



Wednesday, August 21, 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
Jennifer Alderfer, 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*
Stephen G. Brown, Interim Chief of Police
Dave Manhardt, Director, Community Development Dept.
Chris Strohler, 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: Prior to this evening's August 21st BOC Meeting.

4. COURTESY OF THE FLOOR – Public Comment on Non-Agenda Items – NONE. (2:15)

5. MINUTES

A. August 7, 2024 – Board of Commissioners Meeting Minutes (2:30)

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 5:0; Motion carried.

6. PRESENTATION

A. 100th Year Anniversary – Cetrionia Fire Department (2:45)

President Kelly welcomed Fire Fighter Barry Eigen, who was in attendance this evening as the representative for Cetrionia Fire Department. She said it is truly an Honor to celebrate Cetrionia Fire Department's 100th Anniversary and such a great milestone for all the past and present members of CFD. Our community is very grateful to all of you who selflessly volunteer your time and talents and respond to the call of our residents and businesses in their time of need both day and night. Your volunteers are always at our events, and we are very grateful for all you do to contribute to the wonderful fabric of SWT in making it an amazing place to live and work. At this time President Kelly, on behalf of the Board of Commissioners, presented a proclamation to Mr. Eigen/Cetrionia Fire Department.

Mr. Eigen thanked all its members, both past and present, for their service. He thanked all members who tirelessly put forth staffing and training for the sole purpose of saving lives and protecting property. He thanked the Commissioners and the entire team at SWT for supporting them financially and beyond, because they would not be able to do so without this help.

7. ORDINANCES – NONE.

8. RESOLUTIONS

A. A Resolution of the Board of Commissioners of the Township of South Whitehall, Lehigh County, Commonwealth of Pennsylvania, Approving a Right-of-Entry (Access to Department Property) Agreement between South Whitehall Township and the Pennsylvania Department of Transportation for the Stormwater Basin Located at the SR0022 and SR1019 Interchange (7:00)

Township Manager Tom Petrucci explained that it was recently determined that PennDOT owns the stormwater basin located at the SR0022 and SR1019 Interchange. SWT has maintained the basin for the last 40 plus years and was proceeding with a plan to improve the stormwater basin in accordance with the Township's approved Pollutant Reduction Plan for the Township's MS4 permit.

The planned modifications to the basin included the installation of earthen berms and gabion basket spillways to reduce the sedimentation as required by the Township's MS4 permit. These modifications must now be removed, as per PennDOT.

In order to access the stormwater basin, PennDOT requires a Right-of-Entry (Access to Department Property) Agreement to be executed by the Township. This Resolution has been prepared to allow the Township Manager to execute the required form; additionally, the grading and utility restoration plan has been provided for reference and incorporated into the Resolution. We are also required to provide a Plan to PennDOT to show how we are going to remove the work and restore it to its previous condition, and then also provide an As-Built Plan when the work is done.

A MOTION was made by Commissioners Peischl and Roth to adopt said resolution approving a Right-of-Entry Agreement between SWT & PennDOT for the Stormwater Basin Located at the SR0022 and SR1019 Interchange. All in favor; none opposed. Vote 5:0. Motion carried.

9. MOTIONS

A. Motion to Approve Animal Control Services Contract with Lehigh Valley Humane Society (LVHS) from January 1, 2025, to December 31, 2027. (9:10)

Township Manager Tom Petrucci explained that SWT began an agreement with the Lehigh Valley Humane Society this year for stray animal services.

This program has proven to be a positive experience, and LVHS has demonstrated their commitment to providing a valuable service to the Township. To date, LVHS has taken in 9 stray or owner surrendered dogs and 14 stray or owner surrendered cats. The LVHS has also completed TNR services on 12 cats at no charge to the Township.

The LVHS would like the Township to enter into a 3-year agreement for stray services beginning in 2025 and continuing through 2027. LVHS will not increase the current rate of \$4,000 for 2025, but the rate will increase by 3.5% in subsequent years.

We are requesting Board permission to enter into the 3-year agreement with the LVHS. Staff recommends this action as there are not many alternatives in this area. Staff recommends that we secure these services for this duration.

For the record, we have never been turned away due to lack of space.

A MOTION was made by Commissioners Johns and Hodges to approve the adoption of said resolution approving the entering into the 3-year agreement with LVHS as explained by Mr. Petrucci. All in favor; none opposed. Vote 5:0; Motion carried.

B. Motion Authorizing Township Manager and Township Engineer to submit a Highway Occupancy Permit (HOP) Application to PennDOT for the ARLE Grant Funded S.R. 0222 Hamilton Boulevard/Lincoln Avenue Intersection Traffic Signal Improvements Project. (12:00)

Township Manager Tom Petrucci explained that as the Board would recall, the Township received an Automated Red Light Enforcement Grant for the intersection of Hamilton Boulevard and Lincoln Avenue in the amount of \$554,855.31 to upgrade and modernize the signalized intersection. The grant funded the portion of the project associated with construction costs. The Township is responsible for the associated engineering costs, as well as for securing all required environmental and permitting clearances, the first step which is to obtain a PennDOT HOP.

In order to remain on schedule, with the intent to bid out this project next year, it is necessary to begin the permitting process for the required HOP now in order to ensure that the HOP is issued early next year. Following the receipt of the approved HOP, the Township will then need to review the final intersection design with PennDOT and then bid out the project, following PennDOT approval of the specifications, which we need to ensure we are adhering to all the grant provisions.

For the record, the relevant materials of the HOP as drafted by the Township Engineer were enclosed in meeting packet.

Mr. Petrucci said we are asking for permission to submit the permit to PennDOT.

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

C. Motion to Proceed with Purchase of Police Department Tactical Breaching Tools. (13:52)

Interim Chief Steve Brown explained that the PD is requesting to upgrade and purchase mechanical breaching tools for the vehicles in our fleet. These tools are utilized when exigent circumstances exist, such as an active shooter/threat incident, and entry needs to be made efficiently and effectively. As of now, not all our vehicles are equipped with these tools, and the ones that have them need to be upgraded.

A group of officers from our department partnered with the Woodlawn Fire Company and Chief Search to do training on door breaching at their facility. The group of officers that were there learned what tools would be the best options for implementation/purchase. These items are all COSTARS.

We are looking to get this money from ARPA. 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 Fund to the Capital Reserve Fund to help support the anticipated cost of new body worn cameras and 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 – \$924,109.97 (deducted by \$8,542.20) = \$915,567.77.
- 30410003-47260 Small Tools / Minor Equipment - \$0.00 (increased by \$8,542.20).
- The Township must encumber all remaining ARPA funds by the end of the 2024 fiscal year, specifically December 31, 2024.

We are requesting Board approval for the purchase of these tools. The total cost of \$8,542.20 would be encumbered as a part of the ARPA funds that were designated to the SWT PD.

Interim Chief Brown said once we received the tools, there will be training on these items.

A MOTION was made by Commissioners Roth and Peischl granting permission to proceed with purchase as explained by Interim Chief Steve Brown. All in favor; none opposed. Vote 5:0; Motion carried.

D. Motion to Proceed with Capital Purchases regarding the Senator Nick Miller/PA Department of Community and Economic Development Grant, aka Marketing to Attract Tourists Grant, for the South Whitehall Township Police Department (16:40)

Interim Chief Steve Brown explained that the SWT PD applied for a grant through PA DCED Marketing for a patrol vehicle and e-bikes to be used by officers on patrol. The grant was approved for up to \$100,000 and does not require a match for funding.

We researched vehicles and e-bikes to use for these funds. As we presented previously to the Board, in addition to its small cockpit size, we have had a history of growing maintenance records with our Ford fleet. Also, Ford does not have any more 2024 models available for this year delaying delivery until the 2025 model is produced next year. The dealership we ordered this year's vehicles from still has 2024 Chevrolet Tahoes available on their lot.

We are requesting Board approval to proceed with purchase of a marked 2024 Chevrolet Tahoe PPV, under COSTARS contract, with upfitting (equipment and computer) for a total of \$82,556.78. This patrol vehicle will be used as a front-line vehicle and would be in addition to the three that the Board approved earlier this year. As a result, another aging fleet vehicle will be taken out of service due to excessive mileage and safety concerns, and will be decommissioned and potentially sold at auction.

We are also requesting to purchase six Giant Talon E+ 3 29er bicycles and associated equipment for \$17,240.64. These will be ordered in three different frame sizes to accommodate the various heights of officers. Quotes were obtained from three different vendors of e-bikes and this was the lowest cost.

The total cost of the fully upfitted 2024 Chevrolet Tahoe and six e-bikes with accessories is \$99,977.42. This DCED Grant is advanced funding so we just need to tell them what we are ordering and then they will give us the money.

President Kelly said that we are very appreciative to Senator Nick Miller for assisting the Township with this grant.

A MOTION was made by Commissioners Hodges and Roth granting permission to proceed with said Capital Purchases for SWT-PD as explained by Interim Chief Steve Brown. All in favor; none opposed. Vote 5:0; Motion carried.

E. Motion to Send South Whitehall Landscapes Plan to South Whitehall Township Environmental Advisory Council. (20:15)

Dave Manhardt, Director, CDD, explained that we are requesting a motion to send the Landscapes Plan to the Environmental Advisory Council (EAC). We wrapped up the public comment period. Most of the comments have been minor, some minor tweaks to graphics. We are changing some of the case studies to be more local. Received a comment to include Crooked Row Farm as one of the case studies, which we are working on. Other than that, the Plan has been well received—there was an article in the LV News about the LVPC's review. We are looking forward to moving forward through the process.

Commissioner Roth read the article in the LV News and said Mr. Manhardt and Mr. Stroehler did a great job, and that it is obvious the work done on this plan will be a good example for other municipalities within the LVPC moving forward.

