

**REGULAR PUBLIC MEETING
JUNE 16, 2008**

- MEMBERS PRESENT** Thomas Nolan, President
Paul Weiss, Vice President
Jerry Batcha, Commissioner
Michael Hudak, Commissioner
Arthur Murphy, Commissioner
- OTHERS PRESENT** Thomas Elliott, Township Solicitor
Jon Hammer, Township Manager
Doug Bruce, Assistant Township Manager
Howard Kutzler, Director of Planning & Economic Development
Brian Dillman, The Pidcock Company – Township Engineer
Steve Hunsberger, PPIS Director
- CALL TO ORDER** President Nolan called the meeting to order at 7:10 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 stated that this weekend he observed several vehicles attempting to turn onto Oakland Road and suggested the Township contact Grace Industries to place additional barriers at Oakland and Easton Avenue. Mr. Roth also noted that he attended the County Council meeting regarding tax exempt bonds for St. Luke's Hospital. Mr. Roth stated that St. Luke's is looking for tax exempt status and he is concerned that funds for roads and parks could be cut. Lastly, Mr. Roth inquired regarding the discussion item of sidewalk deferral for the Charles Chrin Community Center and stated sidewalks should be constructed for safety reasons.
- OATHS OF OFFICE –
POLICE DEPARTMENT** President Nolan administered the Oath of Office to the following:
Gregory Gottschall – promotion to Sergeant;
Brian Frantz - promotion to Corporal;
- APPROVAL OF MINUTES** Upon motion (Weiss-Hudak), the Board of Commissioners voted 4-0-1 by voice vote (Mr. Murphy abstained) to approve the minutes of the June 2, 2008 meeting as presented.
- PUBLIC HEARING –
CHRISTIAN SPRING
MULTI-FLEX LAND
DEVELOPMENT REVISED
PRELIMINARY/FINAL
PLAN CONDITIONAL
USE APPLICATION** President Nolan opened the public hearing on the conditional use application for the Christian Spring Multi-Flex Land Development Revised Preliminary/Final Plan.

Mr. Kutzler presented an overview of the project and Attorney Jim Holzinger, representing Value Place Hotel, stated the applicant would be requesting phasing approval of the project along with a reduction in the amount of security for Phase I. Attorney Holzinger was advised that those issues would be addressed during the discussion related to the approval of Resolution R050-08.

There being no other comments on the conditional use, President Nolan closed the public hearing.
- RESOLUTION R050-08** **A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE
CHRISTIAN SPRING MULTI-FLEX LAND DEVELOPMENT REVISED
PRELIMINARY/FINAL PLAN CONDITIONAL USE APPLICATION**

Mr. Kutzler reviewed the draft resolution and discussion ensued.

Mr. Murphy questioned why there was no requirement for the developer to pay traffic impact fees. Mr. Kutzler explained that this project is not located within the traffic improvement study area therefore no traffic impact fees can be charged. Mr. Murphy expressed his concern that more traffic will be dumped on Brodhead Road and yet the Township will receive no traffic impact fees. Mr. Murphy inquired whether signage could be required for traffic to use Brodhead Road rather than Christian Spring Road and Mr. Weiss suggested that “no left turns” be allowed out of the driveways south on Christian Spring Road. Mr. Hudak stated that he would agree with Mr. Murphy and Mr. Weiss. Steve Pany, the applicant’s engineer, stated that there is a note already on the plan for trucks to use Brodhead Road but is not sure the Township could prohibit cars from using Christian Spring Road.

Solicitor Elliott inquired regarding phasing of the plan. Mr. Pany stated that the developer does not yet have tenants for the flex building and he would like to secure tenants before constructing the building and get the additional sewage needed for the flex building. With the first phase, the developer would like to only construct those improvements required to the east edge of the driveway between the hotel and flex building. Solicitor Elliott noted that there is no approved phasing plan. Following much discussion, Solicitor Elliott stated that the applicant could either go back to the Planning Commission to get Phase I approval, record the Phase I plan and secure the Phase I improvements or he could record the entire plan, secure all of the improvements and then come back with a revised final plan.

Mr. Batcha inquired whether the percentage of impervious coverage has changed between this revised plan and the previously approved plan and also requested an explanation of the waiver request regarding the private access way. Mr. Pany commented regarding the wording of the condition relating to sidewalk along Christian Spring Road. Mr. Pany noted that the condition requires that sidewalk be shown on the plan along the *entirety* of the Christian Spring Road property frontage and he would like the sidewalk to stop at the Route 22 slope easement on the east side. Mr. Kutzler agreed to amend the condition. Mr. Pany also noted that the requirement for payment of a recreation fee has already been paid by LVIP. Mr. Kutzler responded that that has not been verified and recommended that Mr. Pany provide proof of the payment.

Prior to voting on the resolution, Mr. Kutzler requested clarification on the signage regarding left hand turns onto Christian Spring Road. It was the consensus of the Board of Commissioners that left hand turns would only be restricted to truck traffic.

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R050-08 as amended, granting conditional approval of the Christian Spring Multi-Flex Land Development Revised Preliminary/Final Plan – Conditional Use Application.

RESOLUTION R049-08

A RESOLUTION AWARDING THE CONTRACT FOR THE PUBLIC WORKS ROOF REPLACEMENT PROJECT TO ALAN KUNSMAN ROOFING & SIDING INC.

Mr. Batcha noted that \$75,000.00 was budgeted for this project and asked how many bids were received. Mr. Hammer responded that there were three firms present at the pre-bid meeting but only one firm bid on the project.

PPIS Director Steve Hunsberger stated that a mandatory pre-bid meeting was held and three roofing firms were in attendance. Core samples and a site survey of the decking was done and it looks like there is no further damage. The new

roof will have a 30-year warranty on the workmanship and materials and Mr. Hunsberger feels this will be a good project with good installation. Mr. Hunsberger also noted that built into the specs was an additional 100 sq. ft of area in case the decking showed damage.

Mr. Nolan inquired regarding the scheduling of this project. Mr. Hunsberger responded that of course the Township would like to see this project completed as soon as possible but roofing crews are very busy this time of year. Mr. Hudak noted that construction companies are into the commercial season and the Township probably should have bid this project last year so this work could have been scheduled for this summer.

Upon motion (Hudak-Murphy), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R049-08 as presented, awarding the contract for the public works roof replacement project to Alan Kunsman Roofing & Siding for a total amount of \$111,000.00.

**PURCHASE ORDER
APPROVAL**

Mr. Murphy inquired regarding a completion date for the traffic signals at Oakland Road and Farmersville Road. Mr. Hammer noted that the holdup right now is the movement of the utility poles and hopes that the projects will be completed by the end of summer or early fall.

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to approve all purchase orders as presented.

**APPROVAL OF BILL
AGENDA**

Mr. Murphy asked for an update of the soccer fields at Municipal Park. The Township Engineer stated that there have been meetings with the Conservation District and trying to find the location of the well is underway. Mr. Nolan noted that while the Board authorized the Township Engineer to begin the permitting process and prepare bid documents, he may ask for discussion on the design of the fields.

Upon motion (Murphy-Weiss), the Board of Commissioners unanimously voted by voice vote to approve the bill agenda of June 11, 2008 as presented.

**APPROVAL OF
TREASURER'S REPORT**

Upon motion (Weiss-Murphy), the Board of Commissioners unanimously voted by voice vote to approve the Treasurer's Report as of May 31, 2008, subject to audit.

ZONING HEARING

Upon motion (Batcha-Weiss) the Board of Commissioners unanimously voted by voice vote that the township be represented by its assistant solicitor for items 12 and 13 at the next meeting of the Zoning Hearing Board.

Mr. Nolan asked whether item 14 on the Zoning Hearing Board agenda would fall under the township's ordinance. Mr. Batcha said he didn't think so.

MONTHLY REPORTS

Upon a motion (Hudak-Weiss), the board unanimously voted by voice to accept the monthly department reports.

DISCUSSION ITEMS

**SIDEWALK DEFERRAL –
CHARLES CHRIN
COMMUNITY CENTER,
PALMER TOWNSHIP**

Mr. Weiss said he would like to see Palmer Township be required to put in the sidewalk at its community center. Mr. Nolan noted Palmer Township was also asking for a reduction in the speed limit on Bethman Road by the facility. Mr. Hammer said Palmer Township was seeking Bethlehem Township's cooperation on the speed limit reduction and that Palmer Township would take point on the issue. Mr. Weiss and Mr. Hudak said they supported the speed limit reduction.

Mr. Weiss said he would like to see the sidewalks be installed, but would accept a deferral if Palmer Township was willing to revisit the issue later on. Mr. Weiss moved to defer the sidewalk requirements for the facility. The motion was not seconded.

Upon motion (Hudak-Murphy) the Board of Commissioners voted 4-1 by voice vote (Mr. Weiss voted nay) to refuse Palmer Township's request for a deferral of sidewalk requirements at the facility.

Mr. Batcha asked if Palmer Township was willing to pay for all costs associated with pursuing a reduction in the speed limit on Bethman Road. Mr. Dillman, of Pidcock Company (which also serves as the engineer for Palmer Township), said it was his understanding that Palmer Township intended to pay for these costs. Mr. Hammer said he would expect Palmer Township to pay for the costs. Mr. Batcha asked for clarification on the issue. No further action was taken on the matter.

HOUSENICK PROPERTY

Mr. Nolan said the Housenick property committee held its second meeting on June 5. The meeting included a detailed tour of the house and the property. Mr. Nolan said there had been vast improvement to the overall site since the township had taken ownership of the property and the public works department had started grounds work. Mr. Nolan said there is damage to the house's roof, which needs to be addressed immediately. Mr. Nolan said he would like the township manager to work with the township engineer on cost estimates for these repairs.

Mr. Weiss said he had visited the site and noted the roof was leaky and there was an immediate need to keep animals (chipmunks, squirrels, and raccoons) out of the house. Mr. Weiss said he would be able to work with the township manager and engineer to help address these issues.

Mr. Hudak asked if the property was "insurable." Mr. Hammer said it was not insured now. Mr. Hudak said the issue of insurance needs to be further investigated. Mr. Hudak said he also supports fixing the roof.

Mr. Batcha said he was concerned the house could be a "money pit." He said he was wary of substantial spending to shore up a house that may be demolished in the end. Mr. Hudak said he would like to see the house restored, but more information was needed on the cost of such a project.

Mr. Dillman said he and other representatives of Pidcock Company are planning to tour the site soon.

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to authorize the township manager to direct the township engineer to investigate the integrity of the property.

Mr. Batcha asked if the site was open to the public. Mr. Nolan said the answer was no.

WASTE HAULING, RECYCLING, OUTDOOR BURNING

Mr. Nolan said he asked for the discussion of three items – waste hauling, outdoor burning, and the township's recycling ordinance – to be placed on the agenda as a follow-up to the presentation by members of the state's Department of Environmental Protection (DEP) at the board's June 2 meeting. Mr. Nolan said he would like to see the township move forward in adopting an ordinance to ban outdoor burning. He said a resident had recently complained to him about outdoor burning.

Mr. Hudak said he opposed a burning ban. He said there was not a problem in his ward with complaints or violations of the existing ordinance. Regarding the issue of whether the current ordinance was preventing the township from getting DEP recycling grants, Mr. Hudak said his understanding was the township was not in violation of state law and therefore the DEP could not discriminate against the township's grant requests. Mr. Hudak said there were other more important recycling and waste issues to address in the township and he did not see a need to rush to address the issue of outdoor burning.

Mr. Nolan said the board had received a memorandum from the administration in June 2005 stating the township had not received a requested state grant for \$52,000 because of two issues. The first issue was the township was not picking up yard waste at curbside twice a year, as required by state law. The second issue was the township had not banned outdoor burning, also as required by state law. Mr. Nolan said the township still had not addressed these issues.

Mr. Hudak said the board has to consider the costs of implementing such changes. He said curbside yard-waste collection might qualify the township for a \$52,000 grant, but could cost millions of dollars to implement.

Mr. Nolan said the board needed to address the issue of outdoor burning. He said the township was one of few municipalities that hadn't done so.

Mr. Hudak said he didn't see the harm in waiting to address outdoor burning while the board considered other waste and recycling issues.

Mr. Murphy asked how many people burn yard waste outdoors in the township. Mr. Hammer said the administration did not know the answer. Mr. Murphy asked what the harm was if a few people burn yard waste and no one complains. Mr. Nolan said such burning is against state law and causes the township to lose grant money.

Mr. Hudak said his understanding was the DEP cannot legally discriminate against the township regarding grants because of the township's current burning ordinance. He said the most the DEP could do is put the township's grant requests "at the bottom of the list."

Mr. Batcha said the township's current ordinance, with its setback requirements for outdoor burning, effectively bans burning in many developments.

Mr. Nolan said he would continue to pursue the issue of outdoor burning and that, sooner or later, the board will have to face that burning will be banned in the township. Mr. Murphy asked why this was so.

Mr. Nolan said he would like to move the discussion forward to updating the township's overall recycling ordinance. Mr. Batcha said the board had previously authorized the administration to tell the board what it needed to do. Mr. Batcha said the board should wait until the administration reports back on the matter.

Mr. Elliott said he had begun to look into updating the township's recycling ordinance. He said the township needed to do at least three things to comply with state regulations: First, increase recycling education efforts; second, start curbside collection of yard waste at least twice a year; and third, verify that companies and institutions are recycling as required by current ordinances. Mr. Elliott said the question is how the township meets these responsibilities.

Mr. Elliott said the administration knows there are trash haulers in the township who don't separate recyclable materials. He said the township must enforce the applicable laws.

Mr. Elliott said the administration has looked into using township employees and equipment to provide curbside yard-waste collection twice a year. He said the administration has determined providing such a service is not feasible. Mr. Elliott said other possible yard-waste collection methods include mandating a single trash hauler for all waste or just for yard waste. He said such solutions would require new costs, which would have to be passed on to township residents.

Mr. Elliott said the state's recycling and waste requirements amounted to unfunded mandates on affected municipalities, but the township has to comply with these requirements. Regarding the issue of outdoor burning, Mr. Elliott said Mr. Hudak was correct in stating that the state cannot legally discriminate against the township based on the current burning ordinance. But in reality, Mr. Elliott said, there is great competition for recycling grants and the state does effectively discriminate against the township by placing its grant requests at the bottom of the list.

Mr. Elliott said he could draft some possible amendments to the township's current recycling ordinances and present them for the board's consideration. Mr. Batcha said that would be a good start to the process.

Mr. Nolan said a single trash hauler would create some positives and some negatives. Mr. Batcha said he could support a single hauler for twice-a-year yard waste collection, but would oppose a single hauler for all waste services. Mr. Batcha said government shouldn't be in the business of making a monopoly for one hauler. Mr. Batcha said the board should support free enterprise and not change a system that's working.

Mr. Murphy said he agreed with Mr. Batcha. Mr. Murphy said a single hauler for yard waste would be acceptable, but that people should be able to choose their own trash hauler.

Mr. Nolan said all these issues were "on the table" and will be on the table in the future.

ADJOURNMENT

Mr. Weiss moved to adjourn, seconded by Mr. Hudak. The board voted 5-0 to adjourn at 9:10 p.m.

Respectfully submitted,

Judy Todaro
Recording Secretary