

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
FEBRUARY 21, 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
Doug Bruce, Township Manager
Amanda Raudenbush, Planning Director
Ron Gawlik, 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 the Board of Commissioners met in Executive Session on February 9, 2022 from 5:00 p.m. to 7:00 p.m. to discuss personnel issues, on February 16, 2022 at 5:00 p.m. to 7:30 p.m. to discuss personnel issues and finally on February 21, 2022 at 6:30 p.m. for approximately 20 minutes to discuss potential litigation, all pursuant to Section 708a of the Pennsylvania Sunshine Act.

**COURTESY OF THE
FLOOR**

**JOSEPH RING
2033 12TH STREET**

Mr. Ring came before the board with concerns about the stormwater fee. Mr. Ring said he didn't feel that an aerial photograph of everyone's property could accurately determine that amount of impervious coverage. He didn't agree that his property was assessed at 3300 square feet and believes it's only 1,000 square feet. Mr. Ring said all the water that comes off his roof goes directly into the ground. He believes his property should be re-evaluated. Commissioner Gallagher said in this area of Pennsylvania, the ground is a clay soil that doesn't absorb water very well though it appears to in a light storm. But in a severe storm, the water will make its way to the street and the to the catch basins. Mr. Bruce said that there is an appeal process on the website.

**GREGORY DECARLO
4100 DONEGAL DR.**

Mr. DeCarlo said he spoke with Mr. Bruce in detail about the stormwater fee and the impervious coverage. He said he has a swimming pool that collects a lot of water and was amazed to learn that it was considered an impervious surface. Mr. DeCarlo did not agree with Mr. Hulshizer's explanation. Solicitor Broughal informed Mr. DeCarlo that courtesy of the floor gives him the opportunity to make a statement, not interrogate the commissioners.

**SMITA PATEL
4212 FARMERSVILLE RD.**

Ms. Patel said she is having the same issue with the assessment of impervious coverage. She said her home sits on four acres of land and she doesn't believe she has any runoff that would go on the street. Ms. Patel said she had no knowledge of this stormwater fee.

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth asked that hard copies of the appeal process be available for those residents that do not have access to the internet or a printer. Mr. Roth also asked when the work on the Housenick Mansion would start. He said he would like the Recreation Commission to be more involved with the project and asked the board for better communication. Ms. Davis said she would like to see the Recreation

Commission more involved.

PIETRO GNEO
4970 CHELSEA DR.

Mr. Gneo said he did not agree with the assessment of impervious coverage on his property. He also believes that he is in the incorrect tier as there is a big difference in fee between Tier 2 and Tier 3.

ED MCDEVITT
4960 CHELSEA DR.

Mr. McDevitt said he doesn't believe the information on the stormwater fee is explained very well. He said he spoke with Mr. Bruce last week who was very helpful in what he was doing but he didn't get a clear answer. He said he tried to get the appeal form from the website but the automated system was not working at the time. Mr. McDevitt was eventually able to print the appeal form and submitted it to the township for processing.

TOM KEEFER
3808 CARTER RD.

Mr. Keefer said that the construction site on Church Road looks awful. They cut down all the trees and it looks a mess.

COMMISSIONER DAVIS

Ms. Davis thanked all those that came to the meeting to share their concerns about the stormwater fee. She also thanked the staff who spent the last week answering phone calls and emails. She did not hear any complaints about staff being rude. Mr. Bruce said he appreciated that and said that almost every person who complained tonight was somebody he spoke with on the phone. He tried answering their questions as completely as he could.

APPROVAL OF MINUTES

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve the minutes of the February 7, 2022 regular public meeting.

CONDITIONAL USE
HEARING

**THIRTY22 GARDEN APARTMENTS (3022 EASTON AVENUE),
PROPOSED 220-UNIT APARTMENT COMPLEX, SEEKING
CONDITIONAL USE OF GARDEN APARTMENTS**

Solicitor Broughal explained that tonight's public hearing is in reference to a Conditional Use application by Windrift Real Estate Associates LLC, for a project that includes 220 apartments in a property located in the Planned Commercial Zoning District and the Streetscape Enhancement District. He said garden apartments are only permitted in those zoning districts by conditional use. He then turned the hearing to the applicant's counsel. Once the testimony was taken, Solicitor Broughal closed the hearing and said the board will decide at their next meeting.

