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UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
MONDAY, NOVEMBER 14, 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 Bermingham, Supervisor Teel, Township Manager Nelson, Township Solicitor Karasek, and Township Engineer Coyle.

**II.**

**APPROVE THE AGENDA**

Manager Nelson stated he would like to add Executive Session to the agenda to discuss personnel. Solicitor Karasek stated the agenda does not need to be amended; the Board can add Executive Session at the end of the meeting. No action can take place, and what was discussed will be announced at the next meeting and take any action if needed.

**MOTION** by Supervisor Due to approve agenda, seconded by Supervisor Teel.

Vote: 5-0.

**III.**

**PUBLIC COMMENT**

Marie Barnes, Belvidere Corner Rd., commented on the the drainage problem on her property. Manager Nelson stated he has been there and is trying to figure out how to rectify the problem. A meeting is scheduled at the site, on Thursday with Engineer Coyle, Lindsey Manzi, Supervisor Due, Supervisor Bermingham, and Manager Nelson to discuss options.

Richard Wilford-Hunt, Shady Lane, thanked Constable Nick Graziano for keeping the peace at the Fire House on Election Day and thank you to Manager Nelson for his continued support for the Veterans.

Charles Cole, Riverton Rd., commented on the Special Planning Commission Meeting that was held last month and are the residents' comments on their concerns being considered for decision making.

Catherine Buehler, Mill Creek Rd., would like to know if the River Rd. Rockfall project is still on track and maybe we could send out a CodeRed message with any updates.

#### **IV. ANNOUNCEMENTS**

Manager Nelson thanked everyone for coming out the Veteran's Day Celebration. Supervisor Birmingham asked about having a banner on Rt. 611. Manager Nelson suggested he attend the Parks/Rec meeting and make that suggestion. Manager Nelson is also collecting blankets for homeless Veterans.

Supervisor Birmingham announced the Mt. Bethel Fire Co. received a grant for the future Emergency Shelter, \$250k from Susan Wild's office, \$200k from the Keystone Grant and \$50k from the Post Foundation. The fundraising event for Brady Ferguson raised over \$4,000. The MBFC and NBFC will be hosting the Santa Delivery on the fire trucks, more information on the MBFC FB page. There is a dinner for Senator Mario Scavello on December 5<sup>th</sup>, 6-8 pm at the Chelsea Sun. Supervisor Birmingham would like to present him with a resolution. **MOTION** by Supervisor Teel to adopt a Resolution for Senator Mario Scavello, seconded by Supervisor Friedman. Vote: 5-0. Supervisor Birmingham is working with the BASD with homeless students and is also working with Dr. Kondisco of the BASD with a showing of the documentary "My Ascension", suicide prevention, on November 30<sup>th</sup>, 6-8:30pm.

Supervisor Teel announced Planning Commission is meeting on Wednesday and there is a full agenda to be discussed.

Chairman Pinter thanked Stavros and the Parks/Rec Board for doing a great job at the Veterans Day Celebration.

#### **V. CONSENT AGENDA**

1. Approval of the October 10, 2022, Meeting Minutes
2. Approval of the October 24, 2022, WS Meeting Minutes
3. Refuse Reductions, Application Refunds and Exonerations

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

#### **VI. FINANCIALS**

1. Bill List-Manager Nelson read the bill list. There was a discussion on the Cozza Law Firm bill indicating Manager Nelson's communication with them outside the NID/NIDMA. Supervisor Friedman stated he reached out to Cozza Law and asked them to include him on all correspondence pertaining to the NID/NIDMA, he has not received any correspondence from them. Chairman Pinter will

contact Cozza Law Firm to get a better understanding of what is going on and will then update the Board. **MOTION** by Supervisor Teel to pay the bills in the amount of \$355,678.19, seconded by Supervisor Due. Vote: 5-0.

## VII.

### ACTION ITEMS

1. Joinder Deed-Heckman-Solicitor Karasek discussed the request of the Heckmans' to join two lots that they own. Solicitor Karasek stated they have met all the requirements to file a joinder deed. The two lots will be merged into one unified parcel and that one unified parcel cannot be subdivided without approval of the municipality. A new tax ID number will be secured for one lot. **MOTION** by Supervisor Due to approve the Heckman Joinder Deed, seconded by Supervisor Teel. Vote: 5-0.

## VIII.

### TABLED ITEMS

1. Parks/Rec Rental Agreement & Rules/Regulations-Solicitor Karasek stated he has met with Manager Nelson and Stavros with respect in reviewing the Rules/Regulations, changes and additions have been made and some things will require further discussion amongst the Supervisors, mainly policy issues. Solicitor Karasek stated he will provide the Board with a copy of what they have compiled for them to review, as well as the Rental Agreement, which is done. **MOTION** by Supervisor Friedman to table this to the 11/28 meeting, seconded by Supervisor Bermingham. Vote: 5-0.
2. Agreement of Sale for Conservation Easement-Solicitor Karasek discussed the Nordstrom Agreement of Sale for Conservation Easement to include dangerous substances/materials language in the agreement. Solicitor Karasek spoke with Matt Babbitt, of the Heritage Conservancy, who was to pass this request off to the Council. Supervisor Friedman stated that if the homeowner does not disclose the presence of any dangerous substance on the property, you would never know. Solicitor Karasek stated that if the Board is comfortable with what language that is already outlined in the agreement, he is comfortable recommending this for approval. **MOTION** by Supervisor Friedman to approve the Agreement of Sale for Conservation Easement, seconded by Supervisor Due. Vote: 5-0.

## IX.

### NEW BUSINESS

1. DePalma Covenant-Attorney Joe Piperato, representing Donna DePalma, who is the owner of a 5.73 parcel of land, a lot that was one of five (5), that was created by the subdivision plan of her parents in 1989. The plan contained a covenant stating that stated this parcel shall merge with and become an integral part o the adjacent land of Kenneth Waryga and Susan Boots and shall not be conveyed separately in the future without further Township approval. This lot was never conveyed to Kenneth and Susan and has remained a separate lot since 1989. In 2001, Donna appeared before the Board of Supervisors and requested the removal of the Covenant so that she could convey the lot to a third party. Her request was denied. The property has successfully perked, and they are willing to test again if it needs to be done. Solicitor Karasek supports Attorney Piperato's request but stated this is a deed restriction, the Township cannot change a deed restriction.

Solicitor Karasek stated that he does not want to set a precedent. Attorney Piperato will meet with Attorney Karasek to discuss options. **MOTION** by Supervisor Friedman to table until there is a mutual agreement, seconded by Supervisor Bermingham. Vote: 5-0.

2. The Preserve Master Plan-Supervisor Due stated that at the October 27<sup>th</sup> the OSAB had Simone Collins attend the public meeting to discuss the Preserve Master Plan. They had some questions and Supervisor Due told them he would bring those questions to the Board. Supervisors Due stated that 62 acres were left out of the preserve for Public Works and the Railroad Bed. The question they had is how much land the Public Works needs. They would like to use a portion for a parking lot and restrooms. The most they are looking for is 9 acres. The Board would like to see overlays.
3. Well Head Protection-Supervisor Friedman stated the three wells that are proposed on the RPL property may be tied into the Portland Water Authority, therefore, they should be in the wellhead protection area, since this will be a public source of water. Chairman Pinter stated that since these wells will be located in the Township, we should have control of them. Chairman Pinter suggested we have our own Water Authority. Engineer Coyle stated that according to the plans submitted, the water supply has not been determined at this time.
4. LVPC Traffic Monitoring-Supervisor Friedman stated that the LVPC is willing to monitor changes as each new building is erected or situation occurs. This is free service; it would not cost the Township anything. A letter would have to be drafted for an official request for this. Supervisor Friedman is willing to draft a letter for the Board to review. Supervisor Teel asked Supervisor Friedman to wait until after the Planning Commission meeting to move forward. **MOTION** by Supervisor Teel to table to November 28<sup>th</sup> meeting, seconded by Supervisor Bermingham. Vote: 5-0.
5. Fire Tax and ARPA Funds-Chairman Pinter discussed the ARPA funds to be distributed to the Fire Companies. Chairman Pinter stated that both Fire Companies need to establish a separate bank account for the ARPA funds. Chief Finan stated that at the last meeting he was referring to the Fire Tax Funds, not the ARPA funds. Chief Finan stated that they are currently looking for a new accountant.
6. Portland Sewer Capacity Study-Manager Nelson stated the Township received a letter from the Portland Borough Authority stating that they would do a sewer capacity study and they were looking for the Township to pay \$3,500 for the study. Supervisor Teel stated that RPL will be paying for the study. Manager Nelson will send a letter to Portland letting them know that RPL will be paying for the study.
7. Dry Hydrants-Supervisor Teel stated that he met with all three Fire Companies to discuss dry hydrants. Supervisor Teel would like to recommend dry hydrants installed at Lake Minsi, Tuscarora, Slateford and RPL. RPL would pay for theirs. Chief Finan recommended one on Island Rd. Engineer Coyle stated that a site meeting would need to be done to determine location of the dry hydrant, if any easements will be needed, and DEP approval. Chief Finan stated he will work with Engineer Coyle on the location of the dry hydrants. There was a discussion on what a dry hydrant is and how they work. Jim Potter discussed some negatives which should be

considered before getting to far into the design. **MOTION** by Supervisor Teel to start the study on the installation of the dry hydrants, seconded by Supervisor Friedman. Vote: 5-0.

Chairman Pinter stated the meeting will adjourn as the Board goes in for Executive Session to discuss personnel. Chairman Pinter will announce what was discussed at the November 28<sup>th</sup> meeting.

**X.**  
**ADJOURNMENT**

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

Respectfully Submitted by Cindy Beck-Recording Secretary .

