

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Tuesday, June 8, 2010 at 6:00 p.m. at the Schoonover Municipal Building with Scott R. Schaller presiding.

Members present: Scott R. Schaller, Mitchell K. Marcus and Robert F. (Bob) Spano, Sr. Also present were Attorney Jennifer Ann Wise, Township Engineer R. Douglas Olmstead, Jr., P.E., Sewer Department and Golf Course/Director Robyn Pugh, Wayne Rohner Zoning Officer, Township Secretary Michele L. Clewell, Donna Kenderdine, Stenographer and numerous interested parties.

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

Public comment was given regarding Resolution 05-2010-01 - Middle Smithfield Township Public Comment Policy; PA Department of Environmental Protection, Township portable sign, Resolution 06-2010-04; Middle Smithfield Township Open Records Policy, GreenSky Technologies, LLC, Newly hired life guard(s), allotted time frame for public comment and that once a quorum is present the meeting should begin.

### **Approval of Minutes**

Scott Schaller made a motion to approve the May 13, 2010 minutes with a correction in the amount refunded to Ms. Yun of \$51.16 under Correspondences. Bob Spano seconded the motion. Motion carried 3-0.

### **Approval of Payables**

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

### **Public Hearing**

#### Tarisa Realty, LLC – Conditional Use

Scott Schaller made a motion to open the public hearing on Tarisa Realty, LLC. Bob Spano seconded the motion. Motion carried 3-0.

Donna Kenderdine took a stenographic record of the proceedings.

Attorney Wise stated that the public hearing according to the application is for a reduction in the required number of parking spaces for a proposed 800 seat movie theatre or for the approval of 62 shared parking spaces.

Attorney Wise stated that the applicant, Bruce Ebert, President of Tarisa Realty, LLC is present to provide testimony. Mr. Ebert stated that the site location is 5224 Milford Road (State Route 209) East Stroudsburg, PA.

Mr. Ebert stated that the property was originally one parcel, then subsequently subdivided into three parcels of land and, then, approved as one parcel as part of a Lot Consolidation Plan in 2008.

Attorney Wise stated that the application was given to the Middle Smithfield Township Planning Commission on May 20, 2010.

Scott Pasterski, P.E. of Keystone Consulting Engineering LLC oversaw the preparation of the site plan and traffic/parking report and presented said a site plan and traffic report at the hearing.

The Site Plan presented is marked as Applicants Exhibit #1 and the Traffic Report is marked as Applicants Exhibit #2.

Mr. Pasterski stated that the previously approved plan shows 19,641 "SF" (although it technically measures on the plans as 19,750 SF) and the applicant is proposing to convert the shopping center into a 19,750 SF proposed movie theater complex with seating for 800 persons.

Mr. Pasterski stated that there are 258 parking spaces and 3 off street spaces.

The average peak parking demand for a shopping center and the peak parking demand for the peak parking demand period, namely the month of December were discussed at length.

Attorney Wise asked Mr. Pasterski if any handicapped parking spaces were removed and if there is any reserved parking. He answered "no" to both questions.

Attorney Wise asked the Board of Supervisors if they had any questions. Scott Schaller and Bob Spano had no questions for the applicant regarding the conditional use hearing application.

Supervisor Marcus asked Mr. Pasterski if 62 additional parking spaces can be created. Mr. Pasterski stated that he could not answer that at this time, but it is possible.

Matinees, handicap parking, employee parking, public bus transportation parking spaces, application submittal dates to the township planning commission, stormwater, traffic flow and parking space dimensions were discussed.

Doug Olmstead stated that additional parking in the south east corner could be created.

Joyce Fenical stated that she has questions regarding the conditional use. Attorney Wise stated that the questions should be directed to the applicant for the application before the Board of Supervisors now, not what was previously done.

Mrs. Fenical questioned Mr. Pasterski regarding the 14 used car lot parking spaces and if they would be relocated to the south east side of the property. Doug Olmstead stated that the 14 spaces for the used car sales are in the same spot as the approved plan. Mr. Ebert stated that lines would be painted for these spaces.

Wayne Rohner, Zoning Officer stated that the property was posted June 1, 2010, adjoining property owners were notified of the public hearing and public notice was placed in the Pocono Record on May 25, 2010 and June 1, 2010.

Scott Schaller made a motion to approve the conditional use application of Tarisa Realty LLC for the 258 parking spaces shown on the Site Plan subject to the developer revising the Site Plan to show (4)

additional handicap parking spaces for a total of 14 on said Site Plan. Bob Spano seconded the motion. Motion carried 2-1.

Attorney Wise stated that a written decision will be prepared.

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

### **Correspondence**

A proposal agreement was received for the services of Davis R. Chant Realtors dated June 7, 2010 expressing an interest in representing Middle Smithfield Township on the sale of a 27 acre parcel, tax map # 9/10/1/83 within Big Ridge Development.

Mr. Chant stated that his commission would be 5% based on what the property is sold for and the auctioneers are paid a premium and are paid by the purchaser.

Following public comment, Mr. Chant stated that he only gets paid when the parcel is sold.

After further discussion, Scott Schaller made a motion to accept the engagement letter of Davis R. Chant Realtors dated June 7, 2010. Bob Spano seconded the motion. Mitchell Marcus stated that a vote should be tabled in order to discuss the project further. Motion carried 2-1.

### **Sewer Directors Report**

Robyn Pugh summarized the Prosser Laboratories, Inc. Operational Services report dated June 6, 2010 regarding the main plant and pump stations and Winona wastewater system for the month of May 2010.

### **Golf Course/Clubhouse Directors Report**

Robyn Pugh reported that a Master Engagement Letter was received from GreenSky Technologies LLC dated April 7, 2010 in which GreenSky Technologies LLC proposes to provide professional and business advisory services to Middle Smithfield Township in regard to its consideration of placing a green energy wind project on Big Ridge in the Country Club of the Poconos municipally owned property.

Ms. Pugh reported that the township spends over \$200,000 a year for electric to operate the sewage treatment plants and pump stations not including the newly acquired pump stations and wind energy could potentially save the township \$100,000 - \$200,000 a year.

Doug Olmstead stated that prior to any work being done, GreenSky Technologies LLC must provide the task and cost to the Board of Supervisors for approval prior to any work beginning.

Attorney Wise stated that it would be both helpful and beneficial to the Supervisors if there was an outline of the tasks to be completed listed on the proposal; when asked if she had received a revised letter after asking for one at a work session, Attorney Wise stated "no".

Scott Schaller made a motion to approve the GreenSky Technologies, LLC Master Engagement Letter dated April 7, 2010 which sets forth the hourly rates to be used to determine the fees for services. Bob Spano seconded the motion with a condition that no money is paid and representation is present at future meetings. As a result of these conflicting motions, there was further discussion, and Bob Spano rescinded the conditions placed on the motion and seconded Scott Schaller's motion. Motion carried 3-0.

### **Engineers Report**

Lands of HARA Corp. Minor Subdivision Plan and Request for Modifications; Attorney Andrew Wolfe presented a minor subdivision plan on behalf of the Bushkill Group. The applicant is proposing to consolidate and simplify the property lines of HARA Corporation properties. Attorney Wolfe stated that no new parcels will be introduced to the Resort Complex nor will any land be removed from the existing Resort Complex and this application does not include all the properties within the Resort Complex, merely just those parcels affected by the intended consolidation.

Attorney Wolfe presented four (4) modification requests:

1. Ordinance requests submission of a sketch plan and requires a submission of a preliminary plan – Applicant contends this Plan is basically a lot line adjustment and no improvements are proposed and therefore, the need of a sketch plan and preliminary plan can be bypassed. Scott Schaller made a motion to approve the modification request. Bob Spano seconded the motion. Motion carried 3-0.
2. Ordinance requires wetlands to be accurately shown – Applicant contends that a current delineation has not been prepared because no improvements or earth disturbance is proposed applicant feels this item is not applicable. Scott Schaller made a motion to approve the modification request. Bob Spano seconded the motion. Motion carried 3-0.
3. Ordinance requires steep slopes over 25% and contour lines to be shown – Applicant contends that this is a lot line adjustment and no improvements or earth disturbance is proposed, applicant feels this item is not applicable at this time. Scott Schaller made a motion to approve the modification request. Bob Spano seconded the motion. Motion carried 3-0.
4. Ordinance requires emergency grid lines to be shown – Applicant explained that Monroe County Control Center no longer uses emergency grid numbers. Scott Schaller made a motion to approve the modification request. Bob Spano seconded the motion. Motion carried 3-0.

Doug Olmstead reported that his comments have been address and would recommend approval of the plan.

Attorney Wise has no objections.

Scott Schaller made a motion to approve the Lands of HARA Corp. Minor Subdivision Plan. Bob Spano seconded the motion. Motion carried 3-0.

### **Solicitors Report**

Attorney Wise presented Resolution 06-2010-01; Appointing Kirk Summa, Certified Public Accountants, to supersede elected township auditors for the year 2010 to audit the books and records of Middle Smithfield Township. Scott Schaller made a motion to adopt Resolution 06-2010-01. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise presented Resolution 06-2010-02; to approve a proposed Joinder Deed for Laura Lorraine Oney and advised that the township has received the necessary tax certifications that no real estate taxes are due and owing on said parcels. Scott Schaller made a motion to adopt Resolution 06-2010-02. Mitchell Marcus seconded the motion. Motion carried 3-0.

Attorney Wise presented Resolution 06-2010-03; disposition of tax records for the year 2002 by Township Tax Collector Dawn Arnst. Scott Schaller made a motion to adopt Resolution 06-2010-03. Mitchell Marcus seconded the motion. Motion carried. 3-0.

Attorney Wise presented Resolution 06-2010-04; revising resolution 12-2008-01, removing Kate Galinus as Open Records Officer and naming Michele L. Clewell as Open Records Officer. Scott Schaller made a motion to adopt Resolution 06-2010-04. Bob Spano seconded the motion. Motion carried 3-0.

### **Engineers Report (continued)**

Doug Olmstead reported that a letter was received from LTS Development, LLC requesting the Water Gap Preserve Sanitary Sewer Bond be reduced in the amount of \$12,421.70. Mr. Olmstead stated that based on his review letter dated June 8, 2010 he recommends a reduction in the amount of \$6,210.85, which represents 50% of what was requested, leaving \$496,113.20 in place. The remaining 50% can be released after the sewer line has been tested and shown to meet the leakage specifications approved for this project.

Scott Schaller made a motion to reduce the LTS Development, LLC Water Gap Preserve Sanitary Sewer Bond in the amount of \$6,210.85 leaving \$496,113.20 in place. Bob Spano seconded the motion. Motion carried 3-0.

Doug Olmstead reported that a letter was received from LTS Development, LLC requesting the Water Gap Preserve Subdivision Bond be reduced in the amount of \$114,029.50. Mr. Olmstead stated that based on his review letter dated June 8, 2010 he recommends reducing the subdivision bond as requested, leaving \$2,014,742.60 in place.

Scott Schaller made a motion to reduce the LTS Development, LLC Water Gap Preserve Subdivision Bond in the amount of \$114,029.50 leaving \$2,014,742.60 in place. Bob Spano seconded the motion. Motion carried 3-0.

Catherine Driscoll and Charles Scrimale Minor Subdivision Plan and (3) Modification Requests; Mr. Olmstead stated that the Board of Supervisors are only reviewing the (3) modification requests not the plan.

Mr. Olmstead stated that three modification requests have been presented.

1. The applicant is requesting a modification from indicating the grid location number of the proposed minor subdivision plan as the grid numbers are no longer utilized. Scott Schaller made a motion to approve the modification request. Bob Spano seconded the motion. Motion carried 3-0.
2. The applicant is requesting a modification from submitting a preliminary plan. As this is a minor subdivision/lot line adjustment this section could be omitted. Scott Schaller made a motion to approve the modification request. Bob Spano seconded the motion. Motion carried 3-0.
3. The applicant is requesting a modification from providing stormwater management plans. No new construction is proposed with this submission; this section of the ordinance does not apply. Scott Schaller made a motion to approve the modification request. Bob Spano seconded the motion. Motion carried 3-0.

Doug Olmstead stated that two separate letters were received from Frank J. Smith, Jr. Inc. P.L.S. dated June 8, 2010 requesting the minor subdivision plan is table and granting a ninety-day (90) time extension for the Board of Supervisors to render a decision on the minor subdivision plan until September 14, 2010.

Scott Schaller made a motion to table the Catherine Driscoll and Charles Scrimale Minor Subdivision Plan and approve the request to extend the ninety-day (90) time extension until September 14, 2010. Bob Spano seconded the motion. Motion carried 3-0.

#### Evergreen Estates II Conservation Subdivision

Doug Olmstead stated that a letter was received from Romec, Inc. dated June 8, 2010 requesting the Board of Supervisors grant a 90 day extension under the MPC for the consideration of Evergreen Estates Phase II Conservation Subdivision.

Scott Schaller made a motion to grant the 90 day time extension for Evergreen Estates II Conservation Subdivision. Bob Spano seconded the motion. Motion carried 3-0.

Doug Olmstead presented Resolution 06-2010-05; Resolution for Evergreen Estates II Sewage Planning Modules. Scott Schaller made a motion to adopt Resolution 06-2010-05. Bob Spano seconded the motion. Motion carried 3-0.

The Crossings at Marshalls Creek Minor Subdivision Plan and The Crossings at Marshalls Land Development Plan; A letter was received from Shergoh Alkilani of The Alkova Companies requesting to extend the Board of Supervisors ninety-day (90) response time as set forth in the Subdivision and Land Development Ordinance to render a decision on both plans. Scott Schaller made a motion to accept the request to extend the time period to September 14, 2010 to render a decision on said plans. Bob Spano seconded the motion. Motion carried 3-0.

### **New Business**

Scott Schaller made a motion to appoint David W. Manter as the Middle Smithfield Township Sewage Enforcement Officer and Joe Squires as the Alternate Sewage Enforcement Officer. Mitchell Marcus seconded the motion. Motion carried 3-0.

A letter was received from David W. Manter, Middle Smithfield Township Building Inspector confirming that he inspected the property of Janice L. Moody of McCole Road. He reported that the foundation was cleared of all debris and filled in with clean fill and recommends release of the fire escrow in the amount of \$39,400.00. Scott Schaller made a motion to release the fire escrow for Janice L. Moody in the amount of \$39,400.00. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller stated that congratulations should be extended to Dave Manter for his newly appointed position as Sewage Enforcement Officer.

Scott Schaller made a motion to table Agenda items No. 12 a, c, d and e until the next Board of Supervisors meeting. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to adjourn the meeting at 10:03 p.m. Bob Spano seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary

## MIDDLE SMITHFIELD TWP. SEWER DEPARTMENT

**Bill List June 08, 2010**

Check-date	Check-#	Vendor Name	Check-amount
6/01/10	5129	ACHTERMAN ASSOCIATES	5,940.52
6/01/10	5130	ALLSTATE SEPTIC SYSTEMS	1,365.00
6/01/10	5131	BUSHILL GROUP	1,377.00
6/01/10	5132	PROSSER LABORATORIES INC	415.20
6/01/10	5133	SERENDIPITY ACCOUNTING & TAXES	4,903.83
6/01/10	5134	Stroudsburg Elect Motor	1,815.98
6/01/10	5135	STRAND POOL SUPPLY & SERV	1,328.70
6/01/10	5136	WASTE MANAGEMENT INC	4,239.96
6/01/10	5137	WILLIAM BLOHN, II	125.00
Totals:			21,511.19

### Golf Course

1634	AJ Smith	(401.00)	1578	Northeast Industrial Supply Co.	(28.24)
1635	All Mechanical Service Company	(5,405.00)	1579	R&R Products	(138.13)
1636	Allstate Septic Systems, LLP	(285.00)	1580	Strand Pool Supply LLP	(350.00)
1637	ATCO International	(78.00)	1581	Turf Equipment & Supply Co.	(79.73)
1638	Battery Warehouse	(74.95)	1585	Verizon	(382.70)
1639	Cintas	(399.80)	1586	Whitehall Turf Equipment	(181.60)
1640	Dempsey Uniform & Linen Supply	(1,171.78)	1587	Wilson Sporting Goods	(281.77)
1641	Dunbar Enterprises, Inc.	(320.00)	1588	Sysco of Central PA	(1,101.46)
1642	Eagle Valley Printing	(387.12)	1586	5 Star Equipment, Inc.	(32.53)
1643	East Stroudsburg Hardware Corp.	(12.00)	1587	BWP-Carquest Auto Parts	(69.55)
1644	ECCO Communications, LLC	(877.30)	1588	Cramers Cashway Inc	(432.02)
1645	Ehrlich	(78.54)	1589	Dave Muller Equipment	(2,661.00)
1646	Father & Son Cleaning	(185.00)	1590	Genesis Turfgrass Inc.	(2,751.49)
1647	Finch Services, Inc	(539.53)	1591	Golf Cart Services, Inc	(7,376.00)
1648	Fisher & Son Co., Inc.	(1,115.07)	1592	Green Pond Nursery, Inc.	(2,708.00)
1649	Five Star Equipment, Inc.	(165.28)	1593	Heller Gas Inc	(2,019.50)
1650	Friedman Electric	(759.40)	1594	J&L Studios	(100.00)
1651	Golf Cars, Inc.	(48.16)	1595	Kimball Midwest	(310.53)
1652	Golf Cart Services, Inc	(7,376.00)	1596	Main Street Printing & Copy Center	(617.51)
1653	Highway Equipment & Supply Co.	(31.50)	1597	Marshalls Creek Plumbing	(148.09)
1654	Kimball Midwest		1598	Pocono Produce Company	(1,687.04)

		(200.77)			
1655	National Automated Solutions, Inc.	(4,939.35)	1599	Serendipity Accounting & Taxes	(3,469.24)
1656	National Golf Foundation	(199.00)	1600	Sysco of Central PA	(582.09)
1657	PA American Water	(13.11)	1601	The Filter Man	(95.00)
1658	Pocono Record	(2,263.98)	1602	US Foodservice	(3,383.00)
1659	R&D Safe & Lock Works	(241.50)	1603	Waste Management	(1,380.72)
1660	Ralph Wunder	(181.34)	1604	US Bank	(250.00)
1661	Strand Pool Supply LLP	(350.00)	1606	Postmaster	(54.95)
1662	Sun Litho-Print, Inc.	(453.40)	1608	Fisher & Son Co., Inc.	(1,670.20)
1663	The Antigua Group, Inc.	(1,309.04)	1609	Mark Giannetto	(150.00)
1557	Postmaster	(106.31)	1610	Grass Roots Turf Products	(865.60)
1607	US Foodservice	(3,353.17)	1611	AJ Smith	(143.00)
1557	EZ Flow Plumbing & Heating	(172.10)	1612	Friedman Electric	(1,184.17)
1558	Friedman Electric	(85.56)	1613	Dempsey Uniform & Linen Supply	(1,400.08)
1559	Home Depot	(1,326.77)	1614	Christina Brown	(163.00)
1560	R&R Products	(11.36)	1615	Eastern Alarm Systems, Inc.	(105.00)
1561	Royal Chemical	(1,859.36)	1616	R&R Products	(325.04)
1563	Acroprint	(37.56)	1617	Wilson Sporting Goods	(35.99)
1564	Apple Maintenance Services, Inc.	(1,500.00)	1618	Marshalls Creek Plumbing	(229.34)
1565	Bay Industrial Co., Ltd.	(412.78)	1619	Turf Equipment & Supply Co.	(304.55)
1566	Central Equipment	(130.84)	1620	Lowes	(2,783.60)
1567	Commonwealth of PA	(35.00)	1621	Robert Spano	(189.81)
1568	Dempsey Uniform & Linen Supply	(222.85)	1622	Airgas	(97.50)
1569	Ecolab	(1,300.62)	1623	Claude S. Cyphers, Inc.	(119.31)
1570	Father & Son Cleaning	(185.00)	1624	Digital Control Systems	(385.00)
1571	Fed Ex	(22.58)	1625	Heller Gas Inc	(4,919.96)
1572	Fisher & Son Co., Inc.	(1,026.00)	1626	Main Street Printing & Copy Center	(946.20)
1573	Foster E. Cramer, JR.	(1,000.00)	1627	Mountain Fuels	(3,295.40)
1574	George Roberts Productions, LLC	(995.00)	1628	Northeast Industrial Supply	(487.64)
1575	Grass Roots Turf Products	(2,861.20)	1629	Rockhill Concrete	(600.00)
1576	Marshalls Creek Plumbing	(664.13)	1630	Roy Steiner Sales & Service, Inc.	(250.41)
1577	Mountain Fuels	(515.07)	1631	The Antigua Group, Inc.	(4,436.42)
			1632	The Star Silk & Woolen Company	(110.62)
			1633	The Floor Source, Inc.	(29,303.05)
				<b>Total Golf Course Payables</b>	<b>134,857.96</b>

**General Fund 6/8/2010**

CNH Capital	\$75.12	Jennifer Wise (reimbursement)	\$52.00
EMC Insurance	\$8,759.22	Macmillan Oil Co.	\$385.00
Met-life	\$887.46	Marshall Dennehey Warner	\$2,424.80
PNC Bank	\$12,626.00	Met-ed	\$1,713.64
Payroll 5/28/10	\$64,438.37	Morgan, Hellgren, Crosswell	\$34.00
AssetNation, Inc.	\$30,966.00	Neopost	\$95.00
		Northeast Industrial Supply	\$88.48
AFLAC	\$704.44	OCE Imagistics	\$407.55
Allstate Septic	\$355.00	One Point	\$117.04
AVAYA	\$117.60	PA American Water	\$35.71
Building Inspection		PA Dept. of Transportation (RTK)	\$35.45
Underwriters	\$539.20	P&S Garage	\$79.00
Claude Cyphers	\$124.58	PenTeleData	\$5.85
BWP Carquest	\$68.05	Pocono Record	\$344.43
Commonwealth Equipment	\$265.85	PSATS	\$16.00
Dennis Huber	\$80.50	PSATS CDL program	\$900.00
Donna Kenderdine Reporting	\$55.75	Recorder of Deeds	\$42.50
Eagle Valley Printing	\$120.21	Riley Computer Services	\$314.00
Got Trash (cleanup)	\$21,497.20	Reliable Signs	\$97.61
Grainger	\$349.90	Roger Metzgar	\$64.50
Estates at Great Bear (refund)	\$50.00	Signs & Graphics	\$751.75
Eureka Stone Quarry	\$56,175.44	Staples Credit	\$233.52
GreatAmerica Leasing	\$304.50	Telco (Signal maintenance)	\$1,592.00
Green Pond Nursery	\$510.00	Verizon	\$548.98
Home Depot	\$702.53	Verizon Wireless	\$985.77
Ikon	\$543.96	Gloria Yun-refund	\$51.16
		Kirk Zwilling-refund	\$97.62
		Total General Fund	\$211,830.24

