



Upper Mount Bethel Township

387 Ye Olde Highway

P.O. Box 520

Mount Bethel, PA 18343-5220

Phone: (570) 897-6127 Fax: (570) 897-0108

www.umbt.org

UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES MONDAY, APRIL 26, 2021 -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 7:05 pm.

The Pledge of Allegiance was recited.

Present were Chairman Pinter, Supervisor Due, Supervisor DeFranco, Supervisor Bermingham, Supervisor Teel, Township Manager Nelson, Township Engineer Coyle and Township Solicitor Karasek.

Public Comments:

Richard Wilford-Hunt wanted to thank the Township Road Crew for picking up the trash that was collected from the Earth Day clean up and to all the volunteers that helped. Richard read his public comment, which outlined excerpts from an interview of CBRE's Jake Tarkanian. This public comment will become part of the official record.

Charlie Cole commented on the invitation to the BOS to attend the Water Cooler Talk via ZOOM, on April 28th, 12-1 pm and would hope that the BOS consider attending.

Loren Rabbat commented on the opportunity for public comment. Loren provided information to the BOS that Benchmark has immediate and direct ties to Ashley Development. This public comment will become part of the official record.

Mark Mezgar commented on the RPL Development and the proposed NID. This public comment will become part of the official record.

Judy Henckel commented on the concerns of the environment and the Township following Earth Day. This public comment will become part of the official record.

Supervisor Bermingham commented on his article that he wrote for the Township Newsletter and the removal of a paragraph, also, why he can no longer hold his office hours at the Township Building. Supervisor Bermingham stated a policy should be discussed on these matters

Supervisor DeFranco stated he wanted to address some comments. Richard Wilford-Hunt not happy with the Text Amendment. Supervisor Bermingham's role in writing the Text Amendment. Supervisor Bermingham stated "until he was told he was no longer negotiating, he pushed back". To Charlie Cole, drip irrigation and sewers. To Judy Henckel, trees being cleared from Jesse Poliskiewicz's property, no complaints. To Supervisor Bermingham, liking posts on social media.

Supervisor Teel commented on previous board members making decisions and how the current board is trying to make the best of what was created.

Francis Visicaro commented that she is disappointed in the Board and the treatment that are giving Supervisor Bermingham because he voted no for the Text Amendment.

David Friedman commented on the RPL conceptual plan.

II.

ANNOUNCEMENTS

Secretary Cindy Beck announced that she received a resignation from Cher Mount, the UMBT POC for the I-80 Rockfall. Chairman Pinter asked for this position to be advertised on the Township's website.

Tara Mezzanotte gave an update on the Resolution that the Board previously approved on the I-80 Rockfall Mitigation Project. Tara stated that letters from Senator Casey and Congresswoman Wilde were sent to NJDOT. Tara read an excerpt from Senator Casey's letter, "the goal of the project is to increase public safety and it is crucial that possible effects on the safety of surrounding communities be investigated and scrutinized. Community members be given opportunities to voice their input regarding the project." Tara also read an excerpt from Congresswoman Susan Wilde's letter, who stated some questions on how NJDOT and FHWA are assessing the project's impact on traffic volumes and patterns in the surrounding communities, traffic changes and effect on PA state and local roads, impact on drivers, pedestrian, and community safety. These letters, as well as the Resolutions from the surrounding Townships, are examples on how the surrounding communities are trying to fight the proposed project.

Manager Nelson announced a new process of overpaid tax bills. The current over payment amount to be refunded is \$5. Manager Nelson stated refunds will now be \$15 and since there is no formal process, it should be done by way of Resolution. Solicitor Karasek will draft a Resolution. This will be on the May 10th meeting agenda.

Loren Rabbat asked for clarification on the over payment of paid tax bills. Chairman Pinter stated this will on the May 10th agenda for discussion.

III.

TABLED ITEMS

1. Overlook Pub & Restaurant-Manager Nelson discussed the Resolution, No. 2021-04 that has been drafted. This Resolution pertains only to the Overlook Pub & Restaurant, which authorizes the Township's Special Solicitor to file a petition with the PA Liquor Control Board to exempt them from the PA Liquor Control Board's regulations regarding amplified music being heard off the licensed premises in favor of enforcing the Township's own previously adopted Noise Ordinance, 96-01. Supervisor Teel expressed his concerns of singling out one business. Owner, Doreen Rutherford spoke briefly on their request. **MOTION** by Supervisor Bermingham to adopt Resolution No. 2021-04, seconded by Supervisor DeFranco. Vote: 5-0.
2. Alternate Solicitor-Manager Nelson stated that he received an email from Attorney DiFelice stating he is willing to serve as the Alternate Solicitor per the same fee as Attorney Karasek. Supervisor Bermingham asked when does the Alternate Solicitor come in to play? Manager Nelson stated if an issue arises where they may be a conflict of interest for Solicitor Karasek. Solicitor Karasek stated he does not want to be in a situation where Attorney DiFelice is taking work away from him. **MOTION** by Supervisor Teel to appoint Attorney DiFelice as the Alternate Solicitor, to be available when there is a conflict of interest for Solicitor Karasek, per fees of \$125 for office/court time and \$375 per meeting, seconded by Supervisor Bermingham. Vote: 5-0.
3. Independent Traffic Study-Solicitor Karasek stated he received an email from Mr. Terry of Benchmark Associates, stating they have no association with RPL. Solicitor Karasek stated he requested this to be sent in writing with his signature. Solicitor Karasek stated he was not instructed to look into other entities associated with Mr. Pektor. Supervisor Bermingham stated the documents submitted to the Board from Loren Rabbat, indicating Ashley Development had some association with Benchmark, should be reviewed. There was a discussion on Carroll Engineering and traffic studies. Supervisor Bermingham stated if this gets passed without looking into the conflict of interest with Ashley Development, this would not be good. **MOTION** by Supervisor DeFranco to hire Benchmark, seconded by Supervisor Teel. Vote: 3-2. Supervisor Bermingham and Supervisor Due voting no. Public Comment-David Friedman commented on having the Planning Commission review the study.

4. Firearms Ordinance-Solicitor Karasek stated he received no comments from the Board on the current draft of the Ordinance. Solicitor Karasek stated he is attending a seminar and will report to Board if anything new or different that would apply to the Ordinance drafted. **MOTION** by Supervisor Bermingham to table to the May 10th meeting, seconded by Supervisor DeFranco. Vote: 5-0.

IV. REPORTS

1. Scott Policelli gave a summary of his monthly report. Scott gave an update on the inspection made at 663 Million Dollar Highway. There is no well and they do use an outhouse. They have agreed to testing and the power has been restored.
2. Tina Serfass gave a summary of her monthly report. Tina reported the zoning and building applications reviewed and permits issued and multiple zoning violations, which enforcement notices have been sent out.
3. Manager Nelson gave a summary of Diann's monthly report. He reported the reports she has prepared, meeting with the Auditor, performed her monthly accounts payable entries, and there are currently 100 players signed up for softball.
4. Janet Pearson stated her report does not have much to report but will be corrected by next month's meeting. Engineer Coyle has sent out request for bids for the wetland delineation at the Preserve. A list of properties with over 35 acres was received from the Heritage Conservancy. A letter will be sent to those property owners.
5. Scott Cole gave a summary of his report. A business directory is just about ready to be posted on the website. The EDC is looking into holding a local business gathering/symposium in the future. The EDC is getting another survey out.
6. Manager Nelson gave a summary of his monthly activity. Meetings attended, continued contract negotiations with the Teamsters, and resident discussions.
7. Engineer Coyle gave a summary of his monthly report. The 2021 Roadway program, Slateford Road Bridge rehabilitation and safety upgrades, National Park Dr. bridge culvert, the review of several grading plans/lot line adjustment plans, and the finalization of the bathrooms plans at the park.
8. Solicitor Karasek gave a summary of his monthly report, which included meetings attended, land development/zoning/land use matters, outstanding litigation, and miscellaneous matters.
9. Secretary Cindy Beck gave a summary of her monthly report. Assisting residents with general questions, concerns, research. The Statement of Financial Interest forms are due May 1st. Working on minor revisions on the spring/summer newsletter. CodeRed is just about ready to be launched. The preparation of the monthly agendas and minutes.
10. Secretary Cindy Beck reported she has been working with Engineer Coyle on getting the bid packages out, office activity has picked up with the submission of zoning/building applications, began working on the Spring Newsletter, working

- with Stavros on the CodeRed emergency notification system, and the preparing the monthly agenda and minutes.
11. Stavros Barbounis gave a summary of his monthly IT and Park/Rec activity. CodeRed, ongoing IT maintenance. For Park/Rec, Stavros stated he has been reviewing the Ordinances and By-Laws to get a better understanding of the responsibilities of the committees.
 12. Supervisor Teel gave a report on the Planning Commission. Lot Line Adjustment Plans and Land Development Plans. A meeting will be planned with RPL and the Fire Chiefs to discuss their needs.
 13. Supervisor's Reports:
 - a. Supervisor Due stated he had nothing to report at this time.
 - b. Supervisor Teel stated he had nothing to report at this time.
 - c. Supervisor DeFranco stated that Scott Cole provided an update on EDC.
 - d. Supervisor Birmingham report that he is withing with BASD and Optimus Prime, an anti-bullying program and the BASD is looking for donations, dates are May 24th at Five Points, May 25th at Washington, and May 26th at DeFranco. Supervisor Birmingham will be having office hours May 3rd, 6-7:30 pm at the MB Firehouse, the verbally committed donation of \$100k for the bathrooms at the park which the donor is requesting they are in by the summer, working on the Memorial Day Drive by Parade with Manager Nelson, thank you to Richard Wilford-Hunt for hosting the clean-up and he will be starting the neighborhood clean-up soon. Supervisor Birmingham is working with a local animal shelter that will take in stray cats. Supervisor Birmingham is working with the Girl Scout Troop 8420, a 13 year old Girl Scout who is looking to receive her Silver Award for Community Service. Supervisor Birmingham announced that Lamtec and Custom Laminating are currently hiring full-time employees and summer help.
 - e. Chairman Pinter reported that with the new Freedom Software, we will begin running account payables through ACH, to eliminate the writing of 200+ checks.

V.

NEW BUSINESS

1. Neighborhood Improvement District (NID) Attorney-Manager Nelson stated the Board of Supervisors had a ZOOM interview with Attorney Cozza and is now open for discussion. Supervisor Birmingham stated the interview went well and the two Attorneys that attended seem very nice, he liked the fact they were flexible, they are willing to hold town hall meetings and the only concern was they did not have any NID experience. Supervisor Birmingham thought it would be a good idea to look into any other firms that may have NID experience. **MOTION** by Supervisor Birmingham to table, there was no seconded, motion fails. **MOTION** by Supervisor Teel to hire a Cozza Law Firm Associate to the handle the NID for Upper Mount Bethel Township at \$350 per meeting,

seconded by Supervisor DeFranco. Vote: 4-1. Supervisor Bermingham voting no.

VI.

OLD BUSINESS

1. Zoning Officer-Manager Nelson stated he received a resume from Matthew Wojaczyk for the Zoning Officer position. Manager Nelson is recommending this to be tabled to the May 10th meeting. **MOTION** by Supervisor DeFranco to table to the May 10th meeting, seconded by Supervisor Teel. Vote: 5-0.

VII.

PUBLIC COMMENT

Ron Angle commented on the application for the Act 537 plan that the Township paid \$120k for and that the Township should consider getting some of the fees refunded due to how bad it was prepared. Ron also commented on the one lane bridge on Million Dollar Highway and would like to see if it can be preserved.

Charles Cole commented on drip irrigation and how we can protect the ground water.

Sharon Duffield commented on protecting the ground water, having a baseline to know where we are now.

Supervisor Bermingham stated the residents need to be protected.

VIII.

EXECUTIVE SESSION-Recess to Executive Session at 9:40 pm to discuss legal matters. The meeting reconvened at 9:59 pm.

1. Legal-Chairman Pinter stated that legal matters regarding VIP and the Cole vs. UMBT were discussed and that no action will be taken at this time.

IX.

ADJOURNMENT

MOTION by Supervisor Teel to adjourn the meeting at 10:00 pm, seconded by Supervisor DeFranco. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Public Comment – UMBT BOS Meeting April 26 2021

Good evening. I have two comments.

First, I would like to thank the road crew for picking up the trash we collected for Earth Day. We had about 19 volunteers for 2 -3 hours helping to keep our beautiful township clean. Every little bit helps. Thank you all.

Secondly, I want to revisit Pektor's dog and pony show at the firehouse back in Feb 2020 and remind all of you what he and his team of land- use lawyers and real estate broker Jake Tarkanian of CBRE spewed to the residents starting with an arrogant statement "we can do what we want" followed by hollow promises to abide by all local zoning and SALDO requirements and to bring in jobs from manufacturing and light industry not warehouses to the township. Now, let me read two excerpts from an interview of CBRE's Jake Tarkanian by Warehaus (an architecture/engineering firm that helps build warehouses). "All I do is bulk warehouses. So when you look at the product type that my portfolio is composed of it is basically any building that is over 100,000SF in the eastern PA market. So the buildings in our market range from 100,000SF up to a million or even 2 millionSF. So very large format warehouse facilities" Mr. Tarkanian goes on to say "e commerce coming to light. So, we see that space growing and that as a market for us as warehouse space and fulfillment space providers. And then, you know, more granularly, the cold storage space and the infrastructure and the

cold storage and client-to-consumer grocery delivery, we see that space exploding post pandemic”

When this board hurriedly pushed through the text amendment, the drastic zoning changes crafted by the developer, your argument was to prevent warehouses and to protect UMBT, to limit the amount of truck traffic on our roads. Yet the very first building being proposed for the industrial park ,303 Demi, at 420,000SF, is being marketed as warehouse space. And what were you thinking when you agreed to ten story high buildings – this is the footprint for high cube warehouses (many trucks and few jobs). These trucks do not just evaporate once they leave River Rd – you know many of them will travel right through Mt. Bethel on their way west to Rt.33. With your “yes” vote for the text amendment you have handed UMBT on a silver platter to the developer (and not just this one but to any future developer that comes along). Your blind allegiance is staggering and detrimental to our township and is the reason why the citizens of UMBT have taken you to court. There have been so many red flags. You have hardly done your homework or asked the right questions. Instead you continue to let the developer feed you the answer’s.

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

Board of Supervisors workshop meeting April 26, 2021 public comment

I would like to address three points concerning the environment and our township following Earth Day April 22.

Most of us know the history of December 7, 1941 that brought us into WWII. Thirty years later, another notable event on December 7, 1972 was a picture from a manned spacecraft that hit the news with our planet in full color, dubbed the blue marble. That picture became the iconic symbol for Earth Day. Just a few years earlier a movement arose and through the efforts of Wisconsin Senator Gaylord Nelson, in 1970 the Nixon administration proclaimed April 22 as Earth Day. In that same year the Clean Water, Clean Air, Wilderness Acts and Environmental Protection Agency were all established.

Traveling the country Senator Nelson met in Harrisburg the week before the first Earth Day with PA State Senator Franklin Kury. Senator Kury had authored the environmental bill that went on to pass in both the PA House and Senate with not a single opposing vote. PA voters then affirmed the bill overwhelmingly for it to become law in 1971. It has been part of the PA Constitution, Article 1, Section 27 for fifty years. Mr. Kury, in a recent Earth Day webinar stated that in Pennsylvania, "Every official takes an oath to uphold the Constitution of Pennsylvania."

Earth Day, Week and Month has seen renewed tree planting programs and projects around the world. Upper Mount Bethel has chosen to roll the environmental clock back with removal of trees on hundreds of acres of slope with drainage to the scenic river to make way for millions of square feet of impervious coverage by buildings, parking lots and roads.

My second environmental concern are the discussions of the Recreation Board having oversight of Open Space maintenance of the Preserve, former Eastern Industry property. This is a complex issue for future debate, but is seen by some as another Open Space funding grab.

Lastly, with only a few hours' notice, streaming ability for the Planning Commission meeting and the next day no notice for EDC, were abruptly dropped. I understand that tonight's meeting is being streamed. Can you let residents know what the status or policy is for live streaming and which meetings?

Thank you. Judith Henckel, April 26, 2021

April 26th

Good evening.

Appreciative of the opportunity to HAVE public comment, particularly in light of how little opportunity the public has to affect thought processes and decision making here in our little municipality.

Having lived in the Township for 30+ years, I can remember when there used to be engaging, polite, thoughtful and inquisitive dialogue that transpired between the residents and their elected officials. In the past three years, much has changed.

But alas, I digress.

My public comment tonight is two-fold.

Firstly, and since questions posed to the board do not HAVE to be answered, and thus are not, is rhetorical. Is the tail (Mr. Nelson) is wagging the dog (Board of Supervisors)? How poorly is this Township being managed that your manager picks BENCHMARK as an "independent" engineering firm to audit the McMann traffic study when ANYONE can see, that Benchmark has immediate and direct ties to Ashley Development which is one of the Pektor's shell companies??? I have provided for you what was easily assessable on the internet, Gentlemen.

I am not sure if what is listed on the Agenda under Benchmark/Solicitor is a discussion of this, however, it would seem to me that you, as a Board of elected officials should not rely so heavily on your Manager. You are all (allegedly) successful businessmen. I have yet to see YOUR business acumen in action but would certainly ask that you each do some independent research of your own when selecting an independent audit for any aspect of this municipal government's duty to its citizenry.

Secondly, the Zoning Ordinance states, in Section 4.303 11 (C) "The Major Traffic Impact Study shall be reviewed by the Planning Commission and the Supervisors in accordance with the Conditional Use procedures established herein." traffic study rhetorically I ask, when will THIS take place? Or will this slide through under Conditional Use?

I am still incensed that your job is to serve US, and yet, at every turn, you appear to be serving Pektor and his enterprise. You are going through hoops to make the "largest industrial park on the East Coast" come here. Yet in over a year, you've yet to have a single tenant confirmed. So you are essentially changing all of OUR rules, so he can play in our court. The promise was "light industrial and manufacturing" you know, for jobs. Yet warehousing is what seems to be the motivating factor and will, as you know deep down in your conscience, will destroy Upper Mt. Bethel Township.

Loren Rabbat

Public Statement

UMBT BOS Meeting

26 April 2021

Mark J. Mezger
114 Scenic Court
Mt. Bethel, PA 18343

What is the message?

- My public comment is on the RPL Development and the proposed NID.
- After having reviewed the original RPL and NID proposals in detail, I want to inform you that “The Emperor Has no Clothes” the idea that you can build the largest industrial park on the eastern seaboard in a town that has zero infrastructure to support it, is a pipe dream.

Why do I say this?

- Mr. Pektor and RPL have been pushing the Industrial Park concept for a year and a half now, and to date, have not sold a single parcel of land. Why?
 - Mr. Pektor says that the two principle reasons are lack of a qualified workforce in the area And, Corporate executives want facilities faster than he can supply them.
- Although these may be possible causes both of these reasons are beyond Mr. Pektor's ability to control or change.
- I think its because a lack of infrastructure is perceived corporate executives as added risk for any firm wanting a quick and successful transition of their operations.

What did they do?

- As a means to appeal to a broader customer base and to remove other interference, RPL drafted the text amendment. This had to be rushed through because RPL had a client on the string.
- So without conducting any due diligence on the original proposal and without a single parcel sold, without any plan submitted to the Planning Board, ignoring LVPC identified deficiencies, and despite extreme objections by the town residents, our supervisors approved the Text amendment to our zoning laws. The ramifications of which are significant.
- This action, was a “ready, fire, aim” response to the RPL drafted amendment. These responses occur when your desire to move an agenda forward is so great that you ignore the fact that you have no facts support your actions.
- “Ready Fire, Aim” type responses rarely result in sound decisions.

Here is the next issue. Proposed NID

- Now RPL is proposing the Neighborhood Improvement District
- This is a \$14.4M initiative planned for 2021 – 2032
- Objectives of the NID are to provide capitol equipment and services specifically for the NID and NOT for the town.
 - Things like health services, infrastructure Maintenance improvement, Financial Support & Infrastructure for Community Projects.
- Does't this sound so wonderful? Hear are the facts(today):
 - There is no neighborhood and no community present in the NID
 - There are no roads in the NID
 - There is no infrastructure to improve
 - Resources to be provided are to be based on real estate sales and how quickly the town will approve permits submitted by RPL.

Significant Change takes time to implement.

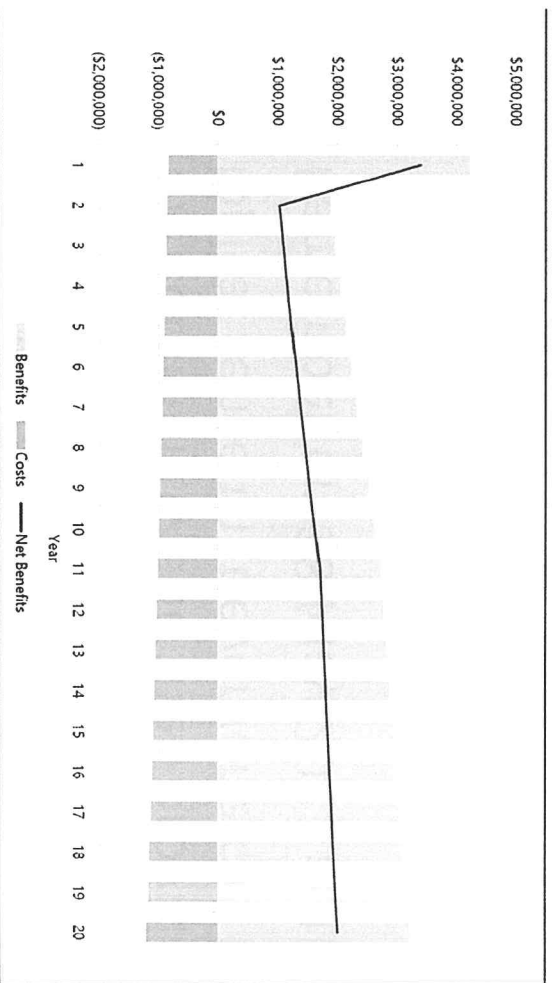
- Is there anyone here that believes that a one time capitol investment will instantly create the infrastructure needed to permanently establish the proposed services over the operational life of an industrial park?
 - One shot being \$4.5M capitol investment
 - \$700K of annual recurring costs
- There is no justification nor rationale presented in the proposal to show how these figures were arrived at.
- Since this is a LERTA Zone there is financial risk to the town.
- No one has articulated what problems this solves for the town or for RPL or specifically why it is needed.
- To move out on the NID now is just another “Ready, Fire, Aim” scenario.

WE DON'T want any more Ready, Fire, Aim

- We need supervisors who have sense enough to think these situations through, review and analyze the facts.
- We need supervisors that will take the time to have discussions with the community and then provide decisions and solutions that make logical sense that everyone can live with.
- Remember on 18 May 2021 at the polls

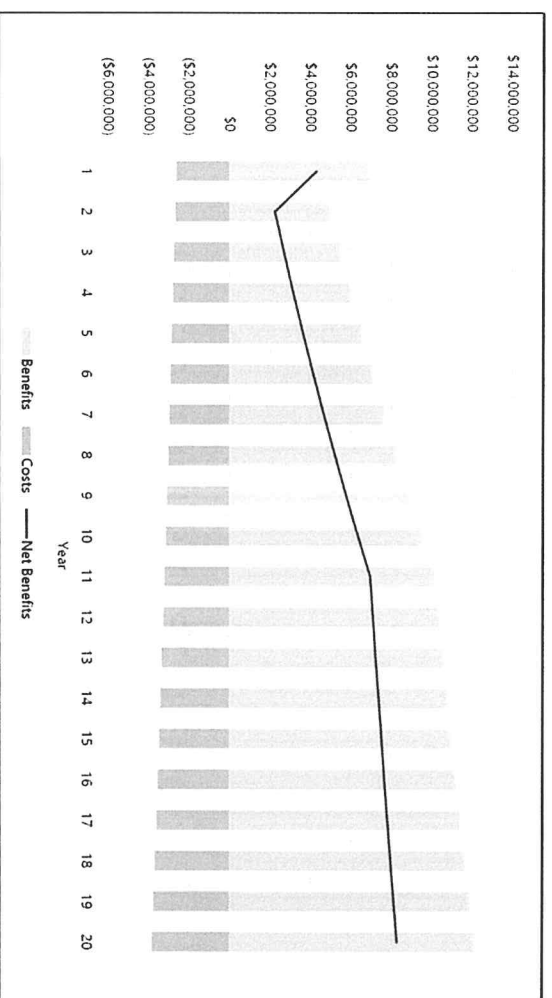
Ready, Aim, Fire

Annual Costs and Net Benefits (NEVER VALIDATED)



Net Benefit at Full Build Out

The business park has the potential to generate fiscal net benefits to the Township of **\$1.1-\$2.2 million per year**, representing a 30%-60% increase over current revenue.



