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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES
MONDAY, OCTOBER 24, 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.

Present were Chairman Pinter, Supervisor Due, Supervisor Friedman, Supervisor Teel (via phone), Supervisor Bermingham, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Charles Cole, Riverton Rd., commented on the action that the Board took at the October 10th meeting, giving grading approval for 303 Demi Rd., which he didn't think anything could happen until final approval.

Chris Finan, MB Fire Chief, Apache Dr., stated some fire safety tips during the winter season. These tips will be posted to the Township website.

Judy Henckel, Robin Hood Rd., commented on giving conditional approvals and waivers on major developments. Judy commented on approving conservation easement agreements.

Catherine Buehler, Mill Creek Rd., asked for update on the Riverton Rd. project. Engineer Coyle stated they are looking to start November 28th.

Supervisor Friedman commented on a letter from the PA Department of Transportation to the LVPC regarding the TIS before Land Development is approved. Supervisor Friedman commented on a request he had regarding sending out a letter to the LVPC, which got stopped by the Township Manager. Supervisor Friedman read an excerpt from the Township Supervisor Handbook regarding the role of the Secretary. Supervisor Bermingham stated that the Township Manager reports into the five Supervisors. Manager Nelson stated that he had a discussion with Supervisor Bermingham, while he was Chairman, regarding the role of the Township Secretary, and that if the Board wanted a Board Secretary, it should be added to the budget.

IV. ANNOUNCEMENTS

Supervisor Teel announced the LVPC will be attending the Planning Commission Meeting on November 16, 2022. Additional Planning Commission meetings will be announced.

Chairman Pinter announced it has been a very good turnout for basketball registrations, they are looking for coaches.

V. ACTION ITEM

1. 303 Demi Rd. Inspection, Security and Indemnification Agreement-Solicitor Karasek stated this was added to the agenda, voted on and approved at the October 10th BOS meeting and the reason is back on is because the agenda was amended at that meeting, but the amended agenda did not get posted and his concern was the vote may get challenged. The conditions that were discussed at the October 10th meeting, applicant to receive blasting approval/permit, agree to the scope of work as indicated by the Township Engineer with to respect to the numbers as per the Vertek Construction estimate, and they have added the language that there will be no vertical construction. The applicant has stated that before they file the full performance security, in excess of 12 million dollars, and before they sign the improvements agreement, they would like to get grading started. Solicitor Karasek stated that he is comfortable advising the Board to approve the agreement with the changes discussed. There was a discussion on amending the agenda. Solicitor Karasek gave a summary of amending agendas. The Board of Supervisors may add an item to the agenda and voted on whether it is permitted. Public comment is offered after approval of the agenda, whether amended or not, before discussion even begins on the items. The amended agenda needs to be posted on the Township website and bulletin board within 24 hours after the meeting. MOTION by Supervisor Bermingham to table to the 11/14 meeting, seconded by Supervisor Friedman. Attorney Erv McLain stated that it is a \$40,000 issue to RPL to not approve the agreement tonight. Vote: 2-3. Motion fails. **MOTION** by Supervisor Teel to rescind his motion from the October 10th

- meeting approving the 303 Demi Rd. Inspection, Security and Indemnification Agreement, seconded by Supervisor Due. Vote: 5-0. **MOTION** by Supervisor Teel to approve the updated version of the 303 Demi Rd. Inspection, Security, and Indemnification Agreement, seconded by Supervisor Due. Vote: 4-1.
2. Valley Industrial Properties Indemnification Agreement-Solicitor Karasek stated that pursuant to the Stipulation of Parties, the Township and VIP agreed to enter into this agreement. VIP shall furnish the Township with a certificate of insurance evidencing compliance, provide the Township a list of all sources of fill and a scale report regarding the trucks delivering the fill material that is placed within the approximately 9.01 acre in the Township on a monthly basis, and to be completed within one year of the issuance of the zoning permit. **MOTION** by Supervisor Due to approve the Valley Industrial Properties Indemnification Agreement, seconded by Supervisor Friedman. Vote: 5-0.
 3. Additional Planning Commission Meetings-Manager Nelson stated that the Planning Commission would like to add additional meeting dates, November 9th, November 30th, December 7th, and December 28th. Solicitor Karasek stated that he will not be available for the November 9th meeting and December 28th meeting. Manager Nelson will meet with Engineer Coyle and Solicitor Karasek to coordinate so that everyone is available. **MOTION** by Supervisor Birmingham to table, seconded by Supervisor Friedman. Vote: 5-0.

VI.

TABLED ITEM

1. Agreement of Sale for Conservation Easement-Solicitor Karasek this was discussed at the last meeting and after reviewing the agreement, the subject of wording hazardous/dangerous waste was discussed as to whether this should be included in the report from Heritage Conservancy. Solicitor Karasek will reach out to the Heritage Conservancy's Attorney to see if this language is acceptable to be added to the agreement. There was a discussion on the public access to Conservation Easements. **MOTION** by Solicitor Friedman to table to the November 14th meeting, seconded by Supervisor Birmingham. Vote: 5-0.

VII.

REPORTS

1. SEO-Scott Policelli was not present to discuss his monthly report, which included permits issued, inspections completed, and complaints addressed.
2. Zoning-Tina Serfass was not present to discuss her monthly report, which included applications received, reviewed, and issued. Nick Graziano, the property maintenance officer stated his report is included. Manager Nelson commended Nick on doing a great job.
3. Accounting/Bookkeeper-Diann Eden was not present to discuss her monthly report, which included daily activities.
4. Open Space Advisory Board-Laura Bocko discussed the possibility of using some of the non-preserved area for trail access, Simone Collins will need to know for the master plan. Supervisor Friedman commented on what will be done with the buildings. Manager Nelson stated the master plan should only include the preserved area.

5. Economic Development Committee-Chairman Pinter stated the EDC will be having their meet and greet at Tuscarora on Tuesday.
6. Manager-Manager Nelson stated he did not prepare a written report but did report the meetings he attended.
7. Engineer-Engineer Coyle discussed his monthly report, the Riverton Rd project to begin in November, attended traffic coordination meeting regarding RPL and assisted with closeout for 2022 chipseal project.
8. Solicitor-Solicitor Karasek discussed his monthly report, which included meetings attended, subdivision/land development/zoning matters, and miscellaneous office matters.
9. Secretary-Cindy Beck discussed her monthly report, website maintenance, preparing bidding documents for the Municipal Waste bids, preparing for the electronic recycling event on 10/28-10/29 and monthly agendas and meeting minutes.
10. Park/Rec-Stavros Barbounis discussed his monthly report, working capital campaign projects, 2023 budget, upcoming events, and the need for volunteers.
11. IT/Telecom-Stavros Barbounis discussed his monthly report, routine maintenance, website updates, live streaming meetings.
12. Manager Nelson stated that Boys Scouts and Girls Scouts will be selling Christmas Trees starting Friday, November 25th at the Park. The trees are being donated by Mr. Pektor.
13. Planning Commission-Supervisor Teel stated Planning Commission will be having additional meetings, one which will be on sewer.
14. Supervisors
 - Supervisor Friedman read the Well Ordinance Committee Mission statement. They should be able to have a timeline by the beginning of the year. They would like to get a well driller in to give their comments on drilling wells in the Township.
 - Supervisor Bermingham announced he is working with Supervisor Friedman on the Brady Ferguson fundraiser, November 9th 5-10 pm at The Chelsea Sun. Brady is currently diagnosed with cancer. All proceeds will go towards Brady's medical expenses. There is thank you dinner for Senator Mario Scavello on November 15th at the Chelsea Sun. Supervisor Bermingham is working with Christopher Marozzi from the BASD, helping homeless students who attend the BASD. There was a discussion on the release of the Fire Tax monies and ARPA funds. This will be on the agenda November 14th for discussion.
 - Manager Nelson announced we will be collecting blankets for the homeless.

X.
ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:00 pm, seconded by Supervisor Due. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary