



Upper Mount Bethel Township
387 Ye Olde Highway
P.O. Box 520
Mount Bethel, PA 18343-5220
Phone: (570) 897-6127 Fax: (570) 897-0108
www.umbt.org

UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JANUARY 12, 2026 – 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 Solicitor Karasek, and Township Manager Graziano.

II.

APPROVE THE AGENDA

MOTION by Supervisor Bermingham to amend the agenda, moving Executive Session to IV. Supervisor Eckman would also like to add a discussion on Gross McGinley as the Alternate Solicitor and move Action Items to VII, seconded by Supervisor Erler.

Vote: 5-0.

III.

PUBLIC COMMENT

Charles Baltic, Laurel Hill Rd., commented on the appointment of Gross McGinley as the Alternate Solicitor. Charles spoke of many concerns regarding their Conflicts Check. Charles submitted documents regarding Conflicts Check and will be part of the official record.

Ron Angle, Million Dollar Hwy, commented on what Gross McGinley should have done or have not done. Supervisor Bermingham stated that this was added to the agenda to be discussed.

IV.

EXECUTIVE SESSION

Recess to Executive Session at 7:07 pm to discuss legal matters.

The meeting reconvened at 7:12 pm. Solicitor Karasek stated that Attorney/Client questions were asked in Executive Session. No action to be taken.

V.

ANNOUNCEMENTS

Supervisor Friedman announced that Supervisor Eckman and Supervisor Erler will be given access to the Township's Office 365. The cost for each is \$100 per year.

Supervisor Erler announced that the Chairs to the Table meeting that was held last month proved to be very productive. The committees discussed their 2025 achievements and goals for 2026. Supervisor Erler will be having office hours January 19th, 7pm at TK's.

VI.

CONSENT AGENDA

1. December 8, 2025, Meeting Minutes
2. December 29, 2025, End of Year 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-Manger Graziano read the bill list totaling \$360,292.78. **MOTION** by Supervisor Friedman to pay the bills in the amount of \$360,292.78, seconded by Supervisor Albert. Supervisor Erler asked about funding for salt. Manager Graziano stated that we are okay. Vote: 5-0.

VIII.

ACTION ITEM

1. Frank's Deli Improvement Agreement Recommendation-Engineer Coyle discussed the Improvement Agreement. Based upon his inspection, all improvements have been made with the exception of the installation of 23 trees. The property owner intends to install low-lying shrubs in lieu of trees. Engineer Coyle recommends the project to be entered into the 18-month Maintenance Period and the Letter of Credit be reduced to the maintenance amount of \$16,742. **MOTION** by Supervisor Erler to approve Engineer Coyle's recommendation on Frank's Deli Improvement Agreement, seconded by Supervisor Eckman. Vote: 5-0.
2. Discussion on Gross McGinley-Supervisor Eckman asked for this to be on the agenda to have a discussion regarding the several requests made to Gross McGinley for their Conflicts Check. Supervisor Bermingham stated that he did

reach out to Adrian Cousens. Adrian stated that he did run a Conflicts Check for all the Supervisors, Justin Coyle, Upper Mount Bethel Municipal Authority, River Point Logistics, New Demi Rd LLC, and RPL East. Supervisor Birmingham suggested reaching out to Adrian, asking him to attend our next meeting, and send the Conflicts Check to the BOS prior to the meeting. Supervisor Erler stated that he has an email from Adrian dated September 1st, in which he stated that the Conflicts Check was done on June 11th, which was never provided to Supervisor Erler and as of today, it still has not been provided. Supervisor Birmingham asked Manager Graziano to reach out to Adrian explaining the conversation the BOS had regarding the Conflicts Check and ask him to provide it before the next meeting. Supervisor Erler stated that he has other issues, one being the litigation that was put on hold as per the Supervisors. Supervisor Erler stated that he believes that should be agreed upon by both parties. The Authority of the Board of Supervisors rests in no single Supervisor but the entire Board of Supervisors as a majority vote. Supervisor Erler stated the other issue is that his proposal for his rates is that the amount is \$350, he has not seen the \$160 rate in writing. A formal proposal should be presented, indicating the \$160 hourly rate. Manager Graziano will reach out to Adrian to provide the Conflicts Check and a formal proposal before the next meeting. Ron Angle stated that if Mr. Cousens does attend the next meeting, there will be plenty of questions that will be asked.

IX.

REORGANIZATION TABLED ITEM

1. Appoint Township Engineer/Flood Plain Administrator-MOTION by Supervisor Friedman to appoint Carroll Engineering as the Township Engineer and Flood Plain Administrator. Supervisor Friedman stated the Justin's performance has been explementary for the past 10 years. Supervisor Erler stated he has a point of order. This exact motion was made at the Reorganization meeting and was tabled. This would be a motion to reconsider. The motion to reconsider can only be made by the prevailing voters of the original motion. Supervisor Friedman stated that he made the original motion and it failed to a 2-2 vote. Supervisor Erler stated that it was tabled after it failed. Solicitor Karasek stated that the motion tonight is probably ok because you are not reactivating the motion, you are basically saying this is put before us now. Supervisor Birmingham stated that there is a motion on the floor, the motion was seconded by Supervisor Birmingham. Supervisor Birmingham stated that he has nothing but good experiences with Justin, and as we all know, one of the biggest moves that he made in his career was the text amendment, telling us to keep some control over it, even though it didn't go the way we hoped but he always puts Upper Mount Bethel's interest first and foremost. Supervisor Erler stated that he has heard from many residents about the rates they are being charged for various projects. There was a discussion on the current projects that are contracted with Carroll Engineering. Engineer Coyle stated that his rates are very competitive with other firms. MOTION by Supervisor Erler to amend the current motion to substitute Engineer Engineering with Keystone Consulting, at a rate of \$125.50 an hour, seconded by Supervisor Eckman. Vote: 2-3. Supervisor Erler stated that if the Township moves forward with having a Data Center located in the Township, Barry Isett has an Engineer that works primarily with Data Centers.

MOTION by Supervisor Friedman to appoint Carroll Engineering as the Township Engineer and Flood Plain Administrator at a rate of \$155 an hour, seconded by Supervisor Bermingham. Vote: 3-2.

X.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 7:45 pm, seconded by Supervisor Erler. Vote: 5-0.

Respectfully Submitted by Cindy Beck, Recording Secretary

How to Conduct a Conflict Check: Best Practices for Law Firms

WRITTEN BY

Justin Fisher

5 min read/Last Updated: May 19, 2021

Conflicts of interest for lawyers are a serious matter with significant ethical and legal implications. Failing to identify and address conflicts can lead to malpractice claims, disciplinary action, and damage to a law firm's reputation.

In this article, we will answer the question: What is a conflict check? We'll also go over the best practices for conducting thorough conflict checks within your law firm, ensuring ethical representation and client trust.

A conflict of interest arises when a lawyer's ability to represent a client is compromised by other obligations or interests.

Understanding Conflict Checks for Law Firms

Conflict of interest arises when a lawyer's representation of one client is compromised by obligations to another client, a former client, or the lawyer's personal interests.

This can manifest in various ways, such as representing clients with opposing interests or using confidential information gained from one client to benefit another. The consequences of such conflicts can be severe—ranging from disqualification from a case and financial penalties to bar complaints and damage to the lawyer's professional reputation.

Conflict checks are a proactive measure to identify and address potential conflicts *before* they arise. By diligently screening potential clients and matters

against existing and past representations, law firms can ensure they are fulfilling their ethical duties and protecting their clients' interests.

Lawyers also have a fiduciary duty to their clients, which includes the duty of loyalty and confidentiality. Conflict checks help lawyers uphold these duties by ensuring that their representation of one client is not compromised by obligations to others.

Furthermore, various rules of professional conduct, such as the American Bar Association (ABA) Model Rules, explicitly require lawyers to avoid conflicts of interest. Failure to conduct proper conflict checks can result in violations of these rules, leading to disciplinary action and potential legal liability.

Relying on a standalone conflict check system can be time-consuming; however, case management solutions mitigate this risk by incorporating comprehensive conflict-checking databases directly into their platform. This integrated approach ensures a more thorough and reliable conflict-checking process.

Conflict checks are a proactive measure to identify and address potential conflicts before they arise.

Identifying Potential Conflicts of Interest

A conflict of interest arises when a lawyer's ability to represent a client is compromised by other obligations or interests. This can occur through the following:

- **Direct adversity:** Representing opposing parties in the same matter.
- **Material limitation:** A lawyer's personal or other fiduciary duties interfere with client representation.
- **Imputed conflicts:** When conflicts affect all lawyers in a firm due to one attorney's involvement.

Challenges and Mistakes in Conflict Checking

There are some challenges and common mistakes in the conflict check legal process, particularly as attorneys grow and handle more complex cases. These include:

- **Insufficient or unstructured data management:** Maintaining accurate and up-to-date information on all clients, related parties, and matters can be difficult, especially with large volumes of data. Inconsistent data

entry, outdated systems, and data silos can further complicate the process.

- **Lack of communication and information sharing:** It is crucial to ensure effective communication and information sharing among lawyers and staff regarding potential conflicts. A lack of centralized systems or clear communication channels can hinder the identification and resolution of conflicts.
 - **Unorganized client intake procedures:** Without a proper system for gathering client information, important details can be missed.
 - **Incomplete or outdated records:** Maintaining comprehensive and current records can be a significant challenge. Failure to update databases regularly can lead to missed conflicts—as older records may not reflect recent developments or connections.
 - **Failure to check relationships beyond direct clients:** Many conflicts arise from relationships involving related parties, such as opposing counsel, co-defendants, or corporate affiliates. Focusing solely on direct client relationships can result in oversight and potential ethical violations.
-

Step-by-Step Guide to Conducting a Conflict Check

A thorough conflict check is crucial to ethical legal practice, protecting both your clients and your firm. Here's a step-by-step guide to ensure a comprehensive process.

1. Initial Client Information Review

Begin by meticulously reviewing the potential client's details. Pay close attention to their full legal name—including any variations in spelling or nicknames, and gather information on any previous names they may have used (maiden names, married names, etc.). Obtain their birth date to distinguish them from individuals with similar names. Collect current and previous contact information, including addresses, phone numbers, and email addresses. Identify any companies, partnerships, or organizations the client is associated with. Finally, inquire about family members, business partners, or other potentially relevant connections.

2. Database Search

Cross-reference the potential client's information against your entire client list, including closed matters, and search for any instances where they have been an opposing party in a previous case handled by your firm. Extend your search to include subsidiaries, parent companies, or any other organizations

linked to the potential client. Make sure to utilize any advanced search capabilities your system offers, such as wildcard searches, phonetic matching, or relationship mapping.

3. Reviewing Potential Matches

Carefully analyze any potential conflicts flagged by your search, keeping in mind the specific circumstances of each. Determine the nature and extent of the potential conflict: Is it a direct conflict, an imputed conflict, or a potential for a material limitation? If the matter is urgent, prioritize conflicts that could impede immediate action.

4. Internal Inquiries

Consult with other attorneys and staff within your firm who may have personal knowledge or experience with the potential client or related parties. Foster a culture where everyone feels comfortable raising potential conflict concerns. Also, keep a record of who you consulted and their responses.

5. Documentation and Decision-Making

Thorough documentation is essential. Record the entire process, including the search parameters used, the results obtained, and the analysis of potential conflicts. Clearly record the final decision regarding the conflict check and the reasoning behind it. If a potential conflict is identified, document any efforts to obtain informed consent from affected clients.

To ensure maximum efficiency, start with a centralized, searchable database that allows detailed searches across various criteria, such as names, dates, or relationships. Standardized intake forms help ensure consistency in data collection, reducing the risk of oversight. Pairing this with technology that automates conflict checks, like CASEpeer, can save time, reduce errors, and uncover subtle conflicts.

Furthermore, establish a consistent, well-documented process for conflict checks and provide ongoing training to staff to ensure they understand the system, recognize conflicts, and follow updates to the procedure effectively.

6. Ongoing Monitoring and Updates

Conflict checking is not a one-time event. Keep your client database current by regularly adding new clients and updating information on existing clients. Law firms should periodically review and update their conflict check law firm

process to ensure they remain effective and efficient. Also, promote a culture of awareness within your firm regarding potential conflicts and reporting procedures.

All in all, to ensure maximum efficiency, start with a centralized, searchable database that allows detailed searches across various criteria, such as names, dates, or relationships. Standardized intake forms help ensure consistency in data collection, reducing the risk of oversight. Pairing this with technology that automates conflict checks, like CASEpeer, can save time, reduce errors, and uncover subtle conflicts.

Furthermore, establish a consistent, well-documented process for conflict checks and provide ongoing training to staff to ensure they understand the system, recognize conflicts, and follow updates to the procedure effectively.

Addressing Conflict Scenarios

Even with the most diligent conflict check process, issues may still arise. When this happens, transparency is crucial. Openly communicate with the potential client about the nature of the conflict and any potential implications for their representation. In some cases, you might be able to proceed with representation if all affected clients provide informed consent. This requires full disclosure of the conflict and its potential ramifications, preferably in writing, and clients should be advised to seek independent legal counsel before consenting.

However, when a conflict cannot be effectively waived or poses a significant risk, the best course of action is to decline representation. Clearly communicate this decision to the potential client in writing and advise them to seek legal counsel elsewhere promptly. In limited circumstances, law firms may implement "ethical screens" to isolate conflicted lawyers from a case, but this should be used cautiously.

In situations where a conflict is identified but representation might still be possible, a waiver can provide a path forward. A waiver is a client's voluntary agreement to allow representation despite a conflict. For a waiver to be valid, the client must give informed consent, meaning they fully understand the situation. It's best to obtain waivers in writing to avoid future disputes. Bear in mind, not all conflicts can be waived.

For a waiver to be valid, the client must give informed consent, meaning they fully understand the situation.

October 26, 2025

Dear Mr. Gross:

The undersigned, representing a bipartisan group of several current and former senior elected and / or appointed officials of Upper Mt. Bethel Township ("UMBT"), are contacting you regarding your firm's representation of Upper Mt. Bethel Township and the several Supervisors, collectively, in the litigation with River Pointe Logistics and two of its affiliated companies.

At the October 13th, 2025 UMBT Board of Supervisors meeting, your attorney, Mr. Adrian Cousens attended in order to answer certain questions about the litigation and your firm's representation of the several defendants. During the course of the discussion, Mr. Cousens answered questions about - specifically - whether your firm had conducted a Conflicts of Interest check at the time of your firm's engagement and the results thereof.

Mr. Cousens replied with the following:

- That Gross McGinley had conducted a Conflicts Check;
- That the Conflicts Check had been conducted *Sua Sponte*;
- That he was not aware of any representation by Gross McGinley in the present or the past of either (i) the Concerned Citizens of UMBT group (the "Concerned Citizens") from Upper Mt. Bethel, or (ii) the Upper Mount Bethel Community Foundation, formerly known as the Upper Mount Bethel Community Park Foundation (the "Foundation").
- He also told Supervisor Erler that he would "send" him the results of the Conflicts Check, after yet another of a number of requests for the same from Supervisor Erler over several months. Such results have not yet been received.

We have great concern for the following reasons:

- 1) The undersigned Mr. Baltic, an elected Auditor of UMBT, made a Right to Know request to UMBT in August and was told that no such Conflicts Check existed.
- 2) Supervisor Erler, who is a Defendant in the litigation and has a client-attorney relationship with your firm, has made repeated requests for the Conflicts Check and has yet to receive anything.
- 3) Mr. Cousens - assuming the best possible interpretation of his answer - was apparently unaware that Gross McGinley had represented the Foundation in the past.
- 4) Mr. Cousens seemed also to be unaware that a Conflicts Check for a newly identified potential client is not a "*sua sponte*" inquiry, but is in fact mandated by American Bar Association ("ABA") ethical guidelines for the benefit - and protection - of the prospective client.
- 5) The undersigned have significant concerns - that we believe approximate a reasonable belief - that there is a nexus of interests / money / people between the Concerned Citizens and the Foundation.
- 6) Representation of the Concerned Citizens - or in fact any affiliated or allied group - would present a clear conflict for Gross McGinley in its representation of UMBT and the several Supervisors in the RPL matter that, at a minimum, would have to be waived, in writing, by each individual client, or, in the alternative, in fact be disqualifying. Your firm has a duty of full inquiry into this question and full disclosure of your findings to the citizens of UMBT.
- 7) The Foundation itself has a potentially adverse relationship to the interests of UMBT that may itself be disqualifying for your firm.
See eg. <https://www.lehighvalleylive.com/slate-belt/2025/03/whatd-you-do-with-the-15k-we-gave-you-a-decade-ago-slate-belt-township-asks-charity.html>
- 8) The undersigned have significant - and warranted - concern that Gross McGinley either (i) did not in fact conduct a Conflict Check prior to being engaged by UMBT and the several Supervisors, or (ii) that if a Conflicts Check was conducted, that it was conducted improperly or incompletely, or (iii) that if Gross McGinley conducted a Conflicts Check, that it did not seek written waivers from the several clients for identified conflicts.

Please advise promptly the undersigned group on this matter of great concern to the citizens of UMBT. If we do not receive satisfactory information in a timely manner, we are prepared to bring this to the ABA for further inquiry into your firm's actions - or inactions - in this matter.

Sincerely,

Mr. Ronald Angle, former Supervisor of UMBT

Mr. Anthony DeFranco, former Supervisor of UMBT and current Economic Development Committee Secretary

Mr. David Due, former Supervisor of UMBT

Me. Jonathan Erler, current Supervisor of UMBT

Mr. Martin Pinter, former Supervisor of UMBT and current Economic Development Committee Member

Mr. Robert Teel, former Supervisor of UMBT and current Planning Commission Chair

Mr. William Hall, current UMBT Economic Development Committee Vice Chair

Mr. Charles Baltic, current Auditor of UMBT and Board of Auditors Chair