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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES
MONDAY, JUNE 26, 2023 – 7:00 PM

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 (via phone), Supervisor Teel, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek.

Chairman Pinter offered condolences to the family of Beau Kelly and asks for a moment of silence and hopes that the residents of UMBT keeps the family in their thoughts and prayers.

Due to the storms, Stavros is unable to return from traveling, therefore, tonight's meeting will not be live-streamed.

II.

APPROVE THE AGENDA

Supervisor Friedman asked why the committee reports were not on the agenda. Chairman Pinter stated that due to the RPL's agenda items and there wasn't much to report from committee members, it was decided to forego them this evening.

MOTION by Supervisor Teel to amend the agenda, to include Lots 1, 2, and 6 to River Pointe Logistics Center LLC, Land Development, seconded by Supervisor Friedman. Vote: 5-0.

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

III.

PUBLIC COMMENT

Fred Clark, Crystal Terrace, read his public comment, which will be part of the official record. In his comment, he spoke of the importance of being a good neighbor and to give approximate characteristics of seven neighboring area of the proposed effluent field.

Charles Cole, Riverton Rd., commented on the RPL agenda items, waiver requests, what kind of waste will be going into drip irrigation, and putting wells in the middle of an industrial park.

Chief Chris Finan, Apache Dr., commented on the recent storms in the area and a fire that took place in the Township due to a lightening strike on a garage.

Eleanor Shelton, Heiden Rd., commented on waivers, bypassing standard procedures and the concerns of many on the proposed development.

Judith Henckel, Robin Hood Rd., commented on waivers and making good decisions.

Mark Mezger, Scenic Ct., commented on RTK requests regarding Solicitor Karasek invoices, and specific issues and concerns regarding RPL.

Sharon Duffield, Potomac St., stated that history teaches lessons, and where is the due diligence.

Supervisor Friedman commented on a part-time road crew member, who was hired for light duty, lives in NJ, and has a medical condition. Manager Nelson stated that we do not hire light duty. He was hired to cut grass at the Park and to assist the road crew when needed. Supervisor Friedman stated that shouldn't a local taxpayer be considered for the position and would a medical condition be a liability for the Township. Manager Nelson expressed his concerns as to where Supervisor Friedman got that information regarding his medical condition. Supervisor Birmingham stated that we should be careful as to what we have the employees do. Manager Nelson stated that we have that under control.

IV. ANNOUNCEMENTS

Manager Nelson congratulated Emily Kline's softball team, who took the #1 seat for her age group. Manager Nelson stated that we are prepared for the 4th of July fireworks celebration on Saturday, July 1st. We are asking for a \$5 donation for parking.

Supervisor Due announced that barriers and road closure signs have been put up at the Johnsonville intersection due to a truck hitting a pole and snapping it. This was a request from the PA State Police.

Supervisor Friedman announced that the Well Ordinance Committee will be meeting here at the Township on Thursday, June 29th.

Supervisor Teel stated that he finds it astonishing that Mr. Mezger keeps lecturing the Township on his RTK requests, yet when he was asked about his organization, he stated it was none of our business.

Supervisor Bermingham announced that his attendance for the next three BOS meetings, he will be attending in a limited fashion. The 4th of July parade will be held on the 4th of July. What is the update on the garbage bills? Manager Nelson stated they will be going out in the morning.

Chairman Pinter capitalized on Manager Nelson's announcement regarding the UMBT girls softball team tournament.

V. SUBDIVISIONS

- a. River Pointe Logistics Center LLC-Solicitor Karasek discussed the SALDO Waiver Requests and Conditional Preliminary Plan for the overall plan that have been recommended by the Planning Commission. Attorney Marc Kaplan referenced the deferral, use of the lot. Attorney Kaplan stated the Zoning Officer ruled that with regard to the use, the use they provide has to either have a zoning permit or building permit. Solicitor Karasek stated that three (3) scale waivers have already been granted by the Planning Commission. MOTION by Supervisor Friedman to vote on each waiver individually. Supervisor Bermingham asked Supervisor Friedman to rescind his motion and ask that these be tabled due to Supervisor Bermingham not having the opportunity to review the waiver requests. Supervisor Friedman rescinded his motion. MOTION by Supervisor Friedman to table, seconded by Supervisor Bermingham. Vote: 2-3. Motion fails. **MOTION** by Supervisor Friedman to vote on the waivers individually, seconded by Supervisor Bermingham. Vote: 5-0.

The deferral:

SALDO Section 304.3.5.2.3-intended use of the properties. **MOTION** by Supervisor Teel to grant the deferral, seconded by Supervisor Due. Vote: 4-0.

The waivers:

SALDO Section 600.4.6.1-no existing centralized public sewage disposal. **MOTION** by Supervisor Teel to grant the waiver, seconded by Supervisor Due. Vote: 3-1. Supervisor Friedman voted no.

SALDO Section 600.4.7.1-no existing centralized public water system. **MOTION** by Supervisor Teel to grant the waiver, seconded by Supervisor Due. Vote: 3-1. Supervisor Friedman voted no.

SALDO Section 501.3.16.7-basin outfalls and emergency spillways be lined with mortared rip rap. **MOTION** by Supervisor Teel to grant waiver, seconded by Supervisor Due. Vote: 4-0.

SALDO Section 501.3.15-basin outlet that functions with electrical and mechanical controls for the spray irrigation system. **MOTION** by Supervisor Teel to grant the waiver, seconded by Supervisor Due. Vote: 4-0.

- b. Conditional Preliminary Plan Approval (Roadway and Infrastructure)-Attorney Kaplin stated they do not have any problems with the conditions listed in exhibit "A" but they do have an issue with exhibit "B" that has been added, regarding comments/considerations of the proposal 1) DEP Planning Module application, 2) review and approval of the Planning Module by DEP, 3) limiting disposal capacity, 4) review financial feasibility of the Sanitary Sewer Facility, 5) review and approval of the proposed "facilities agreement", and 6) the utilization of a portion of the community park for drip irrigation disposal. Attorney Kaplin stated that they strongly object to Engineer Coyle's injecting more costs and time. Supervisor Teel the Planning Commission approved the removal of the Park. Engineer Coyle discussed his comments/considerations of the proposal, which he thought the Planning Commission agreed to them. Attorney Kaplin stated they do not have a problem with Engineer Coyle's recommendations, they just don't feel as though it should be a condition to the approval of the subdivision. Mark Mezger stated that Attorney Kaplin has had a lot of pro-developer speaking time, and that they also have Attorneys that would have shared equal time to present to you the upside of the story, to give the Board a more forward complex to make a decision. Solicitor Karasek stated that if the Board does not take action by July 18th, and the applicant does not approve of a time extension, the plan will be deemed approved. The Board may act upon again at the July 10th meeting, if they chose to. Chairman Pinter asked Solicitor Karasek what the Township can do to look at these as recommendations and not conditions to the approval of the plan. Solicitor Karasek stated that in exhibit A, it is noted that the Planning Commission recommended the following: PADEP Wastewater Treatment, HOP for off-site traffic improvements, and DRBC for water source. **MOTION** by Chairman Pinter to move forward with exhibit A and use exhibit B as recommendations, due to the first condition on the conditional plan approval form is Planning Module approval, seconded by Supervisor Teel. Solicitor Karasek stated this is Preliminary Plan approval, not final. Vote: 3-1. Supervisor Friedman voted no.

VI

LAND DEVELOPMENT

1. River Pointe Logistics Center LLC-Lots 1,2 6
 - a. SALDO Waivers-Solicitor Karasek stated that the waivers that deal with sheet size and location have already been granted by the Planning Commission. Deferral Waiver-SALDO 304.3.5.2.3-intened use of the properties needs approval.
Lot 1- **MOTION** by Supervisor Teel to grant the deferral waiver, seconded by Supervisor Due. Vote: 3-1. Supervisor Friedman voted no. **MOTION** by Chairman Pinter to approve the Conditional Preliminary Plan for Lot 1, seconded by Supervisor Teel. Discussion: Supervisor Friedman commented on the approval of a plan with no sewage or water. There was a discussion

on the use of the railroad and the trestle. Manager Nelson stated he sent an appeal letter to the LVPC on their review of the trestle. Manager Nelson stated he has reached out to all the businesses on River Rd. and there has not been one report of any truck getting stuck under the bridge. Lou Pektor stated they have three separate engineers working on this and have a good relationship with the railroad. Supervisor Friedman asked if the Planning Commission is good with this, Supervisor Teel stated yes. Supervisor Friedman asked if the Solicitor is good with this, Solicitor Karasek stated yes. Supervisor Friedman asked Engineer Coyle if he was good with this, Engineer Coyle stated yes. Vote: 4-0.

Lots 2, 6- Solicitor Karasek stated these are the same as lot 1. **MOTION** by Supervisor Teel to grant the deferral waiver (SALDO 304.3.5.2.3-intended use of the properties), seconded by Supervisor Due. Vote: 3-1. Supervisor Friedman voted no. **MOTION** by Supervisor Teel to approve the Conditional Preliminary Plan for Lots 2 and 6, seconded by Supervisor Due. Vote: 4-0-1. Supervisor Bermingham abstained.

VII.

NEW BUSINESS

1. Liberty Water Gap Trail Alliance Letter of Support-Manager Nelson read the letter of support for the Liberty Water Gap Trail Alliance PA Extension. **MOTION** by Supervisor Teel to approve the Liberty Water Gap Trail Alliance Letter of Support, seconded by Supervisor Due. Vote: 5-0.

VIII.

EXECUTIVE SESSION

IX.

ADJOURNMENT

MOTION by Supervisor Teel to adjourn the meeting at 9:10 pm, seconded by Supervisor Friedman. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary



Good evening, Fred Clark, Crystal Terrace, Mount Bethel. Thank you for the opportunity to speak.

In past meetings I have spoken about the importance of being a good neighbor. Today I would like to discuss the neighbors of the proposed effluent field, otherwise known as the Angle property. In presentations concerning this field in the past, the maps did not include the entirety of the surrounding affected neighborhoods. For this discussion, I would like to give approximate characteristics of seven neighboring areas, under one mile from the field. I will assume each residence has a minimum of two and a nominal four people in each.

1. Ground Zero. These 16 properties abut the effluent field property and 12 have houses. Estimated value for them is \$3.6M and they house from 24 to 48 residents.
2. Ground Zero Plus. 18 properties immediately adjacent to ground zero properties and 17 are residential. Their estimated value is \$7.4M, they house 34 to 68 residents, and are most likely to share reduced property values with their Ground Zero neighbors.
3. Balance of Summerfield Dr and Farmstead Way. 16 properties on the downhill side of the effluent field flow, with an estimated \$8.3M value, and housing 32 to 64 residents.
4. Highland Ct. The neighborhood 330 ft from the end of Summerfield Dr with 17 properties estimated at \$8.9M and housing 34 to 68 residents.

5. Potomac near Summerfield/Angle property intersection. 24 residences with an estimated \$4.7M property value, with 52 to 104 residents, and includes the Gap View Community.
6. Crystal Terrace (including Corey Cir, Gloria Ct, and Yetter Dr). The largest neighborhood with 46 homes with an estimated value of \$24.5M and 92 to 184 residents.
7. Twin Gap Farms LLC. Property of over 200 acres that abuts the effluent field property, has priceless views, and probably shares its' drainage characteristics, which could explain what looked like perc tests recently.

The properties described are worth more than 17 times the price paid for the Angle property and many of them took 12 years to recover the price paid before the 2008 real estate crash. If just having the effluent field in their proximity reduces their value by 5%, these residents could lose almost \$3M in aggregated home value. If industrial waste makes it into the field, it puts the health of the 264-528 residents relying on 132 wells at risk, could turn this area into a financial wasteland, and devastate Mount Bethel's tax base. Please consider keeping RPL's water and sewage solutions on their original text amendment property.

