

**REGULAR PUBLIC MEETING
May 17, 2010**

- MEMBERS PRESENT** Arthur Murphy, President
Paul Weiss, Vice President
Jerry Batcha, Commissioner
Michael Hudak, Commissioner
- MEMBERS ABSENT** Thomas Nolan, 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
- 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**
- DORIS HOUSER
1647 11TH ST.** Mrs. Houser complained about the maintenance of the property at 1655 11th Street, noting that there is black, murky water in a pool and on top of the pool cover and the grass is 3' high. Mrs. Houser added that although she has not seen the inside of the home, she has been told that the condition of the inside of the home is deplorable. Mrs. Houser stated that she has filed complaints and while Township staff has been courteous, it seems nothing gets resolved.
- Mr. Kutzler responded that the Township is aware of the problem and they are doing everything they can legally do. Mr. Kutzler noted that five or six citations have been written and explained that the owner of the property is deceased and the property is in an estate. The estate has hired an attorney and the attorney has stated that the issues will be dealt with through funding from the estate. Mr. Kutzler advised that a notice of the code violations was mailed today and the estate has 20 days to comply. Mr. Kutzler further advised that the Township does not have the authority to enter upon the property to cut the grass. Attorney Broughal added that the matter is on the Township's radar screen but the Township must follow the right procedures.
- Mr. Weiss commented regarding the inside of the house and stated that at some point the house will be sold and it will need to be inspected and the problems will need to be fixed.
- APPROVAL OF MINUTES** Upon motion (Batcha-Hudak), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to approve the minutes of the May 3, 2010 meeting as presented.
- PUBLIC HEARING**
- ORDINANCE 01-10** **AN ORDINANCE GRANTING TO RCN TELECOM SERVICES INC. A NON-EXCLUSIVE FRANCHISE TO ERECT, INSTALL, MAINTAIN, AND OPERATE CABLE SERVICE IN THE TOWNSHIP OF BETHLEHEM**
- Mr. Hammer explained that this ordinance provides for an update to the existing agreement between RCN and the Township to make changes to allow for the collection of fees on the various services RCN provides to their customers.

Mr. Murphy opened the public hearing for comment from those in attendance and the Board of Commissioners. There being no comments or questions, Mr. Murphy closed the public hearing.

Upon motion (Weiss-Hudak), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to adopt Ordinance 01-10 as presented, granting to RCN Telecom Services Inc. a non-exclusive franchise to erect, install, maintain and operate cable service in the Township of Bethlehem.

RESOLUTION R035-10

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE SKYVIEW LLC 3200 EMRICK BOULEVARD SUBDIVISION (LVIP VI, LOT 25) FINAL PLAN

Mr. Kutzler explained that the subdivision of this site, the site of the Outback Steakhouse, is to create a stand-alone vacant site for future development. Mr. Kutzler reviewed the draft resolution and its deferrals and conditions of approval. Mr. Kutzler noted a correction in the sixth "whereas" that should be "*March 15, 2010*" instead of 2008.

Upon motion (Batcha-Weiss), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to approve Resolution R035-10 as corrected, granting conditional approval of the Skyview LLC 3200 Emrick Boulevard Subdivision Final Plan.

RESOLUTION R036-10

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE MICHAEL S. DEVINE COUNTRY CLUB ROAD MINOR SUBDIVISION PLAN

Mr. Kutzler stated that this minor subdivision plan is for the subdivision of a property on Country Club Road to create two lots. One lot will contain the existing home and the other lot will be used for the construction of a new home. In reviewing the draft resolution, Mr. Kutzler noted that condition of approval #16 should read "*an amount of \$717.00*" instead of \$1,500.00. Mr. Batcha questioned whether the acreage listed at 1.87± was correct because when you add the acreage of the 2 lots it comes to 1.67 acres. Mr. Kutzler responded that the Township Engineer would look into the total acreage.

Upon motion (Weiss-Hudak), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to adopt Resolution R036-10 as corrected, granting conditional approval of the Michael S. Devine Country Club Road Minor Subdivision Plan.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO EXERCISE THE TOWNSHIP'S LEGAL RIGHTS AGAINST THE LETTER OF CREDIT FOR BETHLEHEM STORAGE IF THE SAME IS NOT RENEWED PRIOR TO ITS EXPIRATION DATE OF JUNE 1, 2010

Upon motion (Hudak-Weiss), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to authorize the Township Manager to exercise the Township's legal rights against the letter of credit for Bethlehem Storage if the same is not renewed prior to its expiration date of June 1, 2010.

**ZONING HEARING BOARD
AGENDA – MEETING OF
MAY 26, 2010**

There were no questions regarding the May 26, 2010 Zoning Hearing Board Agenda.

**PURCHASE ORDER
APPROVAL**

Mr. Batcha commented regarding the 2 purchase orders totaling \$137,245.00 for a Public Works dump truck and stated that in reviewing the budget he did not see this purchase as being budgeted.

Mr. Hammer explained that this purchase is not in the budget because it is being approved as a lease agreement and the funding will come from Liquid Fuels. So the truck can be ordered, a purchase order needs to go to the supplier.

Mr. Batcha also questioned the purchase order for \$16,174.34 for emergency sewer main line repairs on Anthony Drive, noting that Anthony Drive is a new development. Mr. Hammer responded that although Anthony Drive is in a newer development, the development is out of the maintenance period; therefore it is the Township's responsibility to pay for the repairs.

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

**APPROVAL OF BILL
AGENDA**

Mr. Batcha noted that on page 12 of the bill agenda there is a \$22,000.00 bill from NRFC for terrorism risk insurance. Mr. Batcha questioned what exactly is being insured. Mr. Hammer suggested that the Board not authorize payment of this invoice until he can get an answer for Mr. Batcha and the rest of the Board.

Upon motion (Weiss-Batcha), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to approve the bill agenda of May 14, 2010 with the exception of the \$22,000.00 bill for terrorism risk insurance.

**APPROVAL OF
TREASURER'S REPORT**

Upon motion (Batcha-Hudak), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to approve the Treasurer's Report as of April 30, 2010, subject to audit.

**ACCEPTANCE OF
MONTHLY REPORTS**

Mr. Batcha stated that money has been budgeted for a traffic signal at the intersection of Freemansburg Avenue/Washington Street and asked for an update on the project. Mr. Kutzler responded that he will have a memo to the Board of Commissioners in June and that staff is currently working on updating the Traffic Impact Ordinance.

Upon motion (Hudak-Weiss), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to accept all monthly reports as presented.

DISCUSSION ITEM**HOUSENICK MEMORIAL
PARK – DEVELOPMENT
MASTER PLAN**

In light of the absence of Mr. Nolan this evening and since he is also a member of the Housenick Committee, Mr. Hudak suggested that this discussion item be tabled until the next Board of Commissioners' meeting.

Mr. Batcha questioned whether this project needed to go out to bid. Solicitor Broughal advised that because this is considered a professional service, it is not required to be bid.

Mr. Hudak explained that he, Mr. Brady and others met in April with 5 of the firms who submitted proposals and Mr. Brady then took that information back to the Trustees. Mr. Hudak stated that he is waiting for answers on some of the outstanding issues he has and that the firm recommended by the Trustees did not have the lowest cost. In any event, Mr. Hudak added that he is happy to see some movement on this project and asked that it be put on the next agenda.

Mr. Weiss questioned whether there is any idea of what mechanisms are in place for the Township to request funding from the Trustees. Mr. Hudak responded that he is not aware of anything in place but believes the township should be the driving force behind the park but realizes the Township cannot direct the Trustees on how to spend their money.

ADJOURNMENT

Upon motion (Weiss-Hudak), the Board of Commissioners voted 4-0 by voice vote (Mr. Nolan was absent) to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Judy Todaro
Recording Secretary