

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING IN VIRTUAL FORMAT
APRIL 19, 2021**

MEMBERS PRESENT Michael D. Hudak, President
Malissa K. Davis, Vice President
John K. Gallagher, Commissioner
John J. Merhottein Commissioner
Dale A. Sourbeck, Commissioner

OTHERS PRESENT James L. Broughal, Township Solicitor
Anthony Giovannini, Township Solicitor
Erika Farkas, Township Solicitor
Doug Bruce, Township Manager
Steve Hunsberger, PPIS Director
Richard Kanaskie, Assistant Public Works Director
Jaclyn Bittel, BTCC Director

CALL TO ORDER President Hudak called the virtual public meeting to order at 7:00 p.m.

COURTESY OF THE FLOOR

**PAUL WEISS
CHIPMAN ROAD** Mr. Weiss said that he was here on behalf of the Zoning Hearing Board and asked when the municipal building would be open for business and meetings. President Hudak said the topic is on the agenda as a discussion item and asked Mr. Weiss to reserve his comments and questions until then.

**COMMISSIONER
SOURBECK** Mr. Sourbeck said that at an earlier meeting, township resident Barry Roth made a comment about the township being liable if a person was bit by a dog at Housenick Park. Mr. Sourbeck said he spoke with Lauren Forester, Supervisor, from the PA DCNR, Jacobsonburg State Park and told him no dog bites have ever been reported. He spoke with City of Bethlehem Councilwoman Grace Crampsie Smith and she said 74 dog bites were reported over three years but never on any of the trails and the city was not sued.

Mr. Gallagher said that the minutes state that a detective responded to Mr. Keefer's complaint about construction vehicles driving through this front yard. He said he believes it was an inspector. Mr. Keefer clarified that it was in fact a township detective. Mr. Gallagher thanked Mr. Keefer for clarifying.

**APPROVAL OF
MINUTES** Upon motion (Merhottein-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve the minutes of the April 5, 2021 regular public meeting in virtual format.

**RESOLUTIONS OF
THE BOARD OF
COMMISSIONERS**

**RESOLUTION R021-21 A RESOLUTION AWARDING THE CONTRACT FOR THE PUBLIC
WORKS BUILDING ELECTRICAL UPGRADE PROJECT**

President Hudak said the township received a total of four bids for this project. The lowest bid came in at \$125,200. Ms. Davis there was a fairly substantial difference between the bids. Mr. Hunsberger confirmed the numbers as accurate and that everything was included in the price. Mr. Gallagher asked how much was budgeted

for this project. Mr. Hunsberger said \$200,000 was budgeted.

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve Resolution R021-21 awarding the contract for the Public Works Building Electrical Upgrade Project to Larry McCullion & Son Electrical Services, LLC for a total of \$125,200.00.

RESOLUTION R022-21 A RESOLUTION URGING ALL PENNSYLVANIA LEGISLATORS TO OPPOSE GOVERNOR WOLF’S PROPOSAL TO LEVY A FEE ON ALL LOCAL GOVERNMENT FOR THE FUNDING OF PENNSYLVANIA STATE POLICE

President Hudak said that Governor Wolf’s proposed budget proposed a fee on municipalities that would provide further funding for state police. He said Bethlehem Township has maintained and funded full-time police coverage since September 1, 1965. Mr. Merhottein commented that a third of the township budget is for police. Mr. Sourbeck said that while he is supportive of the state police, he believes that the township does not need their services. Resident Tom Keefer said that every time the township has had a situation with a “lockdown” situation, the state police are present. Mr. Merhottein said the township is supplemented by the state police. President Hudak said the state police have jurisdiction over the township police on certain situations. Ms. Davis added that municipalities pay for their services. Sergeant Shaun Powell said that the police request help for hostage or other situations once a year on average.

Upon motion (Merhottein-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve Resolution R022-21 urging all Pennsylvania legislators to oppose Governor Wolf’s proposal to levy a fee on all local government for the funding of Pennsylvania State Police.

RESOLUTION R023-21 A RESOLUTION IN SUPPORT OF “BELLS ACROSS PENNSYLVANIA DAY” MAY 2, 2021

President Hudak said this proclamation is a second annual expression of gratitude to the hometown heroes on the frontlines of the COVID-19 battlefield who have braved the viral elements, at the expense of themselves and their families to maintain essential service to the general public sheltering in place. This includes emergency medical personnel, fire fighters, police officers and employees of grocery stores and pharmacies. Mr. Gallagher commented this is a great gesture and act of recognition.

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve Resolution R023-21 in support of “Bells Across Pennsylvania Day” May 2, 2021.

RESOLUTION R024-21 A RESOLUTION AUTHORIZING THE TOWNSHIP MANAGER TO UTILIZE MUNICIBID ON-LINE GOVERNMENT AUCTION SERVICE FOR THE SALE OF TOWNSHIP-OWNED PERSONAL PROPERTY

President Hudak said the 1997 Simon Duplex Marion Pumper fire truck is one of the township’s older vehicles and has already been replaced. Mr. Merhottein asked if the township has placed a reserve on that. Mr. Bruce said \$10,000 was suggested.

Upon motion (Sourbeck-Merhottein), the Board of Commissioners voted unanimously by voice vote to approve Resolution R024-21 authorizing the township manager to utilize municibid on-line government auction service for the sale of township-owned personal property.

**MOTIONS OF THE
BOARD OF
COMMISSIONERS**

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO AN AGREEMENT WITH TOTAL EQUIPMENT TRAINING FOR CUSTOMIZED OSHA BACKHOE/FRONT END LOADER TRAINING

President Hudak said the Public Works department had two heavy equipment operators but one was promoted to crew leader position. They do not have a qualified operator to fill this position. He said this company can do on-site training for up to eight people for a cost of approximately \$5,500. President Hudak said this will certify Public Works employees and perhaps a PPIS employee to operate the larger equipment. Mr. Kanaskie added that it would give an unbiased judgement on who they deem the best qualified based on the three-day training for this position.

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to enter into an agreement with Total Equipment Training for customized OSHA backhoe/front end loader training.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO AN AGREEMENT WITH MKSD ARCHITECTS FOR ARCHITECTURAL SERVICES FOR THE ROOF AND KALWALL REPLACEMENT AT THE BETHLEHEM TOWNSHIP COMMUNITY CENTER

Mr. Bruce said that the roof and kalwall panels in the gymnasium have been leaking for some time. The project was supposed to be done last year but was postponed due to the pandemic. Mr. Bruce said they didn't have an architect because Entech Engineering no longer has architects on staff. The staff sought out Ryan Kennedy, formerly of Entech Engineering, who is an architect for MKSD Architects. Mr. Bruce believes this is a good fit as Mr. Kennedy has a wealth of experience on building and materials for the community center ensuring that the job would be correctly done. President Hudak commented that Entech Engineering did a good job on the other half of the building. Mr. Weiss asked if this work was included in the original plan done by Entech Engineering. President Hudak said it was broken out in different phases and not included.

Upon motion (Gallagher-Merhottein), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to enter into an agreement with MKSD Architects for architectural services for the roof and Kalwall replacement at the Bethlehem Township Community Center.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP ENGINEER TO PREPARE AND SUBMIT TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION HIGHWAY OCCUPANCY PERMIT PLANS FOR THE FREEMANSBURG ROAD/FARMERSVILLE ROAD INTERSECTION IMPROVEMENTS, BASED ON THE TOWNSHIP ENGINEER'S CORRESPONDENCE OF APRIL 13, 2021

President Hudak said that Ron Gawlik, Township Engineer notified the board that he was unable to attend tonight's meeting and said it was the pleasure of the board to table or to proceed with the project. By consensus, the board agreed to move forward with the project.

04-19-2021

Upon motion (Merhottein-Davis), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township engineer to prepare and submit to the Pennsylvania Department of Transportation Highway Occupancy Permit plans for the Freemansburg Road/Farmersville Road intersection improvements, based on the township engineer's correspondence of April 13, 2021.

MOTION

A MOTION TO AUTHORIZE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$3,988.00 FOR HUNTER & SONS FOR THE COMMUNITY CENTER STEAM GENERATOR PROJECT

Mr. Bruce said the board approved a purchase order for this project last month and now there is a change to the original estimate of approximately \$4,000. Mr. Hunsberger said the demolition and disposal of the existing unit were missed on the original pricing. This change order includes the installation of a remote thermostat in the Aquatics Director's office in order to set the steam room temperature from his office.

Upon motion (Davis-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve a motion to authorize Change Order No. 1 in the amount of \$3,988.00 for Hunter & Sons for the community center steam generator project.

APPROVAL OF BILL AGENDA OF APRIL 14, 2021

Upon motion (Merhottein-Gallagher), the Board of Commissioners unanimously voted by voice vote to approve the Bill Agenda of April 14, 2021.

APPROVAL OF PURCHASE ORDERS

PO 20210008 – ROBINSON ROOFING SERVICES – PPIS – \$6,050.00
PO 20210139 – ROBINSON ROOFING SERVICES – PPIS – \$17,775.00
PO 20210651 – FASCELLA CONSTRUCTION – PW – \$57,760.00
PO 20210747 – COMPACTION GROUTING SERVICES – PW – \$14,900.00
PO 20210751 – WILDLANDS CONSERVANCY – PW – \$3,991.00
PO 20210757 – LOWE AND MOYER GARAGE – PW – \$5,360.80
PO 20210761 – ADAMS GLASS & ALUMINUM – PPIS – \$3,875.00
PO 20210754 – J&J TRUCK EQUIPMENT – PW – \$2,910.40

Mr. Gallagher asked regarding the Wildlands Conservancy purchase order, where the plantings were. Ms. Davis said they are at the park at the community center and it will be paid by grants. Mr. Bruce said there are grants totaling \$150,000 for the state. This project is a multi-year project that involves plantings and creating a wildflower meadow.

Upon motion (Merhottein-Davis), the Board of Commissioners unanimously voted by voice to approve Purchase Orders 20210008, 20210139, 20210651, 20210747, 20210751, 20210757, 20210761 and 20210754 as presented.

APPROVAL OF TREASURER'S REPORT OF MARCH 31, 2021

Upon motion (Merhottein-Sourbeck), the Board of Commissioners unanimously voted by voice vote to approve the Treasurer's Report of March 31, 2021 as presented, subject to audit.

ZONING HEARING BOARD MEETING OF APRIL 28, 2021

Mr. Bruce said the board has previously asked for legal representation concerning Appeal 03-2021 of Steven J. Inc.

Upon motion (Davis-Merhottein), the Board of Commissioners unanimously voted by voice vote to direct the Township Solicitor to represent them during Zoning Appeal 03-2021 which is a continuance of the appeal of Steven J. Inc.

MONTHLY REPORTS

Regarding the police report, Mr. Gallagher asked for clarification on the number of homicides. Mr. Bruce said there was one, which took place last month. All monthly reports were accepted.

DISCUSSION ITEM

REOPENING OF PUBLIC MEETINGS, MUNICIPAL BUILDING & OUTDOOR POOL

Opening of Public Meetings

President Hudak said the board has heard from the members and chair of various boards. Mr. Hudak said there were several issues to discuss:

1- Determine the capacity for the meeting room with social distancing.

President Hudak said 25% of the capacity would be approximately 66 people. He said he visited the main meeting room and determined that 32 to 36 people, including the commissioners and staff could safely attend the meetings.

Mr. Sourbeck said he investigated what other communities are doing concerning going back to open public meetings at the suggestion of township resident Barry Roth. Of the 37 communities investigated, he discovered that five were conducting live meetings, two were conducting council meetings and public could participate by phone or ZOOM. He could not find information on two of the communities. Mr. Sourbeck said of the 37 communities, 26 of them were conducting their meetings via ZOOM or another form of media. President Hudak said he was not concerned with what other communities are doing as he represented Bethlehem Township residents. Mr. Sourbeck said he was only doing what township resident Barry Roth suggested and added that he would be opposed to opening the meetings.

Steve Szy, Zoning Hearing Board Chairman, said he is not opposed or for opening the meetings. He said he had no problems chairing the meetings virtually but does have concerns attending in person meetings.

2- Require everyone attending public meetings to wear a mask.

3- Ensure that there will be a virtual component for the public meetings.

Mr. Hunsberger explained how the virtual component would work during in-person meetings. People attending the virtual meeting would be able to participate. Ms. Davis asked if the camera could capture the person speaking at the live meeting. Mr. Hunsberger said the facilitator could move the camera around to focus on the person speaking. Ms. Davis will the virtual meetings have access to the presentation materials. Mr. Hunsberger said it is more complex but can be done perhaps through an independent monitor to display. Mr. Merhottein asked how they would hear the people speaking over Zoom. Mr. Hunsberger said it would be tied into the sound system.

BARRY ROTH 4323 CHETWIN TERR.

Township resident Barry Roth said the meetings should be open. He said the Zoom connection is poor and makes the meetings very difficult to follow. Ms. Davis said she would like to wait until the vaccination rate is a little higher before opening the meetings. She would like to have meetings in a normal setting without the social distancing. Mr. Gallagher agreed and said he would like to wait to open the meetings as new cases reported have been reported. President Hudak understands their concerns and said no one is making anyone attend the meetings. People have the option to attend in person or virtually. Ms. Davis said she sat through several Zoning Hearing Board and Planning Commission meetings and thought they ran well. Mr. Sourbeck believes the commissioners are doing what they were elected to

do without attending the meetings in person.

**PAUL WEISS
ZONING HEARING BD**

Mr. Weiss said there is no reason legally why the municipal building or the meetings can't be open. He believes this is more of a personal choice on the commissioners' part.

Upon motion (Hudak-Merhottein), the Board of Commissioners voted by roll call vote to direct the township manager to put into play all the recommendations by the solicitor's office and the PPIS department for having hybrid virtual and in person meetings effective May 17, 2021 and all other meetings afterward. The motion failed 3 to 2. Mr. Sourbeck, Ms. Davis and Mr. Gallagher opposed.

Upon motion (Davis-Sourbeck), the Board of Commissioners voted by roll call vote to direct the township manager to put into play all the recommendations by the solicitor's office and the PPIS department for having hybrid virtual and in person meetings effective June 21, 2021 and all other meetings afterward. The motion passed 4 to 1. Mr. Gallagher opposed.

**PAUL WEISS
ZONING HEARING BD**

Mr. Weiss asked when the building would be open with full-time staff. Mr. Bruce interjected and said staff has been working full time. Mr. Weiss said the inspections department has not been available five days a week. Mr. Keefer said you have to leave a message because no one answers the phone. President Hudak provided the solicitor's recommendations for opening the building:

- 1- signage on the front door
- 2- hand sanitizer stations inside the door
- 3- no appointment would be needed
- 4- the building would remain open 8:00 a.m. to 4:30 p.m.
- 5- the bathrooms in the lobby would not be used enough to require additional cleaning.
- 6- the furniture in the lobby will remain
- 7- No marking necessary on the floor to maintain six-foot distance.

Mr. Bruce said appointments are only required when meeting with someone. He added that there are lots of services being done on-line. Ms. Davis asked what impact this would have on staffing. Mr. Bruce said up until April 4, at the direction of the governor, the township was required to allow employees to work remotely whenever possible. Since April 5th, that was changed to a strong encouragement of allowing that to happen. To reopen the building, he would recall all of the employees back to the building full time.

**PAUL WEISS
ZONING HEARING BD**

Mr. Weiss asked Mr. Bruce about a time when a business owner scheduled an appointment to meet with the Zoning Officer and was told that he could not meet with him in person. Mr. Bruce said he could not comment on that.

Mr. Gallagher was concerned about who would police the masking. Ms. Davis said she is in favor of opening the lobby as long as it was properly staffed. Mr. Sourbeck asked Mr. Bruce if they were ready to open the building. Mr. Bruce said they will do whatever the board decides and would need a few days to recall employees that are working remotely to ensure that the building is staffed properly.

Upon motion (Davis-Sourbeck), the Board of Commissioners unanimously voted by voice vote to direct the township manager to open the lobby in the municipal building to the public during normal business hours at his earliest convenience.

Outdoor Pool

Ms. Bittel said that as of April 4th the state-allowed capacity was increased to 75% for the outdoor pool. She is proposing to open the outdoor pool and allowing access to township residents only. She is also proposing a separate membership for just access to the outdoor pool. President Hudak asked how maximum occupancy of the pool is determined. Ms. Bittel this would be done by a people counter which could be synched with social media so the public could see if the pool has reached capacity. The number would also decrease as people leave the pool. Mr. Sourbeck asked about membership fees for additional children. Ms. Bittel said the current membership does have a \$25 fee in place for families that have additional children.

Upon motion (Davis-Sourbeck), the Board of Commissioners unanimously voted by voice vote to approve opening the outdoor pool in accordance with the procedures and documents provided by Ms. Bittel for the outdoor pool under COVID-19.

Swim Team Protocol

Ms. Bittel said she is proposing to bring back the swim team this summer. The league they participate in is in operation but with few meets. She said she would not host any indoor meets so they would do all meets away at outdoor pools or, as the local district handles its meets, virtually where the teams would participate in their own pools and record the times. The league itself is still finalizing the details and their proposal would include how practices are maintained. President Hudak said he would not be in favor of allowing outside teams to compete in the indoor pool. Ms. Bittel said they are not proposing that.

Upon motion (Davis-Sourbeck), the Board of Commissioners unanimously voted by voice vote to restart the Bethlehem Township Community Center swim team with modified training and competition.

Mr. Sourbeck asked the township solicitor if the attendance of the commissioners at executive sessions is noted for the record. Solicitor Broughal said it is not a requirement of the Sunshine Act but can be done. Mr. Sourbeck asked if that could be done going forward.

Mr. Sourbeck commended Mr. Bruce for providing a top-notch website.

ADJOURNMENT

There being no other business, upon motion (Sourbeck-Hudak), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 8:40 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary