

**REGULAR PUBLIC MEETING  
JULY 21, 2003**

- MEMBERS PRESENT** Jerry Batcha, President  
Leonard Hudak, Vice President  
Allan Robertson, Commissioner  
Robert Birk, Commissioner  
Timothy Brady, Commissioner
- OTHERS PRESENT** Thomas Elliott, Township Solicitor  
Jon Hammer, Township Manager  
Doug Bruce, Assistant Township Manager  
Howard Kutzler, Director of Planning & Economic Development  
John Wagner of SSM, Township Engineer
- CALL TO ORDER** President Batcha called the meeting to order at 7:05 p.m. and led those in attendance in reciting the Pledge of Allegiance to the Flag.
- Mr. Batcha announced that Agenda Item "E", awarding the contract for road materials would be pulled from the agenda until additional information is obtained.
- COURTESY OF THE FLOOR**
- MARK WAGNER  
3511 COUNTRY CLUB RD.** Mr. Wagner stated that he was proud to be a resident of Bethlehem Township on June 19, 2003, the day tragedy struck his family when his wife was involved in a serious automobile accident. Mr. Wagner stated that the professionalism and sincerity of the police officers (Bonner, Keyock, Kitlar, LaPointe and the Chief), EMS Guy Kuklantz, members of the NRFC and BTVFC, the Comers and Mark Kuronya was tremendous. Mr. Wagner thanked Bethlehem Township and stated that the Board of Commissioners can be proud of Township professionals.
- MARTIN COMER  
3613 DEWALT ST.** Mr. Comer inquired how much has been collected on delinquent sewer bills. The Township Manager responded that he did not readily know the amount. Mr. Comer also inquired whether only one bid was received for rental equipment and questioned Resolution R085-03.
- ADOLPH BUTKYS  
3936 BIRCH DR.** Mr. Butkys stated that he attended a concert in Municipal Park and noted there was no flag in the pavilion to turn to when the National Anthem was played. Mr. Butkys noted that he raised this issue last year. Mr. Butkys also noted that there is no way for a wheelchair to get into the pavilion without assistance and there is a steep slope to get from the handicapped parking area to the pavilion. Mr. Butkys stated that if the Recreation Department is in need of input or someone to serve on the Recreation Committee, he is willing to serve.
- APPROVAL OF MINUTES** Solicitor Elliott noted a change on page 1 of the July 2, 2003 special public meeting in the second paragraph of "Basin Design". Mr. Elliott stated that he asked **Mr. Lynch** to explain classified and unclassified **rock** and **Mr. Lynch** responded.
- Upon motion (Brady-Birk), the Board of Commissioners voted unanimously by roll call vote to approve the minutes of the July 2, 2003 special public meeting as corrected and the July 7, 2003 regular public meeting as presented. The minutes of the joint meeting of June 23, 2003 were approved as presented by a 4-0 vote (Mr. Hudak abstained because he did not attend the meeting).

**DISCUSSION - ESTATES  
AT GREEN POND**

Attorney James Broughal thanked the Board of Commissioners and Township staff for the opportunity to be present this evening. Mr. Broughal stated that two different options of this plan were previously presented to the Township; the first option was a by-right option where Green Pond Golf Course would have been terminated and the second option was a golf course community. The second option would have required a zoning change and had other issues. The consensus was that the Township preferred that these issues be worked out and the golf course retained. Green Pond looked at many designs and chose Toll Brothers as their development partners with the objective to keep the golf course operating during buildout. Mr. Broughal noted that Green Pond has tried to address the issues and within a month or two will file for a PRD plan. Mr. Broughal advised the Board of Commissioners that Green Pond was not asking for any approvals this evening, only asking if they are going in the right direction.

Dennis Harman of Pidcock Engineers presented the layout of the new plan which includes the reconstruction of 7 new golf holes and a through road from Farmersville Road to Church Road. Mr. Harman discussed the summary of the project as follows:

- Green Pond - Mr. Harman stated that Green Pond frequently overflows and floods Green Pond and Farmersville Roads. Mr. Harman noted that in 1997 the Township's Engineer performed a study which offered a solution which, at that time was found to be too costly. Mr. Harman stated that Green Pond Golf Course is proposing a solution to the flooding of the road by lowering the water surface of Green Pond, constructing 4 wet ponds and 2 dry ponds, and stormwater piping that will carry stormwater under Farmersville Road across to the existing ponds in Penns Farms. Mr. Harman noted that a stormwater study was in progress and the proper results are achievable.
- Road System - Mr. Harman noted a new through street, designated as "Street A" that would connect Farmersville Road and Green Pond Road with Church Road. Mr. Harman commented regarding improvements to Farmersville Road and stated that the Township ordinances would require that this roadway be 36' wide, which would take out the trees that provide a buffer between the golf course and Farmersville Road. What is being proposed is to maintain the 32' width of Farmersville Road but to continue the improvements from the Township's improvements at William Penn Highway to Green Pond Road. Lastly, Mr. Harman stated the applicant would be requesting deferrals of improvements on Green Pond Road and Church Road.

Mr. Kutzler advised the Board of Commissioners that the Planning Commission considered this project at their June meeting and supported the general concepts. Mr. Kutzler stated that the benefits to the Township from this project would be that the Green Pond problem would be solved at no cost to the Township and the proposed traffic improvement scheme would ensure horizontal alignment on both sides of the road. Mr. Kutzler noted that the Planning Commission suggested the continuation of the Campbell Estates bikepath to Easton Avenue and that the existing tree line on Farmersville Road remain provided it is maintained and cleaned out. With regard to the improvements on Green Pond Road and Church Road, Mr. Kutzler stated that it was the consensus of the Planning Commission to grant the requested deferrals, however, following the Planning Commission meeting a member of the Planning Commission expressed concern that the intersection of the new through road with Church Road may not be in the best location should the PennDOT property be developed.

Mr. Batcha stated that he supports the improvements to Farmersville Road but questioned whether the improvements could be accomplished in light of the fact that right-of-way would need to be acquired and the applicant did not have the power of eminent domain. Attorney Broughal responded that the applicant would ask the Township to use the powers of eminent domain with the developer paying for all of the costs. Mr. Batcha also questioned whether permission has been obtained from Penns Farms to allow the discharge of the stormwater into their basins. Attorney Broughal responded that the Estates at Green Pond would not increase the stormwater flow rates. Mr. Brady commented that the developers have done an excellent job and that this community will increase the value of Bethlehem Township. Mr. Hudak added that this is a good plan that will be beneficial to the Township. Mr. Robertson questioned whether the applicant was looking at the Nancy Run Watershed requirements when dealing with their stormwater and commented that with the completion of Route 33, traffic has decreased on Green Pond Road which may help to support the deferral. Mr. Robertson suggested that the issue of extending the bikepath be further explored because the Township may not want bikes coming out onto William Penn Highway. Lastly, Mr. Robertson inquired whether the developer has had conversations with adjoining neighbors. Mr. Broughal responded that they have not done so yet because they were not sure of what would be proposed. Now that a plan is in place, they will contact the adjoining neighbors.

**RESOLUTION R081-03**

**A RESOLUTION APPROVING BY RATIFICATION AN ADDENDUM TO THE LAND DEVELOPMENT AGREEMENT BY AND BETWEEN BETHLEHEM CENTRES, L.L.C. AND THE TOWNSHIP OF BETHLEHEM, AND A RELATED ESCROW AGREEMENT, IN CONNECTION WITH THE SOUTHMONT CENTER SHOPPING CENTER PROJECT**

Upon motion (Hudak-Robertson), the Board of Commissioners unanimously voted by roll call vote to adopt Resolution R081-03 as presented, approving an addendum to the Land Development Agreement By and Between Bethlehem Centres, L.L.C. and the Township of Bethlehem and a related escrow agreement in connection with the Southmont Center Shopping Center Project.

**RESOLUTION R082-03**

**A RESOLUTION APPROVING AN INTERMUNICIPAL SEWER SERVICE AGREEMENT BY AND BETWEEN THE TOWNSHIP OF BETHLEHEM, THE BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY, THE TOWNSHIP OF PALMER, THE PALMER TOWNSHIP MUNICIPAL SEWER AUTHORITY, THE TOWNSHIP OF LOWER NAZARETH, AND THE EASTON AREA JOINT SEWER AUTHORITY, RELATING TO THE PROVISION OF SANITARY SEWER SERVICE TO THE HECKTOWN ROAD BUSINESS PARK SUBDIVISION**

Upon motion (Robertson-Brady), the Board of Commissioners unanimously voted by roll call vote to adopt Resolution R082-03 as presented, approving an intermunicipal sewer service agreement relating to the Hecktown Road Business Park Subdivision.

**RESOLUTION R084-03**

**A RESOLUTION AWARDED THE CONTRACT FOR EQUIPMENT RENTAL**

Upon motion (Birk-Brady), the Board of Commissioners unanimously voted by roll call vote to adopt Resolution R084-03 as presented, awarding the contract for equipment rental to Pan Construction.

**RESOLUTION R085-03****A RESOLUTION AWARDING THE CONTRACT FOR SMOKE/FIRE/ACCESS CONTROL**

Upon motion (Brady-Robertson), the Board of Commissioners unanimously voted by roll call vote to adopt Resolution R085-03 as presented, awarding the contract for smoke/fire/access control to Hi-Tech Securities.

**MOTION****A MOTION OF THE BOARD OF COMMISSIONERS AUTHORIZING THE TOWNSHIP MANAGER TO EXERCISE THE TOWNSHIP'S LEGAL RIGHTS AGAINST THE LETTERS OF CREDIT FOR LEHIGH VALLEY HOSPITAL CENTER IF THE SAME ARE NOT RENEWED PRIOR TO THEIR EXPIRATION DATE OF AUGUST 6, 2003**

Upon motion (Hudak-Birk), the Board of Commissioners unanimously voted by roll call vote to authorize the Township Manager to exercise the Township's legal rights against the letters of credit for Lehigh Valley Hospital Center if the same are not renewed prior to their expiration date of August 6, 2003.

**ZONING HEARING BOARD AGENDA - MEETING OF JULY 30, 2003**

Mr. Batcha questioned whether Appeal #03-ZHB-13 was a continuation. Solicitor Elliott advised that notification has been received that the applicant has withdrawn his application.

Upon motion (Hudak-Brady), the Board of Commissioners unanimously voted by roll call vote to authorize the Township Solicitor to represent the Township at the Zoning Hearing Board Meeting on July 30, 2003 in opposition of Zoning Hearing Board Appeal #03-ZHB-16.

Mr. Robertson commented that he was confused by Zoning Hearing Board Appeal #15 and requested clarification from Mr. Kutzler. Mr. Kutzler explained that Arbor Fence has recently purchased an adjoining house and is operating the office functions out of the house. As part of the Special Exception a site plan must be submitted for review and approval by the Planning Commission and the Board of Commissioners. To date a site plan has not been submitted and the Zoning Hearing Board will not act until such a plan is submitted. Mr. Robertson questioned whether there was the risk that the Zoning Hearing Board could approve the Special Exception without a site plan. Mr. Kutzler suggested that the Township Solicitor also monitor this case. Solicitor Elliott advised that he would be on vacation the week of the Zoning Hearing Board meeting and that while he feels he can get a continuance on one case, he is not sure he can get a continuance on the second case. Solicitor Elliott indicated that he would ask for a continuance of both cases.

**APPROVAL OF BILL AGENDA**

Upon motion (Brady-Hudak), the Board of Commissioners unanimously voted by roll call vote to approve the bill agenda of July 16, 2003 as presented.

**PURCHASE ORDER APPROVAL**

Upon motion (Birk-Robertson), the Board of Commissioners unanimously voted by roll call vote to approve Purchase Order #20032100 for Spotts, Stevens & McCoy in the amount of \$3,500.00 per their proposal of July 16, 2003 to provide engineering services for Municipal Park Detention Design for Phases 1, 2 and 3.

Mr. Batcha thanked Spotts, Stevens & McCoy for their thorough proposal.

**APPROVAL OF TREASURER'S REPORT**

Upon motion (Brady-Robertson), the Board of Commissioners unanimously voted by roll call vote to approve the Treasurer's Report as of June 30, 2003, subject to audit.

**ACCEPTANCE OF  
MONTHLY REPORTS**

Mr. Batcha commented regarding the first letter of praise included in Chief Pancoast's monthly report and asked that the officer's involved know that the Board of Commissioners are proud of them.

**OTHER BUSINESS**

**NORTHAMPTON COUNTY  
SOLID WASTE PROGRAM**

Commissioner Brady reported that members of the Twin Rivers Council of Governments attended the County's recent meeting regarding an update of the County's solid waste plan. Mr. Brady stated that the County is planning a yard waste recycling program, but it will only be a pilot program involving 5 municipalities. Mr. Brady stated that COG members advised the County that there is a need now for a countywide program. The outcome of the meeting was that County Councils committee asked the county administration to amend the plan with a hard-line timetable and how the plan would serve all the municipalities.

Mr. Robertson suggested that in the meantime, the Township extend what they have been doing by accepting yard waste at the Public Works building and requested that the Township Manager work with the Public Works Director on establishing a schedule for monthly drop-off dates. Mr. Brady commented that the Board of Commissioners might need to consider, during budget discussions, the need to expand the Public Works property as a drop-off point for Township residents yard waste. Mr. Robertson agreed that there is a need to pursue this matter and Mr. Hudak agreed that a monthly schedule should be established.

**INTENTIONS OF  
PARK & RECREATION  
COMMITTEE MEMBERS**

Mr. Robertson noted that at the last meeting of the Board of Commissioners the Township Manager was asked to contact members of the Park and Recreation Committee who have missed 50% of their meetings. Mr. Robertson inquired whether the Township Manager has received any responses from these members. Mr. Hammer responded that he has not and Mr. Robertson suggested that Mr. Hammer make a further effort to contact them regarding their intentions.

**ADJOURNMENT**

Upon motion (Birk-Brady), the Board of Commissioners unanimously adjourned the meeting by voice vote at 8:15 p.m.

Respectfully submitted,

Judy Todaro  
Recording Secretary