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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WS MEETING MINUTES
MONDAY, SEPTEMBER 23, 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, Supervisor Friedman, Supervisor Albert, Township Solicitor Karasek, and Township Engineer Coyle. Manager Graziano via phone.

II.

APPROVE THE AGENDA

Supervisor Friedman to move Executive Session to Section IV.

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

III.

PUBLIC COMMENT

Charles Cole, Riverton Rd., commented on the RPL ZHB conditions stated on the agenda. Charles stated that at the last ZHB meeting, he was surprised to hear ZHB Solicitor DeFelice ask if any conditions from various people involved in this would want to bring forth.

Michael Onufrak, Summerfield Dr., commented on the RPL ZHB conditions. Michael stated that he approached Solicitor DiFelice after and asked why he would want conditions, he does not want any conditions, he doesn't want the drip irrigation field behind his house. He would like the ZHB to deny RPL's request for Special Exception.

Mark Mezger, Scenic Ct., stated that he has the same concerns about conditions. Mark has serious concerns about the drinking water underneath the drip irrigation field.

Richard Wilford-Hunt, Shady Lane, commented on the residents being the last to know anything that is going on in the Township. Richard displayed a plan showing where the drip irrigation fields are, even one located at the park. Something needs to be done with the Act 537 Plan.

Judith Henckel, Robin Hood Rd., commented on the last ZHB meeting. The residents were treated unfairly like a bunch of rebel rousers. We have very intelligent people in this township doing their research and expressing how they feel. What are we doing about planning for the future, what/where do we want to be?

Ron Angle, Million Dollar Hwy., stated he has attended the ZHB meetings and feels as though everyone is treated fairly. The BOS needs to sit down with Gross McGinley, Attorney Cousens, and tell them what their concerns are. Supervisor Bermingham stated they have and that they are handling the legal strategy.

Fran Visicaro, N. Delaware Dr., commented on the last ZHB meeting and was confused by the public comments, so why was the developers' attorney objecting. Supervisor Bermingham agreed.

Marty Pinter, Lindsey Ln., commented on the septic system that was just put in at the park, the same area/size as the drip irrigation. This is untreated sewage. The BOS has set the precedent.

Fran Visicaro, N. Delaware Dr., stated this is a septic system for the park.

Charles Cole, Riverton Rd., stated the thing that is missing is the scale of it, a few toilets, wash basins, totally different scales, 100,000 vs a couple of 1,000.

Mark Mezger, Scenic Ct., stated that one condition the BOS can consider putting on a wastewater treatment plant is no industrial waste. If industrial waste was not going into it, he would be OK with it.

Stavros Barbounis, Potomac St., stated that his property and well are probably the closest to the septic system drainage field at the park. What guarantees can you provide that someone doesn't dump chemical waste into a toilet and flushes it. He has not seen any testing/results, or precautions taken to prevent that field from contaminating about 10 homes. This problem is bigger than RPL, the problem is Township wide for him.

Ron Angle, Million Dollar Hwy, stated that sewage has been a problem in Mt. Bethel for quite some time, there is no Act 537 Plan.

Robert Teel, N. Delaware Dr., stated that one of his concerns is that you cannot change the rules because you don't like it or something else. The BOS cannot tell the ZHB what to decide, they are a separate entity.

Supervisor Erler stated that he read the rules, a special exception is supposed to go to the Planning Commission before the ZHB gives a review. Supervisor Erler attended the last PC meeting, and one Commissioner expressed reservations, and two others openly stated they didn't have enough information and wanted to push it onto the ZHB.

Judith Henckel, Robin Hood Rd., commented on changing rules in the middle, isn't that what the old BOS did with the Text Amendment.

IV.

EXECUTIVE SESSION

Recess to Executive Session at 7:29 pm to discuss legal matters.

The meeting reconvened at 8:05 pm. Discussed in Executive Session were legal matters, RPL Litigations. Solicitor Karasek stated that this is in regard to New Business #4, RPL ZHB Conditions, there has never been a time when the ZHB is asking for conditions from the BOS. Zoning Hearing Board is Judicial, the BOS is Legislative. This Board cannot impose conditions for the ZHB. Township experts, for example, Engineer Coyle may suggest conditions to Attorney Cousens who could then propose those conditions to the ZHB. **MOTION** by Supervisor Friedman that any conditions will be submitted by Attorney Cousens to the ZHB at the time of argument, seconded by Supervisor Erler. Vote: 5-0. Supervisor Bermingham stated that there was also a discussion on a contractual matter. **MOTION** by Supervisor Friedman to extend the Lawn Mowing contract by two weeks, seconded by Supervisor Erler. Vote: 5-0.

V.

ACTION ITEMS

1. Resolution No. 2024-20 Conservation Easement- Supervisor Bermingham read the Resolution, whereas the Board of Supervisors wishes to participate in the Northampton County Livable Landscape Grant Program requesting \$83,245 and will have the required match of \$93,265 for the Luff-Kurnath Property, which will come from the Open Space Funds. **MOTION** by Supervisor Friedman to adopt Resolution No. 2024-20, seconded by Supervisor Albert. Vote: 5-0.

VI.

TABLED ITEMS

1. Appointment of Executive Director (Sporting Activities)-Solicitor Karasek stated he has reviewed all the by-laws and ordinances related to Parks/Recreation Board. In regard to the appointment of an Executive Director, this comes as a recommendation from the Parks/Recreation Board to the BOS. The position of an Executive Director has to possess the necessary qualifications to organize and run a community recreation program, attend all park/rec board meetings, but they are not a member of the board. Supervisor Eckman will bring this information to the Parks/Recreation Board.

VII.

NEW BUSINESS

1. Gate at Park-Manager Graziano discussed the need to install a gate at the entrance of the park due to damage on the fields. Manager Graziano received three (3) quotes, two of which were co-stars vendors, \$36,340 and \$25,560, and one that was non-co-stars, \$18,500 from Lehigh Valley Fencing. We will be going with a motorized black coated chain link gate. Manager Graziano will send the contract to the Board for review and will be on the next meeting agenda.
2. Retaining Tanks Ordinance-Township SEO, Scott Policelli, stated our Township does not have a retaining/holding tank ordinance, which we should have. Scott reviewed a few neighboring municipalities' ordinances for reference. Scott emphasized it would not be used very often. The permitting process for retaining/holding tanks is pretty complicated, they need DEP approval, retaining tanks are usually a short-term fix, residential waste only. **MOTION** by Supervisor Friedman to have Scott Policelli pursue drafting a Retaining Tanks Ordinance, corresponding with Engineer Coyle and Solicitor Karasek pertaining to the retaining tanks, seconded by Supervisor Albert. Supervisor Erler asked how many retaining tanks are currently in the Township, and what is the need now to have this? Scott responded none and there is no immediate need but if the need was to come along, the Ordinance will be in place. Vote: 4-1. Supervisor Erler voting no.
3. 2025 Budget-Manager Graziano stated that he is starting to work on the budget and would like to the Board to make a couple of decisions, police presence, ambulance, and the garbage. Supervisor Friedman stated that he, Supervisor Albert, and Manager Graziano will be sitting down to work on the 2025 budget. Manager Graziano stated that the draft budget should be ready for discussion at the October 28th meeting.

VIII.

PUBLIC COMMENT

Marty Pinter, Lindsey Ln., commented on being sworn in at a ZHB Hearing for public comment vs public comment at Township meeting. Solicitor Karasek stated that the ZHB is a Judicial proceeding, the Township is simply a Legislative proceeding. Marty stated that there are a lot of rumors going around in town and asked what is going to be discussed at the upcoming town hall meeting. Supervisor Bermingham stated that it is an open discussion where residents can ask questions, like the drip irrigation system, ongoing lawsuits, ambulance, etc. Marty asked if they'll be questions on RPL, Supervisor Bermingham stated that it would depend on what the questions will be.

Mike Onufrak, Summerfield Dr., commented on the ZHB looking for "recommendations" from the BOS, not to make conditions. Solicitor Karasek stated that Attorney Cousens can recommend the conditions to the ZHB because he is representing the Township BOS.

Ron Angle, Million Dollar Hwy., asked how much has it cost the Township to employ Attorney Cousens and his associates. Manager Graziano will send the amounts to Ron. In regard to the town hall meeting, is there anything new coming out involving River Pointe? Supervisor Bermingham responded that he should come to the meeting, and he'll be happy to answer any questions.

Marty Pinter, in regard to Attorney Cousens representing the Township, he can then come up with the conditions, is the Board already giving him the conditions. Solicitor Karasek stated that the conditions are coming from himself or Engineer Coyle, not the BOS. Solicitor Karasek stated that they (the BOS) has not approached him on the conditions for the drip irrigation matter. Marty asked Engineer Coyle if he has had any conversations with Attorney Cousens, Engineer Coyle stated no. Marty asked if has had any conversations with the BOS, Engineer Coyle stated that was discussed in Executive Session. Supervisor Bermingham stated that the only thing that was discussed was that Engineer Coyle is going to send his recommendations to Attorney Cousens.

Ty Schreffler, S. Delaware Dr., asked if anything has been done with the propane cannon use at M&M Vineyards. Manager Graziano stated that he discussed this with Ty on Friday and that Mohinder purchased a bird sound machine but has not reached out to him to see if he is using it. There was a discussion on the sound machine that the Township has and having a certified person to use it. The Township's nuisance and noise ordinance is flawed. Supervisor Bermingham asked for the noise ordinance to be on the next BOS agenda.

Ron Angle, Million Dollar Hwy., asked Engineer Coyle if he's discussed any of these things with Mr. Cole about RPL and the drip irrigation. Engineer Coyle stated no.

Stavros Barbounis, Potomac St., commented on the sound. The Township does own a calibrated sound decimal meter. If the issue is that someone needs to be certified to use it, then they should get someone.

IX. ANNOUNCEMENTS

Manager Graziano announced that now that fall is here, some may want to burn leaves, so please be cognizant of your neighbors. Manager Graziano would like to revisit the burn ordinance. Manager Graziano stated that the garbage bill be going up next year and is hoping to offer a discount period for paying your bill early.

Supervisor Erler announced that East Bangor is holding a hands only CPR course and a Stop the Bleed course on October 1st, 6-7 pm at the East Bangor social hall. He and Supervisor Friedman had consultation with a solar company to get an idea of costs and will continue to pursue solar at the Township Building.

Supervisor Eckman announced the Veterans' Day event on November 9th, 4pm-6pm, at the Community Park.

Supervisor Friedman announced the Shred Event at the Township Building on Saturday, October 26th, 9am-12pm.

Supervisor Bermingham announced the town hall meeting on Friday, September 27th, here at the township building, 6pm-8pm. There may be certain questions about the rumors going around town, we are limited in what we can answer them, this is what happens when businesses want or may come to town. The community wide yard sale is this Friday, Saturday, and Sunday. Thank you to those who sent in pictures for our new website. Cetronia should have a proposal back to us by October 15th. Supervisor Bermingham asked Engineer Coyle for an update on traffic study at TK's. Engineer Coyle stated the traffic study is complete. Supervisor Bermingham asked for this to be on the agenda for the next meeting. Supervisor Bermingham thanked Manager Graziano for helping with a Veteran in Evergreen Village who needed work done to his home. Supervisor Bermingham is working with Chill on Wheels on a free ice cream day in UMBT. Sign up for CodeRed.

X.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:05 pm, seconded by Supervisor Eckman. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary