

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS PUBLIC MEETING MINUTES  
MONDAY, JANUARY 9, 2017 @ 7:00 P.M.

**AGENDA – PART I**

1. **CALL TO ORDER**—Chairman Bermingham called the meeting to order at 7:00 p.m. Present, in addition to Chairman Bermingham were, Supervisor Geake, Supervisor De Franco, Supervisor Due. Supervisor Hallett, Solicitor Ronold Karasek, Township Engineer Justin Coyle and Township Manager Rick Fisher. The Pledge of Allegiance was recited.

2. **APPROVE AGENDA** – Manager Fisher noted he would like to add under Part VII Action agenda Farmland Preservation, Part-time Road Crew and Mt. Bethel Fire Department. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco to add those agenda items. Vote: 5-0. **MOTION** by Supervisor Due, second by Supervisor De Franco to approve the amended agenda. Vote: 5-0.

**AGENDA – PART II (Public Announcements)**

1. Presentation of plaque – Michelle Arner. Chairman Bermingham thanked Michelle for her many years of dedication serving on the Planning Commission, Environmental Advisory Committee and Open Space Advisory Committee. Michelle thanked the Board and talked about the community and Upper Mount Bethel Township having amazing qualities. Supervisor Geake stated he has been on the Board for 25 years and from his heart noted his sincere appreciation and thanked Michelle, she will be missed.

Chairman Bermingham welcomed Justin Coyle as our Township Engineer.

**AGENDA – PART III – Public Comment - None**

**PART IV (Subdivision and Land Development Plans / Sewage Planning)**

1. Superheat request for waiver of Land Development Plan– Brian Pysher and Paul Taylor, applicant were present requesting a waiver of Land Development Plan. Mr. Pysher said they are not asking for waivers to any zoning requirements, they will meet all Zoning and will go to the Zoning Hearing Board if need be. Township Engineer Justin Coyle suggested they go to the Planning Commission for a recommendation whether or not the waiver should be granted. **MOTION** by Supervisor Hallett, seconded by Supervisor Geake to grant the waiver. **MOTION Amended** by Supervisor Hallett, seconded by Supervisor Geake that the waiver request is granted with the condition that Superheat meets all the Zoning requirements. Vote: 5-0.

2. **Carroll Engineering Fee structure**– Manager Fisher said he met with Carroll Engineering and they agreed to a flat fee per meeting at \$185.00 and will work with us and within our current fee schedule. Supervisor Geake said we shouldn't be changing our Engineer every year. Manager Fisher noted the burden will not be put on the tax payers and there was not issue before last year and we are still looking into escrow accounts. Manager Fisher had reviewed the bills from Ott Engineering his observation is Ott's Subdivision reviews was turned over to his associates so the time spent on reviews turned into more billable hours. Supervisor Geake said Bob Collura didn't do it that way. Manager Fisher said when Bob Collura was our Engineer, he would review the Subdivisions himself. **MOTION** by Supervisor Due, seconded by Supervisor Hallett to set the meeting rate for our Township Engineer, Carroll Engineering at the rate of \$185.00 per meeting. Vote: 5-0. Supervisor Geake asked if any other applicants other than Rabbat have filed an appeal to the MPC.

12 Manager Fisher mentioned the procedure the township follow in collecting the outstanding review fees and if the applicant wishes to dispute the fees, they have the right to file an appeal with the MPC.

**MOTION** by Supervisor Geake, seconded by Chairman Bermingham that the Township Manager at the time of billing for outstanding subdivision fees include a note on the invoice notifying the applicant that if they are in disagreement with the fees they have the right to follow the procedure to file an appeal with the MPC. Vote: 3-2 with Supervisor Hallett and De Franco voting "no".

#### **AGENDA – PART V (Minutes)**

1. **Regular Monthly Meeting Monday, December 12, 2016 - MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
2. **Budget Adoption Meeting & End of Year Meeting Wednesday, December 28, 2016 @ 6:00 p.m. – MOTION** by Supervios De Franco, seconded by Supervisor Hallett to approve the minutes. Vote: 4-0-1. Supervisor Geake abstained he was absent.
3. **Work Session Meeting – Wednesday, December 28, 2016 @ 7:00 p.m. MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve the minutes. Vote: 4-0-1 Supervisor Geake abstained he was absent.

#### **AGENDA – PART VI (Reports)**

1. Financial Reports – Bill List – Manager Fisher read the bill list. **MOTION** by Supervisor Due, seconded by Supervisor DeFranco to approve the bill list in the amount of \$211,260.02. Vote: 4-1 Supervisor Geake voted "no".
2. Monthly reports attached
  - a. Engineer Report – Township Jeffrey Coyle was present and had no comments.
  - b. Solicitors Report (not attached) – Solicitor reported he has been working on various litigation and land use matter and will send his written report in the next 2 weeks.
  - c. Managers Report (attached) no comments.

#### **AGENDA – PART VII (Action Agenda)**

**1.Farmland Preservation Designation of funds.** The Board had voted at their end of year meeting to designate \$250,000.00 to the matching grant and ask for 100% of our share back. Manager Fisher said it should have been \$166,667.00 (total of \$500,000.00 designated by the three Townships) and asked the Board to do that. Supervisor Geake commented on the program not being a fair system, only three Townships are funding and all three townships voted they want 100% back. Supervisor Geake said he doesn't agree with our Open Space Advisory Board, we should be using the EIT money to preserve our own farms. **MOTION** by supervisor Geake, seconded by Supervisor De Franco that we do the same as Moore Township and designate \$166,667.00 to Farmland Preservation with the convent that we get 100% of our share back. Vote: 5-0.

**2.Part-time Road Crew employee** – Manager Fisher asked that Dwayne La Barre be put on the Part-time call out list to be called as needed. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to put Dwayne La Barre on the Part-time list to be called as needed. Supervisor Geake mentioned the next contract negotiations, he would like to see Part-time/Seasonal take out of the contract. Manager Fisher said he has other things to address in the contract and will add that. Vote: 5-0.

**3.Upper Mount Bethel Fire Department** – Present were members of both Fire Departments. Chairman Birmingham said himself and Manager Fisher met with the Chief and Assistant Chief of Mt. Bethel FD. They got a good understating of the Fire Department and their financial state. They do not have as much money as we thought and need new fire trucks. Chairman Birmingham said we need a Liaison for the Fire Departments and would volunteer. 13

**MOTION** by Supervisor Due, seconded by Supervisor Hallett the appoint John Birmingham Jr. as Liaison for the Upper Mount Bethel and North Bangor Fire Departments. Public Comment by Bob Schneider – He would offer his service as an additional consultant and asked about information from DCED. Manager Fisher said we are still waiting for that and has no update. Vote: 5-0.

**1.Refuse Reductions, Application Refunds, and Exonerations** – **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to approve the Refuse Reduction, Application Refunds and Exonerations as submitted by the Tax Collector. Vote: 5-0.

**2.Resolution #2017-02 – UMBT School Choice Week** – Chairman Birmingham read Resolutions #2017-02 recognizing January 22-28, 2017 as School Choice Week. **MOTION** by Supervisor due, seconded by Supervisor De Franco to adopt Resolution #2017-02. Vote: 5-0.

**3.Alternate Building Codes Official (tabled from 1/3/16)** – Manager Fisher indicated the contact Paul at LV Inspection and Dave at Key Codes and is waiting to hear back from them. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to table to the BOS 2/13/17 meeting. Vote: 5-0.

**4.Appoint member (BOS) to Community Park Committee** – Manager Fisher noted that Supervisor Jerry Geake had quit a few months ago and the Committee needs a replacement. Supervisor De Franco said he would like to do it. **MOTION** by Supervisor Hallett, seconded by Supervisor Due to appoint Supervisor Anthony De Franco to the Community Park Committee. Vote: 4-0-1 Supervisor De Franco abstained.

#### **AGENDA – PART VIII (Old Business)**

**1.Eastern Industries – Conservation Restrictions – status.** The Board asked Manager Fisher to call Erin at Natural Lands Trust to see what the status is and if they would like to sit down with Supervisor Geake and Due to discuss the Conservation Restrictions.

**2.Truck update** – At the BOS meeting on 12/28/16, Manager Fisher reported Heliarc would not give us an estimate, they can get used parts, but can't certify used parts and recommended us selling the truck. Our insurance company will not insure it and we would be liable. Supervisor De Franco mentioned a company in Allentown would fix or can cut the cross member out of a wreck. Supervisor Hallett said it will be impossible to find that part. Manager Fisher recommended selling the truck. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to check junkyards including Capital and ask them to come out and give us an amount they would pay us to part it out. Vote: 4-1 with Supervisor Hallett voting "no".

**3.State Police - status.** Chairman Birmingham said he spoke to the Solicitor for the State Police and they are making some minor changes. Solicitor Karasek noted they wanted an MOU and now they want to change it to be an Intermunicipal Agreement between the Township and the State Police, that would require and ordinance. Solicitor Karasek said they are not looking to make any other changes and like to see it stay as an MOU. There was discussion about the location they will occupying in the township building. Chairman Birmingham asked Solicitor Karasek to contact the Solicitor for the State Police and report back to the Board. Supervisor Due asked about the status of the grant to clean up Minsi Lake. Manager Fisher said he will see what he can find out. Supervisor De Franco said he will reach out to Senator Brown.

**14** **AGENDA – PART IX (New Business) None**

Public Comment by Jimmy Potter – asked about clarification of the \$9,000.00 paid to Suburban EMS, was that for Worker Comp. Insurance or a donation. Manger Fisher clarified it is for a donation and they are working on them being at Mt. Bethel Fire Department more frequently. Public Comment by Chris Finan – has only seen them there on Wednesday, Thursdays & Fridays and sometime on the weekends.

**AGENDA – PART X (Executive Session) MOTION** by Supervisor De Franco, seconded by Supervisor Due to recess for Executive Session from 8:25 p.m. to 9:05 p.m. to discuss Personnel, Litigation and Rabbat – Dispute of municipality professional consultant fees. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to waive the manager reimbursing the township the overpayment error made by the Bookkeeper because in lieu of the 2 weeks when he first started, he was unpaid and for the extra hours he has worked, 2). Litigation - No action. 3). Rabbat – Dispute of municipality professional consultant fees. Solicitor Karasek will set up a meeting with the Engineer and Loren Rabbat to come to an agreement on the amount of fees to be paid.

**AGENDA PART XI (ADJOURNMENT) MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting at 9:10 p.m. Vote: 5-0.

Respectfully submitted, Melissa Mastrogiovanni, Recording Secretary  
Upper Mount Bethel Township