

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JUNE 10, 2019 @ 7:00 PM

AGENDA – PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 7:00 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 Manager Rick Fisher, Township Engineer Justin Coyle, and Township Solicitor Ron Karasek. Absent was Supervisor Pinter.
4. Approve the Agenda-**MOTION** by Supervisor Due, to approve the agenda, seconded by Supervisor Teel. Vote: 4-0.
5. Public Comment-3 min.

Judy Henckel asked if her public comment can be made in Agenda Part VII. Chairman Bermingham Jr. stated yes.

James Merklinger thanked the Board for addressing the issue of the parking in front of TK's, which the owners have modified. James commented on a possible Ordinance regarding abandoned vehicles in the front of homes in the Township. He asked the Board to consider implementing fines to homeowners and use the funds to make the park more handi-cap accessible.

Catherine Buehler wanted to bring to the Board's attention that Gravel Hill Enterprises has applied for a permit to operate a stump dump in Lower Mount Bethel Township and the issue with storm water drainage will impact Upper Mount Bethel Township. Catherine stated that there is an agreement with Gravel Hill Enterprises and Lower Mount Bethel Township, which will be provided to the Board to review. Catherine stated that 300 trucks a week will be passing through UMBT, whether on Rt. 611 or back roads. Catherine stated there is a 60 day comment period to respond to DEP, which brings the response date to July 21, 2019. Charles Cole commented that's 300 more trucks through Stone Church. Township Engineer Coyle stated the process to obtain the required permits has begun. Engineer Coyle will give a detailed presentation at the June 24th BOS meeting.

AGENDA – PART II (Public Announcements) Chairman Bermingham Jr. commented on the success of the "Not in Our House", a program that focuses on drug prevention/awareness, that Upper Mount Bethel Township partnered with Bangor Area School District to deliver. Students, along with their

parents, are required to attend if they are planning on going to the prom. This year, out of 320 students, 316 participated in the program, making it a great success.

Chairman Bermingham Jr. announced the meeting for Clean-Up Upper Mount Bethel Township is on June 27, from 6 pm-7 pm, at the Township Building.

Chief Finan announced that on June 29th, there will be a real life training at the Bangor Area School District, and for the residents to not be alarmed for there will be a lot of emergency vehicles around.

AGENDA – PART III (Approve the Minutes)

1. Meeting Minutes-May 8, 2019 (Special Draft Act 537 Plan Meeting)-**MOTION** by Supervisor DeFranco, to approve the meeting minutes from May 8, 2019, seconded by Supervisor Teel. Vote: 4-0.
2. Meeting Minutes-May 13, 2019-**MOTION** by Supervisor DeFranco, to approve the meeting minutes from May 13, 2019, with the correction of a spelling error, seconded by Supervisor Teel. Vote: 4-0.

AGENDA – PART IV (Presentations)-None

AGENDA – PART V (Reports)

1. Financial Report-Bill List-Manager Fisher read the bill list. **MOTION** by Supervisor Due, to pay the bills in the amount of \$266,112.53, seconded by Supervisor Teel. Vote: 4-0.
2. Monthly Reports
 - a. Manager's Report-Manager Fisher provided the Board of Supervisors the 2nd Quarterly Report. Manager Fisher highlighted on reading the Fund Balances. Manager Fisher reported on the EPA Grant Application, meetings he attended, and the progress that Scantek is making on the scanning of our files.
 - b. Solicitor's Report-Solicitor Karasek reported on his monthly meetings attended, zoning and other land use matters, outstanding litigation, and misc. items.
 - c. Engineer's Report-Engineer Coyle reported on the 2019 Chip Seal project, site improvements at the Community Park, SR611/512 signal project, Saddle Creek detention basins, and Speed Limit Awareness signs.
 - d. Supervisor's Report-

Supervisor Due has nothing to report.

Supervisor Teel reported the Emergency Services meeting held in preparation for the 4th of July celebration, was very productive and next meeting will be held on June 20th at 6:00 pm at the Community Park.

Supervisor DeFranco reported the road department has been busy working on various projects. Supervisor DeFranco reported he attended the Plan Slate Belt meeting with Manager Fisher.

Chairman Bermingham Jr. announced the success of the BASD “Not in Our House” program. Chairman Bermingham Jr. announced the Clean-Up Upper Mount Bethel Township meeting is being held on June 27, at 6 pm, here at the township building.

AGENDA – PART VI (Action Agenda-Matters to be voted on)

1. Refuse Reductions, Application Refunds, Exonerations-**MOTION** by Supervisor Due, to approve the Refuse Reductions, Application Refunds, Exonerations, seconded by Supervisor Teel. Vote: 4-0.
2. Rt. 611 Truck Traffic-Chairman Bermingham Jr. discussed the meeting that was held with Senator Scavello, Corporal Finn of the PA State Police, Dennis Toomey from PennDOT, Bob Kilbanks from Representative Emrick’s office and concerned residents from Stone Church. Discussed in the meeting was the issue with the truck traffic on Rt. 611 going through Stone Church. Concerned residents commented on the speeding, safety, as well as how loud they are. Senator Scavello and Corporal Finn made some suggestions how to address the problem. Dennis Toomey stated that since it is a state road, speed signs need to be PennDOT approved. Manager Fisher stated that he will be working with Engineer Coyle on getting speed signs up and will be monitoring the results of the radar speed signs.
3. YMCA Agreement-Solicitor Karasek discussed the YMCA agreement. Chairman Bermingham Jr. asked Solicitor Karasek to send the agreement to Laura Miller for their approval of the agreement. **MOTION** by Chairman Bermingham Jr., if the agreement is signed by Laura Miller with no issues, then Solicitor Karasek can move forward with the Ordinance, seconded by Supervisor Due. Vote: 4-0.
4. Resolution #2019-06- for the 4th of July Banner-**MOTION** by Supervisor Teel, to pass Resolution #2019-06, seconded by Supervisor DeFranco. Vote: 4-0.
5. Fireworks Ordinance-There was a discussion on the Fireworks Ordinance that Solicitor Karasek is drafting. Solicitor Karasek will prepare the Ordinance to include a livestock provision and a time frame provision (11:00 pm -6:00 am). **MOTION** by Chairman Bermingham Jr., for Solicitor Karasek to prepare a Fireworks Ordinance, to include the livestock and time frame provisions, to be adopted, seconded by Supervisor Teel. Vote: 4-0.
6. Fireworks Display Agreement-Manager Fisher discussed the Agreement with Celebration Fireworks, Inc. The agreement states a fee of \$7,000.00 with a deposit of \$1,750.00 due at the time of the contract acceptance. **MOTION** by Supervisor Teel, to approve the contract with Celebration Fireworks, Inc., seconded by Supervisor Due. Vote: 4-0.
7. 4th Year Camp Counselor Hourly Rate-\$8.75-Manager Fisher stated that at the time the Board approved the camp counselor hourly rates, there were no 4th year camp counselors. **MOTION** by Supervisor DeFranco, approve the 4th year camp counselor rate of \$8.75, seconded by Supervisor Teel. Vote: 4-0.
8. Approval of 2019 Summer Camp Counselors hourly/salary rates:
 - a. Lisa Pfeifer-Director-\$4,000 (6 week camp salary)

- b. Nicole Mastrogiovanni-Asst. Director-\$10.00 hr.
- c. 4th service year-Jordan Taylor and Blake McNew-\$8.75 hr.
- d. 3rd service year-Kristen Reid and Nicole Robinson-\$8.50 hr.
- e. 2nd service year-Sheldon Buist, Haylee Klinge, Vernice Mendez, Andy Rodriguez, and Mark Bittner-\$8.00 hr.
- f. 1st service year-Andrew Persaud, Chase Taylor, Montana Domenech-Cessaro, and Brookel Sabella-\$7.50 hr.

MOTION by Supervisor DeFranco, to approve the 2019 Summer Camp Counselors hourly/salary rates, seconded by Supervisor Teel. Vote: 4-0.

- 9. Staretz-Notice of Appeal-Moved to Executive Session.
- 10. Portland Sewage Negotiation Committee/Next Act 537 Plan Meeting-Manager Fisher discussed the appointment of a committee to negotiate the use of the sewage treatment plant. Manager Fisher is recommending 2 Supervisors and a representative from Carroll Engineering. **MOTION** by Supervisor DeFranco, to appoint Supervisor DeFranco, Supervisor Pinter, Manager Fisher, and a representative from Carroll Engineering, as Upper Mount Bethel Township's Negotiation Committee, seconded by Supervisor Due. Vote: 4-0. Chairman Birmingham Jr. stated the next Act 537 Plan meeting should be held so that anyone who has an alternative solution, be allowed to present their suggestions. There was a discussion on where we are with the plan. Public comments from Richard Wilford-Hunt and Charles Cole, stating that public comments need to be heard. David Friedman commented on the 6 other areas of concern. Manager Fisher stated they are included in the Plan. Manager Fisher stated the plan is available to the public, hard copy or on line. Manager Fisher and Chairman Birmingham Jr. stated we are not quite at the point of submitting the plan.
- 11. Road Crew Positions-There was a discussion regarding the Road Crew Position Advertisement. Manager Fisher will revise the job description to state "CDL Operator". **MOTION** by Supervisor Due, to re-advertise for the Road Crew Position with revised job description stating "CDL Operator", seconded by Chairman Birmingham Jr. Vote: 4-0.
- 12. ASA Application-Gap View Lane-There was a discussion on the ASA Application, two parcels: 100 Gap View Ln and 370 Gap View Ln. Application is deemed approved if no action is taken within 180 days. **MOTION** by Supervisor Due, to accept the ASA application, seconded by Supervisor DeFranco. Vote: 4-0.
- 13. CIPP Grant-Manager Fisher discussed the CIPP Grant, \$50,000 and would like to use it to do paving at the park. **MOTION** by Chairman Birmingham Jr., to move forward with the CIPP Grant application, seconded by Supervisor DeFranco. Vote: 4-0.
- 14. Slate Belt Inter-Municipal Agreement-Manager Fisher stated the agreement has been changed, Lamont McClure signature was added. Solicitor Karasek stated he will re-review revised agreement and consulting agreement. **MOTION** by Chairman Birmingham Jr., to have Solicitor Karasek re-review the Slate Belt Inter-Municipal Agreement and Consulting Agreement, seconded by Supervisor Teel. Vote: 4-0.

15. Debit Cards-Manager Fisher discussed how coaches/umpire fees are paid. Manager Fisher stated he is not comfortable with the large amounts of cash that is handed out. There was a discussion on the process of using debit cards and the accounts to which they are attached. **MOTION** by Supervisor Due, to open a separate bank account with a debit card attached with maximum balance amount of \$500 and when the account draws down to \$50, account will be replenished and not to exceed \$4,000 in a year, seconded by Supervisor Teel. Vote: 4-0.
16. Computer Contract-Manager Fisher discussed the Barbounis Contract that was prepared by Supervisor Pinter. There was a discussion on the computer contract. Solicitor Karasek stated he has not reviewed the contract. Supervisor DeFranco asked if Stavros would be willing to start at his own risk, Manager Fisher stated he will talk to him. Chairman Bermingham Jr. asked that the Barbounis Contract be put on the June 24th meeting for approval. Solicitor Karasek asked for clarity on the maximum amount of hours, set up fee, maximum hours of 50 and the yearly service fee not to exceed 50 hours, without Board approval. **MOTION** by Supervisor Teel, to have Manager Fisher see if Stavros is willing to engage at his own risk, seconded by Supervisor Due. Vote: 4-0.
17. #17 Replacement Truck Purchase-Manager Fisher discussed the previous motion to allow Supervisor DeFranco to negotiate a down payment for a truck at the PSATS convention and is now is looking for a motion to purchase the truck. **MOTION** by Supervisor Teel, to purchase truck, seconded by Supervisor Due. Vote: 4-0.
18. Appoint Stakeholders-Slate Belt Regional Comp. Plan-Manager Fisher stated that David Freidman, Tiffany Hayward, Scott Cole, Judy Henckel, Stavros Barbounis, Janet Pearson, Sharon Cerny, Jeff Kunz, have all expressed interest in being a stakeholder. There was a discussion regarding the stakeholders and only committee members should be appointed. **MOTION** by Supervisor Teel, to appoint current committee members only, David Friedman, Tiffany Hayward, Scott Cole, Stavros Barbounis, Janet Pearson, Sharon Cerny and Scott Minnich, seconded by Supervisor DeFranco. Vote: 4-0.
19. Line Painting Bid Results-Manager Fisher stated that 3 bids were received and opened today. The three bids results were Alpha Space Control Co., Inc. for \$87,700.80, Midlantic Marking Inc. for \$88,202.40 and DeAngelo Brothers Inc. for \$90,092.64. **MOTION** by Supervisor Teel, to award the Line Painting Bid to the lowest bidder, Alpha Space Control Co., Inc. for \$87,700.80, seconded by Supervisor DeFranco. Vote: 4-0.
20. Pavilion Estimates-Manager Fisher stated that according to DCNR, projects at the park have to be advertised for bidding. Manager Fisher stated that he would like to advertise for bids on the paving, concrete and the interior ceiling. **MOTION** by Supervisor DeFranco, to advertise for bids for the paving, concrete and the interior ceiling, seconded by Chairman Bermingham Jr. Vote: 4-0. Supervisor Due discussed the insulation of the interior ceiling of the Pavilion. **MOTION** by Supervisor Due, to also advertise for bids for insulating the ceiling (rock salt), seconded by Supervisor Teel. Vote: 4-0. Manager Fisher commented that he will be getting prices to design a commercial kitchen.

AGENDA – PART VII (Old Business)

1. Police Survey-Chairman Bermingham Jr. stated that he should be receiving the survey questions back from the Professor at Penn State and will send them out to the Supervisors to get their feedback. Chairman Bermingham Jr. asked for this to be on the June 24th meeting.
2. The Preserve-Permitted and Non Permitted Uses-There was a discussion amongst the Supervisors, Janet Pearson and Solicitor Karasek on the permitted and non- permitted uses. Public comment-Judy Henckel stated she cares about the environment and the Fens and all she would like to see is that we are going to pay attention to those areas and would like see that in the Resolution. Solicitor Karasek stated that he can prepare the Resolution with the language that Judy is looking for. **MOTION** by Supervisor Teel, for Solicitor Karasek to prepare a resolution stating that the township is aware of sensitive species of plants and that they will take steps to take care of them, seconded by Supervisor Due. Vote: 4-0.

AGENDA – PART VIII (New Business)

1. Rental Ordinance-**MOTION** by Supervisor DeFranco, to table, seconded by Supervisor Teel. Vote: 4-0. Chairman Bermingham Jr. asked for this to be on the June 24th meeting.
2. Bangor Library-Chairman Bermingham Jr. stated that he would like to get Board approval for Upper Mount Bethel Township to enter into a partnership with Bangor Library to advertise with them, give presentations or anything to help support the need to move the relationship forward. **MOTION** by Supervisor Due, to enter into a partnership with Bangor Library and any cost to the township will be brought to the board, seconded by Supervisor Teel. Vote: 4-0.

AGENDA – PART IX (Public Comment-3 min)-Tom Abbott commented that only two people that work with the road crew are township residents. Chairman Bermingham Jr. asked if there is any policy in regards to the hiring of township residents only, Manager Fisher stated no there is not.

AGENDA – PART X (Executive Session)-Recess to executive session at 9:57 pm. Reconvened at 10:15 pm. Solicitor Karasek stated that discussion in executive session revolved around litigation matters, specifically the Staretz matter, and no action is to be taken. Litigation regarding William and Trisha Smith the target range they have been using in the stormwater detention basin at their Saddle Creek property, which is in violation of the Saddle Creek Subdivision Map Covenants and deed restrictions. Solicitor Karasek stated that was discussed, in particular a potential motion which may be made by 1) the township code enforcement officer review of Ordinance #2007-06, (property maintenance code) and if there are any violations, issue a notice of violation, 2)

additional review with township residents to determine whether there is sufficient basis to proceed with an injunction complaint against the Smiths.

MOTION by Chairman Bermingham Jr., to have the township code enforcer review Ordinance #2007-06 (property maintenance code) and if there is a violation, then a notice of violation be issued, for Solicitor Karasek to reach out to additional township residents to determine if there is sufficient basis to proceed with an injunction complaint and for Solicitor Karasek to send a proper notice to the Smiths, seconded by Supervisor Teel. Vote: 4-0.

AGENDA – PART XI (Adjournment)-**MOTION** by Supervisor Teel, to adjourn at 10:20 pm, seconded by Chairman Bermingham Jr. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary