



Upper Mount Bethel Township

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**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, MARCH 10, 2025 – 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, Supervisor Eckman, Township Engineer Coyle, Township Solicitor Karasek, and Township Manager Graziano.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Charles Baltic, Laurel Hill Rd., read his public comment, which will be made part of the official record. Charles referenced Plan Belt, noting Policy 1.1 of the Plan, "the rezoning of participating townships to alleviate boroughs' land use issues by allowing intensity and diversity of housing development". Charles also commented on the Steering Committee representatives, Supervisor Friedman and Judith Henckel, who have both been cited and sanctioned by the PA State Ethics Commission for conflict-of-interest violations.

Chris Finan, Apache Dr., Chief MBFC, wanted to clarify his comment from the last meeting regarding responding to fires on someone's property. Chris stated that he did verify with their attorney regarding accessing someone's property. The attorney noted three points, basically the zoning officer is the only one who can officially access someone's property, the fire company does not have authorization to go on anyone's

property when it is a controlled burn, unless there is a burn ban in effect, or the control burn is out of control, and the attorney recommended strengthening the ordinance, putting some type of language in it authorizing the zoning officer to unauthorized the control burn.

Raymond DeCesare, Laurel Hill Rd., commented on his concerns with the Plan Slate Multi-Municipal Plan. Most people in the Township like the way it is, small community.

Ron Angle, Million Dollar Hwy., commented on the Park Foundation, founded in 2008, specifically to raise funds for the construction of the Park. Ron stated that at the last meeting Supervisor Bermingham explicitly said to him that he had the records from Mark Mezger and that he would furnish them to him. Ron asked Supervisor Bermingham when and where he would furnish the records to him. Supervisor Bermingham responded, saying that he is not handing over the records until he talks to Solicitor Karasek about it. Supervisor Bermingham stated that what he tried to do is set up a meeting between you (Ron) and Mark. Ron stated that the Park Foundation is reportable to anyone. The previous Board wanted to get to the bottom of this, so they filed a lawsuit. When the new Board came on, they dropped the lawsuit. There is \$30,000 worth of debt in the Foundation as of the latest documents. Supervisor Bermingham stated that he does not know that for sure, he did not see that in the documents. Supervisor Erler stated that Mark stated that at the last meeting. Ron quoted from the August 8th meeting when Supervisor Bermingham asked Mark what was the purpose of the Park Foundation? Mark responded to generate funds for park and recreation activities, and they would like to expand their mission.

Judith Henckel, Robin Hood Rd., commented on the misinformation about the Plan Slate Belt.

Marty Pinter, Lindsey Ln., commented on the Park Foundation. This has been an issue for quite some time. Marty stated that his main concern was that the Township basically seeded and started the Foundation with \$10k. In PA, a 501c 3, certain information needs to be available to the public. Is the Park Foundation liable and are they adhering to the Sunshine Law. All their meetings should have been made public, meetings advertised, as well as their votes, especially votes on becoming \$30k in debt.

John Schimmel, Railroad Ave., commented on the Plan Slate Belt and believes the proper way to handle it is by voter referendum. John commented on the dogs that have been running loose in the neighborhood. The dogs killed three of his cats and many of the neighbor's cats. The town needs some kind of enforcement.

IV. ANNOUNCEMENTS

Manager Graziano announced due to the high winds and dry conditions, John Bocko will not be giving permission to burn until further notice.

Supervisor Erler announced the Stop the Bleed/Hands only CPR class on March 11th. Supervisor Erler stated that he and Supervisor Friedman met with ABC company where the Community Benefits Agreement was discussed. During the meeting, there was a discussion about the text amendment, which does not specifically address "data centers". Solicitor Karasek stated that amending the ordinance to now include data centers which require adding some language regarding data centers, height, sound, noise, etc., then the Planning Commission and LVPC would do a review, then a public hearing would be scheduled. This will be on the agenda for the meeting on the 24th.

Supervisor Friedman announced the clean-up event at the Community Park. Tom Gilmour spoke briefly on the event and will discuss further with the Parks/Rec Board.

Supervisor Bermingham announced Beau's Festival, May 3rd, 3-9pm. A cooperation agreement between the Township and the MBFD is needed in order to move forward with the emergency shelter. Solicitor Karasek will review the agreement and then it will be ready to be approved. This will be on the agenda for the 24th. March 20th, there will be an ambulance meeting at the MBFH at 6pm. There will be an electronics recycling event here at the Township building on May 4th.

V.

CONSENT AGENDA

1. February 10, 2025, Meeting Minutes
2. February 21, 2025, Special Meeting Minutes
3. February 24, 2025, WS Meeting Minutes
4. Exonerations/Refunds

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

VI.

FINANCIALS

1. Bill List-Manager Graziano read the bill list, totaling \$287,300.48. **MOTION** by Supervisor Albert to pay the bills in the amount of \$287,300.48, seconded by Supervisor Erler. Vote: 5-0.

VII.

ACTION ITEMS

1. Advertise for Bids-Manager Graziano stated this is a standard procedure done each year to advertise for bids (fuel oil, heating oil, stone). **MOTION** by Supervisor Erler to approve Manager Graziano to advertise for bids, seconded by Supervisor Friedman. Vote: 5-0.
2. Resolution No. 2025-08 Beau's Festival Banner-Supervisor Bermingham stated this is a Resolution authorizing the placement of banners across a state highway. The banner will describe the list of activities and location pertaining to Beau's Festival. **MOTION** by Supervisor Supervisor Erler to adopt Resolution

No. 2025-08, seconded by Supervisor Eckman. TAC did review and approve. Vote: 5-0.

3. Haddad and Nordstrom Grant Withdraw Letter-Solicitor Karasek stated this letter is to request to withdraw the Haddad and Nordstrom grant applications awarded in 2023 from the Northampton County Livable Landscapes Grant Program due to a change in funding. **MOTION** by Supervisor Friedman to approve Solicitor Karasek sending the letter to Sherry Acevedo withdrawing the Haddad and Nordstrom grant applications, seconded by Supervisor Erler. Vote: 5-0.
4. Open Space Funding Properties-Supervisor Albert stated that they have two other properties, one on Norstrom Lane and one on Shady Lane. The idea is to have Open Space acquire both of these properties, with Open Space Funds, with no matching. Matt Babbitt (via phone), Heritage Conservancy, discussed protection areas. Supervisor Erler asked if there were any suitable grants for properties of this size. Matt stated that these properties are not good candidates for what grants are available. The Open Space Board recommends the max. **MOTION** by Supervisor Friedman to approve that Open Space purchase the two properties with the max, seconded by Supervisor Albert. Vote: 5-0.

VIII.

TABLED ITEMS

1. Holding Tank Ordinance-Supervisor Bermingham stated that Mr. Policelli asked this to be tabled. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Erler. Vote: 5-0.
2. Property Maintenance Officer-Supervisor Bermingham stated that this is on the agenda for the next meeting. **MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 5-0.
3. Plan Slate Belt Multi-Municipal Plan-Supervisor Eckman stated that she would like to hear Solicitor Karasek's insight. Supervisor Bermingham stated that all the Supervisors received a draft of the Implementation Agreement and has not had a chance to review it. Solicitor Karasek stated that if the Township is going to participate in this plan, the zoning ordinance will have to be reviewed, which there may be a need for a consultant to do this. Supervisor Albert had asked if the Township has to proceed with the Implementation Agreement, Solicitor Karasek stated not necessarily. Supervisor Bermingham stated that he has concerns with the agreement. Supervisor Erler asked Supervisor Friedman if he would share what was discussed at the last Steering Committee meeting. Supervisor Friedman stated that they were given a list of projects that are going on in the Slate Belt and basically that was it. Supervisor Friedman stated that there is no reason why we can't give this a chance, we can withdraw voluntarily. Supervisor Albert stated that we only voted to accept the plan, not to accept the municipal agreement. Supervisor Bermingham stated that possibly Tina, our zoning officer, look the agreement over. Supervisor Erler stated that the best way forward is to not participate in this, just leave it as is and fill in the blanks ourselves and make it specifically about our town and what we want it to be. Supervisor Bermingham asked the Supervisors and Solicitor Karasek review the Implementation Agreement. Russ Horn asked if we can opt in at anytime? Russ stated not to sign, take what we have, and implement our

own plan, create our own version of what we want. Charles Baltic asked what the legal authority of the Steering Commission. Charles stated that the two members of the steering committee are ethically compromised, this has to be addressed immediately. Supervisor Bermingham stated that if we don't sign the agreement, we will not be part of the Plan Slate Belt. Judy Henckel stated that the committee has been going through this for many years. All meeting minutes/reports are on planslatebelt.org. Raymond DeCesare suggested taking a vote and see it where it goes. Solicitor Karasek stated that tabling this makes sense since no one has really had a chance to read it. Ron Angle stated that he was on the LVPC and he knows how they think, we can come up with our own destiny. LVEDC tried to steal the ABC company away from the Township. John Schimmel stated that at one time, Bass Pro was planning to build in the Wind Gap area, and out of the clear blue sky, they got moved to the Bethlehem area. This plan should be left up to the voters. Bill Hall stated that there is not one clear reason to move forward. Marty Pinter stated that we should spend the money to do our own comprehensive plan and get the park plan updated as well. **MOTION** by Supervisor Erler to table the Slate Belt Multi-Municipal Comprehensive Plan Implementation Agreement indefinitely, seconded by Supervisor Friedman. Charles Baltic asked what happens to the Steering Committee. Supervisor Bermingham stated that we will discuss the Steering Committee at the 24th meeting. Russ Horn where does leave us with getting out it. Supervisor Bermingham stated that if the motion passes, the agreement goes back in the file. Solicitor Karasek stated that we are still part of the plan but if they do not sign the Implementation Agreement, our participation in the plan is effectively over. Supervisor Bermingham stated that if we tabled this indefinitely, the Steering Committee is basically done, Judy can attend the meeting as a member of the public, but she would not be able to go on behalf of the Township. Supervisor Friedman stated that we should reach out to the LVPC Solicitor to get his take on this since we tabled this, he does not know what tabling this will do legally. Supervisor Bermingham called for a vote. Vote: 5-0.

Supervisor Bermingham called for a 5-minute recess at 8:50 pm.
The meeting reconvened at 9:03 pm.

4. Community Wide Yard Sale-Supervisor Bermingham stated that the Community Wide Yard Sale will be held on May 8, 9, 10, 11. **MOTION** by Supervisor Bermingham to have the Community Wide Yard Sale on Thursday, May 8th, through Sunday, May 11th, seconded by Supervisor Friedman. Vote: 5-0.

IX.

NEW BUSINESS

1. New Generator for Township Building-Manager Graziano discussed the quote for a new generator for the Township Building. The old generator failed and the cost for the repairing (the back end) approximately \$5,000 and \$2,500 for the propane piping. The quote for the Winter Generator is \$22,835.00, a tariff surcharge of \$1,350, Ryerson Electric for the installation \$6,950.00. **MOTION** by Supervisor Bermingham to purchase the new generator from Winter and all

the associated costs that go with the purchase and installation, and to sell whatever we can from the old generator, seconded by Supervisor Erler. Vote: 5-0.

2. Resolution No. 2025-09 Livable Landscapes Grant Application-Manager Graziano stated that this Resolution is funding for the Preserve. The Township intends to request \$75,000 in a Northampton County Livable Landscape Grant and whereas, the Township will have the required match of \$75,000. **MOTION** by Supervisor Erler to adopt Resolution No. 2025-09, seconded by Supervisor Albert. Vote: 5-0.
3. Approval of Township Drone-Supervisor Erler stated he thinks the Township could benefit from owning a drone. Solicitor Karasek discussed possible privacy issues. Russ Horn stated the person operating the drone has to be registered/licensed. Would there be a certain protocol to follow? There is an FAA certification (107) needed for anyone who would be flying the drone. Supervisor Erler stated that it would be at the Zoning Officer or Township Manager's discretion as to where and when to fly the drone. Supervisor Birmingham stated a policy would need to be drafted but it is something we could consider. Stavros stated that because we are government agency there are government guidelines on the type of drones you can purchase. This will not be cheap. Charles Baltic stated that there is a 4th amendment to privacy and when a government entity starts to take actions that infringe on people's privacy rights, it becomes a constitutional question. **MOTION** by Supervisor Erler to table, seconded by Supervisor Albert. Vote: 5-0.

X.

EXECUTIVE SESSION

Recess to Executive Session at 9:36 pm to discuss Attorney/Client confidential matters.

The meeting reconvened at 10:02 pm.

Solicitor Karasek stated that Executive Session dealt with Attorney/Client discussions regarding the Community Foundation, and ABC documents. Ron Angle would like someone to make a motion for Supervisor Birmingham to give him the documents that he has on the Foundation that he requested. Ron stated that at the last meeting Supervisor Birmingham said that he had the documents and that he would give them to him. Solicitor Karasek stated that the Foundation is a separate entity, they are not an agent of the Township. Ron stated what he is looking for is the \$8k that was turned over to the Park Foundation and the \$30k worth of debt that the Foundation currently has. Supervisor Birmingham asked Solicitor Karasek to draft a letter to the Foundation inquiring about the \$30k debt.

XI.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 10:08 pm, seconded by Supervisor Erler. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Statement of Charles V. Baltic to UMBT Board of Supervisors Meeting – 10 March 2025

Good evening. I am Charles Baltic, 971 Laurel Hill Rd. and an elected Township Auditor and Chair of the Auditors.

In reference to Plan Slate Belt ...

At the Feb 24th Supervisors Meeting I made a statement establishing the following about Plan Slate Belt:

(1) Plan implementation planning is actively underway and adoption of an Intergovernmental Cooperative Implementation Agreement is the ***"highest Priority for Plan implementation."***

(2) The Plan Slate Belt Document emphasizes ***the need to develop a process to share land uses among the eight municipalities in the region ... [and] will prioritize reviewing each municipality's zoning ordinances to determine which land uses are most appropriate for a specific municipality."***

And

(3) The Plan's FIRST listed priority is to ***"Amend zoning ordinance maps to be consistent with the Plan's Future Land Use Map. Specific actions include: Rezone areas in townships around boroughs to allow for greater intensity and diversity of housing development."***

So Policy 1.1 of the Plan – **POLICY 1.1!** - is the rezoning of participating townships to alleviate boroughs' land use issues by allowing intensity and diversity of housing development.

When somebody tells you something plainly and clearly – particularly the Lehigh Valley Planning Commission – you should listen.

The Supervisors claim that they currently have no real concrete idea about how Plan Slate Belt might change UMBT. That position is either terribly irresponsible for an elected public official, or disingenuous, or an outright deception of the township citizens. This Board – the majority of who were elected on an "anti-development / preserve rural UMBT" promise - are apparently willing to give our zoning authority away to other boroughs surrounding UMBT.

And who exactly is on the Steering Committee for this multi-jurisdictional, inter-governmental body?

UMBT's two representatives on the Steering Committee have **BOTH** been cited and sanctioned by the Pennsylvania State Ethics Commission for conflict-of-interest violations.

And both are Democrats. I don't object to Democratic representation, but I do object to **ONLY** Democratic representation, when the Township is greater than 60% registered Republicans. I realize UMBT now has a very liberal Board of Supervisors – but you still are supposed to represent **ALL** of the Township residents.

I also do strongly object to having representatives on the Plan Slate Belt Steering Committee who are compromised as public officials. Both of whom have been found by the PA State Ethics Commission to have violated their public trust as our officials. And one of whom – Supervisor Friedman – is currently a Supervisor and who promised to resign if found guilty, yet who now refuses.

Upper Mt. Bethel PA Board of Supervisors Meeting March 10, 2025 – Agenda Item VIII.2

And respectfully to Chair Birmingham – make no mistake, despite your rationale for not at least passing a statement of censure by the rest of the Board of Supervisor Friedman’s behavior – the Friedman ethics case decision was clear cut. Supervisor Friedman did exactly the thing that he was told not to do in an Advisory Opinion that he had asked for before he became Supervisor. I quote the final Commonwealth Court Opinion in this case:

Friedman asserts that he complied with the Commission’s Advisory Opinion because he withdrew from the *Cole* appeal before taking office as a Township Supervisor and disassociating himself from CCUMBT. We disagree. Although Friedman complied with the Advisory Opinion *in part* through these actions, his argument ignores the Commission’s express – and prophetic – instruction that “a conflict of interest would exist should you, in your public position, engage in any Township deliberation, decision, or any other action involving the lawsuit *such as by taking action to reduce or eliminate personal liability for counsel fees. . . .*” Reproduced Record (RR) at 6 (emphasis added); *see also* Comm’n Dec. at 2-3 & 6. The legal action contemplated by the Board and foreclosed by Friedman’s deciding vote would have specifically sought to impose personal liability on the *Cole* plaintiffs for the Township’s counsel fees incurred in defending that action. Thus, Friedman acted directly contrary to the Commission’s advice.

He did this – casting the **DECIDING** vote on this matter as a Township Supervisor when he should have recused himself - knowingly and brazenly in his own self interest and contrary to the interests of the citizens of this Township.

The fact of UMBT’s representatives on the Plan Steering Committee having been sanctioned by the State Ethics Commission is – at a minimum – an embarrassment for UMBT, but more importantly – and this is of CRITICAL IMPORT –, it also a possible vulnerability to be exploited by the other municipalities in the course of negotiations with and agreements by UMBT in dealing with the other Plan municipalities.

In governmental and other organizational matters requiring the exercise of judgement and fiduciary duty, PROCESS heavily influences POLICY. Therefore, UMBT must have a broad, community-based, transparent, and ethical process to participate in Plan Slate Belt, to best ensure an outcome viewed as fair and favorable for the majority of our community members.

This process of how UMBT is going to participate in Plan implementation going forward – and the representation of UMBT on the Plan Slate Belt Steering Committee requires the IMMEDIATE attention of the Board of Supervisors.

This is both a governance issue and a good-government issue.

The Supervisors need to immediately remove Supervisor Friedman and Ms. Henckel from the Steering Committee for having violated their public trust – not reward and empower them - and **appoint new members properly representing the community including Republicans as well as Democrats.**

Basic principles of good government demand this.

I submit this statement

and attachments and references in writing to the to the Board of Supervisors and to the UMBT Solicitor to be made a part of the written record of this meeting.

And I do this

as both a concerned citizen, resident and elected official of Upper Mt. Bethel Township.

Thank you, Charles Baltic

ATTACHMENTS

UMBT / Friedman Conflict of Interest Article – lehighvalleylive.com

Upper Mount Bethel Township supervisor won't resign after ethics violation appeal is upheld

Published: Jan. 04, 2025, 8:00 a.m By: By

- [John Best | lehighvalleylive.com contributor](#)

<https://www.lehighvalleylive.com/news/2025/01/upper-mount-bethel-township-supervisor-wont-resign-after-ethics-violation-appeal-is-upheld.html>

Plan Document - Page 176 "Immediate Action"**IMMEDIATE ACTION (within 6 months)****PLAN ADOPTION**

The Plan of the Joint Metropolitan Governmental Corporation Plan was created for the member jurisdictions of Niagara, East Niagara, Freeburgh, Portland, Kenosha and Wood Chap. The plan was created for establishing the distribution of land use to satisfy the Freeburgh Municipal Plan and the other jurisdictions. Adoption of the Plan of the Joint Metropolitan Governmental Corporation Plan is a prerequisite for the implementation of the plan. The plan is a prerequisite for the implementation of the plan.

INTERGOVERNMENTAL COOPERATION AND IMPLEMENTATION AGREEMENT

The intent of the intergovernmental agreement is to establish a relationship between the member jurisdictions of the Joint Metropolitan Governmental Corporation Plan. The intent of the agreement is to establish a relationship between the member jurisdictions of the Joint Metropolitan Governmental Corporation Plan. The intent of the agreement is to establish a relationship between the member jurisdictions of the Joint Metropolitan Governmental Corporation Plan.

The agreement is a prerequisite for the implementation of the plan.

1. The agreement is a prerequisite for the implementation of the plan.

2. The agreement is a prerequisite for the implementation of the plan.

3. The agreement is a prerequisite for the implementation of the plan.

Plan Document - Page 178 "Short-Term Action – Zoning Actions"**SHORT-TERM ACTION (within 2 years of plan adoption)****ZONING ACTIONS**

Consistency of zoning actions will contribute to the successful implementation of the plan. Coordination of definitions and uses, at a minimum, should be achieved and to promote directly upon adoption by all local governments of the plan multiple goals and comprehensive plans. Zoning ordinances should be revised as necessary to be consistent with the Future Land Use Plan.

PRIORITIES FOR ACTION

Amend zoning ordinance maps to be consistent with the plan's Future Land Use Map. Specific actions include:

- ✓ Rezone areas in townships and boroughs to allow for greater intensity and diversity of housing development (Policy 4.1)
- ✓ Rezone vacant and underutilized industrial properties to allow for expanded residential development (Policy 4.3)
- ✓ Direct intense development to areas where the public sewer and community water supply systems can absorb additional growth or through limited expansion or upgrade (Policy 4.7)
- ✓ Direct medium development to areas planned to be served by on lot or private water supply (Policy 4.7)
- ✓ Discourage intense development in areas where it can only be served by on lot or private water supply or where it is not a priority for public water supply (Policy 4.7)

References:**1) Slate Belt Official Fined for Votes Benefiting Son's Company – Lehigh Valley Live**

- Updated: Jan. 05, 2018, 4:13 p.m.
- Published: Jan. 05, 2018, 3:13 p.m.

<https://www.lehighvalleylive.com/slate-belt/2018/01/slate-belt-official-fined-for.html>

2) IN THE COMMONWEALTH COURT OF PENNSYLVANIA: David F Friedman, II, Petitioner v. State Ethics Commission, Respondent, No. 1220 C.D. 2023, Submitted: October 8, 2024.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

David F. Friedman, II, :
Petitioner :
v. :
State Ethics Commission, : No. 1220 C.D. 2023
Respondent : Submitted: October 8, 2024

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge (P.)
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE FIZZANO CANNON

FILED: November 8, 2024

David F. Friedman, II (Friedman) filed a petition for review (Petition) of a final adjudication and order of the State Ethics Commission (Commission) dated October 4, 2023, which declared that Friedman had violated Section 1103(a) of the Public Official and Employee Ethics Act (Ethics Act),¹ 65 Pa.C.S. § 1103(a). The Commission filed an application to strike Friedman's brief filed in this Court or to dismiss the Petition on the bases that Friedman's brief is so grossly defective as to preclude meaningful appellate review and that Friedman failed to file a reproduced record. This Court issued an order to file a reproduced record, with which Friedman complied. This Court issued further orders directing that the Commission's application for relief and Friedman's response in opposition to the application for relief be addressed along with the merits of the Petition. Upon review, we deny the Commission's application for relief and affirm its order.

¹ 65 Pa.C.S. §§ 1101-1113.

