

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Friday, June 18, 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 present were Attorney Jennifer Ann Wise, Township Engineer R. Douglas Olmstead, Jr., P.E., Golf Course Director Robyn Pugh, Township Secretary Michele L. Clewell, several interested parties as well as Pennsylvania Constable.

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

Public comment was given regarding Resolution 05-2010-01 – Middle Smithfield Township Public Comment Policy and the GreenSky Technologies LLC Master Engagement Letter that was approved at the June 8, 2010 Board of Supervisors meeting.

### **Approval of Minutes**

Scott Schaller made a motion to approve the June 8, 2010 minutes. Mitchell Marcus stated that a correction to the minutes needs to be made regarding the GreenSky Technologies LLC Master Engagement Letter discussion. Mr. Marcus stated that while it's his recollection that while discussing the engagement letter, he asked on three separate occasions will the initial phase of the signing the engagement letter cost the township anything, and three times the reply was "no", and when asked by signing the engagement letter are we obligated to go to the second phase was also told "no". Mr. Marcus stated that he voted yes to find out more about the project as long as it does not cost us anything.

After further discussion Scott Schaller made a motion to approve the minutes subject to the amended changes of Mitchell Marcus's comments subject to Michele Clewell's review of the tape recording of the June 8, 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.

Mr. Marcus raised concerns that the public was not permitted to speak. Mr. Schaller stated that the meetings are not a free for all.

### **Blacktop Bid Opening**

Sealed bids were received from Hanson Aggregates PA LLC and Locust Ridge Quarry. The bids were opened and read aloud by Michele Clewell. After further discussion, Scott Schaller made a motion to award the FOB/Delivered Blacktop to Hanson Aggregates PA LLC. Bob Spano seconded the motion. Motion carried 3-0. The bids are attached and made a part of these minutes.

### **Solicitor Report**

Land Bank LLC – Attorney Wise stated that Zoning Officer, Wayne Rohner, has brought the following information to her attention: According to Monroe County records, on February 6, 2006 Land Bank LLC

acquired Tax Parcel No. 09/89060 via a Tax Claim Bureau Deed from the repository for unsold properties per a deed recorded in Record Book Volume 2257, Page 5473. This particular parcel of land is a 2.21 acre detention pond.

Attorney Wise explained that the plot plan on which this detention pond is shown states that the detention pond will be conveyed to the township. The developer never transferred the detention pond lot to the township, it was lost at the repository sale and the concern lies in that someone may, at some time, apply for a building permit for this parcel and zoning officer unfamiliar with the situation, may issue, a building permit. Also, the plot plan stated that a maintenance fund would be set up by the developer with the township and this never occurred.

The Board should consider whether it wants to attempt to acquire the Land Bank LLC the detention pond lot for \$1.00 without a maintenance fund, to ensure that no one can build on it and that it is properly maintained for the health, safety and welfare of the surrounding property owners. This is a policy decision for the Board of Supervisors to make.

Attorney Wise read the proposed letter addressed to Land Bank LLC verbatim.

After lengthy discussion Mitchell Marcus made a motion to table sending the letter to Land Bank LLC until Tax Parcel No. 09/89060 can be physically inspected. Bob Spano seconded the motion. Scott Schaller voted no. Motion carried 2-1.

Attorney Wise presented Resolution No. 06-2010-06 – Resolution approving a master lease purchase agreement by and between Middle Smithfield Township dba Country Club of the Poconos and Deere Credit, Inc. for a 2010 John Deere, Model 7500, Fairway Mower, together with a 1998 John Deere, Model 800 used Aerocore Aerator and a 2006 John Deere, Model 800 used Aerocore Aerator pursuant to a previously bid state contract.

There were questions regarding why the Chairman of the Board signs the contract. Attorney Wise explained that historically the Board approves resolutions authorizing signatories and in the past it has been the Chairman of the Board and Township Secretary that sign documents; however, in the event the Chairman is not available then either one of the remaining two Supervisors may sign.

After further discussion Scott Schaller made a motion to approve Resolution 06-2010-06. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise stated that pursuant to the township code as well as the Municipalities Planning Code, she has drafted a written decision in the matter of a conditional use hearing for Tarisa Realty, L.L.C., which was held before the Board of Supervisors on June 8, 2010 and approved by the board at that time.

Attorney Wise stated that the application of Tarisa Realty, L.L.C., for conditional use approval for shared parking space for a movie theater, under the Middle Smithfield Township Zoning Ordinance of 2010, Section 050-030.D et seq. was approved for 258 parking spaces with the revision that 4 of those parking spaces will be shown as handicap parking, for a total of 14 handicap spaces on June 8, 2010.

Scott Schaller made a motion to approve and accept the Decision for the Tarisa Realty, L.L.C. Conditional Use Hearing. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

Attorney Wise presented the Ambulance Extension Agreement to extend the original Memorandum of Understanding of March 13, 2008, until September 30, 2011 along with a letter to the ambulance providers requesting they stop by the township office to execute the Extension Agreement.

Scott Schaller stated that since the inception of Memorandum of Understanding ambulance service has never been better.

Scott Schaller made a motion directing Attorney Wise to send the letter to the ambulance providers in order to renew the Memorandum of Understanding. Bob Spano seconded the motion. Motion carried 3-0.

### **Sewer Directors Report**

Robyn Pugh reported that in April 2010 Attorney Brookman representing Toll Bros. LLP questioned the sewer tapping fees charged from November 5, 2009 through February 11, 2010.

After further investigation Ms. Pugh determined that Toll Bros. LLP was over charged and is due a refund totaling \$25,200.00.

Scott Schaller made a motion authorizing a letter be sent by Robyn Pugh to Attorney Brookman explaining the error and refunding the \$25,200.00. Bob Spano seconded the motion. Motion carried 3-0.

Robyn Pugh reported that the Sewage Disposal and/or Water Supply Certification form has been changed to separate the sewage collection system, sewage treatment / disposal system, water supply system and water distribution system. Scott Schaller made a motion to approve the new form. Bob Spano seconded he motion. Motion carried 3-0.

### **New Business**

#### Hiring of Employees

Michele Clewell reported that she received a letter dated June 7, 2010 from Scott R. Schaller, Chairperson/Supervisor advising that it is his intention to abstain from voting on the hiring of his son, a minor, as a Proshop Attendant pursuant to Section 1103 (j) of the State Ethics Law.

Scott Schaller made a motion to hire Nilzaida Reyes as seasonal Golf Cart Girl, retroactively to May 1, 2010 and terminate her employment retroactively to May 27, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Michael Gallucci as seasonal Pro Shop Staff, retroactively to May 7, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Maryliegh O'Brien as part time seasonal Bartender, retroactively to May 10, 2010 and terminate her employment retroactively to June 2, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire John P. Lim IV as seasonal Pro Shop Staff, retroactively to May 14, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Raymond Boyer as Public Works Equipment Operator, retroactively to May 21, 2010 and terminate his employment retroactively to May 24, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Joseph Less as Public Works Equipment Operator, retroactively to May 24, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Michael McGrath as Public Works Laborer, retroactively to May 28, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Bob Spano made a motion to hire Matthew Schaller as part time seasonal Pro Shop Staff, retroactively to June 5, 2010. Mitchell Marcus seconded the motion. Scott Schaller abstained from voting on his son. Motion carried 2-1.

Scott Schaller made a motion to hire Anita Gawrych as part time seasonal Bartender, retroactively to June 9, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Dawn Beasley as part time seasonal Cart Girl, retroactively to June 14, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to hire Lisa Bollinger as part time seasonal Bartender, retroactively to June 11, 2010. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to terminate the employment of Christina Brown, retroactively to June 3, 2010. Mitchell Marcus seconded the motion. Bob Spano abstained. Motion carried 2-1.

Scott Schaller made a motion to terminate the employment of Kara Reilly, retroactively to April 26, 2010. Bob Spano seconded the motion. Motion carried 3-0.

#### Authorize Advertising and Bid Notice for the Sale of Township Vehicle(s)

Scott Schaller reported that the Township is updating vehicles and or equipment and proposes to put out to bid five (5) vehicles for sale. After further discussion, Scott Schaller made a motion directing Michele Clewell to advertise for sealed bids for the five (5) vehicles pursuant to the Second Class Township Code and the minimum bid to be based on the scrap value for each individual truck. Bob Spano seconded the motion. Motion carried 3-0.

#### Eastern Monroe regional Park Commission Recommendations

Mitchell Marcus reported that he met with Steve Carey Smithfield Township Supervisor regarding the regional parks.

It was reported that Smithfield Township passed a Resolution to construct and operate a dog park at River's Edge Park with conditions on September 23, 2008. One condition of the Resolution reads "(3) Time Limits: All funding for construction of the park must be in place within 24 months of the ratification of this agreement by the Smithfield Township Board of Supervisors."

Mr. Marcus explained the 24 months expires September 2010 and currently a committee has not been formed.

There was lengthy discussion regarding sharing labor costs for park maintenance.

#### Skid Steer Solutions

Scott Schaller reported that a chipper was purchased and the tiger mower, used to cut the grass along the sides of the roads, was traded in. The sickle bar is an attachment for the bobcat and will be used to mow the sides of the roads. Three phone quotes were received. Skid Steer Solutions costing \$7,860.00 was the best quote.

Scott Schaller made a motion to purchase the sickle bar attachment for the Bobcat from Skid Steer Solutions for \$7,860.00. Bob Spano seconded the motion. Motion carried 3-0.

#### Golf Course Web Site Design

Mitchell Marcus reported that a meeting has been scheduled with PenTele Data to discuss creating a golf course web site. As this will be the third proposal, a work session should be scheduled to review all the proposals.

#### **Executive Session**

Scott Schaller made a motion to go into executive session at 10:40 a.m. to discuss employee and litigation matters. Mitchell Marcus seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to reconvene the meeting at 11:15 a.m. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion authorizing and directing the Solicitor and Engineer to move forward on the adoption of a comprehensive Zoning Ordinance No. 175 with all its related changes. Bob Spano seconded the motion. Motion carried 3-0.

There was discussion regarding the issuance of an alarm citation in the amount of \$245.00 received for the golf course maintenance garage building.

Scott Schaller made a motion authorizing Mitchell Marcus to meet with Lt. Dugal of the Pennsylvania State Police and determine in writing, the allowable amount of time and fines per false alarms that we are allowed to receive per installation and to pay the \$245.00 to District Justice Olsen for the false alarms at the golf course maintenance garage building.

Scott Schaller made a motion to adjourn the meeting at 11:25 p.m. Bob Spano seconded the motion. Motion carried at 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary

June 18, 2010 – Golf Course/Clubhouse Payables

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
06/18/2010	1686	BWP-Carquest Auto Parts	-1,082.07
06/18/2010	1687	Fry's Plastic	-1,025.06
06/18/2010	1688	Golf Cars, Inc.	-112.00
06/18/2010	1689	Grass Roots Turf Products	-762.00
06/18/2010	1690	Hellers Gas, Inc.	-2,649.28
06/18/2010	1691	Howell's Flowers & Greenhouse	-1,100.40
06/18/2010	1692	Huffman's Electric	-2,705.18
06/18/2010	1693	Keystone's Premier Golf Association	-210.00
06/18/2010	1694	Lewis True Value	-115.78
06/18/2010	1695	Lou Scaltrito	-395.53
06/18/2010	1696	Marshalls Creek Plumbing	-72.25
06/18/2010	1697	Mesko Glass Company, Inc.	-788.00
06/18/2010	1698	Pepsi-Cola	-1,032.24
06/18/2010	1699	R&D Safe & Lock Works	-120.00
06/18/2010	1700	Serendipity Accounting & Taxes	-6,331.36
06/18/2010	1701	Success Communications Group	-5,961.44
06/18/2010	1702	Sysco of Central PA	-101.80
06/18/2010	1703	Victoria Castillo	-1,100.00
06/18/2010	1704	Wayne Bank	-440.23
06/18/2010	1705	William R. Gronin	-200.00
			<u>-26,304.62</u>

**June 18, 2010**

Payroll 6-11-10	\$68,152.77		
Janice Moody(fire escrow release)	\$39,400.00		
		1st Qtr donations	
Amerigas	\$66.27	Bushkill Emergency Corps	\$1,500.00
Berkley Mid-Atlantic Grp(Ins)	\$5,472.00	Bushkill Fire Co	\$5,367.71
Cintas	\$734.27	Marshalls Creek Fire & EMS	\$22,339.32
Comm of PA(refund grant proceeds)	\$305.80	Med-Mobile	\$1,500.00
DCFS USA LLC	\$914.89	Shawnee Fire Co	\$5,367.70
Eastern Alarm	\$294.00	Suburban EMS	\$1,500.00
Ehrlich Co.	\$255.00		
Full Star (paver rental)	\$3,000.00	Total donations: \$37,574.73	
		Ins & Control Center:-	
Hanson Aggregates	\$314.73	\$27,048.91	
		Cable Franchise rec'd	
Home Depot Credit	\$20.00	\$64,623.64	
Ikon Office	\$434.78		
Lewis True Value	\$231.49		
Merkin Equipment	\$100.16	Total General Fund	\$216,867.06
Met-ed	\$433.23		

Morgan Hallgren Crosswell	\$1,173.00
Neopost Leasing	\$95.00
PA Municipal Health Ins Coop	\$22,136.71
PA One Call	\$28.35
PA American Water	\$35.71
Penteledata	\$10.30
PMRS	\$9,746.07
PNC Bank	\$12,626.00
Postage Pro Plus	\$30.77
Powells Rental	\$73.63
Prosser Laboratories	\$125.00
Skid Steer Solutions	\$7,860.00
Superior Plus Energy Services	\$3,503.85
Tulpehocken Spring Water	\$53.55
Varkados Telecom, Inc.	\$1,665.00