

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, SEPTEMBER 9, 2019 @ 7:00 PM

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, Supervisor Pinter, Township Engineer Coyle, and Township Solicitor Karasek.
4. Approve the Agenda-Chairman Bermingham Jr. amended the agenda, adding to Part VI #4, Sludge Agreement, Part VI #5 North Bangor fire truck clutch, and Supervisor Due added to Part VII, Valley Industrial Properties. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to approve the amended agenda. Vote: 5-0.
5. Public Comment (3 min)-Chairman Bermingham Jr. commented on the 18th anniversary of 9/11 and asked for a moment of silence. Ron Angle commented on the one lane bridge on Million Dollar Highway and the toll it is taking by trucks getting stuck trying to go over it. Richard Wilford-Hunt commented on the next public meeting on the Act 537 Plan and feels it would be a good idea for the community to hear more on the funding of the Plan. Richard commented on the absence of a Township Manager and questioned who is now acting as Manager. Richard asked if the Act 537 Plan has been submitted to anyone. Township Engineer Coyle stated that a copy of the Plan has been submitted to the Lehigh Valley Planning Commission, Bangor Area School District, and surrounding municipalities. Kevin Gilmarten commented on 125 Morningside Drive and asked when something will be done. Kevin stated the residence is not a healthy environment, garbage, vultures, cat litter and rabid cats. Kevin stated this situation was addressed with the previous zoning officer, court appearances and judgements, but nothing has been done. Solicitor Karasek will review files and provide the Board with his legal opinion. Charles Cole asked about the speed radar signs/school bus signs and when will they be put up. Lindsey Manzi stated he hopes to have them up sometime this week. Dave Constable discussed the repair of the speed radar signs. Roy Ackerman commented on the activity on Kovar Lane and whether all the proper permits have been issued. Bob Gerwig commented that Kovar Lane is in the flood plain.

PART II (Public Announcements)-Chairman Bermingham Jr. announced that the Mt. Bethel Fire Hall will be having their first Pig Roast on Saturday, 9/14 at 3 pm.

PART III (Approve the Minutes)

1. Meeting Minutes-August 12, 2019-**MOTION** by Supervisor Pinter, seconded by Supervisor DeFranco, to approve the August 12, 2019 meeting minutes. Vote: 5-0.
2. Meeting Minutes-August 26, 2019-**MOTION** by Supervisor Teel, seconded by Supervisor Pinter, to approve the August 26, 2019 meeting minutes. Vote: 5-0.

PART IV (Presentation) Steve Clark, KC Signs, gave a brief presentation of an LED sign for the Township. Steve provided a quote to the Board for review and discussed the benefits of their signs. The meeting recessed at 7:47 pm to view the LED display sign outside. The meeting reconvened at 7:53 pm. Chairman Bermingham Jr. stated this will be on the September 23, 2019 meeting for discussion on whether the Board would like to move forward with an LED sign for the Township.

PART V (Reports)

1. Financial Report-Bill List-Supervisor Pinter read the bill list. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco, to pay the bills in the amount of \$213,966.17. Vote: 5-0.
2. Monthly Reports
 - a. Engineer's Report-Engineer Coyle discussed his monthly report, assisting with site improvements at the Community Park, obtaining permits for signage along 611 in Stone Church, presentation of plans to the Lehigh Valley Transportation Study, site visits, stormwater issues and meeting with Supervisor Teel to discuss alternative access feasibility at the Mt. Bethel Fire Station. Engineer Coyle discussed the Community Park Improvements bids received, one from ISG LLC, for \$63,957.00. Engineer Coyle's recommendation is to reject the bid. There was a discussion on the items to bid on, paving, sidewalk and fencing. **MOTION** by Supervisor Teel, seconded by Supervisor DeFranco, to reject bid. Vote: 5-0. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to do separate bids for each item. Vote: 5-0.
 - b. Solicitor's Report-Solicitor Karasek discussed his monthly report, meetings attended, subdivision/land development matters, outstanding litigations and misc. matters.

- c. Supervisor's Report-Supervisor Due stated the COG is having a Coats for Vets Drive and would like to have a drop off box at the Township. Supervisor Due stated the Lake Minsi project is moving along nicely. Supervisor Teel discussed the Rockwall on Rt. 80 and the impact it will have on Upper Mount Bethel Township. Chairman Bermingham Jr. stated an upcoming meeting on the project will be held at the Township for anyone who would like to attend. Supervisor DeFranco discussed the road crew report and LANTA service to the Mt. Bethel area. Supervisor Pinter stated that if anyone has any questions regarding the Rich Roberts report to contact Scott Cole of the EDC. Chairman Bermingham Jr. stated he is planning a meeting on the Rockwall Project on Rt.80 and will announce when it will be scheduled. Chairman Bermingham Jr. stated the next clean- up UMBT is on October 5th (River Rd. to Hemlock Rd.). Chairman Bermingham Jr. stated he is still awaiting a call back on ambulance service. Chairman Bermingham Jr. stated he met with the Fire Chiefs and they are working on a program to get smoke detectors donated to Township residents who do not have any in their homes.

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

1. Refuse Reductions, Application Refunds, Exonerations-**MOTION** by Supervisor Due, seconded by Supervisor Pinter, to approve the Refuse Reductions, Application Refunds, and Exonerations. Vote: 5-0.
2. Community Park Improvement Bids-Previously discussed in the Engineer's Report.
3. Fire Department Emergency Exit-Supervisor Teel discussed the possibility of having an Emergency Exit for the Mt. Bethel Fire Company. Supervisor Teel stated that there is piece of property that is for sale that could serve as an Emergency Exit, Mary Jewel's property. There was a discussion on the property. **MOTION** by Supervisor Teel, seconded by Supervisor Due, to move forward to have the property appraised by a certified appraiser and to verify the property is still for sale. Vote: 5-0. Supervisor Due discussed the need for North Bangor Fire Company becoming an emergency evacuation center.
4. Sludge Agreement-Chairman Bermingham Jr. discussed, for consideration, the Sludge Agreement, in which a donor will donate \$75,000 to Ron Angle, providing he puts a no sludge restriction in his deeds for two (2) of his farms. The agreement is to be between Mr. Angle, the donor, and Sludge Free (a non-profit organization). The Township will need to be a part of the agreement for enforcement and because it is a forever entity in existence that can enforce the agreement in perpetuity. There was a discussion if the Township is interested in

entering into the agreement. Supervisor Pinter stated his concern is that this could set a precedent for other farmers to want to do the same. **MOTION** by Chairman Bermingham Jr. to authorize the Township to move ahead and take the necessary steps to work with Sludge Free, Ron Angle and Upper Mount Bethel Township, in order to come up with a finalized agreement that all parties are satisfied with, and in that, a committee that Chairman Bermingham Jr., Supervisor Pinter, and Solicitor Karasek will work with Mr. Angle to address any concerns, seconded by Supervisor Due-discussion- Supervisor Due discussed Act 43, American Farm Act, which states farmers can farm their land, and wanted to know if this agreement will this violate their rights? Public comment-Paul Taylor commented on the legal aspects of this proposed agreement. Chairman Bermingham Jr. amended his motion, **MOTION** for Solicitor Karasek to research to be certain that all parties can enter into the agreement and protects the Township, before entering into the agreement. Chairman Bermingham Jr. amended his motion, **MOTION** to move forward with the research of the agreement and which parties will be involved (Ron Angle, Sludge Free and/or UMBT) before deciding if the Township enters into the agreement, seconded by Supervisor Due. Vote: 4-0-1. Public comment-Charles Kull, could this open up a can of worms? Solicitor Karasek stated he will do his research.

5. North Bangor Fire Company Truck Clutch-Chairman Bermingham Jr. stated that Chief Pinto reached out to him and stated that the tanker truck needs a clutch. The cost would be no more than \$2,300. **MOTION** by Supervisor Due, approval to pay the invoice to fix the clutch, seconded by Supervisor Teel. Vote: 5-0. Supervisor Due and Engineer Coyle discussed the property line of East Bangor and Upper Mount Bethel Township. **MOTION** by Supervisor Due, to have Engineer Coyle to determine where the property line/municipal boundaries are, seconded by Supervisor Teel. Vote: 5-0.
6. Township Manager-There was a discussion regarding the hiring of a Township Manager. Chairman Bermingham Jr. stated the deadline to accept applications will be September 20th. **MOTION** by Chairman Bermingham Jr., to hold a Special Meeting on October 17th at 7:00 pm, for the sole purpose of interviewing and hiring a Township Manager, seconded by Supervisor Teel. Vote: 5-0.
7. American Legion Tree Removal-Chairman Bermingham Jr. discussed a tree that is hanging over the American Legion house and would like the road crew to remove the tree. Lindsey Manzi, Township Road Crew Chief gave a summary of the process for the road crew to do the job. Supervisor DeFranco stated that we should have a tree service do it, which will be looked into.
8. LSA Grant-Chairman Bermingham Jr. discussed the grant and what would the Board like to see us apply for. There was a discussion regarding QRS trucks for the Fire Companies.

Chairman Bermingham Jr. asked for a five (5) minute recess at 9:20 pm.

Chairman Bermingham Jr. departed the meeting and stated Vice Chairman DeFranco will finish the meeting. The meeting reconvened at 9:25 pm.

9. BASD Permit-Secretary Cindy Beck discussed the BASD Permit fees and stated they are owed a refund of \$6,600.50, due to being overcharged for permits, which was previously discussed between Mark Schiavone and Rick Fisher. Supervisor Pinter stated that he would like confirmation that the fees were paid before issuing a refund. **MOTION** by Supervisor Teel, to table, seconded by Supervisor Due. Vote: 4-0.
10. Fireworks Budget (General Fund-Rec Budget)-Vice Chairman DeFranco discussed having the Fireworks Budget and instead of it coming out of the General Fund, have it moved to the Recreation Fund. **MOTION** by Supervisor Pinter, that the Rec Board submit their annual fiscal budget to the Board, to include the Fireworks cost, and the Rec Board manage the funds moving forward, not come out of the General Fund, seconded by Supervisor Teel. Vote: 4-0.
11. Auction of Township Equipment- Vice Chairman DeFranco discussed Township Equipment that he would like to put on Municibid. Supervisor Due stated he would like to have input from the Road Crew Chief. There was a discussion with the Road Crew Chief, Lindsey Manzi, Asst. Road Crew Chief David Constable and the Board on the equipment listed below:
 - a. John Deere 160 Excavator
 - b. Paving Machine
 - c. Roller
 - d. Old Utility Truck
 - e. Misc. Snow Removal Equipment**MOTION** by Supervisor Teel, to postpone selling the John Deere 160 Excavator and the Roller, and sell the Paving Machine, the Old Utility Truck and any Misc. Snow Removal Equipment that is no longer needed, seconded by Supervisor Due. Vote: 4-0.
12. Zoning Officer-Work Phone/Computer/Transition Period-Secretary Cindy Beck stated the new Zoning Officer is asking for a work computer and cell phone. There was a discussion regarding a bullet proof vest. **MOTION** by Supervisor Due, to get a cell phone for the Zoning Officer, seconded by Supervisor Teel. Vote: 4-0. Cindy will look into Rick's old PC for the Zoning Officer and will also get a quote from Barry Isett for training.
13. Break Down of the Agility Program with East Bangor-Vice Chairman DeFranco discussed the Agility Program with Road Crew Chief, Lindsey Manzi. Vice Chairman DeFranco stated that the time and equipment shared should be documented.

14. Director of IT-Stavros Barbounis-There was a discussion regarding the contract between Upper Mount Bethel Township and Barbounis Unlimited LLC. The contract is awaiting signatures. No action.
15. Gates on Marshfield-Vice Chairman DeFranco discussed the temporary closing of Marshfield Dr. at the request of the new owners, Riverpoint LLC, of the Marshfield property. Supervisor Teel stated that there is possibly a past endeavor due. **MOTION** by Supervisor Teel, to consider the temporary closing of Marshfield Dr. if past endeavors owed to the Township are paid, Solicitor Karasek to research, seconded by Supervisor Due. Vote: 4-0.
16. Water Filter Issues-Supervisor Due discussed an issue that was recently brought to his attention regarding Water Filters. A resident provided Supervisor Due with a picture of his water filter, which is covered with an unknown source. Supervisor Due would like permission to have the picture put into the newsletter. **MOTION** by Supervisor Due, that the picture be posted on the website and newsletter and for anyone with a filter that looks similar to the one posted, put it in a bag and bring to the Township, seconded by Supervisor Pinter. Vote: 4-0.

PART VII (Old Business)-Valley Industrial Properties-Discussed in Part IV, #5.

PART VIII (New Business)-None

PART IX (Public Comment- 3 minutes)-Charlie Kull stated that a tractor trailer appeared to be leaking something black along Stone Church Drive. Supervisor Teel stated he will look into it.

PART X (Executive Session)-Recess to Executive Session at 10:36 pm. for legal and personnel. The meeting reconvened at 10:47 pm.

1. Legal-Discussed in Executive Session was legal matters. **MOTION** by Supervisor Teel to allow the insurance carrier, provide them with consent to settle, if it is within the parameters as determined by the insurance attorney, seconded by Supervisor Due. Vote: 4-0.
2. Personnel-No discussion

PART IX (Adjournment) - **MOTION** by Supervisor Teel, to adjourn the meeting at 10:48 pm, seconded by Supervisor Pinter. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary