

**REGULAR PUBLIC MEETING
JULY 18, 2016**

- MEMBERS PRESENT** Pat Breslin, President
Thomas Nolan, Commissioner
Malissa Davis, Commissioner
- MEMBERS ABSENT** Michael Hudak, Vice President
Kim Jenkins, Commissioner
- OTHERS PRESENT** Melissa Shafer, Township Manager
James Broughal, Township Solicitor
Brian Dillman, Pidcock Associates (Township Engineer)
Nathan Jones, Planning Director
Doug Bruce, Assistant Township Manager
- CALL TO ORDER** Mr. Breslin called the meeting to order at 7 p.m.
- COURTESY OF THE FLOOR
(NON-AGENDA ITEMS)**
- LORENZO QUERAL
3460 MICHIGAN COURT** Mr. Queral said he had attended last year's budget hearings, when the Board of Commissioners first voted to cut the annual contribution to the Bethlehem Township Athletic Association from \$40,000 to \$20,000, then later reversed itself and kept the amount at \$40,000. Mr. Queral asked why the board reversed itself. Mr. Nolan said the board reversed its decision because the athletic association had presented a list of capital projects requiring the extra funding.
- FRANK GRILLO
4445 BAYARD STREET** Mr. Grillo, president of the Bethlehem Township Athletic Association, provided an update on the organization:
- He thanked the board for re-applying for a state grant for the park bathroom project.
 - The BTAA has a new website offering on-line registration for the first time.
 - The BTAA has purchased new equipment for many sports.
 - Vandalism continues to be a problem, particularly involving the batting cage at the North Forty fields. The association is looking to purchase a new fenced-in batting cage.
 - The BTAA installed new food-service equipment and surveillance cameras at its snack stand.
 - The new lacrosse field is progressing and is nearing time for the first cutting of grass.
- APPROVAL OF MINUTES** Upon motion (Davis-Nolan), the Board of Commissioners voted 3-0 by voice vote to approve the minutes of the regular public meeting of June 20, 2016, as presented.
- Upon motion (Nolan-Davis), the Board of Commissioners voted 3-0 by voice vote to table the minutes of the Monocacy Spillway Project meeting and the Housenick Park meeting.
- PRESENTATION** Ryan Kennedy of Entech Engineering Inc. gave a 15-minute presentation on the firm's "design development report" on renovations and improvements to the

Bethlehem Township Community Center. Mr. Kennedy said Entech, after meeting in executive session with the Board of Commissioners earlier this year, was proposing a \$1.57 million first phase of renovations to the center, mostly involving the natatorium and scheduled to begin in the summer of 2017.

Mr. Breslin asked whether Entech would consider thermoplastic roof alternatives and whether the new roof would be black or white. Mr. Kennedy said all roofing possibilities would be considered as the project moves forward.

Mr. Nolan said the installation of LED lights in the center would save about \$6,000 in annual lighting costs and that other operational cost savings might be experienced after the project is complete.

**ROD LAW
4210 ANTHONY DRIVE**

Mr. Law asked if the renovations and improvements to the center were necessitated by design and/or construction problems with the building. Mr. Kennedy of Entech said “yes.”

Mr. Broughal said the board had approved a release and settlement agreement with the building’s general contractor in 2006. Mr. Broughal said the board also commissioned a building investigation study in 2013 (the “Furst report”) which identified the same problems later noted in the Entech study. At neither time, in 2006 or 2013, did the board pursue litigation over design or construction of the facility, Mr. Broughal said. He said the township may even still owe money to the architect. Construction litigation is very expensive, Mr. Broughal noted, and he had not yet received direction from the board to investigate possible litigation related to the center’s design or construction.

Mr. Law asked if Mr. Broughal would be investigating the contracts with the facility’s original architect and builder. Mr. Broughal said he would do so at the direction of the board, but cautioned again that such litigation is “not cheap” and the chance for successful litigation “may not be all that great.”

**RON FORD
4950 CHELSEA DRIVE**

Mr. Ford asked if there was a warranty still active for the roof of the facility. Ms. Shafer said the matter would be investigated further.

**DON WRIGHT
2815 HOPE RIDGE DRIVE**

Mr. Wright asked if there was an “obsolescence schedule” for the community center. Ms. Shafer said she had not seen one. Mr. Wright said the township needed a five-year plan for capital and building improvements, so a similar problem does not arise in another 10 years. Ms. Shafer said she had been directed by the board to provide a long-range capital plan for discussion in this year’s budget deliberations. Mr. Wright said the township was facing a lot of capital expenses between the community center and Housenick Park. Ms. Shafer said nearly all expenses at Housenick Park were being covered by grants from the county, state, and Housenick Foundation.

**JOHN MERHOTTEIN
1903 VINTAGE DRIVE**

Mr. Merhottein asked about a warranty for the community center’s roof. Ms. Shafer said again the matter would be looked into.

**CRAIG STORRS
3305 HARVARD PLACE**

Mr. Storrs said the township was proposing a lot of repairs for a 10-year-old building and compared the situation to the township’s failed streetlight deal with Municipal Energy Managers. Mr. Storrs asked if another tax increase would be necessitated by community center repairs. Ms. Shafer said it was too early to tell if the proposed 2017 budget would include a tax increase.

Mr. Storrs asked Mr. Broughal how much the township owed to the facility's original architect. Mr. Broughal answered "perhaps six figures." Mr. Storrs asked if the community center was paying for itself through its revenues. Mr. Nolan said the facility's revenues cover its annual operating costs but not mortgage payments related to original construction.

Mr. Storrs said the township seems to be guilty of negligence on the facility and asked where township inspectors were when it was being built.

WAYNE KRESGE
4349 CHETWIN TERRACE

Mr. Kresge said the township should not be paying 20 percent of the original cost of the building to fix it after just 10 years. Mr. Kresge asked if there had been sufficient preventive maintenance on the building. Mr. Kennedy of Entech said: "No, in my professional opinion."

Mr. Kresge said the township is "getting its clock cleaned by shoddy construction" and asked where were the township inspectors during the building process.

BARRY ROTH
4323 CHETWIN TERRACE

Mr. Roth asked why the renovation plans did not include back-up generators, since the community center is considered a mass casualty center. Mr. Nolan said that matter was not being discussed tonight. Mr. Roth said he took a tour of the community center earlier in the day and said the township should be ashamed about the condition of the facility.

MARTY COMER
3613 DEWALT STREET

Mr. Comer said everyone responsible for the design and construction of the community center "has gone the way of the dinosaurs."

GEORGE OLSON
3490 MICHIGAN COURT

Mr. Olson asked if a recent Morning Call article was correct in stating 17 percent of township residents are members of the community center. Ms. Shafer said the membership rate ranged from 15 to 25 percent of total population, depending on the season.

Mr. Olson asked if the community center renovations would require a tax increase or an increase in membership fees. Ms. Shafer said a fee increase had not yet been discussed.

Mr. Olson said the township should "put a for sale sign" on the building. He said he was "sick and tired of politicians telling me what to do with my money."

JOSEPH MONTELEONE
4615 CONCORD CIRCLE

Mr. Monteleone asked what the timetable was for consideration of the renovation project. Ms. Shafer said the board was scheduled to vote tonight on the Entech contract to create a bid package for the first phase of renovations.

Mr. Monteleone asked if the public would have another chance to discuss the matter at a public meeting. He said he would like to see a non-tax-increase option to pay for renovations – "something creative" perhaps including an increase in membership fees.

The Board of Commissioners took no action at this point on the presentation by Entech Engineering.

RESOLUTION**RESOLUTION R052-16 AUTHORIZING NORTHAMPTON COMMUNITY COLLEGE TO APPLY FOR A HIGHWAY OCCUPANCY PERMIT FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE GREEN POND TRAFFIC CALMING PROJECT.**

Mr. Jones presented an overview of Northampton Community College's traffic calming project, which is designed to improve the safety of people walking across Green Pond Road. Mr. Jones said the project will include new lights, cutting of trees, new signage, and a new median island.

Mr. Broughal asked if the resolution included an indemnification agreement. Mr. Jones said "yes."

Barry Roth, 4323 Chetwin Terrace, asked which trees were being cut down and when. Mr. Jones said he did not know which trees were being cut, but that tree-cutting was scheduled to occur before other roadway improvements.

Upon motion (Davis-Nolan), the Board of Commissioners voted 3-0 by voice vote to approve Resolution R052-16 authorizing Northampton Community College to apply for a highway occupancy permit from the Pennsylvania Department of Transportation for the Green Pond traffic calming project.

RESOLUTION**RESOLUTION R053-16 GRANTING PRELIMINARY/FINAL PLAN APPROVAL OF THE GODDARD SCHOOL ANNEX.**

Daniel Woodside of Acela Engineering, representing the Goddard School, said the plan proposed a 3,100 square-foot extension to the rear of the existing school. Mr. Woodside said the plan calls for 15 additional parking spaces and some stormwater management changes, including reduction of flow via an infiltration basin.

Upon motion (Nolan-Davis), the Board of Commissioners voted 3-0 by voice vote to approve Resolution R053-16 granting preliminary/final plan approval of the Goddard School Annex.

SKETCH PLAN

CENTER POINT PROPERTIES Travis Stipe of Benesch and Co., engineers for the project, said Center Point Properties is proposing a 10,000 square-foot expansion of the shipping yard at the YRC freight facility on Brodhead Road. Mr. Stipe said the firm may pursue a zoning variance for "de minimus" impact related to stormwater management.

Ms. Davis said it would be difficult to grant a variance for stormwater, considering the many stormwater-related concerns in the township. Ms. Davis asked Township Engineer Brian Dillman how this problem could be avoided. Mr. Dillman answered: "By cutting the impervious coverage" proposed in the plan. Mr. Stipe said the developers would investigate this possibility.

Lorenzo Queral, 3460 Michigan Court, asked if the township was working on repaving Brodhead Road and improving the intersection of Routes 22 and 191. Ms. Shafer said the township engineer recently completed survey work on Brodhead Road and was moving forward with engineering work for the repaving project. The township is pursuing state grants for the project and was considering reaching out to businesses in the area for contributions, Ms. Shafer said. Regarding the intersection of Routes 22 and 191, Ms. Shafer said a meeting on the topic was being set with the Pennsylvania Department of Transportation and the Lehigh Valley Planning Commission.

Mr. Queral asked if there were legal grounds to force contributions from businesses for the project. Ms. Shafer said “no.”

The Board of Commissioners took no action on the sketch plan.

RESOLUTION

RESOLUTION R054-16 AUTHORIZING THE TOWNSHIP MANAGER TO UTILIZE MUNCIBID ON-LINE GOVERNMENT AUCTION SERVICE FOR THE SALE OF TOWNSHIP-OWNED PERSONAL PROPERTY AND TO TRANSFER THE TITLES OF TOWNSHIP-OWNED VEHICLES SOLD ON MUNCIBID.

Upon motion (Nolan-Davis), the Board of Commissioners voted 3-0 by voice vote to approve Resolution R054-16 authorizing the township manager to utilize Muncibid on-line government auction service for the sale of township-owned personal property and to transfer the titles of township-owned vehicles sold on Muncibid.

RESOLUTION

RESOLUTION R055-16 REQUESTING A MULTIMODAL TRANSPORTATION FUND GRANT FROM THE COMMONWEALTH FINANCING AUTHORITY FOR THE BORDHEAD ROAD REHABILITATION PROJECT.

Upon motion (Davis-Nolan), the Board of Commissioners voted 3-0 by voice voted to approve Resolution R055-16 requesting a Multimodal Transportation Fund grant from the Commonwealth Financing Authority for the Brodhead Road Rehabilitation Project.

MOTION

A motion authorizing the township manager to advertise for bid the dual fleet dispensing system and management software.

Ms. Shafer provided a brief overview of the new gasoline pump system for township vehicles.

Upon motion (Nolan-Davis), the Board of Commissioners voted 3-0 by voice vote to authorize the township manager to advertise for bid the dual fleet dispensing system and management software.

MOTION

A motion authorizing the township manager to enter into a revised contract with Entech Engineering for engineering and architectural services related to the Bethlehem Township Community Center.

Ms. Davis asked about the contingency fee. Mr. Kennedy of Entech said the redrafting of the building drawings required 91.5 hours of the company’s time and completely used up the original contingency fee and then some.

Don Wright, 2815 Hope Ridge Drive, asked how the two absent commissioners would vote on this contract. Ms. Davis said she could not speak for them, but in general the board was not happy with such large repair costs on a building just 10 years after construction. Ms. Davis said the board could not change things that happened in the past during construction of the building, but rather now faced the question of fixing or selling the community center. Ms. Davis said she supported the community center and wanted to fix it, moving forward with better preventive maintenance and a long-range plan for capital improvements.

Lorenzo Queral, 3460 Michigan Court, said the township must make sure all contracts and warranties are followed during this renovation project. Ms. Shafer said the original architectural/engineering contract with Entech had been reviewed by the township’s solicitor for nearly six months already.

Craig Storrs, 3305 Harvard Place, asked what exactly were the contract modifications and revisions, and what the commissioners were voting on with this motion. Mr. Kennedy of Entech said the contract covered 15 scope items, 12 originally proposed by the township and three added by Entech after its review of the facility.

John Merhottein, 1903 Vintage Drive, asked several questions: What were the details on the warranty for the original roof? How much money did the township owe the architect? What interest rate was the township paying on the mortgage? Ms. Shafer said she did not have specific answers to those questions, but would attempt to get answers. She said the interest rate on the mortgage was in the area of 2.5 percent. Mr. Merhottein said he was disappointed he couldn't get answers to these questions and said the township should have been better prepared for this meeting.

Upon motion (Davis-Nolan), the Board of Commissioners voted 3-0 by voice vote to authorize the township manager to enter into a revised contract with Entech Engineering for engineering and architectural services related to the Bethlehem Township Community Center.

MOTION

A motion authorizing a change order in the amount of \$8,545.90 with NIMARIS Construction LP for sinkhole repair and driveway widening on the Housenick Memorial park site improvement project.

Upon motion (Nolan-Davis), the Board of Commissioners voted 3-0 by voice vote to authorize a change order in the amount of \$8,545.90 with NIMARIS Construction LP for sinkhole repair and driveway widening on the Housenick Memorial park site improvement project.

PURCHASE ORDER, BILL AND CHECK REGISTER APPROVAL

Upon motion (Davis-Nolan), the Board of Commissioners voted 3-0 by voice vote to approve the bill agenda as presented.

Ms. Shafer said the three police purchase orders were being funded by Northampton County gaming grants.

Upon motion (Nolan-Davis), the Board of Commissioners voted 3-0 by voice vote to approve five purchase orders as presented.

TREASURER'S REPORT

Upon motion (Davis-Nolan), the Board of Commissioners voted 3-0 by voice vote to approve the treasurer's report, subject to audit.

ZONING HEARING BOARD MEETING

There was no discussion regarding the agenda for the July 27 meeting of Zoning Hearing Board.

ACCEPTANCE OF MONTHLY REPORTS

Roy Roth, 4323 Chetwin Terrace, said he continued to have concerns about stormwater in the Chetwin Park neighborhood and about the township's plans to address the situation.

Sharon Heisner, 3812 Washington Street, said she was concerned about stormwater problems in the area of 12th Street and Washington Street. Ms. Heisner said these problems have worsened considerably since construction

began on the nearby Birchwood Commons project. Scott Horning, 1701 12th Street, said he was also concerned about the same situation.

Mr. Jones said the township planning department was aware of the concerns and had reached out to the project developers and the Northampton County Conservation District about the situation. Mr. Jones said “changes have been made” that should improve the stormwater problems on site.

DISCUSSION ITEM

Ms. Shafer said the township had begun public dissemination of the Archibald Johnston Mansion stabilization study completed by Spillman Farmer Architects. Ms. Shafer said the study would be posted on the township’s website. She said the board held a public meeting last month to discuss the study (no action was taken at the meeting) and Spillman Farmer representatives would formally present the study at a future board meeting. Ms. Shafer said financing sources of the project were not yet determined, but the township would pursue county, state, and Housenick Foundation grants for funding.

The Board of Commissioners took no action on this item.

Lorenzo Queral, 3460 Michigan Court, asked whether the township would be staying in the Bethlehem Area Public Library system. Mr. Nolan, who noted he also serves as president of the library board, said library participation was a budgetary issue and was not on the table for discussion at this meeting.

Mr. Queral said he supported leaving the Bethlehem Area Public Library system because it cost too much and too few township residents were active members. Mr. Queral said the board was “hearing from an elite few” who want to stay with the library and he said Mr. Nolan was “biased” because of his position on the library board. Mr. Queral said the township should have a referendum to allow residents to decide the issue.

Mr. Broughal said the library code did not allow for a referendum on staying or leaving a library system. Mr. Broughal said the code only allowed certain referenda questions, such as whether a special tax should be levied for library funding.

Mr. Queral asked what recourse was available for those who opposed staying in the library system. Mr. Broughal said the township has an annual agreement with the library system, with a window late in every year for the Board of Commissioners to decide whether to renew the contract or to leave the system.

Ms. Davis said she was also concerned with the cost of the library. She said she had asked whether the township could change its arrangement with Bethlehem Area Public Library system, either by negotiating a new per capita fee or by charging a fee only to township residents who actually use the library. Neither possibility is permitted, Ms. Davis said, so she wanted to focus moving forward on getting the best possible library services for township residents from the system. Ms. Davis noted the per capita fee was around \$17 per resident per year, which seemed like a reasonable amount for access to the library system.

Mr. Nolan said the township can’t negotiate the per capita fee. He said approximately 44 percent of township residents had library cards.

ADJOURNMENT

Upon motion (Nolan-Davis), the Board of Commissioners voted unanimously by voice vote to adjourn the meeting at 9:23 p.m.

Submitted,

Doug Bruce
Assistant Manager