

**BOARD OF COMMISSIONERS  
REGULAR PUBLIC MEETING**

**JUNE 5, 2023**

- MEMBERS PRESENT** John K. Gallagher, Vice President  
Jan Beatty, Commissioner  
DeAnn L. Lawrence, Commissioner (left meeting at 9:18 pm)  
Luke A. Verdes, Commissioner
- MEMBERS ABSENT** John J. Merhottein, President
- OTHERS PRESENT** Jim Broughal, Township Solicitor (Via Zoom)  
Anthony Giovannini, Township Solicitor  
Doug Bruce, Township Manager  
Gregory J. Gottschall, Chief of Police  
Matthew Miranda, PPIS Director  
Amanda Raudenbush, Planning Director, AICP  
Ronald J. Gawlik, Township Engineer  
Ted Rewak, B.S., Certified Professional Reporter
- CALL TO ORDER** Mr. Gallagher called the meeting to order at 7:03 p.m. and led those in attendance in reciting the Pledge of Allegiance.
- OATH OF OFFICE** Chief Gottschall said Officer Kevin Lindsay was appointed Acting Corporal on May 15<sup>th</sup>. He is a nine-year veteran, a certified training officer, and one of the leaders of the department, Chief Gottschall said. Mr. Gallagher administered the oath of office to Corporal Kevin Lindsay.
- PRESENTATION**
- RESOLUTION R045-23** **A RESOLUTION RECOGNIZING AND HONORING THE ACTIONS OF BRENDEN LEE HENRIQUES AND GABRIELLA NICOLE GOMEZ ON MAY 2, 2023, AT FREEDOM HIGH SCHOOL**
- On behalf of the board, Mr. Gallagher presented the resolutions to Brenden Lee Henriques and Gabriella Nicole Gomez. He said he was very proud of them.
- By consensus, the Board of Commissioners approved Resolution R045-23 recognizing and honoring the actions of Brenden Lee Henriques and Gabriella Nicole Gomez on May 2, 2023, at Freedom High School. Mr. Merhottein was absent.
- EXECUTIVE SESSION** Solicitor Giovannini announced that on Monday, June 5, 2023, the Board of Commissioners met in executive session at approximately 6:15 p.m. to discuss litigation issues pursuant to Section 708a of the Pennsylvania Sunshine Act.
- COURTESY OF THE FLOOR**
- JOY ALBANESE  
3825 CHURCH RD.** Ms. Albanese said the ARCHIE Project would like to build a handicap accessible ramp at the Housenick Mansion. She said Sam Falcone will provide the specifications and asked the board for their support to get the estimates. Ms. Albanese asked to borrow the renderings of the mansion to use at their fundraiser table during Community Days. She asked if the

information on the mansion could be included in the next issue of the township newsletter.

**TOM KEEFER  
3803 CARTER RD.**

Mr. Keefer said he has troubling getting a live person on the phone at the municipal building. Mr. Bruce asked him which number he was calling. Mr. Keefer responded 6400 and many other extensions. He believes the permitting process is taking too long and holding up permits for jobs that need to be done. Ms. Raudenbush said some of the delays were the result of not having an in-house Zoning Officer at the time. She said last month over 80 permits were reviewed. Staffing has been an issue during the busy season. A Deputy Zoning Officer was appointed to help with the workload. Mr. Gallagher said the board should consider more staff for next year.

**BARRY ROTH  
4323 CHETWIN TERR.**

Mr. Roth ask the board to put ordinances regarding cutting grass in the newsletter to make residents more aware.

**SUSAN SNYDER  
3425 FARMERSVILLE  
RD.**

Ms. Snyder said she just learned that a Wawa was being considered in her neighborhood and noted for the record that she opposed the idea. She said George Paxos, owner of the property slated for development, went in her mailbox and left a non-stamped letter. She said she contacted the police department about mail tampering, but the police said it was a federal matter. She said Mr. Paxos apologized and offered her a dinner at the Blue restaurant. Ms. Snyder understood the gesture to be a bribe. Mr. Gallagher suggested she contact the postal service. He informed Ms. Snyder that if a developer follows the rules and laws, the board can not stop the development.

**WILSON LOPEZ  
2505 6<sup>TH</sup> STREET**

Mr. Lopez said the alley behind his property was vacated and he applied for a fence permit. The permit was denied because the property isn't his but a portion of the vacated alley is his. Ms. Raudenbush said she will research the matter further. Solicitor Giovannini said that if the alley was vacated then it becomes a private matter and suggested Mr. Lopez consult with an attorney.

**MICHAEL QUIRK  
2510 6<sup>TH</sup> STREET**

Mr. Quirk said his complaint was similar to Mr. Lopez. He said his fence permit was denied and the Zoning Officer does not do a good job of interpreting the laws. He said contractors have been paid money and he is frustrated with the situation. Ms. Raudenbush apologized and said she will also research the matter further. She also informed Mr. Quirk that he can appeal the interpretations by going before the Zoning Hearing Board. Solicitor Giovannini added that the Board of Commissioners cannot overrule any decision made by the Zoning Officer and his only recourse of action is to file an appeal with the Zoning Hearing Board. Mr. Gallagher asked Ms. Raudenbush to follow up.

**APPROVAL  
OF MINUTES**

Upon motion (Beatty-Verdes), the Board of Commissioners voted unanimously by voice vote to approve the minutes of the May 15, 2023 regular public meeting as amended. Mr. Merhottein was absent.

**PRESENTATION**

**ACTIVE  
TRANSPORTATION  
PLAN UPDATE**

Natasha Manbeck, McMahon Associates, presented a brief update. She said tonight's open house seeking feedback from residents on how to improve walking, biking, and public transit access. Ms. Manbeck said the township has a great start in policies to support walking. They will gather the information a develop a draft plan to present to the board in June and a public review in July. The WalkWorks grant requires work to be completed by the end of September.

They are about 80% through the project at this time, she said.

## **PUBLIC HEARING**

### **CONDITIONAL USE**

#### **4406 EASTON AVENUE – HIGHVIEW COMMERCIAL LLC SEEKING CONDITIONAL USE OF GARDEN APARTMENTS**

The conditional use proceedings were recorded by Ted Rewak, Certified Professional Reporter. Solicitor Giovanni closed the public hearing and announced that the board will render a decision at the June 19<sup>th</sup> Board of Commissioners' meeting.

## **RESOLUTIONS OF THE BOARD OF COMMISSIONERS**

### **RESOLUTION R046-23**

#### **A RESOLUTION AWARDING THE CONTRACT FOR THE MUNICIPAL ROOF REPLACEMENT PROJECT**

Mr. Gallagher said the township received a \$25,000 grant from the county and that the highest bids received were over \$400,000.

Upon motion (Verdes-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve Resolution R042-23 awarding the contract for the municipal roof replacement project to Hulton Contracting, LLC for an amount not to exceed \$176,094.00. Mr. Merhottein was absent.

## **MOTIONS OF THE BOARD OF COMMISSIONERS**

### **MOTION**

#### **A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE FOR BID AN ORDINANCE REQUIRING THE MANDATORY RECUSAL OF PUBLIC OFFICIALS IN MATTERS IN WHICH THEY HOLD A FINANCIAL INTEREST**

Upon motion (Beatty-Verdes), the Board of Commissioners voted unanimously by voice vote to untable the motion authorizing the township manager to advertise for bid an ordinance requiring the mandatory recusal of public officials in matters in which they hold a financial interest. Mr. Merhottein was absent.

Mr. Gallagher noted that there were two versions of the ordinance on the website. Mr. Verdes said the updated version was dated June 2<sup>nd</sup> and pertains only to elected officials. He said drafting a separate policy would address the matter as it related to appointed township officials. Ms. Beatty said she was comfortable with the updated version.

### **GLEN KREIER 3942 KENRICK DR.**

Mr. Kreier said the proposed ordinance doesn't clearly define what the 10% financial interest is and how is it determined. Mr. Gallagher said financial statements of interest should disclose it. Mr. Krier believes this document should be a policy and not an ordinance.

### **BARRY ROTH 4323 CHETWIN TERR.**

Mr. Roth took offense and said appointed officials are volunteers and should not be included in the ordinance. Mr. Gallagher said the ordinance does not

imply anyone will take bribes, but rather it is just a good step for additional transparency.

(Ms. Lawrence left the meeting at this time.)

Upon motion (Betty-Verdes), the Board of Commissioners voted unanimously by voice vote to authorize the township manager to advertise for bid an ordinance requiring the mandatory recusal of public officials in matters in which they hold a financial interest. Ms. Lawrence left the meeting early. Mr. Merhottein was absent.

**MOTION**

**A MOTION ADOPTING A POLICY FOR NAMING PARKS AND RECREATION FACILITIES**

Upon motion (Verdes-Beatty), the Board of Commissioners voted unanimously by voice vote to adopt a policy for naming parks and recreation facilities. Mr. Merhottein and Ms. Lawrence were absent.

**MOTION**

**A MOTION APPROVING THE SALE OF A 1989 MACK CF PUMPER FIRETRUCK TO THE BETHLEHEM TOWNSHIP VOLUNTEER FIRE COMPANY**

Dave Stapinsky, representing the fire company, said the truck holds no monetary value but great sentimental value. He said the company would like to keep it as a part of the history and to use as a ceremonial piece for parades and funerals.

Upon motion (Beatty-Verdes), the Board of Commissioners voted unanimously by voice vote to approve the sale of a 1989 Mack CF Pumper firetruck for one dollar to the Bethlehem Township Volunteer Fire Company. Mr. Merhottein and Ms. Lawrence were absent.

**MOTION**

**A MOTION APPROVING IMPROVEMENT SECURITY RELEASE CERTIFICATION #2, IN THE AMOUNT OF \$289,019.50, FOR BIRCHES OF BETHLEHEM**

Upon motion (Beatty-Verdes), the Board of Commissioners voted unanimously by voice vote to approve Improvement Security Release Certification #2, in the amount of \$289,019.50, for Birches of Bethlehem. Mr. Merhottein and Ms. Lawrence were absent.

**MOTION**

**A MOTION SUPPORTING PENNSYLVANIA HOUSE OF REPRESENTATIVES BILLS NO. 34 AND NO. 782 AND AUTHORIZING LETTERS OF SUPPORT BE SENT TO STATE LEGISLATORS**

Mr. Gallagher asked the board to consider letter of support to state legislators for House Bills 34 and 782 regarding amendments to the Municipalities Planning Code (MPC) that would positively impact land development in Berks, Northampton and Lehigh Counties. This support is recommended by the Lehigh Valley Planning Commission.

Upon motion (Verdes-Beatty), the Board of Commissioners voted unanimously by voice vote to authorize a motion supporting Pennsylvania House of Representatives bills No. 34 and No. 782 and authorizing letters of

support be sent to state legislators. Mr. Merhottein and Ms. Lawrence were absent.

**APPROVAL OF PURCHASE ORDERS**

- PO 20231365 – PCPA – BTPD – \$2,600.00**
- PO 20231427 – MILLER MUNICIPAL SUPPLY – PW – \$5,695.60**
- PO 20231411 – WITT’S TREE SERVICE – PPIS – \$3,500.00**
- PO 20231428 – FASCELLA CONSTRUCTION – PW – \$68,907.50**
- PO 20231446 – WEST GENERATOR SERVICES – PPIS – \$3,485.64**
- PO 20231448 – ALBARELL ELECTRIC – PPIS – \$7095.00**
- PO 20231480 – LOWE AND MOYER GARAGE – PW – \$32,328.64**
- PO 20231481 – WITMER PUBLIC SAFETY GRP – BTPD – \$23,526.58**
- PO 20231482 – JOAO & BRADLEY CONST. – PPIS – \$7,161.52**

**BARRY ROTH  
4323 CHETWIN TERR.**

Mr. Roth said purchase order 20231480 for Lowe and Moyer Garage did not reflect the \$5,000 deduction for the engine. Mr. Bruce said he would check into that.

Upon motion (Verdes-Beatty), the Board of Commissioners voted unanimously by voice to approve the purchase orders as presented except for PO 20231480. Mr. Merhottein and Ms. Lawrence were absent.

**ADJOURNMENT**

Ms. Beatty adjourned the meeting at 9:37 p.m.

Respectfully submitted,

Laura G. Zapata  
Recording Secretary