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**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JUNE 24, 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 Erier, Township Solicitor Karasek, and Township Manager Graziano.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Michael Onufrak, Summerfield Dr., wanted to thank Manager Graziano and the Road Crew for addressing two traffic safety issues, visibility of a stop sign, which the road crew came out and cut the grass, and they put a stop ahead sign up.

Ron Angle, Million Dollar Hwy., commented on legal bills for Special Council/Alternate Solicitor, fees for trucks using Rt. 611/512, passing the Liquor License Transfer Resolution, and trucks using jake brakes on Rt. 611.

IV.

EXECUTIVE SESSION

Recess to Executive Session at 7:08 pm to discuss legal/contractual matters.

The meeting reconvened at 7:22 pm. Supervisor Bermingham stated that matters dealing with contractual personnel was discussed and asked if anyone would like to

make a motion. **MOTION** by Supervisor Friedman to approve the four (4) year Teamster contract with our road personnel, seconded by Supervisor Eckman. Vote: 5-0.

Tara Mezzanotte, UMBT Liaison for the NJDOT I-80 and PennDOT Rt. 611 matters, discussed and read a Resolution that was drafted requesting that the PennDOT and the Lehigh Valley Transportation Study prioritize 611 improvements between Portland and Point of Gap in conjunction with other Delaware Water Gap 611 projects. Once the National Park Service issues the Special Use Permit, construction will take six to eight weeks (no start date has been set yet) with the objective to open one lane upon completion, while plans for Phase 2, Rock-Slope Mitigation are developed. This Resolution was not on the agenda. Supervisor Bermingham asked Solicitor Karasek if this could be voted on tonight. Solicitor Karasek discussed the exceptions as to when you can vote on an item not listed on the agenda. This could be labeled as an emergency. **MOTION** by Supervisor Bermingham to pass this Resolution that Tara Mezzanotte read before the Board this evening, seconded by Supervisor Erler. Vote: 5-0.

Robert Teel, N. Delaware Dr., is here this evening to ask the Board of Supervisors for help to get the USPS to allow for all mailboxes to be on the same side of their home, so they do not have to cross busy highways/roads. He would like a letter to be drafted, to convince the USPS to make it mandatory for mailboxes to be on the same side as the home, not across a street. Supervisor Bermingham and Manager Graziano will discuss this.

V.

TABLED ITEMS

1. Feasibility Study/Act 537 Plan-Supervisor Bermingham stated the reason this is on the agenda is to decide how to move forward. Supervisor Friedman stated that due to the absence of our Engineer, he would like to table this. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Albert. Supervisor Erler stated this has been tabled for a long time and thinks the process should get started. Vote: 4-1. Supervisor Erler voted nay.
2. Resolution No. 2024-11 Liquor License Transfer-Solicitor Karasek stated that the since the previous vote on this Resolution failed, a Lawsuit was filed against the Township by the applicant, alleging constitutional and other violations of the law with respect to this matter. Solicitor Karasek stated that after speaking with the two lawyers for the applicant, the Resolution now includes the following language: that there must be adequate security measures in place as per the rules, regulations, and standards of the PA Liquor Control Board. **MOTION** by Supervisor Friedman to adopt Resolution No. 2024-11, seconded by Supervisor Albert. Vote: 5-0.
3. Engine Retardation Restriction Signs- Supervisor Erler stated that this was based off the meeting about truck traffic. It is his understanding that a study was conducted and we were approved for the engine break signs. He would like to make a motion to post those signs on areas of Rt. 611. Manager Graziano stated that we are approved but we cannot post them without an

Ordinance, nor do we have a permit for them. Solicitor Karasek stated that if he had a copy of the study that supports the signs, he could prepare an Ordinance. The study was done in 2022. Manager Graziano is waiting to hear back from PennDOT to make sure the study is still in effect. Supervisor Erler withdrew his first motion. **MOTION** by Supervisor Erler directing Solicitor Karasek to move forward with preparing an Ordinance, provided the Engineering and Traffic Study is still in effect, seconded by Supervisor Friedman. Discussion: Supervisor Friedman where the signs are to be located? Manager Graziano stated that three are to be placed on Rt. 611, between Middle Village Rd., and the Firehouse. Steve Ott, Harvest Lane, all of this sounds good, but who is going to enforce it. Charles Cole, Riverton Rd., stated that the traffic committee looked into this years ago, one thing is putting them up and then enforcing it, which PA State Police will not enforce. Bob Teel, N. Delaware Dr., commented on no one to enforce the ordinance. Ron Angle, Million Dollar Hwy., stated you can't put signs if you can't enforce them. Manager Graziano explained how a Jake brake works. Supervisor Bermingham called for a vote. Vote: 4-1. Supervisor Albert voted nay.

VI.

NEW BUSINESS

1. Berkheimer Addendum to Agreement-Manager Graziano stated that Berkheimer approached us about extending their contract. The contract has already been approved through December 2025. They are looking to extend it through December 2029. The fees remain the same, \$7.25 and there is a 3% increase over the duration of the contract, if mail costs increase. **MOTION** by Supervisor Friedman to approve the Berkheimer Addendum Agreement, seconded by Supervisor Eckman. Discussion: Ron Angle asked what the total amount is of delinquent garbage bills. Why aren't we doing something about it. Fran Visicaro asked if a lien is put on the property if they don't pay. Marty Pinter commented on the Township not being the bank for residents not paying their garbage bill. The residents know their garbage will still get picked up. When a lien is put on a residence, we are third/forth or maybe fifth lien holder, so if someone is to sell their home, we may be get pennies on a dollar of what they owe. We need to get the liability off the back of the Township. Supervisor Erler asked Solicitor Karasek if it is legal to post the names of the people that are past due on their garbage bill. Solicitor Karasek will have to look into that. There was a discussion revisiting the Agreement at the same time the Waste Management Contract expires, December 2025. Ron Angle stated that the names of those who owe garbage should be in the paper. **MOTION** by Supervisor Erler to amend his motion to approve the agreement through December 2025. Manager Graziano stated that the agreement is already until December 2025. Supervisor Erler withdrew his amended motion. Supervisor Bermingham recommended keeping the original agreement until the end of 2025. Supervisor Bermingham called for a vote on the original motion. Vote: 2-3. Motion fails. Supervisor Bermingham asked for this to be on the July 8th meeting.
2. Insurance Company/Alternate Solicitor-Supervisor Bermingham has the on the agenda due to comments, questions, and concerns on hiring Adrian Cousens as outside council. Is there a difference between an Alternate Solicitor and outside council. Solicitor Karasek stated that as far as he is concerned, he

would use the term Alternate Solicitor. Adrian Cousens has already been appointed Alternate Solicitor. No further discussion.

3. Suburban Ambulance-Supervisor Bermingham stated that \$25k was budgeted for Ambulance Service and just recently Suburban came to the Township looking for an additional \$25k. They reached out to Supervisor Bermingham asking if the Township has made a decision on this. Supervisor Friedman stated that since we are discussing an alternate ambulance service, he thinks those funds could be towards that, hold off giving Suburban the \$25k. Supervisor Eckman stated she would like to see how the other Townships feel after the next community-wide meeting on Ambulance Services. No further discussion/action.
4. Well Water Testing-Supervisor Bermingham discussed well testing for homes in and around the Potomac St. area due to the proposed drip irrigation field. The testing should be done before the drip irrigation system goes in. Supervisor Friedman stated that it is a good idea, this way you have a base to go by. He recommends everyone to have their water tested. Mark Mezger stated that there are two aquifers that sit in that zone, a shallow aquifer and a deep aquifer. Testing needs to be done on both. Charlie Cole stated that we need to decide the purpose of what this water testing is to do. Setting up baseline testing around drip irrigation would be very important. Supervisor Bermingham and Manager Graziano will discuss further.
5. Municipal Building Security-Manager Graziano and Supervisor Friedman have been looking into the equipment that we currently have at the municipal building. The previous company, Jeff Manzi's company, was sold to Cooper. Dave Cooper came in to look at the equipment and lo and behold, there is a lot of the equipment is not certified to be in government agencies, along with some code violations. The security system needs to be replaced. Apparently the equipment needs to be NDAA equipment, which we do not have any. Manager Graziano did put it out to bid and Cooper was the lowest of the three he received. The bid for the cameras/recorder was \$3,480 and \$5,250 for the access. Solicitor Karasek would have to take a look at the current paperwork to see if there are any legal issues. If the Township can get someone to say this program should not have been sold to the Township, then you may have some recourse. Stavros Barbounis asked some questions, from Cooper, what guidelines is he following acceptable for governmental use and what funding is it based on. In his research, some of that is based on where you get the money from. Certain monies cannot be used for certain equipment. Stavros stated that we already have the equipment to support cameras, access controls, wireless security, and firewall, in all three locations (Eastern, Park, and the Municipal Building). Manager Graziano recommended Stavros having another meeting with Cooper. Supervisor Bermingham stated that he would like Manager Graziano to get what paperwork we have together to see if we have any recourse. Supervisor Bermingham asked for this to be on the July 8th meeting for an update. Marty Pinter stated that Stavros is our IT guy, he should run point on this.

VII. PUBLIC COMMENT

Marty Pinter, Lindsey Ln., commented on the Jake Brake Ordinance. By limiting the use of a Jake Brake, you are also taking away a number one safety piece of equipment from the driver.

Charlie Cole, Riverton Rd., commented on the Jake Brake Ordinance, maybe this would encourage truck drivers to drive the speed limit.

Ron Angle, Million Dollar Hwy., commented the legal bills and the \$160 an hour we are paying our Alternate Solicitor. What are paying Cousens to do at the Zoning Hearing Board meetings? Supervisor Bermingham stated that he is representing Upper Mount Bethel Township, he is there to protect the Township's interest.

Judith Henckel, Robin Hood Rd., commented on public comment, not a public debate and maybe there should only be one public comment period.

Fred Clark, Cystal Terr., thanked the current Supervisors and the prior Supervisors for having a good discussion.

VIII. ANNOUNCEMENTS

Supervisor Friedman announced that the Well Ordinance Committee voted to approve the final draft of the Well Ordinance. It will now be forwarded to the LVPC, the Township Planning Commission, Solicitor Karasek, and Engineer Coyle for review.

Supervisor Erler announced that he will be having office hours on July 2, at TK's at 7pm.

Supervisor Bermingham announced that the next Community Wide Ambulance meeting Will be held on Thursday, June 27, 6:30-8, at the MB Fire Hall. Thank you to Park/Rec for the First Responders Picnic. The truck traffic presentation was very informative. Charlie Hentz is offering to do a seminar on "Refuse to be a Victim". Date will be scheduled soon. This Friday, we will be having a ribbon cutting ceremony for the opening of the restrooms at the Community Park at 12noon. The 4th of July will be having the Portland/Upper Mount Bethel Parade. Saturday, July 6th, at the Community Park, the annual Fireworks show. Park opens at 5pm.

Supervisor Bermingham stated that he would like to have our meetings at the Community Park during the summer months. The first meeting at the Community Park will be July 8th, weather permitting. Thank you to Denise Baarda for this suggestion.

**IX.
ADJOURNMENT**

MOTION by Supervisor Friedman to adjourn the meeting at 9:30 pm, seconded by Supervisor Bermingham. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary