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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, SEPTEMBER 12, 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.

Chairman Pinter asked for a Moment of Silence in recognition of 911 and the hundreds of lives that were lost.

In attendance were Chairman Pinter, Supervisor Due, Supervisor Friedman, Supervisor Bermingham, Supervisor Teel, Township Manager Nelson, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Chris Finan, Apache Dr., Fire Chief, commented on not having any communication on the release of funds to pay the FH bills. Chairman Pinter stated that all of the COVID funds have been received and they will be released in a couple of weeks, but before those funds are released, the Fire Companies need to open a separate account for those funds. The fire tax money has been coming in, so they will also be receiving those funds as well. Chris stated that the position of Fire Marshall is on the agenda and would like the Board to table this, but they can discuss.

Steve Couples, Sunrise Blvd., commented on the ongoing complaint regarding the noise disturbance from Chelsea Sun and Allegheny Creek.

Charlie Cole, Riverton Rd., commented on the RPL plans and stated they should not be approved, there are many issues that need to be addressed, traffic impact, water supply, sewer, environmental impact, wells and where are we with the Act 537 Plan.

Judy Henckel, Robin Hood Rd., commented on why the rush on getting these plans through when there are many issues to be addressed. Protecting local farms and land preservation. Supervisor Teel asked Judy her opinion on an Environmental Center at the Preserve. She stated there are pros and cons.

Mark Mezger, Scenic Ct., stated he would like to give a brief presentation of the Upper Mount Bethel Township Park Foundation. Chairman Pinter stated this is on the agenda for discussion and it will be moved up for Mark to give the Board an update.

Andy Mahan, Kovar Lane, inquired about what kind of fences will be allowed in the floodplain area. This is on the agenda to be discussed.

Richard Wilford-Hunt, Shady Lane, commented on using the time to address the issues of the RPL plans before moving forward.

Catherine Buehler, Mill Creek Rd. commented on the agreement for the repair of the Riverton Rd. rockfall. Solicitor Karasek stated the agreement has been prepared and forwarded to the property owner. Solicitor Karasek stated he spoke with Attorney Asteak, representing the property owner, who stated that the property owner does not have a problem with the agreement but will not be paying for it. MOTION by Supervisor Birmingham for the Township to pay for the remediation, seconded by Supervisor Teel. This will be moved to action items to be voted on.

Richard Klinge, Totts Gap Rd., commented on the Property Maintenance Officer and his duties.

Supervisor Friedman asked about getting copies made for the Well Ordinance Committee. Manager Nelson stated that the Well Ordinance was emailed to each committee member and that he has been making an effort to reduce the amount of paper that goes out of the office.

IV. ANNOUNCEMENTS

Chairman Pinter announced that we were awarded the \$25k DCNR grant for the Northern Tier Trail.

Supervisor Due announced that the Tar & Chip project has started.

Supervisor Friedman announced the Well Ordinance Committee will be meeting on September 15th. Supervisor Friedman attended a Plan Slate Belt meeting and packages will be sent to the Planning Commission to be reviewed. Chelsea Sun is doing some work on their barn and may have some of the wood that we could possibly use.

Supervisor Birmingham thanked the Mt. Bethel Fire House for hosting a 911 remembrance event. Congratulations to the NB Fire Department for winning a couple awards at the Lookout Parade. Office hours will be announced, as well as clean-up day.

Supervisor Teel announced that an engineer meeting was held to discuss the RPL plans. The Senior Forum held last Saturday, was a great event. Vouchers for \$50 were handed out to assist with oil/gas or whatever service one of three companies (Tolinos, Reimers or Cortazzo) offers.

Manager Nelson stated there is elderly couple that is looking for housing. The husband is homeless, living in his car and if there is anyone that knows of any apartment available to please call the office.

Chairman Pinter announced that the NB Fire Company is having a fundraiser, visit their Facebook page to enter a raffle.

Secretary Cindy Beck announced that the Township will be hosting an Electronics Recycling Event on Friday 10/28 4-6 and Saturday 10/29 8-11.

V.

CONSENT AGENDA

1. Approval of the August 8, 2022, Meeting Minutes
2. Approval of the August 22, 2022, WS Meeting Minutes
3. Refuse Reductions, Application Refunds and Exonerations

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

VI.

ACTION ITEM-This was discussed in announcements by Supervisor Bermingham.

1. Riverton Road Rockfall Mitigation Project-**MOTION** by Supervisor Bermingham to move forward with the Township paying for the remediation of the Riverton Road Rockfall Mitigation Project in the amount of \$197,409.09, seconded by Supervisor Teel. Vote: 5-0.

VII.

FINANCIALS

1. Bill List-Manager Nelson read the bill list. **MOTION** by Supervisor Teel to pay the bills in the amount of \$455,557.05, seconded by Supervisor Friedman. Vote :5-0.

VIII.

ACTION ITEMS

1. Well Isolation Waiver Request-Solicitor Karasek stated this waiver request was received from Dennis & Diane Vourderis, Echo Lake Dr., who are requesting a waiver requiring the 100 ft. of isolation between a well and the perimeter of the aggregate in the absorption area. Solicitor Karasek stated he prepares a release indemnification and hold harmless agreement for the landowners to sign, therefore, the Township is protected. **MOTION** by Supervisor Bermingham to grant the Well Isolation Waiver, provided that the landowners sign the release indemnification and hold harmless agreement, seconded by Supervisor Teel. Public Comment-Alan Manicke, Echo Lake Dr., stated he is a neighbor of the Vourderis. Currently, they share a well, and the distance between the well and septic system is about 53 ft. and the problem he sees is what reassurance

does he have as a homeowner if that system fails that will protect him. Mr. Manicke would like time to review the plans with the SEO, Scott Policelli. Supervisor Birmingham amended his motion. **MOTION** to grant the Well Isolation Waiver based on the condition that Mr. Manicke and Scott (SEO) are in agreement of the system and along with the homeowners to sign the indemnification and hold harmless agreement, seconded by Supervisor Teel. Vote: 5-0.

VIII. SUBDIVISIONS

1. Hester Lot Consolidation Plan-Solicitor Karasek stated this plan is a request to combine two (2) lots along Persimmon Lane into one (1) lot. A copy of the lot consolidation deed, as well as copies of tax certifications, has been provided. Supervisor Teel asked Solicitor Karasek what is the purpose of the consolidation? Solicitor Karasek stated that they own both lots and would probably like to have one tax bill or possibly more area for them to do what they'd like to do. **MOTION** by Supervisor Teel to approve the Hester Lot Consolidation, seconded by Supervisor Due. Vote: 5-0.
2. RPL East Major Subdivision Conditional Preliminary Plan Only Approval-Solicitor Karasek stated this plan was reviewed by the Planning Commission and is being recommended for Conditional Preliminary Plan. Solicitor Karasek stated that there are some SALDO waivers to be acted upon by the BOS. One waiver having to waive the fully tested and approved secondary sanitary sewer system on the residual lot and two deferrals with respect to the letter of intent and the requirement for showing building/parking areas. Solicitor Karasek discussed the conditions on the agreement for conditional plan approval form. Attorney Erv McLain stated that the Engineer handling this plan is not present, but they have no problem doing what needs to be done. Engineer Coyle did not see any issues with giving conditional preliminary plan approval since it states on the agreement form that SALDO waivers are to be granted by the BOS and noted on the plan. **MOTION** by Supervisor Friedman to grant Conditional Preliminary Plan Approval as per the Agreement for Conditional Plan Approval form, that was signed by the applicant on August 17, 2022, seconded by Supervisor Teel. Vote: 5-0.
3. East Bangor Sportsman's Association Minor Subdivision Conditional Preliminary & Final Plan Approval-Solicitor Karasek stated this plan was reviewed by the Planning Commission and is being recommended for Preliminary and Final plan approval. Solicitor Karasek stated this is a relatively a simple plan, mainly for tax purposes. Solicitor Karasek discussed the SALDO waivers: *Section 302.4.1.3, Section 302.4.2.6*, were granted by the Planning Commission at it's meeting on August 17, 2022. *Section 302.4.3.1 contours, Section 302.4.3 natural features, Section 302.4.5 man-made features and Sections 302.4.7.6.3-6 and 400.4.5 fully tested and approved primary and secondary sanitary sewage*. Lot 1-9.94 acres, Lot 2 14.23 acres. No development is proposed. **MOTION** by Supervisor Teel to grant the SALDO waiver requests, seconded by Supervisor Friedman.

Vote: 5-0. Solicitor Karasek discussed the agreement for conditional plan approval. Solicitor Karasek stated since this is a minor subdivision, both preliminary and final, compliant with the Engineer letter of August 16, 2022. **MOTION** by Supervisor Friedman to grant preliminary/final plan approval, seconded by Supervisor Teel. Vote: 5-0.

IX.

LAND DEVELOPMENT

1. RPL East LLC Planned Industrial Park Conditional Preliminary Plan Only Approval. Solicitor Karasek stated the Planning Commission reviewed this plan and recommends approval. Solicitor Karasek stated there are two (2) SALDO waiver requests; *SALDO Section 501.5.4*-matching crown pipes and *SALDO Section 304.3.5*-Letter of Intent, the applicant is requesting a deferral of this requirement until a tenant for the building is secured. **MOTION** by Supervisor Teel to grant the SALDO waivers requests, seconded by Supervisor Due. Vote: 5-0. Engineer Coyle stated RPL East intends to develop a Planned Industrial Park with this project being the first of two (2) potential buildings. This project will be comprised of a 388,800 sq ft industrial building and the height proposed is less than 100 ft. Solicitor Karasek stated this plan is preliminary only, not a final plan and discussed the agreement for conditional plan approval and proposed conditions. Public comment-Andy Mahan commented on the possibility of wells going dry. **MOTION** by Supervisor Teel to grant Conditional Preliminary Plan Only Approval, seconded by Supervisor Due. Further discussion: Supervisor Friedman stated he is against this because RPL is moving too far, too fast, there are too many concerns that need to be addressed; water, sewage, roads, traffic. Supervisor Birmingham commented on being prepared, have the infrastructure in place before the buildings. Attorney Erv McLain stated the argument is ludicrous. Why would RPL go make substantial improvements before they even know if they have approval? The whole purpose of being here for getting conditional, preliminary approval, is for them to be able to go out and start building, start making the improvements, that everyone wants to see. Supervisor Teel stated that a Special Meeting will be held to discuss traffic. Chairman Pinter called for a vote. Vote: 3-2. Chairman Pinter, yes, Supervisor Teel, yes, Supervisor Due, yes, Supervisor Birmingham, no, Supervisor Friedman, no.

X.

OLD BUSINESS

1. Upper Mount Bethel Township Community Park Foundation-**MOTION** by Supervisor Teel to table to the 9/26 meeting, seconded by Supervisor Friedman. Vote: 5-0.
2. Parks/Rec Rental Agreement/Rules & Regulations-**MOTION** by Supervisor Friedman to table to the 9/26 meeting, seconded by Supervisor Teel. Vote: 5-0. Manager Nelson will arrange a conference call with Stavros, Solicitor Karasek, and Supervisor Birmingham.

XI.

NEW BUSINESS

1. Eastern Industries Building-Manager Nelson stated he has not heard back from the Insurance Company yet. **MOTION** by Supervisor Teel to table to the 9/26 meeting, seconded by Supervisor Friedman. Vote: 5-0.

2. Structures in the Floodplain-Engineer Coyle stated he is not recommending removing a fence as a structure. Engineer Coyle discussed certain language to be considered by the BOS to be added to the Township's existing Floodplain Ordinance. "A Special Exception Use Permit shall not be required for Open-Type fences proposed within the flood fringe (beyond the floodway). Open-type fence, e.g. pipe, split-rail, corral, etc, shall require approval from the Floodplain Administrator. Other fence type, including chain-link, solid, board-on-board, etc. shall require a Special Exception Use Permit be obtained from the Floodplain Administrator after a hearing by the Township Zoning Hearing Board. Solicitor Karasek stated that since the Floodplain Ordinance is a stand-alone Ordinance, this amendment will only require to be advertised once, no less than seven (7) days prior to the hearing, to be adopted. **MOTION** by Supervisor Friedman to move forward with the advertisement for the amendment to the Floodplain Ordinance, seconded by Supervisor Teel. Public Comment: Andy Mahan commented on the types of fences described by Engineer Coyle. Vote: 5-0.
3. Township Fire Marshall-Chris Finan-**MOTION** by Supervisor Bermingham to table, seconded by Supervisor Due. Vote: 5-0.
4. Resolution No.2022-16 Multimodal Transportation-Manager Nelson stated this Resolution is identical to Resolution No. 2022-15, which was the application to the Commonwealth Financing Authority, this Resolution is the application to PennDOT Multimodal Transportation Fund. **MOTION** by Supervisor Due to adopt Resolution No. 2022-16, seconded by Supervisor Teel. Further discussion: Supervisor Bermingham wanted to confirm what the Resolution was for. Solicitor Karasek stated that the Resolution is stating the Township has authorized the submission of a grant application, which is to be used for the RPL Transportation Improvements Project-Phase 1. Solicitor Karasek stated that if the grant was awarded, an agreement would be drafted. Vote: 5-0.

Manager Nelson stated that if anyone chooses to make false accusations against anyone employed by the Township, should make sure they have facts to whatever accusations they are making.

XII. ADJOURNMENT

MOTION by Supervisor Teel to adjourn the meeting at 9:55 pm, seconded by Supervisor Due. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary