

**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, FEBRUARY 13, 2017 @ 7:00 P.M.**

AGENDA – PART I

- 110208
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 – MOTION** by Supervisor Due, second by Supervisor Hallett to approve the agenda. Vote: 5-0.
 3. **PUBLIC COMMENT** – David Deshler was present and explained his event time line of questions he has submitted to the Zoning Officer. The Board asked Mr. Deshler to submit the list of questions and we will make sure the Zoning Officer receives the information.

AGENDA – PART II (Public Announcements) – None

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

1. Ackerman – Minor SD (#3) Scott Policelli was present on behalf of the applicant. Mr. Policelli noted this is simply a lot line adjustment and no impact on the property. Solicitor Karasek indicated was submitted under our new Ordinance No. 2016-03 for lot line adjustment. Solicitor Karasek indicated despite the new ordinance, they still have asked for a waiver of section 200.D of Ordinance 2016-03 for Lot #1 - that results in the lots meeting the requirements of this article that are reduced in size shall be required to pursue secondary or reserve sewage testing. Solicitor Karasek indicated the Planning Commission has recommended the waiver. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to grant a waiver of Section 200.D of Ordinance 2016-03 for Lot #1. Public Comment by Ron angle – asked about the septic system on the campground. Manager Fisher indicated they have repaired it and septic permits all on file. They have an on-lot septic system and it drains the field with more than one system. The Board asked Manager Fisher to pull those permits and check. Vote: 5-0. Solicitor Karasek indicated Planning Commission has recommended Conditional Approval of the plan with the following conditions: 1). Compliance with all conditions set forth in Township Engineers letter of January 12, 2017 2). Unification and Merger Deed 3). monuments, pins and markers set in the field and certified in writing by Applicant's Engineer, Other Conditions: SALDO Wavier of Section 200.D of Ordinance #2016-03 to be granted and noted on the plan, 4). Plan signed and notarized. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the Ackerman Subdivision #3 with the conditions specified by the Solicitor. Vote: 5-0.

AGENDA – PART IV

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 \$330,208.92. Vote: 4-1. Supervisor Geake voted “no”.
2. Monthly reports attached

- a. Engineer Report (attached) Justin indicated he has also submitted the construction cost estimates for two (2) bridge culverts along River Road.
- b. Solicitors Report (not attached) The Solicitor said he will report on the agenda items when we get to them
- c. Managers Report (attached) Manager Fisher mentioned Dianna, a quick book expert will be coming in to clean up our quick books and line items. We have way too many and we there won't be any new line items added, we need to use what we have, which is way too many line items as it is. Manger Fisher said Laura from the COG has asked him to talk at the Slate belt rising meeting on April 6, 2017 from 6-8 p.m. about Zoning and Codes.

Public Comment by Ron Angle – asked about the Manager's comments about the Supervisor stating that we "lived off the township inheritance" last year and asked about the beginning balance at the beginning of the year. Manager Fisher said there is 25% in reserve to start the year and we have a budget surplus. Manager Fisher noted in his report about the Teletrac Navcom Systems installed in seven of our larger township trucks, cost \$35.00 per month per truck, free installation, 3 year (2-year opt out) contract for a total of \$2,940.00 per year. Mr. Angle noted the report is outstanding, but we would not be gathering information for purchase of fire trucks, we are still waiting on reports from the state. Supervisor Geake noted the 1.4 million is a carry-over from years prior, this board didn't make that surplus, that was inherited from prior boards and Manager Fisher inherited this budget in March when he started. Public Comment by Bob Schneider – if there was a surplus every year, then why was there a tax increase two years in a row, 2013 & 2014? No further comments.

AGENDA – PART V (Minutes)

1. Re-organization Meeting, Tuesday, January 3, 2017 - **MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
2. Regular Monthly Meeting Monday, January 9, 2017 **MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the minutes. Vote: 5-0.
3. Special Public Meeting, Monday, January 23, 2017 @ 7:00 p.m. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to approve the minutes. Vote: 5-0.
4. Work Session Meeting –Monday, January 23, 2017 (immediately following Sp. Mtg.) **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

AGENDA – PART VI (Action Agenda)

1. Refuse Reductions, Application Refunds, and Exonerations. **MOTION** by Supervisor Due, seconded by Supervisor Hallett to approve the Refuse Reductions, Application Refunds & Exonerations as submitted by the Tax Collector. Vote: 5-0.
2. Township Managers Request for 2 week's Vacation Time. Manager Fisher indicated he asked for this when he was hired and then again at the Re-organization, but it was never acted upon. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett that the Township Managers request for 2 week's Vacation be granted. Supervisor Geake asked if this would be effective as of his anniversary date, or 1st of the year like the Road Crew? It was noted the office staff's vacation is by Anniversary Date. **MOTION** rescinded by Supervisor De Franco, second rescinded by Supervisor Hallett. **MOTION** by Supervisor De Franco, seconded by Supervisor Geake that the Township Managers request for 2 weeks be granted effective on his anniversary date of 3/28/17 and every year there on by Anniversary date. Vote: 5-0.

3. Resolution #2017-03 – Establishing Compensation for the Elected Tax Collector – Chairman Bermingham asked that any Supervisors relative/spouse who might be considering running for tax Collector should recuse themselves from voting. Manager Fisher submitted to the Board a list of all tax collectors in Northampton County and their salaries. Chairman Bermingham read Resolution #2017-03 – Establishing the Compensation for the Elected Tax Collector. Solicitor Karasek said if there will be no change, then the Board does not need to adopt a Resolution Public Comment by Ron Angle – stated the Tax Collector is paid a very high salary for a Part-time job and the School District only pays .75 per bill, maybe they should do the same. **MOTION** by Supervisor Geake that the Real Estate tax bill, current and interim be reduced to \$1.75 per bill. No Second. Motion died. No motion was made to adopt Resolution #2017-03.

110208 4. Resolution #2017-05 – Road Turn backs – Supervisor Geake asked how this got back on the agenda? Public Comment by Jimmy Potter – works for Penn Dot and is present as a resident only. The township would be crazy to take back the roads, especially ones with bridges on it that need repair. **MOTION** by Supervisor Geake, seconded by Supervisor Due to table this to the BOS WS 2-27-17. Vote: 5-0.

5. Resolution #2017-06 – Stand alone Well Drilling Ordinance Enforcement – Change of Official. Solicitor Karasek noted some changes he would like made to the Resolution; Robert Cartwright was the official and should state that Ryan Engler is replacing Robert Cartwright and asked the Board to table until March. Supervisor Hallett said no one is inspecting, they are not regulated like they should be and would like this Resolution passed tonight, so there is one in place. Solicitor Karasek said the Board can pass this one and then do an amended for next month. Our Engineer noted they need to be a certified driller and trying to enforce is impossible, a lot is left on the shoulders of the driller. Chairman Bermingham read Resolution #2017-06. **MOTION** by Supervisor Due, seconded by Supervisor Hallett that Resolution #2017-06 be adopted and an amended Resolution be adopted next month with the language specified by our Solicitor. Supervisor Geake mentioned we haven't had anyone appointed since 2014, why make this more complicated and suggested making the revision and adopting next month. Vote: 4-1 with Supervisor Geake voting "no".

6. Community Park

a. Park Master Plan / Change scope of grant – Len Policelli was present from URDC. Manager Fisher gave an update and noted we would have to change the scope of the master park plan to include the handicapped walkway, pavilion and electrical upgrade. Len indicated that would be a big change to the scope for what the grant can be used for and explained when applying for grants, they are based upon ranking and passive recreation, now you are changing to ask for active recreation. Supervisor De Franco indicated at the Community Park Meeting, the Committee voted to have a pavilion and suggested turning down the grant, use our \$90,000.00 that was matching funds including the money budgeted for the park. Supervisor De Franco said he has also talked to people that would be willing to volunteer with the project and suggested we use the money for what the people need. There was discussion about how much money was already spent at the park. Public comment by Ron Angle – 2 million was spent on the park and it looks really bad, it's a job and really sad and mentioned the observation deck to look at endangered species, is a waste of money. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to move forward with putting in the pavilion and electric while using our own money. The Board asked Manager Fisher to contract the State on the process of changing the scope of the grant. Vote: 4-1 with Supervisor Geake voting "no".

b. Landscape Plan – Len Policelli indicated the Board had approved him last year to do a master planting plan and not sure what direction he should go from here. **MOTION** by Supervisor De Franco, seconded by

Supervisor Hallett the Landscape Plan be put on the Board of Supervisor March 27th Work Session Vote: 5-0.

c. Dog Rules at the Park – Supervisor Geake asked why this is on the agenda. Chairman Bermingham indicated he received complaints from residents about loose dogs and a dog attack with many dogs not being on a leash. Solicitor Karasek indicated an ordinance would need to be adopted, but how would that be enforced? There was discussion on enforcement and even with signs at the park, it would be hard to enforce. Solicitor Karasek said you might want to consider banning dogs at the park. Public comment by Jeff Manzi – there should be no dogs running loose there. The Board asked this be put on their March 27th Work Session Meeting.

7. Alternate Building Codes Official (tabled from 1/9/17) – Manager Fisher said he has reached out to Lehigh Valley Site Inspectors and Key Codes on more than one occasion and is still waiting for a letter of interest from them. **MOTION** by Supervisor Due, seconded by Supervisor De Franco that this matter be tabled. Public Comment by Jim Potter – obviously they are not interested if you have to keep asking.

8. Set Zoning Hearing Board Members pay (tabled from 1/23/17) – Ron Angle indicated he is on the Zoning Hearing Board and noted as far back as he can remember it was \$40.00 per hearing, does not know when it changed. Mr. Angle said each applicant is paying the fee for each individual hearing, they are each independent. Solicitor Karasek said the Board can do whatever they want it's at their discretion, but not to exceed the Supervisor pay of \$2,500.00 per year. **MOTION** by Supervisor Geake that the Zoning Hearing Board member pay \$60.00 per Meeting (\$40.00 + ½). Public comment by Jeff Manzi – even though he does not take any pay and has asked numerous times his pay be donated, he agrees with Ron, it should be \$40.00 per hearing. Supervisor Due said each applicant pays \$750.00, finally the ordinance has changed increasing the size allowed for garages and barns. Due continued to say, before that everyone was going before the Zoning Hearing Board. **MOTION** by Supervisor De Franco, seconded by Supervisor Geake that the Zoning Board members be paid \$40.00 per each hearing not to exceed \$2,500.00 in the calendar year. Supervisor Geake said he would prefer a flat fee, but will vote for it. Vote: 3-2 with Supervisor Due and Bermingham voting “no”.

9. Appoint (2) BOS for Union Contract Negotiations (contract expires 12/31/17) – Supervisor Geake said he would like to be appointed. Supervisor De Franco said he wouldn't recommend Supervisor Geake, he is suing the township. Solicitor Karasek noted Supervisor Geake has a plethora amount of experience with union contracts. There was discussion whether or not there would be a conflict if Supervisor Geake was appointed with the current litigation. Solicitor Karasek said he will look into that. Table to the BOS March 13th meeting.

10. LWGT Agreement establishing PA Extension Alliance (tabled from 1/23/17) – Sue Cooper was present from Delaware Water Gap and noted the purpose of the agreement is to simply form an Alliance, they have signed and also Portland signed. Manager Fisher responded our Solicitor had only seen the last agreement that was drafted on January 19th and did not have enough time to review. Solicitor Karasek said he has recommended some changes that need review to see if they agree. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that the matter be tabled to the BOS March 13th meeting. Public Comment by Judy Henckel – asked the Board to please really look at this and not keep tabling. Public Comment by Ron Angle – asked if the Board supports this, they really better look at the details. Public Comment by Jeff Manzi – should make it clear that this township will not be responsible for any maintenance. Vote: 5-0.

11. Truck Update – Manager Fisher said we can get the parts online cheap and have it installed. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco to retract the prior motion made at the 1/9/17 BOS

meeting to sell the truck and proceed to buy the parts, repair the truck and keep it. Vote: 4-1, Supervisor Geake voted "no".

AGENDA – PART VII (Old Business)

1. Eastern Industries – Conservation Restrictions – status – Solicitor Karasek indicated he sent the memo to Erin Mc Cormick and has not heard back. Supervisor Hallett suggested our Engineer draw up plans for the Subdivision of the Eastern Industries property based upon the need for more workability, we can keep a piece and preserve a piece. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco that we have our Engineer draw up plans to design a Subdivision/Lot –line adjustment for approximately twenty (20 acres of the Eastern Industries Property for presentation to the Board of Supervisors for review and approval and also take the property lines that go through the middle of the building. Vote: 5-0.

110208 **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco to place a conservation easement on the remaining portion of the Eastern Industries Property (the portion remaining after the proposed subdivision/lot line adjustment) and utilize the Township EIT money to pay for such restriction. The Township would need to develop restrictions on the property and follow all rules and regulations regarding such easement. This motion is conditioned upon the Township Solicitor confirming that transfer of the easement to a third-party agency would not be needed for this proposal (such as the Natural Lands Trust, Wildlife Conservancy so forth) and that the Township could do this itself and pay itself. Supervisor Hallett noted we would be our own conservation and take the EIT money and pay off the loan, the property would then be preserved. Solicitor Karasek said he thinks this can be done. Supervisor Due mentioned we might need a 3rd party, the Nature Conservancy had mentioned that. That is why we went with the 3rd party the Natural Lands Trust and we also need to check the legal issues involved. Public Comment by Ron Angle – thinks you need 3rd party, and would offer to be that 3rd party. Public Comment by Judy Henckel – you definitely need a 3rd party, that's why we were moving forward with the Natural Lands Trust. Public Comment by Charlie Cole – agreeing you need a 3rd party. Supervisor Hallett and De Franco said we can start our own Conservancy. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco to add "conditioned upon Solicitor Karasek checking into if the township needs a 3rd party". Motion unanimously passed Vote: 5-0.

2. State Police – status of agreement. Solicitor Karasek indicated the Solicitor for the State Police has passed away and they have assigned a new Attorney. We were waiting to see if we need to adopt an Ordinance. **MOTION** by Chairman Bermingham, seconded by Supervisor De Franco to Table. Vote: 5-0.

AGENDA – PART VIII (New Business)

1. Community Park Lease – UMBT/ Poliskiewicz. Manager Fisher said he spoke to Jessie Poliskiewicz, if it's much more than \$20.00 per acre, he might not want to take the lease. Public Comment by Ron Angle – asked about him fertilizing the soil to maintain a 7ph level. Supervisor Geake noted that's in the lease. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett that we approve the same lease as last year (\$20.00 per acre) and include in the lease he must fertilize and maintain the soil at 7ph. Vote: 5-0.

AGENDA – PART IX (Executive Session) – MOTION by Supervisor Due, seconded by Supervisor Due to recess for Executive Session to discuss Personnel and Dispute of Municipality Professional Consultant Fees for Ackerman and St. Mawes Trust / Matour Trust. Vote: 5-0. Reconvened at 10:10 p.m. 1. Personnel:

MOTION by Supervisor Geake, seconded by Supervisor De Franco to allow the Township Manager to add names to the Part-time list. Vote: 5-0. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to allow the Township Manager to add additional GPS units – Teletrack Navcon to all machinery that moves, as he seems fit including the SUV and pick-up trucks. 2. Dispute of Municipality Professional Consultant Fees

for Ackerman and St. Mawes Trust/Matour Trust: **MOTION** by Supervisor Geake, seconded by Supervisor Hallett that the Applicants Ackerman and St. Mawes Trust / Matour Trust move forward with their Dispute of Municipality Professional Consultant Fees according to the Municipal Planning Codes and work with our Solicitor to work out an agreement. Vote: 5-0.

AGENDA – PART X - MOTION by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting at 10:12 p.m. Vote: 5-0.

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