

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JULY 22, 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 DeFranco, Supervisor Pinter, Township Manager Rick Fisher, and Township Solicitor Ron Karasek. Absent was Supervisor Teel.
4. Approve the Agenda-Chairman Bermingham Jr. amended the agenda, adding the VFW First Responders Picnic-Keith Kutz. **MOTION** by Supervisor Due, to approve the amended agenda, seconded by Supervisor DeFranco. Vote: 4-0.
5. Public Comment (3 min)

Dave Friedman provided the Board of Supervisors with a copy of the Public Notice that was advertised in the Express Times. The advertisement stated the incorrect date (June instead of July) was advertised for the voting meeting scheduled for July 8, 2019 which was changed to July 10, 2019, due there not being a quorum. Solicitor Karasek stated that if any official motions made on July 10, 2019, would need to be re-voted on.

Howard Klein stated that the notification made to the public was not done properly and that it should be re-advertised. Howard stated the Executive Summary of the Draft Act 537 Plan states 60 day comment period, not 30 day. Howard asked what the status of the Rich Roberts report. Chairman Bermingham Jr. stated he does not know the status.

Charles Cole stated that according to the Draft Act 537 Plan, a planning agency is to review the plan prior to the public comment period and asked if we have the results of that review. Charles asked if Solicitor Karasek has anything to report on Gravel Hill. Solicitor Karasek stated he has reviewed the Settlement Agreement they have with LMBT.

Mary Wilford-Darnell commented that the Board of Supervisors should move slowly and listen to the comments of the people. Mary stated she would like to see the community remain small and rural.

Keith Kutz spoke on behalf of the VFW of Bangor and is looking to see if the Township is willing to make a donation. The VFW is hosting their 2nd annual First Responders Picnic and the donations they receive goes directly back to the First Responders. The Supervisors made a donation collectively of their own, which totaled \$510.00.

Chairman Bermingham Jr. stated that the following motions made at the July 10, 2019 meeting will be re-voted on due to the issue raised by Dave Friedman:

1. Meeting Minutes-June 10, 2019-**MOTION** by Supervisor Due, seconded by Supervisor Pinter, to approve the June 10, 2019 meeting minutes. Vote: 4-0. No comments.
2. Meeting Minutes-June 24, 2019-**MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco, to approve the June 24, 2019 meeting minutes. Vote: 4-0. No comments.
3. Financial Report-Bill List-**MOTION** by Supervisor Due, seconded by Supervisor DeFranco, to pay the bills in the amount of \$249,366.89. Vote: 4-0. No comments.
4. CIPP Grant-**MOTION** by Supervisor Due, seconded by Supervisor DeFranco, to the use the CIPP Grant for improvements at the Eastern Property. Vote: 4-0. No comments.
5. Refuse Reductions, Application Refunds, Exonerations-**MOTION** by Supervisor Pinter, seconded by Supervisor Due, to accept the Refuse Reductions, Application Refunds, Exonerations. Vote: 4-0. No comments.
6. Right-to Know-**MOTION** by Supervisor DeFranco, seconded by Supervisor Due, if a resident requests a copy of the Resolution, Permitted and Non-Permitted Uses at the Eastern Industries Property, once it is ready, the RTK officer will release it. Vote: 4-0. Judy Henckel commented that if it is available on line, then a right to know is not needed, Manager Fisher responded, that is correct.
7. Portland Properties Inc. Certified Letter of Credit-**MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter, to send back the letter of credit. Vote: 4-0. No comments.
8. Advertise Zoning Officer-**MOTION** by Supervisor Pinter, seconded by Supervisor Due, to advertise for a full time (40 hrs.) Zoning Officer. Vote: 4-0. No comments.
9. Spotted Lanternfly Agreement-**MOTION** by Supervisor Due, seconded by Supervisor DeFranco, to sign the Agreement. Vote: 4-0. Solicitor Karasek stated this agreement is only for Township properties and the date on the Agreement should be changed.

10. COG Match-**MOTION** by Supervisor DeFranco, seconded by Supervisor Due, to contribute \$146 towards the purchase of a Sewer Jetter and Crack Seal Machine. Vote: 4-0. No comments.
11. COG Articles of Agreement-**MOTION** by Supervisor DeFranco, seconded by Supervisor Due, to table the COG Articles of Agreement. Vote: 4-0. No comments.
12. Act 537 Plan-Start of the Official Comment Period-**MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter, based on an update of the comment period to 60 days. Supervisor DeFranco amended his motion. **MOTION** by Supervisor DeFranco, seconded by Supervisor Pinter, to start the official 60 day public comment period. Vote: 3-1. Howard Klein asked for the votes to be polled. Supervisor DeFranco-yes, Supervisor Pinter-yes, Supervisor Due-yes. Chairman Bermingham Jr.-no. Howard Klein asked when does the 60 days begin. Manager Fisher stated once it is advertised, the 60 day begins. Manager Fisher stated he will put a copy of the advertisement on the Township's web page and Facebook page.

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

1. Police Survey-Chairman Bermingham Jr. discussed the police survey that was provided the Board and asked if anyone had any questions or concerns regarding the survey. Supervisor DeFranco stated that the paragraph stating developing a regional police agreement with Slate Belt Regional should be removed from the survey because it is his understanding that they do not want to participate. Supervisor Pinter stated that the paragraph stating no tax increase should be changed to “could possibly trigger a tax increase under current economic conditions”. Chairman Bermingham Jr. asked for the police survey to be on the August 12th meeting agenda. There was a discussion regarding the police pension fund.
2. Fireworks Ordinance-Solicitor Karasek stated the Ordinance is ready to be advertised. **MOTION** by Supervisor Pinter, seconded by Supervisor Due, to advertise the Fireworks Ordinance. Vote: 4-0. Public comment from Jim Potter, who enforces the Ordinance? Manager Fisher stated the Zoning Officer.
3. Curtin & Heefner-Chairman Bermingham Jr. stated that Curtin & Heefner have completed their research on the areas of sludge, testing of sludge, and water wells and would like to present their findings to the Board. There was a discussion on how the Board would like to move forward. **MOTION** by Supervisor DeFranco, seconded by Supervisor Due, for Curtin & Heefner to send the Board a report of their findings to be reviewed prior to them giving a presentation. Vote: 4-0. No comments.

4. COG Agreement-Solicitor Karasek stated he has reviewed both Agreements, the Inter-Municipal Agreement and the Planning Services Agreement. Solicitor Karasek stated, as far as the Inter-Municipal Agreement and the Board approval of Upper Mount Bethel Township's portion of \$11,670.56, he finds the Agreement to be acceptable. Solicitor Karasek discussed the Planning Services Agreement with LVPC and as long as the numbers are correct, that is fine. There was a discussion regarding the Agreements and Solicitor Karasek was not referring to the COG Agreement. Manager Fisher will forward the revised COG Agreement to the Board and to Solicitor Karasek for review. Chairman Bermingham Jr. asked for this to be on the August 12th meeting.
5. Basketball Court Paving-Manager Fisher discussed the contract that Hallett Paving Contractors have with the Township and stated the basketball court was not completed as stated in the contract. Manager Fisher stated the court did not meet regulation size, so the road crew had to make modifications to the court. Manager Fisher stated the original bid was for \$19,785. Hallett Paving Contractors added \$2,375 for extra stone, bringing the new bill to \$22,160. There was a discussion on the work performed and how much should be paid. Supervisor Pinter suggested Manager Fisher speak to Mr. Hallett and out of good faith, see if he would be willing to cover the cost incurred by the road crew. **MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco, to pay Hallett Paving Contracting the \$22,160 and for Manager Fisher to see if he would be willing to offset the costs for the road crew's time. Vote: 3-0-1. Supervisor Due abstained. Public comment-Dave Friedman commented on the size of the court and how will that effect having league games playing there.
6. Permitted and Non-Permitted Uses-The Preserve at Upper Mount Bethel Township-Solicitor Karasek stated he met with Manager Fisher and Janet Pearson to review their concerns. Solicitor Karasek stated he addressed their concerns and amended the Resolution. **MOTION** by Supervisor Due, seconded by Supervisor DeFranco, to adopt Resolution #2019-05. Vote: 4-0. Public comment-James Potter asked what the permitted and non-permitted uses were. Solicitor Karasek read the permitted and non-permitted uses. Public comment-Judith Henckel commented that she hopes this Board commits to conserving the area. Judith Henckel commented the Board should tighten up overseeing what is going on in the Township, after hearing what happened with the basketball court. Supervisor Pinter asked Judith how she thinks there could have been more oversight on the basketball court. Supervisor Pinter stated we are doing the best we can with the resources we have.
7. Retirement of the Colors-August 25, 2019-Chairman Bermingham Jr. stated the American Legion holds a Retirement of the Colors, a ceremony in which retired flags are disposed of properly. Chairman Bermingham Jr. would like the

Township to sponsor the event once again by serving hot dogs and hamburgers. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor DeFranco, for the Township to sponsor the Retirement of the Colors ceremony and the cost of the event not to exceed \$250. Vote: 4-0. Supervisor Pinter stated one of the largest ceremonies is held in Kentucky, where they collect approximately 250,000 flags and people from across the country attend. Supervisor Pinter would like to suggest tying this event in with our Memorial Day celebrations. Mary Wilford-Darnell asked what they do with the flags. Chairman Bermingham Jr. stated they are properly burned.

8. Charles Hentz-Water Well Problems-Chairman Bermingham Jr. stated he received a call from Charles stating that he and some neighbors have been having problems with black sediment in their water well filters. Charles believes it may be coming from the quarry in East Bangor. Charles would like the Township's assistance, possibly by sending out questionnaires to find out if and what anyone else may be experiencing. Manager Fisher stated we would probably need to hire a geologist. Supervisor Due stated a study needs be done. Charles Cole stated some tests should be done right away, on raw well water. Howard Klein stated the Township should not get involved in paying for it. Chairman Bermingham Jr. asked Charles Cole if he'd be willing to speak with Charles Hentz, Charles stated he will offer assistance. Howard Klein stated maybe the EAC should get involved.

AGENDA - PART III (Public Comment-3 min)-Howard Klein stated his dissatisfaction with the way the Board handled the Public Notice. James Potter asked if a Right to Know is required to get a copy of a Resolution. Chairman Bermingham Jr. stated not for the Permitted and Non-Permitted Uses. Chairman Bermingham Jr. thanked all those that came out for the Clean-Up Upper Mount Bethel Township Program.

AGENDA - PART IV (Executive Session)-Meeting recessed to Executive Session at 8:50 pm. Meeting reconvened at 9:05 pm.

1. Personnel-Chairman Bermingham Jr. stated discussed in Executive Session were personnel matters. No action will be taken.

AGENDA - PART V (Adjournment)-**MOTION** by Supervisor Pinter, seconded by Supervisor Due, to adjourn the meeting at 9:09 pm. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary