

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES  
MONDAY, AUGUST 14, 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 and Township Engineer Justin Coyle. The Pledge of Allegiance was recited.
2. APPROVE AGENDA - **MOTION** by Supervisor De Franco, seconded by Supervisor Due to approve the agenda. Vote: 5-0.

- 110208 AGENDA – PART II (Public Announcements) Chairman Bermingham announce the following:
1. Movie in the Park – August 26, 2017. Gates open at 5:30 p.m. and movie will be shown at 8:00 p.m. Entertainment by DJ Smith, free games and food vendors for purchase.
  2. 1<sup>st</sup> Annual Craft Show at the Park – September 9, 2017 from 8:00 a.m. – 4:00 p.m.

AGENDA – PART III (Public Comment) – Charlie Kull asked about updates at the Community Park and if things are moving forward. Manager Fisher said they received a violation from NC Conservation district for storm water problems. The pavilion is ordered, but cannot be put in until the violations are fixed. Public Comment by Keith Fox - 130 Island Road - discussed problems with his neighbor Lance at 100 Island Road. Lances were granted approval by the ZHB to run a business with conditions. Mr. Fox referred to the transcript from the zoning hearing board, they are not complying. They park in the road in front of people's property and one of the conditions is that they cannot have equipment there with only 1 work truck per month. He is not complying with that condition. Mr. Fox said he has talked to Ryan Engler our zoning officer and Mr. Engler hasn't done anything. Manager Fisher said he is aware of the situation and will ask him to send an enforcement notice. Mr. Fox also mentioned R&E construction on his street and that they are parking three company trucks on the street. Supervisor De Franco addressed Mr. Fox's behavior when calling the office and being disrespectful and rude to the secretary and accusing her of not putting information in her minutes is unacceptable. Mr. Fox said he apologized to the secretary he didn't know what he was asking for, he thought it was the Supervisors' meeting. Public Comment by Pete Risen –mentioned a truck dumping off flour into the field.

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

1. Dean Carnes – Well Isolation Agreement Request on Two Properties – 1091 Fox Gap Road and 234 Mt. Bethel Highway. Mr. Carnes was present and submitted a sketch to the Board. The well and absorption areas are concealed underground and the septic holding tank is 38 feet from the presumed location of the well and the presumed location of the absorption area is 51 feet from the well as measured with a tape measure. Supervisor Geake said he doesn't see any issues granting the request. Scott Policelli, SEO said he no problem with the Board granting the request. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to grant the request, there is no issue with the isolation distances. Vote: 5-0. Mr. Carnes said he needs a letter by tomorrow. **MOTION** amended by Supervisor Geake, seconded by Supervisor Hallett that the request be granted and have our Solicitor prepare a letter on behalf of the Township. 234 Mt. Bethel Highway – this property shares a well with Impeccable Auto, whose owner is Rich Ott. Same issues are present as far as distance; both septic and well are on the property. Solicitor Karasek would like to see the deed / maintenance agreement including maps with distances and locations. Mr. Carnes said he can get information from Bruce Fox. Table to the BOS 9/11/17 agenda.

68 AGENDA – PART V (Reports) 1. Financial Reports – Bill List – Manager Fisher read the bill list and noted the bill to URDC is being held and added a bill for \$835.00 to J. Swanson Electric for the Park.

1. Financial Reports – Bill List – Manager Fisher read the bill list and noted the bill to URDC is being held and added a bill for \$835.00 to J. Swanson Electric for the Park. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to pay the bills in the amount of \$229,090.93. Vote: 5- 0.

2. Monthly reports (attached)

a. Engineer Report (attached) – Justin said Shady Lane Bridge 5 construction is due to start in September. Supervisor Geake asked that road warning signs go up asap. Justin indicated he issued bid rejection letters for Bridge 6 and is processing the DEP MS4 Storm water waiver request, it is ready to go and due on 9/16/17. Justin mentioned the Penn DOT speed awareness devices and obtaining semi-permanent signs. Then we are able to move to move the signs to other locations in the Township and assess where people are speeding. Justin sad he is working with Lin Manzi on the Roadway Maintenance program.

b. Solicitors Report (not attached) Solicitor Karasek noted he submitted his report late. Solicitor Karasek noted he met with the Township Manager to review the garbage bids.

c. Managers Report (attached) – Rick said he met with our appraiser and they reviewed the properties and proposed subdivision for the Eastern Property. The appraiser asked about the Ziegafuse property, however Rick mentioned he can't find any purchase of the property whether or not it has been placed in the conservation easement. Supervisor Geake would like to see it listed separately. Rick mentioned the line painting is complete and we received two complaints of damage from the paint, one complaint is resolved and the second one is being turned over to the line painters. Public Comment by Jimmy Potter –we should line paint all of our roads. Rick said that would cost a lot of money and some roads are too narrow. Rick mentioned North Bangor Fire Department has reached their \$50,000.00 yearly limit on expenses and they may not be able to make the down payment for the fire truck. Rick would like direction on the budget and will discuss that at the BOS meeting

AGENDA – PART VI (Minutes)

1. Regular Monthly Meeting - Monday, July 10, 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, July 24, 2017 @ 7:00 p.m. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett to approve the minutes with correction to date, should be 2017. Vote: 5-0.

AGENDA – PART VII (Action Agenda)

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

2. Municipal Waste and Recycling Bids – Solicitor Karasek indicated he met with the Township Manager and they reviewed the bid specs. County Waste was incomplete and rejected by the BOS on 7/24/17. Solid Waste Services Inc. dba J. P. Mascaro was the highest bid and their bids specs were not in the proper format. Advanced Disposal raised insurance questions, but that has been addressed and is satisfactory. Solicitor Karasek indicated Advanced Disposal Services and Waste Management's bids specs are in order. Public Comment by Dean Carnes – noted the township has had Waste Management forever and asked if Advanced is reputable and is their service good? Joey Scott, representative from Advanced Disposal was present and noted they are a 1.4 billion dollar operation, the 4th largest garbage company in the Country primarily on the East Coast and have a strong financial backing. Tom Stang was present from Waste Management and said they have been a strong company for the Township and even with their reduced rate of 5 ½ % in their bid, they couldn't do it for Advanced Disposal's price and understood it would be a cost reduction to the residents. Supervisor Geake asked if the contract with Advance Disposal would include the possibility of an extension on a yearly basis at the same rate. Manager Fisher said it wasn't bid that way. Supervisor De Franco asked about the location of the transfer station. Mr. Scott said it's in the Lehigh Valley and mentioned they will have Mon/Wed pickup and a Supervisor on site. The driver will also stop by the Township office with the Supervisor on pick-up day to see if there are any issues. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to approved Advance Disposal Service.

**MOTION** amended by Supervisor De Franco, seconded amended by Supervisor Hallett to approve the contract for a 5 year term. Vote: 5-0. Advanced disposal will send all maps and calendars out to the customers.

Manager Fisher discussed with the Board the three options of savings to the residents for the garbage bill and recommended option #1 a \$45.00 reduction making the regular rate \$225.00 per regular unit and \$180.00 senior rate per unit. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett to approve option #1. Vote:5-0.

3. Truck Repair Estimate \$11,134.18. Manager Fisher submitted to the Board an accounting of Equipment Repairs of tools & machinery from 2012 – 2017 totaling \$130,463.70. Supervisor Geake mentioned looking at the trucks trade value vs cost value and whether we should have traded in five years ago. Supervisor Hallett noted even if its \$5,000 per year per truck it is still way below the costs of buying a new truck. Manager Fisher included the cost estimate for #19 truck – Bill Godshalk's which \$11,134.18 to repair. Manager Fisher said he is not sure this is a total cost to fix this truck, however there is no urgency to fix it since we don't have a driver for this truck. Supervisor Geake asked Manager Fisher to get a complete estimate for the truck in complete working order. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to table to the BOS 9/11/17 meeting.

4. Friends of Lake Minsi (FOML) Support Letter – **MOTION** by Supervisor Geake, seconded by Supervisor Due to send a letter of support of the Minsi Habitat Improvement Project Grant Application. Vote: 5-0. Public Comment by Judy Henckel – asked Manager Fisher to attend the Friends of Minsi Lake meeting.

5. North Bangor Fire Truck Agreement – Solicitor Karasek said the township needs to decide if they want to own the fire truck or have North Bangor own it. Chairman Bermingham said if we end up owning it we can always have North Bangor do a hold harmless indemnification agreement. Chief Finan said it's not as good of a financing deal if the Township doesn't purchase and would prefer the Fire Department and the Township both be on the title. Public Comment by Bob Teel – the Township can lease to North Bangor for \$1.00 and anything can be written into the agreement to minimize exposure to the Township. Solicitor Karasek said he recommend two owners. Public Comment by Jimmy Potter – if the Township goes through the co-star program there should be a 10% discount. Supervisor De Franco suggested the Township buy the truck and we lease to the Fire Department. Solicitor Karasek asked for a consensus from the Board how we will be moving forward. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett that Solicitor Karasek move forward with the agreement for purchase of North Bangor Fire truck and that the township own the truck and either lease to the Fire Department; details to be worked out. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that Manager Fisher advertise on Penn bids and check with co-stars to move forward with purchase of the truck and the agreement. This will be put on the BOS 9/11/17 meeting under old business for a follow up. There was discussion about the Fire Company Fire Tax. **MOTION** by Supervisor Geake, seconded by Chairman Bermingham that the ½ mill. we currently give to the Fire Department ( approx.. \$50,000.00 each) to be rolled over into an EMT tax and put into a separate account effective January 1, 2018. Public Comment by Bob Schneider – we should get an accounting of the Fire Department non-operating expenses. Solicitor Karasek referred to the PA code and noted the tax needs to be named differently, we could go up to 3 million for purchase and maintenance of fire apparatice. **MOTION** and second withdrawn. **MOTION** by Supervisor Geake that we call it a Fire Department Fund to cover all fire companies for a total tax of 1 ½ mil total seconded by Chairman Bermingham and that the ½ mil we currently give them from our general fund be included in that Fire Department fund. Vote: 5-0. Solicitor Karasek said he will prepare an ordinance establishing 1½ mil for the Fire Department Fund. Public Comment by Chris Finan –said maybe some of that money could be used for a stipend / bonus for the firefighters. Table to the BOS 9/11/17 meeting to allow our Solicitor to prepare the ordinance.

#### AGENDA – PART IX (Old Business)

1. Eastern Industries Hunting – Supervisor Geake said the guy is not here to speak about the hunting. **MOTION** by Supervisor De Franco, seconded by Supervisor Due to table to the BOS meeting on 9/11/17.

110208

2. PA Fish & Boat Commission Road Bonding – Manager Fisher gave the BOS a memo regarding the Road bonding that indicates according to Penn DOT regulations, unless the road is a posted road with weight limits, we do not have the authority to bond the roads for the Lake Minsi Project. If the roads were posted, we could not exceed the Penn DOT maximum of \$12,500.00 per mile. They will not know which roads the contractor will use and cannot order the contractor to avoid certain roads, unless those roads are posted as the project will mainly involve cement trucks and tri-axes delivering stone. Supervisor Geake said let them start the project and run whatever roads they want. We should monitor and if the roads are damaged well go after them legally. In that case Manage Fisher will contact Solicitor Karasek.

3. EMS – status – Chairman Bermingham indicated they met with Regional EMS last Friday and discussed some options we can consider. Regional EMS said they would provide basic life support 24 hr /7 days per week. If paramedics are needed, we can still call Suburban. Chairman Bermingham said if we go with Regional EMS we can do this by November 1<sup>st</sup> and house them in the Mt. Bethel Firehouse. Or go with Suburban with ALS / BLS, we have a lot of different options. Also Brian Cole, LV Hospital Pocono, Danielle Jordan, West End Community Ambulance and Dawn Stout are all interested in bidding. Supervisor Geake suggested we draw up RFP including ALS & BLS have those different options, so everyone is bidding on the same thing. Chairman Bermingham said they are setting up a meeting with himself, Gary Hoffman, Rick Fisher, Jimmy Potter and Chris Finan to meet with St. Lukes. Manager Fisher will also ask Lance Prator to come to the meeting.

#### AGENDA – PART X (New Business)

1. Park Committee accept resignation Dennis Jones & Bill Godshalk / new committee members – **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to accept the resignation of Dennis Jones and Bill Godshalk Community Park Committee. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to appoint Virgil Kasieber alternate committee member as full committee member. Vote: 5-0.

2. LERTA Tax Program – Supervisor Geake said we had this program in the past, it's not a bad program. We had it set up before on new buildings and one of the conditions was that the existing company hire a certain amount of people. **MOTION** by Supervisor De Franco, to move forward in implementing the LERTA tax program. Solicitor Karasek said you can only target blighted / deteriorated areas and hearings would need to be set up to determine where those areas are in the Township. Motion withdrawn. Supervisor Geake said we can set up our own program in those areas and do a revitalization program. This will be on the 8/28/17 BOS meeting for further discussion and Manager Fisher will ask Mark Hartney from Northampton County to attend. Chris Finan reported there is a tractor trailer going down through Middle village and is taking wires down. Jimmy Potter thinks the sign at Portland Industrial Park needs to be bigger. Manager Fisher said he will get a sign posted there saying "no trucks".

AGENDA – PART XI (Executive Session) The Board recessed for Executive Session at 9:35 p.m. to discuss Personnel & Legal. Reconvened at 9:56 p.m. Chairman Bermingham said no action is needed on Personnel regarding Road Foreman and Assistant Foreman – that will go to the union and regarding Part-time clerk that will be discussed at the union contract negotiations. Regarding Legal – no action taken on the two pending lawsuits against the Township and URDC Engineering will be discussed at the BOS meeting on 8/28/17.

AGENDA – PART XII (Adjournment) **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to adjourn the Public Meeting 10:15 p.m. p.m. Vote: 5-0.

Respectfully submitted, Melissa Mastrogiovanni Recording Secretary  
Upper Mount Bethel Township