

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS PUBLIC MEETING MINUTES
TUESDAY, MAY 29, 2018 @ 7:00 P.M.
(Re-scheduled from 5/28/18)

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, Twp. Manager Fisher, Twp. Engineer, Justin Coyle. Solicitor Karasek was absent. The Pledge of Allegiance was recited.

2. Approve the agenda – Chairman Bermingham asked to amend the agenda adding “Fire department hoses,” and to put that right after public comment. 3a, and 3b traffic signal warrant analysis. **MOTION** by Supervisor Due, second by Supervisor Teel to approve the amended agenda. Vote: 5-0.

3. Public Comment – 3 minutes Mr. Friedman – stated that when voting for multi-family housing, the Board of Supervisors voted against their own planning commission and LVPC and he wants that in the minutes.

a. Fire hose update – Rick Fisher and Todd Pinto said they had no update and will have more information for the June meeting. Todd said he would like to have color coded hoses and needs a replacement for when the hose dries and about the IOS rating which is a mid-grade hose. Rick said he will get more prices for June 11th meeting. Chief Pinto noted the truck might be ready next week. Chief Finan said Rick has too much to do and he can get the quotes. Supervisor Pinter asked the Fire Department to get the quotes and any other quotes needed for Fire Department purchases. Chairman Bermingham stated that when the truck is delivered we will schedule an event to bring it to the township for residents to see. Supervisor De Franco asked if the current hoses are adequate? Pinto spoke about hoses and color coding, which would be nice to have. Chief Finan indicated hoses aren't supposed to go past a certain age and they are looking into a grant. Chief Finan noted they are looking into better training possibly in Bucks County. He tried to set up multiple classes in Northampton County to no success. He will give a follow up at the June meeting.

b. Traffic signal study – SR 611 / SR 512 and Potomac / Railroad. Justin did an extensive analysis, totaling 150 pages. Justin reviewed the study with the Board of Supervisors. He said the next step would be meet with Penn DOT, go over the intent and feedback prior to submitting the permit. Chairman Bermingham asked if a study concludes a traffic signal is not warranted, is it dead in the water? Supervisor Teel questioned Justin about traffic criteria. Justin indicated we can have follow up conversations with Penn DOT. However, it's about the average daily traffic, whether you are on Rt. 611 or Rt. 512. Supervisor Pinter mentioned the axle of trucks and did not see it in the site distance. Also, from Railroad Road you are coming up on a decline and the site is obstructed. Justin indicated you have a field meeting with Penn DOT and they can discuss it further. Dave Friedman asked when was the traffic study done, as we are coming into tourist time and will have a lot more traffic. Supervisor Teel said he cannot comprehend how we lost those many vehicles in the one study, Rt. 611 and Rt. 512 numbers should be close in number. Supervisor Pinter suggested they sit down as a Board to see if one or two are warranted and where would money be well spent. For the 611 / 512 signal they need to go to Penn DOT now. Supervisor Pinter and Supervisor De Franco would like to see where the money is coming from and get those costs in line. Justin explained the cost of signal is about \$150,000 plus engineering. Supervisor Teel talked to Mario Scavello who mentioned getting some grant money. Justin said he can get a quote from a contractor and how much they run over on costs. Supervisor Pinter asked to see not just a total, but a line item detail, engineering costs and cost of construction. Chairman

Birmingham asked if Justin can bring that information to the June 11th meeting. Supervisor Pinter asked Chief Finan if they have any problems pulling out of those two locations during an emergency situation? The Chief said all the time.

4. Award Road bids, materials, line painting, equipment, mowing. Manager Fisher reviewed the Road Paving bids with the Board of Supervisors: Wildon Drive. **MOTION** by Supervisor Pinter, second by Supervisor Due to approve the low bid award to Bracalente Construction in the amount of \$32,484.90. Vote: 5-0. **Seal Coat Bid proposal** – Ridge Rd, Lake Minsi Dr, Turkey Ridge Rd, Laurel Hill Rd., Bunny Trial Rd, Park Rd. & Pine Tree Lane. **MOTION** by Supervisor Pinter, second by Supervisor Teel to approve the low bid award to Asphalt Maintenance Solutions in the amount of \$267,914.14. Supervisor Pinter asked what the terms for payment are. Manager Fisher said he didn't know and would have to check on that. Justin noted Prevailing wages do not apply. Supervisor De Franco asked if we have the option to add roads at that price. Manager Fisher said "no". Vote: 5-0.

Line Painting - Rick found the answer to the payment terms, said there is nothing that addresses that in the bid specs. Supervisor Pinter said so we can do 120 days, keep our money longer and save a few dollars. Rick said we always did net 30 in the past. Rick mentioned we are under budget for road and line painting bids. **MOTION** by Supervisor De Franco, second by Supervisor Teel to approve the low bid to De Angelo brothers for Line Painting. Vote: 5-0. **Roadway Material Bids** – Rick said Eureka Stone Quarry was the low bidder on all materials. **MOTION** by Supervisor Pinter, second by Supervisor De Franco to approve Eureka Stone Quarry for the material bids. Supervisor Pinter asked is that delivered or picked up? And asked what our burning costs on the stone and what our delivery costs are vs picked up, we should look at all those costs. Rick said they can go to H&K through co-stars Supervisor De Franco said he would rather keep a guy in the shop then send them to pick up material. Vote: 5-0. Rick said we only had one bidder for fuel Reimer Brothers. Supervisor Pinter said he would like to look at getting a bigger tank next year, it would be a significant savings. **MOTION** by Supervisor Teel, second by Supervisor Due to approve Reimer Brothers for all fuel. Vote: 5-0. **Mowing** – Rick said we only received one bid from Ott's Lawncare & Landscaping for \$16,150.00. He has 2 part-timers doing it right now, so costs are less than that. Rick suggested either re-bid or continue with the Part-timers. Rick said the bid didn't even include the firehouse, Eastern Properties and trees at the Park. He mentioned last year with 2 full-timers, the cost was below that. **MOTION** by Supervisor De Franco, second by Supervisor Pinter we do not except the bid for lawnmowing. Justin was excused from the meeting at 8:00 p.m. Vote: 5-0.

5.Presentation – Suburban Ambulance. Ryan was present. Chairman Birmingham gave an overview of the status and that they are here to explain how we would we know if Suburban is in UMBT and wants to discuss how the Board can monitor and track the 2nd ambulance and make sure it's worth the money we are paying. The lease would be month to month. Ryan explained the Verizon fleet, and that they try to use ambulances at the hospital and they are. They are looking at AT&T and had a tentative meeting with them. They are not able to give a definitive timetable for the Board of Supervisors to track when they are here or not here. They are sitting down with North East Management firm but have no definite plans to transition. Supervisor Teel said it is very difficult to track and are they going to get ambulances from all different places. They discussed tracking & idling and the possibility of a sign in sheet and could rely on an honor system until Suburban comes out with a new system. Chairman Birmingham suggested we think of way to track this ambulance and see if we can do month to month and if they aren't around, we can always cancel the contract. Supervisor Teel agreed, after 30 days if it's not working, then we can cancel. Chairman Birmingham said he would like to move forward with the agreement. Chief Finan mentioned the Grover system at the Fire Department. When the Ambulance pulls in, they can hit the in-service button and when they leave click the out of service. They might be able to run a report that way, and he will check. Public Comment by Paul Taylor – at the job site you can have timeclocks and noted his concern with accuracy. Chairman Birmingham said it calls for a level of measurement and a level of trust. Supervisor Pinter indicated he never awarded anything with all these uncertainties, with a way to

measure and know where every piece of equipment is.; \$30,000 is a lot of money and he didn't vote to move forward with this.

It is not good practice to move forward with a contract not knowing how you were going to track it and what are we purchasing. Supervisor Pinter said it's hard to see paying when Bangor pays nothing

Ryan said they lose money in the Slate Belt, they all don't balance out. David Friedman asked about the monthly subscription. Supervisor Due – stated it is monthly and if it does not work out, we can cancel. Supervisor De Franco noted this is a moot point until we send the agreement and see if it is even acceptable. Chairman Bermingham suggested sending the agreement and keep in mind Supervisor Pinter's concerns. Ryan asked about QRS. Chief Finan said that could be your next way to go. Chairman Bermingham asked this be put on the June 25th Workshop meeting to talk about QRS and put the agreement to the side for now.

6. PA American Water Company Real Estate Tax Assessment Appeal – **MOTION** by Supervisor De Franco, second by Supervisor Due to table to the June 11th BOS meeting. Vote: 5-0.

7. Neighborhood Watch / Emergency meeting- Chairman Bermingham gave an update. At the last meeting they talked about the “Nor easters “and power outages. Chief Finan came up with idea to have an Emergency Service card, put it up on the website and send out to residents to fill out in the case of illness, older folks, disabled when in the state of emergency in the event the power goes out the Fire Department is aware. Supervisor De Franco said the Neighborhood watch should orchestrate this and keep an eye on this. Chairman Bermingham said “yes” the block captains will be responsible.

8. Police update – Chairman Bermingham met with Chief Mulligan from Portland, he is also the Chief in East Bangor. He spoke about a situation where UMBT could contract with East Bangor to provide police services. Chief Mulligan is checking with East Bangor Council to see what they think. Then he will come in and present to UMBT. Chairman Bermingham also mentioned a meeting with Slate Belt Regional. They are looking at future agendas to bring both Police Departments in. Chief Finan asked if the State Police is here. Chairman Bermingham said “yes”. Ryan Engler mentioned 3 or 4 live in the township as well. Chairman Bermingham spoke to Trooper Branosky, who even set up a speed trap on Ridge Road and are looking at Rt. 512 as well.

9. Zoning Ordinance Updates – Supervisor Teel said many years ago when he was on the Planning Commission. The Planning Commission was interested in coming back with new ideas & planning for future. They looked at R-2 zone but need to know where the BOS would want that zone. They discussed commercializing Rt. 611 and putting future street lights and sidewalks there once there is water and sewer. The Planning Commission asked for a recommendation from the Board of Supervisors. They also would like to see LVPC come up and speak to us. They have professional designers. Public Comment by Charlie Kull –you can change a lot of R-1 to VCR zones and take Multi-family housing out of there. Years ago, Thomases from Twin Gap Farms wanted to do that and was a perfect fit for the VCR and you could get people in there to walk to businesses. Charlie asked about the protocol when redoing zoning; they could consider going to Zoning Hearing Board (ZHB) first, then the Planning Commission, and then the BOS. The ZHB never got to participate too much in the past. Supervisor De Franco mentioned Sandy Shore changed to OSCD. Chairman Bermingham stated to put on the June 11th meeting for BOS recommendation to the PC for their meeting on June 20th.

10. Zoning Districts – Ryan Engler was present and informed the Board that the Bangor Area School District (BASD) is doing work without permits. Ed Nelson was present and indicated the Bangor Slater Network is working on the trailer with no permits. In the future they need to do permits, someone from the Township needs to make sure they get proper permits. They are doing major renovations. Ed Nelson indicated the

Slater Family Network is housed in modules in the playground area. They want to move them to the high school theater section by the greenhouse. These modules have been used for 5-10 years, there's no water, no sewage and they changed the use. It's an area where the band practices; spring baseball is there. Ed said he is not advocating the Slater Family Network be absolved, it's just that the BASD is not providing a safe area for renovation of 5 points elementary 5 million dollars, they have no permits.

The school has done this in the past, when the theater was built, they got no permits. There is inadequate parking & a multitude of things that go on. It is the obligation of UMBT to maintain safety at the school, and if not, they are negligent.

Supervisor De Franco asked if they are exempt. Ryan Engler indicated even if the Township said they are exempt from paying, they still need to get the permits. There were lawsuits in the past & there was a settlement. They are in violation of both zoning and UCC. Chief Finan said there are no sprinklers and he has contacted them multiple times regarding major fire hazards with no response back.

Ryan asked the Board for support to go to School Board to stop construction and make them get all permits as necessary. Supervisor Teel said the Zoning Officer needs to serve a cease & desist order to the BASD immediately. They have dozens of violations. **MOTION** by Supervisor Teel, second by Supervisor Pinter to direct our Zoning Officer Ryan Engler to serve the BASD immediately with a cease and desist order until they comply with all township laws and obtain all the required permits. Vote: 5-0.

11. Eastern Industries permitted / non-permitted uses – OSAB recommendation. The Board indicated they had reviewed the uses. Supervisor De Franco referred to - Page 2 # 6: no material such as mulch or regulated fill that has not been vetted and approved by an individual appointed unless first approved by BOS and professional environmental consultant appointed by the BOS brought in for trails – by who? Who does the vetting? No using invasive species cuttings from this property shall be used on trails. 1-15 is permitted uses, 1-8 is non-permitted uses. #1. No construction of structures within the easement in accordance with an environment plan approved by BOS. Rick said the Township should have plans. Janet indicted Mr. Wilson is coming to next OSAB meeting to make a one hour presentation. **MOTION** by Chairman Bermingham, second by Supervisor De Franco to approve the OSAB recommendation on permitted and non-permitted uses with the condition specified in #1 & # 6. Vote: 5-0. Public Comment by Judy Henckel –she has been questioning this for months; the management & maintenances for uses. The Board still has not done a restrictive covenant for the deed. Rick noted the restrictive covenant will include these uses. Vote: 5-0.

12. Managers Update – Eastern Industries Property.

Rick said he gave permission for a professor from Lafayette University to go in the Eastern Industries property there with students, they are doing a turtle study of the area and setting turtle traps. They will share that information with us. Supervisor Pinter asked the manager to make sure we get insurance from them. Rick gave the status of the Park – Fish & Board –status. He mentioned this last month, turns out they are not requiring anything be moved, but are looking at future coverage for protection of the blue spotted salamander. Appraisal for Collura – He contacted Ledone. They can first look at appraisal by Nature Conservancy, to see how the numbers look. If you want her to do that ^{first}, so the Township does not waste money getting an additional appraisal. Only doing the conservation easement. **MOTION** by Supervisor De Franco, second by Supervisor Due to have them look at the appraisal to see if the Board of Supervisors should even consider getting an additional appraisal. Vote: 5-0.

Trees – Jimmy Capozzoli contacted him re: dead trees on Ridge Road. – They are partially in our right-of-way. There are 100 trees, but policy is to not remove and would recommend saying no to removal. It sets a precedence. We can look at “hanging branches” to trim, but that is it, plus it is on private property. **MOTION** by Supervisor Pinter, second by Supervisor Teel not move forward with removing the trees. Vote: 5-0.

Marie Benzoni contacted him regarding Land disturbance of more than one acre at the Chelsea Sun. The county would like to meet with us and asking the Township to be the lead agency.

James Howard was present and indicated it is merely a tractor path for vehicle path, many tire ruts, permeable road to allow people to not get stuck in the mud. It is under an acre. They are not expanding or doing any Land Development.

Chairman Bermingham noted there is no issue on our end and asked Rick to set up the meeting with us and Marie Benzoni. It is a preservation issue, not ours. Supervisor Pinter thought they might be trying to bring us into this if they believe they don't have a good case.

Rick reviewed with the Board the plans for the pavilion. Supervisor De Franco said it's a 30x70 10 ft x 30 area with a utility room and kitchen. Rick is looking to have the soil tested with a soil scientist prior to DEP coming out.

Public Comment – 3 minutes – Charlie Kull – asked about the Met Ed- North Bangor sub-station. They are doing a lot of work over there and did they get a LD plan. Supervisor Due said there was a cease and desist issued from the County, but they are in compliance now. Supervisor Teel said he was asked that the Eastern Industries property be named as the Lawrence Hallett preserve. Would like to put his name in to be considered since he really orchestrated and pushed to have property preserved. Supervisor Teel asked about putting up a flag pole at the Park. **MOTION** by Supervisor Teel, second by Supervisor De Franco to have a flag pole put up at the Community Park. Vote: 5-0.

Chief Finan discussed the Township burn ordinance and order to call to get permission. They call John Bocko but would like to have more control and they would like to be contacted. He wants to make a log to keep track. Chief Finan will give Rick a list of procedures for the website. Supervisor De Franco and Pinter asked about the EDC requesting to increase their Committee by 2 members. **MOTION** by Supervisor De Franco, second by Supervisor Pinter to approve. Vote: 5-0.

Rick mentioned the EAC for the last three meetings have had no quorum. He would like this addressed at the meeting one June 11th, either they can be replaced or merge the EAC with the OSAB.
Put on the June 11th BOS meeting.

13.Executive Session – **MOTION** by Supervisor Pinter, seconded by Supervisor De Franco to adjourn for Executive Session from 9:50 – 10:10 p.m. to discuss Personnel & Legal. **MOTION** by Supervisor Pinter, second by Supervisor De Franco to temporarily change Hannah Part-time employment and the ability to work up to 40 hours per week. Vote: 5-0.

14.Adjournment **MOTION** by Supervisor De Franco, second by Supervisor Due to adjourn the Public Meeting at 10:17 P.M. Vote: 5-0.

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