

**BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR PUBLIC MEETING  
SEPTEMBER 16, 2024**

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

**MEMBERS ABSENT** Michael Hudak, Commissioner

**OTHERS PRESENT** James L. Broughal, 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.

**EXECUTIVE SESSION ANNOUNCEMENT** Solicitor Broughal announced that an executive session was held on September 10, 2024, at 10 am for approximately two hours to discuss litigation and again on September 16, 2024, at 6 pm for approximately one hour to potential litigation pursuant to Section 708a of the Pennsylvania Sunshine Act.

**COURTESY OF THE FLOOR**

**DEB MARKERT  
2536 5<sup>TH</sup> STREET** Ms. Markert spoke to the board about the cat colonies and how to control the population. She said a representative from FURR (Feline Urban Rescue & Rehab) would like to speak to board about working together. Mr. Merhottein thanked Ms. Markert and said the board will discuss it.

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

**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**

Mr. Bruce said revisions were made to the Zoning Ordinance. Unfortunately, the Planning Commission members were not able to review and provide their comments because the August meeting was cancelled. Solicitor Broughal said a copy of the revised ordinance was sent to the Planning Commission and the Lehigh Valley Planning Commission and they have 30 days to review and provide comment. The law says the Board does not need a recommendation from either board to act. Solicitor Broughal said the revisions to the ordinance were housekeeping items.

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to table Ordinance 05-24. Mr. Hudak was absent.

**ORDINANCE 06-24**

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

Mr. Gallagher said he was satisfied with the revised version.

Upon motion (Lawrence-Beatty), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 06-24 amending the Code of Codified Ordinances of the Township of Bethlehem, Chapter 187, Property, Abandoned and Foreclosed, by providing amendments to Section 187-2, Definitions, and Section 187-9, Violations and Penalties, and repealing all ordinances inconsistent herewith. Mr. Hudak was absent.

**ORDINANCE 07-24**

**AN ORDINANCE AMENDING THE CODE OF CODIFIED ORDINANCES, CHAPTER 132, FIREWORKS REGULATIONS, CONSUMER; SECTION 132-3, CONDITIONS OF USE; BY FURTHER REGULATING THE USE OF CONSUMER FIREWORKS LOCATED WITHIN THE TOWNSHIP OF BETHLEHEM AND REPEALING ALL ORDINANCES INCONSISTENT HERewith**

Mr. Merhottein said fireworks will no longer be allowed on Memorial Day. The holiday was removed from the list in the ordinance.

**DAVE BUCHERER  
4220 NICHOLAS ST.**

Mr. Bucherer asked if sparklers were prohibited. Mr. Merhottein said no.

Upon motion (Beatty-Lawrence), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 07-24 amending the Code of Codified Ordinances, Chapter 132, Fireworks Regulations, Consumer; Section 132-3, Conditions of Use; by further regulating the use of consumer fireworks located within the Township of Bethlehem and repealing all ordinances inconsistent herewith. Mr. Hudak was absent.

**ORDINANCE 08-24**

**AN ORDINANCE TO INCUR LEASE RENTAL DEBT, AS EVIDENCED BY THE GUARANTEED REVENUE NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,710,000 IN CONNECTION WITH THE CONSTRUCTION, ALTERATION, AND IMPROVEMENTS TO THE PUBLIC STORMWATER FACILITIES**

Mr. Merhottein said this ordinance pertains to the Walnut Street drainage project.

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 08-24 and incur lease rental debt, as evidenced by the guaranteed revenue note in the maximum principal amount of \$2,710,000 in connection with the construction, alteration, and improvements to the public stormwater facilities. Mr. Hudak was absent.

**SUBDIVISIONS AND  
LAND  
DEVELOPMENT**

**MOTION**

**A MOTION AGREEING NOT TO APPEAL THE DECISION OF THE  
COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,  
PENNSYLVANIA, CV-2024-01311, 1600 FREEMANSBURG ASSOCIATES  
LLC VS. BOARD OF COMMISSIONERS OF BETHLEHEM TOWNSHIP,  
AND ACCEPTING THE DEVELOPER'S (1600 FREEMANSBURG  
ASSOCIATES LLC) APPROVAL OF CONDITIONS ATTACHED HERETO  
AND MARKED EXHIBIT A**

Mr. Merhottein said board had voted down the proposal in January. The developer subsequently appealed and won the appeal in county court, he said. Solicitor Broughal said the applicant was willing to agree to 90% of the conditions made by the board, had they approved the plan. He said if the board decides to appeal the decision, the developer will not comply with any of the conditions.

**DIANE RUDOLPH  
1661 DENNIS STREET**

Ms. Rudolph said she opposed the project and asked if any of the conditions addressed traffic, light and air pollution. Mr. Merhottein said PennDOT reviews the traffic portion since Freemansburg Avenue is a state road. Ms. Rudolph asked the board if they could install traffic lights on Freemansburg Avenue. Mr. Gawlik said she needs to contact PennDOT and provided her with the contact information. Ms. Rudolph asked if the board would send a letter of support to PennDOT. Mr. Merhottein said they would.

**BARRY ROTH  
4323 CHETWIN TERR.**

Mr. Roth said traffic is a major concern and a traffic study needs to be done.

**RESIDENT  
5<sup>TH</sup> STREET**

The resident said it takes her approximately 20 minutes to get onto Freemansburg Avenue from her home. Mr. Merhottein said the board voted no on the project and was taken to court and lost. A traffic light will be installed at the entrance of the quarry onto Freemansburg Avenue, Ms. Smith said. Ms. Smith read the full list of conditions.

**DEB MARKERT  
2536 5<sup>TH</sup> STREET**

Ms. Markert asked who purchased the land. Solicitor Broughal said it was 1600 Freemansburg Avenue LLC. She then asked how she could get information on traffic accidents. Mr. Merhottein said she would have to complete a Right to Know request form.

**TOM KEEFER  
3803 CARTER ROAD**

Mr. Keefer said he was very disappointed with the decision.

**EILEEN TRUSCOTT  
4385 HILLTOP  
CIRCLE**

Ms. Truscott said she moved into the township in 1991 and believes it is getting too big. She asked the board if they could rezone the property or place restrictions. Mr. Merhottein said the township is 90% built out and that the majority of the parcel is in Freemansburg Borough.

**ROBERT GROEGLER  
4104 SHANNON AVE**

Mr. Groegler expressed concern about traffic. Mr. Merhottein said the police would monitor it.

**ANNE KISILEWICZ  
1731 7<sup>TH</sup> STREET**

Ms. Kisilewicz asked what conditions were not agreed to. Ms. Smith said some standard conditions which in this case did not apply. Ms. Kisilewicz said she wants to join in the fight for safety and asked the board to endorse their concerns.

Upon motion (Gallagher-Merhottein), the Board of Commissioners voted unanimously by voice vote agreeing not to appeal the decision of the Court of Common Pleas of Northampton County, Pennsylvania, CV-2024-01311, 1600 Freemansburg Associates LLC vs. Board of Commissioners of Bethlehem Township, and accepting the developer's (1600 Freemansburg Associates LLC) approval of conditions attached hereto and marked Exhibit A. Mr. Hudak was absent.

**MOTION**

**A MOTION APPROVING IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 9, IN THE AMOUNT OF \$531,170.20, FOR TRADITIONS OF AMERICAN GREEN POND**

**TOM KAPELEWSKI  
3864 VICTORS WAY**

Mr. Kapelewski asked what the security money covered. Ms. Smith said it covers items that passed inspection such as sidewalks and aprons.

Upon motion (Lawrence-Beatty), the Board of Commissioners voted unanimously by voice vote approving Improvements Security Release Certification No. 9, in the amount of \$531,170.20, for Traditions of American Green Pond. Mr. Hudak was absent.

**MOTION**

**A MOTION APPROVING IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 1, IN THE AMOUNT OF \$1,347,942.31, FOR GRACE CHURCH**

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote approving Improvements Security Release Certification No. 1, in the amount of \$1,347,942.31, for Grace Church. Mr. Hudak was absent.

**MOTION**

**A MOTION APPROVING IMPROVEMENTS SECURITY RELEASE CERTIFICATION NO. 5, IN THE AMOUNT OF \$82,034.60, FOR BIRCHES AT BETHLEHEM**

Upon motion (Beatty-Lawrence), the Board of Commissioners voted unanimously by voice vote approving Improvements Security Release Certification No. 5, in the amount of \$82,034.60, for Birches at Bethlehem. Mr. Hudak was absent.

**MOTION**

**A MOTION APPROVING A HOLD HARMLESS INDEMNIFICATION AGREEMENT BETWEEN BETHLEHEM TOWNSHIP AND JAYDE GNYP, REGARDING A FENCE TO BE INSTALLED AT 1715 CHARLEY LANE**

Upon motion (Beatty-Gallagher), the Board of Commissioners voted unanimously by voice vote approving a hold harmless indemnification agreement between Bethlehem Township and Jayde Gnyp, regarding a fence to be installed at 1715 Charley Lane. Mr. Hudak was absent.

**RESOLUTIONS OF  
THE BOARD OF  
COMMISSIONERS**

**RESOLUTION R051-24**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN CABLE FRANCHISE AGREEMENT BETWEEN BETHLEHEM TOWNSHIP AND COMCAST OF SOUTHEAST PENNSYLVANIA LLC, GRANTING TO COMCAST A NON-EXCLUSIVE FRANCHISE TO ERECT, INSTALL, MAINTAIN, AND OPERATE CABLE SERVICE IN, UNDER, OVER, ALONG, ACROSS, AND UPON THE STREETS, SIDEWALKS, ALLEYS, BRIDGES ROADS, HIGHWAYS, AND OTHER**

**PUBLIC PLACES IN THE TOWNSHIP OF BETHLEHEM AND SUBSEQUENT ANNEXATION, THERETO INCLUDING IN CONNECTION THEREWITH THE RIGHT AND PERMISSION TO ERECT, INSTALL, AND MAINTAIN POLES AND TO INSTALL, ATTACH, AND MAINTAIN WIRES, CABLES, APPLIANCES, AND OTHER FACILITIES TO SUCH POLES AND TO EXISTING UTILITY POLES FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION OF CABLE SERVICE; TO PROVIDE RECEPTION SERVICE FOR THE SAME TO THE MEMBERS OF THE PUBLIC DESIRING SUCH SERVICE IN THE TOWNSHIP OF BETHLEHEM, AND FOR OTHER PURPOSES FOR A PERIOD OF YEARS; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE SAID FRANCHISE; PROVIDING FOR TOWNSHIP REGULATION AND USE OF THE SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS**

**DIANE RUDOLPH  
1661 DENNIS STREET**

Ms. Rudolph asked if the cables are underground. Solicitor Broughal said they will be installed as required by law but most likely underground.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve Resolution R051-24 authorizing the execution of a certain cable franchise agreement between Bethlehem Township and Comcast of Southeast Pennsylvania LLC, granting to Comcast a non-exclusive franchise to erect, install, maintain, and operate cable service in, under, over, along, across, and upon the streets, sidewalks, alleys, bridges roads, highways, and other public places in the Township of Bethlehem and subsequent annexation, thereto including in connection therewith the right and permission to erect, install, and maintain poles and to install, attach, and maintain wires, cables, appliances, and other facilities to such poles and to existing utility poles for the purpose of transmission and distribution of cable service; to provide reception service for the same to the members of the public desiring such service in the Township of Bethlehem, and for other purposes for a period of years; setting forth conditions accompanying the grant of the said franchise; providing for township regulation and use of the system and providing penalties for violations. Mr. Hudak was absent.

**RESOLUTION R052-24 A RESOLUTION AUTHORIZING SERGEANT DARYL LAPOINTE TO ATTEND THE PENNSYLVANIA STATE POLICE COLLISION RECONSTRUCTION TRAINING SEMINAR OCTOBER 1-3, 2024, IN POCONO MANOR, PENNSYLVANIA**

Upon motion (Beatty-Lawrence), the Board of Commissioners voted by voice vote to approve Resolution R052-24 authorizing Sergeant Daryl LaPointe to attend the Pennsylvania State Police Collision Reconstruction Training Seminar October 1-3, 2024, in Pocono Manor, Pennsylvania. Mr. Hudak was absent.

**RESOLUTION R053-24 A RESOLUTION AUTHORIZING APPLICATIONS TO THE LOCAL SHARE ACCOUNT (NORTHAMPTON/LEHIGH COUNTIES AND MONROE COUNTY) GRANT PROGRAMS OF THE COMMONWEALTH FINANCING AUTHORITY**

Upon motion (Lawrence-Beatty), the Board of Commissioners voted unanimously by voice vote to approve Resolution R053-24 authorizing applications to the Local Share Account (Northampton/Lehigh counties and Monroe County) grant programs of the Commonwealth Financing Authority. Mr. Hudak was absent.

**MOTIONS OF THE  
BOARD OF  
COMMISSIONERS**

**MOTION**

**A MOTION AUTHORIZING THE ADVERTISEMENT OF THE 2024-26  
MADISON FARMS SNOW PLOWING/REMOVAL CONTRACT**

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to advertise authorizing the advertisement of the 2024-26 Madison Farms snow plowing/removal contract. Mr. Hudak was absent.

**MOTION**

**A MOTION AUTHORIZING THE TOWNSHIP ENGINEER TO PREPARE  
PRELIMINARY COST ESTIMATES FOR SEVERAL POTENTIAL ROAD  
IMPROVEMENT PROJECTS**

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to authorizing the township engineer to prepare preliminary cost estimates for several potential road improvement projects. Mr. Hudak was absent.

**BILL AGENDA OF  
SEPTEMBER 11, 2024**

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to approve the bill agenda of September 11, 2024. Mr. Hudak was absent.

**PURCHASE ORDERS**

**PO 20242159 – CODY SYSTEMS – BTPD– \$18,837.13**  
**PO 20242171 – TRANSEdge TRUCK CENTERS – PW – \$5,958.91**  
**PO 20242200 – PA CHIEFS OF POLICE ASSOCIATION – BTPD – \$3,964.32**  
**PO 20242201 – EARTHSPIRITS.NET – BTPD – \$15,972.36**  
**PO 20242211 – FUEL SYSTEM SERVICES – PPIS – \$21,187.00**  
**PO 20242212 – CANON SOLUTIONS AMERICA – PPIS – \$18,600.00**

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

**TREASURER’S  
REPORT OF AUGUST  
31, 2024**

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to approve the treasurer’s report of August 31, 2024, subject to audit. Mr. Hudak was absent.

**ZONING HEARING  
BOARD MEETING  
OF SEPTEMBER 25,  
2024**

Upon motion (Beatty-Lawrence), the Board of Commissioners voted unanimously by voice vote to send the township solicitor to the Zoning Hearing Board meeting of September 25, 2024.

**MONTHLY REPORTS**

Mr. Bruce noted the finance monthly report includes the 2025 Minimum Municipal Obligation. There were no comments on the monthly reports.

**ADJOURNMENT**

There being no further business, Mr. Merhottein adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Laura G. Zapata  
Recording Secretary