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UPPER MOUNT BETHEL TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
TUESDAY, AUGUST 22, 2023 – 7:00 PM

I.

Chairman Teel called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

Present were Chairman Teel, Commissioner Crane, Commissioner Potter, Commissioner Klein, Recording Secretary Cindy Beck, Township Engineer Coyle, and Township Solicitor Karasek. Commissioner Sarisky was not present.

Public Comments

Fred Clark, Crystal Terr., read his public comment and will be included in the official record. Fred commented following rules of order at Township meetings.

II.

APPROVE THE MINUTES

- a. June 15, 2023-**MOTION** by Commissioner Klein to approve the June 15, 2023, meeting minutes, seconded by Commissioner Crane. Vote: 3-0-1. Commissioner Potter abstained.
- b. July 19, 2023-**MOTION** by Commissioner Crane to approve the July 19, 2023, meeting minutes, seconded by Chairman Teel. Vote: 3-0-1. Commissioner Potter abstained.

III.

SUBDIVISIONS

- a. Valley Industrial Properties Lot Line Adjustment- **MOTION** by Commissioner Crane to table, seconded by Commissioner Klein. Vote: 4-0.
-Submitted on May 8, 2023
-Official Action Expires on October 23, 2023
- b. RPL East LLC (South) Preliminary/Final Major Subdivision Plan-Steve Walsh, Dynamic Engineering, discussed the submission of this plan. This plan is for further subdivision of the southern portion of the lot, two buildings, which will

be discussed in LD. There was a discussion on waivers/deferrals. Engineer Coyle discussed his review letter of August 14th. The plan was submitted a preliminary/final. Engineer Coyle stated the application was reviewed a Preliminary Plan. With this project, being the second and third buildings on RPL's East side of the proposed industrial park, both in the I-3 Zoning District. One industrial building will be comprised of a 787,000 sq ft building with 305 auto parking spaces, 24 dock spaces and 13 rail loading spaces (which this property does about the railroad). The second industrial building will be comprised of a 725,000 sq ft building with 72 dock spaces, 88 truck spaces and 15 railroad spaces. The height of both buildings are listed as less than 100 feet. The proposed water and sewer intent is to connect to River Pointe Logistics utility system. Attorney Kaplan stated that Act 2 is actively going on. Attorney Kaplan stated this is a simple subdivision and would like to invoke the provision in the Ordinance to allow preliminary/final approval. Engineer Coyle stated there are too many things outstanding, on critical item, there is no sewer and water provided in the RPL drip irrigation field, therefore he does not recommend reviewing for preliminary/final. Solicitor Karasek stated that the Township has not received a review letter from the LVPC and the Township has never recommended approval without that. Commissioner Klein asked about the strip of land in regard to Norfolk Southern Railroad, and how do you cross utilities and such. Attorney Kaplan stated they have multiple crossing agreements. **MOTION** by Commissioner Klein to table the plan, seconded by Commissioner Crane. Vote: 4-0.

IV. LAND DEVELOPMENT

- a. Ultra-Poly Building 3-Preliminary Plan-This has been requested to table. **MOTION** by Commissioner Potter to table, seconded by Commissioner Crane. Vote: 4-0.

-Submitted on May 22, 2023

-Official Action Expires October 19, 2023

There was a discussion on moving item "d" to be discussed at this point. **MOTION** by Commissioner Crane to move item "d" to be discussed before item "b", seconded by Commissioner Klein. Vote: 4-0.

- b. RPL East LLC (South) Preliminary/Final LD Plan-Steve Walsh stated that there is not much to review here, previously discussed, were buildings, waivers, access. General administrative items need to be done. Received zoning reviews. Commissioner Klein about the area being in a floodplain. Steve stated a small portion. Engineer Coyle went through his review letter which he stated is repetitive of the subdivision plan. There was a discussion on the Act 2 clearance. Engineer Coyle stated he is looking for a revised traffic impact study, as well as the need to go through the landscaping, utility correspondence, outside agency correspondence (railroad, oil/power etc), fire protection, NPDES approvals from DEP. Attorney Kaplan discussed the what

the use is going to be, which does not have to be presented prior to applying for zoning/building permits. Chairman Teel asked that the Engineers get together to discuss some outstanding issues. Commissioner Crane asked about hydrogeological studies how it will affect the aquifer. Steve will provide remediation reports to Engineer Coyle. Engineer Coyle strongly recommends that the applicant considers installing dry hydrants for firefighting. **MOTION** by Commissioner Crane to table, seconded by Commissioner Potter. Vote: 4-0.

-Submitted on July 17, 2023

-Official Action Expires on October 17, 2023.

- c. River Pointe Logistics Center LLC Lot 4 Preliminary Plan-Solicitor Karasek as Steve, if they were going for a Conditional Use for lots 4 and 5, do these items need to be addressed at this point. Attorney Kaplin stated that you may have multiple preliminary plans and only one final, they are hunting for the right tenants and would like to proceed. Attorney Karasek as long as the plans are reviewed as preliminary not preliminary/final, he is ok with that. Engineer Coyle discussed his review letter of August 12th, this is the second submission. The projects intent is to construct a 527,500 sq ft building on a 46-acre parcel in the I-2 zone. Steve handed out some renderings of the proposed plan. **MOTION** by Chairman Teel to table, seconded by Commissioner Crane. Vote: 4-0.

-Re-Submitted on July 26, 2023

-Re-Submitted April 19, 2023

-Official Action expires on October 24, 2023

- d. River Pointe Logistics Center Lot 5 Preliminary Plan-Engineer Coyle stated the project intent is to construct two buildings for a total of 1,124,000 sq ft. No further questions/comments. Solicitor Karasek stated a review letter from LVPC has not been received. **MOTION** by Chairman Teel to table, seconded by Commissioner Crane. Vote: 4-0.

-Re-Submitted on July 26, 2023

-Re-Submitted on April 19, 2023

-Official Action expires on October 24, 2023

- e. River Pointe Logistics Center LLC-Lot 3A Preliminary/Final LD Plan-Steve discussed the plan. Engineer Coyle discussed his review letter of August 12th. The purpose of this LD plan is to construct a 210,000 sq ft building on 41.52 acre parcel. Waiver and deferrals were submitted with the application. Sewer and water are part of the major subdivision. No further questions or comments. **MOTION** by Chairman Teel to table, seconded by Commissioner Klein. Vote: 4-0.

-Submitted on July 17, 2023

-Official Action Expires on October 17, 2023

- f. River Pointe Logistics Center LLC-Lot 3B Preliminary/Final LD Plan-Steve stated this is the same plan/exceptions as Lot 3A. No questions/comments. **MOTION** by Chairman Teel to table, seconded by Commissioner Crane. Vote: 4-0.

-Submitted on July 17, 2023

-Official Action Expires on October 17, 2023

- g. River Pointe Logistics Center LLC-Lot 3B Preliminary/Final LD Plan-Solicitor Karasek discussed approving a land development plan until the underlying Subdivision is approved. Engineer Coyle stated the plan was submitted as Preliminary/Final, but it was reviewed as Preliminary. There was a discussion on the approval process of plans. **MOTION** by Chairman Teel to table, seconded by Commissioner Crane. Vote: 4-0.

V.

SITE/SKETCH PLAN-None

VI.

ADJOURNMENT

MOTION by Commissioner Crane to adjourn the meeting at 8:52 pm, seconded by Chairman Teel. Vote: 4-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

August 22, 2023

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

Tonight, I would like to speak about following rules of order at township meetings.

In a recent township meeting, an outside attorney presented facts pertaining to his client's application at the podium. When he finished his presentation, he did not yield the podium despite the fact his presence there was no longer requested or required. During subsequent pre-vote discussion between board members, this attorney violated process by directly addressing one of the board members from the podium without being recognized by the chair or the board member. This capable attorney knew he was breaching protocol and interrupted a line of discussion not beneficial to his client. Using his unwarranted position at the podium at a point in the meeting where his participation was no longer requested or required demonstrated an apparent lack of respect for the board member, the board, the audience, and the process.

In another meeting, the township engineer was asked to present his professional assessment of an application. During his presentation, an outside attorney began addressing him directly and speaking over him. Again, this happened without the attorney being recognized by the chair or the engineer. During the interruption, the attorney implied that the future employment status of the engineer was in question, which was an apparent attempt to intimidate the engineer, undermine his credibility and, thus, his professional position on the issue. This out-of-order, calculated behavior interfered with the fair discussion of opposing viewpoints, and showed disrespect for the engineer, the commission, the audience, and the process.

Meeting rules of order are guidelines for conducting meetings in an efficient and respectful manner. The cases described demonstrate there is opportunity for improvement in township meeting process control. The appearance of preferential treatment of certain meeting participants could render decisions made at town meetings subject to legal challenges and must be avoided. An outside attorney or applicant should not be able to speak out-of-order from the podium or their seat without being recognized, while a member of the public that politely raises their hand is ignored. It is incumbent upon the person running the meeting to ensure equal treatment of all participants.

While I am no expert in rules of order, I suggest the following:

- The chairperson ensures that no one is allowed to speak without being properly recognized.
- Everyone speaks into the microphones and from the appropriate meeting platform.
- When someone does speak out of order, any attempt to gain undue influence on the matter at hand should be halted immediately.
- If a speaker does not heed the call to order, they should be removed from the meeting and their comments stricken from consideration, if necessary.
- If a speaker's interruption is egregious, equal time should be afforded for those with an opposing view to respond. This might include members of the public that have already spoken if it does not materially affect meeting flow.

Thank you again.