

**BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR PUBLIC MEETING  
NOVEMBER 20, 2023**

**MEMBERS PRESENT** John J. Merhottein, President  
John K. Gallagher, Vice President  
Jan Beatty, Commissioner  
DeAnn L. Lawrence, Commissioner  
Luke A. Verdes, Commissioner

**OTHERS PRESENT** Anthony Giovannini, Township Solicitor  
Brian Panella, Assistant Township Solicitor  
Ron Gawlik, Township Engineer  
Doug Bruce, Township Manager  
Andy Freda, Finance Director  
Amanda Jensen, Community Development Director

**CALL TO ORDER** Mr. Merhottein called the meeting to order at 7:00 p.m. and led those assembled in the Pledge of Allegiance.

**COURTESY OF THE FLOOR**

**MARIE SILVA  
PO BOX 3037  
BETHLEHEM** Ms. Silva asked for an explanation of Ordinance 04-23. Mr. Verdes said it was an existing ordinance requiring commissioners to recuse themselves from voting on issues in which they have a financial interest, including accepting campaign donations from developers. The ordinance change being proposed was to lengthen the recusal period from two years to the full term of the commissioner, Mr. Verdes said.

Ms. Silva asked for an explanation of the proposed sewage ordinance change. Mr. Bruce said the proposed change was a 3 percent sewage rate increase, due to the City of Bethlehem planning to raise by 8 percent the fee it charges to treat township sewage.

**BARRY ROTH  
4323 CHETWIN TERR.** Mr. Roth said the additional \$15,000 in funding requested by Freemansburg-Bethlehem Township Athletic Association should be spread over five years.

Mr. Roth said the commissioners should consider proclamations honoring the many years of service of former zoning hearing board members Dave Chismar and Steve Szy.

**DAVID BUCHERER  
4220 NICHOLAS ST** Mr. Bucherer said he had problems logging in by Zoom to the last planning commission meeting. Ms. Jensen said Zoom now required a password for all meetings and the password is now included in all meeting notices.

**APPROVAL OF MINUTES** Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to untable the minutes of the October 16, 2023, regular public meeting.

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted by voice vote to approve the October 16, 2023, regular public meeting minutes. Ms. Beatty abstained.

Upon motion (Beatty-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve the November 6, 2023, regular public meeting minutes.

**PUBLIC HEARING**

**AN ORDINANCE OF THE TOWNSHIP OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 04-23 WHICH REQUIRES THE MANDATORY RECUSAL OF PUBLIC OFFICIALS IN MATTER THAT THEY HOLD A FINANCIAL INTEREST**

Upon motion (Gallagher-Verdes), the Board of Commissioners voted unanimously by voice vote to approve the ordinance as presented. The ordinance amendment is as follows:

**Section 4. Application of Financial Interest.**

a) A financial interest shall include the following:

1) Any campaign contributions in the amount of or in excess of Two Hundred and Fifty Dollars (\$250.00) received ~~within the immediate two-year period prior to the date on which official action shall be taken on the subject matter.~~ **in the campaign fundraising period prior to the term of office for which the candidate is running and extending throughout that full term of office that an official action shall be taken on the subject matter.**

**BUDGET**

**FIRST READING OF PROPOSED 2024 BUDGET AND MOTION TO ADVERTISE THE BUDGET ORDINANCE**

Mr. Freda presented and read aloud the major provisions of the proposed 2024 budget, including revenues, expenses, and balances for the general fund, capital reserve fund, state liquid fuels tax fund, fire tax fund, sewer revenue fund, and stormwater fund.

Mr. Gallagher said he supported including in the budget an \$8,000 donation to the Archie Project, a non-profit organization raising money for the renovation of the Johnston mansion. Mr. Merhottein said he would rather see the Housenick Memorial Foundation contribute that money, since the foundation has \$1 million in assets.

Upon motion (Gallagher-Verdes), the Board of Commissioners voted unanimously by voice vote to approve the motion to advertise the 2024 budget ordinance as amended, to include an \$8,000 donation to the Archie Project.

**MOTION**

**A MOTION TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 202, SEWERS AND SEWAGE DISPOSAL; ARTICLE III, RENTALS AND CHARGES; SUBSECTION 202-18, SEWER RENTALS OR CHARGES; OF THE TOWNSHIP OF BETHLEHEM CODE OF ORDINANCES, FOR THE PURPOSE OF REVISING THE CONSUMPTION-BASED BILLING RATE STRUCTURE OF THE SANITARY SEWER SERVICES IN THE TOWNSHIP OF BETHLEHEM, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH**

Mr. Freda said this ordinance amendment would increase the township's sewer rate by approximately 3 percent. He said this was a necessary "pass-through" because the City of Bethlehem is planning to increase by 8 percent the rate it charges to treat township sewage. Mr. Freda said the rate changes were proposed:

From \$54 to \$55.75 for the first 6,000 gallons of sewage per quarter;  
From 0.00727 to \$0.00750 per gallon for any sewage above 6,000 gallons per quarter; and  
From \$72 to \$74.50 per quarter for metered wells.

Upon motion (Lawrence-Beatty) the Board of Commissioners voted unanimously by voice vote to advertise the ordinance as presented.

## **SUBDIVISIONS AND LAND DEVELOPMENT**

### **MOTION**

**A MOTION AUTHORIZING AN EXTENSION REQUEST FROM FAIRFIELD MANAGEMENT CORPORATION FOR THE HECKTOWN ROAD BUSINESS PARK, LOTS 6 & 7, LAND DEVELOPMENT PLAN, EXTENDING THE DEADLINE TO DECEMBER 31, 2026, AS A RESULT OF MARKET CONDITIONS WHICH HAVE RENDERED THE PROPERTY CURRENTLY UNDEVELOPABLE AND RECENT NOTICE THAT LOWER NAZARETH TOWNSHIP HAS ADVERTISED A COMPREHENSIVE RE-ZONING OF ITS TOWNSHIP WHICH MAY IMPACT THE SUBJECT PROPERTY**

Mr. Merhottein said this motion had been withdrawn at the request of the developer.

### **RESOLUTION**

**RESOLUTION R062-23 GRANTING CONDITIONAL PRELIMINARY/FINAL PLAN APPROVAL OF 1932 FARMERSVILLE ROAD (CURRENTLY TABLED)**

Upon motion (Gallagher-Verdes), the Board of Commissioners voted unanimously by voice vote to untable the resolution.

Ms. Jensen said the applicant proposes to subdivide a 2.7-acre tract to create nine new lots. They are proposing to keep the two existing single family detached houses and construct four sets of twin houses, she said. The planning commission voted at its August 28 meeting to recommend conditional approval of this project and the board has until November 30, 2023 to act on this plan, Ms. Jensen said.

Mr. Gallagher said the developer's architectural rendering is deceptive because the structures look like large single homes and not twins. Ms. Jensen said the final structures won't necessarily look like the rendering.

Mr. Gallagher asked who would own and maintain the adjacent drainage basin. He said it didn't seem practical for a small homeowners' association to maintain the pond. Ms. Jensen the alternative was for just one adjacent lot owner to own and maintain the basin.

Mr. Gallagher said he was opposed to Waiver #3 of the resolution, which reads: "Waiver of the requirement to locate the proposed sidewalk along Farmersville Road to be one foot inside the right-of-way line to meet the existing sidewalk location."

Upon motion (Gallagher-Verdes), the Board of Commissioners voted unanimously by voice vote to approve the resolution, amended to exclude Waiver #3.

**RESOLUTION**

**RESOLUTION R071-23 GRANTING CONDITIONAL PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPROVAL OF MNB PROPERTIES**

Ms. Jensen said: The applicant has submitted a preliminary/final plan for an office/garage building for a paving business. The 2-acre tract is located on the northeast corner of Fritch Drive and Brodhead Road. This property is zoned General Industrial. The planning commission voted at its' October 23 meeting to recommend conditional approval of this project.

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

**MOTION**

**A MOTION AUTHORIZING THE PIDCOCK COMPANY TO BEGIN PRELIMINARY DESIGN OF IMPROVEMENTS TO FARMERSVILLE ROAD**

Ms. Jensen said: This motion would authorize township engineer The Pidcock Company to begin preliminary engineering design of road, sidewalk, and stormwater improvements on Farmersville Road just south of the intersection with Easton Avenue. Funding for this project would be provided by developer contributions and previously collected traffic impact fees.

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

**MOTION**

**A MOTION AUTHORIZING AND APPROVING A HOLD HARMLESS INDEMNIFICATION AGREEMENT BETWEEN BETHLEHEM TOWNSHIP AND HILTON RODRIGUEZ TO ALLOW A FENCE IN THE DRAINAGE AND UTILITY EASEMENT AT 1686 CHARLEY LANE**

Ms. Jensen said: This agreement allows a fence to be placed in the township's easement due to special circumstances.

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

**MOTION**

**A MOTION TO ADVERTISE FOR ADOPTION THE ACTIVE TRANSPORTATION PLAN**

Ms. Jensen said: Per the direction of the board, the Active Transportation Plan (ATP) was sent to the Bethlehem Township Planning Commission (BTPC) and the Lehigh Valley Planning Commission (LVPC) for their final review, as required by the Municipalities Planning Code before adoption. Township staff received comments from both entities. Both the BTPC and the LVPC were on the steering committee and had opportunity to raise these comments during the grant-funded portion of the process. At this point, the board either needs to commit additional funding to address these comments in the plan or make a motion to advertise for adoption.

Mr. Gallagher said he was interested in investigating the cost of addressing the comments made by the two planning commissions. He said the matter could be tabled until a cost estimate was provided.

Upon motion (Gallagher-Verdes), the Board of Commissioners voted unanimously by voice vote to table the motion.

**MOTION**

**A MOTION APPROVING FIELDS AT FARMERSVILLE - WAIVER REQUEST**

Ms. Jensen said: The applicant has a land development plan being reviewed by the planning commission. The applicant is requesting a waiver from the minimum cartway width for a number of proposed streets in the subdivision. In order to continue the design and review process for this project, the applicant needs to know if this waiver will be granted. The waiver request is the only aspect of the plan that is up for consideration of the Board at this time.

Mr. Gallagher said the waivers would leave few on-street parking spaces. "I don't think that's acceptable," he said.

Mr. Merhottein said he could play "devil's advocate" by noting the narrower cartway would result in less speeding in the development and less impervious cover.

Ms. Beatty asked if there were any problems with existing Scherman Boulevard with its narrower cartway. Ms. Jensen said she was not aware of any problems.

Mr. Gallagher said the development includes a potential connection to the bike path and that narrow streets are difficult for bicycles to navigate.

**GLENN KRIER  
3942 KENRICK DR**

Mr. Krier asked who would enforce parking restrictions on roads in the development. Ms. Jensen said the township police department would if the roads were deeded to the township, which has not yet been determined.

Mr. Gallagher said there were "too many unknowns" for the board to make a decision tonight. Mr. Merhottein asked Assistant Solicitor Panella if the board was required to vote tonight on the waiver request. Mr. Panella said no.

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to table the motion.

**MOTION**

**A MOTION APPROVING THE ST. LUKE'S ANDERSON CAMPUS WING 3 – WAIVER REQUEST**

Ms. Jensen said: The applicant received conditional preliminary/final plan approval from the Board of Commissioners on October 2, 2023. Since then the applicant has proposed a revision to the conditionally approved plan that requires the project to go through the entire land development review process again (SALDO 230-9.E). The applicant is requesting a waiver from this requirement and would like to have this change addressed in administrative review prior to a final approval by the Board of Commissioners. Staff has no objection to this waiver request.

**DAVID BUCHERER  
4220 NICHOLAS ST**

Mr. Bucherer said St. Luke's should have known from the start rather than changing its plans after approval. He said the board should oppose all waiver requests.

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

**MOTION**

**A MOTION APPROVING THE HECKTOWN ROAD/DARTMOUTH DRIVE SCHOOL ZONE FLASHING WARNING DEVICE & RRFB DESIGN & OAKLAND ROAD/SANTEE ROAD RRFB DESIGN - CHANGE ORDER NO. 1**

Ms. Jensen said: Due to supplier delay of the signal poles, this change order will provide more time for the project to be completed.

Mr. Verdes asked when the signal poles will be ready. Mr. Gawlik said they will be ready in January, causing a two-month delay in completion of the project.

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

**MOTION**

**A MOTION AUTHORIZING AND APPROVING THE NANCY RUN ESTATES PHASES 7-10 SECURITY RELEASE NO. 8**

Ms. Jensen said: The developer has requested a release of security for work completed. The Township Engineer has approved the release of \$752,268.91, leaving a balance of \$1,548,604.13.

Mr. Gallagher asked for clarification on the last paragraph of the letter from the township engineer, which read: "We note that Category IV Maintenance Security amount has been adjusted to reflect the elimination of the 2" Superpave 19mm asphalt on the roadways as previously approved by the Township Public Works Department."

Mr. Gawlik said his understanding was that 1.5-inch asphalt had been used instead of 2-inch asphalt, but he would have to confirm that.

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

**RESOLUTIONS OF  
THE BOARD OF  
COMMISSIONERS**

**RESOLUTION**

**RESOLUTION R072-23 APPOINTING A POLICE OFFICER TO THE BETHLEHEM TOWNSHIP POLICE DEPARTMENT**

Mr. Bruce said the Civil Service Commission had met Friday and certified an eligibility list for the entry-level position of patrol officer. He said the board had received hiring recommendations from Chief Greg Gottschall.

Upon motion (Beatty-Gallagher), the Board of Commissioners voted unanimously by voice vote to appoint Garret Chirik as a police officer in the Bethlehem Township Police Department.

**RESOLUTION**

**RESOLUTION R073-23 APPOINTING A POLICE OFFICER TO THE BETHLEHEM TOWNSHIP POLICE DEPARTMENT**

Upon motion (Verdes-Lawrence), the Board of Commissioners voted unanimously by voice vote to appoint Steven Roe as a police officer in the Bethlehem Township Police Department.

**RESOLUTION RESOLUTION R074-23 APPOINTING A POLICE OFFICER TO THE BETHLEHEM TOWNSHIP POLICE DEPARTMENT**

Upon motion (Lawrence-Gallagher), the Board of Commissioners voted unanimously by voice vote to appoint Salvatore Crivellaro as a police officer in the Bethlehem Township Police Department.

**RESOLUTION RESOLUTION R075-23 APPOINTING A POLICE OFFICER TO THE BETHLEHEM TOWNSHIP POLICE DEPARTMENT**

Upon motion (Gallagher-Beatty), the Board of Commissioners voted unanimously by voice vote to appoint Brody Keefe as a police officer in the Bethlehem Township Police Department.

**RESOLUTION RESOLUTION R076-23 APPOINTING A POLICE OFFICER TO THE BETHLEHEM TOWNSHIP POLICE DEPARTMENT**

Upon motion (Gallagher-Lawrence), the Board of Commissioners voted unanimously by voice vote to appoint Kenneth Kane as a police officer in the Bethlehem Township Police Department.

**RESOLUTION RESOLUTION R077-23 APPOINTING A POLICE OFFICER TO THE BETHLEHEM TOWNSHIP POLICE DEPARTMENT**

Mr. Bruce said this resolution was not necessary, as there were only five eligible candidates for patrol officer.

**RESOLUTION RESOLUTION R078-23 AUTHORIZING AN APPLICATION TO THE LOCAL SHARE ASSESSMENT (STATEWIDE) GRANT PROGRAM OF THE COMMONWEALTH FINANCING AUTHORITY**

Mr. Bruce said he this was a statewide grant with proceeds coming from gaming funds. He recommended the board apply for a grant for the purchase of two police cars, total cost \$176,641.48.

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

**BILL AGENDA OF NOVEMBER 15, 2023**

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

**APPROVAL OF PURCHASE ORDERS**

- 1. PO 20232767 – Fastsigns – PPIS – \$6,766.04**
- 2. PO 20232768 – Maintainx – PPIS – \$5,292.00**
- 3. PO 20232794 – Rex Equipment & Construction – PW – \$3,853.24**
- 4. PO 20232803 – Philo Insulation & Fireproofing – PPIS – \$8,750.00**
- 5. PO 20232837 – Barwis Construction – PW – \$91,692.49**
- 6. PO 20232840 – Kopsis – Finance – \$19,440.00**
- 7. PO 20232855 – Morris Black & Sons – PPIS – \$8,250.00**

Regarding Purchase Order #4 for fireproofing in the public works building, Mr. Gallagher asked if there was an incident that had created a need to replace the fireproofing. Mr. Bruce said there was no precipitating incident, but rather a gradual wearing off over many years, that necessitated the work.

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

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

Upon motion (Merhottein-Gallagher), the Board of Commissioners voted unanimously to approve the treasurer's report, as presented and subject to audit.

**ZONING HEARING  
BOARD MEETING OF  
NOVEMBER 29, 2023**

Ms. Jensen said she recommended the township have legal representation for Appeal 24-2023, a notice of violation appeal or interpretation request to allow a privacy fence in a stormwater easement due to installation of a fence without permit.

Mr. Gallagher said the township should also have legal representation for Appeal 25-2023 involving variance requests for a minor subdivision being contemplated for an existing facility.

By consensus, the Board of Commissioners directed the township solicitor to represent the township at those two appeals.

**MONTHLY REPORTS**

There were no comments or question regarding the monthly departmental reports.

**ADJOURNMENT**

Mr. Merhottein adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Doug Bruce  
Township Manager