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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, NOVEMBER 13, 2023 – 7:00 PM

*This meeting was held in person and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Vice Chairman Teel called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

In attendance were Vice Chairman Teel, Supervisor Due, Supervisor Friedman, Supervisor Bermingham, Interim Manager Graziano, Township Solicitor Karasek, and Township Engineer Coyle. Chairman Pinter was present via TEAMS.

II.

APPROVE THE AGENDA

Supervisor Bermingham would like to amend the agenda, adding to Section VIII, Action Items, two Resolutions, one for Vanessa Schieber and one for the MBFC LSA Grant.

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

III.

PUBLIC COMMENT

Secretary Cindy Beck read a public comment submitted by Regina Onufrak, Summerfield Dr., which will be made part of the official record. Regina commented on sewer sludge dumping on farmland. Supervisor Pinter commented on Regina's comment, stating the difference between treated and untreated effluent and spray irrigation.

IV.

ANNOUNCEMENTS

Manager Graziano announced the successful sale of the Track Loader and Excavator through Municibid. Manager Graziano discussed trash issues regarding bulk pick up days and mattresses and box springs need to be covered in plastic/mattress bag.

Supervisor Bermingham stated he has had a few residents reach out to him regarding stop signs/no stop sign making a right-hand turn. Manager Graziano will look at it. Thank you to the BASD for having him moderate the school board debate. Mt. Bethel Pharmacy will be donating two (2) turkey dinners to families in need. The MBFC and NBFC will be hosting their annual Santa Delivery on Saturday, December 16th, 4-7 pm and Sunday, December 17th, 1-4 pm.

Supervisor Friedman announced that he decided that instead of considering hiring another office staff person, that they should focus on adding two (2) more full-time road crew.

Supervisor Pinter announced the Veteran's Day Celebration is on November 18th, starting at 3 pm, with fireworks going off at 6:00 pm.

Vice-Chairman Teel asked Engineer Coyle if he had an update on the Rt.611/512 stop light. Engineer Coyle stated it is still going through PennDOT review. VC Teel asked Supervisor Bermingham if he would reach out to Susan Wild to see if she would come to a meeting to give an update on the Rt. 611 closure. VC Teel brought to Supervisor Friedman's attention the newspaper article on his Ethics violation and would like him to apologize to the citizens of the Township. Supervisor Friedman stated it is being appealed and will address and explain this to the residents at Supervisor Bermingham's next office hours. VC Teel stated that Supervisor Friedman stated that if he was found guilty, he would resign. VC Teel asked if he is going to resign, Supervisor Friedman stated he will think about it. Supervisor Friedman stated that VC Teel committed a conflict of interest when he voted to pay a bill to Teel's Auction for sporting equipment.

V.

CONSENT AGENDA

1. Approval of the October 9, 2023, Meeting Minutes
2. Approval of the October 23, 2023, WS Meeting Minutes

MOTION by Supervisor Friedman to approve the Consent Agenda, seconded by Supervisor Bermingham. Vote: 5-0.

VI.

FINANCIALS

1. Bill List-Manager Graziano read the bill list, totaling \$488,524.03. Supervisor Pinter questioned two bills on the recreation fund, one for \$25 and another for \$347.66. Secretary Cindy Beck stated the \$25 is a refund for the Harvest Festival and is not sure what the \$347.66 Visa bill is. Manager Graziano will check with the bookkeeper in the morning. This will be removed from the bill list.

MOTION by Supervisor Bermingham to pay the bills, minus the \$347.66 Visa bill, \$488,176.37, seconded by VC Teel. Vote: 5-0.

VII.

TABLED ITEMS

1. Code Adoption Ordinance-Solicitor Karasek stated he has not been able to get to it. **MOTION** by VC Teel to table until the next meeting, 11/27, seconded by Supervisor Bermingham. Vote: 5-0.
2. NIDMA Cooperation Agreement-Solicitor Karasek stated he received comments from Supervisor Friedman and Supervisor Bermingham but has not had a chance to review those comments. Julia Wu, Leech Tishman, gave a brief. update on the NIDMA Agreement. Ms. Wu stated that negotiations have been going back and forth since the approval of the NID. Ms. Wu feels as though they are at a fair point for both parties, in particular, the Township at this time. Solicitor Karasek will forward the comments from Supervisor Bermingham and Supervisor Friedman to Ms. Wu. Solicitor Karasek stated that Attorney Bolewitz is the one representing the Township, not himself, so what happens if Attorney Bolewitz is good with the agreement, then what. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Bermingham. Vote: 5-0.
Chris Finan, Chief MBFC, Apache Dr. commented on the set-up of the NID, which is to funnel monies into different parts of the Township, including Emergency Services. Chris stated that it will take time to get training, equipment, and other items that they will need, so the quicker the NID gets set up, the better. They need to be prepared. Supervisor Pinter wanted to make it clear, the Fire Departments do not own the equipment, it is owned by the NID and leased to the Fire Departments. Any purchasing of equipment, needs to be discussed with the NID Board.

VIII.

ACTION ITEMS

1. RPL Petition to Vacate Marshfield Dr.-Solicitor Karasek stated the Township has received a Petition to Vacate Marshfield Drive. The process is as follows: the petition is presented to the BOS to open or vacate a certain portion of a road, the BOS needs to act on the petition within 60 days, if the BOS fails to do so, then the petition can be presented to the County Court Petitioner, an ordinance needs to be adopted to vacate the road, so before any passage of said ordinance, the BOS has to give a 10 day notice to adjacent property owners of the date/time/place of the hearing on the petition, and then in addition to that, there is advertising. Assuming the Ordinance is passed by the BOS, any affected property owner can appeal the matter within 30 days. Solicitor Karasek stated he requested a \$3,000 deposit, in order to cover advertising costs, review costs, etc. At this time, the BOS needs to accept the Proposal and Solicitor Karasek will proceed with the process. Attorney Rob Lewis, representing the applicant, RPL, stated he believes the only effected property owners are RPL, possibly Lamtec. Steve Walsh stated the portion on the North End, adjacent to the Park, will remain and the portion adjacent to Lamtec, will be re-dedicated back. **MOTION** by VC Teel to accept the Petition, seconded by Supervisor Due. There was further discussion on the proposal. The applicant has agreed to pay for any additional costs related to the Petition. No further discussion. Vote: 5-0.

2. Findings of Fact-Conditional Use Hearing-Solicitor Karasek stated he prepared the Finding of Fact, and it has been shared with the BOS. If approved, it will get circulated and the two parties, Ms. Visicaro and Ms. Mims, will also receive a copy of the decision. At that point, they can decide what they want to do. The whole point of the written decision is that it enables anyone 30 days to file an appeal to the County Court. There was a discussion on Solicitor Karasek's Findings of Fact. Engineer Coyle discussed his comments. Solicitor Karasek will make corrections based on Engineer Coyle's recommendations. **MOTION** by VC Teel to approve the Findings of Fact, with the two format conditions, seconded by Supervisor Due. Vote: 5-0.
3. Resolution for Re-Issuance and Re-Authorization of River Pointe Logistics Conditional Land and Development Approvals for Lots 3a,3b,3c,4,5,7,8,9-Solicitor Karasek stated that action items 3 and 4 are the same. Solicitor Karasek stated that in the past, the Township should not be approving subdivisions/land development plans until the matter has been reviewed by the LVPC. It was his understanding that these plans had been submitted to the LVPC for at least the 30 day review window but the paperwork that he received last week stated the LVPC did not receive the applications until October 4th, which means that the 30 days would not have expired until November 3rd so the approvals of these plans on October 23rd were premature. A Resolution has been prepared for the BOS to re-affirm and re-approve the Conditional Preliminary LD approvals. The conditions remain the same. Engineer Coyle questioned now that the LVPC review letter has been received, does it need to go back to the Planning Commission for review. Solicitor Karasek stated that with respect going back to PC, the conditional approval was given upon receiving the LVPC review. **MOTION** by VC Teel to approve the Resolution, seconded by Supervisor Due. Vote: 3-2.
4. Resolution for Re-Issuance and Re-Authorization of RPL East (South) Conditional Subdivision and Preliminary Land Development Approval-Solicitor Karasek stated this is the same as action item 3. **MOTION** by VC Teel to approve the Resolution, seconded by Supervisor Due. Vote: 3-2.
5. Simone Collins Grant Writing Proposal-Manager Graziano discussed the proposal, which was approved by the OSAB. Solicitor Karasek has not reviewed the proposal. **MOTION** by Supervisor Birmingham to table to the 27th meeting, to give Solicitor Karasek time to review, seconded by VC Teel. Vote: 5-0.
6. Set Rate for Township Manager Road Crew-Manager Graziano stated he discussed this with Chairman Pinter and that it would only be used for emergency purposes that he would help the road crew. The Union rate is \$24.98. **MOTION** by Supervisor Birmingham to set the rate of \$24.98 for Manager Graziano, if needed as road crew support, seconded by VC Teel. Supervisor Pinter stated he does not feel as though the Manager (at the time), be in a non-manageable role. The Manager needs to manage not be on the road. Public comment-Michael Onufrak stated that as a retired VP of a labor union, he would have a problem with this. Solicitor Karasek stated that if it is confirmed with the Union that it is not problem, then it becomes a policy decision. There was a discussion on advertising for a part-time driver. Motion and second has been rescinded. **MOTION** by VC Teel to table, seconded by Supervisor Birmingham. Vote: 5-0.

7. PennDOT Winter Agreement Resolution-Manager Graziano stated this is a ten (10) year agreement with PennDOT for us to plow their roads. Solicitor Karasek stated he has reviewed the agreement and recommends accepting the agreement. Manager Graziano read the Resolution. **MOTION** by Supervisor Bermingham to adopt the PennDOT Winter Agreement Resolution, seconded by VC Teel. Vote: 5-0.
8. Advertise for the 2024 Proposed Budget-Manager Graziano stated the 2024 Budget has been finalized and ready to be advertised for the 20 days for public viewing before adopting. **MOTION** by Supervisor Friedman to advertise the Proposed 2024 Budget, seconded by Supervisor Bermingham. Vote: 5-0. This will also be posted on the Township website.
9. Vacancy Board- Manager Graziano discussed the open seat on the Vacancy Board. One letter of interest was received. James Potter submitted his letter of interest. Solicitor Karasek explained the position of the Vacancy Board. If a BOS member resigns, the remaining members have 30 days to appoint a Supervisor to complete the term of the resigning member. If the Board cannot agree by the 30 days, then the BOS and the Vacancy Board member votes on appointing someone to fill that seat. And if the Vacancy Board cannot agree, then it goes to the Court. **MOTION** by Supervisor Due to appoint James Potter to the Vacancy Board, seconded by Supervisor Bermingham. Vote: 5-0.
10. Resolution No. 2023-11-Vanessa Schieber-Supervisor Bermingham read the Resolution. Vanessa served our Country as a Staff Sergeant in the United States Army where she was honorably discharged/medically discharged after serving in Afghanistan. Vanessa was awarded a Purple Heart for her service in Iraq and subsequently awarded another Purple Heart for her service in Afghanistan. **MOTION** by Supervisor Bermingham to adopt Resolution No. 2023-11, seconded by Supervisor Due. Vote: 5-0.
11. Resolution No. 2023-12-MBFC LSA Grant-Supervisor Bermingham read the Resolution. The Upper Mount Bethel Township Board of Supervisors approval of the submission of an application of a Statewide Local Share Account Grant of \$500,000 for Mt. Bethel Volunteer Fire Company Emergency Shelter expansion project. **MOTION** by Supervisor Bermingham to adopt Resolution No. 2023-12, seconded by Supervisor Due. Public Comment: Chris Finan, Chief MBFC, asked Supervisor Bermingham to touch base with NBFC to let them know they should be getting the next LSA Grant. Vote: 5-0.

IX.

EXECUTIVE SESSION

Recess to Executive Session at 8:55 pm to discuss personnel matters.

The meeting was reconvened at 9:03 pm.

VC Teel stated that a personnel matter was discussed in Executive Session. **MOTION** by VC Teel to accept Tracy DeFranco's resignation as the Tax Collector for Upper Mount Bethel Township, seconded by Supervisor Friedman. Vote: 5-0.

X.
ADJOURNMENT

MOTION by Supervisor Bermingham to adjourn the meeting at 9:05 pm, seconded by VC Teel. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Regina Onufrak

43 Summerfield Dr. (Mount Bethel)

Thank you for letting me share my thoughts with you tonight.

I'm directing my comments to the Board of supervisors, recently on my Facebook memories popped up a post from 11/2/2017 posted by Sludgefree UMBT. The post was asking for support of 2 candidates for 2 positions on the Board of Supervisors.

Martin Pinter ran on the platform voicing his concerns about sewer sludge dumping on farmland. He (Mr. Pinter) understands sludge is a health risk, contaminates wells and lowers property values. If elected Martin (Pinter) promises to use his position as Township Supervisor to fight against sludge.

Bob Teel also running for a position on the BOS ran on the platform stating when farmers use sludge, they are poisoning their land and diminishing the value of their farms. Speaking as a realtor, Mr. Teel said the law requires sellers to disclose if sludge has

been spread near their homes. Sludge diminishes neighboring property values by 20 percent. If elected he (Bob Teel) vows to stop all sludging by whatever means necessary.

It is my belief that Dave Due has also expressed his dislike for sludge.

I know where John Bermingham and David Friedman stand in regards to sludge .

I do have a question for the Board of Supervisors.

Can the residents surrounding the R1 farm (more commonly known as the Angle Farm) count on all of you to come to the hearing on November 28th regarding the proposed spray irrigation of liquid sludge on the R1 (the Angle Farm) to express your opposition to allowing RPL to using this field as a drip irrigation field. As they are asking for a special exception proposing to spray liquid sludge on this field.

I remind you that the same way Synagro claimed to treat sludge, is what I believe RPL is claiming to do prior to spraying it on the R1 field. We all know they

can't possibly remove all the possible toxins that could come from the sludge of their proposed buildings.

Thanking you in advance for your support and for hearing me out.

attached is a copy of the original post in its entirety

On Tuesday, November 7th, your vote could help keep toxic sludge out of Upper Mount Bethel Township. THREE CANDIDATES ARE COMPETING FOR TWO POSITIONS on the UMBT Board of Supervisors.

MARTIN PINTER was the first candidate to reach out to us and voice his concerns about sewage sludge dumping on farmland. He understands sludge is a health risk, contaminates wells and lowers property values. If elected, Marty promises to use his position as township supervisor to fight against sludge.

BOB TEEL states that when farmers use sludge, they are "poisoning their land and diminishing the value of their farms." Speaking as a realtor, Bob says, "The law requires sellers to disclose if sludge has been spread near their homes. Sludge diminishes neighboring property values by 20 percent." If elected, he has vowed to stop all sludging by whatever means necessary.

Candidates MARTIN PINTER and BOB TEEL have been endorsed by UMBT Board of Supervisors Chairman JOHN BERMINGHAM.

Despite opposition from many residents, in 2012, incumbent, JERRY GEAKE, voted IN FAVOR of McGill Enterprises building a colossal 96,000 square foot sludge "composting" facility along River Road. On a daily basis, this would have brought 20 to 40 tractor trailer loads of out-of-state sewage sludge into our community! And again in 2014, when the threat of millions of tons of sewage sludge being dumped on area farmlands was imminent, Geake REFUSED to make a motion to help fund a Legal Appeal of the sludge permits. In an email to Sludge Free UMBT dated March 18, 2014, he wrote "...that type of lawsuit hasn't worked in ten years ... I don't know what to tell you except that I believe it will be tossed." Geake was wrong! By proving that the DEP illegally issued the permits, Sludge Free UMBT stopped toxic waste from poisoning our community. Through inaction and poor judgment, Geake failed to uphold his oath of office "to secure the health, safety and welfare of the citizens of the township". (Second Class Township Code, Section 607.)

For democracy to work at the Township level, residents must come out and vote. To make Upper Mount Bethel sludge free, we urge you to vote for MARTIN PINTER and BOB TEEL.

As posted by Sludgefree UMBT.