

**REGULAR PUBLIC MEETING  
JANUARY 18, 2010**

- MEMBERS PRESENT** Arthur Murphy, President  
Paul Weiss, Vice President  
Jerry Batcha, Commissioner  
Michael Hudak, Commissioner  
Thomas Nolan, Commissioner
- OTHERS PRESENT** James Broughal, Township Solicitor  
Jon Hammer, Township Manager  
Doug Bruce, Assistant Township Manager  
Brian Dillman, The Pidcock Company – Township Engineer
- 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** There were no comments or questions during Courtesy of the Floor.
- APPROVAL OF MINUTES** Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to approve the minutes of the January 4, 2010 Biennial Reorganizational Meeting as presented.
- RESOLUTION R015-10** **A RESOLUTION ADOPTING A REVISION OF THE OFFICIAL SEWAGE FACILITIES PLAN**
- Mr. Hammer explained that this is the City of Bethlehem’s Act 537 Plan which is the overall plan that will adopt the upgrades to the City’s sewage facility. Mr. Hammer added that the plan has been reviewed by the Bethlehem Township Municipal Authority, its engineer and Dan Koplisch and they recommend adoption of the plan. Mr. Weiss inquired whether this plan will set the percentage of what the Township will be required to pay towards the upgrades and Mr. Murphy questioned whether the plan is in line with what was originally proposed. Mr. Hammer responded that the Township’s percentage of costs for the upgrades is included in the plan and the plan is what was originally proposed.
- Upon motion (Weiss-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R015-10 as presented, adopting a revision of the official Sewage Facilities Plan.
- RESOLUTION R016-10** **A RESOLUTION AUTHORIZING OFFICER SHAUN POWELL TO ATTEND THE ESSENTIALS OF CRIME SCENE INVESTIGATION TRAINING PROGRAM FEBRUARY 22-24, 2010 IN LARGO, FL**
- Mr. Hammer stated that this resolution offers an opportunity for a newer police officer to attend a training program free of charge.
- Mr. Hudak stated that there actually is a cost to the Township that being the cost of the officer’s salary for 3 days and with benefits the cost could exceed \$1,100.00. Mr. Nolan noted that the cost of a salary is always the case whenever the Board approves any training. Mr. Nolan stated that in the last few years the Chief of Police has only sent the Board requests for training that he feels are necessary. Mr. Nolan added that this training is for an individual with minimum experience and feels it would be for the good of Township residents. Lastly, Mr. Nolan stated that Mr. Hudak’s reasoning has never been used in the past to deny training requests.

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R016-10 as presented, authorizing Officer Shaun Powell to attend the Essentials of Crime Scene Investigation Training Program in Largo, FL February 22-24, 2010.

#### **RESOLUTION R017-10**

#### **A RESOLUTION AUTHORIZING A FEE SCHEDULE FOR THE BETHLEHEM TOWNSHIP SUMMER PLAYGROUND PROGRAM**

Mr. Hammer stated that this resolution is for a fee schedule for an 8-week summer program for Township youth. Mr. Hammer also stated that in the past the fee has been \$25.00 for the first child in the family and during budget meetings the Board of Commissioners agreed to raise the fee to \$40.00 for the first child and \$30.00 for each additional child.

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R017-10 as presented, authorizing a fee schedule for the Bethlehem Township Summer Playground Program.

#### **ZONING HEARING BOARD AGENDA – MEETING OF JANUARY 27, 2010**

Mr. Kutzler commented regarding Appeal #01-2010 filed by Verizon Wireless and stated that in May 2009 the Board of Commissioners authorized the Township Solicitor to represent the Township's interests in Verizon's appeal to construct a cell tower on Oakland Road near the intersection of Easton Avenue. Since that time, Verizon officials have met with Township staff and Solicitor Broughal. Verizon has now changed their plans to build a stand alone tower to swapping out a power pole structure and proposing a co-location, however, the new structure will be 40 feet high than what is allowed in the Zoning Ordinance. Mr. Kutzler further stated that he would recommend that the Board of Commissioners stop the Township's legal costs and withdraw the Solicitor from representing the Township. The Board of Commissioners agreed to Mr. Kutzler's recommendation.

#### **PURCHASE ORDER APPROVAL**

Mr. Hudak commented regarding the purchase order for Warnock Fleet and Leasing in the amount of \$29,574.24 for a Ford Expedition to be used as a police supervisors' vehicle. Mr. Hudak stated that he questioned the need for this vehicle during budget discussions and asked the Chief of Police to revisit the request and look for a more cost effective vehicle. Mr. Hudak noted that the department already has a van, a truck and 2 other vehicles that can be used by supervisors and would like to see this purchase order stricken and replaced with a purchase order for a patrol car.

Mr. Hudak made a motion to approve purchase orders #1-9, strike purchase order #10 and resubmit a purchase order for a patrol vehicle. Mr. Batcha commented regarding purchase order #10 and his concern to try to stagger purchase orders for large purchases. Mr. Batcha stated he would support approving purchase orders #1-9 but have purchase order #10 pushed to later in the year.

Mr. Nolan stated he agreed with Mr. Batcha because real estate tax bills have not even been mailed to residents yet and in the first and second months of the year the Township has more expenses than revenue. Mr. Nolan added that he would support purchase order #10 but would like to wait until revenue begins to come in.

Mr. Hammer explained that the Township typically orders vehicles now with delivery anticipated sometime in the summer and the dealers would like to have approved purchase orders in order to reserve the vehicles.

Mr. Batcha withdrew his second to Mr. Hudak's motion. There being no second to Mr. Hudak's motion, the motion failed. Upon motion (Nolan-Batcha), the Board of Commissioners voted 4-1 by roll call vote (Mr. Hudak voted nay) to approve purchase orders #1-10 as presented with the understanding that the Ford Expedition not be invoiced until mid-year.

**APPROVAL OF BILL  
AGENDA**

Upon motion (Batcha-Hudak), the Board of Commissioners unanimously voted by voice vote to approve the bill agenda of January 14, 2010 as presented.

**APPROVAL OF  
TREASURER'S REPORT**

Mr. Nolan questioned why the PLGIT interest is so low and was there any way to improve the rate. Mr. Hammer responded that Mr. Freda wrote a memo on what the Township can and cannot invest in and this is the best the Township can do.

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to accept the Treasurer's Report as of December 31, 2009, subject to audit.

**ACCEPTANCE OF  
MONTHLY REPORTS**

Weiss noted that the Public Works Department has been salting Green Pond in the area where it floods and questioned whether Green Pond Road was a PennDOT road. Mr. Hammer responded that the Township is in an agility program with PennDOT and he is 90% sure Green Pond Road is one of those roads that the Township services but then gets reimbursed by PennDOT.

**DISCUSSION ITEMS**

**GRIFFIN LAND AND  
NURSERIES LETTER**

Mr. Kutzler stated that Griffin Land and Nurseries, Inc. appeared at the Board of Commissioners meeting of December 21, 2009 to advise that they are considering buying the property on Fritch Drive previously owned by Opus. Since that meeting Griffin Land and Nurseries, Inc. has submitted a letter of intent and agrees to comply with the conditions of R044-07 which granted conditional preliminary plan approval of the Opus Lot 3 Phase II Land Development/Fritch Drive Opening. Mr. Kutzler noted that the Board of Commissioners has been provided with copies of the letter of intent from Griffin Land and Nurseries, Inc., review letters from the Township Engineer, a copy of Resolution R044-07, and memos from the Township Solicitor, Public Works and Police Departments. Mr. Kutzler then stated that based on all that documentation, he would recommend that the Board of Commissioners consider granting access via Fritch Drive provided that the comments of the Township Engineer's January 14, 2010 letter are addressed.

Mr. Weiss stated that he would support the proposal of Griffin Land and Nurseries, Inc. because they are agreeing to comply with everything in the resolution. Solicitor Broughal cautioned that since the resolution has passed, a number of conditions have been added by the current Township Engineer and the scope of improvements has increased. Mr. Michael Gamzon, Vice President of Griffin Land and Nurseries, Inc., questioned whether there were additional requirements that were not included in the resolution or the Township Engineer's letter.

Mr. Dillman explained that the original resolution included an overlay improvement of Fritch Drive using the cold in-place asphalt recycling method. Mr. Dillman stated that because Fritch Drive continues to deteriorate, he would prefer to see the reconstruction of Fritch Drive for a long term benefit. Mr. Kutzler added that if the Board decides to further entertain this plan, everyone is aware that there may be potential development on the former Fritch Fuel site and perhaps the Township could come up with a cost sharing plan so Griffin

Land and Nurseries does not have to shoulder the burden of all the costs to reconstruct Fritch Drive.

Mr. Nolan noted that Resolution R044-07 required there be an on-lot sanitary sewer agreement between Lower Nazareth, Bethlehem Township and the applicant and questioned whether that agreement was ever executed. Mr. Kutzler responded that at the time Resolution R044-07 was adopted there were other large developments being considered in the Township and sewer capacity was an issue. That is no longer the case, therefore the agreement is no longer necessary.

Solicitor Broughal advised that the only request before the Board of Commissioners this evening is regarding access. Solicitor Broughal added that the applicant would like to move forward on the project but wants to make sure the conditions fit within their budget. There was no objection from members of the Board of Commissioners to the request dated December 29, 2009 from Griffin Land & Nurseries, Inc. or the recommendations of the Planning Director dated January 15, 2010.

#### **ADJOURNMENT**

There being no other business, upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 7:40 p.m.

Respectfully submitted,

Judy Todaro  
Recording Secretary