

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, February 11, 2010 at 9:00 a.m. at the Schoonover Municipal Building. Scott R. Schaller presiding.

Members present: Scott R. Schaller and Robert (Bob) Spano, Sr. Also present were Attorney Jennifer Ann Wise, R. Douglas (Doug) Olmstead, Jr. P.E., Robyn Pugh, Michele Clewell and numerous residents. Mitchell K. Marcus, Absent.

Minutes from the January 27, 2010 meeting were approved upon a motion of Scott Schaller with a correction to the spelling of John Somma; Appointed Township Auditor seconded by Bob Spano. Motion carried 2-0.

Scott Schaller made a motion to approve the listed payables. Bob Spano seconded the motion. Motion carried 2-0.

Donation Request

The AWSOM (Animal Welfare Society of Monroe County) requested to be listed on the agenda to request a donation. Scott Schaller asked if anyone was present to discuss the animal shelter. Mr. Schaller stated that since at this time no one was present we will discuss again at the end of the meeting.

Bids and Correspondence

The purchase of a Screener bid public notice was placed in the Pocono Record on January 27, 2010 and February 1, 2010 for which two sealed bids were received and read. After reviewing the bid documents from Full Star Enterprise, Inc. and Eastern Processing Equipment, Scott Schaller made a motion to table awarding the bid until the next meeting as further review is required. Bob Spano seconded the motion. Motion carried 2-0. Scott Schaller asked Attorney Wise to review the bid documents and bids received.

A Downstream Notification and Public Notice for Pipeline Petroleum, Inc. were received from Storb Environmental Incorporated. No action required.

A letter was received from the Monroe County Assessment Office notifying the township that a refund of \$14.33 is due Andrew & Monica D. Cortez. Scott Schaller made a motion to refund Andrew & Monica D. Cortez \$14.33. Bob Spano seconded the motion. Motion carried 2-0.

Solicitors Report

Attorney Wise presented Resolution 2010-02-02; authorizing disposition of certain records. Scott Schaller made a motion to approve Resolution 2010-02-02. Bob Spano seconded the motion. Motion carried 2-0.

Attorney Wise presented Resolution 02-2010-03; authorizing consummation of transactions set forth in agreement for acquisition via donation of real estate, purchase and assignment of swage capacity, execution of mortgage and note and related document

to said transactions and authorizing Scott R. Schaller, Chairperson/Supervisor to sign said documents on behalf of Township with Michele L. Clewell, Township Secretary.

Bob Spano made a motion to approve Resolution 02-2010-03. Scott Schaller seconded the motion. Motion carried 2-0.

There was discussion regarding the CCP golf course liquor license and Attorney Wise stated that she would recommend an application be submitted to the PA Liquor Control Board contingent on acquisition of the golf course. Scott Schaller made a motion directing Attorney Wise to proceed with the filing of an application to the Pennsylvania Liquor Control Board for the CCP Municipal Golf Course Liquor License contingent on acquisition of the golf course. Bob Spano seconded the motion. Motion carried 2-0.

Attorney Wise presented Resolution 02-2010-04; Big Ridge Drive, Big Ridge Development (CCP). Scott Schaller made a motion to approve Resolution 02-2010-04 and approve the road dedication map for signatures by the Supervisors contingent upon settlement and receipt of the fully executed deed. Bob Spano seconded the motion. Motion carried 2-0.

Attorney Wise presented Resolution 02-2010-05; Village Drive; Big Ridge Development (CCP). Scott Schaller made a motion to approve Resolution 02-2010-05 and approve the road dedication map for signatures by the Supervisors contingent upon settlement and receipt of the fully executed deed. Bob Spano seconded he motion. Motion carried 2-0.

Attorney Wise reported that when the Middle Smithfield Township Municipal Authority Board acquired sewer capacity from the Bushkill Group, Attorney Deetz at that time filed for a tax exemption of the parcels adjacent to the sewage treatment plant. Attorney Wise attended the Monroe County Assessment Appeal Hearing and the two parcels were granted tax exempt status. At the request of the Assessment Office, Attorney wise has prepared a deed to put the property into the Township's name as opposed to the MSTMA and Attorney wise asked the Supervisors to approve the Deed for the 1.91 acre parcel. Scott Schaller made a motion to approve the deed for 9/4/1/80-1 and 9/4/1/80-1-1C Bob Spano seconded the motion. Motion carried 2-0.

Scott Schaller thanked Attorney Wise for all the time she has spent working on the acquisition of the golf course.

Engineers Report

Doug Olmstead reported that at the Supervisors January 14, 2010 meeting a letter was received from Taydan, LLC dba Friendly's Restaurant requesting their letter of credit be released. The matter was brought back before the Supervisors as an amendment to the Improvement Agreement for the Friendly's Restaurant has been prepared answering the storm water management deviancies.

Scott Schaller made a motion to release \$98,417.37 from the Taydan, LLC letter of credit contingent upon the owner signing the Amendment to the Improvements Agreement. Bob Spano seconded the motion. Motion carried 2-0.

Sewer Director Report

Robyn Pugh reported that a letter was received from Miggy's Bros. LLC requesting their letter of credit be released. Scott Schaller made a motion to release the Miggy's Bros. LLC. letter of credit as the sewer line has been installed for the Bennigans Restaurant. Bob Spano seconded the motion. Motion carried 2-0.

Ms. Pugh presented Resolution 02-2010-06; Commercial / Industrial user tapping fees. Scott Schaller made a motion to approve Resolution 02-2010-06. Bob Spano seconded the motion. Motion carried 2-0.

After further review of the advertised bid specifications. Attorney wise advised that the Supervisors can award the bid to Full Star Enterprises, Inc. as it was the only bid that fully complied with the advertised bid specifications. Scott Schaller made a motion to award the Screener Big to Full Star Enterprises Inc. Bob Spano seconded the motion. Motion carried 2-0.

Scott Schaller directed Attorney Wise to review the possibilities of the Township selling or auctioning excess dirt that will be created at the township pit. Attorney Wise stated that the Township will need to review their NPDES permit and Recycling Ordinances and she will report her findings at a later date.

New Business

Robyn Pugh presented the anticipated golf course portion of the 2010 budget contingent on settlement. Total revenues are \$642,625.00 and total expenditures are \$780,717.00 with a *net loss of \$138,092.00*. Scott Schaller made a motion to amend the 2010 budget contingent upon settlement of the golf course with total revenues at \$642,625.00 and total expenditures of \$780,717.00. Bob Span seconded the motion. Motion carried 2-0.

Scott Schaller made a motion to table the appointment of the Alternate Sewage Enforcement Officer. Bob Spano seconded the motion. Motion carried 2-0.

The Eastern Monroe Regional Park Commission Recommendations dated January 18, 2010 was discussed at length. After further discussion Scott Schaller stated that better documentation and communication is needed from both townships as to how many hours' public works employees are spending at the regional parks.

Scott Schaller made a motion to table action on the EMRPC recommendation #2 until the recommendation can be clarified. Bob Spano seconded the motion. Motion carried 2-0.

After further discussion Scott Schaller made a motion to table the AWSOM donation request until the next regular meeting as no representative from the organization was present. Bob Spano seconded the motion. Motion carried 2-0.

Scott Schaller made a motion to allow reimbursement of out of pocket park expenses be paid to Pat LaPeter, in his capacity of the Parks and Recreation Director. Bob Spano stated that Supervisor Marcus should be present for this discussion and vote. Scott Schaller rescinded his previous motion and made a motion to table this item until the next meeting. Bob Spano seconded the motion. Motion carried 2-0.

Public Comment

There were questions regarding the Rivers Edge Park location, Big Ridge Developers & the proposed Middle Smithfield Township Golf Course acquisition.

Alan Keyes questioned the Supervisors regarding an article that appeared in the Pocono Record regarding the removal of the entrance gate located at Big Ridge Development (CCP) and if the guard house would indeed become a substation of the PA State Police. Scott Schaller stated that he contacted Lt. Dugalise of the PA State Police regarding the possibility of the guard house becoming a substation of the state police and Lt. Dugalise agreed that this would be a good thing but no meetings have taken place as the Township has not held settlement yet. Mr. Schaller also stated that pending the settlement a meeting for Lt. Dugalise will be scheduled.

Mr. Keyes stated that since he is not having much luck as a taxpaying citizen getting any answers from the Board of Supervisors, as a paying customer of the golf course who has been here for seven years and played the golf course regularly for seven years and two years as a member of the golf course who has spent \$25,000.00 in the area, brought in new golf members and brings outings to the golf course stated that if the Township negatively affects the community he will do everything that he possibly can to ensure that the golf course fails. He has posted pictures of the course on a national level and will use those channels to get the Township out of CCP. He also stated that it would be worth it for the golf course to fail to pay higher taxes to get the Township out of his community. Mr. Keyes stated that he does not care if the golf course fails or succeeds; his concern is the safety and well being of his family and from a business standpoint that it is negatively reflected, and the Township needs to leave the community.

Big Ridge Development security, Township police coverage, amended 2010 budget and existing golf course membership were discussed.

Scott Schaller made a motion to go into executive session at 10:35 a.m. to discuss real estate matters. Bob Spano seconded the motion. Motion carried 2-0.

Scott Schaller made a motion to reconvene the meeting at 1:15 p.m. Bob spano seconded the motion. Motion carried 2-0.

Doug Olmstead stated that additional documents from Frank J. Smith Jr., P.L.S. and RKR Hess Inc. may be required for the golf course settlement. Scott Schaller made a motion authorizing Frank Smith, Jr. P.L.S. and RKR Hess Inc. to complete the necessary documents for the settlement. Bob Spano seconded the motion. Motion carried 2-0.

There being no further business, Scott Schaller made a motion to adjourn the meeting in regular order. Bob Spano seconded the motion. Motion carried 2-0.

Respectfully Submitted,
Michele L. Clewell,
Township Secretary