

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
APRIL 4, 2022**

- MEMBERS PRESENT** John J. Merhottein, President
Malissa K. Davis, Vice President
Jan Beatty, Commissioner
John K. Gallagher, Commissioner
Dale A. Sourbeck, Commissioner
- OTHERS PRESENT** James L. Broughal, Township Solicitor
Doug Bruce, Township Manager
Richard Kanaskie, Public Works Director
- 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.
- RESOLUTION R039-22** **A RESOLUTION HONORING POLICE CHIEF DANIEL PANCOAST FOR 43 YEARS OF SERVICE WITH BETHLEHEM TOWNSHIP**
- On behalf of the board, Mr. Merhottein presented Chief Pancoast, retired, with a resolution in honor of his 43 years of service with Bethlehem Township. The board and staff thanked him for his service and wished him well. On behalf of the police department, Chief Gottschall presented Chief Pancoast with a display of his badges during his career.
- OATH OF OFFICE** Mr. Merhottein administered the oath of office to Chief Gregory Gottschall. Chief Gottschall thanked the board and staff for their support.
- EXECUTIVE SESSION** Solicitor Broughal announced that the Board of Commissioners met in Executive Session on April 4, 2022 at 6:30 p.m. to 7:00 p.m. to discuss litigation pursuant to Section 708a of the Pennsylvania Sunshine Act.
- COURTESY OF THE FLOOR**
- ALLEN BILLIARD
2302 FARMERSVILLE
RD.** Mr. Billiard commented on the Miller Tract and expressed concern about the impact of traffic on an already congested road. He asked the board how they plan to address it. Ms. Davis said the township professionals and PennDOT will review the plans once they are formally submitted.
- TOM MARAKOVITS
5015 DERBY LANE** Mr. Marakovits commented on the Miller Tract and said that at the last Planning Commission meeting he was told it was the Board of Commissioners' responsibility to approve or deny plans. He said he was opposed to the proposed development and asked the board to fight to keep the farm. Ms. Davis said they do not get notification on the sale of private property. Regarding the approval of land development, Ms. Davis said they are governed by state law.
- STEVE MAHER
4169 WALTER ROAD** Mr. Maher asked if the Miller property had been sold. Ms. Davis said she was told there was a sales agreement but didn't know for certain because it is a private property and the owner does not have to inform the board. She said she spoke with Northampton County Executive who said the county would not be able to purchase the property. The State said the property is not big enough to make it a preserve, Ms. Davis said. Mr. Maher asked the board to make sure all the criteria for the proposed development is met. Mr. Sourbeck said Kay Builders is not asking for any variances and the number of homes in the proposed plan are less than what is

allowed. Ms. Davis explained that the sketch plan is only an idea and requires no action. She said she would like to see the barn and farmhouse preserved. Mr. Gallagher commented that the State of Pennsylvania is a developer friendly state. The township is bound by the Municipal Planning Code which is state law and dictates what the board can and cannot do with respect to land development.

TOM KEEFER
3803 CARTER ROAD.

Mr. Keefer said he finds it hard to believe that 27,000 township residents cannot stop this development.

KAREN ROLSTON
2530 13TH STREET

Ms. Rolston asked if the board is unable to do anything, who can the project's opponents petition? Solicitor Broughal said there is no law enacted to stop this development. Ms. Davis said the laws were passed in the 1970s and 1980s and the township is unable to change those laws. She added that there is not much space left to build. Ms. Rolston asked if the property could be downzoned. Solicitor Broughal said it is a slippery slope and a great cost. Even if it were possible, it wouldn't apply to the Miller property, Mr. Broughal said. Ms. Rolston said she doesn't see a lot of fight in the board. Ms. Davis said residents aren't required to inform the board that they are selling their property. She said when she ran for commissioner, she was against the Traditions of America at Green Pond project, but then she had to vote for it because it was the law.

BARRY ROTH
4323 CHETWIN TERR.

Mr. Roth said the barn on the farm predates the township and needs to be protected. The board needs to come up with a way to protect the township's history. Mr. Roth said he filed a complaint about abandoned cars on Route 191 and Brodhead Road but has yet to get a response. He said there is a junk yard and mechanic shop with no business license and has been complaining about it for over 2 years. Mr. Roth thanked the board for repairing the sinkhole across the street from McDonald's.

GNEO PIETRO
4970 CHELSEA DR.

Mr. Pietro asked how the stormwater fee was determined. Ms. Davis said the fee is based on the amount of impervious coverage. Mr. Pietro asked why a third party was hired to collect the money. Mr. Sourbeck said it would have cost the township more to do it in-house. He said the cost to use a third party was budgeted.

LORENZO QUERAL
3460 MICHIGAN CT.

Mr. Queral commented on the Miller tract and said the issue is about quality of life. He asked the board to require the developer to make improvements to the road. He also asked if anything was being done to the culvert on Easton Avenue. Mr. Gallagher said the Municipal Planning Code is very specific about what a township can require a developer to do. Mr. Queral also asked if the township was planning on continuing their membership with the Bethlehem Area Public Library. Ms. Davis said the time to discuss that would be during the budget hearing.

RENEE STONE
5106 VERMONT DR.

Ms. Stone commented on the Miller tract and said it was morally wrong to continue to allow more development. She said Nazareth is buying some of their own open space. Ms. Stone said the traffic concerns would most likely cause her to move out of the township. She said she feels the board is not doing enough. Ms. Davis said they are bound by the state laws and suggested she contact her state representative to make changes to the Municipal Planning Code. She said the board already sent a letter.

ANDREW SCHAEFFER
4123 SAPPHIRE LANE

Mr. Schaeffer said he attended the last Planning Commission meeting and heard the proposed plan for the Miller tract. He asked the board to consider rejecting the plan. Ms. Davis said the sketch plan is not a formal plan. Once it is formally submitted, it goes through a process with the Planning Commission, staff and professionals. By the time it gets to the Board of Commissioners for a vote, it will have a recommendation from the Planning Commission whether or not to approve.

**MICHAEL DEWEY
4184 ROSS ROAD**

Mr. Dewey commented on the Miller tract and said he was concerned that open space is being rapidly diminished. He believes the quality of life is diminishing rapidly and impacts residents greatly.

**APPROVAL OF
MINUTES**

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve the minutes of the March 21, 2022 regular public meeting as presented.

PUBLIC HEARING

ORDINANCE 03-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 50, ENTITLED BETHLEHEM TOWNSHIP TEAMSTERS EMPLOYEES PENSION PLAN (THE "PLAN") IN ORDER TO CHANGE THE PENSION BENEFIT FORMULA UNDER THE PLAN

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 03-22 amending the Code of Ordinances, Chapter 50, entitled Bethlehem Township Teamsters Employees Pension Plan (the "Plan") in order to change the pension benefit formula under the Plan.

**RESOLUTIONS OF
THE BOARD OF
COMMISSIONERS**

RESOLUTION R040-22

A RESOLUTION AUTHORIZING THE INTERMUNICIPAL COOPERATION WITH THE CITY OF BETHLEHEM, LOWER NAZARETH TOWNSHIP, AND BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY REGARDING LEHIGH VALLEY TRADE CENTER III SUBDIVISION AND LAND DEVELOPMENT IN LOWER NAZARETH TOWNSHIP FOR THE TRANSPORTATION OF SANITARY SEWAGE THROUGH THE LINES OF BETHLEHEM TOWNSHIP AND BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY FOR THE BENEFIT OF LANDS IN LOWER NAZARETH TOWNSHIP

Solicitor Broughal explained this agreement is for the transportation of sanitary sewer and waste water. The township will get paid for this service. The agreement has to be approved by resolution and agreed upon by the City of Bethlehem, Lower Nazareth Township and the Bethlehem Township Municipal Authority.

Upon motion (Sourbeck-Davis), the Board of Commissioners voted unanimously by voice vote to approve Resolution R040-22 authorizing the intermunicipal cooperation with the City of Bethlehem, Lower Nazareth Township, and Bethlehem Township Municipal Authority regarding Lehigh Valley Trade Center III subdivision and land development in Lower Nazareth Township for the transportation of sanitary sewage through the lines of Bethlehem Township and Bethlehem Township Municipal Authority for the benefit of lands in Lower Nazareth Township.

RESOLUTION R041-22

A RESOLUTION AWARDED THE CONTRACT FOR THE COLD IN-PLACE RECYCLING AND OVERLAY PROJECT

Mr. Bruce said portions of Chetwin Terrace will be paved and that \$450,000 was budgeted. Recon Construction Services Inc. was the sole bidder.

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously

by voice vote to approve Resolution R041-22 awarding the contract for the Cold In-Place Recycling and Overlay Project to Recon Construction Services Inc., in the amount of \$416,468.00.

**MOTION OF THE
BOARD OF
COMMISSIONERS**

MOTION

**A MOTION AUTHORIZING AND DESIGNATING COMMUNITY DAYS AS
A PUBLIC CELEBRATION**

Mr. Bruce said the Bethlehem Township Volunteer Fire Company asked for a waiver from the noise ordinance requirement for the fireworks display for the event. They also requested waiving the requirement to send out letters notifying residents of the fireworks. Solicitor Broughal said the motion is sufficient for these purposes.

Upon motion (Gallagher-Davis), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing and designating Community Days as a public celebration and approved the requested waivers.

MOTION

**A MOTION AUTHORIZING A LETTER OF SUPPORT TO THE
PENNSYLVANIA LIQUOR CONTROL BOARD FOR THE BETHLEHEM
TOWNSHIP VOLUNTEER FIRE COMPANY'S REQUEST FOR A SPECIAL
OCCASION PERMIT**

Mr. Merhottein said will permit the sale of alcohol at the Community Days event. Mr. Gallagher added that this will also allow people to carry containers of alcohol within a certain area.

Upon motion (Davis-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing a letter of support to the Pennsylvania Liquor Control Board for the Bethlehem Township Volunteer Fire Company's request for a Special Occasion Permit.

**APPROVAL OF
PURCHASE ORDERS**

PO 20220725 – TK ELEVATOR CORPORATION – BTCC – \$3,134.19
PO 20220726 – TRANE US INC. – PPIS – \$3,165.00
PO 20220773 – STEPHENSON EQUIPMENT – PW – \$2,719.06
PO 20220779 – SIGNAL SERVICE – BTPD – \$10,885.75
PO 20227097 – TRUGREEN – PW – \$9,947.06

Mr. Sourbeck asked if all the purchases were budgeted. Ms. Beatty asked about the environmental aspects of the TruGreen purchase order. Mr. Kanaskie said the weed control/fertilization work is done for the fields used by the Bethlehem Township Athletic Association and without it the fields would not make it through the sports seasons.

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve Purchase Order 20220725, 20220726, 20220773, 20220779, and 20227097.

DISCUSSION ITEM

**PLAYGROUND AND
RECREATION
EQUIPMENT**

Mr. Kanaskie said they are waiting for better weather to get the tennis courts repaved. Mr. Sourbeck asked if the courts are closed down in the winter. Mr. Kanaskie said generally they are left open. He said a lot of the recreation equipment has been vandalized by kids and is expensive to replace. Ms. Davis asked what the

schedule was for getting new equipment. Mr. Kanaskie said the municipal park is next and the department is currently talking to various vendors.

**OUTDOOR POOL
POLICIES AND FEE
SCHEDULE**

Ms. Bittel said the proposed fees for township residents are \$250 for a family membership. The discount for the outdoor pool for members would be 20%.

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve the outdoor pool policies and fee schedule.

**PART-TIME METER
READER POSITION**

Mr. Bruce said Mr. Hunsberger proposed adding a part-time meter reader position not previously budgeted. The duties for this position will be exclusive to reading water meters for customer billing purposes. Mr. Hunsberger plans on promoting someone within the collective bargaining unit to fill the crew leader position.

Upon motion (Gallagher-Davis), the Board of Commissioners voted unanimously by voice vote to approve the new part-time meter reader position.

**STATE HOUSE BILL
606 – RADAR SPEED
CONTROL
LEGISLATION**

Mr. Gallagher said this bill would allow local police to use radars. Presently, only the State Police can use the speed radars. Mr. Bruce said the bill appears to be hung up in the state house and the township was contacted to write a letter in support of it. Mr. Merhottein said Pennsylvania is the only state that does not allow local police department to use speed radars.

Upon motion (Davis-Sourbeck), the Board of Commissioners voted unanimously by voice vote to send letters to the State Representatives in support of State House Bill 606 – Radar Speed Control Legislation.

**NATIONAL VIETNAM
VETERANS DAY**

Mr. Sourbeck noted that March 29th was National Vietnam War Veterans Day was March 29th and thanked those who served.

COMMENT

Mr. Merhottein announced that Howard Kutzler, former Township Manager and Planning Director, passed away over the weekend and will be missed by all at the township.

ADJOURNMENT

There being no other business, upon motion (Sourbeck-Gallagher), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary