

**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS SPECIAL PUBLIC MEETING
MONDAY, JANUARY 29, 2018 @ 6:00 P.M.**

1. CALL TO ORDER– Chairman Bermingham called the meeting to order at 6:08 P.M. Present in addition to Chairman Bermingham were Supervisor Teel and Supervisor Due, with Supervisor De Franco and Supervisor Pinter were present by conference call, Township Manager Rick Fisher was present and Solicitor Ron Karasek arrived at 6:30. Zoning Officer Ryan Engler and Building Code Officer Tina Serfass were present. The Pledge of Allegiance was recited.

2. APPROVE AGENDA – Chairman Bermingham asked to add to the agenda the Neighborhood Watch Program. **MOTION** by Chairman Bermingham, seconded by Supervisor Due amending and approving the agenda adding the Neighborhood Watch Program as a public announcement. Vote: 5-0.

3. Public Comment - Chairman Bermingham asked if anyone has a public comment and if so to please come up to the podium. There was no public comment.

4. Neighborhood Watch Program – Chairman Bermingham announced that he is establishing a Neighborhood Watch Program for the entire township. He would like to send a mailer out to all residents within the next week. **MOTION** by Chairman Bermingham and seconded by Supervisor due allowing Chairman Bermingham to send out a mailer. Vote: 5-0.

5. Senator Mario Scavello satellite office – Manager Rick Fisher is requesting a satellite office for Senator Scavello. Office hours would be 8:30am-1:00pm, Monday, Wednesday and Friday. Senator Scavello wants to be here for residents. Part of our building will accommodate this, no rent will be charged. Only a phone line would be needed. Supervisor Teel said it's a plus for our citizens to have direct contact with him. Supervisor De Franco agreed. No other comments from the Board. **MOTION** by Supervisor Due to approve Senator Scavello to set up a Satellite office here. Supervisor Teel second. Manager Fisher said that we should have an agreement, Solicitor Karasek said it could be the same as the State Police. Chairman Bermingham said we should move forward with that and could be a much simpler agreement. Chairman Bermingham spoke with the State Police today and didn't see anything wrong with sharing the Zoning Office. **MOTION** by Supervisor Due to amend with an agreement seconded by Supervisor Teel. Vote 5-0. There was no public comment.

6. Temporary Animal Shelter

1. Manager Fisher went to Eastern Properties today and met with a contractor to add heat to two rooms and wants to move the tub sink. There is an office and bathroom that are in good condition. Kitchen has heat and electric in it. Estimate was \$2,350.00 for electric. Chairman Bermingham asked if the Township pays and Manager Fisher said yes. Just a temporary basis. Chairman Bermingham said to take care of repairs so we can get the animals taken care of ASAP. Manager Fisher doesn't want to offer anything that isn't able to be occupied.

Chairman Bermingham asked Christine Mammi, President of Animal Control how many animals. She said 20-30 animals. They do have heaters and could have the painters union – NCC will paint, do electrical and plumbing. They have a brand new eight foot baseboard heat still in its box that was donated. It wasn't costing Washington anything, it's not a tax burden and they will do all the work. They just need a place to go. Chairman Bermingham asked if anyone would volunteer and Christine Mammi said that they have 45 volunteers. Manager Fisher spoke with Kathy Andrews who gave them verbal approval and would work with the township. There is a \$25 fee to transfer to the Township. Chairman Bermingham asked Mammi when they would need to be out and she was unsure if it would be immediately. She said the next meeting is Thursday, February 1, 2018 and mentioned that she would like to go to a town where they are wanted. Currently they have no access to walk the pets (no right of way). They have about 50-60 a month spay/neuter clinic that's all good for the area – it would be good traffic. Chairman Bermingham asked what would be needed to get the office up to code.

Manager Fisher asked BCO Serfass, she said to be official they could do a temporary permit but long term it would need to be up to code. She said it would need to be handicap accessible. Chairman Bermingham asked if for 6 months would work and she said yes. Manager Fisher looked in ordinance and there are 2 avenues you could look at:

1. Kennels are prohibited unless it goes before ZHB. 2. Temporary zoning up to a year by special exemption. Zoning cannot be waived or changed. Supervisor Teel asked how soon, Solicitor Karasek said three weeks. Added it would have to be advertised 2 consecutive weeks or in a special meeting. Manager Fisher asked if it could be repealed because this was written in 2004 by a Board who didn't want anything in this area. Solicitor Karasek said it could be like 3-4 months and would need to go to the Planning Commission. Supervisor Teel asked about zoning, can Ryan make a decision until the Board can meet. Solicitor Karasek said it keeps going back to the provisions, it's a gray area. Supervisor De Franco said a special exemption is needed to get the building up to code.

Zoning Officer Engler asked Christine Mammi what type of animals she has for the dog kennel. She explained that it's not a dog kennel, it's an animal shelter. They need a dog kennel license because people do adopt dogs. She explained that they have dogs, cats and birds but no wildlife. Engler asked if they have a dog kennel license and she said they have two with Washington Township and Plainfield Township.

Public comments:

Charles Carcione – it's not a dog kennel, it's an animal shelter Carol Miller – They just want to house animals, won't be open to the public and can't they just move in and give care to animals?

Supervisor Teel asked Solicitor Karasek how much exposure to us if something happens, will we get sued? Christine Mammi indicated that they have insurance. Portland Mayor Lance Prator, member of the Slate Belt Cog stated that they currently have a two million dollar policy that he believes can be transferred to include Upper Mount Bethel Township.

Chairman Bermingham asked if there is any clause in the ordinances regarding liability. Solicitor Karasek said his main concern is someone falling or someone getting hurt. He would like Manager Fisher to call the insurance company. Supervisor Teel asked what happens to animals if there is no home, do they get put down? Christine Mammi said no, the only time animals have been put down if it's a known biter, has cancer and/or cannot be put in a home. There are dogs that will be put in hospice homes. We have veterinarians from all over that come in to take care of the animals. They all get rabies shots within 10 days. No pets go out to anyone until they are all spayed and neutered. Supervisor Due asked about other animals such as an Eagle? Christine Mammi said they don't take wildlife, they go to the Pocono Wildlife Center. There is no animal control officer in Monroe County so we get calls from all over.

Chairman Bermingham asked if Supervisor Pinter had any questions, he did not. Chairman Bermingham asked Supervisor De Franco if he had any questions. De Franco said he didn't want to give anyone false hope, he wants this to just be a temporary solution. In the future he wants the road crew to be down at the Eastern Properties. Chairman Bermingham said that we are back to temporary. Chairman Bermingham stated to Manager Fisher that ultimately it's the Zoning Officers decision after listening to everyone. Solicitor Karasek said his concern is that we are going to be opening up the flood gates to anyone. If you don't require them, then someone else will say the same thing. The Zoning Officer makes the decision. Supervisor Teel understands Supervisor De Franco's concern.

Manager Fisher discussed parking. No vehicles would mix with road department, if it can be worked out. We could even put up fencing. Supervisor Due, again stated it's a temp situation. Open for discussion. What are we doing with the property? The plan was to preserve. Supervisor Teel said, but not that section. Manager Fisher we have 5 supervisors and we have 5 different versions of what we can do with the building and in 12-14 years, nothing has been done. Let's decide. Supervisor Due said that 3 years ago a roof was put on, money invested. Chairman Bermingham put that on the February workshop. If we move forward we need to immediately take

care of it. Zoning Officer Engler asked Solicitor Karasek if something was to happen it would make sense to add conditions special exemption before ZHB. Solicitor Karasek said he wouldn't without conditions.

Supervisor De Franco asked if anyone contacted Jean Taylor? Ron Angle said that she had a lot of cats. Chairman Bermingham asked can we move forward. Zoning officer Engler said give so many days and we would issue a temporary permit on these conditions:

1. If it is going to be a kennel, the project will need Zoning Hearing Board approval as a Special Exemption Use (i.e. if dogs are to be adopted, a kennel license must be secured from both the State and the Zoning Hearing Board).
2. Life safety issues are to be addressed i.e. the property needs to be inspected by Tina Serfass by the Township Building Codes Inspector.
3. The building must have public amenities such as water and sewer.
4. There is to be a written lease agreement between the Township and the Slate Belt COG

Manager Fisher asked the board to make a motion to allow. Solicitor Karasek said if you make a motion you would need to have a written lease agreement between the Township and COG. BCO Tina Serfass said they have 30 days, there's enough time. Solicitor Karasek – need a special meeting. Manager Fisher said we need to set condition that no more than 26 dogs transferred. Christine Mammi still wants to get a license. The dog warden comes 2 times a year to the business. The kennel license is \$25.00 and takes one week to get. Supervisor De Franco asked if we had it in our Zoning book. Zoning Officer Engler said no. Supervisor De Franco answered back with then we need to allow it. Solicitor Karasek said if Ryan will issue with conditions. Ron Angle said don't lean on Ryan, the money wasted and spent for the Silo that was then torn down, the building isn't fit. Ron Angle added that the building has mold and wants to know who will bring it up to code and said that it's not zoned for that, it doesn't meet codes. Chairman Bermingham said it's just a temporary place. Ron Angle said you will still have the same problems. Christine Mammi said they stated we have insurance and we have proof. They had a lease, but they broke it. They were about to go to the LNI, which was \$7,000.00. Then they were told there were other problems and were told to leave. Dog warden has approved them, Bangor just wants them out. Solicitor Karasek said they might not be able to make a decision.

Chairman Bermingham said that the next meeting here will be February 12th and thinks that the Zoning Officer should set conditions that make him comfortable. Zoning Officer Engler asked if an official application had been submitted. Christine Mammi said no. Engler said he thinks they should apply for a Zoning Application. Manager Fisher asked if we want to charge. **MOTION** by Supervisor Due to waive the Zoning application fee of \$135.00. Supervisor Pinter seconded. Vote 5-0. Chairman Bermingham asked if we are any closer. Manager Fisher said we do have direction. Chairman Bermingham told ZO Engler it's your call. Ron Angle said stop exerting pressure on Ryan. Solicitor Karasek said that if Ryan has any questions that he would be there to help him. Supervisor De Franco asked what happens if Bangor says they can stay? Then we just rip up the application. Chairman Bermingham said to Zoning Officer Engler that we will wait for the application and then make a decision. He asked Christine Mammi if she could keep them posted on their meeting with Bangor to be held Thursday and she said they would.

AGENDA – PART XII (Adjournment) - **MOTION** by Supervisor Teel, second by Supervisor Due to adjourn the Special Public Meeting at 7:30 p.m. Vote: 5-0.

Respectfully submitted, Joann Dentith, Recording Secretary