

**REGULAR PUBLIC MEETING
FEBRUARY 1, 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
Brian Dillman, The Pidcock Company – Township Engineer
Richard Grube, Public Work Director
Richard Kanaskie, Assistant Public Works Director

CALL TO ORDER

President Murphy called the meeting to order at 7:10 p.m. and led those in attendance in reciting the Pledge of Allegiance to the Flag.

**EXECUTIVE SESSION
ANNOUNCEMENT**

Solicitor Broughal announced that the Board of Commissioners met in executive session pursuant to Section 708 (a) of the Pennsylvania Sunshine Act beginning at 6:15 p.m. this evening (February 1, 2010) to discuss potential litigation.

COURTESY OF THE FLOOR**DENIS BITTENBENDER
1544 FARMERSVILLE RD.**

Mr. Bittenbender thanked the people who have jointed him this evening; family, friends, neighbors, boy scouts and church members. Mr. Bittenbender then stated that a month ago he brought up to the Board of Commissioners a storm sewer pipe issue. He has asked the Township Manager for an answer to his problem and was told a decision would be made at a public meeting. Mr. Bittenbender requested an update on the issue.

Solicitor Broughal responded that the Board of Commissioners has received a memo that he prepared and in that memo are 3 options the Board has. The memo is clear regarding what the Board can and cannot do. The 3 options, Solicitor Broughal stated, are do nothing and accept the road as it is, have Mr. Bittenbender make repairs and build the road to Township standards or wait and see by extending the maintenance period until all the homes are built and see what affect the heavy equipment has on the road. Mr. Dillman stated that his only concern with waiting until the homes are built and the heavy equipment has run over the run is that the road may not take the heavy loads. Mr. Dillman suggested that the Board wait until the homes are built and if the road survives, take dedication of the road. If the road fails, it will have to be repaired. Solicitor Broughal advised Mr. Bittenbender that the “wait and see” option will require some costs because a maintenance bond will need to be in effect. Mr. Bittenbender responded that those cost would be comparable to repairing the road and stated that even though the lots will be sold, there may be a problem with the “wait and see” option because a lot may be purchased as an investment, but not built upon and he intends to keep one of the lots as long as possible.

Mr. Bittenbender then complained that he was never contacted about the storm sewer pipe problem. Mr. Dillman stated that Mr. Bittenbender’s contractor and engineer were contacted and it was up to them to advise Mr. Bittenbender of the problem. Mr. Bittenbender provided the Board of Commissioners with a comparison of engineering fees for Southampton Estates, Vineyard Phase 8 and his development, Carter Republic Estates II. Mr. Bittenbender also stated that the MPC forbids duplication of inspection hours. Solicitor Broughal stated that the MPC provides a procedure for challenging fees and when the final costs are

sent out, the Township will deal with Mr. Bittenbender's challenge then. Mr. Bittenbender stated that he did not foresee the number of inspection hours that he is being charged for and believes the engineering fees are unbelievable with no end to them.

Mr. Weiss stated that as long as the Township Engineer and the Public Works Department agree with extending the maintenance period, he would not object to that option and if at the end of the maintenance period the road is ok, it could be dedicated; if not then Mr. Bittenbender would be responsible to make the repairs. Mr. Batcha stated that the road should be fixed now because it will ultimately be dedicated to the Township and the Township is not responsible for the poor engineering done on the approved plan by the applicant's engineer. Mr. Bittenbender stated that he has instances where this has happened in the Township and allowed. When asked for specifics, Mr. Bittenbender stated he would forward the information to the Board of Commissioners.

Solicitor Broughal stated that he believes Mr. Bittenbender deserves an answer from the Board this evening and the Board should consider the following options: 1) do nothing and accept the road as is; 2) require Mr. Bittenbender to reconstruct the road to Township standards; or 3) extend the maintenance period until the majority of the homes are built to determine the effect of the heavy loads on the road. Mr. Batcha stated he was not in favor of extending the maintenance period because if the road has to be reconstructed it would be a disruption to the new home owners.

Mr. Bittenbender suggested that he increase the paving thickness and reduce the stone depth over the pipe to 2". Mr. Dillman noted that pipe is 4" into the sub-base and Mr. Bittenbender's suggestion would have 2" of stone and 3 1/2" of binder. Solicitor Broughal suggested that the Board of Commissioners postpone their decision and that the Township Engineer and Public Works Department look at Mr. Bittenbender's proposal and let the Board know if it is acceptable.

**MIKE MAGNAN
4470 TUSKETEE DR.**

Mr. Magnan stated he was present to support Mr. Bittenbender, adding that he believes Mr. Bittenbender is caught between 2 rules. Mr. Magnan suggested that compromise be shown and the Board of Commissioners should look at the most reasonable proposal with a low cost to Mr. Bittenbender.

Mr. Batcha responded that this road will be a public road and the Board of Commissioners must look out for the taxpayers because once the road is dedicated to the Township they will be the ones to pay for any repairs needed to the road and not play to the sympathy of a developer.

APPROVAL OF MINUTES

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to approve the minutes of the January 18, 2010 regular public meeting as presented.

PUBLIC HEARING

RESOLUTION R019-10

A RESOLUTION GENERALLY APPROVING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY BETHLEHEM TOWNSHIP VOLUNTEER FIRE COMPANY TO FINANCE AN EXPANSION AT ITS EXISTING FIREHOUSE

Solicitor Broughal stated that BTVFC is proposing an addition to their facility and is requesting a public hearing to approve the issuance of tax-exempt bonds.

Peter Carlucci, Esquire, of Eckert Seamans Cherin & Mellott, LLC opened the public hearing for questions or comments from the Board of Commissioners or

those in attendance. There being no comments or questions, the public hearing was closed.

Upon motion (Nolan-Batcha), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R019-10 as presented, generally approving the issuance of tax-exempt obligations by BTVFC to finance an expansion at its existing firehouse.

RESOLUTION R018-10

A RESOLUTION AUTHORIZING THE ATTENDANCE OF INVESTIGATOR STEVE MALITZKI AT THE MAGLOCEN CONFERENCE MARCH 29-APRIL 1, 2010 IN COLUMBUS, OHIO

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R018-10 as presented, authorizing the attendance of Investigator Steve Malitzki at the Maglocen Conference March 29-April 1, 2010 in Columbus, Ohio.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE FOR BID THE 2010 COLD IN-PLACE ASPHALT RECYCLING PROJECT

Upon motion (Nolan-Hudak), the Board of Commissioners unanimously voted by voice vote to authorize the Township Manager to advertise for bid the 2010 cold in-place asphalt recycling project.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE FOR BID THE THREE-YEAR VEGETATION MANAGEMENT AND TREATMENT PROJECT

Rich Kanaskie, Assistant Public Works Director, explained that the Township currently obtains quotes for treatment once a year for 11 acres which include the Municipal Building complex, Northside 40 and athletic fields in Municipal Park. The soccer fields will now be added and should be treated 3 times a year. By going out to bid for this service, Mr. Kanaskie stated he hopes to get a contractor to do all the acreage on a 3-year contract, hopefully resulting in a better price.

Mr. Hudak questioned whether it was in the contractor's contract to establish grass on the soccer fields. Mr. Dillman noted that the soccer fields are still in the maintenance period and he can talk with Mr. Kanaskie about what the contractor can or cannot do. Mr. Grube stated that the fields still need to be treated because if they are not treated there is a risk of grubs and then the fields will be lost. Mr. Weiss stated he supports getting prices.

Upon motion (Weiss-Nolan), the Board of Commissioners unanimously voted by voice vote to authorize the Township Manager to advertise for bid a 3-year vegetation management and treatment project.

PURCHASE ORDER APPROVAL

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

DISCUSSION ITEM

REQUEST TO FARM HOPE ROAD PROPERTY

Dennis Koehler explained to the Board of Commissioners that he has farmed this site for 12 years and has had a year-to-year lease with an automatic renewal with the previous owners (PennDOT). Mr. Koehler stated he is requesting to do the same with the Township now that they are the owners of the site. Mr. Koehler added that he is willing to pay rent to the Township and believes this to be a win-win situation for the Township because the site would not have to be

maintained and they would also receive some funds from Mr. Koehler. Mr. Koehler asked if the Board could make a decision this evening because he is now preparing his seeding and chemical needs.

Solicitor Broughal recommended to the Board of Commissioners that it enter into a 1-year lease and that Mr. Koehler come back before the Board each year. Mr. Murphy asked that the Township Manager contact Mr. Koehler and work with Solicitor Broughal on a lease agreement. Solicitor Broughal recommended that the Board of Commissioners wait to make a decision until they have a document before them and stated it could be on the next meeting agenda.

Upon motion (Batcha-Nolan), the Board of Commissioners unanimously voted by voice vote to authorize the Township Manager to engage in discussions with Mr. Koehler and to have the Township Solicitor prepare a lease agreement.

OTHER BUSINESS

RESOLUTION R012-10

A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP RECREATION COMMITTEE

Mr. Nolan made a motion to untable Resolution R012-10. There being no second, Mr. Murphy stepped down as President and seconded the motion. The motion carried unanimously.

Mr. Nolan noted that the Board received 6 short resumes of persons interested in filling the vacancy on the Recreation Committee, however one has withdrawn because of a conflict. Of the other 5 applicants, Mr. Nolan stated that he was unable to contact 3 but did have phone interviews with the other 2 residents. Mr. Nolan made a motion to appoint Ben Hedrick of Ironstone Drive to fill the vacancy on the Recreation Committee. There being no second to the motion, the motion died. Mr. Nolan questioned what the Board wanted to do and why they wish to keep the vacancy on the Committee. There being no response, Mr. Nolan suggested the Board table the resolution.

Upon motion (Hudak-Weiss), the Board unanimously voted by voice vote to table Resolution R012-10, appointing a member to the Bethlehem Township Recreation Committee.

HOPE ROAD PROPERTY

Mr. Weiss suggested that the Board of Commissioners ask the Township Manager to have the Public Works Department look at the barn and other buildings on this property to assess what the Township needs to do; whether they should be boarded up or taken down. Mr. Grube indicated that he would look at the situation.

ADJOURNMENT

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Judy Todaro
Recording Secretary