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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, OCTOBER 10, 2022 – 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 7:00 pm.

The Pledge of Allegiance was recited.

In attendance were Chairman Pinter, Supervisor Due, Supervisor Friedman, Supervisor Birmingham, Supervisor Teel, Township Manager Nelson, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

Supervisor Teel would like to amend the agenda, adding a discussion on additional Planning Commission Meetings. Supervisor Teel stated he will discuss this during announcements.

Solicitor Karasek suggested that the agenda be amended to include an agreement with respect to the 303 Demi Road Land Development Plan. Supervisor Friedman asked Chairman Pinter to add this item to the agenda. Chairman Pinter stated this will be under Section VII. Action Items #3.

MOTION by Supervisor Teel to approve the amended agenda, seconded by Supervisor Due. Vote: 5-0.

III.

PUBLIC COMMENT

Francis Visicaro, N. Delaware Dr., read her public comment, which will be part of the official record. Francis commented on the advertising and what is to be discussed at the Special Planning Commission Meeting.

Charlie Cole, Riverton Rd., commented on the Special Planning Commission meeting and the lack of information on the meeting.

Tara Mezzanotte, Knowlton Township, commented on the Planning Commission meeting and share the outcome on their coalition Facebook page. There was a discussion on the Lower Delaware Wildlife and Scenic River and Tara stated she would be willing to be the liaison for the Township to share information with the organization. Chairman Pinter commended Tara on the offer but would like to see a Township resident, member of the Board, or the Township Manager, to represent the Township.

Chris Finan, Apache Dr., provided an update on studies that were done on why fires spread so quickly on houses built today. Chris stated that they posted some homeowner safety information on their Facebook page.

Judy Henckel, Robin Hood Rd., thanked the Township for putting up the Welcome to Upper Bethel Township signs. Judy stated that today is Indigenous Peoples Day and in the spirit of them, they would be happy to know that we are all working together on the Lower Delaware Wildlife and Scenic River.

Catherine Buehler, Mill Creek Rd., would like to know the status of the River Rd. Rockfall project and the pre-construction meeting. Manager Nelson stated the pre-construction meeting has been delayed and is hoping the meeting is rescheduled for the end of October and the work to begin in the beginning of November. Catherine asked that any updates be posted on the Facebook page.

IV. ANNOUNCEMENTS

Supervisor Teel announced on October 12th, there will be a Special Planning Commission Meeting, just on traffic, informational only. The format of the meeting will begin with a presentation by McMahon Engineering, then the Township Engineer will give comments on that presentation, then he will ask the PC Board if they have any questions and finally, he will open it up to the public for questions, directed to the Board. Supervisor Teel stated he is working very hard with the developer on the designs of the buildings. Supervisor Bermingham suggested the meeting be live-streamed. **MOTION** by Supervisor Bermingham to live-stream the Special PC meeting, seconded by Supervisor Teel. Vote: 5-0. Supervisor Teel expressed his dissatisfaction with a political billboard advertisement coming into Mt. Bethel.

Supervisor Bermingham stated that Mt. Bethel Pharmacy would like to get involved in the Halloween Party. Supervisor Bermingham thanked Hardball Cider for hosting the fundraiser for SLC6A1 and everyone who was involved. November 9th will be the Brady Ferguson fundraiser at Chelsea Sun, 5-10 pm. November 15th will be a retirement dinner for Senator Mario Scavello, all invited.

Manager Nelson announced that a retirement celebration was held at Allegheny Creek for Dave Karner, who was honored for his years of service as Scout Master, his service to his church and his service to the community. Manager Nelson would like to honor him with a Resolution. **MOTION** by Chairman Pinter to draft a Resolution for his years of service, seconded by Supervisor Due. Vote: 5-0.

V.

CONSENT AGENDA

1. Approval of the September 12, 2022, Meeting Minutes
2. Approval of the September 26, 2022, WS Meeting Minutes
3. Refuse Reductions, Application Refunds and Exonerations

MOTION by Supervisor Teel to approve the Consent Agenda, seconded by Supervisor Friedman. Vote: 5-0.

VI.

FINANCIALS

1. Bill List-Manager Nelson read the bill list. Chairman Pinter stated the increases we are seeing in the Township are extraordinary. We are all experiencing cost increases everywhere. Supervisor Bermingham suggested having a financial meeting, to educate the residents on where we are spending money. Chairman Pinter stated he will be coming to the Board with a plan, to try to recoup some of the monies lost due to inflation. **MOTION** by Supervisor Teel to pay the bills in the amount of \$994,935.92, seconded by Supervisor Friedman.
Vote :5-0.

VII.

ACTION ITEMS

1. Resolution No. 2022-17-RE Tax Penalty-Solicitor Karasek discussed this Resolution, whereas the Governor PA signed Act 57 of 2022, which allows the duly elected Tax Collector to automatically waive any additional charge to taxpayers who have purchased a home within twelve (12) months but have not received a RE tax bill via the USPS, but certain steps must be followed in order to qualify for this waiver. **MOTION** by Supervisor Bermingham to adopt Resolution No. 2022-17, seconded by Supervisor Teel. Vote: 5-0.
2. Agreement of Sale for Conservation Easement-Solicitor Karasek discussed the Agreement of Sale for Conservation Easement between Christopher and Amy Nordstrom (Seller), Heritage Conservancy (Conservancy) and Upper Mt. Bethel Township. The Agreement states that the Nordstrom's will be paid \$94,500 for 9 acres. There was a discussion on the environmental section of the Agreement and the Conservation Easement, which was not provided to be reviewed. Solicitor Karasek stated that he believes the Agreement is in a position to be signed. Supervisor Teel questioned whether there is some type of inspection report done for hazardous/dangerous waste. Supervisor Due brought up the fact that a lot of dirt has been coming into the Township and we have no idea where it is coming from. Better records need to be kept on properties we know have brought in dirt. **MOTION** by Supervisor Teel to table to the 24th, seconded by Supervisor Bermingham. Vote: 4-1.
3. 303 Demi Rd Indemnification and Security Agreement -Solicitor Karasek discussed the agreement, and the applicants request to begin grading. The applicant has agreed to various conditions; 1) only do grading 2) post some decent amount of security, which they agreed to post \$100,000 as security for grading 3) post money for engineering and attorney expenses, which they agreed to pay \$30,000 4) post insurance, a General Commercial Liability

Insurance Policy, they have agreed to do that 5) add indemnity and release in the agreement, they have agreed 6) add a timeframe in the agreement as to when the final land development plan will be signed, they have agreed to do that within 90 days 7) the final plan that has been approved will not be recorded until you post the performance security for the project and sign the development agreement, they have agreed to do that and 8) there can be no vertical construction. Solicitor Karasek stated that based on the conditions that the applicant's Attorney has agreed to, he is comfortable with advising the Township moving forward with the grading permit. Chairman Pinter asked about the insurance coverage amounts. Solicitor Karasek stated the in the agreement it is stated \$1,000,000 per occurrence, \$2,000,000 in aggregate, also \$1,000,000 in property damage and workmen's comp. Township officials, employees, independent contractors, engineer, solicitor, zoning officers, inspectors, are listed as additional insured. Supervisor Bermingham stated he would like to see the full development agreement. Engineer Coyle stated he had a conversation with Solicitor Karasek regarding the agreement and one recommendation was to clarify the scope of work, there may be some blasting so they will need a blasting permit and air quality permit. Solicitor stated he will add Engineer Coyle's recommendations to the agreement. Supervisor Friedman asked if there were any concerns about the high-pressure gas lines. **MOTION** by Supervisor Bermingham to table so that he can review the full agreement, seconded by Supervisor Friedman. Vote: 2-3. Motion fails. **MOTION** by Supervisor Teel to pass the agreement with the stipulations stated by Solicitor Karasek Engineer Coyle, seconded by Supervisor Due. Further discussion-Fran Visicaro asked if the residents will be notified when the blasting will occur. Chairman Pinter stated the residents have to be notified within a certain distance of the site. Chairman Pinter called for a vote. Vote: 3-2.

VIII.

TABLED ITEMS

1. Upper Mount Bethel Township Community Park Foundation-Supervisor Teel asked Mark Mezger if it has been determined how much money the organization has. Mark Mezger, Chairman of the Park Foundation, stated public information can be found on the IRS website. Chairman Pinter stated he would like a financial breakdown of all the assets. Mr. Mezger stated that he is not entitled to that. Chairman Pinter stated he would like to call for an Executive Session at the end of the meeting. **MOTION** by Supervisor Teel to hold an Executive Session, seconded by Supervisor Due. Vote: 4-1. Mr. Mezger stated that the funds in the Foundation's account are not public funds. Supervisor Due presented Mr. Mezger was a copy of the March 14, 2016, Board of Supervisor's meeting minutes where a motion was made, duly seconded, and passed, to donate \$15,000 to the Park Foundation. Supervisor Teel stated that the organization used Township money and the Township Solicitor to develop the organization. Mr. Mezger stated the name of the Foundation has changed but the EIN number is the same. Supervisor Teel asked Mr. Mezger if he used the Upper Mount Bethel Township Community Park Foundation funds to establish the new Foundation. Mr. Mezger stated that all he did was amend the articles of incorporation to change the name, expand the mission and amend the bylaws. Chairman Pinter asked Mr.

Mezger how was elected president, since the emails of the prior foundation stated they were dissolved, so there was no board. Mr. Mezger stated because the Foundation was never dissolved. Chairman Pinter asked Mr. Mezger if he has minutes for all the meetings, including the one where he was elected and the time period since Ms. Rabbat left. Mr. Mezger stated he does have them. Supervisor Teel asked him if he would be so kind to send them to the Township. Mr. Mezger stated no. Chairman Pinter stated they are public information. Supervisor Bermingham asked for clarity on the whole issue. Solicitor Karasek gave summary of the background. He which he was given the task to try to determine the status of an \$8,000 account that was held in a bank on behalf of the Community Park Foundation. He was to contact Ms. Rabbat in respect to that, which he did, and she responded in an email stating she is not sure what is happening, the Foundation is debunked. There was no further contact. Mr. Mezger stated the Foundation has less than \$50,000 in assets, which is what is filed with the IRS.

2. Township Fire Marshall-Supervisor Bermingham discussed appointing Chief Finan to serve as the Township Fire Marshall. Chief Finan stated that it is good idea to have a Fire Marshall in the Township. Chief Finan explained the duties of the Fire Marshall and recommends reaching out to Bristol Township's Chief, Fire Marshall and Director of Emergency Services, Kevin Dippolito, which he will more than happy to set up a meeting with Supervisor Bermingham, Manager Nelson, NBFC and Portland Fire Co., to get some feedback as to having a Fire Marshall in the Township. Chief Finan asked if there was any update on the Fire Study. Manager Nelson stated the State is backed logged; it could be next year. Manager Nelson stated he will have a date and time for the next meeting. Chairman Pinter asked if anyone does this privately, he does not want to wait on the state. Manager Nelson will look into it.

IX.

NEW BUSINESS

1. Planning Commission Review of the Plan Slate Belt Multi-Municipal Comprehensive Plan-Supervisor Friedman stated that the plan has to be reviewed by November. Supervisor Friedman stated that someone from the LVPC will come out to give the Commissioners the background of the Plan and how it fits in with our current Comprehensive Plan. Supervisor Friedman would like to get the Chairman of the Planning Commission to get this on their agenda as soon as possible. Supervisor Teel stated, as Chairman of the Planning Commission, this will be on the November agenda. **MOTION** by Supervisor Friedman for the Planning Commission to review the Plan Slate Belt Multi-Municipal Comprehensive Plan at their meeting on November 16th, seconded by Supervisor Bermingham. Vote: 5-0.
2. Request for LVPC to review Traffic Situation-Supervisor Friedman stated that spoke to Becky Bradley, of the LVPC, stating that they would be willing to review the traffic study, based on all the plans that have been submitted to the LVPC. **MOTION** by Supervisor Friedman to have the Township draft a letter to LVPC asking them to review the traffic. **MOTION** by Supervisor Friedman to draft a letter requesting the LVPC review the traffic situation, seconded by Supervisor Bermingham. Supervisor Friedman stated he will reach out to Becky Bradley to see if she would attend a meeting to discuss

further. Supervisor Friedman withdrew his motion, Supervisor Bermingham withdrew his second. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Bermingham. Vote: 5-0.

Recess to Executive Session at 9:20 pm to discuss legal matters.

The meeting reconvened at 9:39 pm. Chairman Pinter stated that legal issues were discussed, and no action will be taken at this time.

X.
ADJOURNMENT

MOTION by Supervisor Teel to adjourn the meeting at 9:40 pm, seconded by Supervisor Friedman. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

BOS Meeting 10/10/2022

There is a special public meeting on October 12th, at the Upper Mount Bethel township building. As of last night neither the UMBT website home page or on the township face book page had a posting about this meeting. WHY?? The meeting was in the express times, but how many people read the legal notices. I found the notice on a different facebook page.

This meeting is important for the citizens of Upper Mount Bethel to understand the impact of traffic that will be coming to our town.

The information about the meeting is to discuss traffic impacts coming into Upper Mount Bethel and its neighboring communities due to the Riverpoint logistics (RPL) industrial park being built in our town. The traffic on 611 and 512 allready is having an impact on our town. This development will add to the impact which will have an effect on the citizens quality of life. Truck exhaust is a big concern.

The board of supervisors need to start caring about the quality of life for the citizens in our town, and not just about the money the development would bring in.

Frances Visicaro

Midman = TRAbic

ENGINEER

BO ~~for~~ Question

Public question