

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Wednesday, December 9, 2009 at 9:00 a.m. Scott R. Schaller, presiding.

The following members were present: Scott R. Schaller, Robert (Bob) F. Spano Sr., and Ron Clewell. Also present were Township Attorney Jennifer Ann Wise, Township Engineer R. Douglas (Doug) Olmstead, Jr. P.E., Michele Clewell, Donna Kenderdine and numerous township residents.

Attorney Wise stated that the original meeting was scheduled for December 10, 2009 and rescheduled for today. The re-scheduled meeting was properly advertised in the Pocono Record and the proof of publication is on record.

Minutes from the November 12, 2009 meeting were approved upon a motion of Scott Schaller seconded by Ron Clewell. Motion carried 3-0.

Payment of the listed payables was authorized by a motion of Scott Schaller seconded by Ron Clewell. Motion carried 3-0.

Payroll 11/27/09	\$49,553.42	Home Depot	\$551.58
		IKON	\$361.29
BMO	\$31.36	Kimball Midwest	\$445.44
BJ's Wholesale	\$65.00	Kyocera	\$889.04
CNH Capital	\$6.30	Lehman Township	\$14,573.46
EMC Insurance	\$7,275.54	Matergia & Dunn	\$780.00
Met Life	\$1,056.60	Met-ed	\$2,075.72
PA Municipal Health Ins. Coop	\$18,681.37	Miggy's 5	\$59.60
PenTeleData	\$7.85	Montour Home Comfort	\$3,370.65
PNC Bank	\$12,626.00	Morgan Hallgren	\$969.00
Monroe Cty Recorder of Deeds	\$33.50	Neopost Leasing	\$95.00
<b>3rd Qtr Emergency Services</b>		PA American Water	\$33.96
Marshalls Creek Fire & EMS	\$24,820.04	PA Dept. of State	\$70.00
Bushkill Fire Co.	\$6,006.72	Pa One Call	\$22.10
Shawnee Fire Co.	\$6,006.72	PMRS	\$12,206.25
Bushkill Emergency Corps	\$1,500.00	Pocono Produce	\$160.99
Suburban EMS	\$1,500.00	Pocono Record	\$470.92
Med-Mobile	\$1,500.00	PLGSA	\$100.00
		Prosser Laboratories	\$1,233.00
A. J. Smith Electric Motor	\$798.00	R.J. Groner	\$701.55
Allen Lear Home Care	\$300.00	Reliable Sign	\$30.00
A-Mart Exxon	\$110.36	Schoonover & Vanderhoof	\$4,876.25
Amerigas	\$1,077.05	Serendipity Accounting	\$2,600.00
Avaya	\$117.60	Smithfield Township	\$95.00
Bernie Enterprises	\$25.00	Staples Credit	\$450.06
Bradco Supply	\$73.33	Stout's Mower Service	\$187.60
Building Inspection Underwriters	\$224.00	Varkados Telecom	\$60.00
Canfields	\$84.00	Thomas Walck (refund)	\$300.00
Cintas	\$728.78	Waste Management	\$268.48
Cleveland Brothers	\$104.30	Verizon	\$522.44
CMRS-POC	\$600.00	Verizon Wireless	\$517.61

Cramer's Home Center	\$102.10		
Cramer's Welding	\$290.00		
Dawn Arnst	\$110.00		
Eagle Valley Printing	\$163.83		
Ehrlich	\$255.00		
FedEX	\$32.38		
Filo's Tree Service	\$400.00		
Five Star Equipment	\$189.43		
Frank J. Smith Inc	\$2,297.50		
HA Thomson	\$1,566.00		
Highway Equipment	\$115.36	<b><u>Total - General Fund</u></b>	<b><u>\$189,511.43</u></b>

Scott Schaller asked if anyone was present from the Animal Welfare Society of Monroe (AWSOM). Although no one was present to discuss the future of the animal shelter on Godfrey Road in Stroudsburg Mr. Schaller stated that this agenda item be revisited at the end of the meeting.

### **Public Hearing (s)**

Scott Schaller made a motion to open the public hearing for Ordinance 170 repealing Ordinance No. 158 which created a Township Park and Recreation Board. Ron Clewell seconded the motion. Motion carried 3-0.

Donna Kenderdine took a stenographic record of the hearing.

Scott Schaller made a motion to close the public hearing for Ordinance 170. Bob Spano seconded the motion. Motion carried 3-0.

Following public comment, Scott Schaller made a motion to adopt Ordinance 170; Repealing Ordinance No. 158 which created a Township Park and Recreation Board. Bob Spano seconded the motion. Ron Clewell voted no. Motion carried 2-1.

### **Solicitors Report**

The Board of Supervisors requested Donna Kenderdine take a stenographic record.

Attorney Wise stated Resolution 12-2009-01 was a resolution disbanding the Middle Smithfield Township Municipal Authority. Attorney Wise read proposed Resolution 12-2009-01 for the record.

Following public comment, Scott Schaller made a motion to adopt Resolution 12-2009-01. Bob Spano seconded the motion. Ron Clewell voted no. Motion carried 2-1.

Attorney Wise stated Resolution 12-2009-02 was a resolution adopting the rules and regulation of the Middle Smithfield Township Municipal Authority ("Authority") in effect immediately prior to the dissolution of the of the Authority pursuant to Resolution No. 12-2009-01. Attorney Wise read proposed Resolution 12-2009-02 for the record.

Following public comment, Scott Schaller made a motion to adopt Resolution 12-2009-02. Bob Spano seconded the motion. Ron Clewell voted no. Motion carried 2-1.

Attorney Wise stated that the Board of Supervisors have before them a Certificate requesting the termination of the existence of the Middle Smithfield Township Municipal Authority of the Township of Middle Smithfield, Monroe County, Pennsylvania under 53 P.S. § 5619(c). Scott Schaller made a motion to approve the certificate. Bob Spano seconded the motion. Ron Clewell voted no. Motion carried 2-1.

Attorney Wise stated Resolution 12-2009-03 was a resolution the Township received for application by PennDOT for a permit to install and operate traffic signal at Route 209, Mt. Nebo Road and Oak Grove Road as part of the Penn DOT Traffic Relief Project formally known as the Marshalls Creek By-Pass Project . After further discussion Scott Schaller made a motion to table Resolution 12-2009-03 until the Township Engineer can contact Penn DOT and ask them if they would be willing to help pay for the maintenance of the traffic signal. Ron Clewell seconded the motion. Motion carried 3-0.

Attorney Wise reported that the Turkey Hill Improvements Agreement was received for the Turkey Hill Minit Market located on Route 209 and Winona Falls Road and that Doug Olmstead has reviewed the cost estimates which Doug confirmed. Scott Schaller made a motion to approve the Turkey Hill Improvements Agreement. Ron Clewell seconded the motion. Motion carried 3-0.

### **Engineers Report**

There was discussion regarding the Crystal Creek Estates letter of credit. Doug Olmstead stated that based on his letter to Mr. Gerald Gay dated October 19, 2009, he would recommend releasing \$82,529.11 from the letter of credit, while \$34,583.89 would remain in escrow and no additional monies would be release until Crystal Creek Estates is complete.

Mr. Olmstead reported that Gerald Gay was expected to attend the Supervisors meeting to sign a letter directing the bank to issue two checks directly from the release of the letter of credit. Mr. Gay is detained and will not arrive until after the meeting. Doug Olmstead stated that it is Mr. Gay's intention to pay Middle Smithfield Township in the amount of \$312.33 for signage and a Hanson Aggregates in the amount of \$82,216.78 for paving from the release of monies.

After further discussion Scott Schaller made a motion approving the request to release \$82,529.11 from the Crystal Creek Estates letter of credit contingent upon Mr. Gay signing the letter before a notary, granting the bank permission to pay Middle Smithfield Township and Hanson Aggregates directly. Bob Spano seconded the motion. Ron Clewell asked if any roads were being taken over with this vote. Doug Olmstead stated no. Motion carried 3-0.

Doug Olmstead reported that LTS Development LLC has submitted a request to reduce the Water Gap Preserve subdivision bond in the amount of \$257,068.25 leaving \$2,128,772.10 in place. He stated that he and Ron Clewell performed the site inspections and in office reviews have also been completed. Scott Schaller made a motion to reduce the LTS Development LLC in

the amount of \$257,068.25 leaving \$2,128,772.10 in place. Bob Spano seconded the motion. Motion carried 3-0.

### **Correspondence**

The Prosser Laboratories, Inc. water quality test results for September 2009 were received and the report stated that site #74 had Total coliform bacteria. Damian DeGeorge, Sewage Enforcement Officer conducted a site visit and discussed the finding to the property owners. It was reported that the property owner no longer wants to have his well tested by the Township and does not want to be bothered by the township.

There was discussion to send a certified letter to the owner of site #74 that as the Township is no longer welcome on the property the we cannot be held liable. Mr. Olmstead stated that there are no other wells nearby that will be affected.

Scott Schaller announced that the Township will be accepting Christmas trees for recycling from December 26, 2009 through January 31, 2010 and they can be dropped off in the designated area of the main parking lot of the township building.

Sherry Predmore summarized the 2010 proposed budget and stated that there is no tax increase for 2010. Scott Schaller made a motion to schedule a special meeting for December 31, 2009 at 8:30 a.m. for the adoption of the 2010 budget. Bob Spano seconded the motion. Motion carried 3-0.

The 2010 organization meeting was discussed. Scott Schaller made a motion to set the January 4, 2010 organizational meeting for 3:30 p.m. and directed the Secretary to advertise the meeting. Bob Spano seconded the motion. Motion carried 3-0.

### **Public Comment Session**

Big Ridge golf course, 2010 proposed budget, Serendipity Accounting and Tax Services, zoning revisions, litter along the roads, evening meetings and excess road material were discussed.

There being no further business the meeting adjourned at 12:30 p.m.

Respectfully submitted,

Michele L. Clewell, Secretary  
December 09, 2009