A MOTION was made by Commissioners Peischl and Kelly to approve said motion. All in favor; none opposed. Vote 5:0; Motion carried.

10. CORRESPONDENCE AND INFORMATION ITEMS**A. Boards and Commissions – Informational Items/Vacancies (22:10)****11. DIRECTION/DISCUSSION ITEMS****A. Review of Proposed "South Whitehall Township Donations to Non-Profit Organizations Policy"**

Township Manager Tom Petrucci explained that SWT often receives donation requests from non-profit organizations; these requests are reviewed annually for possible inclusion into the approved operating budget of the Township.

Township officials have determined a need to develop a consistent and equitable process by which to review these donations to ensure that appropriated funds, as applicable, are utilized in a manner that directly benefits residents.

In order to achieve that goal, it is recommended that the Finance Committee of SWT be empowered to review the submitted materials/criteria, which any applicant would have to submit in the form of application, as part of any donation request(s):

- Two (2) years of profit and loss statements.
- Current fiscal year operating budget.
- Form 990 – Return of Organization Exempt from Income tax.
- Statement on how funds donated by the Township will be specifically utilized.
- Mission Statement.
- Breakdown of Township resident membership/participation for any relevant programs, initiatives, or activities.
- Statement on how the requested funds will specifically benefit Township residents.

Key provisions of the policy are listed as follows:

- A. The failure of a non-profit organization to provide the above-listed information (in its entirety) shall constitute a deemed denial of any donation request(s). Upon receipt of any donation request(s), Township designated personnel will review the submitted materials and determine if the request is administratively complete.
- B. The donation request shall not support any direct administrative personnel costs and shall be used to benefit programs, initiatives and activities in alignment with the mission statement of the non-profit organization.
- C. Donation requests will be accepted on a rolling basis by the Township, but requests must be received no later than September 30th of the preceding fiscal year in which the donation request would be included.
- D. Donation requests deemed administratively complete by the Township will be considered in the order they are received.
- E. Each non-profit organization that successfully receives an approved appropriation of funds from the Township will receive a specific lump sum amount, as recommended by the Finance Committee and approved by the Board of Commissioners, in its sole discretion.
- F. The Finance Committee may recommend that the Board of Commissioners establish fiscal limits on the approved donation amount that is available to each non-profit organization for each fiscal year.
- G. Once all appropriated funds have been exhausted within an approved operating budget, no further donation requests will be accepted by the Township for that fiscal year approved operating budget. Non-profit organizations may then submit donation requests for consideration of approval of inclusion into the next operating budget cycle.

Direction is requested on the following:

1. Whether or not the Board of Commissioners is in agreement with the policy as currently drafted. If the Board of Commissioners is in agreement with the policy, the final version of the policy would be placed on the September 4, 2024, Board of Commissioners meeting agenda for consideration of adoption via Resolution.
2. Whether the Board of Commissioners is inclined to apply this policy to previous donation requests submitted for the 2024 fiscal year; alternatively, whether the governing body would seek to utilize the policy beginning with the 2025 fiscal year.

President Kelly thanked Mr. Petrucci for drafting this policy, as every year at budget time there has been no clear direction to the Board when considering donation requests the Township receives. This policy is well constructed and will provide the guidance this Board has looked for in prior budget cycles. She went on to say that she is certainly in favor of proceeding with this policy for consideration at the next BOC

meeting. She does agree that consideration of requests from the 2024 budget should comply with these criteria and would provide a much clearer, streamlined process so as to be fair to anyone who has made a request.

Commissioners Peischl, Roth, Johns also agreed that we should move forward with this; however, would prefer to start next year with the meeting of all required criteria, and stick with the current way we go about processing donations requests for this year. Township Manager Tom Petrucci said because of the narrow timeframe, we would probably want to do that for 2024/2025. Mr. Petrucci said those who have submitted requests in the past will be notified of this new policy, and this will also be posted on the website as well.

Commissioner Hodges said this policy is definitely needed, and said it is important that we show how it benefits our residents. She feels that these organizations should be well-structured enough to provide as much as possible. She said we could be a little more lenient, but that we should get as much information as possible—it is information they should already have. She does not see a reason why we can't start it as quickly as possible.

Mr. Petrucci said that he feels these requests need to be vetted in order to ensure that the amount being requested is consignment with the level of services and that SWT residents are directly impacted in a positive manner.

As previously mentioned, the Finance Committee will also be taking a look at this at their next meeting.

12. OLD BUSINESS – NONE.

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

14. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

A. Invoices and Disbursements (34:25)

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.

15 EXECUTIVE SESSION

A. Scheduled Accordingly – NONE.

16. ADJOURNMENT

A. Motion to Adjourn – At 7:35P a MOTION was made by Commissioners Peischl and Kelly to adjourn. All in favor; none opposed. Vote 5:0; Motion carried.

17. APPROVED: On Wednesday, September 4, 2024, a MTOION was made by Commissioners Roth and Peischl to approve the August 21, 2024 BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0. Motion carried.