

**REGULAR PUBLIC MEETING
APRIL 19, 2010**

MEMBERS PRESENT Arthur Murphy, President
Jerry Batcha, Commissioner
Michael Hudak, Commissioner
Thomas Nolan, Commissioner

MEMBERS ABSENT Paul Weiss, Vice President

OTHERS PRESENT James Broughal, Township Solicitor
Jon Hammer, Township Manager
Doug Bruce, Assistant Township Manager
Howard Kutzler, Director of Planning & Economic Development
Andrew Freda, Director of Finance
Stan Margle, Assistant Township Solicitor

CALL TO ORDER President Murphy called the meeting to order at 7:05 p.m. and led those in attendance in reciting the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE President Murphy asked those in attendance to remain standing to observe a moment of silence for Leonard Hudak, former Commissioner and a member of the Municipal Authority, who recently passed away.

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 6:30 p.m. this evening (April 19, 2010) to discuss potential litigation.

OATHS OF OFFICE – POLICE DEPARTMENT President Murphy administered Oaths of Office to Daryl LaPointe who was promoted to Sergeant and Mark Conway who was promoted to Corporal in the Bethlehem Township Police Department.

COURTESY OF THE FLOOR

**EDITH SEIP
3644 ORTH ST.** Mrs. Seip stated that she was disappointed two weeks ago to learn that the April 5th meeting was cancelled due to a lack of business because while the Board may not have had any business there were residents who had business to discuss with the Board.

Mrs. Seip stated she was present this evening to discuss the sewer rate increase and inquired whether the sewer money is kept in a separate fund. Mr. Hammer responded that it is and is used for all sewer operations. Mrs. Seip further stated that she wants to make an appointment to come in to look at the sewer fund books for 2009 and the first quarter of 2010 to see how much money has been taken in and how much has been spent in hopes that will make her believe that a 40% increase in her sewer bill was needed.

Mr. Murphy explained that last year the Sewer Fund experienced a decrease in revenue by \$980,000.00. The \$980,000.00 was made up by the General Fund. The fees paid to the City of Bethlehem are fixed fees and the Township's sewer revenue is based on water consumption. Because water consumption was less in 2009 than in previous years, not enough sewer revenue was collected. The Board of Commissioners had 2 choices; either raise taxes or adjust the sewer rates. The Board looked at multiple combinations and came up with the current sewer rates.

Mrs. Seip thanked Mr. Murphy for his explanation but stated she still wants to see the figures. Mrs. Seip also stated that real estate taxes were raised last year and at a meeting she attended last year, the Board of Commissioners took out a bond. They then spent one-half to three-quarters of a million dollars to build soccer fields that were not a necessity and benefited only a few. Mrs. Seip feels that was not a wise investment. Mrs. Seip added that it is time for the Township to pull back and look out for the taxpayers. Mr. Murphy stated that if one were to look at the 2010 budget they would see that the Board did make cuts, including youth programs. Mrs. Seip responded that because of what was developed in the past; Bethlehem Township still has a very good tax base.

Mr. Murphy offered Mr. Hammer and Mr. Freda to speak with Mrs. Seip anytime she would like to discuss the sewer rate. Mrs. Seip stated she was happy to see that road work was being done again this year.

APPROVAL OF MINUTES

Upon motion (Hudak-Batcha), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to approve the minutes of the March 15, 2010 regular public meeting as presented.

PRESENTATION – 2009 FINANCIAL STATEMENTS AND AUDITOR’S REPORT

Township Auditor Todd Bushta, CPA, reviewed the Township’s Financial Statements and Auditor’s Report, including a report on compliance and internal control over financial reporting based on an audit of financial statements performed in accordance with government auditing standards for the year ended December 31, 2009. The Board of Commissioners had no questions following Mr. Bushta’s presentation.

RESOLUTION R034-10

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE 4006 EASTON AVENUE OFFICE/BUSINESS OFFICE BETHLEHEM TOWNSHIP FINAL LAND DEVELOPMENT PLAN

Mr. Kutzler explained that this plan proposes a 5,600 sq. ft., 1-story, medical office building along with a paved parking area, streetscape enhancement and improvements. The plan was reviewed by the Planning Commission at their March 22, 2010 meeting and recommended approval of the plan.

Upon motion (Batcha-Nolan), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to adopt Resolution R034-10 as presented, granting conditional approval of the 4006 Easton Avenue Office/Business Final Land Development Plan.

GREEN POND PLANNED RESIDENTIAL DEVELOPMENT – REVISED SKETCH PLAN

Greg Rogerson of J. G. Petrucci Company stated that he was before the Board of Commissioners 6-8 weeks ago with a sketch plan. Since that time, the applicant has adopted some of the comments of the Planning Commission and Board of Commissioners by breaking up the linear road and reducing the number of units. Mr. Rogerson further stated that it is the intent of the applicant to come back for land development approvals in the near future.

Mark Bahnick of VanCleeef Engineering reviewed the sketch plan, indicating that a cul-de-sac has been added, lots have been made wider to accommodate side entry garages, the apartments are gone, the total units has decreased from 308 to 274 total units, the alignment and access has been designed as a local road and the through street will be a collector street.

Mr. Batcha was pleased to hear the density has come down but still has concerns regarding the traffic impact on Church Road, the Church Road/Easton Avenue intersection, the preservation of the golf course as open space and how the flow of stormwater to the Nancy Run watershed can be addressed. Mr. Dillman

responded that The Pidcock Company will have discussions with the applicant's engineer because stormwater is paramount.

Mr. Nolan noted that his concerns are stormwater, traffic and flooding at Green Pond Road. Mr. Hudak commented that he would like to see the intersection of Church Road/Easton Avenue addressed and stormwater to the Nancy Run watershed is a concern. Mr. Bahnick stated that the stormwater design intends to change the golf course's use of wells to water the golf course to using the stormwater detained in the ponds, but details still need to be worked out.

Mr. Rogerson noted that with regard to traffic issues, the applicant will commence with a traffic study.

Mr. Kutzler stated that the Planning Commission reviewed this sketch plan at their March 22, 2010 meeting and does not object to the concept. Mr. Kutzler noted, however, that the Public Works Department is concerned regarding the cul-de-sac and would rather see a loop road. Mr. Kutzler added that stormwater is a major concern and staff supports a fix to the flooding at Green Pond. With regard to traffic, Mr. Kutzler stated that the Church Road/Easton Avenue intersection needs to be looked at and he would request that the applicant raise the bar for the facades of the units.

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

RESOLUTION R033-10

A RESOLUTION APPOINTING A MEMBER TO THE BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY

Upon motion (Nolan-Hudak), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to adopt Resolution R033-10 as presented, appointing Paul Hosking to serve as a member of the Bethlehem Township Municipal Authority for a term to expire at noon on the day of the 2012 reorganizational meeting.

MOTION

A MOTION APPROVING THE 2010 ANIMAL SERVICES CONTRACT WITH THE CENTER FOR ANIMAL HEALTH AND WELFARE

Mr. Hammer stated that the Township is currently paying \$50.00 for each animal brought to the center by either police or Township residents and the new contract will increase that fee to \$75.00 per animal. Mr. Hammer noted there are options as to who can bring animals to the center and what type of animals the Township would cover. Mr. Hammer added that currently police and citizens are authorized to bring dogs to the center, while only citizens can bring cats.

Mr. Hudak stated he would support the option that only police or animal control officers are allowed to bring animals to the shelter. Mr. Murphy stated he would not object to police bringing dogs to the shelter and citizens being authorized to bring dogs or cats to the shelter.

Upon motion (Batcha-Nolan), the Board of Commissioners voted 3-1 by voice vote (Mr. Weiss was absent and Mr. Hudak voted nay) to authorize that police officers can bring dogs and citizens can bring dogs and cats to the Center for Animal and Health Welfare.

MOTION

A MOTION TO AUTHORIZE TOWNSHIP STAFF TO PREPARE A ZONING ORDINANCE TEXT AMENDMENT REVISING THE DEFINITION OF "ORTHOPEDIC SPECIALTY CENTER" TO ALLOW NO MORE THAN 30 OVERNIGHT PATIENTS

Mr. Kutzler explained that CHS currently runs a hospital facility with 20 beds and they are requesting a Zoning Ordinance Text Amendment which would allow them to expand the hospital by 10 beds. Mr. Kutzler noted that the parking issue will be addressed by expanding their current parking lot onto the Action Machinery property and added that staff does not object to the request for a Zoning Ordinance Text Amendment.

Upon motion (Batcha-Nolan), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to authorize Township staff to prepare a Zoning Ordinance Text Amendment revising the definition of "Orthopedic Specialty Center" to allow no more than 30 overnight patients.

**ZONING HEARING BOARD
AGENDA – MEETING OF
APRIL 28, 2010**

Mr. Kutzler noted that the Outback Steakhouse has withdrawn their application for a variance for permission to serve food and drinks outdoors. The Board of Commissioners had no questions regarding Appeal #04-2010.

**PURCHASE ORDER
APPROVAL**

Upon motion (Batcha-Nolan), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to approve all purchase orders as presented.

**APPROVAL OF BILL
AGENDA**

Upon motion (Hudak-Batcha), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to approve the bill agenda of April 16, 2010 as presented.

**APPROVAL OF
TREASURER'S REPORT**

Upon motion (Hudak-Nolan), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to approve the Treasurer's Report as of March 31, 2010 as presented, subject to audit.

**ACCEPTANCE OF
MONTHLY REPORTS**

All monthly reports were accepted as presented.

DISCUSSION ITEM

HOPE ROAD BARN

Mr. Hammer stated that a quote from ACM Associates to remove all asbestos siding shingles and ceiling board from the barn on the Hope Road property was forwarded to the Board of Commissioners for their consideration. Mr. Hammer noted that this quote is under the threshold for meeting bid requirements. Mr. Hudak questioned where the money would come from to remove the asbestos and did this cover the cost of tearing down the barn. Mr. Hammer responded that there are various maintenance accounts where the money could come from but there would be another step, that being obtaining quotes to raze the barn. Mr. Hudak stated he would like to tie the two together to get a feel of exactly how much it will cost. Mr. Hammer stated that for the next Board of Commissioners meeting he would prepare a purchase order for the asbestos removal, obtain 3 quotes to raze the barn and identify a specific line item in the budget where funds could be used for this project. Mr. Nolan suggested that the Public Works Department be used to get rid of the over growth on the property.

ADJOURNMENT

There being no other business, upon motion (Batcha-Nolan), the Board of Commissioners voted 4-0 by voice vote (Mr. Weiss was absent) to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

Judy Todaro
Recording Secretary

