



Wednesday, September 18, 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
Tony 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*
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 September 18th BOC Meeting.

4. COURTESY OF THE FLOOR – Public Comment on Non-Agenda Items (2:18)

Brian Hite, Resident – 1273 Eck Road, Allentown. Subject: When is Eck Road going to be open to traffic? None of the residents were advised of road closure. Herb Bender, Director of Township Operations said he will get a hold of the Developer in order to figure out what is going on out there. Herb was told Chapmans was the only road that was going to be closed. He will get clarification on this matter and get back to Mr. Hite on this matter.

5. MINUTES

A. September 4, 2024 – Board of Commissioners Meeting Minutes (4:00)

A MOTION was made by Commissioners Hodges and Peischl to approve the September 4, 2024, BOC Meeting Minutes as presented. All in favor; none opposed. Vote 5:0; Motion carried.

6. PRESENTATION

A. Preliminary Feasibility Report for Jordan Creek at Covered Bridge Park by LandStudies, Inc. (4:16)

Township Manager Tom Petrucci explained that SWT management/administration have observed repeated instances of flooding and scouring at Covered Bridge Park along the Jordan Creek.

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

During the April 17, 2024, BOC meeting, SWT previously engaged environmental services firm, LandStudies, Inc. to conduct a Feasibility Assessment for the JC at CBP for the amount of \$9,900. LandStudies is an environmental firm based in Lititz, PA that has extensive background and experience in working with municipalities on environmental issues and ecological plans.

The overall proposed intent of this study and the key factors associated with it are identified as follows:

- Identify options for environmental remediation options in the identified study area based on the existing layout and configuration of CBP.
- It is important to note that this study is a starting point to help give the Township options to consider for future study and remediation options. This proposal is not for a complete Hydrologic and Hydraulic (H&H) Study. However, the scope of work of this proposal will confirm whether it would be recommended to conduct a full H&H Study as an option.
- This study is not necessarily a panacea for all of the above-identified issues at Covered Bridge Park. This is a starting point in order for the Township, including management/administration and the governing body, to evaluate future potential remediation options.

A Preliminary Feasibility Report is now ready for review with the governing body. The initial draft is dated August 12, 2024; following comments by Township staff, a revised presentation dated September 5, 2024 was prepared. Additionally, Township Staff and Management have worked with DCNR in order to gage their feedback on where the Township should head following the receipt of the information. They did note that the Master Site Plan for CBP dating back to 2013 is due to be updated. This might be something the BOC might want to consider in the future.

Benjamin Ehrhart and Eric Lyons of LandStudies, Inc. were in attendance virtually to review the Preliminary Feasibility Report. *(This report will be attached to this set of approved minutes.)*

Mr. Lyons presented the Preliminary Feasibility Report on Jordan Creek at Covered Bridge Park. This presentation consisted of the Purpose of this report (page 10); the Concepts (page 12) and then the Conclusion (page 14), followed by several maps of the park showing Figure 1, Existing Conditions; Figure 2, Concept 1 restoration downstream of Wehr Mill Road; Figure 3, Concept 2 high flow bypass channel around the dam and bridge across Wehr Mill Road; Figure 4, Existing condition at overtopping of Wehr Mill Road; Figure 5, Concept 1; Figure 6, Concept 2; Figure 7, Existing condition at 2-year storm; Figure 8, Concept 1 at 2-year storm; Figure 9, Concept 2 at 2-year storm.

The dam, bridge area is where they focused their efforts. Anything downstream of the S-bend would have less of an impact in the playground parking area upstream. Mr. Lyons said there are definitely opportunities throughout the entire park to do this kind of restoration approach and make some impacts to those smaller storms; but, obviously there is that threshold of what that impact would be—what storm size that would be, and what those ancillary benefits are, and what the desired use of the park is as well.

The Board very much appreciated having this report, and this presentation this evening, which shows that significantly reducing these challenges at CBP is more than likely not feasible; however, this is a good blueprint, which may allow the Board to redirect their energy and attention elsewhere in the Park.

President Kelly said a few years back discussions took place regarding the flooding at the Park, and there was consideration for a more regional study upstream. This flooding and the impact of it seems to have been increasing over the last several years. Is there something regionally that can be studied to get a better picture as to why we are being impacted so significantly now? Mr. Lyons said there are other ways to look at what you're describing—Watershed plans, looking at feeder streams upstream of this park to maybe make some other impacts to help potentially reduce flooding, etc.

On behalf of the Board, President Kelly thanked Mr. Lyons for this very comprehensive study, and said it is very good information for our Township and Board as we consider the use of this Park.

Township Manager Tom Petrucci said that he will work together with Staff to come up with next steps with respect to the Master Site Plan and any potential budget impacts of that, and then circle back to the Board. Timeline – Mr. Petrucci said we want to apply for a DCNR C2P2 Grant. The next round opens up in approximately April 2025, and would be awarded later in the year, so we are looking at this being a 2026 project. Financially we wouldn't necessarily need to budget for in 2025.

No action required at this time.

This concluded the Feasibility Report. (33:28)

B. Summer Camp Report – Lynn Matula, Parks & Recreation Manager (33:45)

Lynn Matula, P&R Manager, presented a report with regard to the 2024 Summer Camp Program. Ms. Matula gave a Program Summary, and touched on Summer Camp Registration, Staffing, gave a Financial Breakdown of the Program, and touched on looking ahead to Summer Camp 2025. *(This report will be attached to this set of approved minutes.)*

Ms. Matula thanked the Board, Township Manager Tom Petrucci, and Director of Township Operations Herb Bender for their support of this program.

President Kelly thanked Lynn Matula and said this was a fantastic presentation. She said it is wonderful to get a snapshot of this program. She appreciated Ms. Matula's highlighting the Community Partners that worked to enrich and enhance this program, and also thanked them. She thanked Ms. Matula and all the staff involved for a successful program and for continuing to build on our past successes as she looks forward to planning out for next year—Thank you and well done. Each Board member echoed President Kelly's comments in that this is a great program and a real feather in the Township's cap, and that Ms. Matula did a great job running this program. Ms. Matula said the Staff were great—they are the front line, working with the kids everyday—we are very lucky to have them.

7. ORDINANCES

- A. An Ordinance of the Township of South Whitehall, County of Lehigh, and Commonwealth of Pennsylvania, Amending Part I ("Administrative Legislation"), Chapter 62 ("Police Department"), to Add a New Article III Entitled "Towing" to the Codified Ordinances of South Whitehall Township Providing for Removal of Damaged, Disabled or Snow-Bound Vehicles of all Types that have been**

Deemed a Hazard to the Motoring Public, and Further Providing for Authorization, Specifications, Nonexclusive Towing Contractor, Qualification of Contractor, Insurance, Contractor Default, Liability for Subcontractors, Payment of Bills, Snow Emergency Declaration Provision, Duration of Contract, Indemnification, Nature of Relationship; Repealer; Failure to Enforce not a Waiver; Severability and an Effective Date. (46:36)

Township Manager Tom Petrucci explained that in the past, SWT has bid out towing services after establishing the rate for the services within the bid specifications. Technically we do not have to bid out the service since the Township is not paying for the service. Towing services are needed for the Police Department for the removal of damaged, disabled or snow-bound vehicles of all types that have been deemed a hazard to the motoring public or for towing required by necessary, lawful and appropriate law enforcement actions within the Township.

In lieu of continuing the practice of soliciting bids for towing services, Assistant Township Solicitor, Jennifer Alderfer, has drafted an ordinance that accomplishes the following in a comprehensive manner:

- Allows the Township Manager to execute contracts with towing entities.
- Confirms the fact that the Board of Commissioners will establish the fees for towing services within the approved Fee Schedule of the Township (which said Fee Schedule is approved via Resolution).
- Incorporates specifications/requirements that are consistent with past practices/requirements of the Township.
- Establishes requirements for insurance and minimum qualifications of the towing entities.

Following any relevant discussion on this topic, Mr. Petrucci is requesting permission to proceed with advertising of draft Ordinance.

Q: How will vendors be selected and how will SWT vendors be prioritized or given first opportunity to apply?

A: Mr. Petrucci said the ordinance mandates that the Towing entity has to be no more than 2 ½ miles from the Township border. Therefore, we would endeavor to work with entities we know to be reliable and will certainly investigate new entities who are available at the time the contracts expire. We would enter into the contracts as they expire. We would then have the opportunity, once they do expire, to re-evaluate the vendors we are using for this. This could include reaching out to SWT towing companies as applicable or new ones that come along. We do not know who is going to be available at the time the contracts are done. We will certainly endeavor to do that research ahead of time. Mr. Petrucci said he can work with the PD and our Procurement Officials to make that happen.

Mr. Petrucci said that two is a good number, so that we can alternate between the two; however, we are not held to just two. If the two are not available, we can use other entities as well depending upon availability.

The goal is to have consistency with the fees, while not relying on the entities themselves to establish the fees. We would establish the fees so that they would be consistent and make sure the entities we utilize meet our requirements such as insurance, location, etc. Mr. Petrucci said that we essentially took the requirements in the contracts we currently have and duplicated them in the ordinance.

A MOTION was made by Commissioners Roth and Kelly to proceed with advertising of said ordinance. All in favor; none opposed. Vote 5:0. Motion carried.

8. RESOLUTIONS

A. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Authorizing the Execution of a Supplemental Professional Services Agreement with Michael Baker International to Complete the Additional Scope of Work for the Jordan Creek Greenway (Lapp Road to Parkland High School) Phase 2. (54:55)

Township Manager Tom Petrucci explained that SWT was previously awarded a \$150,000 DCNR grant (with a matching requirement of \$150,000) for design and engineering only for both Phases 1 and 2 of the JCG (Segments 35-45). Segments 35-45 of the JCG would connect Wehr Mill Road to Cedar Crest Boulevard, along the JC. Furthermore, this route would provide a direct connection between Parkland High School and CBP.

SWT has now completed construction of the trail from Wehr Mill Road to Lapp Road (41 to 45) through CBP. SWT received \$1,000,000 from the PennDOT Transportation Alternatives Set-Aside (TASA) program for construction of this 1-mile section of trail through the park (which is also now complete). The encumbered costs associated with this project are provided as follows:

- Grace Industries (construction) - \$922,467.70
- Traffic Planning and Design (inspection) - \$140,445.36

Total encumbered monies - \$1,062,913.06

Total 2024 Budgeted Expense in Capital Reserve Fund - \$1,325,000.00 (at least \$262,086.94 available)

So, the Township needs to close out the Design and Engineering Grant through PA DCNR for the second phase of the project. So we proactively obtained an extension of time through December 31, 2025 in order to do that.

For the second phase of the project, SWT previously secured all three easements needed to connect the trail from Lapp Road to Cedar Crest Boulevard and Parkland High School. The Township currently remains in the design and engineering phase for this section, with 80% of the design work completed. Additionally, a cultural resources assessment was previously completed to help satisfy required environmental clearances. Michael Baker International is the assigned consultant for this grant project.

To date, the Township has received \$135,000 of the \$150,000 in grant reimbursement funding. The Township is required to match the total of the \$150,000 split. The \$169,877 current open purchase order for this project has \$21,715.67 available. To date, the Township has spent \$148,161.33 on the PO. Factoring in previously closed purchase orders, a total of \$268,775 of costs have been incurred to date on this project (including the grant-funded portion).

The current and past DCNR-funded design work has primed and facilitated the successful completion of the TASA-funded Wehr Mill Road to Lapp Road construction portion of the project.

It is necessary to close out the complete DCNR grant, complete design and permitting of Phase 2 from Lapp Road to Parkland High School, and then develop specifications and construction drawings that would meet the specific requirements of the Transportation Set Asides (TASA) program, should the Township be inclined to apply for a grant in the future.

To be completely clear, the additional costs of completing the remaining work of the project are \$84,508, of which \$27,082 are factored in for the PennDOT-required TASA drawings and specifications. Supplement #6, dated September 5, 2024, was included in meeting packet. It is important to note that the additional costs of \$27,082 for the PennDOT-related TASA design drawings/specifications will give the Township the option to apply for a future TASA project. On a high level, the construction costs for Phase 2 are anticipated to exceed \$1,000,000, and a TASA grant does not require the Township to match the construction costs. Mr. Petrucci said that no Grant is guaranteed, but this would give the Township the chance that if we were to apply for one, it would be subject to a separate action of the Board next year. You would have the ability to indicate that the project would be shovel ready at that time.

Mr. Petrucci explained that at this point, for tonight, we are only seeking approval for the remaining design work. This would get the Township to the High School, and from there you could evaluate future connections, and work with federal, state, and local entities to identify the next phases of the project. Included in meeting packet is status map of what has been completed to date and what this next segment would entail; and, then from there it remains very open in terms of where we would go. There is no current design work done for any other portion of the project in SWT beyond these Phases 1 and 2.

If the Board is inclined, Mr. Petrucci said he would seek approval to approve the resolution which will allow Township Manager to sign the supplemental agreement with Michael Baker, and then separately to approve a motion to encumber the \$84,508 of capital reserve funds, which are currently available within the capital reserve budget.

President Kelly thanked Mr. Petrucci for this presentation and proactively looking ahead on this planning phase to encumber the \$84,508 to have all this wrapped up for future Grant submission, if the Township should choose to do so. She said she is in support of this.

Q: The trail was supposed to connect from the first Phase over to the Game Preserve. Is that something that has been discussed—is it still on the drawing board?

A: Mr. Petrucci said that is the overall goal, but at this time we have no real concrete way to do that to get it there. Any trail that you are involved in, there are years and years of planning required to get to the construction phase. We are reaching the end of what has been determined to be shovel ready, and will require significant work with landowners and other municipal entities to get us to that location. Mr. Petrucci does envision that after this next phase, if we do proceed with it, that the Township will need to do further studies and long-range planning for the next section we may proceed on. There would be a significant amount of planning work and design work to get to those next stages and interaction with landowners.

Q: What is the status of the work or planning in the other municipalities (NWT, WT)?

A: Mr. Strohler said that this year there was a regional management plan completed (by Michael Baker), which involved all the entities involved along the JC through LC. We have been meeting with NWT and are very interested in activating their planning. Now that SWT is starting to complete more sections of our trail, LC at Trexler Nature Preserve is also wrapping up their final section of trail, so NWT is the last remaining piece between us and the Trexler Nature Preserve. We have been working on how to handle

coordination amongst landowner acquisitions/easement acquisitions, as well as coordinating this with our Active Transportation Plan highlighting the need to identify these gaps.

Q: Is there a route planned for the part of the trail beyond 309 to NWT?

A: Mr. Strohler said they have been coordinating with PennDOT and how we can utilize 309, which is the first hurdle to tackle. What are our options there both legally and physically with the infrastructure and also how will the 309 Betterment Project tie into all of this. As our conversations progress with PennDOT, what routes and options we are looking at, we want to make sure that they also line up with NWT.

Covered Bridge Park is sort of the Hub, where connections come out of (like spokes), which are primarily used by your hardcore users that are going maybe 14 miles up to the Nature Preserve, for example.

PennDOT is advising what we can and cannot do. Our goal is safety and connections. Also, Mr. Petrucci said that the School is aware of this project, and as we get to the final design drawings, we need to speak to the School to ensure there are no concerns, especially with all their future expansion plans.

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

A MOTION was made by Commissioners Roth and Kelly to encumber Capital Reserve Funds as explained for Jordan Creek Greenway Project (Lapp Road to Parkland High School), Phase 2. All in favor; none opposed. Vote 5:0; Motion carried.

B. A Resolution of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, Adopting the 2024 South Whitehall Township Landscapes Plan (1:19:20)

Mr. Chris Strohler, Long-Range Planner, CDD, explained that in June 2023, the SWT CDD kicked off *South Whitehall Landscapes*, an Open Space, Historic, Agricultural, and Natural Resource Preservation Plan. Over the second half of 2023, the project team held five public workshop meetings, conducted multiple surveys, and interviewed numerous experts in the fields of agriculture, natural resource conservation, and historic preservation.

Over the past several months, staff and their consultants have summarized the data collected and prepared subsequent goals for each resource identified in the plan:

- Agricultural Resources
- Natural Resources
- Historic Resources
- Open Space

All comments from Board members, outside agencies, and the public have been incorporated into the final draft of the plan.

At their August 26, 2024, meeting, the SWT EAC voted unanimously to recommend the BOC send the plan to the SWT PC. In turn, the PC voted unanimously at their September 12, 2024, meeting to recommend the BOC adopt the final plan.

Mr. Strohler said we are here this evening to ask the Board to adopt the South Whitehall Landscapes Plan by resolution, which would memorialize this as the Open Space Preservation Plan for the

Township. Once approved, we are looking to get information together for the EACs work plan as well, so that they can begin working on some of the implementation items identified in the action plan.

President Kelly thanked Mr. Stroehler and all involved in this Plan, which they have been working on for a long time. It is wonderful to have a printed copy of this in hand. She went on to say it is a fantastic work product and is excited to hear about the next steps. Each Board member echoed President Kelly's comments with their own—thanking all involved and for such a well done job on this Plan, and looking forward to the implementation process.

Mr. Stroehler said this Plan is on the Website now for Public access. Mr. Stroehler said we are excited to have this SW Landscapes Plan ready to go; the EAC is excited to have this as a kind of guiding document in their moving forward as well and it is their outlet to the community—much of what is in this Plan can be relayed to the Public through the EAC.

A MOTION was made by Commissioner Peischl to adopt the SW Landscapes Plan. All in favor; none opposed. Vote 5:0; Motion carried.

9. MOTIONS

A. Motion to Approve 2025 Minimum Municipal Obligation (MMO) for Police, Public Works and Office Personnel Defined Benefit Pension Plans; and, Approval of 2025 MMO for Non-Uniformed Employees Defined Contribution Pension Plan. (1:29:00)

Township Manager Tom Petrucci explained that the Executive Office is respectfully requesting a Motion to Approve the following:

1. 2025 Minimum Municipal Obligation (MMO) for Police, Public Works and Office Personnel Defined Benefit Pension Plans
2. Approval of 2025 MMO for Nonuniformed Employees Defined Contribution Pension Plan

The Commonwealth of Pennsylvania requires public agencies to approve the MMO's for each of the respective pension plans administered by the Township on or before September 30th of each fiscal year. The worksheet percentages (normal cost and administrative) for the defined benefit plans are derived from the Actuarial Valuation Report dated 1/1/2023 that was previously submitted earlier this year to the Commonwealth in accordance with Act 205 requirements. The defined contribution plan is a flat percentage of 6.0% for the employer (South Whitehall Township) contribution.

The Township will receive its state aid allocation for 2024 on or before September 30th—This year that will be September 25th. Once those funds are deposited, the Township is required to then distribute the funds into the custodian bank account (Nationwide) for the pension plan. I will apprise the Board of Commissioners once this action has been completed. Today, the Township received the notification of the specific state aid distribution amounts from the Auditor General.

The above-referenced MMOs will be included in the 2025 Preliminary/Draft Operating Budget for the review of the Board of Commissioners. Should the governing body and/or management identify the need to revise the MMOs, for whatever reason, said action must occur on or before December 31, 2024. However, for practical purposes, any such revision should coincide with the adoption of the 2025 Budget.

Mr. Petrucci said we are seeking the following motions:

- Motion to Approve 2025 MMO for Police \$1,349,032; PW \$780,915; and Office Personnel \$761,391 Defined Benefit Pension Plans; and
- Motion to Approve 2025 MMO for Nonuniformed Employees \$243,312 Defined Contribution Pension Plan.
- Total to be approved is \$3,134,649

A MOTION was made by Commissioners Peischl and Roth to approve the 2025 MMO for Police, PW, and Office Personnel Defined Benefit Pension Plans. All in favor; none opposed. Vote 5:0; Motion carried.

A MOTION was made by Commissioners Hodges and Kelly to approve the 2025 MMO for Nonuniformed Employees Defined Contribution Pension Plan. All in favor; none opposed. Vote 5:0; Motion carried.

B. Motion to Proceed with Release of Security for: Montar Self-Storage, Certification #1 (1:32:21)

Township Manager Tom Petrucci explained that this project is located at 3350 and 3354 Walbert Avenue, which is substantively complete, and a certificate of completion has been issued to the developer. They are asking for their first letter of credit reduction.

The applicant originally secured \$717,235.75 in public infrastructure improvements, \$100,000 of which is secured as a cash escrow.

Current Security Release Information - The applicant has completed a significant portion of the required public infrastructure improvements and has requested a release of security for the completed improvements.

The Township Engineer's letter is in Board packet, dated September 10, 2024, summarized the release as follows:

"As requested, we have revised Improvements Security Release Certification No. 1 to include the Lanta Bus Shelter and 80% of the Spray Irrigation System. For your review, attached is one copy of the Improvements Security Release Certification No. 1 (Revised) forms Sheet Nos. 1 through 7 of 7 reflecting our recommended release for Category I in the amount of \$353,136.25, the Township Geotechnical Consultant's recommended release for Category IA in the amount of \$174,160.00, the Township Water and Sanitary Sewer Engineer's recommended release for Category IB in the amount of \$75,410.50, the Township Staff's recommended release for Category II in the amount of \$25,795.00, **for a total release amount of \$628,501.75.**"

The Applicant has signed and dated the "Submitted By" line of the Township Engineer's Security Release Certification No. 1.

It is requested that the Board authorize the Township Manager to sign the security release letter to the financial institution.

Township Engineer – Tony Tallarida said that he has nothing to add. He said that this construction went relatively well. It was quick and clean. We are happy to have it done and the doors open.

A MOTION was made by Commissioners Roth and Kelly to proceed with release of security for Montar Self-Storage, Certification #1 in the amount of \$628,501.75. All in favor; none opposed. Vote 5:0. Motion carried.

C. Motion to Approve an Amendment to the Professional Services Agreement with Bowman Consulting Group Ltd., for the Development of the South Whitehall Township Active Transportation Safety Action Plan. (1:34:44)

Chris Stroehler, Long-Range Planner, CDD, explained that on December 22, 2023, South Whitehall Township entered into a Professional Services Agreement with Bowman Consulting Group Ltd. to provide professional consulting services for the development of the Township's Transportation PLAN starting with these three phases:

- ENGAGE: Connecting with the community and transportation stakeholders to better understand existing challenges and opportunities.
- ACTIVE: Development of an "Active Transportation Network" for walking, biking, rolling, and all other modes of nonmotorized transportation.
- SAFETY: Development of a "Safety Action Plan", identifying and prioritizing strategies to improve safety for all road users and capitalize on funding sources available to turn plans into reality.

Over the past nine months, Township staff, the project consulting team, and project Steering Committee have been working on the project phases described above including multiple public surveys, meetings, and outreach strategies. The project team is currently compiling information gathered to develop draft recommendations and is working on a draft plan.

In 2023, the Township secured a grant through the PA WalkWorks program to reimburse up to \$20,000 of the consulting services spent on the first two phases of this project (ENGAGE and ACTIVE). The terms of the PA WalkWorks grant agreement cover the period of October 1, 2023 – September 30, 2024. The terms of the current Professional Services Agreement with Bowman Consulting Group Ltd. end on September 30, 2024, unless an extension of time is mutually agreed to by the Township and Contractor. The intent of the September 30, 2024, end date with Bowman was to ensure that work that is eligible for reimbursement through the Township's PA WalkWorks grant would be completed before the grant agreement expires.

To-date all consulting work eligible for grant reimbursement has been completed, expensed, and paid. The Township is prepared to close out the PA WalkWorks grant in September and file for reimbursement of \$20,000.

Following conversations with the project team, staff and the consulting team at Bowman believe that an extension of the Professional Services Agreement for this project would be beneficial to adequately develop the draft plan before the end of September and use the subsequent months to distribute the draft plan for review and comment by the project Steering Committee, project stakeholders, and the public.

The updated project schedule proposes a draft plan review period throughout October and November, with a subsequent adoption process in December and January 2025. Staff is in full support of this updated project schedule and contract amendment to allow the appropriate time to review and edit the final plan prior to adoption. An updated project schedule and proposed contract amendment are included in Board Packet.

Please note that this project is on track with the initial project budget and the contract amendment is strictly to extend the timeline.

Motion to approve an amendment to the Professional Services Agreement with Bowman Consulting Group Ltd. (to extend the contract) for the development of the South Whitehall Township Active Transportation Safety Action Plan. We are asking that the Township Manager be authorized to execute that contract when it comes in.

Mr. Stroehler said the contract is in the packet; the grant was for \$20,000, and the rest of the contract we are covering with Township Funds. The Grant portion we will be reimbursed is the \$20,000 for the money that we spent already. This contract is the same amount of work, we are stretching out that work to allow for more time for public and Board review, along with a public meeting. Cost is \$70,000, counting the \$20,000 reimbursement, for a total of \$90,000 for the two plans we are preparing with the Bowman Contract, of which we will be reimbursed around \$20,000. President Kelly explained this is a long-term Transportation Plan that has been in the works for quite some time. Mr. Stroehler said that was identified as a top priority in the Comprehensive Plan, and due to the complexities of the engineering, etc., we sought out a consultant to be involved to help us put this together.

Mr. Petrucci added onto this by saying one of the goals for this project too was to be able to take this and apply for federal funding that is available through the Safe Streets for All Program. Therefore, we have to go through this process in order to be able to apply for that funding. President Kelly added onto that further, and said, ...and to address some of the safety concerns that have been identified over time in the Township. This is the vehicle we need to complete in order to qualify for Grants. Mr. Stroehler said that is correct—this is a way for us to identify specific capital projects that there are grant funds out there available to help, whether that be state funding, or federal funding through the Infrastructure Act. We are hoping to get an identification of a lot of those types of projects and ways we can actually move forward to get some capital money that we have not been able to access because we haven't had a plan ready to go. Specifically, for some of the funding that we have been looking at, this is a requirement—to do a Safety Action Plan like this. Mr. Petrucci wanted to clarify the exact numbers for the total contract which was \$80,121.63, \$20,000 of which would be funded by the grant.

Mr. Stroehler said they are hoping to have a public meeting in October and have the draft plan complete. We would first take it to our steering committee for review and staff review, followed by releasing the plan for public review in November, and then looking at December for a potential public meeting.

A MOTION was made by Commissioners Roth and Hodges to approve an amendment to the Professional Services Agreement with Bowman Consulting Group for the development of the SWT Active Transportation Safety Action Plan. All in favor; none opposed. Vote 5:0; Motion carried.

D. Motion to Proceed with Capital Purchase – Heaters for Public Works Garage, COSTARS Contract.
(1:44:40)

Herb Bender, Director of Township Operations explained that PW has been working on converting the electric heaters in the garage to gas heaters that will be more efficient. We looked at two different versions of hot air blown heaters and Infrared Heaters. After going over this with both contractors we have decided to go with the Reznor's Hot Air Heaters.

- The Reznor UDXC-Series has efficiency rating of 82-83%--these are in a garage, so you will never get a 100% efficiency rate. Some of the other factors that we took into consideration were:
 - Reznor heaters are known for their robust construction and long-lasting performance. The UDXC-series is built with quality materials designed to withstand demanding environments.
 - Versatility, Suitable for a variety of commercial and industrial applications, including warehouses, workshops, and large garages.
 - Ease of Maintenance, the design of the UDXC-series often allows for easier access to components for maintenance and servicing, which can help keep the heater running efficiently. (Public Works can do) Some of the reasons why we are going away from Infrared Heaters:
- Localized Heating: Infrared heaters can create hot spots, and you might need multiple units to achieve uniformed heat distribution. We looked into this. It is more expensive, and we do not know how to fix, which means we would need a service/maintenance contract.
 - We would have to shield certain things off in the garage due to air lines and oil lines running through the roof rafters.
 - On going routine Maintenance, we would have to outsourced.

Mr. Bender said we are looking for a motion to approve the replacement of the PW heater to Dual Temp in the amount of \$45,950. This is a COSTARS quote. There is a manufacture warranty and a workmanship's warranty on these heaters.

A MOTION was made by Commissioners Peischl and Hodges to proceed with Capital Purchase of Heaters for PW Garage, COSTARS contract, to Dual Temp in the amount of \$45,950. All in favor; none opposed. Vote 5:0; Motion carried.

10. CORRESPONDENCE AND INFORMATION ITEMS

A. Boards and Commissions – Informational Items/Vacancies (1:48:30)

B. Public Notice – Board of Commissioners Budget Workshop Special Meeting, Wednesday, October 30, 2024, 5:00 p.m. – FYI. (1:49:30)

11. DIRECTION/DISCUSSION ITEMS

A. Lead and Coper Service Lines – PA DEP and PA EPA Revisions (1:49:50)

Mr. Herb Bender, Director of Township Operations explained that the PA DEP and the PA EPA have made some revisions on how lead and copper service lines must be handled by public community water system owners/operators in accordance with the requirements of the Commonwealth of Pennsylvania Lead and Copper Service Line Inventory requirements.

On or before October 16, 2024, the SW Water Department must upload a complete Service Line Inventory to the PA DEP database. Within the inventory database, the service lines will be labeled as either Non-Lead, Lead, Galvanized, or Unknown. Township personnel have been working on this inventory list with 120Water, which is an organization that provides a digital water system solution.

Currently, SWT and 120Water have identified a total of 6,653 service lines in the main and consecutive system, with 1,384 lines being labeled as non-lead and 5,269 as Unknown. There are a

couple different ways to identify the Unknown service lines. One way is to do predictive modeling and water sampling for lead. Mr. Bender said they cannot, however, give him a percentage of what will be removed—a downfall of the predictive modeling. Another way is to soft excavate two holes on each service line to physically see the material that is used for the service line. We are currently checking on pricing for the predictive modeling and sampling, along with a contractor for soft excavating.

Utilities are required to replace lead service lines at a rate of at least 3% per year or 100% of the lines within 10 years, whichever is faster. This includes both public and private portions of the lines. As the Unknowns become verified as to what material was used, the Township will compile/update the list and replace as needed.

Township personnel need direction from the governing body on how to handle the service lines from the curb-box to the house. For reference, the Township owns from the main to the curb-box, and the homeowner, business owners, and commercial owners own from the curb-box or meter pit to the connection in the house/building.

Does the Township want us to run them all the way in, and we pay for them, or do we notify the homeowner that they have a lead line that has to be replaced. This could be handled several different ways: 1) The Township does it; 2) We could give them a 30-day period to get under contract with a plumber to say it will be removed and that they are going in the right direction to get that done; or 3) The Township could get a plumber ready. If they are not under contract in 30-days, we move a plumber in, they do the work, the plumber bills us, and then we bill the homeowner. (We'd have to work something out if the homeowner doesn't pay.)

However, according to PA DEP, the Township must ensure that replacement occurs to the house. Utilizing recent pricing from another similar job taking place within the Township, the cost for replacing the service line from the curb box to the house is roughly around \$6,000. Therefore, if all 5,452 homes currently labeled as Unknown would be determined to be Lead, that would cost the Township \$32,712,000. One other option would be that the Township would replace from the main to the curb-box, and then direct the resident to get a plumber to replace the homeowner side of the service line within 30 days; and if they do not have a plumber under contract, to run the line, the Township would hire a plumber and bill the resident.

Township personnel intend to conduct extensive Public Education with residents, so that they understand why the lead service lines must be replaced and the associated health risks.

The current action level for lead and copper testing are 15 parts per billion for lead, and 1.3 parts per million for copper. As of October 16, 2024, the action level was lowered to 10 parts per billion for lead, and copper stayed the same at 1.3 parts per million. We will be testing 30 homes for lead and copper sampling in 2025. If DEP requires more with the revisions, we will comply with the proper amount of testing.

There is potential for regulation changes once LRCL is finalized come October. We will report back with any changes.

The administration team of the Township will be looking into grant funding to try and help offset costs of this unfunded mandate.

Mr. Bender said the action being requested this evening is direction on how the section of private service line (from the curb-box to the home) should be addressed. He said that he understands if the Board needs more time to think about this, to come back at a later meeting.

President Kelly thanked Mr. Bender for this comprehensive presentation. It certainly is a significant amount of money for the entire project, as well as for each homeowner/business. She asked Mr. Bender if he had any idea what might be out there for grant funding for this project. He said that in order for us to apply, we will need our SOP to explain how we will be handling this project. We will be looking for funding any way possible. This will of course be a very competitive process since all the municipalities in the state have to take the same action.

President Kelly said as a reference to residents, this is not happening today. It is a long-range project and the memo received does contain information that there could be potential changes once the LRCI is finalized. Next month we might see changes to this that would change the direction and the conversation we are having this evening. It was commented by the Board that there are still many unknowns.

Mr. Bender agreed with that and said there are a whole lot of unknowns in this whole lead and copper revision, a lot of Unknown lines in our system. So, until we can get a grasp on what is actually in the system with service lines, get the actual revisions out in October and go through them, we will have a better idea of how everything is going to fall out. We are pretty much there—we just need to know curb box to the house. This is a tough decision, and he doesn't expect an answer tonight. Mr. Bender said he wanted to just get this before the Board so that they can think about it, and then come back in a month, perhaps first meeting in November to let you know exactly what the revisions look like, if they put them out on the 16th.

President Kelly thanked Mr. Bender for that. She personally feels that is a wise decision, and that the Board should wait until any potential revisions come in, because what decision we might make today might not necessarily be the one we would've made if there were revisions to this. She said she would be in favor of, as long as it does not impede your work. Herb said it would not. It is just the replacement from the curb-box to the home; most everything else is done—he is 90% done with the SOP because a lot of it is testing regulations, which they already follow/do. Looking to have in place by January/February. In this way when the contractor moves in to start doing verification of the lines, or if we go to the predictive modeling with the sampling, we are going to have both of those scenarios laid out in the plan so that we know which way everyone is going to follow.

At this point, President Kelly said we will not provide any direction on this matter and wait to have this on a future agenda after October 16th. Mr. Bender concurred.

12. OLD BUSINESS – NONE.

13. COURTESY OF THE FLOOR - Public Comment on Non-Agenda Items (2:16:55)

Mark Bradbury, Resident – 4279 Heather Court. Subject: Construction of the ramp for 309 and Relocation of Sunoco Pipeline work going on. For the last eight days, there have been 10-15 trailers, along with 15-20 work trucks blocking of driveways, destruction of private property, etc. Mr. Herb

Bender is going to get in touch with PennDOT on this matter and will be out to the job site tomorrow and meet with Mr. Bradbury, as well as observe what is going on. He said we will do everything to get this situation rectified immediately. Herb will keep BOC apprised of this situation—the conditions there and the residents' concerns.

14. MOTION TO AUTHORIZE PAYMENT OF INVOICES & DISBURSEMENTS

A. Invoices and Disbursements (2:26:32)

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 9:27P a MOTION was made by Commissioners Peischl and Kelly to adjourn. All in favor; none opposed. Vote 5:0; Motion carried.