SUBDIVISIONS & LAND
DEVELOPMENT

RESOLUTION R024-22

**A RESOLUTION GRANTING CONDITIONAL PRELIMINARY/FINAL
LAND DEVELOPMENT PLAN APPROVAL OF LEHIGH VALLEY
TRADE CENTER III**

Ms. Raudenbush said Trammell Crow Company acquired a parcel of land at 4733 Hanoverville Road, formerly known as Dutch Springs. They are proposing to subdivide the large tract into three lots. The first lot is entirely in lower Nazareth Township. The second lot is partially in Lower Nazareth Township and partially in Bethlehem Township and would contain a 301,000 square foot warehouse. Only the building is located entirely within Bethlehem Township. Lot three is a 57.1-acre tract that contains the existing quarry, the existing stone building and proposed parking lots to maintain scuba use. This land is zoned General Industrial and the warehousing is a by right use. All the zoning relief was granted

at the December 29, 2021 hearing.

Mr. Sourbeck asked if any waivers were requested. Ms. Raudenbush said there were a number of waivers and deferrals requested, as outlined in the draft resolution. Ms. Davis said she wanted to make sure that if the user at the quarry should ever have an issue that all ownership and maintenance obligations would revert back to the owner of Lot 1. The Lower Nazareth Township Zoning Hearing Board decision requires a covenant placed on the deed of the Lot 2 that stipulates in the event the owners of Lot 2 cease operation or ownership, Lot 2 would revert back to the owner of Lot 1. Ms. Davis said she wanted to confirm that stipulation as the resolution itself does not mention it specifically. Ms. Raudenbush said resolution required a few minor amendments related to number of lots and size of the warehouses.

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve Resolution R024-22 granting conditional preliminary/final land development plan approval of Lehigh Valley Trade Center III, with minor amendments as suggested by Ms. Raudenbush.

**RESOLUTIONS OF THE
BOARD OF
COMMISSIONERS**

**A RESOLUTION APPOINTING A CHIEF OF POLICE TO THE
BETHLEHEM TOWNSHIP POLICE DEPARTMENT**

RESOLUTION R025-22

Mr. Merhottein said this was one of the toughest decisions he's made since sitting on the board. The candidates were both excellent and thanked them. Ms. Davis agreed.

Upon motion (Gallagher-Davis), the Board of Commissioners voted unanimously by voice vote to approve Resolution R020-22 appointing Gregory Gottschall Chief of Police to the Bethlehem Township Police Department.

The board congratulated Captain Gottschall.

**MOTIONS OF THE
BOARD OF
COMMISSIONERS**

MOTION

**A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO
ADVERTISE AN ORDINANCE ADDING CHAPTER 25,
ENVIRONMENTAL ADVISORY COUNCIL; SECTION 26-1, CREATION
OF COUNCIL; SECTION 26-2, MEMBERSHIP; SECTION 26-3,
APPOINTMENT PROCEDURES; SECTION 26-4, COMPENSATION;
SECTION 26-5 PURPOSE; SECTION 26-6, DESIGNATION OF
CHAIRPERSON; SECTION 26-7, POWERS; SECTION 26-8, RECORD
OF MEETINGS; AND SECTION 26-9, EXPENSES, TO THE CODE OF
CODIFIED ORDINANCES TO ESTABLISH PROVISIONS FOR
ESTABLISHING AN ENVIRONMENTAL ADVISORY COUNCIL IN
THE TOWNSHIP OF BETHLEHEM**

Mr. Gallagher said it's been a long time coming and is looking forward to seeing good things come from this. He said the council is solely an advisory board served by volunteers.

Mr. Hillard said he has been a resident of the township for a couple years. He served on the advisory council in the City of Bethlehem and it was a wonderful opportunity. Mr. Hillard said he would be interested in serving on the board.

**BRIAN HILLARD
3901 PEACOCK DR.**

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to advertise an ordinance adding Chapter 25, Environmental Advisory Council; Section 26-1, Creation of Council; Section 26-2, Membership; Section 26-3, Appointment Procedures; Section 26-4, Compensation; Section 26-5 Purpose; Section 26-6, Designation of Chairperson; Section 26-7, Powers; Section 26-8, Record of Meetings; and Section 26-9, Expenses, to the Code of Codified Ordinances to establish provisions for establishing an environmental advisory council in the Township of Bethlehem.

MOTION

A MOTION AUTHORIZING THE ADVERTISEMENT OF THE 2022 COLD IN-PLACE RECYCLING AND OVERLAY PROJECT

Upon motion (Beatty-Sourbeck), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the advertisement of the 2022 Cold In-Place Recycling and Overlay Project.

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO AN AGREEMENT WITH ENTECH ENGINEERING FOR THE WASTEWATER, COLLECTION, PRETREATMENT AND FATS, OILS AND GREASE (FOG) PROGRAM-RELATED PROFESSIONAL ENGINEERING SERVICES

Mr. Bruce said the BTMA is hiring an engineer to help train staff to fix and correct and maintain the system in place.

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing the township manager to enter into an agreement with Entech Engineering for the Wastewater, Collection, Pretreatment and Fats, Oils and Grease (FOG) Program-related professional engineering services.

**APPROVAL OF BILL
AGENDA OF
FEBRUARY 16, 2022**

Upon motion (Gallagher-Sourbeck), the Board of Commissioners unanimously voted by voice vote to approve the Bill Agenda of February 16, 2022.

**APPROVAL OF
PURCHASE ORDERS**

**PO 20220218 – ESRI INC. – PPIS – \$30,000.00
PO 20220226 – AMERICAN HIGHWAY PRODUCTS – PPIS – \$9,199.38
PO 20220229 – SERVICE TIRE TRUCK CENTER – PW – \$2,286.40
PO 20220230 – U.S. MUNICIPAL SUPPLY – PW -- \$4,134.68
PO 20220247 – EVERBRIDGE – PPIS – \$7,161.08
PO 20220248 – REDMAN TRAINING GEAR – BTPD – \$5,589.10
PO 20220251 – TUWAY COMMUNICATIONS – BTPD – \$2,843.66
PO 20220340 – ATLANTIC TACTICAL – BTPD – \$5,190.00
PO 20220341 – STRYKER MEDICAL – BTVFC EMS – \$13,665.80
PO 20220391 – BREAKTHROUGH CONCEPTS – PPIS – \$3,600.00
PO 20220394 – ALBARELL ELECTRIC – PPIS – \$2,109.64
PO 20220395 – POTTER & PARSONS – PPIS – \$11,219.00
PO 20220406 – AXON ENTERPRISES – BTPD – \$3,489.60
PO 20220418 – NEARMAP US – PPIS – \$25,101.00
PO 20220424 – KOCH 33 FORD TOYOTA – CD – \$32,471.00**

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said he would like to see out-of-service police cars used by other departments.

Upon motion (Sourbeck-Gallagher), the Board of Commissioners unanimously voted by voice to approve Purchase Orders 20220218, 20220226, 20220229, 20220230, 20220247, 20220248, 20220251, 20220340, 20220341, 20220391, 20220394, 20220395, 20220406, 20220418 and 20220424 as presented.

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

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

**ZONING HEARING
BOARD MEETING OF
FEBRUARY 23, 2022**

Ms. Raudenbush said the only hearing that's taking place on Wednesday is the hearing for 4406 Easton Avenue, the salvage yard. The other three hearings are being moved back to the March meeting.

MONTHLY REPORTS

All monthly reports were accepted.

DISCUSSION ITEMS

**SKETCH PLAN-2251
WILLOW PARK ROAD**

Mr. Bruce said the discussion on the sketch plan was pulled from the agenda.

**HOUSNIECK PARK
TRAILS PROJECT -
RECREATION
COMMISSION MOTION**

Mr. Bruce said he received a memo from the Public Works Director Rich Kanaskie that at their February 14, 2022, meeting the Recreation Commission made a motion to recommend to the Board of Commissioners to authorize moving forward with the construction of the Housenick Park Trails Phase 3 Project utilizing the existing township recreation fund to cover the remaining costs not covered by the awarded grants. Mr. Bruce said the project costs about a half a million dollars and \$400,000 was received in grants. There would need to be approximately \$100,000 used from the recreation fund. Ms. Davis asked how much was in the recreation fund. Mr. Bruce said about \$1.8 million. Mr. Gallagher said Housenick Park is the central park of the township and should be enhanced.

Upon motion (Davis-Beatty), the Board of Commissioners voted unanimously by voice vote to authorize the township manager to provide the funds from the Park and Recreation Fund to complete Phase 3 of the Housenick Park Trails Project. trails project

UPDATE

Mr. Merhottein informed Mr. Roth that township has been in touch with the property owners concerning the sinkhole on Route 191. Ms. Raudenbush said they were issued a notice of violation months ago and have started working through the process of fixing it.

Mr. Merhottein informed Mr. Keefer that regarding his concern with the recent Hecktown Road closure that the road remained closed on Thursday night because of the rain but was reopened Friday morning.

ADJOURNMENT

There being no other business, upon motion (Sourbeck-Gallagher), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 8:39 p.m.

Respectfully submitted,

Laura G. Zapata
Recording Secretary