

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, FEBRUARY 12, 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 Fisher, Solicitor Karasek & Township Engineer Coyle. The Pledge of Allegiance was recited.
2. APPROVE AGENDA - **MOTION** by Supervisor Pinter, seconded by Supervisor Teel approving the agenda. Vote: 5-0.
3. Public Comment - None.

AGENDA – PART II (Public Announcements) Chairman Bermingham made the following announcements:

1. Philadelphia Flower Show bus trip – March 11th closed - bus is completely booked
2. Neighborhood Watch Meeting – March 7th at 7:00 p.m. at the Township building. Chairman Bermingham is going to change the date to either 3/14 or 3/28, he is waiting to hear back from the State Police. Chairman Bermingham asked if the Board had any questions about the language in the postcards he is going to send out. The Board said they are fine.
Supervisor Pinter asked the minutes be approved next on the agenda.

AGENDA - PART III (Minutes)

1. Re-organization – Tuesday, January 2, 2018 @ 7:00 p.m. **MOTION** by Supervisor Teel, second by Supervisor DeFranco to approve the minutes. Vote: 5-0.
2. Regular Monthly Meeting – Monday, January 8, 2018 @ 7:00 p.m. **MOTION** by Supervisor Teel, second by Supervisor Due to approve the minutes. Vote: 5-0.
3. Work Session - Monday, January 22, 2018 @ 7:00 p.m. **MOTION** by Supervisor De Franco, second by Supervisor Due to approve the minutes. Vote: 5-0.
4. Special Public Meeting – Monday, January 29, 2018 @ 6:00 p.m. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the minutes. Vote: 5-0.

AGENDA – PART IV (Presentations)

1. Wind Gap Ambulance - Brian Cole provided statistics (DTN - improved outcomes per 15 minute decrease in Door to needle times) that the Board asked for. There was discussion about how many EMTs the fire companies have on board. Chris Finan said North Bangor has 2 EMTs and Mt. Bethel have 8 EMTs. Supervisor Pinter asked if the Fire Dept shows up first, can they do BLS and what about air support if needed. Chris Finan said the ambulance typically makes the call if air support is needed, but the fire company can make the call as well. Chairman Bermingham asked about the response time to the west part of the Township. Mr. Cole said if Suburban is closer, they still come and they could arrive at the same time. Supervisor Pinter asked what the average bill is charged to the insurance company per call. Mr. Cole said they charge \$800.00 plus mileage and Medicare will pay the chargeable amount but commercial insurance pays more plus subscriptions cover some of the costs. Supervisor Pinter asked how much it costs to actually operate, how much does it cost the ambulance company for the call? Mr. Cole said he cannot really give a real number because Medicare pays approximately \$190.00 or if there is no insurance then the \$800.00 from private insurance makes up the difference. Public Comment by Ron Angle - the bottom line is the closest available ambulance would come. Chairman Bermingham would like to see an ambulance located here in the Township and noted it is later on the agenda for further discussion.

2. General Code - Michael Peter. Mr. Peter gave a slideshow presentation on codification of ordinances. The company has been in business for 54 years and has a strong presence in Northampton County. Mr. Peter explained the explained the process of codifying and the advantages of providing quick and accurate resources for citizens and municipal offices that everyone can easily access the information, it eliminates time and prepares for future steps in the codification process. It also allows residents 24/7 access to the ordinances online. The cost of the project would be \$15,631.00 plus and annual recurring maintenance fee of \$1,195.00 and would take about two years to complete.

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

1. Torre – Minor Subdivision / Waivers - Extension of time submitted until 3/12/18. Solicitor Karasek noted either another extension is needed for the next meeting, or action needs to be taken. **MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter to table the Torre Subdivision and waivers until 3/12/18 Vote: 5-0.

AGENDA – PART VI (Reports)

1. Financial Reports - Bill List. Manager Fisher read the bill list and noted it is much higher because it includes the interim bill for the Eastern Industries property pay off in the amount of \$926,103.23. **MOTION** by Supervisor Teel, second by Supervisor Due to pay the bills in the amount of \$1,118,707.85 (\$926,103.23 was paid previously on 12/28/17). Vote: 5-0.

2. Monthly reports attached

a. Engineer Report (attached) Township Engineer Justin Coyle reviewed his report with the Board. Items he discussed were Act 537 Update with anticipation of submitting a draft Act 537 plan to the Township for review / comment in April / May following the field work / individual property assessments, River Road structures; preliminary engineering / design in process.

b. Solicitors Report (attached)

c. Managers Report (attached) Manager Fisher discussed the salt and anti-skid totals to date this season October 1, 2017 - February 7, 2018. tonage 1,170.91 = \$65,512.42 plus on order 500 more tons. Total \$69,673.99; budgeted amount \$90,521.50. Manager Fisher reviewed the financial status with the Board: General Fund balance - \$920,779.82, Road Machinery Fund balance - \$99,257.42, Liquid Fuels Fund balance - \$27,704.27. Manager Fisher said he got three prices for the generator and will come back to the Board next month with the prices. Manager Fisher mentioned there is a misunderstanding and misapplications of what Supervisor Liaisons functions are. Manager Fisher discussed managing the departments with liaisons and with the liaisons also managing the departments is causing confusion to the employees as far as chain of command. Manager Fisher asked that Supervisors involved in daily management of departments under his direction to re-direct the communication between the Board of Supervisors and the administration through the Township manager. Manager Fisher would like to see more communication between Supervisors as well. Chairman Bermingham asked Ron Karasek if the Supervisors would be violating the sunshine law by discussing the agenda and responding to emails when a Supervisor asks something to be put on the agenda. Solicitor Karasek indicted there is no problem with them doing that as long as there are no deliberations, the Chairman sets the agenda and can discuss with Supervisors the purpose of agenda items. Public Comment by Ron Angle – the manager cannot do a good job if the Supervisors are always undermining him. Mr. Angle commented on the part-time girl quitting, Mr. Angle commented on the part-time girl quitting, he heard she said it was like working in an asylum.

AGENDA – PART VII (Action Agenda)

1. Refuse Reductions, Application Refunds, Exonerations - Manager Fisher indicated there are none at this time, but did receive (2) two from the County he has to find out about.

2. Ordinance – Tax Collector Increase Tax Cert. fees / Dup. Bills. Solicitor Karasek said he completed the ordinance, but didn't have a chance to advertise and said he can advertise for the next meeting if the Workshop can be advertised as a voting meeting or put on for 3/12/18. Chairman Bermingham said the Workshop meeting can be a voting meeting on 2/26/18.

3. Zoning / Building Permit waivers

a. Mount Bethel Fire house – sign. The Fire department are asking the zoning fee of \$135.00 be waived for their new sign. **MOTION** by Supervisor Due, second by Supervisor DeFranco to approve waiving the fee. Vote: 5-0.

b. Animal Shelter permit & lease agreement. Manager Fisher said if they go to the Zoning Hearing Board for a special exception use, they would ask the \$750.00 fee be waived. Manager Fisher indicated it foolish to spend money right now, the COG doesn't even know if they will be continuing with the program. Solicitor Karasek said they have to bring it up to code and according to the permit the conditions must be met as follows: Kennel is a permitted use in the OSC district per Article 4 of the UMBT Zoning Ordinance as a Special Exception approval by the Zoning Hearing Board, they shall apply within 60 days of issuance of the zoning permit, No animal adoptions shall take place until a Kennel license is obtained from the Commonwealth of PA, UCC Compliance shall be met, Upper Mount Bethel Township must be added as an additional insured to Applicant Insurance Liability Policy. UMBT and COG must enter into a lease agreement. Mayor Prator said Bangor wants them out by the next COG Meeting on February 28th. Supervisor DeFranco mentioned talking to Jean Taylor about using one of her buildings. Manager Fisher discussed the option of transporting the animals to Bangor Maine. Supervisor Teel will reach out to Jean Taylor, as she is a big animal activist.

4. Agreement UMBT / Senator Scavello - Chairman Bermingham indicated he prepared the agreement similar to the State Police agreement and sent it to Solicitor Karasek. He also received confirmation from Sergeant O'Malley they have no objections with the zoning officer using the State police office on Tuesday and Thursdays for his office hours. Solicitor Karasek asked the agreement include days and hours and a list of which representatives who will be present. **MOTION** by Supervisor Teel, second by Supervisor DeFranco to include in the agreement that Senator Scavellos and his representatives can utilize the office with flexible times during normal business hours , not limited to M,W,F 8:30 - 1:00 p.m. Vote: 5-0.

5. Township Communications

a. Email monthly newsletter - Lee McDonald was present and indicated he would be willing to help the Township to email the monthly newsletter if their interested, the cost would be about \$168.00. Supervisor Pinter asked if he would be the PR person. Lee said he would help us with it for the next year. Manager Fisher said we should find out if there is interest for this, so we are not wasting everyone's time. Lee said maybe we can put a message on the Township website to see if we generate interest and then move forward. Supervisor Pinter asked what number would determine interest. Chairman Bermingham indicated he would like to see 50-100 people interested. This would be a good way to communicate with citizens. Chairman Bermingham asked Manager Fisher how many visit the website and the Township Facebook page. Rick said the website has about 100 visitors and Facebook has about 700 followers, Twitter 70. Rick said he has doubts about this. **MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter that Chairman Bermingham and Lee McDonald will work on the process and see who is interested and re-visit at the March workshop. Vote: 5-0.

b. Streaming video - Lee said to stream video we need to designate a computer and purchase a webcam and hardware, cost is approximately \$1,100.00 Rick reiterated that he doesn't know if people would use it. Rick suggested survey monkey on our website, to see what the interest is for both. The Board agreed and then Rick can report to the Board at their March Workshop.

6. Community Park Pavilion - Supervisor DeFranco indicated the Park Committee voted to move forward with bidding out the park pavilion, but said he has volunteers to do some of the work and asked the Solicitor if the bid can be broken up, or must we bid out as a whole project. Solicitor Karasek said you can't circumvent the bid, you could bid out materials and framing. Supervisor DeFranco said the design was donated. The size of the pavilion is 30x70 post to post with an enclosed area for a kitchen in the future. Supervisor Pinter asked about bidding each phase. Supervisor DeFranco said the road department can do the site work. MOTION by Supervisor DeFranco, second by Supervisor Teel to have Manager Fisher do the bid specs for the pavilion, bid out the entire project on Penn Bid. Vote: 5-0. Supervisor DeFranco said the road department can do the site work.

7. Professional Services - Manager Fisher asked if the Board wants to discuss replacing URDC in Executive Session. Chairman Bermingham said it will be discussed in Executive Session.

AGENDA – PART IX (Old Business)

1. Penn DOT traffic lights status - Supervisor Teel indicated he met with Senator Scavello and they need an official letter from the Township asking Senator Scavello to move forward with Penn DOT doing a traffic study. Solicitor Karasek mentioned there is a cost for Penn Dot to do the study. Supervisor Pinter suggested we ask a 3rd party to do the study, ask our Engineer to do the study. Township Engineer Justin Coyle indicated they can do a traffic study, it would be truck traffic vs car study, but the study could go either way. Solicitor Karasek has seen it go either way. He has also seen Penn Dot actually raise the speed limit depending on the study. The cost of the stoplights would be around \$100,000 - \$150,000 MOTION by Supervisor DeFranco, seconded by Supervisor Pinter to send a letter to Senator Scavello and also have Carroll engineering give us a proposal for a traffic study at both locations. Public comment by Amber Foley - she lives on 611 right by TK's, it is very dangerous there, not just site view issues, but when she's at the bus stop waiting with her children, trucks fly thru the bus stop. Supervisor Teel mentioned the garbage company throwing the cans all over the road, its dangerous people were swerving to miss them. The Board asked Township Manager Rick Fisher to send Advanced Disposal a letter regarding that and other concerns.

2. Ambulance Service - Chairman Bermingham gave an overview of the Ambulance Service. Wind Gap gave us a price of \$160,000.00 + diesel Fuel. He also met with Jeff & Ryan from Suburban and has been in communications with them. Chairman Bermingham read a proposal emailed to him from Suburban they would give us coverage M-F, 7 a.m. – 11 p.m. & Sat. & Sun , 9 a.m. – 5 p.m. for a fee of \$40,000.00 per year in addition to the \$10,600.00 were already giving to them with a month to month lease. Supervisor De Franco said he has also been in contact with Suburban and they made an offer of \$30,000.00 + the \$10,600.00. Chairman Bermingham said he didn't know he was negotiating also, but mentioned there are pros and cons to both and Wind Gap can commit 24/7 BLS coverage, Suburban can't commit like that. Supervisor Teel noted that nobody can guarantee to be here, even if Wind Gap is called somewhere else. Supervisor Teel mentioned Chris Finan's wife works for him at Teel auction, they are not related though and whether this is a conflict of interest. Solicitor stated this is not a conflict of interest because Chris Finan's wife and Supervisor Teel are not related in any way. Supervisor Pinter asked if Bangor pay for their ambulance service. Chairman Bermingham said they don't pay and very few towns pay extra if at all for Ambulance service. Chairman Bermingham said he spoke to Nate Dystrand, Bangor Borough Manager and their call volume was 310 ALS and 353 BLS, they are the 3rd highest in the area. After discussion, MOTION by Chairman Bermingham, second by Supervisor Due to enter into an agreement with Suburban, finalize the agreement to improve Ambulance presence in the Township. MOTION amended by Chairman Bermingham, second amended by Supervisor Due to include the new price negotiated by Supervisor De Franco in the amount of \$30,000.00 + the \$10,600.00 we currently pay, with a 30 day kick out clause on a month to month basis. Vote: 4-1 with Supervisor Pinter voting "no" and Supervisor Pinter explained, it's not that he doesn't support extra ambulance coverage, Bangor has high call volumes and they have 2 ambulances available all times and are pay nothing. He just doesn't agree with the cost basis

presented. Supervisor DeFranco agreed. Suburban should have an ambulance stationed here, we've been paying them, now going to pay more and we are one of the few towns paying anything. No further comments.

3. Zoning Updates – Tabled to BOS 2/26/18
4. Multi-family housing – Tabled to BOS 2/26/18

AGENDA – PART X (New Business)

1. North Bangor Substation - Supervisor Due said there is a lot of work going on up there, earth disturbance, they are tearing up the entire area and they have no permits. Manager Fisher said they are adding to their grid. Fisher said they will contact the conservation district. In the meantime he and the Zoning Officer with the Township Engineer will go check it out.
2. House Bill for 3rd party Inspectors – Supervisor Due asked this be on for informational purposes only. House Bill 1469 would be introduced to Legislations amending the PA Construction Code Act (Act 45 of 1999) requiring municipalities which utilize a private 3rd party agency to enforce the UCC contract with at least two or more such entities. This would ensure property owners in such municipalities to have a choice where to obtain code enforcement services. Solicitor Karasek indicated the Township has the choice of (3) three 3rd Party Inspectors, so we have this in place.
3. Legal / Ordinances - Chairman Bermingham reached out to Jordan Yaeger an Environmental Attorney to review our ordinances to strengthen environmental protection in this Township. He would review and do an overview. His fees would not exceed \$8,000. Solicitor Karasek mentioned he is an expert in Environmental Law and could do this if time allowed it. Supervisor De Franco asked how stringent we can be considering state law regulations. Manager Fisher mentioned we have relaxed regulations being a mining state and a well ordinance in place for residential, but commercial was never adopted. **MOTION** by Chairman Bermingham, second by Supervisor Teel to approve Attorney Jordan Yaeger to review our ordinances, see what he recommends to better protect the environment, not to exceed \$2,000.00 in legal fees and then come back to the Board with his recommendation. Supervisor Teel noted you don't want to stifle business in this Township and would like to see the LERTA program utilized. Supervisor Pinter said we need to be smart about moving forward to protect our citizens. Vote: 4-1 with Supervisor DeFranco voting "no".
4. Letter of support - Multi-municipal cooperation. Supervisor Due indicated we asked all the surrounding towns for a letter of support for the trail. One in particular is not supportive and tabled the request on their agenda, they do not cooperate well with other municipalities. Supervisor Due asked we withdraw our request for their support letter. **MOTION** by Supervisor Due, second by Supervisor Teel that Upper Mount Bethel Township is withdrawing their request for a letter of support for the trail from Roseto Borough. Vote: 3-2 with Supervisor DeFranco and Supervisor Pinter voting "no".

AGENDA – PART XI (Executive Session) – 1. Legal 2. Personnel

The Board Recessed for Executive Session from 9:55 -10:30p.m.

1. Legal - **MOTION** by Supervisor De Franco, second by Supervisor Teel to cut all ties with URDC and approve Carroll Engineering to move forward with future work at the Park as included in their proposal dated 2/12/18 as recommended by the Township Manager.
2. Personnel – Manager Fisher said at this time we will not be hiring a replacement for the Part-time office help. At a later date, he would like to contact Hannah (summer intern) to see if she is interested in coming back as a summer intern again to help out in the office and finish the garage project she started.

AGENDA – PART XII (Adjournment) – **MOTION** by Supervisor Teel, second by Supervisor Pinter to adjourn the Board of Supervisors Regular Public Meeting at 10:35 p.m.

Respectfully Submitted - Melissa Mastrogiovanni, Township Secretary / Recording Secretary
Upper Mount Bethel Township