

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
MONDAY, APRIL 9, 2018 @ 7:00 P.M.

AGENDA – PART I

1. Call to Order – Vice-Chairman Anthony DeFranco called the meeting to order at 7:05 p.m. Present in addition to Vice-Chair. DeFranco were Supervisor Due, Supervisor Teel, Supervisor Pinter on conference call, Township Manager Fisher, Solicitor Karasek and Township Engineer Justin Coyle. The Pledge of Allegiance was recited.

2. Approve Agenda – R. Fisher asked to amend and add to action agenda #10 truck payoffs, #11 Minsi Lake letter of support and #12. Manager Items. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the amended agenda. Vote: 4-0

3. Public Comment - Richard Wilford Hunt thanked the Board and assistance for the Earth Day Great American clean-up yesterday. They had 16 volunteers and should be recognized for their good deed. They covered 8 miles of roadway and picked up 61 bags of trash. The Board thanked them. Supervisor DeFranco suggested getting the names of the volunteers so the Twp, could send them thank you notes. Mr. Hunt also mentioned a meeting in Plainfield re: sludge management plant. The meeting was very informative and quite startling. The operation of this plant would be 400 tons per day, 24 hour /7 day per week. The truck traffic would be tremendous; 20 trucks in and out pulling from tristate area. Most of that traffic will be travelling over the Portland Bridge onto 611 and down 512. Just wanted to make everyone aware.

AGENDA – PART II (Public Announcements) Vice-Chair. DeFranco announced the next Neighborhood Watch Meeting will be on Wednesday, April 18<sup>th</sup> 7:00 p.m. at the Mt. Bethel Firehouse.

AGENDA - PART III (Minutes)

1. Regular Monthly Meeting – Monday, March 12, 2018 @ 7:00 p.m. **MOTION** by Supervisor Teel, second by Supervisor Pinter to approve the minutes. Vote: 4-0

2. Work Session - Monday, March 26, 2018 @ 7:00 p.m. **MOTON** by Supervisor Due, second by Supervisor Pinter to approve the minutes. Vote: 4-0

AGENDA - PART IV (Presentations) - None

AGENDA – PART V (Subdivision and Land Development Plans/Sewage Planning) 1. Septic issues – Lamtech. Rich Vallone, was present and indicated Lam tech is experiencing septic system failure in two septic beds down on River Rd. He spoke to R. Fisher about it and Portland to see about the possibility to connect to the Portland treatment plant, they are in UMBT, but wants to tap into Portland's sewage system. Mr. Vallone noted the cost of a new septic bed is outrageous. It would be more cost effective if they could connect to Portland. Since UMBT is working on their ACT 537 plan, on a short term basis he would be ok using one of the two beds, but would be pushing it to capacity. Mr. Vallone mentioned he spoke to Portland informally and they are agreeable to this. Supervisor Teel – doesn't see any problem with it. R. Fisher agreed as long as DEP approves. Vice Chair. De Franco said he would rather see them on the sewer line, than seepage into the ground. Twp. Engineer Justin Coyle asked Mr. Vallone how much flow they anticipate, Mr. Vallone said not even close to permitting calculating capacity. Supervisor Teel said he would like to see this done. R. Karasek mentioned DEP might have issue with it since we don't have our ACT 537 plan complete, but if DEP is ok with it, he has no problem with it. Justin agreed.

**MOTION** by Supervisor Due, second by Supervisor Teel to allow Lamtech to proceed with possible sewer hookup to the Portland sewage plant. Vote: 4-0. Vice-Chair De Franco asked Rich Vallone about the water tank and use in the park. Rich said it's for commercial use only, not residential but could be used for fire compression in the park. Supervisor De Franco said they wanted to put a pile on top of that fire pond. R. Fisher noted at the time Reliant's property was proposing residential to build fire protections and it was inadequate in size and function, they had to work with Portland and the township. It went before the Zoning Hearing Board and Planning Commission. Portland water authority has a special area 9 or 10 lots in Portland, businesses who paid for the tank. They have a process outlined at the Portland water authority and it would involve tapping fees. Supervisor Due asked Mr. Vallone how many gallons is that tank. Mr. Vallone said 350 gallons.

2. Torre Planning Exemption. Scott Policelli, PLS was present on behalf of the applicant Joseph Torre and indicated everything is in order. He received the letter back from state dated 3/1/18 indicating there are no issues with bog turtles or spotted salamanders. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the Torre Planning Exemption. Vote: 4-0.

3. Torre – Minor Subdivision –Waiver requests. SALDO 309.2.1 – Natural Resource Inventory which was recommended by the Township Planning Commission Inventory. Solicitor Karasek noted the Planning Commission also approved SALDO 302.4.7.6 – Location map required to be at 1" = 800 scale. Plan proposes 1" = 1000 scale, but doesn't need BOS approval. **MOTION** by Supervisor Due, second by Supervisor Teel to approve SALDO 308.2.1 – Natural Resource Inventory. Vote: 4-0

4. Torre Minor Subdivision Conditional Approval. Solicitor Karasek indicated the PC recommended Preliminary / Final plan approval on September 20, 2017 with the following conditions: Planning Module Approval and/or approval of Exemption (approved tonight), Alternate Sewage Officer review and/or approval, Penn Dot Highway Permit or Township Driveway Permit, other permits and the like as per the plan, Compliance with Township Engineers review letter dated 9/20/17, Recreation & Open Space fees for (1) one lot, SALDO Waiver of NRI to be granted by the Board of Supervisors and noted on the plan, Monuments, pins and/or markers to be set in the field and certified in writing by Applicants Engineer, Plan to be signed and notarized. Vice-Chair. De Franco asked to add a condition that all review fees be paid before the Township will record the plan. R. Karasek agreed and added that condition. **MOTION** by Supervisor Due, second by Supervisor Teel to grant Preliminary / Final Conditional Approval of the Torre Minor Subdivision. Vote: 4-0.

AGENDA – PART VI (Reports) 1. Financial Reports - Bill List. Manager Fisher read the bill list. **MOTION** by Supervisor Due, second by Supervisor Teel to pay the bills in the amount of \$124,343.87. Vote: 3-0-1. Vice-Chair. De Franco abstained. 2. Monthly (reports attached) a. Engineers Report – Twp. Engineer Justin Coyle reviewed his report with the Board: Act. 537 plan update: Lane Bodley from Carroll Engineering and Manager Fisher met with Portland Borough Officials to explore alternatives for addressing existing and future sewer needs in Upper Mount Bethel Township. Rick noted they were receptive but reserved, they wanted some flow numbers. Justin reviewed the Community Park Pavilion bids with the Board and noted the bids were erratic. We received (4) four bid ranging from \$117,750.00 up to as high as \$222,732.00. The low bid was from ISG, LLC in the amount of \$117,750.00. Justin said the numbers seem high. Supervisor Teel asked how much the pavilion was Pen Argyl had cost and what are we putting up compared to others Supervisor De Franco responded somewhere in the neighborhood of \$350,000. Supervisor Pinter suggested when we re-bid ask to see an itemized bid list and line item detail. R. Karasek said at the last meeting the Board asked if they could bid out piece meal. The code is pretty stringent with bidding requirements, but you could ask for breakdown of costs. Vice-Chair De Franco noted the Road Department is doing the grading and well do the concrete ourselves. R. Karasek said fine as long as the union doesn't object. R. Fisher asked the Solicitor if the materials have to be bid out. R. Karasek indicated if the materials exceed the bidding amount, then yes. **MOTION** by Supervisor Pinter, second by Supervisor Teel to reject all bids and re-bid the Park Pavilion.

Public Comment by Mr. Hunt – it might be a liability if Road Department does some of the work. Vote: 4-0.

**Traffic Study** – Justin asked the Board if they want him to move forward with the Traffic Study. The cost of the study is \$1,800.00 for Data Collection and \$8,500.00 for the Traffic Signal Warrant Study and report.

**MOTION** by Supervisor Teel, second by Supervisor Due to have Justin, from Carroll Engineering move forward with the Traffic study. Vote: 4-0. Justin said he is meeting with Rick and Lin Manzi tomorrow to go over the Paving project bid specs.

**b. Solicitors Report** – Solicitor Karasek discussed policy for keeping audio tapes of the Board of Supervisors meetings. R. Karasek recommends destroying audio tapes after minutes are approved. The prior board wanted audio tapes kept for 1(one) year against his recommendation, recordings should be destroyed when minutes are approved, that's the official record. Portland Properties put in a right-to know request for audio recordings from 2015. Those audio recordings were disposed of in 2016. R. Karasek would ask this Board address this at a future meeting.

**c. Managers Report - Appraisal Estimates** – Manager Fisher indicated we received (3) three estimates for a commercial appraisals of the Township Building Fisher & Fisher - 3,500, Detrick Group LLC - 2,500 & Laudone & Assoc. 1,700. Supervisor Teel noted those are very reasonable estimates for commercial appraisals and since they must be certified, you're not jeopardizing anything by taking the lowest bid. **MOTION** by Supervisor Teel, second by Supervisor Due to accept the estimate from Laudone & Assoc. in the amount of \$1,700. Vote: 4-0.

**Generator estimates** – Manager Fisher indicated we received (3) three estimates for a 45 kw Generator with transfer switch– RF Hoffman (authorized dealer for Generac) \$19,900, J. Swanson Electric \$19,250 & Hartman Electric \$21,067. The Road crew would install pad, they can all sell Generac and there might be some extra fees for installation. Supervisor Teel said either way it's warranted, but thinks we need more information. Supervisor Pinter asked about the cost to set up propane and what about the propane tank. Supervisor Pinter said we need more information and asked about the next meeting on April 30<sup>th</sup>, if that's a voting meeting. Melissa said the meeting on 4/23/18 is going to be rescheduled to 4/30/18, we need to advertise anyway so we could make 4/30/18 a voting meeting. Ryan Engler said you need a 1,000 gallon minimum above ground propane tank.

**MOTION** by Supervisor Teel, second by Supervisor Due to table the Generator award to April 30<sup>th</sup>. Public Comment by Rich Vallone – asked why propane and not diesel. Supervisor Pinter said it's cleaner and less expensive, plus less wear and tear on the engine. Vote: 4-0. **Nature Conservancy Refund request** – Realty transfer tax. The Nature Conservancy has requested a refund after winning an appeal decision and resulting overpayments. The amount requested is \$493.75. Vice-Chair. DeFranco asked which property on Laurel Hill Rd. and did we give them money; we need more information. **MOTION** by Supervisor Teel, second by Supervisor Due to table to the April 30<sup>th</sup> meeting. Vote: 4-0. **Letter of Support for "Minsi Lake**

**Conservation Corridor Plan"** – This is a letter of support for Northampton County's grant application to the PADCNr to help develop a trail network including the Appalachian Trail and the DWG National Recreation Area. **MOTION** by Supervisor Due, second by Supervisor Teel to send a letter of support. Vote: 4-0. R. Fisher said the Fish & Boat Commission meeting for this Wednesday is cancelled. Vice-Chair. DeFranco noted they still owe us money. Vote: 4-0. R. Fisher read an email from Lance Prator re: animal control office program. Bangor was having a problem with Labor & Industry. If we ended up housing them temporarily, we would have the same problem. R. Fisher asked the Board if we still want to participate in the Animal Control Program. The charge is .50 cents per capita, but you shouldn't participate in the program until it's properly managed. Supervisor Due said Roseto opted out of the program, their stray animals are picked up on occurrence. Supervisor Pinter asked if we can do the same thing. Dave said the program is not supposed to be run like that. There was discussion about the contract and payment of fees towards this program. R. Fisher asked the Solicitor if the officer is paid through the COG and there's no insurance, are we liable. R. Karasek said we don't want to be liable if she's not insured. R. Karasek asked if we were allowing the Animal Control Officer to come into the township. Rick said "yes" as of right now. Supervisor Due indicated we have an agreement with the COG, we didn't opt out. Supervisor Teel said it's not only dogs, its other animals.

R. Karasek said if you have her come in the township, then the township should pay her. If you don't want her coming in the township, then the township needs to send her a letter. Supervisor Due said the Animal control officer was supposed to be a subcontractor through the COG, be on payroll and have insurance. It was a good concept. Supervisor Teel said a subcontractor needs insurance if they are working in the township. Supervisor Due mentioned we did receive an award from PSATS for participating in the program. Vice- Chair. DeFranco said he would like to see us win awards other for other things. R.Karasek said Rob Scott provided a good list of conditions and would suggest using those conditions in the letter. **MOTION** by Supervisor Due, second by Supervisor Teel to not pay the Slate belt COG \$3,700 for the Animal Control Officer and to send a letter including recommended conditions from Rob Scott. R. Fisher announced the quarterly Liberty Water Gap trail meeting @ 5:30 p.m. is at our Township Building on April 18<sup>th</sup>. Manager Fisher indicated the EAC hasn't had a quorum for the 3<sup>rd</sup> straight month. R. Fisher provided the board with Nature Conservancy data.

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

1. Refuse Reductions, Application Refunds, and Exonerations. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the Refuse Reductions, Application Refunds and Exonerations as approved by the Tax Collector. Vote: 4-0.

2. Resolution #2018-06 – Lawrence Hallett. Vice-Chairman De Franco read Resolution #2018-06. **MOTION** by Supervisor Teel, second by Supervisor Due to adopt Resolution #2018-06. Vote: 4-0.

3. Annual Bids for paving, line painting, equipment and materials. Manager Fisher noted him and Justin are still working on the bid specs. They will be ready for advertisement at the May meeting. **MOTION** by Supervisor Teel, second by Supervisor Due to table the bids until the May 14<sup>th</sup> BOS meeting. Vote: 4-0.

5. Annual approval - Blue Mountain Antique Gas & Steam Engine signs & waive fee. **MOTION** by Supervisor Due , second by Supervisor Teel to approve their annual request to erect two signs for the Annual shows at Jacktown the 3<sup>rd</sup> weekend. Vote: 4-0.

6. Annual Lease UMBT / Poliskiewicz 12 acres at Community Park. Manager Fisher asked the Board approve the annual lease, same price \$20.00 per acre Vice - Chairman De Franco said that's a cheap price. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the lease. Judy Henckel said it's reasonable, it would cost the Township more to maintain and mow it. Vote: 4-0.

7. Annual approval Softball Inter-municipal Agreements: Bangor, East Bangor, Roseto & Portland. Solicitor Karasek said he mentions every year that each municipality / borough needs to pass an ordinance instead of these agreements. Last year UMBT and LMBT finally each adopted an ordinance. **MOTION** by Supervisor Due, second by Supervisor Pinter to approve the Softball Intermunicipal Agreements. Vote: 4-0.

8. Approve P/T Summer intern. Supervisor De Franco said Hannah England was our high school intern last year and worked out well in the office. Manager Fisher recommended the Board approve her as a Summer intern, she will be paid the Part-time rate according to contract; not to exceed 25 hours per week. **MOTION** by Supervisor Due, second by Supervisor Teel to approve Hannah England as the Part-time Summer intern for the office not to exceed 25 hours a week and paid the Part-time rate according to the union contract. Vote: 4-0.



9. Stipulation of Counsel – Formica – D11-10-16A. Solicitor Karasek explained the process, property ration factor. The values used today are about ½. the appeal of Formica Corporation to the Northampton County Revenue Appeals Board D11-10-16A Upper Mt. Bethel Township & BASD.

Solicitor Karasek reviewed the information with the Board. **MOTION** by Supervisor Due, second by Supervisor Teel to have Solicitor Karasek look into this further and Table to the May 14<sup>th</sup> meeting. Vote: 4-0.

10. Pay off equipment – 1). 2016 Chevy Silverado Truck 2). 2015 CAT 430F Backhoe. Vice Chairman De Franco indicated he is looking at buying other equipment and get rid of monthly payments so we have more money to play with. Supervisor Pinter asked what our interest rate and lease payment is. The 2016 Chevy Silverado truck payment is \$701.48 per month; \$20.38 month interest and 2015 CAT Backhoe is \$2,002.89 month plus \$13.17 month interest. Supervisor Pinter said he has no problem paying them off as long as it's budgeted and in the fund, he is ok with it. Manager Fisher said the money is in the Road Machinery fund.

**MOTION** by Supervisor Due, second by Supervisor Pinter to pay off the 2016 Chevy Silverado truck in the amount of \$12,436.35 and 2015 CAT 430F Backhoe in the amount of \$7,986.66. Vote: 4-0.

110201 AGENDA – PART IX (Old Business) Ryan Engler, Zoning Officer was present to address the Board on the recent explosions and read from his letter he prepared. In reviewing the existing Noise Ordinance for the enforcement of several noise complaints it states that the Dept. of Police shall have the primary responsibility to enforce Section 3 c. Under Section 3 c. 10 – Explosives, Firearms and similar devices its states the use of firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public right-of-way, without first obtaining a variance issued pursuant to Section 4 b. The existing Noise Ordinance does not distinguish the USE of explosives for the purpose of recreation, novelty or commercial blasting. It also does not separate the use of a firearm for the purpose at a commercial gun range, residential target shooting or for hunting. All of these uses can and will create a noise disturbance across a real property boundary. Mr. Engler strongly recommended to the Board they consider creating a new Noise Ordinance which separates the uses of Explosives and Firearms. **MOTION** by Supervisor Teel, second by Supervisor Due put the Noise Ordinance / Explosions on the BOS 4/30/18 meeting. Ryan indicated he has contacted Mr. Everbach.

1. Zoning Ordinance Updates – BOS WS 4/30/18
2. Property Maintenance Code update – BOS WS 4/30/18
3. EMS Agreement – BOS WS 4/30/18

AGENDA – PART X (New Business) – None

AGENDA – PART XI (Executive Session) 1. Personnel. **MOTION** by Supervisor Due, second by Supervisor Teel to recess for Executive Session from 8:45 p.m. to discuss Road Crew Personnel Vote: 4-0. Reconvened at 8:55 p.m. Solicitor Karasek noted in Executive Session the Board of Supervisors discussed Virgil Kasebier Jr. discharge due to his actions while on medical restrictions “light duty” over and above his medical restrictions. **MOTION** by Supervisor Teel, second by Supervisor Due to terminate Virgil Kasieber Jr. employment with Upper Mount Bethel Township. Vote: 3-0-1. Supervisor De Franco abstained in the event he needs to be a witness.

AGENDA – PART XII (Adjournment) **MOTION** by Supervisor Due, second by Supervisor Teel to adjourn the Regular Public Meeting at 8:55 P.M. Vote: 4-0.

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