

**UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS  
MEETING MINUTES MONDAY, JUNE 12, 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, Township Engineer Justin Coyle and Township Manager Rick Fisher. Supervisor Hallett and Solicitor Karasek were absent The Pledge of Allegiance was recited. Public Comment by Judy Henckel and Ellen Lott – asked the agenda be amended to add the Nature Conservancy’s request to ask the Township to grant the award of \$131,700.00 for purchase of the Jay Deputy and Jon Walton property. Judy indicated the deadline is Thursday. Supervisor De Franco said this is supposed to be on the Work session agenda, the Board did not even discuss this yet. **MOTION** by Supervisor Geake, seconded by Supervisor Due to add this request to the action agenda #10. Vote: 3-1 Supervisor De Franco voted “no”.

2. **APPROVE AGENDA – MOTION** by Supervisor Due, seconded by Supervisor Geake to approve the agenda as amended. Vote: 3-1, Supervisor De Franco voted “no”.

3. **PUBLIC COMMENT** – None.

**AGENDA – PART II** (Public Announcements) Resolution #2017-16 – UMBT 12 Toth Ladies Slaters Recognition. A.J. Olszewski – new basketball coordinator was present and highlighted the outstanding achievement of the UMBT 12 Toth Ladies. Chairman Bermingham read Resolution #2017-06 and congratulated the team, recognized their accomplishment & congratulated them on winning the championship.

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

1. Labar – Request for waiver of sewage fees – Manager Fisher indicated Mr. Labar is seeking a waiver of fees for hardship. He needs an elevation of the sand mound, but we are still waiting for information from our SEO and Allstate and asked it be tabled. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to table. Vote: 4-0.

**AGENDA – PART IV**

1. Financial Reports – Bill List - Manager Fisher asked the 2 invoices be held from Ott Engineering due to the fact that one shows billing from Zachary Miller of \$83.00 per hour and the other \$84.00 per hour, which is normally what he charges, the bills are not consistent. Manager Fisher read the bill list. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve the amended bill list minus Ott’s invoice of \$192.40. Vote: 4-0. Supervisor Geake commended the Manager on changing the fact sheet of the financial report, it’s much easier to follow and likes the breakdown.

2. Monthly reports attached

a. Engineer Report (attached) Justin indicated the bids specs are done for Bridge 5 and 6 repairs. All documents are available on Penn Bid and advertised for 6/15/17 & 6/22/17 with a bid opening on July 6<sup>th</sup> for a possible award at the BOS July 10<sup>th</sup> meeting. Justin said he will bring hard copies of the bid packages to the township office. Justin said he is meeting with Lin Manzi Thursday to review guiderails and coordinating a meeting with himself, Rick Fisher and Sharon from NCCD

b. Solicitors Report (attached)

c. Managers Report (attached) – The Manager will discuss his report as the meeting progresses as the issues in the report are on the agenda and will discuss Legal and Personnel in Executive Session.

**AGENDA – PART V (Minutes)**

1. Regular Monthly Meeting - Monday, May 8, 2017 @ 7:00 p.m. - **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 4-0.

2. Work Session Meeting - Monday, May 22, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 4-0.

### **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: 4-0.

2. Consider reduction to applicants for outstanding professional fees owed to Township (Ott) –The Board discussed a reduction to the applicants of 50%. Manager Fisher gave the Board the complete list of applicants seeking relief as follows with the 50% reduction: 1). Rabbat - \$1, 549.00, 2. Matour Trust / Saint Mawes Trust - \$1,869.00, 3. Vough - \$1,846.47, 4. Vigliotti - \$1,955.35, 5. 5. Ackerman #1 - \$1,370.13, Ackerman #2 - \$1,356.38 & Ackerman #3 - \$1,134.13. Supervisor Geake asked the Manager if this includes everyone that objected, this is the total list. Manager Fisher said “yes”. **MOTION** by Supervisor Due, seconded by Supervisor Geake to approve a 50% reduction due to overcharging by the engineer at the time, Jeff Ott. Supervisor Geake stated this is what happens when you make irrational decisions by changing our engineer at the time. **MOTION** amended by Supervisor Due, seconded amended this to only include the list we have currently in front of us. Supervisor De Franco recommended the Board not taking any action with our Solicitor absent, you’re opening up a can of worms. Public Comment by Mr. Vough – can’t see justification for the hours spent. Supervisor De Franco said he agrees with Supervisor’s Geake comments at a prior meeting that the people need to pay. Supervisor Geake said he will vote for this only if the list ends here and we don’t add any other names. **MOTION** amended by Supervisor Due, second amended by Supervisor Geake that we approve the 50% reduction to the applicants on the list with no reduction to any other applicants. Public Comment by James Potter – how many did Ott review total? Manager Fisher said 10 and 7 complained; Mr. Hallett also objected, but ended up paying the bill. Public Comment by Charlie Kull – you should wait for the Solicitor to be present. Manager Fisher said our Solicitor has reviewed this before and said it’s a policy call, not a legal call. Chairman Bermingham agreed. Vote: 3-1, Supervisor De Franco voted “no”.

3. Fire & Emergency Services – Letter of intent – Manager Fisher noted this is the letter of intent for DCED to look at our Fire and Emergency Services. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve sending the letter of intent to DCED. Vote: 4-0.

Taken out of sequence: Act 537 plan update proposal (#2 – old business) – Township Engineer Justin Coyle submitted the revised Act 527 Sewage Facilities Plan Update Proposal dated June 7, 2017. Justin referred to the section that has a not to exceed clause for the proposal in the amount of \$100,000.00. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that the not to exceed clause in the amount of \$100,000.00 be approved for the Act 537 Plan update. Vote: 4-0. Justin Coyle was excused from the meeting at 8:00 p.m.

4. Fire Truck / EMS status – Chris Finan was present from Mt. Bethel Fire Department and reported that the rescue truck can’t be fixed. Supervisor Geake stated he has been telling the Board to put \$200,000 aside each year for a Fire truck and we just paid \$30,000.00 in repairs. Supervisor Geake would like to see us get our money back and asked them to get in contact with John Bermingham. Bob Schneider asked Mr. Finan how they are coping in the mean time. Mr. Finan said Portland is working with them for rescue calls. Table and put on the June 26<sup>th</sup> BOS Work session meeting.

5. Approve Summer Camp staff and set pay as recommended by the Summer Camp Director: Kayla Quigley – Asst. Camp Director \$11.00 per hour, Nick Pfeifer - Counselor 4th year - \$9.00 per hour, 2<sup>nd</sup> year Counselors - \$7.75 per hour: Cam Strohe, Jehnalie Casioniro, Blake Mc New, Nicole Mastrogiovanni, Jordyn Taylor, 1<sup>st</sup> year Counselors - \$7.50 per hour: Kevin Amerman, Jayden Boyd, Emily Learn, Kristen Reid, Nicole Robinson, Tyler Hill, Isaac Oxford, Ashley Ramos, Samantha Shaw,

Kayley Reid. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the counselors and pay as stated and any additional counselors as needed by the Summer Camp Director. Vote: 4-0.

6. Motor Grader bids – Manager Fisher said he compared other graders locally and nationally and couldn't find any others with low hours similar to the 570 B. We received one bid from Scott Enterprises in the amount of \$52,500.00. Supervisor Geake would like to see us rent a grader. There was discussion about renting vs purchasing. Supervisor Geake mentioned putting thousands of dollars into the old grader machine being a waste of money and why we put the shoulder machine on the grader. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to award the bid for the 1998 570 B motor grader to Scott Enterprises Inc. Manager Fisher said we have \$170,000.00 in the Road Machinery Fund and we can take it out of that. Supervisor Geake said he would like to see us reinstate our equipment replacement like we used to do when Maureen Sterner was here, he doesn't know why we got away from that. Supervisor Geake said we can do an evaluation / depreciations anal based on 5 year and 10 year also if we trade when there is still value, we could get 50% of our value. Public Comment by John Bermingham Sr. - you should do a financial impact when doing the depreciations schedule, calculate present value and do a 3 year part plan and look at each truck and do a road management plan. Public Comment by Bob Schneider – he and the Manager have talked about an equipment schedule when discussing the budget. Supervisor Geake asked we put the other grader up for sale/bid and take the shoulder machine off. No further comments. Vote: 3-1 with Supervisor Geake voting “no”.

7. Material bids – Dirt & Gravel Road Project National Park Drive –We received (3) material bids for the National Park Drive grant and ABE was the low bidder. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve the low bidder ABE Materials / H&K Group Inc. for the materials for the Dirt and Gravel Road Project on National Park Drive – 3,500 tons – Aggregate R-3 Rocklining at \$19.00 per ton and AASHTO#57 ( Penn DOT #2B) 50 tons at \$16.99 per ton. Public Comment by James Potter – last time the grant didn't cover all the expenses and the township paid \$29,000.00 towards the 2a stone. Supervisor Geake asked the Manager if everything is covered. Manager Fisher said the budget includes everything even all costs of material. Vote: 4-0.

8. Fuel Bids (re-bid) - We received (2) fuel bids. Reimer was the lowest for the Heating Fuel Oil and Unleaded gasoline; Tolino was lowest for Diesel. Supervisor De Franco asked if we can split the bid. Manager said we could. **MOTION** by Supervisor Due, seconded by Supervisor Geake to award the bid for Diesel fuel to Tolinos Fuel Service at \$1.599 per gallon and Reimer Fuel for the Heating Fuel oil at \$1.689 and unleaded fuel at \$1.768.

9. Sludge plant letter to Plainfield Township – Chairman Bermingham indicated Plainfield Township is holding a meeting tonight. **MOTION** by Chairman Bermingham, seconded by Supervisor Geake that the township send a letter of opposition to the sludge plant to Plainfield Township and be drafted by Chairman Bermingham. Wind Gap and Pen Argyl have already send their letter. Vote: 4-0.

10. 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. Public Comment by Judy Henckel – there over 2 million dollars in the Open Space fund. Supervisor De Franco said you most likely can't build on this lot anyway it's a waste of money, it's mostly wetlands and you can't develop the property. Supervisor De Franco said we pay Walton the money, they build the house and then donate it to Moravian College. The Board asked what the appraisal was for the property. Ms. Lott said \$172,000.00. Public Comment by Bob Teel – asked how many farms the township preserved and would like to see direction of where were going in the future. Judy Henckel said we have preserved some, this is to protect an important habitat. Supervisor Due said the citizens had a referendum passed to have EIT money used for open space.

Public Comment by Judy Henckel – the deadline is Thursday and she needs to see Brian Cope tomorrow. **MOTION** by Supervisor Due, seconded by Supervisor Geake to approve the request of the Nature Conservancy in the amount of \$131,700.00 from the EIT money for the a 64.5 acre property owned by Jay Deputy and Jon Walton. Vote: 3-1 with Supervisor De Franco voting “no”.

#### **AGENDA – PART IX (Old Business)**

1. State Police – status – Chairman Bermingham said the agreement is fully executed. He and the staff met with the State Police on Friday and said it’s nice to have State Police presence.
2. Eastern Industries – status of appraisals – Manager Fisher said he is working on getting proposals for appraisals, we received one from Craig Gleason in the amount of \$11,000.00 and is waiting for some others. Table to the BOS WS on June 26, 2017.
3. Multi-Family Housing – Solicitor Karasek is absent, so the Board asked this be tabled to the next BOS meeting. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to table to the BOS WS on June 26, 2017. Vote: 4-0.
4. Municipal Waste and Recycling Agreement Addendum bid specs status (Exp. 8/8/17) – Manager Fisher has been working on the bid specs, bidding out 3 different ways and discussed the various options with the Board. Chairman Bermingham asked Solicitor Karasek to include the Dispute Resolution Clause. Put on BOS July 10, 2017 for an update from the Manager and Solicitor.

#### **AGENDA – PART X (New Business)**

1. 4<sup>th</sup> of July Parade - Chairman Bermingham said Upper Mount Bethel and Portland Townships are organizing a parade for the 4<sup>th</sup> of July and is asking for approval by the Board and \$500.00 for incidentals. **MOTION** by Supervisor De Franco, seconded by Supervisor Geake to approve organizing a parade with Portland and allow money for incidentals not to exceed \$1,500.00. Chairman Bermingham thanked the Board, and stated this is a good way to bring us and Portland together and mentioned we are also doing a bus trip with Lower Mt. Bethel Township as well. Vote: 4-0.
2. Smoke – non-committed EIT money – We received a summary and update and financial breakdowns of the currently active applications and funding from Northampton County Farmland Preservation. Upper Mount Bethel Township has exhausted all of their county match funds as well as their committed municipal farmland funds. The County is prepared to commit \$10,000.00 of regular county funds to preserve the 2017 Smoke farm and asking Upper Mount Bethel Township to pay \$226,425.00 from Opens Space Funds. Manager Fisher said he is just waiting for the award letter. Supervisor De Franco said this is buildable property and worth preserving. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve Upper Mount Bethel Township committing \$26,425.00 from the Open Space funds to preserve the Smoke farm. Vote: 4-0.

**AGENDA – PART XI (Executive Session) – MOTION** by Supervisor Geake, seconded by Supervisor Due to recess for Executive Session at 9:07 p.m. to discuss Legal and Personnel. Reconvened at 9:38 p.m. 1). Legal: **MOTION** by Supervisor Geake, seconded by Supervisor Due to hire separate counsel for the J. Robert Cartwright case (Solicitor Karasek recused himself). Vote: 4-0. 2). Personnel: **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to have all CDL drivers go for their CDL physical. Vote: 4-0.

**AGENDA – PART XII (Adjournment) MOTION** by Supervisor Geake, seconded by Supervisor Due to adjourn the Public Meeting at 9:07 p.m. Vote: 4-0.

Respectfully submitted, Melissa Mastrogiovanni  
Recording Secretary Upper Mount Bethel Township