

**REGULAR PUBLIC MEETING
MAY 3, 2010**

- MEMBERS PRESENT** Arthur Murphy, President
Paul Weiss, Vice President
Jerry Batcha, Commissioner
Thomas Nolan, Commissioner
- MEMBERS ABSENT** Michael Hudak, Commissioner
- OTHERS PRESENT** James Broughal, Township Solicitor
Jon Hammer, Township Manager
Doug Bruce, Assistant Township Manager
Howard Kutzler, Director of Planning & Economic Development
Scott Pidcock, The Pidcock Company – Township Engineer
Brian Dillman, The Pidcock Company – Township Engineer
- CALL TO ORDER** President Murphy called the meeting to order at 7:00 p.m. and led those in attendance in reciting the Pledge of Allegiance to the Flag.
- COURTESY OF THE FLOOR**
- BARRY ROTH
4323 CHETWIN TERR.** Mr. Roth asked for an explanation of the motion regarding Freemansburg Avenue. Mr. Hammer responded that this item will be pulled from this evening's agenda and St. Luke's would be commenting later in the meeting.
- APPROVAL OF MINUTES** Upon motion (Nolan-Batcha), the Board of Commissioners voted 3-0-1 by voice vote (Mr. Hudak was absent and Mr. Weiss abstained) to approve the minutes of the April 19, 2010 as presented.
- MOTION** **A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE AN ORDINANCE APPROVING A NEW CABLE FRANCHISE AGREEMENT WITH RCN TELECOM SERVICES, INC.**
- Solicitor Broughal stated that the Board was in receipt of a draft Cable Franchise Agreement that has been executed by RCN and needs adoption by the Board of Commissioners. Solicitor Broughal explained that the Township currently has a Cable Franchise Agreement with RCN that was approved many years ago and this new Cable Franchise Agreement will bring the Township into the 21st century by way of paying the Township with what they should be receiving in cable franchise fees.
- Mr. Nolan commented that last summer he attended a conference and Cable Franchise Agreements were one of the areas that were discussed. Mr. Nolan stated that he is pleased to see that most of the services provided by the cable company that the Township should be receiving franchise fees on have been included in this new agreement such as advertising revenue, converter boxes, etc.
- Upon motion (Nolan-Weiss), the Board of Commissioners voted 4-0 by voice vote (Mr. Hudak was absent) to authorize the Township Manager to advertise an ordinance approving a new Cable Franchise Agreement with RCN Telecom Services, Inc.

MOTION**A MOTION AUTHORIZING BETHLEHEM TOWNSHIP'S CONCURRENCE WITH THE MITIGATION APPROACH PROPOSED FOR THE INTERIM FREEMANSBURG AVENUE CONSTRUCTION PROJECT AND CONCURRENCE THAT THE "FULL BUILD" PROJECT IS ACCEPTABLE AS THE ALTERNATE TRANSPORTATION PLAN**

Attorney Blake Marles, representing St. Luke's Hospital, requested that this motion be deferred until the next Board of Commissioners' meeting.

MOTION**A MOTION AUTHORIZING THE TOWNSHIP SOLICITOR TO PREPARE RESOLUTIONS TO USE THE TOWNSHIP'S POWERS OF EMINENT DOMAIN TO SECURE A SIGNAL EASEMENT**

Attorney Blake Marles, representing St. Luke's Hospital, explained that as part of the interim Freemansburg Avenue improvements, right of way needs to be acquired at the mouth of the driveway for the Southmont Shopping Center at the Freemansburg Avenue/Route 33 intersection. Attorney Blake requested that the Township use their power of eminent domain to secure the signal easement and stated that St. Luke's would reimburse any fees incurred by the Township.

Upon motion (Nolan-Weiss), the Board of Commissioners voted 4-0 by voice vote (Mr. Hudak was absent) to authorize the Township Solicitor to prepare resolutions to use the Township's powers of eminent domain to secure a signal easement.

MOTION**A MOTION ACCEPTING THE RESIGNATION OF JENNIFER SLETVOLD FROM THE ZONING HEARING BOARD**

Mr. Nolan stated that he discussed Ms. Sletvold's resignation with her and he, personally, does not feel it should have happened. Mr. Nolan acknowledged Ms. Sletvold's service to the Township and asked that the Township send a letter of recognition to Ms. Sletvold.

