



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES MONDAY, SEPTEMBER 28, 2020 @ 7:00 PM

*This meeting was 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 7:00 pm.
2. The Pledge of Allegiance was recited.
3. Roll Call-Present were Chairman Bermingham Jr., Supervisor Pinter, Supervisor Teel, Supervisor DeFranco, Supervisor Due, Township Solicitor Karasek, and Township Manager Nelson.
4. Approve the Agenda-**MOTION** by Supervisor Pinter to approve the agenda, seconded by Supervisor Teel. Vote: 5-0.

PART II (Public Comment)

Secretary Cindy Beck read an emailed public comment from Kyle Schaarschmidt, which will become part of the official record.

Cher Mount commented on the text amendment and feels the voices of the citizens should be heard.

Chris Finan, Mt. Bethel Fire Chief, commented on how he loves the Township and how disheartening it is to hear the bullying going on. Chief Finan discussed some statistics on sprinkler systems and how you can't compare building types when it comes to fire safety.

Dave Friedman commented that the first draft text amendment should be make available to the public and also commented on sewage treatment for businesses coming in.

Charles Cole commented on how the BOS have not been managing the Text Amendment properly, look at steep slopes, setbacks, wetlands, water supply, and waste wastewater disposal.

Richard Wilford-Hunt commented on the Land Development Application, it needs to be modified, due to the Text Amendment.

Cori Eckman commented on the Text Amendment and the need to research companies looking to come to UMBT.

Ron Angle commented on the Industrial Zone being created years ago, there has been no development for years, and it would be beneficial to see a monthly report from the EDC. Chairman Bermingham Jr. asked for an update from the EDC be on the October 12th meeting.

Mark Mezgar commented on having plans and what makes sense now.

Judy Henckel commented on the EDC and EAC comments on the Text Amendment.

Frances Visicaro commented on her disappointment in the BOS and the well drilling that has been taking place on the RPL property.

Sharon Duffield commented on the concerns and wishes of the citizens, losing their quality of life, property values, and their protections have been removed and concerns ignored.

Bob Schindler commented on identifying cowards, bring in positive development.

Scott Minnich commented on the many professional residents in the Township. Scott commented on traffic capacity, infrastructure, true impact studies, the need for planning, have a plan.

Supervisor Teel commented on a recent social media post that Loren Savakus Rabbat posted and that making threats is not acceptable. Supervisor Teel stated the BOS are taking everything into consideration.

PART III (Announcements)

1. Upper Mount Bethel Township Newsletter-Manager Nelson stated he would like Board Members/Liaison to the Committees, to encourage participation by submitting an article/pictures for the Fall Newsletter.
2. Veterans' Day – November 7th Celebration-Chairman Bermingham Jr. stated the plan for a Veterans' Day Celebration is still being worked out, possibly at the Community Park, a donation for the Fireworks has been confirmed, singers, special parking for Veterans' and military vehicles.
3. United Way-Chairman Bermingham Jr. thanked Gina Nichols, from the United Way, for a \$250.00 donation, to assist anyone in need of food. Manager Nelson stated that the

Senior Club will be having a luncheon at Tuscarora on October 6th, cost of \$12, and if anyone needs assistance with that cost, to call the Township Building.

4. Bangor Library-Chairman Bermingham Jr. introduced Kathleen Lynch, Director of the Bangor Library. Kathleen gave a brief summary of a potential \$3,000 grant opportunity project to enhance communication and understanding. Kathleen is looking for the Township to assist in the grant writing. Supervisor Pinter stated that he may have someone in mind that may be willing to assist.

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

1. I-80 Rockfall Mitigation Project-PAG-Chairman Bermingham Jr. discussed the Public Advisory Group (PAG) and stated that the NJDOT would like the Township to consider appointing three members of the community to serve on the PAG. Chairman Bermingham Jr. stated that John Donahue has already been appointed and is looking for two UMBT residents to join John on the PAG. **MOTION** by Chairman Bermingham Jr. to table, seconded by Supervisor Teel. Vote: 5-0. Chairman Bermingham Jr. stated that anyone interested should email the Township Secretary.
2. Freedom Systems-Manager Nelson discussed Freedom Systems, a software program to replace QuickBooks. There was a discussion on the software costs, startup costs, training, and annuals fees. **MOTION** by Chairman Bermingham Jr. to move forward with Freedom Systems in the amount of \$49,432, contingent upon Solicitor Karasek's approval of the agreement, seconded by Supervisor Pinter. Vote: 5-0.
3. Community Planner/Alternate Engineer-Manager Nelson stated he was asked earlier in the year to investigate community planning agencies and the passing of the Text Amendment and the prospects for the industrial development it seemed fitting to identify an agency that could offer us assistance with both planning and engineering. Manager Nelson stated he met with Pennoni, who provided a proposal for review. Solicitor Karasek stated he will review the proposal. Chairman Bermingham Jr. asked for this to be on the October 12th meeting.
4. Halloween-Chairman Bermingham Jr. stated there has been discussions with the Rec Committee on having a "reverse parade" at the Community Park on October 31st 1-3. Candy will be handed out following proper CDC guidelines. The theme for decorating cars will be The Munsters and The Addams Family, and there will be a contest for who has the best decorated car. Chairman Bermingham Jr. discussed whether the Township should have Trick or Treat. Manager Nelson recommended not to have it this year. Chairman Bermingham Jr. stated there will be no Trick or Treat this year, notice will be posted on the website and Facebook.
5. Fire Code Tone-Manager Nelson stated there has been a discussion on splitting the Fire Code Tones and the decision was to not split them. Both Fire Departments will respond to the same tone. Chief Finan stated that both Departments are dispatched together and will always respond together for any large calls, the issue is the Township Manager managing any changes to structure dispatches (additional assistance). Solicitor Karasek stated he was not aware of this and that the Township should not be managing the Fire Departments. Chief Black stated that if any changes are to be made, it should be up to the

Fire Chiefs, without going through a third party. Chief Finan stated an agreement should be made and signed that both Fire Departments (Mt. Bethel and North Bangor) will respond together. Chief Potter (Portland Fire Company) stated that Emergency Services in Mt. Bethel is out of control and he does not want to get involved, but if they are to be involved at the Industrial Park, then he will say his peace. Supervisor Teel stated that they will be involved. There was a discussion on the Fire Study. Manager Nelson stated he received an email from the DCED stating that due to lack of participation with the peer consultant, it was determined that we are no longer interested in completing the fire study. Chief Finan disagreed with that. **MOTION** by Supervisor Teel to set the tones back to the way it was, providing some type of an agreement is drafted between Mt. Bethel and North Bangor stating that they will work together, seconded by Supervisor Pinter. Vote: 5-0. Chairman Bermingham Jr. stated that the Mt. Bethel and North Bangor Fire Companies will provide the Board with a monthly report of their responses/type of calls. Chairman Bermingham Jr. asked that the Fire Study be put on the agenda for the October 26th meeting.

PART V (Old Business)

1. Speed Humps on Potomac St. - Manager Nelson discussed installing speed humps on Potomac St. Manager Nelson would like to install one, estimated at \$3,800. There was a discussion that this was already approved at a previous meeting. Manager Nelson will review minutes.
2. Fire Arms Ordinance-Solicitor Karasek stated that there has not been much movement since the last discussion on this matter, but clarified that the Township cannot control ownership, possession, transfer, or transportation of fire arms, however, there could be some regulations as to various fire arms control. The question is, what does the Board want to do? Solicitor Karasek stated he can provide other municipality ordinances for the Board to review. Supervisor Pinter stated he would like to see other municipality ordinances and asked for them to be forwarded to the Board. Chairman Bermingham Jr. asked for this to be on the agenda for the October 26th meeting.

PART VI (New Business)

1. Railroad Ave.-Manager Nelson discussed his recommendation of making Railroad Ave. a one way street, going down. Solicitor Karasek stated that a traffic study and adopt an ordinance will need to be completed before this could be considered. Supervisor Teel stated that the exit off South St. onto Rt. 611, is just as dangerous. **MOTION** by Supervisor Teel to table, seconded by Chairman Bermingham Jr. Vote: 5-0.
2. Minutes Policy-Manager Nelson stated he will be working with Solicitor Karasek on a Minutes Policy and will discuss the Social Media Policy as well.

PART VII (Public Comment)

Richard Wilford-Hunt thanked Manager Nelson for his recommendation of a Community Planner. Richard thanked the road crew for picking up the trash that was collected from clean-up day and also for the road repairs on Hemlock Dr.

Dave Friedman asked if anyone objects to the original Text Amendment Draft being available to the public. Solicitor Karasek stated that it is clear that Drafts are not a public record.

William Smith commented on the Fire Arms Ordinance and legal challenges.

Scott Minnich commented on the Community Planner/Alternate Engineer and recommends looking at other Engineering Companies.

Judy Henckel commented that she agrees with Scott Minnich's comment.

Ron Angle commented on Lou Pektors' proposal back in 2008, to build senior citizen housing, a satellite hospital and assisted living and the citizens didn't want it, he got the same treatment back then. Ron quoted a saying 'you only control what you own'.

Charles Cole amended what Mr. Angle stated, zoning is in control.

PART VIII (Executive Session)-None

PART IX (Adjournment)-**MOTION** by Supervisor Teel to adjourn the meeting at 9:15 pm, seconded by Supervisor DeFranco. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

If they want to ruin UMBT it's time to ruin
them.

Loren Savakus Rabbat Don't Flush Upper Mount
Bethel

15h ·

Folks, BOYCOTT all businesses associated
with UMBT Supervisors; Teel Realty, Teel's
Auction House, David Due Construction,
Anthony DeFranco Construction.

REFUSE to serve them- whether buying beer,
groceries, gas, sandwiches, coffee.

Comment to be entered into Public Record
September 28, 2020 Board of Supervisors Meeting – Upper Mount Bethel Township-Township Building Location
Sharon Duffield 554 Potomac Street Mt Bethel, PA 18343

Your solicitor advised you to Amend the Text Amendment within mere days of your having passed it in spite of the outcry of the many hundreds of citizens of this beautiful township.

The items for basic safety of fire personnel should NOT have been something that needed to be 'amended' to begin with. It would seem that basic protection of our firefighters was not thought of as being important and was, therefore, ignored. It was ignored even though it was pointed out on more than one occasion not only by your residents but by others at meetings with Twp. personnel. It was ignored, until your solicitor in 'review' realized the legal EXPOSURE that may bring to the Board of Supervisors (BOS)....to the point it needed to be 'amended' within days of passing. Ethically, that is very sad. It also speaks volumes as to the theme of the overall action of this Text Amendment in the egregious decisions that were made.

Throwing away our existing zoning, in essence, did not take into account the impact the removal of those intended zoning protections would have on the community and its overall residents either. Ethically, that is very sad as well. The residents have made abundantly clear their concerns and wishes that you leave their protections of existing zoning in place that affect their quality of life, property value, skies, air, quiet, roads, rural environment and way of life---and so many other things---THEIR protections have been removed and their concerns ignored. Ethically, that speaks volumes, too.

Residents have been told publically by BOS that they were fearmongering when warning fellow citizens that the door had been opened for 100 feet plus high warehouses and 1 million sq feet buildings. "This isn't about warehouses!" was the response..."this is about manufacturing."

We reiterated that 'manufacturers' do NOT utilize 1 million square feet buildings. We presented to you examples of that. You already HAVE examples of that with existing companies here. Even a huge manufacturer like Crayola is 800,000 square feet and they are a heavy manufacturer! The new Ocean Spray in the Lehigh Valley is 300,000 Sq. Ft. would have met our zoning. We warned that AmeriCold was planning a 14 story racking system in Macungie, and division of that same company in Palmer/Easton and was listed as "PROCESSING/WAREHOUSING" until it was 'abandoned'. Other communities don't want them. And now, we KNOW they are one of the companies being entertained for UMBT. After statements made by the developer at the Twp. EDC meeting last week it is abundantly clear that refrigerated racking system warehousing is, indeed, at play. The developer stated that the refrigeration companies 'need the height'. Refrigerated processing/warehouses are in high demand & BIG money. There are millions and millions of dollars at play here-- so the theoretical 'positives' being pitched ---it is important they paint a very pretty theoretical picture with the big potential profits at stake. The parent companies of Shoprite (AmeriCold) and Giant (Ahold Delhaize) –have COMBINED in facility constructions per a May 14, 2020 Global News Release: QUINCY, Mass., May 14, 2020 (GLOBE NEWSWIRE) -- Ahold Delhaize USA today announced Americold as its partner to build the two previously announced fully-automated frozen warehouses. The new facilities are part of the company's previously announced supply chain transformation plan as it transitions to a fully-integrated, self-distribution model. EXACTLY what residents HAD said was the case when being called fearmongers and exaggerators---IS, INDEED, the case after all....and from what the developer said last week, you have known that since last fall.

You heard from the gentleman in Macungie giving you information on truck traffic. But you discounted that information. You listened to him say how he WISHES he could go back in time.

These facilities are PROCESSING poultry, fish, dairy, beverages and ATTACHED to warehousing with FAST PASS THROUGH. They want to move these refrigerated and frozen goods QUICKLY in and QUICKLY out. That means there will be substantial truck volume. That means there will be sludge and wastewater, that means there will be odors. That means groundwater needs to be looked at. That means a WHOLE lot of things. Did you do research on all of that as some of us have? Our existing zoning would not have permitted us to BE in this position to begin with which is WHY it was in place.

These brand new concept Processing/Warehouse facilities employ few. The impacts, however, of all of this to our community are many.

This Amendment has enabled the Developer and the media to refer to RiverPointe as the 'largest planned industrial park on the East Coast' in little, rural, Mt. Bethel. That speaks volumes ethically, too. Our very town is at stake. With our existing zoning protections removed, this is only the tip of the iceberg as to where this is going and we are realizing that...the question is did you?

Good evening, I would like to know when do the residents get to hear your reasons for your decisions on the zoning changes? You sit in front of us on the board stoned face showing the residents you don't care, emotionless.

Are the Version 10 Text amendments that were passed on September 9th binding or does the amendment to those Version 10 amendments override them? The original amendments gave Pektor everything he wanted; will he legally be obligated to follow the amended amendments and not fall back to Version 10? We hear all the talk on I-2 . BUT Version 10 was written for I-2 and I-3. The amended amendments say 6-100 foot buildings and 2-1 million square foot buildings. Is that the total for both zones or for each zone?

During the EDC meeting Thursday September 24, Mr. Pektor confirmed the 100 foot buildings are for cold storage. That height is now 125 feet. I hope you have done research about them, as we have. They do not produce many jobs, only 24/7 truck traffic, because of the high speed racking systems, mainly all automated. I know discussions with businesses are private. But personally I ran into employees from Readington Dairy and been told the company is looking to move from NJ to UMBT. Hope you all did some research on the dairy business and how dangerous the chemicals used are. They are bad for the environment, residents' wells and many other issues including, foul odors and increased truck traffic.

Having them also as a prospect leads me to believe that research was not done by our board members.

This is what makes our BOS different from others... Others said no to 100 foot cold storage warehousing in MaCungie. Why did they not follow through with dairy at Chrins' logistics center with the 62 million

dollar build that could put 250 million into the local economy? To me, and pretty sure, many other residents feel the same way, that no consideration was given to the residents only the developer and what all you have been

wanting to see happen for years in UMBT, Public Sewage and Development. If the BOS cared about the residents, the community impact study would have been done along with all other impact studies that are in our original zoning laws. I'm sure the results would have been more

THAN one sided. I have attended as many meetings that I have been able to attend, never have I seen residents standing up for the amendments, only the night of the vote on the 9th were two residents shaking hands and trying to hand out cigars to the BOS. Just shows again how one sided the

text amendments are. We are not against previous zoning laws that were in place, only the text amendments written for a developer by a developer and passed by businessmen themselves, in development, construction, construction projects and real estate, OUR OFFICIALS, ELECTED TO

REPRESENT US.

Thank you

Cori Eckman

1108 Potomac Street

Mt Bethel PA

Public Comment – UMBT BOS Mtg Sept 28 2020

Richard Wilford-Hunt
2012 Shady Lane
Mt. Bethel, PA 18343

On Sept 9th, you all passed the RPL text amendment version 10 – is that correct?

At that time were ANY of the deed restrictions or declarations of covenants legally binding? Were they written up, approved by both parties (BOS and Pektor) and signed?

I believe the answer is “no”. So if I were the developer I could “by right” take this approved text amendment and say I want to build 800,000 SF buildings (three 1 million SF buildings with conditional use approval), building that could be as high as 100 ft with unlimited height projections etc. All the things that are spelled out in the text amendment written by the developer. Is that correct?

And not only do these extreme give aways to the developer pertain to the I-2 zone they also pertain to the I-3 zone. Is that correct?

I believe again the answer is yes. So again if I were the developer I could build the same way (800,000SF allowable, 1 million SF conditional, 100 ft. high in the I-3 zone).

Finally if I were the developer all I would have to do to start the process is submit this one page form (UMBT Application for Subdivision or Land Development). Is that correct? Incidentally, this form and others will need to be modified to fit the exceptions and waivers granted by the RPL text amendment.

Thank you for listening. Please keep in mind that I and many others are here because we care deeply about our township and want to preserve our quality of life.

Comments for BOS Meeting 9/28/20

Charles Cole, PE

I thank you for the opportunity to address the BOS Workshop. I would like to make the following comments regarding the now infamous Text Amendment negotiated with RPL over the past year.

1. I find that the BOS have not managed this important Zoning Change competently in my opinion. You have ignored good professional advice continuously and represented the Developer rather than the residents' interests. If you were working for me, I would ask for your resignations. (Oh, you do work for me!)
2. The revelation on September 14 BOS meeting was astounding. How could you in a matter of a few days after you voted to approve the Text Amendment against advice of a multitude of professionals and residents, who may also be considered expert in knowledge relative to the Zoning Changes, vote to amend the Text Amendment? The things that your Solicitor proposed was known about for months before your first vote! Either Ron Karasek, had an epiphany and acted improperly over the weekend, or you as a Board authorized him to negotiate with RPL. This new modification to the Text Amendment will cost the Township thousands of dollars – you should each contribute a thousand for these unnecessary costs!
3. Now is the time to immediately rescind the RPL Text Amendment and get professional help, who you will listen to, and decide where to go from here. Lou Pektor, I said before cannot be believed and I say it again. At the EDC meeting on 8/24 he stated publicly that he has been working on the text amendment for a year! That takes you back to September 2019, long before his February presentation when he claimed he would follow all UMBT Zoning requirements! And what had you as Supervisors promised him behind the scenes if what he said was true?
4. You need to look at many things before developing that property - steep slopes, wetlands, building size, height, and setbacks just to mention a few. We have repeatedly said that to develop it as he wishes, is an abuse of the property.
5. At the EDC meeting we also learned that RPL has been drilling many wells and has negotiated for a sewage disposal site. Where is the UMBT oversight to protect our waters and residents from overuse or contamination? Shouldn't the water supply and wastewater disposal be Community/Public infrastructure, and regulated as such since they will serve many different properties and owners? What about a Standpipe for pressure?
6. The Township has been outmaneuvered, and now is the time to try to get it under control, if you cannot, maybe now is the time to tender your resignations.

Please accept my comment concerning the RiverPointe Logistics amendment to the text amendment for your consideration and action, UMBT Supervisors' September 28, 2020 meeting. Judith Henckel

As our governing officials it is commendable that you will amend the RiverPointe Logistics LLC text amendment for the former GenOn property to accommodate the concerns of our local volunteer firemen who will be asked to protect these structures.

There are other deficiencies in the ordinance pointed out by residents that have been ignored in your desire for an enhanced tax base and jobs. The costs to the community have been put aside and yet it is the community you profess to benefit. Citizens have demonstrated in their comments and petition signatures that they want a community, one that will act united to defend a sustainable balanced rural economy. A rural scenic landscape provides clean air and water without monetary cost and uses little in services and maintenance.

This may look like the usual NIMBY (not in my back yard) cry. But consider our back yard. We sit geographically as the gateway to many nationally and internationally known county, state, federal and our own natural assets. To list: Delaware Wild and Scenic River, Delaware Water Gap National Recreation Area, Cherry Valley National Wildlife Refuge, Kittatinny Ridge Conservation District, Appalachian Trail, Minsi Lake Corridor, Mount Bethel Fen Complex and one of the largest vernal pool aggregations in Pennsylvania. We have a wealth of endangered and threatened plants and animals in those habitats but cannot seem to find any on this large property, even with the I-3 listed as one of our over twenty Pennsylvania Areas of Statewide Significance.

Why would water, air, noise and light polluting intensive industry be situated along the river within sight of all this? Because a few people pushed this, developers facilitated it and you, our elected officials, were sold without community input until the bitter reveal. Now you are saddled with the reckoning of how your decision will forever affect our local and regional communities and all those who cross the bridge, paddle or fish the river or walk the trails.

Your amendments to the original text amendment set in stone massive changes to our character and relatively quiet way of life. The revisions have chipped around the edges of what the developer wants, leaving the massive mastodon in the room, large high cube buildings at the center of a transportation hub. Citizens think you either have not done sufficient research or are complicit in this deception of the value to our community.

There seems to be little you can do now that the text amendment, with or without further changes, has given the developer and any who come after, free reign. Research or rumor indicate the industry desiring these specifications has not had success anywhere else in the Lehigh Valley, except for one pending court case. It is up to the citizens now to try to moderate this colossal assault to our vision of our community.

Cynthia Beck

From: Kyle <kschaar945@gmail.com>
Sent: Monday, September 28, 2020 8:59 AM
To: Cynthia Beck
Subject: BOS meeting comment

Good morning,

I have a comment I would like to submit for today's meeting. I don't think I will be able to make it to the meeting today.

I would like to make a comment regarding the amendment to the text amendment. If you are making an amendment, have you considered changing the 100' building to conditional use just like the 1,000,000 sq ft buildings are listed. Justin, our township engineer, recommended this before the amendment was passed. It would give the board more control over the process. If we are amending the amendment less than one week after it was voted to pass, it shows how rushed the other board members were to pass this. I think the 100 ft tall building is a major concern for a lot of people and shouldn't be considered, let alone, without a conditional use. This height of a building does not match our townships character, or any of our neighboring communities, even with the topography helping mask the height. If we are going to amend this amendment let's get this right while we still can. Also, if the board chooses to blatantly ignore the township engineer, they are wasting the taxpayers money right in front of our eyes. If this change is not considered I would like to hear an explanation or something sent in writing by each supervisor why it will not be considered. When this amendment was voted on the only justification for voting yes given was we need this or we will get warehouses. Reading the amendment It doesn't say anywhere that manufacturing will be put in or a limit to the amount of warehouses aloud so that justification is unacceptable.

Thank you

Kyle Schaarschmidt