

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS

MEETING MINUTES MONDAY, NOVEMBER 13, 2017 @ 7:00 P.M.

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, Supervisor Hallett, 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 Geake, seconded by Supervisor Due to amend and approve the agenda moving #4 Fire Department / Fire Truck to Part II #4 & Eastern Industries to Part VIII #5. Vote: 5-0.

3. Public Comment – Supervisor Geake congratulated the 2 new Supervisors that won the election and wished them good luck.

AGENDA – PART II (Public Announcements) by Chairman Bermingham.

1. State Trooper, Corporal Seth Kelly – Chairman Bermingham gave update and status of Trooper and indicated he is in stable condition. Chairman Bermingham asked for a moment of silence for Steve Knott, Portland Council.

2.1st Annual Fall Festival at Chelsea Sun 11/4/17 – Chairman Bermingham said it was a great success and will have the fall festival again next year. We raised \$5,000.00 for Hurricane victims, Bangor Bloom & Pump Food Pantry.

3. American Legion Dinner show of appreciation – Wednesday, December 20th. Chairman Bermingham spoke to the American Legion and they are discussing the details of the dinner.

4. Bus trip to Koziar Village on Saturday, December 2nd leaving UMBT Fire hall 3 p.m. Chairman Bermingham said we are working on changing the date to Saturday, December 23rd.

5. 2018 Committee / Appointment Expiration – One opening Planning Commission (5) five year term, One opening ZHB (5) five year term, One opening Recreation Board (5) year term, One Opening EAC (3) three year term, One Opening OSAB (3) three year term & One opening on Vacancy Board (1) one year term.

6. Appoint members to the Community Events Committee – Chairman Bermingham said the following people interested in serving: Amber Doherty, Theresa Stiso, Samantha Perucci, Don Black, Heather Masar, Susan Frutchey Brown, Marie James, Breanna Johnson, Michelle Kotrotses (alternate). **MOTION** by Chairman Bermingham, second by Supervisor De Franco to approve the Committee members. Vote: 5-0.

AGENDA – PART III (Presentations)

1. Penn DOT State Street Bridge detour – Rebecca E. Mulfinger, P.E. Penn Dot would like to do a temporary detour for 10 months beginning in 2020 to repair the Jacoby Creek Bridge.

There is a tremendous hump on that bridge, they need to close the road after the hump for use only by local traffic. Supervisor Geake suggested a 4 way stop, the same as Potomac Street, sight distance is a problem and it will be impossible to keep trucks off that road. Trucks are going to go get stuck. Rebecca said conditional surveys are being completed prior to and during construction. Supervisor Hallett suggested the township work with the contractor and use fill to fix the hump. Manager Fisher said the hump is in Portland Borough.

100 Public Comment by Bob Teel – doesn't see an issue and don't see tractor trailers going down that road. Rebecca indicated they will post no truck traffic on Creek Road. Table to BOS 12/11/17 meeting.

2. Presentation Wind Gap Ambulance – Bryan Cole – Wind Gap Ambulance submitted a new proposal for Upper Mount Bethel township and Portland Borough for BLS 24/7 coverage for a three year contracted price of \$525,000.00. Agreement of the contract will require an upfront payment of \$100,000 by March 1, 2018. After March 1, 2018 the municipalities will pay a quarterly (11) payments of \$38,636.36. Public Comment by Charlie Kull – asked if they would still be doing a subscription drive. Brian said the subscription comes off of the billed service. Mr. Cole mentioned Portland does not have the volume. Mr. Cole noted the non-subscriber and non - insured is billed the \$700.00 rate. This rate would be \$175,000.00 per year for 24/7 coverage for 1 ambulance. Chairman Bermingham said he he has talked to Portland and they are agreeable. There was discussion about the subscription fee of \$45.00 for individual and \$60.00 per family and Medicare covers all costs. Mr. Cole indicated ALS is at a higher rate for the additional services and we still would have to use Suburban for ALS. Chairman Bermingham asked this be tabled to the 11/27/17 BOS meeting for an update.

3. Slate Belt Rising Community Action Committee of the LV – Stephen Reider. They are looking for a letter of support. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to send a letter of support. Vote: 5-0.

4. Fire Department / Fire Truck – Chairman Bermingham mentioned the Santa gift delivery on Saturday December 16th and asked the Board if we can use the money set aside from movie night. John said there is about \$900.00 left over. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to use the \$8900.00 left over from movie night in the park plus add another \$600.00 if needed (\$1,500 total) towards the Santa gift delivery. Any left over money to be put back into the movie night fund. Vote: 5-0. Pierce did the blueprints and are waiting for a sign off. Chief Pinto mentioned there are additional items that need to be put in such as flashlights, radios and wires. Supervisor De Franco said for \$788,000.00 they should do those items. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to allow Chief Pinto to act on behalf of Upper Mt. Bethel Township review and sign off on the blueprints. Vote: 5-0. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco not to exceed \$5,000 in extras and take off gold leaf and any other unnecessary items to reduce the costs. Vote: 5-0.

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

1. Torre – Minor Subdivision – Extension of time request granted until 1/12/18. No action needed.

Fire Department cont'd – Chief Pinto indicated their building fund is at zero and they need money to pay their outstanding septic bill of \$37,000.00 and asked the township to pay the bill. Solicitor Karasek said anything over \$21,000.00 must be bid out. Chief Pinto indicated they got 3 bids and went with Chic Pinto. Supervisor De Franco mentioned the Board didn't approve payment of this septic system and it doesn't look right that his father put in the system. Manager Fisher suggested giving them \$19,000.00 to keep it under the bidding amount. Supervisor Geake said instead we could reimburse them next year out of the

Fire tax. **MOTION** by Chairman Bermingham, seconded by Supervisor Geake to reimburse North Bangor Fire Department \$37,553.00 for the septic system and going forward any additional bills will come to the township to be paid. Vote: 5-0.

AGENDA – PART V (Reports)

1. Financial Reports – Bill List – **MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the bill list in the amount of \$239,781.64. Supervisor Geake asked about the total cost of 2A stone for National Park Drive. Manager Fisher said about \$31,000.00, but in the future he will have our Engineer

review before moving forward on any National Park projects. Vote: 5-0. Manager Fisher noted the Cartwright hearing Nov. 30th is postponed, Diann couldn't make it. Will let Board know new date.

2. Monthly reports (attached)

a. Engineer Report (attached) status of Act 537 survey - Township Engineer Justin Coyle noted the questionnaires went out and the township has received about 200 responses which is good, they are still coming in and we need 25% which we have now. He met with DEP officials on 10/25/17. Justin talked about the Shady Lane Bridge 5 repairs; construction is completed; guiderails are being installed and roadway is to be reopened week of 11/12/17. We can contact the school and let them know the detour can be lifted by Wednesday. Justin provided the Board with a photo of the former Railroad bridge adjacent to Jacoby Road - future trail projects. Justin recommended repairs to bridge be made to keep bridge in service. He will put together a quantity & cost estimate. Supervisor Due talked about the Johnsonville Farm & Garden crosswalk. He asked if our Engineer can go look at crosswalk in Bangor Borough by Broadway Pub and work up some costs to do it. The Board said "ok".

b. Solicitors Report (attached). No comments.

c. Managers Report (not attached) Manager Fisher said he has been working hard on the budget.

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AGENDA - PART VI (Minutes)

1. Budget Meeting (#1) Monday, October 9, 2017 @ 6:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

2. Regular Public Meeting - Monday, October 9, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

3. Budget Meeting (#2) Monday October 23, 2017 @ 6:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

4. Public Meeting Monday, October 23, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

5. Public Hearing Monday, October 30, 2017 @ 6:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due 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 approve the Refuse Reductions, Application Refunds, Exonerations as submitted by the Tax Collector. Vote: 5-0.

2. Advertise Ordinance for LERTA - Solicitor Karasek indicated the LERTA Public hearing was done on October 30, 2017. Solicitor Karasek provided the Board with draft ordinance #2017-04. This can be advertised for the December 11, 2017 meeting for approval for an effective date of 1/1/18. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to put this on the BOS December 11, 2017 BOS agenda for adoption. Public Comment by David Friedman - asked how the blighted areas / zones were determined. There was discussion about the LERTA and how the tax breaks work and increase each year, at 10 years it's a full tax rate. Chairman Bermingham mentioned the long term benefits of this bringing businesses and creating jobs. Supervisor De Franco agreed we have to start somewhere.

3. Public Comment by Charlie Kull - it makes no sense since there is no water or sewer. Supervisor De Franco noted we are doing our Act 537 plan and Portland is willing to work with us.

4. Resolution #2017-22 - Bill Godshalk. Chairman Bermingham read the Resolution. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve Resolution #2017-22. Vote: 5-0.

5. Resolution #2017-23 – Penn DOT Municipal Winter Traffic Agreement. Chairman Bermingham read the Resolution. **MOTION** by Supervisor Hallett, seconded by Supervisor Geake to approve Resolution #2017-23.

6. Resolution #2017-24 – Eagle Scout Lucas Tanner Yanckok. Chairman Bermingham read the Resolution. **MOTION** by Supervisor Due seconded by Supervisor De Franco to approve Resolution #2017-24. Supervisor De Franco noted we have had quite a few Eagle Scouts the past few years, that's a great accomplishment. Chairman Bermingham said he will attend the ceremony. Vote: 5-0.

7. Advertise on Penn bid to appoint Accountant for 2017 audit / replace elected Twp. Auditors for 2018. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to advertise. Vote: 5-0.

8. Approve Penn DOT Speed display devices - \$11,556.00. Manager Fisher noted the original price was under \$10,000.00, we needed engineering signs over "18" and the total cost is \$11,556. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the speed display signs. Vote: 5-0.

9. Cable Franchise Renewal – Manager Fisher gave the Board history, they breached the contract. The Cohen Law group specializes in this kind of law. If we use them they would 1. Draft a notice of violation on the township behalf regarding Service Electrics failure to provide complimentary services and correcting Services Electrics looking at the legal costs, they do specialize in this and would be money well spent. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to move forward with suggestions The Cohen Law Group recommended for a maximum fee of \$12,960.00. Public Comment by Jimmy Potter – why so much money, will we get more than that back and do they know what we are chasing. Manager Fisher said they will also negotiate a new contract to include wireless, list all our building that we were supposed to get free cable service for 10 years. Solicitor Karasek said you could also file for damages for a breach of contract. Public Comment by Bob Teel – hopefully you can get an honest deal and bottom line that was not disclosed before. No further comments. Vote: 5-0.

10. Open Space tax – result of ballot. Unofficially the ballot showed the results. Solicitor Karasek indicated he needs to prepare the ordinance that will implement that referendum. The ordinance needs to be advertised 1x per week for 3 weeks. If it's not ready for the 12/11/17 meeting, then it will be tabled to the 12/27/17. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to prepare and advertise the ordinance. Vote: 4-1 with Supervisor Geake voting "no".

11. Eastern Industries – Solicitor Karasek indicated he needs to clarify with the engineer the meets and bounds on the 65 acres or tax id's. Supervisor Hallett said the divisional points have been marked out and our Engineer has done all this already. Solicitor Karasek indicated he will prepare the resolution for the Restrictive Covenant that needs to include the survey meets and bounds including Raisley woods on the deed plot prepared by Justin Coyle our Engineer. This will be on our BOS agenda 12/11/17.

AGENDA – PART VIII (Old Business)

1. UMBT / PORTLAND Trail - Portland indicated they will give us a letter of support and will sit down with us and go over the trail. **MOTION** by Supervision Due, seconded by Supervisor Geake that we direct our engineer Justin Coyle to move forward with getting a price on the bridge and name it "Kathy's Crossing".

2. Police Study – UMBT / Portland – Chairman Bermingham spoke to Chief Meehan of Slate belt Regional. We sent our letter of intent to DCED and will follow up with Portland. The study takes about 4-6 months. We are also working with Chief Mulligan. The Fire Study from DCED is in progress.

3. Multi – Family Housing – status – Charlie Kull from the Planning Commission spoke about this. It has been 5 years already to try and pass this multi-family housing. 10 years ago Ashley Development challenged us, we need to do something so were not challenged again.

4. Solicitor Karasek indicated the Board wanted to move forward with R-1, the LVPC recommended a new zone. Solicitor Karasek said the Board can put it in commercial for now and address it again at a later date. Table to 12/11/17.

5. Eastern Industries status of violation of “no hunting” – Supervisor Due mentioned the State Police contacted him regarding people on the property doing archery in violation of the “no hunting” This will be discussed in Executive Session.

AGENDA – PART IX (New Business) - None.

110208 Public Comment by Betty Stucko - lives at 169 Johnsonville Road, Apt. 2B. Her Landlord Toni Lynch failed to fix the spray pipe on the septic system. There are 4 families living there. The landlord has tested the water for coliform and it tested positive for ecoli. The landlord now put bleach in the system. This is a crisis and the township should report it to the Department of Health. Manager Fisher said all existing wells are grandfathered, we can't really do anything about that. Our Zoning Officer Ryan Engler has spoken to the Landlord about the situation. Supervisor De Franco suggested all the tenants run the water to flush the system out. Manager Fisher said he can have the Zoning Officer attempt to enforce this under the Property Maintenance Code. Public Comment by Ron Angle - there could be a broken sewage pipe near the well, you need professional people to fix it. Manager Fisher said he will send the Zoning Officer and BCO to the property Apt. 2 B tomorrow and report back to the Board.

AGENDA – PART X (Executive Session) - Personnel. **MOTION** by Supervisor Geake, seconded Supervisor De Franco to adjourn for Executive Session to discuss Personnel and Eastern Industries trespassing / hunting. Reconvened at 10:00 p.m. The Board discussed in Executive Session clarification of Job position for Road Department. **MOTION** by Supervisor Geake to advertise the Road Department position full-time with a minimum Class B license. **MOTION** by Supervisor Geake, second by Supervisor De Franco that Manager Fisher follow up with the trooper and file trespassing charges against the individual that attempted to hunt on the Eastern Industries property even though it was posted “no hunting”. Vote: 5-0.

AGENDA – PART XI (Adjournment) – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting at 10:20 p.m.

Respectfully submitted - Melissa Mastrogiovanni, Recording Secretary

Upper Mount Bethel Township

