor for Legal Review. All in favor; none opposed. Vote 5:0; Motion carried.
  - A MOTION was made by Commissioners Kelly and Peischl to advertise said Ordinance provided that the Township Solicitor's comments do not substantively alter the intent of the ordinance. All in favor; none opposed. Vote 5:0; Motion carried.

**B. An Ordinance Amending Chapter 336 (Vehicles and Traffic) of the Codified Ordinances of the Township of South Whitehall to Provide for an Additional Parking Zone for Persons with Disabilities and Disabled Veterans and to Provide for Severability, Retention of Rights to Enforce, Repealer and an Effective Date.**

(42:25) Township Manager Tom Petrucci explained that Administration is respectfully asking to amend the code to allow for two parking spaces at Westwood Heights Swim Club located at 1144 N. 38th Street. The reason for this request is to allow Handicap members easier access to the facility. Currently there is no access for Handicap members. A map has been provided showing where those signs would be installed, if granted permission. Signage is in stock. Approval previously received by the BOC on June 19, 2024 meeting to move forward with advertising the ordinance. The ordinance was advertised in the July 10, 2024 issue of The Parkland Press and sent to the LC Department of Law on July 5, 2024. It is now ready for adoption. Following adoption of the ordinance, the Township will move forward with installing revised signage, as required.

A Motion was made by Commissioners Johns and Hodges to adopt said Ordinance Amending Chapter 336, Article IV, Handicapped Parking Space. All in favor; none opposed. Vote 5:0; Motion carried.

**C. An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Amending Park II ("General Legislation"), Chapter 304 ("Streets and Sidewalks"), to add a New Article V Entitled "Snow, Ice, and Sleet Removal" to the Codified Ordinances of South Whitehall Township and further Providing for Removal of Snow, Ice, and Sleet from Sidewalks; Restricting the Depositing of Snow; Enforcement and Violations; Violation Ticket Appeal Process; Fines and Penalties; Providing for the Removal from the Codified Ordinances of Chapter 148 (Conduct) Section 148-1(A)(5), Chapter 155 (Drug Paraphernalia) in its Entirety, and Chapter 221 (Loitering) in its Entirety; Repealer; Failure to Enforce not a Waiver; Severability and an Effective Date.**

(44:05) Township Manager Tom Petrucci explained that it was previously discovered that the Code of Ordinances of the Township does not include a specific stand-alone ordinance that addresses the timely removal of snow and ice from the sidewalks located in SWT. Therefore, an ordinance was developed and sent to the Township Solicitor for review. The Township Solicitor had comments which were incorporated. To summarize, the key provisions of this ordinance are as follows:

1. Identifies the purpose and intent as ensuring that snow, ice and sleet does not create a hazardous condition for the traveling public.
2. Requires snow and/or ice to be removed no later than 24 hours after the cessation of the snowstorm or weather event which causes the buildup of snow or ice on the sidewalk. A specific date range is not referenced, as snow/ice events can occur outside of the normal window.
3. Snow and/or ice shall be removed from the above-referenced sidewalk for the entire width and the entire length of the sidewalk on or fronting said property.

4. Requires the use of a melting or traction agent in those instances when snow is compacted and/or has created a slippery/icy surface.
5. Requires fire hydrants to be clear of snow.
6. Requires ADA ramps/sidewalks and LANTA bus stops to be clear of snow/ice.
7. Prohibits snow/ice from being thrown on public streets.
8. Prohibits snow/ice accumulation to block stormwater drainage systems.
9. Provides for an enforcement process, including a method to handle appeals.
10. Removes Section 148 (A) (5) (a) of the Code (relating to depositing of snow/ice), which is now addressed in the Snow Removal Ordinance.
11. Provides for up to 20 days to pay an issued ticket to avoid a citation.
12. Removes two outmoded Sections of the Code pertaining to Loitering and Drug Paraphernalia, which are no longer used by the SWT PD, as confirmed by the Command Staff. These sections are enforced by way of Pennsylvania Crimes Code; as such, the Township is taking the administrative opportunity to amend the Code with this new Ordinance.

Per March 6<sup>th</sup> BOC direction, the draft Ordinance was reviewed by the Township Solicitor. A summary of changes made in accordance with recommendations of the Township Solicitor is provided as follows:

- Removal of a specific date range (October to April)
- Clarifies that the Code Enforcement Officer can issue tickets without previous warnings.
- Clarifies that the first violation is \$50 and any subsequent offense is \$100, with a \$10 penalty if the ticket is not paid or appealed within the specified time period of 10 days.
- Clarifies that those persons/entities that have been issued a ticket have 20 days to pay the ticket in order to avoid the filing of a citation.

Provided BOC approves official action to advertise the ordinance, an informational piece of literature will be drafted by Township staff and included in future newsletters, etc., as previously requested by the BOC. Mr. Petrucci said we are here this evening seeking a motion to advertise said ordinance as submitted.

Utilization of our 1Q25 utility billings will also be used to notify residents of this ordinance.

Township Manager Tom Petrucci regarding Clarification of Fines – Every day that the removal is not implemented, resident could incur a fine each day. That being said, typically it is our Code Enforcement Officers approach to try and work through a situation without issuing tickets; therefore, we could follow that process here to the maximum extent possible in situations like this. Our goal is to work with the residents—warning first. We do not have to go straight to a ticket.

Regarding Fire Hydrants – Per Mr. Herb Bender, Director of Township Operations, It is not typically PW responsibility to clear fire hydrants. It is the responsibility of the homeowner to clear the fire hydrant. Verbiage is in this ordinance towards this end.

A MOTION was made by Commissioners Peischl and Johns to advertise Article II (General Legislation) Chapter 304 (Streets and Sidewalks) of the South Whitehall Township Code of Ordinance to create a new Article V entitled, “Snow, Ice and Sleet Removal” for legal review. All in favor; none opposed. Vote 5:0; Motion carried. *(Legal review has already taken place.)*

## **8. RESOLUTIONS**

### **A. A Resolution Granting Final Approval to a Major Plan Entitled "Ridge Farms - Phase 1C".**

(54:35) Chris Strohler, Long-Range Planner, CDD, explained that this is an application to develop a property located at PIN 548746422139, located directly west of the Buchman Street/Roosevelt Street intersection and directly north and northwest of the Keneseth Israel Cemetery. The plan proposes 34 two-unit dwelling units (17 pairs of twins); Granary Lane, Gristmill Lane and the continuation of Buchman Street; Active Open Space 5; and Basins 8 and 9, and associated stormwater management facilities on an approximately 6.8-acre portion of the 123-acre tract. The property is zoned R-4 Medium Density Residential and TND-

Residential Cluster Overlay District and is being developed as a TND-Residential Cluster Overlay. Kay Walbert LLC is the equitable owner and applicant. Applicant was in attendance as well.

At their October 21, 2021, meeting, the PC reviewed and recommended conditional preliminary plan approval of Major Plan 2017-101 Ridge Farm to the BOC.

At the November 3, 2021, meeting, the BOC approved the preliminary plan for Major Plan 2017-101 Ridge Farm.

At the December 15, 2022, meeting the PC reviewed and took under advisement Major Plan 2017-101 Ridge Farm Final Plan Phase 1C, which we are talking about this evening.

The PC action on June 13, 2024, is that Ridge Farm Phase 1C was recommended for approval subject to 30 conditions, which are incorporated into the draft resolution.

During the June 13, 2024, meeting, concerns were raised regarding the configuration of the continuation of Buchman Street to connect the proposed development to the existing street network. Specific concerns included:

- Proposed configuration of two indented parking spaces for the adjacent property owner was not permitted by Zoning and would require relief.
- Lack of pedestrian connectivity to the existing street network.

An agreement between the applicant and the adjacent property owner included *“On-street parking for a minimum of 2 vehicles along the Buchman Street frontage...”* The improvements as stated in the agreement are *“subject to the review and approval by South Whitehall Township”*. Understanding the rationale for the request, the PC recommended revisions to the plan presented at the PC meeting.

The PC recommendation has been memorialized in the following condition #12—*“That the Applicant shall, to the satisfaction of the Township Engineer and staff, modify the design of Buchman Street between the Roosevelt Street intersection and the intersection with Cottage Lane/Gristmill Lane to remove the indented parking, improve traffic flow, provide sidewalk, and make recommendation for “No Parking” signage.”*

The Applicant has proposed an alternative configuration for Township Engineer and Staff to review (copy in BOC Packet). This plan was distributed to SWT PW, Fire Marshal, Zoning Officer and Township Engineer. This plan and attached exhibits have addressed all concerns, other than the waiver for sidewalk width and minor comments from the Township Engineer. (See Waivers and Deferral section below).

While these questions and concerns are typically handled at the PC prior to Final Plan approval consideration at the Board of Commissioners, the PC explicitly directed the applicant to work with Township Engineer and Staff to modify the design. Township Staff and Engineer find the proposed configuration acceptable. With the approval of the Buchman Street Extension Waiver, the condition can be considered “satisfied”.

This evening, the recommendation to the BOC with the inclusion of the conditions addressing Township Staff and Engineering concerns and the draft approving resolution, Staff has no objection to the final approval of Ridge Farms Phase 1C.

There are three actions for BOC consideration this evening as follows:

- Motion approving a waiver of SALDO, Section 312-35(b)(3)(d) to allow for 4-foot sidewalks along Buchman Street.
- Motion approving a waiver of streets and sidewalk ordinances, Section 304-27 to allow for a permit to be issued for the road opening for a portion of Roosevelt, Dawes, Buchman, and North Filbert Streets.
- Motion to adopt said Resolution granting P-F approval to plan "Ridge Farms - Phase 1C".

The BOC has until August 29, 2024, to act upon this plan.

Buchman Street Extension Waiver - As mentioned in Township Engineer’s letter dated July 29, 2024, the following waivers are required for the proposed configuration of the Buchman Street Extension: “SALDO

§312-35(b)(3)(d) – requirement of a local street to be in accordance with Township Standard Construction Documents (5'6" grass strip between curb and sidewalk and a 5' sidewalk). We note the current Plans show no grass strip between curb and sidewalk, and a 4' sidewalk on only the south side of Buchman Street."

- It is Township Staff and Engineer's opinion that the granting of this waiver is appropriate to accomplish the PC Condition 12 to provide sidewalk and due to the limited width of the ROW. The 4' width of the sidewalk meets ADA requirements for sidewalk width.

Waiver Requested—Portions of Roosevelt Street, Dawes Street, Buchman Street, and North Filbert Street - A waiver from "Streets & Sidewalks Ordinance – Chapter 304, Article III (Street Excavations), Section §304-27. A. - RESTRICTIONS IN OPENING A NEW STREET" is requested by the applicant to allow a permit to be issued by the Township which would allow an opening in a portion of Roosevelt, Dawes, Buchman, and North Filbert Streets, which have been paved within the past 5 years.

- This waiver is subject to BOC Approval because it is not part of Subdivision and Land Development or Zoning Ordinances. The Department of Public Works recommendations should be followed.

Township Engineer, Tony Tallarida – This was a thoroughly reviewed project. The development itself has 34 units, and was reviewed/approved in preliminary plan before it was thoroughly reviewed by the PC. Buchman Street was under a lot of scrutiny—they are providing sidewalk to leave the development. Therefore, any children leaving the development to go to the bus stop, which is on Buchman Street, on the east side of Roosevelt, are provided sidewalk. There was a 40-foot ROW that was granted as an agreement between a few property owners, since that was an unopened alley. Our office/staff did the best they could to get everything per ordinance. The Applicant provided everything except for the sidewalk width. They just couldn't do it based upon the existing conditions. There are some trees, and there is some grading on the property owners adjacent to that. They provided a 4-foot sidewalk, which does meet ADA. While it does not meet Township standards, with the one-foot difference, Mr. Tallarida feels at this point we can recommend this waiver.

Regarding the second waiver, which we can defer to Mr. Bender as well, there was pavement, which was just paved. Regarding Buchman Street, the Applicant agreed to, when they cut open the trench, to pave it/top it edge-to-edge, which doesn't create a seam which keeps the integrity of the road longer.

Therefore, based on Herb's comments and this agreement, we have no objection to either. At this point we can recommend engineering approval based upon the minimal comments that we have left.

Township Solicitor, Joseph Zator – No legal comments for the BOC. Attorney Zator said he has no legal concerns with the application or the potential approval by the BOC.

The Applicant explained that the Utilities will have to go in very early on in the process. They will meet the Township Ordinance requirements and will work with Mr. Bender on this as well. Applicant deferred to Mr. Bender as to the time frame of paving. Mr. Bender said there is a timeline. There are certain times that we will have to deal with temperatures, etc. Township Manager Tom Petrucci said that when you are dealing with an existing road, the time period is 120 days.

A MOTION was made by Commissioners Johns and Kelly approving a waiver of SALDO, Section 312-35(b)(3)(d) to allow for 4-foot sidewalks along Buchman Street. All in favor; none opposed. Vote 5:0; Motion carried.

A MOTION was made by Commissioners Peischl and Kelly approving a waiver of streets and sidewalk ordinances, Section 304-27 to allow for a permit to be issued for the road opening for a portion of Roosevelt, Dawes, Buchman, and North Filbert Streets. All in favor; none opposed. Vote 5:0; Motion carried.



A MOTION was made by Commissioners Johns and Hodges to adopt said Resolution granting P-F approval to plan "Ridge Farms - Phase 1C". All in favor; none opposed. Vote 5:0; Motion carried.

**B. A Resolution Granting Preliminary/Final Approval to a Major Plan Entitled "Parkland Operations Center".**

(1:10:00) Chris Strohler, Long-Range Planner, CDD, explained that this an application to further develop the property located at 2619 Stadium Drive. The plan proposes a 12,832 SQF addition to the second floor of the new Operations Center building on the 8.70-acre parcel. The property is served by public water and is zoned Rural Residential RR-2. Parkland School District is the owner and applicant.

At their February 28, 2024, hearing, the ZHB granted a 100-space variance to the off-street parking requirement with four conditions, through Appeal 2023-07.

At the April 19, 2023 BOC meeting, Resolution 2023-56 was approved—PSD New Operations Center Major Plan 2022-108, an application proposing to raze the existing structure and construct a two-story, 39,295 SQF building, 90 parking spaces, and associated stormwater management facilities on the 8.70-acre parcel.

At the June 13, 2024 PC meeting, they recommended final plan approval subject to 11 conditions.

The PC determined that 9 waivers were appropriate, and 2 deferrals would be appropriate. The 2 deferrals are as follows:

- The applicant has requested that the requirement of Section 312-26(a) of the Subdivision and Land Development Ordinance to require the indication on the plan and construction of all required public improvements along the frontage of Lime Kiln Road be waived, and the Planning Commission is persuaded that a deferral would be appropriate until such time that the Board of Commissioners deems the improvements necessary;
- The applicant has requested that the requirement of Section 312-35(b) of SALDO pertaining to the requirement to construct street ROW improvements along Lime Kiln Road be waived, and the Planning Commission is persuaded that a deferral would be appropriate until such time that the Board of Commissioners deems the improvements necessary.

Mr. Strohler said the applicant is in attendance this evening. Staff recommends P-F approval for PSD New Operations Center Phase 3, Plan 2024-101. The BOC deadline to act on this plan is November 14, 2024.

Township Engineer, Tony Tallarida – This is Phase 3, which is just a building expansion of an additional 12,000 SQF to a site that was approved and being built. Our main concern was the additional traffic generated by this building. An analysis was done, not only at 309 & Lime Kiln, but also at Lime Kiln and Stadium. They were close to meeting left-turn lane warrants—this just put them over left-turn lane warrants, meaning based upon just generic volumes, there is a potential for needing left-turn lane. They did an analysis of the intersection to show that it still meets level service-A. So at this point, we agree with condition to allow the Township to continue to monitor this, and if at any time there are problems, the Township can go back to the School District. Also, there are a few master plans in the works for this school moving forward. They will probably be analyzing this intersection, as well as all the surrounding intersections, in the near future. There will probably be potential changes to these intersections. At this point, we do feel comfortable finalizing this building knowing that there will be more development coming.

Township Solicitor, Joseph Zator – Attorney Zator said he has no legal concerns with the Board granting approval should the Board see fit to do so this evening.

PSD was required to have 194 parking spaces, and ZHB granted relief to have 94 parking spaces which was very concerning to the BOC.

Township Manager Tom Petrucci said he spoke with our Zoning Officer Laura Harrier and she indicated that the best way to monitor parking is to request a current employee list from the School District of all the employees who will be utilizing that building and then reconciling that with the expected visitor tally on a regular basis. Also, to continue to monitor for identifying factors for problems—e.g. people parking

where they shouldn't be parking or crossing the road where they should not be crossing, etc. The zoning decision was clear that if it is determined that there is not sufficient parking, we as a Township have the right to go back to the decision that was made.

Q: What is the plan for parking for the evenings that you have 8-10,000 parking to get into the stadium. The Board's concern is that they do not want to see an overflow end up parking along Lime Kiln, and then walking up the street to go to the stadium, or have overflow end up parking on Orefield Road, creating a bigger hazard because there are no sidewalks on the connecting road to Stadium Road.

A: Scott McMackin, PE; President, Cowan Associates, explained that this lower lot will be used. We have sidewalks and crosswalks in there so this lot will be used on Friday evenings for the parking for the stadium. There will be 76 spots that are permanently striped, along with additional spots that can be used as overflow, which during the day can be used for tractor trailers and loading, things of that nature. And, on football nights, this lower lot can be parked in as well. He went on to say that they are currently working on other parking options, specifically underneath PPL's ROW, if they would permit that, which runs through the property. However, as it stands now, we are maximizing what we can within the limits of the ordinance to provide as much parking as possible, especially Friday evenings.

It was noted that during most of the home games this past season, the district did a pretty good job moving all the buses out of the way across Stadium Drive up by the bus garage; they made a lot of parking for vehicles, and a lot of attendants were there to help/guide the people. The Board is hoping this continues well into the future. Otherwise, it could be a serious problem.

Arthur Oaks, Director of Operations, for Parkland School District. He said that this will continue—this is our practice and procedure to help offset some of the parking that we know we are losing. As Scott mentioned, we are trying to add that additional parking and also the master plans—all the things we are trying to do, especially in developing that site a little more. We call it Vision 2030 in Parkland. We don't have the plans to show you as of yet, but feel all of these concerns and issues will be addressed in the next couple of years. In the short-term, we are going to do all the things Scott mentioned—We will do whatever we have to do to make it work. Mr. Oaks said he will reach out to Township Manager Tom Petrucci in preparation for the more heavily attended events at the High School. Mr. Petrucci said we can certainly reach out to Tony Naradko, Director of Safety, Security PSD, along with SWT PD, Emergency Management, and SWT PW to review everything. President Kelly thanked Mr. Petrucci and Mr. Oaks for partnering together to get a plan for safety in place.

Another issue was safety for going west on Lime Kiln Road, where the kids go with their friends to Burger King. In time we would like to see a safe sidewalk, a safe area for these kids. Mr. Oaks said he believes this is actually something that will be brought forward when they talk about Orefield next. They did meet with PennDOT about these improvements, and he said whatever they are required to do, they will be doing. He said they do think the new Operations Building with those sidewalks up that road are going to help a lot as well, which will be a big improvement.

A MOTION was made by Commissioners Peischl and Kelly to adopt said resolution granting P-F approval to Plan "Parkland Operations Center". 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, Approving and Adopting Revised Bylaws of the Public Safety Commission.**

(1:26:25) Township Manager Tom Petrucci explained that during the Monday July 1, 2024 Public Safety Commission meeting, a possible revision to the adopted bylaws of the PSC was discussed by the Commission members.

Two possible revisions to the bylaws were discussed, identified as follows:

1. Article V (Membership), Section 1. Remove the voting authority of the PSD Superintendent, pursuant to the request made by the PSD. This request was subsequently discussed with the PSD Superintendent, Dr. Madson. It was confirmed that it is the sentiment of PSD that the amendment is appropriate to remove the voting authority of the Superintendent. The Superintendent (or his/her designee) shall still be a member of the PSC and have the right to participate in any discussions. For general information, Tony Naradko, Director of District Safety and Security for PSD, has been attending PSC meetings on behalf of the District on a regular basis.
2. Article IV (Policies), Section 3, requires the PSC members to render recommendations concerning subdivision plans before the Commission, pursuant to a 51% affirmative vote. The PSC had discussed providing a list of all discussed comments, regardless of whether a majority vote was approved.

Upon review of the suggestion to amend Article IV, Section 3 with SWT Community Development staff, it was noted that the revision would essentially require the remittance of any and all comments received from the members without receiving an overall recommendation from the PSC as a whole. The recommendation from staff at this time is to keep the language of the bylaws as currently drafted, and then specifically list the need for a motion of recommendation on each subdivision before the PSC for review on the agenda of each PSC meeting to incorporate all relevant recommendations. The intent is to endeavor to encapsulate all relevant comments on subdivision plans into one carefully worded motion.

In other words, the comments are fluid during the meeting, but as a whole, the motion should encapsulate what the overall recommendations/comments are.

Also discussed this past Monday night was whether or not the term for at-large members should be amended from two years to four years. On the PSC, there are 8 permanent members and 4 at-large members.

The proposed revision to Article V (Membership), Section 1 is provided as follows:

*Section 1. The P.S.C. shall consist of twelve (12) members. The P.S.C. shall be made up of eight (8) permanent members and four (4) members appointed at large by the Board of Commissioners. The permanent members shall be: the Chief of each of the four (4) fire companies serving the Township; the Chief Executive Officer of the Ambulance Corps serving the Township; the Township Chief of Police; the Emergency Management Director; and the Superintendent of Parkland School District. The Superintendent of Parkland School District shall not have the right to vote on any agenda topics, items and matters before the Public Safety Commission but shall have the right to participate in all discussions on any agenda topics, items and matters.*

Commissioner Peischl preferred that the at-large members serve for a term of 4 years; President Kelly was in agreement as well and said that it would then be consistent with all our other advisory boards. She appreciates the fact that this was brought to the Board to update the Bylaws of the PSC—to have a concise message of the items discussed for land development brought to both the PC and the BOC, and would be in agreement with this as well.

A MOTION was made by Commissioners Hodges and Kelly to adopt said resolution approving and adopting the revised bylaws of the PSC. All in favor; none opposed. Vote 5:0; Motion carried.

A MOTION was made by Commissioner Peischl and Hodges confirming the revision to Article V, Section 1, for the term to be changed from two years to four years, to be incorporated into this resolution as well. All in favor; none opposed. Vote 5:0; Motion carried.

## **9. MOTIONS**

### **A. Motion to Proceed with Release of Security for: Ridge Farms Phase 1A Improvements Security Release Certification #7.**

(1:33:15) Township Manager Tom Petrucci explained that this was a project originally approved at the April 6, 2022 Meeting through Resolution 2022-48. Over \$3M in security improvements were secured via letter of credit. The plan was recorded on July 5, 2023, with construction starting shortly thereafter. At this time the Applicant has completed more of the required public infrastructure improvements and has requested a seventh release of security for the completed improvements. Township Engineer's Office and Township Staff conducted inspections to confirm and document the construction of the required improvements and are authorizing the release of \$317,985.42. This would bring the value of the total amount of security released to \$2,375,270.10. It is important to note that the Township has elected to impose an additional 10% security amount as permitted by the MPC.

Township Engineer, Tony Tallarida – There is approximately \$1.2M still being held by the Township. We know there will probably be only one or two of these left because we never release more than what is required for maintenance, which is over \$200,000. So you might get one or two of these left until they draw down to that final close.

A MOTION was made by Commissioners Hodges and Kelly authorizing Township Manager to sign the Security Release Letter to the financial institution and confirm the additional 10% security amount requested by the Township. All in favor; none opposed. Vote 5:0; Motion carried.

**B. Motion Authorizing Township Manager to Write-Off Fees in the Amount of \$6,514.15 re-Hamilton Animal Care, 4570 West Tilghman Street**

(1:36:15) Township Manager Tom Petrucci explained that the property located at 4570 West Tilghman Street constructed a 9,600 SQF two-story veterinarian facility (consisting of a 8,157 SQF veterinarian's office and a 1,443 SQF general retail space) and a 46-space parking lot on the 1.3358-acre parcel.

- This project was approved by the Board of Commissioners April 5, 2017.
- The final certificate of Occupancy was issued April, 22, 2019.
- The 18-month Maintenance Period officially ended March 31, 2022.
- In November of 2022, close-out procedure was started.
- There remains a shortfall of \$6,514.15 in the escrow account.

The Township Manager Ordinance allows for write-offs of \$2,500. This exceeds that amount. The \$6,514.15 figure represents a good faith attempt of the Township to reconcile amounts that were billed to the applicant/developer for this project as a result of the necessary relocation of PPL utility poles as the result of the approval of another subdivision (KRE) that required sidewalk infrastructure improvements.

A MOTION was made by Commissioners Peischl and Kelly authorizing Township Manager to write-off an amount over the \$2,500 threshold, in the amount of \$6,514.15. All in favor; none opposed. Vote 5:0; Motion carried.

**C. Motion to Proceed with Purchase of Entry/Exit Gate for the Police/Public Works Area.**

(1:38:20) Interim Chief Brown explained that the Police Department and Township Administration are requesting to upgrade the entry/exit gate utilized to gain access to the PD and PW. The current gate no longer functions properly and enables anyone to drive down to the back of the Township building where Township employees are getting in and out of vehicles or working in the PW garage.

Recently, two different road rage incidents resulted in motorists driving towards the back of the PD. This is an identified safety concern, as PW personnel are often working with the garage doors open in the summer, exposing them to what could be a dangerous scenario if there are no police officers available on-site and an argument escalates.

The original gate was supposed to prevent unauthorized persons from entering the Municipal Complex unless they were let inside. The original motor of the gate was not correctly specified, thereby resulting in

frequent interruptions of service. The cost of this gate includes all materials and labor to install it. The quotation provided utilizes COSTARS contract pricing as the procurement method.

During the course of the 2024 budget adoption, the BOC previously approved an interfund transfer in the amount of \$673,606.27 out of the American Rescue Plan Act (APRA) Fund to the Capital Reserve Fund to help support the anticipated cost of new body camera/in-car camera systems, a project which has resulted in a lower budgeted amount.

The Township is not exceeding the total line amount budgeted; the existing budgeted Capital Reserve funds are being shifted, as summarized below:

#### Capital Reserve Fund

- 30410003-40761 Body Worn & In Car Camera Systems – \$964,649.97 (deducted by \$40,540) = \$924,109.97
- A new line item must be created (30406003-40733) entitled, “Campus Renovation Capital Projects”. This line item will help account for all future facility upgrades at the Township Municipal Campus. Because this upgrade will serve the entire Township Municipal Campus, this capital expense will be booked to Administration.

The Township must encumber all remaining ARPA funds by the end of the 2024 fiscal year, specifically December 31, 2024.

Interim Chief Brown explained that we are requesting the Board of Commissioners approve the entry/exit gate and the corresponding transfer motion as just outlined (above). The total capital cost of \$40,540.00 would be encumbered as a part of the ARPA funds that were originally designated to the police department.

Township Manager Tom Petrucci and Interim Chief Brown have talked about signage that is more direct, so that as soon as someone walks through the door, you would see the sign for the Police Department and know to go downstairs.

A MOTION was made by Commissioners Peischl and Kelly to approve the Entry/Exit Gate, for a total cost of \$40,540, which would be encumbered as part of the ARPA Funds that were designated to the PD. All in favor; none opposed. Vote 5:0; Motion carried.

#### **D. Motion to Award Contract for the Municipal Campus Sidewalk Project.**

(1:47:21) Herb Bender, Director of Township Operations, explained that on July 19, 2024, three bids were opened publicly for the Municipal Campus Sidewalk project. This bid was advertised once in a local publication as required by law. Thirty-four potential bidders downloaded and received bid documents from the PennBid website. A bid tabulation was provided in BOC Packet.

The Campus Sidewalk project was previously approved by the Board to be advertised at the June 19, 2024, meeting.

The construction of this sidewalk in front of the Municipal Campus will connect to the existing sidewalk in front of Attorney Zator’s office. This sidewalk will be ADA compliant and will include a Lanta bus stop and a connection to the Parkland Community Library.

Township staff respectfully requests the BOC to award the contract for the Campus Sidewalk to Construction Masters Services, LLC for \$209,827.50, which is under budget and allows for the engineering costs to be shifted from the General Fund and expensed to the capital line. This project was budgeted for \$294,124.80.

Mr. Bender said that when we had the preconstruction meeting, we told everyone that we wanted to get them in here as quick as possible in order to get this project wrapped up by the end of October. President Kelly said that this is a great plan and will make a nice, continuous sidewalk out here for residents and visitors to visit the Municipal Campus, Library, and all the way up to the Bus Stop.

A MOTION was made by Commissioners Johns and Hodges to Award Contract for the Municipal Campus Sidewalk Project to Construction Masters Services, LLC in the amount of \$209,827.50. All in favor; none opposed. Vote 5:0; Motion carried.

**E. Motion Granting Permission for Langan Engineering to Proceed with Sanitary Sewer Manhole Survey.**

(1:50:05) Herb Bender, Director of Township Operations, explained that PW Utility Division is respectfully asking permission to proceed with Langan Engineering to complete some additional work so we can obtain the correct information that is needed for the Act 537 Plan checklist for Klines Island. This work would include locations of the 246 manholes based on GIS observations by their survey crews using sub-meter accuracy equipment. Their crew will open each manhole and measure the visible invert information. The field survey data will be directly added into the ArcGIS field maps that we have for the Township so that this data will be readily available in the Township GIS.

We are requesting a MOTION by the BOC to approve Langan Engineering to proceed with Sanitary Sewer Manhole Survey.

In the Capital budget we did have \$50,000 for sewer planning documents, which is where this \$23,500 would come out of.

A MOTION was made by Commissioners Hodges and Kelly granting permission for Langan Engineering to proceed with Sanitary Sewer Manhole Survey. All in favor; none opposed. Vote 5:0; Motion carried.

**10. CORRESPONDENCE AND INFORMATION ITEMS**

**A. Boards and Commissions – Informational Items/Vacancies (1:51:40)**

**11. DIRECTION/DISCUSSION ITEMS**

**A. Hometown Heroes – Policy (1:52:20)**

Township Manager Tom Petrucci explained that pursuant to a previous suggestion rendered by the BOC, enclosed in the meeting packet are draft materials (including a program summary and application) delineating a proposed 2025 South Whitehall Township Hometown Heroes Program. A summary of the proposed key aspects of the Program are provided as follows:

1. To qualify, a Veteran, either living or deceased, must have lived in South Whitehall Township at some point in their life and have been honorably discharged from the Armed Forces (all Branches).
2. Registration opens on November 8, 2024, for the South Whitehall Township Hometown Heroes Banner Program. Applications for banners will be accepted through March 28, 2025. New Banners will be installed in the Spring of 2025 in advance of Memorial Day (Monday, May 26, 2024).
3. The banner features the service member's name, rank, and title, branch of armed service, era of service (WWII, Korea, Vietnam, Global War on Terror, etc.), service dates, prestigious medals, photo, and a "sponsored by" section to include the sponsor's name. The banner will measure 24" x 48", printed on both sides on heavy-duty vinyl.
4. For this round of the Program, banners will be displayed on Township-owned lamp poles at the South Whitehall Township Municipal Building, which is located at 4444 Walbert Avenue, Allentown, PA 18104. There are currently twelve (12) banner pole locations available for the 2025 program.
5. Banners will be displayed for at least a two (2) year period. The Township will assess the condition of the banners and determine when banners should be replaced. Removed banners are offered to the sponsors as a keepsake. If a sponsor does not collect the banner, it will become the property of the Township.
6. Banner displays are available on a first-come, first-served basis, and will be available until all available spots are filled. The selection of the pole on which the banner will be placed is at the discretion of the Township.
7. The suggested price of the banner to recoup all associated expenses is \$200.00.

8. The banners will be displayed from Memorial Day through to Veterans Day in observance of all Military Branch establishment dates. Banners will be removed and stored until the same period in the following year at which time they will be displayed in the same manner.

Following any discussion and/or questions, SWT administrative personnel are seeking confirmation that the parameters and criteria set forth in the proposed SWT Hometown Heroes Program are acceptable to the BOC. Once confirmed, SWT administrative personnel can then proceed with the logistical and administrative requirements of the program.

President Kelly, on behalf of the Board, thanked Mr. Petrucci for bringing this to the Board for consideration—something which the Board has discussed over the years, and said that it is wonderful to see it come to fruition, and went on to say that she is in agreement with the parameters delineated in the memo, and said it would be very honoring to have the banners displayed from Memorial Day to Veterans Day, and looks forward to proceeding with this program. The Board was in agreement and interested in expanding to other locations outside the Township Municipal Building as well. Mr. Petrucci said this is definitely being looked at.

Township Manager Tom Petrucci said he has everything he needs in order to move forward with this project.

**B. South Whitehall Landscapes Plan (An Open Space, Historic Agricultural, and Natural Resource Preservation Plan) – Comment Period Update. (1:59:15)**

Mr. Chris Stroehler, Long-Range Planner, CDD, explained that at the July 17th, 2024, Board of Commissioners meeting, we discussed releasing the draft South Whitehall Landscapes plan for review and comments from appropriate Boards/Commissions/Councils. Staff is currently collecting comments and answering questions from members but has yet to receive any comments or questions that would delay the review process previously laid out.

Staff recommends that, barring any significant comments from Board/Commission/Council members, that the South Whitehall Landscapes plan be released for a two-week public comment period from August 7th – August 21st. The plan will be made available online and in paper copy format at the Township Building. Following this public comment period, staff will review any public comments and bring any significant comments to the attention of the BOC. Minor comments will be addressed in the editing of the plan as applicable. Staff recommends following the updated review and adoption timeline to ensure adequate review and approval by all Boards/Commissions/Councils and allow adequate time for any plan edits.

8/7	BOC Meeting	– Comment Check-In, release plan for two-week public comment period
8/21	BOC Meeting	– Public Comment Check-In, motion to send plan to SWT EAC
8/26	EAC Meeting	– Review final plan/comments, recommend plan for SWT PC review
9/4	BOC Meeting	– Review final plan, motion to send plan for SWT PC review
9/12	PC Meeting	– Review final plan, recommend plan for adoption
9/18	BOC Meeting	– Adoption

President Kelly, along with the rest of the Board, were very much in agreement with this timeline. She went on to say the Plan is fantastic and is a culmination of so much work by so many people, which took a great deal of time—Thank you to all. We are very much looking to move forward with this. Board was in agreement with the above timeline as presented.

**12. OLD BUSINESS – NONE.**

**13. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items (2:02:12)**

Sam Sacco, Resident - 1898 Blue Barn Road, Orefield. Subject: He circled back to the first COF, re-3815 Broadway, re-the zoning issue. He wanted clarification on the next steps. (See COF #1 for next steps reiterated by Mr. Petrucci.) Mr. Sacco thanked the Board for their time.

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

##### **A. Invoices and Disbursements (2:04:15)**

A MOTION was made by Commissioners Hodges and Kelly 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 9:05A a MOTION was made by Commissioners Peischl and Kelly to adjourn. All in favor; none opposed. Vote 5:0; Motion carried.

**17. APPROVED:** On **August 21, 2024**, a MOTION was made by Commissioners Roth and Hodges to approve the August 7, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 4:0; Motion carried.