

The Middle Smithfield Township Board of Supervisors regular meeting was held on Thursday, July 16, 2009 at 3:30 p.m. at the Schoonover Municipal Center. Scott R. Schaller presiding.

Members present were: Scott R. Schaller, Robert (Bob) Spano, Sr., Ronald (Ron) Clewell. Also present, Jennifer Ann Wise, Esquire, R. Douglas Olmstead, Jr., P.E., Michele Clewell and numerous interested parties.

Scott Schaller made a motion to approve the June 10, 2009 and June 23, 2009 minutes. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to approve the listed payables. Ron Clewell seconded the motion. Motion carried 3-0.

BMO	\$944.32	Staples Credit Plan	\$437.51
Payroll 6/12/09	\$42,445.31	Valuation Engineers	\$360.00
Boucher & James	\$750.00		
Diesel Service Inc.	\$41.66	Access Office	\$70.42
Donna Kenderdine Reporting	\$247.00	AFLAC	\$977.22
Ehrlich Co	\$255.00	Bradco	\$68.00
EMC Insurance	\$6,486.31	Chemung	\$46.20
GTS Welco	\$102.60	Cintas	\$351.56
Kenneth Harrington	\$149.19	Claude Cyphers	\$444.06
Highway Equipment	\$745.82	DCED	\$288.00
IKON Office Solutions	\$539.66	Eureka Stone Quarry	\$1,555.62
Kimball Midwest	\$216.25	General Code	\$487.92
Kyocera	\$444.52	Ikon Office Solutions	\$265.35
Met-Ed	\$2,062.91	Kyocera	\$444.52
Montour Home Comfort Services	\$5,052.25	Lewis True Value	\$9.48
Neopost Leasing	\$95.00	Miggy's Corp 5	\$62.38
Northeast Industrial supply	\$28.24	Macmillan Oil	\$757.73
PA American Water	\$33.25	Merkin Equipment	\$701.98
PA Municipal Health Ins Coop	\$18,216.16	Middle Smithfield Municipal Auth	\$250.00
Pa One Call System	\$36.10	Montour Home Comfort	\$4,191.80
Penteladata	\$7.85	My NY Office	\$24.64
PNC Bank	\$12,626.00	Nebs	\$121.38
Recycle Logistics & Transport	\$451.40	PA Municipal Ins. Coop	\$19,611.79
Jason Scott/Daniel Tuttle	\$55.98	PA One Call System	\$50.20
Sun Litho Printing (tax collector)	\$685.00	Pocono Record	\$92.84
Tulpehocken Spring Water	\$83.30	Sherry Predmore (mileage reimb)	\$99.00
Verizon	\$538.09	PSATS CDL program	\$120.00
Waste Management	\$547.50	R & S Truck Repair	\$67.98
ABC Trophy	\$7.50	Reliable Sign	\$119.00
Fastenal Co	\$27.73	Michael Romanko-refund fire escrow	\$16,400.00

Gotta Go Potties	\$190.00	Smith Motor Co.	\$112.98
Met Life	\$908.40	Smith Tractor	\$260.52
My NJ Office	\$57.80	Tulpehocken Spring Water	\$101.15
NEBS	\$190.11	Varkados Telecom	\$65.00
PMRS - June payment	\$8,411.15	Verizon Wireless	\$494.89
Pocono Produce	\$70.05	Waste Management	\$261.24
Prosser Laboratories	\$120.00		
RJ Groner	\$276.32	Donations: Fire & EMS	
Riley Computer Services	\$2,478.75	Shawnee Fire Co.	\$6,839.92
Roy Schmidt - refund fire escrow	\$20,040.00	total donations	\$6,839.92
Scott Trethaway(Reimb training exp)	\$333.74		
Payroll 7/10/09	\$53,176.39		
BMO - June	\$1,286.30	<u>Total - General Fund</u>	<u>\$238,073.19</u>

Correspondences

A notice was received from Monroe County Conservation District notifying the Township that PPL Electric Utilities submitted an Erosion and Sediment Control Plan (E & S Plan) for the Susquehanna Roseland Test Boring as part of the test for the proposed PP&L expansion for review. The E & S Plan has been found adequate.

Solicitor's Report

Attorney Wise addressed the members of the audience who were at the meeting in response to a Pocono Record article about a proposed zoning change and explained that the Middle Smithfield Township Zoning Ordinance of 2004 that is currently in place has a table of allowed uses and it is broken down into different districts but the Adult Use is prohibited in every district except Commercial Industrial, where it is a Conditional Use. A Zoning Ordinance was distributed to the Middle Smithfield Township Planning Commission February 2009 and that Zoning Ordinance has the exact provision as the 2004 Zoning Ordinance.

Attorney Wise also stated that the current Zoning Ordinance is not user friendly and poorly written. With the time expanded on it, it should be a document that anyone should be able to pick up and read. She stated that she has been working on it since February and no one has given her any revisions yet, not to say it won't happen but as the Solicitor, nothing has been given to her by the Zoning Officers, Board of Supervisors, or the Engineer as of today.

Attorney Wise stated that the Ordinance is not an agenda item and is not before the Board of Supervisors for any action at this time as the Zoning Ordinance is still being drafted.

Judy Summers read a prepared statement and there were numerous comments from the audience.

Attorney Wise introduced Mickey Roth; Chairman of the Middle Smithfield Township Municipal Authority Board (MSTMA). Mr. Roth reported that the Municipal Authority had applied for a H2O grant in the amount of \$1.9 million dollars and was pleased to announce that

the first round of grant application has been approved for \$1 million dollars and this money is to be used to improve the Municipal Authority sewage infrastructure throughout the Township.

Attorney Wise reported that the MSTMA has been in negotiations with the Bushkill Group to purchase some of their sewage capacity as the Township is almost out of capacity at the sewage treatment plant.

On July 15, 2009 the MSTMA Board approved an agreement with the Bushkill Group to purchase sewage capacity, however a question was raised concerning the possibility of default and additional new language added. Although the default and new language will be presented to the MSTMA Board at a special meeting next week, this does not change the concept of the agreement. With the consent of Mickey Roth and Andrew W. Worthington, both of whom were in attendance at the meeting, Attorney wise, in response to public inquiry, stated that the MSTMA will purchase 134,069 gallons providing an additional 670 EDU's at a cost of \$4,531,532.20.

After further discussion Scott Schaller made a motion to enter into the Agreement with the Bushkill Group and amend the Act 537 Plan providing that that the final draft of the Agreement is approved between the Middle Smithfield Township Municipal Authority at their special meeting scheduled for July 22, 2009 and the Bushkill Group. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise reported that Wawa, Inc. has requested an extension of the Improvements Agreement through August 28, 2011 to complete their project. Scott Schaller made a motion to approve and extend the Improvements Agreement through August 28, 2011. Ron Clewell seconded the motion. Motion carried 3-0.

Attorney Wise presented Resolution 07-2009-1 which under Act 32 of 2008, Section 505(b) requires the governing bodies of school districts, townships, boroughs, and cities that impose an earned income tax to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives. Scott Schaller made a motion to approve Resolution 07-2009-1 and named Robyn Pugh as the primary voting delegate, Sherry Predmore as the first alternate voting delegate and Michele Clewell as the second alternate voting delegate. Bob Spano seconded the motion. Ron Clewell voted in favor for the appointment of Ms. Pugh and Mrs. Predmore, however, he abstained from voting on the appointment of his wife, Township Secretary Michele Clewell. Motion carried.

Scott Schaller made a motion directing the Secretary to send a letter to the Monroe County Commissioners and each TCC Delegate notifying them of the appointments. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise reported that the Knoll Acres 2 Maintenance Bond in the amount of \$239,620.43 was received from LTS Development LLC. Pursuant to the Knoll Acres at Wooddale, Section 2 Improvements Agreement, the developer is responsible for any and all maintenance of the dedicated improvements, excepting snow and ice removal for a probationary period of eighteen (18) months from the date of acceptance of the said street and related improvements.

Doug Olmstead reported he has reviewed the Knoll Acres 2 Maintenance Bond and found it to be adequate. Scott Schaller made a motion to accept the Knoll Acres 2 Maintenance Bond. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise reported that Attorney Marc Wolfe on behalf of LTS Development, LLC is requesting the Board of Supervisors extend the Settlement Agreement between the Township and LTS with regard to the portion of the Settlement Agreement pertaining to the outside date by which a road within Dancing Ridge Development must be dedicated to the Township.

Chris Borger of LTS Development LLC stated that LTS is requesting a one year extension to August 1, 2010 as they are not currently ready to dedicate the road. Scott Schaller made a motion to extend the Settlement Agreement to August 1, 2010. Ron Clewell seconded the motion. Motion carried 3-0.

Scott Schaller made a motion directing the Secretary to send a letter to LTS Development LLC and advise them that the extension was granted. Bob Spano seconded the motion. Motion carried 3-0.

Engineers Report

Mr. Olmstead reported that with regard to Big Ridge Developers request for escrow release, RKR Hess has completed their changes and we are currently waiting for Toll Bros. to review and approve the plans. At the recommendation of the Engineer, the Big Ridge Developers request remains tabled.

Mr. Olmstead reported that a letter was received from Keystone Hollow Corporation requesting release of three letters of credit and two bonds to cover the cost of paving at The Estates at Great Bear; Sections 1, 7, 8, 9 and 11 totaling \$227,561.00. Mr. Olmstead stated that he has inspected the site and is currently reviewing the request to determine how much to withhold as additional work maybe required. He recommended this matter be tabled until the next meeting.

New Business

Scott Schaller reported that the Eastern Monroe Regional Park Commission (EMRPC) has submitted a recommendation to the Board of Supervisors that the well water at Rivers Edge Park be tested. Mr. John Ferro a member of the EMRPC, reported that they had concerns about the quality of water being pumped from the well. He explained that the Smithfield Township Board of Supervisors have agreed to obtain samples and test the water. After further discussion, Scott Schaller made a motion to approve a water test be done subject to Middle Smithfield Township Board of Supervisors approving the testing company and that no more than \$200 be spent. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller reported that Serendipity Accounting and Tax Services has submitted an Engagement Letter to perform various financial consulting services the acquisition of police services, obtaining bonding rating, obtaining bond financing, etc.. Mr. Schaller stated that a committee consisting of Scott Trethaway, Robyn Pugh and himself was created to formulate a budget to be incorporated into the Township 2010 budget for a MST Police Department. The

engagement letter is for the purpose of working on the budget, bonding services, and any other services that maybe required that is attributed to creating a police department.

Pat Griffin questioned the amount it will cost to hire Serendipity Accounting and Tax Services. Mr. Schaller stated that \$45.00 - \$85.00 per hour depending on the degree of work done. Mr. Schaller also stated that he does not anticipate it being expensive as it is for only a six month period to formulate a budget for a police department. He also stated that the agreement can be terminated at any time.

Ron Clewell stated that there should be a cap on her time as she is being paid by the hour and has asked what credentials qualify Ms. Pugh to perform the duties listed in the Engagement Letter.

Ron Clewell asked if Mr. Trethaway would be paid for his time; Scott Schaller stated no. Mr. Clewell asked if the Township would be back charged for Ms. Pugh's time; Mr. Schaller stated no and Mr. Clewell also asked if the Board of Supervisors will be provided a breakdown of the fees she is charging; Mr. Schaller stated that her charges will appear on the bill list each month. Scott Schaller made a motion to adopt the Engagement Letter of Serendipity Accounting and Tax Services. Bob Spano seconded the motion. Ron Clewell voted No. Motion carried 2-1.

John Ferro asked if the committee Mr. Schaller is referring to is under the Sunshine Act.

Attorney Wise stated that she does not recall the Board of Supervisors creating such a committee nor did she recall anyone making a motion to create a committee and suggested that the Board of Supervisors make a motion creating the committee by Resolution and appointing members to the committee. Attorney Wise stated that the committee would be under the Sunshine Act. No action was taken.

There was discussion regarding the 2009 Echo Lake Park Folk Festival. Scott Schaller made a motion to cancel the prior authorization of a Folk Festival for August 2009 at Echo Lake Park. Ron Clewell seconded the motion. Motion carried 3-0.

There was lengthy discussion regarding a proposed Township concert/festival to be held in 2010.

There was lengthy discussion regarding Pathfinder Inc. to come in with a package proposal of acts. Upon request by Mr. Berkowitz of the Sherman Theater, Mr. Schaller stated that if Mr. Berkowitz of the Sherman Theatre would like to submit a proposal he should bring it to the next meeting.

Scott Schaller made a motion to schedule a public hearing for August 20, 2009 at 3:30 p.m. for property owned by Christopher Rosolowski of Lot 21, Monroe Lakes Development. This is a fire damaged property that was cited numerous times by Deb Ogden; Western District Zoning Officer. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise reported that a request was received for an Intermunicipal Liquor License request from Miggy's Bro Corp Five, pursuant to state law a public hearing is required. Scott Schaller

made a motion to hold a public hearing for the request on August 20, 2009 at 3:30 p.m. Ron Clewell seconded the motion. Motion carried 3-0.

The Township fall cleanup was discussed. Scott Schaller made a motion to hold the Township fall cleanup October 1, 2 and 3, 2009 and authorize the Secretary to advertise for container bids. Bob Spano seconded the motion. Motion carried 3-0.

There was discussion regarding providing residents a drop off location for hazardous materials. Scott Schaller made a motion directing the Secretary to contact Monroe County Waste Authority and ask them if they can provide any assistance to collect hazardous materials during the Township fall cleanup. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise stated that the Board of Supervisors wants to change the building height restrictions. The proposed Dimensional Requirements in Each District (Building Height) Ordinance is a revision to the Zoning Ordinance, Section 200-34(B) 2. A public hearing is required. The proposed Ordinance would allow the height of any building to be up to five (5) stories within 1.5 miles of the centerline of U.S. Route 209 under and subject to approval as a conditional use by the Board of Supervisors. After further discussion Scott Schaller made a motion to set the public hearing and advertise Ordinance 168; Dimensional Requirements in Each District for August 20, 2009 at 3:30 p.m. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise stated that the following topic is not listed on the agenda as it was just finalized by the Middle Smithfield Township Municipal Authority. A public hearing is required to be scheduled for Ordinance 160; Sale of Sewer Connections Rights. After further discussion Scott Schaller made a motion to advertise and schedule a public hearing for August 20, 2009 at 3:30 p.m. Bob Spano seconded the motion. Motion carried 3-0.

John Ferro suggested that the Board of Supervisors approve the agenda as written or make a motion to modify the agenda before any business is conducted. The Supervisors thanked him for his suggestion.

There being no further business the meeting adjourned in regular order at 6:45 p.m.

Respectfully submitted,

Michele L. Clewell, Secretary
July 16, 2009

