

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
AUGUST 26, 2019 @ 7:00 PM

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 Rick Fisher, and Township Solicitor Karasek. Absent was Supervisor Pinter.
4. Approve the Agenda-**MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the Agenda. Vote: 4-0.

PART II (Public Comment)

Chairman Bermingham Jr. stated that this will be Manager Fisher's last official meeting. Chairman Bermingham Jr. thanked Manager Fisher for his dedication to Upper Mount Bethel Township and wished him all the best in the future. Chairman Bermingham Jr. stated the Retirement of The Colors, held at the American Legion, was a great success and is a great way to respect and retire American Flags in a proper fashion with the Veterans leading the way. Janet Pearson thanked Chairman Bermingham Jr. for his ability to grill hot dogs and hamburgers. Janet thanked Manager Fisher for his dedication to the Township. Kevin Correll thanked Manager Fisher for his dedication to the Township.

Portland Mayor Lance Prator was present to represent the Liberty-Water Gap Trail Alliance and with Manager Fisher leaving, Mayor Prator is looking for a replacement. Mayor Prator discussed a Liberty-Water Gap clean-up for next spring. Mayor Prator commented on the proposed Rt. 80 Rock Wall and the impact it will have on Portland and Upper Mount Bethel Township. Mayor Prator brought it to the attention of the Board that Solicitor Karasek is up for the Good Scout Award and donations are gladly accepted, which goes directly to the Scouts in the area.

Manager Fisher gave a brief summary of activity on Andy Mahan's property. Manager Fisher stated that three private citizens filed a request for action due to Mr.

Mahan digging in the waterway of the Delaware River on Kovar Lane. Mr. Mahan filed a RTK requesting the names of the private citizens. Manager Fisher requested a 30 day extension, which Mr. Mahan refused to grant. Manager Fisher determined that the 30 day extension was not needed and the RTK was denied, as per Act 6 of 2008, Section 708 (b) (17) which states a record of an agency relating to a noncriminal investigation, (i) complaints submitted to an agency, are exempt from access by a requester.

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

1. Kevin Correll-Zoning Changes-Kevin Correll, owner of Apple Blossom Village, a family complex, which is currently shutdown, is looking for possible uses of the vacant buildings and one thought would be an over 55 years of age community housing. Kevin would like the Board to consider changing the current A-1 Zone to include Multi-Family Residential and also Special Purpose Housing for Elderly in the A-1 Zone. Supervisor Teel commented that senior housing is one of the suggestions that the Planning Commission is recommending for the proposed R-2 Zone. There was a discussion on Zoning within the Township on what impact it would have on all areas in the A-1 Zone. Solicitor Karasek stated that an overlay of Zones may possibly work. Chairman Bermingham Jr. stated that Kevin has 3-4 options to consider 1) interpret your license 2) see if the R-2 Zone can include the property 3) the overlay and 4) the R-3 Zone. Chairman Bermingham Jr. asked for this to be on the Board of Supervisors September 23<sup>rd</sup> meeting for an update.
2. Community Park Improvements Bids-Manager Fisher discussed the two bids received, G&B Construction- \$107,387.00 and Alfero Company-\$13,935,820.00. Manager Fisher stated that the bid from Alfero was computed incorrectly (on their part) and their actual bid should have been \$49,750.00. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to re-bid the Community Park Improvement Bid, which is also recommended by Township Engineer Coyle. Vote: 4-0. **MOTION** by Supervisor DeFranco, seconded by Supervisor Due, to get the Penn Bid out as soon as possible, for Engineer Coyle to have a recommendation for the September 9<sup>th</sup> meeting. Vote: 4-0.
3. International Property Maintenance Code/ Adopt 2015 Code-Chairman Bermingham Jr. stated that we are currently using the 2006 Code and would like to adopt the 2015 Code. Manager Fisher will obtain the 2015 IPMC and will provide to the Board and Solicitor Karasek.
4. 4<sup>th</sup> of July Cost Analysis-Approve Donations-Stavros Barbounis gave a summary of the 4<sup>th</sup> of July cost analysis. Manager Fisher summarized the budget process and will work on budget adjustments. Manager Fisher recommends increasing the budget for the 2020 4<sup>th</sup> of July Celebration. **MOTION** by Chairman Bermingham Jr., seconded

by Supervisor DeFranco, to approve an \$800 donation to, North Bangor Fire, Mt. Bethel Fire, Portland Fire, East Bangor Fire and Suburban EMS. Vote: 4-0.

5. Barbounis Contract-Solicitor Karasek discussed the contract and recommended making a few corrections, delete paragraph 22, amend paragraph 24 to reflect PA American Arbitration Association and the services to be, set up hours not to exceed sixty (60) hours per year and maintenance to not exceed fifty (50) hours per year. Solicitor Karasek will draft an addendum to the contract stating the recommended changes. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Teel, to make the changes per the Solicitors email of June 11, 2019, with the revision of not to exceed sixty (60) hours per annum for set up, not exceed fifty-two (52) hours per annum for maintenance/management, remove the arbitration (paragraph 24) and with the signatures of the Board of Supervisors and Stavros Barbounis that the contract is duly signed and executed. Vote: 4-0. Chairman Bermingham Jr. thanked Stavros for doing a great job with movie nights in the park.
6. COG Agreement-There was a concern expressed by the Board of Supervisors that the Executive Committee/Board of the COG was in the practice of making emergency decisions without consulting all COG members. Solicitor Karasek will draft a letter to the COG for their review of the Board's concern.
7. Appoint Slate Belt Regional Representative-Manager Fisher stated his position will need to be replaced. **MOTION** by Supervisor Teel, seconded by Chairman Bermingham Jr., to appoint Scott Minnich. Vote: 4-0. Solicitor Karasek stated that an Alternate Open Records Officer be named. **MOTION** by Supervisor DeFranco, seconded by Chairman Bermingham Jr., to appoint Cindy Beck as the Alternate Open Records Officer. Vote: 4-0.
8. BASD Soccer Team Use of Fields-Chairman Bermingham Jr. stated he received a letter of request from the BASD, requesting to use a soccer field at the Community Park. There was a discussion on the maintenance of the field. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor DeFranco, to approve the BASD to utilize a soccer field at the Community Park with the understanding they list Upper Mount Bethel Township as an additional insured, provide a schedule and promise they are responsible for the striping of the field. Chairman Bermingham Jr. amended his **MOTION** by keeping all the provisions already stated with the addition that this request is good for one year, use of one soccer field and it will be revisited again next year, seconded by Supervisor DeFranco. Vote: 4-0.

#### PART IV (Public Comment-3 min)

Charlie Kull asked Manager Fisher if there was an update on the electric at the park. Manager Fisher stated he will try to get something set up before he leaves his position at the Township.

Judith Henckel commented on zoning, in regards to Mr. Correll's thoughts on changing Zones and that we should look at all situations.

Janet Pearson asked Solicitor Karasek if the deeds were ready. Solicitor Karasek stated he is still reviewing and hopes to have them ready for the next meeting.

Ron Angle commented on the sludge situation. There was a discussion regarding an agreement that Mr. Angle would enter into with the Township that he will not spread sludge in Upper Mount Bethel Township. Chairman Bermingham Jr. stated that this was discussed at a previous meeting and there are concerns if the Township goes through with an agreement with Mr. Angle. Chairman Bermingham Jr. asked that this be on the September 9<sup>th</sup> meeting agenda for further discussion.

PART V (Executive Session)-The meeting recessed to Executive Session at 8:56 pm. The meeting reconvened at 9:13 pm.

1. Legal-Discussed in Executive Session was the settlement terms on the Geake case. **MOTION** by Supervisor DeFranco, seconded by Chairman Bermingham Jr., to not offer any settlement. Vote: 4-0. Also discussed was Kasebier case, no action. Also discussed was the Frable Conditional Use Application for 1491 Lake Minsi Dr. **MOTION** by Chairman Bermingham Jr., seconded by Supervisor Teel, to hold a public hearing for the Frable Conditional Use, 1491 Lake Minsi Drive on September 23, 2019 at 6:00 pm. Vote: 4-0.

PART VI (Adjournment)-**MOTION** by Supervisor Teel, seconded by Chairman Bermingham Jr., to adjourn the meeting at 9:14 pm. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary