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**LOWER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
February 3, 2020 @ 7:00 P.M.**

CALL TO ORDER - The February 3, 2020 Regular monthly meeting of the Lower Mount Bethel Township Board of Supervisors was held at 6984 S. Delaware Drive, Martins Creek, Pennsylvania, 18063 (formerly known as Centerfield School). The meeting was called to order by Chairperson DeBerardinis at 6:30 p.m. In attendance were M. DeBerardinis, S. Disidore, S. Burns, S. Newman, J. Mauser, Thomas Harper, Solicitor on behalf of Joseph Zator, J. Smethers, Twp. Manager & M. Mastrogiovanni, Twp. Secretary. There were 15 people in the audience.

EXECUTIVE SESSION – An Executive Session was held on January 17th to discuss personnel matters and tonight from 6:30 – 7:00 p.m. to discuss Upper Mud Run Road. No action taken.

APPROVAL OF MINUTES –**1. January 6, 2020 – Re-organization meeting @ 6:30 P.M.** There were no corrections. **MOTION** by S. Newman, second by S. Burns to approve the minutes. Vote: 5-0.
2. January 6, 2020 – Regular Monthly Meeting @ 7:00 p.m. – MOTION by J. Mauser, second by S. Newman to approve the minutes. Vote: 5-0.

PRESENTATIONS – Code Master and Barry Isett & Associates. K. Duerholz from Code Master and M. Walter from Barry Isett & Assoc. were present to discuss with the Board their transition plan for the buyout and go over service, costs and staffing. K. Duerholz explained the company agreement of sale with B. Isett’s office. They currently service 60 municipalities and the buyout will be complete by March 31st. S. Newman said it will be sad to lose our Zoning Officer. M. Walters explained Barry Isett’s office will give the same level of service to LMBT. S. Calluori was present and indicated B. Isset’s office will be able to finish out open permits. If the Board is inclined to appoint them, they need to do it by April 1st She will be staying on to finish out the Zoning Ordinance updates.

COURTESY OF THE FLOOR

1. Karen Brewer – She talked about the historical book she is preparing about LMBT. Two historical areas she mentioned were David Brainer and Portland Cement. She needs funding to have the book published, J. Mauser and S. Newman offered to help her put the book together and look for funding. She would also like to see historic makers placed at the cemetery near Three Church Hill and S. Newman mentioned that would be a good addition to our scenic byway.

2. Elvira Woodruff & Joe Pilyar – Garden Club. They provided the Board with a diagram and list of Plants & Materials needed for the Veteran Memorial Garden. They need to raise money and asked for Board approval to move forward seeking grants. Joe indicated he contacted the Lehigh Valley Chamber for possible funding. They would like to start with planting Evergreens & Trees. M. DeBerardinis explained the Garden Club is not part of the Township and can’t help them write grants.

J. Mauser said they need to have a site plan. The township might have a plan of the Centerfield School from a prior grant application. J. Pilyar mentioned they will look into to volunteer organization to help do the work such as Girl Scouts and Boy Scouts.

Public Comment by Howard Klein –In the past Rich Grucella and a Veteran had asked to expand the Memorial garden, however an issue arose with putting the names on the stone.

J. Mauser suggested the Garden Club look into becoming a 501(c)(3) and recommended they reach out to the American Conifer Society. J. Zator indicated they can't borrow someone's 501 (c)(3), but could obtain a sponsor. The Board supported them moving forward as long as they look into becoming a 501(c)(3). They need to find an association or Certificate Bureau of Charitable Organization and not to solicit any funds until they do that first.

1.Catherine Buehler – She asked about the Gravel Hill Enterprise settlement agreement (she referred to Pg. 10 of that agreement) which notes they must comply or they can be sanctioned. C. Buehler read the DEP consent order which is also incorporated into the settlement agreement. She also referred to Pg. 16 – uncontaminated / mulch / compost. M. Deberardinis realized a lot of time has spent on this and she has a lot of valid points. The Board should be made aware in advance so they are more prepared to answer any questions.

2.Howard Klein – He asked questions about the DEP Public Meeting re: GHE. He asked the Board what is the meaning of “as amended” used in reference to the DEP order”? What about the consent order; was there a revocation in 1999? J. Zator indicated he will check with T. Harper, the attorney that attended the public meeting. H. Klein indicated the settlement agreement was very specific about cleaning up the site and that soil should not be sold to the public.

3.Phillip Landry – He read his letter into the record re: Gravel Hill Enterprise Access. Most of his questions were regarding Ron Angle's property / easement access to Gravel Hill Enterprises and its zoning and zoning laws. Most of Ron Angle's property borders GHE (he provided a Zoning Map showing the property). The Board discussed J. Zator reviewing the settlement agreement. **MOTION** by J. Mauser, second by S. Newman that Zator Law review the court settlement papers and all court documentation re: Gravel Hill Enterprises. **MOTION** and second amended to include Zator review of Catherine Buehler's and Howard Klein's questions. S. Calluori will look into P. Landry's questions relating to Zoning. S. Newman mentioned the Bureau of Investigations is looking into the firefighting foam used in 1999. DEP is moving forward with their investigative team; they will do testing and compile information about that fire. The records go way back to the 1980's. She has the news clippings and court order and is working on getting them the information.

Martha Posner – Rec. Board update. The Fire Dept. has set the date for the Car Show to be 10/24/20. The Fire Dept. and the Rec. Board have agreed upon the date of June 13th for Community Day at Centerfield and Sept. 19th for Community Pot Luck at the Municipal Building in Martins Creek. M. Posner asked the Board's consideration to have Franklin Hill Winery present at the Community Pot Luck to sell wine by the glass and bottles to go. Elaine has all of her insurance and certifications.

SUBDIVISIONS / ZONING: None

OLD BUSINESS:

a. Public/Private Partnership Guidelines – Guidelines for Vishneshy project/grants. S. Newman and P. McInerney helped with the guidelines. The EAC also submitted a letter supporting the Guidelines for Public / Private Partnerships. J. Mauser reviewed and discussed the guidelines with the BOS.

S. Disidore would like to see factors that cause the issues including a drawing and explanation why the Township should get involved. S. Newman asked J. Zator if other township's have policies that address these situations. J. Zator indicated most township's do not have a policy in effect, they address each situation on a case by case basis. **Guideline 4** – Appropriate parties to sign a Memorandum of Understanding and/or waiver as determined by the Township Solicitor and Project Manager. J. Zator noted all parties can release the Township. It was suggested that conditions and circumstances for private properties be better defined. A site visit to be scheduled for any Supervisor that wants to attend. Tabled for further review.

NEW BUSINESS

b. Well/Septic Modification Waiver – Present was Brad Haron, owner of 6618 S. Delaware Drive. The applicant is requesting a well/septic modification waiver for isolation distance between the existing well and a new septic system. T. Noll and S. Calluori are ok with allowing him to use the Allstate Septic plans that were drawn up by the former building owner who never completed the work (former owner was granted the exact waiver in 2015). The Board reviewed the request and everything was in order. **MOTION** by M. DeBerardinis, second by J. Mauser to grant the Well/Septic Modification Waiver request for 6618 S. Delaware Drive. Vote: 5-0.

c. Public Hearing - Ordinance No. 2020-01 - Intergovernmental Agreement to Enter Delaware Valley Property and Liability Trust. J. Zator referred to Pg. 12 & 13 relating to actuarial soundness. It needs annual monitoring by staff and has a clause that we must stay in the Trust for a minimum of 2 years, after that we may withdraw giving 150 days prior notice to the Trust Administrator. S. Newman asked how many members are in the group. J. Smethers indicated there are over 30 members; the list is significant. J. Zator opened the Public Hearing at 7:25 p.m. J. Smethers explained changing from Miers Insurance to The Delaware Valley Property and Liability Trust will save the Township \$27,000.00. No Public Comment. J. Zator closed the Public Hearing at 7:35 p.m. **MOTION** BY S. Newman, second by S. Disidore to adopt Ordinance No. 2020-01 authorizing the participation of LMBT in the Delaware Valley Property & Liability Trust and appoint J. Smethers as the Trustee and contact person. Vote: 5-0.

d. Public Hearing - Ordinance 2020-02 Intergovernmental Agreement to Enter Delaware Valley Workers Compensation Trust – J. Zator opened the Public Hearing at 7:35 p.m. J. Smethers explained this is for the Workers Comp. Insurance. The Fire Dept. is covered under the State Workers Comp. since they are on their own policy, our costs will go down. J. Zator closed the Public Hearing at 7:40 p.m. **MOTION** BY S. Newman, second by S. Disidore to adopt Ordinance No. 2020-02 authorizing the participation of LMBT in the Delaware Valley Workers Compensation Trust and appointing J. Smethers as the contact person. Vote: 5-0.

e. Authorize Advertising Ordinance 2020-03 Establishing Reasonable Attorney Fees for the Collection of Delinquent Sanitation Assessments. J. Smethers indicated this draft ordinance was done by Keystone Collections Group, reviewed by her, and edited by Paul North. **MOTION** by M. Deberardinis, second by S. Newman to advertise for adoption at the March 2nd meeting. Vote: 5-0.

e. Upper Mud Run Road Wall Failure – Third Party Engineer. J. Smethers indicated we received 3 proposals. **MOTION** by J. Mauser to award the contract to ARCCA in the amount of \$7,200.00 to review the Upper Mud Run Road wall failure, but with the stipulation that the Engineer become registered in Pennsylvania; if they are unable to do that, then the job will go to Gilmore in the amount of \$5,100.00. **MOTION** amended by S. Newman, second by J. Mauser, that if the 2nd choice is the way to go (Gilmore); Mr. Sullivan be responsible for the work; cost not to exceed \$7,300. Vote: 5-0.

f.2020 Road Paving Project – Authorization to Advertise Bid. S. Newman asked if Gravel Hill road would need a full road closure. F. Heitzman responded the road would not be completely closed. **MOTION** by M. Deberardinis to advertise the 2020 Road Paving project per Penn Dots recommendation. **MOTION** amended, second by S. Disidore to include the names of roads to be paved & line painted - T-667 – Gravel Hill Rd. from SR1017 to T-773 Geraldine Ct., T-662 – Deer Run Rd. from T-667 Gravel Hill Rd. to Twp. Line. Vote: 5-0.

- **Engineer Report – J. Coyle reviewed his Written report with the Board.**
- **Solicitor report – Written report attached. No further comments.**

APPROVAL OF THE BILLS - MOTION by J. Mauser, second by S. Disidore to pay the bills in the amount of \$55,412.35. Vote: 5-0.

CORRESPONDENCE - All correspondence are on file in the Township Office.

REPORTS:

Chairman’s Report – He would like to see the Memorial Garden placed in the Basketball court; it’s a nice level area. He would like to make the tennis courts a multipurpose area and look into placing multi-purpose asphalt; we can work with the Rec-Board and look into grants.

Board Members Reports:

S. Newman – She attended the Crime Watch Meeting at UMBT. Ed Pagan was there from the State Police who spoke about alerting residents of break-ins. She is going to get in touch with him and get statistics. S. Newman mentioned an article in the paper re: Public Hearing about Sandt’s Fire Department truck financing. She attended the COG Meeting and reported UMBT has withdrawn from the COG. They should be ok this year with the remaining Township’s and Boroughs and that the COG received 2 grants from DCED for a crack seal machine, sewer jette and street sweeper. UMBT has always stored the COG’s leaf vacs, and the COG is anxious to find other places to have them stored since UMBT is no longer with the COG. Portland is taking one and would we be interested in taking one. The Board agreed for us to take one. S. Newman will make the arrangements. She referred to a newspaper article that notes LMBT projects to have a 50% increase in population by 2040. There was also an article in the paper that UMBT is starting up a seniors’ club and would like to include LMBT. They will be having their first initial meeting at Chelsea Sun to go over the details. The Board was agreeable to be included in the initial meeting to find out the details of the program.

S. Disidore – No report.

J. Mauser – they are continuing to work on the trails; the Road Department did another ¾ mile from DePues Ferry Rd to Riverton Rd. and they did a great job. He has been getting a lot of positive comments about the trails. J. Mauser suggested changing the orientation of the room to have presentations on the wall and to put the agenda up. We would need to purchase a laptop.

S. Burns - She is setting up a meeting with Charlie Cole and Tatamy Borough, Forks Twp. and Palmer Twp. Re: traffic problems.

Township Manager Report – J. Smethers gave an update on the work being done at Centerfield. She is going to check with S. Calluori if any permits are needed.

Zoning Officer Report – Written report attached.

Road Department Report – F. Heitzman reported they have been doing working at Centerfield, properly marked the yellow trail, met with Penn DOT and completed the Road specs., did cold patching, put up new road signs, put in new battery for 2006 Ford Mason Dump, tree collapsed on Upper Mud Run Rd. bank failure they packed and put materials into bank. They also put new signs up at Township Building, Road Dept. and Centerfield.

PUBLIC COMMENT –Barbara Kaylor was present with her son. He a Boy Scout with Troop 74 and is working towards his merit badge. Part of the requirement is to meet with a Supervisor. M. DeBerardinis said he will meet him tomorrow at the Municipal Building at 3:30 p.m. Karen Brewer mentioned she has an old picture of Little Creek Road.

ADJOURNMENT - The meeting was adjourned at 9:10 p.m.

Respectfully Submitted, Melissa Mastrogiovanni, Township Secretary
Lower Mount Bethel Township