



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, AUGUST 10, 2020 @ 7:00 PM

*This Meeting was held virtually and Live-Streamed through the Upper Mount Bethel Township Facebook page.

PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 7:40 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 Engineer Coyle, and Township Solicitor Karasek. Township Manager Nelson was absent.
4. Approve the Agenda-Supervisor Pinter amended the agenda, adding to PART V, item #2, Financial Update of the General Fund. Chairman Bermingham Jr. added to PART VI, item #6, RPL Text Amendment. **MOTION** by Supervisor Pinter to approve the amended agenda, seconded by Supervisor Teel. Vote: 5-0.

PART II (Public Comment-no comments were received)

PART III (Announcements)

1. Passing Herb Hoagland, Township Manager during the mid 1980s until the 1990s. Chairman Bermingham Jr. asked for Moment of Silence in remembrance of Herb Hoagland.
2. Fire Companies/Road Crew Recognition-Chairman Bermingham Jr. wanted to recognize the local Fire Companies and the Township Road Crew for their communication with each other, the willingness to open up the Fire Houses for residents who may have lost power, and their continued dedication to the Township during Hurricane Isaias.
3. Road Crew Update-Supervisor Due provided an update on the Road Crew.
 - a. 10.29 miles of roads were oiled and chipped
 - b. Five (5) cross-pipes were replaced
 - c. Over 24 down downed trees were safely taken care of
 - d. Three roads in the Township were closed due to flooding during Hurricane Isaias
 - e. Under 100 residents were without power
4. NORCO Grant Awards-Secretary Cindy Beck announced that the NORCO Grants were awarded to the Township, thanks to the joint effort of herself and Chairman Bermingham Jr. The Grants were for COVID-19 related improvements. The Grants were, Building Safety Improvements, for the new window in the vestibule and Remote Work Solution, to accommodate the audio/visual requirements to successfully stream and record Township Meetings live.

PART IV (Approve the Minutes)

1. Special Meeting Minutes-February 27, 2020-**MOTION** by Supervisor Pinter to approve the February 27, 2020 Special Meeting Minutes, seconded by Supervisor Teel. Vote: 5-0.
2. Meeting Minutes-July 13, 2020-**MOTION** by Supervisor Teel to approve the July 13, 2020 Meeting Minutes, seconded by Supervisor Due. Vote: 5-0.
3. Special Meeting Minutes-July 27, 2020-**MOTION** by Supervisor Pinter to approve the July 27, 2020 Special Meeting Minutes, seconded by Supervisor Teel. Vote: 5-0.
4. Meeting Minutes-July 27, 2020-**MOTION** by Supervisor Pinter to approve the July 27, 2020 Meeting Minutes, seconded by Supervisor Teel. Vote: 5-0.

PART V (Reports)

1. Financial-Bill List-Supervisor Pinter read the bill list. **MOTION** by Supervisor Pinter to pay the bills in the amount of \$241,819.33, seconded by Supervisor Teel. Vote: 5-0.
2. Financial Update of the General Fund-Supervisor Pinter gave a financial update of the General Fund. Supervisor Pinter discussed the 2020 budget and the P & L (profit and loss). Supervisor Pinter expressed his concerns of a shortage of approximately \$600,000. Supervisor Pinter stated that his suggestion was and still is a tax increase, until we get some sort of a tax base. Chairman Bermingham Jr. stated he would like to hear Manager Nelson's point of view.

PART VI (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. Iorio Subdivision Lot 2 Grading Plan-Solicitor Karasek stated this Plan was reviewed by the Planning Commission and their recommendation was to not approve of the shared driveway. The landowner currently owns lots 1 & 2 and would like to have one driveway for access to lot 2. Engineer Coyle stated the original plan was for each lot to have their own driveway and does not recommend shared driveways between two lots. Engineer Coyle stated that the landowner could possibly combine the two lots. **MOTION** by Supervisor DeFranco to table, for more information, seconded by Supervisor Due. Vote: 5-0.
3. I-80 Rockfall PAG Invitation-Chairman Bermingham Jr. discussed the request from the New Jersey Department of Transportation and the project team, for the Township to consider recommending up to three members of the community to serve on a Public Advisory Group (PAG). **MOTION** by Chairman Bermingham Jr. to table, seconded by Supervisor DeFranco. Vote: 5-0.
4. Fire Arms Ordinance-Chairman Bermingham Jr. read a public comment from Richard Haller. Mr. Haller commented on the discharge of firearms in the Township and possible solutions. Chairman Bermingham Jr. stated this subject is still being discussed and that there will be no vote on it tonight. Solicitor Karasek stated he contacted other Townships regarding Firearms Ordinances and will forward what he received to the Board for review. **MOTION** by Chairman Bermingham Jr. to table until the September 28th meeting, seconded by Supervisor Pinter. Vote: 5-0.
5. Adopt Resolutions-Chairman Bermingham Jr. stated the following Resolutions are to recognize the generous contributions that were made to and for the Township during the Coronavirus pandemic. Chairman Bermingham Jr. read the Resolutions.
 - a. 2020-09 Rustica Artisan Catering-**MOTION** by Supervisor Teel to adopt Resolution 2020-09, seconded by Supervisor Due. Vote: 5-0.
 - b. 2020-10 Dr. Raso-**MOTION** by Supervisor Teel to adopt Resolution 2020-10, seconded by Supervisor Due. Vote: 5-0.

- c. 2020-11 Girl Scout Troup #874-**MOTION** by Supervisor DeFranco to adopt Resolution 2020-11, seconded by Supervisor Teel. Vote: 5-0.
 - d. 2020-12 John & Peggy Post-**MOTION** by Supervisor Pinter to adopt Resolution 2020-12, seconded by Supervisor DeFranco. Vote: 5-0.
 - e. 2020-13 Tuscarora-**MOTION** by Supervisor Teel to adopt Resolution 2020-13, seconded by Supervisor Due. Vote: 5-0.
 - f. 2020-14 Lee McDonald-**MOTION** by Supervisor Due to adopt Resolution 2020-14, seconded by Supervisor Teel. Vote: 5-0.
6. River Pointe Logistics LLC Text Amendment-There was a discussion on the advertisement for the Public Hearing and Special meeting on the proposed Text Amendment (Version 10) and whether any changes will be made. Chairman Bermingham Jr. stated he supports the Text Amendment, the best it can be, but he feels as though there is more work to be done on the Text Amendment, especially the comments and concerns from the Fire Chiefs. Chairman Bermingham Jr. stated the concerns from the Fire Chiefs 1) distance between the buildings and 2) emergency access lanes around the proposed buildings. Other concerns being, building heights, impact on wetlands and the community impact study. Supervisor Pinter commented on the time limit that potential businesses may be on if we drag this on, with the possibility of losing the business opportunities. Supervisor Teel suggested deed restrictions. **MOTION** by Supervisor Teel for Solicitor Karasek to advertise the Public Hearing on Version 10 of the Text Amendment for August 24th, 2020, seconded by Supervisor Due. Vote: 4-1. Chairman Bermingham Jr. voting no.

PART VII (Old Business)-None

PART VIII (New Business)-None

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

Richard Wilford-Hunt asked, "Do you have the authority to give Marshfield Dr. to River Pointe Logistics LLC?" Chairman Bermingham Jr. stated yes, it is a Township Road.

"Do you have the authority to deny trucking companies from traveling on Rt. 611 and Rt. 512?" Chairman Bermingham Jr. stated the Township does not have the authority.

"Will the tax payers of Upper Mount Bethel Township pay for yearly road maintenance on River Rd. between the warehousing in the Industrial Park and Rt. 611?" Supervisor DeFranco stated yes, it is a Township Road.

"Who are the tenants that the Board of Supervisors have spoken to, that was eluded to that they are looking for 800,000 square feet, what type of manufacturing?" Supervisor Pinter stated they are subject to non-disclosure agreements.

James Poliskiewicz asked "When you refer to light manufacturing, does that include hotels, gas stations?" Chairman Bermingham Jr. stated he has not heard anything about hotels or gas stations, just manufacturing. "As far as the LVPC not wanting businesses to come here in the Township, why is that a concern?" Supervisor DeFranco stated because they are taking jobs that we could have locally. "Does the Township have an unemployment problem, do we need jobs here?" Chairman Bermingham Jr. stated that yes, we could use jobs here. "Are the Fire Companies equipped to handle 100 foot buildings?" Chairman Bermingham Jr. stated not at this time, but will be addressed in the future. "Will water and sewer be provided in the LERTA area?" Chairman Bermingham Jr. stated that they (the Industrial Park) will have their own water and sewer. "Chairman Bermingham Jr. has stated that the maximum square footage of the buildings are about 513,000 sq. ft., but Supervisor Teel stated he didn't want to limit it because there is a possible 800,000 sq. ft. business that may come in, why the discrepancy?" Supervisor Pinter stated there are multiple businesses that are looking to move

here to Upper Mount Bethel Township, so River Pointe is looking to accommodate the businesses, so based on the type business, building specs may change.

Charles Cole was surprised that the Board of Supervisors have not taken the time to sit back and re-examine what they are giving away in the Text Amendment and what does this Text Amendment do for the Township that our current Zoning Ordinance do not do? If there is a business ready to come in, why not have them submit plans? Supervisor Pinter stated the interested business is waiting for the Text Amendment to go through.

PART X (Executive Session)-None

PART XI (Adjournment)-**MOTION** by Supervisor Teel to adjourn the meeting at 9:30 pm, seconded by Supervisor DeFranco. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Richard Haller

960 Belvidere Corner Rd

Mt Bethel

917-440-8802

My comments on the conversation to restrict the discharge of firearms in the Township.

Mt Bethel has a rich tradition of the love and use of firearms for sporting and hunting. While a tiny minority of shooters may not be courteous to their neighbors, restrictions on distance from occupied dwellings and a dusk to dawn prohibition is essentially collective punishment. If a 450 foot rule is adopted it would eliminate the property rights of many residents to use their land for any lawful purpose. Several acres of land would no longer be an adequate distance to comply with the proposals and have no affect on safety. This would cause many residents to be forced into joining ranges, spending money and traveling even for the simplest of shooting, such as a test firing or zeroing of a scope. This is not a 2A issue, it is a property rights issue, there are many uses of a property that are potentially annoying to a neighbor and it is my opinion that shooting is being singled out, partially for political reasons. People who move to Mt Bethel know what they're getting.

There may be better solutions such as a noise ordinance that prohibits louder noises for more than "x" hours per day and/or the limiting those noises to hard times such as 7am to 7pm. This might address the concerns of some residents while not dramatically changing the character of the township's affinity to shooting and hunting and owner's property rights. This type of compromise might also have a better chance of being respected as a full prohibition would be impossible to enforce and cause resentment from the majority of Township residents.

Thank you, and I appreciate your consideration of my comments.