

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS  
PUBLIC MEETING MINUES MONDAY, AUGUST 28, 2017 AT 7:00 P.M.

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 arrived at 7:10 p.m. and Solicitor Ronold Karasek. The Pledge of Allegiance was recited.

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

3. Public Comment – None. Chairman Bermingham stated the movie night at the park on Saturday was a great success and thanked Lam Tech & Custom Laminating for funding the event. He also thanked Supervisors, Marty Pinder, staff, Virgil Kasieber for donating the water and anyone else who helped. Chairman Bermingham said we used about ½ of the donated money for the movie and Lamtech said to keep it for the next movie night and will commit to donating next year.

4. MUNI-LOGIC - Presentation was made to the Board by Matt Garber and Joel Ardman. The software is a web based solution for managing documents and GIS mapping for governmental and local governments to increase efficiency and communication. They explained the different custom modules that can be implemented into the software and chosen according to need. Chairman Bermingham asked about signs and locating on the map and also asked about reports and tracking paved roads already paved and due to be paved. Mr. Garber showed the Board some reports and mapping, he doesn't have that set up, but could set up to facilitate those options. Public Comment by Sheldon Richards – asked about the cost and any additional costs. Mr. Garber explained the basic package costs about \$5,000.00 per year plus additional costs per module, however there are no additional costs for maintenance, updating or additional customer service calls. Manager Fisher noted the cost would be about \$10,000.00 per year. Supervisor Geake mentioned they looked into this about 20+ years ago, that Board at the time said they didn't need it. We needed a system then and need one now. Manager Fisher said we have permit manager, but it's old and would like to get an updated system and can look into some other software in comparison to this one. Supervisor Geake recommended putting \$15,000.00 in the budget.

5. LERTA – Presentation was made to the Board by Mark Hartney, Northampton County DCED. Mr. Hartney explained LERTA allows local taxing authorities to provide a tax exemption on improvements made to certain deteriorated industrial, commercial and other business property. This is on a new assessment. Mr. Hartney gave an example of an assessment schedule: Year 0 – Construction year; 100% land tax during building, Year 1 – Post build; 100% land tax, no new assessment, Year 2 - 100% land tax, 10% new assessment, thereafter subsequent years 10% each year until Year 11 - 100% land tax, 100% new assessment. Mr. Hartney state deteriorated are definitions may include unsafe, unsanitary and overcrowded buildings; vacant overgrown and unsightly lots of ground; a disproportionate number of tax delinquent properties; excessive land coverage; defective design or arrangement of buildings, street or lot layouts and economically and socially undesirable land uses. Mr. Hartney referred to a South Bethlehem case study. Supervisor Geake noted we don't collect the same taxes as them, only Township taxes and EIT. Supervisor Geake said when we had our own LERTA program about 20 years ago, the focus was to increase job programs and asked if this program is tied to jobs. Mr. Harney said "it's not". Jeff Manzi indicated it was in 1983 when we had the program, it was a 1 star program with job creation.

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Mr. Hartney concluded LERTA is a fiscally responsible tool to re-develop underutilized properties and expand a community's industrial tax base.

The County does not get involved in picking areas, only the township and school district. Supervisor Geake asked about timeframe for getting this up and running. Mr. Hartney mentioned Air Liquide is interested in moving their headquarters to the new Formica building, this could make the difference in them doing that. Manager Fisher noted Gen-on has declared bankruptcy. Public Comment by Scott Cole. The EDC strongly agrees to move forward with the LERTA program, right now we have nothing to offer any businesses to come in. Supervisor Geake agreed looks like an excellent program. Public Comment by Davie Friedman – it's better to have this program available at your disposal, than not at all. Scott Cole said the EDC would be willing to work with the BOS to determine areas. Solicitor Karasek referred to the statute and indicated there needs to be hearings to determine deteriorated or blighted areas and need to hire community development specialists to present their expertise in those areas. **MOTION** by Supervisor De Franco, seconded by Supervisor Due that the EDC have a special meeting to help in determining those areas and give their opinion to the BOS. IN the meantime our Solicitor will compile his preliminary details on the law and provide a list the BOS needs to follow in advance of the BOS meeting 9/11/17. Public Comment by Judy Henckel – concerned with designating areas as “blighted, deteriorating areas” the residents might not like that. Vote: 5-0. Put on the BOS 9/11/17 agenda for an update.

6. Cut - off date for bills – Manager Fisher indicated he needs more time to review the bills, he does not have enough time when the final bill list is not presented to him until Monday meeting day at 3:30 p.m. He also mentioned it's difficult to have his Manager report ready and accurate when he is still reviewing bills right up to the meeting night. He would like to have final bills submitted by the 1<sup>st</sup> of the month or Monday before the meeting with the exception of reoccurring bills such as electric, phone, etc. Manager Fisher said the 4th meeting of the month is a voting meeting until the end of the year, an interim bill list can be done. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that bills be submitted by the 1<sup>st</sup> Monday of the month a week in advance of the regular meeting, at then the bill list be finalized; allowing the township manager time to include accurate information in his report. Vote: 5-0.

7. Bush septic issues – Manager Fisher said there has been ongoing septic issues at the Bush property. Manger Fisher said himself, Scott Policelli, SEO Justin Coyle, Township Engineer, Ryan Engler, Zoning Officer and Supervisor Hallett have all been there. The Bush's have been told to pump their tank and get a new system to replace the malfunctioning one. Scot Policelli indicated he has prepared the plans for the new system and Bob Collura needs to step in as Alternate SEO. Manager Fisher noted Mr. Bush since has passed away and stated they can't fix it. Scott said he has tried to contact them, but their number has been disconnected. Scott also spoke to Rich Moyer who was hired to put in the new system and apparently Rich was willing to put in the new system and wait on the payment. Supervisor Hallett said this is a serious situation, there is raw sewage in the neighbor's yard and has been going on way to long, he doesn't see any reason why they can't pay for it. Manager Fisher said the Board needs to do something, they were threatened with a fine, but nothing has been done. **MOTION** by Supervisor Hallett, second by Supervisor De Franc that our Alternate SEO Robert Collura site the Bush's and take them to the Magistrates office. Supervisor Due mentioned setting a precedent. Supervisor Geake said we won't set a precedent, every situation is different. Vote: 5-0.

8. Truck repair - #19. Manager Fisher indicated there are additional repairs needed on the truck in addition to the estimate for \$11,134.18. They are hydraulic leaks -\$20, sprocket \$450.00 rim and tires \$1,000.00-\$1,400.00. Total amount of repair estimates will be \$13,000.00-\$14,000.00. Supervisor Geake recommended getting an appraisal of the value of the truck. Supervisor Hallett said check with Allentown Brake and wheel, Solomon and a place in NJ that he uses. Table to the 9/11/17 BOS meeting.

9. Recording of Township Meetings – Supervisor De Franco suggested all committee meetings be recording and would like to see them submit their minutes up to date. Supervisor Geake agreed. There was discussion when those recordings should be disposed of, Solicitor Karasek suggested that be done after minutes are approved. **MOTION** by Supervisor Geake, seconded by Supervisor Hallett that all committees record their meetings and they submit their minutes to the BOS as soon as approved. Vote: 5-0.

10. Open Space Advisory Board – Manager Fisher said he attended the OSAB meeting on 8/15/17. AT that meeting he gave them their budget information and the secretary, Kathleen Barnes stated” we can continue with the budget after Manager Fisher leaves the meeting”. Manager Fisher said he went in office because he was asked to leave. Manager Fisher said he reported this to his Office Liaison, Anthony De Franco. Supervisor De Franco said it is a public meeting anyone can attend and asked Solicitor Karasek if this is a violation of the sunshine law. Solicitor Karasek said “yes”. Manager Fisher also mentioned he is required to attend all meetings according to his job description. Supervisor De Franco said if we don’t take action we are liable. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett that anyone on the OSAB be off that board. Supervisor De Franco also mentioned there has been private meetings held at an individual’s house, they are too secretive and any discussion about real estate, the BOS should be advised. Manager Fisher spoke about Ms. Barnes getting up early and she wants to speed up the meeting. Supervisor Geake mentioned they probably are not even aware they violated the sunshine law. Supervisor Hallett said they can’t have secret meeting. Chairman Bermingham said it seems like Supervisor De Franco and Hallett were quick to vote and did they discuss this ahead of time, he needs time to think about it. Manager Fisher said he did not ask that any action be taken. Public Comment by David Friedman – the Board should re-think it, they are volunteers and this would leave a bad taste by doing this. **MOTION** rescinded by Supervisor De Franco, second rescinded by Supervisor Hallett. **MOTION** by Supervisor De Franco, seconded by Supervisor Hallett that Judy Henckel, Chairman and Kathleen Barnes, Secretary of the OSAB be off the committee. Public Comment by Judy Henckel – this has been over aggregated, they have sent there minutes, they might have missed a few months and do see other committee meeting minutes posted. Judy mentioned real estate can be private discussion until contract is signed. Supervisor Hallett mentioned the Board doesn’t know anything about real estate proposals until it’s before the Board to approve it, nothing before that. Public Comment by Elise Transue – if the manager was upset or offended, he showed no indication or infraction of that. No further comments. Vote: 4-1 with Supervisor Geake voting “no”.

11. Municipal Investments – No action. Take off the agenda.

12. Fire Department List of approved expenditures – Manager Fisher discussed the list presented at the April 10, 2017 meeting. The list was not formally approved and there were questions on the list like acceptable uses: necessary repairs to vehicles – or just fire trucks? Items which require fire company independent funding such as fundraisers: new vehicles – or just fire trucks? Rick mentioned debt service doing separately, or take it out. Rick suggested tightening up the list and formally approving. Supervisor Geake said the Board needs to consider the fire truck tax, then propose a new list to approve. This list was based upon a \$50,000.00 fire tax. Chairman Bermingham would like to meet with chief and asst. chief to go over the list and then put on the Board of Supervisor 9/25 / 17 meeting.

13. EMS status – The Representative from Suburban was present and mentioned the article in the Express Times not being clear facts misconstrued. The response times were quoted incorrectly in the article and there are limited uses for lights and sirens. Suburban is frustrated with UMBT and will not bring any other negotiations back to his operational team. Chairman Bermingham apologized about the article, but the residents of UMBT should not be punished over a misquoted newspaper article and asked the representative of Suburban to meet on Friday to discuss further negotiations.

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14. Multi-family Housing - Recommendation from Planning Commission – Solicitor Karasek indicated it is currently in our ordinance R-1, VCR-1, C-1 & C-2. This went before the Planning Commission on August 17<sup>th</sup> and they made a recommendation for Multi-family housing be put in the C-1, C-2 and VCR-1 zone and eliminate R-1 in our current Zoning Ordinance. Solicitor Karasek indicated he has not sent to the LVPC until the Board makes a decision. Supervisor De Franco asked about R-2. Solicitor Karasek said we would have to create a new zone if they wanted R-2. Public Comment by David Friedman – we haven't finished updating the zoning ordinance. Manager Fisher noted there aren't too many options with no sufficient infrastructure. Supervisor De Franco noted it would make more sense to put in R-1. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco to keep it the way we currently have it and not accept the Planning Commission recommendation to take R-1 out, leave it in and send to LVPC. Vote: 5-0. Supervisor Geake said he would like to see what the LVPC says. **MOTION** amended by Supervisor De Franco, second amended by Supervisor Geake to include permitted uses; not conditional uses, rest of the motion stay the same. Vote: 5-0.

15. Eastern Industries – a. Hunting: Walt Metzger was not present, but called and asked if the Board voted on the matter. There was discussion about the amount of acreage. Public Comment by Elise Transue – she lives right there on Audubon she is concern about monitoring of hunting if they allow it. **MOTION** by Supervisor Hallett, seconded by Supervisor Due to leave it the same “no hunting” on the Eastern Industries Property. Vote: 4-1 with Supervisor Geake voting “no”. b. Appraisal – Manager Fisher mentioned the appraisal and if the Ziegafuse property should be included in the appraisal, it is not in the conservation easement, but was supposed to be. The appraiser would like to know how we want that parcel appraised. Supervisor Geake would like to see it included but also a separate estimate for that property. **MOTION** by Supervisor Geake, seconded by Supervisor De Franco that the Ziegafuse property be included in the appraisal, but as an add-on. Public Comment by Judy Henckel – the 1<sup>st</sup> amendment to the Park & Open Space plan did comparables of other properties to compare it to and was too expensive at the time. Vote: 5-0.

16. Executive Session – Legal. Solicitor Karasek said he's not prepared to discuss an email he received from the Insurance Adjustor. Solicitor Karasek said he will send the Board of Supervisor the email. Supervisor Geake said he would like to be included on the claim by Fred Farleigh. Solicitor Karasek said “yes” he should be. Table to the BOS 9/11/17 meeting.

17. Adjournment - **MOTION** by Supervisor Geake, seconded by Supervisor De Franco, by Supervisor Due to adjourn the Work Session Meeting at 8:45 p.m. No comments. Vote: 5-0.

Respectfully Submitted, Melissa Mastrogiovanni, Recording Secretary

Upper Mount Bethel Township