

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS PUBLIC MEETING MINUTES  
MONDAY, MARCH 26, 2018 @ 7:00 P.M.

1. CALL TO ORDER– Chairman Bermingham called the meeting to order. Present in addition to Chairman Bermingham were Supervisor De Franco, Supervisor Due, Supervisor Pinter, Supervisor Teel. Manager Fisher & Solicitor Karasek. Supervisor Teel was absent. The Pledge of Allegiance was recited.
2. APPROVE AGENDA - **MOTION** by Supervisor Due, seconded by Supervisor Teel amending the agenda adding Executive Session for Personnel and move #4 up to #3 and approving the agenda. Vote: 5-0.
3. Public Comment – None.
4. Explosions on Sunday, March 18<sup>th</sup>. Chairman Bermingham addressed the large audience. We received various reports of big explosions as far away as Hackettstown. We are investigation and will continue to investigate. Chairman Bermingham state citizens have the right to bear arms, but they also have the right to peace and quiet and is not talking 2<sup>nd</sup> amendment rights. We need to protect the general health and welfare of our citizens. Manager Fisher talked about the Township Noise Ordinance from 1996 and we will talk about the possibility of regulating exploding targets in the A-1 zoning district and not allow in the Residential district. Manager Fisher reviewed the draft ordinance he prepared to regulate use of exploding targets which states: Purpose: To protect the public safety and welfare of Upper Mount Bethel Township through the regulation of the use of exploding targets, and the prohibition of the detonation of exploding target (s) that create an impulsive sound and noise disturbance on adjoining properties, the prohibition of detonating exploding targets within a residential zoning district. Rick reviewed the definition proposed and noted if the ordinance would be adopted it should be enforced by the Code Enforcement Officer. Rick also discussed the noise ordinance and said it is subjective. Rick said we could contact an Attorney that specializes in this. Supervisor Teel said he would like to see us fine tune this ordinance. Manager Fisher mentioned the Engineer from Swarthmore, he is an expert who had trained our Zoning Officer on the noise measuring device, he said our Noise Ordinance is outdated. Supervisor De Franco noted there are probably just as many people here for it as against it. Chairman Bermingham opened up public comment to the floor and asked they state their name and spell it and limit their comments to 3 minutes each.
  - 1). Mike Telson – How will the noise be measured and who will enforce it. Manager Fisher said its' hard to enforce when it's once in a while; repeated incidents are easier are not as hard to monitor. Chairman Bermingham asked about a noise measuring device. Rick said our Zoning Officer has one and has been trained to use it and has gone out a various times to take measurements at the property line.
  - 2). Jerry Geake – representing the East Bangor Sportsman gun club. Jerry indicated they have 24 hour cameras and surveillance and a legate club with bylaws. Even though there have been reports they had something to do with the explosions, they had absolutely nothing to do with it. Jerry asked if there are any other complaints in the future, that he be contacted.
  - 3). Jay Dennis – President of EB Sportsman gun club, he talked to people in New Jersey and there are teens in White Township using explosives so much there is a whole the size of a Volkswagen. Manager Fisher said did not receive any complaints about the East Bangor Sportsman gun club. Chairman Bermingham said it was on Facebook. Supervisor Due said it depends where you live, he hear nothing.
  - 4). Steve Ortiz – exploding targets aren't any stronger than fireworks and doesn't believe we need further laws imposed, this comes about when Facebook gets mad.
  - 5). Pamela Porter – asked about our current noise ordinance if there a specific time frame. Chairman Bermingham said it's an old noise ordinance and should be revised and any changes to our current ordinance or a new ordinance would be advertised as a public hearing so the audience can come.

