



Upper Mount Bethel Township
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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES
MONDAY, FEBRUARY 28, 2022 – 7:00 PM

*This meeting was held in person at the Mt. Bethel Fire House 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.

Solicitor Karasek announced that under the Open Meetings Act, the recording of meetings is permitted, however, nothing prevents the agency from enforcing reasonable use, therefore, the Township is asking if that if anyone present is recording the meeting, to please identify yourself.

Mark Mezger, Scenic Ct.
Cori Eckman, Potomac St.
Andy Mahan, Kovar Lane
Jeff Brown, Sandy Shore

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Chris Finan, Apache Dr., Chief MB Fire Co., gave an update on the rebuilding of the fire engine. Pierce is the only company that can give them what they need. As of 2021, the price was \$735,885, the cost is now up \$129,000+ and the timeframe for building it

could be up to 3-4 years. Supervisor Bermingham stated the Board should act on this quick before prices go up.

Andy Mahan, Kovar Lane, commented on resolving the issue with the cease-desist on a project he is working on located Sandy Shore for Jeff Brown. Engineer Coyle stated that he has not been involved with this particular project. Engineer Coyle will meet with Mr. Mahan and Mr. Brown on Friday at the site to discuss the project.

Jeff Brown, Sandy Shore, commented on the project that Andy Mahan is doing for him, a new walkway for his mother.

Charles Cole, Riverton Rd., read his public comment, which will part of the official record. Charles commented on Chairman Pinter and Supervisor Teel attending the Portland Borough Council meeting discussing the need for water and sewer. At the meeting, Supervisor Teel stated that Cancer rates are up in Middle Village. Charles would like Supervisor Teel to disclose where this information came from. Supervisor Teel stated our local physician can verify this information. Charles commented on Attorney Jacko's letter requesting the recusal of Supervisor Bermingham and Supervisor Friedman on voting on the NID.

Francis Visicaro, N. Delaware Dr., commented the emergency exit going through the park, take the Park out of the NID.

Cori Eckman, Potomac St., read her public comment, which will be part of the official record. Cori commented on the issue of "bias". The need for everyone to be a concerned citizen of UMBT. Our government was intended to be OF the People, BY the People, and FOR the People.

Judith Henkel, Robin Hood Rd., commented on the Plan Slatebelt Committee and would like the minutes of those meetings to be posted on the Township's website.

Eleanor Shelton, Heiden Rd., commented on Chairman Pinter declining to read a public comment aloud, commenting that it was a personal matter. Eleanor commented on the voting of the NID.

Richard Wilford-Hunt, Shady Lane, read his public comment, which will be part of the official record. Richard commented on his request for open communications between the Supervisors and the community. Why do the citizens continue to need to submit RTK's to get basic information that should be open to the public?

Mark Mezger, Scenic Ct, Chairman of the UMB Park Foundation, read his public comment, which will be part of the official record. Mark commented on the NID planning process, RTK requests, Mr. Pektor's financial record and potential risks.

Howard Klein, Riverton Rd., commented on an official document of Mr. Pektor's financial banking allegations.

Sharon Duffield, Potomac St., commented on a pattern of behavior since attending meetings regarding RPL.

Charles Smith, Lenape Tr., commented on having another CBRE meeting, will there be another one. Is the Township offering any financial support for the lawsuit against the two Township Supervisors? Chairman Pinter stated it is a personal lawsuit. Charles commented on the structure of the bridge, no budget to expand.

Erv McLain, representing Mr. Pektor and some of his companies, stated there is a hearing scheduled to determine the definition of an investor and to address the allegations by the Department of Banking. Mr. McLain stated that Mr. Pektor and all the companied that were identified here, has answered all the questions are cooperating fully with the Department of Banking.

Tim Voorhees, Meadow Dr., commented on the fact that we should not be moving forward with the NID until the allegations are cleared up.

IV. ANNOUNCEMENTS

Supervisor Bermingham announced the fundraiser for Jim Comunale, A Celebration of Life, to be held on May 1st at the Chelsea Sun and anyone who would like to volunteer or donate to reach out to him. The fundraiser that the MB Fire Company held for the injured fire fighters was a great turnout. Supervisor Bermingham asked Manager Nelson about the issue with Frontier at the home of Kyle on Persimmon Lane. Manager Nelson stated he has been in contact with the engineering department, we are on the schedule, but a date has not been set. Supervisor Bermingham stated he would like to meet with Waste Management to discuss garbage pickup issues. Supervisor Bermingham commented on the \$100,000 Post Foundation donation that was made last year for the park restrooms and would like to get bids out. **MOTION** by Supervisor Bermingham for Manager Nelson to get the bids out for the restrooms at the park, seconded by Supervisor Friedman. Vote: 5-0.

V. TABLED ITEMS

1. EDC Members-Chairman Pinter stated that Scott Cole could not be here tonight to discuss. **MOTION** by Supervisor Teel to table, seconded by Supervisor Friedman. Vote: 5-0.
2. Neighborhood Improvement District (NID)-Solicitor Karasek stated that at the January 24th meeting, a discussion was held on adopting the proposed NID Ordinance, and after that discussion occurred it was decided that the matter would be tabled until such time as Supervisor Bermingham and Supervisor Friedman had secured and spoken to separate private council as to the request for recusing themselves from voting on the NID. Supervisor Bermingham and Supervisor Friedman retained Attorney Spadoni, as stated in a letter from Attorney Spadoni, therefore, the Board can now entertain a motion for the NID Ordinance. Chairman Pinter stated the motion was previously tabled and asked if there is a motion to move forward with the NID. Supervisor Bermingham stated, this is to vote on the NID Ordinance, establishing the NID, Chairman

Pinter stated yes. Chairman Pinter made the **MOTION** to bring it off the table and back in front of the BOS, seconded by Supervisor Teel. Vote: 3 Aye-2 No. **MOTION** by Supervisor Teel to move forward with the NID, seconded by Supervisor Due. Discussion: Supervisor Bermingham commented on being the Voice of the People and respectfully declines to recuse himself. Supervisor Friedman commented on representing the people who voted for him, therefore, will not recuse himself. Solicitor Karasek stated, Supervisor Bermingham, if you are of the opinion that the Park should not be in the NID, you can make a motion to amend the present motion, if the motion is made and seconded, that would take precedence over the current motion on the floor. **MOTION** by Supervisor Bermingham to amend the motion of the floor, that if the NID goes forward, then take the Park out of the NID, seconded by Supervisor Friedman. Public comments: Jeremy Redcay losing control if the Park in the NID. Cori Eckman commented on bringing in trees through the Park. Nanette Waiters, listen to the people. Mark Mezger commented on the Park Foundation's mission, to acquire funding for the development of the Park. Anthony DeFranco commented on losing a seat on the NIDMA if the Park is not in the NID. Charles Smith commented on monies needed to complete the Park's master plan. Judy Henckel commented on monies used for the development/consultants of the Park. Mr. Pektor stated he has been listening to the comments from the people and stated that if the Board votes to take the Park out of the NID, he would Ok with that decision. Chairman Pinter stated there is a motion on the table, to remove the Park from the NID, it has been seconded. Vote: 2 Aye-3 No. Chairman Pinter asked if there was a motion to keep the Park in the NID, to keep a seat on the NIDMA. **MOTION** by Supervisor Teel to keep the Park in the NID, seconded by Supervisor Due. Discussion: Supervisor Bermingham stated the Mr. Pektor just stated he was OK with taking the Park out of the NID, the people want the Park out of the NID. Due to the level of noise, the vote was not clearly heard. Chairman Pinter stated 3 Aye -2 No vote.

VI.

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. The previous waiver request has been resolved. **MOTION** by Supervisor Teel to approve the Planning Module for 303 Demi Rd, seconded by Supervisor Due. Vote: 5-0.

VII.

ACTION AGENDA

1. Resolution # 2022-05 North Bangor FC LSA Grant-Solicitor Karasek discussed the request made by Supervisor Bermingham to prepare a Resolution for the NBFC to apply for an LSA Grant. **MOTION** by Supervisor Friedman to approve Resolution 2022-05 for the LSA Grant, seconded by Supervisor Teel. Vote: 5-0.
2. OSAB Recommendation-Laura Bocko, Chairperson of the OSAB, discussed the proposal prepared by Simone Collins Landscape Architecture, #22008.00, DCNR and DCED grants proposal-Portland to Minsi Lake Trail. The total cost of \$5,800.00, which would come out of the Open Space account. Solicitor Karasek

stated he did not get a chance to review the proposal for this evening. **MOTION** by Supervisor Friedman to accept the proposal, providing it meets Solicitor Karasek's approval, seconded by Supervisor Bermingham. Vote: 5-0.

**VIII.
REPORTS**

Chairman Pinter stated the departmental reports will be attached in the minutes.

**IX.
ADJOURNMENT**

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

Respectfully Submitted by Cindy Beck-Recording Secretary

February 24, 2022

John J. Jacko, III
jjacko@leechtishman.com

[Via Email to spadoniesq@live.com](mailto:spadoniesq@live.com)

Christopher T. Spadoni, Esquire
P.O. Box 522
1413 Easton Avenue
Bethlehem, PA 18018

Re: **Request of Recusal of UMBT Township Supervisors, David Friedman & John Bermingham; Your File No.: 2022-5**

Dear Attorney Spadoni:

As you already know, this firm represents, NEW DEMI ROAD, LLC ("**Demi Road**") and RIVER POINTE LOGISTICS CENTER, LLC ("**River Pointe**") (both collectively, the "**Developers**") regarding their development of certain parcels of real property known as the "River Pointe Industrial Park" ("**River Pointe Project**"). Thank you for your letter dated February 7, 2022 advising that your clients, David Friedman ("**Supervisor Friedman**") & John Bermingham ("**Supervisor Bermingham**") concluding that the request for their recusal is "baseless" and impliedly refusing to recuse because it does not so expressly state.

Respectfully, I write to take issue with that terse and flawed analysis in the hope Supervisors Friedman & Bermingham reconsider their positions to avoid abusing their discretion and voluntarily recuse themselves from the pending February 28, 2022 vote before the Upper Mount Bethel Township ("**UMBT**") Board of Supervisors ("**Board**") on the Neighborhood Improvement District ("**NID**") ordinance and any future votes relating to the River Pointe Project and/or the Developers. Supervisors Friedman & Bermingham have tangible stakes in the outcome of the Board's adjudicatory consideration of the Developers' applications before it. Their interests—as adjudicators of the Developers' applications—in that outcome are direct and substantial.

By now, you should be aware that Supervisor Friedman is a defendant in his individual capacity in a lawsuit brought by the Developers, along with RPL EAST, LLC ("**RPL**"), in the Court of Common Pleas for Northampton County, Pennsylvania titled, *River Pointe Logistics Center, LLC v. Charles A. Cole, et al.*, Docket No.: C-48-CV-2022-901 (the "**Abuse of Process Action**"), which suit arises from the failed litigation efforts of the plaintiffs (including Supervisor Friedman) in the Court of Common Pleas for Northampton County, Pennsylvania titled, *Charles A. Cole, et al. v. Board of Supervisors of Upper Mount Bethel Township, Northampton County*, Docket No.: C-48-CV-2020-6320 ("**Failed Lawsuit**"). As a defendant party to the Abuse of Process Action—who clearly has liability exposure for the payment of monetary damages (and therefore personal pecuniary interests) to the plaintiffs in the Abuse of Process Action—Supervisor Friedman has failed to confirm his recusal and you have not followed-up your February 7 letter to advise that Supervisor Friedman has reconsidered his refusal to recuse as stated in your February 7 letter. That the Commonwealth Court granted Supervisor Friedman's discontinuance from the appeal of the Failed Lawsuit does **nothing** to change the facts that he 1) was among the plaintiffs that brought the Failed Lawsuit publicly confirming his bias, and 2) was a founding member of the Concerned Citizens of Upper Mount Bethel Township ("**CCUMBT**") which was formed, at least in part, to raise funds for legal expenses in the Failed Lawsuit (Supervisor Bermingham is disconcertingly also a member of the same legal expense fundraising

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Christopher T. Spadoni, Esquire
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organization)¹. On information and belief, Friedman remains a founding member of the CCUMBT (even if he was not, his prior involvement, statements, and actions all publicly speak to his bias).

There is much similarity in Supervisor Friedman's actions in suing over the Text Amendment and funding that suit through a civic organization like the CCUMBT to that of the supervisor at issue in Springwood Dev. Partners, L.P. v. Bd. of Supervisors of N. Cornwall Twp., 985 A.2d 298, 306 (Pa. Cmwlth. 2009) (affirming trial court's grant of preliminary injunction against township supervisor after consideration of Second Class Township Code § 603). By way of example, the *Springwood* court stated:

Nonetheless, we believe that even as to legislative activities, the trial court had sufficient basis for finding that Kelly was required to recuse himself from matters directly involving Springwood. As Springwood points out:

Kelly sought and obtained party status in a conditional use proceeding for a Wal-Mart Supercenter and testified in that proceeding that he had a "pecuniary interest" in opposing commercial development. (R.134a-136a, 141a, 145a). Kelly further testified that he had looked up the word "pecuniary," and that "this development is going to end up flooding out my house and decreasing my property values. So I think that's what George means by pecuniary interest, and so I have one." (R. 145a-146a).

While this pecuniary interest alone might not be sufficient to require recusal, his having sought party status to oppose Wal-Mart's related conditional use application adds support to the trial court's determination. Even stronger support lies in the fact that, at the time of the preliminary injunction hearing, Supervisor Kelly was actively involved in a lawsuit brought against him by Springwood. Springwood's suit against Kelly is premised on Kelly's work with a civic group opposing commercial development of the land while at the same time under a contractual obligation to facilitate and promote the commercial development of the very same parcel. Thus, the lawsuit concerned his actions with respect to the proposed land development and zoning at issue before the Board, and we believe the combination of these factors provided apparently reasonable grounds for preliminarily enjoining Supervisor Kelly from participating in matters directly affecting Springwood's development of this land.

Springwood Dev. Partners, 985 A.2d at 306. See also Crandell v. Pennsbury Twp. Bd. of Supervisors, 985 A.2d 288, 296 n.6 (Pa. Cmwlth. 2009) (reviewing the *Springwood, supra.*, decision to conclude that "the trial court properly enjoined a supervisor from participating in matters involving the developer" because "[t]hat supervisor had not only expressed his opinion opposing the development but was actively involved in a lawsuit against the developer and also admitted to having a pecuniary interest in the outcome of the decisions regarding the development").

As demonstrated in my January 24, 2022 letter requesting that these two Supervisors recuse themselves from the Board's adjudicatory proceedings relating to the Developers,² these Supervisors

¹ Although Supervisor Bermingham denied being a member of CCUMBT, that representation does not appear to have been true as the "Don't Flush Upper Mount Bethel" website (enclosed with my January 24, 2022 letter), identifies Supervisor Bermingham as a member that joined "about a year ago."

² Notably, the inapplicable Ethics Letter (defined in my January 24, 2022 recusal request letter) makes clear that the singular issue that Supervisor Friedman presented for consideration was limited to vague

have not simply expressed a singular opinion on an issue as the sole basis for their recusal, but rather have publicly expressed their overt bias *in statements, actions, and financial support*. It is like having a judge sit on the bench to decide a case while that same judge is also outside the courthouse protesting the litigant whose case he/she is to decide. Accordingly, Supervisors Friedman and Bermingham should not abuse their discretion by failing to voluntarily recuse themselves.

The single, narrow exception of the Second Class Township Code § 603 to which your letter cites is simply not applicable to this recusal request or the circumstances of publicly expressed predisposition and bias that these two Supervisors repeatedly made known to the public. What is clear, however, is that these two Supervisors have not merely expressed a single opinion, but rather, have gone further in taking ongoing overt statements and actions against the Developers and their development projects. For them to now attempt to hide behind a single sentence in an inapplicable statute is absurd, as it will not protect them from the judicial intervention that will be sure to come if they abuse their discretion and fail to voluntarily recuse themselves.

At this juncture, Supervisors Friedman & Bermingham are merely being asked to do the honorable, fair, and competent thing, and recuse themselves since they are obviously incapable of meeting the terms of their sworn oaths of office and of holding “the balance nice, clear, and true” in applying specific criteria to a single applicant and a single piece of property in the adjudicatory proceedings relating to the Developers currently before the Board. See Dayoub v. Commonwealth, State Dental Council & Examining Bd., 70 Pa. Commw. 621, 625, 453 A.2d 751, 753 (1982), *infra*. The issue of recusal is about *these two Supervisors meeting their own ethical obligations* and, contrary to your hyperbolic “disenfranchisement” analysis, would not whatsoever result in any “disenfranchisement” of the electorate of UMBT. Taken to its logical extension, your “disenfranchisement” analysis, if true, would mean that no Supervisor could ever be required to be recused—which clearly is not the law in this Commonwealth. If it were, then elected judges could never be forced to recuse since they are elected officials. The truth is that the caselaw is replete with judges and township supervisors that can be required to be recused when they publicly exhibit bias in adjudicatory proceedings (*i.e.*, applying the law to parties before them). As you know, the electorate in a republic like ours get their say in every election. They can vote out incumbents they do not think are representing their interests or acting with honor, fairness, and competence in their handling of adjudicatory proceedings of property owner applicants before them.³ That reality does not give the electorate any superior right—as the majority—to trample the substantive and procedural constitutionally protected due process rights of individual property owners in non-legislative proceedings such as the NID application proceedings. For you to suggest otherwise is not just histrionic, but wrong as both a matter of law and basic political theory relating to democratic republics like ours.

By way of example, River Pointe’s NID application causes the Board to conduct adjudicatory proceedings where, like judges, its Supervisors are required to act without bias or “even the appearance of bias” *to protect the substantive and procedural due process rights of applicants like River Pointe*. Dayoub, supra. Here, Supervisor Friedman took action to form, be a member of, and secure funding from CCUMBT so that *he and others could oppose River Pointe’s text amendment and the River*

“prohibitions or restrictions” (at p. 1) and did not whatsoever involve or relate to specific situations like Board member votes in adjudicatory proceedings like those involving the River Pointe Project or the NID. Even if it did, however, the Ethics Letter only considered the Ethics Act, not Pennsylvania’s common law of recusal. See Ethics Letter at 5.

³ In fact, Supervisor Friedman and his supporters appear to attribute such reasoning to his election.

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February 24, 2022
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Pointe Project. Failing to appreciate that the Developers' parcels were long ago designated zoned for industrial use, Supervisor Friedman has not only publicly stated his bias against the River Pointe project, but he admits that his political campaign "emphasized keeping the Township rural and fighting the Text Amendment."⁴ When it comes to the Developers' parcels, it is clear that *it is Supervisors Friedman & Bermingham that are trying to disenfranchise the voters* whose democratically elected representative government decided *decades ago* that the same parcels would be zoned industrial—not non-industrial rural raw ground. Notably, neither Supervisor leads (or has ever led in the last two decades) any reclassification of zoning effort relating undeveloped parcels in UMBT that is in any manner consistent with Supervisor Friedman's self-righteous campaign pledge to "keep[] the Township rural" (Ethics Letter at 2).

Supervisors Friedman's & Bermingham's actions and multiple statements—not just the statement of any singular opinion—led them to work with and through the CCUMBT to support and agree to publicly speak in support of a resolution specifically targeted at River Pointe (and certainly not at developers or developments generally) at a January 20, 2022 Northampton County Council ("Council") meeting. See my January 24, 2022 recusal letter enclosure of a CCUMBT social media listing *publicly promising that both supervisors were going to speak in support of this resolution that improperly targeted the Developers, their principal, Louis P. Pektor, III, the River Pointe Project and the NID.* The overt bias *in statements, actions, and financial support* publicly expressed by Supervisors Friedman & Bermingham against the Developers, Mr. Pektor, the River Pointe Project and the NID are what scream for their voluntary recusal, yet your letter is devoid of any analysis other than to cite to a facially inapplicable statute and to assert a false assessment of alleged voter disenfranchisement.

Since your letter does not contain any substantive analysis or defense to recusal, then Supervisors Friedman and Bermingham have abjectly failed to explain how any failure to recuse does not constitute an abuse of discretion on their part. Notably, nothing in your letter even attempts to apply the factual circumstances of either Supervisor that you represent to the single statutory sentence on which they rely to incorrectly conclude that they are not required to recuse themselves. Accordingly, Supervisors Friedman & Bermingham are requested to do the honorable, fair, and competent thing and recuse themselves to avoid committing acts constituting abuses of discretion.

By way of copy to Solicitor Karasek (copied), it is respectfully requested that a copy of this letter be made a part of the record at the February 28, 2022 Board meeting.

Sincerely,
LEECH TISHMAN FUSCALDO & LAMPL, LLC



John J. Jacko, III

Enclosures

cc: Ronold J. Karasek, Esq. - ron@karaseklawoffices.com
Matthew J. Bolewitz, Esq. - mbolewitz@cozzalaw.com

⁴ See Ethics Letter (defined in my January 24, 2022 letter) at 2. The Developers posit that the campaign platform was, in actuality, broader and a commitment to also fight against the Developers, their principal, Louis P. Pektor, the River Pointe project and the NID.

Mark Mezger Public Comment

Over the course of the NID planning process we have been told:

- That the NID will be a benefit to the town
- That the town is obligated to provide additional services to the industrial park
- Tax revenues are insufficient to pay for services needed by the Industrial Park
- The Community Park must be a part of the NID
- Tons of additional tax revenues will be realized when all is said and done.

I filed a Right To Know request asking for the documents to substantiate these claims.

- The town is not in possession or in control of any documents that can substantiate any of these claims.
- There are no documents that can be scrutinized
- There are no documents to describe the costs and funding sources for the full project
- So in reality we don't really know anything about the Developer's finances with regard to the Industrial Park or the NID. (THERE ARE NO DOCUMENTS.)

WELL WHAT'S THE PROBLEM? Lets talk about FINANCIAL RISK.

- Mr. Pektor's record at the Prothonotary Office at the Northampton County Court
 - Since 2003 Mr Pektor and his companies were involved in dozens of litigation actions, and he has millions of dollars of open judgements against him
 - In most of the actions he is a defendant

Recently the PA Dept. of Banking and Securities published a "Order to Show Cause" for Mr. Pektor that is alleging that:

- From 2013 to 2020 Mr Pektor offered and illegally sold promissory notes that did not meet State and Federal statutes to raise capital for his real estate development projects.
 - Notes were sold to Investors totaling \$13M
 - They failed to provide financial statements and hid the fact that they didn't exist in some cases. Nor did they disclose any Liens and Judgements.
 - (THERE ARE NO DOCUMENTS,... SOUND FAMILIAR??)
 - It is further alleged that they Defaulted on all or some of the payments to the investors

By approving the RPL-NID Plan the town is giving the developer the authority to take loans and issue bonds using future NID Fees as collateral.

- Do we want to give a developer with a business reputation that kind of authority?
- Do we want to take on the potential risks of not knowing the full financial picture?
- I ask you to Vote NO to the NID and RPL NIDMA
- A lower risk solution would be to negotiate a Development Agreement for the entire Industrial Park project where all of the requirements, costs, finances, and fund sources are known and documented. This provides a solid basis for the Town to sue the developer in the event that he does not uphold the agreement.

Chairman of the Board UMB-Community Park Foundation

Comments to UMBT BOS Meeting 2/28/22

Charles A. Cole

1. At the Portland Boro Council Meeting February 7, Martin Pinter and Bob Teel attended and spoke with respect to RPL need for water/sewer services. That conversation led to Bob Teel talking about the sewerage in Middle Village. A resident of the area later ask me if I knew about that. With further checking I saw that he said that the "Middle Village cancer rates have gone up." The person wondered if that was true.

I know of nothing that shows such a thing happening and would like Bob to tell us where he learned that and give us the citation. If it isn't substantiated, he should apologize for trying to alarm people for some unknown reason.

2. During the January 24 UMBT BOS Meeting John Jacko as lawyer for RPL read a letter Requesting Recusal of Friedman and Bermingham from any discussions and voting on RPL issues. I, in all my years of involvement in Municipal actions, have never seen such a grievous request. It goes against public participation and representation of the residents who have elected Supervisors who will then not be able to participate in governing. This seems to be a blatant attempt at intimidation.

3. Probably just as disturbing is that two Supervisors, Pinter and Teel, voted against tabling action on the NID until Bermingham and Friedman could get legal counsel so that they could determine if they would participate. Where is the concept of free discussion and democracy in such an action?

4. Tonight there is a vote on a Neighborhood Improvement District, NID. I continue to believe that the purported benefits are outweighed by the potential risks.

Good evening. I would like to comment on the issue of "bias" as it has come up and is of concern to this Board. The term bias, used as a verb, is to apply a slight negative or positive voltage to something.

Birmingham and Friedman have been asked to recuse themselves from any vote that has to do with RPL, RPL East LLC, 303 Demi Road LLC, and New Demi Road LLC-- hopefully I covered all the LLC's. Both of these supervisors stated they are NOT against development and that they would like the Development to stay as a conditional use which is how the original zoning laws were intended. Zoning Ordinances very essence is to protect residents of this township. The text

Amendment goes against all of that allowing the developer to have everything he wants. Adding the NID to what the developer wanted the request made by residents was to not allow the park, OUR park, the residents' park, into the NID. Why is it that these two board members are facing lawsuits if they do not recuse themselves from voting, yet two other board members can be biased by trying to secure everything the developer wants? Teel and Pinter can go to Portland's public meeting and offer to buy 50 thousand gallons from Portland's sewage plant FOR the developer-- and that is not bias?

I would think it would fall under the category with positive support.

Mr Jacko claimed that Bermingham was a member of CCUMBT simply because he joined the Don't Flush Facebook page. Are Stavros and Faith members of CCUMBT too? Because they are on the Don't Flush Facebook page and they sit on Boards for this township. How about Lou Pektor and Karen Pinter – asking to Join Don't Flush, would that make them members of the CCUMBT as well? The TRUTH is, everyone needs to be a concerned citizen of Upper Mt Bethel with what the current BOS is allowing to happen .

The residents of UMBT put Bermingham back in office and added Friedman because we need voices for the residents. This fundamental right should not be taken away from our duly elected representatives because they recognize grave concerns with the development. By demanding they recuse themselves shows a bias TO the developer and the developer only. AND, our government was intended to be OF the people, BY the people, and FOR the people.



3



Don't Flush Upper Mount Bethel

Private group · 865 members

Invite

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- Discussion
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- Topics
- Members
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Members · 865

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Search results



Stavros Barbounis

Joined about a year ago

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3



Don't Flush Upper Mount Bethel

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faith sarisky

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Faith Sarisky

Joined about a year ago

Real estate broker at Realty Solutions of Pa

Message

Q Search by name

220 Requests

Newest First

Sort



Louis Pektor

1 hour ago



1 mutual friend



4 groups



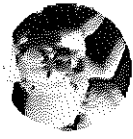
Joined Facebook Jul 4, 2016



Do you live in Upper Mt. Bethel Township?
..

See Details

April 2



Cori Eckman declined Karyn Kern Pinter's request to join the group. ...

Fri, Apr 2, 9:07 PM

See Details

March 24



Cori Eckman changed the

Public Comment – UMBT BOS Meeting Feb 28 2022

I am again asking for open communications between our supervisors and the community. Why do we, the residents of UMBT, continue to need to submit RTK requests and waste time and money to just get basic information that should be open to the public. Why do we need to ferret out information that should be open to us, the residents of UMBT?

That is wrong. However, the RTK's that have been granted are revealing things that really should be fully out in the open and discussed at the board of supervisors meetings and with the public.

For instance. From the Karasek invoices billed to UMBT– did the residents or any of the other supervisors beside Supervisor Pinter know that on Oct 23 2021 (11 days before the election) that Kaplan (Pektors lawyer) discussed voting conflict by supervisor – plaintiff in the lawsuit? Here he is plainly targeting Supervisor Friedman.

Did the residents or any other supervisor besides Supervisor Pinter know that on Nov 1st that Marshfield Rd (runs between River Rd and Potomac St) was discussed to be vacated? Marshfield Rd is a key artery for the developer to access the warehousing/industrial park. Does this means our township is just giving township assets away to the developer?

And from our township engineers invoices to UMBT - Mar 22 through Dec 21 2021?? \$94,463 has been billed for working on or with the developers engineer's and lawyer's. (\$53,227 for 303 Dem Rd LLC, \$39,769 for RPL Logistics LLC and \$1,467 for RPL East LLC) Are the three escrow accounts that were set up to cover these costs actually funded and reported out to the taxpayers? If not they absolutely should.

And finally the RTK requests from the Portland Borough Council and the Portland Water Authority all point to intense discussions between the developer and UMBT trying to secure water and sewer for the industrial park. Supervisors Pinter and Teel were at the Feb 7th Portland Borough Council meeting advocating (meaning backing or endorsing) the developers needs; asking to buy 50,000 gpd of sewer capacity (25K for 303 Demi Rd and 25K for now proposed 388,000 SF building on the power plant site. Don't you think those discussions should be shared with the residents of UMBT?

If our supervisors will not answer your questions keep asking until they do so, if they still refuse then submit a RTK. If that is denied, then you have the right to appeal it the Office of Open Records in Harrisburg. It is easy to do so or better yet our supervisor could just communicate directly with the residents of UMBT.

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

Cindy Beck

From: Theresa Mohr Shanley <theresa.mohrshanley@gmail.com>
Sent: Monday, February 28, 2022 6:31 PM
To: Cindy Beck
Subject: Letter for tonight's BOS Meeting Feb. 28

Hello Cynthia

Can you please enter this letter into the meeting minutes for the BOS meeting on February 28 th.

I am writing with support for Supervisors Bermingham and Friedman to continue voting on all motions.

I ask the other Supervisors support them in fulfilling their obligations to this town.

I ask RPL to not sue Supervisors Bermingham and Friedman for carrying out the responsibilities for which the people of this town elected them.

I ask the Supervisors to repair this situation with RPL and push for more professional conduct. It never should have been allowed to come to this level of hostility. It's tearing our beautiful town apart.

I say again, I am a resident and I want responsible development in line with Mt. Bethel's infrastructure, character and its residents' wishes. This is my home. I care what happens.

I want the text amendment reversed. It should not have been passed given the residents strong opposition as evidenced by multiple petitions and vocalizations and letters from reputable external organizations.

Regard
Theresa Mohr Shanley

Upper Mount Bethel Economic Development Committee Monthly Meeting

January 27th, 2022, 7pm

Part 1

1. Call to order
2. Pledge of Allegiance
3. Roll call

Part 2 – EDC Administration

1. Approval of Agenda
2. 2022 EDC Re-organization
 - Committee voted S. Cole Chairman for 2022, M. Kulicke as vice-chairman for 2022, M. Brown as secretary for 2022. Chairman Cole encouraged other members to consider applying for the chair position in 2023, as Cole's term expires at the end of 2022 and he does not plan on applying for re-instatement
3. Approval of December 2021 Meeting Minutes
 - December meeting minutes were approved for posting on the township website

Part 3 – Old Business

1. N/A

Part 4 – New Business

1. Meet & greet and discussion on “next steps” Report/analysis with Rich Roberts, economic Development Consultant (please read the 2019 ‘Roberts’ report as an introduction to the topic)
 - Met with Rich Roberts to provide guidance and get his recommendations on the next steps for economic development in UMBT. Roberts agreed to provide a summary of the discussion, along with his recommendations and proposed cost for the next phase of his

RESTRICTED

development analysis for UMBT. A proposal was received by the EDC and is currently under discussion.

2. Discussion on 2022 EDC nominees for 2 open positions

- Letters of interest for Geoff Deen and Anthony Defranco were discussed and considered for nomination. Both nominees were recommended to the Bos to fill the open EDC positions

Part 5 – Public Comment - none

Secretary Report

February 28, 2022

- Assisting residents with questions/concerns, research, etc.
- Ongoing website maintenance with Stavros
- Continued working on Grants
- Submitted application for the Road and Bridge Safety Improvement Award Program-River Rd Roadway and Embankment
- Working on the bid packets for materials/line painting
- Working with Ed on RTKs
- Prepared monthly agendas and minutes for Planning Commission and BOS

Cindy Beck, Township Secretary

Bookkeeper Report

February 28, 2022

By Diann Eden

1. Continue to invoice residents, landowners, and land developers for any payment shortages due to the township. I am also performing a few escrow audits to close accounts that have been settled.
2. Perform daily accounting duties (accounts payable and receivable).
3. Ongoing communication with Freedom Systems regarding bi-weekly payroll submission. Edited (2) new full-time employees (changed their portal access codes from seasonal and/or part-time to full-time code selection). Added (1) Zoning Hearing Board member in payroll. Maintain/create Road Department's employee portal equipment codes as needed.
4. Ordered supplies as requested by various township departments.
5. Assisted RTK Officers in gathering requested material.
6. Begin monthly Safety meetings with committee members and township staff.
7. Prepped letters to accompany annual donations to: Bloom for Women, Bangor Public Library, PUMP, Slate Belt Historical Society, Mt. Bethel-Portland Memorial Post 216 American Legion, and Meals on Wheels of the Greater LV.
8. Will soon begin the 2021 annual recycling report that is due to Northampton County early Spring.
9. I will also conduct queries into the Federal Motor Carrier Safety Administration (FMCSA) Drug & Alcohol Clearinghouse on each CDL driver of the township. The Federal Clearinghouse is required of Pennsylvania CDL employers by PA Code Title 67 Chapter 231.7. I also intend to conduct review of PennDOT driver records for CDL and Non-CDL roadcrew members.
10. Processed (1) random drug and alcohol test in January as requested by PSATS's quarterly selection from our "pool" of members.

UMBT OPEN SPACE ADVISORY BOARD

February Report

25 February 2022

Upper Mount Bethel Township Board of Supervisors

The open space advisory board held a meeting on February 23, 2022, all members were present. Much of the meeting focused on the two proposals submitted by Simone Collins for the Preserve. The potential internship program and Boy Scout platform project at the Preserve were discussed. Ed Nelson showed the completed wetland delineation map of the Preserve.

For immediate attention is the Simon Collins proposal, SC # 22008.00 for the Portland to Minsi Lake Trail grant applications to the Pennsylvania Department of Conservation and Natural Resources (DCNR) and to the Pennsylvania Department of Community and Economic Development (DCED). The proposal is attached. To summarize, Simone Collins fee for the submitting the grant applications is \$5,800. Depending on what grants are awarded, the township might be responsible for matching funds. However, if the township is awarded grants from both DCNR and DCED, no township funds will be used. Jason Albert submitted a letter recommending that the board of supervisors accept this proposal.

The other proposal, SC # 22004.00, submitted by Simon Collins is for the master plan at the Preserve. The master plan is quite comprehensive and includes the following: public meetings, background information and data, site information and analysis, activities and facilities analysis, design considerations, designs process, cost estimates, plan narrative report organization, mapping and plan drawings, final products, maintenance plan costs, implementation plan and funding strategy, and schedule. The total for the master plan proposal is \$127,409. A letter recommending that the board of supervisors accept this proposal has been submitted by Jason Albert.

Our primary contact at the Heritage Conservancy, Laura Baird, resigned. Mrs. Baird will be greatly missed. To my knowledge, Heritage Conservancy has not found a replacement for her. My phone calls and emails to Kris Kern have not been answered. Property owners have told me that their phone calls to the Heritage Conservancy are not returned.

In addition to the monthly meeting, the open space advisory board walked and rated a property.

Respectfully submitted,

Laura Bocko

Chair of the Open Space Advisory Board

JANUARY-FEBRUARY
2022 ROAD REPORT

1. Salt & Cinder Twp. roads for snow/ice on 1/13/22, 1/16-1/18, 1/20, 1/22-1/24, 1/28-1/31, 2/4, 2/10, 2/14, 2/25.
2. Emergency call out on 2/19/22.
3. Brine placed on Twp. roads on 1/13/22, 1/14, 1/27, 1/28, 2/2, 2/11.
4. Mixing winter material as needed.
5. 624 Loader pushing in salt & anti-skid deliveries.
6. Mix brine at Eastern as needed.
7. Road shoulder repair on Fox Gap & Stone Church Dr.
8. Replacing & repairing road signage.
9. Pick-up garbage along Twp. roads.
10. Burn brush pile at Eastern.
11. Patch potholes on Twp. roads.
12. Cut fallen trees/debris on Twp. roads, 2/23/22.
13. Clean-off catch basins due to rain.
14. Hauling blocks for National Park Bridge job.
15. Hauling 2B stone for National Park Bridge job.
16. Prepare road report.
17. Maintenance & repairs on Twp. trucks/machinery.

Lindsey Manzi
Road Crew Chief

Keller Zoning and Inspection Services, Inc

UCC/Zoning

Code Enforcement

115 S Broad St.

Nazareth, PA 18064

Phone: 610-759-8227

February 23, 2022

Upper Mount Bethel
Board of Supervisors
387 Ye Olde Highway
Mt Bethel, PA 18343

ZONING Report for January 2022

Applications reviewed and Permits issued

109 Saddle Creek- Deck
1560 S Delaware-Use
1560 S Delaware-Mechanical permit (HVAC Unit)
1120 Turkey Ridge-Cell Tower antennae replacement
2977 N Delaware-Porch with roof replacement
733 Quaker Plain-Deck with roof, outdoor fireplace
270 Five Pts-Richmond-addition
275 Orchard Rd-new driveway
2836 N Delaware-sign
1584 S Delaware-commercial shed

Zoning Hearing

zoning hearing- 200 Spring Lane- New Construction- Special Exception granted

Respectfully submitted,
Bettina Serfass

**SOLICITOR'S REPORT – R. J. KARASEK, ESQUIRE
UPPER MOUNT BETHEL TOWNSHIP
NORTHAMPTON COUNTY, COMMONWEALTH OF PENNSYLVANIA
MONTH: January 2022**

MEETINGS ATTENDED:

January 10, 2022 - attendance at Regular Monthly Meeting of Township Planning Commission
January 14, 2022 –Office Meeting with Township Manager to Review Outstanding Matters
January 18, 2022 – attendance at Regular Monthly Meeting of the Township Planning Commission
January 24, 2022 – attendance at Regular Monthly Workshop Meeting of Township Board of Supervisors

SUBDIVISION MATTERS:

Receipt, Review and Administration Status of e-mails as to the Dedication of Roadways Clause and Snow-Plowing Issues re the Addendum to Subdivision and Land Development Improvements Agreement for Installation and Maintenance of Shepherd's Hill Drive re Shepherd's Hill Major Subdivision

Receipt, Review and Administration of Executed Easement Agreement for Right-of-Way along Sunset Drive (T 608) re S. Ott Minor Subdivision 905-907 Sunset Drive

Finalization of Unification and Merger Deed re Tinsley Lot Line Adjustment

Receipt, Review and Administration of the Township Engineer Review Letter (9 pages- Second Review) re RPL East-Bldg on 5027 River Road (formerly Gen-On)

LAND DEVELOPMENT MATTERS:

Receipt, Review and Administration of Township Engineer Review Correspondence (First review -20 pages) re RPL East-Bldg on 5027 River Road (formerly Gen-On)

Receipt, Review and Administration of Telephone Calls, e-mails and Correspondence to/from Portland Authority Solicitor-Supply Fire Service to 303 Demi Road Logistics Center Project

ZONING AND OTHER LAND USE MATTERS:

Receipt, Review and Administration of e-mails and BASD Resolution and Preparation of a Township Resolution re House and Senate Re-Districting Map

Receipt, Review and Administration of Correspondence from Applicant's Attorney re Purported Zoning Violations at 2311 Kovar Lane (Mahan)

Receipt, Review and Administration of e-mails to/from Township BCO-Wojaczyk and Township Supervisors re IPMC Violations and Enforcement and Need for Clarification

Preparation of First Draft of the Ordinance to Amend the IPMC to Clarify Violations and Enforcement of the Ordinance

Receipt, Review and Administration of County Website for Deed and Tax Parcel Information re B. Rokas ASA Agreement

Receipt, Review and Administration of e-mail from Planning Commissioner re Insurance Endorsement in Subdivision and Land Development Plans

Receipt, Review and Administration of e-mails, review of NID documents (Ordinance, By-Laws, the NIDMA Appointments so forth)

Receipt, Review and Administration of Multiple Telephone Conferences with. Multiple e-mails from, Multiple Correspondence from RPL's Attorneys (Local and Pittsburgh), Legal Research (both computer and book) including PA Second Class Township Code, PA Ethics Opinion, Caselaw on Substantive Due Process re Supervisors' Voting Disqualification and Recusal on RPL Plans and Projects (a substantial number of hours was spent on this issue in various forms)

DEVELOPMENTS ON OUTSTANDING LITIGATION:

Review of the Briefs filed by the Objectors and RPL, Legal Research (both computer and book) and Preparation of the Township's Comprehensive 33 Page Brief and filing same re Cole et al. vs. Township and RPL Commonwealth Court Appeal

COURT DECISIONS ON TOWNSHIP CASES:

Receipt, Review and Administration of OOR Appeals Officer-Higgins Determination that Request was Satisfied re N. Falsone Right-to-Know Request Employee Name/Wage Information

Receipt, Review and Administration of e-mails, Legal Research under Pa Open Records Law and Preparation of Attestation (with Exhibits), OOR Appeals Officer's Determination that Request was Satisfied re Wilford-Hunt's Right-to-Know Request for the \$14 Million Dollar Claim

MISCELLANEOUS:

Receipt, Review and Administration of Files/records re N. Falsone Right-to-Know Request re Employee Name and Wage Information

Receipt, Review and Administration of e-mails, Legal Research under PA Open Records Law re Mezgar Right-to-Know Request for NID records

Receipt, Review and Administration of e-mails, Legal Research under PA Open Records Law and Extension Correspondence re Mezgar Right-to-Know Request for NID Advertising Notice

Receipt, Review and Administration of e-mails, Legal Research under PA Open Records Law and Extension Correspondence re Supervisor Friedman's Right-to-Know Request

Receipt, Review and Administration of e-mails, Legal Research under PA Open Records Law and Comprehensive e-mails re Wilford-Hunt's Right-to-Know Request for Cozza and Leech-Tishman Correspondence

Receipt, Review and Administration of Telephone Conference with the LVPC Solicitor, e-mails with attachments re Supervisor Friedman's Access to LVPC records for RPL Project

Receipt, Review and Administration Telephone Conference with Supervisor Friedman and e-mail with Names of Attorneys

Receipt, Review and Administration e-mails re News Reporter's Questions re Voting Conflict on either side of the RPL Plans

Preparation of Solicitor's Report

Review assorted items of correspondence, and e-mails and make and receive telephone calls (as may be applicable)



Carroll Engineering Corporation

**UPPER MOUNT BETHEL TOWNSHIP
TOWNSHIP ENGINEER's REPORT**

February 2022

1. Reviewed plans for 303 Demi Road and RPL Major Subdivision Plan
2. National Park Drive Bridge Culvert Replacement – assisting with Township as needed
- Township forces to reconstruct roadway embankment/retaining wall structure
3. Planning Commission – attended meeting on 2/16/22
4. Finalizing bid packages for the 2022 Roadway Chipsealing project and Line Painting

-THANK YOU-

Today's Commitment to Tomorrow's Challenges

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215.343.5700

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Hillsborough, NJ 08844
908.874.7500