

FORKS TOWNSHIP, NORTHAMPTON COUNTY
Board of Supervisors

3-16-2023

Regular Meeting Minutes

The regular meeting of the Forks Township Board of Supervisors was held on Thursday, March 16, 2023 at the Forks Township Municipal Building, Easton, PA. Chairman O'Neil opened the meeting at 7:00p.m., followed by the Pledge of Allegiance.

BOARD MEMBERS:

John O'Neil, Chairman
Ty Corallo, Vice-Chairman
Tim Hughes, Secretary/Treasurer
Kelly Keegan, Member
Dean Turner, Member

IN ATTENDANCE:

Lisa Pereira, Twp. Solicitor
Sean Policelli, Twp. Engineer
Donna M. Asure, Township Manager
Michael Friel, Acting Chief of Police
Mark Roberts, Director of Public Works
Kacee Stout, Director of Finance
Rachel Sulzbach, Director of Park & Recreation
Mike Vinci, Fire Chief

Supervisors Comments:

J. O'Neil, Chairman – none

T. Corallo, Vice-Chairman – none

T. Hughes, Sec't/Treasurer – none

K. Keegan, member – none

D. Turner – none

Announcements:

J. O'Neil announced there was an executive session held this evening, at 6pm concerning personnel issues. No decisions were made, nor actions taken in executive session.

Public Comment: (non-agenda items) - none

Department Head reports

Fire –

- Report on drive
- M. Vinci stated the Community Fire Company of Forks Township applied for a county grant for the fire tower repairs. Discussion followed on the agreement for the fire company to pay half of the repairs. T. Hughes stated that a lot of time went into negotiating the agreement for the repairs of the fire tower. J. O'Neil stated that the township owns the building, and it is used 100% by the fire company. D. Turner stated that during the negotiations it was discussed that if

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a grant was received by either party, that amount would come off the top of the repairs and the balance would be split between the two entities. Mr. Vinci stated that he had to take this discussion back to the body for a vote. He also handed the township manager a check for what he stated was the balance of the fire company's portion of the repairs. Mr. Vinci will let the board know the wishes of the fire company.

Police –

- Report on drive
- T. Hughes liked the month-to-month side by comparison on the drive
- Coffee with a cop is at Dunkin Donuts on March 27th

Junior Police Academy –

T. Corallo made a motion, seconded by D. Turner to authorize the police department to conduct a junior academy, June 19-23, 2023, with waivers to be completed as revised by the solicitor and the purchasing of additional insurance as recommend by EHD. All in favor. Motion carried.

Bike Safety Rodeo –

T. Hughes made a motion, seconded by K. Keegan to authorize the police department to conduct a bike safety rodeo on July 15, 2023, at Braden Airpark with waivers to be completed as revised by the solicitor. All in favor. Motion carried.

Fiscal –

- Report on the drive
- T. Hughes asked about the collections being done by Portnoff. The township is working with the company to begin the process of collection of delinquent utility accounts.
- T. Hughes asked about the new software for the utility system. K. Stout explained that they have been providing all the information needed to Edmunds to be up and running by May.
- T. Hughes thanked K. Stout for all the work she did to move the township accounts from Fidelity to Unity Bank

Parks & Recreation –

- Report on drive
- Easter egg hunt is Saturday, April 1st at 10am
- Hoping to get park open with the nice weather we have been having

Public Works –

- Report on drive
- M. Roberts reported that the street light situation is improving in Riverview with the developer working to get all the lights working
- The PW crew replaced 65 feet of pipe, added a concrete walkway and repaired the area by the bridge near the park tennis courts

Zoning –

- Report on drive

Solicitor –

- L. Pereira reported that at the last planning commission meeting there was discussion about the concerns of parking on Conroy Place. The PC recommended that the board of supervisors look to restrict the parking on Conroy either totally or on one side. This amendment would then be an amendment to the vehicle code and allow enforcement of illegal parking. T. Hughes stated that tractor trailers are parking all over the street in this area.

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Engineer –

- The signed plans for Lafayette Hills at the Bushkill have been delivered to the township for signing

Township Manger –

- Report on the drive

Hearings:

Daniel's Healthcare – conditional use -

Chairman O'Neil opened the hearing at 7:18pm.

Donald Souders, attorney for the applicant, stated that this is a continuance from last month's hearing. His client met with the planning commission and during that review the truck parking issue had come to light. His client is working with another property owner to enter into a lease for parking Daniel's trucks offsite, as well as working on the plan to properly park vehicles on site. They will be meeting with the zoning officer as they need his review and comments to find a remedy to get an approval for this project. He asked the board to continue the hearing once again.

Chairman O'Neil closed the hearing at 7:25pm.

K. Keegan made a motion, seconded by T. Corallo to continue the conditional use hearing of Daniel's Health until the Board of Supervisors meeting of April 20, 2023. Under discussion, D. Turner advised the board that he will not be in attendance at the April 20, 2023, meeting. Roll Call Vote: T. Corallo, yes; T. Hughes, yes; K. Keegan, yes; D. Turner, yes; J. O'Neil, yes. Motion carried.

Presentations –

GIC Lehigh Valley – sewer extension discussion

Brian Kobularcik gave an update of the project to the board. They broke ground about a month ago on the 266,000 square foot warehouse. The original plan proposed the sewer line to use an easement through another property to reach the township system. Unfortunately, an agreement on the easement could not be reached so they will need to tie in by running the sewer extension along Richmond Road. S. Policelli stated this issue is a relatively recent development and will need to have agreements put into place. The board asked the solicitor if this was something that the township could do. L. Pereira stated that this is legal and is a policy decision by the board. If agreed to it will require agreements and escrows to solidify the responsibilities of the property owner and to protect the township in case of future issues with the line.

T. Hughes made a motion, seconded by T. Corallo to authorize the township solicitor to create an agreement to protect the township, require an escrow which may need an escalator clause, and solidify the obligations of the property owner for the maintenance and repair of this sewer line. Roll Call Vote: T. Corallo, yes; T. Hughes, yes; K. Keegan, yes; D. Turner, yes; J. O'Neil, yes. Motion carried.

Invited Guest Reports:

Planning Commission – no report

FBA –

D. Turner stated at the last meeting they discussed the many upcoming events to be held by the Chamber in Forks township and other areas. They will also be reviewing the by-laws to update membership criteria and other sections.

Treasurer's Report –

T. Hughes reported that the township's outstanding debt is \$4,091,000.00.

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T. Hughes made a motion, seconded by K. Keegan to ratify the following online/ACH payments –

- Infradapt - \$7050.00
- Finance Pro (monthly postage machine fee) - \$119.00
- Verizon Wireless invoices - \$1,579.19

All in favor. Motion carried.

T. Hughes made a motion, seconded by K. Keegan to approve vouchers payable received through March 13, 2023, in the amount of General Fund - \$ 378,091.40; Real Estate Fund - \$ 456,211.72; Utility Fund - \$ 19,870.46; Utility Capital Fund - \$ 2,555.40; State Liquid Fuels Fund - \$ 1,242.10. All in favor. Motion carried.

T. Hughes made a motion, seconded by K. Keegan to approve the following checks made payable to Unity Bank to begin process of opening new bank accounts – General Fund - \$ 3,000,000.00; General Capital Fund - \$ 500,000.00; Utility Fund - \$ 2,300,000.00; Utility Capital Fund - \$ 200,000.00; Recreation Capital fund - \$ 310,967.44; Sewer Tap In Fund - \$ 2,000,000.00; ARPA Fund - \$ 515,591.05. Under discussion, D. Turner asked if this fully funded the Unity Bank accounts. The board was told there is still some money left in Fidelity as there are outstanding checks drawn on Fidelity accounts. All in favor. Motion carried.

T. Hughes made a motion, seconded by K. Keegan to ratify the gross payroll for pay period ending March 12, 2023, in the amount of \$ 155,099.81. All in favor. Motion carried.

T. Hughes made a motion, seconded by K. Keegan to approve purchase order #2843 to Edmunds GovTech, for the utility module payment, annual hosting fee and yearly financial package support in the amount of \$ 29,050.00 to be paid as follows - \$ 17, 550.00 – General Fund and \$ 11,500.00 - utility fund. All in favor. Motion carried.

T. Hughes made a motion, seconded by K. Keegan to approve purchase order #2846 to Reading Fire Equipment, Inc for emergency responder gear for four fire company volunteers, in the amount of \$ 15,406.16 to be paid from the general fund fire company allocation. All in favor. Motion carried.

T. Hughes made a motion, seconded by K. Keegan to approve purchase order #2848 to American Rock Salt, for winter salt, in the amount of \$ 21,850.81, to be paid from the liquid fuels account. Under discussion, J. O’Neil asked PW Director, Mark Roberts how much salt do we still need to buy. Mr. Roberts explained that with the 325 ton delivery that was received today we have met our obligation of buying 60% of the order placed through co-stars. All in favor. Motion carried.

T. Hughes made a motion, seconded by K. Keegan to approve purchase order #2850 to Jobsite Products, Inc, co-stars contract # 181545, for the purchase of items for the Ramblewood Basin retro-fit, in the amount of \$ 29,511.09 to be paid from the utility capital fund as part of the Ramblewood Grant. All in favor. Motion carried.

OLD BUSINESS

Minutes

T. Corallo made a motion, seconded by T. Hughes to approve the minutes of the March 2, 2023, work session of the Board of Supervisors. Roll Call Vote: T. Corallo, yes; T. Hughes, yes; K. Keegan, yes; D. Turner, yes; J. O’Neil, yes. Motion carried.

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LNAA Agreement –

T. Corallo made a motion, seconded by T. Hughes to authorize Chairman of the board of supervisors to execute the revised agreement with the Lehigh Northampton Airport Authority concerning changes to the Braden Airpark agreement to allow for planes with wider wingspans. Roll Call Vote: T. Corallo, yes; T. Hughes, yes; K. Keegan, yes; D. Turner, yes; J. O’Neil, yes. Motion carried.

Open Space discussion –

K. Keegan began by giving the history of the open space discussion and how it evolved to get to tonight

- 2021 the board of supervisors approved the updating of the township’s comprehensive plan
- This plan serves as a guide for a community vision, to guide and coordinate development as well as open space
- During this process there was a residents’ survey as well as a visioning meeting which was held in June 2021
- The survey had 1485 responses and wanted to protect the current quality of life
- Residents listed top concerns as uncontrolled development and growth (especially industrial development); and truck traffic
- November 2021 the board of supervisors tasked K. Keegan with heading an open space committee
- 15 – 20 volunteers met, informally with experts
- They discussed smart growth, an open space program and options for farmers other than selling to developers
- They believe the increase in the EIT tax of ¼ of a percent will provide the revenue to fund an open space program

Mrs. Keegan stated that zoning is not the answer, experts were contacted and brought in for discussion at the open space committee meetings and the people she spoke with overwhelmingly supported an open space program funded by an increase in the earned income tax. The board meeting on March 2, 2023, prompted many questions. Many people are not familiar with the use of a real estate tax for the funding of an open space program which the board is speaking about now. Earners would pay this tax and those on fixed income would be spared. If we do not have the EIT tax, how are we going to fund the plan that is needed, which require a professional to develop. How will we have the funds to discuss with property owners about voluntarily selling their property? The presidential election may bring out more voters but with our digital signs, our new website, and Savvy Citizen we can educate the people that this question will be on the ballot. The residents have spoken and overwhelmingly support an EIT tax for open space.

J. O’Neil stated that the board understands that some residents want this question, on whether or not to have an EIT tax dedicated to open space on this November’s ballot. A real estate tax, done by referendum, and used for nothing else but open space is now allowed for municipalities. If this program is going to help all of the residents, then why should all the residents not pay for it? Zoning is working on various ways, including the referendums as to how we can manage growth.

T. Corallo stated that with a real estate tax the commercial properties, the warehouses, the businesses, all the properties that are being listed as what people state have caused the issue, will all contribute if this is a dedicated real estate tax. This is a new option and needs to be explored along with all the other options to manage growth that are out there.

T. Hughes read an excerpt of the November 18, 2021, board of supervisors’ minutes. The minutes documented that John O’Neil had asked Kelly Keegan to chair a task force made up of up to 2 supervisors, up to 3 planning commission members and perhaps some residents and to bring back ideas

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on this issue to the February 2022 joint meeting of the board of supervisors and the planning commission. He stated that if everyone wants open space everyone should pay. There are still many questions yet to be answered such as how much open space do we already have, how much land is in the township that can still be developed, and what are the many different ways to preserve land? He acknowledged that he received perhaps 14 – 15 emails supporting an EIT tax for open space.

D. Turner stated it has been a difficult week with a lot of questions. There are many ways to fund open space such as the real estate tax, the EIT tax, floating a bond, and the township general fund. Everyone should contribute and there is a concern that a real estate tax could go into the general fund and be diverted to other uses. The real estate tax was discussed, and J. O'Neil stated that if it is a dedicated source of revenue as approved by the voters through a referendum then the money can only be used for open space. Mr. Turner went on to state that experts recommended the employment tax. If a real estate tax is discussed then there should be exemptions made for those on a fixed income. If the board feels strongly that a plan comes first, then the board of supervisors need to fund the contracting of a professional to develop the plan. Mr. Turner had spoken to the solicitor and the county election board will not approve a double referendum such as asking the residents to you want a real estate tax or do you want an EIT tax. He believes there is overwhelming support for an EIT tax. D. Turner agreed this should have been done 25 years ago but we need to start now. If we wait another year there will be more land developed.

The board then discussed this issue. It was asked what makes a fixed income. It was suggested that this would be someone on an income that is only increased by the government. Is there a limit on the amount of earned income tax that can be imposed on residents?

Public Comment

Gene Parziale – 1904 Quail Court – Mr. Parziale stated that there is a lot of information that needs to be disseminated to the public. Without educating the public the township is rushing to a referendum. The public must be more informed. He is in favor of open space but an EIT tax only affects the workers whereas a real estate tax would affect everyone. He stated that people need a plan, what is the township going to do with this tax, has anyone spoken to the farmers, have you talked about hiring an expert to start laying out a plan. He stated that workers are working 2 – 3 jobs to make ends meet and never knowing if they are going to get any kind of increase in their pay.

D. Turner responded that the plan concept was investigated and that the successful programs recommended that a general plan be in place, which the township has. After the referendum passes then you ask the residents what they want to fund and build the plan. He stated this is a voluntary program, the properties do not come off the tax rolls but is an extra tool to use. Zoning is another option. Conservation easements are another option but require funding. This fund would provide the township access to matching grants.

T. Corallo stated that Forks Township does not have to follow other plans exactly as we are not the same as other townships. He has spoken to many people who want to see a plan. He stated he is concerned that by buying development rights we are limiting the ability of the property owner to resell the remaining portion of their property.

K. Keegan responded that the township can't just have \$20. This program will take a lot of money and we are losing millions of dollars in grant money the longer we wait to collect money.

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Debra Hunter – Frost Hollow Road – She asked the board not to wait another year as who knows what will be developed within that year. It costs more to service a development. The township should do the EIT tax this year.

Joan Dean – 1464 Upstream Farm Road – She stated that to have zoning look into this at this time is too late in the game. The township should move forward with the EIT.

Kerry Bachman – Lower Way – Mr. Bachman stated we are not here to debate the benefits of open space. This is in the public's interest to move forward. The board should allow the EIT tax question to be on the ballot this November and let the people say yes or no. He requested the board make a motion to put the EIT tax referendum on the November ballot.

Amy Blum – Barnyard View – She spoke to the board about a fixed income versus a budget. Real estate tax increases cause hardships. If it is an EIT tax people could work an extra 12 minutes a week to make up for the increase in the tax.

Mary Ann Adams – Paxinosa Road – She told the board she is confused as to what the amount would be of the tax. What would the average cost be? She is a senior but owns a business. She does believe this should be on the ballot as soon as possible. She stated the patriots dumped tea into the water with no plan and the constitution came next.

K. Keegan responded that if someone is making \$50,000 then 1% would be \$500; .25% is another \$125 per year.

Jill Rudolph – 4151 N. Delaware Drive – She informed the board she is on the committee. She stated the EIT tax should be on the November ballot to let the people vote on a program to then provide a plan.

Hunter Keim – 1421 Sullivan Trail – Mr. Keim stated he is a farmer, a construction worker and owns his own business. Everyone young is going to be taxed and they can't afford to live here. The board should evaluate the real estate tax and consider putting that on the ballot.

K. Keegan responded that open space saves you money and improves the quality of life.

T. Hughes stated that the ability to impose a dedicated real estate tax just became law in April 2022.

Ed Reagan – 1364 Fox Ridge – point of information – stated that a municipality could have used real estate tax revenue for open space without a referendum prior to 2022.

J. O'Neil stated that they could but the money would not be mandated to be strictly used for open space.

Matt Menkowski – 1140 Vera – Mr. Menkowski stated we are making this too complex and need to keep it simple. The board members agree that open space is beneficial. The issue is how to fund it. Seniors are on a fixed income. He asked when does this impasse have to be resolved by. J. O'Neil stated that the decision for a November ballot must be made by May so the solicitor has the time to create the wording for the referendum.

T. Hughes again stated that he needs to have questions answered – how much land is left to protect, how much land is in each zone that could be developed, and what are the other options out there to manage growth. We can't by law stop development.

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George Rudolph – 4151 N. Delaware Drive – Told the board not to waste anymore time and to put this on the ballot.

Joanne Paprie - 2805 Lambert Court - Mrs. Paprie stated that everyone must stop being rude. We are all entitled to an opinion and we need to be respectful of each other. Perhaps there are other ways to get this done such as a non-profit foundation with volunteers.

T. Corallo stated that a conservancy can be created as our partner. They would be able to raise funds for this type of project. We need to educate ourselves more on this option.

D. Turner stated that options were investigated. The Bushkill plan has won awards. The committee looked at options and what is on the table is what we recommended.

Ed Reagan – 1364 Fox Ridge – Mr. Reagan stated he is not against open space but there a many ways to fund a program, you can float a bond, the real estate tax, the EIT tax, partner with conservancy, etc. The open space task force was created but should have come back with options. He asked the board for the documentation of the minutes, the agendas, the presentations and other information used by the committee. A referendum can be stopped at anytime by another referendum. The EIT tax would exempt every commercial property from paying towards open space, yet they are the largest consumer of open space. Development rights are an option but are very complicated.

Lori Jackson – 1620 Deer Path – She stated in neither scenario is everyone paying. The numbers have to be looked at a there are median numbers and average numbers provided by the census. The average household income is \$107,000.00 and the assessed value of a home is \$265,000.00.

Ken Myer – 2185 Ben Jon Road – He stated this program could benefit by other grants from the county, state and federal government. This money would be used as matching funds.

Steve Semanek – 3084 Corey Terrace – He stated that the residents trust the board of supervisors to do the right thing. Putting it on the ballot takes that responsibility out of your hands. Put the EIT question on the November ballot and the people will tell you what they want.

D. Turner made a motion, seconded by K. Keegan to place the question of raising the EIT tax for open space on the November 2023 ballot. Roll Call Vote: T. Corallo, no; T. Hughes, no; K. Keegan, yes; D. Turner, yes; J. O’Neil, no. Motion failed.

NEW BUSINESS –
Resolution 2023-03-16

T. Hughes made a motion, seconded by T. Corallo to adopt Resolution 2023-03-16 allowing for the destruction of township records in accordance with the Pennsylvania Municipal records act and as per the attached documents. Roll Call Vote: T. Corallo, yes; T. Hughes, yes; K. Keegan, yes; D. Turner, yes; J. O’Neil, yes. Motion carried.

Solid Waste and Recycling disposal bids -

D. Asure and M. Roberts explained to the board that sealed bids had been received and opened on Friday, March 10th for the disposal of solid waste and recyclables in the township. There were three bids for the solid waste and two bids for the recyclables. The bids each contained the required documents. Currently the township pays \$45.75 per ton for disposal of solid waste and \$112.00 per ton for the disposal of recyclables. The lowest bids came from the same vendor and were \$70.04/ton for solid waste

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and \$129.39/ton for recyclables. Based on current tonnage for 2022 this will be a minimum increase of about \$164,000.00 before the known cost of the hauling itself.

T. Hughes made a motion, seconded by T. Corallo to award the solid waste disposal bid to Waste Management as the lowest responsible bidder in the amount of \$70.04 per ton, contingent upon review by the solicitor. Under discussion D. Turner asked what other options might be available for trash pickup? It is possible that the board decides not to have township wide pickup, and each resident would choose a hauler of their own. D. Turner stated perhaps there are smaller carts that people could pay less for, so they are actually paying for what they use. He stated he is hopeful that there are some creative options that can be explored. In the research that has been done it does appear that residents, having individual agreements with haulers do pay more than a township wide contract. Townships have done away with recycling due to the increased costs; they have gone to less frequent pickups, etc.

Public Comment –

Ed Reagan – stated he has 96 gallon can and does not even use a 13-gallon garbage bag full. Portland Maine allows you to pay for the amount you use.

Scott Fuller – 1700 Deerpath Road – asked the board to not put this decision into his hands. He cannot imagine what it would be like to have several different trash trucks on his street each day.

Robert Parella – 3089 Corey Terrace – spoke to the board about the need to have an inspector checking recycling due to the fact that if the recycling is contaminated it ruins everything. What is the sense of recycling if this happens?

J. O'Neil asked what the pleasure of the board on proceeding was. It was decided that this will be placed back on the April 6th agenda for further discussion and to see if any other options are available.

T. Hughes made a motion to rescind his original motion, seconded by T. Corallo.

Personnel –

T. Corallo made a motion, seconded by D. Turner to ratify the hiring of Nathan Bargiel, Parks Laborer, at a rate of \$26.00 per hour with benefits as outlined in the offer of employment, effective Monday, March 13, 2023. All in favor. Motion carried.

Public Comment- none

K. Keegan made a motion, seconded by T. Corallo to adjourn the meeting at 9:38pm. All in favor. Motion carried.