



**Upper Mount Bethel Township**  
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UPPER MOUNT BETHEL TOWNSHIP  
BOARD OF SUPERVISORS WORK SESSION MEETING MINUTES  
MONDAY, JANUARY 22, 2024 – 7:00 PM

\*This meeting was held in person and live streamed through the Upper Mount Bethel Township Facebook page.

**I.**

Supervisor Bermingham called the meeting to order at 7:10 pm.

The Pledge of Allegiance was recited.

In attendance were Supervisor Bermingham, Supervisor Eckman, Supervisor Friedman, Supervisor Albert, Township Manager Graziano, Township Solicitor Karasek, and Township Engineer Coyle.

**II.**

**APPROVE THE AGENDA**

**MOTION** by Supervisor Albert to approve the agenda, seconded by Supervisor Friedman. Vote: 4-0.

**III.**

**PUBLIC COMMENT**

Fred Clark, Crystal Terr., read his public comment, which will be made part of the official record. Fred commented on LERTA areas.

Tara Mezzanotte, Knowlton Township, representing Knowlton Township and Hardwick Township as their liaisons to the I80 DOT (Rockfall) and the Rt. 611 PennDOT (Rockwall) projects that are going on. She is here tonight to see if Upper Mount Bethel would want to do the same, have her be the liaison, and provide updates to the Board.

**MOTION** by Supervisor Friedman to appoint Tara Mezzanotte as the Upper Mount Bethel Township Liaison to the Rockfall and Rockwall projects, seconded by Supervisor Eckman. Vote: 4-0.

Charles Cole, Riverton Rd., commented on the LERTA Law, authorizing local taxing authorities to provide for tax exemption for certain deteriorated industrial, commercial,

and other business property and for new construction in deteriorated areas of economically depressed communities and whether this should apply to RPL property.

Robert Teel, N. Delaware Dr., commented on the LERTA and to have it rescinded, it would be mistake, we need as a tool to attract businesses.

Frances Visicaro, N. Delaware Dr., commented on the LERTA being on the side of the electric company, she is against it on the farmlands and woodlands.

Lindsey Manzi, Slateford Rd., EMC, commented on moving forward with EMS in the Township. Lindsey wanted to thank the Fire Depts and auxiliary for a tremendous job they did by opening the warming station due to the storm last week and the hopes to get a true emergency shelter up and running soon.

Judith Henckel, Robin Hood Rd., commented on the developer subdividing the property along River Rd., in which he stated that the property is clean. Judith stated that the I-2 zone does not need LERTA.

Ron Angle, Million Dollar Hwy., commented on finding hope in the Township. A great deal of the Township is not ratable for taxes. Ron commented on unaccountable funds for the Park and why is the Board not going after the individual responsible for that? Supervisor Bermingham stated that they have looked into it and there has been no sign of impropriety or any money missing. The attorney general has found no wrongdoings on behalf of the Park Foundation. Ron stated to Supervisor Bermingham that he would donate \$8,000 if he was to get the missing money back.

Mark Mezger, Chairman of the Community Park Foundation, commented on the legitimacy of the Foundation. Mark stated that he has forwarded to the Chairman an information packet, which contains financial information that was provided to the Attorney General Investigator. The details of the packet are not to be made public, they are for the Board to review and assess only.

Ron Angle commented on Mark's dissertation, but stated the bottom line is there is \$8,000 is missing.

Leo McDonald, Belvidere Corner Rd., stated that he purchased a copy of the lawsuit that was just discussed and says repeatedly that the bylaws of said board, that their information is public. Leo asked the BOS to please do two things, one is to require that any group that receives township money agree upon request to report in detail how they spent township money and any group that does not comply would automatically become ineligible to receive township funds. The second is to bar official capacity any executive member of a group that refuses to explain how they disposed of taxpayer money.

Secretary Cindy Beck read a public comment from Stavros Barbounis, Chairman of the Parks and Recreation Board, and will be made part of the official record. He commented

on the work that the members of Parks & Rec have done, the lack of support from the BOS, the need for volunteers, being grossly underfunded, and the bathroom design project.

#### **IV. ANNOUNCEMENTS**

Supervisor Friedman announced that the Township will be sending out two issues of the Township newsletter, one issue being at no cost. Supervisor Friedman announced the reactivation of the EAC, letters of interest should be sent to the Township Secretary.

Supervisor Bermingham announced the BOS will be having a Special Meeting on Wednesday, February 28<sup>th</sup>, at 7pm held at the Mt. Bethel FH. The Special Meeting is to invite all the neighboring communities to come hear their thoughts on the development, positive or negative. The Board will be discussing the appointment of the Supervisor in Executive Session. Mt. Bethel Pharmacy is having a fundraiser-dress down Fridays. Employees make a donation to dress down on Fridays.

Manager Graziano apologized for the garage being in disarray and for the technical difficulties getting set up for live streaming. Garbage service fee bills will be going out soon.

#### **V. PRESENTATIONS**

Suburban Ambulance-Present, on behalf of Suburban Ambulance, was Bryan Dunlap and Don DeReamus. Bryan discussed the current state of Suburban, revenue/expenses, fundraising, planning for the future, and municipality support. They are looking for annual support from Upper Mount Bethel Township in the amount of \$50,500. Manager Graziano said he has spoken with other municipalities, and no one is paying it. A lot of concern is the response time, we'd be paying for something and only getting the same kind of service. Don stated that there is a very limited workforce right now. This will be further discussed at the February 12<sup>th</sup> meeting.

LVPC Plan Slate Belt-Becky Bradley, Executive Director of the LVPC and Sue Rockwell, were present to give a presentation on the LVPC Plan Slate Belt, multi-municipal Comprehensive Plan. Becky stated that ten (10) municipalities are partnering to build a better future. Becky discussed the draft goals of the Plan Slate Belt Multi-Municipal Comprehensive Plan. 1) a balance between growth and preservation: farmland preservation, natural resources, future land use, 2) a high quality of life: parks, outdoor recreation, open space, 3) efficient local and regional governments 4) a resilient transportation and infrastructure network: centers/corridors, 5) a strong farming community, and 6) a prepared student body & workforce. Becky discussed sharing zoning issues, while maintaining all legal rights. Becky stated the current members of the Steering Committee for UMBT are David Due, David Friedman, and Ed Nelson and asked if the BOS will be appointing new members due to the resignation of David Due

and Ed Nelson no longer the Township Manager. The next steering committee meeting is scheduled for February 1<sup>st</sup> in Pen Argyl.

Supervisor Bermingham went over agenda items that need action this evening and those that could be tabled. (See sections VII. and VIII. for tabled items).

Supervisor Bermingham called for a recess at 9:26 pm.  
The meeting reconvened at 9:35 pm.

## VI.

### ACTION ITEMS

1. 2024 Fee Schedule/Resolution No. 2024-02- There was a discussion on the changes made to the fee schedule. SEO fees were incorporated into the fee schedule and changes related to UCC fees were made. **MOTION** by Supervisor Friedman to adopt Resolution No. 2024-02, seconded by Supervisor Albert. Vote: 4-0.
2. Embassy Bank Funds-Manager Graziano discussed short term (3-6 months) CDs (Certificate of Deposit) for funds reserved for the MBFC Fire Truck. Manager Graziano would like to move those funds into CDs to earn a better interest rate. Chief Finan stated that the funds could be invested in a longer term due to the delay of the truck delivery. **MOTION** by Supervisor Friedman to authorize Manager Graziano to move the funds into CD's, seconded by Supervisor Albert. Discussion: Solicitor Karasek stated, is the BOS comfortable moving the funds, not knowing of any penalties. Supervisor Friedman rescinded his motion, Supervisor Albert rescinded his second. **MOTION** by Supervisor Friedman to have Manager Graziano research rates and penalties, seconded by Supervisor Albert. Vote: 4-0.
3. Advertise Code Adoption Ordinance-Solicitor Karasek discussed the process of Adopting the Code Ordinance, which will need to be advertised. **MOTION** by Supervisor Bermingham to advertise the Hearing for the Adoption of the Code Ordinance for February 26, 2024, seconded by Supervisor Friedman. Vote: 4-0.
4. Code of Conduct-Solicitor Karasek discussed the Code of Conduct for the Girls softball team that was given to him to review. The Code of Conduct covered issues that he felt needed to be covered were, with a few added comments. **MOTION** by Supervisor Friedman to approve the Code of Conduct, seconded by Supervisor Eckman. Vote: 4-0.

## VII.

### NEW BUSINESS

1. Letter of Support Lamont McClure/LERTA-Supervisor Bermingham discussed Lamont McClure's request for the Township's support his appeal of the LERTA at the County level. Supervisor Friedman stated that he would like to see the specifics. Supervisor Bermingham stated that he would like to know more before making a decision. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Eckman. Vote: 4-0.
2. Alternate Solicitor for the Board of Supervisors-**MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 4-0.

3. Speed Radar Signs-**MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 4-0.

## VIII.

### TABLED ITEMS

1. Community Park Bathrooms Update-Manager Graziano and Engineer Coyle discussed the community park bathroom project. Manager Graziano stated the plans that were prepared by Engineer Coyle in 2021 are still viable and that the structure of the calf barn is suitable for the bathrooms. Manager Graziano stated the next step is for the Parks/Rec Board to approve the plans and recommend approval to the BOS. This will be on the agenda for February 12<sup>th</sup>.
2. Seasonal Road Crew-Manager Graziano stated he had the two seasonal crew come in during the past storm to help and recommends hiring them. Supervisor Friedman stated he interviewed them both and recommends them to be hired as seasonal road crew as per the union contract. **MOTION** by Supervisor Friedman to hire Todd Pinto and Brock Pearson as seasonal road crew and to be paid as per the union contract, no benefits, seconded by Supervisor Albert. Vote: 4-0.
3. Highway Equipment Loader Purchase-Manager Graziano discussed the purchase of a new loader. The cost to fix the current loader would be about \$20k. Manager Graziano reached out to Groff to see what they would give for the loader, they stated \$80k. The cost of the new loader is \$274,900, less the trade-in would bring it to \$194,900. This offer is good until January 23<sup>rd</sup>. Lindsey Manzi, Road Crew Chief, gave a summary of why this loader will be beneficial to the Township. Lindsey stated that it's not about the hours on the machine and/or trucks, it's about the salt. With the new loader, it will have a higher reach, better lighting, and it's time to make the move. Delivery time is about 3-4 months. Supervisor Albert asked about leasing the machine. Manager Graziano stated he spoke with the auditors, and they said why would we lease when we can purchase. There was a discussion on the service agreement on the new loader. **MOTION** by Supervisor Friedman to purchase the loader based on Groff letter of October 27, 2023, purchase amount plus service agreement, a total amount \$209,163, seconded by Supervisor Eckman. Vote: 3-1.
4. Manager Graziano Agreement-**MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 4-0.
5. Appoint Alternate Township PC Solicitor-**MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 4-0.
6. Appoint Alternate Member to Friends of Lake Minsi-**MOTION** by Supervisor Bermingham to table, seconded by Supervisor Friedman. Vote: 4-0.

## IX.

### PUBLIC COMMENT

Chris Finan, Apache Dr., commented on the recent comments regarding the missing monies at the Fire House. A recent discovery by their treasurer, found that three gun show monies were never deposited. The treasurer contacted the individual responsible for the gun show money, who stated they had the money, and it would be taken care of. The money was received and deposited; however, the State Police were contacted. As

of now, they have zero evidence of any monies that were taken from the Fire House. The person has been disciplined through the Fire House and is suspended until the State Police complete their investigation.

Nick Pugliese, Scenic Ct., commented on the upcoming special meeting with the surrounding communities and the importance of transparency, especially with what businesses may potentially be coming in.

Ron Angle, Million Dollar Hwy., commented on the recent letters of interest from Attorney Spadoni to Supervisor Bermingham and Supervisor Friedman. Ron commented on the legal representation that Attorney Spadoni provided to Supervisor Friedman as well as representing the Concerned Citizens.

Kevin Hanlon, Allegheny Rd., commented on the need for some kind of order as to how the meetings are run.

Recess to Executive Session to discuss legal and personnel matters at 10:42 pm.

**X.  
EXECUTIVE SESSION**

The meeting reconvened at 11:00 pm.

Supervisor Bermingham stated that they discussed the candidates for the open Supervisor seat and asked if anyone would like to make a motion.

**MOTION** by Supervisor Albert to appoint Joe Torre as Supervisor, seconded by Supervisor Bermingham. Vote: 2-2.

**MOTION** by Supervisor Bermingham to appoint Jonathan Eler as Supervisor, seconded by Supervisor Eckman. Vote: 3-1.

**XI.  
ADJOURNMENT**

**MOTION** by Supervisor Friedman to adjourn the meeting at 11:02 pm, seconded by Supervisor Bermingham. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

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

For this public comment session, I will paraphrase portions of my testimony to the Northampton County Council on April 6, 2023 as they reviewed and voted on the renewal of the LERTA application for RPL.

"On December 11, 2017 the Upper Mount Bethel Board of Supervisors approved ordinance 2017-04 asserting that a property now under development as River Pointe Logistics Park (containing land Zoned I-2 and I-3) was qualified for LERTA treatment, as they fit the criteria to be designated a part of "certain deteriorated areas" of industrial, commercial, and other business property. It is important to note that the ordinance is silent on what specific characteristics constitute the "deterioration" of the fields used for agriculture or undeveloped woodlands of the RPL property (the Zone I-2 property which accounts for ~75% of the land). It is also silent on what specific characteristics make Upper Mount Bethel an "economically depressed community". Since I did not live in Upper Mount Bethel at the time, I am unaware whether these definitions were ever supported by the Board of Supervisors at the public meeting on the ordinance or discussed when the Northampton County Council reviewed/approved the related ordinance 633 on April 15, 2018.

A cursory read of the LERTA law makes it seem that it might be applied for mitigating the economic impact of deteriorated properties like the former Portland Generating Station, specifically the section of RPL Zone I-3. Remediating this clearly industrial property to make it more productive/attractive again could benefit Upper Mount Bethel, depending on what businesses come in.

The original LERTA approval seems to have been predicated on the "blight" and "deterioration" of Upper Mount Bethel industrial properties which was then extended to farm and woodlands, which is a leap of logic I challenge. Section 4 of the LERTA law "Deteriorated Areas" refers to two laws that provide the guidance as to the criteria for setting the boundaries for such areas: "Urban Redevelopment Law" (P.L. 991, No. 385) and "Neighborhood Assistance Act" (P.L. 636, No. 292). These laws were targeted to urban areas or areas of excessive unemployment, which Upper Mount Bethel is not to the best of my knowledge. Before the council votes on the extension of the LERTA, I would like to hear the specific criteria from these laws that were used and what facts supported their use."

In the Council meeting, one of the Council members used the "we've done this before" as a justification, which I took to mean applied LERTA to farm and woodlands before. A cursory review of the relevant laws would lead one to question this practice. I applaud Lamont McClure for bringing this issue up again for a more rigorous review and possible changes.

Thank you for your time.





January 22, 2024

Stavros Barbounis  
1805 Potomac Street  
Mount Bethel, PA 18343

Board of Supervisors  
Upper Mount Bethel Township  
387 Ye Olde Highway  
Mount Bethel, PA 18343

Dear Supervisors:

I've been involved with Parks & Recreation for just over 7 years now.

In that time, I have also been involved with the EDC and the Planning Commission. I have even attended many meetings just from a live stream perspective due to COVID.

I've been involved, I've been present, and I have spent a significant amount of my personal time doing what I feel is in the best interest of this Township and this Community.

The Parks & Recreation Board members all share the same level of passion, enthusiasm, and pride in what we can do. To go even further, many of our family members volunteer their time as well.

This Parks & Recreation Board has done some great things and we have plans to do more.

It was the PNRB that brought to light the overlapping powers and duties between the OSAB and the PNRB. Solicitor confirmed it, nothing has changed.

It was the PNRB that brought to light that that park expenses were not being handled properly.

It was the PNRB that worked to update the aged Ordinance and By-Laws of the PNRB to bring them current.

It is the PNRB that does all the work behind the scenes at all our Community Events.

It is the PNRB that has been asking for volunteers for over four years now, yet we receive no interest. Even our prior Board Chair Mike Hudak, travels back out to UMBT to help at events.

It is also the PNRB that called out the BOS for lack of action and support.

So when I hear that Supervisor Bermingham has asked the Township Manager to “take over” the Park Bathrooms project, I am taken back. To be clear, Supervisor Bermingham has not attended a PNRB meeting since early 2021 when he was our Liaison; in fact in 2021, John missed 9 meetings. Supervisor Bermingham has not reached out to the PNRB to ask for status or any information in regard to this project. What is also true, is that in general, the PNRB rarely sees a member of the public at their meetings, with the exception being members of our Sports Programs and our past Liaison Martin Pinter.

What you’ve done here, is once again, undermined the ACTUAL work that the PNRB does.

We have an understaffed Township Office, but let’s ignore everything the PNRB has done. Let’s not even contact them to ask what the status is, let’s just assume and have an already inundated Township Manager take this on.

To add insult to injury, you also decided that it wasn’t worth pursuing legal action to recover the funds from the former Park Foundation to be used for Park Development.

Parks & Recreation is grossly underfunded, and we have been for a very long time. The original Master Plan for the Community Park was estimated at needing \$25 million to complete. The Park Foundation was created around the same time as the Master Plan, and they were chartered with the task of raising those funds. Why was this not pursued years ago? Where is the due diligence and initiative?

Instead, I heard John Bermingham state publicly during a discussion about the NID, that Parks & Recreation doesn’t need money. Another clear demonstration of how disconnected from the truth he is.

I’ve already had several prior conversations with members of the PNRB to convince them not to resign. All because of this behavior.

Now as this new Board is getting organized, our new Liaison has already missed our first meeting this year. What is it going to take for Parks & Recreation to receive the level of support and involvement it deserves from the BOS?

As the Chairman of the PNRB, I feel compelled to publicly raise awareness of these facts and the actual status of the Park Bathrooms project since you didn’t bother to check.

Around April 2021, the Township Manager and Township Engineer meet to discuss bathrooms at the park. PNRB was not included as part of the process. The Township received plans from Portner & Hetke Architects. Those were then shared with the PNRB.

Below is a summary of minutes taken at PNRB meetings.

- ❖ January 2022
  - Valentine to submit design for the Park Bathrooms in the spring.
- ❖ April 2022

- The bathroom project went out to bid and we had received no bids as of yet. We were advised that the permits were completed and that they would take two weeks for approval. Costs have been estimated to be around \$30,000 so far.
- ❖ July 2022
  - The update we received on a septic system was that it was rejected by the DEP due to missing documents.
  - Existing well deemed to be appropriate as a water source, but water filtration would be needed.
  - Engineers with Condition One performed an inspection of the calf barn and deemed the foundation unsuitable to be built-on.
  - It was around this time that the Township Manager Ed Nelson started having thoughts of leveraging existing donations towards a larger project that could include the bathrooms we sought after, but also restore/reinforce the large Barn for use.
- ❖ August 2022
  - Condition One further stated that an actual foundation does not exist, that the structure was built on the surface and that the blocks used to build it were not appropriate. The foundation of the large barn, however, was deemed suitable. Condition One came in and provided a full presentation and question and answer session with their engineers to review these findings and begin discussions on what we could do as an alternative.
- ❖ October 2022
  - We are still waiting on the proposed plans for review. Marty suggested seeking an alternative contractor because it was taking too long.
- ❖ November 2022
  - Ed Nelson received the plans and got them to the PNRB after November's meeting.
- ❖ December 2022
  - Condition One presented on the plans they had prepared.
- ❖ February 2023
  - Condition One presented modified plans for PNRB review.
- ❖ March 2023
  - Parks & Recreation Board is still discussing viability of proposed designs.
- ❖ April 2023
  - Designed plans cost estimate was north of \$6 million. No further actions taken with proposed design of barn/bathrooms project.
- ❖ June 2023
  - We researched prefabricated bathrooms as an option. 3 stall designs were \$225,000 but did not include the foundation or the septic system.
- ❖ July 2023
  - We received septic system cost estimates between \$35,000 and \$50,000. We also received a preliminary drawing from Lincoln Design for a 3 stall bathroom plans.
- ❖ July 2023
  - Lincoln Design to prepare Bathrooms plans based on PNRB specifications.

- ❖ August 2023
  - Recommend going out to bid for the plans prepared by Lincoln Design.
- ❖ September 2023
  - Anthony and Cindy to meet with Justin to prepare bid request.
  - Anthony secured a donation for the concrete blocks that were part of the design, which would reduce material costs of the project .
- ❖ October 2023
  - Stavros to meet with Justin to discuss plans, but Stavros became ill and could not attend; asked Anthony DeFranco to go as an alternate.
  - I was advised that the Township Engineer refused to meet with Anthony DeFranco.

All that said, it is apparent that there are two different positions on the suitability of the calf barn being repurposed as bathrooms. I would advise the Township to get a definitive response. Condition One was onsite with multiple professionals inspecting the calf barn.

We defer to the respective professionals to provide us with valid data and information for us to make decisions on. Based on the information we received, we adapted and kept pushing forward on an alternative path.

Thank you for your time and consideration.

Sincerely,

Stavros Barbounis  
Chairman | UMBT Parks & Recreation Board