

BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING IN VIRTUAL FORMAT
APRIL 5, 2021

MEMBERS PRESENT Michael D. Hudak, President
Malissa K. Davis, Vice President
John K. Gallagher, Commissioner
John J. Merhottein Commissioner
Dale A. Sourbeck, Commissioner

OTHERS PRESENT James L. Broughal, Township Solicitor
Anthony Giovannini, Township Solicitor
Ronald Gawlik, Township Engineer
Doug Bruce, Township Manager
Amanda Raudenbush, Planning Director
Dan Pancoast, Chief of Police
Angela Kelly, Fire Marshal

CALL TO ORDER President Hudak called the meeting to order at 7:01 p.m.

COURTESY OF THE FLOOR

**RICHARD NORTON
CONCORD CIR.** Mr. Norton said Concord Circle needs repair. He spoke with someone in the road division and was told the road needs cold patch. Mr. Norton believes a hot patch is needed. He said there are other areas from Alton Street to Ohio Street that are in dire need of repair. President Hudak said he understands his concerns and will speak to staff to find out where his street is on the five-year paving plan.

**LEE SNOVER
4010 PRIMA DR.** Ms. Snover said she would like to see a plan in place to open up the municipal building for business and public meetings. She believes it is safe enough to open and said many surrounding businesses are open. President Hudak thanked Ms. Snover for her comments and said this topic will be discussed at a later meeting.

**PAUL WEISS
3649 CHIPMAN RD.** Mr. Weiss asked the board to open the building for public meetings. Mr. Weiss is a member of the Zoning Hearing Board and he said the board has a rather difficult meeting coming up this month that needs to be done in person. He said he believes it can be done safely.

**ROD LAW
4210 ANTHONY LN.** Mr. Law, also a member of the Zoning Hearing Board, agreed with Mr. Weiss and added that it is very important to allow them to have the meeting in person as this particular meeting requires taking evidence and exhibits. He said Mr. Lubitz presented a plan that would allow for in-person meetings safely. Ms. Davis said she saw the pictures allowing three or four members at the dais but stated that her concern is people at the microphone standing too close together and the meeting room being too small. Mr. Law asked the board to approve to open the meeting of April 28th. Ms. Raudenbush it could not be open this month because it would not meet the requirement for advertisement. President Hudak said he appreciates their concerns and asked that they reserve their comments until the next meeting when the topic of opening the building will be discussed.

**STEVE SZY
3630 CHURCH RD.** Mr. Szy said he would like to see the building open for public meetings.

**JUSTIN YOZSA
RESIDENT**

Mr. Yozsa asked why dogs are not allowed in the township parks. President Hudak said the reason was that too many people don't clean up after their dogs and the liability for dog bites. He said dogs are permitted on the D&L Trail. Ms. Davis asked Mr. Yozsa if he would be interested in a dog park. Mr. Yozsa said he would prefer to take his children for a walk with the dog at a park. Mr. Gallagher asked Mr. Yozsa to formulate input to present to the board.

**TOM KEEFER
3808 CARTER RD.**

Mr. Keefer thanked the detective for coming out to see the damage done to his front yard by the construction crew. He said now the crew has a dump truck that is using 10th Street as their entrance and once again are driving over his yard. He believes the easier way for them to come in would be 12th Street. Ms. Raudenbush said she will contact the developer.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth commented that dogs are not allowed at Housenick Park and are a liability. He said he is tired of cleaning up after dogs on the bike path. Mr. Roth asked the board to open the building for meetings and if they can't be held there perhaps they can hold them at the pavilion. President Hudak said they will discuss this at the next meeting.

**APPROVAL OF
MINUTES**

Upon motion (Gallagher-Davis), the Board of Commissioners voted unanimously by voice vote to approve the minutes of the March 15, 2021 regular public meeting in virtual format.

Mr. Gallagher asked for an update of Ms. Eichlin's concern noted in the March 15, 2021 minutes. Ms. Raudenbush said she spoke with the property manager to resolve the problem. Ms. Davis asked Ms. Raudenbush to inform Ms. Eichlin of the update.

President Hudak said the budget meeting minutes had been inadvertently missed on a previous agenda and were now before the board for approval.

Upon motion (Merhottein-Davis), the Board of Commissioners voted unanimously by voice vote to approve the minutes of the October 22, 2020, October 27, 2020 and October 31, 2020 budget hearings in virtual format.

PUBLIC HEARING

ORDINANCE 04-21

**AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 252
VEHICLES AND TRAFFIC; ARTICLE VI, PEDAL CYCLES; DEALING
WITH THE LICENSING OF PEDAL CYCLES**

Chief Pancoast said the requirement of licensing pedal cycles is no longer needed.

Upon motion (Merhottein-Davis), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 04-21 repealing in its entirety Chapter 252 Vehicles and Traffic; Article VI, Pedal Cycles; dealing with the licensing of pedal cycles.

**SUBDIVISIONS &
LAND DEVELOPMENT**

MOTION

**A MOTION AUTHORIZING A SIX-MONTH EXTENSION TO OCTOBER 7,
2021, FOR FAIRFIELD MANAGEMENT CORPORATION TO COMPLY
WITH THE CONDITIONS OF RESOLUTION R052-19 GRANTING FINAL
APPROVAL OF HECKTOWN ROAD BUSINESS PARK LOTS 6 AND 7.**

Ms. Raudenbush said that this project was approved by the board in 2019. Due to the global pandemic, the developer is requesting a time extension to comply with the conditions outlined in the approval.

Upon motion (Gallagher-Merhottein), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing a six-month grant extension to October 7, 2021, for Fairfield Management Corporation to comply with the conditions of Resolution R052-19 granting final approval of Hecktown Road Business Park Lots 6 and 7.

**RESOLUTIONS OF
THE BOARD OF
COMMISSIONERS**

**RESOLUTION R020-21 A RESOLUTION AUTHORIZING THE ATTENDANCE OF
INVESTIGATOR ANTHONY STEVENS AT AMERICAN POLYGRAPH
ASSOCIATION TRAINING JULY 12-16, 2021, IN CAPE CORAL, FLORIDA**

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve Resolution R020-21 authorizing the attendance of Investigator Anthony Stevens at American Polygraph Association training July 12-16, 2021, in Cape Coral, Florida.

**MOTION OF THE
BOARD OF
COMMISSIONERS**

**MOTION A MOTION AUTHORIZING THE ADVERTISEMENT OF AN ORDINANCE
ADDING CHAPTER 213, SPECIAL EVENTS; SECTION 213-1, SHORT
TITLE; SECTION 213-2, DEFINITIONS; SECTION 213-3,
APPLICABILITY; SECTION 213-4, PERMITTING; AND SECTION 213-5,
VIOLATIONS TO THE CODE OF CODIFIED ORDINANCES; TO
ESTABLISH PROVISIONS FOR REGULATING SPECIAL EVENTS
LOCATED WITHIN THE TOWNSHIP OF BETHLEHEM**

President Hudak said that the topic of regulating special events was brought up about five years ago. Large gatherings were taking place on township property without the knowledge of the township. President Hudak said regulating special events would allow the police to enforce the provisions made in the ordinance. Mr. Gallagher believes the definition of special events is extremely broad and would require the ARCHIE Project to complete an application for every event. Solicitor Broughal said that any township-sponsored event is exempted under Section IV of the proposed ordinance.

Upon motion (Merhottein-Gallagher), the Board of Commissioners voted unanimously by voice vote to table a motion authorizing the advertisement of an ordinance adding Chapter 213, Special Events; Section 213-1, Short Title; Section 213-2, Definitions; Section 213-3, Applicability; Section 213-4, Permitting; and Section 213-5, Violations to the Code of Codified Ordinances; to establish provisions for regulating special events located within the Township of Bethlehem.

**MOTION A MOTION AUTHORIZING A GRANT REQUEST TO THE DELAWARE &
LEHIGH NATIONAL HERITAGE COORDINATOR FOR THE D&L PATH**

CULVERT REPAIR PROJECT

President Hudak said this is for repairs to the Tow Path Culvert that was damaged by erosion. Mr. Gallagher asked if there would be a problem requesting a reimbursement for the ongoing project. Mr. Bruce said work is ongoing and that it was at the request of representatives of the D&L Trail that the township seek grant funding from them.

Upon motion (Gallagher-Davis), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing a grant request to the Delaware & Lehigh National Heritage Coordinator for the D&L Path Culvert Repair Project.

MOTION

A MOTION APPROVING REVISION TO THE BETHLEHEM TOWNSHIP POLICE DEPARTMENT’S ORGANIZATION, MANUAL OF POLICY, AND RULES AND REGULATIONS

Chief Pancoast said the department is accredited and that the Pennsylvania Chiefs of Police conduct a review every three years of the rules and regulations to ensure they are complying with the commonwealth laws and federal laws.

Upon motion (Merhottein-Davis), the Board of Commissioners voted unanimously by voice vote to approve a motion approving revision to the Bethlehem Township Police Department’s Organization, Manual of Policy, and Rules and Regulations.

APPROVAL OF PURCHASE ORDERS

- PO 20210548 – GLICK FIRE EQUIPMENT CO. – BTVFC – \$11,070.99**
- PO 20210550 – EAST COAST FACILITIES INC. – ADMIN – \$11,944.68**
- PO 20210566 – JOAO & BRADLEY CONSTRUCTION – PPIS – \$17,796.49**
- PO 20210567 – DALE KOEHLER & SONS FARM – PW – \$9,100.00**
- PO 20210569 – NJBSOFT – PPIS – \$15,583.00**
- PO 20210570 – BRITE – POLICE – \$7,369.00**
- PO 20210585 – MOYER INDOOR/OUTDOOR – PW – \$9,358.00**
- PO 20210594 – HERBERT, ROWLAND, & GRUBIC – ADMIN – \$9,360.00**
- PO 20210620 – TELEDYNE INSTRUMENTS – PPIS – \$8,410**
- PO 20210621 – HARRIS COMPUTER SYSTEMS – FINANCE – \$5,870.00**
- PO 20210623 – HERBERT, ROWLAND, & GRUBIC – ADMIN – \$4,950.50**

Upon motion (Davis-Gallagher), the Board of Commissioners unanimously voted by voice to approve Purchase Orders 20210548, 20210550, 20210566, 20210567, 20210569, 20210570, 20210585, 20210594, 20210620, 20210621 and 20210623 as presented.

DISCUSSION ITEM

FACILITY & PROGRAM SCHEDULING

President Hudak said this discussion item pertains to the opening up of the three pavilions, allowing the rentals of the ballfields, reinstalling the basketball hoops, and the playground program COVID-19 plans and procedures. Mr. Merhottein said he supports opening up the pavilions. Ms. Davis agreed and added with the understanding that those renting pavilion numbers two and three use the bathrooms at the community center during business hours. No portable restrooms will be provided. Mr. Hudak agreed. Mr. Hudak said he had no problem with renting the ballfields as long as they submit the required paperwork and abide by the protocols. Ms. Davis agreed. Mr. Merhottein said for the record that the Bethlehem Township Athletic Association would abide by the protocols approved last year and that they will bring in their own portable restrooms.

Mr. Hudak said he was in favor of putting the basketball hoops back up. Mr. Davis said she would not be in favor of putting them up now. She would rather wait until the middle of the summer. Mr. Gallagher agreed and said basketball is a contact sport and he would rather be cautious and keep the hoops off. President Hudak asked if basketball is permitted in the community center. Ms. Bittel said the court rentals is allowed and is reserved for people within the same family. Mr. Merhottein said he would be in favor of opening the basketball courts. Mr. Sourbeck agreed. President Hudak asked what the difference is between the playground program and the basketball court and how it is differentiated. Mr. Merhottein said basketball is played by kids and adults. Mr. Sourbeck signaled that he is opposed to putting the basketball hoops back up. Mr. Gallagher said he believes some supervision and social distancing is involved with the playground programs. Ms. Bittel interjected and said this proposal is a revision of the camp playground program restricting the number of children that can attend at each park. She also said she is increasing the fees to supplement the cost to run the camps. Mr. Merhottein said the bathrooms at the ballfield should be open. Mr. Hudak agreed. Mr. Gallagher said that would mean overtime for staff to clean. Solicitor Erika Farkas said the township must adhere by the COVID-19 protocols to keep the bathrooms clean and disinfected daily. Mr. Gallagher said he would be in favor of opening the bathrooms if it doesn't involve overtime. Mr. Bruce said public works is already working overtime hours to clean the facilities on the weekends.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said the basketball courts in the City of Bethlehem have been open for over and month.

By consensus, the Board of Commissioners took the following action:

1. Approved to reopen the pavilions, ballfields and outdoor public restrooms, following all CDC and Department of Health guidelines. The ballfields may be leased by using protocols approved last fall for the Bethlehem Township Athletic Association.
2. Approved to modified summer playground programs with new fee structure.
3. Did not approve reopening outdoor basketball courts.

**INTERNATIONAL
FIRE CODE
ADOPTION**

Ms. Kelly requested board approval to continue with the process of amending the Bethlehem Township Ordinance 01-11 titled Fire Prevention and Fire Protection that was enacted on December 19, 2011. She is proposing to adopt the 2015 International Fire Code to stay consistent with what the state adopted. Ms. Kelly said, by adopting more current code editions, the township staff is better able to assist property owners with improving or maintaining the Insurance Services Office rating for the township which would reduce property insurance premiums. Ms. Raudenbush said they are not looking for a vote but for feedback from the board. She said, if there is board support for this proposal, she will work with the solicitor's office. Solicitor Broughal pointed out that all these codes have different editions which are updated by the state from time to time. The appellate court now requires you to specifically amend the ordinance that was adopted and update it to the new edition. Mr. Gallagher asked if 2015 was the latest edition of the International Fire Code. Ms. Kelly said it is updated every three years, 2018 and then 2021. She said she wants to be consistent with what the state has adopted. Ms. Raudenbush added that the state is always three years behind on the building codes. Mr. Merhottein asked if code enforcement supersedes the state. Ms. Raudenbush said yes, but if the township would want to be more restrictive than the code edition that the state adopted but there is a process that needs approval by the Pennsylvania Department

of Labor and Industry. Mr. Merhottein said he had no objection with staying with the state code. Ms. Davis agreed. Mr. Gallagher said he would like to stay with the latest edition that they are allowed to comply with.

By consensus, board directed staff and the township solicitor to work on possible adoption of International Fire Code.

ADJOURNMENT

There being no other business, upon motion (Gallagher-Merhottein), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 8:33 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary