

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING AGENDA  
MONDAY, NOVEMBER 12, 2018 @ 7 PM

AGENDA – PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order @ 7:03 pm.
2. The Pledge of Allegiance was recited.
3. Roll Call-Present in addition to Chairman Bermingham Jr. were Supervisor Due, Supervisor Teel, Supervisor DeFranco, Supervisor Pinter, Township Manager Rick Fisher, Township Solicitor Ron Karasek and Township Engineer Justin Coyle.
4. Approve the Agenda-Chairman Bermingham Jr. amended the agenda order. After the PA American Water Company Conditional Use Hearing (Part IV), amend the Agenda Part V to a Discussion/Action on the Conditional Use Hearing. This will allow attendees to leave the meeting after the Supervisors' discussion on the Conditional Use Hearing if they are here for that purpose only. Therefore, each Agenda Item was moved back one number. **MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco to approve the amended agenda. Vote: 5-0.
5. Public Comment-None

Chairman Bermingham Jr. wanted to recognize all Veterans and thank them for their service.

AGENDA – PART II (Public Announcements)

1. Christmas Tree Lighting-Chairman Bermingham Jr. announced the annual Christmas Tree Lighting will be held Wednesday, November 28<sup>th</sup>, 5-6 pm at the Mt. Bethel Fire House. Refreshments will be served.
2. Santa's Gift Delivery-Chairman Bermingham Jr. announced the Santa's Gift Delivery, hosted by the Mt. Bethel and North Bangor Volunteer Fire Departments on Saturday, December 15<sup>th</sup> 4-7 pm and Sunday, December 16<sup>th</sup> 1-4 pm.
3. Chairman Bermingham Jr. announced that if the meeting has not adjourned by 9:30 pm he asks Vice Chairman DeFranco to take over the meeting. Vice Chairman DeFranco answered yes.

AGENDA – PART III (Approve Minutes)

1. Budget Monthly Meeting Minutes-**MOTION** by Supervisor Pinter, seconded by Supervisor Teel to approve the Budget Monthly Meeting Minutes from October 22, 2018. Vote: 4-0-1. Supervisor DeFranco abstained, he was not present.

2. Special Monthly Meeting Minutes-**MOTION** by Supervisor Due, seconded by Supervisor Pinter to approve the Special Monthly Meeting Minutes from October 22, 2018. Vote: 4-0-1. Supervisor DeFranco abstained, he was not present.

#### AGENDA – PART IV (Hearing)

1. PA American Water Company-Valley View Dr. – Conditional Use Hearing.

Stenographer was present to transcribe hearing. To get a copy of the transcript, contact Township Secretary Cindy Beck.

**MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter to close the Conditional Use Hearing. Vote: 5-0.

#### AGENDA – PART V (Discussion/Action on Hearing)

There was a brief discussion on the Hearing amongst the Supervisors. Supervisor Teel stated that there is no change with the Planning Commission who recommends approval.

**MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter to accept the Conditional Use Hearing. Vote: 5-0. Solicitor Karasek stated he has 45 days to write a written opinion to support the decision made.

#### AGENDA – PART VI (Subdivisions)

1. Jon Raso Minor Subdivision-Preliminary Final/Approval-**MOTION** by Supervisor Teel, seconded by Supervisor Due to approve the Preliminary Final/Approval. Vote: 5-0. Solicitor Karasek stated one of the conditions is the easement agreement on Fox Gap Rd. which has been prepared.
2. Philip Jones Minor Subdivision-Preliminary Final/Approval-**MOTION** by Supervisor Teel, seconded by Supervisor Due to approve the Preliminary Final/Approve. Vote: 5-0.

#### AGENDA – PART VII (Reports)

1. Financial Report-Bill List-Township Manager Fisher went over the bill list. **MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco to pay the bills in the amount of \$285,682.70. Vote: 5-0.
2. Monthly Reports-See Attached
  - a. Manager's Report-Manager Fisher discussed continued issues on Sandy Shore Dr. regarding zoning permits and residents. Public comment-John Graham, a resident on Sandy Shore Dr., stated that a neighboring resident, Adam Howard, has created multiple issues in the community. Chairman Bermingham Jr. asked Township Zoning Office Ryan Engler if he was aware

of the situation. Zoning Office Engler replied yes, and that the police have been called multiple times for multiple issues.

Manager Fisher discussed issues with our computer system. Manager Fisher stated we have a claim from FirstEnergy regarding a pole that was broken on National Park Dr. Manager Fisher also would like the Board's approval to purchase a Sound Meter for \$5,748.00. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Pinter to approve the purchase of the sound meter providing Dr. Everbach approves of and certifies this sound meter. Vote: 5-0. Supervisor DeFranco and Manager Fisher discussed the options of purchasing brine making equipment for the road department. **MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter to purchase the brine making equipment. Vote: 5-0.

- b. Solicitors Report- No discussion
- c. Engineer's Report- Township Engineer Coyle read his monthly report.
  - 1. Executive Summary of Act 537-Engineer Coyle and Lane Bodley, of Carroll Engineering, gave a presentation of the Act 537 Plan. Chairman Bermingham Jr. stated that the only thing left for Carroll Engineering are comments from the Supervisors. Chairman Bermingham Jr. asked that this be put on the agenda for January 14<sup>th</sup>, 2019, at the Board of Supervisors meeting.
- d. Supervisor's Report- Supervisor DeFranco gave a brief report on the road department projects. He stated they are preparing the trucks for snow and road work has been completed on National Park Dr. and Brugler Rd. Chairman Bermingham Jr. reported that he is awaiting the agreement for the ambulance service. Chairman Bermingham Jr. stated that Ron Stern from the DCED, will be coming on December 20<sup>th</sup> at 4:00 pm to discuss the police department and how we will have to move forward if that is the Board's decision. Township Manager Fisher gave a brief summary of information that was brought to his attention regarding the beneficiary of a former police officer who is deceased. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Due to approve the advertisement of the December 20, 2018 meeting with Ron Stern to discuss police contracting services. Vote: 5-0.

#### AGENDA – PART VIII (Action Agenda)

- 1. Supervisors Teel's Motion on Sludge- Resolution or Ordinance- **MOTION** by Supervisor Teel, seconded by Supervisor Pinter on the motion of the banning of sludge on any township owned property an Ordinance. Vote: 5-0.
- 2. Audit of Service Electric-Manager Fisher stated an audit was performed by Cohen Law Group and the audit discovered a total underpayment of \$16,520.58. A letter will be prepared by Cohen Law Group, with the findings, requesting that they remit a

- check for the underpayment. **MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco to authorize Cohen Law Group to prepare and send the letter. Vote: 5-0.
3. Repository Sale-Lonely Lane-**MOTION** by Supervisor Due, seconded by Supervisor Pinter to allow the sale of this property to Tyler Foreman for \$2,000. Vote: 5-0.
  4. 2017 Audit Report- Edward Behrens-**MOTION** by Supervisor Pinter, seconded by Supervisor Teel to accept the 2017 Audit Report from Edward Behrens. Vote: 5-0.
  5. 5G Wi-Fi Update-Manager Fisher discussed the Federal Order that imposes new restrictions on Municipal regulation of DAS (distributed antenna system) and small cell antennas.
  6. EDC Appointment-Stavros Barbounis-**MOTION** by Supervisor Due, seconded by Supervisor Teel to appoint Stavros Barbounis to the EDC. Vote: 5-0.
  7. Pavilion Permit-Waive Fee- **MOTION** by Supervisor Teel, seconded by Supervisor Pinter to waive the permit fee for the park pavilion. Vote: 5-0.

#### AGENDA – PART IX (Old Business)

1. River Road Accident-Asset Search-Solicitor Karasek stated no record of assets for a Dylan Coats were found, therefore, no further search for assets will be performed. **MOTION** by Supervisor Teel, seconded by Supervisor Pinter to accept the \$10,000 the maximum amount under the insurance policy. Vote: 5-0.

#### AGENDA – PART X (New Business)-None

#### AGENDA –PART XI (Public Comment)

Janet Pearson asked about the Deeds on the Eastern Properties. Solicitor Karasek stated he is waiting confirmation from Township Engineer Coyle on the tax ID numbers.

Jeff Manzi commented on the property on Decker Ferry Road, that the township should do something about it because of the condition of the property.

AGENDA – PART XII (Executive Session)-**MOTION** by Supervisor Due, seconded by Supervisor Pinter to adjourn the meeting to go into executive session at 9:28 pm. Vote: 5-0. Chairman Birmingham Jr. exited the meeting at 9:30 pm. Vice Chairman DeFranco took over the meeting. Meeting reconvened at 9:45 pm.

1. Legal-Portland Properties Update- no action.
2. Personnel-**MOTION** by Supervisor Teel, seconded by Supervisor Pinter to advertise for all available appointed positions. Vote: 5-0.  
**MOTION** by Supervisor Due, seconded by Supervisor Pinter, that Township Zoning Officer Ryan Engler step aside from any zoning or complaint issues on Sandy Shore Drive or Adam Howard and that Township BCO, Tina Serfass, will now handle all zoning and complaints.

AGENDA – PART XIII (Adjournment) - **MOTION** by Supervisor Teel, seconded by Supervisor Pinter to adjourn the meeting at 9:48pm. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary