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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISOR PUBLIC HEARING MINUTES
MT. BETHEL FIRE HOUSE, 2341 N. DELAWARE DR.
MT. BETHEL, PA 18343
MONDAY, SEPTEMBER 11, 2023 – 5:00 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 5:00 pm.

The Pledge of Allegiance was recited.

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

Chairman Pinter stated the Hearing will take a 15-minute recess at 6pm for everyone to attend the 911 Memorial Service outside.

II.

APPROVE THE AGENDA

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

III.

PUBLIC HEARING

Chairman Pinter stated this Public Hearing is different from the Conditional Use Hearing, there are no witnesses, no party standings, there is a discussion and public comment to follow.

Solicitor Karasek discussed the Public Hearing Protocol. Solicitor Karasek stated the Public Hearing is being held where the Board of Supervisors will inform, discuss, accept public comment and take testimony on a Resolution whereby the Township shall organize and establish a Municipal Authority. The Township has determined that there is a need for water distribution and treatment, wastewater collection and treatment and solid waste collection and disposal in the I-2 and I-3 Industrial Zoning Districts. The

Township desires to organize and establish a Municipal Authority for those purposes. The Township must adopt a Resolution to signifying its intention to do so.

IV. PUBLIC COMMENT

Howard Klein, Riverton Rd., commented on the "intent" to establish a Municipal Authority as stated on the Public Hearing agenda, but the regular meeting states "establish" a Municipal Authority. The wording is totally different.

Supervisor Friedman stated he does not recollect this coming to the Board of Supervisors for discussion. Chairman Pinter stated it was discussed during the 537 plan approximately 4 years ago.

Supervisor Bermingham asked if there was a feasibility study, cost, need, etc. Chairman Pinter stated there is no cost to the Township. Chairman Pinter stated that RPL is paying for the whole thing.

Fred Clark, Crystal Terr., asked what the ground rules for point of order at Township meetings are. Chairman Pinter stated they should address the Board at the podium, stating their name and address.

Eleanor Shelton, Heiden Rd., commented on giving better notification of meetings. Ms. Shelton asked Engineer Coyle if he feels this is a good idea. Engineer Coyle stated he gave his opinion to the Planning Commission and if the Board would like to hear additional comments/concerns, they are more than welcome to ask him. Engineer Coyle stated that more information is needed, the Township needs to do their due diligence (feasibility study), at this point, establishing a Municipal Authority is premature. There was a discussion on the possibility of the developer having the ability of expanding.

Attorney Marc Kaplan commented. The agreement that has been drafted states that 30,000 gallons a day of sewage treatment capacity to be dedicated to Township areas not located in the industrial district. Attorney Kaplan stated that they will be responsible for the operation and maintenance until it has enough customers that have demonstrated that it breaks even. Attorney Kaplin stated they do not need an Authority to move forward.

Engineer Coyle explained what a feasibility study is. Engineer Coyle stated it is basically a report of the pros vs cons of having an Authority and does it benefit the Township in the long run. Engineer Coyle recommends a feasibility study be done.

Eleanor Shelton, Heiden Rd., commented on appointing an Authority. Ms. Shelton read the LVPC letter that stated the developer, and the Township should work with Portland Borough. The letter did not state that establishing a Municipal Authority was the best case. Chairman Pinter stated that Portland Borough has stated they do not want to work with the Township.

Supervisor Bermingham asked Engineer Coyle if the water and sewer that RPL is talking about being expanded/provided to the residents of UMBT. Engineer Coyle stated

no and to address Attorney Kaplin's comment regarding the 30,000 gal. per day, is no longer applicable because the Township withdrew, they did not want to relinquish land at the Park. Engineer Coyle stated no water or sewer is being provided/allocated to the Township, only RPL, RPL East.

Solicitor Karasek stated that this is a State Entity, not a Township Entity. The Township appoints the members to be on the Authority.

Supervisor Friedman stated this is the first time this Board has discussed this.

Michael Onufrak, Summerfield Dr., read his public comment, which will be made part of the official record. Mr. Onufrak expressed his concerns and questions on the creation of the Municipal Authority. How does this project benefit all of UMBT? Are the BOS knowledgeable enough to endorse such a project? Who do they have in mind to appoint as members to this Authority?

Chairman Pinter introduced Charlie Myers from Barry Isett, who the Board appointed to look at Fred Eberts plan, as well as the financial forecast. Mr. Myers stated that they are looking at five (5) separate processes: 1) Having an Authority or privately owned by the Township 2) The agreement between the Township and Developer 3) The 537 Plan-service area-DEP approval 4) Permitting 5) Financials. Ballpark price-3 million dollars. Project timeline (if Act 537 plan has been started)-2 months for the Township planning, DEP-up to 6 months, Design-3-6 months, Permitting-6-9 months, and construction of the project-1 year.

Chairman Pinter called for a recess at 6:00 pm for 911 Memorial.

Chairman Pinter called the Hearing back in to order at 6:20 pm.

Supervisor Due asked about the discharge-DEP regulates? Is it potable water. Mr. Myers stated the DEP sets limits.

Chairman Pinter asked about industrial waste, pre-treatment and regulated. Mr. Myers stated an Ordinance would be adopted on monitoring and setting rules.

Steve Ott asked what happens if the water saturates the ground, is there an alternate? Mr. Myers stated that is part of the monitoring program.

Fred Clark commented on the amount of water going into the field and the testing of soil.

Andy Mahan, Kovar Lane, commented on the Supervisors having different ideas for the Township. Mr. Mahan stated that they should stop now, let the new Supervisors decide.

Judy O'Brien, Corey Circle, commented on the system, taking in waste, coming out clean.

Mark Mezger, Scenic Ct., commented on mixing residential waste and industrial waste. A feasibility study needs to be done; it will identify possible risks. Mr. Mezger commented on Mr. Pektor's financial history. Attorney Kaplan asked Mr. Mezger about the two new judgements that he spoke of, what are they, when were they recorded and

who recorded them? Mr. Mezger stated 2023 but does not have the documents in front of him to say who.

Fred Clark, Crystal Terr., read his public comment, which will be made part of the official record. Mr. Clark commented on the proposed resolution and Supervisor responsibilities.

Howard Klein, Riverton Rd., commented on the management, trust, and transparency of the Board of Supervisors. Mr. Klein stated that the BACIDA had no idea of the Waste Water Treatment plant, they are out of the loop.

Judy O'Brien asked Solicitor Karasek, who is responsible for paying debts, if the Authority is under the Township and it goes bankrupt. Solicitor Karasek stated there are many factors to consider, how it happened, what created it, are there reserved funds, ultimately, the Township could be responsible, but the way the Authority is being set up, the Township may not be responsible. There are too many moving parts. Ms. O'Brien commented on the number of seats/powers that RPL will have on the Authority. Solicitor Karasek stated he believes Ms. O'Brien is speaking of the NIDMA.

Eleanor Shelton, Heiden Rd., commented on the eagerness of the BOS to establish the Authority.

Sharon Duffield, Potomac St., commented on the problems/difficulties of the Authority. The Authority calls the shots. Look at the whole picture.

Supervisor Bermingham thanked everyone for their comments/questions. The feasibility study needs to be done, as well as the 537 Plan.

Tom Gilmore, Morningside Dr., commented on feasibility studies, do it the right way.

V.
ADJOURNMENT

MOTION by Chairman Pinter to adjourn the Public Hearing at 7:25 pm, seconded by Supervisor Teel. Vote: 5-0.

Respectfully Submitted by Cindy Beck, Recording Secretary

1-11-23
BOS

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Thank you for the opportunity to speak on the creation of a Municipal Sewer and Water Authority. My name is Michael Onufrak and I reside at 43 Summerfield Drive Mount Bethel which is directly adjacent downhill from the former Angle Farm, I have grave concerns and questions on the creation of this Municipal Authority.

I know RPL wants this done prior to the Zoning Board meeting in October and I believe that is the reason for multiple postponements of scheduled meetings. I believe that RPL wants a Municipal Authority to look for a Special Exemption to put an INDUSTRIAL Wastewater Drip Irrigation Field on Angles Farm knowing that the property is virtually surrounded by Residential homes including many with children. There is no doubt in my mind and those of my neighbors who I have spoken to about the stated intentions, that this will be similar to the horrors we all went through with the spreading of sludge a few years back. The spreading stopped but this project entails daily distribution of a hundred thousand gallons of effluent forever. I fear that if this project gets approved, my family may regrettably have to consider re-locating to a safer environment. The health of my wife and family plus the potential loss of property value would leave me no choice. We retired here, had a nice home built and have enjoyed most of our lives in Mount Bethel. This project will destroy our senior lives.

Thus, I have some questions for the board regarding this project.

1. How does this project benefit all Upper Mount Bethel residents? I know it benefits RPL as it would no longer have a wastewater disposal problem. I have heard numerous times that there is an issue with a relatively few homes on RT 611 but that is a small minority of Mount Bethel Residents. This project MAY benefit those residents, but you could be putting the vast majority of residents in a financial obligation that will be untenable. The residents would become responsible for the cost of servicing, any problems, and any costs from whatever loans have been accumulated by the Authority Board, while RPL, Mr. Kaplan and Mr. Pektor walk away without any obligations.
2. Are the Board of Supervisors knowledgeable enough to endorse such a project? What experts have been consulted (excluding Mr. Ebert) and what does their expertise recommend? Where is the cost benefit study? Is this project worth it?
3. Mr. Pinter, you want the Board of Supervisors to appoint the 1st members to this Authority Board, do you have experts in mind for it who have sufficient understanding of its operations or is it your intention to fill that Board with members of this Board of Supervisors. Mr. Pinter, you have stated at more than one meeting that neither you nor the Board members are obligated to make decisions based on the wishes of the township residents even if clearly this is substantial opposition (more than just

Charlie Cole by the way). Instead, you believe you yourself, Mr. Teel, and Mr. Due know what is best for the town.

Divine revelations I suppose.

In conclusion, promises Mr. Kaplan and RPL^{made} are based on their projection that they will fill all these buildings, thus generating millions of dollars in tax revenue and thousands of good paying jobs for Mount Bethel residents.

In the Movie, Field of Dreams, Kevin Costner hears a voice telling him to build a baseball field on a farm and if he does so, THEY WILL COME. I have my doubts this project will have a similar outcome.

Thank you