

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS PUBLIC MEETING MINUTES  
MONDAY, JANUARY 22, 2018 @ 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 De Franco, Supervisor Due, Supervisor Teel, Supervisor Pinter, Township Manager Rick Fisher & Solicitor Ron Karasek. The Pledge of Allegiance was recited.
2. APPROVE AGENDA - **MOTION** by Supervisor Due, seconded by Supervisor Pinter approving the agenda. No comments. Vote: 5-0.
3. Public Comment – None. Chairman Bermingham congratulated the Philadelphia Eagles on their win.

AGENDA – PART II (Presentations)

1. Communications Presentation - Lee MacDonald gave a presentation regarding boosting township communications to allow transparency. Ideas he discussed were 1). A monthly opt – in email newsletter. Set up with the opt-in form can be done on the municipal website and Mr. MacDonald recommended using Constant Contact or Mail Chimp. Approximate cost would be \$40.00 per month and would offer to assist with setting up; 2). Live stream video of public session of the Supervisors’ meeting and others. Mr. MacDonald explained to the Township about upgrading internet service to at least 4mps. You could use Mimolive or the equivalent to stream to Facebook, You Tube and Twitter. Cost would be about \$200.00 for a decent webcam, USB extensions and audio cables plus a simple mixer and a reasonably updated computer to upload the stream, 3). Participate in video recorded Q &A sessions that can be edited and posted to Facebook to allow discussion about Township goals, budget expectations, tax impacts and other major issues facing the Township. Mr. MacDonald said he can help with setting up these communications if the Township needs assistance. Manager Fisher said our server is old, it’s Windows 98 and has serious issues. He is looking at a new server and backup, new phones and two notebooks for the office; total cost of about \$13,000.00. Manager Fisher said he has been working on Cordoba forms for bus trips & recreation programs with software that will work with the website. Public Comment by Ron Angle – streaming meetings is not necessary, the County Chambers did that and had no viewers, if someone wants to see the meeting, they will come. Chairman Bermingham suggested we reach out and see if there’s any interest for it. Chairman Bermingham thanked Mr. MacDonald for the presentation.
2. Ambulance Service – data. Chairman Bermingham indicated Wind Gap asked it be tabled to the 2/12/18 BOS meeting. There was discussion about the status of the Ambulance coverage. Chairman Bermingham indicated he and Supervisor Teel met today with Suburban and they are willing to provide 24/7 BLS service for \$240,000.00 and 24/7 ALS service for \$280,000.00. They are going to get some prices for Part-time ambulance service within the Township. There was also discussion about all firefighters being trained as EMTs. Supervisor Teel said they are exploring all avenues and doing the best we can to get adequate coverage for the least amount of money. We have a responsibility to our residents and want to offer the best service possible. There was discussion about education and training of the Fire Department. Chairman Bermingham noted its \$950.00 for the course at NCC. Supervisor Teel said some fire fighters are already EMTs. Public Comment by Ron Angle – 911 knows the closest

available service anyway and even if the Township pays, they still charge the individual's insurance company. **MOTION** by Supervisor Teel, seconded by Supervisor Due to table the Ambulance Service to the BOS 2/12/18 meeting. Public Comment by Ron Angle – doesn't understand what they are trying to accomplish and mentioned the State Police are hardly here. Vote: 5-0.

3. Friend of Minsi Lake – John Mauser gave a power point presentation of Lake Minsi. The power point covered information about the lake; it is 311 acres, the dam is 47 years old and the lake was drained in May, 2017 for repair of the dam. The PA Fish & Boar Commission is anticipating costs of the project to be around

4 million dollars and be completed by 2019. The Friends of Minsi Lake are a working group and is going to try and raise 3.4 million dollars. The lake has a small watershed but not a lot of sediment and the infrastructure is in need of materials, cost will be \$94,369.00. Public Comment by Ron Angle – the original lake is for fishing. Mr. Angle talked about the county putting 10 million dollars into an aquarium. Supervisor Due said there was a new broadcast on 69 news about the aquarium and reached out to Scott Parsons at the County. Public Comment by Mr. Ott – a trail would be nice and completely around the entire lake and said this is a once in a lifetime opportunity to do something. Mr. Mauser said they draw down the lake every four years 4-5 feet. Mr. Mauser completed his presentation and thanked the Board for allowing him to come.

#### AGENDA – PART III – Action Agenda

1. Resolution (amended) #2018-04 - Eastern Industries Property. Chairman Bermingham read Resolution #2018-04 amending the earlier Resolution #2017-26 placing a restrictive covenant on real estate owned by Upper Mount Bethel Township addressed as 113 Million Dollar Highway aka the DBS Foundation Holdings or the "Eastern Industries Property". This amended resolution so as to include that there shall be no land application for sludge, waste products or similar materials of any type to the property that is being restricted. **MOTION** by Supervisor Due, seconded by Supervisor Teel adopting Resolution #2018-04. Public Comment by Ron Angle –questioned if it is legal to pay off this debt. Solicitor Karasek explained if no one challenges it, it's not a problem. Solicitor Karasek did recommend they use a 3<sup>rd</sup> party agency, however this mirrors the restrictions for the Ziegufuse property. In 2007, the ordinance established ¼ percent to be collected for Open Space and we don't know if it will be challenged, but we did everything properly. Public Comment by Ron Angle – he is happy to see the debt paid off, but what about asking the court if it would be challenged. Solicitor Karasek said they won't give an advisory option, it would have to be a declaratory judgment. Public Comment by Larry Ott – is happy that Eastern Industries is not being built on but rather preserved. Vote: 5-0.

2. Eastern Industries Loan payoff to Merchant Bank - \$926,103.23. Solicitor Karasek asked this be put on because an official motion was not made to pay off the loan and in fact the loan was already paid off on 12/28/17 and never appeared on any bill list and would ask that be shown as well. **MOTION** by Supervisor Teel, seconded by Supervisor Pinter to pay off the Eastern Industries loan in the amount of \$926,103.23 to Merchants Bank out of the EIT fund and place payment on the next bill list. Public Comment by Judy Henckel – hopes this was done ethically and properly. No further comments. Vote: 5-0.

3. Advanced Disposal garbage contract. Solicitor Karasek said he would have liked the contract executed before they started picking up. Manager Fisher explained his discussion of issues with Advanced Disposal

regarding the first two weeks and that the trucks were too small & not enough. There was discussion about garbage issues / missed garbage and recycling and Exhibit A – deduction for violation of the contract. Supervisor Pinter asked that we include deductions in the boiler plate of the contract. Solicitor Karasek said we could include those deductions, but only if they were in the bid specs and then we would hold them to the penalty clause. Solicitor Karasek said it looks like it was included and read “Exhibit A” as follows: Deduction for Violation of the Contract – It is understood and agreed that the Municipality has a right to deduct from the monthly payments made to the Contractor the following amounts as liquidated damages for violation of this contract, 1) Refuse not collected, per house, per occurrence \$150.00, 2) Recyclables not collected, per house, per occurrence \$150.00, 3) Complaint not attended to, per occurrence \$100.00, 4) Spilling of any refuse in conveying it from the curb to the truck and failing to immediately clean the street, per occurrence \$750.00, 5) Damage to Municipality property to be billed at time and at material rate. Supervisor Pinter said he would like to see those deductions included. Supervisor Pinter asked Rick to do a scar report & data report of garbage and recycling missed since first day of pick up and communicate with them in writing. Manager Fisher said he has a list of missed pickups since inception, plus by email and Facebook. Supervisor Pinter would like to see reports and communication with them in writing so we can have the data to support the penalties. Chairman Bermingham would like us to sign the agreement and include language with that penalty clause. Supervisor De Franco noted Advanced Disposal is the 4<sup>th</sup> largest in the country.

**MOTION** by Supervisor Pinter, seconded by Supervisor Teel that we communicate with Advanced disposal in writing & send them the agreement for execution including “Exhibit A” if that was included in the bid specs. Public Comment by Ron Angle – the law is that you don’t have to award the bid to the lowest bidder, just a qualified bidder. Public Comment by Janet Pearson – she sent a list of the property owners, not just a mailing list, but a property location list is needed. Vote: 4-0-1, Supervisor De Franco abstained.

4. Membership with Slate Belt COG - Manager Fisher said this was put on hold and we are holding the membership fee. The Board asked how much the membership fee is. Manager Fisher excused himself to get the amount. The Board discussed membership with the Slate Belt COG. Manager Fisher returned and said it is \$110.00 yet we haven’t received any bill yet for the dog catcher. Supervisor Due said we are the biggest contributor to the animal control officer along with Plainfield. The dog catcher comes to UMBT frequently. Supervisor Due indicated the animal control officer, Christine Mammi is in the process of building a kennel on South Main Street in Bangor. **MOTION** by Supervisor Pinter, second by Supervisor De Franco to pay the Slate Belt COG membership fees in the amount of \$110.00 and ask them to provide us with a data report from the animal control officer. Vote: 5-0.

a. Appoint member representative to the Slate Belt COG – Supervisor Due said he would like to see us stay with the COG, this allows good communication and unification. Everyone in the Slate Belt is in the COG. Roseto opted out of the dog catcher program, but they have a lot of dogs that were picked up and are going to be charged per dog. The Board asked how much we pay for the dog catcher. Supervisor Due said about \$3,300.00 / .50 cents per capital. We also have a leaf vac program, we store the machines Chairman Bermingham would like to see us stay with the Slate Belt COG, it is worth the money to be involved.

**MOTION** by Supervisor De Franco, seconded by Supervisor Teel appointing David Due as member representative to the Slate belt COG. Vote: 4-0-1, Supervisor Due abstained. b. Appoint alternate member representative to the Slate belt COG - **MOTION** by Supervisor Teel, seconded by Supervisor Due appointing Anthony De Franco as alternate member representative to the Slate belt COG. Vote: 4-0-1, Supervisor De Franco abstained.

#### AGENDA – PART IV – New Business

1. Stoplights at Route 611 & Route 512, Railroad & 611 - Supervisor Teel asked this be put on the agenda. Supervisor Teel stated this is a very dangerous situation and has spoken to Senator Mario Scavello about this. Supervisor Teel would like to see the state put a stoplight at both locations. Public Comment by Ron Angle – agrees there is a parking issue in front of TK's and site distance is a problem. You would have to get a traffic study through Penn Dot, then we would have to pay for it and maintain it. Supervisor Teel mentioned a study was done in past when the car wash went up. Manager Fisher talked about the parking spots and said TK's are going to be moving the two handicapped spaces. Supervisor Teel asked the Board's permission to move forward with Mario Scavello and the state. **MOTION** by Supervisor DeFranco, second by Supervisor Pinter to allow Robert Teel to work with Senator Scavello and reach out to Penn DOT to get stoplights at those locations. Vote: 5-0.

2. Sludge – organize meeting with Farmers – Supervisor Teel asked this be put on the agenda and would like to set up a meeting with the farmers in the Township. When a person spreads sludge on their property, it takes away from the value. Supervisor Teel asked permission from the Board to meet with them and have them come to a Township meeting and get ideas from them. **MOTION** by Supervisor Due, second by Supervisor Pinter to give Supervisor Teel the authority to meet with Farmer. Public Comment by Ron Angel – there is a case coming up against Synagro and the Township cannot challenge State Law. Supervisor Teel will reach out to Mr. Angle, he is a farmer to be included in the meeting. Vote: 5-0.

3. PSATS 29<sup>TH</sup> Annual Leadership Award Nomination – Chairman Bermingham asked if the Board wanted to make a nomination. There was none.

4. PSATS Road & Safety Improvement Award Program Nomination - Supervisor Pinter commented on the outstanding job Lin Manzi did on the Dirt & Gravel Road project and would like to nominate him.

Supervisor Pinter said he does that for a living, that's his expertise - heavy equipment & Lin did an exceptional job. **MOTION** by Supervisor De Franco, second by Supervisor Pinter to nominate Lindsey Manzi for the PSATS Road & Safety Improvement Program. Public Comment by Janet Pearson – Lindsey is a great person to nominate. Vote: 5-0.

5. Merging of Committees - Community Park Committee & Recreation Board – Manager Fisher indicated there has been some discussion with merging the Recreation Board and Community Park Committee. The Community Events Committee is going to be taking over the Recreation Board parties and bus trips as well. We might also want to consider merging the EAC and OSAB, that's if they want to do that. **MOTION** by Supervisor De Franco, second by Supervisor Teel to allow committees to merge if they

wish to and if they do, the request to merge will go back to the Board of Supervisors for approval. Vote: 5-0.

6. USDA Rural Development Summary of programs – Supervisor Due attended the PA farm show and provided the Board with a copy of the summary of programs. There are a lot of grants for anything that involves education, we could think about something at Eastern Industries; an educational center.

#### AGENDA – PART V (Old Business)

1. Zoning Updates - **MOTION** by Supervisor De Franco, second by Supervisor Pinter to table to the 2/26/18 BOS WS meeting. Chairman Bermingham asked about the bio solids ordinance. Solicitor Karasek said we do not have one. Solicitor Karasek discussed with the Board the bio solids ordinance and the Supreme Court decision, he was a part of that. It was a 3-3 decision and the Township cannot preempt the Supreme Court's decision, however the Township could impose conditions. Chairman Bermingham will wait for Supervisor Teel to meet with the Farmers and then put on the March Meeting agenda to discuss a bio solids ordinance.

2. Multi-family Housing – **MOTION** by Supervisor Teel, seconded by Supervisor Pinter to table to the 2/26/18 BOS WS meeting. Solicitor Karasek noted the LVPC sent a letter with their recommendation. Supervisor De Franco said they met with them also. No comments. Vote: 5-0.

Public Comment by Jeff Manzi – asked about the new contract we are pursuing with Service Electric, maybe the Township can take a look at RCN, East Bangor has them. Jeff noted there are trailers parked on Demi Road in the cul-de-sac, there is no parking permitted there and signs are posted. Jeff commented on Portland Properties and not moving forward with recording the plans. He heard because they want to use regulated fill instead of clean fill. Mr. Manzi asked about Urban Research Development and doing any more work. Manager Fisher indicated he needs to do a year end review of performance, but in the meantime they have stopped all work. After the review, he will make a recommendation to the Board. Public Comment by Judy Henckel – she indicated he is not encumbered with any committees with Upper Mt. Bethel Township. Judy asked about procedures and paying off Eastern Industries, she has no intension of suing the Township.

AGENDA – PART VI (Executive Session) a. Personnel. **MOTION** by Supervisor De Franco, second by Supervisor Teel to recess for Executive Session at 9:40 p.m. to discuss Personnel. Reconvened at 10:05 p.m. **MOTION** by Chairman Bermingham, second by Supervisor Teel to accept the agreement with J. Robert Cartwright of \$\$189.00 per month for 24 months consecutive, providing he doesn't miss any payments. Vote: 5-0. **MOTION** by Supervisor De Franco, seconded by Supervisor Pinter to hold off on the testing phase of the CDL position and give it a few months to evaluate the Road Department. It will be readdressed again in two months. No comments. Vote: 5-0.

AGENDA – PART VII (Adjournment) – **MOTION** by Supervisor Due, second by Supervisor Pinter to adjourn the public meeting at 10:10 p.m. Vote: 5-0.

Respectfully submitted - Melissa Mastrogiovanni, Recording Secretary  
Upper Mount Bethel Township