



**Upper Mount Bethel Township**  
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UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
MONDAY, JUNE 12, 2023 – 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.

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

**II.**

**APPROVE THE AGENDA**

**MOTION** by Supervisor Teel to approve the agenda, seconded by Supervisor Due.  
Vote: 3-0.

**III.**

**PUBLIC COMMENT**

Andy Mahan, Kovar Lane, commented on the amending the floodplain ordinance for structures (fences) in the floodplain that was previously discussed at a prior BOS meeting. Solicitor Karasek stated that this is on his desk to be addressed.

Judith Henckel, Robin Hood Rd., commented on the garbage bill, when will they be going out, agenda item "Advertise Authority Resolution", and the Special PC meeting to be held on Thursday on water/sewer.

Charles Cole, Riverton Rd., commented on having an outside neutral party review the proposal for the Municipal Authority. Solicitor Karasek stated that he has been communicating with Attorney Alex Baumler, who has agreed to review the Resolution for the amount authorized by the Board of \$300 an hour and not to exceed \$3,000. Charles asked if an outside Engineer would be reviewing it as well. Chairman Pinter stated that yes, Barry Isett and Associates.

#### **IV. ANNOUNCEMENTS**

Supervisor Due announced that the road condition of National Park Dr. is not good. The crack is getting worse.

Manager Nelson stated that he met with State Representatives and Portland Mayor Fisher on the current closure of Rt. 611 through the Gap and the task of coordinating with the Federal Government, National Park Service, Indigenous Tribes, Portland, UMBT, State, County, Bridge Commission, and the Railroad on a mitigation plan.

Secretary Cindy Beck read a thank you note from Lindsey Manzi, EMC, to the Parks/Rec committee and donations received, for recognizing our local Emergency Responders by hosting a First Responders Picnic.

Chairman Pinter announced that it was a great turnout for the First Responders Picnic. Stavros and the rest of the Parks/Rec committee did a great job celebrating those that serve our community, thank you.

#### **V. CONSENT AGENDA**

1. Approval of the May 8, 2023, Meeting Minutes
2. Approval of the May 22, 2023, WS Meeting Minutes
3. Refuse Reductions, Application Refunds and Exonerations

**MOTION** by Supervisor Due to approve the Consent Agenda, seconded by Supervisor Teel. Vote: 3-0.

#### **VI. FINANCIALS**

1. Bill List-Manager Nelson read the bill list, totaling \$256,179.28. **MOTION** by Supervisor Teel to add Solicitor Karasek's bill to the bill list, in the amount of \$5,443.50, seconded by Supervisor Due. Vote: 3-0. **MOTION** by Supervisor Teel to pay the bills in the amount of \$261,622.78, seconded by Supervisor Due. Vote: 3-0.

#### **VII. TABLED ITEM**

1. Hemlock Rd. Project Mini Bid-Manger Nelson discussed the bids received for the Hemlock Rd. project, Eureka Stone Quarry and H & K. as well as the Township's burden cost. Manager Nelson recommends approving all bids. **MOTION** by Supervisor Teel approve all submitted bids, as well as the utilization of our own trucking, seconded by Supervisor Due. Vote: 3-0.

#### **VIII. ACTION ITEMS**

1. Advertise Authority Resolution-Solicitor Karasek discussed the proposed Resolution to establish an Authority. The intention of this Resolution to signify

the Township's intent to organize and establish a Municipal Authority for water distribution and treatment, sanitary wastewater collection and treatment and solid waste collection and disposal. Public notice of this Resolution must be at least thirty (30) days prior to a public hearing. If adopted, this would be noted as Resolution 2023-06. Solicitor Karasek stated that he is waiting for Attorney Baumler to prepare the Articles of Incorporation and By-laws, which should state the date the Resolution was adopted. **MOTION** by Supervisor Teel to move forward the authorization of Resolution 2023-06 to advertise the Authority, seconded by Supervisor Due. Vote: 3-0.

2. Joinder Deed Boulder Dr./Jacoby Creek-Solicitor Karasek discussed the request to merge/join two lots. Solicitor Karasek stated that he would like Engineer Coyle to review due to his uncertainty of the size of the total acreage. **MOTION** by Supervisor Teel to table to allow Engineer Coyle to review the matter, seconded by Supervisor Due. Vote: 3-0.

## **IX.**

### **OLD BUSINESS**

1. Upper Mount Bethel Community Foundation-Supervisor Teel asked Mr. Mezger, once again, how much money does the Foundation have and is it a viable organization. Mr. Mezger has been advised by his council not to answer any questions. **MOTION** by Supervisor Teel to have Solicitor Karasek pursue legal action to obtain a record of the 501(c) 3 and the financials of the Foundation, as per the By-Laws, seconded by Supervisor Due. Vote: 3-0. Solicitor Karasek stated that he will contact Jason Ulrich, from the Gross McKinley Firm, first, before he brings any claims against anyone.

## **X.**

### **EXECUTIVE SESSION**

Solicitor Karasek stated that three legal matters will be discussed in Executive Session. 1) the Unfair Labor Practice against the Township, 2) RTK Litigation, 3) RPL ZHB Special Exception scheduled for June 27<sup>th</sup>.

Recess to Executive Session at 7:38 pm.

The meeting reconvened at 7:56.

1. Legal-Chairman Pinter stated that three legal matters were discussed in Executive Session. Solicitor Karasek discussed the three legal matters, 1) the RPL ZHB matter, no action, 2) the Unfair Labor Practice-there was a mediation session held on May 26, 2023 with Larry Cheskawich, allegations of the use of the Constable, Nick Graziano, in effect of re-establishing a police force and as a result, the PA Labor Relations Board decision and the Commonwealth Court decision, back in 1996 stated, the Township could not re-establish a police force without calling back the officers who were in effect at the time the police force was disbanded. The allegations were that the Township had assigned Nick to perform duties, including police patrol, responding to calls to service traffic enforcement. After mediation a settlement proposal was made and the Board needs to determine if they want to vote on the settlement or not. The settlement proposal is 1) the Township acknowledges they may have provided police services in 2022, 2) however,

the Township has taken the appropriate corrective action, 3) the Township agrees to abide by prior decisions of PLRB and the Commonwealth Court, with respect to providing police services in the future, 4) the Township agrees to pay Dennis Smith, a member of the association, \$3,500, 5) the Township shall grant Dennis Smith prior police pension service credit, 6) the Township agrees to permit Dennis Smith to vest his pension with the Township and is eligible to begin collecting a vested pension effective August 1, 2014, 7) Dennis Smith waives any re-instatement rights to employment with the Township and is now considered a vested retiree from the Township and the Association withdraws the Unfair Labor Practice Charge that is pending in this matter. **MOTION** by Supervisor Due to accept Solicitor Karasek's recommendation on the proposed settlement, seconded by Supervisor Teel. Vote: 3-0. And the third matter discussed was potential litigation regarding a RTK request. A request was made for copies of Solicitor Karasek's invoices, and the Office of Open Records determined that he needed to provide copies of the entire invoice, not a portion of them. The invoices were provided, however, he redacted identifying information. The Board will need to determine if he should provide the identity of the residents billing information or should he continue to redact the information to protect their privacy. **MOTION** by Supervisor Teel for Solicitor Karasek to redact the names, seconded by Chairman Pinter. Vote: 3-0.

## **XI. ADJOURNMENT**

**MOTION** by Supervisor Teel to adjourn the meeting at 8:05 pm, seconded by Supervisor Due. Vote: 3-0.