



Upper Mount Bethel Township

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**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WS MEETING MINUTES
MONDAY, AUGUST 25, 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 Friedman, Supervisor Eckman, Supervisor Erler, Supervisor Albert, Township Manager Graziano, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

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

III.

POWER OUTAGES

1. Jaryl Altomare-2250 River Rd., spoke of the multiple power outages he has experienced on River Rd., which is the worst in the area. Live wires are coming down, causing fires, power outages, financial expenses, and fear of someone getting hurt. Someone needs to be responsible for cutting down the dead trees that are falling on the power lines.
2. Al Spinelli-2076 River Rd., spoke of his multiple power outages. This is a life safety issue. Met-Ed will not cut down dying trees. We need to continue to pressure Met-Ed.

Manager Graziano stated that he gets calls all the time with residents throughout the Township experiencing problems with power outages, but River Rd. seems to be the worst area. Manager Graziano gave an update of mitigation. Manager Graziano is in contact with a Met-Ed representative who is always receptive to addressing issues as they occur. The best thing a homeowner can do is call the PUC. Supervisor

Birmingham would like to set up a meeting with the PUC. Supervisor Erler stated that the budget for tree work will need to be increased for next year. Al Spinelli stated that yes, complaints should be sent to the PUC but also sending letter to PJM (PennJerseyMaryland), they are the governing regulatory commission that controls power all over the east coast.

IV.

PUBLIC COMMENT

Charles Cole, Riverton Rd., commented on Met Ed cutting trees down, he personally does not have a problem with Met Ed. Any trees that are in the Township's ROW, are the Township's responsibility to take down. The Park Foundation, the Township should not continue to spend money on harassing Mark Mezger, Chairman of the Park Foundation. Cemeteries in the Township need assistance. The museum claims immunity from any audits because they are a 501c3. The BOS needs to figure out how to get money to the cemeteries.

Tara Mezzanotte commented on Rt. 611 and I80 matters. PennDOT stated the light on Rt. 611 is working properly, but Tara would like to follow up with getting a sign stating the light is a 3-minute light, the BOS is fine with her doing that, no update on the Explore Act, the LDWSR, Tara has compiled a list of questions/answers.

Chris Finan, Apache Dr., Chief MBFD, commented on safety points on downed power lines, always treating them as live power lines. Roads get closed when there are lines down, do not drive around closed road signs.

Judith Henkel, Robin Hood Rd., read her public comment, which will be made part of the official record. Judith's comment was about the most sustainable wellbeing of the Townships' future and its citizens, the Park Foundation, Wild & Scenic, and the Plan Slate Belt Municipal Plan.

Michael Onufrak, Summerfield Dr., commented on the Park Foundation situation. How much of the Township's money has been spent on reviewing all the documents.

David Due, Shooktown Rd., commented on the Park Foundation, stating that it is not about the \$8,000, it's about how the whole process took place. Still a lot of gray areas, for example, the ESSA account. He has been trying to get the books for 15 years.

Sharon Duffield, Potomac St., commented the Park Foundation and what are the true motivations.

Ron Angle, Million Dollar Hwy, stated the substation on Jacoby Creek has been upgraded. Ron commented on the Park Foundation and the need for a forensic accountant. Ron commends the Road Department on the jobs they've done.

V. ANNOUNCEMENTS

Supervisor Erler announced that Lisa Pektor attended his office hours last week and spoke with some of the residents directly.

Supervisor Eckman reminded everyone of the Electronics Recycling Event being held Saturday, September 6, 2025, 10am-3pm at the Township Building.

Supervisor Bermingham announced the clean-up day will be held on Saturday, September 13th, 11am-1pm, cleaning up Allegheny Rd. The community wide yard sale is September 25-28th. The Chelsea Sun is having a meet and greet for the candidates, Courtney Gilmour is September 10th 6:30pm, and Supervisor Erler's is October 9th 6:30 pm. Supervisor Bermingham will be having office hours, September 15th, 7pm-8pm, he will be doing a presentation on Robert's Rules of Order. September 11th, Memorial Service at the MBFH at 6:30 pm. Thank you to President Trump for signing an Executive Order banning flag burning.

Manager Graziano announced that Waste Management will no longer accept plastic bags in with recycling, only in trash. Manager Graziano talked about how he is working with Frank Brooks, at the County, to take care of residents in need of financial assistance. The new generator should be installed by the end of September.

VI. ACTION ITEMS

1. Solar Panel Farms Ad Hoc Committee-Manager Graziano stated that five (5) letters of interest were received, Lori Poliskiewicz, Jesse Poliskiewicz, Alexandra Dutt, Supervisor Jonathan Erler, and Sharon Cerny. Supervisor Bermingham stated that everyone has qualifications and has dealt with this in the past. **MOTION** by Supervisor Friedman to accept the five candidates for the Ad Hoc Committee, with Supervisor Erler the Liaison, seconded by Supervisor Erler. Vote: 5-0.
2. Resolution No. 2025-15 LSA Grant (NC) 2026 Mack Tandem-Manager Graziano stated this grant is to replace the 2008 Tandem, which we will be keeping until next year and then we will be selling it. The grant will not be decided until 2026. We are submitting applications to both Northampton County and Monroe County. We don't need to show where the truck will be purchased, only the cost. **MOTION** by Supervisor Erler to adopt Resolution No. 2025-15 and Resolution No. 2025-16, seconded by Supervisor Friedman. Supervisor Albert asked what is the backup plan is we don't get the grant? Manager Graziano stated the machinery fund. Rich Klinge, Totts Gap Rd., commented on the purchase of another truck and the Township being on the hook to pay for it if the grant does not go through. Manager Graziano emphasized we are replacing a truck. Manager Graziano stated that if the grant does not go through, it will be up to the Board if they want to purchase the truck. Marty Pinter, Lindsey Lane,

commented on spending funds to modernize an aging fleet. Marty stated that the Board needs to think about increasing the tax mil, costs keep going up. Manager Graziano stated that our recent audit and our auditor stated that we are in good shape. Supervisor Bermingham called for a vote on the motion. Vote: 5-0.

3. Resolution No. 2025-16-previously discussed and adopted.
4. Isolation Distance Waiver Request-Supervisor Bermingham read the letter from our SEO, Scott Policelli, requesting the BOS to approve the Isolation Waiver Request for James & Sherrilyn Lengyel, who are in the process of upgrading their on-lot sewage disposal system and in doing so require various isolation distance waivers. Engineer Coyle stated this is common for small lots that have failing septic systems and cannot meet DEP's recommended criteria. Solicitor Karasek will prepare a Release, Indemnification, and Hold Harmless Agreement to be signed by the Lengyels. **MOTION** by Supervisor Friedman to grant the Isolation Distance Waiver Request as presented by Scott Policelli, seconded by Supervisor Albert. Vote: 5-0.

VII.

TABLED ITEMS

1. Township Municipal Building Feasibility Study-Supervisor Bermingham stated that he spoke with the MBFC, and they do not want to be part of the study. The three other areas included in the cost of the study will be the Township Building, Eastern, and the Park. The reduction cost would be very minor if we only did two areas. The cost for the study is \$8,800. **MOTION** by Supervisor Friedman to proceed with the Township Building Feasibility Study for \$8,800, as outline by Manager Graziano, seconded by Supervisor Eckman. Vote: 5-0.
2. Park Foundation-Supervisor Erler discussed his issue on the Park Foundation and that being accountability. Supervisor Erler stated that he did have a conversation with Solicitor Karasek on various topics. Supervisor Erler would like all the Supervisors to review the Attorney Generals findings. One thing that stood out in the findings was kind of inconclusive and not enough information was provided. Was the Fidelity account the only one brought to the attention of the AG, as well as the only documents Solicitor Karasek received for his summary to us. There were no records of an ESSA account or Money Market account. The other issue was the summary that Solicitor Karasek provided to the BOS was to remain confidential/classified. Supervisor Bermingham stated that he told Mr. Mezger what came back in the memo, the privilege is owned by the BOS, and not to keep things a secret, be transparent. The AG did not come up with any red flags, but he will review the letter again to see if it is inconclusive. Supervisor Erler asked Solicitor Karasek if he received anything from an ESSA account, Solicitor Karasek stated no, other than knowing that there was money in an ESSA account and put into the Fidelity account. Supervisor Erler stated that since this was released to the person that this information is in regard to, he would like to make a motion that we make these findings public. **MOTION** by Supervisor Erler to release Solicitor Karasek's findings to the public, seconded by Supervisor Eckman. Mark Mezger stated that his Attorney sent Solicitor Karasek a letter and would like to read the letter to the Board. Mark has also put together a presentation where there is a lot of stuff that will get to the heart of a

lot of the issues that are going on. Mark read the letter addressed to Solicitor Karasek from Attorney Ogren regarding possible legal action if any further request to file a suit occurs. The law states that no action may be instituted without consent of the Attorney General's office against a 501 (c) 3. This letter will be part of the official record. Mark would like to give his presentation before a vote is to be taken. Supervisor Bermingham stated that the motion is to release Solicitor Karasek's findings. Supervisor Erler asked Solicitor Karasek if there is any legal recourse disclosing confidential information with the public that was given to the BOS. Solicitor Karasek stated that the report he prepared indicated it was an attorney work product that should not be disclosed under the law. If it is disclosed to who could be an adversary to that report, Mr. Mezger could be an adversary, that may well have now allowed the document/report he prepared, not the supporting documents, only the report he prepared to be disclosed. Mr. Mezger stated that he has no objection to the report that Solicitor Karasek prepared to be disclosed. Supervisor Erler asked Mr. Mezger what the reasoning was he did not provide the ESSA account to the Township. The ESSA account was a grant to the Foundation to provide fences for the Park. Supervisor Bermingham called for a vote to the motion to release Solicitor Karasek's report only. Vote: 5-0.

3. **BACIDA-MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 5-0.
4. Plan Slate Belt Full Withdraw-Supervisor Erler stated that the reason for this to be on the agenda is due to an email from Becky Bradley about still being in the plan, we will be obligated to do the zoning requirements. If we are going to do our own plan, we can choose whether or not to rezone. There are grants available, we would have to choose a consultant. This plan would be specifically for Upper Mount Bethel Township. This would also free us up from any legal implications as Becky suggested and safeguard the township. Supervisor Bermingham stated that he never liked the Intermunicipal Agreement and has no problem with withdrawing and moving on. **MOTION** by Supervisor Erler for Upper Mount Bethel withdraw from the Plan Slate Multi-Municipal Plan in its entirety that was adopted on January 27, 2025, as Resolution No. 2024-30, seconded by Supervisor Eckman. Vote: 4-1. Supervisor Friedman voted nay.
5. Salt Shed Tarp-Manager Graziano discussed the proposed tarp for the salt shed. It is an 18-ounce vinyl tarp. The cost for the main tarp is \$1,425 and the rear tarp is \$365, for a total of \$1,790. The frame we can fix. **MOTION** by Supervisor Friedman to approve the purchase of the salt shed tarp for \$1,790, seconded by Supervisor Erler. Vote: 5-0.

VIII.

NEW BUSINESS

1. Property Enforcement Officer-Supervisor Bermingham asked for the Supervisors' thoughts on this matter. Supervisor Friedman stated that Manager Graziano and Tina (our Zoning Officer) have been doing a good job and sees no need for a property enforcement officer. Supervisor Erler, Supervisor Albert, and Supervisor Eckman all agree that they see no need for a property enforcement officer.

IX.

EXECUTIVE SESSION

Recess to Executive Session at 9:06 pm to discuss legal matters and litigation.

The meeting reconvened at 9:29 pm.

Solicitor Karasek summarized what was discussed in Executive Session. They discussed the complaint that was filed by the Barnes against the Township, where they are complaining about the Township failing to address stormwater issues and there were two items, one was whether or not the Township Supervisors wanted me to accept service on the complaint because the complaint was simply sent to him not the Township and also for him to contact the Township's insurance carrier to see if they would cover this. **MOTION** by Supervisor Friedman for the Solicitor to accept service for the Barnes complaint, seconded by Supervisor Albert. Vote: 5-0.

Solicitor Karasek stated that on the Stine matter there is no action to be taken, he was simply providing an update.

X.

ADJOURNMENT

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

Respectfully Submitted by Cindy Beck-Recording Secretary



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NEGOTIATION MATTERS

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Please send all Mail to the Philadelphia Office

August 21, 2025

VIA EMAIL ONLY ron@karaseklawoffices.com

Mr. Ronald Karasek Esq
Upper Mount Bethel Township (UMBT) Solicitor
387 Ye Olde Highway
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Dear Mr. Karasek,

This office represents Mark Mezger ("Mr. Mezger") and the Upper Mount Bethel Community Foundation, Inc. ("Foundation"). As you are aware, the prior Upper Mount Bethel Board of Supervisors ("Board") initiated a baseless legal action by Summons against my clients in 2023, which the present Board voted to dismiss in 2024. As a result of a complaint filed by an unknown source to the Pennsylvania Attorney General's Office, an investigation commenced costing my clients both extensive legal fees and time. Not surprisingly, the investigation resulted in a finding of "no violations" after a complete financial review.

Because some members of the present Board are seemingly aligned with the same faction interested in continuing this abusive crusade against my clients, you requested that Mr. Mezger voluntarily supply financial information to the Board despite the Attorney General's findings. My client complied. Thereafter, you issued a report accounting for the expenditure of the alleged funding of the \$ 8,000. This report was supplied to the Board as well. This action ignored the lack of any jurisdiction of the Board to request such inquiry as the Foundation's funds were not derived from Township proceeds.

Despite the foregoing, my clients continue to be the recipients of baseless attacks by the same faction and have been threatened with legal action by at least one member of the Board who is apparently aligned with said faction. The law is quite clear that no action may be instituted without consent of the Attorney General's Office against a 501(c)(3) organization.

BOCHETTO & LENTZ, P.C.

August 21, 2025

Page 2 of 2

Be advised that my clients refrained from filing suit for the inappropriate legal action filed by the prior Board because the claim was dismissed by resolution. However, should the Board or any member of the Board continue to request a suit be filed via public meeting or otherwise permit such defamatory discussion in public, an appropriate action will follow. As Solicitor it is your responsibility to advise the Board accordingly. Your failure to do so may make you responsible as well.

Sincerely,

BOCHETTO & LENTZ, P.C.

Jeffrey W. Ogren

By:

Jeffrey W. Ogren

BoS comment 8-25-2025

Three Topics – One Thread

Each Supervisor has a vote on issues to determine what is most sustainable for the wellbeing of the Townships' future and its citizens. The big picture.

Public pressure has devolved into a show of force as if a contest, winner take all instead of sharing ideas for solutions .

Here's an example how the same words can be viewed from different perspectives and ideologies: take protection - It could be seen as regulation and the hindrance of enforcement to protect something OR the other view would be safety, personal physical protection or health benefits of clean air and water.

So when the word comes up in conversation it conjures up different feelings depending on individual viewpoints, that can be a barrier to getting to solutions, setting the stage for conflict. Unfortunately conflict, disparagement and delay are power plays.

Topic #1 The Park Foundation was revived and resurrected into the Community Foundation. Instead of working together, a faction of the community has harassed and pushed for legal action, to what point?

Topic #2 I fear the Wid & Scenic partnership decision will be slow walked past deadline with the same obsession to delay and defame any cooperation with others.

Topic #3 Lastly, most importantly, the Plan Slate Belt Municipal Plan. Misinformation was used to divide and isolate us. What's the intent behind some words? That's a powerful word- INTENT. IN PSB: We maintain municipal authority. Time frame for planning approval is with the applicant who gives extensions until the plan is in compliance.

I ask again what is the intent of full withdrawal from a plan we have not agreed to continue with the zoning portion? What is the alternative Plan, the RFP (request for proposal), with Scope of work detail, deliverables with time schedule and cost. Where is the money coming from?

Before you cut ties with the professional people and partners, some of whom you will now be competing with for resources, you should have a backup ready.

Judith Henckel

1752 Robin Hood Road

Mount Bethel