

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS
PUBLIC MEETING MINUTES OCTOBER 23, 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 - **MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the agenda. Vote: 5-0.

AGENDA – PART II (Public Announcements) Chairman Bermingham made the following announcements:

- Halloween Party – October 29, 2017 1-3 p.m. at the Upper Mt. Bethel Fire hall
- Trick or treating – 4-6 p.m.
- Fall Festival – November 4, 2017 1-5 p.m. at Chelsea Sun
- Veterans Day – John indicated he has been in touch with the American Legion and would like to have a lunch or dinner to thank the Veterans, more details to come.
- Mount Bethel Tree Lighting – Wednesday, November 29th at 5:00 p.m. - Resolution on the agenda.
- Bus Trip to Koziar Village – Saturday, December 2nd leaves UMBT @ 3:00 p.m.

AGENDA – PART III (Public Comment) 1. Power point Presentation by Township Engineer / L. Manzi - Road Maintenance Program. The power point showed the past 3 years paving projects and expenditures, which had a range from \$227,000 to \$927,000.00 and suggested for the future to keep paving expenditures in the \$300,000 - \$350,000.00 range consistent with approximate Liquid Fuel funding. Justin recommended chip sealing in 2018 – 2019 and in combination with the following years, would preserve the roadways prior to advanced deterioration. Justin reviewed the list of roads that would benefit from chip sealing and roads that he would recommend a combination of paving / chip sealing. Supervisor Due said he talked to Lin Manzi about an evacuation plan for an emergency and how to handle over 100,000 people during an evacuation towards the Portland Bridge, as the way out. Lin noted the County does not have an evacuation plan for that, only the state. Supervisor Due would like to see UMBT have an evacuation plan, the county has no plan and this is a gamete of survival and would like us to look into it.

AGENDA – PART IV (Action Agenda)

1. Fire Truck Lease Agreement UMBT and North Bangor Fire Company. Solicitor Karasek said there are minor changes; however, the Board can act on the agreement tonight with the conditions those changes are agreed to, especially in light of the fact that the extension of 30 days is almost up. **MOTION** by Supervisor Geake, seconded by Supervisor Due that we approve the Fire Truck Lease Agreement between UMBT and North Bangor Fire Company with the changes made by our Solicitor. Vote: 5-0.

2. Johnsonville Farm & Garden crosswalk – Supervisor Due indicated he talked to Lin Manzi about this. Justin said it's more complicated than just painting a crosswalk, there are regulations by the state as far as yielding to pedestrian. Also a traffic study needs to be done to warrant the need and Penn Dot is not in favor of mid-block crosswalks. Solicitor Karasek indicated an ordinance might need to be adopted. Public Comment by Lin Manzi – the crosswalk is warranted, it's a very busy road and Penn DOT would give you pedestrian markers and paint. The Board asked how much the traffic study would cost. Justin said about \$1,000 - \$1,500.00. Chairman Bermingham said the speed limit on that road is 35 mph and is warranted for a crosswalk for pedestrians and that we should move forward with a traffic study. Supervisor De

Franco said if the business owner is asking for the crosswalk, then they should pay for the study. Supervisor Geake disagreed, it's our road and if they pay for the study, then they own the study.

Solicitor Karasek mentioned legal fees would be incurred to prepare and advertise the ordinance. Supervisor Due said he will contact Johnsonville Farm & Garden and put this on BOS 11/13/17 for an update.

1. Community Leasing Financing Agreement – **Resolution #2017-20**. Chairman Bermingham read the resolution. This Resolution needs to be approved for the financing of the fire truck. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve Resolution #2017-20. Vote: 5-0.

2. Approve Banner for Christmas Tree Lighting at Mt. Bethel Fire hall – **Resolution #2017-21**. Chairman Bermingham read the resolution. This is approval needed to put up a banner on Route 611. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve resolution #2017-21. Vote: 5-0.

3. EMS – RFP results. Manager Fisher said we only received two (2) RFP's; one from Wind Gap Ambulance, Corps, Inc. their proposal is for 24/7 days a week coverage for ALS & BLS - \$330,000.00 for a 3 year contracted price and Emergency Medical Services \$451,000.00 annually. Rick mentioned Wind Gap contacted him and would like to discuss with their Board the proposal they submitted. Manager Fisher asked that the Board take no action, he also received communication from Suburban that they're not interested in putting a proposal in. Solicitor Karasek you could reject all proposals and open up at a later time. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to reject all proposals and entertain at a later date. Manager Fisher will ask Wind Gap to attend the Board's meeting on 11-13-17.

4. Approve Advertising Ordinance for Fire tax 1.0 mill. Solicitor Karasek indicated the ordinance is ready for advertisement. **MOTION** by Supervisor Geake, seconded by Supervisor Due that Solicitor Karasek advertise the Fire Tax ordinance of 1.0 mills to assist Township Fire Departments to purchase and maintain Fire Houses, Fire Trucks, equipment and other apparatus and vote on such ordinance at the Board of Supervisor December 11, 2017 regular monthly meeting. Tax shall take effect January 1, 2018. Vote: 5-0.

AGENDA – PART V (Old Business)

1. Eastern Industries – Appraisal. We received the appraisal for the Eastern Industries property: Current as is the market value of the conservation easement estate of the property as of September 11, 2017 Fee Simple Market Value – 220.11 acre conservation easement at \$1,597,200.00 total before condition, Burdened fee value (easement encumbered value) \$616,000.00 total after condition value, Conservation easement value - \$981,200.00. Manager Fisher mentioned the value is less because you have a conservation easement on it and with a traditional conservation easement, you can get DCNR grants. **MOTION** by Supervisor Hallett to finalize the original motion and, accept the appraisal, set the money aside and use the Open Space money to pay off the Eastern Industries loan. Solicitor Karasek recommended getting the easement in place before paying off the loan. Manager Fisher noted the net interest payment is in 2 weeks and principal payment in May 2018. Solicitor Karasek said he will contact 3rd party to inquire about a deed restriction on property. Supervisor Hallett said this was approved already, we were simply waiting for the appraisal, and he would like it done. **MOTION** seconded by Supervisor De Franco. Public Comment by Sheldon Richards – you voted on this already, there should be no further discussion about paying the loan off. Supervisor Hallett agreed, he has read every law and it's legal. Conditions of motion are that restrictions be placed on the property similar to the Ziegafuse property and the enabling ordinance be passed, must complete subdivision of 64 acres and then put restrictions on remaining acreage. Supervisor De Franco mentioned the 64 acres we are keeping and we plan to use it, possibly for an education center or welcome center. Supervisor Geake said he's in favor of paying this off and moving forward but there are loose ends, we don't have a deed restriction or subdivision approved and would suggest upon those conditions, then pay it off. Solicitor Karasek mentioned we need our engineer's approval. **MOTION** amended by Supervisor Hallett, second amended by Supervisor De Franco that we move forward conditioned upon the engineer's approval and meets and bounds completed by our Solicitor. Supervisor Geake disagreed, we should have our ducks in order first.

Manager Fisher noted the appraisal does not include a requirement that a subdivision is needed, only a designated outside easement. Vote: 5-0. Supervisor Geake said he's voting yes, but still thinks we don't have things in order. Manager Fisher will get the exact meets and bounds language that was in the Ziegafuse agreement to our Solicitor.

2. Multi – family housing – Letter received from LVPC 10/17/17. The LVPC is recommending that the Township pursue a more targeted strategy such as a new zoning district or overlay zone applying only to those areas the municipality anticipates extending sewer service to for the foreseeable future. Additionally, if the Township decides to proceed with the currently proposed amendment, the LVPC recommends the inclusion of a sunset clause that re-establishes current water and sewer requirements if and when the Act 537 plan is updated and public water and sewer service is expanded. Supervisor De Franco mentioned a new zone – R-2 with an overlay and reviewed the Zoning map with the Board. Manager Fisher said you could go with an overlay in R-1 and would could ask Justin for his opinion. Manager Fisher mentioned a possible committee to address this issue. We will check with the Zoning Update Committee, since they reviewed this topic and see if they are still organized. This will be on our 11/13/17 meeting for an update.

3. Open Space / Sludge research by R. Karasek - Solicitor Karasek said he did some research on case law and we cannot regulate this area, don't know we can spend any EIT money to prevent sludge from being spread on township properties. Ron referred to the case law in Liverpool Township. The township can't regulate stricter than the state. It was suggested contact Maria Bentzoni, Farmland Preservation to see what she thinks. Chairman Bermingham said he will contact her.

4. Trail – UMBT / PORTLAND – Supervisor Due followed up with the Board regarding the trail from Portland to Lake Minsi and showed them a map that outlined the route of the trail, it would be from State street in Portland to Lake Minsi. Supervisor Due also mentioned the railroad bridge over the Jacoby Creek, he would like to see the township name that bridge in memory of Kathy Melnick.

AGENDA – PART VI (New Business)

1. Establish new Committee for Community events. Chairman Bermingham asked the Board to consider forming a Committee for Community events. This would alleviate some burden to the office and they could also work on bus trips, rather than the Rec. Board. This would be a 5 member committee and appoint alternates. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the Committee for community events and advertise on our website for 5 members plus alternates. Vote: 5-0.

AGENDA – PART VII (Executive Session) 1. Personnel: Recessed for Executive Session at 8:50 p.m. Reconvened at 9:03 p.m. Discussed in Executive session was P/T seasonal list for snow plowing and Bill Godshalks retirement request. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to accept Bill Godshalks retirement request and advertise for a Full-time road department worker. Vote: 5-0.

AGENDA – PART VIII (Adjournment) **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting at 9:05 p.m. No comments. Vote: 5-0.

Respectfully Submitted, Melissa Mastrogiovanni, Recording Secretary

Upper Mount Bethel Township