UMBT BOS Suggested Course of Action Regarding the NID Proposal

- The purpose of this document is to determine how strengthen UMBT's negotiating position with RPL and achieve a better arrangement for ALL stakeholders in the River Pointe Industrial Park Project.

BACKGROUND

- A better arrangement would be changing the perception that this is an RPL LLC Project to that of a UMBT Municipal Project where RPL is the developer, a controlling management position in the NID, more resident say in the content and design of the Industrial Park.
- RPL has approached this plan as if they were the only entity that has any bargaining chips. This is an RPL plan and it is to remain under RPL's control.
- RPL LLC is attempting to construct what was marketed as the largest industrial park on the eastern seaboard in Upper Mt. Bethel Township (UMBT). UMBT is a Second Class township in PA. As a rural community with a population of just over 7,000 people, the town has no urban style infrastructure for water, or sewer, and uses a voluntary Fire Department for emergency services. Residents of the town are currently taxed at the maximum allowable rate for property and income by the state of Pennsylvania. Revenues for the town are approximately \$3.5M/year that cover all of the towns operating costs. In order to make their properties sellable to major corporations, RPL needs to first procure the capital equipment to provide the necessary infrastructure and then implement the services within the NID. Upon either early termination of the NID or reaching its Sunset date in 2032 the town would have to pick up the operating expenses and fund them out of their tax revenues. Here is where there is considerable risk for the town. I-1 and I-2 are LERTA zones which means that corporations that locate there will get a tax decrease in their tax bills starting a 90% reduction for year 1 and that decreases by 10% each year until there 0% reduction in year 10. One very major possibility is that the amount of tax revenues at this time may not be sufficient to cover all of the operating costs.
 - Recurring costs for providing services to the NID have been estimated by RPL at approximately \$700K per year which would be added to the town's current expenses for its own operation.
 - These services would also require addition administrative costs for the town estimated by RPL as approximately \$43k per year with increasing costs per year for inflation.

- Considering the financial reality presented above, one factor that must be considered in the decision processes for the NID, or any other managing body, are how to account for the life cycle costs that a project of this magnitude will require. RPL is funding much of the upfront design, planning, and preliminary site preparation costs, but UMBT will be required to fund and support all of the recurring costs associated with the maintenance and upkeep of the roads and emergency services over the operational life of the park. Recurring costs will ultimately exceed planning preparation costs. At what point (date) will tax revenues be sufficient to cover these costs? Normal business cycles could lead to turnover in the Industrial park which could preclude getting a full allotment of property tax at any point.
- RPL has stated that one of the major attractions to the UMBT area is its proximity to Rt. 80. Access to and from Rt. 80 is essentially one lane from and one lane to, both travelling over a two-lane bridge in Portland, PA. In order for e-commerce or large warehousing to fully capitalize on the location for their operations the infrastructure for the roadways and bridge must be significantly expanded. RPL will need Government Grants and other sources of government funds or government backed loans to achieve their objectives. RPL will need an agreement with UMBT or other quasi-government organization to qualify for and acquire these funds. NID proposal makes no mention of outside funding pursuits.
- Since the announcement of this plan to build an industrial park in UMBT in February of 2020, RPL has only made one real estate transaction and that was with an existing business within the Industrial Zone. RPL has provided reasons for this that include shortage of qualified workforce in the area, competition from other industrial real estate suppliers, and a lack of readiness due to the fact that there is no water and sewer infrastructure in the I-1 and I-2 zones. Two out of three of these factors are beyond RPL's and the UMBT's control so if these are the limiting factors for land parcel sales attracting sales to the area will depend on circumstances that cannot be controlled. Given the model package that RPL has put on the market, along with the town's lack of infrastructure to support may be prohibiting companies from committing to purchasing land parcels. It is not known, how long a sales period will lag nor when RPL might change the product model for the design of the park.
- In order to provide the necessary infrastructure to support the operation of the Industrial Park, RPL is going to need government investment. None of this gets mentioned in the NID proposal. The Portland bridge will need investments from the DRTBC, the roadways from either the US or Pennsylvania Departments of transportation, and other agencies for matters that arise such as EPA. The town can provide a conduit for RPL to acquire such funds. Applications for some of these government grants will require community commitment and support. If used this way by RPL, UMBT would be a full and equal partner in the project.

- A complete analysis of the RPL NID proposal has been conducted. The report out is included with this summary so that the details of the rationale expressed here can be read and understood. The report goes through each section of the proposal and provides comments on a section by section basis.

SUGGESTED COURSE OF ACTION

- It is suggested that the BOS reject the current RPL proposal for a Neighborhood Improvement District for the following reasons:
 - Lacks timeline of estimated dates for start, completion, and implementation of all proposed improvements, programs, and services as required by Act 130
 - Lacks rationale and justification for proposed funding levels of NID activities
 - Lacks a coherent and consistent funding scheme for funding NID activities
 - Funding results from real estate sales which are not predictable
 - Proposes an imbalanced and unfair management structure to fairly represent all stakeholders
 - Lacks a membership plan for new comers to the NID
 - The structure of the NID leaves out two very important entities at the onset that could potentially benefit from the improvements and services the NID is proposing.
 - As companies and organizations purchase parcels from RPL they become beneficiaries of the improvements in the NID. Why are they not be required to join the NID to help spread out the investment costs?
 - Lacks a draft of the bylaws for the NIDMA
 - Lacks a draft of the Township Cooperation Agreement
- Taking all of the above into account, UMBT should make a counter proposal and there are two options available to the town that can be submitted to RPL for their consideration.
- **Option 1**, would be to ask RPL to resubmit the proposal and address all of the deficiencies stated above. This would include a rebalance the Management board, Fees, and budgets to place more representation and influence by the town supervisors and residents on NID investments and activities, and construct new budgets, fees, and services.
 - Change the name to UMBT-NID to reflect that is a UMBT municipal project.
 - Build fee assessment structure on area of parcels independent of what is sold or include a strategy to deal with potential gaps when properties are not sold as anticipated.
 - Map out a plan for new members to enter the NID as property is procured
 - NIDMA management structure to include to town supervisors, 2 residents, and 1 RPL board members

- In exchange for these concessions, the UMBT supervisors will support the processing of government grants from the EPA for the TBA of the I-3 Zone, and other grants as needed.
- In exchange for more control on the design and contents of the industrial park, UMBT residents will not oppose the EPA grants for Brownfield evaluations and cleanup in the I-3 Zone.
- **Option 2**, would be to create a public private partnership between RPL LLC, RPL East, and UMBT through the establishment of a UMBT Development Consortium. Establishes the Town as an equal partner in the development project.
 - Generate articles of collaboration and bylaws
 - Negotiate with the two (i.e. RPL LLC, and RPL East) companies
 - Could provide more township discretion over funds received
 - The UMBT development consortium could evolve into the UMBT water and sewer authority or the Municipal Planning Dept. depending on how things progress.
 - In exchange for assistance and access to government grants, RPL must agree to allowing the BOS and residents ability to redesign the Industrial Park.

Upper Mount Bethel Township

Review of RPL LLC NID Proposal

Facts and Findings

RP-NID Proposal

Document Analysis: Land Parcels

Land Parcels:

- Property Owners
 - RPL LLC
 - UMBT

- **27 Parcels:** The tax parcels of the tax parcels that are included in the RP-NID are set forth on Exhibit A, attached hereto and made a part hereof. Those properties numbered 1 through 26 above are hereby referred to as the "River Pointe Properties". That property designated as number 27 above is hereby referred to as the "Township Park Property".

• Comments

- Two parcels in very close proximity to the proposed NID are owned by Air Liquide and Lamtech.
- Wouldn't these two companies benefit from the improvements being made in the NID as it practically surrounds their parcels?
- Were they considered and why are they not proposed members?
- What about the future buyers of parcels?

Document Analysis: Statement of Need

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| <p>Statement of Need:</p> <ul style="list-style-type: none">• Services• Capitol Expenditures• Infrastructure Maintenance | <ul style="list-style-type: none">• Enhanced and specialized health and safety services: The proposed development of the River Pointe Properties within the RP-NID will contain large (300,000 to 1,000,000 square feet) manufacturing, processing and related product storage facilities. The large commercial facilities will require enhanced fire, emergency management and security services (“EMS”)• Infrastructure Improvement Maintenance: In order to support the development of the River Pointe Properties within the RP-NID, the developer of the River Pointe Business Park will be making significant investments in the infrastructure within the RP-NID, including without limitation roadways, street lighting, stormwater system, recreational trails as well as improvements to existing roadways and bridges outside of the RP-NID (collectively the “Infrastructure Improvements”) necessary to provide adequate and safe access to the RP-NID.• Capital Expenditures Related to Enhanced Health and Safety Services and Infrastructure Maintenance Services: In order for the Township to provide the enhanced services as noted above significant investments in specialized equipment are necessary.• Integration and Support for the Township Park Property: The Township Park Property will provide a material benefit for the River Pointe Properties. High quality community resources within the RP-NID will be a direct benefit to the companies and employees that are located within the RP-NID.• Community / Philanthropic Involvement: It is the belief of the property owners within the RP-NID, that the RP-NID will also have a responsibility to support community programs for the benefit of the businesses and employees who will be employed within the RP-NID as well as the greater benefit of all the citizens in the Township.• Most of what is described here would be estimated from a full plan. With no parcels sold the content of the park cannot be described in any quantitative terms at this point in the project. All it is a concept. So the question is what problems does the NID solve for the town?• UMBT should ask if the contractor has done an analysis of alternatives when selecting their course of action. Were other options considered?• The Town Park and Philanthropic involvement are nice to have but difficult to specify quantitative terms.• Town Officials need to keep in mind that capitol investments under a NID are by law only to be utilized in the NID. |
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Document Analysis: Health Services Description

<p>Description:</p> <ul style="list-style-type: none"> Enhanced and specialized health and safety services 	<ul style="list-style-type: none"> Fire Life Safety Services: The developed properties within the RP-NID will require a fire life safety service that is specifically trained in potential fire hazards associated with large manufacturing, processing and related product storage facilities. RP-NID proposes to contract with the Township to be assured that the Township will have adequate qualified staffing and equipment to include: <ul style="list-style-type: none"> (i) specialized vehicles (ii) services related to potential chemical fires and/or releases EMS – Emergency Management: The developed properties within the RP-NID will require an EMS that is specifically trained to respond to potential emergencies associated with a centralized employment center that will be created at the facilities within the RP-NID. Ambulance Services: The developed properties within the RP-NID will require an ambulance response service that is specifically trained to respond to potential emergencies associated with, a centralized employment center that will be created at the facilities within the RP-NID. Security Services: The developed properties and the Community Park Property within the RP-NID will require enhanced and dedicated security. RP-NID proposes to contract through the RP-NID Management Association to have adequate staffing necessary for a certified security company
<ul style="list-style-type: none"> Comments 	<ul style="list-style-type: none"> This park will be large enough for it to justify having its own Fire and Security teams. Was this considered? Services and equipment to be utilized by the NID not the town at large.

Document Analysis: Infrastructure Improvement Maintenance Description

Description:

- Infrastructure Improvement Maintenance

- **Road Maintenance:** The RP-NID proposes to contract with the Township for the annual maintenance necessary for the roadways within the RP-NID service area.
- **Snow and Ice Removal:** The RP-NID proposes to contract with the Township for the snow and ice removal services for the roadways and truck staging areas within the RP-NID service area.
- **Stormwater System Maintenance:** The RP-NID proposes to contract with the Township for the stormwater system / drain cleaning and repair maintenance within the RP-NID service area.
- **Recreational Trail Maintenance:** The RP-NID proposes to contract with the Township for the ongoing maintenance and repairs to the recreational trail that will be developed within the RP-NID district.
- **Street Cleaning:** The RP-NID proposes to contract with the Township for street cleaning services for the roadways within the RP-NID service area.
- **Street Lighting Electrical Expense and Maintenance:** The RP-NID will contract with a third-party provider or the Township for the electrical service for the street lights and traffic signals within the RP-NID service area.

- Comments

- These are the services the RP-NID proposes to contract with the Township or private third-party providers to ensure the necessary maintenance of critical infrastructure improvements within the RP-NID.
- Costs for these services were estimated in the NIDMA financial budget. How were these estimates obtained and what were the assumptions? Was the town approached to provide fee for service information? If so who has that information?
- Since there are very few if any roads in the area currently, when would a contracting decision need to be made?
- What happens to these contracts at the end of the sunset? Or, more importantly if the NID is terminated prior to its estimated sunset date?

Document Analysis: Capital Expenditures Related to Enhanced Health and Safety Services and Infrastructure Maintenance Services Description

<p>Description:</p> <ul style="list-style-type: none"> • Capital Expenditures Related to Enhanced Health and Safety Services and Infrastructure Maintenance Services 	<ul style="list-style-type: none"> • Fire Department Equipment: The RP-NID proposes to finance the acquisition of the necessary specialized equipment that will be needed for the Township fire department to address emergency calls at the RP-NID Properties. • Ambulance Services: The RP-NID proposed to finance the acquisition of the necessary specialized equipment that will be necessary for the Township ambulance service to address emergency calls at the RP-NID Properties. <ul style="list-style-type: none"> • ALS ambulance • Quick Response Vehicles • Training for Certified Responders Provided the specific equipment will be identified as the needs of the building uses within the RP-NID are finalized. • Road Maintenance Equipment: The RP-NID proposed to finance the acquisition of the necessary specialized equipment that will be necessary for the Township public works department to perform the maintenance services within the RP-NID Properties. • Security Services: The RP-NID proposed to finance the acquisition of the necessary specialized equipment that will be necessary for a certified security service to perform the security services within the RP-NID Properties.
<ul style="list-style-type: none"> • Comments 	<ul style="list-style-type: none"> • All capitol expenditures are for equipment and services within the NID only. • How were the estimates generated? Who has the supporting data? • Fire fighting equipment and costs should be reviewed by the Fire Chief. • Professional municipal planner should assess what levels of service the town will need with the added burdens from the industrial park being applied. • Capital expenditures are the least costly investments for these purposes. The recurring costs will ultimately exceed the capitol expenditures.

Document Analysis: Financial Support & Infrastructure for Community Projects Services Description

Description:

- Financial Support & Infrastructure for Community Projects Services

- **Financial Support & Infrastructure for Community Projects:** The RP-NID will commit to providing financial support in the amount equal to Three Million Dollars (\$3,000,000.00) for future municipal improvements within the Township (the "Municipal Improvements"). The RP-NID will also provide financial support for the ongoing maintenance of the infrastructure as well as cultural and recreational programs at the Township Park Property. **Community / Philanthropic Involvement:** The RP-NID will be committed to providing financial support to various community organizations within the Township.

- Comments
- This is not a need for the town it's a desire.
- Funds under this category will not be at the town's discretion to allocate. The Parks and Recreation Committee would be required to send proposals to the NIDMA not the BOS for funding consideration. This takes the decisions out of the hands of the BOS and puts them into the NIDMA where under the proposed plan the BOS will get one vote.

Proposed Budget

- Description:**
- Proposed Budgets**
 - As the River Pointe Properties are developed, the funding for the RP-NID will significantly increase pursuant to the annual assessment that each developed for-profit parcel will pay and the one-time special assessment that each development parcel will pay upon the issuance of a building permit.
 - Comments**
 - Funding acquired based the sale of real estate is likely to be unpredictable and could vary significantly from year to year making program planning and schedule compliance difficult if not impossible.
 - UMBT should request that the contractor provide the method of estimation to derive these totals that does not depend on permits or construction.
 - UMBT needs to have an expert review these figures to determine the cost realism. This will require that the contractor provide all supporting data and assumptions made in these estimates.

	Estimated Expenses 2021-2032	% of Total
Proposed RP-NID Activities		
Health and Safety Services	\$ 4,046,000.00	28.1%
Infrastructure Maintenance	\$ 1,034,000.00	7.2%
Capital Expenditures	\$ 4,500,000.00	31.2%
Philanthropic/ Community Contributions	\$ 950,300.00	6.6%
Municipal Improvements	\$ 3,000,000.00	20.8%
Capital Reserve	\$ 484,575.00	3.4%
Program Management	\$ 397,050.00	2.8%
Total	\$14,411,925.00	100 %

Document Analysis: Description of Funding Sources

Description:

- **The Annual Assessment:** shall be an annual assessment that shall be equal to fifteen cents (\$0.15) per square foot of each first-floor area of each building on a tax parcel within the RP-NID. By way of example, a 300,000 square foot facility shall be assessed an Annual Assessment equal to Forty-Five Thousand Dollars (\$45,000.00).
 - **The Special Construction Assessment:** shall be a one-time assessment, which shall be due and payable upon the issuance of any building permit issued for any for-profit development within the RP-NID equal to seventy-five cents (\$0.75) per square foot of first floor area of each building to be constructed on a tax parcel within the RP-NID. By way of example, a 300,000 square foot facility shall be assessed a Special Construction Assessment equal to Two Hundred Twenty-Five Thousand Dollars (\$225,000.00). The Special Construction Assessment will also be due for any additions or expansions to any than existing building, based on the square footage of the addition or expansion as noted in the building permit application
 - **The Developer Plan Assessment:** shall be a one-time assessment, which shall be due and payable upon the recording of an approved land development plan for the River Pointe Properties equal to fifty cents (\$0.50) per square foot of total estimated square footage of buildings to be constructed within the RP-NID, provided, however, in no event shall the Developer Plan Assessment exceed Three Million Dollars (\$3,000,000.00).
- Contractor should explain in detail how these numbers were calculated. Given that the content of the park has not yet been determined what assumptions were made?
 - All of the fund generation is predicated on the sale of parcels much of which is beyond the Town's control.
 - **Proposal makes payments of all of the funds conditional to the town governmental process performance.**

Comments

Proposed Source of Revenue	Estimated Revenue 2021-2032	% of Total
Annual Assessments	\$6,911,925.00	48.0%
Special Construction Assessments	\$4,502,550.00	31.2%
Developer Plan Assessment	\$3,000,000.00	20.8%
Total	\$14,414,475.00	100 %

Funding Calculation Analysis

Analysis done on separate worksheet in MS Excel

RP-NID Management Association

Description:

- RP-NIDMA

- **The RP-NID** will be managed and operated by the River Pointe Neighborhood Improvement District Management Association (“RP-NIDMA”). The RP-NIDMA shall be a Pennsylvania non-profit corporation, which will be formed immediately if the RP-NID is approved by the Township Board of Supervisors. The RP-NIDMA shall be governed in accordance with the Bylaws attached hereto as Exhibit C (the “Bylaws”).

- The RP-NIDMA shall have a board of directors consisting of five (5) members. Three (3) of the members of the RP-NIDMA board shall be appointed by the property owners within the RP-NID, and One (1) to represent the Community Park to be selected in accordance with the Bylaws. The Township Board of Supervisors shall appoint one (1) member of the RP-NIDMA board.

Comments

- Proposal talks to an Exhibit C (the “Bylaws) which is not present.
- This management structure is heavily favored by RPL even though UMBT represents 50% of the property owners.
- Resident representation is minimal.

Township Cooperation Agreement

Description:

- Township Cooperation Agreement
 - **The Management Agreement:** the RP-NIDMA shall, after approval of the RP-NID plan, enter into a cooperation agreement with the Township to provide the following:
 - Billing and collection of the Annual Assessments and the Special Construction Assessments.
 - All or a portion of the health and safety services as set forth in this plan.
 - All a portion of the infrastructure maintenance services as set forth in this plan.
 - The method of financing / transfer of the specialized equipment / capital investments to be paid for by the RP-NID.
 - The method for which the RP-NID will contribute the respective portions of the Developer Plan Assessment funds upon the commencement of the Municipal Improvements
 - The interrelationship between the town governance and RPL LLC will be defined by the Management Agreement. There is no draft agreement in this package.
 - The Cooperation Agreement is crucial to the success of this project and to the ultimate financial state of affairs when the NID is terminated either prior to or at its estimated sunset.
 - This document as well as other documents governing the NID, it's activities, it's plans and future concerns can be amended at any point in the life of the NID. This agreement needs to put the controls on what can and what cannot be changed if approved.
- Comments

Timeline

Description:

- **Timeline:** Covers the establishment of the NID.
 - Petition to Township for formation of RP-NID. February 2021
 - Township Approval Process March – May 2021
 - HMID Public Hearing. March 2021
 - Second Public Hearing & Ordinance Approval April 2021
 - Last Day to File an Objection May 2021 or later
 - Establish Non-Profit RP-NIDMA May – June 2021
 - Election of Initial RP-NIDMA Board. June 2021
 - Execute Township Cooperation Agreement June – July 2021
 - Commence RP-NID Operations / Collection of Assessments July 2021 – December 2032
 - Sunset of RP-NID or extension of RP-NID December 2032

Comments

- PA 2000 Act 130 requires a schedule (the estimated time for implementation and completion of all proposed improvements, programs, and services).
- This timeline only covers the establishment of the NID in detail
- This timeline provides no detail on the estimated times for implementation, and completion of all proposed improvements, programs, and services; and therefore, does not meet the intent of Act 130. Contractor will need to provide additional levels of detail to meet the Act's requirement but also to provide estimated milestones activities for financial planning and program coordination.

Document Analysis General Comments & Findings

	<p>General Comments:</p> <ul style="list-style-type: none">• The RPL has the perception that this is an RPL project and they are driving the train. The Mt. Bethel BOS are merely there to keep the tracks clear. The will of the residents is clearly not important and is viewed as a hindrance at best.• The RP-NID proposal, much like the Text Amendment, is clearly drafted by the Developer for the developer. The entire financial structure is predicated on the sale of land parcels and payments to the town are based on the town's performance in getting the developers plans and permits approved.• Proposal is preliminary and lacks significant detail. Future drafts need to fill in some of the present gaps.• Act 130 is written under the assumption that a NID is generally applied in an urban or established neighborhood. The I-1 and I-2 zones are essentially made up of open space and wetlands. The Act makes no mention of these types of areas. Given the embryonic state of the development improvement planning is difficult to define and quantify.<ul style="list-style-type: none">• No rationale is provided for the funding estimates listed in the proposed services, expenditures, and improvements that form the bases for having a NID.• More details on the totals estimated for the Proposed Sources of Revenues are needed. Errors in at least one and most likely two of the calculations are apparent. (See <i>Funding calculation Analysis</i>)• There are no roads and no buildings present, and no one resides in the proposed NID area. The Municipality is providing little if any services there presently since there is no demand.• As proposed, there are only two property owners involved in this arrangement. They are RPL LLC and UMBT. The management structure of the RP-NDMA is weighted heavily in favor of RPL. UMBT BOS and resident influence is minimal making this an RPL show exclusively.• There are two additional properties that are adjacent to the proposed RP-NID. The owners of these properties would certainly benefit from some of the service enhancements of the NID once they are implemented. Why are they not part of this NID proposal?• Proposed fund sources and fees are based on the sale of property, approval of building permits, and approval of final design plan.<ul style="list-style-type: none">• Funding streams are outside of the towns control and could have breaks or gaps in resources• Intermittent funding availability would make program execution difficult and break continuity for ongoing tasks.
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Recommendations to UMBT BOS

- RPL clearly has approached this plan as if they were the only entity that has any bargaining chips.
- If, the perception could be changed to, this is a UMBT Municipal project, and RPL is just the developer, UMBT's position in a negotiation becomes much stronger. How can this be done
- If the BOS wants to be in "partnership with RPL and not just their lap dog", then I recommend the following course of action and will explain the rationale for these recommendations.
- First, RDPL will need Government Grants and other sources of government funds to achieve their objectives. The town can provide a conduit for RPL to acquire such funds. Given the \$4T BBB effort that the democrats are talking about, resources should be plentiful for those that know how to capture them. RPL recognizes this which is why they have now established RPL East and is seeking a relationship with the Bangor Area Commercial and Industrial Development Authority (BACIDA) in the Purchase of the I-3 Zone.
- the structure of the NID leaves out two very important entities that could potentially benefit from the improvements and services the NID is proposing.

