

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

AGENDA - PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 7:03 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 Manager Fisher, Township Engineer Coyle, and Solicitor Karasek. Absent was Supervisor Pinter.
4. Approve the Agenda-Chairman Bermingham Jr. stated that Manager Fisher asked to amend the agenda, adding personnel to Executive Session.  
**MOTION** by Supervisor Teel, to approve the amended agenda, seconded by Supervisor DeFranco. Vote: 4-0.
5. Public Comment (3 min)

Richard Wilford-Hunt thanked Manager Fisher for arranging a meeting with Orenco Company, alternative sewage systems.

Dave Friedman asked if we have a sewage committee set up.

Howard Klein asked about the status of the EDC report from Rich Roberts. Stavros Barbounis commented that the committee is in the process of reviewing the report, they are waiting for more information. Howard stated he would like to see the report as is, not corrected.

Judy Henckel would like to make her comments in Part IV, items 2 & 4.

Charles Cole commented on the air quality and stated the truck traffic could be a contributing factor to the quality of air. Charles commented on the meeting with the Orenco Company and stated it was a good presentation.

AGENDA - PART II (Public Announcements)-Chairman Bermingham Jr. announced that the Bangor VFW is hosting a First Responders Picnic. Chairman Bermingham Jr. stated the 4<sup>th</sup> of July Parade and Fireworks was a big success. Chairman Bermingham Jr. thanked the Park Committee, Recreation Committee, Mt. Bethel Fire Co., North Bangor

Fire Co., Portland Fire Co., East Bangor Fire Co., and all the volunteers that helped make it another successful year.

#### AGENDA - PART III (Approve the Minutes)

1. Meeting Minutes-June 10, 2019-**MOTION** by Supervisor DeFranco, to approve the June 10, 2019 meeting minutes, seconded by Supervisor Teel. Vote: 4-0.
2. Meeting Minutes-June 24, 2019-**MOTION** by Supervisor Teel, to approve the June 24, 2019 meeting minutes, seconded by Supervisor DeFranco. 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 \$249,366.89, seconded by Supervisor Teel. Vote: 4-0.
2. Monthly Reports
  - a. Manager's Report-Manager Fisher discussed the status of a few grant applications, meetings he attended, the basketball court at the park, the sound meter and gave a financial update for the second quarter. Manager Fisher discussed the CIPP Grant and would like to use the funds for improvements at the Eastern Property instead of improvements at the Park. **MOTION** by Supervisor Teel, to use the Grant for improvements at the Eastern Property, seconded by Supervisor Due. Vote: 4-0.
  - b. Solicitor's Report-Solicitor Karasek discussed the meetings he attended, subdivisions, zoning/other land use matters, outstanding litigation and other misc. items.
  - c. Engineer's Report-Engineer Coyle discussed his monthly report, which included site improvements at the Community Park, submission of a plan for Speed Limit/Bus Stop signage, and meetings attended.
  - d. Supervisor's Report-Supervisor Due reported that the Open Space did not have a meeting last month and he was not able to attend the COG meeting. Supervisor Teel reported, that as the Emergency Management Committee (EMC Liaison), the 4<sup>th</sup> of July celebration went very well. Supervisor Teel attended the meeting with Senator Scavello on the truck traffic and also attended the meeting in Knowlton Township on

the proposed fence in the Gap. Supervisor DeFranco reported the road crew has been busy working on various projects in the Township. Chairman Bermingham Jr. reported that the first Upper Mt. Bethel Township clean-up day is Saturday, July 20<sup>th</sup>. Chairman Bermingham Jr. stated he would like the police survey on the July 22<sup>nd</sup> meeting and at that time get any feedback from the other Supervisors. Chairman Bermingham Jr. stated he spoke with Adele Staars, Mayor of Knowlton Township, who stated that St. Luke's,, services the Knowlton Township area at no cost. Chairman Bermingham Jr. reached out to them but they are not interested in servicing Upper Mount Bethel Township.

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

1. Refuse Reductions, Application Refunds, Exonerations-**MOTION** by Supervisor DeFranco, to accept the Refuse Reductions, Application Refunds, and Exonerations, seconded by Supervisor Teel. Vote: 4-0.
2. Permitted and Non-Permitted Use-Eastern Industries Properties ("The Preserve"). There was a discussion on the Permitted and Non-Permitted Uses. Solicitor Karasek, Manager Fisher, and Janet Pearson will meet to discuss and resolve. Judy Henckel asked if she was to submit a Right to Know, would the document be available to her before it is approved. Manager Fisher stated that he would like a motion for the RTK officer to release the document. **MOTION** by Chairman Bermingham Jr., if a resident requests a copy of the Resolution, Permitted and Non-permitted Uses at the Eastern Industries Properties ("The Preserve"), that once it is ready, the RTK officer will release it, seconded by Supervisor Due. Vote: 4-0.
3. Portland Properties Inc.-Certified Letter Received 6/24/19-There was a discussion regarding the Letter of Credit. **MOTION** by Supervisor DeFranco, to send back the letter of credit, seconded by Supervisor Teel. Vote: 4-0. Solicitor Karasek will follow up.
4. Park Observation Deck/Blue Spotted Salamander Study-Manager Fisher discussed the areas of study for the Blue Spotted Salamander and to move the park observation deck, to expand their habitat. The Park Committee will give their recommendations for the new deck location.
5. CIPP/LSA Grant-Discussed in Manager's Report.
6. Basketball Court at Park-Manager Fisher discussed the bill from Hallett Construction and the dissatisfaction of the work performed. Manager Fisher will provide the Board with an update after he speaks with Larry Hallett.

7. Fire Study-Manager Fisher discussed his conversation he had with Robert Hedden at DCED, who stated he is waiting for information from the fire companies. Chief Pinto stated the information has been provided but it seems it may have been lost by the DCED.
8. Advertise Zoning Officer-Manager Fisher discussed the Board's previous motion to advertise for a Zoning Officer. Manager Fisher stated he interviewed three candidates who had no experience. There was a discussion on whether the position should be full time or part time. **MOTION** by Supervisor DeFranco, to advertise for a full time (40 hours) Zoning Officer, seconded by Supervisor Teel. Vote: 4-0.
9. Meals on Wheels Donation-Chairman Bermingham Jr. discussed a letter addressed to the Board of Supervisors from Meals on Wheels, looking for donations. Manager Fisher recommended including this donation in the 2020 budget. Chairman Bermingham Jr. stated he will reply to the letter of request.
10. Spotted Lanternfly Agreement-Manager Fisher stated he met with USDA in regards to an agreement allowing them to treat the host tree of the Spotted Lanternfly on Township property. **MOTION** by Supervisor DeFranco, to sign the agreement, seconded by Supervisor Due. Vote: 4-0.
11. COG Match/COG Articles of Agreement-Manager Fisher discussed the letter received from COG asking for all COG members to contribute \$146 towards the purchase of a Sewer Jetter and Crack Seal Machine. **MOTION** by Supervisor Teel, to contribute the \$146, seconded by Supervisor Due. Vote: 4-0. Manager Fisher recommended to table the COG Articles of Agreement. Solicitor Karasek will review. **MOTION** by Chairman Bermingham Jr., to table the COG Articles of Agreement to the July 22<sup>nd</sup> meeting, seconded by Supervisor Teel. Vote: 4-0.
12. Eastern Property-Heating/Brine System-Discussed in Manager's Report.
13. Building Codes Official Fees-Manager Fisher discussed a few dissatisfied applicants with the amount of fees that they have been charged. Manager Fisher stated he reached out to our three 3<sup>rd</sup> party inspection service companies and requested a copy of their schedules, which he will compare.
14. Radar Speed Sign-Manager Fisher reported that someone exploded our radar speed sign on 611 in Stone Church. The State Police retrieved what was left for evidence and stated the FBI may get involved.
15. Fire Dept. 4<sup>th</sup> of July-Chairman Bermingham Jr. discussed the role that the fire companies had in the 4<sup>th</sup> of July celebration and would like to give a donation towards the fire companies for their efforts. Stavros Barbounis will complete a cost analysis and have an amount to report to the Board of Supervisors at the August 12<sup>th</sup> meeting.

16. TK's Property Purchase-Chairman Bermingham Jr. stated that the owners of TK's are looking to sell the property behind their business and wondered if the Township would be interested in purchasing it. There was general discussion amongst the Supervisors on the property in question. Supervisor Teel stated he will speak with the owners to see what their intentions are.
17. Laura Iorio Subdivision Improvement Agreement-Manager Fisher discussed the Laura Iorio Subdivision Improvement Agreement and asked one of the lot owners to speak and explain the situation they are in at this point. Kevin Kulesa stated that he and his wife purchased 17 acres on Hartzell Ferry Road and was under the assumption the NPDES permits/stormwater were completed by the developer under an agreement they had with the Township but at this point, no improvements have been made. There was a discussion regarding what improvements are stated on the agreement. Manager Fisher stated that Township Engineer Coyle will do an inspection and provide the Township with a letter stating his findings.

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

1. Act 537 Plan-Supervisor Teel asked Manager Fisher, "can we move forward with this", Manager Fisher stated "yes". Supervisor Teel asked Engineer Coyle, "can we move forward with this," Engineer Coyle stated "yes". Supervisor DeFranco asked Engineer Coyle "even if we went with an alternative system, we still need to move forward with the plan," Engineer Coyle stated "yes, but the plan would need to be amended". Supervisor Teel stated this should have been done 25 years ago. **MOTION** by Supervisor Teel, to start the official 30 day comment period, seconded by Supervisor DeFranco. Vote: 3-1. Chairman Bermingham Jr. voting no.

Public comments- Joe Torre asked if the citizens will be made aware of this. Manager Fisher stated yes, it has to be advertised in the newspaper, which is a requirement. Charles Cole stated that this motion is an insult to those who have been giving their input for months. Richard Wilford-Hunt stated that the alternative system that was presented, really does address some of the issues. Howard Klein asked what have the conclusions been working with Portland and who is responsible for paying for the system? Manager Fisher responded by saying that the individuals on the system are responsible, under the law, the Township cannot charge tax payers who are not on the system. Judy Henckel asked what the timeframe is once it is submitted to DEP. Manager Fisher stated that DEP has a process as well and it could take up to a year for this to be approved. Dave Friedman commented that we are

doing what Knowlton Township is doing in regards to the fence on Rt. 80, we are approving something that we don't even know the cost of. Joe Torre asked about applying for grants to help those that will need to hook up. Charles Cole asked about the update on the sanitary survey. Manager Fisher stated that a permit review by Scott Policelli, Township SEO, was being done.

Chairman Bermingham Jr. stated he was not aware this was coming tonight and although he is supportive of the 537 Plan, he does feel we are jumping the gun and would like to suggest having another meeting to discuss the comments received from the residents. Manager Fisher stated he will continue to do research on other alternative systems and Scott Policelli, Township SEO, will continue to review permits. Solicitor Karasek stated the motion that was given is simply to have an official comment period begin.

AGENDA - PART VIII (New Business)-None

AGENDA - PART IX (Public Comment-3 min)

Charles Kull asked about the electrical at the Park. Manager Fisher discussed the plan for the electric to be installed.

Charles Cole asked if any comments submitted in the past will count towards the official 30 day comment period? Solicitor Karasek responded by saying that any comment made in the past can be documented simply by supplying a written statement indicating the date comment was submitted and indicating that it should now be included in the official comments.

Richard Wilford-Hunt asked if we know who the tenant is of the 150,000 square foot warehouse. Supervisor DeFranco responded there is no tenant, it is all speculation. Howard Klein asked if we know who the new owners are. Manager Fisher stated it may be available on NCPUB.

AGENDA - PART X (Executive Session)-Meeting adjourned to executive session at 9:55 pm. Meeting reconvened at 10:09 pm. Chairman Bermingham Jr. stated what the supervisors discussed in executive sessions was personnel. No action is to be taken.

AGENDA - PART XI (Adjournment)-**MOTION** by Supervisor Teel, to adjourn the meeting at 10:10 pm, seconded by Supervisor Due. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary