

UPPER MT. BETHEL TOWNSHIP BOARD OF SUPERVISORS  
WORK SESSION MEETING MINUTES - MONDAY, MARCH 27, 2017

1. CALL TO ORDER- Chairman Bermingham called the meeting to order at 7:25 p.m. Present in addition to Chairman Bermingham were Supervisor De Franco, Supervisor Geake, Supervisor Due, Supervisor Hallett, Township Manager Fisher and Solicitor Ronold Karasek. The Pledge of Allegiance was recited.

2. APPROVE AGENDA - **MOTION** by Supervisor Due, seconded by Supervisor Hallett to approve the agenda. Vote: 5-0.

3. PUBLIC COMMENT- None

4. Eastern Industries Site Presentation - Township Engineer Justin Coyle prepared a lot line adjustment sketch which he reviewed with the Supervisors and noted this is a draft and would welcome any changes or suggestions. There are 223 acres shown and full 8 parcels and might want to consider moving the middle line (64 acres are touching) and might want to keep that for the township and 159 acres are preserved open space. Supervisor Hallett asked about the rail-bed and who owns it. Supervisor Geake asked why we need all the woods when 1/3 of the property is out of preservation. Supervisor Geake asked why do we need 20 lots, that would require a central sewage system and would take too much of the value out. Supervisor De Franco noted this is a little bit of both. Solicitor Karasek noted once you preserve all of it, that's forever and would be taxable. Manager Fisher mentioned the potential future accessory to the preserve would be a benefit to the preserve. Public Comment by Bob Schneider - believes 25% of Open Space funds can be used for maintenance. Public Comment by Judy Henckel - she confirmed that and also that the township does own the railroad bed. The Board of Supervisor suggested a line change on the sketch to the new lot shown of 84 acres, a line down the middle at the top part of the lot and a triangle going down the right side of the lot. No further comments.

5. Appalachian Trail Presentation - Brooks Mountcastle gave a power point on the Appalachian Trail Conservation Assistance Mini-Grant program. Mr. Mountcastle explained that the mini-grant comes from the National Park Service and provided to ATC through a Cooperative Agreement. The grant request should not exceed \$17,500.00 with a minimum of 20% in kind match by the township. Supervisor Hallett mentioned we looked at this a few years ago and the problem was restrictions to the property owners land. Supervisor De Franco said the ridge is already a restricted area. Public Comment by Scott Policelli - alot of the Appalachian Trail is located in Monroe County and already restrictive and preserved. No further comments.

6. Ohland 270 Million Dollar Highway - Scott Policelli was present on behalf of the applicant. Township Engineer Justin Coyle and Mr. Policelli indicated clarification is needed regarding this plot and grading plan. This is lot 2 of the Rabbat subdivision. Mr. Policelli gave some background and indicated during the subdivision process a 200 feet buffer from the "approximate wetlands" was shown, with the stipulation under Covenant No. 8 and referred to the section in the SALDO. The wetland delineation has been added to the grading plan, along with a 50 feet buffer. The approved plan more than once refers to wetlands as "approximate", but now is no longer approximate and therefore the regular yard requirements now apply. The Township Engineer's opinion is the proposed grading plan is in violation of the subdivision plan. Solicitor Karasek said the applicant did the wetland study and as long as they are in compliance with the ordinance, it should be approved. Supervisor Geake agreed as long as the applicant is compliance with the ordinance. It was agreed by the Board of Supervisors, Township Engineer and that Mr. Policelli will submit a letter to the Township and Township Engineer stating it meets the ordinance and provide a copy of the wetland study.

110208

7. Playground Inspection Policy - Manager Fisher indicated the Risk Assessor has brought to his attention that according to the National Recreation Playground and Park Association had a Resolution should be adopted to do weekly checks of our playground by a certified Playground Inspector. We can either send an employee for the training to be certified, possibly our Zoning Officer. Manager Fisher would like this to be reviewed by the Park Committee for their recommendation. No comments.

8. Subdivision Matters a. Dispute of municipality professional consultant fees – arbitration. We received notification from Jeffrey Ott he is not willing to negotiate his fees and would go directly to arbitration according to PA Municipal Planning Codes and recommended the following firms to act as arbitrators: The Pidcock Company, Hanover Engineering and Assoc. Inc. and Spotts, Stevens and Mc Coy, Inc. Manager Fisher noted all the fees were already paid to Jeffrey Ott, so would the Township be willing to negotiate a reduced amount of the fees with the applicant. Supervisor Geake said he wouldn't want to open that door. The Board asked Manager Fisher to contact each applicant and give them the names of the Engineer and see if they would move forward with arbitration. There was discussion if its engineering fees or legal fees too. Manager Fisher said he will ask them if they are disputing the legal fees as well. Chairman Bermingham said he will help Manager Fisher in facilitating the letters. Solicitor Karasek mentioned his son works for Ott Engineering and would have to recuse himself if counsel is needed up until now his capacity only served non-advisory. No further comments.

b. Subdivision/Land Development Escrow Accounts - Manager Fisher noted we have escrow information from a surrounding townships and he is going to get some number together for the next meeting. This will be on the BOS 4-10-17 meeting agenda.

c. Park & Recreation Fees for new EDU (50% at time of approval, 50% at time of building) Supervisor De Franco indicated other township it is 50% at time of approval, 50% at time of building. Supervisor De Franco said the reason the fees are paid is for children using the Parks and gave an example if 3 lots are sold and one house is put up, then one fee should be paid. Supervisor De Franco said it's not fair to make the fees be paid upfront. Supervisor De Franco indicated other townships make you pay 50% at time of approval, 50% when getting the building permit. Supervisor Geake disagreed, he wants the money upfront, its too hard to track. No further comments. This will be put on the BOS 4-10-17 meeting

9. Municipal Waste and Recycling Agreement Addendum. Manager Fisher put this on agenda early to see how the Board wants him to proceed, put it out for bid, or ask for another extension. The addendum expires on August 8, 2017. Supervisor Geake would like to see if we can do both, put out for bid and include items individually in the contract, that way we can see the bid broken down. Solicitor Karasek mentioned you can always reject any and all bids. This will be put on the BOS 4-10-17 meeting.

10. East Bangor Wells - Solicitor Karasek sent a letter to Peter Layman, Attorney for East Bangor Municipal Authority regarding test well drilled by the East Bangor Municipal Authority on the Belanger property. Mr. Layman responded saying at this time Mr. Belanger has full use to control those wells and East Bangor authority has no power to control those wells and suggests the township contact Mr. Belanger directly. Public Comment by Charlie Gmelch – the wells were drilled without a permit and need to be capped and sealed. Solicitor Karasek said at the times those wells were drilled they might be grandfathered, but could look at the ordinance. Supervisor Geake said we could ask our Zoning Officer see if they are capped and sealed, or have Manager Fisher contact Mr. Belanger. No further comments.

13. Adjourn – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Work Session Meeting at 9:08 p.m. No comments. Vote: 5-0.

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