



Upper Mount Bethel Township

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**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JULY 14, 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 Friedman to approve the agenda, seconded by Supervisor Eckman. Vote: 5-0.

Sanico Presentation on garbage collection service-Les Moore, Sanico representative, gave a brief summary of the history of Sanico. They have been a local and family-owned business since 1973. They serve Portland Borough, all of Warren County and many other municipalities/communities/businesses. They have 40 trucks, which are automated, and have 50 employees. Brendon Bowers, President of Sanico, stated that Allamuchy is their biggest area they service. There was a discussion on offering a senior discount. Ron Angle, Million Dollar Hwy, commented on a senior discount for residents, which is levied by the Township. Manager Graziano stated that it may or may not be included in the bid specs.

III.

RESIDENT CONCERNS

Brad Reddinger spoke of a violation notice that he received from the zoning officer concerning them running a campground at their Christmas tree farm. They are not offering camping. They are allowing overnight parking for customers of their BBQ business. They offer no amenities, just a place to park overnight and to patronize local

businesses. They are a member of Harvest Host, which hosts over five thousand members throughout the US. They do not charge people to park overnight. Solicitor Karasek stated that looking at our Ordinance, a campground is defined in which there are two or more campsites. If you want a campground, you need to get a special exception use, which was the decision of our Zoning Officer. Solicitor Karasek recommends going to the Zoning Hearing Board to get special exception use. Supervisor Friedman suggested that a meeting be scheduled to discuss this matter.

Kevin Correll stated that they belong to the same group, Harvest Host. They have parking for campers to park overnight. They offer no amenities; they have to be self-contained. They are not a campground. Manager Graziano asked Mr. Correll where they park, on the grass or macadam. Mr. Correll stated that they have a 2-acre shale flat lot. Supervisor Erler asked Mr. Correll about any profiting from this camping program. Mr. Correll stated that the campers patronize their business. Stavros Barbounis stated one of the benefits of Harvest Host is to bring income to our local businesses. This is a stop along the way for campers. Supervisor Bermingham would like Tina to meet with both businesses to discuss. This will be on the agenda for the 28th.

Charlie Hentz read his concerns, which will be made part of the official record. Charlie spoke on taxpayers' understanding of Supervisors' responsibilities and his concerns regarding the activities of the Board of Supervisors, both historical and current. The drafting of an Ordinance prohibiting the discharge of any firearm within the Township. Mr. Hentz asked Supervisor Bermingham if he was aware the Township received correspondence from gun owners of America? Supervisor Bermingham stated no. Mr. Hentz asked Supervisor Bermingham if he ultimately discovered that the prior Board which removed you from the Chairman's position, concealed numerous issues from your awareness? Supervisor Bermingham responded that there were things later on that he found out. Mr. Hentz discussed the Act 537 plan. Mr. Hentz discussed BACIDA and Jeff Manzi's position on BACIDA. Mr. Hentz spoke of the proposed development. Mr. Hentz spoke of the Water and Sewer Authority, the Resolution to dissolve it, the costs owed to the Township by the Authority, and the lawsuits. Mr. Hentz spoke of Supervisor Erler's violating his ethical duties to the Township and should be precluded from attending any further negotiations with the developer or perspective occupants of the industrial park because of conflict of interest. Mr. Hentz urges the board to act with transparency, integrity, and the best interest of all residents.

IV. PUBLIC COMMENT

Robert Teel, N. Delaware Dr., commented on the Act 537, which is mandated by the state of PA.

Leo McDonald, Belvidere Corner Rd., commented on the data center project that fell through because of the lack of power, what is the status of that. Solicitor Karasek stated

that when he spoke with the Attorney for Amazon, who stated that deal fell through because they couldn't get the power they needed in time. It was a matter of when not whether.

Charlie Cole, Riverton Rd., stated that Portland does not have a Sewer Authority, only a water authority. The sewer is managed by the Borough.

Ron Angle, Million Dollar Hwy., commented on being able to speak for 20 minutes if you are put on the agenda but 3 minutes if you're not on the agenda. Ron stated that he is not the voice of the people, Supervisor Bermingham is.

Mark Mezger, Scenic Ct., stated he saw Solicitor Karasek's memo with regard to the Foundation. Solicitor Karasek has gone through all the accounts now and has accounted for all of the money or most of the money and what's not accounted for is still in the bank account of the Foundation. As far as he's concerned, there is no longer a matter of the Township.

Ron Angle, Million Dollar Hwy, asked Supervisor Bermingham if he would disagree that before the meeting started you went in the back room and talked to Mr. Mezger. Supervisor Bermingham stated that he received Ron Karasek's memo around 4:30 today.

Mark Mezger, Scenic Ct., stated that there is another 501c3 in this town and there are two distinct differences between the Foundation and the Slate Belt Historical Society. One, the town never gave the Foundation any money and two, the town gave the Society years' worth of funding to take care of the cemetery. Mark feels as though he does not have any need or obligation to disclose the finances of the Foundation.

Solicitor Karasek stated that when he sent out the memo today, he made it very clear it was not to be disclosed.

Lee McDonald asked, then what? Solicitor Karasek stated that it is a memo for the Supervisors to review and then report back as to what they wanted to do with it. Supervisor Bermingham stated that the Board can agree to release the information now. Mark Mezger stated that he is not giving permission for the numbers to be disclosed.

Stavros Barbounis, Potomac St., commented on a private Facebook group, (Upper Mount Bethel PA) where they are insinuating that Parks/Rec are promoting grooming or otherwise, of the children in the Township, in regard to the recent event at the Park, which was the most well-organized, controlled, and well-planned event he has seen. Stavros would like to get permission to go to FB legal department and find out what it is or put a cease and desist to stop this activity. Ron Angle stated that the person that made the derogatory comment about the event at the park is a member of the Zoning Hearing Board, totally out of line.

V.

ANNOUNCEMENTS

Supervisor Eckman announced the 4th of July Fireworks was a great event, with the help of volunteers, and the Fire Companies. The Pride Festival was another great, well-organized event. Both events generated donations for Park Development. August 16th, shred event 9am-12pm, and movie night at the Park. September 6th, electronic recycling event 10am-3pm. All donations go to further the parks vision and mission. October 4th, food truck/craft festival at the park. November 8th, Veteran's Day Celebration.

Supervisor Albert announced that he, Supervisor Erler, and Manager Graziano had the opportunity to meet with Isabella Fume, DCED planning specialist, to discuss municipal assistance programs concerning community planning.

Supervisor Friedman announced that there is a flood warning for this evening.

Supervisor Bermingham asked for a moment of silence for the passing of Bob Kilbanks. He was Chief of Staff for Representative Joe Emrick. The park/rec did a great job at the Pride Event and the 4th of July fireworks event. The 4th of July parade was a great success as well. The Chelsea Sun is hosting a firefighter appreciation day, July 25th at 6pm for the Mt. Bethel Fire Dept. Township clean-up day is TBD. The Mt. Bethel FH emergency shelter is moving forward. July 28th will be a feasibility study for the municipal building.

Manager Graziano thanked MBFD, NBFD and Portland FD for helping out with the parking at the 4th of July event. With the recent outage of the 911 system, at the local level, if this was to happen again, you can contact him, Supervisor Bermingham, any fireman, they all have backdoor numbers to get into 911. Paving will be starting next week, Sandy Shore Dr., Creek Rd., Pine Tree, and School Rd.

Secretary Cindy Beck reminded everyone about trash service. All trash must be placed in the toter, they will not pick up bags. Bulk items do not include bags. Bulk items include a couch, chair, etc. and mattresses must be covered in plastic. The bridge on Creek Rd. is finally open.

VI.

CONSENT AGENDA

1. June 9, 2025, Meeting Minutes
2. June 23, 2025, WS Meeting Minutes
3. Exonerations/Refunds

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

VII.

FINANCIALS

1. Bill List-Manager Graziano read the bill list, totaling \$293,371.19. **MOTION** by Supervisor Friedman to approve and pay the bills in the amount of \$293,371.19, seconded by Supervisor Albert. Supervisor Erler asked about the interim bill for celebration fireworks, and PRR partners. Manager Graziano stated that the donation for the FW goes through Parks/Rec and PRR partners was paid from the money from Amazon. Vote: 5-0.

VIII.

ACTION ITEMS

1. Softball Field In-Field Mix Bid Award-Manager Graziano stated that two bids were received for in-field mix. Martin Stone Quarries LLC for \$62 a ton delivered and New Enterprise Stone & Lime Co. for \$64.40 a ton delivered. Manager Graziano recommends awarding the bid to the lowest bidder, Martin Stone Quarries for \$62 a ton delivered. **MOTION** by Supervisor Erler to award the bid from Martin Stone Quarries for \$62 a ton delivered, seconded by Supervisor Eckman. Vote: 5-0.
2. 2025 Seal Coat Bid Award-Engineer Coyle stated that one bid was received for the 2025 Seal Coat project. Asphalt Maintenance Solutions LLC (AMS) for \$217,136.92. Roads scheduled to be seal coated are East Shore Dr., Carolee Lane, Quiet Valley Rd., Red Fox Lane, Frutchey Ct., and Scenic Ct. Engineer Coyle recommends awarding the bid to AMS for \$217,136.92. The bid is good for one year. **MOTION** by Supervisor Friedman to award the bid to AMS for \$217,136.92, seconded by Supervisor Albert. Vote: 5-0. Jim Potter asked what temp they use? Engineer Coyle stated that he did not know what they use, they do follow all PennDOT specs. There does appear to be an issue with the oil seeping out in many areas, not just here in UMBT.
3. 2025 Line Painting Bid Award-Engineer Coyle stated one bid was received, Road Safe Traffic Systems for \$143,510.40. Manager Graziano stated that others wanted to bid but just didn't make the deadline. Engineer Coyle recommends rejecting this bid and re-bid the project. **MOTION** by Supervisor Erler to reject the bid and re-bid for the line painting project, seconded Supervisor Albert. Vote: 5-0.

IX.

TABLED ITEMS

1. Holding Tank Ordinance-Scott Policelli stated that he is still making revisions but wanted to provide an update to the Board. He addressed Engineer Coyle's suggestions as well as Solicitor Karasek's suggestions. Scott stated that he needs another month to finalize it. Supervisor Erler asked what the need is for this Ordinance. Scott responded that on a rare occasion he gets asked about it and there's a possibility that at some point someone may need one. Supervisor Erler asked if campgrounds will be affected by this Ordinance. Scott responded, saying that to his knowledge, most campgrounds have dumping stations.

X.

DISCUSSION

1. Website-Supervisor Erler discussed the approval of survey monkey that the BOS approved of on November 5, 2024. Supervisor Erler would like to get this up on the website. Supervisor Bermingham stated that the Supervisors should review the questions first. Supervisor Erler would like all committees/Boards to come up with questions. Stavros Barbounis, IT Director, stated that all he needs are questions to create the survey. Stavros stated that he does not dictate what gets posted, he just needs to know what we want and where we want it posted.

XI.

NEW BUSINESS

1. Salt Shed-Manager Graziano stated that he has been working on getting prices for replacement tarps for the salt sheds for over a year. One quote was received from Greystone Construction in the amount of \$12,605. There was a discussion on tariffs and the effect it may have on the bid amount. Solicitor Karasek stated that if the amount is affected by tariffs, he may have to re-bid the project. Marty Pinter, Lindsey Ln., stated that what Manager Graziano could do is go back to Greystone and ask for a DDP (delivery duty paid) price. Marty suggested calling Deroche Canvas, who his company uses. **MOTION** by Supervisor Friedman to table until more bids can be acquired, seconded by Supervisor Erler. Vote: 5-0.
2. OSAB Member Resignation-Supervisor Albert stated that the OSAB accepted (with regrets) Janet Pearson's letter of resignation at their meeting held on June 25, 2025. Supervisor Albert read her letter of resignation. **MOTION** by Supervisor Friedman to accept OSAB member Janet Pearson's letter of resignation and to post the open seat on the website for 10 days, seconded by Supervisor Albert. Vote: 5-0.
3. Supervisor Compensation Policy-Supervisor Erler discussed enacting a policy, Section 1402 (g) 3 of the Second Class Township Code, to allow compensation to Supervisors who attend training and conferences for lost wages. The compensation should be based on the hourly rate set by our elected auditors, which is currently \$20 an hour. Supervisor Erler does not expect this policy to be retroactive. Supervisor Bermingham stated that a policy should be drafted, and Solicitor Karasek will need to review it, then it can be discussed and possibly voted on. Charles Baltic, Laurel Hill Rd, stated that this wouldn't fall within the part-time work definition in the statute to which the \$20 hour rate applies.

XI.

EXECUTIVE SESSION

Recess to Executive Session at 8:22 pm to discuss legal matters.
The meeting reconvened at 8:58 pm.

Solicitor Karasek stated that discussed in Executive Session were personnel matters with respect to a road crew employee and his actions over the last week. **MOTION** by

Supervisor Albert that Manager Graziano take the appropriate disciplinary action against the employee, seconded by Supervisor Erler. Vote: 5-0.

XII.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:00 pm, seconded by Supervisor Albert. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

INTRODUCTION

My name is Charles Hentz, and I have been a resident of UMBT for 20 years. I have not attended meetings in a while, but I watch them and speak to many actively involved. I need to explain my concerns personally.

I requested to be scheduled on the agenda, thus allowing me to discuss, pose questions, and respond to inquiries regarding the activities of the Board of Supervisors, both historical and current.

GUN ORDINANCE

My initial interest in this local governmental body was piqued upon receiving information that the former Chairman of the Board had instructed the solicitor to draft an ordinance prohibiting the discharge of any firearm within the township.

I attended a meeting wherein the solicitor read a proposed Ordinance that he said he wrote, and that it was completely constitutional. However, my research discovered that Stroud Township in Monroe County had an Ordinance that was word-for-word the exact duplicate of the one our solicitor read. In addition, that Ordinance had already been declared unconstitutional by the Commonwealth Court in Pennsylvania. I had Gun Owners of America write the Board a letter telling them that the township would be sued if they passed that ordinance. We never heard about this Ordinance again.

Mr. Birmingham, were you aware that the township received the correspondence from GOOFA prior to my providing you with a copy of the letter?

Mr. Birmingham, have you ultimately discovered that the prior board, which removed you from your position as chairman, concealed numerous issues from your awareness?

WATER & SEWER 537 PLAN

The subsequent matter I became aware of was the 537 Water & Sewer Plan. The plan asserted that residences, commercial establishments, and buildings along Route #611 and the highway from Rosetto to Lake Minsi had contaminated wells, and their sewer systems were nonfunctional. It also stated that Portland and Rosetto had agreed to provide water and sewer services to these locations. I asked who conducted that survey, and could I have a copy of that survey? The alleged survey was never provided because it didn't exist. When the 537 plan was submitted to the state, it was rejected. Upon attempting to acquire a copy of the rejection, the solicitor informed me that it was a work in progress and unavailable. However, I obtained the report and rejection notice from the Commonwealth of Pennsylvania. The head of the department personally left his residence and traveled to his office in Harrisburg to send these documents to me. The rejection criticized the township, stating that Portland and Rosetto had not consented to provide any services to UMBT. In fact, Portland expelled our supervisor, Chairman, from their meeting and explicitly stated that they would never engage in business with the township.

Mr. Birmingham, as the supervisor, were you aware of the situation I have just described at the time it transpired?

At the time was any of that information withheld from you as a supervisor?

BACIDA

Let us proceed to discuss the Bangor Area Commercial & Industrial Development Corporation (BACIDA). This corporation was established several years ago pursuant to an ordinance enacted by UMBP and the several municipalities surrounding UMBT. Each community is represented on the board. Mr. Jeff Manzi from UMBT serves as the chairman. Furthermore, all initiatives aimed at fostering business development have primarily focused on

UMBT. Mr. Manzi was also on the Zoning Board for UMBT. Please keep that in mind as we move forward.

Mr. Manzi acquired an abandoned property along the Delaware River for approximately \$60,000. Subsequently, he sold it to a corporation owned by the Industrial Park Developer for approximately three times its original value. Mr. Manzi also served as chairman of BACIDA during its acquisition of a contaminated, vacant electrical generating plant on the Delaware River for \$5 million dollars. However, BACIDA had no money. The developer extended a loan to facilitate this purchase. When the taxpayers remediate the site, using grants and taxpayer money, increasing its value tenfold, they will return it to the developer for the original purchase price, reflecting a scenario where the property's value has substantially appreciated.

Mr. Birmingham, could you please confirm if your understanding aligns with what I have just conveyed?

INDUSTRIAL PARK DEVELOPMENT

Allow me to discuss the proposed development in our Industrial Park. Initially, it was planned as a large truck stop featuring gas stations, rest facilities, and hotels. Subsequently, the vision expanded to include extensive warehouse facilities. After the decision was made to abandon the gas station concept and as the requirement for large warehouses decreased, the plan was redirected towards establishing a Data Center. Regardless of the current development proposal, a group of residents within our township frequently attend these meetings and tend to exhibit argumentative and hostile behavior, often criticizing individuals who oppose the developers' plans. One individual asserts he is the voice of the people. However, his influence appears limited to those sharing his surname or agreeing entirely with him. At a recent Industrial Development meeting, the developer presented him with a red folder. It would be of interest to discover the contents of that folder. This same

individual previously accepted farmland preservation funds until it proved more profitable to return the money and sell the land to the developer. Truly, the voice of the people.

Subsequently, the BACIDA chairman co-signed a proposal authored by the developer for the establishment of a Water & Sewer Authority. The proposal went before the Zoning board of Adjustment where Mr. Manzi served. He refused to recuse himself even though he cosigned the original proposal. The previous board approved moving forward with the proposal. Following this, the chairman of the previous board declared himself the head of the new Water & Sewer Authority after electing not to seek re-election.

Given the ongoing litigation that could potentially incur substantial costs to taxpayers, it is indeed unacceptable for this board to permit a litigant against the taxpayers, or anyone clearly affiliated with the developer, who is suing us—such as the Chairman of BACIDA—to serve on one of the advisory boards or as our representative on BACIDA.

Mr. Birmingham, could you please confirm whether your board has dissolved the Water & Sewer Authority?

Has it been dissolved?

What is the total amount of fines owed by the Authority to the township since its dissolution?

Is the township being sued by the developer over this issue?

Is the suit still active?

Are there other suites, and if so, what are they?

LEGAL ACTION

It appears that certain Board members are neglecting the fact that they have been personally sued by the developer, as well as the board collectively, for

allegedly causing harm to his warehouse project. This situation has incurred, and will continue to incur legal expenses for residents. Nevertheless, at least one Board member persists in engaging with them without obtaining approval or consulting legal counsel. Such interactions could lead to inadvertent statements that might adversely affect all parties involved. This demonstrates poor judgment.

Mr. Erler inquired at an executive board meeting about the circumstances in which the current legal team was retained to manage the lawsuits. I refreshed Mr. Birmingham's memory concerning the origins of this matter and my participation. Mr. Birmingham stated that he would provide this information to Mr. Erler during the forthcoming executive session. Subsequently, after Mr. Erler received this information, I was notified the following day via LinkedIn that Lisa Pektor had viewed my profile. I do not consider this to be a mere coincidence. When I contacted her to inquire, she was unable to provide an explanation of how she came to view my profile. I also possess communications from Mr. Erler to another UMBT resident indicating that Mr. Erler has been and remains in contact with an individual litigating both him and us.

How can we place confidence in such poor judgment when Mr. Erler behaves as though he is the most intelligent individual present? He met with the Pektors, accompanied by another supervisor, at the Pektors request. The complaint filed by the developer with the courts alleges a conspiracy among the supervisors. I possess a legal background, having spent more time in common pleas court than many attorneys, which has taught me that the actions of one can legally bind others. What exactly has Mr. Erler communicated to the developer? He could have demanded that the lawsuits be dismissed prior to any negotiations, but based on his messages, it appears he did not.

At present, the litigation concerning the dissolution of the Water & Sewer Authority has resulted in a daily fine exceeding fifty thousand dollars, with the amount continuing to increase. Did Mr. Erler request that this sum be paid?

Mr. Erler has violated his ethical duties to the township. As a result, his actions have jeopardized the township's legal status. The townships attorney should be directed to inform Carroll Engineering (the townships engineer, also a party to the litigation) and both attorneys should notify our insurance provider of this situation. Owing to Mr. Erler's actions, he should be compelled to secure separate private counsel to represent him in these proceedings with the developer. Additionally he should be precluded from attending any further negotiations with the developer or perspective occupant of the industrial park because of his conflict of interest.

I personally believe that Mr. Erler's actions are more egregious than any accusations he has levied against Mr. Friedman. The township should publicly sanction Mr. Erler and proceed with filing an ethics complaint against him. The insurance company must be notified of his actions, and he should be required to obtain private council. If the board does not take corrective action it will appear that the board is also complicit in un-ethical conduct, and dire consequences will be forthcoming!.

CLOSING

I urge this board to act with transparency, integrity, and in the best interests of all residents. Our township deserves leadership that is accountable, ethical, and committed to the public good. Let us restore trust and ensure that our community's future is guided by honesty and sound judgement.

