

**BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
MAY 15, 2023**

- MEMBERS PRESENT** John J. Merhottein, President
John K. Gallagher, Vice President
Jan Beatty, Commissioner
DeAnn L. Lawrence
Luke A. Verdes, Commissioner
- OTHERS PRESENT** Jim Broughal, Township Solicitor
Doug Bruce, Township Manager
Amanda Raudenbush, Community Development Director
Ronald J. Gawlik, Township Engineer
- CALL TO ORDER** President Merhottein called the meeting to order at 7:00 p.m. and led those assembled in the Pledge of Allegiance.
- EXECUTIVE SESSION** Solicitor Broughal announced that on Monday, May 15, 2023, the Board of Commissioners met in executive session at approximately 6:30 p.m. to 6:45 p.m. to discuss personnel issues pursuant to Section 708a of the Pennsylvania Sunshine Act.
- COURTESY OF THE FLOOR**
- COMMISSIONER GALLAGHER** Mr. Gallagher noted that this week is National Police Week and thanked Chief Gottschall and the department for keeping the township safe. Mr. Merhottein agreed and added that the Bethlehem Township Police Department is the best in the Lehigh Valley.
- BARRY ROTH
4323 CHETWIN TERR.** Mr. Roth said he resides in the Fourth Ward but has to drive over to the First Ward to vote tomorrow because the bridge is closed for repairs. He believes many residents in his ward will not be able to vote because it is too far from them. Mr. Roth asked if someone could reach out to PennDOT about completing the bridge repairs before the elections in November.
- DON WRIGHT
2815 HOPE RIDGE DR.** Mr. Wright asked the recording secretary to correct an error in the minutes of May 1, 2023. He said he did not serve for 25 years but resided in the township for 25 years.
- APPROVAL OF MINUTES** Upon motion (Beatty-Gallagher), the Board of Commissioners voted by voice vote to approve the May 1, 2023 regular public meeting minutes as amended. The motion passed 4-0-1. Mr. Merhottein abstained.
- PUBLIC HEARING**
- ORDINANCE 04-23** **AN ORDINANCE DETERMINING TO INCUR DEBT IN THE PRINCIPAL AMOUNT OF \$2,490,000; AS LEASE RENTAL DEBT TO BE EVIDENCED BY A SERIES OF INDEBTEDNESS TO BE KNOWN AS GUARANTEED REVENUE NOTE, SERIES OF 2023 (“2023 NOTE” OR “NOTE”) OR SUCH OTHER DESIGNATION AS MAY BE APPROPRIATE, TO BE AUTHORIZED AND ISSUED BY THE BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY (THE “AUTHORITY”) AND GUARANTEED**

BY THE TOWNSHIP FOR CAPITAL IMPROVEMENTS TO BETHLEHEM TOWNSHIP MUNICIPAL AUTHORITY'S PHASE 1 POLLUTION REDUCTION PLAN PROJECT; THE 2023 NOTE BEING ISSUED THROUGH THE PENNVEST PROGRAM WHICH REIMBURSES PROJECT COSTS ADVANCED; AUTHORIZING AN INCREASE IN THE TOWNSHIP'S NONELECTORAL INDEBTEDNESS; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY OF THE NOTE; MAKING A COVENANT FOR THE PAYMENT OF DEBT SERVICE ON THE 2023 NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTS WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR APPROVAL OF THE ISSUANCE OF THE DEBT; TO EXECUTE AND DELIVER (1) A CONTRACT AND LEASE OR SUCH OTHER FINANCING INSTRUMENT AND (2) A GUARANTY AGREEMENT; SPECIFYING THE LEASE RENTALS TO BE PAID BY THE TOWNSHIP PURSUANT TO SAID LEASE OR SUCH PAYMENTS MADE BY AN APPROPRIATE FINANCING INSTRUMENT AND THE SOURCE OF PAYMENT THEREOF; GUARANTEEING PAYMENT OF THE PRINCIPAL AND INTEREST ON THE NOTE; SPECIFYING THE AMOUNT OF THE GUARANTY OBLIGATIONS OF THE TOWNSHIP; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP WITH RESPECT TO THE GUARANTY AGREEMENT; AND PROVIDING FOR PROPER OFFICERS OF THE TOWNSHIP TO TAKE ALL OTHER REQUIRED, NECESSARY OR DESIRABLE RELATED ACTION IN CONNECTION WITH SAID PROJECT, SAID LEASE OR FINANCING INSTRUMENT AND SAID GUARANTY AGREEMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AUTHORIZING, EXECUTION, SALE AND DELIVERY OF THE 2023 NOTE, AND DOCUMENTS RELATED THERETO; PROVIDING CERTAIN COVENANTS AND RESTRICTIONS FOR SECURITY AND PAYMENT OF THE NOTE; ESTABLISHING CERTAIN TAX COVENANTS REGARDING USE OF THE PROCEEDS OF THE NOTE; REPEALING CERTAIN ORDINANCES OR PART OF ORDINANCES; ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE

Kevin Reid, attorney representing the township on this matter, said the debt belongs to the Bethlehem Township Municipal Authority and the township will serve as guarantor.

Upon motion (Gallagher-Verdes), the Board of Commissioners voted unanimously by voice vote to approve adopt Ordinance 04-23 determining to incur debt in the principal amount of \$2,490,000; as lease rental debt to be evidenced by a series of indebtedness to be known as Guaranteed Revenue Note, Series of 2023 ("2023 note" or "note") or such other designation as may be appropriate, to be authorized and issued by the Bethlehem Township Municipal Authority (the "authority") and guaranteed by the township for capital improvements to Bethlehem Township Municipal Authority's Phase 1 Pollution Reduction Plan project; the 2023 note being issued through the Pennvest program which reimburses project costs advanced; authorizing an increase in the township's nonelectoral indebtedness; fixing the form, number, date, interest and maturity of the note; making a covenant for the payment of debt service on the 2023 note; providing for the filing of the required documents with the Pennsylvania Department of Community and Economic Development for approval of the issuance of the debt; to execute and deliver (1) a contract and lease or such other financing instrument and (2) a guaranty agreement; specifying the lease rentals to be paid by the township

pursuant to said lease or such payments made by an appropriate financing instrument and the source of payment thereof; guaranteeing payment of the principal and interest on the note; specifying the amount of the guaranty obligations of the township; pledging the full faith, credit and taxing power of the township with respect to the guaranty agreement; and providing for proper officers of the township to take all other required, necessary or desirable related action in connection with said project, said lease or financing instrument and said guaranty agreement; providing for the appointment of a sinking fund depository for the note; authorizing, execution, sale and delivery of the 2023 note, and documents related thereto; providing certain covenants and restrictions for security and payment of the note; establishing certain tax covenants regarding use of the proceeds of the note; repealing certain ordinances or part of ordinances; establishing the effective date of the ordinance as presented.

**SUBDIVISIONS AND
LAND
DEVELOPMENT**

**SKETCH PLAN – 4457
EASTON AVENUE,
WAWA**

The applicant is proposing to develop property at the northwest corner of Farmersville Road and Easton Avenue, immediately adjacent to the Blue Grillhouse. The proposal includes a convenience store with gas pumps on the front of the site and a sixty-unit apartment building on the rear of the site. The site also proposes parking, sidewalks, lighting, landscaping, utilities, and stormwater management facilities. This parcel is 5.138 acres and located within the Medium High-Density Residential Zoning District and Commercial Enhancement Overlay District. The developers have considered the comments from the Planning Commission and modified the plan accordingly, according to Ms. Raudenbush.

Attorney Joseph Fitzpatrick, representing the developer, said the applicant, Mr. Paxos, is one of the longest-tenured property owners in this corridor. Mr. Paxos said he has proudly owned the property since the mid-1980s. He said this plan will compliment the Blue Grillhouse. The proposed apartment building is three stories with an elevator, six garages, and 22 parking spaces.

Mr. Gallagher said he was concerned that the cross connections and traffic would encourage drivers to cut through the properties. Mr. Merhottein asked if a three-story building was permitted. Ms. Raudenbush said the developers would need to go before the Zoning Hearing Board for a variance. Mr. Verdes was also concerned about the height requirement and noted that in the review letter Mr. Comitta did not favor the three-story building. Mr. Gallagher asked if this plan would create more stormwater issues as the Blue Grillhouse has been flooded before. Attorney Fitzpatrick said they are working to mitigate any stormwater issues. Mr. Gallagher said he would like to see the pumps to the rear of the property.

**GLEN KRIER
3942 KENRICK DR.**

Mr. Krier said he admires Mr. Paxos and enjoys the Blue Grillhouse but believes this isn't the best use for this property. He said William Penn Highway is only a two-way and would not be able to support the traffic. Mr. Krier believes Freemansburg Avenue would have been a better location.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said traffic was a big concern as the corridor has yet to be improved. He said stormwater is his next concern. Mr. Roth said pushing the water towards Penn Farms is problematic as that area has a great potential for sink holes. He also believes that a gas station is not needed as cars will be converting to electric in the near future.

**TOM KEEFER
3803 CARTER RD.**

**STEVE HUNT
2197 COOK DR.**

Mr. Keefer said his concerns are traffic and stormwater. He added that a traffic study could not be accurately done with the bridge closed.

**DAVE WONG
4108 GINGER LANE**

Mr. Hunt said he was concerned with stormwater. He believes a convenience store would be fine but a gas station would not fit in.

Mr. Wong said he was concerned with stormwater and traffic. There is not enough parking for guests at the apartment building. He believes potential tenants of a high-end apartment would not want a view of the gas station and that it takes away from the township's character.

Mr. Paxos said the stormwater issues did not begin until the mid-1990's when Toll Brothers put in their development. In the worst of floods, the water never got as high as his property.

Ms. Beatty asked if any studies regarding the gas station were done. Mr. Gawlik said that will be included with the traffic study. Mr. Verdes said he is concerned about pedestrian safety and drivers cutting through to avoid traffic. He asked if the access road could be placed behind the property. Mr. Gawlik believes this is something the applicant can consider as zoning requires cross access.

**RESOLUTIONS OF
THE BOARD OF
COMMISSIONERS**

The board took no action on the sketch plan.

RESOLUTION R043-23

**A RESOLUTION APPOINTING A CORPORAL TO THE BETHLEHEM
TOWNSHIP POLICE DEPARTMENT**

Ms. Beatty nominated Kevin Lindsay and Ms. Lawrence seconded.

RESOLUTION R044-23

Upon motion (Beatty-Gallagher), the Board of Commissioners voted by voice vote to approve Resolution R043-23 appointing Kevin Lindsay as corporal of the Bethlehem Township Police Department.

**A RESOLUTION APPROVING AN APPLICATION TO THE 2023
NORTHAMPTON COUNTY GROW NORCO GRANT PROGRAM**

Mr. Bruce said the \$50,000 grant is for the design and engineering of the proposed municipal building parking lot enhancement. He said the parking lot has become more crowded in the last several years.

**MOTIONS OF THE
BOARD OF
COMMISSIONERS**

Upon motion (Gallagher-Verdes), the Board of Commissioners voted 5-0 by voice vote to approved Resolution R044-23 approving an application to the 2023 Northampton County Grow NORCO grant program.

MOTION

**A MOTION AUTHORIZING AND APPROVING A HOLD HARMLESS
INDEMNIFICATION AGREEMENT BETWEEN BETHLEHEM
TOWNSHIP AND LEON TURNER III AND QAISEERAH MUSA ABDUL-
RAHMAN REGARDING A FENCE SITUATED IN TOWNSHIP
EASEMENTS AT 1684 CHARLEY LANE**

This hold harmless agreement allows a fence to be placed in the township's easement due to special circumstances.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing and approving a hold harmless indemnification agreement between Bethlehem Township and Leon Turner III and Qaiseerah Musa Abdul-Rahman regarding a fence situated in township easements at 1684 Charley Lane.

MOTION

A MOTION AUTHORIZING AND APPROVING A HOLD HARMLESS INDEMNIFICATION AGREEMENT BETWEEN BETHLEHEM TOWNSHIP AND KYLE AND AMBER EMERICH REGARDING A FENCE SITUATED IN TOWNSHIP EASEMENTS AT 4021 COLEMAN STREET

This hold harmless agreement allows a fence to be placed in the township's easement due to special circumstances.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing and approving a hold harmless indemnification agreement between Bethlehem Township and Kyle and Amber Emerich regarding a fence situated in township easements at 4021 Coleman Street.

MOTION

A MOTION APPOINTING A DEPUTY ZONING OFFICER

Ms. Raudenbush said Community Development's peak season is spring to early fall. The Zoning Officer reviews every zoning permit that is submitted, as well as most residential and commercial permits. She also handles all zoning complaints. In order to alleviate the pinch point, Ms. Raudenbush said she would like to deputize the Code Enforcement Officer as a Deputy Zoning Officer so he can assist with the caseload as his schedule permits.

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve a motion appointing Aaron Stasiw as Deputy Zoning Officer.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE AN ORDINANCE REQUIRING THE MANDATORY RECUSAL OF PUBLIC OFFICIALS IN MATTERS THAT THEY HOLD A FINANCIAL INTEREST

Mr. Verdes said the ordinance was revised to require two years of financial contributions for those seeking public office. Mr. Gallagher asked for clarification as to who this would apply to and who would be exempt.

Upon motion (Beatty-Gallagher), the Board of Commissioners voted unanimously by voice vote to table a motion authorizing the township manager to advertise an ordinance requiring the mandatory recusal of public officials in matters that they hold a financial interest.

**BILL AGENDA OF
MAY 10, 2023**

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to approve the bill agenda of May 10, 2023 as presented.

**APPROVAL OF
PURCHASE ORDERS**

PO 20231187 – STENGEL BROTHERS INC. – PW – \$3,221.97
PO 20231301 – MOTOROLA SOLUTIONS – BTPD – \$6,880.00
PO 20231302 – ELITE VEHICLE SOLUTIONS – BTPD – \$20,650.92
O 20231303 – INDUSTRIAL COMMUNICATIONS – BTPD – \$8,389.76
PO 20231304 – U.S. MUNICIPAL SUPPLY – PW – \$4,258.26

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said the township is wasting money by not reusing light bars on police cars.

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

**TREASURER'S
REPORT OF APRIL 30,
2023**

Upon motion (Gallagher-Verdes), the Board of Commissioners voted unanimously by voice vote to approve the treasurer's report of April 30, 2023, subject to audit.

**ZONING HEARING
BOARD MEETING OF
MAY 31, 2023**

Ms. Raudenbush noted the four hearings on the agenda.

MONTHLY REPORTS

All monthly reports were accepted.

DISCUSSION ITEMS

**BOARD OF
COMMISSIONERS'
POLICIES**

Solicitor Broughal explained that this is a policy about how policies are being documented going forward. Mr. Gallagher believes they don't need a policy of policies as many policies have been adopted over the years. Mr. Verdes said it was something previously discussed by the board and recommended by the solicitor. Mr. Merhottein said it's not something needed but it's the pleasure of the board.

**DRAFT POLICY FOR
NAMING PARKS AND
RECREATION
FACILITIES**

Mr. Merhottein said several residents have approached the board about naming parks and benches. Ms. Beatty asked what steps were needed to do this. Mr. Gallagher said a guideline was created by the Recreation Commission. Ms. Beatty appreciated the efforts of the commission. Mr. Gallagher asked if the board could vote to adopt. Mr. Merhottein said it would need to be added on the next agenda for a vote.

COMMUNITY DAYS

Mr. Merhottein announced that Community Days is June 14th through June 17th.

ADJOURNMENT

There being no other business, Mr. Merhottein adjourned the meeting at 8:19 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary