

**LOWER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MAY 4, 2020 @ 7:00 P.M. VIA ZOOM**

CALL TO ORDER - The May 4, 2020 Regular monthly meeting of the Lower Mount Bethel Township Board of Supervisors was held via Zoom. The meeting was called to order by Chairperson DeBerardinis at 7:00 p.m. In attendance were M. DeBerardinis, S. Disidore, S. Newman, J. Mauser, S. Burns, J. Zator, J. Coyle, J. Smethers, Twp. Manager and M. Mastrogiovanni, Twp. Secretary. There were 13 attendees present on the webinar.

EXECUTIVE SESSION – M. DeBerardinis announced an Executive Session via Zoom was held today (5/4/20) at 6:20 p.m. to discuss Personnel and Gravel Hill. No action was taken.

APPROVAL OF MINUTES – April 20, 2020. Corrections in bold – Pg. 2; 1st paragraph, 5th sentence, spelling of **Comprehensive**; Pg. 2; 3rd paragraph, 2nd sentence replace **they're with they are.** **MOTION** by J. Mauser, second by S. Newman to approve the minutes as amended. Roll call: M. DeBerardinis – aye; S. Newman – aye; S. Burns – aye; S. Disidore – aye; J. Mauser – aye. Motion passed 5-0.

PRESENTATIONS - None

COURTESY OF THE FLOOR – Non-Agenda items. M. DeBerardinis asked each person be limited to 3 minutes.

1. Michelle Szoka– She asked how often the quarry blasts? Seems like it's a few times per week, her house shakes and asked can anything be done. J. Smethers responded they typically blast 1 time per day, they usually call and let us know first thing in the morning. There is nothing we can do about it, since they are permitted to blast. S. Burns mentioned a resident that lives on the street of the quarry gets a report from them which shows they are within their decibel limits.

2. David Ascani – He asked about minutes from 4/20/20 not posted on the website. They were approved tonight and will be posted. Public Comment by R. Pulcini – asked if draft minutes be provided to the public. J. Zator noted draft minutes are not public until approved by the BOS.

3. Phil Landry – He asked for an update with his prior questions re: R. Angle and Gravel Hill Enterprise easement access to Gravel Hill Enterprises and its zoning laws. J. Smethers indicated S. Calluori did get a copy of the easement from J. Zator's office, however for J. Zator to review the easement and respond to the legal questions posed, it would be \$1,500 - \$2,000. The BOS would need to approve that expenditure. J. Mauser asked if the easement is a public document; could we forward the easement to the BOS and Phil Landry to review and provide feedback. Mr. Landry and the BOS were all in agreement.

4. Howard Klein – He asked the BOS permission to continue taking care of the gardens at the Riverton park, with a helper if needed and of course following all social distancing rules. The Road Dept. has trimmed and sprayed. The BOS agreed. J. Mauser said they are doing a wonderful job taking care of the gardens.

SUBDIVISIONS / ZONING - None

OLD BUSINESS

a. COVID-19 Budget Impact – J. Smethers reviewed with the BOS. Projected loss of revenue will be loss of EIT & LST 15% and possibly real estate tax of 6% (about \$24,864.33 total). We received a check today from R. Marinelli for \$21,000.00, so we're good with real estate tax right now. S. Newman indicated it's very helpful to have this information, we just need to be cautious going forward for the remainder of 2020.

Public Comment by R. Pulcini – He asked about pot hole repairs and costs involved for Fairview Ave. Public Comment by D. Ascani – Regarding the budget, impact, he suggested furloughing Road Dept. employees 2 weeks on, 2 weeks off. Other municipalities are doing that. He also suggested if we have any loans for new trucks those payments can be put on hold. The Federal Government is helping Municipalities that have loss from EIT.

J. Smethers responded we're good right now, the IRS is given extensions for filing until August. After that we will know more and have more numbers as far as EIT. D. Ascani also suggested the Township allow extensions for Street Light tax payments.

b. Bridge 41 – General Purpose Authority Meeting Discussion – S. Newman gave an update on Bridge 41. The Bridge replacement status was updated 4/28/20, permit to be reviewed by Benesch – 4/22/20, revised and conceptual plans were revised 4/22/20. She doesn't know the outcome of the meeting held on 4/29/20. The GPA received our letter from J. Coyle on 4/22/20 and we are waiting for a response. The letter was very well done and would like to see the BOS stand by the following points: how much the township has invested, keep the goals of our Comprehensive Plan, Open Space Plan, Corridor Plan, EIT tax for Open Space. We have preserved more farms than any other municipality in Northampton County. The next GPA meeting is Tuesday, May 5th at 8:15 am. S. Newman would like to continue representing the Board at the GPA meetings – it's important that they know LMBT is not going away. We need to keep bringing to their attention the negative impact this will have on our scenic byway and the Environmental damage this will cause to the creek. Out of the 5 bridges, 3 have been pulled out.

S. Newman and J. Mauser will be speaking tomorrow at the GPA virtual meeting. S. Disidore mentioned the size of Rasley Hill Bridge being over excessive. J. Coyle indicated they are going by Penn DOT design standards. There was discussion about the size of the bridge.

Public Comment by Quentin Carnicelli – He commented on the County hiding what they're doing, and that the Township should fight for us to try and stop this.

Public Comment by D. Ascani – He asked if the Board has access to the Environmental Impact Study. J. Mauser responded they have no access to any materials. S. Newman said she doesn't think it's required. S. Newman asked the Board how would they like to move forward and if J. Coyle should be included in the request for a design change. She also mentioned the residents haven't been notified regarding the utilities. J. Mauser would like to see us get a sketch plan and push for another meeting including J. Coyle. The Board agreed. S. Newman will ask at the meeting tomorrow when the Township can expect a response to the letter and request to set up a meeting with the Township, J. Coyle and the residents.

Public Comment by D. Leggett – He asked how far will we take this, our Solicitor hasn't challenged the GPA legally. Until we change our position, the township is not going to change the action of the GPA, Kriger or the County. S. Newman will provide a report after the meeting tomorrow.

c.Fairview Avenue Drainage Issue – M. Deberardinis reviewed the project with the Board. He met with Fred and Justin came up with a cost of approximately \$8,950 for repairs with the road crew completing the work. J. Coyle provided the Board a sketch plan showing 3 box culverts to be installed and 3 new French drains to disperse the water under the roadway so it won't sit on the surface of the road. This will mitigate some heavy rain and flooding. J. Mauser said it looks like a good low-cost plan to try and mitigate the flooding problem. S. Newman asked what would the labor estimate be. M. DeBerardinis indicated we need all 3 men working on the project and could probably complete in 3 days as long as no issues once the road is opened up. There was a review of the order the project will follow. S. Newman asked about maintenance of the grates and about social distancing while doing the project. M. DeBerardinis said the grates are very easy to clean out and the project won't start until the outbreak ceases, probably the end of May or beginning of June. Penn DOT has starting doing road projects and May 1st all construction has opened. Public Comment by D. Ascani – He said it seems like a good plan and glad to see it moving forward.

Public Comment by R. Pulcini – He spoke about the pipe in front of his Mom's house; it drained well for many years, but now it's not adequate for the water or maintained. M. DeBerardinis indicated the intention is to stop the water from ponding. This has been professionally engineered and will implement a plan to help with flooding. There could be some on-site construction adjustments as they move forward with the project. There was discussion about placement of inlets.

Public Comment by H. Klein – He said the water's got to go somewhere. He asked J. Coyle if the infiltration pit will be able to handle the water. J. Coyle explained once the French drain fills up, it will go where it goes now. H. Klein asked about sink holes. J. Coyle said that won't be an issue. Public Comment by R. Pulcini – He mentioned soil in that area is shale and drains fairly good. He asked about design and if this doesn't work would they possibly be adding pipe and use existing culverts. M. DeBerardinis said we can make modifications where they see fit; this won't be 100%, but confident this will make a big difference. **MOTION** by M. DeBerardinis, second by J. Mauser to move forward with the Fairview Avenue Road project with 3 box culvert inlets and French drains as planned by Carroll Engineering, not to exceed \$10,000 in materials including paving. Roll call: S. Burns – aye; S. Newman – aye; S. Disidore – aye; J. Mauser – aye; M. DeBerardinis – aye; Motion passed 5-0. M. DeBerardinis noted he will meet with F. Heitzman before the project begins.

Public Comment by R. Pulcini – He asked this be put on future agendas under old business and offered his assistance in front of his Mom's house.

NEW BUSINESS - NONE

APPROVAL OF THE BILLS – J. Smethers indicated she added an additional bill of \$444.00 for The Welcome Center Security bringing the bill list total to \$39,493.96. **MOTION** by J. Mauser, second by S. Disidore to approve paying the bills. Roll call: M. DeBerardinis – aye; S. Newman – aye; S. Disidore – aye; J. Mauser – aye; S. Burns aye. Motion passed 5-0.

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

REPORTS

Township Solicitor Report – Written report submitted. He also discussed with the Board Act-15 regarding time extension for Township development reviews, approvals and building permits, notices to the applicants and provisions for electronic / remote meetings.

Township Engineer Report – J. Coyle indicated he covered everything and had nothing more to add.

Chairman's Report – M. DeBerardinis spoke under the Road Dept. report.

Board Members Reports – S. Burns – No report. S. Newman asked J. Mauser about the Vishneshy property. J. Mauser indicated they have planted crops and the 2 property owners have figured out a solution, they are not using the Road Dept. Once he has a plan, he will update the Board. J. Mauser indicated he will be doing a presentation next month regarding Stormwater issues in the Township. S. Newman – She already covered everything under the Bridge 41 update. The COG meeting was cancelled due to COVID-19. S. Disidore – She indicated the meeting in April for the Multi-Municipal Comprehensive Plan was an online meeting and wasn't conclusive. Future Meetings are suspended during COVID – 19 pandemic until further notice. J. Mauser – He is working with

J. Smethers to complete the grant requirements for the DCNR grant and LV Greenway grants. He is getting quotes for paving the parking lots, it requires using permeable asphalt. If he can't fund that, they will use regular asphalt with the Road Dept. doing the work. The Grading Plan submitted to Washington Township for the Meadow was approved. The Grading plan for the Tekening Trail is on hold. He will measure the site and provide information to J. Coyle.

Township Manager Report – J. Smether's reported we applied for the Zoning permit with Washington Township. She received pension proposal from ICMARC.

J. Smethers asked Board approval for \$1,000 for the Engineering report for the Upper Mud Run Rd. wall failure. **MOTION** by J. Mauser, second by S. Newman to approve the expenditure. Roll call: S. Burns – aye; S. Newman – aye; S. Disidore – aye; J. Mauser – aye; S. Disidore – aye; M. DeBerardinis – aye; Motion passed 5-0.

Zoning Officer Report - J. Smethers reported on behalf of S. Calluori. The Township received a ZHB appeal for 7797 Lower S. Main St. operation of a trucking business. S. Calluori would like to know if the Board is interested in making a case for, against, or remain neutral in regard to this appeal. The ZHB meeting will be held on June 17, so there is time to think about it. The background on the appeal is: The property is located in the conservation zoning district. Storage of tractor trailers is not a permitted use in this zoning district. The owner has owned this property since 2002. He has probably been using it to store tractor trailers since then. The prior use as a pallet making company was probably a legal non-conforming use. But the use of tractor trailer storage is different than pallet making, so the legal non-conforming use would not have carried over.

J. Mauser suggested the BOS make a position supporting our Zoning Officer. S. Disidore suggested the Board thinks about it before taking any position. J. Zator mentioned there has been no enforcement for 18 years; however, that is not sufficient grounds to grant a variance.

Public Comment by D. Ascani – He said they were sent enforcement notices in the past and should be in the file. Those trailers and trucks on the premises are not registered.

Public Comment by R. Pulcini – He said it does appear to have gotten out of hand.

No position taken by the Board.

Public Comment by H. Klein – He thanked the staff for setting up the Zoom meeting, other municipalities have not been successful with online streaming of public meetings.

Road Department Report - M. DeBerardinis reported the Road Department are continuing their weekly rotation; 2 out of 3 men coming in and with 1 being out alternating weeks. At some point, we can stop the rotation and all 3 can come back. They are also continuing to doing single man projects and maintaining social distancing.

PUBLIC COMMENT – J. Guest asked about any further action regarding truck traffic issues on Front Street. J. Mauser said in the past they were communicating with C. Cole from UMBT along with Supervisor Burns exploring some options. As of right now, they are not proceeding forward. J. Guest asked about restricting weight limits of loads. S. Burns replied there are no regulations on weight loads. J. Guest suggested the Township enact an ordinance restricting a). size of vehicles, b). weight load and c). noise. He also discussed safety issues being a big concern. There was also a question about State Police enforcement. M. DeBerardinis noted the State Police won't enforce local ordinances and we have asked the State Police to have a presence.

ADJOURNMENT – MOTION by S. Newman, second by J. Mauser to adjourn the Public Meeting at 9:20 p.m.

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