Mr. Batcha suggested that in addition to accepting the resignation that the motion include that the Zoning Hearing Board vacancy be advertised in the newspaper and on the website with an RSVP date of 3 weeks. Mr. Hammer questioned whether the Board wanted this advertisement in the legal section of the newspaper. Mr. Batcha responded that he would like it to be in the legal section because the Zoning Hearing Board needs qualified members.

Upon motion (Batcha-Nolan), the Board of Commissioners voted 4-0 by voice vote (Mr. Hudak was absent) to accept the resignation of Jennifer Sletvold from the Zoning Hearing Board and to advertise the vacancy in the legal section of the newspaper and on the website with an RSVP date of 3 weeks.

PURCHASE ORDER APPROVAL

Upon motion (Nolan-Weiss), the Board of Commissioners voted 4-0 by voice vote (Mr. Hudak was absent) to approve the purchase orders as presented.

DISCUSSION ITEM**ACT 101 – PERFORMANCE GRANTS**

Mr. Hammer noted that he received correspondence from Commissioner Hudak regarding this agenda item. Mr. Hudak wants to be involved in the discussion and because he could not be present this evening, asked if the Board would table this discussion item. Mr. Hammer also noted correspondence received from DEP regarding the Township's performance grant funding, noting that if the Board does not act on the burning issue, the Township will not be eligible for the grant. This would be a lose of \$75,000.00 per year.

Mr. Murphy stated that Mr. Hudak has very strong feelings about this issue and suggested that the Board could discuss the issue this evening but not take any action.

Mr. Nolan stated that he has brought this issue to the attention of the Board in the past and further stated that Bethlehem Township is the only community that allows opening burning. Mr. Nolan added that it is past the time to allow open burning and open burning now has a connection to future grant money. Mr. Nolan stated that he sees no reason to not proceed with banning burning and since he will be absent at the next Board of Commissioners' meeting, he will expect the same courtesy as Mr. Hudak.

Mr. Murphy asked that the Township Manager place this issue on the agenda for the first meeting of the Board of Commissioners in June and also asked that the newspaper reporters note this in their news article.

Mr. Batcha noted that former Solicitor Tom Elliott prepared a draft ordinance banning open burning and asked if that draft ordinance could be distributed to the Board of Commissioners for their review.

OTHER BUSINESS

HOPE ROAD BARN

Mr. Batcha questioned the status of the barn on the Township's Hope Road property. Mr. Hammer responded that he does not yet have the 3 quotes for the demolition of the barn but will have it for the next Board of Commissioners' meeting.

ZONING HEARING BOARD MEETING

Mr. Weiss stated that he would ask the Board of Commissioners to consider a motion to let the Zoning Hearing Board know that the Board of Commissioners would like the conditions of the Treatment Center to be discussed by the Zoning Hearing Board in a public meeting. Mr. Nolan stated he would need advice from the Solicitor on such a motion.

Solicitor Broughal responded that Commonwealth law states that the Zoning Hearing Board can meet in executive session and while he would have no objection to such a motion, the Board of Commissioners would be asking them not to do what they can legally do.

Mr. Murphy stated that it is his understanding that the Zoning Hearing Board wants to meet in executive session because some of the conditions the Board has suggested may be scrutinized and they don't want to call the Board to task. Mr. Murphy added that even though they will debate in a closed session, they will vote in public.

Mr. Batcha stated that the Zoning Hearing Board is an independent body and feels it would be inappropriate to make such a request. Mr. Batcha added that it is sad that a public official is choosing to publicly fight this.

Mr. Nolan stated that he has much confidence in the Zoning Hearing Board Solicitor and noted that any decisions made by the Zoning Hearing Board will ultimately have to be dealt with by the Board of Commissioners. Mr. Murphy noted that he would rather see the Zoning Hearing Board debate in public but agrees with Mr. Nolan and Mr. Batcha.

Mr. Weiss made a motion that the Board of Commissioners recommend that the Zoning Hearing Board discuss the conditions of the Treatment Center in a public meeting. There being no second to the motion, the motion died.

ADJOURNMENT

Upon motion (Nolan-Batcha), the Board of Commissioners voted 4-0 by voice vote (Mr. Hudak was absent) to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Judy Todaro
Recording Secretary