

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
MONDAY, JANUARY 14, 2019 @ 7:00 PM

AGENDA - PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 7:04 pm.
2. The Pledge of Allegiance was recited.
3. Roll Call-Present in addition to Chairman Bermingham Jr. were Supervisor Due, Supervisor Teel, Supervisor DeFranco, Supervisor Pinter, Township Manager Rick Fisher, Township Solicitor Ron Karasek and Township Engineer Justin Coyle.
4. Chairman Statement-Chairman Bermingham Jr. stated that at the meeting held on January 7, 2019, the Board of Supervisors recessed into Executive Session at 8:15 pm. The meeting reconvened at 8:31 pm. Discussed in Executive Session was Kasebier litigation. No action was taken.
5. Approve the Agenda-**MOTION** by Supervisor Teel, seconded by Supervisor Due to approve the agenda. Vote: 5-0.
6. Public Comments- (5 minutes) - Chairman Bermingham Jr. stated that any public comment regarding Act 537 plan should be made after the presentation. Charles Cole commented that due to the amount of residents that showed up for tonight's meeting, the Act 537 Plan presentation should have been tabled and be held at the Mt. Bethel Fire Hall to accommodate everyone. Loren Rabbat asked for clarification on the agenda, what is the purpose of the presentation? Township Engineer Coyle explained that the presentation is a draft of the Act 537 Plan to be discussed with the Board of Supervisors. James Merklinger discussed LED caution signs that are solar powered and he would like the Board to consider meeting with a sales representative. Mr. Merklinger provided Township Manager Fisher with the information and Manager Fisher will be reaching out to them. Judy Henckel announced that the DiFebo Family Harvest Home Farms, Bangor, Pennsylvania, has earned the first Leopold Conservation Award in Pennsylvania.

AGENDA - PART II (Public Announcements) - Chairman Bermingham Jr. announced his office hours will be held Sunday, January 20<sup>th</sup>, 2019 from 1-3 at the Township Building.

AGENDA - PART III (Approve the Minutes)

1. Monthly Special Meeting: December 28, 2018-**MOTION** by Supervisor Teel, seconded by Supervisor Pinter to approve the Monthly Special Meeting Minutes. Vote: 5-0.

2. Final 2019 Budget Adoption Meeting: December 28, 2018-MOTION by Supervisor DeFranco, seconded by Supervisor Teel to approve the Final 2019 Budget Adoption Meeting Minutes. Vote: 5-0.

#### AGENDA - PART IV (Presentations)

1. Act 537 Update (1 hour)
  - a. Presentation-Township Manager Fisher explained what the Act 537 Plan is, so that the residents present at the meeting have a better understanding of what it is. Chairman Bermingham Jr. stated that approximately 2 months ago, Carroll Engineering provided the Board with a Draft of the Act 537 Plan for them to review and any questions that the Supervisors may have will be addressed at the meeting tonight. Chairman Bermingham Jr. stated that in the interim, a notice was illegally placed in numerous mailboxes regarding information that is being falsely advertised, which many of the residents attending the meeting have received. Supervisor Teel commented on the notice and he stated that whoever distributed these notices should be ashamed of themselves because it misled many residents with incorrect information. Loren Rabbat commented on an advertised bid that she presented to the Board to review that states it was done by Manager Fisher and Township Engineer Coyle. Manager Fisher was adamant that he nor Engineer Coyle had anything to do with this advertised bid. Manager Fisher stated that he does not take calls from construction magazine companies who call to get information on projects going on in the Township because they gather information and use it improperly.

Engineer Coyle summarized the draft plan which includes maps of areas of concern, questionnaires that were sent out, tests that were performed, research information that was uncovered, the past Act 537 Plan, Portland Borough's Act 537 Plan, and basically a culmination of a lot of information. Engineer Coyle stated that the fundamental underlying theme is to protect the health, safety and welfare of the public and to protect ground water. Lane Bodley, of Carroll Engineering, spoke briefly on the executive summary of the plan. Lane discussed the areas of concerns, existing systems, soil and water samples, recommendations and an implementation schedule.

- b. Supervisor Discussion-There was a brief discussion amongst the Supervisors on the presentation of the Act 537 Draft Plan.
  - c. Public Comment-Chairman Bermingham Jr. read a letter received by Richard Wilford-Hunt. Many of the citizens attending the meeting, as well as

Mr. Wilford-Hunt's letter, expressed their concerns about their taxes being raised and transparency. Chairman Bermingham Jr. stated there is no hidden agenda and agrees that more information needs to be provided to the citizens. Solicitor Karasek stated the Board of Supervisors are not even close to making any decisions and the Township is still in the planning stages. Chairman Bermingham Jr. is calling for a special meeting, dedicated to the Act 537 Plan, to be held Wednesday, February 6, 2019, at 7:30 pm at the Mt. Bethel Fire Hall. Chairman Bermingham Jr. stated a mailer will be sent to all residents informing them of the Special Meeting and it will also be posted on the Fire Hall's bulletin board.

**MOTION** by Chairman Bermingham Jr., seconded by Supervisor Pinter, to send a mailer to all residents informing them of the Special Meeting on the Act 537 Plan to be held February 6, 2019 at 7:30 pm at the Mt. Bethel Fire Hall. Vote: 5-0.

At 9:15 pm Chairman Bermingham Jr. called for a five (5) minute recess.

At 9:25 pm the meeting reconvened.

AGENDA - PART V (Subdivision and Land Development Plans)-None

AGENDA - PART VI (Reports)

1. Financial Reports-Bill List-Township Manager Fisher read the Bill List. **MOTION** by Supervisor Due, seconded by Supervisor Pinter to pay the bills in the amount \$204,540.40. Vote: 4-0-1. Supervisor Teel abstained.
2. Monthly Reports
  - a. Engineer's Report-Engineer Coyle read his monthly report.
  - b. Solicitor's Report- Solicitor Karasek went over some of his monthly activity for the Township.
  - c. Manager's Report-Manager Fisher read his monthly report. Manager Fisher discussed proposals he received for Auditing Services. **MOTION** by Supervisor Due, seconded by Supervisor Teel to hire Christopher Basile, CPA, to perform our basic annual year ending December 31, 2018, audit. Vote: 5-0. Manager Fisher stated he will continue to advertise for a Forensic Auditor.
  - d. Supervisor's Report
    1. Supervisor Due discussed the possibility of having the Preserve and the Trails be a part of the Park Committee and the Park Committee be a sub-committee of Open Space Advisory Board. Manager Fisher stated

the Park Committee is very busy and focused on the Park. Manager Fisher and Supervisor Due will discuss further at another time.

2. Supervisor Teel stated that the Planning Commission did not meet last month. Supervisor Teel stated that he will be scheduling a meeting in the near future with the fire companies and Lindsey Manzi to discuss Emergency Services and how to assist those in need.
3. Supervisor DeFranco stated the road crew are prepared for the up and coming storm. There was a discussion with Supervisor DeFranco and Lindsey Manzi in regards to the Brine Machine and they hope to have it up and running by March. Supervisor DeFranco stated a metal roof for the park pavilion was approved.
4. Supervisor Pinter stated that he will be meeting with Manager Fisher, Supervisor DeFranco and Supervisor Teel on the cycle of new road crew truck rollouts over the five (5) year plan.
5. Chairman Bermingham Jr. had a brief power point presentation on three (3) Emergency Call System quotes he received. The three companies were Nixle, Swiftreach, and Call Fire. There was a discussion on the pros and cons of the three companies and which company will provide the best, most efficient service. Manager Fisher stated he was happy with the Nixle Service. **MOTION** by Chairman Bermingham Jr. to go with Swiftreach. Lindsey Manzi commented on the Swiftreach service and that it may not be the right service for what we are looking for. After hearing Lindsey Manzi comments and concerns, Chairman Bermingham Jr. rescinded his motion. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor DeFranco to go with the Nixle Service, with a \$500 start-up fee and \$4,500 yearly fee for one year. Vote: 5-0. Chairman Bermingham Jr. stated that after the December 20<sup>th</sup>, 2018 meeting, he felt it was best that the DCED do the police study to see what will be the best option for the Township to move forward with for police service, whether it be East Bangor, Regional, or stay with State Police service. Chairman Bermingham Jr. also discussed the previous police officers and how they will affect us moving forward with police service. Solicitor Karasek stated he will take some time to revisit this.

## AGENDA – PART VII (Action Agenda)

### 1. Tabled from Reorganization Meeting 1-7-2019

- a. Approve Continuation of Membership to the Slate Belt Council of Government. **MOTION** by Supervisor Due, seconded by Supervisor Teel to continue the membership to the Slate Belt Council Government. Vote: 5-0.
- b. Appoint Member to the Slate Belt Council of Government- **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel to appoint Supervisor Due as member of the Slate Belt Council of Government. Vote: 4-0-1. Supervisor Due abstained.
- c. Appoint Alternate Member to the Slate Belt Council of Government- **MOTION** by Supervisor Due, seconded by Supervisor Teel to appoint Supervisor DeFranco the alternate member to the Slate Belt Council of Government. Vote: 4-0-1. Supervisor DeFranco abstained.
- d. Appoint Alternate Township Solicitor-Township Manager Fisher stated we have not received any letter of interest. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Pinter to table. Vote: 5-0.
- e. Appoint Alternate Planning Commission Township Solicitor-**MOTION** by Chairman Bermingham Jr., seconded by Supervisor Pinter to table. Vote: 5-0.
- f. Appoint (1) Member to the Zoning Hearing Board-Chairman Bermingham Jr. stated that we have Ron Angle's letter of interest. Manager Fisher stated he received another letter of interest from Robert Hoffman. **MOTION** by Supervisor DeFranco to appoint Ron Angle. There was a discussion amongst the Supervisors stating that they do not know Robert Hoffman. Supervisor Pinter stated Robert is a neighbor and that he would have to abstain from the vote due to a conflict of interest. Supervisor Pinter seconded Supervisor DeFranco's motion to appoint Ron Angle as a member to the Zoning Hearing Board. Vote: 3-1-1. Supervisor Teel abstained.  
Public Comment-Ron Angle stated that at any point in time anyone feels he is not doing his job, there's no need to make a public scene, just have a couple of Supervisors come and let him know and he will gladly step down. Ron stated he has perfect attendance and he certainly understands and knows zoning, he's been doing it for a long time and will serve at the best of his ability.

2. Refuse Reductions, Application Refunds and Exonerations-**MOTION** by Supervisor Due, seconded by Supervisor Teel to approve the Refuse Reductions, Application Refunds and Exonerations. Vote: 5-0.

3. Resolution #2019-03-Proclamation Request- (January 20-26, 2019 as School Choice Week) - **MOTION** by Supervisor Pinter, seconded by Chairman Bermingham Jr. to table. Vote: 5-0.
4. Resolution #2019-04-PA Municipal Tax Claim and Tax Lien Law-Chairman Bermingham Jr. read Resolution #2019-04. **MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco to adopt Resolution #2019-04. Vote: 5-0.
5. Lehigh Valley Hazard Mitigation Plan Resolution-Manager Fisher stated this is not ready. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Pinter to table. Vote: 5-0.
6. 2018 Gaming Grant-Appropriate Uses-**MOTION** by Chairman Bermingham Jr., seconded by Supervisor Due to table. Vote: 5-0.
7. Emergency Call System-Chairman Bermingham Jr. discussed this in his Supervisor Report.
8. Lehigh Valley TIPS Program-Manager Fisher stated there are three (3) applications he is currently working on, the traffic light, Slateford Bridge (replacement) and the re-alignment of the intersection of Potomac, Railroad, and Rt. 611.

#### AGENDA - PART VIII (Old Business)

1. Police Study & UMBT Arbitration-Chairman Bermingham Jr. discussed in his Supervisor report.
2. Park Pavilion-**MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter to move forward with a metal roof on the Park Pavilion. Vote: 5-0. There was a discussion about the stability and longevity of a metal roof.
3. Social Media Policy-Chairman Bermingham Jr. asked for this to be on the January 28, 2019 Board of Supervisors Work Session Meeting. Supervisor Pinter would also like the Conflict of Interest Policy added as well.

#### AGENDA - PART IX (New Business)-None

AGENDA - PART X (Public Comment)-Janet Pearson stated the pavilion looks good. Ron Angle asked about EDC reports. Chairman Bermingham Jr. stated the minutes are posted on the website.

Brian Fox commented on police services and the police study. Chairman Bermingham Jr. asked for the police study to be on the February 11<sup>th</sup> meeting.

AGENDA - PART XI (Executive Session)

1. Personnel-Manager Fisher stated that the discussion on personnel can be discussed without going into Executive Session. Manager Fisher stated the Tom Pysner will be retiring/last working day will February 11<sup>th</sup>, 2019.

AGENDA - PART XII (Adjournment)-**MOTION** by Supervisor Teel, seconded by Chairman Bermingham Jr. to adjourn the meeting at 10:48 pm. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary