

**BIENNIAL REORGANIZATIONAL MEETING
JANUARY 4, 2010**

- MEMBERS PRESENT** Jerry Batcha, Commissioner
Michael Hudak, Commissioner
Arthur Murphy, Commissioner
Thomas Nolan, Commissioner
Paul Weiss, Commissioner
- OTHERS PRESENT** James Broughal, Township Solicitor
Jon Hammer, Township Manager
Doug Bruce, Assistant Township Manager
Howard Kutzler, Director of Planning & Economic Development
Brian Dillman, The Pidcock Company – Township Engineer
Matt Miranda, Township Notary
- CALL TO ORDER** Solicitor Broughal called the meeting to order at 7:07 p.m. and led those in attendance in reciting the Pledge of Allegiance to the Flag.
- OATH OF OFFICE** Township Notary Matt Miranda administered the Oath of Office to Commissioners Elect Michael Hudak and Paul Weiss. Mr. Miranda then administered the Oath of Office to Treasurer Elect Robert Birk.
- ELECTION OF OFFICERS** Solicitor Broughal announced that the next order of business would be the election of President and Vice President of the Board of Commissioners and called for nominations for President.
- Mr. Hudak nominated Mr. Murphy for the office of President of the Board of Commissioners. There being no other nominations, upon motion (Weiss-Hudak), the Board of Commissioners closed the nominations and unanimously voted by roll call vote to elect Mr. Murphy as President of the Board of Commissioners.
- Solicitor Broughal then turned the meeting over to President Murphy.
- President Murphy called for nominations for Vice President of the Board of Commissioners. Mr. Hudak nominated Mr. Weiss. There being no other nominations, upon motion (Weiss-Hudak), the Board of Commissioners closed the nominations and unanimously voted by roll call vote to elect Mr. Weiss as Vice President of the Board of Commissioners.
- COURTESY OF THE FLOOR**
- DON HUTCHINSON
4104 BIRCH DR.** Mr. Hutchinson stated he was present this evening to ask the Board of Commissioners for assistance and explained that on Christmas Eve a sink hole opened at his neighbor's home on Birch Drive. On Christmas Day, Mr. Hutchinson noticed cracks in his home and a depression in his yard. On Saturday, January 2nd he received a threatening letter from the Township stating that he had 20 days to complete the repairs. He has since learned that the letter was sent to him in error and should have been sent to his neighbor. Mr. Hutchinson advised that he is moving forward with his insurance company and a member of the Township's Zoning Hearing Board and a private engineer were present who believe more than 20 days to make the repairs would be reasonable. Mr. Hutchinson asked that the original violation letter be null and void and that his inspections be reassigned to a different code officer.

Mr. Weiss stated that he spoke with Township staff and he apologized to Mr. Hutchinson for getting such a letter. Mr. Weiss added that the letter was not meant to be malicious because the situation was caused by the City or some other force. The letter was sent to say it needs to get corrected. Mr. Hutchinson expressed his concern that the letter was copied to other that he is in violation. Mr. Kutzler responded that he would issue a withdrawal letter and an apology.

Solicitor Broughal suggested that the Township withdraw all letters and issue a new letter, to be reviewed by Mr. Kutzler. Mr. Kutzler advised Mr. Hutchinson that as long as he is moving forward with the repairs, that will stave off any penalties. Mr. Weiss added that the Township would not hold anyone's feet to the fire and Mr. Hutchinson has the Board's support to that end. Mr. Hudak also added that Mr. Hutchinson would not be bound by the time restrictions. Mr. Kutzler suggested Mr. Hutchinson request an extension of time as long as he continues to move forward. Mr. Hutchinson again requested that a different code officer be assigned to deal with this issue and Mr. Kutzler stated Mr. Hutchinson's request would be considered. When questioned by Mr. Murphy regarding responsibilities, Mr. Kutzler explained that dependent on the size of a depression, his department follows the procedures of Township Ordinance 04-04, property maintenance.

**DENIS BITTENBENDER
1544 FARMERSVILLE RD.**

Mr. Bittenbender stated that an event has occurred in his development and Howard Kutzler and the Township Engineer have made a decision regarding the event. Mr. Bittenbender explained that his plan was approved, a storm sewer was installed as per the approved plan and now Mr. Kutzler and the Township Engineer are telling him that the storm sewer pipe is too close to the sub-base and wan him to fix the storm sewer. Mr. Bittenbender appealed to the Board of Commissioners to review this event and get back to him.

Mr. Dillman stated that this plan was reviewed prior to Pidcock's arrival and explained that between the inlets the road dives down. During the construction of the curbing it was discovered that the storm sewer pipe was protruding through the sub grade and had also been damaged at several locations. A meeting was held in the field with representatives of the contractor, Bethlehem Township Public Works Department, design engineer and The Pidcock Company and 1 or 2 alternatives to correct the problem were suggested. The contractor made an attempt to stabilize the sub grade by placing a geotextile fabric over the sub-grade and installing an 8" stone sub-base, however, it remains too soft. Mr. Dillman noted that this procedure was not approved by the Pidcock Company. Mr. Kutzler added that the condition violates the Township's construction standards and because the street will ultimately be dedicated to the Township, the goal is to make sure it is constructed in strict accord with Township ordinances.

Solicitor Broughal stated that the street will eventually end up in the Township's domain. Staff could send a report to the Board of Commissioners when the street is ready for dedication and the Board could accept the street as designed; however that would not be a good idea. Mr. Bittenbender noted that the pipe is at the curb on a cul-de-sac and only requires a 4" base at the curb. Mr. Dillman responded that an 8" base is needed because the pipe is already 4" into the base.

Mr. Murphy requested a report from staff.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth stated that on the St. Luke's property, east of Route 33, trees are being knocked down and excavation equipment is driving across the bikepath. Mr. Roth questioned who would be responsible for repairs to the bikepath when it begins to cave in.

Mr. Kutzler responded that the Township does not have a problem with the soil erosion on St. Luke's property east of Route 33, however Northampton County Conservation District does have issues and St. Luke's has been notified. With regard to damage to the bikepath and removal of trees, Mr. Kutzler stated that he would have the Township Engineer conduct an inspection and if there is a problem will submit a report to the Board of Commissioners.

Mr. Roth inquired regarding the adoption of the St. Luke's resolutions (R055-09 and R056-09) at the Boards last meeting. Mr. Roth stated that those resolutions were previously tabled and questioned whether they were untabled before the Board of Commissioners took action on the resolutions. Solicitor Broughal advised that they did not necessarily have to be untabled, unless the Township has adopted the Roberts Strict Rules of Order and to his knowledge he does not believe the Township has adopted those rules. Mr. Roth asked that this issue be checked into.

APPROVAL OF MINUTES

Mr. Nolan noted that on page 1 of the December 21, 2009 minutes, he is listed as being present and absent. Mr. Nolan stated that he was present at the meeting. Mr. Batcha noted the misspelling of "Cimino" Lane in the last paragraph of page 3.

There being no other corrections, upon motion (Weiss-Batcha), the Board of Commissioners unanimously voted by voice vote to approve the minutes of the December 21, 2009 regular public meeting as corrected.

RESOLUTION R001-10

A RESOLUTION APPOINTING A TOWNSHIP MANAGER

Upon motion (Batcha-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R001-10 as presented, appointing Jon Hammer as Township Manager.

RESOLUTION R002-10

A RESOLUTION APPOINTING A TOWNSHIP SOLICITOR

Upon motion (Batcha-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R002-10 as presented, appointing Broughal & DeVito LLC as Township Solicitor.

RESOLUTION R003-10

A RESOLUTION APPOINTING AN ASSISTANT TOWNSHIP SOLICITOR

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R003-10 as presented, appointing Margle Law Offices PC as Assistant Township Solicitor.

RESOLUTION R004-10

A RESOLUTION APPOINTING A LABOR COUNSEL

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R004-10 as presented, appointing Jeffrey Zimskind of Stevens and Lee as labor counsel.

RESOLUTION R005-10

A RESOLUTION APPOINTING A TOWNSHIP ENGINEER

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R005-10 as presented, appointing The Pidcock Company as Township Engineer.

RESOLUTION R014-10**A RESOLUTION APPOINTING AN INDEPENDENT AUDITOR**

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R014-10 as presented, appointing the Accountancy Firm of Todd J. Bushta, CPA, LLC as an independent auditor for the calendar year 2009.

RESOLUTION R006-10**A RESOLUTION APPOINTING THE REGISTERED ELECTOR MEMBER OF THE BETHLEHEM TOWNSHIP VACANCY BOARD**

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R006-10 as presented, appointing Frank Pologruto as the registered elector member of the Bethlehem Township Vacancy Board.

RESOLUTION R007-10**A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP ZONING HEARING BOARD**

Upon motion (Batcha-Nolan), the Board of Commissioners voted 3-2 by roll call vote (Mr. Weiss and Mr. Murphy voted nay) to adopt Resolution R007-10 as presented, appointing Jennifer Sletvold as a member of the Bethlehem Township Zoning Hearing Board.

RESOLUTION R008-10**A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP PLANNING COMMISSION**

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R008-10 as presented, appointing Kenn Edinger as a member of the Bethlehem Township Planning Commission.

RESOLUTION R009-10**A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP PLANNING COMMISSION**

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R009-10 as presented, appointing Lee Snover as a member of the Bethlehem Township Planning Commission.

RESOLUTION R010-10**A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY**

Upon motion (Batcha-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R010-10 as presented, appointing Ronald Gori as a member of the Bethlehem Township Municipal Authority.

RESOLUTION R011-10**A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP PUBLIC LIBRARY ADVISORY BOARD**

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R011-10 as presented, appointing Alison Pierpoint as a member of the Bethlehem Township Public Library Advisory Board.

RESOLUTION R012-10**A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP RECREATION COMMITTEE**

Mr. Hammer stated that there is only one previous letter of interest from a resident wishing to serve on the Recreation Committee. Mr. Hammer added that

the vacancy has been posted on the Township's website and he has received no letters of interest.

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to table Resolution R012-10 until Mr. Hammer is able to contact the person who expressed interest in the past. Mr. Batcha suggested placing a flyer advising of the vacancy on the Parks and Recreation Committee and to post the vacancy on the Township's electronic sign.

RESOLUTION R013-10

A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP RECREATION COMMITTEE

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R013-10 as presented, appointing Timothy Metz as a member of the Bethlehem Township Recreation Committee.

MOTION

A MOTION ESTABLISHING THE SCHEDULE OF MONTHLY MEETINGS FOR 2010

Mr. Hammer advised that no action was required as this item was dealt with at the December 21, 2009 meeting.

**APPROVAL OF 2010
BLANKET PURCHASE
ORDER LIST**

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to approve the list of 2010 blanket purchase orders as presented.

ADJOURNMENT

Upon motion (Nolan-Batcha), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

Judy Todaro
Recording Secretary