

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
FRIDAY, NOVEMBER 8, 2019 @ 6:00 PM

PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 6:03 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, Township Engineer Coyle, and Township Solicitor Karasek. Absent was Supervisor Pinter.
4. Approve the Agenda-Supervisor DeFranco amended the Agenda, adding Executive Session for Legal and Personnel- PART IV. **MOTION** by Supervisor Due, seconded by Supervisor Teel to approve the amended agenda. Vote: 4-0.

PART II (Public Comment-3 minutes)

Public Comment-Charles Cole questioned what the status of the speed radar signs was. Charles commented on the article in the paper on Pektor Development and was disappointed the article did not mention truck traffic, or air pollution problems and they are not looking at the whole picture.

Public Comment-Ron Angle commented that the truck traffic should be all on Rt. 80. Supervisor Teel stated that not all traffic will go to Rt. 80, some will impact the Township but is concerned about it as well. At some point a traffic study will need to be done.

PART III (Public Announcements) Chairman Bermingham Jr. announced the Christmas Tree Lighting at the Mt. Bethel Fire House will be held on December 4<sup>th</sup>.

PART IV-Recess to Executive Session at 6:10 pm to discuss legal and personnel matters. The meeting reconvened at 6:20 pm. Chairman Bermingham Jr. stated that personnel matters were discussed and there is no action to be taken.

PART V (Approve the Minutes)

1. Meeting Minutes-October 14, 2019 **MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the October 14, 2019 meeting minutes. Vote: 4-0.
2. Special Meeting Minutes-October 17, 2019 **MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the October 17, 2019 meeting minutes. Vote: 4-0.
3. Meeting Minutes-October 28, 2019 **MOTION** by Supervisor Due, seconded by Supervisor Teel, to approve the October 28, 2019 meeting minutes. Vote: 4-0.

## PART VI (Reports)

1. Financial Report-Bill List-Chairman Bermingham Jr. read the bill list. **MOTION** by Supervisor Due, seconded by Supervisor Teel, to pay the bills in the amount of \$411,634.63. Vote: 4-0.
2. Monthly Reports
  - a. Engineer's Report-Engineer Coyle read his monthly report. His report included the paving project payment/punch list items remain, site improvements at the Park, working with FEMA on the River Rd. project, Act 537 Plan Update, working with the Highway Dept. on the Hemlock Dr. project, Planning Commission plans, permits for lights on Rt. 611 in Stone Church, and the 611/512 traffic signal project.
  - b. Solicitor's Report-Solicitor Karasek read his monthly report. His report included meetings attended, subdivision/zoning/other land use matters, and outstanding litigation and misc. office matters.
  - c. Supervisor's Report- Supervisor Due reported that there was one incident at Air Liquide where someone did get injured. Supervisor Teel reported he received the appraisal from Joe Fisher for the property behind the Mt. Bethel Fire House, to be used as an emergency exit for the Fire Company and was disappointed in the appraisal. The property was appraised for \$40,000 and the Jewel's are looking for \$110,000. Supervisor Teel will submit the bill from Fisher and Fisher to Diann, which is \$300. Supervisor DeFranco reported the road crew has been busy with various projects. Supervisor DeFranco stated the bill from Met-Ed for the electric (underground) at the park has been submitted. Supervisor DeFranco would like to get quotes on having about 6 trees removed off Riverton Rd. Supervisor DeFranco attended the Plan Slate Belt meeting and stated that their research on what is best for municipalities is Industrial Land and Multi-Family Housing. Supervisor DeFranco discussed two bids received for the insulation for the pavilion at the park. One was for \$2,328.00 from Synergy Insulation and one was for \$4,190.00 from Quality Insulation. Chairman Bermingham Jr. reported the sign for the "Clean-up" program has come in and will be put on River Rd. Chairman Bermingham Jr. reported he continues to pursue ambulance service in the Township. Chairman Bermingham Jr. reported the smoke detector program continues to move forward. Chairman Bermingham Jr. reported the Mt. Bethel and North Bangor Fire Companies will be having their Santa Delivery event again this year. Chairman Bermingham Jr. reported he spoke with Maria from the school bus company on getting cameras on the buses.

## PART VII (Official Action-Matters to be voted on)

1. Refuse Reductions, Application Refunds and Exonerations-None
2. 2019 Local Roads Paving Project Payment-Engineer Coyle discussed the inspection of the paving project on local roads. Engineer Coyle stated there were some issues with the work not being satisfactory, they have since been resolved. Engineer Coyle is recommending approval of payment to Gaver Industries (dba Barker & Barker) in the amount of \$71,023.19. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to pay Gaver Industries \$71,023.19. Vote: 4-0.

3. Proposed R-2 Zone- Engineer Coyle gave a brief introduction of the proposed R-2 Zone that the Planning Commission has recommended. Possible permitted uses in the R-2 Zoning district were, senior housing, medical facility, multi-family housing, grocery store, pharmacy. Solicitor Karasek emphasized that this is only a proposed R-2 Zone for discussion. Charles Kull asked if Twin Gap Farms was in the proposed R-2 Zone. Engineer Coyle responded yes, he believes so. Charles Hentz stated that the public should have a say on how they feel about the proposed R-2 Zone.
4. Flashing Beacon Signal in Stone Church-Engineer Coyle discussed the plan for two (2) proposed flashing beacon signal lights in Stone Church. Chairman Bermingham Jr. suggested getting it out for bids as soon as possible. Charles Cole commented on the placement of the signs. Engineer Coyle stated the permit application has been submitted to PennDOT.
5. Frable Conditional Use Approval-Solicitor Karasek stated the Frable Conditional Use is ready to be signed and approved. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco, to approve the Frable Conditional Use. Vote: 4-0.
6. Chris Lubera Park Memorial-Chairman Bermingham Jr. discussed doing something in memory of Chris for his love of the park. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor DeFranco, to name the pavilion after Chris. Vote: 4-0.
7. Zoning Officer Training-**MOTION** by Chairman Bermingham Jr., seconded by Supervisor Teel, to table to November 25<sup>th</sup> Vote: 4-0.
8. Pay-Off 624k Wheel Loader w/Merchants Bank-**MOTION** by Supervisor DeFranco, seconded by Supervisor Teel, to payoff the 624k Wheel Loader in the amount of \$6,715.27. Vote: 4-0.
9. Park Pavilion Insulation-Supervisor DeFranco discussed two bids he received for the Park Pavilion Insulation. First bid, Quality Insulation for \$4,190 and the second bid, Synergy Insulation for \$2,328.00. **MOTION** by Supervisor DeFranco, seconded by Supervisor Teel, to accept the bid from Synergy Insulation for \$2,328.00. Vote: 4-0.
10. Track at the Park-Supervisor Teel stated he would like for Solicitor Karasek to review the Deed to the Park and enhance the language that the Park can never be sold and the Park is kept as a community Park for public use, now and forever. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to have Solicitor Karasek enhance the language in the Deed, maybe to also include a possible municipal building in the future and to use the now and forever for public use. Vote: 4-0. Supervisor Teel discussed having a track at the Park and feels as though we should have one at our Park. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Teel, to have Engineer Coyle look into track specifications. Vote: 3-1.
11. Township Manager-Chairman Bermingham Jr. stated the interviews have been completed and has been discussed with all the Supervisors. Supervisor Teel stated that the Township needs to be represented by someone that cares about the whole town. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to hire Ed Nelson for a period of one (1) year trial basis that he performs at the best of his ability, with a salary of \$85,000. Vote: 3-1. Supervisor DeFranco stated he feels as though they should not be entertaining the position without all five (5) Supervisors present. Chairman Bermingham Jr. stated that it has been discussed and they know where everyone stands. Solicitor Karasek stated that they should include a starting date and benefits. **MOTION** by Supervisor Teel, seconded by Supervisor Due, for Ed Nelson to begin on November 18<sup>th</sup>, with all the benefits as the previous manager. Vote: 3-1.

12. Budget Meetings-There was a brief discussion on the budget and scheduling the budget meetings. Solicitor Karasek stated the budget has to be adopted no later than December 31<sup>st</sup>, but we have to give the public twenty (20) days to review. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Teel, for the budget meetings to be held on November 25<sup>th</sup> 5-7 pm and December 9<sup>th</sup> 6-7 pm. Vote: 4-0.

PART VII (Old Business)-None

PART VIII (New Business)-None

PART IX (Public Comment)

Public Comment-Ron Angle asked what the status of the Act 537 plan was. Chairman Bermingham Jr. stated we are still awaiting the questions and comments to be completed by our Engineer. Ron expressed his concerns about the stability of the one lane bridge on Million Dollar Highway and is concerned about the traffic if they ever have to close it. He suggested putting a weight limit on it. Supervisor DeFranco stated it is a state bridge.

Public Comment-Charles Kull asked if the new manager's salary will be less during his first trial year. Supervisor DeFranco stated he is "at will". Solicitor Karasek stated he will review the Township Ordinance on the Township Manager position.

Public Comment-Charlie Hentz congratulated Supervisor Due for his re-election. Charlie discussed the well water problem and the trucks that are bringing in fill from NJ. Charlie stated that we should be finding out what is in the fill that is being brought into PA, we need to be proactive.

Public Comment-Jeff Manzi discussed the property in Slateford, Decker Ferry Road, along the river that is a hazard and not good for anything and thinks it might be something the Township may want to look into acquiring. Jeff commented and expressed his concerns on the signs that are being nailed/screwed onto electric poles on River Road. Jeff stated this could be a hazard for those that work on the poles. Jeff stated he has already notified the power company.

Public Comment-Judy Henckel commented on the Plan Slate Belt and has attended all the meetings. Judy stated that everyone looks at what they hear in a different way.

Public Comment-Richard Wilford-Hunt commented on the 2008-2009 plan that Lou Pektor and Ashley Development submitted to the Board of Supervisors. Richard stated now in 2019, Lou Pektor and River Point Logistics purchased 735 acres and cannot understand how the Board does not know what they plan to do. Richard stated he now questions the credibility and transparency of the Board on this matter. Supervisor DeFranco stated that they have an Industrial Plan not a Residential Plan and we won't know until they submit an official plan.

Public Comment-Bob Gerwig commented on the discussion about the trucks bringing in the dirt. Bob stated he is the one responsible for putting up the signs on the poles but states he did inquire about doing so and was informed by a line foreman that they use bucket trucks. Bob commented on Lou Pektor and does not trust him.

Public Comment- Charlie Kull stated that putting things on power poles in NJ is against the law, but is not certain in PA.

Public Comment-Charles Hentz commented on the trucks that are bringing in the fill to PA. Charles stated that the driver has no clue on what they are bringing to PA, it's the people that are running the operation that know what the fill is. Supervisor Due stated that DEP has done core samples. Supervisor Teel stated that we have been working on this issue for quite some time.

PART X (Executive Session)-Recess to Executive Session at 8:27 pm to discuss personnel matters. The meeting reconvened at 8:40 pm. Chairman Bermingham Jr. stated personnel matters were discussed. As the Zoning Liaison, Supervisor Due made a **MOTION** to terminate our Zoning Officer, who is an "at will" employee, effective 11/12/2019, for several issues, while still on probation. Supervisor Due would like for him to be paid through his probation period, 12/1/19. Supervisor Teel seconded the motion. Vote: 4-0. **MOTION** by Supervisor Teel, to have our Alternate Zoning Officer, Tina Serfass, who is available at demand and in the Township Office one day a week, be our Zoning Officer, seconded by Supervisor DeFranco. Vote: 4-0.

PART XI (Adjournment)-**MOTION** by Supervisor Teel, seconded by Chairman Bermingham Jr., to adjourn the meeting at 8:43 pm. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary