

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES MONDAY, APRIL 30, 2018 @ 7:00 P.M.

AGENDA – PART I

1. CALL TO ORDER– Chairman Bermingham called the meeting to order at 7:00 p.m. Present In addition to Chairman Bermingham were Supervisor De Franco, Supervisor Due, Supervisor Teel, Supervisor Pinter, Township Manager Fisher & Solicitor Karasek. The Pledge of Allegiance was recited.
2. APPROVE AGENDA – Chairman Bermingham asked to amend the agenda moving Fire Department Equipment up to PART II, c– Public Announcements. **MOTION** by Supervisor Teel, second by Supervisor Due to approve the amended agenda. Vote: 5-0.
3. Public Comment – 3 minutes. Chairman Bermingham explained the new way he would like to run more efficient meetings. There will be public comment for 3 minutes at beginning and 3 minutes at the end. Ron Angle stated people have a right to be heard before the Supervisors vote. Chairman Bermingham noted this is what PSATS recommended. Solicitor Karasek said we have traditionally allowed comment after every topic, but doesn't disagree with what PSAT recommends.

AGENDA – PART II (Public Announcements) Chairman Bermingham announced the following: a PSATS Convention attendance – Chairman Bermingham indicated he, Supervisor Pinter, and Supervisor De Franco attended the PSATS convention and it was really worth his time. He learned a lot about running effective meetings, alternative ways to protect and communicate with the public and would like to go again next year. Supervisor Pinter said it was beneficial talking to other treasurers. He took some classes as far as finances, that was his main focus and it was beneficial to learn the difference between municipalities vs corporate. Supervisor De Franco said it was very educational and interesting talking to other Supervisors / Road Masters. He looked at the equipment and CDL trucks, as we are looking at downsizing to smaller trucks. Manager Fisher said he had a good time, enjoyed a lot of the classes and there were a lot of good speeches.

b. Neighborhood Watch meeting 4/18/18 – Chairman Bermingham – They had a good turn out again, over 100 people. John Morganelli was present and spoke about youths from the high school that are participating in the program. Next Meeting - May 16th at 7:00 p.m. Senator Scavello will come and speak on how communities can come together and we will put streets into various zones where people can watch out for each other and report any suspicious activity.

c. Fire Department Equipment – Mt. Bethel FD Chris Finan present. They are requesting to use money from their fire department fund to purchase bulletproof vests. The cost is 8,381.00 for 10 vests with 2 rifle plates and bag. Chairman Bermingham asked Manager Fisher if this a permitted use. Rick said “yes” there is \$231,399.00 in the Fire tax fund and approximately \$6,800 in accounts payable. Rick asked Chris Finan about the rescue truck they are interested in purchasing. Chris said it is refurbished and the cost is \$65,000.00. The truck is in excellent condition and they will use their own money for that. After that the next truck they would want to purchase is the mini-pumper. Supervisor De Franco mentioned purchasing a used truck in past, why the change this time? Chris said this truck is refurbished, he knows this truck and has used this truck. Supervisor Pinter asked what fund the vest would come out of Fire Tax or EMS. The EMS money is already spoken for wants to be careful with moving money around. Supervisor Pinter said we have a Fire Tax and that would cover this, and that would be his recommendation. Supervisor Teel agreed. Supervisor Pinter asked Chief Finan what the life expectancy is on the vests if someone is stabbed or shot. Chief Finan said the vests are 100% replaceable and warrantied for 10 years.

MOTION by Supervisor Teel, second by Supervisor Due to approve the request by Mt. Bethel Fire Dept. to purchase the vests in the amount 8,381.00 out of the Fire Tax account. Vote: 5-0.

North Bangor Fire Dept. - Chief Pinto indicated they are financing 8 air pacs; total cost finance after down payment is \$61,180.00. They are requesting ½ of the \$67,980.00 out of the Fire Tax fund. They are also asking for purchase of a hose from Witmer in the amount of \$11,870.00 for the new truck. Supervisor De Franco asked don't you get hoses with the new truck? Chief Pinto said you get nothing with it. Supervisor De Franco suggested the Fire Company pay for the pacs, then if they need money, they can come back to us. Chief Pinto said they applied for a grant thru FEMA, but they won't know for a year. Supervisor Pinter asked when the truck's coming. Chief Pinto said – hopefully by the 4th of July. Supervisor Pinter asked is this something we can bid out for them. Supervisor De Franco asked them to get 3 quotes and put on the May 14th agenda. Rick will check with CO-STARS.

AGENDA - PART III (Zoning / Sewage)

1. Noise Ordinance / Exploding Targets - Ryan Engler, Zoning Officer and Tina Serfass, BCO were both present. Ryan reviewed his letter with the Board of Supervisors. Ryan explained another incident has occurred with noise disturbance, he needs more tools to enforce this. Supervisor Pinter suggested a sound device to record the noise that needs to go hand in hand with a fully enforceable ordinance. Ryan Engler stated Everbach's approach is to cooperatively comply, it doesn't work unless we have the tools to enforce it. Supervisor Pinter noted he has a lot of experience with this in his own line of work, he works for the largest mining co. in North America. They have to enforce State regulations, air blasts & noise vibrations and there are variables that differ depending on the weather that could read higher decibels. Also different states have different regulations, we want to be good neighbors. They have situations with a lot of complaints. They lease machines that will monitor as standalone boxes and picks up noise vibrations, decibels and location; speed and wave lengths, and airplane & explosions. The last thing we want is false readings which may lead to false alarms. They have people sitting out and monitoring stations to comply with state and federal laws. Chairman Bermingham asked Solicitor Karasek his legal opinion about monitoring device on township property. Solicitor Karasek said legal concerns that could be attacked by defense counsel, are questions such as has it been tested, operating, etc. a number of things. Ryan noted the existing noise ordinance is when the township had a police force and this needs to be changed. Ryan said the concern is that there are exploding targets and people's lives are being disturbed. Solicitor Karasek said we could look at other townships, like in Chestnut Hill township; he think it reads the same thing, so this is the same argument. Ryan said ATF has not regulated it. Supervisor Teel asked Supervisor Pinter if we can lease those stations and what the cost is. Supervisor Pinter said he can bring the representative in and recuse himself. Solicitor Karasek noted in the meantime, he had read something Supervisor Pinter had presented from MP Clinton, Maine, it is a simple one page ordinance. Solicitor Karasek indicted the present noise ordinance is enforced by the police dept., you would have to amend to change to Zoning Officer. Supervisor Pinter said he does not want to see it banned, people have fun with it, but they need to be respectful to others. Supervisor Pinter noted the ATF – states 50 lbs. and there are no state regulations, only ATF. Public Comment by Ron Angle – does state police have any position. Chairman Bermingham indicated they can enforce it, and have been called many times. Supervisor Teel said it goes back to what is a nuisance. Supervisor Pinter thinks the maximum decibels in PA is 130. The Board discussed how to enforce the ordinance. Manager Fisher said a simple solutions would be amend the noise ordinance, take out enforcement by the Chief of Police and replace with Zoning Officer. Solicitor Karasek agreed that would be a simple change for now. **MOTION** by Supervisor De Franco, second by Supervisor Teel to have Solicitor Karasek make those changes. Vote: 5-0.

1. Zoning Complaints a). Long - Jacoby Creek Rd – Ryan said he collects antiques out in the yard and they are all over the place. Manager Fisher indicated he took him to the magistrate's office a few years ago. Ryan said May 25th they are going to the Magistrates to have him clean up his property. Supervisor Teel offered to intervene to try and have him clean up before the court date.

Long's Neighbors were present – every year they say they are cleaning it up and then it snowballs. Supervisor Teel assured them he will encourage him to clean it up.

1. b). Lenape – Ryan indicated a neighbor came forward the day after the storm about a house on Lenape; the storm blew through and now the deck is falling off. He sent them an enforcement letter with no luck. They are scheduled to go before the Magistrate on May 29th.

2. Animal Advocacy Group – Mayor Lance Prator present and former Supervisors here Gerwig and Battillo. The Animal Control Officer has not signed the contract she needs personal liability insurance of 2 million dollars, the cost is \$850.00 per year. Lance indicated she should be covered under the COG insurance for Plainfield, Washington and Wind Gap.

3. Slate ford Road / Zalewski drainage issues – Bill Zalewski was present. Manager Fisher reviewed the plan and profile with the Board of Supervisors Mr. Zalewski. The storm water issues affects 10 homes in that area. Manager Fisher would like us to moving forward with this and get the dig done in the next 2 weeks.

4. Ordinance codification - Code master. Manager Fisher explained the codification process. They put them in a bound book, it takes about 2 (two) years to do it and the cost is \$15,000. Then the book gets updated periodically as new ordinances are adopted. Supervisor Pinter said he would like to see this done. **MOTION** by Supervisor Pinter, second by Supervisor Teel to move forward based upon Manager Fisher's recommendation. Vote: 5-0.

AGENDA – PART IV (Action Agenda)

1. Manager report / items. a. Advertise Bids for paving, line painting, equipment and materials – Manager Fisher reviewed with the Board of Supervisors the road, materials, equipment and line painting bid specs. We are going to Pave Wilden drive and do some oil and chip do all within the Liquid Fuels budget. Rick said we are going to do Patching ^{first}. Supervisor Pinter asked about overlay. The only difference this year is we included lawn maintenance and Justin is going to include the acreage. Salaries for doing it ourselves is close to \$17,000 that is strictly salaries. **MOTION** by Supervisor Pinter, second by Supervisor De Franco to advertise the bids for paving, line painting, equipment, materials and mowing. Vote: 5-0. b. Re-schedule BOS WS meeting Monday, 5/28/18 BOS WS (**Memorial Day**) to voting meeting Tuesday, 5/29/18 at 7:00 p.m. for possible award of Bids. **MOTION** by Supervisor Pinter, seconded by Supervisor De Franco to Re-schedule the BOS WS meeting Monday, 5/28/18, to a voting meeting Tuesday, 5/29/18 at 7:00 p.m. Vote: 5-0. Manager Fisher noted he completed the quarterly report, it is in the supervisors' bins. He is also working on getting new IT phones, there are ongoing issues.

c. Letter of support opposing Rt. 80 Rockwall project **MOTION** by Supervisor Due, seconded by Supervisor Teel approving a letter of support opposing the Rt. 80 Rockwall Project. Vote: 5-0. Supervisor Due said there was a big article on the front page of the newspaper.

Public Comment by Jimmy Potter – Is the township opposed to the wall or the increase of traffic. Supervisor Teel answered, we are opposed to both, this will devastate our community and due to that gigantic wall they are going to close one of the lanes on Rt. 80 That will tremendously impact emergency calls and response. Rt. 80 will be blocked with traffic, so they will all go on Rt. 611. Supervisor Due mentioned the Hummel Dam Bridge being closed that caused 3 hours of backup, this would cause tremendous gridlock. Supervisor Teel asked to send a letter to PA tourism. **MOTION** by Supervisor Teel, second by Supervisor Due to send the letter of support opposing the project and also send to Pocono Mountain Vacation Bureau travel & tourism. Vote: 5-0. Public Comment by Ron Angle – The Hummel Dam Bridge is in very bad shape, there is no way trucks can travel over that.

Supervisor Teel mentioned it's a – 2 years 24/7 project. Supervisor Due mentioned they will be doing blasting and would close the entire road down.

2. Audio Recording –Solicitor Karasek mentioned the previous Board recommended keeping the audio tapes for one year. His recommendation would be once meeting minutes are approved, the audio tapes should be disposed of. Solicitor Karasek said the Open Meeting Law states minutes do not have to be verbatim. **MOTION** by Supervisor Teel, second by Supervisor Pinter that the audio recordings be disposed of once minutes are approved based upon our Solicitors recommendation. Vote: 5-0.

3. Banners for July 4th Parade / Fireworks / Movies at the Park (2 nights) Chairman Bermingham suggested one banner be placed on 611 (1) and (1) on 512 for each event; 4th of July / Parade on one and Movie nights on the other . The Cost for next year will be less, we just would need to change the lettering. We need 4 banners. **MOTION** by Supervisor De Franco, second by Supervisor Due approving the banners total cost not to exceed 1,600.00. Resolution needs to be prepared for approval at the May 14th meeting. Vote: 5-0.

4. American Legion Retirement of the Colors – Chairman Bermingham indicated he discussed this last year. The ceremony is Saturday, June 9th at 1:00 p.m. at that time citizens can properly dispose of their tattered US Flags. The American Legion will properly dispose of them. Chairman Bermingham asked that we provide nice drop off box at the township for residents to bring their old flags as holding place and then we will bring them to the ceremony.

5. Forensic audit – Supervisor Pinter asked Manager Fisher to get quotes for a Forensic Audit. The purpose is to move forward with an investment plan and a cash flow analysis **MOTION** by Supervisor De Franco, second by Supervisor Due to have Manager Fisher to get estimates for a forensic audit. Supervisor Pinter noted he would like this in depth audit because he is not familiar with the townships accounting codes and want to make sure everything is in order since he is the treasurer bonded for the finances. Vote: 5-0

AGENDA – PART V (Old Business)

1. Township email newsletters – Chairman Bermingham asked the Board if we can move forward with this, cost is approximately \$40.00 per year. **MOTION** by Supervisor Teel, seconded by Supervisor Teel to approve the monthly newsletter in the amount of \$40.00 per year Vote: 5-0.

2. Live Stream meetings – Chairman Bermingham spoke to other Supervisors at PSATS and this is a common thing townships are doing. They do it through Facebook, which is no cost, they just put on a cellphone and would like to move forward. He is not asking township to pay any money towards this, we can do it on Facebook for free. Supervisor Teel asked about the legality of doing this, do we need to advise we are recording. Solicitor Karasek said once you add audio, you need to notify the audience at the beginning of meeting. Manager Fisher mentioned his concern with answering comments, people are going to be commenting and anticipates a lot of work involved since were required to answer those comments. Rick would like to streamline, but how do we handle the after affects? Supervisor Pinter mentioned we just voted to dispose of tapes, livestreaming would put it out there indefinitely; we would need a Full-time Public Relations person just to handle it. Manager Fisher said he doesn't know how we could administratively monitor this. Chairman Bermingham indicated they are all good points. We can think about this some more and reach out to other municipalities' livestreaming to see how they are handling it.

3. Pavilion – status of re-bids – Manager Fisher got an estimate to re-draw the pavilion, tone it down a bit and make it simpler. The lowest bid was \$220,000. Supervisor De Franco said he can get someone to draw the plans cheaper. **MOTION** by Supervisor Teel, second by Supervisor Pinter to have Supervisor De Franco get the plans drawn up not to exceed \$900.00. Vote: 5-0. Put on May 29th meeting for a status.

AGENDA – PART VI (New Business)

1. Nature Conservancy – Monroe Drive Property - Ellen Lott present and gave overview of the Collura property. The Nature Conservancy is requesting a grant from the township Open Space program for purchase of a conservation easement on a 137 acre property owned by Robert & Barbara Collura. This includes a request for \$171,125.00 from the township to help cover the cost of a conservation easement on 127 forested acres, Manager Fisher indicated there is \$1,584,305.33 in the Open Space fund. Chairman Bermingham asked if any other properties are requesting Open Space money at this time. Rick said the Open Space Advisory Board did not agree with appraisal, price is too high and the Open Space Advisory Board recommended the township get a 2nd appraisal. Supervisor De Franco asked Ellen Lott how much money the Nature Conservancy presently has. Ellen said she was unsure. Supervisor De Franco noted in 2016 they had in excess of 116 million and the CEO made \$731,000. Supervisor De Franco mentioned the property is not even going to be open to the public. Ellen said we are protecting air, water and property and natural resources. Ellen Lott said it is not like an asset, they extinguish their development rights. Supervisor De Franco noted the Nature Conservancy assets was over 2 million dollars Supervisor Due explained the Nature conservancy is buying rights to the property. Supervisor Teel asked if they can they sell the property? Ellen Lott – yes they can, and the restrictions go with the property. Supervisor Pinter asked has the Open Space Board come to us? Ron Angle indicated he was at the meeting, they made a motion to get a 2nd appraisal done by the township. He was willing to pay \$1,000. Supervisor Due gave an explanation of the property, he knows it very well. You can build there, flat area of both sides of Blue Mountain Pine you can build on. Ellen Lott recommended the township should use their own money for the appraisal. Nick Graziano was present, and he is on the Open Space Advisory Board. He observed the property on April 7th. The OSAB all agree the property should be preserved, the discrepancy is the cost using tax payer's money to protect the property. Ryan Engler noted you cannot build up there on any slope 15-20%, you can go to the Zoning Hearing Board for a variance. Manager Fisher mentioned the Open Space Recreation area is already restrictive. After a lengthy discussion. **MOTION** by Supervisor Pinter, second by Supervisor Due to get 2nd appraisal on the Collura property based upon the request from the Open Space Board. Public Comment by Rona Angle – the Zoning Officer answered the questions, it is not developable. Ellen Lott suggested an appraisal of the same kind. Vote: 5-0. Put on May 14th agenda for a status.

2. Eastern Industries permitted / non permitted uses – OSAB recommendation – Chairman Bermingham wants to go through these at a workshop. Supervisor Pinter would like an update from Nick Graziano – Such as this is a final recommendation from OSAB and they are satisfied. Supervisor Pinter suggested taking some time to review these uses. Supervisor Due noted he walked property recently. **MOTION** by Chairman Bermingham to put this on the June 25th BOS workshop meeting. Motion rescinded **MOTION** by Chairman Bermingham, second by Supervisor Pinter to put this matter on the May 14th BOS meeting. Manager Fisher mentioned management of trails. Supervisor De Franco would like to see additional parking for Environmental Area – Nick Graziano stated– that would be part of it. Vote: 5-0.

3. High school Committee - John indicated he would like to get the younger people in the youth group participating in the Neighborhood Watch Committee involved in government. He is working with these High school students. Manager Fisher said it is a larger process and we need to consider the sunshine law and if they would implement a vision and mission statement. Solicitor Karasek asked what is the extent of this committee is it a formal committee? Chairman Bermingham indicated it is more informal and fairly new, he would like to get younger people involved in Government. Superior Pinter said he would like to see them come in and see what their issues are. Part of their extension of their student government, ask them to come in by invitation. They can be invited to come and voice their concerns. Chairman Bermingham would like the students to run a township meeting, no voting. Supervisor Pinter thought it would not be prudent and instead set up a mock meeting, Solicitor Karasek said you need an elected official to run the meeting. Ron Angle said they have a Student representatives at the School Board meeting works very well.

Supervisor Pinter said that makes sense and does not think involving them in township meeting would be beneficial to them or us, if there is a township issue they feel strong about, they can inform us. Chairman Bermingham said some of the students are interested in government. Supervisor Teel suggested giving them a spot on the agenda and see where it goes from there. Chairman Bermingham said he will move things forward with them.

AGENDA – PART VII (Public Comment) Kathleen Covalt stated it is strange to wait until end of the meeting and is not sure if she likes this procedure. They have had monitoring issues with noise control. Evans tuning makes noise several time per week, over 65 decibels. She has been having this problem for over three years and it is very upsetting. Public Comment by Judy Henckel– Eastern Industries it would be great to have a plan and need to know what you have there before you start building things there. Judy commented on the Collura property on the ridge and noted you can purchase development rights for any property for natural areas you are going to protect. You cannot spend \$200,000 out of \$1,500,000 and not complain about spending money. You should look at whole picture. Those agreements goes with the land, not with the individual person. Ron Angle said there is a credibility factor here, the same lady put 2 million dollars into a park, but still no pavilion. There was lengthy discussion about the property. Public Comment by Bob Gerwig – 10 years ago – Policelli and Collura refused to participate in the Appalachian Trail. Jimmy Potter asked Rick if there would be any problem with subbing out mowing with the union. Rick said we separated mowing out and hire seasonal workers – there is no problem with union. Ron Angle agreed with doing an inventory at Eastern Industries to see what you have there. Fran Fulwood – neighbors of Long – would Supervisor Teel be conflicted since Long buys all his stuff from him. Ultimate goal is that property owner cleans up his property. Scott Mawer – over 15 years I have seen this get worse, also seen retaliation. It's triggered by the township asking him to clean up his property. Paul Taylor thought township meetings should not be put on Facebook and asked if there's been any complaints about noise. Rick said he got a complaint that someone shot off last Sunday. Paul Taylor said he blew up two pounds. Rick mentioned an upset resident went to Chairman Bermingham's house and wanted his address also. Paul Taylor asked does someone has an issue with this noise? Supervisor Pinter said what we are going to try and do is put in noise meters within acceptable limits. Paul Taylor said he is not the only one upsetting the entire town, there are other shootings going on. Sheldon Richards asked Paul Taylor – what is the purpose of doing this? Taylor said he has a blind son and he enjoys it. Mr. Richards doesn't see the purpose of shooting making residents upset, why do others do it, just to hear a big bang. Manager Fisher said he has received at least a dozen complaints; gallery lane and Saddle creek. Ryan Engler said their compliant is they do not like their houses shaking, it is affecting their quality of life.

AGENDA – PART VIII (Executive Session) **MOTION** by Supervisor Teel, second by Supervisor De Franco to adjourn for Executive Session from 9:55 – 10:10 to discuss Legal & Personnel. Vote: 5-0.

1. Legal - **MOTION** by Supervisor Teel, second by Supervisor Pinter to defend and have our counsel defend the case on the Portland Properties lawsuit. Vote: 5-0.

2. Personnel - **no action**

AGENDA – PART IX (Adjournment) **MOTION** by Supervisor Pinter second by Supervisor De Franco to adjourn the Regular Public Meeting at 10:15 p.m.