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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES
MONDAY, MAY 23, 2022 – 7:00 PM

*This meeting was held in person and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Chairman Pinter called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Present were Chairman Pinter, Supervisor Due, Supervisor Friedman, Supervisor Birmingham, Supervisor Teel, Township Manager Nelson, Township Engineer Coyle, and Township Solicitor Karasek.

II.

APPROVE THE AGENDA

MOTION by Supervisor Friedman to approve the agenda, seconded by Supervisor Teel.
Vote: 5-0.

III.

PUBLIC COMMENT

Gary Hilliard, Slateford Road, commented on keeping the communication open in regard to the project on Slateford Road.

Pamela Tobin, of Kaplan-Stewart, representing the developers of River Pointe Commerce Park, commented on the six (6) objectors who filed the lawsuit against the Township in connection with the Text Amendment and that they have withdrawn their lawsuit. In their own words, the six objectors admitted that their lawsuit was procedurally defective, they knew they would not succeed before the Commonwealth Court. Attorney Tobin stated that Supervisor Pinter published a recent public opinion stating the Township spent \$100,000 of Township money to defend the procedurally defective lawsuit. Attorney Tobin stated that one key element is missing, the foresight that the Board of Supervisors showed in enacting the Text Amendment and standing by their conviction as they were hit with one vicious attack after another, accusations of bribes, selling themselves out, all without any evidence. Supervisor Friedman asked Attorney

Tobin if she is a taxpayer in this Township or a resident in the Township. Attorney Tobin responded she is not, but is here, as an Attorney, representing a taxpayer in the Township. Chairman Pinter asked Supervisor Friedman what his point is. Supervisor Friedman stated she does not have the right to speak, she is not a resident or taxpayer.

Francis Visicaro, N. Delaware Drive, commented on changing the zoning and magnitude of the development. Keep the trees, keep the park beautiful. Supervisor Teel stated that there are hundreds of trees going in, now and then.

Charles Cole, Riverton Road, commented on the 303 Demi Rd plan that is on the agenda for approval. Charles stated, do not move forward with the approval, there are too many issues that have not been resolved.

Judith Henckel, Robin Hood Road, commented on the concerns of the size of the buildings and the environmental issues with water runoff.

Mark Mezger, Scenic Court, stated there were no options from the beginning.

Cori Eckman, Potomac Street, commented on protection of the wells, the traffic, and the infrastructure. Supervisor Bermingham stated that it is important that we test wells in that area. Supervisor Teel asked Cori if she was the facilitator of the Don't Flush Upper Mount Bethel Facebook page. Cori responded by saying she does not think she needs to answer that.

IV. ANNOUNCEMENTS

Manager Nelson announced that there have been false accusations being made, specifically a comment from Nancy Matthews, that he is against the traffic light. Manager Nelson has been working diligently for the past two years on getting the funds to put the traffic light in. The 4th of July fireworks celebration will be held on the 3rd of July. The bridge on National Park Drive is just about complete, kudos to the township road crew for doing a fantastic job.

Supervisor Friedman announced he would like the well ordinance to be on the agenda for the next meeting.

V. NEW BUSINESS

1. Portland Borough Water Authority-Solicitor Karasek stated the Authority is in the process of renewing its docket with the Delaware River Water Basin Commission, which renews every 10 years. The Authority is looking for confirmation from the Board of Supervisors that a GEO Services letter from 2011 is stale and the Board is not taking the position as per the GEO Services letter, stating that they do not want any expansion. Attorney Peter Layman, Portland Borough Authority Solicitor, stated as part of the renewal process, public comment is allowed to be submitted. The Martin Jacoby Creek Watershed Association has submitted comments in opposition to the docket expansion. One of their submissions was an 11-year-old letter from GEO Services, with the first

sentence stating, "on behalf of the Board of Supervisors of Upper Mount Bethel Township". Solicitor Karasek stated the PBA's assumption that the UMBT Board of Supervisors did not authorize GEO Services to submit this 11-year-old letter in opposition the current application. Attorney Layman stated he believes that GEO Services was not aware this 11-year-old letter was being submitted. Chairman Pinter stated that this Board did not authorize the submission of this letter. Chairman Pinter asked Solicitor Karasek to reach out to GEO Services and Martins Jacoby Creek Watershed to see what is going on. Attorney Layman asked if the Board would be willing to put a motion in that they are not in opposition. **MOTION** by Supervisor Teel that the BOS is not opposing the docket renewal application, seconded by Supervisor Due. Supervisor Bermingham stated that we should make sure there is no agreement that would need to be terminated in order to move forward. Solicitor Karasek will check. Supervisor Due stated that in 2011 he served on the EDC. The Supervisors gave \$15,000 of taxpayer money to the EDC to do a sewer study on Rt. 611. The study showed that to save money, it was more economical to run water up the Rt. 611 corridor to a water tower on top of Potomac St. to serve the residents on top of the hill. Charlie Cole stated he is curious why GEO Services would have said why the service should not be extended. There must be underlying reason as to why the 2011 letter was submitted. The PBA and the BOS should be concerned. Judith Henckel stated she is the Secretary of the Watershed, and it was her understanding that the 2011 letter was attached to show some information. Attorney Layman asked for the record, that what you (Judith) are saying is that the Martins Creek Watershed Association was not making any misrepresentation that the UMBT BOS was not in opposition of the current docket renewal. Judith stated that the letter was solely their public comment. Jim Potter, Vice Chair of the Portland Water Authority, stated that this is just a docket renewal, which is renewed every 10 years. Jim stated that thirteen (13) dockets were heard that day, PBA, the smallest water authority, was the only one that had five public comments. Supervisor Due asked Jim if the five public comments were made by Portland residents. Jim stated none of them. Judy made a public comment, Charlie made a public comment, Martins Jacoby Creek made a public comment, LVPC made a public comment, which was not in opposition to the application, the other public comments were negative. Supervisor Friedman asked for clarification on the motion. Attorney Layman stated the Upper Mount Bethel Board of Supervisors are not in opposition of Portland Borough Authority's docket renewal application for the Delaware River Basin Commission. Vote: 5-0.

VI. SUBDIVISIONS

1. 2785 N. Delaware Drive Lot Line Adjustment Conditional Final Plan Approval- Solicitor Karasek discussed the Conditions set forth, which are outlined on the agreement for conditional plan approval form. Solicitor Karasek stated the plan cannot be recorded until all the conditions have been met and stated that the Planning Commission recommended Conditional Preliminary Final Plan

Approval. Engineer Coyle discussed the Lot Line Adjustment Plan and agreed with the Planning Commission's recommendation. **MOTION** by Supervisor Teel to approve the Conditional Preliminary and Final Plan, seconded by Supervisor Due. Vote: 5-0.

VII.

LAND DEVELOPMENT

1. 303 Demi Rd. Planned Industrial Park Conditional Final Plan Approval-Solicitor Karasek stated this plan has been reviewed by the Planning Commission and recommends approval. Solicitor Karasek stated the Preliminary Plan has already been approved. The Planning Commission has noted a number of conditions that need to be met. Solicitor Karasek stated that the Township cannot withhold approval for outside agencies. Engineer Coyle stated the Preliminary Plan was approved back December 2021 and two of the critical concerns at that time was the fire suppression, which they have since added a fire suppression water storage tank at the corner of the building, and the second was the secondary access up to basically where the Community Park is, so they'll be providing access from Demi Rd up to RPL. Engineer Coyle discussed a few of the conditional items remaining, the PennDOT HOP is in process, the NPDES is currently in with DEP, stormwater maintenance agreements, which were included in the review letter. Solicitor Karasek will prepare a land development improvements agreement to be reviewed by the applicant. Engineer Coyle agreed with the Planning Commission's recommendation. Solicitor Karasek stated there can be no earth moving, no development, plan recorded, until the conditions have been met to the satisfaction of the Township. Engineer Coyle this plan is basically a footprint, once they have a defined use/business, it will come back in for approval. **MOTION** by Supervisor Teel to approve the Conditional Final Plan, seconded by Supervisor Due. Solicitor Karasek stated that after speaking with Engineer Coyle, another condition to be added, "a site plan submission (as to tenant only) prior to CO submission." The applicant has agreed to the additional condition. Supervisor Teel's motion to include the additional condition, Supervisor Due seconded. Vote: 5-0.

VIII.

REPORTS

1. SEO-Scott Policelli was not present to discuss his monthly report, which included perc tests, inspections, permits and no complaints.
2. Zoning-Tina Serfass discussed her monthly report, which included applications received, reviewed, and issued. Tina stated that Nick's property maintenance report is attached as well. Tina stated that there have been comments made on FB about her giving people a hard time in getting their permits. Tina stated that there are state laws that she has to follow and when people do not adhere to them, she will not issue the permit.
3. Accounting/Bookkeeper-Diann Eden was not present to discuss her monthly report, which included daily activities.
4. Open Space Advisory Board-Laura Bocko was not present but submitted her monthly report. Supervisor Friedman stated when he was out at PSATS, he learned of Act 15 2022, which stipulates that 25% of EIT money that is set

aside for maintenance should be in a separate account. This will be discussed at the next Open Space meeting.

5. Economic Development Committee-Scott Cole was not present and did not submit a monthly report.
6. Manager-Manager Nelson discussed his monthly activity, meetings attended, road work that is being done, grants, cleaning up the Township, attended the PSATS conference and discussions with residents. There was a discussion on the funding of the traffic light. Supervisor Teel stated he will continue to press on this. Chairman Pinter asked Manager Nelson if the Township received the RTK responses from the Fire Companies. Manager Nelson stated we received the financials from NBFC and MBFC asked for an extension, but he will discuss with the Chief Finan.

Public Comment-Chief Finan stated they are using an outside accountant and we will be receiving the RTK response as soon as possible.

7. Engineer-Engineer Coyle discussed his monthly report, plan reviews, bids, 2022 Chip sealing and Line painting projects reward letters and assisted the Township on the National Park Drive Bridge project.
8. Solicitor-Solicitor Karasek discussed his monthly report, meetings attended. Land Development/Zoning matters, outstanding litigation, RTK requests, and misc. administrative matters. Supervisor Teel asked Solicitor Karasek about the withdrawal of the Lawsuit. Solicitor Karasek stated that yes, the objectors withdrew their lawsuit. Supervisor Teel asked how much of taxpayer money did it cost to defend this frivolous lawsuit. Solicitor Karasek stated that he started billing separate on this sometime ago, but he will double check to see what his legal fees have been. Chairman Pinter stated \$100,000. Supervisor Friedman stated they were threatened with a \$4 million lawsuit. Manager Nelson stated the \$100,000 is just for the RTK's, we are still working on getting a total.
MOTION by Supervisor Teel to have Solicitor Karasek to look into filing the paperwork for recovery of \$100,000 or whatever the fees that were spent on the frivolous lawsuit. Chairman Pinter stated the Motion is to have Solicitor Karasek investigate the legality of moving forward with a lawsuit on the defendant's lawsuit, to recover the lost funds in defending the frivolous lawsuit, seconded by Supervisor Due. Vote: 3-2. Supervisor Birmingham stated that we should move on and try to work with the developer, get the businesses we want here, and try to save Upper Mount Bethel the best we can while bringing in businesses that bring in jobs.
9. Secretary-Cindy Beck discussed her monthly report, website maintenance, grant applications, codification project, training with Fidelity on remote capture, monthly agendas, and meeting minutes.
10. IT/Telecom-Stavros Barbounis stated he did not prepare a written monthly report but did state he did some major rehab of cabling, speed sign repairs, and ongoing website maintenance with Cindy.
11. Parks/Rec-Stavros Barbounis stated he did not prepare a written monthly report but wanted to extend thanks to RPL for the trees that were donated at the park. Movie night showing will be Sing2, starting at dusk, and 4th of July fireworks will be on July 3rd.

12. Planning Commission-Supervisor Teel stated the Planning Commission meets on the third Wednesday of the month.

13. Supervisors

- Supervisor Due-nothing to report.
- Supervisor Friedman-nothing to report.
- Supervisor Bermingham-reported that he is looking into having a town wide yard sale, possibly at the park. Spoke with the State Police, there will be an increase of SP presence on Totts Gap and Ridge Roads. Office hours are going to be June 2nd. Mason Hilliard is going for his Eagle Scout honor. Resident would like to have an "autistic child in the area" sign on Slateford Road. The 4th of July parade will be the same route. Manager Nelson asked who is sanctioning the parade, from an insurance perspective. Supervisor Bermingham responded that each participant enters at their own risk. **MOTION** by Supervisor Bermingham to have Upper Mount Bethel sanction the 4th of July Parade, seconded by Supervisor Friedman. Vote: 5-0.

Public Comment-Lou Pektor commented on the frivolous lawsuit and that it should not be a taxpayer bill, the plaintiffs who started this agree to pay for their right-to-know requests, not be borne by the taxpayers, it should be both parties on both sides. Chairman Pinter stated we will work it all up and then a decision will be made.

- Chairman Pinter-nothing to report.

X.
ADJOURNMENT

Chairman Pinter-all those in favor of adjournment at 9:30 pm. Vote: 5-0.