

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS  
MEETING MINUTES MONDAY, MARCH 12, 2018 @ 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 De Franco, Supervisor Due, Supervisor Teel, Supervisor Pinter, Township Manager Fisher, Solicitor Karasek & Township Engineer Coyle. The Pledge of Allegiance was recited.
2. APPROVE AGENDA - **MOTION** by Supervisor Due, seconded by Supervisor Teel approving the agenda. Chairman Bermingham noted under Agenda Part IV #2. They asked the matter be tabled to the BOS WS meeting on 3/26/18. **MOTION** rescinded by Supervisor Due, second rescinded by Supervisor Teel. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the amended agenda to reflect Agenda Part IV #2. Be tabled to the BOS WS meeting on 3/26/18. Vote: 5-0.
3. Moment of Silence – Larry Hallett. Chairman Bermingham spoke about Larry Hallett, he passed away on Wednesday, February 28, 2018/ Chairman Bermingham commented Larry was a pleasure to work with and was a Supervisor for two 6 year terms. He taught him a lot about the township. Chairman Bermingham said he will be missed and asked for a Moment of Silence.
4. Public Comment – Public Comment by Ron Angle – mentioned an article in Express Times in which Chairman Bermingham spoke to them about Slate belt regional police and asked if he can do that, what about the Open Meeting Law. Chairman Bermingham said they discussed the Neighborhood Watch program and Police Study previously discussed by the Board. Supervisor Due agreed a Police Study was discussed before by the Board, voted upon and there have been ongoing discussions. Ron Angle mentioned violation of the Sunshine law when discussion topics with the press. Chairman Bermingham said the press reached out to him to discuss the Neighborhood Watch. John asked Solicitor Karasek what the protocol is when the press reaches out to him, what he can discuss. Solicitor Karasek said being he is the Chairman of the Board he can talk to the press and discuss topics, but must make it clear, it's his opinion, he is not speaking on behalf of the Board.

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

1. Neighborhood Watch Meeting – March 14<sup>TH</sup> @ 7:00 p.m. – UMBT building. Chairman Bermingham said the Neighborhood Watch meeting is set for Wednesday and asked the Solicitor can we move the meeting to the Fire hall if there is too many people. Solicitor Karasek said “yes” as long as you direct everyone there. Chairman Bermingham noted attending the meeting will be PA State Police Trooper, Nathan Branosky, BASD Superintendent Dr. Haws, BASD Police Chief David Strawn, Road Foreman, Lin Manzi, Fire Chiefs from Mt. Bethel & North Bangor. Public Comment by Ron Angle – hopes the Board was aware of all these invites and mentioned there was something like this organized by Ann Yale. Chairman Bermingham he spoke to her and she's on Board with the Neighborhood Watch Program.

1. Easter Egg Hunt at the Mt. Bethel Firehall – March 31<sup>st</sup> at 11:00 a.m.

AGENDA - PART III (Minutes)

1. Regular Monthly Meeting – Monday, February 12, 2018 @ 7:00 p.m. **MOTION** by Supervisor Teel, second by Supervisor Pinter to approve the minutes. Vote: 5-0.
2. Special Public Meeting – Monday, February 26, 2018 @ 7:00 p.m. **MOTION** by Supervisor Due, second by Supervisor Pinter to approve the minutes. Vote: 5-0.

## AGENDA – PART IV (Presentations)

1. Portland Properties LLC, Attorney Blake Marles present on behalf of Portland Properties – Chairman Bermingham indicated this was tabled from the last meeting to give our Engineer the opportunity to be here. At the last meeting, Attorney Marles was present and submitted a letter to the Township indicated the history of the plan. Phase 2 of the LD plan was approved by the Board of Supervisors in 2015. The plan proposed the development of a fire pond for the overall contemplated land development of the immediate area. The plan has on it the standard “clean fill” footnote required by PA DEP for all E & S control plans for eventual inclusion in an NPDES permit application. Mr. Marles however noted that Page 7 of the plan set notes they plan to make application for a permit for the beneficial use of “regulated fill material”. Mr. Marles indicated Portland Properties, LLC is now prepared to make application to DEP for use of regulated fill. It was suggested by the township that plans should be resubmitted for a re-review of Phase 2 showing regulated fill in place of clean fill. Township Engineer Justin Coyle gave his overview of the project. The final LD plan was in the process of final signatures when this topic came to light. Justin submitted a memo to the Board as follows: his recommendation to the applicant was to submit revised plans, documentation etc. to the Township for review based upon the proposed change / modification to the Plan. The use of regulated fill versus clean fill is regarded as a significant change and deemed necessary for further review and approval. Justin explained the difference between the two, not only that the project site / area contains environmentally sensitive areas, accordingly during the LD process, the applicant received a waiver from the SALDO Section 308.8.2.2 – Environmental Impact Assessment, there was no mention of the use of Regulated fill in the waiver request. Per SALDO Section 304.3.8.3, the plan shall comply with all requirements of the NPDES permit. The current NPDES permit associated with the project requires the use of clean fill. If regulated fill is pursued, a new or modified permit would be necessary and therefore the current NPDES permit would not apply. Having an approved NPDES permit for the LD plan is a condition of approval prior to plan signature / recording. Per SALDO Section 304.3.8.1, the plan shall be in accordance with regulations and be approved by the NCCD. Justin indicated he spoke to Sharon Pletchan from the NC Conservation District, she indicated the plan was approved based upon the use of clean fill. The use of regulated fill will likely require changes to the E&S plans and Post constructions Stormwater Management Plans. Justin pointed out the conflicts with sheet # 7 of 14: Fill note state the project is designed to utilize either clean fill or regulated fill. Note 12: state the contractor is responsible for ensuring that any material brought on the site is clean fill. Form FP-001 must be retained by the property owner for any fill material affected by a spoil or release of a regulated substance but qualifying as clean fill due to analytical testing and finally he had conversation with Tracy McGurk from PADEP who indicated the developer should have approved Construction Plans for the use of regulated fill. Justin indicated his recommendation not to record the plans and revised plans be submitted to the township for review and comment per the applicable ordinances. Supervisor De Franco asked how much fill are we talking about. Justin said about 5,000 loads of material. Supervisor De Franco said they should check with Ultra Poly, they were looking to get rid of 6,000 loads of fill. Supervisor Teel said there might be an economic difference between regulated and clean fill. Public Comment by Dave Friedman – since the Environmental Stud was waived by the Planning Commission based upon clean fill, they might not have recommended the plan with regulated fill. Mr. Marles said he would like directions of what they want to see on the plan and what section of the ordinance. Township Engineer Coyle explained there is a similar case in litigation in Whitehall with the same applicant that has been in Environmental litigation for 3 years. Township Engineer Justin Coyle said he would like to see if more clearly defined and then go back to the Planning Commission; amend the plan and re-submit. Justin would like to see them revise the plan to depict clearly what they want to do. Solicitor Karasek noted if the position of the Township Engineer is a significant change in the plan, then the Board should support our engineer. Solicitor Karasek suggested he contact Tracy McGurk at DEP and see what DEP’s position is. **MOTION** by Supervisor DeFranco, second by Supervisor Due to support our Engineer’s recommendation that Portland Properties re-submit the plan stating regulated fill.

**MOTION AMENDED** by Supervisor Pinter, second by Supervisor De Franco to direct Solicitor Karasek contact Tracy McGurk at PA DEP directly to get a legal answer. Supervisor Teel asked about fees to re-submit the plan. Justin said the re-submittal would only be for Phase 2. No further comments. Vote: 5-0.

2. Interstate 80 Rockfall Project through Delaware Water Gap/ Appalachian Trail Tabled to 3/26/18.

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

1. Torre – Minor Subdivision / Waivers - Extension of time to June 12, 2018. **MOTION** by Supervisor De Franco, second by Supervisor Teel to table. Vote: 5-0.

AGENDA – PART VI (Reports)

1. Financial Reports - Bill List. **MOTION** by Supervisor De Franco, second by Supervisor Pinter to approve the bill list in the amount of \$225,024.25. Vote: 5-0.

2. Monthly reports attached

a. Engineer Report – Penn DOT traffic light study. Township Engineer Justin Coyle gave an update on the Act 537 plan, field work to take place in late March / April. They are also coordinating with Portland Borough to discuss consideration of public sewer service in the Township. Justin gave to the Board of Supervisors photos and a design plan for ongoing water issues on Slateford Road. Mr. Zalewski will agree to an Easement. Manager Fisher mentioned they will be putting a pin in the center of the swale which will alleviate some of the water issues. Chairman Bermingham noted to put the Slateford Rd / Zalewski matter on the BOS Workshop in April. Justin noted the Park Pavilion bid specs are due on March 29<sup>th</sup> and asked it be put on the BOS April 9<sup>th</sup> meeting. Justin submitted his scope of work for the Penn DOT traffic study. Cost of the study would be \$1,800.00 for Data Collection and \$8,500.00 for the Traffic Signal Warrant Study and report.

b. Solicitors Report (attached) – Solicitor Karasek said his written report is attached, no further comments. Managers Report. Manager Fisher reviewed his report with the Board. Topics he covered were issues at the UMBT Basketball sub-committee meeting involving an altercation between a parent of a player and a referee on the court. There is a possibility the league will be fined. He will keep a close eye on this and provide further updates. On Saturday, March 1<sup>st</sup> Supervisor De Franco and he attended the LERTA presentation at the Northampton County Economic Development Committee and they are in favor. Rick spoke about the

Nor ‘Eastern storm of March 2<sup>nd</sup> and communication with the public. Rick spoke about the costs of the storm, we have used 100% of our budget amount for materials and overtime compared with last year, we need to keep a costs close to vest. Supervisor Pinter asked if we are ordering any more this year. Lin Manzi was present and answered we have 400-500 tons in the bin. Rick mentioned the possibility cutting back on oil & chipping roads. Public Comment by Ron Angle – keep in mind according to the 2<sup>nd</sup> Class Township Code, roads are the top priority. Manager Fisher said we will still spend \$300,000 on the roads. Supervisor Pinter noted he doesn’t disagree, but we need coin and things don’t happen overnight. Manager Fisher indicated the OSAB would like to have a contest naming the ponds and the Eastern Industries property and can they move forward. The Board said “yes”. Rick said the contest will be on the website.

AGENDA – PART VII (Action Agenda)

1. Refuse Reductions, Application Refunds, Exonerations – **Frale tax refund - \$540.62. MOTION** by Supervisor Pinter, second by Supervisor Due to approve the Refuse Reductions, Application Refunds, Exonerations plus Frable tax refund of \$540.62 as submitted by the Tax Collector. Vote: 4-0-1, Supervisor De Franco abstained.

2. Resolution #2018- 05 - Banners for Field Hockey. Chairman Bermingham read Resolution #2018-05. Supervisor Teel asked why is this not at our Community Park. It was explained this is an overnight camp that need overnight accommodations and a cooking facility. No further comments. Vote: 5-0.

3. Proclamation - April Pennsylvania 811 safe digging month. **MOTION** by Supervisor Pinter, second by Supervisor Teel that Upper Mount Bethel Township designate April 2018 as “Pennsylvania 811 Digging month. Public Comment by David Friedman – 811 is not very accommodating, when digging they should also contact the Contractor. Vote: 5-0.

4. Disaster Recovery Program (Generator) Chairman Bermingham thanked the Township Manager, Road Foreman and Fire Chief for an exemplary job during the storm also Supervisor De Franco for plowing and Chief Potter from Portland and all the combined efforts. Supervisor Teel stated he’s never been more proud to be from this town than now, this was a major disaster and everyone pulled together. Public Comment by Ron Angle -

he thought we had Fire police, 611 had cones blocking the road and even though it was open, the cones were still there. People were getting stuck. Chairman Bermingham mentioned an Emergency Management Meeting to be scheduled for April 2<sup>nd</sup> at 7:00 p.m. Generator: Manager Fisher said we contacted Wind Gap Electric, Swanson, Philip and Hoffman Electric for estimates for a 45 KW diesel Generator with auto switch. We received (2) estimates; Hoffman - \$19,900.00 and Swanson \$19,250.00. Supervisor Pinter said he put the same unit in his house and it didn’t even come close to that price and asked the Board if he could contact his own electrician. The Board said “yes”.

5. Fire Trucks – Chief Finan from Mount Bethel Fire Company was present to discuss trouble with the Rescue Truck. He said Gliche is willing to sell us a refurbished truck for \$65,000.00 and they should be able to get 10 years out of it. The Fire truck already ordered is a mini-pumper. Supervisor Pinter asked what they will do with the Rescue Truck they have now? Chief Finan said they will sell it.

#### AGENDA – PART IX (Old Business)

1. Ambulance Service – status of Agreement. The Board reviewed the draft of the Emergency Medical Services Provider Agreement between Suburban and the Township prepared by Solicitor Karasek. Chairman Bermingham reviewed and suggested some revisions. Solicitor Karasek noted the only issue could be with Page. 3 the word “permanently”. Supervisor De Franco said that could be a problem that’s not the deal, we don’t want to aggravate them. Bermingham had suggested revisions. Manager Fisher asked how we would have a verification system so we know they are there, they didn’t have good faith the last time. Public Comment by Jimmy Potter – last time they left and didn’t even tell the township. Supervisor Pinter suggested a GPS system, maybe they could log in and out. Chairman Bermingham said Suburban and UMBT will agree upon a verification system Supervisor Pinter suggested that be in place before even signing the contract. Supervisor De Franco suggested they call into control center at the County. Chief Finan said that will not be accurate, there are already problems with them calling into the County. Chief Finan gave data for the Ambulance calls: UMBT – January – 78 calls, February – 43 calls, Bangor: January: 65 calls, February – 55 calls and Washington Township January – 79 calls, February 72 calls.

1. Zoning Ordinance Updates - **April WS meeting**
2. Multi-family housing - **March 26<sup>th</sup> BOS meeting – Adopt Ordinance**
3. Property Maintenance Code update - **March 26<sup>th</sup> BOS meeting**

4. Update – surveys for emailed newsletters & streaming live meetings. Manager Fisher gave the results from survey monkey; emailing newsletter was a great response, about 90% and live videos looks about 45%, however streaming live video is geared towards people active on social media. This will be discussed further at a workshop meeting. Public Comment by Ron Angle – if people want to come to the meeting, they will come. No further comments.

AGENDA – PART X (New Business) - None

AGENDA – PART XI (Executive Session) **MOTION** by Supervisor Supervisor Teel, second by Supervisor De Franco to adjourn for Executive Session at 9:25 p.m. to discuss Real Estate & Personnel. Public Comment by Ron Angle – said Real Estate can't be discussed in Executive Session. No further comments. Vote: 5-0. Re-convened at 9:46 p.m. 1. Real Estate: **MOTION** by Supervisor De Franco, second by Supervisor Teel to have Manager Fisher obtain 3 quotes for a commercial real estate appraisal of the Township Building located at 387 Ye Olde Hwy., not to exceed \$6,000.00. **MOTION** amended by Supervisor De Franco, second amended by Supervisor Teel that Manager Fisher bring the 3 quotes back to the Board before moving forward. Supervisor Teel noted there are not many commercial real estate appraisers around, the only ones he knows of is Fisher & Fisher and McQueen. No further comments. Vote: 5-0. 2. Personnel: Chairman Bermingham said they discussed the Manager getting a bonus, he worked many hour during the storm, he is on salary and does not get any overtime. **MOTION** by Supervisor Pinter, second by Supervisor DeFranco to award Manager Fisher a bonus of \$1,000.00 net bonus for his performance and many hours he put in during the storm and the upcoming storm ahead. The bookkeeper will figure out the numbers to give him the net of \$1,000.00. Vote: 5-0.

AGENDA – PART XII (Adjournment) **MOTION** by Supervisor Teel, second by Supervisor Pinter to adjourn the Regular Public Meeting at 9:55 p.m.