

**LOWER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MINUTES AUGUST 5, 2019**

CALL TO ORDER - The August 5, 2019 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 Chairman Michael DeBerardinis at 7:10 p.m. In attendance were Supervisor Disidore, Supervisor Burns, Supervisor Newman, Supervisor Ascani, J. Zator, J. Coyle, J. Smethers, M. Mastrogiovanni. There were 12 people in the audience. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

REGULAR MONTHLY MINUTES – AUGUST 5, 2019 @ 7 P.M. Minutes were presented for approval. Correction are in bold: S. Newman asked 1st page last paragraph take out **Multi Municipal Plan. MOTION** by S. Newman, second by S. Disidore to approve the minutes as amended. Vote: 4-0-1. S. Burns abstained.

SUBDIVISIONS: None

PRESENTATIONS:

1. Joint LMBT / Talen Hunting Permit – Present: Brad Kreider - PA Game Commission, Allen Sutter - Talen and John Mauser. J. Mauser explained and reviewed the permit agreement between Martins Creek, LLC (Talen Energy) and LMBT. The permit would also apply to LMBT Meadows at Martins Creek. B. Kreider indicated the Game Commission will be providing the signs. S. Disidore asked about the monitoring at the Meadows. B. Kreider responded there will be monitoring there by the Game Commission at all times. J. Mauser explained the permit holder would have it for the entire archery season, 200 permits will be available for issuance. There was discussion about the rules of the program. D. Ascani asked about the permit list from last year and how many were Talen employees. The response was there were about 164, not even half were Talen employees. M. DeBerardinis stated it looks like a good program. J. Mauser agreed and asked the Township to move forward. The Board agreed to move forward with the program. J. Mauser asked that we get the word out by advertising on the LMBT website, Facebook and have Township Manager put in the paper.

2. UMBT Softball request to use Riverton Field, Present: Dave Baggett, UMBT Softball Coordinator. D. Baggett explained ELV (UMBT) is requesting to extend the use the Riverton Field for Fall Softball I from August 5th – October 14th (Saturdays & Sundays). The Board agreed and had no objections as long as they coordinated with the office.

3. Permission for Wine tasting at Car show – Present: Martha Posner, Rec. Board Chair. & Jeff Larrison, FD Chief. They explained Franklin Hill Winery would like to have a 1 ounce taste testing at the Car Show at no charge. Elaine Pivinski has all the permits, insurance and is fully RAMP certified. She will also apply to the PLCB for a license. There was discussion about in the future opening it up to other vendors. J. Larrison said they are considering a brewery for beer sampling if they can get them on board. He would also like the Board to consider this for future events. D. Ascani mentioned his concern with alcohol on Township property. J. Zator agreed. **MOTION** by S. Disidore to allow Franklin Hill Winery to hold wine tasting at the Fire Company Car Show with the provision they have: 1). PLCB license, 2). Appropriate Insurance, 3). Hold Harmless agreement in place. **MOTION** amended by S. Disidore, second by D. Ascani to allow wine tasting and / or beer tasting with the same provisions as stated. Vote: 5-0.

COURTESY OF THE FLOOR: 1. Susan Falcone & Tina Jones – They spoke about St. Rocco's Festival parking and asked if there could be limited parking on one side of Center street.

M. DeBerardinis agreed and suggested one way coming in and no parking on either side of Center street. He will speak to J. Larrison and Fred will put signs up.

Susan Falcone – She spoke about her paper alley and wanting to put a fence in the paper alley behind her parent’s house to block the neighbor’s access since it is tearing up their yard. She has been in contact with the Township Manager and the Zoning Officer and discussed these conversations with the Board. She made the Board aware of her dissatisfaction with the zoning officer regarding her attitude and not returning phone calls. S. Falcone spoke about other residents blocking off paper alleys. There was a lengthy discussion about rights of paper alleys and the legality. J. Zator gave his legal opinion; paper alleys are a private matter and private issue. He explained after 21 years elapses, then all rights of the public disappear and it becomes a private matter. He explained everyone that owns property in that subdivision has rights to the paper alleys; easement by implication. J. Zator indicated they can consult their own attorney and file a quiet title action with the court. He also noted the Township cannot issue any permits, since it has no legal position. He added that paper alleys are widespread throughout PA.

2. John Hall & Terri Wassel - 6515 Alpha Ave. They provided pictures to the Board of a tractor trailer parking on the street everyday now for 6-8 months; there are apartments there and its affecting site distance. J. Hall & T. Wassell also mentioned speeding by patrons coming from the Democratic Club. D. Ascani noted the road is posted for no trucks and that a no trucks sign needs to be put back up on Pennsylvania Avenue. D. Ascani recommended a letter to the landlord regarding the truck parked on Alpha Avenue.

The Board discussed some options and decided to 1). Send letter to landlord on Alpha regarding truck parked on street, 2). Send letter to Democratic Club’s Landlord to ask Patrons to slow down when leaving the establishment and 3). Put up a temporary speed sign there.

3. Rusty Taft & Danny (New Enterprise) J. Smethers has been in contact with them regarding dirty trucks on Front Street. Rusty and Danny came to give an update on how they are trying to alleviate some of the problems. There was an in depth conversation with Rusty regarding the trucks. A suggestion was made for trucks to enter the quarry on Belvidere Highway, exit on Route 611 south of Martins Creek, and then take Lower Mud Run Road. They are looking into paving ingress and egress (611 S. by Alpha) to alleviate some of the dirty trucks travelling on Front Street. M. DeBerardinis asked about street cleaning efforts and mentioned the trucks are not tarped. J. Smethers added that the trucks are also speeding. M. Deberardinis mentioned the recent intersection incident and asked who should be called. Danny advised to call him. They also mentioned they are looking into a paving improvement program and washing station. Signs are posted at the scale house to encourage drivers to slow down. They also met with Buzzi that hauls the shot rock.

4. Orlando Capriotti – asked about grass cutting ordinance. He also mentioned the deep ditch on Hutchison floods his basement.

Township Engineer’s report. J. Coyle reviewed his written report with the Board. He also reported about the well at the Welcome Center; the double casing well wasn’t inadequate. A couple of options would be 1). Reverse osmosis, 2) Bionic exchange 3). Hybrid system & new water tank system. #3 option would be his recommendation. The high nitrates could be because it has been so wet. M. Posner mentioned she had the same problem. Her water was tested and came back at 11 -12 nitrates. J. Smethers indicated results from the last water test were good, but since we had failed 2 quarters in a row the DEP requires a permanent solution. J. Coyle mentioned the project at Fairview Avenue and Palmeri property. J. Coyle stated that for the Palmeri property, they are doing everything correctly on the land regarding water runoff. J. Coyle suggested 3 dry wells and pavement would mitigate a lot of the water issues. S. Disidore asked where the money was coming from to pay for the project. D. Ascani asked if a date has been set to start the project. M. DeBerardinis said it will be before the winter.

Township Solicitor’s written report attached. J. Zator also mentioned someone from his office will attend the Gravel Hill Enterprises meeting scheduled for August 14th .

S. Newman mentioned she spoke to Sharon Pletchan from NCCD regarding legal representation and was told that if the township has their attorney present, all parties would want one also. J. Zator said this could postpone the hearing and doesn't want to do that; he will check with her; and not attend if it would cause any postponement.

J. Zator asked the Board about the status of the Norfolk Southern signing the agreement.

M. DeBerardinis said the Board previously decided to take no action by not signing the agreement.

TOWNSHIP BUSINESS

1. Resolution #2019-08 - Code of Ethics & Conduct Applicable to All Elected and Appointed Officials. The Board reviewed the Resolution. J. Zator noted from a legal prospective, a Code of Ethics is a good idea, however everyone has different opinions. J. Smethers indicated she cleaned up this version taking out redundant information that was already passed in the Code of Conduct for meetings.

D. Ascani referred to Page. 5 # 4, this language is stifling someone's opinion, has no teeth and is a violations of constitutional rights. J. Zator discussed constitutional rights with the Board and noted everyone has a right to their own opinion.

S. Burns stated people cannot do whatever they want, there are rules people follow and it has nothing to do with constitutional rights. D. Ascani thought this was governed under the Sunshine Law and PA Code of Ethics. There were comments made by M. Posner and R. Marinelli that it's a matter of respect. There were comments made by J. Lambertson suggesting a meeting conduct resolution, not code of ethics. S. Disidore explained we have that in place already, that it's a guideline for how the meeting is to be run. J. Lambertson also commented it would be hard to establish guidelines for what is acceptable attire.

S. Disidore agreed the Code of Ethics is a good idea. It encompasses this Board and future boards, and expectations for consultants and committee members, however she would like to see a more abbreviated / general version not as detailed as this current form. The Board further discussed Page. 6, Paragraph C#1. D. Ascani asked about definition of reprimanded and censured. He also questioned #2. - Remove any Board, Committee, or Commission members whose conduct does not comply with the Townships policies. J. Smethers indicated any sanctions would be at the discretion of the Board. J. Zator said reasonable minds can differ and also Boards can change. Some of this language can be omitted on Pg. 6, paragraph 2.

M. DeBerardinis noted its all open to opinion and interpretation, there is not much more the Board can discuss to be productive. M. DeBerardinis said if no one was making a motion, it will be tabled. MOTION by S. Newman, seconded by S. Burns to adopt Resolution #2019-08 with the suggested revisions on Page. 6. S. Disidore again suggested the Resolution be more broad.

S. Newman mentioned the importance of having the Purpose on Pg. 1, last paragraph and also a policy on Social Media to have a set of guidelines. She said this has been talked about so many times and the Board was to weigh in any suggested changes. D. Ascani said the intention is good, but too many First Amendment violations. S. Burns noted it is about ethical behavior not being followed. After discussion and comments, Motion was voted on: S. Burns & S. Newman – Yes, M. DeBerardinis, D. Ascani & S. Disidore – No. Motion died.

2. Resolution #2019-09 – Accept portion of Upper Little Creek Rd. (T-649) for dedication. J. Coyle noted the plans have already been recorded and Resolution is acceptable and can be adopted. MOTION by S. Disidore, second by S. Newman to adopt Resolution #2019-09 – Accept portion of Upper Little Creek Rd. (T-649) for dedication. Vote: 5-0.

3. Resolution #2019- 12 - DGLV Grant for Upper Mud Run Road – J. Smethers indicated she has been working with J. Coyle on this project and would like to apply for a \$139,000 grant from the NCCD Dirt, Gravel and Low Volume Road Program to cover the construction costs of the project. There is no match requirement, we just need to pay the engineering costs. This resolution needs to be submitted with the application. MOTION by M. DeBerardinis, second by D. Ascani to adopt Resolution #2019- 12 - DGLV Grant for Upper Mud Run Road project. Vote: 5-0.

J. Coyle left the meeting at 8:45 p.m.

4. NC Farmland Preservation request to purchase the agricultural conservation easements:

a. Carl & Judith Nicholas – Township contribution for the easement purchase is \$59,240.00. The Nicholas farm consists of 17.31 acres located at 5497B Martins Creek Belvidere Hwy. S. Newman indicated this is a well located property for linking the township's preserved farms.

MOTION by S. Disidore, second by S. Newman to partner with Northampton County Farmland Preservation's request dated 7/23/19 with the Township contribution of \$59,240.00 for the Carl & Judith Nicholas easement purchase. Vote: 5-0.

b. Floyd & Doris Brewer #2 - Township contribution for the easement purchase is \$210,500.00. The Brewer farm consists of 54.85 acres. **MOTION** by S. Disidore, second by S. Newman to partner with Northampton County Farmland Preservation's request dated 7/23/19 with the Township contribution of \$59,240.00 (This amount is wrong, I believe it should be \$210,500.00) for the Carl & Judith Nicholas easement purchase. Vote: 5-0.

5. PA Spotted Lanternfly Cooperative Eradication Program –Tabled last month for further information the agreement presented at last month's meeting needs to be signed. Melissa provided the additional information requested. MOTION by M. DeBerardinis, second by S. Newman to sign the Treatment Release Form for participation in the PA Spotted Lanternfly Cooperative Eradication Program through the USDA. Vote: 5-0.

6. Allocate 2018 GF Year End balance. J. Smethers reviewed with the Board the Capital Reserve Fund balance in the amount of \$158,364.26. Suggestions for some allocation are: Zoning Update – There is a negative balance of \$2,975.00. The Board said to put \$30,000.00 in that fund. She also suggested Gravel Hill, entrance to the lower level of the Centerfield building, well at Welcome Center, walking trails, Fairview Avenue and bathrooms at Township office. There was discussion about the well at the Welcome Center. J. Smethers indicated DEP required that we post non-potable water on the water fountains and at the sinks. The Township can apply to DEP and see if they would take us off the public building list. J. Mauser indicated the water fountains haven't been used in 4-5 years and there is limited use of the building. MOTION by D. Ascani, second by S. Disidore to apply to DEP requesting the township be taken off the public water building registry. Vote: 5-0.

7. Repository Sale 4999 N. Delaware Drive – We received a letter from Northampton County dated July 10, 2019 asking the Township to consent to evaluate and approve or disapprove the offer. The County has three bids on this property in the amounts of \$500.00, \$16,478.49 and \$1,011.00. MOTION by S. Disidore, second by S. Newman to give consent to Northampton County for Repository Sale of Property located at 4999 N. Delaware Drive to the highest bidder in the amount of \$16,478.49. Vote: 5-0.

APPROVAL OF THE BILLS - J. Smethers read the bill list totaling \$31,769.35. MOTION by M. DeBerardinis, second by S. Newman to pay the bills. Vote: 5-0.

J. Zator left the meeting at 9:50 p.m.

CORRESPONDENCE – All correspondence is located in the Township Office.

REPORTS

Chairman’s Report - M. DeBerardinis had no report.

Board Members Report - S. Burns had no report.

S Newman reviewed her written report with the Board. Highlights of her report were:

Meeting with NCCD & Project Manager for Gravel Hills Farms to review preliminary plans for NPDES permit. Tentative meeting to be arranged in August with LMBT, NCCD, JHA Companies, G. DeDomenico, DEP and J. Coyle to be invited to attend. SB Multi-Municipal Comp. Plan meeting – Final agreements signed by all municipalities. LVPC regional comprehensive plan Future LV will be released for public comment on 8/2/19. Public meeting on this plan on 9/10/19 at 7:00 p.m. at Weona Park.

Quotes for LMBT signage were submitted to the Board for the JM Trail System, The Meadows at Martins Creek, Twp. Office, CF Municipal Building and Garage. Mark Worthington Signs - \$6,500.00 & Fast Signs - \$3,823.91. She will check on quality of Fast Signs products. M. Deberabinis commented on the high quality of the signs Worthington has done for LMBT.

S. Disidore suggested a second Workshop meeting per month as needed (already scheduled for the 2nd Monday of the month as needed). There are sometimes 5 weeks in between meetings. S. Newman noted when the Zoning Ordinance is completed by the PC, the BOS will need to meet on the Workshop day just for the Zoning Ordinance Updates. There is a lot of information to review.

D. Ascani asked for a status on the Audit. J. Smethers indicated she gave him everything he needed and will follow up with them and report back to the BOS.

Township Manager Report – J. Smethers reviewed her written report with the BOS. She finished the NCCD Dirt & Gravel Grant for Upper Mud Run Rd. If awarded we could use our Liquid Fuels funds for paving rather than the repair of Upper Mud Run Road. The Gravel Hill Enterprises informational meeting is set for August 14th @ 10:00 a.m. at the Centerfield Buidling. It’s a private meeting with representatives from NCCD, DEP and the Township. A public hearing will be held at a later date.

Zoning Officer Report – Written report submitted.

Road Department Report – F. Heitzman reported they cleaned up a washout on Lower Mud Run Road. They are working with J. Mauser on the Meadows placing the stone that was donated. They have 20 tons still to put in out of the 140 tons. They are cleaning the blue trail, ashpits, patchwork, put up signs on Miller Road and ongoing grass cutting. S. Newman noted she walked the Meadows with J. Mauser and the trails look much better than after the lumber harvesting. J. Mauser mentioned he reached out to Washington Twp. re: permission for the parking lot for 10 cars. He will update the BOS when he has more information.

PUBLIC COMMENT – None.

ADJOURNMENT – The Public Meeting was adjourned at 10:25 p.m.

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