



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES MONDAY, JUNE 14, 2021 – 7:00 PM

*This meeting was held in person and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Chairman Pinter called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Present were Chairman Pinter, Supervisor DeFranco, Supervisor Due, Supervisor Teel, Supervisor Bermingham, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek.

Chairman Pinter stated that public comment on the Firearms Ordinance will be heard just prior to the Action Item.

Public Comments

Ron Angle, Chairman of the ZHB, gave an update on the recent Special Zoning Hearing Board meeting, regarding Valley Industrial Properties (VIP). The Hearing was held for the sole purpose of determining what reasonable conditions to impose upon VIP. VIP filed a special exception request to haul "clean" fill from NJ to PA to put on approximately nine (9) acres of land they own in Upper Mount Bethel Township. The Hearing is continued for 45 days, in hopes a compromised solution is made.

Charles Hentz commented on VIP, the dumping of fill, issues with wells located in the vicinity of VIP and the lack of concern from the Township. Supervisor Due stated that he and Supervisor Bermingham went the Senatorial Hearing and were basically called liars.

Richard Wilford-Hunt read his public comment, which we become part of the official record. Richard commented on the joint venture between RPL East LLC and the Bangor Area Commercial & Industrial Development Authority (IDA), to remediate/clean-up the

power plant property (I-3 Zone) for future development. Solicitor Karasek stated he has not heard from the IDA.

Judy Henckel commented on first the Text Amendment, then the NID, now the IDA. Who is calling the shots? Where do the residents come in? What happens if things go awry? Who will pick up the pieces?

Charles Cole commented on the availability of receiving a copy of the Firearms Ordinance. Solicitor Karasek stated a copy should be made available to the residents after it has been advertised.

II.

ANNOUNCEMENTS-None

III.

CONSENT AGENDA

1. Approval of the May 10, 2021, Meeting Minutes
2. Approval of the May 24, 2021, Meeting Minutes
3. Refuse Reductions, Application Refunds and Exonerations
4. Resolution 2021-07-Matthew Frangos

MOTION by Supervisor Teel to approve the Consent Agenda, seconded by Supervisor Birmingham. Vote: 5-0.

Supervisor Birmingham stated he would like honor William Tonnie's with a Resolution. William played Taps at our Memorial Day drive by parade, and this is an honorable way to recognize him for paying respect to those who made the ultimate sacrifice.

Chairman Pinter stated that at this time we will have a public comment period for the Firearms Ordinance. Solicitor Karasek explained this Ordinance cannot regulate the lawful ownership, possession, transfer, or transportation of firearms. What the Ordinance does do is, regulate where and when firearms may be discharged, as well as the detonation of explosives.

Manager Nelson stated there are several locations, not just one location, that are experiencing issues with the use of Firearms.

Wayne Green, Saddle Creek, commented on a Stroud Township court case challenging the Township's Ordinance regulating the discharge of firearms.

Charlie Cole, Riverton Rd. commented on a couple of excerpts from the Ordinance.

Robert Malcolm, Saddle Creek, commented on the need for this Ordinance, for his family to feel safe.

Charles Hentz, Ridge Rd. commented on Boards' past and present proposals. After his allotted 3-minute public comment, he proceeded to have another 3-minute rant, with no regard to procedure and no respect for the Chairman's request to stop.

John Post, Saddle Creek, commented on the shooting, how it affects their quality of life and to consider including a noise criterion in the Ordinance.

Tequila Wright, Saddle Creek, commented on safety concerns in the neighborhood.

Alex Sarfo, Saddle Creek, commented on the shooting times and the trouble his son has sleeping.

William Hall, Saddle Creek, commented on the shooting, that this is not a right to bear arms issue, it is a safety issue, not a private issue, but a public issue.

Jim Sheridan, Ridge Rd., commented on the Ordinance and infringing on rights.

Bob Hoffman, Million Dollar Highway, commented on the bullets that have landed in his driveway, due to the shooting in Saddle Creek.

Timothy Learn, Million Dollar Highway, commented on the shooting and the noise it creates, the shooting is a sound of freedom, but there is need for compromise, the Ordinance is not the answer.

James Kelly, Scenic Court, commented that this seems to be an issue with one individual, he is a predator hunter, this Ordinance will restrict his hunting rights.

Frank Molenda, Saddle Creek, stated there should be no shooting in a development.

Jason Swanson, Million Dollar Highway, stated he is gun guy, but the shooting is too much, the range where the shooting is taking place is not sufficient.

Richard Griff, Turkey Ridge Rd., stated the shooting is a safety issue, the Ordinance is not the answer.

Dan Hughes, Tower Lane, commented on having a shooting range, safety, being in charge.

Arthur Schwartz, Lonely Lane, commented on compromising, work things out.

John Szczyglinski, Green Tree Lane, stated he has a shooting range on his property and stated there must be another avenue, not by Ordinance.

Leonard Nash, Potomac St., commented on the Ordinance, you cannot legislate responsibility and the Ordinance is not the answer.

Supervisor Teel asked those who carry a License to Carry Card to look at the back, which states safety first. Supervisor Teel stated if someone's child were to get hit by a bullet, he would not want that on his conscience. This Ordinance may not be the best option, but it is a beginning.

William Smith, Saddle Creek, stated he is not the only one who is doing the shooting. William stated he will be only shooting the last Saturday of the month, 1 pm to dark, all PA rules are followed. The Zoning Officer cannot just come onto his property, they will need to make an appointment.

Jerry Geake, on behalf on the East Bangor Shooting Association, stated his concern is who is going to enforce this Ordinance. And the rules of the association are far stricter than this Ordinance.

Timothy Learn stated the card that Supervisor Teel was referring to is issued by the State of PA, based on minimal requirements and personal responsibility.

Alex Sarfo directed his comment to William Smith, pleading for him to respect his neighbors.

William Hall commented on moving, bullets, and the hours that Mr. Smith claims to be shooting. William has driven down to witness shooting in all hours.

John Erler, Saddle Creek, stated he does not agree with the Ordinance at all and is against. It.

Tequila Wright pleaded with Mr. Smith to be respectful to his neighbors.

Holly Hoffman, Million Dollar Highway, commented on the noise levels, shooting times and safety.

Ray Ramano, Potomac St., commented on using your phones to video the shooting activity.

Supervisor DeFranco asked those from Saddle Creek who are against the shooting range and stated that one of things in the development is a deed restriction on shooting,

Supervisor Bermingham stated that there is obviously a problem and there must be a solution. Supervisor Bermingham stated he does not feel the Ordinance is the solution to the problem. Supervisor Bermingham suggests the residents in Saddle Creek to file a lawsuit and come together to come up with an agreement with Mr. Smith.

Township Manager Nelson stated that this is a Township wide problem.

Diane Thompson, Gallery Lane, stated the explosions that are occurring are the main issue.

Solicitor Karasek stated he wanted to address some of the comments that were made: Regarding the Barris vs. Stroud Township, this deals with a target range on someone's property, nothing to do with shooting in general.

Regarding hunting and shooting, the Ordinance makes it clear that the use of firearms is permitted when hunting if in compliance with the PA Game Law.

Regarding fireworks, the Ordinance states it is lawful to detonate explosives in the Township if in compliance with the Township Fireworks Ordinance.

Solicitor Karasek stated that if it is only Mr. Smith that is the target, maybe the Ordinance is not the right thing to do.

Chairman Pinter highly suggested that Mr. Smith meet with Mr. Post or anyone else, to work on a private agreement.

9:00 pm Chairman Pinter called for a 10-minute recess.

The meeting reconvened at 9:10 pm.

IV.

ACTION AGENDA

1. Ordinance 2021-01 Firearms Ordinance- **MOTION** by Supervisor Teel to table this for 30 days, seconded by Supervisor Due, Vote: 5-0.
2. Slatford Rd. Bridge Rehabilitation Bids-Engineer Coyle discussed six (6) bids that were received:
Bi-State Construction Co.-\$217,654.00
Professional Construction Contractors-\$252,117.00
Kobalt Construction-\$268,590.00
Baseline Contracting, Inc.-\$288,174.00
Grace Industries-\$294,071.08
Minichi, Inc.-\$297,000.00
Engineer Coyle recommends the lowest bid-Bi-State Construction. **MOTION** by Supervisor DeFranco to award the bid to Bi-State Construction for \$217,654.00, if funds are available, seconded by Supervisor Teel. Vote: 5-0.
3. Road Crew-Manager Nelson stated he would like have Don Diana moved from a part-time (non CDL) to a Seasonal (non CDL) position, hire one Seasonal (non CDL) and hire Alex Peters, as a part-time employee. **MOTION** by Supervisor Birmingham for Don Diana be moved from a part-time (non CDL) to a seasonal (non CDL) at the rate of \$21.58, seconded by Supervisor Due. Vote: 5-0. **MOTION** by Supervisor Birmingham to hire one seasonal (non CDL) at the rate of \$21.58, seconded Supervisor Due. Vote: 5-0. **MOTION** by Supervisor Birmingham to hire Alex Peters as part-time employee, 4 hrs a day, 3 days a week at the rate of \$7.50, seconded by Supervisor Due. Vote: 5-0.

V.

FINANCIALS

1. Bill List-Manager Nelson read the bill list. Manager Nelson stated that the outstanding Cartwright Cobra has been paid in full. **MOTION** by Supervisor Due

to pay the bills in the amount of \$231,389.75, seconded by Supervisor Teel.
Vote: 5-0.

VI.

NEW BUSINESS

1. Park Policy/Contributions-There was a discussion on the need to know how much the bathrooms are going to cost. The Park/Rec Board needs to be involved, there needs to be more communication.
2. Manager-Manager Nelson discussed

VII.

ADJOURNMENT

MOTION by Supervisor Teel to adjourn the meeting at 9:40 pm, seconded by Supervisor Bermingham. Vote: 5-0.

Respectfully Submitted by Cindy Beck, Recording Secretary

Public Comment - UMBT BOS Meeting June 14, 2021

I wanted to make you all aware that
Over the last 2 months the developer has been wooing the Bangor Area Commercial & Industrial Development Authority ^{IDA} to be an unwitting partner in a joint venture to remediate/clean up the powerplant property (The I-3 zone) for future development. This is a good thing in principal but the way the developer is going about this again raises suspicions. We first heard of this at the Mar 23rd meeting (it was not even on the agenda) when he announced to the IDA he has an agreement of sale to purchase the land in the I-3 zone including the power plant (approx. 130 acres for \$5million). Furthermore, the developer, his attorney's and specialist's (there were six of them at the meeting) pushed to create a joint venture agreement between RPL East LLC and the IDA.

Cleaning up the old power plant & re-developing

if you are not already

[that is the name of this recent shell company]

According to the developer's newest attorney and the IDA's solicitor, the draft agreement would include the IDA taking "temporary" ^{Federal} title to the property, to be the applicant for the EPA's Phase II application and to be a "conduit for financing" for RPL East LLC.

There are many red flags here. ^{This board} You should be acting on the behalf of the township not the developer.

#1 You should study the draft agreement (written by the developer)

#2 - You should ask to see the non-disclosure agreement

#3 You should understand what all is involved with a brownfield site remediation/cleanup?

Has our appointed representative to the IDA submitted any written reports to the BOS? Has our solicitor been approached by the IDA's solicitor? The Bangor Area Commercial & Industrial Development Authority is made up of seven representatives appointed by the supervisors of the BASD. We had better fully understand what they are about to get us into. And we should not be signing any legal documents until a thorough legal review by an environmental attorney is completed. These are decisions being made by a handful of people without community input and could well have significant repercussions impacting our property values and quality of life. We are here at every meeting because we care. We love our community and are looking out for interests of the entire community. We ask the same of you.

Richard Wilford-Hunt
2012 Shady Lane
Mt. Bethel, PA

