

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES MONDAY, DECEMBER 11, 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, Supervisor Hallett, Township Manager Rick Fisher & Solicitor Ron Karasek. Township Engineer Justin Coyle was absent. The Pledge of Allegiance was recited.
2. APPROVE AGENDA - **MOTION** by Supervisor Geake, seconded by Supervisor Due to amend and approve the agenda moving up #2 under action agenda to immediate follow Public Comment. Vote: 5-0.

AGENDA – PART II (Public Announcements)

Chairman Bermingham asked we say some thoughts and prayers for our Engineer.

1. Bus trip to Koziar Village – December 23rd Mt. Bethel Fire hall - 3:00 returning 9:00 p.m.
2. UMBT Fire Departments Santa Delivery Sat. 12/16 4-7 p.m. and Sun. 12/17 1-4 p.m.

AGENDA – PART III (Public Comment) – Judy Henckel mentioned watershed association stewardship. Supervisor Due apologized to Janet Pearson, he the thought he had given her the mission and vision paperwork for Greenwalk; however, it was the EDC to who he gave it.

1. Teamsters Local 773 & Upper Mt. Bethel Township Secretarial & Clerical Agreement. March Laubach, business agent was present. Manager Fisher left to make copies of the agreement.

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

1. Torre – Planning Exception – TABLED per S. Policelli - Extension of time until 1/12/18
2. Torre - Minor Subdivision – TABLED per S. Policelli - Extension of time until 1/12/18

AGENDA – PART V (Minutes) moved up

1. Budget Meeting (#3) Monday, November 13, 2017 @ 6:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
2. Regular Public Meeting - Monday, November 13, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
3. Budget Meeting (#4 – Final) November 27, 2017 @ 6:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
4. Public Meeting Monday, November 27, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.

AGENDA – PART VI (Reports)

1. Financial Reports Bill List – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve the bill list in the amount of \$141,080.76, which includes Bridge 5 payment #2 - \$65,008.61. (payment #1 \$63,120.39 was already approved last month). Vote: 5-0.

110208

2. Monthly reports (attached)
 - a. Engineer Report (attached) - Johnsonville Farm & Garden crosswalk – Engineer was absent. Supervisor De Franco asked the manager how much the engineer charged for the Johnsonville Farm crosswalk. Manager Fisher said he will have to get back to him on that. Supervisor Due indicated they will be reimbursing us for those costs.
 - b. Solicitors Report (attached) c. Managers Report (attached)

AGENDA – PART VII (Action Agenda)

1. Refuse Reductions, Application Refunds, Exonerations. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the Refuse Reductions, Application Refunds, Exonerations as submitted by the Tax Collector. Vote: 5-0.

2. Teamsters Local 773 & Upper Mt. Bethel Township Secretarial & Clerical Agreement - (cont'd) **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to accept the Teamsters Local 773 & Upper Mt. Bethel Township Secretarial & Clerical Agreement as submitted, for a four year contract. Vote: 4-0-1, Supervisor Due abstained, because this is the first time seeing it for him. Chairman Bermingham thanked Mr. Laubach for the time he spend working on the agreement. Mr. Laubach thanked the supervisors as well and shook their hands. Mr. Laubach said he will be ratifying the Road Department contract

3. **Adopt Fire Tax 1.0 mill - Ordinance # 2017-03.** Chairman Bermingham read the ordinance which will adopt a tax of 1.0 mills to assist the township fire departments. **MOTION** by Supervisor Due, seconded by Supervisor Geake to adopt Ordinance #2017-03. Vote: 5-0.

4. **LERTA - Ordinance #2017-04 (public hearing was held on 10/30/17).** Chairman Bermingham read the ordinance which will designate areas offering tax exemption of new construction of industrial, commercial or other business property and improvements to industrial, commercial or other business property. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to adopt Ordinance #2017-04. Public Comment by David Friedman – hope whatever company is interested will be able to use this. Public Comment by Jeff Manzi – the school passed it already, now the county needs to pass this in January. Solicitor Karasek noted most of the tax savings is school & county. Vote: 5-0.

5. **Adopt Ordinance to reduce EIT / Open space tax from 0.25% to 0.125%. Ordinance #2017-05.** Chairman Bermingham read the ordinance which will reduce EIT tax for open space to 0.125%. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to adopt Ordinance #2017-05. Vote: 4-1 with Supervisor Geake voting “no”.

6. **Approve Emergency Operations Plan - Resolution #2017-25.** Chairman Bermingham read Resolution #2017-25. **MOTION** by Supervisor De Franco, seconded by Supervisor Due approving Resolution #2017-25. Vote: 5-0.

7. **Use of EIT funds to pay off Eastern Industries Property debt - Resolution #2017-26 .** Page. 1 there is an error 220.11 acres it should be approximately 285.5, we need to review that. There was discussion about the acreage. Solicitor Karasek referred to an email from Township Engineer Justin Coyle that says 216 + 64 with total of 285.5 acres which approximately 220 is restricted. Supervisor Geake said 220 acres is close to the number they always talked about. Page 2 of Resolution there is an error 156 acres should be 220 acres. The Township hereby authorizes its Solicitor to prepare a new deed designation the following parcels of land as follows: Solicitor Karasek said he left this blank, he needs to know if we are using meets were and bounds or tax parcel ID#. Our Engineer provided meets and bounds for those lines. Supervisor De Franco suggested in the deed we include the utility easement down the railroad bed to get to our 65 acres.

110208

Solicitor Karasek suggested a separate document for a utility agreement which can address meets and bounds and include the railroad bed. Solicitor Karasek referred to page 3 that notes the Township shall obtain written consent of the Township Open Space Board, where such approval by the Township Open Space Board may not be unreasonably withheld. The Solicitor suggested the Board get their approval since we are using their money. Janet Pearson – OSAB Chairman stated they held an emergency meeting last Thursday and 3 of the Supervisors were at that meeting only to listen. Janet noted in her online research regarding covenant conservation purposes. There were discussions about the Raisley Woods portion, if the Township is keeping it or not. Supervisor DeFranco said our Engineer needs to look at that and give the Solicitor that information. There was discussion about how much is owed and not taking more than the owed amount. It will not exceed the owed amount, only enough to pay off the loan. Supervisor Hallett said the special meeting was very productive. Solicitor Karasek said he will include the meets and bounds as provided by the Engineer, actual sizes from each side. **MOTION** by Supervisor Geake, seconded by Chairman Bermingham to clean up the Resolution, get meets and bounds from the Township Engineer and table to the next BOS meeting on 12/27/17. Public Comment by Sheldon Richards – if these changes are made, will the Board pass this Resolution and finally get this done? The Board said “yes”. Public Comment by Judy Henckel – spoke about passive recreation and protecting fen habitats. This is a financial opportunity for the Township to work with a conservancy and could make it more prominent and valuable and not burden the taxpayers. Conservancies help us with grants and finance. Chairman Bermingham said we are working with the OSAB and working towards new ideas and with a good relationship with the OSAB we can continue to move forward. Judy replied that the OSAB and EAC cannot handle this. Vote: 4-0-1, Supervisor DeFranco abstained and Supervisor Hallett voted “no”. There was further discussion about the utility easement which could provide gas, water and sewer. Supervisor Due also mentioned the old Eastern Industries building can be used for an environmental center. The Board mentioned a 20 ft. utility easement and take the whole railroad bed. Solicitor Karasek said it would be cleaner to take out the entire railroad bed. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to include the railroad bed with the 64 acres that won’t be preserved. The railroad bed will begin at Middle Village Road and end at 119 Million Dollar Highway right at the gate. Vote: 5-0. Solicitor Karasek will make the changes for 12/27/17.

8. Appoint Accountant for the 2017 audit / replace elected Twp. Auditors for 2018. Manager Fisher indicated we received 3 proposals; our current auditor Edward Behrens - \$3,995.00, our previous auditor for 15 years before Edward was Chris Basile - \$7,950.00, Kimmel, Lorah & Associates, L.P. - \$14,000.00. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve our current auditor and lowest bidder, Edward Behrens in the amount of \$3,995.00. Vote: 5-0.

AGENDA – PART VIII (Old Business)

1. Ambulance Service. Chairman John Bermingham went to Portland’s meeting and gave them the proposal of them contributing \$24,000.00 towards the ambulance costs. They tried to figure out different options. Portland said their budget for ambulance is \$8,800.00, but at this point they are not interested in contributing. Chairman Bermingham said it would only be UMBT and has reached out to Wind Gap to get a new proposal with just UMBT. He has also reached out to Suburban and it meeting with them hopefully on Friday for further discussion. Chairman Bermingham said Supervisor-Elect Marty Pinter has reached out to St. Lukes, but has no information yet.

1. Multi – Family Housing – The Board suggested putting Multi-family housing and Zoning Updates on the January work session after the new Supervisors are in place. This will go on the BOS January 22nd WS meeting.

2. Penn DOT State Street Bridge detour (tabled from 11/13/17). Manager Fisher said he had a conference call with Penn DOT. There was discussion about the detour and mentioned putting the detour at Potomac street is a bad idea the detour route should be at Middle Village. There was discussion about site distance, including problems at TK's. Supervisor Geake noted the main issue is that the trucks miss the turn at the bridge and suggested signs being putting up. Supervisor Geake said maybe we can put up detour signs, maybe this would deter trucks on Middle Village Road.

Supervisor Geake said with the State Street Bridge being closed approximately three years, he doesn't anticipate any problems. Public Comment by Jimmy Potter – a bigger sign should be posted by the toll. Portland Industrial Park trucks don't see the sign coming off the exit, it is way too small. The Board asked Manager Fisher to send a letter requesting they put up a larger sign.

1. Fire truck – Chief Pinto was present and indicated he made a visit to Pierce and made some changes, for a savings of about \$16,000.00 and that it cost \$17,000 which was an additional \$1,000.00 over to put the extras in from the \$16,000 originally anticipated. Manager Fisher indicated the pumper truck they were having serious problems with, it turned out it only needed a battery, which they replaced and it works fine for now.

2. Cable Franchise – Manger Fisher contacted the attorney from Cohen Group, no response yet. Table to the January 8th BOS meeting for an update.

AGENDA – PART IX (New Business)

1. Discuss Resolution to prohibit the location of Category 4 casino. Solicitor Karasek explained the letter from PA Family Council regarding the Category 4 location and that no action is needed. A category 3 Casino cannot be cited in Mt. Bethel if the Board is included to do so and do not want a prohibitory Resolution. Supervisor DeFranco said we should do nothing. Supervisor Geake agreed, you would be crazy to prohibit a casino from coming in, Fire Companies could have a poker machine and that would not be a bad idea. Public Comment by Bob Teel – Mt. Airy is too close and too much money involved with that. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco not to pass the Resolution to prohibit a category 4 casino. Vote: 5-0.

2. Discuss Cell Tower Resolution. PA House Bill 1620 – “Wireless Infrastructure Deployment Bill. This Resolution would be in opposition to this bill and limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs, therefore forcing taxpayers to subsidize wireless companies for the management of their facilities. **MOTION** by Supervisor Due, seconded by Supervisor Geake to move forward preparing the Resolution opposing PA House Bill 1620 and put on the BOS 12/27/17 agenda. Vote: 4-1 with Supervisor Hallett voting “no”.

AGENDA – PART X (Executive Session) - None

AGENDA – PART XI (Adjournment) **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Regular Public Meeting at 8:54 p.m. Vote: 5-0.