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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES
MONDAY, JUNE 27, 2022 – 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 Due, Supervisor Friedman, Supervisor Teel, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek. Supervisor Bermingham was absent.

II.

APPROVE THE AGENDA

MOTION by Supervisor Due to approve agenda, seconded by Supervisor Teel.
Vote: 4-0.

III.

PUBLIC COMMENT

Gary Hilliard, Slateford Road, stated he would like to meet after the meeting to discuss the project on Slateford Road.

IV.

ANNOUNCEMENTS

Manager Nelson announced the following:

- 4th of July Celebration will be held on July 3rd, at the Community Park, gates open at 6pm.
- Please do not put grass clippings in the road.
- ATVs are not licensed and should not be on the roads or in the Preserve.

David Friedman announced that if anyone is interested in sitting on the Well Ordinance Committee, to send your letter of interest to the Secretary.

Supervisor Teel stated he just heard about Plainfield Township's Fireworks Ordinance and would like for the Board to review it to see if we need to make any modifications to UMBT Fireworks Ordinance.

Chairman Pinter stated movie night in the park was well attended.

V.

SUBDIVISIONS

1. Philip Poliskiewicz Minor Subdivision Waiver Request-Solicitor Karasek stated there are two waiver requests made by Mr. Poliskiewicz regarding his minor subdivision and they are simply scale requests, which can be granted by the Planning Commission, but the Board can grant them if they wish to. **MOTION** by Chairman Teel to grant the waiver requests, seconded by Supervisor Friedman. Vote: 4-0.

VI.

ACTION AGENDA

1. Township Auditor-Manager Nelson stated one letter of interest was received and that was from Michael Kulicke. Michael is a resident of the Township, and a former member of the EDC. **MOTION** by Supervisor Friedman to accept Michael Kulicke's letter of interest for the position of the Township Auditor, seconded by Supervisor Due. Vote: 4-0.
2. Ordinance No. 2022-03 ATVs-Solicitor Karasek stated there are a series of questions that he developed in respect to the Ordinance to determine how to draft the Ordinance. Manager Nelson stated an email when out to the Board with the questions and asked if they would review them and respond back with any comment. Solicitor Karasek will reach out to the City of Allentown to get a copy of their Ordinance. **MOTION** by Supervisor Friedman to table, seconded by Chairman Teel. Vote: 4-0.
3. Ordinance No. 2022-04 Dog Leash-Solicitor Karasek stated he needs some direction as to how to draft the Ordinance. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Due. Vote: 4-0.
4. OSAB Conservation Easements-Laura Bocko, Chairperson of the OSAB, stated that there are four properties that have applied for conservation easements that the OSAB approved of and recommends to the Board approval of the Conservation Appraisals. Laura stated that two of the properties had PNDI hits on them for species of concern and one other property PA Fish/Boat would like jurisdiction to whatever species is on that property and because of this, the County stated they will provide monies because the hits are so high. **MOTION** by Supervisor Due to move forward with the Conservation Easements, seconded by Supervisor Teel. Vote: 4-0.

VII.

OLD BUSINESS

1. Upper Mount Bethel Township Community Park Foundation-Supervisor Teel stated that a list of questions has been drafted for Mr. Mezger to respond to regarding the Park Foundation status. Mr. Mezger stated he would like to give a summary of the Foundation. Supervisor Teel had one question before proceeding, "Does the Foundation have an official address?" Mr. Mezger

responded yes, 128 Fish Lane, East Stroudsburg, PA. Mr. Mezger stated that in June 2008, a group of UMBT citizens, assisted by the Township, established the Foundation. The name of the entity is The Upper Mount Bethel Township Community Park Foundation Inc. The articles of incorporation and by-laws can be found on the state website. The original members were Loren Rabbat, Andy Nester, Lisa Desczynski, Jeanette O'Rourke, and Phil Castagna. It was set up as a private non-stock corporation, independent of township manager controls, accountability requirements and is a not for profit registered in the State of PA. The mission was to raise funds for the construction of the Community Park. The function was to minimize the financial burden on the taxpayers. In 2017, the members started to lose interest, Loren was about to give up, but she re-established. The Foundation was reconfigured on November 24, 2021, and the current members are, Mr. Mezger, Chairman, the late Jimmy Comunale, Loren Rabbat is still the treasurer, and Kyle and Kathy Dutt. Anything prior to that date, Mr. Mezger is not responsible for. Mr. Mezger read an excerpt from the Barn Master Site Plan. Due to an early snowstorm in October 2011, immediate attention to repair was needed. The Foundation agreed to cover a shortfall of \$11,200 and as of August of 2012, the Save September Barn Committee is indebted to the Foundation for their help. Mr. Mezger would like to suggest a forensic audit on the town's finances dating back to 2012 be done. Chairman Pinter asked Solicitor Karasek if the Barn Committee was an actual Township Committee. Solicitor Karasek stated he was not sure, but thinks it was just a collaboration of individuals that were attempting to help improve the barn. There was a discussion on how it came about wanting to know how much money was in the Park Foundation account. Stavros stated that Loren asked him if Parks/Recreation would take over running the Park Foundation. Stavros attempted to get as much information on the Foundation, including how much money they had. Manager Nelson stated that he located a file that had their by-laws in it and the by-laws stated that the person responsible for receiving mail would be the Township Building and the current Township Manager. Manager Nelson stated he had been receiving bank statements and knew there was \$8,000 in the account. Manager Nelson stated that the by-laws also state that if the committee no longer exists and any remaining funds were to be turned over to the Township. Manager Nelson stated that the IRS website indicates that last 990 filed was in 2017. Mr. Mezger stated that at this time, with the restructuring of the Foundation, there is no money for the Park. Supervisor Teel asked Mr. Mezger how much money the Foundation currently has in the bank, no response. Supervisor Teel asked is the Foundation currently a 501 c 3. Mr. Mezger responded that it is revoked at this time but will be reinstated retroactively. Supervisor Teel asked that the following questions for Mr. Mezger to respond to be read into the minutes. Manager Nelson read the following questions:

Is the Park Foundation a legal corporation under PA law?

What date was the Foundation created?

What is the physical address of the Foundation?

What is the mailing address?

Is the Foundation a 501 (c) 3?

What name is the 501 (c) 3 reported under with the IRS?

Have you reported a 990 with the IRS in 2021?

How old is the Park Foundation?

Who are the officers?

Who is the Secretary, who is the treasurer, who are the members?

Is there a mission statement?

Is there a liaison to the Parks/Rec committee?

Where and when do you meet?

Where are your letters of corporation filed?

A certified copy of certificate of good standing with the State of Pennsylvania.

All meeting minutes of Regularly Held Meetings since 2008, which are to be held at least quarterly, pursuant to Article III Section 2 of the Bylaws. Such meeting minutes shall also provide the list of Board members present, pursuant to Article III Section 5 of the Bylaws.

All meeting minutes of the Annual meetings since 2008 where new directors are to be elected, pursuant to Article III Section 3 of the Bylaws. Such meeting minutes shall also provide the election results, including the required 3/5ths majority vote for each new Board member.

All written notices of Board meetings since 2008 as required under Article III Section 6 of the Bylaws and confirmation of delivery to each Board member regarding the same.

A copy of each Treasurer's report made at each Board meeting since 2008, as required under Article III Section 7 of the Bylaws.

Written documentation for any Board member's resignation since 2008, as required under Article III Section 9 of the Bylaws.

All meeting minutes of Special Meetings since 2008, including the three (3) Board members who requested such meeting, pursuant to Article III Section 10 of the Bylaws. Such meeting minutes shall also provide the list of Board members present, pursuant to Article III Section 5 of the Bylaws.

The financial records of the Foundation since 2008.

Solicitor Karasek stated that since he was the one who incorporated the corporation, secured 501 c 3 status, prepared the bylaws, and prepared the articles of incorporation, he will provide that information to the Board. Solicitor Karasek stated that he will provide the Board with answers to Mr. Mezger's questions.

MOTION by Supervisor Teel to table, seconded by Supervisor Friedman.
Vote: 4-0.

VIII.

NEW BUSINESS

1. Liberty-Water Gap Trail: PA Extension Alliance-Supervisor Due stated the Liberty-Water Gap Trail is from the Portland Bridge to the Borough of Delaware Water Gap. The three municipalities, Upper Mount Bethel Township, Portland Borough, and the Borough of Delaware Water Gap make up the PA Extension Alliance and it has been discussed that they would like to start taking donations but cannot do that without establishing a 501 c 3. One member from each municipality was to go their municipality and ask for approval for the Alliance to form a 501 c 3 Foundation. Chairman Pinter expressed concerns over approving by-laws and recommends when the by-laws are written, submit them to the Board for comments, not for approval. There was a discussion on where the trail will be. **MOTION** by Supervisor Due to move forward with allowing the Liberty-Water Gap Trail PA Extension Alliance to start a 501 c 3, to help fund the PA extension, seconded by Supervisor Teel. Vote: 4-0.

IX.

REPORTS

1. SEO-Scott Policelli was not present to discuss his monthly report, which included perc tests, inspections, permits and no complaints.
2. Zoning-Tina Serfass was present to discuss her monthly report, which included applications received, reviewed, and issued. Tina discussed Nick's report.
3. Accounting/Bookkeeper-Diann Eden was not present to discuss her monthly report, which included daily activities.
4. Open Space Advisory Board-Laura Bocko was present and stated her monthly report was submitted. No comments on her report.
5. Economic Development Committee-Scott Cole was not present and did not submit a monthly report.
6. Manager-Manager Nelson discussed his monthly activity, meetings attended, discussions on repairing the roof at Eastern, fencing in the preserve, insurance quotes, road crew have been working on pipe work, cameras have been installed at the preserve and no bids have been received for the bathroom project.
7. Engineer-Engineer Coyle discussed his monthly report, plan reviews, investigated various drainage issues, prepare bid documents, and assisted the Township with traffic study for large trucks/tractor trailers on Township roads.
8. Solicitor-Solicitor Karasek discussed his monthly report, meetings attended. Land Development/Zoning matters, outstanding litigation, RTK requests, and misc. administrative matters.
9. Secretary-Cindy Beck discussed her monthly report, website maintenance, training with Fidelity Bank on positive pay, monthly agendas and meeting minutes and working on the codification process. There was a discussion on the powerhouse in the I-3 zone. **MOTION** by Chairman Pinter to have the Planning Commission review the powerhouse portion of the zoning ordinance, seconded by Supervisor Friedman. Vote: 4-0.
10. Park/Rec-Stavros Barbounis discussed his monthly report, governance, park development, sports/recreation, community events and volunteers are always

welcome. Supervisor Teel stated he would like to see a walking/running path. Chairman Pinter stated he would like to see the projects that have been started get completed.

11. IT/Telecom-Stavros Barbounis discussed his monthly report, routine maintenance, website updates, live streaming meetings.
12. Planning Commission-Supervisor Teel stated Planning Commission meets the third Wednesday of each month.
13. Supervisors
 - Supervisor Due-nothing to report.
 - Supervisor Friedman commented on appointing alternate zoning hearing board member.
 - Supervisor Teel-nothing to report.
 - Chairman Pinter-nothing to report.

X.
ADJOURNMENT

MOTION by Supervisor Teel to adjourn the meeting at 8:40 pm, seconded by Supervisor Friedman. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary