

**REGULAR PUBLIC MEETING
JUNE 7, 2010**

MEMBERS PRESENT

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

OTHERS PRESENT

Jon Hammer, Township Manager
James Broughal, Township Solicitor
Brian Dillman, Pidcock Company (Township Engineer)
Doug Bruce, Assistant Township Manager

CALL TO ORDER

Mr. Murphy called the meeting to order at 7:00 p.m.

COURTESY OF THE FLOOR

**EDITH SEIP
3644 ORTH STREET**

Ms. Seip said she had several questions regarding recent news articles about the Board of Commissioners considering a ban on open burning. She said she burned material once very two weeks and wondered exactly what types of burning would be banned. She said the township would have to educate residents about any changes in current law.

Ms. Seip said Commissioner Nolan was quoted in the newspaper as being concerned about losing state recycling grant money because the township had not yet banned open burning. She said it was ironic Mr. Nolan was concerned about losing state funding when he had last year supported spending \$750,000 on new soccer fields. She asked why the township had built those soccer fields when it had also bought land along Hope Road for athletic fields.

Mr. Murphy said the Hope Road land was purchased for long-term future needs for recreational space and there were no short-term plans to develop the land.

Ms. Seip said, if that was the case, the township should sell the Hope Road land and make some money on it. She also asked why the township didn't develop the Housenick estate land for passive recreation, as opposed to athletic fields.

Mr. Murphy said the township's intention was to develop the Housenick estate for passive recreation.

Ms. Seip said the Board of Commissioners needed to communicate better with residents.

**WAYNE KIRK
3901 FAIRVIEW STREET**

Mr. Kirk said he supported a ban on open burning, specifically the practice of using 55-gallon drums to burn trash and brush. He said the township had recycling services and therefore didn't need to allow open burning. Mr. Kirk said he has lung disease and was particularly bothered by open burning. He said he was not opposed to the continued use of barbecue grills, fire pits, or fireplaces.

Mr. Hudak said he had received a letter from Mr. Kirk regarding a neighbor who was burning material in a barrel. Mr. Hudak said he had driven through the neighborhood and open burning is already prohibited in the area, because of

setback requirements. He suggested Mr. Kirk call the police the next time his neighbor burned material.

**DON WRIGHT
2851 HOPE RIDGE DRIVE**

Mr. Wright asked what was going on with Agenda Item C, regarding the Alternate Transportation Plan for Freemansburg Avenue. Mr. Broughal said representatives from St. Luke's Hospital and Health Network were on hand to present information on that agenda item.

**BARRY ROTH
4323 CHETWIN TERRACE**

Mr. Roth said he also had concerns about Agenda Item C, but would withhold his comments until after the St. Luke's presentation.

Mr. Roth asked what state money the township would lose if it did not ban open burning. Mr. Hammer said the township could lose approximately \$75,000 per year in state grants used mainly for the township's recycling programs.

Mr. Roth said the township shouldn't ban open burning altogether just to make the state happy. He said the practice of open burning is fading away anyway. Mr. Roth asked if the ban would include high school bonfires or backyard fire pits, which he said create as much smoke as burning brush in a 55-gallon drum.

**ROY ROTH
4323 CHETWIN TERRACE**

Mr. Roth said he was concerned about the stormwater problem by the First Federal Credit Union facility under construction on William Penn Highway. Mr. Roth asked what the township was doing about the problems and whether an environmental impact study is warranted.

Mr. Murphy said the facility hadn't even opened yet and it was unclear whether there was any stormwater problem to address.

Mr. Weiss said he went by the area during the last major rainstorm and didn't see a big problem. He said the facility's drainage system was designed to handle stormwater concerns in the area. Mr. Weiss said the township will continue to keep an eye on the situation.

Mr. Dillman, representing the township's engineering firm, said the facility's stormwater system is not finished. He said he was also interested in seeing how well it works.

Mr. Roth said he had concerns about children playing at a nearby playground when it rains and about an ungrated 30-inch pipe in the area. Mr. Weiss directed Mr. Dillman to check out the situation with the ungrated pipe.

**TIM BRADY
CHRISTIAN SPRING ROAD**

Mr. Brady said he had a question on Agenda Item F, the discussion of the Housenick estate master plan. He said this item had been discussed at a previous meeting, been tabled, and had not appeared on the agenda published the previous Friday on the township's website. He asked whether a tabled item should be automatically placed on the agenda for the next meeting. Mr. Brady said the handling of tabled items should be a clear-cut process to make sure the items are properly addressed.

Mr. Hammer said he disagreed with Mr. Brady's comments. Mr. Hammer said important issues are properly addressed by the Board of Commissioners and this particular matter was handled properly in terms of placing it on the agenda.

Mr. Brady said the time has come to end open burning in the township. He said, however, the township should have better yard-waste pick-up. Mr. Brady said his trash hauler never notified him of a scheduled pick-up of yard waste. Mr. Brady said the township public works department should be involved in picking up yard waste.

Mr. Batcha said Mr. Brady should check with his hauler for better information and that yard waste can always be taken to the township's recycling facility.

Mr. Brady said there was a need for better communication by the township on the matter of yard-waste recycling and collection.

**DORIS HOUSER
1647 11TH STREET**

Ms. Houser said she had spoken a month ago during courtesy of the floor about the poorly maintained property at 1655 11th Street. She said the grass had been cut since then, but nothing else had been done at the property. She said she was particularly concerned about the pool, which is filled with water but has not been maintained in four years.

Mr. Broughal, the township's solicitor, said since Ms. Houser last addressed the board, he had contacted the attorney handling the disposition of the property. Mr. Broughal said, because of the township's intervention, the property's grass had been cut. He said the township was "on top" of the situation and working with the property's attorney to continue maintenance of the site. Mr. Broughal said he understood Ms. Houser's frustration, but the township was working through the situation as best it could and as quickly as possible.

**JIM HANCHARICK
3016 RAMBEAU ROAD**

Mr. Hancharick said he opposed a ban on open burning. He said he did not burn trash, but did occasionally burn a few items, including personal papers. Mr. Hancharick said an open burning ban was "far-fetched" and that the township should address more important issues, such as high fences and barking dogs. He said any ban on open burning should also cover fireplaces and outdoor fire pits.

BILL HOOVER

Mr. Hoover said he collected sticks and branches from his property after a recent storm, but his trash hauler would not remove this yard waste because of recent changes in the township's recycling ordinance. Mr. Hoover said the township has done a poor job of communicating these changes to residents. He said the mandated twice-yearly yard-waste collections are not enough, especially since many residents do not have the means to get their yard waste to the township's recycling center. Mr. Hoover said the recycling ordinance changes have some merit, but were not thought out very well and need more flexibility.

Mr. Nolan said if trash haulers are not abiding by the township's ordinance, he would be willing to consider again a switch to one municipal hauler.

**EDITH SEIP
3644 ORTH STREET**

Ms. Seip said the Nancy Run Fire Company is giving out and installing free smoke detectors and suggested the township should be publicizing this service. Mr. Hammer said the service was promoted on the township's website and had been covered by the local press.

APPROVAL OF MINUTES

Mr. Batcha suggested one change (page three, first paragraph, changing \$37,245 to \$137,245) to the proposed minutes of the regular public meeting of May 17, 2010. Upon motion (Batcha-Hudak), the Board of Commissioners voted 4-0 by voice vote (with Mr. Nolan abstaining) to approve the minutes of the regular public meeting of May 17, 2010, as amended by Mr. Batcha.

MOTION**A motion authorizing the township manager to enter into a lease-purchase agreement for a dump truck/plow/salt spreader.**

Mr. Hammer said the agreement would finance the purchase of a dump truck over five years, with an approximate annual cost of \$30,000, paid with liquid fuels funds.

Upon motion (Batcha-Nolan), the Board of Commissioners voted unanimously by voice vote to approve the motion authorizing the township manager to enter into a lease-purchase agreement for a dump truck/plow/salt spreader.

MOTION**A motion accepting and approving the Alternate Transportation Plan for Freemansburg Avenue and authorizing the township manager to send a letter of support for this plan to the Pennsylvania Department of Transportation.**

Attorney Blake Marles, representing St. Luke's Hospital and Health Network, said the Alternate Transportation Plan would be submitted to PennDOT for its consideration. Mr. Broughal said the motion was a step toward receiving an interim Highway Occupancy Permit for the first phase of the overall project.

Mr. Weiss asked Mr. Dillman if the Alternate Transportation Plan was consistent with the township's plans for the area. Mr. Dillman answered "yes."

Upon motion (Weiss-Hudak), the Board of Commissioners voted unanimously by voice vote to approve the motion accepting and approving the Alternate Transportation Plan for Freemansburg Avenue and authorizing the township manager to send a letter of support for this plan to the Pennsylvania Department of Transportation.

PURCHASE ORDERS

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

DISCUSSION ITEMS**BUILDING CODE APPEALS BOARD MEMBER**

Mr. Hammer said a member of the Building Code Appeals Board had missed the last several meetings of the board. He recommended formally removing the member from the board and advertising an opening on the board.

Mr. Hudak asked if the township staff had any interested applicants. Mr. Hammer answered "no."

Mr. Weiss said a cover letter on the matter from Steve Gallagher, the township's Assistant Commercial Code Officer, noted a need for two alternate members of the board.

Mr. Broughal said the board should not take action at this meeting on removing the member, but could move forward with advertising a potential opening on the board.

Upon motion (Weiss-Hudak), the board voted unanimously by voice vote to move forward with advertising a potential opening on the Building Code Appeals Board.

RECYCLING/BURNING ORDINANCE

Mr. Hudak said money – specifically the loss of approximately \$75,000 a year in state recycling grants – was the only reason the board was considering a change in the open burning ordinance. Mr. Hudak said air pollution caused by open burning was not a concern, especially since nearly 95 percent of residents could not legally burn yard waste on their properties under the existing ordinance. He said the twice-a-year yard-waste collection by trash haulers was not enough, but that he did not have an alternate solution. Mr. Hudak said he agreed with Hough Associates (the township’s recycling consultant) that the ordinance needed only minor changes. He said all forms of burning should not be banned and there should be exemptions for bonfires and chimineas. Mr. Hudak said he was torn between keeping the current ordinance and doing away with it for short-term financial gain.

Mr. Weiss said he also agreed with the recycling consultant that the burning of garbage and yard waste should be banned, but the use of chimineas and fire pits should be allowed.

Mr. Hudak said he supported having the township solicitor follow the recycling consultant’s lead and redraft the ordinance for consideration of the board.

Mr. Batcha said he had “come around” on this issue, but still had reservations about changing the ordinance. He said the township was allowed to do only what the state allows it to do and the state was “forcing this down our throats.” Mr. Batcha said he supported having the solicitor review the current ordinance.

Mr. Broughal said he would review the ordinance, following the recommendations of the recycling consultant. Mr. Broughal said the township’s former solicitor, Thomas Elliott, had completed several years ago a proposed revision of the current ordinance, but the board had not voted on the proposal. Mr. Broughal said he had concerns with revisiting this proposal.

Mr. Hudak made a motion to have the township solicitor change the language of the recycling and burning ordinances, based on the recent recommendations of Hough Associates (the recycling consultant).

Mr. Nolan said he had proposed banning open burning five years ago. He said the township had to ban open burning for environmental reasons and “to get itself into the 21st century.” Mr. Nolan said the board had talked many times about this issue, but had never taken a vote on it. He said he would not support Mr. Hudak’s motion unless it called for outlawing open burning altogether.

Mr. Weiss seconded Mr. Hudak’s motion.

Upon motion (Hudak-Weiss), the Board of Commissioners voted unanimously by roll call vote to approve a motion calling for the township solicitor to change the language of the recycling and burning ordinances, based on the recent recommendations of Hough Associates (the township’s recycling consultant).

HOUSENICK ESTATE RFP

Mr. Nolan said the township had received 15 responses to its request for proposals for a master plan of the Housenick estate property. He said the 15 submissions had been whittled to three finalists, who were interviewed by a committee of Mr. Hudak, representing the township; Mr. Brady, representing the Housenick Foundation trustees; and Gordon Heller, representing Northampton County. The committee selected the Pennoni firm, whose bid was approximately \$39,000, to complete a master plan for the property.

Mr. Hudak said the committee's vote was 2-1 and he was the vote against Pennoni, as he supported the bid of the firm YSM. Mr. Hudak made a motion to have the board interview both firms before making a decision on awarding the contract.

Mr. Brady gave a brief summary of the selection process for a master planner and the involvement of the Housenick Foundation, the township, the county (which owns land adjacent to the site), and the Central Moravian Church (which also owns nearby land). Mr. Brady said he and the other trustees of the Housenick Foundation supported Pennoni to do the master plan, with the township acting as the contracting agent, to be reimbursed by the Housenick Foundation.

Mr. Hudak asked why the township would want Northampton County or the Moravian church organization involved in a township park.

Mr. Weiss said he was not comfortable with the township paying for the master plan based on reimbursement from the Housenick Foundation. He also said he was not comfortable with Northampton County being involved in the process when County Executive John Stoffa had said the county may want to "get rid" of its adjacent property.

Mr. Brady said Northampton County had been involved in the process because it owned 36 adjacent acres. Mr. Brady said it was his understanding that county officials wanted a master plan in place before proposing to County Council the possible conveyance of this land to the township. He said the Central Moravian Church was invited to participate in the process because its nearby property is the "gateway" to the proposed township park. Mr. Brady also said the Housenick Foundation had committed in writing to reimburse the township for the Pennoni master plan, so there should be no concerns about the township actually receiving financial reimbursement.

Mr. Hudak said if the township didn't select Pennoni for the master plan, the Housenick Foundation wouldn't provide reimbursement.

Mr. Brady said that was correct because the foundation had approved only the Pennoni bid for reimbursement.

Mr. Murphy asked Mr. Brady why he supported the Pennoni bid. Mr. Brady said he had two reasons: First, the bid presented good ideas for the property, and secondly, Pennoni was a Lehigh Valley firm and he was interested in doing business with a local firm that would be around for a long time.

Mr. Weiss asked why the board should go forward with funding a master plan when it hasn't decided what to do with the property. Mr. Weiss said the master plan could end up "sitting on a shelf" and never being used.

Mr. Hudak said Pennoni has a Bethlehem office, but is actually based in Doylestown, so it wasn't necessarily a Lehigh Valley company.

Mr. Brady said if the board was uncomfortable with the terms of the Housenick Foundation's reimbursement grant, the board should send a letter to the foundation and state it doesn't want to participate in this planning process.

Mr. Batcha said he was concerned there was no formal procedure for the Housenick Foundation's grant process. He said it seemed if the township didn't like what the foundation liked, the township didn't get any money. "It's supposed to be a township park, not a Tim Brady park," he said.

Mr. Brady said he disagreed with Mr. Batcha's last comment.

Mr. Batcha apologized for his last comment and said it was "uncalled for."

Mr. Murphy asked Mr. Brady if he had a problem with the board interviewing both YSM and Pennoni before awarding the contract. Mr. Brady said if that was the board's position, then Northampton County should be given the same opportunity to interview both firms.

Mr. Nolan said the board was acting irrationally by first allowing a long selection process to take place and then questioning the process.

Mr. Hudak made a motion for the Board of Commissioners to hold a joint public meeting with the Parks and Recreation Committee, to be held in conjunction with the board's next regularly scheduled meeting on July 21, to interview both YSM and Pennoni before making a decision on this matter.

Mr. Weiss seconded this motion.

Upon motion (Hudak-Weiss), the Board of Commissioners voted 4-1 by roll call vote to approve a motion to hold a joint public meeting with the Parks and Recreation Committee, to be held in conjunction with the board's next regularly scheduled meeting on July 21, to interview both YSM and Pennoni before making a decision on this matter. Mr. Nolan cast the only "no" vote.

OTHER BUSINESS

Mr. Batcha said the township had received three applications for an opening on the Zoning Hearing Board. He said the interviews for the position could be set up for an executive session in the near future.

ADJOURNMENT

Upon motion (Weiss-Nolan), the Board of Commissioners voted unanimously by voice vote to adjourn the meeting at 8:52 p.m.