

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES MONDAY, SEPTEMBER 11, 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, Township Manager Rick Fisher & Solicitor Ron Karasek and Township Engineer Justin Coyle. The Pledge of Allegiance was recited.

2. APPROVE AGENDA – Supervisor Hallett asked that Eastern Industries be added to the agenda. **MOTION** by Supervisor Hallett, seconded by Supervisor Due adding Eastern Industries as #1 to the Action agenda. Vote: 5-0. **MOTION** by Supervisor Hallett, seconded by Supervisor Due to approve the amended agenda. Vote: 5-0.

AGENDA – PART II (Public Announcements)

1. Remembrance of 911 – Chairman Bermingham asked for a moment of silence in remembrance of 911.

AGENDA – PART III (Public Comment)

1. Lois Voorhees spoke about her property and knot weed being out of control and asked the Board for some assistance. Lois mentioned the weed is so out of control, she has spent \$3,000.00 trying to control it. She is also working with Penn State and Farm Borough in trying to eradicate the problem and has been told it could take 4-5 years to eradicate. Lois spoke about knot weed being banned in Nazareth. Supervisor Geake said it's impossible to get rid of. Supervisor Due mentioned he had it on his property and got rid of it in a year and will give her the name of what he used.

2. Robert Teel – Mr. Teel referred to the oath of office Supervisors take and noted the section “that I will perform the duties of my appointment with fidelity”. Mr. Teel directed his comments towards Supervisor Geake, asked him if he took this oath and questioned him about his lawsuit against the Township. Supervisor Geake responded it is a complaint with the EOC. Mr. Teel questioned Supervisor Geake about him looking for a monetary payout and finds it offensive that a sitting Supervisor would be suing the Township. Mr. Teel said himself and Mr. Pinder won the race on May 16, 2017 “taxpayers need to know this about Supervisor Geake who is representing this Township before the election”. Supervisor Geake said this is a political statement, he shouldn't have been allowed to be on the agenda.

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

1. Dean Carnes – Well Isolation agreement – 234 Mt. Bethel Highway. Dean Carnes was present and submitted a site plan and deed for 234 Mt. Bethel Hwy. Mr. Carnes said he is transferring a property and needs a letter to the bank regarding the well isolation distance from the sewage system. The well is only 55 feet from the on-lot sewage disposal system and the bank is requiring a letter if the Board is inclined to grant the request. Manager Fisher the Board granted Mr. Carnes last request at the last meeting for 1091 Fox Gap Road and the bank rejected it. Solicitor Karasek reviewed the information and recommended a release and hold harmless agreement be done between Dean Carnes and property owner. There was further discussion and decided this is grandfathered, therefore the agreement is not needed, just a letter by the Solicitor. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that the request be granted and Solicitor Karasek prepare the letter. Vote: 5-0. There was further discussion about the prior request granted for 1091 Fox Gap Road. Mr. Carnes explained the distance is 60 feet from the well and 120 feet from septic. Mr. Carnes said a new well will need to be put in that would meet the standards and the bank is requiring 90 ft. distance.

MOTION by Supervisor Geake, seconded by Supervisor Hallett that the Solicitor prepare a letter for 1091 Fox Gap Road noting the waiver is for the well built in the isolation distance and can be 90 feet from the septic system. Mr. Carnes said this is more pressing than the last matter. Solicitor Karasek indicated he can't do anything until Mr. Carnes gives him a map showing the 90 feet distance. Mr. Carnes mentioned this is an ongoing problem in the Township and meeting isolation distances.

AGENDA – PART V (Reports) 1. Financial Reports – Bill List – Manager Fisher read the bill list. Supervisor Geake asked why is there a second bill list, that the Board addressed this at the last meeting and made the decision to have the cut off for bills on the Monday before the meeting. Manager Fisher agreed and discussed with the Board the situation and indicated he will make sure the new policy is followed. Manager Fisher noted the bills on the second list came in today and shouldn't have been added, they were way past the cutoff date. **MOTION** by Supervisor De Franco, seconded by Supervisor Geake to pay the bills in the amount of \$342,671.74 and follow the prior decision of the Board to have the cut-off for bills the Monday before the meeting and not to approve the additional bill list of \$3,852.77, it can be done as an interim for the next meeting on 9/25/17 or the October 9th meeting. Vote: 5- 0.

2. Monthly reports (attached)

a. Engineer Report (attached) – Justin indicated Shady Lane Bridge repairs will begin on Monday, September 18, 2017; advanced notice of detour was installed on 8/30/17. Justin is working on the Act 537 plan update and noted they developed a draft questionnaire for mailing to owners of properties for mailing sometime in October. Justin reviewed areas of concern with the BOS that have existing septic system problems. Justin he will sit down with the Township Manager within the next few weeks and is moving forward on the plan. He will forward a preliminary report to DEP. Justin said he is processing the DEP MS 4 Storm water Permit waiver request and has \$500.00 check in hand.

b. Solicitors Report (attached) Solicitor Karasek gave highlights to the Board of his report which is attached and noted urgent matters such as LERTA has taken time away from other matters. Solicitor Karasek said he will get the Multi-family housing ordinance to the LVPC asap.

c. Managers Report (attached) – Rick gave highlights of his report which was attached. Manager Fisher noted he and Diann are attending a seminar on quick books this Friday being taught by Diane Paton, she is an expert in quick books to see how we can clean up our 4,000 line items. Rick discussed the Fire Truck Agreement - he is still waiting for the 2016 financial report from our current auditor and depreciation report from our prior auditor. Without these critical items, we will lose the \$43,000.00 discount. Manager Fisher mentioned the Silo at the Park, is crumbling and is a current safety issue and asked the Board if our engineer can go take a look at it. The Board said “yes”.

AGENDA – PART VI (Minutes)

1. Special Public Meeting – Friday, August 4, 2017 @ 5:30 p.m. p.m. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco to approve the minutes. Vote: 4-0-1, Supervisor Geake abstained, he was absent.

2. Regular Monthly Meeting - Monday, August 14, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to approve the minutes. Vote: 5-0.

3. Public Meeting - Monday, August 28, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to approve the minutes. Vote: 5-0.

AGENDA – PART VII (Action Agenda)

1. Eastern Industries – Supervisor Hallett asked Manager Fisher about the loan on the Eastern Industries. Manager Fisher indicated the current balance is \$920,000.00 as we just made a payment of \$121,000 on 4/25/17 and we have 9 more payments, it's a 10 year loan. Supervisor Hallett said he would like to pay off the loan from the Open Space fund, there's over 2 million dollars in that account and save the Township the money. **MOTION** by Supervisor Hallett, seconded by Supervisor Due that we pay off the Eastern Industries loan with money from the Open Space fund. Public Comment by Charlie Kull – asked if you can do this. Supervisor Geake said we are still waiting for the appraisal. There was discussion about the Ziegafuse property as the County was the 3rd party requiring deed restriction at the time of purchase. Supervisor Geake noted the Natural Lands Trust only cut out 16 acres. There was further discussion about taking out the 64 acres. Supervisor Geake said he would like to do this right and we should wait for the appraisal. Manager Fisher noted he could contact the appraiser and see how far along he is and have answer at next meeting. Public Comment by Sheldon Richards – just pay it off, this has been going on too long. Supervisor Due said this has been going on as long as he's been on the Board 3 years, 9 months. Public Comment by Bob Teel – the Road crew – maintenance operation should be moved down to the Eastern Industries garage. Public Comment by Judy Henckel – it's not legal to do this, you need a 3rd party you can't be holder and owner. **MOTION BY** Supervisor Hallett withdrawn, second by Supervisor Due withdrawn. **MOTION** by Supervisor Hallett, seconded by Supervisor Due that we pay off the Eastern Industrial property with the EIT / Open space money providing we receive an acceptable appraisal to the Board of Supervisor's and preserve with the exception of the 64.7 acres The property to be preserved for open space / recreation and similar purposes under the EIT / Open space ordinance. Public Comment by Judy Henckel – you're confusing issues with this and the Ziegafuse property. Vote: 4-1 with Supervisor Geake voting "no".
2. Refuse Reductions, Application Refunds and Exonerations - **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to approve the Application Refunds & Exonerations submitted by the tax collector. Vote: 5-0.
3. Resolution #2017-17 – Honoring Mary Bach - **MOTION** by Supervisor Geake, seconded by Supervisor Due adopting Resolution #2017-17 in honor of Mary Bach. Vote: 5-0.
4. Set and advertise Budget meetings, Final budget adoption / end of year meetings – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to set and advertise the budget meetings, final adoption and end of year meeting as follows: Monday, October 9, 2017 @ 6:00 P.M. Monday, October 23, 2017 @ 6:00 P.M., Monday, November 13, 2017 @ 6:00 P.M., Monday, November 27, 2017 @ 6:00 P.M. – Final Budget Meeting (Open for Public Inspection 30 Days) Budget adoption meeting / end of year meeting Wednesday, December 27, 2017 @ 6:00 P.M.
5. Ag Security request – Del Vecchio - **MOTION** by Supervisor Geake seconded by Supervisor Due to accept the Del Vecchio Ag Security application. Supervisor Hallett asked about the application since it's near his house. Solicitor Karasek explained the process of accepting these applications, we accept for 180 days and Farmland Preservation reviews. This would allow them to continue farming, they can't go to preservation until they do the AG security application first. Public Comment by David Friedman – must be 10 acres to be in AG security, can't be less. Solicitor Karasek noted it goes to the County for review, if it doesn't meet the requirements, they won't accept it. Vote 5-0.

6. Fire Company Fund Tax – Manager Fisher said he has a meeting with Chris Finan, Fire Chief and Todd Pinto, Treasurer on Wednesday. Rick said he will be working on line items and prepare the budget including the Fire tax account Fund #3, creating an account and send to our auditor for review.

7. Park Committee Appoint. (1) Opening. Park Com. recommends Kari Hawkins & Stavros Barbounis. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to appoint Kari Hawkins to the Park Committee and Stavros Barbounis as alternate. Vote: 5-0.

8. OSAB: Accept Resignation of Barry Transue / Request to appoint Elise Transue. **MOTION** by Supervisor Geake, seconded by Supervisor Due to accept the resignation of Barry Transue and appoint Elise Transue in his place. Vote: 5-0.

9. OSAB (2) openings: Letter of interest Terry Abramson Public Comment by Judy Henckel – she submitted a letter asking the Board to re-consider and asked that there be no appointment to fill the two seats until a review of the dismissal charges has been completed. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to appoint Terry Abramson to the Open Space Advisory Board. Judy said the Board has no cause to dismiss them, other committees are treated differently, and they are being singled out. Solicitor Karasek referred to PSATS and read the section regarding property rights, notice of opportunity to be heard as it relates to employees, salary, personal rights. These positions are as volunteers, not employees and would not fall within the Administrative Code. The Board does not have to reconsider, unless if they want to be courteous and give them an opportunity to be heard, then the Board can rescind their motion. **MOTION** by Supervisor Geake to rescind the motion, second rescinded by Supervisor Hallett. Supervisor Geake noted he doesn't agree with what happened. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco to appoint Terry Abramson to the Open Space Advisory Board. Solicitor Karasek asked if the Board wants to address the Kathleen Barnes letter. The Board said not tonight. Chairman Bermingham noted he will contact Solicitor Karasek directly. No further comments. Vote: 5-0.

10. Hurricane Bloom fundraiser - Chairman Bermingham asked for the Boards approval to move forward with a fundraiser for Hurricane relief for the victims. The fundraiser would be held at Chelsea Sun and the dates to be set for some time in November. Chairman Bermingham would like UMBT to sponsor the fundraiser and have touch-a-truck. The fundraiser will be 100% donated to a non-profit, 50% donated to Bloom and 50% donated to the hurricane victims in Florida. Manager Fisher said you can't run the donation fundraising donations through our general fund, it needs to be run through something similar like our Park Foundation which is a 501-3-c. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to allow us to move forward with the fundraiser and allow the Road Department to put the trucks up there and assist in any way possible. Vote: 5-0.

AGENDA – PART VIII (Old Business)

1. North Bangor Fire Truck Agreement – Solicitor Karasek said he is working on the agreement, but needs other information such as; who owns it and who will pay for repairs. Supervisor Geake verified that UMBT would own it and we would do the repairs and we are paying the bills. Solicitor Karasek noted he can continue to finalize the agreement now that he has that information. Manager Fisher said he needs the agreement completed in the next 3 weeks. The Board asked Manager Fisher to follow up with the auditors as to the financial statement and depreciation.

2. EMS – status RFP – Chairman Bermingham noted he met with Suburban in the interim while Manager Fisher is working on the RFP's and received a proposal in the interim; 2 ALS ambulances scheduled from Bangor 7:00 a.m. – 11 p.m. M-F and weekend 9:00 a.m. – 5:00 p.m. and can provide 24 hour coverage when available. They can also park at the trolley station if there's only 1, 2nd unit then can go between Bangor and UMBT. To have BLS in UMBT 24 hour coverage charge would be \$9,000.00. Manager Fisher noted the current financial arrangement is we pay \$10,600.00 which includes rent to the Mt. Bethel Fire house. Public Comment by Chris Finan – they are not looking to charge rent. Public Comment by Sheldon Richards – asked about the article in the Express Times and the issue between Chairman Bermingham and Suburban. Chairman Bermingham clarified it was just a miscommunication and it's all straightened out. John Deremus agreed. Public Comment by Joe Battillo – this has been a problem in the past with response times and would like to see 24/7 coverage in UMBT and mentioned that a lot of hospitals are willing to come here. Manager Fisher asked for direction from the Board if he should move forward with the RFP's. The Board verified "yes" he should move forward this is just a proposal in the interim.

1. Multi – Family Housing – Charlie Kull said the Planning Commission recommended R-1, the Board should consider that zone for Multi-family housing. Solicitor Karasek indicated he will send the Board's recommendation to the Lehigh Valley Planning Commission. Supervisor De Franco asked the Solicitor to copy the Board on the letter.

2. LERTA Tax Program – John Bermingham Sr. and Bob Schneider indicated the EDC met on September 6th to discuss the LERTA program. Supervisor Geake asked if we are moving forward. It was mentioned that with time restraints, we might want to have Attorney Lucci move forward, he specializes in this also see who was consultant on the Schrin property. Supervisor Geake said we need a consultant to define the areas. Manager Fisher said he can contact Mark Hartney to find out who the consultant was for Schrin. Supervisor Due said there should be a base map of the Township drawn up with Mylar interest that includes preserved properties and significant natural areas on the zoning map. Public Comment by Jeff Manzi – back in the 80's there was a public hearing designating zones Industrial / Commercial, we really need to move forward with this. Jeff Manzi agreed we should get counsel and a consultant that specializes in this.

AGENDA – PART IX (New Business) – None

AGENDA – PART X (Executive Session) – Recessed for Executive Session from 9:45 – 9:58 p.m. to discuss Personnel & Legal. Personnel: **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to make Tom Abbott a temporary Full-time employee not to exceed 5 months and set pay according to the CDL rate in the union contract. Vote: 5-0. Public Comment by Judy Henckel – asked about Kathleen Barnes and her request to be heard on the dismissal, the Board did not want to hear what she had to say. Chairman Bermingham noted he will follow up with Judy. No further comments.

AGENDA – PART XI (Adjournment) - **MOTION** by Supervisor Geake seconded by Supervisor DeFranco to adjourn the Public Meeting at 10:00 p.m. No comments. Vote: 5-0.

Respectfully Submitted, Melissa Mastrogiovanni
Recording Secretary Upper Mount Bethel Township