

**REGULAR PUBLIC MEETING  
AUGUST 16, 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  
Howard Kutzler, Township Manager  
Doug Bruce, Assistant Township Manager  
Brian Dillman, The Pidcock Company – Township Engineer  
Andrew Freda, Director of Finance

**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 6:00 p.m. this evening (August 16, 2010) to discuss contractual negotiations, potential litigation and one personnel matter.

**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.

**COURTESY OF THE FLOOR****APRIL DAVIS  
4140 WELLINGTON DR.**

Mrs. Davis stated she is concerned regarding the Country Meadows solar panels and even though Andy Bohl, Country Meadows engineer, explained the location of the solar panels, she is concerned regarding how they will appear and the reflection from the sun. Mrs. Davis also expressed concern regarding PPL's removal of trees and the eight lights on Country Meadows property that now shine into her backyard. Mrs. Davis stated that while Country Meadows will be putting up a chain link fence there will be no privacy. Mrs. Davis requested that the berm be extended.

Mr. Kutzler stated that the Board approved the solar panel project at a previous meeting and it is a permitted use. Unfortunately there are no specific regulations for screening, however, the applicant has agreed to provide some type of screening. Mr. Kutzler also noted that a meeting was held on Friday in the field with the Township's Planning Consultant and Hanover Engineering. He received a report on that meeting and Country Meadows will try to minimize the glare although he does not believe the solar panels will produce glare. Mr. Kutzler further stated that he is aware of Mrs. Davis's concerns, but she will not be shielded from seeing the solar fields. Mrs. Davis stated that her main issue is the lights and by doing some research on solar panels she fears the stakes holding up the panels will produce the glare. Mr. Kutzler noted that the Zoning Ordinance does not prohibit lighting on property but does deal with the illumination and he will check into the intensity of the illumination at the property line.

Mrs. Davis also noted that there is a catch basin on the property of Country Meadows and the trees around the catch basin were taken out. Mrs. Davis stated she contacted PPL and they told her those trees should not have been taken out. PPL also told her that Country Meadows must contact PPL and PPL would replace those trees. Mrs. Davis requested that the Township ask Country Meadows to contact PPL. Solicitor Broughal stated that this was landscaping on private property and therefore not the Township's responsibility. Mr. Batcha asked if the landscaping was required by the Township, and if so could the

Township require that the landscaping be replaced. Solicitor Broughal stated if the landscaping was in the PPL right-of-way, PPL can be very temperamental about what goes in their easements.

**JOSEPH DAVIS  
4140 WELLINGTON DR.**

Mr. Davis noted that there is a residential house on the Country Meadows property that is used for storage and that he was told there is a 50' easement, however, the trees behind that house were never cut down. Mr. Davis also stated that there is no easement shown on his deed.

**APPROVAL OF MINUTES**

Upon motion (Nolan-Weiss), the Board of Commissioners voted 4-0-1 by voice vote (Mr. Hudak abstained) to approve the minutes of the August 2, 2010 regular public meeting as presented.

**PUBLIC HEARING**

**ORDINANCE 03-10**

**AN ORDINANCE AMENDING ORDINANCE NO. 5-98, "THE BETHLEHEM TOWNSHIP WEED AND NOXIOUS VEGETATION ORDINANCE"**

Solicitor Broughal explained that this ordinance amends the Township's current weed and noxious vegetation ordinance and makes the failure, neglect or refusal to maintain properties of weeds and noxious vegetation a nuisance and also allows the Township to enter upon such properties to correct the problem. All costs incurred by the Township can then be recovered through the lien process.

Mr. Murphy then opened the public hearing for comments or questions from the Board of Commissioners or those in attendance.

**NANCY McFARLAND  
4410 CHARLES ST.**

Ms. McFarland questioned how high the weeds must be to be considered a nuisance. Mr. Kutzler responded the weeds must be 8" high.

There being no other questions or comments, President Murphy closed the public hearing.

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Ordinance 03-10 as presented, amending Ordinance No. 5-98, "The Bethlehem Township Weed and Noxious Vegetation Ordinance".

**RESOLUTION R050-10**

**A RESOLUTION APPROVING AND ADOPTING THE TAXPAYERS BILL OF RIGHTS**

Finance Director Andrew Freda explained that the Township is currently utilizing Berkheimer Associates to collect Township taxes. Since appointing Berkheimer Associates, the Township has engaged a third party tax auditor and this resolution provides updates to the current ordinance for the appeal process to include others.

Upon motion (Weiss-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R050-10 as presented, approving and adopting the Taxpayers Bill of Rights.

**RESOLUTION R051-10**

**A RESOLUTION APPROVING THE ACTION OF THE TWO RIVERS COUNCIL OF GOVERNMENTS TO HIRE A PART-TIME EXECUTIVE DIRECTOR**

Commissioner Nolan, the Township's representative on the Two Rivers Council of Government, stated that at the last meeting of the COG, the hiring of a part-

time executive director was discussed. The COG approved a motion to hire the part-time executive director, however, the by-laws of the COG state that any action approved by the COG must go back to the participating municipalities for approval.

Mr. Murphy noted that the salary for the executive director would be paid with the COG's surplus funds and questioned how long the surplus funds would last. Mr. Nolan responded that the COG has approximately \$18,000.00 in surplus funds and the director would work approximately 10 hours per week. Mr. Batcha asked if this temporary position could turn into a permanent position. Mr. Nolan stated that if the position proves to be worthwhile, the COG may ask for it to be permanent. In that case, the yearly fee of \$250.00 per year for each municipality to be a member of the COG may have to be raised.

Upon motion (Nolan-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R051-10 as presented, approving the action of the Two Rivers Council of Governments to hire a part-time executive director.

**RESOLUTION R052-10**

**A RESOLUTION AWARDING THE CONTRACT FOR ROAD MATERIALS TO EASTERN INDUSTRIES INC.**

Upon motion (Weiss-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R052-10 as presented, awarding the contract for road materials to Eastern Industries Inc. per their bid of August 6, 2010.

**RESOLUTION R053-10**

**A RESOLUTION IN OPPOSITION TO FORCED LOCAL GOVERNMENT MERGERS AND CONSOLIDATIONS**

Solicitor Broughal stated that legislation is pending in the State House that would eliminate all local governments and Counties would rule all. This resolution indicates the Board's opposition to that pending legislation.

Mr. Nolan noted that this matter was discussed at the last COG meeting and it is important for all members of the COG to participate and bring this matter before their local boards. Mr. Hudak added that the PSATC also unanimously opposes this legislation.

Upon motion (Hudak-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R053-10 as presented, opposing forced local government mergers and consolidations.

**RESOLUTION R054-10**

**A RESOLUTION ESTABLISHING THE FEES AND CHARGES FOR PERMIT EXTENSIONS**

Solicitor Broughal stated that Governor Rendell passed Act 46 of 2010 which extends all municipal approval through 2013 and within that Act there are provisions that allow municipalities to charge fees for verifications of approvals as well as a fee for automatic approval extensions. Solicitor Broughal suggested that the Township charge a fee for verification of approvals but come to a decision at a later date on charging a fee for automatic approval extensions.

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R054-10 as presented, establishing the fees and charges for permit extensions.

**RESOLUTION R055-10****A RESOLUTION APPOINTING HOWARD L. KUTZLER AS SECRETARY OF THE TOWNSHIP OF BETHLEHEM**

Upon motion (Weiss-Nolan), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R055-10 as presented, appointing Howard L. Kutzler as Secretary of the Township of Bethlehem.

**RESOLUTION R056-10****A RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO INCLUDE TOWNSHIP-OWNED PROPERTY WITH AN ESTIMATED MARKET VALUE OF MORE THAN \$1,000.00 IN THE SEPTEMBER 25, 2010 MUNICIPAL SURPLUS AUCTION**

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adopt Resolution R056-10 as presented to include 31 unclaimed bicycles, a 2004 Ford Crown Victoria and a 1995 Chevy Utility Truck in the September 25, 2010 Municipal Surplus Auction.

**MOTION****A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO EXPLORE A LEASE AGREEMENT WITH T-MOBILE FOR A CELLULAR ANTENNA SITE**

Mr. Kutzler stated that a request has been received from Velocitel to lease land that the Township owns on Hope Road for the construction of a T-Mobile wireless cell tower. Mr. Kutzler recommended that the Board authorize him to explore the lease agreement and assured the Board that he would work hard on the aesthetics of the tower.

Mr. Mike Sanders of Velocitel was present and described the location of the proposed cell tower, stating that it would be as close to Route 33 as possible.

Mr. Hudak stated that the intent of the land is recreation and questioned how a cell tower would affect the resale of the property should the Township decide to sell the land in the future. Solicitor Broughal responded that the cell tower would have a positive affect because cell towers are revenue generators.

Mr. Nolan inquired regarding access to the tower. Mr. Sanders stated that access would be from Hope Road via a gravel pathway and distributed to the Board a lease exhibit. Solicitor Broughal noted that access would have to be explored so that it would not disrupt future development of the land.

Mr. Nolan asked what dictates the 50' x 50' dimension of the property where the cell tower would be constructed. Mr. Sanders stated it would allow for future carriers to use the tower. Mr. Nolan expressed concern that a 12' roadway would limit what the Township can do on the land in the future. Mr. Nolan asked if Mr. Sanders had checked with PennDOT as to utilizing their land for access.

Mr. Batcha stated that the original intent when purchasing this land was for recreation purposes and asked if a cell tower was a permissible use. Solicitor Broughal responded that the Township is not subject to its own ordinances. Mr. Batcha asked if it was part of the agreement with PennDOT when the Township purchased that land that it would only be used for recreation. Solicitor Broughal stated he would have to research the agreement and get back to the Board. Mr. Kutzler noted that the motion is for staff to explore the lease agreement.

Upon motion (Weiss-Hudak), the Board of Commissioners unanimously voted by voice vote to authorize the Township Manager to explore a lease agreement

with T-Mobile for a cellular antenna site and to bring this matter back to the Board for any approval.

**MOTION**

**A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO A CONTRACT WITH SIGNAL SERVICE INC. FOR TRAFFIC SIGNAL MAINTENANCE, WITH THE ADDITIONS TO THE CONTRACT DATED AUGUST 1, 2010 OF THE EASTON AVENUE/OAKLAND ROAD AND EASTON AVENUE FARMERSVILLE ROAD TRAFFIC SIGNALS WITH THE CONTRACTUAL COST OF THESE ADDITIONS NOT TO EXCEED \$850.00**

Mr. Kutzler explained that this contract is an annual contract for the maintenance of all Township traffic signals and noted a change to the contract to include the two new signals (Easton Avenue/Oakland Road and Easton Avenue/Farmersville Road North) with the cost of the additions not to exceed \$850.00. Mr. Nolan questioned whether any thought has been given to changing all the traffic lights to LED. Grant money is available to make the changes and there could be a cost savings.

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to authorize the Township Manager to enter into a contract with Signal Service for traffic signal maintenance with the addition of Easton Avenue/Oakland Road and Easton Avenue/Farmersville Road at an additional cost to not exceed \$850.00.

**MOTION**

**A MOTION AUTHORIZING THE EXECUTION BY THE PRESIDENT OF THE BOARD OF COMMISSIONERS AND ASSISTANT TOWNSHIP MANAGER OF AN EMPLOYMENT CONTRACT BETWEEN BETHLEHEM TOWNSHIP AND HOWARD L. KUTZLER AS TOWNSHIP MANAGER**

Upon motion (Hudak-Weiss), the Board of Commissioners unanimously voted by voice vote to authorize the execution of an employment contract between Bethlehem Township and Howard L. Kutzler as Township Manager.

**ZONING HEARING  
BOARD AGENDA –  
MEETING OF  
AUGUST 25, 2010**

Mr. Kutzler stated that the appeals scheduled for the August 25, 2010 Zoning Hearing Board meeting are typical variance requests.

**PURCHASE ORDER  
APPROVAL**

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

**APPROVAL OF BILL  
AGENDA**

Upon motion (Nolan-Hudak), the Board of Commissioners unanimously voted by voice vote to approve the bill agenda of August 13, 2010 as presented.

**APPROVAL OF  
TREASURER'S REPORT**

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

**ACCEPTANCE OF  
MONTHLY REPORTS**

There were no questions or comments regarding the monthly reports.

**OTHER BUSINESS**

**TOWNSHIP FINANCIAL  
STATUS UPDATE**

Finance Director Andrew Freda presented the Board of Commissioners with year-to-date figures on General Fund, Sewer Fund and Capital Fund revenues and expenses. With respect to the 2011 budget, Mr. Freda stated that revenue

projections will be conservative, wages will be impacted by new collective bargaining agreement terms, medical premiums may increase and pension MMO will increase.

**COG**

Mr. Nolan stated that the COG sponsors two events each year and on October 9, 2010 the COG will hold its Household Hazardous Waste event. Mr. Nolan asked that Mr. Kutzler to do the necessary advertising for the event.

**CASINO GAMING  
AUTHORITY**

Mr. Nolan advised that the first round of grant applications has concluded for the five surrounding municipalities. The Authority will be accepting grant applications for the uncommitted funds from September 1, 2010 until October 15, 2010 and anyone can apply for those grants.

**ADJOURNMENT**

Upon motion (Nolan-Weiss), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Judy Todaro  
Recording Secretary