

Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MT. BETHEL FIRE HOUSE, 2341 N. DELAWARE DR.
MT. BETHEL, PA 18343
MONDAY, AUGUST 28, 2023 – 7:30 PM

*This meeting was held at the Mt. Bethel Fire House and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Chairman Pinter called the meeting to order at 8:48 pm.

The Pledge of Allegiance was recited.

In attendance were Chairman Pinter, Supervisor Due, Supervisor Friedman, Supervisor Bermingham, Supervisor Teel, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

Supervisor Bermingham asked to amend the agenda, adding Mt. Bethel Fire Dept. Land Development Waiver. Chairman Pinter stated this will be added under XI. New Business, item 2. Solicitor Karasek stated that the Board should consider adding the Water Authority Members to the agenda. Chairman Pinter stated this will be added under XI. New Business, item 3.

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

III.

PUBLIC COMMENT

Charles Cole, Riverton Rd., commented on the issuance of party status.

Fred Clark, Crystal Terr., read his public comment, which will be made part of the official record. Fred commented on the rules of order at Township meetings and suggests making improvements to the meetings processes.

Steve Couples, Sunrise Blvd., commented on the ongoing issue with the noise disturbance and noise violations from Allegheny Creek Brewery.

Leonard Romanczuk, Allegheny Rd., commented on the noise coming from Allegheny Creek Brewery. Leonard commented on water problems he is now experiencing since they put in the parking lot and what permits/site plans are current with the property.

Sandra Feliciano, Bollinger Dr., commented on the ongoing noise, a persistent humming, that is affecting her quality of life.

Howard Klein, Riverton Rd., commented on the required submission of the 2022 audit, due April 1st, which has been completed to date. Chairman Pinter explained that the Township is working on getting this completed but is being held up due to our previous auditor not providing the documents.

Frances Visicaro, N. Delaware Dr., stated she would like to submit two petitions, one for "Safety for our Children", objecting to the proposed increase in daily traffic due to the construction/operation of a 1.5 million sq ft building and one for "Safety for our mail carriers", objecting to the proposed increase in daily traffic due to the construction/operation of a 1.5 million sq ft building.

Chris Finan, Apache Dr., Chief MBFC, commented on the Fire Company's concerns regarding the size of the RPL Buildings and cannot be handled by themselves. RPL or Mr. Pektor has not offered myself or the MB Fire Dept. anything, never promised anything since day one.

Laura Bocko, Lake Minsi Dr., commented on Township roads that take all the traffic when there is a problem on Rt. 80. Supervisor Due stated that he suggested keeping all the traffic on the State roads.

Judith Henckel, Robin Rd., read her public comment, which will be made part of the official record. Judith commented on the current community identity with a development vision.

Supervisor Friedman stated that a piece of Township equipment was taken off Township property. Who authorized the removal of this piece of equipment? Where is it? And when are we getting it back? Chairman Pinter asked Supervisor Friedman to be more specific. Supervisor Friedman stated it was a shaker that was being stored at the Eastern Industries property. Supervisor Due stated he received a call on Saturday, that it was being taken to be repaired, that is all he knows at this point. Supervisor Due stated that when Manager Nelson returns from vacation, he will question him about it. Supervisor Bermingham asked if he knew where it is. Supervisor Due stated the Hallett property.

Ron Angle, Million Dollar Hwy., commended the Road Dept on the job they do each day, taking care of our roads. Ron asked about getting assistance from the State of PA, for taking care of the roads.

Secretary Cindy Beck read a public comment from Jennifer Smoke, S. Delaware Dr. Jennifer commented on living on Rt. 611 with children and the effects that truck traffic has on this area, such as the quality of life.

IV.

ANNOUNCEMENTS

Secretary Cindy Beck announced the Township will be hosting an Electronics Recycling Event on Saturday, October 21st 8am-12pm. The Township is also looking into hosting a Paper Shredding Event as well, no details available at this time, but will keep you updated.

Supervisor Bermingham announced that a 911 Memorial Service will be held on Monday, September 11, 2023, at 6pm. On September 23, 2023, here will be a community wide yard sale, 8am-1pm.

Charles Cole announced that on Thursday, August 31, at 7 pm, the Well Ordinance Committee will have a presentation from Master Well Owner Network and Brad Kunsman from the PA Extension to give a presentation on private wells.

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CONSENT AGENDA

- 1. Approval of the July 10, 2023, Meeting Minutes
- 2. Approval of the July 24, 2023, WS Meeting Minutes
- 3. Refuse Reductions, Application Refunds and Exonerations
- 4. Resolution No. 2023-07 Eagle Scout Court of Honor-Alexandra Grace Martocci

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

VI.

