

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
SEPTEMBER 19, 2022**

MEMBERS PRESENT

John J. Merhottein, President
Malissa K. Davis, Vice President
Jan Beatty, Commissioner
John K. Gallagher, Commissioner
Dale A. Sourbeck, Commissioner

OTHERS PRESENT

James L. Broughal, Township Solicitor
Brian Panella, Township Solicitor
Doug Bruce, Township Manager
Amanda Raudenbush, Planning Director
Anthony Tallarida, Township Engineer

CALL TO ORDER

President Merhottein called the meeting to order at 7:00 p.m., and led those in attendance in reciting the Pledge of Allegiance.

**EXECUTIVE SESSION
ANNOUNCEMENT**

Solicitor Broughal announced that on Monday, September 19, 2022, the Board of Commissioners met in executive session at approximately 6:15 p.m. to 7:00 p.m. to discuss personnel issues pursuant to Section 708a of the Pennsylvania Sunshine Act.

DISCUSSION ITEM

**MUNICIPAL TRASH
HAULING**

Mr. Merhottein said there were residents present in the audience who wanted to speak about municipal trash hauling and, with board consensus, moved the item up on the agenda. Mr. Merhottein said he had talked to many residents about this issue and he supported keeping the current system whereby property owners contracted privately for trash hauling.

**GLENN JOHNSON
4364 HILLTOP CIRCLE**

Mr. Johnson said he was content with the current situation and was opposed to a municipal trash hauler. Ms. Davis said that at the National Night Out event in August, several residents approached her about changing to municipal hauling. She said this topic was just a discussion item to get the residents' opinions. Mr. Merhottein and Mr. Sourbeck said they received close to 20 emails opposing the idea. Mr. Gallagher said this topic is at the fact-finding stage and would appreciate getting feedback. Some of the potential benefits to a municipal trash hauler would be fewer large trucks coming through the township and less wear and tear on the roads, he said. Ms. Beatty said she is concerned about the air quality and road conditions.

**ROGER GILBERT
3310 CLIFTON AVE.**

Mr. Gilbert said he is opposed to the idea of a municipal trash hauler and added that he didn't believe it was a good idea to get the government involved.

**DAVE MARKERT
2536 5TH ST.**

Mr. Markert said the system they have now has worked for many years and he is opposed to municipal trash hauling. Ms. Davis said this is only a discussion and no action is being taken.

**JIM STOVER
4845 HENRY ST.**

Mr. Stover said he should have a choice in haulers and is opposed to municipal trash hauling.

**DIANNE CAPOBIANCO
4450 TUSKETEE DRIVE**

Ms. Capobianco said she lived in another municipality with a single trash hauler and the taxes for that service were constantly increasing. She said she believes in having a choice in hauler and is opposed to municipal trash hauling.

**SANDRA LIBBY
1855 6TH ST.**

Ms. Libby said she is opposed to municipal trash hauling. She believes going to a single hauler would take jobs away from hard-working families.

**JOHN EDGAR
3450 LAFAYETTE DR.**

Mr. Edgar said he appreciates the discussion and is able to see it from both sides but is strongly opposed to municipal trash hauling. He said it eliminates income for the haulers and eliminates choice of business for the homeowner.

**SCOTT FEIST
SYMONS SANITATION**

Mr. Feist said his company is a family-owned and his employees work very hard. Over the years he has established a volume-based pricing and have rewarded customers for recycling. Mr. Feist said it would be a step backwards taking the right to choose a hauler way from the residents.

Ms. Beatty thanked the residents for coming to the meeting and for their feedback.

**COURTESY OF THE
FLOOR**

**ROBERT O'BRIEN
1952 GRIGIO PL.**

Mr. O'Brien asked for a status of the proposed Wawa at Harvey's Corner. Solicitor Broughal said the Zoning Hearing Board postponed their decision until the zoning change amendment is before the Board of Commissioners for a vote. It is currently being reviewed by the Lehigh Valley Planning Commission and the Bethlehem Township Planning Commission for a recommendation. Solicitor Broughal said once a recommendation is made, they will schedule a public hearing.

**PAUL PULEO
4003 VICTORS WAY**

Mr. Puleo said his development is a private gated community and asked the board to stop the walking path connection at Farmersville Road. Ms. Raudenbush said the bike path and walking path are on the recorded plans. Solicitor Broughal said the plan was approved and recorded and the township cannot change anything. Solicitor Broughal said it is the responsibility of the home buyer and his/her attorney to know what the declarations are. Mr. Puleo asked what if someone walks on his property. Solicitor Broughal said that would be a civil matter. Mr. Sourbeck said his development has an HOA and when someone trespassed, the HOA called the police.

**FRANCINE DUOME
3789 LOYAL LANE**

Ms. Duome asked who is responsible if someone slips and falls in the development. Solicitor Broughal said it is the homeowner's responsibility. Ms. Duome said she was looking for accountability. She said there are many buildings on the property that never received certificate of occupancy or permits. She said the club house had a final inspection done last year but no certificate of occupancy was completed. Ms. Raudenbush said it is up to the permit holder to contact the township to conduct a final inspection.

**RESIDENT
3791 VICTORS WAY**

The resident asked how the assessment office was able to get tax information if a certificate of occupancy was not issued. Solicitor Broughal said when the deed is recorded it goes to the tax office. Ms. Raudenbush said sometimes the county will ask for a certificate of occupancy but they did not ask for this one. Ms. Raudenbush said the kitchen at the club house and the bocci ball area do not have their permits and should not be used.

**HARRY CARUSO
3903 VICTORS WAY**

Mr. Caruso said there is a grading drainage issue at the south end of the path along the golf course. Ms. Raudenbush said she will have the township engineer investigate further.

Mr. Merhottein suggested to the board that a committee be formed with a liaison to better navigate the issues. Ms. Raudenbush will assist with organizing the committee.

**ROBERT THOMPSON
3717 LOYAL LANE**

Mr. Thompson asked who is responsible for the public sidewalk. Solicitor Broughal said the homeowner is, not the township. Mr. Thompson asked for that in writing. Solicitor Broughal said he works for the board and if they direct him, he will write it.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth he would like the Recreation Commission meetings to be held in person. Currently they are held virtually. Mr. Sourbeck asked how many members make up the Recreation Commission and if they vote. Mr. Roth said it is made up of seven members who make recommendations and vote on certain matters. Solicitor Broughal said the First-Class Township Code rules are for the Board of Commissioner meetings where three commissioners must be present to form a quorum, and the other two can participate virtually. Mr. Broughal said it is the decision of the Board of Commissioners whether or not to hold the Recreation Commission meetings in person.

**MICHAEL IPPOLITI
5686 FREEDOM DRIVE**

Mr. Ippoliti asked if the access path is removed would the developer be required to install sidewalks. Ms. Raudenbush said Traditions of America would have to go before PennDOT as it is their road.

**GLENN KRIER
3942 KENRICK DR.**

Mr. Krier asked for clarification regarding the proposed Wawa at Harvey's Corner. Mr. Merhottein said the Zoning Hearing Board felt that the zoning needed to be changed before they could proceed with the hearing. Solicitor Broughal said if the zoning change is made, then the developer doesn't have to building what they said they would build.

**KAITLYN KOCH
1784 EMMA LANE**

Ms. Koch said Kay Builders made the homeowners sign an omnibus agreement before seeing the plan. Solicitor Panella said it may be a civil matter.

APPROVAL OF MINUTES

Upon motion (Beatty-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve the minutes of the September 19, 2022, regular public meeting as presented

**SUBDIVISIONS & LAND
DEVELOPMENT**

RESOLUTION R080-22

**A RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL
LAND DEVELOPMENT APPROVAL OF THE MOWRER ROAD
DELIVERY VEHICLE PARKING PROJECT**

Ms. Raudenbush said the applicant was granted conditional use at the June 20, 2022 Board of Commissioners meeting. Mr. Sourbeck asked who is responsible for review done by the township engineer. Ms. Raudenbush said the developer is responsible for the bill which is taken from the escrow account.

Upon motion (Davis-Beatty), the Board of Commissioners voted 4-1 by voice vote to approve Resolution R080-22 granting conditional preliminary/final land development approval of the Mowrer Road delivery vehicle parking project. Mr. Sourbeck opposed.

09-19-2022

RESOLUTION R081-22

A RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL RE-SUBDIVISION APPROVAL OF THE RIVER HILL ESTATES REVISED SUBDIVISION

Ms. Raudenbush said this plan was submitted to correct a survey error in the original property boundary as previously recorded. As a result of the issue, a portion of the sidewalks constructed fall on private property which requires a public access easement to be provided on those impacted lots, and a right-of-way easement to be provided along the west side of Farmersville Road. Solicitor Pinella said the addendum applies to only four properties. Mr. Tallarida said the easements will be the HOA's responsibility and the township will not be involved. Ms. Davis said all because the surveyor was incorrect.

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve Resolution R081-22 granting conditional preliminary/final re-subdivision approval of the River Hill Estates Revised Subdivision, as amended.

MOTION

A MOTION APPROVING IMPROVEMENT SECURITY RELEASE CERTIFICATION #10, IN THE AMOUNT OF \$66,305.34, FOR RIVER HILL ESTATES

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve a motion approving Improvement Security Release Certification #10, in the amount of \$66,305.34, for River Hill Estates.

RESOLUTIONS OF THE BOARD OF COMMISSIONERS

RESOLUTION R079-22

A RESOLUTION AUTHORIZING INVESTIGATOR EDWARD FOX TO ATTEND THE ANNUAL NARCOTIC INVESTIGATORS INFORMATION SHARING CONFERENCE SEPTEMBER 26-28, 2022, IN OCEAN CITY, MARYLAND

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve Resolution R079-22 authorizing Investigator Edward Fox to attend the annual Narcotic Investigators Information Sharing Conference September 26-28, 2022, in Ocean City, Maryland

RESOLUTION R078-22

A RESOLUTION AUTHORIZING APPLICATIONS TO THE COMMONWEALTH FINANCING AUTHORITY'S LOCAL SHARE ACCOUNT (LEHIGH & NORTHAMPTON COUNTIES) AND LOCAL SHARE ACCOUNT (MONROE COUNTY) GRANT PROGRAM

Mr. Bruce said these are two grants in two counties for the purchase of two police vehicles and EMT two police patrol vehicles, EMT defibrillator, EMT stretcher, and EMT CPR device. Application deadline is September 30. Mr. Bruce said the township receives \$80,000 on average per year.

Upon motion (Sourbeck-Davis), the Board of Commissioners voted unanimously by voice vote to approve Resolution R078-22 authorizing applications to the Commonwealth Financing Authority's Local Share Account (Lehigh & Northampton counties) and Local Share Account (Monroe County)

grant programs.

**MOTIONS OF THE
BOARD OF
COMMISSIONERS**

MOTION

**A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO
ADVERTISE AN ORDINANCE VACATING A CERTAIN UNNAMED
ALLEY SHOWN ON A MAP ATTACHED HERETO LOCATED IN THE
TOWNSHIP OF BETHLEHEM**

Solicitor Broughal said this type of alley is a paper alley because it appears on the plans but was never built on nor was it maintained by the township in 21 years. This alley is near Miller Heights School. Three property owners abut the alley and have petitioned to vacate it.

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to advertise an ordinance vacating a certain unnamed alley shown on a map attached hereto located in the Township of Bethlehem.

MOTION

**A MOTION APPROVING CHANGE ORDER #1 TO THE CLEAN FILL
DUE DILIGENCE SERVICES AGREEMENT WITH EARTHRES FOR
THE OAKLAND/SANTEE PEDESTRIAN CROSSWALK PROJECT**

Mr. Bruce said the area around the Oakland/Santee crosswalk project used to be an orchard, which requires a higher level of “clean fill” scrutiny because of possible pesticides contamination. The change order would increase the cost by \$2,500.

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve a motion approving Change Order #1 to the Clean Fill Due Diligence Services agreement with Earthres for the Oakland/Santee pedestrian crosswalk project.

**APPROVAL OF BILL
AGENDA OF
SEPTEMBER 14, 2022**

Upon motion (Sourbeck-Beatty), the Board of Commissioners unanimously voted by voice vote to approve the Bill Agenda of September 14, 2022.

**APPROVAL OF
PURCHASE ORDERS**

PO 20221995 – R.J. Doer Co. – PPIS – \$16,990.00 (tabled)
PO 20222068 – Witmer Public Safety Group – NRFC – \$4,930.00
PO 20222070 – A-1 Traffic Control – PW – \$37,233.70
PO 20222071 – Joe’s Battery & Tire Service – PW – \$3,197.86
PO 20222079 – City of Easton – BTPD – \$2,259.81
PO 20222156 – BTVFC – Finance – \$105,803.61
PO 20222158 – NRFC – Finance – \$105,803.61

Upon motion (Gallagher-Sourbeck), the Board of Commissioners unanimously voted by voice to untable Purchase Order 20221995.

Upon motion (Sourbeck-Davis), the Board of Commissioners unanimously voted by voice to approve Purchase Orders 20221995, 20222068, 20222070, 20222071, 20222079, 20222156 and 20222158 as presented.

**APPROVAL OF
TREASURER'S REPORT
OF AUGUST 31, 2022**

Upon motion (Sourbeck-Gallagher), the Board of Commissioners unanimously voted by voice vote to approve the Treasurer's Report of August 31, 2022 as presented, subject to audit.

**ZONING HEARING
BOARD MEETING OF
SEPTEMBER 28, 2022**

The meeting of September 28, 2022 is cancelled.

MONTHLY REPORTS

Mr. Bruce said the 2023 Minimum Municipal Obligation calculation sheet was included with the finance report. Mr. Gallagher asked for stormwater wages to be broken down in the same manner as those in the general fund and sewer fund. He said he has asked for six months in a row for this information. Mr. Merhottein said he believes the issue is with the software. Mr. Bruce said it is laid out in the budget. All reports were accepted.

DISCUSSION ITEMS

**FREEMANSBURG
AVENUE/FARMERSVILLE
ROAD SIGNALIZATION
UPDATE**

**RUSSELL TRUSCOTT
4385 HILLTOP CIRCLE**

Mr. Truscott asked about the realignment of Farmersville Road and Freemansburg Avenue. He's lived there for 31 years and the intersection is dangerous. Ms. Raudenbush said it was originally part of the 1961 comprehensive plan but never happened. She said in 2019 the township was successfully put on the list for the Long-Range Transportation plan which receives 80% of the funding from the federal government and 20% from the state. Ms. Raudenbush said the township has been informed recently that PennDOT has taken over the project – on the positive side, this means the township will not have to pay for any of the improvements; on the negative side, the project is now scheduled for construction as late as 2027. Ms. Davis said this is a \$7 - \$10 million-dollar project.

ANNOUNCEMENT

Mr. Sourbeck announced that he will be serving on the Executive Board of Camel Hump Farm.

ADJOURNMENT

There being no other business, Mr. Merhottein adjourned the meeting at 8:47 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary