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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, FEBRUARY 13, 2023 – 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 Birmingham, Supervisor Teel, Township Manager Nelson, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Charles Cole, Riverton Rd., thanked Manager Nelson for getting the radar speed signs back up in Stone Church, but the location of them may not be correct.

Frances Visicaro, N. Delaware Dr., commented on a recent flyer from RPL indicating that the tax increase was due to the opposition of the development from some residents.

Eleanor Shelton, Heiden Rd., asked if there was any development update on the possibility of a water/sewer authority. Supervisor Teel stated that the public will know before anything gets adopted, to give the residents a chance to weigh in. Supervisor Birmingham stated the Supervisors should be made aware of any updates.

Judy Henckel, Robin Hood Rd., commented on the agenda item discussing the Fire Department Tax and Open Space Referendum.

Chris Finan, Apache Dr., announced the MBFH is having its annual Sportsmen's Banquet on March 25th. Chris stated that there is now a event committee and to look for additional events in the future. On April 26th, there is mock accident planned at the BASD. Supervisor Bermingham congratulated Chris on achieving the National Pro Board Certification.

IV. ANNOUNCEMENTS

Supervisor Due announced that he and Supervisor Friedman met with Peter Simone, Lorne Possinger and Sherry Acevedo in which they talked about the trails and possible grants available.

Supervisor Friedman announced that he attended the hearing at the courthouse that pertained to Nick Graziano's role as a Constable. Supervisor Friedman stated that a Resolution be drafted listing his duties as the Property Maintenance Officer and the Township Constable.

Supervisor Bermingham asked Chairman Pinter to ask for a Moment of Silence in remembrance of Nate Gould, "Super Nate". Chairman Pinter called for a Moment of Silence. Supervisor Bermingham will be working with Denise Baarda on putting together an Exploratory Group. Supervisor Bermingham is working with Tara Mezzanotte on an event, March 17th, to discuss the Rt. 611 closure. Supervisor Bermingham would like to put a discussion on well water testing protocol on the agenda for March 27th.

Supervisor Teel announced Planning Commission meets on February 15th at 7pm where they will be discussing the drip irrigation system.

Chairman Pinter announced he had the pleasure of presenting Benjamin Lochie with a Resolution for his Eagle Scout project.

Secretary Cindy Beck gave an update on the new garbage toter service.

Manager Nelson announced he attended two meetings on the Rt. 611 Rockfall with PennDOT, as well as implementing an emergency/contingency plan if Rt. 80 was to be diverted through the Township again.

Recess to Executive Session to discuss personnel matters at 7:40 pm.

V. EXECUTIVE SESSION

The meeting reconvened at 8:21 pm. Supervisor Due had to exit the meeting.

1. Personnel-Chairman Pinter that a personnel matter and billing matter was discussed in Executive Session. **MOTION** by Supervisor Friedman to pay half (1/2) of the outstanding Hallett paving bill, in the amount of \$228,593.39 and receive quotes to make up the other half, seconded by Supervisor Teel. Vote: 3-1. **MOTION** by Supervisor Friedman that disciplinary action against Township Manager Nelson be one week suspension without pay and one week

of vacation without pay and a letter of reprimand be done, seconded by Supervisor Teel. Vote: 4-0.

VI.

CONSENT AGENDA

1. Approval of the January 3, 2023, Meeting Minutes
2. Approval of the January 9, 2023, Meeting Minutes
3. Approval of the January 23, 2023, WS Meeting Minutes
4. Refuse Reductions, Application Refunds and Exonerations

MOTION by Supervisor Teel to approve the Consent Agenda, seconded by Supervisor Friedman. Vote: 4-0.

VII.

FINANCIALS

1. Bill List-Manager Nelson read the bill list. Supervisor Friedman asked that the \$1,000 GEO Services invoice be included in the bill list. **MOTION** by Supervisor Friedman to include the \$1,000 GEO Services invoice, for the ZOOM meeting, in the bill list, seconded by Supervisor Bermingham. Vote: 4-0. **MOTION** by Supervisor Teel to pay the bills in the amount of \$349,650.71, seconded by Supervisor Friedman. Vote: 4-0.

VIII.

TABLED ITEMS

1. Alternate Zoning Hearing Board Member-Manager Nelson stated the two letters of interest were received, Michael Kulicke and Jonathan Erler, both have provided their Statement of Financial Interests. **MOTION** by Supervisor Friedman to appoint Michael Kulicke and Jonathan Erler as Alternate Zoning Hearing Board Members, seconded by Supervisor Bermingham. Vote: 4-0.
2. Berkheimer Agreement-Chairman Pinter discussed the Berkheimer Agreement. Berkheimer has the ability to accept payments on a monthly, quarterly basis or annually. Solicitor Karasek stated that the agreement was sent out to the Board on January 28th for review, with track changes. **MOTION** by Supervisor Friedman to accept the Berkheimer Agreement, seconded by Supervisor Teel. Vote: 4-0.
3. Vourderis Septic Waiver- Bruce Cameron, representing the Vourderis', was present to discuss the waiver request. This was between two neighbors that were going to share the expense of well testing, which was not part of the agreement. The language that legally binds the two parties to share in the cost of annual well testing, will be removed from the agreement. Solicitor Karasek stated this is a standard agreement with the Township and the landowners, that they are putting a system within 100 ft of an existing well. **MOTION** by Supervisor Bermingham to approve the Vourderis Septic Waiver, with stated changes as discussed, seconded by Supervisor Friedman. Vote: 4-0.

IX.

ACTION ITEMS

1. Ordinance No. 2023-01-Tree Removal Ordinance-Solicitor Karasek stated this Ordinance was at the request of the Township Manager. The Ordinance basically states what would happen if a tree on an owners property falls in a roadway that may require the Township personnel to immediately remove. If it is determined by a certified arborist (hired by the Township) that said tree/shrub/vegetation were dying, diseased or otherwise dangerous or hazardous to the travelling public and was in danger of falling upon the road/street, the Township will charge the owner and the occupant or both, the amount the Township expends (in labor/materials) to clear the road and remove all obstructions. **MOTION** by Supervisor Teel to table to the March 27th WS meeting, seconded by Supervisor Friedman. Vote: 4-0.
2. Heritage Conservancy Contract-Solicitor Karasek has reviewed the contract and meets with his approval. Supervisor Friedman stated this is a standard contract and the OSAB has approved it. **MOTION** by Supervisor Friedman to approve the Heritage Conservancy Contract, seconded by Supervisor Teel. Vote: 4-0.
3. Resolution No. 2023-03 Nordstrom Property-Manager Nelson read the Resolution regarding the Nordstrom Property grant application. Upper Mount Bethel Township intends to request \$169,375.00 in a NC Livable Landscape Grant. The Township will have the required match amount of \$169,375.00. **MOTION** by Supervisor Teel to adopt Resolution No. 2023-03, seconded by Supervisor Friedman. Vote: 4-0.
4. Resolution No. 2023-04 Haddad Property-Manager Nelson read the Resolution regarding the Haddad Property grant application. Upper Mount Bethel Township intends to request \$75,600.00 in a NC Livable Landscape Grant. The Township will have the required match amount of \$83,400.00. **MOTION** by Supervisor Teel to adopt Resolution No. 2023-04, seconded by Supervisor Friedman. Vote: 4-0.

X.

NEW BUSINESS

1. Fire Department Tax and Open Space Referendum-Supervisor Bermingham stated he had a meeting with the MB Fire Department. The topic of the discussion was how to assist the Fire Department in getting their bills paid on time. They discussed receiving quarterly payments from the Fire Tax Fund, \$26,750, to MBFC and NBFC. **MOTION** by Supervisor Bermingham for the Township to make four (4) quarterly payments to the MBFC and NBFC in the amount of \$26,750.00, recouping that money as it comes in throughout the year, seconded by Supervisor Friedman. Discussion: Supervisor Teel asked what the total tax that is dedicated to the Fire Tax Fund. Chairman Pinter stated \$214,000.00. Chairman Pinter stated he is not a fan of quarterly payments due to the amount of back office work involved. Chairman Pinter stated he would rather give them \$107,000 each, at the end of the first quarter. Supervisor Bermingham rescinded his motion. Supervisor Friedman rescinded his second. **MOTION** by Supervisor Bermingham that the

Township make a once a year lump sum payment of \$107,000.00 to the MBFC and NBFC at the end of the first quarter (March 31st), seconded by Supervisor Friedman. Vote: 4-0.

Supervisor Bermingham discussed putting a Referendum on the ballot to reallocate the EIT Funds to the Fire Companies and the 1 mil go to the Open Space. Chris Finan stated that the Fire Companies are not looking for more money, just clarification on what to expect. Supervisor Bermingham stated that in order for this to be on the ballot for November, this has to be resolved by August 8th. **MOTION** by Supervisor Teel to table to the April 24th WS meeting, seconded by Supervisor Friedman. Vote: 4-0.

XI. OLD BUSINESS

1. Upper Mount Bethel Township Park Foundation Update-Supervisor Bermingham stated he did speak with Mark Mezger about the Park Foundation. Mark stated he would like to correct a few things that have been stated about the Foundation. The Foundation was created in June of 2008 and no seed monies from the Township were used to start it up. The initial start up was less than \$400. Based on a recent RTK request, there was only one payment from the Township, in the amount of \$15,000 in 2016. Since the conception of the Foundation, they have contributed more than \$160,000.00 to the Township for projects in the Park. The original Board of Directors quit in 2017. In October of 2021, they erected a new Board. The Foundation partitioned to become the NIDMA Management Authority and this is when everything broke loose. Mark discussed a couple of Solicitor's monthly reports regarding the Upper Mount Bethel Community Park Foundation, and what was discussed at the meetings noted. Solicitor Karasek they are privileged matters between the Township and himself and is not required to provide privileged information. Mark provided the Board with all the documents stating they are compliant with the IRS. Chairman Pinter asked about the one remaining Board member. Stating, one member does not constitute a Board in the eyes of the IRS, you cannot elect a new Board without having a full Board, in regards to the Park Foundation, there are emails that have been circulated that states that the Corporation had been dissolved. In the by-laws, it states that a dissolution of the Corporation, all remaining funds shall be returned to the Township. Mark stated he has no intention of providing bank account information and if this does go to court, he will countersue individually as well as Solicitor Karasek. Motion by Supervisor Teel to pursue legal action. Chairman Pinter stated that any vote done, should be done by a full Board. Supervisor Teel rescinded his motion. **MOTION** by Supervisor Teel to table until a full Board is present, seconded by Chairman Pinter. Supervisor Bermingham asked Mark what the purpose of the Foundation is. Mark stated the purpose is to raise money through grants, to enhance the quality of life in the Township, not necessarily in the Park. Vote: 2-2.

XII.
ADJOURNMENT

MOTION by Chairman Pinter to adjourn the meeting at 9:35 pm, seconded by Supervisor Teel. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary