

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS  
MEETING MINUTES MONDAY, JULY 10, 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 Karasek. Engineer Justin Coyle was going to be late. The Pledge of Allegiance was recited.
  
2. **APPROVE AGENDA** – Chairman Bermingham asked the agenda be amended to add the following to the action agenda: 1). Movie night at the Park, 2). Portland support letter for 2017 DCED grant, 3). Toastmasters’ request to use the UMBT municipal building. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the amended the agenda. Vote: 5-0.

**AGENDA – PART II (Public Announcements)**

1.4<sup>th</sup> of July Parade – Chairman Bermingham announced the 1<sup>st</sup> annual UMBT- Portland parade was a success and that we had a great turn out and it was a great team effort. We are already planning next year’s parade. Public Comment by Pete Riesen – thank you letters should be sent out and maybe an announcement in the paper. Chairman Bermingham replied this is being done.

1. Movie in the Park – August 12, 2017 – Table to the action agenda.

**AGENDA – PART III (Public Comment)**

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

1. Labar 756 South Delaware Drive - Request for waiver of sewage fees – Manager Fisher said Keith Labar is asking for a waiver of the sewage fees for hardship. We received an email from Scott Policelli, SEO that the fees would be \$300.00 for a major repair and that Allstate is preparing the scope of work to be done at the site. Manager Fisher said they are having problems getting the easement and that should be one of the conditions. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett that the waiver request be approved with the condition that they need to get the easement. Vote: 5-0.

**AGENDA – PART V (Report) 1. Financial Reports – Bill List –** Manager Fisher read the bill list.

Supervisor Geake questioned the Manager about paving and mentioned an 8 inch drop off on the roads. Supervisor Geake asked about future road plans. Manager Fisher said he is having a meeting with Lin Manzi and Justin Coyle to develop a road program for the future and noted we need engineer involvement. Supervisor Geake asked about the shoulders being cut and taking the scraping to Eastern, that’s a waste of time and money. Supervisor Hallett mentioned cutting the shoulders way back and tapering and its better if we do it in the spring, the grass grows in the empty spots and binds it. Supervisor Geake agreed, that’s a good way to do it. Supervisor Geake suggested the Board of Supervisors ride the roads like they use to do, they were required to do two inspections per year. Manager Fisher said he’s meeting with Justin Coyle and Line Manzi on Tuesday July 11<sup>th</sup>, then Justin can put the roads on GIS and we will have a road profile. **MOTION** by Supervisor Geake, seconded by Supervisor Due to pay the bills. Vote: 5-

2. Monthly reports (attached)

- a. Engineer Report (attached) – table to when Justin is present.
- b. Solicitors Report (attached) no further comments.
- c. Managers Report (attached) – Chairman Bermingham asked if the Manager will be doing another quarterly report soon. Manager Fisher said yes he will do it at the August workshop meeting.

**AGENDA – PART VI (Minutes)**

1. Regular Monthly Meeting - Monday, June 12, 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, June 26, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.

#### **AGENDA – PART VII (Action Agenda)**

1. Refuse Reductions, Application Refunds and Exonerations – **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the Application Refunds & Exonerations as submitted by the tax collector. Vote: 5-0.

2. Senior Garbage discount request – Silver – This was discussed at the last Workshop meeting. Mr. Silver is 65, his family owns and operates his business called Medical Device Development and are asking for the senior garbage discount for garbage collection. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to approve the request based with the condition if any closely held shareholders up to 4 reside in the residence and at least one person is 65, they can be granted the discount. Vote: 5-0.

2. Bid Award Shady Lane Bridge #5 – Table until Township Engineer is present.

3. Bid Award Shady Lane Bridge #6 – Table until Township Engineer is present.

4. Fire Departments Truck down payment – Chairman Bermingham and Rick Fisher met with the Fire Department to clarify what their needs are and now that they know how to move forward, Rick said he can work on the financing, should take him about two weeks and hopefully will have that information available at the July 24<sup>th</sup> BOS meeting. There was discussion about how we are paying for this. There was discussion about reducing the EIT tax and moving forward with a specific tax for EMT. Manager Fisher said he is looking at other townships that have instituted a fire tax. Manager Fisher said there is 1.2 mil. Reserve In General Fund for a down payment. Public Comment by Chris Finan – every time they apply for Federal grant it has been denied because of age of fire trucks.

#### 5. Engineer's & Bridges:

Manager Fisher said he needs to ask our Township Engineer about weight limits on the roads. Supervisor Geake said there are no weight limits. Engineer Justin Coyle arrived at 7:50 p.m. Justin discussed his Engineer report – Shady Lane Bridge 5 & 6 bid results are in and will discuss that next, Act 537 update – kickoff meeting with the township, Guiderail project along River Road – working with Lin Manzi to complete specs for new guiderail, Processing DEP MS4 Storm water Permit Waiver request. Public Comment by Charlie Kull – asked about the status of the Community Park. Justin said the plan and the spot elevations are done. There was discussion about the malfunctioning storm water system by the path. Manger Fisher said the deadline for compliance to NCCD is 7/31/17 and the corrections were not included in the \$2,800.00 that URDC charged.

Tabled from earlier - Bid Award Shady Lane Bridge #5 – Township Engineer Justin Coyle indicated we received 5 bids for Bridge #5 with the lowest bids from DESCCO Design & Construction, Inc. for \$128,129.00. Justin said they are more than capable of doing the work and the bid is reasonable and competitive and would recommend the Board move forward with DESCCO. Supervisor Geake asked how we are paying for the work. Manager Fisher said we will use \$98,000.00 from liquid fuels and the rest has been budgeted. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the low bid for Bridge #5 to DESCCO Design & Construction, Inc. Vote: 5-0. Manager Fisher said the work will be coordinated with Jeff Roback from Penn DOT.

3. Bid Award Shady Lane Bridge #6 – We received 3 bids for the Shady Lane Bridge Painting project. Justin said the bids are too high and recommended re-bidding next year, it is not critical to fix this bridge this year. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to reject the bids for Bridge #6. Public

comment by Jimmy Potter – you shouldn't have taken back River Road which has more bridges. Supervisor Geake agreed. Vote: 5-0.

5. PA Fish & Boat Commission Road Bonding – Manager Fisher asked this be tabled to 8/14/17.

6. UMBT/LMBT Intermunicipal Agreement revisions – Ordinance #2017-01. Solicitor Karasek said the ordinance was adopted at the May 8, 2017 BOS meeting and minor changes to the agreement have been made and can be approved by the Board. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the UMBT/LMBT Intermunicipal Agreement as revised. Vote: 5-0.

7. SB Soccer Association request for use of Potomac Street fields from August 1- mid November 2017 They make this request annually. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve Slate belt Soccer Association request for use of Potomac Street fields M-F from 5-7:30 p.m. From August 1- mid November 2017. Vote: 5-0.

8. Toastmasters Club request to use Township Building – Steve Beamer was present on behalf of the Toastmasters Club requesting to use the Township Building for their club for members to improve their speaking and leadership skills. Chairman Bermingham asked what the average age and how many members they have in the club. Steve said they have any range from 12 years old and up and they need 20 members to start the club, but only have 6 right now. Solicitor Karasek cited the 2<sup>nd</sup> class township code which state you can't rent the township building - there are rules and regulations about renting out to private clubs also with younger people in the club everyone would need background checks, he would not recommend it and asked Manager Fisher to check with PSATS and Brown and Brown. Solicitor Karasek recommended they check with the Fire Company and American Legion to see if they can use their facilities.

9. Movie in the Park – Chairman Bermingham indicated he is working with the Recreation Board and Park Committee to have a movie at the Community Park on August 12<sup>th</sup>. Lam Tech and Custom Laminating are donating the funds not to exceed \$2,000.00 and hosting the event, it won't cost the township anything. The movie will be run by NA studios along with Swank motion pictures. Bermingham mentioned if rained out he will talk to the Fire Company to see if we can show it there. John said he is looking for a popcorn machine. Charlie Kull said Mt. Bethel Fire Company might have one. Jimmy Potter said talk to Portland they might have one you can borrow. **MOTION** by supervisor De Franco, seconded by Supervisor Due to approve movie night at the park. Vote: 5-0.

8. EIT Referendum - Manger Fisher said the Open Space should bring in approximately \$360,000.00 this year and there is \$2,227,047.82 in the Open Space fund and have used an average of \$86,000.00 per year. There was discussion about Open Space being over funded how much to reduce the EIT percentage. Public Comment by Dave Friedman – with the EIT tax you're losing money because everyone doesn't pay, you should have a fire tax that everyone pays. There was discussion about cutting the fund by 1/3% - 0.8225. Public Comment by Judy Henckel – the County program is not doing well and the county and state won't be paying as much. Judy mentioned protecting the Kittatiny Ridge. Supervisor Hallett said you don't need to protect it because you can't build anywhere on the ridge. **MOTION** by Supervisor Geake, seconded by Supervisor Due to cut the EIT tax to 0.125%. Public Comment by Joe Battillo – if a big farm came in you can always borrow money. Supervisor De Franco said that wouldn't make sense. Manager Fisher said there 2 million dollars in the fund. Public Comment by Dave Friedman – he hopes the Fire Department knows what their getting into. Chris Finan said yes, other townships have instituted a fire tax and it works well. Vote: 3-2 with Supervisor Due, Geake and Bermingham voting "yes" and De Franco and Hallet voting "no" should be cut more. Solicitor Karasek said he will advertise the ordinance the next three weeks for a Special Public Meeting to be held on August 4, 2017 @ 5:30 p.m.

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

1. Eastern Industries – status of appraisals. Solicitor Karasek said we need the appraisals in before we even consider using the EIT money to pay off the Eastern loan. Supervisor Hallett indicated it's allowable, you're not purchasing and you can use the money to pay off the debt. Supervisor Geake would like to take the advice of our Solicitor before doing anything, the auditors can go after the Board of Supervisors personally. Table to the BOS Special Public Meeting on 7/24/17, Manager Fisher will continue to get the appraisals

2. Multi-Family Housing – status - Solicitor Karasek would like to hold a workshop meeting after the Board decides which zones they would like multi-family housing it then needs to be reviewed by our planning commission and Lehigh valley planning commission. Public comment by David Freeman, he asked that the zoning update amendments be reviewed also. Table 2 the 8/24/17 meeting for multi-family housing and zoning update amendments

3. EMS status – Chairman Bermingham spoke to St. Luke's and they are willing to provide 24hr/7 days a week coverage to the township free of charge. Solicitor Karasek indicated we need a resolution appointing them as our primary provider for EMS. There was discussion about stationing St. Luke's in our township garage and move the road crew to the eastern property garage. In the meantime they can be stationed at the Mt. Bethel fire department. Chairman Bermingham will be in touch with the EMS counsel. This will be on the 7/24/17 BOS meeting for an update

**AGENDA – PART X (New Business)**

1. UMBT Letter of Support for Portland's Grant for State Street (SR 1032) Bridge Water Replacement Project – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to write a letter of support. Vote: 5-0.

2. UMBT Letter of Support for Portland's Grant for 2017 DCED - **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to write a letter of support for.

**AGENDA – PART XI (Executive Session) AGENDA – PART XI (Executive Session) – MOTION** by Supervisor Geake, seconded by Supervisor Due to recess for Executive Session at 9:30 p.m. to discuss Personnel. Reconvened at 10:10 p.m. **MOTION** by Supervisor Geake, seconded by Chairman Bermingham to list Virgil Kasieber 1<sup>st</sup> as seniority over Dave Constable. Vote: 3-2 with Supervisor De Franco, Due and Hallett voting “no” motion died. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to allow Virgil Kasieber to continue to move forward with his grievance. Vote: 5-0.

**AGENDA – PART XII (Adjournment) MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting 10:15 p.m. p.m. Vote: 5-0.

Respectfully submitted, Melissa Mastrogiovanni  
Recording Secretary Upper Mount Bethel Township