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UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
MONDAY JUNE 13, 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, and Township Solicitor Karasek. Engineer Coyle was absent.

II.

**APPROVE THE AGENDA**

Supervisor Teel would like to add Executive Session to discuss legal matters to the agenda. Manager Nelson would like to add Parks/Rec member appointment to the agenda. Chairman Pinter stated Executive Session will be added to Part XI and Parks/Recreation to Part V item #6. **MOTION** by Supervisor Teel to approve the amended agenda, seconded by Supervisor Due. Vote: 5-0.

III.

**PUBLIC COMMENT**

Andy Mahan, Kovar Lane, commented on the flood plain ordinance, permit process, FEMA process and would like to see some changes made.

Gary Hilliard, Slateford Road, would like to meet with Chairman Pinter and Manager Nelson after the meeting.

Charles Cole, Riverton Road, commented on Chairman Pinter's opinion letter to the newspaper on the \$100k that the lawsuit cost the township. Charles discussed the Jacoby Martins Creek report and letter.

Judy Henckel, Robin Hood Road, commented on the lawsuit that was withdrawn. Judy gave a summary of the Jacoby Martins Creek watershed and what they have done.

Judy would like to everyone working together as a community. Supervisor Teel asked Judy why they dropped the lawsuit. Judy stated because it was postponed three times and they felt they were not getting anywhere.

Catherine Buehler, Mill Creek Road, commented on the Riverton Road closure and would like to see extra State Police coverage.

Francis Visicaro, N. Delaware Drive, commented on solar panel regulations, good for development. Manager Nelson stated the State has a program for residents wishing to install solar panels.

Michael Kulicke, Hemlock Drive, commented on the condition of Hemlock Drive. Manager Nelson stated that Hemlock Drive is on the schedule.

Amanda Bruneio, Riverton Road, commented on the traffic and would like to see more speed signs.

Charles Smith, Lenape Trail, commented on the park being in the NID, the CBRE meeting and what was discussed. Charles stated there are long standing problems with this development site.

#### **IV.**

#### **ANNOUNCEMENTS**

Manager Nelson announced that there has been a lot of damage throughout the Township lately. Someone destroyed the porta john at the National Park bridge project, the use of ATVs at the preserve and on the roads. Manager Nelson stated he has made a complaint to the State Police about those that chose to use their ATV on the roads and at the Preserve. Manager Nelson stated that there is a state leashing law for your pets. There are signs at the park stating to leash your pets and would like to pass an ordinance enforcing a fine if your pet is not leashed.

Supervisor Bermingham announced that Chill on Wheels, an ice cream truck, will be riding around the Township on Sundays between 1-3, making a lot of children/residents happy. Supervisor Bermingham thanked everyone that came out for the fundraiser, for SLC6A1, a rare disease that effects many children, including his son JC. Supervisor Bermingham would like to see a Facebook policy on posting events. If anyone is interested in entering a car or float on the 4<sup>th</sup> of July parade, please reach out to him. The Bangor VFW and Roseto American Legion are joining together this year and they are hoping to get donations to support the First Responders. MOTION by Supervisor Bermingham for the Township to donate \$500 to the Bangor VFW/Roseto American Legion for the First Responders Picnic, seconded by Supervisor Friedman. Vote: 5-0. The Supervisors will donate \$200 each.

Supervisor Teel announced Planning Commission meets Wednesday, June 15<sup>th</sup>, with an Environmental Presentation on the GenOn property by RPL.

## V.

### CONSENT AGENDA

1. Approval of the May 9, 2022, Meeting Minutes
2. Approval of the May 23, 2022, WS Meeting Minutes
3. Refuse Reductions, Application Refunds and Exonerations
4. 303 Demi Rd. SALDO Waiver Requests
5. Approval to Bid Riverton Rd. Mitigation
6. Appoint Parks/Recreation Member-April Pinto

**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 \$233,176.50, seconded by Supervisor Teel.  
Vote : 5-0.

## VII.

### TABLED ITEMS

1. Well Ordinance-Supervisor Friedman stated he would like to establish a committee of 5 members to study the well ordinance and possibly update it. Charles Cole gave a summary of what that would involve. Charles stated that 10-14 years ago the Environmental Advisory Council and the Martins Jacoby Watershed Association were working together for a common goal. They did ground water studies in the Township and the conclusion was that the Township had adequate ground water, however there's two watersheds that are stressed, Slateford Creek (northern part of the Township) and Jacoby Creek Watershed. Around 2010, the Board of Supervisors decided to look at other well ordinances and model it here. The well ordinance was developed with cooperation of GEO Services, and it was put together to look at the major users of groundwater, just minor subdivisions, not major subdivisions. Portland Borough is a major user and the amount of water they are pulling out of the watershed has a good probability of drying up Slateford Creek. Charles stated his advice is to put together a committee. **MOTION** by Supervisor Friedman to establish an ad hoc well ordinance committee to go over the well ordinance, water usage, and the 2,000 gallon a day that should have been applied to the zoning ordinance, and any proposed changes, will be presented to the Board, seconded by Supervisor Birmingham. Discussion- Supervisor Friedman stated that Portland gets all their water from Upper Mount Bethel Township and there's talk about Portland supplying water to parts of the Township, so in essence we'd basically be looking after ourselves. Supervisor Teel does not feel a committee is needed. Supervisor Due does not feel it is needed at this time. There was a discussion on the wells in Saddle Creek. Supervisor Due stated that ten years ago a study was done, and it was cheaper and more economical to run water up the 611 corridor, to eliminate all the wells. Supervisor Teel stated he does not think there is one house on 611 that has potable water. Judy Henckel stated that the whole idea of the well ordinance was to keep a data base up to date on new wells

being drilled. Chairman Pinter asked Judy why major subdivisions was not put into the well ordinance. Judy stated it became a political thing and just never came about. Solicitor Karasek stated that the BOS at that time, did not want the second part, major subdivisions, adopted. Charles Cole commented that if that went through, it would deter developers to come in. Chairman Pinter stated the motion has been made and seconded. Vote: 4-1. Supervisor Teel voted no.

## VIII.

### LAND DEVELOPMENT

1. PA Bagel and Deli-Manager Nelson stated this plan was approved 13 years ago and the applicants are present to discuss. Brad Kinney stated that his father started this project and unfortunately, he passed away before it was completed. Brad and his wife would like to proceed with the project. Solicitor Karasek stated that the land development agreement that was prepared and signed was to be completed in 2 years, 13 years have passed, and laws/ordinances may have changed. Solicitor Karasek stated that if they'd like to finish the project, they will need to re-file and go through the planning process again. Supervisor Teel stated the Planning Commission will review the plan at the next meeting. Chairman Pinter stated that no further action on this. The applicant will re-submit.

## IX.

### ACTION ITEMS

1. Park Septic-Scott Policelli stated the component 2 for the park, is ready to be submitted. This will be submitted to the DEP for approval. No permit will be issued until approval. **MOTION** by Supervisor Bermingham to submit the component 2 to DEP for approval, seconded by Supervisor Due. Vote: 5-0.

## X.

### OLD BUSINESS

1. Park-Supervisor Teel stated this has to do with the Park Foundation and at this time no documents on this Foundation have been found on the IRS website. Mark Mezger stated that he is not prepared to speak on this at this time. Supervisor Bermingham stated that this subject should at least be noted as the Park Foundation as an agenda item. Supervisor Teel is simply asking Mr. Mezger if the Foundation is a 501 (c) 3. Township funds were used to help establish this Foundation. Chairman Pinter asked Supervisor Teel what he is looking for. Supervisor Teel responded saying he is looking for where the money is because their by-laws state that if the organization no longer is valid, the funds are to be turned over to the Township. This will be on the June 27<sup>th</sup> agenda for further discussion, in order for Mr. Mezger to be prepared.
2. Township Auditor-Manager Nelson stated we have not received any letters of interest for the open seat, and we have passed the 30 days deadline for the seat to be filled. Supervisor Bermingham stated he will post the position on his FB page to see if it generates any interest. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Bermingham. Vote: 5-0.

Recess for Executive Session at 9:00 pm to discuss legal matters.

The meeting reconvened at 9:10 pm.

## **XI.**

### **EXECUTIVE SESSION**

1. Legal-Chairman Pinter stated that a legal matter was discussed in Executive Session and asked if there were any motions to be made. **MOTION** by Supervisor Teel to direct our Solicitor to file the paperwork to countersue the applicants of the original lawsuit to recover the legal expenses that were incurred, the amount TBD, seconded by Supervisor Due. Discussion- Supervisor Bermingham stated that we will be wasting more taxpayer money trying to recover what was already spent. Supervisor Bermingham stated that the lawsuit was dropped, we need to work with the residents, not against them. Supervisor Teel stated that the lawsuit was only dropped because of the lawsuit that was filed by Pektor for \$4 million each. Chairman Pinter stated that the good thing with the text amendment and the lawsuit is that it is over, no more legal battles back and forth. Chairman Pinter called for a vote. Vote: 2-3.

## **XII.**

### **ADJOURNMENT**

**MOTION** by Supervisor Friedman to adjourn the meeting at 9:30 pm, seconded by Supervisor Bermingham. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

