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UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS  
PUBLIC HEARING AND END OF YEAR MEETING MINUTES  
MONDAY, DECEMBER 29, 2023 – 5:00 PM

**I.**

Chairman Pinter called the meeting to order at 5:00 pm.

The Pledge of Allegiance was recited.

In attendance were Chairman Pinter, Supervisor Teel, Supervisor Due (via phone), Supervisor Friedman (via phone), Supervisor Birmingham, Interim Manager Graziano, Township Solicitor Karasek, and Township Engineer Coyle.

**Public Comment**

Michael Onufrak, Summerfield Dr., read his public comment which will be made part of the official record. Michael gave thanks to Supervisor Due, Pinter, and Teel and is asking to be considered to fulfill the remainder of Supervisor Due's term.

Chris Finan, Apache Dr., commented on practicing good conduct at meetings and apologized for his actions at the last meeting. Chris thanked Supervisors Due, Pinter, and Teel for their service and best wishes to the new Supervisors coming in. Chris commented on respecting the fire men who volunteer their time.

Charles Cole, Riverton Rd., thanked Supervisors Due, Pinter, and Teel for their service. Charles recited a comment about elected officials serving the residents of the community.

Fred Clark, Crystal Terr., read his public comment which will be made part of the official record. Fred discussed three topics, giving thanks, decisions made by the Board, the RPL development.

Frances Visicaro, N. Delaware Dr., thanked the Fire Chief for his help at the last meeting. Fran also thanked the Secretary and the Engineer. Fran stated she is not against development, just the size of the development.

Mark Mezger, Scenic Ct., recognized and thanked Engineer Coyle for his dedication to his excellence in Engineering and for the work he has done for the community.

Judith Henckel, Robin Hood Rd., commented on the research and data that she has collected on birds of prey from several places and upon returning to see the beauty of what we have here.

## **II.**

### **APPROVE THE AGENDA**

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

## **III.**

### **PUBLIC HEARING**

Petition to Vacate Marshfield Dr.-Solicitor Karasek discussed the process of the Public Hearing. Solicitor Karasek stated that this Petition has been filed by River Pointe Logistics LLC to vacate a portion of Marshfield Dr. Pursuant to the Second-Class Township Code, notices were sent to adjoining property owners, RPL, Custom Laminating, and to the Township. There will be a public comment period after the presentation. Attorney Lewis gave a presentation of the request by RPL, a Petition to Vacate Marshfield Dr. pursuant to the Master Plan, which he had displayed for exhibition. Solicitor Karasek asked Attorney Lewis the following questions:

- 1) what the size of the area would be to be vacated, Attorney Lewis responded approximately 5.275 acres of area.
- 2) what is the overall size of the right-of-way. Attorney Lewis responded 16.5 feet from the center line.
- 3) are there any utility lines running in or on/under Marshfield Dr. Attorney Lewis responded there are currently above ground utility lines running along Marshfield Dr. and other utility lines that cross under Marshfield Dr. These would remain as they are or relocated, at the expense of the applicant.
- 4) what is the present condition of Marshfield Dr. Attorney Lewis responded not suitable for vehicular traffic, due to the lack of paving. Chairman Pinter stated that Marshfield Dr. has been closed for almost 3 years, no maintenance has been done.
- 5) can we assume the Township will lose Liquid Fuels funding for the portion of Marshfield Dr. that will be vacated. Attorney Lewis responded that he is not currently aware that the Township is receiving Liquid Fuels funding for Marshfield Dr. He is not certain whether the road must continue to be maintained in order to receive the funding, but if the Township is receiving funding, the portion to be vacated will no longer be available. Attorney Karasek asked Attorney Karasek if he knew what the amount is. Attorney Lewis stated no. Manager Graziano stated \$4,527.68. Attorney Karasek asked Attorney Lewis if RPL is willing to pay to the Township that amount annually for the loss that is occurring, if in fact it vacates that portion of Marshfield Dr. that is proposed. Attorney Lewis responded he does

not have an answer, but he can't imagine that being an objection to the applicant. Solicitor Karasek has no further questions.

Supervisor Bermingham asked for clarification as to what the portion is that is proposed to be vacated. Attorney Lewis explained by using the plans provided. Chairman Pinter asked Attorney Lewis to confirm that the road is being vacated for RPL to reconstruct the road, Attorney Lewis stated a portion of the road, Chairman Pinter then asked if the road would then be dedicated back to the Township. Attorney Lewis stated yes. Attorney Karasek asked that if rededicated back to the Township, that is would be a road that has been improved/constructed to the Township's standards. Attorney Lewis stated yes. Engineer Coyle clarified the portions to be vacated and the portions to be rededicated back to the Township. Engineer Coyle stated that the Township would not be eligible to collect liquid fuels, due to the specifications required to receive liquid fuels, i.e. no cul-de-sacs are proposed. What would the benefits be to take back Marshfield Dr. if the Township is not eligible for liquid fuels funding. If the Township was to take over River Pointe Dr., that would be eligible for liquid fuels funding, because of the proposed cul-de-sac. Supervisor Bermingham asked about restricting certain types of vehicle traffic accessing the Township's portions of Marshfield Dr. Attorney Lewis stated that under the current land development approvals, what is identified as New Marshfield is emergency access only. Supervisor Bermingham asked Engineer Coyle if he knows what the current value of Marshfield Dr. is. Engineer Coyle stated he has no idea, besides the value of liquid fuels. Attorney Lewis stated that Marshfield Dr is a statutory roadway, the Township does not own the land. Supervisor Teel stated that Marshfield Dr. is for emergency access only. Solicitor Karasek stated that the Township does not own the road, the Township has an easement or a right to use it because it is a statutorily adopted road, the Township cannot ask for money for something they do not own, that is why he suggested paying the liquid fuels every year so that the Township is getting something for that road. Engineer Coyle stated that the time for a fully constructed/inspected, approved for going into maintenance, is a good five years away. Solicitor Karasek stated that if the Board wishes, they may say as part of the approval that they will approve this vacation based on the condition of the applicant paying liquid fuels for however they wish to set it up (years etc). Chairman Pinter asked Attorney Lewis if they applicant would agree to a period of 10 years (approximately \$45k in liquid fuels) or until River Pointe Dr. is completed. Supervisor Due (via phone) stated that because it is an easement, it does not have to go up for public sale. Attorney Lewis stated that is correct, that it is a vacation not a public sale. Supervisor Due stated he would like to see cul-de-sacs put in at some point. Chairman Pinter asked Engineer Coyle what he would rather see, the swap, where we vacate all of Marshfield Dr. and then have it rededicated, or don't take River Pointe Dr. and put cul-de-sacs on Marshfield. Engineer Coyle stated he would definitely take River Pointe Dr. and investigate the feasibility of qualifying for liquid fuels funding. His concerns are the little stub roads (at Potomac and River Rd) that are being saved for Township right-of-way purposes, dead end roads, how are these going to service the Township. He recommends the developer retain them. Engineer Coyle recommends the swap is his recommendation. Supervisor Friedman asked

about the large loads down to Portland Industrial Park. Chairman Pinter stated that if the Township was made aware of the large load, the Township would allow access. Solicitor Karasek stated that if there were no further questions, they could enter a motion to close the Public Hearing. **MOTION** by Supervisor Teel to adjourn the Public Hearing, seconded by Supervisor Due. Vote: 4-1.

Chairman Pinter called for a brief recess at 6:20 pm.  
The meeting reconvened at 6:35 pm.

Chairman Pinter opened the meeting up for Public Comment on the Hearing that just closed.

Charles Cole, Riverton Rd. read his public comment that will be made part of the official record. Charles commented on the Petition to Vacate Marshfield Dr. and states he does not think it should be vacated. Charles stated there is no assurance that RPL will complete an Industrial Development, there are no final approvals, where is the cost analysis, benefits vs costs.

Mark Mezger, Scenic Ct., commented on having enough information in the agreement for the Township to ascertain a business plan. Costs, LERTA, risks. What happens if the developer cannot finish the project.

Sharon Duffield, Potomac St., commented on Marshfield Dr., who's road is it, cost analysis, risks, and the stability of the developer. There was a discussion on adverse possession. Solicitor Karasek will do some research.

Steve Ott, Harvest Ln., stated he is against giving away Marshfield Dr. The Township has been maintaining that road for a long time. The Township has spent thousands of dollars maintaining the road and should keep it.

Richard Wilford-Hunt, Shady Ln., asked about the traffic if an accident should occur on Rt. 611. Where is the traffic going to go.

Judith Henckel, Robin Hood Rd., stated she is tired of the controversy in the last couple of years, working together accomplishes a lot. What lies ahead?

Eleanor Shelton, Heiden Rd., commented on what the process is if the request to vacate Marshfield Dr. is either denied or deferred. Solicitor Karasek stated it would be at the discretion of the applicant how they proceed.

Fred Clark, Crystal Terr., stated that he wanted to reference Attorney Lewis's comment referring to 42 PA CS 5527.1-Adverse Possession.

John Kalena, Ridge Rd. stated what's the hurry, give the Board time to investigate. John stated that he wasn't certain that it was Supervisor Due on the phone, it does not sound like him.

Frances Visicaro, N. Delaware Dr., asked if Marshfield Dr. is on the map as a road or an easement. The Township owns the road. Chairman Pinter stated that the Township does not own the road, just the land underneath.

Steve Ott, Harvest Rd., commented on taking the road back, give it away and then take it back. It belongs to the Township.

#### IV.

#### **ACTION ITEMS**

1. Approve-Disapprove Petition to Vacate Marshfield Dr-Supervisor Bermingham stated after hearing all the comments, including Engineer Coyle's recommendation of taking more time, there are still a lot of questions to be answered, we should take our time. Let the new Board think about it. **MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 2-3. Motion fails. Chairman Pinter stated the public gave at a lot of input regarding the history of the road and the work that the Township has done to the road. **MOTION** by Chairman Pinter to approve the Petition to Vacate Marshfield Dr. with the following conditions he would like to set forth.
  - 1) the applicant will pay to the Township, on an annual basis, the Township's loss of liquid fuels money in the amount of \$4,527.68, which amount will increase on an annual basis, until River Pointe Dr. is completed and offered for dedication
  - 2) the emergency access roads, (including any stub roads), will be constructed with cul-de-sacs so liquid fuels monies will be able to be paid.
  - 3) any stub road will not be used by for through traffic, construction vehicles, to access any lot with the RPL Industrial Park.
  - 4) River Pointe Dr. must be constructed to meet Township standards.
  - 5) if River Pointe Dr. is either not constructed to meet Township standards, or is not offered to the Township for dedication, the applicant must return the vacated portion of Marshfield Dr back to a passable condition for motor vehicle and walking.

Seconded by Supervisor Teel. Vote: 3-2.

Supervisor Teel stated he agrees with all the conditions set forth and would like them to be sent to the Planning Commissioners.

Supervisor Due stated that the emergency access has been talked about a couple of years, that is all it will be used for to alleviate any traffic going into the development via Potomac St. Supervisor Due stated that County Lane used to be the main road between Pen Argyl and Johnsonville, the railroad came through in 1888, when WWII started the railroad put ? up and closed the road off. After the tracks were taken down, the Township was supposed to re-claim that road and make it Mountain Road. Supervisor Due went to the Township 45 years ago and the Township did not want it.

2. Final 2023 Bill List-Manager Graziano read the final 2023 bill list. **MOTION** by Supervisor Teel to pay the final bills for 2023 in the amount of \$41,703.01, seconded by Supervisor Due. Vote: 5-0.

Chairman Pinter thanked his fellow Board members and the residents for making the past 6 years interesting. He wishes nothing but success to all for all the years to come.

Supervisor Teel thanked Supervisor Pinter for his time and dedication to the Township. Supervisor Teel stated that Solicitor Karasek is one of the best Attorneys' around and he is hoping that the new Board re-appoints him.

**V.**  
**ADJOURNMENT**

**MOTION** by Supervisor Teel to adjourn the meeting at 7:30 pm, seconded by Supervisor Bermingham. Vote: 5-0.

COMMENTS FOR  
PETITION TO VACATE MARSHFIELD DRIVE

Charles A. Cole, 12/29/23

Marshfield Drive should not be vacated at this time. There is no assurance that RPL will complete an industrial development in that site, which is Zoned I-2. No final Approvals have been granted. If the River Pointe Logistics Park never happens, the Township has vacated a road which may have great benefit under the old or different configuration of a new owner.

The road is a valuable resource of the Township. It provides access for the Lamtec property in emergency and access for the Township for use of the agricultural field along the north side of the Drive.

Have Lamtec and UMBT made agreement statements that they want to allow vacation of Marshfield and conditions of a vacation, if it happens?

Has the proper posting and notification of property owners been accomplished and certified.

Has advertising been accomplished in the proper form and sequence?

Where is a Cost-Benefit analysis of the impact of the vacation? The Township receives liquid fuel tax for approximately one mile of road. Look at the other benefits versus the costs.

The residents of the Township use Marshfield Drive for both transportation and recreational purposes. This road has value to residents and vacation should not be considered without analyzing costs versus benefits.

The Township should hold-off on a final decision at this time, since it allows the Board flexibility in future decision-making.

Good evening, I hope you had an enjoyable family Christmas.

I would like to thank Mr. Pinter and Mr. Teel for their years of service to Upper Mt. Bethel's residents. You may think that your service to this town is not appreciated, but you would be mistaken.

I would especially like to thank David Due for his years of service as well. I know he has been in this town for decades and has provided this town with various skills to make UMBT a better place for all.

In that regard, I would like to wish David a very safe and enjoyable retirement. I envy and respect your plans to travel with your wife in an RV. Please post photos of the spectacular places you visit.

~~fulfill~~ <sup>FULFILL</sup> In conclusion, I would be deeply honored to be considered to ~~fulfill~~ the remainder of David's term as UMBT Supervisor.

Thank you very much and have a safe and Happy New Year!

Michael S. Onufrak

December 29, 2023



BOS- 12/29/23

Good evening, Fred Clark, Crystal Terrace, Upper Mount Bethel. Thank you for the opportunity to speak.

Today, I would like to give thanks, and then discuss mutual respect and hopes for moving forward.

First, I would like to thank:

- *The current Supervisors* for taking time that could be better spent with their families and friends to attend to the business of trying to guide Upper Mount Bethel to a better future.
- *The newly elected Supervisors and those seeking to be appointed to a Supervisor role* for stepping up and offering to shoulder this responsibility.
- *The Town Solicitor, Town Engineer, and acting Town Supervisor* for playing key roles in supporting the decision-making process of the Board.
- *The Township Secretary* for handling the behind-the-scenes processes that make this all work and never forgets to remind us about Code Red.
- *And, the dedicated members of the public* for making it their mission to attend these meetings, understand town matters, and influence Board decisions for the betterment of Upper Mount Bethel.

Second: I have not always agreed with the decisions made by this Board, but this did not make Board members wrong or the “enemy”, just people that came to conclusions, based on the information they had available to them, that I had not reached based on my knowledge of the situation. To understand why they held the positions they did, I sat down with Board members to share points of view on various matters. I found all the Board members to be forthcoming and they presented points of view that held merit. While we agreed to disagree on some issues, I believe we achieved a mutual respect for each other’s positions. It is my hope that the incoming Board review issues in front of them with an open mind and treat all opposing views and those that hold them with the respect this Board has shown me.

Third, On the topic of the RPL development:

- If the Board does decide tonight to vacate a portion of Marshfield Drive, it should only do so if the developer pays fair market value for any property transferred to them.
- The developer did well in getting concessions granted in the Text Amendment and has made some themselves, but the recent election has changed the dynamic somewhat. Both sides need to focus on the best path forward. It is my hope that the new Board and the developer start the year off with open minds about what is best for both parties and avoid establishing an adversarial relationship that will be costly and yield reduced benefits for all.

Thank you again and Happy New Year.