FINANCIALS

1. Bill List-Chairman Pinter read the bill list, totaling \$443,843.56. **MOTION** by Supervisor Teel to pay the bills in the amount of \$443,843.56, seconded by Supervisor Friedman. Vote: 5-0. Supervisor Friedman stated that he feels that the interim bills should be listed. The escrow account funds should be funded correctly, there should be a minimum balance. Supervisor Bermingham asked what the Manager's monthly discretion is, without Board approval. Chairman Pinter stated \$10,000. Supervisor Bermingham would like a report each month on what he is spending taxpayer money on. Supervisor Due will speak to Manager Nelson.

VII.

ACTION ITEMS

1. RPL Conditional Use Hearing-**MOTION** by Chairman Pinter to move the Conditional Use Hearing to be continued to September 25, 2023, at 7pm, seconded by Supervisor Friedman. Vote: 5-0.

2. Advertise for Bids for the Park Bathroom Project-Chairman Pinter stated that at the last ParksRec Board meeting, they approved for this to be moved to the Board of Supervisors for approval. MOTION by Supervisor Teel to approve the advertising for Bids for the Park Bathroom project, seconded by Supervisor Due. Vote: 5-0. There was a discussion on the project. Chairman Pinter stated it has been scaled down to bring down the cost. Solicitor Karasek recommends that the Township Engineer prepares the bid specs.

VIII.

TABLED ITEMS

- Joinder Deed Boulder Dr./Jacoby Creek Rd.-Brian Pysher, Robert Collura Engineering discussed the consolidation of both parcels. Engineer Coyle and Solicitor Karasek both recommend the consolidation of the two parcels.
 MOTION by Supervisor Bermingham to approve the Joinder Deed for Boulder Dr. and Jacoby Creek, seconded by Supervisor Teel. Vote: 5-0.
- Manzi Easement-Solicitor Karasek stated he prepared this Easement to allow the Township to access to the river for firefighting purposes. Solicitor Karasek will send to the Manzi's to review and sign and then back to the Board to review. MOTION by Supervisor Teel to approve the Manzi Easement, seconded by Supervisor Due. Vote: 5-0.

IX. SUBDIVISIONS

1. RPL East LLC for Conditional Final Plan Approval-Solicitor Karasek stated this plan was reviewed and recommended for Conditional Final Plan Approval by the Planning Commission. Solicitor Karasek stated the Agreement for Conditional Plan Approval has been signed by the Applicant, which states that compliance with all conditions set forth in Engineer Coyle's letter of June 19, 2023. Solicitor Karasek stated the plan cannot be filed with the County until all conditions are met. MOTION by Supervisor Teel to approve of RPL East LLC for Conditional Final Plan Approval, seconded by Chairman Pinter, Vote: 5-0.

X. LAND DEVELOPMENT

1. RPL East LLC Building1E for Conditional Final LD Approval-Solicitor Karasek stated this plan is for the old Met-Ed plant and there are three (3) lots, one lot being 1E. The plan has been reviewed and recommended for Conditional Final LD Approval by the Planning Commission. Solicitor Karasek stated the Agreement for Conditional Plan Approval has been signed by the Applicant, which states that compliance with all conditions set forth in Engineer Coyle's letter of June 19, 2023, as well as additional conditions to be met, dated July 19, 2023. Solicitor Karasek stated the plan cannot be filed with the County until all conditions are met. MOTION by Supervisor Teel to approve of RPL East LLC Building 1E for Conditional Final Plan Approval, seconded by Supervisor Due. Vote: 3-2. Supervisor Bermingham and Supervisor Friedman voting no.

XI. NEW BUSINESS

1. Fire Inspections for Commercial Buinesses-Chairman Pinter stated that he has a conversation with Tina, Keller Zoning/Inspection and would like Board

- approval for Keller Zoning/Inspections to perform fire inspections on businesses in the Township. Chief Finan recommends having a third party to the inspections, providing they are certified. MOTION by Supervisor Bermingham to approve Tina, Keller Zoning/Inspections, to perform fire inspections on businesses, providing they are certified, seconded by Supervisor Friedman. Vote: 5-0.
- 2. Mt. Bethel Fire Department Land Development Waiver-Dale Handelong, Gallery Lane, VP of Mt. Bethel Fire Company, stated that the MBFC is asking that the Township grant a waiver on the LD process requirements for the construction of the Emergency Shelter, that will benefit the residents of UMBT. Solicitor Karasek stated that the SALDO does allow the Township to grant waiver requests, but it does require the request be made in writing. Supervisor Teel would like them to submit a site plan for the Planning Commission to review. MOTION by Supervisor Friedman to table, seconded by Supervisor Teel. Vote: 5-0.
- 3. Water Authority Committee Members-Chairman Pinter stated that with the upcoming Public Hearing on the Municipal Authority, the Board of Supervisors would be the body to come up with the members of the Authority. Supervisor Friedman stated a feasibility study should be completed first. **MOTION** by Chairman Pinter to name the Board of Supervisors as the naming of the Authority Members, seconded by Supervisor Teel. Further discussion-Engineer Coyle agreed with Chairman Pinter, that the BOS name the members of the Authority being the first step. Attorney Kaplan asked Supervisor Friedman if has reviewed the agreement, Supervisor Friedman stated yes. Attorney Kaplan stated that all the costs to permit, design and construct the Sewer Treatment Plant will be paid for by RPL. The agreement provides that if there are any shortfalls, if the fees are not enough to carry the operation of the Plant, RPL will pay that shortfall. Solicitor Karasek stated that on September 11th, there will be a public hearing on a Resolution to establish a Municipal Authority. Chairman Pinter called for a vote on the motion. Vote: 3-2.

XII.

EXECUTIVE SESSION

Recess into Executive Session at 10:30 pm to discuss personnel matters.

The meeting reconvened at 11:07 pm. Chairman Pinter stated that personnel matters were discussed in Executive Session and at this time no action will be taken.

XIII. ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 11:07 pm, seconded by Supervisor Due. Vote: 5-0.

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

Tonight, I would like to speak further about following rules of order at township meetings and suggest improvements to township meeting processes.

In a recent township meeting, I discussed a couple of instances where rules of order were not strictly followed. While I used examples of attorneys taking liberties to interrupt others, I could have just as easily described cases of individuals interrupting by calling out from the audience rather than approaching the podium during public comment, or an engineer interrupting an attorney. Each case was out of order, but I couldn't describe them all, why they were improper, and suggest how to improve the process in the scant three minutes allotted to me.

In both cases I *did* describe in detail, Commissioner/
Supervisor Teel requested that order be restored and the
attorneys in question honored his request immediately. On
the other hand, during the recent RPL Conditional Use
hearing, some members of the public were disruptive
enough to cause the Commissioner to suggest the constable
would remove these individuals and that if order was not
restored the meeting would be adjourned. This was
disrespectful to the applicant, the board, and the other
meeting attendees. I would suggest that if any of these
individuals had an application before the board, they would
not have found this behavior acceptable.

Yelling about issues you disagree with is not a compelling way to convince anyone you are right. If you have something to say, craft your argument, and step up to the podium. Additionally, ask for standing if you think your case warrants it. Despite my concern about *how* some public dissent was expressed, I find that the practice of having public comment before applicant presentations flies in the face of the "fair and open" principle and understand the frustration. The public walks into a meeting, guessing what material is going to be presented by applicants, and must craft their questions and comments without the benefit of important facts. Applicants then present their project and the public has no chance to ask questions or voice opinions on what they have heard before a vote. The process seems designed to thwart questions and comments from a *fully informed* public.

To remedy this, I suggest that the various township boards and councils amend their processes as follows:

- 1. Have the public comment be conducted after applicant presentations, or
- 2.Add a second public comment session that occurs after presentations, and/or
- 3. Amend the voting processes to occur in the next meeting after an applicant has presented, thus allowing for the public to comment before votes.

These changes could improve the public participation portion of various township review processes.

Thank you.

Frances Visicaro

the development of his commerce park on the different things the developer has implemented into The community has countless times expressed their concerns

- Petition against the text amendment with 550 signatures
- got over 500 signatures Petition against the Neighborhood Improvement District

SAFETY FOR OUR MAIL CARRIERS

We the undersigned, object to the proposed increase in the daily traffic due to the construction and operation of a 1.5 million square foot building in the River Point and of traffic while making their drop-offs to people's mailboxes increasing the possibility of accidents and fatalities. Homeowners safety is also a concern when when mail carriers will be delivering mail. Carriers will be subject to moving in Commerce Park. Increase in traffic will congest N Delaware Drive, during the time picking up their mail.

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SAFETY FOR OUR CHILDREN

due to the construction and operation of a 1.5 million square foot congest N Delaware Drive, during the time when school buses will be building in the River Point Commerce Park. Increase in traffic will We the undersigned, object to the proposed increase in the daily traffic traffic waiting for the bus, increasing the possibility of accidents and picking up children from school, small children will be subject to this fatalities.

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Comments for UMBT BOS August 28, 2023 meeting Judith Henckel, 1752 Robin Hood Road, MT. Bethel

Others tonight have drilled down to specifics, the legal arguments of zoning that were written originally for a farming small villages community, never envisioning this massive industrial complex based on an increasingly automated economy within hours from major national and international trade ports.

Not content to redevelop a bankrupt small defunct coal burning power plant along a Wild & Scenic River, the goal was to maximize profit on the excess remaining 800 acres of greenfield. For seven decades the utility left it natural except for a few farmed fields of corn and soybeans.

Let's contrast the current community identity with the development vision:

Remove trees and vegetation that exchange CO2 for O2 = life For a dead sterile polluting heat island, radiating heat back at night.

Exchange a quiet dark biodiverse natural area

For 24/7 (all day/all week) noise from machinery and light, both scientifically documented as stress inducing.

Exchange land with plants that absorbs rainwater to replenish ground water stocks For impenetrable surfaces that direct water away

Taxes - who benefits?

Community is promised taxes from the industries and their employees, but it may be less than needed for Increased police, fire and emergency services.

Industry has several tax benefits including the local LERTA relief that amounts to 50% off for 10 years on Township, School and County taxes. There is also the suggestion of a Foreign Free Trade Zone.

Ultimately, who pays? Corporations and wealthy have ways to avoid taxes, unlike most of us. They get tax breaks, yet receive state and federal government grants, subsidies and payment for pollution and disaster clean up. We get the bill.

Lastly, on risk management: While one large building could be cost effective for the developer, diversity in three building enterprises seem more stable for the community, especially when replacement ownership occurs.

To close, the cost versus benefit and the risk management for success or failure seem to put the advantage to the development, disregarding citizen concerns about their health, safety and welfare. Many of us think Supervisors have voted to favor the developer by weaseling around ordinances without deference to our future quality of life and community identity.

What will Mount Bethel look like in several decades? We had a choice to use its assets to make it a sustainable pleasant place to live.

Letter for tonight

Jen Smoke <jsmoke200@gmail.com> Mon 8/28/2023 10:34 To:Cole, Charles Arlington <cac7@psu.edu>

To whom it may concern,

I have lived on route 611 in Upper Mount Bethel for 17 years. It is a residential area, there are no businesses, other than a seasonal tree farm on this stretch of 611. There are, however, many churches in addition to homes. There has been a drastic change in traffic, primarily truck traffic in the past 3 to 5 years. There is a multitude of negative affects that this truck traffic has had on this area, such as the quality of life that has been affected, whether it be from the noise starting typically around 3 AM of Jake brakes and loud trucks or throughout the day that is loud enough to wake babies from naps, let alone the property values potentially decreasing, the air quality etc. However, for the sake of this email, I will stick to the dangers of living here with children. We consider ourselves one of the lucky families because we have an approximate 30 feet of setback however, over the recent few years, we don't feel safe having our three school-age children in the front yard. The noise is a nuisance, but the speed is a huge concern/ hazard, as it is rarely within 10 miles above the speed limit posted here. Pulling out here has become frightening, but a skill that we are trying to master. Now with the buses running for school children, we have to be extra vigilant. There have been accounts of literal dump trucks and 18 wheelers passing a school bus in a blind zone right here in Stone Church on this narrow part of 611. There are also many elders who live in this area and I'm sure they struggle with this also, as many of us have short driveways, little visibility, and in some cases, although it is illegal, people are forced to back out onto 611. Putting in warehouses in this rural area and stressing this state road and other local roads with more truck Traffic is incomprehensible. I speak for several of my neighbors, who also have children and even those who don't. Over the past 17 years we have witnessed several accidents in front of my house. I personally got hit into my front fence, while pulling out, we have had another woman end up in our front yard, and the cemetery across the street has also gotten hit. There's a few more I won't mention, but they have all had written reports with the state police, since there is no local police to enforce any speed issues. Increasing the traffic will inevitably end up in more accidents potentially involving children. It just a matter of time. It is a numbers game, more trucks equals more incidences. I would like to know who's going to be held responsible for all this? Who's going take responsibility for these incidents and potentially fatal accidents that are going to occur due to warehouses being built increasing truck traffic? Clearly, if we follow the money we will find out.

Kindly, Jennifer Smoke 679 5 Delaware Dr. Mt. Bethel, PA