



Upper Mount Bethel Township

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**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, DECEMBER 9, 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 Erler, Supervisor Friedman, Supervisor Albert, Township Solicitor Karasek, Township Engineer Coyle, and Township Manager Graziano. Supervisor Eckman was absent.

II.

APPROVE THE AGENDA

MOTION by Supervisor Friedman to approve the agenda, seconded by Supervisor Albert. Vote: 4-0.

III.

EXECUTIVE SESSION

Recess to Executive Session at 7:05 pm to discuss litigation matters with the outside Council.

The meeting reconvened at 7:17 pm. Solicitor Karasek gave a summary of what was discussed in Executive Session. The Executive Session dealt with the litigation involving the ZHB decision and whether or not there should be an appeal of that decision by the township. **MOTION** by Supervisor Friedman to instruct Special Council, Adrian Cousens, to move forward to appealing the ZHB decision, seconded by Supervisor Albert. Discussion: Supervisor Erler stated that he does not agree with the issue, going with the special exception decision because he does not think that it's for public use or benefit. He believes that they have to trust the process that it was under, they are complying with the conditions, reduced volume, domestic sewer only and the 100k gallons per day for the Township, which could help with our Act 537 plan. Vote: 3-1. Supervisor Erler voting no.

Before opening it up for public comment, Supervisor Bermingham read a disclaimer:

The Board of Supervisors are currently involved in negotiating with the third party on a major project which could have both a short- and long-range significant impact to the future of our community. It is imperative for the success of these negotiations that they remain confidential at the third party's request. The Board has retained the services of a consultant to assist and guide us in this endeavor. The Board will advise the public of the status of the negotiations when appropriate and also expects to involve a community-based organization of our residents to participate, so we just ask that there's no questions about the company that's coming here, it's confidential and we want to preserve the relationship that we have with the party.

IV.

PUBLIC COMMENT

Robert Teel, N. Delaware Dr., commented on a recent comment that Supervisor Friedman made against him, which he found slanderous and unwarranted. Robert commented on Supervisor Friedman ethics violation, he violated the public's trust. Robert stated that Supervisor Friedman stated that if he was found guilty that he would stand up and resign and if in turn he was found innocent, he (Robert) promised to apologize. Robert asked Supervisor Friedman if he was going to resign. Supervisor Friedman stated that this is a comment period, he not commenting or saying anything. Robert commented on the corporation that we're going to be hearing from and how can anyone deal with a major corporation when you don't have trust, Supervisor Friedman does not have trust.

Michael Onufrak, Summerfield Dr., commented on the Board's decision to appeal the ZHB decision, deciding to protect the public's interest.

Chris Finan, Chief MBFC, Apache Dr., commented on fire safety stuff. Please be mindful your chimneys are cleaned, your furnaces are serviced, check smoke detectors and CO2 batteries. Thank you to NBFD and Portland FD for assisting with two fire calls.

Supervisor Bermingham also thanked the fire departments for doing a great job on the two recent fires that have taken place. Thank you to Tuscarora for providing housing to a couple who lost everything in the fire. The Township is accepting donations and clothes for them.

Charles Cole, Riverton Rd., commented on the ZHB finding, the ZHB that made the decision to allow the drip irrigation field to happen was in error, it should not been allowed. Charles spoke in support of Supervisor David Friedman and finds him to be socially conscious, civically minded, and a person who is ethical and honest. Those that are here tonight to ask him to resign from the Board are vindictive and fool hardy.

Lee McDonald, Belvidere Corner Rd., thank you to Charlie Cole for recommending anyone to visit the exhibit at the Sigal Museum, which opened his eyes to generic warehouses. Lee spoke of the property that was zoned industrial decades ago, by our Township, and Lou Pektor ultimately has the right to build on the land he owns. With the New Year coming up, instead of blocking your number one priority, he would like to suggest some new priorities, make our Township safer, upgrading our sewers, figure out how to reduce garbage fees, and finally, develop a broader tax base and reducing the burden on the 17% of properties who pay full property tax.

Ron Angle, Million Dollar Hwy., commented on the ZHB appeal, when the ZHB put on the conditions that went beyond what the BOS recommended to the ZHB. Ron commented on data centers and what they have done for other communities. Why would we pay a consultant \$5k for a cost-benefit study, there's only going to be benefits.

Frances Visicaro, N. Delaware Dr., commented on knowing what company is coming into this Town, she thought it was not to be mentioned. We need to look at the pros and cons of any company coming into the Township.

Mark Mezger, Scenic Ct., commented on the public interest in ethical conduct. Mark stated that he fully supports the premise that unethical behavior is not to be condoned. Until Supervisor Friedman's matter is fully resolved, the actions only appear to be unethical conduct. Mark stated that one of the issues under the ZHB appeal was the failure of Jeff Manzi to recuse himself.

Ray Higgins, Centerville Rd., read his public comment.

Discussion: Supervisor Erler would like to recommend that Mr. Friedman give it another chance to present his resignation.

V.

PRESENTATION

Plan Slate Belt-Becky Bradley and Joey Dotta, LVPC representatives, gave a brief presentation on the final Plan Slate Belt Multi-Municipal Plan. This is a balance between growth and preservation, high quality of life, efficient, local and regional governance, a resilient transportation and infrastructure network, a strong farming community, and a prepared student body and workforce. Supervisor Erler stated that he has not had a chance to fully go through this plan and would like some time to review it. Plainfield and Lower Mount Bethel Township are not included in this plan. Bangor, East Bangor, Pen Argyl, Portland, Roseto, Washington, and Wind Gap are included in the Plan. Supervisor Erler would like more time to review. The Steering Committee, Supervisor Friedman and Judy Henckel and the previous manager Ed Nelson. **MOTION** by Supervisor Erler to table the Plan Slate Belt Multi-Municipal Plan, Resolution No. 2024-30, seconded by Supervisor Friedman. Vote: 3-1. Supervisor Albert voting no.

VI.

FINAL 2025 BUDGET ADOPTION-Manager Graziano stated that he made one change to the budget, park event donations, the \$13,000 Veterans' Day Event donations. This was added into the budget for that line item and with a balanced budget, this had to be added to the expenditures, which was added to the account liability insurance. Manager Graziano has not heard back from our insurer about the cost of our insurance, which will be going up. The total budget for 2025 is \$5,386,182. Supervisor Erler stated that he met with Manager Graziano to discuss his concerns, and everything was satisfied.

MOTION by Supervisor Friedman to adopt the Final 2025 Budget, seconded by Supervisor Erler.

Vote: 4-0.

VII.

CONSENT AGENDA

1. November 12, 2024, Meeting Minutes
2. November 25, 2024, WS Meeting Minutes
3. Exonerations/Refunds

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

VIII.

FINANCIALS

1. Bill List-Manager Graziano read the bill list, totaling \$295,833.51. **MOTION** by Supervisor Friedman to pay the bills, in the amount \$295,833.51, seconded by Supervisor Albert. Discussion: Supervisor Erler asked about receiving any money for the Shred Event. Manager Graziano stated that we do not charge the residents, but we do accept donations. Supervisor Erler asked about the loader rental. Manager Graziano stated the rental is for three months (December, January, February), \$4,500 per month, to preserve our new loader and to have an extra one if one goes down. Vote: 4-0.

IX.

ACTION ITEMS

1. Resolution No. 2024-30-Plan Slate Belt Multi-Municipal-This has been tabled.
2. Resolution No. 2024-31 MBFH Truck Lease-Solicitor Karasek stated that both item 2 and 3 can be discussed together. The Resolution is to enter into a lease agreement between Community First National Bank and Upper Mount Bethel Township, for the lease of a new Pierce Enforcer Top Mount Pumper Truck. **MOTION** by Supervisor Erler to adopt Resolution No. 2024-31, seconded by Supervisor Friedman. Supervisor Albert asked about a maintenance package. Chief Finan stated that yes, there is a good maintenance package. Ray Higgins asked if the truck is part of the NID. Supervisor Birmingham stated no and does not know where the NID is at this point. Manager Graziano stated that a ladder truck is in the NID. Vote: 4-0.
3. MBFH Lease Agreement-Solicitor Karasek stated that the Township is entering into a lease purchase agreement with the Community First National Bank. The

Township then enters into a lease agreement with the Fire Company where the fire company agrees to lease the vehicle from the Township. Solicitor Karasek read through some of the provisions of the agreement. There was a discussion on the PEMA Loan. Solicitor Karasek will add that to the lease agreement.

MOTION by Supervisor Bermingham that with the addition to the lease agreement that the sale from the engine/equipment of the fire company will be go towards payment of the 2% PEMA loan that the fire company has in the amount of \$318,881 seconded by Supervisor Friedman. Discussion: Manager Graziano asked who is responsible for insuring the vehicle. Solicitor Karasek stated that the Township is responsible for providing a comprehensive insurance package, liability, and casualty for the equipment. Vote: 4-0.

4. Consulting Agreement for Business Development-Solicitor Karasek stated that he has reviewed the agreement, which indicates that the agreement is for an initial phase of eight weeks, that there's an initial fee of \$5,000 due upon signing the agreement, that if there are expenses that are approved, they are also payable in addition to the initial fee, and the scope of the work basically indicates that the consultant will have site visits, insights on additional data centers plans and to act in the best interest of the client. **MOTION** by Supervisor Friedman to sign the Consulting Agreement, seconded by Supervisor Erler. Supervisor Albert would like to look at the agreement. Supervisor Erler stated that he brought this consultant to the attention of the EDC and did not get a very well response to it. Supervisor Erler feels it is of the best interest of the Township to move forward with him. Solicitor Karasek stated that it his understanding that we have someone in this crowd, Bill Hall, that this is what he does and maybe he should be considered. Vote: 4-0.

X.

PUBLIC COMMENT

Lee McDonald, Belvidere Corner Rd., would like to recommend the Township to draft a Resolution for Jeff Manzi, who has been a member of the ZHB for many years and is not looking to serve another term. It would be nice to offer him a Resolution of thanks for his time and service.

Chief Chris Finan and President Scott Meixsell, of the Mt. Bethel FC, thanked the Board for their continued support and to Manager Graziano for all the work he has done, and to the residents for their continued support over the years.

Ray Higgins asked the Board to consider having the Special Meeting on the 20th at the Fire House and allow more time to speak during public comment.

Ron Angle, Million Dollar Hwy., commented on the hiring of a consultant to do an analysis of data centers. This came as a recommendation from the lawyer that sued RPL. Why do we need a consultant to tell us what the benefits of a data center are.

Anthony DeFranco, Crosshill Dr., commented on data centers and wondered if anyone has ever gone to see one and it would be highly recommended to go see one. Supervisor Erler stated that he had a conversation with a data center manager in Long Island, much smaller, but the manager did give him some insight of what is currently

going around with the residents that are closest to it. Supervisor Erler also spoke with an engineering firm that builds and designs data centers.

Ron Angle, Million Dollar Hwy., commented on who brought the consultant in with the \$5,000 retainer and the add-ons, it was Charlie Cole's lawyer.

Michael Onufrak, Summerfield Dr., stated that no one is preventing a data center from coming here, it may not be the greatest thing ever, research needs to be done.

XI.

ANNOUNCEMENTS

Supervisor Erler announced he will be having office hours on December 16, 2024, at 7pm at TK's.

Supervisor Bermingham announced the details of the Christmas decorating contest will be going out this week. Christmas event at the Chelsea Sun, 12/22, 4-6 pm. Working on the next community town hall meeting with Cetronia. Thank you to Supervisor Friedman and Road Crew Chief Lindsey Manzi for waiting for the Red Cross to come at the fire in Evergreen Village.

XII.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:00 pm, seconded by Supervisor Erler. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary