



Upper Mount Bethel Township
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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, APRIL 8, 2024 – 7:00 PM

*This meeting was held in person and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Supervisor Bermingham called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

In attendance were Supervisor Bermingham, Supervisor Friedman, Supervisor Eckman, Supervisor Albert, Supervisor Erler, Township Solicitor Karasek, Township Engineer Coyle, and Township Manager Graziano.

II.

APPROVE THE AGENDA

Supervisor Friedman would like to amend the agenda, adding under IX New Business, #4, Combine May Meetings.

MOTION by Supervisor Erler to approve the amended agenda, seconded by Supervisor Friedman. Vote: 5-0.

III.

PUBLIC COMMENT

Secretary Cindy Beck read a public comment from Charlie Cole. Charlie commented on what the LERTA Law was to accomplish.

Mark Mezger, Scenic Ct., commented on cutting and filling level ground to build a structure on, what are the qualifications. Engineer Coyle explained soil samples that were taken (RPL property).

Ron Angle, Million Dollar Hwy., stated he would like to save his time to make a public comment after the discussion on the Feasibility Study.

Supervisor Friedman commented on having another sign at the intersection of Ridge Rd./ Fox Gap/N. Broad, that would state that the opposing traffic does not stop. Manager Graziano stated that a sign has been ordered.

Judy Henckel, Robin Hood Rd., commented on having some responsible, unbiased, planning to see what it is, what our needs are, and what we can accomplish. Judy stated the EAC will be meeting on Tuesday at 7pm at the Township Building.

Richard Wilford-Hunt, Shady Lane, asked for an update on the Rt. 611 closure at the Richmond Hotel and the routing of traffic. Richard also asked about PennDOT doing a truck traffic count, what roads. Manager Graziano will provide that information.

Steve Ott, Harvest Lane, commented on the closing of the bridge on Rt. 611 and the trouble the trucks are having on the back roads.

Engineer Coyle commented on the RPL project having multiple inspections throughout the construction, they will have to have a geo-tech on site and the Township Engineer has an on-site inspector as well.

IV. ANNOUNCEMENTS

Supervisor Erler announced that he and Nick met with Lisa and Lou Pektor for a tour of the property, which was a great thing to experience. Supervisor Erler was able to ask some questions and speak of his concerns. Supervisor Erler's office hours went very well.

Supervisor Friedman announced that the Well Committee meeting will be postponed until May.

Supervisor Bermingham announced the Free Electronics Recycling event is being held on Sunday, April 14th at the Chelsea Sun, 1-4. Donations will be gladly accepted for the Joana Family. April 14th, 12-4, meet the Mt. Bethel Ladies Auxiliary. April 16th will be his office hours 6:30-7:30. April 17th, Evergreen Village will be having a senior scam seminar at 4:30. May 25th, Mt. Bethel Pharmacy will be having a re-grand opening. Supervisor Bermingham would like to start the weekend garbage day, where residents can bring extra garbage down to the Township dumpsters. Supervisor Bermingham would like to start having Townhall meetings, questions/answers sessions.

Manager Graziano spoke briefly about the garbage, and those that don't pay, maybe the Board would like to consider taking a look at the Ordinance. April 27th, the Township along with Slate Belt Rising, will be cleanup day in the Township. Manager Graziano stated the Delaware River Bridge is safe. There was a discussion on how to be prepared to handle emergency situations.

Supervisor Erler asked if there was an update on the garbage contract. Supervisor Birmingham stated that Attorney Cousens is in negotiations with Waste Management's Attorney.

V.

CONSENT AGENDA

1. March 4, 2024, Special Meeting Minutes
2. March 11, 2024, Meeting Minutes
3. March 25, 2024, WS Meeting Minutes
4. Exonerations/Refunds

MOTION by Supervisor Albert to approve the Consent Agenda, seconded by Supervisor Eckman. Vote: 5-0.

VI.

FINANCIALS

1. Bill List-Manager Graziano read the bill list. **MOTION** by Supervisor Albert to pay the bills in the amount of \$454,748.38, seconded by Supervisor Erler. Vote: 5-0.

VII.

ACTION ITEMS

1. Annual Fire Tax Disbursement-Manager Graziano stated that he met with both the Mt. Bethel FC and North Bangor FC to go over their finances. The only request that Supervisor Friedman asked for was for the North Bangor FC to set up a separate account for the fire tax monies funded by the Township. Manager Graziano stated that Northampton County's final tax assessment for the Township is \$207,854,000.00 which equates to one (1) mil \$207,854.00, to be split between the two fire departments, equaling \$103,927.00. Supervisor Friedman stated that consulted with Solicitor Karasek on stipulating that the Fire Tax Funds be deposited into a separate checking account. Solicitor Karasek stated that if the Township wants the Fire Companies to keep the monies in a separate account, however, the Ordinance will need to be amended. Supervisor Birmingham asked for this to be on the April 22nd agenda. **MOTION** by Supervisor Friedman to disburse the Fire Tax monies as stated by Manager Graziano, seconded by Supervisor Albert. Discussion: Solicitor Karasek stated if the money is given to the Fire Companies before the change is made to the Ordinance, they're not going to be required to put the funds into a separate account. Supervisor Friedman withdrew his motion. Supervisor Friedman stated that maybe the Fire Companies will voluntarily do it for now, as an Ordinance will be prepared to stipulate that. **MOTION** by Supervisor Friedman to disburse the Fire Tax funds and ask the Fire Companies to voluntarily put the funds into separate accounts, and the next meeting the Ordinance will be amended that will stipulate that is what needs to be done, seconded by Supervisor Eckman. Vote: 5-0. Comment: Scott Meixsell stated that they were previously told the funds had to go into a separate account, so why amend the Ordinance.
2. Fidelity Bank-Supervisor Albert discussed the Investment Policy Statement. Solicitor Karasek stated that he did prepare a Resolution dealing with the

General Investment Policy Statement, if the Township wishes to appoint Fidelity as the financial institution, then another Resolution appointing Fidelity and also the individuals whom they designate to run the show. **MOTION** by Supervisor Friedman to adopt the General Investment Policy Statement Resolution appointing Fidelity, seconded by Supervisor Albert. Comment: Ron Angle commented on having a ladder portfolio of government securities and the possibility of losing money. Vote: 5-0.

3. LERTA Support Letter-Supervisor Birmingham discussed the LERTA Support Letter in response to Lamont McClure, Northampton County Executive, who introduced his Ordinance. There was a discussion on the Ordinance. Supervisor Erler stated that when he walked the property, he noticed that it will be extremely hard to build on and agree to giving tax breaks to structures that are going to provide jobs instead of just warehouses. Solicitor Karasek stated that since all the RPL projects were given preliminary plan approval by the previous Board, no changes in Township Ordinances will affect those properties for the next 5 years. **MOTION** by Supervisor Friedman to send a LERTA Support Letter, seconded by Supervisor Eckman. Vote: 5-0.
4. Resolution No. 2024-08 Livable Landscapes Grant-Supervisor Birmingham read the Resolution, whereas the BOS intends to request \$50,525.00 in a Northampton County Livable Landscapes Grant and whereas, the Upper Mount Bethel Township will have the required match of \$63,575.00 for the Nordstrom Property. **MOTION** by Supervisor Friedman to adopt Resolution 2024-08, seconded by Supervisor Albert. Vote: 5-0.

IX.

NEW BUSINESS

1. Feasibility Study-Supervisor Erler stated this was to address the Authority that was dissolved. This does tie in with the Act 537 Plan. Engineer Coyle recommends the feasibility study, which does dovetail the 537 Plan. Engineer Coyle stated that he strongly recommends the Board to develop and put together a sewer committee, identify key sewer issues, look at alternatives, reach back out to Portland Borough, and fully supports the feasibility/alternative analysis in conjunction with an Act 537 Plan update or revisit. Engineer Coyle recommends the Board having a representative or two involved in the Feasibility Study. Supervisor Birmingham asked for this to be on the April 22nd meeting. **MOTION** by Supervisor Birmingham to table, seconded by Supervisor Erler. Vote: 5-0. Manager Graziano asked how much a feasibility would cost, since it has not been budgeted for. Engineer Coyle will get back to Manager Graziano on that.
2. Act 537 Plan-Supervisor Birmingham stated he wanted this on the agenda to start talking about it again. Engineer Coyle stated that the first step is to do the feasibility study and decide which direction the Township would like to go.
3. Township Newsletter-Supervisor Birmingham stated that this is just a reminder to the Supervisors to consider submitting an article to our Township Newsletter. Deadline is April 12th. All committees are encouraged to submit something as well.
4. May Meetings-Supervisor Friedman stated that the Board needs to take the necessary steps to merge the May WS meeting with the business meeting, since the WS meeting falls on Memorial Day. May 13th will be the only meeting

unless the Board needs to have another meeting. **MOTION** by Supervisor Friedman to eliminate the WS meeting, which is scheduled for Memorial Day, seconded by Supervisor Eckman. Vote: 5-0.

**X.
PUBLIC COMMENT**

Richard Wilford-Hunt, Shady Lane, asked about preliminary plan approval for the RPL project, which gives them protection for 5 years. Richard commented on the County's LERTA Ordinance, what about the Township LERTA Ordinance.

Mark Mezger, Scenic Court, commented on having town hall meetings, which he applauds the Board for and is willing to help out in any way.

Eleanor Shelton, Heiden Road, commented on the trash along the roadsides. It appears that it's kids, maybe it would be good for parents to talk to their kids about littering.

Joe Torre, Institute Road, commented on Lamont McClure's LERTA letter, how does this affect township residents with their taxes.

Ron Angle, Million Dollar Hwy., commented on sending an ambassador to Portland. Also, what was spent on the Act 537 plan years ago, that never got approved. Supervisor Birmingham stated somewhere around \$180,000. Now with RPL, there is an opportunity to get a jumpstart on the Act 537, Engineer Coyle stated no, this is the Township. Ron asked is there any idea as to what the cost could potentially be. Attorney Cousens, who is representing the Township at the ZHB meetings at \$160 an hour. What is his fee for litigation. Supervisor Birmingham stated \$160 throughout.

Charles Cole, Riverton Road, commented on the Act 537 plan and that it was inadequate when it was sent in.

**XI.
EXECUTIVE SESSION**

Recess to Executive Session at 8:28 pm to discuss a legal matter.
The meeting reconvened at 8:47 pm.

Supervisor Birmingham stated a legal matter regarding the Penn Jersey lawsuit was discussed in Executive Session and asked if anyone would like to make a motion.

MOTION by Supervisor Friedman to authorize the Solicitor to contact Attorney Asteak to resolve the pending lawsuit, seconded by Supervisor Eckman. Vote: 5-0.

**XII.
ADJOURNMENT**

MOTION by Supervisor Friedman to adjourn the meeting at 8:50 pm, seconded by Supervisor Birmingham. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Cindy Beck

From: Cole, Charles Arlington <cac7@psu.edu>
Sent: Monday, April 8, 2024 1:17 PM
To: Cindy Beck
Subject: Public Comment with respect to the LERTA

Cindy,

Will you read my public comment in the first Public Comment Section, I have another meeting and will be late?

Charlie

Charles A. Cole, 8 Riverton Road, Mt Bethel

Remember what the LERTA law was to accomplish. I quote:

"LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, Act of Dec. 1, 1977, P.L. 237, No. 76 AN ACT Authorizing local taxing authorities to provide for tax exemption for certain deteriorated industrial, commercial and other business property and for new construction in deteriorated areas of economically depressed communities; providing for an exemption schedule and establishing standards and qualifications. (Title amended July 13, 1988, P.L.518, No.90)"

The I-2 zone of RPL does not meet these requirements. It is a misapplication of the LERTA Act.

