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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
AND PUBLIC HEARING
MONDAY, FEBRUARY 12, 2024 – 7:00 PM

*This meeting was held in person at the Mt. Bethel Fire House 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 Friedman, Supervisor Eckman, Supervisor Albert, Township Solicitor Karasek, Township Engineer Coyle, Township Manager Graziano, and Recording Secretary Cindy Beck.

Supervisor Bermingham stated that in attendance is Jonathan Erler, who was recently appointed Supervisor after the resignation of David Due and at this time Jonathan would like to make a speech.

Jonathan submitted his letter of resignation as an alternate to the ZHB, effective today. Jonathan thanked the Board for giving him the opportunity to serve as Supervisor. Jonathan spoke of green energy and would like to pursue his ambition if and only if the cost outweighs the cost to ratio is in the towns favor. Jonathan stated that he is not opposed to RPL. Jonathan stated that he will strive to find balance and structure with RPL. Jonathan stated that 12 years ago he was arrested in NY on marijuana possession charges and all his firearms were ceased. After a few years and many court proceedings, he pleaded guilty to a misdemeanor and some other charges and later received all his firearms back from the police. Jonathan stated that four years ago the State Police came to his home due to a complaint, no charges were filed. Jonathan stated that if the Board would like to revote on his appointment, he would take no offense.

At this time, Jonathan took his Oath of Office:

I, Jonathan Erler, residing at 280 Saddle Creek Dr. Mt. Bethel, Pennsylvania, being duly elected or appointed Supervisor, of Upper Mount Bethel Township, in Northampton County, Pennsylvania, do solemnly swear that I support, obey, and defend the Constitution of the United States of America and the Constitution and Laws of the Commonwealth. That I will perform the duties of my appointment with fidelity, that I will not knowingly receive, directly or indirectly, any money or other valuable thing or things for the performance or non-performance of any act or duty pertaining to my appointment, other than the compensation allowed by law.

II.

APPROVE THE AGENDA

MOTION by Supervisor Eckman to Approve the Agenda, seconded by Supervisor Albert. Vote: 5-0.

Recess to Executive Session at 7:15 pm to discuss legal matters.

III.

EXECUTIVE SESSION

The meeting reconvened at 7:36 pm. Supervisor Bermingham stated that legal matters were discussed in Executive Session and opened the floor for any motion to be made.

MOTION by Supervisor Bermingham to appoint Gross McGinley as the Alternate Solicitor for the Board of Supervisors and the Planning Commission at a rate of \$160 per hour, seconded Supervisor Friedman. Vote: 5-0.

MOTION by Supervisor Friedman to have Gross McGinley look into dissolving the Municipal Authority, seconded by Supervisor Erler. Vote: 5-0.

IV.

PUBLIC COMMENT

Fred Clark, Crystal Terr., read his public comment which will be part of the official record. Fred commented on setting a new tone in town discussions.

Ellen Prudenti, Turkey Ridge Rd., commented on the garbage service fee and the hardship it has on the residents.

Ron Angle, Million Dollar Hwy, commented on Governments and the timeline of the Park Foundation and the accountability of the \$8,000.

Mark Mezger, Scenic Ct., commented on the previous comment regarding the Foundation and the legality of the current Foundation Board. Mark stated that the remaining funds were that of a private donation, not public funds. Mark stated that with

any further discussion on this matter he will interpret it as slander. Supervisor Erler asked Mark if he provided the financials to the Board as he previously stated he was going to do. Mark stated that he did.

Robert Teel, N. Delaware Dr., stated that he is the acting Chairman of the Planning Commission and asked at what capacity the Alternate PC Solicitor would be filling. Robert commented on the Foundation Board.

Lisa Pektor, representing RPL, commented on the topic of slander and rumors regarding the PenCap transaction.

Marty Pinter, Lindsey Ln., commented on the decisions made in Executive Session on the appointment of an Alternate Solicitor and the Boards' decision to look into disbanding the Municipal Authority.

Charles Cole, Riverton Rd., commented on the Authority's members and that they should read the Municipal Authority Act and know how and when an Authority should be formed.

Eleanor Shelton, Heiden Rd., commented on the vast majority of the people are concerned citizens.

Tom Gilmour, Morningside Dr. commented on peace in the town, and everyone is a concerned citizen, whether part of a group or not. Tom commented on the LERTA council meeting and was upset/disappointed that not one single representative from the Township was there.

Sharon Duffield, Potomac St., commented on special services used on a loan and what a special servicer is on a loan.

Frances Visicaro, N. Delaware Dr., stated she wanted to let everyone know that it looks as though someone is taking over the bakery in town.

Supervisor Bermingham announced that he would like to have a Special Meeting with all the Neighboring Communities, Portland, Knowlton, Lower Mt. Bethel, to hear their thoughts/concerns on the proposed development. Supervisor Bermingham announced that he would like to schedule office hours with two Supervisors attending at a time.

Supervisor Friedman announced that he would like to invite representatives from the LVPC to the Board of Supervisors meeting on January 22nd, to discuss the Plan Slate Belt Comprehensive Plan.

Solicitor Karasek stated that he wanted to personally thank the Board of Supervisors for his re-appointment and appreciates their support.

Manager Graziano thanked Mt. Bethel FH for making the hall available for tonight's meeting. He also wanted to thank the road crew for doing a great job keeping the roads in good shape during the storm and a thank you to Clark, Mt. Bethel Auto, for coming out early Sunday morning to fix two tires. And a thank you to the Chairman, Supervisor Bermingham for providing food for the road crew on Saturday.

Supervisor Bermingham thanked Manager Graziano for doing a great job with his first snowstorm.

V. ANNOUNCEMENTS

Secretary Cindy Beck reminded everyone to sign up for CodeRed and that trash/recycle pickup this week may be delayed due to the inclement weather coming.

Supervisor Erler gave an update on the Rt. 611 closure. Letters were sent by Representatives Susan Wild, Cartwright and Senators Casey and Federman to let everyone know that the closure is being addressed.

Supervisor Bermingham announced he met with Jeff Young of Suburban Ambulance and discussions will continue on their request for \$50k. The emergency shelter at the FH is moving forward, building to begin this fall. Supervisor Bermingham's office hours this month will be February 19th 6-7 pm at TKs and Supervisor Erler will be joining him.

VI. PUBLIC HEARING

Penn Jersey Food Mart, Inc.-Intermunicipal Transfer of Liquor License

Solicitor Karasek stated that under PA Liquor Code, there is a provision code that if someone wants to transfer a liquor license from one municipality to another, there has to be a public hearing on that transfer in order to see if there are any objections to the transfer based upon the welfare, health, peace, or morals of the municipality or its residents. An application was submitted from Cousins Holdings LLC in Bethlehem to Penn Jersey Food Mart Inc. here in the Five Points intersection in Upper Mount Bethel Township. Attorney Jason Ulrich, representing Penn Jersey Food Mart, represented by Aman Verma. Attorney Ulrich asked that the application be marked as exhibit one, the agreement of sale of liquor license marked as exhibit two, and a copy of the PLCB printouts regarding the client's ownership of other liquor licenses showing only one single violation back in 2008 marked as exhibit three. Attorney Ulrich asked Aman Verma some questions regarding the submitted application. Solicitor Karasek asked the Board if they had any questions for Mr. Verma. Attorney Ulrich stated that they cannot file an application with the PA Liquor Control Board without having a hearing and an approved Resolution. Solicitor Karasek stated that a letter was received from Sam and Mary Jo Krafty, owners of Mt. Bethel Beverage, expressing their concern about this license. Solicitor Karasek stated that their concern at this point is a bit premature. One

of their concerns is the orange placard that needs to be placed at the location for 30 days telling people that there is a license transfer that may be occurring. Solicitor Karasek stated that they are not to that point yet, but the Township is taking the Krafty's comments to heart. Supervisor Friedman asked what type of liquor is going to be sold? Attorney Ulrich stated that it is an R License so it would be beer and wine permits only and they will be required to have thirty (30) seats available. Supervisor Eckman asked where the liquor will be kept, due to her concerns that this location is close to the schools and may be easily accessible to the students. Attorney Ulrich stated that there has to be a separate cashier for liquor purchases. Attorney Ulrich stated that these will be the concerns of the LCB. Supervisor Eckman stated that she is not against the transfer, but she would like to see where we can make sure that we don't have the kids don't just go in and take something. Attorney Ulrich stated that the liquor will have to be secured according to LCB rules. No further questions. Hearing is closed.

VII.

PRESENTATION-Lamont McClure

MOTION by Supervisor Bermingham to table Lamont McClure's presentation, seconded by Supervisor Friedman. Vote: 5-0.

VIII.

CONSENT AGENDA

1. December 29, 2023, Meeting Minutes
2. January 2, 2024, Reorganization Meeting Minutes
3. January 8, 2024, Meeting Minutes
4. January 15, 2024, Special Meeting Minutes
5. January 22, 2024, WS Meeting Minutes
6. Exonerations-None

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

IX.

FINANCIALS

1. Bill List-Manager Graziano read the bill list \$334,197.72. **MOTION** by Supervisor Eler to pay the bills in the amount of \$334,197.72, seconded by Supervisor Friedman. Vote: 5-0.

X.

ACTION ITEMS

1. Resolution No. 2024-04 Transfer of Liquor License-Solicitor Karasek stated that under the Code, the Township has 45 days from the date of the application to make a decision. There was a request for a 60-day extension earlier until February 26th, so a decision could be made tonight or at the February 26th meeting. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Bermingham. Supervisor Eckman stated she would like to see what

the LCB is going to do with this so close to the schools. Solicitor Karasek stated this is a valid concern, and perhaps Attorney Ulrich can check with PLCB regulations or other statutes that might talk about what happens with respect to liquor at or near to the school district. Attorney Ulrich stated that Supervisor Eckman's concerns will automatically be addressed once the transfer is approved. Solicitor Karasek stated that a statement may be added to the Resolution stating that the applicant makes certain that the alcohol/beer/wine, is kept in a location that would be not accessible to students or minors. Attorney Ulrich has no objection to that addition. Vote: 3-2 to table. This will be on the agenda for the next meeting.

2. Intermunicipal Agreement w/LMBT-Manager Graziano stated that this agreement has been requested by the Parks/Rec Board for the girls' softball teams to utilize the softball fields at Lower Mt. Bethel. This is an annual agreement. Solicitor Karasek stated that with intermunicipal agreements, there has to be an Ordinance passed by the Township and Lower Mt. Bethel Township in order to approve of the agreements. Solicitor Karasek stated that the agreement can be approved but at some point, an Ordinance should be adopted. **MOTION** by Supervisor Friedman to approve the Intermunicipal Agreement with Lower Mount Bethel Township, seconded by Supervisor Albert. Vote: 5-0.
3. UMBT Police Association Memorandum of Understanding-Solicitor Karasek stated this Memorandum of Understanding had been approved by the Board a few months ago, but at that time the pension amount was not yet determined and it was not made part of the memorandum of understanding and now that the pension amount has been determined \$1,148.74 a month. This is a settlement in a matter involving the final former police officer of UMBT, Mr. Dennis Smith, where he is now eligible to begin collecting his pension benefits effective July 1, 2016, and there is also a payment made by the Township in the amount of \$3,500 in order to resolve this matter. **MOTION** by Supervisor Friedman to approve the UMBT Police Association Memorandum of Understanding, seconded by Supervisor Albert. Vote: 5-0.
4. Lawn Mowing/Maintenance Bid Advertisement-Manager Graziano stated that he and the Lindsey, Road Crew Chief, discussed the cost of doing the mowing in house vs. contracting it out. We have new equipment that is not being used. Proposed is to advertise for bids for lawn mowing/maintenance. Manager Graziano read the bid advertisement. **MOTION** by Supervisor Bermingham to approve the Lawn Mowing/Maintenance Bid Advertisement as outlined in the bid notice, seconded by Supervisor Friedman. Supervisor Erler asked Manager Graziano what will we do with the lawn mowing equipment. Manager Graziano stated that we will put up for sale on Municibid. Supervisor Erler asked if we will be laying anyone off. Manager Graziano stated no. Vote: 5-0.
5. Deichmann Stormwater Agreement-Solicitor Karasek stated that he was asked by Township Engineer Coyle to prepare this agreement. Engineer Coyle discussed the proposed agreement between Deichmann's and UMBT. The Township intends to install a new drainage cross-pipe on Shady Lane, which pipe will discharge to a swale (which will need to be constructed on the Deichmann property). **MOTION** by Supervisor Friedman to approve the Deichmann Stormwater Agreement, seconded by Supervisor Albert. Vote: 5-0.

XI.

TABLED ITEMS

1. Manager Graziano Agreement-Solicitor Karasek reviewed the revised agreement that outlined his benefits which he is entitled to as well as his salary. There was a discussion on vehicle expenses. Manager Graziano questioned the mileage reimbursement since he does use his own vehicle. Solicitor Karasek stated that verbage should be changed in the agreement if in fact Manager Graziano uses his own vehicle, he should get reimbursed for mileage. **MOTION** by Supervisor Friedman to approve the agreement, with the stipulations that were outlined by Solicitor Karasek, with the change for vehicle usage be added to it, seconded by Supervisor Albert. Vote: 5-0.
2. Community Park Bathrooms-Manager Graziano stated that a quote for the bathrooms was received today from Troy Mechanical, costars supplier, so no formal bid will be required. The proposal cost of the project is \$148,505. Funding has been set aside for this. Troy Mechanical needs about a month to get their equipment together and a month to build. Manager Graziano stated that April is a good target to get started. Steve Ott commented on who's responsibility it will be to maintain the bathrooms. Steve suggests porta johns be placed throughout the park. Supervisor Bermingham asked for this to be on the March 11th agenda. Stavros Barbounis, Chairman Parks/Rec, stated the plans do have heaters for the bathrooms. There is a need for bathrooms at the park, not only for sports programs, but also for those who rent the pavilion. The Parks/Rec Board also discussed the idea of a dog park, there is no way to enforce compliance, as well as smoking at the park. Stavros is asking the Board to find out what it will take to gain the resources to properly enforce compliance with rules and regulations for parks and all the facilities. Lisa Pektor stated that this was one of the reasons the park was considered part of the NID District, so that security at the park would be funded by NID funds, and it was to give \$80k a year to the park to use for maintenance, enhancements and whatnots.
3. Embassy Funds-Manager Graziano stated that he spoke with Embassy bank regarding penalties on Certificates of Deposits. The penalty is only interest, not on the principal. **MOTION** by Supervisor Erler to approve of moving the funds into CDs, seconded by Supervisor Friedman. Vote: 5-0.

XII.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:25 pm, seconded by Supervisor Eckman. Vote: 5-0.

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

Today, I would like to continue speaking about setting a new tone in town discussions.

When people with limited intellectual abilities and weak arguments use personal attacks to call into question the character of their opponents it is *understandable but unacceptable*. When capable and knowledgeable proponents of a position resort to attacking their opponent's character instead of proving their point, it is *neither understandable nor acceptable*. Arguments that use ad hominem attacks do so to deflect from their weakness and call into question both the strength of the users' convictions *and their motives*. People that believe their argument has merit show *respect for their audience* by presenting it logically. They do not resort to unsupported allegations and innuendo about an opponent in the process. As we form our opinions on town issues, we should pay close attention to the approach being used to convince us someone is advocating a strong position and be on the lookout for instances where *"attack the messenger"* is used rather than *"attack the message"*. Insist on factually supported, logical, arguments from our boards, applicants, and members of the public trying to win us to their side.

Some that advocate moving the RPL development forward have been using the term "concerned citizens of Upper Mount Bethel" as a pejorative. When RPL proposed dumping 100 thousand gallons of industrial wastewater per day into my neighborhood, the description "concerned citizen of Upper Mount Bethel" *didn't come close* to characterizing my discontent. I continue to exercise my First Amendment right to express my concerns to the developer, various boards and commissions, and anyone that will listen. *None of us* has the right to define what constitutes a valid concern for others and the irony is that some that favor moving the RPL development forward and that denigrate concerned citizens *are themselves* concerned citizens of Upper Mount Bethel, but their concerns are more focused on jobs, taxes, a sound town budget, and an ACT 537 plan. Being a concerned citizen of Upper Mount Bethel *is a good thing* and the term describes anyone willing to spend many long evenings in a township garage or firehouse and showing up to vote.

I believe that a landowner has the right to develop their property within the legal limits set for that development. Developing RPL responsibly has the potential to solve many UMBT concerns, but irresponsible development has the potential to make the town unlivable. We should only support those that respectfully listen to our concerns, use facts and logic to convince us that our concerns are adequately addressed in development plans, don't resort to tactics of intimidation before trying negotiation, and take concrete actions to ensure that they are leaving Upper Mount Bethel better than they found it.

Thank you for listening.

