

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, July 8, 2010 at 9:00 a.m. at the Schoonover Municipal Building with Scott R. Schaller presiding.

Members present: Scott R. Schaller, Mitchell K. Marcus and Robert (Bob) F. Spano, Sr. Also in attendance were Attorney Jennifer Ann Wise, Township Engineer R. Douglas (Doug) Olmstead, Jr., P.E., Township Secretary Michele L. Clewell, numerous interested parties and two Pennsylvania State Constables.

### **Public Comment on Agenda Items**

There was no public comment.

### **Approval of Minutes**

Scott Schaller made a motion to approve the June 18, 2010 minutes. Bob Spano seconded the motion. Motion carried 3-0.

### **Approval of the Payables**

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

### **Reilly Associates**

Mr. Chris McDermott of Reilly Associates, Inc. stated that the Board of Supervisors gave a conditional approval for the Echo Lake Landing Shopping Center Land Development Plan on April 9, 2009 and wanted to provide an in update to the Board of the progress made to date.

Mr. McDermott stated that the shopping center entrance was modified and relocated approximately 100 feet north on the site due to PennDOT comments and two buildings had to be flip-flopped. The relocated entrance is now a "T" entrance and has been resubmitted to PennDOT for their approval.

Mr. McDermott stated that he received a draft of the Traffic Signal Maintenance Agreement from Attorney Wise and he will work the Townships' Solicitor and Engineer to get a final agreement to the Supervisors.

Mr. McDermott also stated that the shopping center will have a gravity sewage lift station. The lift station will pump the sewage beneath Route 209 to the existing township's forced main line. The Township was asked to accept the lift station but the gravity lines within the shopping center will remain under the ownership of the developer.

Mr. McDermott discussed the progress made to date with outside agency requirements.

Attorney Wise questioned if the relocation of the two buildings that were flip-flopped on the plan due to the entrance relocation still meet the setback requirements as shown on the original plan as approved by the Board of Supervisors. Mr. McDermott answered "yes".

There was discussion that in the event of a power outage, what backup will be used to restore power to the traffic signal, Attorney Wise stated that this provision is included in the Traffic Signal Maintenance Agreement.

The Supervisors thanked Mr. McDermott for the update.

### **GreenSky Technologies LLC**

Mr. John O'Boyle, Chief Legal Officer of GreenSky Technologies LLC (hereinafter "GreenSky") stated that GreenSky started in 2009 with Marty Johnson as Chief Executive Officer, Kevin Messett, Chief Financial Officer, Merrilee Scott, Chief Marketing Officer, Brian Jackson, P.E., C.E.M., M.B.A., President, GreenSky Wind.

GreenSky is headquartered in Scranton, Pennsylvania with partner offices in Vancouver, Washington and corporation documents have been filed with the State of Delaware.

Mr. O'Boyle stated that there are three requirements that determine location of an electrical wind generator, (1) access to power lines, (2) grid of the utility and (3) wind velocity patterns. He went on to say that the ridge line located in Country Club of the Poconos is ideal as it has all three requirements.

Mr. O'Boyle stated that GreenSky has a working relationship with Electric City Wind.

Attorney Wise questioned Mr. O'Boyle if Electric City Wind would construct the wind generators and GreenSky would be responsible to locate funding, identify opportunities and do the front work by laying out the scope of the project. Mr. O'Boyle answered "yes".

Mr. Frank Smollon, President of Electric City Wind Power discussed newly established technology with wind generators. He stated that the equipment is 30'-75' high.

There was discussion regarding how long it would take the township to recoup its initial investment. Mr. Smollon stated that the cost for the one megawatt wind generator is \$2,000,000.00 (two million dollars), for which special bond issues are available with favorable terms; however, the township would be net positive from day one depending on when you go to full power.

Mr. Smollon stated that the township could see a 20% reduction in its electric bill.

The proximity of the wind generation units to the homes was briefly discussed.

Mr. Smollon stated that after conducting a visual site inspection of the ridge line, the path of the incumbent wind would require some trees to be removed. No new roads would be required to be constructed.

The life expectancy was discussed of the wind generators and Mr. Smollon stated that the normal life expectancy is 40 years per unit.

Merrilee Scott said the township, GreenSky, Electric City Wind Power and the local power company MetEd would have to be involved in an purchase power operational agreement.

Mr. Smollon stated that the Public Utility Commission (PUC) would be the governmental agency that would oversee the wind energy.

Attorney Wise asked Mr. Smollon if a wind resources analysis has been provided. He replied that he did a computational study, which is a wind modeling study by walking along the ridge line and visually looking at the tree tops to see which way the wind is blowing but no written report was prepared. Mr. Smollon also stated that we have what is called a category 3 and 4 flagging at about 60 feet. He also stated that you could do an in-depth study but the cost is considerable or possibly St. Francis University in Laredo, PA might prepare one for a nominal cost.

Mr. Smollon stated that additional information will be provided to the Supervisors but they will need to take action on the proposal in order for the project to move forward.

Mitchell Marcus stated that he likes what has been presented today but is cautious and wants to move cautiously and that he would like to have a better understanding of the project prior to having to vote on it next month.

Scott Schaller stated that the next meeting is August 12, 2010 at 9:00 a.m. and Attorney Wise is the point person. All information is to be sent to Attorney Wise prior to the August 12, 2010 meeting for review.

### **Correspondence**

A letter was received from Bushkill Emergency Corps thanking the board of Supervisors for their quarterly donation.

A letter was received from Judy Summers resigning from the Eastern Monroe Regional Park Commission effective July 30, 2010. Scott Schaller made a motion to accept Mrs. Summer's resignation letter from the EMRPC. Bob Spano seconded the motion. Motion carried 3-0.

### **Engineers Report**

#### The Crossings at Marshalls Creek Minor Subdivision Plan and Land Development Plan.

Mr. Shergoh Alkilani of Route 209 Bypass Associates, LLC stated that his engineering firm has submitted revised plans that have addressed the Township Engineer's comments as stated in his July 8, 2010 review letter.

Mr. Alkilani stated that he would like the Supervisors to consider granting conditional approval as there are only minor issues to address, including outside agency comments.

Scott Schaller asked Mr. Olmstead if both plans are satisfactorily complete. Mr. Olmstead replied "yes". Mr. Olmstead stated that review letter #3 dated July 8, 2010 should be changed to review letter #4, as there was a typo.

Doug Olmstead stated that an additional note should be added to the plan with respect to access easement relating to stormwater facilities. He would recommend expanding the note and adding an additional note for the water and sewer system access. Also, profiles showing the sewer line to include

showing the other utilities that will be crossing over the water and sewer system, so there are no conflicts.

Attorney Wise asked Mr. Alkilani if a note was added to the plan to explain the historical data lines on the plan. Mr. Alkilani stated that the Minor Subdivision Plan has been revised to remove the prior inconsistent data.

Attorney Wise and Doug Olmstead stated that if the Supervisors grant conditional approval the time frame to meet any requirements is one year from the date of approval. (Editor's Note: Act 46 of 2010 automatically extended this deadline to July 2, 2013).

After further discussion, Scott Schaller made a motion to grant conditional approval of the Crossings at Marshalls Creek Minor Subdivision Plan, with the following conditions:

1. Address any and all outstanding issues raised in Township Engineers review letter dated July 8, 2010.
2. Address any and all outstanding issues raised in Township Solicitors review letter dated January 20, 2010.
3. Obtain approvals from Monroe County Conservation District, Pennsylvania Department of Protection, and Pennsylvania Department of Transportation.
4. Provide fully executed Improvements Agreements, Developers Agreement, Construction Certification and Performance Bond.

Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to grant conditional approval of the Crossings at Marshalls Creek Land Development Plan, with the following conditions:

1. Address any and all outstanding issues raised in Township Engineers review letter dated July 8, 2010.
2. Address any and all outstanding issues raised in Township Solicitors review letter dated November 18, 2009.
3. Obtain approvals from Monroe County Conservation District, Pennsylvania Department of Protection, and Pennsylvania Department of Transportation.
4. Provide fully executed Improvements Agreements, Developers Agreement, Construction Certification and Performance Bond.

Bob Spano seconded the motion. Motion carried 3-0.

#### Catherine Driscoll and Charles Scrimale Minor Subdivision Plan and Evergreen Estates II Conservation Subdivision Plan

Doug Olmstead stated that he would recommend the Catherine Driscoll and Charles Scrimale Minor Subdivision Plan and Evergreen Estates II Conservation Subdivision Plan be tabled.

A letter was received from Romec, Inc. granting a waiver for the Supervisors to render a decision for Evergreen Estates II Conservation Subdivision Plan, extending the time until September 8, 2010.

Scott Schaller made a motion to table the Catherine Driscoll and Charles Scrimale Minor Subdivision Plan and to also table the Evergreen Estates II Conservation Subdivision Plan. Bob Spano seconded the motion. Motion carried 3-0.

## **New Business**

### Golf Course Web Site Design

Mr. Glenn Gershaw of Success Design presented ideas for the Supervisors to consider regarding the proposed golf course web site.

Mr. Gershaw stated that his company has worked with numerous school boards and they will be very responsive to help make the golf course thrive. A blog could be placed on the website as well as Twitter and Facebook. Content management of golf course events can also be added.

Scott Schaller asked that a proposal be sent to Michele Clewell by Tuesday of next week. The proposal should include a basic start up golf course website and then a more enhanced site and finally a new township website.

## **Solicitors Report**

### Land Bank LLC

Attorney Wise explained that action was tabled at the last meeting regarding the detention pond conveyance to the township.

Mitchell Marcus stated that he and Doug Olmstead visited the site for a visual inspection. Doug Olmstead stated that trees are growing up in the detention pond and it is not being maintained.

Mitchell Marcus stated that Land Bank LLC should be contacted to negotiate a maintenance fund for the maintenance of the detention pond as there is no rush to take the Lot without trying to get a maintenance fund established. The amount of the fund was discussed.

Scott Schaller made a motion to send a letter to Land Bank LLC requesting a maintenance fund be set up, with a fee payable to Middle Smithfield Township of \$1,000.00 over a ten year period and that we are desirous of acquiring said Lot per the approved Plan Note in order to ensure the health, safety and welfare of its residents by maintaining proper maintenance of the said Detention Pond. Bob Spano seconded the motion. Motion carried 2-1.

### Winona Lakes STP, adjacent parcel and Fernwood STP Deeds from former MSTMA to MST

Attorney Wise presented the Winona Lakes Sewage Treatment Plant Deed, the adjacent parcel deed and the Fernwood Sewage Treatment Plant Deed.

Attorney Wise researched and prepared new deeds as this will remove Middle Smithfield Township Municipal Authority and add Middle Smithfield Township as successor and the prior deed was missing recorded without exhibits and the new deeds will correct this deficiency.

Scott Schaller made a motion to approve the three deeds from Middle Smithfield Township Municipal Authority successor to Middle Smithfield Township. Bob Spano seconded the motion. Motion carried 3-0.

## **New Business**

### Authorize Advertising and Bid Notice for the Sale of township Vehicles

Attorney Wise stated that at the June 18, 2010 meeting, the Board of Supervisors made a motion to set the minimum bid based on the scrap value for each individual truck, however, after further review with Jim Sattur, Public Works Employee, it is her recommendation to amend the motion from June 18, 2010 and approve the following minimum bid prices because the scrap prices were too low and barely nominal. Item #1 \$2,500.00, Item #2 \$2,500.00, Item #3 \$5,000.00, Item #4 \$5,000.00 and item #5 \$4,000.00.

Scott Schaller made a motion to amend the motion of June 18, 2010 and set the minimum bid prices at; Item #1 \$2,500.00, Item #2 \$2,500.00, Item #3 \$5,000.00, Item #4 \$5,000.00 and item #5 \$4,000.00. Bob Spano seconded the motion. Motion carried 3-0.

### Hiring of Employees

Scott Schaller made a motion to hire Erin Groome as Food and Beverage Manager & Events Coordinator retroactively to July 6, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion authorizing Attorney Wise to file the necessary paperwork with the Pennsylvania Liquor Control Board naming Erin Groome as the Food and Beverage Manger for the CCP Clubhouse. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Daniel Merklin as seasonal Cook retroactively to June 19, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Lauren Svoboda as part time seasonal Bartender/Proshop Staff retroactively to June 26, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Jace Wingerter as part time seasonal Proshop Staff retroactively to June 30, 2010. Mitchell Marcus seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Gregory Kubasek as part time seasonal Proshop Staff retroactively to July 4, 2010. Bob Spano seconded the motion. Motion carried 3-0.

### Eastern Monroe Regional Park Commission (EMRPC)

John Ferro, Chairman of the EMRPC discussed the following recommendations.

1. January 18, 2010 - EMRPC recommends to the Boards of Supervisors that a more detailed description of park expenses be recorded and communicated between the townships. On February 11, 2010 the MST Board of Supervisors agreed to this recommendation. Sherry

Predmore, Budget and Finance Secretary is sending Smithfield Township detailed descriptions of park expenses.

2. January 18, 2010 – EMRPC recommends to the Boards of Supervisors that the dog park area be provided with a gravel footpath installed to delineate the River's Edge Dog Park. On February 11, 2010 the MST Board of Supervisors tabled action until the next regular meeting.

John Ferro stated that based on Smithfield Township's Resolution # 310 Regional Dog Park, if the formation of a non-profit Community Association to manage the Dog Park is not formed by September 2010 the Regional Dog Park Resolution is void.

3. April 19, 2010 – EMRPC recommends to the Board of Supervisors that the wordage on the Regional Park signs that have the working "possession of fire arms" be removed. Second request, first request was May 18, 2009.
4. April 19, 2010 – EMRPC recommends to the Boards of Supervisors that the backboard at the Doyle Nelson Campsite kiosk be replaced with ¾" exterior grade plywood.

Michele Clewell reported that a letter dated June 15, 2009 was emailed to Chairman John Ferro and Smithfield Township stating that the MST Board of Supervisors voted in favor of the April 19, 2010 recommendations, however, the MST Board must approve the cost of any new sign prior to purchase.

No cost was ever presented to the Middle Smithfield Township Board of Supervisors.

After further discussion, Scott Schaller made a motion to repeal the Motion of June 10, 2009 motion. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion directing Michele Clewell to send a letter to the Smithfield Township Board of Supervisors advising them that Middle Smithfield will do the repair or replacement of the wordage on the Regional Park signs that have the wording "possession of fire arms" and replace the backboard at the Doyle Nelson Campsite kiosk with ¾' exterior grade plywood under and subject to Smithfield Township's written approval of splitting any and all costs within 10 days of receiving said letter. Bob Spano seconded the motion. Motion carried 3-0.

John Ferro requested that a Community Service Award be given to Judy Summers for her many years of dedicated service to the Eastern Monroe Regional Park Commission. No action was taken.

Mr. Larry Shoemaker stated that he submitted a letter of interest to serve the township and requesting consideration to serve on the EMRPC. No action was taken.

John Ferro stated that the Eastern Regional Park Commission recommendation dated May 17, 2010 for a Porta-potty to be installed at the shed area at Mt. Nebo before June 15, 2010 for a scout camp out was taken care of. No action required.

There being no further business, Scott Schaller made a motion to adjourn the meeting at 1:25 p.m. Bob Spano seconded the motion. Motion carried 3-0.

Respectfully Submitted,

Michele L. Clewell  
Township Secretary

**MIDDLE SMITHFIELD TWP. SEWER DEPARTMENT**

**July 8, 2010 Meeting**

Check-date	Check-#	Vendor Name	Amount
7/06/10	5152	212 SOFTWARE	169.90
7/06/10	5153	ACHTERMAN ASSOCIATES	1,734.61
7/06/10	5154	BUSKHILL GROUP	1,500.50
7/06/10	5155	POLLARD WATER	636.54
7/06/10	5156		0.00
7/06/10	5157	PROSSER LABORATORIES INC	26,015.84
7/06/10	5158	SERENDIPITY ACCOUNTING & TAXES	3,269.22
7/06/10	5159	Stroudsburg Elect Motor	1,815.98
7/06/10	5160	VERIZON	756.09
		Totals:	35,898.68

<b>July 8, 2010</b>		MacMillan Oil	\$442.00
BMO	\$4,856.41	Magisterial District 43-3-03	\$50.00
Payroll 6-25-10	\$65,643.43	Marshalls Creek Plumbing	\$301.60
AFLAC	\$704.44	Met-ed	\$2,517.37
EMC Insurance	\$8,805.25	Michele Clewell (reimbursement)	\$63.55
Met-life	\$963.50	Middle Atlantic Inspections	\$275.00
PLCB	\$45.00	Monroe County Control Center	\$12,270.91
		Monroe Legal Reporter	\$75.00
Abeloff	\$90.90	PA American Water	\$35.71
Allstate Septic	\$355.00	PA One Call	\$10.80
Avaya	\$117.60	PMRS	\$9,078.66
Bradco	\$414.45	Pocono Produce	\$173.70
BWP Carquest	\$361.14	Pocono Record	\$654.08
Cintas	\$551.85	PSATS CDL Program	\$360.00
Claude Cyphers	\$524.51	RJ Groner	\$5,831.00
Cramer's Home Centers	\$36.75	R&S Auto	\$113.30
Deluxe for Business	\$150.64	Reliable Sign	\$188.00

Dennis Huber Constable	\$67.50	Riley Computer Services	\$1,000.00
Donna Kenderdine	\$456.00	Rogo Fastener Co	\$25.80
Eureka Stone Quarry	\$1,005.18	Service Tire Truck Center	\$302.97
Five Star Equipment	\$305.21	SHRM	\$160.00
Fry's Plastic	\$1,189.05	Staples Credit	\$145.78
General Code	\$1,219.38	Superior Lamp Inc	\$477.24
Grainger	\$54.36	Superior Plus Energy	\$2,310.60
Great America Leasing	\$304.50	Verizon	\$565.10
Hanson Aggregates	\$5,203.43	Verizon Wireless	\$948.42
Jennifer Wise (reimb)	\$50.00	Waste Management	\$274.33
Kimball Midwest	\$755.96		
Lewis True Value	\$76.29	<b><u>Total - General Fund</u></b>	<b><u>\$132,958.65</u></b>

**July 8,  
2010**

**MST Golf Course and  
Clubhouse**

<b>Num</b>	<b>Name</b>	<b>Amount</b>
1706	A-Mart Exxon	-59.20
1707	Allstate Septic Systems, LLP	-482.50
1708	Ana Burgos	-87.00
1709	Battery Warehouse	-78.95
1710	BWP-Carquest Auto Parts	-210.37
1711	Cintas	-59.90
1712	Cramers Cashway Inc	-156.92
1713	Dave Muller Equipment Dempsey Uniform & Linen Supply	-682.00
1714		-369.11
1715	Dunbar Enterprises, Inc. East Stroudsburg	-339.20
1716	Hardware Corp.	-130.00
1717	Ehrlich	-73.00
1718	Father & Son Cleaning	-185.00
1719	Finch Services, Inc	-1,089.10
1720	Fisher & Son Co., Inc.	-1,759.42
1666	Genesis Turfgrass Inc.	-7,475.36
1722	Golf Cars, Inc.	-58.88
1723	Hellers Gas, Inc. Keystone's Premier Golf Association	-1,480.46
1724		-45.00
1725	Kimball Midwest	-319.93
1726	Kistler Printing Company,	-168.00

	Inc.	
1727	Lewis True Value	-373.96
	Main Street Printing &	
1728	Copy Center	-3,233.16
1729	Met-Ed	-995.45
1730	Mountain Fuels	-2,523.91
1731	Nassau Broadcasting	-4,166.00
	National Automated	
1732	Solutions, Inc.	-4,939.35
	Pocono Produce	
1667	Company	-5,578.95
1734	Postmaster	-1,500.00
1735	Prosser Laboratories, Inc.	-234.00
1736	R&R Products	-529.61
1737	Royal Chemical	-3,479.54
	Serendipity Accounting &	
1738	Taxes	-2,200.00
1739	Staples	-366.44
1740	Strand Pool Supply LLP	-371.40
	Success Communications	
1741	Group	-3,666.61
1742	Sysco of Central PA	-1,166.29
1750	US Foodservice	-3,028.28
1744	Verizon	-567.02
1745	W.F. Welliver & Sons, Inc.	-140.95
1746	Waste Management	-414.69
1747	Whitehall Turf Equipment	-274.28
1748	William R. Cronin	-300.00
		-
		<u>55,359.19</u>