



## *Upper Mount Bethel Township*

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### UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS MEETING MINUTES MONDAY, MAY 11, 2020@ 7:00 PM

\*Due to COVID-19 and the Stay-At-Home Order issued by Governor Wolf of Pennsylvania, this Board of Supervisors' Meeting was a Virtual Meeting held online.

#### PART I

1. Call to Order-Chairman Bermingham Jr. called the meeting to order at 7:00 pm.
2. The Pledge of Allegiance was recited.
3. Roll Call-Virtually present in addition to Chairman Bermingham Jr. were Supervisor Due, Supervisor Teel, Supervisor Defranco, Supervisor Pinter, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek.
4. Approve the Agenda-Chairman Bermingham Jr. amended the agenda, adding Bangor Area School District to #1 in PART VI. **MOTION** by Supervisor Due, to approve the Amended Agenda, seconded by Supervisor Teel. Vote: 5-0.

PART II (Public Comment-emails received prior to this Meeting) Chairman Bermingham Jr. read the submitted public comments, which will become part of the record.

- 1) Judith Henckel commented on the River Pointe Logistics LLC Text Amendment.
- 2) Charles Cole commented on the River Pointe Logistics LLC Text Amendment.
- 3) Fred Farleigh commented on the River Pointe Logistics LLC Text Amendment.
- 4) Richard Wilford-Hunt submitted questions to be read and responded to. Chairman Bermingham Jr. stated that Manager Nelson will respond to his questions.
- 5) Renee Gale commented on the Sunshine Act and the Right-to-Know Laws.

Chairman Bermingham Jr. thanked the local residents, businesses, and surrounding communities for the generous donations that have been provided to keep the meal program going on Tuesday and Thursday evenings at the municipal building. Chairman Bermingham Jr. stated that Ducky's Diamond Dogs donated a large supply of hot dogs that the Township will be giving out on Memorial Day. More information on the Memorial Day Celebration will be posted on UMBT Facebook page and on the Township website.

#### PART III Announcements)

1. UMBT Letters to the Military-Chairman Bermingham Jr. stated he received a call from a local-resident whose-son is currently servicing our Country and his troop is quarantined and not able to come home to visit. Chairman Bermingham Jr. stated the Township is initiating a program for those interested in participating in sending a card or letter to the Troops that are servicing our Country.

PART IV (Approve the Minutes)

1. Meeting Minutes-April 13, **2020-MOTION** by Supervisor Defranco, to approve the April 13, 2020 meeting minutes, seconded by Supervisor Pinter. Vote: 5-0.
2. Meeting Minutes-April 27, **2020-MOTION** by Supervisor Due, to approve the April 27, 2020 meeting minutes, seconded by Supervisor Teel. Vote: 5-0.

PART V (Reports)

1. Financial-Bill List-Manager Nelson read the bill list. **MOTION** by Supervisor Pinter, to pay the bills in the amount of \$164,814.82, seconded by Supervisor Teel. Vote: 5-0.

PART VI (Action Agenda-matters to be voted on)

1. Bangor Area School District-Chairman Bermingham Jr. stated he received a call from Dr. Haas of the Bangor Area School District and asked if the Board of Supervisors would approve of the use of the Community Park where the school would like to put on a fireworks display for the seniors of the graduating class of 2020. Manager Nelson stated the school will be paying for the fireworks and we would ask for volunteers from the fire companies to act as fire police. **MOTION** by Chairman Bermingham Jr. to allow the Bangor Area School District to have their graduation celebration at the Community Park on May 28<sup>th</sup> after their virtual graduation, with the school district funding the fireworks and having the proper insurance coverage, seconded by Supervisor Due. Vote: 5-0.
2. Refuse Reductions, Application Refunds and Exonerations -**MOTION** by Supervisor Due, to approve the Refuse Reductions, Application Refunds and Exonerations, seconded by Supervisor Pinter. Vote: 5-0.
3. Resolution #2020-07-Rockfall Mitigation Project-Chairman Bermingham Jr. read Resolution #2020-07, a Resolution to request an Environmental Impact Study (EIS) for the Route 80 Rock Fall Mitigation Project in Knowlton and Hardwick Townships, NJ. Solicitor Karasek discussed the NJDOT study. **MOTION** by Supervisor Teel to adopt Resolution #2020-07, seconded by Supervisor Due. Vote: 4-0-1. Supervisor Pinter abstained.
4. Resolution #2020-08-Robert Schneider-Chairman Bermingham Jr. read Resolution #2020-08, a Resolution honoring Robert "Bob" Schneider for volunteering his assistance with the Upper Mount Bethel Township Budget for numerous years. **MOTION** by Supervisor Pinter to adopt Resolution #2020-08, seconded by Supervisor Teel. Vote: 5-0. Chairman Bermingham Jr. stated he would like to present this to Bob at the next meeting, May 25<sup>th</sup>. There was a discussion regarding the next meeting, which falls on Memorial Day. The Board decided to move the meeting to Friday, May 22<sup>nd</sup> at 7:00, which will be advertised.
5. Bodine et.al Extension of Time-Solicitor Karasek discussed this request but has since received the signed request. **MOTION** by Supervisor Teel to remove this matter from agenda, seconded by Supervisor Due. Vote: 5-0.
6. River Pointe Logistics LLC Text Amendment-Solicitor Karasek discussed the re-submission of the River Pointe Logistics Text Amendment. Solicitor Karasek stated the Board previously approved for him to send the Text Amendment to the LVPC and the Township Planning Commission for review and comments and has since received a second text amendment to be reviewed. Supervisor Pinter stated that the first Text Amendment should not be reviewed, only the second submission of the Text Amendment should be reviewed. **MOTION** by Supervisor Teel authorizing Solicitor Karasek to send the second submitted Text Amendment to LVPC and the Township Planning Commission, seconded by Supervisor Due. Vote: 5-0.

7. Part-Time Road Crew-Robert Ackerman, Frank Mauro, and Arthur James Desario-Manager Nelson stated he would to hire an additional three (3) Part-Time Road Crew on an "as needed" basis. **MOTION** by Supervisor Due to hire Robert Ackerman, Frank Mauro, and Arthur James Desario on an "as needed" basis, seconded by Supervisor Teel. Supervisor Pinter stated he would like to see a plan and the costs affiliated with each job. There was a discussion amongst the Supervisors on the projects and the costs by either doing the work in house or subcontracted out. Chairman Bermingham Jr. stated that this be tabled until Manager Nelson provides the list of projects/costs and why he feels it is better to do them in house, rather than sub-out. Supervisor Teel withdrew his second. Supervisor Due kept his Motion. There was no second, so the Motion dies. Chairman Bermingham Jr. asked for this to be on the May 22, 2020 meeting agenda.

PART VII (Old Business)

1. Speeding Report-Lake Minsi Dr.-Manager Nelson stated the speed radar signs were placed on Lake Minsi Drive at the request of the Board after Supervisor Due received complaints about the speeding. Engineer Coyle discussed the reports created. Engineer Coyle stated the Average Daily Traffic was about 95-100 cars and the average speed was about 35 mph, therefore 85% of the traffic was doing the speed limit.

PART VIII (Public Comments received by phone call in during this Meeting)

Charles Cole commented on his emailed questions he submitted and asked for the manager to respond to them. Charles commented on the Text Amendment and feels that public input should be considered.

Scott Cole commented on the 2020 Budget and would like to know when it will be available on the Township website. Manager Nelson stated he will investigate that.

Judy Henckel commented on the cancelled committee meetings and if they are all being live-streamed. Manager Nelson stated that the Planning Commission Meeting will be live-streamed and any updated information regarding committee meetings will be posted on the Township website.

Renee Gale commented on her emailed comments and would like a response from them. Manager Nelson stated he will respond to them.

PART IX (Executive Session)

1. Legal-Recess to Executive Session at 9:00 pm Solicitor Karasek stated this is in reference to Litigation between Valley Industrial Properties and the Zoning Hearing Board. The meeting reconvened at 9:10 pm. Chairman Bermingham Jr. stated the Board of Supervisors discussed legal strategies during Executive Session. **MOTION** by Supervisor Teel, for Solicitor Karasek to arrange a meeting with Valley Industrial Properties to discuss future actions, seconded by Supervisor Due. Vote: 5-0.

PART X (Adjournment)-**MOTION** by Supervisor Teel, to adjourn the meeting at 9:15 pm, seconded by Supervisor Due. Vote: 5-0.

# APPENDIX

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Comment for May 11, 2020 UMBT Supervisor meeting agenda item VI. 5

It is difficult to comment on any specifics of the River Point Logistics LLC Text Amendment when the public has been forbidden to have any information until a draft is ready for a vote. Therefore, my comments are of a general nature.

They are based on a township notice in the Express March 17, 2020 listing waiver requests for almost all the steep slope, environmental, building size and traffic restrictions we fought so hard for 15 years ago. It was intended for a 20 plus acre lot on 303 Demi Road owned by the same developer, directed to the ZHB. What happened to that? Is it the basis for this text amendment? My written April 29 email question to the township secretary and manager, as suggested at the Supervisor meeting April 27, asked simply if that notice request was withdrawn? No answer.

Few residents were able to connect to the first online Supervisor meeting, April 13, 2020 where the existence of a twenty-page text amendment for the Industrial zone 1-2, and/or not 1-3 was revealed. My understanding has been that when a development plan is presented specific waivers can be asked relating to that parcel and its proposed development. How is that with over twenty parcels of varying degrees of geology, slope, flora, fauna, septic and water suitability, to name a few, a full repeal of regulations would be considered for 700-900 acres? According to a previous public presentation by the development firm and a news article from that, 13 buildings ranging from 7 to 23 acres in size were envisioned. Does the township agree that all other zones will be allowed these same waivers? Why have ordinances at all?

During this current global examination of the relationship with health and quality of life to economic prosperity should we be following past practices toward the end of a boom or can we imagine a more futuristic job scenario given our unique natural assets and geographic location?

Why are we accepting the crumbs from a developer's economic vision for his short-term profits at our long-term costs? Yes, he owns the land; but the township has some control of the rules of the game. Ideally, Supervisors are elected to work for the health, safety and welfare of citizens. Therefore, it would be expected the two-thirds majority vision in every poll for our current community values would be respected, not the minority develop at any cost attitude. Can we come together at non-political workshop meetings to create a range of ideas and solutions that satisfy the developer and most factions of our residents?

Judith Henckel

## Comments to BOS for 5/11/20 Meeting

Please answer to the following comments with respect to RPL:

Tell the public what the status and outcome is of the ZHB request by RPL which was to be heard at the March 24 meeting. It was for their property in the Portland Industrial Park. RPL asked that there be Special Exceptions and Variances for several things, including: Traffic, Steep Slopes, Building Size, and Natural Diversity Studies. Allowing these blanket changes to the zoning requirements of the Township is wrong! We should scrutinize every request and grant only ones that are not deleterious to our residents.

The more recent request, a Text Amendment, which was submitted by RPL to UMBT for development of the several hundred acres in the old Met Ed property, probably contains many of same things requested in the aforementioned ZHB submission for the Industrial Park property; but, we don't know. The property size and character are such that development will have immense impacts on land within and adjacent to the development. You, as a BOS are bound to protect the residents! BOS should have residents and professionals study the effect on Ground Water and Surface Water, Stormwater, Endangered Species, Wetlands, Visual Impact, Noise, Air Pollution and Traffic to mention a few.

I believe that all Supervisors, and residents agree that we have a major traffic problem in Township. This is at least one common thing which we can start work on immediately. We need solutions, not exceptions, that will bring more problems! Let the residents see the Text Amendment!

C. Cole 5/11/20

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Due the covid19 crisis all amendments and planning phases should be delayed until such time the residents can voice their opinion in an open meeting I think the voters and taxpayers deserve only best after all it is their community that is at stake and something this big should not be pushed through so in the best interest for the twsp let's think real hard and stop chasing the carrot they keep dangling in you face

Thank you fred farleigh

Sent from my Samsung Galaxy smartphone.

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To Whom it May Concern;

Please read and respond, for the record, all the following questions:

Does River Point Logistics LLC proposed text amendment only pertain to the 303 Demi Rd parcel or extend to the 735 acres?

Will UMBT use the time extension granted by the Governor Wolf's PA ACT 15 2020 (allowing local governments an extension until May 20th to "reset" timelines on official business?)

When will the River Point Logistics LLC powerpoint presentation (dated Mar 27th) be posted on the UMBT website as promised by Ed Nelson?

When will the meeting agendas and meeting notes for Planning Commission and Zoning Hearing Board, be posted on the new UMBT website?

How much bonded debt does the township hold at this time?

Can we use the firehouse as a meeting space for future BOS meetings thus allowing for social distancing?

Yes, I would like to see the Manager's report, Solicitors report, Supervisors report and Engineers report. Please let me know how we do this?

Thank you.

Richard Wilford-Hunt

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Mr. Hunt,

To follow up on your comments:

The Text Amendment will be submitted for the full 735 acres. Yes

the timeline extensions as I understand it is reset to May 20.

The RPL slide presentation should be posted today. I do apologize for the delay the virus took me off track for your original request.

We have been working on updating our website. You will start to see the agenda and minutes posted for the Planning Commission when they start to have their meetings. You will not see agendas posted for the Zoning Hearing Board because they do not have one. They are an extension of the Court and have their own format. No transcripts will be posted on line. They are taken by a stenographer at the meeting. You are able to purchase a copy if you so wish.

The Township has no debt.

If the BOS recognizes the need to use a larger venue then arrangements will be made.

For the reports, we are currently trying to figure out how best to present them.

P.S. Thank you for your heads-up.

Ed Nelson  
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Municipalities and elected officials around the country have been challenged with making decisions to best protect the communities they serve and I commend the many efforts.

I also see local municipalities scrambling to continue daily and monthly routines while making every effort to follow the laws laid before them. Some laws, like the Sunshine Act and the Right to Know laws have been modified slightly to accommodate new time constraints, but they are still in effect and they exist to keep government transparent for taxpayers.

Transparency doesn't exist in this municipality, and those tasked with proper advertising of the change to regular public meetings has violated the laws. When I asked Mr. Nelson for details on where he advertised for the last meeting, I was told all meetings were advertised at the beginning of the year and that's how it's always been done. The law says otherwise when it comes to change of venue or time, etc. I was also told by Mr. Nelson I could not view the recorded meeting. Wrong again. The recorded meeting is public record and should be available to the public until you have converted, approved the minutes, and eventually dispose of the recording. This information was confirmed by the Office of Open Records. I've already emailed you all the specifics and you still throw your thumb at the laws of this state, not to mention the appeal that is currently open with the state for your financial records.

Mr. Nelson is unaware of the laws of this state, and even when brought to his attention along with the secretary, nothing changed. That is a complete disregard to the taxpayers who are paying the salary of this unqualified individual. Shame on the three board members who voted this man in, and in the manner that it was done. Zero transparency. Zero accountability. Elections are right around the corner and this is just a small example of what is wrong here.

Thank you and stay well!

Renee' Gale

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Ms. Gale,

As requested:

At the reorganization meeting 6 January 2020 a motion w\_as passed that all BOS meetings will be held on the second and fourth Monday of each month. Also, that motion included that all BOS meetings will be voting meetings. The meeting schedule for 23 March 2020 was cancelled. The only obligation we have for announcing a cancellation is to have it posted on the building, and it was.

When the BOS went to virtual meetings we followed the guidelines, from the State, at that time. We advertised on our website, Facebook and placed an advertisement in the Express Times. This was done according to State Law. There has never been a deviation of the original BOS meetings from the reorg meeting.

The recordings of minutes is not available for public review in UMBT.

First: the State does not require the recording to be made public before or after the official minutes are posted.

Second: the BOS passed a motion 30 April 2018 unanimously, minutes are not official until they are transcribed and approved. When the minutes are approved the audio recording is then disposed of.

To reply to your statement that I do not know or follow the law I would like the following to make it clear that I do.

- 1) As I described previously, all the guidelines available to us at the time the COVID-19 started for virtual meetings were followed.
- 2) I have sat in on two webinars offered by the Right-to-Know Office and they have discussed having recordings available for the public after a meeting. It was a recommendation. I also verified that with a phone call, speaking one on one with a Right-to-Know representative to be sure I was very clear as to what they had stated. There is no law but our policy is followed.
- 3) Always, and I emphasize Always, I do not move forward with any decision that effects public information unless I communicate with the Township Attorney.

As to your appeal for the financial record, I will not discuss that issue until the appeal takes its course.

Ed Nelson  
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- **Diane Thompson** · 1:59:35 Came into the meeting late. Was there a discussion regarding the gun shots. I'm on Gallery Lane, there are several residents here that aren't too happy about it either, especially when the gun shots r at 10 to 11 pm on Sunday nites.
    - **Susan LaBar Stofflet** · 0:00 **Diane Thompson** I believe they decided to send a letter to the property owner.
    - **Scott Mousley** · 0:00 **Diane Thompson** gun ranges have been closed due to the China Virus. People who Concealed Carry need to practice. It is a responsibility ,however; I don't know if this is what is going on in that area.
  - **Richard B Klinge Jr** · 2:06:32 No one is ever held to accountable and we are out 31 thousand and 3 supervisors think it's ok
    - **Tiffany Hayward** · 2:07:31 Supervisors are not ok with it. They just voted on changes.
  - **Lori McDonald** · 2:07:19 Lori McDonald is watching
  - **Renee Marie** · 2:05:16 What does our bookkeeper look at if he/she is not checking the books?! This is pitiful
  - **Susan LaBar Stofflet** · 2:03:34 Yes there was a discussion about the gun shots.

- **Jim Potter** · 2:02:51 what was the motion
- **Renee Marie** · 2:02:00 It shouldn't be a requirement! This is financials 101
- **Jim Potter** · 1:56:09 only in UMBT
- **Cyndi Parsons Karner** · 1:46:55 Unbelievable
- **Renee Marie** · 1:29:59 Why are we not checking the bank accounts ONLINE every day
- **Tiffany Hayward** · 1:27:21 Who actually cashed the check and or forged it?
- **Renee Marie** · 1:27:07 We should not be on the hook for this.
- **Jim Potter** · 1:16:37 do we have that money in the budget ???
- **Richard B Klingle Jr** · 59:27 Seems like Anthony is the only one with the answers
- **Richard B Klingle Jr** · 57:39 We're going to hire 3 people and can't use come on
- **Tom Farrell** · 54:42 Please adjust the camera.
- **Richard B Klingle Jr** · 54:21 When they are not cutting grass they can help hold up a shovel
- **Richard B Klingle Jr** · 50:47 Ed you no better than that come on
- **Tiffany Hayward** · 49:45 Thank you Stavros for your tech talents! Much needed for our township.
- **Faith Sarisky** · 41:03 I like the Zoom meeting idea!
- **Jim Potter** · 40:50 every meeting should be live streamed wake up
- **Richard B Klingle Jr** · 40:31 Have it at the park everyone bring a lawn chair
- **Jim Potter** · 39:23 move on keep zooming the meetings
- **Jim Potter** · 38:33 they piss more money away than anyone could think of
- **Richard B Klingle Jr** · 38:28 It
- **Anita Marie Fiore** · 38:00 Watching
- **Faith Sarisky** · 37:58 Hi
- **Richard B Klingle Jr** · 37:50 Sounds like Bobs not for
- **Jim Potter** · 37:09 we got it spend it
- **Jim Potter** · 35:58 great idea, let them be seen and heard
- **Tiffany Hayward** · 27:19 Is it for just the graduates or their families as well?
- **Jill Ann Hill** · 24:54 AMEN!
- **Jim Potter** · 15:15 yoooo
- **Richard B Klingle Jr** · 14:41 Ha
- **Tiffany Hayward** · 13:26 Present
- **Cyndi Parsons Karner** · 12:53 Stephen karner present
- **David Harte** · 12:02 Present
- **Gary Harman** · 6:04 Present