

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS  
MEETING MINUTES MONDAY, APRIL 10, 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, Solicitor Ronald Karasek, Township Engineer Justin Coyle and Township Manager Rick Fisher. The Pledge of Allegiance was recited.

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

**3. PUBLIC COMMENT** – Toni Lupo running for Magistrate District Judge introduced himself to the Board and public and gave his background and his involvement with the Slate Belt.

**AGENDA – PART II (Public Announcements)** – Easter Egg Hunt – Saturday, April 15, 2017 @ 11:00 a.m. at the Mount Bethel Fire hall

**AGENDA – PART III (Subdivision and Land Development Plans/Sewage Planning)** - None.

**AGENDA – PART IV**

1. Financial Reports – Bill List - Manager Fisher read the bill list. Supervisor De Franco asked the bill to URDC in the amount of \$8,846.00 be taken out. Manager Fisher explained the consultant did not do the E&S plan. The two bills are for the landscape plan, the \$4,845.00 bill is fine, but the \$8,846.00 bill goes back to May of last year. Supervisor Geake would like us to ask the consultant if he will fix this at no charge and asked to hold the bill for 30 days. Public Comment by Ron Angle - you spent over 2 million dollars at the park and asked how much the Township has paid URDC in consulting fees. Manager Fisher said somewhere around \$635,000.00. **MOTION** by Supervisor Due, seconded by Supervisor Hallett to approve the bill list in the amount of \$407,025.38, minus the bill from URDC for \$8,846.00. Vote: 5-0.

2. Monthly reports attached

a. Engineer Report (attached) Justin indicated he met with the Township Manager regarding electrical upgrades/modifications at the Community Park. Supervisor Geake asked about the bid specs for repairs to the (2) bridges on Shady Lane. Justin said next month, same time, and separate bid.

b. Solicitors Report (attached)

c. Managers Report (attached) Manager Fished indicated the Fish & Board Commission had tested the pond water at the Eastern Industries property and said the water quality is excellent with the exception of the temperature.

**AGENDA – PART V (Minutes)**

1. Regular Monthly Meeting - Monday, March 13, 2017 @ 7:00 p.m. - **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

2. Work Session Meeting - Monday, March 27, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Due to approve the minutes. Vote: 5-0.

**AGENDA – PART VI (Action Agenda)**

1. Fire Trucks -Members of Mt. Bethel and North Bangor Fire Departments were present. Chairman Bermingham gave a slideshow presentation about ways we can support our Fire companies. Mt. Bethel trucks: Rescue truck has been in service and out of service and is over \$25,000.00 to fix; the engine is from 1996 and in good shape. The pumper tanker is a 2003 and in good shape and 5 ton brush truck is ok.

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They are in immediate need of a rescue truck which will cost around \$800,000.00; \$20,000.00 is owed on the tanker and Mt. Bethel Fire Department will pay that off. North Bangor Trucks: Pumper is from 1993 and has a pump problem. The Tanker is from 1994 and in ok condition. The Brush truck is a 2016 and they owe \$22,000.00 to pay off in the next 10 years. They will fundraise to pay this off. They are in immediate need of a pumper with a cost of \$800,000.00. It will be \$1.6 million dollars for purchase of the two fire trucks. They are researching different percentages down and overall costs including different interest rates and how much to put down. Mt. Bethel Fire Department will put down a one-time payment of \$50,000.00 contribution to the down payment. North Bangor cannot put any money down, but will keep paying off their Brush truck that they owe of \$22,000.00. North Bangor will have fundraising events including the Blue Valley Farm show, Blanket Toss, Camp Charles 5K proceeds, bingos on Friday nights and mailers. Mt. Bethel will be fundraising events including a comic book show, battle of the bands, clam bake, pig roast, special bingo, open house/Halloween Event, Sportsman banquet, guns shows, dances, October fest, boot drives, letter drives, and they will rent out the upstairs for corporate events and rent out hall for birthdays, weddings and personal events. Bermingham continued to say, one idea of a plan, without raising taxes would be pay off Eastern Industries (loan is approx. \$132,000.00) that would give us the money to pay for both North Bangor and Mt. Bethel trucks allowing a loan payment of \$66,000.00 each. UMBT has enough reserves to make the down payments. Down payment and yearly payment ideas could include \$100,000 each for a down payment. Mt. Bethel FD contributes \$50,000 and has \$51,500 in their account, however their account is used throughout the year. North Bangor has \$87,000 in their account. Annually UMBT gives \$50,000 to each fire company. The two Fire companies are also working together and the possibility of a merger in the future. Two lists were given to the Fire Companies of acceptable uses and would like to use the new list, it gives them more flexibility and any purchase still needs approval by the Board for reimbursement. There was discussion about the state coming out and evaluating their fire trucks. The trucks come out of NFP standards after 10 years and are reserved after 20 years - then they are supposed to be retired. North Bangor's rescue truck is a 1993 Spartan and they can't put a firefighter on the end of the truck, their truck shuts off and is not safe.

Public Comment by Bob Schneider - these are big safety concerns, a plan is being worked on, but something needs to be done in the meantime. Supervisor Geake said there is not much resale value on their rescue truck and should repair it immediately. Supervisor Geake said there shouldn't be so much dependency on Eastern Industries, that should not be part of this and we should figure out where we can come up with the money. Supervisor Geake suggested going into next year's budget put aside \$150,000.00 for the next 10 years. Supervisor Geake said he is not surprised the Federal Government has not come in and shut the fire companies down. **MOTION** by Supervisor Hallett, seconded by Supervisor De Franco that the township place a voluntary restrictive covenant/deed restriction on this Eastern Industries property and then use the EIT money to pay for that voluntary restriction on the following conditions: 1). The Township needs to determine the nature and extent of the restrictive covenant, 2). A real estate appraisal must be secured from a certified real estate appraiser to determine how much the restrictive covenant is worth and 3). After the appraisal is received, the Township can then decide if it still wishes to proceed to place a voluntary restrictive covenant on the property. Supervisor Hallett asked the engineer how much we will have left after cutting out that portion. Justin said 160 acres + 40 acres across the street. There was discussion about how much per acre the property is worth. Solicitor Karasek suggested to get the ball rolling and get an appraisal done. Public Comment by Ron Angle - a buildable lot would be worth about \$6,500 per acre, that is a strip mine quarry and an appraisal could haunt you. Mr. Angle said the Board made a blunder by buying it for \$1.4 million dollars. After discussion, Vote: 4-1 with Supervisor Geake voting "no".

There was discussion about restrictive covenant. Manager Fisher said we have money in reserves and \$1.4 million in general fund that could be used for a down payment. Ron Angle mentioned the gambling grant, they give out grant money and the Monroe gambling grant gives up to \$350,000.00.

**MOTION** by Supervisor Geake, seconded by Supervisor De Franco that the township pay for the Mt. Bethel Fire truck be repaired with costs not to exceed \$45,000.00. Vote: 5-0.

**MOTION** by Supervisor Geake, seconded by Supervisor Due that the Fire Companies with the help of the Township Manager, move forward in getting prices from Pierce for new fire trucks for both Fire Companies. Vote: 5-0.

Supervisor Hallet left the meeting at 8:30 p.m.

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2. State Police Agreement - Solicitor Karasek indicated this agreement has been reviewed by both Parties and is now acceptable to both Parties. **MOTION** by Supervisor Due, seconded by Supervisor De Franco to approve the Intergovernmental Agreement between Upper Mount Bethel Township and the PA State Police. The Solicitor said he would like an effective date in the agreement. Manager Fisher said 2 weeks would be acceptable to move the Zoning Officer out of the office the police will be occupying. **MOTION** amended by Supervisor Geake, seconded amended by Supervisor De Franco that the State Police will occupy the office no earlier than midnight June 1, 2017. Solicitor Karasek said he will add the dates to the agreement and forward to the State Police for signature. Vote: 4-0.

3. Refuse Reductions, Application Refunds & Exonerations. **MOTION** by Supervisor Geake, seconded by Supervisor Due to accept the Refuse Reductions, Application Refunds & Exonerations as submitted by the tax collector. Vote: 4-0.

a. Marie Kearney – tax relief - Ms. Kearney has a lease for life agreement between her and her son Sean Kearney, who lives at the premises and is asking the township honor the senior discounted rate for garbage tax. Solicitor Karasek noted the difference between the regular garbage rates is \$58.00 and would not recommend granting the request. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to not grant the request based upon the recommendation of our Solicitor. Vote: 4-0.

b. Matt Fleischer – tax relief - Mr. Fleischer was present and indicated he is collection with credit-tech for back due garbage taxes and indicated he sold the property on 4/15/16. Credit-tech is charging him for the entire year plus interest and fees in the amount of \$400.95, it should have been pro-rated. Supervisor De Franco said it's the abstract companies fault, he should take it up with them. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to have Manager Fisher contact credit tech and ask them to divide the bill minus the 4 1/2 months Mr. Fleischer is responsible for and have them bill the remainder to the new owners. Public Comment by Ron Angle - had a similar problem when he bought a property at a Sheriff sale and is also in collection with Credit-tech, he had asked the Manager for relief, but nothing has been done. Vote: 4-0.

4. Resolution #2017-10 - Appointment of Earned Income Tax Collection Committee Delegates. Manager Fisher indicated the delegates are still listed as Maureen Sterner and Janet Pearson and Janet is retiring this year. **MOTION** by Supervisor Geake, seconded by Supervisor Due to appoint the Primary Delegate to be Richard Fisher and Alternate Voting Delegate to be Diann Eden. Vote: 4-0.

5. Community Park E&S Violation - Manager Fisher indicated Sharon from the Conservation District that a storm water plan was not done and would like to schedule a compliance meeting with our Engineer, Manager Fisher and maybe Len Policelli.

6. Resolution -Playground Inspection Policy - Solicitor Karasek said he would like to see language to the effect that any playground inspections and repairs should be documented in a written report. Manager Fisher mentioned the township having our own playground inspector and would suggest sending our Zoning Officer to the classes to be certified. **MOTION** by Supervisor Geake, seconded by Chairman Bermingham to table to the BOS 5/8/17 meeting and Manager Fisher will look into the courses for a certified playground inspector. Vote: 4-0.

7. Resolution - Fee Schedule with attached "Exhibit A" - Solicitor Karasek said he reviewed the Resolution and asked Manager Fisher to add the well certification, utilization and drilling fees. **MOTION** by Supervisor Geake, seconded by Chairman Bermingham to table to the BOS May 8<sup>th</sup> meeting. Vote: 4-0.

8. Intermunicipal Agreement ("Exhibit A") – SBCOG Comprehensive Plan - Solicitor Karasek said he reviewed the agreement and said 30 people on a steering committee with a unanimous vote is unrealistic and suggested changing that language. Supervisor Due is the UMBT representative for the COG and suggested that he go back to the COG and clarify some of the language. **MOTION** by Supervisor Geake, seconded by Supervisor Due that this be tabled to give Supervisor Due an opportunity to go to the COG and ask for clarification. Public Comment by Ron Angle - you are wasting time and money. Solicitor Karasek read the code and mentioned it doesn't matter what the comprehensive plan says, the township can still do what they want. Vote: 4-0.

9. Park & Recreation Fees for new EDU (50% at time of approval, 50% at time of building) Solicitor Karasek said the risk by doing 50% at time of approval, and 50% at time of building is that the Township only gets \$1,000.00 and you need an ordinance to make the change. Supervisor De Franco said the reason the fees are paid is for children using the Parks and has less of an impact if the house is not built. **MOTION** by Supervisor Geake to NOT change the fees to 50% at time of approval, 50% at time of building. NO second, motion died. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to change the Park and Recreation Fees for new EDU's to 50% at time of approval, 50% at time of building. Vote: Supervisor Due and De Franco "yes" Chairman Bermingham and Geake "no". Motion did not pass. Public Comment by Ron Angle - who would track this? Supervisor Geake said he has a problem with Builders/Contractors on the Board voting for this.

8. Municipal Waste and Recycling Agreement Addendum (Exp. 8/8/17) - Supervisor Geake said this is a major bid and alot involved and wouldn't mind if we asked for another addendum with Waste Management. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to have the Manager prepare bid specs to bid it out. Vote: 3-1 with Supervisor Geake voting "no".

9. Bids for in paving, materials, contracted services & line painting. Manager Fisher provided the Board with the bid specs. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve advertising the bids for paving, materials, contracted services & line painting. Vote: 4-0.

10. Appoint Acting Road Foreman & Assistant Road Foreman. Manager Fisher indicated Bill Godshalk, Road Foreman has been out since March. Lin Manzi, Assistant Road Foreman has been doing the job and asked the Board to appoint Lin as Acting Road Foreman with the increase in pay. Manager Fisher also asked the Board to appoint another Road crew employee to fill Lin's position as Assistant Road Foreman and would recommend Dave Constable.

**MOTION** by Supervisor Geake, seconded by Supervisor De Franco to approve giving Lin Manzi the Road Foreman's pay, but stay as Assistant Foreman effective retroactive to March 15, 2017 or whenever that pay period was. Manager Fisher said he needs someone to assist Lin for call outs. Supervisor Geake said that might cause a union issue by creating another Assistant Foreman and asked if others with seniority were asked and should go down the line according to seniority. The Board said Manager Fisher should make the call who should assist Lin if he needs help. Vote: 4-0.

**AGENDA – PART IX (Old Business)**

1. LWGT Agreement establishing PA Extension Alliance - Solicitor Karasek referred to his email to Falon Horan with changes he recommended. He still has not heard back from her. Public Comment by Judy Henckel - thought it's up to the Township to make changes and suggested Ron Karasek do that and distribute. Cindy Fish was present from Portland Borough and said if UMBT wants changes made, they are willing to make changes as well.

**MOTION** by Supervisor Geake, seconded by Supervisor De Franco to table to the BOS May 8, 2017 and have the Solicitor make the changes and forward to the other Solicitors. Public Comment by Ron Angle - it seems like this is tabled month after month, maybe the Township does not want to take on this liability. Public Comment by Ron Angle - would like to know what Fire Departments' needs really are? Someone independently should come in evaluate and heard the old guys and young guys don't get along. Chris Finan responded they are just rumors. Public Comment by Virgil Kasieber - how many members are there? Chris said there are 18 active at Mt. Bethel and not sure about North Bangor. Public Comment by Bob Schneider - it's nice to see them trying to work together.

**AGENDA – PART X (New Business)**

1. Resolution - Policy for reimbursement of mailboxes - The Board reviewed the Resolution. The Solicitor would like to see added to the Resolution that they will notify Upper Mount Bethel Township in writing within two days. Supervisor Geake asked why we can't do what we did in the past, provide a plain black replacement mailbox they can get from the Township. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adopt the Resolution for the reimbursement amount to be \$25.00 or they can have the option of getting a standard mailbox from the Township office to be installed by the resident, we will not put it up. The Resolution number will be added and mentioned at the next meeting. Vote: 4-0.

2. Resolution - Re-establish Economic Development Committee - This committee has been inactive for some time, but recently Scott Cole, a former committee member met with Manager Fisher and Supervisor Due and would like the Committee re-established and has put in a letter of interest. Supervisor Due was also on the committee before he was a Supervisor and would like to act as liaison for the committee. **MOTION** by Supervisor Due, seconded by Supervisor Geake to adopt the Resolution to Re-establish the Economic Development Committee and advertise in local papers and website for committee members. This will be on next month's agenda to discuss terms and appointments and to add the Resolution number. Vote: 4-0.

**AGENDA – PART XII (Adjournment)** **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting at 10:00 p.m. Vote: 4-0.

Respectfully submitted, Melissa Mastrogiovanni  
Recording Secretary Upper Mount Bethel Township

