

**BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
NOVEMBER 4, 2024**

MEMBERS PRESENT John Merhottein, President
John Gallagher, Vice President
Jan Beatty, Commissioner
DeAnn Lawrence, Commissioner
Michael Hudak, Commissioner

OTHERS PRESENT James L. Broughal, Township Solicitor
David M. Backenstoe, Township Solicitor
Doug Bruce, Township Manager
Samantha Smith, Community Development Director
Ronald J. Gawlik, Township Engineer

CALL TO ORDER Mr. Merhottein called the meeting to order at 7:00 p.m. and led those assembled in the Pledge of Allegiance.

COURTESY OF THE FLOOR

**CHARLES JAQUISH
2202 COOK DR.** Mr. Jaquish introduced himself as Treasurer of the ARCHIE Project. He said he had a list of top donors to tour the mansion and asked if the second floor could be opened up. Mr. Jaquish believes it would make a good impression. Mr. Hudak said access to the second floor was restricted for safety reasons such as the ceiling falling and asbestos. He said he had pictures of the mansion and would be happy to give them to Mr. Jaquish. Mr. Gallagher disagreed with Mr. Hudak and said clean-up is possible and would like to see the second floor open. Mr. Merhottein shared the same safety concerns as Mr. Hudak and agreed it should not be open. Solicitor Broughal said the township's inspectors should check on the matter and make a recommendation.

**BARRY ROTH
4323 CHETWIN
TERR.** Mr. Roth believes the mansion is falling apart due to construction efforts taking too long.

APPROVAL OF MINUTES Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve the October 21, 2024 regular public meeting minutes as presented.

PUBLIC HEARINGS

ORDINANCE 05-24 AN ORDINANCE AMENDING ORDINANCE NO. 8-97, CHAPTER 275, ZONING, OF THE TOWNSHIP OF BETHLEHEM CODE OF ORDINANCES, AS AMENDED, BY AMENDING VARIOUS SECTIONS OF THE ORDINANCE TO RESOLVE INCONSISTENCIES IN TERMS OF FORMATTING AND RESOLVING CONFLICTS, AND REPEALING ALL ORDINANCES INCONSISTENT HERewith

Upon motion (Hudak-Beatty), the Board of Commissioners voted unanimously by voice vote to untable Ordinance 05-24.

Ms. Smith said revisions were made to the ordinance. The Planning Commission reviewed the changes and recommended approval of the proposed text amendment at their September 23 meeting. Mr. Broughal said the township sent the proposed ordinance to the Lehigh Valley Planning Commission, but the LVPC had not responded back

Upon motion (Lawrence-Beatty), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 05-24 amending Ordinance no. 8-97, Chapter 275, zoning, of the Township of Bethlehem Code of Ordinances, as amended, by amending various sections of the ordinance to resolve inconsistencies in terms of formatting and resolving conflicts, and repealing all ordinances inconsistent herewith.

REQUEST

REQUEST OF WAWA INC. FOR AN INTERMUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-20881 TO THEIR FACILITY LOCATED AT 3608 NAZARETH PIKE, BETHLEHEM, PA 18020, PURSUANT TO THE PENNSYLVANIA LIQUOR CODE, AS AMENDED

Solicitor Broughal said this hearing was properly advertised on October 16th and 23rd for the public to provide comments.

By consensus, the Board of Commissioners agreed to grant the request of Wawa Inc. for an intermunicipal transfer of Restaurant Liquor License No. R-20881 to their facility located at 3608 Nazareth Pike, Bethlehem, PA 18020, pursuant to the Pennsylvania Liquor Code, as amended.

SUBDIVISIONS AND LAND DEVELOPMENT

MOTION

A MOTION AUTHORIZING THE TOWNSHIP STAFF AND SOLICITOR TO DEVELOP A ZONING MAP AMENDMENT TO ACCOMMODATE NORTHAMPTON COMMUNITY COLLEGE'S REQUEST FOR APPLICATION OF THE INSTITUTIONAL OVERLAY ZONING DISTRICT ON THE "EAST 40" PROPERTY ON GREEN POND ROAD

Ms. Smith said the request went before the Planning Commission where they had extensive conversations about buffering. She said the planning commission had approved a motion its October 28 meeting that "extending the overlay to cover the property is reasonable right now since any change would require a zoning change" and to further "advise the Board to look favorably at the request". Solicitor Broughal said staff will prepare the Zoning Ordinance and bring it before the board. No advertisement of the ordinance itself is necessary just a public hearing. Mr. Gallagher asked if they were just extending the overlay. Ms. Smith said that was correct.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to authorizing the township staff and solicitor to develop a zoning map amendment to accommodate Northampton Community College's request for application of the Institutional Overlay Zoning District on the "East 40" property on Green Pond Road.

MOTION

A MOTION APPROVING A HOLD HARMLESS INDEMNIFICATION AGREEMENT BETWEEN BETHLEHEM TOWNSHIP; JOANN ORTIZ RIVERA AND RICHARD ORTIZ, 3955 SPEAR STREET; AND DAVID SEBBAN AND KRISTIN SEBBAN, 4012 TRYTHALL STREET; REGARDING A FENCE EASEMENT

Ms. Smith said the homeowners fully agreed to allow their neighbor to build a fence partially on their property. Mr. Gallagher wondered why didn't they just sell the portion of their property. Solicitor Broughal said this agreement was drafted to protect the township.

Upon motion (Lawrence-Beatty), the Board of Commissioners voted unanimously by voice vote approving a hold harmless indemnification agreement between Bethlehem Township; Joann Ortiz Rivera and Richard Ortiz, 3955 Spear Street; and David Sebban and Kristin Sebban, 4012 Trythall Street; regarding a fence easement.

MOTION

A MOTION APPROVING AN EXTENSION TO MARCH 1, 2025, OF THE DEVELOPER'S OBLIGATION TO COMPLY WITH CONDITIONS OF APPROVAL FOR THE ST. LUKE'S MEDICAL OFFICE BUILDING (WILLIAM PENN HIGHWAY AT FARMERSVILLE ROAD)

Upon motion (Beatty-Hudak), the Board of Commissioners voted unanimously by voice vote approving an extension to March 1, 2025, of the developer's obligation to comply with conditions of approval for the St. Luke's Medical Office Building (William Penn Highway at Farmersville Road).

RESOLUTIONS OF THE BOARD OF COMMISSIONERS

RESOLUTION R054-24

A RESOLUTION APPROVING THE TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-20881 BY WAWA INC. INTO BETHLEHEM TOWNSHIP, NORTHAMPTON COUNTY

Upon motion (Lawrence- Beatty), the Board of Commissioners voted unanimously by voice vote to approve Resolution R054-24 approving the transfer of Restaurant Liquor License No. R-20881 by Wawa Inc. into Bethlehem Township, Northampton County.

RESOLUTION R055-24

A RESOLUTION AWARDDING THE CONTRACT FOR MADISON FARMS SNOW REMOVAL

Upon motion (Gallagher-Beatty), the Board of Commissioners voted by voice vote to approve Resolution R055-24 awarding the contract for Madison Farms Snow Removal to M & J Outdoor Services LLC for an amount as noted below:

Snow Depth *measured on Site During Event	Total Cost Year 1 (2024-2025)	Total Cost Year 2 (2025-2026)
4" to 6"	\$10,492.00	\$10,950.00
6.1" to 8"	\$15,797.00	\$16,587.00
8.1" to 10"	\$19,745.00	\$20,733.00
10.1" to 12"	\$23,695.00	\$24,879.00
2.1" + (10.1" to 12" plus Hr. Rate)	\$23,695.00 Plus \$926.00 per hour	\$24,879.00 plus \$973.00 per hour

RESOLUTION R056-24

A RESOLUTION AUTHORIZING THE ATTENDANCE OF SERGEANT KIRK HARRYN AT THE "MANAGING AND CONDUCTING INTERNAL AFFAIRS INVESTIGATION SEMINAR," NOVEMBER 18-22, 2024, IN HARLEYSVILLE, PENNSYLVANIA

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve Resolution R056-24 authorizing the attendance of Sergeant Kirk Harryn at the “Managing and Conducting Internal Affairs Investigation Seminar,” November 18-22, 2024, in Harleysville, Pennsylvania.

**RESOLUTION
R057-24**

**A RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO UTILIZE
MUNICIPAL ON-LINE GOVERNMENT AUCTION SERVICE FOR THE SALE OF
TOWNSHIP-OWNED PERSONAL PROPERTY**

Mr. Gallagher said the 2017 Ford Explorer should be outfitted and given to the Community Center instead of buying a new one.

**TOM KEEFER
3803 CARTER RD.**

Mr. Keefer said if the board does as Mr. Gallagher suggests, the money saved could go towards the fourth police car.

Upon motion (Hudak-Beatty), the Board of Commissioners voted by voice vote to approve Resolution R057-24 authorizing the township manager to utilize Municibid on-line government auction service for the sale of township-owned personal property. The motion carried 4-1. Mr. Gallagher opposed.

**MOTIONS OF THE
BOARD OF
COMMISSIONERS**

MOTION

**A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO AN
AGREEMENT WITH LAUDONE & ASSOCIATES FOR APPRAISAL SERVICES
OF PROPERTIES RELATED TO THE EMERGENCY TRAFFIC SIGNAL
PROJECT AT 9TH STREET AND FREEMANSBURG AVENUE**

Mr. Merhottein said the project needed easements but in order to obtain them, the properties would have to be condemned. An appraisal is required for property condemnation.

Upon motion (Beatty-Hudak), the Board of Commissioners voted unanimously by voice vote authorizing the township manager to enter into an agreement with Laudone & Associates for appraisal services of properties related to the emergency traffic signal project at 9th Street and Freemansburg Avenue.

MOTION

**A MOTION APPROVING THE 2025 PUBLIC MEETING SCHEDULE AND
AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE THE SCHEDULE**

Upon motion (Lawrence-Hudak), the Board of Commissioners voted unanimously by voice vote approving the 2025 public meeting schedule and authorizing the township manager to advertise the schedule.

MOTION

**A MOTION APPROVING A SETTLEMENT AGREEMENT PC LAND LLC AND
THE BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS**

Solicitor Backenstoe said: The project received final land approval with twenty-four conditions. The developer did not agree to the condition to obtain a Highway Occupancy Permit (HOP) in order to receive a building permit and filed an appeal. The developer appealed the conditional approval to Northampton County Court and won the case. The township subsequently appealed that decision to Commonwealth Court, where the appeal was denied. The township subsequently appealed that decision to the Pennsylvania Supreme Court, which has not decided whether it will consider the case. The settlement agreement clarifies the permitted uses, limits the building height to fifty feet, calculates permitted truck

trips, allows the developer to move forward with the project, and settles all related litigation. Mr. Backenstoe said this represented an advisable settlement of the matter.

Mr. Roth asked if the developers had obtained the HOP. Mr. Backenstoe said they had not.

Mr. Gallagher asked the board members if they need to recuse themselves. No one recused. Upon motion (Gallagher-Hudak), the Board of Commissioners voted unanimously by voice vote approving a settlement agreement PC Land LLC and the Bethlehem Township Board of Commissioners.

MOTION

A MOTION ACCEPTING THE RESIGNATION OF COMMISSIONER JAN BEATTY, EFFECTIVE NOVEMBER 4, 2024

Mr. Gallagher thanked Ms. Beatty for her service. Mr. Merhottein said it was a pleasure working with her. Ms. Beatty said she appreciated serving her community and was thankful for the opportunity.

Upon motion (Gallagher-Hudak), the Board of Commissioners voted unanimously by voice vote accepting the resignation of Commissioner Jan Beatty, effective November 4, 2024.

PURCHASE ORDERS

PO 20242540 – MOTOROLA SOLUTIONS – NRFC – \$33,682.83
PO 20242542 – WENRICH PAINTING – PPIS – \$5,995.00
PO 20242543 – CONRAD M. SIEGEL INC. – FINANCE – \$19,625.00
PO 20242561 – STEPHENSON EQUIPMENT – PW – \$3,543.81
PO 20242562 – OLD DOMINION BRUSH – PW – \$7,205.75
PO 20242575 – BTVFC – FINANCE – \$8,397.50
PO 20242576 – NANCY RUN FIRE COMPANY – FINANCE – \$94,993.59
PO 20242579 – PALMER TOWNSHIP – FINANCE – \$10,773.48
PO 20242581 – H.T. LYONS – PPIS – \$7,713.00
PO 20242594 – ELITE VEHICLE SOLUTIONS – BTPD – \$44,781.64
PO 20242595 – GLACIER COMPUTER – BTPD – \$12,427.98
PO 20242596 – RADARSIGN – BTPD – \$2,400.00
PO 20242597 – MOTOROLA SOLUTIONS – BTPD – \$15,290.00
PO 20242599 – INDUSTRIAL COMMUNICATIONS – BTPD – \$25,862.15

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

ADJOURNMENT

There being no further business, Mr. Merhottein adjourned the meeting at 8:01 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary