



**Upper Mount Bethel Township**  
387 Ye Olde Highway  
P.O. Box 520  
Mount Bethel, PA 18343-5220  
Phone: (570) 897-6127 Fax: (570) 897-0108  
www.umbt.org

UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS MEETING MINUTES  
MT. BETHEL FIRE HOUSE, 2341 N. DELAWARE DR.  
MT. BETHEL, PA 18343  
MONDAY, SEPTEMBER 25, 2023 – 7:30 PM

\*This meeting was held at the Mt. Bethel Fire House and live streamed through the Upper Mount Bethel Township Facebook page.

**I.**

Chairman Pinter called the meeting to order at 8:15 pm.

The Pledge of Allegiance was recited.

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

**II.**

**APPROVE THE AGENDA**

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

**III.**

**PUBLIC COMMENT**

Judith Henckel, Robin Hood Rd., stated she supports everyone's comments, they are doing the background work. Judith commented on the proposed audits, going back to QuickBooks and the appointment of the municipal members.

Fred Clark, Crystal Terr., read his public comment, which will be made part of the official record. Fred commented on the proposed conditional use approval for a 1.5 million sq. ft. building and suggested that the agenda provide more useful context.

Howard Klein, Riverton Rd., commented on agenda item-Thomas Josiah Consulting LLC. This company does a lot of work, use them to help you. They are also CFE, Certified Fraud Examiners.

Eleanor Shelton, Heiden Rd., commented on an Authority having control.

John Rivera, Potomac St., commented on RPL building a power plant/substation next to the Waste Water Treatment plant. Mr. Walsh stated it is not a plant, it is a substation, which Met-Ed is currently reviewing.

Steve Ott, Harvest Ln., commented on the number of building, not knowing the water source or where it is going. Look ahead, listen to the Engineer. Mr. Ott asked about the installation of cameras, a Township soil screener, and with the resignation of the Manager, how is this all being handled.

#### **IV. ANNOUNCEMENTS**

Supervisor Bermingham congratulated Chief Chris Finan for receiving the St. Lukes Hero of the Year award and also receiving the Lehigh Valley Health Network Spirit of Courage award. The Community Wide Yard Sale is Saturday, September 30<sup>th</sup>. Congratulations on the opening of Franks Deli and Farm Market. Office hours will be October 5<sup>th</sup> at the Chelsea Sun at 6:30 pm. Cloverleaf is having a benefit show for the Fire Departments next month.

Supervisor Friedman announced the Well Ordinance has been sent to the Engineer and Zoning Officer to review.

Chairman Pinter thanked everyone who dropped off gift cards for Team Tommy.

Secretary Cindy Beck announced the Township will be hosting a shredding event at the Township Building on October 14<sup>th</sup>, 9am-11am. Also, the electronics recycling event on Saturday, October 21<sup>st</sup>, 8am-12pm.

#### **V. ACTION ITEMS**

1. RPL Conditional Use Hearing-Solicitor Karasek stated that this is on the agenda for official action. There was some discussion of additional various conditions advised by the Township Engineer. MOTION by Supervisor Friedman to table, escrow accounts need to be funded, a total of 6 checks have bounced, seconded by Supervisor Bermingham. Solicitor Karasek made it clear that if the motion is to table the decision, the 45 days for him to write a legal opinion letter begins tonight, so if this is going to be tabled, the hearing needs to remain open for further testimony/argument. Mr. Lewis stated that his understanding is the moment the hearing is closed, it cannot be reopened. Solicitor Karasek disagrees, he believes the hearing can be continued. Supervisor Friedman withdrew his motion to table. MOTION to reopen the hearing. Solicitor Karasek clarified that if the motion remains to be tabled the hearing decision until the next meeting, he will still have 30 days to write a legal opinion letter. Supervisor Friedman withdrew his motion. **MOTION** by Supervisor Friedman to table the RPL Conditional Use decision until the October 9<sup>th</sup> meeting, all escrow accounts must be paid up to date, seconded by Supervisor Bermingham. Discussion: Supervisor Teel stated his understanding is that the hearing is closed, and is 30 days enough time for Solicitor Karasek to write his opinion letter. Supervisor Bermingham stated we have to do things right. Vote: 4-1. Supervisor Teel voting no.

2. Thomas Josiah Consulting LLC-Chairman Pinter stated he looked into Thomas Josiah Consulting, who our new auditors recommended to help with the bank reconciliations that needs to be completed by the end of the year, as we are transferring back to QuickBooks. His contract states \$135 an hour. **MOTION** by Chairman Pinter to move forward with Thomas Josiah Consulting, seconded by Supervisor Teel. Further discussion, Supervisor Bermingham asked Solicitor Karasek if he has had a chance to review the service agreement that Thomas Josiah submitted. Solicitor Karasek stated no but did note that the agreement stated that the services he will be providing are not meant to be audit, review or compilation procedures nor are they meant to replace audit procedures performed by the Client's external auditors. Chairman Pinter stated that we are only hiring him to work with the Township bookkeeper in preparing bank reconciliations for the year ending December 31, 2022. Solicitor Karasek stated that if the Township wishes to move this along, the motion could state the agreement is approved provided his approval. Supervisor Bermingham amended the motion. **MOTION** by Supervisor Bermingham for Solicitor Karasek to review the service agreement between Upper Mount Bethel Township and Thomas Josiah Consulting first and come back with his comments at the Oct. 9<sup>th</sup> meeting, seconded by Supervisor Friedman. Vote: 5-0.
3. Set Time/Date for Trick or Treat-Chairman Pinter discussed setting the date and time for trick or treating in order for a safe environment for the children to participate. **MOTION** by Supervisor Bermingham to set the date and time for trick or trick on Saturday, October 28<sup>th</sup>, 1pm-6pm, seconded by Chairman Pinter. Vote: 5-0.

## VI.

### NEW BUSINESS

1. Escrow Funds-Chairman Pinter stated that Supervisor Friedman previously discussed. Chairman Pinter stated that the escrow funds for the development have fallen behind and asked the developer to bring them current.
2. Forensic Audit-Supervisor Friedman stated he contacted three firms that perform Forensic Audits, he received one reply, Boyer & Ritter. The proposal states B&R will provide forensic accounting services including forensic analysis and the preparation of expert reports related to the matter. They require a \$10,000 retainer. The Township will have to specify what we are looking for. Supervisor Bermingham suggested that Supervisor Friedman go back to them and negotiate fees and retainer fees. **MOTION** by Supervisor Bermingham to move forward with Boyer & Ritter to perform a forensic audit. Supervisor Bermingham amended his motion. **MOTION** by Supervisor Bermingham that will we enter negotiations to consider hiring Boyer & Ritter providing the documents submitted are reviewed and approved by the Township Solicitor, seconded by Supervisor Due. Vote: 5-0.
3. Municipal Authority Members-Chairman Pinter discussed the appointment of five (5) members to the recently adopted Municipal Authority. Chairman Pinter stated he is looking to receive resumes and letters of interest. The terms will be staggered, 5,4,3,2,1. Solicitor Karasek stated under the Municipal Authority Act, any resident, taxpayer or business owner in Upper Mount Bethel Township can apply. The Board of Supervisors will review the submissions and begin the vetting process. Solicitor Karasek stated that before the Articles of Incorporation and By-Laws can be filed, the names of the members have to be

named in the Articles of Incorporation and By-Laws. Public comment-Eleanor Shelton asked why the urgency. Chairman Pinter stated he would like to get the Articles of Incorporation filed as soon as possible.

Recess to Executive Session at 9:12 pm to discuss Personnel and Legal Matters.

## **XII.**

### **EXECUTIVE SESSION**

The meeting reconvened at 9:35 pm

1. Personnel-Chairman Pinter stated that a Personnel Matter was discussed. **MOTION** by Supervisor Friedman to appoint Nick Graziano as the interim Manager, no benefits, \$55 an hour, retroactive from September 11, 2023. seconded by Supervisor Bermingham. Vote: 5-0.
2. Legal-Chairman Pinter stated that Solicitor Karasek provided the Board with a legal proceeding if the Township chooses to move forward with it. **MOTION** by Supervisor Teel to instruct our Solicitor to proceed with Legal Action against the Community Park Foundation, seconded by Supervisor Due. Vote: 3-2. Supervisor Friedman and Supervisor Bermingham voting no.

## **XIII.**

### **ADJOURNMENT**

**MOTION** by Chairman Pinter to adjourn the meeting at 9:37 pm, seconded by Supervisor Friedman. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

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

Today, I would like to speak again about the proposed conditional use approval for a 1.5M square foot building on the RPL site. For those that attended tonight's conditional use hearing, some of this will be redundant. I will also add a comment on the Municipal Authority Member new business item.

Since the RPL developer has determined that a building up to 800K square feet may not meet the needs of prospective clients they are proposing to build one of the largest buildings of its kind in the United States at 1.5M square feet. The developer has indicated that they do not "know" who the tenant of this building will be, but I believe they would not be asking for this approval without knowing exactly what industry they are targeting. It is unfortunate that they will not rule out logistics or high cube warehouse industries as their targets or offer examples of other industries that have precedents for something of this size.

As to the esthetics of having a 1.5M square foot building greet you when you cross the Columbia-Portland bridge, the building is so large that I would guess that a very small fraction of the people in the United States could even imagine it. To get a sense of how large it is, imagine a building <sup>larger than</sup> almost ~~three~~ times the size of the Amazon warehouse in Tatamy. I have yet to find anyone that believes that building adds to the scenic beauty of the area. As the developer's attorney points out, this building would be smaller than the combined area of the three buildings in the alternate proposal that it would replace. Without an artist's rendering of the two options **as seen from the Columbia-Portland bridge**, it is difficult to imagine which option is more visually acceptable or if there was a landscaping solution that could mitigate the shock and awe of

such a sight. If the developer has a side-by-side comparison available tonight, it could be beneficial to see it.

I will leave it to others to discuss the other technical objections to a building this size. Most important *to me*, as pointed out by experts in a prior meeting, the logistics of handling an emergency, like a fire, in a building this large is clearly beyond anything anyone in the town, the county, or possibly even the state has the experience to deal with. It would probably be easier to manage such emergencies in the three-building option. If any employees of this facility or emergency response personnel are injured or worse because this proposal was not given the due diligence it warrants for the sake of a few tax dollars and jobs, this community would be complicit. Please proceed carefully.

On the topic of New Business- item 3, Municipal Authority Members, it would be nice if Agenda items could provide more useful context for the items. If the intent of this item is to select members, this process seems to be moving way too fast and the term that comes to mind is "over your skis" as used by someone at an earlier meeting. If it is a discussion of process, then that seems more reasonable.

Thank you.