

**REGULAR PUBLIC MEETING
NOVEMBER 7, 2011**

MEMBERS PRESENT

Arthur Murphy, President
Paul Weiss, Vice President
Jerry Batcha, Commissioner
Michael Hudak, Commissioner
Thomas Nolan, Commissioner

OTHERS PRESENT

James Broughal, Township Solicitor
Howard Kutzler, Township Manager
Brian Dillman, The Pidcock Company – Township Engineer
Steve Gallagher, Fire Code Official

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

**DAVE HARTE
1177 6TH ST.
WHITEHALL, PA**

Dave Harte, Vice President of PA Venture Capital, stated he was present this evening to see if the Board of Commissioners had any interest in re-zoning a property on Route 191 in order for PA Venture Capital to do a convenience store with gas pumps. The property is adjacent to the Neighborhood Commercial zoning district and across the street from the General Commercial zoning district.

Mr. Hudak stated he would rather see the project move through the planning process before he comments. Mr. Weiss noted that the project would be located on the crest of Route 191 and asked if they would be looking at full right and left turns. Mr. Harte stated that they have talked to the adjacent property owners regarding acquiring their properties and he is aware that there are engineering and grading issues. Mr. Kutzler noted that this is the former Hess property adjacent to Kmart and access is an issue. Mr. Murphy inquired whether Mr. Harte has considered access through the shopping center. Mr. Nolan stated that if access is allowed through the shopping center then there would be no need to buy the adjacent properties, but the crest of the hill is a problem. Mr. Nolan added that in his opinion nothing has changed to justify rezoning. Mr. Batcha commented that there are single family residents currently there, the project would require rezoning and a gas station will increase traffic. Mr. Batcha stated that it was interesting that the developer is pursuing a project that would produce more traffic on Route 191 while his wife, who is running for Township Commissioner stated in response to a newspaper reporter's question that she would not tolerate out of control development and traffic congestion. Mr. Batcha found it interesting that one hand is saying one thing while the other is saying something else.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth commented regarding the traffic going to the recycling center over the weekend and suggested that rather than have it back up on Easton Avenue and it should be re-routed after extreme weather. Mr. Kutzler responded that due to tree damage done by the recent snowstorm, the recycling center has extended their hours and have been extremely busy. Mr. Kutzler added that he did hear concerns regarding the traffic and stated that perhaps the traffic could be re-routed to Meyer Lane.

Mr. Roth stated that he was glad to see that the Community Center was available for showers for the residents who lost power during the snowstorm and suggested that the Township looks at purchasing a backup generator for the Community Center. Mr. Weiss responded that a generator was looked out during the planning of the Community Center but was not put in for monetary reasons.

**MARTIN COMER
3613 DEWALT ST.**

Mr. Comer stated that he was pleased that the Township went out and picked up trees and branches after the storm. Mr. Comer also wished Mr. Murphy and Mr. Nolan good luck in the election.

APPROVAL OF MINUTES

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to approve the minutes of the October 17, 2011 regular public meeting, the October 17, 2011 and October 24, 2011 budget meetings as presented and voted 4-0-1 by voice vote (Mr. Batcha abstained) to approve the minutes of the October 31, 2011 budget meeting as presented.

RESOLUTION R050-11

A RESOLUTION DESIGNATING A TOWNSHIP AGENT FOR OBTAINING FINANCIAL ASSISTANCE UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Mr. Kutzler explained that this resolution will provide the approval required to seek PEMA funding for expenses incurred by the Township during Hurricane Irene and Tropical Storm Lee.

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R050-11, designating Assistant Township Manager Doug Bruce as the agent for obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

RESOLUTION R051-11

A RESOLUTION ACCEPTING THE OFFER OF DEDICATION OF THE OPEN SPACE FOR THE DETENTION POND IN THE LAKE VIEW ESTATES SUBDIVISION

Solicitor Broughal stated that in 2007 the developer of this subdivision entered into bankruptcy and the Township seized the letter of credit and maintenance bond in order to finish public improvements. Solicitor Broughal added that the recorded plan provided that the detention basin be maintained by the Homeowner's Association, however, Township staff, the Solicitor and Engineer believe it is in the best interest that the pond be dedicated to and maintained by the Township with the balance of the letter of credit and maintenance bond being used to maintain the pond.

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R051-11 as presented, accepting the offer of dedication of the open space for the detention pond in the Lake View Estates Subdivision.

RESOLUTION R052-11

A RESOLUTION ACCEPTING THE OFFER OF DEDICATION OF FREEMANSBURG AVENUE ROAD RIGHT-OF-WAY AND FREEMANSBURG AVENUE STORM SEWER SYSTEM AS PART OF THE VINEYARD PHASE 9 (CVS) LAND DEVELOPMENT

Mr. Kutzler stated that this resolution will accept dedication of road right-of-way and storm sewer system related to development of the CVS on Freemansburg Avenue. Mr. Batcha noted that the Board of Commissioners previously deferred the streetscape enhancements until settlement occurs for the work performed by the Municipal Authority and inquired whether any monies

were posted as security for the streetscape enhancements. Mr. Dillman replied that the deferral was mostly granted because of concern of the realignment of Freemansburg Avenue and Solicitor Broughal indicated that security has already been taken care of.

Upon motion (Batcha-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R052-11 as presented, accepting the offer of dedication of Freemansburg Avenue road right-of-way and Freemansburg Avenue storm sewer system as part of the Vineyard Phase 9 (CVS) land development.

RESOLUTION R053-11

A RESOLUTION APPROVING AN AMENDMENT TO THE TOWNSHIP'S OFFICIAL SEWAGE FACILITIES PLAN (THE "OFFICIAL PLAN") PURSUANT TO THE PENNSYLVANIA SEWAGE FACILITIES ACT AND APPROVING AND ADOPTING ACT 537 PLANNING MODULE, COMPONENT 3M, AS THE OFFICIAL PLAN AMENDMENT

Solicitor Broughal stated that the Township entered into an agreement with Griffin Land and Nurseries for access to Fritch Drive and this resolution will allow certain properties along Fritch Drive to connect to public sewer.

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R053-11 as presented, approving an amendment to the Township's Official Sewage Facilities Plan pursuant to the Pennsylvania Sewage Facilities Act and approving and adopting Act 537 Planning Module, Component 3M, as the official plan amendment.

RESOLUTION R054-11

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE MORAVIAN ACADEMY ATHLETIC CENTER PRELIMINARY/FINAL PLAN

Mr. Kutzler stated that Moravian Academy is proposing to construct a 39,255 sq. ft. athletic center which includes a driveway, stormwater management and landscaping improvements on their campus along Green Pond Road. Mr. Kutzler reviewed the draft resolution and noted that in the second "whereas" the last line should read "athletic center" instead of "maintenance building". Mr. Kutzler also noted that Condition of Approval #19 could be removed.

Upon motion (Nolan-Batcha), the Board of Commissioners unanimously voted by voice vote to approve Resolution R054-11 as corrected, granting conditional approval of the Moravian Academy Athletic Center Preliminary/Final Plan.

MOTION

A MOTION TO ADVERTISE AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 1, "ADMINISTRATION AND GOVERNMENT," PART 5A, "POLICE PENSION PLAN," PART 5B "AFSCME EMPLOYEES PENSION PLAN," PART 5C, "NON-UNIFORMED EMPLOYEES PENSION PLAN," AND PART 5D, "TEAMSTER EMPLOYEE PENSION PLAN," IN ORDER TO COMPLY WITH RECENT LEGISLATION

Solicitor Broughal explained that the Township's actuary indicated that there were certain changes that should be addressed in the Township's pension ordinances and this ordinance will amend the ordinances in order to comply with those changes.

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to advertise an ordinance amending the pension plan in order to comply with recent legislation.

MOTION

A MOTION TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 7, "FIRE PREVENTION AND FIRE PROTECTION" OF BETHLEHEM TOWNSHIP'S CODE OF ORDINANCES

Solicitor Broughal explained that in 2009 the Township enacted Ordinance 08-09 which adopted the 2006 Fire Code. Certain provisions of this ordinance conflicted with the Pennsylvania Uniform Construction Code and the Pennsylvania Builders Associated filed a challenge to the ordinance because of provisions made to new construction. Negotiations between the Builders Association and the Township enabled the Township to bring the ordinance in compliance.

Fire Code Official Steve Gallagher stated that the Builders Association was concerned with the new construction provisions that conflicted with the Building Code so those provisions have been removed from the ordinance.

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to advertise an ordinance amending Chapter 7, "Fire Prevention and Fire Protection" of Bethlehem Township's Code of Ordinances.

PURCHASE ORDER APPROVAL

Mr. Kutzler explained that the two purchase orders on the agenda for approval relate to retention pond work in LVIP and for road salt.

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

OTHER BUSINESS

Mr. Hudak wished Mr. Nolan and Mr. Murphy good luck in tomorrow's election

CASINO GRANTS

Mr. Nolan reported that the Township received \$237,000.00 from casino funds and thanked the administration for the excellent job they did in the presentation of the Township's applications.

ADJOURNMENT

Upon motion (Weiss-Nolan), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Judy Todaro
Recording Secretary