

**BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR PUBLIC MEETING  
APRIL 17, 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 (virtual attendance)  
Anthony Giovannini, 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 Giovannini announced that on Monday, April 17, 2023, the Board of Commissioners met in executive session at approximately 6:00 p.m. to 6:40 p.m. to discuss litigation and personnel issues pursuant to Section 708a of the Pennsylvania Sunshine Act.

**COURTESY OF THE FLOOR** .

**PAUL PULEO  
4003 VICTORS WAY** Mr. Puleo said he had an issue with the installation of trees in his development. He said the current planting does not provide enough room for the trees and eventually the roots grow up through the sidewalk. Mr. Puleo asked the board for permission to allow them to do the plantings. Mr. Merhottein said the plan was already recorded and in order for the board to act, they must get the approval from all the parties that have a financial interest.

**ROBERT CONKLIN  
3947 VICTORS WAY** Mr. Conklin agreed with Mr. Puleo and added the plan is flawed in that the tree bulbs being planted are too big for the space between curb and sidewalk.

**APPROVAL OF MINUTES** Upon motion (Beatty-Verdes), the Board of Commissioners voted unanimously by voice vote to approve the April 3, 2023 regular public meeting minutes.

**SUBDIVISIONS AND LAND DEVELOPMENT**

**SKETCH PLAN – AMAYA SPA/RETREAT** Ms. Raudenbush said the applicant proposes to construct at 4401 William Penn Highway a spa/retreat center which will include overnight accommodations, banquet facilities and a restaurant. This parcel is 9.45 acres and is located within the Rural Residential (RR) zoning district and Neighborhood Enhancement Overlay district. She also mentioned that there was a settlement agreement from 2012. The township solicitor's office is in possession of the agreement and is reviewing it. Mr. Gallagher asked how the applicant plans to address stormwater and traffic. He also commented that the villas appear more like single-family homes. Timothy

Charlesworth, representing the developer, said they are two-bedroom suites. Mr. Merhottein asked how many uses are proposed on the site. Mr. Charlesworth said there is an integrated health facility and a restaurant ancillary to a medical building that was addressed in the settlement. The principal use approved is a hotel, conference center, and medical offices. Mr. Gallagher asked why patrons who have cosmetic procedures would need villas for overnight stays. Mr. Verdes asked what the main type of procedure was. Mr. Charlesworth answered: cosmetic procedures. Mr. Merhottein reiterated his biggest concern with the plan is the multiple uses.

The board took no formal action on the matter.

**RESOLUTION R040-23 A RESOLUTION GRANTING CONDITIONAL BOUNDARY LINE ADJUSTMENT PLAN APPROVAL FOR 1626 AND 1636 3<sup>RD</sup> STREET**

Ms. Raudenbush said the Planning Commission recommended conditional approval based on the Township Engineer's and Zoning Officer's review letters. She said she received a letter requesting a waiver from the requirement to widen the cartway and install sidewalks and curbing. Mr. Gallagher said he was opposed to granting waivers and would prefer to enforce the ordinances. Mike Houston of AASA Land Surveyors, representing the property owners, said the owners of 1636 3<sup>rd</sup> Street are a family looking to expand their yard for their dog. Their neighbor at 1626 3<sup>rd</sup> Street was more than willing to do so, he said. The neighborhood does not have curbing or sidewalk. Mr. Gallagher said it would be nice to see them added. Mr. Verdes agreed and added that the ordinances should either be enforced or repealed. Ms. Beatty said it's a very old development and she would support granting the waiver. Ms. Raudenbush said not granting the waiver would kill the project. Mr. Houston said the homeowners' attorney took on their case pro-bono, as they are two young people who need more yard for their dog. To put the improvements in would be very costly, Mr. Gawlik said. Ms. Beatty said there must be a caveat that would allow for waivers and deferrals to be granted. Mr. Houston said this is a lot line adjustment and falls under minor subdivision. Mr. Gawlik agreed. He said the neighborhood is fully built out. Mr. Merhottein said he appreciates Mr. Gallagher's concerns but feels it would not be fair to the homeowners to require them to do the improvements.

Mr. Merhottein made a motion to approve Resolution R040-23 granting conditional boundary line adjustment plan approval for 1626 and 1636 3<sup>rd</sup> Street based upon the Township Engineer's and Zoning Officer's review letters and including the requested waiver of sidewalk, curbing, and cartway-widening requirements. The motion failed for lack of second.

Upon motion (Beatty-Verdes), the Board of Commissioners voted 4-1 by voice vote to approve Resolution R040-23 granting conditional boundary line adjustment plan approval for 1626 and 1636 3<sup>rd</sup> Street as amended based upon the Township Engineer's and Zoning Officer's review letters and granting a deferral of the cartway, sidewalk, and curbing requirements. Mr. Gallagher opposed.

**MOTION**

**A MOTION APPROVING IMPROVEMENT SECURITY RELEASE CERTIFICATION #1, IN THE AMOUNT OF \$326,669.36, FOR BIRCHES OF BETHLEHEM**

Upon motion (Verdes-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve the Improvement Security Release Certification #1, in the amount of \$326,669.36, for Birches of Bethlehem.

**RESOLUTIONS OF  
THE BOARD OF  
COMMISSIONERS**

**RESOLUTION R027-23 A RESOLUTION APPROVING THE EXPENDITURE OF \$611,301.98 FOR A 900-ECO 12-YARD TRUCK-MOUNTED COMBINATION SEWER CLEANER ON A WESTER STAR 47X CHASSIS, AND AUTHORIZING THE EXECUTION OF A CERTAIN MASTER LEASE PURCHASE AGREEMENT WITH LEASE SERVICE CENTER INC., DBA NCL GOVERNMENT CAPITAL. (CURRENTLY TABLED.)**

Upon motion (Gallagher-Beatty), the Board of Commissioners unanimously voted by voice vote to untable Resolution R027-23.

Mr. Gallagher said the interest rate on a five-year lease would equal approximately 12% of the cost of the truck. He said he believes it should be bought outright. Mr. Merhottein said he will take the Finance Director's recommendation.

Upon motion (Beatty-Verdes), the Board of Commissioners voted 4-1 by voice vote to approved Resolution R027-23 approving the expenditure of \$611,301.98 for a 900-ECO 12-yard truck-mounted combination sewer cleaner on a Wester Star 47X chassis, and authorizing the execution of a certain master lease purchase agreement with Lease Service Center Inc., dba NCL Government Capital. Mr. Gallagher opposed.

**RESOLUTION R041-23 A RESOLUTION APPROVING THE EXPENDITURE OF \$128,157.05 FOR A 2023 RAM 5500 SMALL DUMP TRUCK, WITH PLOW AND SPREADER, TO LAUREL MOUNTAIN LEASING INC, DBA 911 LEASING, AND AUTHORIZING THE EXECUTION OF A CERTAIN GOVERNMENT OBLIGATION CONTRACT**

Mr. Gallagher said the lease would cost \$28,000 in interest and believes it should be purchased outright.

Upon motion (Verdes-Beatty), the Board of Commissioners voted 4-1 by voice vote to approve Resolution R041-23 approving the expenditure of \$128,157.05 for a 2023 Ram 5500 small dump truck, with plow and spreader, to Laurel Mountain Leasing Inc, dba 911 Leasing, and authorizing the execution of a certain government obligation contract. Mr. Gallagher opposed.

**MOTIONS OF THE  
BOARD OF  
COMMISSIONERS**

**MOTION**

**A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ADVERTISE 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**

Mr. Bruce said the Bethlehem Township Municipal Authority is borrowing money for the pollutant reduction plan construction projects. The township is the guarantor. The money to repay the loan will be paid for by the stormwater fee.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to advertise 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.

**BILL AGENDA OF  
APRIL 12, 2023**

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to approve the bill agenda of April 12, 2023 as presented.

**APPROVAL OF  
PURCHASE ORDERS**

**PO 20230936 – JOAO & BRADLEY CONSTRUCTION – PPIS – \$9,581.00**  
**PO 20230944 – ENTERTAINMENT SERVICES GROUP – BTCC – \$6,406.76**  
**PO 20231046 – CORELOGIC – FINANCE – \$11,492.34**  
**PO 20231058 – CONCRETE ALTERNATIVES – PPIS – \$8,510.00**

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

**TREASURER'S  
REPORT OF MARCH  
31, 2023**

Upon motion (Beatty-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve the treasurer's report of March 31, 2023, subject to audit.

**ZONING HEARING  
BOARD MEETING OF  
APRIL 26, 2023**

Ms. Raudenbush said the agenda included one hearing and a decision on the Harvey's Corner/Wawa appeal.

**MONTHLY REPORTS**

Mr. Gallagher commended the staff at the community center for their hard work with the egg hunt. The attendance was great. All monthly reports were accepted.

**ANNOUNCEMENT**

Mr. Merhottein announced that Community Days is coming up in June.

**ADJOURNMENT**

There being no other business, Mr. Merhottein adjourned the meeting at 7:59 p.m.

Respectfully submitted,

Laura G. Zapata  
Recording Secretary