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

II.

APPROVE THE AGENDA

MOTION by Supervisor Albert to move Section VII, New Business, to Section V, seconded by Supervisor Friedman. Vote: 5-0.

Supervisor Bermingham asked for a Moment of Silence in remembrance of Mayor Derek Powell, East Bangor, who recently passed away.

III.

PUBLIC COMMENT

Fred Clark, Crystal Terr., read his public comment which will be part of the official record. Fred commented on establishing and maintaining effective communication with RPL.

Secretary Cindy Beck read a public comment submitted by Courtney Gilmour. In her public comment, she stated that she supports County Executive Lamont McClure's repeal of the LERTA designation for the RPL project and to advocate for her support for the BOS to support the rescinding of the current LERTA designation and replacing it with the new proposal.

IV. ANNOUNCEMENTS

Denise Baarda stated that the Township's biggest asset is the Delaware River, we need to find ways to capitalize on it. Having access to the river for daily picnics, concerts, food trucks. Denise commented on who will be cleaning the bathrooms at the Park. Problems with trees on power lines are issue. Reaching out to local services for assistance. Another concern is squatters going into empty houses/warehouses. The way to prevent less warehouses, own on-lot septic system.

Supervisor Erler announced that he will be having office hours on April 2nd at TK's at 7pm.

Supervisor Friedman announced that he and Nick discussed the financials with the Fire Companies, everything is in good shape, and can the BOS stipulate that the funds be in a separate bank account for the Fire Tax funds.

Supervisor Bermingham announced that there will be a free electronics recycling event at the Chelsea Sun on April 14th, 1-4. Donations will be gladly accepted for the benefit of the Joana family. Supervisor Bermingham and Manager Graziano are working with Congresswoman Susan Wild's office on a grant for the North Bangor FC emergency shelter. We are moving forward with the Mt. Bethel FC emergency shelter building to begin in the fall. Another community meeting will be scheduled to talk about ambulance/emergency services. There is an on-line trafficking webinar tomorrow. Working on another community wide yard sale.

Manager Graziano thanked those that provided support letters for a grant for the preserve. Manager Graziano discussed the bridge closing on Rt. 611 in Richmond, with the hopes that it is completed by mid-June. April 27th, 9am-12pm, community clean-up day.

V. NEW BUSINESS

1. Fidelity Investment Proposal-Supervisor Albert spoke briefly about meeting with Adam Higgins, Fidelity Bank Wealth Relationship Manager, on the Township's Municipal Asset Management. Adam discussed one of the services they provide is an Investment Policy Statement, which is an agreement between the Township and an eventual provider of what the providers duties are, what the rules are, making sure they are compliant with Act 10, and acting on the best interest of the Township. Adam provided a couple of proposals for several accounts, Open Space funds, Road Machinery funds, and the General Fund. Adam suggested the Board review the Investment Policy Statement, then moving to vote to approve. Supervisor Erler asked if there would be a penalty for withdrawing funds. Adam responded that there would be no penalty. Ryan McGowen, Fidelity Bank Public Finance Representative, stated that looking at taking advantage of this now as opposed to rates dropping potentially in the future. Ryan will share some

references with Manager Graziano.

VI.

ACTION ITEMS

1. Preserve Grant-DCNR Resolution-Manager Graziano discussed the DCNR Resolution for the Preserve Grant, which was approved by the OSAB when they signed on Simone Collins. This Grant is for \$600,000. **MOTION** by Supervisor Friedman to approve the Resolution for the Preserve Grant-DCNR, seconded by Supervisor Albert. Vote: 5-0.
2. Preserve Grant-DCED Resolution-Manager Graziano stated this is the Grant for the DCED Resolution. This Grant is for \$250,000. **MOTION** by Supervisor Friedman to approve the Resolution for the Preserve Grant-DCED, seconded by Supervisor Eckman. Vote: 5-0.
3. Carroll Engineering-Wetlands/Delineation/Topographic Survey-Manager Graziano stated that at the recommendation of Simon Collins, to have Carroll Engineering oversees all the work that is being done at the Preserve. Simone Collins put together a topographical survey that will be done by Scott Policelli for \$19,700 and the Wetlands/Delineation will be done by Kevin Keat for \$16,630. All money will be coming out of the Open Space funds. **MOTION** by Supervisor Friedman to appoint Carroll Engineering as the Consultant for Wetlands/Delineation/Topographic Survey, seconded by Supervisor Albert. Vote: 5-0.
4. Open Space Conservation Easement-Manager Graziano read a letter of recommendation from Laura Bocko, Chairperson of the OSAB, for a property for conservation easement, parcel #D12 8 7A. The expected total cost is \$114,100, of which the Township would be responsible for \$63,575, and for the remaining funds, \$50,525, they will be applying for a Northampton Livable Landscapes Grant. **MOTION** by Supervisor Friedman to approve the Open Space Conservation Easement for D12 8 7A in the amount of \$63,575, seconded by Supervisor Erler. Vote: 5-0. Solicitor Karasek stated that a Resolution should be drafted. Supervisor Bermingham asked for this to be on the agenda for April 8th.
5. Scantek Document Conversion Proposal-Manager Graziano stated Scantek is the company that we used to scan our documents previously. We are now in a position where we have more files that need to be scanned. They provided a proposal for us to consider. The cost is \$5,143.00, approximately 10 boxes, 25,000 images. **MOTION** by Supervisor Friedman to accept the Scantek proposal in the amount of \$5,143.00, seconded by Supervisor Eckman. Vote: 5-0.
6. Advertise for Material Bids-Manager Graziano stated this is annual procedure to advertise for materials, such as stone, anti-skid, fuel, etc. **MOTION** by Supervisor Albert to advertise for material bids, seconded by Supervisor Eckman. Vote:5-0.
7. Advertise for Line Painting and Seal Coat Bids-Manager Graziano stated that Engineer Coyle prepared the bid packages for the line painting and seal coat and are ready to be advertised. Manager Graziano mentioned that all liquid fuel funds have been received. **MOTION** by Supervisor Albert to advertise for Line Painting and Seal Coat bids, seconded by Supervisor Friedman. Vote: 5-0.
8. Township Manager Spending Limit-Supervisor Bermingham discussed Township Manager Graziano's spending limit. Currently the Manager has discretionary funds of \$10,000 per month to spend on what the Township Manager feels is best for the Township. Manager Graziano stated that it is \$10,000 per

project or bill. There was a discussion on what the Board feels is appropriate for the Manager's spending limits. Supervisor Friedman stated that maybe they should put a higher limit and if it is over, then the treasurer should be notified. Manager Graziano explained a scenario in which he needs to make an immediate decision. Manager Graziano stated that he is always in contact with Supervisor Friedman when something comes up. Manager Graziano stated that at this time, the \$10,000 limit is working fine but he will do whatever the Board chooses. Mark Mezger, Scenic Ct., stated that instead of looking at an amount, look at what the management controls that you want to apply and then how you are going to hold the manager accountable for what he's done. Supervisor Birmingham suggests that Manager Graziano submit a monthly report and within the report, list everything that you've used on the discretionary funds. Stavros Barbounis asked, in regards to the issue at the Park, can we hold the original contractor responsible for not doing it to code. Supervisor Friedman stated no. And in regard to Manager discretionary spending, the budget that was approved covers incidentals, emergency items, etc, but wouldn't it go up to potentially what was already budgeted for within that line item. Supervisor Birmingham asked Manager Graziano to provide a first quarter report at the April 22nd meeting.

VII.

TABLED ITEMS

1. Intermunicipal Agreement Ordinance/Softball-Solicitor Karasek stated that he made the changes that were requested by LMBT and forwarded them back for their approval. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Albert. Vote: 5-0.
2. RPL Liaison-Supervisor Birmingham opened this up for discussion. How do we want the communication to work between the Township and RPL. Supervisor Erlar stated that currently he feels as though we are not on good foot with RPL but something he'd like to make apparent is that Lamtec/Mr. Post donates hundreds of thousands of dollars to the Township, as well as Air Liquide and he believes getting on a good footing with such a developer could be beneficial to the Township in future. Supervisor Birmingham stated that he thinks we do need some form of communication. He doesn't think it should be a Supervisor or anyone on a committee. Joe Torre, Institute Dr., stated that we already have six good sound men already with a committee, the EDC. Mark Mezger, Scenic Ct., stated we want to look at this as a life cycle for the I2 and I3 zones, dealing with occupants, communicating with businesses coming in. What do we want a committee to do/get accomplished. Ron Angle, Million Dollar Hwy, stated that many of the members of the Board really didn't want River Pointe, why would RPL want to set down and work with us now, based on what some have done up to this point. Supervisor Birmingham stated that River Pointe basically got what they wanted with the last administration, now there is an administration that is slow down, let's be more careful. We are willing to talk to River Pointe but we are not willing to bend over River Pointe. Ron stated the previous administration had a vision. We are going to get exactly what we didn't want. Supervisor Erlar stated that there are certain things that they would like to prevent, like changing the residential to have drip fields on it to protect the residents. Stavros stated that Lisa Pektor sent a FB message and asked

for him to read it. Lisa stated that how about starting with a tour of the property, maybe that will help explain our vision. Supervisor Erler would like a tour of the property. Manager Graziano and Supervisor Erler will make arrangements to take a tour of the property and report back to the Board. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Bermingham. Vote: 5-0.

3. Community Park Bathrooms Update-Manager Graziano stated that we got the go ahead on the bathrooms from Frank Brooks. The septic has been approved and our highway department will be doing the work. Manager Graziano stated that Engineer Coyle reviewed the CoStars bid received from Troy Mechanical for the bathrooms. Engineer Coyle recommends awarding the contract to Troy Mechanical in the amount of \$148, 505.00. **MOTION** by Supervisor Bermingham to award the bid to Troy Mechanical in the amount of \$148,505.00, seconded by Supervisor Albert. Vote: 5-0.
4. LERTA Support Letter Northampton County-Supervisor Bermingham stated this was based on when County Executive Lamont McClure gave a presentation to the Board on a new LERTA Ordinance that he will be presenting to the County. Supervisor Bermingham asked for this to be on the April 8th agenda.
5. Road Crew Hiring-Manager Graziano stated that Todd Pinto and Brock Pearson are good workers and recommends hiring them full time. Brock Pearson's rate would be \$26.45, and Todd Pinto's rate would be \$29.39, based on his experience. If they are hired this evening, tomorrow they will have a coin toss, for seniority, because they are being hired on the same day. Supervisor Friedman agrees that we will be hiring two good men. **MOTION** by Supervisor Friedman that we hire Brock Pearson and Todd Pinto at the rates that Manager Graziano stated, and with all benefits per the Union Contract, seconded by Supervisor Albert. Vote: 5-0.

VIII. PUBLIC COMMENT

Judith Henckel, Robin Hood Rd., stated that she is fed up with all that is going on, look at the big picture and figure out how you move from the present to the future.

Michael Onufrak, Summerfield Dr., commented on criticizing the current Board when it has only been 3 months and the RPL project on the table for 3-4 years, is not right. The previous Board's vision was never clearly defined to the citizens.

Bill Hall, Jacoby Run Rd., stated that he and others when to speak to Lou Pektor because they had concerns. Lou asked, "What don't you want". Bill stated he has never had a developer ask that question. Bill answered, we don't want warehouses. We want jobs, taxes, manufacturing.

Fred Clark, Crystal Terr., read his public comment which will made part of the official record. Fred commented on "sides" in the Township.

Supervisor Erler stated a concern about the emergency shelter that is going to be created using grant money. Due to the current situation in New York City, all emergency

shelters are currently being occupied by migrants and with us using grant monies, is that going to put us in that same realm.

Mark Mezger, Scenic Ct. commented on the success of the development, the developer is going to have to deal with availability of labor, the high cost of that labor, the infrastructure associated with water/sewer, stormwater, traffic. Maybe the Township can look at a new concept for that area.

Eleanor Shelton, Heiden Rd., commented on RPL being successful, they need to talk to the Board if they want to be successful. All the speculations.

Joe Torre, Institute Rd., commented on using Chad Hart, a good mechanic. Supervisor Friedman stated that we are using him again.

Ron Angle, Million Dollar Hwy, commented on the original concept, manufacturing, but all has changed. Ron asked how much we are paying the Solicitor for litigation. Supervisor Bermingham stated \$160 an hour. Ron asked about what was discussed in Executive Session at the last meeting, which was stated Personnel. It was not personnel issue, which is a violation of the Sunshine Law. Supervisor Bermingham stated that he had a conversation with Solicitor Karasek who stated it was fine. Solicitor Karasek stated with the information which was provided made me understand it to be a personnel matter.

Supervisor Friedman stated that he did not hear anyone complain when Cozza Law Firm was getting \$300 an hour.

Supervisor Bermingham stated that he will be having office hours on April 16th, at the Township Building 6:30-7:30pm.

IX. EXECUTIVE SESSION

X. ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:30 pm, seconded by Supervisor Erler. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Cindy Beck

From: Courtney Gilmour
Sent: Monday, March 25, 2024 3:49 PM
To: Cindy Beck
Subject: For Public Comment at tonight's meeting

Hello,

Please read into public comment the following statement at tonight's board of supervisors meeting.

Honorable Upper Mount Bethel Township Supervisors –

Unfortunately, I cannot be there in person this evening to advocate in support of our elected board of supervisors supporting County Executive Lamont McClure's repeal of the LERTA designation for the RPL project, as I'm required to attend a different meeting at this time.

I've asked for this letter to be read during public comment to advocate for my support for the Board of Supervisors to support the rescinding of the current LERTA designation, and replacing it with the new proposal.

I believe this will provide both the county and our township additional tools to help mitigate the risk of this development falling to warehousing over job producing manufacturing. In my reading of the proposal this will give us as a township some autonomy back to help manage the scope of this project.

I think it is imperative that we as citizens, in support of our goal to ensure a thriving and sustainable future for Upper Mount Bethel, work together to support our board in taking a new approach to managing development in our town. Supporting this new LERTA proposal is a big first step towards that end.

Thanks you for your time and consideration in this matter,

Courtney Gilmour
107 Morningside Dr.
Upper Mount Bethel Township

Enjoy!

Courtney

Public Comment 1 Good evening, Fred Clark, Crystal Terrace, Upper Mount Bethel. Thank you for the opportunity to speak.

Tonight, I would like to offer some thanks and make a suggestion.

I would like to thank our Township solicitor, Mr. Ron Karasek, Esquire, for going out of his way to provide written answers to some questions I asked at the March 4, 2024, Special Meeting of the Board of Supervisors and thank our Township Secretary, Cindy Beck, for facilitating the process. Since Supervisor Birmingham was copied on the response, I assume he has or will share the answers with his fellow supervisors and the Board will initiate any actions they deem necessary.

Later in tonight's meeting, the agenda item "RPL Liaison" is supposed to come up. Given the significant impact that development of the RPL property could have on the town, it is important that the Board of Supervisors establish and maintain an effective communication channel with this large Township landowner and taxpayer that does not involve litigation. The idea of having at least two Supervisor Liaisons present at any meeting seems prudent. Before I say this, and I know what I am asking, but I am an eternal optimist and must offer this out of the box suggestion. It would be a significant display of leadership from both sides if this Board and former Supervisor Teel could meet to discuss this topic, as he has RPL Liaison experience that the Board might benefit from, and he would be afforded the opportunity to advocate for points he thinks are important. I am not sure if his role on the Planning Commission would preclude this.

Public Comment 2 Good evening, Fred Clark, Crystal Terrace, Upper Mount Bethel. Thank you again for the opportunity to speak.

For this session, I would like to discuss "my way or the highway".

After some positive comments I made about a current Supervisor at a recent meeting, I was asked privately how much this Board was paying me. I understand the question was the rhetorical style often used by this questioner, but it was indicative of the stance that there are only two "sides" in this town, a flawed contention. There are as many "sides" in this town as there are residents. The spectrum ranges from people who are totally disinterested in any given Township issue to those who hyperfocus on their pet issues. The "only two sides" argument is made worse by an implication that individuals that don't agree with your side don't deserve respect. When I defended the former Board's right and obligation to do what they believed to be in the best interests of the town, I was not asked how much they were paying me. I reached out to them to discuss differences when we did not agree on an issue and received nothing but respectful treatment from them, and I returned the sentiment, even when we agreed to disagree. As for my differences with this Board, I might not have voted to dissolve the Municipal Authority without meeting with them first and I say this as someone who has expressed serious reservations about the establishment of this Authority. I also recognize that there are often factors that we in the public are not aware of, for example, the legal ramifications of delaying the decision to dissolve the Authority. I reject the "prison of two ideas" framing that you are either against the current Board on all issues or you are on their payroll, just as I rejected the idea that the former Board was either against the RPL development or on their payroll. This is the argument approach of those that will not or cannot support their positions and I ask that everyone be on the lookout for it. Don't walk willingly into the "thought prison" they are offering you. Make them prove they are on the right side of the issue using well-crafted, logical, arguments.

