

**REGULAR PUBLIC MEETING  
FEBRUARY 15, 2010**

**MEMBERS PRESENT**

Arthur Murphy, President  
Paul Weiss, Vice President  
Jerry Batcha, Commissioner  
Michel Hudak, Commissioner  
Thomas Nolan, Commissioner

**OTHERS PRESENT**

James Broughal, Township Solicitor  
Stan Margle, Assistant 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

**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 5: 45 p.m. this evening (February 15, 2010) to discuss personnel issues.

**COURTESY OF THE FLOOR****BARRY ROTH  
4323 CHETWIN TERR.**

Mr. Roth stated that he is dismayed because the position on the Parks and Recreation Committee has not been filled and also stated that the Board of Commissioners needs to do something about appointing a Parks and Recreation Committee member to the Housenick Committee.

Mr. Murphy advised Mr. Roth that the Parks and Recreation Committee vacancy will be dealt with this evening and Mr. Nolan stated that the Parks and Recreation Committee makes their appointments to the Housenick Committee themselves.

**DENIS BITTENBENDER  
1544 FARMERSVILLE RD**

Mr. Bittenbender asked if the Board of Commissioners has looked at the packet he delivered to the Township and stated that all of the information in that packet is true. Mr. Bittenbender then asked if the Board of Commissioners has an answer to his road issue. Solicitor Broughal stated that Mr. Bittenbender has been before the Board on several occasions and he is looking for an answer to his road problems. Mr. Broughal noted that Mr. Bittenbender offered a resolution to the problem at the last Board meeting, that resolution was reviewed and the Board should let him know their feelings.

Mr. Murphy stated that he feels the road must be fixed per the Township ordinances and what Mr. Bittenbender proposed is not the right solution. Mr. Bittenbender stated that he provided instances where this was standard and with an extra 2”of paving the road will be better than any road in the Vineyard Phase 5.

Mr. Weiss made a motion that Mr. Bittenbender be required to correct the road problems to the satisfaction of the Township Engineer and the Public Works Department. The motion was seconded by Mr. Hudak and carried unanimously by voice vote.

**PETE LONG  
1418 ILLIS LANE**

Mr. Long stated that he has watched what Mr. Bittenbender has gone through with this plan and he looks for some compassion from the Board of Commissioners because Mr. Bittenbender is about to lose everything. Mr. Long added that Mr. Bittenbender had an approved plan and he thought everything was ok only to now find things are wrong.

**APPROVAL OF MINUTES**

Upon motion (Weiss-Nolan), the Board of Commissioners unanimously voted by voice vote to approve the minutes of the February 1, 2010 regular public meeting as presented.

**RESOLUTION R021-10**

**A RESOLUTION GRANTING CONDITIONAL ACCESS/OPENING/EXCAVATION TO FRITCH DRIVE FOR A PROPOSED LAND DEVELOPMENT IN LOWER NAZARETH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA**

Mr. Kutzler explained that this resolution is for the request of opening Fritch Drive to allow access to a parcel located at the north end of Fritch Drive in Lower Nazareth Township, the former Opus site. Mr. Kutzler stated that Griffin Land & Nurseries, Inc. submitted two letters dated December 29, 2009 and February 1, 2010 and those letters were reviewed by staff and the Township Engineer. Griffin Land & Nurseries Inc. is proposing to reconstruct Fritch Drive, install a dry sanitary sewer line from the intersection of Brodhead Road to the highpoint of Fritch Drive, install street lights along Fritch Drive, install a water line, including laterals for each property along Fritch Drive, and will post appropriate performance security.

Mr. Nolan inquired regarding the dry sanitary line connections. Attorney Broughal stated that Opus did not have sewer capacity in the City of Bethlehem. Mr. Kutzler added that there will be laterals to all properties on Fritch Drive and the design of the sewer line will need to be approved by the Bethlehem Township Municipal Authority.

Upon motion (Nolan- Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R021-10 as presented, granting conditional access/opening/excavation to Fritch Drive for a proposed land development in Lower Nazareth Township.

**RESOLUTION R022-10**

**A RESOLUTION DENYING THE "EASTON OAKLAND REDEVELOPMENT" (WALGREEN'S) PRELIMINARY LAND DEVELOPMENT PLAN APPLICATION**

Mr. Kutzler stated that the time to act on this application has run out. The developer did not extend the time to act and the agreement with the owner of the property has expired.

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R022-10 as presented, denying the Easton Oakland Redevelopment Preliminary Land Development Plan Application.

**RESOLUTION R023-10**

**A RESOLUTION GRANTING CONDITIONAL PRELIMINARY PLAN APPROVAL OF 4006 EASTON AVENUE**

Mr. Kutzler explained that this plan proposes the construction of a medical office building on Easton Avenue between Washington Street and Scherman Boulevard and is located in the Neighborhood Commercial Zoning District and the Streetscape Enhancement Overlay District. Mr. Kutzler reviewed the draft resolution which contains the deferrals, waivers and conditions for approval. Mr. Kutzler noted that the condition regarding comments from the Township

Fire Inspector regarding measurements to the nearest fire hydrant would be stricken from the resolution and would be dealt with the Fire Inspector at the time of building permit applications.

Mr. Batcha questioned where the stormwater would be discharged and Mr. Dillman responded that it would be through an easement and piped into an inlet on Donegal Drive.

There being no other questions, upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R023-10 as amended, granting conditional preliminary plan approval of 4006 Easton Avenue.

**SKETCH PLAN –  
GREEN POND COUNTRY  
CLUB PLANNED  
RESIDENTIAL GOLF  
COURSE COMMUNITY**

Greg Rogerson of J.G. Petrucci Co. provided the background of this project and stated this sketch plan was presented at the January Planning Commission meeting. Mr. Rogerson further stated that the driving force of this development is stormwater. Mr. Rogerson noted that the wetlands will remain and stormwater will be retained and distributed to the golf course for irrigation purposes. Mr. Rogerson also noted that at the Planning Commission meeting criticism was received of the linear nature of the development but noted that one-half of the homes will have views of the golf course and one-half will have views of a wetland preserve. Mr. Rogerson commented regarding the overflow at Green Pond which causes icing problems in the winter months and stated that the road would be raised to alleviate some of the problem.

Mark Bahnick of Van Cleef Engineering Associates reviewed the plan and stated that the golf course will not change with the exception of the relocation of one par 3 hole. Mr. Bahnick explained that the site is 240 acres of which 25% will be developed and 75% will remain open space. Stormwater has been designed based on limited impact to the Bushkill Creek Watershed. Two detention facilities will be provided which are designed to be oversized to retain water and store it for irrigation to the golf course. Green Pond will not be adjusted but a section of Farmersville/Green Pond Road will be elevated. The development will consist of 62 single family homes, 132 townhouses and 114 apartments.

Mr. Kutzler noted that the Planning Commission reviewed this plan and provided comments regarding the following: 1) site layout and design; 2) stormwater management; 3) the wetland area; 4) traffic; and 5) the Green Pond flooding issue.

Mr. Batcha stated that he was not concerned regarding the layout of the plan but is concerned regarding the heavy density and the impact it will have on Church Road and the intersection of Church Road and Easton Avenue which is already a dangerous intersection. Mr. Batcha also inquired if there would be a legal agreement with the golf course that it will remain a golf course in perpetuity. Solicitor Broughal responded that such an agreement would need to be addressed. Lastly, Mr. Batcha noted the stormwater problems downstream and stated that he understands the stormwater would be detained and used for irrigation on the golf course but questioned how big detention ponds can be.

Mr. Weiss stated that he has no problem with the design of the development as long as it meets the Township's ordinances. Mr. Weiss added that with regard to the fix at Green Pond, the developer did not create the problem nor is he adding to it and if he can fix it that's fine with him. With regard to access on Church Road, Mr. Weiss asked that the road be adjacent to the PennDOT property. Mr. Kutzler stated that the road exceeds the maximum length of a block but perhaps it could be broken up with an added intersection.

Mr. Hudak stated he echoes Mr. Batcha's comments regarding stormwater flowing downstream and traffic on Church Road is a concern.

Mr. Weiss questioned whether the developer would be required to pay traffic impact fees. Mr. Kutzler responded that it has not yet been studied.

This being a sketch plan, no formal action was required.

**RESOLUTION R020-10**

**A RESOLUTION AUTHORIZING CORPORAL DARYL LaPOINTE TO ATTEND THE HIGHWAY SAFETY GRANTEE WORKSHOP MARCH 16-10, 2010 IN STATE COLLEGE, PENNSYLVANIA**

Upon motion (Batcha-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R020-10 as presented, authorizing Corporal Daryl LaPointe to attend the Highway Safety Grantee Workshop March 16-10, 2010 in State College PA.

**RESOLUTION R012-10**

**A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP RECREATION COMMISSION**

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to untable Resolution R012-10.

Upon motion (Weiss-Hudak), the Board of Commissioners voted 3-2 by roll call vote (Mr. Batcha and Mr. Nolan voted nay) to appoint Marilyn Minder to the Parks and Recreation Committee.

**ZONING HEARING BOARD AGENDA – MEETING OF FEBRUARY 24, 2010**

There were no questions or comments regarding the February 24, 2010 Zoning Hearing Board meeting agenda.

**PURCHASE ORDER APPROVAL**

Mr. Nolan noted that travel expenses for purchase order no. 20100416 were more than the training itself and suggested such contracts be reviewed by the Board in the future.

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

**APPROVAL OF BILL AGENDA**

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to approve the bill agenda of February 12, 2010.

**APPROVAL OF TREASURER'S REPORT**

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to approve the Treasurer's Report as of January 31, 2010, subject to audit.

**ACCEPTANCE OF MONTHLY REPORTS**

Upon motion (Nolan-Hudak), the Board of Commissioners unanimously voted by voice vote to accept all monthly reports as presented.

**DISCUSSION ITEMS**

**COG – VARIOUS ISSUES**

Mr. Batcha stated that he asked that this item be placed on the agenda because he would like to see the Board kept updated in memo form of what is going on with various issues of the COG, particularly with the Gaming Authority.

Mr. Nolan responded that minutes of all COG meetings are issued. At the last meeting the need for an administrative assistant to help run the COG was

discussed and if it gets to the point where an appointment is being recommended, he will come back to the Board with that information.

With regarding to the Gaming Authority, Mr. Nolan stated that only one meeting has been held and at that meeting a Solicitor was appointed and a letter was issued to the Authority by the COG asking how the COGs could have access to grant funds. At this time the focus of the Gaming Authority is on by-laws, the grant applications and how to set up finances. Mr. Nolan further stated that he will provide updates to the Board and will also provide a link to the County where the Board can get information on the Authority. Mr. Nolan also advised that he would update the Township Manager regarding grants.

Mr. Batcha stated his concern is the contradiction between the 5 adjoining municipalities who are to receive casino funds and the COG. Mr. Batcha further stated that the Board appointed Mr. Nolan as their representative on the Gaming Authority to represent the Township's interests and he believes Mr. Nolan should have opposed the COGs letter to the Gaming Authority regarding access to the funds. Mr. Hudak stated that he shares the same concern. Mr. Nolan explained that the COG is asking how they can get in the system and stated that the funds will go to the 5 municipalities, however, if not all the funds are spent, the Gaming Authority needs to figure out how to handle the uncommitted funds.

**HOPE ROAD PROPERTY –  
PUBLIC WORKS  
ISSUES**

Mr. Hammer stated that the Public Works Department issued a memo regarding the condition of the structures on the Hope Road property and while there are numerous issues, the Public Works Department got a quote to raze the structures. Mr. Weiss stated he reviewed the quote and feels the numbers are excessive. Mr. Weiss further stated that he believes the barn needs to come down and the other structures boarded up.

Mr. Hudak noted that he was opposed to purchasing this property and now there are safety issues out there. Mr. Hudak stated that this is not a quote but is a budget number. Mr. Hammer stated that he would recommend putting out an RFP. Mr. Hudak suggested that the immediate risks be taken care of.

Mr. Batcha commented that the quote only referred to asbestos and questioned whether there was anything else in the structures that would be considered hazardous. Mr. Hammer responded that he was not aware of anything else.

**KOEHLER REQUEST**

Mr. Batcha inquired regarding Mr. Koehler's request to farm the Township's property on Hope Road. Mr. Hammer responded that he would contact Mr. Koehler tomorrow and have the Township Solicitor prepare an agreement.

**DON WRIGHT  
2815 HOPE RIDGE DR.**

Mr. Wright inquired who was responsible for shoveling the snow on the sidewalk along the frontage of the Township's property on Hope Road because the sidewalk has not been shoveled.

Mr. Hammer responded that if the Township owns the property it is their responsibility.

**ADJOURNMENT**

Upon motion (Batcha-Nolan), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Judy Todaro  
Recording Secretary

