



**Upper Mount Bethel Township**  
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UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
MONDAY, FEBRUARY 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.

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

**II.**

**APPROVE THE AGENDA**

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

**III.**

**PUBLIC COMMENT**

Andy Mahan, Kovar Lane, commented on the Cease-and-Desist letter he received from the Township Engineer and would like the Board of Supervisors to rescind that order.

Richard Wilford-Hunt, Shady Lane, read his public comment, which will be part of the official record. Richard commented the Portland Borough Council meeting that Supervisor Teel and Supervisor Pinter attended and whether the other Board members were aware of that.

Mark Mezger, Scenic Court, commented on the voting of the NID.

Francis Visicaro, N. Delaware Dr., commented on the NID, after 10 years, then what?

Gary Hilliard, Slateford Rd., gave an update from the meeting with the Railroad on the flooding of his property.

Secretary Cindy Beck read a public comment from Judith Henckel, Robin Hood Rd. which will part be of the official record. Judith commented on the Plan Slate Belt meeting and would like the minutes to be posted on the website. The Steering Committee is reviewing goals for the final draft that will have planning implications for the ten communities from Wind Gap to Portland.

Chairman Pinter discussed an emailed public comment from Theresa Mohr Shanley regarding the recusal of Supervisor Bermingham and Supervisor Friedman and stated this is a personal matter between the two Supervisors and the developer.

#### **IV. ANNOUNCEMENTS**

Manager Nelson commented on the snowplowing. Manager Nelson stated the first objective is to clear the road, then we open it. The road crew cannot avoid plowing snow into someone's driveway, it is the responsibility of the homeowner to take care of their own driveway. Cameras have been installed in each truck so if there is an issue, we have the ability to review it.

Supervisor Bermingham announced that he is working with Chelsea Sun on a Celebration of Life for Jimmy Comunale, a valued member of our community. A thank you to those that have made donations. A meeting was held with Chief Finan and Chief Bowman of the Philadelphia FD, who provided helpful tips and guidance on the smoke detector program. A meeting was also held with Senator Scavello regarding Ridge Rd and Fox Gap and possibly making it a four way stop. Supervisor Bermingham will be having office hours on February 20<sup>th</sup> 3-5 at the Township Building. Supervisor Bermingham is working with the NB Fire Company to attain LSA grants funds and is looking for a Resolution to be drafted for the Township to apply for the grant. Solicitor Karasek stated he will prepare a Resolution and it will be ready for the February 28<sup>th</sup> meeting.

Supervisor Teel announced Planning Commission will be meeting on Wednesday, February 16<sup>th</sup>.

Chairman Pinter announced that the Parks/Rec meeting was cancelled and offers well wishes to Stavros's dad.

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

1. Approval of the January 2, 2022, Reorganization Meeting Minutes
2. Approval of the January 10, 2022, Meeting Minutes
3. Approval of the January 17, 2022, Special Meeting Minutes
4. Approval of the January 24, 2022, WS Meeting Minutes
5. Refuse Reductions, Application Refunds and Exonerations
6. Advertise for Bids

**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. **MOTION** by Supervisor Due to pay the bills in the amount of \$338,710.99, seconded by Supervisor Teel. Vote: 5-0.

## **VII. PLANNING MODULE**

1. 303 Demi Rd. Planned Industrial Park-SEO Scott Policelli discussed the submitted Planning Module for 303 Demi Rd Planned Industrial Park. Scott stated they have met all compliance. Engineer Coyle questioned since this was already given preliminary approval, why is coming back to the Board. Scott stated there were some technical issues that were addressed. There was a discussion on the residual track waiver request. Lou Pektor stated the residual track is the original Olsen house, the residual track is not owned by RPL, it is owned by the Olsens, so waiver is not needed. Scott stated he will reach out to John Kelly for clarification. **MOTION** by Supervisor Due to table to the February 28<sup>th</sup> meeting, seconded by Supervisor Friedman. Vote: 5-0.

## **VIII. ACTION AGENDA**

1. Zoning Hearing Board Members-Chairman Pinter stated the applicants were asked to attend tonight's meeting for a question-and-answer session as to why they would like to be on the ZHB. Tony Rago, 756 Brugler Dr. stated he has served on the ZHB in East Windsor NJ and is familiar with the process and procedures of what needs to be done, has to done, and the best way to do it. Supervisor Friedman asked how many years he has been on the ZHB in NJ, Tony replied 5-6 years. Supervisor Teel asked how many years he has lived in Upper Mount Bethel, Tony replied 3 years. Supervisor Bermingham asked how he heard about the position; Tony replied he was made aware by his wife. Supervisor Bermingham asked how he handles confrontation, Tony replied to the way to handle it is with patience, usually the lack of information is the main reason for confrontation. The most important thing of the ZHB members is to always be in control, be collective and be open and receptive to the people. Chairman Pinter asked what has been his largest conflict that he had to deal with, Tony replied, fortunately nothing too large, but one he can think of is a string of Dunkin Donuts, many homeowners were opposed to it. The result was the Board was able to negotiate with the developers and homeowners. Supervisor Bermingham asked if there would be an issue for him to cut ties with East Windsor to serve on the ZHB here in UMBT, Tony replied it would not be a problem.  
Russell Horn, 317 Centerville Dr., stated Upper Mount Bethel Township has been home as well as seven generations before him. Russell is in the Real Estate business and has been wanting to get involved more with the Township. Supervisor Friedman asked if he thinks covenants and deed restrictions are viable zoning tools, Russell replied yes, tools and assets. Supervisor

Birmingham asked what examples of certain zoning issues he has encountered, Russell replied there are disputes in real estate transactions, what a property can be used for, permitted uses. Chairman Pinter asked what his largest conflict in his line of work has been, Russell replied, sometimes a buyer purchases a property and wants to run a business out of it, and it is not zoned for that use. Chairman Pinter asked what he thinks the biggest need in the Township is as far as zoning, Russell replied it is important to follow what our permitted uses are, help the Township grow while preserving. Supervisor Birmingham asked what he loves about his job and what is the least favorite part of his job, Russell replied helping someone find their dream home and his least favorite is when any kind of dispute occurs. MOTION by Supervisor Friedman to appoint Tony Rago to fill the open seat, seconded by Supervisor Birmingham. Supervisor Friedman stated that Mr. Rago has the experience and there is no substitute for experience and feels he would be a good member to fill the open position. Mr. Horn, the fact that he would only want the permanent seat and not the alternate and the fact that he does not have the experience/knowledge, you cannot confuse zoning with open space or Farmland Preservation. Supervisor Friedman stated, in his opinion, deed restrictions and covenants are not viable zoning tools, as Mr. Horn stated. Supervisor Birmingham stated he does not have a problem with Mr. Horn filling the permanent position. Vote: 2-3. **MOTION** by Supervisor Teel to appoint Russell Horn to fill the permanent seat, expiring 12/31/22, and appoint Tony Rago as the alternate, an annual position, seconded by Supervisor Birmingham. Supervisor Friedman stated he thinks the Board is making a mistake, substituting long term residency with knowledge and experience. Vote: 4-1.

2. CDL Road Crew Positions (2)-Supervisor Due is asking the Board for approval of filling two (2) open positions, one (1) CDL and one (1) non-CDL. **MOTION** by Supervisor Birmingham to hire James Paul Potter (non CDL) and Don Diana (CDL) as full-time employees, first year contract rate, 90-day probationary period, waive the salary reduction during probationary period, seconded by Supervisor Due. Vote: 5-0.
3. Ordinance 2022-01 Amendment of the 2007-06 IPMC-Solicitor Karasek discussed the Amendment of the IPMC where this amendment will clarify the penalties for violation of the 2006 IPMC and the enforcement of those penalties. **MOTION** by Supervisor Teel to advertise Ordinance 2022-01, seconded by Supervisor Due. Vote: 5-0.
4. Agricultural Security Area Application (ASA)-Laurel Hill Rd.-Solicitor Karasek stated an application was received on January 31, 2022, from Charles Baltic III, which deals with three (3) parcels located on Laurel Hill Rd., total acreage of 60.65. Solicitor Karasek state that the Township simply accepts the application as filed and at the end of the 180-day period, the application is deemed approved and at that time, an agreement will be prepared. **MOTION** by Supervisor Due to accept the application, seconded by Supervisor Birmingham. Supervisor Friedman asked if at least 10 acres is viable farmland, Solicitor Karasek stated he does not know. Manager Nelson stated that will be up to the County to make that determination. Vote: 5-0.
5. Teamsters Contract-Manager Nelson stated negotiations have been completed for the Secretarial/Clerical Employee Contract. Manager Nelson stated the

Contract is stream-lined to the Road Crew Contract for holidays, retirement, vacation time, sick time. This is a four (4) year contract with a pay increase of 3% each year, with four (4) levels of wage rates applicable to the job clarification. Supervisor Due discussed the \$2,000 bonus that was on the previous contract, which has been removed and replaced with a two-year pay-out, 2022 \$1,500 and \$500, year 2023, \$1,000 and \$250. **MOTION** by Supervisor Due to accept the contract January 1, 2022 – December 31, 2025, seconded by Supervisor Bermingham. Vote: 5-0.

6. EDC Members-Chairman Pinter stated that Mr. Cole was not present to discuss the appointment of members. **MOTION** by Chairman Pinter to table, seconded by Supervisor Bermingham. Vote: 5-0.
7. Digital Trailer Road Sign-Manager Nelson asked the Board to consider the purchase of a digital trailer road sign for \$19,977.00, to use for road work, at the park and here at the Township for advertising. There was a discussion on using FEMA/PEMA funds. Chairman Pinter would like Manager Nelson to get quotes for used and or rental. **MOTION** by Chairman Pinter to table, seconded by Supervisor Bermingham. Vote: 5-0.

## **IX. ADJOURNMENT**

**MOTION** by Supervisor Bermingham to adjourn the meeting at 8:50 pm, seconded by Supervisor Friedman. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Public Comment. – UMBT BOS Mtg. Feb 14 2022

I have a number of questions for your consideration and hope you will answer them.

Were all the members of this board aware that Supervisor Teel and Supervisor Pinter would be representing UMBT at the Feb 7<sup>th</sup> monthly meeting for Portland Borough Council?

Did all members of this board know that Pektor and his engineer were also on the Borough Councils agenda that night and that you would be asking to buy 50,000 GPD sewer capacity from the Portland waste water treatment specifically for 303 Demi Rd LLC and RPL East LLC? 25,000 GPD for each site.

Were all members of this board aware of the Jan 2021 letter from Portland Borough to UMBT saying quote “at no time, did the Borough of Portland ever approve the proposed UMBT ACT 537 Plan, or agree to provide sewer service to UMBT?

Were all members of this board aware of Supervisor Teel and Supervisor Pinter intent to re-write UMBT's ACT 537 plan (sewer and water) to first serve the developers projects and then only after look at the townships challenges?

Certain members of this board seem to be clearly acting on their own, advocating for the developer and not filling in the community and maybe not even the rest of the board.

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

Comment for Supervisor February 14, 2022 meeting

I am unable to attend the meeting tonight, so am sending a request that the Plan Slate Belt Comprehensive meeting minutes be posted on our website. The steering committee is reviewing goals for the final draft that will have planning implications for the ten communities from Wind Gap to Portland.

The meetings have been virtual and are open to the public with a link emailed to over 50 participants. The next meeting is March 2, 2022. If we want diverse representative for our concerns, the public should be aware of how well all the communities are coming together to refine the six goals. Half of these are farmland, open space, and recreation to be reviewed on the March agenda. April agenda will cover transportation.

Judy Henckel

1752 Robin Hood Road

Mt. Bethel, PA 18343