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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JUNE 10, 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 Eckman, Supervisor Erler, Township Solicitor Karasek, Township Engineer Coyle, and Township Manager Graziano. Supervisor Friedman and Supervisor Albert were absent.

II.

APPROVE THE AGENDA

MOTION by Supervisor Erler to approve the agenda, seconded by Supervisor Eckman.
Vote: 3-0.

III.

PUBLIC COMMENT

Jim Merklinger, Creek Rd., commented on properties in the Township that are in need of being cleaned up. Jim would like to see Township Manager Graziano have the power to issue fines, which could be a profit for the Park. Manager Graziano stated that it is a process for citing properties. Solicitor Karasek stated that these appear to be issues regarding the property maintenance code, the properties are not being properly maintained.

Robert Teel, N. Delaware Dr., commented on the Act 537 Plan, and the problem with water/sewer on Rt. 611. There is a need to have a conversation with Lou Pektor, we need to find a common ground.

Jeff Williams, S. Delaware Dr., read his public comment, which will be made part of the official record. Jeff commented on reports he received on the speed radar signs. Jeff shared some ideas on how to address the speeding problems in the Township.

Charles Cole, Riverton Rd., commented on the Be Safe Committee and maybe Jeff would like to spearhead the committee.

Frances Visicaro, N. Delaware Dr., commented on the truck traffic on Rt. 611.

Supervisor Birmingham stated that on June 18th, 6-8pm, the PA State Association of Boroughs will be giving a presentation on trucks on local roads.

Ron Angle, Million Dollar Hwy., commented on the amount of legal bills the Township has incurred and the Township is going to end up with truck traffic and warehouses, exactly what we don't want.

Marty Pinter, Lindsey Ln., commented on the budget that he worked on last year and where is all the money coming from to pay for the lawsuits, because it wasn't budgeted. Solicitor Karasek commented on the classification of Attorney Cousens, the Board appointed Attorney Cousens as the Alternate Solicitor and he recommended that he handle the RPL matters, which he could potentially have a conflict of interest. Marty commented on starting the police force up again.

Bill Hall, Jacoby Run Rd., commented on sitting down and having a conversation with RPL, and find a common ground.

IV. Resolution No. 2024-12 Heroic Efforts-Supervisor Birmingham presented Resolution No. 2024-12 to Dustin Flyte and Garrett Zazulak for their heroic efforts for risking their own lives to help an individual who was on fire. Dustin described the sequence of events that took place on that day. Dustin spoke with Matt Stock while he was in the hospital and was doing well. Tom Stock, Matt's brother, thanked Dustin and Garrett for saving his brother's life. Matt is out of the hospital and doing well.

V.

CONSENT AGENDA

1. May 13, 2024, Meeting Minutes
2. May 23, 2024, Special Meeting Minutes
3. Exonerations/Refunds

MOTION by Supervisor Eckman to approve the Consent Agenda, seconded by Supervisor Erler. Vote: 3-0.

VI. FINANCIALS

1. Bill List-Manager Graziano read the bill list. **MOTION** by Supervisor Erler to pay the bills in the amount of \$537,855.50, seconded by Supervisor Eckman. Vote: 3-0.

VII. SUBDIVISIONS

1. Philip Jones Minor Subdivision Plan No. 2 Conditional Preliminary/Final-Solicitor Karasek stated that this plan was presented and discussed by the Planning Commission and they have recommended Conditional Preliminary/ final plan approval.
 - a. SALDO Waivers to be granted by the Board of Supervisors:
 - i. Section 400.4.1-all lots abut a street-**MOTION** by Supervisor Erler to grant this waiver, seconded by Supervisor Eckman. Vote: 3-0.
 - ii. Section 400.4.5-a fully tested/approved primary/replacement absorption area-**MOTION** by Supervisor Erler to grant this waiver, seconded by Supervisor Eckman. Vote: 3-0.
 - iii. Section 302.4.7.9-requires a driveway location for each lot-**MOTION** by Supervisor Eckman to grant this waiver, seconded by Supervisor Erler. Vote: 3-0.
 - b. Resolution No. 2024.13-Approval of Plan-Solicitor Karasek discussed the the proposed Resolution for approval of the plan, stating that he will ask Mr. Jones to sign the Resolution accepting all the terms and conditions of the Resolution. **MOTION** by Supervisor Erler to adopt Resolution No. 2024-13, seconded by Supervisor Eckman. Vote: 3-0.

VIII. ACTION ITEMS

1. Resolution No. 2024-11 Liquor License Transfer-Solicitor Karasek discussed the Resolution to transfer a restaurant liquor license from Bethlehem to the Penn Jersey Food Mart, located in Upper Mount Bethel Township. This was previously denied approval and the Township is now involved in a lawsuit. Solicitor Karasek was directed to talk with the opposing council and see if a resolution could be reached on how this matter could be settled. A reasonable settlement to solve this matter was discussed. Solicitor Karasek stated that since this a potential settlement, the Board may want to have all five (5) Supervisors present to act on this matter. **MOTION** by Supervisor Erler to table Resolution No. 2024-11, seconded by Supervisor Bermingham. Vote: 3-0.

IX. TABLED ITEMS

1. Material Bids-Manager Graziano stated that we readvertised for material bids and received only one, Heidelberg Materials. After a discussion with PSATS and our PennDOT representative, we can disregard some of the material bid and only approve the 2,000 tons of Anti-Skid. **MOTION** by Supervisor Erler to award the bid for 2,000 tons of Anti-Skid to Heidelberg Materials, seconded by Supervisor Eckman. Vote: 3-0.

2. Feasibility Study/Act 537 Plan-**MOTION** by Supervisor Bermingham to table until the June 24th meeting, seconded by Supervisor Eckman.
Vote: 3-0.

X.

NEW BUSINESS

1. Portland Resolution-Supervisor Bermingham stated this is a Borough of Portland Resolution and whether the Township wanted to adopt one as well, to support the Lower Delaware Wild and Scenic River Tributary Expansion Study Project. **MOTION** by Supervisor Bermingham to table until the June 24th meeting, seconded by Supervisor Eler. Vote: 3-0.
2. Trucks 21,22, 23-Manager Graziano stated that truck 21 is no longer in service, Truck 22 is the Peterbilt and truck 23 is Mack Tandem. Manager Graziano is looking for approval to list them on Municibid to sell. **MOTION** by Supervisor Eler to give approval for Manager Graziano to list trucks 21,22, and 23 for sale on Municibid, seconded by Supervisor Eckman. Comment: Marty Pinter asked where the funds will be going from the sales, Manager Graziano stated back into the Capital Reserve Fund.

XI.

PUBLIC COMMENT

Judith Henckel, Robin Hood Rd, asked about the June 18th meeting on Truck Traffic, will it be live-streamed. Supervisor Bermingham stated yes, it will be live-streamed.

Ron Angle, Million Dollar Hwy., commented on the lawsuit that involves the Board of Supervisors and the Engineer. Ron asked if the Engineer's legal fees are being covered by the Township's liability carrier. Solicitor Karasek stated that he sent a letter to the Township's carrier to see if they were covering the Engineer's legal costs, he has not received a response yet. Ron asked again the special councils fees, \$160 an hour for litigation and research. Supervisor Bermingham confirmed that is correct, \$160 an hour. Ron commented on the Post's dedication to the Township, all they have done, and now they need sewer. Why didn't our Board work with Portland on this. Ron commented on the Township not being the Liquor Control Board.

Marty Pinter, Lindsey Lane, commented on Engineer Coyle's firm being sued by the developer. Is it a conflict of interest for Engineer Coyle reviewing RPL plans. Solicitor Karasek stated that if the Engineer feels there could be a potential conflict of interest, he could suggest appointing the alternate engineer to review plans if he wanted to. Engineer Coyle stated that he sees no conflict of interest at this point.

XII.

ANNOUNCEMENTS

Supervisor Bermingham congratulated Chief Chris Finan on now being a member of the Allentown Fire Department. The next community-wide meeting on emergency services is June 27th, 6:30-8, at the Mt. Bethel FH. The community wide yard sale was a good success.

Manager Graziano congratulated Chief Chris Finan and wishes him all the best at his new position in the Allentown Fire Department. The restrooms at the Park should be completed by this week. Thank you to Troy Mechanical for doing the work. Thank you to Justin Coyle and family for painting the outside of the building, thank you to the Township Road Crew, with the leadership of Lindsey Manzi, for doing an outstanding job building the septic system and finally, a thank you to John Post for his generous donation to make this project come to fruition. Supervisor Bermingham announced there will be a ribbon cutting ceremony, no date has been finalized yet.

Supervisor Bermingham would like to discuss with the Board members some ideas on ATV's driving on local roads. This will be on the July 8th meeting.

**XIII.
EXECUTIVE SESSION**

Recess to Executive Session at 8:24 pm to discuss legal matters.

The meeting reconvened at 8:42 pm.

Supervisor Bermingham stated that a legal matter was discussed, and no action will be taken at this time. Solicitor Karasek stated that the Board briefly discussed the potential settlement with respect to the Penn Jersey litigation and attorney client discussion with respect to the lawsuit and coverage issue with respect to Engineer Coyle.

**XIII.
ADJOURNMENT**

MOTION by Supervisor Eckman to adjourn the meeting at 8:45 pm, seconded by Supervisor Erler. Vote: 3-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

611 Traffic Ideas

Jeff Williams

732 S Delaware, Stone Church

I live directly on 611 between Orchard and Centerville. My home is 6 feet from the edge of 611. (yeah, i measured)

Speeding on 611. Let me provide context. I work from home a lot. Multiple times a day, my entire home shakes. Then it shakes again. Earthquake? Nupe. Traffic. Add to that the tractor trailer engine brake noise. This section of 611 is an echo chamber.

The ½ mile section of 611 that I am concerned with is delineated by two of our infamous speed radar signs. One northbound and one southbound.

Each day an average of 3,000 vehicles pass these signs. The peak time being 4pm.

These vehicles frequently reach 50+ mph, one even made it to 100 mph.

How do I know?

I have records from the township's speed radar signs- they report the count of vehicles that pass, time of day and the speed of each one. We no longer pay for the reports/data, but we have access to data from April 2024. The numbers are sobering.

According to the signs, April 2024 saw 91,987 vehicles in the ½ mile stretch (~2,952 feet) between the signs in Stone Church. 26,306 were at or below the speed limit. That means 72% are speeding.

The signs reported >11,000 vehicles exceeding 50 mph and 27 more were going between 80 and 95 mph!

This is a 35 mph zone. Wow.

Unfortunately this data isn't used as far as i know- and I understand why- I am casting no blame here.

I am asking you- the supervisors to do something.

This is dangerous- aside from shaking our homes as large trucks pass and disrupting a "quiet" life- for example-

The corner of 611 and Orchard has had no fewer than three utility poles replaced in the last 2 years because of cars that hit them. I have personally seen each incident.

When 611 is blocked by delivery trucks, things get very dicey- there is no shoulder in most of this area.

Here are some ideas:

PenDOT has automated speeding ticket trailers- they're portable. They use them all over construction areas along the interstates. I know they give out tickets. I got one. Thankfully it was a warning. Clearly they work, well, they don't stop the speeders, but they sure do ensure tickets are handed out. Let's get them to put a few on 611. I realize these are part of the Work Zone Speed Safety Cameras (WZSSC) program, but what's stopping us from asking? Maybe the (Pennsylvania State Police) PSP have some that aren't for work zones.

Let's get access to the radar sign data. While we don't pay for the reports any longer, I know for a fact that the data they collect can be obtained from the signs themselves. I am happy to collect this data so we can use it to our advantage. These signs are the only 24/7 witnesses we have to what is happening on our roads.

We could petition the Pennsylvania state police to camp out on 611 for a week a month. They can use my driveway. I'll even serve drinks and provide access to the bathroom.

I am certain the number of tickets written would more than pay for any additional policing or an additional officer.

Imagine how profitable it would be for the township if we get a cut of each ticket? With the expected traffic volume increase from new development, we are sitting on a gold mine.

I know my little section of 611 isn't alone in this. This could be a test case for other roads or sections of 611 in the township that need similar attention. We have speed radar signs in 4 other locations.

I am happy to do the legwork to help things along, but I need your buy in.

Thank you.