



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES MONDAY, JUNE 8, 2020 @ 7:00 PM

*Due to COVID-19 and the Stay-At-Home Order issued by Governor Wolf of Pennsylvania, this Board of Supervisors' Meeting was a Virtual Meeting held online.

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-Virtually present in addition to Chairman Bermingham Jr. were Supervisor Due, Supervisor Teel, Supervisor DeFranco, Supervisor Pinter, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek.
4. Approve the Agenda-Chairman Bermingham Jr. amended the agenda, adding River Road Cable Rail Bid to Part VII item 2 and Supervisor DeFranco would like to discuss VIP in Executive Session. **MOTION** by Supervisor Due to approve the amended agenda, seconded by Supervisor Teel. Vote: 5-0.

PART II (Public Comment-emails received prior to this Meeting) Chairman Bermingham Jr. read the submitted public comments, which will become part of the record.

1. Richard Wilford-Hunt commented on the concerns the Township is facing, transparency, communication, and postponing major policy decision until live meetings can be held again.
2. Loren Rabbat commented on the Act 537 Plan and her concerns of how the meetings are held.
3. Judith Henckel commented on the Industrial Zone Amendment changes.

Chairman Bermingham Jr. discussed how to move forward on public meetings when we enter into the Green Phase and the continuance of Live-Streaming Meetings.

PART III (Announcements)

1. Ernie Gerhart-Chairman Bermingham Jr. asked for a Moment of Silence for the passing of Ernie Gerhart, who recently passed away due to the Coronavirus. Ernie was a Supervisor, a Road Crew Member, a Police Member, and a dedicated resident of Upper Mount Bethel Township.
2. LSA Grants-Chairman Bermingham Jr. announced we were awarded the LSA Grants for the QRS Vehicles for our Local Fire Companies, Mt. Bethel Fire Department and North Bangor Fire Department. North Bangor also received a grant for a generator. Chairman Bermingham Jr. thanked Secretary Cindy Beck for her work on the grant.
3. Memorial Day-Manager Nelson announced that the Memorial Day "reverse" Parade was well attended and was a success.
4. BASD Fireworks-Chairman Bermingham Jr. stated the BASD held their Senior Fireworks Celebration on Saturday, May 30, 2020. Chairman Bermingham Jr. congratulated the Class of 2020 and wishes them all the best in their future endeavors.

Chairman Bermingham Jr. announced that the 4th of July Fireworks held at the Park have been cancelled this year. Chairman Bermingham Jr. stated Lamtec-Custom Laminating, who sponsor the Fireworks, will still be willing to sponsor if we decide to have them later in the year.

5. Build a Better Mousetrap-Manager Nelson is happy to report that Upper Mount Bethel Township placed 2nd in the Build a Better Mousetrap Competition for designing a signpost driver, which is designed to save money and improve efficiency when installing signposts.
6. Chairman Bermingham Jr. announced that he will be holding office hours on June 20, 2020 2-4 pm at the Township Building. Chairman Bermingham Jr. stated that he asks that only one resident come in the building at a time.

PART IV (Approve the Minutes)

1. Meeting Minutes-May 11, 2020-**MOTION** by Supervisor Pinter to approve the May 11, 2020 Meeting Minutes, seconded by Supervisor Teel. Vote: 5-0.
2. Meeting Minutes-May 22, 2020-**MOTION** by Supervisor Pinter to approve the May 22, 2020 Meeting Minutes, seconded by Supervisor Teel. Vote: 4-0-1. Supervisor DeFranco abstained.

PART V (Subdivisions)

1. Bethel Heights Associates Major Subdivision-Solicitor Karasek discussed the Waiver Requests and Conditional Preliminary and Final Plan Approval.
 - a. Waiver Requests
 - aa. SALDO Sections 304 and 305 requires that a Major Subdivision Plan be reviewed first as a preliminary plan and then a final plan. The Planning Commission recommended this waiver. **MOTION** by Supervisor Teel to approve this waiver, seconded by Supervisor Pinter. Vote: 5-0.
 - bb. SALDO Section 306.1 requires drawings for Grading & Storm Drainage Plan, Erosion & Sedimentation Plan and related plans and profiles. The Planning Commission recommended approval of this waiver for the driveway only. **MOTION** by Supervisor Teel to approve this waiver, seconded by Supervisor Pinter. Vote: 5-0.
 - cc. SALDO Section 308.2.2 requires an Environmental Impact Assessment. The Planning Commission recommended approval of this waiver. **MOTION** by Supervisor Teel to approve this waiver, seconded by Supervisor DeFranco. Vote: 5-0.
 - b. Conditional Preliminary and Final Plan Approval-Solicitor Karasek stated the Planning Commission has recommended the Conditional Preliminary and Final Plan Approval. **MOTION** by Supervisor Teel to approve the Conditional Preliminary and Final Plan Approval, seconded by Supervisor Due. Vote: 5-0.

PART VI (Reports)

1. Financial-Bill List-Manager Nelson read the Bill List. There was a discussion about the budget and line items. Supervisor Pinter proposed that once all liabilities have cleared from the old General Fund account, that the remaining funds be moved to Capital Reserves. Supervisor DeFranco commented on the difference of the payroll transfers in the month of May. **MOTION** by Supervisor Pinter to pay the bills in the amount of \$123,177.14, seconded by Supervisor Teel. Vote: 5-0. Supervisor Pinter's concern is that payroll is not equaling to what is on the P & L. There seems to be a discrepancy of \$14,313 and is concerned about other issues with the budget. Supervisor DeFranco questioned line items 415.130, 415.140 (F/T,P/T Public Health wages). Manager Nelson will research their concerns.

PART VII (Action Agenda-matters to be voted on)

1. Refuse Reductions, Application Refunds, and Exonerations-MOTION by Supervisor Pinter to approve the Refuse Reductions, Application Refunds, and Exonerations, seconded by Supervisor Teel. Vote: 5-0.
2. River Road Cable Rail Bid-Engineer Coyle gave a brief overview of the project. Engineer Coyle stated two bids were received-Wm. Orr & Sons for \$124,971.00 and Collinson, Inc. for \$183,875.00. Engineer Coyle recommends Wm. Orr & Sons for the lowest bid of \$124,971.00. Engineer Coyle stated the Engineer's estimate for the project was \$120,000.00 and stated that the bid includes \$5,000.00 of unforeseen work items. **MOTION** by Supervisor DeFranco to award the bid to Wm. Orr & Sons for \$124,971.00, seconded by Supervisor Teel. Vote: 5-0. Supervisor Pinter expressed concerns of where the additional funds will come from since this project was budgeted for \$113,000.00

PART VIII (Old Business)

1. Smith Property-Solicitor Karasek gave a brief update and stated that an inspection of the Smith Property in Saddle Creek is scheduled for June 18, 2020 at 9:30 am where he and Engineer Coyle will inspect the property. Engineer Coyle stated he will be reviewing past letters sent to Mr. Smith and verify that the comments have been addressed. Supervisor Teel asked Solicitor Karasek if Mr. Smith can legally use the detention basin for a shooting range. Solicitor Karasek stated that Mr. Smith is subject to the private covenants, conditions and restrictions of the Saddle Creek Subdivision. Chairman Bermingham Jr. asked for this to be on the June 22, 2020 meeting agenda for an update.

There was a brief discussion on trespassing and the parking along River Road near the Black Bridge. Chairman Bermingham Jr. stated additional "no trespassing" signs may need to be placed in the area.

PART IX (Public Comments received by phone call in during this meeting)

Charles Cole commented on the breakdowns that occur when Live Streaming the meetings. Charles commented on the urgency of Township Resident comments to the proposed River Pointe Logistics Text Amendment.

Chairman Bermingham Jr. wanted to clarify a public comment from Loren Rabbat on the Act 537 Plan. Engineer Coyle stated that the DEP returned the Plan due to the COVID-19 Pandemic. Engineer Coyle stated that now that we are in the Yellow Zone, the Plan will be sent back to DEP for review. Engineer Coyle will get confirmation from DEP when received and will inform the Board with that information.

Richard Wilford-Hunt commented on the River Pointe Logistics (RPL) presentation that was held on February 27th, in which it was stated compliances by RPL will be met with Upper Mount Bethel Township (UMBT) Ordinances and now we are looking at a Text Amendment and bypasses compliance with UMBT Ordinances.

Judith Henckel commented on working with the developer. Supervisor DeFranco commented on Judy's comment and stated that the developer is not looking to make a quick

buck, i.e. warehouses, but they are looking for businesses to benefit the community.

PART X (Executive Session)-Recess to Executive Session at 8:25 pm. Discussed will be two (2) Legal matters. The Meeting reconvened at 9:10 pm.

1. Legal-Chairman Bermingham Jr. stated that discussed in Executive Session were legal issues and no action will be taken at this time.

PART XI (Adjournment)-**MOTION** by Supervisor Teel to adjourn the meeting at 9:20 pm, seconded by Supervisor Due. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

June 8, 2020

Please read this during the first public comment period.

Dear Mr. Birmingham (Chairman of the Board – UMBT)

Now, more than ever, you and this board need to listen to all the residents of Upper Mount Bethel concerning the challenges facing their township; starting with being more transparent, opening up all communications and postponing major policy decisions until live meetings can be held again; meetings where the public can fully participate.

Information and details about the ACT 537 Plan (sewer and water) and the River Point Logistics warehousing/industrial park were hard to come by before the COVID-19 pandemic. Now, it is even more challenging to find out what is going on.

Before, there were closed door meetings with camera's being covered up. Now, there are "closed door " meetings because of the pandemic. Residents are left in the dark more than ever despite efforts to "invite" us to the virtual meetings. Many residents are not computer savvy.

The decisions being made, by this board, concerning the future of our township will forever change the rural character we all cherish and MUST be postponed until some sense of normalcy returns to our democratic governing process. The citizens of UMBT must be allowed to debate, discuss and decide their own future. And it cannot be done with virtual meetings. We must be allowed to see up front and in person for example exhibits showing the sewer profile, the number of warehouses proposed for the industrial park, the traffic light etc. We must be allowed without roadblocks to review monthly reports from supervisors, solicitor, manager and engineer. We must be allowed free access to proposed resolutions, changes to zoning or ordinances and not be limited to just the official review time periods. We must be allowed to determine our own future and it can not be done in the current business climate and with a board of supervisor's who dribble out information on an "as needed basis". Thank you for listening.

Richard Wilford-Hunt – concerned citizen
2012 Shady lane
Mt. Bethel, PA 18343

Good morning,

I have two items I would like to bring to the Board of Supervisors regarding tonight's public meeting:

1. CAN you confirm receipt of the Act 537 plan by the DEP.
2. I am deeply concerned over the potential impact of they proposed 5 million square foot warehousing complex proposed by River Point logistics in our RURAL Township. Whenever I could, I have attended the UMBT meetings to participate in the information being presented. I am upset with the Board's decision to continue holding meetings-- Planning, Board of Supervisors, via video-conference. I know that actually seeing exhibits up close before, during and after the meetings are important to me. I also know that personal interactions of Board members and the public at large is also a part of the dynamics that cannot be replicated via video-conferencing.

As computer savvy as I may be, Zoom, video-conferencing, Skype for business are not comprehensive nor easy. I do not know how to attend a meeting in person.

I would ask that given the significant matters coming before the Board for consideration and voting, that no decisions are voted upon until safe, socially distanced meeting spaces can be created for ALL residents to effectively participate in these meetings in a more traditional fashion.

Thank you, -

Loren Rabbat

Judith Henckel

Comment to June 8, 2020 Board of Supervisor Agenda

I am asking that each Supervisor weigh the long-range importance of their input for the Industrial zone amendment changes. Average or mediocre past practices and goals are not acceptable in the current national and global health, economic and social climate. How will future generations view this?

We need to reach higher standards for the development of the nearly thousand acres along the Scenic River of the Year, gateway to the Delaware Water Gap National Recreation Area, Cherry Valley National Wildlife Refuge and Appalachian Trail along the Kittatinny Ridge. Our own Minsi Lake has recently been listed nationally as one of top ten Waters to Watch.

Our township is geographically positioned like no other. This former electric company property and buffer were designated industrial during the first writing of the township zoning ordinance over forty years ago because the company acquired it. The zone does not dictate manufacturing and warehousing.

We are within driving distance from large east coast metropolitan cities looking to nature more than ever. There is an opportunity to encourage small high end and developing business, education, health and wellness entities with an appreciation for our unique natural assets. The river front property could be a botanical and wildlife refuge and educational center including innovative wetland tertiary waste water treatment.

Supervisors could be holding listening sessions for residents' input on ideas that could bring the developer a profit, a tax base and jobs for township administration, and some compromise for residents' desire for their farm and forest quality of life. This would not diminish the current select review of the draft amendment document. It would allow residents a broader opportunity to engage in the process of goals before those amendments are finalized. Ultimately it could lead to a consensus that would bring more power to the township in negotiations. Currently five people hold the future of our township in their hands.

UMBT Supervisors, administration, and public, I would like to request that the Township open up meetings to in-person participation by the residents as soon as possible. There are two major issues which are going on in the Township - the Act 537 Plan and more recently the River Pointe Logistics development. Because of the BOS desire for secrecy and the Covid Quarantine, little opportunity has been allowed for resident input or knowledge. Most urgent is the Township resident response to the RPL proposed Text Amendment. The Draft Text Amendment, basically, throws out our Township Zoning and SALDO for the RPL property. The proposed amendment should be formally shared with residents now and all Township Meetings should be open for in-person participation. Supervisors should work with residents, not against them. Adjustments can be made for social distancing and personal protection, but still have open meetings. Make this happen soon!

Charles Cole

- **Scott Mousley** · 1:42:12 Is now the right time to talk about a local police force?
 - **Richard B Klinge Jr** · 0:00 I didn't know we had 1 million dollars to start it
 - **Renee Marie** · 0:00 why not!
 - **Debbie Pasquino** · 1:57:10 Watching
 - **Renee Marie** · 1:53:51 Thank you Supervisors DeFranco and Pinter for continuing to monitor our budget and bringing to light the issues that are within.
 - **Jim Potter** · 1:46:17 louie
 - **Jim Potter** · 1:43:03 they must be talking about more lawsuits
 - **Michael Laclair** · 50:11 Where will the bethel heights sub division take place in
 - **Michael Laclair** · 1:18:28 **Olga Clara Ulmer** well they communicated the easement was off belvidere Corners rd. The only church is the one I listed
 - **Olga Clara Ulmer** · 10:12 Assume is not a good answer
 - **Michael Laclair** · 57:50 **Olga Clara Ulmer** I assume Mt. BETHEL Lutheran church on Belvidere Corners Rd.
 - **Olga Clara Ulmer** · 0:00 Which Church
 - **Michael Laclair** · 51:47 How many houses planned?
 - **Tiffany Hayward** · 50:50 Next to the church.
 - **Richard B Klinge Jr** · 1:14:29 What happened to the lawnmower contact
 - **Krista Schaarschmidt** · 1:12:08 Here!
 - **Jim Murphy** · 1:12:02 Is anything being done about all the cars parking along River Road near the end of the power plant property where people are illegally accessing the property to get to the river? Very dangerous
 - **Justin Duffield** · 1:08:50 Here
 - **Debbie Wenke** · 1:06:40 Don't know how you can take a vote on a budget when there is money unaccounted for.
 - **Sue Frutchey-Brown** · 1:02:35 What's the issue with the Smith property?
 - **Tiffany Hayward** · 1:01:22 How can you take a vote not knowing where the difference is coming from for the guide rail?
 - **Olga Clara Ulmer** · 54:14 Where is this housing development
 - **Richard B Klinge Jr** · 49:23 Wow
 - **Jim Potter** · 43:30 AMAZING Work fellas
 - **Jim Potter** · 40:04 i smell fish in the sea again, its a major subdivision
 - **Sue Frutchey-Brown** · 35:13 Sue and Dave Brown here
 - **Cyndi Parsons Karner** · 32:35 Cyndi and Steve present
 - **Teresa Schneider** · 29:56 Bob and Teri here
 - **Gary Harman** · 25:10 Present
 - **Christopher Finan Jr.** · 24:31 Thank you Cindy!!!
 - **Jim Potter** · 20:23 50 percent of the capacity when we go green for the building size
 - **Susan LaBar Stofflet** · 3:25 Here!
 - **Debbie Wenke** · 1:14 Deb Wenke here
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