

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, MAY 14, 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 via conference call, Township Manager Fisher & Solicitor Karasek. The Pledge of Allegiance was recited.

2. Approve Agenda - Chairman Bermingham. **MOTION** by Supervisor Teel, second by Supervisor Due to approve the agenda. Vote: 5-0.

2. Public Comment – 3 minutes. Public Comment on newsletter and on Emergency Management meeting, waiting on BOS re: conditions / no – conditions permitted and non-permitted use. They have nothing to discuss until the BOS votes on permitted uses and 2nd appraisal of the Collura property and asked the OSAB meeting be cancelled, but does it need to be advertised? Rick said no, he can announce the cancellation on Facebook and the website. Public Comment by Ron Angle – I understand UMBT is losing our secretary and want to say she was an incredible asset and the Supervisors should have a going away party. Supervisor Teel said she is the backbone of the Township. The Board agreed. Supervisor Due said she’s the glue and will be missed.

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

1. Neighborhood Watch Meeting – Wednesday, May 16th at 7 p.m.
2. Emergency Management Meeting – Monday, May 21st at 7 p.m.

AGENDA - PART III (Minutes)

1. Regular Monthly Meeting – Monday, April 9, 2018 @ 7:00 p.m. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the minutes. Vote: 5-0.

2. Public Meeting - Monday, April 30, 2018 @ 7:00 p.m. **MOTION** by Supervisor DeFranco , second by Supervisor Teel to approve the minutes. Vote: 5-0.

AGENDA - PART IV (Presentations) - None

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

1. Sewage issue, Lois Lapeka - S. Policelli present as SEO. The Property is located in Johnsonville. He has too many uses that he’s permitted for and doesn’t have sewage capacity. Review of Scott’s letter, he got the lab results back that say water is ok and would like to give him a period of time to come up with a plan. Scott would ask him to decrease the uses or increase septic capacity and recommends 60 days. Scott noted he is not sure about zoning compliance, the Zoning Officer would have to determine that. Originally the use was 2 apts. with 2 offices, now its 4 apts. and that is a big difference. Supervisor De Franco asked about requirements back then. Scott said it appeared to be metered flows. Rick asked Scott about daily flows, that’s something him and his consultant should look at. Solicitor Karasek noted that the Zoning Officer needs to look at zoning, then issue a zoning enforcement notice and see if they need to go to the Zoning Hearing Board. Supervisor Teel asked Scott if there’s any danger here Scott said “no”.

1. Special Exception request to build in a Flood Plain– Adam Howard (**R. Engler no action needed**)

Adam was present and indicated he purchased the home in August of last year at 480 Sandy Shore Dr. Then the Nor’ easter came through in March completely destroying the home and needs to be fully re-built. He found a discounted modular and is ready to go once his house is demolished. Adam said he is

Working with the Zoning Officer. The property is in a flood plain. They are going to the Zoning Hearing Board (ZHB) on May 22nd.

Adam indicated they will be putting the home above the flood plain, 2 inches above code, once they get approval on May 22nd, they can move forward. Exact same footprint. Ron Angle mentioned it's also in the Open Space Conservation District. Solicitor Karasek said Ryan has the wrong ordinance it was updated in 2014, he will send him the revised ordinance. Solicitor Karasek indicated they can proceed with a special exemption use, but Ryan needs to review this again under the current ordinance. Solicitor Karasek explained the difference between a special exemption & variance, and they might need both. Rick said it's still a non-conforming structure. Supervisor Teel would like to see what's fair and just. There was further discussion about building in the OSCD. Rick noted there's a section in OSCD regarding destruction of home being 60% and a building. Solicitor Karasek discussed with the Board the ZHB process and noted the Board of Supervisors cannot make any recommendation. Supervisor Teel asked if it's dangerous. Adam said the house is still moving. Adam asked if the ZHB solicitor can expedite an opinion. Ron Angle said to ask the ZHB Solicitor at the hearing. Rick will meet with the Zoning Officer and Mr. Howard prior to ZHB.

AGENDA – PART VI (Reports)

1. Financial Reports - Bill List. Fisher read the bill list. **MOTION** by Supervisor Due, second by Supervisor De Franco to pay the bills in the amount of \$200,233.80. Vote: 5-0

2. Monthly (reports attached)

a. Engineer Report (attached) Justin reviewed with Board and updated the following: Act 537 Plan update – Field work is progressing; approximately 50% complete with property visits / water sampling. Reviewing DEP task activity report and estimated hours / cost for inclusions of LERTA area, Community Park NPDES permit renewal & application; addressing outside agency comments / environmental issues prior to submitting, 611 traffic study, 2018 Roadway paving and other items; bids currently on Penn bid and due May 25th, Portland Properties assisted with response to the developer.

b. Solicitors Report (attached) Solicitor Karasek asked about the Suburban agreement does he want document with changes, or clean copy. Chairman Bermingham would like to see clean copy with changes as previously discussed. Solicitor Karasek reviewed the changes with the Board; take out “permanent location” to say whenever available; second vehicle when idle will put in UMBT. Supervisor Pinter would like to see the tracking of the second ambulance in UMBT before signing anything. Chairman Bermingham said they will be coming in to do a presentation and explain the tracking information at the May 29th BOS meeting. Supervisor Pinter asked if we are sending them the contract before seeing the tracking information, he suggested not doing that. Chairman Bermingham said it's just for them to review and won't be finalized until were comfortable. They just want to know what were asking for. Supervisor Pinter requested we wait for the presentation. The Board agreed.

C. Managers Report (attached) Rick asked to move up Saddle creek detention basin to get Justin out. They are using the detention basin as rifle range, needs to readjust the berms according to the Land Development Plan. He heard they are having a big party 4th of July party with approximately 200 people. He needs guidance from the Board, it's a detention basin. Supervisor De Franco noted he went there, it's nothing dangerous for people on Million Dollar and above it. A letter needs to be sent notifying him he is altering detention basin which is a violation of Land Development. Rick asked who is sending letter. Supervisor De Franco asked about the tamper of the outflow. Supervisor Pinter said he brought in someone with a bulldozer. The Board asked Rick to move forward write the letter after review with the Engineer and Solicitor. Public Comment by Judy Henckel – when all these Subdivisions were coming in, they were told to maintain items in their agreement. Supervisor DeFranco asked that Rick check the Zoning ordinance if there's a shooting range. Electrical upgrade at

Park – Supervisor De Franco talked about utility part in the pavilion, instead of having a separate utility room, just should just put it in the pavilion. Supervisor De Franco met with the guy drawing the plans.

Justin noted he is having pre-bid meeting tomorrow here for paving. Justin left the meeting at 8:15 p.m.

Rick asked the Board to consider paying off wheel loader and buy a new truck. We have a significant amount of money in the account; about \$136,000 and enough to put a down payment. Supervisor De Franco asked that we wait and see what truck prices are. Manager Fisher reviewed with the Board his report and quarterly financial report. Manager Fisher discussed the Community Park - He received a letter from the Fish & Boat Commission that indicates the observation deck was put in the impervious area and may have to come down. Supervisor De Franco mentioned we paid URDC to put in this deck, so we paid for nothing. He suggested we ask for the money back from URDC. Supervisor Teel agreed, it's truly their mistake and they should pay for it. Manager Fisher noted he was surprised by the letter and it was clear of what was allowed and not allowed. The Board at the time was aware of doing this work. Solicitor Karasek noted before pursuing any claim, he would need to see the letter from Fish & Boat Commission and possibly meet with them before bringing a claim against URDC. Rick mentioned receiving a letter from Penn DOT for sign approval for "school bus sign" ahead being put on Rt. 512.

AGENDA – PART VII (Action Agenda)

1. Refuse Reductions, Application Refunds & Exoneration. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the Refuse Reductions, Application Refunds and Exonerations as approved by the Tax Collector. Vote: 5-0.
2. **Resolution #2018-07** – Approve banners for 4th July Parade / Fireworks. Chairman Bermingham read Resolution #2018-07. **MOTION** by Supervisor De Franco, second by Supervisor Due to approve the Banners for the 4th of July Parade and Fireworks. Vote: 5-0.
3. **Resolution #2018-08** – Approve banners for Movies in the Park 7/28/18 & 8/25/18. Chairman Bermingham read Resolution #2018-07. **MOTION** by Supervisor De Franco, second by Supervisor Teel to approve the Banners for Movies in the Park. Vote: 5-0.
4. Nature Conservancy Refund request– Realty transfer tax \$493.75. **MOTION** by Supervisor DeFranco, second by Supervisor Due to table to the BOS June 11th meeting. Vote: 5-0.
5. Summer Camp: a. Approve Lisa Pfeifer – Summer Camp Director – set pay at **\$3,680.00** (\$180 increase per RF). **MOTION** by Supervisor De Franco, second by Supervisor Teel to approve. Vote: 5-0.
b. Approve Kaley Reid – Summer Camp Director Assistant – set pay at **\$10.00** per hour. **MOTION** by Supervisor De Franco, second by Supervisor Teel to approve. Vote: 5-0.
c. Approve returning Summer Camp Counselors: **3rd Year** - set pay at **\$8.25** per hour: Blake McNew, Jordyn Taylor, Nicole Mastrogiovanni. Jehnalie Casimiro. **2nd Year** - set pay at **\$7.75** per hour: Kristen Reid, Nicole Robinson, Issac Oxford. **MOTION** by Supervisor DeFranco, second by Supervisor Teel to approve. Vote: 5-0. Motion hours for summer recreation counselors and directors not to exceed 24 hours in a week for a 6 week period. Vote: 5-0.
4. Stipulation of Counsel – Formica (**tabled from 4/9/18**) Solicitor Karasek indicated he has not heard back from the County Solicitor **MOTION** by Supervisor De Franco, second by Supervisor Due to table to the BOS June 11th meeting. Solicitor Karasek will send the County Solicitor a letter.
5. Generator award - Manager Fisher said the standard warranty for Generac is 5 years, and asked that the Board approve the estimate of Swanson the low estimate of 19,250.00. Supervisor Pinter noted the warranty wasn't listed on the estimates that should be included before moving forward.

MOTION by Supervisor Pinter, second by Supervisor Teel that Swanson submit an estimate including the 5 year warranty and once we receive that, then we can move forward. Vote: 5-0.

6. Northampton County Gaming Grant. Manager Fisher noted the gaming grant money goes electronically into our account. He needs to find out if we need to set up a separate account. All municipalities received \$31,440.00. Manager Fisher asked Chairman Bermingham to sign the paperwork. The Board agreed to have the Chairman sign the paperwork.

7. Service Electric franchise renewal negotiations. Manager Fisher said we just received the information on May 7th and need more time to review. Put on BOS June 11th meeting.

8. Policy for Supervisors requesting information Manager Fisher indicated in 2015 a policy was established that Board of Supervisors need to put in a right-to-know request. Rick said he would like that changed. Any Supervisor should be entitled to look through public files. Supervisor Due mentioned his request last year had to do with hunting club, had to put a right-to-know request in. Solicitor Karasek said if it's in the Supervisors course of duties, they shouldn't need a right-to-know, however if as private citizen that's different and a policy should be developed so not challenged later. The Board asked Manager Fisher to make policy will differentiate between the two and submit to the Board. Supervisor Due noted he was simply following the policy that was already in effect.

AGENDA – PART IX (Old Business) 1. EMS Agreement status – discussed above.

AGENDA – PART X (New Business)

1. Volunteer Fire Fighters – Chairman Bermingham reviewed with the Board the documentation he provided regarding tax breaks for those who are Volunteer Firefighters to offer a Real Estate or EIT credit. Chief Finan would like to get the ball rolling and suggested asking surrounding municipalities to consider this as well. Chief Finan reviewed the requirements of the tax break. Chairman Bermingham asked Chief Finan how many volunteers are with the Fire Department – Chief Finan said about 18, but the Ladies Auxiliary might be included also. Supervisor Teel thinks this would strike more interests in volunteers. Chairman Bermingham said this would be a nice benefit and hopefully this would get new members and entice new volunteers. The Board indicated they will review it more. Chairman Bermingham asked to put this on the June 11th meeting. Supervisor Pinter suggested a Workshop.

2. This will be placed on the June 25th WS meeting.

AGENDA – PART XI – Public Comment – 3 minutes. Public Comment by Judy Henckel regarding RTK requests from Supervisors – Solicitor Karasek is being diplomatic. Judy mentioned back in the day file cabinets were locked because there was no trust level. Things are much better these days, and suggested keeping a record of which Supervisor request information. Chief Finan – residents came to him re: him asking BOS about getting money from General Fund, they were upset it didn't come out of Fire tax fund, but that was the intention.

AGENDA – PART XII (Executive Session) 1. Personnel - **MOTION** by Supervisor Teel, second by Supervisor Pinter to recess for Executive Session from 9:10 – 9:30 p.m. **MOTION** by Chairman Bermingham, second by Supervisor Teel to accept Melissa Mastrogiovanni resignation as Secretary for UMBT and approve time off, time owed and everything she requested in her letter. **MOTION** by Chairman Bermingham, second by Supervisor Teel to advertise for a Secretary. Vote: 5-0.

AGENDA – PART XII (Adjournment) **MOTION** by Supervisor Teel, second by Supervisor De Franco to adjourn the Public Meeting at 9:35 p.m. Vote: 5-0.