

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
AUGUST 1, 2022**

MEMBERS PRESENT

John J. Merhottein, President
Malissa K. Davis, Vice President
Jan Beatty, Commissioner
Dale A. Sourbeck, Commissioner
John K. Gallagher, Commissioner

OTHERS PRESENT

James Broughal, Township Solicitor
David Backenstoe, Township Solicitor
Doug Bruce, Township Manager
Amanda Raudenbush, Planning Director, AICP
Ron Gawlik, Township Engineer

CALL TO ORDER

Mr. Merhottein called the meeting to order at 7:00 p.m., and led those in attendance in reciting the Pledge of Allegiance.

**EXECUTIVE SESSION
ANNOUNCEMENT**

Solicitor Broughal announced that on Monday, August 1, 2022, the Board of Commissioners met in executive session at approximately 6:00 p.m. to discuss potential litigation and personnel issues pursuant to Section 708a of the Pennsylvania Sunshine Act.

**COURTESY OF THE
FLOOR**

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said he would like to see the K-Mart property on State Route 191 and St. Luke's property on Freemansburg Avenue cleaned up as they are the gateway into the township.

**ROY ROTH
4323 CHETWIN TERR.**

Mr. Roth said the poison ivy on the bike path has not been cleaned up as promised. Ms. Davis apologized and said it will be taken care of.

**TOM KEEFER
3803 CARTER RD.**

Mr. Keefer commented that he was embarrassed at the way the last board meeting was run.

APPROVAL OF MINUTES

Upon motion (Davis-Sourbeck) the Board of Commissioners voted unanimously by voice vote to table of the minutes of the July 18, 2022 regular public meeting.

PRESENTATION

2021 AUDIT – CAMPBELL, RAPPOLD & YURASITS LLP

Melissa Grube of Campbell, Rappold & Yurasits LLP reported the 2021 audit went very well. She thanked the board for bringing the company back and staff for their cooperation. Paul Mack presented the highlights of the audit. Mr. Gallagher asked if the township was financially in good shape. Mr. Mack said the township's finances were in good standing. Mr. Merhottein thanked Mr. Freda and Mr. Bruce for a job well done.

**SUBDIVISIONS & LAND
DEVELOPMENT**

A RESOLUTION GRANTING CONDITIONAL FINAL LAND DEVELOPMENT PLAN APPROVAL OF PENN CENTER 33 (FORMERLY MILL CREEK BUSINESS PARK)

Assistant Solicitor Backenstoe said the board granted conditional final approval of the plan in July. The applicant signed the Notice of Approval under protest, based on objections to the condition stating the plan could not be recorded until the applicant received a driveway access Highway Occupancy Permit (HOP) from PennDOT, Mr. Backenstoe said. Therefore, the approval was void and the applicant had granted a time extension to help resolve the matter, he said. The applicant was at the meeting to request that the plan be recorded prior to receiving their Highway Occupancy Permit (HOP) once a note to that effect is added, Mr. Backenstoe said. Attorney Kaplin, representing the developer, said they are currently doing site work and are unable to get a building permit because the plans are not yet recorded. Attorney Kaplin said the PennDOT process is very long. He said they want to construct the building without the certificates of occupancy being granted until the HOP is obtained. Mr. Merhottein asked what would happen if they didn't get the HOP. Attorney Kaplin said they would not be able to get in and out of the property. Solicitor Backenstoe said the conditional use approval and the preliminary plan conditional approval states that all permits are required prior to final plan approval. Attorney Kaplin stated that if the board does not remove this particular condition on the plan approval, the applicant would take the township to court. Mr. Gallagher said he was concerned the township would be negatively impacted if the project fails.

**DON WRIGHT
4815 HOPE RIDGE DR.**

Mr. Wright said the applicant was before the Planning Commission in June and he was under the impression that they would get the approval from PennDOT. He asked if the township ever approved a request to record a plan prior to getting all the necessary permits. Mr. Wright believes that granting such a request would set a dangerous precedent. Ms. Raudenbush said the township had not granted such a request during her tenure. Mr. Gawlik said he saw a similar situation in another municipality but for a very small commercial project.

Ms. Davis asked what the hurry was if they were not building on speculation and don't have tenants. Lou Pektor, the applicant/developer, said they have a tenant. He said steel is hard to get and they have been on a delivery wait-list for 16 months. If they lose their place in line, they also will lose the price hold, he said. Mr. Pektor said his project will bring \$80 million dollars into the township. Attorney Kaplin said they cannot get a delivery date until the steel is in the ground.

**TOM KEEFER
3803 CARTER RD.**

Mr. Keefer said if the township didn't grant a request like this in past, they should not do so now.

Mr. Merhottein asked if there was any way the applicant could contact PennDOT to speed up the process. Attorney Kaplin said PennDOT is in support of their project but has 700 previously submitted applications to process.

Solicitor Backenstoe informed the board that it was within their purview whether or not to grant their request.

Upon motion (Davis-Sourbeck) the Board of Commissioners voted by voice
08-01-2022

vote to approve Resolution R069-22, granting conditional final land development plan approval of Penn Center 33 (formerly Mill Creek Business Park) which includes condition number 15:

The applicant shall obtain all required permits and approvals from other governmental agencies including but not limited to the Easton Suburban Water Authority, Bethlehem Township Municipal Authority, Pennsylvania Department of Environmental Protection, Northampton County Conservation District, Pennsylvania Department of Transportation, United States Army Corps of Engineers, etc...prior to presenting the Final Plan for signatures.

The motion passed 4 to 1. Mr. Merhottein abstained.

**CONDITIONAL USE
HEARING DECISION**

FALMER DRIVE GARDEN APARTMENTS (LEHIGH VALLEY UNDERGROUND REQUESTING CONDITIONAL USE FOR 30-UNIT APARTMENT BUILDING)

Upon motion (Davis-Beatty) the Board of Commissioners voted unanimously by voice vote to grant the garden apartment conditional use for Falmer Drive Garden Apartments (Lehigh Valley Underground requesting conditional use for 30-unit apartment building).

**RESOLUTIONS OF THE
BOARD OF
COMMISSIONERS**

RESOLUTION R068-22

A RESOLUTION AUTHORIZING THE ATTENDANCE OF CORPORAL JEREMY ANDERSON AND OFFICER PATRICK BREHM AT CRIME SCENE PROCESSING TRAINING AUGUST 16-17, 2022, IN FERGUSON TOWNSHIP, PENNSYLVANIA

Upon motion (Gallagher-Sourbeck) the Board of Commissioners voted unanimously by voice vote to approved Resolution R068-22 authorizing the attendance of Corporal Jeremy Anderson and Officer Patrick Brehm at crime scene processing training August 16-17, 2022, in Ferguson Township, Pennsylvania.

RESOLUTION R070-22

A RESOLUTION IN SUPPORT OF PRESERVING ABORTION RIGHTS IN THE COMMONWEALTH OF PENNSYLVANIA

Upon motion (Beatty-Sourbeck) the Board of Commissioners voted by voice vote to approve Resolution R070-22 in support of preserving abortion rights in the Commonwealth of Pennsylvania. The motion passed 4 to 1. Mr. Merhottein opposed.

RESOLUTION R071-22

A RESOLUTION AUTHORIZING AN APPLICATION TO THE MULTIMODAL TRANSPORTATION FUND GRANT PROGRAM OF THE COMMONWEALTH FINANCING AUTHORITY AND ADMINISTERED BY THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Upon motion (Sourbeck-Beatty) the Board of Commissioners voted unanimously by voice vote approve Resolution R071-22 authorizing an application to the Multimodal Transportation Fund grant program of the Commonwealth Financing Authority and administered by the Pennsylvania

**MOTIONS OF THE
BOARD OF
COMMISSIONERS**

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO AN AGREEMENT WITH IMPERIAL REALTY APPRAISAL TO CONDUCT APPRAISALS OF TOWNSHIP PROPERTIES (PUBLIC WORKS GARAGE AND YARD-WASTE RECYCLING CENTER)

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to enter into an agreement with Imperial Realty Appraisal to conduct appraisals of township properties (public works garage and yard-waste recycling center).

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE AN ORDINANCE AMENDING THE CODE OF CODIFIED ORDINANCES BY AMENDING CHAPTER 252, VEHICLES AND TRAFFIC; ARTICLE II, TRAFFIC; SECTION 252-10, SPEED LIMITS; TO ALLOW FOR CERTAIN SPEED LIMITS ON ROADWAYS WITHIN THE TOWNSHIP AND REPEAL ALL ORDINANCES INCONSISTENT HEREWITH

Mr. Gallagher asked if other streets could be included in the ordinance. Ms. Davis said this is specific to the Maple Shades development because a part of it is in Palmer Township and therefore have different speed limits. Mr. Bruce said this ordinance will serve to clarify the speed limits.

Upon motion (Sourbeck-Davis), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to advertise an ordinance amending the Code of Codified Ordinances by amending Chapter 252, Vehicles and Traffic; Article II, Traffic; Section 252-10, Speed Limits; to allow for certain speed limits on roadways within the township and repeal all ordinances inconsistent herewith.

MOTION

A MOTION APPROVING A SCHOOL RESOURCE OFFICER AGREEMENT WITH BETHLEHEM AREA VOCATIONAL TECHNICAL SCHOOL

Mr. Sourbeck asked what the officer is responsible for and if the officer is trained. Mr. Bruce said the officer is responsible for policing the school every day and has been trained.

Upon motion (Sourbeck-Davis), the Board of Commissioners voted unanimously by voice vote to approve a motion approving a school resource officer agreement with Bethlehem Area Vocational Technical School.

**APPROVAL OF
PURCHASE ORDERS**

**PO 20221694 – VERMONT SYSTEMS INC. – PPIS/BTCC – \$3,540.00
PO 20221697 – FRANK BUBBA & SONS INC. – PPIS – \$13,150.00
PO 20221712 – CONRAD M. SIEGEL INC. – FINANCE – \$23,100.00
PO 20221728 – BERGEY’S INC. – PW – \$13,973.93
PO 20221749 – IMPERIAL REALTY APPRAISAL – PPIS – \$4,500.00**

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted by voice to approve Purchase Orders 20221694, 20221697, 20221712, 20221728 and 20221749 as presented.

ADJOURNMENT

Mr. Merhottein adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary