



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS
SPECIAL MEETING MINUTES
THURSDAY, JULY 2, 2020 @ 5:00 PM

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

PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 5:00 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-**MOTION** by Supervisor Pinter to approve the agenda, seconded by Supervisor Due. Vote: 5-0.

PART II (Public Comment-emails received prior to this Special Meeting.)

Chairman Bermingham Jr. read the submitted public comments, which will become part of the record.

1. Patti Dewitsky commented on the River Pointe Logistics Text Amendment and how this will affect this rural community.
2. Judy Henckel commented on her passion for our natural assets along with our community identity and economic development.
3. Loren Rabbat commented on the Board's consideration of the River Logistics Text Amendment, the Townships' current zoning rules and regulations and the continuation without public knowledge and participation.
4. Charles Cole commented on the River Pointe Logistics and how moving forward is taking precedence over the needs and wishes of the residents.
5. Joe Guest commented on the proposed River Pointe Logistics development and the negative impact it will have on the residents of Upper Mount Bethel Township and Lower Mount Bethel Township and the urgency to listen to the voice of the citizens.
6. Jim Poliskiewicz commented on our Townships' ability to remain small and rural and the concerns of how this development will affect that.
7. Renee Gale commented on transparency and honesty in our community.
8. Richard Wilford-Hunt commented on the River Pointe Logistics Text Amendment and how this will affect the future of our Township, without any input from the residents.

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

1. River Pointe Logistics LLC Text Amendment

There was a discussion amongst the Board of Supervisors, Solicitor Karasek and Township Engineer Coyle on the River Pointe Text Amendment. Solicitor Karasek stated that the Board is voting on sending the latest version of the Text Amendment to the Lehigh Valley Planning Commission and the Township Planning Commission for their review, before the Board of Supervisors' hold a public hearing. Solicitor Karasek stated the Planning Commissions have a 30 day review period and should respond with their comments to the Board of Supervisors' and once that has been completed, a public hearing may be scheduled on passing or not passing the Text Amendment. Solicitor Karasek stated that once the Text Amendment has been forwarded to the Planning Commissions for their review, it now is available for public review. Solicitor Karasek stated that if any changes are made to the latest version of the Text Amendment, the revision will need to be sent back to the Planning Commissions for another 30 day review. Chairman Bermingham Jr. asked Township Engineer Coyle, who has been working closely on this, how he feels on the latest version of the Text Amendment. Engineer Coyle stated he originally had concerns of the initial proposal but now feels more comfortable presenting this version to the public. Supervisor DeFranco asked Chairman Bermingham Jr. if he is comfortable with the latest version of the Text Amendment. Chairman Bermingham Jr. stated yes, working alongside Supervisor Teel and Engineer Coyle, they have spent numerous hours negotiating the proposed Text Amendment, for example, the Traffic Study, the Environmental Impact Study, and the steep slopes. Chairman Bermingham Jr. stated he will be having office hours at the Township Building on July 9th from 6-8 pm for anyone that would like to come in and discuss the Text Amendment and Engineer Coyle will also be attending to answer any questions anyone may have. Supervisor Pinter stated that this development will financially help the Township and the School District. Supervisor Teel made the **MOTION** to immediately send the Text Amendment to the Lehigh Valley Planning Commission, the Township Planning Commission, and release it to the public, seconded by Chairman Bermingham Jr. Comments- Supervisor Pinter stated he is anxious to get the opinions back from the Commissions. Solicitor Karasek stated that under the Zoning Laws, there has to be provisions in the Township for different types of uses, this Industrial Use is something required to be in the Township and the problem is that this area, zoned many years ago, needs to be effectively re-zoned and brought up to current understanding and standards in 2020, so some of those zoning ordinances that are in effect for the Industrial Zone needed changing and that is what has been done. Vote: 5-0.

Solicitor Karasek stated the Planning Commissions have 30 days to review the Text Amendment and if they do not review them within the 30 days, the Supervisors' can proceed to do what they want to do with respect to the Amendments. Chairman Bermingham Jr. asked for this to be on the July 13th meeting to discuss scheduling a public hearing date.

PART IV (Public Comments received by phone call during this Meeting)

Richard Wilford-Hunt commented on missing the deadline for submitting his written public comment and would like it to be included in the record. (See public comment in PART II)

Charles Cole commented on life's priorities and expressed his concerns of the current traffic problems and with the modern industrial zone, it will be bringing in more traffic. How will that be handled? Charles stated that Chairman Bermingham Jr. is part of the Be Safe Committee and should understand the serious truck traffic problem we have in our Township. Chairman Bermingham Jr. stated there is going to be truck traffic, that is why a traffic study will be done and it is a priority of his to work on it.

Chairman Bermingham Jr. announced that the 4th of July parade will be happening rain or shine on July 4th, beginning at 11am at the Portland Social Hall.

Judy Henckel commented on the meeting so far and was happy to hear about taxes and jobs that have been discussed during the meeting and appreciates the fact of having the Text Amendment available to public as soon as possible.

Richard Wilford-Hunt asked the moderator how many thousands of people are following this meeting right now? The moderator responded 44 people on Facebook and 4 callers on the conference call. Chairman Bermingham stated we average about 10-15 people when we have our meetings in the Township Building.

Manager Nelson announced the food distribution will be held on Wednesday for only another two more weeks. Chairman Bermingham Jr. stated we have been doing the food distribution since April 2nd and have distributed more than 5,000 meals.

PART V (Adjournment) **MOTION** by Supervisor Teel to adjourn the meeting at 6:05 pm, seconded Supervisor Due. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Mr. Bermingham,

I understand at tonight's meeting there is a possibility of a vote to approve River Point Logistic Text Amendments. My husband and I would like to go on record that we are against any changes. This development will ruin this rural community. We have lived in Village center for 36 years and we can attest to the increased noise and truck traffic over the years. The traffic volume and the noise on Route 611 is horrendous and gets worse every year. The safety of the citizen's of this community is also an issue because of the increased truck traffic. This industrial development will only worsen an already problematic situation. I cannot believe that all traffic from this development will go over the Portland bridge and not go south on Route 611. Only those of us who live along this roadway understand the negative impact this heavy truck traffic has caused and our concerns have fallen on deaf ears because those who have the power to control our growth and progress don't live on this road. I feel our local supervisors are rushing to make decisions about the future of our community without careful research and consideration. The citizens of this community will be the ones to pay the price for their lack of caution in dealing with this situation.

Patti Dewitsky

Comment for Supervisor Special July 2, 2020 meeting

Judy Henckel

You're all probably tired of hearing me express my passion for our natural assets along with our community Identity. In the last few weeks our river, ridge and lake have garnered recognition from many outside our boundary. Some here downplay or ignore that in favor of economic development, as either one or the other.

It's in your power to control development to a scale compatible with our community that respects our sense of place as a gateway community to national trail, recreation area, wildlife refuge and scenic river.

This thousand-acre electric company and buffer property, designated 40 years ago as industrial, had no plan for future use, as it was still farmed. Now in the turmoil of health, economic and social disruption, it's your responsibility to work with citizens and developers to gain support for uses that don't diminish our identity and quality of life. There could be so many innovative and diverse smaller scale uses that may withstand disruptions as we have seen historically and now.

This property, along the scenic river, could provide more than a backward slide to past growth patterns seen in more urban regions, if kept within scale as other industry in our township. Is this the sacrifice zone that promises protection for the rest of the township or a cancer to overtake us with no regard for quiet, dark skies and air quality?

We're all counting on you to gather and put forth the best version of amendments that respect our values without giving away our local control to make changes as times and needs change.

Thank you.

To my elected Supervisors,

I am writing this, asking it be entered into the record during this evenings 7/2/2020 meeting regarding the Board's consideration of "text amendments" as proposed by River Pointe Logistics.

The freedom anyone has to purchase land is one of the great freedoms we have, as Americans. Clearly, there is nothing to prevent the Pektors from doing what they want with the land they've purchased. However, as Americans, we also need to respect the communities in which we reside, or do business. Our Township has some *very good* zoning rules and regulations. In fact, some extend to protect us even BEYOND what the State of Pa. will allow. That is good local governance!

I am deeply concerned that during Covid-19, so many moving parts are continuing without public knowledge and participation. The consideration of RPL's text amendments are one such example. I truly believe that coming in to develop this land is their right; but as our elected officials, I firmly believe you have a responsibility to uphold the laws that govern our second class municipality. I would ask that you deny consideration of ANY changes to our existing zoning and allow him to develop this property AS PERMITTED; with no concessions— for his ultimate profit margin. Thus, there is no need to forward to LVPC, nor our Planning Commission. The request for text amendments should cease NOW.

Sincerely,

Loren Rabbat

Board of Supervisors:

You are anxious to move forward on development of the old GenOn Property. It appears that your interest in courting RPL is taking precedence over the needs and wishes of the residents. I believe that you know that most residents don't want concessions made to the developer. The developer, Lou Pektor, claims that this will be a "New Industrial Park" and that Township regulations are not relevant with current federal and state regulations in place. If they are not relevant, then let them remain in place and he can work with our regs which he seems to state, are less stringent than the federal and state regs. If anyone should know the limitations of a site, he should, from his days of the Marshfield residential development. The Township has already given him massive tax relief, why do more?

Charles A. Cole, Ph.D., P.E.

Hello Ed, John & Upper Mt. Bethel Board of Supervisor friends,

I am writing to express my concern and urge you to oppose the proposed RPL development in Upper Mt. Bethel Township. This type of development should not be permitted in our rural community and I believe all similar developments should be HALTED until we have a proper plan for the region that puts residents FIRST. As elected officials I urge you and other UMBT Board members to listen to the voice of the citizens and ensure that this development is stopped before it causes further damage to our community.

I live in Lower Mt. Bethel Township, but this development will have a profoundly negative impact on residents of our Township as well as those in Upper Mt. Bethel, and the region as a whole. I ask that you enter my comment and concerns into the record.

Please stop letting the development and traffic ruin our lives. We shouldn't have to fight so damn hard to protect our own rural communities from noise and truck traffic. No one will want to live here if our 'community' is just miles of warehouses and dangerous, noisy traffic and pavement.

Thank you for your consideration and all your efforts to support the citizens of Upper Mt. Bethel.

Best regards,

Joe Guest
Lower Mt. Bethel, PA 18040
c: 917.273.4772

To Whom it May Concern,

As a lifelong resident of this township, I have watched surrounding areas be developed and always been proud of our townships ability to remain small and rural. This entire project completely disgusts me. It will not bring jobs for our residents, but rather a few jobs taken by out of town individuals, create unprecedented traffic/crashes and destroy our landscape/identity.

That being said, I recognize they own the land now and can TRY to do as they please with it. However, I would trust that our elected officials would never bend the rules and/or zoning regulations for some development project that their constituents are clearly against. Especially zoning regulations designed to protect wildlife, soil and stream health.

This company purchased the property for a large sum of money. I am sure they did their research and were aware of the zoning regulations prior to such a large purchase. Who are they to come ruin our home for profit, while believing that our elected officials would betray their constituents' strong opposition to this project. I know the where the voice of the people lies on this issue and I hope that is honored over corporate arrogance.

Jim Poliskiewicz Jr.

Sent from my iPhone

Please add the comments below to your first comment section at tonight's meeting:

Good evening Council members,

I haven't heard any recent publicly spoken thoughts from council on the proposed text amendments but am sure each one of you have had time to review the drafts, and quite possibly have a decision already in mind.

I believe in transparency while understanding and respecting the fact that not all information can legally be made available to the public. My recent appeal to the State Office of Open Records was granted on Tuesday after months of excuses and outright lies, Mr. Nelson, Mr. Barbounis, and Solicitor Karasek gave to the State Attorney as to why the township was unable to provide "specific" financial records I requested. As it turns out, the State obliterated every one of the excuses including our Solicitor's in its Final Determination that is now recorded on their website for anyone to read.

With this in mind, and the present decisions before you, I believe the township is anything but transparent and honest to the community in which it serves. You don't have the trust, confidence and respect from the community on a whole and it begs to make a change. While it would be a continuing effort, how about starting now? What do you have to benefit by the secrecy? It would be great to see a community confident in its leadership, because of their willingness to share information!

It is my hope that the council provides the residents a "draft" of the records presented to council with regards to our SALDO and other zoning laws, BEFORE making a decision. As you are aware, this will impact all of the residents in one way or another. Good, bad or indifferent we still have the right to see what is proposed, or at the very least have these individual amendments be read at a meeting. We all will either reap the rewards, or suffer from the affects and I personally insist on a copy of the amendments set before you or a list of the items that are requested for waivers. Unless I'm the only one who hasn't a clue on this, Not one of us will be able to participate without having this in front of us. Is that what you are counting on?

Moving forward on this matter and many to come, I ask that employees and council take a more open approach to matters that affect all of us whether it be a small or large scale. We have far more to gain working openly together as a community rather than hiding in the shadows, behind closed doors, or thinking you are above the law with regards to transparency.

I pray that each of you have thoroughly thought this out, and that your decisions are based on the best for this community.

~~Thank you and may God Bless you!~~

Respectfully Submitted,

Renee' Gale
173 Forest Rd

July 2, 2020
Special Meeting – River Point Logistics Text Amendment

Please record this for the public record as authorized by you.

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

How many residents of UMBT really know what is going on here? It is an insult to hear that you and Supervisor Teel have spent all of 4hrs negotiating with Pektor; deciding our future with out ANY input from the residents. Yet here you go, supposedly representing us and having our best interests in mind with a vote (5-0 in favor) on the River Point Logistics text amendment; a document written by their land use lawyer that is designed to circumvent all of our local zoning ordinances and SALDO requirements. But more importantly crafted by this developer to silence the local voice.

We have so so much to protect here. Not just here but for our neighbors too. You need to push back against this developer who only has a profit motive driving his decisions and plans. Once Pektor has the approval on his text amendment this township has lost any and all leverage to do the right things to protect the identity of Mt. Bethel.

The development precedent will be set and you can bet other developers are watching this case very closely to see which way the winds are blowing. And right now Pektor and his associates have big wide grins on their faces.

Follow up comment: how many thousands of people in UMBT are following this special meeting on the the townships facebook page? Program moderator Stravos Barbounis answers: 44 people

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

- **Mary Lou Geiger-Fuhrer** · 1:19:01 Happy 4th
 - **Cori Eckman** · 1:14:05 Your also having this meeting at a bad time where people are working
 - **Lori Scott** · 1:13:36 They need to put a vehicle weight limit sign onto Potomac st. To keep the tractor trailers on 611. Everyday more then 1/2 dozen trucks and campers come up Potomac to take sunset down to 611 to go to the facilities on river road. If they don't stick to it now how will they later.
 - **Scott Cole** · 1:08:02 Rt 611 and Rt 512 are commercial roads. My understanding is that commercial roads are intentionally designed and planned for heavier traffic through that corridor.
 - **Richard B Klingle Jr** · 1:07:40 More back room deals
 - **Tiffany Hayward** · 54:26 Thank attorney Karesak for clarifying.
 - **Lori Scott** · 53:12
 - **Jim Potter** · 53:25 how long is the review period ??
 - **Cori Eckman** · 53:09 This guy still has vacant wear houses in tatamy that have not been filled . We're going to let him build our area up and then let it sit
 - **Sheryl Mims** · 50:41 Is traffic going to be allowed to go up Potomac Street to enter this area?
 - **Michael Hudak** · 52:20 No, river road only
 - **Tom Farrell** · 51:59 They said no... Hope not !!
 - **Scott Cole** · 51:23 The traffic flow is intended to stay on River Road.
 - **Sheryl Mims** · 51:52 How are they going to prevent it?
 - **Michael Hudak** · 49:54 The town is 90+ protected farmland, it's rural forever
 - **Lori Scott** · 48:41 Its not amazing to the people who live next door. Maybe the supervisors need to live on Potomac st. All they see are numbers.
 - **Richard B Klingle Jr** · 48:22 And in comes more kids so where to you get ahead
 - **Scott Cole** · 46:43 Well said Marty! And the school district administration is fully behind this development.
 - **Richard B Klingle Jr** · 44:55 Then comes police force the size of forks township
 - **Terry Abramson** · 43:10]
 - **Scott Cole** · 41:53 The area along River road was the main(and only) area targeted for development in the UMBT Comprehensive plan which dates back to the early 2000's. The comprehensive plan was intended to focus development in areas that would effect the least amount of residents while helping to offset the growing needs for local jobs and increased tax base.
 - **Tiffany Hayward** · 41:32 Why were only 2 supervisors and Justin doing negotiations? Is that common practice?
 - **Scott Mousley** · 38:56 Traffic lights, repairs to roads have been considered?
 - **Tom Farrell** · 38:24 Tom Farrell here ..
 - **Cori Eckman** · 37:36 I may have missed what was stated they want to change with this text amendment. So what are they looking to do
 - **Diann Moser Eden** · 35:19 You are quite welcome, Renee!
 - **Diann Moser Eden** · 32:22 Give me a call, I'd love to talk to you!
 - **Renee Marie** · 11:23 You're already speaking volumes but thank you for the offer
 - **Terry Abramson** · 34:15 here
 - **Diann Moser Eden** · 28:39 A 2nd Class Township in PA, is not governed by a council....that pertains to a "borough". You should be addressing them as the "Board of Supervisors". Please get it right!
 - **Renee Marie** · 7:53 Diann when you get your books right, I'll think about
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- **Jenn Spencer Peterson** · 30:05 I wrote in before 4pm.
 - **Sheryl Mims** · 28:40 Watching
 - **Mary Lou Geiger-Fuhrer** · 27:17 Watching
 - **Susan LaBar Stofflet** · 23:22 Here!
 - **Faith Sarisky** · 15:41 I'm in attendance
-