

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES MONDAY, MAY 8, 2017 @ 7:00 P.M.

AGENDA – PART I

1. CALL TO ORDER– Chairman Bermingham called the meeting to order. Present, in addition to Chairman Bermingham were, Supervisor Geake, Supervisor De Franco, Supervisor Due, Supervisor Hallett, Solicitor Ronold Karasek, Township Engineer Justin Coyle and Township Manager Rick Fisher. The Pledge of Allegiance was recited.

2. APPROVE AGENDA – MOTION by Supervisor Due, seconded by Supervisor De Franco to approve the agenda. Vote: 5-0.

3. PUBLIC COMMENT – Charlie Kull asked about the status of the multi-family housing. Solicitor Karasek said he hasn't looked at that in a while and asked to put it on the next Workshop agenda. Ron Angle asked Chairman Bermingham about the meeting held at Lower Mount Bethel Township. Chairman Bermingham said the meeting was held with Phil Durgin and the meeting presented the negative side of biosolids (sewage sludge).

AGENDA – PART II (Public Announcements) Mt .Bethel-Portland Memorial Day Service – Monday, 5/29/17 @ 11:00 a.m.

AGENDA – PART III (Subdivision and Land Development Plans/Sewage Planning)

1. SALDO Interpretation - Scott Policelli asked for an interpretation of the SALDO pertaining to remaining land, there is no definition in the SALDO and it should be added, clarified and/or expanded upon. The note implies that if remaining land under ten acres is subject to the SALDO requirements, then remaining land over ten acres isn't. Issues that have come upon on past subdivision reviews was building set back lines, ultimate road right of ways and drainage and utility easements. It also only applies to residential sites, where it might be appropriate to apply to other uses where the remaining land is over ten acres. The Board asked the Township Engineer for his opinion. Justin indicated it wouldn't be an issue and should be handled on a case by case basis, rather than a clear definition.

AGENDA – PART IV

1. Financial Reports – Bill List - Manager Fisher explained he made a change to the cover sheet to reflect transfers separate from the total bills. Manager Fisher read the bill list. **MOTION** by Supervisor Due, seconded by Supervisor Hallett to approve the bill list in the amount of \$293,870.10 Vote: 4-1 Supervisor Geake voted “no”. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve the transfers from General Fund to Road Machinery Fund in the amount of \$2,918.56. Vote: 5-0. Supervisor Geake asked about the outstanding invoice of \$4,381.28 and if the Solicitor is moving forward with that. Solicitor Karasek indicated it is ready to be processed at the Magistrate's office.

2. Monthly reports attached

a. Engineer Report (attached) Justin indicated he is moving ahead with bridge bids specs on Shady Lane, they will be bid together, but separate specs. Justin explained he will be bidding on Penn Bid and explained the process. It's no cost, but a nominal fee to the lowest bidders. Supervisor Geake asked that we have hard copy bids in the office as well and charge bidders accordingly for the specs and asked about the advertising requirements. Justin said there is still a requirement to advertise.

b. Solicitors Report (attached) No further comments.

c. Managers Report (attached) Manager Fisher noted his report includes a financial status 1st quarterly draft report and complete report to be presented at the May workshop.

AGENDA – PART V (Minutes)

1. Regular Monthly Meeting - Monday, April 10, 2017 @ 7:00 p.m. - **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
2. Work Session Meeting - Monday, April 24, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

AGENDA – PART VI (Action Agenda)

1. Refuse Reductions, Application Refunds & Exonerations. **MOTION** by Supervisor Geake, seconded by Supervisor Due to accept the Refuse Reductions, Application Refunds & Exonerations as submitted by the tax collector. Vote: 5-0.
2. Consider reduction to applicants for outstanding professional fees owed to Township (Ott). The applicants disputing the fees are St. Mawes Trust, Vigliotti, Vough, Rabbat & Ackerman. Chairman Bermingham indicated Mr. Ott was not willing to discount his bill and the Board previously voted that the applicants can go to arbitration. Chairman Bermingham and Supervisor Due asked this be put back on the agenda to allow the applicants a chance to speak. Manager Fisher indicated the invoices do not reflect the \$1,500.00 submittal fees they paid already to file, this is money owed after, that was used up. Public Comment by Mr. Vigliotti - he spoke about the long process, how he filed a variance with the Zoning Hearing Board, which was denied, thereafter he filed his subdivision, two years later it has cost him \$31,000.00, and still owes the township \$5,434.93 and the plan is still not recorded and has contacted an attorney. Chairman Bermingham asked Manager Fisher to meet with Mr. Vigliotti to go over his bill. Public Comment by Mr. Vough - His was a simple lot-line adjustment and was approved at the October meeting and wasn't recorded until December. Mr. Vough said the amount of hours that Mr. Ott charged was ridiculous and mentioned 3 different engineers from Ott's office reviewed it and charged 38 hours for a simple review. Supervisor Geake noted if they filed under the old fee schedule, then they should be charged according to that old fee schedule. Manager Fisher said they are not disputing the rate, it's the amount of hours charged. Supervisor Geake recommend the Manger review the hours on each case and see the pattern, come up with an average, including subsequent reviews and reason for review and do a comparison with six of Bob Collura's subdivision fees. Public Comment by Ron Angle - told you not to get rid of Collura and warned the Board about Ott. Mr. Angel mentioned Ott's bookkeeper being prosecuted for embezzlement, maybe the bills are duplicated from his office. Public Comment by Jeff Ackerman - the bills are still coming. Supervisor Geake asked the manager to make sure the new bills coming forth be separate. Public Comment by Bob Teel - it's unreasonable and unfair to raise the bill midstream and said it's not fair to hit these people with a bill at the end, seems like there's a lack of communication. Public Comment by Loren Rabbat - if there's a change order, the applicant should be notified they are going to be billed. There was no communication from the township and she was going to still be getting hit with these bills. Ms. Rabbat indicated she has no problem with the Solicitor's fees and objected to 3 or 4 people reviewing. Ms. Rabbat noted the township took six months to notify her about these fees, and the township has a fiduciary responsibility to the residents. Supervisor Geake commented on Engineers messing up, just so they can bill more, that's part of the process. Supervisor Due mentioned speaking to Annie Duboi, St. Mawes Trust, her subdivision was simple lot-line adjustment and attended the Planning Commission meeting, their submitting engineer did such a good job that their subdivision went through on the first time and Mr. Ott charged 32 hours to do the review. Manager Fisher will do the comparison. Tabled to the June 12th BOS meeting.

3. Ordinance #2017-01 Girls Softball UMBT / LMBT- Solicitor Karasek indicated this was properly advertised and is ready for adoption with a change recommended by Mr. Gasper, LMBT Solicitor that it agreed upon between the municipalities that this ordinance does not need to be adopted annually. Chairman Bermingham read Ordinance #2017-01 - an Intermunicipal Agreement Ordinance with Lower Mount Bethel Township for a Girls' Softball Program. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett that Ordinance #2017-01 be adopted with the change specified by the Solicitor. Vote: 5-0.

4. Resolution #2017-13 Road Turnback SR 1039 River Road. This was already approved on 4/24/17 Supervisor Geake said he doesn't agree with taking the road back, not with a bridge on it we already have 7 bridges that need repair, adding another is a burden to the township. Chairman Bermingham read Resolution #2017-13. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco to adopt Resolution #2017-13. Vote: 4-1, Supervisor Geake voted "no".

5. Resolution #2017-14 Fee Schedule with attached "Schedule A". Chairman Bermingham read Resolution #2017-14. Solicitor Karasek said this fee schedule establishes escrow accounts and administrative fees to be paid, that would alleviate some of the problems we were having. Then the township can draw down the funds to cover the subdivision fees. Supervisor Geake said that really won't solve the problem of engineers charging too many hours and multiple engineers reviewing. Solicitor Karasek said if you hire people that are trustworthy, you won't have these problems. Public Comment by Jimmy Potter - escrow won't solve anything if there's no communication between the township billing the applicant during the process, communication is the key, the people need to be told. Public Comment by Ron Angle - Jeff Ott's bill in 2016 was double compared to Bob Collura's in 2015.

6. Resolution #2017-15 Playground Inspection Policy. Chairman Bermingham read the Resolution. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adopt Resolution #2017-15 - Playground Inspection Policy. Vote: 5-0.

7. Award bids for in-place paving, materials, line painting and contracted services. The Board reviewed the bids we received. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett that we accept all the low bids; Hanson - in-place paving, Alpha Space Controls - Line painting and ABE for materials. Supervisor Geake suggested next time bid the paving and line painting together, bid both ways with lines and without. Vote: 5-0. Manager Fisher said we received no bids for fuel and asked to re-bid. Manager Fisher said there are problems with the tree trimming bids, we received two; however there were questions about emergency tree trimming, the bid we received from Pro-mark is lower, but he's coming from over an hour away. Supervisor Geake asked why do we need an emergency tree trimmer anyway, just have a call out list of people in the area and call, the cost wouldn't be much, so you don't really need to bid. Public Comment by Ron Angle - a lot of these people that bid are already under contract, they're not going to come all the way to Upper Mount Bethel Township. Vote: 5-0. Manager Fisher said we received no bids for fuel and asked to re-bid. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that we re-bid and if no response then we keep our current provider Reimer Brothers and reject the bids for tree trimming and get a call out list. Vote: 5-0.

8. Appoint members to the Economic Development Committee /set terms /appoint BOS Liaison. We received 7 letter of interest to be on the Economic Development Committee. **MOTION** by Supervisor Geake to appoint Scott Cole & Tiffany Hayward - 5 yr. terms 3). Judy Henckel & Bob Schneider - 4 year terms and John Bermingham Sr. - 3yr. Term. No second. **MOTION** by Supervisor Geake, seconded by Supervisor Due to appoint Scott Cole and Tiffany Hayward - 5 year Terms. Vote: 5-0.

MOTION by Supervisor De Franco, seconded by Supervisor Geake to appoint Bob Schneider & John Bermingham Sr. - 4 year terms. Vote: 4-0-1 Chairman Bermingham abstained. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to appoint Mike Kulike - 3 year Term. Public Comment by Ron Angle - what do you expect to gain when there no land available no public sewer and water. Ron Angle mentioned he was on County EDC and him and Mr. Manzi are the reason anything came in here, they got Ultra Poly and LamTec, if not we would have nothing.

Supervisor Due mentioned the Board and our Engineer are working on the Act 537 plan and the possibility of running sewer from Portland up Rt. 611. After comments. Vote: 5-0. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to appoint Supervisor David Due as EDC Liaison. Vote: 4-0-1 Supervisor Due abstained.

9. Appoint Temporary Assistant Road Foreman - **MOTION** by Supervisor Geake, seconded by Chairman Bermingham to appoint Virgil Kasieber as Temporary Assistant Foreman based strictly on seniority and pay an additional .50 cents per hour. Supervisor De Franco asked the Solicitor if the Board should go into Executive Session to discuss this. Solicitor Karasek said as long as you're not discussing any "personnel issues" and just making a motion, then you don't have to go in the back. Vote: 3-2 with Supervisor De Franco, Hallett and Due voting "no". Motion doesn't pass. **MOTION** by Supervisor Hallett, seconded by Supervisor Due to appoint Dave Constable as Temporary Assistant Road Foreman and pay an additional .50 cents per hour. Vote: 3-2 with Supervisor Hallett, Due & De Franco voting "yes".

