

**BOARD OF COMMISSIONERS
REGULAR PUBLIC MEETING
MARCH 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 7:02 p.m., and led those in attendance in reciting the Pledge of Allegiance.

**COURTESY OF THE
FLOOR**

**BARRY ROTH
4323 CHETWIN TERR.**

Mr. Roth said the township needs to follow up on the complaints made regarding residential improvements done without the proper permits. He said filed complaint in the morning about a neighbor putting in a driveway and by the time he received a call back from the township, the driveway was finished. He was concerned that the driveway was not put in correctly. Mr. Roth said Palmer Township followed up on their complaints and found that many residents were making improvements with the proper permits. He also believes the township is losing revenue. Mr. Sourbeck asked if a resident could be fined for doing improvements without the proper permit. Solicitor Broughal said yes. He added the township is complaint-based and if a complaint is made, it is followed up by staff.

APPROVAL OF MINUTES

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

Mr. Gallagher asked why the board is getting the budget hearing minutes now. Mr. Bruce apologized and said they were delayed.

Upon motion (Gallagher-Davis), the Board of Commissioners voted by voice vote to approve the minutes of the October 21, 2021 budget hearing. The motion carried 3-0-2. Mr. Sourbeck and Ms. Beatty abstained.

Upon motion (Sourbeck-Davis), the Board of Commissioners voted by voice vote to approve the minutes of the October 26, 2021 budget hearing. The motion carried 4-0-1. Ms. Beatty abstained.

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted by voice vote to approve the minutes of the October 30, 2021 budget hearing. The motion carried 4-0-1. Ms. Beatty abstained.

PUBLIC HEARING

ORDINANCE 01-22

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 asked residents to come forward and volunteer to serve on the new board. Mr. Gallagher asked Mr. Bruce to advertised the vacancies on the township website, Facebook and the newsletter.

Upon motion (Gallagher-Sourbeck), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 01-22 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.

ORDINANCE 02-22

AN ORDINANCE AMENDING ORDINANCE NO. 5-99, THE BETHLEHEM TOWNSHIP ZONING ORDINANCE; CHAPTER 275, ZONING; OF THE TOWNSHIP OF BETHLEHEM CODE OF ORDINANCES, AS AMENDED, BY AMENDING ARTICLE II, TERMINOLOGY; SECTION 275-24, DEFINITIONS; AND REPEALING ORDINANCES RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HERewith, PROVING FOR SEVERABILITY OF PARTS OF THIS ORDINANCE DEEMED TO BE INVALID, AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Beatty asked why the word family needed to be defined. Ms. Raudenbush said the definitions are needed for categorizing housing. Solicitor Broughal said the definition of family as it relates to zoning had been heavily debated in order to be constitutional.

Upon motion (Davis-Gallagher), the Board of Commissioners voted unanimously by voice vote to adopt Ordinance 02-22 amending Ordinance No. 5-99, the Bethlehem Township Zoning Ordinance; Chapter 275, Zoning; of the Township of Bethlehem Code of Ordinances, as amended, by amending Article II, Terminology; Section 275-24, Definitions; and repealing ordinances resolutions, or parts thereof in conflict herewith, proving for severability of parts of this ordinance deemed to be invalid, and providing for an effective date.

RESOLUTIONS OF THE BOARD OF COMMISSIONERS

RESOLUTION R037-22

A RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL RECORDS PURSUANT TO THE SCHEDULES AND PROCEDURES APPROVED BY THE LOCAL GOVERNMENT RECORDS COMMITTEE IN ACCORDANCE WITH THE

PENNSYLVANIA MUNICIPAL RECORDS ACT

Upon motion (Sourbeck-Beatty), the Board of Commissioners voted unanimously by voice vote to approve Resolution R037-22 authorizing the disposition of certain municipal records pursuant to the schedules and procedures approved by the Local Government Records Committee in accordance with the Pennsylvania Municipal Records Act.

RESOLUTION R038-22

A RESOLUTION AUTHORIZING THE ATTENDANCE OF CORPORAL JEREMY ANDERSON AND POLICE CLERK JENNIFER SCHWARTZ AT THE CODY CONNECT RMS TRAINING CONFERENCE APRIL 18-21, 2022, IN HERSHEY, PENNSYLVANIA

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve Resolution R038-22 authorizing the attendance of Corporal Jeremy Anderson and Police Clerk Jennifer Schwartz at the CODY Connect RMS training conference April 18-21, 2022, in Hershey, Pennsylvania.

MOTIONS OF THE BOARD OF COMMISSIONERS

MOTION

A MOTION AUTHORIZING THE TOWNSHIP MANAGER TO ENTER INTO AN AGREEMENT WITH MKSD ARCHITECTS FOR ARCHITECTURAL AND ENGINEERING WORK ON THE PUBLIC WORKS MASTER PLAN.

Mr. Merhottein said this was a budgeted item for the redesigning of the public works building. Mr. Gallagher said it is for the master plan.

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 MKSD Architects for architectural and engineering work on the public works master plan.

MOTION

A MOTION AUTHORIZING THAT HOWARD KUTZLER BE GRANTED AN EARLY RETIREMENT WITH 100% JOINT AND SURVIVOR BENEFIT FROM THE NON-UNIFORM PENSION FUND, EFFECTIVE APRIL 1, 2022

Upon motion (Sourbeck-Gallagher), the Board of Commissioners voted unanimously by voice vote to approve a motion authorizing that Howard Kutzler be granted an early retirement with 100% Joint and Survivor benefit from the Non-Uniform Pension Fund, effective April 1, 2022.

APPROVAL OF BILL AGENDA OF MARCH 16, 2022

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

APPROVAL OF PURCHASE ORDERS

PO 20220560 – WIN CAN LLC – PPIS – \$2,582.80
PO 20220618 – COMMONWEALTH OF PA – PW – \$2,500.00
PO 20220651 – KLD GEN. MASONRY & CONSTR. – PPIS – \$8,000.00
PO 20220658 – TRIAD TRUCK EQUIPMENT – PW – \$6,892.00
PO 20220659 – GREEN POND NURSERY – PW – \$3,866.50
PO 20220694 – LEHIGH VALLEY FENCE – PW – \$2,600.00

PO 20220695 – NJB SOFT – PPIS – \$38,626.00

Upon motion (Sourbeck- Beatty), the Board of Commissioners unanimously voted by voice to approve Purchase Orders 20220560, 20220618, 20220651, 20220658, 20220659, 20220694 and 20220695 as presented.

**APPROVAL OF
TREASURER’S REPORT
OF FEBRUARY 28, 2022**

Upon motion (Sourbeck-Davis), the Board of Commissioners unanimously voted by voice vote to approve the Treasurer’s Report of February 28, 2022 as presented, subject to audit.

**ZONING HEARING
BOARD MEETING OF
MARCH 30, 2022**

Ms. Raudenbush said the items on the agenda included the Pagats’ property and two residential properties seeking variances. No legal representation was requested.

MONTHLY REPORTS

All monthly reports were accepted.

DISCUSSION ITEMS

**PLAINFIELD TOWNSHIP
BIOSOLIDS RESOLUTION**

Mr. Sourbeck said the Pennsylvania State Association of Township Supervisors (PSATS) is seeking legislative support of a proposed resolution to give municipalities in the Commonwealth the legal authority to enact local regulations concerning the land application of biosolids. Mr. Gallagher said biosolids are a good thing, however, there are also horrible things in it. He said he would support the resolution. Solicitor Broughal said the law was preempted by the state to regulate to some degree biosolids. Ms. Beatty asked what type of support they are looking for. Mr. Merhottein said it would be a letter of support. Mr. Sourbeck asked what is considered bad chemicals. Mr. Gallagher said they are those chemicals that don’t break down and cause health issues. Mr. Merhottein said they can discuss further at the next meeting.

**EMERGENCY SIGNAL –
NINTH STREET &
FREEMANSBURG AENUE**

Mr. Bruce said this topic was in front of the board in 2018 and the township engineer did a study and cost estimate on it. Members of the Bethlehem Township Volunteer Fire Company reached out the Lehigh Valley Planning Commission and staff. Mr. Bruce said LVPC staff had suggested the township pursue a state “multimodal” grant for the project. Ms. Davis asked the township engineer to provide an updated cost estimate. Ms. Beatty asked if the cost was just for the placement of the signal. Mr. Merhottein said yes. Fire Lieutenant Kevin Kalman said he attended the February 16, 2022, Lehigh Valley Planning Commission meeting and was informed that there was money available. He said the signal would be identical to the one in front of the Nancy Run Fire Company. Ms. Davis said she would support this and added that perhaps the money in the fire tax fund could be used to pay the matching portion. Mr. Merhottein said the first step would be to get have the township engineer do another study. Mr. Gallagher said if the revised cost estimate is reasonable, he would direct the manager to apply for the grant. Ms. Raudenbush said the township engineer has the numbers and shouldn’t take them long to update. Mr. Sourbeck asked if they would be available to the next meeting. Mr. Bruce said yes. By consensus the board directed the township engineer to provide a revised cost estimate.

ADJOURNMENT

There being no other business, upon motion (Sourbeck-Davis), the Board of Commissioners unanimously voted by voice vote to adjourn the meeting at 7:47 p.m.

Respectfully submitted,

03-21-2022

Laura G. Zapata
Recording Secretary