

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

AGENDA – PART I

1. **CALL TO ORDER**– Chairman Bermingham called the meeting to order. Present in addition to Chairman Bermingham were, Supervisor Geake, Supervisor De Franco, Supervisor Due, Township Manager Rick Fisher & Solicitor Ron Karasek and Township Engineer Justin Coyle. Supervisor Hallett arrived late. The Pledge of Allegiance was recited.
2. **APPROVE AGENDA - MOTION** by Supervisor Due, seconded by Supervisor Geake to approve the agenda. Vote: 4-0.
3. **LERTA**: Guest: Attorney John F. Lushis and Consultant Thomas Lonergan Jr. were present. Attorney Lushis indicated he is the Solicitor for the Northampton County General Purpose Authority. Attorney Lushis said he did research on LERTA ordinances and explained LERTA is only effective if the School District is on board, they need to have a resolution plus approval by the County Council is needed, and they will need to do two readings. Attorney Lushis said if the Attorney cannot go to the School District or County, the township officials should bring the proposal to them. Public Comment by Jeff Manzi – he sits on the BASDEDC and they indicated they would be on board. Supervisor De Franco mentioned the 20 acres of land is just sitting there, we are not getting anything for it anyway. Public Comment by Bob Teel – asked if we can move forward without the School District. Mr. Lonergan noted you could go without the county, but not the School District, the School District is a big portion of the tax base. Mr. Manzi noted it is more involved than the acreage, it would bring jobs and revenue and LVPC are very little help up here. Public Comment by Dave Friedman – asked what the rush is, if businesses are looking to come to the area, they will and if existing businesses want to come and expand, then they can be given the benefit. Attorney Lushis indicated the consultant has all of the experience and they can help and guide. Public comment by Ron Angle – the township needs to decide if they want business & industry, where would you use LERTA and bring in jobs? Also, there is not a guarantee it will bring in good paying jobs. Public Comment by Charlie Cole – this would impact traffic also. Supervisor Geake agreed with Mr. Angle. There was discussion about the 20 acres. Supervisor De Franco noted it's a great spot, less than a mile from route 80. Supervisor Due noted it is only a small designated area, we are not bringing in businesses like we used to and we are the largest industrial area in the Slate belt. Public Comment by Ron Angle – there is no infrastructure in this township that's why there's no industry. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to move forward with the LERTA plan and go to the BASD Board meeting. Public Comment by Charlie Kull – the township should analyze if it's cost effective. Public Comment by Ron Angle – you should get an opinion from LVEDC. Vote: 5-0. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to hire Attorney Lushis in tandem with Solicitor Karasek at the same rate as Solicitor Karasek is paid for office time (\$125.00 per hour). Public Comment by Charlie Kull – maybe you should send a survey and see what the residents think, they always wanted to keep it rural and Economic Development was never a top priority. Vote: 5-0.

AGENDA – PART II (Public Announcements) Chairman Bermingham announced the following:

1. Halloween Party – Sunday, October 29th 1:00-3:00 p.m. at the Mt. Bethel Fire hall
2. Trick-or-treating – Sunday, October 29th 4:00 – 6:00 p.m.
3. Slate Belt Rising Running Event – Steve Rieder was present to talk about the event being held on June 9, 2018 a 25k open road race.
4. UMBT/LMBT/Portland Bus Trip to Koziar Village – December 2nd

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5. Military Veterans Day Luncheon announce cancellation / discuss new date. Chairman Bermingham announced our Veterans lunch will be cancelled due to other Veteran Day events in the Slate Belt. Supervisor Geake suggested John contact the VFW and Elks and see if we can join them. Chairman Bermingham said he will contact them.

AGENDA – PART III (Public Comment)

1. North Bangor Fire Truck Agreement (moved up from old business). Chief Pinto was present and asked that the agreement be modified regarding mounting parts on the truck, no fabrication and how these costs are built into price. The Chief also had questions if they can send the truck out for repairs. Solicitor Karasek referred to page. 5, the tools are put in once the truck is built. Solicitor Karasek will put the language in that any modifications can be made after receipt of the truck. The board agreed.

2. Jerry Geake – Supervisor Geake wished all the candidates in all positions running in the election “good luck”. Public Comment by John Erler – he lives at 280 Saddlcrekk Dr. and is new to the township.

AGENDA – PART IV (Subdivision and Land Development Plans/Sewage Planning/Zoning)

1. Torre – Tabled to the 11/13/17 BOS meeting
Supervisor Hallett arrived at 7:20 p.m.

AGENDA – PART V (Reports)

1. Financial Reports – Bill List – Manager Fisher read the bill list. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to pay the bills in the amount of \$172,537.90. Manager Fisher mentioned outstanding invoice for Cartwright, the hearing is scheduled for November 4, 2017 at the Magistrates office. Manager Fisher referred to Rabbat Minor SD invoice, she is making payments and mentioned a letter from her that once we accept payments, that we have agreed, that’s not what the Board agreed to as far as a 50% reduction. Solicitor Karasek noted he has no objection if she’s making regular payments, why spend the money to chase her. Chairman Bermingham agreed. Supervisor Geake said even if there’s a judgment from the court, she would be entitled to make payments. Vote: 5-0.

2. Monthly reports (attached)

a. Engineer Report (attached) Township Engineer Justin Coyle reviewed his written report. Justin indicated he is working with Lin Manzi on the Roadway Road Maintenance Program and will report at the October 23rd meeting. Also Shady Lane Bridge No. 5 repairs Construction is well under way. Justin provided pictures to the Board of progress. Silo at the Park – Justin inspected the Silo at the Park and reported initially the Silo is deuterated and unsafe. A hands on thorough inspection needs to be completed which would cost about \$1,000 - \$1,500. A fence was put around it temporarily. Supervisor Geake noted \$11,000.00 was spend on the roof and suggested an assessment be done. Public Comment by John Kalinas – even if we fix it, it can’t guarantee it will work. Public Comment by Bob Teel – it should be taken down if it’s dangerous. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett that Rick Fisher get prices to demo the silo. There was discussion about the Road crew doing it. Supervisor Geake said our excavator is not big enough. Public Comment by Judy Henckel – it’s part of our heritage and history and a lot of people will be disappointed if it comes down. Vote: 4-1, Supervisor Geake voted “no”. **MOTION** by Supervisor Geake to do a study to see if the silo is salvageable or not. No second. Motion died. Supervisor De Franco suggested when Rick gets the bid, take the lowest and start the process of demolition. Solicitor Karasek recommended “danger” signs be put up. Justin said he needs to start working on bridges located on River Road. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to have Justin move forward with repair of bridges on River Road. Vote: 5-0.

b. Solicitors Report (attached) - Solicitor Karasek reviewed his report, he said he prepared the ordinance for fire tax, his bill was higher than usual in light of pressing issues such as the ordinance, RFP and LERTA, he noted that he took a few hundred dollars off the bill.

c. Managers Report (attached) – Manager Fisher reviewed his report. He received maps from Len Policelli for compliance with NCCD, those maps also include the pavilion. Manger Fisher mentioned the cable tv contract, they were proposing to add free internet. The Township had hired Cohen Law group to resolve the breach of contract. They never followed up and no further communication until 2 weeks ago. We received a letter from Service Electric citing an automatic renewal clause in the contract. Rick indicated he followed up with their representative, since they said they will not honor that, and referred to our Solicitor for breach of the current contract. The Board asked Manager Fisher to contact Cohen Law group and see if they will be handling it and then report back to the Board in November. Manager Fisher said the banners for the fall festival are in and are working with East Bangor, they will be going up in a few days. Manager Fisher thanked the Fire Company for submitting their 3 years financials, it really helps with progressing with the fire fund budget and fire tax.

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AGENDA – PART VI (Minutes)

- 1. Regular Monthly Meeting - Monday, September 11, 2017 @ 7:00 p.m. **MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
- 2. Public Meeting - Monday, September 25, 2017 @ 7:00 p.m. **MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.

AGENDA – PART VII (Action Agenda)

- 1. Refuse Reductions, Application Refunds, Exonerations - **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to accept the Refuse Reductions, Application Refunds & Exonerations as submitted by the tax collector. Vote: 4-0.
- 2. Establish New Bank Account- PADOT Turn back Project- River Road – **MOTION** by Supervisor Hallett, seconded by Supervisor Hallett to approve the request. Public Comment by Jimmy Potter – asked how much did we receive. Manager Fisher said \$913,185.00. Vote: 5-0.
- 3. Resolution #2017-19 – Designation of Twp. Manager for TE-952P form/ speed display signs. Chairman Bermingham read Resolution #2017-19. **MOTION** by Supervisor Due, seconded by Supervisor Hallett approving the Resolution. Public Comment by Tiffany Hayward – asked where the signs will be located. Manager Fisher said the electric speed signs will be at Stone Church, we will own them and they are portable and will be moved around town periodically. Vote: 5-0.
- 4. Nature Conservancy request for payment of \$10,007.00 from Open Space Funds – Ribitzki. The original approval by Upper Mt. Bethel Township on June 12, 2013 awarded \$15,100.00 for this project. The purchase was for one parcel rather than two in the original proposal. They are now requesting \$10,007.00 from the Open Space Program to reimburse the Nature Conservancy. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve the request. Vote: 5-0.
- 5. EAC resignation – Aline Haddad – We received a letter from Aline Haddad requesting to rescind her position on the EAC. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to approve the request. Vote: 5-0.

6. EAC appointment interest – Kyle Dutt. We received a letter of interest from Kyle Dutt to serve on the EAC. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the request. Vote: 5-0.

7. OSAB appointment interest – Laura Bocko. We received a letter of interest from Laura Bocko to serve on the Open Space Advisory Board. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the request. Vote: 5-0.

8. Fireman's Relief Fund total \$47,601.22 Mt. Bethel FD - \$23,800.61, NB FD - \$23,800.61. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to split the funds equally \$23,800.61 to Mt. Bethel Fire Department and \$23,800.61 to North Bangor FD. Vote: 5-0.

9. Lehigh Valley Hazard Mitigation Plan Participation (Primary & Alternate) Manager Fisher read a letter we received from the County that a representative from the township needs to attend the kick off meeting for the Hazard Mitigation Plan on October 19, 2017 at 3:00 p.m. Supervisor Geake suggested our Emergency Manager Coordinator, Lin Manzi attend. **MOTION** by Supervisor Geake that we send Lin Manzi, EMC. **MOTION** amended by Supervisor Geake, seconded by Supervisor Due that we send Lin Manzi, EMC and Bill Williams as Alternate, whoever is available to go. Manager Fisher will check with the union as far as overtime. Vote: 5-0.

10. Hallet Subdivision Refund Request – **MOTION** by Supervisor De Franco, seconded by Supervisor Due to refund Larry Hallett 50% of engineering fees consistent with the others that were granted the same request. Supervisor Geake noted he wanted to change engineers, that's the reason the costs were up and now were giving him a discount, that's so wrong. Vote: 4-1 with Supervisor Geake voting "no".

11. Eastern Industries – ATV's - There was discussion about ATV's at the Eastern property. Public Comment by Jimmy Potter – he's in there riding 3x per week and doesn't see anyone there. **MOTION** by Supervisor Due, seconded by Supervisor De Franco that not authorized all terrain motorized vehicles on the list or motorcycles or golf cars not be permitted on township owned property. Solicitor Karasek noted you need an ordinance to enforce that. There was discussion about what is considered to be all-terrain. Chairman Bermingham said maybe we need a list of what that includes. Public Comment by David Friedman – motorized vehicles should cover it all. Public Comment by Tiffany Hayward – how do you determine authorized or unauthorized. Solicitor Karasek suggested say "no motorized vehicles except township vehicles". Supervisor Due said we should follow what our Solicitor recommends. **MOTION WITHDRAWN**. **MOTION** by Supervisor Due, seconded by Supervisor De Franco that no ATV's be permitted on township property. **MOTION** amended by Supervisor Due, seconded amended by Supervisor De Franco that no authorized all - terrain vehicles, unless authorized by the township. Supervisor Geake said how will you know who's authorized? **MOTION WITHDRAWN**. Table to 10/23/17 for further discussion.

AGENDA – PART VIII (Old Business)

1. Eastern Industries – status of appraisal. Manager Fisher indicated we received the appraisal today. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett that we table to the 10/23/17 meeting for discussion, but freeze the EIT account until anything else comes in and earmark \$981,200.00 towards paying off the Eastern Industries Loan from the EIT account. Vote: 5-0.

2. EMS – status RFP. Chairman Bermingham indicated himself and Supervisor Due attended the Portland Borough council meeting and their Attorney Gaul was satisfied with the agreement and approved moving forward with the EMS RFP's with UMBT. **MOTION** by Supervisor Geake, seconded by Supervisor Due that Manager Fisher move forward with the RFP and release for proposals conditioned upon Solicitor Karasek final review. Vote: 5-0.

3. Multi – Family Housing – status. Solicitor Karasek indicated we are still waiting to hear back from LVPC, they have 30 days to act on their review. Manager Fisher noted Amanda called him from LVPC and she is coming in this week to meet with him.

4. Union Negotiations – Township Representation. Supervisor Geake noted that John Bermingham and Larry Hallett were appointed as representatives for union negotiations, but Anthony has attended in his place. Supervisor Geake said if Larry can't do it, he would like to do it. **MOTION** by Supervisor Geake to appoint himself as Representative for the union negotiations. No second. Motion died. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to appoint Anthony De Franco as Township Representative for union negotiations. Supervisor Geake asked why he is excluded. Chairman Bermingham said Supervisor De Franco has been involved in the negotiations and they are going well. Public Comment by Bob Teel – it makes sense, since we don't know if Supervisor Geake will be here going forward, its common sense for the future board. Vote: 3-0-1 with Supervisor Geake voting "no" and Supervisor De Franco abstaining. Motion passes.

110208 AGENDA – PART IX (New Business)

1. UMBT / PORTLAND Trail – Supervisor Due went to Portland's council meeting to propose a trail from Portland to Lake Minsi. Supervisor Due showed the Board a map that outlined the route of the trail. Supervisor Due said if we preserve the Eastern Industries property that could be part of the plan. The county has lots of great things planned for Lake Minsi. The County is working on getting easements for the railroad. Supervisor Due indicated Portland council and residents were receptive to this idea. Public Comment by Bob Teel – would like to see how many people would be anticipated to use this trail. Supervisor Due mentioned LERTA and if businesses come in, employees could actually use the trail during lunch breaks. Supervisor Due indicated he will be going back to Portland to talk further. Public Comment by Judy Henckel – talked about Northern Trail Feasibility Study and mentioned Gilmore & Association once collected data. They will have public meetings and be spending money for studies, they are looking to fill in gaps between the trails.

2. Police study – Chairman Bermingham indicated he met with Chief Mulligan and went to Portland Borough Council Meeting. Portland is amenable to doing a police study, as long as there are no costs associated with the study.

3. Portland snow plowing – Chairman Bermingham asked if we can help Portland with their snow plowing as a measure of good will. Manager Fisher said he wouldn't recommend we do this, we don't have the manpower or the equipment. Not only that their roads are narrow and they have a particular way they like their piles of snow put at the social hall. Supervisor Geake agreed, we would need one Full-time person just to plow Portland. Manager Fisher noted it would be at the expense of our community, the way we are now, we can't do it. Public Comment by Bob Teel – they should look into hiring their own private contractor and maintain their own roads. Public Comment by Jimmy Potter – he thinks they already hired a private contractor, so services of UMBT are no longer needed.

AGENDA – PART X (Executive Session) - Manager Fisher indicated he is waiting for a retirement letter from Bill Godshalk, other than that an Executive Session is not needed.

AGENDA – PART XI (Adjournment) - **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Regular Public Meeting at 10:00 p.m. Vote: 5-0.

