

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

PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 7:02 pm.
2. The Pledge of Allegiance was recited.
3. Roll Call-Present in addition to Chairman Bermingham Jr. were Supervisor Due, Supervisor Teel, Supervisor Pinter, Township Engineer Justin Coyle, and Township Solicitor Ron Karasek. Supervisor DeFranco was present via phone.
4. Approve the Agenda-Supervisor Due amended the Agenda, adding Executive Session in PART I-A. Supervisor Pinter added Rich Roberts Report to PART VIII (Old Business) #5. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the amended agenda. Vote: 5-0

PART I-A-Recess to Executive Session at 7:07 pm to discuss personnel/management matters. The meeting reconvened at 7:26 pm. No action at this time.

PART II (Public Comment-3 minutes)

Bus Video-Chairman Bermingham Jr. shared a video of a SWIFT truck that did not stop for a bus that was stopped, with the bar out and lights on. Chairman Bermingham Jr. discussed this ongoing issue and is working diligently with the bus company, the State Police, PENNDOT, Senator Scavello and others to address this problem.

Charles Cole commented on the All Traffic Solution Speed Radar Sign (north end of Stone Church) has not been up for quite some time. Charles commented on the Public Speakers and questioned whether it is appropriate. Chairman Bermingham Jr. stated that anyone running for office can come speak. Charles asked about the status of Lou Pector owing fees to the Township. Solicitor Karasek stated he checked the docket to confirm the judgment was filed, showing an approximate balance of \$22,000 (which includes interest). Solicitor Karasek did state that this was filed under a different entity that may longer exist and if any amount is to be received, it should be welcomed. Supervisor DeFranco stated that the current owner will settle with some amount.

Judith Henckel stated the Liberty Water Gap Trail Alliance is meeting on Wednesday and is hoping someone from the Township will be attending. Judith discussed the Open Space dedicated fund and the process of funding.

Bob Gerwig asked if the Rt. 80 Rockwall Meeting at the Mt. Bethel Fire Hall on October 25 is being combined with the Act 537 Meeting. Chairman Bermingham Jr. stated that it is not.

Supervisor Teel stated the importance of everyone attending and how this project (if approved) will greatly impact our Township.

Howard Klein asked if elected officials are considered personnel of the Township. Solicitor Karasek stated yes. Howard asked about the release of the Rich Roberts Report. Chairman Bermingham Jr. stated it will be discussed in old business.

Dave Friedman questioned the meeting that was held at the Township Building by an Elected Official and a developer. Dave would like to know why the cameras were either covered or turned off, what was discussed and what are the Supervisors going to do about it. Supervisor DeFranco stated that it was not a meeting for the Township, it was a meet and greet between a developer and the Portland Water Authority. Discussed were future meetings scheduled with the Portland Water Borough, time and place. The reason the camera was covered was so that anyone standing in the hallway could not view the video of the meeting room. Dave stated a previous Township Supervisor was reprimanded and fined for having a relative in a company that was working at the park. Solicitor Karasek stated that this a comment period, not questions and answers. Chairman Bermingham Jr. stated this was discussed in Executive Session and it was determined that the Supervisors cannot remove a Supervisor, only the Governor can make that decision or a Supervisor can resign.

Richard Wilford-Hunt stated that on October 2, 2019, a Plan Slate Belt meeting was held, Supervisor Pinter and Supervisor DeFranco attended and met with Becky Bradley of the LVPC and for the transparency of the Board, he would like to know what was discussed. Supervisor DeFranco stated this is in the Supervisor's Reports. Supervisor Pinter stated that it will probably be in Engineer Coyle's report as well, since he also attended the meeting.

Andy Mahan-Kovar Lane- Engineer Coyle gave a brief summary of the driveway project on Kovar Lane. Engineer Coyle stated this is a significant project that was done without the correct Township permits. Engineer Coyle stated that Mr. Mahan is also in violation of numerous ordinances that the Northampton County Conservation District oversees. Mr. Mahan stated that this is not a project, it is a repair. Mr. Mahan received a cease and desist from Engineer Coyle and would like to know if he needs to shut down the road and if so, how are the other residents going to access their homes. Solicitor Karasek stated that Engineer Coyle has stated the Mr. Mahan is in violation and the Board should support Engineer Coyle's decision. Solicitor Karasek stated that our Zoning Officer should review to see if there are any violations.

PART III (Public Announcements)

Rt. 80 Rockwall Meeting-Chairman Bermingham Jr. announced this meeting will be held on Friday, October 25th @ 6:00 pm at the Mt. Bethel Fire Hall. All local officials have been invited. This is an informative meeting and all residents are encouraged to attend as well.

Clean-Up UMBT-Chairman Bermingham Jr. announced the next clean-up UMBT will be held on Saturday, October 19th. The clean-up will be on River Rd.

PART IV (Approve the Minutes)

1. Meeting Minutes-September 9, 2019-**MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the September 9, 2019 meeting minutes. Vote: 5-0.
2. Meeting Minutes-September 23, 2019-**MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the September 23, 2019. Vote: 5-0.

PART V (Presentations)

1. Victor Scomillio for Judge-Victor Scomillio gave a brief summary of his campaign for Northampton County Judge.
2. Tom Giovanni-District 4 County Council Candidate- Tom Giovanni gave a brief summary of his campaign for District 4 County Council Candidate.

PART VI (Reports)

1. Financial Report-Bill List-Supervisor Pinter read the bill list. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to pay the bills in the amount \$230,251.70. Vote: 5-0.
2. Monthly Reports
 - a. Engineer's Report-Engineer Coyle read over his monthly report. Monthly activity included reviewing current Township projects, construction in a floodplain along River Rd., Act 537 Plan Meeting with LVPC, sent letter to DEP concerning proposed construction on VIP, and his (and family) time spent staining the Park Pavilion.
 - b. Solicitor's Report-Solicitor Karasek read over his monthly report. Monthly activity included meetings attended, subdivision, land development, zoning and other land use matters, outstanding litigation, and miscellaneous office/administrative items.
 - c. Supervisor's Reports

Supervisor Due spoke of the COG Agreement, Lehigh Gap Preserve and his thoughts of setting up a separate entity for The Preserve.

Supervisor Teel reported the Planning Commission has been discussing the R-2 Zone and hopes to bring some ideas back to the Board. Supervisor Teel reported an update on the proposed emergency exit for the Mt. Bethel Fire House and the proposed Rt.80 Rockwall project and how important it is the residents know the impact this may have on the Township.

Supervisor Pinter reported the Rich Roberts Report is ready to be available to the public. **MOTION** by Supervisor Pinter, seconded by Supervisor Teel, to approve the Rich Roberts Report be made available to the public. Vote: 5-0. Supervisor Pinter reported it is a good time to move some funds into short term investments.

Supervisor DeFranco reported the road crew has been busy with paving, road maintenance and getting the brine machine set up for winter. Supervisor DeFranco stated he met with Met-Ed for the electric at the park, he attended the Plan Slate Belt meeting, met with LVPC to discuss the article that was published and met with the Portland Sewer Authority.

Chairman Bermingham Jr. reported the Rt. Rockwall meeting scheduled for Friday, October 25th, clean-up UMBT on October 19th, smoke detector donation program, speed radar signs in Stone Church and he attended the appreciation dinner that Air Liquide sponsored at Tuscarora.

PART VII (Action Agenda-Matters to be voted on)

1. 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.
2. Community Park Bids
 - a. Pavilion Ceiling-Engineer Coyle stated that one bid was received, Catino Contracting for \$10,750.00 and recommended awarding the bid to Catino Contracting. Supervisor DeFranco discussed insulation in the ceiling, which Engineer Coyle was not aware of. Supervisor DeFranco will get some quotes. **MOTION** by Supervisor Teel, seconded by Supervisor Pinter, to award the Pavilion Ceiling to Catino Contracting for \$10,750.00, to be completed after insulation is installed. Vote: 3-0-2. Supervisor Due and Supervisor DeFranco abstained.
 - b. Pavilion Paving-Engineer Coyle stated that two (2) bids were received, Hallett Contractors for \$17,950.00 and Lehigh Valley for \$20,900.50. Engineer Coyle recommends awarding the lowest bid to Hallett Contractors. **MOTION** by Supervisor Teel, seconded by Supervisor Pinter, to award Pavilion Paving bid to Hallett Contractors for \$17,950.00. Vote: 3-0-2. Supervisor DeFranco and Supervisor Due abstained.
 - c. Sidewalk Construction-Engineer Coyle stated that one bid was received, ISG, LLC for \$27,599.00 and recommend awarding the bid to ISG LLC. **MOTION** by Supervisor Pinter, seconded by Supervisor Teel, to award the Sidewalk Construction to ISG, LLC for \$27,599.00. Vote: 5-0.
 - d. Basketball Court Fence-Engineer Coyle stated that six (6) bids were received, Pro Max Fence Systems for \$16,296.00, Abel Fence LLC for \$16,800.00, Treehorn Builders for \$19,498.08, Tri Boro Fencing Contractors Inc. for \$22,589.28, and ISG LLC for \$29,232.00. Engineer Coyle recommends awarding the lowest bid to Pro Max Fence Systems. **MOTION** by Supervisor Due, seconded by Supervisor Teel, to award the Basketball Court Fence to Pro Max Fence Systems for \$16,296.00. Vote: 5-0.
3. 2019 Seal Coat Project-Engineer Coyle discussed the recommendation for final payment to AMS. Engineer Coyle stated work has been completed and performed in compliance. **MOTION** by Supervisor Pinter, seconded by Supervisor Teel, to approve the final payment of \$282,292.01 to AMS. Vote: 5-0.
4. Tannerite/Explosion Ordinance (Zoning Officer on call)-Chairman Bermingham Jr. stated he has received numerous concerns regarding the Tannerite/Explosions that are happening in close proximity of resident homes and would like to have a discussion on what can we do. Supervisor Pinter stated there needs to be a process of the reporting of complaints. Supervisor DeFranco asked if there is a way to confirm that the explosions are of Tannerite. Chairman Bermingham Jr. questioned even if an ordinance was in place, how do we enforce it? Solicitor Karasek stated that in order to prove who is setting off the explosions, a witness must have evidence. Solicitor Karasek stated that the Zoning Officer

should review the Noise Ordinance and provide the Board with a report on how to enforce the Noise Ordinance.

5. Township Trucks-Sandblast/Paint-Supervisor DeFranco stated a quote was received to sandblast and paint the #23 and #24 trucks. **MOTION** by Supervisor DeFranco, seconded by Supervisor Due, to approve the trucks to be sandblasted and painted for \$7,500. Vote: 5-0.
6. BASD Refund-Secretary Cindy Beck stated this was tabled from 9/9/19 to confirm fees were paid. Confirmation has been made, therefore BASD is owed a refund of \$6,600.50. **MOTION** by Supervisor Pinter, seconded by Supervisor Teel, to approve the refund to BASD for \$6,600.50. Vote: 5-0.
7. North Bangor Fire Company Evacuation Center-Supervisor Due discussed the need for an evacuation center in North Bangor. There was a discussion on getting quotes for a generator that will be needed and will be part of the application for the LSA Grant.
8. Zoning Officer Training-Chairman Bermingham Jr. discussed the quote received from Barry Isett to provide training for the new zoning officer. The quote was for six (6) hours a week at a rate of \$110/hr. **MOTION** by Supervisor DeFranco, seconded by Supervisor Due, to hire Barry Isett to do hands on training until the end of the year. Vote: 5-0.
9. Postage Machine Upgrade-Secretary Cindy Beck discussed the proposal of a new postage machine. Supervisor Pinter stated he would like see if the proposal can be changed to reflect a shorter term lease.
10. Ridge Rd/Fox Gap Rd Mailers-Chairman Bermingham Jr. discussed the mailing to the residents on Ridge Rd and Fox Gap Rd who have been experiencing issues with their water well filters. Chairman Bermingham Jr. stated the letter would guide those on how to have testing done on their water. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to send out the mailings, not to exceed 100 mailers. Vote: 5-0.
11. Rt. 611 Radar Signs and Video-Previously discussed.
12. Voting Meetings for the remainder of 2019-There was a discussion on having the remaining meetings of 2019 changed to voting meetings. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the remaining meetings of 2019 to be voting meetings. Vote: 5-0.
13. Change Trick or Treat Date-There was a discussion on the Trick or Treat date being on Saturday, October 26th, the same day as the big meeting of Bangor vs Pen Argyl football game. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to change the party and Trick or Treat to Sunday, October 27th, party 1-3 and trick or treat 3-5. Vote: 5-0.

PART VIII (Old Business)

1. Township Generator Update-Previously discussed in Supervisor DeFranco's report.
2. Preserve Deed/Signatures-Solicitor Karasek stated the Deed is ready to be signed. **MOTION** by Supervisor DeFranco, seconded by Supervisor Due, to sign the Deed. Vote: 5-0.
3. Kevin Correll-Zoning Changes-Solicitor Karasek stated that if the Board is requesting a Zoning Change than a formal petition needs to be filed. Mr. Correll stated he is looking to do a 55 and over community and is looking for ideas on what direction to go in. There was a discussion on the uses in the different zones. Supervisor Teel suggested Mr. Correll present his plan to the Planning Commission.

4. Act 537 Plan Meeting-There was a discussion as to when to schedule the next Act 537 Plan Meeting. Supervisor Teel stated it is best to wait until the questions/comments have been answered by Engineer Coyle and Lane Bodley.
5. Rich Roberts Report-Previously discussed in Supervisor Pinter's report.

PART IX (New Business)-None

PART X (Public Comment-3 minutes)-

Richard Wilford-Hunt is looking for clarity on the cost of the system (sewer) for each of the 288 homes in the AOC. Supervisor Teel stated a system has not been chosen at this time and does not know what grants will be available to the Township.

Charles Cole stated the Act 537 Plan already states what system will be used.

Judy Henckel asked when and where the Rich Roberts Report will be available to the public. Chairman Birmingham Jr. stated it will be available on the Township website.

PART XI (Executive Session)-Recess to Executive Session at 10:10 pm to discuss personnel and legal matters. The meeting reconvened at 10:33 pm.

1. Legal-Discussed in Executive Session was the Kasebier case. Mr. Kasebier put an offer out to settle his case. He is requesting overtime payment in the amount of \$5,581.03. **MOTION** by Chairman Birmingham Jr., seconded by Supervisor Teel, to pay Mr. Kasebier \$5,581.03, less deductions, to settle the matter. Vote: 5-0.
2. Personnel-No action at this time.

PART XII (Adjournment)-**MOTION** by Supervisor Teel, seconded by Supervisor Due, to adjourn the meeting at 10:35 pm. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary