

UPPER MT. BETHEL TOWNSHIP BOARD OF SUPERVISORS
SPECIAL PUBLIC MEETING MINUTES - MONDAY, APRIL 24, 2017

1. CALL TO ORDER- Chairman Bermingham called the meeting to order at 7:00 p.m. Present in addition to Chairman Bermingham were Supervisor De Franco, Supervisor Geake, Supervisor Due, Supervisor Hallett, Manager Rick Fisher, Township Engineer Justin Coyle 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 – Supervisor Due presented the award to the Board given at the PSATS award ceremony acknowledging Upper Mount Bethel Township for recognition of an intergovernmental cooperation with the Slate belt COG for participation in the Animal Control program.

4. Community Park – Len Policelli was present and asked about finishing the Landscape Master Plan and gave the Board a donation booklet of trees. Supervisor Geake said he didn't vote to change the road and is waiting to see if the amendment to the grant will be approved for the pavilion. Supervisor De Franco said the Board did vote on the pavilion and if the amendment was not approved for the pavilion that we use our own money to pay for the pavilion. Manager Fisher mentioned the grant was denied to change the road. Chairman Bermingham said we are deviating from the master plan and need to figure out how we can move forward. Supervisor Geake agreed if were making changes, they should all be made at once. Manager Fisher said the purpose of this being on the agenda is to nail down the direction the Board would like to go with the Park. Manager Fisher said Sharon from the Conservation District notified the township 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. The Park Committee has made some votes including moving the farm equipment from the entrance and asked if the Board is okay with the Park Committee making decisions. Supervisor Geake said he has no problem with the Park Committee making small decisions, but anything big, Supervisor De Franco is the liaison and should bring it to this Board. Manager Fisher indicated the Nature path and deck were not in phase 2 and the Conservation District and E & S controls want answers. Len Policelli said May 1, 2017 is the deadline to put together the 3 grants for DCNR, he was instructed to stop working on. There was further discussion about the mistakes made and who's at fault. Supervisor De Franco noted his concern with who is going to pay to fix the mistake and if Len does it, how much is it going to cost, we need to know that upfront. Len said it's nobody's fault, it just didn't get followed through. Manager Fisher said there is still money left in the grant for professional services. **MOTION** by Supervisor Geake, seconded by Supervisor Due that we do the calculations to fix the problems and satisfy the Conservation District. Supervisor Due said there is grant money that has to be used for professional services. Vote: 3-2 with Chairman Bermingham, Supervisor Geake and Supervisor Due voting "yes" and Supervisor De Franco and Hallett voting "no". Motion passed. Supervisor Geake mentioned putting a slate sign at the entrance and where the pavilion will go. There was discussion about electric at the pavilion. Manager Fisher said he met with our engineer and an electrical/structural engineer about putting in electric. Manager Fisher also mentioned the existing well, its shown on the plan and needs to be tested. Supervisor De Franco addressed Len Policelli about his emails, the way he addresses people and said he emails are unprofessional.

5. Bush Well Waiver – 606 Totts Gap Road – Scott Policelli was present on behalf of the applicant. The applicant is seeking a waiver of isolation distance for their well. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that the waiver be approved. Solicitor Karasek asked that the applicant sign a release, indemnification and hold harmless agreement with the township. **MOTION** amended by Supervisor Geake, second amended by Supervisor De Franco that the applicant agree to sign a release, indemnification and hold harmless agreement with the township. Vote: 5-0.

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6. Act 537 Plan - Justin Coyle submitted the Act 537 Sewage Facilities Plan update proposal prepared by Lane Bodley, P.E. from Carroll Engineering who was also present. Mr. Bodley indicated his focus of expertise and background is in waste water sewage facilities and will work with Justin and the Township in preparing a RFP if the Township wants to move forward. Supervisor Geake noted if our engineer prepares the RFP, then they will not be able to make the inspections. Manager Fisher indicated we can have our alternate engineer do the inspections. Mr. Bodley said he has looked at our current Act 537, which has not been updated in 30 years. The problems with the plan it's so old and have to start from scratch. Mr. Bodley mentioned they can look at grants that are available. Justin said they can all work together himself, Mr. Bodley, Manager Fisher and our SEO Scott Policelli to help move this along, if the Board is inclined. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to enter into the negotiation phase to move forward on the Act. 537 plan with Carroll Engineering. Vote: 5-0.

7. Eastern Industries Revised Plan - Township Engineer Justin Coyle prepared a revised lot line adjustment sketch which he reviewed with the Supervisors. The re-adjustment of lot lines now created a new lot of 64.47 acres to be kept by the township and 159 acres to be preserved. Supervisor Geake asked why we would preserve the road frontage. Public Comment by Jimmy Potter –what is the Board trying to accomplish? Supervisor De Franco said we are trying to preserve it ourselves and pay down the loan and suggested getting an appraisal. Supervisor Geake said you need to know the restrictions you're going to impose before moving forward with an appraisal. Manager Fisher suggested the Open Space Advisory Board give recommendations and some guidelines. Public Comment by Judy Henckel – she talked about the appraisal process and said you can't preserve it yourself. Manager Fisher mentioned these conservancy's hire their own appraisers and would recommend us getting our own separate appraisal. Chairman Birmingham said we are paying too much for the loan. Solicitor Karasek also suggested get a certified appraiser. Public Comment by Janet Pearson – you need to get it appraised properly. Supervisor Geake said getting an appraisal is challenging and could have ramifications and you need to decide what parcels you're including in the appraisal and what the restrictions are going to be. The Board asked Manager Fisher to contact appraisal companies and report back to the Board on May 8, 2017. Supervisor Due noted we are 3 ½ years into this and would like to see something done.

8. Resolution #2017-11 – Policy for reimbursement of mailboxes – This was approved at the 4/10/17 Board of Supervisor meeting, no action needed, just added the Resolution number.

9. Resolution #2017-12 – Re-establish EDC - This was approved at the 4/10/17 Board of Supervisor meeting, no action needed, just added the Resolution number.

10. EDC Committee members and terms – We received some letter of interest, but need more members. Supervisor Due will be the liaison for the Economic Development Committee. The Board asked we advertise for additional members needed on the committee.

11. Designation of Depositories – Manager Fisher said when he was renewing his bond, he realized the Designation of Depositories approved at the Board of Supervisors Re-Organization meeting on January 3, 2017 was incorrect and asked the Board to approve the correct ones. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to amend the re-organization meeting to reflect the correct designation of depositories as follows: Merchants National Bank, Landmark Community Bank, ESSA Bank & Trust & Morgan Stanley. Vote: 5-0.

12. Road Turnback – SR 1039 River Road – Manager Fisher submitted to the Board the Highway Cost Estimate for SR 1039 River Road (1.33 miles) as follows: 1). Super pave 9.5 MM Wearing 1.5" overlay 7,023'/30'=23,410 SY (180 LBS/SY) – cost \$179,095.00, 2). 4" Double Yellow Center Line with glass beads – cost \$1,420.00, 3). 4" Single White edge line with glass beads – cost \$1,420.00, 4). Full Replacement Bridge Culvert #1 – total \$245,000.00, 5). Full Replacement Bridge Culvert #2 – cost \$373,000.00, 6). Type 2 Strong Post Guide Rail – cost \$33,250.00, 7). Engineering Fees - \$80,000.00. Total rehabilitation funds being requested - \$913,185.00. Manager Fisher said this includes guiderails and anything extra of the money the state gives us to do this we get to keep. Supervisor Geake questioned taking on 2 more bridge culverts, we already have 7 and explained those bridges are the lowest elevation of the township. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to approve taking back SR 1039 River Road. Manager Fisher mentioned developers not wanting to deal with Penn DOT and our township has more turn back roads more than any other township. Vote: 4-1 with Supervisor Geake voting "no".

13. Ordinance #2017-01 - UMBT / Lower Mt. Bethel Township – Solicitor Karasek informed the Board he has advertised Ordinance #2017-01 - Intermunicipal Agreement Ordinance with Lower Mount Bethel Township for a Girls Softball Program. This ordinance will be considered for adoption at the Board of Supervisors 5/8/17 meeting. Solicitor Karasek indicated Lower Mount Bethel Township was agreeable to adopt the ordinance and wanted the ordinance adopted before letting us use their fields.

Public Comment by Janet Pearson – asked if the township will be doing an e-cycling event this year. Manager Fisher said they are trying to organize something through the COG.

14. Executive Session – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to recess the meeting from 9:15-9:30 p.m. for Executive Session to discuss Personnel and Litigation.

Personnel – **MOTION** by Supervisor Geake, seconded by Supervisor Due to appoint Lindsey Manzi as temporary Road Foreman and post the position of temporary Assistant Road Foreman to allow those with seniority to apply for the position and a decision can be made at the Board of Supervisors May 8th meeting. In the event Bill Godshalk returns to work, then current positions revert back. Vote: 5-0. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to approve the following positions: Tom Abbott from Seasonal to Part-time, not to exceed 25 hours a week, Sam Bacon from Seasonal to Part-time, not to exceed 25 hours a week, Chris Lubera, Part-time to seasonal for lawn maintenance and Keith Labar as seasonal, not to exceed 25 hours per week. Vote: 5-0.

b. Litigation – Solicitor Karasek reported the Niemoczynski lawsuit settled for the amount of \$15,000.00.

13. Adjourn – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Special Public Meeting at 9:50 p.m. No comments. Vote: 5-0.

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

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