

**Upper Mount Bethel Township**  
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UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES  
MONDAY, MARCH 28, 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, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek. Supervisor Bermingham was absent.

II.

**APPROVE THE AGENDA**

Supervisor Friedman discussed Supervisor Bermingham's request for amending the agenda, adding the Fire Tax and COVID relief funds to be split 50/50 equally to the MBFC and the NBFC, and a Resolution to be passed for Lukas Davis. Chairman Pinter stated these items will be added to Section VIII New Business, 3) Fire Tax Allocation 4) COVID Relief Funds 5) Resolution #2022-07.

**MOTION** by Supervisor Friedman to approve the amended agenda, seconded by Supervisor Due. Vote: 4-0.

III.

**PUBLIC COMMENT**

Andy Mahan, Kovar Lane, stated he is happy to report that there is some progress in getting his project completed and would like for the Supervisors to review the Flood Plain Ordinance.

Richard Wilford-Hunt, Shady Lane, stated that on April 2<sup>nd</sup> at 9 am, will be his son's 21<sup>st</sup> annual roadside clean-up, everyone is welcome to come out and help clean up the roads. Richard read his public comment, which will be part of the official record. Richard commented on Marshfield Drive and why are our Supervisors' thinking of giving it away,

there is a minimum we should be charging the developer to take our road. Richard also commented about the CBRE and the most recent advertisement for the development.

Francis Visicaro, N. Delaware Drive, read her public comment, which will be part of the official record. Francis commented on a letter that was sent out by Lou Pektor's attorney. The letter stated SALDO waiver requests and was sent out to property owners within 200 feet of 303 Demi Rd. Solicitor Karasek stated this is a required when requesting SALDO waivers. Supervisor Teel stated those waiver requests will be discussed and explained at the next Planning Commission meeting.

Catherine Buehler, Mill Creek Rd, commented on the caution sign that was put up in front of her house and it does seem to be helping.

#### **IV. ANNOUNCEMENTS**

Manager Nelson announced that we may be having a Centorium Birthday Celebration. If anyone knows of anyone turning 100 years old, please contact the Township.

David Friedman announced that there are grants available to those who live in a Flood Plain Zone.

Manager Nelson discussed the meeting with FEMA and it is possible there will be a Flood Plain audit and it will be up to the Township to address those affected by the audit. Chairman Pinter asked for this to be on the April WS meeting for more discussion.

Chairman Pinter stated there is still an opening for an Alternate ZHB member and to please submit your letter of interest. Chairman Pinter also stated that if there is anyone interested in being on the NIDMA, to please submit your letter of interest by Friday.

#### **V. PRESENTATION**

Tara Mezzanotte gave an update on the I80 WG Coalition. The project is now to begin in 2024, which gives a little time to focus on fixing the S curve.

#### **VI. TABLED ITEMS**

1. Overhead Costs for Storms-Manager Nelson discussed the detailed costs for the storms and compared them to previous years. Chairman Pinter stated he would like to see the broken-down line items. **MOTION** by Chairman Pinter to table to the April WS meeting, seconded by Supervisor Friedman. Vote: 4-0.
2. Material Bids- Chairman Pinter stated he does not have a problem with the bids after reviewing the contracts. **MOTION** by Supervisor Teel to approve the Material Bids, seconded by Supervisor Friedman. Vote: 4-0.
3. Fire Truck Engines-Manager Nelson stated a meeting was held with both fire companies and discussed was the allocation of the Fire Tax Funds. Manager Nelson said the funds will be split 50/50. Chairman Pinter stated he would like to see the funds distributed at the beginning of the year and let the fire companies'

manager their own funds. Solicitor Karasek stated a Resolution should be drafted indicating how the Fire Funds will be allocated. Manager Nelson stated that MBFC needs an engine and NBFC needs a tanker, and the discussion was on how they would be able to do that. There was a discussion on the ARPR Fund (COVID Funds) and how that could be allocated to the Fire Companies, but it will need further discussion with DCED.

## VII.

### ACTION AGENDA

1. Property Maintenance Officer-Supervisor Due stated a letter of resignation was received from Matt Wojaczyk. A letter of interest was received from Nick Graziano, Township Constable, and recommends him for the position. **MOTION** by Supervisor Teel to hire Nick Graziano as the Property Maintenance Officer, 20 hours a week, rate of \$30 an hour, beginning April 4, 2022, seconded by Supervisor Friedman. Vote: 4-0.
2. Preserve Master Plan-Laura Bocko, Chairperson of the OSAB, discussed the submitted proposal for the completion of a Master Plan, prepared by Simone Collins Landscape Architecture, #22004.00. The total cost of \$127,409.00, which would come out of the Open Space account. **MOTION** by Supervisor Friedman to accept the proposal prepared by Simone Collins, contract #22004.00 for \$127,409.00, seconded by Supervisor Due. Vote: 4-0.
3. Part-time (2) Park Crew and Seasonal (1) Road Crew-Supervisor Due discussed the need for two (2) part-time park crew members and one (1) seasonal road crew member. The hours would be 25 (each) hours a week at a rate of \$20.35. **MOTION** by Supervisor Due to hire two (2) part-time park crew members and one (1) seasonal road crew member at a rate of \$20.35, 25 hours (each) a week, seconded by Supervisor Friedman. Vote: 4-0.

## VIII.

### NEW BUSINESS

1. Twin Gap Farms-Chairman Pinter stated he believes that Matt Thomases has met with the majority of the Supervisors to discuss what he would like to do with the remaining lands of his family's farm. He would like to develop it as a part of mixed-use type of development and before he moves forward, he wanted to get the temperature of the Board. Supervisor Due is meeting with him on Wednesday. Supervisor Friedman met with Mr. Thomases and stated he has had this plan since 2006 and a good part of what he would like to do depends on sewage and water and recommended going through the process. Chairman Pinter stated he too met with Matt and understands what he is wanting to do and recommended starting with the Planning Commission. Supervisor Teel stated he has never been in favor of multi-family housing in Mt. Bethel, more children in the schools and more traffic. Solicitor Karasek stated that several years ago Mr. Thomases made an application to change the zoning for that area, which was denied. No further action.
2. Misc. Township Equipment-Manager Nelson stated that the Township has been cleaning house and would like permission to alleviate equipment that has been sitting around and is no longer being used. Chairman Pinter stated that before the items go up on Municibid, the Township take an accounting of all the items.

**MOTION** by Supervisor Due to give the Township Manager the ability to liquidate Township equipment that is no longer being used and to have a list for the Board to approve, funds received for such items will go into the General Fund, seconded by Supervisor Teel. Vote: 4-0.

3. Fire Tax Resolution-Chairman Pinter stated a Resolution will need to be drafted to split the Fire Tax 50/50 between the MBFC and NBFC. The Resolution will also state upon cause to be determined by the BOS, additional accountings and/or audit may also be requested of each fire company, at any time during the calendar year. **MOTION** by Supervisor Teel to authorize Solicitor Karasek to draft a Fire Tax Resolution, seconded by Supervisor Friedman. Vote: 4-0.
4. APRP Funds Allocation-There was a discussion of the allocation of the APRP funds between the MBFC and NBFC and how they will use the funds to purchase the equipment needed. Both Fire Companies are not in a financial position to purchase and/or secure a loan. Chairman Pinter stated that only 50% of the APRP funds have been received and will recommend that a Resolution be drafted for the \$369,000 that has already been received, be split 50/50 and when the remaining 50% is received another Resolution will be prepared. Solicitor Karasek stated that he will prepare a Resolution similar to the Fire Tax Resolution. **MOTION** by Chairman Pinter to split the first half of the APRP funds 50/50 to each Fire Company to be used for the purchase of two fire trucks, seconded by Supervisor Friedman. Vote: 4-0.
5. Resolution #2022-07-Lukas Davis- Manager Nelson read Resolution #2022-07. Lukas Davis has fulfilled all the requirements necessary to obtain the rank of Eagle Scout, the highest award the Boy Scouts of America can bestow. Supervisor Bermingham will be presenting the Resolution to Lukas on April 9, 2022. **MOTION** by Chairman Pinter to adopt Resolution #2022-07, seconded by Supervisor Friedman. Vote: 4-0.

## IX. REPORTS

1. SEO-Scott Policelli was not present to discuss his monthly report, which included perc tests, inspections, permits and no complaints.
2. Zoning-Tina Serfass was not present to discuss her monthly report, which included applications received, reviewed, and issued.
3. Accounting/Bookkeeper-Diann Eden was not present to discuss her monthly report, which included daily activities.
4. Open Space Advisory Board-Laura Bocko was present and stated her monthly report was previously discussed.
5. Economic Development Committee-Scott Cole was not present and did not submit a monthly report.
6. Manager-Manager Nelson discussed his monthly activity, meetings attended, Act 537 update, traffic light update, Slateford Rd. (Hilliard property) update, and National Park Drive bridge update.
7. Engineer-Engineer Coyle discussed his monthly report, plan reviews, bids, and assisted the Township with FEMA/PEMA for the River Rd Embankment and Roadway reconstruction payment.
8. Solicitor-Solicitor Karasek discussed his monthly report, meetings attended. Land Development/Zoning matters, outstanding litigation, RTK requests, and misc. administrative matters.

9. Secretary-Cindy Beck discussed her monthly report, submitted an application for the Road and Bridge Safety Improvement Award, bid packets, website maintenance, monthly minutes, and agendas, and completed the Spring/Summer Newsletter, which will be arriving mid-May.
10. Park/Rec-Stavros Barbounis stated he did not submit a monthly report.
11. IT/Telecom-Stavros Barbounis stated he did not submit a monthly report.
12. Planning Commission-Supervisor Teel stated the next Planning Commission meeting is April 20<sup>th</sup>.
13. Supervisors
  - Supervisor Due reported on the Covenants on the Park, the Park cannot be sold.
  - Supervisor Friedman-nothing to report.
  - Supervisor Teel reiterated Supervisor Due's comment, the Park cannot be sold/transferred or even borrowed against.
  - Chairman Pinter stated on behalf of the Board of Supervisors', our condolences to Stavros on the loss of his father.
  - Supervisor Due commented on the funds in the Park Foundation's account and those funds should be returned to the Township. Solicitor Karasek stated that the Foundation was established to raise funds for the Park. The Township has no control over the Foundation. Chairman Pinter asked for this discussion be on the April 25<sup>th</sup> WS meeting.

**X.**  
**ADJOURNMENT**

**MOTION** by Supervisor Teel to adjourn the meeting at 9:48 pm, seconded by Supervisor Friedman. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Public Comment – UMBT BOS Meeting March 28 2022

I want to follow up on my public comment from Feb 28<sup>th</sup> about our supervisors giving township assets away. I am talking about Marshfield Rd.

Why are our supervisors thinking of giving this road to the developer when in fact they should be selling it. Marshfield Rd is a KEY artery for the developer to access the warehousing/industrial park. The LVPC, in their most recent letter to Bob Teel dated Mar 10th, stated that “a street vacation petition must be initiated with any and all plan approvals with review by LVPC per Pennsylvania Municipal Planning Code requirements”. Should the developer pay for this KEY piece of real estate? Absolutely. How much should the developer pay? Now knowing Pektor just purchased 89 acres from Ron Angle for \$3,300,000. If you do the math that equates to \$36,964 per acre. Now to Marshfield Rd - According to our road department, Marshfield road is 1.41 miles long and 16 ft wide plus right of ways . If you do the math that equates to 5.47 acres. And at \$36,964 per acre that comes to \$202,193. That is the absolute minimum we should be charging the developer to take our road.

And if our supervisors vacate this road without compensation, then they are giving away township assets to Pektor. Why are they giving away township assets valued at almost a quarter of a million dollars to a developer? Why??

2<sup>nd</sup> Comment – are you aware that the CBRE website ( for those who are not aware CBRE is a international real estate company marketing this warehousing/industrial park for Pektor). Are you aware this website now touts 303 Demi Rd and eleven additional buildings as having the potential to be 100ft high. Sadly, because of the text amendment these heights are allowed ( no conditional use permit required, no zoning hearing board decisions required ) . Building this tall are being constructed for primarily one purpose now – high cube warehousing. Highly automated - thousands of truck per day and few jobs. We ask the public to fully understand what ~~are our~~ supervisors are allowing to happen.

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

Did the board of supervisors receive a copy of a letter that was sent out by Lou Pector's lawyer McLean and associate. This letter was sent to property owners who are within 200 feet of 303 Demi Rd.

A friend of mine who got this letter ask me if I could get information about it. She wasn't sure what to do

She has a stream behind her property.

This letter states "The existing site contain a watercourse, bog turtle habitat, and wetlands, all of which require buffers."

This letter includes four modification requests

1. Modification from letter of intent: SALDO 304.3.5
2. Modification from basin side slopes: SALDO 501.3.7
3. Modification from detention basin emergency spillway: SALDO 501.3.16.6a
4. Modification from minimum pipe slopes: SALDO 501.5.4

Was this letter asking the property owners to approve or disapprove the modifications?

There was no map included to see how this would affect the adjoining properties.

Each request has an explanation. You'd would need an engineer to explain what the request meant.

It would be a good, if the board of supervisor and the engineer got together with these property owners and explain exactly what these request mean and what possible effect it would have on their properties

Also, there's no easy access to SALDO information and what these codes mean.

Thank you

Frances Visicaro

3001 North Delaware Dr

Mt Bethel, PA



McLain & Associates  
Attorneys and Counselors at Law

559 Main Street, Suite 214  
Bethlehem, PA 18018

February 21, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: New Demi Road, LLC Land Development Plan for  
303 Demi Road, Upper Mt. Bethel Twp., PA

Dear Mr. and Mrs. [REDACTED]

This correspondence is being conveyed to you pursuant to the Upper Mount Bethel Township Ordinance 700.24 to inform you, as a property owner within 200 feet of the above captioned property, that the following modifications are being requested.

**Modification request from the letter of intent: SALDO §304.3.5**

The proposed building is being constructed on specification and a specific user is unknown at this time. If a more specific building use is determined prior to final land development approval, an updated letter of intent will be provided. For this reason, a partial Modification is requested to forgo providing a detailed letter of the intended use initially, and instead submit a general letter of intent.

Per Section 304.3.5 of the SALDO, "The Applicant shall submit a letter of intent describing in detail, the intended uses of the property, a layout plan map shall also be required with the following information provided:"

**Modification request from basin side slopes; SALDO §501.3.7**

The existing site contains a watercourse, bog turtle habitat, and wetlands, all of which require buffers. Stormwater management basin 1B and temporary sediment basin # 1 are proposed to manage rate and volume for the proposed planned industrial park. These basins in both the temporary and permanent condition, will be privately owned and maintained. In addition, a 'no mow' meadow mix, which is an approved DEP Post Construction Stormwater Management (PCSM) Best Management Practice (BMP), is proposed over all slopes 3:1 or steeper within and around the basins. For this reason, and in consideration that the proposed access drive (located between the buffer and

Basin 1B) and both basins cannot be relocated further north due to the aforementioned buffers, a partial Modification is requested to allow inside and

outside basin berm slopes of 3:1 for Basin 1B, and 2:1 max. slopes (5:1 total combined inside and outside, per PA DEP E&S Manual) for the temporary sediment basin.

Per Section 501.3.7 of the SALDO, "Inside slopes shall be a maximum of five (5) feet horizontal to one foot vertical (5:1). All outside slopes shall have a maximum slope of five feet horizontal to one-foot vertical (5: 1). There shall be an access ramp into the basin. There shall be an access ramp into the basin having a maximum slope of 8: 1."

**Modification request from detention basin emergency spillway; SALDO**

**§501.3.16.6. a**

Basin 1B is proposed to manage the stormwater runoff volume from the building roof and is adjacent to the proposed access drive which will be privately owned and maintained. We propose to utilize outlet control structure 3 (OCS-3) as an emergency spillway (while maintaining Township Ordinance requirement for freeboard) in lieu of a traditional catchment spillway for Basin 1B. The proposed alternative emergency spillway configuration is necessary due to the proposed retaining walls that surround Basin 1B. To provide for an additional level of safety, at the recommendation of the Township Engineer, the grate for primary basin outlet control structure 2 (OCS-2) has been set at the 100-year basin water elevation such that it will be engaged prior to OCS-3 to provide for additional conveyance capacity in the event OCS-2 becomes clogged or inoperable.

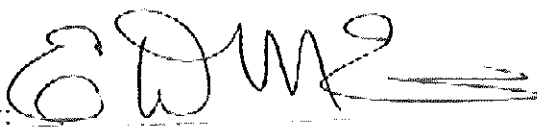
Per Section 501.3.16.6.a. of the SALDO, "All stormwater detention facilities shall provide a minimum 1.0-foot freeboard above the maximum pool elevation associated with the 2 year through 25 year runoff events. An emergency spillway shall be designed to pass the 100-year runoff event with a minimum 0.5 freeboard."

**Modification request from minimum pipe slopes; SALDO §501.5.4**

The proposed storm sewer system incorporates level spreaders to handle the basin outflow and discharge as sheet flow. The level spreaders are designed at 0 percent slope (per PA DEP BMP Manual) to allow the runoff to discharge as sheet flow across the length of the spreader to mimic pre-development conditions. Therefore, we are requesting a Modification to allow level spreaders to be designed at a minimum slope of 0 percent slope.

Per Section 501.5.4 of the SALDO, "Drainage pipes shall have a minimum slope of 0.5 percent, and drainage swales shall have a minimum slope of 1 percent. As a minimum, the tops of all pipes shall be at the same elevation when changing pipe sizes.

Very truly yours,  
McLain & Associates

By:   
Eric D. McLain