



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WS MEETING MINUTES
MONDAY, APRIL 28, 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 Eckman. Supervisor Erler asked Solicitor Karasek if he had a chance to review the Park Foundation files that were sent to him by Mark Mezger. Solicitor Karasek stated that he has not but hopes to have a report for the next meeting. Vote: 5-0.

III.

PUBLIC COMMENT

Supervisor Bermingham made a public statement regarding the current data center project with AWS and stated that it is no longer viable. The Supervisors and others extended many hours with the consultant to assist with the project. Last week, Amazon advised us that the lack of available power prevents their project from being a reality. There is absolutely nothing we did or did not do which caused this decision. Any resident who wants to blame the Supervisors is incorrect and acting in bad faith and reckless. We acted to support the RPL principles despite the fact they have cost our Township and residents substantial money by filing unrelated lawsuits in the past, some of which are still pending. Supervisor Bermingham stated that he will not allow baseless and reckless comments to be made against himself, David, or any other Supervisor.

The consultant worked with all parties to obtain a favorable deal for the Township and will continue to do so.

John Schimmel, Railroad Ave. commented on participating in the Multi-Municipal Plan and his concerns that we should not be participating. John also commented on the Amazon data center project and stated that we are putting more layers of government onto this organization than we need and the people that were involved will be called the AOCs of Mt. Bethel.

Marty Pinter, Lindsay Lane, commented on Supervisor Bermingham's comment about the lack of available power that prevents Amazon from moving forward with their project. Marty stated that the power study should be released, let PPL tell us there was not sufficient power, and let the public see power study. Supervisor Erler stated that the study was done by RPL, we do not have it.

Michael Onufrak, Summerfield Dr., stated that we are not being honest, the real reason Amazon backed out is because he told them he would cancel his prime membership if this gets built.

Ron Angle, Million Dollar Hwy., commented on the road department and the fact that they do a very good job at what they do, maintain the roads. Ron stated that there was ample power for the Amazon project. The ZOOM calls that a few of the Board members were able to sit in on, were basically controlled by Supervisor Friedman. Amazon made a number of good faith offers as to what they would do. Supervisor Friedman demanded \$5 million dollars a year for ten years from Amazon. Supervisor Friedman stated that he does not know how to set up a ZOOM meeting and it was Amazon that came up with the figures.

Lee McDonald, Belvidere Corner Rd., commented on releasing the power study and can the BOS request that from RPL for the citizens consumption. Supervisor Bermingham stated that he will talk to them about that.

IV. ANNOUNCEMENTS

Supervisor Erler commented that any statement given during public comment by any resident will not result in any form of retaliation by the Supervisors or anyone of the Township. All comments are and will always be protected by the First Amendment, but please be honest and factual, avoid speculation, rumors, and baseless accusations. Supervisor Erler asked Secretary Cindy Beck if there are any statements/motions that the Planning Commission or EDC would like to present to the BOS. Solicitor Karasek stated that at a Special PC meeting there were some issues regarding the agenda and that he would address them if need be. Ron Angle stated that he attended both the PC meeting and EDC and it was a unanimous vote from the PC to recommend to the BOS to not sign the Plan Slate Belt Implementation Agreement. Solicitor Karasek stated that is correct but since there was an issue with the agenda not getting posted, he wasn't

sure if the vote would be voided. Supervisor Friedman stated that he is not pursuing the issue. Supervisor Erler reminded everyone to sign up for CodeRed.

Supervisor Eckman reminded everyone of Beau's Festival, this Saturday, May 3rd at the community park, 3pm-9pm.

Supervisor Friedman asked that the well water survey be on the agenda for May 12th.

Supervisor Bermingham announced the ambulance meeting that was held last week was a good productive meeting, all municipalities were asked to participate in an EMS study. Community wide yard sale, 5/8-5/11, free electronics recycling event, Sunday, May 4th, 10am-3pm. Congratulations to Priya Tellefsen, for her Girl Scout Silver Award project, she converted a camper into a mini library, located on River Rd. Donna and Terry Lockwitch are looking for volunteers to help them around their home. Joe and Anna Montanino who lost their home in a fire last year and were staying at the Johnsonville Inn until May 1st and are now looking for a place to stay.

Manager Graziano announced the Township will be having a 40-yard dumpster at the Township building for residents to bring bulk items only. Manager Graziano and Secretary Cindy Beck will be applying for a \$50,000 Grow NORCO grant for pickleball courts at the Park for next year. We will also be applying for a CDBG grant for Middle Village Rd and Jacoby Creek Rd, which needs mitigation.

V.

ACTION ITEMS

1. Stine-Czopoth Injunction Action-Solicitor Karasek stated that this will be discussed in Executive Session.

VI.

TABLED ITEMS

1. Holding Tank Ordinance- **MOTION** by Supervisor Bermingham to table, seconded by Supervisor Erler. Vote: 5-0.
2. Walter Snik Fees-in-Lieu Waiver Request-Solicitor Karasek discussed the request made by Walter Snik to waive the fee-in-lieu (park/recreation). The fee is \$2,000 per lot. A subdivision was prepared for two lots, one lot is a buildable lot. The ordinance does not state a buildable lot, it states any new lot that is created. Peter Snik discussed the subdivision. Solicitor Karasek stated that the Agreement for Conditional Plan Approval for one lot recreation fee would be paid and signed by Walter Snik. Solicitor Karasek stated that in his position, two new lots were created. **MOTION** by Supervisor Erler to waive the fee-in-lieu of \$2,000, seconded by Supervisor Bermingham. Engineer Coyle stated that this is not a straightforward lot line adjustment. This is a subdivision/lot annexation, and it is a creation of a new lot. Could this fee be assessed when a building permit is submitted? Engineer Coyle stated that a new lot was created and should be assessed a fee-in-lieu of \$2,000. Solicitor Karasek stated that if the applicant agrees to the condition that the fee will be paid upon the sale of the property or when a building permit is submitted, he is ok with that. Walter Snik stated that he

agrees with that condition. Solicitor Karasek stated that upon the submission of a building permit, \$2,000 will be paid and will have to be noted on the plan. Supervisor Erler amended his motion. **MOTION** by Supervisor Erler to defer the fee-in-lieu to be paid only upon the submission of a building permit, and to be noted on the plan, seconded by Supervisor Bermingham. Vote: 5-0.

VII.

NEW BUSINESS

1. Plan Slate Belt Multi-Municipal Comprehensive Plan Referendum- Public comments: Judy Henckel, Robin Hood Rd. stated that she is defending the Township as a friend/neighbor with all the other municipalities. All the information that people have been told is misinformation. Charles Baltic, Laurel Hill Rd., stated that transparency is important. Charles attended the special PC meeting where they voted unanimously to recommend to the BOS to not pursue Plan Slate Belt. The EDC also voted unanimously to not pursue Plan Slate Belt. Legal interpretation is important when it comes to a contract. Failing to update zoning ordinances could create legal vulnerabilities especially if zoning decisions are challenged in court. Ron Angle, Million Dollar Hwy, commented on Maxatawny Township and what could happen if we were to pursue the Plan Slate Belt Multi-Municipal Implementation Agreement, it went to court and there was litigation. Charles Cole, Riverton Rd., asked Mr. Baltic if he was an Attorney, Charles doesn't think he is. Charles Baltic stated for the record that he is a retired member of the New York Bar and an inactive member of the District of Columbia Bar. Charles attended Georgetown Law School and practiced law for a firm in NYC called Dewey Valentine for six years. Solicitor Karasek clarified that the Planning Commission unanimously voted to not enter into the Implementation Agreement, nothing to do with the Comprehensive Plan. The Comprehensive Plan will live on if we don't sign the Implementation Agreement. Supervisor Bemingham agreed that he too would not sign the agreement. **MOTION** by Supervisor Erler for Upper Mount Bethel does not sign the Multi-Municipal Comprehensive Plan, seconded by Supervisor Eckman. Manager Graziano read a letter from Jason Boulette, Wind Gap Borough Council, in which he commented on the Plan Slate Belt and working together. Russ Horn, Centerville Dr. stated that he agrees with the motion and the best thing to do is withdraw from it. Manager Graziano stated that we already work together with Boroughs. Supervisor Bermingham called for a vote. Vote: 4-1. Supervisor Friedman voted nay.
2. EDC Resignation and Appointment-Supervisor Erler discussed EDC's request to appoint Martin Pinter as a member of the EDC, due to the resignation of Augie Percoco. Bill Hall, Jacoby Run Rd., stated the EDC unanimously voted on appointing Martin Pinter. Supervisor Erler stated that it was not a unanimous vote, Ray Higgins voted nay. Ray stated that he abstained from the vote. Tom Gilmour, Morningside Dr. stated that Mr. Pinter has had his time, it's time for new faces, fresh ideas. Tom would have been happy to submit his letter of interest if he had known it was advertised. Ray Higgins, Centerville Rd., commented on a lot that has been going on in the town, there's a lot of hate. At this time, Ray has officially resigned from the Sewer Authority. One of the reasons he abstained from voting on Marty at the EDC meeting is probably because he is the most qualified person in this room, maybe in this town, to be on the EDC committee.

MOTION by Supervisor Erler to accept Augie Percoco's resignation from the EDC, seconded by Supervisor Bermingham. Vote: 5-0. **MOTION** by Supervisor Friedman to appoint Martin Pinter as a member of the EDC, seconded by Supervisor Albert. Supervisor Erler stated that even though Martin Pinter is quite qualified for the position, he took into consideration Ray Higgins comment about diversifying the EDC. Vote: 3-2.

3. Road Crew Employment Agreement-Solicitor Karasek discussed the agreement he drafted with respect to two road crew employees and their ability to secure class A CDL licensing. The two road crew employees are Nicholas Nittoli and Nicholas Bailey, who are presently members of the road crew, and the agreement is to have them come on full-time, with a starting rate of \$22.45 an hour, they will not have to undergo the traditional 90 probationary period, and the township will pay for the cost and expenses in securing CDL training/licensing, however there is a reimbursement provision which is that if either Nicholas Nittoli or Nicholas Bailey leave within 1yr but less than 2y, they will have to pay the entire cost back to the Township, and if they leave within 2yr but less than 3y, they have to pay back 2/3 or 66% of the cost, if they leave within 3yr but less than 4yr, they have to pay back 1/3 or 33% and if they are still here for a full 4yrs, they do not have to pay anything back. Manager Graziano stated the cost for CDL training is \$5,420 per person, total \$10,840 for both. **MOTION** by Supervisor Friedman to hire Nicholas Nittoli and Nicholas Bailey under the terms in the agreement outlined by Solicitor Karasek, seconded by Supervisor Erler. Vote: 5-0.
4. Paver, Roller, Truck 26 Municibid-Manager Graziano discussed putting the paver, roller and truck 26 up on Municibid to sell. The paver is 39 years old, it breaks down every year, the roller is 25 years old, instead of purchasing, we will rent. Truck 26, a two-door pickup truck, 10 years old, it's not useful. We would like to replace truck 26 with a four-door pickup truck that plows. **MOTION** by Supervisor Friedman to list the paver, roller and truck 26 on Municibid to sell, seconded by Supervisor Eckman. Rich Klinge, Totts Gap Rd., commented on the purchasing of another truck. Marty Pinter stated that he highly recommends getting a scrap value on the paver and roller. Supervisor Erler asked approximately how much is it to rent a paver, Manager Graziano stated about \$10k a month, which we would only use for one month, the roller is about \$7k a month. Supervisor Bermingham called for a vote. Vote: 5-0.

VIII.

EXECUTIVE SESSION

Recess to Executive Session at 8:37 pm to discuss legal matters.

The meeting reconvened at 8:57 pm.

Solicitor Karasek stated that the Stine-Czopoth Injunction was discussed in Executive Session. There were 16 citations. Solicitor Karasek went into negotiations with Attorney Shipmen and Attorney Asteak. In regard to the burning, a potential settlement was discussed. The terms are: 1) Mr. Stine was remove himself and all his possessions from the property, located at 609 Orchard Rd. on or before May 31, 2025. 2) Mr. Stine will take all steps necessary to clean up the property 3) Mr. Stine will cease outdoor burning of any combustible materials. In regard to his outdoor furnace, he can only burn DEP approved combustible materials. 4) If Mr. Stine was to purchase the property, then it is agreed and understood that he or his tenant or any other occupant will not be permitted

to engage in any outdoor or open burning of any kind at any time, anywhere on the property provided for in the stipulation 6) The parties would agree that Mr. Czopoth (owner of the property) would not be considered in violation of any ordinances because his position is that Mr. Stine did the open burning without his knowledge, permission and consent. This agreement has been signed by Mr. Stine and Mr. Czopoth. **MOTION** by Supervisor Friedman to sign the agreement as presented by Solicitor Karasek, seconded by Supervisor Eckman. Vote: 5-0.

Public Comment: Ron Angle, Million Dollar Hwy, asked who will be paying for the Consultant? Supervisor Bermingham stated that Amazon will be paying.

Supervisor Erler stated that he would like to have the Steering Committee draft a letter of our non-participation in the Intermunicipal Agreement. Manager Graziano will draft the letter.

IX.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:05 pm, seconded by Supervisor Albert. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary