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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, JULY 10, 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 Friedman, Supervisor Bermingham, Supervisor Teel, Township Manager Nelson, Township Solicitor Karasek, and Township Engineer Coyle.

II.

APPROVE THE AGENDA

Supervisor Due asked to amend the agenda, adding Disposal of the Emergency Vehicle. Chairman Pinter stated it will be included the Consent Agenda, number 4. Supervisor Due stated it will be donated to the Fire Company.

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

III.

PUBLIC COMMENT

Supervisor Bermingham stated that he will be leaving the meeting at 7:45 pm to teach a class and will call in at 9 pm to see if the meeting is still in session.

Manager Nelson commented on the new garbage bills that many residents have been calling in about. Manager Nelson stated that Berkheimer will be collecting the fee, which can be paid by using the Berk app, CC, checking/savings account, or by check. The garbage fee of \$485, plus the \$7.25 admin fee, includes one trash and recycle toter. If a resident requested an **additional recycle** toter, the charge is \$12.42 a month. If a resident requested an **additional trash** toter, the charge is \$22 a month.

Adrienne Fors, Waste Management representative, publicly apologized to the residents of Upper Mount Bethel Township who were affected by the confusion of the holiday week of pickup. Additional trucks were out addressing all the missed pickups.

Carol Khela, Ramblewood Dr., stated there is some confusion on whether you need to call in for bulk pickup. Manager Nelson stated no.

Charles Cole, Riverton Rd., asked what constitutes a bulk item. Manager Nelson stated that if it can't be lifted, it will not be picked up. Couches, chairs, mattresses/box springs (must be in plastic or mattress bags), no electronics.

Chairman Pinter asked Manager Nelson to draft a list of comments he made tonight for clarification on the garbage bill and put it on the website for residents to read.

Supervisor Friedman stated he does not recall approving the administrative fee of \$7.25. Chairman Pinter stated it was actually more than \$7.25, originally it was \$14.

Manager Nelson stated that if you are a church or business, it is not considered residential pick up.

Frances Visicaro, N. Delaware Dr., commented on the garbage bill, will there be a penalty for paying late. Fran stated that the fee was supposed to be \$1.50 each time you made a payment, why weren't the residents notified of the increased administrative fee.

Fred Clark, Crystal Terr., read his public comment, which will be part of the official record. Fred discussed three points from the PA Township Supervisors Handbook. 1) to serve, 2) actively seek input from residents/taxpayers, and 3) enact/enforce rules for the good of the community as a whole.

Charles Cole, Riverton Rd., commented on action agenda items, the Confidentiality Resolution, Barry Isett Plant Design/Financial Data and the Municipal Authority Protocol, all important issues to be shared with the public.

Mark Mezger, Scenic Ct., commented on certain Supervisors making false allegations against the Foundation. Chairman Pinter stated that the Foundation's by-laws, signifies and spells out, that the financials are public knowledge. Supervisor Bermingham asked Mark what is the purpose of the Park Foundation? Mark stated to generate resources to help improve the quality of life.

IV. ANNOUNCEMENTS

Supervisor Bermingham thanked Portland Borough on working with us on the 4th of July Parade, which was a big success and a great job to Stavros and the Park Committee, on the fireworks celebration event at the park.

Supervisor Friedman announced the well ordinance committee will be meeting on July 20th.

V.

CONSENT AGENDA

1. Approval of the June 12, 2023, Meeting Minutes
2. Approval of the June 26, 2023, WS Meeting Minutes
3. Refuse Reductions, Application Refunds and Exonerations
4. Disposal of the Emergency Vehicle

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

VI.

FINANCIALS

1. Bill List-Manager Nelson read the bill list, totaling \$269,086.16. **MOTION** by Supervisor Due to pay the bills in the amount of \$269,086.16, seconded by Supervisor Teel. Vote: 5-0.

VII.

ACTION ITEMS

1. ASA Application-208 East Shore Dr.-Solicitor Karasek stated that an application was received for tax parcel C10-5-12D, 204 East Shore Dr. to be included in Agriculture Security Area (ASA). Solicitor Karasek stated that the procedure is for the Board to accept the application and if no action is taken within 180 days (January 3, 2024), the application is deemed approved. **MOTION** by Supervisor Birmingham to accept the ASA Application for 204 East Shore Dr., seconded by Supervisor Teel. Vote: 5-0.
2. ASA Application-1206 Totts Gap Rd.- Solicitor Karasek stated that an application was received for tax parcel C10-5-12, 1206 Totts Gap Rd. to be included in the Agriculture Security Area (ASA). Solicitor Karasek state that the procedure is for the Board to accept the application and if no action is taken within 180 days (January 3, 2024), the application is deemed approved. **MOTION** by Supervisor Birmingham to accept the ASA Application for 1206 Totts Gap Rd., seconded by Supervisor Teel. Vote: 5-0. Supervisor Birmingham excused himself from the meeting at 7:45 pm.
3. Manzi Agreement-Solicitor Karasek stated that he is not aware of the details of the Manzi Agreement and asked that it be tabled in order for him to get more information and have it prepared by next month. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Due. Vote: 4-0.
4. Confidentiality Resolution-Manager Nelson stated this Confidentiality Resolution has been drafted to appoint and authorize the Manager, Secretary and Bookkeeper to make requests and receive all tax information and records from Berkheimer. **MOTION** by Supervisor Friedman to adopt the Confidentiality Resolution, seconded by Supervisor Due. Vote: 4-0.
5. Barry Isett Plant Design and Financial Data-Chairman Pinter stated that the Board added Barry Isett as third party Engineers to look at the Plant Design as well as the Financials to oversee the proposed sewer plant that RPL is looking into putting into the Industrial Park. Chairman Pinter is looking for authorization for Barry Isett to engage with RPL's plant designer to start taking a look at it the design and Financials of the proposed Plant. **MOTION** by Chairman Pinter to allow Barry Isett to engage with RPL to review the Plant Design and Financials

and provide feedback to the Board, seconded by Supervisor Teel. Vote: 4-0. Solicitor Karasek recommended that Barry Isett submit an engagement letter what it will cost the Township. Chairman Pinter stated that was already approved when the Board brought them on. Public comment-Eleanor Shelton commented on why it was decided to bring on Barry Isett. Chairman Pinter stated we have used them before.

6. Municipal Authority Protocol-Solicitor Karasek stated that special council, Alex Baumler of the law firm of Kilkenny, responded to his request of assisting with the preparation of the necessary documents to establish the Municipal Authority, which he now reviewing. They discussed the advertising requirements of the adoption of the Resolution. The decision was made to move the hearing from the August 14th meeting to the August 28th meeting, to permit sufficient time for advertising. There was a discussion on changing the language in the Resolution as to how much control the Township would like to have. Charles Cole commented on Engineer Coyle's recommendation to have a 537 Plan in place and do we need an Authority. Solicitor Karasek stated that a nomination committee will need to be established to appoint five (5) members with staggered terms. Sharon Duffield commented on the assistance from the special council on the Resolution that it is on behalf of the Township. Solicitor Karasek stated that they did not assist with the Resolution, they will be assisting with by-laws, articles of corporation and related items. Judith Henckel commented on the area the Authority will cover and who can be a member of the Authority. Michael Bann, Allegheny Rd., commented on the garbage bill and the size of the toters. Chairman Pinter stated, based on what was discussed this evening, he would like Solicitor Karasek to engage with Kilkenny and come back with an update. **MOTION** by Supervisor Friedman to table, seconded by Chairman Pinter. Vote: 4-0.

EXECUTIVE SESSION-No matters to be discussed.

**XI.
ADJOURNMENT**

MOTION by Supervisor Friedman to adjourn the meeting at 8:25 pm, seconded by Supervisor Due. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

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

First, I would like to thank Supervisor Teel for taking time to sit down and discuss town issues with me recently. I look forward to speaking with the two supervisors that I have not reached out to yet and make an offer to discuss concerns with the RPL developer, as well.

Today, I would like to discuss three points from the Pennsylvania Township Supervisors Handbook and my take on them.

Handbook Text 1) Township supervisors are elected to **serve** their residents and taxpayers.

My take on this: It is important to note the language does not say they are obligated to **represent popular public opinion** in their decision-making. They should be **expected** to vote their conscience, not yours.

HB Text 2) Township supervisors should **actively seek input** from their residents and taxpayers, **ask thoughtful questions of staff and advisory boards**, **be open-minded** to new ideas, and **work with their fellow board members** for the good of their township. This may mean setting aside preconceived notions and sometimes **taking an unpopular position** that is in the best interests of the township as a whole.

Take 1 Just allowing the public to speak, without listening, does not meet the spirit of **actively seeking input**. Sometimes, body language indicates that active listening is not going on while others are speaking, both from the front and back of the room. Perhaps some are mind readers or have the hubris to believe they are the smartest in the room and don't need to listen. I suspect neither is true.

Take 2 On the proposed sewer authority, *thoughtful questions* concerning the public's best interest generally come from a **board minority** and some advisory board inputs get minimal discussion, let alone thoughtful consideration. Thoughtful questions do, however, come from a **board majority** when the answers serve moving an authority approval process along.

Take 3 *Open-mindedness* and *working with fellow members* for the good of their township seem to be areas this board could improve upon by having frank discussion with their peers about areas of contention.

Take 4 *Taking unpopular positions* without rigorously proving they are in the best interests of the township as a whole seems to be an area a **board majority** is very comfortable with. While their position could be right, I would rather they verify than trust them.

HB Text 3) Local government has two primary roles: It provides services for its residents that the private sector cannot or will not provide and it enacts and enforces rules for *the good of the community as a whole*.

Final take: The supervisors are charged with developing an approved Act 537 plan. To this end, a municipal authority is proposed as part of the plan. However, when your proposal risks stigmatizing (or worse) a neighborhood that may have as much as 10% of a town's population by dumping over one hundred thousand gallons a day of effluent next to it, you should prove that it benefits the *community as a whole* and not just a small number of residents with septic issues and a developer. If alternatives to *sacrificing neighborhoods for the greater good exist*, they should be aggressively pursued.

Please slow this process down and study it, and alternatives, carefully.