



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WS MEETING MINUTES
MONDAY, MARCH 24, 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 Eckman, Supervisor Erler, Supervisor Friedman, Supervisor Albert, Township Manager Graziano, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Robert Teel, N. Delaware Dr., Chairman of the Planning Commission, commented on the Water Well Ordinance, where it states a large development coming into the Township. Nothing has been presented to the Planning Commission in regard to a large residential development. The Planning Commission recommended, by a unanimous vote, to send the Water Well Ordinance to the EDC for review.

Chris Finan, Apache Dr., Chief MBFC, commented on the success of their Sportsman Banquet and thank you to everyone who attended, and to the businesses that supported them. Keep an eye out for future events.

Charles Cole, Riverton Rd., commented on the Water Well Ordinance. They are trying to protect water wells. Minor and major subdivisions and large users were not included in the original well ordinance. The well ordinance committee, Cole, Eckman, Henckel, Manzi, and Potter, produced this ordinance, with the review and input came from

numerous places, individuals, groups, planning. This ordinance collects data and ensures adequate quality/quantity of water.

Walter Snik, Snik Dr., commented on his minor subdivision for a lot line. Mr. Snik is questioning the fees-in-lieu (\$2,000) that he is to pay to finalize this plan. Mr. Snik provided the BOS with a copy of SALDO Section 298-20-H, which states that the fees-in-lieu shall only apply to plans that would result in the creation of a new lot. Mr. Snik is also requesting a detailed itemized statement of all costs incurred by the Township. Mr. Snik is also questioning Carroll Engineering invoices. Supervisor Bermingham stated that this will be on the agenda for April 14th, in order to give the Board some time to review. Mr. Snik stated that he lost the sale of this property and would like it resolved ASAP. Solicitor Karasek stated that the agreement for conditional plan approval was signed by Mr. Snik, which indicated that the fees-in-lieu for one lot will be paid.

Rich Grucela, representing the BACIDA, discussed a project of significance on their property. The BACIDA Board unanimously asked and voted on to be presented to the UMBT Board of Supervisors in their support of the project. There are many benefits to come from this project, most significant is tax revenue, for the school district, tax rateables without students. He cannot mention the project.

Lee McDonald, Belvidere Corner Rd., commented on the Park Foundation, which he was under the impression that it was to be on the agenda at the end of the month. Supervisor Bermingham stated that Solicitor Karasek drafted a letter to the Park Foundation requesting the financial documents and once he reviews them, he will draft a letter to the Parks/Rec Board addressing their request for information regarding the financial records. Solicitor Karasek stated that he has not had a chance to review the financial documents.

Mark Mezger, Scenic Ct., commented on the link that was sent to Solicitor Karasek, in which Solicitor Karasek stated that he has not been able to access yet, but yet in his systems log, that file has already been accessed twice, once on Saturday, on a computer in Bangor, and again in Easton. Someone else has the file. Mark commented on the text amendment. Mark commented on our rural community and the lack of infrastructure to support a data center complex. We also lack the ability to establish it without any assistance. Selecting a partner is essential, one that ones to join our community and would be eager to share and contribute to the community. Our consultant will need to present a value proposition to the developer. We need a partner that wants to share in the cost to establish infrastructure.

Frances Visicaro, N. Delaware Dr., asked who was involved in creating the new text amendment. Supervisor Bermingham stated that it was given by the ABC company. Frances has concerns about the construction times.

Judith Henckel, Robin Hood Rd., commented on the water well ordinance. This is a revised version of the well ordinance that was drafted about 10 years ago, which did not include the larger users. It is all about the quality/quantity of water.

Rich Klinge, Totts Gap Rd., commented on the new truck fleet and the problems that we are having with them. Supervisor Bermingham suggested having a meeting to talk about the issues he has with the new trucks.

Sharon Duffield, Potomac St., commented on the new text amendment, and to remember how the first text amendment went. With the possible new project coming, much preferable in some ways, there are still risks to consider.

Ron Angle, Million Dollar Hwy., commented on the well ordinance, what about the sewer problems. Ron wondered why Plan Slate Belt was not on the agenda, he does think there is any reason why Upper Mt. Bethel Township needs to be in this plan, we can determine our own destiny here.

IV.

ANNOUCEMENTS

Supervisor Erler announced the Stop the Bleed event was very successful and may possibly have Narcan training, which will keep everyone up to date on that. Supervisor Erler will be having office hours on April 2, at TK's, starting at 7pm.

Supervisor Bermingham announced Beau's festival, Saturday, May 3rd, at the Upper Mount Bethel Community Park, 3pm-9pm. Mt. Bethel Pharmacy is hosting their annual Easter Egg Hunt, at the Slate Belt Baseball Field on Sunday, April 6th, 12pm-2pm. The meeting with Cetronia and Suburban Ambulance was held last week, no update. Will follow up in 2-3 weeks. UMBT Community Wide Yard Sale is May 8th, 9th, 10th, and 11th. Eric Franzone, a resident of UMBT, sent in two letters of commendation one to Lindsey Manzi and the road crew and one to Manager Graziano, thanking them for all they do. Office hours will be Wednesday, 5:30-6.30 pm, with Supervisor Friedman. The electronics recycling event will be Sunday, May 4th, 11am-2pm, here at the Township Building.

V.

EXECUTIVE SESSION

Recess to Executive Session at 8:05 pm to discuss Attorney/Client Privilege matters
The meeting reconvened at 8:42 pm.

Solicitor Karasek stated that discussed in Executive Session were attorney/client privilege matters dealing with ABC Company and the Stine injunction matter. Ron Angle commented on the Park Foundation, hoping that it was discussed in Executive Session. As citizens, we should have the right to know what happened to the money. Vote: 5-0.

VI.

Planning Module (Sewage Planning) Cloverleaf Saddle Club-Matt Evan, Keystone Consulting Engineers, representing Cloverleaf Saddle Club. Matt stated that the Planning Commission recommended the approval of the planning module. Approval letters were received from Scott Policelli, (SEO) and the Lehigh Planning Commission. **MOTION** by Supervisor Erler to approve the Planning Module for Cloverleaf Saddle Club, seconded by Supervisor Eckman. Vote: 5-0.

VII.

LAND DEVELOPMENT

1. Cloverleaf Saddle Club New Equestrian Facility Waiver Requests
 - a. SALDO Section 600.4.5.1-Sidewalks-Solicitor Karasek stated this SALDO requires sidewalks along frontage of the property. The PC recommended approval. **MOTION** by Supervisor Erler to grant this waiver request, seconded by Supervisor Friedman. Vote: 5-0.
 - b. SALDO Section 501.3.6 (Stormwater Ordinance), requires retention basins to have a minimum bottom slope of two (2%), the request is for a flat bottom. The PC recommended approval. **MOTION** by Supervisor Albert to grant this waiver request, seconded by Supervisor Friedman. Vote: 5-0.
 - c. SALDO Section 501.3.7 (Stormwater Ordinance), requires that basin slopes be a maximum of five (5) feet horizontal to one (1) foot vertical. The request is to utilize a 3:1 slope. The PC recommended approval. **MOTION** by Supervisor Albert to grant this waiver request, seconded by Supervisor Eckman. Vote: 5-0.
 - d. SALDO Section 501.3.15 (Stormwater Ordinance), requires a chain-link fence around the perimeter of basins. The request is for a split rail with green coated wire mesh. The PC recommended approval. **MOTION** by Supervisor Erler to grant this waiver request, seconded by Supervisor Friedman. Vote: 5-0.
 - e. SALDO Section 501.3.15 (Stormwater Ordinance), requires a mortared rip-rap spillway. The request is to utilize a turf reinforcement mat (a stabilized green turf liner). The PC recommended approval. **MOTION** by Supervisor Eckman to grant this waiver request, seconded by Supervisor Friedman. Vote: 5-0. Solicitor Karasek stated to make sure SALDO waivers are noted on the plan.

VIII.

ACTION ITEMS

1. Annual Fire Tax Disbursement-Manager Graziano discussed the annual 1mil fire tax disbursements to MBFC and NBFC, in which the amount is \$104,116.50. Thank you to both Fire Companies (Nancy Finan and Jeremy Miller) for providing their annual report. **MOTION** by Supervisor Erler to distribute the annual fire tax checks, seconded by Supervisor Albert. Vote: 5-0.
2. Parks/Rec Letter of Recommendation for Open Seat-Supervisor Eckman discussed the open seat that was advertised on the Township website. One letter of interest was received. The letter of interest was reviewed by the

Parks/Rec Board and a motion was made, and duly seconded, to accept Jennifer Freeby's letter of interest in joining the Parks/Rec Board. **MOTION** by Supervisor Eckman to appoint Jennifer Freeby on the Parks/Rec Board, seconded by Supervisor Friedman. Vote: 5-0.

3. Well Isolation Distance Waiver Request-Scott Policelli stated that the applicant, Jacob Deeney, is looking for a well waiver on a replacement septic system. Scott stated the property is small and they cannot meet the required well isolation distance. Currently the distance from the existing well to the existing septic system is approximately 40 ft. The new proposed system will be approximately 42 ft. Scott stated that a plan will be submitted with the distance on it. Solicitor Karasek will draft a Hold Harmless Release Agreement. **MOTION** by Supervisor Albert to grant the well isolation distance waiver request for 1792 Mt. Bethel Hwy., seconded by Supervisor Eckman. Vote: 5-0.

IX.

TABLED ITEMS

1. Holding Tank Ordinance-Scott Policelli stated that he does not have an update. He is working on the changes and suggestions from Engineer Coyle and Solicitor Karasek. He has not received anything back from the LVPC yet. **MOTION** by Supervisor Bermingham to table, seconded by Supervisor Erler. Vote: 5-0.
2. Ordinance 2025-01-Water Well Ordinance-Supervisor Friedman stated that the well ordinance committee has been working on this ordinance for two years. Last September it was given to the Planning Commission for their review. The PC recommended having the EDC review the ordinance. Supervisor Friedman stated that he does not remember the EDC doing a review on any ordinance and does not know if they would be able to contribute anything to this ordinance. **MOTION** by Supervisor Friedman to instruct Solicitor Karasek to move ahead with passing the well ordinance because we already paid the \$3,000 fee to advertise. Engineer Coyle stated that they sent the ordinance to their geologist to do a review. Engineer Coyle stated that the purpose of the well ordinance is to protect the quality and quantity of the water resources of UMBT, it establishes a permitting process for the drilling/redrilling of withdrawal permit, it establishes a well utilization permit process, it classifies three classes, class I (single family dwelling, 1000 gallons per day or less), class II (1000-2000 gallons a day) and class III (over 2000 gallons per day), this is for future wells only, not existing wells. Supervisor Erler stated that he is in favor of this ordinance, but the PC did ask for the EDC to do a review. Supervisor Eckman seconded the motion. Vote: 5-0. Solicitor Karasek stated that this ordinance is an amendment to the zoning ordinance. There was some talk about this being a stand-alone ordinance, it is not a stand-alone ordinance

X.

NEW BUSINESS

1. Text Amendment-Supervisor Bermingham stated that this text amendment was sent to the Supervisors from ABC company. Tonight's discussion is to see whether the Supervisors want to move forward and put the text amendment out

for advertising for a public hearing. There is no voting on this tonight. **MOTION** by Supervisor Friedman to authorize advertisement of an ordinance amending the Upper Mount Bethel Township Zoning Ordinance to permit a data center and data center campus use in the I-2 zoning district and provide certain regulations for such uses for a public hearing on May 12, 2025. The final form of ordinance to be advertised is subject to potential modification based upon the receipt of review comments from the LVPC and Township Boards/Committees and incorporated based upon the advice and recommendation of Township professional staff, seconded by Supervisor Albert. Vote: 5-0.

2. MBFC Grant Cooperative Agreement-Supervisor Bermingham stated this grant agreement is between the Township and the MBFC, whereas the parties to this agreement understand that the project is to assist the Fire Company to construct a facilities expansion project for an emergency shelter. **MOTION** by Supervisor Friedman to approve the Grant Cooperation Agreement, seconded by Supervisor Albert. Vote: 5-0.
3. Donation for Beau's Festival-Supervisor Bermingham stated that Beau's festival is at the Community Park on May 3rd. The purpose of the festival is to build a park in memory of Beau Kelly, who tragically passed away at the young age of 4. The park is going to be located somewhere on the Mt. Bethel Church property and will be open to the public. Supervisor Bermingham would like the Township to consider making a donation to go towards Beau's festival. The goal is to get around \$90k for the park and right now they are about halfway there. Supervisor Eckman stated that May 3rd is also the opening day for the Slate Belt Little League and is hoping that does not affect the attendance at the festival. Supervisor Bermingham is going to speak with them. **MOTION** by Supervisor Friedman to donate \$1,000 to Beau's Festival, seconded by Supervisor Eckman. Vote: 5-0.
4. Resolution No. 2025-10 Explore Act-Tara Mezzanotte stated that this Resolution requesting support for inclusion of Delaware Water Gap Recreation Area Local Communities as a gateway community pilot program under the Explore Act (Expanding Public Lands Outdoor Recreation Experiences Act). The Explore Act establishes a Gateway Community Program that may lead to the study of needs and economic impact of visitor use on local communities that serve as access points to federally managed public lands. **MOTION** by Supervisor Friedman to adopt Resolution 2025-10, seconded by Supervisor Erler. Vote: 5-0.

XI.

ADJOURNMENT

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