

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, DECEMBER 10, 2018 @ 7 PM

AGENDA- PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order @ 7:00 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 (via phone conference), Township Manager Rick Fisher, and Township Solicitor Ron Karasek. Township Engineer Justin Coyle arrived at 8:35 pm.
4. Approve the Agenda-Chairman Bermingham Jr. amended the agenda. A presentation by Rich Roberts from RDR and Scott Cole, Chairman of the EDC will be added to Part IV. PA American Water Co., (Subdivision and Land Development) will be added to Part V. Executive Session, personnel matters, will be added to Part XI. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the amended agenda. Vote: 5-0.
5. Public Comment-Chris Finan, Chief of the Mt. Bethel Fire Co., gave an update to the Board of Supervisors on the 990 Forms discrepancy. He stated the discrepancy is due to Federal Grants they received and they also had to cash in savings bonds to repair the roof on the firehouse. Charles Cole commented on the importance of getting information on the Act 537 Plan out to the residents. Manager Fisher stated that once the Board has reviewed the Plan, it will then be advertised for public comment. Judith Henckel stated she agrees with Charles Cole, the residents need more information about the Act 537 Plan and what it means to the Township. Richard Wilford-Hunt stated his love of living in the Township and has concerns on the direction the Board of Supervisors are going. Richard expressed his concern of impact the Act 537 Plan will have on the Township. Bob Gerwig stated his support on Charles Cole's statement, the residents need more information on the Act 537 Plan. Chairman Bermingham Jr. stated that it is the Board of Supervisors duty to be transparent, not to hide any information and communication is important and will improve. Rich Klinge expressed his concerns that the Board of Supervisors are trying to change too much too soon, the Police Force, Act 537 and ambulance service. Rich asked why we are paying for an ambulance service to be stationed at the firehouse when they aren't even there. Chairman Bermingham Jr. stated that he has been working on a police force for two years and at this point, it is not in the budget for 2019. Chairman Bermingham Jr. stated the importance of gathering as much information before moving forward. Supervisor Teel stated the meeting on December 20, will be discussion only, no decision will be made. Supervisor Teel also stated that the payment for ambulance service has not been made. Rich also asked for an update on the backhoe. Supervisor Pinter stated the backhoe will be sent back to Foley to be repaired at no charge. Loren Rabbat stated that most business decisions are driven by data and what data do we have to make a decision on the Act 537 Plan. Chairman Bermingham Jr. suggested that Loren meet with our Township Engineer, Justin Coyle, to discuss and ask questions regarding the Act 537 plan.

AGENDA – PART II (Public Announcements)

1. President George H. W. Bush Moment of Silence-Chairman Bermingham Jr. asked for a moment of silence in remembrance of George H.W. Bush, who recently passed away at the age of 94. Chairman Bermingham Jr. stated he was a devoted public servant for most of his life. Chairman Bermingham Jr. also extended the moment of silence to the victims of Pearl Harbor.
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, will be on Saturday, December 15th, 4-7 and Sunday, December 16th, 1-4.
3. Ron Stern-DCED Police Consultation- Chairman Bermingham Jr. announced that Ron Stern will be here on Thursday, December 20th, at 4pm. The meeting will be structured so that the Supervisors will have an opportunity to ask questions about having a police department and the implications involved. Public comment will then be open.
4. Movie Night at the Firehouse-Chairman Bermingham Jr. announced that the park committee is hosting a free movie night at the Mt. Bethel Firehouse on Saturday, December 22nd. The doors open at 6pm, where Santa and his elf will be available for pictures and the movie Polar Express goes on at 7pm.

AGENDA – PART III (Approve the Minutes)

1. Monthly Budget Meeting-November 26, 2018 - **MOTION** by Supervisor Due, seconded by Supervisor Teel to approve the November 26, 2018 monthly budget meeting minutes. Vote: 5-0.
2. Monthly Special Meeting-November 26, 2018 - **MOTION** by Supervisor Due, seconded by Supervisor Teel to approve the November 26, 2018 special monthly meeting minutes. Vote: 5-0.

AGENDA – PART IV (Presentation) - Chairman Bermingham Jr. introduced Rich Roberts from RDR and Chairman of the EDC, Scott Cole. Chairman Cole discussed the proposal from RDR for developing a business/marketing plan in support of the EDC's efforts to attract tourism to Upper Mount Bethel Township. Rich Roberts gave a brief summary of his background in development and marketing plans. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to move forward with the proposal from RDR. Vote: 5-0. Public comment-Judith Henkel stated that Mr. Robert's presentation on what he wants to do is really needed. Public comment-Loren Rabbat and Bob Gerwig commented on the lack of information on the website. Manager Fisher provided a copy of the website indicating the minutes are up to date.

AGENDA – PART V (Subdivision and Land Development Plans)

1. PA American Water Company-Solicitor Karasek discussed the following SALDO waiver requests:

SALDO Sections 304 and 305 - require that a major subdivision plan be prepared as both a preliminary and final plan. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to approve waiver. Vote: 5-0.

SALDO Section 304.3.13.5 - requires that the Developer submit five (5) copies of Sewage Planning Module for Land Development when development is to be serviced by on-lot sewage systems. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to approve waiver. Vote: 5-0.

SALDO Section 400.4.5 - requires that all newly proposed lots provide for both a fully tested and approved primary and a fully tested and approved replacement absorption area for on-lot sewage disposal. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to approve waiver. Vote: 5-0.

SALDO Section 305.5.12 - requires that contour lines be shown at 2' intervals in areas of slopes of 15% or less. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to approve partial waiver. Vote: 5-0.

SALDO Section 306.4.2.4 - requires the location and extent of various soil types shall be shown. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to approve waiver. Vote: 5-0.

SALDO Section 306.4.3 - requires the location of existence and man-made features on the site and within 100' from the site be shown. **MOTION** by Supervisor Teel, seconded by Supervisor Due to approve waiver. Vote: 5-0.

SALDO Sections 400.8.1 and 400.82 - require mandatory open space dedication or fees-in-lieu. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to approve waiver. Vote: 5-0.

SALDO Section 306.4.2.1 - Natural features on the site and within 100 feet of the site and natural resources within ½ mile of the site. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to approve waiver. Vote: 5-0.

There was further discussion regarding the final conditional approval of this plan. Solicitor Karasek stated that the condition of no development unless you get township approval is not stated on the approval form. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to make this a condition on the approval form. Vote: 5-0.

AGENDA – PART VI (Reports)

1. Financial Report-Bill List-Township Manager Fisher read the bill list. **MOTION** by Supervisor Due, seconded by Supervisor Teel to pay the bills in the amount of \$169,235.15. Vote: 5-0.
2. Monthly Reports (attached)
 - a. Engineer's Report-Township Engineer Coyle read his monthly report.
 - b. Solicitor's Report-Township Solicitor Karasek read his monthly report.

- c. Manager's Report-Township Manager Fisher read his report. Manager Fisher discussed the Transportation Open Call for Plans and Projects. Manager Fisher stated this an opportunity for grant funding. **MOTION** by Supervisor Teel, seconded by Supervisor Due to approve of Manager Fisher and Engineer Coyle to move forward with the application process. Manager Fisher also discussed the Spotted Lanternfly and the importance of quarantine.
- d. Supervisor's Report
 - aa. Supervisor Pinter stated that the information has been sent to PLGIT (PA Local Government Investment Trust) and once a response is received back from them, Manager Fisher and Supervisor Pinter will report the findings back to the Board.
 - bb. Supervisor Due stated a Letter of Support will be coming from Lower Mt. Bethel Township for the Lake Minsi Trail. Supervisor Due also stated he received an invitation from Lafayette College to go to Weatherly, where there is a large grant available to fund trail projects.
 - cc. Supervisor Teel stated that the Planning Commission should have some recommendations for the R-1 and R-2 zones to present to the Board of Supervisors.
 - dd. Supervisor DeFranco stated that the road crew handled the last snowstorm. Supervisor DeFranco also stated they are looking into updating the fleet of trucks.
 - ee. Chairman Bermingham Jr. stated he is looking into Adopt a Highway program and also an Emergency Call program.

AGENDA – PART VII (Action Agenda)

1. PA American Water Company-Findings, Conclusions and Decision Regarding Conditional Use. **MOTION** by Supervisor Due, seconded by Supervisor Teel to approve the Findings, Conclusions and Decision Regarding Conditional Use. Vote: 5-0.
2. The Preserve at Upper Mount Bethel Township-Deeds/Permitted Uses-Solicitor Karasek stated a new Deed will be prepared once the complete description of the property is available. There was a discussion regarding the permitted uses. Solicitor Karasek will prepare an Ordinance in regards to the permitted uses at The Preserve. **MOTION** by Supervisor Teel, seconded by Supervisor Due, for Township Engineer Coyle to make the changes on the Deed, then Solicitor Karasek will then file the Deed and prepare the Ordinance. Vote: 5-0.

The Board of Supervisors recessed @ 8:50 pm. The meeting reconvened @ 9:14 pm. Discussed in Executive Session was personnel matters and litigation. No action. No motions.

3. Agricultural Security Area-1515 Ridge Rd. - Manager Fisher stated an application was received from Bryan Davis Howard-McAtee and Jennifer McAtee, 1515 Ridge Road. There is no action at this time, it is just a waiting period.
4. Advertise for Auditor/Forensic Auditor-**MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco to approve the advertisement for an Auditor. Manager Fisher stated the

sealed bids for a Forensic Auditor closed today, December 10th and at this time, he has nothing for the Board to review.

5. Resolution No. 2018-12-Increase Members EDC-Chairman Bermingham Jr. read an excerpt from Resolution No. 2018-12, stating the increase of members from five (5) to seven (7) on the EDC. **MOTION** by Supervisor DeFranco, seconded by Supervisor Due to approve Resolution No. 2018-12. Vote: 5-0.
6. PA Municipal Tax Claim and Tax Lien Law Resolution/Creditech-Manager Fisher stated that Creditech would like a separate Resolution passed specifically for Liens. **MOTION** by Supervisor DeFranco, seconded by Chairman Bermingham Jr. to table. Vote: 5-0.
7. Future Lehigh Valley Five-Previously discussed.

AGENDA – PART VIII (Old Business) - None

AGENDA – PART IX (New Business) – None

AGENDA – PART X (Public Comment)-Judith Henkel commented on The Preserve and that it would have been in the best interest of the Township to have a third party oversee the projects going on. Richard Wilford-Hunt asked what an Agricultural Security Area is. Manager Fisher explained that it is the first step of a process to preserve farm land. Chief Finan stated he and Chairman Bermingham Jr. met with State Representative Joe Emrick to discuss LSA grant funds that are available for emergency services but has to be funneled through the Board of Supervisors. Chairman Bermingham Jr. asked that a discussion on grants for 2019 be on the December 28th meeting agenda.

AGENDA – PART XI (Executive Session)-The Board of Supervisors and Solicitor Karasek adjourned earlier in the meeting for Executive Session.

AGENDA – PART XII (Adjournment) – **MOTION** by Supervisor Teel, seconded by Supervisor Due to adjourn the meeting @ 9:45 pm. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Township Recording Secretary