

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, SEPTEMBER 10, 2018 @ 7:00PM

AGENDA – PART I

1. CALL TO ORDER-Chairman Bermingham Jr. called the meeting to order @ 7:00pm. Present in addition to Chairman Bermingham Jr. were, Supervisor Due, Supervisor Teel, Supervisor DeFranco, Supervisor Pinter, Township Manager Rick Fisher, Solicitor Ron Karasek and Township Engineer Justin Coyle. The Pledge of Allegiance was recited.
2. APPROVE THE AGENDA – **MOTION** by Supervisor Teel, seconded by Supervisor Pinter to amend the agenda adding Executive Session for Personnel, Supervisor Due asked that Animal Control Officer be added to agenda and Township Manager Fisher asked that Jon Raso Subdivision also be added. Vote 5-0.
3. PUBLIC COMMENT- (3 minutes) – Charles Cole commented on concerns regarding traffic speed control, noise control, and crime enforcement through Stone Church. James Merklinger stated that the intersection of Creek Rd. (a State Rd.) and Union St. (a private lane) is a public safety hazard and he is asking the Township for help, since the State is not willing to help. Township Manager stated that the Township only has a Winter Service Agreement with the State to plow Creek Road, the Township does not maintain it. Chairman Bermingham Jr. stated the Township will reach out to the PennDOT for them to come out and take a look at the road.

AGENDA - PART II (Public Announcement) - Chairman Bermingham Jr. wanted to take a moment to reflect on all those that were lost and the heroic efforts of those that were effected by 9/11/2001. Chairman Bermingham Jr. asked for a moment of silence.

AGENDA - PART III (Minutes)

1. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to approve the Special Monthly Meeting Minutes – Monday July 16, 2018
2. Supervisor DeFranco indicated a correction to be made on the August 13, 2018, Meeting Minutes. The public comment from Charlie Cole, should be EAC, not the EDC.
MOTION by Supervisor Teel, seconded by Supervisor Pinter, to approve the amended Regular Monthly Meeting Minutes, Monday August 13, 2018. Vote 5-0.
3. **MOTION** by Supervisor Due, seconded by Supervisor Teel to approve the Work Session Monthly Meeting Minutes – Monday August 27, 2018. Vote 5-0.

AGENDA – PART IV (Presentations) – None

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

1. PA American Water Company Subdivision – Discussion on conditional use hearing. Kyle Shenk, PA State Director for the Conservation Fund, stated they are currently evaluating whether they are going to move forward on the Fox Gap Road subdivision. There was a

discussion between Solicitor Karasek and the Board of Supervisors regarding a conditional use hearing for Valley View Dr.

2. PA American Water Company Subdivision/Fox Gap Rd. - Waiver Request- no action needed.
3. PA American Water Company Subdivision/Valley View Dr. - Waiver Request-no action needed.
4. Jon Raso Minor Subdivision- No action.

AGENDA – PART VI (Reports)

1. Financial Report-Bill List. Manager Fisher read the bill list. **MOTION** by Supervisor Pinter, seconded by Supervisor Teel to approve to pay the bills in the amount of \$451,785.58. Vote 5-0.
2. Monthly Reports
 - a. Manager’s Report- Township Manager Fisher briefly discussed the budget for 2018. Manager Fisher also discussed a section of River Road that has been seriously damaged. Manager Fisher is looking to get assistance from PEMA. Manager Fisher read a letter from Nick Graziano, a member of the Open Space Advisory Board, for the Board of Supervisors to consider a proposal to hire two interns from ESU to do research and maintain some of the trails at the Eastern Industries property. **MOTION** by Supervisor Teel, seconded by Supervisor Due to hire two interns. Vote 5-0.
Manager Fisher discussed a letter he received from the Lehigh Valley Planning Commission regarding the shared costs of the Comprehensive Plan. Manager Fisher met with the Fire Chiefs to discuss the Hurricane Emergency Plan. Chairman Bermingham Jr. discussed the General Welfare Cards available for those that may need support during emergency situations.
 - b. Solicitor’s Report-Solicitor Karasek read his monthly report.
 - c. Engineer’s Report-Township Engineer Coyle read his monthly report.
 - d. Supervisor’s Report-no report

AGENDA – PART VII (Action Agenda)

1. Saddle Creek – Noise Ordinance – Manager Fisher stated he has received 15 written complaints concerning the Saddle Creek shooting. There was a discussion regarding the noise ordinance and how to control it. Charlie Kull asked Manager Fisher if he has had any conversation with anyone in regards to the shooting. Manager Fisher stated that he has had numerous conversations with William Smith discussing options to curtail any further disruptions. Public comment-Kathy Ruggierio commented on the written complaints, she was not aware that dates and times of the shootings had to be included in the complaints. Public comment-Kathleen Kovalt commented that all her complaints on Evans Tuning have dates and times and is confused as to why there has been no action. Chairman Bermingham Jr. stated that our Zoning Officer is the only one who can enforce any notice and yes, all the complaints are valid. Public comment- Adam Howard stated that having a permanent decimal reader would eliminate the need to have anyone present

at the date and time of any violation. There was a conversation regarding the quality and cost of the equipment. Public comment-William Smith stated that he does enjoy shooting but not every incident occurs on his property. Public comment-Ron Angle stated that the shooting is more of a zoning issue than a noise ordinance. Public comment-Paul Taylor commented on the public comment time, that the Board should stick to the agenda.

2. Jeffrey f. Delvecchio-Addendum to ASA Agreement-Solicitor Karasek stated this is an Addendum to the Agricultural Security Area within the Township that has been signed by the owners and needs approval by the Board of Supervisors before they can move forward to Farmland Preservation. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to approve the Agreement. Vote 5-0.
3. Dean Carnes-Release Indemnification and Hold Harmless Agreement- Solicitor Karasek stated this Agreement signed by Mr. Carnes, who has agreed to release, indemnify and hold the Township harmless from any injury/and or property damage resulting from the lack of the minimum well isolation distance. **MOTION** by Supervisor Teel, seconded by Supervisor Due to approve the Agreement. Vote 5-0.
4. Szempruch-Easement Agreement-Solicitor Karasek stated that one of the conditions of the Szempruch Subdivision was they would grant an Easement to the Township for rights of way along Shady Lane and Quiet Valley Rd. The agreement was signed by the Szempruch's. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to approve the Agreement. Vote 5-0.
5. PennDOT Winter Services Agreement- Solicitor Karasek stated this is the same agreement that was signed five years ago so there is not much to change since it is a PennDOT agreement but to make certain the roads, detailed winter maintenance, and money stated are accurate. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to approve the Agreement. Vote 5-0.
6. Refuse Reductions, Applications Refunds and Exonerations-No action
7. DEP Letter-Clean/Regulated Fill-Supervisor Due discussed the draft letter regarding the Township's request for DEP to strengthen PA standards as allowed for PCP's as they relate to Clean/Regulated fill. **MOTION** by Supervisor Teel, seconded by Supervisor Due to approve and send a letter. Vote 5-0.
8. Open Space Advisory Board-Name the Ponds-Manager Fisher read the letter from the Open Space Advisory Board would like to recommend to the Board of Supervisors that the Eastern Industries property ponds be named Lenape and Williamsburg and also recommend the name of the property The Preserve at Upper Mount Bethel Township. **MOTION** by Supervisor Pinter, seconded by Supervisor Due, to create a Resolution and name the ponds Lenape and Williamsburg and title the property The Preserve at Upper Mount Bethel Township. Vote 5-0.
9. Parade Collections and Distribution-Manager Fisher is asking the Board of Supervisors for their recommendation on how to distribute the donations collected from the attendees at the park for the 4th of July fireworks celebration. Supervisor Teel suggested charging a small fee for parking **MOTION** by Supervisor Teel, seconded by Supervisor Pinter, for the Township to pay the bill for the fireworks and then split the proceeds amongst Portland Fire Co., Mt. Bethel Fire Co., and North Bangor Fire Co. **MOTION** and second

was rescinded. **MOTION** by Supervisor Teel, seconded by Supervisor Pinter, to not pay the bill and split the \$1,240 amongst Portland Fire Co., Mt. Bethel Fire Co., and North Bangor Fire Co. Vote 5-0.

10. Township Backhoe-Supervisor DeFranco and Manager Fisher commented on the mechanical issues with the Township Backhoe. Supervisor DeFranco said he is getting prices on trading it in and also lease options. **MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter to table. Vote 5-0.
11. Spring Intern Proposal- see Manager's Report.
12. Trick or Treat Date and Time- **MOTION** by Chairman Bermingham Jr. seconded by Supervisor Pinter to have Trick or Treat in Upper Mount Bethel Township on Saturday, October 27th, 2018, 3pm-6pm. Vote 5-0.
13. Animal Control Officer-Supervisor Due commented on the problem with the Animal Control Officer and would like to present to the COG, with the Board of Supervisors permission, a suggestion of getting the Animal Advocacy to take over the program because they are willing to take care of the animals. The Board had no problem with Supervisor Due bringing the idea back to the COG.

AGENDA – PART VIII (Old Business)

1. Ambulance Update- There was a discussion regarding coverage from Suburban Ambulance for Upper Mount Bethel Township. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to move forward with a 30 day trial period for coverage from Suburban Ambulance. Vote 5-0.
2. Police Update- Chairman Bermingham Jr. read a letter written to the Board of Supervisors and Township Manager from Adam Howard on behalf of concerned residents of Island Rd and Sandy Shore Drive. Public Comment- Adam Howard commented on unsafe shooting activity. Chairman Bermingham Jr. commented that he has been in contact with Bangor Area School District and they are not interested in assisting in Police coverage. Chairman Bermingham Jr. commented that the only option left is East Bangor Police. Supervisor Teel commented that we need a police force and we owe it to the community to pursue that. Supervisor Pinter expressed his concerns regarding part-time coverage, who will they report to, indemnification and that it has to be done correctly. Chairman Bermingham Jr. stated that he has spoken to Chief Mulligan regarding indemnification/liability insurance and Chief Mulligan said that East Bangor insurance would cover any incident. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Due, to move forward with an agreement with East Bangor Police on a month to month basis and hire a consultant. Public Comments-Jesse Poliskiewicz questioned why the public was not notified about hiring a police force. Joe Battillo commented that he agrees with Supervisor Pinter, that we really need to make sure we do this correctly. Charlie Cole stated that maybe not everyone wants police, but we need to be fair to the people in the villages. Fire Chief Chris Finan asked if the ultimate goal was to have full time police, if so, then we need to make sure we do it correctly. Rich Klinge commented on his concerns of any legal matter bringing back a police force. **MOTION** rescinded. Chairman Bermingham Jr. amended his **MOTION** to move forward with an

agreement with East Bangor Police. **MOTION** rescinded. Amended **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Teel, to get the Boards approval to hire a consultant and have a plan of action by December 1st for East Bangor Police coverage. Vote 3-2.

AGENDA - PART IX (New Business)

1. SB COG Agreement- Manager Fisher stated that the SB COG is revising their Articles of Agreement and would like for the Board to review it. It will be on the agenda for next month's meeting for approval.
2. Events Committee Participant-Cher Mount-Manager Fisher stated that we've advertised for open positions on several committees, Economic Development, Open Space Advisory, Community Events, and the Environmental Advisory Committee. Manager Fisher would like the Board to wait for the next meeting to vote in case we receive any other letters of interest. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to table. Vote 5-0.

AGENDA – PART X (Pubic Comment-3 minutes)-

Paul Taylor commented on the noise ordinance and he feels as though it will be geared more towards no one being able to shoot at all. Paul also wanted clarity on the public comment.

William Smith stated he has done his research on shooting ranges.

Adam Howard stated he called the State Police and they informed him they will not respond to shooting complaints unless there is eminent danger to someone's life.

Kevin Jones commented on all the gunfire at night and he doesn't feel as though it's them, he thinks it's people deer poaching.

Nick Graziano commented he feels as though the Board is doing a good job but he feels as though we are handling the whole police issue incorrectly. Nick also commented that the agenda only indicated a police update, it did not say anything about voting on it. Chairman Bermingham Jr. stated that it is a police update and the vote was only to move forward to hire a consultant and when it is time to vote on police coverage, it will be on the agenda that way.

Ron Angle complimented Chairman Bermingham Jr.'s effort on getting police coverage in Upper Mount Bethel Township. Ron commented on the one lane bridge on Million Dollar Highway, he would like no truck signs posted. Ron also commented on the Comprehensive Plan, what good are we getting out of it.

AGENDA - PART XI (Executive Session) **MOTION** by Supervisor Teel, seconded by Supervisor Due to adjourn at 10:36 for executive session. Vote 5-0. Meeting reconvened at 10:45.

Personnel- Litigation-Virgil Kasieber-Discussed in executive session was the selection of Arbitrator.

AGENDA – PART XII (Adjournment) **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco to adjourn at 10:47. Vote 5-0.

Respectfully submitted by Cindy Beck, Township Secretary