

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
NOVEMBER 7, 2022**

- MEMBERS PRESENT** John K. Gallagher, Commissioner
Jan Beatty, Commissioner
Dale A. Sourbeck, Commissioner
Luke A. Verdes, Commissioner (appointed during meeting)
- MEMBERS ABSENT** John J. Merhottein, President
- OTHERS PRESENT** James Broughal, Township Solicitor
Doug Bruce, Township Manager
Amanda Raudenbush, Planning Director
Ron Gawlik, Township Engineer
- CALL TO ORDER** Solicitor Broughal called the meeting to order at 7:00 p.m. and led those in attendance in reciting the Pledge of Allegiance.
- ELECTION OF OFFICER** Solicitor Broughal said there is a vacancy for the position of Vice President of the Board of Commissioners and called for nominations Mr. Sourbeck nominated Mr. Gallagher. By unanimous vote, Mr. Gallagher was elected Vice President of the Board of Commissioners. Mr. Merhottein was absent.
- Solicitor Broughal turned the meeting over to Mr. Gallagher.
- MOTION TO ADD ITEM TO THE AGENDA** **AN AGREEMENT WITH SCF ARCHITECTURE FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE FIRST-FLOOR INTERIOR RENOVATION OF THE JOHNSTON MANSION**
- Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to add to the agenda a motion to authorize the township manager to enter into an agreement with SCF Architecture for architectural and engineering services for the first-floor interior renovation of the Johnston Mansion. The motion passed 3 to 0. Mr. Merhottein was absent.
- COURTESY OF THE FLOOR**
- PAUL PULEO
4003 VICTORS WAY** Mr. Puleo said he and some residents from Traditions of America met with staff to better understand policies and procedures. He said it was a good meeting with much accomplished. Mr. Puleo thanked the board and staff for taking the time to meet with them.
- DAWN FELDMAN
3551 COUNTRY CLUB RD.** Ms. Feldman asked the board if speed bumps could be installed on Country Club Road. She also asked if anything could be done about profanity on political signs at the property on Hodle Avenue and Henry Street. Solicitor Broughal said political signs are a freedom of speech issue and protected under the U.S. Constitution.
- APPROVAL OF MINUTES** Upon motion (Sourbeck-Beatty) the Board of Commissioners unanimously voted by voice vote to approve of the minutes of the October 17, regular public meeting. The motion passed 3 to 0. Mr. Merhottein was absent.

SUBDIVISIONS & LAND DEVELOPMENT

RESOLUTION R084-22

A RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL OF RIVER HILL ESTATES

Ms. Raudenbush said the revised plan rectifies a survey error in the original property boundary on the previously recorded plans. The applicant was required to provide an omnibus waiver agreement, fully executed and notarized by all property owners, releasing the township from any and all liability associated with the recording of the final revised plan. The applicant is also requesting an additional waiver from the Stormwater Management Ordinance §218-28.B(4) - waiver to allow less than a 2’ difference from the emergency spillway to the berm elevation. Ms. Raudenbush said the township engineer has no objections to the waiver. Rick Roseberry, project engineer, said the changes were requested by the residents. Mr. Gallagher asked if the stormwater calculations were determined by lot width or on a lot by lot basis. Mr. Roseberry said they were determined on a lot by lot basis.

Upon motion (Sourbeck-Beatty) the Board of Commissioners voted unanimously by voice vote to approve Resolution R084-22 granting conditional preliminary/final land development plan approval of River Hill Estates as presented. The motion passed 3 to 0. Mr. Merhottein was absent.

ZONING MAP AMENDMENT

ZONING MAP AMENDMENT REQUEST – 4900 FREEMANSBURG AVENUE (HARVEY’S CORNER)

Mr. Bruce explained that the current zoning does not permit for a Wawa convenience store and gas station. A public hearing was held on October 17th. Solicitor Broughal said the matter is in front of the board for a decision.

Ms. Beatty made a motion to deny the zoning map amendment request. Mr. Sourbeck seconded the motion. Mr. Gallagher opened the floor for comments.

JULIE WAGNER-BURKART

Ms. Wagner-Burkart, attorney for the applicant, did not agree with the motion on the table. She asked the board to reconsider the matter and table the request until December. Ms. Wagner-Burkart said it seemed the board previously looked favorably at the request and the Planning Commission recommended approval at its July 18, 2022, meeting. She asked the board to provide a specific reason for the denial. Solicitor Broughal said the board made a legislative decision on an ordinance to which they have the right to deny for any or no reason. Mr. Gallagher asked why the applicant didn’t find look for another site properly zoned.

**ROBERT GODING
1949 CABERNET PLACE**

Mr. Goding said he wouldn’t support a store business with a 24-hour/7-days a week operation. He said it would only increase the existing traffic problems.

**DON WRIGHT
2815 HOPE RIDGE DR.**

Mr. Wright said he was on the planning commission and said if the applicant comes before the commission with this plan, the commission would likely approve it. He said if the zoning change is denied, he had concerns about what the developer might propose for the property. Mr. Wright said a Wawa convenience store was a good choice for the property.

**JIM DALEY
1942 GRIGIO PL.**

Mr. Daley said he was a member of the planning commission and said the Wawa convenience store falls in line with the commercial code and is a suitable application for this property. He said with OSHA rules and regulations, gas stations are equipped to keep the chemicals away from the storm water.

**MARK WAGNER
APPLICANT**

Mr. Wagner said the matter has been discussed for many years. He said people objected when the CVS Pharmacy parcel was being developed. Mr. Wagner believes the Wawa convenience store is a AAA tenant with a tax base of \$100,000. He doesn't believe there is another use which would better benefit or serve the community.

**ELLEN NAVARRO
1801 CHATEAU PL.**

Ms. Navarro said a Wawa convenience store is a bad idea and she opposes it.

**DIANE CIMORELLI
4860 COUNTRY TOP
TRAIL**

Ms. Cimorelli said there are enough Wawa convenience stores within the five-mile radius and was opposed to the idea.

**GLENN KRIER
3942 KENRICK DR.**

Mr. Krier said he believes a decision made by a full board would be more appropriate.

**CAROL BUTTIGLIERI
1792 CHATEAU PL.**

Ms. Buttiglieri said a Wawa convenience store would bring down the value of the surrounding homes and increase the current traffic issues.

**DAVID WONG
4108 GINGER LANE**

Mr. Wong said he was concerned with the amount of truck traffic and proper screening of the neighboring homes. He also believes the Wawa convenience store would lower the home value and decrease the quality of life.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said when the comprehensive plan was being developed, Mr. Wagner was not there to provide input. He said a Wawa convenience store would change the character of the area. Mr. Sourbeck asked what the comprehensive plan states exactly. Mr. Roth didn't have that information readily available.

**JIM LALLY
1949 BEAJOLAIS PL.**

Mr. Lally said his home faces that back of the CVS Pharmacy which was originally proposed as a 24/7 operation but that was denied. He said he would not support a Wawa convenience store.

**JOHN BEDNAR
CABERNET PL.**

The resident said it was not a good location for a Wawa convenience store.

**ALBERT FULCHER
4920 COUNTRY TOP
TRAIL**

Mr. Fulcher said he raised a family in that area. He said the original plans were for a church and a playground. With a Wawa convenience store, he would be concerned with the chemicals from the gas station, the traffic, and property value decreasing. For those reasons, Mr. Fulcher said he opposed the idea.

**JOANNE BEDNAR
1952 CABERNET PL.**

Ms. Bednar said she is a big fan of Wawa but she has never seen one so close to residential homes.

**TOM KEEFER
3803 CARTER RD.**

Mr. Keefer said nothing should be built on Freemansburg Avenue until the traffic is controlled.

Upon motion (Beatty-Sourbeck) the Board of Commissioners voted unanimously by voice vote to deny the Zoning Map Amendment Request – 4900 Freemansburg Avenue (Harvey’s Corner). The motion passed 3 to 0. Mr. Merhottein was absent.

RESOLUTIONS OF THE BOARD OF COMMISSIONERS

A RESOLUTION GRANTING AUTHORIZING AN APPOINTMENT TO FILL THE VACANCY OF A MEMBER OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF BETHLEHEM CREATED BY THE DEATH OF MALISSA DAVIS

RESOLUTION R085-22

Mr. Gallagher said the board received letters and resumes from six applicants.

Upon motion (Sourbeck-Beatty) the Board of Commissioners voted unanimously by voice vote to approve Resolution R085-22 authorizing the appointment of Luke Verdes to fill the vacancy of a member of the Board of Commissioners of the Township of Bethlehem created by the death of Malissa Davis. The motion passed 3 to 0. Mr. Merhottein was absent.

**DON WRIGHT
HOPE RIDGE DR.**

Mr. Wright said Paul Weiss would be the ideal candidate as he has previously served on the board and the planning commission. He asked the board to wait until all four commissioners were present to vote. Mr. Gallagher said they are under time constraints and the decision must be made tonight.

Mr. Bruce added that the recording secretary is a notary and was prepared to perform the oath of office.

OATH OF OFFICE

Ms. Zapata administered the Oath of Office to Mr. Verdes. Commissioner Verdes said he was saddened to hear the passing of Commissioner Davis. He said she was an excellent advocate for the township and aspires to do the same.

RESOLUTION R086-22

A RESOLUTION AUTHORIZING APPLICATIONS TO THE COMMONWEALTH FINANCING AUTHORITY’S LOCAL SHARE ACCOUNT (LEHIGH & NORTHAMPTON COUNTIES) AND LOCAL SHARE ACCOUNT (MONROE COUNTY) GRANT PROGRAMS

Upon motion (Sourbeck-Beatty) the Board of Commissioners voted unanimously by voice vote to approve Resolution R086-22 authorizing applications to the Commonwealth Financing Authority’s Local Share Account (Lehigh & Northampton counties) and Local Share Account (Monroe County) grant programs. The motion passed 4 to 0. Mr. Merhottein was absent.

RESOLUTION R087-22

A RESOLUTION AUTHORIZING AN APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION’S MULTIMODAL TRANSPORTATION FUND GRANT PROGRAM

Upon motion (Sourbeck-Beatty) the Board of Commissioners voted unanimously by voice vote to approve Resolution R087-22 authorizing an

application to the Pennsylvania Department of Transportation's Multimodal Transportation Fund grant program. The motion passed 4 to 0. Mr. Merhottein was absent.

RESOLUTION R088-22

A RESOLUTION AWARDING THE CONTRACT FOR MADISON FARMS SNOW REMOVAL

Upon motion (Sourbeck-Beatty) the Board of Commissioners voted unanimously by voice vote to approve Resolution R088-22 awarding the contract for Madison Farms snow removal to M&J Outdoor Services Inc. The motion passed 4 to 0. Mr. Merhottein was absent.

RESOLUTION R089-22

A RESOLUTION APPOINTING A MEMBER OF THE ENVIRONMENTAL ADVISORY COUNCIL

MOTION

A MOTION ACCEPTING THE RESIGNATION OF LESLIE WALKER FROM THE ENVIRONMENTAL ADVISORY COUNCIL

Before voting on the appointment of a member of the environmentally advisory council, the board had to first address the resignation notice from the same board of Leslie Walker. Upon motion (Beatty-Verdes) the Board of Commissioners voted by voice vote to approve a motion accepting the resignation of Leslie Walker from the Environmental Advisory Council. The motion passed 4 to 0. Mr. Merhottein was absent.

Upon motion (Sourbeck-Verdes) the Board of Commissioners voted unanimously by voice vote to approve Resolution R089-22 appointing James Daley member of the environmental advisory council. The motion passed 4 to 0. Mr. Merhottein was absent.

MOTIONS OF THE BOARD OF COMMISSIONERS

MOTION

A MOTION AUTHORIZING A FUNDING COMMITMENT LETTER TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, STATING THE TOWNSHIP IS REQUESTING A GRANT OF \$2,065,100 FOR PHASE 1 OF THE EASTON AVENUE FLOOD MITIGATION PROJECT AND COMMITTING TO PROVIDE A LOCAL MATCH OF UP TO \$885,100

Upon motion (Gallagher-Beatty) the Board of Commissioners voted by voice vote to approve a motion authorizing a funding commitment letter to the Federal Emergency Management Agency, stating the township is requesting a grant of \$2,065,100 for Phase 1 of the Easton Avenue flood mitigation project and committing to provide a local match of up to \$885,100. The motion passed 4 to 0. Mr. Merhottein was absent.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO AN AGREEMENT WITH SCF ARCHITECTURE FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE FIRST-FLOOR INTERIOR RENOVATION OF THE JOHNSTON MANSION

Mr. Gallagher said that this was a project very near and dear to the late Commissioner Davis. He said the Housenick Trust offered to pay half of the

MOTION

fees and feels it is worth approaching them.

Upon motion (Sourbeck-Beatty) the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to enter into an agreement with SCF Architecture for architectural and engineering services for the first-floor interior renovation of the Johnston mansion. The motion passed 4 to 0. Mr. Merhottein was absent.

**APPROVAL OF
PURCHASE ORDERS**

PO 20222418 – GERBER COLLISION & GLASS – PPIS – \$5,009.59
PO 20222445 – PALMER TOWNSHIP – FINANCE – \$32,070.89
PO 20223001 – CON. GRAPHIC COMM. – FINANCE – \$8,820.00
PO 20222448 – HYDRA-NUMATIC SALES – PPIS – \$3,958.90
PO 20222498 – BRITE – BTPD – \$8,682.00

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice to approve Purchase Orders 20222418, 20222445, 20223001, 20222448 and 20222498 as presented. The motion passed 4 to 0. Mr. Merhottein was absent.

ANNOUNCEMENTS

Mr. Gallagher reminded the public to vote tomorrow night as it is their right.

Mr. Gallagher announced that Friday, November 11, 2022, the township will host a Veteran's Day ceremony at the Community Center at 11:00 a.m.

Mr. Gallagher said a remembrance service for Commissioner Malissa Davis will be held on Saturday, November 12th from 1 p.m. to 3 p.m. at Morello Funeral Home.

ADJOURNMENT

Upon motion (Sourbeck-Beatty) the meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary