

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, FEBRUARY 26, 2018 @ 7:00 P.M.

1. CALL TO ORDER– Chairman Bermingham called the meeting to order. Present in addition to Chairman Bermingham were Supervisor De Franco, Supervisor Due, Supervisor Pinter, Manager Fisher & Solicitor Karasek. Supervisor Teel was absent. The Pledge of Allegiance was recited.
2. APPROVE AGENDA - **MOTION** by Supervisor Due, seconded by Supervisor Pinter approving the agenda. Vote: 4-0.
3. Public Comment – Chairman Bermingham asked for a moment of silence for the victims in the Parkland, Florida shooting. Attorney Blake Marles was present regarding Portland Properties, LLC. Mr. Marles gave some background. The plan was approved by the Upper Mount Bethel Board of Supervisors in 2015 and his client is preparing to proceed with the construction. The plan proposed the development of a fire pond for the land development of the immediate area. The approved plan has on it standard “clean fill” as a footnote as required by DEP, however page 7 of the plan set approved for a permit regarding the use of “regulated fill”. Township Engineer Justin Coyle in his email of February 16, 2018 responded that the use of clean fill is a requirement of the approved plan and given the item is considered a change/modification from the approved plan, Justin’s recommendation is the change should go back to the Township Planning Commission and Board of Supervisors for consideration. The recorded plan requires the use of clean fill on the project. Another note on sheet 7 states “the contractor is responsible for ensuring that any material brought on site is clean fill, but there is a note on sheet 7 that references regulated fill will be pursued and that poses a conflict and confusion on what is permissible. The applicant stated his intention to pursue the use of the regulated fill, but that contradicts the clean fill notes throughout the approved plans. Justin also noted this may have to be reviewed by the Conservation District and DEP given the NPDES permit in place. Supervisor De Franco asked why they didn’t hook up to Portland Sewer & Water. Owner, Brian Hilliard responded Portland wouldn’t supply those services. They have their own fire pond and on lot septic which is adequate, it was strictly a firewater issue. Public Comment by Jimmy Potter - Portland Water Authority didn’t know what they needed, and Portland Industrial Park wasn’t on board, and they had no specific use for that building. Public Comment by Mayor Prator – Portland sewer does not reach Portland Industrial Park and we can’t bring water and sewer into UMBT. They had recommended Portland Property going into the Industrial Park. Manager Fisher noted the block on the recorded plans clearly states clean fill and the NPDES permit in place notes clean fill. Chairman Bermingham recommended we table the matter to 3/12/18 to allow our Engineer to be present. Public Comment by Ron Angle – asked if Bob Teel had reached out to the farmers as he mentioned at the last meeting. Mr. Angle mentioned a few years ago the Township had made a proposal “Help the Farmers Heal the Land” a program to assist the farmers by giving them money for fertilizer, can that be re-visited? Chairman Bermingham offered to sit down with Ron Angle and discuss it.
3. Ordinance #2018-01- Increase Tax Collector admin. cert. & dup.fees – Solicitor Karasek noted this Ordinance increases the tax certification fees from \$10.00 to \$20.00 and Tax duplicate fees from \$2.00 to \$10.00, which hasn’t been changed since 1991 and that is a reasonable increase and comparable in the surrounding area. Solicitor Karasek said the next time there needs to be a change it can be by Resolution, he provided for that change in Section 3 of this Ordinance. **MOTION** by Supervisor Due, second by Supervisor Pinter to adopt Ordinance #2018-01. Vote: 3-0-1, Supervisor DeFranco abstained.
4. Lease Agreement with Senator Scavello – Solicitor Karasek said he prepared the draft agreement for the Board and also sent to the Solicitor for Senator Scavello for his review. The only thing we need to add is “Exhibit A” which shows the layout and location of where the Senator will be occupying space at the Township Building. **MOTION** by Supervisor Pinter, second by Supervisor De Franco to approve the lease with UMBT & Senator Scavellos office. Public Comment by Ron Angle – asked how often they will be there. Manager Fisher said at least 2 days per week, as they have specified M,W,F 8:30 – 1:00 p.m.

5. Mr. Angle said this will be a great benefit to the citizens which is better than the State Police, they were never at the building anyway. Vote: 4-0.

6. Lease Agreement with Harlan Electric – Eastern Industries – Manager Fisher indicated Harlan Electric asked if they could lease out the property, while they are working for Met-Ed. Solicitor Karasek said we might have a problem charging them, then the County might look at all our commercial properties. There would be less risk if we don't charge them. Manager asked about them giving donations. Solicitor Karasek said it's still giving compensation and wouldn't recommend it. **MOTION** by Supervisor De Franco, second by Supervisor Pinter to not allow Harlan Electric to lease the property. Vote: 4-0.

7. Multi-family housing – Solicitor Karasek updated the Board on the proposed Ordinance which would allow Multi-family housing as a conditional use in the R-1, VCR-1, C-1 and C-2 zoning districts. Solicitor Karasek said right now you have it as VCR-1 which allows special exception use and goes before the Zoning Hearing Board, the new ordinance would make it a conditional use that would go to the Supervisors. Supervisor DeFranco asked about creating a new zone R-2. Solicitor Karasek indicated they could go that route but would take a long time. Additionally to avoid a challenge to this he recommends this change so we are covered legally, and you can always change it later. **MOTION** by Supervisor DeFranco, second by Supervisor Pinter to adopt Ordinance #2018-02 – Multi-family housing as a conditional use in the R-1 VCR-1, C-1 and C-2 zoning districts. Solicitor Karasek indicated it needs to be advertised first. **MOTION** and second rescinded. **MOTION** by Supervisor DeFranco, second by Supervisor Pinter to advertise Ordinance #2018-02 – Multi-family Housing for adoption at the Board of Supervisors 3/26/18 meeting. Public Comment by Ron Angle – there is no water and sewer, so why do this? Solicitor Karasek said one of the recommendations by LVPC is access to central public water and sewer off Route 512 and 611. Supervisor De Franco said we are in the process of working on our Act 537 plan. Public Comment by David Friedman – you also need to change the SALDO and well ordinance. Vote: 4-0.

8. Zoning Updates – Manager Fisher noted the draft proposal presented was prepared six years ago by Boucher & James and includes significant changes to the zoning ordinance. Public Comment by Judy Henkel – the zoning update committee did all the work, it seems like a lot of changes, but Judy Goldstein made it simple. Chairman Bermingham asked this be put on the April Workshop.

9. Update Property Maintenance Code – Manager Fisher indicated we haven't updated our Property Maintenance Code since 2007. Rick indicated he will buy the updated code from IPMC. Solicitor Karasek indicated the amended version changed the penalty provision and we need to get it updated at least to 2015. Chairman Bermingham asked this matter to be put on the March Workshop for an update.

10. Emergency Services Evaluation – Manager Fisher indicated he had a conference call with Scott Sanderson and Robert Headen to discuss conducting an Emergency Services Study and in the future a Merger Study. The total hours not to exceed 50 hours for the first phase. We will coordinate with the Township and the Fire Departments to also see if a merger is possible. Supervisor Pinter said what if there is not a good working relationship between the Fire Companies and the auditor? Manager Fisher said it is up to the Board to make them cooperate. Supervisor Pinter asked about the 2nd phase, do they go into the financials and the possibility of merging? Solicitor Karasek said the auditor should be able to give the Township a handle of what's going on and asked Rick if he has reviewed the scope of services. Manager Fisher said "yes" and it is acceptable. Public Comment by Ron Angle – what if the study comes back that they shouldn't merge the Fire Departments and don't have to give them the fire truck? Chairman Bermingham said his understanding of the study is to see where the two Fire Departments are at, where they stand and how they can improve. Public Comment by Ron Angle – the township gives the Fire Departments money all the time and buys them equipment, it seems they are not independent Fire Departments. **MOTION** by Supervisor DeFranco, second by Supervisor Pinter that the Township move forward with the emergency services study, scope of services and the agreement with DCED. Vote: 4-0.

11.1 Township Properties / Eastern Industries building / Animal Shelter – Mayor Lance Prator was present and gave an update on the Animal Shelter. The Bangor facility is down to 6 dogs and 6 cats, they applied to Labor & Industry for the building in Washington Township and the advocacy group is going to the COG meeting on Wednesday.

Jean Taylor wants nothing to do with it because of insurance reasons. Chairman Bermingham indicated he put on the agenda regarding the use of the Eastern Industries building. We don't know the outcome of the animal shelter yet, but we had also talked about moving the Road Department there. Supervisor DeFranco would like the cameras in place there before moving the Road Department. Supervisor Due mentioned in the past we talked about making the garage at the current Township building the meeting room and make our current meeting room offices and face the front of the building. Supervisor Due said the Road Department should be down at Eastern, its set up for that. Public Comment by Ron Angle – in the past the Road Department didn't like the idea of moving, and felt the set up over at Eastern wasn't as good, but it seems like the Supervisors are all in favor of moving them. Manager Fisher said there are new garage doors there, sewage lines are re-done, cable is there, and the cameras are ready to go. Manager Fisher said it needs some work in the break room, heat and bathroom up and running, the house however is in poor condition. Supervisor Due said they had mentioned putting an environmental center where the house is. Supervisor Pinter noted the building would need to be ADA compliant and asked if its handicapped accessible. Supervisor DeFranco said we can have Tina Serfass our BCO go and look. Manager Fisher said the building has structural deficiencies. Supervisor DeFranco said we could allow a nature building on the preserved part of the property. The Board indicated they would like to go look at the building, possibly Saturday. Chairman Bermingham asked the Solicitor if the Supervisors can go look at the building or is that violating the Sunshine Law? Solicitor Karasek said they could all go, but they can look and cannot deliberate and really need to be careful how they comment on what they see. Chairman Bermingham said they should probably go two at a time, just to be safe. Public Comment by Ron Angle – mentioned past plans and said there needs to be future planning for those that will be here a long time from now, what about a new municipal building maybe on Route 512 with a library? Public Comment by Janet Pearson – Two acres at the Community Park was designated for a new Municipal Building. Public Comment by Judy Henkel – that was the plan to have the municipal building at the Community Park. Supervisor Due mentioned we just got out of debt, we need to plan things out and try and use the structures we have. Supervisor Pinter said we should look at planning in phases. Public Comment by Ron Angle – asked what they think the worth of this Township building is. Supervisor DeFranco said about \$600,000. Chairman Bermingham asked that Supervisor Due and Supervisor De Franco should go and look at the Eastern Industries building and separately himself and Supervisor Pinter will go look. Supervisor Due said we can also have Dennis from Keller Zoning look at the building, he's an inspector.

10. Executive Session – a. Legal b. Personnel – Chairman Bermingham asked the Solicitor if Legal needs to be discussed in Executive dealing with a letter we received from an attorney regarding a tax exoneration. Solicitor Karasek said they can discuss it in the back. Personnel is to discuss the Road Department opening of Asst. Road Chief. Ron Angle said, "that's not personnel". Solicitor Karasek said "yes" if they are discussing individual candidates and qualifications. **MOTION** by Supervisor Due, second by Supervisor Pinter to recess for Executive Session at 8:35 p.m. Reconvened at 9:20 a.m. **MOTION** by Supervisor DeFranco, second by Supervisor Due to appoint Dave Constable at Assistant Road Department Chief. Vote: 4-0. **MOTION** by Chairman Bermingham, second by Supervisor Pinter that Supervisor DeFranco, Road Master be responsible for setting the Road Department policy and the Township Manager will carry out that policy. Supervisor DeFranco will fill the roll of the Managerial position when the Township Manager is absent. Vote: 4-0. Manager Fisher said it has been brought to his attention that Road Foreman Lin Manzi has been bringing the Town Car home. Supervisor Pinter said that might be a taxable benefit to him, you might have to 1099 him and asked about the business mileage and liability. Supervisor Pinter suggested maybe they can find a different car that can be used for Emergency Management, something that stands out more. Supervisor DeFranco said Lin should be using a mileage and gas log. Rick agreed and will ask Lin to do that and asked the Board if he should look for another vehicle. The Board said "yes".

15. Adjournment – **MOTION** by Supervisor DeFranco, second by Supervisor Pinter to adjourn the Public Meeting at 9:25 p.m. Vote: 4-0.

Respectfully Submitted, Melissa Mastrogiovanni - Recording Secretary