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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, FEBRUARY 10, 2025 – 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 Erler, Supervisor Friedman, Supervisor Albert, Supervisor Eckman, Township Engineer Coyle, Township Solicitor Karasek, and Township Manager Graziano.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Supervisor Bermingham congratulated the Philadelphia Eagles for winning the Super Bowl.

Ron Angle, Million Dollar Hwy, commented on why there is no longer a second public comment period. Supervisor Bermingham stated that there is only one public comment period but if anyone has a question, they can ask questions. Ron commented on the Plan Slate Belt Multi-Municipal Plan, which has read cover to cover, the BOS does not know what the expense will be, a professional municipal planner and a good attorney should also review this plan.

IV.

Supervisor David Friedman Ethics Violation-Supervisor Friedman stated that he knew that with the Text Amendment there was going to be controversy about it, so before he was elected, he contacted the Ethics Commission and got advice from them. He was

told to do two things, disassociate himself from the group (Concerned Citizens) and withdraw from the lawsuit, in which he did both. He sent a statement, formally withdrawing himself in participation of any kind, financial, and otherwise, in reference to the appeal and that he has no pecuniary interest in the outcome of the appeal. He received a reply that the order was granted in whole, with no exceptions or conditions. There was nothing there, that is why he said he would not resign. They have never come back with a pecuniary gain. The lawyer for the Ethics Commission manipulated evidence. He inflated the fees from the Solicitor, he also altered legal papers by taking out that statement he read about having no pecuniary interest. The Ethics Commission stated that they will not impose restitution or trouble penalty. Supervisor Friedman stated that he probably handled this wrong, when he saw the evidence against him, there's no way that he thinks he did anything wrong, probably acted on the spur of the moment. He was told by various people that he should not be commenting on this or the charges, while things are still going on. Supervisor Friedman stated that he contacted the head of the Ethics Commission, in which they had a conversation over the phone. She brought out four points, 1) she is not going to drop the suit 2) she thought their lawyer did a good job by manipulating evidence and everything else he probably did, 3) that he had legal counsel, and 4) she said he didn't have to pay anything, this precludes the fact that the pecuniary gain has never been realized and that was the basis of their argument about what he did. Supervisor Friedman stated that he is not going to resign, he offered a pretty argument, maybe he should have written his own brief when he appealed to the court.

Ray Higgins, Centerville Rd., thanked Supervisor Friedman for finally speaking and stated that part of the problem was there was no communication from him. Ray asked if his attorney was the same attorney for the concerned citizens group. Supervisor Friedman said no. Ray asked if he felt his appeal wasn't handled properly, why didn't he take it to the next level and appeal it again. Supervisor Friedman responded that he was told the next appeal would go to the Superior Court and there is a certain criteria that had to be met until they would hear a case. Ray asked, how do the people trust you now, you said that you would resign, how do people have faith that you will handle negotiations for the Township. Supervisor Friedman stated that the main reason was pecuniary interest, he never obtained a pecuniary interest. Ray stated that it's not so much the ethics violation, it's more of you not holding to your word.

Charles Baltic, Laurel Hill Rd., wanted to address the other Supervisors, with this finding in the public record of a conflict adjudicated, how do the other Supervisor feel about this. It's important that the Township have a very good record of ethics and a record of leadership's commitment to ethics, and a record of leadership's accountability to the citizens. Supervisor Bermingham feels as though Supervisor Friedman has been up front the whole time about this, he disassociated himself from the Concerned Citizens and got the opinion of PSATS. He finds Supervisor Friedman to be honest and have good integrity. He believes that Supervisor Friedman goes above and beyond and cares about Upper Mount Bethel and the people. Supervisor Erler stated the did research and thought that a motion of censure was fitting just to show light on the violation through the court, which the motion failed. Charles stated that a motion of censure doesn't obviate how you feel about Supervisor Friedman, it doesn't take away all the good

things he's done, it puts the Supervisors on record to the citizens of the Township in a formal way about how they feel about the adjudicated ethics violation. In the absence of doing that, which is on record now voting against it, it seems like you don't have a concern about that issue.

Ray Higgins stated that now one on the Board has addressed that fact that he stated that he would resign and has not. Ray has yet to hear Supervisor Friedman take responsibility. He would like to hear the other Supervisors' thoughts. Supervisor Friedman asked Ray if he was telling people he was going to use his pecuniary gain to pay his legal expenses. Ray stated no. Ray stated that if Bob Teel was wrong, he would be at him, you would not be giving him a pass. Supervisor Bermingham stated that it is hypothetical. Supervisor Friedman stated that he has proof that Mr. Teel had a conflict of interest, but he is not here tonight to defend himself and I will give him the same consideration that he's never given him. As far as he's concerned, it's water over the dam for him, but he does have irrefutable proof that he had a conflict of interest.

Ron Angle, Million Dollar Hwy., had a copy of the Ethics Commission decision and the Commonwealth decision. Ron commented on Supervisor Bermingham's comment that the attorney of the Ethics Commission did a lousy job. In the Commonwealth Court, it was scandalous in their opinion. Ron commented on Supervisor Friedmans' comment about Mr. Spadoni having something to do with the Authority, not the Concerned Citizens. Ron asked Supervisor Friedman about having no knowledge of Mr. Spadoni's involvement or any other operations involving the Township Concerned Citizens, authorities, the park, is that what you're saying. Supervisor Friedman stated that if had knowledge, he wouldn't disclose it anyway. Supervisor Friedman stated that he wouldn't take ethics advice from. Ron asked Supervisor Friedman if he would like to disclose how much he paid Mr. Spadoni to represent him. Supervisor Friedman stated that he is not going to be chastised by someone who forged a will. Supervisor Friedman stated that according to Mary Fox, the Ethics Commission Attorney was competent because he won the case in her opinion. Ron asked where he could find that in the Ethics Commission decision. Supervisor Friedman stated that came from a phone call with her. Ron stated that he is going by the record that was filed by the State Ethics Commission and the Commonwealth Court. Ron stated that the long and short of this is that Supervisor Friedman is arrogant and his credibility with the citizens of Upper Mount Bethel Township is zero, and it's sad that he doesn't give a dam. Supervisor Friedman stated to Ron, that when is his credibility good when he forged his will.

Michael Onufrak, Summerfield Dr., stated that we all make mistakes, and we pay a price. He doesn't have an issue with the fact that the Ethics Board ruled against Supervisor Friedman. What was the punishment that they mandated if this violation was so severe, the answer was none. Supervisor Friedman's actions are his words.

Mark Mezger, Scenic Ct., commented on the side of the room that has the RPL, Lou Pektor supporters. Having been a co-victim of one of Bob Teel's complaints to the Attorney General, he knows what it's like to be put under a microscope and to have to show people that you didn't do anything wrong, only to be further ridiculed by other people in the township who really don't have the smarts or the intelligence that know what happened, it doesn't stop them, because it's all political.

Ron Angle stated the bottom line is, there was a large group, the concerned citizens, down to a handful of people. Ron referred to the gentlemen that just spoke, who was supposed to give an accounting of the foundation, which he appointed himself chairman. Ron stated that this could of all ended tonight if Supervisor Friedman resigned, like he said he would do.

Charles Cole, Riverton Rd., stated that he represents probably a vast majority of the citizens/residents of Upper Mount Bethel Township who fully support David Friedman and opposes to the bull that is being spread around week after week, lets move on, lets work together.

Supervisor Friedman stated that maybe he handled this wrong, there's always going to be one faction that is going to be for him or against him. We have bigger and better things to move forward on and I hope we can accomplish that. As far as he's concerned, that matter is now done.

V.

CONSENT AGENDA

1. January 6, 2025, Reorganization Meeting Minutes
2. January 13, 2025, Meeting Minutes
3. January 27, 2025, WS Meeting Minutes
4. Exonerations/Refunds

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

VI.

FINANCIALS

1. Bill List-Manager Graziano read the bill list, totaling \$243,361.05. **MOTION** by Supervisor Albert to pay the bills in the amount of \$243,361.05, seconded by Supervisor Friedman. Supervisor Eler asked about the Carroll Engineering bill for \$4,422.00 for Act 537 Plan revision. Engineer Coyle stated this was to look at where the Act 537 plan currently stands and what the course of action for pursuing an Act 537 update with DEP. Engineer Coyle will provide an update at the BOS meeting on March 10th. Supervisor Eler asked about the interim bill for \$1,000 for Feline Urban Rescue. Manager Graziano stated he and Supervisor Friedman decided to give this budgeted item to Paula Potter. She has been actively helping out people that have feral cats, which occur at her own expense. Other townships purchase spaying and neutering vouchers so they thought of trying this as a pilot program, which will only be used for Upper Mount Bethel residents. Supervisor Eler stated that we have exceeded 105% of the overtime for our snow removal, maybe plan better for next year. Manager Graziano stated that there is money in the liquid fuels account and that is where we are paying for the salt, which at this time is hard to find. Winters are unpredictable. We have to keep the roads safe. Supervisor Eler asked about zoning, currently at 18.7% of the budget. Supervisor Eler stated our zoning fees are almost twice as much as other municipalities. Manager Graziano stated that Tina's bill is for December and January. Supervisor Eler stated that he is trying

to keep in mind that our zoning officer will be taking part in the Multi-Municipal Plan. Vote: 5-0.

VII.

NEW BUSINESS

1. Holding Tank Ordinance-Scott Policelli, SEO, discussed the first draft of the Holding Tank Ordinance. The purpose of this ordinance is to establish procedures for the use and maintenance of holding tanks when the Township and/or DEP determine that the use of a holding tank is necessary to abate a nuisance or public health hazard. This is rare application but we should have one in place. Supervisor Albert asked how many holding tanks are there in the Township. Scott stated none that is aware of. Solicitor Karasek would like to have the opportunity to review the Ordinance and comment. Engineer Coyle to review as well. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Eckman. Vote: 5-0.
2. Committee Chairperson Meeting-Supervisor Erlen stated that he would like to get the chairperson and vice-chair of each committee together so that they can assist each other and open up lines of communication. The meeting will be scheduled for March 31st.

VIII.

ACTION ITEMS

1. Beau's Banner-Supervisor Birmingham stated that this is for Beau's Festival on May 3rd (rain date is May 17th) at the Community Park. This is for the Kelly Family. Beau tragically passed away due to a heart condition, at the age of 4. The family would like to build a park in honor because he loved parks. Supervisor Birmingham would like to display a banner across Rt. 611. Manager Graziano stated that this will require a permit. Supervisor Birmingham asked Jeff Williams, Chairperson of TAC, to work on getting the permit. The banner will be donated.

IX.

TABLED ITEMS

1. Property Maintenance Officer-Supervisor Birmingham stated that this has been discussed in the past and whether we need one. Manager Graziano stated that usually the Property Maintenance Officer assists the Zoning Officer. The Property Maintenance Officer does not need to be certified because you're working under the code enforcer. Manager Graziano has been working with Tina on certain issues that have occurred in the Township. The Township is growing, so we could use someone, whether it be a Property Maintenance Officer or maybe a part-time police officer, which he is leaning more towards. Supervisor Birmingham asked for this to be put on the agenda for the March 24th meeting. Ron Angle commented on the junkyards. Supervisor Erlen commented on having a part-time police officer.
2. Animal Control Officer-Supervisor Birmingham discussed having an Animal Control Officer in the Township. Supervisor Eckman stated that she feels we need one. Supervisor Birmingham will reach out to Christine Mammi and will report back.

IX.

EXECUTIVE SESSION

Recess to Executive Session at 8:25 pm to discuss litigation matters.

The meeting reconvened at 8:55 pm.

Solicitor Karasek stated that a litigation matter involving the burning ordinance citations that were issued against Mr. Stine and Dr. Czopoth. There were magisterial district judge hearings held today. The judge did not issue a decision. Supervisor Bermingham stated that there are no action items coming out of Executive Session.

X.

ANNOUNCEMENTS

Supervisor Erler announced the new website is up, it looks clean and well organized. The Stop the Bleed and Hand Only CPR course will be held March 11th at the Mt. Bethel FH, 6 pm- 8 pm. Ant's tree service did a great job on Allegheny Rd. and other problematic trees in the Township. The Bird Flu is in our area, please use gloves, a mask, if you find any dead birds, dispose of them in plastic bags.

Supervisor Bermingham announced that we will be having a town hall meeting on Friday, February 21st, 7pm here at the Township Building, to discuss the Plan Slate Belt Multi-Municipal Comprehensive Plan. The consultant that we have with ABC Company will be coming to the next BOS meeting, February 24th. He will be talking about his qualifications and will be answering questions. The emergency shelter is moving forward. The grant writer stated that a cooperation agreement between the Township and Mt. Bethel Fire Company is needed. There is an informational ambulance meeting on March 20th at the Mt. Bethel FH, both Suburban and Cetrionia will be coming to the meeting. Supervisor Bermingham is starting to put together a community wide yard sale in the spring. This will be on the agenda for the February 24th meeting to set dates. Supervisor Bermingham would like to sit down with Supervisor Erler to discuss a possible stipend for the Fire Departments to help recruit more volunteers. Supervisor Bermingham was asked about the 60-day deadline and the process of getting out of the Plan Slate Belt Multi-Municipal Comprehensive Plan if we feel it's not a best move for Upper Mount Bethel. Supervisor Bermingham stated that he asked Becky Bradley that question, and it was stated that the Township would just pass a Resolution to get out of it. Solicitor Karasek stated that he is not aware of the 60-day deadline but does agree that if the Township thinks they may not want to do it, the decision should be made sooner than later. Supervisor Erler asked Supervisor Friedman, since he is on the Steering Committee, if he has the cost. Supervisor Friedman stated that he will find that out. Ron Angle asked about the cost to participate in the plan slate belt. Ron stated that the LVEDC was trying to get the ABC company away from here and down into the valley, LVEDC is very connected to LVPC. We should absolutely have at our disposal the actual cost it will cost us to participate. Supervisor Erler stated that the smaller boroughs will make out like bandits on this deal.

XI.

ADJOURNMENT

MOTION by Supervisor Albert to adjourn the meeting at 9:10 pm, seconded by Supervisor Friedman. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary