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**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WS MEETING MINUTES
MONDAY, NOVEMBER 25, 2024 – 7:00 PM**

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

I.

Supervisor Bermingham called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

In attendance were Supervisor Bermingham, Supervisor Eckman, Supervisor Erler, Supervisor Friedman, Supervisor Albert, Manager Graziano, Township Solicitor Karasek, and Township Engineer Coyle.

Supervisor Bermingham sending thoughts and prayers to the Howard Family, owners of the Chelsea Sun, where a fire recently broke out. Thank you to all the Fire Companies and firefighters that work endlessly to put the fire out.

II.

APPROVE THE AGENDA

Supervisor Bermingham would like to move Executive Session to Part V.

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

III.

PUBLIC COMMENT

Michael Onufrak, Summerfield Dr., commented on the ZHB's decision, the RPL drip irrigation Special Exception request. An appeal should be filed and is asking the BOS to continue the fight because the Concerned Citizens do not have the funds to continue.

Charles Cole, Riverton Rd., commented on the ZHB's decision as well. On data warehouses, you will need to have professional engineering and legal input. There is an exhibition at the Sigal Museum titled Warehouse Valley, Lehigh Valley's rapidly changing landscape and Charlie encourages everyone to go see it.

Tara Mezzanotte gave an update on the NJDOT I80, the retaining wall project has been put off to 2026. Tara has moved forward by reaching out to our State Representatives to see what to do about engaging with our new congressional representatives.

Fred Clark, Crystal Terr., read his public comment which will be part of the official record. Fred commented on the ZHB decision on the RPL drip irrigation request and is asking the BOS to appeal the decision.

Sharon Duffield, Potomac St., commented on ZHB decision on the RPL drip irrigation and is asking the BOS to consider appealing the decision. Sharon pointed out some press articles, she is asking the BOS to get proper information, proper help.

Judith Henckel, Robin Hood Rd., commented on data centers, get proper expertise/planning on this project, how will this benefit the people/community.

Ron Angle, Million Dollar Hwy, commented on the ZHB decision on the RPL drip irrigation. Every requirement that was being asked for by the citizens and by the BOS, was given. What grounds do they have to file an appeal. Data centers, no warehouses, minimal truck traffic, good paying jobs, maybe the Board could negotiate with Amazon to pay the garbage bill.

Marty Pinter, Lindsey Ln, commented on data centers, and our IT guy, Stavros and his son have a high knowledge of data centers, and if the Board had questions/concerns about data centers, they should talk to them. Amazon could invest in children's education, we could potentially pay no property taxes.

Fred Clark stated that he was always in favor of data centers, but if we get data centers and concessions from Amazon, he would like for them to move the drip irrigation field onto their own property.

Mark Mezger, Scenic Ct., commented on data centers could be a tremendous opportunity for the Township and it will up to the Board to make the decision to put this in place, getting someone who knows this type of business.

IV. PRESENTATIONS

Fidelity Bank-Adam Higgins gave a brief presentation on the Township's Bond portfolio, which is doing what it is designed to do, should yield over \$90k in interest over the next year. Rates are starting to come down, interestingly long-term rates have not moved. The Township is pretty much in one of the safest things they could find.

V. EXECUTIVE SESSION

Recess to Executive Session at 7:39 pm to discuss legal matters.

The meeting reconvened at 8:44 pm.

Supervisor Bermingham stated that legal matters were discussed in Executive Session and asked Solicitor Karasek to give a summary. Solicitor Karasek stated that the Supervisor discussed the ZHB decision and legal/factual basis for potential appeals, and matters related to that, there was also a personnel matter with respect to hiring someone/additional personnel with respect to the I-2, I-3 zones. Attorney Adrian Cousens, the Township Alternate Solicitor, would be the Attorney filing any appeal, if an appeal were to be filed. Ron Angle asked why they needed Engineer Coyle to be in Executive Session if it was just for legal matters. Solicitor Karasek stated that Engineer Coyle spoke with respect to the various conditions that were adopted by the ZHB and whether or not those conditions would affect how and if an appeal should be filed. Supervisor Bermingham asked if there are any actions to be taken coming out of Executive Session. **MOTION** by Supervisor Friedman to have the Alternate Solicitor, Attorney Cousens, review the ZHB transcripts and documents as to whether there are any legal or factual basis to appeal the ZHB decision and Attorney Cousens will report his findings to the BOS at the December 9th meeting, seconded by Supervisor Erler. Vote: 5-0. **MOTION** by Supervisor Friedman to retain a consultant to determine the use of the Townships I-2 and I-3 zoning districts at a cost not to exceed \$5,000, and it will be reviewed and changed as time goes by as necessitated, seconded by Supervisor Eckman. Vote: 5-0.

VI. ACTION ITEMS

1. Resolution No. 2024-27-Emergency Operations Plan (EOP)-Manager Graziano read the Resolution, whereas, Upper Mount Bethel Township is mandated to prepare, maintain and keep an Emergency Operations Plan current for the prevention and minimization of injury and damage caused by a major emergency or disaster with the Township. **MOTION** by Supervisor Erler to adopt Resolution No. 2024-27, seconded by Supervisor Friedman. Vote: 5-0.
2. Resolution No. 2024-28-LV 2024 Hazard Mitigation Plan Update-Manager Graziano read the Resolution, whereas local governments are required to develop and submit a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities. This plan is required to be updated every two years. Supervisor Erler stated that he has not seen the LV 2018 Hazard Mitigation Plan. **MOTION** by Supervisor Albert to adopt Resolution No. 2024-28, seconded by Supervisor Friedman. Vote: 5-0.
3. Ordinance No. 2024-04-Weight Limit and Sign Ordinance-Solicitor Karasek stated that he prepared the Ordinance. Engineer Coyle discussed the turning restrictions. **MOTION** by Supervisor Friedman to advertise the Ordinance, seconded by Supervisor Eckman. Vote: 5-0.
4. North Bangor FH Heating Equipment-Tom Austin, on behalf of the NBFC, discussed the need for the heating/cooling equipment to be used for the social

hall/shelter. The reason they are pushing for this now is that the system they currently have in the social hall needs to be finished and to finish it they need the same system, which is phasing out. They already purchased the system. They had to take the payment out of their general truck fund to pay for it. They are looking for the Township to either pay for it or kick some in. The price is \$8,395.08. Supervisor Friedman asked Manager Graziano if we have the funds to pay for this, Manager Graziano stated no. Supervisor Friedman said this could be subtracted from their allocation next year. Tom stated that he would like Chief Todd Pinto to be here to discuss this further. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Eckman. Vote: 4-1. Supervisor Erler voted no.

5. TAC Member Appointments-Supervisor Erler stated that the TAC has been established under Resolution No. 2024-25 and the members/terms to be appointed. There were five seats open, and five letters of interest were received. The members and terms are as follows: Jeff Williams-3-year term, Peter Coyle-2-year term, Fran Visicaro-2-year term, Jonathan Erler-1-year term, and Michael Onufrak, 1-year term. **MOTION** by Supervisor Friedman to establish the members and terms of the TAC as outlined above, seconded by Supervisor Eckman. Vote: 4-0-1. Supervisor Erler abstained. There was a discussion on whether this should be established by Resolution or Ordinance. **MOTION** by Supervisor Friedman to instruct Solicitor Karasek to draft an Ordinance establishing the Transportation Advisory Committee (TAC), to include the members and their terms, seconded by Supervisor Erler. Vote: 5-0.
6. Draft Letter to Northampton County-Philip Jones Minor Subdivision-Scott Policelli stated that the minor subdivision (one parcel into 3 lots) for Philip Jones was approved. Upon the recording of the Plan, the assessor stated that they wanted a separate map of each lot, which was not mentioned in the beginning. After further discussion with the assessor, they agreed to accept the plan as is. The assessment office is requiring a letter, from the Township, indicating that the plan, as is, may be used for all three individual conveyances, no need to process three different plans. Solicitor Karasek and Engineer Coyle see no issues with this. **MOTION** by Supervisor Albert to have Solicitor to draft a letter to Northampton County Assessment Office, as indicated by Scott Policelli, seconded by Supervisor Friedman. Vote: 5-0.

VII.

TABLED ITEMS

1. Garbage Bill Discount-Manager Graziano read Resolution No. 2024-29. The Resolution establishing a discount for the payment of the annual garbage bill by April 30 of the billable year. If payment is received by Berkheimer, no later than April 30 of the billable year, a ten (10%) percent discount on said bill will be provided. **MOTION** by Supervisor Erler to adopt Resolution No. 2024-29, seconded by Supervisor Eckman. Vote: 5-0.
2. Resolution No. 2024-21 LDWSR Reaffirmation/Expansion Study-Supervisor Bermingham stated that he would like to table this because after talking with residents and other Board members, he would like to get more information on this, to make an informed decision. **MOTION** by Supervisor Bermingham to table. Supervisor Erler stated that this is just the study and once we get all the information, then we would know how we want to proceed, then maybe that would be the time to hold a town meeting. Tara stated that if they approve the

Resolution, they are still required to make a decision upon the completion of this study of all the tributaries and all the sayings to endorse or not. Solicitor Karasek stated that the Township did approve of allowing some tributaries to be part of the program. This study now is to determine whether streams/tributaries should be added. Supervisor Eckman asked what does the study involve. Tara explained protecting outstandingly remarkable values that exist in these waters. They look at DEP resources and some others to determine what outstanding remarkable values have potential in the waters. They'll look at Ordinances, Master Plan, looking at eligibility/suitability criterias for these waters. Supervisor Birmingham asked if this will affect businesses coming in along the river. Tara stated that a final endorsement resolution must be passed. The decision tonight cannot affect anything, there will be other decisions to make. If they have concerns about potential industry coming in, it's the right thing to do to bring in the National Park Service Representative to talk to you about what happens on these kinds of projects with the wild and scenic review. Supervisor Birmingham rescinded his motion. **MOTION** by Supervisor Erler to adopt Resolution No. 2024-21, seconded by Supervisor Birmingham. Vote: 5-0.

VIII.

NEW BUSINESS

1. UMBT Website Update-Supervisor Birmingham reviewed the new website and he had some questions. He will set up some time to meet with Stavros to go over his questions, but it looks great. There was a discussion on having a website committee. Supervisor Erler does not feel a committee is necessary. Supervisor Birmingham would like to be the liaison for the Supervisor's point of view. Stavros stated that the biggest thing right now is the functional aspect of the website. **MOTION** by Supervisor Friedman to appoint Supervisor Birmingham the website liaison, seconded by Supervisor Eckman. Vote: 5-0.
2. Survey Monkey-Supervisor Erler discussed having survey monkey, which will allow residents to have a little input on certain things we might really want feedback on. He would like the first poll to be how the residents think the BOS are doing. Stavros stated that it is a subscription-based service and can be incorporated into the website. He recommends going with a team account, which is three users, \$75 a month, 50,000 responses, surveys are customizable, fully anonymous. **MOTION** by Supervisor Erler to purchase Survey Monkey to add to our website, seconded by Supervisor Friedman. Vote: 5-0.
3. 2007 Peterbilt Single Axle-Municipal Manager Graziano stated with the new trucks that were ordered and delivered, we no longer need the 2007 Single Axle truck and would like to list it on Muncibid. **MOTION** by Supervisor Friedman to sell the 2007 Peterbilt Single Axle, seconded by Supervisor Erler. Vote: 5-0.
4. Sale of Storage Trailer-Manager Graziano stated Supervisor Friedman informed him that most of the boxes that were being stored in the storage trailer have been emptied and he would like to sell it. Manager Graziano asked Solicitor Karasek if the price is under \$2,000, do we need to advertise it. He was informed by Solicitor Karasek that if it's under \$2,000 we can sell it to anyone we want. We have someone that will give us \$1,000 for it. **MOTION** by Supervisor Friedman to sell it for \$1,000, seconded by Supervisor Erler. Vote: 5-0

IX.

DISCUSSION-2025 Budget

MOTION by Supervisor Bermingham to table, seconded by Supervisor Friedman.

Vote:5-0.

X.

PUBLIC COMMENT

Lee McDonald, Belvidere Corner Rd, commented on the ZHB Hearings and the decision. Every condition that was offered by the Township Engineer was adopted in a whole without reservation and an additional one was added, turning over the facility to the Township or to the Municipal Authority. For the Township to contest their own decision, not a way of building community...it may not be a good outcome if we took it any further.

Marty Pinter, Lindsey Ln., commented on Supervisor Friedman making an announcement on the article. The court upheld the State Ethics Commission which found him guilty. Marty stated that when he sat on the Board, Supervisor Friedman stated that if he was found guilty, he would resign. On another occasion, he was asked again, if he was found guilty, would he step down, Supervisor Friedman stated that he would think about it. Marty asked Supervisor Friedman his thoughts as well as how the other Board members feel about this. Supervisor Friedman stated that he will answer, Mr. Teel also has a conflict of interest. Supervisor Friedman stated that he will, in the future, propose that if the Board wants him to submit his resignation, he will submit it to the Board. This is not over yet. Supervisor Friedman stated that they have written to the Ethics Commission about some things and he read their response. Supervisor Friedman stated to Mr. Pinter about a bold face lie, that there's \$100k in legal fees for this, it is nowhere near that amount. The statement was propagated, and he wrote a letter to the editor, with no foundation. Mr. Pinter swore under oath, that the Text Amendment was no different than anything else that came up in this town.

Ron Angle, Million Dollar Hwy. commented on the ZHB decision, what would the grounds be to appeal their decision. Tonight could be the most important evening in the future of Upper Mount Bethel Township. Having Amazon in the Township is good thing, if they pull out we could end up with truck traffic, warehouses, all the stuff we don't want. Supervisor Erler stated that the Board did vote on retaining a consultant, they do want to do what's best for the Township.

Mark Mezger, Scenic Ct., commented on Lee McDonalds' comment. The ZHB acted completely outside of their jurisdiction. The case did not meet the requirements for a Special Exception, it should have been a Conditional Use, under the jurisdiction of the Board of Supervisors. Data centers, no one truly understands them, hiring a consultant is the first step towards doing that.

XI.
ANNOUNCEMENTS

Manager Graziano announced that the County's burn ban is still in effect until December 10th.

Supervisor Erler announced the EDC meeting has moved to tomorrow night, November 26th and would like to encourage businesses to come to a meeting.

Supervisor Bermingham thanked Upper Mount Bethel residents for donating to the Lockwitch family who recently ran into hard times. Supervisor Bermingham and Supervisor Erler are working on the rules for the Christmas Decorating contest. The Christmas event at the Chelsea Sun, uncertain at this point what's going to happen, it may be moved. Office hours will be scheduled, as well as a Town Hall meeting with the neighboring municipalities on the Cetronia Ambulance proposal, to include development coming to the Township.

Again, thoughts and prayers to the Howard family, Chelsea Sun, maybe the Supervisors can something for them.

XII.
ADJOURNMENT

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

Respectfully Submitted by Cindy Beck-Recording Secretary

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

On Monday, November 18, 2024, I received the written decision of the Zoning Hearing Board on Appeal No. 2023-1 where the applicant River Pointe Logistics Center, LLC requested zoning relief as follows "A Special Exception to construct an Off-Site Disposal Field as a public and essential use in accordance with Section 4.202."

For the hearings on this matter, I was granted party status along with the Mount Bethel Board of Supervisors and several other citizens. I spent many hours studying the technical aspects of the proposal, attended all the hearings, listened to experts on both sides, questioned said experts, provided my own public comments, and listened to the public comments of others. Taking all the information from those activities into account and having read the Decision and Opinion of the Board Dated November 16, 2024, from the Zoning Hearing Board my wife and I have concluded the Board has not fulfilled its' obligations to protect the public in this decision and ask the Board of Supervisors to appeal it. As the thirty-day clock to appeal is ticking, I ask you to consider this action during your Executive Session today.