AGENDA – PART IX (Old Business)

1. LWGT Agreement establishing PA Extension Alliance - Solicitor Karasek said this is simply to form an alliance and there is no cost to do that. **MOTION** by Supervisor Geake to form an Alliance. Solicitor Karasek asked if they approve the agreement to include his language from email of 2/8/17 that specifies there is no cost by the township to join the Alliance and can opt out at any time with 60 day's notice. **MOTION** by Supervisor Geake, seconded by Supervisor Due to adopt the Alliance agreement with the 3 years clause and 60 day's notice to get out of the agreement at any time and include language from Solicitor Karasek's email of 2/8/17. Public Comment by Judy Henckel - this is simply to form an Alliance so they can apply for grants. Public Comment by Ron Angle - this is about ecotourism and no benefit to the residents or the township. Supervisor Due spoke about the Water Gap and 911 trail will be along our township border. Vote: 4-1 with Supervisor De Franco voting "no".

2. Municipal Waste and Recycling Agreement Addendum bid specs status (Exp. 8/8/17) - Manager Fisher said he is looking into Penn Bid.

3. Intermunicipal Agreement ("Schedule A") – SBCOG Comprehensive - The COG is in the process of getting a grant. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to table and put back on the agenda once we have information on the grant. Vote: 5-0.

AGENDA – PART X (New Business)

Nature Conservancy request for funding – Ellen Lott was present from the Nature Conservancy. The Nature Conservancy is requesting a grant award from the UMBT Open Space Program in the amount of \$131,700.00 to purchase a conservation easement on a 64.5 acre property owned by Jay Deputy and Jon Walton. Ms. Lott mentioned three streams cross the property, including headwater tributaries and recharge area for the East Fork of Martins Creek. The property is forested and has more than 30 documented vernal pools. There are not buildings on-site; none will be permitted within the High Protection area. The property will be protected, but remain on the tax rolls. Protection is consistent with the Upper Mount Bethel Township Open Space Implementation Plan. Supervisor Hallett asked about the unidentified, unnamed sensitive species of concern. Ms. Lott said she can't say what they are. Supervisor Hallett asked about the property being gifted to Moravian College, why give the money?

Supervisor De Franco mentioned you most likely can't build on this lot anyway. **MOTION** by Supervisor Geake, seconded by Supervisor Due to give the Nature Conservancy the money from the EIT money to protect these areas. Manager Fisher noted how unique the geology is on this property and recommended preserving. Public Comment by Ron Angle – this is the same as the Transue property, the Board ended up not moving ahead with that property and then the Nature Conservancy got the money from other sources, EIT money should be used for farmland. **MOTION** and second **WITHDRAWN**.

MOTION by Chairman Bermingham, seconded by Supervisor De Franco to table to the June 12th meeting for more information and allow Chairman Bermingham to meet with Ms. Lott informally. Vote: 5-0.

2. Grader – Manager Fisher said the Road crew tried out the used grader, it is \$52,500.0 on co-stars. Supervisor Hallett said he would recommend the purchase, it's in good condition. Supervisor Geake mentioned he questioned putting the broom on the front of the grader, then told them not to put the money into it. Supervisor Geake asked the manager where are we going with this and why do we need a grader, it's only used a few months of the year. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett that we put the bid out for the used grader. Supervisor Geake asked how much money is it to mount the shoulder machine. Supervisor Hallett said we can do a little at a time. Manager Fisher said we have the money. Supervisor Geake said the grader will now have to sit 9 months of the year why not rent it when you need it? There was discussion about the cost of the rental. Supervisor Hallett said the cost of the rental in two years would pay for the grader, but have it to keep. Vote: 4-1 with Supervisor Geake voting "no".

Public Comment by Ron Angle – mentioned he walked the Eastern Industries property and the natural habitat has been disturbed, someone put a pipe in and wiped out the wetlands. Mr. Angle mentioned a dead blue heron and 2 little bog turtles and asked why this was filled in. Supervisor Hallett said it was sunken in and needed a little dirt repair and a pipe. Manager Fisher is going to have our engineer look at the Beaver Dam.

AGENDA – PART XI (Executive Session)

1. Personnel – Manager Fisher said there is none needed.

AGENDA – PART XII (Adjournment) MOTION by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting at 9:40 p.m. Vote: 5-0.

Respectfully submitted, Melissa Mastrogiovanni
Recording Secretary Upper Mount Bethel Township