6. David Skuno – Does anyone know what blew up. Chairman Bermingham said they are not sure and can't discuss per Solicitor Karasek's instructions in the event of pending litigation.
7. William Lowshinson – He heard it was Tannerite, you can buy that from Cabellas, Amazon and lots of places.
8. Ann Yale – Tannerite is acceptable, not explosive until mixed with other things, they make the bomb themselves.
9. Dan Hughes – 36 Tower Lane – he has been accused, but he has been the past 4 weeks on straight storm duty, it wasn't him. Dan said when he shoots, he does it safely and did some research it can be done responsibly from sunrise to sunset. Dan said according to your 2<sup>nd</sup> Amendment Rights, you're allowed to shoot and suggested talking to your neighbors.
10. Allison Hoffman – she lives in residential area just wants to get educated on what the guidelines are. Supervisor De Franco said we live in a rural area and a lot of people carry and shoot guns. Mike Talson commented you can hear explosions as far as New Jersey, people need to be responsible. Chairman Bermingham said everyone has rights, we are not looking to take those away.
11. Rich Leonard from Saddle creek– has the Township Supervisors determined what the explosion was shooting or Tannerite? And where do they get exploding targets.
12. Ray Hartzell – The township has enough information, they should know more or thinks the Supervisor's know more than their telling us. Chairman Bermingham said he can't discuss much detail in case of pending litigation, they will move forward from here. Manager Fisher noted without an ordinance in place, you can't walk on someone property.
13. Mary Peppi – she live in the vicinity, she typically hears gunshots on Sunday, but not always that bad. There were 2 smaller explosions before the big one went off, her dog was in the yard and now appears to be deaf. Mary said she doesn't want to stop people from having fun, but people are upset.
14. Cher Mount – moved here 3 months ago. Her husband served in the Army and suffers from PTSD.
15. Adelle Starr – in Knowlton Township they have a nuisance ordinance, there are tougher measure to meet and meet easy standards, also you can defend in court easier than a noise ordinance, there are less arguments.
16. Shalene Russ – what causes nuisances; dogs barking, gun fire; where does it end what counts as a nuisance vs noise. Chairman Bermingham asked the Solicitor what is easier to enforce a nuisance or exploding target ordinance. Solicitor Karasek responded there are set decibels, if you can measure that would be better, if not the nuisance ordinance would be a 2<sup>nd</sup> option. Solicitor Karasek indicated even though the township noise ordinance is dated back to 1996, it's a very comprehensive ordinance and you might consider fine tuning it to make it better. Solicitor Karasek mentioned contacting Strathmore, they are experts. Solicitor Karasek said he would prefer definite standards vs more open standards. Chairman Bermingham suggested we get the professor from Strathmore's price to review our noise ordinance. Manager Fisher said he can get an estimate from the professor and put on our April 9th meeting for an update.
17. Kathleen Covalt – the township contacted the professor at Strathmore because of her ongoing complaining with the race car company across the street from her house. Kathleen said it has been going on for 3 years and she has been doing her own tracking, the Zoning Officer has been out there multiple times, but nothing has been enforces in 3 years. Kathleen indicated tuning of their cars 5 or 6 times an hour has been a problem, she has read the noise ordinance thoroughly and doesn't see where that has to be a reading every time. There just has to be complaints and the Zoning Office can do something. Kathleen said every car must have a muffler and the Zoning office has the right to ask the owner to keep records, there are things in the noise ordinance that could be helpful. Solicitor Karasek said she's correct there is some disturbance and the ordinance can be enforced by who you hire. Manager Fisher said he hasn't had compliant from Ms. Covalt in a while. The Zoning Office has been out there many times and has reported readings of 65 decibels.
14. Peter Riesen – there has been blasts from the area of Tower Lane, could have come from there. Chairman Bermingham said Manger Fisher will reach out to the professor of Strathmore and see if he can review the ordinance and ways it can be enforced. Supervisor Due said if the explosion was that violent and heard in Hackettstown, would like to know what it was.

Chairman Bermingham asked this matter be placed on the BOS 4/9/18 agenda for an update.  
The Board recessed from 8:10 – 8:20 p.m.

6. Presentation: Interstate 80 Rockwall Project through Delaware Water Gap / Appalachian Trail Guests: Knowlton Mayor, Adelle Starrs & Hardwick Mayor. Mayor Adelle Starrs, Mayor of Knowlton said she is here concerning an issue that may affect Upper Mount Bethel. Adele showed the Board a slideshow that explained the project NJ DOT has proposed that might negatively impact the Delaware Water Gap and the Appalachian Trail view shed. The proposed project runs through Hardwick Township and the DWG National Recreation Area. They unanimously oppose this project as it will ruin the appearance of the Delaware Water Gap which has a national recognition as a natural, scenic landmark, The NJDOT plans to install a ½ mile long series of high industrial fences as well as a 60 foot high concrete stepped pyramid, called a “rockfall berm” through the Delaware Water Gap. The intention is to prevent rockfall, however there has been no rockfalls nor recollections of any rockfalls in Knowltons portion of the project. They have no intension on in addressing any road widening or improvements that causes accidents. Contraction is stated to begin in June of 2020. This is a \$55 - \$58 million project. Mayor Kevin Duffy of Hardwick explained the 60 foot pyramid will definitely impact tourism and will be an eyesore. In addition, they will be closures on Route 80, which will cause additional traffic on Route 611, which will impact Upper Mount Bethel. Adelle also explained that Knowlton Township’s closest hospital is in Pennsylvania, this would impact their ability when responding to emergencies. Adelle said they have been reaching out to everyone they can, are meeting with Portland on April 4<sup>th</sup> and meeting with NJDOT to try and convince them to get the proposal off the table. Public Comment by Ron Angle – it could be a nightmare on Route 611 with the lane closed. Public Comment by Jeff Manzi – they should consider straightening the road out, that’s what causes accidents there. Supervisor Teel suggested they reach out to the Senators office and would like them to report to use the outcome for the NJDOT meeting. Tim Snow was present from Delaware Water Gap – Delaware Water Gap is the 8<sup>th</sup> wonder of the world. Trucking companies are banned from traveling on their roads, they can handle all that traffic. Tim said he would like to get a meeting with the politicians. He also heard from DWG up through the Poconos Route 80 is eventually going to be 6 lanes. Public Comment by Lin Manzi – PA infrastructure won’t be able to handle it, there will be more accidents with a one lane road and Route 611 is going to get beat up. Chairman Bermingham asked them to update the Board after the meeting with NJDOT and supports their position in passing a Resolution in opposition of the project. Public Comment by Ron Angle – the Supervisor’s should take a position on the potential traffic issues and closing lane on Route 80. Supervisor Due mentioned trucks going down Route 512 & 33, trucks travelling every 30 seconds, this will cause 10x more traffic. Supervisor Teel asked if they opposed the fence that went up in Knowlton. Adelle said “yes” but there were different people involved and since there this is a National Attraction, there is more attraction. Supervisor Teel suggested they reach out to PA tourism with their objections. Supervisor Pinter said there are concerns about the traffic, roads the infrastructure will not hold up with 18 wheelers travelling on these roads. Supervisor Due suggested bringing to the Slate belt COG. Chairman Bermingham addressed the mayors and said the Board joins their concerns and asked them to report back to the Board after they meet with NJDOT and thanked them for coming.

7. Ordinance #2018-02 – Multi-Family Housing (advertised 3/10/18 & 3/17/18) – Solicitor Karasek reviewed the proposed Ordinance with the Board. Solicitor Karasek indicated this has been advertised properly and the Board has reviewed and discussed this many times and it’s ready for adoption. Chairman Bermingham read Ordinance #2018-02 amending the Township Zoning Ordinance to allow Multi-family Residential Housing as a Conditional Use in Residential, Village Center and Commercial Zoning Districts **MOTION** by Supervisor De Franco, second by Supervisor Due to adopt Ordinance #2018-02. Public Comment by David Friedman –There has been no planning involved in this, you’re ignoring the Township Planning Commission and Lehigh Valley Planning Commission. There has been no thought to the fact there is no water or sewer in the township and asked why they want to create an R-2 Zoning district. Public Comment by Ron Angle – there are no apartment size housing in this township, they must come up with something. David Friedman mentioned they would need to re-write the well ordinance.

Public Comment by Judy Henckel – what is the goal here and the affects down the road. Ron Angle mentioned there aren't a lot of things here, things stay stagnant there is no supermarket. After Comments, Vote: 5-0.

8. Bus Trips subsidy - Manager Fisher said there are two trains of thought; 100% paid by residents or subsidized by the budget. Manager Fisher indicated his position is that all bus trips should be fully funded by the people who buy the tickets to go and doesn't think the taxpayers should fund it and is not in favor of the township subsidizing any of the bus trips. Manager Fisher explained, we have tried this approach in the past and trips have been canceled, there too costly, then we won't have trips. Supervisor Pinter asked if it's budgeted in the Recreation fund. Manager Fisher said three bus trips are budgeted \$1,500 for the bus and \$1,100 for tickets = \$2,600 per trip. Manager Fisher said we can match that costs with revenue from the tickets and would like to see the bus  $\frac{3}{4}$  full. Rick said the trip to Longwood Gardens, we paid for the trip and the bus was full; the trip to Koziar Village the bus was included in the price and the trip was cancelled. Chairman Bermingham said he went on the Longwood Gardens trip and the Flower show and it's mostly seniors on the trips. Chairman Bermingham said the people got great enjoyment in the trips and asked the township to have additional trips. Chairman Bermingham asked that we budget funds in next year's budget for the bus trips. Manager Fisher discussed the Summer Camp and the General Fund puts \$15,000.00 per year towards that program. Public Comment by Rona Angle – these companies buys blocks of tickets through Easton Coach and Trans bridge, let them book directly through them, we are not a travel agency. Supervisor Pinter said as the Office Liaison he wants to make sure we can do this without burdening the staff if it's already in the budget, then fine, he's all for community involvement. Supervisor Pinter indicated we have limited office staff, it should be vetted out to the Committees. Supervisor De Franco mentioned the office staff spent a lot of time last year coordinating the bus trip. Chairman Bermingham said now we have a Community Events Committee and has been vetted out. Marie James who is on that committee has organized and put the bus trips together. Manager Fisher said the money is in the budget for bus trips, he just wanted to make sure the Board was aware the township will subsidize the bus.

9. Community Drug / Alcohol Outreach - Penny indicated Phillip Chaney, Community Outreach Coordinator for Change on 3<sup>rd</sup> Street and Northampton County Drug & Alcohol Program. Penny indicated she is an addicts mom and explained when her 16 years old son was prescribed opioids he got hooked. Penny explained there is a program through St. Luke's & Easton Hospital called the HOST program at no cost and funded by Northampton County. Chairman Bermingham asked Penny if she would speak at the next Neighborhood Watch meeting, High school students are involved and will be speaking.

10. Annual Bids for paving, line painting, equipment and materials – Manager Fisher provided last year bids to the Board. He said we won't be paving this year and probably oil & chip 10 miles of road. Manger fisher indicated he is working with the Engineer and the Road Department on this year's bid specs and will have them ready for the April 9<sup>th</sup> meeting.

11. Ambulance Agreement – UMBT / Suburban update – Chairman Bermingham said he has no updates at this time. Tabled to 4/30/18 for an update.

12. Executive Session – **MOTION** by Supervisor De Franco, second by Supervisor Pinter to recess for Executive Session at 9:25 p.m. to discuss Personnel. Rec-convened at 9:45 p.m. Chairman Bermingham noted they discussed Personnel issues.

13. Adjournment – **MOTION** by Supervisor De Franco, second by Supervisor Pinter to adjourn the meeting at 9:50 p.m. Vote: 5-0.

Respectfully Submitted – Melissa Mastrogiovanni, Recording Secretary  
Upper Mount Bethel Township