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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, MARCH 11, 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 Friedman, Supervisor Eckman, Supervisor Albert, Township Solicitor Karasek, Township Engineer Coyle, and Township Manager Graziano.

II.

APPROVE THE AGENDA

MOTION by Supervisor Friedman to move Section VIII, Land Development to VII, after the Financials and before Action Items, seconded by Supervisor Eckman. Vote: 5-0.

MOTION by Supervisor Erler to include Public Comment before Executive Session, seconded by Supervisor Albert. Vote: 5-0.

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

III.

PUBLIC COMMENT

Fred Clark, Crystal Terr., read his public comment which will be part of the official record. Fred commented on leadership and respect.

Mark Mezger, Scenic Ct., commented on the three-minute comment period.

Attorney Gary Asteak, appearing on behalf of the Municipal Authority, commented on how to best approach the sewer and water issues that are going to be embraced by the

community. Attorney Asteak stated that he recommends the Board sits down with the Municipal Authority and talk, in a spirit of calmness and understanding, there is much to learn, the mission, the goals, and the purposes of the Municipal Authority. Emotions are prevailing over reason. Attorney Asteak encourages the Board to defer any further actions regarding the Authority, until you have an opportunity to sit down and discuss this.

Charles Cole, Riverton Rd., commented on the Municipal Authority, stating it is not what we need. Municipal water and wastewater can manage itself here as a municipality better.

Don Moore, Plainfield Township, former Supervisor of Plainfield Township, stated they are very concerned about possible traffic going through both Tatamy, Wind Gap, Pen Argyl, and the Plainfield Township corridor on Rt. 512.

Rich Klinge, Totts Gap Rd., commented on the excavator, was it purchased. Manager Graziano stated that it is a rental, there is a lot of mitigation going on.

Ron Angle, Million Dollar Hwy, commented on unrest and turmoil in the Township. There seems to be two sides in the Township, we need a Township that's all together, not two sides. Ron stated that sitting down with RPL to discuss can still be done.

Judith Henckel, Robin Hood Rd., commented on meeting with River Pointe and will they stop the ZHB Hearing if you sit down with them.

IV. ANNOUNCEMENTS

Supervisor Erler announced that he met with Ed Nelson, past Manager, he also met with Scott Cole, and Ray Higgins, EDC members and Board members of the Municipal Authority. Supervisor Erler stated that Scott showed him the finalized business pamphlets and they look good. Supervisor Erler gave a formal recognition to Mr. Pektor for the donation of trees at the Park. Supervisor Erler would like to craft ways to assist those businesses located in Upper Mount Bethel Township that are being affected by the closure of Rt. 611 through the Gap. Supervisor Erler asked for a moment of silence for the passing of a local resident, Jeff Delp, who worked for Ultra-Poly.

Supervisor Albert announced the Eagle Scout project, a sign, that Jacob Smith did at the ball field has been completed and there are more projects at the facility that will be going on there.

Supervisor Friedman announced the Well Ordinance Committee will be meeting on March 13th, hopefully the last meeting before presenting the revised Well Ordinance to the BOS.

Supervisor Bermingham announced that a local resident Barbara Wolbert is going through a very difficult time and if anyone would like to help the family out, visit Supervisor Bermingham's Supervisor FB page for a GoFundMe link. Millers Egg Ranch will be having a summer camp program. They are trying to set up scholarships for families that would like to enroll their kids but don't have the money, so if any local business of Upper Mt. Bethel or surrounding communities would like to sponsor a child, it is \$350 a week. The Township will be having a free Electronic Recycling Event, donations will be collected for the Joana Family. Mt. Bethel Pharmacy is having their first annual Easter Egg Hunt on March 24th, 12 pm at the Mt. Bethel FH, there is a fee for pictures. Supervisor Bermingham is suggesting having a garbage day at the Township Municipal Building once a week, where residents can bring the excess garbage to dispose of.

V.

CONSENT AGENDA

1. February 12, 2024, Meeting Minutes
2. February 26, 2024, WS Meeting Minutes
3. February 28, 2024, Special Meeting Minutes
4. Exonerations/Refunds

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

Manager Graziano announced that Institute Dr. will be closed until the end of April for the amphibians that are mating. Manager Graziano stated that we are going to start listing stuff on Municibid, mowers, weed wackers, scanner, and other equipment. After a meeting with Engineer Coyle and the bridge authority from PennDOT, 6 bridges were inspected and most of the bridges are fine, some need mitigation. We will be spending a lot of money on roads this year.

VI.

FINANCIALS

1. Bill List-Manager Graziano read the bill list \$266,393.12. **MOTION** by Supervisor Friedman to pay the bills in the amount of \$266,393.12, seconded by Supervisor Erler. Vote: 5-0.

VII.

LAND DEVELOPMENT

1. Ultra-Poly Building 3 Conditional Final LD Approval-Attorney Peter Layman, representing Ultra-Poly and Adam Citrullo, Bohler Engineering, spoke briefly about the project for the new Board members. The Planning Commission recommended conditional final plan approval. David LaFiura, President of Ultra-Poly, first thanked the Board for acknowledging the tragic passing of Jeff. David gave a little background of what Ultra-Poly does, plastic recycling exclusively. They only recycle polyethylene and polypropylene, which are the

two largest commodity plastics that are in circulation today. This will be Ultra-Poly's first building in UMBT, the other two buildings are in Portland Borough. Engineer Coyle mentioned that this plan did receive conditional final plan approval from the Planning Commission. Adam provided renderings of the site, and building. Solicitor Karasek read over the signed conditional final plan approval form and is now ready for consideration and vote. Supervisor Erler asked construction would start. David stated that it will all depend on the business environment and interest rates, perhaps next summer. **MOTION** by Supervisor Friedman to grant conditional final LD plan approval for the Ultra-Poly Building 3, seconded by Supervisor Albert. Vote: 5-0.

VIII.

ACTION ITEMS

1. Lawn Mowing Bid Award-Manager Graziano stated that seven (7) bids were received by the lawn mowing. All bids varied in price. Bids received were as follows: Fasano Enterprises-\$1,850 weekly, Pocono Management-\$1,495 weekly, Mathiesen Landscaping-\$10,000 monthly, Ott's Lawn Care-\$1,600 weekly, Baker Landscaping-\$6,545 weekly, JB's Landscaping-2,677.99 weekly, Ponist Property Concepts-\$2,400 weekly. **MOTION** by Supervisor Friedman to award the Lawn Mowing Bid to Pocono Management for \$1,495 weekly, seconded by Supervisor Erler. Vote: 5-0.
2. Resolution to Dissolve the Municipal Authority-Supervisor Friedman stated that due to an issue from the last BOS Special meeting, he would like to rescind his motion that he made to rescind the Resolution to dissolve the Authority. Supervisor Friedman stated that the issue was how they passed the motion during the Special meeting. **MOTION** by Supervisor Friedman to rescind his motion to rescind the Resolution to dissolve the Municipal Authority, seconded by Supervisor Eckman. Vote: 5-0. **MOTION** by Supervisor Friedman to dissolve the Municipal Authority, seconded by Supervisor Eckman. Discussion: Supervisor Erler asked the Board members if anyone has been reached to from either the Municipal Authority or RPL. Supervisor Bermingham stated that he did from the Municipal Authority. Supervisor Friedman read the Resolution. A Resolution directing the Upper Mount Bethel Township Municipal Authority to pay off its indebtedness, transfer its assets to the Township and to dissolve itself. Supervisor Erler asked Engineer Coyle about the feasibility study and why was it not performed. Engineer Coyle stated that it was something his office recommended back when this was originally coming out. Supervisor Albert stated that if this Resolution doesn't pass, they can still build their sewage plant. Supervisor Bermingham called for a vote. Vote: 5-0.
3. Resolution No 2024-05 Reinstate the EAC-Supervisor Bermingham stated this Resolution is to appoint new members to the EAC. Supervisor Bermingham read the members and terms: Judith Henckel-3-year term, Dohl DiFedo-3-year term, Alexandra Dutt-2-year term, Allison Heinsohn-2-year term, and Courtney Gilmour-1 year term. **MOTION** by Supervisor Friedman to adopt Resolution No. 2024-05, seconded by Supervisor Eckman. Vote: 5-0.

IX.

NEW BUSINESS

1. Intermunicipal Agreement Ordinance/Softball-Solicitor Karasek stated that he was not able to prepare the Ordinance due to the request by LMBT to add something to the Intermunicipal Agreement. The request was for UMBT to administer background checks on all the coaches and the Township to pay for that. MOTION by Supervisor Albert to approve the Intermunicipal Agreement Ordinance for softball, seconded by Supervisor Friedman. Vote: 5-0.
2. RPL Liaison-Supervisor Erler stated that there is a need to create some form of dialog between RPL and the BOS. He would like to have two, if possible. MOTION by Supervisor Erler to set up an RPL Liaison, no second, motion dies. There was a discussion on RPL meeting with the Board to have discussions. Mark Mezger stated that a couple years back a charter was drafted for a liaison group, to streamline communications between RPL, the BOS and the community. **MOTION** by Supervisor Friedman to table until the next meeting, seconded by Supervisor Bermingham. Discussion: Supervisor Erler asked Lisa Pektor if she would like to comment. Lisa Pektor stated that if her father was here tonight, he would have apologized for letting his frustrations get the best of him. Lisa stated that if we continue to be at odds, neither one is going to win in having a good project for the community. Lisa stated that yes, they would be open to one, two, pro/con person to gather questions prior to them making a presentation so that they have points that the community wants to hear. Supervisor Bermingham called for a vote. Vote: 5-0.

X.

PUBLIC COMMENT

Charles Cole, Riverton Rd., commented the residents getting beaten upon because of conflicts. Charles commented on the Text Amendment and the things that got thrown out, zoning/municipal laws.

Judith Henckel, Robin Hood Rd., thanked the Board for getting the EAC back together. The EAC will be meeting on the second (2nd) Tuesday of the month. Supervisor Friedman will be the temporary liaison. Judy stated that they don't want to get thrown into the RPL project, they will be looking into different things, focusing on education.

Ron Angle, Million Dollar Hwy., commented on River Pointe producing a lot of tax revenue. Ron asked the Board what Gross McGinley's hourly rate is if we were to go into litigation? Supervisor Bermingham stated that has not been discussed yet. Ron spoke of knowledge and finance, without a Municipal Authority, the end result will be warehouses and truck traffic. Ron's projection is a massive tax increase next year and more turmoil.

Michael Onufrak, Summerfield Dr., commented on re-establishing the Municipal Authority sometime down the road. Michael commented on knowing who RPL is talking to or who are the perspective tenants. Michael stated that is not opposed to development, he's opposed to the size of the development and being opposed to the drip irrigation field in his back yard.

Marty Pinter, Lindsey Lane, commented on the Board having a discussion with the Municipal Authority, transparency. The PUC will come in and dictate how things will be done.

Mark Mezger, Scenic Ct., commented on what is the basis for the Municipal Authority.

Joe Torre, Institute Dr., commented on the need for mediation.

Bill Hall, Jacoby Run Rd., commented on leadership, which requires a vision, can't be emotional. Sitting down and having a rational conversation.

Recess to Executive Session at 9:00 pm to discuss a personnel matter.

**XI.
EXECUTIVE SESSION**

The meeting reconvened at 9:10 pm. Supervisor Bermingham stated a personnel matter was discussed in Executive Session and asked if anyone would like to make a motion. **MOTION** by Supervisor Eler for a meeting to be set with the Township Manager, Stavros, and Chris Callie to discuss electronic communications for the Township, seconded by Supervisor Eckman. Vote: 5-0.

**XII.
ADJOURNMENT**

MOTION by Supervisor Friedman to adjourn the meeting at 9:15 pm, seconded by Supervisor Eler. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Good evening, Fred Clark, Crystal Terrace, Mount Bethel.

Thank you for the opportunity to speak.

Today, I would like to speak about leadership and respect.

This town needs leaders with enough courage of their convictions to discuss the merits of any issue with any taxpayer or citizen, which includes developers, former/current supervisors, commissioners, committee members, and people that they don't like and that don't like them. Supervisor Friedman showed that kind of leadership at the recent special meeting when, despite his reservations, he withdrew his motion to dissolve the Municipal Authority. His willingness to listen and negotiate before acting was commendable. Leadership was also displayed when he resubmitted his motion, because leaders demand mutual respect, if not for themselves, then for their office and that was lacking in comments made about the board and in calling one supervisor "untrustworthy". A defeat was snatched from the jaws of victory due to unnecessary comments that undid any progress made toward a negotiated settlement and pushed the process towards litigation. I commend this board for considering the appointment of an RPL Liaison to move us back in the direction of negotiation. Litigation is a costly process for both sides and should be the option of last resort. To find the best solution for their stakeholders, each side may need to leave the hill they are "defending to the death" and look in the valley that lies between them, because that is where the answer lies.

I approach and treat my position at this podium with the respect it is due, as a platform to exercise my First Amendment right to speak to my government and fellow citizens. I make every effort to stay within the three minutes allotted for public comment and sit down when my time is up to demonstrate my respect for that right and for everyone else present. Others choose not to demonstrate this level of respect, by approaching the podium without being recognized, refusing to leave when requested, or simply shouting from the audience. Some attempt to draw the head table into a conversation to gain more than their allotted three minutes. While these people sometimes have valuable information to present, they refuse to honor the rules of conduct established for them to present it. This clearly demonstrates why a former Supervisor often pointed out that public comment is **just that** and "this is not a conversation". I have often heard one supervisor emphasize how important it is for leaders to "hear the voice of the people" but believe that it is equally important that meeting leaders ensure access to the people's platform is managed equitably and within the established rules of conduct.

Finally, I was wondering if our solicitor saw my questions from the special meeting of supervisors and had any comments on them and I would like to resubmit comments from some prior meetings, as they are relevant to tonight's agenda.

