

**BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
JULY 15, 2024**

MEMBERS PRESENT John Merhottein, President
John Gallagher, Vice President
DeAnn Lawrence, Commissioner

MEMBERS ABSENT Jan Beatty, Commissioner
Michael Hudak, Commissioner

OTHERS PRESENT James L. Broughal, Township Solicitor
Doug Bruce, Township Manager
Samantha Smith, Community Development Director
Ron 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

**GLENN KRIER
3942 KENRICK DR.** Mr. Krier asked for an update on the Raceway gas station on Freemansburg Avenue. Ms. Smith said they are still working on it. Mr. Krier then asked for a status on the proposed warehouse on Freemansburg Avenue. Solicitor Broughal said the board's decision has been appealed to county court. Mr. Krier asked if St. Luke's was doing any blasting at their site on William Penn Highway. Ms. Smith said they would need to get permits if so. Mr. Krier said the apartments being build near the Linden-Willow Park intersection do not look like they are providing adequate parking.

**DAVID BUCHERER
4220 NICHOLAS ST.** Mr. Bucherer said his neighbor's fence was installed without the property getting surveyed. He said he disagreed with the placement of it and asked why should it fall on him to pay to have his property surveyed. Solicitor Broughal said that if he believes the fence is not placed on the correct property, then it would be his obligation to prove it. Solicitor Broughal said if he wins, then the permit for the fence would be withdrawn.

**PAUL PULEO
4003 VICTORS WAY** Mr. Puleo said the HOA reached out to the building regarding the shoddy infrastructure which is crippling the roads and the irrigation system still not in operation but did not get a response. He thanked the board for notifying the builder and their continued support to help them push the builder to do the right thing.

APPROVAL OF MINUTES Upon motion (Lawrence-Gallagher), the Board of Commissioners voted 3-0 by voice vote to approve the July 1 2024, regular public meeting minutes as presented. Ms. Beatty and Mr. Hudak were absent.

**SUBDIVISIONS AND
LAND
DEVELOPMENT**

**RESOLUTION R046-24 A RESOLUTION GRANTING PRELIMINARY/FINAL LAND
DEVELOPMENT AND MAJOR SUBDIVISION PLAN APPROVAL OF
FERBER CONSTRUCTION MANAGEMENT LLC PROPOSED CHASE
BANK**

Ms. Smith said the applicant is proposing a bank at 4900 Freemansburg Avenue. The site is zoned Medium High Density Residential (MHDR) District and in the Neighborhood Enhancement Overlay District. The use is permitted by right only on a corner lot. The applicant is also proposing a subdivision to create a 1.076-acre lot on which the bank will sit. She said the planning commission unanimously recommended approval at their July 22nd meeting, with conditions that review letters be met and the lawsuits pertaining to Harvey's Corner on the same property be withdrawn prior to plan approval. Erich Schock, Fitzpatrick, Lentz & Bubba, requested a waiver from the time frame requirement on Condition Number 15 from five days to 15 days. He said the formal request will be sent directly to the township solicitor.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve Resolution R046-24 granting preliminary/final land development and major subdivision plan approval of Ferber Construction Management LLC proposed Chase bank, with the stipulation to waive the requirement under Section 508(1) that the written decision of the Board be communicated in writing within 15 days of tonight's decision. The time frame instead shall run from the Board's next meeting on August 5. Ms. Beatty and Mr. Hudak were absent.

**MOTION A MOTION APPROVING IMPROVEMENTS SECURITY RELEASE
CERTIFICATION #2, IN THE AMOUNT OF \$1,427,526.87, FOR LEHIGH
VALLEY TRADE CENTER III**

Mr. Merhottein said this was a standard security release for the development. Mr. Gallagher asked how much security remained. Mr. Gawlik said \$53,242.25

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve Improvements Security Release Certification #2, in the amount of \$1,427,526.87, for Lehigh Valley Trade Center III. Ms. Beatty and Mr. Hudak were absent.

**MOTION A MOTION AUTHORIZING AND APPROVING A HOLD HARMLESS
INDEMNIFICATION AGREEMENT BETWEEN BETHLEHEM
TOWNSHIP AND LAURIE SAGE AND JOSEPH STELLATO,
REGARDING STRUCTURES BUILT AT A PROPERTY AT 3207 DUBLIN
COURT**

Ms. Smith said the outdoor kitchen, gazebo and patio were previously installed within stormwater easement by the previous owners and without a permit. She said the setback variances were approved by the Zoning Hearing Board.

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to authorize and approve a hold harmless indemnification agreement between Bethlehem Township and Laurie Sage and

Joseph Stellato, regarding structures built at a property at 3207 Dublin Court. Ms. Beatty and Mr. Hudak were absent.

MOTION

A MOTION AUTHORIZING AND APPROVING A HOLD HARMLESS INDEMNIFICATION AGREEMENT BETWEEN BETHLEHEM TOWNSHIP AND ARIELLE NICHOLSON, REGARDING A FENCE PROPOSED FOR A PROPERTY AT 1702 CHARLEY LANE

Mr. Merhottein said this agreement is similar to the previous motion.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to authorize and approve a hold harmless indemnification agreement between Bethlehem Township and Arielle Nicholson, regarding a fence proposed for a property at 1702 Charley Lane. Ms. Beatty and Mr. Hudak were absent.

RESOLUTIONS OF THE BOARD OF COMMISSIONERS

RESOLUTION R045-24 A RESOLUTION APPROVING THE EXPENDITURE OF \$270,962.58 FOR 2025 MACK GRANITE GR42BR DUMP TRUCK WITH ACCESSORIES WITH UNIVEST CAPITAL INC., DBA MUNICIPAL CAPITAL FINANCE, AND AUTHORIZING THE EXECUTION OF A CERTAIN GOVERNMENT OBLIGATION CONTRACT

Mr. Merhottein said this is a five-year lease purchase for new Public Works dump truck and is a budgeted capital item in the liquid fuels budget.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve Resolution R045-24 approving the expenditure of \$270,962.58 for 2025 Mack Granite GR42BR dump truck with accessories with Uninvest Capital Inc., dba Municipal Capital Finance, and authorizing the execution of a certain government obligation contract. Ms. Beatty and Mr. Hudak were absent.

MOTIONS OF THE BOARD OF COMMISSIONERS

MOTION

A MOTION AUTHORIZING THE ADVERTISING OF AN ORDINANCE AMENDING THE CODE OF CODIFIED ORDINANCES OF THE TOWNSHIP OF BETHLEHEM, CHAPTER 187, PROPERTY, ABANDONED AND FORECLOSED; PROVIDING AMENDMENTS TO SECTION 187-2, DEFINITIONS, AND SECTION 187-9, VIOLATIONS AND PENALTIES; AND REPEALING ALL ORDINANCES INCONSISTENT HERewith

This would revise the definition of a vacant property and increase fines under the ordinance. Definition of vacant property has been revised based on comments from Commissioner Gallagher.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to untable this motion. Ms. Beatty and Mr. Hudak were absent.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to advertise an ordinance amending the Code of Codified Ordinances of the Township of Bethlehem, Chapter 187, Property, Abandoned and Foreclosed; providing amendments to Section 187-2, Definitions, and Section 187-9, Violations and Penalties; and repealing all ordinances inconsistent herewith. Ms. Beatty and Mr. Hudak were absent.

MOTION

A MOTION AUTHORIZING AND APPROVING THE SALE OF A DAMAGED FIRETRUCK (2008 SPARTAN OPERATED BY BETHLEHEM TOWNSHIP VOLUNTEER FIRE COMPANY) TO MARCO EQUIPMENT FOR \$1,999

Mr. Merhottein said this motion would retroactively approve the sale of a firetruck, damaged in an accident in a snowstorm in February of this year, to Marco Equipment.

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to authorize and approve the sale of a damaged firetruck (2008 Spartan operated by Bethlehem Township Volunteer Fire Company) to Marco Equipment for \$1,999. Ms. Beatty and Mr. Hudak were absent.

MOTION

A MOTION AUTHORIZING SCF ARCHITECTS TO COMPLETE PLUMBING, ELECTRICAL, AND HVAC DESIGN AND DRAWINGS FOR THE JOHNSTON MANSION INTERIOR RENOVATION PROJECT

Housenick Committee met this past Wednesday with Sam Falcone of SCF Architects. At the meeting, Commissioner Gallagher recommended this motion to move the project along.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to authorize SCF Architects to complete plumbing, electrical, and HVAC design and drawings for the Johnston mansion interior renovation project. Ms. Beatty and Mr. Hudak were absent.

BILL AGENDA OF JULY 11, 2024

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve the bill agenda of July 11, 2024 as presented. Ms. Beatty and Mr. Hudak were absent.

PURCHASE ORDERS

PO 20241602 – MOTOROLA SOLUTIONS – BTVFC – \$34,184.07
PO 20241620 – HYDRA-NUMATIC SALES – PPIS – \$9,924.96
PO 20241673 – STRYKER SALES – BTVFC – \$41,860.20
PO 20241674 – STRYKER SALES – BTVFC – \$24,042.80
PO 20241675 – STRYKER SALES – BTVFC – \$65,055.00

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve purchase orders as presented. Ms. Beatty and Mr. Hudak were absent.

TREASURER'S REPORT OF JUNE 30, 2024

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve the treasurer's report of June 30, 2024, subject to audit. Ms. Beatty and Mr. Hudak were absent.

**ZONING HEARING
BOARD MEETING
OF JULY 31, 2024**

Ms. Smith said the two appeals on the agenda are both continuances:

12-2024 – Rolando Rolo / 4119 Nazareth Pike (AKA 4107 Nazareth Pike)
13-2024 – Deibel Labs / 3708 Freemansburg Ave

Solicitor Broughal said he will be there.

MONTHLY REPORTS

There were no comments on the monthly reports.

ADJOURNMENT

There being no further business, Mr. Merhottein adjourned the meeting at 7:27 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary